

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Dog Control Hearings Panel will be held on:

Date: Tuesday 21 February 2023
Time: 9.00am
Meeting Room: Committee Room One
Venue: Municipal Building, Garden Place, Hamilton

Lance Vervoort
Chief Executive

Dog Control Hearings Panel
He Koomiti Whiriwhiri I Ngaa Take Kuri
OPEN AGENDA

Membership

Chairperson Cr Ewan Wilson
Heamana

Members Cr Mark Donovan
Cr Moko Tauariki
Cr Andrew Bydder
Cr Anna Casey-Cox
Cr Melaina Huaki

Quorum: Three members

Meeting Frequency: As required

Amy Viggers
Mana Whakahaere
Governance

9 February 2023

Telephone: 07 838 6727
Amy.Viggers@hcc.govt.nz
www.hamilton.govt.nz

Purpose

1. To conduct fair and effective hearings and make determinations on objections under the Dog Control Act 1996.

<i>The Dog Control Hearings Panel is delegated the following Terms of Reference and powers:</i>
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Terms of Reference:

2. Hear and determine any objections under the Dog Control Act 1996.

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1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Committee to confirm the agenda.

3 Declaration of Interest – *Tauaakii whaipaaanga*

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

Council Report

Item 4

Committee: Dog Control Hearings Panel **Date:** 21 February 2023
Author: Arnold Andrews **Authoriser:** Michelle Hawthorne
Position: Governance Advisor **Position:** Governance and Assurance Manager
Report Name: Confirmation of the Dog Control Hearings Panel Open Minutes 12 December 2022

Report Status	Open
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Dog Control Hearings Panel confirm the Open Minutes of the Dog Control Hearings Panel Meeting held on 4 June 2021 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Dog Control Hearing Panel Unconfirmed Open Minutes 12 December 2022

Dog Control Hearings Panel

He Koomiti Whiriwhiri I Ngaa Take Kuri

OPEN MINUTES

Minutes of a meeting of the Dog Control Hearings Panel held in Committee Room 1 and Audio Visual Link, Municipal Building, Garden Place, Hamilton on Monday 12 December 2022 at 9.30am.

PRESENT

Chairperson Cr Ewan Wilson

Heamana

Members Cr Andrew Bydder
Cr Melaina Huaki

In Attendance: Susan Stanford – Animal Control Manager
Matthew Auld – Animal Education and Control Officer

Governance Staff: Amy Viggers – Governance Lead
Arnold Andrews – Governance Advisor

1. **Apologies – *Tono aroha***
Resolved: (Cr Wilson/ Cr Bydder)
 That the apologies for absence from Cr Anna Casey-Cox, Cr Moko Tauariki and Cr Mark Donovan are accepted.
2. **Confirmation of Agenda – *Whakatau raarangi take***
Resolved: (Cr Wilson/Cr Huaki)
 That the agenda is confirmed.
3. **Declarations of Interest – *Tauaakii whaipaaanga***
 No members of the Council declared a Conflict of Interest.
4. **Objection to disqualification from dog ownership - Nicola Kenney**

Ms Kenney spoke in opposition of her disqualification from dog ownership as the dog who was roaming from her property had been rehomed. They responded to question from the Member concerning the dogs currently registered to Nicola, their previous disqualification, past infringements, the timeline of each incident and the actions she undertook to prevent future incidents.

Animal Control Manager outlined the Dog Control Act obligations and the number infringements received to date. Staff responded to questions concerning the timeline of incidents that resulted in the disqualification, the fines received by Ms Kenney, notification of disqualification which was delayed due to the process that must be followed, and differences between the Dog Control Bylaw and the Act.

Staff Action: Staff undertook to provide all records in future reports to the Committee.

During the discussion of the above item the meeting was adjourned 9.36am to 9.57am.

Item 6 (Resolution to Exclude the Public) was taken during the discussion of the above item 4 (Objection to disqualification from dog ownership - Nicola Kenney) at the request of the Chair.

6. Resolution to Exclude the Public

Resolved: (Cr Wilson/Cr Bydder)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
4. Objection to disqualification from dog ownership - Nicola Kenney	<ul style="list-style-type: none">) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987 	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item 4.	to maintain the effective conduct of public affairs through protecting person from improper pressure of harassment	Section 7 (2) (f) (ii)
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The meeting moved into the public excludes session at 10.35am.

The meeting returned to the open session at 11.00am.

5. Objection to menacing classification - Sarah Magee

Ms Magee outlined the efforts they had undertaken to avoid further incidents. They responded to questions from Members concerning the training they had completed, the incident, that the dog had been desexed and the potential impact of a menacing classification on themselves and the Dog.

The Animal Control Manager noted the work that the owners had carried out. Staff then responded to questions from Members concerning the delay in the complaint being made after the incident, and the recommendation of staff.

Dog Control Hearings Panel 12 DECEMBER 2022 - OPEN

Resolved: (Cr Wilson/Cr Huaki)

That the Dog Control Hearings Panel:

- a) receives the report; and
- b) determines that the classification of Meg as a menacing dog is **not** upheld.

The meeting was declared closed at 11:48am.

Council Report

Item 5

Committee: Dog Control Hearings Panel **Date:** 21 February 2023
Author: Susan Stanford **Authoriser:** Kelvin Powell
Position: Animal Control Manager **Position:** City Safe Unit Manager
Report Name: Objection to menacing classification - Claudia Williams

Report Status	<i>Open</i>
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Purpose - *Take*

1. To seek a determination from the Dog Control Hearings Panel as to whether the classification of "Leena" as a menacing dog is upheld or not.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Dog Control Hearings Panel:
 - a) receives the report; and
 - b) determines that the classification of Leena as a menacing dog is upheld.

Executive Summary - *Whakaraapopototanga matua*

3. Leena is a tan and black, Huntaway Whippet cross approximately five years and one month old. On 1 August 2022 Hamilton City Council received a complaint the dog Leena attacked "Baz" a King Charles Spaniel Toy Poodle cross outside the dog Leena's home in Cecil Street, St Andrews.
4. Section 33A of the Dog Control Act 1996 sets out the circumstances in which a territorial authority may classify a dog as menacing and section 33B outlines a dog owner's right to object to that classification (as detailed in paragraphs 19-21 of this report).
5. Staff recommend that the classification of Leena as a menacing dog is upheld (Option A) as detailed in paragraph 17 below.
6. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

7. Leena is a five-year-old, tan and black, Huntaway Whippet cross. An adult Huntaway / Whippet cross could weigh from 15-30 kilogrammes. Baz the victim dog is a black and tan, King Charles Spaniel / Toy Poodle cross, a dog of this cross breed would be significantly smaller, likely weighing less than 10kg. The weight estimates are based on the average weights of adult dogs of the registered breed for these two dogs.

8. On the 1st of August 2022, Hamilton City Council received a report of a dog vs dog attack. At approximately 1700 hours (5pm) on 1 August 2022 Baz's owner was walking Baz on lead down Cecil Street in St Andrews, as they have walked past the residence of the dog Leena, she has rushed out through the front fence and attacked Baz. Baz's owner noted that Leena was off lead at the time (**Attachment 1**).
9. Leena's owner also mentioned she was walking out to her car with Leena following off lead, as she just usually follows her. During the investigation she told the Animal Education and Control Officer (AECO) that they have been having problems with Leena reacting to other dogs and have engaged a dog trainer.
10. The incident was over very quickly, and Baz escaped injury, but the incident left Baz's owner feeling anxious.
11. As a result of this attack and the admission of the dog owner that they have been having issues with Leena being reactive to other dogs, Leena was classified as menacing on behaviour (**Attachment 2 – Menacing Classification**).
12. There is no previous history for Leena, except one incident in 2019 when she would not return to her owner while exercising in a park, on that occasion AEC help the dog owner catch Leena and put her in the car.
13. On 29 July 2022 an objection to the classification of the dog Leena as menacing was received from the registered dog owner (**Attachment 3 – objection received**). The owner is objecting on the following grounds:
 - i. That the incident was due to human error, not having Leena on a lead, rather than Leena's nature and due to the size difference of the two dogs was "terribly frightening"
 - ii. They are sincerely apologetic and taking steps to ensure it doesn't happen again
 - iii. They have seen a vet and changed Leena's diet in case this was impacting her and engaged a dog trainer to address her dog reactivity.
 - iv. Leena is now contained in the backyard with dog proof fencing.
 - v. Leena is now only being walked on lead in public

Discussion - *Matapaki*

14. In considering their decision, panel members should consider:
 - i. the incident that formed the basis for the classification
 - ii. the number and type of incidents that have occurred
 - iii. any escalation in behaviour demonstrated by the dog
 - iv. the potential impact to public safety.
15. Even though there were no reported incidents prior to this one, Animal Education and Control believed a classification of menacing was warranted as the owner was aware of her dogs reactivity to other dogs but walked her dog to the car at the front of the house knowing it was not dog proof.
16. The owner is conscious that this is a public safety issue and has taken steps, such as employing dog trainers, having a secure dog proof area at the rear of the house, and always walking her dog on lead when in public to minimise an event like this occurring again.

Options

17. Under the Dog Control Act 1996, territorial authorities have two options when considering an outcome of an objection to a dog being classified as menacing:
 - i. **Option A:** To uphold the classification, or
 - ii. **Option B:** To overturn the classification.
18. Staff recommend **Option A** because the best way to eliminate the risk is for Leena to be muzzled when out in public and this can only be enforced under the Dog Control Act 1996 menacing or dangerous classifications.

Financial Considerations - *Whaiwhakaaro Puutea*

19. This is a regular operating activity funded through the Long Term Plan.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

20. [Section 33A](#) of the Dog Control Act 1996 sets out the circumstances in which a territorial authority may classify a dog as menacing including:
 - i. The dog has not been classified as dangerous; but
 - ii. The territorial authority considers the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of –
 - I. any observed or reported behaviour of the dog: or
 - II. any characteristics typically associated with the dog's breed or type
21. [Section 33B](#) outlines a dog owner's right to object to the classification to the territorial authority and the territorial authority's obligations and considerations in respect to hearing the objection.
22. Staff confirm that the classification of menacing and options provided for the Dog Control Hearings Panel comply with the Council's legal requirements under the Dog Control Act 1996.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

23. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
24. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
25. Staff consider that the keeping of animals can enhance the quality of life and wellbeing for individuals and families; however, the Council also has a responsibility to protect the community from unreasonable animal nuisances – families, whanau, iwi, haapu, and communities should be safe from dangerous animals.

Risks - *Tuuraru*

26. If the menacing classification was overturned, it would remove the owner's obligations to muzzle the dog in public and therefore a degree of risk that an incident like this could occur again would remain.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

27. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.

Engagement

28. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - CRM 275453/2022

Attachment 2 - Classification documentation

Attachment 3 - Objection Received

Animal Complaint Record 275453/2022

Item 5

COMPLAINANT		Officer	D37
Complaint received	01/08/2022	Home Phone 1	
Name	[REDACTED]	Home Phone 2	
Address	[REDACTED] Mears Road St Andrews Hamilton 3200	Mob Phone	[REDACTED]

PROPERTY

Property Address	[REDACTED] Cecil St Andrews 2001	Lot 96 DP S10613	Safety Alert	NO
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ANIMAL DETAILS

Animal Number	234636	Animal Name	Leena	Tattoo	[REDACTED]
Animal Location	[REDACTED] Cecil ST St Andrews 2001	Color	TAN /BLK	Sex	F
Owner Address	[REDACTED] Cecil Street St Andrews Hamilton 3200	Owner Name	[REDACTED]	NAR No.	1116052

REQUEST DETAILS

Offence Date		Dog attack at [REDACTED] Cecil Street - [REDACTED] DOG (Caller) Dog tag no. 12896 that was attacked has no marks and seems to be okay. Offending dog is medium size light brown dog. Dog was unleashed and ran towards [REDACTED] dog. Happen at 17:00
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Attack (heading only)	
Category 4	Dogs - Attack - Dog v Animal - Urgent	

INVESTIGATION DETAILS

Officer	D37	<p>5.10pm Phone call with comp, she tells that her dog has no injury. She is concerned as the woman at this address often walks her dog off lead. The incident was all over within 10 seconds, it has left her feeling anxious, and she would like education given to the dog owner.</p> <p>9.30am Called to dog address, dog inside house, no answer to door knock. Card left [REDACTED] - 02/08/2022)</p> <p>1pm Phone call to dog owner, no answer. Text sent requesting a call back. ([REDACTED] - 02/08/2022)</p> <p>3/8 Dog owner called me back to discuss the incident. She tells me that they have been having trouble with the dog and reactivity to other dogs for some time. They have worked with a trainer. I have given advice around understanding the threat the dog poses to other dogs and not putting her in situations where she can get to other dogs. [REDACTED] was walking out to the car with the dog Leena when this incident happened. She was not on leash as she usually just follows her. This matches what the complainant has told me is regular behaviour she has witnessed for this owner and dog. The dog Leena ran straight through the front fencing to attack the other dog. [REDACTED] has asked me if the other dog has been injured. I have let her know that the owner has not found any injury but that the owner was quite shaken up as a result of this attacked on her dog.</p>
Start Date	01/08/2022 05:04	
Finish Date	04/08/2022 11:06	
Outcome	Animals - Menacing Dog Classification	
Task	Investigation	

Attachment 1

I have advised [REDACTED] that it would be best practice to put Leena on a leash inside the house before she opens the door to prevent any further attacks.

I have advised [REDACTED] that I will be classifying Leena as menacing based on the information, she has given me today about Leena's behaviour and the reported attack.

Menacing classification recommended for AN#234636 ([REDACTED])

[REDACTED] - 04/08/2022)

Note dog owner lost her son last year and was telling me that her dog Leena has mental health problems resulting from this. We have talked about dog behaviour and the idea that unlike humans, dogs live in the present moment and the possibility that the dog is reacting to the emotions and the behaviour of the family now.

[REDACTED] was receptive to this idea and working with the dog and a trainer going forward.

NFA ([REDACTED]) - 04/08/2022)

Previous Complaints for Dog

CRM No.	180631/2019	Task	2INV
Animal	234636	Outcome	ADVC
Maj Cat.	Animal Control (heading only)	Officer	D40
Min Cat.	Dogs - Offences (heading only)	Opened	29-Apr-19 05:10:00 PM
Cat 3	Dogs - Roaming (heading only)	Closed	24-Jun-19 11:42:00 AM
Cat 4	Dogs - Roaming - Public Place		

CRM No.	275453/2022	Task	2INV
Animal	234636	Outcome	MENC
Maj Cat.	Animal Control (heading only)	Officer	D37
Min Cat.	Dogs - Offences (heading only)	Opened	01-Aug-22 05:04:00 PM
Cat 3	Dogs - Attack (heading only)	Closed	04-Aug-22 11:06:00 AM
Cat 4	Dogs - Attack - Dog v Animal - Urgent		

CRM No.	282664/2022	Task	2INV
Animal	234636	Outcome	MENC
Maj Cat.	Animal Control (heading only)	Officer	D44
Min Cat.	Dogs - Offences (heading only)	Opened	19-Sep-22 10:26:00 AM
Cat 3	Dogs - Offences - Officer (heading	Closed	19-Sep-22 03:38:00 PM

Cat 4 Dogs - Officer -
Serve Dog
Classification

Item 5

Attachment 1

Dog and Owner					
Animal Name	Breed	Colour	Age	Tag	Classification
Leena	Huntaway/Whippet	Tan/Black	5 Year(s) 2 months	2022/23	Menacing Dog

Owner(s)	Address	Owner Classification
	Street St Andrews	Standard

Dog Offences					
Document Account	Category 3	Category 4	Incident Date	Outcome	Closed Date
002.2022.00275453.001	Dogs - Attack (heading only)	Dogs - Attack - Dog v Animal - Urgent		Animals - Menacing Dog Classification	4/08/2022
002.2019.00180631.001	Dogs - Roaming (heading only)	Dogs - Roaming - Public Place		* Advice Given	24/06/2019
002.2022.00282664.001	Dogs - Offences - Officer (heading only)	Dogs - Officer - Serve Dog Classification		Animals - Menacing Dog Classification	19/09/2022



19 September 2022

Claudia [REDACTED]
[REDACTED] Cecil Street
St Andrews
Hamilton 3200

Dear Claudia

Classification of Dog as Menacing Dog Section 33A Dog Control Act 1996

Section 33A of the Dog Control Act 1996 ("DCA") enables Hamilton City Council ("HCC"), to classify a dog that it considers poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:

- a. any observed or reported behaviour of the dog; or
- b. any characteristics typically associated with the dog's breed or type.

As a result of the observed or reported behaviour HCC has classified the dog as a Menacing Dog under s33A of the Dog Control Act 1996. The Notice of Classification of Dog as Menacing Dog ("the Notice") is enclosed.

HCC requires you to have the dog de-sexed, and to provide a copy of the de-sexing certificate to HCC within one month from the date shown on the Notice.

You may be able to take advantage of discounts available through HCC for de sexing fees with a contracted veterinarian. Microchipping is also available at the Animal Education and Control Centre. If you would like further information about these services, please contact the Animal Education and Control team on 838 6632.

Please ensure that you comply with the requirements of the classification within the timeframes outlined in the enclosed Notice to avoid any further enforcement action. If you do not agree with the Classification, you may object in writing within 14 days of receiving the Classification. You must have valid ground for an objection and produce evidence that your dog is not of a breed or type listed above.

