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Agenda for a hearing by Commissioners of the Regulatory Subcommittee for Waikato District Council to be held in Boardroom, District Office, 15 Galileo Street, Ngaruawahia on **FRIDAY, 21 APRIL 2023**, commencing at **10.30am**.

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

**1. APOLOGIES AND LEAVE OF ABSENCE**

**2. DISCLOSURES OF INTEREST**

**3. HEARING**

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GJ Ion  
**CHIEF EXECUTIVE**

<b>To</b>	<b>Policy and Regulatory Subcommittee</b>
<b>Report title</b>	<b>Objection to Menacing Classification</b>
Date:	21 April 2023
Report Author:	Tracey Oakes, Animal Control Team Leader
Authorised by:	Sue O’Gorman, General Manager Customer Support

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To provide information to the Policy and Regulatory Subcommittee to enable that committee to hear the objection to a menacing classification imposed on the dog (“Carlos”) belonging to Shelly Manuel (“Ms Manuel”) and Te Arama Manuel (“Mr Manuel”).

## **2. Executive summary**

### **Whakaraapopototanga matua**

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Section 33A of the Dog Control Act 1996 (“the Act”) allows Waikato District Council (“Council”) to classify a dog as menacing if Council considers the dog may pose a threat to a person or other animal due to observed or reported behaviour. Section 33B of the Act provides that if a dog is classified menacing the owner may within 14 days of receiving notice of the classification, object in writing in regard to the classification. (Sections 33A and Section 33B of the Act annexed as Appendix 1).

Carlos, a white and tan coloured male British Bulldog Cross, aged approximately 11 years and owned by Ms Manuel and Mr Manuel attacked a Council pool inspector undertaking their duties on 19 December 2022 (Pool inspection letter annexed as Appendix 2) (Dog details annexed as Appendix 3). The incident occurred on Ms and Mr Manuel’s property at 925 Hakarimata Road, Huntly (“the Property”). As a response to the incident Animal Control attended the Property on 21 December 2022 (Service Request annexed as Appendix 4).

After investigation, Council advised Ms Manuel of the decision to classify Carlos as menacing (Notice of Classification annexed as Appendix 5).

In accordance with section 33B of the Act, Mr Manuel formally objected in writing to the menacing classification within the statutory time frame (Objection annexed as Appendix 6).

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Council considers that Carlos poses an ongoing threat to persons or animals given the reported behaviour, in relation to both the initial incident and Carlos's behaviour whilst Council attended the property.

Council submits that for public safety reasons Carlos should remain classified as menacing, requiring the dog to be muzzled when in public.

### 3. Staff recommendations Tuutohu-aa-kaimahi

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**THAT the Policy and Regulatory Subcommittee:**

- a. **upholds the menacing classification of 'Carlos' under section 33(A)(1) of the Dog Control Act 1996.**

### 4. Background Koorero whaimaarama

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On 21 December 2022 at approximately 10am Angela Murray ("Ms Murray") made a complaint in person to Animal Control ("AC"). Ms Murray described what happened and AC recorded this into the Service Request (Annexed as Appendix 4). AC confirmed a time for taking a statement with Ms Murray for 22 December 2022. AC tasked the Service Request to Officer Amanda Davis ("Officer Davis").

Officer Davis checked the dog history prior to attending the Property. (Dog history annexed as Appendix 7).

Officer Davis and Officer Phil Greeves ("Officer Greeves") attended the Property and spoke with Mr Manuel. Officer Greeves advised Mr Manuel they were attending the Property regarding a complaint made about an attack on a member of council whilst attending their duties.

Mr Manuel told Officer Davis and Officer Greeves that Carlos is not aggressive. Mr Manuel showed the Animal Control Officers where Carlos' living area by the pool is. Mr Manuel proceeded to check the dog collar though Officer Davis did note the collar was not tight.

Officer Davis discussed with Mr Manuel the possible enforcement outcomes being a classification and/or fine for Carlos given the dog history including another attack (Appendix 7).

Officer Greeves picked up a chain that is used to contain Carlos. Carlos (who was loose on the Property) then rushed and jumped up on Officer Greeves. Officer Greeves stated he was able to push Carlos back while stepping backwards. Officer Davis stated Officer Greeves told Carlos to get off.

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After this display of aggression toward Officer Greeves, Mr Manuel stated that Carlos is normally attached to the long wire secured to the kennel which Carlos was not attached to when AC arrived.

Officer Greeves observed Carlos' body language as aggressive, growling and hunching his body and only calmed when Mr Manuel spoke. Officer Davis advised Mr Manuel to lock the gates for public safety, and that Carlos' behaviour without Mr Manuel around can be very different.

Mr Manuel again stated Carlos was not aggressive to which Officer Davis responded by bringing up the previous bite history of the dog.

Officer Davis advised of possible enforcement action including a menacing classification and/or a fine. Officer Davis reiterated Mr Manuel lock his gate and have signage to prevent people from entering his property when he is not home. (Officer Statement Davis annexed as appendix 8) (Officer statement Greeves annexed as Appendix 9).

On 22 December 2022 Officer Davis attended an appointment to obtain Ms Murray's statement (Witness Statement Complainant annexed as Appendix 10).

Ms Murray explained that she was at the property to undertake a scheduled pool inspection. Ms Murray had sent an email to the homeowner advising of the date and time of the inspection (Appendix 2). The letter outlines the requirement to ensure that any dog is contained. Mr Manuel noted in his objection that there was a miscommunication, and they were unaware of the scheduled inspection.

