



PALMERSTON NORTH CITY

PALMERSTON NORTH DOG CONTROL POLICY 2018

(incorporating amendments as at 23 September 2019)

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OVERVIEW

The overall purpose of dog control is to maintain and improve public safety. The Council recognises that most dog owners in the City are responsible and that most interaction between dogs and the community is positive. This policy aims to balance dog control and public safety while recognising the health, well-being, and wider community benefits of dog ownership.

This Policy is a requirement of the Dog Control Act 1996 (the Act) that requires some mandatory content. The Policy should be read alongside the Palmerston North Dog Control Bylaw that gives effect to and provides the legal instrument to implement the Policy. This Policy applies to all of Palmerston North City.

A key aim of the Policy is to explain Council's approach to dog control to the community as well as providing a basis for internal operational policy and practice. It also indicates how Council will exercise its discretionary functions under the Act.

Every year the Council is required to report to the Department of Internal Affairs under Section 10A of the Act on the administration of its dog control policy and dog control practices as well as a variety of dog control related statistics. The 2016/17 report showed that:

- There are an increasing number of registered dogs (over 8,000 in 2016/17).
- There are a high number of complaints about roaming/uncontrolled dogs and barking dogs.
- While trends over the last six years show that there is a decreasing number of complaints about aggressive and rushing dogs, and dog attacks, there is still a need to minimise attacks and instances of intimidation.

Animal control activities are almost fully funded from registration fees and impoundment fees and charges. The Council's animal control service is prioritised based on risk. Reports of dog attacks, and aggressive dogs receive an immediate response and are considered 'priority one' activities. Roaming dogs, barking dogs, preferred owner checks and unregistered dog checks are planned and carried out around the priority one activities.

An out of hours service for priority one activities is undertaken by a contractor on behalf of the Council. The Council also operates an animal pound within the City.

Council provides education through its Animal Control Team and through the provision of information on its website.

Summary of Legal Requirements for Dog Control

Dog Control Act 1996 - dog control is regulated by this Act that focuses on managing risk and enabling the Council to take action to mitigate unreasonable risk. The regime created by the Act is based on dog owners being responsible for the control of their dogs and complying with the Act. The Council's role is to administer, implement and enforce the Act.

Dog Control Policy - explains Council's approach to dog control to the community and provides the basis for internal operational policy and practices. The Policy indicates how Council exercises discretion under the Act (e.g. for neutering menacing dogs, determination of probationary owners) and covers mandatory requirements set out in Section 10 of the Act.

Dog Control Bylaw – gives effect to the Policy by specifying the legal requirements for the keeping of dogs in Palmerston North. The requirements are necessary to ensure compliance with the Dog Control Act 1996 and the Palmerston North Dog Control Policy 2011, and to give effect to the objectives of that Act and that Policy.

PART 1 INTRODUCTION

1. PURPOSE

The purpose of this Policy is to express how Palmerston North City Council will fulfil its responsibilities under the Dog Control Act 1996.

The Policy identifies areas where dogs are prohibited, where dogs must be controlled on a leash, areas where dogs can be exercised without being controlled on a leash, and where dogs are not prohibited or required to be controlled on a leash.

The Policy also outlines the obligations and responsibilities of dog owners.

2. OBJECTIVES

The objectives of the Policy are guided by Section 10 of the Dog Control Act and seek to:

- (a) Minimise danger, distress and nuisance dogs may cause to the community generally;
- (b) Avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children or other vulnerable members of the community, whether or not children might be accompanied by adults;
- (c) Enable, as far as practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs;
- (d) Provide for the exercise and recreational needs of dogs and their owners.
- (e) Ensure dogs within the city boundary are registered and micro-chipped.
- (f) Encourage responsible dog ownership so that owners take all reasonable steps to ensure that their dogs do not cause a nuisance to other people or other animals.

3. REVIEW

This Policy will be reviewed by 2023.

4. DEFINITIONS

All definitions used in this Policy are in Appendix One.