If you have any questions regarding the Notice of Classification, please contact HCC's Animal Education & Control Centre, phone 838 6632.

Regards



Paul [REDACTED]
Acting Animal Education and Control Manager

Animal Education and Control Centre
217 Ellis Street, Hamilton
Phone 07838 6632

COPY

AC F64a
V 8

Notice of Classification of Dog as Menacing Dog

Section 33A, Dog Control Act 1996



Private Bag 3010
Hamilton 3240
New Zealand

TEL 07 838 6699
FAX 07 838 6599
EMAIL info@hcc.govt.nz
hamilton.govt.nz

To: *
(name of owner)

Claudia [REDACTED]

Address:

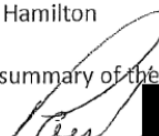
[REDACTED] Cecil Street
St Andrews
Hamilton 3200

Female, Neutered Huntaway x Whippet, Tan and
Black in colour, Named Leena, Aged 4 years and 8
months approximately, Microchip [REDACTED]
[REDACTED]

This is to notify you* that this dog has been classified as a menacing dog under section 33A(2) of the Dog Control Act 1996.

This is because of the aggressive behavior displayed by the dog on Monday, 1st August 2022, in Hamilton

A summary of the effect of the classification and your right to object is provided below.

 [REDACTED]
Animal Education and Control Manager

19/9/2022
Date

* For the purposes of the Dog Control Act 1996, you are 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, 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.

S 33E(1) Effect of classification as a menacing dog

Sections 33E, 33F, 36A, Dog Control Act 1996

You —

- (a) must not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
- (b) must produce to HCC within 1 month after receipt of this notice, a certificate issued by a veterinary surgeon certifying —
 - (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and

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16.3.2011
AC-F54

- (c) must, if a certificate under paragraph (b)(ii) is produced to HCC, produce to HCC, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with all of the matters in paragraphs (a) to (c) above.

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c).

You are also required, for the purposes of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to HCC in accordance with the reasonable instructions of HCC for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement within 2 months after the dog is classified as menacing.

If the dog is in the possession of another person (for a period not exceeding 72 hours), you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. You will commit an offence and be liable on summary conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of the classification of a dog as menacing are provided in the Dog Control Act 1996. This is available to view online at www.legislation.govt.nz.

Right of Objection to Classification Under Section 33C

Section 33D, Dog Control Act 1996

You may object to the classification of your dog as menacing by lodging with HCC a written objection within 14 days of receipt of this notice setting out the grounds on which you object.

You have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

19/09/2022, 10:31

Authority Received

Transaction Receipt

Hamilton City Council
GST No. 11-174-531
Private Bag 3010
Waikato Mail Centre
Hamilton 3240

Phone 07 838 6699
Fax
Email Address
info@hcc.govt.nz
Web www.hamilton.govt.nz



Reference Number	282664/2022
Reference Id	326570
Description	MENACING CLASSIFICATION - Menacing classification paperwork to be delivered to Claudia [REDACTED] Cecil St, St Andrews as the owner of Leena based on behaviour as per CRM 275453/22. Statement of service to be returned to admin.
Properties	[REDACTED] Cecil Street Hamilton St Andrews 3200 Lot 96 DP S10613
Received	19/09/2022 at 10:26
Category	Dogs - Officer - Serve Dog Classification
Customer	AECU Animal Education and Control Unit
Business Phone	07 838 6632
Address	217 Ellis Street Frankton Hamilton 3204

D44

1.80

STATEMENT OF SERVICE

This document was served by me by delivering a copy of the same to the Dog Owner/or Occupier personally on the

_____ Day of _____ at _____

Residential
Address is

The same as that
on the notice

or

(Specify)

This document was served by me by leaving a copy of the same for the Dog Owner/Occupier on the

_____ 19 _____ Day of September 20 22

At ████████ Cecil Street Hamilton St Andrews 3200

(Show full address of service)

Dog Control Officer _____



D44

19/09/22

Registered Letter

Date Posted:

Susan [REDACTED]

From: Claudia [REDACTED]@gmail.com>
Sent: Friday, 30 September 2022 2:43 pm
To: Susan [REDACTED]
Subject: Right of Objection to Classification Under Section 33C

Dear Susan,

I am writing to take advantage of my Right of Objection to the classification of my dog Leena as a menacing dog. Leena has been reported with you by a neighbour and dog owner on the 1st of August 2022 in Hamilton. In your notice it states that Leena displayed aggressive behaviour towards the neighbour's dog. I am not denying the aggressive display of Leena in any way. However, I would like to take this opportunity to describe the incident as I have witnessed it on the 1st of August to clarify what her aggressive behaviour looked like from my perspective.

On Monday the 1st of August I was planning to take Leena for her daily walk. I noticed that her leash was in the back of my car that was parked in front of the garage on our property in [REDACTED] Cecil Street, St Andrews. I opened the front door with Leena beside me as I was planning to walk with her to the car to retrieve the leash. As I was opening the door I saw a lady with her dog on a leash passing by our fence (that is not dog proof). Leena is very keen to meet other dogs and is a very sociable dog. As I was not alarmed by the situation I approached my car as Leena quickly went to the fence. The victimised little dog started barking and Leena followed with this as she squeezed through one of the large wooden gaps of our fence. A quarrel has started and obviously due to the size difference of the dogs it was terribly frightening. The dog owner had ear phones on and did not immediately realise what seemed to happen with them. In the meantime I called Leena back and to my surprise she was already too aroused to listen to my first recall. I went up over the low fence and grabbed Leena away. I then remorsefully apologised to the dog owner and wanted to make sure if her dog was physically harmed or bleeding. Unfortunately the dog owner just pulled her ear phones out and left without any further interaction. I am truly sorry and understand that the lady must have been terribly shaken up. I understand that this is totally unacceptable behaviour of Leena and I feel very troubled and concerned about this. I immediately sought professional help and took numerous steps to comprehend and learn what I can do to avoid any further incidents with Leena.

I received a letter in my letter box from Animal control on Wednesday the 3rd of August informing me that there has been made a complaint. I immediately made contact on the phone with Animal control to discuss the incident and informed myself of the severity of the impact this incident had on Leena and myself. I asked if there was specific training or professional behaviour assessment available through your organisation and asked also for recommendations and advice. I contacted several dog behaviourists to attempt to make an appointment and choose a professional person to help me to deal with Leena's behaviour. After numerous phone conversations and consultations with several dog behaviour specialist I arranged an appointment with one of them.

During this time I also followed their suggestion of taking Leena to the vet to rule out possible health issues. A comprehensive examination and follow up including taking a full blood sample of Leena was done before she was physically declared a well and healthy dog. After the discussion with the veterinarian I decided to put Leena on another diet just in case that she might change her more anxious nature she had displayed for the last couple of months.

I have since seen the dog behaviourist on a regular basis. I had Leena since she was 5 months old. She went through numerous training classes since she was a puppy. She is exceptionally well trained and behaved and this has been noticed throughout her five years by anyone who met her.

I can only express my sincerest apologies to all involved about this incident. I understand that this is a serious issue and as you may want to agree I am taking full responsibility for this matter. I would like to suggest that the incident was caused due to human error rather than the nature of Leena's character, breed or upbringing. I have since taken many steps to fully manage my dog including her being confined by a dog proof fence at the back of our house.

Leena has not been off lead publicly since the incident and I have purchased also a long lead (5mtrs) to be able to control her at all times when I train her. She is always supervised and controlled on a leash when out in public.

I would like to ask if you could reconsider the classification of a menacing dog in regards to Leena and withdraw the obligations of a muzzle for Leena including all other consequences that the effect of this classification entails. I like to express my wish to discuss this further and am open to meet you with Leena personally. Since a personal contact between you and us has not been made I would appreciate if you would consider to assess Leena personally or would be open to have a personal conversation with me.

With respect and kind regards

Claudia [REDACTED]

phone [REDACTED]

Council Report

Committee: Dog Control Hearings Panel **Date:** 21 February 2023
Author: Susan Stanford **Authoriser:** Kelvin Powell
Position: Animal Control Manager **Position:** City Safe Unit Manager
Report Name: Objection to menacing classification - Dave Burger and Rochelle Ramsay

Report Status	<i>Open</i>
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Purpose - *Take*

1. To seek a determination from the Dog Control Hearings Panel on the classification of “Kora” and “Drax” as menacing dogs.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Dog Control Hearings Panel:
 - a) receives the report; and
 - b) determines that the classification of Kora and Drax as menacing dogs is upheld.

Executive Summary - *Whakaraapopototanga matua*

3. On 31 August 2022 at approximately 6:50am Kora, a seven-year-old Rottweiler, and Drax, a brindle two-year-old American Staffordshire Terrier, attacked Tui, a 5-year-old Bearded Collie on Cobham Drive as she was being walked on-lead by her owner.
4. Section 33A of the Dog Control Act 1996 sets out the circumstances in which a territorial authority may classify a dog as menacing and section 33B outlines a dog owner’s right to object to that classification (as detailed in paragraphs 23-25 of this report).
5. Staff recommend that the classification Kora and Drax as menacing dogs is upheld (Option A) as detailed in paragraph 18 below.
6. Staff consider the decision in this report has low significance and that the recommendations comply with the Council’s legal requirements.

Background - *Kooreo whaimaarama*

7. On 22 May 2022, at approximately 6:50am the victim dog, Tui, and owner were walking along Cobham Drive near Johnsvie Terrace when the dogs Kora and Drax have attacked Tui. Tui was on a long retractable lead, as they have come around a corner Tui’s owner could see Kora and Drax on the footpath. Tui’s owner was attempting to shorten the lead when both Kora and Drax have attacked.
8. During the attack Drax (the stripy one) has attacked Tui’s head and Kora has gone for her hind quarters. Tui’s owner has managed to get Kora off Tui, but Drax has maintained his bite. Tui has pulled free of her collar and Drax and run into traffic on Cobham Drive, narrowly missing being hit and bringing traffic to a stop.

9. Tui's owner has shouted at the attacking dogs to scare them off and has then collected Tui from further up the road, where she has come to a stop. She then knocked at a nearby house and asked if she could call the police, on police advice she has then called Hamilton City Council and reported the attack. After this she has returned home with Tui.
10. During the attack Tui sustained bite wounds to her neck, back and rear leg. For full details, including statements, photos, and vet account are outlined in **Attachment 1**.
11. There is no previous history of attacks from either of these dogs. Kora has four reported roamings on record between 2016 and the recent attack, Drax has no other history.
12. As a result of this attack both Kora and Drax were classified as menacing and their owner issued with two infringements (number 13474 and 134752); which were paid on 12 September 2022 (**Attachment 2** – Menacing Classification, **Attachment 3** - Infringements).
13. On 28 September 2022 an objection to the classification of the Kora and Drax as menacing was received from the registered dog owners (**Attachment 4**). The owners are objecting on the following grounds:
 - i. That Kora has been part of the family for eight years and Drax nearly two and during that time they have not had any negative interactions with either other dogs or members of the family.
 - ii. The dogs had been let off the property by persons unknown who had left the gate open. It is noted in her witness statement by the owner that they padlocked the gate after they found their dogs on the street.

Discussion - *Matapaki*

14. In considering their decision, panel members should consider:
 - i. the incident that formed the basis for the classification
 - ii. the number and type of incidents that have occurred
 - iii. any escalation in behaviour demonstrated by the dog
 - iv. the potential impact to public safety.
15. Dogs can behave in unexpected ways, especially when not in sight or control of their owner, and in this case, hearing from Animal Education and Control that Kora and Drax had attacked another dog was a surprise to the dog owners as they had not seen any negative interactions with other dogs from Kora and Drax.
16. Even though there have been no reported attacks prior to this one, given the dogs have attacked simultaneously, one to the head/neck area and the other to the hind quarters of Tui causing injury AEC believe this warrants classification as menacing.

Options

17. Under the Dog Control Act 1996, territorial authorities have two options when considering an outcome of an objection to a dog being classified as menacing:
 - i. **Option A:** To uphold the classification, or
 - ii. **Option B:** To overturn the classification.
18. Staff recommend **Option A** because the best way to eliminate the risk is for Kora and Drax to be muzzled when out in public and this can only be enforced under the Dog Control Act 1996 menacing or dangerous classifications.

Financial Considerations - *Whaiwhakaaro Puutea*

19. This is a regular operating activity funded through the Long-Term Plan.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

20. [Section 33A](#) of the Dog Control Act 1996 sets out the circumstances in which a territorial authority may classify a dog as menacing including:
 - i. The dog has not been classified as dangerous; but
 - ii. The territorial authority considers the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of –
 - a. any observed or reported behaviour of the dog: or
 - b. any characteristics typically associated with the dog's breed or type
21. [Section 33B](#) outlines a dog owner's right to object to the classification to the territorial authority and the territorial authority's obligations and considerations in respect to hearing the objection.
22. Staff confirm that the classification of menacing and options provided for the Dog Control Hearings Panel comply with the Council's legal requirements under the Dog Control Act 1996.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

23. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
24. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
25. Staff consider that the keeping of animals can enhance the quality of life and wellbeing for individuals and families; however, the Council also has a responsibility to protect the community from unreasonable animal nuisances – families, whanau, iwi, haapu, and communities should be safe from dangerous animals.

Risks - *Tuuraru*

26. Should the menacing classification be overturned, removing the owner's obligations to muzzle the dog in public there would remain a degree of risk that an incident like this could occur again.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

27. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.

Engagement

28. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments

Attachment 1 - CRM 280019

Attachment 2 - Classification documentation

Attachment 3 - Infringements

Attachment 4 - Objection received .

Animal Complaint Record 280019/2022

Item 6

COMPLAINANT

Complaint Received	31/08/2022	Officer	D45
Name	[REDACTED]	Home Phone 1	
Address	[REDACTED] Howell Avenue Riverlea Hamilton 3216	Home Phone 2	
		Mob Phone	[REDACTED]

PROPERTY

Property Address		Safety Alert	YES	these 2 dogs bark at people when walking past dogs may come from [REDACTED] Cobham Dr or [REDACTED] Cambridge Rd
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ANIMAL DETAILS

Animal Number	228593	Animal Name	Kora	Tattoo	900079000 059077
Animal Location	[REDACTED] Cobham DR Hillcrest 2001	Color	BLK /BRO	Sex	F
Owner Address	[REDACTED] Cobham Drive Hillcrest Hamilton 3216	Owner Name	[REDACTED]	NAR No.	700359
Animal Number	[REDACTED]	Animal Name	[REDACTED]	Tattoo	982126054 047359
Animal Location	[REDACTED]	Color		Sex	[REDACTED]
	[REDACTED] 3216	Owner Name	[REDACTED]	NAR No.	351090
Animal Number	241973	Animal Name	Drax	Tattoo	953010004 815258
Animal Location	[REDACTED] Cobham DR Hillcrest 2001	Color		Sex	M
Owner Address	[REDACTED] Cobham Drive Hillcrest Hamilton 3216	Owner Name	[REDACTED]	NAR No.	700359

REQUEST DETAILS

Offence Date		At approximately 6.50am this morning [REDACTED] was on Cobham Dr close to Johnsvie Terrace heading towards Hillcrest Primary School when 2 dogs attacked her dog She has (NZ beadie on a lead) 1 attacking dog was a young rotti black and brown medium Size and the other dog Pitbull stocky built brown and white zebra stripes over it's body square jawed no collars genders unknown. They got hold of her dog their is puncture wounds and the dog is bleeding. Karen advises/think that they dogs come [REDACTED] Cobham Dr or [REDACTED] Cambridge Rd but she thinks that it is the house at [REDACTED] Cobham Dr does not know where the 2 dogs have now Called Sonia (07.20) Update 07.55 [REDACTED] has called back to advise dogs come from [REDACTED] Cobham Dr
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Attack (heading only)	
Category 4	Dogs - Attack - Dog v Animal - Urgent	

INVESTIGATION DETAILS

Officer	D45
Start Date	31/08/2022 07:05
Finish Date	05/09/2022 10:17
Outcome	Animals - Sect 52A Fail Keep Dog Ctl Inf
Task	Investigation

Attachment 1

31/08/2022 7:33am Phoned complainant, [REDACTED] said thankfully her dog has a lot of fur that seems to have protected her dog a fair bit. She still has a couple of puncture holes and has a vet appointment later this morning. I have requested photos and vet report and said I will contact her later to obtain a statement. AN: 238708 Linked to CRM

31/08/2022 7:48
Have phoned attacking D/O [REDACTED] and asked her if her dogs have been out this morning. She replied yes, someone has come down their driveway and opened their gate and let the dogs out. She was unaware they had been involved in attacking a dog and was most concerned. [REDACTED] has authorised me to give her details to [REDACTED] as she feels extremely bad and wants to pay the vet bill. I will obtain a phone statement at 1pm. AN: 228593 and AN: 241973 linked to CRM.

31/08/2022
8:20am Phoned [REDACTED] again who has confirmed that both dogs have bitten her dog, she has managed to kick the rotti off pretty quickly but the brindle dog has remained latched on for a while. [REDACTED] will ring me after she has been to the vet with a time to obtain a statement.

31/08/2022 4:08pm Have taken verbal statement via phone call from [REDACTED] (attacking dogs owner) and emailed to her to get a signed copy returned.

01/09/2022 8:30am [REDACTED] has signed and returned statement and I have attached both signed and unsigned copies to CRM as they are getting hard to read.

