

House of Representatives

Supplementary Order Paper

Tuesday, 11 November 2003

Dog Control Amendment Bill



Proposed amendments

Hon Chris Carter, in Committee, to move the following amendments:

Clause 1A

To omit *subclauses (1A) and (2)* (lines 6 to 8 on page 3), and substitute the following subclauses:

- (1A) **Sections 15 and 35** come into force on **1 July 2006**.
- (1B) **Section 14B** comes into force on a date to be appointed by the Governor-General by Order in Council, and 1 or more Orders in Council may be made appointing different dates for different provisions and for different purposes.
- (2) The rest of this Act comes into force on **1 December 2003**.

Clause 2

To omit *paragraph (a)(i)* of the new definition of **specified agency** in *subclause (2)* (line 19 on page 11), and substitute the following subparagraph:

- “(i) the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990:

To omit *new paragraph (b)(iva)* of the definition of **working dog** in *subclause (3)* (lines 1 and 2 on page 12), and substitute the following subparagraphs:

- “(iva) kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department;
- or
- “(ivb) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that

Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or

“(ivc) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or” .

New clause 2A

To insert, after *clause 2* (after line 2 on page 12), the following clause:

2A Objects

Section 4(a)(ii) of the principal Act is amended by adding the words “and menacing dogs”.

Clause 3(1)

To insert in *new section 10(4)(c)*, after the word “enabling” (line 17 on page 12), the words “, to the extent that is practicable,”.

Clause 4

To omit from *new section 10A(1)* the words “report annually” (line 10 on page 13), and substitute the words “, in respect of each financial year, report”.

To insert in *new section 10A(2)*, after the word “each” (line 14 on page 13), the word “financial”.

To omit *new section 10A(2)(c)* (lines 20 to 22 on page 13), and substitute the following paragraphs:

“(c) the number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made:

“(ca) the number of dogs in the territorial authority district classified as menacing under **section 33A** or **section 33C** and the relevant provision under which the classification is made:

To add to *new section 10A* (after line 2 on page 14) the following subsection:

“(4) The territorial authority must also, within 1 month after adopting the report, send a copy of it to the Secretary for Local Government.”

Clause 7

To insert, as *new subclause (1)* (after line 17 on page 15), the following subclause:

(1) The heading to section 19 of the principal Act is amended by adding the words “**about owner**”.

To insert in *new section 19(1)*, after the word “her” (line 23 on page 15), the word “full”.

New clause 7A

To insert, after *clause 7* (after line 5 on page 16), the following clause:

7A New section 19A inserted

The principal Act is amended by inserting, after section 19, the following section:

“19A Power of constable, dog control officer, or dog ranger to request information about dog

- “(1) A constable, dog control officer, or dog ranger may, for the purposes of this Act, request the owner of a dog to state the name, gender, and a description of the dog.
- “(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$3,000 who, without reasonable excuse, fails to comply with a lawful request under **subsection (1)**, or wilfully provides false information in response to a request to provide the information.”

Clause 8

To omit this clause (lines 6 to 11 on page 16).

New clauses 8A and 8B

To insert, after *clause 8* (after 11 on page 16), the following clauses:

8A Classification of probationary owners

Section 21(2) of the principal Act is amended by inserting, after the word “offences”, the words “(not relating to a single incident or occasion)”.

8B Probationary owners

Section 23(3) to (7) is repealed.

Clause 11

To insert, after *subclause (2)* (after line 13 on page 18), the following subclauses:

- (2A) Section 28(3) of the principal Act is amended by omitting the expression “section 25(5)” in both places it appears, and substituting in each case the expression “**section 25(4)**”.
- (2B) Section 28(4) of the principal Act is amended by omitting the expression “section 25(5)”, and substituting the expression “**section 25(4)**”.

New clause 11A

To insert, after *clause 11* (after line 16 on page 18), the following clause:

11A Maintenance of records and provision of information

- (1) Section 30(1)(d)(i) of the principal Act is amended by omitting the words “subsection (1) or subsection (2) of section 25 of this Act”, and substituting the expression “**section 25(1)**”.
- (2) Section 30(2)(a)(i) of the principal Act is amended by omitting the words “section 25(3) of this Act”, and substituting the expression “**section 25(2)**”.
- (3) Section 30 of the principal Act is amended by adding the following subsection:

- “(5) If a territorial authority keeps the records required by this section in electronic form, the territorial authority may comply with this section by entering the records directly into the national dog control information database under **section 35A**.”

