

Dog Control (Prescribed Forms) Amendment Regulations 2004

Pursuant to section 78(1) of the Dog Control Act 1996, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

		Page
1	Title	1
2	Commencement	1
3	New schedule substituted	2
	Schedule	2
	New Schedule substituted in principal regulations	

-
- 1 Title**
- (1) These regulations are the Dog Control (Prescribed Forms) Amendment Regulations 2004.
- (2) In these regulations, the Dog Control (Prescribed Forms) Regulations 1996¹ are called “the principal regulations”.
- 2 Commencement**
- These regulations come into force on 1 November 2004.

¹ SR 1996/223

3 New schedule substituted

The principal regulations are amended by revoking the Schedule, and substituting the Schedule set out in the Schedule to these regulations.

Schedule
New Schedule substituted in principal
regulations
Schedule
Forms

r 3

r 2

Form 1	Notice of seizure and removal of dog
Form 2	Notice of classification as probationary owner
Form 3	Notice of disqualification from dog ownership
Form 4	Notice of classification of dog as dangerous dog
Form 4A	Notice of classification of dog as menacing dog (under section 33A, Dog Control Act 1996)
Form 4B	Notice of classification of dog as menacing dog (under section 33C, Dog Control Act 1996)
Form 5	Application for name and address of registered owner of dog
Form 6	Application to register dog
Form 7	Notice of removal of barking dog

Schedule—continued

Form 8	Infringement notice
Form 9	Notice of retention of dog threatening public safety

Form 1

r 2

[Territorial authority]

Notice of seizure and removal of dog

Section 15, Dog Control Act 1996

To: [name of owner or, if the owner is not present, name of person appearing to be in charge of land or premises]

Address:

Dog: [description]

This is to notify you that this dog has been seized and removed from this address under section 15(1)(c) of the Dog Control Act 1996.

This was done because—

- the dog was believed to be without access to proper and sufficient food, water, or shelter; and
- there was reasonable cause to suspect that the dog would not be given access to proper and sufficient food, water, or shelter within the next 24 hours.

The owner* may apply for the return of the dog and should contact

[names and designations of officers of territorial authority] at [address and/or telephone number].

The owner may be required to pay any fees incurred in the seizure, custody, sustenance, and transport of the dog.

.....
Signature of Dog Control Officer/Dog Ranger.....
Date

*For the purposes of the Dog Control Act 1996, you are the owner of a dog if—

- you own the dog; or
- you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- you are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Schedule—*continued*

Form 2

r 2

[*Territorial authority*]

Notice of classification as probationary owner

Section 21, Dog Control Act 1996

To: [*name of owner*]

Address:

This is to notify you that you have been classified as a probationary owner under section 21 of the Dog Control Act 1996.

This follows—

- your conviction for [*details of offences referred to in section 21(1)*]; or
- 3 or more infringement offences (not relating to a single incident or occasion) having been committed by you within a continuous period of 24 months.

The classification will apply from [*date of offence, or date of third or more infringement offence*] until [*date under section 23(1)*] unless earlier terminated by the [*territorial authority*].

A summary of the effect of the classification and your right to object is provided below.

.....
Signature of officer of [*territorial authority*]

..... Date

Effect of classification as probationary owner

Sections 23, 23A, and 24, Dog Control Act 1996

During the classification period you may not become the registered owner of any dog that is not presently registered by you.

You are required within 14 days of the date of this notice to dispose of every unregistered dog owned by you.

You may be required to undertake, at your own expense, a dog owner education programme or a dog obedience course (or both) approved by the [*territorial authority*]. You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you do not comply with this requirement.

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you—

- fail to dispose of every dog owned by you within 14 days of this notice; or
- at any time while classified as a probationary owner, become the owner of any dog (unless you were the owner of the dog on the date of the offence or on the date of the third infringement offence in respect of which the classification as a probationary owner was made); or

Schedule—*continued*Form 2—*continued*

- dispose or give custody or possession of any dog to any person, if you know that the person is disqualified from being a dog owner.

Full details of the effect of classification as a probationary owner are provided in the Dog Control Act 1996.

