

NEUTERING REQUIREMENT FOR UNCONTROLLED DOGS	
CURRENT STATE	
<p><b>Auckland Council Policy on Dogs 2012:</b> (5) Make a bylaw that require owners: To neuter their dog if the dog is uncontrolled more than once in a 12-month period, if required by the council and with a right of objection</p> <p><b>Dog Management Bylaw 2012:</b> (14) Requirement to neuter uncontrolled dog                      (1) The council may require the owner of a dog to cause that dog to be neutered if that dog has not been kept under control on more than one occasion within a 12-month period.                      (15) Objection to requirement to neuter uncontrolled dog                      (1) if a dog is required to be neutered under clause 14, the owner of that dog –                          a) may, within 14 days of receiving the notice, object in writing to the council in regard to the requirement; and                          b) has the right to be heard in support of the objection                      (2) the council when considering an objection under subclause (1) may uphold or rescind the requirement, and in making its determination must have regard to –                          a) the evidence which formed the basis for the requirement;                          b) the matters relied upon in support of the objection; and                          c) any other relevant matters.</p>	
STATUTORY OBLIGATION	
<p>Under section 20(1) of the Dog Control Act 1996, any territorial authority may, in accordance with the Local Government Act 2002, make bylaws for requiring the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to cause that dog to be neutered.</p>	
ISSUE IN 2011	
<p>Entire dogs (not de-sexed) are more likely to be involved in the top three dog complaints (roaming, barking, attack/aggression and in particular roaming and attack/aggression incidents).</p> <ul style="list-style-type: none"> <li>• 70% of roaming were entire dogs</li> <li>• 59% of attacks/aggression were from entire dogs</li> </ul> <p>In 2011 five of the seven bylaws enabled Auckland Council to require a dog to be neutered either where the dog had not been kept under control once (Northshore), on more than one occasion (Manukau), on a number of occasions (Rodney, Waitakere) or on three or more occasions (Papakura).</p>	
OUTCOME SOUGHT IN 2011	
<p>Mandatory neutering of dogs uncontrolled on more than one occasion. This option takes a strong preventative stance.</p>	
IMPLEMENTATION	
<p>The Bylaw defines under control as meaning that the owner is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.</p>	

#### ISSUE NOW

- While uncontrolled dogs may not necessarily pose a threat, it is possible for them to roam, cause nuisance, bite and produce unwanted offspring. In 2016/2017, Animal Management Officers reported the following:
  - roaming dogs are within the top three complaints received from the public
  - a total of 2,002 infringements were given out for failing to keep a dog under control
  - 802 uncontrolled dogs were required to be neutered.
- Stakeholders expressed concern that the definition of 'under control' is very subjective and could have different meanings for dog owners, the public and enforcement officers.
- Animal Management officers expressed concern that there is no ability to ensure neutering requirements have been met. There are no penalties or consequences stated in the Bylaw, that raises concerns.
- Amongst dog-owners and non-dog owners, close to 70 per cent agreed that if a non-neutered dog wanders away from a property twice or more, then the council should make the owner neuter the dog (Ipsos, 2018).

#### OUTCOME SOUGHT

To provide a practical and enforceable approach to address the neutering requirement for those dogs who have found to be uncontrolled on more than one occasion in the past 12 months.

#### BYLAW EVALUATION

Addressing uncontrolled dogs in Auckland is still an issue and is best addressed through the Bylaw. The Bylaw is the best approach to address this problem, however Animal Management Officers perceive a need for additional enforcement ability to ensure compliance with this aspect of the Bylaw.

While the current process allows for Animal Management Officers to issue an infringement to an owner who is in breach of the bylaw, it still does not require the owner to neuter dog. It is unreasonable for council to continue to issue daily infringements until the owner has complied.

Council's legal staff have advised that it is not feasible to seize the dog or hold the dog if the owner has not complied with the neutering requirement.

#### OPTIONS

- **Option 1: Status quo**
- **Option 2: add an explanatory note in the Bylaw to describe the enforcement mechanism**
  - this would highlight that failure to comply with clause 14 would result in a breach of the Bylaw, and subject to a fine of \$300.

#### RECOMMENDATIONS

Staff recommend Option 2, to include an explanatory note in the Bylaw to describe the enforcement mechanism around clause 14.