

APPENDIX 2

INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

Sub-delegation

In exercise of the power provided to me by the Council on the 21 February 2017 as above, I, Colin John Davies, Chief Executive Officer on this Twenty-First day of February 2017 hereby sub-delegate the following powers to the officer or officers of the Council as indicated in the column marked "Subdelegate" (including any person appointed to act in any such position).

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

	SUB-DELEGATE
1. Council Responsibility for Management of Dogs	
1.1 The duty pursuant to Section 26 of the Dog and Cat Management Act 1995 ("the Act") to administer and enforce the provisions of the Act relating to dogs within the Council area and for that purpose to –	
1.1.1 maintain a register of dogs containing information required by the Dog and Cat Management Board;	
1.1.2 ensure that the register of dogs is readily available for public inspection;	
1.1.3 provide the Board with information contained in the register of dogs as required by the Board from time to time;	
1.1.4 appoint a suitable person to be Registrar;	
1.1.5 make satisfactory arrangements for issuing and replacing certificates of registration and	

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	registration disks;	
1.1.6	appoint at least one full time dog management officer or make other satisfactory arrangements for the exercise of the functions and powers of dog management officers;	
1.1.7	make satisfactory arrangements for the detention of dogs seized under the Act;	
1.1.8	make satisfactory arrangements for fulfilling other obligations under the Act;	
1.1.9	establish and maintain a separate account of money received under this Act and of money expended in the administration and enforcement of the provisions of the Act relating to dogs;	
1.1.10	pay into the Dog and Cat Management Fund the percentage fixed by Regulation of the dog registration fees received by the Council;	
1.1.11	charge a fee for the provision of an extract from a register under the Act;	
1.1.12	charge a fee (which may be differential) with the approval of the Minister –	
	1.1.12.1 for the registration of dogs or businesses under Part 5 of the Act; and	
	1.1.12.2 for the late payment of registration fees; and	
	1.1.12.3 for meeting any other requirement imposed on the Council under this Act.	
1.1.13	provide for a percentage rebate of the fee that would otherwise be charged for the registration of a dog –	
	1.1.13.1 if the dog is de-sexed;	
	1.1.13.2 if the dog has been implanted with a microchip for the purposes of	

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<p>identification so long as the information contained in the microchip is up to date;</p>	
<p>1.1.13.3 if the dog has passed a specified training program accredited by the Board, and, if more than one rebate applies in respect of a particular dog, the rebates are to be aggregated and deducted from the registration fee that would otherwise be charged.</p>	
<p>2. Plans of Management Relating to Dogs and Cats</p>	
<p>2.1 The duty pursuant to Section 26A of the Act to –</p>	
<p>2.1.1 prepare a 5 year plan relating to the management of dogs and cats within the Council area in accordance with the requirements of Section 26A of the Act;</p>	
<p>2.1.2 ensure the plan of management includes provision for parks where dogs may be exercised off-leash and for parks where dogs must be under effective control by means of physical restraint and provisions for parks where dogs are prohibited;</p>	
<p>2.1.3 present the plan of management to the Dog and Cat Management Board for its approval;</p>	
<p>2.1.4 amend the plan of management at any time, with the Dog and Cat Management Board’s approval.</p>	
<p>3. Appointment of Dog Management Officers</p>	
<p>3.1 The power pursuant to Section 27 of the Act to appoint suitable persons (other than members of Council) to be dog management officers subject to any condition that is specified in the instrument of appointment, and the power at any time to revoke the appointment or to vary or revoke a condition of the appointment or impose a further condition of appointment.</p>	