Right of objection*Section 22, Dog Control Act 1996*

You may object to classification as a probationary owner by lodging a written objection with the [territorial authority] setting out the grounds on which you object. You are entitled to be heard in support of the objection and will be notified of the time and place when your objection will be heard. No objection can be lodged within 12 months of the hearing of any previous objection to the same classification. If an objection is lodged within 14 days after the date of this notice, the requirement to dispose of every unregistered dog owned by you will be suspended until the [territorial authority] has determined the objection.

Form 3

r 2

Schedule—*continued*
Form 3—*continued*

[*Territorial authority*]

Notice of disqualification from dog ownership
Section 25, Dog Control Act 1996

To: [*name of owner*]

Address:

This is to notify you that you have been disqualified under section 25 of the Dog Control Act 1996 from owning any dog.

This follows—

- 3 or more infringement offences (not relating to a single incident or occasion) having been committed by you, within a continuous period of 24 months; or
- your conviction for [*details of offences referred to in section 25(1)(b) or (c)*].

The disqualification will apply from [*date of third or more infringement offence, or date of offence*] until [*date under section 25(4)*].

A summary of the effect of the disqualification and your right to object is provided below.

.....
Signature of officer of [*territorial authority*]

..... Date

Effect of disqualification

Section 28, Dog Control Act 1996

You are required to dispose of every dog owned by you within 14 days of the date of this notice.

However, you may not dispose of a dog—

- to a person who resides at the same address as you; or
- in a way that constitutes an offence against the Dog Control Act 1996 or any other Act.

You must not become the owner, even on a temporary basis, of any dog while you are disqualified. You may have possession of a dog only for the purpose of—

- preventing it from causing injury, damage, or distress; or
- returning, within 72 hours, a lost dog to a territorial authority for the purpose of restoring the dog to its owner.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you—

Schedule—*continued*Form 3—*continued*

- fail to dispose of every dog owned by you within 14 days of this notice; or
- at any time while disqualified, become the owner of any dog; or
- dispose of a dog owned by you—
 - to a person who resides at the same address as you; or
 - in a manner that constitutes an offence against the Dog Control Act 1996 or any other Act.

If you are convicted of the first or second of these offences, your period of disqualification may be further extended.

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you dispose or give custody or possession of a dog to a person knowing that person to be disqualified from ownership under section 25 of the Dog Control Act 1996.

Full details of the effect of disqualification are provided in the Dog Control Act 1996.

Right of objection to disqualification*Section 26, Dog Control Act 1996*

You may object to the disqualification by lodging a written objection with the [territorial authority] setting out the grounds on which you object. You are entitled to be heard in support of your objection and will be notified of the time and place when your objection will be heard. No objection can be lodged within 12 months of the hearing of any previous objection to the disqualification. If an objection is lodged within 14 days after the date of this notice, the requirement to dispose of every dog owned by you will be suspended until the [territorial authority] has determined the objection.

There is a further right of appeal to a District Court if you are dissatisfied with the decision of the [territorial authority] on your objection.

Schedule—*continued*
Form 4—*continued*

[*Territorial authority*]

Notice of classification of dog as dangerous dog
Section 31, Dog Control Act 1996

To: [*name of owner*]

Address:

Dog: [*description*]

This is to notify you* that this dog has been classified as a dangerous dog under section 31(1) of the Dog Control Act 1996.

This is because [*reason under section 31(1)*].

A summary of the effect of the classification and your right to object is provided below.

.....
Signature of officer of [*territorial authority*]

..... Date

*For the purposes of the Dog Control Act 1996, you are the owner of a dog if—

- you own the dog; or
- you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- you are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Effect of classification as dangerous dog

Sections 32 and 36A, Dog Control Act 1996

You are required,—

- (a) within 1 month after receipt of this notice, to ensure that the dog is kept within a securely fenced portion of your property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property; and
- (b) not to allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without—
 - (i) the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - (ii) the dog being controlled on a leash (except in a designated dog exercise area); and
- (c) to produce to the [*territorial authority*], within 1 month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying—

Schedule—*continued*Form 4—*continued*

- (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) where a certificate under paragraph (c)(ii) is produced to the [territorial authority], to produce to the [territorial authority], within 1 month after the date specified in that certificate, a further certificate under paragraph (c)(i); and
- (e) in respect of every registration year commencing after receipt of this notice, to pay dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
- (f) not to dispose of the dog to any other person without the written consent of the territorial authority in whose district the dog is to be kept.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with all of the matters in paragraphs (a) to (f) above. In addition, on conviction the court must order the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not justify the destruction of the dog.