Ms Murray explained the circumstances of the attack in her statement. When she approached the back of the property to undertake the inspection, Carlos saw Ms Murray and started barking. Ms Murray moved backwards out of the immediate area urgently as she was unsure how long the chain was that Carlos was attached to. Carlos moved towards Ms Murray at speed and was able to get close enough to touch her leg with his nose while she was still moving backwards. Ms Murray moved until Carlos could no longer reach her.

Ms Murray intended to carry on with her inspection once she realised she could manoeuvre outside of the Carlo's reach. However, when she checked on Carlos, he was now able to access her freely and was no longer contained on the chain. Carlos charged at Ms Murray barking aggressively, causing Ms Murray to extend her tape measure to put something between her and the Carlos. Carlos made contact with the tape measure. The tape measure ended up on the ground and when picked up by Ms Murray she noticed it was covered in slobber and was extended by several metres. Ms Murray also noticed she had dog fur on her right leg. Ms Murray yelled at Carlos to 'get away'. Carlos moved away towards the pool area and Ms Murray was able to walk back and gain safety inside her car (Birds Eye Sketch Contained in Statement annexed as Appendix 10).

Ms Murray called Ms Manuel and left a voicemail alerting her to the incident and also that the dog was not contained.

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On 22 January 2023 Officer Davis presented the file to the Team Leader of Animal Control, Tracey Oakes ("Ms Oakes"), who holds delegation for imposing menacing classifications in accordance with section 33A of the Act. Following review of the evidence and consideration of possible enforcement options, Ms Oakes made the decision to classify Carlos as menacing in accordance with s33A of the Act. The factors considered by Ms Oakes included the aggressiveness of the dog's behaviour towards Ms Murray, the contact made with the tape measure, the behaviour shown when the officers were on the property and the previous history of the Carlos. A menacing classification ensures that the dog is muzzled in public which ensures the safety of any persons.

## 5. Discussion and analysis

### Taataritanga me ngaa tohutohu

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Section 33B(2) of the Act (Appendix 1) provides that in determining this objection the Committee shall have regard to:

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

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

- A. Uphold the classification of the dog as menacing; or
- B. Rescind the classification.

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

The option preferred by staff is option A, and the reasons for this recommendation are discussed below.

### 5.1 Options

#### Ngaa koowhiringa

Staff recommend option A because:

- The Act states that the Territorial authority may classify a dog as menacing if the territorial authority considers the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog.
  - Carlos was involved in an incident where he showed aggression leading to Ms Murray taking evasive action with a tape measure. This leads Council to believe Carlos may pose a threat to any person or domestic pet.
  - Carlos showed aggression towards Officer Greeves while he was on the Property and this was in the presence of his owner. This indicates that the behaviour is not limited to when Carlos is unattended.
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- Mr Manuel continues to minimise his dog's behaviour and does not believe Carlos is capable of the reported behaviour. Despite Mr Manuel's view, a menacing classification will ensure that Mr Manuel takes the appropriate steps to ensure any threatening behaviour is mitigated.
- Carlos has been identified as a dog involved in aggressive incidents in the past. While the most recent incident of aggression is 6 years previous, it builds a picture of Carlo's behaviour.
- A menacing classification ensures that:
  - Carlos is muzzled when in public to help mitigate the threat the dog poses; and
  - Council can take stronger enforcement action if this behaviour repeats.

## **5.2 Financial considerations**

### **Whaiwhakaaro puutea**

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

## **5.3 Legal considerations**

### **Whaiwhakaaro-aa-ture**

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

## **5.4 Strategy and policy considerations**

### **Whaiwhakaaro whakamaaherehere kaupapa here**

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

## **5.5 Maaori and cultural considerations**

### **Whaiwhakaaro Maaori me oona tikanga**

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

## **5.6 Climate response and resilience considerations**

### **Whaiwhakaaro-aa-taiao**

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

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## 5.7 Risks Tuuraru

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

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

## 6. Significance and engagement assessment Aromatawai paahekoheko

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### 6.1 Significance Te Hiranga

The decisions and matters of this report are assessed as of low significance, in accordance with the Council's [Significance and Engagement Policy](#).

### 6.2 Engagement Te Whakatuutakitaki

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

## 7. Next steps Ahu whakamua

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

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

## 8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

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

The report fits with Council's role and <b>Committee's</b> Terms of Reference and Delegations.	<b>Confirmed</b>
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The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages ( <i>Section 5.1</i> ).	Confirmed
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Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy ( <i>Section 6.1</i> ).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance ( <i>Section 6.2</i> ).	Confirmed
The report considers impact on Maaori ( <i>Section 5.5</i> )	Not applicable
The report and recommendations are consistent with Council's plans and policies ( <i>Section 5.4</i> ).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities ( <i>Section 5.3</i> ).	Confirmed

## 9. Attachments Ngaa taapirihanga

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

Attachment 2 – Pool Inspection Letter

Attachment 3 – Dog Details

Attachment 4 – Service Request

Attachment 5 – Notice of Classification

Attachment 6 – Objection Correspondence

Attachment 7 – Dog History

Attachment 8 – Officer's Statement - Davis

Attachment 9 – Officer's Statement - Greeves

Attachment 10 – Complainant's Witness Statement



*Menacing dogs*

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

**33A Territorial authority may classify dog as menacing**

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

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

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

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

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

**33B Objection to classification of dog under section 33A**

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

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

Your reference

In reply please quote  
SPR03853If calling for an inspection please ask for  
Contact Centre

5 December 2022

T T Manuel, S A Manuel  
925 Hakarimata Road  
RD 1  
Huntly 3771**Postal Address**Private Bag 544, Ngaruawahia 3742  
New Zealand**0800 492 452****www.waikatodistrict.govt.nz**

Dear Sir/Madam

**Pool Register Number: SPR03853**  
**Address: 925 HAKARIMATA ROAD, NGARUAWAHIA**

Due to changes in legislation on 1 January 2017, all residential pool barriers are now required to be inspected every three years to ensure they continue to meet the requirements of the Building Act 2004.

