

Notice of Meeting:

I hereby give notice that an ordinary meeting of the Hearings Subcommittee will be held on:

Date: Wednesday 18 March 2015
Time: 9:30am
Meeting Room: Committee Room 1
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Hearings Subcommittee OPEN AGENDA

Membership

Chairperson Cr M Forsyth
Members Cr K Green
Cr R Pascoe

Quorum: A majority of members (including vacancies)

Meeting Frequency: When required

Brendan Stringer
Committee Advisor

10 March 2015

Telephone: 07 838 6768
Brendan.stringer@hcc.govt.nz
www.hamilton.govt.nz

**PARTS OF THIS AGENDA ARE REDACTED TO PROTECT
THE PRIVACY OF INDIVIDUALS, INCLUDING PAGES
53-60, 68, and 70-71**

Terms of Reference:

To hear and determine:

- Objections under the Dog Control Act 1996;
- Road names where resolution cannot be achieved under the Road, Reserve and Park Naming Policy;
- Development contribution (DC) appeals relating to DCs calculated under the Development and Financial Contributions Policy 2010; and
- Miscellaneous decisions not able to be delegated to management.

Special Notes:

- The sub-committee may request expert advice through the Chief Executive when necessary.
- Subject to those matters which Council has not delegated, all hearings under the Resource Management Act 1991 will be heard by hearings commissioners who are recorded on a list of hearings commissioners appointed by Council and given delegation to hear and decide matters under the Act.
- Elected members who obtain accreditation as hearings commissioners will be included on a list of hearings commissioners appointed by Council and given delegations to hear and decide matters under the Resource Management Act 1991. Staff can select hearings commissioners from this list.
- All licence applications under the Sale of Liquor Act 1989 will be heard by the District Licensing Agency.
- All licence applications under the Sale and Purchase of Alcohol Act 2012 will be heard by the District Licensing Committee.

Power to act:

- To hear and make determinations in accordance with the matters listed in the terms of reference of this sub-committee.

Power to recommend:

- The sub-committee may make recommendations to the Strategy and Policy Committee.

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1 Apologies

2 Confirmation of Agenda

The Committee to confirm the agenda.

3 Declaration of Interest

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.

Committee: Hearings Subcommittee

Date: 18 March 2015

Report Name: Hearings Subcommittee Open
Minutes 8 December 2014

Author: Brendan Stringer

Status	<i>Open</i>
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Recommendation

That the Subcommittee adopt as a true and correct record the Open Minutes of the Hearings Subcommittee of 8 December 2014.

The above Minutes will be circulated to the Members under separate cover.

1. Attachments

2. There are no attachments for this report.

Committee: Hearings Subcommittee **Date:** 18 March 2015

Report Name: Objection by Char Thompson to the Classification of Hine as Menacing **Author:** Susan Stanford

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Dog Control Act 1996</i>
Financial status	<i>There is no budget allocated</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

2. Section 33A of the Dog Control Act 1996 ("DCA") provides that Hamilton City Council ("HCC") can classify a dog as menacing if the dog is considered to pose a threat to a person or other animal due to the dog's behaviour.
3. On 2 October 2014 Char's Staffordshire Bull Terrier Cross dog "Hine" along with her dog "Kupe" was reported by a member of the public as roaming and behaving aggressively. Animal Education and Control (AE&C) Officers responded to the complaint; both dogs were free to leave their property and "Hine" was observed rushing a member of the public by Officer D24 (Warwick) who was first on the scene and who also noted "Hine" to be displaying territorial aggression. "Hine" had to be secured at the scene and managed back at the Animal Education and Control Centre using a catchpole due to the aggression displayed and as a result "Hine" was classified as menacing.
4. In accordance with their right granted by Section 33B of the DCA the dog owner has objected to the classification of "Hine" as menacing.
5. Reference is an objection letter received from the dog owners.

6. Executive Summary

7. The dog "Hine" has been classified as menacing due to aggressive behaviours displayed when she was free to leave the property of 13 Lloyd Drive on 2 October 2014.
8. A member of the public filed a complaint about "Hine" and "Kupe"; noting they were roaming and displaying aggressive behaviours (CAR 107601/2014).
9. AE&C Officers responded to the complaint, those first on the scene also observed "Hine" showing aggressive behaviour; territorial and fear aggression.
10. "Kupe" was easily secured using a leash.
11. "Hine" had to be secured using a catchpole due to the aggression displayed.
12. "Hine" and "Kupe" were impounded and later collected by their owner.
13. "Hine" continued to show aggression at the Animal Education and Control (AE&C) Centre.

14. Recommendations from Management

15. That the Report be received.
16. That the classification of “Hine” as menacing is upheld.

17. Attachments

18. Attachment 1 - Hine (AN225068) - CAR107601 and supporting info 2014-10-2
19. Attachment 2 - Hine (AN225068) - classification documentation
20. Attachment 3 - Hine (AN225068) - officer statements
21. Attachment 4 - Classification submission thompson
22. Attachment 5 - AlanaPringle - Thompson support
23. Attachment 6 - AlannaGracie - Thompson support
24. Attachment 7 - EPepperell support
25. Attachment 8 - Waiomio support
26. Attachment 9 - CharacterReferences
27. Attachment 10 - Emails - Char Thompson

28. Key Issues

29. Background

- The Dog Control Act 1996 gives Hamilton City Council the power to classify any dog as menacing where an Animal Education and Control Officer has reasonable grounds to believe that a dog may pose a threat to any person, stock, poultry, domestic animal or protected wildlife.
- “Hine”, has been classified as menacing due to the behaviours she displayed on 2 October 2014 when she was free to leave the property at 13 Lloyd Drive, Nawton. “Hine” was reported as roaming by a member of the public who also noted that a neighbour on the street had yelled out to her that one of the dogs had tried to have a go at him (see CAR 107601/2014).
- AE&C Officer D24 (Warwick) was first to arrive on the scene. He saw both dogs were on the front part of the section and free to leave the property (see photo 2014/10/02 09.58am). Officer D24 also observed “Hine” rushing at members of the public on the footpath and displaying territorial aggression; hackles raised, tense posture and raised tail.
- Officer D24 secured “Kupe” in his vehicle without the use of a catchpole.
- Officer D34 (Rodney), was the second officer to arrive and also observed “Hine” displaying signs of aggression; barking, showing hackles and raised tail.
- “Hine” re-entered the rear of the property by going under the house and Officers D24 and D31 (Craig) entered the rear of the section to catch her. “Hine” was secured using a catchpole due to the aggressive behaviours that had been observed.
- Officer D24 also notes “Hine” as showing territorial and fear aggression while he was trying to secure her; hackles up, growling with teeth bared.
- Statements from all officers who attended are included in this report.
- “Hine” continued to display aggressive behaviour at AE&C Centre.

- Due to the reported behaviour outlined above, AE&C believe “Hine” poses an ongoing threat to any person or other animal so has been classified as menacing.

30. Legislative requirements or legal issues

31. Dog Control Act 1996 – Classification of a Dog as Menacing

- Section 33A of the DCA provides for classification of a dog as menacing. It gives authority to classify a dog as menacing that:
 “a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog.”
- When a territorial authority classifies a dog as menacing under section 33A of the DCA the authority must give written notice (in the prescribed form) to the owner of the dog advising:
 - that their dog is being classified;
 - of the effects of the classification; and
 - of their right to object to the classification.
- The effect of classification of a dog as menacing is that the dog must be:
 - de-sexed;
 - micro-chipped; and
 - confined within a vehicle or wear a muzzle at all times when in a public place.

32. Objection to Classification as of a dog Menacing

- In accordance with section 33B of the DCA any dog owner whose dog has been classified as menacing may object to the classification by lodging a written objection to the classification within 14 days of receiving notice of the classification.
- The dog owner is entitled to be heard in support of their objection.
- The email of objection to the classification of “Hine” as menacing was received on 3 November 2014. This email was received within the 14 day time-frame (attachment 10).
- This email was acknowledged and an email was sent to Char Thompson advising of the objection process on 3 November 2014 (attachment 10).

33. Hearing an Objection to Classification of a dog as Menacing

- When considering the objection Hamilton City Council needs to have regard to the following:
 - The evidence which formed the basis for the classification; and
 - Any steps taken by the owner to prevent any threat to the safety of persons or animals; and
 - The matters relied on in support of the objection; and
 - Any other relevant matters.
- Upon making the decision about the objection Hamilton City Council can:
 - Uphold the classification of the dog as menacing; or

- Immediately withdraw the classification of the dog as menacing.

34. Service of the Notice of Classification of a dog as Menacing

- Service of the Notice of Classification of a dog as Menacing was undertaken by Courierpost on 9 October 2014.

35. Classification of “Hine” as Menacing

- “Hine” was classified as menacing as a result of a complaint received on 2 October where “Hine” was roaming and showed aggressive behaviour towards a member of the public and the AE&C Officers who responded to the complaint
- The behaviour displayed by “Hine” during the incident included physical signs of behavioural and fear aggression; growling, tense body, hackles raised, barking and tail erect.

36. Dog Owner History

- There has been no previous history in relation to “Hine”.

37. Matters Relied on in Support of the Objection to the Notice of Classification of a dog as Menacing

- Char Thompson has objected to the classification of “Hine” as menacing on the following grounds:
 - Her personal Knowledge of “Hine”, who has not demonstrated aggressive behaviour in her presence and has been well socialised (attachment 4)
 - Letters of support attesting to “Hine’s” demeanour and Char’s character and dog ownership (attachments 5, 6, 7, 8 and 9)
- None of the items detailed above mitigate the fact that “Hine” was roaming and displayed aggressive behaviour towards both a member of the public and AE&C staff.

38. Risk

39. The DCA gives Hamilton City Council the power to classify any dog as menacing where the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour. Failure to classify a dog that may pose a threat could expose Hamilton City Council to risk.

Signatory

Authoriser	Kelvin Powell, City Safe Unit Manager
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Customer Action Request Animal Complaint



co_dm061 CAR No. 107601/2014 02/10/14 2:39PM

COMPLAINANT
 Received 02/10/14 9:44AM Officer D24
 Name [REDACTED] Home 1 [REDACTED] Home 2 [REDACTED]
 Address [REDACTED] Work [REDACTED] Mobile [REDACTED]

PROPERTY
 Address Crawshaw Drive Nawton RD: CRAWSHAW

FILE

ANIMAL DETAILS

Animal Number	225068	Animal Name	Hine	Tattoo	982000356646792
Animal Location	[REDACTED]	Colour	TAN	Sex	F
Owner Address	[REDACTED]	Owner Name	Char Thompson	NAR No.	1072126
Animal Number	225071	Animal Name	Kupe	Tattoo	900032001907820
Animal Location	13 Lloyd Drive Nawton 3200	Colour	WHI/BRO	Sex	M
Owner Address	13 Lloyd Drive Nawton Hamilton 3200	Owner Name	Char Thompson	NAR No.	1072126

REQUEST DETAILS

Offence Date/Time	02/10/14 9:44AM	White, male Pitty type brown ear & Tan Female Pitty type - both escape d from #13 Lloyd Drive. They have just run down Lloyd Drive onto Cr awshaw. The neighbour has just yelled out to comp that one of the dog s tried to have a go at him. These dogs are aggressive.
Major Category	Dog Control	
Minor Category	Dog Offences	
Category 3	Roaming	
Category 4	Free to Leave	

INVESTIGATION DETAILS

Task	Investigation	Outcome	Animals - Seized	Substantiated / Not Substantiated
Officer	D24	Finish	02/10/14	Seized both dogs and impounded. Hine-KR#40290/K28 Kupe-KR#40292/K29 "HINE" being classified upon observed behaviour. ** Photo's taken for "HINE". Please see auctal CAR for futher details. NFA
Start	02/10/14			

ENFORCEMENT DETAILS

Task		Outcome	2m ATO 03-10-14
Officer		Finish	
Start			

PREVIOUS HISTORY

CAR No.	102052/2014	Task	2INV
Animal	225068	Outcome	IMP
Maj Cat.	Dog Control	Officer	D31
Min Cat.	Dog Offences	Opened	10/5/14
Cat 3.	Roaming	Closed	10/5/14
Cat 4.	Free to Leave		

Customer Action Request Animal Complaint



co_dm061 CAR No. 107601/2014 02/10/14 9:56AM

COMPLAINANT
 Received 02/10/14 9:44AM Officer D24
 Name [redacted] (Advised → via phone)
 Address [redacted] → HPN
 Home 1 Work [redacted] Home 2 Mobile [redacted]

PROPERTY
 Address Crawshaw Drive Newton RD: CRAWSHAW AN 225068 AN 225071

ANIMAL DETAILS
 Animal Number [redacted] Animal Name Dog 1: HENIE Dog 2: KUPPE
 Animal Location [redacted] Colour [redacted] Colour [redacted]
 Owner Address [redacted] Owner Name [redacted] Owner Name [redacted]

→ refer attached Animal records! (Tag 5762/3/6/15) (Tag 6299/3/6/15)

REQUEST DETAILS
 Offence Date/Time 02/10/14 9:44AM White, male Pitny type brown ear & Tan Female Pitny type - both escaped from #13 Lloyd Drive. They have just run down Lloyd Drive onto Crawshaw. The neighbour has just yelled out to comp that one of the dogs tried to have a go at him. These dogs are aggressive.
 Major Category Dog Control
 Minor Category Dog Offences
 Category 3 Roaming
 Category 4 Public Place / Free-to-leave

INVESTIGATION DETAILS
 Task Investigation
 Officer D24
 Start 02/10/14 (9:55AM) Finish (12:15)
 Outcome - Seized both dogs & impounded. → "HENIE" being classified upon observed behaviour.
 Substantiated/ Not Substantiated
 Action opened at lodgement - notification given

ENFORCEMENT DETAILS
 Task [redacted]
 Officer [redacted] Outcome [redacted]
 Start [redacted] Finish [redacted]

→ Note classification photos taken for "HENIE".

