GREAT LAKE TAUPŌ
Taupō District Council

ATTACHMENTS

Ordinary District Dog Control Committee Meeting

18 August 2020

Table of Contents

0.0 OBJECTION TO MENACING DOG CLASSIFICATION - JASPER

Author: **Ross McDonald, Compliance Team Leader**

Authorised by: **Brian Fox, Head of Regulatory and Risk**

PURPOSE

This item is being presented to the Committee for the purposes of upholding or rescinding a menacing dog classification that has been objected to by the dog owner 08694 - John Winston Ridd (Mr Ridd).

EXECUTIVE SUMMARY

Section 33A of the Dog Control Act 1996 ("the Act") (Attachment 1) allows Taupō District 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.

Jasper a Black/Grey Miniature Schnauzer- Tag 203411 ("Jasper") was classified as menacing on 20 March 2020 after a complaint made by a member of the public was investigated. This is the first complaint against Jasper.

Council Officers have classified the dog as menacing (Attachment 2).

In accordance with Section 33B of the Act, Mr Ridd has objected to the classification (Attachment 3) and the Committee is to consider the objection to the menacing classification.

Mr Ridd has stated in his objection that Jasper has never shown aggression to any person or other animal prior to the reported incident. Mr Ridd has complied with the requirements of the classification and there have been no further incidents.

RECOMMENDATION(S)

That the District Dog Control Committee upholds the menacing dog classification for Jasper.

BACKGROUND

The proposal has not been presented previously.

A dog attack was reported (Attachment 4) to have occurred at approximately 1930 hours on the 13/02/2020 at Kenrigg Road, Kinloch on a member of the public who was bitten (Photograph Attachment 5) by a dog (Jasper).

Jasper was allegedly frightened by the victim who was on a bike and reacted aggressively. Jasper was able to make contact with the victim and has bitten the victim on the leg. The result was a puncture wound to the leg. While Jasper was on a retractable lead, Mr Ridd did not control the dog in such a way that the dog could not reach the victim (see Attachment 8 & 9).

Jasper was classified as menacing on 20 March 2020 after a complaint made by a member of the public that Jasper had attacked their child.

Jasper has had no previous record of aggression or attack prior to this incident. Mr Ridd objects to the menacing classification.

DISCUSSION

Statutory Framework – Section 33A and 33B of the Dog Control Act 1996

The objects of the Act are to make better provision for the care and control of dogs. The Act also imposes obligations on dog owners designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person.

Should a dog, by action or observed behaviour, be considered to pose a threat, then section 33A of the Act allows the territorial authority to classify a dog as menacing, and section 33B allows the owner to object to the classification and to be heard in support of the objection.

Evidence which formed the basis for the Classification – Section 33B(2)(a)

- On 17 March 2020, Council received a complaint that a member of the public had been attacked
- Jasper had been frightened after being startled by the victim who was on a bicycle.
- Jasper reacted aggressively and ran at the victim.
- The victim attempted to fend Jasper off by kicking toward the dog.
- Jasper was on a retractable lead but was able to reach the victim and bite the victim on the leg.
- Mr Ridd did not control Jasper in such a way that he prevented Jasper from biting the victim.

After completing the investigation, two dog classifications matrices were completed. These are based on the information gained from witness interviews, previous history and evidence found during the investigation. The matrices form part of the decision to classify a dog as menacing and are attached (Attachment 6 & 7). Jasper was then classified as menacing on 20/03/2020.

Steps taken by the Owner to Prevent any Threat to the Safety of Persons or Animals – Section 33B(2)(b)

Since the reported incident, there have been no further reports to Council in relation to Jasper. Mr Ridd has been co-operative with ensuring that the effects of the classification have been adhered to.

Matters Relied Upon in Support of the Objection – Section 33B(2)(c)

Mr Ridd has objected to the menacing classification. Mr Ridd states that in this case, Jasper was placed under severe provocation and he reacted in this way because he had been frightened. The victim kicked out toward Jasper to fend the dog off and Jasper reacted to this. Jasper has had no previous incidents with aggression to any person or animal.

Other Relevant Matters – Section 33B(2)(d)

Given the subjective nature of the classification exercise, there will be variations to enforcement outcomes. The outcome is based on evidence that has been presented, the likelihood of reoccurrence, history of the dog, negligence on the part of the person in control of the dog at the time and ensuring the safety of our community from further harm.

It should be noted that Mr Ridd has stated that he intends to carry on using a muzzle when walking Jasper.

Based on this information it is considered that there are two options:

1. Rescind the menacing classification; or
2. Uphold the menacing classification.

OPTIONS

Analysis of Options

Option 1: Rescind the menacing classification

Advantages	Disadvantages
• Council is seen to have a fair and robust process when considering an objection • Consideration is given to the ongoing compliance by the owner since the incident to prevent any future concerns	• Should there be another incident, Council maybe criticised for not taking all actions available to prevent harm by upholding the menacing classification to ensure the dog is not a threat to the public.

Option 2: Uphold the menacing classification

Advantages	Disadvantages
• The menacing classification ensures that Jasper is muzzled in public and reduces the chance of further harm or injury.	• Council's response might be viewed as excessive in relation to a dog that shows normal characteristics.

• A muzzle should not be seen as an undue burden on the owner or dog, it is a simple safe way to protect the public. • Council is seen to take any incident seriously when it comes to uncontrolled dogs or owners not taking their obligations seriously under the Act.	

Analysis Conclusion:

That the Committee upholds the menacing dog classification for Jasper.

CONSIDERATIONS

Alignment with Council's Vision

Council's vision is 'to be the most prosperous and liveable district in the North Island by 2022'. This is accompanied by a core set of values to underpin decision-making, the following of which are relevant to this particular proposal: Resilient

Financial Considerations

There are no financial considerations.

Legal Considerations

Local Government Act 2002
The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of Section 10 of the Local Government Act 2002. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that social is of relevance to this particular matter.

The proposal has been evaluated with regards to other legislation. The key legislation applicable to the proposal is the Dog Control Act 1996, in particular section 33B - Objection to classification of dog under section 33A:

(1) If a dog is classified as a menacing dog 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

(c) 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.

Policy Implications

There are no known policy implications.

Māori Engagement

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti ō Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti ō Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

Risks

If the classification is rescinded there is a risk to Council if Jasper was to be involved in another incident of a similar nature. The risk is of a reputational nature, the allegation being that Council did not use all of its tools to prevent future harm.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

a. The level of financial consequences of the proposal or decision;

b. Whether the proposal or decision will affect a large portion of the community or community of interest;

c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;

d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;

e. Whether community interest is high; and

f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016) and are of the opinion that the proposal under consideration is of low importance.

ENGAGEMENT

Taking into consideration the above assessment, that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

COMMUNICATION/MEDIA

Direct communication has been/will be carried out with affected parties/key stakeholders but no wider communication is considered necessary.

CONCLUSION

It is the owner's responsibility to ensure a dog is controlled effectively and in accordance with the Act. Dog owners must understand their obligations, in particular in protecting the community from their dog causing nuisance and or injury through aggressive behaviour.

This incident is a direct result of Jasper not being under control in a manner that would have prevented him coming into physical contact (by way of biting) with the victim.

The menacing classification will reduce the risk posed to the community by requiring Jasper to be muzzled when in public. The position of the Compliance Team on behalf of the Council is that the evidence substantiates the classification of Jasper as menacing under the Act.

If Mr Ridd continues to comply with these requirements, there appears to be little risk of future harm from Jasper and the objective of the Act has been achieved.

Should Mr Ridd not comply, then the ability to impose financial penalties (through infringements) and dog classifications remains available to Council.

ATTACHMENTS

1. Dog Control Act 1996, ss 33A and 33B
2. Letter of Menacing Classification - Jasper
3. Letter of Objection from Dog Owner
4. Copy of Request for Service (2003123)
5. Photo of Wound (Victim)
6. Dog Classification Matrix CO37
7. Dog Classification Matrix CO48
8. Interview Notes - Dog Owner
9. Interview Notes - Complainant

PARLIAMENTARY COUNSEL OFFICE
TE TARI TOHUTOHU PĀREMATA

New Zealand Legislation

Dog Control Act 1996

- Warning: Some amendments have not yet been incorporated

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).

PARLIAMENTARY COUNSEL OFFICE
TE TARI TOHUTOHU PĀREMATA

New Zealand Legislation

Dog Control Act 1996

- Warning: Some amendments have not yet been incorporated

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).

GREAT LAKE TAUPŌ
Taupō District Council
46 Horomatangi Street, Taupō 3330
Private Bag 2005, Taupo Mail Centre
Taupō 3352, New Zealand
T 07 376 0899
F 07 378 0118
E info@taupo.govt.nz
www.taupo.govt.nz

19 February 2020

[redacted]

Dear [redacted]

Notice of Classification of Dog as a Menacing Dog - Section 33A, Dog Control Act 1996
Your Reference: 08694
Dog Description: 191192, Jasper, Schnauzer, Miniature, Black/Grey, Male neutered

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 Taupo District Council considers this dog may pose a threat to any person, stock, poultry, domestic animal or protected wildlife because of:

- Observed or reported behaviour of the dog. In that on the 17th February 2020 your dog Jasper was involved in an incident involving a person or another animal at Kenrigg Road, Taupō.

A full summary of the effects of the classification and your right to object is provided on the following page.

If you have any enquiries regarding this letter, please contact the Compliance Team on 07 3760899 or email businesssupport@taupo.govt.nz

If you have any enquiries regarding this notice, please contact the Compliance Team on 07 3760899 or email info@taupo.govt.nz.