(Sonia [REDACTED] - 01/09/2022)

01/09/2022 2:00pm Have text [REDACTED] requesting a call to update me on Tui and to organise a time to obtain statement.

02/09/2022 9:00am Obtained Victim Statement from [REDACTED] and attached to CRM. Have emailed Karen with details of attacking dogs owner.

02/09/2022 4:20pm Phoned [REDACTED] to advise her both dogs will be classified as menacing and receiving an infringement each also.

(Sonia [REDACTED] - 05/09/2022)

05/09/2022
10:00am Have issued Infringements. Number 13474 for Drax (AN: 241973) and Number 13475 for Kora (AN: 228593) for Section 52A Failure to keep dog controlled or confined. Infringement letters sent and attached to CRM. Menacing Classification for both dogs also written and attached. (Sonia [REDACTED] - 05/09/2022)

05/09/2022 10:15am Closing with NFA (Sonia [REDACTED] - 05/09/2022)

Previous Complaints for Dog

CRM No.	130888/2016	Task	2INV
Animal	228593	Outcome	ADVC
Maj Cat.	Animal Control (heading only)	Officer	D17
Min Cat.	Dogs - Offences (heading only)	Opened	25-Feb-16 05:05:00 PM
Cat 3	Dogs - Roaming (heading only)	Closed	25-Feb-16 05:05:00 PM
Cat 4	Dogs - Roaming - Public Place		

CRM No.	144675/2017	Task	2INV
Animal	228593	Outcome	1UNS

Maj Cat.	Animal Control (heading only)	Officer	D11
Min Cat.	Dogs - Offences (heading only)	Opened	11-Jan-17 12:40:00 PM
Cat 3	Dogs - Roaming (heading only)	Closed	11-Jan-17 12:56:00 PM
Cat 4	Dogs - Roaming - 52A Free To Leave		

CRM No.	153044/2017	Task	2INV
Animal	228593	Outcome	WRTW
Maj Cat.	Animal Control (heading only)	Officer	D38
Min Cat.	Dogs - Offences (heading only)	Opened	19-Jul-17 11:31:00 AM
Cat 3	Dogs - Roaming (heading only)	Closed	20-Jul-17 08:12:00 AM
Cat 4	Dogs - Roaming - Public Place		

CRM No.	209704/2020	Task	2INV
Animal	228593	Outcome	ADVC
Maj Cat.	Animal Control (heading only)	Officer	D41
Min Cat.	Dogs - Offences (heading only)	Opened	23-Nov-20 02:48:00 PM
Cat 3	Dogs - Ranging Offences Detected By Officer (heading only)	Closed	30-Nov-20 01:09:00 PM
Cat 4	Dogs - Ranging - Other		

CRM No.	280019/2022	Task	2INV
Animal	228593	Outcome	S52A
Maj Cat.	Animal Control (heading only)	Officer	D45
Min Cat.	Dogs - Offences (heading only)	Opened	31-Aug-22 07:05:00 AM
Cat 3	Dogs - Attack (heading only)	Closed	05-Sep-22 10:17:00 AM
Cat 4	Dogs - Attack - Dog v Animal - Urgent		

CRM No.	280019/2022	Task	2INV
Animal	238708	Outcome	S52A
Maj Cat.	Animal Control (heading only)	Officer	D45
Min Cat.	Dogs - Offences (heading only)	Opened	31-Aug-22 07:05:00 AM
Cat 3	Dogs - Attack (heading only)	Closed	05-Sep-22 10:17:00 AM
Cat 4	Dogs - Attack - Dog v Animal - Urgent		

CRM No.	280019/2022	Task	2INV
Animal	241973	Outcome	S52A
Maj Cat.	Animal Control (heading only)	Officer	D45

Min Cat.	Dogs - Offences (heading only)	Opened	31-Aug-22 07:05:00 AM
Cat 3	Dogs - Attack (heading only)	Closed	05-Sep-22 10:17:00 AM
Cat 4	Dogs - Attack - Dog v Animal - Urgent		

CRM No.	282671/2022	Task	2INV
Animal	228593	Outcome	MENC
Maj Cat.	Animal Control (heading only)	Officer	D45
Min Cat.	Dogs - Offences (heading only)	Opened	19-Sep-22 10:52:00 AM
Cat 3	Dogs - Offences - Officer (heading only)	Closed	19-Sep-22 03:29:00 PM
Cat 4	Dogs - Officer - Serve Dog Classification		

CRM No.	282671/2022	Task	2INV
Animal	241973	Outcome	MENC
Maj Cat.	Animal Control (heading only)	Officer	D45
Min Cat.	Dogs - Offences (heading only)	Opened	19-Sep-22 10:52:00 AM
Cat 3	Dogs - Offences - Officer (heading only)	Closed	19-Sep-22 03:29:00 PM
Cat 4	Dogs - Officer - Serve Dog Classification		

WITNESS STATEMENT FORMs

TIME 9am

DATE 2nd September 2022

PLACE [REDACTED] Howell Ave.
Riverslea, Hamilton

My full name is [REDACTED]
and I live at [REDACTED] Howell Ave, Riverslea, Hamilton, I am
making this statement to Sonia [REDACTED], Dog Control
Officer of the Hamilton City Council. On the Wednesday 31st August '22, at
approximately 6.45am (am) I was walking along

(Describe Incident)

1. What happened? I was walking my dog, on a lead. She was in a really happy mood, happy bark, twirly tail "helicopter tail". We approached Sohnsview Terrace towards the Cobham Drive/Cambridge Road roundabout and Tui did her spontaneous sit down before we cross the road thing. The way the road goes, it bends, there's a concrete fence thing on the eastern side of Sohnsview, so it's retractable lead. So, once we got across I let the lead out a little bit so she could sniff the power pole so she was around the corner a little bit out of sight for about 3 seconds. And as I came around, I could see two dogs approx. 20 metres further up the road, on the footpath in front of [REDACTED] Cobham Drive. I was trying to retract the lead to make it shorter, I saw the two dogs cross

prick up, they have both then lowered their bodies and sprinted towards us. At this point Tui was still oblivious to the dogs coming towards her. I'm running towards Tui ^{and trying} ~~to try~~ really hard to retract the lead and calling her and again she is so engaged in her sniffing she didn't even expect anything. The stripey one has come in and gone straight to her face and the rotti is trying to bite on her back. The rotti tried a few times but I was yelling at it, making myself appear bigger and it definitely backed ~~up~~ off but took a while. The rotti has definitely bitten Tui & left gooie marks. I was watching the stripey one and it would just not let go. It has continually gone for Tui's face, it was chomping and doing the tug thing. And then it has come around to the other side and gripped onto Tui again, she was yelping heaps. The collar has come off Tui at this point. It has spilled into the traffic at this point and I was worried about nose to tail incidents. The lane closest to footpath has come to a stop, the further away lane has still continued moving but then Tui has gotten free and run into the second lane. A car has screeched to a halt and Tui was now on the middle strip. I'm trying to use a calm voice to call Tui back, she has headed west up Cobham Drive. I have yelled at the other two dogs to "get outta here". In my hands I had her collar & birds nest of lead and I was worried she wouldn't come back. She ended up by the 50km sign by the Hospice & I wanted to get onto a property in case they ~~were~~ were going to come get us again. I have gone into a property and have collapsed with Tui on the ground. I have then knocked on a door & explained what has happened and asked if I could ring the police, which I did. They took a statement

and then put me through to you guys. Some time later we have cautiously left & made our way back home.

The lady at the property has google mapped the address with me of the attacking dogs. 372 Cobham Drive.

Item 6

Attachment 1

Dog 1: Above knee height, ginger, darker brown, zebra stripes with white
flecks, 'squeeze jaw' long tail.

Dog 2: Rott, about mid thigh height, black & ginger, def. velti.

2. Description of Dog See above
3. Any witnesses (or owner present) Traffic as mentioned. No dog owner present.

I declare that the information recorded above is true and an accurate account and I am aware that this information could be produced as evidence in a court of law and I may be required to give evidence in this regard.

SIGNED

[Signature]

OCCUPATION STUDENT

DATE AND TIME

9.35.

2 Sept. 2022

FRIDAY.

WITNESSED

Miles D45

a_e_an005 - Animals Enquiry - Hamilton_LIVE - 45644 - 7.0

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1 of 1

Document [Browse](#)

Animal Type Dogs **Number**

MicroChip Brand **Id**

Alpha Key

Assessment **Parcel**

Owner

House Number

Street Name

Suburb Name

Owner Details

Name

Address

Mobile Phone

Home Phone

Business Phone

e-Mail Address

Animal Details

Kept at Address

OutsideTag **Ref** **Dangerous** **Agency**

Animal Name **Neutered** ☒ **Gender**

Breed **Cross**

Main Colour **Second**

Birth **Age** **Years** **Months** **Death**

Features **Permit Number**

Registration Details

Tag Number **Tag Set** **By Law Code Search**

eTran **Recpt Date** **Reg Till** **Code Type** **Code Value**

Victim dog

Item 6

Attachment 1

Pet Doctors Hillcrest
54 Masters Avenue, Hamilton 3216

P: 07 856 9212
E: hillcrest@nzpetdoctors.co.nz
petdoctorshillcrest.co.nz

PET DOCTORS
Sharing your passion for pets

Payment Receipt

Client No. [REDACTED] 813382
Client [REDACTED] 31-08-2022
Amount \$404.44
Method Eftpos (Payment Express)
Comments

Receipt No: 813382
Date: 31-08-2022

ABN:

DESCRIPTION	QTY	AMOUNT
Consultation - Standard	1	\$0.00
Clavulox 500mg 100s (Per Tablet)	14	\$66.31
Prednisone 20mg 500s (Per Tablet)	15	\$26.28
Medetate Injection 1Mg/mL 10mL (Per mL)	0.4	\$32.89
Antipam Injection 10mL (Per mL)	0.4	\$33.95
Torbugesic Injection 10Mg 10mL (Per mL)	0.6	\$44.07
Wound clip/clean	2	\$36.00
Nupentin gabapentin 300mg 100'S (Per Capsule)	40	\$32.81
Total		\$272.31
Paid		\$272.31

DESCRIPTION	QTY	AMOUNT
Ear Cytology (In House)	1	\$36.00



Item 6

Attachment 1





Item 6

Attachment 1



e_an005 - Animals Enquiry - Hamilton_LIVE - 23204 - 7.0

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4 of 5

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****Menacing Animal****

1 Memo Recorded

Animal Type	1 Dogs	Number	228593
MicroChip Brand	MICROCHIP	Id	
Alpha Key			
Assessment	46312	Parcel	4503045
Owner	700359		
House Number			
Street Name	Cobham		
Suburb Name	Hillcrest	3216	

Owner Details

Name [REDACTED]

Address Cobham Drive
Hillcrest
Hamilton 3216

Mobile Phone [REDACTED]

Home Phone [REDACTED]

Business Phone [REDACTED]

e-Mail Address [REDACTED]@gmail.com

Animal Details

Kept at Address Cobham Drive Hillcrest Hamilton 3216

OutsideTag [REDACTED] Ref [REDACTED] Dangerous Menacing Agency

Animal Name Kora Neutered N Gender Female

Breed ROTT Rottweiler Cross [REDACTED]

Main Colour BLK Black Second BRO Brown

Birth 27/06/2015 Age 7 Years 3 Months Death [REDACTED] Depart [REDACTED]

Features 206040 Permit Number [REDACTED]

Registration Details

Tag Number 7222 Tag Set 2022/23

eTran [REDACTED] Recpt Date 27/06/2022 Reg Till 30/06/2023

By Law Code Search

Code Type [REDACTED] Code Value [REDACTED]

Offending dog

a_e_an005 - Animals Enquiry - Hamilton_LIVE - 39572 - 7.0

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5 of 5

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****Menacing Animal****

2 Memos Recorded

Animal Type	1 Dogs	Number	241973
MicroChip Brand	MICROCHIP	Id	
Alpha Key			
Assessment	46312	Parcel	4503045
Owner	700359		
House Number			
Street Name	Cobham		
Suburb Name	Hillcrest	3216	

Owner Details

Name [REDACTED]

Address [REDACTED] Cobham Drive
Hillcrest
Hamilton 3216

Mobile Phone [REDACTED]

Home Phone [REDACTED]

Business Phone [REDACTED]

e-Mail Address [REDACTED]@gmail.com

Animal Details

Kept at Address [REDACTED] Cobham Drive Hillcrest Hamilton 3216

OutsideTag [REDACTED] Ref [REDACTED] Dangerous [REDACTED] Menacing [REDACTED] Agency [REDACTED]

Animal Name [REDACTED] Neutered [Y] Gender [REDACTED] Male

Breed [REDACTED] ASTA [REDACTED] Terrier American Staffordshire

Cross [REDACTED]

Main Colour [REDACTED] BDL [REDACTED] Brindle

Second [REDACTED]

Birth [REDACTED] 27/12/2020 Age [REDACTED] 2 Years [REDACTED] 0 Months Death [REDACTED] Depart [REDACTED]

Features [REDACTED] 1097330 Permit Number [REDACTED]

Registration Details

Tag Number [REDACTED] 14707 Tag Set [REDACTED] 2022/23

eTran [REDACTED] Recpt Date [REDACTED] 27/06/2022 Reg Till [REDACTED] 30/06/2023

By Law Code Search

Code Type [REDACTED] Code Value [REDACTED]

Rayner

offending dog

Faded copy with signature

Item 6

Attachment 1

Animal Education & Control

WITNESS STATEMENT FORMs

TIME _____

DATE 21 August 2022

PLACE Y. [redacted]

My full name is [redacted]

and I live at [redacted], I am

making this statement to [redacted], Dog Control

Officer of the Hamilton City Council. On the 21st August 2022, at

approximately 10:30 am / pm I was walking along

(Describe Incident)

1. What happened? The respondent has been out to have the
dogs to have the dogs and the dogs have been out to
around the council the house that the dogs have been
the dogs have been out to have the dogs and the dogs
there he has come into the house to insert the dogs to
the dogs to have the dogs and the dogs have been out to
up outside and walked up the driveway to the house where
the dogs have been out to have the dogs and the dogs
with some of the dogs and the dogs have been out to
some of the dogs and the dogs have been out to
there approximately 10:30 am / pm I was walking along

AC/F01 Version 7
30.05.12

Faded copy with signature

2. Description of Dog _____

3. Any witnesses (or owner present) _____

I declare that the information recorded above is true and an accurate account and I am aware that this information could be produced as evidence in a court of law and I may be required to give evidence in this regard.

SIGNED _____

OCCUPATION _____

DATE AND TIME 31.08.22

WITNESSED _____

Signature

Witness statement without signature

Item 6

WITNESS STATEMENT FORMs

TIME 4:08pm

DATE 31 August 2022

PLACE via phone at
217 Ellis Street, Hamilton

My full name is [REDACTED]

and I live at [REDACTED] Cobham Drive, Hillcrest, Hamilton, I am

making this statement to Sonia [REDACTED], Dog Control

Officer of the Hamilton City Council. On the 31st August 2022, at

approximately 6:40am (7) am/pm I was walking along _____

(Describe Incident)

1. What happened? My husband has gone out to feed the dogs to find they were not there. He has then walked around the corner of the house, looking for them and has found the gate has been opened by unknown persons. So then he has come into the shower to break the news to me that the dogs were missing. He has then proceeded to go outside and walked up the driveway to the street where he saw the dogs just up the road. He has called them back and we have shut the gates and put padlocks on them because we don't know who opened them. And then approximately an hour later I got your phone call.

Animal Education & Control

Attachment 1

AC/F01 Version 7
30.05.12

Witness statement without signature

2. Description of Dog _____

3. Any witnesses (or owner present) _____

I declare that the information recorded above is true and an accurate account and I am aware that this information could be produced as evidence in a court of law and I may be required to give evidence in this regard.

SIGNED _____

OCCUPATION

DATE AND TIME _____

WITNESSED _____

_____ @gmail.com

Dog and Owner				
Animal Name	Breed	Colour	Age	Tag
Kora	Rottweiler	Black/Brown	7 Year(s) 7 months	0022/23
			Menacing Dog	

Owner(s)	Address	Owner Classification



Dog Offences		Category 3	Category 4	Incident Date	Outcome	Closed Date
Document Account		Dogs - Roaming (heading only)	Dogs - Roaming - Public Place	25/02/2016	* Advice Given	25/02/2016
002.2016.00130888.001		Dogs - Roaming (heading only)	Dogs - Roaming - Public Place	25/02/2016	* Advice Given	25/02/2016
002.2020.00209704.001		Dogs - Ranging Offences Detected By Officer (heading only)	Dogs - Ranging - Other		* Advice Given	30/11/2020
002.2017.00144675.001		Dogs - Roaming (heading only)	Dogs - Roaming - 52A Free To Leave	11/01/2016	Animals - Unsubstantiated	11/01/2017
002.2017.00153044.001		Dogs - Roaming (heading only)	Dogs - Roaming - Public Place	19/07/2017	Animals - Written Warning Issued	20/07/2017
002.2022.00280019.001		Dogs - Attack (heading only)	Dogs - Attack - Dog v Animal - Urgent		Animals - Sect 52A Fail Keep Dog Ctl Inf	5/09/2022
002.2022.00282671.001		Dogs - Offences - Officer (heading only)	Dogs - Officer - Serve Dog Classification		Animals - Menacing Dog Classification	19/09/2022

Owner Infringement(s)		
Infringement Number	Offence Description	Offence
13475	Failure to keep dog controlled/confined	31/08/2022

Dog and Owner				
Animal Name	Breed	Colour	Age	Tag
Drax	Terrier American Staffordshire	Brindle	2 Year(s) 1 months	2022/23

Owner(s)		Owner Classification	
	Address	Drive Hillcrest	Standard

Dog Offences				
Document Account	Category 3	Category 4	Incident Date	Closed Date
002.2022.00280019.001	Dogs - Attack (heading only)	Dogs - Attack - Dog v Animal - Urgent		5/09/2022
002.2022.00282671.001	Dogs - Offences - Officer (heading only)	Dogs - Officer - Serve Dog Classification		19/09/2022

Owner Infringement(s)	
Infringement Number	Offence
13474	Failure to keep dog controlled/confined



19 September 2022



Private Bag 3010
Hamilton 3240
New Zealand

TEL 07 838 6699
FAX 07 838 6599
EMAIL info@hcc.govt.nz
hamilton.govt.nz

[REDACTED]
[REDACTED] Cobham Drive
Hillcrest
HAMILTON 3216

Dear [REDACTED]

Classification of Dog as Menacing Dog Section 33A Dog Control Act 1996

Section 33A of the Dog Control Act 1996 ("DCA") enables Hamilton City Council ("HCC"), to classify a dog that it considers poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:

- a. any observed or reported behaviour of the dog; or
- b. any characteristics typically associated with the dog's breed or type.

