
Independent review of Animal Management practices and procedures

1. Introduction

- 1.1 Pursuant to the Terms of Reference (annexed at **Appendix A**), the Far North District Council (**Council**) has sought an independent review of its animal management practices and procedures for the purposes of ensuring that the Council is performing its functions to the best of its ability, identifying opportunities to increase efficiency in its processes, and better protecting the safety of its community and its staff.
- 1.2 As part of this review, the Council has asked us whether the following animal management procedures are fit for purpose:
- a. prosecutions;
 - b. decision-making for initiating prosecutions;
 - c. unregistered dogs;
 - d. roaming dogs / seizure and impounding / retention of dogs;
 - e. classification of menacing and dangerous dogs;
 - f. disqualification of owners;
 - g. complaint or RFI response and investigations; and

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h. disposal of unclaimed dogs.

1.3 We deal with each of these in separate sections below.

2. Executive summary

2.1 Overall, we think the Council is performing its animal management practices and procedures well, especially considering the limited resources available. We have been particularly impressed by the care that the Council's Animal Management Officers (**AMOs**) show for their community and the quality of Council's AMOs. The AMOs that we spoke are clearly committed to exercising their powers with fairness, respect for dog owners, and with due and proper process.

2.2 In our view, the main area for improvement is prosecutions. The Council has only taken one prosecution per year in the last three years, which in our experience is well below average. In our view, some of the sample files we reviewed should have but did not result in prosecution. Prosecutions have an important denunciation and deterrence function, which help to educate the community and reduce the number of future attacks. Related to this, we think that a more streamlined process around the decision to prosecute would be useful.

2.3 Based on our experience (we act for a number of other councils in this space) and the feedback we have received from the Council's AMOs, we have included five other potential areas of improvement to consider further (Recommendations 3 to 7 below). In our view Recommendations 3 to 7 should be of slightly lower priority and be subject to Council's available resources.

2.4 A summary of our recommendations are as follows:

→ **Recommendation 1 - increase prosecutions (as long as appropriate/meets the Solicitor-General's Prosecution Guidelines):** the Council's Animal Management team understandably prefer education and softer enforcement tools, where possible. We understand that the community prefers face-to-face interactions with AMOs. We are mindful the district is a small community and that AMOs need to maintain their mana. That said, it is important to take prosecutions in appropriate cases (which would need some more resourcing), to denounce and deter irresponsible dog ownership, especially those resulting in harm or injury, and to ensure that such owners can be disqualified from owning dogs, to prevent the harm from occurring again.

→ **Recommendation 2 - simplify the process around decision-making to prosecute:** related to recommendation one, we think the current process is overly complicated, considers irrelevant matters, and reduces the prospects of prosecuting appropriate cases. For the reasons set out in more detail below, we recommend simplifying the process, by removing the 'attack rating evaluation', and creating a new AMO prosecution report document (suggested template attached at **Appendix B**), which both replaces and incorporates what we think are the relevant considerations in the Council's assessment matrix document appropriate to the AMOs' role, as well as the Solicitor-General's prosecution guidelines.

→ **Recommendation 3 - communications and community engagement:** we recommend that a designated member of the AMO team work closely with the Council's communications team, to use social media to educate the public about the requirement

to register, and to promote the work of the AMO team where appropriate. We also recommend considering working with local groups, iwi and hapu to implement programmes to encourage responsible dog ownership (including registration, desexing and microchipping). We understand the Council has recently hired a community liaison officer (**CLO**) for this purpose.

- **Recommendation 4 - payment procedures:** we recommend considering offering payment plans and/or discretionary fee exemptions in certain circumstances, for registrations, infringements, pound fees, or other expenses, where a ratepayer is unable to pay upfront.
- **Recommendation 5 - updates to forms:** we have recommended a variety of minor changes to the Council's forms in order to simplify them and make the dog owner's obligations clear. See **Appendix D**.
- **Recommendation 6 - enforce compliance with classifications:** within six weeks of serving a dog owner with a menacing or dangerous dog classification notice (which requires a dog owner to neuter a dog, and muzzle a dog in public), we recommend checking compliance, by way of a follow-up visit or otherwise email or phone call. This will be subject to the Council's available resources, but we note that the law requires the owner to confirm that the dog has been neutered, within four weeks, and it appears the Council is currently not checking this. Where there is non-compliance with a menacing classification the Council should use its powers of seizure and retention under ss 70 and 71A.
- **Recommendation 7 - diversion policy:** we recommend considering adopting the attached diversion policy (prepared by another council), which would provide the Council with more prosecutorial discretion options. Diversion provides an alternative means of resolving some offences without going through a formal trial process, while still addressing the key public interest factors leading to the decision to prosecute for instance by requiring registrations, desexing, microchipping, training and education of dog owners.