The inspection will occur within six months either side of the anniversary from when,

- The pool fence received its code compliance certificate, or
- Council was first made aware of your pool.

I will be visiting your house on Monday 19 December at 11am. Please ensure any dog on the property is confined and that the pool fencing is available for inspection. If your house is part of the pool fencing we will require someone to be home for access.

Should you wish to reschedule the inspection date or have any queries regarding this letter, please call our Contact Centre on (0800)492 452.

Each year our inspector finds that the most common problem is maintenance of the pool gate. Can you please check that the gate will automatically close and latch from an open position of 150mm. For more guidance information you can search online at the [Build Waikato](#) website or click to see our [Pool Brochure](#).

The cost of this inspection is \$94.00.

Where follow-up inspections are needed in order to check that compliance has been met, these will be charged at an inspection rate of \$172.00 per inspection and an invoice will be sent to you after each additional inspection. This includes visits where the inspector is unable to access the property.

Yours faithfully



Angela Murray  
**Swimming Pool/Compliance Officer**

# 122806 Carlos Details

Animal Ctr	Animal Name	Animal Class	Chip No.	Licence No.	Licence Expiry Date	Licencing Council Desc	Last Years Licence No.	Date First Licenced	Status	Deactivated Desc	Date of Birth	Gender
122806	Carlos	Approved	982000167720309	12083	30/06/2023		9396	18/01/2012	Active		18/10/2011	M

Desexed?	Description	Breed	Secondary Breed	Colour	Secondary Colour	Distinguishing Marks	Permanent Identifier	Classification	Classification Section	Destruction Order Date
Y	British Bulldog	BBUL	SBTE	WHI	TAN					

## Current Owner:

Name ID	Given Names	Name	Date of Birth
53029	Shelley Anne	Manuel	01/10/1972
53028	Tearama Tristan	Manuel	29/05/1974

## Current Registered Address:

Property No	Date Effective	Formatted address
2005151	21/04/2020	925 Hakarimata Road NGARUAWAHIA

## Previous Registered Addresses:

Property No	Date Effective	Date Ended
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## Previous Owners:

Name Id	Given Names	Name	Date of Birth
53029	Shelley Anne	Manuel	01/10/1972
53028	Tearama Tristan	Manuel	29/05/1974

<b>Desexed?</b>
Y

**Formatted address**

# Request details for DOGS1726/23

<b>Request Number</b>	DOGS1726/23	<b>Priority</b>
<b>Date Received</b>	21/12/2022	<b>Completed On</b>
<b>Source</b>	Phone	<b>Resp Workgroup</b>
<b>Status</b>	P	<b>Raised By</b>
<b>Group</b>	DOGSCRM	<b>Resp User</b>
<b>Category</b>	DogAggHist	<b>Call Back?</b>
<b>Process Counter</b>	585976	

## Related Property & Customer

DOGS1726/23

<b>Property Address</b>	Hakarimata Road		
<b>Home Telephone</b>	DO NOT USE	<b>Mobile Telephone</b>	anonymous
<b>Caller Name</b>	Miscellaneous Person		
<b>Caller Address</b>			
<b>Caller Email</b>	anonymous@gmail.com		

## Request Details

### Description

### Resolution Description

### Resolution Details

Medium

22/12/2022

Dogs

TOAKE001

AFORB001

False

**Work Telephone** DO NOT USE

Galileo St~Ngaruawahia

Dogs Aggression - Historic - I was carrying out my duties as a pool inspector. Property Owners had been sent an email with the visit date. Knocked on the door, no answer, walked around the house to find the pool. Went around the corner, found the dog, he started to bark and moved towards me, i could see he was on a chain so i moved away, moved onto their front lawn to see if i could get to the pool to do the inspection, looked up to check on dog, found the dog was at the car, he was off the chain, he looked up, realised i was still on the property, he charged at me, i extended my tape measure as soon as i saw him start to move. He came at me and he knocked the tape measure out of my hand, not sure how, bumped me on the leg when he made contact with the tape measure. Then he moved away from me. He was barking as he came towards me. He continued to bark a bit and moved away from me. Made my way to the car, rang the owner and left a voice message. To say i wasn't doing the inspection & that their dog was free.

Completed

Attended with ACO 28. Male owner home with dog Carlos who was loose. Spoke to owner regarding compliant and the dogs aggressive behaviour, Owner still adamant his dog is not aggressive. Showed us chain and living area by pool area. Owner checked dogs collar to show its not loose - did not appear to be overly tight.

Discussed possible enforcement and given the dogs history a classification or fine or both. Advised i would discuss with team leader and get back to them.

ACO 28 picked up dogs chain, the dog then jumped up on him and gave a growl in a possessive manner. I gave advice on locking his gates and also putting up signs when they are away from home.

4/5/2023 4:47:00 PM

Shelly Manuel  
925 Hakarimata Road  
Huntly 3771

Carlos  
Bulldog Cross  
Male, White and Tan

## NOTICE OF CLASSIFICATION OF DOG AS MENACING DOG

*Section 33A, Dog Control Act 1996*

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

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

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

Tracey Oakes  
**Animal Control Team Leader**

25 Jan 2023

**Date**

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

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

## **Effect of classification as menacing dog**

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

You—

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

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

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

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

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

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

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

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

## **Right of objection to classification under Section 33A**

*Section 33B, Dog Control Act 1996*

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

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



**From:** [Tea Manuel](#)  
**To:** [Tracey Oakes](#)  
**Subject:** Re: Carlos  
**Date:** Wednesday, 15 February 2023 11:23:24 am  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[Carlos.docx](#)  
[Petsitter review.png](#)

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Hi Tracey,

I am writing to appeal the classification of Dog as a menacing dog for Carlos.

