

Agenda for a hearing by Commissioners of the Regulatory Subcommittee for Waikato District Council to be held in Boardroom, District Office, 15 Galileo Street, Ngaruawahia on **FRIDAY**, **11 AUGUST 2023**, commencing at **12.30pm**.

Information and recommendations are included in the reports to assist the Subcommittee in the decision-making process and may not constitute Council's decision or policy until considered by the Subcommittee.

I. APOLOGIES AND LEAVE OF ABSENCE

2. DISCLOSURES OF INTEREST

3. HEARING - HELEN WANG

Objection to Dangerous Classification – Helen Wang	2
Appendix I - Section 31 of the Dog Control Act 1996	9
Appendix 2 – Service Request – DOGS1789/23	П
Appendix 3 – Objection to Dangerous Classification	15
Appendix 4 – Service Request DOGS2068/23	18
Appendix 5 – Dog Details	21
Appendix 6 – Animal Control Office – Pocket Book Notes	23
Appendix 7 – Notice of Seizure	26
Appendix 8 – Affidavit of Sarah McCreath	28

GJ lon CHIEF EXECUTIVE



Open

To Policy and Regulatory Subcommittee

Report title Objection to Dangerous Classification

Date: 01 August 2023

Report Author: Tracey Oakes, Animal Control Team Leader

Authorised by: Sue O'Gorman, General Manager Customer Support

1. Purpose of the report Te Take moo te puurongo

To provide information to the Policy and Regulatory Subcommittee ("the Committee) to enable the Committee to hear the objection to a dangerous classification imposed on the dog ("Taizan") owned by Xiangyan Wang ("Ms Wang").

2. Executive summary Whakaraapopototanga matua

Section 31 (1)(b) of the Dog Control Act 1996 ("the Act") allows Waikato District Council ("Council") to classify a dog as dangerous if Council has on the basis of sworn evidence, reasonable grounds to believe that a dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife. Section 31(3) of the Act provides that if a dog is classified dangerous the owner may within 14 days of receiving notice of the classification, object in writing in regard to the classification (Section 31 of the Act annexed as Appendix 1).

Taizan, a black and tan Mastiff x Husky x German Shepard, aged approximately 10 months old (at 31 December 2022) and owned by Ms Wang attacked a Terrier Jack Russell ("Brian") being walked by his owner Ms Sarah McCreath ("Ms McCreath") on 31 December 2022.

The attack occurred near XX Chardonnay Way ("the Property"). As a response to the attack Animal Control attended the Property on 1 January 2023 and seized Taizan (Service Request annexed as Appendix 2).

After investigation, Council advised Ms Wang of the decision to classify Taizan as dangerous (Notice of Classification annexed as Appendix 3).

In accordance with section 31(3) of the Act, Ms Wang formally objected in writing to the dangerous classification within the statutory time frame (Objection to Classification annexed as Appendix 4).

Council considers that Taizan poses an ongoing threat to persons or animals given the reported behaviour, in relation to both the initial incident and the behaviour displayed whilst Council attended the Property.

Council submits that for public safety reasons Taizan should remain classified as dangerous, requiring the dog to be muzzled when in public and contained to a securely fenced portion of the Property that does not include access to the front door.

3. Staff recommendations Tuutohu-aa-kaimahi

That the Policy and Regulatory Subcommittee:

- a. receives the report; and
- b. confirms that the dangerous dog classification for Taizan (Dog ID 160864) owned by Ms Xiangyan Wang (Name ID: 184301) be upheld under section 31(1)(b) of the Dog Control Act 1996.

4. Background Koorero whaimaarama

On 31 December 2022 afterhours received a complaint from Ms McCreath describing the attack on her dog, Brian. Afterhours recorded this into the Service Request. Animal Control was tasked the Service Request and Animal Control Officer Amanda Davis ("ACO Davis") responded.

ACO Davis checked the dog history prior to attending the residence of Ms Wang. (Dog details annexed as Appendix 5).

ACO Davis and Animal Control Officer Adrienne Prentis-Pirere ("ACO Prentis – Pirere") attended the Property and spoke with Ms Wang and her partner ("Mr Papuni"). Officer Davis confirmed with Ms Wang and Mr Papuni that the attack occurred. (Pocketbook notes - Redacted annexed as Appendix 6).

ACO Davis explained Council process for responding to an attack and that Taizan would be seized. ACO Davis also advised Ms Wang and Mr Papuni that Taizan was not registered.

ACO Davis noticed Mr Papuni physically struggled to control and handle Taizan when asked to place the dog into the vehicle.

ACO Davis advised of possible enforcement outcomes being a classification and/or prosecution and handed Ms Wang the notice of seizure. (Notice of Seizure annexed as Appendix 7).

On 5 January 2023 ACO Davis attended the residence of Ms McCreath to take her statement (Statement contained in Annexure A of Appendix 8) . Ms McCreath advises in her statement as she was walking Brian near the residence of Ms Wang, she noticed Ms Wang and Taizan walking toward them.

Commented [SJ1]: Is this redacted because there we notes of other incidents on the pages?

Commented [REM2R1]: Yes there were notes from jobs attended before and after this one

Ms McCreath noticed Taizan was on a very skinny lead. Ms McCreath pulled Brian back to her and went to cross the road when Taizan noticed Brian. Ms McCreath advises that she noticed Taizan displaying aggressive behaviour (puffed up and looked bigger) before suddenly running straight for Brian.

Ms McCreath informs that Ms Wang had no control of Taizan and let go of the lead. Ms McCreath states she was in the middle of the road when Taizan made contact at the back of Brian's neck and violently shook him while growling.

