
Agenda for a hearing of the Regulatory Subcommittee of Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY 21 NOVEMBER 2018** commencing at **9.00am**.

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

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2. HEARING

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GJ Ion
CHIEF EXECUTIVE

Open Meeting

To	Regulatory Subcommittee
From	Sue O’Gorman General Manager Customer Support
Date	9 November 2018
Prepared by	Mark Te Anga Animal Control Team Leader
Chief Executive Approved	Y
Reference #	GOV1301/CHS0505/Property 1003011/Person 131929
Report Title	Objection to Menacing Classification – Roxanne Wrigley

I. EXECUTIVE SUMMARY

Section 33A of the Dog Control Act 1996 (“the Act”) allows for a territorial authority to impose a menacing classification on a dog that may pose a threat to any person, stock, poultry, domestic animal or protected wildlife because of any observed or reported behaviour of the dog.

The effects of the classification are set out in Section 33E of the Act.

A menacing classification has been applied to a brown female Rottweiler cross called Ripley which is registered to reside at a property at 68 Waerenga Road, Te Kauwhata owned by Mrs Roxanne Wrigley.

Ripley has exited the property on five occasions and behaved aggressively, including barking, rushing and straying. The last occasion was the worst and the dog was seized and classified as menacing - refer to Appendix 5.

Mrs Roxanne Wrigley has objected to the menacing classification of her dog Ripley, in accordance with section 33B of the Act - refer to Appendix 4.

2. RECOMMENDATION

THAT the report from the General Manager Customer Support be received;

AND THAT under Section 33A of the Dog Control Act 1996, the menacing classification be upheld for Ripley, dog owned by Roxanne Wrigley.

3. BACKGROUND

Mrs Roxanne Wrigley lives at 68 Waerenga Road, Te Kauwhata (“the property”). There are two dogs registered to reside at the property, Kushla a tan/white female Labrador Cross and Ripley a brown female Rottweiler Cross. Both dogs are compliant to their registration requirements - refer to Appendix 6.

Ripley has left the property on five occasions and has been wandering at large. On four occasions, the informants have indicated that Ripley was demonstrating various levels of aggressive behaviour including barking aggressively at people walking by and acting aggressively to other dogs.

On 1 September 2018 at approximately 1:15 p.m. Waikato District Council (“the Council”) received a complaint that a large brown dog had exited the property and had attempted to attack the informant’s dogs. The informant intervened and with the assistance of two bystanders, returned Ripley to the property.

The informant provided a statement to the Council - refer to Appendix 1.

The dog (“Ripley”) was then seized and impounded by Animal Control Officer 16, Joseph Waugh (“ACO16”). ACO16 left a seizure notice at the property - refer to Appendix 3.

Based on the reported behaviour of the dog, the Council considered that Ripley posed a threat to the public and to other domestic animals and classified Ripley as a menacing dog - refer to Appendix 2.

33E Effect of classification as menacing dog

- (1) If a dog is classified as a menacing dog under [section 33A](#) or [section 33C](#), the owner of the dog—
 - (a) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - (b) must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying—
 - (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
 - (c) must, if a certificate under paragraph (b)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

The Council released Ripley from the pound after fees were paid and the dog was returned home by the owner.

4. OBJECTION TO DISQUALIFICATION

In accordance with Section 33B of the Act (Objection to menacing classification of dog under section 33A), Mrs Wrigley has objected in writing to the Council in regard to the menacing classification.

Section 33B of the Act states:

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).

5. CONSIDERATION OF DISQUALIFICATION

As stated in Section 33B(2) of the Act, in considering the owner’s objection to a menacing classification the Council shall have regard to the following:

“the evidence which formed for the basis for the classification”

The basis of the menacing classification was the incident on 1 September 2018 and the written statement received by the Council. The behaviour observed by the informant and reported to the Council was that of aggression towards other dogs consisting of Ripley barking at informant’s dogs and then Ripley getting out of the property and attacking his dogs. Based on the incident the Council formed the view that the dog posed a risk to the public and other animals, and it was this reason that the Council imposed the menacing classification.

“any steps taken by the owner to prevent any threat to the safety of persons or animals”

The dog owners have an electric containment system to keep the dog in the property. On three occasions, the containment system has failed as evidenced by the number of complaints of the dog being out of its property. The steps taken by the owner has been insufficient to preserve the safety of the public and other animals passing by. By the owner’s admission the electronic containment system has been inadequate at times in containing Ripley. While Mrs Wrigley notes that the owners are considering alternative means to contain Ripley, and to moderate her behaviour, there is little detail as to what the proposed methods will be.

“the matters relied on in support of the objection”

Mrs Wrigley has objected in writing to the menacing classification. In the written objection, Mrs Wrigley explains the behaviour of Ripley when the dog is under their direct control. Mrs Wrigley disputes that the behaviour exhibited by Ripley is aggressive, or that Ripley intends harm to people and other dogs.

Mrs Wrigley also provides two letters in support of her objection to the menacing classification. Those people in support note that Ripley has not behaved aggressively in their presence.

“any other relevant matters”

On 17 May 2018, ACO 5 Mark Te Anga attended a job at the property. Also in attendance was ACO 19 Joe Waugh. The Council had received a complaint that the dog was out of the property and behaving aggressively to passers-by. On arrival at the property, Ripley was displaying territorial aggression. It had rushed towards the ACOs barking. Its hackles were up and it was bouncing on its front paws. The tail was wagging but it was stiff and quite high indicating aggression. This can be seen on video footage obtained at the time - refer to Appendix 7.

The result of this visit was that Ripley was secured in the conservatory attached to the house. The informant just wanted Animal Control to speak to the dog owner; they did not wish anything to happen to the dog.

The dog owner was advised of their obligations and they were asked to check the operation of the containment system.

The cumulative history of this dog is such that it causes concern to Animal Control. A menacing classification is a mechanism provided under the legislation to enable a territorial authority to take steps to manage a dog that poses a possible danger to the community and other animals. This is the step that the Council took in relation to this dog.

Staff comment

There are two factors to consider in upholding the classification. The aggression displayed by Ripley is getting worse. It has gone from being territorial aggression to the latest report of Ripley attacking another dog.

The other issue to consider is Ripley circumventing the containment system. The system needs to be checked regularly to ensure it is serviceable. Also if a dog is motivated enough then it is possible for the dog to push through the fence. In the submission by Mrs Wrigley, she stated “(Inotek fence)... while effective for the most part, will not stop Ripley if she is particularly excited.”

6. OPTIONS AVAILABLE

In considering the outcome of the objection, the only options are to uphold or rescind the classification. Section 33B(3) of the Act states:

- (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.

The effects of the classification are determined by 33E of the Act:

33E Effect of classification as menacing dog

- (1) If a dog is classified as a menacing dog under [section 33A](#) or [section 33C](#), the owner of the dog—
 - (a) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - (b) must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying—
 - (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
 - (c) must, if a certificate under paragraph (b)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) *[Repealed]*
- (5) Subsection (1)(a) does not apply in respect of any dog or class of dog that the territorial authority considers need not be muzzled in any specified circumstances (for example, at a dog show).

The Council records show that Ripley is not desexed - refer to Appendix 6.

Desexing is a requirement under the menacing classification. Ripley will also be required to be muzzled and under control when in public.

A breach of these conditions may result in an infringement of \$300 being issued in accordance with Schedule I of the Act or the dog may be seized and impounded until the dog owner demonstrates a willingness to comply with the classification effects.

33EC Offence to fail to comply with section 33E(1) or 33EB

- (1) Every person who fails to comply with [section 33E\(1\)](#) or [33EB](#) commits an offence and is liable on conviction to a fine not exceeding \$3,000.
- (2) If a person fails to comply with [section 33E\(1\)](#) or [33EB](#), a dog control officer or dog ranger may—
 - (a) seize and remove the dog concerned from the person's possession; and
 - (b) retain custody of the dog until—
 - (i) the dog control officer or dog ranger is satisfied that the person has demonstrated a willingness to comply with [section 33E\(1\)](#) or [33EB](#) (as the case may be); or
 - (ii) the dog is disposed of under [section 71A](#).

Therefore Council has two options in considering the objection to the menacing classification:

- Uphold the menacing classification
- Rescind the classification.

7. CONCLUSION

There is a history of Ripley being able to exit the property. The aggression levels displayed have become worse to the point where Ripley is now attacking other dogs. Ripley's behaviour poses a risk to the public and other domestic animals, and the menacing classification should be upheld to preserve safety of the public, and other animals in the community.

8. ATTACHMENTS

- Appendix 1 – Witness Statement
- Appendix 2 – Notice of Menacing Classification
- Appendix 3 – Notice of Seizure
- Appendix 4 – Written Objection to the classification
- Appendix 5 – Waikato District Council History of Ripley
- Appendix 6 – National Dog Database record for Ripley
- Appendix 7 – Camera Footage showing aggression of Ripley – to be on screen at hearing
- Appendix 8 – Relevant sections of the Dog Control Act 1996
- Appendix 9 – Amendment to Support for Objection to Classification

Information on completing a Witness Statement

Thank you for taking the time to complete a Witness Statement. It is important that you complete this form with as much detail as possible so that the Animal Control Officer (ACO) dealing with the case is well informed and can take the most appropriate enforcement action. Without this statement it is likely that the ACO will be unable to take any action with the owner of the dog or the dog itself. This statement is an important and necessary piece of evidence.

