

Notice of Meeting:

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

Date: Monday 12 December 2022
Time: 9.30am
Meeting Room: Committee Room 1
Venue: Municipal Building, Garden Place, Hamilton

Lance Vervoort
Chief Executive

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

Membership

Chairperson Cr Ewan Wilson
Heamana

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

Quorum: Three members

Meeting Frequency: As required

Amy Viggers
Mana Whakahaere
Governance

16 November 2022

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

Purpose

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

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

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

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1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Committee to confirm the agenda.

3 Declaration of Interest – *Tauaakii whaipanga*

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:** 12 December 2022
Author: Susan Stanford **Authoriser:** Kelvin Powell
Position: Animal Control Manager **Position:** City Safe Unit Manager
Report Name: Objection to disqualification from dog ownership - Nicola Kenney

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

1. To seek a determination from the Dog Control Hearings Panel on the disqualification from dog ownership of Nicola Kenney.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Dog Control Hearings Panel:
 - a) receives the report; and
 - b) determines that the disqualification from dog ownership of Nicola Kenney is upheld.

Executive Summary - *Whakaraapopototanga matua*

3. Section 25 of the Dog Control Act 1996 notes that a territorial authority must disqualify a person from being a dog owner if they have received three infringements in a 24-month period or committed an offence under the following acts:
 - i. The Dog Control Act 1996
 - ii. Part 1 or Part 2 of the Animal Welfare Act 1999
 - iii. Section 26ZZP of the Conservation Act 1987 or
 - iv. Section 56I of the National Parks Act 1980.
4. Nicola Kenney has received five infringements for five separate events in a 24-month period.
5. The infringements relate to incidents of the dog Mack roaming and rushing at members of the public.
6. Staff recommend that the Dog Control Hearings Panel uphold the disqualification for the recommended period, as detailed in the options section below.
7. Nicola Kenney was previously disqualified as a dog owner from December 2014 to December 2019.
8. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

Background - *Kooreo whaimaarama*

9. Under section 25 of the Dog Control Act if a dog owner receives three infringements for three separate events in a 24-month period the Territorial Authority must disqualify the dog owner from dog ownership.
10. Nicola Kenney has received six infringements involving one dog, five of these infringements are for five separate events within the last 24 months these include:
 - i. INF 13089 – Failure to comply with Hamilton City Council (HCC) bylaw – roaming dog
 - ii. INF 13091 – Failure to keep dog controlled or confined – rushing dog
 - iii. INF 13092 – Failure to keep dog controlled or confined – roaming dog
 - iv. INF 13181 – Failure to comply with HCC bylaw – rushing/roaming dog
 - v. INF 13196 – Failure to comply with HCC bylaw – rushing/roaming dog

(Attachment 1 – infringements issued in 2021 and 2022)
11. Nicola has owned six dogs in Hamilton, but currently has only one dog named Nema, all the infringements issued over the last 24 months are in relation to a dog named Mack that Nicola has rehomed to Tauranga and was departed from Animal Education and Controls records on 7/7/2022 (attachment 2 - full animal history for Mack).
12. Nicola has previously been disqualified from dog ownership for receiving four infringements for three separate events, this disqualification ran from December 2014 to December 2019 (attachment 3 – 2014-2019 disqualification documentation)
13. The current disqualification from dog ownership was signed on 16 August 2022 and delivered to Nicola's home address on 19 August 2022 (attachment 4 – disqualification documentation).
14. On 19 August 2022 an objection to disqualification was received from Nicola Kenney via email. Nicola is objecting as she feels she has done everything she could to avoid infringements, but Mack could jump their six-foot fence. She has subsequently rehomed Mack and notes she has been a good dog owner (Attachment 5 – full objection received)

Discussion - *Matapaki*

15. In considering their decision, panel members should consider:
 - i. the circumstances and nature of the offence or offences in respect of which the person was disqualified; and
 - ii. the competency of the person objecting in terms of responsible dog ownership; and
 - iii. any steps taken by the owner to prevent further offences; and
 - iv. the matters advanced in support of the objection; and
 - v. any other relevant matters.
16. Disqualification from dog ownership is based on the past behaviour of the dog(s) and/or owners that resulted in three or more infringements in a 24-month period. It is not founded on what the future behaviour of the dog/owner may be.
17. The Dog Control Act 1996 is quite clear in noting when a territorial authority must disqualify a person from dog ownership. Upon receiving three or more infringements in a 24-month period a territorial authority must disqualify that person from dog ownership unless the circumstances of the offence/s do not warrant disqualification. AEC believe there are no circumstances in any of the incidents resulting in the issuing of the infringements that would make disqualification not warranted.

18. The nature of the offences the infringements were issued for included a roaming dog and dog rushing at persons. Nicola also has previously been disqualified from dog ownership; this disqualification ended in December 2019 and in less than three years Nicola has received enough infringements within 24 months to be disqualified from dog ownership again.

Options - *Kōwhiringa*

19. Under the Dog Control Act 1996, territorial authorities have three potential outcomes/options in determining an objection to disqualification. They are:
 - i. uphold the disqualification for the recommended period
 - ii. uphold the disqualification but bring the termination date forward
 - iii. terminate the disqualification immediately.
20. Staff recommend option one because of the nature of the offences and Nicola's previous history of disqualification.

Financial Considerations

21. This is a regular operating activity funded through the 2021-2031 Long Term Plan.

Legal and Policy Considerations

22. [Section 25](#) of the Dog Control Act 1996 notes that a territorial authority must disqualify a person from being a dog owner if they have received three infringements in a 24-month period or committed an offence under the following acts:
 - i. The Dog Control Act 1996
 - ii. Part 1 or Part 2 of the Animal Welfare Act 1999
 - iii. Section 26ZZP of the Conservation Act 1987 or
 - iv. Section 56I of the National Parks Act 1980.
23. [Section 26](#) of the Dog Control Act 1996 sets a person's right to object to disqualification from dog ownership and the territorial authorities' responsibilities in considering that objection.
24. If a dog owner is dissatisfied with the outcome from the territorial authority's hearing process under [section 27](#) of the Dog Control Act, they may appeal to the District Court.
25. Staff confirm that the disqualification and options provided for the Dog Control Hearings Panel comply with Council's legal obligations under the Dog Control Act 1996.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

26. 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').
27. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
28. The recommendations set out in this report are consistent with that purpose.
29. Staff considers from a social perspective that the keeping of animals can enhance the quality of life and well-being for individuals and families; however, staff also have a responsibility to ensure responsible dog ownership and to protect the community from unreasonable animal nuisances – families, whanau, iwi, haapu, and communities should be safe from dangerous animals.

30. There were no Economic, Environmental, and Cultural wellbeing considerations identified in the creation of this report.

Risks - *Tuuraru*

31. Should the disqualification be overturned AEC believe there is the potential for Nicola to acquire another dog, along with Nema, and/or incur more infringements.

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

32. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.
33. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - History of Infringements

Attachment 2 - Dog Control history for Mack

Attachment 3 - Disqualification December 2014 to December 2019

Attachment 4 - Disqualification 2022

Attachment 5 - Objection received

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

NOTICE NUMBER **13091**

TERRITORIAL AUTHORITY

TELCOR
REGISTERED
SUPPLIER

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

Forenames Surname

Name of dog owner: Nicola

Address: [REDACTED]

Date of birth: [REDACTED]

ALLEGED INFRINGEMENT OFFENCE DETAILS

Date	Time	Day of Week:
<u>2/6/2021</u>	<u>10:52am</u>	<u>S M T W T F S</u>
Road/Street: <u>Corkford Crescent</u>	Locality: HAMILTON	

OFFENCE COMMITTED INDICATED BY BOX TICKED

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

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

Dog rushed member of public in the street

\$200.00

Reg. No. or Description of Dog: AN# 238854

Neapolitan Mastiff class, grey male named Mack

PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after 12/6/2021 (Earliest date notice delivered personally or posted)

OFFICER NUMBER: 037

THE INFRINGEMENT FEE MAY BE PAID AT THE ADDRESS SHOWN BELOW. CHEQUES OR MCNEY ORDERS SHOULD BE "NOT TRANSFERABLE"

THE INFRINGEMENT FEE MAY BE PAID TO:

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

Item 4

Attachment 1

INFRINGEMENT NOTICE

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

NOTICE NUMBER **13092**

TERRITORIAL AUTHORITY



Hamilton City Council

Te kaunihera o Kirikiriroa

Garden Place, Hamilton
Ph (07) 838 6699, Fax (07) 838 6599

Name of dog owner: Nicola [redacted]
Address: [redacted] [redacted]
Wakate Hamilton
Date of birth: [redacted]

