

POLICE AMENDMENT BILL (NO. 3)

AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE

THIS Bill was formerly part of the Dog Control Bill as reported from the Internal Affairs and Local Government Committee. The committee of the whole House has divided the Dog Control Bill as follows:

- The Dog Control Bill, comprising clauses 1 to 106 and the Sixth, Seventh, and Eighth Schedules.
 - The Conservation Amendment Bill (No. 4), comprising Part III.
 - The National Parks Amendment Bill (No. 3), comprising Part IV.
 - This Bill, comprising Part V.
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No. 69—3CC

Price Code: J

[AS REPORTED FROM THE INTERNAL AFFAIRS AND LOCAL
GOVERNMENT COMMITTEE]

House of Representatives, 5 December 1995.

**Words struck out are shown in italics within bold
round brackets; words inserted are shown in roman
underlined with a single rule.**

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 18 April 1996.

Hon. John Banks

POLICE AMENDMENT (NO. 3)

ANALYSIS

Title	
1. Short Title and commencement	44b. Obstruction of police dog con- stitutes obstruction of police dog handler
117. Interpretation	44c. Killing or injuring police dogs
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	44e. Power to require name and address
<i>Police Dogs</i>	
44A. Police dogs may accompany police dog handlers	

A BILL INTITULED

An Act to amend the Police Act 1958

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

5 **1. Short Title and commencement**—(1) This Act may be
cited as the Police Amendment Act (No. 3) 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.

117. 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: 5

“‘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:” 10

118. New heading and sections inserted—The principal Act is hereby amended by inserting, after section 48 (as repealed by section 10 (2) of the Police Amendment Act 1989), the following heading and section: 15

“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: 20

“(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. 25

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

“44B. Obstruction of police dog constitutes obstruction of police dog handler—A person who— 30

“(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. 35

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 **(\$2,000) \$10,000** or to both who kills, maims, 40

wounds, or otherwise injures a police dog without lawful excuse.

5 “(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

10 “(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)

15 “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,—

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

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

25 “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.

30 “(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.

35 “(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

40 “(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.” 5

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