I have included two reviews of people who have never met Carlos previously while house-sitting our property during times where we were away on holiday.

These reviews will contradict the classification laid.

I have spoken to the person who laid the complaint and apologised. There was miscommunication with her coming on our property without knowing she was coming. While Carlos did not attack her, he did scare her. He is our family pet and is amazing, and is just doing what dogs do. Our neighbours are familiar with Carlos and have no problems with him.

I am hoping that these reviews can void the classification and show what a wonderful pet Carlos actually is.

Please keep me informed of the appeal.

Thanks

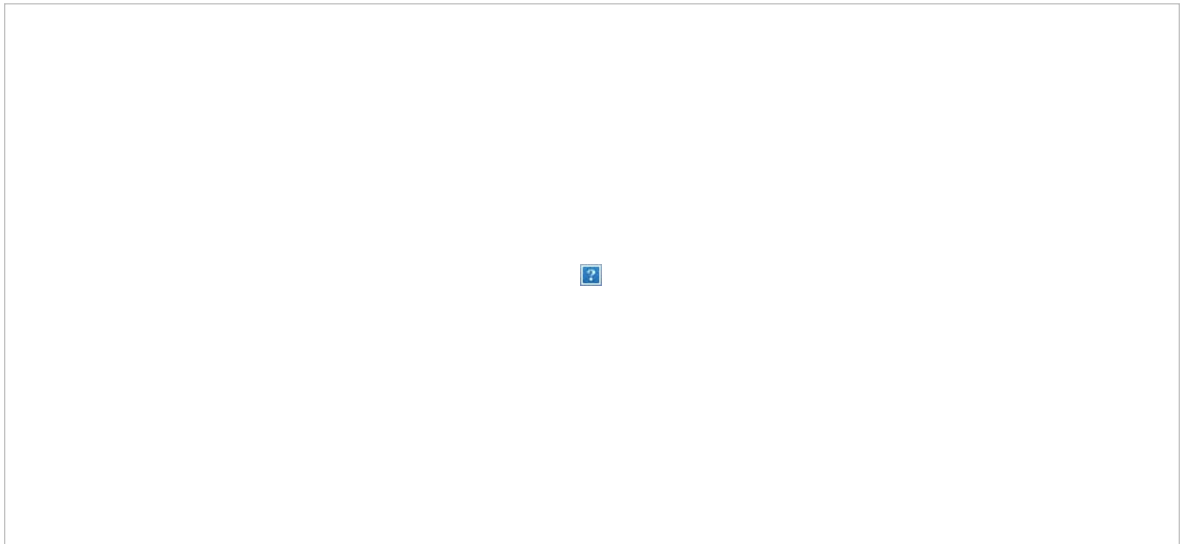
Te Arama Manuel

On Wed, Feb 8, 2023 at 4:35 PM Tracey Oakes <[Tracey.Oakes@waide.govt.nz](mailto:Tracey.Oakes@waide.govt.nz)> wrote:

Hi Te Arama,

What Council needs is a written objection from you in regards to Carlo's classification. They come to us in all different shapes and sizes.

Please find below a screen shot of the Objection Section of the Dog Control Act 1996.



This gives direction on what should be included in the objection. What is important to note is the objection must be received within 14 days of the classification being received by the dog owner.

Here is the link to the Dog Control Act 1996 if you would like to read more of the menacing legislation.

<https://www.legislation.govt.nz/act/public/1996/0013/latest/DLM374410.html>

Any further questions, please let me know.

Kind regards,

**Tracey Oakes**

Animal Control Team Leader

Waikato District Council

*Te Kaunihera aa Takiwaa o Waikato*

**Nama waea:** 0800 492 452

**Pouaka Poutaapeta:** Private Bag 544, Ngaruawahia 3742

**Waahi Mahi:** 15 Galileo Street, Ngaruawahia



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**From:** Tea Manuel <[tea.manuel@gmail.com](mailto:tea.manuel@gmail.com)>  
**Sent:** Wednesday, February 8, 2023 4:25 PM  
**To:** Tracey Oakes <[Tracey.Oakes@waide.govt.nz](mailto:Tracey.Oakes@waide.govt.nz)>  
**Subject:** Carlos

Hi Tracey,

thanks for the info regarding the notice.

I'm not quite sure how the objection letter should look like so should i write something here or can you send me an example please.

Thanks

Te Arama

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31st January, 2023

To whom it may concern

Our names are Chris and Baerbel [REDACTED]. We are a retired couple who travel New Zealand, and frequently house sit pets for extended periods of time.

We house sat Carlos for the month of January during which time various people visited,

On none of those occasions did Carlos behave inappropriately.

He barks when strangers approach the gate, and then is fine when he's been told to step back.

Most people would know that dogs are territorial and have a job to do, that is to guard and protect the owner and their property. Especially when the owner is away.

Carlos is no exception but it is totally unfair to label him as menacing.

He is actually a calm and affectionate dog, who loves to be around people.

We walked Carlos daily, with other people, other dogs, and in public spaces. He was obedient, calm in testing circumstances, and a wonderful companion.

On the other hand to draw a comparison, when we house sat a spaniel in Huntly West and walked with him through the green spaces and streets, we sometimes feared for our safety, not knowing if any of the vicious dogs we had to pass might escape. On one occasion we were attacked on the street by a mastiff breed. Luckily for us and the spaniel the owner caught and dragged him away just in time. From then on we carried a big stick with us.

