

**Notice of Meeting:**

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

**Date:** Wednesday 21 February 2024  
**Time:** 9:30 am  
**Meeting Room:** Committee Room 1  
**Venue:** Municipal Building, Garden Place, Hamilton

Lance Vervoort  
Chief Executive

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

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**Membership**

**Chairperson** Cr Mark Donovan  
***Heamana***

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

**Quorum:** Three members

**Meeting Frequency:** As required

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Amy Viggers  
*Mana Whakahaere*  
Governance Lead

**25 January 2024**

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## **Purpose**

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

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

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

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**1 Apologies – *Tono aroha***

**2 Confirmation of Agenda – *Whakatau raarangi take***

The Committee to confirm the agenda.

**3 Declaration of Interest – *Tauaakii whaipaaanga***

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

# Council Report

Item 4

**Committee:** Dog Control Hearings Panel **Date:** 21 February 2024  
**Author:** Arnold Andrews **Authoriser:** Michelle Hawthorne  
**Position:** Governance Advisor **Position:** Governance and Assurance Manager  
**Report Name:** Confirmation of the Dog Control Hearings Panel Open Minutes 7 August 2023

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

That the Dog Control Hearings Panel confirm the Open Minutes of the Dog Control Hearings Panel Meeting held on 7 August 2023 as a true and correct record.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Dog Control Hearing Panel Unconfirmed Open Minutes 7 August 2023

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## Dog Control Hearings Panel

### *Te Koomiti Whiriwhiri I Ngaa Take Kuri*

### OPEN MINUTES

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Minutes of a meeting of the Dog Control Hearings Panel held in Committee Room 1 and Audio Visual Link, Municipal Building, Garden Place, Hamilton on Monday 7 August 2023 at 9.30am.

#### PRESENT

<b>Chairperson</b>	Cr Mark Donovan
<b><i>Heamana</i></b>	
<b>Members</b>	Cr Moko Tauariki Cr Andrew Bydder Cr Anna Casey-Cox Cr Melaina Huaki

<b>In Attendance</b>	Kelvin Powell - City Safe Unit Manager Susan Stanford - Animal Control Manager Greg Morton - Policy and Bylaw Lead Trudi Swanson - Team Leader – Animal Education and Control Officers Sonia Swinbourne - Animal Education and Control Officer Narelle Waite - Strategy and Policy Advisor Keeley Faulkner - Official Information Coordinator
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<b>Governance Staff</b>	Michelle Hawthorne – Governance and Assurance Manager Arnold Andrews – Governance Advisor
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1. **Apologies – *Tono aroha***  
**Resolved:** (Cr Bydder/Cr Huaki)  
 There were no apologies.
2. **Confirmation of Agenda – *Whakatau raarangi take***  
**Resolved:** (Cr Donovan/Cr Bydder)  
 That the agenda is confirming noting that item 6 (Objection to the menacing classification from Johnathon Rivers) will be taken after item 4 (Confirmation of the Dog Control Hearings Panel Open Minutes 7 June 2023) to accommodate members of public in attendance.
3. **Declarations of Interest – *Tauaakii whaipaaanga***  
 No members of the Council declared a Conflict of Interest.
4. **Confirmation of the Dog Control Hearings Panel Open Minutes 7 June 2023**  
**Resolved:** (Cr Casey-Cox/Cr Tauariki)  
 That the Dog Control Hearings Panel confirm the Open Minutes of the Dog Control Hearings Panel Meeting held on 7 June 2023 as a true and correct record.

Item 6 (Objection to the menacing classification from Johnathon Rivers) was taken after Item 4 (Confirmation of the Dog Control Hearings Panel Open Minutes 7 June 2023) at the request of the chair.

**6. Objection to the menacing classification from Johnathon Rivers**

Mr Rivers voiced his concerns regarding the process and clarified that he didn't want to object the classification. He highlighted his views on the objection process and delays caused. He responded to questions from Elected Members concerning the age and breed of the dog and awareness of the implications of a menacing classification.

Staff responded to questions from Elected Members concerning proof of the incident and measures taken by the owner to prevent future incidents.

*During the discussion of the above item (item 6: Objection to the menacing classification from Johnathon Rivers) the meeting moved into a public excluded session at the request of Elected Members.*

**7. Resolution to Exclude the Public**

**Resolved:** (Cr Donovan/Cr Tauariki)  
**Section 48, Local Government Official Information and Meetings Act 1987**

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
6. Objection to the menacing classification from Johnathon Rivers	) Good reason to withhold ) information exists under ) Section 7 Local Government ) Official Information and ) Meetings Act 1987	Section 48(1)(a)

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

Item 6.	to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment	Section 7 (2) (f) (ii)
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**The meeting went into public excluded session at 9:58am.**

*During the Public Excluded session of the meeting the following was resolved to be released to the public:*

That the Dog Control Hearings Panel:

- a) receives the report;
- b) confirms it has considered the mandatory matters specified under the Dog Control Act 1996, and other matters relevant to the objection;
- c) notes that the Dog Control Hearings Panel in determining any objection can only either uphold or rescind the classification under the Dog Control Act 1996;
- d) upholds the menacing classification; and
- e) approves the release of the above resolution to the public via the open minutes of the meeting.

**The meeting came back into open at 10:08am.**

Item 5 (Objections to Disqualification from Dog Ownership - Melinda Rite) was taken after Item 6 (Objection to the menacing classification from Johnathon Rivers) at the request of the chair.

**5. Objections to Disqualification from Dog Ownership - Melinda Rite**

*During the discussion of the above Item (Item 5: Objections to Disqualification from Dog Ownership - Melinda Rite) the meeting moved into a public excluded session at the request of Elected Members.*

**7. Resolution to Exclude the Public**

**Resolved:** (Cr Donovan/Cr Tauariki)

**Section 48, Local Government Official Information and Meetings Act 1987**

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
5. Objections to Disqualification from Dog Ownership - Melinda Rite	) Good reason to withhold ) information exists under	Section 48(1)(a)
C1. Confirmation of the Dog Control Hearings Panel Public Excluded Minutes 7 June 2023	) Section 7 Local Government ) Official Information and ) Meetings Act 1987	

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

- |         |   |                        |
|---------|---|------------------------|
| Item 5. | to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment | Section 7 (2) (f) (ii) |
|---------|---|------------------------|



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

**The meeting went into public excluded session at 10:17am.**

*During the Public Excluded session of the meeting the following was resolved to be released to the public:*

That the Dog Control Hearings Panel:

- a) receives the report;
- b) confirms it has considered the mandatory matters specified under the Dog Control Act 1996, and other matters relevant to the objection;
- c) notes under the Dog Control Act 1996 that the Dog Control Hearings Panel in determining any objection can only either:
  - i. uphold the classification;
  - ii. bring forward the date of termination of the classification; or
  - iii. immediately terminate the disqualification;
- d) classifies the dog owner as disqualified until 27 October 2027 from the date of the third infringement offence(s) in respect of which the person is disqualified and notes the right of the dog owner to appeal to the District Court under section 27 of the Dog Control Act 1996; and
- e) approves the release of the above resolution to the public via the open minutes of the meeting.

