

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 **10.00am**.

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.

1. APOLOGIES AND LEAVE OF ABSENCE

2. DISCLOSURES OF INTEREST

3. HEARING – PHILIPA (PIP) WILLOUGHBY

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| Objection to Menacing Classification – Philipa (Pip) Willoughby | 2 |
| Appendix 1 - Section 33A and 33B of the Dog Control Act 1996 | 9 |
| Appendix 2 – Notice of Classification of Dog as Menacing | 11 |
| Appendix 3 – Objection to Menacing Classification | 14 |
| Appendix 4 – Service Request DOGS2068/23 | 18 |
| Appendix 5 – Witness Statement Complainant | 21 |
| Appendix 6 – Witness Statement Dog Owner | 30 |
| Appendix 7 – Animal Control Officer Statement | 37 |
| Appendix 8 – Decision Making Criteria | 40 |
| Appendix 9 – Section 53 Offence of failing to keep dog under control | 43 |
| Appendix 10 – Photo of Wound 1 | 45 |
| Appendix 11 – Photo of Wound 2 | 47 |
| Appendix 12 – Dog Details | 49 |
| Appendix 13 – Infringement Notice U95070 | 51 |

GJ Ion
CHIEF EXECUTIVE

| | |
|---------------------|--|
| To | Policy and Regulatory Subcommittee |
| Report title | Objection to Menacing Classification |
| Date: | 28 July 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 Menacing Classification imposed on the dog (“Odie”) belonging to Philipa Willoughby (“Ms Willoughby”).

2. Executive summary

Whakaraapopototanga matua

Section 33A of Animal Control Act 1996 (“the Act”) allows Waikato District Council (“Council”) to classify a dog as menacing if the dog is considered to pose a threat to a person or other animal due to observed or reported behaviour (Sections 33A and Section 33B of the Act annexed as Appendix 1).

Odie, a gold-coloured male poodle, aged approximately 2 years and owned by Ms Willoughby was involved in an attack on two members of the public. The attack occurred across the road from Ms Willoughby’s fully fenced address at Redwood Grove, Tamahere. As a response to the attack Animal Control Officer Prentis-Pirere (“ACO Prentis-Pirere”) attended the property.

After investigation, Council advised Ms Willoughby of the decision to classify Odie as Menacing (Notice of Classification of dog as Menacing Annexed as Appendix 2). In accordance with section 33B of the Act, Ms Willoughby formally objected in writing to the menacing classification within the statutory time frame (Objection of Menacing Classification Annexed as Appendix 3).

Council considers that Odie poses an ongoing threat to persons or animals given the circumstances of the attack and that the attack was made on more than one person.

Council understands that Ms Willoughby has actively registered Odie for behaviour training prior to the attack. Council submits that for public safety reasons Odie should remain classified as menacing, requiring Odie to be muzzled when in public.

3. Staff recommendations Tuutohu-aa-kaimahi

That the Regulatory Subcommittee:

- a. receives the report; and
- b. confirms that the menacing dog classification for Odie (Dog ID: 160864) owned by Ms Philipa Willoughby (Name ID: 184301) be upheld under section 33(A)(2) of the Dog Control Act 1996.

4. Background Koorero whaimaarama

On 1 February 2023 at 20:45 hours, Council's after hours call centre received a complaint from a member of the public, Mr Craig Blackmore ("Mr Blackmore") (Service Request annexed as Appendix 4). Mr Blackmore describes in his witness statement (Witness statement complainant annexed as Appendix 5) that he was walking with his wife ("Mrs Blackmore").

On 1 February 2023 at 20:45pm Mr and Mrs Blackmore were walking on the grass path across the road of Redwood Grove, Tamahere ("the Property"), they saw Odie with his owner (Ms Willoughby) just inside the gate. Ms Willoughby was bringing the rubbish out.

The gate to the Property was open when Odie noticed Mr and Mrs Blackmore and he rushed at them barking, at this point Mrs Blackmore stopped a few paces behind Mr Blackmore and turned toward Odie, Mr Blackmore describes Odie as bouncing and hyped up when he bit Mrs Blackmore on her left thigh.

Mr Blackmore advised that Mrs Blackmore stood still through the attack and told Ms Willoughby to "get control of your dog".

Ms Willoughby called Odie who continued to display aggressive behaviour by circling Mr and Mrs Blackmore before biting Mr Blackmore on his right lower back/ buttocks.

Odie continued circling Mr Blackmore who then yelled at Odie and at Ms Willoughby to "get control of her dog".

Council notes Mr Blackmore states he and his wife walk across the road from this property as Odie will frequently rush out the gate and bark aggressively.

Ms Willoughby states in her witness statement (Witness statement dog owner annexed as Appendix 6) that she was taking the rubbish out early evening on 1 February 2023 and had opened the gate beforehand. Odie joined Ms Willoughby while she was walking toward the open gate.

Ms Willoughby states she noticed Mr and Mrs Blackmore the same time Odie did, to which Odie started barking and running toward Mr and Mrs Blackmore.

Ms Willoughby states Odie jumped up at Mr and Mrs Blackmore to which she called Odie and he returned.

Ms Willoughby closed the gate once Odie was inside the property, noted Odie was calm and normal and said she was extremely sorry to Mr and Mrs Blackmore.

Ms Willoughby advised Odie has not shown this kind of behaviour though she had booked Odie into a training facility for behaviour prior to the attack.

ACO Prentis-Pirere states in her Officer Statement (ACO statement annexed as Appendix 7) that she received a call from after hours at 2114hrs in respect of this dog attack. At 2140hrs ACO Prentis-Pirere contacted the complainant and confirmed a time to take Mr Blackmores statement on 2 February 2023 at 0930hrs.

AT 2200hrs ACO Prentis-Pirere attended Ms Willoughby's residence and informed Mr Willoughby of the complaint. Mr Willoughby advised he is aware, and that Ms Willoughby is the owner of Odie.

ACO Prentis-Pirere notes in the decision-making criteria the initial reaction from Ms Willoughby was shock and remorse (Decision making criteria annexed as Appendix 8).

Ms Willoughby agreed to the seriousness of the situation when ACO Prentis-Pirere advised her of the process and possible outcomes for the attack. During the discussion Ms Willoughby advised she has booked Odie into behaviour training and will go to the facility for a month to attend.

ACO Prentis-Pirere advised Ms Willoughby of the possibility of an infringement under Section 53 (1) of the Act (section 53 (1) annexed as Appendix 9) for failure to keep dog under control and that usual process would be to impound the dog.