PREVIOUS HISTORY

Arrived on scene, (outside 13 Lloyd Drive). Sighted to sought dogs free-ranging on the front section of this property. Photo taken (refer attached). Note colleagues also arrived on scene (D34/D31/D35), plus new Unit Manager (Kelvin). Caught the younger male dog + placed in the AECU vehicle. Note that this dog displayed no aggression! Then we caught the female older dog, using the catching poles, as this dog displayed 'territorial + fear aggression'. Also note that it appears the two dogs have gotten out of the fenced rear section, by coming out under the dwelling house. Photos taken (refer attached). Seizure notice completed + left stuck to entry door. Photo taken (refer attached). Upon return to the AECU, scanned both dogs to confirm their identities. Classification photos taken for "Henie" (+ down loaded to the AECU database). NFA required.



-> All photos taken at 13 Lloyd Drive!

NOTICE OF SEIZURE AND REMOVAL OF DOG

To: Dog Owner(s) / Person(s) in charge Offence Date: 2/10/14
 Of: 13 Lloyd Drive, Hamilton CAR No. _____
 Dog/s: 1x White + Brown / male / Pitbull X
1x Tan / Female / Pitbull X

This is to notify you that the above dog/s have been seized and removed from this address under Section 52A(4) of The Dog Control Act 1996.

<input type="checkbox"/>	Section 28(7)	Disqualification of Dog owner
<input type="checkbox"/>	Section 42(2)	Failing to register dog
<input type="checkbox"/>	Section 52	Failing to control dog (2A) (3A)
<input checked="" type="checkbox"/>	Section 52A(4)	Failing to confine or control dog on owner's property
<input type="checkbox"/>	Section 56(2)	Removal of barking dog causing distress
<input type="checkbox"/>	Section 57(5)	Dog attacking persons or animals
<input checked="" type="checkbox"/>	Section 57A(3)	Dog rushing at persons, animals or vehicles
<input type="checkbox"/>	Section 72 A	Dog released from custody

The details of the offences are listed on the reverse of this notice.

You may apply for the return of the dog and should contact the Animal Education and Control Centre, 217 Ellis Street, Hamilton on (07) 8386632 or visit between 12.30 and 4.30pm within 7 days of the date of this notice.

You may be required to pay any fees incurred with the seizure, custody, sustenance and transport of the dog.

Note: The dog may be sold, destroyed or otherwise disposed of unless the dog is claimed and all fees owing are paid within seven (7) days from the date of this notice. Disposal of the dog may not exempt the owner from fees owing or from possible prosecution.

[Signature]
 Signature of Dog Control Officer

2/10/14 (10-10 Am)
 Date/Time of Service

Animal Education & Control

AC/F17
 Version 3
 25.09.2011







"HINE"

e-an005 - Animals Enquiry - Hamilton 'live' - 7664 - 6.7

Document Edit Payments Other Modules Animals Name and Address Help

OK Cancel Cut Copy Paste Find Excel Help Mapping Memos Attachments

1 of 1

Document

Menacing Animal

1 Memo Recorded

Owner Details

Name Char Thompson & Corey Andersen

Address 13 Lloyd Drive
Newton
Hamilton 3200

Animal Type 1 Dogs Number 225068

MicroChip Brand MICROCHIP Id 982000356646792

Alpha Key THOMPSON C

Assessment 30742 Parcel 4287412

Owner 1072126

House Number 13

Street Name Lloyd

Suburb Name Newton 3200

Mobile Phone [REDACTED]

Home Phone [REDACTED]

Business Phone [REDACTED]

e-Mail Address [REDACTED]

Animal Details

Kept at Address 13 Lloyd Drive Newton Hamilton 3200

OutsideTag Ref Dangerous Menacing Agency

Animal Name Hine Neutered Y Gender Female

Breed ASTA Terrier American Staffordshire Cross CRXX Cross

Main Colour TAN Tan Second

Birth 01/03/2013 Age 1 Years 8 Months Death Depart

Features blk nose, blk ring around eyes, blk nails Permit Number

Registration Details

Tag Number 5762 Tag Set 2014/15 By Law Code Search Code Type Code Value

eTran Recpt Date 08/06/2014 Reg Till 30/06/2015

Name and Address History

Lme002 - Memos - Hamilton "live" - 24960 - 6:7

Document Edit Help

OK Cancel Cut Copy Paste Add Update Delete Find Excel Help

Navigation icons: Home, Previous, Next, Stop, Refresh, New Document

Document

Memo

Module DD Application & Registers

Account 100.2014.00040290.00

Kennel Register

Seized this dog (S52A & S57A) from 13
Lloyd Drive Nawton 3200

Type 1 Kennel Register General Remarks

Number 1

Date 02/10/2014

Start Date 02/10/2014 End Date

Text

Upon collection of this dog, please discuss suitable confinement / containment with the D/O's. It appears the dogs are getting out from underneath the dwelling house.

Created Modified Operator

QVR

ANIMAL EDUCATION & CONTROL

AN225068

To: Sue Stanford (Animal Education and Control Manager)

From: Warwick

Subject:	Menacing Classification on breed or type — American Pitbull Terrier / Dogo Argentino / Japanese Tosa / Brazilian Fila (circle one)	Menacing Classification on Observed Behaviour	<input checked="" type="checkbox"/>
Date:	2/10/14	File:	CAR: 107601/2014

CAR DETAILS: Brief breakdown of how dog come to our attention.
 CAR 107601/2014.
 This dog reported to the AECU by mca roaming the public streets & displaying aggression. note this dog displayed territorial & fear aggression to DCO's in attendance.

DOG OWNERS DETAILS: How was DCO received by dog owner? Is the D/O aware that their dog is being classified?
 D/O's not home at time of this dog's seizure.
 D/O's not yet aware this dog being classified (upon observed behaviour).

DOG DETAILS: Is this dog to be classified on Behaviour as well as breed. Describe behaviour and any identifying marks.
 This dog being classified (upon observed behaviour).

MENACING CLASSIFICATION NOTES: Score: 166
 N/A

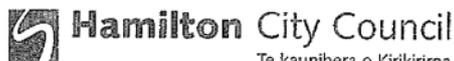
DETAILS OF DCO's Involved with Classification:
 D24 (Warwick) plus D34 (Rodney)
 D31 (Craig)
 D35 (Gredeme)

Approved for classification: *Susan Stanford* Date: 3/10/14

Is the identification Checklist attached Yes or (No) Have photos been saved (Yes) or No

8 October 2014

Char Thompson & Corey Andersen
13 Lloyd Drive
Nawton
Hamilton 3200



Te Kaunihera o Kirikiriroa

Private Bag 3010
Hamilton 3240
New Zealand

Phone 07 838 6699
Fax 07 838 6599

info@hcc.govt.nz
www.hamilton.co.nz

Dear Char & Corey

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

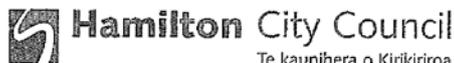
Susan Stanford
Animal Education and Control Manager

Animal Education and Control Centre
217 Ellis Street, Hamilton
Phone 07838 6632
Fax 07 838 6915

AC-F64a V 8 16.3.11

Notice of Classification of Dog as Menacing Dog

Section 33A, Dog Control Act 1996



Te kaunihera o Kirikiriroa

Private Bag 3010
Hamilton 3240
New Zealand

Phone 07 838 6699
Fax: 07 838 6599

info@hcc.govt.nz
www.hamilton.co.nz

To: * Char Thompson & Corey Andersen
(name of owner)

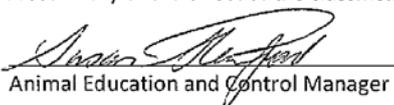
Address: 13 Lloyd Drive
Nawton
Hamilton 3200

Female Staffordshire Bull Terrier Cross, tan in color,
named Hine

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 2 October 2014, in Hamilton

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


Animal Education and Control Manager

9/10/14
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
 - (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).

V2
16.3.2011
AC-F54

Animal Education and Control

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.

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)
--------------------------------	----	-----------

13 LLOYD DRIVE, NAWTON, HAMILTON 3200

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

_____ Day of _____ 19_____

At _____

(Show full address of service)

Dog Control Officer _____ / /



Registered Letter

JS .

Date Posted: 09-10-14 .



Your item

SA544595426NZ

Report generated Oct 15 2014 12.35 pm

Your item was delivered by our courier based at Hamilton and signed for by "C THOMPSON ". Thank you for using CourierPost	at 11:39 am	Saturday	11 October 2014
We tried to deliver your item but were unable to.	at 2:30 pm	Friday	10 October 2014
We tried to deliver your item but were unable to.	at 1:18 pm	Friday	10 October 2014
Your item was processed for delivery.	at 10:10 am	Friday	10 October 2014
We were waiting on your courier coming back to our depot so that they could take your item out for delivery.	at 6:51 am	Friday	10 October 2014

Signed for by :

C THOMPSON

For further details of our privacy policy and conditions please visit our website terms of use at <http://www.expresscouriers.co.nz/terms-and-conditions/>

Page 1 of 1



Susan Stanford

From: [REDACTED]
Sent: Wednesday, 12 November 2014 09:52
To: Susan Stanford
Cc: Peter Crocker
Subject: Classification of "HINE" (upon observed behaviour) / Animal number 225068.

To whom it may concern.

As at 2/10/14, the AECU admin staff received a complaint of two dogs roaming in Lloyd Drive, displaying aggression to MOP's. The complaint was then dispatched to myself.

Upon arrival outside 13 Lloyd Drive, I observed two dogs from this address on the front lawn area free-to-roam. Photo taken.

I then observed "HINE" (tan / female / Am Staff cross) rushing at MOP's in an aggressive & intimidating manner. She was displaying territorial aggression, by rushing out onto the public footpath. Her hackles were up & she was all tensed up with an erect tail.

At this point in time, DCO's D31 / D34 / D35 arrived to assist. Note [REDACTED] (Unit Manager) also was in attendance.

I then caught the younger male dog "KUPE" & secured him in the AECU vehicle. This dog was friendly when handling.

By then my colleagues attempted to catch "HINE" in the front driveway area, but were unsuccessful, as she just ran rapidly past them.

Then "HINE" managed to wriggle under the dwelling house & got into the rear section of 13 Lloyd Drive. She was then caught using the catching pole by myself, with the assistance of D31 (Craig). "HINE" displayed territory & fear aggression while trying to catch her. She had her hackles up, was growling, with her teeth bared. Throughout the process of handling "HINE", she had to be 'poled' for DCO safety. Photo taken.