A walk through Huntly West is certainly an education on what truly menacing dogs look like.

We hope this is enough to remove this unfair label from Carlos.

We are happy to be contacted if you have any further questions

Yours sincerely

Chris and Baerbel  
[REDACTED]

## REVIEWS

You have received 1 review (1 with ratings) and you have posted 1



♡ MAKE FEATURE

### Tegan

📅 SIT DATE: Jan 2022 - 3 weeks

★★★★★ **THEIR REVIEW OF YOU:** I had a great 3 weeks hanging out with Carlos! He is a big teddy bear and loves to be close to you and get lots of scratches and cuddles. The house is lovely and is in a beautiful rural setting between Huntly and Ngaruawahia, but only a 20min drive into the north of Hamilton. Had everything I needed, including an amazing tv set up. The pool was a welcome relief in the 30degree weather, and was easy to maintain each day. Communication with Shelley before and during the sit was easy and clear, she left detailed notes for everything for Carlos, the house and the pool which was very appreciated. I had a great time and would happily housesit again and recommend it to others :)

★★★★★ House

--- N/A --- Garden

★★★★★ Pet

★★★★★ Communication

# 122806 Carlos History

## Current Owner:

Name ID	Given Names	Name	Date of Birth
53029	Shelley Anne	Manuel	01/10/1972
53028	Tearama Tristan	Manuel	29/05/1974

## Impounds:

Impound Reg No	Impounding Date	Reason	Outcome
9101	08/07/2014	AttackPer	Released

1

## CRM History:

RAM ID	RAM PRIMARY CATEGORY	Date Received	DESCRIPTION	RESOLUTION
DOG0601/13	StrayPP	29/08/2012	<p>the last flat on the property, The pig dog next door thinks Riverview Road keeps wandering on to property. Was there this morning but went home.</p> <p>Would like the animal control officer to contact and also to go speak to the neighbour about there dog.</p>	<p>Spoke to has not reported or seen a pig? did call regarding a roaming dog from Riverview road that was at house this morning. Advised i will speak with the owner regarding the dog roaming. Spoke with owner advised of dog being out this morning, he said he will check how the dog is getting out and fix the fence or tie him up</p>

DOG0088/15	DogAttack	08/07/2014	Person: [REDACTED] was bitten by a dog this morning. [REDACTED] would like animal control to come to [REDACTED] before at the above address, although [REDACTED] did say [REDACTED], before [REDACTED] goes to the hospital - [REDACTED] would like to show you where the dog comes from [REDACTED]	dog located and impounded. owners notified of attack and informed that they would have to come into the office to discuss resolution. had meeting with dog owner and it is agreed upon that dog is to be contained to rear of property
DOG0111/15	AniCharge	08/07/2014	Animal Charges - 1 x impound 75.00, 1x seizure fee 64.00 total 139.00	
DOGS1726/23	DogAggHist	21/12/2022	Dogs Aggression - Historic - I was carrying out my duties as a pool inspector. Property Owners had been sent an email with the visit date. Knocked on the door, no answer, walked around hte house to find the pool. Went around the corner, found the dog, he started to bark and moved towards me, i could see he was on a chain so i moved away, moved onto their front lawn to see if I could get to the pool to do the inspection, looked up to check on dog, found the was at the car, he was off the chain, he looked up, realised i was still on the property, he charged at me, i extended my tape measure as soon as i saw him start to move. He came at me and he knocked the tape measure out of my hand, not sure how, bumped me on the leg when he made contact with the tape measure. Then he moved away from me. He was barking as he came towards me. He continue to bark a bit and moved away from me. Made your way to the car, rang the owner and left a voice message. To say i wasn't doing the inspection & that their dog was free.	Attended with ACO 28. Male owner home with dog Carlos who was loose. Spoke to owner regarding compliant and the dogs aggressive behaviour, Owner still adamant his dog is not aggressive. Showed us chain and living area by pool area. Owner checked dogs collar to show its not loose - did not appear to be overly tight. Discussed possible enforcement and given the dogs history a classification or fine or both. Advised i would discuss with team leader and get back to them. ACO 28 picked up dogs chain, the dog then jumped up on him and gave a growl in a possessive manner. I gave advise on locking his gates and also putting up signs when they are away from home.

4

**Infringements:**

Infringement ID	Infringement Number	Infringement Date	Offence Code	Offence Description	Infringement Status
17610	11177	08/07/2014	S20(5)	Failed to comply with ByLaw authorised by Section 20 of the Dog Control Act	Paid

1

**Ownership History:**

<b>Name Id</b>	<b>Given Names</b>	<b>Name</b>	<b>Date of Birth</b>	<b>Animal ID</b>	<b>Animal Name</b>	<b>Status</b>	<b>Classification Type</b>	<b>Classification Section</b>
53029	Shelley Anne	Manuel	01/10/1972	122806	Carlos	Active		
53028	Tearama Tristan	Manuel	29/05/1974	122806	Carlos	Active		

## Officers statement

On the 21<sup>st</sup> of December 2022 I was assigned service request DOGS1726/23

I attended 925 Hakarimata Road with ACO 28. On arrival we were met with Carlos (the dog) and Mr Manuel.

I introduced myself and ACO 28 'Phil'. Explained why we were there. We discussed the incident that occurred with the pool inspector and Carlos.

Mr Manuel was adamant that Carlos was not able to get off his chain, during our discussion I observed Mr Manuel with Carlos he was showing us the dogs collar it did not appear to be overly tight. Mr Manuel showed us the dogs living area and chain when home alone.

The chain was attached to a post, ACO 28 went over and had a look he picked the chain up and then Carlos jumped up on him and gave a possessive growl. ACO 28 told the dog to get off. He did.