ACO Prentis-Pirere decided Odie would remain on the Property ensuring Ms Willoughby understood Odie will need to be contained to the Property. ACO Prentis-Pirere further advised the need for a muzzle when Odie is out of the Property if he is to be classified. Ms Willoughby advised she will purchase a muzzle.

On 2 February ACO Prentis-Pirere discussed with team leader the attack and reasoning for leaving Odie on the Property including the co-operation of Ms Willoughby, the acceptance of the infringement, her remorse and being proactive in accessing behaviour training for Odie.

At 0930hrs ACO Prentis-Pirere attended the Property of Mr Blackmore and took his statement. Mr Blackmore advised during his discussion he and his wife always cross the road when passing the Property as Odie rushes and barks at them. Mr Blackmore provided photos of wounds received from Odie (Photo of wound 1 to Mr Blackmore Annexed as Appendix 10) (Photo of wound 2 to Mrs Blackmore Annexed as Appendix 11).

On 7 February 2023 ACO Prentis-Pirere attended Ms Willoughby's residence to take her statement (Appendix 6) and inform Ms Willoughby the outcome to infringe and classify Odie.

On 17 February 2023 ACO Prentis-Pirere checked the Council database and associated Odie to the Service Request (Dog Details annexed as Appendix 12). ACO Prentis-Pirere had extensive discussion with the Animal Control Team Leader who advised of the seriousness of the attack. As a result, the Animal Control Team Leader and ACO Prentis-Pirere concluded with issuing the infringement (annexed as Appendix 13) and classifying Odie as Menacing (annexed as Appendix 2).

On 20 February 2023 ACO Prentis-Pirere met with Ms Willoughby and issued the classification and provided information on how to make an objection to the classification.

A formal objection was received by Council on 27 February 2023 which is within the prescribed 14-day objection period under the Act (annexed as Appendix 3).

Having received Ms Willoughby's written objection to the menacing classification, the objection now needs to be determined in accordance with section 33B of the Act (sections 33A and 33B of the Act annexed as Appendix 1).

5. Discussion and analysis

Taataritanga me ngaa tohutohu

Section 33B(2) 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 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 Odie as menacing; or
- b. Rescind the classification.

The Committee must give written notice of its decision and the reasons for it, under section 33B(3) of the Act to the objector.

The option preferred by staff is 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 may classify a dog as menacing if the territorial authority considers Odie may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of Odie.
 - Odie was free to leave the Property and able to access a public place and exhibited behaviour which indicates he may pose a threat to any person or domestic pet. As a result of being able to leave the Property, Odie not only threatened two people, he made contact with them.
 - Ms Willoughby was present at the time and was unable to control Odie verbally to prevent this situation occurring.
-

- A menacing classification ensures that:
 - Odie is muzzled when in public to help mitigate the threat Odie poses;
 - If Odie offends again, a menacing classification allows Animal Control to take stronger measures of enforcement such as seizure of Odie until Ms Willoughby can demonstrate how she is going to prevent further offending.
- A menacing classification will ensure that Ms Willoughby takes the appropriate steps to ensure any threatening behaviour is mitigated.
- Whilst Ms Willoughby has indicated Odie was booked in for training, confirmation of this has not been sought from Ms Willoughby. Whilst the training may provide further owner control, the muzzling requirement is a firm control that mitigates Odie's behaviour.

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 uphold the classification and proceed with the staff recommendation, the classification stands with no further recourse for appeal by the objector.

Should the Committee rescind the classification, there is a risk that further breaches of the Act will occur, and members of the public 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 [Significance and Engagement Policy](#).

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 Reference and Delegations. **Confirmed**

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 the report after consideration of the Council's Significance and Engagement Policy (*Section 6.1*). Low

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

The report considers impact on Maaori (*Section 5.5*) Not applicable

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

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

9. Attachments Ngaa taapirihanga

Appendix 1 – Section 33A and Section 33B of the Act

Appendix 2 – Notice of Classification of dog as Menacing

Appendix 3 – Objection to Menacing Classification

Appendix 4 – Service Request

Appendix 5 – Witness Statement Complainant

Appendix 6 – Witness Statement Dog Owner

Appendix 7 – Officer Statement

Appendix 8 – Decision making criteria

Appendix 9 – Section 53

Appendix 10 – Photo of wound 1

Appendix 11 – Photo of wound 2

Appendix 12 – Dog Details

Appendix 13 – Infringement U95070

Appendix 1
Section 33A and Section 33B of the
Act

Menacing dogs

Heading: inserted, on 1 December 2003, by [section 21](#) of the Dog Control Amendment Act 2003 (2003 No 119).

33A Territorial authority may classify dog as menacing

- (1) This section applies to a dog that—
 - (a) has not been classified as a dangerous dog under [section 31](#); but
 - (b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—
 - (i) any observed or reported behaviour of the dog; or
 - (ii) any characteristics typically associated with the dog's breed or type.
- (2) A territorial authority may, for the purposes of [section 33E\(1\)\(a\)](#), classify a dog to which this section applies as a menacing dog.
- (3) If a dog is classified as a menacing dog under subsection (2), the territorial authority must immediately give written notice in the prescribed form to the owner of—
 - (a) the classification; and
 - (b) the provisions of [section 33E](#) (which relates to the effect of classification as a menacing dog); and
 - (c) the right to object to the classification under [section 33B](#); and
 - (d) if the territorial authority's policy is not to require the neutering of menacing dogs (or would not require the neutering of the dog concerned), the effect of [sections 33EA](#) and [33EB](#) if the owner does not object to the classification and the dog is moved to the district of another territorial authority.

Section 33A: inserted, on 1 December 2003, by [section 21](#) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33A(3): amended, on 1 November 2004, by [section 10](#) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 33A(3)(c): amended, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33A(3)(d): added, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).

33B Objection to classification of dog under section 33A

- (1) If a dog is classified under [section 33A](#) as a menacing dog, the owner—
 - (a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
 - (b) has the right to be heard in support of the objection.
- (2) The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to—
 - (a) the evidence which formed the basis for the 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.
- (3) The territorial authority must, as soon as practicable, give written notice to the owner of—
 - (a) its determination of the objection; and
 - (b) the reasons for its determination.

Section 33B: inserted, on 1 December 2003, by [section 21](#) of the Dog Control Amendment Act 2003 (2003 No 119).