Yours sincerely

Compliance Team Leader
Taupo District Council
CO-37

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 (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

(b) may be required to produce to the Taupo District Council, within 1 month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying—
  (i) that the dog is or has been neutered; or
  (ii) that for reasons that are 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 the Taupo District Council, produce to the Taupo 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).

As from 1 July 2006, you are also required, for the purpose of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the Taupo District Council in accordance with the reasonable instructions of the Taupo 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 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 the classification of a dog as menacing 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 the Taupo 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.

5 Nursery Lane
RD1
Kinloch
Taupo 3377
February 17th 2020

Dear [redacted],

Ref: 191192 Jasper Schnauzer Miniature dog.

I am writing to appeal against your decision to classify Jasper as a menacing dog under Section 33A (2) of the Dog Control Act 1996.

I certainly feel that we cannot allow dogs to bite people and not take responsibility for their dogs actions, but I feel that in this case Jasper was placed under severe provocation by [redacted] aged [redacted] and [redacted] possibly older. I will outline below the events that took place on the evening of February 17th 2020 on Kenrigg Road Kinloch.

Prior to the date above for several weeks the [redacted] mentioned above had attempted to bully, intimidate and use abusive language in their attempts to clear Jasper and myself off the pavement each time when I decided to take our usual evening walk, by the use of their bikes being ridden at great speed on the pavement heading directly for us. On the evening in question we walked pass Antonio Place and I heard one [redacted] say "There's that old man and his again lets have some fun". Before long they started riding their bikes in their usual fashion but this time the elder [redacted] rode [redacted] bike and braked just behind me making me jump and Jasper yelped in panic. The [redacted] somehow came on my outside with his bike wheel hitting Jasper and then the [redacted] started kicking him and that's when Jasper under severe provocation bit the [redacted] out of sheer fear and fright.

We bought Jasper nearly six years ago and in all that time he has never been reported for biting either a dog or human being when we lived in Reporoa and the last four years in Kinloch. This was a case of a dog who became extremely frightened by the actions of this boy. Riding on the pavement by a bike is apparently illegal and the P M is trying to allow bikers to ride on the footpaths but at this moment by law it is not an option. I am not condoning Jaspers action but surely you must look at the provocation he was under and I wonder how you would have reacted in a similar situation.

I have no doubt wasted my time and energy on writing this letter because I felt that when your member of staff came to see me that Jasper's fate was already sealed and that you were just going through the process, but I made a promise to my [redacted] before [redacted] died that I would take extra care of Jasper and that is what I am doing. He is a link to my late [redacted] who cared and loved the animals we owned, and in [redacted] youth wanted to be a vet but because of [redacted]

dislike of blood it did not happen, so [redacted] surrounded [redacted] with dogs, cats, hens and a horse. [redacted] would have been horrified at the behavior of these [redacted] towards [redacted] beloved Jasper. But with the way things are today some children and young people appear to have no respect for elderly people or people in general. This behavior is today classified as "normal" much to my dismay and much of their actions are inherited from parents. A prime example was exhibited on the fateful evening by the [redacted] plus [redacted] and [redacted] who became not only verbally aggressive but also the [redacted] would have dearly loved to have put me in hospital or worse with severe injuries. Would it be appropriate if I mentioned that in May I am seventy six years old, what does that say for the aforementioned [redacted]

I have enclosed copies of his micro chipping and when he was neutered for your records. I have also managed to buy a muzzle which allows him to breathe but not able to drink, how does that fit in with the law?

Yours faithfully

[redacted]

[redacted]

VetPl Reporoa
PO Box 123
REPOROA
07 3338707

Date Printed 16 MAR 20 Page 2

Report Clinical History

Name Jasper **Owner** Mr Ridd
Mobile [redacted]

half a tablet once a day with food

Drugs Dispensed

4 of Rimadyl Chewable 75mg - half a tablet once a day with food

Date 5 JUL 15 10:42 Vet SEC Weight 11.00 Temp Scores: Body 4 Dental

Clinical Details Last Change: 5 JUL 15 11:03:55

in dooggy day care friday and played heaps , stiff yesterday and today reluctant to walk sitting down and steps

normodipsci,normphagic no vom or di otherwise BAR
on exan moving well, neck movews fine , small degree of discomfort on manip and back and in general absomen
temp fine otherwise NAD on exam

suspect soft tissue sprain PLAN rest and rimadyl,
dispense 4 days rimadyl half 75 mg can have more if reqd write RVM

rv INI

Drugs Dispensed

2 of Rimadyl Chewable 75mg - half a tablet once a day with food

Date 5 JUL 15 10:31 Vet SEC Weight 11.00 Temp Scores: Body Dental

Date 25 MAR 15 11:39 Vet DF Weight Temp Scores: Body Dental

Clinical Details Last Change: 25 MAR 15 11:40:08

stitch removal, wound is sound, healed well

Date 13 MAR 15 08:15 Vet CN Weight 9.90 Temp Scores: Body 3 Dental 0

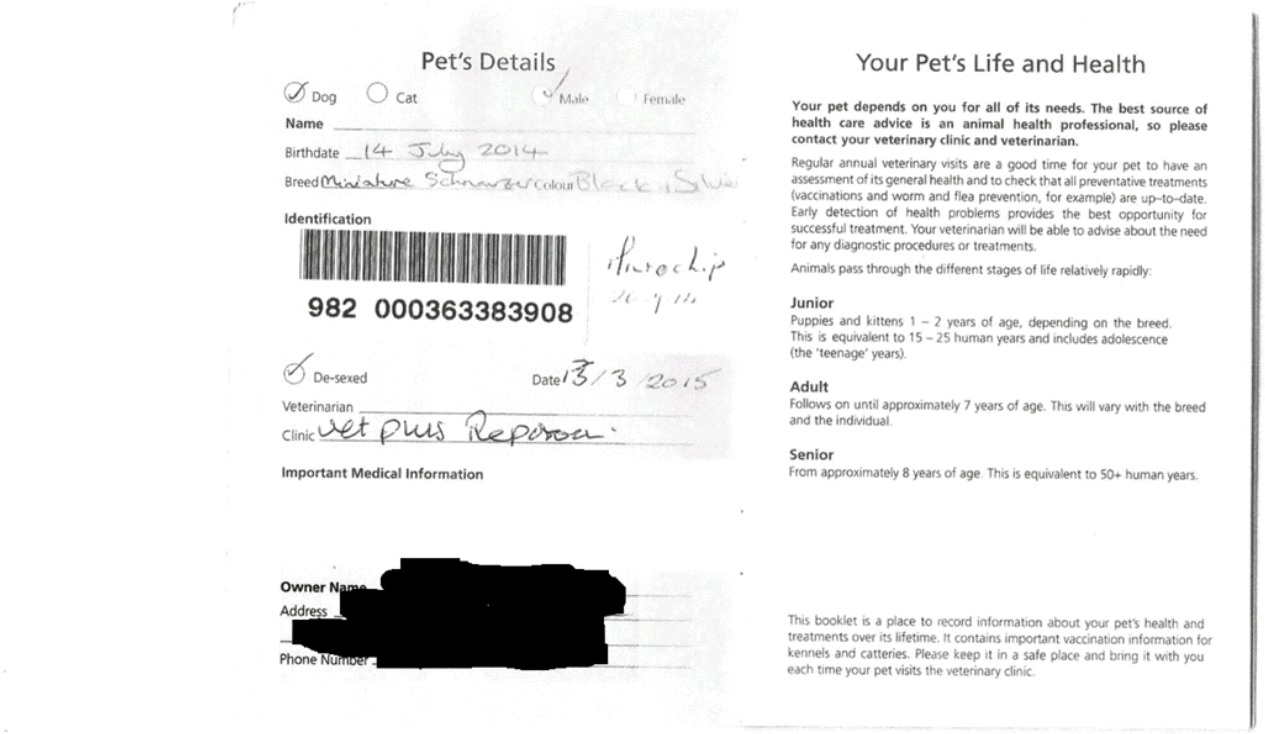
Clinical Details Last Change: 13 MAR 15 13:30:11

Admitted: med dog neuter 8.15am

BAR, HR 160, RR 28, both testes present, check done in kennels.
routine neuter tie off w 3-0 vilet & skin w 3-0 supramid. 2 baby retained upper central incisors removed. metacam 0.4ml SQ post op.

Drugs Dispensed

2 of Metacam Chewable Dog Tablet 1mg - Give 1 tablet once daily until finished start Sat AM



Pet's Details

☑ Dog ○ Cat ☑ Male ○ Female

Name

Birthdate 14 July 2014

Breed Miniature Schnauzer Colour Black & Silver

Identification

982 000363383908

microchip

☑ De-sexed Date 13/3/2015

Veterinarian

Clinic Vet Plus Reporoa

Important Medical Information

Owner Name [redacted]

Address

Phone Number

Your Pet's Life and Health

Your pet depends on you for all of its needs. The best source of health care advice is an animal health professional, so please contact your veterinary clinic and veterinarian.

Regular annual veterinary visits are a good time for your pet to have an assessment of its general health and to check that all preventative treatments (vaccinations and worm and flea prevention, for example) are up–to–date. Early detection of health problems provides the best opportunity for successful treatment. Your veterinarian will be able to advise about the need for any diagnostic procedures or treatments.

Animals pass through the different stages of life relatively rapidly:

Junior
Puppies and kittens 1 – 2 years of age, depending on the breed. This is equivalent to 15 – 25 human years and includes adolescence (the 'teenage' years).

Adult
Follows on until approximately 7 years of age. This will vary with the breed and the individual.

Senior
From approximately 8 years of age. This is equivalent to 50+ human years.

This booklet is a place to record information about your pet's health and treatments over its lifetime. It contains important vaccination information for kennels and catteries. Please keep it in a safe place and bring it with you each time your pet visits the veterinary clinic.

