

**Notice of Meeting:**

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

**Date:** Monday 7 August 2023  
**Time:** 9.30am  
**Meeting Room:** Committee Room 1 and Audio Visual Link  
**Venue:** Municipal Building, Garden Place, Hamilton

Lance Vervoort  
Chief Executive

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

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**Membership**

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

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

**Quorum:** Three members

**Meeting Frequency:** As required

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Amy Viggers  
*Mana Whakahaere*  
Governance Lead

**13 July 2023**

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

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

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

## Attachments - *Ngaa taapirihanga*

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

## 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 and Audio Visual Link, Municipal Building, Garden Place, Hamilton on Wednesday 7 June 2023 at 9:30 AM.

#### PRESENT

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

<b>Attendance</b>	Susan Stanford – Animal Control Manager Trudi Swanson - Team Leader – Animal Education and Control Officers Justin Harden - Animal Education and Control Officer
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<b>Governance</b>	Amy Viggers – Governance Lead Arnold Andrews – Governance Advisor
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1. **Apologies – *Tono aroha***  
**Resolved:** (Cr Donovan/Cr Bydder)  
 That the apologies for absence from Cr Tauariki and Cr Huaki are accepted.
2. **Confirmation of Agenda – *Whakatau raarangi take***  
**Resolved:** (Cr Donovan/Cr Bydder)  
 That the agenda is confirmed.
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 26 April 2023**  
**Resolved:** (Cr Donovan/ Cr Casey-Cox)  
 That the Dog Control Hearings Panel confirm the Open Minutes of the Dog Control Hearings Panel Meeting held on 26 April 2023 as a true and correct record.
5. **Objection to the menacing classification of Basil from Christine Smith**  
  
 Ms Smith spoke to her objection of the classification of her dog Basil as menacing. She outlined the incident from her point of view and her concerns in relation to the process. She responded to questions from Elected Members concerning the age of the dog, historic behaviour of the dog, injuries on the victim dog and the incident.  
  
 Adele Fraser (witness) then responded to questions from Elected Members concerning the incident and her written statement.

The Animal Control Manager spoke to the report and highlighted the evidence that they had based the decision to classify Basil as menacing. Staff responded to questions from Elected Members concerning the incident, injuries on the victim dog, victim dog owner's statement and off leash dogs on leash required areas.

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

#### 6. Resolution to Exclude the Public

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

#### **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 26 April 2023	) Good reason to withhold information exists under ) Section 7 Local Government ) Official Information and ) Meetings Act 1987	Section 48(1)(a)

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

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

**The meeting went into public excluded session at 10:01am.**

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

That the Dog Control Hearings Panel:

- receives the report;
- confirms it has considered the mandatory matters specified under the Dog Control Act 1996, and other matters relevant to the objection;
- 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;
- rescinds the menacing classification; and
- approves the release of the above resolution to the public via the open minutes of the meeting.

**The meeting was declared closed at 10.12am.**

# Council Report

**Committee:** Dog Control Hearings Panel      **Date:** 07 August 2023  
**Author:** Susan Stanford      **Authoriser:** Kelvin Powell  
**Position:** Animal Control Manager      **Position:** City Safe Unit Manager  
**Report Name:** Objections to Disqualification from Dog Ownership - M Rite

<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 M Rite (Dog Owner) 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;
  - d) **EITHER**
    - i. classifies the Dog Owner as disqualified until 27 October 2027 (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](#).

**OR**

    - ii. brings forward the date of termination of the classification to [a the date that is no more than 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](#).

**OR**

    - iii. immediately terminates the classification.

## Executive Summary - *Whakaraapopototanga matua*

3. On 23 May 2023, M Rite (the Dog Owner) was classified by staff as disqualified from dog ownership **Attachment 1** is the Notice of Classification.
4. The trigger under the [Dog Control Act 1996](#) for the classification was the Dog Owner received three or more infringements in a 24-month period. Details of the infringements are further on in this report.
5. The Dog Control Act 1996 sets out the circumstances in which Council may classify a Dog Owner as disqualified.
6. The staff recommendation is that the Hearings Panel classify the Dog Owner as disqualified until 27 October 2027, being five years from the date of the last infringement offence in respect of which the Dog Owner 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.
7. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

## Background - *Koorero whaimaarama*

8. On 23 May 2023 the Dog Owner was classified by staff as disqualified from dog ownership, **Attachment 1** is the Notice of Classification. Due to a clerical error, the date of the end of the disqualification period was corrected from May 2028 to 27 October 2027 in a subsequent letter in **Attachment 1**.
9. The trigger under the [Dog Control Act 1996](#) for the classification was the Dog Owner received three or more infringements in a 24-month period. Details of the infringements are outlined later in this report.
10. Staff are satisfied that the circumstances of the offences and number of occurrences are such that disqualification is warranted, and classification of the Dog Owner as a probationary was not appropriate.
11. On 31 May 2023 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. As a result, a hearing has been convened to hear the objection. The Hearing Panel should note the Owner has advised that they wish to be heard in person.
12. The normal order of the procedure of a hearing is as follows:
  - i. Opening of the meeting by the chairperson
  - ii. the Objector presents their objection and supporting evidence.
  - iii. Any witnesses in support of the objection speak to their evidence.
  - iv. The Complainant and any witnesses in opposition of the objection speak to their evidence.
  - v. Council staff summarise the Council report and makes any comments regarding information provided at the hearing
  - vi. The Objector has the opportunity to respond to any new matters or points not already covered during the hearing.
  - vii. The hearing is closed or adjourned for a decision to be made.
13. For the avoidance of doubt:
  - i. The Chair of the hearing may change the order of the hearing at their discretion.
  - ii. There is no opportunity for cross examination at the hearing by any party.
  - iii. Members of the Hearings Panel may ask questions for clarification of the parties during the hearing.

## Discussion - *Matapaki*

14. [Section 26](#) 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

15. In deciding to classify the Dog Owner, staff have relied on the following evidence:
- i. Infringement offence # 1: The offence on 23 May 2022 was for failure to comply with Hamilton City Council bylaw in that both the owners' dogs were out roaming. An infringement was issued for each of the dog, **INF# 13295** for Zephr and **INF# 13296** for Runt.
  - ii. Infringement offence # 2: The offence on 23 June 2022 was for failure to comply with Hamilton City Council bylaw in that both the owners' dogs were out roaming. An infringement was issued for each of the dog, **INF# 13328** for Zephr and **INF# 13329** for Runt.
  - iii. Infringement offence # 3: The offence on 21 June 2022 was for failure to comply with Hamilton City Council bylaw in that both the owners' dogs were out roaming. An infringement was issued for each of the dog, **INF# 13354** for Zephr and **INF# 13355** for Runt.
  - iv. Infringement offence # 4: The offence on 28 July 2022 was for failure to comply with Hamilton City Council bylaw in that both the owners' dogs were out roaming. An infringement was issued for each of the dog, **INF# 13532** for Zephr and **INF# 13533** for Runt.
  - v. Infringement offence # 5: The offence on 11 August 2022 was for failure to comply with Hamilton City Council bylaw in that the dog Runt was out roaming resulting in **INF# 13468** being issued.
  - vi. Infringement offence # 6: The offence on 18 September 2022 was for failure to comply with Hamilton City Council bylaw in that the dog Runt was out roaming resulting in **INF# 13545** being issued.
  - vii. Infringement offence #7: The offence on 28 October 2022 was for failure to keep dog controlled or confined in that the dog Zephr was free to leave and the owner seemed unable to contain or control her dog resulting in **INF# 12942** being issued. (**Attachment 3** - infringements)

### Matters advanced in support of the objection

16. To date no further information has been supplied to Animal Education and Control by the dog owner or her representative on the grounds for the objection to disqualification.
17. Refer to **Attachment 2** for the copy of the objection and **Attachment 3** for correspondence requesting more information.

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

19. Ownership history and recorded dog behaviour can be a relevant consideration if it provides evidence of prior good or poor dog ownership behaviour. Refer to **Attachment 5** for the infringement disqualification process.
20. The Dog Owner first came to the notice of Animal Education and Control (AEC) in March 2022 when her dogs were first reported out roaming.
21. Since then, AEC has received 16 complaints about these two dogs, the most recent being in June 2023 for which a further infringement was issued. The infringement from June 2023 was not part of this disqualification.
22. The 11 infringements that are part of this disqualification were all issued within a five-month period from May to October 2022 inclusive and are highlighted in blue in the table below.
23. Council has records of 16 complaints and/or infringements regarding dogs registered to the Owner as follows:

Date & CRM#	Complaint details	Investigation	Outcome
23/3/2022 258334	Two dogs from [REDACTED] – out the front and free to leave (uncontained)	Animal Education and Control (AEC) followed up with the address and gave advice re containing dogs and registration.	Advice given (containment and registration)
1/5/2022 262839	Barking complaint for [REDACTED]. Complainant reported multiple dogs at the property	Barking information/advice posted to dog owner. As complainant wanted to remain anonymous no further action taken.	Advice given (barking)
23/5/2022 266117	7-8 pit bull type dogs loose in Snell's Park, Porritt Stadium. Two dogs are chained together. Dogs are rushing at members of the public. Complainant is concerned for children heading home from school	AEC went to Snell's Park, no dogs sighted initially but dogs heard in the gully. Dog owner (from [REDACTED]) was sighted walking about calling dogs. Two dogs emerged from gully and ran to [REDACTED], followed by another dog. More dogs could be heard in the gully. Another dog owner appeared, and the dog owners went into the gully to retrieve the dogs while the attending AECO's went to [REDACTED] where they sighted the dogs from the park inside the house through the front door – they closed the door to contain the dogs. Dog owners and remaining dogs returned to	<a href="#">INF 13295</a> issued for Zephr <a href="#">INF 13296</a> issued for Runt (Failure to comply with bylaw)  Advice given re visiting dogs and containment.