PART 2 ADMINISTRATION AND ENFORCEMENT

5. EFFECT OF POLICY

The Policy is given effect and implemented through the Palmerston North Dog Control Bylaw 2018.

6. NATURE AND APPLICATION OF DOG CONTROL BYLAW

Section 20 of the Act lists the matters for which bylaws may be made. The Council's Dog Control Bylaw covers the following matters:

General control of dogs in public places including:

- exempting certain types of dogs (working and disability assist dogs) from control areas
- prohibiting dogs from specified public places
- requiring dogs to be on a leash in specified public places
- designating specified areas as dog exercise areas/off-leash areas

Keeping of dogs including:

- placing limitations on the number of dogs that may be kept on properties
- requirements for dogs to be kept a minimum distance from a boundary
- requirements to provide exercise, standards for the accommodation of dogs, confinement of bitches in season, responsibility to remove faeces, diseased dogs and dogs becoming a nuisance or injurious to health
- dogs not kept under proper control
- dogs classified as menacing must be neutered
- dog and owner education

Enforcement approach including:

- seizure of dogs in public places that are in contravention of the bylaw
- offences and penalties.

7. ENFORCEMENT TOOLS

There are a range of enforcement tools available to the Council including:

- Seizure of dog/s
- Issue of infringement notices and fines
- Prosecution with fines being possible

- Declaring a dog as menacing or dangerous
- Prohibiting people from owning dogs (disqualification)

Non-regulatory methods, such as education and a registration fee schedule that recognises responsible dog ownership, are also covered in this Policy.

8. **SEIZURE OF DOGS**

An Animal Control Officer or a Dog Ranger may seize and impound any dog at large in a public place in contravention of this Policy and in accordance with the powers contained in the Act.

9. **INFRINGEMENT NOTICES**

Infringement offences, with associated fines, are set by the Dog Control Act 1996. Council has no discretion to alter these fees.

Where, in the opinion of an Animal Control Officer, the keeping of dogs on a premises is, or is likely to become, a nuisance or injurious or hazardous to health, property or safety, the owner may be served with an infringement notice to:

- reduce the number of dogs on the premises,
- alter, reconstruct or improve the accommodation for dogs,
- require the dogs to be tied up or confined,
- take such other precautions as may be considered necessary.

10. **DOGS CLASSIFIED AS MENACING MUST BE NEUTERED**

Dogs classified by Palmerston North City Council as menacing under sections 33A or 33C of the Dog Control Act 1996, or any dog classified as menacing which is transferring to Palmerston North City Council, is required to be neutered.

11. **DOG ATTACKS AND DANGEROUS DOGS**

Dog attacks and dangerous dogs are responded to as an immediate priority. Animal Control Officers will conduct an investigation using best practice guidance.

12. **BARKING DOGS**

Council's process for dealing with barking complaints is to determine if it is loud and persistent and is causing a nuisance. It will then take the appropriate action under the provisions of the Act.

13. **ROAMING DOGS**

Upon notification of a roaming or stray dog the Council will respond as soon as practical to locate the dog. If the dog is caught the Animal Control team will endeavour to reunite the dog with its owner. If this is unsuccessful the dog will be impounded. Frequent roaming will result in impoundment and further enforcement action.

14. **DOGS NOT KEPT UNDER PROPER CONTROL**

Dogs not kept under proper control may be required by the Council to be neutered or for owners to complete a dog obedience course approved by the Council. Notice that a dog is required to be neutered or complete an obedience course will be served on the owner.

PART 3 AREAS OF DOG CONTROL

15. CONTROL OF DOGS IN PUBLIC PLACES

Three categories of control areas in the City are identified:

- (a) Prohibited Public Places
- (b) Dog On Leash Areas
- (c) Dog Exercise Areas

Dog owners must carry a leash at all times in all of the control areas as required by the Act. Dog owners must also carry a dog waste bag at all times in any of the control areas to collect and properly dispose of dog faeces in Council provided rubbish bins or at the owner's premises.

