

## **Attachment B: Extracts from the Dog Control Act 1996: Rights of Appeal**

### **25 Disqualification of owners**

- (1) A territorial authority must disqualify a person from being an owner of a dog if—
- (a) the person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or
  - (b) the person is convicted of an offence (not being an infringement offence) against this Act; or
  - (c) the person is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, section 26ZZP of the Conservation Act 1987, or section 56I of the National Parks Act 1980.

### **26 Objection to disqualification**

- (1) Every person disqualified under section 25—
- (a) may object to the disqualification by lodging with the territorial authority a written objection to the disqualification; and
  - (b) shall be entitled to be heard in support of the objection.

### **31 Territorial authority to classify dangerous dogs**

- (1) A territorial authority must classify a dog as a dangerous dog if—
- (a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or
  - (b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
  - (c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.
- (2) Where any dog is classified as a dangerous dog under subsection (1), the territorial authority shall immediately give notice in the prescribed form of that classification to the owner.
- (3) Where any dog is classified as a dangerous dog under subsection (1)(b), the owner may, within 14 days of the receipt of notice of that classification under subsection (2), object to the classification in writing to the territorial authority and shall be entitled to be heard in support of his or her objection.

(4) In considering any objection under this section, the territorial authority shall have regard to—

- (a) the evidence which formed the basis for the original classification; and
- (b) any steps taken by the owner to prevent any threat to the safety of persons and animals; and
- (c) the matters advanced in support of the objection; and
- (d) any other relevant matters—

And may uphold or rescind the classification.

(5) The territorial authority shall give notice of its decision on any objection, and the reasons for its decision, to the owner as soon as practicable.

### **33B Objection to classification of dog under section 33A**

(1) If a dog is classified under section 33A as a menacing dog, the owner—

- (a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
- (b) has the right to be heard in support of the objection.

(2) The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to—

- (a) the evidence which formed the basis for the classification; and
- (b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and
- (c) the matters relied on in support of the objection; and
- (d) any other relevant matters.

(3) The territorial authority must, as soon as practicable, give written notice to the owner of—

- (a) its determination of the objection; and
- (b) the reasons for its determination.