Regards, [REDACTED] (D24).

Classification on behaviour of the dog Hine from 13 Lloyd Drive, Hamilton.

On the 2/10/14 at about 9.55am I attended the property to assist D24 as there were two roaming dogs reported in the street.

When I arrived (I also had Kelvin Powell with me as he had come out on the road with us) I sighted two dogs roaming and D24 was in the process of catching the younger male dog which came to hand.

The second dog which was Hine wouldn't come to hand but started to act defensive towards all of us present; she showed signs of aggression towards us at first she started to bark and was in a heightened awareness showing hackles, raised tail. D31 and myself approached her with our catching poles to try and secure the dog but as we got closer the dog ran back onto its property on the driveway area. The whole time it was trying to run away and to avoid us. The dog was showing more fear/flight at this point. We couldn't get near enough to catch. At this point the dog went through a hole that had been made under the side of the house by the front entry door and came out on the other side of the house and into the rear yard.

D31 & D24 jumped over the fence and caught the dog on the pole from the rear deck as it had gone up on this.

The dog was then put in the work vehicle and we left the property.

[REDACTED]

Susan Stanford

Subject: FW: Classification of Hine

From: [REDACTED]
Sent: Thursday, 13 November 2014 9:08 AM
To: Susan Stanford
Subject: RE: Classification of Hine

Hi sue,

As I recall nothing out of the ordinary.
Showing no more aggression than other dogs that are about to be put on the pole.
Once caught it was placed in the ute and bought back.

[REDACTED]

Susan Stanford

Subject: FW: Classification of Hine

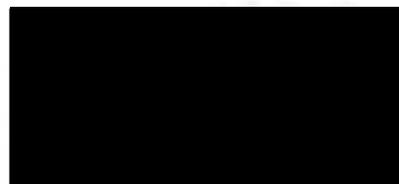
From: [REDACTED]
Sent: Thursday, 13 November 2014 8:52 AM
To: Susan Stanford; Warwick Gibbs; Rodney Wilkinson; Grahame Abbott
Subject: RE: Classification of Hine

Sue,

I don't recall a great deal, dog was at large and chased back on the property and subsequently seized.

Craig

Charlotte Thompson
13 Lloyd Drive
Nawton
Hamilton
3200
New Zealand



Hamilton Council Hearing Committee
RE: Objection to Classification

I am the co-owner of Hine, alongside my husband Corey. We have owned Hine since she was a young pup at 8months old.

We came across her ad on TradeMe, her previous owner looking to rehome her. She was living in Cambridge as a gift for a lady's son and because the son grew tired of her, she needed to find a new home - that's where we came in.

We made the trip to Cambridge with our boy Kupe to meet her and see if she would get along with him. When we got to the property she was on a chain connected to a run. As soon as she saw our car pull up she started barking. She has always been a very vocal dog!

We introduced ourselves, and then introduced our boy Kupe. She greeted us happily from the moment we met her so we decided to bring her home.

When we brought Hine home we noticed the front area of her neck was widely raw from being chained 24/7 and she had a lot of energy. Together with our boy Kupe, we managed to get her back to a good healthy condition, and began to socialise her by taking her out on public walks, and eventually taking her to a regular pack walk to interact with other people and a variety of other dog breeds.

In the whole time we have had Hine under our ownership, she has not once shown aggression towards another living being. Hine is desexed, regularly vaccinated and flead, microchipped and registered on both the national animal registry, and the local council registry. She is a house-broken dog who loves to have cuddles with my husband and my 3 year old daughter. Hine has the utmost love and feeling of duty towards my 3 year old daughter and is always watching over her when she plays outside. Hine likes to run on wide plains and has developed the courage to swim in the water after enjoying playtime in the water with other dogs that she met down at the river. Hine is great with people and has had many strangers approach her to interact and give her a pat, including children, not one of them feeling threatened by her. Hine is also learning to be a good mentor to other high-energy dogs, being one herself. She knows how to correct dog behavior and help get other dogs in to a calm submissive state. Hine has met a lot of great people and wonderful dogs through socialising on pack walks both on and off lead, and also just during general lead walks in public places. Hine even likes to show affection to my cat, although my cat doesn't feel the same about her. Hine has always been welcoming to our home visitors and likes to rub against them for pats and lick their faces. Hine likes to communicate by being vocal and on the odd occasion people may misconstrue this as a sign of aggression but it is just her way of communicating as she is very vocal.

As you can appreciate, we love our girl very much and we believe that we are providing a stable, secure, quality environment for her to learn, grow, thrive and live happily.

Moving to the time that Hine was impounded and classed as menacing, the day being Thursday the 2nd of October 2014.

First and foremost, I acknowledge that Hine and Kupe were roaming within the vicinity of our property and were not contained as is a requirement for all dog owners. I completely accept this fault and apologise for the fact that they were able to put themselves in a position where they were freely roaming in a public place.

As a responsible dog owner, we had originally put measures into place that we felt were sufficient to contain our dogs while we were at work during the day. We have high fencing and two gates that were latched and padlocked at the time of the incident. Unfortunately, our dogs still managed to dig a hole under my deck, then gaining access to the area under my house. Because there was a small gap in the exterior boarding of the area under the house, they managed to squeeze under this to the freedom that was waiting for them. My husband and I rectified all notable areas as soon as they were identified. We also notified our landlords and are still waiting for a permanent fix to be made to all notable areas that would prevent any further digging.

I would like to thank the Animal Control staff who managed to safely detain my dogs without the need of further more permanent actions. I appreciate that the work that they do can be very demanding in some cases and that they can be met with some hostile situations and unpleasant people.

Based on the report I received, I would like to highlight a few items contained within, and some not:

Under the *Request Details* of the Animal Complaint, there is mention that the dogs ran down Lloyd Drive onto Crawshaw Ave. I have two witness accounts from neighbours who both confirm that the dogs remained within a 100 meter radius of our property the whole time. Verified by Trish at 16 Lloyd Drive and Justin at 15 Lloyd Drive

Under the *Request Details* of the Animal Complaint, I have further verified with my neighbour Justin residing at 15 Lloyd Drive (mentioned in the report) that my dog Hine did not try to "have a go at him" but did in fact communicate with him by barking when he tried to call her over. I further confirmed that he "would not class her as aggressive" and that when he "tried to call her, she barked". We also discussed that the day prior was the day that a dog owner was attacked on Avalon Drive by their own dog which was a bull breed.

Under the *Animal Enquiry* information lodged for both Hine and Kupe, the notes question the validity of the ages of both of my dogs. I would like to remind the council and staff that my husband and I have had both of these dogs under our care since they were puppies and we know how old they are. Kupe is not younger than what is stated, and Hine is not older than what is stated. We went through our history in obtaining the dogs to confirm that we had provided the correct information and this is still the case.

Under the Notes written describing the events that took place on the day, I would like to address the process that was followed at the time and the information supplied on the report. If this information could be clarified during this hearing I would greatly appreciate it.

- Was there any reason why 3 different units needed to respond and turn up to the complaint about my dogs roaming? If so, what was that reason, and why were there 5+ control staff attending to the call out?
- Not included in the report I received, is that at least 5 control staff were unable to detain Hine when they first arrived because she ran back under the house. Instead of

trying to make contact with me and allow me a chance to cooperate and be aware of what was happening, the control officers decided to lift my heavy duty gate off its hinges, damaging the hinge placement in the process. In total there was almost 30mins spent at my property trying to detain the dogs. Was there any reason why the last resort was removing our newly installed gate from its hinges and compromising the workmanship of our landlords?

- This was the first offence for the year of either of my dogs and we did not receive a warning or any further information other than the letter stuck on our front door saying our dogs were immediately impounded. Is there any reason why this particular action was the only action taken?
- I had all of my contact information and my husbands cellphone number listed in our registration details for both of the dogs. They are both microchipped and at the time of the impoundment they were both microchipped, yet not one officer tried to contact myself or my husband through any voice channel – there were no missed calls and no voicemails for any of our contacts that we registered with at all on the day. Why was there no attempt to contact us and let us know our dogs were roaming at the time of the incident? Is that not one of the reasons why we have to provide so many details when registering our dogs?

I would like to reference a recent case of the same nature where a Siberian Husky named Storm was classified as menacing. Storm has been classified as such because Storm roamed onto a paddock owned/operated by an Early Childhood Education Centre, and storm attacked the centres pet sheep, drawing blood. It took centre staff 30 minutes to get Storm off the sheep and into a vehicle. This whole attacked occurred in front of Centre Staff and the children.

Hine has been grouped into the same category as this husky, even though Hine is still yet to attack any living being.

Based on the report, the reason why Hine has been grouped into the same category is purely because she “showed signs of territorial and fear related aggression” – this is the same dog that witnessed her brother being taken away, witnessed a group of complete strangers break onto the property she knows as home by removing a very solid and contained gate, and in such a stressful situation then had to deal with multiple agents taking a front-on approach using catch poles to detain her. I have never known a control officer that has done as such in the past, without attempted contact of the owners, and without possibly breaching some private property restrictions? I don't know, I'm just a general member of the public trying to fight for my dog.

I completely accept full responsibility that at the time of the incident the property was not able to contain the dogs, but the steps taken to address this issue I believe could have been different and could have resulted in a more desirable outcome. I do not place blame on any staff that attended the roaming complaint on that day, but I would do express concern in the steps taken that day.

Hine is still currently undergoing obedience and behavioural training with my husband and I as her owners, in consultation and regular contact with a dog trainer and a behaviouralist. Again, both whom agree that Hine is not an aggressive dog and do not agree with the classification as menacing placed upon her.

I have consulted with all of my surrounding neighbour's, being the follow residential numbers at Lloyd Drive in Nawton (all re-confirmed 31/01/2015):
11, 11A, 15, 12, 14, 16

I have confirmed that the neighbours in all dwellings have no issues with our dogs on the property (including Hine) provided we have taken all of the appropriate measures to contain

them within the property. We have already taken steps to ensure that this is the case, and we will continue to keep it this way in all instances.

I would like to request that this classification be dismissed as I feel it is unjust having to classify my girl as something that she is not based on one incident that could've been handled in a different way. I have multiple references of people that I have been privileged to meet through Hine herself, socialising with other dogs and other dog owners. I have provided support letters from others whom I would not have met without socialising her, and I have many other contacts I have gained through both of my dogs who are happy to be character references and provide behavioural observations/assessments.

I thank the Animal Control team for safely detaining my dogs until the next day when I was able to retrieve them, the Manager for allowing me the opportunity to object to the classification, and I thank you the Committee for considering my request. If you need further information, please do not hesitate to contact me.

Regards,

Charlotte Thompson

To whom it may concern,

I am writing this letter in support of the dog named Hine, and her owner Char Thompson.

I have known Hine for over a year now and her owner for almost 5 years.

I have been a dog owner for nearly 13yrs, and my family has had dogs as far as I can remember for all of my life. I have also been around variety of breeds of dogs thru friends and families for many years.

I have done the Animal Care Course thru CPIT (which includes two levels of training in Animal Behaviour that was taught by a certified behaviouralist) and also recently volunteered with the dogs at the SPCA for over a year, where I worked with a number of dogs with differing personalities and behavioural issues.

In the time I have known Hine she has never shown any signs of aggression or dominance, is always friendly and of a calm demeanor. She has socialised with me and my parents dogs on a variety of occasions at dog parks, the river both one on one and with other dogs and their owners and she has only ever shown an interest in getting to know the other dogs, playing and having fun. I have also had the privilege of seeing her at other animal events such as the weekly pack walks hosted by Hamish Young (aka the Dog Dude, from Cambridge) where there are dogs of all breeds, shapes and sizes and people of all ages, sizes and races.

In all of these situations Hine has never shown any sign of aggression or dominance, she is friendly to all, both dog and human and just loves to socialise.

Her owner Char is known as an open, honest, friendly and down to earth person that loves her dogs and will do anything to keep them safe. I know that when she was looking for a new property for her family and the dogs she to move to, she made sure that the property was fully fenced to a good height that would keep the dogs secure while she and her partner were not home.

