

## Notice of Meeting:

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

**Date:** Thursday 14 November 2024  
**Time:** 9:00 am  
**Meeting Room:** Committee Room 1  
**Venue:** Municipal Building, Garden Place, Hamilton

Lance Vervoort  
Chief Executive

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## Dog Control Hearings Panel

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

## OPEN AGENDA

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#### Membership

**Chairperson** Cr Mark Donovan  
*Heamana*

**Members** Cr Moko Tauariki  
Cr Andrew Bydder  
Cr Anna Casey-Cox  
Cr Maria Huata

**Quorum:** Three members

**Meeting Frequency:** As required

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Amy Viggers  
*Mana Whakahaere*  
Governance Lead

**22 October 2024**

Telephone: 07 838 6699  
Amy.Viggers@hcc.govt.nz  
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## **Purpose**

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

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

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

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**1 Apologies – *Tono aroha***

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

The Committee to confirm the agenda.

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

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



# Council Report

Item 4

**Committee:** Dog Control Hearings Panel **Date:** 14 November 2024  
**Author:** Charlotte Mitchell **Authoriser:** Michelle Hawthorne  
**Position:** Graduate Governance Support **Position:** Governance and Assurance Manager  
**Report Name:** Confirmation of the Dog Control Hearings Panel Open Minutes 3 October 2024

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

1. That the Dog Control Hearings Panel confirm the Open Minutes of the Dog Control Hearings Panel Meeting Meeting held on 3 October 2024 as a true and correct record.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Dog Control Hearings Panel Open Unconfirmed Minutes 3 October 2024

**Dog Control Hearings Panel**  
***Te Koomiti Whiriwhiri I Ngaa Take Kuri***  
**OPEN MINUTES**

Minutes of a meeting of the Dog Control Hearings Panel held in Committee Room 1, Municipal Building, Garden Place, Hamilton and via Audio-Visual Link on Thursday 3 October 2024 at 9:47 am.

**PRESENT**

<b>Chairperson</b> <i>Heamana</i>	Cr Mark Donovan
<b>Members</b>	Cr Anna Casey-Cox Cr Maria Huata

- 1. Apologies – *Tono aroha***  
**Resolved:** (Cr Donovan/ Cr Casey- Cox)  
That the Dog Control Hearings Panel accepts the apologies for absence from Cr Andrew Bydder.
- 2. Confirmation of Agenda – *Whakatau raarangi take***  
**Resolved:** (Cr Casey-Cox/ Cr Huata)  
That the Dog Control Hearings Panel confirms the agenda.
- 3. Declarations of Interest – *Tauaakii whaipanga***  
No members of the Council declared a Conflict of Interest.
- 4. Confirmation of the Dog Control Hearings Panel Open Minutes 28 May 2024**  
**Resolved:** (Cr Donovan/Cr Casey Cox)  
That the Dog Control Hearing Panel confirm the Open Minutes of the Dog Control Hearings Panel held on the 28 May 2024 as a true and correct record.
- 5. Objection to Disqualification from Dog Ownership – Dobson**  
  
The Chairperson noted that staff had made numerous attempts to contact the objector Mr Dobson and that the hearing would continue his absence.  
  
The Safety & Resilience Unit Director spoke to the report in particular the history of the case in relation to Mr Dobson, aggression observed from the dog (Ghost), and the infringements that had led to a Menacing classification and now a Disqualified Owner. He noted that the professional opinion the owner was either unwilling or unable to control his dog.

6. Resolution to Exclude the Public

**Resolved:** (Cr Donovan/Cr Huata)  
**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 28 May 2024	) 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)
Item 5.	to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment	Section 7 (2) (f) (ii)

**The meeting moved to Public Excluded session at 9:56am.**

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

That the Dog Control Hearings Panel:

- a) receives the report;
- b) confirms it has considered the mandatory matters specified under the Dog Control Act 1996, and other matters relevant to the objection;
- c) notes under the Dog Control Act 1996 that the Dog Control Hearings Panel in determining any objection can only either;
  - i. uphold the classification;
  - ii. bring forward the date of termination of the classification; or
  - iii. immediately terminate the disqualification; and
- d) classifies the dog owner as disqualified until 14 January 2029 (being the date that is 5 years from the date of the third or final infringement offence in respect of which the person is disqualified) and notes the right of the dog owner to appeal to the District Court under section 27 of the Dog Control Act 1996.

**The meeting was declared closed at 10:00am.**

# Council Report

**Committee:** Dog Control Hearings Panel **Date:** 14 November 2024  
**Author:** Robbie Hermann **Authoriser:** Kelvin Powell  
**Position:** Response & Resilience Manager **Position:** Safety and Resilience Unit Director  
**Report Name:** Objection to Menacing Classification of Dog - Thompson-Tarau

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

1. To seek a determination from the Dog Control Hearings Panel on the classification of Karez, a male unneutered Shar Pei as a menacing dog.

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

2. That the Dog Control Hearings Panel:
  - a) receives the report; and
  - b) confirms it has considered the mandatory matters specified under the Dog Control Act 1996, and other matters relevant to the objection;
  - c) notes that the Dog Control Hearings Panel in determining any objection can only either uphold or rescind the classification under the Dog Control Act 1996; and
  - d) either upholds or rescinds the menacing classification.

## Executive Summary - *Whakaraapopototanga matua*

3. On 26 August 2024 Council received a complaint regarding Karez, a female unneutered Shar Pei, coloured gold and white aged approximately 2 years and 5 months (the Dog) (refer to **Attachment 1**).
4. The Dog Control Act 1996 sets out the circumstances in which Council may classify a dog as menacing.
5. Staff recommend that the classification of the Dog as menacing is upheld.
6. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

## Background - *Koorero whaimaarama*

7. On 26 August 2024 Council received a complaint regarding Karez, a female unneutered Shar Pei, coloured gold and white aged approximately 2 years and 5 months (refer to **Attachment 1**).

8. The complaint broadly involved the Dog leaving its owners property and going onto a nearby property where it attacked and killed a pet guinea pig owned by the complainant. Refer to **Attachment 1** for further details.
9. On 9 September 2024 the Dog was classified by staff as menacing. Refer to Attachment 2 for the Notice of Classification.
10. On 18 September 2024 an objection to the classification of the Dog as menacing was received from the registered dog owners. Refer to **Attachment 3** for a copy of the objection.
11. As a result, a hearing has been convened to hear the objection. The Hearing Panel should note:
  - the Owners have advised that they wish to be heard in person; and
  - the Complainant has advised that they wish to be heard in person.
12. The normal order of the procedure of a hearing is as follows:
  - opening of the meeting by the Chair;
  - the Objector presents their objection and supporting evidence;
  - Any witnesses in support of the objection speak to their evidence;
  - the Complainant and any witnesses in opposition of the objection speak to their evidence;
  - Staff summarise the Committee report and makes any comments regarding information provided at the hearing;
  - the Objector has the opportunity to respond to any new matters or points not already covered during the hearing;
  - the hearing is closed or adjourned for a decision to be made.
13. For the avoidance of doubt:
  - The Chair of the hearing may change the order of the hearing at their discretion.
  - There is **no** opportunity for cross examination at the hearing by any party.
  - Members of the Hearings Panel may ask questions for clarification of the parties during the hearing.

### **Discussion - *Matapaki***

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

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

15. In deciding to classify the Dog, staff have relied on the following evidence:
  - On 26 August 2024, the complainant who resides in Enderley, made a complaint to Council that a dog had gone onto their property and attacked and killed one of their pet guinea pigs.
  - Animal Education and Control staff went to Enderley soon after the complaint had been made and spoke to the complainant and the father of the Dog owner. Notes of the actions taken by the Animal Education and Control staff are recorded in Attachment 1.
  - A statement was taken from the father of the dog owner about the incident. **Refer to Attachment 4.** In this statement, the father of the dog owner described being at a residential address in Enderley and noticing that the Dog was not present. This person went to look for the Dog and saw her at the neighbour's property. He

saw that the Dog had a guinea pig in its mouth. The Dog owner's father removed the Dog from the property.

#### Matters relied on or advanced in support of the objection

16. The Owner objects to the classification on the following grounds:

- Aside from this incident, the Dog is very well behaved.
- The Dog has not been involved in an incident like this previously.
- The behaviour of the Dog should not be judged on this incident alone.
- Before and after this incident, the Dog has not been aggressive towards people or other dogs.
- The Dog has a naturally calm personality.
- That it is not the owners place to take away the Dogs right to be female or a mother one day.

17. Refer to **Attachment 3** for the copy of the objection.

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

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

#### Other relevant matters

19. The Dog Control Act 1996 requires consideration of any other matters that the Hearings Panel considers relevant.

20. Council's Dog Control Policy provides direction on how Council will fulfil its legislative responsibilities pursuant to the [Dog Control Act 1996](#) and the Dog Control Bylaw. The Hearing Panel should consider whether it's decision is consistent with the purposes in the Dog Control Policy, specifically:

- the need to minimise danger, distress, and nuisance to the community generally;
- the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
- the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs;
- the exercise and recreational needs of dogs and their owners.

21. Ownership history and recorded dog behaviour can be a relevant consideration if it provides evidence of prior good or poor dog or ownership behaviour. Council has records of complaints regarding dogs registered to the Owner as follows:

Date and CRM	Complaint details	Result
23/06/23, 334215	Adult female complains that the Dog had growled at her while she was on the street. A person has come out of an address and restrained the Dog.	Owner of the Dog was spoken to by AE&C officer and provided advice about containment and control of the Dog.
03/08/23, 341004	A member of the public reports that the Dog had been roaming. The complainant believed the Dog had broken free from where it was usually tethered at the property. AE&C officer visits the Dog owners address and saw the Dog inside the	Owner of the Dog was spoken to by AE&C officer and provided advice.

	house. A rope was noted on the deck that had been chewed through.	
26/08/24, 422025	A person complains that the Dog has come onto her property and killed one of her pet guinea pigs. Complaint investigated.	Decision made to classify the Dog as menacing.

Item 5

### Options

22. Under the [Dog Control Act 1996](#), territorial authorities have two options when considering an outcome of an objection to a dog being classified as menacing:
  - to uphold the classification; or
  - to rescind the classification.
23. There are no other options open to the Dog Control Hearings Panel under the [Dog Control Act 1996](#).
24. The staff recommendation is that the Hearings Panel uphold the classification for the following reasons:
  - The Dog has shown its willingness to roam away from its owner's property on at least three separate occasions.
  - On one of these occasions the Dog has attacked and killed a pet guinea pig.
  - When a dog is classified as menacing it must be desexed. Desexing can assist in reducing a dog's drive to roam and prevents unwanted aggressive behaviours being transferred through breeding.

### Financial Considerations - *Whaiwhakaaro Puutea*

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

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

#### Menacing Dog Classification

26. [Section 33A](#) of the [Dog Control Act 1996](#) provides that a territorial authority may classify dog as menacing 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.

#### Effect of a menacing dog classification

27. If a dog is classified as a menacing dog under [section 33A](#) the owner of the dog:
  - must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
  - must, if required by the territorial authority (refer below to Council's Dog Control Policy) within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying—
    - that the dog is or has been neutered; or
    - 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

- must, if a non-neutering certificate is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate that the dog has now been neutered.
28. A menacing classification extends to the whole of New Zealand and remains in place for the life of the dog.
29. There is no provision under the Dog Control Act 1996 to appeal this decision to the district Court.

#### Council's Dog Control Policy – Neutering of dogs classified as menacing:

30. Council's Dog Control Policy provides direction on how Council will fulfil its legislative responsibilities pursuant to the [Dog Control Act 1996](#) and the Dog Control Bylaw.
31. The [Dog Control Policy](#) requires mandatory neutering of dogs classified as menacing in accordance with the provisions of the [Dog Control Act 1996](#). Mandatory neutering also includes dogs classified as menacing by other territorial authorities where that dog is in the jurisdiction of Hamilton City Council.

#### Right to make an objection

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

### **Climate Change Impact Statement**

35. Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation. Staff have determined no adaptation or emissions assessment is required.

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

36. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
37. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.



38. Staff consider that the keeping of animals can enhance the quality of life and wellbeing for individuals and families; however, the Council also has a responsibility to protect the community from unreasonable animal nuisances – families, whanau, iwi, hapuu, and communities should be safe from dangerous animals.

### **Risks - *Tuuraru***

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

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

41. 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.
42. Given the low level of significance determined, the engagement level is low. No engagement is required.