In all public places where dogs are not prohibited or required to be on a leash, dogs must be under the control of their owners at all times. This means when referring to a dog, either controlled on a leash, or controlled by voice command where the dog obeys the commands of its controller without hesitation.

Control areas will be publicised through appropriate signage.

These control areas are shown on maps available on Council's website: <https://www.pncc.govt.nz/local-regulations-and-licences/dogs-and-other-animals/dogs/exercising-your-dog/>.

16. PROHIBITED PUBLIC PLACES

16.1 Prohibited public places are locations in the City where dogs are not allowed at any time for a number of reasons, including in areas where:

- (a) There is high density of pedestrian traffic where dogs may compromise the health, safety and comfort of people;
- (b) Children or other vulnerable people gather or play, and the presence of dogs may pose a risk to their health and safety;
- (c) It is a sensitive natural environment;
- (d) The nature of the public place or facility makes it inappropriate to have dogs present.

- 16.2 Subject to clauses 16.3 and 16.4 and with the exception of working dogs, all dogs are prohibited from the following places:
- (a) Any swimming pool or aquatic facility owned or controlled by the Council, including all areas within the fenced boundary of the swimming pool;
 - (b) Within 30 metres of any child's play equipment or play area or paddling pool in any park or reserve, or of any aviary in any park or reserve;
 - (c) Palmerston North Holiday Park (the camping grounds);
 - (d) Any marked grass playing surfaces or artificial sports surfaces of sportsgrounds or sportsfields owned or controlled by the Council;
 - (e) *(deleted by amendment 23 September 2019)*
 - (f) The Council Crematorium and all Council Cemetery grounds;
 - (g) Memorial Park;
 - (h) The Ashhurst Domain Playground and adjacent picnic area;
 - (i) The Ashhurst Domain Wetlands Conservation Area;
 - (j) The central Victoria Esplanade area (which includes the children's playground and paddling pool, the scenic railway station, Peter Black Conservatory, Central Energy Trust Wildbase Recovery Centre, aviary and the cafe, also known as Victoria House);
 - (k) The Junior Road Safety Park in the Victoria Esplanade;
 - (l) The walkway around the Awapuni racecourse between 5am and 10am daily;
 - (m) Turitea Controlled Water Catchment Area, subject to clause 16.5;
 - (n) Central Energy Trust Arena Manawatū.

- 16.3 Where the only pedestrian access to either the owner's residence, or a veterinary surgery, is through a prohibited public place the owner may lead the dog through the prohibited public place provided that:
- (a) the owner and dog take the most direct route across the prohibited public place, and
 - (b) the dog is controlled on a leash.
- 16.4 Where a dog is being exercised in a dog exercise area (as specified in clause 20) that borders a prohibited public place, the owner may lead the dog through the prohibited public place provided that:
- (a) there is no reasonable alternative access, and
 - (b) the owner and dog take the most direct route across the prohibited public place, and
 - (c) the dog is controlled on a leash.
- 16.5 A dog may only be allowed within the Turitea Controlled Water Catchment Area if it is registered and under the control of a person holding a valid Hunting Permit issued by the Council for the Turitea Water Catchment Reserve, and subject to conditions the Council may apply to that Hunting Permit.

17. TEMPORARY PROHIBITED PUBLIC PLACES

Notwithstanding any provisions allowing for dog on leash areas or dog exercise areas, the Council may from time to time by resolution declare any public place that is not already a prohibited public place to be a prohibited public place for a specified time.

The Council will give public notice of its intention to declare any area to be a temporary prohibited public place specifying a reason. Appropriate signs shall be posted in the area and prior notice shall be published in a newspaper circulating in the District and on Council's website.

18. TRIAL OF CENTRAL BUSINESS DISTRICT AREA TO DOG ON LEASH CONTROL AREA *(deleted by amendment 23 September 2019)*

19. DOG ON LEASH AREAS

Dog on leash areas are locations where dogs are permitted on a leash in public places.

The owner of a dog (other than working dogs) shall not allow the dog on any public place (not being a prohibited public place or a dog exercise area) unless the dog is kept under control on a leash.

