

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Regulatory and Hearings Committee will be held on:

Date: Wednesday 23 May 2018
Time: 9.30am
Meeting Room: Committee Room 1
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Regulatory and Hearings Committee OPEN AGENDA

Membership

Chairperson: Cr Angela O'Leary

Deputy Chairperson: Cr Leo Tooman

Membership: The Mayor and all Councillors
(The composition of any Regulatory Hearings Committee for quorum purposes to be determined by the Chairperson)

Meeting frequency: As required

Quorum: Three members

Claire Guthrie
Committee Advisor

16 May 2018

Telephone: 07 974 0504
Claire.Guthrie@hcc.govt.nz
www.hamilton.govt.nz

Purpose:

1. To conduct fair and effective hearings and make determinations on a range of the Council's quasi-judicial functions under legislation and other matters as referred to the Committee.
2. To convene and coordinate Task Force groups on matters referred by other Committees.

The Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. Hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):
 - objections under the Dog Control Act 1996;
 - matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002;
 - proposals for temporary closure of any road.
2. Consider and determine changes to the registers and parking restrictions in the Traffic Bylaw 2015, including hearing any submissions relating to those proposed changes.
3. Hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
4. Hear and determine other matters that require hearings or submissions, as referred by Council or other Committees.
5. To convene Task Force groups and carry out the terms of reference approved and referred by Council or other Committees.

The Committee is delegated the following powers to act:

- Approval of matters determined by the Committee within its Terms of Reference.
- Approval of activities and expenses relating to Task Force groups consistent with their terms of reference and approved Task Force group budget.

The Committee is delegated the following recommendatory powers:

- The Committee may make recommendations to Council.
- The Committee may make recommendations to Committees.

Special Notes:

- The Committee may request expert advice through the Chief Executive when necessary.
- The Committee may appoint additional members for hearings where the relevant terms of reference specify the requirement for expert or external representation.

ITEM	TABLE OF CONTENTS	PAGE
1	Apologies	4
2	Confirmation of Agenda	4
3	Declarations of Interest	4
4	Confirmation of Regulatory and Hearings Committee Open Minutes - 24 April 2018.	5
5	Objection to disqualification from dog ownership by Rachelle James	13
6	Objection to menacing classification - Lisa and Andrew Eyre	21

1 Apologies

2 Confirmation of Agenda

The Committee to confirm the agenda.

3 Declaration of Interest

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: Regulatory and Hearings Committee
Date: 23 May 2018

Author: Claire Guthrie
Authoriser: Becca Brooke

Position: Committee Advisor
Position: Governance Team Leader

Report Name: Confirmation of Regulatory and Hearings Committee Open Minutes - 24 April 2018.

Report Status	<i>Open</i>
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Staff Recommendation

That the Committee confirm the Open Minutes of the Regulatory and Hearings Committee Meeting held on 24 April 2018 as a true and correct record.

Attachments

Attachment 1 - Regulatory and Hearings Committee - Open Minutes - 24 April 2018 .

Regulatory and Hearings Committee

(Dangerous and Insanitary Buildings Policy and
Class 4 Gambling Venue Policy Hearings)

OPEN MINUTES

Minutes of a meeting of the Regulatory and Hearings Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 24 April 2018 at 9.30am.

PRESENT

Chairperson: Cr Angela O’Leary

Deputy Chairperson: Cr Leo Tooman

Members: Mayor A King
Deputy Mayor M Gallagher
Cr D Macpherson
Cr G Taylor
Cr M Bunting
Cr J R Casson
Cr S Henry
Cr G Mallett
Cr R Pascoe
Cr P Southgate
Cr R Hamilton

In Attendance: Julie Clausen – Programme Manager
Cory Lang – Building Control Unit Manager
Riki Manarangi – Corporate Policy Specialist

Governance Staff: Amy Viggers and Claire Guthrie – Committee Advisors

1. Apologies

Resolved: (Crs O’Leary/Taylor)

That the apologies from Mayor King, Deputy Mayor Gallagher, Crs Casson, Macpherson, and Bunting for lateness are accepted.

2. Confirmation of Agenda

Resolved: (Crs O’Leary/Henry)

That the agenda is confirmed noting that the order of items will be flexible to accommodate members of the public.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

The following member of the public spoke to their submissions on the Proposed Dangerous and Insanitary Buildings Policy:

Susan Stevenson (Representative of House of Montrose Limited), submission 4 – Ms Stevenson spoke to her submission on the Proposed Dangerous and Insanitary Building Policy and stated she believed this policy lacked precision. She noted that the Council should not rely on the public to report dangerous or insanitary buildings, but should take responsibility to inspect buildings as the regulatory body. She responded to questions from Elected Members concerning how inspection costs could be recovered.

The following members of the public spoke to their submissions on the Proposed Class 4 Gambling Venue Policy:

Ken Marcum (Representative of Hamilton Workingmen's Club), Submission 3

Mr Marcum spoke to the Club's submission which opposed any changes to the current policy. He noted that there were a number of disadvantages for a club like the Workingmen's Club if the policy was to change. He responded to questions from Elected Members concerning income that the club receives from gambling machines.

Cr Casson joined the meeting (9.45am) during the discussion of the above item.

Cr Macpherson and Cr Bunting joined the meeting (9.50am) during the discussion of the above item.

Nicola Clayden (Representative of Waikato University Sports Clubs Incorporated), Submission 7, Ms Clayden spoke to the submission from the Waikato University Sports Clubs Incorporated. The Club felt that the policy was too restrictive and supported Option B in the report. She responded to questions from Elected Members concerning the percentage of funding that the clubs received from gambling machines.

Deputy Mayor Gallagher, joined the meeting (9.56am) during the discussion of the above item.

Mayor King joined the meeting (10.01am) during the discussion of the above item.

Ben MacCormack (CEO of Northern Districts Cricket), Submission 9

Mr MacCormack spoke to his organisation's submission which supported no change to the current policy. He noted that the funding received by Northern District Crickets from gambling machines represented 20% of total revenue for the non-profit group and that a change to the policy would adversely affect this revenue. He responded to questions from the Elected Members concerning funding losses that were noted in the group's submission.

Chris Rollitt (Resident), Submission 12

Mr Rollitt spoke to his experience within the hospitality industry and stated that Class 4 venues were heavily regulated, thus controlling harm and he did not support changes to the current policy. He suggested a cap on the number of gambling machines rather than a sinking lid policy and supported relocation to spread venues to different areas rather than clusters of gambling venues. He responded to questions from Elected Members concerning other funding options for community groups.

Hugh Kininmonth (CE of Hauraki Primary Health Organisation), Submission 16

Mr Kininmonth spoke in support of the changes to the current policy and supported a sinking lid policy. He responded to questions from Elected Members concerning the impact of gambling machines on the community and the link to poverty.