If there was any areas that allowed the dogs to escape the property she and her partner would work to resolve this immediately so that they continued to keep the dogs contained and safe.

I am of the belief that any dog that watches its playmate and family member be put into a strangers vehicle (in this case the council truck) and then once on her own property watches these same people break into her backyard and then bail her up with catch poles will react in a protective, scared and defensive manner. I do not agree that she is an aggressive dog and does not deserve to be classed as Menacing as this is not appropriate in this situation.

I hope that this letter is helpful in disproving the claim of menacing against Hine and that she will be able to continue to enjoy her doggy life free of any false titles.

Yours sincerely

Alana Pringle

Dog Owner

████████████████████

Alanna Gracie



To whom it may concern
RE: Hine

I met Hine at a planned dog walk in Hamilton 2014. I now continue to see Char and both her dogs at Hamilton Lake with The dog Dude. Char always has control of her dogs and they are very friendly towards both dogs and humans. I am currently a dog trainer and I do not see any aggressive tendencies in Hine. I also know that Char is a responsible dog owner and takes good care of her dogs.

If you have any questions please feel free to contact me.

Regards

Alanna Gracie

06/11/2014

Re: Objection of Hine's classification as menacing under the DCA 96 sect 33A – EC

To Whom It May Concern,

I first met Char when she had Kupe as a small puppy. This little puppy was the most well behaved thing I have ever seen. We then began to meet up regularly on dog walks. Char then adopted Hine. I have been on walks both on & off leash with Hine & she was great. The walks contain dogs of all shapes & sizes & humans too. I have never seen Hine show any signs of aggression at all to people or dogs which is why I find the classification really strange. I wouldn't ever hesitate to be around Hine.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'E Pepperell', written in a cursive style.

Emma Pepperell

06/11/2014

Hamilton Court

Presiding Judge

Your Honor,

I would like to supply the court with an observational report of "Hine" the dog in question today before the courts.

I had met Hine three times and the first time very shortly after she was picked up by Char and Corey. I went over for dinner patted her once or twice and went on my way home, happy to see Hine in a new loving home. I also met Hine when owners were at work, I greeted them both positively and after a second pushed my fingers through the gate and told both dogs I was about to enter their yard. Kupe greeted me like a happy sausage even though he hardly knew me and Hine soon after. Hine was a chain dog to my knowledge before finding refuge with Char and Corey and was quickly becoming aware of her new found freedom and loving it. I have never seen any signs of aggression from Hine in fact she is a lovely cuddly friendly girl who romps with toddlers and is not shy of meeting new people.

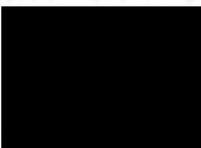
She regularly socialises with other dogs as both owners are in dog clubs and has never ever shown me or my child any signs of aggression. She is owned by responsible good hardworking people who only want the best for their dogs.

I do think any sudden movements loud voices and the notion of being held on a pole, definitely added to her stress the day she was seized, as any dog who needs the pole would seem. The dog was clearly fretting and reacting scared as such after the intrusion to the yard. It would be an injustice to place a menacing dog label on this dog for one small adventure that didn't go so well.

I believe Hine would pass any character test offered, and support this application wholeheartedly.

Yours sincerely

Ahi Ohiwa Waiomio



Character References and Behavioural Observations/Assessments other than those that supplied support letters



Susan Stanford

To: Charlotte Thompson
Subject: Request for formal hearing - Process
Attachments: Hearings committee info brochure.pdf

Hi Char
 We can start the process for a formal hearing (see attached and below).

Notice of Classification of Dog as Menacing

Thank you for your email received by Hamilton city Council on 3/11/2014.

I acknowledge that you have exercised your right to lodge a written objection to the notice of classification of Hine as menacing due to observed behaviour. If you have any further information to provide in support of your objection please supply this.

You are entitled to be heard in support of your objection, the enclosed brochure explains the hearing process.

The next step in this process is a report prepared by staff and submitted to the City secretary who will contact you to arrange a time and date that is suitable for all parties to allow for your objection to be heard.

If you have any further queries in relation to this, please do not hesitate to contact me.

Regards
 Sue

Susan Stanford
 Animal Education and Control Manager | City Safe

DDI: 07 838 6895 | Mob: 021 796 565 | Email susan.stanford@hcc.govt.nz

From: Charlotte Thompson [REDACTED]
Sent: Monday, 3 November 2014 7:56 PM
To: Susan Stanford
Subject: RE: Request for information from Animal Control Hamilton

Hi Susan,

Thank you for getting back to me with the information :) I was quite frustrated for a while because I had heard nothing for so long that the objection period had passed.

How can I further follow up on this summary and object the findings?
 I have witnesses stating that the full story isn't being described as attached and that some of the information included is completely false and/or did not happen.

I'm not trying to place judgement on any of the many officers that attended at my home on the day but would like to object to the classification on the basis that my female was unwillingly put into a frightening situation from the 3 units that pulled up outside my house and the 5+ men that were engaging my dogs... which evidently formed the basis of the classification.

I was waiting for the information that I had requested when I originally went into the office the same day that I received the original written notification so that I could write in with the facts, but because it has taken this long to receive the information I am now unsure on how I can proceed.

I have witnesses, other fellow members of the public, other dog owners and a behaviouralist that would contest that my female isn't menacing or aggressive in the way that is stated and also furthermore that she is still undergoing training so if you can direct me in any way on how this can be approached I would really appreciate it.

Regards,
Char Thompson

From: Susan.Stanford@hcc.govt.nz
To: [REDACTED]
Subject: RE: Request for information from Animal Control Hamilton
Date: Sun, 2 Nov 2014 22:20:33 +0000

Hi Char

I have attached the file regarding the seizure of your dogs and the menacing classification applied to Hine.

In brief, both dogs were able to leave the property and a complaint was received about their roaming and behaviour. It was noted the dogs seemed to be able to exit from under the house.

When AECU staff collected the dogs Hine showed aggressive behaviour which has led to her being classified as menacing.

You can change your dogs details on-line via the link below

<http://www.hamilton.govt.nz/our-services/animal-control/dogs/Pages/Dogs-Online.aspx>

If you have any further question feel free to contact me.

Regards

Susan Stanford
Animal Education and Control Manager | City Safe

DDI: 07 838 6895 | Mob: 021 796 565 | Email susan.stanford@hcc.govt.nz

From: charthompson [REDACTED]
Sent: Friday, 24 October 2014 5:48 PM
To: Susan Stanford
Subject: Request for information from Animal Control Hamilton

Hi Susan,

I am emailing you because I have been told that I need to get in contact with you in order to get information that I have requested.

My two dogs were impounded from my property at 13 Lloyd Drive in Nawton on Thursday the 2nd of October just after 10am while I was at work. I haven't been given any information that details facts about what happened on the day.

I went and got my dogs out the following day 3rd of October and shortly after received a notice from the council advising that my female was classed as menacing, further requesting the desexing certificate and that I comply with council rules as per the dog control act.

I took the desex certificate into the animal control Centre on Saturday the 11th of October and at this point I asked Paul (the man behind the counter) for a summary of facts specifically identifying the events that led up to my dogs being impounded and how it was established that my female was menacing. Paul said that the officer that took my dogs was on duty that day (the 11th) and said once he gets in, Paul would ask him to email me the facts.

I have still not heard from anyone from Animal control so I called the office today and a lady named Julie said that I actually need to email you to request information that is held on file for me and my dogs. Julie gave me this email address to write to, so here I am.

I would like to request a copy of the full story explaining all of the facts leading up to my dogs being taken.

All I know so far is that a lady called the pound because my dogs were loose (they got out under the house), the animal control officers took my heavy duty gate off its hinges to take the dogs when they got back under the house and on the property (and they have not provided compensation to my landlord for the pieces they broke) and they slapped a letter on my door to say the dogs are gone.

I have asked for detailed facts because I have been regularly training, attending pack walks and socialising my dogs since they were puppies, and the dog behaviouralist that I work with wants to know how it came to that my female was classed as menacing. I would also like to know this as well.

My dogs are Hine (female American Staffordshire Terrier) and Kupe (American Bulldog Cross). I also note that the animal control office have my dogs registered under the wrong breeds and would like to know how I get that updated please. If you need any further information from me please feel free to contact me

My details are on file as both of my dogs are registered and microchipped.

Thank you for your time.

Regards,
Char Thompson

Sent from Samsung Mobile

Committee: Hearings Subcommittee **Date:** 18 March 2015
Report Name: Objection by John Taylor to the Classification of Chika as Menacing **Author:** Susan Stanford

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Dog Control Act 1996</i>
Financial status	<i>There is no budget allocated</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

2. Section 33A of the Dog Control Act 1996 ("DCA") provides that Hamilton City Council ("HCC") can classify a dog as menacing if the dog is considered to pose a threat to a person or other animal due to the dog's behaviour.
3. Chika" has been classified as menacing by HCC's Animal Education and Control Unit as on 11 December 2014 John Taylor's dog "Chika" chased and killed a Chihuahua named "Lulu" belonging to Christina Campbell of 12 Valley Tce, Hamilton. Also on 12 December 2014 when Animal Control Officer visited the dog owners "Chika" did display aggression towards the officers even though being held on a leash by her owner.
4. In accordance with their right granted by Section 33B of the DCA the dog owner has objected to the classification of "Chika" as menacing.
5. The Subcommittee is asked to consider the classification of "Chika" as menacing based on the evidence attached and presented at the hearing.

6. Executive Summary

7. The dog "Chika" has been classified as menacing as a result of a complaint received on 11 December 2014 in which "Chika" chased and killed a Chihuahua named "Lulu" and due to the aggressive behaviour displayed toward animal control staff when they visited the dog owner to seize "Chika" the day after the attack.
8. The attack by "Chika" was swift and over in moments.
9. "Chika's" owner does not deny his dog killed "Lulu" but alleges the attack occurred after "Lulu" left the property of 12 Valley Terrace and barked at his dog.
10. Christina "Lulu's" owner does not believe "Lulu" left the section but does admit the gate was open at the time.
11. Whether "Lulu" left the property or not the attack occurred and resulted in the death of a dog, but due to the gate being open Animal Control made the decision to classify "Chika" as menacing and issue an infringement rather than seek destruction of the dog "Chika".

12. Recommendations from Management

13. That the Report be received
14. That the classification of “Chika” as menacing is upheld.

15. Attachments

16. Attachment 1 - CAR110596-2014 and statements
17. Attachment 2 - Scene photos
18. Attachment 3 - Vet report - Lulu
19. Attachment 4 - Photos of Chika
20. Attachment 5 - Photos supplied by C Campbell
21. Attachment 6 - Objection to classification - John Taylor
22. Attachment 7 - Objection to classification received - John Taylor
23. Attachment 8 - Menacing documentation - Chika

24. Key Issues**25. Background**

- The Dog Control Act 1996 gives Hamilton City Council the power to classify any dog as menacing where an Animal Education and Control Officer has reasonable grounds to believe that a dog may pose a threat to any person, stock, poultry, domestic animal or protected wildlife.
- “Chika”, has been classified as menacing due to the behaviours she displayed on 11 December 2014 when she chased and killed a Chihuahua named “Lulu” from 12 Valley Tce, Hamilton and due to the aggression displayed to Animal Control Officers on 12 December 2015 when they visited the dog owner and seized “Chika” pending the completion of the investigation (attachment 1).
- John and Sharon Taylor had put their dog “Chika” in the car, which was parked in the Graham Park driveway, when “Lulu” allegedly ran across the road barking. “Chika” has then jumped out of the car and chased “Lulu” back to her property where she has then attacked “Lulu”.
- John noted he ran after “Chika” but by the time he caught up with the dogs it was too late.
- The attack is reported to have occurred around the front porch area of 12 Valley Tce (attachment 2).
- The attack was over in moments but resulted in the death of “Lulu”. “Lulu” died instantly and her owners describe her as bleeding profusely and her intestines hanging out (attachment 3).
- John does not deny that his dog killed “Lulu” but blames “Lulu” for the attack as she left her property and barked at “Chika”.
- Christina Campbell, “Lulu’s” owner notes it is highly unlikely that “Lulu” left the property but does admit the gate was open at the time of the attack.
- Christina was in her kitchen when she heard a commotion and looked out her window to see a man and dog coming onto her property. Christina then ran outside to the front of her house to find “Lulu” dead and John taking “Chika” back to his car (attachment 5).
- A complaint was lodged with Animal Control on the evening of the attack and the investigation commenced the next morning.