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (f) above. The ranger or officer may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (f).

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you sell or otherwise transfer the dog, or offer to do so, to any other person without disclosing that the dog is classified as a dangerous dog.

As from 1 July 2006, you are also required, for the purpose of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the [territorial authority] in accordance with the reasonable instructions of the [territorial authority] for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement—

- within 2 months from 1 July 2006 if your dog is classified as menacing on or after 1 December 2003 but before 1 July 2006; or
- within 2 months after the dog is classified as menacing if your dog is classified as menacing after 1 July 2006.

Schedule—*continued*

Form 4—*continued*

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. You will commit an offence and be liable on conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of classification as a dangerous dog are provided in the Dog Control Act 1996.

Right of objection to classification

Section 31(3), Dog Control Act 1996

You may object to the classification by lodging with the [territorial authority] a written objection within 14 days of receipt of this notice setting out the grounds on which you object. You are entitled to be heard in support of the objection and will be notified of the time and place at which your objection will be heard.

Schedule—continued
Form 4A—continued

[Territorial authority]

Notice of classification of dog as menacing dog

Section 33A, Dog Control Act 1996

To: [name of owner]

Address:

Dog: [description]

This is to notify you* that this dog has been classified as a menacing dog under section 33A(2) of the Dog Control Act 1996.

This is because [reason under section 33A(1)(b)].

A summary of the effect of the classification and your right to object is provided below.

.....
Signature of officer of [territorial authority]

..... Date

*For the purposes of the Dog Control Act 1996, you are the owner of a dog if—

- you own the dog; or
- you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- you are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Effect of classification as menacing dog

Sections 33E, 33F, and 36A, Dog Control Act 1996

You—

- (a) must not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
- (b) must, if required by the [territorial authority], produce to the [territorial authority], within 1 month after receipt of this notice, 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

Schedule—*continued*Form 4A—*continued*

- (c) where 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 (b)(i).

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with all of the matters in paragraphs (a) to (c) above.

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c).

As from 1 July 2006, you are also required, for the purpose of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the [territorial authority] in accordance with the reasonable instructions of the [territorial authority] for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement—

- within 2 months from 1 July 2006 if your dog is classified as menacing on or after 1 December 2003 but before 1 July 2006; or
- within 2 months after the dog is classified as menacing if your dog is classified as menacing after 1 July 2006.

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. You will commit an offence and be liable on conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of the classification of a dog as menacing are provided in the Dog Control Act 1996.

Right of objection to classification under section 33A*Section 33B, Dog Control Act 1996*

You may object to the classification of your dog as menacing by lodging with the [territorial authority] a written objection within 14 days of receipt of this notice setting out the grounds on which you object.

You have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

Schedule—continued

Form 4B

r 2

[Territorial authority]

Notice of classification of dog as menacing dog

Section 33C, Dog Control Act 1996

To: [name of owner]

Address:

Dog: [description]

This is to notify you* that this dog has been classified as a menacing dog under section 33C(1) of the Dog Control Act 1996.

This is because the [territorial authority] has reasonable grounds to believe that the dog belongs wholly or predominantly to [breed or type of dog listed in Schedule 4 of the Dog Control Act 1996 (dog may belong to 1 or more breed or type)].

A summary of the effect of the classification and your right to object is provided below.

.....
Signature of officer of [territorial authority]

.....
Date

*For the purposes of the Dog Control Act 1996, you are the owner of a dog if—

- you own the dog; or
- you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- you are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Effect of classification as menacing dog

Sections 33E, 33F, and 36A, Dog Control Act 1996

You—

- (a) must not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
- (b) must, if required by the [territorial authority], produce to the [territorial authority], within 1 month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying—
 - (i) that the dog is or has been neutered; or

Schedule—*continued*
Form 4B—*continued*

- (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) where 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 (b)(i).

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with all of the matters in paragraphs (a) to (c) above.

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c).