### **Attachments - *Ngaa taapirihanga***

Attachment 1 - Animal Complaint Record

Attachment 2 - Menacing Classification Paperwork

Attachment 3 - Objection to Menacing Classification

Attachment 4 - Statement of Gavin Thompson

Attachment 5 - CRMS

Animal Complaint Record 422025/2024

COMPLAINANT		Officer	D45
Complaint received	26/08/2024	Home Phone 1	
Name		Home Phone 2	
Address		Mob Phone	

PROPERTY			
Property Address		Safety Alert	NO

ANIMAL DETAILS			
Animal Number	245856	Animal Name	Karez
Animal Location		Color	GLD /WHI
Owner Address		Owner Name	Thompson-Tarau
		Tattoo	
		Sex	F
		NAR No.	1207102

REQUEST DETAILS	
Offence Date	
Major Category	Animal Control (heading only)
Minor Category	Dogs - Offences (heading only)
Category 3	Dogs - Attack (heading only)
Category 4	Dogs - Attack - Dog v Animal - Urgent

INVESTIGATION DETAILS	
Officer	D45
Start Date	26/08/2024 02:03
Finish Date	12/09/2024 03:41
Outcome	Animals - Menacing Dog Classification
Task	Investigation

26-08-2024 2:20pm D47 and D41 have been in the area so I have requested they patrol the area until I get there. Complainant has hailed them down and advised the attacking dog comes from [REDACTED]. Upon D49 and I arriving, D47 and D41 have left; and the complainant has been at her gate. We have spoken with her and she has been very irate that "we" have not done our jobs properly; she has complained about his dog before and if we had done our jobs correctly then perhaps this wouldn't have happened. [REDACTED] has confirmed that her flatmate has witnessed the dog attacking the guinea pig. I have briefly spoken with [REDACTED] who has informed me yes, the dog attacked and killed x1 guinea pig and that the man across the road (pointing at [REDACTED]) came and took the dog home. While I have been speaking to these people, the man from [REDACTED] has come to the neighbouring property where the complainant and residents, and the man have started having a heated exchange of words. The male D/O has started walking back home when I have asked if I could speak to him. He has walked back to his address and has initially been agitated and was a little confrontational. I have managed to speak with him and have obtained some information around the incident. He has confirmed he witnessed his dog attack the guinea pig and has wanted to give me a formal statement then and there (attached). [REDACTED] is the D/O's father. I have explained my initial intention of seizing the dog however as [REDACTED] has been extremely cooperative, given me his statement and confirmed the dog has attacked the guinea pig, I have left the dog (which he calls [REDACTED] but is actually known on record as Karez) there. The dog is currently registered and I have

explained the possible outcomes once the investigation is completed which may be infringement(s) and/or menacing classification. I have requested [REDACTED] speaks to his daughter [REDACTED] Thompson- Tarau) and informs her of what has occurred today as I will have to inform her of the outcome as she is the D/O on record. We have then left the area. I have phoned complainant [REDACTED] on way back to base and explained why I have not seized the dog, the possible outcomes and requested the contact details for witness [REDACTED]. [REDACTED] was satisfied with this and apologised for the verbal tirade towards the D/O. [REDACTED] ( [REDACTED] 26/08/2024) 03-09-2024 11:15am I have not yet received a witness statement from [REDACTED]

After discussing incident details with colleagues, I have decided to classify the dog, Karez, as a menacing dog as an animal has been attacked which has resulted in its death; and have confirmation in the form of a witness statement, that this has occurred as witnessed by [REDACTED], the person at home with the dog at the time of the incident. I have phoned D/O [REDACTED] and ascertained that she is aware of the reported incident; and she has also confirmed that the dog referred to as [REDACTED] in [REDACTED] statement, is the dog known as Karez (AN:245856) have informed Waipouri that I am classifying Karez as a menacing dog, and outlined the desexing and muzzling requirements as per the DCA. [REDACTED] has not received this news well and has voiced her objections. She does not believe that this incident quantifies the menacing classification and disputes the desexing requirements in particular. I have informed [REDACTED] that once received, the classification paperwork will have all details pertaining to the legal requirements/obligations and information on how to dispute the classification. [REDACTED] 03/09/2024)

03-09-2024 11:55am Phoned complainant and informed them of outcome which they are satisfied with although now fear retaliation from D/O as they had to get Police involved after AECOs left the area on the day of the incident due to retaliation related concerns. [REDACTED] 03/09/2024)

03-09-2024 12:30pm Menacing Classification Application attached to CRM. [REDACTED] 03/09/2024)

12-09-2024 3:40pm Witness statement not forthcoming from [REDACTED]. Closing CRM. [REDACTED] - 12/09/2024)

## Previous Complaints for Dog

<b>CRM No.</b>	334215/2023	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	ADVC
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D17
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	23-Jun-23 04:06:00 PM
<b>Cat 3</b>	Dogs - Rushing (heading only)	<b>Closed</b>	05-Jul-23 11:06:00 AM
<b>Cat 4</b>	Dogs - Rushing Person - Historic		

<b>CRM No.</b>	341004/2023	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	ADVC

<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D41
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	03-Aug-23 01:38:00 PM
<b>Cat 3</b>	Dogs - Roaming (heading only)	<b>Closed</b>	03-Aug-23 04:22:00 PM
<b>Cat 4</b>	Dogs - Roaming - Public Place		
<b>CRM No.</b>	382452/2024	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D40
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	14-Feb-24 08:41:00 AM
<b>Cat 3</b>	Dogs - Ranging Offences Detected By Officer (heading only)	<b>Closed</b>	
<b>Cat 4</b>	Dogs - Ranging - Microchipping Compliance		
<b>CRM No.</b>	422025/2024	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	MENC
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D45
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	26-Aug-24 02:03:00 PM
<b>Cat 3</b>	Dogs - Attack (heading only)	<b>Closed</b>	12-Sep-24 03:41:00 PM
<b>Cat 4</b>	Dogs - Attack - Dog v Animal - Urgent		
<b>CRM No.</b>	424506/2024	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	2CMP
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	AHU
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	06-Sep-24 04:00:00 PM
<b>Cat 3</b>	Dogs - Offences - Officer (heading only)	<b>Closed</b>	27-Sep-24 02:25:00 PM
<b>Cat 4</b>	Dogs - Officer - Serve Dog Classification		
<b>CRM No.</b>	427108/2024	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	RHER
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	19-Sep-24 11:30:00 AM
<b>Cat 3</b>	Dogs - Offences - Officer (heading only)	<b>Closed</b>	
<b>Cat 4</b>	Dogs - Officer - Serve Dog Classification		

6 September 2024

[REDACTED] Thompson-Tarau

HAMILTON 3214

Dear [REDACTED]

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

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

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

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

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

You may be able to take advantage of discounts available through HCC for de-sexing fees with a contracted veterinarian. Microchipping is also available at the Animal Education and Control Centre. If you would like further information about these services, please contact the Animal Education and Control team on 07 838 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, by emailing [dog.registration@hcc.govt.nz](mailto:dog.registration@hcc.govt.nz)

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 07 838 6632.

Regards,



**Trudi Swanson**  
**Team Leader - Officers**  
**Animal Education and Control**  
Animal Education and Control  
217 Ellis Street, Hamilton  
Phone: 07 838 6632  
Email: [dog.registration@hcc.govt.nz](mailto:dog.registration@hcc.govt.nz)

## Notice of Classification of Dog as Menacing Dog

Section 33A, Dog Control Act 1996



Private Bag 3010  
Hamilton 3240  
New Zealand

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

To: \*  
(name of owner)

Thompson-Tarau

Address:

HAMILTON 3214

Dog Details:

**Female, Unneutered Shar Pei, Gold and White in colour, Named KAREZ, Aged 2 years and 5 months approximately, No Microchip**

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, 28th August 2024, in Hamilton.

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

  
Animal Education and Control Manager

6/9/2024  
Date

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

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

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

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

You —

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

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16.3.2011  
AC-F54



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

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

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

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

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

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

Full details of the effect of the classification of a dog as menacing are provided in the Dog Control Act 1996. This is available to view online at [www.legislation.govt.nz](http://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. **This objection must be emailed to [dog.registration@hcc.govt.nz](mailto:dog.registration@hcc.govt.nz)**

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



## ANIMAL EDUCATION & CONTROL

To: Sue Stanford (Animal Education and Control Manager)

From: [REDACTED]

Subject: Menacing Classification on reported behaviour

Date: 03/09/2024 AN: 245856 File: CAR: 422025/2024

CAR DETAILS: Brief breakdown of how dog come to our attention. Report received of a dog coming onto complainant's property, attacking and killing a pet guinea pig. Upon attending complainant's address, the address of the attacking dog has been identified.

DOG OWNERS DETAILS: How was AECO received by dog owner? Is the D/O aware that their dog is being Classified? D/O was not present on the day of incident. D/O's father has witnessed incident and confirmed it was his daughter's dog, Karez. Upon informing D/O of classification, D/O has expressed her disapproval and has voiced objections regarding the classification, particularly the desexing requirements.

DOG DETAILS: Is this dog to be classified on Behaviour. Describe behaviour and any identifying marks. This dog is to be classified as menacing based on an attack of another animal resulting in its death. This incident occurred on the complainant's property that the dog has entered.

Micro Chip: There are no microchip details on file for this dog.

AN: 245856

Registration Number: 8848 2024/25

Dogs Name: Karez (aka Poppy)

### MENACING CLASSIFICATION NOTES:

This dog is to be classified as menacing on reported behaviour under Section 33A of the Dog Control Act 1996

### DETAILS OF AECO's Involved with Classification:

[REDACTED] - Animal Education & Control Officer

Approved for classification:

Yes *[Signature]* D37

Date:

4/9/2024

Is the identification Checklist attached Yes or No

Have photos been saved Yes or No



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  Dangerous  Agency   
 Animal Name  Neutered  Gender   
 Breed  Shar Pei Cross   
 Main Colour  Gold 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

Item 5

Attachment 2

To whom this may concern,

I sincerely apologize for the recent incident involving the pet under my care, Karez. This situation is a very serious matter and I do not take it lightly. Her behavior was unacceptable although I assure you Karez is a very well behaved pet despite her most recent actions. An incident like this, an incident overall or complaints have never occurred before and I am more than willing to get her the necessary help that she may need to overcome this unexpected behavior to ensure it never happens again.

I am writing this formal letter as I do not agree with the classification as I truly believe this was an honest mistake that will never happen again. Her behavior should not be judged on this incident alone. She has never portrayed an aggressive nature pre/post incident off lead and towards infants, children, any person, other dogs despite their breed etc. This incident was very unexpected.

Karez currently resides with my father (at this time being) as my partner and I are currently in the process of moving houses (with every intention that she moves back with us) as well as preparing for the arrival of our newborn child. At this moment Karez is not enrolled in any educational or behavioral services, although she will be once we're settled. She has attended puppy pre-school as well as training programmes in the past.

As per the classification it states that Karez is required to be de-sexed? I feel as this is a very unnecessary step to take in regards to her actions. Karez naturally has a calm/sad personality. Seeing as she will be 3 next March, I feel as though her mental state will be affected tremendously as she will remember the procedure and become traumatized. Since becoming the guardian of Karez I have had no intention to breed her although I feel it's not my place to take away her right to be female or be a mother one day.

Please if there are any further steps I can take to disregard this classification from going forward, I would be very grateful and interested to hear back.

Thank you,

Kind regards,

██████████ Thompson.

26/8/2024 @ 2:50pm

[REDACTED]

I [REDACTED] of [REDACTED] am making this statement to [REDACTED] Animal Control officer of Hamilton City Council.

At approximately 1-2pm on the 26th August 2024.

I had visitors arrive to my property. I was in the kitchen so assume the front door was left open and the dog has gotten out. I did not know this at the time. My visitors have left which is when I noticed 'Poppy' was not here. I went out to look for her and went across the road when I saw Poppy ~~at~~ at the neighbour address first, she has then gone into the property of the complainant <sup>as the gates were open.</sup> where she has grabbed a guinea pig that was on the front lawn by the caravan. She had it in her mouth and dropped it when she saw me. I have grabbed her & removed her from the property which is when a male occupant has come out of the house.

Statement finished: 26/8/2024 @ 3:05pm.

