



Notice of Meeting:

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

Date: Monday 14 December 2020
Time: 10.00am
Meeting Room: Committee Room One/Audio-Visual Link
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Dog Control Hearings Panel OPEN AGENDA

Membership

Chairperson Cr Ewan Wilson
Heamana

Members Cr Margaret Forsyth
Cr Maxine van Oosten
Cr Angela O'Leary (Alternate)
Cr Rob Pascoe (Alternate)

Quorum: Three members

Meeting Frequency: As required

Becca Brooke
Governance Manager
Menetia Mana Whakahaere

18 November 2020

Telephone: 07 838 6727
Becca.Brooke@hcc.govt.nz
www.hamilton.govt.nz

Purpose

The Dog Control Hearings Panel is responsible for:

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

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

Terms of Reference:

1. 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:** 14 December 2020
Author: Tyler Gaukrodger **Authoriser:** Becca Brooke
Position: Governance Advisor **Position:** Governance Manager
Report Name: Confirmation of the Dog Control Hearings Panel Open Minutes 1 September 2020

Report Status	<i>Open</i>
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Panel confirm the Open Minutes of the Dog Control Hearings Panel Meeting held on 1 September 2020 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Dog Control Hearings Panel Meeting Unconfirmed Open Minutes - 1 September 2020

Dog Control Hearings Panel

OPEN MINUTES

Minutes of a meeting of the Dog Control Hearings Panel held in Committee Room One, Municipal Building, Garden Place, Hamilton on Tuesday 1 September 2020 at 12.57pm.

PRESENT

Chairperson Cr Ewan Wilson

Heamana

Members Cr Maxine van Oosten
Cr Rob Pascoe

In Attendance: Susan Stanford - Animal Control Manager
Peter Crocker - Animal Control Team Leader
Kelvin Powell – City Safe Unit Manager

Governance Staff: Amy Viggers – Governance Team Leader
Tyler Gaukrodger – Governance Advisor

1. **Apologies – *Tono aroha***
Resolved: (Cr Wilson/Cr van Oosten)
That the apologies for absence from Cr O’Leary and Cr Forsyth are accepted.
2. **Confirmation of Agenda – *Whakatau raarangi take***
Resolved: (Cr Wilson/Cr van Oosten)
That the agenda is confirmed.
3. **Declarations of Interest – *Tauaakii whaipanga***
No members of the Council declared a Conflict of Interest.
4. **Confirmation of Dog Control Hearings Panel Open Minutes 28 July 2020**
Resolved: (Cr Wilson/Cr Pascoe)
That the Panel confirm the Open Minutes of the Dog Control Hearing Panel Meeting held on 28 July 2020 as a true and correct record.

5. Objection to disqualification from dog ownership - Ropata Marshall

Mr Marshall's lawyer outlined the history of infringement notices that have been provided to Mr Marshall with reference to the Dog Control Act. He spoke in opposition of the disqualification from dog ownership of Mr Marshall. He responded to questions from Members concerning dog breeds, dog training courses, history of dog ownership, fencing on the property, exercise habits, sale of previous litters, confidence in dog ownership and previous incidents.

The Animal Control Manager and Animal Control Team Leader spoke to points raised by Mr Marshall's Lawyer concerning the Dog Control Act, previous incidents at the property and ownership of dogs on the property. They responded to questions from members concerning the timeline of infringements, animal training options provided, dog control law, severity of previous incidents and witness accounts of incidents.

The meeting adjourned from 1:56pm to 2:05pm.

6. Objection to menacing classification - Taryn Van Meygaarden

Ms Van Meygaarden spoke in opposition of the menacing classification of the dog "Rocky". She outlined the incident that lead to this classification, and actions taken since the incident. She responded to questions from Members concerning the wound inflicted, dog behaviourists opinion of future risks, dog training sessions, exercise habits and details of the incident.

The Animal Control Manager outlined the incident as accounted by witnesses. Staff responded to questions from Members concerning the menacing classification within the Dog Control Act, previous complaints for dogs on the property and details of the incident.

7. Resolution to Exclude the Public

Resolved: (Cr Wilson/Cr van Oosten)

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 Dog Control Hearings Panel Public Excluded Minutes 28 July 2020) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987	Section 48(1)(a)
C2. Objection to disqualification from dog ownership - Ropata Marshall)	
C3. Objection to menacing		

Item 4

Attachment 1

Attachment 1

classification - Taryn Van
Meygaarden

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 prevent the disclosure or use of official information for improper gain or improper advantage | Section 7 (2) (j) |
| Item C2. | To maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment | Section 7 (2) (f) |
| Item C3. | To maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment | Section 7 (2) (f) |

The meeting went into a public excluded session at 2:40pm

During the public excluded session the following were resolved to be released to the public:

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Item C2: Objection to disqualification from dog ownership - Ropata Marshall

That the Dog Control Hearings Panel:

- a) receives the report;
- b) determines that the disqualification from dog ownership of Ropata Marshall is upheld for a period of 3 years; and
- c) approves the above decision be released to the public via the open minutes of this meeting.