Stephen Cox (Representative of Dynamo Cycling & Sports Club Incorporated), Submission 19

Mr Cox stated that his organisation supported the current policy and believed it was fair. He also suggested other gambling methods had a more adverse effect on the community and did not give back to the community as the gambling trusts did. He responded to questions from Elected Members concerning gambling options available to people and percentage of profits that are returned to the community from gambling.

The meeting adjourned from 10.45 to 11.00am.

Jarrold True (Representative of Clubs New Zealand), Submission 24

Mr True spoke to Clubs NZ's submission which supported no changes to the current policy because of the negative effect on the community if clubs could not merge. He stated that any merger of clubs in Hamilton would result in reduced numbers of gaming machines as well as reduced venues as the two clubs would become one club. He responded to questions from Elected Members on various club funding streams.

Jarrold True (Representative of Gaming Machine Association of New Zealand) Submission 70

Mr True stated the Gaming Machine Association did not support the removal of the relocation clause within the current policy. He stated that the policy was put in place in after public consultations in July 2016 and that Council should wait for it to be reviewed in September 2019 after its three year term. He responded to questions from Elected Members concerning venues that could be prevented from relocating if the policy was changed.

Jim Keyte (Hamilton Group Riding for the Disabled), Submission 26

Mr Keyte spoke to his organisation's submission noting that it was heavily reliant on the funding from gambling machines and would be greatly affected by the proposed change in policy. He responded to questions from Elected Members concerning the decrease in funding that the organisation had received from gaming machines over the last 10 years.

Tanya Piejus (Representative of New Zealand Community Trust (NZCT)), Submission 28

Ms Piejus spoke against a change in policy and noted that Class 4 gaming societies are required to distribute a minimum return of 40% to the community, on top of government fees, levies and GST, site rental, and machine and operating costs which limits profit. She responded to questions from Elected Members concerning the benefit in the community from grants generated through gambling machines and concerns that online gambling was unregulated and did not return any funding to communities.

Rohan West (Representative of Netball Waikato Bay of Plenty) Submission 30

Mr West noted the possible negative effect on his organisation if the new policy was approved as less funding would be available through the sinking lid and no relocation policies. He responded to questions from Elected Members concerning available funding options and how the current gambling machine grants supported their activities.

Bill Heslop (Representative of Waikato Rugby Referees Association), Submission 35

Mr Heslop spoke against a change in policy noting that in his opinion Class 4 gambling was one of the most regulated areas of gambling. He responded to questions from Elected Members about the harm minimisation methods used in Class 4 venues.

Murray Reade (CE of The Lion Foundation), Submission 36

Mr Reade spoke against the proposed changes to the policy and emphasised the value that the community received through gambling machine grants. He responded to questions from Elected Members concerning the high priority that the Lion Foundation put on gambling harm minimisation, including onsite staff training.

Mayor King left the meeting (12.23pm) during the discussion of the above item.

Deputy Mayor Gallagher and Cr Macpherson retired from the meeting (12.30pm) during the above item. They were not present when the matter was voted on.

Simon Perry (Representative of Te Awa River Ride Charitable Trust), Submission 38

Mr Perry spoke against the proposed change to the Council's policy noting that there were many ways to gamble and that gambling machines were a small portion of those options. He responded to questions from Elected Members concerning his rationale that the benefits out-weigh the harm.

Cr Bunting left the meeting (12.39pm) during the discussion of the above item.

The meeting adjourned from 12.43pm-1.15pm.

Mayor King re-joined the meeting at the conclusion of the above adjournment.

Crs Hamilton and Taylor retired from the meeting during the above adjournment.

Cr Mallett left the meeting during the above adjournment.

Richard Harris (Representative of Eastlink Tennis Trust), Submission 43

Mr Harris stated his organisation was against the proposed change to the policy. In response to Elected Members questions he stated that the Trust had received \$55,000 in the last year and that this funding was essential to the Trust's viability.

Edward Hardie (Representative of Ace Swimming Club), Submission 45

Mr Hardie spoke to his group's submission noting they were against the proposed change in policy. He asked Council to consider how it could increase community funding in the future to make up for the lost funding. He responded to questions from Elected members concerning the funding that the club receives from gambling machines (\$55,000) which was between 33% and 50% of the club's total income.

Cr Mallett re-joined the meeting (1.23pm) during the discussion of the above item.

David Macaskill and Bronwyn Bent (Representatives of Hamilton Garden Arts Festival), Submission 50

Mr Macaskill and Ms Bent spoke against the proposed change to the Class 4 Gambling Venue Policy. They explained that the Hamilton Gardens Arts Festival relied heavily on funding provided by community gaming trusts to provide free events. They responded to questions from Elected Members concerning the process their committee followed before making a submission for funding from gambling trusts to ensure all members agreed to accept such funding.

Tim Wood and Martin Bradley (Representatives of Grassroots Trust Limited), Submission 37

Mr Wood and Mr Bradley said that the Trust did not support changes to the current Policy. They spoke to their PowerPoint presentation which outlined the how the Trust distributed funds back to the community across the sport, community and education sectors. They explained the work they were doing to minimise harm from problem gambling and responded to questions from Elected

Members concerning their harm minimisation methods and the level of success from the use of those methods.

Eru Loach and Tina McIver (Problem Gambling Foundation of New Zealand), Submission 63

Mr Loach spoke in support of the proposed changes to the policy as the Foundation believed that there was substantial gambling harm in the community although there was a lack of research and reported measures of gambling harm. He said there would be little loss of community funding as venues were unlikely to close unless they breached government regulations. He responded to questions from Elected Members concerning the decrease in number of venues and machines but that the number of peoples affected by problem gambling had remained stable.

Kay Kristiensen and Dyfed Thomas (Representatives of Population Health Waikato District Health Board), Submission 68

Ms Kristiensen and Mr Thomas stated they strongly supported the proposed policy changes because it was a true sinking lid policy with no merges or relocations. They noted that the 6 main areas of harm from gambling were; decreased health, emotional or psychological distress, financial harm, reduced performance at work or education, relationship disruption, conflict or breakdown, and criminal activity. They responded to questions from Elected Members concerning the definition of low risk gamblers and alternative fundraising opportunities for community groups to gambling related funds.

Cr Bunting re-joined the meeting (2.25pm) during discussion of the above item.

Martin Cheer (Representative of Pub Charity Limited), Submission 66

Mr Cheer stated his organisation was against the proposed policy change. He spoke to his PowerPoint presentation and noted that the Ministry of Health had research which demonstrated that the reduction in gambling machine numbers had not reduced the number of reported problem gamblers which had remained at the same level for some years. He responded to questions from Elected Members concerning harm minimisation training and problem gambling screen index definitions.

Michelle Connell and Steve Gow (Representatives of Balloons over Waikato), Submission 67

Ms Connell and Mr Gow spoke against the proposed change in policy and noted that a reduction in the funding received from gaming trust funds could adversely affect their organisation's ability to provide this event in the future. They responded to questions from Elected Members concerning the amount received from gaming trust funding and clarified that this funding provided 27% of the organisation's total income.