Date & CRM#	Complaint details	Investigation	Outcome
		address – all but two dogs were visiting from Huntly. Owner was requested to hand dogs over as not registered and roaming – owner refused.	
21/6/2022 269657	3 dogs running together on east side of Magee Place reported to HCC. Two black and one brown and white. Caller worried as running in a pack and noted they seem to be coming and going from a house nearby.	AEC attended the area where the one of the dogs from [REDACTED] and one from [REDACTED] were sighted, another dog came out of [REDACTED] and joined the other dogs. Dog owner at [REDACTED] was spoken to again about containment. AEC Officer noted dog owner had little control over her dogs.	INF 13354 issued for Zephr INF 13355 issued for Runt (Failure to comply with bylaw) Advice – containment/fencing
23/6/2022 269906	2 roaming dogs from [REDACTED] are on callers property, while on phone to HCC dogs left callers property and headed towards [REDACTED]	AEC investigated, attending the address where both dogs were sighted as free to leave. Tried securing the dogs in the rear of the section. One dog contained the other ran off. No phone number on record for dog owner. Dogs still not registered.	INF 13328 issued for Zephr INF 13329 issued for Runt (Failure to comply with bylaw)
14/7/2022 272822	Caller reports a dog from corner of Magee and McIntosh roaming on and off the property and chasing workers nearby	AEC attended address. One dog out front free to leave, front door open. Dog owner on crutches asked AEC Officers to chase dog inside where she secured the front door. Dogs remain unregistered.	Advice given re containment and keeping property secure (closing doors)
28/7/2022 274886	Two black dogs sighted roaming on [REDACTED], they came out of [REDACTED], last seen heading towards [REDACTED]	AEC attended area, dogs matching description given were seen running around on the street. Dogs identified as those belonging to [REDACTED]. Dog owner sighted trying to round up the dogs AEC Officers have assisted owner contain the dogs. Informed due to the number of complaints about the dogs roaming and that they were out again the owner would receive infringements. Dogs not registered.	INF 13532 issued for Zephr INF 13533 issued for Runt (Failure to comply with bylaw)



Date & CRM#	Complaint details	Investigation	Outcome
3/8/2022 275801	Registration compliance follow-up. Two unregistered dogs at [REDACTED]	Two dogs (Zehpr and Runt) have not been registered for the 2022/23 registration year, remaining unregistered since found in March 2022. Search warrant sought and Team Policing engaged to seize both dogs, for not being registered, as owner has been uncooperative in the past and refusing to register the dogs.  During the seizure process dog owner was abusive and uncooperative until Police noted they would forcibly enter the property if the dogs were not handed to AEC.	Dogs seized and impounded for not being registered. Dogs collected by owner, registered and microchipped
6/8/2022 276273	Two black dogs from [REDACTED] reported roaming up and down street. Complainant noted there were five dogs at the property.	AEC visited [REDACTED]. Four dogs sighted in a car, spoke to the car/dog owner – dogs registered to Huntly, owner denies they were roaming. Given containment advice. Two dogs registered to the property were in the house.	No further action
11/08/2022 277077	Black dogs from [REDACTED] out roaming again. Caller is concerned for her safety when walking her dog.	AEC attended area. Phoned complainant on route, she confirmed she has video footage of the dog out. Officer phoned dog owner – no reply message left that dogs are out. On arrival one dog out, photo taken, and dog pushed back into [REDACTED]. No one home, phoned dog owner again left another message re containment, where dog is jumping the fence and that an infringement will be issued for this event.	<a href="#">INF 13468</a> (Failure to comply with HCC bylaw)
15/9/2022 282319	Roaming dog sighted on Tramway Road by patrolling officer.	Officer followed dog back to [REDACTED]. Dog contained in AEC vehicle with assistance from a person at the address, not the dog owner. Dog scanned and identified as “Runt”, was then taken to AEC Centre and impounded.	Dog impounded and collected by owner.

Item 5

Date & CRM#	Complaint details	Investigation	Outcome
18/9/2022 282593	While patrolling area AEC Officer sighted black dog out on [REDACTED].	Officer attempted to chase dog on to property and in to open front door. Dog would not go in front door but jump fence into back part of section. Spoke to dog owner re containment and likely infringement. Dog owner displayed little control over the dog and was not interested in talking to the officer – just walked inside and closed the door.	INF 13545 issued for Runt (Failure to comply with bylaw)
20/10/2022 288203	Lost dog report Black Labrador cross named Runt has been missing for three weeks. Caller reported dog missing on behalf of the owner.	Dog had returned home.	No further action required.
28/10/2022 289889	Dog sighted as free to leave on front section of [REDACTED].	Dog jumped fence into back of section. AEC Officer spoke with dog owner about dog being free to leave. Advice given about making sure dogs cannot leave section. Dog owner informed she would be getting another infringement as her dogs roaming is an ongoing issue and there has been no change in behaviour and she seems to have little willingness to control or contain her dogs.	INF 12942 issued for Zephr (Failing to keep dog controlled or confined)
10/11/2022 292720	Two black dogs rushed out at callers' mother and son when they were walking down Magee Place. Caller is worried as these dogs are always out and act aggressively.	AEC Officers attended the area and spoke with the complainant who identified the dogs as coming from [REDACTED]. Officers visited [REDACTED], sighted dogs in the house window. Dog owner arrived home, admitted one dog out earlier but didn't see him rush anyone.	Advice given
18/1/2023 305000	Roaming black dog from [REDACTED] is out, caller who is out walking is too scared to return home to their address in Magee.	AEC Officer patrolled area; no dogs seen out. Called to [REDACTED], dog was at home, spoke with owner about containment.	Advice given re containment

Date & CRM#	Complaint details	Investigation	Outcome
24/5/2023 328437	Disqualification paperwork served on M Rite of [REDACTED].		
21/06/2023 333606	Dog from [REDACTED] sighted as free to leave by AEC Officer patrolling the area for an unrelated matter.	Dog sitting on front porch of house, free to leave. AEC Officers have stopped to get dog owners attention to secure the dog. Dog has then run off towards Snell Drive. AEC officers have managed to push the dog back onto its property. After multiple knocks to the door the dog owner has answered, was spoken with about containment and this being an ongoing issue. Dog owner noted that the dog doesn't listen to her. Given further advice re containment and some tips on improving dogs recall.	INF 13858 issued for Runt (Failure to keep dog controlled or confined) Advice on containment and positive reinforcement training to improve recall

24. That the incidents occurred was not disputed by the Dog Owner. If a Dog Owner were to dispute the individual circumstances of an infringement, they would need to notify AEC that they wish to object within 28 days of receipt of the infringement and AEC will initiate the next steps. The Dog Owner did not contest or object to any of the infringements issued against her dogs.

#### Other relevant matters

25. The [Dog Control Act 1996](#) requires consideration of any other matters that the Hearings Panel considers relevant.
26. 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:
- 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.

#### **Options**

27. 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:
- uphold the classification;
  - bring forward the date of termination of the classification; or
  - immediately terminate the disqualification.
28. There are no other options open to the Hearings Panel under the Dog Control Act 1996.

29. The staff recommendation is that the Hearings Panel upholds the classification of the Dog Owner as disqualified until 27 October 2027 being five years from the date of the third infringement offence(s) in respect of which the person is disqualified and notes the right of the dog owner to appeal to the District Court under section 27 of the Dog Control Act 1996.
30. Staff make this recommendation for the following reasons:
- i. The number of offences committed over a short timeframe resulted in 11 infringements being issued over five months.
  - ii. The professional opinion of Animal Education and Control staff that the Dog Owner was either unwilling or unable to control or contain her dogs as evidenced by the large number of complaints for roaming and her own admission that her dogs do not listen to her.
  - iii. The Dog Owner's refusal to register her dogs until they were seized.
  - iv. That the dogs have in more recent complaints been described as aggressive. The more a dog is allowed to roam the bigger its territory gets, and this can result in territorial aggression being displayed and may include dog attacks on people or animals/dogs.
31. 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. Some complainants have noted that they are scared to walk in the area even though they live in the same street due to the dog's aggression. Legislative requirements have been ignored and only complied with when no other option is available to the Dog Owner e.g. registration compliance.
32. The professional opinion of Animal Education and Control staff is that M Rite is not a responsible dog owner.

#### **Financial Considerations - *Whaiwhakaaro Puutea***

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

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

##### Disqualified Classification

34. [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.
35. 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

36. 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.
37. The disqualified owner must:

- within 14 days dispose of every dog owned by the person; and
- not be in possession of a dog at any time (there are some limited exceptions to this).

38. The disqualification extends over all of New Zealand.

#### Right to make an objection

39. [Section 26](#) provides a Dog Owner with the right to object to Council, to the classification as disqualified.
40. 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.
41. The territorial authority must, as soon as practicable, give written notice to the owner of:
- its determination of the objection;
  - the reasons for its determination; and
  - the right of appeal to the District Court under [section 27](#).

#### Appeal to the District Court

42. 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.
43. 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.

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

44. 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').
45. 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.
46. 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***

47. 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.
48. 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*** **Significance**

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

**Engagement**

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

**Attachments - *Ngaa taapirihanga***

Attachment 1 - Notice of disqualification

Attachment 2 - Objection received

Attachment 3 - Infringement notices

Attachment 4 - Request for further information (correspondence)

Attachment 5 - Infringement disqualification process

## NOTICE OF DISQUALIFICATION FROM DOG OWNERSHIP

### Section 25, Dog Control Act 1996

TO: (Name of owner) [REDACTED]

ADDRESS: [REDACTED] Magee Place, Chartwell, Hamilton 3210

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

This follows –

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

The disqualification will apply from **23rd May 2023 until 23rd May 2028**

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

[REDACTED]

Signature of officer /

23/5/2023

Date

**EFFECT OF DISQUALIFICATION**  
**Section 28, Dog Control Act 1996**

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

However, you may not dispose of a dog-

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

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

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

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

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

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

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

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



**RIGHT OF OBJECTION TO DISQUALIFICATION**  
**Section 26, Dog Control Act**

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

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



**Hamilton City Council**  
Te Kaunihera o Kirikiriroa

Private Bag 3010  
Hamilton 3240  
New Zealand

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

## STATEMENT OF SERVICE

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

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

Residential 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

Wednesday, 24<sup>th</sup> Day of May 2023

A Magee Place, Chartwell, Hamilton, 3210.

(Show full address of service)

Dog Control Officer D47 T.P. 24/05/2023 0825 am

Registered Letter

Date Posted: 24/05/2023

AC/F07  
Version 4  
24.1.05

27/6/2023

[REDACTED]  
Magee Place  
Chartwell  
Hamilton 3210

Dear Melinda

**Re: Disqualification from dog ownership**

This is to inform you that in the notice of disqualification sent to you there was an error in the dates included.

The disqualification will apply from **28 October 2022 to 27 October 2027**, 28 October 2022 being the date of the last offence for which you were issued an infringement.

This amendment to the dates will not affect your objection which will proceed as scheduled.

Apologies for any inconvenience this may have caused you.

Regards



[REDACTED]  
Animal Education and Control Manager



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)

Item 5

Attachment 1

[REDACTED]

---

**From:** Animal Web  
**Sent:** Wednesday, 31 May 2023 4:12 pm  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: An appeal

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi there,

See the below email from Melinda.

Email correspondence to [REDACTED]@thelegalstuff.co.nz as per previous email.