Item C3: Objection to menacing classification - Taryn Van Meygaarden

That the Dog Control Hearings Panel:

- a) receives the report;
- b) determines that the classification of Rocky Reeda as a menacing dog is upheld; and
- c) approves the above decision be released to the public via the open minutes of this meeting.

The meeting was declared closed at 3:08pm

Council Report

Item 5

Committee: Dog Control Hearings Panel **Date:** 14 December 2020
Author: Susan Stanford **Authoriser:** Kelvin Powell
Position: Animal Control Manager **Position:** City Safe Unit Manager
Report Name: Objection to menacing classification - Terry Stephens

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

1. To seek a determination from the Dog Control Hearings Panel on the classification of Fletcher 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 Fletcher as a menacing dog is upheld.

Executive Summary - *Whakaraapopototanga matua*

3. Fletcher is a three-year-old, large, white and tan American Bulldog cross who was classified as menacing after an attack on another dog on the river walkway near Braithwaite Park on 15 July 2020.
4. Section 33A of the Dog Control Act 1996 sets out the circumstances in which a territorial authority may classify a dog as menacing. Section 33B outlines a dog owner's right to object to that classification (see paragraphs 28-29 and **Attachment 3** – objection received).
5. Staff recommend that the classification of Fletcher as a menacing dog is upheld (**Option A**) as detailed in paragraphs 20-25 below.
6. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

Background - *Kooreo whaimaarama*

7. On 15 July 2020 at 12.56pm a dog attack was reported to Hamilton City Council's Animal Education and Control unit and was assigned to Officer D40 to investigate (CRM199678/2020 – **Attachment 1**).
8. On 15 July 2020 at approximately 12.45pm, the victim dog owner was walking her two dogs along the river walkway at Braithwaite Park when one of her dogs was attacked by a large, white and tan Bulldog breed-type dog.
9. The victim dog is a female, medium-sized, grey whippet cross named Blue who is registered in Waikato District Council.

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10. Initially, the victim dog owner had her back to her dog. She heard a growl and her dog scream and she turned to see a white and tan dog standing over her dog.
11. Both dogs were off leash at the time of the incident.
12. During the attack both dogs rolled down a bank with the offending dog ending up standing over the victim dog with his jaws around her neck. It took both dog owners sometime to get the dogs apart. Once apart, the victim dog ran off.
13. After the attack the victim dog owner took photos of the offending dog and its owner. No name or address details were exchanged at the time.
14. The victim dog was found at Pukete Community Neighbourhood house. The owners reported the attack and took Blue for veterinary treatment.
15. From the photos provided, the offending dog has been identified as "Fletcher", from Pohutukawa Drive. Fletcher is a large-sized, approximately three-year-old, white and tan, male American Bulldog cross. Animal Education and Control (AEC) do not know of any other incidents involving Fletcher; he was registered in Hamilton for the first time when he was adopted by his owners.
16. For full investigation notes, veterinary reports and witness statements see CRM199678/2020 (**Attachment 1**).
17. As a result of this attack, Fletcher was classified as menacing for behaviour (**Attachment 2 – menacing classification**).
18. On 6 October 2020 an objection to the classification of the dog Fletcher as menacing was received from Terry and Dianne Stephens, the registered dog owners (**Attachment 3 – objection received**).
19. The dog owners object to the classification of menacing on the following grounds:
 - Fletcher is regularly run along the river walkway and there have been no prior incidents.
 - If both owners had their dogs on lead, the incident would not have happened.
 - They believe that the statements given by the other dog owner to be exaggerated.
 - That the injuries are not serious in the context of bigger dog and smaller dog altercation. (For full details see **Attachment 3**).

Discussion - *Matapaki*

20. 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.
21. Dogs can behave unpredictably, and it would appear from the owners' report that the dog attack is unusual behaviour for Fletcher. However, it is this unpredictability that causes concern when a dog has been involved in an attack resulting in such significant injury to the other dog or animal. Not knowing what triggered an attack makes it difficult to avoid these triggers in the future. The only safe way to prevent this occurring again is wearing a muzzle when the dog is in public. The only way AEC can enforce the use of a muzzle is to classify a dog as menacing.
22. Fletcher displayed a degree of determination in his attack as he did not immediately let go of Blue when his owner and Blue's owner tried to break them apart. Blue's owner notes striking Fletcher approximately 10 times with her umbrella before he released Blue.

23. Both dogs were off lead in this instance; being on lead could have prevented this incident. However, the event occurred and now our focus is on preventing future incidents by upholding the classification of Fletcher as menacing to ensure he is muzzled when out in public in the future.

Options

24. 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:

Option A: To uphold the classification, or

Option B: To overturn the classification.

25. Staff recommend **Option A** because the best way to minimise the risk to other dogs is for Fletcher to be muzzled in public.