As from 1 July 2006, you are also required, for the purpose of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the [territorial authority] in accordance with the reasonable instructions of the [territorial authority] for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement—

- within 2 months from 1 July 2006 if your dog is classified as menacing on or after 1 December 2003 but before 1 July 2006; or
- within 2 months after the dog is classified as menacing if your dog is classified as menacing after 1 July 2006.

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. You will commit an offence and be liable on conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of the classification of a dog as menacing are provided in the Dog Control Act 1996.

Schedule—*continued*Form 4B—*continued***Right of objection to classification under section 33C*****Section 33D, Dog Control Act 1996***

You may object to the classification of your dog as menacing by lodging with the [territorial authority] a written objection within 14 days of receipt of this notice setting out the grounds on which you object.

You have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

You must provide evidence to the [territorial authority] that the dog is not of a breed or type listed in Schedule 4 of the Dog Control Act 1996.

Form 5

r 2

[Territorial authority]

Application for name and address of registered owner of dog

Section 35, Dog Control Act 1996

Application is made to the [territorial authority] for the disclosure of the name and address of the registered owner of the following dog:

Registration number of collar, label, or disc (if known):

Colour:

Breed/cross (if known):

Other identifying particulars:

Address where dog is ordinarily kept/location where dog encountered: The information is required by me for the purpose of: [describe]

Name of applicant:

Applicant's address:

Note

You are required to provide your name, address, and the purpose for which you require the information because section 35 of the Dog Control Act 1996 prohibits a territorial authority from supplying the information unless it is satisfied of the identity of the applicant and that the information is required for one of a limited number of purposes specified in that section. The territorial authority may keep a record of your application.

.....
Signature of applicant

.....
Date

For use by territorial authority

Means of identification of applicant produced to the [territorial authority]:

Application: accepted/declined

Schedule—*continued*

Form 6

r 2

[*Territorial authority*]

Application to register dog

For the year 1 July to 30 June

Section 36, Dog Control Act 1996

Particulars of owner

Owner's* name in full:

Date of birth:

Note

Your date of birth is required to enable you to be distinguished from other persons with the same name. Certainty of identification is required in the enforcement of the provisions of the Dog Control Act 1996.

Postal address:

Telephone numbers (business/residential):

Address at which dog is ordinarily kept: [*If there is more than 1 owner, give these particulars in respect of each of the owners.*]

*For the purposes of the Dog Control Act 1996, you are the owner of a dog if—

- you own the dog; or
- you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- you are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Note

The above information will be kept by the [*territorial authority*] but may be used only for lawful official purposes and will not be generally available to the public. However, section 35 of the Dog Control Act 1996 allows the name and address of the owner of any specified dog to be made available to any person who has made a written application for that information. Before supplying the information, the [*territorial authority*] must be satisfied of the identity of the applicant and that the information is required for one of a limited number of specified purposes, such as returning a lost dog to its owner or seeking compensation for damage.

Particulars of dog

Name:

Colour:

Breed/cross:

Sex: M/F

Neutered/not neutered

Schedule—*continued*Form 6—*continued*

Whether working dog: yes/no

Distinguishing marks:

Description of any tattoo or the unique identifier of any microchip transponder:

Age of dog:

Is the dog classified as a dangerous dog under section 31 of the Dog Control Act 1996: yes/no

Is the dog classified as a menacing dog under section 33A or section 33C of the Dog Control Act 1996: yes/no

Particulars of last registration

Details of the last registration of the dog (if any)—

Territorial authority: Year:

Registration number of collar, label, or disc:

Fees

Fees submitted with this application:

If a lower fee is claimed for a working dog, state the specified class of working dog:

Note

Failure to supply any of the information requested in this form that is relevant to your application may prevent the registration of your dog. You are encouraged to request the [territorial authority] to correct or amend any of these details if you discover a mistake or if the relevant circumstances change. You are required to notify the [territorial authority] of any change of address or change in the ownership of the dog.

.....
Signature of applicant

.....
Date

For use by territorial authority

Registration number of collar, label, or disc:

Fees:

Notes on registration

All dog owners with dogs ordinarily kept in the [territorial authority] district must register their dogs with the [territorial authority].