ALLEGED INFRINGEMENT OFFENCE DETAILS

Date: 18/6/2021 Time: 3:06pm Day of Week: S M T W T F S
Road/Street: Oakfield Cres Locality: **HAMILTON**

OFFENCE COMMITTED INDICATED BY BOX TICKED

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

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

Dog roaming \$200.00

Reg. No. or Description of Dog: Neopolitan Mastiff
cross, Blue/Grey male named
Max AN# 238854

PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after 25/6/2021 (Earliest date notice delivered personally or posted)

OFFICER NUMBER: D37 THE INFRINGEMENT FEE MAY BE PAID AT THE ADDRESS SHOWN BELOW. CHEQUES OR MONEY ORDERS SHOULD BE "NOT TRANSFERABLE"

THE INFRINGEMENT FEE MAY BE PAID TO:

HAMILTON CITY COUNCIL Cashiers or Animal Care and Control
Ground Floor 217 Ellis Street

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

NOTICE NUMBER **13089** *Posted*

TERRITORIAL AUTHORITY

TELCOR
REGISTERED
SUPPLIER

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

Forenames Surname
Name of dog owner: *Nicola* *[Redacted]*
Address: *[Redacted]* *Cres*
Hukete Hamilton
Date of birth: *[Redacted]*

ALLEGED INFRINGEMENT OFFENCE DETAILS

Date <i>26/5/2021</i>	Time <i>8:24am</i>	Day of Week: S M T W T F S <i>W</i>
Road/Street: <i>Oakheld Cres</i>	Locality: HAMILTON	

OFFENCE COMMITTED INDICATED BY BOX TICKED IDENTIFYING NUMBER

TICK ✓

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

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

Dog roaming in Oakheld Cres *\$300.00*

Reg. No. or Description of Dog: *AN# 238854*
male Neapolitan Mastiff cross
named Mack

PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after *10/6/2021* (Earliest date notice delivered personally or posted)

OFFICER NUMBER: *D37* THE INFRINGEMENT FEE MAY BE PAID AT THE ADDRESS SHOWN BELOW. CHEQUES OR MONEY ORDERS SHOULD BE "NOT TRANSFERABLE"

THE INFRINGEMENT FEE MAY BE PAID TO:

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

Item 4

Attachment 1

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

NOTICE NUMBER **13181**

TERRITORIAL AUTHORITY

TELCIRC
REGISTERED
SUPPLIER

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

Forenames Surname

Name of dog owner: **Nicola**

Address: **[REDACTED] Crescent
Roke Hamilton**

Date of birth: **[REDACTED]**

ALLEGED INFRINGEMENT OFFENCE DETAILS

Date	Time	Day of Week:
01/11/2021	10:40am	S (M) T W T F S

Road/Street: **Oakfield Cres** Locality: **HAMILTON**

OFFENCE COMMITTED INDICATED BY BOX TICKED IDENTIFYING NUMBER

TICK ✓	DESCRIPTION	IDENTIFYING NUMBER
<input type="checkbox"/>	Willful obstruction of dog control officer or ranger	18
<input type="checkbox"/>	Failure or refusal to supply information or wilfully providing false particulars	19(2)
<input type="checkbox"/>	Failure to supply information or wilfully providing false particulars about dog	19A(2)
<input checked="" type="checkbox"/>	Failure to comply with any bylaw authorised by the section	20(5)
<input type="checkbox"/>	Failure to comply with effects of disqualification	28(5)
<input type="checkbox"/>	Failure to comply with effects of classification of dog as dangerous dog	32(2)
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<input type="checkbox"/>	Failure to keep dog controlled or confined	52A
<input type="checkbox"/>	Failure to keep dog under control	53(1)
<input type="checkbox"/>	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	54(2)
<input type="checkbox"/>	Failure to carry leash in public	54A
<input type="checkbox"/>	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	62(4)

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

CRM 241126

Mark Panning

\$300.00

Reg. No. or Description of Dog: **235852 Mark**

Neopolitan Mastiff Cross Grey

Male 2 Years

PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after **10/12/2021** (Earliest date notice delivered personally or posted)

OFFICER NUMBER: **D42**

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

THE INFRINGEMENT FEE MAY BE PAID TO:

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

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

NOTICE NUMBER **13196**

TERRITORIAL AUTHORITY

TELCRC
REGISTERED
SUPPLIER

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

Forenames _____ Surname _____

Name of dog owner: _____

Address: _____

Date of birth: _____

ALLEGED INFRINGEMENT OFFENCE DETAILS

Date 24/1/22	Time 8:13am	Day of Week: S M T W T F S
Road/Street: Oakfield	Locality: HAMILTON	

OFFENCE COMMITTED INDICATED BY BOX TICKED

TICK ✓	IDENTIFYING NUMBER
<input type="checkbox"/> Wilful obstruction of dog control officer or ranger	18
<input type="checkbox"/> Failure or refusal to supply information or wilfully providing false particulars	19(2)
<input type="checkbox"/> Failure to supply information or wilfully providing false particulars about dog	19A(2)
<input checked="" type="checkbox"/> Failure to comply with any bylaw authorised by the section	20(5)
<input type="checkbox"/> Failure to comply with effects of disqualification	28(5)
<input type="checkbox"/> Failure to comply with effects of classification of dog as dangerous dog	32(2)
<input type="checkbox"/> Fraudulent sale or transfer of dangerous dog	32(4)
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<input type="checkbox"/> Failure to keep dog under control	53(1)
<input type="checkbox"/> Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	54(2)
<input type="checkbox"/> Failure to carry leash in public	54A
<input type="checkbox"/> Allowing dog known to be dangerous to be at large unmuzzled or unleashed	62(4)

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

CRM 250120

Mock running

\$300.00

Reg. No. or Description of Dog: **AU 238054 Mock**
Napoleon Mastiff x, Male, Grey
2 years

PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after **10/2/22** (Earliest date notice delivered personally or posted)

OFFICER NUMBER: **042**

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

THE INFRINGEMENT FEE MAY BE PAID TO:

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

CAR History for Dog Number 238854

HCC Internal Use Only, Animal Education & Control

Dog and Owner					
Animal Name	Breed	Colour	Age	Tag	Classification
Mack	Mastiff Neapolitan/Cross	Blue/Grey	2 Year(s) 11 months	15427 2021/22	Menacing Dog

Owner(s)	Address	Owner Classification
Nicola [REDACTED]	[REDACTED] Pukete	Standard

Dog Offences					
Document Account	Category 3	Category 4	Incident Date	Outcome	Closed Date
002.2021.00237543.001	Dogs - Advice Given			* Advice Given	22/09/2021
002.2021.00241126.001	Dogs - Rushing (heading only)	Dogs - Rushing Animal - Urgent		Animals - Infringement Except S42	6/12/2021
002.2021.00228237.001	Dogs - Rushing (heading only)	Dogs - Rushing Person - Urgent		Animals - Sect 52A Fail Keep Dog Ctl Inf	14/06/2021
002.2021.00228533.001	Dogs - Ranging Offences Detected By Officer (heading only)	Dogs - Ranging - Roaming - Public Place		Animals - Sect 20(5) Breach Bylaw Infr.	6/06/2021
002.2021.00229575.001	Dogs - Roaming (heading only)	Dogs - Roaming - Public Place		* Advice Given	9/12/2021
002.2021.00229824.001	Dogs - Offences - Officer (heading only)	Dogs - Officer - Serve Dog Classification		Animals - Menacing Dog Classification	22/06/2021
002.2021.00231357.001	Dogs - Attack (heading	Dogs - Attack - Dog v		Animals - Seized	20/07/2021

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Page - 1 of 1 (Produced - Wednesday, 9 November 2022 - 3:43:49 p.m.) - By HCC\StanfoS

CAR History for Dog Number 238854

HCC Internal Use Only, Animal Education & Control

	only)	Person - Historic			
002.2021.00232672.001	Dogs - Roaming (heading only)	Dogs - Roaming - 52A Free To Leave		Animals - Patrolled area - no dog found	28/07/2021
002.2020.00202200.001	Dogs - Multiple Dog Permit			Animals - Infringement Except S42	12/08/2020
002.2022.00250693.001	Dogs - Ranging Offences Detected By Officer (heading only)	Dogs - Ranging - Microchipping Compliance		* Advice Given	15/03/2022