Taupo District Council

72 Lake Terrace, Taupo
Private Bag 2005, Taupo
Telephone (07) 376 0899
Facsimile (07) 378 0118

Request: 2003123
To: Animal Management & Compliance
Attn: [redacted]
Priority: 1:Critical-1 Hour
Closed: 19/02/20 - 15.58

Caller Information

Name [redacted]
Address [redacted]
Phone [redacted]
Email [redacted]

Request

District Taupo
Received by [redacted]
Recd date/time 17/02/20 - 10.44
How received Phone
Incident date/time 13/02/20 - 19.30
Action required Complaint
Type Attack on person/animal/wildlife
Details [redacted] has called to report an attack on [redacted] by a dog on Kenrigg Road, Kinloch [redacted] was riding on [redacted] bike on the grass berm and there was a [redacted] walking [redacted] dog which was in a retractable lead the dog cam up to [redacted] and bit [redacted] on the leg. The owner is abusive and confrontational with the children and the dog is also aggressive around children and other dogs. The dog is a small grey dog not sure of breed. There have also been other issues with the dog and the owner in the area. [redacted] has to take [redacted] to the doctor today as the bit has become infected. The caller asked me if I wanted the name of the owner as I agreed [redacted] told me it was [redacted] doesn't know his address. Looked in the system and attached the [redacted] which most closely describes the dog and most likely address as there are two [redacted] in the system.

Issue/Service Restored

Date & Time :

Location

Street Kenrigg Road, Kinloch

Dog Details

Owner 08694 : [redacted]
Dog 191192 : Jasper : Schnauzer, Miniature : Male : Black/Grey

Actions

Status Complaint - [redacted] - Arrived: 17/02/20 - 10.53 - Completed: 17/02/20 - 10.53
Details Pushing time out

Request 2003123 **Page 2**

Actions cont..

Status Complaint -[redacted]- Completed: 17/02/20 - 12.42
Details Datacom sheet created & uploaded to SR from Victim - Photo of puncture wound also uploaded .

Status Complaint -[redacted]- Arrived: 17/02/20 - 12.44 - Completed: 17/02/20 - 12.44
Details Have arrived at DO's property , No one was home - Have left CC & VM to ge in touch asap regarding info on inccident involving dog "Jasper" - Follow up

Status Complaint -[redacted]- Completed: 18/02/20 - 08.23
Details [redacted]has called in regards to the calling card that was left at [redacted]property. Are able to give[redacted]a call when your available on [redacted]explained that this has been a build up of smaller incidences in the last couple of weeks.

Status Complaint -[redacted]- Completed: 18/02/20 - 08.51
Details Will call C

Status Complaint -[redacted]- Completed: 18/02/20 - 11.04
Details Datacom sheet created for DO - Uploaded & saved to DO files

Status Complaint -[redacted]- Completed: 18/02/20 - 12.07
Details After interview with DO have asked[redacted]let dog out so i could observe dogs behaviour - Dogs has run at me but no intention to bite - More intention to someone unknown being in there house - Have played ball with dog & has mellowed out . Behaviour observsation that dog is more protective around DO more than anything .

Status Complaint -[redacted]- Completed: 18/02/20 - 12.14
Details Matirx completed & uploaded - Score 23
warning / infringement to be served to DO
53(1) Failure to keep dog under control
SR to[redacted]to possibly push for MENACING classification & add infringments or leave as is - Follow up
p

Status Complaint -[redacted]- Arrived: 18/02/20 - 14.52 - Completed: 18/02/20 - 14.52
Details Menacing
Compliance Team Leader Summary:
The incident has been investigated, the outcome is that the dog be classified - MENACING IAW Dog Control 1996 Section 33A(b)(i) Territorial authority may classify dog as menacing.
Furthermore the dog is to be neutered IAW 33E (b).
The owner is also to be given an WARNING IAW Dog Control 1996 Section 53 Offence of failing to keep dog under control and a Warning Dog Incident Letter.
Responsible Dog Owner Status REVOKED.
Owner Status REVOKED.

Status Complaint -[redacted]- Arrived: 18/02/20 - 14.59 - Completed: 18/02/20 - 14.59
Details Please remember to add a attack folder in owner file and save docs in there

Request 2003123

Actions cont..

Status	Complaint - [redacted] - Arrived: 18/02/20 - 15.30 - Completed: 18/02/20 - 15.30
Details	BS as advised by TM please classify dog as details below - MENACING IAW Dog Control 1996 Section 33A(b)(i) Territorial authority may classify dog as menacing & please send DO WARNING IAW Dog Control 1996 Section 53 Offence of failing to keep dog under control and a Warning Dog Incident Letter please
Status	Complaint - Business Support - Arrived: 19/02/20 - 09.44 - Completed: 19/02/20 - 09.44
Details	See Team Leader before any further action please
Status	Complaint - Business Support - Completed: 19/02/20 - 11.10
Details	Assigning to CO
Status	Complaint - [redacted] - Arrived: 19/02/20 - 11.35 - Completed: 19/02/20 - 11.35
Details	as spoken with [redacted] -
Status	Complaint - [redacted] Completed: 19/02/20 - 14.57
Details	RDO cancelled and Menacing classification applied for Jasper. Letters given to CO supervisor to deliver Back to CO
Status	Complaint - [redacted] Completed: 19/02/20 - 15.58
Details	NFA

Taupo District Council
Dog Classification Evaluation

Service request number:	2003123
Owner number, name and address:	[redacted]
Dog name and registration number:	191192 Jasper

1	NATURE OF INCIDENT	Attack on a person with minor injury	13
2	PUBLIC INTEREST	Public interest is factored into report, remains constant	2
3	LEGISLATIVE INTENT	Legislative intent factored into report, remains constant	2
4	CLASSIFIED DOG	Dog not classified	0
5	VICTIM IMPACT	The victim is concerned about the outcome	2
6	DOG SURRENDERED or SEIZED	No requirment for the dog to be surrendered for destruction	0
7	OBSERVED AGGRESSION	Mild aggression	1
8	NEGLIGENCE	Not the result of negligence of the owner	0
9	OWNER CO-OPERATION	Co-operative and forthcoming with information	0
10	DOGS PREVIOUS HISTORY	No history	0
11	DOG REGISTERED AT THE TIME OF THE INCIDENT	The dog is currently registered	0
12	RESTRAINT	The dog was under control of a person or secured	0
13	KNOWN TO BE DANGEROUS	Not known by the owner or council to have shown previous aggression	0
14	RECURRENCE LIKELIHOOD	Likely	2
15	TRAINED AGGRESSION	Not trained to be aggressive	0
16	DAMAGES	Did not offer to pay any damages or damages remain unpaid	1
17	BREED CHARACTERISTICS	Not known for its aggression	0

TOTAL		23
OUTCOME	**Warning notice and/or infringement: 9 - 23**	
CLASSIFICATION	**NONE**	

NOTES:	
OFFICER NUMBER:	Officer 37

NOTE:
When saving in owner file ensure you have chaged to save as PDF.
The file name should be as follows:
TDC Dog Classification Evaluation Matrix SR111111 CO 00

Taupo District Council
Dog Classification Evaluation

Service request number:	2003123
Owner number, name and address:	[redacted]
Dog name and registration number:	191192 - Jasper : Black/Grey Schnauzer, Miniature : Male

1	NATURE OF INCIDENT	Attack on a person with minor injury	13
2	PUBLIC INTEREST	Public interest is factored into report, remains constant	2
3	LEGISLATIVE INTENT	Legislative intent factored into report, remains constant	2
4	CLASSIFIED DOG	Dog not classified	0
5	VICTIM IMPACT	The victim is concerned about the outcome	2
6	DOG SURRENDERED or SEIZED	No requirment for the dog to be surrendered for destruction	0
7	OBSERVED AGGRESSION	No sign of aggression	0
8	NEGLIGENCE	The incident is the direct result of carelessness	4
9	OWNER CO-OPERATION	Co-operative and forthcoming with information	0
10	DOGS PREVIOUS HISTORY	No history	0
11	DOG REGISTERED AT THE TIME OF THE INCIDENT	The dog is currently registered	0
12	RESTRAINT	The dog was under control of a person or secured	0
13	KNOWN TO BE DANGEROUS	Not known by the owner or council to have shown previous aggression	0
14	RECURRENCE LIKELIHOOD	Unable to determine	1
15	TRAINED AGGRESSION	Not trained to be aggressive	0
16	DAMAGES	No damages or damaged paid voluntarily	0
17	BREED CHARACTERISTICS	Not known for its aggression	0

TOTAL		24
OUTCOME	**Menacing dog classification and/or infringement: 24 - 27**	
CLASSIFICATION	**MENACING**	

NOTES:	Menacing Compliance Team Leader Summary: The incident has been investigated, the outcome is that the dog be classified - MENACING Dog Control 1996 Section 33A(b)(i) Territorial authority may classify dog as menacing. Furthermore the dog is to be neutered IAW 33E (b). The owner is also to be given an WARNING IAW Dog Control 1996 Section 53 Offence of failing to keep dog under control and a Warning Dog Incident Letter. Responsible Dog Owner Status REVOKED.
OFFICER NUMBER:	Officer 37

NOTE:
When saving in owner file ensure you have chaged to save as PDF.
The file name should be as follows:
TDC Dog Classification Evaluation Matrix SR111111 CO 00

GREAT LAKE TAUPŌ
Taupō District Council

Dog Incident Checksheet - Offending Dog Owner

Reference number: MAD256581893014 **Submitted on:** 18/02/2020 11:03 a.m.

