



House of Representatives

Supplementary Order Paper

Tuesday, 29 April 2003

Local Government Law Reform Bill (No 2)

Proposed amendments

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

Clause 1

To omit *subclauses (2) and (3)* (line 8 on page 1 to line 2 on page 2).

New clause 1A

To insert, after *clause 1* (after line 2 on page 2), the following clause:

1A Commencement

- (1) **Section 15** comes into force on **1 April 2006**.
- (2) **Section 23** comes into force on **1 July 2006**.
- (3) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

Clauses 3 to 10

To omit *clauses 3 to 10* (line 9 on page 2 to line 16 on page 8), and substitute the following clauses:

3 Duty of territorial authorities to adopt policy on dogs

- (1) Section 10 of the principal Act is amended by repealing subsection (4), and substituting the following subsection:
 - “(4) In adopting a policy under this section, the territorial authority must have regard to—
 - “(a) the need to minimise danger, distress, and nuisance to the community generally; and
 - “(b) the need to avoid the inherent danger in allowing dogs to have uncontrolled access to places that are frequented by children, whether or not the children are accompanied by adults; and

- “(c) the importance of enabling the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- “(d) the exercise and recreational needs of dogs and their owners.”
- (2) Section 10 of the principal Act is amended by repealing subsection (6), and substituting the following subsection:
- “(6) The territorial authority must give effect to a policy adopted under this section—
- “(a) by making the necessary bylaws, which must come into force not later than the 60th day after the adoption of the policy; and
- “(b) by repealing, before the 60th day after the adoption of the policy, any bylaws that are inconsistent with the policy.”
- (3) Section 10 of the principal Act is amended by inserting, after subsection (8), the following subsection:
- “(8A) The adoption of a policy or amended policy in accordance with this section satisfies the requirements of section 156(1) of the Local Government Act 2002 in respect of any bylaw to which **subsection (6)** applies.”
- 4 Wilful obstruction of dog control officer or dog ranger**
Section 18 of the principal Act is amended by omitting the expression “\$1,500”, and substituting the expression “\$3,000”.
- 5 Power of constable, dog control officer, or dog ranger to request information**
Section 19(2) of the principal Act is amended by omitting the expression “\$1,500”, and substituting the expression “\$3,000”.
- 6 Heading above section 21 and sections 21 to 24 repealed**
The principal Act is amended by repealing the heading above section 21 and sections 21 to 24.
- 7 New section 25 substituted**
The principal Act is amended by repealing section 25, and substituting the following section:
- “25 Disqualification of owners**
- “(1) A territorial authority must, unless it is satisfied that the circumstances of an offence are exceptional and do not warrant disqualification, disqualify a person from being an owner of a dog if—
- “(a) the person commits 3 or more infringement offences within 2 years; or

- “(b) the person is convicted of an offence (not being an infringement offence) against this Act; or
 - “(c) the person is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, section 26ZZP of the Conservation Act 1987, or section 56I of the National Parks Act 1980.
- “(2) For the purposes of **subsection (1)(a)**, a person must be treated as having committed an infringement offence if—
- “(a) the person has been ordered to pay a fine and costs under section 78A(1) of the Summary Proceedings Act 1957, or is deemed to have been ordered to do so under section 21(5) of that Act, in respect of the offence; or
 - “(b) the infringement fee specified on the infringement notice in respect of the offence issued to the person under section 66 has been paid.
- “(3) A disqualification under **subsection (1)** continues in force for a period specified by the territorial authority not exceeding 5 years from the date of the third infringement offence or offence (as the case may be) in respect of which the person is disqualified.
- “(4) If a person is disqualified under **subsection (1)**, the territorial authority must, as soon as practicable, give written notice in the prescribed form to the person of that decision.”

8 Effect of disqualification

Section 28(5) of the principal Act is amended by omitting the expression “\$1,500”, and substituting the expression “\$3,000”.

9 New section 29 substituted

The principal Act is amended by repealing section 29, and substituting the following section:

“29 Disqualification has effect throughout New Zealand

A disqualification under this Act has effect throughout New Zealand.”

