



# HDC NEWS



## THE DOG CONTROL AMENDMENT ACT 2003 - KEY PROVISIONS

### Commencement

On 1 December 2003, the Amendment Act will come into force, with the exception of:

- (i) the provisions relating to the requirement to keep a dog under control or confined when on its owner's property (in force 1 June 2004).
- (ii) provisions relating to microchipping. (1 July 2006).

(iii) the requirement for councils to participate in a national dog control database (to come into force by Order in Council).

### Provisions coming into force on 1 December 2003

It will be unlawful to import any of the following breeds/types of dog (either live or semen, ova, or embryo):

- American Pit Bull Terrier
- Dogo Argentino
- Brazilian Fila
- Japanese Tosa

This list may be added to by Order in Council agreed to by Parliament.

The dogs listed above are currently banned from importation by the Customs Import Prohibition (Dangerous Breeds of Dogs) Order 2003. The Amendment Act will revoke the Order.

A new category of 'menacing dog' is created. If a council considers that a dog poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:

- any observed or reported behaviour of the dog; or
- any characteristics typically associated with the dog's breed or type; the council may declare the dog to be a menacing dog.

If a council has reasonable grounds to believe that a dog belongs wholly or predominately to one of the four breeds/types listed above it must classify the dog as menacing.

Menacing dogs must be muzzled when in public and may be required by the council to be neutered.

Councils may now disqualify someone from owning a dog or declare them to be a probationary owner if they incur more than three infringement offences within two years or are convicted of an offence under the Dog Control Act, Parts 1 and 2 of the Animal Welfare Act 1999, section 26ZP of the Conservation Act 1987, or section 56l of the National Parks Act 1980. Currently a person must first be a probationary dog owner before they can be disqualified from owning a dog.

A council may require probationary owners to undertake a dog education programme and/or a dog obedience course approved by the council.

The probationary owner surcharge is abolished.

Those taking dogs out in public will be required to use or carry a leash at all times.

Dangerous dogs must now be leashed when in public and owners of dangerous and menacing dogs must advise anyone to whom they lend the dog of the requirement that it be muzzled and leashed (in the case of dangerous dogs) when in public.

Owners whose dogs are required by the courts to be destroyed will now be required to produce a certificate from a vet or dog control officer/ranger that the dog has been destroyed.

It will now be an offence to attempt to unlawfully release a dog from a pound as well as to be in possession of a dog that has been unlawfully released from a pound.

Most fines for court-imposed penalties have been increased. The most significant is for owning a dog involved in a serious attack. The penalty has been increased from a maximum of 3 months imprisonment and/or a fine of up to \$5,000 to 3 years imprisonment and/or a fine of up to \$20,000. Infringement fees have also increased by varying amounts.

From 1 June 2004, a dog owner must ensure at all times that, when their dog is on their property, it is either (a) under the direct control of a person, or (b) confined in such a manner that it cannot freely leave the property. If this requirement is not met the dog may be seized.

### Powers of councils

The powers for dog control officers to seize unregistered dogs, dogs that have attacked or rushed, and dogs not receiving adequate food, water, or shelter have been clarified and in some cases strengthened.

Dog control officers and rangers can seize a dog on private land where the dog is not constrained or under the control of a person over 16 years, if the dog has been off the property not under control, ie roaming at large.

Councils will have the power to request information about the name, gender, and description of a dog from its owner.

Dog rangers can now issue infringement notices.

### Obligations on councils

Councils are to report annually on their dog control policies and practices. The report is to contain certain specified information such as the number of dogs registered, the number of dogs declared dangerous, and the number of disqualified owners.

By 1 September 2004, councils will be required to revise their dog control policies, applying a strengthened criteria which places greater emphasis on public safety.

### Microchipping

All dogs first registered on or after 1 July 2006, and all dogs classified as dangerous or menacing since 1 December 2003 will be required to be microchipped. Dangerous and menacing dogs classified before 1 July 2006, will need to be microchipped within two months of that date. Dogs released from pounds after 1 July 2006 will also be required to be microchipped, if impounded for the second time by the territorial authority.