Appendix 2
Notice of Classification of dog as
Menacing

Name Phillipa Willoughby
■ Redwood Grove
Tamahere
Hamilton 3283

Odie
Irish Setter, Poodle Standard
Male, Gold

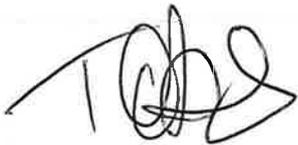
NOTICE OF CLASSIFICATION OF DOG AS MENACING DOG

Section 33A, Dog Control Act 1996

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 reported behaviour of the dog leads us to believe that it may pose a threat to public safety; being any person, stock, poultry, domestic pet, or protected wildlife.

A summary of the effect of the classification and your right to objection is provided overleaf.



Tracey Oakes
Animal Control Team Leader

17/02/2023

Date

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

- you own the dog
- 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 menacing dog

Section 33E, 33F and 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 (except when confined completely within a vehicle or cage) without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
- (b) must, produce to Waikato District Council, within 1 month after receipt of notice of the classification, a certificate issued by a registered veterinary surgeon certifying—
 - (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are 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) where a certificate under paragraph (b)(ii) is produced to Waikato District Council, produce to Waikato District Council, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

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

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

As from 1 July 2006, you are also required for the purpose of providing permanent identification of the dog, arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the Waikato District Council in accordance with reasonable instructions of the 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 1 July 2006 if your dog is classified as menacing on or after 1 December 2003 but before 1 July 2006;
- or
- within 2 months after the dog has been 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 menacing dog are provided in the Dog Control Act 1996.

Right of objection to classification under Section 33A

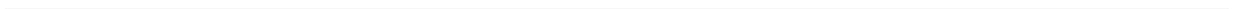
Section 33B, Dog Control Act 1996

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

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

Appendix 3

Objection to Menacing Classification



Tracey Oakes

Subject: FW: Odie Willoughby

From: Pip Willoughby [REDACTED] >
Sent: Monday, February 27, 2023 4:02 PM
To: Tracey Oakes <Tracey.Oakes@waidc.govt.nz>
Subject: Odie Willoughby

Hi Tracey,

Apologies if you have just received multiple emails from me. I deleted them because I think I got your address wrong!

I just want to lodge an objection to our Odie being classified as a menacing dog

I was taking the rubbish out and he bounded out and bit some people walking by. He has never done this before.

Our property is completely fenced and I only had the gate open to put the rubbish out.

However we had noticed that he has been getting territorial of our property and less obedient.

We had therefore booked him in with "Good dog trainers" for the month starting tomorrow.

I completely understand the couple lodging a complaint

However he has never displayed aggression at all in the past. None the less we recognize he needs an update on training as he enters his teenage years!

I have spoken to the team at good dog trainers and they are happy to send a letter of support after his training (one month). Of course only if he is a reformed citizen!

Given that there is a 14 day window for objections, are you ok to wait until after his training period to make a decision?

I have included below proof of desexing and microchipping

Kind Regards

Pip Willoughby

2:08



Desexing_Certificat...



161 Morrinsville Road
Newstead, 3284
Ph: 07 856 4522
Fax: 07 856 9487
Email: enquiries@newsteadvets.co.nz

Certificate of Sterilisation

This is to certify that Newstead Vets surgically sterilised the following animal on 29-10-2020.

| | |
|----------------------|--|
| Owner: | Pip Willoughby |
| Address: | Redwood Grove RD3 Hamilton, 3283 |
| Home Phone: | |
| Mobile Phone: | |

| | |
|----------------------|-----------------|
| Patient Name: | Odie Willoughby |
| Breed: | Irish Setter X |
| Sex: | Male Neutered |
| Colour: | Golden |

Bart Karalus

for

Newstead Vets

161 Morrinsville Road
Newstead, 3284

2:07



Microchip_Certifica...



161 Morrinsville Road
Newstead, 3284
Ph: 07 856 4522
Fax: 07 856 9487
Email: enquiries@newsteadvets.co.nz

MICROCHIP CERTIFICATE

934000090241373

Verification Date: 21-02-2023

Owner Information

| | |
|---------------------|--|
| Owners Surname | Willoughby |
| Owners First Name | Pip |
| Owners Phone Number | |
| Owners Address | Redwood Grove RD3 Hamilton, 3283 |

Animal Information

| | |
|----------------|----------------|
| Animal Name | Odie |
| Animal Species | Canine |
| Animal Breed | Irish Setter X |
| Animal Sex | MN |
| Animal Colour | Golden |

Please keep a copy as a record of microchip insertion with your pets information.

The microchip has been implanted in the correct position and certified to be functioning correctly, reading the numerical code as designated by the manufacturer.

The owner agrees that they will notify an NZVA accredited microchipping centre in the event of the change of ownership and/or address or death of the above mentioned animal as soon as possible after the event.

The client understands that they are responsible for informing their local council of their dogs microchip number by presenting a copy of this form as soon as possible after microchipping.

Although Newstead Veterinary Services have done their best to source high quality microchips there is always a risk that it may stop working or migrate. We encourage you to get your pet's implant checked regularly.

Note: If you have a change of address, please remember to inform your clinic and the registration database, to keep address and phone numbers current.

Appendix 4

Service Request



Request details for DOGS2068/23

| | | |
|------------------------|-------------|-----------------------|
| Request Number | DOGS2068/23 | Priority |
| Date Received | 01/02/2023 | Completed On |
| Source | AftHours | Resp Workgroup |
| Status | P | Raised By |
| Group | DOGSCRM | Resp User |
| Category | DogAggCurr | Call Back? |
| Process Counter | 589730 | |

Related Property & Customer DOGS2068/23

| | | |
|-------------------------|-----------------|-------------------------|
| Property Address | ██████████ | |
| Home Telephone | ██████████ | Mobile Telephone |
| Caller Name | Craig Blackmore | |
| Caller Address | | |
| Caller Email | | |

Request Details

Description

Resolution Description

Resolution Details

Memo Details

Medium

03/02/2023

Dogs

KANTI001

APREN001

False

Work Telephone

[REDACTED]

Dogs Aggression - Current- Dog attacked craig and his wife at Redwood Grove Doges lives at [REDACTED] Redwood Grove. Large poodle white. No control of dog. Dog bit craigs bum and his wife thigh. Blood but no medical assistance. Happened 30min

Completed

01/0/2023 2140 rung and spoke to victim made a time to take a statement 0930 01/02/2023. Also went to dog owner sighted the dog it is a poodle/red setter x i explained the situation that in circumstances like this i would take the dog and impound him. spoke about what is going to happen after i have taken statements from victim and herself. I stated that the dog could be classified as menacing so will need to have a muzzle and be on lead at all times when off the property, and you could be getting an infringement for failing to control, they are getting a muzzle today.