Ms McCreath advised that she noticed Ms Wang just standing there not saying anything or making advances to try and stop Taizan.

Ms McCreath grabbed part of Taizan's lead which had wrapped around her and tried to free Brian. Ms McCreath states that Taizan then released Brian after she applied force.

Taizan made second contact with Brian on the left backside, picked him up and shook him without making sound. Ms McCreath was then able to grab Brian and lift him into her arms, at this time Taizan released Brian and attempted to attack again whilst Ms McCreath was holding him.

Ms McCreath used force and kicked Taizan to stop him from continuing his attack. Ms Wang then came to pick up the loose lead and Mr Papuni came from around the corner.

Ms McCreath advises Ms Wang said "Ok Ok" though neither of Taizan's owners spoke to her and attempted to leave without acknowledgement. Ms McCreath told Ms Wang, should Brian need vet care she expects them to pay. Mr Papuni told her to "Fuck off". As they walked away Taizan was trying to come back to get Brian, he was pulling Ms Wang back and jumping around.

Ms McCreath examined Brian before continuing home ensuring she avoided the residence of Ms Wang and Mr Papuni. Ms McCreath states she took Brian to the afterhours vet upon noticing the way he was sore on his back leg and seeing broken skin.

Ms McCreath informed ACO Davis that Brian needed medical treatment for his wounds and stitches on his right side. This was obtained at Waikato Afterhours Vet Hospital on 31/12/2022. (Included in Appendix 8 – Affidavit of Sarah McCreath).

Ms McCreath returned to the vet for follow up on 5 January 2023, she advised that Brian may need further diagnostics such as x-rays of neck and pelvis if there was no improvement. (Included in Appendix 8 – Affidavit of Sarah McCreath).

Ms McCreath spoke of her shock and continued hesitance walking Brian around big dogs now and how the attack has affected her trust in letting Brian socialise with big dogs even though Brian is a friendly dog. (Affidavit of Sarah McCreath annexed as Appendix 8).

On 22 January 2023 ACO Davis presented the file to the Team Leader of Animal Control, Tracey Oakes ("Ms Oakes"), who holds delegation for imposing dangerous classifications in accordance with section 31 of the Act.

Following review of the evidence and consideration of possible enforcement options, Ms Oakes made the decision to classify Taizan as dangerous in accordance with section 31 of the Act.

The factors considered by Ms Oakes included the aggressiveness of Taizan's behaviour towards Brian, the number of times contact was made and re-attempted and Taizan's behaviour when the Animal Control Officers were on the Property. Ms Oakes also took into account Ms Wang's apparent lack of understanding of what her dog is capable of.

A dangerous classification ensures that Taizan is muzzled in public which ensures the safety of any person, stock, poultry, domestic animal, or protected wildlife. A dangerous classification also ensures that Taizan is contained to a securely fenced portion of the property that does not include access to the front door.

Discussion and analysisTaataritanga me ngaa tohutohu

Section 31(4) of the Act (Appendix 1) provides that in determining this objection the Committee shall have regard to:

- a. the evidence which formed the basis for the original classification; and
- b. any steps taken by the owner to prevent any threat to the safety of persons or animals; and
- c. the matters relied on in support of the objection; and
- d. any other relevant matters.

As a result of this analysis, the Committee will have the following options:

- a. Uphold the classification of the dog as dangerous; or
- b. Rescind the classification.

The Committee must give written notice of its decision and the reasons for it, under section 31(5) of the Act to the objector.

Staff recommend option A, and the reasons for this recommendation are discussed below.

5.1 Options

Ngaa koowhiringa

Staff recommend option A because:

- The Act states that the territorial authority must classify a dog as dangerous if the
 territorial authority has on the basis of sworn evidence, reasonable grounds to
 believe that a dog constitutes a threat to the safety of any person, stock, poultry,
 domestic animal, or protected wildlife.
- Taizan was involved in an incident where he showed aggression in a sustained attack on another dog, leading to Ms McCreath having to take forceful action to stop the attack. This leads Council to believe Taizan may pose a threat to any person or domestic pet.

- Taizan was approximately 10 months old at the time of the incident. Behaviour such as the aggression shown by Taizan is very concerning in a dog of this age. This indicates the behaviour is likely to escalate as he gets older without serious and committed behaviour modification and physical controls put in place to prevent a reoccurrence of this type of offending. A dangerous classification ensures physical controls (muzzling) to mitigate this behaviour are in place.
- The desexing enforcement may help with Taizan's behaviour as he gets older. It will prevent Taizan's genetic traits being passed on to further puppies. Aggressive behaviour can be passed on through breeding.
- Ms Wang does not appear to realise the seriousness of this offending from Taizan. At no stage has she taken responsibility for Taizan's actions.
- On checking Council database 30/07/2023, Taizan has not been registered for the new registration year (23/24).
- Ms Wang's objection to the classification does not indicate in any way how she intends to mitigate Taizan's behaviour or further offending against the Act.
- A dangerous classification ensures that:
 - Taizan is muzzled when in public to help mitigate the threat the dog poses;
 - Taizan is kept in a securely fenced portion of his property that allows access to the front door, minimising the risk of Taizan getting loose unintentionally; and
 - Taizan will be desexed; and
 - Council can take stronger enforcement action if this behaviour repeats.

5.2 Financial considerations

Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of this report.

5.3 Legal considerations

Whaiwhakaaro-aa-ture

Staff confirm that the staff recommendation complies with the Council's legal and policy requirements. Legal Counsel will be available to assist the Committee with the matters of law as required.

5.4 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

5.5 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

There are no wider Maaori or cultural considerations involved in the exercise of Council's legislative responsibilities under the Act.