3. Background

- 3.1 A key function of Council Animal Management in the Far North District is to ensure that dogs and other animals are sufficiently controlled to protect public safety and public amenity.
- 3.2 The Council's Animal Management team is dealing with an increase in dog ownership in the Far North District (often unregistered and/or not neutered), and increased incidents of roaming and dog attacks. This has resulted in greater risks to the safety of the public and Council staff.
- 3.3 The district has unique features presenting challenges for dog control enforcement, including:
 - a. socio-economic factors that mean dog registration, training, infringements, pound fees, appropriate fencing, and dog food, may be difficult for some dog owners to afford;
 - b. a lack of education as to the responsibilities of dog ownership, both legally and practically;
 - c. the district is large and contains remote rural areas with limited phone reception;
 - d. a large number of "backyard breeders" meaning dogs are easy to come by and often free;

- e. people owning “guard dogs” for safety reasons;
- f. Council budgetary constraints; and
- g. historical and cultural norms around owning kuri.¹

3.4 We have tailored our recommendations with consideration for these unique features of the district.

6. Unregistered dogs

6.1 We were advised that unregistered dog rates are a challenge for the Council, and that AMO's would like to see these rates improve. The Council's registration rates in the past four years are as follows:

Year	Known	Registered	Percentage
2020/21	11,069	8,949	81%
2021/22	10,917	8,347	76%
2022/23	12,214	8,618	71%
2023/24 ³	10,484	8,489	85%

³ We understand that registrations increased in the 2023/24 year because there was a database clean-up and a registration follow up enabled by an additional administrator employed for this purpose. We also understand that this approach will be continued into 2024/25.

6.2 We have reviewed the Council registration forms and confirm they comply with the Dog Control Act 1996 (DCA).

6.3 The Council has issued the following number of infringements to owners for failing to register:

Year	Infringements
2020/21	179
2021/22	131
2022/23	506
2023/24	295

6.4 The Council has also implemented a practice of issuing a "Notice to Register".⁴ This is a unique document not contemplated in the DCA or the regulations. When issuing a Notice to Register, AMOs require the dog owner to sign the Notice, as an acknowledgement that the dog is their dog and that it is unregistered. While we think these Notices are a great initiative, we consider that they could be improved as it is unclear as to what is actually being required of the owner (i.e. registration), and what the Council will use the Notice for.

6.5 We understand from our discussions with AMOs that the key barriers to registration are education and costs. We heard a number of suggestions from AMOs around making registration payments easier for people, including discretionary fee exemptions; and making payment plans available for those that cannot afford a flat fee. AMOs also have desexing vouchers that can be handed out at their discretion where there is a financial or welfare concern.

6.6 We were advised that the Council had recently confirmed the hiring of a community liaison / education officer which it is hoped will assist with education around registration and other dog owner responsibilities. We support this initiative.

⁴ In 2021 /22 and 2023/24 Council issued approximately 350 Notices to Register each year and in 2022/23, 824 were issued. We have not been provided with any statistics of how many owners went on to register their dogs after being provided with such a Notice.

Recommendations 3 to 5

Recommendation 3 - communications and community engagement: we recommend that a designated member of the AMO team work closely with the Council's communications team, to use social media to educate the public about the requirement to register, and to promote the work of the AMO team where appropriate. We heard the following suggestions from AMOs which we support.

We suggest the communications team posts fortnightly on social media about three matters:

- i. Information and education – this will include when registration dates are coming up, outlining the rules in Council bylaws around off-leash and on-leash areas and other similar responsible dog ownership information;
- ii. Good news stories – including when a dog has been rehomed, profiling a responsible dog owner, or advertising community events; and
- iii. *"Is this your dog?"* posts – to identify the owners of roaming dogs that have been impounded in the hopes of returning them to their owners rather than having to resort to destruction.

We understand the Council has recently hired a community liaison officer (CLO). We recommend considering working with local groups, iwi and hapu to implement programmes to encourage responsible dog ownership (including registration, desexing and microchipping).

Recommendation 4 – payment procedures: We recommend the Council:

- i. Enable payment plans for payment of registration.
- ii. Consider fixing fee discounts where dog owners have completed a responsible dog ownership assessment.