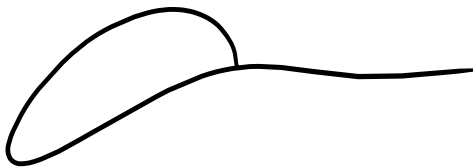
We discussed locking the gates to prevent people entering the property and that dogs behaviour when you are not home can be very different. Mr Manuel stated his dog was not aggressive, I brought up previous bite history and that he may be looking at enforcement action. I explained a possible menacing classification and/or a fine.

I advised again for Mr Manuel to lock his gates and put up signage to prevent people entering the property when he is not home.

I explained we would be in touch regarding outcome once I had discussed with the team leader.

Voicemail left advising to contact regarding outcome.

Amanda Davis

A handwritten signature in black ink, consisting of a large, sweeping loop on the left side that tapers into a long, horizontal stroke extending to the right.





# ANIMAL CONTROL OFFICER (ACO)

<b>CRM#</b> <b>Animal ID</b> <b>Offender ID</b> <b>Property ID</b>
---

## DOCUMENTS

*(Tick all that apply)*

- ACO Statement and Declaration
- Scene – photos and key
- Scene – aerial image / map and key
- Scene – sketch diagram and key
- Case notes *(if any)*
- Correspondence and other
- Photo album *(if applicable)*

- History  
*(Tick all that apply)*

- P & R printouts
- Infringement notices
- Other:

.....


.....

.....

.....


.....

ACO DETAILS			
ACO Number	28	Date of Birth	8 August 1961
Full Name	Phillip William Alexander Greeves		
Email	Phil.greeves@waidc.govt.nz		
Phone	027 263 3938		

ACO STATEMENT
<p>My name is Phillip Greeves and I am a warranted Animal Control Officer for Waikato District Council.</p> <p>On 21 December 2022 at approximately 10:30am, I accompanied SACO Amanda DAVIS onto a property at 925 Hakarimata Road, Huntly.</p> <p>The reason we were there was so that DAVIS could speak to the dog owner of CARLOS, an American Bull Dog that had been involved in an attack on a Waikato District Council Pool Inspector.</p> <p>When we arrived on the property, the dog owner came out and seemed happy to speak to DAVIS. He took us round the right-hand side of the house to show us CARLOS and where he was kept.</p> <p>I went over to the dogs chain and picked it up, CARLOS rushed towards me and jumped up on me. I managed to push him back at the same time as I stepped backwards. According to the owner, CARLOS was normally attached to a long wire that was secured at the kennel but wasn't secured on the wire when we arrived. I took in CARLOS's body language, and he was acting in an aggressive manner, growling and hunching his body, until the owner spoke to him and calmed him down.</p> <p>DAVIS spoke to the dog owner about what the next step in the process was, then we left the property.</p>
<p>Signature: </p>

**ACO DECLARATION**

This statement is true to the best of my knowledge and belief. I have made the statement knowing that it may be used in court proceedings and that I could be prosecuted for perjury for making a statement known by me to be false and intended by me to mislead.

<b>ACO Full Name</b>	Phillip William Alexander Greeves				
<b>ACO Signature</b>					
<b>ACO Number</b>	28	<b>Date</b>	30 March 2023	<b>Time</b>	

# COMPLAINANT

## DOCUMENTS

(Tick all that apply)

- Statement & Declaration
- Injury information sheet
- Photos
- Consent to obtain medical / veterinary records
- Medical bills / reports
- Complainant's dog details
- Veterinary bills / reports
- Victim impact statement
- Correspondence

## DOG IDENTIFICATION

- Dog not positively identified
- Positive identification of the dog(s) on *(date)* \_\_\_\_\_ at *(time)* \_\_\_\_\_
- Familiar with the dog(s)
- Seen it / them confined on property at *(address)* \_\_\_\_\_
- Positively identified in Animal Control vehicle
- Positively identified at Animal Pound at *(address)* \_\_\_\_\_
- Positively identified from photos provided by Animal Control Officer #: \_\_\_\_\_
- Photo album *(if applicable)*

## DOG OWNER IDENTIFICATION

- Does not know who owns the dog
- Knows the owner of the dog


Description of dog owner <i>(ethnicity, gender, build, approximate age, clothing, vehicle, etc.)</i>	
---	--

# COMPLAINANT

PERSONAL DETAILS	
<input checked="" type="checkbox"/> Complainant	<input checked="" type="checkbox"/> Victim <input type="checkbox"/> Victim's parent / guardian (select all that apply)

Title		Date of birth	
Name	Anaela Murray		
Address			
Home phone	-	Work phone	
Mobile phone			
Email			

DOG DETAILS			
Number of dogs involved: <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 or more (attach separate sheet)			
Dog 1		Dog 2	
Gender	Male	Gender	
Size	Medium	Size	
Ears	/	Ears	
Tail	/	Tail	
Breed	Bull dog x	Breed	
Colour	White / brown	Colour	
Collar	yes	Collar	
ID features	Flatter face	ID features	

COMPLAINANT STATEMENT	
<p>I arrived at 925 Hakanimatz road at approx 9<sup>th</sup> 10:55 am. I was at this property to conduct a scheduled pool inspection. I had sent an email to the home owner advising of the time and date of the inspection this was sent two weeks prior. I opened the bottom road gate and closed this behind me and drove up the drive. This is the only gate I opened. I reverse parked my vehicle, I got out of</p>	
Signature:	