All dogs over the age of 3 months must be registered.

Schedule—*continued*
Form 6—*continued*

It is an offence to keep a dog older than 3 months which is unregistered. On conviction, a court may impose a fine of up to \$3,000.

On completing the form properly, a dog owner may post the form, together with the appropriate fees payable, to the Dog Registrar at [address] or deliver these items to the office of the [territorial authority].

It is an offence, when applying for the registration of a dog, to make any written statement knowing that statement to be false. On conviction, a court may impose a fine of up to \$3,000.

Replacement discs and collars may be obtained from the [territorial authority] if the current disc or collar has been lost or stolen.

Any dog not wearing a collar having a current registration label or disc attached will, until the contrary is proved, be treated as unregistered.

On change of ownership of any registered dog, both the previous owner and the new owner must, within 14 days, give written notice to the [territorial authority or authorities], of the change of ownership and the residential address of the new owner and the address at which the dog will be kept. It is an offence not to comply with this requirement. On conviction, a court may impose a fine of up to \$500.

If the owner's address is changed within the district, the owner must, within 14 days, give written notice of the change to the [territorial authority].

If any dog is transferred to and kept in the district of another territorial authority, other than the one in which it has been kept, for 1 month or more, the owner must, within 6 weeks of the transfer, give written notice of the transfer to both territorial authorities, setting out the address at which the dog will be kept. It is an offence not to comply with this requirement. On conviction, a court may impose a fine of up to \$500.

If the fee for the registration of a dog is paid and that dog dies, a refund will be made on request as follows:

- where a dog dies before the commencement of the year, the full fee will be refunded:
- where the dog dies during the year, 1/12th of the annual fee for each complete month remaining in the registration year after the date of application for a refund will be refunded.

If any dog is first required to be registered after 1 August in any registration year, the fee shall be 1/12th of the annual fee for each complete month remaining in the registration year after the date of such registration.

The registration fees include goods and services tax.

Owners wishing to claim a reduced fee for neutered dogs must produce a certificate from a registered veterinarian certifying that the dog has been neutered.pound the dog.

Schedule—*continued*Form 6—*continued*

If any dog over the age of 3 months is found not wearing a collar with a current registration label or disc attached, on land or premises other than its owner's land or premises, or in any public place, the dog may be seized and impounded.

Control of dogs*Sections 52, 53 and 54A, Dog Control Act 1996*

The owner of a dog must keep the dog under control at all times and, when in a public place with the dog, must use or carry a leash at all times.

A dog will be treated as not being under control—

- if it is found at large on any land or premises other than a public place or a private way without the consent (express or implied) of the occupier or person in charge of the land or the premises; or
- if it is found at large in any public place or in any private way in contravention of any regulations or bylaw.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this provision.

Obligations of dog owner generally*Section 54, Dog Control Act 1996*

The owner of a dog must—

- ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water, and shelter; and
- ensure that the dog receives adequate exercise.

You will commit an offence and be liable on conviction to imprisonment for up to 3 months or to a fine not exceeding \$5,000 if you fail to comply with this provision.

Obligations of dog owner on owner's property*Section 52A, Dog Control Act 1996*

The owner of a dog must ensure, when the dog is on land or premises occupied by the owner,—

- that the dog is under the direct control of a person; or
- that the dog is confined within the land or premises in such a way that it cannot freely leave the land or premises.

You will commit an offence and be liable on conviction to a fine of \$3,000 if you fail to comply with this provision. In addition, a dog control officer or dog ranger may seize and impound the dog.

Schedule—*continued*
Form 7—*continued*

[Territorial authority]
Notice of removal of barking dog
Section 56, Dog Control Act 1996

To: *[name of owner or, if the owner is not present, name of person appearing to be in charge of land or premises]*

Address:

Dog: *[description]*

This is to notify you that this dog has been removed from this address under section 56(2) of the Dog Control Act 1996 and has been taken into custody following receipt of a further complaint of barking.

The owner* may apply at any time for the return of the dog and should contact *[names and designations of officers of territorial authority]* at *[address and/or telephone number]*.

The dog will be released if the *[territorial authority]* is satisfied the return of the dog will not result in the resumption of the nuisance. The owner has a right of appeal to the District Court against a refusal to release the dog.