Service request number:	
Investigating officer number:	CO48

Dog Owner

Name:	[redacted]
Residential address:	[redacted]
Contact phone number:	[redacted]
Owner number:	08694

Person in Control of the Offending Dog(s)

Same as above

Dog(s)

Dog registration tag number:	191192
Dog name:	Jasper
Breed:	Schnauzer, Miniature
Sex:	Male
Colour:	Black/Grey
Any distinguishing marks:	
Any other relevant details:	5.08y / Small dog
Classified dog:	No
Type of classification, if applicable:	
Dog surrendered:	No
Known to be dangerous:	No
Recurrence likelihood:	
Trained aggression:	No
Breed characteristics:	Family Pet

Incident

Date and time of incident/Date and time you became aware of the incident:	Possibly friday - About 730pm
Location where incident occurred/allegedly occurred:	Kenrigg Rd kinloc
Where were you when the incident happened?	we were walking down the path - He was on a retractable lead

Where (walking on lead next to me, running in exercise area etc.) was your animal?	He was walking beside me .
Was the incident in a public space?	Yes
Where was the animal/human victim when you first noticed it/him/her?	[redacted]was riding behind us & i didn't notice [redacted]until [redacted] squeezed his brakes which was very close to us .
Was your dog on a lead of under control wearing a muzzle?	He was on "Tight" lead but not muzzled
If your animal was not under your control how did your dog leave your property?	He hasn't left the property .
What happened?	Me & jasper were walking down kenrigg RD - I hadn't noticed the [redacted] on [redacted] bikes until [redacted] has riden very closely to us - I have heard the [redacted] squeeze [redacted] brakes skidded to a stop which [redacted] was very close to us too on the footpath - [redacted] then tried avoiding us riding around tree's which by then jasper has gotten a freight . The [redacted] has tried kicking out at jasper which then [redacted] has reacted by a quick panic bite to [redacted] leg . After this [redacted] has ridden off home & confronted [redacted] [redacted] which [redacted] has then come out looking for me & two [redacted] have driven by & jumped out of the van & one [redacted] started going off at me. I have had enough & walked away .
How did it happen?	The [redacted] was ridden right behind me even once [redacted] has noticed me on the footpath
Did you sustain any injuries as a result of this incident?	No
Did your animal sustain any injuries during the incident?	No
Describe the nature of any injury:	No blood - Unsure if jasper had bitten him or not just cause it happend all at a blur .
What did you do?	explained above - all happend so fast both got a shock
What did the person who appeared to be in control of the other dog do?	No other dog was involved
Describe how your dog was behaving:	He was very paniced when it all happend

Describe how the other dog was behaving:	N/A
Was anyone with the animal victim or seemed to be in control of the animal?	N/A
What did the person with- or who seemed to be in control of the animal victim say or do?	N/A
Did you hear a person call the dog by name? What name?	N/A
Did you notice any injuries sustained by human victim as a result of this incident?	I couldn't see anything just as it happend vey quickly
Did you notice any injuries sustained by animal victim as a result of this incident?	No
How did the incident end?	I have walked away
How did the victim leave the scene of the incident?	I have walked away & [redacted] has riden home on his bike .
What did you do after the incident (e.g. assist victim, call for help etc.)?	
Did you offer to help with any doctor or vet treatment?	No
Has your dog ever shown aggression towards any person or any animal before?	He can be abit grumpy at times but no real aggerstion.
Did you see anyone else in the area that may have witnessed the incident?	I have a friend That witnessed it but [redacted] doesn't / wouldn't want to say anything as [redacted] dosen't talk to people.

Witnesses

Name:

Residential address:

Contact phone number:

Victim Impact

How did you feel about the incident or after the incident?	Pissed off as these kids have treated me like a dickhead - this has been ongoing for months now .

Is the victim is likely to continuously suffer as a result of the attack and how?	No

Summary of Facts

Summary:	DO has been walking his dog on footpath - C has riden passed on bike unsure why so close to DO & Dog - Has riden to close & come into contact with Dog as he has tried riding away & put leg out to scare dog away . Dog has bitten his leg in possibly a paniced state as he has appeared from behind . [redacted] has riden home & Told [redacted] who have confronted DO down the road .

File Checklist

Attack file Objective reference:	
Seizure number:	
CO notes saved in Attack File:	True
Statement saved in Attack File:	True
Interview notes saved in Attack File:	True
Correspondence/Emails saved in Attack File:	False
Documents served and saved in Attack File:	False
Statement of service saved in Attack File:	False
Scene (maps, diagram, photos) saved in Attack File:	False
Copy of medical report saved in Attack File:	False
Copy of vet report saved in Attack File:	False
Other photos saved in Attack File:	True

GREAT LAKE TAUPŌ
Taupō District Council

Dog Incident Checksheet - Complainant

Reference number: MAD256581890419 **Submitted on:** 17/02/2020 12:33 p.m.

Service request number:
Investigating officer number: CO48

Details

Complainant

Name: [redacted]
Residential address: [redacted]
Contact phone number: [redacted]

Victim

Name: [redacted]
Residential address:
Contact phone number:

Animal Victim

Name of animal:
Type of animal:
Breed:
Size:
Colour:
Sex:
Any distinguishing marks:
Other relevant details (tag number etc.):

Owner or Person in Control of the Offending Dog(s)

Did the dog owner give you their details? No

Dog(s)

Dog name: -
Breed: -
Sex: -
Colour: Grey
Any distinguishing marks:
Any other relevant details: Small -
Are you familiar with this dog? Yes

If yes, what do you know about this dog?	Friends have had run in's with dog & DO before .

Incident

Where were you when the incident happened?	I was unloading the car
Where (walking on lead next to me, running in exercise area etc.) was your animal?	N/A
Where did the offending dog come from?	walking along Kenrig St
Was the incident in a public space or did the dog leave a private property?	Yes
Where, precisely, was the dog when you first saw it?	on the corner of Kenrig & my street . The dog was on a retractable lead but even when DO has noticed dog was running at [redacted] didn't stop it with the lead .
Was the dog on a lead/harness or muzzled?	On restractable lead - no muzzle
How did the dog leave the property?	N/A
When did it take place?	Thrusday evening about 730pm - 13022020
What happened?	[redacted] was riding [redacted] bike along footpath - [redacted] noticed the dog ahead & has riden [redacted] bike far enough to try get away from the dog . [redacted] had riden behind some trees along the footpath & the dog has still been able to reach [redacted] & bite left leg . DO has possibly pulled the dog away or [redacted] has gotten away from them both .
How did it happen?	The dog wasn't controlled even tho it was on a lead .
Did you sustain any injuries as a result of this incident?	[redacted] bite pucture on [redacted] left leg . which now has become infected .
Did your animal (if animal victim) sustain any injuries during the incident?	N/A
Describe the nature of any injury:	Puncture wound
How did the incident end?	[redacted] has cycled off - Come home & confronted me & my

	[redacted] we both have confronted the DO on the road but still no info of dog nor no apologised for anything
What did you do?	[redacted] has come home & explained what has happened & we have then confronted the DO .
Describe how the dog was behaving:	From previous history dog being aggresive .
Why did that happen or why do you believe the dog made the attack?	Just in that dogs nature .
What did the person who appeared to be in control of the dog do?	Hasn't done anything & walked away .
Was any person with the dog or appear to be in control of the dog?	As above
Have you had a problem with this dog before if so describe the previous issues?	Not us but DO has previously yelled at [redacted] an other kids in area
Did anyone (appearing to be in charge of the dog) say anything to you?	As above .
Did you hear a person call the dog by name? What name?	No
Did anyone come to your assistance and if so who?	A friend but i wont put any details of them in here .
Did the owner of the dog offer to help with any doctor or vet treatment?	
Did you see anyone else in the area that may have witnessed the incident?	Just our friend .

Witnesses

Name:

Residential address:

Contact phone number:

Victim Impact

How did you feel about the incident or after the incident?	[redacted] was pretty shaken up .

Is the victim is likely to continuously suffer as a result of the attack and how?	No

Summary of Facts

Summary:

[redacted] has been riding his bike with a few friends up & down the street , Noticed the DO & DOG walking ahead so has riden [redacted] bike on the far left on the footpath behind a few trees . Dog has still been able to reach [redacted] on bike & biten [redacted] left leg . [redacted] have confronted DO but no info was given & has walked off home.
Witness was a friend of [redacted] but has wished not to give any details over of witness .

0.0 OBJECTION TO MENACING DOG CLASSIFICATION - MYA

Author: **Ross McDonald, Compliance Team Leader**

Authorised by: **Brian Fox, Head of Regulatory and Risk**

PURPOSE

This item is being presented to the Committee for it to consider upholding or rescinding a menacing dog classification that has been objected to by the dog owner 07591 Samantha Lloyd (Ms Lloyd).

EXECUTIVE SUMMARY

Section 33A of the Dog Control Act 1996 ("the Act") (Attachment 1) allows Taupō District 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.

Mya, a White/Grey Alaskan Malamute/Siberian Husky: Female Tag Number: 205337 (Mya) was classified as menacing on 06/04/2020 after a complaint made by a member of the public was investigated. Council Officers have classified the dog as menacing (Attachment 2).

In accordance with section 33B of the Act, Ms Lloyd has objected to the classification (Attachment 3) and the Committee is required to consider the objection to the menacing classification.

Ms Lloyd has stated in her objection that Mya has grown up around other dogs and around children, and she has never posed a threat to them. She (Mya) currently lives with another dog and has for years, and there have been no issues. She (Mya) runs around and plays with friends and family. She is a happy dog and a vocal dog, but she is not menacing or aggressive.

Ms Lloyd appears to be complying with the requirements of the classification and there have been no further incidents.