**The meeting was declared closed at 10:18am.**

# Council Report

**Committee:** Dog Control Hearings Panel **Date:** 21 February 2024  
**Author:** Susan Stanford **Authoriser:** Kelvin Powell  
**Position:** Animal Control Manager **Position:** City Safe Unit Manager  
**Report Name:** Objection to Dangerous Classification - Pehi Edmonds

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

1. To seek a determination from the Dog Control Hearings Panel on the classification of Lola, white and brown American Bulldog aged 1 year approximately (the Dog) owned by Pehi Edmonds as a dangerous dog.

## Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Dog Control Hearings Panel:
  - a) receives the report;
  - b) confirms it has considered the mandatory matters specified under the Act, and other matters relevant to the objection;
  - c) notes that the Dog Control Hearings Panel in determining any objection can only either uphold or rescind the classification under the Act; and
  - d) upholds the dangerous classification.

## Executive Summary - *Whakaraapopototanga matua*

3. On 5 July 2023 Council received three complaints regarding a dog. Also, on 5 July 2023 when responding to the complaint Council staff observed the Dog displaying aggressive behaviour. Refer to **Attachment 1**.
4. The Dog Control Act 1996 sets out the circumstances in which Council may classify a dog as dangerous.
5. Staff recommend that the classification of the Dog as Dangerous is upheld.
6. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

## Background - *Koorero whaimaarama*

7. On 5/7/2023 Council received three complaints regarding the Dog. On the same day, when responding to the complaints, Council staff observed the Dog displaying aggressive behaviour. Refer to **Attachment 1**.

8. The three complaints broadly involved several incidents of the Dog being loose on the street and rushing aggressively at members of the public in Pine Ave, Melville. Refer to **Attachment 1** for further details.
9. On 27 July 2023 the Dog was classified by staff as dangerous Refer to **Attachment 2** for the Notice of Classification.
10. On 4 December 2023 an objection to the classification of the Dog as dangerous was received from the registered dog owner. Refer to **Attachment 3** for a copy of the objection.
11. As a result, a hearing has been convened to hear the objection. The Hearing Panel should note:
  - i. The Owner has advised that they do wish to be heard in person.
  - ii. The Complainant/witness (CRM 336188) has advised that they do wish to be heard in person.
12. The normal order of the procedure of a hearing is as follows:
  - i. Opening of the meeting by the chairperson
  - ii. the Objector presents their objection and supporting evidence.
  - iii. Any witnesses in support of the objection speak to their evidence.
  - iv. The Complainant and any witnesses in opposition of the objection speak to their evidence.
  - v. Council staff summarise the council report and makes any comments regarding information provided at the hearing.
  - vi. The Objector has the opportunity to respond to any new matters or points not already covered during the hearing.
  - vii. The hearing is closed or adjourned for a decision to be made.
13. For the avoidance of doubt:
  - i. The Chair of the hearing may change the order of the hearing at their discretion.
  - ii. There is **no** opportunity for cross examination at the hearing by any party.
  - iii. Members of the Hearings Panel may ask questions for clarification of the parties during the hearing.

#### **Discussion - Matapaki**

14. Section 33B(2) provides that in making its determination it **must** have regard to:
  - i. the evidence which formed the basis for the classification;
  - ii. any steps taken by the owner to prevent any threat to the safety of persons or animals;
  - iii. the matters relied on in support of the objection; and
  - iv. any other relevant matters.

#### Evidence which formed the basis for the classification

15. In deciding to classify the Dog, staff have relied on the following evidence:
  - i. Council's Animal Education and Control (AEC) received three complaints about a dog roaming and rushing people on Pine Ave in the space of an hour on 5 July 2023. Two of the complaints place the Dog outside the Owner's residence. CRM 336209, 336188, and 336209 were created as a result of the complaints. **[Refer Attachment 1]**

- ii. Witness statement provided by a worker who was working at a property close to the Dog's address on Pine Ave and who witnessed the Dog rush at people three times, including the children who are referred to in two of the three complaints. **[Refer Attachment 1]**
- iii. The behaviour of the Dog noted by the Animal Education and Control Officer (AECO) who investigated the rushings. They described the Dog as rushing aggressively at themselves and another Officer. They also witnessed the Dog attack another dog at the property and had to intervene to prevent injury to both dogs. **[Refer Attachment 1]**
- iv. A statement about the behaviour of the Dog as witnessed by the AECO Team Leader who assisted on the day. **[Refer Attachment 4]**
- v. A statement from Officer D17 who assisted on the day. **[Refer Attachment 5]**

Matters relied on or advanced in support of the objection

- 16. The Owner(s) object to the classification on the following grounds:
  - i. The Owner acknowledges that the Dog was out but that they were not home on the day and their son left the gate open. That he does not believe their Dog will bite and her actions were her saying hello and she has not bitten anyone to his knowledge. **[Refer Attachment 3]**
  - ii. A letter from the vet at Franklin Vets who has treated the Dog and attest to her good behaviour while at the vets. **[Refer Attachment 6]**
- 17. Refer to Attachment 3 for the copy of the objection and **Attachment 6** for the Franklin Vets letter.

Steps taken by the owner to prevent any threat to the safety of persons or animals

- 18. Staff are not aware of any steps taken by the Owner(s) to prevent any threat to the safety of persons or animals, the Owner(s) may have further information on this matter at the hearing.

Other relevant matters

- 19. The Dog Control Act 1996 requires consideration of any other matters that the Hearings Panel considers relevant.
- 20. Council's [Dog Control Policy](#) provides direction on how Council will fulfil its legislative responsibilities pursuant to the [Dog Control Act 1996](#) and the Dog Control Bylaw. The Hearing Panel should consider whether it's decision is consistent with the purposes in the Dog Control Policy, specifically:
  - i. the need to minimise danger, distress, and nuisance to the community generally;
  - ii. the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
  - iii. the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs;
  - iv. the exercise and recreational needs of dogs and their owners.
- 21. Ownership history and recorded dog behaviour can be a relevant consideration if it provides evidence of prior good or poor dog or ownership behaviour. Council has records of complaints and/or infringements regarding dogs registered to the Owner as follows:
  - i. The Owner had another dog that, based on its behaviour, was classified as menacing by Auckland City Council in June 2021. **[Refer Attachment 7]**

- ii. Subsequent to the dangerous classification being served there have been further incidents of aggression and breaches of the bylaw and Dog Control Act reported, see animal history. [Refer Attachment 8]

### Options

- 22. Under the [Dog Control Act 1996](#), territorial authorities have two options when considering an outcome of an objection to a dog being classified as dangerous,
  - i. to uphold the classification; or
  - ii. to rescind the classification.
- 23. There are no other options open to the Dog Control Hearings Panel under the [Dog Control Act 1996](#).
- 24. The staff recommendation is that the Hearings Panel uphold the classification for the following reasons:
  - i. The level of aggression observed by Council ACO officers and witnesses.
  - ii. The ongoing incidents of aggression by the Dog reported to Council, resulting in a person being bitten.
  - iii. The Owner's inaction to do anything to prevent their Dog from being able to leave the section. The Dog Control Act 1996 places greater responsibility on the dog owner to contain the dog in a secure area of the property, so visitors can access a door without encountering the dog and the dog must be muzzled if it is free in the house (outside of the secure area) ([Section 62\(2\)](#)).