Financial Considerations - *Whaiwhakaaro Puutea*

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

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

27. Section 33A of the Dog Control Act 1996 sets out the circumstances in which a territorial authority may classify a dog as menacing including:
For a dog that has not been classified as a dangerous dog under section 31; but a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—
- any observed or reported behaviour of the dog; or
 - any characteristics typically associated with the dog's breed or type.
28. [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.
29. 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*

30. The purpose of Local Government changed on 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').
31. 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.
32. 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*

33. Should the menacing classification be overturned, removing the owner's obligations to muzzle the dog in public, AEC staff believe Fletcher could pose an ongoing risk to other dogs.

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

Significance

34. 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.

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Engagement

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

Attachments

Attachment 1 - CRM199678

Attachment 2 - Menacing classification documentation

Attachment 3 - Objection received



Animal Complaint Record 199678/2020

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COMPLAINANT		Officer	D40
Complaint Received	7/15/2020 12:56:00 PM	Home Phone 1	
Name	Catherine	Home Phone 2	
Address	Bedford Road Te Kowhai Waikato 3288	Mob Phone	

PROPERTY

Property Address	Totara Pukete 2001	RES Braithwa	Safety Alert		
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ANIMAL DETAILS

Animal Number	234347	Animal Name	Fletcher	Tattoo	900141800 000388
Animal Location	Pohutukawa DR Pukete 2001	Color	WHI /TAN	Sex	M
Owner Address	Pohutukawa Drive Pukete Hamilton 3200	Owner Name	Dianne	NAR No.	1126525

REQUEST DETAILS

Offence Date		Comp advises that her dog - Female, Grey Whippet Kelpie has just been attacked by a Large, White dog with tan patches at Braithwaite Park, Pukete. Comp advises her dog took off after the attack, however someone has called through from Pukete Neighbourhood House and advised that a dog matching the victim dog has been found there. Comp says the owner of the offending dog owner has then put her hoodie up and taken off with the offending dog and also an older black dog. She does have photos. Victim dog owner lives in Te Kowhai. Attack happened around 1230.
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Attack (heading only)	
Category 4	Dogs - Attack - Dog v Animal - Urgent	

INVESTIGATION DETAILS

Officer	D40
Start Date	7/15/2020 12:56:00 PM
Finish Date	10/4/2020 3:07:00 PM
Outcome	Animals - Menacing Dog Classification
Task	Investigation

Attachment 1

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150720 @ 1315 - Patrolled the area, no dogs and owner seen. Phoned comp who was on her way to Anexa Vets in Huntly with her dog BLUE - registered to Waikato DC - m/c 941 000 014 634 777 - She said the offending dog and owner had ran off, she wasn't sure where to but believed she lives in the area as she didn't get into a car. Comp had photos of the offending dog so I asked her to email them to me and also arranged to get a statement off her tomorrow morning - 16/07/20. Photos received - see attached.

On one of the photos, if you zoomed in, you can read an old red tag number. Searched the tag number in our database and found FLETCHER - AN 234347 currently registered to Pohutukawa Dr, no known history. I visited Pohutukawa with D17 with the intention of seizing the offending dog but he had injuries of his own so I suggested the owner take him to the vets. Fletcher's owner Dianne wanted to give a statement so I arranged to come back in the morning. 160720 @ 1030 - Arrived at Pohutukawa, Dianne had already written out a statement and seemed in a hurry. She hadn't mentioned how she injured her hand so I asked her to add that to the statement - see attached and also vet report. 1115 - Took a statement off comp Kate - see attached FLETCHER to be classified as menacing based on behaviour. No infringement yet as Fletcher's owners have said they will help out with comp's vet bills. (Abbey - 04/10/2020)

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Previous Complaints for Dog

CRM No.	199678/2020	Task	2INV
Animal	234347	Outcome	MENC
Maj Cat.	Animal Control (heading only)	Officer	D40
Min Cat.	Dogs - Offences (heading only)	Opened	7/15/2020 12:56:00 PM
Cat 3	Dogs - Attack (heading only)	Closed	10/4/2020 3:07:00 PM
Cat 4	Dogs - Attack - Dog v Animal - Urgent		

CRM No.	204388/2020	Task	2INV
Animal	234347	Outcome	ADVC
Maj Cat.	Animal Control (heading only)	Officer	D40
Min Cat.	Dogs - Offences (heading only)	Opened	10/5/2020 10:29:00 AM
Cat 3	Dogs - Offences - Officer (heading only)	Closed	10/5/2020 3:36:00 PM
Cat 4	Dogs - Officer - Serve Dog Classification		

Justin

From: Hamilton City Council <PROD.Authority@hcc.govt.nz>
Sent: Wednesday, 15 July 2020 12:59
To: Animal care
Cc: Customer Service
Subject: New Customer Request Task: 199678/2020 - Dogs - Attack - Dog v Animal - Urgent

A new CRM task has been created for you to action.