Cynthia Ward and Stephen Parkinson (Representatives of True Colours Children's Health Trust), Submission 69

Ms Ward and Mr Parkinson stated they were against the proposed policy change. They spoke to their PowerPoint presentation which outlined how the Trust provided support services to children with serious illnesses and their families. They noted that they have seen families affected by problem gambling and as a Trust had strongly discussed whether or not to apply for gaming trust funding, which provided 42% of the Trust's funding. They responded to questions from Elected Members concerning the fundraising that the Trust does.

The meeting adjourned from 3.07pm-3.15pm.

Cr Pascoe retired from the meeting during the above adjournment.

Dave Kneebone and Blair Foote (Representatives of Waikato Rugby Union), Submission 55

Mr Kneebone and Mr Foote spoke to their submission noting that they were supportive of a change to minimise harm caused by gaming but Rugby Union believed the proposed approach was too restrictive. They noted that there were other gambling methods which could be more damaging than gambling machines. They responded to questions from Elected Members concerning other funding options available to community groups.

Karen Singers (Representative of Perry Outdoor Education Trust), Submission 71

Ms Singers provided a video presentation that demonstrated how the Trust used the funding received from gaming trust funds. She responded to questions from Elected Members and clarified that the funding received from gaming trust funds made up 25% of their total income.

6. Dangerous and Insanitary Buildings Policy - Hearings Report

The Programme Manager and Building Control Unit Manager took the report as read and noted the following questions from Elected Members as issues to be addressed in the Deliberations Report.

- What the current complaint and review process was to identify these buildings in Hamilton
- What processes, procedures, investment and cost allocation would be necessary for the Council to monitor and enforce the policy rather than respond to ad hoc public complaints
- What other Councils do and examples of different processes

Resolved: (Crs O'Leary/ Casson)

That the Regulatory and Hearings Committee:

- a) receives the report;
- b) considers the submissions received and the staff analysis of these submissions; and
- c) notes that a Deliberation Report for the proposed Dangerous and Insanitary Buildings Policy will be presented at the 24 May 2018 Council meeting.

7. Class 4 Gambling Policy - Hearings Report

The Programme Manager and Corporate Policy Specialist took the report read and noted that Elected Members requested staff to present information, where possible, in the report to the 24 May 2018 meeting on the following matters:

Legal requirements - venues

- Clarity on harm minimisation requirements and practices.

Relocation policies

- Implications of relocating class 4 venues vs non-relocation.
- Comparison with other Councils that have no relocations in their policy.

Class 4 vs other gambling

- Comparison between class 4 and other gambling methods in terms of spend and harm especially online gaming
- Clarity regarding legislation that governs Casinos

Further Statistical information

- Clarity on the source of statistical data presented by submitter #68 (Population Health) around harm caused by gambling (e.g. gambling vs diabetes) and definition of harm (i.e. who are harmed?).
- An independent/Staff assessment of statistical data presented by submitters on harm.
- Clarity on the different categories of gamblers (including low-risk, moderate-risk gambling and problem gambling).
- Annual figures of venues, machine numbers, revenue and funding for class 4 in Hamilton since 2000.
- Comparison with other countries in terms of % of pokie money which is given back to the players.
- Impact in terms of harm comparison from gambling with alcohol and smoking (further to submitter #35's remarks).

External Publications

- Consideration of the review of gambling venues report from Auckland Council
- Consideration of any Central government goals on the future of gambling if any (e.g. initiatives like Smoke-free NZ 2025).
- Consideration of the most recent Lotto annual report

Resolved: (Crs O'Leary/Bunting)

That the Regulatory and Hearings Committee:

- a) receives the report;
- b) considers the submissions received and the staff analysis of these submissions; and
- c) notes that based on the results of this hearing, a Deliberation Report for the proposed Class 4 Gambling Policy will be presented at the 24 May 2018 Council meeting.

4. **Confirmation of Regulatory and Hearings Committee Open Minutes - 1 March 2018**

Resolved: (Crs O'Leary/ Tooman)

That the Committee confirm the Open Minutes of the Regulatory and Hearings Meeting held on 1 March 2018 as a true and correct record.

5. **Confirmation of the Regulatory and Hearings Committee Open Minutes - 13 March 2018**

Resolved: (Crs Casson/Henry)

That the Committee confirm the Open Minutes of the Regulatory and Hearings Meeting held on 13 March 2018 as a true and correct record.

The meeting was declared closed at 4.16pm.

Council Report

Item 5

Committee: Regulatory and Hearings Committee
Date: 23 May 2018
Author: Susan Stanford
Authoriser: Kelvin Powell
Position: Manager Animal Education & Control
Position: City Safe Unit Manager
Report Name: Objection to disqualification from dog ownership by Rachelle James

Report Status	<i>Open</i>
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Purpose

1. To request the Regulatory and Hearings Committee make a determination on the objection to disqualification from dog ownership submitted by Rachelle James.

Staff Recommendation

2. That the Regulatory and Hearings Committee:
 - a) receives the report; and
 - b) makes a determination as to whether or not the disqualification of Rachelle James from dog ownership for five years is upheld or an alternative resolution is recommended.

Background

3. [The Dog Control Act 1996 S25](#) notes that a territorial authority must disqualify a person from being a dog owner if they commit three or more infringement offences in a continuous 24-month period unless the circumstances of the offences do not warrant disqualification.
4. Rachelle James has been disqualified from dog ownership from 3 August 2017 and was notified on 23 February 2018 (attachment 1)
5. Rachelle James has received 6 infringements for 5 incidents over a 24-month period; two of these were received after being served with disqualification correspondence (Attachment 2 – Animal History for 24 month period).
6. Animal Education and Control has created a total 17 customer action requests (CARs) regarding Rachelle James' dog Opal-Nera for the following reasons:
 - 10 incidents of her dogs out roaming
 - 3 unregistered dogs
 - 2 dog rushing persons
 - microchip compliance
 - Disqualification from dog ownership

7. These CARs have resulted in:
 - Advice being given on seven occasions
 - Six infringements being issued for five incidents
 - Two written warnings.(Attachment 3 - full CAR history.)
8. Section 26 of the Dog Control Act 1996 outlines the right of the dog owner to object to the disqualification and the factors territorial authorities should consider when hearing the objection.
9. Rachelle James objected to the disqualification on 5 March 2018 for the following reasons:
 - She is a good dog owner - dog is healthy, registered, microchipped, neutered, vaccinated and fed.
 - Does not believe that being outside of the gate sometimes is justification for disqualification.
 - That Opal-Nera sometimes slips out unnoticed but they look for her as soon as they notice.
 - Opal-Nera is a loved member of the family.
 - A lot has happened recently which has contributed to not keeping a close eye on her dog.(See Attachment 4 – Objection received)

Options

10. The committee may choose one of the following options when making its decision:
 - To uphold the disqualification for the full five years.
 - To uphold the disqualification but for a shorter period of time.
 - The objector to be made a probationary owner.
 - To overturn the disqualification.