02/02/2023 0930 [REDACTED] Redwood grove taken statement. Spoke to dog owner schedule time to take statement to 07/02/2023

Dog owners statement taken, dog is going to a dog training facility for 1 month. Infringement and menacing classification to follow 20/02/2023 hand delivered menacing classification

Appendix 5

Witness Statement Complainant



COMPLAINANT

DOCUMENTS

(Tick 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 <i>(ethnicity, gender, build, approximate age, clothing, vehicle, etc.)</i> | |
|---|--|

COMPLAINANT

PERSONAL DETAILS

Complainant
 Victim
 Victim's parent / guardian *(select all that apply)*

| | | | |
|--------------|--------------------|---------------|--|
| Title | MR. | Date of birth | |
| Name | CRANE, BLACKMORES. | | |
| Address | [REDACTED] | | |
| Home phone | | Work phone | |
| Mobile phone | [REDACTED] | | |
| Email | | | |

DOG DETAILS

Number of dogs involved: 1 2 3 or more *(attach separate sheet)*

| Dog 1 | | Dog 2 | |
|-------------|----------------------|-------------|--|
| Gender | — | Gender | |
| Size | XTRA LARGE. | Size | |
| Ears | — | Ears | |
| Tail | NO | Tail | |
| Breed | POODLE X. | Breed | |
| Colour | SANDY BROWN / CREAM. | Colour | |
| Collar | NO | Collar | |
| ID features | CURLY AND TALL. | ID features | |

COMPLAINANT STATEMENT

Signature:

INJURY INFORMATION SHEET – ANIMAL(S)

INJURIES

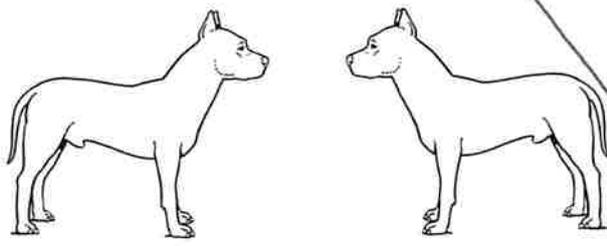
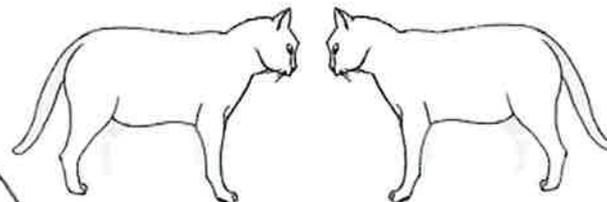
Did your animal(s) receive injuries?

No Yes *(indicate on the diagrams below which body part(s) is/are injured)*

Describe the nature of the animal's injuries

DIAGRAMS *(Select the type of animal involved)*

Domestic animals

| | |
|--|---|
| <input type="checkbox"/> Dog  | <input type="checkbox"/> Cat  |
| <input type="checkbox"/> Other domestic animal(s) <i>(describe the type)</i> | |

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?

No Yes Date Time

Where did your animal(s) receive treatment? *(attach veterinary bills / invoices)*

Veterinary costs \$

Describe the veterinary treatment your animal(s) received

COMPLAINANT STATEMENT (continued)

HAD JUST BEEN FOR AWAKE ABOUT 8:45 PM
WALKING ON THE OPPOSITE SIDE OF THE ROAD TO THE
HOUSE ON REDWOOD SPRING.

MY WIFE WAS BESIDE ME WE BOTH SAW THE DOG
JUST INSIDE THE DOG OWNERS GATE SKIPPING OUT THE
LUBBER. DOG WAS WALKING WITH THE OWNER
WHEN THE DOG SAW US THE GATE WAS OPEN
AND THE DOG REACTED AT US.

AT THIS MY WIFE HAD STOPPED IN HER
TRACKS AND I HAD TAKEN A FEW STEPS MORE
AHEAD.

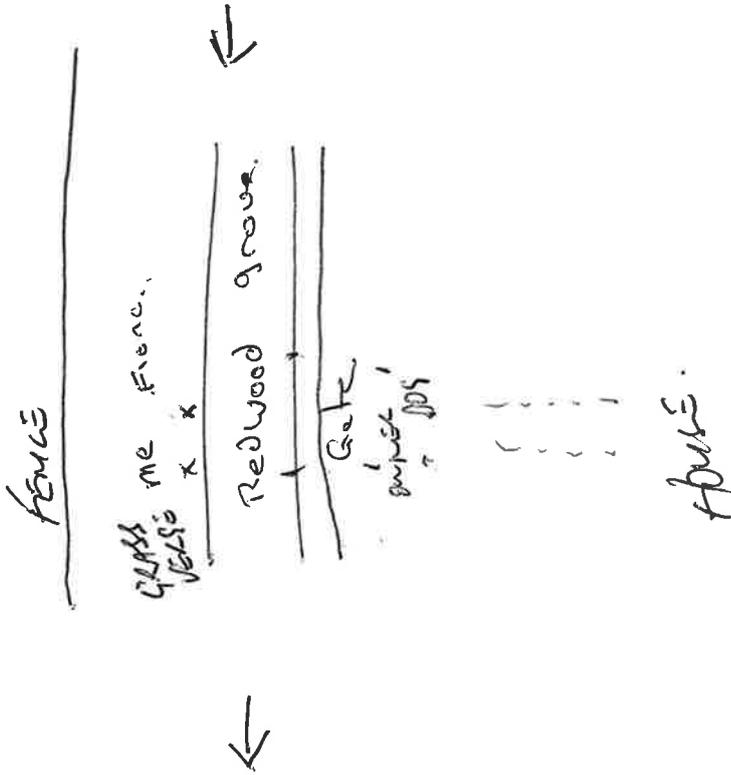
THE DOG LEANED OVER TALKING TO MY WIFE
SHE TURNED AND LOOKED AT THE DOG. THE DOG
WAS BOUNCING/DOMINANT WAS HELD UP SOMEWHAT THEN
HE HIT MY WIFE ON HER LEFT THIGH. SHE REMAINED
CALM AT ALL TIMES.