Impounding Events			
Kennel Account	Precis	Determination	Date
100.2021.00048745.001	Dog seized for sect 42 and 57 from Oakfield Cres	Returned to Owner	14/07/2021
100.2021.00048746.001	Dog seized for sect 57 and 42 from Oakfield Cres	Returned to Owner	14/07/2021
100.2021.00048748.001	Dependant puppy came in with seized mother from Oakfield cres	Returned to Owner	16/07/2021
100.2021.00048749.001	Dependant puppy came in with seized mother from Oakfield cres	Returned to Owner	16/07/2021
100.2021.00048750.001	Dependant puppy came in with seized mother from Oakfield cres	Returned to Owner	16/07/2021
100.2021.00048751.001	Dependant puppy came in with seized mother from Oakfield cres	Returned to Owner	16/07/2021

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Page - 1 of 1 (Produced - Wednesday, 9 November 2022 - 3:43:49 p.m.) - By HCC\StanfoS

CAR History for Dog Number 238854

HCC Internal Use Only, Animal Education & Control

100.2021.00048752.001	Dependant puppy came in with seized mother from Oakfield cres	Returned to Owner	16/07/2021
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Owner Infringement(s)		
Infringement Number	Offence Description	Offence
12853	Failure to Comply with any HCC Bylaw	12/08/2020
13089	Failure to Comply with any HCC Bylaw	26/05/2021
13091	Failure to keep dog controlled/confined	2/06/2021
13092	Failure to keep dog controlled/confined	18/06/2021
13181	Failure to Comply with any HCC Bylaw	1/11/2021
13196	Failure to Comply with any HCC Bylaw	24/01/2022

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Page - 1 of 1 (Produced - Wednesday, 9 November 2022 - 3:43:49 p.m.) - By HCC\StanfoS



Hamilton City Council

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

Item 4

NOTICE OF DISQUALIFICATION FROM DOG OWNERSHIP

Section 25, Dog Control Act 1996

TO: (Name of owner) Nicola [REDACTED]

ADDRESS: [REDACTED] NGARUAWAHIA

This is to notify you that you have been disqualified under section 25 of the Dog Control Act 1996 from owning any dog.

This follows –

- 3 or more infringement offences (not relating to a single incident or occasion) having been committed by you, within a continuous period of 24 months.

The disqualification will apply from 11 December 2014 until 11 December 2019.

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



Signature of officer

9/4/14
Date

Attachment 3

AC/F07
Version 4
24.1.05

EFFECT OF DISQUALIFICATION
Section 28, Dog Control Act 1996

You are required to dispose of every dog owned by you within 14 days of the date of this notice.

However, you may not dispose of a dog-

- to a person who resides at the same address as you; or
- in a way that constitutes an offence against the Dog Control Act 1996 or any other Act.

You must not become the owner, even on a temporary basis, of any dog while you are disqualified. You may have possession of a dog only for the purpose of-

- preventing it from causing injury, damage, or distress; or
- returning, within 72 hours, a lost dog to a territorial authority for the purpose of restoring the dog to its owner.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you-

- fail to dispose of every dog owned by you within 14 days of this notice; or
- at any time while disqualified, become the owner of any dog; or
- dispose of a dog owned by you-
- to a person who resides at the same address as you; or
- in a manner that constitutes an offence against the Dog Control Act 1996 or any other Act.

If you are convicted of the first or second of these offences, your period of disqualification may be further extended.

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you dispose or give custody or possession of a dog to a person knowing that person to be disqualified from ownership under section 25 of the Dog Control Act 1996.

Full details of the effect of disqualification are provided in the Dog Control Act 1996.

RIGHT OF OBJECTION TO DISQUALIFICATION
Section 26, Dog Control Act

You may object to the disqualification by lodging a written objection with the Hamilton City Council setting out the grounds on which you object. You are entitled to be heard in support of your objection and will be notified of the time and place when your objection will be heard. No objection can be lodged within 12 months of the hearing of any previous objection to the disqualification. If an objection is lodged within 14 days after the date of this notice, the requirement to dispose of every dog owned by you will be suspended until the Hamilton City Council has determined the objection.

There is a further right of appeal to the District Court if you are dissatisfied with the decision of the Hamilton City Council on your objection.

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 or
Address is

The same as that
on the notice

(Specify)

_____ 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 OK

9/4/15



Date Posted:

9/4/15

Your item

SA664606766NZ

Report generated Apr 14 2015 2.35 pm

Your item was delivered by our courier based at Te Rapa and signed for by "NICOLA [REDACTED]". Thank you for using CourierPost

at 8:10 am

Monday

13 April 2015

Your item was processed for delivery.

at 5:35 am

Monday

13 April 2015

Your item was picked up by our courier based at Hamilton Central.

at 4:04 pm

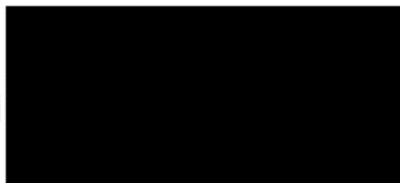
Friday

10 April 2015

Signed for by :

NICOLA KENNEY

N



i_in011 - Infringement Entry - Hamilton_LIVE - 28180 - 7.0

Document Edit Infringements Other Links Help

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

1 of 1

Document Browse

Details

Notice No	10180	Type	1	Dog Control Infringements
Book	204	Officer	1339	
Date Issued	11/12/2014	Time	00:00	
Offence Code	8011	Failure to comply Dangerous Dog Class Failed to comply with effects of classification of dog as dangerous		\$300.00
Animals	226573	CRN	15019336744	
Occurred At/Near		60611	-	0
Between Str-Blk			-	
Between Hours		and		
Alleged Offender	698915	Hugh Place, St Andrews, Hamilton 32		
		Nicola		
		NGARUAWAHIA		

User Defined Fields

Date of Birth		Offence Date	09/12/2014	Court Date	
Offence Time	13:59:00	Receipt		Occupation	
Gender	F	Served Method	POST	Court Case Type	
		Diversion	NO		

Further Details	<input checked="" type="checkbox"/>	Status	96	Balance Written Off Finance Conversion
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Created 2014-05-26 11:39:56 Modified 2015-04-07 11:35:54 Operator 1075

Lin011 - Infringement Entry - Hamilton_LIVE - 28180 - 7.0

Document Edit Infringements Other Links Help

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1 of 1

Document Browse

Details

Notice No	10181	Type	1	Dog Control Infringements
Book	204	Officer	1339	
Date Issued	11/12/2014	Time	00:00	
Offence Code	8002	Fraudulent Sale / Transfer Dangerous Dog Sold/transferred or offered to sell/ transfer a known classified dangerous dog		\$500.00
Animals	226573	CRN	15019336740	
Occurred At/Near		60611	-	0
Between Str-Blk			/	
Between Hours			and	
Alleged Offender	698915	Nicola		
		NGARUAWAHIA		

User Defined Fields

Date of Birth		Offence Date	09/12/2014	Court Date	
Offence Time	13:59:00	Receipt		Occupation	
Gender	F	Served Method	POST	Court Case Type	
Diversion	NO				

Further Details	<input checked="" type="checkbox"/>	Status	96	Balance Written Off Finance Conversion

Created 2014-05-26 11:39:56 Modified 2015-04-02 15:03:49 Operator 1075

Document [Browse](#)

Details

Notice No	9249	Type	1	Dog Control Infringements
Book	185	Officer	1348	
Date Issued	04/07/2013	Time	00:00	
Offence Code	8011	Failure to comply Dangerous Dog Class Failed to comply with effects of classification of dog as dangerous		\$300.00
Animals	221101	CRN	13019320163	
Occurred At/Near		60900	0	Oakfield Crescent, Pukete, Hamilton
Between Str-Blk				
Between Hours		and		
Alleged Offender	698915	Nicola		
		Putararu		

User Defined Fields

Date of Birth		Offence Date	02/07/2013	Court Date	
Offence Time	15:30:00	Receipt		Occupation	
Gender	F	Served Method	post	Court Case Type	
Diversion	NO				

Further Details	<input checked="" type="checkbox"/>	Status	96	Balance Written Off Finance Conversion

Created 2009-08-18 11:53:36 Modified 2013-09-30 10:10:21 Operator 1075

UNIT - Infringement Entry - Hamilton_LIVE - 20180 - 7.0

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1 of 1

Document Browse

Details

Notice No	9431	Type	1	Dog Control Infringements
Book	189	Officer	1068	
Date Issued	15/11/2013	Time	00:00	
Offence Code	7645	Keeping Unregistered Dog Kept a dog of a greater age than three months and at this time was unregistered		\$300.00
Animals	221101	CRN	14019325291	
Occurred At/Near		60900	-	0
Between Str-Blk			/	
Between Hours			and	
Alleged Offender	698915	Nicola		
		Tirau		

User Defined Fields

Date of Birth		Offence Date	13/11/2013	Court Date	
Offence Time	14:55:00	Receipt		Occupation	
Gender	F	Served Method	POST	Court Case Type	
Diversion	NO				

Further Details	<input checked="" type="checkbox"/>	Status	96	Balance Written Off Finance Conversion
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Created 2012-05-21 10:44:46 Modified 2014-04-15 11:50:43 Operator 1075



Private Bag 3010
Hamilton 3240
New Zealand

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

NOTICE OF DISQUALIFICATION FROM DOG OWNERSHIP

Section 25, Dog Control Act 1996

TO: (Name of owner) Nicola [REDACTED]

ADDRESS: [REDACTED] Pukete, Hamilton 3200, ,

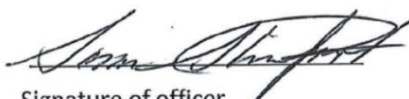
This is to notify you that you have been disqualified under section 25 of the Dog Control Act 1996 from owning any dog.