(no subject)

 Melinda [REDACTED]  
To: Animal Web  
Sarah is dealing with this

[REDACTED]@thelegalstuff.co.nz

Regards,

[REDACTED]  
Administrator | Animal Education & Control Centre



Hamilton City Council | 260 Anglesea St | Hamilton 3240 | [www.hamilton.govt.nz](http://www.hamilton.govt.nz)

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*This email and any attachments are strictly confidential and may contain privileged information. If you are not the intended recipient please delete the attachments without written authorisation from the originating sender. Hamilton City Council does not accept any liability whatsoever in connection with unauthorised amendment. Unless expressly stated to the contrary the content of this email, or any attachment, shall not be considered as creating or necessarily reflect the views of Hamilton City Council.*

**From:** [REDACTED] <[REDACTED]@gmail.com>  
**Sent:** Wednesday, 31 May 2023 4:04 pm

To: Animal Web <Animal.Web@hcc.govt.nz>  
Subject: An appeal

Hi my name is [REDACTED] I am appealing the notice of disqualification from dog ownership can u please send my lawyer all the information you have in regards to the disqualification of dog ownership notice her email address is [REDACTED] [thelegalstuff.co.nz](mailto:[REDACTED]@thelegalstuff.co.nz)

Item 5

Attachment 2



e\_anous - Animals Enquiry - Hamilton\_LIVE - 9348 - 7.0

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2 Memos Recorded

Animal Type  Dogs Number

MicroChip Brand MICROCHIP Id 982091064927199

Alpha Key

Assessment  Parcel

Owner

House Number

Street Name Magee

Suburb Name Chartwell 3210

Animal Details

Kept at Address Magee Place Chartwell Hamilton 3210

OutsideTag

Animal Name Zeph

Breed LABR Retriever Labrador

Main Colour BLK Black

Birth 23/09/2021 Age 1 Years 1 Mo

Features

Registration Details

Tag Number 1063 Tag Set 2022/23

eTran  Recpt Date 05/08/2022

CRM# 289889

ENTERED  
02 NOV 2022Hamilton City Council  
Animal Education and Control

16 MAR 2023

LAID IN COURT

D45

**INFRINGEMENT NOTICE**

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

NOTICE NUMBER **12942**

TERRITORIAL AUTHORITY

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

Forenames  Surname

Name of dog owner:

Address:

Date of birth:

**ALLEGED INFRINGEMENT OFFENCE DETAILS**

Date	Time	Day of Week:
28/10/22	9am	S M T W T F S

Road/Street: Magee Place Locality: HAMILTON

**OFFENCE COMMITTED INDICATED BY BOX TICKED**

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

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

Reg. No. or Description of Dog: AN# 243496  
Black lab cross male named Zeph

**PAYMENT OF INFRINGEMENT FEE**

The infringement fee is payable within 28 days after 4/11/22 (Earliest date notice delivered personally or posted)

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

**THE INFRINGEMENT FEE MAY BE PAID TO:**

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



an005 - Animals Enquiry - Hamilton\_LIVE - 20248 - 7.0

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1 of 1

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**1 Memo Recorded**

Animal Type: 1 Dogs Number: Id: MicroChip Brand: Alpha Key: M Assessment: 41925 Parcel: 442 Owner: 706718 House Number: Street Name: Magee Suburb Name: Chartwell 3210

Animal Details

Kept at Address: Magee Place Chartwell Hamilton 3210

Outside Tag: Animal Name: Zephre Breed: LABR Retriever Labrador Main Colour: BLK Black Birth: 23/09/2021 Age: 0 Years: 8 Features:

Registration Details

Tag Number: 1788 Tag Set: 2021/22 Tran: Recpt Date: 28/04/2022

please see CRM 2661

entered  
2/6/22

Hamilton City Council  
Animal Education and Control

05 OCT 2022

LAIN IN COURT

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

NOTICE NUMBER: 13295

TERRITORIAL AUTHORITY: Hamilton City Council  
Garden Place, Hamilton  
Ph (07) 838 6699, Fax (07) 838 6599

Name of dog owner: Forenames: Surname: Address: Magee place Chartwell Hamilton 3210 Date of birth: ALLEGED INFRINGEMENT OFFENCE DETAILS

Date	Time	Day of Week:
23/05/2022	3:45pm	S M T W T F S

Road/Street: Crusby road Locality: HAMILTON

OFFENCE COMMITTED INDICATED BY BOX TICKED

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

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

Roaming dog off property  
Section 20(5) by law \$ 300

Reg. No. or Description of Dog: 'Zephyr' black Retriever Labrador - Cross AN 243 496

**PAYMENT OF INFRINGEMENT FEE**

The infringement fee is payable within 28 days after 2/6/2022 (Earliest date notice delivered personally or posted)

OFFICER NUMBER: 041 THE INFRINGEMENT FEE MAY BE PAID AT THE ADDRESS SHOWN BELOW. CHEQUES OR MONEY ORDERS SHOULD BE "NOT TRANSFERABLE"

**THE INFRINGEMENT FEE MAY BE PAID TO:**

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



en005 - Animals Enquiry - Hamilton\_LIVE - 20248 - 7.0

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1 Memo Recorded

Animal Type 1 Dogs Number 2

MicroChip Brand Id

Alpha Key M

Assessment 41925 Parcel 44286

Owner 706718

House Number

Street Name Magee

Suburb Name Chartwell 3210

Animal Details

Kept at Address Magee Place Chartwell Hamilton 3210

OutsideTag

Animal Name Runt

Breed LABR Retriever Labrador

Main Colour BLK Black

Birth 23/09/2021 Age 0 Years 8 M

Features

Registration Details

Tag Number 1789 Tag Set 2021/22

eTran Recpt Date 28/04/2022

please see CRM 266117

ENTERED  
22 JUN 2022

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

NOTICE NUMBER 13296

TERRITORIAL AUTHORITY

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

Forenames Surname

Name of dog owner:

Address: Magee Place  
Chartwell, Hamilton

Date of birth:

**ALLEGED INFRINGEMENT OFFENCE DETAILS**

Date 23/05/2022 Time 3:05pm Day of Week: S M T W T F S

Road/Street: Crosby Road Locality: HAMILTON

**OFFENCE COMMITTED INDICATED BY BOX TICKED** IDENTIFYING NUMBER

TICK ✓

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

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

Section 20(5) failure to comply with bylaw. P 300

Reg. No. or Description of Dog: 243495  
Male Labrador / Retriever cross  
black "Runt"

**PAYMENT OF INFRINGEMENT FEE**

The infringement fee is payable within 28 days after 02/06/2022 (Earliest date notice delivered personally or posted)

OFFICER NUMBER: D41 THE INFRINGEMENT FEE MAY BE PAID AT THE ADDRESS SHOWN BELOW. CHEQUES OR MONEY ORDERS SHOULD BE "NOT TRANSFERABLE"

**THE INFRINGEMENT FEE MAY BE PAID TO:**

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



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**1 Memo Recorded**

Animal Type: 1 Dogs Number: 24

MicroChip Brand: Id: 44286

Alpha Key: RITE M

Assessment: 41925 Parcel: 44286

Owner: 706718

House Number: [REDACTED]

Street Name: Magee

Suburb Name: Chartwell 3210

**Animal Details**

Kept at Address: 7 Magee Place Chartwell Hamilton 3210

Outside Tag: Ref

Animal Name: Zeph

Breed: LABR Retriever Labrador

Main Colour: BLK Black

Birth: 23/09/2021 Age: 0 Years: 9 Months

Features:

**Registration Details**

Tag Number: 1788 Tag Set: 2021/22

eTran: Recpt Date: 28/04/2022 Reg

D17.

CRM 269906. 23/6/22 4.13pm.

This dog roaming in Magee Pl.

infringement N 13328 posted 2

**ENTERED**

20 JUL 2022

Hamilton City Council  
Animal Education and Control

11 6 NOV 2022

LAD IN COURT

D17

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

NOTICE NUMBER **13328** Posted 28/6/22

**TERRITORIAL AUTHORITY**

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

Forenames: [REDACTED] Surname: [REDACTED]

Name of dog owner: [REDACTED]

Address: [REDACTED] Magee Place  
Hamilton

Date of birth: [REDACTED]

**ALLEGED INFRINGEMENT OFFENCE DETAILS**

Date	Time	Day of Week:
23/6/22	4.13pm	S M T W T F S

Road/Street: Magee Place Locality: HAMILTON

**OFFENCE COMMITTED INDICATED BY BOX TICKED**

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

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

Ref CRM 269906 \$300 =

This dog was loose and roaming in Magee Place.

**Reg. No. or Description of Dog:** Zeph, the male, Labrador Retriever cross, black in colour, 9 months old approx.

**PAYMENT OF INFRINGEMENT FEE**

The infringement fee is payable within 28 days after 28/6/22 (Earliest date notice delivered personally or posted)

OFFICER NUMBER: D17 THE INFRINGEMENT FEE MAY BE PAID AT THE ADDRESS SHOWN BELOW. CHEQUES OR MONEY ORDERS SHOULD BE "NOT TRANSFERABLE"

**THE INFRINGEMENT FEE MAY BE PAID TO:**

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



(a) 005 - Animals Enquiry - Hamilton\_LIVE - 9932 - 7.0

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1 Memo Recorded

Animal Type 1 Dogs Number 24  
 MicroChip Brand Id  
 Alpha Key M  
 Assessment 41925 Parcel 44286  
 Owner 706718  
 House Number  
 Street Name Magee  
 Suburb Name Chartwell 3210

## Animal Details

Kept at Address Magee Place Chartwell Hamilton 3210  
 Outside Tag  
 Animal Name Runt  
 Breed LABR Retriever Labrador  
 Main Colour BLK Black  
 Birth 23/09/2021 Age 0 Years 9 Mo  
 Features

## Registration Details

Tag Number 1789 Tag Set 2021/22  
 eTran Recpt Date 28/04/2022 Reg

D17.

269906 23/6/22 4-13pm  
 This dog roaming in Magee  
 Infringement 13329 posted

ENTERED  
 20 JUL 2022

Hamilton City Council  
 Animal Education and Control

16 NOV 2022

LAID IN COURT

137 18

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

NOTICE NUMBER 13329 Posted 28/6/22

TERRITORIAL AUTHORITY



Hamilton City Council

Te kaunihera o Kiriikiriro

Garden Place, Hamilton

Ph (07) 838 6699, Fax (07) 838 6599

Forenames Surname

Name of dog owner:

Address:

Date of birth:

## ALLEGED INFRINGEMENT OFFENCE DETAILS

Date 23/6/22 Time 4:13pm Day of Week: S M T W T F S

Road/Street: Magee Place Locality: HAMILTON

## OFFENCE COMMITTED INDICATED BY BOX TICKED

TICK ✓ IDENTIFYING NUMBER

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

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

Ref CRM 269906

This dog was loose and roaming in Magee Place.

\$300 =

Reg. No. or Description of Dog: Runt, the male, Labrador Retriever cross, Black in colour, 9 months old approx.

## PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after 28/6/22 (Earliest date notice delivered personally or posted)

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

## THE INFRINGEMENT FEE MAY BE PAID TO:

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



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**1 Memo Recorded**

Animal Type: 1 Dogs Number: [ ]

MicroChip Brand: [ ] Id: [ ]

Alpha Key: [ ] M

Assessment: 41925 Parcel: 44

Owner: 706718

House Number: [ ]

Street Name: Magee

Suburb Name: Chartwell 3210

**Animal Details**

Kept at Address: Magee Place Chartwell Hamilton 3210

Outside Tag: [ ]

Animal Name: Zephyr

Breed: LABR Retriever Labrador

Main Colour: BLK Black

Birth: 23/09/2021 Age: 0 Years: 8

Features: [ ]

**Registration Details**

Tag Number: 1788 Tag Set: 2021/22

eTran: [ ] Recpt Date: 28/04/2022

**ENTERED**  
22 JUL 2022

CRM 2696

**Hamilton City Council**  
Animal Education and Control

11 6 NOV 2022

LAID IN COURT

B D 34

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

NOTICE NUMBER **13354**

TERRITORIAL AUTHORITY

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

Forenames: [ ] Surname: [ ]

Name of dog owner: [ ]

Address: [ ]

Date of birth: [ ]

**ALLEGED INFRINGEMENT OFFENCE DETAILS**

Date	Time	Day of Week:
21/06/2022	11:13am	S M T W T F S

Road/Street: Magee Locality: HAMILTON

**OFFENCE COMMITTED INDICATED BY BOX TICKED**

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

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

Dog running in park on Magee place and Mackintosh Street. \$300

Reg. No. or Description of Dog: Name: Zephyr AN: 243496, Black Labrador, retriever cross, 8 month male.