As a result of the observed or reported behaviour HCC has classified the dog as a Menacing Dog under s33A of the Dog Control Act 1996. The Notice of Classification of Dog as Menacing Dog ("the Notice") is enclosed.

HCC requires you to have the dog de-sexed, and to provide a copy of the de-sexing certificate to HCC within one month from the date shown on the Notice.

You may be able to take advantage of discounts available through HCC for de-sexing fees with a contracted veterinarian. Microchipping is also available at the Animal Education and Control Centre. If you would like further information about these services, please contact the Animal Education and Control team on 838 6632.

Please ensure that you comply with the requirements of the classification within the timeframes outlined in the enclosed Notice to avoid any further enforcement action. If you do not agree with the Classification, you may object in writing within 14 days of receiving the Classification. You must have valid ground for an objection and produce evidence that your dog is not of a breed or type listed above.

If you have any questions regarding the Notice of Classification, please contact HCC's Animal Education & Control Centre via email – animal.web@hcc.govt.nz or phone 07 838 6632.

Regards

Paul [REDACTED]
Acting Animal Education and Control Manager

Animal Education and Control Centre
217 Ellis Street, Hamilton
Phone 07838 6632
Animal.web@hcc.govt.nz

COPY

AC-F64a
V 8
16.3.11

Notice of Classification of Dog as Menacing Dog

Section 33A, Dog Control Act 1996

To: *
(name of owner)

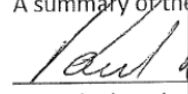
[REDACTED]
[REDACTED] Cobham Drive
Hillcrest
Address: Hamilton 3216

Male, American Staffordshire Terrier, Brindle in
colour, Named Drax, Aged 1 year and 8 months
approximately, Microchip [REDACTED]

This is to notify you* that this dog has been classified as a menacing dog under section 33A(2) of the Dog Control Act 1996.

This is because of the aggressive behavior displayed by the dog on Wednesday, 31st August 2022, in Hamilton

A summary of the effect of the classification and your right to object is provided below.


[REDACTED]
Animal Education and Control Manager

19/9/2022
Date

* For the purposes of the Dog Control Act 1996, you are 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, 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.

S 33E(1) Effect of classification as a menacing dog

Sections 33E, 33F, 36A, Dog Control Act 1996

You —

- (a) must not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
- (b) must produce to HCC within 1 month after receipt of this notice, a certificate issued by a veterinary surgeon certifying —
 - (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and

V2
16.3.2011
AC-F54

Item 6

Attachment 2

- (c) must, if a certificate under paragraph (b)(ii) is produced to HCC, produce to HCC, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with all of the matters in paragraphs (a) to (c) above.

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c).

You are also required, for the purposes of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to HCC in accordance with the reasonable instructions of HCC for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement within 2 months after the dog is classified as menacing.

If the dog is in the possession of another person (for a period not exceeding 72 hours), you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. You will commit an offence and be liable on summary conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of the classification of a dog as menacing are provided in the Dog Control Act 1996. This is available to view online at www.legislation.govt.nz.

Right of Objection to Classification Under Section 33C

Section 33D, Dog Control Act 1996

You may object to the classification of your dog as menacing by lodging with HCC a written objection within 14 days of receipt of this notice setting out the grounds on which you object.

Written objections can be emailed to animal.web@hcc.govt.nz.

You have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

19 September 2022

[REDACTED]
[REDACTED] Cobham Drive
Hillcrest
HAMILTON 3216

Dear [REDACTED]

Classification of Dog as Menacing Dog Section 33A Dog Control Act 1996

Section 33A of the Dog Control Act 1996 ("DCA") enables Hamilton City Council ("HCC"), to classify a dog that it considers poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:

- a. any observed or reported behaviour of the dog; or
- b. any characteristics typically associated with the dog's breed or type.

As a result of the observed or reported behaviour HCC has classified the dog as a Menacing Dog under s33A of the Dog Control Act 1996. The Notice of Classification of Dog as Menacing Dog ("the Notice") is enclosed.


HCC requires you to have the dog de-sexed, and to provide a copy of the de-sexing certificate to HCC within one month from the date shown on the Notice.

You may be able to take advantage of discounts available through HCC for de-sexing fees with a contracted veterinarian. Microchipping is also available at the Animal Education and Control Centre. If you would like further information about these services, please contact the Animal Education and Control team on 838 6632.

Please ensure that you comply with the requirements of the classification within the timeframes outlined in the enclosed Notice to avoid any further enforcement action. If you do not agree with the Classification, you may object in writing within 14 days of receiving the Classification. You must have valid ground for an objection and produce evidence that your dog is not of a breed or type listed above.

If you have any questions regarding the Notice of Classification, please contact HCC's Animal Education & Control Centre, phone 838 6632.

Regards


Paul [REDACTED]
Acting Animal Education and Control Manager

Animal Education and Control Centre
217 Ellis Street, Hamilton
Phone 07 838 6632
Email animal.web@hcc.govt.nz

COPY

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V 8
16.3.11



Notice of Classification of Dog as Menacing Dog

Section 33A, Dog Control Act 1996

Private Bag 3010
Hamilton 3240
New Zealand
TEL 07 838 6699
FAX 07 838 6599
EMAIL info@hcc.govt.nz
hamilton.govt.nz

To: *
(name of owner)

Address:

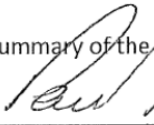
[REDACTED]
[REDACTED] Cobham Drive
Hillcrest
Hamilton 3216

Female, Rottweiler, Black and Brown, Named Kora,
Aged 7 years and 2 months approximately,
Microchip [REDACTED]

This is to notify you* that this dog has been classified as a menacing dog under section 33A(2) of the Dog Control Act 1996.

This is because of the aggressive behavior displayed by the dog on Wednesday, 31st August 2022, in Hamilton

A summary of the [REDACTED] and your right to object is provided below.


Animal Education and Control Manager

19/9/2022
Date

* For the purposes of the Dog Control Act 1996, you are 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, 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.

S 33E(1) Effect of classification as a menacing dog

Sections 33E, 33F, 36A, Dog Control Act 1996

You —

- (a) must not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
- (b) must produce to HCC within 1 month after receipt of this notice, a certificate issued by a veterinary surgeon certifying —
 - (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and

V2
16.3.2011
AC-F54

- (c) must, if a certificate under paragraph (b)(ii) is produced to HCC, produce to HCC, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with all of the matters in paragraphs (a) to (c) above.

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c).

You are also required, for the purposes of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to HCC in accordance with the reasonable instructions of HCC for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement within 2 months after the dog is classified as menacing.

If the dog is in the possession of another person (for a period not exceeding 72 hours), you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. You will commit an offence and be liable on summary conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of the classification of a dog as menacing are provided in the Dog Control Act 1996. This is available to view online at www.legislation.govt.nz.

Right of Objection to Classification Under Section 33C

Section 33D, Dog Control Act 1996

You may object to the classification of your dog as menacing by lodging with HCC a written objection within 14 days of receipt of this notice setting out the grounds on which you object.


Written objections can be emailed to animal.web@hcc.govt.nz

You have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

INFRINGEMENT NOTICE
(ISSUED UNDER AUTHORITY OF SECTION 66 OF THE DOG CONTROL ACT 1996)

NOTICE NUMBER **13474** *FEMALE POSTED*

TERRITORIAL AUTHORITY

 **Hamilton City Council**
Garden Place, Hamilton
Ph (07) 838 6699, Fax (07) 838 6599
Te kaunihera o Kirikiriroa

Forenames _____ Surname _____

Name of dog owner: _____

Address: _____
Cobham Drive
Hillcrest, Hamilton 3216

Date of birth: _____

ALLEGED INFRINGEMENT OFFENCE DETAILS

Date <i>31/08/2022</i>	Time <i>6:45 am</i>	Day of Week: S M T (W) T F S
Road/Street: <i>Cobham Drive</i>		Locality: HAMILTON

OFFENCE COMMITTED INDICATED BY BOX TICKED IDENTIFYING NUMBER

<input type="checkbox"/>	Willful obstruction of dog control officer or ranger	18
<input type="checkbox"/>	Failure or refusal to supply information or wilfully providing false particulars	19(2)
<input type="checkbox"/>	Failure to supply information or wilfully providing false particulars about dog	19A(2)
<input type="checkbox"/>	Failure to comply with any bylaw authorised by the section	20(5)
<input type="checkbox"/>	Failure to comply with effects of disqualification	28(5)
<input type="checkbox"/>	Failure to comply with effects of classification of dog as dangerous dog	32(2)
<input type="checkbox"/>	Fraudulent sale or transfer of dangerous dog	32(4)
<input type="checkbox"/>	Failure to comply with effects of classification of dog as menacing dog	33E(C)
<input type="checkbox"/>	Failure to implant microchip transponder in dog	36A(6)
<input type="checkbox"/>	False statement relating to dog registration	41
<input type="checkbox"/>	Failure to register dog	42
<input type="checkbox"/>	Fraudulent procurement or attempt to procure replacement dog registration label or disc	46(4)
<input type="checkbox"/>	Failure to advise change of dog ownership	48(3)
<input type="checkbox"/>	Failure to advise change of address	49(4)
<input type="checkbox"/>	Removal, swapping, or counterfeiting of registration label or disc	51(1)
<input checked="" type="checkbox"/>	Failure to keep dog controlled or confined	52A
<input type="checkbox"/>	Failure to keep dog under control	53(1)
<input type="checkbox"/>	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	54(2)
<input type="checkbox"/>	Failure to carry leash in public	54A
<input type="checkbox"/>	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	62(4)

Additional Details or other offences under the Dog Control Act 1996:

Section 52A: Dog roaming on street and attacking another dog.

Reg. No. or Description of Dog: _____ *Drax*
Male, brindle, American Staffordshire Terrier

PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after *13/09/2022* (Earliest date notice delivered personally or posted)

OFFICER NUMBER: *DAS*

THE INFRINGEMENT FEE MAY BE PAID TO:

HAMILTON CITY: Cashiers or Animal Care and Control
COUNCIL Ground Floor 217 Ellis Street
Municipal Complex Hamilton
Garden Place

\$200

a) e_in001 - Infringement Enquiry - Hamilton_LIVE - 18056 - 7.0

Document Edit Infringements Payments Other Modules Help

OK Cancel Cut Copy Paste Ins Line Del Line Find Excel Help Memos Attachments

1 of 1

Infringement Additional Details Browse

1 Memo Recorded

Notice No	13474	Date Issued	13/09/2022	Time	00:00	Book	253
Offender Reference	AN			Case Number			
Offender Name				CRN			
Infringement Type	1	Dog Control Infringements					
Offence Code	8008	Failure to keep dog controlled/confined Failed to keep dog controlled or confined on owners property					
Issuing Officer	4544	Sonia					
Current Status	99	Process Completed					
Next Status		on date					
Begin Date		End Date					

Occurred At (Str-Blk)	60288	-	0	Cobham Drive
Between				Hillcrest
And				Hamilton 3216
Between Streets				

Original Fine	\$200.00	Costs Applied	\$0.00	Total Incurred	\$200.00
Fine Balance	\$0.00	Costs	\$0.00	Unposted Rec's	\$0.00
				Total Due	\$0.00

Created 2021-10-07 11:55:02 Modified 2022-09-14 16:14:47 Operator 4414

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OK Cancel Cut Copy Paste Find Excel Help

1 of 1

Document Browse

Line Details

Module IN Account 13474

Number of Lines 2

Received From [REDACTED]
[REDACTED] Cobham Drive

Receipt Status Processing Complete

Amounts

Income Amount \$200.00

GST Amount \$0.00

Receipt Amount \$200.00

Operator Details

Cashier Number 608 [REDACTED]

Terminal Number 14

Receipt

Receipt Number 10479564

Receipt Date 12/09/2022


Web Trans ID

Created 2022-09-12 10:19:36 Modified 2022-09-12 10:19:36 Operator 608 [REDACTED]

INFRINGEMENT NOTICE
(ISSUED UNDER AUTHORITY OF SECTION 66 OF THE DOG CONTROL ACT 1996)

NOTICE NUMBER **13475**

TERRITORIAL AUTHORITY

 **Hamilton City Council**
Te kaunihera o Kiriikiriroa
Garden Place, Hamilton
Ph (07) 838 6699, Fax (07) 838 5599

Forenames _____ Surname _____

Name of dog owner: _____

Address: _____
Cobham Drive
Hillcrest, Hamilton 3216

Date of birth: _____

ALLEGED INFRINGEMENT OFFENCE DETAILS

Date	Time	Day of Week:
31/08/2022	6:45am	S M T <u>W</u> T F S

Road/Street: Cobham Drive Locality: HAMILTON

OFFENCE COMMITTED INDICATED BY BOX TICKED

TICK ✓	IDENTIFYING NUMBER
<input type="checkbox"/>	Wilful obstruction of dog control officer or ranger 18
<input type="checkbox"/>	Failure or refusal to supply information or wilfully providing false particulars 19(2)
<input type="checkbox"/>	Failure to supply information or wilfully providing false particulars about dog 19A(2)
<input type="checkbox"/>	Failure to comply with any bylaw authorised by the section 20(5)
<input type="checkbox"/>	Failure to comply with effects of disqualification 28(5)
<input type="checkbox"/>	Failure to comply with effects of classification of dog as dangerous dog 32(2)
<input type="checkbox"/>	Fraudulent sale or transfer of dangerous dog 32(4)
<input type="checkbox"/>	Failure to comply with effects of classification of dog as menacing dog 33E(C)
<input type="checkbox"/>	Failure to implant microchip transponder in dog 36A(6)
<input type="checkbox"/>	False statement relating to dog registration 41
<input type="checkbox"/>	Failure to register dog 42
<input type="checkbox"/>	Fraudulent procurement or attempt to procure replacement dog registration label or disc 46(4)
<input type="checkbox"/>	Failure to advise change of dog ownership 48(3)
<input type="checkbox"/>	Failure to advise change of address 49(4)
<input type="checkbox"/>	Removal, swapping, or counterfeiting of registration label or disc 51(1)
<input checked="" type="checkbox"/>	Failure to keep dog controlled or confined 52A
<input type="checkbox"/>	Failure to keep dog under control 53(1)
<input type="checkbox"/>	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise 54(2)
<input type="checkbox"/>	Failure to carry leash in public 54A
<input type="checkbox"/>	Allowing dog known to be dangerous to be at large unmuzzled or unleashed 62(4)

Additional Details or other offences under the Dog Control Act 1996:

Section 52A: Dog roaming on street and attacking another dog. \$200

Reg. No. or Description of Dog: _____ Kora
Female, Black & Tan, Rottweiler

PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after 13/09/2022 (Earliest date notice delivered personally or posted)

OFFICER NUMBER: D45 THE INFRINGEMENT FEE MAY BE PAID AT THE ADDRESS SHOWN BELOW. CHEQUES OR MONEY ORDERS SHOULD BE "NOT TRANSFERABLE"

THE INFRINGEMENT FEE MAY BE PAID TO:

HAMILTON CITY COUNCIL Cashiers or Animal Care and Control
Ground Floor 217 Ellis Street
Municipal Complex Hamilton
Garden Place

Infringement Additional Details Browse

1 Memo Recorded

Notice No	13475	Date Issued	13/09/2022	Time	00:00	Book	253
Offender Reference	AN 228593	Case Number					
Offender Name			CRN				
Infringement Type	1	Dog Control Infringements					
Offence Code	8008	Failure to keep dog controlled/confined Failed to keep dog controlled or confined on owners property					
Issuing Officer	4544	Sonia					
Current Status	99	Process Completed					
Next Status		on date					
Begin Date		End Date					

Occurred At (Str-Blk)	60288	-	0	Cobham Drive
Between				Hillcrest
And				Hamilton 3216
Between Streets				

Original Fine	\$200.00	Costs Applied	\$0.00	Total Incurred	\$200.00
Fine Balance	\$0.00	Costs	\$0.00	Unposted Rec's	\$0.00
				Total Due	\$0.00

Created 2021-10-07 11:55:02 Modified 2022-09-14 16:19:55 Operator 4414

Document Edit Receipting Help

OK Cancel Cut Copy Paste Find Excel Help

1 of 1

Document Browse

Line Details

Module IN Account 13475

Number of Lines 2

Received From

Cobham Drive

Receipt Status Processing Complete

Amounts

Income Amount \$200.00

GST Amount \$0.00

Receipt Amount \$200.00

Operator Details

Cashier Number 608

Terminal Number 14

Receipt

Receipt Number 10479564

Receipt Date 12/09/2022

Web Trans ID

Created 2022-09-12 10:19:36 Modified 2022-09-12 10:19:36 Operator 608

Item 6

Attachment 3

Susan [REDACTED]

From: David [REDACTED]
Sent: Thursday, 20 October 2022 9:05 am
To: Susan [REDACTED]
Cc: rochelle [REDACTED]
Subject: FW: Objection to classification
Attachments: Public hearings - dangerous and menacing dogs (v2).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Susan

Thanks for keeping us up to date with the process.

