

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 13 October 1982.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Highet

DOG CONTROL

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A BILL INTITULED

An Act relating to the keeping, registration, and control of dogs, the liability for damage caused by dogs, and the control, prevention, and eradication of hydatids, and to consolidate, amend, and replace the Dogs Registration Act 1955, the Hydatids Act 1968, and certain other enactments relating to dogs 5

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 10

1. Short Title and commencement—(1) This Act may be cited as the Dog Control and Hydatids Act 1982.

(2) Except as provided in section 48 (8) of this Act, this Act shall come into force on the 1st day of March 1983.

2. Interpretation—In this Act, unless the context otherwise requires,—

Struck Out

5 “Carcass” means any part of the dead body of an animal from which the offal has not been removed:

New

10 “Carcass” means the whole or any part of the dead body of an animal; but does not include any cooked offal or treated sheep or goat meat:
“Cooked offal” means offal that has been heated throughout to a temperature not lower than 72° c:

“Council” means the National Hydatids Council continued in existence by section 17 of this Act:
15 “Director-General” means the Director-General of Agriculture and Fisheries appointed under the State Services Act 1962:
“Disposal unit” means any apparatus in which any carcass, raw offal, or untreated sheep or goat meat, may be entirely consumed by fire; and includes any
20 place in which carcasses, raw offal, or untreated sheep or goat meat may be buried at such a depth as to render it inaccessible to dogs:
“District” means a territorial authority district as defined in section 2 (1) of the Local Government Act
25 1974:
“Dog control fee” means any fee set under section 48 of this Act:
“Dog control officer” means a dog control officer appointed under section 9 of this Act; and includes a
30 field advisory officer exercising the powers of a dog control officer pursuant to section 27 (3) of this Act:
“Dog-proof killing facility” means any enclosure, building, structure, or other facility where the killing of sheep, cattle, horses, goats, deer, or swine takes
35 place and which—
(a) Includes a disposal unit or a treatment unit; and
(b) Is constructed in such a way that a dog cannot enter:

“Dog ranger” means a dog ranger appointed under section 12 of this Act; and includes an honorary dog ranger:

“Field advisory officer” means any person appointed in accordance with section 27 of this Act as a field advisory officer: 5

“Guide dog” means a dog certified by the Royal New Zealand Foundation for the Blind as being a guide dog or a dog under training as a guide dog:

New

10

<p>“Hearing ear dog” means a dog certified by the Hearing Association (Incorporated) as being a hearing ear dog or a dog under training as a hearing ear dog:</p>

“Hydatids” means—

(a) Tapeworms of the genus *Echinococcus*; and includes all stages of development from the egg of any such worm, through the intermediate cystic stage to the mature worm: 15

(b) The tapeworm *Taenia hydatigena*; and includes all stages of development from the egg of any such worm, through the intermediate cystic stage to the mature worm: 20

(c) The tapeworm *Taenia ovis*; and includes all stages of development from the egg of any such worm, through the intermediate cystic stage to the mature worm: 25

“Minister” means the Minister of Agriculture:

“Neutered dog” means a dog that has been speyed or castrated; and does not include a dog that has been vasectomised: 30

“Offal” means—

(a) In relation to any sheep, deer, goat, or swine, the whole or any part of the contents of the head, chest, abdominal cavity, or pelvic cavity:

(b) In relation to any horse or cattle, the lungs, liver, or heart: 35

“Owner”, in relation to any dog, means every person who—

(a) Owns the dog; or

(b) Has the dog in his possession, whether the dog is at large or in confinement, otherwise than for the purpose of preventing the dog causing damage or for the sole purpose of restoring a lost dog to its owner; or

5 (c) The parent or guardian of a person under the age of 16 years who—

(i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and

10 (ii) Is a member of his household living with and dependent on him—

but does not include any person who has seized or taken custody of the dog under this Act or the

Animals Protection Act 1960 or any order made under this Act or that Act, or who has possession of

15 the dog for the purpose of examining or treating the dog for hydatids in accordance with this Act:

“Poultry” has the same meaning as in the Poultry Act 1968:

20 “Public place” means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any

25 aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward:

Struck Out

30 “Raw offal” means any offal that has not been heated throughout to a temperature of at least 72° c:

New

“Raw offal” means any offal that is not cooked offal:

35 “Registration year” means a period commencing with the 1st day of April in any year and expiring with the 31st day of March in the next succeeding year:

“Stock” means—

(a) Any live horse, cattle, sheep, or swine within the meaning of the Animals Act 1967 that is not in a wild state:

(b) Any deer, goat, rabbit, opossum, or other animal that is kept within a fence or enclosure for domestic or farming purposes:

“Territorial authority” has the same meaning as in the Local Government Act 1974; but, except for the purposes of section 6 of this Act, does not include any territorial authority that has united with any other territorial authority under section 105 of the Local Government Act 1974 for the purposes of this Act:

“(Untreated) Treated sheep or goat meat” means any

sheep or goat meat, not being offal, that has (*not*) been treated in any one of the following ways:

(a) By being heated throughout to a temperature not lower than 72° c; or

(b) By being frozen throughout to a temperature not higher than minus 10° c, and held at that temperature for not less than 7 days; or

(c) By being treated in any other manner approved by the Minister by notice in the *Gazette*:

“Treatment unit” means any apparatus that is capable of being used for treating raw offal or untreated sheep or goat meat or both such offal and meat:

New

“Untreated sheep or goat meat” means any sheep or goat meat that is not treated sheep or goat meat:

“Working dog” means—

(a) Any guide dog or hearing ear dog:

(b) Any dog—

- 5 (i) Kept by the Police or any constable, the Customs Department or the Ministry of Defence, or any officer or employee of any such Department of State solely for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or
- 10 (ii) Kept solely for the purposes of herding or driving stock; or

New

15 (iia) Owned by an officer or employee of the New Zealand Forest Service or the Department of Internal Affairs and kept solely for the purposes of the employment of that officer or employee; or

20 (iii) Owned by a Pest Destruction Board, or by a person employed by a Pest Destruction Board, and kept solely for the purposes of destroying pests as defined in the Agricultural Pests Destruction Act 1967; or

25 (iv) Owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely for the purposes of carrying on the business of a security guard; or

30 (v) Declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely for the purposes specified in the resolution.

35 Cf. 1955, No. 43, s. 2; 1965, No. 80, s. 2 (1); 1968, No. 144, s. 2; 1971, No. 64, s. 2; 1972, No. 3, s. 3 (6) (a); 1972, No. 23, ss. 2, 3 (a), (b); 1975, No. 49, s. 2; 1976, No. 56, s. 2; 1979, No. 59, s. 8 (3); 1980, No. 12, s. 2

3. Act to bind the Crown—Except as provided in sections 55 (6) (7), 56 (3) and 60 (2) of this Act, this Act shall bind the Crown.

Cf. 1968, No. 144, s. 2A; 1980, No. 12, s. 3

4. Administration of Act—(1) Except as provided in subsection (2) of this section, this Act shall be administered in the Department of Internal Affairs.

(2) Parts II and VI of this Act shall be administered in the Ministry of Agriculture and Fisheries.

PART I

10

GENERAL ADMINISTRATION

5. Functions, duties, and powers of territorial authorities—(1) Every territorial authority shall perform any function or duty and may exercise any power imposed or conferred on it by this Act. 15

(2) In addition to any power conferred on a territorial authority by this Act any territorial authority may—

(a) Engage in publicity for the purposes of this Act:

(b) Make grants to any organisation or group or body of persons (whether incorporated or not) whose objects include the (care and custody) care, custody, training, or welfare of dogs. 20

6. Territorial authorities may confer all functions, duties, and powers on joint committee—(1) No territorial authority shall unite under section 105 of the Local Government Act 1974 for the purposes of this Act with any local authority or public body that is not a territorial authority. 25

(2) No territorial authority shall unite with any territorial authority under section 105 of the Local Government Act 1974 for the purposes of this Act unless the joint standing or special committee constituted under that section has conferred upon it all the functions, duties, and powers conferred upon the territorial authority by this Act. 30

(3) Except as otherwise expressly provided in this Act, where any territorial authorities unite under section 105 of the Local Government Act 1974 for the purposes of this Act,— 35

- (a) The joint standing or special committee constituted under that section shall be deemed to be a territorial authority; and
- (b) The districts of each of the territorial authorities that so unite shall be deemed to be the district of that territorial authority.

New

(3A) Where any territorial authorities unite under section 105 of the Local Government Act 1974 for the purposes of this Act, the joint standing or special committee may delegate to any of the territorial authorities that so unite any of the functions, duties, and powers conferred upon that joint standing or special committee under this Act, other than the functions, duties, and powers conferred on it by sections 9, 10, 29, 30, 48, 49, 50, 66, 66A, 69, 69A, 71 (3), 74 (3), and 75 (2) of this Act.

(3B) Every delegation made under subsection (3A) of this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the joint standing or special committee.

(4) Notwithstanding subsections (1) and (2) of this section, any territorial authority may unite with any local authority or public body under section 239 of the Local Government Act 1974 in the performance of its functions and duties and the exercise of its powers under section 63 of this Act.

(5) Except as provided in subsection (4) of this section, no territorial authority shall unite with any local authority or public body under section 239 of the Local Government Act 1974 in the execution of any works or the performance of any matter or thing under this Act.

7. Territorial authority may transfer all functions, duties, and powers to regional or united council—(1) No territorial authority shall transfer to any regional council or united council constituted under Part II of the Local Government Act 1974 any of its functions, duties, and powers under this Act unless it transfers all those functions, duties, and powers to the regional council or united council.

(2) Notwithstanding anything in subsection (1) of this section, any territorial authority may transfer its functions, duties, and powers under section 63 of this Act to a regional council or united council without transferring any other of its functions, duties, and powers under this Act.

8. Dog control account—*Struck Out*

(1) Every territorial authority shall maintain a dog control account to which shall be credited all money payable to it under this Act and from which shall be debited all costs arising from the exercise of its powers and the performance of its functions under this Act. 5

New

(1) Every territorial authority shall maintain and operate a dog control account. 10

(1A) There shall be credited to the dog control account—

(a) All money payable to the territorial authority under this Act or allocated to the account by the territorial authority; and

(b) In the case of an account maintained by a joint standing or special committee that is deemed under section 6 (3) of this Act to be a territorial authority, all money payable to that committee by the authorities that have united to form that committee and all money allocated to the account by those authorities. 15

(1B) There shall be debited from the dog control account all costs arising from the exercise of the powers and the performance of the functions and duties of the territorial authority under this Act. 25

(2) All money received and retained by a territorial authority under this Act shall be used only for the registration and general control of dogs, the control, prevention, and eradication of hydatids, and any other purposes authorised by this Act. 30

(3) Where any person is employed partly for the purposes of this Act and partly for the purposes of doing other work, there may be charged against the dog control account of the territorial authority only such portion of his salary and expenses as is incurred in the performance of his duties under this Act. 35

Cf. 1955, No. 42, ss. 35, 36; 1968, No. 144, ss. 33 (1), (3),

9. Dog control officers—(1) Every territorial authority shall appoint one or more dog control officers (*and*) or enter into an agreement under section 15 (2) of this Act for the provision of the services of a dog control officer in its district,

5 and may appoint such other staff as it considers necessary for
the purposes of this Act.

(2) No person shall be eligible for appointment as a dog control officer under this Act unless—

10 (a) He possesses such qualifications related to hydatids control, prevention, and eradication as are fixed

from time to time in that behalf by the Council; and

(b) He has obtained from the Council a certificate that he is competent to perform the duties of a dog control officer in relation to the control, prevention, and

15 eradication of hydatids.

(3) Any person appointed as a dog control officer under this Act may be designated as a hydatids and dog control officer and referred to as such in any warrant, notice, or document issued under this Act; and any such warrant, 20 notice, or document shall not be invalid by reason only of it referring to a dog control officer as a hydatids and dog control officer.