The following are public places in which dogs are to be kept under control on a leash:

- (a) All streets, roads and footpaths within the District except those within prohibited areas or dog exercise areas;
- (b) All parks, reserves and walkways within the District except those within prohibited areas or dog exercise areas;
- (c) All public places within the Central Business District;¹
- (d) The walkway around the Awapuni Racecourse except for the prohibited time between 5am and 10am daily;
- (e) Ashhurst Domain Camping Grounds;
- (f) Manawatū Riverside Walkway and Bridle Track between the Fitzherbert Bridge and the Palmerston North Holiday Park;

20. **DOG EXERCISE AREAS**

Dog Exercise areas are locations where dogs can be run at large, that is, off the leash but under the control of their owners at all times.

The ability to exercise dogs without a leash does not absolve owners from their obligations under the Act, to ensure their dog is kept under control, and to carry a leash at all times with the dog in a public place. Keeping a dog under control includes the obligation to ensure that the dog does not stray onto private property.

Dog Exercise Areas are generally recreational areas, such as parks, reserves and walkways, where people can expect to encounter dogs being exercised under proper control.

Council will review the need for specified dog exercise areas, including the provision of Dog Parks, and suitable locations, as necessary.

The following areas are dog exercise areas:

- (a) Drainage Reserve area off Rugby Street;

¹ Inserted by amendment 23 September 2019.

- (b) Ashhurst Terrace Walkway;
- (c) Frederick Krull Reserve and Walkway;
- (d) Schnell Wetland Walkway;
- (e) Manawatū Riverside Walkway and Bridle Track excluding the section between the Fitzherbert Bridge and the Palmerston North Holiday Park;
- (f) Mangaone Stream Walkway (except where it passes around the Awapuni Racecourse);
- (g) Upper Celaeno Park (between Frederick Krull Reserve and Shakespeare Way);
- (h) The Ruamahanga Wilderness area;
- (i) Edwards Pit Park;
- (j) Ahimate Reserve (previously Waitoetoe Park);
- (k) Durham Street Park;
- (l) Linklater Reserve (only the part open to the public);
- (m) Awatea Terrace Reserve;
- (n) “Railway” land, bounded by Pitt Street, Church Street, Pioneer Highway, and Cook Street (excluding the Skate Park that is defined as a play area under clause 16.2(a));
- (o) Turitea Stream Esplanade Reserves (Green Corridors);
- (p) The Upper Circuit of the Ashhurst Domain, except for those parts of the walkway which pass through Prohibited Public Places or Dog on Leash areas as designated in clauses 16 and 19 of this Policy.
- (q) Summerhill Reserve
- (r) Poutoa Walkway;
- (s) Titoki Walkway;
- (t) Pari Reserve and Walkway (previously known as Mangaotane);

21. **CLASSIFICATION OF AREAS UNDER OTHER LEGISLATION**

Access for dogs may be controlled by other legislation, for example the Conservation Act 1987 can declare any part or parts of land managed and administered by the Department of Conservation as “controlled dog areas” and “open dog areas”.

Dogs are not allowed in the Manawatū Gorge Scenic Reserve.

PART 4 DOG OWNERSHIP

22. RESPONSIBLE DOG OWNERSHIP

Dog owners have the following responsibilities:

- registering dog(s) and informing Council of any changes of address;
- keeping dog(s) under control at all times;
- ensuring dog(s) get care and attention, and has enough food, water, shelter and exercise;
- ensuring dog(s) do not disturb people with repeated barking or howling;
- ensuring dog(s) do not hurt, endanger or distress people, animals or protected wildlife;
- ensuring dog(s) do not damage or endanger property belonging to someone else;
- complying with the requirements of the Dog Control Act and all regulations and bylaws made under the Act;
- providing the Palmerston North City Council with details of dog(s) microchipping and neutering.

Dog owners should familiarise themselves with the Animal Welfare (Dogs) Code of Welfare 2010. The purpose of this code is to encourage all those responsible for dogs to adopt the highest standards of husbandry, care and handling.