The below are reasons we feel Kora and Drax shouldn't be classified as menacing;

Kora has been part of our family for close to 8 years and Drax for almost 2 years.

In that time neither dog has had any negative interactions with other dogs. We have taken Kora and Drax on walks around our neighbourhood, along river walkways and along the beaches in the Bay of Plenty. At no stage have there been any issues with other dogs or people

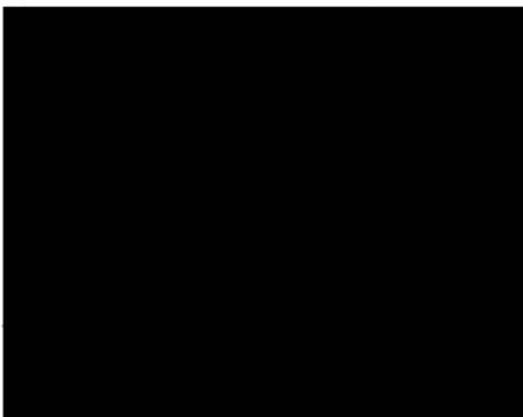
Our family members spend a lot of time with Kora and Drax including our young nieces and nephews and there has never been any issues.

We find it hard to believe that Kora and/or Drax have attacked another dog as in previous encounters with other dogs they just want to play and run around.

We are aware that Kora and Drax were off our property on the morning of the alleged incident and this is due to persons unknown coming down our driveway & opening our gate. We are aware of lots of reports of people casing out houses both during the day and at night in the Hillcrest area and we believe one of these people has come down our driveway and opened the gate and upon seeing the dogs have quickly left the property and in turn the gate open.

Can you please enter the above notes onto the file as to the reasons why we believe Kora and Drax should not be classified as menacing dogs.

Thanks
Dave & Rochelle



Susan [REDACTED]

From: Susan [REDACTED]
Sent: Friday, 30 September 2022 3:31 pm
To: rochelle [REDACTED]
Subject: Objection to classification
Attachments: Public hearings - dangerous and menacing dogs (v2).pdf

Hi Rochelle

I am writing to acknowledge receipt of your objection to classification of your dogs as menacing. I have attached an information sheet for you and have forwarded your request to our Governance team who arrange the hearings. Some one from Governance will be in contact regarding dates but please be aware that due to the local body elections and the orientating of new Councillors this may take a while.

As part of the process I compile a report for the hearings panel. Part of the report is to include reasons for your objection, could you please have these to me by the end of October.
 Part of your email includes a request for information, this has been forwarded to our official information team. I will begin gathering the requested information for the official information team.

Feel free to drop me a line if you have any questions.
 Regards
 Sue

Susan [REDACTED]
 Animal Education and Control Manager | City Safe



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.co.nz

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From: Rochelle [REDACTED]
Sent: Wednesday, 28 September 2022 4:51 pm
To: Animal Web <Animal.Web@hcc.govt.nz>
Subject: Objection to Notices of Classification of Dog as Menacing Dog

Dear Hamilton City Council Animal Control

We are writing to object to the Notices of Classification of Dog as Menacing Dog for our dogs dated 19 September 2022:

Drax (microchip [REDACTED])

Kora (microchip [REDACTED])

Can you please advise how it has been confirmed that Drax & Kora displayed aggressive behaviour on Wednesday, 31 August?

Can you please confirm what has allegedly happened? We are aware of a potential incident & have requested a copy of the alleged victims statement which we are yet to receive.

Drax and Kora have never been aggressive to other dogs they have met either in public places or on private property and they both interact well with other dogs.

I can confirm that they are both microchipped and have been desexed, this should also be noted on HCC records as per previous registrations.

We would appreciate having the classification of menacing dogs revoked for both Drax & Kora.

Please contact us should you require further information or would like to discuss further.

Kind regards

Rochelle [REDACTED] & Dave [REDACTED]

Council Report

Item 7

Committee: Dog Control Hearings Panel **Date:** 21 February 2023
Author: Susan Stanford **Authoriser:** Kelvin Powell
Position: Animal Control Manager **Position:** City Safe Unit Manager
Report Name: Objection to menacing classification - Nigel Binks

Report Status	<i>Open</i>
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Purpose - Take

1. To seek a determination from the Dog Control Hearings Panel on the classification of “Stellar Binks” as a menacing dog.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Dog Control Hearings Panel:
 - a) receives the report; and
 - b) determines that the classification of Stellar as a menacing dog is upheld.

Executive Summary - *Whakaraapopototanga matua*

3. Stellar is a tricolour, three-year-old St Bernard. On 30 October 2022 Stellar attacked Chief a six-and-a-half-year-old Miniature Dachshund/Shih Tzu cross at the entry to Day's Park off leash area.
4. Section 33A of the Dog Control Act 1996 sets out the circumstances in which a territorial authority may classify a dog as menacing and section 33B outlines a dog owner's right to object to that classification (as detailed in paragraphs 23-25 of this report).
5. Staff recommend that the classification of Stellar as a menacing dog is upheld (Option A) as detailed below.
6. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

Background - *Kooreo whaimaarama*

7. Stellar is a tricolour, three-year-old St Bernard. On 30 October 2022 Stellar attacked Chief a six-and-a-half-year-old Miniature Dachshund/Shih Tzu cross at the entry to Days Park off leash area. There is a significant size and weight difference between these two dogs.
8. In the afternoon of 3 October 2022 as the owner of Chief has entered Day's Park, she has noted there was two people (a man and woman) behind her with three dogs, one off-lead and two on-lead. A female was holding the leash of a St Bernard (Stellar). As she has entered the park, she has let Chief off-lead.
9. The St Bernard has pulled away from the woman and come up behind Chief and his owner and attacked Chief. Chiefs' owner has pulled Stellar away from Chief and then the female dog

owner has come over and taken control of Stellar. Stellar's owner has noted that Stellar does not like small dogs as she has been attacked by one in the past. This information was also relayed to the Investigating Animal Control Officer; when she spoke to the female dog owner, she noted Stellar was not behaving well with the little dog and that she had previously been attacked by a small dog.

10. Immediately after the attack there was an exchange of words between the dog owners. Chief's owner noted she was both frightened and angry and did tell Stellar's owner "where to go". No owner details were exchanged at the scene, but chief's owner noted the registration number of the car she believed belonged to the other dog owners.
11. During the attack Chief received injuries to his back and his owner took him straight to the vet from Days Park. It is noted these did not include puncture wounds but scratches on his back that the vet noted as being consistent with injuries received from another dog. The wounds were cleaned, and anti-inflammatory medication and pain relief was administered.
12. A lengthy statement submitted by the male owner of Stellar notes that Chief a small cross breed dog and his owner (aged 76 years old) were blocking their entry to the park, an area of at least 4-5 metres in width creating an unsafe environment. He also notes that Chief engaged directly with their dogs who were on lead and that Chiefs owner began screaming and shouting before there was any interaction and this contributed to the situation. There is no mention of Stellar pulling free of her owner and having negative reactions to small dogs as noted to both Chief's owner on the day and to the investigating AECO the following day by the female dog owner. The statement notes Stellar's female owner did a body check of the small dog and that the dog owner was abusive.
13. For full job details, vet report and witness statements see CRM 284725 (**Attachment 1** – CRM284725).
14. As a result of this attack the dog Stellar was classified as menacing for behaviour (**Attachment 2** – menacing classification).
15. On 18 November 2022 an objection to the classification (**Attachment 3** – objection received) of the dog Stellar as menacing was received from the registered dog owners. The owners are objecting on the following grounds:
 - i. That they are responsible dog owners who have regularly fostered for the SPCA and as outlined in the email accompanying a statement provided, that they are taking steps to prevent anything like it possibly occurring again (see CRM 284725).
 - ii. That the actions of the victim dog owner contributed to the event and that she was unreasonably aggressive and abusive.
 - iii. That the interaction was not aggressive and there were no injuries and that the injuries seen by the vet could have occurred after the interaction at Day's Park.
 - iv. Two character references have been supplied for Stellar (**Attachment 4** – character references).

Discussion - Matapaki

16. In considering their decision, panel members should consider:
 - i. the incident that formed the basis for the classification
 - ii. the number and type of incidents that have occurred
 - iii. any escalation in behaviour demonstrated by the dog
 - iv. the potential impact to public safety.

17. There are similarities and points of difference in the information provided to AEC during the investigation and the objection for example, the victim dog owner notes the offending dog owner tried to examine her dog, but the offending dog owners say she carried out a thorough check of the victim dog. The investigation notes and statements supplied are in the attachments. All material is as it was submitted to AEC by both the owner of Chief and the owners of Stellar.
18. The owner of Stellar notes that Chief, the victim dog was off lead and wandered onto the grass by the car park and the victim dog owner noted that one of the three dogs owned by the offending dog was off lead in the car park area. In their objection the offending dog owners have included photos and information noting that dogs must be on a lead in the car park area.
19. The female dog owner has noted to both the victim dog owner and investigating officer that Stellar has been attacked by a small dog so does not like them, given this known negative response of Stellar to small dogs there is a risk there could be a repeat of the behaviour shown at Day's Park.
20. That there was contact between the two dogs is certain and that there were injuries has been clearly shown by the vet report and following phone conversation the AECO had with the vet. The victim dog owner describes the attack as unprovoked and without warning (preamble). However, the owners of Stellar contend there was no attack.

Options

21. Under the Dog Control Act 1996, territorial authorities have two options when considering an outcome of an objection to a dog being classified as menacing:
 - i. To uphold the classification, or
 - ii. To overturn the classification.
22. Staff recommend Option A because the best way to eliminate the risk is for Stellar to be muzzled when out in public and this can only be enforced under the Dog Control Act 1996 menacing or dangerous classifications.

Financial Considerations - *Whaiwhakaaro Puutea*

23. This is a regular operating activity funded through the Long-Term Plan.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

24. [Section 33A](#) of the Dog Control Act 1996 sets out the circumstances in which a territorial authority may classify a dog as menacing including:
 - I. The dog has not been classified as dangerous; but
 - II. The territorial authority considers the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of –
 - i. any observed or reported behaviour of the dog: or
 - ii. any characteristics typically associated with the dog's breed or type
25. [Section 33B](#) outlines a dog owner's right to object to the classification to the territorial authority and the territorial authority's obligations and considerations in respect to hearing the objection.
26. Staff confirm that the classification of menacing and options provided for the Dog Control Hearings Panel comply with the Council's legal requirements under the Dog Control Act 1996.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

27. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
28. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
29. Staff consider that the keeping of animals can enhance the quality of life and wellbeing for individuals and families; however, the Council also has a responsibility to protect the community from unreasonable animal nuisances – families, whanau, iwi, haapu, and communities should be safe from dangerous animals.

Risks - *Tuuraru*

30. Should the menacing classification be overturned, removing the owner's obligations to muzzle the dog in public there would remain a degree of risk that an incident like this could occur again.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

31. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.

Engagement

32. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments

Attachment 1 - CRM268065

Attachment 2 - Menancing Classification

Attachment 3 - Desexing Certificate

Attachment 4 - Objection Received

COMPLAINANT

Complaint Received	03/10/2022
Name	[REDACTED]
Address	[REDACTED] Heritage Avenue Chartwell Hamilton 3210

Officer	D37
Home Phone 1	[REDACTED]
Home Phone 2	[REDACTED]
Mob Phone	[REDACTED]

PROPERTY

Property Address	809 River Flagstaff 3210	Lot 31 DP S6071	Safety Alert	NO
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ANIMAL DETAILS

Animal Number	244854	Animal Name	Stellar [REDACTED]	Tattoo	[REDACTED]
Animal Location	[REDACTED]	Color	[REDACTED]	Sex	F
Owner Address	[REDACTED] Davison Road Newstead Hamilton 3286	Owner Name	[REDACTED]	NAR No.	874540

REQUEST DETAILS

Offence Date		<p>Today at approx 16:30 [REDACTED] was walking with her dog into Days park from the River Road carpark, and another dog attacked her dog. Pru was able to grab the attacking dog's collar and pull her off. Her dog is a male dachshund cross shih tzu named Chief. The attacking dog was a tan and white female St Bernard. The St Bernard owner was unloading 3 dogs from their car, and about to follow [REDACTED] in to the park, when the St Bernard pulled free from the leash being held by the owner and attacked Chief. The owner said that her St Bernard doesn't like small dogs and will sometimes attack them. She refused to give her contact details to [REDACTED] (the car was a Honda CRV rego [REDACTED] - which she claimed was not her car). Pru took Chief to the vet and they shaved two places where Chief was bit, although no puncture wounds. She said that the owner of the attacking dog continued into the park to walk her dogs.</p>
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Attack (heading only)	
Category 4	Dogs - Attack - Dog v Animal - Urgent	

INVESTIGATION DETAILS

Officer	AHU	<p>5.20pm Phone call to [REDACTED] statement taken over the phone. Request for photos and vet report to be emailed to me. (Trudi [REDACTED] - 04/10/2022) 4/10 [REDACTED] provided her own statement overnight via email as well as photos of the dogs injury and vet report. [REDACTED] I ran the vehicle registration and it came back to [REDACTED] I ran this name through NDD and came back with records for a Saint Bernard dog named Stellar [REDACTED]. On running the name through Authority there are departed records for the dog owner for 2 other dogs matching description in victim dog owners statement. Owners are [REDACTED] and [REDACTED] 4/10 9.20am Phone call to [REDACTED] and explained the dog attack complaint. I am investigating. Nigel tells that he had his 3 dogs on lead at the dog park with his wife. They saw the woman with the little dog and waited until she had gone through the narrow area heading into the park from the car park. He tells that the little dog came back towards them to and the owner wasn't watching. He said there was interaction with their Saint Bernard but he claims there was no injury. Nigel told me multiple times that the woman owner was</p>
Start Date	02/11/2022 01:39	
Finish Date	02/11/2022 01:54	
Outcome	* Completed	
Task	Investigation	

screaming erratically as a result of what he described as dog interaction and that this screaming added to the situation in a negative way. I have requested a statement from Nigel of his account of events.

10.18am Phone call with female dog owner [REDACTED]. I have advised of the complaint and that I have already spoken with [REDACTED]. I have asked for her account of the situation, she admitted that their Saint Bernard was not behaving well with the little dog and that it has previously been attacked by a small dog so does not like them. She told me she would not be taking this dog to the dog park anymore because of this behaviour and they decided this last night after the event. [REDACTED] has email through to say that he will provide a statement after he has had confirmation of injury unquestionably caused by a large dog judged by a qualified vet. I have email Nigel back to give him managers email for formal information request.

10/10 2.50pm Spoke with [REDACTED] to update, she tells me again that her little dog was in front of her and the large Saint Bernard came up to her little dog in an aggressive manner and attacked straight away. She herself had to pull the large dog off her small dog. She admits to being very shaken, shocked and upset at the attack. She tells that the male who was with the female dog owner didn't come near, was watching from far away. I have advised [REDACTED] that the other dog owners are not accepting of the dogs aggressive behaviour and this may end up in a hearing. [REDACTED] tells me that the information she has provided me is 100 percent truthful and she is willing to stand behind her statement if required.

No other witnesses have been provided.

Dog to be classified as menacing as a result of attack causing injury. Written warning issued to dog owners. (Trudi [REDACTED] - 10/10/2022) 10/10 email received from [REDACTED] detailing his account of events and is heavily focused on the behaviour of the victim dog owner. I have attached to the CRM

Nigel is requesting a copy of information and in particular the vet report before they provide a written response. This has been sent to our manager Susan [REDACTED]

I had not had a response from [REDACTED] and had arrived at an outcome prior to receiving email. (Trudi [REDACTED] - 11/10/2022)

11.25am Phone call with [REDACTED] advised of the outcome, discussed how to contest the menacing classification.

Talked through the vet report provided to me by care vets Chartwell. [REDACTED] has questioned the time, statement of victim dog owner has incident occurring at 4.30pm. I have phoned Care Vets Chartwell and spoke with Casey who tells me that [REDACTED] presented with Chief at 4.30pm and the incident had occurred shortly before that. I asked her to confirm the injury was in her opinion caused by another dog and she said yes and that whilst there weren't any puncture wounds they were quite significant skin scrapes. (Trudi [REDACTED] - 11/10/2022)

18/10/22 12.36pm After reviewing the case with unit manager Susan [REDACTED] the decision to go ahead with a menacing classification and written warning was made.