Attachments

Attachment 1 - disqualification - Rachelle James

Attachment 2 - History 24 months - Rachelle James

Attachment 3 - Complete history - Rachelle James

Attachment 4 - Objection received - Rachelle James .

COPY

NOTICE OF DISQUALIFICATION FROM DOG OWNERSHIP

Section 25, Dog Control Act 1996

TO: (Name of owner) **Rachelle Maree James**

ADDRESS: **63 Rotokauri Road, Nawton, Hamilton 3200, ,**

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

This follows –

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

The disqualification will apply from 3 August 2017 until 3 August 2022

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



Signature of officer



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.

AC/F07
Version 4
24.1.05

STATEMENT OF SERVICE

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

23 Day of 02 2018 at 15.47

Residential or Address is The same as that on the notice (Specify)

63 Rotokauri Road, Newton, Hamilton 3200

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

_____ Day of _____ 19 _____

At _____
(Show full address of service)

Dog Control Officer D39 CME Carla 23 102 118

Registered Letter Date Posted:

AC/F07
Version 4
24.1.05

Attachment 2
Opal-Nera (223774)

History for 24 months leading to disqualification

Date and CAR number	Complaint	Outcome
19/3/2016 132026	Offences detected by officer (D17) - Roaming dog sighted on Rotokauri Rd, followed dog back to its home (63 Rotokauri Rd).	Registration confirmed and change of address entered into Authority. Advice given.
5/6/2016 135217	Failure to keep control of dog – AEEO (D37) saw dog roaming as they have gotten out of vehicle to approach the dog it has jumped up at a member of the public. Dog chased back to 63 Rotokauri Rd where it jumped over the gate to re-enter the property.	Owner called advised of issue and outcome. Infringement issued #10750
24/9/2016 139470	Offences detected by officer (D38) - Roaming dog sighted on corner of Rotokauri and Baverstock roads. Dog defecated and then returned to 63 Rotokauri Rd.	Owners home and advised of potential outcomes. Written warning
24/2/2017 147234	Offences detected by officer (D38) - Roaming dog sighted on Rotokauri Rd, male returned dog to 63 Rotokauri Rd.	Owner spoken to multiple times about dog roaming. Infringement issued #10949
2/8/2017 153598	Offences detected by officer (D38 & D24) - Roaming dog sighted in Odlin Cres, officer D38 and D24 attempt to catch dog. Dog became aggressive, barking and growling. Woman from 63 Rotokauri called and secured dog. She admitted that dog jumps the fence.	Owner informed infringement to be issued. Infringement issued #12010
3/12/2017 159094	Dog rushing person – anonymous call a black and white dog roaming on Odlin Cres rushed a small child riding her and tried to nip her feet. Dog still in Odlin Cres when officers arrived, dog was unapproachable so the officers followed it home to 63 Rotokauri Rd.	Owner spoken to and advised of potential outcomes. Infringement issued #12068
23/2/2018 163004	Disqualification paperwork issued	Letter served
15/4/2018 165420	Offences detected by officer (D40) – Roaming dog sighted on Rotokauri Rd, dog defecated on grass verge and officer followed dog home to 63 Rotokauri Rd. Dog jumped gate to re-enter property.	Dog owner spoken to. Infringements x2 issued #12023 and #12024

Attachment 3
Opal-Nera (223774)

Complete history (all interactions)

Date	Complaint/issue	Outcome
1/10/2013	Unregistered dog	Advice given - dog now registered
7/1/2014	Microchip compliance follow-up	Advice given - dog now microchipped
15/1/2014 (14:40)	Two dogs out roaming	Advice given
15/1/2014 (18:45)	Dog rushing person	Written warning
26/8/2014	Unregistered list follow-up	Advice given -dog now registered
5/7/2015	Roaming dog	Advice given
21/8/2015	Unregistered list follow-up	Dog and owner GNA (gone no address)
10/11/2015	Roaming dog, unregistered	Advice given, dog registered
1/1/2016	Roaming dog	Area patrolled dog not found
19/3/2016	Roaming dog	Advice given
5/6/2016	Failure to control	Infringement issued
24/9/2016	Roaming, defecation	Written warning
24/2/2017	Roaming dog	Infringement issued
2/8/2017	Roaming dog	Infringement issued
3/12/2017	Dog rushing person	Infringement issued
23/2/2018	Disqualification paperwork issued	Letter served
15/4/2018	Roaming, defecation	Infringements x2 issued

Attachment 4

To who this may concern, I am appealing the notice of disqualification from owning a dog.

I am firstly disgusted that I have been labelled as a bad dog owner. My dog is healthy, registered, fixed, micro chipped, vaccinated, wormed, fleaed, and fed every day. Just because she is sometimes outside of our gate does no way justify this disqualification. I feel I am being targeted because of the breed of my dog. As there are many dogs that live in this street, and they are out wandering more times than opal has been out of the gate. Yet they have never had dog control called on them? My dog has never bitten anyone, she is a lovely dog, is great with children and other animals. I have rescued many pets that have been abused by there owners and that is what I would class as a bad owner.

We have had opal since she was 3 months old, she was a present for my daughter Taya for her 7th birthday. How can 3 or more infringement notices take away my daughters well loved pet! She is going to be severely heart broken from this. I do not believe in a dog being chained up all day every day, or kennelled all day every day, I think it is cruel, and often hear dogs in the area howling from the distress of that. Opal has always had a bad habit of jumping the fence, and as she came from a very large litter of pups she has always been very sensitive and does have some behaviour issues in terms of becoming distressed at adults yelling etc, and as we do keep a very close eye on opal, she can be sometimes sneaky and slips off unnoticed, but as soon as we do notice she is gone we are looking for her and often find her still in our street having a wee or a pooh. I have had many dogs over the years and have always made sure my pets are well looked after, they have cost me a lot of money for vet bills, fines etc, but there is nothing I wouldn't do or pay for my pets. Also, in terms of Opal's behaviour of getting out. I believe it started when I was in a domestic abuse relationship three years ago, opal would often leave the section when my ex would start getting loud as she knew what was coming. We have only just regained her trust with loud voices in the house. Also, amongst all of this I lost my best friend of 32 years, was diagnosed with PTSD, and fractured my ankle, wrist and have had two surgeries in the past 6wks. So, a lot has been happening, which all has contributed to not keeping a close eye on opal so that she does not leave the section.

A couple of the fines I have received were I think unwarranted and I have written a letter into the council previously about one of the fines as my daughter was walking opal that day and had let her off her leash and opal had run ahead of her. Even though she was on a walk with my daughter I still received a fine. I also have seen evidence of opal still being on our property just in the driveway and received a fine. Which I will let you see in the photo attached.

Furthermore, I strongly believe imposing fines on owners and classing them as bad owners does not help the owner or the dog, why is there no other way to create change like behaviour programmes for dogs and owners who commit offences. We pay all this money to register an animal yet there is little or no help to curve the problem if one arises. Lastly, I would really appreciate a second chance to show that I am a good owner and do whatever it takes to keep opal with her family and the little girl who loves her dearly and if that means that Opal has to be tied up when outside then she will be.

