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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, 16 SEPTEMBER 2020** commencing at **9.00am**.

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

## **I. HEARING**

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GJ Ion  
**CHIEF EXECUTIVE**

### **Open Meeting**

<b>To</b>	Regulatory Subcommittee
<b>From</b>	Sue O’Gorman General Manager Customer Support
<b>Date</b>	20 July 2020
<b>Prepared by</b>	Tracey Oakes Animal Control Officer
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	Dog ID: 151240 & 151239 Name ID: 157968 Property ID: 2003992 CRM ID: DOGS2532/20
<b>Report Title</b>	Hayley Maree Edwards – Objection to Dangerous Classification

## **I. EXECUTIVE SUMMARY**

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Section 31(1)(b) of the Dog Control Act 1996 (“the Act”) provides that the Waikato District Council (“Council”) must classify a dog as dangerous if the Council has reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife (annexed as Appendix 1). These reasonable grounds must be on the basis of sworn evidence attesting to the aggressive behaviour of the dog.

‘Klouws’ and ‘Meelah’, two black dogs belonging to Hayley Edwards, were involved in an incident on 19 March 2020 where they were wandering at large and attacked a small dog on its own property. A member of the public chased the offending dogs back to their own property.

On 18 June 2020 Council classified ‘Klouws’ and ‘Meelah’ as dangerous pursuant to section 31(1) of the Act.

In accordance with Section 31(3) of the Act, Ms Hayley Edwards has objected in writing to the dangerous classification within the statutory time frame.

Council believes the behaviour displayed by ‘Klouws’ and ‘Meelah’ during the reported incident is very concerning. Due to this displayed behaviour, Council believe both ‘Klouws’ and ‘Meelah’ pose an on-going threat to domestic animals and members of the public and therefore Council believes they should remain classified as dangerous in accordance with the Act.

## 2. RECOMMENDATION

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**THAT the report of the General Manager Customer Support be received;**

**AND THAT the Classification of ‘Klouws’ and ‘Meelah’ under Section 31 of the Dog Control Act 1996 be upheld.**

## 3. BACKGROUND

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At 8.34am on 19 March 2020, the Council’s Animal Control team received a complaint from a member of the public who had been in his kitchen when he heard some yelping. He went out onto his front deck and saw two black dogs attacking a small white dog at number 31 Hartis Avenue, Huntly. He ran down the road yelling at the dogs. The dogs continued the attack. As the witness approached the dogs, the larger black dog was growling and barking at him and moved towards him, causing him to take a couple of steps back. The dogs eventually moved away and were chased back to 32 Hartis Avenue, Huntly. (Witness Statement annexed as Appendix 2). The witness’ wife had also heard the commotion and went to stand on the foot path outside their house to watch what unfolded. (Witness Statement annexed as Appendix 3).

Council responded to the service request (annexed as Appendix 4) and two Animal Control Officers (“ACOs”) located the dogs. The ACOs knocked on the door and called out to the occupants to discuss the incident. As there was no response, the ACOs entered the property to seize the two dogs. The two dogs were barking aggressively. Whilst in the process of this, Ms Edwards came out of the garage and secured the two dogs into the garage. The ACOs entered into discussion with Ms Edwards about the incident, however Ms Edwards was dismissive, denied her dogs involvement and quickly became agitated and very hard to communicate with. Two youths emerged from the house. The ACOs explained that the dogs were being seized pending an investigation and the dog owner was given a timeframe of five minutes to comply with a request to allow the dogs to be seized. The two youths arrived at the Council vehicle with the two dogs. One stated she was 16 years of age. The dogs were secured in the vehicle and a seizure notice left. (Seizure Notice annexed as Appendix 5).

The ACOs then took witness statements from the two witnesses involved on 19 March 2020. The ACOs also took scene photographs of the address where the incident happened and the front of the property where Ms Edwards dogs reside (Photos annexed as Appendix 6).

The victim dog was badly hurt requiring veterinary treatment, details of which are included in the evidence at Appendix 2.