[REDACTED]

## Animal Complaint Record 334215/2023

Attachment 5

<b>COMPLAINANT</b>		<b>Officer</b>	D17
Complaint Received	23/06/2023	Home Phone 1	
Name	[REDACTED]	Home Phone 2	
Address	[REDACTED]	Mob Phone	[REDACTED]

<b>PROPERTY</b>				
Property Address	[REDACTED]	[REDACTED]	<b>Safety Alert</b>	NO

<b>ANIMAL DETAILS</b>					
Animal Number	245856	Animal Name	Karez	Tattoo	
Animal Location	[REDACTED]	Color	GLD /WHI	Sex	F
Owner Address	[REDACTED]	Owner Name	[REDACTED] Thompson-Tarau	NAR No.	1207102

<b>REQUEST DETAILS</b>		[REDACTED] reports tan/brown med sized dog; short hair, mixed breed; growled at her while she was heading to pick up her child from kindy. It followed them across the road & jumped towards her baby in the stroller. She managed to move the stroller so that the opposite side which was empty. The female owner came out from approx. [REDACTED]
Offence Date		
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Rushing (heading only)	
Category 4	Dogs - Rushing Person - Historic	

<b>INVESTIGATION DETAILS</b>	
Officer	D17
Start Date	23/06/2023 04:06
Finish Date	05/07/2023 11:06
Outcome	* Advice Given
Task	Investigation

Item 5

D17 23/06/2023 4.13pm  
 Tried phoning the complainant without success - left message to contact me before 4.30pm or 8am - 4.30pm Monday. Advised that I would need to talk to her and get a statement. [REDACTED] - 23/06/2023) 26/06/2023 1.55pm  
 I have spoken to the complainant and got over the incident and requested an emailed statement from her. I have provided an email address for this purpose.  
 1.59pm The complainant has phoned back to say the same dog is currently roaming. I have asked the incoming AECO's to attend and D45 has agreed to do so. [REDACTED]  
 26/06/2023) D17  
 28/06/2023 I have visited the dog owner address and spoken to the dog owners sister about the incident. She was not home at the time but it was her mother who went out and collected the dog and she is not able to handle the dog as well as others. Advice given and C/L. No statement has been forthcoming from the complainant. [REDACTED] 30/06/2023)  
 02/07/2023  
 Statement still not forthcoming [REDACTED] - 02/07/2023) have tried phoning the registered dog owner with no success. [REDACTED] - 02/07/2023)  
 05/07/2023 Still no statement forthcoming. Can't get hold of the complainant. Spoke to the dog owner of the dog Karez and discussed the incident. Advice given to better contain and control the dog. Advice only. N.F.A. [REDACTED] - 05/07/2023)

## Previous Complaints for Dog

<b>CRM No.</b>	334215/2023	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	ADVVC
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D17
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	23-Jun-23 04:06:00 PM
<b>Cat 3</b>	Dogs - Rushing (heading only)	<b>Closed</b>	05-Jul-23 11:06:00 AM
<b>Cat 4</b>	Dogs - Rushing Person - Historic		

<b>CRM No.</b>	341004/2023	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	ADVVC
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D41
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	03-Aug-23 01:38:00 PM
<b>Cat 3</b>	Dogs - Roaming (heading only)	<b>Closed</b>	03-Aug-23 04:22:00 PM
<b>Cat 4</b>	Dogs - Roaming - Public Place		

<b>CRM No.</b>	382452/2024	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	

<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D45
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	14-Feb-24 08:41:00 AM
<b>Cat 3</b>	Dogs - Ranging Offences Detected By Officer (heading only)	<b>Closed</b>	
<b>Cat 4</b>	Dogs - Ranging - Microchipping Compliance		
<b>CRM No.</b>	422025/2024	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	MENC
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D45
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	26-Aug-24 02:03:00 PM
<b>Cat 3</b>	Dogs - Attack (heading only)	<b>Closed</b>	12-Sep-24 03:41:00 PM
<b>Cat 4</b>	Dogs - Attack - Dog v Animal - Urgent		
<b>CRM No.</b>	424506/2024	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	2CMP
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	AHU
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	06-Sep-24 04:00:00 PM
<b>Cat 3</b>	Dogs - Offences - Officer (heading only)	<b>Closed</b>	27-Sep-24 02:25:00 PM
<b>Cat 4</b>	Dogs - Officer - Serve Dog Classification		
<b>CRM No.</b>	427108/2024	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	RHER
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	19-Sep-24 11:30:00 AM
<b>Cat 3</b>	Dogs - Offences - Officer (heading only)	<b>Closed</b>	
<b>Cat 4</b>	Dogs - Officer - Serve Dog Classification		

## Animal Complaint Record 341004/2023

Item 5

### COMPLAINANT

Complaint Received	03/08/2023	Officer	D41
Name	[REDACTED]	Home Phone 1	
Address	[REDACTED]	Home Phone 2	
		Mob Phone	[REDACTED]

### PROPERTY

Property Address	[REDACTED]	Lot 176 DP S9939	Safety Alert		
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### ANIMAL DETAILS

Animal Number	245856	Animal Name	Karez	Tattoo	
Animal Location	[REDACTED]	Color	GLD /WHI	Sex	F
Owner Address	[REDACTED]	Owner Name	[REDACTED] Thompson-Tarau	NAR No.	1207102

### REQUEST DETAILS

Offence Date		Dog that lives at [REDACTED] St is currently out roaming. Appears noone is home - dog usually gets tethered outside on a harness at the property - appears to have broken its buckle on the harness and has escaped - now out on the road just down from its house - roaming the street. Sharpei dog - brindle - longer tail - short haired - has a yellow rego tag hanging off its harness. Caller believes other neighbours have reported issues with same dog roaming in the past but first time for him to call HCC
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Roaming (heading only)	
Category 4	Dogs - Roaming - Public Place	

### INVESTIGATION DETAILS

Officer	D41	03/08/2023 2.00pm	Went to [REDACTED]
Start Date	03/08/2023 01:38	[REDACTED] no dogs sighted. Went to [REDACTED] sighted dog in the house. Went to the back door it was open. Dog tried to come out. I had to force it back in with my pole. Was able to close the door and secure the dog. No one appeared to be home. I checked the property and found a soft dog bed on the front deck with a rope attached to a pole it had been chewed threw. The dog had no shelter or water that I could see. I left a card on the back door to call me. Called complainant informed him what I had done and let him know I would be in contact with the dog owner to discuss the dog been out. [REDACTED] - 03/08/ 2023)	
Finish Date	03/08/2023 04:22	03/08/2023 3.00pm	Dog owner called back so I explained what happened and what I had done. She said some one was meant to be home. I explained that if the kept happening she would receive fines. I also had a chat to her about where she was keeping the her dog as it had no shelter or water. I explained she needs to provide water and shelter when she leaves the dog outside. Advice given NFA [REDACTED] 03/08/2023)
Outcome	* Advice Given		
Task	Investigation		

Attachment 5

## Previous Complaints for Doa

## Attachment 5

<b>CRM No.</b>	334215/2023	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	ADVC
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D17
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	23-Jun-23 04:06:00 PM
<b>Cat 3</b>	Dogs - Rushing (heading only)	<b>Closed</b>	05-Jul-23 11:06:00 AM
<b>Cat 4</b>	Dogs - Rushing Person - Historic		

<b>CRM No.</b>	341004/2023	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	ADVC
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D41
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	03-Aug-23 01:38:00 PM
<b>Cat 3</b>	Dogs - Roaming (heading only)	<b>Closed</b>	03-Aug-23 04:22:00 PM
<b>Cat 4</b>	Dogs - Roaming - Public Place		

<b>CRM No.</b>	382452/2024	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D40
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	14-Feb-24 08:41:00 AM
<b>Cat 3</b>	Dogs - Ranging Offences Detected By Officer (heading only)	<b>Closed</b>	
<b>Cat 4</b>	Dogs - Ranging - Microchipping Compliance		

<b>CRM No.</b>	422025/2024	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	MENC
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D45
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	26-Aug-24 02:03:00 PM
<b>Cat 3</b>	Dogs - Attack (heading only)	<b>Closed</b>	12-Sep-24 03:41:00 PM
<b>Cat 4</b>	Dogs - Attack - Dog v Animal - Urgent		

<b>CRM No.</b>	424506/2024	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	2CMP
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	AHU
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	06-Sep-24 04:00:00 PM
<b>Cat 3</b>	Dogs - Offences - Officer (heading only)	<b>Closed</b>	27-Sep-24 02:25:00 PM

## Item 5



<b>Cat 4</b>	Dogs - Officer - Serve Dog Classification		
<b>CRM No.</b>	427108/2024	<b>Task</b>	2INV
<b>Animal</b>	245856	<b>Outcome</b>	
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	RHER
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	19-Sep-24 11:30:00 AM
<b>Cat 3</b>	Dogs - Offences - Officer (heading only)	<b>Closed</b>	
<b>Cat 4</b>	Dogs - Officer - Serve Dog Classification		

Item 5

Attachment 5

# Council Report

**Committee:** Dog Control Hearings Panel **Date:** 14 November 2024  
**Author:** Robbie Hermann **Authoriser:** Kelvin Powell  
**Position:** Response & Resilience Manager **Position:** Safety and Resilience Unit Director  
**Report Name:** Objection to Disqualification from Dog Ownership - Edmonds

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

1. To seek a determination from the Dog Control Hearings Panel on the classification of Mr. Edmonds as a disqualified dog owner.

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

2. That the Dog Control Hearings Panel:
    - a) receives the report;
    - b) confirms it has considered the mandatory matters specified under the Dog Control Act 1996, and other matters relevant to the objection;
    - c) notes under the Dog Control Act 1996 that the Dog Control Hearings Panel in determining any objection can only either;
      - i. uphold the classification;
      - ii. bring forward the date of termination of the classification; or
      - iii. immediately terminate the disqualification; and
    - d) **EITHER**
      - i. classifies the dog owner as disqualified until 14 January 2029 (being the date that is five years from the date of the third or final infringement offence in respect of which the person is disqualified) and notes the right of the dog owner to appeal to the District Court under section 27 of the Dog Control Act 1996.
- OR**
- ii. brings forward the date of termination of the classification to [a date that is no more than five years from the date of the third or final infringement offence in respect of which the person is disqualified] and notes the right of the dog owner to appeal to the District Court under section 27 of the Dog Control Act 1996
- OR**
- iii. immediately terminates the classification.

## Executive Summary - *Whakaraapopototanga matua*

3. On 27 August 2024, Mr. Edmonds (the Dog Owner) was classified by staff as disqualified. Refer to **Attachment 1** for the Notice of Classification.
4. The trigger under the Dog Control Act 1996 for the classification was the Dog Owner was convicted of an offence against the Dog Control Act 1996
5. Under section 25 of the [Dog Control Act 1996](#) a territorial authority must disqualify a person from being an owner of a dog if the person is convicted of an offence (not being an infringement offence) against this Act. . This statutory requirement does not apply where the territorial authority is satisfied that disqualification is not warranted, and the person will instead be classified as a probationary owner. These decisions are made under delegated authority by the Animal Control Officers.
6. Staff recommend that the Hearing Panel classify the dog owner as disqualified until 27 August 2029, being five (5) years from the date of the Dog Owner was of an offence (not being an infringement offence) against this Act.
7. Staff consider the decision in this report low significance and that the recommendations comply with the Council's legal requirements.

## Background - *Koorero whaimaarama*

8. On 27 August 2024 the Dog Owner was classified by staff as disqualified. Refer to **Attachment 1** for the Notice of Classification.
9. The trigger under the Dog Control Act 1996 for the classification was the Dog Owner was convicted in the Hamilton District Court on 26 August 2024 of an offence against the Dog Control Act 1996. Details of the offending that led to the conviction are further on in this report.
10. Staff are satisfied that the circumstances of the offence are such that a disqualification is warranted, and classification of the Dog Owner as probationary was not appropriate.
11. On 28 August 2024, an objection to the classification of the Dog Owner as disqualified was received by Council. Refer to **Attachment 2** for a copy of the objection.
12. As a result, a hearing has been convened to hear the objection. The Hearings Panel should note that Owner has advised that they wish to be heard in person
13. The normal order of a hearing is as follows:
  - i. Opening of the meeting by the chairperson.
  - ii. the Dog Owner presents their objection and supporting evidence.
  - iii. Any witnesses in support of the objection speak to their evidence.
  - iv. The Complainant and any witnesses in opposition of the objection speak to their evidence.
  - v. Council staff summarise the Council report and makes any comments regarding information provided at the hearing.
  - vi. The Dog Owner has the opportunity to respond to any new matters or points not already covered during the hearing.
  - vii. The hearing is closed or adjourned for a decision to be made.
14. For the avoidance of doubt:
  - i. The Chair of the hearing may change the order of the hearing at their discretion.
  - ii. There is no opportunity for cross examination at the hearing by any party.
  - iii. Members of the Hearings Panel may ask questions for clarification of the parties during the hearing.