Thankyou for your consideration into this matter, sincerely Rachelle James.

Council Report

Item 6

Committee: Regulatory and Hearings Committee
Date: 23 May 2018
Author: Susan Stanford
Authoriser: Kelvin Powell
Position: Manager Animal Education & Control
Position: City Safe Unit Manager
Report Name: Objection to menacing classification - Lisa and Andrew Eyre

Report Status	<i>Open</i>
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Purpose

1. To request the Regulatory and Hearings Committee make a determination on the objection to menacing classification of the dog "Faith" submitted by Lisa and Andrew Eyre.

Staff Recommendation

2. That the Regulatory and Hearings Committee:
 - a) Receives the report;
 - b) Makes a determination as to whether or not the classification as menacing for the dog "Faith" is upheld.

Background

3. The [Dog Control Act 1996 section 33A](#) notes that a territorial authority may classify a dog, not classified as dangerous, as menacing if they believe the dog poses a risk to any person, protected wildlife, stock or domestic animal. Section 33A also sets out the responsibility of the Territorial Authority to notify the dog owner of this classification.
4. [Section 33E](#) of the Dog Control Act 1996 outlines the owners' responsibilities if their dog has been classified as menacing.
5. "Faith" was classified as menacing on behaviour on the 16 March 2018 as the result of a dog on dog attack which resulted in injury to a person (Attachment 1 – classification documentation).
6. On 25 February 2018 at 18:10 hours Animal Education and Control received a complaint, customer action request #163052, that a dog rushed on to a property and attacked their dog. In breaking up the attack the complainant's boarder was injured. Key points from CAR 163052 are:
 - Offending dog "Faith" is a two-year-old Bull Terrier. No injuries noted.

Item 6

- Victim dog “Pippy” is a two-and-a-half-year-old Fox Terrier. Pippy was seen by a vet for cellulitis that developed because of the attack.
 - On Sunday 25 February 2018 at approximately 18:00 hours A.T. was returning home with D.W. they drove down their driveway and as the electric gate was closing behind their vehicle the dog “Faith” ran through the gate.
 - Once inside the gate “Faith” ran straight up to “Pippy”, who had come out to greet A.T. and D.W., and latched onto the back of “Pippy’s” neck and shook her.
 - Video footage from home security cameras show “Faith” running through the gates after the vehicle passed through it; she then disappears from camera view and loud squealing, yelping sounds can be heard. Video to be played at hearing.
 - A.T. and D.W. separated the dogs and secured them apart from each other. A.T. has secured the dog “Faith”.
 - A.T. received a bite to left thumb and sprain to right thumb while separating the dogs and securing “Faith”.
 - Animal Education were called at 18.10. Officer D39 attended. While they were there the dog owner arrived. Dog was allowed to go home. As “Faith” was walked by the Animal Control vehicle it displayed signs of dog aggression towards another dog that was already in the vehicle. (Attachment 2 – CAR 163052)
7. Section 33D of the Dog Control Act 1996 sets out the right of a dog owner to object to the classification of their dog as menacing and responsibilities of the Territorial Authority in hearing that objection.
8. On 28 March 2018, an objection to menacing classification was received from Lisa and Andrew Eyre (Attachment 3 – objection received) on the following grounds:
- They have been good dog owners for 15 years (“Faith” is approximately two years old).
 - They regret what has happened and will accept any cost incurred.
 - That there has only been one incident.

Options

9. The committee may choose one of the following options when making its decision:
- To uphold the classification of menacing.
 - To overturn the classification of menacing.

Attachments

Attachment 1 - classification lisa and andrew

Attachment 2 - CAR 163052

Attachment 3 - objection received lisa and andrew .

16 March 2018

Lisa & Andrew Eyre
25 Marshall Street
Fairfield
Hamilton 3214

COPY

Dear Lisa & Andrew,

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

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

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

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

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

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

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

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

Regards



Susan Stanford
Animal Education and Control Manager

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

AC-F64a
V 8
16.3.11

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

COPY



Private Bag 3010
Hamilton 3240
New Zealand

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

To: *
(name of owner) **Lisa & Andrew Eyre**

25 Marshall Street
Fairfield
Address: **Hamilton 3214**

Female, Bull Terrier, White in colour, Named Faith

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

This is because of the aggressive behavior displayed by the dog on Sunday 25th February 2018, in Hamilton

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


Animal Education and Control Manager

16/3/18
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
- (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).

V2
16.3.2011
AC-F54

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

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

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

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

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

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

Right of Objection to Classification Under Section 33C

Section 33D, Dog Control Act 1996

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

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

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

16 Day of March at 2d8 10.33am

Residential Address is

The same as that on the notice

or

(Specify)

25 Marshall Street, Fairfield, Hamilton 3214

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

_____ Day of _____ 19 _____

At _____

(Show full address of service)

Dog Control Officer D39-CMC 16/03/2d8

Registered Letter

Date Posted:

Customer Action Request Animal Complaint



ATTACK STATS DONE

co_dm061 CAR No. 163052/2018 13/03/2018 3:19PM

COMPLAINANT
 Received 25/2/18 6:10PM Officer D39
 Name Ar Home 1 Home 2
 Address Oxford Street Fairfield Hamilton 3214 Work Mobile

PROPERTY
 Address Oxford Street Fairfield RD: OXFORDST

ANIMAL DETAILS
 Animal Number 231065 Animal Name Faith Tattoo 953010001049427
 Animal Location Marshall Street Fairfield 3214 Colour WHI Sex F
 Owner Address Marshall Street Fairfield Hamilton 3214 Owner Name Andrew NAR No. 755527

REQUEST DETAILS
 Offence Date/Time 25/2/18 6:00PM Contained white pitbull with black spots, one on the eye. Came into callers section at 18:00hrs. bit callers border (on the left hand when he tried to save the callers dog which was being attacked also. A is heading to A&E. Dog is not wearing a collar. Called Carla (18:17hrs) - will attend
 Major Category Dog Control
 Minor Category Dog Offences
 Category 3 Attack
 Category 4 Urgent Attack Dog v Person

INVESTIGATION DETAILS
 Task Investigation
 Officer D39 Outcome Animals - Menacing Dv
 Start 25/02/2018 Finish 13/03/2018

Substantiated / Not Substantiated
****MENACING CLASSIFICATION ISSUED TO D/O- BASED UPON BEHAVIOUR****
 25/2/18-18:37pm- Arrived at location. Bull Terrier was secured to a chain. Seemed friendly towards people. I took the dog and headed towards my vehicle when the dog owner showed up. Scanned the dog and it came back to "Faith" currently registered and dog owner confirmed his name. Explained the situation and said that he could take the dog away and I would advise of the outcome. Dog passed another dog in the vehicle and started to act aggressively so does display signs of dog aggression. At this stage that victim and witness had already left for A and E. Prior the victim had shown me his injury which was a cut on his thumb. Victim dog doesn't have any injuries.
 26/02/18- 15:59pm- Spoke with complainant Anne and she said victim A had received a broken thumb and dislocated shoulder. She said they would like to take matters further. I said I would get a statement off them this Thursday.
 01/03/18- Obtained a witness statement and also have video evidence of the dog rushing into the property to attack the dog. Dog is very dog aggressive.
 02/03/18-09:30am- Left a message on the dog owners phone to call me regarding the outcome.
 17:01pm- Sent text and left voice mail message advising of the menacing classification.
 20:00pm- Dog owner text back and accepted the classification.

