

- 1 This notice sets out an alleged infringement offence. In terms of Section 2 of the Dog Control Act 1996, you are liable as the owner of a dog if:
  - You own the dog; or
  - You have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
  - You are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

### **Payments**

- 2 If you pay the infringement fee within 28 days of the issue of this notice, no further action will be taken. Payment may be made at the Council Office.

### **Defences**

- 3 You have a complete defence against proceedings if the infringement fee was paid to the Kawerau District Council Office before or within 28 days after you were served with a reminder notice. Note that late payment or payment at any other place will not be a defence.

### **Further action**

- 4 If you wish to:
  - (a) Raise any matter relating to the alleged offence for consideration by the Council; or
  - (b) Deny liability for the offence and request a court hearing (refer to paragraphs 5 and 9 below); or
  - (c) Admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraphs 6 and 9 below),

you should write to the Council at the address shown below. Any such letter should be personally signed.

- 5 You have a right to a court hearing. If you deny liability for the offence and request a hearing, the Council will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.

Note that if the court finds you guilty of the offence, costs will be imposed in addition to any penalty.

- 6 If you admit the offence, but want the court to consider your submissions as to penalty or otherwise, you should in your letter:
- (a) Ask for a hearing; and
  - (b) Admit the offence; and
  - (c) Set out the written submissions that you wish to be considered by the court

Council will then file your letter with the court (unless it decides not to commence court proceedings). There is no provision for an oral hearing before the court if you follow this course of action.

**Note:** Costs will be imposed in addition to any penalty.

### **Non-payment of fee**

- 7 If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice.
- 8 If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice, the Council will file the reminder notice in the court and you will become liable to pay **costs in addition to the infringement fee**, under section 21 (5) of the Summary Proceedings Act 1957.

### **Queries/correspondence**

- 9 When writing or making payment please include:
- (a) The date of the infringement; and
  - (b) The infringement notice number; and
  - (c) The identifying number of the alleged offence and the course of action you are taking in respect of it; and
  - (d) Your address for replies.

### **Notice of liability for classification as a probationary owner or a disqualified owner**

If you commit three or more infringement offences (not relating to a single incident or occasion) over a period of 24 months, the Council will classify you as:

- A probationary owner, or
- A disqualified owner.

You will be treated as having committed an infringement offence if you:

- Have been ordered to pay a fine and costs under section 78A(1) of the Summary Proceedings Act 1957, or are treated as having been so ordered under section 21(5) of that act; or
- Pay the infringement fee specified in the infringement notice.

Probationary ownership starts from the date of the third infringement offence in the 24 month period. Unless terminated earlier by the Council, probationary ownership runs for a period of 24 months.

Disqualification as a dog owner starts from the date of the third infringement offence in the 24 month period. The length of disqualification is determined by the Council, but may be no longer than 5 years.

### **Consequence of classification as a probationary owner or disqualified owner**

During the period a dog owner is classified as a probationary owner, the person:

- Must not be or become the registered owner of any dog except a dog that the person was the registered owner of at the time of the third infringement offence; and
- Must dispose of every unregistered dog that the person owns.

During the period that a person is classified as a disqualified owner, the person:

- Must not own or become the owner of any dog; and
- Must dispose of all dogs that the person owns; and
- May have possession of a dog only for certain purposes (eg, returning a lost dog to the territorial authority).

A person may object to being classified as a probationary or disqualified owner by lodging a written objection with the Council. There is a further right of appeal to a District Court, if a disqualified person is dissatisfied with the decision of the Council on his or her objection.

Full details of classification as a probationary owner or a disqualified owner and the effects of those classifications, are provided in the Dog Control Act 1996.

### **Note**

Full details of your rights and obligations are in section 66 of the Dog Control Act 1996 and section 21 (10) of the Summary Proceedings Act 1957.

All queries and all correspondence regarding this infringement notice must be directed to Council at the address shown.