**PAYMENT OF INFRINGEMENT FEE**

The infringement fee is payable within 28 days after 23/06/2022 (Earliest date notice delivered personally or posted)

OFFICER NUMBER: D43

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

**THE INFRINGEMENT FEE MAY BE PAID TO:**

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



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2 Memos Recorded

Animal Type 1 Dogs Number

MicroChip Brand MICROCHIP Id 982091065052201

Alpha Key M

Assessment 41925 Parcel 4428

Owner 706718

House Number

Street Name Magee

Suburb Name Chartwell 3210

Animal Details

Kept at Address 7 Magee Place Chartwell Hamilton 3210

Outside Tag

Animal Name Runt

Breed LABR Retriever Labrador

Main Colour BLK Black

Birth 23/09/2021 Age 0 Years 10 M

Features

Registration Details

Tag Number 1062 Tag Set 2022/23

eTran Recpt Date 05/08/2022

ENTERED  
29 AUG 2022

Hamilton City Council  
Animal Education and Control

05 DEC 2022

LAIN IN COURT

*[Signature]*

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

NOTICE NUMBER 13468

TERRITORIAL AUTHORITY

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

Forenames Surname

Name of dog owner: [Redacted]

Address: Magee Place  
Chartwell, Hamilton 3210

Date of birth: [Redacted]

**ALLEGED INFRINGEMENT OFFENCE DETAILS**

Date	Time	Day of Week:
11/08/2022	4:30pm	S M T W T F S

Road/Street: Magee Place Locality: HAMILTON

**OFFENCE COMMITTED INDICATED BY BOX TICKED**

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

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

Section 20(5): Failure to prevent dog from wandering. \$300

Reg. No. or Description of Dog: AN 243495 Runt  
Male, black, labrador cross

**PAYMENT OF INFRINGEMENT FEE**

The infringement fee is payable within 28 days after 29/08/2022 (Earliest date notice delivered personally or posted)

OFFICER NUMBER: D45

THE INFRINGEMENT FEE MAY BE PAID TO:

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



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2 Memos Recorded

Animal Type  Dogs Number

MicroChip Brand MICROCHIP Id 982091064927199

Alpha Key

Assessment 41925 Parcel 4428

Owner 706718

House Number

Street Name Magee

Suburb Name Chartwell 3210

Animal Details

Kept at Address 7 Magee Place Chartwell Hamilton 3210

OutsideTag

Animal Name Zephr

Breed LABR Retriever Labrador

Main Colour BLK Black

Birth 23/09/2021 Age 0 Years 10 M

Features

Registration Details

Tag Number 1063 Tag Set 2022/23

eTran Recpt Date 05/08/2022

Please See C

ENTERED  
15 AUG 2022

Hamilton City Council  
Animal Education and Control

05 DEC 2022

LAI'D IN COURT

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

NOTICE NUMBER 13532

TERRITORIAL AUTHORITY

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

Forenames Surname

Name of dog owner:

Address:

Date of birth:

**ALLEGED INFRINGEMENT OFFENCE DETAILS**

Date	Time	Day of Week:
28-7-2022	3:30 pm	S M T W T F S

Road/Street: Magee Place Locality: HAMILTON

**OFFENCE COMMITTED INDICATED BY BOX TICKED**

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

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

Section 20(5) \$300  
dogs seen Raming

Reg. No. or Description of Dog: 243496: Male  
Retriever Labrador - cross  
Black, Zepher

**PAYMENT OF INFRINGEMENT FEE**

The infringement fee is payable within 28 days after 15-8-2022 (Earliest date notice delivered personally or posted)

OFFICER NUMBER: 041 THE INFRINGEMENT FEE MAY BE PAID AT THE ADDRESS SHOWN BELOW. CHEQUES OR MONEY ORDERS SHOULD BE "NOT TRANSFERABLE"

**THE INFRINGEMENT FEE MAY BE PAID TO:**  
HAMILTON CITY COUNCIL  
Cashiers or Animal Care and Control  
Ground Floor 217 Ellis Street  
Municipal Complex Hamilton



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2 Memos Recorded

Animal Type 1 Dogs Number 2

MicroChip Brand Id

Alpha Key M

Assessment 41925 Parcel 44286

Owner 706718

House Number

Street Name Magee

Suburb Name Chartwell 3210

Animal Details

Kept at Address Magee Place Chartwell Hamilton 3210

OutsideTag

Animal Name Runt

Breed LABR Retriever Labrador

Main Colour BLK Black

Birth 23/09/2021 Age 0 Years 10 Mo

Features

Registration Details

Tag Number 1062 Tag Set 2022/23

eTran Recpt Date 05/08/2022

Please See CP

**ENTERED**

15 AUG 2022

Hamilton City Council  
Animal Education and Control

05 DEC 2022

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

NOTICE NUMBER **13533** (4) Postbell

TERRITORIAL AUTHORITY

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

Forenames Surname

Name of dog owner: [REDACTED]

Address: Magee Place Chartwell Hamilton

Date of birth: [REDACTED]

**ALLEGED INFRINGEMENT OFFENCE DETAILS**

Date	Time	Day of Week:
28-7-2022	3.30 pm	S M T W T F S

Road/Street: Magee Place Locality: HAMILTON

**OFFENCE COMMITTED INDICATED BY BOX TICKED**

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

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

Section 20(5)  
dogs Seen Roaming

Reg. No. or Description of Dog: 243495: Male, Retriever Labrador-cross, Black, Runt

**PAYMENT OF INFRINGEMENT FEE**

The infringement fee is payable within 28 days after 15-8-2022 (Earliest date notice delivered personally or posted)

OFFICER NUMBER: 1041

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

**THE INFRINGEMENT FEE MAY BE PAID TO:**

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

\$300



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**ENTERED**  
22 JUL 2022

Hamilton City Council  
Animal Education and Control

16 NOV 2022

emo Recorded

Animal Type: 1 Dogs Number: Id: MicroChip Brand: Alpha Key: M Assessment: 41925 Parcel: 44 Owner: 706718 House Number: Street Name: Magee Suburb Name: Chartwell 3210

Animal Details  
Kept at Address: Magee Place Chartwell Hamilton 3210  
Outside Tag: Animal Name: Runt Breed: LABR Retriever Labrador Main Colour: BLK Black Birth: 23/09/2021 Age: 0 Years Features:

Registration Details  
Tag Number: 1789 Tag Set: 2021/22 eTran: Recpt Date: 28/04/2022

CRM 269657

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

NOTICE NUMBER: 13355 (F) Posted

TERRITORIAL AUTHORITY: Hamilton City Council  
Garden Place, Hamilton  
Ph (07) 838 6699, Fax (07) 838 6599

Name of dog owner: Forenames: Address: Magee Place Chartwell Hamilton Date of birth: ALLEGED INFRINGEMENT OFFENCE DETAILS

Date	Time	Day of Week:
29/06/2022	11:13 am	S M T W T F S

Road/Street: Magee Locality: HAMILTON

OFFENCE COMMITTED INDICATED BY BOX TICKED

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

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

Dog roaming in park in Magee place & Markintosh Street

Reg. No. or Description of Dog: Name: Runt AN: 243495 Black Labrador cross 8 months old male

**PAYMENT OF INFRINGEMENT FEE**

The infringement fee is payable within 28 days after 29/06/2022 (Earliest date notice delivered personally or posted)

OFFICER NUMBER: 243 THE INFRINGEMENT FEE MAY BE PAID AT THE ADDRESS SHOWN BELOW. CHEQUES OR MONEY ORDERS SHOULD BE "NOT TRANSFERABLE"

**THE INFRINGEMENT FEE MAY BE PAID TO:**

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



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2 Memos Recorded

Animal Type  Dogs Number

MicroChip Brand MICROCHIP Id 982091065052201

Alpha Key  M

Assessment  41925 Parcel  442

Owner  706718

House Number

Street Name Magee

Suburb Name Chartwell 3210

Animal Details

Kept at Address Magee Place Chartwell Hamilton 3210

OutsideTag

Animal Name Runt

Breed LABR Retriever Labrador

Main Colour BLK Black

Birth 23/09/2021 Age 0 Years 11

Features

Registration Details

Tag Number 1062 Tag Set 2022/23

Tran Recpt Date 05/08/2022

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

NOTICE NUMBER 13545 (F) POSTED

TERRITORIAL AUTHORITY

**Hamilton City Council**

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

Te kaunihera o Kiriikiriro

Forenames

Name of dog owner:

Address:

Date of birth:

**ALLEGED INFRINGEMENT OFFENCE DETAILS**

Date 18/09/2022 Time 2:40pm Day of Week: S M T W T F S

Road/Street: Magee Place Locality: HAMILTON

**OFFENCE COMMITTED INDICATED BY BOX TICKED**

TICK ☒

☐ Wilful obstruction of dog control officer or ranger 18

☐ Failure or refusal to supply information or wilfully providing false particulars 19(2)

☐ Failure to supply information or wilfully providing false particulars about dog 19A(2)

☒ Failure to comply with any bylaw authorised by the section 20(5)

☐ Failure to comply with effects of disqualification 28(5)

☐ Failure to comply with effects of classification of dog as dangerous dog 32(2)

☐ Fraudulent sale or transfer of dangerous dog 32(4)

☐ Failure to comply with effects of classification of dog as menacing dog 33(C)

☐ Failure to implant microchip transponder in dog 36A(6)

☐ False statement relating to dog registration 41

☐ Failure to register dog 42

☐ Fraudulent procurement or attempt to procure replacement dog registration label or disc 46(4)

☐ Failure to advise change of dog ownership 48(3)

☐ Failure to advise change of address 49(4)

☐ Removal, swapping, or counterfeiting of registration label or disc 51(1)

☐ Failure to keep dog controlled or confined 52A

☐ Failure to keep dog under control 53(1)

☐ Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise 54(2)

☐ Failure to carry leash in public 54A

☐ Allowing dog known to be dangerous to be at large unmuzzled or unleashed 62(4)

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

Section 20(5)  
Dog free to roam

Reg. No. or Description of Dog: Runt 243495  
Retriever Labrador X  
Black, male

**PAYMENT OF INFRINGEMENT FEE**

The infringement fee is payable within 28 days after 23/09/2022 (Earliest date notice delivered personally or posted)

OFFICER NUMBER: D41

THE INFRINGEMENT FEE MAY BE PAID TO:

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

\$300-

Please See

ENTERED  
12 SEP 2022

Hamilton City Council  
Animal Education and Control

12 JAN 2023

LAID IN COURT



**From:** [REDACTED]  
**Sent:** Tuesday, 4 July 2023 10:28 am  
**To:** [REDACTED]@gmail.com  
**Subject:** FW: [REDACTED] - disqualification from dog ownership  
**Attachments:** Disqualification dates; Correspondence - amended disqual dates.pdf

Hi [REDACTED]  
 Can you please notify me if you intend to attend the hearing on 7 August 2023 and also please send through the reasons for the objection to disqualification (these are urgent as the report is almost complete).  
 Regards  
 Sue

[REDACTED]  
 Animal Education and Control Manager | City Safe

DDI: [REDACTED] | Mob: [REDACTED] | Email [REDACTED]



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

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**From:** [REDACTED]  
**Sent:** Tuesday, 27 June 2023 10:15 am  
**To:** [REDACTED]@thelegalstuff.co.nz  
**Subject:** RE: [REDACTED] - disqualification from dog ownership

Hi Jo  
 Hopefully you have received the information Melinda requested from our Governance team by now.  
 I have attached an email sent to Melinda and a copy of the correspondence attached to the email.  
 I noted an error in the dates of disqualification and have amended these, we are also posting a hardcopy as we have had several different emails supplied by Melinda most of which don't seem to work for her. Her phone number also seems to change and not work regularly.

Can you please let us know how you are contacting her so we can make sure she is getting the material she needs.