Territorial authorities will be required to participate in a national dog control database that will contain the records/information specified in sections 30 and 34 of the Dog Control Act. Territorial authorities can be levied to meet the on-going cost of the database.

Regulations will be made to govern the type of microchip to be used and the procedure for insertion.

## SUMMARY OF STATEMENT OF PROPOSAL: GAMBLING ACT VENUE POLICY

Under the Gambling Act 2003, local authorities are required to adopt a Gambling Policy for Class 4 Gambling. Class 4 Gambling is pokie machine gambling outside casinos and TAB gambling at TAB owned sites.

The full Statement of Proposal will be available at all Council offices and libraries within the District for the period from 19th December to 30th January 2004. It will also be available on the Council website [www.hauraki-dc.govt.nz](http://www.hauraki-dc.govt.nz).

Submissions to the Statement of Proposal are invited so Council can assess and consider the public view on the proposed policy. These can be mailed to Hauraki District Council, PO Box 17 Paeroa; or delivered to one of the Council offices in Paeroa; Waihi or Ngatea. Submissions close 4pm Friday 30th January 2004.

The date for the hearing of these submissions is Wednesday 18th February 2004. Submissions may consist of a letter to the Council, or alternatively forms to assist in making submissions will be available at the offices of the council and on the website. Major points:

- The policy has been adapted from a draft restricted policy prepared by Local Government New Zealand.
- Initial consultation was undertaken with key interested parties. Comments on an initial report and initial draft policy were requested from these parties. The comments were taken into consideration when preparing the draft policy.
- At present the provisions of the Operative District Plan would allow clubs, hotels and other venues to be established in the town centre township zones provided that the Standards and Performance Criteria detailed in the District Plan are met. TAB venues will also be permitted in these zones on the same basis.
- As the primary purpose of any Class 4 gambling venue must relate to the sale of liquor/food all Class 4 venues for pokie gambling will establish in such operations.
- For all other zones the establishment of such venues will require the issue of a resource consent. This will allow due consideration to be given in every case of effects on the community and appropriate siting.

### Option Summary:

National Average 1 machine per 143 residents

Hauraki Average: 1 machine per 105 residents

**Option 1:** 1 machine per 105 residents

**Option 2:** 1 machine per 96 residents

**Option 3:** 1 machine per 105 residents (Worst case scenario)

**Option 4:** 1 machine per 87 residents

**Option 5:** 1 machine per <87 residents (eventually)

**Option 6:** 1 machine per 145 residents (eventually)

### Recommended option: Option 6

Council's draft policy reflects its concern that the number of pokie machines per resident is well above the national average. It generally seeks to place a 'sinking lid' policy on the number of pokie machines allowed in the District so that the average residents per machine figure moves closer to the current national average. It does however allow for the merging of venues and for those venues with less than nine machines to increase their machines to a maximum of nine.

**If you require further information please contact Hauraki District Council on 07 862 8609 or 0800 734 834 (from within the District).**

**Councillor Comment:** There was some divergence of opinion among councillors on the policy although all agreed that the number of gaming machines in the district should be controlled. While all councillors were concerned about the social damage caused by problem gambling, not everyone agreed that reducing the number of pokie machines in the district would have any effect on this problem.

On the other side of the argument, some people maintain that there should not be limits on the number of machines as the revenue from these activities is channelled back into the community in the form of grants to sport clubs and charitable organisations. Others would argue that this is at the expense of families and people who generally cannot afford to lose the money.

A consensus among councillors was that they do not really want to increase the ratio although it is probably necessary to allow for a small increase to give equity among venues. That is, those who do not now have their quota should be allowed to get to that quota. The new law has reduced the number of machines allowed per venue to nine although those venues that have more than this now can keep the existing number.

One of the provisions of the Act is that councils are supposed to assess the social impacts of gambling within their district before passing the policy on gaming machines. This has been impossible to do with any precision so Council is including a statement to this effect in the policy with a promise of further research.

## PUBLIC NOTICE

### GAMBLING ACT CLASS 4 VENUE POLICY

Pursuant to section 83 of the Local Government Act, notice is given that the Hauraki District Council has prepared a Statement of Proposal for a CLASS 4 VENUE POLICY as required by the Gambling Act 2003.