- Dog Control Officers visited John Taylor and seized “Chika” pending the outcome of the investigation. While they were at the property “Chika” showed aggressive behaviour towards them despite being on a lead and under control of the dog owner (attachment 4).
- Whether “Lulu” left the property or not the attack occurred and resulted in the death of a dog, but due to the gate being open Animal Control made the decision to classify “Chika” as menacing and issue an infringement rather than seek destruction of the dog “Chika”.

26. Legislative requirements or legal issues

27. Dog Control Act 1996 – Classification of a Dog as Menacing

- Section 33A of the DCA provides for classification of a dog as menacing. It gives authority to classify a dog as menacing that:
 “a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog.”
- When a territorial authority classifies a dog as menacing under section 33A of the DCA the authority must give written notice (in the prescribed form) to the owner of the dog advising:
 - that their dog is being classified;
 - of the effects of the classification; and
 - of their right to object to the classification.
- The effect of classification of a dog as menacing is that the dog must be:
 - de-sexed;
 - micro-chipped; and
 - confined within a vehicle or wear a muzzle at all times when in a public place.

28. Objection to Classification as of a dog Menacing

- In accordance with section 33B of the DCA any dog owner whose dog has been classified as menacing may object to the classification by lodging a written objection to the classification within 14 days of receiving notice of the classification.
- The dog owner is entitled to be heard in support of their objection.
- The letter of objection to the classification of “Chika” as menacing was received on 22 January 2015. This letter was received within the 14 day time-frame (attachment 6).
- This letter was acknowledged and a letter was sent to John Taylor advising of the objection process on 2 February 2015 (attachment 7).

29. Hearing an Objection to Classification of a dog as Menacing

- When considering the objection Hamilton City Council needs to have regard to the following:
 - The evidence which formed the basis for the classification; and
 - Any steps taken by the owner to prevent any threat to the safety of persons or animals; and

- The matters relied on in support of the objection; and
- Any other relevant matters.
- Upon making the decision about the objection Hamilton City Council can:
 - Uphold the classification of the dog as menacing; or
 - Immediately withdraw the classification of the dog as menacing.

30. Service of the Notice of Classification of a dog as Menacing

- Service of the Notice of Classification of a dog as Menacing was undertaken by Courierpost on 13 January 2015.

31. Classification of “Chika” as Menacing

- “Chika” was classified as menacing as a result of a complaint received on 11 December 2014 where “Chika” had chased and killed a Chihuahua named “Lulu” and due to the aggression “Chika” displayed when seized by Animal Control Officers the day after the attack (attachment 8).

32. Dog Owner History

- There has been no previous history in relation to “Chika”.

33. Matters Relied on in Support of the Objection to the Notice of Classification of a dog as Menacing

- John Taylor has objected to the classification of “Chika” as menacing on the following grounds:
 - “Chika” comes from docile and tractable breeds
 - Has completed obedience training
 - Lives with cats and has never been aggressive to them
 - Walks quietly on lead and is not aggressive to other dogs
 - Has not come into season for two years
- None of the items detailed above mitigate the fact that “Chika” chased and fatally attacked a Chihuahua named “Lulu” on 11 December 2014 and showed aggressive behaviours toward Animal Control Officers the following day while under control of her owner.

34. Risk

35. The DCA gives Hamilton City Council the power to classify any dog as menacing where the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour. Failure to classify a dog that may pose a threat could expose Hamilton City Council to risk.

Signatory

Authoriser	Kelvin Powell, City Safe Unit Manager
------------	---------------------------------------

Customer Action Request Animal Complaint



co_dm061 CAR No. 110596/2014 14/12/14 9:26AM

COMPLAINANT
 Received 11/12/14 8:38PM Officer D34
 Name [REDACTED] Home 1 [REDACTED] Home 2 [REDACTED]
 Address [REDACTED] Work [REDACTED] Mobile [REDACTED]

PROPERTY
 Address 12 Valley Terrace Hamilton Central Lot 69 DP 17643

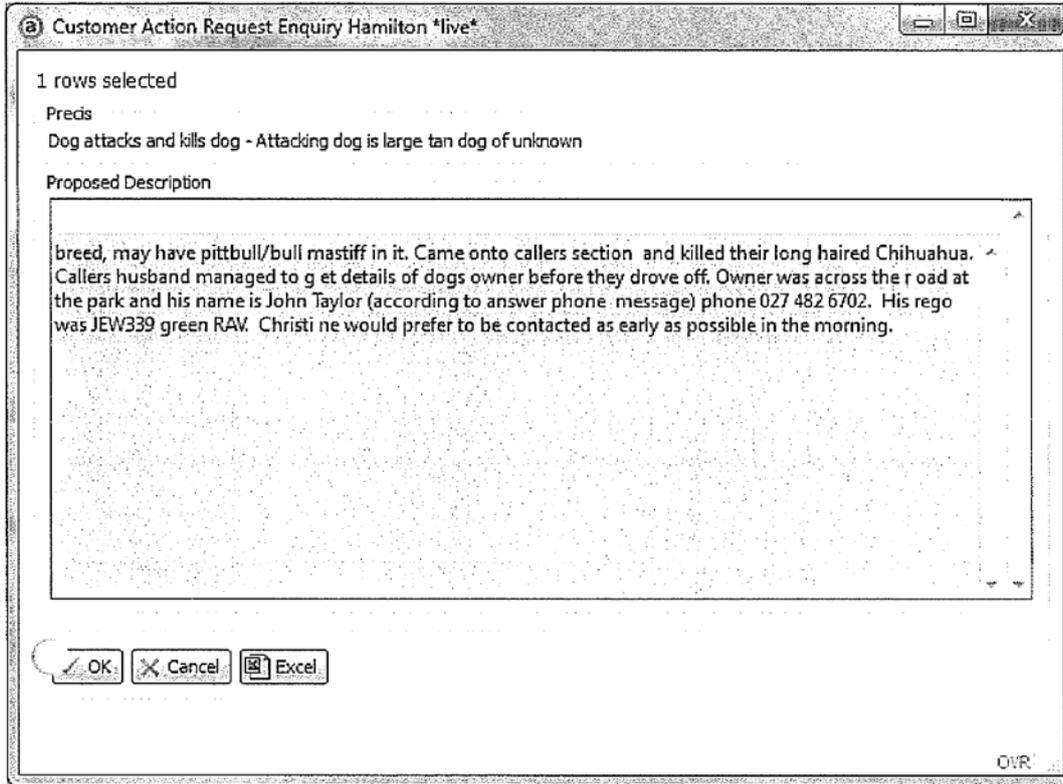
ANIMAL DETAILS
 Animal Number 201435 Animal Name Chika Tattoo 900088000163313
 Animal Location 85 Dinsdale Road Dinsdale 3204 Colour TAN/WHI Sex F
 Owner Address 85 Dinsdale Road Dinsdale Hamilton 3204 Owner Name Sharon Anne Taylor NAR No. 330005

REQUEST DETAILS
 Offence Date/Time 11/12/14 6:00PM Dog attacks and kills dog - Attacking dog is large tan dog of unknown breed, may have pitbull/bull mastiff in it. Came onto callers section and killed their long haired Chihuahua. Callers husband managed to get details of dogs owner before they drove off. Owner was across the road at the park and his name is John Taylor (according to answer phone)
 Major Category Dog Control
 Minor Category Dog Offences
 Category 3 Attack
 Category 4 Historic Attack Dog v Animal

INVESTIGATION DETAILS
 Task Investigation **Substantiated / Not-Substantiated**
 Officer D34 Action opened at lodgement - notification given
 Start 12/12/14 8:00am Outcome Seizure 557(5), classify on behaviour, Infringement 553 INF#10417
 Finish 14/12/14

ENFORCEMENT DETAILS
 Task [REDACTED] K32
 Officer [REDACTED] Outcome [REDACTED] KR#40661
 Start [REDACTED] Finish [REDACTED]

PREVIOUS HISTORY
 Task 2INV
 Outcome 1UNS See attached notes for details of the job.
 Officer H5
 Opened 30/6/97
 Closed 31/7/97



CAR110596/2014 Dog vs Dog Attack 12 Valley Terrace, Hamilton**12/12/14- 8.00am**

Received the job from admin.

Have put the phone number provided by the complainant into our data base and have found an animal record that matches the name of the D/O's given and also description of the dog given.

This is AN#201435- a Cattle/pointer cross tan/white named Chika owned by a John Hugh Taylor & Sharon Anne Taylor who live at 85 Dinsdale Rd, Hamilton.

8.52am

Rung complainant Christina and spoke to her with regards to what happened.

She said that the offending dog came onto her property and attacked her dog which was a Chihuahua which has resulted in her dog being deceased.

Christina has described the offending dog as a large-big dog maybe bull Mastiff but unsure on this. It was tan in colour short haired and was wearing a black studded collar.

The first thing she heard was someone yelling from outside as Christina was inside her house when she came out she then saw what was happening.

The offending dog owner was there and he grabbed hold of his dog and took it away.

Christina's brother obtained the dog owners name and contact phone number and also recorded the rego plate of the car. She has corrected the rego plate number given at first which was JEW339 to GEW339 as she read it wrong.

I have made a time to meet with her at 2pm later on in the day to go over with her what happened.

Christina also said that Colby from the SPCA came over and now has the deceased dog.

9.15am

I went to 85 Dinsdale Rd with D31. As we approached the property and were walking up the driveway sighted a man and I guessed it could be D/O- John. Also sighted a vehicle parked in the driveway with Rego plate GEW339 which matches plate given by complainant.

I identified myself and confirmed it was John I was speaking to. I then ask him if he knew about a dog attack incident which happened last night which he admitted straight away to say it was his dog that had attacked the other dog but this was due to the small dog coming across the road to his car. John said that they as his wife was also present had just been up to the hospital and had come to the park to exercise their dog. He had just put his dog into the car when he heard the small dog barking at this point his dog jumped out and the two dogs ran across the road back onto the other dogs property through the open entry gate this property was 12 Valley Tce.

John then said that he ran after his dog and managed to get hold of it but was to late the damage had already been done. He also said that he had provided the other party with his contact details.

John also said that he was feeling very stressed as to what had happened.

I advised him that we will be seizing the dog due to the seriousness of the attack until I have done my investigation and then I will be able to give them an out come.

John then went and got his dog out of the car. His wife was also present at this stage who said they had put the dog into the car to keep it away from the meter reader who had just left.

John put his dog onto its lead and brought the dog out to the work truck. I observed while he was leading the dog it was acting aggressive toward me and D31 which I thought was worrying behaviour as the dog owner was present with the dog.

I filled out a seizure notice and gave to the dog owner I also provided my card plus email address and suggested to John that if he was willing for him to provided a written statement to his side of the incident, I cautioned him at this point that what he says in his statement can be used in evidence.

We then left with the dog.

Upon return to the centre we took classification photos of the dog and have confirmed the dogs identify via its microchip.

10.46am- Received email from D/O- John This email didn't have much relevance to the actual event only with regards to the history of his dog.

11.52am- John rung me on my mobile to confirm that I had received his email which I said I had but can he put more detail of what happened with the incident.

12.18pm- Received an updated version of John's email which has a bit more of the event.

3.00pm

I went to complainant's property at 12 Valley Terrace.

I have taken some scene photos which show the location of where John's car was parked and also victim's property.

I spoke to Christina and her brother Andrew Campbell who is visiting. They had already written out statements of the events last night. I have received three statements one from Christina one from her brother Andrew and also one from Christina's daughter who was also present.

I went over with them what had happened and said that it was told to me that the Chihuahua had left its property and had gone across the road and this is how the whole event started. Christina denied this as she said that her dog hadn't left the property as if it had she would of heard it barking which it did if it went out or sees other dogs. She says she never heard it barking.

Christina did confirm though that the entry gate to the property was open so her dog was free to leave and it normally sits on the front doorstep and watches out.