Please include in your statement -

- Your full details.
- The **date** and **time** of the incident.
- Where the dog lives and how you know this.

A detailed description of the dog(s) -

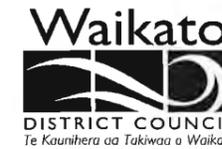
- **Colour** – (include any patches etc.).
- **Size** – small, medium, large.
- **Gender** (if known).
- If the dog was wearing a collar/tag.
- **Length of coat** – smooth, medium, longhaired.
- **Breed** - an option is to say what **type** of dog it is like if you are unsure of the exact breed.
- **Body type** – stocky, skinny, tall, short.
- **Face shape** - pointed or floppy ears, long or short nose, floppy jowls etc.
- Any other distinctive details you noticed.

Also, in your account of the incident include –

- The location of the incident.
- How the incident came about.
- How you came to be in contact with the dog - When and how did you first notice it? Where was the dog?
- The dog's behaviour – Was it growling, barking, lunging, attempting to bite?
- If the dog has bitten – Where? When? What the injuries are. Was medical or veterinary treatment sought and if so what was done??
- Was the owner of the dog or anyone else present? If so, what action did they take regarding the incident?
- Was anything said by anyone?
- What action you took - What did you do during and after the incident?
- Where did you last see the dog? Did it run off? If so, in what direction?
- How did the incident come to a conclusion?

It is important that you initial or sign each page of the statement, and date it.

If you have any questions please contact
an Animal Control Officer at the Waikato District Council, (07) 824-8633.



District Office
Private Bag 544 15 Galileo Street ☎ 07 824 8633
Ngaruawahia 3742 Facsimile ☎ 07 824 8091
Huntly Area Office 142 Main Street ☎ 07 828 7551
Raglan Area Office 7 Bow Street ☎ 07 825 8129
Tuakau Area Office 2 Dominion Road ☎ 0800 492 452

OFFICE USE ONLY
CRM: 00550733/19
Person ID: 131929
Dog ID: 140960

Witness Statement

Section 82 of the Criminal Procedure Act 2011

Statement of:

Peter Derbyshire
9 Awanui Ave
Te Kauwhata

Age (if under 18):

Address:

Contact
Number:

81 0212939787

Date of
Statement:

5/9/18

Time of
Statement:

12.00 pm

I am making this statement to Waikato District Council as a complaint of an offence against the Dog Control Act 1996 or the Waikato District Council Dog Control Bylaw 2015.

The incident occurred on

1 September 2018
specify the date

at about

1 pm
give the time of day event happened

am pm

The incident happened at

68 Waereanga Road
Te Kauwhata
Address of where the incident occurred

The dog involved was a

Large brown dog unsure of sex. Didnt notice a collar on the dog.
description of dog – breed, colour, sex, size etc

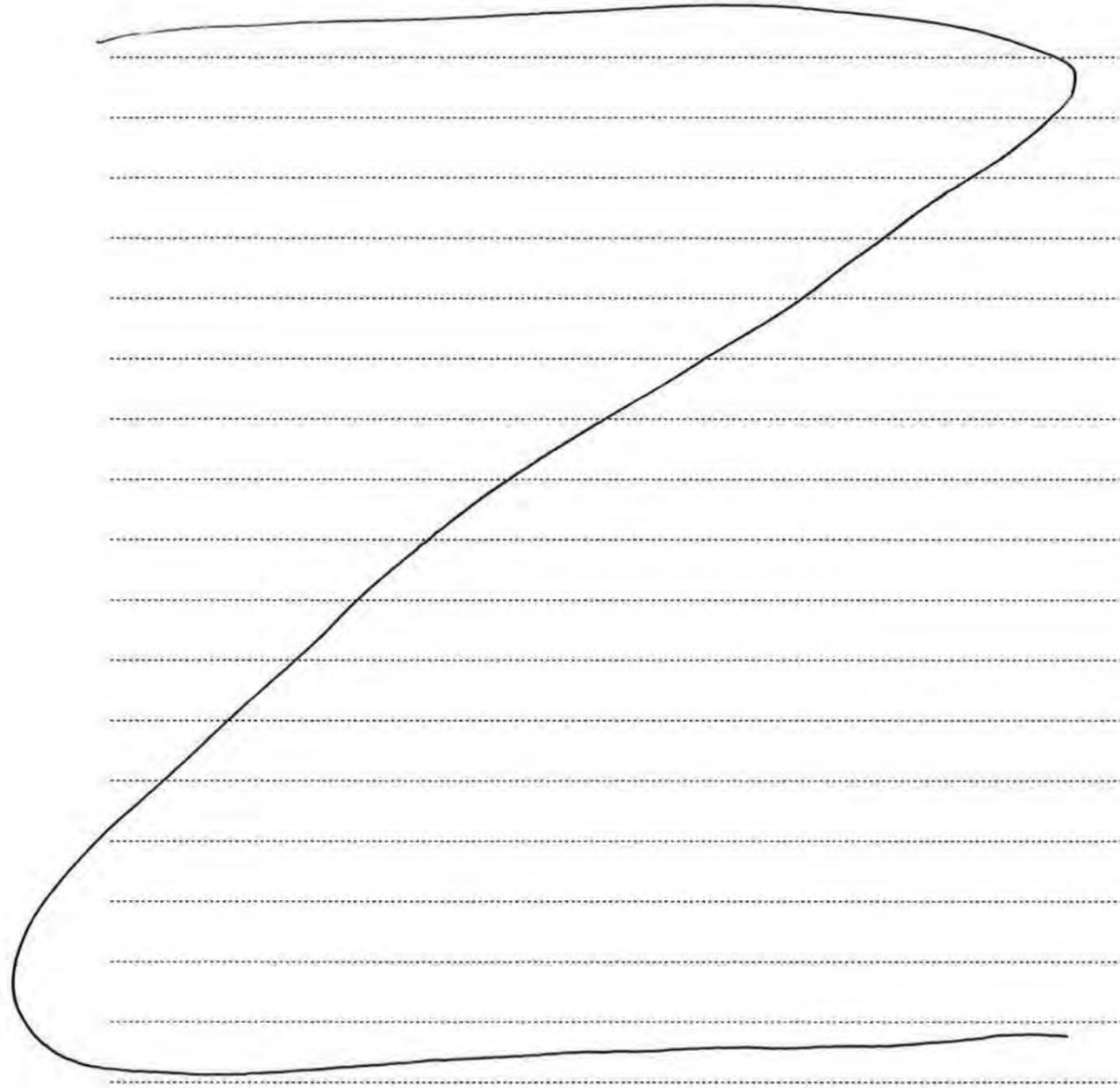
The dog is kept at

68 Waereanga Road
Te Kauwhata
give the address where the dog is kept

I know the dog is from this address because

I have seen it there before, and it jumped
of over the gate at this property.

I was out walking my 2 small dogs on Waerenga Road. I was approaching the house, when I heard the dog in question start barking. As I approached the gate, my dogs started barking. The large brown dog was right up at the gate barking through the gaps. As we walked past the gate the large dog jumped the gate and then tried to grab hold of my small brown dog. I moved in front of my dog so I was between them. I then kicked the brown dog as it was trying to get around behind me to my dogs. At this point a car with two men in it ~~st~~ stopped to help me. They shoved the dog away and it went into the school grounds. I then carried on walking and the men left in their car. I then saw the school caretaker running out with a saw asking if my dogs were ok. I had a brief conversation with him where he advised me the dog in question had tried to attack him before. During the incident there was no owner or person in control of the dog around. I didn't see the dog again and carried on home and called animal control.



I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to **be false** or intended by me to mislead.

Signed: P.D. [Signature] (Informant) Date: 5-9-18
 Signed: Jo ACO16 (Witness - ACO) Date: 5-9-18

Roxanne Wrigley
68 Waerenga Road
Te Kauwhata

Ripley
Rottweiler/Mastiff Cross
Female
Brown

NOTICE OF CLASSIFICATION OF DOG AS MENACING DOG

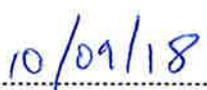
Section 33A, Dog Control Act 1996

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

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

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


.....
Mark Te Anga
Animal Control Team Leader


.....
Date

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

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

Effect of classification as menacing dog

Section 33E, 33F and 36A, Dog Control Act 1996

You—

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

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

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

As from 1 July 2006, you are also required for the purpose of providing permanent identification of the dog, arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the Waikato District Council in accordance with reasonable instructions of the Waikato District Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

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

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

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

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

Right of objection to classification under Section 33A

Section 33B, Dog Control Act 1996

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

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

CRM DOGS 0733/18

Animal 140960

owner 181929

Notice of seizure and removal of a dog

Dog Control Act 1996

Prop # 1003011

Date: 1/9/18 Time: 2:03 pm ANI No. _____

To: Roxy Wragley

Address: 63 Waerenga Road
Te Kauhohota

Tag No: _____ M/F ♀ Name: Ripley

Colour: Brown Breed: Brown

This is to notify you that this dog has been seized and removed from this address under the section of the Dog Control Act 1996 indicated below.