RECOMMENDATION(S)

That the District Dog Control Committee upholds the menacing dog classification for Mya.

BACKGROUND

The proposal has not been presented previously.

Mya was reported to have attacked another dog by biting it (Attachment 4 and Photograph Attachment 6) at approximately 1830 hours on the 29/03/2020 at Kinloch Road, Kinloch (Scene Diagram Attachment 5).

Mya approached the owner and his dog and bit the dog on the leg. The result was a minor puncture wound to the leg which did not require vet treatment. Mya was not under proper control and was in a public place (Attachment 7,8 & 9).

Mya was classified as menacing on 06/04/2020 after a complaint made by a member of the public that Mya had attacked their dog.

Mya has had one previous report of not being under proper control. Ms Lloyd objects to the menacing classification.

DISCUSSION

Statutory Framework – Section 33A and 33B of the Dog Control Act 1996

The objects of the Act are to make better provision for the care and control of dogs. The Act also imposes obligations on dog owners designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person.

Should a dog, by action or observed behaviour, be considered to pose a threat, then section 33A of the Act allows the territorial authority to classify a dog as menacing, and section 33B allows the owner to object to the classification and to be heard in support of the objection.

Evidence which formed the basis for the Classification – Section 33B(2)(a)

- On 29/03/2020, Council received a complaint from a member of the public that their dog had been attacked.
- Mya was not under proper control and in a public place.
- Mya acted aggressively and bit the victim.
- The owner of the victim had to fend Mya off by kicking the dog.

After completing the investigation, two dog classifications matrices were completed. These are based on the information gained from witness interviews, previous history, and evidence found during the investigation. The matrices form part of the decision to classify a dog as menacing and are attached (Attachment 10 & 11). Mya was then classified as menacing on 06/04/2020.

Steps taken by the Owner to Prevent any Threat to the Safety of Persons or Animals – Section 33B(2)(b)

Since the reported incident, there have been no further reports to Council in relation to Mya. Ms Lloyd has been co-operative with ensuring that the effects of the classification have been adhered to.

Matters Relied Upon in Support of the Objection – Section 33B(2)(c)

Ms Lloyd has objected to the menacing classification. Ms Lloyd states that in this case, Mya was simply trying to smell the dogs behind, as dogs do. Ms Lloyd says Mya is not aggressive by nature and showed no aggression towards the dog involved.

Other Relevant Matters – Section 33B(2)(d)

Given the subjective nature of the classification exercise, there will be variations to enforcement outcomes. The outcome is based on evidence that has been presented, the likelihood of reoccurrence, history of the dog, negligence on the part of the person in control of the dog at the time and ensuring the safety of our community from further harm.

It should be noted that the witness was contacted after the objection letter was received. Originally Ms Lloyd was not able to give the required details for Council to contact the witness. The witness has since been contacted and when questioned, was unsure of the details of the incident and could not provide information that would fully support the statements contained in the objection.

Based on this information it is considered that there are two options:

1. Rescind the menacing classification; or
2. Uphold the menacing classification.

OPTIONS

Analysis of Options

Option 1: Rescind the menacing classification

Advantages	Disadvantages
• Council is seen to have a fair and robust process when considering an objection. • Consideration is given to the ongoing compliance by the owner since the incident to prevent any future concerns.	• Should there be another incident, Council maybe criticised for not taking all actions available to prevent harm by upholding the menacing classification to ensure the dog is not a threat to the public.

Option 2: Uphold the menacing classification

Advantages	Disadvantages
• The menacing classification ensures that Mya is muzzled in public and reduces the chance of further harm or injury. • A muzzle should not be seen as an undue burden on owner or dog, it is a simple, safe way to protect the public. • Council is seen to take any incident seriously when it comes to uncontrolled dogs or owners not taking their obligations under the Act seriously.	• Council's response might be seen as excessive in relation to a dog that shows normal characteristics.

Analysis Conclusion:

The menacing classification is upheld by the Committee.

CONSIDERATIONS

Alignment with Council's Vision

Council's vision is 'to be the most prosperous and liveable district in the North Island by 2022'. This is accompanied by a core set of values to underpin decision-making, the following of which are relevant to this particular proposal: Resilient.

Financial Considerations

There are no financial considerations.

Legal Considerations

Local Government Act 2002
The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of Section 10 of the Local Government Act 2002. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that social is of relevance to this particular matter.

The proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal is the Dog Control Act1996, in particular section 33B - Objection to classification of dog under section 33A:

(1) If a dog is classified as a menacing dog 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

(c) 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.

Policy Implications

There are no known policy implications.

Māori Engagement

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti ō Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti ō Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

Risks

If the classification is rescinded, there is a risk to Council if Mya was to be involved in another incident of similar nature. The risk is a reputational one i.e. that Council did not use all of its tools to prevent future harm.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

a. The level of financial consequences of the proposal or decision;

b. Whether the proposal or decision will affect a large portion of the community or community of interest;

c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;

d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;

e. Whether community interest is high; and

f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016) and are of the opinion that the proposal under consideration is of low importance.

ENGAGEMENT

Taking into consideration the above assessment, that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

COMMUNICATION/MEDIA

Direct communication has been/will be carried out with affected parties/key stakeholders but no wider communication is considered necessary.

CONCLUSION

It is the owner's responsibility to ensure a dog is controlled effectively and in accordance with the Act. Dog owners must understand their obligations, in particular to protect the community from their dog causing nuisance and/or injury through aggressive behaviour.

This incident is a direct result of Mya not being under control in a manner that would have prevented her coming into physical contact (by way of biting) with the victim.

The menacing classification will reduce the risk posed to the community by requiring Mya to be muzzled when in public. The position of the Compliance Team on behalf of the Council is that the evidence substantiates the classification of Mya as menacing under the Act.

If Ms Lloyd continues to comply with these requirements, there appears to be little risk of future harm from Mya and the objective of the Act has been achieved. Should Ms Lloyd not comply, then the ability to impose financial penalties (through infringements) and dog classifications remains available to Council.

ATTACHMENTS

1. Dog Control Act 1996, ss 33A and 33B
2. Letter of Classification as Menacing Dog for Mya
3. Letter of Objection from Dog Owner
4. Request for Service (2005561)
5. Scene Diagram
6. Photo of Wound (Victim)
7. Interview Notes (Complainant)
8. Interview Notes (Dog Owner)
9. Interview Notes (Witness)
10. Dog Classification Matrix CO44
11. Dog Classification Matrix CO37

PARLIAMENTARY COUNSEL OFFICE
TE TARI TOHUTOHU PĀREMATA

New Zealand Legislation

Dog Control Act 1996

- Warning: Some amendments have not yet been incorporated

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).

PARLIAMENTARY COUNSEL OFFICE
TE TARI TOHUTOHU PĀREMATA

New Zealand Legislation

Dog Control Act 1996

- Warning: Some amendments have not yet been incorporated

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).

GREAT LAKE TAUPŌ
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Taupō 3352, New Zealand
T 07 376 0899
F 07 378 0118
E info@taupo.govt.nz
www.taupo.govt.nz

6 April 2020

[redacted]

Dear [redacted]

Notice of Classification of Dog as a Menacing Dog - Section 33A, Dog Control Act 1996
Your Reference: 07591
Dog Description: 196760, Mya, Alaskan Malamute/Siberian Husky, White/Grey, Female entire

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 Taupo District Council considers this dog may pose a threat to any person, stock, poultry, domestic animal or protected wildlife because of:

- Observed or reported behaviour of the dog. In that on the 29 March 2020 your dog Mya your dog was involved in an incident involving another animal at Kinloch Road, Kinloch, Taupō.

A full summary of the effects of the classification and your right to object is provided on the following page.

If you have any enquiries regarding this letter, please contact the Compliance Team on 07 3760899 or email businesssupport@taupo.govt.nz

If you have any enquiries regarding this notice, please contact the Compliance Team on 07 3760899 or email info@taupo.govt.nz.

Yours sincerely

Compliance Team Leader
Taupo District Council
CO-37

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 (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

(b) may be required to produce to the Taupo District Council, within 1 month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying—
  (i) that the dog is or has been neutered; or
  (ii) that for reasons that are 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 the Taupo District Council, produce to the Taupo 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).

As from 1 July 2006, you are also required, for the purpose of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the Taupo District Council in accordance with the reasonable instructions of the Taupo 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 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 the classification of a dog as menacing 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 the Taupo 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.

Ross McDonald

From: Customer ServiceTeam <INFO@TAUPO.GOVT.NZ>
Sent: Wednesday, 29 April 2020 4:52 PM
To: [redacted]
Subject: FW: Objection letter - SR 205561 [#15123C]

-----Original Message-----
From: [redacted]
Sent: Wednesday, 29 April 2020 4:37:02 PM
To: info@taupo.govt.nz
Subject: Objection letter - SR 205561
Afternoon,

I understand an objection letter needs to be sent 14 days after the infringement notice is issued. I received the infringement notice on the 6th of April and posted my objection letter on the 12th of April which i have just been told has not yet been received. It was picked up from the Kinloch post box on the 13th of April, so i am unsure on why it has not made it to you guys.

Because of this, i am writing my objection via email as advised today by [redacted]

I am objecting to the classification of my dog Mya as menacing. It is unfair that she is being classed as a menacing dog based on a false complaint made against her.
A complaint was made on the 29th of March saying that she attacked another dog, which is incorrect. No attack took place. I was told that an investigation would be carried out, what does this actually include? Because all i received was a phone call for me to explain what happened followed by an infringement letter in the mail. No attempt was even made to contact the witness that was present at the time of the 'attack' nor were their details even requested. I believe speaking with witnesses would be something you do during an investigation?
So i feel the decision that has been made is unfair and is based purely off [redacted] word.