As Christina and family were all inside the house they only heard a man yelling and came out then to see what had happened (See attached statements for full details of their version of events).

I went over the possible outcomes and said that it will be discussed with management before any final decision is made. She wasn't happy as she thinks the other party is totally at fault but how I see it both parties were at fault due to the gate being open which means the Chihuahua has been able to freely leave the property and also let the other dog gain access. Christina has also said that she thinks it would be nice for the other D/O to contact her and apologise to her as she still thinks that they where trying to leave without trying to own up to them to what happened.

I said to her that people deal with events differently and have different levels of stress/shock so this is maybe how they have dealt with it.

Andrew has said that he went out and spoke to them this is when John has provided him with his name and phone number.

In the statements provided it has been said that John has contacted them back but has spoken to Andrew and I'm guessing that due to the event and everyone been upset the conversation would have been a bit heated so that's why John hasn't rung them back. Also in Andrews's statement he has told John to leave so this explains why he didn't hang around.

4.00pm-

Talked to Pete and Sue with regards to outcomes, I have said I don't think it needs to go to prosecution as both parties are at fault and the attacking dog has had no previous history with us. Also the offending D/O's have been good to deal with and have been compliant with everything being asked of them, I also think they have learnt their lesson with what has happened.

I have recommended classifying the dog on its behaviour and issuing an infringement for failing to control their dog.

4.09pm- I have rung and spoke to D/O- Sharon and advised her that they are able to come and collect their dog.

4.25pm- When Sharon has come to the centre to collect her dog I have spoken to her with regards to out come and the penalties. Went over the classification process and what is required with that. I have also provided her with the classification information sheet.

14/12/14- 5.19pm

Have rung Christina back and have provided her with an outcome.

She has requested this in writing via email and has provided her email address:
christinac@xtra.co.nz

e_an005 - Animals Enquiry - Hamilton *live* - 24060 - 6.7

Document Edit Payments Other Modules Animals Name and Address Help

OK Cancel Cut Copy Paste Find Excel Help Mapping Memos Attachments

2 of 2

Document

2 Memos Recorded

Animal Type	1 Dogs	Number	182291
MicroChip Brand	MICROCHIP	Id	982009106641615
Alpha Key	[REDACTED]		
Assessment	23638	Parcel	4395038
Owner	347157		
House Number	[REDACTED]		
Street Name	[REDACTED]		
Suburb Name	Hamilton Central	3204	

Owner Details

Name [REDACTED]

Address [REDACTED]

Mobile Phone [REDACTED]

Home Phone [REDACTED]

Business Phone [REDACTED]

e-Mail Address [REDACTED]

Animal Details

Kept at Address [REDACTED]

OutsideTag [REDACTED] Ref [REDACTED] Dangerous [NA] Agency [REDACTED]

Animal Name Lulu Neutered Y Gender [Female]

Breed [CHIL] Chihuahua Long Coat Cross [REDACTED]

Main Colour [TRI] Tri-colour Second [REDACTED]

Birth 29/07/2008 Age 6 Years 4 Months Death [REDACTED] Depart [REDACTED]

Features [REDACTED] Permit Number [REDACTED]

Registration Details

Tag Number 9446 Tag Set 2014/15 By Law Code Search [REDACTED]

eTran [REDACTED] Recpt Date 30/06/2014 Reg Till 30/06/2015 Code Type [REDACTED] Code Value [REDACTED]

Victim dog

e_an005 - Animals Enquiry - Hamilton *live* - 15208 - 6.7

Document Edit Payments Other Modules Animals Name and Address Help

OK Cancel Cut Copy Paste Find Excel Help Mapping Memos Attachments

1 of 1

Document

2 Memos Recorded

Animal Type	1 Dogs	Number	201435
MicroChip Brand	MICROCHIP	Id	900088000163313
Alpha Key	TAYLOR SA		
Assessment	24673	Parcel	4444137
Owner	330006		
House Number	85		
Street Name	Dinsdale		
Suburb Name	Dinsdale	3204	

Owner Details

Name John Hugh Taylor & Sharon Anne Taylor

Address 85 Dinsdale Road
Dinsdale
Hamilton 3204

Mobile Phone [REDACTED]

Home Phone [REDACTED]

Business Phone [REDACTED]

e-Mail Address [REDACTED]

Animal Details

Kept at Address 85 Dinsdale Road Dinsdale Hamilton 3204

OutsideTag [REDACTED] Ref Dangerous NA Agency

Animal Name Chika Neutered N Gender Female

Breed ACAT Cattle Australian Cross GSHP Pointer German Short Haired

Main Colour TAN Tan Second WHI White

Birth 17/07/2010 Age 4 Years 4 Months Death Depart

Features Permit Number

Registration Details

Tag Number 790 Tag Set 2014/15 By Law Code Search

eTran Recpt Date 23/06/2014 Reg Till 30/06/2015 Code Type Code Value

Attacking dog.

Dog and Owner						
Animal Name	Breed	Colour	Age	Tag	Classification	
Chika	Cattle Australian/Pointer German Short Haired	Tan/White	4 Year(s) 5 Months	750 2014/15	Not Applicable	
Owner(s)		Address			Owner Classification	
John Hugh Taylor & Sharon Anne Taylor		85 Dinsdale Road Dinsdale			Standard	
Dog Offences						
Document Account	Category 3	Category 4	Incident Date	Outcome	Closed Date	
002.2014.00110596.001	Attack	Historic Attack Dog v Animal	11/12/2014			
Impounding Events						
Kennel Account	Precis	Determination	Date			
100.2014.00040661.001	Seized from Dinsdale Rd for S57	Returned to Owner	13/12/2014			
Owner Infringement(s)						
Infringement Number	Offence Description	Offence				

[REDACTED]

From: [REDACTED]
Sent: Friday, 12 December 2014 10:46
To: [REDACTED]
Subject: Chika. 85 Dinsdale Road.

Hello [REDACTED]

Further to our meeting this morning, I would like to provide some further information in written format. We obtained our dog Chika 'at source', selecting her from her litter, her mother being a wire-haired pointer and her father a black and tan cattle-dog, breeds known for their tractability and lack of aggression. She has passed the Dog Obedience course at the Hamilton Dog Obedience Club, and has always been fully registered, micro-chipped, and vaccinated. She has shown herself to be a gentle dog, more timid than aggressive toward other dogs, and lives with three cats, plus in the last two weeks a kitten as well, and has always shown toleration and never any negative behavior toward them, or other animals. At night she often sleeps on the end of our bed. Our son keeps rabbits, and she has never shown any predatory behavior towards them either. She is always non-aggressive to human beings, but will of course bark when strangers come to the door. The other evening we went to Waikato Hospital to visit my mother who is ninety two years old, and a patient in the Cardiac Care Unit. We then visited the park with the Archery Club Centre in Park Street, and took Chika for a walk. On returning to our car we were just getting Chika into the rear door of our vehicle, with no other people or animals in sight, when a small dog ran across the road to our car barking vociferously. An inter-responsive interchange took place as a consequence, which left us in a state of profound and acute shock (to put it mildly). We exchanged phone numbers with one of the occupants.

While this event was completely and uniquely out of character, we can by reference to the study of animal behavior, see the mode of causality involved. All dogs share a common genetic heritage, the various breeds only being distinguished by their predominant recessive characteristics, which is why all can inter-breed. They are social animals by nature, and territorial, which is why the resident dog came over to challenge what he would have perceived as interloper in his territory. By nature they have no sense of proportion. While the entire incident is so profoundly regrettable, it would have been entirely avoided had the resident dog been fenced securely. You will have noticed that our section is both securely fenced and gated. We can offer every assurance that this incident is totally without precedent, and completely unique.

Regards,

John Taylor.

[REDACTED]

From: [REDACTED]
Sent: Friday, 12 December 2014 12:18
To: [REDACTED]
Subject: Fwd: Chika. 85 Dinsdale Road.

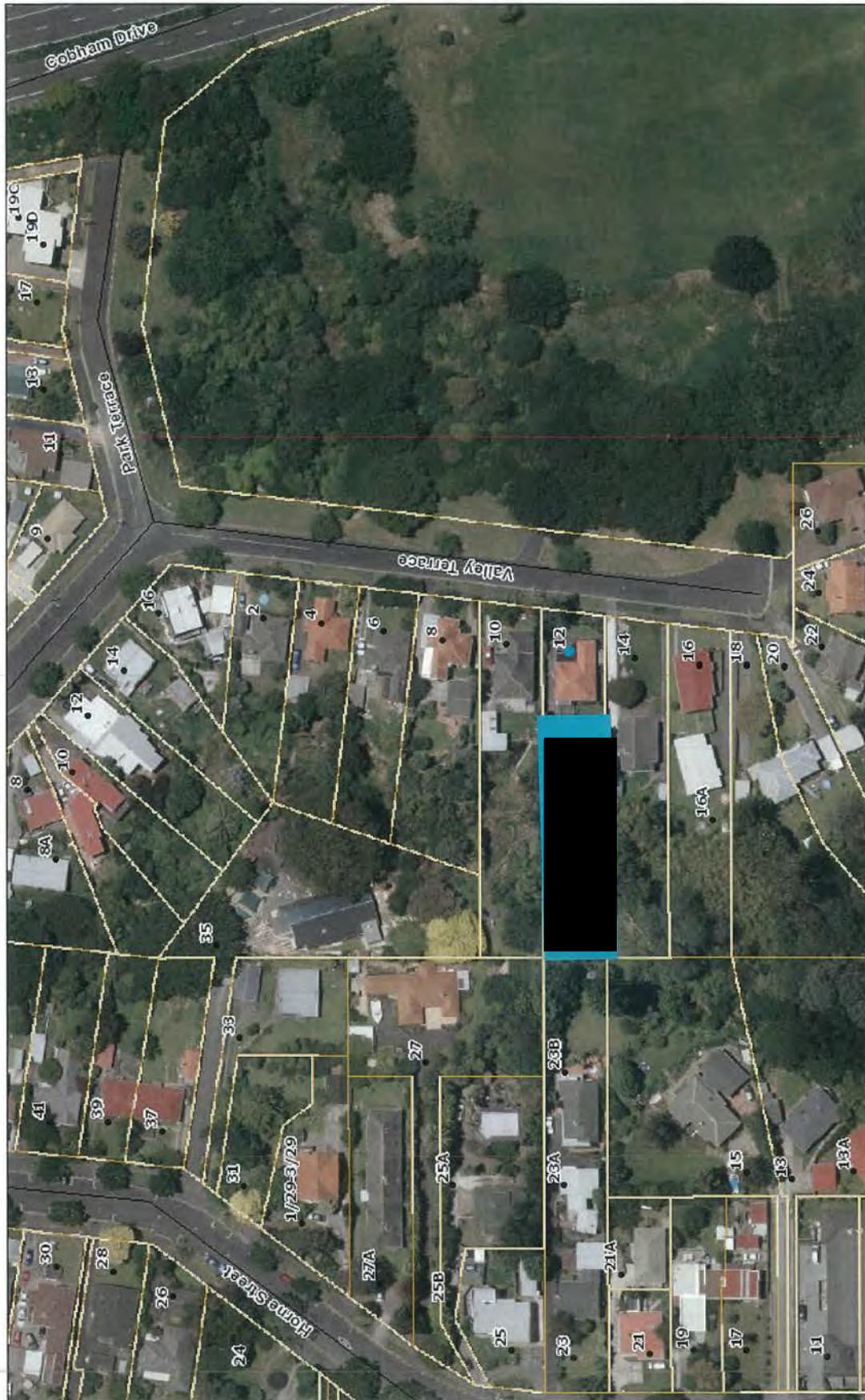
Hello [REDACTED]

Further to our meeting this morning, I would like to provide some further information in written format. We obtained our dog Chika 'at source', selecting her from her litter, her mother being a wire-haired pointer and her father a black and tan cattle-dog, breeds known for their tractability and lack of aggression. She has passed the Dog Obedience course at the Hamilton Dog Obedience Club, and has always been fully registered, micro-chipped, and vaccinated. She has shown herself to be a gentle dog, more timid than aggressive toward other dogs, and lives with three cats, plus in the last two weeks a kitten as well, and has always shown toleration and never any negative behavior toward them, or other animals. At night she often sleeps on the end of our bed. Our son keeps rabbits, and she has never shown any predatory behavior towards them either. She is always non-aggressive to human beings, but will of course bark when strangers come to the door. The other evening we went to Waikato Hospital to visit my mother who is ninety two years old, and a patient in the Cardiac Care Unit. We then visited the park with the Archery Club Centre in Park Street, and took Chika for a walk. On returning to our car we were just getting Chika into the rear door of our vehicle, with no other people or animals in sight, when a small dog ran across the road to our car barking vociferously. This appeared to be a smallish brown dog, which began to aggress at Chika at the rear of our vehicle, barking loudly. At this moment I was closing the side door, and ran at once to the rear. Both dogs were now crossing the road as they interacted, and I intervened at once and caught Chika by the collar, and took her back to our car, and put her in through the rear door. An inter-responsive interchange had taken place between the dogs, as a consequence of which we were left in a state of profound and acute shock (to put it mildly). The whole interaction between the dogs began at the rear of our vehicle, which was parked in the entrance to the Archery Centre Park, as the road there is notified as 'No Parking' by a broken yellow line running down the street. The other dog left its resident property and crossed the road to our vehicle. I did not see the full interaction between the dogs, but intervened seconds after it had begun. The whole matter was over in moments, at with the need for prompt intervention, I could not at once check any injuries to either dog. We exchanged phone numbers with one of the occupants.