10 Maintenance of records and provision of information

- (1) Section 30(1) of the principal Act is amended by omitting the expression “21”, and substituting the expression “25”.
- (2) Section 30(1)(c) of the principal Act is repealed.
- (3) Section 30(2)(a)(i) of the principal Act is amended by omitting the words “section 21(3) or”.
- (4) Section 30(2)(a)(ii) and (b) of the principal Act are repealed.

11 New section 31AA inserted

The principal Act is amended by inserting, before the heading above section 31, the following section:

“31AA Prohibition on importation of certain breed and type of dogs

- “(1) No dog, dog embryo, or dog semen that belongs wholly or predominantly to 1 or more breeds or types of dog listed in **Schedule 4** may be imported into New Zealand.
- “(2) All the provisions of the Customs and Excise Act 1996 that apply to prohibited imports (except for the penalty for an offence against section 209(1)(a) of that Act) apply to any dog, dog embryo, or dog semen whose importation is prohibited under **subsection (1)**, in all respects as if the importation were prohibited under Part V of that Act.
- “(3) **Subsection (1)** does not apply to any dog that has been previously registered in New Zealand under this Act or any corresponding former Act.”

12 Effect of classification as dangerous dog

Section 32(2) of the principal Act is amended by omitting the expression “\$1,500”, and substituting the expression “\$3,000”.

13 Territorial authority’s consent to disposal of dangerous dog

Section 33(a) of the principal Act is repealed.

14 New heading and sections 33A to 33D inserted

The principal Act is amended by inserting, after section 33, the following heading and sections:

“Potentially dangerous dogs

“33A Territorial authority may classify dog as potentially dangerous

- “(1) This section applies to a dog that—
- “(a) has not been classified as a dangerous dog under section 31; but
 - “(b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—
 - “(i) any observed or reported behaviour of the dog; or
 - “(ii) any characteristics typically associated with the dog’s breed or type.
- “(2) A territorial authority may, for the purposes of **section 62**, classify a dog to which this section applies as a potentially dangerous dog.

- “(3) If a dog is classified as a potentially dangerous dog under **subsection (2)**, the territorial authority must immediately give written notice to the owner of—
- “(a) the classification; and
 - “(b) the provisions of **section 62** (which relates to the offence of allowing certain dogs to be at large unmuzzled); and
 - “(c) the right to object to the classification under **section 33B**.

“**33B Objection to classification of dog under section 33A**

- “(1) If a dog is classified under **section 33A** as a potentially dangerous dog, the owner—
- “(a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
 - “(b) has the right to be heard in support of the objection.
- “(2) The territorial authority considering an objection under **subsection (1)** may uphold or rescind the classification, and in making its determination must have regard to—
- “(a) the evidence which formed the basis for the classification; and
 - “(b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and
 - “(c) the matters relied on in support of the objection; and
 - “(d) any other relevant matters.
- “(3) The territorial authority must, as soon as practicable, give written notice to the owner of—
- “(a) its determination of the objection; and
 - “(b) the reasons for its determination.

“**33C Dogs belonging to potentially dangerous breed or type**

- “(1) A territorial authority must, for the purposes of **section 62**, classify as potentially dangerous any dog that the territorial authority has reasonable grounds to believe belongs wholly or predominantly to 1 or more breeds or types listed in **Schedule 4**.
- “(2) If a dog is classified as potentially dangerous under **subsection (1)**, the territorial authority must immediately give written notice to the owner of—
- “(a) the classification; and
 - “(b) the provisions of **section 62** (which relates to the offence of allowing certain dogs to be at large unmuzzled); and
 - “(c) the right to object to the classification under **section 33D**.