ENFORCEMENT DETAILS
 Task
 Officer Outcome
 Start Finish

PREVIOUS HISTORY

Task	2INV	09/05/2018, 9.34 - Contacted A
Outcome	2PAS	who will get A to obtain his medical
Officer	D17	
Opened	10/8/06	
Closed	13/8/06	Cert today.
Task	2INV	
Outcome	2FAI	
Officer	D24	
Opened	26/7/08	
Closed	28/7/08	
Task	2INV	
Outcome	1SUB	
Officer	D11	
Opened	24/9/08	
Closed	29/9/08	

Item 6

Attachment 2

Task 2ENF
Outcome WRTW
Officer D11
Opened 24/9/08
Closed 29/9/08

Task 2INV
Outcome 1UNS
Officer D29
Opened 30/9/08
Closed 01/10/08

Task 2INV
Outcome 3DVC
Officer D37
Opened 02/9/16
Closed 26/9/16

Task 2INV
Outcome 3DVC
Officer D37
Opened 02/9/16
Closed 04/10/16

Task 2INV
Outcome 3DVC
Officer D37
Opened 21/9/16
Closed 03/11/16

CAR No. 141437/2016
Animal 231065
Maj Cat. Dog Control
Min Cat. Dog Offences
Cat 3. Offences Detected by Officer
Cat 4. Unregistered Dog

Customer Action Request Animal Complaint



co_dm061 CAR No. 163052/2018 25/02/2018 6:27PM

COMPLAINANT
 Received 25/2/18 6:10PM Officer D39
 Name A [redacted]
 Address Oxford Street Fairfield Hamilton 3214 Home 1 Work Home 2 Mobile

PROPERTY
 Address Oxford Street Fairfield RD. OXFORDST

ANIMAL DETAILS
 Animal Number Animal Name Tattoo
 Animal Location Colour Sex
 Owner Address Owner Name NAR No.

REQUEST DETAILS
 Offence Date/Time 25/2/18 6:00PM Contained white pitbull with black spots, one on the eye. Came into callers section at 18:00hrs, bit callers border ([redacted]) on the left hand when he tried to save the callers dog which was being attacked also. A [redacted] heading to A&E. Dog is not wearing a collar. Called Callers (Mrs) - will attend

INVESTIGATION DETAILS
 Task Investigation Outcome Substantiated / Not Substantiated
 Officer D39 Finish Menacing Classification
 Start 25/02/2018 Finish 2/3/2018

ENFORCEMENT DETAILS
 Task Outcome
 Officer Finish To classify
 Start Finish

PREVIOUS HISTORY
 25/02/18, 18:37pm - Arrived at location. Bull Terrier was secured to a chain. Seemed friendly towards people. I took the dog and headed towards my vehicle when the dog owner showed up. Scanned the dog and it came back to Faith currently registered and dog owner confirmed his name. Explained the situation and said that he could take the dog away and I would advise of the outcome. Dog passed another dog in the vehicle and started to act aggressively so does display signs of dog aggression. At this stage the victim and witness had already left for A&E. Prior Prior the victim had shown no his injury

Item 6

Attachment 2

which was a cut on his thumb. Victim dog doesn't have any injuries.

26/02/2018, 3.59pm - Spoke with Complainant A and she said victim A had received a broken thumb and dislocated shoulder. She said they would like to take the matter further. I said I would get a statement of them this Thursday.

01/03/2018, Obtained a witness statement and also have video evidence of the dog rushing into the property to attack the dog. Dog is very dog aggressive.

12/03/2018, 9.30am - Left a message on the dog owner's phone to call me regarding the outcome.

17.01pm - Sent text and left a voice mail message advising of the menacing classification.

20.00pm - Dog owner text back and accepted the classification.



Item 6

Attachment 2

e_an05 - Animals Enquiry - Hamilton_LIVE - 18420 - 6.11

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

****Menacing Animal****

1 Memo Recorded

Animal Type	1 Dogs	Number	231065	Owner Details	Name	Lisa Eyre & Andrew Eyre
MicroChip Brand	MICROCHIP	Id	953010001049427	Address	Fairfield	Hamilton 3214
Alpha Key				Mobile Phone		
Assessment	9632	Parcel	4561400	Home Phone		
Owner	1109349			Business Phone		
House Number				e-Mail Address		
Street Name	Marshall					
Suburb Name	Fairfield	3214				

Animal Details

Kept at Address :

OutsideTag		Ref		Dangerous	Menacing	Agency
Animal Name	Faith	Neutered	N	Gender	Female	
Breed	BUTE Terrier Bull	Cross				
Main Colour	WHI White	Second				
Birth	29/05/2016	Age	1 Years 10 Months	Death		Depart
Features	English Bull Terrier - brindle patch on eye		Permit Number			

Registration Details

Tag Number	744	Tag Set	2017/18	By Law Code Search		
eTran		Recpt Date	23/06/2017	Code Type		Code Value
		Reg Till	30/06/2018			

Offending dog

e_an005 - Animals Enquiry - Hamilton LIVE - 23788 - 6.13

Document Edit Name and Address Payments Animals Other Modules Help

OK Cancel Cut Copy Paste Find Excel Help Mapping Memos Attachments

4 of 5

Document

1 Memo Recorded

Animal Type	1 Dogs	Number	228713	Owner Details	Name	Ar
MicroChip Brand	MICROCHIP	Id	953010000531632	Address	Fairfield	
Alpha Key					Hamilton 3214	
Assessment	9618	Parcel	4453696	Mobile Phone		
Owner	432175			Home Phone		
House Number				Business Phone		
Street Name	Oxford			e-Mail Address		
Suburb Name	Fairfield	3214				

Animal Details

Kept at Address

OutsideTag		Ref		Dangerous	NA	Agency
Animal Name	Pippy	Neutered	Y	Gender	Female	
Breed	FTSM Terrier Fox (Smooth)	Cross				
Main Colour	BLK Black	Second	WHI White			
Birth	11/08/2015	Age	2 Years 9 Months	Death		Depart
Features	Brindle Head			Permit Number		

Registration Details

Tag Number	8513	Tag Set	2017/18	By Law Code Search	
eIran		Recpt Date	06/07/2017	Code Type	Code Value
		Reg Till	30/06/2018		

Victim dog

Item 6

Attachment 2

Laura

From: tristram@nzpetdoctors.co.nz
Sent: Friday, 11 May 2018 14:08
To: Laura I
Subject: Email concerning Pippy I

Client Name: Mrs A I
Patient Name: Pippy
Breed: Foxie Cross
Age: 2 years and 10 months old
Sex: F

Clinical Records

Date: 2 MAR 18 08:45
Vet: MW
Notes: Dog fight - infection

HISTORY: Attacked on Sunday on their property (another dog came onto their property and grabbed him by the neck). This happened 5 days ago and he has been fine but now there is swelling coming up on his neck. Flicking at right ear too.