Six days after the incident, on 25 March 2020, Ms Edwards applied for her dogs’ release by way of phone call, followed by email. Ms Edwards was advised of the applicable fees and paid by internet banking as per Council policy during Alert Level 4 of the Covid 19 pandemic. On

30 March 2020 the funds had cleared and the two dogs were released to Ms Edwards at the Ngaruawahia Dog Pound.

On 16 June 2020 Council ACO's affirmed their evidence in front of a local Justice of the Peace. The Act requires that the evidence be sworn to impose a Dangerous Classification.

On 18 June 2020 the Dangerous Classification was signed by Council and sent by registered post to Ms Edwards (Classifications annexed as Appendix 7).

On 24 June 2020 Ms Edwards objected to the Dangerous Classifications imposed on both 'Klouws' and 'Meelah' by way of email (Emails annexed as Appendix 8).

ACO 16 has also supplied an Officers Statement (Statement annexed as Appendix 9).

For completeness Council notes that these dogs have previously been identified wandering outside the property, service request details are annexed as Appendix 10.

#### **4. OBJECTION TO DANGEROUS CLASSIFICATION**

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Pursuant to section 31(3) of the Act (Territorial authority to classify dangerous dogs), Ms Edwards has written to Council and advised of her objection to the classification. Section 31 of the Act states;

##### **31 Territorial authority to classify dangerous dogs**

*(1) A territorial authority must classify a dog as a dangerous dog if—*

*(a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or*

*(b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or*

*(c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.*

*(2) Where any dog is classified as a dangerous dog under subsection (1), the territorial authority shall immediately give notice in the prescribed form of that classification to the owner.*

*(3) Where any dog is classified as a dangerous dog under subsection (1)(b), the owner may, within 14 days of the receipt of notice of that classification under subsection (2), object to the classification in writing to the territorial authority, and shall be entitled to be heard in support of his or her objection.*

*(4) In considering any objection under this section, the territorial authority shall have regard to—*

(a) the evidence which formed the basis for the original classification; and

(b) any steps taken by the owner to prevent any threat to the safety of persons and animals; and

(c) the matters advanced in support of the objection; and

(d) any other relevant matters—

and may uphold or rescind the classification.

(5) The territorial authority shall give notice of its decision on any objection, and the reasons for its decision, to the owner as soon as practicable.

## **5. CONSIDERATION**

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The evidence provided by the eye witnesses by way of witness statements (Appendix 2 and 3) confirms that the two dogs acted in an aggressive manner when they attacked the victim dog.

Ms Edwards refuses to believe that it was her two dogs that were witnessed in the attack.

As at the date of this report Ms Edwards has given no undertaking, assurance or evidence verbally that she will be able to prevent any threat to the safety of persons or animals.

## **6. OPTIONS AVAILABLE**

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The Committee has two options in considering the objection to the menacing classification:

- Uphold the classification of the dogs as dangerous; or
- Rescind the classification

## **7. CONCLUSION**

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The classification of 'Klouws' and 'Meelah' as dangerous under the Act will reduce the risk posed to the community by requiring 'Klouws' and 'Meelah' to be kept within a securely fenced portion of the owners property that it is not necessary to enter to obtain access to at least one door of any dwelling on the property and to be muzzled when in public. 'Klouws' and 'Meelah' are already micro-chipped and desexed.

If the classification is rescinded, Council believes there is a risk that further breaches of the Act and Dog Control Bylaw will occur and members of the public, or further domestic animals will be threatened or injured.

The position of the Animal Control Team on behalf of the Council is that the evidence substantiates the classification of 'Klouws' and 'Meelah' as dangerous under the Act.