## COMPLAINANT STATEMENT (continued)

my vehicle & knocked on the front door. No one answered, knocked again & waited, no answer. I then proceeded around the house I walked across the deck towards the pool. As I went around the last corner to find the pool I saw the said dog. The dog was just stationary he was just between the house & his dog kennel. The dog saw me and started barking. He moved towards me fast still barking I then moved backwards away from the dog. I could see his chain but I was unsure how long the chain was the dog got close enough to touch my leg with his nose while I was still moving backwards urgently. I had a bad feeling about the dog. Once the dog sniffed me I moved back to the grass area. The dog could no longer get to me. I was comfortable as I could be around the dog as I could see the chain and he could no longer get to me. I then moved to the pool, I was going to do my inspection then I thought I better check the dog. I looked <sup>back</sup> up and the dog was now at my car there was now chain attached to the dog now & I can not recall if it the dog still had a collar on. When I saw him at the car the dog looked up at me and realised I was still there. The dog came charging straight at me at speed barking aggressively. I extended my tape measure and pointed to the dog. By that time the dog was at me. I did not say anything at this point as I was

Signature:

## COMPLAINANT STATEMENT (continued)

to stumped. The dog made contact with the tape measure as it ended up on the ground covered in slobber. This happened after the dog jumped at me, I also had the dog fur on my right leg/thigh. I tried to pick up my tape measure it was extended several metres at this point I am unsure how. I then yelled at the dog to 'get away' the dog moved away from me towards the fence/pool. I then walked back to my car I the dog did not follow to the best of my knowledge. I got in my car & called the female home owner & I left a voicemail to advise her the dog had charged me & was not on its chain and that I needed to rearrange a pool inspection. I then left the property I had to get out of my vehicle to open & shut the rear gate. The dog did not follow me down the drive. My tape measure is bent & can not be repaired and there are tooth marks on the base of the tape measure. There was also slobber all over it. This has affected my confidence around dogs and am now second guessing entering properties with dogs. It took the dog owners to 10:30<sup>am</sup> until 9:47<sup>am</sup> the next day to respond to my message. They were very blasé about what happened with no apology, he said it was really weird as he said the dog was chained up when he got home. We rearranged the pool inspection for the 21/12/22. I told him I would not get out of my car until he told you the dog

Signature: 

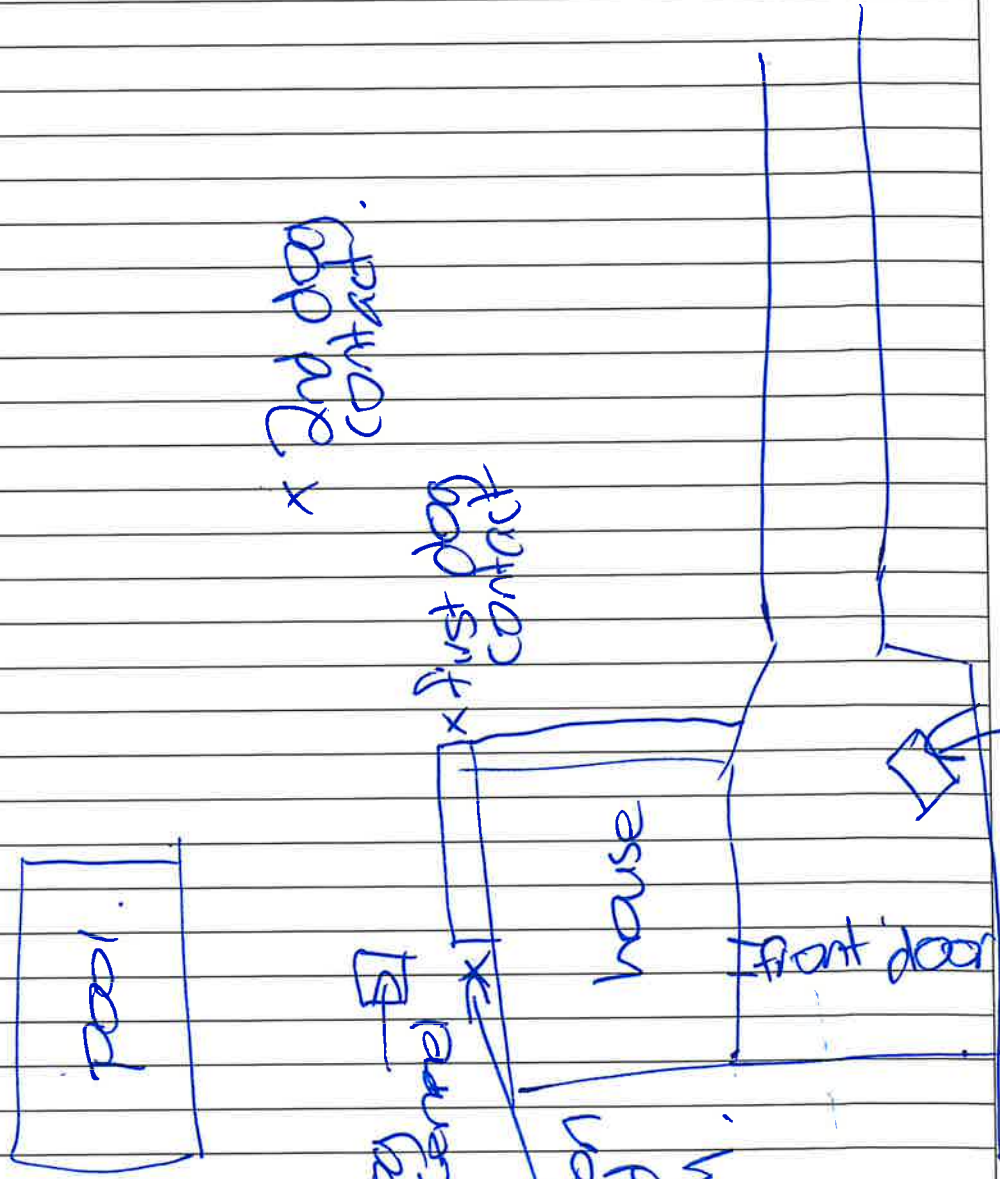
## COMPLAINANT STATEMENT (continued)