### Financial Considerations - *Whaiwhakaaro Puutea*

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

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

- 26. There is no provision under the Dog Control Act 1996 to appeal this decision to the District Court

#### Dangerous dog classification

- 27. [Section 31](#) of the Dog Control Act provides that a territorial authority must classify a dog as a dangerous dog if:
  - i. the owner of the dog has been convicted of an offence under [section 57A\(2\) \(Rushing dog\)](#); or
  - ii. on sworn evidence attesting to aggressive behaviour reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
  - iii. the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

#### Effect of a dangerous dog classification

- 28. If a dog is [classified](#) as a dangerous dog under section 31 the owner of the dog:
  - i. must ensure that, from a date not later than 1 month after the receipt of notice of classification, the dog is kept within a securely fenced portion of the owner's property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property; and

- ii. must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being;
  - iii. muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
  - iv. controlled on a leash (except when in a dog exercise area specified in a bylaw; and
  - v. must within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying—
    - a. that the dog is or has been neutered; or
    - b. 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
  - vi. must, if a non-neutering certificate is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate that the dog has now been neutered.
  - vii. must, in respect of every registration year commencing after the date of receipt of the notice of classification, be liable for dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
  - viii. must not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.
29. A dangerous classification extends to the whole of New Zealand and remains in place for the life of the dog.
30. There is no provision under the Dog Control Act 1996 to appeal this decision to the District Court

Right to make an objection

31. Section 31(3) provides a dog owner with the right to object to the classification. If a dog is classified under section 31(1)b as a Dangerous dog, the owner:
- i. may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
  - ii. has the right to be heard in support of the objection.
32. The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to:
- i. the evidence which formed the basis for the classification; and
  - ii. any steps taken by the owner to prevent any threat to the safety of persons or animals; and
  - iii. the matters relied on in support of the objection; and
  - iv. any other relevant matters.
33. The territorial authority must, as soon as practicable, give written notice to the owner of:
- i. its determination of the objection; and
  - ii. the reasons for its determination.

## Climate Change Impact Statement

- 34. Staff have assessed the dangerous classification.
- 35. Staff have determined no adaptation assessment or emissions assessment is required.

## Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

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

## Risks - *Tuuraru*

- 39. Public safety risk: If a dog that should have been classified as dangerous is not, it may continue to pose a potential threat to the public or other animals. This could result in attacks or incidents that cause harm. Failure to properly classify a dog as menacing could put public safety at risk.
- 40. Reputation and perception: Failure to properly classify a dog as dangerous may affect the public perception of Council's approach to enforcement.

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

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

## Engagement

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

## Attachments - *Ngaa taapirihanga*

- Attachment 1 - CRMs from 5 July 2023
- Attachment 2 - Dangerous classification
- Attachment 3 - Objection received
- Attachment 4 - AECO TL statement
- Attachment 5 - AECO D17 statement
- Attachment 6 - Franklin Vets letter
- Attachment 7 - Pudoe's menacing classification
- Attachment 8 - Animal history

## Animal Complaint Record 336188/2023

### COMPLAINANT

Complaint Received	05/07/2023
Name	[REDACTED]
Address	[REDACTED] Te Manu Road RD 2 Rotorua 3072

Officer	D40
Home Phone 1	
Home Phone 2	
Mob Phone	[REDACTED]

### PROPERTY

Property Address	[REDACTED] Pine Melville 3206	[REDACTED]	Safety Alert	NO
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### ANIMAL DETAILS

Animal Number	246482	Animal Name	Lola	Tattoo	[REDACTED]
Animal Location	[REDACTED] Pine AVE Melville 3206	Color	WHI /BRO	Sex	F
Owner Address	[REDACTED] Pine Avenue Melville Hamilton 3206	Owner Name	[REDACTED]	NAR No.	[REDACTED]

### REQUEST DETAILS

Offence Date		[REDACTED] is working on a worksite on Pive Ave, and has witnessed 2 x
Major Category	Animal Control (heading only)	rushings from a roaming dog that is still out in front of [REDACTED] Pine Ave
Minor Category	Dogs - Offences (heading only)	(looks like it's trying to get into the dogs at that address, but
Category 3	Dogs - Rushing (heading only)	doesn't live there. No-one appears to be home at that address). Dog
Category 4	Dogs - Rushing Person - Urgent	= Bull mastiff light tan.brown with white paws. No collar. Caller says
		just before calling he witnessed it rush two of the workers that came
		to their worksite, and before that two kids around 7-8 years old. He
		doesn't have any contact info for the victims. The kids ran away. No
		contact made by dog.

### INVESTIGATION DETAILS

Officer	D40
Start Date	05/07/2023 01:31
Finish Date	07/07/2023 04:13
Outcome	Animals - Dangerous Dog Classification
Task	Investigation



5/7/23 1.45PM Patrolled Pine Ave, sighted a dog sat outside [REDACTED] Pine Ave. D17, D37, D44 and D47 were with me. The dog stood up and rushed aggressively at myself, and then at D44 before a car returned and a male contained the dog. The male that had contained the dog said they weren't his dogs and that they were his fathers/or father in laws dogs. The car that had returned then left, and the male commented that we should take all the dogs.

There were two dogs chained up by the front door of the house and whilst we were stood outside, the female dog that had been roaming and rushing people then started attacking the male, tan, pitbull cross that was chained up. The male pitbull cross fought back and it only looked like the fight was going to get worse so myself, D44 and D37 entered the property. D37 and D44 managed to pole the chained up male pitbull and I kept the attacking female dog away with my pole.

We removed the male, pitbull cross from the property and put him in the truck and this is when the owner and a younger female returned home. I explained what had happened and that we will be seizing the female dog for the reported and witnessed rushing's, and registration. The owner didn't want to cooperate initially, so I told him we would have to come back with the police. He eventually brought the female dog out and put her in the truck. We returned the male pitbull cross as he wasn't involved in the rushing's and we had only removed him to prevent the fight between the dogs getting more serious.

Seized S42 and 57A Impounded K27  
KR50863 Dog scanned at the pound, no microchip found. [REDACTED] - 06/07/2023

9.15am Phoned comp and arranged to take a statement off him today [REDACTED] - 06/07/2023

12pm Visited comp at his work site on Pine Avenue and took a written statement. 1pm Visited dog owner and spoke to him about our decision to classify the dog as dangerous, the requirements with a dangerous classification, that he has had 3 infringements so will be getting disqualified as a dog owner, that his other dog isn't meeting its menacing classification requirements and that he will not pass for a permit with his 4 dogs, and that he will be receiving infringements for yesterday's rushing's. The dog owner despite all this information is still wanting to get the dog out so I gave him the kennels number so they can quote him the fees.

