

# Regulatory impact statement: Proposals to amend the Dog Control Act 1996

## Agency disclosure statement

This regulatory impact statement has been prepared by the Department of Internal Affairs. It provides an analysis of the options to reduce the risk and harm from serious dog attacks.

There is limited data available to assess the scale and characteristics of serious dog attacks in New Zealand. We do not have reliable data on the actual number of dogs in New Zealand, the characteristics of dogs involved in attacks and circumstances surrounding attacks.

Ministerial direction is to review settings with a focus on high-risk owners and high-risk dogs, and to consider specific proposals. This direction, as well as timing constraints, limits the options explored in this analysis. Not all options which have Ministerial and stakeholder support are supported by the analysis contained in this document.

The focus of options is on dogs and owners of (i) dogs that are classified as menacing and dangerous and (ii) unregistered dogs believed to be of 'pit bull type' that would therefore be classifiable as menacing under section 33C of the Act. Limitations include:

- We do not have evidence that menacing and dangerous dogs are more likely to be involved in attacks once classified;
- Other dog breeds that do not attract an automatic classification as menacing by breed are also well-represented in dog attacks and we do not have reliable evidence that pit bull type dogs are more involved in serious dog attacks than those other breeds. This is particularly so, given that visual classification of 'pit bull type' is known to be problematic, with international studies suggesting there is a high degree of inaccuracy with this approach.

Information provided by some territorial authorities is that there are a large number of unregistered dogs, of which a large number are cross-breeds that they would consider as being of 'pit bull type'.

Data on the number of dog-related injuries and dog bites, collected by the Accident Compensation Corporation and Ministry of Health respectively, provide some indication of the number of dog attacks that occur. However, this information is collected for a different purpose and that data captures incidents wider than attacks arising from dog aggression.

For statistical information about dogs in New Zealand, we are reliant on the National Dog Database (NDD). Information in the NDD is based on data uploaded from individual councils. There can be irregularities in this information from year to year. In the past not all councils had data in the NDD for every year, so totals in the NDD will be less than the actual number of registered dogs. Where councils do not report for a data period, an estimate is made based on data from previous or following years. As data prior to 2013 contains a higher degree of under-reporting, most of the analysis presented here is based on data from 2013 onward.

The significant public engagement undertaken has helped to fill some data gaps and demonstrated support for options that provide stronger controls on ownership of dogs considered to be high risk.

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## Executive summary

1. The Government is reviewing the policy settings around dog control to determine if central and local government can do more to improve public safety around dogs. This is to address concerns that serious dog attacks continue to happen, with long lasting impacts for victims and families.<sup>1</sup>
2. The Department has evaluated the status quo and a number of options being considered by the Government to reduce the risk and harm of dog attacks. The options fall into three broad categories: Measures to deal with the high number of unregistered dogs involved in the dog attacks, measures to increase socially-responsible behaviour among dog owners, and measures to address the current lack of reporting of dog bite incidents to territorial authorities.

## Status quo and problem definition

3. Any interaction between dogs and humans involves some risk. The central objective of dog control policy is to strike an appropriate balance between the advantages to individuals and communities of dog ownership and the protection of individuals and communities from dog attacks. In New Zealand, dog control is regulated by the Dog Control Act 1996 (the Act), which is implemented by territorial authorities. The Act provides for the management of increased levels of risk associated with dogs and dog owners by means of classification. Classification of dogs (as menacing or dangerous) and of owners (as probationary or disqualified) allows for appropriate controls to be put in place for the protection of the community.
4. A territorial authority:
  - 4.1 **Must** classify a dog as dangerous where an owner is convicted of an offence under 57A of the Act, or where, on the basis of sworn evidence, the council believes a dog is a threat to public safety or where the owner records in writing that it is a threat to public safety;
  - 4.2 **Must** classify a dog as menacing if there are reasonable grounds to believe it belongs wholly or predominantly to one or more of the breeds or types of dog that it is illegal to import into New Zealand (under Schedule 4 of the Act). There are four listed *breeds* (Dogo Argentino, Brazilian Fila, Japanese Tosa, Perro de Presa Canario) and one *type* (American Pit Bull Terrier); and
  - 4.3 **May** classify a dog as menacing if it believes the dog poses a threat to public safety because of its behaviour.
5. Dogs classified as dangerous **must** be kept in a fenced part of the owner's property, **must** be muzzled, on a leash in public and neutered. Dogs classified as menacing **must** be muzzled in public, and councils **may** require them to be neutered. Approximately two-thirds of councils have adopted mandatory neutering. Where such a policy is adopted, a non-compliant owner can be fined (upon conviction) and the territorial authority can seize the dog and retain it until the owner is willing to comply, or dispose of the dog.

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<sup>1</sup> Serious dog attacks can be defined as an interaction with a dog which results in serious injury (i.e. requiring emergency/hospital treatment) or death or which has the potential for such.

6. Most councils have a policy of 'no rehoming' of classified dogs, meaning these dogs are destroyed.
7. Since 2013, the number of dogs classified as menacing has steadily increased by six percent. The number of dogs classified as dangerous has increased by two percent over the same period, although the rate of annual change is more variable. The percentage of menacing and dangerous dogs in the total population of registered dogs has remained at 1.6 percent for the last four years.
8. Dog owners have a number of obligations under the Act. These include registering their dog with the local council before it is three months old or when the owner receives the dog, and micro-chipping their dog when it is registered for the first time (except for farm dogs), or if it has been classified as dangerous or menacing. Dog owners must also make sure the dog does not startle or injure any person or any other animal and is kept under control at all times; and care for their dog (providing adequate food, water and shelter and exercise).
9. Dog owners must take all reasonable steps to ensure that the dog does not:
  - cause any nuisance to any other person, for example by constant barking, howling or roaming
  - injure, endanger or cause distress to any stock, poultry, domestic animal or protected wildlife
  - damage or endanger any property belonging to another person.
10. The penalty for owning a dog involved in an attack causing serious injury is up to three years' imprisonment and/or a fine of up to \$20,000. The penalty for not registering a dog is \$300 as is the penalty for not micro-chipping a dog if required to do so.
11. There were 415,144 owners of registered dogs in New Zealand in 2016. This number has increased by 7 percent since 2013. Currently dog owners do not require a license.
12. Evidence from councils and animal management officers is that irresponsible dog ownership is largely attributable to (i) a lack of owner education about dog behaviour and how to be responsible (ii) socio-economic factors resulting in an inability to meet extra costs associated with responsible ownership, and (iii) unwilling non-compliant attitudes among members of society. Anecdotal evidence is that animal welfare issues are also extensive across New Zealand.