5.6 Climate response and resilience considerations

Whaiwhakaaro-aa-taiao

The matters in this report have no known impact on climate change or resilience for the Council.

5.7 Risks

Tuuraru

Should the Committee proceed with the staff recommendation and uphold the dangerous classification, the classification stands. The objector has no further rights of appeal.

Should the Committee rescind the classification, there is a risk that further breaches of the Act will occur, and members of the public, domestic pets, stock or protected wildlife could be further threatened or even harmed.

6. Significance and engagement assessment Aromatawai paahekoheko

6.1 Significance

Te Hiranga

The decisions and matters of this report are assessed as of low significance, in accordance with the Council's <u>Significance and Engagement Policy</u>.

6.2 Engagement

Te Whakatuutakitaki

This is a regulatory/operational matter concerning an individual and we do not propose to inform more broadly than necessary to give effect to the classification, if upheld.

7. Next steps

Ahu whakamua

Should the classification be upheld, it will apply at a national level.

Council's role will be to update the relevant records and enforce the requirements of the classification.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and **Committee's** Terms of **Confirmed** Reference and Delegations.

The report contains sufficient information about all Confirmed reasonably practicable options identified and assessed in terms of their advantages and disadvantages (Section 5.1).

Staff assessment of the level of significance of the issues in Low the report after consideration of the Council's Significance and Engagement Policy (Section 6.1).

The report contains adequate consideration of the views and Confirmed preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (Section 6.2).

The report considers impact on Maaori (Section 5.5)

Not applicable

The report and recommendations are consistent with Confirmed Council's plans and policies (*Section 5.4*).

The report and recommendations comply with Council's legal Confirmed duties and responsibilities (*Section 5.3*).

AttachmentsNgaa taapirihanga

Appendix 1 – Section 31 of the Act

Appendix 2 - Service Request

Appendix 3 – Notice of Classification

Appendix 4 - Objection to Classification

Appendix 5 - Dog Details

Appendix 6 - Pocket book notes - Redacted

Appendix 7 - Notice of Seizure

Appendix 8 – Affidavit of Sarah McCreath

Appendix 1 Section 31 of the Act

Dog Control Act 1996 (as at 30 November 2022)

Dangerous dogs

31 Territorial authority to classify dangerous dogs

- (1) A territorial authority must classify a dog as a dangerous dog if—
 - (a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or
 - (b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
 - (c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.
- (2) Where any dog is classified as a dangerous dog under subsection (1), the territorial authority shall immediately give notice in the prescribed form of that classification to the owner.
- (3) Where any dog is classified as a dangerous dog under subsection (1)(b), the owner may, within 14 days of the receipt of notice of that classification under subsection (2), object to the classification in writing to the territorial authority, and shall be entitled to be heard in support of his or her objection.
- (4) In considering any objection under this section, the territorial authority shall have regard to—
 - (a) the evidence which formed the basis for the original classification; and
 - (b) any steps taken by the owner to prevent any threat to the safety of persons and animals; and
 - (c) the matters advanced in support of the objection; and
- (d) any other relevant matters—and may uphold or rescind the classification.
- (5) The territorial authority shall give notice of its decision on any objection, and the reasons for its decision, to the owner as soon as practicable.

 $Section\ 31 (1): substituted, on\ 7\,July\ 2010,\ by\ section\ 4\,of\ the\ Dog\ Control\ A\, mendment\ Act\ 2010\ (2010\ No\ 62).$

Appendix 2 Service Request

Request details for DOGS1789/23

Request Number DOGS1789/23 Priority

Date Received 31/12/2022 Completed On

Source AftHours Resp Workgroup

Status P Raised By

Group DOGSCRM Resp User

Category DogAggHist Call Back?

Process Counter 586370

Related Property & Customer

DOGS1789/23

Property Address Chardonnay Way

Home Telephone Mobile Telephone

Caller Name Sarah McCreath

Caller Address

Caller Email

Request Details

Description

Resolution Description

Resolution Details

led	

10/01/2023

Dogs

DCOOP001

AFORB001

False

Work Telephone

Dogs Aggression - Historic (Nothing in NDD at this address- there is a white Jap Spitz at 15)

Both animals walking on leash about 4 houses away from Chardonnay when the "Husky type " dog pulled lead away from owner- crossed the road and bit Callers Jack Russell on the leg and ragdolled it. Owner managed to pick her dog up and the aggressive dog then tried to bite her so she kicked it. Owner of dog did come and ask if her dog was ok, but wasn't happy with the idea of paying vet bills and swore at her.

She is in process of taking her dog to the vet- has some puncture wounds on its back leg and near the tail- thinks perhaps leg is broken too

Attacked happened 1½ hours ago- caller very shaken

Caller has also got married- name change to Chellew

UPDATED 4/1 - [1:22 pm] Gail Powell

WAIKATO- Amanda Davis ACC left her a message to call Helen Wang Chardonnay Way Te Kauwahata re seized dog taken on Saturday 31/12

Completed

Dog seized for attack owner argued legislation but placed dog in ute once he understood our process. dog not registered. explained to both owners the process re impounding and possible court or classification but would be in touch. Male owner physicality struggled to control and handle the dog. Dog impounded

statement taken and photos/vet report sent to me

dog to be classified - hui with team leader Dangerous classification to be imposed on the dog

Notes

21/03/2023 4.11pm. - Phone call to Helen.