Request Details:**Action officer:** Justin**Request Number:** 199678/2020

Description: Comp advises that her dog - Female, Grey Whippet Kelpie has just been attacked by a Large, White dog with tan patches at Braithwaite Park, Pukete. Comp advises her dog took off after the attack, however someone has called through from Pukete Neighbourhood House and advised that a dog matching the victim dog has been found there. Comp says the owner of the offending dog owner has then put her hoodie up and taken off with the offending dog and also an older black dog. She does have photos. Victim dog owner lives in Te Kowhai. Attack happened around 1230.

Due Date: 03/08/2020**Safety Issues:** N/A**Safety Issues:** N/A[Access your Tasks Here](#)**Customer Details****Contact Name:** Catherine**Contact Address:** Bedford Road Te Kowhai Waikato 3288**Contact Home Phone:****Contact Mobile:****Contact Email Address:****Property Address:** Totara Drive Hamilton Pukete 3200**Street Name:****Category:** Dogs - Attack - Dog v Animal - Urgent

"Fletcher" AN- 234 347
 to be classified as menacing based
 on behaviour.

15/7/20 1.15pm - Patrolled the area, no dogs + owner seen.

- phoned comp who was on her way to Anaxa Vets in Huntly with her dog "Blue" (registered to Waikato District, microchip number 941 0000 1463 4777)
- she said the offending dog and owner had ran off, she wasn't sure where to but believed she lives in the area as she didn't get into a car.
- comp had photos of the offending dog so I asked her to email them to me and also arranged to get a statement off her tomorrow morning (16/7/20)
- photos received - see attached.

Attachment 1

- on one of the photos if you zoomed in you can read an old red tag number.
 - searched the tag number in our database and found "Fletcher" AN-234347,
 currently registered to Pohutukawa Drive, no known history.

I visited Pohutukawa with DIT with the intention of seizing the offending dog, but he had injuries of his own so I suggested the owner take him to the vets.

Fletcher's owner Dianne wanted to give a statement so I arranged to come back in the morning.

6/7/20 10.30am - arrived at Pohutukawa, Dianne had already written out a statement and seemed in a hurry. She hadn't mentioned how she injured her hand so I asked her to add that to the statement - see attached. also his vet report.

7.15am - took a statement off comp Korte, see attached.

"Fletcher" to be classified as menacing based on behaviour.

No infringement yet as Fletcher's owners have said they will help out with comp's vet bill.

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e_an005 - Animals Enquiry - Hamilton_LIVE - 42320 - 7.0

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](#)

****Menacing Animal****

2 Memos Recorded

Animal Type Dogs Number

MicroChip Brand Id

Alpha Key

Assessment Parcel

Owner

House Number

Street Name

Suburb Name

Owner Details

Name & Terry Gordon

Address

Mobile Phone

Home Phone

Business Phone

e-Mail Address

Animal Details

Kept at Address

OutsideTag Waikato District Tag Ref Dangerous Agency

Animal Name Neutered Gender

Breed Cross

Main Colour Second

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

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Attachment 1

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Private Bag 3010
Hamilton 3240
New Zealand

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

WITNESS STATEMENT FORMs

TIME 11.15amDATE 16/7/20PLACE Bedford Rd
Te KowhaiMy full name is Catherineand I live at Bedford Road, Te Kowhai, I ammaking this statement to Justin (040), Dog ControlOfficer of the Hamilton City Council. On the 15/7/20, atapproximately 12.10 am/pm

(Describe Incident)

1. What happened? _____

- I was walking along the river walkway heading upstream at Braithwaite Park with my two dogs, Blue, a medium build, whippet/kelpie cross, female and grey in colour and Gypta a border collie/english bull terrier, female and black and white in colour.

- I turned right up onto the stairs with Gypta and Blue stayed at the bottom of the stairs, sniffing the post.

- Once I got to the second landing of the steps I heard a big growl and then heard Blue scream.

- I looked to my right and could see a white with tan patches dog, bully breed, large, standing over Blue in the bush side.

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Animal Education & Control

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of the steps

- The white dog was trying to grab a hold of Blue with his mouth and was trying to pin Blue down.
- Blue managed to escape his hold and they fell down the bank and ended up on the path at the bottom of the steps.
- Blue was on her back and the white dog had his mouth around her neck and he was shaking her.
- I then saw the white dog's owner appear from the other side of the river walkway with another dog, a black, medium sized elderly dog.
- I shouted to the woman that her dog was killing my dog.
- The woman ran towards the dogs and so did I.
- We arrived to the dogs ~~and~~ at the same time and the woman commented that this was the first time anything like this had happened with her dog.
- The woman was middle aged, Maori, wearing a navy blue raincoat.
- The woman put her hand in to try and pull her dog off Blue, whilst holding onto her other dog with her other hand.
- Whilst she did this I was striking the white dog with my umbrella, mainly on his back.
- I struck roughly ten times before the dogs were released.
- Blue ran off up the steps and that was when I noticed my other dog Gupta had gone too.