23. PREFERRED OWNER SCHEME

To reward responsible dog ownership a dog owner may apply to the Council to be a preferred owner. Preferred owner status must be renewed each year and will qualify owners for a reduced dog registration fee.

Application to retain preferred owner status will be made using the registration fee demand. The application will be approved at the discretion of an Animal Control Officer, taking into account the following criteria:

- (a) the previous ownership history of the applicant including registration compliance;
- (b) an interview or completion of a self-administered test based on information contained in the Dog Owner's Handbook (or both, at the discretion of the Animal Control Officer);

- (c) the premises, inspected from time to time, where the dog is kept including approval of fencing, sleeping quarters and exercise space;
- (d) There is access to a door on the property without your dog(s) being able to approach people when they enter.

Preferred owner status may be lost where any of the criteria is no longer met such as failing to register on time, repeated offences for roaming, and moving to a property without adequate fencing.

For more information refer to: <https://www.pncc.govt.nz/local-regulations-and-licences/dogs-and-other-animals/dogs/preferred-owner-scheme/>

24. **REGISTRATION FEES**

Dog registration fees are set annually by Council resolution. A schedule of fees for Dog Registration is available from the Customer Service Centre of the Council and is available on Council's website.

Registration fees are issued before the end of each registration year (30 June) and shall take into account:

- (a) the classification of the dog;
- (b) number of dogs owned (see clause 26);

If the registration demand is unpaid by 1 August of any year 50% of the registration demand will be added to the fee;

If a preferred owner fails to pay the registration demand by 1 August of any year the registration fee will revert to the standard fee for the classification of the dog together with an additional 50% of the standard registration fee, and the owner will lose preferred owner status for that year.

The Council reserves the right to invoice a dog owner for the cost of registering any dog which is not validly registered by 1 August each year. Unpaid invoices may be subject to debt collection.

25. **OTHER FEES**

These fees are also set by Council resolution and include, but are not limited to:

- (a) Impounding fees (set down under the Impounding Act 1955);

- (b) Sustenance and board during period of impounding (set down under the Impounding Act 1955);
- (c) Micro-chipping (set down under the Dog Control Act 1996).

Animal Control fees and charges are available on Council's website: <https://www.pncc.govt.nz/plans-policies-and-public-documents/fees-and-charges/>

26. CARE AND MANAGEMENT OF DOGS

26.1 Number

No more than two dogs may be kept on premises of less than 2000m², provided that not more than one unspayed bitch may be kept on the property. The number of dogs on a property does not include dogs under the age of three months.

26.2 Housing

Dogs shall not be housed, confined or restrained within 1.8 metres of a boundary fence.

Dogs must be provided with adequate accommodation, for example a kennel on a hard surface or access to the interior of a building with adequate sleeping area at night.

26.3 Exercise

Owners must provide their dogs with adequate exercise. An in-season bitch must be confined but adequately exercised.

26.4 Removal of faeces

Owners must remove their dog's faeces from public land or premises other than that occupied by the owner.

Dogs suffering from an infectious disease must not be taken into any public place or allowed to wander free.

27. EMERGENCY PREPAREDNESS

All owners are expected to plan and prepare for the care and welfare of their dog(s) in anticipation of an emergency. While a state of emergency is in place dog owners must:

- (a) Keep their dogs under effective control at all times;
- (b) Ensure their dog does not injure, endanger or cause distress to any person.

28. **EXEMPTIONS**

An owner may apply to the Council for an exemption from the requirements of clauses 26.1 (multiple dog permit) and 26.2 (housing permit).

The Council may grant an exemption for a specified duration under clause 26 provided that -

- (a) there is insufficient space on the property to house, confine or restrain the dog in accordance with clause 26.2, and
- (b) the neighbour whose boundary adjoins the proposed area for housing, restraining or confining the dog does not object on reasonable grounds to the granting of an exemption, and
- (c) the Council may impose such conditions as may be necessary to ensure compliance with this Policy, the Dog Control Act and for the avoidance of nuisance.