OBJECTIVE: BAR, lovely little dog full of beans. Right ear - looks clean and no inflammation on external exam but he won't allow otoscopic exam, Right neck - swelling about 6cm diameter which is wide and flat - thickened tissue with cellulitis at this stage - no fluctuant abscess head coming up. Temp high normal. Otherwise well.

ASSESSMENT: (Dog bite - cellulitis)

PLAN: (Clav bid 10 days, Rimadyl sid 4 days)

NUTRITION PLAN:(d)

FLEA & WORM PLAN:(d)

WELLNESS PLAN: (Recheck if the swelling worsens or if he becomes unwell)

CLIENT COMMUNICATION:(If the swelling worsens then an abscess may be forming and could need surgical draining - revisit if this occurs)

Tristram Street Clinic

Pet Doctors
Pet Practice Ltd., 384 Tristram Street
Hamilton 3200
Phone: 07 838 2200

Mrs Ai
Oxford Street
Fairfield
HAMILTON 3214

GST No: 115-607-782
Tax Invoice No: 1436220
Date: 2 MAR 18
Vet Code: MW

Client Ref: For Pippy

Description	Quantity	Total \$
Consultation	1	59.50
Clavulox 250mg Tabs	20	60.20
Rimadyl 25mg Chew	4	21.40
Vacforlife Dog	1	295.00

Invoice Totals:

Terms of Trade: Payment is required at the time of service.
BANK ACCOUNT DETAILS: A/c No 02 0192 0178806 001
Particulars = Surname
Code = client a/c code
Reference = Tristram

Balance Forward	-395.60
+ Invoice Total	436.10
Balance Due	40.50

This invoice Includes GST of \$56.88

~~\$141.10~~
cost related to
attack injuries

Item 6

Attachment 2

WITNESS STATEMENT FORMs

TIME 17.20pm

DATE 01/03/2018

PLACE Oxford St
Fairfield, Hamilton

My full name is A.

and I live at Oxford St, Hamilton, I am

making this statement to Carla D39, Dog Control

Officer of the Hamilton City Council. On the 25/02/18 6pm at

approximately 6pm am / pm I was walking along

(Describe Incident)

1. What happened? We were driving down the driveway coming back home from work. The electric gate had opened, we drove through in our vehicle, while the gate was shutting behind us the white Bull Terrier has come bolting into our property, the Bull Terrier has rushed up to our Fox Terrier cross who was greeting us, at the vehicle. The Bull Terrier has latched onto our dog at the neck, the Bull Terrier

A.

AC/F01 Version 7
30.05.12

as started to shake the dog. Me and D
 Wi tried to pull the Bull Terrier off.
 We managed to by releasing the collar.
 While try to separate the dog, I have recieved
 a left broken thumb, on the right hand thumb
 is dislocated. D has secured the Bull Terrier
 the fox terrier and I have secured the Bull
 Terrier. The fox terrier has an abcess on he neck
 which will be seen to get the vets.

2. Description of Dog White Bull Terrier,
Female, Faith

3. Any witnesses (or owner present) D

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

SIGNED [Signature] OCCUPATION HANDY MAN
 DATE AND TIME 1-03-2018 5.42pm
 WITNESSED [Signature] - 039

PATIENT DECLARATION

ACC45 No.	PERSONAL DETAILS	PROVIDER DETAILS
CS27113	Mr [Redacted] [Redacted] Oxford Street Fairfield, Hamilton Ph: [Redacted] Ho: [Redacted] Date of Birth: 15 September 1981	Dr Marina Pulo Tul Medical, Davies Corner 31 Hukunui Road Charwell, Hamilton ACC # V10737, NZMC: 42008

INJURY, DIAGNOSIS AND ASSISTANCE

Date of accident: 25 February 2018 Time of accident: 06:20 PM

Came home from work, saw pitbull biting my dogs neck, tried to separate dogs, bitten on left thumb and pain on right thumb

Dog bite (TE60.00) Left (L)
 Sprain thumb (S522.00) Right (R)

(TE60.00) Confirmed (S522.00) Probable

PATIENT AUTHORISATION AND DECLARATION

To assess cover and/or entitlements, ACC may need to collect medical and other records about you from a third party.
 For more details see ACC's privacy notice at www.acc.co.nz/privacy

I authorise:

- ACC to collect medical and other records which are or may be relevant to my claim
- the treatment provider to lodge this claim for me

Patient's Signature: [Redacted] Date: 25/02/2018 7:09:28PM

This form is NOT a complete ACC45 and is not suitable for sending to ACC. It is intended for the Patient to Sign and authorize lodgement to ACC and for the Practice to File.

Medical Certificate ACC18
ACC - Employer Version



ACC18 No 201803060762
 Date of Injury 25 Feb 2018

ACC45/Claim No CS27113
 NHI Number RQE6371

Patient Details

Title MR
 Surname T
 First Names A.
 Date of Birth 15 Sep
 Residential Address:
 Street Oxford Street
 Suburb Fairfield
 City Hamilton
 Postcode 3214

Injury Details

Principal Diagnosis - Diagnosis 1
 Diagnosis 1 Dog bite
 Diagnosis 2 Sprain thumb
 Comments Came home from work, saw pitbull biting my dogs neck, tried to separate dogs. bitten on left thumb and pain on right thumb

Contact Details:
 Phone (Home):
 Phone (Work):
 Mobile:
 Email:

Fitness for Work

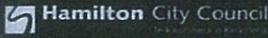
Return to Work
 28 Feb 2018

Treatment Provider

ACC Provider No 26BQFZ
 Name Dr Marina Pulu
 Occupation Doctor
 Practice Name Tui Medical
 Street Cnr of Thomas and Horsham Downs
 Suburb Rotoluna
 City Hamilton
 Postcode
 Phone 07 852 5377
 Declaration 06 Mar 2018

Employer version: please give this copy to your employer.