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- I asked for the woman's contact details but she wanted to see Blue's injuries first.
- She then said she thought Blue started it and said she had been bitten on her hand, and I could see the blood on her hand.
- I took some photos of the dogs as she wouldn't give me any details, trying to get a tag number.
- I needed to find my two dogs so I went up the stairs
- a young couple were coming from upstream, so before I went up the steps I asked them if they could help me find my dogs.
- Gypta was found by a member of public near my parked van at the totora drive entrance closest to Puketo Road.
- I kept looking for Blue and used Gypta to help me find her.
- I text my husband to help, put a post up on social media and then phoned council.
- The staff at Puketo neighborhood house phoned to say Blue had shown up at the doors.
- we picked up Blue and phoned around to try and find a vet who could see her straight away as she had multiple punctures.
- We took Blue to Anexa Vets in Huntly, they treated her and said they would need to have surgery on her wounds.
- Blue has gone into surgery at Anexa this morning morning 16/7/20.

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2. Description of Dog large, bully cross, white with tan patches.

3. Any witnesses (or owner present) Just myself and the owner of the white dog.

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

SIGNED [Signature] OCCUPATION Dog Trainer / Mega hshwdr
 DATE AND TIME 16/7/2020, 12:20pm
 WITNESSED [Signature]

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Geddonton P: 07 824 2101 P: 09 212 5891 P: 07 889 9199

Mrs Kate Hav

anexa
veterinary services

Anexa Vet Services
25 Moorhouse Street
PO Box 21, Morrinsville 3340
P: 0800 284 3838 F: 07 889 3681
E: anexa.accounts@anexa.co.nz
www.anexavets.co.nz

Bank Acct No. 02 0368 0024553 00

Tax Invoice
GST Reg No. 10-852-005

Products purchased from:
Anexa Huntly
185 Main Street
Huntly 3700
P: 07 828 7660 F: 07 816 9516

Mrs Kate [redacted]
Bedford Road
Hamilton 3288

Tax Invoice for Professional Services

Date 16/07/2020
Transaction No 2011204375
Reference Paul van der Wel
Patient Blue
Details


Service Provided	No	Amount
16/07/2020		
Professional Fees		
Hospitalisation Dog Day	1.00	30.00
X-Ray, Interpret & Report	2.00	130.00
Anaesthesia		
Anaesthesia Induction	1.00	90.00
Anaesthesia Materials (Disposable)	1.00	10.00
Maintenance Iso / Min	20.00	40.00
Surgery		
Prep/Swabs/Gloves (Minor Surgery)	1.00	30.00
Surgery Materials	2.00	20.00
Surgery Per/Min - Minor Soft Tissue	10.00	55.00
Theatre Fee - Non Sterile	1.00	15.00
Ethical		
Aceazine 2 Inj 100ml	0.53	4.50
Withholding Times:		
MEAT: 1 day		
MILK: 1 day		
Clavulox Tabs 250mg	14.00	32.50
Clomicalm Tab 20mg 30's	30.00	80.20
Fresofol 10mg/ml 50ml (50)	9.00	5.10
Morphine Sulphate 10mg 1ml Vial (5)	0.63	5.20
Rheumocam 1mg	10.00	28.40
Tramal 50mg Slow Release	10.00	17.30
Total:		593.20
Includes Tax of:		73.46
PAID		Amount Paid 715.20

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Attachment 1

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anexa FVC
animal health & vet services

Anexa FVC
25 Moorhouse Street
PO Box 21, Morrinsville 3340
P: 0800 284 3838 F: 07 889 3681
E: anexa.accounts@anexafvc.co.nz
www.anexafvc.co.nz

Coromandel
P: 07 866 8556
Gordonton
P: 07 824 2103

Huntly
P: 07 828 7660
Maramarua
P: 09 232 5891

Matamata
P: 07 888 8068
Morrinsville
P: 07 889 5159

Ngaruawahia
P: 07 824 6630
Ngatea
P: 07 867 7256

Paeroa
P: 07 862 8815
Raglan
P: 07 825 8390

Rototuna
P: 07 853 0027
Te Aroha
P: 07 884 8014

Te Kauwhata
P: 07 826 3581
Thames
P: 07 866 7005


Patient History for Blue

History Details: Reason: Presented yesterday after being attacked by dog. Readmitted today for wound flushing and surgical drainage.
 Assessment - Bright alert and responsive. Anxious. Tender over right thoracic area.
 GA - Clean & Insert Drains After Dog Attack
 Multiple wounds right side of neck as seen yesterday
 Soft tissue swelling over thoraco-lumbar spinal area and over left side of thorax
 Small grazed area identified on left side of thorax
 Very anxious dog
 Vitals WNL
 GA Ace / Morphine - Fresofol / Iso O2
 Examine thorax under GA - soft tissue swelling but no crepitous palpable - x-rays taken of thorax to rule out rib fractures - lat and DV views taken.
 No evidence of rib fractures so mainly soft tissue trauma.
 Explore wounds over neck. Two deep wounds with a communicating large proximal pocket. Rest of wounds superficial. Pocket flushed with saline. Penrose drain inserted between two interconnecting major bites distally. Sutured in place using Rivermid.
 Drain to be removed Monday
 S Clav250 bid 14, Tramal 50 bid, clomicalm 20 1.5 bid - SID for anxiety