## Discussion - *Matapaki*

15. [Section 26](#) of the Dog Control Act 1996 provides that in making its determination Council **must** have regard to:
- i. the circumstances and nature of the offence or offences in respect of which the Dog Owner was classified;
  - ii. the competency of the person objecting in terms of responsible dog ownership;
  - iii. any steps taken by the owner to prevent further offences (including, but not limited to, the disposal of any dog or dogs or the fencing of the property on which the dog is kept);
  - iv. the matters advanced in support of the objection; and
  - v. any other relevant matters.

### Circumstances and nature of the offence(s) in respect of which the person was disqualified

16. In deciding to classify the Dog Owner, staff have relied on the following evidence:

On 26 August 2024, the Dog Owner was convicted in the Hamilton District Court of one offence under section 57(1)(a) and (2) of the Dog Control Act 1996. The offence was for an incident that occurred on 8 January 2024 in Hamilton. An adult female was going door to door for a charity organisation. She approached the Dog Owner's property and knocked on the metal perimeter fencing to attract the occupant's attention. The dog "Lola" ran out of the house and jumped over the fencing and bit the female twice on her right upper arm. An occupant from the house came outside and restrained "Lola". "Lola" was unmuzzled at the time. The Dog Owner also came out of the dwelling and assisted the female who had been bitten. The female suffered deep puncture wounds, scratches, grazes, bruising and swelling to her upper right arm. She required medical treatment.

### Matters advanced in support of the objection

17. The Dog Owner objections to the classification on the following grounds:
- That he has been racially dealt with by Animal Education and Control.
  - The Dog Owner has advised that the dog "Lola" responsible for the attack on the female was stolen from him in May or June 2024. He no longer has possession of this dog.

### Steps taken by the Dog Owner to prevent any further offences

18. Staff are not aware of any steps taken by the Dog Owner to prevent any further offences. The Dog Owner may have further information on this matter at the hearing.

### The competency of the person objecting in terms of responsible dog ownership

18. Ownership history and recorded dog behaviour can be a relevant consideration if it provides evidence of prior good or poor dog ownership behaviour.
19. The complaints and infringements issued are outlined in this report, indicating a period of several months where the Dog Owner has been aware of the behaviour of their dog, and not remedied this behaviour.

Date & CRM	Complaint Details	Investigation	Outcome
02/11/20, 207602	A male went onto the Dog owner's property to visit an occupant. "Pudoe" rushed the male and bit him on the leg.	No formal complaint made. Dog owner spoken to and admitted what had happened.	No action taken.
03/06/21	"Pudoe" bites an adult female on the ankle, thigh and calf at the New World carpark in Waiuku. The bite wounds were minor.	Matter dealt with by Auckland Council.	Infringement 61000329559 for failure to keep dog under control issued to the Dog owner.
13/06/21		Auckland Council initiate classification of "Pudoe".	"Pudoe" is classified as menacing dog under section 33A of the Dog Control Act 1996. Documentation delivered to Dog owner at his address in Hamilton.
08/09/21, 236357	A male was in the car park at PaknSave Clarence St where he was bitten on the leg by "Pudoe". "Pudoe" had been on the back of a flat deck truck.	When spoken to, the Dog owner acknowledged the incident had occurred but did not realise a person had been bitten.	Infringement 12952 for failure to keep dog under control issued to Dog owner. The infringement penalty of \$200 was paid.
13/02/22, 252508	Animal Control Officer sights four dogs being walked off lead by Dog owner. "Pudoe" was identified as one of the dogs.		Infringement 13302 issued to Dog owner for failure to comply with effects of classification of dog as menacing dog. The infringement penalty of \$300 was paid.
17/02/23, 310994	A member of the public witnesses "Pudoe" rushing a man on Pine Ave. The Dog owner was seen to come out of his address and called "Pudoe" back inside. Later that same day the same MOP witnessed "Pudoe" barking at a girl.	Animal Control officer visited Dog owner's address. Four dogs ("Pudoe", "Honey", "Hazel" and "Bow") noted at the property, none of which were registered. Dog owner disagrees that "Pudoe" would have been responsible for the rushing.	Efforts made with dog owner to get the dogs registered. Infringement 13774 issued to Dog owner for failure to keep dog under control. The infringement penalty of \$200 is unpaid and has been Laid at Court.
04/07/23, 336049	A person who wanted to remain anonymous contacted Animal Control about concerns they had about the aggression shown by two of the Dog owners' dogs.	Due to the person wanting to remain anonymous, no investigation was possible.	No action taken.
05/07/23, 336188, 336195, 336209	Member of the public contacted Council and reported witnessing a roaming dog rush people including children on two separate occasions just prior	Rushing dog identified as "Lola".	"Lola" is seized. Infringement 13646 issued to Dog owner for failure to keep dog controlled/confined. The infringement penalty of \$200 is unpaid and has been Laid

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# Item 6

	to him contacting Council.		with the Court. Dog owner advised that "Lola" would be classified as dangerous. "Lola" was returned to Dog owner.
28/07/23, 339778			"Lola" is classified as a dangerous dog under section 31 of the Dog Control Act 1996. Documentation delivered to Dog owner.
01/09/23, 347052	Member of the public contacts Council and reports that a dog rushed towards her 87-year-old mother. Occurred in area of Peachgrove Road.	The dog was located by Animal Control staff uncontained at an address on Peachgrove Road. It was aggressive toward staff. Unsuccessful efforts were made to seize the dog and it ran off and entered the bush area of Jubilee park. Dog was identified as "Lola". Contact made with Dog owner who advised that his son was supposed to be looking after "Lola". (Son lives on Peachgrove Road) Dog owner was in Auckland at the time but later returns to help Animal Control staff to try and find "Lola". "Lola" could not be located.	Dog owner issued with infringement 14559 for failure to comply with HCC Bylaw. The infringement penalty of \$300 is unpaid and Laid at Court.
02/10/23, 353046	Animal Control officer recognises "Lola" dragging a lead and unmuzzled on Pine Avenue. "Lola" was with two other dogs and in the presence of the Dog owner.	No interaction with Dog owner completed.	No further action taken.
20/10/23, 357958,	Off duty Animal Education and Control Officer sights the Dog owner on Tomin Road, Hamilton with three dogs, two were off the lead, the third identified as "Lola" was on a lead but not muzzled (in breach of dangerous classification)	Three dogs seized from Dog Owners address - "Lola", "Hazel" and "Bow". None of the three dogs' registrations were current.	All dogs registered by the owner prior to them being released to him on the same day as seizure. Infringement 14558 for dangerous dog at large unmuzzled issued to Dog owner. The infringement penalty of \$300 is unpaid and has been Laid at Court.
08/01/24, 374363	Female adult bitten twice on upper right arm by dog "Lola".	Statement obtained from victim and witness. Dog owner acknowledged that "Lola" had bitten the female, and that "Lola" had been stolen two days after the attack. Dog owner failed to provide Council with veterinary certificate	Dog owner prosecuted. Guilty plea made. Conviction entered.

		certifying that “Lola” has been neutered or is not able to be neutered.	
14/05/24, 400618	Animal Control Officer sights two dogs roaming on Pine Avenue.	Both dogs were located and identified as “Hazel” and “Bow”. Both dogs were impounded.	Dog owner collects both dogs from the pound. No further action taken.

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19. Despite repeated incidents, the Dog Owner has taken no apparent steps to either improve his skills as a dog owner, prevent the dogs from leaving his property or comply with the requirements of the menacing and dangerous classifications.

#### Other relevant matters

20. The [Dog Control Act 1996](#) requires consideration of any other matters that the Hearings Panel considers relevant.
21. Council’s Dog Control Policy provides direction on how Council will fulfil its legislative responsibilities pursuant to the [Dog Control Act 1996](#) and the Dog Control Bylaw. The Hearing Panel should consider whether its decision is consistent with the purposes in the Dog Control Policy, specifically:
- i. the need to minimise danger, distress, and nuisance to the community generally;
  - ii. the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
  - iii. the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs;
  - iv. the exercise and recreational needs of dogs and their owners.

#### **Options**

22. Under the [Dog Control Act 1996](#), the Hearing Panel has limited options when considering an outcome of an objection to a decision to classify a Dog Owner as disqualified. The Hearing Panel may:
- i. uphold the classification;
  - ii. bring forward the date of termination of the classification; or
  - iii. immediately terminate the disqualification.
23. There are no other options open to the Hearings Panel under the Dog Control Act 1996.
24. The staff recommendation is that the Hearings Panel upholds the classification of the Dog Owner as disqualified until 26 August 2029 being five years from the date the the Dog Owner was convicted of an offence (not being an infringement offence) against this Act and notes the right of the dog owner to appeal to the District Court under [section 27](#) of the [Dog Control Act 1996](#).
25. Staff make this recommendation for the following reasons:
- i. The Dog Owner has owned two dogs that were justifiably classified as dangerous (“Lola”) and menacing (“Pudoe”) for separate incidents while they were under his care and control.
  - ii. Despite the classifications, and resultant increased owner responsibilities, the Dog Owner has failed to ensure that the classified dogs were either properly contained within his property and/or muzzled when not confined. Both “Lola” and “Pudoe” went on to bite people after the date of their respective classifications.

- iii. The Dog Owner has a proven history of not being able to prevent his dogs from harming other members of the community.
- 26. The professional opinion of Animal Education and Control staff is that the Dog Owner has shown little regard for the rights of community members to move around their community free from harm or harassment by dogs.

### Financial Considerations - *Whaiwhakaaro Puutea*

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

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

#### Disqualified Classification

- 28. [Section 25](#) of the [Dog Control Act 1996](#) provides that a territorial authority must classify a Dog Owner as disqualified if:
  - i. the person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or
  - ii. the person is convicted of an offence (not being an infringement offence) against the [Dog Control Act 1996](#); or
  - iii. the person is convicted of an offence against [Part 1](#) or [Part 2](#) of the Animal Welfare Act 1999, [section 26ZZP](#) of the Conservation Act 1987, or [section 56I](#) of the National Parks Act 1980.
- 29. This requirement does not apply if the territorial authority is satisfied that the circumstances of the offence or offences are such that:
  - i. disqualification is not warranted; or
  - ii. the territorial authority staff will instead classify the person as a probationary owner under [section 21](#).

#### Effect of classification as a disqualified owner

- 30. A disqualification under the [Dog Control Act 1996](#) continues in force for a period specified by the territorial authority not exceeding five years from the date of the third infringement offence(s) in respect of which the person is disqualified.
- 31. The disqualified owner must:
  - i. within 14 days dispose of every dog owned by the person; and
  - ii. not be in possession of a dog at any time (there are some limited exceptions to this).
- 32. The disqualification extends over all of New Zealand.

#### Right to make an objection

- 33. [Section 26](#) provides a Dog Owner with the right to object to Council, to the classification as disqualified.
- 34. An objection under [Section 26](#) may be lodged at any time but no objection can be lodged within 12 months of the hearing of any previous objection to the disqualification.
- 35. The territorial authority must, as soon as practicable, give written notice to the owner of:
  - i. its determination of the objection;
  - ii. the reasons for its determination; and
  - iii. the right of appeal to the District Court under [section 27](#).



### Appeal to the District Court

36. Any person who has lodged an objection under [section 26](#) and is dissatisfied with the decision of the territorial authority may, within 14 days of the date on which notice of that decision is given to that person, appeal to the District Court against that decision.
26. The District Court, in hearing the appeal, shall consider the matters specified in [section 26\(3\)](#) and any submission by the territorial authority in support of its decision, and may uphold the determination, bring forward the date of termination, or immediately terminate the disqualification.

### **Climate Change Impact Statement**

27. Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation. Staff have determined no adaptation or emissions assessment is required.

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

28. 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').
29. 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.
30. Staff consider that the keeping of animals can enhance the quality of life and wellbeing for individuals and families; however, the Council also has a responsibility to protect the community from unreasonable animal nuisances – families, whanau, iwi, hapuu, and communities should be safe from dangerous animals.

### **Risks - *Tuuraru***

31. Public safety risk: If a dog owner that should have been classified is not, their behaviour may mean that animals in their possession may continue to pose a potential threat to the public or other animals. This could result in attacks or incidents that cause harm.
32. Reputation and perception: Failure to properly classify a dog owner may affect the public perception of Council's approach to enforcement.

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

33. 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.
34. Given the low level of significance determined, the engagement level is low. No engagement is required.