Mya was simply trying to smell the dogs behind, as dogs do. She is not aggressive and showed no aggression towards the dog involved. She didn't even show aggression towards the dogs owner when [redacted] started kicking her in the stomach. I wouldn't like to be kicked in the stomach and i'm sure she didn't either.
I always walk her on a lead. When she is home she is either contained on the section or inside the house with us, she is never left free to roam.
There are a lot of people out Kinloch who don't even walk their dogs on a lead. We constantly have random dogs wandering on and off the property, day and night.
Mya has grown up around other dogs and around children and she has never posed a threat to them. She currently lives with another dog and has for years and we have had no issues. She runs around and plays with friends and family. She is a happy dog and a vocal dog but she is not menacing or aggressive.
So i don't believe she should be classed as a menacing dog and i shouldn't receive a fine for something that did not happen.

I kept this as simple as possible without sending a novel so Please call or email me if you have any further questions.

I look forward to hearing from you soon.
Kind Regards
[redacted]

Taupo District Council

72 Lake Terrace, Taupo
Private Bag 2005, Taupo
Telephone (07) 376 0899
Facsimile (07) 378 0118

Request: 2005561
To: Animal Management & Compliance
Attn: [redacted]
Priority: 1:Critical-1 Hour
Closed: 20/07/20 - 09.37

Caller Information

Name [redacted]
Address [redacted]
Phone [redacted]
Email [redacted]

Request

District Taupo
Received by [redacted]
Recd date/time 30/03/20 - 09.30
How received Phone
Incident date/time 30/03/20 - 09.41
Action required Complaint
Type Attack on person/animal/wildlife
Details C called, [redacted] dog was attacked last night Sunday 29 March at 6-6.30pm, at roundabout at yellow house on right, [redacted] Kinloch Rd, by a husky type dog which is supposed to be chained up, had no collar on. C walking toward roundabout from Montgomery Rd, their dog was on lead, could see the other dog looking at them. The husky dog charged, C shouted but dog kept going, and attacked their small black spaniel, kept going and difficult to get off. C kicked it to get it away, owner [redacted] came out and shouted at C not to kick [redacted] dog. Eventually dog went back with DO. DO giving fingers to C. This same dog attacked C's dog about June last year. C said DO lied at the time and said it didn't happen, C understood Council instructed DO to chain the dog up.
C's dog has a bad front paw, where dog bit it. C looking after it themselves. Dog OK but subdued. Didn't fight back.
C also fearful, has scratch on [redacted] arm. Has heard anecdotally the dog has attacked a child but didn't have details. Dog is aggressive.
C is just back from Australia so in isolation. Please call to discuss, many thanks.

Issue/Service Restored

Date & Time :

Location

Street Kinloch Road, Kinloch

Dog Details

Owner [redacted]
Dog 196760 : Mya : Alaskan Malamute/Siberian Husky : Female : White/Grey

Actions

Request 2005561 **Page 2**

Actions cont..

Status Complaint - [redacted] - Arrived: 30/03/20 - 09.46 - Completed: 30/03/20 - 09.55
Details Phone interview with C completed - Checksheet Ref MAC025585514823

Status Complaint - [redacted] - Arrived: 30/03/20 - 14.01 - Completed: 30/03/20 - 14.01
Details VM left on DO phone requesting a call back regarding issue.

Status Complaint - [redacted] - Arrived: 30/04/20 - 13.59 - Completed: 30/04/20 - 14.10
Details Spoke with DO. Checksheet completed.
ref MAC025585533068

Status Complaint - [redacted] - Arrived: 01/04/20 - 14.01 - Completed: 01/04/20 - 14.01
Details Matrix completed. reassigning SR to team leader for review.
On Sunday March 29th 2020 the dog 'Mya' 196760 was uncontrolled of [redacted] property and walked up and has bitten the complainants dog on the front right paw causing one small puncture wound. The dog would then not listen to its owner when being called back and the complaint felt [redacted] had to kick the dog to get it away. As there has been a previous complaint of aggression i reccomed the dog to be classifed as menacing and
infringment be sent to the dog owner under dog control act sec52A Failure to keep dog controlled and confined and i reccomed a property inspection to be done to ensure there is adequate fencing.

Status Complaint - [redacted] - Arrived: 03/04/20 - 14.13 - Completed: 03/04/20 - 14.13
Details Menacing
Compliance Team Leader Summary:
The incident has been investigated, the outcome is that the dog be classified - MENACING
Dog Control 1996 Section 33A(b)(i) Territorial authority may classify dog as menacing.
The owner is also to be given an INFRINGEMENT IAW Dog Control 1996 Section 52A Offence of failing to keep dog under control and a Warning Dog Incident Letter.
A property inspection is also to be made and if necessary a Direction to Fence be given to the dog owner.

Status Complaint - [redacted] - Arrived: 03/04/20 - 14.22 - Completed: 03/04/20 - 14.22
Details BS please can you classify the dog 'MYA' as MENACING
Dog Control 1996 Section 33A(b)(i) Territorial authority may classify dog as menacing.
The owner is also to be given an INFRINGEMENT IAW Dog Control 1996 Section 52A Offence of failing to keep dog under control and a Warning Dog Incident Letter.
Thank you

Status Complaint - [redacted] - Arrived: 06/04/20 - 10.18 - Completed: 06/04/20 - 10.18
Details BS as per last update. Thank you

Status Complaint - Business Support - Completed: 06/04/20 - 15.01
Details Infringement issued, warning dog incident letter and menacing by action letters created and sent to CS to be printed and posted.
Back to CO to follow up

Status Complaint - [redacted] - Arrived: 07/04/20 - 10.54 - Completed: 07/04/20 - 10.54
Details VM left on DO phone advising [redacted] of the menacing classification and the infringement and that we will be conducting a property inspection after lockdown. Also advised [redacted] has the right to object to the classification. Requested a call back to discuss further.

Request 2005561 Page 3

Actions cont..

Status	Complaint - [redacted] - Completed: 07/04/20 - 11.15
Details	[redacted] has called, can you please call [redacted] back [redacted] Thank you
Status	Complaint - [redacted] - Arrived: 07/04/20 - 11.18 - Completed: 07/04/20 - 11.18
Details	Another VM left for DO.
Status	Complaint - [redacted] - Arrived: 14/04/20 - 08.52 - Completed: 14/04/20 - 08.52
Details	08/04/20 at 10.27 VM left with DO - Push SR out until after lockdown to complete property inspection.
Status	Complaint - [redacted] - Arrived: 28/04/20 - 13.52 - Completed: 28/04/20 - 13.52
Details	08/04/20 at 10.27 VM left with DO - Push SR out until after lockdown to complete property inspection.
Status	Complaint - [redacted] - Completed: 28/04/20 - 14.25
Details	Above mentioned email attached to SR as "Objection letter" and saved in Obj owner file.
Status	Complaint - [redacted] - Arrived: 29/04/20 - 12.47 - Completed: 29/04/20 - 12.47
Details	Spoke to DO - [redacted] will email in [redacted] objection letter.
Status	Complaint - [redacted] - Completed: 29/04/20 - 15.04
Details	Objection received - saved in objective and sent through to CTL.
Status	Complaint - [redacted] - Arrived: 30/04/20 - 11.59 - Completed: 30/04/20 - 11.59
Details	DO has emailed in stating [redacted] sent a letter objecting to the menacing classification on 12th of April and wonder why [redacted] has not been contacted. We have not received this letter. VM left with DO to discuss.
Status	Complaint - [redacted] - Arrived: 01/05/20 - 09.51 - Completed: 01/05/20 - 09.51
Details	VM left for DO to discuss further steps after accepting objection.
Status	Complaint - [redacted] - Arrived: 01/05/20 - 14.30 - Completed: 01/05/20 - 14.30
Details	VM left for DO to discuss further steps after accepting objection.
Status	Complaint - [redacted] - Arrived: 25/05/20 - 09.20 - Completed: 25/05/20 - 09.20
Details	Push out for time.
Status	Complaint - [redacted] - Completed: 05/06/20 - 11.10
Details	CO47 to meet with KRA to view camera footage - reassigning for update
Status	Complaint - [redacted] - Completed: 05/06/20 - 12.16
Details	Spoke to DO we discussed further steps to dealing with the objection. [redacted] is aware the dog is still classified as menacing and [redacted] needs to comply with the effects. Push for time awaiting a committee meeting.
Status	Complaint - [redacted] Completed: 05/06/20 - 12.23
Details	..... walking away. Camera footage is not clear enough to identify this person, she does not look for long so likely did not see much. Reassigning back to investigating officer.
Status	Complaint - [redacted] - Arrived: 09/06/20 - 10.16 - Completed: 09/06/20 - 10.16
Details	Called owner to discuss classification - no answer left vm

Request 2005561 **Page 4**

Actions cont..

Status Complaint - [redacted] - Arrived: 11/06/20 - 10.59 - Completed: 11/06/20 - 10.59
Details To AG to complete property inspection.

Status Complaint - Business Support - Completed: 11/06/20 - 12.01
Details Property inspection complete - non compliant.
Dog was aggressive on my arrival and presence on the property.
It was tied to the front porch on a long line but was lunging at me when I was near it.
BS please send 28 day direction to fence.
All boundary fencing is non existent, therefore non compliant.
There is a fenced pen at the back of the property, the fencing however is not suitable and the dog wasn't been kept in there when I completed my inspection.
DO not home during my inspection - I tried phoning beforehand but no answer.