Discussion explaining why the classification was put in place. Helen disagrees. Says the Jack Russel attacked her as a person which is why her dog bit the jack Russel. Explained that the classification cannot be revoked now unless an objection is laid. Helen said she will make the written objection at the office. Said she struggles to understand. Explained where to find the information on the classification to object. - Tracey Oakes

From: Jennifer Adams Sent: Tuesday, March 21, 2023 1:18 PM To: Tracey Oakes Subject: 19 Chardonnay Way, TK

Hi Tracey,

As per our conversation Helen (Xiangyan) Wang of Chardonnay Way, TK has called regarding a letter left at her home about her dog.

She was quite angry and rude. She wants you to call her asap please

Regards,

Jenny Adams Customer Delivery Officer Waikato District Council

Te Kaunihera aa Takiwaa o Waikato

Nama waea: 078288539 Waea tau koreutu: 0800 492 452 Poutaapeta Mahi: Private Bag 544, Ngaruawahia 3742 Waahi Mahi: 142 Main Street, Huntly 3700

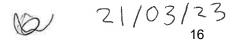
010009000034ad80100000021d80100000040000003010800050000000b 020000000050000

 $000c026800960003000001e0004000000701040004000000701040021d\\80100410b2000cc00$

ec0055010000000067009500000000002800000055010000ec

00000010018000000000000b003

Appendix 3 Notice of Classification





District Office Private Bag 544 Ngaruawahia 3742

Huntly Area Office Raglan Area Office Tuakau Area Office 2 Dominion Road

15 Galileo Street Facsimile

142 Main Street 7 Bow Street

2 07 824 8633 曷 07 824 8091 **2** 07 828 7551

2 07 825 8129 **2** 0800 492 452 **OFFICE USE ONLY**

CRM: DOGS1789/23

Person ID:184301

Dog ID: 160864

Notice of Classification of Dog as a Dangerous Dog Section 31 Dog Control Act 1996

	Section 51 Bog Contains	
To:	Xiangyan Wang	
Addr	ess: Chardonnay Way	
	Te Kauwhata	
		DECEMBED LIEBEIN
Taiz	S TO NOTIFY YOU THAT THE DOG I an, Male, Husky, Mastiff, German Shep 41000170252	
	(description of	dog)
	EEN CLASSIFIED AS A DANGEROUS DO ROL ACT 1996.	G UNDER SECTION 31(1) OF THE DOG
THIS IS	S BECAUSE	
	You have been convicted of an offence under secti	on 57A(2) of the Dog Control Act.
_	The Waikato District Council has, on the babe behaviour by the dog on one or more occasions, rethreat to the safety of any person, stock, poultry, or	easonable grounds to believe it constitutes a
	You have admitted in writing that the dog constock, poultry, domestic animal, or protected wild	nstitutes a threat to the safety of any person life.
A summ	nary of the effect of the classification and your right	to object is contained overleaf.
1		20/03/2023
Trace	y Oakes	Date

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

you own the dog

Animal Control Team Leader

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

Effect of classification as dangerous dog

Sections 32 and 36A, Dog Control Act 1996

You are required,-

- (a) within I month after receipt of this notice, to ensure that the dog is kept within a securely fenced portion of your property that it is not necessary to enter to obtain access to at least I door of any dwelling on the property; and
- (b) not to allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without—
 - (i) the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - (ii) the dog being controlled on a leash (except in a designated dog exercise area); and
- (c) to produce to Waikato District Council, within I month after receipt of this notice, a certificate issued by a veterinarian certifying—
 - (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- (d) where a certificate under paragraph (c)(ii) is produced to Waikato District Council, within 1 month after the date specified in that certificate, a further certificate under paragraph (c)(i); and
- (e) in respect of every registration year commencing after receipt of this notice, to pay dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
- (f) not to dispose of the dog to any other person without the written consent of the territorial authority in whose district the dog is to be kept.

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

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

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

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

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

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

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

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

Right of objection to classification

Section 31(3), Dog Control Act 1996

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

Appendix 4 Objection to Classification

From: <u>Tracey Oakes</u>

To: "Helen.Wang

Subject: FW: CRM:DOGSI789/23 PERSON ID:I84301 DOG ID:I60864 [#435F7B]

Date: Wednesday, 22 March 2023 8:47:14 am

Attachments: image001 (1).png

image001.jpg

Moorena Helen,

Thank you for your email; objecting to the Dangerous Classification that has been issued to you regarding Taizen.

This has been passed to the Democracy Team. The Democracy Team organise and facilitate the appeal process. They will be in contact with you in due course to advise you of the process and the hearing date and time.

Kind regards,

Tracey Oakes

Animal Control Team Leader

Waikato District Council

Te Kaunihera aa Takiwaa o Waikato

Nama waea: 0800 492 452

Pouaka Poutaapeta: Private Bag 544, Ngaruawahia 3742

Waahi Mahi: 15 Galileo Street, Ngaruawahia



----Original Message----

From: Helen.Wang

Sent: Tuesday, 21 March 2023 10:43:35 pm

To: info@waidc.govt.nz

Subject: CRM:DOGSI789/23 PERSON ID:I84301 DOG ID:I60864

Hello Tracey,

I have received the Notice of Classification of Dog as a Dangerous Dog today from you today.

I rejected the notice because:

- Taizen never hurts any kids or people.
- Taizen can play happily with neighbour's dog Mili.
- In fact, Taizen is friendly to people.
- Taizen is a big dog, and he should be treated the same as the little dogs.