## The underlying causes of dog attacks

13. The causes of dog attacks are known to be multifactorial. Literature identifies five key interacting factors as determinants of the tendency of a dog to bite, namely:
  - heredity (genes, breed<sup>2</sup>),
  - early experience,
  - socialisation and training,
  - health (physical and psychological), and
  - victim behaviour.

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<sup>2</sup> Pit bull type dogs have been bred to eliminate submission inhibition. As such, even if an individual pit bull type dog does not have aggressive tendencies it has a latent potential for significant harm should an incident arise where the dog becomes stressed/agitated.

14. Reducing the risk and harm of attacks warrants actions to address all five key factors. In terms of other relevant factors, international research findings are that:
  - Male dogs are more likely to bite than females
  - Dogs not neutered are more likely to bite than those that are neutered
  - Chained dogs are more likely to bite than unchained dogs
  - Dogs with “dominance aggression” are more likely to be 18-24 months old
  - Dogs bred at home are less likely to bite than dogs from breeders and pet shops
  - Dogs are more likely to bite the older they are when they are obtained
  - Biting dogs are more likely to live in areas of lower median income
  - Dogs are more dangerous when acting as a pack
15. International experience has shown that breed-specific approaches has not been successful in reducing dog attacks, and the trend observed is a move away from this approach. Reasons why it is not successful include:
  - Breed alone is not an effective indicator or predictor of aggression in dogs and focussing on particular breeds fuels the misperception that other dogs won't bite.
  - It is not possible to precisely determine the breed of the types of dogs targeted by breed-specific legislation by visual identification or by DNA analysis.
  - Breed-specific legislation ignores the human element whereby dog owners who desire this kind of dog will simply substitute another breed of dog of similar size, strength and perception of aggressive tendencies.

## Problems to be solved

16. The number of registered dogs in New Zealand has been increasing slightly over the past decade.<sup>3</sup> There were an estimated 492,741 registered dogs in 2007, and in 2016 there are an estimated 533,216 registered dogs (Figure 1). Over the last few years the number of registered dogs per capita has remained stable, at about 12 dogs per 100 people.
17. Ministry of Health data shows that the number of hospitalisations for dog bites<sup>4</sup> has increased by 53 percent from 457 in 2005 to 724 in 2015 (Figure 2). The rate of hospitalisations by population is also increasing, with a rate of 15.8 hospitalisations per 100,000 people in 2015. The annual rate of change is variable with discharges in the last three years showing little change.
18. Otago University's Injury Prevention Unit's (IPU) data shows that the number of hospitalisations for dog bites<sup>5</sup> increased by 72 percent from 276 in 2000 to 474 in 2014 (Figure 2).<sup>6</sup> Both the IPU and MoH data show a significant increase in discharges in 2011, and a slowing/reduction in the rate of growth of hospitalisations over the last few years.

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<sup>3</sup> The National Dog Database provides information on the number of registered dogs by councils. However, prior to 2013 not all councils supplied data for every year. In addition, the number of registered dogs does not reflect the total dog population in New Zealand.

<sup>4</sup> MoH analysis is for publicly funded hospital discharges with the cause code 'W54: Contact with dog', using ICD10 classification.

<sup>5</sup> IPU analysis is for publicly funded hospital discharges with the cause code 'W54: Contact with dog', using ICD10 classification.

<sup>6</sup> IPU analysis also originates from data collected and supplied by MoH. But as well as being subject to other selection criteria, IPU data excludes day patients. Hence, the much lower numbers than for MoH data presented here.

19. ACC data on dog-related injury claims shows a 25 percent increase in the number of active claims from 10,196 in 2006 to 12,695 in 2015 (Figure 3).<sup>7</sup> The total pay-out for dog-related injuries from 2006 to 2015 was \$34.860 million. In 2015, the average cost per claim was \$407, and while there has been more annual variation in the average cost per claim than for the number of active claims, the cost of the average claim still increased by 72 percent from 2006 to 2015.
20. Both ACC claim and hospitalisation data show that most dog-related injuries and incidents occur in the home, followed by those that occur on the street (Figure 4). This finding is supported by findings overseas.<sup>8</sup>
21. According to the IPU data, just under 30 percent of the patients discharged were under the age of 10. In contrast the ACC claims data shows the peak rate of claims is for clients in the 50-54 age range (Figure 5). This suggests that while more people may claim for ACC injuries requiring treatment at older ages, the impact of dog-related injuries appears to be greater on younger people.
22. There are three main problem areas that have been identified with respect to dog control. These are discussed below. In the absence of government intervention, the number and severity of dog attacks may continue. Although it is noted that data there has been a levelling-off in hospitalisations in the last few years.

### **Problem Area 1: There are potentially a large number of unregistered dogs in New Zealand; unregistered dogs are over-represented in dog attacks**

23. Risk associated with dogs a greatly increased by not having appropriate controls on them. Applying the appropriate controls requires dogs to be 'in the system' rather than 'underground'.<sup>9</sup> Dog registration is considered to be the cornerstone of effective dog control because it links dog control services to dog owners, allows for the appropriate placement of controls on individual dogs, and provides a source of revenue for dog control activities.
24. The recent Auckland Council amnesty which resulted in over 1500 unregistered dogs being brought forward for registration indicates that the current dog registration system is not effectively enforced. There are 100,000 registered dogs in Auckland and Auckland Council estimates that there are approximately 100,000 unregistered dogs. There are indications there is a similar problem of under-registration across the country, although evidence is limited.
25. Evidence from councils and the New Institute of Animal Management is that dogs classified as being of "pit bull-type"<sup>10</sup> are over-represented in attacks. In the Auckland area, for the 2015/16 year, 38 percent of the prosecutions taken were against actions of pit bull types and crosses. Rotorua and Gisborne District Councils have also submitted that pit bull types are over-represented in attacks. Enforcement practice largely relies on removal of the dog but achieving an overall reduction in the number of these dogs is challenging due to their high availability.