Clause 12

To omit the heading to *new section 30A* (line 23 on page 18), and substitute the heading “**Prohibition on import of dogs listed in Schedule 4**”.

To omit *new section 30A(2)* (lines 27 to 33 on page 18), and substitute the following subsection:

- “(2) No person may import a dog into New Zealand unless the dog is accompanied by—
- “(a) evidence of registration in New Zealand; or
 - “(b) an exempting statutory declaration.

To insert in *new section 30A(3)*, before the word “statutory” (line 34 on page 18), the word “exempting”.

To omit *new section 30A(6)* (lines 24 and 25 on page 19), and substitute the following subsection:

- “(6) In this section,—
- “**dog** includes the embryo, ova, or semen of a dog that belongs wholly or predominantly to 1 or more breed or type of dog listed in **Schedule 4**
 - “**exempting statutory declaration** in relation to any dog means a statutory declaration—
 - “(a) that is made in New Zealand by or on behalf of the importer of the dog; and
 - “(b) that is to the effect that, to the best of the knowledge and belief of the importer of the dog or of the importer’s agent, the dog does not belong wholly or predominantly to 1 or more breed or type of dog listed in **Schedule 4**.”

New clause 12A

To insert, after *clause 12* (after line 25 on page 19), the following clause:

12A Territorial authority to classify dangerous dogs

Section 31(1)(a) of the principal Act is amended by omitting the words “section 57(6) of this Act” and substituting the expression “**section 57A(2)**”.

Clause 13

To omit this clause (line 26 on page 19 to line 8 on page 20), and substitute the following clause:

13 New section 32 substituted

The principal Act is amended by repealing section 32, and substituting the following section:

32 Effect of classification as dangerous dog

- “(1) If a dog is classified as a dangerous dog under section 31, the owner of the dog—

- “(a) must ensure that, from a date not later than 1 month after the receipt of notice of classification, the dog is kept within a securely fenced portion of the owner’s property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property; and
 - “(b) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being—
 - “(i) muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - “(ii) controlled on a leash (except when in a dog exercise area specified in a bylaw made under section 20(1)(d)); and
 - “(c) must produce to the territorial authority, within 1 month after the receipt of notice of classification, a certificate issued by a registered veterinary surgeon and certifying—
 - “(i) that the dog is or has been neutered; or
 - “(ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
 - “(d) must, if a certificate under **paragraph (c)(ii)** is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under **paragraph (c)**:
 - “(e) must, in respect of every registration year commencing after the date of receipt of the notice of classification, be liable for dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog:
 - “(f) must not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.
- “(2) Every person who fails to comply with **subsection (1)** commits an offence and is liable on summary conviction to a fine not exceeding \$3,000.
- “(3) If a court convicts a person of an offence against **subsection (2)**, the court must also make an order for the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not warrant destruction of the dog.
- “(4) Every person who sells or otherwise transfers, or offers to sell or transfer, to any other person any dog known by that person to be classified as a dangerous dog without disclosing the fact of that classification to that other person commits an offence and is liable on summary conviction to a fine not exceeding \$3,000.

- “(5) If a person fails to comply with **subsection (1)**, a dog control officer or dog ranger may—
- “(a) seize and remove the dog from the person’s possession; and
 - “(b) retain custody of the dog until the territorial authority has reasonable grounds to believe that the person has demonstrated a willingness to comply with **subsection (1)**.”
- “(6) Section 70 applies to a dog removed under **subsection (5)** as if it were removed under section 56; and accordingly section 70 applies with all necessary modifications.”

New clause 13A

To insert, after *clause 13* (after line 8 on page 20), the following clause:

13A Territorial authority’s consent to disposal of dangerous dog

Section 33(b) of the principal Act is amended by omitting the word “section 25(1) of this Act”, and substituting the expression “**sections 25(1)(b) and (c)**”.