“**33D Objection to classification under section 33C**

- “(1) If a dog is classified as a potentially dangerous dog under **section 33C**, the owner—
- “(a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and

- “(b) has the right to be heard in support of the objection.
- “(2) If an owner objects to the classification, he or she must provide evidence that the dog is not of a breed or type listed in **Schedule 4**.
- “(3) The territorial authority considering an objection under **subsection (1)** may uphold or rescind the classification, and in making its determination must have regard to—
- “(a) the evidence which formed the basis for the classification; and
- “(b) the matters relied on in support of the objection; and
- “(c) any other relevant matters.
- “(4) The territorial authority must, as soon as practicable, give written notice to the owner of—
- “(a) its determination of the objection; and
- “(b) the reasons for its determination.”

15 New section 36A inserted

The principal Act is amended by inserting, after section 36, the following section:

- “**36A Microchip transponder must be implanted in dog**
- “(1) This section applies to a dog that is registered for the first time in respect of any period after 30 June 2006.
- “(2) The owner of a dog must, for the purpose of providing permanent identification of the dog, arrange for the dog to be implanted with a functioning microchip transponder of the prescribed type and in the prescribed manner.
- “(3) **Subsection (2)** is complied with by the owner, within 1 month after the date on which the dog is registered,—
- “(a) making the dog available, in accordance with the reasonable instructions of the territorial authority, for verification that it has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed manner; or
- “(b) providing to the territorial authority a certificate issued by a registered veterinary surgeon certifying for the reasons specified in the certificate that the dog will not be in a fit condition to be implanted with a microchip transponder before the date specified in the certificate.
- “(4) If a certificate is produced under **subsection (3)(b)**, the owner must comply with **subsection (2)** within 1 month after the date specified in the certificate.
- “(5) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$3,000 who fails to comply with **subsection (2)** or **subsection (4)**.
- “(6) This section does not apply to a dog to which section 43(2) applies, but no such dog may be registered unless it is first

implanted with a microchip transponder of the prescribed type and in the prescribed manner.”

16 Penalty for false statement relating to application for registration

Section 41 of the principal Act is amended by omitting the expression “\$1,500”, and substituting the expression “\$3,000”.

17 New section 42 substituted

The principal Act is amended by repealing section 42, and substituting the following section:

“42 Offence of failing to register dog

“(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$3,000 who keeps a dog of a greater age than 3 months unless the dog is registered under this Act for the current registration year.

“(2) If a person contravenes **subsection (1)**, a dog control officer or dog ranger may—

“(a) seize and impound the dog; and

“(b) for the purposes of **paragraph (a)**, enter, at any reasonable time, any land or premises (except a dwellinghouse) occupied by the owner of the dog.

“(3) This section does not apply to a dog to which section 43(1) applies.

Compare: 1982 No 42, s 39”.

18 Issue of label or disc and completion of registration

(1) Section 46(1) of the principal Act is amended by omitting the words “section 23 or”.

(2) Section 46(4) of the principal Act is amended by omitting the expression “\$1,500”, and substituting the expression “\$3,000”.

19 Change of ownership of registered dog

Section 48(3) of the principal Act is amended by omitting the expression “\$150”, and substituting the expression “\$500”.

20 Transfer of dog from one address or district to another

Section 49(4) of the principal Act is amended by omitting the expression “\$150”, and substituting the expression “\$500”.

21 Offences relating to collars, labels, and discs

Section 51(1) of the principal Act is amended by omitting the expression “\$1,500”, and substituting the expression “\$3,000”.

22 Control of dogs

- (1) The heading to section 52 of the principal Act is amended by adding the word “**generally**”.
- (2) Section 52 of the principal Act is amended by inserting, after subsection (3), the following subsection:
 - “(3A) A dog control officer or dog ranger in fresh pursuit of a dog that has been not under control in terms of subsection (2) may, at any reasonable time, enter on any land or premises (except a dwellinghouse) to seize and impound a dog if—
 - “(a) the dog is identified by the dog control officer or dog ranger; and
 - “(b) the dog is not under the control of any person or otherwise constrained; and
 - “(c) no person, other than a person under the age of 16 years, is present.”