Section 15(1)		Without access to food, water or shelter
Section 20		Failure to comply with Bylaw
Section 28(7)	✓	Disqualification of dog owner
Section 33E(2)		Failing to comply with menacing classification requirements
Section 42(2)(a)		Failing to register dog
Section 52(3)	✓	Failing to control dog
Section 52(A)(4)(a)	✓	Failing to confine or control dog on owner's property
Section 56(2)		Removal of barking dog causing distress
Section 57(5)(a)	✓	Dog attacking person or animals
Section 57A(3)	✓	Dog rushing at persons, animals or vehicle

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

You may apply for the return of the dog and should contact Jo at the Waikato District Council, 15 Galileo Street, Ngaruawahia, telephone (07) 824 8633, fax (07) 824 8091 within seven days of the date of this notice.

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

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

Jo ACO 16

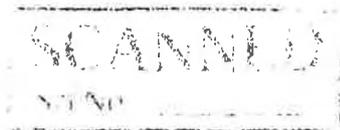
Animal Control Officer

1/9/18

Date

Dog ID: 140960

23rd September 2018



RECEIVED

25 SEP 2018

Waikato District Council

To whom it may concern,

Preface: Please noted that while the letter of classification was dated the 10th September, it was received in our mailbox on Thursday the 13th September.

We are writing on behalf of a member of our family, Ripley, who was recently classified as a menacing dog. We wish to appeal this classification as she is far from a menacing dog and it would not be fair on her, or our kids who adore her, to spend her life locked up or muzzled. We have had her living at her current address, 68 Waerenga Road, Te Kauwhata since she was 8 weeks old. She is now 2 years and 7 months old, still an adolescent and very much boisterous and energetic.

Our house resides beside a college and there are many kids from the primary and local daycare, as well as the college, who walk past our house regularly during the morning and afternoon hours. Ripley has never once jumped the fence and approached any of these kids. She has also gone with us for walks to drop our kids off at daycare and primary and often says hello and gets many pats from the kids passing by during drop off and pick up.

When we are out walking, she is eager and excited to run to other dogs to say hi. Her ears are up and the tail is wagging, her bristles are NOT up. She just wants to say hi, and those that allow her to approach see our dogs sniffing butts, having a quick chat in their doggie ways, then we carry on with our walks.

At the local dog park, Ripley has had the fortune of being there on the same occasion as three other dogs. Each time the dogs have played together happily, racing up and down the field. Ripley has also spent several hours at our neighbour's homes on doggy play dates, as well as the home of my parents who have a large maremma and five cats.

Two nights ago, on Friday the 21st, while we were out walking on our way to the dog park, a dog of a pitbull cross breed with no collar jumped the fence of a property on a corner (on Mahi road) and charged up to Ripley in what appeared at first to be aggression. It barked rather loudly. Ripley strained at the lead to say hi, they sniffed butts, then the other dog left and Ripley and I went on our way. It immediately reminded me of how someone unfamiliar with larger dogs might see Ripley at the time she jumped the fence to say hi to the man walking his two dogs on the day of the discretion. However, it is by no means an aggressive behaviour, simply one of excitement and adventure and the possibility of a new friend.

When we first learned Ripley could jump our fence, we installed an Inotek underground electric fence. Our concern was not out of fear of aggression towards others, but more out of concern for Ripley and the potential of being knocked over by

a car, or for getting a bad mark against her name due to a misjudgement in her excited charge, or from a biased and nasty neighbour. This neighbour has openly admitted biased towards Ripley's breed as well as calling animal control on her a few times for no reason other than barking at passers-by while staying on our property, which is common behaviour for most dogs. It is, for this reason, we feel that many of the marks against Ripley's record are not deserved, and this last is just the tip of a rather misjudged iceberg.

It is clear to us now that the Inotek fence, while effective for the most part, will not stop Ripley if she is particularly excited. In light of this, we are exploring alternative options to keep Ripley safe and contained and prevent her from jumping the fence and charging excitedly up to others. We are also actively seeking additional doggy play dates in the hopes of tampering her eagerness to greet other dogs when we are not about to take her out to play.

We humbly ask that you reconsider this classification. Her excited charging has never once injured or hurt another person or dog. In fact the only one hurt in her latest venture was herself when the man walking his dogs kicked her in the head. We understand this was done out of fear and concern for his own dogs, but stand firm in our belief that she would not have hurt them and simply wanted to greet them.

We have attached screenshots of two emails sent by a couple of our local neighbours that support Ripley's character and temperament. We are also able to provide six additional references by phone number should these be required.

We hereby confirm that all information disclosed is true, complete and accurate to our knowledge and belief.

Sincerely,

Roxanne Wrigley
On behalf Ripley and the Wrigley family



23/09/18

Appeal for Ripley

Inbox x

**Sandra Guerreiro**

Fri 14 Sep, 07:12 (9 days ago)



to me ▾

To whom it may concern,

I am writing in support of the appeal being placed by Roxy Wrigley towards her dog named Ripley.

My name is Sandra Pace and I live at 4 Merlot Place, across the road from Roxy Wrigley. I have been a resident of Te Kauwhata coming up to a year but am known to the community for over 4 years. I have been friends with Roxy and her family for over two years as we both have children that attend the same Primary School and we are both active in the local community. We used to be leaders in the local Pippins and Brownies club- I no longer facilitate, Roxy does.

In my time knowing Roxy and her dogs, I have never found Ripley to be 'menacing'. Ripley has been around both my children (9 and 7), her own children (7 and 4) and my own dog without incident. She presents to be very loving and has never shown any aggression. I consider Ripley to be a typical young dog, she is boisterous, energetic and is still learning not to let her excitement for play get the better of her.

I understand that Ripley has already had a few complaints laid against her to support her 'menacing' dog status, I have been told by my neighbour that she has laid a number of those complaints herself. I do lack confidence that these complaints are fully justified. In hearing her, I unfortunately feel she may be unduly prejudiced against the breed of dog Ripley is, and in turn have a low judgement on Roxy as a person because of the breed she owns. I live next door and my dog Abbey (Huntaway Cross) will bark to passers by- it is not excessive and I would say no more than what Ripley does at her property. However, I believe we have never had a complaint because we are on good terms with our neighbours and Abbey does not look like a menacing breed. I would ask that this comment be treated with confidence. I am friends with both parties involved and do not wish for my family to start getting complaints about our dog in retaliation for supporting Ripley.

I declare that the information I have given is correct to my knowledge and am happy to answer any further enquiries should they be required.

Kind regards

Sandra Pace
DD: 0226577613

Affidavit

Inbox x



Kerry Collinson-Smith <kerrynhads@gr> Tue 18 Sep, 23:12 (5 days ago)
to Roxykb104 ▾



To whom it may concern,

My name is Kerry Collinson-Smith and I live in the close knit Te Kauwhata community. I have known Roxy and Ian Wrigley for over two years now as our children are friends attending the same daycare and school.

When I have visited the Wrigley home I have found Ripley to be a friendly playful young dog keen for a pat. I have had my children aged 3 and 8 with me and Ripley has always been gentle with the both of them often running up to the gate eagerly awaiting a pat.

I have never found Ripley to be aggressive or menacing rather a playful well loved member of the Wrigley family.

Kind Regards

...

Kerry Collinson-Smith



District Office
 Private Bag 544 15 Galileo Street ☎ 07 824 8633
Ngaruawahia 3742 Facsimile ☎ 07 824 8091
Huntly Area Office 142 Main Street ☎ 07 828 7551
Raglan Area Office 7 Bow Street ☎ 07 825 8129
Tuakau Area Office 2 Dominion Road ☎ 0800 492 452

OFFICE USE ONLY

CRM: DOGS0733/19

Person ID: 131929

Dog ID: 140960

Roxanne Wrigley
 68 Waerenga Road
 Te Kauwhata

Ripley
 Rottweiler/Mastiff Cross
 Female
 Brown

NOTICE OF CLASSIFICATION OF DOG AS MENACING DOG

Section 33A, Dog Control Act 1996

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

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

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



 Mark Te Anga
 Animal Control Team Leader

10/09/18

 Date

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

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

CRM History:

RAM ID	RAM PRIMARY CATEGORY	DESCRIPTION	RESOLUTION
DOGS2291/17	DogStray H	Dog Straying - Historic - Dog from the property keeps jumping over the fence and roams around and is threatening when people are out walking there dogs. The dog comes from a property next to the driveway to the golf course. Caller did not want to leave her details	ACO 14 has been to this job, owners have ordered containment system. No record of dog in system as she was waiting for desexing paper work. Have crested her 2nd dog in P&R
DOGS2318/17	DogsStrayC	Dog Straying - Current a brown medium sized unknown breed dog from 68 Waerenga Road, TE KAUWHATA is out again and wandering Waerenga Road. Caller refused to give her full details and wanted this job logged as anonymous.	have spoken to dog owner and she has ordered a containment collar, drove past property dog was in conservatory asleep. Complainant refuses to give details NFA
DOGS3370/18	DogStray H	Dog Straying - Current - Incident happened 20 minutes ago. Large, tan, mixed breed, jumped it front fence and barked and eyed a dog up. Lorraine's daughter was walking past with their dog on the lead. The owner was not home. A person stopped to check her daughter. They yelled at the dog at it went home by jumping the fence. House is next to the left of the golf course. Old state house, creamy coloured with a wooden gate. Dog is always out and barks at everything. Please send a barking form out.	18-05-18 MTA - (Also refer to DOGS3378/18). Spoke with the informant who said the dog was out and acting aggressively. The dog was behind the gate at time of call. It was showing high levels of aggression but appeared to be contained. Spoke with the informant about what they wanted to happen. They are happy with the D/O just keeping the dog under control. Dog got out about 2 hours later. The other dog was placed into the ACO vehicle while dealing with the offending dog. Dog went into the conservatory so it was secured there. The other dog was put back onto the property. Dog owner called and containment etc was discussed. NFA
DOGS3378/18	DogPropVis	Dog Property Visit Ian responded to the letter left by ACO Mark. He says thank you for returning his dog, he found that the Innotech electric fence was broken, so his dog was able to jump the fence without getting a jolt. It's fixed now though. Please call him if you need to discuss further, otherwise no callback required.	18-05-18 MTA - Spoke with the D/O yesterday about their obligations in regard to their dog wandering at large. Complaint was put through of the dog jumping and climbing over the fence perpendicular to the main gate. NFA.
DOGS0733/19	DogAggCurr	Dogs Aggression - Current - Dog attack - between 12.30 and 1pm - Dog (Large, brown) from house next to golf course entrance on Waeranga road (Possibly 68) jumped the fence and attacked Peter while he was walking his two dogs. Contact made but Peter kicked the dog away. A man driving past and the college care taker came out to help Peter. Dog still hanging around outside 68 Waeranga road. No owners came to assist, unknown if they were home or not. Peter Derbyshire - 021 2939787.	Seized dog and impounded into Nga Pound pen 11. Will get a statement from complainant and classify the dog as Menacing. Spoken to dog owner to advise. 6Statement collected and menacing classification issued.
DOGS0751/19	Anicharge	Animal Charges 1 x impound fee, 1 x seizure fee and 1 x sustenance fee for Ripley in Pen 11 JSTEI001	

Appendix 5 – Service Request History for Ripley



User: Mark Te Anga
TA: Waikato District

Search Standard Lists Messages Documents TA Contact Details Help Log Out

View Owner Details

First name: ROXANNE	Middle name(s): KELSEY	Surname: WRIGLEY	TA Owner Id: 131929
Address one: 68 WAERENGA ROAD TE KAUWHATA 3710	Address two:	E-mail: imageweb@xtra.co.nz	Date of birth: 21/02/1981 (DD/MM/YYYY)
Home phone #:	Work phone #:	Mobile phone #: 021-2731234	
Classification:	Classification Section:	Classification expiry: (DD/MM/YYYY)	Safety alert: No
TA: Waikato District	National infringement count: 0	Protected status: No	

New Search Search Results

[All Dogs Owned](#) [Infringements](#) [Duplicate Owners in other TAs](#)

All Dogs Owned

TA Dog Id=140960 Reg=2018/2019-15515 Menacing Breed=Rottweiler/Mastiff Colour=Brown Name=RIPLEY Female Born=2016

[TA Dog Id=134631 Reg=2018/2019-15529 Breed=Retriever_Labrador/Cross Colour=Tan/White Name=KUSHLA Female Born=2008](#)

Infringements

No infringements.

Duplicate Owners in other TAs

No duplicate owners.

Status Compare

Search for other duplicate Owners



National Dog Database Record showing Roxanne/Kelsey/WRIGLEY as being the owner of “Ripley” and “Kushla”



User: Mark Te Anga
TA: Waikato District

[Search](#) [Standard Lists](#) [Messages](#) [Documents](#) [TA Contact Details](#) [Help](#) [Log Out](#)

View Dog Details

Name: RIPLEY	TA Dog Id: 140960	Born: 3/2016 (MM/YYYY)	Kept at address: 68 WAERENGA ROAD TE KAUWHATA
Predominant breed: Rottweiler	Predominant colour: Brown	Gender: Female	De-sexed: No
Secondary breed: Mastiff	Secondary colour:	Classification: Menacing	Classification Section: 33A(1)(b)(i)
Distinguishing marks:	Standard microchip #: 934000090112360	Status: Currently In District	Dog alert: No
Permanent identifier:	Other microchip #:	Deactivated reason:	Destruction Order Date: (DD/MM/YYYY)
TA: Waikato District	Registration #: 15515	Year of Registration: 2018/2019	

[Back](#)

[Current Owners](#) [Previous Registrations](#) [Duplicate Dogs in other TAs](#)

Current Owners		
TA Owner Id=131929 : Owner=WRIGLEY,ROXANNE : D.O.B=21/02/1981 : Address=68 WAERENGA ROAD TE KAUWHATA 3710 : Created=24/06/2015		
Previous Registrations		
Waikato District : TA Dog Id=140960 : Reg=2017/2018-10617 : TA Owner Id=131929 : Owner=WRIGLEY,ROXANNE : DOB=21/02/1981 : Address=68 WAERENGA ROAD TE KAUWHATA 3710 : Created=02/08/2017		
Waikato District : TA Dog Id=140960 : Dog previously unregistered : TA Owner Id=131929 : Owner=WRIGLEY,ROXANNE : DOB=21/02/1981 : Address=68 WAERENGA ROAD TE KAUWHATA 3710 : Created=03/02/2017		
Duplicate Dogs in other TAs		
TA=Auckland Council : TA Dog Id=40090488793 : Reg=2016/2017-210709 : Breed=Rottweiler : Colour=Tan/Black : Name=RAIN (Ripley) : Female : Born=2016 : Created=10/06/2016 : Owner Id=2650379818 : Organisation=Animal Rescue Action Network	Status Suspected	Compare Compare
TA=Auckland Council : TA Dog Id=40090488793 : Reg=2016/2017-210709 : Breed=Rottweiler : Colour=Tan/Black : Name=RAIN (Ripley) : Female : Born=2016 : Created=10/06/2016 : Owner Id=2650301161 : Name=Tonner Michelle Maree	Status Suspected	Compare Compare

[Search for other duplicate Dogs](#)

National Dog Database Record showing the dog details for “Ripley”

Dog Control Act 1996

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33E Effect of classification as menacing dog

(1) If a dog is classified as a menacing dog under [section 33A](#) or [section 33C](#), the owner of the dog—

(a) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

(b) must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying—

(i) that the dog is or has been neutered; or

(ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and

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

(2) *[Repealed]*

(3) *[Repealed]*

(4) *[Repealed]*

(5) Subsection (1)(a) does not apply in respect of any dog or class of dog that the territorial authority considers need not be muzzled in any specified circumstances (for example, at a dog show).

Section 33E: inserted, on 1 December 2003, by [section 21](#) of the Dog Control Amendment Act 2003 (2003 No 119).
 Section 33E(1)(b): amended, on 28 June 2006, by [section 29\(4\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).
 Section 33E(2): repealed, on 28 June 2006, by [section 29\(5\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).
 Section 33E(3): repealed, on 28 June 2006, by [section 29\(5\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).
 Section 33E(4): repealed, on 28 June 2006, by [section 29\(5\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).
 Section 33E(5): amended, on 7 July 2004, by [section 12](#) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 33E of the Dog Control Act 1996

Dog Control Act 1996

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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).

Section 33B of the Dog Control Act 1996

Dog Control Act 1996

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33EC Offence to fail to comply with section 33E(1) or 33EB

(1) Every person who fails to comply with [section 33E\(1\)](#) or [33EB](#) commits an offence and is liable on conviction to a fine not exceeding \$3,000.

(2) If a person fails to comply with [section 33E\(1\)](#) or [33EB](#), a dog control officer or dog ranger may—

- (a) seize and remove the dog concerned from the person's possession; and
- (b) retain custody of the dog until—
 - (i) the dog control officer or dog ranger is satisfied that the person has demonstrated a willingness to comply with [section 33E\(1\)](#) or [33EB](#) (as the case may be); or
 - (ii) the dog is disposed of under [section 71A](#).

Section 33EC: inserted, on 28 June 2006, by [section 14](#) of the Dog Control Amendment Act 2006 (2006 No 23).
Section 33EC(1): amended, on 1 July 2013, by [section 413](#) of the Criminal Procedure Act 2011 (2011 No 81).

Section 33EC of the Dog Control Act 1996

Mark Te Anga

From: Roxy Wrigley <roxykb104@gmail.com>
Sent: Wednesday, October 31, 2018 3:29 PM
To: Mark Te Anga
Subject: Fwd: Updated Appeal for Ripley

Hi Mark,

Here is Sandra's amended letter regarding Ripley.