## **8. ATTACHMENTS**

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Appendix 1 – Section 31 of the Dog Control Act 1996

Appendix 2 – Affirmation of Joanne Newell

Appendix 3 – Affirmation of Amanda Davis

Appendix 4 – Request for Service

Appendix 5 – Seizure Notice

Appendix 6 – Scene Photos

Appendix 7 – Dangerous Classifications for both dogs

Appendix 8 – Objection to Classifications by email

Appendix 9 – Officer's Statement

Appendix 10 – Previous roaming history of the dogs

## Appendix 1

### Section 31 of the Dog Control Act 1996

- (i) performing the same function as a disability assist dog (if the dog has been certified as being trained to perform that function by a recognised organisation in the country where the person who the dog assists usually resides); and
- (ii) accompanying and assisting that person or accompanying a person genuinely engaged in the dog's training; or
- (b) any dog—
  - (i) that is kept, used, or certified for use by a specified agency; and
  - (ii) is being used for the purpose of carrying out in a lawful manner any function, duty, or power of that agency.

(6) In this section,—

**dog** includes the embryo, ova, or semen of a dog that belongs wholly or predominantly to 1 or more breed or type of dog listed in Schedule 4

**exempting statutory declaration**, in relation to any dog, means a statutory declaration—

- (a) that is made in New Zealand by or on behalf of the importer of the dog; and
- (b) that is to the effect that, to the best of the knowledge and belief of the importer of the dog or of the importer's agent, the dog does not belong wholly or predominantly to 1 or more breed or type of dog listed in Schedule 4.

Section 30A: inserted, on 1 December 2003, by section 17 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 30A(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 30A(5)(a): substituted, on 28 June 2006, by section 11 of the Dog Control Amendment Act 2006 (2006 No 23).

### *Dangerous dogs*

#### **31 Territorial authority to classify dangerous dogs**

- (1) A territorial authority must classify a dog as a dangerous dog if—
  - (a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or
  - (b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
  - (c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.



- (2) Where any dog is classified as a dangerous dog under subsection (1), the territorial authority shall immediately give notice in the prescribed form of that classification to the owner.
- (3) Where any dog is classified as a dangerous dog under subsection (1)(b), the owner may, within 14 days of the receipt of notice of that classification under subsection (2), object to the classification in writing to the territorial authority, and shall be entitled to be heard in support of his or her objection.
- (4) In considering any objection under this section, the territorial authority shall have regard to—
  - (a) the evidence which formed the basis for the original classification; and
  - (b) any steps taken by the owner to prevent any threat to the safety of persons and animals; and
  - (c) the matters advanced in support of the objection; and
  - (d) any other relevant matters—
 and may uphold or rescind the classification.
- (5) The territorial authority shall give notice of its decision on any objection, and the reasons for its decision, to the owner as soon as practicable.

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

### **32 Effect of classification as dangerous dog**

- (1) If a dog is classified as a dangerous dog under section 31, the owner of the dog—
  - (a) must ensure that, from a date not later than 1 month after the receipt of notice of classification, the dog is kept within a securely fenced portion of the owner's property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property; and
  - (b) 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—
    - (i) muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
    - (ii) controlled on a leash (except when in a dog exercise area specified in a bylaw made under section 20(1)(d)); and
  - (c) must produce to the territorial authority, within 1 month after the receipt of notice of classification, a certificate issued by a veterinarian and certifying—
    - (i) that the dog is or has been neutered; or

- (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
  - (d) must, if a certificate under paragraph (c)(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 (c)(i); and
  - (e) must, in respect of every registration year commencing after the date of receipt of the notice of classification, be liable for dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
  - (f) must not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.
- (2) Every person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$3,000.
- (3) If a court convicts a person of an offence against subsection (2), the court must also make an order for the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not warrant destruction of the dog.
- (4) Every person who sells or otherwise transfers, or offers to sell or transfer, to any other person any dog known by that person to be classified as a dangerous dog without disclosing the fact of that classification to that other person commits an offence and is liable on conviction to a fine not exceeding \$3,000.
- (5) If a person fails to comply with subsection (1), a dog control officer or dog ranger may—
- (a) seize and remove the dog from the person's possession; and
  - (b) retain custody of the dog until the territorial authority has reasonable grounds to believe that the person has demonstrated a willingness to comply with subsection (1).
- (6) Section 70 applies to a dog removed under subsection (5) as if it were removed under section 56; and accordingly section 70 applies with all necessary modifications.