23 New section 52A inserted

The principal Act is amended by inserting, after section 52, the following section:

“52A Control of dog on owner’s property

- “(1) This section applies to a dog when it is on land or premises occupied by its owner.
- “(2) The owner of a dog must, at all times, ensure that either—
 - “(a) the dog is under the direct control of a person; or
 - “(b) the dog is securely contained within the land or premises.
- “(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$3,000 who fails to comply with **subsection (2)**.
- “(4) If a person fails to comply with **subsection (2)**, a dog control officer or dog ranger may—
 - “(a) seize and impound the dog; and
 - “(b) for the purposes of **paragraph (a)** enter, at any reasonable time, the land or premises (except a dwellinghouse) owned or occupied by the owner of the dog.
- “(5) **Subsection (2)(b)** is complied with if the dog—
 - “(a) is contained within a securely fenced portion of the land or premises to which it is not necessary to enter to obtain access to at least 1 door of any dwellinghouse on the land or premises; or
 - “(b) is otherwise securely contained within the land or premises so that a person may access at least 1 door of any dwellinghouse on the land or premises without being accessible to the dog.”

- 24 Offence of failing to keep dog under control**
Section 53(1) of the principal Act is amended by omitting the expression “\$500”, and substituting the expression “\$3,000”.
- 25 Barking dogs**
Section 55(7) of the principal Act is amended by omitting the expression “\$1,500”, and substituting the expression “\$3,000”.
- 26 New section 57 substituted**
The principal Act is amended by repealing section 57, and substituting the following section:
- “57 Dogs attacking persons or animals**
- “(1) A person may, for the purpose of stopping an attack, seize or destroy a dog if—
- “(a) the person is attacked by the dog; or
 - “(b) the person witnesses the dog attacking any other person, or any stock, poultry, domestic animal, or protected wildlife.
- “(2) The owner of a dog that makes an attack described in **subsection (1)** commits an offence and is liable on summary conviction to a fine not exceeding \$3,000 in addition to any liability that he or she may incur for any damage caused by the attack.
- “(3) If in any proceedings under **subsection (2)** the Court is satisfied that the dog has committed an attack described in **subsection (1)** and that the dog has not been destroyed, the Court must make an order for the destruction of the dog unless it is satisfied that the circumstances of the offence were exceptional and do not warrant destruction of the dog.
- “(4) If a person seizes a dog under **subsection (1)**, he or she must, as soon as practicable, deliver the dog into the custody of a dog ranger or dog control officer.
- “(5) If a dog control officer or dog ranger has reasonable grounds to believe that an offence has been committed under **subsection (2)**, he or she may,—
- “(a) if the dog is at large, seize and take custody of the dog; or
 - “(b) if seizure of the dog is not practicable, destroy the dog.
- “(6) A dog control officer or dog ranger may enter land or premises for the purposes of **subsection (5)**, but may enter any dwellinghouse on the land or premises only if—
- “(a) he or she is in fresh pursuit of a dog that—
 - “(i) has committed an attack described in **subsection (1)**; and
 - “(ii) has been identified by a witness to the attack; or

- “(b) he or she is authorised in writing to do so by a Justice, who must not grant an authority unless the Justice is satisfied that there are reasonable grounds to believe that an offence has been committed under **subsection (2)**, and in the case of a dog control officer, he or she is accompanied by a constable.
- “(7) This section, **section 57A**, and section 58 do not apply in respect of any dog if—
- “(a) the dog is kept by the New Zealand Police or any member of the police, or the Customs Department, the Department of Conservation, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence or any member of the Defence Force, or any officer or employee of the Customs Department, the Department of Conservation, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence; and
- “(b) the dog is being used for the purpose of carrying out in a lawful manner any function, duty, or power of the New Zealand Police, or the Department or Ministry, or that member of the police, member of the Defence Force, officer, or employee.

Compare: 1982 No 42 s 56(1)–(5), (7)”.