Kind regards

Helen Wang



Appendix 5 Dog Details

160864 Taizan Details

Animal Ctr	Animal Name	Animal Class	Chip No.	Licence No.	Licence Expiry Date	Licencing Council Desc	Last Years Licence No.	Date First Licenced	Status	Deactivated Desc	Date of Birth	Gender
160864	Taizan	Approved	900141000170252	15118	30/06/2023			09/01/2023	Active		20/02/2022	М

Desexed?	Description	Breed	Secondary Breed	Colour	Secondary Colour	Distinguishing Marks	Permanent Identifier	Classification	Classification Section	Destruction Order Date
N	Breed: Mastiff x, Husky x, German sheperd	BUMA	SIBE	BLK	TAN					

Current Owner:

Name ID	Given Names	Name	Date of Birth
184301	Xiangyan	Wang	

Current Registered Address:

Property No	Date Effective	Formatted address
2022830	09/01/2023	Chardonnay Way TE KAUWHATA

Previous Registered Addresses:

Property No Date Effective Date Ended

Previous Owners:

Name Id	Given Names	Name	Date of Birth
184301	Xiangyan	Wang	

Appendix 6 Pocket book notes – Redacted

Chardeney very The spoke to 3

fleten y patrer confirmed

attach public scripted and the

flexi lead surgered and the

dos get off expland 3

proceess to do, and sabout

and served from pere. Male

started talking about start

chart he was falling chount

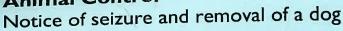
VI

1/1/23

resplained in were wormled he was annoyed we work on his property. Asked him to put the day Terzen'in the car the the sair ve notice then remarked pose or worked in the sair the sair the sair ve notice. Aco 26 shreed him. I do placed in which for the hage with gives open. Park phically unable to control due this hand got turked about the collar and the assured the collar and the area dragged around. Scizure notice guen to thelen Having 02 (1993568. Said I would be in fouch as soon as I had all my information pen 24

Appendix 7 Notice of Seizure

Animal Control





ddress _	ANI no. Breed + lustry X M) F
ag no	ANI no
lame <u>701756</u>	Breed + lusley X M) F
his is to notify you that	this dog has been seized and removed from this address under the ol Act 1996 indicated below:
Section 15 (1)	Without access to food, water or shelter
Section 20	Failure to comply with Bylaw
Section 28 (7)	Disqualification of dog owner
Section 33E (2)	Failing to comply with menacing classification requirements
Section 42 (2)(a)	Failing to register dog
Section 52 (3)	Failing to control dog
Section 52 (A)(4)(a)	Failing to confine or control dog on owner's property
Section 56(2)	Removal of barking dog causing distress
Section 57 (5)(a)	Dog attacking person or animals
Section 57A (3)	Dog rushing at persons, animals or vehicle
You may apply for the re at the Ngaruawahia / Tua	eturn of the dog and should contact
and all fees owing are pa	sold, destroyed or otherwise disposed of unless the dog is claimed id within seven days from the date of this notice. Disposal of the owner from fees owing or from possible prosecution.

Appendix 8 Affidavit of Sarah McCreath



District Office

Private Bag 544
Ngaruawahia 3742

Huntly Area Office

Raglan Area Office

Tuakau Area Office

Facsimile
142 Main Street
7 Bow Street

2 Dominion Road

15 Galileo Street

2 07 824 8633 **3** 07 824 809 I

☎ 07 824 8091 **☎** 07 828 7551

2 07 825 8129 **2** 0800 492 452 **OFFICE USE ONLY**

CRM: DOGS1789/23 Person ID:192080

Dog ID:160864

In the matter of

S31 of the Dog Control Act 1996

Between

Sarah McCreath

And

Waikato District Council

Affidavit of Sarah McCreath

Filed by: ACO 26



District Office Private Bag 544 Ngaruawahia 3742

Huntly Area Office Raglan Area Office Tuakau Area Office

15 Galileo Street **Facsimile**

142 Main Street 7 Bow Street 2 Dominion Road **2** 07 824 8633 图 07 824 8091

2 07 828 7551 **2** 07 825 8129 **2** 0800 492 452 **OFFICE USE ONLY**

CRM: DOGS1789/23

Person ID:192080 Dog ID: 160864

T	Sarah McCreath,	οf	TE KAUWHATA	swear/affirm:
ı,	Saran McCream,	OΙ	IE KVO MITULY	Swcarattiii.

- On 31 December 2022 I called the Waikato District Council and made a complaint about a dog 1.. attacking my Jack Russell Terrier.
- On 5 January 2023, I supplier Officer Amanda Davis with my Witness statement. 2.
- Attached is the Witness Statement provided to Waikato District Council. This is labelled exhibit "A". 3.
- Attached are two photos of my dogs wounds provided to Waikato District Council. This is labelled 4. exhibit "B".
- Attached is a Vet Report and Invoice from Waikato After Hours Vet Hospital Ltd provided to Waikato 5. District Council. This is labelled exhibit "C".
- Attached is a Vet Report and Invoice from Franklin Veterinary Services (1977) Ltd provided to 6. Waikato District Council. This is labelled exhibit "D".
- Based on the aggression this dog has displayed I believe the dog constitutes a threat to public safety. 7.
- This statement I have provided to Waikato District Council is true and correct to the best of my 8. knowledge and belief.
- I am aware that I commit an offence of perjury and am liable of a term of imprisonment if I know the 9. contents of this affidavit are false.