Section 32: substituted, on 1 December 2003, by section 19 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 32(1)(c): amended, on 28 June 2006, by section 29(3) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 32(1)(d): amended, on 7 July 2004, by section 9(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 32(1)(e): amended, on 7 July 2004, by section 9(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 32(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 32(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### **32A Dangerous dog classification to extend over New Zealand**

- (1) Every classification as a dangerous dog under section 31 is in force throughout New Zealand.
- (2) This section is for the avoidance of doubt.

Section 32A: inserted, on 28 June 2006, by section 12 of the Dog Control Amendment Act 2006 (2006 No 23).

### **33 Territorial authority's consent to disposal of dangerous dog**

No territorial authority shall give its consent under section 32(1)(f) to the disposal to any person of a dog that is classified as a dangerous dog unless the territorial authority is satisfied that the purchaser or transferee—

- (a) is not a person classified under section 21 as a probationary owner; and
- (b) is not a person who is disqualified under section 25(1)(b) and (c); and
- (c) is aware that the dog is classified as a dangerous dog; and
- (d) is aware of the obligations imposed by section 32 on the owner of a dog that is classified as a dangerous dog.

Section 33(b): amended, on 1 December 2003, by section 20 of the Dog Control Amendment Act 2003 (2003 No 119).

### *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

## Appendix 2

### Affirmation of Joanne Newell

In the matter of

s.57 of the Dog Control Act 1996

Between

Christopher Amy [

] HUNTLY

And

Joanne Newell [

] TAUPIRI

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## Affirmation of Joanne Newell

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Filed by: *Joanne Newell*

I Joanne Newell, of 15 Galileo street, NGARUAWAHIA do solemnly and sincerely affirm the following:

1. I am employed by Waikato District Council as an Animal Control Officer
2. 19 March 2020 I took a witness statement for a dog attack. Resulting in two dogs causing significant injuries to another dog.
3. Attached is a Witness Statement provided to Waikato District Council. This is Exhibit <sup>A</sup>
- ~~4. Attached is a second Witness Statement provided to Waikato District Council. This is Exhibit 2.~~
5. Attached is the vet record provided to Waikato District Council by Anexa Vets Huntly. This is Exhibit <sup>B</sup>.
6. Based on the aggression these dogs have displayed I believe the dogs constitute a threat to public safety.
7. This statement taken by myself is true and correct to the best of my knowledge and belief.
8. I am aware that I commit an offence of perjury and am liable of a term of imprisonment if I know the contents of this affidavit are false.

Handwritten notes on the left margin: "MO" and "S" with arrows pointing to items 3 and 4 respectively.

Signed: [Signature]

Date: [Signature]

Affirmed in Ngaruawahia this <sup>16th</sup> ~~9th~~ day of <sup>June</sup> ~~April~~ 2020

Handwritten notes on the left margin: "S" and "J" with arrows pointing to the signature and date lines respectively.

Before me:

[Signature]  
Justice of the Peace

Joanne Elizabeth Tate, JP  
#14112  
NGARUAWAHIA  
Justice of the Peace for New Zealand

Handwritten mark at the bottom right corner: "1/1"

"151"

# 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: DOGS2532/20  
 Person ID: 157968  
 Dog ID: 151240  
 151239

## Witness Statement

Section 82 of the Criminal Procedure Act 2011

**EXHIBIT NOTE**

This is the annexure marked "A" referred to within the affidavit of Jeanne Kevel and sworn/affirmed at Ngaruawahia this 16<sup>th</sup> day of June 2020 before me

Signature [Signature]

**Jeanne Elizabeth Tate, JP**  
 #14112  
**NGARUAWAHIA**  
 Justice of the Peace for New Zealand

Statement of: Christopher Amy Date of birth: [ ]  
 Address: [ ] Contact Number: [ ]  
Huntly  
 Date of Statement: 19/3/2020 Time of Statement: 9.15 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 19/3/2020 at about 8.30  am  pm  
specify the date give the time of day event happened

The incident happened at 31 Hartis Avenue  
Address of where the incident occurred

The dog involved was a 2x black staff cross, 1 had white on its chest. medium size one slightly large tan other.  
description of dog - breed, colour, sex, size etc



The dog is kept at 32 Hartis Avenue  
Huntly  
give the address where the dog is kept

I know the dog is from this address because we walk past the dogs everyday. I chased the dogs back to the property.