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4. Identification of Dog Management Officers	
4.1 The duty pursuant to Section 28 of the Act to issue each dog management officer with an identity card containing a statement of any conditions upon the powers of that officer.	
5. Rectification of Register	
5.1 The power pursuant to Section 39 of the Act upon application by any person aggrieved by an entry in the register, to rectify the register.	
6. Destruction and Control Orders	
6.1 The power pursuant to Sections 50 and 51 of the Act upon the Delegate's own initiative or on application, to –	
6.1.1 make a Destruction Order where a dog is unduly dangerous and has attacked, harassed or chased a person or an animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act;	
6.1.2 make a Control (Dangerous Dog) Order, Control (Menacing Dog) Order or a Control (Nuisance Dog) Order if satisfied that a dog is dangerous, menacing or a nuisance and has attacked, harassed or chased a person or an animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act;	
6.1.3 make a Control (Barking Dog) Order in relation to a dog if satisfied that the dog is a nuisance and has created noise by barking or otherwise in circumstances that would constitute an offence against the Act.	
6.2 The duty pursuant to Section 52(1) of the Act before making an order under Section 51 of the Act, to take all reasonable steps –	
6.2.1 to ascertain all persons who own or are responsible for the control of the dog; and	
6.2.2 to give each of the persons so ascertained	

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	at least seven days written notice –	
	6.2.2.1 identifying the dog in relation to which is it is proposed to make the order;	
	6.2.2.2 setting out the terms of the proposed order; and	
	6.2.2.3 inviting the owner or other person to make submissions within 7 days (or longer) with respect to the matter.	
6.3	The duty pursuant to Section 52(2) of the Act to ensure the order is –	
	6.3.1 made in the manner and form required by the Dog and Cat Management Board;	
	6.3.2 recorded in the register kept by the Council; and	
	6.3.3 served on the person(s) against whom it is made.	
6.4	The power pursuant to Section 52(4) and (5) of the Act to revoke an order by written notice to the person against whom the order was made and the duty to record the revocation in the register kept by the Council under the Act.	
6.5	The power pursuant to Section 53 of the Act to issue, from time to time, written directions as to how an order under Division 3, Part 5 may be complied with by a person who owns or is responsible for the control of a dog subject to such an order.	
6.6	The duty pursuant to Section 58 of the Act, upon request by the person who owns or is responsible for the control of a dog, to give reasons in writing within 14 days of the making of a decision to make an order under Division 3, Part 5 of the Act or to refuse to revoke an order.	
7.	Prohibition Orders	
7.1	The power pursuant to Section 59A(3) of the Act upon the Delegate’s own initiative or on application, to make a Prohibition Order against a person if	

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	satisfied that subject to the exceptions contained at Section 59A(4) of the Act –	
7.1.1	while the person owned or was responsible for the control of a dog, the dog attacked, harassed or chased a person or animal or bird owned by or in charge of a person in circumstances that would constitute an offence against this Act; and	
7.1.1.1	the dog was already subject to a Destruction Order or a Control (Dangerous Dog) Order; or	
7.1.1.2	during the five years preceding the event referred to in 7.1.1, a Destruction Order or a Control (Dangerous Dog) Order was made in relation to some other dog on grounds that arose while the person owned or was responsible for the control of that other dog.	
7.2	The duty pursuant to Section 59A(5) of the Act to ensure the Prohibition Order is –	
7.2.1	made in the manner and form required by the Dog and Cat Management Board;	
7.2.2	recorded in a manner and form required by the Dog and Cat Management Board, and is publicly available; and	
7.2.3	served on the person(s) against whom it is made.	
7.3	The power pursuant to Section 59A(6) and (7) of the Act to revoke a Prohibition Order by written notice to the person against whom the Prohibition Order was made, and the duty to record the revocation in the record kept by the Council under Section 56A of the Act.	
7.4	The power pursuant to Section 59C(2) of the Act upon request by the person affected by the decision to issue a Prohibition Order, to give reasons in writing within 14 days of the making of the decision.	
8.	Procedure following seizure of dog	

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<p>8.1 The duty pursuant to Section 61(4)(a) of the Act, to as soon as practicable, proceed to consider making an order in relation to a dog that has been seized under this Division of the Act or applying to the Magistrates' Court for an order in relation to a dog seized under this Division of the Act.</p>	
<p>9. Cat Management Officers</p>	
<p>9.1 The power pursuant to Section 68 of the Act to appoint suitable persons to be cat management officers subject to any condition that is specified in the instrument of appointment and the power at any time to revoke the appointment or to vary or revoke a condition of the appointment or impose a further condition of appointment.</p>	
<p>9.2 The duty pursuant to Section 69 of the Act to issue each cat management officer with an identity card containing a statement of any conditions that limit the powers of that officer.</p>	

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
NIL	NIL