We note that adopting these recommendations would carry an administration cost including requiring additional staff members.

Recommendation 5 – Updates to forms

Notices to register: We recommend the Notice to Register be updated so that it does not require a signature and instead notifies the person that they must register their dog within 28-days, otherwise they will receive an infringement notice carrying a fine. If the Council agrees with this recommendation, we would be happy to assist in the drafting this notice.

Infringement notice cover letter: We also recommend the Council update its infringement notice cover letter to simplify it and make the owner's obligations clear. Refer to **Appendix D**.

Note: Considering cost appears to be the greatest barrier to registration, Council should also consider programmes to provide financial assistance to dog owners to enable them to register their dogs. We note that some other councils offer a free Responsible Dog Owner Licence whereby, if a dog owner passes a onetime online questionnaire, they receive a discount on their registration fees going forward. We include such an initiative in Recommendation 4 this on the basis that a community liaison officer or other staff member is paid to do implement this. We understand there are no programmes such as this currently in place.

We have not seen an infringement notice summary of rights (which is on the overleaf) and we assume it complies with the requirements of the Summary Proceedings Act 1957, if it does not the notice should be updated accordingly.

7. Roaming dogs / seizure and impounding / retention of dogs

7.1 We understand that roaming call outs are done on the basis of complaints / a Request for Service (RFS) system. The Council has impounded the following numbers of roaming dogs and issued infringements per year:

Year	Impounds	Infringements
2021/22	224	8
2022/23	339	5
2023/24	286	8

7.2 Anecdotally, we heard that to give the AMOs comfort that a pound spot will be available as and when needed, 20 kennels in each pound should be sufficient. Council staff advised that in their view, key reasons that dogs are allowed to roam in the district is a lack of education and a lack of fenced yards. We heard that some AMOs have in the past built a dog run for owners struggling to keep their dogs secure, free of charge.

7.3 In terms of retention, there are currently two shelters operating in the Far North District, one in Kaikohe (South) and one in Kataia (North). The southern shelter has ten kennels and three quarantine kennels. The Northern shelter has about 20 kennels with twelve in the main kennel and eight for quarantine.

7.4 We understand that the following numbers of dogs were impounded each year:

Year	Number of dogs impounded
2020/21	423
2021/22	337
2022/23	517
2023/24	452

7.5 We understand that dogs that have attacked a person or animal are prioritised for impoundment.

Recommendations 5 (continued) and 6

7.6 Roaming dogs is a key issue in the Far North region. It is a serious public safety issue. While we acknowledge and agree that a soft enforcement approach (namely, education) is key to addressing this issue, the scale of the issue in the Far North is such that the Council needs to promote better compliance with the requirement for dog owners to always keep their dogs under control which aligns with their legislative responsibilities under the DCA.

- 7.7 While we do not make any specific recommendations around infringements, we note that the number of infringement notices for roaming dogs per year is very low, especially compared to the number of dogs impounded. The importance of issuing an infringement notice is that it encourages future compliance and builds a dog owner compliance history that would support disqualification of an owner where appropriate.

Recommendation 5 – updates to forms:

In addition to the recommended updates to the forms above, we have also recommended updates to the Council’s forms for retention or return of a dog who has been seized pending the outcome of prosecution. See **Appendix D**.

Recommendation 6 - enforce compliance with classifications

We recommend utilising the Council’s powers to retain dogs under ss 70 – 71A of the DCA. These provisions provide useful tools for achieving compliance if a dog has been seized for breaching a classification (menacing or dangerous) or a barking abatement notice. The provisions allow the Council to seize a menacing dog that has not been neutered and retain the dog until the owner shows a willingness to comply with the menacing classification, which includes neutering the dog. We would be happy to provide template ss 70 and 71A notices if that would assist.

8. Disposal of unclaimed dogs

- 8.1 The following numbers of dogs were euthanised per year:

Year	Number of dogs euthanised
2020/21	112
2021/22	107
2022/23	241
2023/24	281

- 8.2 We understand the Council provides a notice of impounding and waits at least seven days before undertaking an adoption suitability assessment. If the dog is not claimed or is not fit to be adopted out, the Council has no other option but to euthanise the dog. We understand that the Council does not adopt out a dog unless satisfied that it passes an adoptability assessment.

Recommendations

- 8.3 We are generally satisfied that the Council’s processes as to the disposal of dogs are satisfactory and do not make any specific recommendations in this regard. Moreover, we consider that the Council appropriately records reasons for disposal or adoption.