(4) Where the Council, acting under subsection (2) (a) of this section, fixes any qualifications required to be held by 25 dog control officers, every person who at that time holds an appointment as a dog control officer and has been validly appointed shall be deemed, for the purposes of this Act, to hold the qualifications fixed by the Council.

(5) Every certificate issued to an Inspector under section 22 30 of the Hydatids Act 1959, and every certificate issued to a Hydatids Control Officer under section 29 of the Hydatids Act 1968, in force at the commencement of this Act shall have effect for the purpose of this Act as if it were a certificate issued under subsection (2) (b) of this section.

35 (6) The Council may, by resolution, revoke any certificate issued or having effect under this section if it is satisfied that the person to whom the certificate was issued has wilfully neglected to carry out his duties in accordance with the techniques and methods from time to time fixed by the 40 Council.

(7) Notice of any resolution of the Council under subsection (6) of this section shall be given by the Council to the dog control officer (*who may, within 1 month after receiving the notice, appeal to a District Court against the resolution of the Council*) and the territorial authority by which he is employed. 5

New

(7A) Any dog control officer who is given any such notice may, within 1 month after receiving the notice, appeal to a District Court against the resolution of the Council.

(8) Where an appeal is lodged under subsection (7) of this section, the resolution to which it relates shall be deemed to be suspended until the decision of the Court is given or the appeal is withdrawn. 10

(9) The Court may, after hearing the appeal, confirm or cancel the resolution of the Council, or may refer the matter back, together with its reasons for doing so, to the Council for reconsideration. 15

(10) The decision of the Court on any appeal under this section shall be final.

Cf. 1968, No. 144, s. 29 (1)–(5) 20

10. Territorial authority not to employ dog control officer whose certificate is revoked—(1) Subject to subsection (2) of this section, no territorial authority shall employ or continue to employ as a dog control officer any person whose certificate is revoked under section 9 (6) of this Act. 25

(2) Subsection (1) of this section shall not apply so long as any resolution of the Council under subsection (6) of section 9 of this Act is suspended under subsection (8) of that section.

Cf. 1968, No. 144, s. 29 (6) 30

11. Employment of certain Inspectors and Hydatids Control Officers as dog control officers—Every Inspector appointed by a local authority under section 20 of the Hydatids Act 1959 and every Hydatids Control Officer appointed by a Hydatids Control Authority under section 27 of the Hydatids Act 1968 and holding office immediately before the commencement of this Act shall be deemed to have been appointed as a dog control officer by the appropriate 35

territorial authority for the district in which he is employed immediately before the commencement of this Act, and to hold the qualifications and certificate referred to in section 9 (2) of this Act.

5 Cf. 1968, No. 144, s. 27 (4)

New

11A. Powers of dog control officers—(1) No dog control officer shall exercise any of his powers relating to the control, prevention, or eradication of hydatids in any district unless
10 plan for the control, prevention, and eradication of hydatids in that district has been approved under section 29 or section 30 of this Act.

(2) Any dog control officer may request the assistance of a dog ranger in the performance of his functions and duties and
15 the exercise of his powers under this Act, and any dog ranger who so acts shall do so subject to the direction of the dog control officer.

(3) Nothing in subsection (2) of this section shall confer upon any dog ranger any power of entry on to any land or
20 premises otherwise than in the company of a dog control officer.

12. Dog rangers—(1) Any (*dog control*) territorial authority may appoint one or more dog rangers.

(2) Any person may be appointed as a dog ranger in an
25 honorary capacity.

Struck Out

(3) Any dog ranger may, subject to the directions of the territorial authority and the dog control officer, assist any dog control officer in the performance of his functions and duties
30 and the exercise of his powers under this Act.

(4) Nothing in subsection (3) of this section shall confer upon any dog ranger any power of entry on to any land or premises other than in the company of a dog control officer.

13. Field advisory officer, dog control officer, and dog ranger to produce warrant of authority and evidence of identity—(1) Every field advisory officer, dog control officer, and dog ranger shall be supplied by his employer with a warrant of appointment as a field advisory officer, dog control officer, or dog ranger, as the case may be, and that warrant shall clearly show the district or districts in respect of which the field advisory officer, dog control officer, or dog ranger may exercise his powers. 5

(2) Every warrant of appointment issued to a field advisory officer shall clearly state that the field advisory officer has the powers of a dog control officer under this Act in respect of the districts specified in that warrant. 10

(3) Every field advisory officer, dog control officer, or dog ranger who exercises or purports to exercise any power conferred on him by this Act shall have with him, and shall produce if required to do so, his warrant of appointment and evidence of his identity. 15

14. Dog control officer entering land or premises for certain purposes shall check registration matters—Any dog control officer entering on any land or premises in the course of and for the purpose of exercising any of the powers specified in section 68 (1) of this Act, shall also take all reasonable steps to ascertain that— 20

(a) All dogs on the land or premises are registered for the current year; and 25

(b) All provisions of this Act, and any regulation or bylaw made under this Act relating to dog registration and control are being complied with—

and if he has any reasonable doubts on the matter, shall ensure that the owner of any dog is informed of his obligations under this Act. 30

Cf. 1968, No. 144, s. 30 (4); 1972, No. 23, s. 8 (g)

New

14A. Dog control officer or dog ranger may feed dogs—(1) Any dog control officer or dog ranger who enters on any land or premises with the consent of the owner or occupier or in the exercise of any power of entry conferred by this Act, and is satisfied that any dog there is without access to proper and sufficient food or water, may supply the dog with food or water and may enter on to that land or premises from time to time to continue to supply the dog with food or water. 35 40

(2) Nothing in subsection (1) of this section shall confer any power of entry into any dwellinghouse. 45

15. Districts in which dog control officer or dog ranger may exercise powers—(1) Except as provided in subsection (2) of this section, a dog control officer or dog ranger may exercise the powers conferred upon him by this Act only within the district of the territorial authority by which he is employed.

(2) Any 2 or more territorial authorities may enter into a written agreement whereby the services of the dog control officer or officers or dog ranger or rangers employed by any of those authorities are made available to any other of those authorities; and in any such case the dog control officer or officers or dog ranger or rangers shall be entitled to exercise his or their powers in the districts of each such authority as if he or they were employed by that authority.

15 Cf. 1968, No. 144, s. 30 (8)

16. Offences—Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who—

- 20 (a) Being a person appearing to be in charge of any dog or appearing to be the occupier of any land or premises on which any dog is, and having been requested by a constable, dog control officer, or dog ranger to state the name and address of the owner of the dog, wilfully fails or refuses to do so, or wilfully states a false name or address in respect of the owner; or
- 25 (b) Wilfully obstructs or hinders any dog control officer or dog ranger in the exercise of his powers.

Cf. 1968, No. 144, s. 43 (3) (e), (f)

PART II

30 HYDATIDS CONTROL ADMINISTRATION

National Hydatids Council

17. National Hydatids Council—(1) There shall continue to be a Council known as the National Hydatids Council, which shall be the same Council as that constituted under the Hydatids Act 1959, and continued under the Hydatids Act 1968, and existing under the same name immediately before the commencement of this Act.

(2) The Council shall consist of—

- 40 (a) One person who is an officer of the Ministry of Agriculture and Fisheries:
- (b) One person who is an officer of the Department of Health:

- (c) One person nominated by Federated Farmers of New Zealand Incorporated:
 - (d) One person nominated by the New Zealand Counties Association Incorporated:
 - (e) One person nominated by the Municipal Association of New Zealand Incorporated: 5
 - (f) One person nominated by the New Zealand Kennel Club Incorporated:
 - (g) One person nominated by the New Zealand Federation of Young Farmers' Clubs Incorporated: 10
 - (h) One person nominated by the New Zealand Veterinary Association Incorporated:
 - (i) One person nominated by the New Zealand Institute of Hydatids Control Officers Incorporated:
 - (j) Such other person or persons as may be appointed from time to time. 15
- (3) No member of the Council shall be nominated by more than one organisation in respect of any one term of office.
- (4) The Council shall be a body corporate with perpetual succession and a common seal, and shall be capable of acquiring, holding, and disposing of real and personal property, and of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer. 20
- (5) No member of the Council shall be personally liable for any act done or omitted by the Council or himself in good faith and in pursuance or intended pursuance of the objects, functions, or powers of the Council. 25
- (6) The powers of the Council shall not be affected by any vacancy in its membership. 30
- Cf. 1968, No. 144, s. 3; 1972, No. 3, s. 3 (6) (b); 1972, No. 23, s. 4 (2)

18. General objects, functions, and powers of Council—

- (1) The general objects of the Council shall be to control, prevent, and eradicate hydatids. 35
- (2) The general functions of the Council shall be—
 - (a) To devise and promote measures for the treatment, control, prevention, and eradication of hydatids:
 - (b) To undertake research into and evaluate new methods of treating, controlling, preventing, and eradicating hydatids: 40
 - (c) To promote and organise, by such means as the Council thinks fit, the dissemination of information, instructions, and advice relating to the treatment, control, prevention, and eradication of hydatids: 45

New

5 (ca) To specify the qualifications to be held by field advisory officers and dog control officers in relation to the control, prevention, and eradication of hydatids:

10 (d) To prescribe techniques and methods in respect of the treatment, control, prevention, and eradication of hydatids, and take all such measures as are reasonably necessary to ensure that such techniques and methods are employed by every dog control officer appointed under this Act:

15 (e) To investigate, having regard to the objects for which the Council is established, the activities and efficiency of territorial authorities in relation to hydatids control:

(f) To co-ordinate and generally to guide and supervise the activities of territorial authorities in relation to hydatids control, and to advise them on hydatids control practices.

20 (3) The Council may require the diagnostic testing in respect of hydatids of any specified dog or any specified class or classes of dogs, either generally or in any specified district or districts, by such methods and at such intervals as the Council considers necessary or expedient.

25 Cf. 1968, No. 144, ss. 9, 10; 1972, No. 23, s. 5; 1975, No. 49, s. 3

19. Appointment and terms of office of members—

(1) The members of the Council shall be appointed by the Governor-General on the recommendation of the Minister.

30 (2) Except as provided in subsection (4) of this section, the members of the Council shall hold office—

(a) In the case of any member appointed under paragraph (a) or paragraph (b) of section 17 (2) of this Act, during the pleasure of the Governor-General:

35 (b) In the case of any other member, for a term of 3 years, and may from time to time be reappointed.

(3) Notwithstanding anything in subsection (1) of this section, every member of the Council, unless he sooner vacates his office under section 22 of this Act, shall continue
40 to hold office until his successor comes into office.

(4) Notwithstanding anything in section 17 of this Act or this section, every member of the Council in office at the commencement of this Act shall, unless he sooner vacates his office under section 22 of this Act, continue to hold office until his successor comes into office.

5

(5) The term of office of each member continued in office by subsection (4) of this section shall expire with the day on which it would have expired had this Act not been in force.

Cf. 1968, No. 144, s. 4

20. Chairman and Deputy Chairman—(1) The Minister may from time to time appoint any member of the Council to be the Chairman of the Council, to hold office as such during the pleasure of the Minister.

10

(2) The Minister may from time to time appoint any member of the Council to be the Deputy Chairman of the Council, to hold office as such during the pleasure of the Minister.

15

(3) During any vacancy in the office of Chairman, or in the absence of the Chairman from any meeting of the Council, or in the event of the Chairman being incapacitated by illness or other cause from performing the duties of his office, the Deputy Chairman shall have and may exercise all the powers and functions of the Chairman.

20

(4) No appointment of a Deputy Chairman and no act done by him as such, and no act done by the Council while any Deputy Chairman is acting as Chairman, shall be questioned in any proceedings on the ground that the occasion for his exercising the powers and functions of the Chairman had not arisen or had ceased.