Clause 14

To omit from *new section 33A(2)*, the words “**section 62**” (line 23 on page 20), and substitute the words “**section 33E(1)(a)**”.

To omit *new section 33A(3)(b)* (lines 29 and 30 on page 20), and substitute the following paragraph:

- “(b) the provisions of **section 33E** (which relates to the effect of classification as a menacing dog); and

To omit from the heading to *new section 33C* the words “**menacing breed or type**” (line 21 on page 21), and substitute the words “**breed or type listed in Schedule 4 to be classified as menacing**”.

To omit from *new section 33C(1)*, the words “**section 62**” (line 22 on page 21), and substitute the words “**section 33E(1)(a)**”.

To omit *new section 33C(2)(b)* (lines 30 and 31 on page 21), and substitute the following paragraph:

- “(b) the provisions of **section 33E** (which relates to the effect of classification as a menacing dog); and

To insert in the heading to *new section 33D*, after the word “**classification**” (line 33 on page 21), the words “**of dog**”.

To omit *new section 33E* and substitute the following sections:

33E Effect of classification as menacing dog

- “(1) If a dog is classified as a menacing dog under **section 33A** or **section 33C**, the owner of the dog—
 - “(a) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being—

- “(i) muzzled in a such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - “(ii) controlled on a leash (except when in a dog exercise area specified in a bylaw made under section 20(1)(d)); and
 - “(b) must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a registered veterinary surgeon certifying—
 - “(i) that the dog is or has been neutered; or
 - “(ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
 - “(c) must, if a certificate under **paragraph (b)(ii)** is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under **paragraph (c)**.
 - “(2) A person who fails to comply with **subsection (1)** commits an offence and is liable on summary conviction to a fine not exceeding \$3,000.
 - “(3) If a person fails to comply with **subsection (1)**, a dog control officer or dog ranger may—
 - “(a) seize and remove the dog from the person’s possession; and
 - “(b) retain custody of the dog until the territorial authority has reasonable grounds to believe that the person has demonstrated a willingness to comply with **subsection (1)**.
 - “(4) Section 70 applies to a dog removed under **subsection (3)** as if it were removed under section 56; and accordingly section 70 applies with all necessary modifications.
 - “(5) **Subsection (1)(a)** does not apply in respect of any dog or class of dog that the territorial authority considers need not be muzzled or controlled on a leash in any specified circumstances (for example, at a dog show).
- “33F **Owner must advise person with possession of dangerous or menacing dog of requirement to muzzle and leash dog in public**
- “(1) This section applies to an owner whose dog has been classified as—
 - “(a) dangerous under section 31; or
 - “(b) menacing under **section 33A** or **section 33C**.
 - “(2) If the dog is in the possession of another person for a period not exceeding 72 hours, the owner must advise the person of

the requirement to comply with **section 32(1)(b)** or **section 33E(1)(a)**, as the case may be (which relate to the requirement to muzzle and leash the dog in public).

- “(3) Every person who fails to comply with **subsection (2)** commits an offence and is liable on summary conviction to a fine not exceeding \$500.”

New clauses 14A and 14B

To insert, after *clause 14* (after line 29 on page 22), the following clauses:

14A Dogs register

- (1) Section 34(2) of the principal Act is amended by inserting, after paragraph (e), the following paragraph:

“(ea) whether the dog is classified as a menacing dog under **section 33A** or **section 33C** and the relevant provision under which the classification is made:”.

- (2) Section 34(2) of the principal Act is amended by repealing paragraph (g), and substituting the following paragraph:

“(g) a description of any tattoo, or the unique identifier of any microchip transponder, that provides permanent identification of the dog:”.

- (3) Section 34 of the principal Act is amended by adding the following subsection:

“(6) If a territorial authority keeps the register required by this section in electronic form, the territorial authority may comply with this section by entering the information directly to into the national dog control information database under **section 35A**.”

14B New sections 35A and 35B inserted

The principal Act is amended by inserting, after section 35, the following sections:

“35A National dog control information database

- “(1) A territorial authority must provide the information that it is required to keep and maintain under section 30(1) and section 34(2) to the person or organisation nominated by the Secretary for Local Government for the purpose of compiling a national dog control information database.
- “(2) The information required to be provided under **subsection (1)** must be provided to the person or organisation in electronic form.
- “(3) No information received by the person or agency under this section may be disclosed by the person or organisation except in accordance with the provisions of section 30 or section 35.
- “(4) **Subsection (1)** is subject to **section 30(5)** and **section 34(6)**.”