MY WIFE TOLD THE LADY "TO GET CONTROL OF
THE DOG." THE LADY CALLED THE DOG CAME THEY CAME
BACK TO ME AND CIRCLED ME ON MY RIGHT BUTTOCK
THIS HAPPENED SO FAST I DIDN'T HAVE TIME TO SAY
ANYTHING AT THE TIME. IT THEN CIRCLED ME AGAIN
ON THE LEFT THEN I YELLED AT THE DOG A MOMENT
I TURNED TO THE OWNER LADY AND YELLED AT HER
TO GET CONTROL OF HER DOG. THE DOG WAS STILL
OR CIRCLED THEN WENT BACK TO THE OWNER
THEN WE CARRIED ON WALKING BACK TO HOME
I ALSO SAID I WOULD BE REQUESTING ANIMAL CONTROL.

THE WHOLE THING TOOK ABOUT 30 SECONDS

WE ALWAYS WALK ON THE OPPOSITE SIDE OF THE
ROAD AS THIS DOG WILL COME RUNNING OUT TO THE
GATE. AND BARKS AGGRESSIVELY.

Signature:



COMPLAINANT STATEMENT *(continued)*

Lined area for writing the complainant statement, crossed out with a diagonal line.

Signature:

COMPLAINANT DECLARATION

This statement is true and I have made it with the knowledge that it is to be used in court proceedings (pursuant to section 82 of the Criminal Procedure Act 2011).

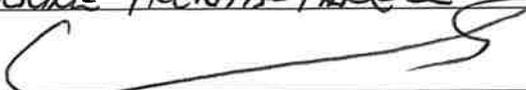
| | |
|---|---|
| Name | Craig Blackmore |
| Signature |  |
| Name of parent / guardian <i>(where complainant is less than 16 years old)</i> | |
| Signature of parent / guardian <i>(where complainant is less than 16 years old)</i> | |
| Date | 2/2/2023 |

INTERPRETER DECLARATION *(if applicable)*

- I know *(name of complainant / victim)*
- He / she *(delete one)* is my *(relationship to person)*
- 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)* into English and vice versa to the best of my skill and ability.
- 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 VERIFICATION

| | | | |
|---|--|-------------|--------|
| Statement recorded at <i>(place)</i> | [REDACTED] | | |
| ACO Full Name | Alicia Presanis-Pares | | |
| ACO Signature |  | | |
| ACO Number | 26 | Date | 2-2-23 |
| | | Time | 0915 |

INJURY INFORMATION SHEET – PERSON

INJURIES

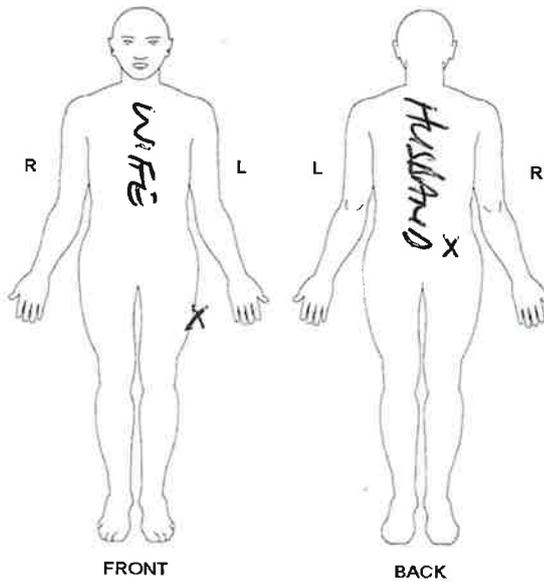
Did you / the victim (delete one) receive injuries?

No Yes (indicate on the diagrams below which body part(s) is/are injured)

Describe your / the victim's (delete one) injuries

WIFE LEFT THIRST 2 PUNCTURE WOUNDS SCALP
 HUSBAND RIGHT BACK/BUTTOCK PUNCTURE AND SCALP.

DIAGRAMS



LEFT



RIGHT



MEDICAL TREATMENT

Did you / the victim (delete one) seek medical treatment following the incident?

No Yes Date _____ Time _____

Where did you / the victim (delete one) receive treatment? (attach medical bills / invoices)

Medical costs \$ _____

Describe the medical treatment you / the victim (delete one) received

Appendix 6
Witness Statement Dog Owner



DOG OWNER

DOCUMENTS

(Tick all that apply)

- Caution, statement & declaration
- Current registration form
- System printouts of dog owner information
- System printouts of dog information
- Photos of dog(s)
- Classifications
- Notices and applications *(Tick all that apply)*
 - Impound Record
 - Seizure notice
 - Section 71 notice
 - Application for release
 - Property inspection and photos
 - Conditions of release
- Correspondence and other:

| DOG OWNER DETAILS | | | |
|-------------------|--------------------------|---------------|---------|
| Title | MARIE | Date of birth | 23-5-67 |
| Name | 11 WILLOWWAY | | |
| Address | [REDACTED] REWOOD GROVE. | | |
| Home phone | | Work phone | |
| Mobile phone | [REDACTED] | | |
| Email | [REDACTED] | | |
| Place of work | [REDACTED] | | |

| DOG DETAILS: DOG 1 | | | | | | |
|--------------------|-----------------------------|---|------|----------|--------------|--|
| Name | DIE | | | Dog ID | | |
| Breed | POODLE x RED SETTER | | | | | |
| Colour | BLACK | | | | | |
| Gender | MALE | | | De-sexed | YES | |
| Age | 3 | years | | month | Microchip No | |
| Registered | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes | Year | | Council | |
| Notes | NEWSTON VETS | | | | | |

| DOG DETAILS: DOG 2 | | | | | | |
|--------------------|-----------------------------|------------------------------|------|----------|--------------|--|
| Name | | | | Dog ID | | |
| Breed | | | | | | |
| Colour | | | | | | |
| Gender | | | | De-sexed | | |
| Age | | years | | month | Microchip No | |
| Registered | <input type="checkbox"/> No | <input type="checkbox"/> Yes | Year | | Council | |
| Notes | | | | | | |

| DOG DETAILS: DOG 3 | | | | | | |
|--------------------|-----------------------------|------------------------------|------|----------|--------------|--|
| Name | | | | Dog ID | | |
| Breed | | | | | | |
| Colour | | | | | | |
| Gender | | | | De-sexed | | |
| Age | | years | | month | Microchip No | |
| Registered | <input type="checkbox"/> No | <input type="checkbox"/> Yes | Year | | Council | |
| Notes | | | | | | |

DOG OWNER CAUTION**CAUTION**

(Pursuant to the Chief Justice Practice Note dated 16 July 2007 and section 30 of the Evidence Act 2006)

I have been advised of the following:

- I have the right to refrain from making a statement and to remain silent; and
- I have the right to consult and instruct a lawyer without delay and in private before deciding whether to answer questions; and
- anything I say will be recorded and may be used as evidence.