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Cf. 1968, No. 144, s. 5

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21. Deputies of members—(1) In the absence from any meeting of the Council of a member appointed under paragraph (a) or paragraph (b) of section 17 (2) of this Act, he may authorise any other officer of the Department to which he belongs to attend the meeting in his stead.

35

(2) In the absence from any meeting of the Council of a nominated member, any other person nominated by the body that nominated the member and approved by the Council may attend the meeting in his stead.

(3) In the absence from any meeting of the Council of any member appointed under section 17 (2) (j) of this Act, any other person appointed by the Minister may attend the meeting in his stead.

40

(4) While any person is attending any meeting under this section, he shall be deemed for all purposes to be a member of the Council.

(5) No appointment of a deputy and no act done by him as such, and no act done by the Council while any deputy is acting as such, shall be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or had ceased.

Cf. 1968, No. 144, s. 6

10 **22. Extraordinary vacancies**—(1) Any member of the Council may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by writing
15 addressed to the Minister.

(2) If any member of the Council dies, or resigns, or is so removed from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made; and in the case of a vacancy in the office of a
20 nominated member, every person so appointed shall, subject to the provisions of this Act, hold office for the residue of the term for which his predecessor was appointed.

Cf. 1968, No. 144, s. 7

23. Meetings of Council—(1) Meetings of the Council
25 shall be held at such times and places as the Council or the Chairman appoints from time to time.

(2) The Chairman of the Council, or any 3 members of the Council, may at any time call a meeting of the Council.

(3) At all meetings of the Council, 5 members, including
30 the officer of the Ministry of Agriculture and Fisheries who is a member of the Council or his deputy, shall form a quorum.

(4) At any meeting of the Council, the person presiding shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

35 (5) Any question before the Council shall be decided by a majority of the valid votes recorded on the question.

Cf. 1968, No. 144, s. 8; 1972, No. 3, s. 3 (6) (b)

24. Delegation of Council's powers—(1) The Council may from time to time appoint a committee or committees
40 consisting of 2 or more persons, whether members of the Council or not, and, subject to subsection (2) of this section, may from time to time delegate to any such committee any of its functions or powers under this Act.

(2) The Council shall not delegate to any committee power to hear and determine any appeal under section 69 of this Act or conduct any review under section 69A of this Act, unless

the committee consists wholly of members of the Council and has at least 3 members.

5

(3) Any delegation made under this section may at any time be modified or revoked by the Council, and no such delegation shall prevent the performance of any function or the exercise of any power by the Council.

Cf. 1968, No. 144, s. 11

10

25. Remuneration and travelling expenses of Council and committee members—(1) The Council is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to the members of the Council, and to members of any committee appointed by the Council, remuneration by way of fees or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

15
20

Cf. 1968, No. 144, s. 19

26. Funds of Council—There shall be paid from the Consolidated Account, out of money appropriated by Parliament for the purpose, such sums as the Minister from time to time approves for the purpose of defraying the expenses incurred by the Council in the exercise and performance of its functions, duties, and powers.

25

Cf. 1968, No. 144, s. 13; 1975, No. 49, s. 4 (1)

27. Appointment of field advisory officers and other staff by Council—(1) There shall from time to time be appointed under the State Services Act 1962 as officers and employees of the Ministry of Agriculture and Fisheries a Secretary to the Council, such field advisory officers as may be necessary, and such other officers and employees as may be necessary to enable the Ministry of Agriculture and Fisheries to provide technical and administrative services to the Council and to enable the Council to carry out and exercise its functions, duties, and powers.

30

35

New

(1A) No person shall be appointed as a field advisory officer unless he possesses such qualifications relating to hydatids control, prevention, and eradication as are fixed from time to time in that behalf by the Council.

(2) Every field advisory officer appointed under section 21 of the Hydatids Act 1968 and holding office immediately before the commencement of this Act shall be deemed to have been appointed as a field advisory officer under this section.

10 (3) Every field advisory officer—

(a) Shall have the powers and functions conferred on dog control officers under this Act; and

(b) May exercise those powers within such districts as the Council determines after consultation with the territorial authorities concerned.

15 Cf. 1968, No. 144, ss. 21, 30 (7); 1975, No. 49, s. 7

28. Annual report to Minister—(1) The Council shall, not later than the 30th day of September in every year, furnish to the Minister a report of its proceedings and operations for the preceding year.

20 (2) A copy of the report of the Council shall be laid before Parliament as soon as practicable after its receipt by the Minister.

Cf. 1968, No. 144, s. 45; 1975, No. 49, s. 13

25

Hydatids Control Plans

29. Approval of plan for hydatids control—(1) Every territorial authority shall prepare and submit for the approval of the Council its plan for the control, prevention, and eradication of hydatids in its district.

30 (2) Every plan submitted under subsection (1) of this section shall be considered by the Council, which may approve the plan subject to such conditions as it thinks fit to impose.

(3) The Council may refuse to approve a plan submitted under subsection (1) of this section if it is of the opinion that the plan is unsuitable or inadequate.

35 (4) At any time after the Council has approved a plan under subsection (2) of this section, it may require the territorial authority to modify the plan in such manner as the Council considers necessary or desirable.

40

(5) The Council shall not—

(a) Refuse to approve a plan submitted under subsection (1) of this section; or

(b) Approve any such plan subject to any condition; or

(c) Require an approved plan to be modified—

5

without first notifying the territorial authority of the intention of the Council to do so and giving that authority an opportunity of making representations to the Council, and the Council shall have regard to any such representations in making its decision.

10

(6) It shall be the duty of every territorial authority to carry out its plan for the control, prevention, and eradication of hydatids as approved by the Council, and in accordance with any modification that the Council at any time requires to be made to the plan.

15

(7) Every plan approved by the Council under section 20 of the Hydatids Act 1959 or under section 25 of the Hydatids Act 1968 and in force immediately before the commencement of this Act shall be deemed to be a plan approved under this Act.

20

Cf. 1968, No. 144, s. 25

30. Appeal against decision of Council—(1) Where under section 29 of this Act the Council refuses to approve a plan or approves a plan subject to conditions or requires an approved plan to be modified, it shall give notice in writing of its decision to the territorial authority specifying the grounds for its decision.

25

(2) Subject to subsection (3) of this section, the territorial authority may, within 1 month after receipt of the notice referred to in subsection (1) of this section, appeal in the prescribed manner against the decision of the Council.

30

(3) There shall be no appeal against any decision of the Council—

(a) Refusing to approve any plan on the ground that any requirement of the Council under section 18 (3) of this Act for the diagnostic testing of dogs is not adequately provided for in the plan; or

35

(b) Requiring an approved plan to be modified to make provision for any requirement of the Council under section 18 (3) of this Act.

40

(4) Upon receipt of the notice of appeal, the Secretary of the Council shall forthwith take all steps necessary for the constitution of a Board of Appeal, consisting of a District Court Judge, and 2 assessors who shall be appointed in

accordance with regulations made under this Act to represent the Council and the appellant authority respectively.

(5) The Board of Appeal so constituted shall as soon as practicable hear the appeal by way of rehearing, and may—

- 5 (a) Confirm the decision of the Council; or
 (b) Confirm that decision subject to such modifications as the Board thinks fit; or
 (c) Set aside the decision of the Council; or
 (d) Make such other order as the case may require.
- 10 (6) In determining any appeal under this section, the Board of Appeal shall have regard to the following matters:
- 15 (a) In the case of an appeal against a decision of the Council refusing to approve a plan or approving a plan subject to conditions, whether the plan submitted by the territorial authority is adequate for the proper control, prevention, and eradication of hydatids in the dog control district under its jurisdiction:
- 20 (b) In the case of an appeal against a decision of the Council requiring an approved plan to be modified, whether the approved plan is adequate without modification for the proper control, prevention, and eradication of hydatids in the district of the territorial authority.
- 25 (7) On any appeal under this section, the decision of the Board of Appeal shall be final and conclusive.
- (8) On any appeal under this section, the Board of Appeal may make an order for the payment by the Council or the appellant authority of the costs incurred in respect of the
 30 appeal by the other party to the appeal; and in any such case the costs so awarded may be recovered in any Court of competent jurisdiction as a debt due by the party against which they have been awarded to the party in whose favour they have been awarded.
- 35 Cf. 1968, No. 144, s. 26; 1972, No. 23, s. 6; 1975, No. 49, s. 8

Miscellaneous

31. Minister may make grants—(1) On the recommendation of the Council, the Minister may from time to time, out
 40 of money appropriated by Parliament for the purpose, make grants, advances, or other payments to any person for any purpose in connection with the control, prevention, or eradication of hydatids.

(2) Without limiting the powers conferred on the Minister by subsection (1) of this section, where for any year any territorial authority fixes a dog control fee under section 48 (3) (f) of this Act or a dog control fee for guide dogs or hearing ear dogs that is less than the fee fixed by the authority in respect of other dogs, the Minister (*, on the recommendation of the Council,*) may at any time after the end of that year, make, out of money appropriated by Parliament for the purpose, a grant to the territorial authority of such sum as the Minister thinks fit.

(3) No grant under subsection (2) of this section shall exceed the difference between the total amount of dog control fees received in that year by the authority in respect of those dogs and the total amount of dog control fees that would have been received by it in respect of those dogs if no separate fee had been set for those dogs.

Cf. 1968, No. 144, s. 17; 1975, No. 49, s. 6

32. Council or Director-General may assume hydatids control functions, duties, and powers of territorial authority—(1) Where the Minister, acting on the recommendation of the Council, so recommends, the Governor-General may by Order in Council appoint the Council or the Director-General to assume in respect of any district the functions, duties, and powers of the territorial authority in relation to hydatids control for the district if—

- (a) Within such reasonable time as the Council has allowed, the territorial authority has not submitted for the approval of the Council in accordance with section 29 of this Act a plan that in the opinion of the Council is suitable and adequate for the purpose; or
- (b) The territorial authority, having been granted approval of a plan, fails to carry out the plan to the satisfaction of the Council.

(2) Before recommending that an Order in Council be made under subsection (1) of this section, the Council shall give notice in writing to the territorial authority of its intention to recommend that the Council or the Director-General assume the functions, duties, and powers of that authority in respect of hydatids control.

(3) The territorial authority to which notice has been given under subsection (2) of this section may make representations to the Council, within such time as the Council may allow,

and the Council shall have regard to those representations in deciding whether to recommend that the Council or the Director-General assume the functions, duties, and powers of the territorial authority concerned in relation to hydatids control.

(4) Notice in writing of any recommendation of the Council under this section shall be given by the Council to the territorial authority.

(5) In respect of the exercise by the Council or the Director-General of any function, duty, or power under this section, the provisions of this Act shall apply as if the Council or the Director-General, as the case may be, were the territorial authority for the district in relation to hydatids control, and in that regard every reference in this Act to a territorial authority shall be read as a reference to the Council or the Director-General, as the case may require.

(6) Where the Council or the Director-General has assumed the functions, duties, and powers of a territorial authority in relation to hydatids control in accordance with this section, the territorial authority shall fix fees under section 48 of this Act at a rate not less than a rate specified by the Council or Director-General, as the case may require, and shall, notwithstanding section 8 of this Act, pay to the Council or Director-General so much of the fees payable to it under section 48 of this Act as the Council or Director-General directs.

(7) Nothing in this section shall permit the Council or the Director-General to exercise any power conferred by section 62 of this Act to make a bylaw.

Cf. 1968, No. 144, s. 28; 1975, No. 49, ss. 9 (1) (a), (b), (c), (2)

PART III

REGISTRATION AND FEES

Registration

33. Dogs register—(1) Every territorial authority shall keep a register of all dogs (*over the age of 3 months ordinarily kept in its district*) registered with it under this Act.