### **Attachments - *Ngaa taapirihanga***

Attachment 1 Notice of Classification

Attachment 2 - Mr Edmonds Objection

Attachment 3 - CRM's

Attachment 4 - Auckland Menancing Classification

## NOTICE OF CLASSIFICATION OF DOG AS A DANGEROUS DOG

### SECTION 31, DOG CONTROL ACT 1996

TO: (Name of Owner) [REDACTED]

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

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

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

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

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

For the purposes of the Dog Control Act 1996, you are the owner of a dog if –

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

[REDACTED]  
Signature of Officer

27/07/2023  
Date

AC/F06  
Version 3  
15.1.04

## **EFFECT OF CLASSIFICATION AS A DANGEROUS DOG**

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

You are required, -

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

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

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

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

As from 1 July 2006, you are also required, for the purpose of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the Hamilton City Council in accordance with the reasonable instructions of the Hamilton City Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

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

- within 2 months from 1 July 2006 if your dog is classified as menacing on or after 1 December 2003 but before 1 July 2006;  
or
- within 2 months after the dog is classified as menacing if your dog is classified as menacing after 1 July 2006.

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

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

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

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

## 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)

\_\_\_\_\_

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

\_\_\_\_\_ Day of \_\_\_\_\_ 20 \_\_\_\_\_

At \_\_\_\_\_

(Show full address of service)

Dog Control Officer \_\_\_\_\_ / /

Registered Letter

Date Posted:

AC/F06  
Version 3  
15.1.04



## ANIMAL EDUCATION &amp; CONTROL

To: Sue Stanford (Animal Education and Control Manager)

From: [REDACTED]

Subject: Dangerous Dog Classification recommendation

Date: 7/7/23 AN: 246482 File: CRM: 336188/2023

<p>CRM DETAILS:</p> <p>Incident occurred on: Day of week: Wednesday Full Date: 5/7/23</p> <p>REASON FOR CLASSIFICATION:</p> <p>Dog rushing 5 different people, as well as Animal Control Officers when we arrived. Showing a high level of aggression towards the public and attacking another dog from its property.</p>
<p>DOG OWNERS' DETAILS:</p> <p>How was AECO received by dog owner? Initially the dog owner didn't want to cooperate but did after a bit of talking. As the dog owner wasn't present during the rushings, I don't think he truly believes his dog is aggressive.</p> <p>Is the D/O aware that their dog is being Classified? Yes</p> <p>Is the D/O aware of effects of classification? Yes</p>
<p>DOG DETAILS:</p> <p>DETAILS OF DOGS BEHAVIOUR:</p> <p>Micro Chip Number: 978142000019737 is the individual identifier for this dog.</p> <p>AN: 246482 Registration Number: 10341 Dogs Name: Lola</p>
<p>DANGEROUS DOG CLASSIFICATION NOTES:</p> <p>This dog is to be classified as Dangerous on observed or reported behaviour under Section 31 of the Dog Control Act 1996</p>
<p>DETAILS OF AECO's Involved with Classification:</p> <p>Justin Harden</p> <p>Team Leader Animal Education &amp; Control</p> <p><i>Approved</i> <i>[Signature]</i> 6/7/23.</p>



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Document Browse

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

## Owner Details

Name   
Address   
  
  
Mobile Phone   
Home Phone   
Business Phone   
e-Mail Address

## Animal Details

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

## Registration Details

Tag Number  Tag Set   
eTran  Recpt Date  Reg Till

## By Law Code Search

Code Type  Code Value

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

I, Justin Harden, Dog Control Officer with Hamilton City Council, do solemnly swear that:

1. [REDACTED] Edmonds of [REDACTED] Pine Avenue, Hamilton is the registered dog owner for a White and Brown, female, American Bulldog named "Lola", aged 0 years and 8 months approximately, Microchip number: 978142000019737
2. On the 5<sup>th</sup> of July 2023, at 1.41pm, Animal Education and Control were called about a dog rushing at people on Pine Avenue, Hamilton. Myself and 4 other Animal Control Officers have started making our way to Pine Avenue, and I have received two more calls before I arrived saying the dog has rushed at a total of 6 people.
3. On arrival at Pine Avenue, we have seen a dog sat on the grass verge outside [REDACTED] Pine Avenue and it has rushed aggressively at myself and other officers.
4. A male occupant of [REDACTED] Pine Avenue has returned home and contained the dog behind the fence at [REDACTED] Pine Avenue. The dog has then started fighting with another dog at the property and myself and two other officers have had to enter the property to safely separate the dogs.
5. The dog owner has returned and the dog, now known as "Lola", has been seized under S42 and S57A of the Dog Control Act.
6. On the 6<sup>th</sup> of July 2023, at 12.40pm, I have visited the complainant [REDACTED] at his work address of [REDACTED] and taken a Written Statement from him supporting his allegation. The Witness Statement reflects that the dog known as "Lola" has been roaming on the street outside [REDACTED] Pine Avenue and has rushed aggressively at 6 different people before Animal Control's arrival.
7. As result of these aggressive incidents involving "Lola" that have been investigated by Hamilton City Council, I have reasonable grounds to believe that the dog constitutes a threat to the ongoing safety of any person, domesticated animal or protected wildlife.

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

SWORN before me at Hamilton

this 7 day of July 2023.

  
F Davies  
Deputy Registrar  
High/District Court  
Hamilton

  
[REDACTED]  
Dog Control Officer D40  
Hamilton City Council



**From:** [REDACTED]  
**To:** [REDACTED]; [Dog Registration](#)  
**Subject:** FW: Disqualification from Dog ownership  
**Date:** Thursday, 29 August 2024 6:48:24 am  
**Attachments:** [image001.png](#)  
[image002.png](#)

**From:** [REDACTED]@gmail.com>  
**Sent:** Wednesday, August 28, 2024 9:34 PM  
**To:** [REDACTED]@hcc.govt.nz>  
**Subject:** Re: Disqualification from Dog ownership

i will be protesting about this disqualification as i feel i have been racially delt to by hamilton animal control and hamilton city council my complaint will be directed to Lance vervoot my next steps will be to human rights and then the ombudsman i will not stop until there is equality not inequality i am not a terrorist or a lier i feel colonisation is still happening inside of hamilton city council from the way i have been treated by animal control and the staff that work for them this is so appalling that colonisation is still present in today's society especially inside of hamilton city council

On Wed, Aug 28, 2024 at 1:13 PM [REDACTED]@gmail.com> wrote:

Yes, I have received it.

On Wed, Aug 28, 2024 at 10:52 AM [REDACTED]@hcc.govt.nz> wrote:

Good Morning [REDACTED]

I delivered a letter to your address yesterday afternoon. Your nephew [REDACTED], has received this letter from me in your absence.

The letter relates to disqualification from dog ownership, this is an outcome of your recent conviction under section 57(1)(a) and (2) of the Dog Control Act 1996.

I wanted to ensure that you have received the letter and to answer any questions you may have. Please feel free to email me or give me a call between 8am and 4.30pm Monday to Friday.

Kind Regards

[REDACTED]  
 Animal Education and Control Officers Team Leader | City Safety & Resilience

Mob: 021 880 297 | Email [trudi.swanson@hcc.govt.nz](mailto:trudi.swanson@hcc.govt.nz)



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | [www.hamilton.co.nz](http://www.hamilton.co.nz)

## Animal Complaint Record 207602/2020

Attachment 3

<b>COMPLAINANT</b>		<b>Officer</b>	D41
<b>Complaint Received</b>	02/11/2020	<b>Home Phone 1</b>	
<b>Name</b>	[REDACTED]	<b>Home Phone 2</b>	
<b>Address</b>	[REDACTED]	<b>Mob Phone</b>	[REDACTED]

<b>PROPERTY</b>			
<b>Property Address</b>	[REDACTED]	[REDACTED]	<b>Safety Alert</b>

<b>ANIMAL DETAILS</b>					
<b>Animal Number</b>	240109	<b>Animal Name</b>	Pudoe	<b>Tattoo</b>	982126051
<b>Animal Location</b>	[REDACTED]	<b>Color</b>			231302
<b>Owner Address</b>	[REDACTED]	<b>Owner Name</b>	[REDACTED] Edmonds	<b>Sex</b>	M
				<b>NAR No.</b>	1154474

<b>REQUEST DETAILS</b>	
<b>Offence Date</b>	Approximately 1230pm yesterday (1st Nov 2020), Caller's nephew went across the road to the front house of [REDACTED] to grab his cousin. He has knocked on the window and when no one answered, he entered the property. Dog has then rushed at him and bitten him on the legs. A male and two females have come out of the property, the male has then smacked the dog on the head with the shovel. The victim has then left the property and gone home, showed his mother his injuries and she has sought medical treatment by taking him to the hospital. The dog has been described as a medium, white/tan coloured pitbull. Two dogs kept at the address - no currently registered and not matching the description of the attacking dog.
<b>Major Category</b>	Animal Control (heading only)
<b>Minor Category</b>	Dogs - Offences (heading only)
<b>Category 3</b>	Dogs - Attack (heading only)
<b>Category 4</b>	Dogs - Attack - Dog v Person - Historic

<b>INVESTIGATION DETAILS</b>	
<b>Officer</b>	D41
<b>Start Date</b>	02/11/2020 02:21
<b>Finish Date</b>	18/12/2020 02:33
<b>Outcome</b>	Animals - Unsubstantiated
<b>Task</b>	Investigation

02/11/2020 3.00pm Went to [REDACTED]  
 [REDACTED] spoke with dog owner about the incident he admitted what had happened. He told me the young man had come in to his property in stead of going to the other door.  
 Was very worried about us taking dog I decided to leave the dog at the property as he has been good to deal with. Dog contained on the section.  
 A/N 240109 Called complainant no answer went straight to voice mail. Left a message and sent a text 15/11/2020 2.30pm  
 Have tried to call complainant again no answer text sent. 10/12/2020 4.16pm  
 No evidence provided for the attach no action will be taken in that. Dog is now registered A/N 240105  
 NFA  
 [REDACTED] - 18/12/2020)

Item 6

## Animal Complaint Record 236357/2021

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### COMPLAINANT

Complaint Received	10/09/2021	Officer	D24
Name	[REDACTED]	Home Phone 1	
Address	[REDACTED]	Home Phone 2	
		Mob Phone	[REDACTED]

### PROPERTY

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

### ANIMAL DETAILS

Animal Number	240109	Animal Name	Pudoe	Tattoo	982126051 231302
Animal Location	[REDACTED]	Color		Sex	M
Owner Address	[REDACTED]	Owner Name	[REDACTED] Edmonds	NAR No.	1154474

### REQUEST DETAILS

Offence Date		Approximately 15.10 on Wednesday, 8th September 2021, complainant was leaving his van which was parked at PaknSave Clarence St opposite Placemakers when a male, fawn Pitbull which was on the back of an Isuzu flat deck truck - [REDACTED] - has bitten him on the back of his upper left leg. He's gone to the doctors for a tetanus shot. He also advised that he will be sending through pictures to animalweb regarding this incident. Isuzu truck comes back to [REDACTED] Edmonds [REDACTED]
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Attack (heading only)	
Category 4	Dogs - Attack - Dog v Person - Historic	

### INVESTIGATION DETAILS

Officer	D24
Start Date	10/09/2021 09:46
Finish Date	22/09/2021 10:33
Outcome	Animals - Menacing Dog Classification
Task	Investigation

Attachment 3

100921 @ 1500 - Actioned routine checks on the AECO database - refer attached documentation. 1727 -  
 Phoned the complainant, discussed this dog attack evidence (written statement/injury photos/copy of medical report). Note - Initial y [REDACTED] intends to send through his evidence via email (given the current COVID social distancing restrictions). 110921 @  
 1505 - Called to PaknSave Clarence St. Took several scene photos - refer attached. Spoke to the weekend security officer, relative to the possibility there may be security camera footage of the dog attack incident in their carpark. Obtained relevant name and mobile number for the security officer - [REDACTED] who will return on shift on Monday. 130921 @  
 1336 - Phoned [REDACTED] Security Officer - who advised the following: The two security camera in the relevant Pak n Save carpark are not operational. He doesn't know of any witnesses to the dog attack incident. The victim didn't appear to have been injured as he saw no wound or blood.  
 130921 @ 1829 - Received complainant's written statement and injury photographs via email - refer attached  
 160921 @ 0753 - Sent email to complainant, questioning whether he has contact details for any potential witnesses - refer attached emailed reply. Note - no known witnesses.  
 210921 @ 1600 - Called to [REDACTED] Spoke to dog owner [REDACTED] EDMO NDS. Discussed this dog attack incident. Dog owner said he was aware of the incident but hadn't known that a person had been bitten. Informed dog owner that he will be receiving a \$200 fine and that PUDOE will be getting classified as Menacing. Note that I explained the implications of this classification - Microchipping/Desexing/Muzzling. Photographs taken of PUDOE - refer attached copies. [REDACTED] 22/09/2021)  
 220921 - Outcomes -  
 Infringement notice to dog owner PUDOE being classified as menacing upon reported behaviour and breed. Admin staff to update dog's breed and colour to Pitbull Cross, Tan in colour. [REDACTED]  
 [REDACTED] - 22/09/2021)