This follows –

- 3 or more infringement offences (not relating to a single incident or occasion) having been committed by you, within a continuous period of 24 months; or

The disqualification will apply from Tuesday 16th August 2022 until Monday 16th August 2027 .

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


Signature of officer

16/8/2022
Date

AC/F07
Version 4
24.1.05

EFFECT OF DISQUALIFICATION
Section 28, Dog Control Act 1996

You are required to dispose of every dog owned by you within 14 days of the date of this notice.

However, you may not dispose of a dog-

- to a person who resides at the same address as you; or
- in a way that constitutes an offence against the Dog Control Act 1996 or any other Act.

You must not become the owner, even on a temporary basis, of any dog while you are disqualified. You may have possession of a dog only for the purpose of-

- preventing it from causing injury, damage, or distress; or
- returning, within 72 hours, a lost dog to a territorial authority for the purpose of restoring the dog to its owner.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you-

- fail to dispose of every dog owned by you within 14 days of this notice; or
- at any time while disqualified, become the owner of any dog; or
- dispose of a dog owned by you-
- to a person who resides at the same address as you; or
- in a manner that constitutes an offence against the Dog Control Act 1996 or any other Act.

If you are convicted of the first or second of these offences, your period of disqualification may be further extended.

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you dispose or give custody or possession of a dog to a person knowing that person to be disqualified from ownership under section 25 of the Dog Control Act 1996.

Full details of the effect of disqualification are provided in the Dog Control Act 1996.



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EMAIL info@hcc.govt.nz
hamilton.govt.nz

RIGHT OF OBJECTION TO DISQUALIFICATION
Section 26, Dog Control Act


You may object to the disqualification by lodging a written objection with the Hamilton City Council setting out the grounds on which you object. You are entitled to be heard in support of your objection and will be notified of the time and place when your objection will be heard. No objection can be lodged within 12 months of the hearing of any previous objection to the disqualification. If an objection is lodged within 14 days after the date of this notice, the requirement to dispose of every dog owned by you will be suspended until the Hamilton City Council has determined the objection.

There is a further right of appeal to the District Court if you are dissatisfied with the decision of the Hamilton City Council on your objection.

AC/F07
Version 4
24.1.05

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

19th Day of August at 8:45 am to Nicola 

Residential or
Address is

The same as that
on the notice

(Specify)



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

_____ Day of _____ 2022
19th

At _____

(Show full address of service)

Dog Control Officer D37 19, 08, 2022

Registered Letter

Date Posted:



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

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From: nicola kenney <nicola.kenney@hotmail.com>
Sent: Friday, 19 August 2022 12:13 pm
To: Animal Web <animalweb@hcc.govt.nz>
Subject: Object to disqualification

I'm writing to you today to object to the notice of disqualification from dog ownership given to me,

Nicola [REDACTED]
 Born [REDACTED]
 of [REDACTED],
 pukete, hamilton, nz,

this morning dated from the 16th of August 2022 till the 16th of August 2027 as I believe I have always tried to do everything possible to avoid committing any infringement and have co-operated with the animal control officers as much as I could at the times I've dealt with them.

I was under the understanding from the last time I dealt with the animal control officers in November 2021 that as long as Mac was rehomed and desexed there would be no more issues and they made me aware that they could disqualify me if they had one more issue which as far as I'm aware there hasn't been since then.

Mac was desexed and rehomed and is now registered in Tauranga to [REDACTED].
 My infringements were in relation to Mac as we were having trouble keeping him in the property as he could jump our 6ft high fence.

We complied with the animal control officers as much as we could and went to great lengths to keep him in the property to the point that we bought an electric fence unit and put electric fencing up along the top of fence line around the property to keep him in the property which they seen and was working for some time.

I don't see how this can be held against me as I showed over and over again that I was trying to do everything I could to comply in every way possible and when the electric fencing stopped working I knew we had tried everything we possibly could and it wasn't working so I knew I had to find Mac a new home, which I did.

Mac has not been with me for 8 months or so now, I have not had any more infringements or incidents since 2021.

I only have Zena registered to me now and her registration is all up to date and I have not had any issues with her in some time and I believe the only issues I had with Zena and animal control was too many dogs on the property.

The letter I was given today Friday the 19th of August 2022 is also dated from the 16th of August 2022 which was Tuesday three days ago and I only got given the notice this morning so I'm not even getting the full 14 days that it says I have to rehome Zena.

I have always paid my dog registration fees sometimes late due to money issues at the time but I have always paid them.

I look after the dogs I have and have had in the past.

Never neglected them or mistreated them in any way and have always tried to comply with animal control as much as I can!

I don't believe this is fear and I also know that some of these infringements were just allegations and I should have objected to them because I believe they were wrong and it wasn't my dog that they had had a call about but I didn't due to pregnancy related health issues at the time, not knowing how to and my beliefs that it's your word against mine and my word doesn't matter, due to my past dealings with animal control in Ngaruawahia!

I'm asking you to please reconsider this decision as I believe I have always complied to what I've been asked and I did rehome Mac etc I always pay my registration fees and I don't neglect or mistreat my animals. If I didn't try to comply I'd understand this disqualification but I have complied as fast as I could at these times!

Yours sincerely Nicola [REDACTED]

Ph number:

[REDACTED]

Address:

[REDACTED] pukete,
Hamilton,nz
3200

Item 4

Attachment 5

Council Report

Committee: Dog Control Hearings Panel **Date:** 12 December 2022
Author: Susan Stanford **Authoriser:** Kelvin Powell
Position: Animal Control Manager **Position:** City Safe Unit Manager
Report Name: Objection to menacing classification - Sarah Magee

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

Purpose - *Take*

1. To seek a determination from the Dog Control Hearings Panel on the classification of "Meg" as a menacing dog.

Staff Recommendation - *Tuutohu-aa-kaimahi*

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

Executive Summary - *Whakaraapopototanga matua*

3. Meg is a white and tan, Staffordshire Bull Terrier approximately one year and nine months old. On 22 May 2022 Meg attacked Belle a Bichon Frise/Shih Tzu cross of a similar age outside the Phoenix Dog Obedience Club.
4. Section 33A of the Dog Control Act 1996 sets out the circumstances in which a territorial authority may classify a dog as menacing and section 33B outlines a dog owner's right to object to that classification (as detailed in paragraphs 23-25 of this report).
5. Staff recommend that the classification of Meg as a menacing dog is upheld (Option A) as detailed in paragraph 18 below.
6. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

Background - *Kooreo whaimaarama*

7. Meg is a one year nine-month-old, tan and white, Staffordshire Bull Terrier. An average adult Bull Terrier weighs about 15-20 kilogrammes. Belle the victim dog is a white, Bichon Frise Shih Tzu cross, of a similar age, weighing approximately five kilogrammes.
8. On 22 May 2022, at approximately 11am the victim dog and owner were leaving the Phoenix Dog Obedience Club when Belle was attacked by Meg. Belle's owner noted she was not aware of the other dog until it attacked, and it took her and two others to separate the Meg from Belle.
9. During the attack Belle received injuries to her left ear requiring surgery and the dog owner sustained a bite wound to the left hand. Although not mentioned to the investigating officer at

the time Meg's owner also received bite wounds to the hand during the incident, allegedly from Belle.