(2) The register shall show the following information:

- (a) The name and address of the owner of the dog;
- (b) The address at which the dog is ordinarily kept;
- (c) A description of the dog, which may include the breed, colour, and any distinguishing marks:

- (d) The age of the dog:
- (e) The sex of the dog, including whether the dog is neutered or not:

New

(ea) A description of any tattoo or other permanent identification on the dog: 5

(f) The registration number of the collar, label, or disc issued for that dog:

(g) Such other relevant information as the territorial authority considers necessary. 10

(3) The territorial authority shall provide a sufficient number of places in its district, and, if necessary, outside its district, at which dogs may be registered.

(4) The register required to be kept under this section may be kept in parts and those parts may be kept in such office or 15 offices of the territorial authority as it thinks fit.

(5) The register may be examined by any person during office hours free of charge.

(6) There shall be kept at every place of registration a supply of labels or discs numbered consecutively and marked 20 with the name of the district and the year for which they are issued.

(7) There shall also be kept for sale at every place of registration a supply of dog collars.

Cf. 1955, No. 42, ss. 4 (1), 5 (1), 6; 1969, No. 13, s. 3 (1), 25

(2) (a)

34. Application for registration—(1) Except as provided in subsections (2) and (3) of this section, every person who owns a dog shall make an application to the territorial authority in whose district the dog is ordinarily kept to 30 register the dog not later than the 1st day of April in every year.

(2) Where a dog is of the age of 3 months or less the application to register the dog shall be made before the dog attains the age of 3 months. 35

(3) Except as provided in section 38 of this Act, where an unregistered dog is purchased or otherwise acquired the application to register the dog shall be made forthwith or before the day on which the dog attains the age of 3 months, whichever is the later. 40

- (4) Every application to register a dog—
- (a) Shall be a written statement made on a form provided by the authority and signed by or on behalf of the owner; and
- 5 (b) Shall contain the matters specified in paragraphs (a) to (e) of section 33 (2) of this Act; and
- (c) Shall set out *(or be accompanied by a notice setting out in full)* the obligations imposed on a dog owner under sections 51 and 52 of this Act; and
- 10 (d) May contain a statement of the obligations imposed on a dog owner by this or any other Act; and
- (e) May contain other provisions designed to produce or convey information relating to the administration of this Act.

15

New

- (5) The territorial authority shall supply every owner from whom it has received an application form with—
- (a) A copy of the application form; or
- 20 (b) A statement of the obligations of the owner under sections 51 and 52 of this Act, and any other obligations imposed on the owner or other information relating to the administration of this Act that the territorial authority considers desirable.

Cf. 1955, No. 42, ss. 3 (1), 7 (1); 1972, No. 23, s. 11 (1)

- 25 **35. Proof of class of dog**—(1) Where the territorial authority fixes a fee for the registration of a working dog that is lower than that fixed for a dog that is not a working dog, any person claiming to register any dog as a working dog shall, if so required by the territorial authority, make a
- 30 written statement that the dog is a working dog of a specified class.

- (2) Where the territorial authority fixes a fee for the registration of a neutered dog that is lower than that fixed for a dog that has not been neutered, any person claiming to
- 35 register a neutered dog shall, if so required by the territorial authority, make a written statement that the dog has been neutered.

Cf. 1955, No. 42, s. 8 (3), (4); 1965, No. 80, s. 3; 1976, No. 56, ss. 5 (2), 9

36. Penalty for false statement relating to application for registration—Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who, in making an application for the registration of a dog, makes any written statement knowing that statement to be false. 5

Cf. 1955, No. 42, ss. 7 (3), 8 (3); 1965, No. 80, s. 3; 1976, No. 56, s. 9

37. Offence of failing to register dog—(1) Except as provided in section 38 of this Act, every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who keeps any dog of a greater age than 3 months unless the dog is for the time being registered under the provisions of this Act for the current registration year. 10

(2) Where any person is convicted of an offence against subsection (1) of this section and the dog remains in his ownership and unregistered, a dog control officer or dog ranger may seize and impound the dog, and for that purpose may at any reasonable time enter on to the land or premises, other than a dwellinghouse, of the owner of the dog. 20

Cf. 1955, No. 42, ss. 3 (2), (3), 16 (b); 1965, No. 80, s. 2 (1) (e); 1969, No. 13, s. 3 (2) (e); 1976, No. 56, s. 9

38. Registration of impounded dog or dog in custody of society established to prevent cruelty to animals—

(1) Where any dog that is not registered under this Act but ought to be so registered is impounded under this Act, or is in the custody of any society established to prevent cruelty to animals pending its recovery by its owner or its disposal to a new owner, no offence against section 37 of this Act is committed by any person operating the pound or having the custody of the dog. 25 30

(2) No such person shall dispose of any such dog in any manner other than by destroying it (until) unless the dog has been registered in accordance with this Act.

39. Dog not wearing proper label or disc deemed unregistered—Any dog not wearing a collar having a current registration label or disc attached shall, until the contrary is proved, be deemed to be unregistered. 35

Cf. 1955, No. 42, s. 14; 1969, No. 13, s. 3 (2)

40. Burden of proof on owner of dog—In any proceedings under this Act the proof that a dog (*has been*) was duly registered, or is not over the age of 3 months, shall be on the defendant.

5 Cf. 1955, No. 42, s. 13; 1972, No. 23, s. 11 (2) (a)

41. Issue of label or disc and completion of registration—(1) On receipt of the properly completed application form and the dog control fee the territorial authority shall, unless the registration of that dog in the
10 ownership of that person would be in breach of any order made under section 54 of this Act, issue to the owner of the dog a receipt for the fee paid and a label or disc for the registration year, and, upon the issue of such label or disc, registration shall be deemed to have been duly made.

15 (2) The owner of the dog shall ensure that the label or disc issued by the territorial authority is attached to a collar worn on the neck of the dog so registered.

(3) If the authority is satisfied that a current label or disc for any dog has been lost or stolen it shall, on receipt of the
20 appropriate fee, issue a (*duplicate*) replacement label or disc.

(4) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who procures or attempts to procure a (*duplicate*) replacement label
or disc for any dog knowing that a current label or disc for
25 that dog has not been lost or stolen.

Cf. 1955, No. 42, ss. 5 (2), (3), 7 (2), (4); 1969, No. 13, s. 3 (2) (b); 1976, No. 56, s. 3

42. Registration to extend over New Zealand—Every registration made under this Act shall be in force throughout
30 New Zealand.

Cf. 1955, No. 42, s. 10

43. Change of ownership of registered dog—(1) Where the ownership of a registered dog is changed, the registration of the dog shall continue in force, but the previous owner and
35 the new owner shall each within 14 days give written notice to the territorial authority or territorial authorities concerned of the change of ownership and of the residential address of the new owner and the address at which the dog will ordinarily be kept.

(2) The territorial authority or territorial authorities concerned shall, without fee, record the changes in their registers and the territorial authority in whose district the dog is ordinarily to be kept shall, without fee, issue a new label or disc for the dog.

5

(3) Every person who fails to comply with the requirements of subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$50.

(4) It shall be a defence to a charge of failing to comply with the requirements of subsection (1) of this section if the defendant satisfies the Court that the previous owner or the new owner, as the case may be, complied with the requirements of that subsection.

Cf. 1955, No. 42, s. 11; 1968, No. 77, s. 2; 1976, No. 56, s. 9

15

44. Transfer of registered dog from one address or district to another—(1) Where the owner of any registered dog changes his address within the district of a territorial authority he shall, within 14 days, give notice in writing of his change of address to the territorial authority.

20

(2) Where any registered dog is transferred to and is kept in the district of any territorial authority other than the authority with which it is registered for a period of ~~(6 weeks)~~ 1 month or more, the owner shall, within ~~(2 months)~~ 6 weeks of the transfer, give notice in writing of the transfer to the territorial authority in whose district the dog is registered and to the territorial authority to whose district the dog is transferred, setting out the address at which the dog will ordinarily be kept.

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30

(3) The territorial authorities shall, without fee, record the changes in their registers.

New

(3) The territorial authority or territorial authorities concerned shall, without fee, record the changes in its register or their registers, and the territorial authority in whose district the dog is ordinarily to be kept shall, without fee, issue a new label or disc for the dog.

35

(4) Every owner who fails to comply with the requirements of subsection (1) or subsection (2) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$50.

5 Cf. 1955, No. 42, s. 11A; 1968, No. 77, s. 3; 1976, No. 56,
s. 9

Struck Out

45. Transfer of ownership of dog under age of 3 months—Where the owner of any dog that has not attained
10 the age of 3 months transfers ownership of the dog to any other person the former owner shall, within 14 days, give notice in writing of the transfer to the territorial authority in whose district the dog is to be kept.

46. Dog not wearing proper collar may be impounded—(1) Where any dog over the age of 3 months not wearing a collar having a current registration label or disc attached is found on any land or premises other than the land or premises of the owner of the dog, or any such dog is found

in any public place,—

- 20 (a) Any dog control officer or dog ranger may seize and impound the dog; or
(b) The occupier or person in charge of the land, premises, or public place may seize the dog and deliver it to the custody of a dog control officer or dog ranger for
25 impounding.

New

(1A) Nothing in this section shall authorise any person to seize any dog that is under the control of any other person.

(2) Nothing in this section shall authorise any dog control
30 officer or dog ranger to enter on any land or premises other than a public place without the consent (express or implied) of the occupier or person in apparent charge of the land or premises.

35 Cf. 1955, No. 42, s. 15; 1969, No. 13, s. 3 (2) (d); 1972,
No. 23, s. 11 (2) (b)

47. Offences relating to collars, labels, and discs—(1) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$500, who, with intent to deceive,—

- (a) Removes from a dog a collar bearing a label or disc 5
issued under this Act; or
- (b) Removes any such label or disc attached to any collar
worn by any dog; or
- (c) Attaches to any dog or has in his keep any dog wearing
any such label or disc issued in respect of another 10
dog; or
- (d) Makes or counterfeits or, knowing the same to be false
or counterfeit, purchases, uses, or has in his
possession, any label or disc resembling or
apparently intended to resemble or pass for a label 15
or disc issued under this Act.

(2) Where a person is convicted of an offence under paragraph (a) or paragraph (b) of subsection (1) of this section, and the dog has been impounded in consequence of the removal of that collar, label, or disc, the Court may order 20 that person to pay to the owner any fees payable by the owner relating to the impounding of the dog and, if the dog has been sold or destroyed, the full value of that dog as determined by the Court.

Cf. 1955, No. 42, ss. 16, 17; 1965, No. 80, s. 2 (1) (d), (e); 25
1969, No. 13, s. 3 (2) (e), (f), (g)

Dog Control Fees

48. Territorial authority to set fees—(1) The dog control fees payable to a territorial authority shall be those reasonable fees prescribed by resolution of that authority for 30 the control of dogs and hydatids under this Act.

(2) Any such resolution may fix the maximum number of working dogs that may be registered as such by any one person.

(3) Any resolution under subsection (1) of this section 35 may—

- (a) Fix fees for neutered dogs that are lower than the fee for
dogs that have not been neutered;
- (b) Fix fees for working dogs that are lower than the fee for
any other dog; 40
- (c) Fix different fees for the various classes of working dogs;
- (d) Fix fees for dogs under a specified age (not exceeding 12
months) that are lower than the fee that would
otherwise be payable for those dogs:

Struck Out

- 5 (e) Fix fees for the registration of dogs on or after the 1st day of May in any registration year that are higher than the fees that would have been payable if the dog, being a dog that was registrable on the 1st day of April, had been registered in respect of that year before the 1st day of May:
- 10 (f) Fix fees for any dog that are lower than the fees that would otherwise be payable if it is satisfied that the financial circumstances of the owner justify a lower fee:

New

- 15 (e) Fix by way of penalty an additional fee for the registration of any dog on or after the 1st day of May or such later date as the territorial authority may fix in any year not exceeding 50 percent of the fee that would have been payable if the dog, being a dog that was required to be registered on the 1st day of April in that year, had been registered in respect of that year before the 1st day of May or the later date fixed by the territorial authority:

- (g) Fix a fee for the issue of a *(duplicate)* replacement registration label or disc for any dog:

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- 25 (h) Fix an additional fee payable where a dog has been diagnostically tested for hydatids and the purged material from the dog has been found to contain hydatids.