Signed:

Swear / Affirmed at Te kauwhata

this lb day of March 2020 20 23

Justice of The Peace

Suzanne Margaret Simpson, JP #21073

TE KAUWHATA Justice of the Peace for New Zealand







COMPLAINANT

	UMENTS Il that apply)	
	Statement & Declaration	ž.
	Injury information sheet	
	Photos	
	Consent to obtain medical / veterinary records	
	Medical bills / reports	This is the attachment marked referred to in the
	Complainant's dog details	Affidavit/Declaration of Savah McCreath
	Veterinary bills / reports	swom/Affirmed/Declared at Te Kauwhata, this
	Victim impact statement	Signature Suzanne Margaret Simpson, JP Regl#21073, Te Kauwhata
	Correspondence	Jutainic margaret simpson, j. magnetic,
DOG	IDENTIFICATION	
	Dog not positively identified	
	Positive identification of the dog(s) on (date)	at (time)
	Familiar with the dog(s)	
	Seen it / them confined on property at (address)	
	Positively identified in Animal Control vehicle	
	Positively identified at Animal Pound at (address)	
	Positively identified from photos provided by Anima	Control Officer #:
	Photo album (if applicable)	
DOG	OWNER IDENTIFICATION	
	Does not know who owns the dog	
N	Knows the owner of the dog	
	Description of dog owner	
	(ethnicity, gender, build, approximate age, clothing, vehicle, etc.)	

COMPLAINANT

PERSONAL DETAILS			
☐ Complainant ☐ Victim ☐ Vict	tim's parent / guardian (select all that apply)		
Title	Date of birth		
Name Sarah Mc	creath		
Address			
Home phone	Work phone		
Mobile phone			
Email adjusted that the Committee of the			
per per all a			
DOG DETAILS	A THE REAL PROPERTY OF THE PARTY OF THE PART		
Number of dogs involved: 1 2	☐ 3 or more (attach separate sheet)		
Dog 1	Dog 2		
Gender Male	Gender		
Gender Male Size /age	Size		
Ears Gars up	Ears		
Tail yes	Tail		
Breed Malamute type	Breed		
Colour Errey white your	Colour		
Collar coltar	Collar		
ID features	ID features		
COMPLAINANT STATEMENT			
brian on our randal soute from our place to Chardonay way. I was about half way down chardonay way the sound half way down chardonay way past number where the place of the lives. I lenow the duy lives there as our property s boarder tech other. I saw thelen the exclusion towards me on the same side of the road with the described dux the road with the described dux. I should be the feeler's dux was approximantly 2 paters in Junt of her, ther dix was signature:			

COMPLAINANT STATEMENT (continued) Signature:

30f 10 bus

COMPLAINANT STATEMENT (continued) Signature:

4 of 10 Sm

COMPLAINANT

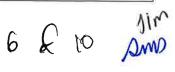
PERSONAL DET	AILS	ALCONOMIC CO	THE RESERVE AND ADDRESS OF THE		
☐ Complainant	☐ Victim	☐ Victim's parent / guard	lian (select all that apply)		
Title		Date of birth	J. F.		
Name		*			
Address					
Home phone		Work phone			
Mobile phone					
Email					
DOG DETAILS		1			
Number of dogs	involved: 0 1		ttach separate sheet)		
Dog 1	mvoived.	Dog 2	The second secon		
Gender		Gender			
Size		Size			
Ears		Ears			
Tail /	/	Tail			
Breed		Breed			
Colour		Colour			
Collar		Collar			
ID features		ID features	ж.		
COMPLAINANT	STATEMENT				
1 am	now mor	e hesitent			
Brien around big does now. There					
thert.	Brian 1's	of a very	strial du		
but n	but now I will keep him on lead				
around big does as I am concerned					
This doe was just wearing a muzzle					
Seen	seem Helen of drawed good				
the r	the roud a lot by per die.				
She t	She has no control. I have bread				
people	yelling	of Helen	about perdes		
Signature:	m				

s of 10 jim

COMPLAINANT



	EUMENTS all that apply)
	Statement & Declaration
	Injury information sheet
	Photos
	Consent to obtain medical / veterinary records
	Medical bills / reports
	Complainant's dog details
	Veterinary bills / reports
	Victim impact statement
	Correspondence
DOG	IDENTIFICATION
	Dog not positively identified
	Positive identification of the dog(s) on (date) at (time)
	Familiar with the dog(s)
	Seen it / them confined on property at (address)
	Positively identified in Animal Control vehicle
	Positively identified at Animal Pound at (address)
	Positively identified from photos provided by Animal Control Officer #:
	Photo album (if applicable)
DOG	OWNER IDENTIFICATION
	Does not know who owns the dog
	Knows the owner of the dog
	Description of dog owner
	(ethnicity, gender, build, approximate age, clothing, vehicle, etc.)



COMPLAINANT DECLARATION					
This statement is true, and I have mad proceedings (pursuant to section 82 o	f the Crim	inal P	Procedure Act 2011).		
Name	Jara	h	Mccreath		
Signature	\wedge	\wedge			
Name of parent / guardian (where complainant is less than 16 years old)					
Signature of parent / guardian (where complainant is less than 16 years old)					
Date	5/1/	ت	23		
INTERPRETER DECLARATION #	-111-1-1				
INTERPRETER DECLARATION (if ap					
I know (name of complainant / victim)					
			/		
My mother tongue is (language)					
I can read and speak in English because I (give a reason, e.g. attended an English school in NZ, grew up in NZ, etc.)					
On (date), ACO (name) interviewed him / her (delete one) in my presence.					
I interpreted and translated all information and the questions put to and the answers given by him / her (delete one) from (language)					
The officer recorded the information I supplied in writing.					
I translated the completed statement back to (name of complainant / victim)					
		, who	confirmed that the content is true and correct.		
Name of interpreter					
Signature of interpreter					
Date					
ACO VEDICICATION			And the transfer of the last o		
ACO VERIFICATION Statement recorded at (alone)					
Statement recorded at (place) ACO Full Name	An	سر 1	rele Duns.		
ACO Signature	0				
ACO Number 7	Date	5	/1/2023 Time 11:50am		