10. Both the victim dog owner and investigating Animal Education and Control Officer note that Meg's owners mentioned that Meg had some aggression issues and would be/was seeing an animal behaviourist to work on these issues.
11. The offending dog owners have paid all vet and medical bills that the victim dog and owner have incurred (**Attachment 1** – CRM268065).
12. As a result of this attack and the seriousness of the injuries received by the victim dog, Meg was classified as menacing for behaviour (**Attachment 2** – menacing classification).
13. On 29 July 2022 an objection to the classification of the dog Meg as menacing was received from the registered dog owners. The owners are objecting on the following grounds:
 - That they are responsible dog owners and as menacing is a public safety issue have taken steps to prevent something similar occurring in the future.
 - Meg is desexed (**Attachment 3** – desexing certificate)
 - That this was an unusual event – no incidents like this prior to this event or since.
 - They are not sure what instigated the incident but as their dog was the larger, they paid all the other dogs and owners' costs.
 - At the time the incident occurred they were under the direction of qualified dog trainers.
 - They have invested in specialist training to assist with Meg's resource guarding.
 - Included in the objection are two testimonials from dog owners whose dogs have regular interaction with Meg.

(**Attachment 4** – objection received).

Discussion - *Matapaki*

14. In considering their decision, panel members should consider:
 - the incident that formed the basis for the classification
 - the number and type of incidents that have occurred
 - any escalation in behaviour demonstrated by the dog
 - the potential impact to public safety.
15. Dogs can behave in unexpected ways and it would appear that in this case, Meg's behaviour towards Belle was surprising to the dog owner. Even though there were no prior incidents to this one, due to the seriousness of the injury to Belle's ear Animal Education and Control believed a classification of menacing was warranted.
16. The owners are very conscious that this is a public safety issue and have taken steps, such as employing dog trainers and restricting off-leash play, to minimise an event like this occurring again.

Options

17. Under the Dog Control Act 1996, territorial authorities have two options when considering an outcome of an objection to a dog being classified as menacing:
 - i. To uphold the classification, or
 - ii. To overturn the classification.

18. Staff recommend Option A because the best way to eliminate the risk is for Meg to be muzzled when out in public and this can only be enforced under the Dog Control Act 1996 menacing or dangerous classifications.

Financial Considerations - *Whaiwhakaaro Puutea*

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

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

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

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

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

Risks - *Tuuraru*

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

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

Significance

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

Engagement

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

Attachments

Attachment 1 - Hamilton City Council Animal Complaint Record

Attachment 2 - Menacing classification

Attachment 3 - Desexing certificate

Attachment 4 - Objection received

Item 5

Attachment 1



Animal Complaint Record 268065/2022

COMPLAINANT

Complaint Received	08/06/2022
Name	[REDACTED]
Address	[REDACTED] Maeroa Road Maeroa Hamilton 3200

Officer	D17
Home Phone 1	
Home Phone 2	
Mob Phone	[REDACTED]

PROPERTY

Property Address			Safety Alert	
------------------	--	--	--------------	--

ANIMAL DETAILS

Animal Number	240222	Animal Name	Meg	Tattoo	953010004 148675
Animal Location	[REDACTED] Flagstaff 2001	Color	TAN /WHI	Sex	F
Owner Address	[REDACTED] Flagstaff Hamilton 3210	Owner Name	[REDACTED]	NAR No.	[REDACTED]

REQUEST DETAILS

Offence Date		<p>HISTORIC ATTACK: Hi, I would like to report a dog attack that happened on the 22nd of May at approximately 11:00am. While exiting Phoenix Dog Obedience club on the 22nd of May a dog lunged at and attacked my dog. The attack was sudden, I was not aware of the dog until it attacked, it took the work of me and two others to separate the attacking dog from my dog Belle. Belle suffered damage to her left ear, and I received a minor bite wound to my left hand from the attacking dog as I was pulling it off my dog. Belle was taken immediately to Waikato After Hours Vet, and when the vet had assessed the damage we were advised there was significant damage to the cartilage within the ear flap. The damaged cartilage and tissue needed removing and the remaining tissue was stitched up. I was taken to the A&E where my wound was washed and bandaged (since I had had my tetanus shot 1-2 years ago this was not required). There was no joint damage, and I was prescribed antibiotics to ward off infection. The owner is called [REDACTED] and has been very co-operative and has paid all bills. His phone number is [REDACTED] I've also got the details for [REDACTED] who I believe is his wife, her phone number is [REDACTED].</p> <p>It is my understanding they have removed their dog from all off-lead activities including behaviour school, agility training and playdates with other dogs. I've been assured that there are no situations where she is off lead with other dogs. I've also been advised that they already had an appointment with a behaviourist booked for the end of June to address resource guarding behaviour. I have hesitated to report this as the owner has seemed genuine and has so far acted to try and rectify the situation. However I have concerns about the fact that a dog already referred to a behaviorist for aggression around resource guarding wasn't wearing a muzzle. Given the sudden nature of the attack, the vulnerability of the dog it chose to attack (a small fluff only 5ish kgs) I have deep concerns that it may happen in the future. I therefore wish to report this dog so it is classified as dangerous. I have attached as evidence copies of the vet bill, my A&E receipt and a photo of the dog bite. I've also attached a photo of my dog from prior to the attack. If you have any questions or require more information please contact me on [REDACTED] Regards [REDACTED]</p>
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Attack (heading only)	
Category 4	Dogs - Attack - Dog v Animal - Historic	

INVESTIGATION DETAILS

Officer D17
 Start Date 08/06/2022 04:19
 Finish Date 22/07/2022 04:10
 Outcome Animals - Menacing Dog Classification
 Task Investigation

D17 (& D44) Refer to email and documents which have been attached. 11/07/2022 2.25pm
 D17 visited the dog owner address at [REDACTED]
 D17 explained the complaint to the dog owners [REDACTED] & [REDACTED]
 The dog owners did admit that their dog had bit the other dog but that the complainants dog had also bit theirs but given their dog was the larger dog they paid the vet fees.
 (The dog owners mentioned that the complainant had basically blackmail ed them into paying vet fees by saying they would not make a complaint if they paid the fees).
 D17 explained that he had no intention to issue any infringements in relation to the incident given they had paid the vet fees, but he would be issuing a menacing dog classification and explained what this entailed. Their dog Meg is already de-sexed according to them. (Wearing a muzzle may be an issue for them.)
 (They have been getting help to assist dog behaviour.) D17 advised of the process and that they could object and he also provided the dog owners with the unit managers email address [REDACTED]
 The dog owners from [REDACTED] may email or object to the intention to classify their dog as a menacing dog based upon its behaviour. No aggression towards people noted was noted by D17. (D17 has advised the unit Manager [REDACTED] of a possible email or objection).

22/07/2022) 25/07/2022
 Menacing dog classification based on behaviour created and handed in for processing. N.F.A.
 [REDACTED] - 22/07/2022)

Previous Complaints for Dog

CRM No.	268065/2022	Task	2INV
Animal	240222	Outcome	MENC
Maj Cat.	Animal Control (heading only)	Officer	D17
Min Cat.	Dogs - Offences (heading only)	Opened	08-Jun-22 04:19:00 PM
Cat 3	Dogs - Attack (heading only)	Closed	22-Jul-22 04:10:00 PM
Cat 4	Dogs - Attack - Dog v Animal - Historic		

CRM No.	274838/2022	Task	2INV
Animal	240222	Outcome	MENC
Maj Cat.	Animal Control (heading only)	Officer	D45
Min Cat.	Dogs - Offences (heading only)	Opened	28-Jul-22 11:37:00 AM
Cat 3	Dogs - Offences - Officer (heading only)	Closed	28-Jul-22 03:40:00 PM

Cat 4	Dogs - Officer - Serve Dog Classification
-------	---

Document Browse

****Menacing Animal****

4 Memos Recorded

Animal Type Dogs Number
 MicroChip Brand Id
 Alpha Key
 Assessment Parcel
 Owner
 House Number
 Street Name
 Suburb Name

Owner Details

Name
 Address
 Flagstaff
 Hamilton 3210
 Mobile Phone
 Home Phone
 Business Phone
 e-Mail Address

Animal Details

Kept at Address
 OutsideTag Ref Dangerous Agency
 Animal Name Neutered Gender
 Breed Terrier Staffordshire Bull Cross
 Main Colour Tan Second White
 Birth Age Years Months Death Depart
 Features Permit Number

Registration Details

Tag Number Tag Set
 eTran Recpt Date Reg Till

By Law Code Search

Code Type Code Value

offending dog

(a) e_an005 - Animals Enquiry - Hamilton_LIVE - 31948 - 7.0

Document Edit Name and Address Payments Animals Other Modules Help

OK Cancel Cut Copy Paste Find Excel Help Mapping Memos Attachments

3 of 3

Document Browse

Animal Type 1 Dogs Number 241099
MicroChip Brand MICROCHIP Id
Alpha Key
Assessment 4886 Parcel 4558817
Owner 1111615
House Number
Street Name
Suburb Name Maeroa 3200

Owner Details

Name
Address
Maeroa
Hamilton 3200
Mobile Phone
Home Phone
Business Phone
e-Mail Address

Animal Details

Kept at Address Maeroa Hamilton 3200
OutsideTag Ref Dangerous NA Agency
Animal Name Belle Neutered N Gender Female
Breed BICH Bichon Frise Cross SHIH Shih Tzu
Main Colour WHI White Second
Birth 04/02/2021 Age 1 Years 9 Months Death Depart
Features 1004415 Permit Number

Registration Details

Tag Number 5367 Tag Set 2022/23
eTran Recpt Date 03/06/2022 Reg Till 30/06/2023

By Law Code Search

Code Type Code Value

Victim dog

From: [REDACTED]@gmail.com>
Sent: Wednesday, 8 June 2022 1:57 pm
To: Animal Web
Subject: Report of a Dog Attack from the 22nd of May
Attachments: A&E Receipt.jpg; A&E Receipt 2.jpg; Belle Bite.jpg; Belle Before Attack.jpg; Waikato After Hours Reciept (1) (1).pdf

Hi

I would like to report a dog attack that happened on the 22nd of May at approximately 11:00am.