(4) Where any 2 or more territorial authorities have delegated their functions, duties, and powers under this Act to a joint standing or special committee in accordance with section 6 of this Act, the dog control fees payable in the district of each territorial authority shall be fixed by resolution of that committee, and any such resolution may fix

different fees in respect of dogs kept in the different districts, having regard to the costs of dog control and the incidence of hydatids in the districts concerned.

(5) The territorial authority shall, at least once during the month of February in every year, publicly notify in a newspaper circulating in its district the dog control fees fixed for the registration year beginning with the next 1st day of April.

(6) Failure by the territorial authority to give the public notice required by subsection (5) of this section, or the occurrence of any error or misdescription in such public notice, shall not affect the liability of any person to comply with this Act or to pay any fee that is prescribed by the territorial authority under subsection (3) of this section.

(7) No increase in the dog control fees for any year shall come into effect other than at the commencement of that year.

(8) This section shall come into force on the 1st day of February 1983.

Cf. 1955, No. 42, s. 8 (1), (2), (2B); 1968, No. 144, s. 32 (1), (1A) (a), (3), (4); 1972, No. 23, s. 9 (1), (3); 1976, No. 56, s. 5 (1); 1977, No. 150, s. 2; 1980, No. 12, s. 6

49. Fees for part of year—Where any dog to which subsection (2) or subsection (3) of section 34 of this Act applies is first required to be registered after the 1st day of May in any year, the fee payable shall be one-twelfth of the annual fee for each complete month remaining in the registration year after the date of such requirement.

Cf. 1955, No. 42, s. 9; 1965, No. 80, s. 2 (b), (c); 1976, No. 56, s. 6

50. Refund and reduction of fees—(1) Where the fee for the registration of any dog for any year is paid and the dog dies before the commencement of or during that year, the territorial authority shall refund, upon request, in the case of a dog that dies before the commencement of the year, the full fee paid, and, in the case of a dog that dies during the year, the appropriate part of that fee.

(2) The part fee refundable under subsection (1) of this section shall be one-twelfth of the annual fee for each complete month remaining in the registration year after the date of application for the refund.

(3) Notwithstanding anything in this or any other provision of this Act, the territorial authority may remit,

reduce, or refund the dog control fee or part of the fee in any particular case or class of cases by reason of the financial circumstances of the owner or where it is satisfied that there are special grounds for doing so.

5 Cf. 1955, No. 42, ss. 7 (6), 8 (2c); 1968, No. 144, s. 32 (8); 1972, No. 23, s. 9 (4) (d); 1976, No. 56, ss. 4, 5 (1)

PART IV

CONTROL OF DOGS

51. Control of dogs—(1) The owner of any dog shall keep
10 that dog under control at all times.

(2) Without limiting the generality of subsection (1) of this section, a dog shall be deemed to be not under control—

(a) If it is found at large on any land or premises other than
15 a public place without the consent (express or implied) of the occupier or person in charge of that land or those premises; or

(b) If it is found at large in any public place in
contravention of any regulation or bylaw.

(3) Where (*in the opinion of a dog control officer or dog ranger*) a
20 dog is not under control in terms of subsection (2) of this section, the dog control officer or dog ranger may seize the dog and cause it to be returned to its owner or impounded.

(4) Where in the opinion of—

(a) The occupier of any land or premises, or of any other
25 person acting with the authority of such occupier (whether express or implied); or

(b) Any person in any public place—
a dog is (*not under control*) likely to cause annoyance or distress

to any person or animal or damage to any property on the
30 land or premises or in any public place, the occupier or person may seize the dog and cause the dog to be returned to its owner, or to be delivered into the custody of a dog control officer or dog ranger.

(5) Where a dog is delivered into the custody of a dog
35 control officer or dog ranger under subsection (4) of this section the dog control officer or dog ranger may cause the dog to be returned to its owner or impounded.

(6) Nothing in this section shall authorise a dog control officer or dog ranger to enter upon any land or premises other than a public place for the purposes of this section without the consent (express or implied) of the occupier or person for the time being in apparent charge of that land or those premises. 5

52. Obligations of dog owner—(1) The owner of any dog shall—

(a) Ensure that the dog receives proper care and attention

and is supplied with proper and sufficient food,

water, and shelter; and 10

(b) Ensure that the dog receives adequate exercise.

(2) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 who, being the owner of any dog, fails to comply with subsection 15 (1) of this section.

Cf. 1960, No. 30, s. 3 (1)

53. Barking dogs—(1) Where a dog control officer or dog ranger has received a complaint and has reasonable grounds

for believing that a nuisance is being created by the persistent 20 and loud barking or howling of any dog, the dog control officer or dog ranger may—

(a) Enter at any reasonable time upon the land or premises, other than a dwellinghouse, on which the dog is kept, to inspect the conditions under which 25 the dog is kept; and

(b) Whether or not he makes such entry, give the owner of the dog a written notice requiring that person to *(take such reasonable action to abate the nuisance as may be specified in the notice including, if considered necessary, the 30 removal of)*

make such reasonable provision on the

property to abate the nuisance as shall be specified

in the notice or, if considered necessary, to remove
the dog from the land or premises.

(2) Any person on whom notice is served under subsection 35 (1) of this section may, within (14) 7 days of the receipt of the notice, object in writing to the territorial authority against the requirements of that notice.

(3) The territorial authority shall consider the objection and may confirm, modify, or cancel the notice.

(4) No objection under this section shall be considered unless ~~(14)~~ 7 days' notice of the date and time when and place

5 at which it is to be considered has been given to the objector, who shall be entitled to be represented and to be heard and may submit evidence and call witnesses in support of his objection.

(5) Upon the determination of the objection, the territorial 10 authority shall give to the objector a further notice stating the decision of the authority, and, if the effect of the decision is to modify the requirements of the dog control officer or dog ranger, shall set out those requirements as so modified.

(6) As from the lodging of an objection with the territorial 15 authority, and pending the receipt of a further notice upon the determination of the objection, the notice setting out the requirements that are the subject of the objection shall be deemed to be suspended.

(7) Every person commits an offence and is liable on 20 summary conviction to a fine not exceeding \$500 who, having been served with a notice under this section—

(a) Fails or neglects to comply with that notice (not being a notice that has been suspended under subsection (6) of this section) within 7 days of its receipt by him:

25 (b) Fails or neglects to comply with any notice as modified or confirmed by a territorial authority under subsection (3) of this section within the time specified by the territorial authority.

54. Territorial authority may apply to Court to 30 disqualify owner and cancel registration—(1) The territorial authority may, if the owner of a dog has been convicted, within the previous 12 months, of an offence against—

(a) Section 52 or section 53; or

35

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(b) Paragraph (b) or paragraph (f) of section 66 (1); or

New

(b) Section 57 or section 59; or
(ba) Section 72 (1) (a); or

(c) Section 73; or

(d) Paragraph (a) or paragraph (c) of section 75 (1)—
of this Act, apply to a District Court for an order that the
owner be disqualified from being the owner of any dog or any
specified dog or class of dog, and that the registration of any 5
or all of the dogs owned by that person be cancelled.

(2) Every application under subsection (1) of this section
shall specify the grounds on which the application is made
and a copy of the application shall be given to the owner.

(3) The Court, on the hearing of an application made 10
under subsection (1) of this section, may, after considering
the nature and circumstances of the offence and the
responsibilities of dog owners relating to the care of dogs and
the control, prevention, and eradication of hydatids, make an
order disqualifying the person from owning any dog or any 15
specified dog or class of dog for such period as shall be
specified in the order and may order that the registration of
any or all of the dogs owned by that person be cancelled, or
may decline the application.

(4) Where any person is disqualified from owning any dog 20
or the registration of any dog is cancelled under subsection
(3) of this section, that person shall, within 14 days after
receiving notice of the decision of the Court, dispose of the
dog or dogs concerned in such manner as does not constitute
an offence under this or any other Act, but not to any person 25
who resides at the same address.

(5) Where any person fails to comply with subsection (4) of
this section any dog control officer or dog ranger may seize (*or
impound*) any dog concerned, and for that purpose may, at any
reasonable time, enter on to the land or premises, including 30
any dwellinghouse, of the owner of the dog.

New

(6) Nothing in subsection (5) of this section shall authorise
any dog control officer or dog ranger to enter any
dwellinghouse unless he is accompanied by a constable. 35

**55. Dogs attacking persons or stock or rushing at
vehicles—**(1) Any person who sees a dog attacking any
person, stock, or poultry, or who is himself attacked by any
such dog, may forthwith either seize or destroy the dog.

(2) Any constable who has reasonable grounds to believe that a dog has attacked any person, stock, or poultry may, if that dog is at large,—

(a) Seize that dog; or

5 (b) If the seizure of the dog is not practicable, and he is accompanied by a person who saw the attack and identifies the dog, destroy the dog.

(3) Where pursuant to subsection (1) of this section a dog is seized by any person other than a dog control officer or dog
10 ranger, that person shall ensure that the dog is returned to its owner or delivered into the custody of a dog control officer or dog ranger.

(4) The owner of any dog that makes any such attack commits an offence and is liable on summary conviction to a
15 fine not exceeding \$500 in addition to any liability he may incur for any damage caused by the attack; and, where the dog has not been destroyed, the Court may, on convicting the owner, make an order for the destruction of the dog.

(5) Where any dog in any public place—

20 (a) Rushes at or startles any person or any stock or poultry in such a manner that any person is killed, injured, or endangered, or any property is damaged or endangered; or

(b) Rushes at any vehicle in such a manner as to cause or
25 be likely to cause an accident,—

the owner of the dog commits an offence and is liable on summary conviction to a fine not exceeding \$500 in addition to any liability he may incur for any damage caused by the dog; and the Court may, on convicting the owner, order the
30 owner to keep the dog under proper restraint or may make an order for the destruction of the dog.

(6) Every person who fails to comply with an order made under this section that a dog be kept under proper restraint commits a further offence, and is liable on summary
35 conviction to a fine not exceeding \$50 for every day during which the default has continued; and, in addition, the Court may make an order for the destruction of the dog.

(7) Nothing in this section shall apply in respect of any dog kept by the Police or any constable while being used for the
40 purpose of carrying out any lawful function, duty, or power of the Police or that constable.

Cf. 1955, No. 42, ss. 24, 25; 1976, No. 56, s. 9

56. Allowing dangerous dogs to be at large unmuzzled—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who permits any dog owned by him and known by him to be dangerous, or to have attacked any person or any stock or poultry or property of any kind, to be at large or in any public place other than when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but allow it to breathe and drink without obstruction. 5 10

(2) Where any person is convicted of an offence against subsection (1) of this section the Court may make an order for the destruction of the dog.

(3) Nothing in this section shall apply in respect of any dog kept by the Police or any constable while being used for the purpose of carrying out any lawful function, duty, or power of the Police or that constable. 15

Cf. 1955, No. 42, s. 23; 1976, No. 56, s. 9

57. Dangerous dog may be destroyed—(1) Where a complaint is made to a District Court that a dog, whether at large or not, is dangerous and is not being kept or has at some time within the preceding 6 months not been kept under proper restraint, the Court, if it is satisfied that the dog is dangerous and has not been kept or is not being kept under proper restraint, may order the owner to keep the dog under proper restraint, or may make an order for the destruction of the dog. 20 25

(2) Every person who fails to comply with an order made under subsection (1) of this section requiring him to keep a dog under proper restraint commits an offence and is liable on summary conviction to a fine not exceeding \$50 for every day during which the default has continued; and, in addition, the Court may make an order for the destruction of the dog. 30

Cf. 1955, No. 42, s. 22; 1976, No. 56, s. 9

58. Seizure or destruction of dog running at large among stock or poultry—(1) The owner of any stock or poultry or his agent or employee, or any constable, dog control officer, or dog ranger acting at the request of that person may forthwith either seize or destroy any dog running 35

at large among that stock or poultry.