72 10



INJURY INFORMATION SHEET – PERSON	T. Sand	100
INJURIES		TELEVILLE !
Did you / the victim (delete one) receive injuries?		
☐ No ☐ Yes (indicate on the diagrams below which body part(s) is/all	e injured)	
Describe your / the victim's (delete one) injuries		
DIAGRAMS		
R L L FRONT BACK	R	
LEFT (S)		RIGHT
MEDICAL TREATMENT		
Did you / the victim (delete one) seek medical treatment following the	inoid	- Minth Calif
□ No □ Yes □ Date	Time	
Where did you / the victim (delete one) receive treatment? (attach med		
, and a superior paragraph of the superior p	Medical costs	\$
Describe the medical treatment you / the victim (delete one) received		
	*	







INJURY INFORMATION SHEET – ANIMAL(S)			
INJURIES			
Did your animal(s) receive injuries?			
No Yes (indicate on the diagrams below which body part(s) is/are injured)			
Describe the nature of the animal's injuries			
vet report			
DIAGRAMS (Select the type of animal involved)			
Domestic animals			
□ Dog			
☐ Other domestic animal(s) (describe the type)			
Livestock			
Animal type			
Number of animals injured			
Number of animals deceased			
VETERINARY TREATMENT			
Did you seek veterinary treatment for your animal(s) following the incident?			
\square No \square Yes Date $31/12/2022$ Time			
Where did your animal(s) receive treatment? (attach veterinary bills / invoices)			
Veterinary costs \$343.38			
Describe the veterinary treatment your animal(s) received Seep vet report 5/1/2023 - 8110.00 revisit Arexa.			
9/1/2023 - Follow up.			

9 of 10





1.	Photograph taken by Sarch mccreat (date & time) 31 Jan 22
2.	Photographs shows Damage to dog
3.	Photograph taken at
4.	This photograph has not been altered in any way
	Signature

JIM DMD



1.	Photograph taken by Jarah McCreat Cate & time)3!	<u>uan</u> 22
2.	Photographs shows Damage to 209	
3.	Photograph taken a	
4.	This photograph has not been altered in any way	
	Signature	

3/2

Waikato After Hours Vet Hospital Ltd 574 Anglesea Street, Hamilton 3204

Ph: (07) 839 5656

For Brian (1/43069)

Dog, Male, Jack Russell Terrie, Black & White

Age: 6 yr 1 mth, Desexed: Y On:

Owner Chellew Sarah (1/28199)



Sales Group: Client Group:

Bill#: 1/90717 Date: 31/12/2022

31/12/2022 [XW]

Temp:38.7 Heart:136 Resp:36 Weight (Kg):13.4

History: Patient History: Brian was out for a walk when a husky/malmute type dog slipped its leash and attacked him. His owner describes him as being flipped around like a ragdoll. Brian has a small wound in the left inguinal fold and is painful around his tail base. He is otherwise bright and alert, and moving well.

Normal appetite & thirst. No vomiting, diarrhoea, coughing, or sneezing were reported. Prior to the episode, Brian had been relatively healthy, with no pertinent medical condition or allergy.

Patient is up-to-date on vaccinations

Clin. Exam / Treatment: Attending Vet: Dr Xanthe Warde, BVSc, MVM, MANZCVS (ECC)

Clinical Exam:

Appearance: QAR, adequate hydration, BCS /9

Eyes, ears, and nose: clean, clear, no discharge bilaterally

Oral Cavity: MM pink and moist, CRT < 2s.

Heart: heart auscultated normal, no murmur/arrhythmia

Lungs: all lung fields clear, no dyspnoea

Abdomen: soft and non-painful on palpation. No masses or organomegaly.

Urogenital: no discharge from genitalia

Musculoskeletal: ambulatory in all 4 limbs, pain but no lesions or instability

around tail base/rump

Neurological: Normal mentation. No ataxia. No gross deficits noted.

Skin and Hair: small skin laceration in the left ventral abdomen/inguinal skin

Lymph Nodes: all peripheral palpated normal in size and consistency

Rectal Exam: not examined

Options presented to client: recommended clip and clean and quick stitch wound, antibiotics and pain relief - approved

Differential diagnoses & Assessment: Brian has a small skin laceration but it is open and shallow. He is painful around his back end, this most likely due to bruising, muscle strain from being tossed around. He is not showing any signs of difficulty moving. Brian has far less damage than expected.

Treatment:

clipped and cleaned wound, quick stitch to appose edges - threaded suture through needle and applied conscious

amoxiclav 125mg PO q12 x 5 days

meloxicam 0.2mg/kg initial dose (2.5mg), then 1.25mg PO q24 for 2 more doses

Plan: owner to monitor wound at home, ROS in 10-14 days

Follow up:

- Revisit if there are signs of a deteriorating condition such as depression, weakness, redness/swelling/discharge from the wound.

Staff	Qty	Name
XW	1	Consultation: Overnight(11pm-9am)
XW	1	Wound Assess: Clean/ Flush Small
XW	5	Vet Time Professional Fee
XW	5	Nurse Time Professional Fee
XW	1	Materials/Disposables Fee 1
XW	2	Metacam/Rheumocam Chew 2.5mg (2.5 mg)
XW	5	Clavaseptin 250mg Medium Dog (250mg)

******Directions For "Metacam/Rheumocam Chew 2.5mg (2.5 mg)"*****

Please give half a tablet by mouth every 24 hours starting Sunday night. Do not give if vomiting, diarrhoea or not eating.