Dog owner has come into AECU and D37 has spoken with him in length about our concerns with the dogs behaviour and the risks it poses moving forward, that the dog had a very aggressive fight with the menacing dog at the property and the danger the children at the property would be in if that happens around them. Dog owner has paid all the fees and the dog has been returned. [REDACTED] - 06/07/2023 "Lola" to be classified as Dangerous [REDACTED] 07/07/2023 4pm- Dangerous classification signed off by the courts Infringement sec 52a (IN 13646) [REDACTED] - 07/07/2023

## Previous Complaints for Dog

CRM No.	336049/2023	Task	2INV
Animal	246482	Outcome	1UNS

<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D41
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	04-Jul-23 03:14:00 PM
<b>Cat 3</b>	Dogs - Failure To Keep Control of Dog	<b>Closed</b>	01-Aug-23 03:12:00 PM
<b>Cat 4</b>			
<b>CRM No.</b>	336188/2023	<b>Task</b>	2INV
<b>Animal</b>	246482	<b>Outcome</b>	DANG
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D40
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	05-Jul-23 01:31:00 PM
<b>Cat 3</b>	Dogs - Rushing (heading only)	<b>Closed</b>	07-Jul-23 04:13:00 PM
<b>Cat 4</b>	Dogs - Rushing Person - Urgent		
<b>CRM No.</b>	336195/2023	<b>Task</b>	2INV
<b>Animal</b>	246482	<b>Outcome</b>	2CMP
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D40
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	05-Jul-23 02:00:00 PM
<b>Cat 3</b>	Dogs - Roaming (heading only)	<b>Closed</b>	07-Jul-23 12:54:00 PM
<b>Cat 4</b>	Dogs - Roaming - Public Place		
<b>CRM No.</b>	336209/2023	<b>Task</b>	2INV
<b>Animal</b>	246482	<b>Outcome</b>	2CMP
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D40
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	05-Jul-23 02:22:00 PM
<b>Cat 3</b>	Dogs - Rushing (heading only)	<b>Closed</b>	07-Jul-23 12:53:00 PM
<b>Cat 4</b>	Dogs - Rushing Person - Historic		
<b>CRM No.</b>	339778/2023	<b>Task</b>	2INV
<b>Animal</b>	246482	<b>Outcome</b>	DANG
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D40
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	28-Jul-23 10:03:00 AM
<b>Cat 3</b>	Dogs - Offences - Officer (heading only)	<b>Closed</b>	28-Jul-23 03:03:00 PM
<b>Cat 4</b>	Dogs - Officer - Serve Dog Classification		
<b>CRM No.</b>	347052/2023	<b>Task</b>	2INV
<b>Animal</b>	246482	<b>Outcome</b>	S205
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D44

<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	01-Sep-23 11:42:00 AM
<b>Cat 3</b>	Dogs - Rushing (heading only)	<b>Closed</b>	17-Oct-23 01:44:00 PM
<b>Cat 4</b>	Dogs - Rushing Person - Historic		

<b>CRM No.</b>	353046/2023	<b>Task</b>	2INV
<b>Animal</b>	246482	<b>Outcome</b>	2CMP
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D47
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	02-Oct-23 10:34:00 AM
<b>Cat 3</b>	Dogs - Ranging Offences Detected By Officer (heading only)	<b>Closed</b>	03-Oct-23 07:55:00 AM
<b>Cat 4</b>	Dogs - Ranging - Urban Patrols		

<b>CRM No.</b>	357958/2023	<b>Task</b>	2INV
<b>Animal</b>	246482	<b>Outcome</b>	SEIZ
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D17
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	24-Oct-23 11:58:00 AM
<b>Cat 3</b>	Dogs - Unmuzzled Dog	<b>Closed</b>	10-Nov-23 03:40:00 PM
<b>Cat 4</b>			

<b>CRM No.</b>	363741/2023	<b>Task</b>	2INV
<b>Animal</b>	246482	<b>Outcome</b>	2CMP
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D47
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	17-Nov-23 08:39:00 AM
<b>Cat 3</b>	Dogs - Offences - Officer (heading only)	<b>Closed</b>	17-Nov-23 02:23:00 PM
<b>Cat 4</b>	Dogs - Officer - Serve Owner Classification		

**Item 5**

**Attachment 1**



**Hamilton City Council**  
Te Kaunihira o Kiriidiroa

Private Bag 3010  
Hamilton 3240  
New Zealand

TEL 07 838 6699  
FAX 07 838 6599  
EMAIL [info@hcc.govt.nz](mailto:info@hcc.govt.nz)  
[hamilton.govt.nz](http://hamilton.govt.nz)

WITNESS STATEMENT FORMs

TIME 12.40pm

DATE 6/7/23

PLACE [REDACTED] Rangiwhero St  
Horowhenua

My full name is [REDACTED]

and I live at [REDACTED] Te Maru, Rotoma, I am

making this statement to [REDACTED] (DPO), Dog Control

Officer of the Hamilton City Council. On the 5/7/23, at

approximately 1.28 am / (pm)

(Describe Incident)

1. What happened? I was working at [REDACTED] Pine Avenue and I could see  
a tan/brown and white mastiff looking dog, medium in size,  
swimming on the other side of the street.  
One of our workers was leaving our work site and the  
dog rushed up to him and was barking at him. The  
worker tried to shoo the dog away, the dog went back  
to the other side of the street, the worker then started  
walking away and the dog again rushed over to him  
barking again (within a metre of the worker)  
He shooed it away again and it went back over  
to the other side of the road and was playing with  
something in the gutter.

AC/F01 Version 7  
30.05.12

Animal Education & Control

About 30 seconds to a minute later one of my workers was out the work site clearing on the road, the dog then rushed and barked at him too. He used the spade in his hands to warn the dog back to the other side of the road. The worker then got into his truck; two ladies walked past and the dog rushed at them, the worker had to use the truck horn to get the dog to back off.

About 3 minutes later, two young females roughly 7-8 years old, walked past and the dog rushed up close to them, my worker beeped his horn again and the dog backed off. I had also ran out at this point to help the kids but the dog was away from them at this point. I then called Animal Control.



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Description of Dog maskiff, brown/tan and white,  
medium in size.

3. Any witnesses (or owner present) a few of our workers, [REDACTED]  
is the worker who was rushed and warned the dog off with a spade.

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

SIGNED

[REDACTED]

OCCUPATION

Engineer.

DATE AND TIME

6/7/23 1PM.