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<sup>7</sup> It should be noted that the ACC claims data is for dog related injuries and includes more than just 'attacks' or 'bites'.

<sup>8</sup> Australian Veterinary Association "Dangerous dogs – a sensible solution: Policy and model legislative framework" (August 2012).

<sup>9</sup> It is for this reason that any sort of ban on ownership of dog types or breeds is not considered a feasible option and therefore is not assessed alongside other options in this analysis.

<sup>10</sup> It is important to note that councils rely on a visual classification, which as discussed earlier, is not considered to be an effective method of identifying the breeds of a mixed-breed dog.

## Problem Area 2: There is a lack of socially-responsible behaviour among dog owners

26. Owners are crucial determinants of the risk associated with the dog and are key in managing that risk once it has been identified (i.e. when dog has been classified as menacing or dangerous). As such, ingraining responsible attitudes to dog ownership is an important area of action. Evidence from councils is that in general dog owners are not well-equipped to take on the responsibilities of dog ownership (the 'unable, noncompliant') and/or willing to do so (the 'unwilling, non-compliant'). Councils and other stakeholders consider measures are needed to encourage responsible dog ownership and discourage negligent and reckless behaviour. Part of socially- responsible ownership is mitigating risk to others, including by communicating high risk to members of the public so that they may modify their 'risky' behaviour.

## Problem Area 3: Territorial authorities are not receiving accurate information about dog bite incidents in their area

27. Councils can only investigate attacks they are made aware of, generally by the victim or someone else involved in the incident. There are no mandatory requirements on health professionals or agencies (such as the Accident Compensation Corporation) to notify councils of an incident they become aware of. Councils have noted that without accurate information about the presence and behaviour of dogs in their district, it is not possible for councils to effectively address high-risk dogs or owners.

## Objectives and Criteria

28. The objectives of this review are to further refine regulatory settings to:
- 28.1 Improve community and individual safety from the threat and harm of dog attacks;
  - 28.2 Support the welfare of animals and the valuable role dogs play in our society and individual well-being; and
  - 28.3 Increase effectiveness the dog control regime.
29. Options were assessed using the following criteria:
- **Effective:** the option achieves the desired outcomes and addresses the problems identified;
  - **Efficient:** the requirements minimise compliance costs and are no more than necessary to achieve the outcomes sought;
  - **Equitable:** the requirements are fair and are consistently applied;
  - **Clear and transparent:** people understand what is required of them and the basis of decisions; and
  - **Cost-effective:** the option is a cost-effective expenditure of public funds.
30. The single criterion of 'effectiveness' provides the assessment of how well each option meets the three objectives outlined in paragraph 28.

## Options and impact analysis

31. Within each of the problem areas identified, options with regulatory impacts are discussed below. It should be noted that those options being considered are part of a wider package that includes (i) a national public education campaign to increase awareness of dog behaviour and safety and socially responsible dog ownership, (ii) best practice guidance for territorial authorities to better approach enforcement challenges in a nationally consistent way, and (iii) a potential nation-wide subsidised neutering campaign for classified dogs.

### Problem Area 1: Involvement of unregistered dogs in a large proportion of attacks

#### ➤ Measures to increase registration uptake

##### *Option 1 Licensing/regulation of dog breeding*

32. The licensing of breeders would mean breeders could be identified and required to provide the right environmental conditions for puppies and restrict breeders with unacceptable breeding practices, resulting in less maladjusted dogs with behavioural issues. The licensing of breeders would reduce the number of unknown unregistered dogs if obligations are placed on them to carry out initial registration.
33. The scope of such a licensing regime could cover just commercial (intentional) breeders or also apply to owners of dogs that were not neutered, resulting an unplanned litter. Currently a large number of litters are unplanned and such owners will likely be unaware of their obligations. Any licensing requirement capturing these people would be retrospective in nature (i.e. requirement to apply for a temporary licence if litter is produced). This would limit effectiveness of this approach.
34. If implemented correctly, breeder licensing would support animal welfare considerations as less unidentifiable dogs would have to be euthanised and they would be bred under better conditions. However, sufficient lead-in time would be required to prevent backyard euthanising of dogs where breeders do not wish to be licensed.
35. There are already voluntary licensing schemes for dogs that are bred to a particular standard. Breeder licensing may create regulatory barriers which may be considered unnecessary for those breeders.
36. Breeder licensing increases transparency for dog buyers that they are buying from a good source. Also provides clarity for animal welfare enforcement (breeders found either do or do not have a licence). Would require a great deal of education among dog owners about their responsibilities if they have an unintended litter. A public campaign would aid in clarity and transparency for breeders as to the expectations of them.
37. There would be significant costs associated with regulating, establishing, administering and enforcing breeder licensing. While a licensing scheme would be cost-recoverable to a certain extent, in the current environment it may not be cost-effective due to the large number of unintentional breeders, for whom licensing would not work. As such this option is **recommended for implementation at a later date**, once a sufficient proportion of the dogs are neutered.



### **Option 2 Regulation of sale of dogs**

38. This option would also place obligations on a seller to ensure registration has been carried out prior to sale. As a large number of litters are unplanned and unwanted, owners may not be aware of obligations. Currently a large number of 'sales' are informal. Therefore, such a rule may be hard to enforce and potentially force sales further 'underground'. Also, there is a risk that such a policy could result in 'backyard' euthanising of unwanted litters.
39. This option would increase costs of enforcement at point of sale and would diminish and undermine owner-responsibility for unregistered dogs once a 'sale' has been completed. As such, it is not likely to be cost-effective in the current environment where there are a large number of dogs not neutered and consequently a large number of informal sales. This option is **not recommended**.