## Previous Complaints for Dog

<b>CRM No.</b>	207602/2020	<b>Task</b>	2INV
<b>Animal</b>	240109	<b>Outcome</b>	1UNS
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D41
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	02-Nov-20 02:21:00 PM
<b>Cat 3</b>	Dogs - Attack (heading only)	<b>Closed</b>	18-Dec-20 02:33:00 PM
<b>Cat 4</b>	Dogs - Attack - Dog v Person - Historic		

<b>CRM No.</b>	236357/2021	<b>Task</b>	2INV
<b>Animal</b>	240109	<b>Outcome</b>	MENC
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D24
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	10-Sep-21 09:46:00 AM
<b>Cat 3</b>	Dogs - Attack (heading only)	<b>Closed</b>	22-Sep-21 10:33:00 AM

## Animal Complaint Record 252508/2022

Item 6

### COMPLAINANT

Complaint Received	13/02/2022	Officer	D42
Name	[REDACTED]	Home Phone 1	
Address	C/- Hamilton City Council Private Bag 3010 Waikato Mail Centre	Home Phone 2	
		Mob Phone	

### PROPERTY

Property Address		Safety Alert	
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### ANIMAL DETAILS

Animal Number	240109	Animal Name	Pudoe	Tattoo	982126051 231302
Animal Location	[REDACTED]	Color		Sex	M
Owner Address	[REDACTED]	Owner Name	[REDACTED] Edmonds	NAR No.	1154474

### REQUEST DETAILS

Offence Date		Dogs sighted off leash in Ohaupo Road
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Ranging Offences Detected By Officer (heading only)	
Category 4	Dogs - Ranging - Other	

### INVESTIGATION DETAILS

Officer	D42	Sighted four dogs being walked off leash by [REDACTED] Edmonds, I have spoken to [REDACTED] in the past about leashing and muzzling the dogs, infringement 13302 issued for not complying with menacing classification for Pudoe and advised to keep dogs leashed and muzzled to avoid further infringements and advised to register the fourth dog. [REDACTED] - 13/02/2022)
Start Date	13/02/2022 03:32	
Finish Date	13/02/2022 03:50	
Outcome	Animals - Infringement Except S42	
Task	Investigation	

## Previous Complaints for Dog

CRM No.	207602/2020	Task	2INV
Animal	240109	Outcome	1UNS
Maj Cat.	Animal Control (heading only)	Officer	D41
Min Cat.	Dogs - Offences (heading only)	Opened	02-Nov-20 02:21:00 PM
Cat 3	Dogs - Attack (heading only)	Closed	18-Dec-20 02:33:00 PM

Attachment 3

## Animal Complaint Record 310994/2023

### COMPLAINANT

Complaint Received	17/02/2023	Officer	D44
Name		Home Phone 1	
Address		Home Phone 2	
		Mob Phone	

### PROPERTY

Property Address			Safety Alert	NO
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### ANIMAL DETAILS

Animal Number	239856	Animal Name	Hazel	Tattoo	98209106/068011
Animal Location		Color		Sex	F
Owner Address		Owner Name	Edmonds	NAR No.	1154474
Animal Number	239857	Animal Name	Bow	Tattoo	97814200/031487
Animal Location		Color	BLK /WHI	Sex	M
Owner Address		Owner Name	Edmonds	NAR No.	1154474
Animal Number	240109	Animal Name	Pudoe	Tattoo	98212605/231302
Animal Location		Color		Sex	M
Owner Address		Owner Name	Edmonds	NAR No.	1154474
Animal Number	243444	Animal Name	Honey	Tattoo	98209106/052991
Animal Location		Color	TAN /WHI	Sex	F
Owner Address		Owner Name		NAR No.	1167590

### REQUEST DETAILS

Offence Date		Dog that lives at . Dog jumped the fence and rushed at a man on the street. 4pm Today. Man was walking on the street
Major Category	Animal Control (heading only)	Then again today dog fenced and rushed at the girl. Girl ran to
Minor Category	Dogs - Offences (heading only)	house and he took her home this happened 20min Dog is usually tied up at property. Dog is now contained with owner.
Category 3	Dogs - Rushing (heading only)	
Category 4	Dogs - Rushing Animal - Urgent	

### INVESTIGATION DETAILS

Officer	D44	17/02/2023 21:30pm	Received call from
Start Date	17/02/2023 09:34	Call Centre of a rushing. Phoned complainant spoke about what has happened today went out and patrolled the street and walked up driveway of [REDACTED] rattled the gate, no sign or sound of a dog.	
Finish Date	19/04/2023 03:20	Walked up to outside number [REDACTED] no dogs sighted.	
Outcome	Animals - S53 Fail Keep Dog Control Inf	18/02/2023 09:00am	Phoned
Ask	Investigation	complainant discussed the address he gave me and described the house. He has told me that is not the house and infact he has counted the houses in the wrong direction the dog in fact comes from [REDACTED] from the front unit. He says there is 4 dogs there living and this one Pitbull type dog is usually tied up at the front of	

menacing and non-compliant. None of the dogs at the address are currently registered. The complainant is going to sent through a statement of what he saw on the 17/02/2023 of this dog rushing 2 people and is going to try get the girl he drove homes address or details for me to contact. [REDACTED] - 18/02/2023)

18/02/2023 12:45pm

Visited the address [REDACTED] dogs on property doors open, Called but nobody came out. Left a card on the gate.

19/02/2023 15:05pm Visited the address again spoke to daughter, the dog owner gave her a card to pass on to the dog owner told her about the dog being out and rushing 2 people and no dogs registered as well as "Pudoe" not de sexed as required as is Menacing. [REDACTED] - 19/02/2023)

20/02/2023 09:50am

Arrived at

[REDACTED] with D17 with the intention of seizing the dog accuse of the rushing's at least and maybe the other 3 dogs for being unregistered. The daughter was home and told us she is not comfortable with handing the dogs over without her Father being there. She has attempted to phone [REDACTED] the dog owner. Unable to get in contact with him she has said she will go to where he is at WINTEC and have him phone me to discuss. At 10:26am [REDACTED] has phoned, He has told me his Dog Pudoe is always on the chain and does not get out of the property he says it would not have been his dog as he was home on Friday night. I have said to him the dog has been required to de sexed because of menacing classification and all the dogs are not currently registered. [REDACTED] has told me his Daughter has mental Health issues and will self harm if we take the dogs he repeated this several times and told me if his daughter harms herself then Council will be responsible and he will get a Lawyer and take us to court. He has told me he is in rears of his rent and struggling to buy food. I suggested if he is struggling then he may not be in a position to have dogs which he replied that he loves dogs and has rescued them from bad homes. I have told him I will speak to management and see if we can help.

[REDACTED] - 20/02/2023)

There are 4 dogs all currently unregistered at the address. Linked. ([REDACTED] - 20/02/2023) 22/02/2023

4:00pm

Spoke to [REDACTED] the dog owner

and explained we can not help with de sexing and that this will need to be done and all dogs need to be registered. He has agreed to get one dog registered each week for 4 weeks and they will all be up to date. He is asking at Wintec to get the dog de sexed cheaper than will be at the vets. I received a txt asking for tag numbers and microchip numbers for the dogs so as he can do them online, I have sent these details to him. [REDACTED] - 24/02/2023)

19/04/2023 14:55pm

Spoke to [REDACTED]

about registration for the 4th dog Lola who is not done yet and have put this address on my whiteboard to follow up. Also spoke to him about the incident where the dog Pudoe has been accused of rushing a person. He denies that this was his dog I explained I have a statement naming his address and identifying his dog Pudoe as the dog always tied up at the front door of his property. I have told him I will be sending an Infringement and he is welcome to contest it. The info will be on the rear of infringement.

Failure to

control the dog Section 53(1) infringement number 13774 [REDACTED]

[REDACTED] /04/2023)

Animal Complaint Record 336049/2023

COMPLAINANT		Officer	D41
Complaint received	04/07/2023	Home Phone 1	
Name		Home Phone 2	
Address	Pine Avenue Melville Hamilton 3206	Mob Phone	

PROPERTY				
Property Address	Pine Melville 3206	LOT: 1 DP: 531057	Safety Alert	

ANIMAL DETAILS					
Animal Number	239856	Animal Name	Hazel	Tattoo	
Animal Location	Pine AVE Melville 3206	Color		Sex	F
Owner Address	Pine Avenue Melville Hamilton 3206	Owner Name		NAR No.	1154474
Animal Number	239857	Animal Name	Bow	Tattoo	
Animal Location	Pine AVE Melville 3206	Color	BLK /WHI	Sex	M
Owner Address	Pine Avenue Melville Hamilton 3206	Owner Name		NAR No.	1154474
Animal Number	240109	Animal Name	Pudoe	Tattoo	
Animal Location	Pine AVE Melville 3206	Color		Sex	F
Owner Address	Pine Avenue Melville Hamilton 3206	Owner Name		NAR No.	1154474
Animal Number	246482	Animal Name	Lola	Tattoo	
Animal Location	Pine AVE Melville 3206	Color	WHI /BRO	Sex	M
Owner Address	Pine Avenue Melville Hamilton 3206	Owner Name		NAR No.	1154474

REQUEST DETAILS	
Offence Date	HISTORIC AGGRESSIVE DOG moved in to
Major Category	Pine Ave.
Minor Category	4x dogs and cats. Two black dogs are fine and bark occasionally while the other two dogs (a pure red nose pitbull while the other is pitbull x). About a month ago, these aggressive dogs tried to attack the property for visit. They agreed not to report the incident.
Category 3	
Category 4	He and would like all these dogs gone is worried about his hence he is calling today to formally log a complaint. can be contacted on and his , might answer so ACO can talk to her as she is aware of the issue. wants to remain anonymous though. He said that he and his partner agreed to get this reported and . Phoned ACO to advise

INVESTIGATION DETAILS	
Officer	D41



<b>Start Date</b>	04/07/2023 03:14	04/07/2023 4:20pm
<b>Finish Date</b>	01/08/2023 03:12	
<b>Outcome</b>	Animals - Unsubstantiated	
<b>Task</b>	Investigation	<p>I said that the best we could do would be an infringement for failure to control based on his complaint. I explained that even if we seized the dog the owner could come and collect her if he paid all the fees as the only way we could keep the dog would be if we prosecuted the owner. I let him know that I would ask my team leader about the situation and come up with a plan. I also suggested that if he felt comfortable to do so he could ask his [REDACTED] to make a complaint about her incident and I would deal with that totally separate to this complaint. He said he would do that. [REDACTED] - 05/07/2023: 05/07/2023 1.45 pm Dog</p> <p>that my complainant said was the one who tried to attack him and I is [REDACTED] was seized by D40 on several other matters ( CRM 336188 ). I informed my complaint that it had been seized but if the dog owner came in and paid the fees he would be able to get the dog back. The dog will be classified dangerous by D40. I let my complainant know this as well. [REDACTED] 06/07/2023) 11/07/2023 11.25am I called K&amp;A's Ora and informed them to the situation and let them know about the dog Lola (AN 246482) and what has been happening at the address. I informed them about the dangerous classification as they will be visiting the property and need to be aware of it being at the address. I was unable to talk to the housing manager straight away but asked for them to call me back. The housing manager called me back about 30 minutes after the call so I spoke with her about the situation and the amount of dogs on the property. She said would be visiting the property ASAP and inform [REDACTED] that he would have to remove the dogs as he is not allowed that many at the address. I let her know to be very careful as the dangerous dog is at the property. I also called my complainant to follow up on the complaint from his [REDACTED]. He said he had asked her to call us about the incident. I let him know that [REDACTED] has 28 days after the dangerous classification paper work has been delivered to make the property compliant. [REDACTED] - 11/07/2023) 01/08/2023 3.15pm</p> <p>No other complaints have come in for the [REDACTED]. My complainant is not willing to provide a statement because of the circumstances. Job to be closed as insufficient evidence NFA [REDACTED] - 01/08/2023)</p>

## Previous Complaints for Dog

<b>CRM No.</b>	207602/2020	<b>Task</b>	2INV
<b>Animal</b>	240109	<b>Outcome</b>	1UNS
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D41
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	02-Nov-20 02:21:00 PM
<b>Cat 3</b>	Dogs - Attack (heading only)	<b>Closed</b>	18-Dec-20 02:33:00 PM
<b>Cat 4</b>	Dogs - Attack - Dog v Person - Historic		
<b>CRM No.</b>	236357/2021	<b>Task</b>	2INV
<b>Animal</b>	240109	<b>Outcome</b>	MENC

## Animal Complaint Record 336188/2023

Attachment 3

<b>COMPLAINANT</b>		<b>Officer</b>	D40
Complaint Received	05/07/2023	Home Phone 1	
Name	[REDACTED]	Home Phone 2	
Address	[REDACTED]	Mob Phone	[REDACTED]

<b>PROPERTY</b>				
Property Address	[REDACTED] Pine Melville 3206	Lot 1 DP S84485	<b>Safety Alert</b>	NO

<b>ANIMAL DETAILS</b>					
Animal Number	246482	Animal Name	Lola	Tattoo	[REDACTED]
Animal Location	[REDACTED] Pine AVE Melville 3206	Color	WHI /BRO	Sex	F
Owner Address	[REDACTED] Pine Avenue Melville Hamilton 3206	Owner Name	[REDACTED]	NAR No.	1154474

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

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

Item 6

3/7/23 1.45pm Patrolled Pine Ave, sighted a dog sat outside [REDACTED] Pine Ave. D17, D37, D44 and D47 were with me. The dog stood up and rushed aggressively at myself, and then at D44 before a car returned and a male contained the dog. The male that had contained the dog said they weren't his dogs and that they were his fathers/o father in laws dogs. The car that had returned then left and the male commented that we should take all the dogs.