Invoiced Items:

Service Provided	No.
Professional Fees	
Hospitalisation Dog Day	1.00
X-Ray, Interpret & Report	2.00
Anaesthesia	
Anaesthesia Induction	1.00
Anaesthesia Materials (Disposable)	1.00
Maintenance Iso / Min	20.00
Surgery	
Theatre Fee - Non Sterile	1.00
Prep/Swabs/Gloves (Minor Surgery)	1.00
Surgery Materials	2.00
Surgery Per/Min - Minor Soft Tissue	10.00
Ethical	
Aceazine 2 Inj 100ml	0.53
Morphine Sulphate 10mg 1ml Vial (5)	0.63
Fresofol 10mg/ml 50ml (50)	9.00
Clavulox Tabs 250mg	14.00
Tramal 50mg Slow Release	10.00
Rheumocam 1mg	10.00
Clomicalm Tab 20mg 30's	30.00

16/07/2020 - 2:05:59p.m.

Powered By 

Page 2

0.8 ml metacam 140 pm	
1.2 ml Clavulox 140 pm	
Ow took several photos before and after clipping	
Offered IVFT and cage rest here but ow would prefer to keep dog quiet at home with chicken broth	
Book in for sx tomorrow- asked to starve- estimate suture and insert drain minim \$400	
Service Provided	No.
Professional Fees	
Consultation Physical Examination	1.00
Nurse - Non Surgical Time	10.00
Ethical	
Metacam Injection 20ml	0.80
Temgesic Amps .3mg 5 X 1ml	1.40
Clavulox RTU 40ml	1.20
Sales	
Materials	1.00
of: Paul van der Wel Age 5 yrs 3 mths	

Item 5

Attachment 1

Attachment 1

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16/7/2020.

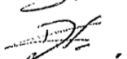
On the 15/7/2020. I was running with my dogs towards Pukete Braithewaite Park.

As we were going up the stairs my dog was ahead of me but I could still view him in my sight. There was another dog ahead. Both dogs were not on leads. I saw the dogs together and very quickly they began a fight. I do not know what instigated this. They were on the side of the steps and both rolled down the side of the bank, locked together. I was first down the path where they landed. I attempted to pull them apart. While the owner of the other dog was hitting my dog with her umbrella on several times. After pulling the dogs apart. The other dog ran away and the owner was wanting my name and number.

I asked her ~~to~~ if I could see her dog to assess the condition of the dog. She refused and proceeded to get right up in my personal space, telling me that she was taking photos and videos of us. She would not reason or back away. So I left the scene to prevent any further altercation.

I was unsure what to do when I returned home and decided to discuss this with him when he returned from work. Before my husband arrived home the Dog rangers arrived at my property and explained what to do.

Which I followed through with immediately. And took my dog to the vet for his wounds. I have a report from the Vet.

Diane




Item 5

Whilst trying to separate the dogs I
got an injury on the back of my hand.
Not bitten by either dog.

2. Description of Dog _____

3. Any witnesses (or owner present) _____

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

SIGNED [Signature] OCCUPATION _____

DATE AND TIME 16/7/2020

WITNESSED _____

Attachment 1

Attachment 1

Item 5






Item 5

Attachment 1

Attachment 1

Item 5





Animates Vetcare Te Rapa
787 Te Rapa Road
Te Rapa
Hamilton, 3200, Waikato

		CLINICAL SUMMARY	
		Animal No.	222313
		Clinical No.	1130735
		Record Date	15-07-2020
		Attending Vet(s)	Dr Rob Gordon
		Printed At	15-07-2020
		Printed By	Dr Rob Gordon

Client Details		Animal Details	
Name	Mrs [Redacted] Diane	Name	Fletcher
Address	Pohutukawa Drive Pukete Hamilton, 3200, Waikato	Species	Dog
		Breed	Bull Mastiff X
	Phone 0220893553	Age	3 years 1 month
		Sex	Male Neutered

Health Status

Date/Time	Weight (kg)
15-07-2020 4:31:34pm	31.00

Presenting Problem

Been in dog fight, limping and nick out of ear

History

Musculoskeletal

Limping LFL
Had fight lunchtime / noon today

BAR
has not eaten - did not want to

Pertinent History

Hx OF SKIN DZ - ACMD

Physical Exam

Musculoskeletal

DOG FIGHT

CVS 120 BPM REG NSR GOOD PULSE

787 Te Rapa Road, Te Rapa, 3200, Hamilton
Ph: (07) 849 8434 | E: terapaclinic@vetcaregroup.co.nz

Item 5

Attachment 1

Attachment 1

Item 5

ANIMATES
vet+care
YOUR BEST LOCAL VET

Ears: NAD - BITE INTO NECK AREA JUST BEHIND LEFT EAR

Eyes: Clear
Nose: Clear
Mouth: clear, pink CRT <1 SEC MOIST
Nodes: NAD
Skin: NAD
Coat: NAD
Lungs: clear - NAD URT + LRT
Genitals: N