While exiting Phoenix Dog Obedience club on the 22nd of May a dog lunged at and attacked my dog. The attack was sudden, I was not aware of the dog until it attacked, it took the work of me and two others to separate the attacking dog from my dog Belle. Belle suffered damage to her left ear, and I received a minor bite wound to my left hand from the attacking dog as I was pulling it off my dog. Belle was taken immediately to Waikato After Hours Vet, and when the vet had assessed the damage we were advised there was significant damage to the cartilage within the ear flap. The damaged cartilage and tissue needed removing and the remaining tissue was stitched up. I was taken to the A&E where my wound was washed and bandaged (since I had had my tetanus shot 1-2 years ago this was not required). There was no joint damage, and I was prescribed antibiotics to ward off infection.

The owner is called [REDACTED] and has been very co-operative and has paid all bills. His phone number is [REDACTED]. I've also got the details for [REDACTED] who I believe is his wife, her phone number is [REDACTED]. It is my understanding they have removed their dog from all off-lead activities including behaviour school, agility training and playdates with other dogs. I've been assured that there are no situations where she is off lead with other dogs. I've also been advised that they already had an appointment with a behaviourist booked for the end of June to address resource guarding behaviour.

I have hesitated to report this as the owner has seemed genuine and has so far acted to try and rectify the situation. However I have concerns about the fact that a dog already referred to a behaviorist for aggression around resource guarding wasn't wearing a muzzle. Given the sudden nature of the attack, the vulnerability of the dog it chose to attack (a small fluff only 5ish kgs) I have deep concerns that it may happen in the future. I therefore wish to report this dog so it is classified as dangerous.

I have attached as evidence copies of the vet bill, my A&E receipt and a photo of the dog bite. I've also attached a photo of my dog from prior to the attack.

If you have any questions or require more information please contact me on [REDACTED]

Regards
 [REDACTED]

Waikato After Hours Vet Hospital Ltd
574 Anglesea Street, Hamilton 3204
Ph: (07) 839 5656

TAX RECEIPT (DUPLICATE)

Receipt No: 1/81865
Account No: 1/25835
GST Number 106-336-172
Till: 1

Date: 22/05/2022

Maeroa
Hamilton 3200

Description	Staff	Qty	Price
PATIENT: BELLE			
Consultation: Day (9am-11pm)	SGT	1	165.00
Anaes: Cat/Dog - Premed	SGT	1	46.00
Anaes: Dog - Induction	SGT	1	149.00
Propofol/Fresofol 10mg/ml (20ml)	SGT	1	37.90
Alfaxan Multidose (20ml)	SGT	1	45.93
Anaes: Dog - Gas initial 30m	SGT	1	140.00
Sx Nurse: Anaes Monitoring Fee	SGT	1	60.00
Sx: Uncomplicated Preparation/Kits	SGT	1	55.00
Sx: Theatre Fee	SGT	1	50.00
Sx: Uncomplicated Surgical Time	SGT	30	285.00
Sx Nurse: Surgical Assistant Fee	SGT	1	138.00
Sx: Materials Fee 1	SGT	1	60.00
Suture - PDS 3/0 (Z316H)	SGT	1	46.04
Suture - Ethilon 3/0 (669H 36)	SGT	1	30.67
Clavulox / Noroclav Injectable (50ml)	SGT	0.3	27.39
Clavaseptin 250mg Medium Dog (250mg)	SGT	7	40.12
Rimadyl Injectable (20ml)	SGT	0.46	35.66
Rimadyl 25mg Chewable (25mg)	SGT	5	36.20
Buprelieve/Vetergesic 0.3mg/ml (10ml)	SGT	0.3	32.08
Elizabethan Collar 15cm (15cm)	SGT	1	10.80
Monitoring and Hospital Care (<6hrs)	SGT	1	100.00
Level 1 Package Includes:	SGT		
Hospitalisation (<14hr)	SGT	0.5	
Monitoring: Nurse 4 hourly checks (<14h)	SGT	0.5	
Monitoring: Vet Assessment (<14hrs)	SGT	0.5	
Total			1,590.79
Including GST of			207.48

PAYMENTS:

22/05/2022 Eftpos 1,590.79
Internet banking - the easy way to pay: 03 1557 0460359 00