While this event was completely and uniquely out of character, we can by reference to the study of animal behavior, see the mode of causality involved. All dogs share a common genetic heritage, the various breeds only being distinguished by their predominant recessive characteristics, which is why all can inter-breed. They are social animals by nature, and territorial, which is why the resident dog came over to challenge what he would have perceived as interloper in his territory. By nature they have no sense of proportion. While the entire incident is so profoundly regrettable, it would have been entirely avoided had the resident dog been fenced securely. You will have noticed that our section is both securely fenced and gated. We can offer every assurance that this incident is totally without precedent, and completely unique.

Regards,

John Taylor.



Hamilton City Council

Te kaunihera o Kirikiriroa
 Disclaimer: Hamilton City Council does not guarantee that
 the data shown on this map is 100% correct.

Scale :- 1 : 1245

Date :- 12/12/2014

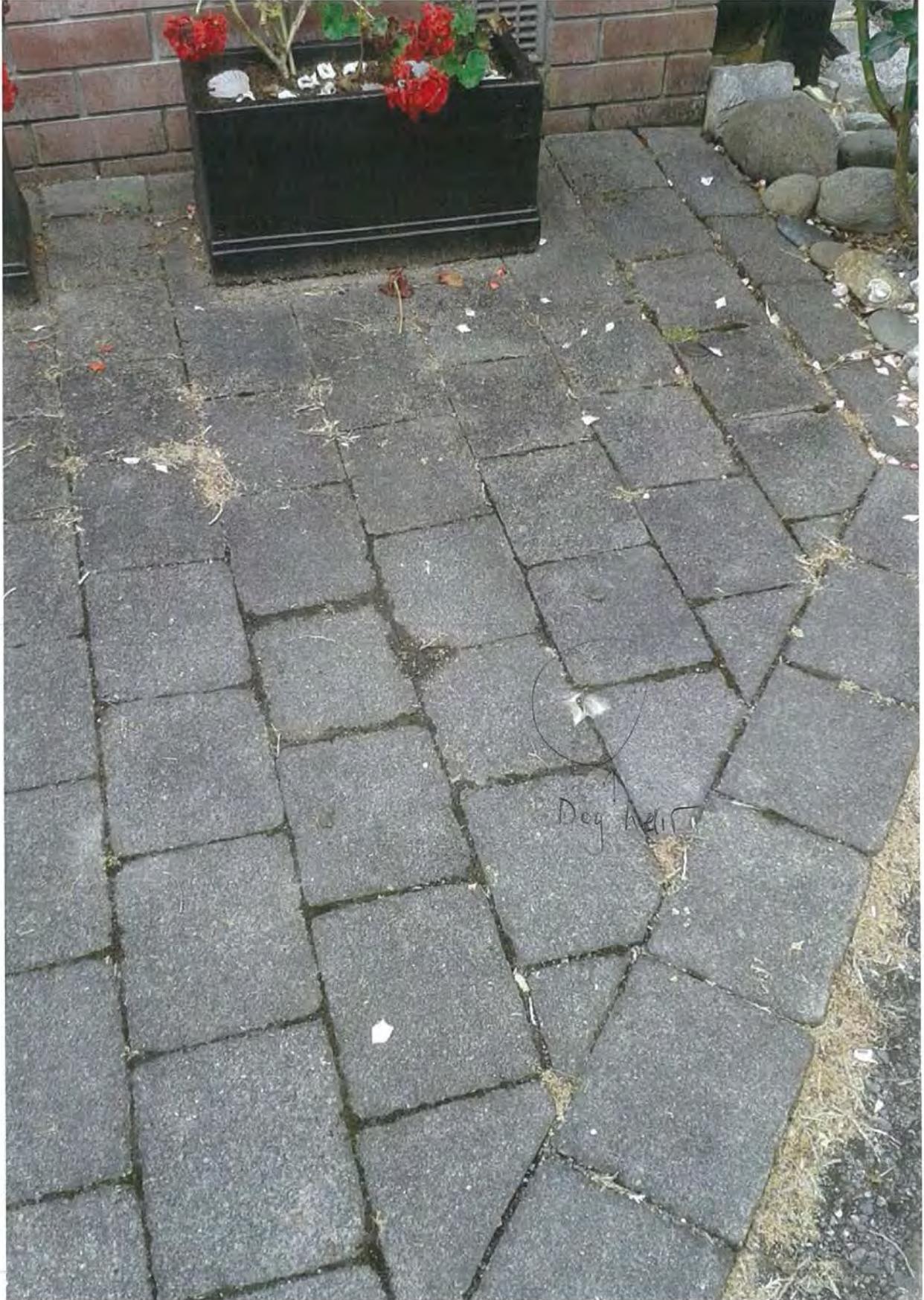




Lulu from brick house across road. Taylors car parked in park driveway.

12/12/2014 02:24 PM







6 January 2015

Veterinary Report

On the 6th January 2015 I examined the body of Lulu, a spayed female Chihuahua which had belonged to Mrs C Campbell of 12 Valley Tce, Hamilton Central.

The history had been that the dog had been attacked and killed on the 11 December 2014.

The body had been frozen but was thawed for examination and a visual assessment was made. A large abdominal wound was evident extending from the upper right side of the abdomen across the ventral abdomen through to the lower left side of the abdomen approximately 20 cm in length with two penetrating wounds through which small intestine and other abdominal organs had herniated. There was extensive damage to the abdominal organs. Also on palpation of the body the bones of the skull were found to be fractured.

In my opinion these injuries are consistent with that of an attack by a larger dog.

Dr Paul van der Wel BVSc PG Dip BS
 Managing Veterinarian
 Vetfocus Hamilton

> **TE AWAMUTU**

333 Sloane Street
 • 07 871 6099

> **HAMILTON**

Glenview Shopping Centre,
 Oharupo Road
 • 07 843 8822

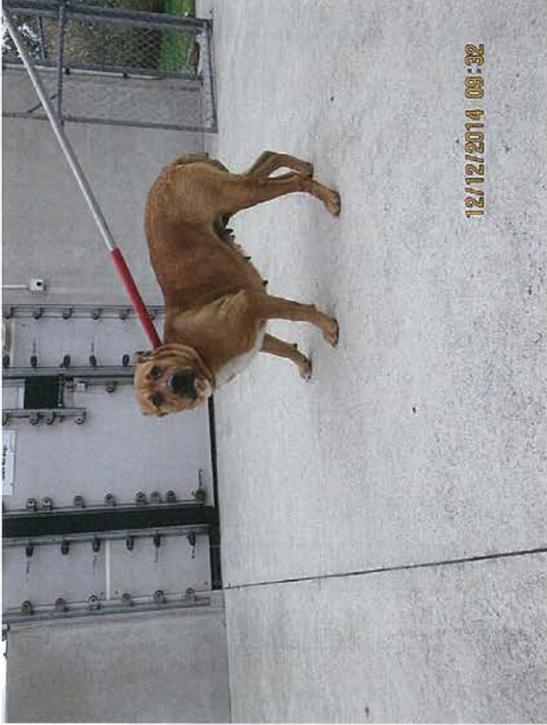
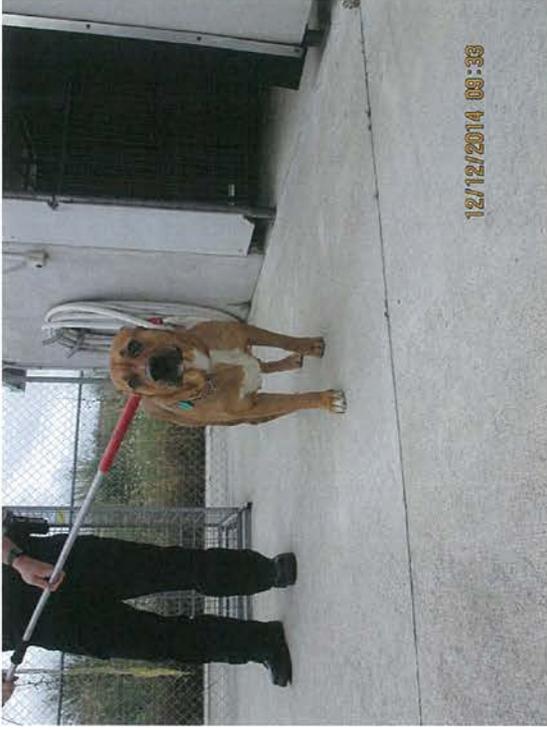
> **OTOROHANGA**

9 Wahanui Crescent
 • 07 873 7089

> **PUTARURU**

Kensington Street
 • 07 883 7392

vetfocus.co.nz



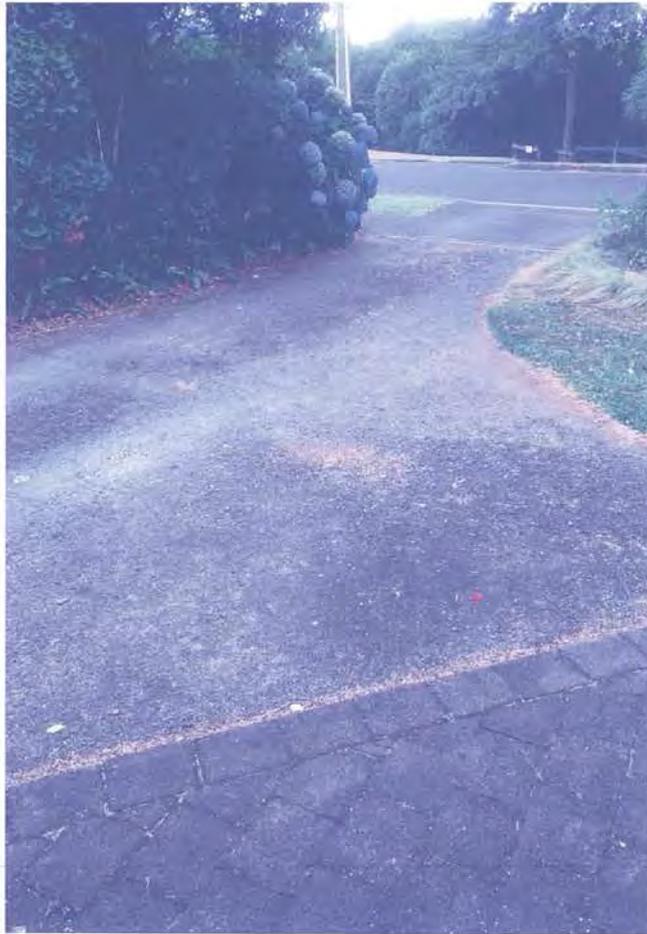


Outside view
of window which
we look out from
inside the lounge/kitchen

Chapman

Fur remaining
at front porch.