Joints: good - no limited movement
Gait LAME LFL 2/5

BITE INTO LEFT MID PALMER METACARPAL AREA IN BETWEEN 3 + 4TH METACARPAL BONES. No obvious fractures - just soft tissue injury

• Medication

Date/Time	Drug Name	Qty	Instructions	Prescribed By
15-07-2020 4:45:58pm	Clavulox 250mg Tablet	15	ONE AND A HALF TABLETS TWICE A DAY [12 HOURLY] BEST WITH FOOD. START TOMORROW MORNING.	Dr Rob Gordon
15-07-2020 4:45:58pm	Metacam Beef Chew 2.5mg Tablet	5	ONE TABLET ONCE A DAY FOR 5 DAYS. START TOMORROW EVENING 16/07. [24 HOURS] GIVE WITH FOOD. STOP TABLETS IF FLETCHER SEEMS UNWELL, IS NOT EATING, HAS VOMITING AND OR DIARRHOEA	Dr Rob Gordon
15-07-2020 4:45:58pm	Metacam Injection 5mg/mL per mL	1.2	SCI	Dr Rob Gordon
15-07-2020 4:45:58pm	Clavulox Injection	2.8	SCI	Dr Rob Gordon

• Dispensed Medication

Date/Time	Drug Name	Qty	Instructions	Prescribed By
15-07-2020 4:45:58pm	Clavulox 250mg Tablet	15	ONE AND A HALF TABLETS TWICE A DAY [12 HOURLY] BEST WITH FOOD. START TOMORROW MORNING.	Dr Rob Gordon
15-07-2020 4:45:58pm	Metacam Beef Chew 2.5mg Tablet	5	ONE TABLET ONCE A DAY FOR 5 DAYS. START TOMORROW EVENING 16/07. [24 HOURS] GIVE WITH FOOD. STOP TABLETS IF FLETCHER SEEMS UNWELL, IS NOT EATING, HAS VOMITING AND OR DIARRHOEA	Dr Rob Gordon
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15-07-2020 4:45:58pm	Clavulox Injection	2.8	SCI	Dr Rob Gordon

787 Te Rapa Road, Te Rapa, 3200, Hamilton
Ph: (07) 849 8434 | E: terapaclinic@vetcaregroup.co.nz

ve+care
VETERINARY CARE

BILL TO
Mrs [REDACTED], Diane
[REDACTED] Pohutukawa Drive
Pukete
Hamilton, 3200, Waikato

DESCRIPTION

Consultation Standard Consult
Clavulox 250mg Tablet
Metacam Beef Chew 2.5mg Tablet
Metacam Injection 5mg/mL per mL
Clavulox Injection

TAX INVOICE
GST #:
DATE:
CUSTOMER #
ANIMAL:
PURCHASE OF

Tax Invoice
GST # 018-403-242
Animates Te Rapa
767 Te Rapa Road, Hamilton 3200
Ph: (07) 849 8434

Slip: 0000013001000028303
Staff: Ariana
Date: 15/07/20 5:01

Description	Amount
Item No.: 1181324 VET pcs 1408778 281016	231.52 B
Total \$	231.52
EFTPOS	-231.52
EFTPOS 5248	

GST%	Net.Amt	GST	Amount
B 15	201.32	30.20	231.52

Member Name Dianne [REDACTED]
Member Account MAS12305.

animates.co.nz

T0131000028303

Subtotal \$231.52
GST \$30.20
Total \$231.52
Paid \$0.00

Item 5

Attachment 1

Attachment 2

Item 5

4 October 2020

Dianne : and Terry .
Pohutukawa Drive
Pukete
Hamilton 3200



Private Bag 3010
Hamilton 3240
New Zealand

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

COPY

Dear Dianne and Terry

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

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

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

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

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

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

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

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

Regards

Susan Stanford
Animal Education and Control Manager

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

AC-F64a
V 8
16.3.11



Private Bag 3010
Hamilton 3240
New Zealand

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

Notice of Classification of Dog as Menacing Dog

Section 33A, Dog Control Act 1996

COPY

To: * Dianne and Terry
(name of owner)

Address: Pohutukawa Drive
Pukete
Hamilton 3200

**Male American Bulldog Cross, White and Tan in
colour, Named Fletcher, Aged 3 years and 3 months
approximately, Microchip 900141800000388**

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

This is because of the aggressive behavior displayed by the dog on Wednesday, 15th July 2020, in Hamilton

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


Animal Education and Control Manager

5/10/2020
Date

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

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

S 33E(1) Effect of classification as a menacing dog *Sections 33E, 33F, 36A, Dog Control Act 1996*

You —

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

V2
16.3.2011
AC-F54

Item 5

Attachment 2

Attachment 2

COPY

- (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.