Menacing classification given to admin, written warning issued and posted. The large dog Stella

was not well controlled, she has attacked the victim dog causing injury. Email sent to offending dog owner to advise. Phone call to comp to update.

NFA (Trudi [REDACTED] - 18/10/2022)

Animal record 244854 has been created as the menacing dog is from out of district. Record will be departed once the menacing classification paperwork has been done. [REDACTED] 02/11/2022}

Previous Complaints for Dog

CRM No.	284725/2022	Task	2INV
Animal	244854	Outcome	MENC
Maj Cat.	Animal Control (heading only)	Officer	D37
Min Cat.	Dogs - Offences (heading only)	Opened	03-Oct-22 05:06:00 PM
Cat 3	Dogs - Attack (heading only)	Closed	18-Oct-22 12:38:00 PM
Cat 4	Dogs - Attack - Dog v Animal - Urgent		

CRM No.	284725/2022	Task	2ACO
Animal	244854	Outcome	COMP
Maj Cat.	Animal Control (heading only)	Officer	AHU
Min Cat.	Dogs - Offences (heading only)	Opened	02-Nov-22 01:39:00 PM
Cat 3	Dogs - Attack (heading only)	Closed	02-Nov-22 01:54:00 PM
Cat 4	Dogs - Attack - Dog v Animal - Urgent		

CRM No.	291383/2022	Task	2INV
Animal	244854	Outcome	
Maj Cat.	Animal Control (heading only)	Officer	D40
Min Cat.	Dogs - Offences (heading only)	Opened	04-Nov-22 02:00:00 PM
Cat 3	Dogs - Offences - Officer (heading only)	Closed	
Cat 4	Dogs - Officer - Serve Dog Classification		

Item 7

Attachment 1

Chartwell Monday 3 October 2022

Time: 6.00pm

REPORT OF DOG ATTACK on Chief [REDACTED] aged 6.5 years.

I was walking into the Days dog park from the main carpark at approximately 4.30pm on Monday 3rd October 2022. There were two people behind me, a man and a woman who had just let their three dogs out of their car. One elderly Alsatian type was off lead, the other two, a female tan and white St Bernard were on leashes. I had just let my small dog Chief (a wire-haired Dachshund crossed Shih Tzu) off his lead whereupon he went to sniff the grass verge at the entrance. Suddenly the St Bernard dog, which had just come in behind us, pulled away from its female owner and attacked my dog on his back, totally unprovoked. There was no preamble. I tried to grab the big dog – a female tan and white St Bernard, and eventually got her by her collar. Only then did the owner come over. The owner stated that her dog doesn't like small dogs because she was once attacked by a small dog and has attacked before. I told her that she should not therefore bring such a dog to the dog park where there are many small dogs each day and her dog should be fully under her control. "She just pulled away from me", said the owner. This woman then tried to examine my dog and said he must be alright as there was no blood. I don't remember any verbal apology from the owner. I realized afterwards that the man with her didn't come up to us to see what had happened, which I now think is odd.

I reattached my lead to my dog and said I would take him to the vet to be examined. I asked the woman several times for her name and phone number but she refused to give them to me. Her reason was "I don't want to be abused over the phone by you". I asked her to confirm which car she came in to which she replied "It's not even my car". I took the number of the car I'm pretty certain they got out of and hopefully she can be traced. She was about 40/50 years of age, Sri Lankan or Indian in origin, probably about 5'5" in height. There was another woman there in the car park with us who heard the attack but didn't witness it. However, she did witness me asking the woman owner for her name and phone number and the woman's refusal to give it to me. The other lady suggested I give the St Bernard's owner my phone number but the owner refused to take it. I said that this incident needed to be reported so I required her name and number. She still refused to comply.

I was shaking with both fright and anger and told the owner where to go. I got in my car with my dog and took him straight to the Carevets at Chartwell who examined him and found two wounds on his back. They shaved the wound areas and gave him an injection of Meloxicam for inflammation and pain relief. They took photos, as did I when I got home. I have asked the vets to email the photos and a report to the Dog Control Office of HCC to whom I reported the attack when I got home.

The car I think the owners got out of was [REDACTED] Honda SRV, dark grey or black in colour.

My wish is that this female St Bernard dog either be muzzled or preferably banned from the Dog park altogether. As it has attacked before, there may be sufficient reason for the dog to be euthanized. I am elderly, as are many of the dog owners who walk in this park. I have noticed that the owners of the smaller dogs are often elderly too so a big dog, which is liable to attack small dogs, should not be allowed anywhere near other dogs.

[REDACTED]
3.10.22

CareVets Chartwell Veterinary Hospital
Lynden Court, Chartwell, Hamilton
Ph: 07 8559072

For Chief (1/98793)
Dog, Male, Dachshund, Tan
Age: 6 yr 5 mth , Desexed: Y On: 10/11/2016

(1/25578)

Chartwell
Hamilton 3210

Sales Group:
Client Group: None

Bill#: 1/1496101 Date: 3/10/2022

3/10/2022 [KF] (Photo)



3/10/2022 [KF] (Photo)



3/10/2022 [GC]

WEIGHT:11.8

HISTORY:Was just at the dog park and was attacked by a st
emand, brought him straight down.

right, alert, responsive
:hest ausc hr 130bpm, mucous membranes pink and moist,
:apillary refill time <2secs
esp pant
:ait normal
no obvious blood or puncture wounds
wo superficial skin injuries on left side of lumbar back and just
:audal to right shoulder. has not punctured the skin, some
ruising around. clipped and cleaned with dilute chlorhex. no other
njuries found.

netacam injection and tlc at home. owner will monitor closely
ind review if any concerns.
NEO.

Staff	Qty	Name
GC	1	CONSULTATION
GC	0.47	INJ - Meloxiclor 5mg/ml (20ML)

Item 7

Attachment 1

Attachment 1

Item 7





Item 7

Attachment 1

Susan [REDACTED]

From: [REDACTED]@hotmail.com>
 Sent: Tuesday, 11 October 2022 1:27 pm
 To: Trudi [REDACTED]
 Subject: Re: Dog attack file
 Attachments: Stellar - Deys park incident Monday 3rd 2022.docx.pdf

Kia ora Trudi,

I have attached our statement of events as they occurred at Dey's Park on the 3rd of October 2022, between 3.15-3.30pm.

We are certain of the indicated timing as it coincided with [REDACTED] finishing early on the day, following a meeting ending at 2.30pm (unusual) and heading straight to the park thereafter, having left our home at 14:55 on the day. We do not believe the event necessitates, or is a suitable basis for, classifying one of our dogs as a dangerous animal, and requiring her to wear a muzzle to be in any public space. There are too many discrepancies for a conclusive outcome to this event.

What we propose we will do to mitigate chances of any future incident:

All of our dogs will always be desexed (present and future)

Our St. Bernard female will always be walked on a lead in public

We will change the colour of her collar from purple to red and purchase a halti-collar, to better restrict her movements around her owner on lead when in public, and reduce any chance of unwanted pulling or dropping of the lead

Mr Binks will be her primary handler hereafter, recognising the size and weight of our giant breed is cumbersome for Mrs Binks to restrain if required

We will let other dog users know to not allow their dog to interact with our St. Bernard, unless both users are comfortable and provide approval first.

We will always provide and seek a slow and calm introduction in open areas which provide adequate space for appropriate introductions (no car park intros)

Sadly for us, we will make one additional consolation, we will not return to Dey's Park with our St. Bernard. You can reassure the other dog owner she will not encounter her there again, which should make her feel more comfortable about returning to the park with her dog. This experience has tainted our long-standing enjoyment of that park.

We hope these mitigation measures will be satisfactory to address any concerns.

Ngaa mihi,

[REDACTED]

From: Trudi [REDACTED]@hcc.govt.nz>
 Sent: Thursday, 6 October 2022 8:42 am
 To: [REDACTED]@hotmail.com>
 Subject: Dog attack file

Good Morning [REDACTED]

To request information about a file there needs to be a formal request for information made. You can send your request through to my manager at susan@hcc.govt.nz.

The complainant will also have the option to do the same.

At this time no outcome for this attack complaint has been decided. When we discussed the complaint over the phone I have requested that you provide your own statement of events to be added to the file prior to an outcome being made.

Do you no longer wish to provide this statement prior to the outcome?

Kind regards

Trudi [REDACTED]

Animal Control Officer, Team Leader | Animal Education and Control Unit

PH [REDACTED] - Email Trudi [REDACTED]@hcc.govt.nz



Hamilton City Council | 260 Anglesea St | Hamilton 3240 | www.hamilton.govt.nz

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Tuesday 4th October 2022

An account of the event between the [REDACTED] family and a small/medium unknown dog and his owners at Dey's Park, 3rd October 2022.

Time of event: Between 3.15-3.20pm Friday 3rd October 2022.

Mr [REDACTED] finished work early on the day, leaving our property at 2.55pm (~20min drive), heading directly to Dey's park without any stops along the way. We arrived at the park at 3.17pm, however [REDACTED] car clock is 3min fast. We waited 2-3minutes after arrival, preparing dog treats and tying shoe laces, before exiting the vehicle with our dogs.

Two incidents to report

- (1) Unsafe circumstances created by third party dog owner and subsequent upsetting dog interaction
- (2) Excessive abuse and threatening behaviour directed at Mrs [REDACTED] during the encounter by the unknown dog owner

Unsafe circumstances created by third party dog owner and subsequent upsetting dog interaction

Upon arrival at Dey's Park we (Mr & Mrs [REDACTED]) parked our vehicle in the carpark, to the right – 4 positions along from the roadside. There were several cars parked in the carpark but a couple of vacant parks also, indicating it was not a particularly busy time of day. The weather was heavily overcast and threatening rain.

As normal (we have been coming multiple times per week to this park for >10 years), we scan to ensure the car park is clear and the pathway into the park unobstructed by other users. Waiting our turn for other owners to clear the area.

On the day in question, the only other dog walker in the car park area was a 50yrs+ Pakeha woman of medium height and build with her small/medium dog – her dog's leash was short as they crossed directly behind our vehicle and passed through the car park. We intentionally waited for them to pass us by and go past the entry to the park (the metal gate barrier), before opening our vehicle's rear door, unloading our dogs and proceeding to cross the carpark on lead.

However, upon exiting our vehicle and moving only a few metres (3-5m at most) toward the entry, we realised that the other dog owner had her dog on a retractable dog lead. As Mrs [REDACTED] began crossing from our car through the car park toward the barrier and entrance, the other owners dog changed direction and came back into the car park (to the small garden area immediately to the left of the metal barrier (within the car park area) unsolicited, interfering with our arrival by blocking and engaging our dogs directly. This action demonstrated a lack of spatial and appropriate behavioural awareness by the owner for her animal, allowing it to obstruct our animals pathway to the entry and interfering with our use and enjoyment of the park facility by creating an unsafe environment in a dangerous vehicle traffic area which was not appropriate for a calm and initial dog interaction.

When confronted by the other dog, our two female dogs, being led by Mrs [REDACTED], began introductory sniffs. My comparably large and young female dog (St. Bernard) vocalised an excited bark during this interaction, causing the other owner to recognise her dogs position and quickly yank her dog to bring her back within control and range – her dog then yelped in response to the yank and darted

quickly back toward its owner in response. My larger female dog barked excitedly, and with my wife holding on to her lead followed the dog back toward its owner as it scampered back to its owner, a few metres on the inside of the park entrance. That excited play bark from our dog and her movement toward the unidentified owner was met with an extreme reaction from the human who flung her dogs lead aside, raised her hands into the air and began screaming at maximum panic volume, loudly and intensely (before either dog had reached her) – not words, just panicked screaming.

In combination, her dog inappropriately blocking and engaging ours in the carpark, coupled with her panicked actions created an unsafe environment for us all and considerably escalated the situation due to her panicked perception of a “vicious attack” – it was never an attack scenario at all and we were confident of that – but it was an inappropriate obstruction and introduction triggered by her actions, followed by play and vocal queues from a big dog with a loud playful bark, which she misidentified as aggression. We did not observe or see any indication of direct contact between the dogs.

The other owners dog ran around her legs a couple of times in this process with its lead trailing on the ground, seeking a calm space at its owners feet from the loud volume of our bigger dogs bark, but the owner provided no apparent safety, care, or support for her dog and was just screaming. Her dog then rebuffed my larger dog with a bark and our St. Bernard immediately backed off, of its own accord, before the other woman attempted to assist and grab her lead. During this escalated period of confusion, the St. Bernard’s lead was tugged from Mrs [REDACTED] grip as they circled. The other owner was behaving unpredictably, and both the dogs leads were trailing on the ground as the two dogs circled one-another, becoming entangled.

Following the dog-to-dog reprimand and the subsequent quietening of our dog, both dogs leads were immediately retrieved by their respective owners. The unknown owner immediately stated that her dog had been attacked viciously before, and claimed that it was our fault that her dog was now traumatised (unfounded claim).

Mr [REDACTED] then took our three dogs to the side, while Mrs [REDACTED] immediately knelt to check the welfare of the other owners dog (who was calm and not stressed) due to the intensity of the owners continued panicked reaction and apparent concern - the owner was hyperventilating and still irrationally accusing our dog of a brutal bloody attack, screaming and threatening to have my wife arrested and sue us. She also pointed at our other smaller dog - who was separate, uninvolved whatsoever with this encounter and being led by Mr [REDACTED] - he wears a new harness rather than a collar as we’re training him not to pull on lead, and accused us of knowingly bringing a dangerous dog to the park – this was totally unfounded and untrue – he’s a puppy and being trained to walk without pulling (his head shape doesn’t suit collars very well). It definitely not a muzzle, it’s just a walking harness purchased recently from Animates – a very common sight on dogs at the park these days.

All her accusations were spat out viciously in a manner of seconds, without her paying any direct attention to her own dog. Her claim was 100% not the case. Her dog gave no indication of pain, injury/wounds or bleeding and was not panicked following the engagement, it was calm and happy to be handled by a stranger (it’s owner made no move to check her dog was okay) as soon as our dog wasn’t in its immediate space.

After Mrs [REDACTED] to her credit, responsibly completed a full precautionary body check and scan of the other dogs body for any indication of a wound (the owner made no move to check her dog or

identify any injury), determining there was no apparent injury or sensitive responses, Mr. [REDACTED] who was standing 5m to the side, moved all three of our dogs away from the event area, to the park sign with the attached poo bag holder, further into the park. We were both concerned for the health of the other dog owner at this point as she was demonstrating signs of shock and her position on the pathway prevented us from being able to pass by and return to our own vehicle.

Excessive abuse and threatening behaviour directed at Mrs [REDACTED] during the encounter by the unknown dog owner

The other dogs owner was far more concerned with hurling abuse at Mrs [REDACTED] about her perception of the event, than caring for, or being concerned for her own dogs physical wellbeing. After Mr [REDACTED] led the dogs further away into the park, once again Mrs Binks knelt on the path with the women's dog, while the abuse escalated and she was continually verbally attacked, and checked for any signs of injury – confirming again the dog had not received any apparent injury and was behaving normally. The unknown dog let Mrs [REDACTED] touch and check its entire body during this process, the dog's tail was wagging and he was happy to give Mrs [REDACTED] licks.

Mrs [REDACTED] and three other people who passed by immediately after the aforementioned event were worried about the welfare of the women as she seemed to be overly upset, hyperventilating, shaking, and bending over while screaming accusations and abuse. Two of these people, plus Mrs [REDACTED], asked the women to sit down to calm herself and catch her breath. The women refused any assistance and continued to scream abuse and obscenities at Mrs [REDACTED]

Amongst other threats, the dog owner claimed she was going to call the police and get Mrs [REDACTED] arrested if she did not comply with providing her personal information. At this point the attending bystanders told the woman that she would not do that – that she was being unreasonable. Mrs [REDACTED] deliberately declined as she did not feel safe at all providing any personal information to this confronting and highly abusive individual, out of fear for her and her family's safety. By this point Mrs [REDACTED] had already been screamed and yelled at abusively and threatened in multiple ways by the individual.

Confirming the dog hadn't sustained any visible harm during the event, Mrs [REDACTED] (both Mr & Mrs [REDACTED] are trained first aiders) then tried to ascertain whether it was safe to leave the women alone as she seemed hysterical and reacting beyond reasonable expectation. The woman at this point stated that she was going to take her dog to the vets to get checked out.

The intensity of the unknown women's directed and blatant abuse towards Mrs [REDACTED] drew other people to the scene, coming to check Mrs [REDACTED] was okay and unharmed, as they had heard the woman's comments and abuse. Some stayed in the carpark to ensure Mrs [REDACTED] safety as the woman was irate and was not calming down and demanding her personal information. The women's aggression escalated, stepping up and encroaching into Mrs [REDACTED] immediate personal space, flailing her arms in her face and verbally attacking/badgering Mrs [REDACTED]. Although Mrs [REDACTED] remained very calm and was attempting only to deescalate the situation, another dog walker (women, Pakeha 50+) stepped in and told the woman to calm down, be reasonable and give Mrs [REDACTED] her number instead. The woman refused this compromise and continued to antagonise, abuse and harass Mrs [REDACTED]. Mrs [REDACTED] said no again to providing her details, asking what she'd use them for, and the woman at this point again swore at Mrs [REDACTED] ("you fu#king bit#h, Fu#K You!!") and threatened legal action. People standing in the park by Mr [REDACTED] (~40m away), by the sign with the free poo bags, could both see her angry gesticulation and clearly hear the aggression coming from this individual,

directed at Mrs [REDACTED]. Mr [REDACTED] was very concerned for Mrs [REDACTED] safety and was near to asking a bystander to call the police out of fear for her safety, reassured only by the presence of additional bystanders who had come to assist. Mr [REDACTED] could not return down the path to the scene, or his car (left his cell phone in the car), for concern of escalating the woman's aggressive response because of the presence of our three dogs.