Unless returned, the dog will be kept in custody until such time as the *[territorial authority]* is satisfied that—

- proper provision in relation to the dog (as specified in the notice issued under section 55 of the Dog Control Act 1996) has been made on the property; or
- the owner has made arrangements for the dog to be kept on a property other than the property from which it has been removed.

The owner may be required to pay fees for the sustenance of the dog while it is in custody before it will be released.

If any fees are not paid, the *[territorial authority]* may dispose of the dog by means of sale, destruction, or otherwise and that disposal will not relieve you of liability for payment of the fees.

.....
Signature of Dog Control Officer/Dog Ranger

.....
Date

*For the purposes of the Dog Control Act 1996, you are the owner of a dog if—

- you own the dog; or
- you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- you are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Schedule—*continued*

Form 8

r 2

(ISSUED UNDER AUTHORITY OF SECTION 66 OF THE DOG CONTROL ACT 1996)

NUMBER

NOTICE

TERRITORIAL AUTHORITY*[Territorial authority]*

Your receipt may be machine printed here

Name of dog owner:	First names	Surname
Address:		
Date of birth:		

ALLEGED INFRINGEMENT OFFENCE DETAILS

Date:	Time:	Day of week: S M T W T F S
Road/street:	Locality:	
Offence:		<i>Infringement fee payable</i>
Reg No or description of dog	\$	

PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after:	(Earliest date notice delivered personally, or posted)	
OFFICER NUMBER:	THE INFRINGEMENT FEE MAY BE PAID AT THE ADDRESS SHOWN BELOW. CHEQUES OR MONEY ORDERS SHOULD BE "NOT TRANSFERABLE"	
THE INFRINGEMENT FEE MAY BE PAID TO:		DO NOT DETACH Please present both copies of this notice when making payment

IMPORTANT—PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF

Schedule—*continued*
Form 8—*continued*

SUMMARY OF RIGHTS

- 1 This notice sets out an alleged infringement offence. In terms of section 2 of the Dog Control Act 1996, you are liable as the owner of a dog if—
- you own the dog; or
 - you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
 - you are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Payments

- 2 If you pay the infringement fee within 28 days of the issue of this notice, no further action will be taken. Payment may be made at places indicated on the front of this notice.

Defences

- 3 You have a complete defence against proceedings if the infringement fee was paid to the [*territorial authority*] at any of the places for payment shown on the front page of this notice before or within 28 days after you were served with a reminder notice. Note that late payment or payment at any other place will not be a defence.

Further action

- 4 If you wish to—
- (a) raise any matter relating to the alleged offence for consideration by the [*territorial authority*]; or
 - (b) deny liability for the offence and request a court hearing (refer to paragraphs 5 and 9 below); or
 - (c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraphs 6 and 9 below),—
- you should write to the [*territorial authority*] at the address shown on the front page of this notice. Any such letter should be personally signed.
- 5 You have a right to a court hearing. If you deny liability for the offence and request a hearing, the [*territorial authority*] will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court (unless it decides not to start court proceedings).
Note that if the court finds you guilty of the offence, costs will be imposed in addition to any penalty.

Schedule—*continued*Form 8—*continued*

- 6 If you admit the offence but want the court to consider your submissions as to penalty or otherwise, you should in your letter—
- ask for a hearing; and
 - admit the offence; and
 - set out the written submissions you wish to be considered by the court.

The [*territorial authority*] will then file your letter with the court (unless it decides not to commence court proceedings). There is no provision for an oral hearing before the court if you follow this course of action.

Note that costs will be imposed in addition to any penalty.

Non-payment of fee

- 7 If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice (unless the [*territorial authority*] decides otherwise).
- 8 If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice, the [*territorial authority*] may file the reminder notice in the court and you will become liable to pay **costs in addition to the infringement fee**, under section 21(5) of the Summary Proceedings Act 1957.

Queries/correspondence

- 9 When writing or making payment please include—
- the date of the infringement; and
 - the infringement notice number; and
 - the identifying number of the alleged offence and the course of action you are taking in respect of it; and
 - your address for replies.