I am in the process of putting together the Council report, part of the report is to include [REDACTED] reasons for objecting. Can these please be sent to me by 1 July 2023.

Regards  
 Sue

[REDACTED]  
 Animal Education and Control Manager | City Safe

DDI: [REDACTED] | Mob: [REDACTED] | Email [REDACTED]



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From: [REDACTED] <[REDACTED]@thelegalstuff.co.nz>

Sent: Friday, 9 June 2023 10:11 am

To: [REDACTED]

Subject: RE: [REDACTED] - disqualification from dog ownership

Thanks Sue,

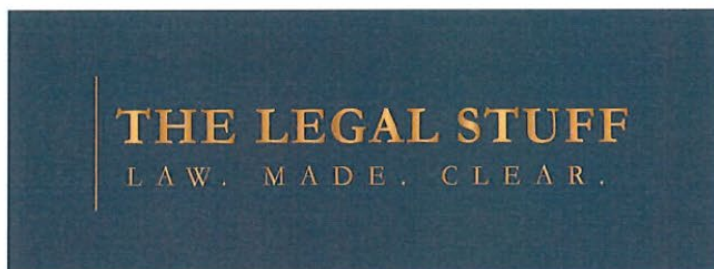
I recall briefly speaking to this lady I think a couple of weeks ago, but had heard nothing further.

I generally don't work with this kind of issue, but I am happy to have a look at what she is up against – even if only to give her some initial advice.

Would you please forward relevant information when you can.

Kind regards,

Jo



PO Box 28028, Rototuna, Hamilton 3256  
259 Hukanui Road, Chartwell, Hamilton

Ph: [REDACTED]

Mobile: [REDACTED]

From: [REDACTED] >

Sent: Friday, June 9, 2023 9:48 AM

To: [REDACTED] <[REDACTED]@thelegalstuff.co.nz>

Cc: [REDACTED]

Subject: Melinda Rite - disqualification from dog ownership

Hi Jo

I have received notification that [REDACTED] is wishing to object to her disqualification from dog ownership and correspondence is to be directed to yourself. I have attached an information sheet on the public hearing process for you, and as part of this process I am required to write a report for Council, to be included in the report is any

objection material received from [REDACTED] which includes the reasons why she believes she should not be disqualified.

[REDACTED] and your details will be forwarded to our Governance team who organise the meetings and someone will be in touch with you regarding dates and will be able to answer questions you have on the process.

Part of the request received was an information request, this has been forwarded to our official information team and the gathering of the requested information is underway and will be forwarded to you as soon as it is completed, given [REDACTED] extensive level of contact with Animal Control this may take a bit of time but will be completed as soon as possible.

Regards  
Sue

[REDACTED]

Animal Education and Control Manager | City Safe

DDI: [REDACTED] | Mob: [REDACTED] | Email [REDACTED]



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

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## Disqualification from dog ownership

### Disqualification triggers

- Conviction under any of the following Acts
  - Dog Control Act 1996
  - Animal Welfare Act 1999
  - Conservation Act 1987
  - National Parks Act 1980 or
  - The person commits 3 or more separate infringement offences in a 24 month period (note: infringement related disqualification may only occur after the infringements have been paid or if unpaid laid in court)

### Infringement Process

#### Dog owner issued an infringement as the result of an offence under the Dog Control Act 1996

- Infringement is to be paid within 28 days of the date of issue, the date of issue used is approximately 1 week after postage date e.g. infringement being posted on 15<sup>th</sup> of the month will have an issue date of 22<sup>nd</sup> of the month, this is to take into account postal delivery times.
  - An infringement is only issued at the end of an investigation and how soon after the event it is issued will depend on the event complexity.
  - Animal Education and Control have 6 months from the date of the offence to issue an infringement and lay it in Court.

#### Reminder letter sent

(INF issued – reminder 6-8 weeks)

- Approximately **6-8 weeks** after the infringement is issued a reminder letter is posted to anyone whose infringement remains unpaid.
  - A further 28 days is allowed for payment of the infringement, plus some additional time to consider postal delivery times.

#### Laid in Court

(Reminder – Laid in Court 6-8 weeks)

- A further **6-8 weeks** after the reminder letter has been sent any unpaid infringements are laid in Court.
  - From the conclusion of an investigation, an infringement being issued and then being laid in court can take **4-5 months**.
  - This process is followed for any subsequent infringements a dog owner may incur.

(Completion of infringement process 4-5 months)

#### Disqualification documentation created and delivered (if dog owner committed has 3 or more infringement offences)

- Once an infringement process has been completed Animal Education and Control admin staff create the documentation and arrange its service by one of the Animal Education and Control Officers.

# Council Report

Item 6

**Committee:** Dog Control Hearings Panel **Date:** 07 August 2023  
**Author:** Susan Stanford **Authoriser:** Kelvin Powell  
**Position:** Animal Control Manager **Position:** City Safe Unit Manager  
**Report Name:** Objection to a Menacing classification - J Rivers

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

## Purpose - *Take*

1. To seek a determination from the Dog Control Hearings Panel on the classification of the dog Choc owned by J Rivers (Dog Owner) as:
  - i. a menacing dog because of the observed or reported behaviour of the dog pursuant to section 33A of the Dog Control Act 1996; and
  - ii. a menacing dog because the territorial authority has reasonable grounds to believe the dog belongs wholly or predominantly to one or more breeds or types listed in Schedule 4, specifically American Pit Bull Terrier pursuant to section 33C of the Dog Control Act 1996.

## 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 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) upholds **OR** rescinds the menacing classification because Council has reasonable grounds to believe the dog belongs wholly or predominantly to one or more breeds or types listed in Schedule 4, specifically American Pit Bull Terrier pursuant to section 33C of the Dog Control Act 1996; and
  - e) upholds **OR** rescinds the menacing classification because of the observed or reported behaviour of the dog pursuant to section 33A of the Dog Control Act 1996.

## Executive Summary - *Whakaraapopototanga matua*

3. On 20 February 2023 Council received a complaint regarding Choc and Milo (deceased), two brown American Pit Bull Cross type dogs. **Attachment 1** contains the investigation undertaken by staff.
4. The Dog Control Act 1996 sets out the circumstances in which Council may classify a dog as menacing.
5. Staff recommend that Council:

- i. upholds the classification of Choc as menacing because Council has reasonable grounds to believe the dog belongs wholly or predominantly to one or more breeds or types listed in Schedule 4, specifically American Pit Bull Terrier pursuant to section 33C of the Dog Control Act 1996; and
  - ii. upholds the classification of Choc as menacing because of the observed or reported behaviour of the dog pursuant to section 33A of the Dog Control Act 1996.
- 6. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

### **Background - *Kooreo whaimaarama***

- 7. The complaint broadly involved:  
Two roaming dogs sighted outside [REDACTED] Northolt Street; both were described as brown Pit Bulls by a complainant. The complainant thought the dogs might have come from [REDACTED] Northolt Street as they kept going down that driveway.
- 8. **Attachment 1** contains the investigation undertaken by staff. Key points of the investigation include:
  - i. Animal Education and Control Officers D45 and D40 initially attended the job. Both dogs were sighted out, one older dog had a collar, and the younger dog did not. The dogs appeared to be attempting to get back into the property they were from.
  - ii. D40 called for back-up as both dogs were displaying what the officers described as "significant aggression". D37 and D44 attended to assist with the dogs.
  - iii. The younger dog was caught on a catchpole and placed in the Animal Education and Control vehicle.
  - iv. The older dog went through a hole in the fence at the side rear of neighbouring drive and entered the house through an open back door. Knowing the dog could jump through the fence and leave again Officers have climbed the fence and shut the door, containing the dog inside the house.
  - v. A seizure notice has been left on the front door and the Officers have then returned to the Animal Education and Control Facility and impounded the younger dog - kennel record 50451.
  - vi. The younger dog "Milo" was collected from the pound on 23 February 2023.
  - vii. After a number of attempts the investigating officer managed to contact the dog owner to inform him of the decision for Choc and Milo being classification as menacing.
- 9. On 13 April 2023 the Dog "Choc" was classified by staff as menacing under sections 33A (observed behaviour) and 33C (breed/type) of the Dog Control Act 1996. Refer to **Attachment 2** for the Notices of Classification. This report is only regarding the classification of "Choc" as the Dog Owner informed Animal Education and Control that "Milo" died in March 2023.
- 10. On 17 April 2023 initial correspondence was received regarding the classification of Choc, information provided, and confirmation of an objection was received on 20 June 2023 from the Dog Owner. Refer to **Attachment 3** for a copy of the objection.
- 11. As a result, a hearing has been convened to hear the objection. The Hearing Panel should note:
  - i. The Owners have advised that they do wish to be heard in person.
  - ii. The Complainant has advised that they do wish to be heard in person.
  - iii. The one witness does wish to be heard in person.
- 12. The normal order of the procedure of a hearing is as follows:
  - i. Opening of the meeting by the chairperson.

- ii. the Objector presents their objection and supporting evidence.
- iii. Any witnesses in support of the objection speak to their evidence.
- iv. The Complainant and any witnesses in opposition of the objection speak to their evidence.
- v. Council staff summarise the council report and makes any comments regarding information provided at the hearing.
- vi. The hearing can be resolved to move into a public excluded session (section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 7(2)(f)(ii) to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment) for a decision to be made.

13. For the avoidance of doubt:

- i. The Chair of the hearing may change the order of the hearing at their discretion.
- ii. There is no opportunity for cross examination at the hearing by any party.
- iii. Members of the Hearings Panel may ask questions for clarification of the parties during the hearing.

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

14. Section 33B provides that in making its determination Council **must** have regard to:

- i. the evidence which formed the basis for the classification;
- ii. any steps taken by the owner to prevent any threat to the safety of persons or animals;
- iii. the matters relied on in support of the objection; and
- iv. any other relevant matters.

15. In relation to the classification of Choc as menacing the dog belongs wholly or predominantly to one or more breeds or types listed in Schedule 4, specifically American Pit Bull Terrier, if an owner objects to the classification, they must provide evidence that the dog is not of a breed or type listed in Schedule 4.

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

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

- i. The witness statements from the four Animal Education and Control Officers who attended the complaint and observed the aggressive behaviour displayed. **[Refer attachment 4]**
- ii. The statement by the Dog Owner when contacted by phone by Animal Education and Control Officers who noted the aggression of the dogs that he (the Dog Owner) *“trained them to be like that, they’re guard dogs”*. **[Refer attachment 1]**
- iii. The animal record for “Choc” which lists his primary breed as American Pit Bull Terrier, a type of dog requiring menacing classification under schedule 4 of the Dog Control Act 1996, and the two most recently received signed registration renewals. **[Refer attachment 5]**
- iv. The Officer’s notes and photos contained in CRM 311347/2023 and their professional opinion that Choc is predominantly an American Pit Bull Terrier type of dog. **[Refer attachment 1]**

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

17. The Dog Owner objects to the classification on the ground that they have had Choc since he was six weeks old, and he is now eight years old and during that time he has only shown aggression once when the owner was attacked in town. **[Refer Attachment 6]**

18. The Dog Owner has not to date provided any evidence to support an objection to the classification of Choc as menacing because the dog belongs wholly or predominantly to one or more breeds or types listed in Schedule 4, specifically American Pit Bull Terrier. This information is required for an objection to be made and succeed.