******Directions For "Clavaseptin 250mg Medium Dog (250mg)"*****

Please give half a tablet by mouth every 12 hours until finished. Give with Food

EXHIBIT NOTE This is the attachment marked referred to in the attachment marked
this day of
Signature Suzanne Margaret Simpson, JP Reg #21073, Te Kauwha





Waikato After Hours Vet Hospital Ltd 574 Anglesea Street, Hamilton 3204

Ph: (07) 839 5656

TAX RECEIPT

Receipt No: 1/90717

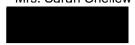
Account No: 1/28199

GST Number 106-336-172 Till: 1

Date:

31/12/2022

Mrs. Sarah Chellew



Description	Staff	Qty	Price
PATIENT: BRIAN		1	
Consultation: Overnight(11pm-9am)	XW	1	225.00
Wound Assess: Clean/Flush Small	XW	1	
Fee consists of:	XW		
Vet Time Professional Fee	XW	5	22.41
Nurse Time Professional Fee	XW	5	11.36
Materials/Disposables Fee 1	XW	1	16.23
Metacam/Rheumocam Chew 2.5mg (2.5 mg)	XW	2	32.38
Clavaseptin 250mg Medium Dog (250mg)	XW	5	36.00
19		Total	343.38
		Including GST of	44.79
PAYMENTS:			
Eftpos			343.38

Internet banking - the easy way to pay: 03 1557 0460359 00

Particulars: Sarah Chellew Code:105 Reference: 1/28199

Printed: 31/12/2022

Page: 1





Franklin Vets Unit 2C, 7 Wrightson Way Pukekohe, 2120

Ph 09 238 1439 Email accounts@fvs.co.nz Animal No. Clinical No. Record Date Attending Vet(s) Printed At Printed By CLINICAL SUMMARY
323547
2132723
05-01-2023
Dr. Tim Batchelor
05-01-2023
Toni Crane

Clinical Summary for Brian

Client	Details		🧼 Anim	al Details			
Address	Mrs Chellew, Sarah	Phone	Name Species Breed	Brian Canine (Dog) Jack Russell	Age Sex	5 years Male Neutered	
Thursday	the 5th of Januar	ry 2023					
09:17AM	Plan						
	Dr. Tim Bate	chelor					
	Continue ana	lgesia:			EXI	HBIT NOTE referred to in	tho
	Metacam 1m Nupentin 100	-		Affida	the attachment ma wit/Declaration of wit/Affirmed/Declaration	at Te Kauwhata,	16
	Strict rest	or pressure on neck		this _	16 day of.	march 2023 before	me
					Signature	Supon	
	Revisit if no i	mprovement			Suzanne Margaro	et Simpson, IP Reg #21073, Te Kauw	hata
	Further diagr	ostics may be required -	x-rays - neck and pelv	is			
09:15AM	Assessm						
	Dr. IIM Bac	chelor					
	DDX: Ongoing pain	from dog bite - soft tissu	ue trauma				
	Possible traci	neal trauma					
00 55 444	Physical	Evam					
08:55AM	Dr. Tim Bate						
	Mentation no Bright and al	rmal ert - eating treats in cons	ult				
	Hydration not Gums moist a crt normal						
	Peripheral lyr	nph nodes normal size					
	Tolerant of pa	alpation normal alpation					

jim Duni



Franklin Vets Te Kauwhata

2/91 Waerenga Road Te Kauwhata, 3710 Ph: 07 8264838 Email: tekauwhata@fvs.co.nz

Skin and coat exam normal Lacerated wound on left lateral hind limb healing well - sutures holding no evidence of inflammation or infection

No other wounds identified

Oral exam normal Eyes exam normal

Gait exam normal Ambulating fine in clinic

no fx palpable - no crepetus of areas of pain left hindlimb extension reduced rom

Possible medial luxating patella left hindlimb grade 1

Slight aversion to left lateral flexion of neck Able to elicit a cough on gentle tracheal palpation

08:42AM

Medication

Prescribed By: Dr. Tim Batchelor 10 x Nupentin 100mg Caps 100s Please give ONE capsule morning and night for 5 days 5 x Metacam Chewables Beef 1mg 84s

Please give ONE tablet ONCE daily. Give with food. Please stop if any vomiting, diarrhoea or inappetence occurs.

08:30AM

Presenting Problem(s)

Dr. Tim Batchelor

Was attacked by another dog been to afterhours

08:25AM

History

Dr. Tim Batchelor

New years eve:

Bitten by a dog Been at afterhours

Been on antibiotics and pain relief Was quiet initially but hasnt perked up as much as expected

Activity levels are really down

Seems lethargic - hiding in kennel

Uncomfortable on palpation No discharge from wound

Picking at wound occasionally - owners distracting him

Appetite: Still eating but slower to eat





Franklin Vets Te Kauwhata

2/91 Waerenga Road Te Kauwhata, 3710 Ph: 07 8264838 Email: tekauwhata@fvs.co.nz

Eating treat food

08:24AM

Vitals

Weight(kg): 12.90





Franklin Veterinary Services (1977) Ltd PO Box 72145, Papakura, 3710 PH: 07 8264838 | Email: tekauwhata@fvs.co.nz

Payment Receipt

BILL TO

Mrs Sarah Chellew 4 Cabernet Court Te Kauwhata

Receipt No. 1050373 Payment Date: 05-01-2023 **Client No.** 317615

Payment Method: Eftpos Integrated

Payment Amount: \$111.58

Account Remaining Balance: \$0.00

QTY	AMOUNT
1	\$69.90
10	\$16.83
5	\$24.85
Total	\$111.58
Paid	\$111.58
	1 10 5 Total