27 New section 57A inserted

The principal Act is amended by inserting, after section 57, the following section:

“57A Dogs rushing at persons, animals, or vehicles

- “(1) This section applies to a dog in a public place that—
- “(a) rushes at, or startles, any person or animal in a manner that causes—
- “(i) any person to be killed, injured, or endangered; or
- “(ii) any property to be damaged or endangered; or
- “(b) rushes at any vehicle in a manner that causes, or is likely to cause, an accident.
- “(2) If this section applies,—
- “(a) the owner of the dog commits an offence and is liable on summary conviction to a fine not exceeding \$3,000 in addition to any liability that he or she may incur for any damage caused by the dog; and
- “(b) the Court may make an order for the destruction of the dog.
- “(3) A dog control officer or dog ranger who has reasonable grounds to believe that an offence has been committed under **subsection (2)(a)** may, at any time before a decision of the Court under that subsection, seize or take custody of the dog and may enter any land or premises (except a dwellinghouse) to do so.”

28 Dogs causing serious injury

Section 58 of the principal Act is amended by omitting the words “summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding \$5,000”, and substituting the words “conviction to imprisonment for a term not exceeding 3 years or a fine not exceeding \$20,000”.

29 New section 62 substituted

The principal Act is amended by repealing section 62, and substituting the following subsection:

“62 Allowing certain dogs to be at large unmuzzled

“(1) A person must not permit a dog owned by the person to be at large or in any public place or private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting, but allowing it to breathe and drink without obstruction, if the dog is known by the person—

“(a) to be classified as potentially dangerous under **section 33A** or **section 33C**; or

“(b) to be dangerous or to have attacked any person, stock, poultry, domestic animal, protected wildlife, or property of any kind.

“(2) Every person who contravenes **subsection (1)** commits an offence and is liable on summary conviction to a fine not exceeding \$3,000.

“(3) If a person is convicted of an offence against **subsection (2)**, the Court may make an order for the destruction of the dog.

“(4) This section does not apply in respect of any dog if—

“(a) the dog is kept by the New Zealand Police or any member of the police, or the Customs Department, or the Ministry of Defence or any member of the Defence Force, or any officer or employee of the Customs Department, or the Ministry of Defence; and

“(b) the dog is being used for the purpose of carrying out in a lawful manner any function, duty, or power of the New Zealand Police, or the Department or Ministry, or that member of the police, member of the Defence Force, officer, or employee.

Compare: 1982 No 42 s 57”.

30 Offence to release dog from custody

Section 72 of the principal Act is amended by omitting the expression “\$1,500”, and substituting the expression “\$3,000”.

31 Regulations

- (1) Section 78(1) of the principal Act is amended by inserting, after paragraph (b), the following paragraphs:

“(ba) adding, for the purposes of **sections 31AA and 33C**, a breed or type of dog to **Schedule 4**:

“(bb) prescribing conditions, standards, or procedures for the implantation of a microchip transponder in a dog as required by **section 36A**.”

- (2) Section 78(3) of the principal Act is amended by omitting the expression “\$1,500”, and substituting the expression “\$3,000”.

32 Transitional provision

A territorial authority must, before 1 July 2004, review its policy on dogs to ensure that it complies with **section 10(4)** on and from that date.

33 New Schedule 1 substituted

The principal Act is amended by repealing Schedule 1, and substituting the Schedule set out in **Schedule 1** of this Act.

34 New Schedule 4 added

The principal Act is amended by adding the Schedule set out in **Schedule 2** of this Act.

Schedule

To omit the Schedule (pages 9 and 10), and substitute the following Schedules:

Schedule 1 s 33
New Schedule 1 substituted

Schedule 1 s 65(1)
Infringement offences and fees

Section	Description of offence	Infringement fee (\$)
s 18	Wilful obstruction of dog control officer or dog ranger	1000
s 19(2)	Failure or refusal to supply information or wilfully stating false particulars	1000
s 20(5)	Failure to comply with any bylaw authorised by section 20	500
s 32(4)	Fraudulent sale or transfer of dangerous dog	1000
s 36A	Failure to implant microchip transponder in dog	500
s 41	False statement relating to registration	1000
s 42	Failure to register dog	500

