

STAFF REPORT

TO: Environment & Planning Committee

FROM: Graham Caradus, Regulatory Services Coordinator

REFERENCE: D401

SUBJECT: **PROPOSED MEMORANDUM OF UNDERSTANDING WITH NELSON SPCA - REPORT EP09/04/03** - Report prepared for meeting of 23 April 2009

1. REASON FOR REPORT

- 1.1 The Nelson SPCA wishes to provide the service of microchipping and the related process of providing a certificate of verification for dogs in the Nelson-Tasman region. The actual microchipping of dogs is not controlled under the Dog Control Act 1996 (the Act) and therefore may be carried out by anyone. However there are restrictions on who may undertake the task of providing the associated certificates of verification. The certificate of verification results in details of the dog and microchip being added to the National Dogs Database (NDD).
- 1.2 The SPCA wishes to enter into a Memorandum of Understanding (MoU) with Tasman District Council to provide the service of offering certificates of verification in accordance with the requirements of the Act and in conjunction with Tasman District Council obligations under the Act.

2. BACKGROUND

- 2.1 Currently in this District, microchipping of dogs is undertaken by Veterinarians and by Council's Dog Control Officers. The associated verification certificate facilitates the details of the microchipping being entered onto the NDD by Council. At this stage only Veterinarians and Council Officers may produce a certificate of verification.
- 2.2 The certificate of verification is a step in the process which is prescribed by law to allow for entering the details of the microchipping on the NDD. The entry of details on the NDD can only be undertaken by Council.
- 2.3 In June 2008 the Nelson SPCA made an approach to both the Tasman District Council and Nelson City Council with a proposal to undertake verification of microchipping of dogs. The proposed process would still require that the entry of details onto the NDD to be undertaken by Council, but would allow the SPCA to generate and forward to Council the initial paperwork (certificate of verification) that is required for that process to occur.
- 2.4 On 2 August 2008 a meeting between representatives of Nelson SPCA, Tasman District Council and Nelson City Council was held to discuss the proposed new initiative by the SPCA.

- 2.5 At a further meeting with the two Councils and Nelson SPCA held on 23 September 2008 it was agreed to provide for a trial of the proposed verification process and procedures were drawn up and given effect.
- 2.6 On 3 February 2009 the parties met again to review the effectiveness of the trial and all agreed that it was very successful. Council's statistics demonstrate that there is an increasing willingness for people to use this service and the nett result is that we believe dogs that may not have otherwise been microchipped, or which may have required diligent follow up by Council to achieve that result are now being microchipped as a matter of course. In the (approximately) six month period from the commencement of the trial until the date of this report, a total of 316 dogs have been microchipped in this District. Of that total, 63 or approximately 20% have been microchipped by the SPCA. The vast majority of microchipping continues to be undertaken by Veterinarians.
- 2.7 The SPCA expressed a wish to have a MoU that allowed them to microchip and provide verification certificates for an extended period.
- 2.8 The advantage in the SPCA being able to offer this service is that dogs that are put out for adoption or re-housing can be microchipped as part of the SPCA's dealings with the dog and the dog's new owners.
- 2.9 No provisions exist for the powers conferred on TLA's under section 6(2) of the Act (see extract in 3.2 below) to be delegated to staff. A decision by Council is therefore required for the SPCA to be authorised to undertake the administrative step the MoU proposes.
- 2.10 The motives of the SPCA in providing a service that aids in dog welfare generally are not examined in this report but likely to be generally understood by Councillors.

3. LEGAL PROVISIONS

- 3.1 Under the Dog Control Act 1996 (the Act) dogs are required to be microchipped either:
 - a) at the time of first registration, or
 - b) when dangerous/menacing.

There is no restriction as to who may undertake the actual micro-chipping of dogs, however Section 36A (3) of the Act provides that an owner of a dog that is registered for the first time on or after 1 July 2006, must confirm that the dog is microchipped by (note bolding inserted by writer):

*(Section 36A (3)(b)(i))...making the dog available, in accordance with the reasonable instructions of the territorial authority, **for verification that it has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location; or***

(Section 36A (3)(b)(ii))...providing to the territorial authority a certificate issued by a registered veterinary surgeon certifying—

(A) that the dog is or has been implanted with a functioning microchip transponder of the prescribed

- 3.2 Section 6(2) of the Act provides, among other things, that in addition to any power conferred on a territorial authority by the Act, any territorial authority may:

either singly **or jointly with** any other territorial authority or **any other organisation or group or body** of persons (whether incorporated or not) **undertake**, promote, and encourage the development of **such services and programmes as it considers desirable to promote responsible dog ownership and the welfare of dogs.**

- 3.3 The legal position relating to the above Section of the Act to enable verification certification of dogs (other than by council or registered veterinary surgeons) was discussed with the Ministry of Internal Affairs. The use of Section 6(2) for such purpose was confirmed as appropriate by that Ministry.

- 3.4 Nelson SPCA has advised that it is not uncommon for councils around New Zealand to enter into arrangements to enable the SPCA to provide verification and certification of microchipping of dogs on behalf of the local authority.