I understand this caution and my rights and I **AM / AM NOT** (delete one) prepared to make a statement.

Signature:

DOG OWNER STATEMENT

I WAS TAKING THE KUSHISH OUT TO THE ROADSIDE 1-2-23 EARLY EVENING. I HAD OPENED THE GATE BEFOREHAND.

1 WAS WALKING TOWARDS THE OPEN GATE WITH THE LEASH. ODIE MY DOG WAS INSIDE AT THIS TIME HE MUST HAVE SEEN ME OUTSIDE AND HE OPENED THE FRONT GARAGE DOOR FROM INSIDE THE HOUSE. HE CAME RUNNING OUT AND WAS JUST WALKING BESIDE ME.

I SAW SOME PEOPLE ON THE ROAD WALKING ODIE. SAW THEM AT THE SAME TIME HE BARKED A COUPLE OF TIMES THEN RAN TOWARDS THE PEOPLE. JUMPED UP AT THEM I THEN CALLED AT ODIE THEN HE CAME BACK I CAME INSIDE THE PROPERTY AND CLOSED THE GATE. ODIE WAS CALM AND NORMAL.

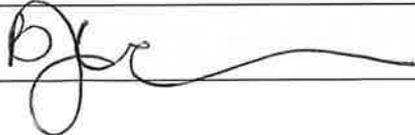
I SAID I WAS EXTREMELY SORRY TO ME HE WAS BOUNCING UP TO THE PEOPLE TO PLAY. HE HASN'T SHOWN THIS KIND OF BEHAVIOUR BEFORE.

HE IS LOOKING INTO A TRAINING FACILITY FOR A MONTH FOR AGES & TRAIN.

Signature:

DOG OWNER STATEMENT *(continued)*

Lined area for writing the dog owner statement, currently blank.

Signature: 

DOG OWNER STATEMENT *(continued)*

Lined area for writing the statement, currently blank.

Signature:

[Handwritten signature]

DOG OWNER DECLARATION*(Select an option)* I have read this statement and it is true and correct.**OR** I have had this statement read back to me by _____ and it is true and correct.

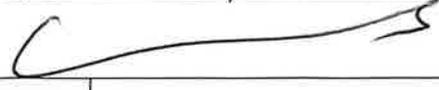
| | |
|------------------|---|
| Name | Pip Willoughby |
| Signature |  |
| Date | 7/2/2023 |

INTERPRETER DECLARATION *(if applicable)*

- I know *(name of dog owner)*
- He / she *(delete one)* is my *(relationship to person)*
- 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)* into English and vice versa to the best of my skill and ability.
- The officer recorded the information I supplied in writing.
- I translated the completed statement back to *(name of dog owner)*
....., who confirmed that the content is true and correct.

| | |
|---------------------------------|--|
| Name of interpreter | |
| Signature of interpreter | |
| Date | |

ACO VERIFICATION

| | | | | | |
|---|---|-------------|--------|-------------|----------|
| Statement recorded at <i>(place)</i> |  Kennedy Point | | | | |
| ACO Full Name | ARLENNE PEREIRA-PIRES | | | | |
| ACO Signature |  | | | | |
| ACO Number | 26 | Date | 7-2-23 | Time | 1000 AM. |

Appendix 7

Officer Statement



ACO Statement

My name is Adrienne Prentis-Pirere. I have been employed by Waikato District Council as an Animal Control Officer for approx. 2 years, my ACO number is 26.

On the 1st of February 2023 I was on call, at 9.14pm after hours contacted me for a dog attack at Redwood grove, Tamahere.

At 9.40pm I called the complainant to make time to take a statement and confirmed for 9.30am on 2nd February 2023.

At 10.00pm I attended the property of the dog owner, and parked outside of the gate, I slid the gate open and entered the property closing the gate behind me. As I was walking along the driveway toward the house the husband came out to meet me near the front door. I introduced myself and advised the husband I am responding to a complaint from a member of the public regarding a dog attack and asked if he was aware of what happened. The husband advised he is aware and the dog belongs to his wife.

The husband then invited me inside the home, I followed him inside and noticed the dog. After seeing the dog, I asked the husband to ensure the dog doesn't bite. The husband responded saying the dog won't, he also advised his wife was upstairs.

The wife came downstairs and I explained to both husband and wife the procedure for dog attack. The wife agreed to the seriousness of the situation and advised they had already planned to have the dog attend a dog behavior training facility for a month. I advised with an attack the usual process would be to impound the dog and possibly infringe for failing to control and contain.

I advised the dog would need to be contained to the rear of the property. The dog owner advised they had a plan for containing the dog in the property until the dog leaves to attend the behavior training facility. The dog owners also agreed to the receipt of the infringement which was the same punitive amount for impound. This led me to the decision for the dog to remain at the rear the property.

I also advised on the receipt of a possible classification, of which a condition is for the dog to remain muzzled when off the property. The dog owners advised they would purchase a muzzle. I informed the dog owner I would call to make a time to take a statement. After further discussion the dog owner said they are not able to keep the dog detained in only the rear section of the house but can ensure the dog is contained to the property. After ensuring the owner understood their responsibility with keeping the dog contained I left the property.

2nd February 2023

Spoke with team leader to inform of situation and my decision for the dog to stay on the property instead of being impounded. The team leader was satisfied with the decision.

Attended complainant property at [REDACTED] at 9.30am. I spoke to the husband and he advised his wife was at work. I informed him of the usual process then sat down and took his statement. During this time the husband advised his wife and he always cross the road when passing the property as the dog rushes out to the gate and barks at them. The husband had already printed photo's of both their wounds and gave them to me. I left the property.

I called the dog owner and scheduled a time to take her statement. Agreed for the 7th February 2023.

7th February 2023

Attended the dog owner's residence, and noticed a part of the fence next to the gate that is only plastic garden fencing. I took the statement. I advised there needs to be clear access to the front door. The dog owner mentioned they don't expect people or deliveries at their address. The dog owner let me know again that the dog will be going away to a dog training facility for 1 month. I informed the dog owner that an infringement and a classification will follow and showed the owner the section of the fence that needs attention. Left the property.