Thank you,
Roxy

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

From: **Sandra Pace** <sandra.guerreiro.sg@gmail.com>
Date: Wed, 31 Oct 2018 at 00:33
Subject: Updated Appeal for Ripley
To: Roxy Wrigley <roxykb104@gmail.com>

To whom it may concern,

I am writing in support of the appeal being placed by Roxy Wrigley towards her dog named Ripley.

My name is Sandra Pace and I live at 4 Merlot Place, across the road from Roxy Wrigley. I have been a resident of Te Kauwhata coming up to a year but am known to the community for over 4 years. I have been friends with Roxy and her family for over two years as we both have children that attend the same Primary School and we are both active in the local community. We used to be leaders in the local Pippins and Brownies club- I no longer facilitate, Roxy does.

In my time knowing Roxy and her dogs, I have never found Ripley to be 'menacing'. Ripley has been around both my children (9 and 7), Roxy's own children (7 and 4) and my own dog without incident. She presents to be very loving and has never shown any aggression. I consider Ripley to be a typical young dog, she is boisterous, energetic and is still learning not to let her excitement for play get the better of her.

I understand that Ripley has already had a few complaints laid against her to support her 'menacing' dog status. I do lack confidence that these complaints are fully justified as I feel there can be some undue prejudice against the breed of dog Ripley is. My dog Abbey is a Huntaway Cross and I would say behaves no more differently than what Ripley does when inside her property. However, I believe we have never had a complaint because Abbey does not look like a menacing breed.

I declare that the information I have given is correct to my knowledge and am happy to answer any further enquiries should they be required.

Kind regards

Sandra Pace
DD: 0226577613

Open Meeting

To	Regulatory Subcommittee
From	Sue O’Gorman General Manager Customer Support
Date	9 November 2018
Prepared by	Mark Te Anga Animal Control Team Leader
Chief Executive Approved	Y
Reference #	GOV1301/CHS0505/Property 89780/Person 134980
Report Title	Objection to Menacing Classification – Megan Stevenson

I. EXECUTIVE SUMMARY

Section 33A of the Dog Control Act 1996 (“the Act”) allows for a territorial authority to impose a menacing classification on a dog that may pose a threat to any person, stock, poultry, domestic animal or protected wildlife because of any observed or reported behaviour of the dog.

The effects of the classification are set out in Section 33E of the Act.

The classification as a menacing dog has been applied to a black male Kelpie (Rex) that has come to the attention of, and been seen by, Animal Control Officers (ACO’s) on three separate occasions. This dog is registered to Mr James Massey and Ms Megan Stevenson at the address 31 Newton Street, Ngaruawahia. Ms Stevenson is the fee payer for this animal.

Ms Megan Stevenson has objected to the menacing classification of her dog Rex, in accordance with section 33B of the Act - refer to Appendix 3.

2. RECOMMENDATION

THAT the report from the General Manager Customer Support be received;

AND THAT under Section 33A of the Dog Control Act 1996, the menacing classification be upheld for Rex, dog owned by Megan Stevenson.

3. BACKGROUND

Mr James Massey and Ms Megan Stevenson are the registered owners of the two dogs on the property. Ms Stevenson is the fee payer for both animals. The two dogs are Lacey, a

tan & white female Corgi, and Rex, a black male Kelpie. Both dogs are currently registered to the property at 31 Newton Road, Ngaruawahia - refer to Appendix 4.

Rex has been seen by ACOs on three separate occasions - refer to Appendix 5.

The first occasion was on 8 August 2017. Rex had rushed at the ACO vehicle when it arrived. The dog continued to display aggression but then hid under the house. The path it took was boarded up and a note was left for the dog owner to explain what transpired. A check on the property was conducted the next day. Rex was in the garage at that time - refer to Appendix 6.

The second occasion Rex was seen wandering at large was on 7 September 2018. This was the incident which caused Rex to be classified as menacing.

On 7 September 2018 at approximately 2:50pm Waikato District Council (“the Council”) received a complaint about a black Labrador cross that was straying and tried to attack the complainant. The address of the dog was identified by the complainant as 31 Newton Street, Ngaruawahia (“the property”).

At approximately 3:00pm. Animal Control Officer (“ACO”)17 (Tracey Oakes) and ACO 19 (Joe Waugh) parked on the road outside the property. The black dog was in the front yard of the property but inside the section. ACO17 has observed this dog jump the fence from the property.

ACO17 made a statement in relation to this incident. This is labelled as Appendix 1.

ACO 17 approached the dog on foot. The black dog then jumped the white picket fence and began displaying high levels of aggression. ACO17 described the aggression as “... *It circled around me growling and barking. Its hackles were up and its head was in a low position. I could see the dog’s canines as its lips were lifted and rolled back*”.

She further described “... *It rushed at me and got within 2 feet of me. It had stiff legs and was barking, growling and I could still see its teeth. It was making direct eye contact. I pulled my bite stick to chase it off as I was very worried it would try to bite me.*”

Based on ACO17’s observed behaviour of the dog, the Council classified the dog as menacing. The Notice of Classification of Dog as Menacing Dog was issued on 14 September 2018 - refer to Appendix 2.

The effects of this classification are set out in Section 33E of the Act.

The dog (“Rex”) was not able to be captured for impounding but it was able to be contained to a more secure part of the property.

The third occasion Rex was seen wandering at large was on the 10 October 2018 which was after the menacing classification was imposed. On this occasion video footage was captured and shows the high level of aggression displayed by Rex. This is attached as Appendix 7.

4. OBJECTION TO DISQUALIFICATION

In accordance with Section 33B of the Act (Objection to menacing classification of dog under section 33A), Ms Stevenson has objected in writing to the Council in regard to the menacing classification.

Section 33B of the Act states:

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).

5. CONSIDERATION OF DISQUALIFICATION

As stated in Section 33B(2) of the Act, in considering the owner's objection to a menacing classification the Council shall have regard to the following;

“the evidence which formed for the basis for the classification”

The basis of the menacing classification was the incident on 7 September 2018 and the written statement by ACO 17. The behaviour observed by ACO 17 was that of aggression towards the animal control officer. Based on this incident the Council formed the view that the dog posed a risk to the public and it was this reason that the Council imposed the menacing classification.

“any steps taken by the owner to prevent any threat to the safety of persons or animals”

Since the incident which resulted in the classification of the dog, the owners have put measures in place to contain Rex to the rear of the property. However, on 10 October 2018 Rex was seen to be out of the property eating rubbish.

“the matters relied on in support of the objection”

Ms Stevenson has objected in writing to the menacing classification. In the written objection, Ms Stevenson believes that the classification was a result of the neighbours' allegations. The classification was based on the ACO's observation of the dog's behaviour.

“any other relevant matters”

On 10 October 2018, ACO 17 and ACO 19 saw Rex out of the property. When parked outside the property, the ACOs saw Rex eating rubbish on the driveway of the property.

He was outside the fence at the time. When approached by ACO 17, Rex displayed high levels of aggression. This can be seen on the phone camera footage taken by ACO 19.

Staff comment

The behaviour exhibited by Rex supports the menacing classification in that the behaviour poses a threat to people. Although Rex has not attacked anyone or any other animal, the aggressive territorial behaviour exhibited by Rex suggests that he is at risk of perpetrating an attack. Rex has also rushed at a parked vehicle. There is still a significant threat to the public.

Rex has escaped the property on one occasion since the classification was imposed. The dog owners have made further improvements to the property to prevent Rex from escaping.

Upholding the classification will assist in managing the possible threat that Rex poses to the public and other animals.

6. OPTIONS AVAILABLE

In considering the outcome of the objection, the only options are to uphold or rescind the classification. Section 33B(3) of the Act states:

- (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.

The effects of the classification are determined by 33E of the Act:

33E Effect of classification as menacing dog

- (1) If a dog is classified as a menacing dog under [section 33A](#) or [section 33C](#), the owner of the dog—
 - (a) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - (b) must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying—
 - (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
 - (c) must, if a certificate under paragraph (b)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) *[Repealed]*
- (5) Subsection (1)(a) does not apply in respect of any dog or class of dog that the territorial authority considers need not be muzzled in any specified circumstances (for example, at a dog show).

The National Dog Database records show that Rex is desexed - refer to Appendix 4. Rex will also be required to be muzzled and under control when in public.

A breach of these conditions may result in an infringement of \$300 being issued in accordance with Schedule 1 of the Act or the dog may be seized and impounded until the

dog owner demonstrates a willingness to comply with the classification effects. The Council may also prosecute the owner for failing to comply with the effects of the menacing classification if the classification is upheld.

Therefore Council has two options in considering the objection to the menacing classification:

- Uphold the menacing classification
- Rescind the classification.

7. CONCLUSION

Rex has been able to leave the property even though improvements had been made to the property. This does not address the behaviour of Rex. Should Rex get out of the property his behaviour may pose a risk to the public and other domestic animals, and the menacing classification should be upheld to preserve safety of the public, and other animals in the community.