- “35B Levy to fund costs of national dog control information database
- “(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, impose a levy on territorial authorities in each financial year to fund the costs of maintaining the national dog control information database.
- “(2) **Subsection (1)** does not apply to the costs of establishing the national dog control information database.
- “(3) The order—
- “(a) must specify the amount of the levy or the way that the levy must be calculated; and
- “(b) may authorise—
- “(i) the deduction of over-recoveries in respect of a financial year from a levy payable in subsequent financial years; or
- “(ii) the addition of under-recoveries in respect of a financial year to a levy payable in subsequent financial years; and
- “(c) may prescribe how and when the levy must be paid or collected.
- “(4) A territorial authority must pay a levy required by regulations made under **subsection (1)**.
- “(5) The amount of unpaid levy is recoverable in a court of competent jurisdiction as a debt due to the Crown.
- “(6) An order made under **subsection (1)** is a regulation under the Regulations (Disallowance) Act 1989.”

Clause 15

To omit *new section 36A(1)* (lines 3 to 9 on page 23), and substitute the following subsection:

- “(1) This section applies to a dog that—
- “(a) is classified as dangerous under section 31 on or after **1 December 2003**; or
- “(b) is classified as menacing under **section 33A** or **section 33C** on or after **1 December 2003**; or
- “(c) is registered for the first time on or after **1 July 2006**.

To omit from *new section 36A(2)* the words “of a dog” (line 10 on page 23), and substitute the words “of the dog”.

To omit *new section 36A(3) and (4)* (lines 14 to 28 on page 23), and substitute the following subsections:

- “(3) **Subsection (2)** is complied with by the owner—
- “(a) producing to the territorial authority, a certificate issued by a registered veterinary surgeon and certifying—
- “(i) that the dog is or has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed manner; or

- “(ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be implanted with a functioning microchip transponder of the prescribed type and in the prescribed manner before a date specified in the certificate; and
- “(b) if a certificate under **paragraph (a)(ii)** is produced to the territorial authority, producing to the territorial authority, within 1 month after the date specified in the certificate, a further certificate under **paragraph (a)(i)**.
- “(4) The owner must comply with **subsection (2)** within 2 months after the date on which the dog is classified or registered (as the case may be) unless the dog has been previously implanted with a functioning microchip transponder of the prescribed type.

To omit from *new section 36A(6)* the expression “section 43(2)” (line 32 on page 23), and substitute the expression “section 43(1)(a)”.

Clause 16

To omit this clause (lines 3 to 10 on page 24).

Clause 18

To omit from *new section 42(2)* the words “If a person contravenes” (line 24 on page 24), and substitute the words “If a territorial authority has reasonable grounds to believe that a person has failed to comply with”.

Clause 26

To insert in the heading to *new section 54A*, after the word “**must**” (line 26 on page 26), the words “**use or**”.

Clause 31

To omit from the heading to *new section 62* the words “**certain dogs**” (line 14 on page 29), and substitute the words “**dogs known to be dangerous**”.

To omit *new section 62(1)* (lines 15 to 24 on page 29), and substitute the following subsections:

- “(1) This section applies to a dog owned by a person and known by the person to—
 - “(a) be dangerous; or
 - “(b) have attacked any person or any stock or poultry or property of any kind.
- “(1A) The person must not allow the dog to be at large or in any public place or private way, except when confined completely within a vehicle or cage, without being—
 - “(a) muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - “(b) controlled on a leash (except when in a dog exercise area specified in a bylaw made under section 20(1)(d)).

To omit from *new section 62(2)* the words “An owner” (line 25 on page 29), and substitute the words “A person”.

To omit *new section 62(5)* (lines 1 to 10 on page 30), and substitute the following subclause:

- “(5) This section does not apply in respect of a dog that—
 - “(a) is kept, or used, or is certified for use by a specified agency; and
 - “(b) is being used for the purpose of carrying out in a lawful manner any function, duty, or power of that agency.”