WITNESSED

[Signature]

**COMPLAINANT**

<b>Complaint Received</b>		05/07/2023	<b>Officer</b>	D40
<b>Name</b>		[REDACTED]	<b>Home Phone 1</b>	
<b>Address</b>		NO ADDRESS 9999	<b>Home Phone 2</b>	
			<b>Mob Phone</b>	[REDACTED]

**PROPERTY**

<b>Property Address</b>	[REDACTED] Pine Melville 3206	Lot 1 DP S80455	<b>Safety Alert</b>	
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**ANIMAL DETAILS**

<b>Animal Number</b>	246482	<b>Animal Name</b>	Lola	<b>Tattoo</b>	[REDACTED]
<b>Animal Location</b>	[REDACTED] Pine AVE Melville 3206	<b>Color</b>	WHI /BRO	<b>Sex</b>	F
<b>Owner Address</b>	[REDACTED] Pine Avenue Melville Hamilton 3206	<b>Owner Name</b>	[REDACTED]	<b>NAR No.</b>	[REDACTED]

**REQUEST DETAILS**

<b>Offence Date</b>		Pitbull, tan dog rushed at 2 children and a male with them near [REDACTED] Pine Avenue, Bader - didn't make contact - caller was a worker in the area, tried to throw a spade at it but it got angrier, now sitting on the street, [REDACTED] turned up there as we were on the phone
<b>Major Category</b>	Animal Control (heading only)	
<b>Minor Category</b>	Dogs - Offences (heading only)	
<b>Category 3</b>	Dogs - Rushing (heading only)	
<b>Category 4</b>	Dogs - Rushing Person - Historic	

**INVESTIGATION DETAILS**

<b>Officer</b>	D40	5/7/23 2.30pm See CRM 336188/2023 [REDACTED] - 07/07/2023)
<b>Start Date</b>	05/07/2023 02:22	
<b>Finish Date</b>	07/07/2023 12:53	
<b>Outcome</b>	* Complete & Close CRM	
<b>Task</b>	Investigation	

## Previous Complaints for Dog

<b>CRM No.</b>	336049/2023	<b>Task</b>	2INV
<b>Animal</b>	246482	<b>Outcome</b>	1UNS
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D41
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	04-Jul-23 03:14:00 PM
<b>Cat 3</b>	Dogs - Failure To Keep Control of Dog	<b>Closed</b>	01-Aug-23 03:12:00 PM
<b>Cat 4</b>			

## Animal Complaint Record 336195/2023

### COMPLAINANT

Complaint Received	05/07/2023
Name	Anonymous Anonymous Anonymous
Address	No Details Provided C/- Hamilton City Council Private Bag 3010

Officer	D40
Home Phone 1	
Home Phone 2	
Mob Phone	

### PROPERTY

Property Address	██████ Melville 3206	LOT: 1 DP: 531057	Safety Alert		
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### ANIMAL DETAILS

Animal Number	246482	Animal Name	Lola	Tattoo	██████
Animal Location	██████ Pine AVE Melville 3206	Color	WHI /BRO	Sex	F
Owner Address	██████ Pine Avenue Melville Hamilton 3206	Owner Name	██████	NAR No.	██████

### REQUEST DETAILS

Offence Date		Roamer o/s ██████ Bader apparently put hackles up at a courier driver. Mushroom colour. Lady is a DHB car could give me no more details,
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Roaming (heading only)	
Category 4	Dogs - Roaming - Public Place	

### INVESTIGATION DETAILS

Officer	D40	5/7/23 2.30PM See CRM 336188/2023 (██████ - 07/07/2023)
Start Date	05/07/2023 02:00	
Finish Date	07/07/2023 12:54	
Outcome	* Complete & Close CRM	
Task	Investigation	

## Previous Complaints for Dog

CRM No.	336049/2023	Task	2INV
Animal	246482	Outcome	1UNS
Maj Cat.	Animal Control (heading only)	Officer	D41
Min Cat.	Dogs - Offences (heading only)	Opened	04-Jul-23 03:14:00 PM
Cat 3	Dogs - Failure To Keep Control of Dog	Closed	01-Aug-23 03:12:00 PM



## NOTICE OF CLASSIFICATION OF DOG AS A DANGEROUS DOG

### SECTION 31, DOG CONTROL ACT 1996

TO: (Name of Owner) [REDACTED]

ADDRESS: [REDACTED] Pine Avenue, Melville, Hamilton 3206,

DOG: (Description) Female, Unneutered American Bulldog, White and Brown in colour, Named LOLA, aged 8 months approximately, Microchip [REDACTED]  
[REDACTED]

This is to notify you that this dog has been classified as a dangerous dog under section 31(1) of the Dog Control Act 1996.

This is because of a Rushing Incident on Wednesday, 5th July 2023 where the dog showed highly aggressive behaviour toward people as well as other dogs.

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

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, or 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.

[REDACTED]  
Signature of Officer

27/07/2023  
Date

AC/F06  
Version 3  
15.1.04

Animal Education & Control

Attachment 2



Private Bag 3010  
Hamilton 3240  
New Zealand

TEL 07 838 6699  
FAX 07 838 6599  
EMAIL [info@hcc.govt.nz](mailto:info@hcc.govt.nz)  
[hamilton.govt.nz](http://hamilton.govt.nz)

## EFFECT OF CLASSIFICATION AS A DANGEROUS DOG

### Section 32 and 36A Dog Control Act 1996

You are required, -

- (a) Within one month after receipt of this notice, to ensure that the dog is kept within a securely fenced portion of your property that it is not necessary to enter to obtain access to at least one door of any dwelling on the property; and
- (b) Not to 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-
  - (i) the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breath and drink without obstruction; and
  - (ii) the dog being controlled on a leash (except in a designated dog exercise area); and
- (c) To produce to the Hamilton City Council, within one month after receipt of this notice, a certificate issued by a registered veterinary surgeon and 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
- (d) Where a certificate under paragraph (c)(ii) is produced to the Hamilton City Council, to produce to the Hamilton City Council, within one month after the date specified in that certificate, a further certificate under paragraph (c)(i); and
- (e) In respect of every registration year commencing after receipt of this notice, to pay dog control fees for the dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
- (f) Not to dispose of the dog to any other person without the written consent of the territorial authority in whose district the dog is to be kept.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with any of the matters in paragraphs (a) to (f) above. In addition, on conviction the Court must order the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not justify the destruction of the dog.

AC/F06  
Version 3  
15.1.04

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 (f) above. The ranger or officer may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (f).

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you sell or otherwise transfer the dog, or offer to do so, to any other person without disclosing that the dog is classified as a dangerous dog.

As from 1 July 2006, you are also required, for the purpose 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 the Hamilton City Council in accordance with the reasonable instructions of the Hamilton City Council 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 from 1 July 2006 if your dog is classified as menacing on or after 1 December 2003 but before 1 July 2006;  
or
- within 2 months after the dog is classified as menacing if your dog is classified as menacing after 1 July 2006.

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 conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of classification as a dangerous dog are provided in the Dog Control Act 1996.

#### **RIGHT OF OBJECTION TO CLASSIFICATION** **Section 31(3) Dog Control Act 1996**

You may object to the classification by lodging with the Hamilton City Council a written objection within 14 days of receipt of this notice setting out the grounds on which you object. You are entitled to be heard in support of the objection and will be notified of the time and place at which your objection will be heard.

AC/F06  
Version 3  
15.1.04



Private Bag 3010  
Hamilton 3240  
New Zealand

TEL 07 838 6699  
FAX 07 838 6599  
EMAIL [info@hcc.govt.nz](mailto:info@hcc.govt.nz)  
[hamilton.govt.nz](http://hamilton.govt.nz)

## STATEMENT OF SERVICE

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

\_\_\_\_\_ Day of \_\_\_\_\_ at \_\_\_\_\_

Residential  
Address is

The same as that  
on the notice

or

(Specify)

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

28<sup>th</sup> Day of July 20<sup>19</sup> 23 at 2pm.