8. ATTACHMENTS

Appendix 1 – Witness Statement - Oakes

Appendix 2 – Notice of Menacing Classification of Rex

Appendix 3 – Written Objection to the classification from M Stevenson

Appendix 4 – National Dog Database Record for Rex

Appendix 5 – Waikato District Council History of Rex

Appendix 6 – Screenshot of first Service Request relating to Rex

Appendix 7 – Camera Footage showing aggression of Rex – **to be on screen at hearing**

Appendix 8 – ACO Statement 10-10-18

Appendix 9 – Relevant sections of the Dog Control Act 1996



District Office
 Private Bag 544 15 Galileo Street ☎ 07 824 8633
Ngaruawahia 3742 Facsimile ☎ 07 824 8091
Huntly Area Office 142 Main Street ☎ 07 828 7551
Raglan Area Office 7 Bow Street ☎ 07 825 8129
Tuakau Area Office 2 Dominion Road ☎ 0800 492 452

OFFICE USE ONLY

CRM: DCGS 0814/19
 Person ID: 134980
 Dog ID: 135792

Information on completing a Witness Statement

Thank you for taking the time to complete a Witness Statement. It is important that you complete this form with as much detail as possible so that the Animal Control Officer (ACO) dealing with the case is well informed and can take the most appropriate enforcement action. Without this statement it is likely that the ACO will be unable to take any action with the owner of the dog or the dog itself. This statement is an important and necessary piece of evidence.

Please include in your statement -

- Your full details.
- The **date** and **time** of the incident.
- Where the dog lives and how you know this.

A detailed description of the dog(s) -

- **Colour** – (include any patches etc.).
- **Size** – small, medium, large.
- **Gender** (if known).
- If the dog was wearing a collar/tag.
- **Length of coat** – smooth, medium, longhaired.
- **Breed** - an option is to say what **type** of dog it is like if you are unsure of the exact breed.
- **Body type** – stocky, skinny, tall, short.
- **Face shape** - pointed or floppy ears, long or short nose, floppy jowls etc.
- Any other distinctive details you noticed.

Also, in your account of the incident include –

- The location of the incident.
- How the incident came about.
- How you came to be in contact with the dog - When and how did you first notice it? Where was the dog?
- The dog's behaviour – Was it growling, barking, lunging, attempting to bite?
- If the dog has bitten – Where? When? What the injuries are. Was medical or veterinary treatment sought and if so what was done??
- Was the owner of the dog or anyone else present? If so, what action did they take regarding the incident?
- Was anything said by anyone?
- What action you took - What did you do during and after the incident?
- Where did you last see the dog? Did it run off? If so, in what direction?
- How did the incident come to a conclusion?

It is important that you initial or sign each page of the statement, and date it.

If you have any questions please contact
 an Animal Control Officer at the Waikato District Council, (07) 824-8633.

..... Witness Initials

Witness Statement

Section 82 of the Criminal Procedure Act 2011

Statement of: Tracey Oakes **Age (if under 18):** _____
Address: 15 Galileo Street **Contact** _____
Ngaruawahia **Number:** 0275763709
Date of Statement: 14/9/18 **Time of Statement:** 11:14 am

I am making this statement to **Waikato District Council** as a complaint of an offence against the **Dog Control Act 1996** or the **Waikato District Council Dog Control Bylaw 2015**.

The incident occurred on 7/9/18 at about 3 ~~am~~ / pm
specify the date give the time of day event happened

The incident happened at 31 Newton St
Ngaruawahia
Address of where the incident occurred

The dog involved was a Black medium length haired
Australian Cattle Dog type, knee high
long tail
description of dog – breed, colour, sex, size etc

The dog is kept at 31 Newton Street Ngaruawahia
give the address where the dog is kept

I know the dog is from this address because

The dog returned to this address and I have attended
jobs for this dog wandering in the past.

..... Witness Initials

I 'Tracey Oakes' was asked to attend a job by my fellow Animal control officer Joe Waugh. When we arrived and parked outside 31 Newton Street Ngārua Wāhia the black dog was in the front section of the house behind the white picket fence. From previous wandering jobs I ~~am~~^{to} was aware the dog can jump the white picket fence. I approached the driveway and was walking down to the gate to enter the property when the black dog jumped the fence out of the front section and approached me aggressively. It circled around me growling and barking. Its hackles were up and its head was in a low position. I could see the dogs canines as its lips were lifted and rolled back. I stood still and talked to it to try and catch it. It did not lessen the aggression it was showing. It then rushed at me and got within 2 feet of me. It had stiff legs and was barking growling and I could still see its teeth. It was making direct eye contact. I pulled my bite stick to chase it off as I was very worried it would try to bite me. It then ran away and jumped back over the fence into the front section.

TO
..... Witness Initials

No owner was present at the time and the dog was loose in a public area. Once the dog was contained to the back section of the property, I had to enter to unlie the corgi. The dog rushed at me again in an aggressive manner. The black dog. Once again I had to draw my bite stick to keep it at a safe distance. I then left the property as the dog was securely contained. x

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

Signed:

TO

(Informant)

Date:

14/9/18

Signed

JO ACO 16

(Witness - ACO)

Date:

14/9/18

TO
..... Witness Initials

Megan Stevenson
31 Newton Street
Ngaruawahia

Rex
Australian Kelpie
Male
Black

NOTICE OF CLASSIFICATION OF DOG AS MENACING DOG

Section 33A, Dog Control Act 1996

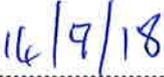
This is to notify you that this dog has been classified as a menacing dog under section 33A(2) of the Dog Control Act 1996.

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

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



Mark Te Anga
Animal Control Team Leader



Date

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

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

25th September 2018

Mark Te Anga
 Waikato district council
 15 Galileo Street
 Ngaruawahia 3742

Dear Mark Te Anga

I am writing to you as I want to formally object to the classification of my dog,

I believe this Classification is unfair and unjustified. I believe this because of a series of events.

- The letter states you believe rex Poses a threat to Public safety, stock, poultry, pets and wildlife Rex is a good dog that has no history of being threatening to anything or anyone
- There is no evidence Rex is a threat to the Public stock, poultry pets or wildlife.
- Rex "had a go" at the animal control agent on our private property – this is not a shared driveway or a footpath – I was advised by Joseph they could not use this against him.
- We have immediately taken every action and precaution we can think of to ensure Rex cannot bark or leave the property
- The facts given by Joseph do not line up which what Mark advised
- This is "tit for tat" behaviour by the neighbour, where her words hold all of the weight
- There was no investigation of our property or further discussion with me the owner

I was contacted Friday the 7th September in the afternoon (roughly 4pm) by an animal control officer which I believe was Joseph. He has advised me that the neighbour directly across the road (## Newton street) has called to complain that my dog Rex has attacked her.

I explained to Joseph I don't believe that the story they have been told is the whole truth. I believe she is trying to get back at us for calling the police on her because ...

On Tuesday 4th of September the Same neighbour was on our property and treated to shoot my dogs if they didn't stop barking, My Partner James Massey called the police. The police visited her on Wednesday. This was the second time the same neighbour has threatened us but this is the first time we involved the police. To protect ourselves and our animals from the neighbour we wanted to do everything we could to stop upsetting this neighbour by the dogs barking. we went out and purchased dog bones, dog toys and a bark sensor to go on the gate.

I explained to Joseph I believe she is twisting the story to work in her favour. I believe Rex has gotten out of our property and she has seen him walking down the road towards the park at the end of the road and she has taken the opportunity to call animal control to get back at us.

Joseph then advised me when they arrived Rex was sitting on our drive way by the gate. Joseph advised as the assisting agent went to put Rex behind the gate Rex had a go at her, Joseph advised me he was showing his teeth and growling. At this point Joseph advised me they cannot do anything about that because they were on Rex's property and it was natural for a dog to protect its home.

Joseph advised he is going to interview the neighbour get her statement of events and discuss with his boss on Monday and will be in touch with me, I have advised Joseph that's fine and I would like to see the footage shot on their body cams and id like a copy of the neighbours statement. None of which was followed up – the next I heard about this was I received a letter in my mail box Saturday the 22nd September 2018.

Arriving home from work Friday the 7th of September roughly I checked our property and found one panel of wood has fallen from the bottom of the house, this allowed Rex to get under the house and into the front yard where he can jump the fence. Saturday morning the 8th I went to Bunnings

purchased wire netting to place over the top of the wood panelling to ensure he is kept in the backyard and cannot get out.

This morning I contacted Mark Te Anga who advised me the neighbour complained because rex chased her cat and the classification was a result of Rex having a go at his officers in public.

Rex's History

Rex was born and raised on a dairy farm, he worked with Stock all day every day for the first 4+ years of his life. During this time, he was exposed to many animals (wildlife, pets, stock and poultry). We also moved to different farms during this time and he was assessed by the farm owners to ensure he was both safe and worked correctly around their animals.

We have didn't have any issues with Rex until we moved from the farm into this house, we went overseas and a friend was letting the dogs out during the day and locking them away at night but wasn't around all the time. This is when we found out he could jump the fence on the driveway. Less than 10days later we returned home and made extensions to the fence to ensure he couldn't jump the fence. The incident on the 7th September was the first-time rex has got out of our property since the extensions to the fence where put in (has been roughly about 12months)

We also currently have another dog, cat and a small child. Rex has been an amazing pet to have around them I would ever put these animals or my child at risk from being attacked, if I ever had any reason to believe Rex was a threat I would have done the responsible thing and rehomed him.