the dog was severe <sup>with</sup> ~~with~~ he did  
 how ever the 1st thing he did was  
 take me around the corner of  
 the house and said 'this is  
 my dog' he referred to me that  
 the dog was on the chair  
 when he arrived home the  
 previous day, told me his dog  
 would never bite it would only  
 ever bark towards someone due  
 to excitement. I told him I needed  
 to do the post inspection and  
 carried that out and left the  
 property. I will add that when  
 I spoke to him on the 20th/12  
 I confirmed the color of the  
 dog with him to ensure I had  
 been to the right house. He  
 confirmed this was correct and  
 told me the breed of the  
 dog. I have arranged with him  
 that when I go back to do my  
 re-inspection as the original  
 inspection failed, he must advise  
 me at the time and date does  
 not suite as he will need to  
 be home. We agreed to this.  
 I reported this incident to Animal  
 Control.

Signature:



COMPLAINANT STATEMENT (continued)



x 2nd dog contact

x first dog contact

pool

dog control

house

front door

my care

dog position when arrived at property

Signature:

**COMPLAINANT DECLARATION**

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

**Name**

Angela Murray

**Signature****Name of parent / guardian**  
(where complainant is less than 16 years old)**Signature of parent / guardian**  
(where complainant is less than 16 years old)**Date**

22/12/2022

**INTERPRETER DECLARATION** (if applicable)

- I know (name of complainant / victim) .....
- He / she (delete one) is my (relationship to person) .....
- My mother tongue is (language) .....
- I can read and speak in English because I (give a reason, e.g. attended an English school in NZ, grew up in NZ, etc.) .....
- On (date) ....., ACO (name) ..... interviewed him / her (delete one) in my presence.
- I interpreted and translated all information and the questions put to and the answers given by him / her (delete one) from (language) ..... into English and vice versa to the best of my skill and ability.
- The officer recorded the information I supplied in writing.
- I translated the completed statement back to (name of complainant / victim) .....  
....., who confirmed that the content is true and correct.

**Name of interpreter****Signature of interpreter****Date****ACO VERIFICATION****Statement recorded at** (place)**ACO Full Name**

Amarade Davis

**ACO Signature****ACO Number**

ACO 7

**Date**

22/12/22

**Time**

10:09am

**INJURY INFORMATION SHEET – PERSON**

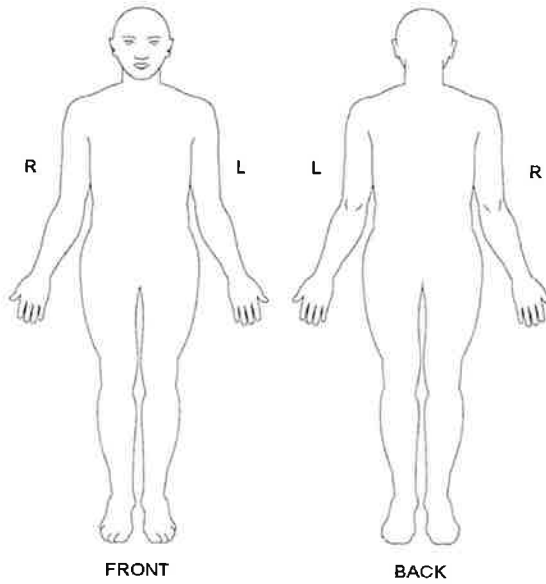
**INJURIES**

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

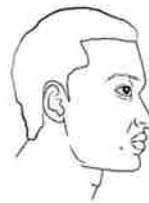
No     Yes *(indicate on the diagrams below which body part(s) is/are injured)*

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

**DIAGRAMS**



LEFT



RIGHT

**MEDICAL TREATMENT**

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

No     Yes

Date

Time

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

Medical costs \$

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

**INJURY INFORMATION SHEET – ANIMAL(S)**

**INJURIES**

Did your animal(s) receive injuries?

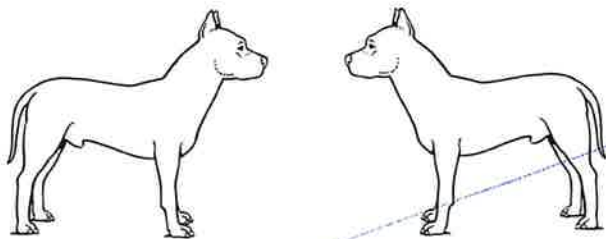
No     Yes *(indicate on the diagrams below which body part(s) is/are injured)*

Describe the nature of the animal's injuries

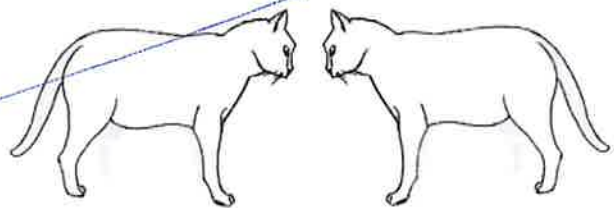
**DIAGRAMS** *(Select the type of animal involved)*

**Domestic animals**

Dog



Cat



Other domestic animal(s) *(describe the type)*

**Livestock**

Animal type

Number of animals injured

Number of animals deceased

**VETERINARY TREATMENT**

Did you seek veterinary treatment for your animal(s) following the incident?

No     Yes    Date \_\_\_\_\_ Time \_\_\_\_\_

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

Veterinary costs    \$

Describe the veterinary treatment your animal(s) received