ACC Injury Claim Form		Claim Form Number CS27113	
Part A: Personal Details			
Surname		RQE6371	
Forenames	A.	Read Code	Side
Date of Birth	16 September	Dog bite(TE60.00)	Left (L)
Address	Oxford Street Fairfield Hamilton	Sprain thumb(S522.00)	Right (R)
Phone Work			
Ethnicity	Home		
	Other Pacific Island (37)		
Part B: Injury and Employment Details			
Accident Date	25 February 2018		
Scene	Home (10)		
Location	Hamilton City (316)		
Description	Came home from work, saw pitbull biting my dogs neck, tried to separate dogs, bitten on left thumb and pain on right thumb		
Road Accident	N		
Occupation	Handyman (9151.025)		
Earnar Status	Self-employed (S)		
Usual Work Type	Very Heavy (V)		
Work Accident	N		
Employer Name			
Employer Address			
Part C: Patient Authorisation and Declaration			
To assess cover and/or entitlements, ACC may need to collect medical and other records about you from a third party.			
For more details see ACC's privacy notice at www.acc.co.nz/privacy .			
I authorise:			
<ul style="list-style-type: none"> o ACC to collect medical and other records which are or may be relevant to my claim o the treatment provider to lodge this claim for me. 			
I declare that the information I have given in this form is true and correct.			
Patients Signature:	-----	Date:	25 February 2018
Authorised representative's Name			
Authorised representative's relationship to patient			
Part D: Injury Diagnosis and Assistance			
NHI Number			
Coding			
Diagnosis 1			
Diagnosis 2			
Diagnosis 3			
Injury Comments	(TE60.00) Confirmed (S522.00) Probable		
Treatment injury claim	N		
Assistance Required	N		
Referral 1			
Treatment Objectives			
Referral 2			
Treatment Objectives			
Referral 3			
Treatment Objectives			
Rehabilitation	1 No need for ACC to call Health Provider		
Part E: Work Capacity			
Normal Hours	Y		
Selective Hours	N		
Type			
Hours per day	0		From
Restriction			
Unfit for	2days		From 25 February 2018
Return to work on	27 February 2018		
Part F: Treatment Provider Declaration			
ACC Provider No	V10737		
Provider ID			
Facility	Tui Medical Davies Corner (M)		
Agency	Tui Medical Davies Corner (M)		
Provider	Dr Marina Pulu		
Provider's Signature:	-----	Date	25 February 2018



**Classifying Dogs Menacing
on reported behaviour
Checklist**

DATE 02/03/2018

CAR 163052

D/O Andrew

DOG ID 1109349
Faith - English Bull
Terrier, White, Female
231065

ACO D39

Previous CAR History

- 1 Roaming
- 2 Rushing
- 3 Dog vs Dog
- 4 Dog vs Stock
- 5 Dog vs Human

NO	YES
✓	
✓	
✓	
✓	
✓	

Don't count the shaded Green box.

If boxes 3, 4 & 5 ticked YES, dog is to be classified Menacing

Attitude of the Dog Owner

- 6 Co-operative, remorseful, avoid further incidents, etc.
- 7 Argumentative, denial, no remorse etc.

NO	YES
	✓

Don't count the shaded Green box.

The offence

- 8 Rushing
- 9 Dog vs Cat/Rabbit/Chicken e.t.c
- 10 Dog vs Stock
- 11 Dog vs Dog
- 12 Dog vs Human

NO	YES
	✓
	✓

Don't count the shaded Green box.

If box 11 is ticked YES, dog is to be classified Menacing except if there is any extenuating circumstances then comments box is to be filled in.

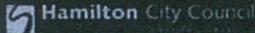
Severity

- 13 No contact made
- 14 Minor - no visual injuries, small puncture/graze e.t.c
- 15 Medium - visual bite marks, deep puncture e.t.c
- 16 Major - severe injuries requiring medical or vet treatment or death

NO	YES
	✓ Dog
	✓ Human

Don't count the shaded Green box.

If box 15 &/or 16 is ticked YES, dog is to be classified Menacing or consider Dangerous classification or prosecution for box 15



Classifying Dogs Menacing on reported behaviour Checklist

DATE _____

CAR _____

D/O _____

DOG ID _____

ACO

Dog aggression (nature of the dog in general)

- 13 Unknown (haven't seen the dog)
- 14 Friendly towards people
- 15 Caution (unsure)
- 15 Dog Aggressive
- 16 Fear Aggressive
- 17 Territorial Aggressive

NO	YES
	✓
	✓

Don't count the shaded Green boxes.

Score

If any of the **Red** boxes have been ticked, dog is to be classified as menacing without having to add up the **YES** boxes

If ticked **YES** boxes is **3 or more**, then the dog is to be classified as Menacing

Count the **YES** boxes

5

TOTAL

If any of the Red boxes have been ticked and/or the dog has scored highly and if there is any extenuating circumstances, then fill in the comments box for Team Leader's approval to waiver the classification.

Comments

Dog is highly dog aggressive. I have video footage of where the dog has come charging into the property to attack the victim dog. This attack was driven by the offending dog and the victim dog wasn't even aware the offending dog was outside of its property. However the offending dog seemed friendly towards people and the victim (person) only recieved his injuries while separating the dog. Also I had another dog in my vehicle and when I lifted up the sides the bull terrier tried to attack it.

Managers Approval: _____ *[Signature]* **Date:** 4/4/18

Susan Stanford

From: Lisa Eyre <lisa@eyre.co.nz>
Sent: Wednesday, 28 March 2018 12:57
To: Susan Stanford
Subject: Re faith 0744

To whom it may concern we are writing to contest the decision being made about our baby faith.
 We have been great dog owners with the city council for the past 15years.
 We regret what happened to the fullest and accept any costs incurred.
 We take faith for a walk every day and often pass where the offence happened and often they both have a bark at each other like the other 20 dogs we walk past, on the day she got out and decided to walk the block herself, which will never happen again. The electric fence came open and she went running in, my son had just fixed the gate to make it easier to open and the wind blew it and the bolt came out of the latch.
 Faith for the past 2 years has been best friends with the 20+ school kids and their parents, they pat her a give her tummy rubs through the fence. We go to the shops and the old ladies are the first to pat her and say how beautiful she is. She gets a bit jumpy but that's only cause she's excited.
 We are willing to undertake any training and courses and after speaking to professionals faiths aggression towards other dogs can be rectified.
 This might sound odd but faith is truly our baby I'll give you a quick explanation why. Andy and I tried IVF for 5 years at a cost of \$15000 + government grants and to be honest we were hoping to breed once and keep a puppy, we've always had 2 dogs. If you would be willing to give us one heat weather it works or not, we will then have her desexed. If we need to take this further we will.
 Thank-you for listening and I look forward to your reply.
 We've been and spoken to the lady and given a bag of treats and said we would be more than willing to reimburse her for any costs incurred.
 Should one incident really define her as menacing? We would really like the decision changed and perhaps minimum let her go through her next heat and then be desexed.
 We are in Kaitaia for the next 3 weeks from the 28thmarch till 18thapril as t a family reunion with faith, well bring you back some snapper lol.
 If dogs are man's best friend shouldn't they be given a second chance.
 Respectfully yours
 Lisa and Andrew Eyre

P. S your more than welcome to come see faith give us a buzz and we'll work out a time

Sent from my SPARK LITE.

Attachment 3

Item 6