Tarp installed to gate to reduce Rex barking at people walking past



Barking sensor installed 5/9 to stop rex from barking and annoying the neighbour



I have circled the piece of wood that has fallen and allowed rex to get under the house and into the front yard – not only have we nailed the wood back we have put wire netting long the back of the house of if wood was to ever fall off again he still couldn't get through the wire



These image shows back yard is fully fenced and enclosed – the extensions to the picket fence where installed 12 months ago and are made from wood and wire netting, rex cannot get through or under these nor can he jump it, they are 1.5m high.

Id appreciate discussing this further,
Please call me on 027 861 6040.

Kind Regards
Megan Stevenson

M. Stevenson



User: Mark Te Anga
TA: Waikato District

Search Standard Lists Messages Documents TA Contact Details Help Log Out

View Owner Details

First name: MEGAN	Middle name(s): 	Surname: STEVENSON	TA Owner Id: 134980
Address one: 31 NEWTON STREET NGARUAWAHIA 3720	Address two: 	E-mail: Megan.leigh@yahoo.com	Date of birth: 21/11/1995 (DD/MM/YYYY)
Home phone #: 	Work phone #: 	Mobile phone #: 027-8616040	
Classification: 	Classification Section: 	Classification expiry: (DD/MM/YYYY)	Safety alert: No
TA: Waikato District	National infringement count: 0	Protected status: No	

[All Dogs Owned](#)
[Infringements](#)
[Duplicate Owners in other TAs](#)

All Dogs Owned
TA Dog Id=135791 : Reg=2017/2018-11173 : Breed=Corgi, Welsh Cardigan : Colour=Tan/White : Name=LACEY : Female : Born=2014
TA Dog Id=135792 : Reg=2018/2019-17379 : Breed=Australian Kelpie : Colour=Black : Name=REX : Male : Born=2013

Infringements
No infringements.

Duplicate Owners in other TAs	Status	Compare
No duplicate owners.		




Appendix 4 – National Dog Database Dog Owner Details



User: Mark Te Anga
TA: Waikato District

Search Standard Lists Messages Documents TA Contact Details Help Log Out

View Dog Details

Name: REX	TA Dog Id: 135792	Born: 9/2013 (MM/YYYY)	Kept at address: 31 NEWTON STREET NGARUAWAHIA
Predominant breed: Australian Kelpie	Predominant colour: Black	Gender: Male	De-sexed: Yes
Secondary breed:	Secondary colour:	Classification:	Classification Section:
Distinguishing marks:	Standard microchip #: 982000363410764	Status: Currently In District	Dog alert: No
Permanent identifier:	Other microchip #:	Deactivated reason:	Destruction Order Date: (DD/MM/YYYY)
TA: Waikato District	Registration #: 17379	Year of Registration: 2018/2019	

[Back](#)

[Current Owners](#) [Previous Registrations](#) [Duplicate Dogs in other TAs](#)

Current Owners		
TA Owner Id=103183 : Owner=MASSEY JAMES : D.O.B=28/04/1994 : Address=31 NEWTON STREET NGARUAWAHIA 3720 : Created=31/03/2011		
TA Owner Id=134980 : Owner=STEVENSON, MEGAN : D.O.B=21/11/1995 : Address=31 NEWTON STREET NGARUAWAHIA 3720 : Created=04/08/2015		
Previous Registrations		
Waikato District : TA Dog Id=135792 : Reg=2015/2016-14561 : TA Owner Id=134980 : Owner=STEVENSON, MEGAN : DOB=21/11/1995 : Address=31 NEWTON STREET NGARUAWAHIA 3720 : Created=05/08/2015		
Waikato District : TA Dog Id=135792 : Reg=2015/2016-14561 : TA Owner Id=103183 : Owner=MASSEY, JAMES : DOB=28/04/1994 : Address=31 NEWTON STREET NGARUAWAHIA 3720 : Created=27/08/2015		
Waikato District : TA Dog Id=135792 : Reg=2015/2016-14561 : TA Owner Id=134980 : Owner=STEVENSON, MEGAN : DOB=21/11/1995 : Address=31 NEWTON STREET NGARUAWAHIA 3720 : Created=27/08/2015		
Waikato District : TA Dog Id=135792 : Reg=2016/2017-14561 : TA Owner Id=134980 : Owner=STEVENSON, MEGAN : DOB=21/11/1995 : Address=31 NEWTON STREET NGARUAWAHIA 3720 : Created=09/08/2017		
Waikato District : TA Dog Id=135792 : Reg=2016/2017-14561 : TA Owner Id=103183 : Owner=MASSEY, JAMES : DOB=28/04/1994 : Address=31 NEWTON STREET NGARUAWAHIA 3720 : Created=09/08/2017		
Waikato District : TA Dog Id=135792 : Reg=2017/2018-13118 : TA Owner Id=134980 : Owner=STEVENSON, MEGAN : DOB=21/11/1995 : Address=31 NEWTON STREET NGARUAWAHIA 3720 : Created=06/11/2017		
Waikato District : TA Dog Id=135792 : Reg=2017/2018-13118 : TA Owner Id=103183 : Owner=MASSEY, JAMES : DOB=28/04/1994 : Address=31 NEWTON STREET NGARUAWAHIA 3720 : Created=06/11/2017		
Waikato District : TA Dog Id=135792 : Dog previously unregistered : TA Owner Id=134980 : Owner=STEVENSON, MEGAN : DOB=21/11/1995 : Address=31 NEWTON STREET NGARUAWAHIA 3720 : Created=04/08/2015		
Duplicate Dogs in other TAs	Status	Compare
No duplicate dogs.		
Search for other duplicate Dogs		

135792 Rex History

Current Owner:

Name ID	Given Names	Name	Date of Birth
134980	Megan	Stevenson	21/11/1995
103183	James	Massey	28/04/1994

Impounds:

Impound Reg No	Impounding Date	Reason
0		

CRM History:

RAM ID	RAM PRIMARY CATEGORY	DESCRIPTION
DOGS0949/16	Anicharge	Animal Charges - 2x Microchip 135792 - Rex, Kelpie, Black, Male 135791 - Lacey, Corgi, Tan/White, Female
DOGS0508/18	DogsStrayC	There is a dog that has been running loose all day and the past three days from the above property. It roams from the intersection of Prendergast Place to the river reserve on Waipa Esp. This dog is aggressive to other dogs and callers partner has had to kick it off of their dog before. No dog registered to this address. Please phone Koreena with an update, 022-6198558
DOGS0814/19	DogAggCurr	The black Lab cross from the above property is straying and tried to attack caller. No contact made. There is a black Aus Kelpie and a Corgie against the property, neither are currently registered.
DOGS1084/19	DogsStrayC	Dog Straying - Current

4

Infringements:

Outcome

RESOLUTION
<p>09-08-17 MTA - Attended at time of call. Dog was on the road and rushed at the ACO vehicle. It then jumped back into the property and continued to display aggression. The dog owner was called but no phone numbers worked. The dog kept going under the house so it was decided to board the dog in there to secure it. A notes was left to inform the D/O what had happened and to contact ACO17 to discuss the matter. Will check up on the dog today. NFA.</p>
<p>Attended address and kelpie was home but in the front section of property which it can jump out of. Managed to contain it to the rear of the property with the corgie. Very aggressive towards ACO so it is going to be classified as menacing.</p>
<p>Attended address to drop letter off to Dog Owner from A/C T/L as we arrived the black Kelpie named Rex was in the front area of the property which he can get out of. As ACO 17 and I were talking in the ute about how to contain the dog to the rear of the property Rex got out of the property and was getting into the rubbish at the kerb side. ACO 17 exited the ute and Rex advanced at her in an aggressive manner. Dog was able to be moved into the rear of the property and gate was closed. D/O advised.</p>

Infringement ID	Infringement Number	Infringement Date	Offence Code
	0		

Ownership History:

Name Id	Given Names	Name	Date of Birth	Animal ID	Animal Name
134980	Megan	Stevenson	21/11/1995	135792	Rex
103183	James	Massey	28/04/1994	135792	Rex

Offence Description	Infringement Status
---------------------	---------------------

Status	Classification Type	Classification Section
Active		
Active		

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WDC Animal Control
Waikato District Council

Animal (Maintenance) Request Enquiry (Enquiry)

Drag and Analyse Search My Personal Workflow

Maintain help back home close clear retrieve

Request Management - Application Process

Request Number: DOGS0508/18 There is a dog that has been running loose all day and the past three days from the above property. It roams from the intersection of Prendergast Place to the river reserve on Waipa Esp. . This dog sis aggressive to other dogs a.