Status Complaint - [redacted] - Completed: 11/06/20 - 16.58
Details BS - as above.
Thank you

Status Complaint - Business Support - Completed: 22/06/20 - 13.46
Details Direction to fence letter sent via post to DO
Back to CO

Status Complaint - [redacted] - Completed: 23/06/20 - 08.58
Details Reassigning to CO44 for follow up

Status Complaint - [redacted] - Arrived: 24/06/20 - 15.35 - Completed: 24/06/20 - 15.35
Details witness contact information
[redacted]
[redacted]
Need to interview and substantiate owners claims.

Status Complaint - [redacted] - Arrived: 25/06/20 - 11.07 - Completed: 25/06/20 - 11.07
Details Interview with Witness completed - Datacom form completed Reference number: MAC025592970817 (SR number will not save to check sheet)
Will ring Witness again to ask if [redacted] will complete a written statement.

Status Complaint - [redacted] - Arrived: 29/06/20 - 11.06 - Completed: 29/06/20 - 11.06
Details Spoken with [redacted] he is willing to do a written statement an will email when he finds some time this week.

Status Complaint - [redacted] - Arrived: 06/07/20 - 08.20 - Completed: 06/07/20 - 08.20
Details Push for time.

Status Complaint - [redacted] - Arrived: 07/07/20 - 12.01 - Completed: 07/07/20 - 12.01
Details BS please can you update DO address to [redacted] Thank you

Status Complaint - Business Support - Arrived: 07/07/20 - 12.40 - Completed: 07/07/20 - 12.40
Details Spoke with [redacted] is unavailable to do a interview and a written statement.
Property inspection for [redacted] to be completed.

Request 2005561 Page 5

Actions cont..

Status	Complaint - Business Support - Completed: 14/07/20 - 11.32
Details	DO Address updated to [redacted] Back to CO
Status	Complaint - [redacted] - Arrived: 20/07/20 - 09.37 - Completed: 20/07/20 - 09.37
Details	NFA required.


complainants direction of travel
Lislaig Drive
Incident Location
Kinloch Road
93
Dog direction of travel
84
Dogs property

[redacted]

From: [redacted]
Sent: Monday, 30 March 2020 11:22 AM
To: [redacted]
Subject: Photo of dogs paw after attack in Kinloch

Hi [redacted]
Please find photo as requested this morning
Many thanks

Kind Regards

[redacted]

1

[redacted]

[redacted]

GREAT LAKE TAUPŌ
Taupō District Council

Dog Incident Checksheet - Complainant

Reference number: MAC025585514823 **Submitted on:** 30/03/2020 01:28 p.m.

Service request number:
Investigating officer number: 44

Details

Complainant

Name: [redacted]
Residential address: [redacted]
Contact phone number: [redacted]

Name:
Residential address:
Contact phone number:

Animal Victim

Name of animal:
Type of animal: Dog
Breed: Cocker Spaniel
Size: Small
Colour: Black and white
Sex: Female
Any distinguishing marks:
Other relevant details (tag number etc.):

Owner or Person in Control of the Offending Dog(s)

Did the dog owner give you their details? No

Dog(s)

Dog name: Mya - possibly [redacted] tried to call it back with that name
Breed: Husky
Sex: Unknown - possibly female
Colour: grey - bit of white
Any distinguishing marks: no collar
Any other relevant details: medium - normal sized husky fully grown
Are you familiar with this dog? Yes

If yes, what do you know about this dog?	It attacked our dog before - around last summer and we always see it tied up to the deck

Incident

Where were you when the incident happened?	We were walking towards the round about on the right hand side of the road on the corner of lisland Dr and Kinloch rd.
Where (walking on lead next to me, running in exercise area etc.) was your animal?	Our dogs were next to us on leads
Where did the offending dog come from?	The dog came from its property [redacted] Kinloch road, Kinloch
Was the incident in a public space or did the dog leave a private property?	Public space
Where, precisely, was the dog when you first saw it?	The dog was peering around there hedge. On the edge of there property
Was the dog on a lead/harness or muzzled?	Nothing at all - it is normally chained to the porch.
How did the dog leave the property?	It just ran off the property
When did it take place?	On Sunday 29 March 2020 between 1800 - 18.30
What happened?	We were walking towards the round about and we seen the dog peer around the hedge on there property and eye us up. We then started looking for a stick or something to defend ourselfs as this dog has attacked our dog before. The dog then just charged towards our black and white and our dogs right front paw this caused a wound on her foot. The dog seemed like it wanted to kill our dog. I was kicking the dog and lifting my dog in the air by its lead to try get the offending dog off. Meanwhile the dog owner is watching and trying to call [redacted] dog back and yelling at me for kicking [redacted] dog. The dog was not listning to [redacted] I also yelled at [redacted] for yelling at me. Eventually [redacted] took the dog back to [redacted] house. [redacted] did not give us [redacted] details or anything. [redacted] and a [redacted] witnessed the incident from start to end.
How did it happen?	The offending dog was able to freely leave the property
Did you sustain any injuries as a result of this incident?	I have a scratch on my arm

Did your animal (if animal victim) sustain any injuries during the incident?	Yes she has a bite mark on her front Right foot
Describe the nature of any injury:	Bite mark on front right foot
How did the incident end?	The owner eventually came and got the dog and took it back
What did you do?	I was kicking the dog and lifting my dog up to try and get the dog off
Describe how the dog was behaving:	The dog just went and attacked my dog, there was no growling or anything
Why did that happen or why do you believe the dog made the attack?	Because the dog is aggressive and the owners have no control over it
What did the person who appeared to be in control of the dog do?	[redacted] tried to call the dog it was not listning and then at the end [redacted] came and grabbed the dog
Was any person with the dog or appear to be in control of the dog?	Yes there was a [redacted] and a [redacted]
Have you had a problem with this dog before if so describe the previous issues?	Yes the dog has attacked our dog before
Did anyone (appearing to be in charge of the dog) say anything to you?	Yes [redacted] was yelling at me for kicking [redacted] dog
Did you hear a person call the dog by name? What name?	possibly mya
Did anyone come to your assistance and if so who?	At the end the dog owner came and got the dog
Did the owner of the dog offer to help with any doctor or vet treatment?	
Did you see anyone else in the area that may have witnessed the incident?	No

Witnesses

Name:

Residential address:

Contact phone number:

Victim Impact	
How did you feel about the incident or after the incident?	I feeel angry as this has happened before.
Is the victim is likely to continuously suffer as a result of the attack and how?	no shes out walking today.

Summary of Facts	
Summary:	On Sunday 29th March 2020 between 18.00 and 18.30 the Siberian Husky 'Mya' left its property of [redacted] Kinloch road, taupo and attacked [redacted] dog causing minor injor to its front right paw. The [redacted] there was calling the dog back but it was not listning. [redacted] had to kick the dog to get it off and the [redacted] was yelling at [redacted] because of that. [redacted] eventualy came and got the dog and took it home.

GREAT LAKE TAUPŌ
Taupō District Council

Dog Incident Checksheet - Offending Dog Owner

Reference number: MAC025585533068 **Submitted on:** 01/04/2020 10:11 a.m.

Service request number:	
Investigating officer number:	44

Dog Owner

Name:	[redacted]
Residential address:	[redacted]
Contact phone number:	[redacted]
Owner number:	07591

Person in Control of the Offending Dog(s)

Same as above

Dog(s)

Dog registration tag number:	196760
Dog name:	Mya
Breed:	Alaskan Malamute/Siberian Husky
Sex:	Female
Colour:	White/Grey
Any distinguishing marks:	
Any other relevant details:	5.11 years
Classified dog:	No
Type of classification, if applicable:	
Dog surrendered:	No
Known to be dangerous:	No
Recurrence likelihood:	Unknown
Trained aggression:	No
Breed characteristics:	

Incident

Date and time of incident/Date and time you became aware of the incident:	Sunday 29th March approx early evening 6-7pm
Location where incident occurred/allegedly occurred:	By the Kinloch road road about thats next to our house
Where were you when the incident happened?	I was there at thr loaction of the incident

Where (walking on lead next to me, running in exercise area etc.) was your animal?	She was sniffing a green power box off our property. Not on a lead
Was the incident in a public space?	yes
Where was the animal/human victim when you first noticed it/him/her?	Walking on a lead towards the roundabout
Was your dog on a lead of under control wearing a muzzle?	no
If your animal was not under your control how did your dog leave your property?	Someone left the door to our house open and she walked outside.
What happened?	Someone at my house left the door open and she walked out i followed her out to the street. She was sniffing a power box and then she seen him and their dog. She walked over to [redacted] and started sniffing [redacted] dog. She was not showing signs of aggression and nor was the other dog. The DO then started yelling at me bassically abusing me and lifted his dog in the air by its lead and was spinning in circles and was kicking my dog and yelling saying [redacted] would call the cops. I called for her and then went and grabbed her by the collar but because [redacted] was spinning she was following and it was making it hard. i then grabbed her and took her home.
How did it happen?	Front door was left open and mya left the property
Did you sustain any injuries as a result of this incident?	no
Did your animal sustain any injuries during the incident?	no
Describe the nature of any injury:	N/A
What did you do?	I was calling her back and then i went and grabbed her and took her home
What did the person who appeared to be in control of the other dog do?	[redacted] was freaking out yelling at me and kicking my dog and lifting [redacted] dog in the air
Describe how your dog was behaving:	My dog was just walking up to the dog to have a sniff