(2) Where pursuant to subsection (1) of this section a dog is seized by any person other than a dog control officer or dog ranger (*and not destroyed*), that person shall ensure that the dog is returned to its owner or delivered into the custody of a dog control officer or dog ranger.

Cf. 1955, No. 42, s. 26

59. Orders relating to dog seen worrying stock—

(1) Where complaint is made to a District Court by the owner of any stock or poultry, or the occupier of any land on which there is stock or poultry, that any dog has been seen at large among that stock or poultry, the Court, if it is satisfied as to the grounds of the complaint, may order the owner to keep the dog under proper restraint or make an order for the destruction of the dog.

(2) Every person who fails to comply with an order made under subsection (1) of this section requiring him to keep a dog under proper restraint commits an offence and is liable on summary conviction to a fine not exceeding \$50 for every day during which the default has continued; and, in addition, the Court may make an order for the destruction of the dog.

Cf. 1955, No. 42, s. 28; 1976, No. 56, s. 9

60. Owner liable for damage done by dog—(1) The owner of a dog shall be liable in damages for damage done by the dog, and it shall not be necessary for the person seeking damages to show a previous mischievous propensity in the dog, or the owner's knowledge of any such mischievous propensity, or that the damage was attributable to neglect on the part of the owner of the dog.

(2) This section shall not apply in respect of any damage done by a dog kept by the Police or any constable while it is being used for the purpose of carrying out any of the functions, duties, or powers of the Police or that constable if, had this section not been enacted, there could be no claim against the Police or that constable for the damage.

Cf. 1955, No. 42, s. 29

61. Procedure where order made for destruction of dog—(1) Where any District Court makes an order for the destruction of any dog, any person having custody or control of the dog shall cause the dog to be destroyed forthwith.

(2) Where any such person does not cause the dog to be destroyed forthwith any constable, dog control officer, or dog ranger may seize and destroy the dog.

(3) In the exercise of his powers under subsection (2) of this section any constable, dog control officer, or dog ranger may, 5
at any reasonable time enter on any land or premises, including any dwellinghouse, and remove any dog that is the subject of an order for destruction.

New

(3A) Nothing in subsection (3) of this section shall 10
authorise any dog control officer or dog ranger to enter any dwellinghouse unless he is accompanied by a constable.

(4) Where any dog is destroyed by any dog control officer or dog ranger acting under the authority of this section the reasonable costs of the collection, destruction, and disposal of 15
the dog shall constitute a debt recoverable by the territorial authority from the owner of the dog.

62. Dog control bylaws—(1) Any territorial authority may, in accordance with the Local Government Act 1974, make bylaws for all or any of the following purposes: 20

- (a) Prohibiting dogs, whether under control or not, from specified public places:
- (b) Regulating and controlling dogs in any other public place:
- (c) Designating specified areas as dog exercise areas: 25
- (d) Prescribing minimum standards for the accommodation of dogs:
- (e) Limiting the number of dogs that may be kept on any land or premises:
- (f) Requiring dogs in its district to be tied up or otherwise 30
confined during a specified period commencing not earlier than half an hour after sunset, and ending not later than half an hour before sunrise:
- (g) Requiring the owner of any dog that defecates in a public place or on land or premises other than that 35
occupied by the owner to immediately remove the faeces:
- (h) Requiring any bitch to be confined but adequately exercised while in season:

(i) Providing for the impounding of dogs, whether or not they are wearing a collar having the proper label or disc attached, that are found at large in breach of any bylaw made by the territorial authority under this or any other Act:

(j) Any other purpose that from time to time is, in the opinion of the territorial authority, necessary or desirable to further the control of dogs.

(2) Nothing in this section shall authorise the making of any bylaw conferring any power of entry on to any land or premises without the consent of the occupier.

(3) Bylaws authorised by this section shall be made in accordance with the Local Government Act 1974 and shall be deemed to have been made under that Act.

(4) Notwithstanding section 6 of this Act, no joint standing or special committee that has had conferred upon it the functions, duties, and powers of territorial authorities under this Act shall have the power to make any bylaw; and the territorial authorities that so conferred their functions, duties, and powers under this Act shall retain the power to make bylaws in accordance with this section.

Cf. 1955, No. 42, ss. 30, 30A (1); 1962, No. 64, s. 2; 1968, No. 144, s. 41; 1969, No. 13, ss. 3 (2) (h), (6); 1979, No. 59, s. 8 (3)

25

PART V

IMPOUNDING

63. Provision of pound facilities—Every territorial authority, either singly or jointly with any one or more other territorial authorities, shall make such provision as is necessary for the proper custody, care, and exercise of dogs impounded, seized, or committed to its custody or the custody of a dog control officer or dog ranger under this Act, and for that purpose may—

(a) Establish, maintain, and operate a dog pound either separately or in association with any pound established under any other Act:

(b) Enter into an agreement with any person, upon such terms and conditions as it thinks fit, for that person to provide proper custody, care, and exercise for such dogs.

40

64. Pound fees—(1) Any territorial authority may from time to time set reasonable poundage fees and reasonable fees for the following matters:

- (a) The seizure of dogs by dog control officers or dog rangers under this Act: 5
- (b) The sustenance of any dog impounded under this Act:
- (c) The destruction of any dog impounded under this Act.

(2) The amount of any fee referred to in subsection (1) of this section shall be such as may from time to time be fixed by resolution of the territorial authority, which resolution shall 10 be publicly notified, at least 14 days before the resolution comes into effect, in a newspaper circulating in the district of the territorial authority.

(3) In setting poundage fees under subsection (1) of this section, the territorial authority may— 15

- (a) Set different fees for registered and unregistered dogs:
- (b) Set a graduated scale of fees for the repeated impounding of the same dog.

(4) Any fee fixed under this section shall, if so required by the territorial authority, be paid before the dog is released 20 from the pound.

Cf. 1955, No. 42, s. 30A (2), (2A); 1962, No. 64, s. 2; 1976, No. 56, s. 8 (1) (a), (2)

65. Impounding and subsequent disposal of dog—

(1) Except as provided in subsection (6) of this section, where 25 any constable, dog control officer, or dog ranger seizes or is given custody of any dog under this Act, that dog shall, unless it is returned to its owner under subsection (3) or

subsection (5) of section 51 of this Act, be impounded until it

is disposed of in accordance with this Act. 30

(2) As soon as practicable after any dog has been impounded, the territorial authority shall, in the case of a dog wearing a current registration label or disc or where the owner of the dog is known through some other means, give written notice to the owner that the dog has been impounded 35 and that unless the dog is claimed and any fee paid within 7 days of the receipt of that notice it may be sold, destroyed, or otherwise disposed of in such manner as the territorial authority thinks fit; and after the expiry of that period the territorial authority may so dispose of the dog. 40

(3) Where the owner of the dog is not known and cannot be identified from the dog registration label or disc, the

territorial authority may, after the expiration of (4) 7 days after the date of seizure of the dog, sell, destroy, or otherwise dispose of the dog in such manner as it thinks fit.

(4) The proceeds of the sale of any dog under subsection (2) or subsection (3) of this Act may be applied by the territorial authority towards any fees payable to it under this Part of this Act by the owner of the dog, and any surplus shall be paid into the dog control account of the territorial authority.

New

10

(4A) The territorial authority shall maintain a record of each dog impounded by it and the method of disposal of that dog.

(5) The sale, destruction, or other disposal of a dog under this section shall not relieve the former owner of the dog of the liability for the payment of any fees payable under this Part of this Act.

(6) Nothing in subsections (1) to (3) of this section shall apply in any case where a constable, dog control officer, or dog ranger seizes or is given custody of a dog under section 54 of this Act or pursuant to an order of the District Court that the dog be destroyed.

Cf. 1955, No. 42, s. 30A (3), (4); 1962, No. 64, s. 2; 1976, No. 56, s. 8 (1) (b)

25

PART VI

HYDATIDS CONTROL

66. Powers of dog control officer relating to hydatids control—(1) Every dog control officer shall have power—

- (a) To examine or treat any dog of 3 months of age or over for hydatids:
- (b) To give *(reasonable)* notice requiring any owner to have any dog or dogs available at any specified place and at any specified time for the purpose of enabling the dog or dogs to be examined or treated for hydatids:
- (c) Where, in the opinion of the dog control officer, the provision and use of a disposal unit or treatment unit is necessary or desirable, to give notice to the owner or occupier of any land or premises requiring the owner or occupier to provide and maintain to the satisfaction of the dog control officer, and use, a disposal unit or treatment unit:

40

- (d) Where it is intended to continue the killing of sheep, cattle, horses, goats, deer, or swine on the property and hydatids have been found, within the previous 12 months, in any dog or other animal that is or has been kept there, to give notice to the owner or occupier of any land or premises requiring the owner or occupier to provide a dog-proof killing facility on that land or premises: 5
- (e) To inspect any disposal unit, treatment unit, or dog-proof killing facility and require the owner or occupier of the land or premises on which it is situated to make any such alteration to the unit or facility as the dog control officer requires: 10
- (f) To direct the owner of any dog to give all reasonable assistance to enable the dog to be examined or treated for hydatids. 15

(2) Every notice given by a dog control officer under paragraph (c) or paragraph (d) or paragraph (e) of subsection (1) of this section shall advise the owner or occupier of his rights of objection under section 69 of this Act. 20

Cf. 1968, No. 144, s. 30 (1), (2); 1972, No. 23, s. 7; 1980, No. 12, s. 4

New

66A. Recovery of certain costs associated with hydatids control—(1) Where, as a direct result of the failure of any person to comply with any notice or direction given under paragraph (b) or paragraph (f) of section 66 (1) of this Act, costs are incurred by a dog control officer or territorial authority that would not have been incurred if that notice or direction had been complied with, the amount of those costs shall be recoverable from the owner concerned as a debt due to the territorial authority. 25 30

(2) Where a dog has been diagnostically tested for hydatids and the purged material from the dog has been found to contain hydatids, the reasonable costs incurred by the territorial authority in the conduct of that test and any related inspection of the premises or property of the owner shall be recoverable from the owner concerned as a debt due to the territorial authority. 35

67. Treatment of dogs by veterinary surgeons— 40
 (1) Where any owner is given notice under section 66 (1) (b) of this Act, he shall be deemed to comply with that notice if,

at or before the time specified in the notice, he produces to the dog control officer who gave the notice, or to any other dog control officer present at the specified place at the specified time, a certificate issued by a registered veterinary surgeon
5 certifying that—

- (a) Not earlier than 7 days before the time specified in the notice the dog has been treated for hydatids in a specified manner that is acceptable to the Council;
or
- 10 (b) For reasons that are specified in the certificate, the dog will not be in a fit condition to be treated for hydatids for a period specified in the certificate, being a period not exceeding 6 months and expiring at a time later than that which is specified in the
15 notice given under section 66 (1) (b) of this Act.

(2) Nothing in this section shall exempt the owner of any dog from payment in respect of that dog of the dog control fee fixed under section 48 of this Act.

Cf. 1968, No. 144, s. 35

20 **68. Powers of entry relating to hydatids control—**

(1) Notwithstanding anything in section 710 of the Local Government Act 1974, and subject to subsection (2) of this section, any dog control officer may enter at any reasonable time on any land or premises—

- 25 (a) For the purpose of exercising his powers under any of paragraphs (a) to (e) of section 66 (1) of this Act:
- (b) For the purpose of ascertaining whether or not there is on the land or premises any dog of 3 months of age or over that has not been examined or treated for
30 hydatids:
- (c) In the occupation of any person who is the owner of a dog that on the immediately previous examination by a dog control officer, whether under the Hydatids Act 1968 or this Act, has been found to be infected
35 with hydatids:
- (d) For the purpose of ascertaining whether or not the carcass of any sheep, cattle, horse, goat, deer, or swine, or any raw offal or untreated sheep or goat meat is lying about in the open or otherwise
40 accessible to dogs.