### **➤ Measures to reduce the availability of dogs considered to be pit bull type**

#### **Option 3 Mandatory neutering of all dogs classified as menacing (remove territorial authority discretion)**

40. For dogs classified menacing *by breed*, the import of such dogs is already banned. So there is a clear rationale to require mandatory neutering. In fact, variation in this respect undermines the current regime intent of restricting Schedule 4 breeds and types to restrict these breeds in New Zealand. For dogs classified menacing *by deed*, neutering is understood to have behavioural advantages.
41. As such, there is no need for council variation on this matter and national consistency is desirable. Mandatory neutering would reduce the risk that the dog will commit a serious attack; it will also drive consistent practice across the country, and reduce costs for territorial authorities (by streamlining and simplifying the process). Neutering also supports animal welfare considerations as lowered aggression results in reduced risk of the dog attacking and having to be euthanised.
42. Overall mandatory neutering would enhance the effectiveness of the dog control regime, but there is a risk that some owners that wish to breed dogs that are classifiable menacing or dangerous will try to evade collection of accurate breed information via the registration system. It may also increase costs for councils if owners become less likely to seek or accept classification of dogs where it is appropriate.
43. This option increases equity between owners of menacing dogs as they are not subjected to regional variation and there is 'one rule for all'. However, dogs that are classifiable menacing by breed tend to be owned by those in lower socio-economic groups. As such, in practice it may impose more costs on those who can less afford it.
44. This option is **recommended** as it meets objectives better than the status quo and is cost-effective overall.

#### **Option 4 Ban on re-homing of dogs classified as menacing or dangerous**

45. Currently, many councils have a policy of no re-homing of dogs classified menacing or dangerous from their council shelters. This option would make that rule consistent across all councils and welfare agencies. This option is supported by stakeholders such as the New Zealand Institute of Animal Management.

46. This option would seek to lower the population of dogs with potential for high harm (for dogs menacing by breed) and high-risk (for dogs classified by deed). But the extent to which this option would be particularly effective depends on whether dogs, once classified and rehomed, are over-represented in dog attacks. There is no data on this. It does not support animal welfare considerations, particularly where a dog maybe well-adjusted and non-aggressive, but classified by breed due to its potential for significant harm should there be an attack. Such a ban may disincentivise owners to seek or accept classification of dogs where it is appropriate. People may also be less likely to surrender dogs to the council if there was such a ban. It is also important to note the current lack of clarity and consensus around how to identify dogs as 'pit bull type', and concerns about the accuracy of visual classification. The option would reduce shelter costs and would therefore save costs for councils however.
47. This option is **not recommended** due to the current challenges with visual classification and because local communities currently have the flexibility to implement no re-homing policies if they wish to do so.

## Problem Area 2: Lack of socially-responsible behaviour by dog owners

### *Option 5 Licensing of owners of dogs classified as menacing or dangerous*

48. This option would place extra requirements on owners of dogs classified as menacing or dangerous by requiring them to be licensed. This is with a view to ensuring those owning classified dogs are fit and proper people. Obtaining a licence would involve going through appropriate training (an educational component), owner testing of some form, and possibly mandatory property and dog temperament checks.
49. It is not clear that licensing would offer sufficient additional benefits to make it worthwhile. The option may support council's role in enforcement: councils have stated that currently if a dog is removed from an unwilling non-compliant owner, that owner will often just get another dog and issues are likely to continue. As such, there are efficiency gains for councils in being able to focus on the owner rather than the dog.
50. However, people who currently do not register their dogs would be unlikely to obtain a licence. Because the option would make it more difficult to own a particular type of dog legally, illegal ownership may increase. Reduced legal ownership reduces the ability to put appropriate controls on dogs and communicate with/educate owners. There would be significant costs associated with regulating, establishing, administering and enforcing owner licensing. To some extent this may be met via the cost of obtaining a licence. However, licensing may lead to more people contesting the classification of their dog as a pit bull-type as they do not wish to go through the licensing process, which may increase costs for councils outside of the licensing process.
51. In multi-person households, a dog may be looked after by any number of people. It is not realistic to expect that the licensed person will be the only one in control of the dog. This will somewhat reduce the effectiveness of owner licensing in practice.
52. This option may or may not support animal welfare considerations depending on how it is implemented. On the one hand, it promotes positive interaction between dogs, owners and society. However, there would have to be sufficient lead in time before this policy is enforced otherwise it could result in abandonment and the need to euthanise more dogs.

## IN-CONFIDENCE

53. Owners of pit bull-type dogs tend to be in the lower socio-economic demographic. As such, in practice this measure would disproportionately affect those who can less afford extra costs. This is another reason why a long lead-in time is appropriate. Lack of clarity and transparency around what is a pit bull type also needs to be considered. There may be some confusion for owners who did not expect their dog to be classified by breed or do not agree with the breed classification of their dog.
54. Central and/or local government funding would be required to develop a nationally consistent programme for training and testing of people. This also requires reaching a level of consensus on what is the 'right approach' to interacting with/dealing with a dog.
55. This proposal has potential for a number of unintended consequences in the current environment and so is **recommended for implementation at a later date**.

### ***Option 6 Extend fencing/containment requirements to all menacing dogs***

56. This option would extend current containment requirements on owners of dogs classified as *dangerous* to also apply to owners of dogs classified as *menacing*. Dogs classified as menacing would have to be confined to the land in a manner that they could not freely leave and kept in a securely fenced portion of the owner's property that it is not necessary to enter to obtain access to at least one door of the dwelling. It would significantly reduce the risk of people inadvertently encountering high-risk dogs on private property, dogs roaming/running off the property when provoked, and becoming agitated due to chaining. It would support the effectiveness of the dog control regime as currently a large part of dog control work is a result of dogs not being contained on their property.
57. A fencing requirement increases the cost of ownership of a menacing dog. It would disadvantage some owners, such as those who do not own their own house and those on low incomes, who are more likely to own dogs that are likely to be classified as menacing by breed. However, this option is likely to be cost-effective for councils, as homes and streets are the most common places for dog attacks to occur. This option is **recommended**.