Schedule 1—continued

Section	Description of offence	Infringement fee (\$)
s 46(4)	Fraudulent attempt to procure replacement label or disc	1000
s 48(3)	Failure to advise change of ownership	250
s 49(4)	Failure to advise change of address	250
s 51(1)	Removal or swapping of labels or discs	1000
s 52A	Failure to keep dog securely contained	500
s 53(1)	Failure to keep dog under control	500
s 62(1)	Allowing certain dogs to be at large unmuzzled	1000

Schedule 2
New Schedule 4 added

s 34

Schedule 4
Breeds and types of dog subject to ban on importation and muzzling

ss 31AA, 33C

American Pit Bull Terrier
Brazilian Fila
Dogo Argentino
Japanese Tosa

Explanatory note

This Supplementary Order Paper amends the Local Government Law Reform Bill (No 2) (the **Bill**) which proposes amendments to the Dog Control Act 1996 (the **principal Act**).

Overview

The amendments set out in this Supplementary Order Paper replace all of the provisions of the Bill, except *clause 1(1)* (which relates to the Title). In summary, the amendments—

- substitute new criteria to which a territorial authority must have regard in adopting a policy on dogs. Territorial authorities must also review their existing policies on dogs and associated bylaws by 1 July 2004, to ensure that they comply with the new criteria (*new clauses 3(1) and 32*);
- abolish the category of probationary dog owners under the principal Act (*new clause 6*);

- prohibit the importation of certain breeds or types of dog, dog embryo, and dog semen. The breeds and types of prohibited dogs are the American Pit Bull Terrier, the Brazilian Fila, the Dogo Argentino, and the Japanese Tosa. However, provision is made for further breeds or types to be added by Order in Council (*new clauses 11, 29, 31, and 34 and new Schedule 2*):
- require dogs that a territorial authority has classified as potentially dangerous to be muzzled in public, including dogs which are already registered in New Zealand that a territorial authority has reasonable grounds to believe belong wholly or predominantly to a prohibited breed or type (*new clauses 14 and 29*):
- provide that all dogs which are to be registered for the first time, from 1 July 2006, be implanted with a functioning microchip transponder in order to provide permanent identification of the dog (*new clause 15*):
- require, from 1 July 2006, that, when a dog is on land or premises of its owner, the dog must be either under the direct control of a person or securely contained within the land or premises. The obligation to securely contain a dog is complied with if the dog—
 - is contained within a securely fenced portion of the land or premises to which it is not necessary to enter to obtain access to at least 1 door of any dwellinghouse on the land or premises; or
 - is otherwise securely contained within the land or premises so that a person may access at least 1 door of any dwellinghouse on the land or premises without the person being accessible to the dog (*new clause 23*):
- strengthen the deterrent provisions of the principal Act by increasing the maximum penalties for all offences against the Act (except for offences against sections 54 and 61). The most significant increase is in relation to the penalty for an offence against section 58 which relates to dogs causing serious injury. The penalty for this offence is increased from term of imprisonment not exceeding 3 months or a fine not exceeding \$5,000 (or both) to a term of imprisonment not exceeding 3 years or a fine not exceeding \$20,000 (or both) (*new clause 28*). The penalties for most other offences against the principal Act are increased from a fine not exceeding \$1,500 to a fine not exceeding \$3,000:
- increase the level of infringement fee for all infringement offences set out in the principal Act by 150% to a maximum of \$1000 (*new clause 33 and new Schedule 1*).

Deferred commencement of certain provisions

Clause 1 is amended to defer the commencement of certain provisions. These provisions are—

- *new clause 15*, which provides that a dog that is required to be registered for the first time after 30 June 2006 must be implanted with a functioning microchip transponder. It is proposed that this provision come into force on **1 April 2006**:

- *new clause 23*, which provides that an owner of a dog must securely contain the dog when it is on land or premises that are owned or occupied by its owner. It is proposed that this provision come into force on **1 July 2006**:

It is proposed that the rest of the Bill come into force on the day after the date on which it receives the Royal assent.

Specific provisions

The following information explains in more detail the amendments proposed by this Supplementary Order Paper to the principal Act.