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

19. The Dog Owner has taken the following steps to prevent any threat to the safety of persons or animals:
- i. They have fixed the hole in the fence, as noted the Officer's job notes. [Refer **Attachment 1**]

**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; and
  - iv. the exercise and recreational needs of dogs and their owners.
22. Ownership history and recorded dog behaviour can be a relevant consideration if it provides evidence of prior good or poor dog or ownership behaviour.
23. Council has two prior complaints relating to Choc, one in 2017 and one in 2019, neither of which has any significant relevance for the subject of this report.

**Options**

24. Under the [Dog Control Act 1996](#), territorial authorities have two options when considering an outcome of an objection to a dog being classified as menacing:
- i. to uphold the classification; or
  - ii. to rescind the classification.
25. There are no other options open to the Dog Control Hearings Panel under the [Dog Control Act 1996](#).
26. The staff recommendation is **option 1** that the Hearings Panel uphold the classification for the following reasons:
- i. Animal Education and Control staff believe the dog Choc may pose an ongoing risk due to the level of aggression witnessed by staff on the day he was out roaming.
  - ii. The only way to reduce the potential risk of an attack is to ensure containment and to muzzle him in public.
  - iii. Muzzling can only be enforced under the menacing and dangerous classifications of the Dog Control Act 1996.
  - iv. As Choc is registered American Pit Bull Terrier/Labrador cross, it is a requirement of the Dog Control Act 1996 that he be classified as menacing.



## Financial Considerations - *Whaiwhakaaro Puutea*

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

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

### Menacing Dog Classification

28. [Section 33C](#) of the Dog Control Act 1996 provides that a territorial authority **must**, for the purposes of [section 33E\(1\)\(a\)](#), classify as menacing any dog that the territorial authority has reasonable grounds to believe belongs wholly or predominantly to 1 or more breeds or types listed in [Schedule 4](#).
29. [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—
- i. any observed or reported behaviour of the dog; or
  - ii. any characteristics typically associated with the dog's breed or type.

### 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:
- i. may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
  - ii. has the right to be heard in support of the objection.

Additionally, if an owner objects to the menacing dog classification under section 33C, they **must** provide evidence that the dog is not of a breed or type listed in Schedule 4 (Section 33D).

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—
- i. the evidence which formed the basis for the classification; and
  - ii. any steps taken by the owner to prevent any threat to the safety of persons or animals; and
  - iii. the matters relied on in support of the objection; and
  - iv. any other relevant matters.
34. The territorial authority must, as soon as practicable, give written notice to the owner of—
- i. its determination of the objection; and
  - ii. the reasons for its determination.

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

35. 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').
36. 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.
37. 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*

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

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

### Significance

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

### Engagement

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

## Attachments - *Ngaa taapirihanga*

Attachment 1 - CRM 311347

Attachment 2 - Menacing classification documentation

Attachment 3 - Objection received

Attachment 4 - Animal Education and Control Officers statements

Attachment 5 - Animal record and signed registration renewals

Attachment 6 - Objection - further information

## Animal Complaint Record 311347/2023

Item 6

### COMPLAINANT

<b>Complaint Received</b>		20/02/2023	<b>Officer</b>	D45
<b>Name</b>		[REDACTED]	<b>Home Phone 1</b>	
<b>Address</b>		Northolt Road Fairview Downs Hamilton 3214	<b>Home Phone 2</b>	
			<b>Mob Phone</b>	[REDACTED]

### PROPERTY

<b>Property Address</b>	Northolt Fairview Downs 3214	RES Northolt	<b>Safety Alert</b>		
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### ANIMAL DETAILS

<b>Animal Number</b>	229991	<b>Animal Name</b>	Choc	<b>Tattoo</b>	934000090 107740
<b>Animal Location</b>	[REDACTED] Northolt RD Fairview Downs 3214	<b>Color</b>		<b>Sex</b>	M
<b>Owner Address</b>	[REDACTED] Northolt Road Fairview Downs Hamilton 3214	<b>Owner Name</b>	[REDACTED]	<b>NAR No.</b>	437524
<b>Animal Number</b>	245504	<b>Animal Name</b>	Milo	<b>Tattoo</b>	978142000 028131
<b>Animal Location</b>	[REDACTED] Northolt RD Fairview Downs 3214	<b>Color</b>		<b>Sex</b>	M
<b>Owner Address</b>	[REDACTED] Northolt Road Fairview Downs Hamilton 3214	<b>Owner Name</b>	[REDACTED]	<b>NAR No.</b>	437524

### REQUEST DETAILS

<b>Offence Date</b>		2 Roamers Northolt Rd hanging around [REDACTED] thinks they come from [REDACTED] as they keep going up that driveway. 2 pit bulls - both brown
<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>	D45
<b>Start Date</b>	20/02/2023 01:28
<b>Finish Date</b>	13/03/2023 02:59
<b>Outcome</b>	Animals - Seized
<b>Task</b>	Investigation

Attachment 1

20/02/2023 1:45pm Patrolled area and found two male dogs matching description lying under a tree on the roadside verge. Both male, brown, Pit Bull crosses. One older dog with collar and tags (Choc, AN:229991) and one younger, unknown dog. Both attempting to get back into the house of [REDACTED] Northolt Road, appeared to be no access into yard. D/O details obtained by admin however D/O has not been contactable at this time. D40 has called for backup as both dogs have shown significant aggression and have continued to come forward at us. D37 and D44 have arrived. D40 and I have successfully poled the younger dog and placed in truck. D37 and D41 have watched Choc get back into the yard by scaling the back fence between [REDACTED] and [REDACTED] Northolt Road. A third dog has been seen and heard in the house and the back door to the house has been opened meaning that Choc could easily jump the fence and be out again. D40 and D44 have climbed the fence and closed the door to the house so both dogs have been secured inside. Seizure Notice for young dog has been left on the front door of [REDACTED] Northolt Road for S.52A(4) and S.42(2). We have all then left the area. Both Choc and the young dog will be classified as menacing based on the aggressive nature all AECOs have witnessed.

K:31 KR:50451 [REDACTED]

[REDACTED] - 21/02/2023)

02-03-2023 9:30am

Attended address to advise D/O of menacing classification of both dogs. No one home. ([REDACTED] - 02/03/2023) 13-03-2023 2:00pm Phoned D/O [REDACTED] and informed him of the event on the day which included advising of how aggressive the dogs were towards myself and my colleague to which he replied "yeah, I trained them to be like that, they're guard dogs". He has asked me how the older dog (Choc) got back into the yard. I have informed him, Choc has gone down the driveway to the back property and jumped the fence. [REDACTED] has informed me he found the hole and has since fixed it. I have proceeded to tell him that because the dog was still free to leave the property, as we knew he could jump the fence, a colleague has closed the dog inside the house by closing the house door. [REDACTED] has then got quite angry on the phone advising that we'd shut the dog in the toilet and he had destroyed the toilet that day, and that we were responsible and he would take us to Fair Go. I have then concluded the conversation by informing him both dogs were to be classified menacing. He has replied telling me "you're menacing" and demanded I give him the details of the ACO who shut the dog inside. I've told him he needs to make an official request for this information and ended the call. [REDACTED] has promptly called back where he has advised me that he is coming down (to AECU) to get the Officers details. He has then hung up the phone. I have advised Kennel Staff on front desk that [REDACTED] might be calling in and he might be angry.

Menacing Classification for Choc

and Milo attached to CRM and submitted. ([REDACTED] - 13/03/2023)

## Previous Complaints for Dog

CRM No.	155274/2017	Task	2INV
Animal	229991	Outcome	ADVC
Maj Cat.	Animal Control (heading only)	Officer	D25
Min Cat.	Dogs - Offences (heading only)	Opened	15-Sep-17 04:10:00 PM

**Cat 3** Dogs - Attack (heading only) **Closed** 19-Sep-17 02:34:00 PM

**Cat 4** Dogs - Attack - Dog v Animal - Urgent

**CRM No.** 176055/2019 **Task** 2INV

**Animal** 229991 **Outcome** ADVC

**Maj Cat.** Animal Control (heading only) **Officer** D17

**Min Cat.** Dogs - Offences (heading only) **Opened** 12-Nov-18 09:25:00 AM

**Cat 3** Dogs - Ranging Offences Detected By Officer (heading only) **Closed** 10-Jan-19 02:35:00 PM

**Cat 4** Dogs - Ranging - Unregistered Dog Report Compliance

**CRM No.** 188417/2019 **Task** 2INV

**Animal** 229991 **Outcome** ADVC

**Maj Cat.** Animal Control (heading only) **Officer** D17

**Min Cat.** Dogs - Offences (heading only) **Opened** 04-Dec-19 08:50:00 AM

**Cat 3** Dogs - Ranging Offences Detected By Officer (heading only) **Closed** 19-Dec-19 10:26:00 AM

**Cat 4** Dogs - Ranging - Unregistered Dog Report Compliance

**CRM No.** 311347/2023 **Task** 2INV

**Animal** 229991 **Outcome** SEIZ

**Maj Cat.** Animal Control (heading only) **Officer** D45

**Min Cat.** Dogs - Offences (heading only) **Opened** 20-Feb-23 01:28:00 PM

**Cat 3** Dogs - Roaming (heading only) **Closed** 13-Mar-23 02:59:00 PM

**Cat 4** Dogs - Roaming - Public Place

**CRM No.** 311347/2023 **Task** 2INV

**Animal** 245504 **Outcome** SEIZ

**Maj Cat.** Animal Control (heading only) **Officer** D45

**Min Cat.** Dogs - Offences (heading only) **Opened** 20-Feb-23 01:28:00 PM

**Cat 3** Dogs - Roaming (heading only) **Closed** 13-Mar-23 02:59:00 PM

**Cat 4** Dogs - Roaming - Public Place

**CRM No.** 320149/2023 **Task** 2INV

**Animal** 229991 **Outcome** MENC

**Maj Cat.** Animal Control (heading only) **Officer** D41

<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	13-Apr-23 04:42:00 PM
<b>Cat 3</b>	Dogs - Offences - Officer (heading only)	<b>Closed</b>	14-Apr-23 03:18:00 PM
<b>Cat 4</b>	Dogs - Officer - Serve Dog Classification		
<b>CRM No.</b>	320152/2023	<b>Task</b>	2INV
<b>Animal</b>	245504	<b>Outcome</b>	MENC
<b>Maj Cat.</b>	Animal Control (heading only)	<b>Officer</b>	D41
<b>Min Cat.</b>	Dogs - Offences (heading only)	<b>Opened</b>	13-Apr-23 04:44:00 PM
<b>Cat 3</b>	Dogs - Offences - Officer (heading only)	<b>Closed</b>	14-Apr-23 03:17:00 PM
<b>Cat 4</b>	Dogs - Officer - Serve Dog Classification		





Milo

Choc




Milo

Chae






**Hamilton City Council**  
 Te Kaitiaki o Kaitiaki

Private Bag 3010  
 Hamilton 3200  
 New Zealand  
 Tel: 07 838 6600  
 Fax: 07 838 6590  
 Email: info@hcc.govt.nz  
 hamilton.govt.nz

## NOTICE OF SEIZURE AND REMOVAL OF DOG

To: The Dog Owner Offence Date: 20/2/23

Of: [REDACTED] Our Ref: \_\_\_\_\_

Dog/s: X1 Male brown, ~~Blue~~ Bull X Pit Bull X

\_\_\_\_\_

\_\_\_\_\_

This is to notify you that the above dog/s have been seized and removed from this address under Section 42(2) & 52A(4) of The Dog Control Act 1996.