### ***Option 7 Mandatory special collars to identify classified dogs***

58. This option would require owners to ensure dogs classified as menacing or dangerous are wearing identifiable, specially designated collars for each classification. The collar would be supplied by council at a cost to the dog owner.
59. The option seeks to enable the public and visitors to private property housing a classified dog to be well informed of risk, and those on the street when a dog may have escaped the property without the owner's knowledge (and so is not wearing a muzzle). As evidence suggests most incidents occur within the home or on the street, a visual collar would be a well-targeted measure. However in the public sphere, in many cases if an owner does not wish to use in a muzzle, they are unlikely to leave such a collar on because to do so is more likely to attract an infringement for failure to muzzle under section 33EC of the Act. Therefore, such a requirement is likely to only be complied with by already responsible owners who would already be using a muzzle when in public. As such, this option may be considered to be more than the minimum necessary in terms of communicating risk to the public.

60. The requirement to wear a signifying collar could also result in stigma that results in less socialisation for the dog, but it is unclear to what extent this may occur. The potential for such stigma will also vary from community to community. As with other measures that increase controls and costs of ownership, there is a risk of further disincentivising dog registration.
61. It is unclear whether the costs to individuals of this option would outweigh its effectiveness in terms of reducing risk and harm of attacks and further investigation is warranted on how well this measure has worked overseas. As such it is **not recommended at this stage**.

### ***Option 8 Mandatory display of signs on properties housing dogs classified as menacing or dangerous***

62. This option would require owners to ensure a property housing a dog classified as menacing or dangerous has a specially designated sign displayed on the property. Signs would be supplied by councils and so would be standardised.
63. The option seeks to enable the public and visitors to private property housing a classified dog to be well informed of risk. As most attacks occur in the home, this option is considered to be a well-targeted measure. However, the option would be more than the minimum necessary to achieve objectives for dangerous dogs for which section 32 (1)(a) requires that the dog be contained within a securely fenced portion of the owner's property that it is not necessary to enter to obtain access to at least one door of any dwelling on the property. Furthermore, option 6 would extend this fencing requirement to also apply to properties housing dogs classified as menacing. If that measure was to be adopted, then this option would also be more than the minimum necessary for dogs classified as menacing, and therefore not meet the efficiency criterion. However, like option 6, this option would be a further mitigation of the risk and harm of dog attacks.
64. The option adds compliance cost for owners of purchasing a sign. As with other measures that increase controls and costs of ownership, there is a risk of further disincentivising dog registration. This option is **not recommended on the basis that option 6 is preferred**.

## **Problem Area 3: Lack of reporting of dog bite incidents to territorial authorities**

### ***Option 9 Mandatory reporting of dog bite incidents to territorial authorities***

65. A number of councils and the New Zealand Institute of Animal Management have requested mandatory reporting of all dog bite incidents to territorial authorities. Such reporting requirements could be applied at different levels: to GPs, hospital staff, or ACC. Mandatory reporting would allow territorial authorities to investigate and apply appropriate actions to educate owners on responsibilities of being a dog owner and to place extra requirements on ownership of the dog via the classification process.
66. Current health information collected from patients for treatment purposes would not by itself be sufficient for council enforcement purposes. Information that would be of use, such as where a dog came from and who the owner is, is not collected. As such, councils would have to follow up patients/claimants who may not wish to be contacted.

## IN-CONFIDENCE

67. Sharing ACC claimants' and/or patients' personal information with territorial authorities without their permission would raise privacy concerns. This is because such information is collected for different purposes to those that territorial authorities require it for. Therefore, appropriate legal authority to be able to share this information would be required such as client consent obtained case by case, relying on Information Privacy Principles exemptions<sup>11</sup> (determined case by case), or an approved information sharing agreement or legislative change. Requiring claimants and/or patients to provide relevant information may have an unintended negative consequence of discouraging people from pursuing appropriate treatment, and would go against the no-fault principle of the ACC Scheme. Higher levels of reporting could be achieved through public education on reporting voluntarily.
68. This option is **not recommended**.

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<sup>11</sup> For example, Principle 11 (e)—disclosure of personal information is necessary to avoid prejudice to maintenance of the law or enforcement of a law; or Principle 11 (f)—disclosure is necessary to prevent or lessen a serious threat to public health or safety.

# Summary of analysis of options for reducing harm and risk of dog attacks

Options	Criteria						Summary	
	Effective: the option achieves the desired outcomes and addresses the problems identified			Efficient: the requirements minimise compliance costs and are no more than necessary to achieve the outcomes sought	Equitable: the requirements are fair and are consistently applied	Clear & Transparent: people understand what is required of them, the basis of decisions and/or the process allows them to contribute to decision-making		Cost-effective
	1.1 Improve community and individual safety from the risk and harm of dog attacks	1.2 Support the welfare of animals and the valuable role dogs play in our society and individual well-being	1.3 Increase effectiveness of the dog control regime					
<b>Problem Area 1: Involvement of unregistered dogs in a large proportion of attacks</b>								
<i>Measures to increase registration uptake</i>								
1 Licensing/regulation of dog breeding	<p>✔️❌ Supports in theory, as it would reduce the number of unknown unregistered dogs if breeder is responsible for initial registration. Also restricts breeders with unacceptable breeding practices, resulting in less maladjusted dogs with behavioural issues. However, a large number of litters are unplanned and owners will likely be unaware of their obligations.</p>	<p>✔️ Supports, as less unidentifiable dogs would have to be euthanased and regulation of breeders will help prevent unacceptable breeding practices and therefore will decrease the prevalence of maladjusted dogs. However, could go against if licensing introduced in a way that leads to backyard euthanasing of dogs.</p>	<p>✔️ Supports, as never known unregistered dogs overrepresented in dog attacks and pounds. Obligation on breeders to carry out registration would mean more dogs in the system.</p>	<p>❌ There are already voluntary licensing schemes for dogs that are bred to a particular standard. Could create regulatory barriers which may be unnecessary for some breeders who are licensed under voluntary schemes. Would require a great deal of education among dog owners about their responsibilities if they have a litter.</p>	<p>🟡 No impact.</p>	<p>✔️ Licensing increases transparency for dog buyers that they are buying from a good source. Also provides clarity for animal welfare enforcement (breeders found either do or do not have a licence). A public campaign would aid in clarity and transparency for breeders as to the expectations of them.</p>	<p>❌ While a licensing scheme would be cost-recoverable once operating, it may not be cost-effective due to the large number of unintentional breeders, for whom licensing would not work.</p>	<p><b>Recommended for implementation at a later date</b> as part of a package, once a sufficient proportion of the dogs are neutered.</p>
2 Regulation of sale of dogs	<p>✔️ Supports in theory, as it would reduce the number of unknown unregistered dogs. However, as a large number of litters are unplanned and unwanted, owners may not be aware of obligations.</p>	<p>❌ Risk that it could result in 'backyard' euthanising of unwanted litters.</p>	<p>✔️❌ Supports, as never known unregistered dogs overrepresented in dog attacks and pounds. However, as a large number of litters are unplanned and unwanted, owners may not be aware of obligations. Such a rule may be hard to enforce and potentially force sales further 'underground'.</p>	<p>✔️❌ Placing obligations on the seller does mean regular sellers can be targeted for registration. It is more efficient to require a seller of a litter to register all dogs than multiple buyers; however point of sale is a small point in time less resource efficiency for enforcement.</p>	<p>🟡 No impact.</p>	<p>🟡 No impact.</p>	<p>Unclear.</p>	<p><b>Not recommended.</b></p>