29. **DOG AND OWNER EDUCATION**

The Council encourages dog owners to attend dog obedience courses, particularly puppy training classes, to assist in the training and socialisation of dogs.

The Council may from time to time, by resolution, approve education programmes for dogs and their owners.

30. **PROBATIONARY OWNER'S EDUCATION**

Where a person is convicted of any offence (not being an infringement offence) under the Act or any offence under the Animal Welfare Act 1999, Conservation Act 1987 or National Parks Act 1980 the Council may classify that person as a probationary owner.

If a person is classified as a probationary owner under the Act the Council will require the person to undertake a dog owner education programme or dog obedience course approved by the Council. The probationary owner will be notified in writing of the obligation to attend the programme or course.

The probationary owner will undertake the programme or course at his or her own expense.

The Council shall be furnished with satisfactory evidence of completion of the programme or course. The probationary owner may apply for termination of classification as a probationary owner six months after completion of the programme or course provided that the applicant has

not committed any further offences or infringements to which section 21 of the Act applies.

The Council shall consider the application for removal of classification as probationary owner in accordance with this Policy, including all the relevant circumstances of the applicant as a dog owner and may, at its discretion terminate the classification.

APPENDIX ONE

DEFINITIONS

Except as described below all definitions used in the Policy are the same as those contained in the Dog Control Act 1996 and amendments.

Act means the Dog Control Act 1996.

Bylaw means the Palmerston North Dog Control Bylaw 2018.

Central Business District means from the mid-line of the road reserve for the roads that form the Inner Ring Road, namely the area bounded by and including from the intersection of Grey and Princess St along Princess Street, to the intersection with Ferguson Street, along Ferguson Street to the intersection with Pitt Street, along Pitt Street and Bourke Street to the intersection of Bourke and Walding Streets, along Walding Street and Grey Street to the intersection with Grey and Princess Streets.

Council means the Palmerston North City Council.

Disability assist dog means a dog defined as a disability assist dog under the Dog Control Act 1996 and specifically includes a dog certified by one of the following organizations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability:

- (a) Hearing Dogs for Deaf People New Zealand
- (b) Mobility Assistance Dogs Trust
- (c) New Zealand Epilepsy Assist Dogs Trust
- (d) Royal New Zealand Foundation of the Blind
- (e) An organisation specified in an Order in Council made under section 78D of the Dog Control Act 1996.

District means the area within the territorial boundary of the Palmerston North City Council.

Dog Exercise Area means a public place identified in this Policy as an area where dogs may be exercised at large without being controlled on a leash. Dogs must still be under control within Dog Exercise Areas.

Dog on Leash Area means the areas identified in this Policy where dogs must be controlled on a leash.

Leash means a lead which is capable of restraining the dog.

Nuisance means anything which interferes with or threatens the health or enjoyment of people, and in this context may involve things such as barking, causing distress via intimidating behaviour (such as aggressive barking or rushing), or attacking people, wildlife or other animals.

Policy means the Dog Control Policy.

Premises includes any recreation ground, yard, building or enclosed space whether separately occupied or not and whether public or private.

Prohibited Public Place means a public place identified in this Policy as a place where dogs are prohibited, except as provided for in this Policy or the Act.

Public Place has the same meaning as in section 2 of the Dog Control Act 1996, and generally means a place that is open to the public whether or not it is private property.

Under control means, when referring to a dog, either controlled on a leash, or controlled by voice command where the dog obeys the commands of its controller without hesitation. Keeping a dog under control includes the obligation to ensure that the dog does not stray onto private property.

Working Dog means a dog defined as a working dog under the Dog Control Act 1996, and specifically includes:

- (a) any disability assist dog;
- (b) Any dog –
 - i. Kept by the Police or any constable, the Customs department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or
 - ii. Kept solely or principally for the purposes of herding or driving stock; or
 - iii. Kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
 - iv. Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
 - v. Kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
 - vi. Kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of

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

- vii. Certified for use by the Direction of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
- viii. Owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or
- ix. Declared by a resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.