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

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

You may apply for the return of the dog and should contact the Animal Education and Control Centre, 217 Ellis Street, Hamilton on (07) 838 6632 or visit between 12.30 and 4.30 pm within 7 days of the date of this notice.

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

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

Fees can only be paid by cash, Eftpos or credit card. Cheques are not accepted.

Arube DAS  
 Signature of Dog Control Officer

20/02/2023 2:38pm  
 Date/Time of Service

Animal Education & Control

ACR/17  
 Version 5  
 22.10.2014

13 April 2023

[REDACTED]  
Northolt Road  
Fairview Downs  
Hamilton 3214



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)

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 838 6632.

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

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

Regards

[REDACTED]  
**Animal Education and Control Manager**

Animal Education and Control Centre  
217 Ellis Street, Hamilton  
Phone 07 838 6632  
Email [animal.web@hcc.govt.nz](mailto:animal.web@hcc.govt.nz)

AC-F64a  
V 8

## Notice of Classification of Dog as Menacing Dog

Section 33A, Dog Control Act 1996

To: \*  
(name of owner)

Address:

██████████ Northolt Road  
Fairview Downs  
Hamilton 3214

Male, Unneutered American Pit Bull Terrier x  
Labrador Retriever, Brown in colour, Named CHOC,  
Aged 8 years and 3 months approximately,  
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 Monday, 20th February 2023, in Hamilton

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

██  
Animal Education and Control Manager

13/4/23  
Date

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

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

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

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

You —

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

V2  
16.3.2011  
AC-F54



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

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

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

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

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

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

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

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.

13 April 2023

[REDACTED]  
Northolt Road  
Fairview Downs  
Hamilton 3214

Dear [REDACTED]

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

Section 33C of the Dog Control Act 1996 requires Hamilton City Council ("HCC") to classify as menacing any dog that HCC has reasonable grounds to believe belongs wholly or predominantly to one or more breeds or types listed in Schedule 4 of the Dog Control Act 1996.

This means that all dogs of the American Pitbull Terrier **type**, or of the Brazilian Fila, Dogo Argentino, Japanese Tosa or Perro de Presa Canario breed must be classified as menacing. The word **type** is important, it means that if your dog has American Pitbull Terrier characteristics then it is required by law to be classified.

The Notice of Classification is enclosed. It is important to note that your dog's previous or current behaviour has no bearing on this classification.

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

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

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

Regards

[REDACTED]  
**Susan Stanford**  
**Animal Education and Control Manager**  
Animal Education and Control Centre  
217 Ellis Street, Hamilton  
Phone 07 838 6632  
Email [animal.web@hcc.govt.nz](mailto:animal.web@hcc.govt.nz)

AC-F64  
V 8  
16.3.2011

## Notice of Classification of Dog as Menacing Dog

Section 33C, 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)

Address:

Northolt Road  
Fairview Downs  
Hamilton 3214

Male, Unneutered, American Pit Bull Terrier x Labrador  
Retriever, Brown in colour, Named CHOC, Aged 8 years and 3  
months approximately, Microchip

This is to notify you\* that this dog has been classified as a menacing dog under section 33C(1) of the Dog Control Act 1996.

This is because Hamilton City Council ("HCC") has reasonable grounds to believe that the dog belongs wholly or predominantly to one or more breeds or types listed in Schedule 4 of the Dog Control Act 1996, in this case an American Pit Bull Terrier x Labrador Retriever.

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

Animal Education and Control Manager

13/4/23  
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 within 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

V2  
16.3.2011  
AC-F53



- (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- (c) must, if a certificate under paragraph (b)(ii) is produced to HCC, produce to HCC, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

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.

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.

You must provide evidence to HCC that the dog is not of a breed or type listed in Schedule 4 of the Dog Control Act 1996.

From: [REDACTED]@gmail.com>  
Sent: Tuesday, 20 June 2023 8:01 pm  
To: [REDACTED]@hcc.govt.nz>  
Subject: Re:

Yes, please proceed.

On Mon, 24 Apr 2023, 10:19 am [REDACTED]@hcc.govt.nz> wrote:

Hi [REDACTED]

See attached email sent to you on Monday 17 April.

If you wish to continue with the objection to menacing classification, let me know and I will initiate the process.

Regards

Sue

[REDACTED]  
Animal Education and Control Manager | City Safe

DDI: [REDACTED] | Mob [REDACTED] | Email [REDACTED]@hcc.govt.nz

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

[Like us on Facebook](#) [Follow us on Twitter](#)

From: [REDACTED]@gmail.com>  
Sent: Monday, 24 April 2023 10:04 am  
To: [REDACTED]@hcc.govt.nz>  
Subject:

Hi [REDACTED]

[REDACTED] here again ive tried contacting you many time via phone calls and email last week with no reply

I think that is rude and disrespectful so im using my right to Object to the classification under Section 33c ( Section 33d Dog control Act )

[REDACTED]  
[REDACTED] Northolt Road

Fairview Downs

Hamilton

3214

Phone [REDACTED]

JR

----- Forwarded message -----

From [REDACTED] <[\[REDACTED\]@hcc.govt.nz](mailto:[REDACTED]@hcc.govt.nz)>

To: [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>

Cc:

Bcc:

Date: Mon, 17 Apr 2023 02:32:25 +0000

Subject: Classification of menacing

Hi [REDACTED]

Both Choc and Milo were classified menacing based on the level of aggression that was displayed towards animal control staff on the day they were out roaming. I have attached a copy of the job notes in relation to the event for your information. If you have any further questions drop me an email.

Regards

[REDACTED]

[REDACTED]  
[Animal Education and Control Manager | City Safe](#)

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

[Like us on Facebook](#) [Follow us on Twitter](#)

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From: [REDACTED]@gmail.com>  
Sent: Monday, 17 April 2023 10:54 am  
To: [REDACTED]@hcc.govt.nz>  
Subject:

Hello [REDACTED]

[REDACTED] here im just inquiring about a letter concerning my dog Choc on him being Classified as Menacing

Could you explain how all this came about?

Kind regards

[REDACTED]  
[REDACTED] Northolt Road

Hamilton

3214

Phone [REDACTED]

JR

H [REDACTED]

Its Jonathan here again i was disappointed your never replied back to my email sent on the 24 April to say yes im objecting to the classification under section 33c i sent a further email explaining why now to my horror ive received my dog rego forms with choc already been classified with my notification of objection heard

Im still unemployment so i can pay for kaia this week choc will have to wait



Statement from Animal Control Officer D45.

Regarding [REDACTED] Northolt Road, Hamilton.

On the 20th February 2023 at approximately 1:45pm, after receiving a report of two brown Pitt Bull type dogs roaming around [REDACTED] Northolt Road, D40 and I have patrolled the area and seen two dogs, matching the description in the job, lying under a tree on the grass verge outside [REDACTED] Northolt Road.

Upon exiting the vehicle, the dogs have seen us and have gone to the front door of the house at [REDACTED] Northolt Road appearing to be trying to get inside the house. They have both started running around in an attempt to find a way back into the yard.

D40 has approached the front door of the house to rouse any occupant. While on the front step, the older male dog has rushed at D40 aggressively, forcing D40 to use his catch pole to fend the dog off.

Both dogs have continued to rush forward towards us in an aggressive manner, growling, teeth bared and lunging at us.

We have contacted AEC admin and obtained dog owner details for the address, and I have tried contacting the dog owner with no answer. We have retreated to the vehicle and called for backup from colleagues.

Approximately 15-20 minutes later, D37 and D44 have arrived. At this time, the dogs were lying under the yucca trees at the front of the property, free to leave. Once all four officers have approached, both dogs have started rushing forwards towards us, again growling, lunging, and snarling at us.

D40 and I have focused on the younger dog, while D37 and D44 have focused on the older dog. D40 has managed to capture the young dog on a catching pole and placed him in a vehicle.

We have then followed D37 and D44 down the long driveway to the house behind, where they saw the older dog jump through a hole in the fence into the back yard of [REDACTED] Northolt Road. The dog has then entered the house through the back door which was open.

A neighbour has informed us that the other dog at the property was aggressive too and that the dogs were out often.

As we were aware that this dog could jump back out of the property and be free to leave again, D44 and D40 have jumped the fence into the back yard and closed the door of the house containing the dog inside.

We have all then left the property and impounded the young dog which required poling out of the vehicle and into the kennels due to its aggression.

I, [REDACTED] state:

1. My full name is Justin [REDACTED] I am an Animal Education and Control Officer for Hamilton City Council, and I have held this role since August 2022. My designation is D40.
2. On the 20th of February 2023, around 1.45pm, my colleague D45 was given a job about two dogs roaming on Northolt Road, outside the properties of [REDACTED] and [REDACTED] Northolt Road, which I attended with her.
3. As we patrolled Northolt Road we could see two brown, male, Pitbull crosses lying under a tree on the grass verge outside [REDACTED] Northolt Road. We called our admin team, and they gave us the contact details for the owner of "Choc" the older of the two dogs, we had no record for the younger dog at the property. D45 tried phoning the dog owner but couldn't get hold of him.
4. The front of the property wasn't fenced, and the dogs looked like they couldn't get into the back section. As we left our vehicle and approached the dogs they barked and rushed at us aggressively. I attempted to get to the front door to knock to see if someone was home, and at this point both dogs came rushing at me and snarling, with "Choc" getting close enough to me that I had to use my catching pole to fend him off.
5. I called for back up and D45 and I have waited by our vehicle until D37 and D44 have arrived to assist. The dogs have backed off as we approached them but continued to bark and snarl at us. D45 and I have managed to get the younger dog on a catching pole whilst D37 and D44 have followed "Choc" down the driveway of [REDACTED] Northolt Rd.
6. We've contained the younger dog in our vehicle and gone down the driveway of [REDACTED] Northolt Rd to assist D37 and D44. They have told us that "Choc" has gone through a gap in the fence that backs onto [REDACTED] Northolt Rd and is now back in his section.
7. As we know "Choc" can get out of his section, D44 and I have gone into the back section of [REDACTED] Northolt Rd, where "Choc" was now inside the house. I have pulled the back door closed so "Choc" was securely contained.
8. We have left a seizure notice on the front door for the younger dog. And made our way back to the AECU where we have impounded the younger dog.

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

DATED AT HAMILTON THIS 7th DAY OF JULY 2023

[REDACTED]

20/02/2023

█ Northolt Road

My full name is █ I am an Animal Control Officer for Hamilton City Council.

Myself and officer D37 were called by D40 and D45 to assist them at a address where they were attending a call for 2 dogs free to leave their property.

D37 and I arrived and have sighted the 2 dogs (both are brown Pit bull type dogs), on the front of the property D40 and D37 were at the front of the house on the footpath keeping them from leaving. As we approached, I could see the dogs, they were both barking at officers and when approached were acting in an aggressive manor.

We have approached the dogs to attempt to remove them, as we approached them they reacted more aggressively barking and snarling and coming forward at us.

D40 has managed to pole one of the dogs and put it into the ute. The second dog has run to the next-door driveway, entering the rear address. We have followed the dog into the property and lost sight of it. We spoke to the residents who told us the dog had gone to the corner of the property and can get through back into their property, The residents told us the dogs come and go through the fence, we looked but could not see where the dog had got through as it was all overgrown with vine.

We have gone back to the front of the dogs' address and could hear the dog barking from inside the house. We have had a discussion about what to do, D40 and myself went into the property, we have seen that the rear door to the house was open. D40 has hooked the door handle with a catch pole and pulled the door shut then we have left.