Notice of liability for classification as a probationary owner or a disqualified owner

If you commit 3 or more infringement offences (not relating to a single incident or occasion) over a period of 24 months, the [*territorial authority*] may classify you as—

- a probationary owner; or
- a disqualified owner.

You will be treated as having committed an infringement offence if you—

- have been ordered to pay a fine and costs under section 78A(1) of the Summary Proceedings Act 1957, or are treated as having been so ordered under section 21(5) of that Act; or

Schedule—*continued*
Form 8—*continued*

pay the infringement fee specified in the infringement notice.

Probationary ownership starts from the date of the third infringement offence in the 24 month period. Unless terminated earlier by the [territorial authority], probationary ownership runs for a period of 24 months.

Disqualification as a dog owner starts from the date of the third infringement offence in the 24 month period. The length of disqualification is determined by the [territorial authority] but may be no longer than 5 years.

Consequences of classification as a probationary owner or disqualified owner

During the period a dog owner is classified as a probationary owner, the person—

- must not be or become the registered owner of any dog except a dog that the person was the registered owner of at the time of the third infringement offence; and
- must dispose of every unregistered dog the person owns.

During the period that a person is classified as a disqualified owner, the person—

- must not own or become the owner of any dog; and
- must dispose of all dogs the person owns; and
- may have possession of a dog only for certain purposes (eg, returning a lost dog to the territorial authority).

A person may object to being classified as a probationary or disqualified owner by lodging a written objection with the [territorial authority]. There is a further right of appeal to a District Court, if a disqualified person is dissatisfied with the decision of the [territorial authority] on his or her objection.

Full details of classification as a probationary owner or a disqualified owner, and the effects of those classifications, are provided in the Dog Control Act 1996.

Note

Full details of your rights and obligations are in section 66 of the Dog Control Act 1996 and section 21(10) of the Summary Proceedings Act 1957.

All queries and all correspondence regarding this infringement notice must be directed to the [territorial authority] and must be sent to the address the [territorial authority] has specified in the notice.

Schedule—*continued*Form 9—*continued*

[Territorial authority]

Notice of retention of dog threatening public safety

Section 71, Dog Control Act 1996

To: [name of owner]

Address:

Dog: [description]

This is to notify you* that this dog will be retained in custody under section 71(2) of the Dog Control Act 1996 pending the conclusion of the prosecution against you for an offence under section [57, 57A, or 58] of the Act.

The [territorial authority] believes that the release of the dog would threaten the safety of any person, stock, poultry, domestic pet, or protected wildlife.

You may apply at any time to the [territorial authority] for the release of the dog.

If the [territorial authority] is satisfied that the release of the dog will not threaten the safety of any person, stock, poultry, domestic pet, or protected wildlife, the dog will be returned. However, you may be required to pay fees for the sustenance of the dog while it is in custody before it will be released.

If any fees are not paid, the [territorial authority] may dispose of the dog by means of sale, destruction, or otherwise. However, the disposal will not relieve you of liability for payment of the fees.

You have a right of appeal to the District Court if the [territorial authority] refuses to return the dog.

.....
Signature of officer of [territorial authority]

.....
Date

*For the purposes of the Dog Control Act 1996, you are the owner of a dog if—

- you own the dog; or
- you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- you are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 November 2004, amend the Dog Control (Prescribed Forms) Regulations 1996 (“the principal regulations”) by—

- substituting forms 1 to 9:
- inserting 2 new prescribed forms (forms 4A and 4B).

The amendments update the Schedule to the principal regulations by revoking and replacing all of the existing forms in that schedule. Forms 1, 2, 4, 6, 7, and 9 have all been amended, with some of the amendments resulting from the Dog Control Amendment Act 2004 (“the Amendment Act”). Forms 3, 5, and 8 have not been amended but are reprinted for administrative ease.

The 2 new forms, forms 4A and 4B, are to be used by territorial authorities to notify dog owners of the classification of a dog as menacing under section 33A or section 33C of the Dog Control Act 1996. The forms are required as a result of amendments made to the Dog Control Act 1996 by the Amendment Act. A territorial authority is currently required to give written notice to a dog owner of the classification of the dog as menacing. From 1 November 2004, as a result of the Amendment Act, the written notice must be in a prescribed form.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 14 October 2004.
