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DOG CONTROL (PROTECTED WILDLIFE)

ANALYSIS

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A BILL INTITULED

An Act to reform the law relating to dog control by amending—

- 5 **(a) The Dog Control and Hydatids Act 1982 to include protection for protected wildlife; and**
- 10 **(b) The Conservation Act 1987 to control access by dogs to areas administered under that Act, and to provide for trespassing dogs disturbing or threatening protected wildlife on areas administered under that Act to be destroyed**

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Dog Control (Protected Wildlife) Act 1993.

No. 272—1

PART I

AMENDMENTS TO DOG CONTROL AND HYDATIDS ACT 1982

2. Part to be read with Dog Control and Hydatids Act 1982—This Part of this Act shall be read together with and deemed part of the Dog Control and Hydatids Act 1982 (hereafter in this Part of this Act referred to as the principal Act). 5

3. Interpretation—Section 2 of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions: 10

“‘Protected wildlife’ means any wildlife that is for the time being protected under the Wildlife Act 1953:

“‘Warranted officer’ has the same meaning as in section 2 (1) of the Conservation Act 1987.”.

4. Control of dogs—Section 52 (4) of the principal Act is hereby amended by inserting, after the words “person or animal”, the words “(including wildlife for the time being protected under the Wildlife Act 1953)”. 15

5. Dogs attacking persons or stock or rushing at vehicles—Section 56 of the principal Act is hereby amended by repealing subsections (1) and (2), and substituting the following subsections: 20

“(1) Any person who sees a dog attacking any person, stock, poultry, or protected wildlife, or who is attacked by any such dog, may forthwith either seize or destroy the dog. 25

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

“(a) Seize that dog; or

“(b) If the seizure of the dog is not practicable, and he or she is accompanied by a person who saw the attack and identifies the dog, destroy the dog.” 30

6. Allowing dangerous dogs to be at large unmuzzled—Section 57 (1) of the principal Act is hereby amended by inserting, after the words “stock or poultry or”, the words “protected wildlife or”. 35

7. Seizure or destruction of dog running at large among stock, poultry, or protected wildlife—The principal Act is hereby amended by repealing section 59, and substituting the following section: 40

“59. (1) Where any dog runs at large among any stock, poultry, or protected wildlife,—

“(a) The owner of that stock or poultry or the owner’s agent or employee; or

5 “(b) The owner or occupier of the land on which that protected wildlife is present, or the agent or employee of that owner or occupier; or

“(c) Any constable, warranted officer, dog control officer or dog ranger, acting at the request of any of the persons specified in **paragraph (a)** or **paragraph (b)** of this subsection,—

may forthwith either seize or destroy that dog.

“(2) Where, pursuant to **subsection (1)** of this section, a dog is seized by any person other than a dog control officer, dog ranger, or warranted officer, 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.”

8. Orders relating to dog seen worrying stock—

Section 60 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Where a complaint is made to a District Court by the owner of any stock or poultry, or by the owner or occupier of any land on which there is stock, poultry, or protected wildlife, that any dog has been seen at large among that stock, poultry, or protected wildlife, 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.”

PART II

30 AMENDMENTS TO CONSERVATION ACT 1987

9. Part to be read with Conservation Act 1987—This Part of this Act shall be read together with and deemed part of the Conservation Act 1987 (hereafter in this Part of this Act referred to as the principal Act).

35 **10. New sections inserted—**The principal Act is hereby amended by inserting, after section 36, the following sections:

“36A. **Application of sections 36B and 36C—**Sections 36B and 36C of this Act shall apply to—

40 “(a) All areas, whether administered under this Act or any other Act; and

“(b) Dogs entering or remaining on any area,—

notwithstanding anything to the contrary in this Act or any other Act.

“**36B. Access of dogs**—(1) Except as provided in **subsection (2)** of this section, no person may bring any dog into an area.

“(2) A person may bring a dog into an area if— 5

“(a) A current permit granted by the Director-General to bring a dog into an area is held by that person; or

“(b) A conservation management plan for the area provides for dogs to enter into the area; or

“(c) A dog is in the control of any— 10

“(i) Constable:

“(ii) Warranted officer:

“(iii) Ranger, within the meaning of the Wildlife Act 1953 or the National Parks Act 1980:

“(iv) Any officer or employee of the Department. 15

“(3) The Director-General is hereby authorised to issue, on request, a permit to bring a dog into an area, where he or she is satisfied that—

“(a) The issue of such a permit is not inconsistent with the provisions of any conservation management plan for the area; and 20

“(b) Protected wildlife will not be endangered.

“**36C. Destruction of trespassing dogs**—Notwithstanding section 36 of this Act, any dog found at large in any area and which is an immediate disturbance or threat to wildlife inhabiting or present in that area and for the time being protected under the Wildlife Act 1953, may forthwith be destroyed by any— 25

“(a) Constable; or

“(b) Warranted officer; or 30

“(c) Ranger, within the meaning of the Wildlife Act 1953 or the National Parks Act 1980.

“**36D. Meaning of ‘area’**—For the purposes of **sections 36A to 36C** of this Act, ‘area’ means any area administered under this Act; and includes conservation areas, reserves, national parks, sanctuaries, refuges, and any other areas administered by the Department.” 35