Clause 32

To add to *new section 63(2)(c)* the words “or the owner of the dog” (line 23 on page 30).

Clause 34

To insert, after *subclause (1)* (after line 7 on page 31), the following subclause:

- (1A) Section 66(4)(h) of the principal Act is amended by omitting the expression “25(1), (2), (3)”, and substituting the expression “**25(1) and (2)**”.

Clause 35

To omit *new section 69A* (lines 17 to 21 on page 31), and substitute the following section:

- “69A **Impounded dog must be microchipped before release**
- “(1) A registered dog that has been impounded by a territorial authority under this Act may not be released to any person without first being implanted with a functioning microchip transponder of the prescribed type.
- “(2) **Subsection (1)** does not apply to a registered dog that has been impounded for the first time by that territorial authority.
- “(3) This section does not require a dog which has been previously implanted with a functioning microchip of the prescribed type to be implanted with a further microchip transponder.”

Clause 36

To omit from *subclause (1)* the expression “section 32, section 57,” (line 25 on page 31), and substitute the expression “section 57”.

Schedule 1

To insert in the item relating to s 54A, after the word “to” (line 42 on page 38), the words “use or”.

To omit from the item relating to s 62(1), the words “certain dogs” (line 43 on page 38), and substitute the words “dogs known to be dangerous”.

Explanatory note

This Supplementary Order Paper amends to the Dog Control Amendment Bill (the **Bill**) which proposes amendments to the Dog Control Act 1996 (“the principal Act”). The substantive changes to the Bill proposed by this Supplementary Order Paper are as follows:

- *clause 1A*, which relates to commencement of the Bill, is amended to substitute *subclauses (1A), (1B), and (2)*. *New subclause (1A)* proposes to bring *sections 15 and 35*, which relate to compulsory microchipping of dogs into force on **1 July 2006**. *New subclause (1B)*, proposes to bring *new section 14B* which relates to the national dog control information database into force on a date to be appointed by the Governor-General by Order in Council. This is to allow time for administrative matters relating to the database to be completed. *New subclause (2)* proposes to bring the rest of the Bill into force on **1 December 2003**.
- *clause 3(1)*, which amends section 10(4) of the principal Act, is amended to recast *new paragraph (c)* to provide that in adopting a dog control policy a territorial authority must have regard, to the extent that is practicable, the importance of enabling the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs:
- *new clause 7A*, which inserts *new section 19A* into the principal Act, is inserted to provide that a constable, dog control officer, or dog ranger may, for the purposes of the Act, require the owner of a dog provide the name, gender, and a description of the dog. This power is consistent with section 19 of the principal Act, which requires certain persons to provide information about the owner of a dog:
- *clause 8*, which provides that territorial authorities may make bylaws requiring the microchipping of dogs in their district, is omitted because the effect of the clause is overtaken by the proposed compulsory microchipping of certain dogs from **1 July 2006** as specified in *new section 36A(1)* (as set out in *clause 15*):
- *new clause 8B*, which repeals section 23(3) to (7) of the principal Act, is inserted to remove the requirements that relate to a surcharge for probationary owners:
- *new clause 14A*, which amends section 34(2) of the principal Act (which relates to the dog register that territorial authorities are required to keep), is inserted provide that territorial authorities must also include information in the register relating to—
 - whether a dog has been classified as dangerous or menacing; and
 - the unique identifier of any microchip transponder that provides permanent identification of a dog:
- *new clause 14B*, which inserts *new sections 35A and 35B* into the principal Act, is inserted to provide for the establishment of a national dog control information database to be funded by a levy on territorial authorities imposed by way of Order in Council:
- *clause 15*, which inserts *new section 36A* into the principal Act, is amended to provide for the compulsory microchipping, from **1 July 2006**, of dogs that—
 - have been classified as dangerous or menacing on or after **1 December 2003**:
 - are required to be registered for the first time on or after **1 July 2006**.