New clause 3 amends section 10 of the principal Act, which requires a territorial authority to adopt a policy on dogs. The effect of the amendment is to insert new public safety criteria to which a territorial authority must have regard in adopting a policy.

New clause 4 increases the penalty set out in section 18 of the principal Act, which relates to the offence of wilfully obstructing a dog control officer or dog ranger in the exercise of his or her powers. It is proposed that the maximum fine for this offence be increased from \$1,500 to \$3,000.

New clause 5 increases the penalty set out in section 19(2) of the principal Act, which relates to the offence of failing or refusing to comply with a lawful request of a constable, dog control officer, or dog ranger to provide certain information. It is proposed that the maximum fine for this offence be increased from \$1,500 to \$3,000.

New clause 6 repeals sections 21 to 24 of the principal Act, which relate to the classification of certain persons as probationary owners of dogs.

New clause 7 substitutes *new section 25* of the principal Act, which relates to the disqualification of owners of the dogs. The effect of the amendment is to provide that owners who commit an offence against the principal Act and certain other Acts, or who commit 3 or more infringement offences within 2 years, must be disqualified from owning a dog for up to 5 years, unless the circumstances of the offence are exceptional and do not warrant disqualification.

New clause 8 increases the penalty set out in section 28(5) of the principal Act, which relates to the offence of owning a dog while disqualified. It is proposed that the maximum fine for this offence be increased from \$1,500 to \$3,000.

New clauses 9 and 10 substitute *new section 29* and amend section 30 of the principal Act. The amendments are consequential on the proposal to abolish the category of probationary dog owners set out in *clause 6*.

New clause 11 inserts *new section 31AA* into the principal Act, which prohibits the importation into New Zealand of certain breeds and types of dogs listed in *new Schedule 4* and the embryos and semen of those breeds and types.

New clause 12 increases the penalty set out in section 32(2) of the principal Act, which relates to the offence of failing to comply with the requirements of owning a dangerous dog. It is proposed that the maximum fine for this offence be increased from \$1,500 to \$3,000.

New clause 13 consequentially amends section 33 of the principal Act as a result of the proposal to abolish the category of probationary dog owners.

New clause 14 inserts *new sections 33A to 33D* into the principal Act. *New section 33A* enables a territorial authority to classify a dog as potentially dangerous if—

- the dog has not been classified as dangerous under section 31 of the principal Act; but
- the territorial authority considers that the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of the dog's behaviour or any characteristics typically associated with the dog's breed or type.

New section 33B provides that if a dog is classified as potentially dangerous under section 33A, the owner of the dog may object to that classification.

New section 33C provides that a territorial authority may classify a dog as potentially dangerous if it has reasonable grounds to believe that the dog belongs wholly or predominantly to a breed or type listed in *new Schedule 4*.

New section 33D provides that if a dog is classified as potentially dangerous under section 33C, the owner of the dog may object to that classification.

New clause 15 inserts *new section 36A* into the principal Act, which imposes an obligation on dog owners to ensure that where a dog is required to be registered for the first time on or after 30 June 2006 the dog is implanted with a functioning microchip transponder.

New clause 16 increases the penalty set out in section 41 of the principal Act, which relates to the offence of making a false statement on an application for registration of a dog. It is proposed that the maximum fine for this offence be increased from \$1,500 to \$3,000.

New clause 17 substitutes *new section 42* of the principal Act. The effect of the new section is to empower the seizure and impounding of unregistered dogs on land or premises, other than a dwellinghouse, occupied by the owner of the dog.

New clause 18 increases the penalty set out in section 46(4) of the principal Act, which relates to the offence of procuring, or attempting to procure a replacement label or disc for a dog knowing that the current label or disc for the dog has not been stolen or lost. It is proposed that the maximum fine for this offence be increased from \$1,500 to \$3,000.

New clause 19 increases the penalty set out in section 48(3) of the principal Act, which relates to the offence of failing to give notice to a territorial authority of a change in ownership of a registered dog. It is proposed that the fine for this offence be increased from \$150 to \$500.