The women then took her dog and rushed off towards her car continuing to scream abuse at Mrs [REDACTED] as she went. Mrs [REDACTED] suggested she record down our vehicles registration number (we encouraged it), and she did likewise – the other owners vehicle registration is [REDACTED]. We knew it meant a 3rd party could liaise with both party's without her gaining our personal information and threatening our personal safety.

Two people came and spoke to Mrs [REDACTED] after the incident to check if she was okay and told her that was an extreme and inappropriate response from the other dog owner. They re-advised she take the woman's registration down and try to not be too shaken up about the incident as it was a minor encounter that was escalated beyond reason. Mrs [REDACTED] at this point then returned to her husband and three dogs to complete the walk, but was badly shaken and continues to be impacted by the unreasonable, serious verbal attack and abuse directed at her by the other dog owner.

Given the event was not an attack or an aggressive situation between dogs, as it did not involve aggressive behaviours and there were no injuries identified or apparent immediately following the encounter (which occurred at between 3.15-3.20pm and was over by 3.30pm), coupled with the untrustworthy and unpredictable nature of the other dog owners demeanour, we will not accept that any minor injury or bruising observed by a vet later the same day (>1hr after the incident occurred, as she reported she would go directly to the vet which was less than 5min away from the park) can be attributed to this event. If there is an unexplained time gap there cannot be certainty that her dog did not have any further interactions or incidents elsewhere in the interim period, casting significant uncertainty that any injuries observed by the vet relate to this incident.

Reflections

We have four dogs and have been walking them at Dey's park, and many other Hamilton city parks, for >10 years regularly without being involved in any dog attack situations. We are responsible dog owners who are always concerned for the safety of our animals and others, are regular foster carers for the SPCA, and have never experienced or observed such an extreme negative over-reaction response from a human before, and I hope never again to encounter someone so abusive and unreasonable again.

From our experience some smaller dogs (and human owners) do not react well to large dogs when they have no experience with them, or have had a negative encounter in the past, and get up too close for their comfort. For this reason, we try our hardest to provide adequate space for other users when arriving calmly at the park, and for the safety of our own dogs. None of our 4 dogs have (including our St. Bernard) ever provoked an aggressive situation, or bitten/harmed another dog or human. Importantly, we did not solicit, ask or approve her dog to approach ours before we entered the park. Her actions triggered a situation beyond her control.

Furthermore, we are shocked that the owner reported us as saying our girl has attacked another small dog in the past – this discredits her statement and claim as she has not remembered the circumstances of the incident correctly in her panicked state. There is no record of any such event as

it doesn't exist. What Mrs [REDACTED] did say to her is that our St. Bernard is wary of small dogs and we try to give other users space as she had once been bitten on the jaw/s at the park by a small dog - by an intact male Frenchie at Dey's Park who became too excited trying to demonstrate his dominance to other female dogs which had surrounded her. Calm discussions at the time with that dogs owner resulted in them promising he'd be kept on lead at the park thereafter and recognising intact males can be quick to aggravate if excited. Following that event we choose to keep our St. Bernard on-lead, to reduce the anxious responses sometimes exhibited by other people and dogs at the park with less experience with large breeds.

Note our two other smaller dogs have always been walked off-lead within the park simultaneously and are social butterfly's (once we enter the lead-free area) and neither was involved whatsoever with this event.

N.B our fourth and oldest dog was not there as he does not travel easily anymore and cannot join us for walks outside of our property sadly.

Our own long-standing vets (Newstead Vets – Bart or Gabe) would affirm and support our long-standing and positive relationship with them, and the quality care we provide for all our animals.

Ngā mihi nui,

Mr & Mrs. [REDACTED]
[REDACTED]

2 November 2022

[REDACTED]
[REDACTED] Davison Road
Newstead
Hamilton 3286

Dear [REDACTED]

Classification of Dog as Menacing Dog Section 33A Dog Control Act 1996

Section 33A of the Dog Control Act 1996 ("DCA") enables Hamilton City Council ("HCC"), to classify a dog that it considers poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:

- a. any observed or reported behaviour of the dog; or
- b. any characteristics typically associated with the dog's breed or type.

As a result of the observed or reported behaviour HCC has classified the dog as a Menacing Dog under s33A of the Dog Control Act 1996. The Notice of Classification of Dog as Menacing Dog ("the Notice") is enclosed.

HCC requires you to have the dog de-sexed, and to provide a copy of the de-sexing certificate to HCC within one month from the date shown on the Notice.

You may be able to take advantage of discounts available through HCC for de-sexing fees with a contracted veterinarian. Microchipping is also available at the Animal Education and Control Centre. If you would like further information about these services, please contact the Animal Education and Control team on 838 6632.

Please ensure that you comply with the requirements of the classification within the timeframes outlined in the enclosed Notice to avoid any further enforcement action. If you do not agree with the Classification, you may object in writing within 14 days of receiving the Classification. You must have valid ground for an objection and produce evidence that your dog is not of a breed or type listed above.

If you have any questions regarding the Notice of Classification, please contact HCC's Animal Education & Control Centre, phone 838 6632.

Regards



Susan [REDACTED]
Animal Education and Control Manager

Animal Education and Control Centre
217 Ellis Street, Hamilton
Phone 07 838 6632
Email animal.web@hcc.govt.nz

AC-F64a
V 8

Private Bag 3010
 Hamilton 3240
 New Zealand

 TEL 07 838 6699
 FAX 07 838 6599
 EMAIL info@hcc.govt.nz
hamilton.govt.nz

Notice of Classification of Dog as Menacing Dog

Section 33A, Dog Control Act 1996

To: *
(name of owner)

Address:

[REDACTED]
 [REDACTED] Davison Road
 Newstead
 Hamilton 3286

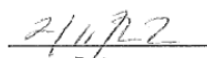
Female, Unneutered Saint Bernard, Tri-Colour,
 Named Stellar Binks, Aged 3 years and 1 month
 approximately, [REDACTED]

This is to notify you* that this dog has been classified as a menacing dog under section 33A(2) of the Dog Control Act 1996.

This is because of the aggressive behavior displayed by the dog on Monday, 3rd October 2022, in Hamilton

A summary of the effect of the classification and your right to object is provided below.


 Animal Education and Control Manager


 Date

* For the purposes of the Dog Control Act 1996, you are 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, 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.

S 33E(1) Effect of classification as a menacing dog

Sections 33E, 33F, 36A, Dog Control Act 1996

You —

- (a) must not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
- (b) must produce to HCC within 1 month after receipt of this notice, a certificate issued by a veterinary surgeon certifying —
 - (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and

V2
 16.3.2011
 AC-F54

- (c) must, if a certificate under paragraph (b)(ii) is produced to HCC, produce to HCC, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with all of the matters in paragraphs (a) to (c) above.

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c).

You are also required, for the purposes of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to HCC in accordance with the reasonable instructions of HCC for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement within 2 months after the dog is classified as menacing.

If the dog is in the possession of another person (for a period not exceeding 72 hours), you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. You will commit an offence and be liable on summary conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of the classification of a dog as menacing are provided in the Dog Control Act 1996. This is available to view online at www.legislation.govt.nz.

Right of Objection to Classification Under Section 33C

Section 33D, Dog Control Act 1996

You may object to the classification of your dog as menacing by lodging with HCC a written objection within 14 days of receipt of this notice setting out the grounds on which you object.

You have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

Animal Complaint Record 284725/2022

COMPLAINANT

Complaint Received		03/10/2022	Officer	D37
Name		[REDACTED]	Home Phone 1	[REDACTED]
Address		[REDACTED] Heritage Avenue Chartwell Hamilton 3210	Home Phone 2	[REDACTED]
			Mob Phone	[REDACTED]

PROPERTY

Property Address	809 River Flagstaff 3210	Lot 31 DP S6071	Safety Alert	NO
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ANIMAL DETAILS

Animal Number	244854	Animal Name	Stellar [REDACTED]	Tattoo	[REDACTED]
Animal Location	[REDACTED]	Color	[REDACTED]	Sex	F
Owner Address	[REDACTED] Davison Road Newstead Hamilton 3286	Owner Name	[REDACTED]	NAR No.	874540

REQUEST DETAILS

Offence Date		<p>Today at approx 16:30 [REDACTED] was walking with her dog into Days park from the River Road carpark, and another dog attacked her dog. Pru was able to grab the attacking dog's collar and pull her off. Her dog is a male dachshund cross shih tzu named Chief. The attacking dog was a tan and white female St Bernard. The St Bernard owner was unloading 3 dogs from their car, and about to follow [REDACTED] in to the park, when the St Bernard pulled free from the leash being held by the owner and attacked Chief. The owner said that her St Bernard doesn't like small dogs and will sometimes attack them. She refused to give her contact details to [REDACTED] (the car was a Honda CRV rego [REDACTED] - which she claimed was not her car). Pru took Chief to the vet and they shaved two places where Chief was bit, although no puncture wounds. She said that the owner of the attacking dog continued into the park to walk her dogs.</p>
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Attack (heading only)	
Category 4	Dogs - Attack - Dog v Animal - Urgent	

INVESTIGATION DETAILS

Officer	AHU	<p>5.20pm Phone call to [REDACTED] statement taken over the phone. Request for photos and vet report to be emailed to me. (Trudi [REDACTED] - 04/10/2022) 4/10 [REDACTED] provided her own statement overnight via email as well as photos of the dogs injury and vet report. I ran the vehicle registration and it came back to [REDACTED] I ran this name through NDD and came back with records for a Saint Bernard dog named Stellar [REDACTED]. On running the name through Authority there are departed records for the dog owner for 2 other dogs matching description in victim dog owners statement. Owners are [REDACTED] and [REDACTED] 4/10 9.20am Phone call to [REDACTED] and explained the dog attack complaint. I am investigating. Nigel tells that he had his 3 dogs on lead at the dog park with his wife. They saw the woman with the little dog and waited until she had gone through the narrow area heading into the park from the car park. He tells that the little dog came back towards them and the owner wasn't watching. He said there was interaction with their Saint Bernard but he claims there was no injury. Nigel told me multiple times that the woman owner was</p>
Start Date	02/11/2022 01:39	
Finish Date	02/11/2022 01:54	
Outcome	* Completed	
Task	Investigation	

screaming erratically as a result of what he described as dog interaction and that this screaming added to the situation in a negative way. I have requested a statement from Nigel of his account of events.

10.18am Phone call with female dog owner [REDACTED]. I have advised of the complaint and that I have already spoken with [REDACTED]. I have asked for her account of the situation, she admitted that their Saint Bernard was not behaving well with the little dog and that it has previously been attacked by a small dog so does not like them. She told me she would not be taking this dog to the dog park anymore because of this behaviour and they decided this last night after the event. [REDACTED] has email through to say that he will provide a statement after he has had confirmation of injury unquestionably caused by a large dog judged by a qualified vet. I have email Nigel back to give him managers email for formal information request.

10/10 2.50pm Spoke with [REDACTED] to update, she tells me again that her little dog was in front of her and the large Saint Bernard came up to her little dog in an aggressive manner and attacked straight away. She herself had to pull the large dog off her small dog. She admits to being very shaken, shocked and upset at the attack. She tells that the male who was with the female dog owner didn't come near, was watching from far away. I have advised [REDACTED] that the other dog owners are not accepting of the dogs aggressive behaviour and this may end up in a hearing. [REDACTED] tells me that the information she has provided me is 100 percent truthful and she is willing to stand behind her statement if required.

No other witnesses have been provided.

Dog to be classified as menacing as a result of attack causing injury. Written warning issued to dog owners. (Trudi [REDACTED] - 10/10/2022) 10/10 email received from [REDACTED] detailing his account of events and is heavily focused on the behaviour of the victim dog owner. I have attached to the CRM

Nigel is requesting a copy of information and in particular the vet report before they provide a written response. This has been sent to our manager Susan [REDACTED]

I had not had a response from [REDACTED] and had arrived at an outcome prior to receiving email. (Trudi [REDACTED] - 11/10/2022)

11.25am Phone call with [REDACTED] advised of the outcome, discussed how to contest the menacing classification.

Talked through the vet report provided to me by care vets Chartwell. [REDACTED] has questioned the time, statement of victim dog owner has incident occurring at 4.30pm. I have phoned Care Vets Chartwell and spoke with Casey who tells me that [REDACTED] presented with Chief at 4.30pm and the incident had occurred shortly before that. I asked her to confirm the injury was in her opinion caused by another dog and she said yes and that whilst there weren't any puncture wounds they were quite significant skin scrapes. (Trudi [REDACTED] - 11/10/2022)

18/10/22 12.36pm After reviewing the case with unit manager Susan [REDACTED] the decision to go ahead with a menacing classification and written warning was made.

Menacing classification given to admin, written warning issued and posted. The large dog Stella

was not well controlled, she has attacked the victim dog causing injury. Email sent to offending dog owner

to advise. Phone call to comp to update.

NFA (Trudi [REDACTED] - 18/10/2022)

Animal record 244854 has been created as the menacing dog is from out of district. Record will be departed once the menacing classification paperwork has been done. [REDACTED] 02/11/2022}

Previous Complaints for Dog

CRM No.	284725/2022	Task	2INV
Animal	244854	Outcome	MENC
Maj Cat.	Animal Control (heading only)	Officer	D37
Min Cat.	Dogs - Offences (heading only)	Opened	03-Oct-22 05:06:00 PM
Cat 3	Dogs - Attack (heading only)	Closed	18-Oct-22 12:38:00 PM
Cat 4	Dogs - Attack - Dog v Animal - Urgent		

CRM No.	284725/2022	Task	2ACO
Animal	244854	Outcome	COMP
Maj Cat.	Animal Control (heading only)	Officer	AHU
Min Cat.	Dogs - Offences (heading only)	Opened	02-Nov-22 01:39:00 PM
Cat 3	Dogs - Attack (heading only)	Closed	02-Nov-22 01:54:00 PM
Cat 4	Dogs - Attack - Dog v Animal - Urgent		

CRM No.	291383/2022	Task	2INV
Animal	244854	Outcome	
Maj Cat.	Animal Control (heading only)	Officer	D40
Min Cat.	Dogs - Offences (heading only)	Opened	04-Nov-22 02:00:00 PM
Cat 3	Dogs - Offences - Officer (heading only)	Closed	
Cat 4	Dogs - Officer - Serve Dog Classification		

Chartwell Monday 3 October 2022

Time: 6.00pm

REPORT OF DOG ATTACK on Chief [REDACTED] aged 6.5 years.

I was walking into the Days dog park from the main carpark at approximately 4.30pm on Monday 3rd October 2022. There were two people behind me, a man and a woman who had just let their three dogs out of their car. One elderly Alsatian type was off lead, the other two, a female tan and white St Bernard were on leashes. I had just let my small dog Chief (a wire-haired Dachshund crossed Shih Tzu) off his lead whereupon he went to sniff the grass verge at the entrance. Suddenly the St Bernard dog, which had just come in behind us, pulled away from its female owner and attacked my dog on his back, totally unprovoked. There was no preamble. I tried to grab the big dog – a female tan and white St Bernard, and eventually got her by her collar. Only then did the owner come over. The owner stated that her dog doesn't like small dogs because she was once attacked by a small dog and has attacked before. I told her that she should not therefore bring such a dog to the dog park where there are many small dogs each day and her dog should be fully under her control. "She just pulled away from me", said the owner. This woman then tried to examine my dog and said he must be alright as there was no blood. I don't remember any verbal apology from the owner. I realized afterwards that the man with her didn't come up to us to see what had happened, which I now think is odd.

I reattached my lead to my dog and said I would take him to the vet to be examined. I asked the woman several times for her name and phone number but she refused to give them to me. Her reason was "I don't want to be abused over the phone by you". I asked her to confirm which car she came in to which she replied "It's not even my car". I took the number of the car I'm pretty certain they got out of and hopefully she can be traced. She was about 40/50 years of age, Sri Lankan or Indian in origin, probably about 5'5" in height. There was another woman there in the car park with us who heard the attack but didn't witness it. However, she did witness me asking the woman owner for her name and phone number and the woman's refusal to give it to me. The other lady suggested I give the St Bernard's owner my phone number but the owner refused to take it. I said that this incident needed to be reported so I required her name and number. She still refused to comply.

I was shaking with both fright and anger and told the owner where to go. I got in my car with my dog and took him straight to the Carevets at Chartwell who examined him and found two wounds on his back. They shaved the wound areas and gave him an injection of Meloxicam for inflammation and pain relief. They took photos, as did I when I got home. I have asked the vets to email the photos and a report to the Dog Control Office of HCC to whom I reported the attack when I got home.

The car I think the owners got out of was [REDACTED] Honda SRV, dark grey or black in colour.

My wish is that this female St Bernard dog either be muzzled or preferably banned from the Dog park altogether. As it has attacked before, there may be sufficient reason for the dog to be euthanized. I am elderly, as are many of the dog owners who walk in this park. I have noticed that the owners of the smaller dogs are often elderly too so a big dog, which is liable to attack small dogs, should not be allowed anywhere near other dogs.