A copy of the Statement of Proposal and supporting documents will be mailed to all those residents and other interested parties who request them.

The Statement of Proposal and supporting documents will also be available from 19 December 2003 at the Council offices in Paeroa, Ngatea and Waihi.

They can also be viewed on Councils website [www.hauraki-dc.govt.nz](http://www.hauraki-dc.govt.nz)

Submissions close at 4.00pm on Friday 30th January 2004. Submitters will have the opportunity to present submissions at an Extraordinary Council Meeting to be held in Paeroa at the Council Chambers 10am on Wednesday 18th February 2004.

Council staff are available to discuss the proposal during the submission period. Workshops with interested groups or people can be arranged by contacting Jolene Corbett on 07 862 8609 or 0800 734 834 (from within the district.)

L.D Cavers

Chief Executive

**REMEMBER: FREE POOLS IN JANUARY**

## PUBLIC NOTICE

### SERVICE HOURS OVER NEW YEAR

#### OFFICE HOURS

Paeroa, Ngatea and Waihi Offices: Open 8.00am to 4.30pm Monday to Friday except for Public Holidays.

#### PAEROA INFORMATION CENTRE

Open daily

#### LIBRARY HOURS

##### Waihi and Paeroa Library

Closed 1st - 2nd January 2004  
Re-opens Saturday 3rd January 2004 10.00am - 12 noon

##### Usual operating hours:

Monday to Thursday 10.30am - 4.30pm  
Friday 10.00am - 5.30pm  
Saturday 10.00am - 12noon

##### Ngatea Library

Closed 1st - 2nd January 2004  
Re-opens Monday 5 January 2004 8.00am - 4.30pm

##### Usual operating hours:

Monday to Friday 8.00am - 4.30pm

#### SWIMMING POOLS

**PAEROA POOL** Closed New Years Day

Operating Hours School Holidays (8 December 2003 to 27 January 2004 inclusive)

DAY	Operating Hours	Activity
Monday - Friday	7.00am - 8.30am	Lane Swimming (Adults only)
	12noon - 1.00pm	Lane Swimming (Adults only)
	1.00pm - 5.00pm	Public Session
	5.00pm - 6.30pm	Lane Swimming (Adults only)
Saturday, Sunday & Public Holidays	12.00pm - 6.00pm	Public & Lane Swimming (1 Lane available)

**NGATEA POOL** Closed New Years Day

Operating Hours School Holidays (8 December 2003 to 27 January 2004 inclusive)

DAY	Operating Hours	Activity
Monday - Friday	12.00noon - 1.00pm	Lane Swimming
	1.00pm - 5.00pm	Public Session
	5.00pm - 6.00pm	Adults Only & Swimming Club
Saturday, Sunday & Public Holidays	12.30pm - 5.00pm	Public & Lane Swimming (1 Lane available)

#### REFUSE DISPOSAL SITES

Paeroa Refuse Transfer Station Opening Hours  
Holiday Period 2003/04

CLOSED New Years Day (Thursday)

OPEN All Other Days 8.00am to 4.00pm

Waihi Refuse Transfer Station Opening Hours

Holiday Period 2003/04

CLOSED Tuesdays and Thursdays (including New Years Day)

OPEN All Other Days 10.00am to 4.00pm

#### REFUSE COLLECTIONS

During the New Years Period

Rubbish to be at gate by 7.30am	Monday	Tuesday	Wednesday	Thursday	Friday
	Waihi East Whiritoa	Paeroa Waikato Mackaytown	Rest of Waihi	<b>NO COLLECTIONS</b>	Whiritoa Ngatea

#### AFTER HOURS EMERGENCY PHONE NUMBERS

Within District Free Phone 0800 734 834

Or 07 862 8609

## Ho Ho Ho and a Happy New Year

The Christmas Parade was held on Thursday 18th December organised by the Positively Promoting the Plains Group and supported by the Plains Ward Committee to the tune of \$300. The Committee also approved the road closure for the event at its last meeting and underwrote the New Year Celebration Committee to the value of \$1500 for the New Year celebration event, which, naturally enough, was to be held on New Year's Eve.