- 3.5 The actual microchipping of dogs is not controlled under the Act, but there are restrictions on who may undertake the associated verification. It is important to note that the microchipping procedure will only be done by named and trained SPCA Officers who are sufficiently skilled to undertake this simple procedure in the same manner that Council's own Dog Control Officers microchip dogs.

4. INTERESTED OR AFFECTED PERSONS

- 4.1 The SPCA microchipping service will provide an element of commercial competition to the service prescribed by law that may be offered by veterinarians. There is no set fee for the service of microchipping. Each provider is at liberty to charge whatever fee they deem appropriate and Council should not get involved in expressing any preference for a microchipping service provider or enter the debate of what such persons or groups should charge.

- 4.2 Nelson City Council Dog Control has been involved in the trial and will also be referring the matter to its Council to endorse a MoU as sought between the Nelson SPCA and Tasman District Council. It is intended that the MoUs will be substantially similar.

- 4.3 Council has an ongoing close relationship with Nelson SPCA not only regarding dog control but also in regards to other areas of animal control.

- 4.4 Whilst the Council should acknowledge and support the continuing very good services provided by local veterinary practitioners there has been some minor confusion in that, nationally these practitioners have also been developing their own "National Animal Companion Register". Whilst this register does provide for microchip data capture for a wide range of pets (not just dogs), there has been confusion from some people regarding this database as opposed the National Dog Database maintained by the Department of Internal Affairs.
- 4.5 Information on the National Animal Companion Register is not available to Council and where dog owners have elected to just have their dogs entered onto that database they sometimes find it strange that they also have to obtain certification for the National Dog Database.
- 4.6 The service offered by the SPCA provides a further synergistic link with Council's Dog Control Services and provides for an affordable and effective microchipping/verification service for dog owners within the Nelson Tasman region.
- 4.7 A draft MoU is attached as Appendix 1.

5. RECOMMENDATION

It is recommended that the Council:

- 1. Approves in principle the proposed Memorandum of Understanding to allow Council to receive certificates of verification for dogs microchipped by the Nelson branch of the SPCA; and**
- 2. Approves the Memorandum of Understanding as drafted in Appendix 1; and**
- 3. Effects this approval by instructing the Manager Environment and Planning to sign the Memorandum of Understanding on behalf of Council.**



Graham Caradus
Regulatory Services Coordinator

MEMORANDUM OF UNDERSTANDING

Between **TASMAN DISTRICT COUNCIL**
and **NELSON SPCA**

BACKGROUND

Tasman District Council are required by Section 36A of the Dog Control Act 1996 to ensure all newly registered dogs (with the exception of farm working dogs) are implanted with a working microchip transponder.

Nelson SPCA have requested that they enter into a joint agreement with Council, as sanctioned by Section 6(2)(a) of the Dog Control Act 1996, to enable them to microchip dogs, verify that microchip transponders have been implanted correctly and to pass the verification certification information onto Tasman District Council so that the information can be uploaded onto the National Dog Data base.

Tasman District Council and Nelson SPCA have agreed to work together to enable Nelson SPCA to offer microchipping and verification services for all dogs presented to them.

It is agreed as follows:

1. **Purpose:** To provide a simple process at the Nelson SPCA for the microchipping of dogs in conjunction with Council's administrative duty under the Dog Control Act 1996.
2. **Microchipping:** Nelson SPCA will provide at least two suitably trained officers to implant and verify microchipping of dogs. They will inform Council of the names of these officers, and provide updated information as and when the need arises.
3. **Training:** Tasman District Council will provide basic instruction in the requirements of the Dog Control Act 1996 so that SPCA staff are fully informed as to their own obligations under the Act, as well as those of potential dog owners.
4. **Security:** Nelson SPCA will keep all registration information secure and abide by the provisions of the Privacy Act 1993 as it applies to the information required to be held on each Council's database.
5. **Costs:** Nelson SPCA will provide microchip transponders from their own budget and charge dog owners for this service as they deem to be fair and reasonable.
6. **Review:** The Parties will meet to review the operation of this Memorandum of Understanding one year after signing.
7. **Amendment:** This Memorandum of Understanding may be amended at any time by agreement in writing (including e-mail) between the Parties.

Partnership Values

The Parties agree to:

- Work together to promote the requirements of the Dog Control Act 1996.
- Support each other in finding the most efficient ways to achieve this end.
- Be reasonable and fair in promoting the requirements of the Dog Control Act 1996, consistent with agreed arrangements.

Term

This Memorandum of Understanding commences on the date signed by both Parties and will continue for a period of three years or if sooner terminated by either of the Parties listed hereunder.

EXECUTED AS A MEMORANDUM OF UNDERSTANDING

Signed on behalf of Tasman District Council Signed on behalf of Nelson SPCA by:
by:

Signature: _____

Signature:_____

Name: Dennis Bush-King

Name:

Position: Environment & Planning Manager

Position:

Date: _____

Date: _____