17 February 2023

I spoke with my team leader, and we discussed the statements and interactions with the complainant and the dog owner. Team leader advised the seriousness of the situation and the attack, we went through the dog owner history and referred to the dog control act to determine the most suitable outcome.

After extensive discussion we completed the decision-making criteria. The owner actively addressing concerns for the dog's behavior and actively accepting responsibility were contributing factors to classifying the dog as menacing and not dangerous.

20 February 2023

At 10.22am I called the Dog Owner to set a time to discuss the menacing classification. At the agreed time I went to the Dog Owners address. The dog was at doggie daycare, the dog owner advised she had told doggie daycare about the attack and the dog needing to use a muzzle, she advised the daycare had informed her there was no concern for the dog to wear a muzzle whilst attending.

The dog owner also advised she had discussed the attack with the behavior training facility and said the dog needs to wear a muzzle, the training facility advised the dog won't need to wear a muzzle whilst in their care.

I informed the dog owner that when she goes to purchase a muzzle for the dog to ensure she takes him in, so the fit is correct, alternatively to order online and follow the guidelines with measurements.

We went through the menacing classification document several times to ensure any questions she raised were addressed and that she had a solid understanding of what her responsibilities are. I brought her attention to the section of the document that advises her of her rights to object to the classification which she advised she would do.

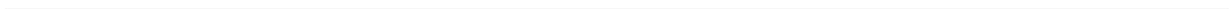
She advised her understanding is that with behavior training the dog won't bite again and because the dog is attending the training the classification will come off.

I explained that the behavior training will provide some foundations for good behavior though she will need to follow their instructions to ensure the dog is consistent in what is acceptable behavior and even still, it doesn't guarantee the dog will not bite again. After handing the menacing classification to the owner I left.


 ADRIENNE PRENTISS-PIRELLA.
 ACO 26

Appendix 8

Decision making criteria



Classification Decision Making Criteria

Owner ID: 71828

Dog ID: 155481

CRM : DOGS2068/23

| |
|---|
| <p>OWNER RESPONSIBILITY <i>(How did they react? Did they stop the dog? Were they present? Have they offered to help the victim in any way? Was the dog leashed?)</i></p> |
| <p>Owner at the time was shocked, and was very sorry it happened when I visited them at the property at the time of the incident</p> |
| <p>HISTORY <i>(Any history in Council Database)</i></p> |
| <p>No history Known</p> |
| <p>SERIOUSNESS OF THE INCIDENT <i>(Was contact made? Was the attack prolonged? What injuries were sustained?)</i></p> |
| <p>There was connection twice on each victim (1) skin broken on arm (2) skin broken on lower back no medical attention needed</p> |
| <p>VICTIMS VIEWS <i>(Impact of the incident on the Victim, and/or ongoing effects of the incident?)</i></p> |
| <p>We have to always walk on the other side of the road as he always rushes to the fence and barks at everyone that walks past. But is never seen off the property</p> |
| <p>EVIDENCE <i>(Witness statement provided? Dog identified?)</i></p> |
| <p>Statements taken from both parties and pictures of the wounds</p> |
| <p>REGISTRATION COMPLIANCE <i>(Was the dog registered at the time? If not, have they registered it since?)</i></p> |

| |
|--|
| The dog is registered and microchipped |
| PROPERTY <i>(Is the property suitable to contain this dog?)</i> |
| The property is fully fenced, although I sighted a part of the fence that's needs fixing and have shown and told the owners to fix |
| MITIGATING RISK <i>(How the dog owner thinks they can mitigate this sort of behaviour in the future? Physical steps the dog owner has taken?)</i> |
| The dog has gone to training for 1 month and owners have purchased a muzzle for when she is off the property |
| ACO REASONING BEHIND CLASSIFICATION |
| This dog is extremely protective of its property when people are walking past. A menacing classification will ensure when and if the dog is off the property, it will be unable to cause any harm. This classification will allow Animal Control greater powers of enforcement if the dog did get off the property at any time |

OUTCOME

Discussion between ACO and Team Leader

Given the dog owners compliance and willingness to improve the dogs behaviour a menacing classification is appropriate. The infringement will be on record if there is any further offending.

- Dog Seized/Impounded **No**
- Menacing Classification **Yes**
- Dangerous Classification **No**
- Infringement **Yes**
- Prosecution **No**

Animal Control Team leader

Signed (ACO) 26


Date
 17-2-23

Appendix 9

Section 53



Dog Control Act 1996 (as at 30 November 2022)

53 Offence of failing to keep dog under control

(1) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who, being the owner of a dog, fails to keep that dog under control.

(2) Notwithstanding [section 52\(2\)\(b\)](#), an owner of a dog does not commit an offence against subsection (1) by reason only of the dog being found at large in a public place in contravention of any secondary legislation.

Section 53(1): amended, on 1 July 2013, by [section 413](#) of the Criminal Procedure Act 2011 (2011 No 81).

Section 53(1): amended, on 1 December 2003, by [section 33](#) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 53(2): amended, on 28 October 2021, by [section 3](#) of the Secondary Legislation Act 2021 (2021 No 7).

Appendix 10
Photo of wound 1





Appendix 11

Photo of wound 2





Appendix 12

Dog Details



155481 Odie 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 |
|------------|-------------|--------------|-----------------|-------------|---------------------|------------------------|------------------------|---------------------|--------|------------------|---------------|--------|
| 155481 | Odie | Approved | 934000090241373 | 20547 | 30/06/2023 | | 4947 | 29/06/2021 | Active | | 08/05/2020 | M |

| Desexed? | Description | Breed | Secondary Breed | Colour | Secondary Colour | Distinguishing Marks | Permanent Identifier | Classification | Classification Section | Destruction Order Date |
|----------|-------------|-------|-----------------|--------|------------------|----------------------|----------------------|----------------|------------------------|------------------------|
| Y | | ISET | SPOO | GLD | | Apricot | | M | 33A1bi | |

Current Owner:

| Name ID | Given Names | Name | Date of Birth |
|---------|--------------|------------|---------------|
| 71828 | Philipa Jane | Willoughby | ██████████ |

Current Registered Address:

| Property No | Date Effective | Formatted address |
|-------------|----------------|-----------------------------|
| 2010550 | 28/06/2021 | ████ Redwood Grove TAMAHERE |

Previous Registered Addresses:

| Property No | Date Effective | Date Ended |
|-------------|----------------|------------|
| | | |