Particulars [REDACTED] Code:105 Reference: 1/25835

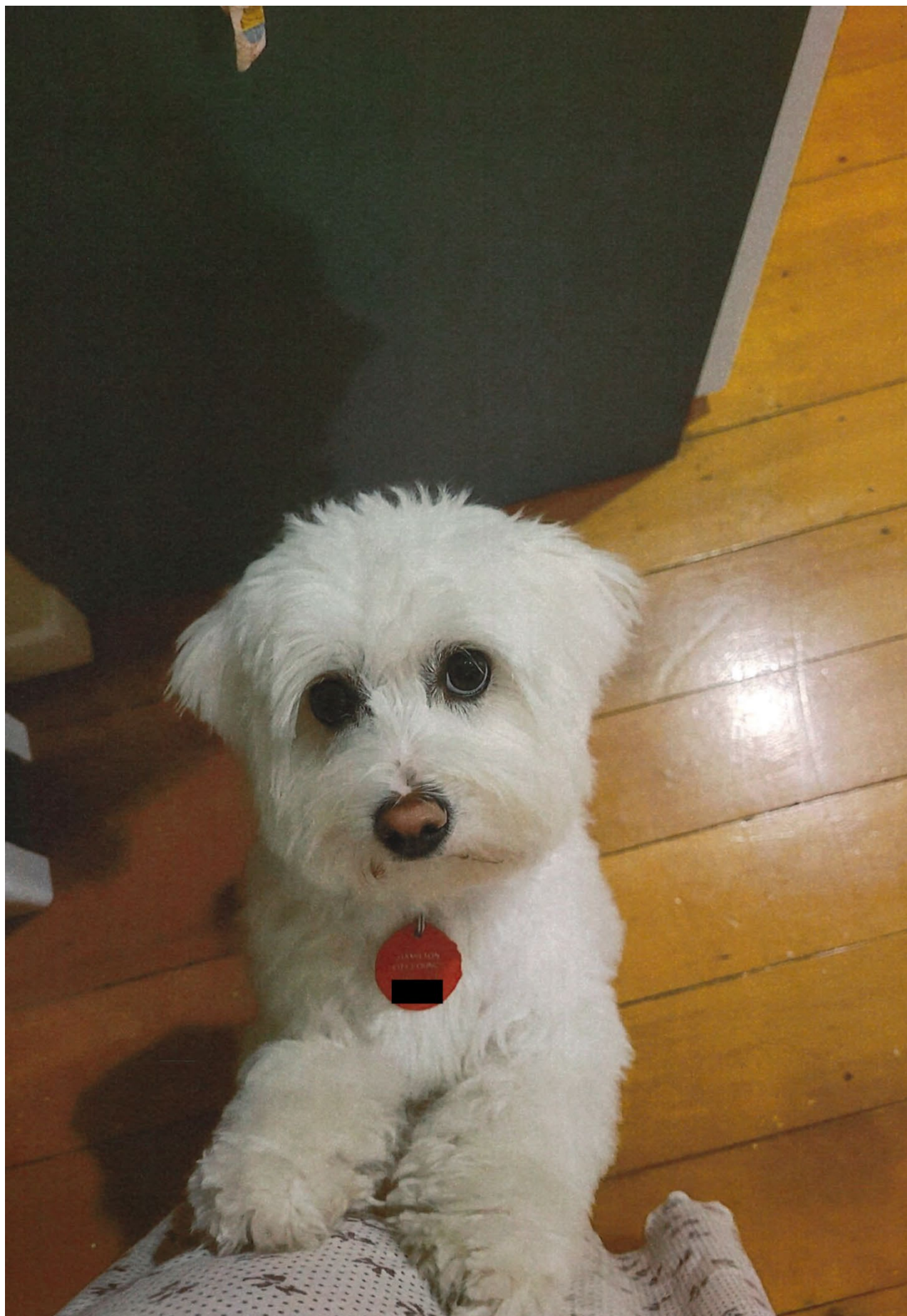
Item 5

Attachment 1



Attachment 1

Item 5



Item 5

Attachment 1

Victoria Clinic

173 Anglesea Street,
P.O. Box 1279, Hamilton 3240
Tel. 07 834 0333 Fax. 07 834 0314
GST: 133-518-215

Tax Invoice/Receipt

GST No:133-518-215

Chart No: [REDACTED]
22 May 2022

[REDACTED]
[REDACTED]
Maeroa
HAMILTON 3200

Date	Ref	Description	Amount (GST Incl)
2 May 2022	1488837	Professional Services Victoria Clinic	35.00
		UCC ACC Surcharge	35.00
22 May 2022	1020092	Payment with thanks! 1488837 - UCC ACC Surcharge	35.00 Cr
Total			0.00
GST 4.57			

(Balance on account \$0.00)

Internet payment: GWD Enterprises Ltd 03-0318-0070404 025

26 July 2022

Jason [REDACTED] and Sarah [REDACTED]

Flagstaff
Hamilton 3210

Dear Jason and Sarah

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



Animal Education and Control Manager

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

Notice of Classification of Dog as Menacing Dog

Section 33A, Dog Control Act 1996

To: *
(name of owner)

Jason [REDACTED] and Sarah [REDACTED]
[REDACTED]

Address:

Flagstaff
Hamilton 3210

Female, Staffordshire Bull Terrier, Tan and White in
colour, Named [REDACTED] Aged 1 year and 9 months
approximately, Microchip [REDACTED]

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

This is because of the aggressive behavior displayed by the dog on Sunday, 22nd May 2022, in Hamilton

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

[REDACTED]
Animal Education and Control Manager

27/7/2022
Date

* For the purposes of the Dog Control Act 1996, you are the owner of a dog if:-

- you own the dog; or
- you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- you are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

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

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

You —

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

V2
16.3.2011
AC-F54

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

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

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

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

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

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


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

Right of Objection to Classification Under Section 33C

Section 33D, Dog Control Act 1996

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

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.

 Hamilton City Council Te Kaunihera o Kirikiriroa	memo
Private Bag 3010, Hamilton, New Zealand Phone 07 838 6699 www.hamilton.co.nz	

ANIMAL EDUCATION & CONTROL

To:	[REDACTED] (Animal Education and Control Manager)		
From:	[REDACTED]		
Subject:	Menacing Classification on Observed Behaviour/reported behaviour		
Date:	25/07/2022	AN: 240222	File: CRM: 268065

CAR DETAILS: Brief breakdown of how dog come to our attention. The complainant has made a report on the 8 th of June 2022 that while exiting Phoenix Dog Obedience club on the 22nd of May at 11am a dog has lunged at and attacked her dog resulting in injuries. The offending dog owners have paid all outstanding vet fees in relation to this incident. (The complainant wanted the dog classified as dangerous and to wear a muzzle)	
DOG OWNERS DETAILS: How was AECO received by dog owner? Is the D/O aware that their dog is being Classified? The dog owners Jason and Sarah [REDACTED] were good to talk too and are aware that their dog is being classified as a menacing dog on its behaviour. They have indicated that they may object to the classification. D17 has provided the unit managers email address to them.	
DOG DETAILS: Is this dog to be classified on <u>Behaviour</u> . Describe behaviour and any identifying marks. This dog has attacked another dog resulting in injuries but did show any aggression towards D17 The dog has no relevant history Micro Chip: [REDACTED] is the individual identifier for this dog.	
AN: 240222	Registration Number: [REDACTED] 2022/23
Dogs Name: [REDACTED]	
MENACING CLASSIFICATION NOTES: This dog is to be classified as menacing dog based on observed or reported behaviour under Section 33A of the Dog Control Act 1996 The dog named Meg has attacked another dog at Phoenix Dog Obedience resulting in injuries to the other dog.	
DETAILS OF AECO's Involved with Classification: Matthew Auld D17	
Approved for classification: [Signature]	Date:
Is the identification Checklist attached Yes or No	Have photos been saved Yes or No

Menacing Classification Cover Sheet

Document Edit Name and Address Payments Animals Other Modules Help

OK Cancel Cut Copy Paste Find Excel Help Mapping Memos Attachments

1 of 1

Document [Browse](#)

2 Memos Recorded

Animal Type Dogs Number

MicroChip Brand Id

Alpha Key

Assessment Parcel

Owner

House Number

Street Name

Suburb Name

Owner Details

Name

Address

Mobile Phone

Home Phone

Business Phone

e-Mail Address

Animal Details

Kept at Address

OutsideTag Ref

Animal Name Neutered Gender

Breed Terrier Staffordshire Bull Cross

Main Colour Tan Second White

Birth Age Years Months Death

Features Permit Number

Registration Details

Tag Number Tag Set

eIran Recpt Date Reg Till

By Law Code Search
Code Type Code Value

D17.

CRM 268065
Dog to be classified as menacing based on behaviour.

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

Thursday 28th Day of July 20 22 2.45pm

At

[REDACTED], Hagstaff, Hamilton 3210
(Show full address of service)

Dog Control Officer

[REDACTED] 045 28 / 07 / 2022

Registered Letter

Date Posted:

Transaction Receipt

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

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



Reference Number	[REDACTED]
Reference Id	[REDACTED]
Description	MENACING CLASSIFICATION: Menacing classification paperwork to be delivered to Jason [REDACTED] and Sarah [REDACTED] of [REDACTED] Flagstaff the owners of Meg. Statement of Service to be returned to admin
Properties	[REDACTED] Hamilton Flagstaff 3210 [REDACTED]
Received	28/07/2022 at 11:37
Category	Dogs - Officer - Serve Dog Classification
Customer	AECU Animal Education and Control Unit
Business Phone	07 838 6632
Address	217 Ellis Street Frankton Hamilton 3204

Item 5

Attachment 2

CareVets Chartwell (07) 855 9072
Carevets Rototuna (07) 855 2306
CareVets Hamilton South (07) 843 0090
CareVets Horsham Downs (07) 855 5655

Attachment 3

Desexing Certificate for Registration

- ☒ Desexed on this date
☐ Confirmed as desexed by visual inspection



Attach Barcode here

Microchip number where applicable

Animal Details

Name: **Meg**
Breed: Staff Bull Terrier
Sex: female
Colour: Fawn
Distinguishing Marks:
Date of Birth: 16/10/2020

Owners Details

Name: [REDACTED]
Address: [REDACTED] Rototuna North Hamilton
Phone: and/or [REDACTED]

Implanter / Verifier

Veterinarian: Dr. Ivan Aleksic
Practice: CareVets Hamilton Ltd
Date: 20/01/2022

Signed: _____

Flagstaff,
Hamilton

14 November, 2022

To whom it may concern,

We ([REDACTED] - owners of Meg) object to her classification as a menacing dog on a number of grounds.

Firstly, we do not contest that Meg bit another dog, however, the circumstances of the incident need to be taken into consideration. Additionally, we have taken considerable steps to avoid another incident like the one that happened with several private dog training sessions, a precautionary 4 week dog rehab and removing her from any off lead activity. Lastly, we believe ourselves to be very responsible dog owners. Prior to this incident, we had never witnessed Meg to be aggressive to any human or dog, and we continue to put all measures in place to ensure nothing like this ever happens again.

How the incident happened.

On the 22nd May, [REDACTED] attended Phoenix Dog Training with Meg at Bristol Park in Te Rapa, Hamilton. Meg was in the advanced class and was taking part in an off leash training exercise under the supervision of the Phoenix Dog trailers. It was during this off leash time that there was an incident with another dog - Belle.

We had been attending Phoenix Dog Training since Meg was 7 months old. We had completed the 10 weeks Beginner class scoring 49.5/50, and the 10 weeks intermediate class scoring 97/100, and were half way through the advanced class at the time of the incident. The trainers knew us very well, and we'd often discussed Meg's recall issues, as well as food resource guarding behaviours with other dogs. The trainers were continuing to provide advice and guidance on these issues.