At 1/43 Pine Avenue, Hamilton

(Show full address of service)

Dog Control Officer 140 28 / 7 / 23

Registered Letter

Date Posted:

IN THE MATTER of Section 31(1)(b) Of the Dog Control Act 1996

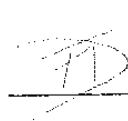
I, [REDACTED] Dog Control Officer with Hamilton City Council, do solemnly swear that:

1. [REDACTED] of [REDACTED] Pine Avenue, Hamilton is the registered dog owner for a White and Brown, female, American Bulldog named "Lola", aged 0 years and 8 months approximately, Microchip number: [REDACTED]
2. On the 5<sup>th</sup> of July 2023, at 1.41pm, Animal Education and Control were called about a dog rushing at people on Pine Avenue, Hamilton. Myself and 4 other Animal Control Officers have started making our way to Pine Avenue, and I have received two more calls before I arrived saying the dog has rushed at a total of 6 people.
3. On arrival at Pine Avenue, we have seen a dog sat on the grass verge outside [REDACTED] Pine Avenue and it has rushed aggressively at myself and other officers.
4. A male occupant of [REDACTED] Pine Avenue has returned home and contained the dog behind the fence at [REDACTED] Pine Avenue. The dog has then started fighting with another dog at the property and myself and two other officers have had to enter the property to safely separate the dogs.
5. The dog owner has returned and the dog, now known as "Lola", has been seized under S42 and S57A of the Dog Control Act.
6. On the 6<sup>th</sup> of July 2023, at 12.40pm, I have visited the complainant, [REDACTED] at his work address of [REDACTED] Rawlings Street, Hamilton and taken a Written Statement from him supporting his allegation. The Witness Statement reflects that the dog known as "Lola" has been roaming on the street outside [REDACTED] Pine Avenue and has rushed aggressively at 6 different people before Animal Control's arrival.
7. As result of these aggressive incidents involving "Lola" that have been investigated by Hamilton City Council, I have reasonable grounds to believe that the dog constitutes a threat to the ongoing safety of any person, domesticated animal or protected wildlife.

Based on the above, the dog known as "Lola" will be classified as a Dangerous Dog under the Dog Control Act 1996 and amendments.

SWORN before me at Hamilton

this 7 day of July 2023.

  
Deputy Registrar  
High District Court  
Hamilton

  
[REDACTED]  
Dog Control Officer D40  
Hamilton City Council



My reason for lola dog category

I am a [REDACTED] On the day of this categorizing on Lola I was working at [REDACTED] when my son had come to visit he had left the gate open which Lola had gotten out of the property the accusation of Lola charging kids and staff member working next door using a 30 tonne digger probably for about a week as they were destroying the three homes that were there I do take ownership of Lola getting out of my property as quoted by animal control when i got home Lola does not bite her action were of excitement as she absolutely love people including children the description was seen as a violent action when really it was lola saying hello she is very friendly and has never bitten any human being ever since i had her her temperament is very loving and people would mistaken her behavior as scary as Lola is a american bully i will add a photo to identify lola i have got a letter from franklin vets pukekohe who have categorize her as friendly which i will attach and then there is further evidence of lola behavior when one of the dog control visited my home for pudoe another dog i did own but now he has deceased he had seen how lola behavior was when he made the visit as she was very playful and licked his hand I do not no his name but there must be some evidence of his coming to visit me because he came inside and i had to transfered some cash to pay pudoe fine which i never knew existed i think it was dog control searching my place for lola because a few days later dog control came with the police and took the dogs the officer from dog control was very rood and nearly slammed the gate on lola body it was just luck that this did not accure and he was the same officer who swore at me the police that were monitoring this would had witnessed this action from the dog control officer please contact the police that were incharge for a statement i did not understand why my dogs were taken and police had to come because my neighbours had witnessed this as i am [REDACTED] it did not look good for me to have police around my whare and the only reason was i did not pay for there registration so that was why the dogs were taken and i no my neighbors own dogs that are not registered because they told me. There were 5 dog officers and 2 police my mana was shamed from these people being here to take my dogs i live on [REDACTED] which is very low i had tro borrow money from a church friend to get my dogs out \$680 was the fine when i payed the fine and picked my dogs up there was no penalty for lola at all and i did not understand why they took her but on picking the dogs up lola had an in jury from the dog control shelter i t4ried to let the officers who took the dogs that lola had a operation about a moth ago but they did not want to no she had to be in a place of warmth and when i picked her up nshe was in a cage with concrete flooring which had caused the pro lapse this had costed me a further \$2000 which i am paying off weekly as well as the loan from my friend my family and myself had to move in with my oldest daughter to live while i tried to pay my friend back it took a week before we could move back home my daughter lives in papakura so we were living away from our home i still am struggling as i have moved home because i have [REDACTED] to work with as i do this mahi volunteering i have never caused any trouble with dog control i have asked if i could make time payment for there registration which they had refused in the past, they have treated me in a behavior of dis respect to my family myself and my culture i will now explain what had happened further back in time there will be evidence of there visit where i was sworn at by one of the officers the words he spoke to me was for fuck sake my daughters had witnessed this abuse as they are fifteen years and eighteen both females then i had tried to tell them that the dogs were culturally attached

to me as i have visits from spirits that are not alive and the dogs keep them at bay but i could not explain this to the dog officers because they said they dont care and did not want to know ,i asked if they practice within the best practice of the tiriti and they said no they dont and did not care about best practice of the tiriti these are the reason why i am asking for lola decision to be reversed and i dont no why i was spoken to like this as the officers work for hamilton council i question there ethics around there behaviors and around my culture as i am maori and does hamilton city work within these values of swearing and no cultural sensitivity towards any culture not just maori i can bring people that have seen lola behavior patten and can state that she is non violent towards other people if this is required please advise me of this matter and I have worked on lola taking her on walks around the public most people ask if she bites and can they touch her her behavior has been very friendly as she loves people fussing over her she is a year old today at the time of the offense she was around 9 months old she has been encouraged to get use to public since the incident i have encourage lola to respond in a manner of good behavior around the public and every day she responds with excitement and fun when people make contact to her i please ask that the decision that is made is in favor of lola category to be put back to normal from dangerous i feel when they had made this decision that they were racist in the way i was treated by the officer swearing at me and not recognising my culture and how important as maori to maintain as we are victims to colonization in the past and i feel that colonization is still present today the next day they told me she was catergorized as dangerous i feel because of there attitude towrds myself and lola that they have made a great mistake in there decision to label lola as dangerous it may have affected there judgement when i was spoken to in a manner of injustice and sincere racial attributes

██████████

IN THE MATTER of the Criminal  
Procedure Act 2011 Section 82

██████████ (D37) states:

1. My full name is ██████████ and my officer number is D37, I work for Hamilton City Council as a Team Leader for Animal Control.
2. On the 5 July 2023 at approximately 1.30pm Animal Control Officer ██████████ (D40) received several reports about a dog rushing and charging aggressively at members of the public in Pine Ave, Hamilton.
3. Due to the aggressive nature of the reports myself and officer ██████████ (D17) have attended to assist ██████████.
4. Another Animal Control Unit arrived at the same time as they had been in the area and heard the call for back up required.
5. On arriving at the scene outside ██████████ Pine Avenue, I have sighted a large light tan and white bully breed dog lying on the grass verge chewing on something outside the address, Officer ██████████ (D40) was keeping an eye on the dog. He had a catch pole in his hands for his protection and the protection of the public.
6. I have exited the vehicle, the dog has sighted myself and ██████████ (D17), it got up immediately, started barking and moving towards us. At this time another officer ██████████ (D44) has crossed the road and started walking toward the dog on the same side of the road as ██████████ Pine ave. The dog has sighted ██████████ (D44) and started running towards him growling. ██████████ (D44) has had to use his pole and voice to fend the dog off.
7. A vehicle has pulled into the property at the same time and has distracted the dog. The dog ran back to the property.
8. The dog was very confident and aggressive, from my experience as an Animal Control Officer for the past 10 years I do not believe the dog was going to back down from its aggressive approach, if the vehicle didn't arrive at that moment.
9. The male from this vehicle has put the dog inside the property of ██████████ Pine Ave, he had a conversation with ██████████ (D40) and has then left to go and get the dog owner.
10. Whilst we were waiting for the dog owner to arrive, we have remained to make sure the dog did not leave the address.
11. There was another dog, a Pitbull type, tied to a post at the front door of the address, there were another two black dogs inside the house.
12. While we were waiting for the owner the two dogs have started to fight, the Pitbull was tied up and could not get away, the large Bully breed continued to attack it. ██████████ (D44), ██████████ (D40), and I have entered the property, fended off the attacking dog with our poles and removed the Pitbull with a catch pole for its own protection. This dog had visible wounds from being attacked by the other dog. We later identified this dog as Pudoe, a menacing classified Pitbull cross registered to ██████████.
13. The owner has returned to the address and has been identified as ██████████.
14. ██████████ told us the offending dogs name was Lola and that she is an American Bully Dog and 8 months old.
15. On returning to the unit the officers have discussed Lola and the behaviour we had witnessed. We were surprised at the high level of confidence and aggression from a dog of this age.
16. Based on our team's experience with dog behaviour it was unanimously agreed by the officers who attended that the behaviour from the dog Lola was dangerous, we had concerns she would re-offend if given the opportunity.



17. [REDACTED] (D40) recommended the dog be classified as dangerous.

This statement is true to the best of my knowledge and belief. It has been made by me knowing that it may be admitted as evidence in court proceedings and that I could be prosecuted for making a statement known by me to be false and intended by me to mislead.

DATED AT HAMILTON THIS        17th    DAY OF            January            2024

## Section 82 Criminal Procedure Act 2011

I, [REDACTED], state:

1. My full name is [REDACTED]. I am an Animal Education and Control Officer for Hamilton City Council, and I have held this role for 23 and a half years. My designation is D17.
2. On the 5<sup>th</sup> of July 2023 at approximately 1.30pm [REDACTED] (D40) has received a number of reports about a dog rushing and charging at members of public in an aggressive manner on Pine Avenue, Hamilton.
3. The aggressive behaviour of the dog in the reports has resulted in [REDACTED] (D37 Team Leader), me and other officers attending this report with [REDACTED].
4. Upon arrival a dog matching the description provided by the complainant has been seen lying outside [REDACTED] Pine Avenue, Hamilton. [REDACTED] had exited his vehicle and had a catch pole in his hand for his and the public's protection.
5. I have exited our vehicle with [REDACTED]. The dog has sighted us and stood up and started barking at us and moving towards us. The dog has then changed direction and started moving along the footpath towards [REDACTED] (D44) who was about 6-8 metres from the dog. The dog's body language as it moved towards [REDACTED] (D44) was showing an aggressive stance to the point the point I was concerned for my colleague. He has raised his catch pole to stop or fend the dog off. A car has arrived at this moment and pulled into the drive [REDACTED] Pine, Hamilton. This has distracted the dog that had been moving towards [REDACTED] (D44). The dog has then run back to [REDACTED] Pine Avenue, Hamilton.
6. My observation of the dog's behaviour and my experience with dogs over the last 23 years as an Animal Control Officer said to me that this was a dog that was aggressive and confident in its manner and required all due care when dealing with it.
7. A man has got out of the vehicle which had arrived. He has contained this dog in the property. The dog was not his but belongs to his father-in-law. There were two other dogs on the property. This vehicle has left to get the dog owner who was not at home. We have stayed at the property to ensure the dog did not get loose again while waiting for the dog owner to arrive.
8. The dog that had been loose in the street has started to attack a dog that was chained up on the property of [REDACTED] Pine Avenue, Hamilton. The dog that was chained up has fought back and the fight appeared to be getting worse. [REDACTED] (D40), [REDACTED] (D44) and [REDACTED] (D37) have entered the property of [REDACTED] Pine Ave, Hamilton to stop the dog fight. The dogs have been separated with the use of Catch poles.

9. The dog that had been attacked had visible wounds and has been removed for its own protection. This dog was later identified as Pudoe, a classified menacing dog registered to [REDACTED]
10. The dog owner has returned to [REDACTED] Pine Ave, Hamilton and has been identified as [REDACTED]. [REDACTED] has confirmed the identity of the offending dog as Lola and that she was an American Bully dog and 8 months old.
11. The dog named Lola has been seized under S.57(A) and Section 42(2) of the Dog Control Act 1996. A seizure notice has been left with the dog owner.
12. The dog named Lola has been returned to the Animal Control Unit and impounded.
13. The officers involved have discussed the behaviour of dog named Lola and expressed their surprise at the level of confidence and aggression seen given the dogs age of only 8 months.
14. It has been agreed that that the dog Lola had exhibited dangerous behaviour and the consensus was that it was likely the dog would re-offend.
15. [REDACTED] (D40) has recommended that the dog Lola be classified as a dangerous dog.

This statement is true to the best of my knowledge and belief. It has been made by me knowing that it may admitted as evidence in court proceedings and that I could be prosecuted for making a false statement known by me to be false and intended by me to mislead.

DATED AT HAMILTON THIS 18<sup>th</sup> DAY OF January 2024

\_\_\_\_\_  
[REDACTED]



To whom it may concern

Regarding Lola a one-year-old American Bulldog owned by Mr [REDACTED] relating to Lola's behavior.

I have found Lola to be a friendly dog with no aggression towards me, my nurses or any other animals while at the veterinary clinic . Even with the procedures we have had to do with her .