Status and Decision

Status: Past
Completion Date: 09-Aug-17 11:05
Stage/Decision: #Completed Completed

Workgroup: Dogs Dogs
Referred: ACO - Te Anga, Mark

Suspend Event Processing
Escalation
Date Escalated:
Next Escalation:
Escalation Level:

Caller and Location Details

Company/Surname: Hughes
Given Name: Koreena Marie
Address: 37 Newton Street Ngaruawahia 3720
Work Phone: Home: Refresh Caller
Fax: Mobile: 022-6198558 Update Contact
Email: Notify By: Phone
Source: Phone
Customer Type: Call Back

Location of Request
Address: 31 Newton Street NGARUAWAHIA
Owner(s): Massey Kate
Primary Street: Newton Street,NGARUAWAHIA
Where In Relation:
Alternate Street:
Description:

Request Details and Resolution

Full Details: There is a dog that has been running loose all day and the past three days from the above property. It roams from the intersection of Prendergast Place to the river reserve on Waipa Esp. This dog sis aggressive to other dogs and callers partner has had to kick it off of their dog before.

Process ID: 351368
Raised By: EKIDD001 Received On: 08-Aug-17 1:08:59 PM
Priority: Medium Medium Priority
Possible Cause:

Resolution Type: Completed Work Completed
Resolution: 09-08-17 MTA - Attended at time of call. Dog was on the road and rushed at the ACO vehicle. It then jumped back into the property and continued to display aggression. The dog owner was called but no phone numbers worked. The dog kept going under the house so it was decided to board the dog in there to secure it. A notes was left to inform the D/O what had happened and to contact ACO17 to discuss the matter. Will check up on the dog today. NFA.

Categorisation

Module Code: CRM Request Management
Primary Group: DOGSCRM Animal Control
Primary Category: DogsStrayC Dog Straying - Current

Sub-Categories

Sub-Category*	Description	Status	Notes

Associations (5)
Attributes (0)
Memos (0)
Aliases (0)

Show Historical Items

3 of 4 Auto Advance

Appendix 6 – Screen shot of the Service Request of first interaction with Rex

Information on completing a Witness Statement

Thank you for taking the time to complete a Witness Statement. It is important that you complete this form with as much detail as possible so that the Animal Control Officer (ACO) dealing with the case is well informed and can take the most appropriate enforcement action. Without this statement it is likely that the ACO will be unable to take any action with the owner of the dog or the dog itself. This statement is an important and necessary piece of evidence.

Please include in your statement -

- Your full details.
- The **date** and **time** of the incident.
- Where the dog lives and how you know this.

A detailed description of the dog(s) -

- **Colour** – (include any patches etc.).
- **Size** – small, medium, large.
- **Gender** (if known).
- If the dog was wearing a collar/tag.
- **Length of coat** – smooth, medium, longhaired.
- **Breed** - an option is to say what **type** of dog it is like if you are unsure of the exact breed.
- **Body type** – stocky, skinny, tall, short.
- **Face shape** - pointed or floppy ears, long or short nose, floppy jowls etc.
- Any other distinctive details you noticed.

Also, in your account of the incident include –

- The location of the incident.
- How the incident came about.
- How you came to be in contact with the dog - When and how did you first notice it? Where was the dog?
- The dog's behaviour – Was it growling, barking, lunging, attempting to bite?
- If the dog has bitten – Where? When? What the injuries are. Was medical or veterinary treatment sought and if so what was done??
- Was the owner of the dog or anyone else present? If so, what action did they take regarding the incident?
- Was anything said by anyone?
- What action you took - What did you do during and after the incident?
- Where did you last see the dog? Did it run off? If so, in what direction?
- How did the incident come to a conclusion?

It is important that you initial or sign each page of the statement, and date it.

If you have any questions please contact
an Animal Control Officer at the Waikato District Council, (07) 824-8633.



District Office
Private Bag 544 15 Galileo Street ☎ 07 824 8633
Ngaruawahia 3742 Facsimile ☎ 07 824 8091
Huntly Area Office 142 Main Street ☎ 07 828 7551
Raglan Area Office 7 Bow Street ☎ 07 825 8129
Tuakau Area Office 2 Dominion Road ☎ 0800 492 452

OFFICE USE ONLY

CRM: 20451084/19
Person ID: 134980
Dog ID: 135792

Witness Statement

Section 82 of the Criminal Procedure Act 2011

Statement of: Tracey Oakes Age (if under 18): _____
Address: 15 Galileo St Contact Number: 0275763709
Ngaruawahia
Date of Statement: 10 October 2018 Time of Statement: 12:09 pm

I am making this statement to Waikato District Council as a complaint of an offence against the Dog Control Act 1996 or the Waikato District Council Dog Control Bylaw 2015.

The incident occurred on 10 October 18 at about 9:00 am / ~~pm~~
specify the date give the time of day event happened

The incident happened at 31 Newton Street Ngaruawahia
Address of where the incident occurred

The dog involved was a Black kelpie male medium sized
named Rex. dog with a long tail, medium length coat.
Collar on displaying Green Registration tag.
description of dog - breed, colour, sex, size etc.

The dog is kept at 31 Newton Street Ngaruawahia
give the address where the dog is kept

I know the dog is from this address because

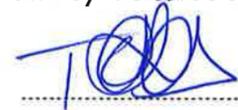
I have dealt with this dog at this address and also know the dog 'Rex' is registered to this address.

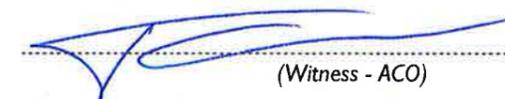
On the 10th of October 2018 I Tracey Oakes arrived at 31 Newton Street Ngāruawāhia with my fellow Animal Control Officer Joe. We were delivering a letter to the letterbox. As we parked outside on the street we noticed that the dogs (the black Felpie called Rex and also the corgi ~~at~~ that lives there) were able to access the front part of the section. The fence at the front is broken and I was also aware from previous experience that Rex is able to jump the low front fence. I carefully placed the letter in the letterbox and backed away and got back in the vehicle. While Joe and I were discussing what course of action we would take, Rex appeared beside the letterbox on the verge between the footpath and the front fence. Joe wound down the window and told him to 'go home'. Rex did not. Rex then moved down to the driveway where the rubbish had been placed. The rubbish already had been ripped. Rex then started munching on the bones from the rubbish. I then got back out of the vehicle to attempt to contain Rex to the property. Rex saw me step out and came towards me in an aggressive manner. I could see his teeth as his lips were

 Witness Initials

curled back. his hackles were up over his shoulders and his tail was upright and stiff. He came towards me so I pulled my bite stick and used it to fend Rex off if he came any closer. ^{He} Then stopped approaching and stood barking and growling at me. I got back in the vehicle to let him settle down. He moved away from the vehicle and returned to the front section of his property. Joe and I then got out of the vehicle. While ~~at~~ Joe distracted Rex and the corgi in the back yard over the fence, I hopped into the front yard and crossed to the corner where the person sized yard gate was open. I then closed this gate to contain both dogs to the back yard. When Rex was approaching me aggressively I did feel like he may bite me. Especially if I turned my back. Joe shot a video of Rex's behaviour while he was on the street, to show to the dog owner.

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

Signed:  Date: 10-10-18
(Informant)

Signed:  Date: 10-10-18
(Witness - ACO)

ACO 19

 Witness Initials

Dog Control Act 1996

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33E Effect of classification as menacing dog

(1) If a dog is classified as a menacing dog under [section 33A](#) or [section 33C](#), the owner of the dog—

(a) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

(b) must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying—

(i) that the dog is or has been neutered; or

(ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and

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

(2) *[Repealed]*

(3) *[Repealed]*

(4) *[Repealed]*

(5) Subsection (1)(a) does not apply in respect of any dog or class of dog that the territorial authority considers need not be muzzled in any specified circumstances (for example, at a dog show).

Section 33E: inserted, on 1 December 2003, by [section 21](#) of the Dog Control Amendment Act 2003 (2003 No 119).
 Section 33E(1)(b): amended, on 28 June 2006, by [section 29\(4\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).
 Section 33E(2): repealed, on 28 June 2006, by [section 29\(5\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).
 Section 33E(3): repealed, on 28 June 2006, by [section 29\(5\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).
 Section 33E(4): repealed, on 28 June 2006, by [section 29\(5\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).
 Section 33E(5): amended, on 7 July 2004, by [section 12](#) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 33E of the Dog Control Act 1996

Dog Control Act 1996

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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).

Section 33B of the Dog Control Act 1996

Dog Control Act 1996

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33EC Offence to fail to comply with section 33E(1) or 33EB

(1) Every person who fails to comply with [section 33E\(1\)](#) or [33EB](#) commits an offence and is liable on conviction to a fine not exceeding \$3,000.

(2) If a person fails to comply with [section 33E\(1\)](#) or [33EB](#), a dog control officer or dog ranger may—

(a) seize and remove the dog concerned from the person's possession; and

(b) retain custody of the dog until—

(i) the dog control officer or dog ranger is satisfied that the person has demonstrated a willingness to comply with [section 33E\(1\)](#) or [33EB](#) (as the case may be); or

(ii) the dog is disposed of under [section 71A](#).

Section 33EC: inserted, on 28 June 2006, by [section 14](#) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33EC(1): amended, on 1 July 2013, by [section 413](#) of the Criminal Procedure Act 2011 (2011 No 81).

Section 33EC of the Dog Control Act 1996