Describe how the other dog was behaving:	The other dog was behaving fine Nope didnt notice any aggression between any of the dogs - It is a grey and black - fluffy ish dog
Was anyone with the animal victim or seemed to be in control of the animal?	Yes the DO was there and the dog was on a lead
What did the person with- or who seemed to be in control of the animal victim say or do?	[redacted]kicked my dog and yelled at me saying [redacted]would call the cops
Did you hear a person call the dog by name? What name?	no
Did you notice any injuries sustained by human victim as a result of this incident?	no
Did you notice any injuries sustained by animal victim as a result of this incident?	no
How did the incident end?	i grabbed Mya and took her home
How did the victim leave the scene of the incident?	They walked off
What did you do after the incident (e.g. assist victim, call for help etc.)?	Went home
Did you offer to help with any doctor or vet treatment?	No
Has your dog ever shown aggression towards any person or any animal before?	No
Did you see anyone else in the area that may have witnessed the incident?	A friend witnessed the incident

Witnesses

Name:	[redacted]
Residential address:	
Contact phone number:	Dont know number

Victim Impact

How did you feel about the incident or after the incident?	Im really upset - Not happy he thinks its okay to kick someone elses dog. I think how [redacted]reacted was a bit intense

	and may have freaked the dogs out. Im very upset about the way [redacted] spoke to me in that way.
Is the victim is likely to continuously suffer as a result of the attack and how?	No

Summary of Facts	
Summary:	On Sunday 29th March 2020 the dog 'Mya' 196760 left the property of [redacted] Kinloch road, Kinloch and see another dog. Mya went up to the other dog to have a sniff and the DO over reacted lifting [redacted] dog in the air and kicking my dog and yelling and me. I then grabbed Mya and took her home

File Checklist	
Attack file Objective reference:	fA215642
Seizure number:	N/A
CO notes saved in Attack File:	False
Statement saved in Attack File:	False
Interview notes saved in Attack File:	False
Correspondence/Emails saved in Attack File:	False
Documents served and saved in Attack File:	False
Statement of service saved in Attack File:	False
Scene (maps, diagram, photos) saved in Attack File:	True
Copy of medical report saved in Attack File:	False
Copy of vet report saved in Attack File:	False
Other photos saved in Attack File:	True

GREAT LAKE TAUPŌ
Taupō District Council

Dog Incident Checksheet - Witness

Reference number: MAC025592970817 **Submitted on:** 25/06/2020 11:03 a.m.

Service request number:
Investigating officer number: 44

Witness

Name: [redacted]
Residential address:
Contact phone number: [redacted]

Victim

Description:
Name:
Address:
Contact phone number:
Behaviour:

Animal Victim

Name of animal:
Type of animal:
Breed:
Size:
Colour:
Sex:
Any distinguishing marks:
Other relevant details (tag number etc.):

Owner or Person in Control of the Offending Dog(s)

Description: [redacted]
Behaviour:

Dog(s)

Dog name: Mya
Breed: Husky
Sex: Female
Colour: Grey and White
Any distinguishing marks:

Any other relevant details:	
Are you familiar with this dog?	
If yes, what do you know about this dog?	I am friends with the DO

Incident

Date and time of incident:	It was near dark - Doesnt rember exact date
Where were you when the incident happened?	[redacted]Kinloch road, Kinloch
Where did the victim or dog(victim) come from?	They came from around the corner behind a piece of bush near the golf course within about 40 meters of the house
Was the dog (victim) on a lead/harness or muzzled?	Yes on a lead
Where did the offending dog come from?	[redacted]- She was either tied up and broke the lead or the door was left open. Cannot rember exactly as it was a few months ago
Was the offending dog on a lead/harness or muzzled?	No
What happened?	Mya had gotten of her rope or escaped the house. I cant quite remember exactly and she ran out near where the golf course is and went up to the victim and their dog. They started yelling and thats when i came out and seen Mya trying to sniff their dog and the guy holding his dog in the air by the lead. Samantha went over and grabbed Mya and took her back inside. The other people were still yelling at us while leaving.
Describe the behaviour of the offending dog(s) e.g. aggressive, barking, growling, snarling, teeth bared etc.	Mya did have her heckles up but I think she was just intrested not being aggressive.
Describe what the offending dog(s) did e.g. dog rushed, bit, barked etc.	Mya ran upto the victim and was sniffing their dog
What did the victim or animal victim do (e.g. retaliate, ran away) during the incident?	The animal victim got lifted into the air by the guy it was with. The dog seemed scared
Did anyone sustain any injuries as a result of this incident?	Not that i am aware of
Did any animal (if animal victim) sustain any injuries during the incident?	Not that i am aware of

Describe the nature of any injury:	
How did the incident end?	[redacted] Grabbed Mya and took her back inside
What did you do?	I just watched from the property
What did the person(s) who appeared to be in control of the dog(s) do?	[redacted] went and grabbed Mya
Why did that happen or why do you believe the dog made the attack?	I did not see Mya attack the other dog i think she was just sniffing. But she did escape the property and was intrested in the other people and dog so she went over there
Did anyone (appearing to be in charge of the dog) say anything to you?	
Did you hear a person call the dog by name? What name?	The dogs name is Mya
Have you had a problem with this dog before if so describe the previous issues?	No - Ive never seen Mya show aggression to anyone else or any other dogs
Did you see anyone else in the area that may have witnessed the incident?	No

Witnesses

Name:

Address:

Contact phone number:

Victim Impact

How did you feel about the incident or after the incident?	I just think the [redacted] with the victim dog was way over reaciting.
Is the victim is likely to continuously suffer as a result of the attack and how?	No

Summary of Facts

Summary:

Taupo District Council
Dog Classification Evaluation

Service request number:	2005561
Owner number, name and address:	[redacted]
Dog name and registration number:	196760 - Mya

1	NATURE OF INCIDENT	Attack on a person or animal - no visible injury - other	7
2	PUBLIC INTEREST	Public interest is factored into report, remains constant	2
3	LEGISLATIVE INTENT	Legislative intent factored into report, remains constant	2
4	CLASSIFIED DOG	Dog not classified	0
5	VICTIM IMPACT	The victim is concerned about the outcome	2
6	DOG SURRENDERED or SEIZED	.	0
7	OBSERVED AGGRESSION	Not Observed	0
8	NEGLIGENCE	The owner allowed the icident to take place	6
9	OWNER CO-OPERATION	Co-operative and forthcoming with information	0
10	DOGS PREVIOUS HISTORY	History with aggression within 24 months of incident	4
11	DOG REGISTERED AT THE TIME OF THE INCIDENT	The dog is currently registered	0
12	RESTRAINT	The dog was not under control of a person or secured	1
13	KNOWN TO BE DANGEROUS	Known by the owner or council to have shown previous aggression	1
14	RECURRENCE LIKELIHOOD	Unable to determine	1
15	TRAINED AGGRESSION	Not trained to be aggressive	0
16	DAMAGES	.	0
17	BREED CHARACTERISTICS	Not known for its aggression	0

TOTAL		26
OUTCOME	Menacing dog classification and/or infringement: 24 - 27	
CLASSIFICATION	MENACING	

NOTES:	On Sunday March 29th 2020 the dog 'Mya' 196760 was uncontrolled of her property and walked up andhas bitten the complainants dog on the front right paw causing one small puncture wound. The dog would then not listen to its owner when being called back and the complaint felt he had to kick the dog to get it away. As there has been a previous complaint of aggression i reccomed the dog to be classifed as menacing and infringment be sent to the dog owner under dog control act sec52A Failure to keep dog controlled and confined and i reccomed a property inspection to be done to ensure there is adequate fencing.
OFFICER NUMBER:	Officer 44

NOTE:
When saving in owner file ensure you have chaged to save as PDF.
The file name should be as follows:
TDC Dog Classification Evaluation Matrix SR111111 CO 00

Taupo District Council
Dog Classification Evaluation

Service request number:	2005561
Owner number, name and address:	[redacted]
Dog name and registration number:	196760 - Mya : White/Grey Alaskan Malamute/Siberian Husky : Female

1	NATURE OF INCIDENT	Domestic pet injured	8
2	PUBLIC INTEREST	Public interest is factored into report, remains constant	2
3	LEGISLATIVE INTENT	Legislative intent factored into report, remains constant	2
4	CLASSIFIED DOG	Dog not classified	0
5	VICTIM IMPACT	The victim is concerned about the outcome	2
6	DOG SURRENDERED or SEIZED	No requirment for the dog to be surrendered for destruction	0
7	OBSERVED AGGRESSION	Not Observed	0
8	NEGLIGENCE	A lack of understanding of the true nature of dogs	2
9	OWNER CO-OPERATION	Co-operative and forthcoming with information	0
10	DOGS PREVIOUS HISTORY	History with aggression within 24 months of incident	4
11	DOG REGISTERED AT THE TIME OF THE INCIDENT	The dog is currently registered	0
12	RESTRAINT	The dog was at large (known)	4
13	KNOWN TO BE DANGEROUS	Known by the owner or council to have shown previous aggression	1
14	RECURRENCE LIKELIHOOD	Likely	2
15	TRAINED AGGRESSION	Not trained to be aggressive	0
16	DAMAGES	No damages or damaged paid voluntarily	0
17	BREED CHARACTERISTICS	Not known for its aggression	0

TOTAL	27
OUTCOME	**Menacing dog classification and/or infringement: 24 - 27**
CLASSIFICATION	**MENACING**

NOTES:	Menacing Compliance Team Leader Summary: The incident has been investigated, the outcome is that the dog be classified - MENACING Dog Control 1996 Section 33A(b)(i) Territorial authority may classify dog as menacing. The owner is also to be given an INFRINGEMENT IAW Dog Control 1996 Section 53 Offence of failing to keep dog under control and a Warning Dog Incident Letter. A property inspection is also to be made and if necessary a Direction to Fence be given to the dog owner.
OFFICER NUMBER:	Officer 37

NOTE:
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The file name should be as follows:
TDC Dog Classification Evaluation Matrix SR111111 CO 00