Previous Owners:

| Name Id | Given Names | Name | Date of Birth |
|---------|--------------|------------|---------------|
| 71828 | Philipa Jane | Willoughby | ██████████ |

Appendix 13

Infringement U95070



INFRINGEMENT NOTICE

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



NUMBER: U95070
SR No. : DOGS2068/23

Territorial Authority
Waikato District Council
15 Galileo Street, Ngaruawahia
Ph: (07) 824 8633
Fax: (07) 824 8091

Philipa Jane Willoughby

Redwood Grove
RD 3

Hamilton 3283

| | Forenames | Surname | | |
|----------------|-------------------------|---------|------------|--------|
| Name of Owner: | Philipa Jane Willoughby | | Person ID: | 71828 |
| Date of Birth: | [REDACTED] | | Animal ID: | 155481 |
| | | | | |

ALLEGED INFRINGEMENT OFFENCE DETAILS

| | | | | | |
|--------------|---------------|-----------|------------|--------------|-----------|
| Date: | 01/02/2023 | Time: | 9:15:00 PM | Day of Week: | Wednesday |
| Road/Street: | Redwood Grove | Locality: | TAMAHERE | | |

OFFENCE COMMITTED

| | Infringement Fee (\$) | Offence Code |
|----------------------------------|-----------------------|--------------|
| Failed to keep dog under control | \$200.00 | S53(1) |

| | |
|---|--------------------------|
| Additional Details of Offence (if any): | Infringement Fee payable |
| | \$200.00 |
| Reg No or Description of Dog: | |
| Licence: | Breed: Setter Irish |
| Sex: Male | Primary Colour: Gold |

PAYMENT OF INFRINGEMENT FEE

| | | |
|---|------------|------|
| The infringement fee is payable within 28 days after: | 17/02/2023 | ACO: |
| (earliest date notice delivered personally or posted) | | 26 |

Please note that if you have been served with this Infringement Notice for failing to register a dog, payment of the infringement does not include the dog registration fee. You will still need to register your dog without delay and failing to do so may result in the issue of further infringement notices.

Infringement fee may be paid to:

WAIKATO DISTRICT COUNCIL
15 Galileo Street, Private Bag 544, Ngaruawahia
Or to the any of the following Waikato District Council Area Offices
Huntly 154 Main Street
Tuakau 2 Dominion Road
Raglan 7 Bow Street
 Cheques or money orders should be "NOT TRANSFERRABLE".

IMPORTANT: PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF

SUMMARY OF RIGHTS

1. This notice sets out an alleged infringement offence. In terms of section 2 of the Dog Control Act 1996, you are liable as the owner of a dog if—

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

Payments

2. If you pay the infringement fee within 28 days of the issue of this notice, no further action will be taken. Payment may be made at places indicated on the front of this notice.

Defences

3. You have a complete defence against proceedings if the infringement fee was paid to Waikato District Council at any of the places for payment shown on the front page of this notice before or within 28 days after you were served with a reminder notice. Note that late payment or payment at any other place will not be a defence.

Further action

4. If you wish to—
- (a) raise any matter relating to the alleged offence for consideration by the Waikato District Council; or
 - (b) deny liability for the offence and request a court hearing (refer to paragraphs 5 and 9 below); or
 - (c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraphs 6 and 9 below),—
- you should write to Waikato District Council at the address shown on the front page of this notice. Any such letter should be personally signed.
5. You have a right to a court hearing. If you deny liability for the offence and request a hearing, Waikato District Council will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court (unless it decides not to start court proceedings). Note that if the court finds you guilty of the offence, costs will be imposed in addition to any penalty.
6. If you admit the offence but want the court to consider your submissions as to penalty or otherwise, you should in your letter—
- (a) ask for a hearing; and
 - (b) admit the offence; and
 - (c) set out the written submissions you wish to be considered by the court.

Waikato District Council will then file your letter with the court (unless it decides not to commence court proceedings). There is no provision for an oral hearing before the court if you follow this course of action.

Note that costs will be imposed in addition to any penalty.

Non-payment of fee

7. If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice (unless Waikato District Council decides otherwise).
8. If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice, Waikato District Council may file the reminder notice, or provide particulars

of the reminder notice for filing, in the court and you will become liable to pay **costs in addition to the infringement fee**, under section 21(5) of the Summary Proceedings Act 1957.

Queries/correspondence

9. When writing or making payment please include—
- (a) the date of the infringement; and
 - (b) the infringement notice number; and
 - (c) the identifying number of the alleged offence and the course of action you are taking in respect of it; and
 - (d) your address for replies.

Notice of liability for classification as a probationary owner or a disqualified owner

If you commit 3 or more infringement offences (not relating to a single incident or occasion) over a period of 24 months, Waikato District Council may classify you as—

- a probationary owner; or
- a disqualified owner.

You will be treated as having committed an infringement offence if you—

- have been ordered to pay a fine and costs under section 375 (1)(b) of the Criminal Procedure Act 2011, or are treated as having so been ordered under section 25(5) of the Summary Proceedings Act 1957; or
- pay the infringement fee specified in the infringement notice. Probationary ownership starts from the date of the third infringement offence in the 24 month period. Unless terminated earlier by Waikato District Council, probationary ownership runs for a period of 24 months. Disqualification as a dog owner starts from the date of the third infringement offence in the 24 month period. The length of disqualification is determined by Waikato District Council but may be no longer than 5 years.

Consequences of classification as a probationary owner or disqualified owner

During the period a dog owner is classified as a probationary owner, the person—

- must not be or become the registered owner of any dog except a dog that the person was the registered owner of at the time of the third infringement offence; and
- must dispose of every unregistered dog the person owns.

During the period that a person is classified as a disqualified owner, the person—

- must not own or become the owner of any dog; and
- must dispose of all dogs the person owns; and
- may have possession of a dog only for certain purposes (eg, returning a lost dog to the territorial authority).

A person may object to being classified as a probationary or disqualified owner by lodging a written objection with Waikato District Council. There is a further right of appeal to a District Court, if a disqualified person is dissatisfied with the decision of Waikato District Council.

Full details of classification as a probationary owner or a disqualified owner, and the effects of those classifications, are provided in the Dog Control Act 1996.

Note:

Full details of your rights and obligations are in section 66 of the Dog Control Act 1996 and section 21(10) of the Summary Proceedings Act 1957.

All queries and all correspondence regarding this infringement notice must be directed to Waikato District Council at the address shown.