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

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

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

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

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

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

## Previous Complaints for Dog

CRM No.	336049/2023	Task	2INV
Animal	246482	Outcome	11INS

## Animal Complaint Record 336195/2023

Attachment 3

<b>COMPLAINANT</b>		<b>Officer</b>	D40
<b>Complaint Received</b>	05/07/2023	<b>Home Phone 1</b>	
<b>Name</b>	Anonymous Anonymous Anonymous	<b>Home Phone 2</b>	
<b>Address</b>	No Details Provided C/- Hamilton City Council Private Bag 3010	<b>Mob Phone</b>	

### PROPERTY

<b>Property Address</b>	43 Pine Melville 3206	<b>LOT: 1 DP: 531057</b>	<b>Safety Alert</b>		
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### ANIMAL DETAILS

<b>Animal Number</b>	246482	<b>Animal Name</b>	Lola	<b>Tattoo</b>	
<b>Animal Location</b>	█ Pine AVE Melville 3206	<b>Color</b>	WHI /BRO	<b>Sex</b>	F
<b>Owner Address</b>	█ Pine Avenue Melville Hamilton 3206	<b>Owner Name</b>	█	<b>NAR No.</b>	1154474

### REQUEST DETAILS

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

### INVESTIGATION DETAILS

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

## Previous Complaints for Dog

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

Item 6

## Animal Complaint Record 336209/2023

Item 6

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

### PROPERTY

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

<b>Animal Number</b>	246482	<b>Animal Name</b>	Lola	<b>Tattoo</b>	[REDACTED]
<b>Animal Location</b>	[REDACTED] Pine AVE Melville 3206	<b>Color</b>	WHI /BRO	<b>Sex</b>	F
<b>Owner Address</b>	[REDACTED] Pine Avenue Melville Hamilton 3206	<b>Owner Name</b>	[REDACTED]	<b>NAR No.</b>	1154474

### REQUEST DETAILS

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

### INVESTIGATION DETAILS

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

Attachment 3

## Previous Complaints for Dog

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

## Animal Complaint Record 339778/2023

Attachment 3

<b>COMPLAINANT</b>		<b>Officer</b>	D40
<b>Complaint Received</b>	28/07/2023	<b>Home Phone 1</b>	
<b>Name</b>	AECU Animal Education and Control Unit	<b>Home Phone 2</b>	
<b>Address</b>	217 Ellis Street Frankton Hamilton 3204	<b>Mob Phone</b>	

<b>PROPERTY</b>				
<b>Property Address</b>	█ Pine Melville 3206	LOT: 1 DP: 531057	<b>Safety Alert</b>	

<b>ANIMAL DETAILS</b>					
<b>Animal Number</b>	246482	<b>Animal Name</b>	Lola	<b>Tattoo</b>	█
<b>Animal Location</b>	█ Pine AVE Melville 3206	<b>Color</b>	WHI /BRO	<b>Sex</b>	F
<b>Owner Address</b>	█ Pine Avenue Melville Hamilton 3206	<b>Owner Name</b>	█	<b>NAR No.</b>	1154474

<b>REQUEST DETAILS</b>		SERVE: Dangerous classification paperwork issued to █ Edmonds of █ Pine Ave, Melville as the owner of Lola. Statement of Service to be returned to Admin.
<b>Offence Date</b>		
<b>Major Category</b>	Animal Control (heading only)	
<b>Minor Category</b>	Dogs - Offences (heading only)	
<b>Category 3</b>	Dogs - Offences - Officer (heading only)	
<b>Category 4</b>	Dogs - Officer - Serve Dog Classification	

<b>INVESTIGATION DETAILS</b>	
<b>Officer</b>	D40
<b>Start Date</b>	28/07/2023 10:03
<b>Finish Date</b>	28/07/2023 03:03
<b>Outcome</b>	Animals - Dangerous Dog Classification
<b>Task</b>	Investigation

## Previous Complaints for Dog

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

Item 6

## Animal Complaint Record 347052/2023

Item 6

### COMPLAINANT

Complaint Received	01/09/2023	Officer	D44
Name		Home Phone 1	
Address	Peachgrove Road Fairfield Hamilton 3214	Home Phone 2	
		Mob Phone	

### PROPERTY

Property Address	Peachgrove Fairfield 3214	Flat A DP S18074	Safety Alert	YES	Dog is aggressive
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### ANIMAL DETAILS

Animal Number	246482	Animal Name	Lola	Tattoo	
Animal Location	Pine AVE Melville 3206	Color	WHI /BRO	Sex	F
Owner Address	Pine Avenue Melville Hamilton 3206	Owner Name		NAR No.	1154474

### REQUEST DETAILS

Offence Date		Aggressive skinny mastiff dog from Peachgrove Road, Claudelands rushed towards 87 year old yesterday at 10am. She lives at Peachgrove Rd across from the dog owner. This was called in by daughter who is visiting today. She advised the dog appears to be malnourished and is loose again barking at another pedestrian right now - it is always free to roam. Dangerous for kids in the area. Called (11:45).
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Rushing (heading only)	
Category 4	Dogs - Rushing Person - Historic	

### INVESTIGATION DETAILS

Officer	D44	01/09/2023 11:55am	On route to the job I have phoned the complainant. She sounds quite upset and concerned about this dog and very concerned about the children that live on the driveway as she said the dog had been loose on the day before and she had come face to face with it when she got off the bus and walking back to her house, on this occasion a male from the address Peachgrove Rd came out and got the dog and took it back, the dog was dragging a chain at this time.
Start Date	01/09/2023 11:42		
Finish Date	17/10/2023 01:44		
Outcome	Animals - Sect 20(5) Breach Bylaw Infr.		
Task	Investigation		I have arrived at Peachgrove Rd, the complainant has come out of her house looking very frightened and weary of the dog. I have asked if she knows where the dog is right now. She has pointed to Peachgrove Rd and said it is over in that house and told me that she believes the dog is dangerous and she explained the incident when she encountered it on the day before. She said to me she has a lot of experience with dogs and lived on farms, she said she stood her ground and stared at the dog and said she believes if she has moved or tried to walk or run which she can not do because of her age the dog would have attacked her. She is very worried for the children on the driveway they often play outside. I drove closer to Peachgrove and sighted the dog in the rear of the property, the dog is a female Am-Staff - American bulldog type dog. I got out of my ute and approached the house, the dog was barking at me and did not stop. I knocked a few times nobody came to the door. I have then approached the rear of the property and the dog is still barking, I

Attachment 3

her, she had get quite worked up and acting aggressive and had run around me and got out of the fenced area at the rear of the house. The dog has stayed in the driveway and gone to the other side of the house the dog continued to bark at me. I have managed to get her to move back into the rear of the house again and radioed other ACO's for back up. D41 and D45 have arrived to assist.

04/09/2023)

The 3 of us have approached the house to get the dog with the intention of seizing the dog for being left free to leave the property and at this stage unregistered as no dogs are currently registered to this address. D41 and myself have entered the rear of the property and D45 was in the gateway, the gate seemed to be broken as it was laying on the ground. The dog was getting more aggressively worked up barking at us and pacing the width of the property, the dog had nowhere to go and ran towards us and through all 3 of us and went back out onto the driveway, the dog continued out of the driveway and onto Peachgrove Road. We have patrolled and the dog has run towards Brooklyn Road D45 has called D37 and D17 to assist. The dog eventually went into the Claudelands park bush she walked in on the walkway from Brooklyn Rd end we have separated and covered an area each of the bush looking for the dog to exit the bush we saw her a few times and as soon as she saw any of us she ran again in the opposite direction we could not get near her. After an hour we left the area.

Upon returning to the ACU ACO's have had discussions of who the dog could be and it was a suspicion that the dog looked like and could be "Lola" AN 246482 a dog that has been recently classified as dangerous. Some video footage was found with the dog on it and compared to a photo I took today. This confirmed that the dog was "Lola".

04/09/2023)

15:00pm D41 and myself have returned to Brooklyn Rd. We have sighted the dog roaming through property's on the opposite side from the bush, We have kept a distance but the dog has seen us and has run back into Claudelands bush. We have called for D17 to return to the area and we have each parked around the area spaced out and looked for the dog to leave the park again. We have each walked into the bush paths at different times and seen the dog but again as soon as she sees us she turns and runs. We have attempted to call the owner [REDACTED] and have eventually got hold of him, he has told us he is in Auckland and in his words he said his idiot son was supposed to be looking after the dog before she was moved down south. I have asked him if his son or if there is anyone that can come down to the park that the dog will come to. [REDACTED] has told me he can not get hold of his son and will head back to Hamilton and told me he will take 40mins. We have stayed in our positions and checked in the bush every now and then to see if we could get nearer her. After 50mins have called [REDACTED] again and he has told me there is a crash on the motorway and is held up, he said he will be another 30mins. This time passed and I tried to call [REDACTED] again he has stopped answering the calls. D41 D17 D45 and I have met and had a talk about the situation the time is now approximately 5pm. I phoned D37 Team Leader who has called [REDACTED] Phone and got an answer from his daughter who told her that [REDACTED] has left the vehicle and is hitch hiking back to Hamilton. (to pass the traffic from the car accident we presumed). D41 has gone back to the address on Peachgrove Rd and has found [REDACTED] Son there and returned with him to the bush to look for the dog and hope that the dog will go to him. [REDACTED] eventually arrived and we were all there still looking to sight the dog again. It was now



dark. We went through the bush along the pathways with cones calling and looking for the dog along with [REDACTED] and his son. We did this until 7.00pm and then spoke to D37 again who had been in contact with our [REDACTED] about the situation to make him aware. At this time we have left the area and [REDACTED] and his son have stayed and [REDACTED] has told me he will stay until he finds Lola.

D45 has been on over this weekend and has made contact via txt with [REDACTED] asking if he had found Lola which he replied that he had not found the dog.

I received a call on the 04/09/2023 at 15:13pm from [REDACTED] asking if we had found the dog, I replied that the dog had not been found by us. [REDACTED] replied that he was very disappointed and he was going to end the call.