9. Classification of menacing and dangerous dogs

- 9.1 Seven dogs have been classified as dangerous in the last three years and there are currently a total of 155 dogs classified as menacing in the Far North District. Council dog registration forms require the dog breed to be entered. We assume dogs of the relevant breeds are then classified as menacing. However, considering there are 149 known American Pit Bull Terriers in the region, we would expect there would be a higher number of menacing dogs.

- 9.2 Further, we note that only 101 (two thirds) of the known menacing dogs in the District are neutered. Whereas we think the Council should be aiming for near 100 per cent of menacing dogs to be neutered unless there is a good reason not to (in accordance with s 33E of the DCA). We understand the Council does not currently have any formal follow up system in place with regard to menacing dogs to confirm compliance with the classification.
- 9.3 We also note that the Council may classify a dog as menacing where it considers the dog may pose a threat to persons or animals, due to reported behaviour of the dog. We would encourage the Council to classify dogs as menacing pursuant to s 33A(1)(b)(i) where it receives and verifies complaints of aggressive behaviour from a dog.

Recommendation 6 (continued)

Recommendation 6 - enforce compliance with classifications

The Council needs to ensure all menacing dog breeds are properly classified as part of registration. This means checking registration forms for certain breeds have been completed correctly. When a menacing classification is issued, we recommend the Council advise the owner that the Council will conduct a follow up meeting in 6-weeks to check compliance with the requirements. The purpose of that meeting is a formal follow up system for AMOs to confirm that the dog has been neutered, and that the owner has an appropriate property and muzzle. The Council could adopt a similar programme for following up owner disqualifications.

As above, adopting this recommendation would likely carry an administrative cost and the Council would need to ensure the Animal Management team is appropriately resourced should it wish to adopt this recommendation.

10. Disqualification of owners and / or classification of owners as probationary

- 10.1 19 dog owners have been disqualified in the last four years. Three owners have been classified as probationary. Owner disqualification is a tool in the AMO enforcement toolbox and we are satisfied the Council is appropriately disqualifying owners.
- 10.2 However, for the reasons set out below, we consider the Council should be taking more prosecutions, and disqualifying owners following a successful prosecution. We have not been provided with any notices disqualifying or making an owner probationary, however we would be happy to review or create any template notices if requested.

11. Complaint or RFI response and investigations

- 11.1 The Council has a Level of Service KPI to attend to priority one urgent requests for service within 1.5 hours and non-urgent within three days, with a target of $\geq 93\%$. The Animal Management team receives between 2,611 – 2969 complaints per year. This amounts to 7 or 8 complaints per day. All complaints are to go through the Council's 0800 number or email. That way a RFScan be created, and an AMO can prioritise their response based on their Standard Operating Procedure (SOP).
- 11.2 We understand there are good communication measures currently in place between AMOs regarding complaint responses. We also understand there is good adherence to the priority SOPs.

- 11.3 In terms of investigations, we heard from AMOs they would benefit from some training as to how to take a good witness statement and produce a good investigation file. We would of course be happy to provide this.

Recommendations

- 11.4 We understand the Council is consistently meeting its KPIs in terms of complaint response and we do not make any specific recommendations on this issue. We have updated the investigation templates in the revised "Attack pack" attached at **Appendix B**. Depending on resources, the Council could also consider digitising job notes to make them easier to take on the relevant day, to reduce paperwork for AMOs, and to promote consistency and to allow a good history of the file to be maintained in one place for easy reference.

12. Diversion

- 12.1 Auckland Council has recently implemented a diversion policy that has attracted some praise from the District Court. Diversion, which first involves laying a charge(s), provides an alternative means of resolving some offences without going through a formal trial process, while still addressing the key public interest factors leading to the decision to prosecute. The purpose of a diversion policy is generally to:

- a. address offending behaviour that has resulted in charges;
- b. balance the needs of victims, the offender and their communities (including the need to achieve compliance and remediate any harm);
- c. give offenders an opportunity to avoid conviction; and
- d. reduce re-offending.

- 12.2 If a person is eligible for diversion, the conditions of the diversion can include matters such as an apology letter, a meeting with the victim, reparations, rehabilitation, remediation, compliance, community service, or any other offence related condition.

Recommendation 7

Recommendation 7 - diversion policy: We recommend considering adopting the Diversion Policy attached as **Appendix E**.