My full name is [REDACTED], I am a Team leader for the Animal Control Officers for Hamilton City Council.

On the 20th February 2023 at approximately 2pm I have attended the address of [REDACTED] Northolt Road, Hamilton with Dog control officer D44.

Dog control officer D40 had called us to request back up as herself and Dog control officer D45 were working with 2 aggressive dogs loose in the street.

When we have arrived, the dogs have been on the front of the property of [REDACTED] Northolt Road. There is no fencing at the front of the property, the dogs were free to leave.

On exiting my vehicle, the dogs have reacted to the movement by coming forward towards the footpath. I have joined my colleagues on the footpath outside the address. While we were talking and planning to contain the dogs, the 2 dogs have come rushing forward towards us, barking growling, and lunging in a very aggressive manner.

Myself and my 3 colleagues have had our catch poles for safety and have managed to get the dogs to move back towards the front door of the property. The younger dog has been put on a catch pole by D40.

The older dog has run off down the driveway of the property behind the address, it has gone through a hole in the fencing between the properties. Residents have told us that the dogs have been out before and are aggressive.

As the dog had entered the property through the hole, we knew that it would be able to exit it again if we left it in the property. We needed to secure the dog in a way we knew it would be safe from exiting again.

D40 and D44 have gone into the rear of the property, the dog went inside the open door at the rear of the house. D40 closed the door to secure the dog. We have then left the address.

The dogs were both brown Pitbull type dogs, 1 young dog and 1 older dog.



Ordinary Dog Control Hearings Panel Meeting  
07 August 2023

e\_an005 - Animals Enquiry - Hamilton\_LIVE - 30252 - 1.1

Document Edit Name and Address Payments Animals Other Modules Help

OK Cancel Cut Copy Paste Find Excel Help Mapping Memos Attachments

1 of 1

Document		Browse	
<b>**Menacing Animal**</b>			
5 Memos Recorded			
Animal Type	1 Dogs	Number	229991
MicroChip Brand	MICROCHIP	Id	
Alpha Key			
Assessment	11852	Parcel	4437594
Owner	437524		
House Number			
Street Name	Northolt		
Suburb Name	Fairview Downs	3214	
Owner Details			
Name			
Address		Northolt Road Fairview Downs Hamilton 3214	
Mobile Phone			
Home Phone			
Business Phone			
e-Mail Address		@gmail.com;	
Animal Details			
Kept at Address Northolt Road Fairview Downs Hamilton 3214			
OutsideTag		Ref	
Animal Name	Choc	Neutered	N
Breed	PITB Terrier American Pit Bull	Gender	Male
Main Colour	BRO Brown	Cross	LABR Retriever Labrador
Birth	05/12/2014	Second	
Age	8 Years 7 Months	Death	
Features	White on chest	Permit Number	
Registration Details			
Tag Number		Tag Set	2023/24
eTran		Recpt Date	03/07/2023
		Reg Till	30/06/2024
By Law Code Search			
Code Type		Code Value	

Item 6

Attachment 5



Please add or change any details that are incorrect  
You can register your dog online at [www.hamilton.govt.nz](http://www.hamilton.govt.nz)

Registration Renewal  
For year ending 30 June 2023

## OWNER DETAILS

437524

NAME: [REDACTED]  
DATE OF BIRTH: [REDACTED]  
POSTAL ADDRESS:

RESIDENTIAL ADDRESS  
(if different to Postal): Northolt Road Fairview Downs  
Hamilton 3214

PHONE: Home: Work:

Mobile: [REDACTED]

EMAIL:

Tick to receive dog registration renewals by email ☐

NAME:

DATE OF BIRTH:

POSTAL ADDRESS:

RESIDENTIAL ADDRESS  
(if different to Postal):

PHONE: Home: Work:

Mobile:

EMAIL:

Tick to receive dog registration renewals by email ☐

OWNER 1 NUMBER: 437524

ANIMAL NUMBER: 229991

TAG PREFERENCE: ☐ DISC ☒ STRAP

NAME: Choc

BREED: Terrier American Pit Bull

COLOUR: Brown

AGE: 7

SEX: M

TAG No: 12540  
(Office Use only)

DOG KEPT AT ADDRESS: Northolt RD

DO YOU STILL OWN THIS DOG? YES / NO IF No, please provide reason:

REGISTRATION CATEGORY: 1 FEES DUE BY 30 JUNE: \$80.00 AFTER 30 JUNE: \$95.00 AFTER 31 JULY: \$142.50

ANIMAL NUMBER: 240856

TAG PREFERENCE: ☐ DISC ☒ STRAP

NAME: Kaia

BREED: Terrier American Pit Bull

COLOUR: Tan / White

AGE: 1

SEX: F

TAG No: 12539  
(Office Use only)

DOG KEPT AT ADDRESS: Northolt RD

DO YOU STILL OWN THIS DOG? YES / NO IF No, please provide reason:

REGISTRATION CATEGORY: 1 FEES DUE BY 30 JUNE: \$80.00 AFTER 30 JUNE: \$95.00 AFTER 31 JULY: \$142.50

ANIMAL NUMBER:

TAG PREFERENCE: ☐ DISC ☐ STRAP

NAME:

BREED:

COLOUR:

AGE:

SEX:

TAG No:  
(Office Use only)

DOG KEPT AT ADDRESS:

DO YOU STILL OWN THIS DOG? YES / NO IF No, please provide reason:

REGISTRATION CATEGORY: FEES DUE BY 30 JUNE: AFTER 30 JUNE: AFTER 31 JULY:

## DECLARATION

I HEREBY VERIFY THAT THE ABOVE PARTICULARS ARE CORRECT (This application will not be accepted unless signed by the dog owner)

SIGNATURE: [Signature]

DATE: 21/7/22

\* Please read form and sign here

Johnathon Royce Rivers  
27 Northolt Road  
Fairview Downs  
Hamilton 3214

# 10369056

2724 10369056271601

# Application to Register a Dog



Please add or change any details that are incorrect  
You can register your dog online at [www.hamilton.govt.nz](http://www.hamilton.govt.nz)

Step 1: This applications is for a: ☐ Renewal ☐ New Registration ☐ Registration Transfer ☐ Replacement Tag

## Step 2: Owners Details

For Year Ending 30 June 2021

Owner 1 No: 437524

Owner 2 No:

NAME [REDACTED]  
POSTAL ADDRESS [REDACTED] Northolt Road  
Fairview Downs  
Hamilton 3214  
  
RESIDENTIAL ADDRESS (if different to Postal)  
  
PHONE  
Home [REDACTED] Work  
Mobile [REDACTED]  
EMAIL [REDACTED]@gmail.com  
DATE OF BIRTH [REDACTED]  
Tick to receive dog registration renewals by email ☐

NAME  
POSTAL ADDRESS  
  
RESIDENTIAL ADDRESS (if different to Postal)  
  
PHONE  
Home  
Mobile  
EMAIL  
DATE OF BIRTH  
Tick to receive dog registration renewals by email ☐

OWNER No. 1: 437524

## Step 3: Dog Detail

Animal Number: 229991

NAME: Choc AGE 6 Years 6 Months SEX: FEMALE: ☐ MALE: ☒  
DOG KEPT AT ADDRESS [REDACTED] Northolt Fairview Downs  
PRIMARY BREED Terrier American Pit Bull PRIMARY COLOUR Brown  
SECONDARY BREED Retriever Labrador SECONDARY COLOUR  
ANY DISTINGUISHING MARKS? Please describe: White on chest  
I NO LONGER HAVE / OWN THIS DOG. Please give reason:  
TATTOO or MICROCHIP DETAILS(certificate required) MICROCHIP [REDACTED]  
IS THE DOG CLASSIFIED UNDER THE DOG CONTROL ACT. If yes please tick option  
DANGEROUS ☐ MENACING ☐ N/A ☐  
IS THE DOG CURRENTLY REGISTERED WITH ANOTHER COUNCIL? YES ☐ NO ☐  
COUNCIL YEAR REGISTERED: TAG NUMBER  
TAG PREFERENCE ☐ Disc ☒ Strap 11811

ANIMAL NUMBER: 229991

## Step 4: Signature

I HEREBY VERIFY THAT THE ABOVE PARTICULARS ARE CORRECT (This application will not be accepted unless signed by the dog owner)

SIGNATURE:  Date 30/6/21

REGISTRATION CATEGORY Category 1 Tag Issued  
FEES DUE BY 30 JUNE: 80.00 AFTER 30 JUNE: AFTER 31 JULY:

Hamilton City Council  
Te Kaunihira o Kiriwhiri

Item 6

Attachment 5

From: [REDACTED]@gmail.com>  
 Sent: Friday, 30 June 2023 8:02 pm  
 To: [REDACTED]  
 Subject: Fwd: Written Statement objecting to Choc being classed as Menacing

----- Forwarded message -----

From: [REDACTED]@gmail.com>  
 Date: Fri, 30 Jun 2023, 8:02 pm  
 Subject: Written Statement objecting to Choc being classed as Menacing  
 To: [REDACTED]@hcc.govt.nz>

First and foremost just want to acknowledge Animal Control for all the good work they do in the community 🍷  
 Great job guys keep it up 🍷

I had Choc since he was 6weeks old i got him registered at 3months old he is now 8years old ...he has be a loyal friend to me and my friends and family never shown aggression only one time when he was 3years old i got attacked in town from behind choc grabbed his leg which i demanded he let him go

The guy was shocked and apologized as it was mistaken identity....i asked if he leg was ok only a small cut below his knee

In the last year or so ive noticed my dog's have been more on guard (not aggressive) but always barking at night and sometimes have shown signs of being not well ....i do an inspection on my back yard regularly and sometimes find things like balls and toys that don't belong to me (i think somebody's been tryna poison my dogs) so im always out there with them when they have to toilet breaks ...

If i ever did catch somebody trying to harm my dogs or poison them.....

NO COMMENT !!

I have noticed behavioural changes in Choc not aggression but he's not him happy go lucky self the last 6months ...

As far as the incident on the 20/02/2023 goes i was at work that day out of town and got home to find a notice on my door that Milo had been impounded (no notice of Choc being at large or even Milo being aggressive) wasn't until i received a phone call on the 13/03/2023 from [REDACTED] who identified herself from Animal control that Choc and Milo had been classified as Menacing

Obviously i got upset as these are my loved ones ....i never received the paper work for classification until the next month in April which i tried Contacting [REDACTED] as i spoke to her on the 24/02/23 when i picked up milo from the pound (i was told it was going to be \$780 before they would release him to me but i argue that i had spoken to somebody from Animal control prior to that and they said i would just pay the registration fee and the days he spent in the pound even though Milo needed pet care after being in there 3days he spewed up some cloths or something.

So i rang a friend and she talked to [REDACTED] because i was stressed out and told i would only be paying couple hundred dollars not \$780



So after i left with milo only paying \$198 Milo was stink and very Scared like he was traumatized 😞 but there was still no mention of choc or milo being classified as Menacing 😞 WHY 😞

Im thinking is because Animal control are upset i never had to pay the vet bill for my dog milo being sick while in their care why they have brought this Menacing classification about

I'll be honest ive lost all hope and faith and trust in the team at Animal Control

Kind regard

[REDACTED]  
[REDACTED] Northolt Road  
Fairview Downs  
Hamilton 3214  
Email [REDACTED]@gmail.com  
Phone [REDACTED]

## Resolution to Exclude the Public

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

The following motion is submitted for consideration:

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

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

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

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

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