[REDACTED] - 20/09/2023)

17/10/2023 12:30pm

I have

phoned the dog owner [REDACTED] to discuss the outcome of this incident, [REDACTED] has not answered so I have sent a txt that I will be sending 2 X infringements for the dog being out on the 01/09/2023. Infringement 14558 62(4) Dangerous dog at large. Infringement 14559 20(5) Rushing - person [REDACTED] [REDACTED] - 17/10/2023)

## Previous Complaints for Dog

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

**Cat 4**

<b>CRM No.</b>	336188/2023	<b>Task</b>	2INV
<b>Animal</b>	246482	<b>Outcome</b>	DANG
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D40
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	05-Jul-23 01:31:00 PM
<b>Cat 3</b>	Dogs - Rushing (heading only)	<b>Closed</b>	07-Jul-23 04:13:00 PM
<b>Cat 4</b>	Dogs - Rushing Person - Urgent		

<b>CRM No.</b>	336195/2023	<b>Task</b>	2INV
<b>Animal</b>	246482	<b>Outcome</b>	2CMP
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D40
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	05-Jul-23 02:00:00 PM
<b>Cat 3</b>	Dogs - Roaming (heading only)	<b>Closed</b>	07-Jul-23 12:54:00 PM

## Animal Complaint Record 353046/2023

Attachment 3

<b>COMPLAINANT</b>		<b>Officer</b>	D47
<b>Complaint Received</b>	02/10/2023	<b>Home Phone 1</b>	
<b>Name</b>	[REDACTED]	<b>Home Phone 2</b>	
<b>Address</b>	C/- Hamilton City Council Private Bag 3010 Waikato Mail Centre	<b>Mob Phone</b>	[REDACTED]

### PROPERTY

<b>Property Address</b>		<b>Safety Alert</b>	
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### ANIMAL DETAILS

<b>Animal Number</b>	246482	<b>Animal Name</b>	Lola	<b>Tattoo</b>	[REDACTED]
<b>Animal Location</b>	[REDACTED] Pine AVE Melville 3206	<b>Color</b>	WHI /BRO	<b>Sex</b>	F
<b>Owner Address</b>	[REDACTED] Pine Avenue Melville Hamilton 3206	<b>Owner Name</b>	[REDACTED]	<b>NAR No.</b>	1154474

### REQUEST DETAILS

<b>Offence Date</b>		Morning Urban Patrol around Bader
<b>Major Category</b>	Animal Control (heading only)	
<b>Minor Category</b>	Dogs - Offences (heading only)	
<b>Category 3</b>	Dogs - Ranging Offences Detected By Officer (heading only)	
<b>Category 4</b>	Dogs - Ranging - Urban Patrols	

### INVESTIGATION DETAILS

<b>Officer</b>	D47	2-10-2023	0830 am
<b>Start Date</b>	02/10/2023 10:34	Morning	
<b>Finish Date</b>	03/10/2023 07:55	While patrolling down Pine Avenue D40 and I spotted the male, [REDACTED] know to reside at [REDACTED] Pine Ave, outside of his property with 3 dogs, one of which D40 and I agreed was his "Lost" dog Lola, AN 246482, who is classified as a dangerous animal. Lola had a lead which was dragging on the ground and was off the property without being muzzled. There were two other dogs with him as well, one was black, but D40 and I can't remember too many other details as we were fixated on making sure the dog we saw was 100% Lola as she is dangerous classified. We were unable to get a photo of the dogs as they were behind a vehicle and we didn't have a clear view of them until we were parallel to them when we were driving along the road. We doubled back shortly later and there were no dogs visible on our second drive past. [REDACTED] - 02/10/2023)	
<b>Outcome</b>	* Complete & Close CRM		
<b>Task</b>	Investigation		

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## Previous Complaints for Dog

## Animal Complaint Record 357958/2023

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<b>COMPLAINANT</b>		<b>Officer</b>	D17
<b>Complaint Received</b>	24/10/2023	<b>Home Phone 1</b>	
<b>Name</b>		<b>Home Phone 2</b>	
<b>Address</b>	Richan Street Glenview Hamilton 3206	<b>Mob Phone</b>	

### PROPERTY

<b>Property Address</b>		<b>Safety Alert</b>	
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### ANIMAL DETAILS

<b>Animal Number</b>	239856	<b>Animal Name</b>	Hazel	<b>Tattoo</b>	
<b>Animal Location</b>	Pine AVE Melville 3206	<b>Color</b>		<b>Sex</b>	F
<b>Owner Address</b>	Pine Avenue Melville Hamilton 3206	<b>Owner Name</b>		<b>NAR No.</b>	1154474
<b>Animal Number</b>	239857	<b>Animal Name</b>	Bow	<b>Tattoo</b>	
<b>Animal Location</b>	Pine AVE Melville 3206	<b>Color</b>	BLK /WHI	<b>Sex</b>	M
<b>Owner Address</b>	Pine Avenue Melville Hamilton 3206	<b>Owner Name</b>		<b>NAR No.</b>	1154474
<b>Animal Number</b>	240109	<b>Animal Name</b>	Pudoe	<b>Tattoo</b>	
<b>Animal Location</b>	Pine AVE Melville 3206	<b>Color</b>		<b>Sex</b>	M
<b>Owner Address</b>	Pine Avenue Melville Hamilton 3206	<b>Owner Name</b>		<b>NAR No.</b>	1154474
<b>Animal Number</b>	246482	<b>Animal Name</b>	Lola	<b>Tattoo</b>	
<b>Animal Location</b>	Pine AVE Melville 3206	<b>Color</b>	WHI /BRO	<b>Sex</b>	F
<b>Owner Address</b>	Pine Avenue Melville Hamilton 3206	<b>Owner Name</b>		<b>NAR No.</b>	1154474

### REQUEST DETAILS

<b>Offence Date</b>		Approximately 18:14pm on Friday, 20th October 2023, Off duty ACC was on his way home via Tomin Road, Glenview when he sighted a known dog owner with two of his dogs - 1 x small black & white fluffy and 1 x Female, medium to large black dog being walked off lead. A third dog - Female Brown and White American bulldog was is classified as Dangerous was also sighted on lead but without a muzzle on. Dogs are from Pine Ave, Melville.
<b>Major Category</b>	Animal Control (heading only)	
<b>Minor Category</b>	Dogs - Offences (heading only)	
<b>Category 3</b>	Dogs - Unmuzzled Dog	
<b>Category 4</b>		

### INVESTIGATION DETAILS

<b>Officer</b>	D17
<b>Start Date</b>	24/10/2023 11:58
<b>Finish Date</b>	10/11/2023 03:40
<b>Outcome</b>	Animals - Seized
<b>Task</b>	Investigation

Attachment 3

D17 23/10/2023

I have consulted with T/L and UM has been advise as there are numerous beaches against the DCA 1996 being committed by this D/O. - Two of the dogs in the photo are roaming (breach of Sec.20 DCA 1996) .

- One dog in the photos is classified as Dangerous Dog (Breach of Sec. 32(1) DCA 1996) - not de-sexed or wearing a muzzle in a public place. - One dog belonging to this dog owner, classified as a Menacing dog and not de-sexed as required (Breach of Sec.33EC DCA 1996). - Three of the four dogs belonging to this dog owner are not currently registered (Breach of Sec.42 DCA 1996).

Decision made to obtain a search warrant to seize all dogs in breach of the DCA 1996.

Search Warrant application done and signed off by the Hamilton District Court. (██████████ - 26/10/2023) D17

30/10/2023 8.41am

I have contacted 105 Police to arrange for police to execute this search warrant and for a colleagues warrant for Mardon Rd. Event number P0565 (██████████) - waiting for a call from police. (██████████ - 30/10/2023)

AECO's attend (██████████) Pine Ave and seize three dogs AN 246482, K41, KR 51 267, Lola & AN 239856, K42, KR 51269, Hazel & AN 239857, I1, KR 51269, Bow. All

three dogs released same day seized. All dogs registered 23/24. (Manager involvement in relation to de-sexing of Lola and release of dog - "prolapse"). Seized. (██████████)

(██████████ - 10/11/2023)

## Previous Complaints for Dog

<b>CRM No.</b>	207602/2020	<b>Task</b>	2INV
<b>Animal</b>	240109	<b>Outcome</b>	1UNS
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D41
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	02-Nov-20 02:21:00 PM
<b>Cat 3</b>	Dogs - Attack (heading only)	<b>Closed</b>	18-Dec-20 02:33:00 PM
<b>Cat 4</b>	Dogs - Attack - Dog v Person - Historic		

<b>CRM No.</b>	236357/2021	<b>Task</b>	2INV
<b>Animal</b>	240109	<b>Outcome</b>	MENC
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D24
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	10-Sep-21 09:46:00 AM
<b>Cat 3</b>	Dogs - Attack (heading only)	<b>Closed</b>	22-Sep-21 10:33:00 AM
<b>Cat 4</b>	Dogs - Attack - Dog v Person - Historic		

<b>CRM No.</b>	252508/2022	<b>Task</b>	2INV
<b>Animal</b>	240109	<b>Outcome</b>	INFR
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D42

## Animal Complaint Record 400618/2024

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### COMPLAINANT

Complaint Received	14/05/2024	Officer	D45
Name	[REDACTED]	Home Phone 1	
Address	C/- Hamilton City Council Private Bag 3010 Waikato Mail Centre	Home Phone 2	
		Mob Phone	

### PROPERTY

Property Address			Safety Alert		
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### ANIMAL DETAILS

Animal Number	239856	Animal Name	Hazel	Tattoo	98209106 068011
Animal Location	[REDACTED] Pine AVE Melville 3206	Color		Sex	F
Owner Address	[REDACTED] Pine Avenue Melville	Owner Name	[REDACTED] Edmonds	NAR No.	1154474
Animal Number	239857	Animal Name	Bow	Tattoo	97814200 031487
Animal Location	[REDACTED] Pine AVE Melville 3206	Color	BLK /WHI	Sex	M
Owner Address	[REDACTED] Pine Avenue Melville	Owner Name	Pehi Edmonds	NAR No.	1154474

### REQUEST DETAILS

Offence Date		ROAMING: Two dogs - 1 x Male, Black and White Spaniel and 1 x Female, Black Lab Cross type dog - sighted roaming on Pine Ave, Bader.
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Ranging Offences Detected By Officer (heading only)	
Category 4	Dogs - Ranging - Roaming - Public Place	

### INVESTIGATION DETAILS

Officer	D45
Start Date	14/05/2024 08:40
Finish Date	14/05/2024 06:24
Outcome	Animals - Impounded
Task	Investigation

Attachment 3

14-05-2024 8.45am while in the area for an unrelated matter, D49 and I have seen x2 dogs roaming on Pine Ave. I have pulled over and the larger black, female, Lab cross has come to hand where I have placed her in the truck. The second male, black and white, Spaniel type dog has almost jumped into the vehicle but has been very wary. When attempting to coax the dog to hand, he has wandered off and has then wandered all over the road and has been stopping traffic. I have called for assistance from D41 and D17. We have then waited for their arrival while trying to keep the dog out of the traffic. I thought I may have recognised the dogs as belonging to [REDACTED] Edmonds of [REDACTED] Pine Ave so have scanned the dog in the truck and phoned admin requesting a database check for the microchip (982091065068011) which comes back to nothing. D49 has managed to take photos of the Spaniel still roaming (attached). D41 and D17 have arrived and we have pushed the dog down an alleyway where we have successfully captured the dog and placed in my truck where I have scanned him also (978142000031487). NDD records come back to a female dog named Hazel belonging to [REDACTED] Edmonds, however this dog is definitely a male. I have called admin again and asked them to triple check microchips and animal records for [REDACTED] Edmonds. It appears there has been a mix-up with microchips for the dogs Hazel and Bow. Dogs have been brought back to base and impounded. Admin have checked and rectified microchipping details for the 2 dogs and animal records are now correct.

Bow

K:33 KR:52037 - Yellow Flagged  
KR:52038

Hazel: K:34

Impound letters printed and couriered. Tried phoning D/O [REDACTED] however his phone "cannot accept calls at this time". I have sent a text message advising I have impounded Bow and Hazel for roaming, and noted the contact details for the kennels to arrange collection of the dogs. [REDACTED] - 14/05/2024)

Previous Complaints for Dog

CRM No.	310994/2023	Task	2INV
Animal	239856	Outcome	S53
Maj Cat.	Animal Control (heading only)	Officer	D44
Min Cat.	Dogs - Offences (heading only)	Opened	17-Feb-23 09:34:00 PM
Cat 3	Dogs - Rushing (heading only)	Closed	19-Apr-23 03:20:00 PM
Cat 4	Dogs - Rushing Animal - Urgent		

CRM No.	310994/2023	Task	2INV
Animal	239857	Outcome	S53
Maj Cat.	Animal Control (heading only)	Officer	D44
Min Cat.	Dogs - Offences (heading only)	Opened	17-Feb-23 09:34:00 PM
Cat 3	Dogs - Rushing (heading only)	Closed	19-Apr-23 03:20:00 PM
Cat 4	Dogs - Rushing Animal - Urgent		

# NOTICE OF CLASSIFICATION



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

Item 6

Attachment 4



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

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

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

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

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

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting, but to allow it to breathe and drink without obstruction.

You will commit an offence and be liable on conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

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

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

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

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

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

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

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

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



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)

\_\_\_\_\_  EDMONDS

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

\_\_\_\_\_ 13 Day of June 2021

A



(Show full address of service)

Dog Control Office



Registered Letter

Date Posted:

**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. Dog Control Hearings Panel Public Excluded Minutes 3 October 2024	) Good reason to withhold ) information exists under ) Section 7 Local Government ) Official Information and ) Meetings Act 1987 )	Section 48(1)(a)

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

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