- *clause 35*, which inserts *new section 69A* into the principal Act, is amended by replacing the new provision with a provision that applies only to registered dogs. *New subclauses (2) and (3)* are added to provide that the requirement to microchip an impounded dog before release does not apply in the case of a registered dog that is impounded for the first time, or to registered dogs that have been previously implanted with a microchip transponder in accordance with any other provision of the principal Act.

The Supplementary Order Paper also makes the following technical amendments to the Bill:

- *clause 2(2)*, which relates to the proposed new definition of **specified agency** in section 2 of the principal Act, is amended to specifically refer to the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990:
- *clause 2(3)*, which inserts *new paragraph (b)(iv)* into the definition of **working dog** in section 2 of the principal Act, is amended by omitting *new paragraph (b)(iv)* and substituting *new paragraphs (b)(iva) to (ivc)*. The effect of the amendment is to include dogs kept and used by the Department of Corrections and the Aviation Security Service of the Civil Aviation Authority, as well as dogs certified for use by the Director of Civil Defence and Emergency Management, within the definition of that term:
- *new clause 2A*, which amends section 4 of the principal Act, is inserted to include a reference to menacing dogs:
- *clause 4*, which inserts *new section 10A* into the principal Act is amended to omit *new section 10A(2)(c)* and substitute *new paragraphs (c) and (ca)*. The effect of the amendment is separately refer to the information that a territorial authority must include in its report relating to dogs classified as dangerous and those classified as menacing. *New subsection (4)* is also added to provide that a territorial authority must send a copy of its report on its dog control policy and practices to the Secretary for Local Government within 1 month after adopting the report:
- the amendment to *clause 7* is minor drafting amendment:
- *new clause 8A*, which amends section 21(2) of the principal Act, is inserted for consistency with *new section 25(1)(a)* (as set out in *clause 10* of the Bill):
- *clause 11* and *new clause 11A* make cross-reference changes that are consequential on *new section 25*:
- *clause 12*, which inserts *new section 30A* into the principal Act, is amended to substitute the heading, amend *subclauses (2) and (3)*, and substitute *subclause (6)* for greater consistency with the wording Customs Import Prohibition (Dangerous Breeds of Dogs) Order 2003, which *clause 41* of the Bill revokes:

- *new clause 12A*, which amends section 31(1)(a) of the principal Act, is inserted to update a cross-reference for consistency with *new section 57A(2)* (as set out in *clause 29* of the Bill):
- *clause 13*, which amends section 32 of the principal Act is substituted with a new clause that replaces section 32 in its entirety. This is to ensure that the provisions relating to the effect of classification as a dangerous dog are consistent, as far as possible, with *new clause 33E* which relates to the effect of classification as a menacing dog:
- *new clause 13A*, which amends section 33(b) of the principal Act, is inserted to update a cross-reference for consistency with *new section 25*:
- *clause 14* is amended to make minor drafting amendments to the headings of *new sections 33C* and *33D*. It is also amended to substitute *new clause 33E*, which relates to the effect of classification as a dangerous dog, and to insert *new section 33F*, which requires the owner of a dangerous dog or a menacing dog to advise a person who has possession of the dog for a period not exceeding 72 hours of the requirement to muzzle and leash the dog in public:
- *clause 16* is consequentially omitted because of the change to compulsory microchipping of dogs, from **1 July 2006**, proposed in *clause 15*:
- *clause 18*, which substitutes section 42 of the principal Act, is amended to provide that a territorial authority must have reasonable grounds to believe that a person has failed to comply with *subsection (1)* before it can seize a dog under *subsection (2)*:
- *clause 26* is amended to make a minor drafting change:
- *clause 31*, which amends section 62 of the principal Act, is amended to reinstate the effect of the current provision in the principal Act as the requirement to muzzle and leash dogs classified as dangerous and menacing are now dealt with in *clauses 13 and 15*:
- *clause 32*, which amends section 63(2) of the principal Act, is amended to add a reference to the owner of the dog in *new paragraph (c)* to limit the liability for damage done by a dog in cases where the dog is not owned by the specified agency (for example volunteer dogs used for the purposes of the Civil Defence Emergency Management Act 2002):
- *clause 34*, which amends section 64 of the principal Act, is amended to insert *new subclause (1A)* to update the reference to *new section 25*:
- *clause 36* is amended to make a minor drafting change.