Item 5

204388/20



Item 5

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)

DIONNE & TERRY

POHUTUKAWA DR, PUKETE, HAMILTON 3200

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

5th Day of October 1st 2020 2.45PM

At _____

(Show full address of service)

Dog Control Officer D40 5 / 10 / 20

Registered Letter

Date Posted:

Attachment 2

To the Animal Education and Control Manager,

I am writing to ask you to reconsider my dog Fletcher as a menacing dog under section 33 of the DCA. Fletcher is a 3yr 6-month-old American Bulldog cross, we adopted him from SPCA after being injured in a traffic accident. We are experienced owners having always owned similar breeds of dog. We also own a 10 yr old Staffy Cross. Due to Fletchers unknown past we sort professional advice on how to best train and care for him, through this we learnt the value of socialisation and the need to continue this throughout his life. Due to his leg injury it is important to keep Fletcher exercised and we run him up to 5 times a week along the Waikato River walkways. During these outings we come into contact with an array of dogs without any aggression being displayed by Fletcher although he can be a little impolite with his inspections of some dogs.

As you will see from our ownership records we are responsible owners and have never had an incident with any of our dogs. Dianne was wrong in not having Fletcher on a lead as required in that part of the river/ walkway/steps, however the other party did not have either of her dogs on a lead and feel some responsibility must be shared by the other owner for this fact. Since this incident the other dog owner has gone on to place exaggerated and offensive posts and photos on Facebook. These posts are exaggerated and inaccurate as your officer could attest to. These posts caused a lot of stress in our lives and threatened our privacy as some people involved threatened to find our house and make this public.

Although Dianne did not see the initial contact between the dogs as she was running a few meters behind and upstairs we now believe, due to these exaggerated and false Facebook posts and how I have described Fletchers normal interactions with dogs, that the statements given by the other party may not be accurate. Fletcher also received injuries on his ear and foot, which we know were bites, and would have been when the 2 dogs made initial contact which resulted in Fletcher's actions. If both owners had their dogs on leads this incident would not have occurred! Even though we asked the other owner to remove her posts and photos she did not. This did not stop us from paying half of their dog's vet bill.

Again, I would ask you to reconsider classifying Fletcher as a menacing dog. As responsible dog owners we are aware of requirements of section 62 (b) of the DCA and as such will adhere to these requirements and keep the dog on a lead and muzzled when out in public. We feel this classification will add unnecessary burden on us when traveling and kennelling dogs and is unnecessary in these circumstances. Could I also point out that there have been no other incidents with either of our dogs since, and Fletcher is continuing to socialise and learn with other dogs.

If we are unsuccessful with our appeal for you to reconsider the classification, we would like to formally lodge an objection with the council and ask for a hearing to be set down for the reasons outlined. We would also ask for full disclosure to be sent to our address, so we can forward it onto our legal representative for the day within 14 days of receipt of this letter.

Regards,
Terry and Dianne Stephens

Reasons for appeal:

Complainants report is inaccurate in several points- Maori lady, pulled hoody over head, bite on hand, unprovoked attack (this was a dog fight between two dogs), etc etc. Which brings her integrity of the incident into question?

Fletcher has been assessed by two independent organisations that have classed him as social and not aggressive.

Unfortunately, in this instance the other dog received injuries (which we are sorry for) as he was the smaller dog. In context these are not serious injuries. A large dog has the power to do a lot more damage. Fletcher was holding the dog around the neck after being bitten behind his ear.

The dog control officer made the statement to us that in his opinion "the two dogs met on a narrow stairway unannounced and for whatever reason this resulted in a dog fight."

This has been a one-off unfortunate incident. A larger dog should not be punished over a smaller dog as both had bites. A dog should not be punished for the owners not having a lead on them.

What we have done since the incident:

Ensured Fletcher has a lead on every time he is exercised in public areas.

Continued to socialise him with other dogs at dog friendly parks

Taken him regularly to dog day care facilities.

Continued to train him the same as we have with all our other dogs around people and dogs.

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 1 September 2020) 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 prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
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If you would like to send through an amendment during the meeting please email both Amy.Viggers@hcc.govt.nz and Tyler.Gaukrodger@hcc.govt.nz and advise the Chair.

Dog Control Hearings Panel Meeting – 14 December 2020						
Item	Table of Contents	Page	HCC Presenter	Information / Decision	Mover	Second
1	Apologies	4	Chair	Information		
2	Confirmation of Agenda	4	Chair	Information		
3	Declarations of Interest	5	Chair	Information	Not required	
4	Confirmation of Dog Control Hearings Panel Open Minutes 1 September 2020	5	Governance	Decision		
5	Objection to menacing classification – Terry Stephens	9	Susan Stanford	Decision		
6	Resolution to Exclude the Public	42	Chair	Decision		
Public Excluded						
C1	Confirmation of Dog Control Hearings Panel Public Excluded Minutes 1 September 2020	3	Governance	Decision		
5	Objection to menacing classification – Terry Stephens (deliberations if required)	9	Susan Stanford	Decision		