Chapman



View looking out of driveway
where attack occurred.
Campbell

Susan Stanford,
Animal Care and Control Manager
Hamilton City Council,
Private Bag 3010,
Hamilton.

J. H. Taylor,
85 Dinsdale Rd,
Hamilton.

Dear Madam,

I have recently received from your Department, a copy of which is attached.

I wish to register the strongest possible objection to this document which misclassifies my dog as 'menacing'.

The event to which this document relates was not one in which my dog acted in any manner ordinarily threatening to any person or animal. She is by character a gentle animal, and is more timid than otherwise with other dogs.

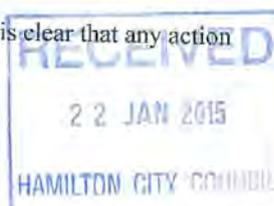
The responsibility for this event lies with the owners of the other dog who were in dereliction of their obligations under Section 5 (b), of the Dog control Act 1996 and its amendments. Their dog was not under control as it should have been.

At the time of the incident, I was putting my dog into our car, having just taken her for a short walk, on the lead, and with no other people or animals in sight, had brought her to the car, opened the door, and was just getting her to jump up into the vehicle, as she unfailingly does, when a small dog ran across the road from a property nearly directly opposite and began an excited interaction with our dog. The brief interaction which followed would have been harmless had the animals been of more nearly equal size, and the result was accidental in nature and not the consequence of hostility.

Please note that there exists no disagreement that the owners of this dog were at that time at the rear of their property and that the gate of their section was wide open, giving their dog unsupervised and unimpeded access to the street. It was this act of negligence which brought the incident about. I exercised all reasonable care which the circumstances required. The other animal crossed the street to begin the interaction. I could not be expected to anticipate an event of this kind, having taken careful observation of the surroundings, and seeing neither animals nor humans behaved responsibly. When people allow their animals to go into the streets at will there are often negative consequences as this incident attests.

Our dog comes of docile and tractable breeds, we know this because we chose her from the litter in which she was born. She has always been registered, vaccinated, and is microchipped. She has completed the training program at the Hamilton Dog Obedience Club. She lives with three adult cats and now a young kitten as well, and has never shown any negative behaviour to any of them. We have a tame hen which we allow to walk in the garden, and she has never bothered to interact with her. She walks quietly on the lead among people in groups and is never aggressive to other dogs.

As our dog has not come into season in the last two years, it is clear that any action such as 'neutering' would be both cruel and unnecessary.



I therefore wish to lodge Formal Objection under Section 33B of the Dog Control Act 1996. I trust that the Hamilton City Council will honour its obligations under the Act as the Territorial Authority concerned, and hear my Objection.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'J. H. Taylor', written over a horizontal line.

J. H. Taylor.



Te kaunihera o Kirikiriri

Private Bag 3010
Hamilton 3240
New Zealand

Phone 07 838 6699
Fax 07 838 6599

info@hcc.govt.nz
www.hamilton.co.nz

2 February 2015

John Taylor
85 Dinsdale Rd
Dinsdale
Hamilton 3204

Dear John

Notice of Classification of Dog as Menacing

Thank you for your letter received by Hamilton city Council on 22/1/2015.
I enclose a copy of that letter for your information.

I acknowledge that you have exercised your right to lodge a written objection to the notice of classification of "Chika" as menacing due to observed or reported behaviour. If you have any further information to provide in support of your objection please supply this.

You are entitled to be heard in support of your objection, the enclosed brochure explains the hearing process.

The next step in this process is a report prepared by staff and submitted to the City secretary who will contact you to arrange a time and date that is suitable for all parties to allow for your objection to be heard.

If you have any further queries in relation to this, please do not hesitate to contact me.

Regards

A handwritten signature in black ink, appearing to read 'Susan'.

Susan Stanford
Animal education & Control Manager

217 Ellis St
Frankton, Hamilton
Phone 07 838 6895/ 021 7950565
Fax 07 838 6915
Email susan.stanford@hcc.govt.nz
Website www.hamilton.co.nz
ANI: [animal record number]



ANIMAL EDUCATION & CONTROL

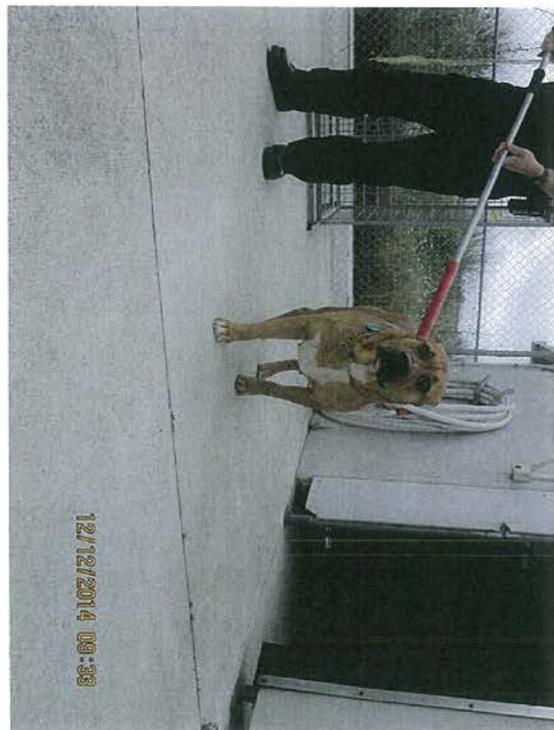
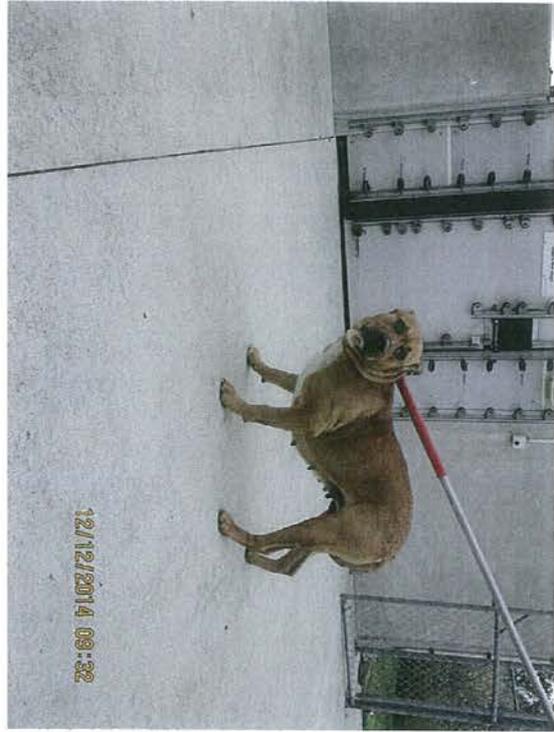
AN 201435

To: Susan Stanford (Animal Education and Control Manager)
 From: _____
 Subject: Menacing Classification on Observed or Reported Behaviour
 Date: 13/12/14 File: CAR: 110596/2014

<p>CAR DETAILS: Brief breakdown of how dog come to our attention.</p> <p>Dog vs Dog attack where victim dog was a Chihuahua and died due to the attack.</p>	
<p>DOG OWNERS DETAILS: How was DCO received by dog owner? Is the D/O aware that their dog is being Classified?</p> <p>I have been received very well by the D/O's and they have complied with everything advised of them so far. The D/O's are aware their dog is being classified.</p>	
<p>DOG DETAILS: Include any distinguishing markings, also comment on dog's behaviour.</p> <p>AD# 201435 - Australian Cattle/German short haired Pointer Cross, Female, Tan/white eyed 4yrs 4mths named Chika.</p> <p>This dog showed aggression to words myself and D31 when he was seeing from property. This was shown while dog was on the lead.</p>	
<p>MENACING CLASSIFICATION NOTES: Why should this dog be Classified?</p> <p>Due to seriousness of the attack and also behaviour observed when on the ^{dogs} property with the D/O.</p>	
<p>DETAILS OF DCO's Involved with Classification:</p> <p>D31</p>	
<p>Approved for classification:</p> <p><i>Susan Stanford</i></p>	<p>Date:</p> <p>12/12/14</p>
<p>Have the photos been saved: (Yes or No)</p>	

V1
 16.3.2011
 AC-F100

dse



Customer Action Request Animal Complaint



Co_dm061 CAR No. 110596/2014 17/12/14 9:42AM

COMPLAINANT
 Received 11/12/14 8:38PM Officer D34
 Name [REDACTED] Home 1 [REDACTED] Home 2 [REDACTED]
 Address [REDACTED] Work [REDACTED] Mobile [REDACTED]

PROPERTY
 Address [REDACTED]

ANIMAL DETAILS
 Animal Number 201435 Animal Name Chika Tattoo 900088000163313
 Animal Location 85 Dinsdale Road Dinsdale 3204 Colour TAN/WHI Sex F
 Owner Address 85 Dinsdale Road Dinsdale Hamilton 3204 Owner Name Sharon Anne Taylor NAR No. 330005

REQUEST DETAILS
 Offence Date/Time 11/12/14 6:00PM Dog attacks and kills dog - Attacking dog is large tan dog of unknown breed, may have pitbull/bull mastiff in it. Came onto callers section and killed their long haired Chihuahua. Callers husband managed to get details of dogs owner before they drove off. Owner was across the road at the park and his name is John Taylor (according to answer phone)
 Major Category Dog Control
 Minor Category Dog Offences
 Category 3 Attack
 Category 4 Historic Attack Dog v Animal

INVESTIGATION DETAILS
 Task Investigation Substantiated / Not Substantiated
 Officer D34 Outcome Action opened at lodgement - notification given
 Start 12/12/14 Finish

ENFORCEMENT DETAILS
 Task
 Officer Outcome
 Start Finish

PREVIOUS HISTORY
 Task 2INV
 Outcome 1UNS
 Officer H5
 Opened 30/6/97
 Closed 31/7/97



Te kaunihera o Kirikiriroa

Private Bag 3010
Hamilton 3240
New ZealandPhone 07 838 6699
Fax 07 838 6599info@hcc.govt.nz
www.hamilton.co.nz

8 January 2015

John Hugh & Sharon Anne Taylor
85 Dinsdale Road
Dinsdale
Hamilton 3204

Dear John & Sharon

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

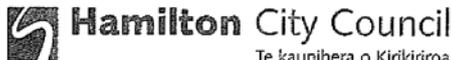
Susan Stanford
Animal Education and Control Manager

Animal Education and Control Centre
217 Ellis Street, Hamilton
Phone 07838 6632
Fax 07 838 6915

AC-F64a V 8

Notice of Classification of Dog as Menacing Dog

Section 33A, Dog Control Act 1996



Te kaunihera o Kirikiriroa

Private Bag 3010
Hamilton 3240
New Zealand

Phone 07 838 6699
Fax 07 838 6599

info@hcc.govt.nz
www.hamilton.co.nz

To: * **John Hugh & Sharon Anne Taylor**
(name of owner)

Address: **85 Dinsdale Road
Dinsdale
Hamilton 3204**

**Female Australian CattleDog German Short Haired
Pointer, tan and white in color, named Chika**

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 11 December 2014, in Hamilton

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


Animal Education and Control Manager

8/1/2015
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
- (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).

V2
16.3.2011
AC-F54

Animal Education and Control

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.

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)

85 Pinsdale Road Hamilton

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

_____ Day of _____ 19 _____

At _____

(Show full address of service)

Dog Control Officer



13/1/15



Registered Letter

Date Posted:

13/1/15



Your item

SA658047484NZ

Report generated Jan 22 2015 3.07 pm

Your item was delivered by our courier based at Hamilton and signed for by "j TAYLOR". Thank you for using CourierPost	at 2:19 pm	Wednesday	14 January 2015
We tried to deliver your item but were unable to.	at 9:46 am	Wednesday	14 January 2015
We tried to deliver your item but were unable to.	at 7:23 am	Wednesday	14 January 2015
Your item was processed for delivery.	at 5:21 am	Wednesday	14 January 2015
Your item was picked up by our courier based at Hamilton Central.	at 4:14 pm	Tuesday	13 January 2015

Signed for by :

j TAYLOR

For further details of our privacy policy and conditions please visit our website terms of use at <http://www.expresscouriers.co.nz/terms-and-conditions/>

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