Regards [REDACTED]

Veterinarian at Franklin Vets Pukekohe

**FRANKLIN VETS**  
**PO BOX 459**  
**PUKEKOHE 2340**  
**09 238 7486**

FRANKLIN VETERINARY SERVICES (1977) LTD

## NOTICE OF CLASSIFICATION



Item 5

Menacing dog classification – Section 33A, Dog Control Act 1996 (behaviour of the dog)			
Date	10/06/2021	RFS No	8100852306
Name	[REDACTED]		
Address	[REDACTED] Pine Avenue Melville 3206		
		<b>DELIVERY CONFIRMATION</b>	
		Recipient name [REDACTED]	
		Signature [REDACTED]	
		Date	Time
		Served by	[REDACTED]
		Signature	[REDACTED]
<b>Dog details</b>			
Dog ID	240109	Primary breed	Shar Pei
Microchip No	-	Secondary breed	American Bulldog
Name	Pudoe	Primary colour	White
Sex	Male - Entire	Secondary colour	[REDACTED]
Age	1 years, 5 months		
Address where the dog is kept	As above		
<b>Classification details</b>			
<p>This is to notify you that this dog has been classified as a menacing dog under section 33A of the Dog Control Act 1996 with effect from the date of this notice.</p> <p>This is because Auckland Council considers that the dog may pose a threat to any person, stock, poultry, domestic animal or protected wildlife, because of observed or reported behaviour of the dog, namely:</p> <p><i>03/06/2021 dog attack on person causing injury</i></p> <p>A summary of this classification and your right to object is provided on the reverse. Objections must be in writing and can be sent to any of the addresses below or delivered to any Auckland Council Service Centre.</p>			
<b>Classification requirements</b>			
<p><b>Neutering:</b> Your dog must now be neutered, and you must provide a veterinary certificate as proof thereof within one month of receipt of this notice.</p> <p><b>Microchip:</b> Your dog must now be microchipped, and you must provide proof thereof within two months of the date of this notice.</p> <p><b>Muzzle:</b> Your dog must now be muzzled when it is at large or in any public place or private way, and it must be kept under control at all times.</p>			
The required documents can be sent by post to: <b>Auckland Council, Private Bag 92300, Auckland 1142</b> or by email to: <a href="mailto:dogregistration@aucklandcouncil.govt.nz">dogregistration@aucklandcouncil.govt.nz</a>			
		<b>ADDITIONAL INFORMATION</b>	
Signature	[Handwritten Signature]		
Name	[REDACTED]		
Position	Team Leader   Animal Management		

Attachment 7



**EFFECT OF CLASSIFICATION AS A MENACING DOG*****Sections 33E, 33F and 36A Dog Control Act 1996***

- a) You must not allow your dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without 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) If applicable, you must produce to Auckland Council within 1 month after receipt of this notice a certificate issued by a registered veterinary surgeon certifying:
  - (i) that the dog is or has been neutered; or
  - (ii) that for reasons that are certified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- c) If your dog is not fit to be neutered before a specific date as mentioned above, then you must produce to Auckland Council within 1 month after that specified date, a further certificate under paragraph (b)(i).

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with any of the matters in paragraphs (a) to (c) above. In addition, a dog control officer or dog ranger may seize and remove the dog from you and keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c) above.

If applicable, you are also required, for the purpose 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 Auckland Council in accordance with the reasonable instructions of Auckland Council 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 this notice.

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 conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of classification as a menacing dog are provided in the Dog Control Act 1996.

**RIGHT OF OBJECTION TO CLASSIFICATION UNDER SECTION 33A*****Section 33B, Dog Control Act 1996***

You may object to the classification of your dog as menacing by lodging with Auckland Council 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 the objection and will be notified of the time and place at which your objection will be heard.

**APPLICATION TO REMOVE MENACING CLASSIFICATION AFTER 12-MONTH PERIOD*****Auckland Council Dog Management Bylaw 2019 – Clause 17***

You may request Auckland Council to review the menacing classification placed on your dog after a period of 12 months from the date of the classification, if:

- a) you have obtained a dog behavioural assessment report from a dog trainer or dog behaviourist (at your own expense) as evidence that your dog is no longer a threat to the safety of any person or animal, and
- b) you have obtained a Responsible Dog Ownership Licence (RDOL) or you are currently holding an RDOL, and
- c) you have not obtained any infringements in relation to the dog within the preceding 12-month period.

Removing the menacing classification is at the discretion of Auckland Council, and the council has no obligation to remove the classification. For more information, contact Auckland Council on 301 0101 or see [www.aucklandcouncil.govt.nz/dogs](http://www.aucklandcouncil.govt.nz/dogs).

## Animal history

## Complaints received re Lola

Date	Complaint/event	Comments
4/7/2023	CRM 336049 Failure to control	Dog acting aggressive towards a visitor to the house and a resident. Neither victim gave a statement and complainant wants to remain anonymous. Animal Education and Control Officer (AECO) closed case as insufficient evidence provided.
5/7/2023	CRM 336188 Dog roaming on Pine Ave was seen rushing children and workers arriving at site	As these three CRMs are all about the same roaming and rushing incidents all AECO notes are in CRM 336188/2023.  Due to the reported level of aggression being displayed four AECO's attended this job.  Outcome: INF 13646 issued. Lola to be classified as dangerous.
5/7/2023	CRM 336195 Dog roaming on Pine Ave, raised its hackles at a courier driver	
5/7/2023	CRM 336209 Dog Rushed at 2 children and a male in Pine Ave	
28/7/2023	CRM 339778 Dangerous classification documentation delivered	
1/9/2023	CRM 347052 Dog rushing on Peachgrove Rd.	<p>On 31/8/2023 an 87 year old woman was rushed at on Peachgrove Rd as she walked from the bus stop to her house. She froze in place and noted in her statement that if she had tried to move away the dog would have charged at her. It was barking and snarling the whole time, she shouted and a man came out of a neighbouring house and collected the dog.</p> <p>The next day 1/9/2023 the woman saw the same dog out running loose in Peachgrove Rd and due to public safety concerns after the event the day before the woman's daughter reported both events to Hamilton City Council.</p> <p>Two AECO's responded to the job and sighted the dog which has then run off into Claudelands Bush Reserve. The officers were unable to catch the dog and returned to the unit, where through video and photos identified the dog as Lola from Pine Ave. As Lola had recently been classified as dangerous, they return to the area and called the dog owner. They officers stayed in the area until the owner arrived and assisted the owner until 7pm before leaving. The dog was not found that night and was reported still missing on 4/9/2023.</p>
3/10/2023	CRM 353046 AECO completing an urban patrol of Bader	During a routine patrol of Bader the AECO has seen Lola out walking with her owner, she had a lead on that was dragging on the ground and no muzzle on. The officer doubled back shortly after passing them but when he got back to

		where they were sighted, they were gone. No further action taken.
20/10/2023	CRM 357958 Roaming, breach of classification and unregistered	<p>An off duty AECO on his way home has seen Lola and her owner and two other dogs walking. The two other dogs were off lead and Lola did not have a muzzle on. Photos taken.</p> <p>Dogs seized and returned to owner. Staff noted Lola had a prolapsed bowel, she was seen by our vet who was on sight, and the owner called, he noted she had already had three surgeries for this, and his vet would do no more. We linked him with our vet to discuss treatment options. He collected Lola and took her for treatment (no fees charged as Lola was registered).</p> <p>INF 14558 and 14559 issued</p>
10/1/2024	CRM 374363 Dog attack. Dog v person	A contractor canvassing for Canteen in the Melville area on Monday 8/1/2024 was working in Pine Ave. She approached the residence of the dog Lola. She has not entered the property but knocked on the metal fencing to gain the attention of the house's occupants. A dog matching Lola's description has run out of the house, jumped the gate, circled the worker and bitten her twice on the upper arm resulting in several deep puncture wounds and swelling. The contractor had to have several days off work.



## Resolution to Exclude the Public

### Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Dog Control Hearings Panel Public Excluded Minutes 7 August 2023	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

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

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