Options	Criteria						Summary	
	Effective: the option achieves the desired outcomes and addresses the problems identified			Efficient: the requirements minimise compliance costs and are no more than necessary to achieve the outcomes sought	Equitable: the requirements are fair and are consistently applied	Clear & Transparent: people understand what is required of them, the basis of decisions and/or the process allows them to contribute to decision-making		Cost-effective
	1.1 Improve community and individual safety from the risk and harm of dog attacks	1.2 Support the welfare of animals and the valuable role dogs play in our society and individual well-being	1.3 Increase effectiveness of the dog control regime					
<b>Measures to reduce the availability of dogs considered to be 'pit bull type'</b>								
3 Mandatory neutering of all dogs classified as menacing (remove territorial authority discretion)	✔ Supports. Helps transition to low-risk dog population and reduces risk of aggressive behaviour among neutered dogs.	✔ Supports. Less dogs would have to be euthanised long-term.	✔✘ Generally supports, but there is a risk that some owners that wish to breed dogs that are classifiable will try to evade collection of accurate breed information via the registration system. May also make owners less likely to seek or accept classification of dogs where it is appropriate.	✘ Increases direct costs associated with neutering of menacing dogs.	✔✘ Increases equity between owners of menacing dogs as they are not subjected to regional variation. Would adversely affect breeders of schedule 4 dogs (papered American Pit bull Terriers), whose enterprise would be curtailed. May impose more costs on those who can less afford it, due to ownership profile of Schedule 4 dogs.	✔ Increased clarity and transparency as there is one rule for all menacing dogs across New Zealand and it is simple to understand. Also clarifies rationale for ban on import.	Costs of neutering vary with size and sex of the dog. The cost-price average is approximately \$150 per dog. It is an effective measure for dog control where there is sufficient uptake across the community (SPCA have informed us that sufficient uptake for population control is about 80% of dogs neutered).	<b>Recommended.</b>
4 Ban on rehoming of dogs classified as menacing or dangerous	✔ Supports in theory, as it lowers potential high-harm (and high-risk for dogs classified by deed) dog population. But whether this option would be particularly effective depends on whether dogs, once classified, are over-represented in attacks.	✘ Does not support animal welfare considerations.	✘ May disincentivise owners to seek /accept classification of dogs where it is appropriate and to act responsibly when they can no longer adequately care for their dog.	✔ Increases cost of dog destruction as more dogs being put down, but likely to reduce shelter costs.	✘ May not be fair to dog owners family members who lose their dog - if they are not able to pass on ownership to someone else in the family.	✔✘ Dependent on council's communication with its dog owners. There is potential lack of transparency if dogs could be classified and removed from an owner as part of the same incident.	Unclear whether it would be cost-effective as a measure to reduce risk and harm of serious attacks as it not known to what extent rehomed dogs are involved in serious attacks.	<b>Not recommended.</b>
<b>Problem Area 2: Lack of socially-responsible behaviour among dog owners</b>								
5 Licensing of owners of dogs classified as menacing or dangerous	✔ Likely supports, if it reduces irresponsible behaviour and 'reoffending' by classified dogs.	✔✘ Encourages positive behaviour and interaction with dogs. However, if there is insufficient lead-in time before this policy is enforced it could result in abandonment and significant euthanasia of dogs across the country.	✔✘ Supports. Councils have stated that currently if dog is removed from unwilling non-compliant owner, that owner will often just get another dog and the whole process will have to be repeated. However, increasing controls and costs of ownership risks further disincentivising dog registration.	✔ Creates compliance costs for some dogs owners, but this is targeted at a population with higher risk dogs. Efficiency for council in that owner has onus to prove they are responsible.	✘ It only applies to classified dogs. Owners of pit bull-type dogs tend to be in the lower socio-economic demographic, who can less afford extra costs.	✔ This rule would be easy to follow and understandable. There may be some confusion for owners who did not expect their dog to be classified by breed.	Unclear whether it would be cost effective; this largely depends on how and when owner licensing would be implemented. There would be significant cost in developing a nationally consistent programme and in administering it. This would require central and/or local government funding.	<b>Recommended for implementation at a later date</b> as part of a package, due to potential for unintended consequences in the current environment.