New clause 20 increases the penalty set out in section 49(4) of the principal Act, which relates to the failure by the owner of a dog to give notice to a territorial authority of a change of address. It is proposed that the maximum fine for this offence be increased from \$150 to \$500.

New clause 21 increases the penalty set out in section 51(1) of the principal Act, which creates certain offences that relate to the collar and label or disc that

is required to be worn by dogs. It is proposed that the maximum fine for these offences be increased from \$1,500 to \$3,000.

New clause 22 inserts *new subsection (3A)* into section 52 of the principal Act. The amendment provides that a dog control officer or dog ranger may seize a dog on private property, which immediately prior to the seizure had been not under control, in terms of subsection (2), in a public place.

New clause 23 inserts *new section 52A* into the principal Act, which relates to the control of dogs on land or premises occupied by the owner of the dog.

New clause 24 increases the penalty set out in section 53(1) of the principal Act which relates to the offence of failing to keep a dog under control. It is proposed that the maximum fine for this offence be increased from \$500 to \$3,000.

New clause 25 increases the penalty set out in section 55(7) of the principal Act, which relates to the offence of an owner of a dog failing to comply with a notice to abate a barking nuisance. It is proposed that the maximum fine for this offence be increased from \$1,500 to \$3,000.

New clause 26 substitutes *new section 57* of the principal Act, which relates to dogs attacking persons or animals. The new section clarifies the powers of dog control officers and dog rangers to seize such dogs on private property (including a dwellinghouse), and proposes to increase the penalty for an offence against the section from a fine not exceeding \$1,500 to a fine not exceeding \$3,000.

New clause 27 inserts *new section 57A* into the principal Act, which relates to dogs rushing at persons, animals, or vehicles. The new section essentially restates subsection (6) of existing section 57 of the principal Act and also—

- provides powers to dog control officer and dog ranger to seize such dogs on private property; and
- proposes to increase the penalty for an offence against the section from a fine not exceeding \$1,500 to a fine not exceeding \$3,000.

New clause 28 increases the penalty set out in section 58 of the principal Act, which relates to dogs causing serious injury. It is proposed that the penalty for this offence be increased from a term of imprisonment not exceeding 3 months or a fine not exceeding \$5,000 (or both) to a term of imprisonment not exceeding 3 years or a fine not exceeding \$20,000 (or both).

New clause 29 substitutes *new section 62* of the principal Act, to extend the offence of allowing certain dogs to be at large unmuzzled to include dogs that are classified as potentially dangerous under *new section 33A* or *section 33C*. The new section also proposes to increase the penalty for an offence from a fine not exceeding \$1,500 to a fine not exceeding \$3,000.

New clause 30 increases the penalty set out in section 72 of the principal Act, which relates to the offence of releasing a dog from custody. It is proposed that the maximum fine for this offence be increased from \$1,500 to \$3,000.

New clause 31 amends section 78(1) of the principal Act, which authorises the making of regulations to insert new provisions which—

- enable further breeds or types of dogs to be added to *Schedule 4*; and

- prescribe conditions, standards, or procedures for the implantation of microchip transponders.

It also proposes to increase the penalty for an offence against section 78(3) of the principal Act from a fine not exceeding \$1,500 to a fine not exceeding \$3,000.

New clause 32 is a transitional provision, which provides that a territorial authority must review its existing policy on dogs by 1 July 2004 to ensure that it complies with the criteria set out in proposed *new section 10(4)* on and from that date.

New clause 33 substitutes *new Schedule 1* of the principal Act, which increases all of the infringement fees for infringement offences against the Act by 150% to a maximum of \$1000.

New clause 34 adds *new Schedule 4* to the principal Act, which lists the breeds and types of prohibited dog that are subject to—

- muzzling in accordance with section 62; and
- a ban on importation under *new section 31AA*.

The breeds and types that are proposed to be included in the list are—

- the American Pit Bull Terrier:
 - the Brazilian Fila:
 - the Dogo Argentino:
 - the Japanese Tosa.
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