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1996, No. 16

An Act to amend the Police Act 1958

[2 May 1996]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Police Amendment Act 1996, and shall be read together with and deemed part of the Police Act 1958 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of July 1996.

2. Interpretation—Section 2 of the principal Act is hereby amended by inserting in their appropriate alphabetical order the following definitions:

“‘Police dog’ means a dog which has successfully completed a course of instruction at the Police Dog Training School and which has qualified to be used for police duties;

“‘Police dog handler’ means a member of the New Zealand Police who has successfully completed a course of instruction at the Police Dog Training School and who is thereby qualified to perform duties as a police dog handler.”.

3. New heading and sections inserted—The principal Act is hereby amended by inserting, after section 48 (as repealed by section 10 (2) of the Police Amendment Act 1989), the following heading and section:

“Police Dogs”

“44A. Police dogs may accompany police dog handlers—Notwithstanding any other Act or law,—

“(a) A police dog under the control of a police dog handler may enter and be on any place that the police dog handler may lawfully in the course of police duties enter or be upon;

“(b) The Commissioner and a police dog handler in charge of a police dog shall not be liable in any way by reason only of a police dog having entered or having been on any place in accordance with paragraph (a) of this section.

Cf. Police Dogs Act 1984, s. 4 (Queensland)

“44B. Obstruction of police dog constitutes obstruction of police dog handler—A person who—

“(a) Obstructs or hinders; or

“(b) Aids or incites another to obstruct or hinder,—a police dog working under the control of a police dog handler while that police dog handler is performing his or her duties as a member of the Police obstructs or, as the case may be, hinders that member.

Cf. Police Dogs Act 1984, s. 6 (Queensland)

“44C. Killing or injuring police dogs—(1) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$10,000 or to both who kills, maims, wounds, or otherwise injures a police dog without lawful excuse.

“(2) On the conviction of any person of an offence against this section, the Court may, in addition to any penalty imposed, order that person to pay to the Commissioner a reasonable sum for—

“(a) The treatment, care, rehabilitation, and retraining of the police dog; and

“(b) Where it is necessary to replace the police dog, the acquisition and training of its replacement.

Cf. Police Dogs Act 1984, s. 7 (Queensland)

“44D. Evidentiary provisions—In any proceedings, a certificate purporting to be signed by the Commissioner or the

officer in charge of the New Zealand Police Dog Training School and certifying that, at a specified time or during a specified period,—

- “(a) A dog identified in that certificate was a police dog; or
- “(b) A person named in that certificate was a police dog handler,—

shall be sufficient evidence, until the contrary is proved, of the matters so certified.

Cf. Police Dogs Act 1984, s. 8 (Queensland)

“44E. Power to require name and address—(1) A member of the Police who has reasonable cause to suspect that any person has committed or is committing or is attempting to commit any offence against section 44c of this Act may require that person to state—

- “(a) His or her name and address; and
- “(b) His or her date of birth.

“(2) If the member of the Police has reasonable ground to suppose that any particulars that a person has been required to supply under subsection (1) of this section are false, that member of the Police may require that person to supply satisfactory evidence of his or her name and address and his or her date of birth.

“(3) If any person, without reasonable excuse, refuses, or fails to supply any particulars or evidence when required to do so by any member of the Police under this section, and persists in that refusal or failure after being cautioned by the member of the Police, that person may be arrested, without warrant, by the member of the Police.

“(4) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who, having been required by any member of the Police to supply any particulars or evidence under this section, without reasonable excuse,—

- “(a) Refuses or fails to supply the particulars or evidence; or
- “(b) Supplies any particulars or evidence knowing that the particulars or evidence are false in a material respect.”

Cf. Police Dogs Act 1984, s. 10 (Queensland)