(2) No dog control officer exercising any power of entry conferred by subsection (1) of this section shall enter any dwellinghouse without the consent of the occupier unless he is

authorised in writing to do so by a Justice, who shall not grant such an authority unless he is satisfied that the dog control officer has reasonable grounds for requiring entry into the dwellinghouse.

Cf. 1968, No. 144, s. 30 (1) (e), (3) (a); 1972, No. 23, s. 8 5
(a), (b)

69. Objection to requirement of dog control officer—

(1) Every owner or occupier to whom any notice is given by a dog control officer under paragraph (c) or paragraph (d) or paragraph (e) of section 66 (1) of this Act may, within 14 days 10 after receiving the notice, object in writing to the territorial authority against the requirements of the dog control officer on the grounds that those requirements are unreasonable.

(2) The territorial authority shall consider the objection and may confirm, modify, or cancel the notice. 15

(3) Where an owner or occupier who has lodged an objection under subsection (1) of this section is dissatisfied with the decision of the territorial authority, he may, not later than 14 days after receiving notice of the decision of the territorial authority, appeal in writing to the Council. 20

(4) The Council shall consider the appeal and may confirm, modify, or cancel the decision of the territorial authority.

(5) No objection or appeal under this section shall be considered by the authority or Council, as the case may be, 25 unless 14 days' notice of the date and time when and place at which it is to be considered has been given to the objector or appellant who shall be entitled to be represented and to be heard and may submit evidence and call witnesses in support of his objection or appeal. 30

(6) Upon the determination of an objection in respect of which an appeal has not been lodged with the Council and the time for the lodging of an appeal has expired, or the determination of an appeal, the territorial authority or the Council, as the case may be, shall give to the objector or 35 appellant, as the case may be, a further notice which shall state the decision of the territorial authority or the Council and, if the effect of the decision is to modify the requirements of the dog control officer, shall set out those requirements as so modified. 40

(7) As from the lodging of an objection with the territorial authority or an appeal with the Council, as the case may be, and pending the receipt of a further notice upon the

determination of the objection or appeal or the withdrawal of the objection or appeal, the notice setting out the requirements that are the subject of the objection or appeal shall be deemed to be suspended.

5 Cf. 1968, No. 144, s. 31

New

- 69A. Council may review decision of territorial authority**—(1) Where any territorial authority modifies or cancels any notice under section 69 (2) of this Act, it shall, not
10 later than 7 days after the making of that decision, give to the Council a copy of the notice given under paragraph (c) or paragraph (d) or paragraph (e) of section 66 (1) of this Act and a copy of the decision of the territorial authority modifying or cancelling that notice.
- 15 (2) Where any territorial authority has modified or cancelled any notice under section 69 (2) of this Act, the Council may, not later than 21 days after the decision of the territorial authority giving effect to that modification or
20 and the territorial authority of its intention to review the decision of the territorial authority.
- (3) No review shall be conducted by the Council under this section unless 14 days' notice of the date and time when and place at which it is to be conducted has been given to the
25 owner or occupier and the territorial authority, who shall both be entitled to be represented and to be heard and may submit evidence and call witnesses at the review.
- (4) Upon the determination of the review, the Council shall give to the owner or occupier and to the territorial authority a
30 further notice which shall state the decision of the Council and, if the effect of the decision of the Council is to further modify the decision of the territorial authority, shall set out that decision as so modified.
- (5) As from the giving of any notice under subsection (2) of
35 this section, and pending the receipt of a further notice under subsection (4) of this section by the owner or occupier, the requirements of the dog control officer under paragraph (c) or paragraph (d) or paragraph (e) of section 66 (1) of this Act and the decisions of the territorial authority notified under
40 section 69 (6) of this Act shall be deemed to be suspended.

70. Exemption of dogs from treatment—(1) Notwithstanding the provisions of this Act, the Council may from time to time declare that any specified dog or any specified class or classes of dogs, either generally or in any specified district or districts, shall be exempted from the requirement to be examined and treated for hydatids for such period as the Council may specify, or indefinitely. 5

(2) The Council may at any time revoke or amend any declaration under subsection (1) of this section.

(3) Notice of any declaration of the Council under subsection (1) of this section and any amendment or revocation of the declaration under subsection (2) of this section shall be given by the Council—

(a) In the case of a decision relating to any specified dog, to the territorial authority in whose district the dog is kept: 15

(b) In the case of a decision relating to any class or classes of dogs in any district or districts but not in all districts, to the territorial authority for that district or, as the case may be, for each of those districts: 20

(c) In the case of a decision relating to any class or classes of dogs in all districts, to all territorial authorities.

(4) Nothing in this section shall exempt the owner of any dog from payment in respect of that dog of the dog control fee fixed under section 48 of this Act. 25

Cf. 1968, No. 144, s. 36

71. Dog control officer may require disposal of carcass, offal, or untreated meat—(1) If, in the exercise of the powers conferred upon him by this Act, a dog control officer finds on any land or premises the carcass of any sheep, cattle, horse, deer, goat, or swine, or any raw offal, or untreated sheep or goat meat that is lying about in the open or otherwise accessible to dogs, he may give notice to the owner or occupier of the land or premises requiring him to dispose of that carcass, raw offal, or untreated meat within 24 hours, or such further time as may be specified in the notice, (in a disposal unit) by causing it to be entirely consumed by fire in a disposal unit or buried at such a depth as to render it inaccessible to dogs. 30 35

(2) If the owner or occupier of the land or premises fails to so dispose of the carcass, raw offal, or untreated meat within that time, the dog control officer may arrange for the disposal of the carcass, offal, or meat in a disposal unit.

(3) Where any dog control officer disposes of any carcass, raw offal, or untreated meat under subsection (2) of this section the reasonable costs incurred in collecting and disposing of the carcass, raw offal, or untreated meat shall be recoverable by the territorial authority from the owner or occupier of the land or premises as a debt owed to the territorial authority.

Cf. 1968, No. 144, s. 30 (3) (b), (c); 1972, No. 23, s. 8 (d), (e), (f)

10 **72. Offences relating to hydatids control**—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who—

(a) Fails to comply with any notice or direction given under paragraph (b) or paragraph (f) of section 66 (1) (or section 69 (7)) of this Act; or

15 (b) Fails within 1 month to comply with any notice given under paragraph (c) or paragraph (d) or paragraph (e) of section 66 (1) of this Act or section 69 (6) or section 69A (4) of this Act; or

20 (c) Fails within 24 hours or such further time as may be specified in the notice to comply with any notice given under section 71 of this Act.

(2) Every person who is convicted of an offence against subsection (1) of this section and who—

25 (a) Fails, within 10 days or such further period as the dog control officer may allow, to comply with the notice given under paragraph (c) or paragraph (d) or paragraph (e) of section 66 (1), or section 69 ((7)) (6) or section 69A (4) of this Act; or

30 (b) Fails to comply with the notice given under section 71 of this Act,—

as the case may be, commits a further offence and is liable on summary conviction to a fine not exceeding \$50 for every day during which the default has continued.

35 (3) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who, without the prior approval of the Council, adds any hydatids to, or removes any hydatids from, any faecal sample obtained from any dog that has been treated for hydatids by any dog control officer or registered veterinary surgeon.

40 Cf. 1968, No. 144, s. 43 (3) (a), (b), (d); 1971, No. 64, s. 4 (a), (b); 1975, No. 49, s. 12; 1980, No. 12, s. 7 (2)

73. Offence to own dog that has twice been infected with hydatids—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who is registered as the owner of any dog that is found by any dog control officer to be infected with hydatids if— 5

(a) That dog or any other dog owned by him has on another occasion within the previous 12 months been found by a dog control officer to be infected with hydatids; and

(b) That person was registered as the owner of the dog at 10 that time.

(2) It shall be a defence to a charge under subsection (1) of this section if the Court is satisfied that the defendant took all reasonable steps to prevent the *(dog becoming reinfected with)* second infection of hydatids. 15

74. Proceedings against dog owners in default—

(1) Where the owner of any dog is convicted of an offence against section 72 (1) (a) or section 73 of this Act, the Court, whether or not it imposes any penalty in respect of the offence, may make an order requiring the owner to present 20 the dog for examination and treatment for hydatids at a time and place specified in the order.

(2) Where the owner of any dog fails to comply with an order under subsection (1) of this section, the territorial authority may take possession of the dog for the purpose of 25 examining or treating the dog for hydatids and retain possession of the dog for so long as may be necessary for that purpose; and, for the purpose of taking possession of the dog the dog control officer or dog ranger may, at any reasonable time, enter on to the land or premises, including any 30 dwellinghouse, of the owner of the dog.

New

(2A) Nothing in subsection (2) of this section shall authorise any dog control officer or dog ranger to enter any dwellinghouse unless he is accompanied by a constable. 35

(3) Where, under subsection (2) of this section, a territorial authority takes possession of any dog, there shall be payable to the authority by the owner as a debt due to the authority the amount of any expenses incurred by the authority in taking possession of the dog and in respect of the sustenance 40 of the dog while in the possession of the authority.

Cf. 1968, No. 144, s. 44 (1), (2), (5)

75. Offences relating to offal and untreated meat—

(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who—

- 5 (a) Feeds or causes to be fed to any dog any offal or sheep or goat meat, knowing that offal to be raw offal or that meat to be untreated sheep or goat meat; or
- (b) Sells or exposes for sale any offal or meat for feeding to dogs knowing that offal to be raw offal or that meat to be untreated sheep or goat meat; or
- 10 (c) By himself, his employee, or agent, without just cause or excuse knowingly,—
 - (i) Leaves the carcass of any sheep, cattle, horse, deer, goat, or swine to lie about in the open or otherwise accessible to dogs; or
 - 15 (ii) Does or omits to do any act that enables any dog to obtain access to any raw offal or any untreated sheep or goat meat.

(2) Nothing in subsection (1) (a) of this section shall apply with respect to the feeding, pursuant to a permit in writing
20 issued by the *(dog control)* territorial authority and in compliance with every condition express or implied subject to which the permit is issued, of untreated sheep or goat meat to any dog used for the time being in mustering operations or wild animal control operations under the Wild Animal
25 Control Act 1977.

(3) A permit may be granted under subsection (2) of this section solely on the ground that, because of the inaccessibility of the area in which the muster or wild animal control operation is to be carried out, it is impracticable to
30 feed the dog with treated meat; and, without limiting the conditions that the authority may impose, the permit shall be deemed to be subject to the condition that the dog shall be treated for hydatids, by a method approved by the Council, by a dog control officer within the period of 14 days
35 immediately before the commencement of the muster or wild animal control operation and again not later than 42 days after the date on which the dog was so treated.

(4) Nothing in subsection (1) (b) of this section shall apply with respect to the sale or offering for sale of untreated sheep
40 or goat meat to the licensee of any premises approved for the preparation of pet foods under regulations made pursuant to section 49 of the Meat Act 1981.

(5) For the purposes of subsection (1) (b) of this section, untreated sheep or goat meat or raw offal sold or offered or exposed for sale as pet food shall be deemed to be for feeding to dogs unless the package or container in which it is sold or offered or exposed for sale is clearly labelled with a statement that it is not to be fed to dogs.

Cf. 1968, No. 144, s. 43 (1), (1A), (1B), (2); 1972, No. 23, s. 10 (1); 1980, No. 12, ss. 7 (1), 8

76. Hydatids-free areas—The Council, acting with the approval of the Minister, may from time to time, by notice in the *Gazette*, declare any specified part of New Zealand to be a hydatids-free area.