During the class in which the incident happened, we were doing a new and challenging off-leash recall exercise. I had been practising this at home during the week and used the provided practice manual, which tells you to not use your normal recall command, so I had started using 'here'. We had been training for 45 mins and this was the last exercise for the class.

Under the instructor's guidance we were set up with our backs to the field and started the exercise. On the fifth go, I had met her half way to put her in a down command, but no reward as the exercise wasn't over. I walked back to stand next to the trainer to finish the recall (approx 10m away).

At this time, a different training class finished early and started to walk across the field towards our group. Three people with their leashed dogs from this group walked right up to

our group without any regard for the fact we were still in training with off leash dogs - approximately 5m away from Meg. Meg got distracted by this and went over to the nearby group and had a sniff. I tried to recall her with no luck, so I started to walk over. From my viewpoint the dogs seemed fine with each other just having a sniff.

One of the dogs (Belle) seemed to be a little more skittery during the sniff (quick movements). At this point I was still 5 metres away and not sure what happened. I saw Meg back away and heard her growl and then start to chase Belle. It wasn't clear what caused this reaction, I was too far away to know if Belle had growled or anything. At this point, one of the group grabbed Meg by her collar and Belle's owner grabbed Meg but fell over and Meg got free. Meg then bit Belle. I quickly reached the group and helped pull the dogs apart. During this time I got bit by Belle. I did not notice any blood on either dog, and therefore didn't understand it to be too serious at the time.

Additional background.

Meg had been attending Phoenix Dog training classes for approximately a year. We would often go down early before class and socialise our dog with others on a longline without there ever being a reason for us to think something like this would happen.

In April, we observed some food resource guarding around other dogs at my parent's house. It didn't seem serious to us, but as we're not experts we decided to book another private trainer to give us some advice and training on the matter. That was due to happen in July 2022.

We were always open with the Phoenix trainers about our training progress and any behaviours we needed support with. The club was aware of our dog's quirks and that we had some resource guarding behaviours that we were seeking advice for.

Post the incident.

As soon as [REDACTED] came home from the training on May 22nd, we got in touch with Phoenix to pass our contact details on to Belle's owner. As Meg was the bigger dog, and her injuries were very minor (a couple of small scratches), we felt terrible and offered to pay Belle's vet bills.

At the same time, we immediately pulled Meg out of training at Phoenix. Meg had also been attending agility dog training at Waikato Agility Group and we removed her from that group as well. We also removed her from regular play dates that she had with neighbourhood dogs.

We immediately contacted a dog trainer who specialised in violent dogs - Peter [REDACTED] and started private training sessions with him.

We completed 5 sessions with Peter. Peter observed Meg to have no behavioural concerns, outside of the food resource guarding issues towards other dogs, which he continued to work with us on over the 5 sessions.

Not satisfied with this alone and to ensure that Meg received precautionary rehabilitation, we also booked her into a 4 week rehab program with Tammie [REDACTED] from Freedom and Harmony. During this rehab, Meg boarded with the expert trainer and her pack of 12 dogs. This training was completed in October, 2022. During this training, Tammie addressed Meg's recall and leave commands, while building her confidence and independence. As part of this, we also received training ourselves on how to handle and read Meg.

We continue to use the skills we have learnt from the trainers, as well as completing online training courses, to ensure our handling of Meg is appropriate and to get better recall. We continue to be very vigilant around other dogs, and never let Meg off lead around other dogs.

In total, we have spent over \$4,000 in additional training to ensure our handling of Meg is the best it can be, and Meg has received the best possible training.

As a menacing classification relates to public safety, we believe the measures we have taken and put in place will ensure it won't happen again. This is especially relevant when the situation in which it happened in the first place is considered, which was under the instruction of paid trainers who put us in an off lead situation - a situation we would never normally allow on our own. We therefore request that the classification is not upheld, and a warning or infringement is given instead, if necessary.

Thank you,

[REDACTED]

Trainer Credentials:

Peter [REDACTED] - K9 Training - [REDACTED]

Tammie [REDACTED] - Freedom and Harmony Dog Training and Behavior Specialist - [REDACTED]
746

Online training:

Fenrir Canine Companion Boot Camp





Item 5

Attachment 4

TO WHOM IT MAY CONCERN re: Testament to Megs personality

07 October 2022

We first met [REDACTED] and Meg when walking down the same foot path running parallel to Meadowfield Street in Flagstaff. Our dog a 1-year-old (at the time) Staffy male (Arthur) and Meg approached each other and after going through the motions of doggie introduction immediately started a game of run and chase.

Despite being on their long leads they did not stop playing and chasing each other for over 10 minutes. At no time was there any animosity between the two.

The dogs got on so well we arranged to meet again on a nearby field to see how they would play with a ball and again they ran until they were totally exhausted and never once was there any dispute over ball ownership/sharing and even drank out the same bowl of water at the same time.

This has developed into a regular play date.

A couple of months ago we were asked by a friend if we could take care of her female Staffy who was in between puppy litters, and we took her along to the play date. They had a good sniff, then Meg totally ignored her showing no animosity and carried on her game with Arthur.

After play days we walk all 3 dogs together with not as much as a grumble. Never has Meg displayed any menacing behaviour. Meg is an energetic, lively lovable dog.

If you require further clarity regarding Meg please do not hesitate to contact us.

[REDACTED]
Flagstaff
[REDACTED]



To Whom It May Concern,

My husband and I have known [REDACTED] for over 20 years now and can vouch that they are both responsible, upstanding citizens in their community.

I know that they've been taking their dog Meg to puppy school and then obedience and agility training ever since they got her, and we followed their recommendation when we got a dog and took her to the same puppy school that they used.

I've seen [REDACTED] with Meg at obedience training on many occasions and was impressed with her level of training and obedience to [REDACTED].

One time, we asked the [REDACTED] to take Maia (our dog) with them to puppy school as we weren't able to take her, and we knew they would do a great job of looking after her and training with her.

On another occasion we visited their house with our dog, and Maia and Meg played together in the fully fenced back yard. The dogs got on well and Meg didn't mind having Maia at her house.

Another time we both visited the same dog park, where we watched [REDACTED] play fetch with Meg and then Meg and Maia ran around together on the grass. Meg was under [REDACTED] control at all times and there were no issues with any of the dogs at the park.

The [REDACTED] are loving and responsible dog owners and they consistently put a lot of time, money and effort into Meg's quality of life.

Regards,

[REDACTED]

15/11/2022, 09:36

Thank you [REDACTED] - Fenrir Canine Leaders - Checkout



 Show order summary ▾

~~\$197.00~~
\$147.00



Order #11646

Thank you [REDACTED]

So, what do you need to do next? Use the button below to start:

[Go To My Courses](#)

Your order is confirmed

You'll receive an email when your order is ready.

Customer information

Contact information



Payment method

ending with 0647 - \$147.00

Billing address



Flagstaff

WKO

Hamilton 3210

New Zealand

[Need help? Contact us](#)

[Refund policy](#) [Shipping policy](#) [Privacy policy](#) [Terms of service](#)

<https://fenrircanineleaders.com/25753944152/orders/af458fb25e69993093fe874135e6b350>

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Attachment 4

Item 5



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Item 5

Attachment 4

20 November, 2020

To whom it may concern,

My name is Tammie Wharton, I am the owner and head trainer at Freedom and Harmony Dog Training. I specialise in reactivity and have over 20 years of experience working with and rehabilitating dogs. I operate out of Whakatane and have a pack of 12 working dogs that I use to rehabilitate others.

Jason and Sarah brought Meg to me as they were concerned about food resource guarding and some reactivity behaviours she had exhibited.

My initial assessment found that Meg was exhibiting anxious and insecure behaviours. This was addressed during our 4 week retraining program, where we worked on building Meg's confidence and independence, as well as addressing any resource guarding behaviours.

During the program, Meg boarded with a pack of 12 other dogs and was put in a number of different scenarios, both with other dogs and in new environments where she thrived. We also worked on recall, leave command, general state of mind and how to handle herself when meeting new dogs.

We set a number of new habits, including exercise routines, structured play and feeding.

I also spent time with Jason and Sarah, training them on the newly established habits, as well as how to read Meg to deter any potentially reactive scenarios.

Meg has left my care as a stable and balanced dog, and if Jason and Sarah continue to follow my instructions, I believe Meg will remain that way.

Please contact me for more in-depth information if needed.

Thank you,

Tammie Wharton

Freedom & Harmony Dog Training & Adoption

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