Options	Criteria						Summary	
	Effective: the option achieves the desired outcomes and addresses the problems identified			Efficient: the requirements minimise compliance costs and are no more than necessary to achieve the outcomes sought	Equitable: the requirements are fair and are consistently applied	Clear & Transparent: people understand what is required of them, the basis of decisions and/or the process allows them to contribute to decision-making		Cost-effective
	1.1 Improve community and individual safety from the risk and harm of dog attacks	1.2 Support the welfare of animals and the valuable role dogs play in our society and individual well-being	1.3 Increase effectiveness of the dog control regime					
6 Extend fencing/containment requirements to all menacing dogs (extension for requirement for dangerous dogs)	✔ Supports. Less risk of people encountering high-risk dogs on private property, dog roaming/running off the property when provoked, and becoming agitated due to chaining.	✔ Supports as it reduces the need for dogs to be chained.	✔✘ Supports as Councils may have such requirements in bylaws, but they are not currently supported by legislation. However, increasing controls and costs of ownership risks further disincentivising dog registration.	✔ Fencing requirement increases compliance cost of ownership of a menacing dog, but this is targeted at a high-risk population.	✔✘ Discrepancy between owners of classified dogs and other owners would exist but this is fair given they are a high-risk population. May be perceived as unfair for owners of dogs classified by breed as these dogs haven't necessarily behaved in a threatening way.	⚠ No impact.	Unclear to what extent it is cost-effective. Does not require and central or local government funding. Will save enforcement costs for councils associated with dogs that wander off properties, but unclear how much would be saved.	<b>Recommended.</b>
7 Mandatory special collars to identify classified dogs	✔ Supports. Enables the public and visitors to private property at risk of attack to be well informed of risk (and most attacks do occur in the home). Not likely to be a necessary or effective measure in the public sphere however.	⚠✘ Could potentially result in stigma that results in less socialisation, but unclear to what extent this is likely.	✘ Increasing controls and costs of ownership risks further disincentivising dog registration.	✘ Adds compliance cost of purchasing a collar. May also be argued that it is more than the minimum necessary, due to muzzling requirement in public. However, it is unclear to what extent that requirement is complied with.	⚠ No impact.	✔ Supports. Increases transparency for the public on the regulatory classification of a dog.	Unclear whether the costs to individuals of this option would outweigh its effectiveness in terms of reducing risk and harm of attacks.	<b>Not recommended at this stage</b> as further information required to determine whether it is likely to be cost-effective.
8 Mandatory display of signs on properties housing dogs classified as menacing or dangerous	✔ Supports. Enables visitors to a property where they are at risk of attack to be well informed of risk (and most attacks do occur in the home).	⚠ No impact.	✘ Increasing controls and costs of ownership risks further disincentivising dog registration.	✘ Adds compliance cost of purchasing a sign.	⚠ No impact.	✔ Supports. Increases transparency for the public on the regulatory classification of a dog.	Unclear whether the costs to individuals of this option would outweigh its effectiveness in terms of reducing risk and harm of attacks.	<b>Not recommended</b> as option 6 is preferred.
<b>Problem Area 3: Lack of reporting of dog bite incidents to territorial authorities</b>								
9 Mandatory reporting of dog bite incidents to territorial authorities	✔✘ May support, as it allows for action on dogs that could go on to commit further attacks. However, could also work against this criterion as people may be less likely to seek appropriate treatment, given that the majority of incidents occur in the home.	⚠ No impact.	✔ Supports, as currently placing appropriate controls on high risk dogs is hampered by the fact that the majority of incidents are not reported to territorial authorities.	✔ Increases efficiency as it reduces the need for victims of dog bite incidents to separately communicate with territorial authorities about their incident.	⚠ No impact.	⚠ No impact.	No significant direct cost to be incurred by government in order to implement the option.	<b>Not recommended</b> as it has potential unintended negative consequences and raises privacy implications.



## Consultation

69. In the preparation of these proposals, a range of external stakeholders were also consulted, including Local Government New Zealand, the Society of Local Government Managers, Auckland Council, the New Zealand Institute of Animal Management (previously known as the New Zealand Institute of Animal Control Officers), the New Zealand Association of Plastic Surgeons, the New Zealand Kennel Club, Federated Farmers of New Zealand, Rural Women New Zealand, the Veterinary Council of New Zealand, Dog behaviour experts, Trade Me, and the Royal New Zealand Society for the Protection of Animals the Pit bull Club, and the American Staffordshire Terrier Club.
70. We also undertook targeted engagement with victims of dog bites and dog owners in Auckland and Wellington. Officials also met with, farmers and other members of the rural community, and animal control officers. An online engagement survey was used to capture the sentiment of the general public about areas for improvement to the dog control regime. The two week survey period resulted in over 3000 responses.
71. This engagement enabled officials to gain some understanding of the nature and the size of dog control problems and to identify potential solutions. There was broad support for non-regulatory measures such as public and owner education, and for regulatory measures such a mandatory neutering. Many also supported owner licensing. Many have concerns about measures that increase costs and obligations for dogs classified menacing due to being of 'pit bull type', as breed-specific legislation has been shown to not be effective in other jurisdictions in reducing dog attacks.

## Conclusions and recommendations

72. A package of regulatory and non-regulatory interventions are required in order to achieve the goal of reducing risk and harm of serious dog attacks. Furthermore, to be effective, regulatory tools need to be used in a phased approach. This is because the success of more interventionist measures (such as breeder and owner licensing regimes) depends on the receiving environment being right. 'Supply-side' measures need to be adopted first to reduce the availability of dogs that are not neutered. This combined with a societal culture change process and more effective council action through development of best practice, will mean the better conditions for successfully increasing controls on dogs, owners and breeders. Potential unintended consequences of employing regulatory tools too early include and increased number of unregistered dogs, potential for 'backyard euthanasia' of dogs/unintended litters, and higher than necessary levels of euthanasia overall.

## Implementation plan

73. These proposals will be implemented as part of three phases of work.
- *Legislative phase:* a one to two year process to amend the Act and develop regulations as necessary (e.g. details of owner licensing scheme) to implement options preferred by the Government;

- *Best practice phase*: a one to two year process (concurrent to the legislative phase), led by the local government sector, to develop best practice guidance for the local government sector about implementation of the Act, amendments, and associated regulations; and
  - *Public education phase*: a longer-term process, with central and local government and non-governmental sector working together to influence societal change in attitudes about responsible dog ownership and safety around dogs.
74. Work under phases 2 and 3 and the approach that will be taken has broad support across all stakeholders.