Cf. 1968, No. 144, s. 40

77. Regulations in respect of hydatids control—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prohibiting or restricting the introduction of dogs into a hydatids-free area or into any specified area or district or any specified part of any such area or district:
- (b) Prescribing the measures that may be taken by the Council for the control, prevention, or eradication of hydatids in any district:
- (c) Prescribing the manner in which dogs that have been examined or treated for hydatids shall be identified:
- (d) Prescribing the circumstances in which owners or other persons may be required to produce evidence that dogs have been examined or treated for hydatids and the matters to be included in any certificate to the examination or treatment of dogs for hydatids:
- (e) Prescribing offences in respect of the contravention of or non-compliance with any regulations made under this section and prescribing the amount of any fine that may be imposed in respect of any such offence, being an amount not exceeding \$500:
- (f) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act relating to the control, prevention, and eradication of hydatids.

Cf. 1968, No. 144, s. 46; 1980, No. 12, s. 9 (2)

PART VII

MISCELLANEOUS

78. No liability where dog wounded in attempt to destroy—(1) No person who is entitled under this Act to
5 destroy any dog, and who does so in a reasonable manner or

who wounds or maims the dog in the course of attempting to so destroy it, shall be under any criminal or civil liability for
the injury done to the dog or its death.

(2) Nothing in subsection (1) of this section shall apply to
10 any person who wounds or maims a dog in the course of attempting to destroy it and does not take all reasonable steps to terminate its suffering.

Cf. 1955, No. 42, s. 27

79. Limitation of liability for damage—No constable,
15 dog control officer, dog ranger, territorial authority, or field advisory officer shall be liable for any loss or damage caused to the owner of any dog or other property or land that is necessitated by the due administration of this Act.

Cf. 1968, No. 144, s. 30 (6)

20 **80. Guide dogs for the blind**—Notwithstanding anything in any Act or regulations or bylaw prohibiting or regulating the entry or presence of dogs, any blind person accompanied by a guide dog or any person bona fide engaged in training a guide dog may enter and remain—

25 (a) In any premises registered under regulations made pursuant to section 120 of the Health Act 1956; or

(b) In any public place,—
subject to compliance with any reasonable condition imposed by the occupier or person having control of the premises or
30 public place, as the case may be.

Cf. 1955, No. 42, s. 30B; 1973, No. 59, s. 2

81. Giving and content of notices—(1) Any notice or direction under this Act that is to be given to any particular person shall be in writing and may be given—

35 (a) By delivering it personally to the person to whom it is to be given; or

(b) By leaving it, or sending it by post in a (*registered*) letter addressed to the person, at his usual or last known place of (*abode.*) residence; or

New

(c) By sending it by post in a letter addressed to the person at the address given by him in a current application to register a dog as his address as the owner of a dog.

(2) If a notice or direction is sent by post in a registered letter and in the manner prescribed by subsection (1) of this section, it shall be deemed to be (given) received at the time at which the letter would have been delivered in the ordinary course of post; and in proving the giving of any such notice or direction it shall be sufficient to prove that it was properly addressed and that it was accepted by the post office as a registered letter and that the notice or direction has not, to the knowledge of the person proving the giving of the notice or direction, been returned by the post office to the sender.

(3) Every notice or direction to which subsection (1) of this section applies shall—

(a) Specify—

- (i) The purpose of the notice; and
- (ii) The rights of objection (if any) to the matters referred to in the notice; and
- (iii) The name and address of the dog control officer or other officer of the (dog control) territorial authority to whom inquiries in respect of the notice may be made; and
- (iv) If entry on land or premises is intended, the statutory authority for the entry; and
- (v) In the case of notice that a dog has been impounded, a statement that the dog may be sold, destroyed, or otherwise disposed of unless the dog is claimed and all fees paid within 7 days after the receipt of the notice; and

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(b) Be signed by—

- (i) The Secretary, in the case of a notice given by the Council; or
- (ii) The person giving the notice or direction in any other case.

New

(b) In the absence of proof to the contrary, be sufficiently authenticated if it bears the name of the person giving the notice or direction.

5 **82. Application of fines**—Notwithstanding anything in section 103 of the Public Finance Act 1977, the Court before which any person is convicted of an offence against this Act may direct that part (not exceeding one-half) of any fine imposed shall be paid to the informant or to any person giving
10 information that led to the conviction.

Cf. 1955, No. 42, s. 34 (2); 1977, No. 65, s. 160 (1)

15 **83. Approved organisations to cease to exist**—(1) The Manawatu District Hydatids Committee which, by virtue of section 24 (2) of the Hydatids Act 1968, is deemed to be an approved organisation within the meaning of that Act, and any other approved organisation within the meaning of that Act (other than the Bush Hydatids Control (Pahiatua) Organisation) existing immediately before the commencement of this Act, shall cease to exist on the commencement of
20 this Act.

(2) On the commencement of this Act,—

25 (a) All real and personal property belonging to any organisation to which subsection (1) of this section applies shall vest in the territorial authority or authorities for the area formerly under the jurisdiction of the organisation subject to all charges and trusts affecting that property:

30 (b) All money payable to any such organisation shall become payable to the territorial authority or authorities for the area formerly under the jurisdiction of the organisation:

35 (c) All contracts, engagements, and liabilities, and all rights and authorities of any nature whatever of any such organisation shall become contracts, engagements, rights, and authorities of the territorial authority or authorities for the area formerly under the jurisdiction of the organisation:

40 (d) All proceedings pending by or against any such organisation may be carried on, completed, and enforced by or against the territorial authority or authorities for the area formerly under the jurisdiction of the organisation.

(3) All references to any such approved organisation in any security or other document whatever (not being an enactment) that is subsisting immediately before the date of commencement of this Act, or in any notice or other communication served, given, or sent before, on, or after the 5 date in relation to any such security or other document shall, unless the context otherwise requires, be read as references to the territorial authority or authorities for the area formerly under the jurisdiction of the organisation.

(4) (*Section 4 of*) The Local Authorities (Employment 10 Protection) Act 1963 shall apply with respect to the employment of any employee of any such approved organisation—

(a) As if references in that (*section*) Act to a local authority

that is abolished were references to an approved 15 organisation and references to any other local authority were references to a territorial authority

New

; and

(b) As if the term “permanent employee” meant any 20 person who was, immediately before the commencement of this Act, a full time permanent officer or employee of the approved organisation, regardless of the period of that employment.”

(5) Where, because of any differences in the districts of an 25 approved organisation and the districts of any territorial authority, any dispute arises as to which territorial authority is referred to in subsection (2) or subsection (3) of this section the matter shall be resolved by agreement between the territorial authorities concerned. 30

(6) If no such agreement is made within 3 months of the arising of the dispute, the matter may be referred to the Local Government Commission which shall determine the matter by notice in writing to the territorial authorities concerned, and its decision shall be final. 35

84. Bush Hydatids Control (Pahiatua) Organisation deemed to be joint standing or special committee—For the purposes of this Act, the Bush Hydatids Control (Pahiatua) Organisation which, by virtue of section 24 (2) of the Hydatids Act 1968, is deemed to be an approved 40 organisation within the meaning of that Act is hereby deemed to be—

- (a) A joint standing or special committee of those territorial authorities that, from time to time, are entitled to appoint a member of that Organisation; and
- 5 (b) Constituted under section 105 of the Local Government Act 1974 as a joint standing or special committee as if it had been so constituted in accordance with section 6 of this Act.

New

84A. Amendment to Animals Protection Act 1960—

10 The Animals Protection Act 1960 is hereby amended by inserting, after section 8, the following section:

15 **“8A. Certain offences against Dog Control and Hydatids Act 1982 deemed to be offences against this Act—**For the purposes of sections 10, 11, 12, 15, 15A, 16, and 16A of this Act, an offence against section 52 of the Dog Control and Hydatids Act 1982 shall be deemed to be an offence against this Act.”

85. Consequential amendments and repeals—(1) The enactments specified in the first column of the First Schedule 20 to this Act are hereby amended in the manner indicated in the second column of that Schedule.

(2) The enactments specified in the Second Schedule to this Act are hereby repealed.

SCHEDULES

Section 85 (1)

FIRST SCHEDULE

ENACTMENTS AMENDED

Enactment	Amendment
	<i>New</i>
1953, No. 7—The Ministry of Agriculture and Fisheries Act 1953 (Reprinted 1972, Vol. 3, p. 2575)	By inserting in the Schedule, after the item “The Dairy Industry Act 1952”, the item “The Dog Control and Hydatids Act 1982 (Parts II and VI)” By omitting the item “The Hydatids Act 1968”.
1959, No. 98—The Public Bodies Contracts Act 1959 (Reprinted 1975, Vol. 3, p. 2251)	By omitting from Part I of the First Schedule the item relating to the National Hydatids Council, and substituting the following item: “The National 1982, No. 00—The Hydatids Dog Control and Council <u>Hydatids Act 1982</u> ”.
1962, No. 113—The Public Bodies Meetings Act 1962 (Reprinted, 1975, Vol. 3, p. 2269)	By omitting from Part I of the Schedule the item relating to Approved Organisations under the Hydatids Act 1968.
1968, No. 147—The Local Authorities (Members’ Interests) Act 1968 (Reprinted, 1974, Vol. 3, p. 2399)	By omitting from Part I of the Schedule the item relating to Approved Organisations under the Hydatids Act 1968.
1974, No. 66—The Local Government Act 1974 (R.S. Vol. 5, p. 77)	<i>New</i> By adding to section 710 the following subsection: “(5) Nothing in this section shall apply to any dog control officer or dog ranger acting under any power of entry conferred by the Dog Control and Hydatids Act 1982.”
	By omitting from Part II of the First Schedule (as substituted by section 2 (1) of the Local Government Amendment Act 1976) the item relating to Hydatids Control Authorities.

SECOND SCHEDULE

Section 85 (2)

ENACTMENTS REPEALED

- 1955, No. 42—The Dogs Registration Act 1955. (Reprinted 1973, Vol. 2, p. 1359)
- 1960, No. 30—The Animals Protection Act 1960; section 3 (1) and ((f)) (t) (R.S. Vol. 6, p. 1.)
- 1961, No. 79—The Dogs Registration Amendment Act 1961. (Reprinted 1973, Vol. 2, p. 1375.)
- 1962, No. 64—The Dogs Registration Amendment Act 1965. (Reprinted 1973, Vol. 2, p. 1376.)
- 1965, No. 80—The Dogs Registration Amendment Act 1965. (Reprinted 1973, Vol. 2, p. 1376.)
- 1968, No. 77—The Dogs Registration Amendment Act 1968. (Reprinted 1973, Vol. 2, p. 1377.)
- 1968, No. 144—The Hydatids Act 1968. (Reprinted 1976, Vol. 5, p. 3917.)
- 1969, No. 13—The Dogs Registration Amendment Act 1969. (Reprinted 1973, Vol. 2, p. 1377.)
- 1971, No. 64—The Hydatids Amendment Act 1971. (Reprinted 1976, Vol. 5, p. 3949.)
- 1972, No. 23—The Hydatids Amendment Act 1972. (Reprinted 1976, Vol. 5, p. 3950.)
- 1973, No. 59—The Dogs Registration Amendment Act 1973. (Reprinted 1973, Vol. 2, p. 1378.)
- 1975, No. 49—The Hydatids Amendment Act 1975. (Reprinted 1976, Vol. 5, p. 3592.)
- 1976, No. 56—The Dogs Registration Amendment Act 1976.
- 1977, No. 65—The Public Finance Act 1977: So much of the Third Schedule as relates to the Hydatids Act 1968.
- 1977, No. 150—The Dogs Registration Amendment Act 1977.
- 1979, No. 59—The Local Government Amendment Act 1979: So much of the Third Schedule as relates to the Hydatids Act 1968.
- 1980, No. 12—The Hydatids Amendment Act 1980.