[REDACTED]
3.10.22

CareVets Chartwell Veterinary Hospital
Lynden Court, Chartwell, Hamilton
Ph: 07 8559072

(1/25578)

For Chief (1/98793)
Dog, Male, Dachshund, Tan
Age: 6 yr 5 mth , Desexed: Y On: 10/11/2016

Chartwell
Hamilton 3210

Sales Group:
Client Group: None

Bill#: 1/1496101 Date: 3/10/2022

3/10/2022 [KF] (Photo)



Staff	Qty	Name
GC	1	CONSULTATION
GC	0.47	INJ - Meloxidolor 5mg/ml (20ML)

3/10/2022 [KF] (Photo)



3/10/2022 [GC]

WEIGHT:11.8

HISTORY:Was just at the dog park and was attacked by a st
bermand, brought him straight down.

bright, alert, responsive
chest ausc hr 130bpm, mucous membranes pink and moist,
capillary refill time <2secs
resp pant
gait normal
no obvious blood or puncture wounds
two superficial skin injuries on left side of lumbar back and just
caudal to right shoulder. has not punctured the skin, some
crusting around. clipped and cleaned with dilute chlorhex. no other
injuries found.

metacam injection and tlc at home. owner will monitor closely
and review if any concerns.

NEQ.



Item 7

Attachment 3

Attachment 3

Item 7



Tuesday 4th October 2022

An account of the event between the [REDACTED] family and a small/medium unknown dog and his owners at Dey's Park, 3rd October 2022.

Time of event: Between 3.15-3.20pm Friday 3rd October 2022.

Mr [REDACTED] finished work early on the day, leaving our property at 2.55pm (~20min drive), heading directly to Dey's park without any stops along the way. We arrived at the park at 3.17pm, however [REDACTED] car clock is 3min fast. We waited 2-3minutes after arrival, preparing dog treats and tying shoe laces, before exiting the vehicle with our dogs.

Two incidents to report

- (1) Unsafe circumstances created by third party dog owner and subsequent upsetting dog interaction
- (2) Excessive abuse and threatening behaviour directed at Mrs [REDACTED] during the encounter by the unknown dog owner

Unsafe circumstances created by third party dog owner and subsequent upsetting dog interaction

Upon arrival at Dey's Park we (Mr & Mrs [REDACTED]) parked our vehicle in the carpark, to the right – 4 positions along from the roadside. There were several cars parked in the carpark but a couple of vacant parks also, indicating it was not a particularly busy time of day. The weather was heavily overcast and threatening rain.

As normal (we have been coming multiple times per week to this park for >10 years), we scan to ensure the car park is clear and the pathway into the park unobstructed by other users. Waiting our turn for other owners to clear the area.

On the day in question, the only other dog walker in the car park area was a 50yrs+ Pakeha woman of medium height and build with her small/medium dog – her dog's leash was short as they crossed directly behind our vehicle and passed through the car park. We intentionally waited for them to pass us by and go past the entry to the park (the metal gate barrier), before opening our vehicle's rear door, unloading our dogs and proceeding to cross the carpark on lead.

However, upon exiting our vehicle and moving only a few metres (3-5m at most) toward the entry, we realised that the other dog owner had her dog on a retractable dog lead. As Mrs [REDACTED] began crossing from our car through the car park toward the barrier and entrance, the other owners dog changed direction and came back into the car park (to the small garden area immediately to the left of the metal barrier (within the car park area) unsolicited, interfering with our arrival by blocking and engaging our dogs directly. This action demonstrated a lack of spatial and appropriate behavioural awareness by the owner for her animal, allowing it to obstruct our animals pathway to the entry and interfering with our use and enjoyment of the park facility by creating an unsafe environment in a dangerous vehicle traffic area which was not appropriate for a calm and initial dog interaction.

When confronted by the other dog, our two female dogs, being led by Mrs [REDACTED], began introductory sniffs. My comparably large and young female dog (St. Bernard) vocalised an excited bark during this interaction, causing the other owner to recognise her dogs position and quickly yank her dog to bring her back within control and range – her dog then yelped in response to the yank and darted

quickly back toward its owner in response. My larger female dog barked excitedly, and with my wife holding on to her lead followed the dog back toward its owner as it scampered back to its owner, a few metres on the inside of the park entrance. That excited play bark from our dog and her movement toward the unidentified owner was met with an extreme reaction from the human who flung her dogs lead aside, raised her hands into the air and began screaming at maximum panic volume, loudly and intensely (before either dog had reached her) – not words, just panicked screaming.

In combination, her dog inappropriately blocking and engaging ours in the carpark, coupled with her panicked actions created an unsafe environment for us all and considerably escalated the situation due to her panicked perception of a “vicious attack” – it was never an attack scenario at all and we were confident of that – but it was an inappropriate obstruction and introduction triggered by her actions, followed by play and vocal queues from a big dog with a loud playful bark, which she misidentified as aggression. We did not observe or see any indication of direct contact between the dogs.

The other owners dog ran around her legs a couple of times in this process with its lead trailing on the ground, seeking a calm space at its owners feet from the loud volume of our bigger dogs bark, but the owner provided no apparent safety, care, or support for her dog and was just screaming. Her dog then rebuffed my larger dog with a bark and our St. Bernard immediately backed off, of its own accord, before the other woman attempted to assist and grab her lead. During this escalated period of confusion, the St. Bernard’s lead was tugged from Mrs [REDACTED] grip as they circled. The other owner was behaving unpredictably, and both the dogs leads were trailing on the ground as the two dogs circled one-another, becoming entangled.

Following the dog-to-dog reprimand and the subsequent quietening of our dog, both dogs leads were immediately retrieved by their respective owners. The unknown owner immediately stated that her dog had been attacked viciously before, and claimed that it was our fault that her dog was now traumatised (unfounded claim).

Mr [REDACTED] then took our three dogs to the side, while Mrs [REDACTED] immediately knelt to check the welfare of the other owners dog (who was calm and not stressed) due to the intensity of the owners continued panicked reaction and apparent concern - the owner was hyperventilating and still irrationally accusing our dog of a brutal bloody attack, screaming and threatening to have my wife arrested and sue us. She also pointed at our other smaller dog - who was separate, uninvolved whatsoever with this encounter and being led by Mr [REDACTED] - he wears a new harness rather than a collar as we’re training him not to pull on lead, and accused us of knowingly bringing a dangerous dog to the park – this was totally unfounded and untrue – he’s a puppy and being trained to walk without pulling (his head shape doesn’t suit collars very well). It definitely not a muzzle, it’s just a walking harness purchased recently from Animates – a very common sight on dogs at the park these days.

All her accusations were spat out viciously in a manner of seconds, without her paying any direct attention to her own dog. Her claim was 100% not the case. Her dog gave no indication of pain, injury/wounds or bleeding and was not panicked following the engagement, it was calm and happy to be handled by a stranger (it’s owner made no move to check her dog was okay) as soon as our dog wasn’t in its immediate space.

After Mrs [REDACTED] to her credit, responsibly completed a full precautionary body check and scan of the other dogs body for any indication of a wound (the owner made no move to check her dog or

identify any injury), determining there was no apparent injury or sensitive responses, Mr. [REDACTED] who was standing 5m to the side, moved all three of our dogs away from the event area, to the park sign with the attached poo bag holder, further into the park. We were both concerned for the health of the other dog owner at this point as she was demonstrating signs of shock and her position on the pathway prevented us from being able to pass by and return to our own vehicle.

Excessive abuse and threatening behaviour directed at Mrs [REDACTED] during the encounter by the unknown dog owner

The other dogs owner was far more concerned with hurling abuse at Mrs [REDACTED] about her perception of the event, than caring for, or being concerned for her own dogs physical wellbeing. After Mr [REDACTED] led the dogs further away into the park, once again Mrs Binks knelt on the path with the women's dog, while the abuse escalated and she was continually verbally attacked, and checked for any signs of injury – confirming again the dog had not received any apparent injury and was behaving normally. The unknown dog let Mrs [REDACTED] touch and check its entire body during this process, the dog's tail was wagging and he was happy to give Mrs [REDACTED] licks.

Mrs [REDACTED] and three other people who passed by immediately after the aforementioned event were worried about the welfare of the women as she seemed to be overly upset, hyperventilating, shaking, and bending over while screaming accusations and abuse. Two of these people, plus Mrs [REDACTED], asked the women to sit down to calm herself and catch her breath. The women refused any assistance and continued to scream abuse and obscenities at Mrs [REDACTED]

Amongst other threats, the dog owner claimed she was going to call the police and get Mrs [REDACTED] arrested if she did not comply with providing her personal information. At this point the attending bystanders told the woman that she would not do that – that she was being unreasonable. Mrs [REDACTED] deliberately declined as she did not feel safe at all providing any personal information to this confronting and highly abusive individual, out of fear for her and her family's safety. By this point Mrs [REDACTED] had already been screamed and yelled at abusively and threatened in multiple ways by the individual.

Confirming the dog hadn't sustained any visible harm during the event, Mrs [REDACTED] (both Mr & Mrs [REDACTED] are trained first aiders) then tried to ascertain whether it was safe to leave the women alone as she seemed hysterical and reacting beyond reasonable expectation. The woman at this point stated that she was going to take her dog to the vets to get checked out.

The intensity of the unknown women's directed and blatant abuse towards Mrs [REDACTED] drew other people to the scene, coming to check Mrs [REDACTED] was okay and unharmed, as they had heard the woman's comments and abuse. Some stayed in the carpark to ensure Mrs [REDACTED] safety as the woman was irate and was not calming down and demanding her personal information. The women's aggression escalated, stepping up and encroaching into Mrs [REDACTED] immediate personal space, flailing her arms in her face and verbally attacking/badgering Mrs [REDACTED]. Although Mrs [REDACTED] remained very calm and was attempting only to deescalate the situation, another dog walker (women, Pakeha 50+) stepped in and told the woman to calm down, be reasonable and give Mrs [REDACTED] her number instead. The woman refused this compromise and continued to antagonise, abuse and harass Mrs [REDACTED]. Mrs [REDACTED] said no again to providing her details, asking what she'd use them for, and the woman at this point again swore at Mrs [REDACTED] ("you fu#king bit#h, Fu#K You!!") and threatened legal action. People standing in the park by Mr [REDACTED] (~40m away), by the sign with the free poo bags, could both see her angry gesticulation and clearly hear the aggression coming from this individual,

directed at Mrs [REDACTED]. Mr [REDACTED] was very concerned for Mrs [REDACTED] safety and was near to asking a bystander to call the police out of fear for her safety, reassured only by the presence of additional bystanders who had come to assist. Mr [REDACTED] could not return down the path to the scene, or his car (left his cell phone in the car), for concern of escalating the woman's aggressive response because of the presence of our three dogs.

The women then took her dog and rushed off towards her car continuing to scream abuse at Mrs [REDACTED] as she went. Mrs [REDACTED] suggested she record down our vehicles registration number (we encouraged it), and she did likewise – the other owners vehicle registration is [REDACTED]. We knew it meant a 3rd party could liaise with both party's without her gaining our personal information and threatening our personal safety.

Two people came and spoke to Mrs [REDACTED] after the incident to check if she was okay and told her that was an extreme and inappropriate response from the other dog owner. They re-advised she take the woman's registration down and try to not be too shaken up about the incident as it was a minor encounter that was escalated beyond reason. Mrs [REDACTED] at this point then returned to her husband and three dogs to complete the walk, but was badly shaken and continues to be impacted by the unreasonable, serious verbal attack and abuse directed at her by the other dog owner.

Given the event was not an attack or an aggressive situation between dogs, as it did not involve aggressive behaviours and there were no injuries identified or apparent immediately following the encounter (which occurred at between 3.15-3.20pm and was over by 3.30pm), coupled with the untrustworthy and unpredictable nature of the other dog owners demeanour, we will not accept that any minor injury or bruising observed by a vet later the same day (>1hr after the incident occurred, as she reported she would go directly to the vet which was less than 5min away from the park) can be attributed to this event. If there is an unexplained time gap there cannot be certainty that her dog did not have any further interactions or incidents elsewhere in the interim period, casting significant uncertainty that any injuries observed by the vet relate to this incident.

Reflections

We have four dogs and have been walking them at Dey's park, and many other Hamilton city parks, for >10 years regularly without being involved in any dog attack situations. We are responsible dog owners who are always concerned for the safety of our animals and others, are regular foster carers for the SPCA, and have never experienced or observed such an extreme negative over-reaction response from a human before, and I hope never again to encounter someone so abusive and unreasonable again.

From our experience some smaller dogs (and human owners) do not react well to large dogs when they have no experience with them, or have had a negative encounter in the past, and get up too close for their comfort. For this reason, we try our hardest to provide adequate space for other users when arriving calmly at the park, and for the safety of our own dogs. None of our 4 dogs have (including our St. Bernard) ever provoked an aggressive situation, or bitten/harmed another dog or human. Importantly, we did not solicit, ask or approve her dog to approach ours before we entered the park. Her actions triggered a situation beyond her control.

Furthermore, we are shocked that the owner reported us as saying our girl has attacked another small dog in the past – this discredits her statement and claim as she has not remembered the circumstances of the incident correctly in her panicked state. There is no record of any such event as

it doesn't exist. What Mrs [REDACTED] did say to her is that our St. Bernard is wary of small dogs and we try to give other users space as she had once been bitten on the jowl's at the park by a small dog - by an intact male Frenchie at Dey's Park who became too excited trying to demonstrate his dominance to other female dogs which had surrounded her. Calm discussions at the time with that dogs owner resulted in them promising he'd be kept on lead at the park thereafter and recognising intact males can be quick to aggravate if excited. Following that event we choose to keep our St. Bernard on-lead, to reduce the anxious responses sometimes exhibited by other people and dogs at the park with less experience with large breeds.

Note our two other smaller dogs have always been walked off-lead within the park simultaneously and are social butterfly's (once we enter the lead-free area) and neither was involved whatsoever with this event.

N.B our fourth and oldest dog was not there as he does not travel easily anymore and cannot join us for walks outside of our property sadly.

Our own long-standing vets (Newstead Vets – Bart or Gabe) would affirm and support our long-standing and positive relationship with them, and the quality care we provide for all our animals.

Ngā mihi nui,

Mr & Mrs. [REDACTED]
[REDACTED]

02/02/2023

██████████
███████ Masons Ave
Hamilton 3216
██████████

RE: Referee for Stellar the Saint Bernard

To Whom it may concern,

I have known Stellar for the past two years, since █████ and █████ owned her. I have spent many hours in Stellar's presence at her place of residence and at Day's Park, where I regularly walk my two dogs. I feel confident having my two dogs around Stellar and wouldn't hesitate to leave them with her unsupervised and have often do so. I have also been to Day's Park with my dogs and met up with Stellar a number of times. I have never at any point in these encounters seen any aggression from Stellar whatsoever.

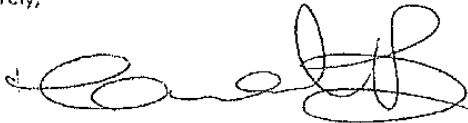
I have observed Stellar interact with other dogs at Day's park of all different sizes and breeds. I found her to be extremely playful and enthusiastic, running up to other dogs hoping they would play with her. I observed her body language with other dogs, which is always tail wagging, play bowing trying to incite chasing and barking. All good signals of being happy and wanting to play.

I have also observed that other dogs can find her intimidating because of her size, which Stellar seems blissfully unaware of. Stellar is a young dog and still very curious and enthusiastic to play and explore. This in my experience with raising my dogs is all very normal dog behavior, it's just that Stellar's size makes her stand out and other dogs unsure.

Stellar is a beautiful big goofball, who loves playing and I am more than happy to be a referee for her good nature. I trust my two dogs with her, and also my two year old daughter.

Please do not hesitate to contact me if needed.

Sincerely,



██████████

03/02/2023

██████████
██████████ Sandes Street
Ohaupo 3803
██████████
██

RE: Character witness for Stellar Binks

To Whom It may concern,

Over the past two years I have spent a great deal of time with Stellar ██████████ I regularly join her and owner ██████████ for walks, along with my dog Maddy. I have also spent time with Stellar, both in her home and mine. In these times, I have witnessed Stellar interacting with children, dogs, cats, and livestock and in no instance has she displayed any aggression.

I have been a dog owner my whole life and, in my experience, Stellar is a well socialized dog. Stellar knows how to initiate non-aggressive play with other dogs, approaching with a wagging tail, while barking, bouncing and play bowing to try and initiate a chase. But Stellar is also young, and unfortunately, her exuberant approach coupled with her large size, can sometimes be mistaken for aggression.

██████████ and I have walked our dogs together for more than 10 years, and I have witnessed ██████████ handle countless encounters with other dogs without incident. ██████████ is a responsible dog owner who understands the difference between aggressive dog behaviour and play. I am confident in his ability to control Stellar in interactions with other dogs.

In short, it is my firm opinion that Stellar ██████████ is not an aggressive dog, and I am confident ██████████ can control Stellar where required.

Please do not hesitate to contact me should you require further information.

Regards,

██████████


Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Dog Control Hearings Panel Public Excluded Minutes 12 December 2022) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987	Section 48(1)(a)
C2. Amendment to the Dog Control Panel Decision of December 2022		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment	Section 7 (2) (f) (ii)
Item C2.	to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment	Section 7 (2) (f) (ii)