## Monitoring, evaluation, and review

75. Monitoring will continue to occur as it does currently via the annual collation and release of statistics relating to dog control from other agencies and the national dog database. Annual councils dog control reports prepared under section 10A of Dog Control Act 1996 will also be reviewed to ascertain a picture of the trends. To enable this to occur, as part of the legislative phase of this work, there are plans to review section 10A requirements, in order to ascertain more fit for purpose information in future.
76. There are no plans for a future review of proposals at this stage. There is no legislative requirement to conduct regular reviews and such a review will likely occur as priorities allow.

# Appendix A: Data/figures

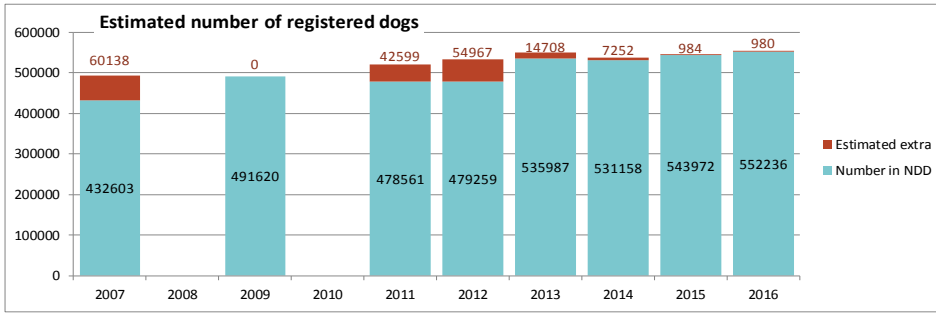


Figure 1: Estimated number of registered dogs in New Zealand from 2007 to 2016<sup>12</sup>

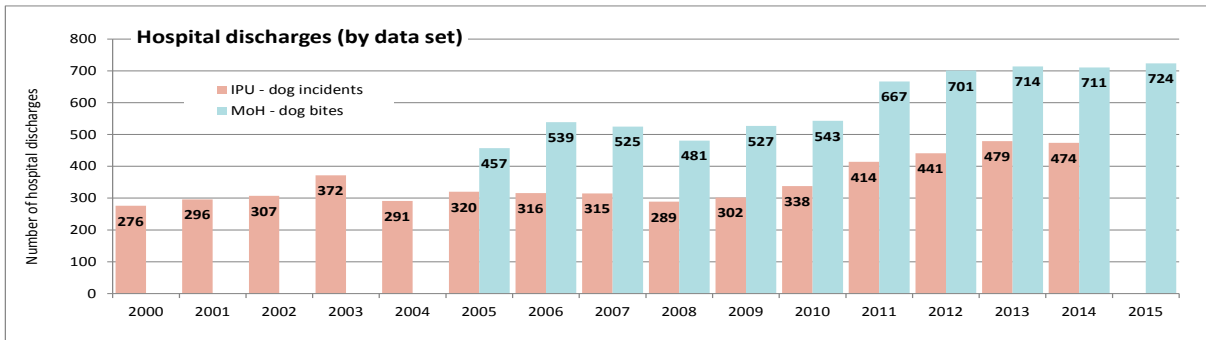


Figure 2: Number of hospital discharges for dog incidents (IPU data<sup>13</sup>) and dog bites (MoH data)

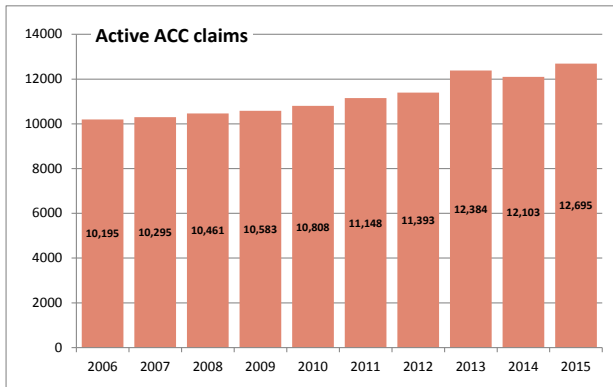


Figure 3: Number of active ACC claims from 2006 to 2015

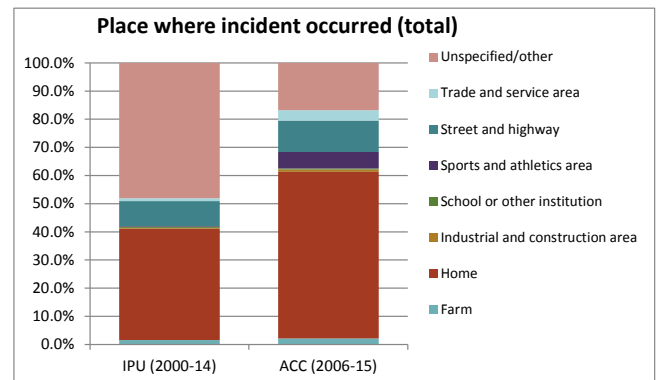


Figure 4: Place where incident occurred (IPU and ACC data)

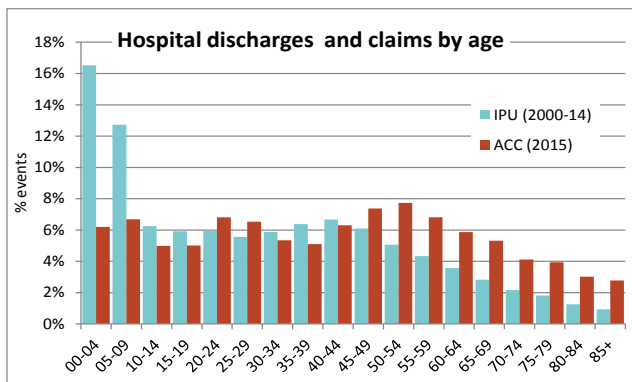


Figure 5: Hospital discharges and ACC claims by age

<sup>12</sup> The 'estimated extra' shown in red accounts for council under-reporting of registered dogs. It does not account for unregistered dog population in New Zealand.

<sup>13</sup> "IPU" refers to Otago University's Injury Prevention Unit. IPU analysis also originates from data collected and supplied by MoH. But as well as being subject to other selection criteria, IPU data excludes day patients.