[Signature] Witness Initials

[Signature] Witness Initials

I was in my kitchen making some juice when I heard some yelping. I looked up and saw a car. I assumed the dog had been hit by the car. I went out onto my deck and saw 2x black dogs attacking a small white bichon type dog. I ran to help the dogs in my socks. I ran approximately 100 meters down the road to where the attack was happening. As I was running I was yelling at the dogs to get out of it. The dogs continued the attack. The dogs both had an end of the small dog each. They were pulling and throwing him around like a toy. As I approached the dogs yelling, the larger of the two dogs then drew his attention to me. The dog was growling and barking at me and made movement towards me, making me take a couple of steps back-wards. During this time the second dog continued with the attack. The larger of the two dogs then ran back towards the house. The dog was back in its driveway before the second dog stopped attacking. I yelled at the dog to get out and moved towards it. I chased the dogs home. I am unsure if the dogs jumped back into the section or if they went through



or under the gate. The white dog had run back into the rear of the section. He then walked back to the crashed door. His owner then came out and I explained what had happened. There was no owner of the black dogs in sight. They were not wearing muzzles and were not under control by anyone. I then returned home and called animal control. 10 minutes later I saw the victim dog owners go out and I assumed they were going to the vets.

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used for enforcement action. 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:



(Informant)

Date:

19/3/2020

Signed:



(Witness - ACO)

Date:

19/3/2020







**Anexa FVC**  
 25 Moorhouse Street  
 PO Box 21, Morrinsville 3340  
 P: 0800 284 3838 F: 07 889 3681  
 E: anexa.accounts@anexafvc.co.nz  
 www.anexafvc.co.nz

17 "KS"

Coromandel  
 P: 07 866 8556  
 Gordonton  
 P: 07 824 2103

Huntly  
 P: 07 828 7660  
 Maramarua  
 P: 09 232 5891

Matamata  
 P: 07 888 8068  
 Morrinsville  
 P: 07 889 5159

Ngaruawahia  
 P: 07 824 8630  
 Ngatea  
 P: 07 867 7256

Paeroa  
 P: 07 862 8815  
 Raglan  
 P: 07 825 8396

Rototuna  
 P: 07 853 0027  
 Te Aroha  
 P: 07 884 8014

Te Kauwhata  
 P: 07 826 3581  
 Thames  
 P: 07 868 7005

[Redacted]  
 Huntly 3770

Ref: 70526

**Patient History for Fergus - 1/01/1970 to 29/05/2020**

<b>Breed:</b> Bichon Frise	<b>Species:</b> Dog <b>Sex:</b> Male (Neutered)
<b>DOB:</b> 19/03/2018 Age 2 yrs 2 mths	<b>Colour:</b> White
<b>Current Weight:</b> 4.70	<b>Microchip:</b>

19/03/2020 Ref: Julia Baynes Age 2 yrs 0 mths

Vital Signs:	Name	Value	Notes	Low	High
	Weight	4.75	Kilograms		

**History Details:** Reason: Dog Attack -

Just attacked by neighbour's dog. Previously bright and well, no health concerns.

Bright and alert but subdued, Pulse 120 beats per minute with normal heart sounds  
 Respiratory rate 24 breaths per minute  
 normal lung sounds mucous membranes pink and moist capillary refill time <2 seconds  
 Abdominal palpation normal.

2 puncture wounds <5mm over lateral hips, swelling in inguinal areas. Can flex and move legs.

Plan: Hospitalisation, pain relief, sedate to x-rays hips/hindlimbs.

9.00 am - administered 0.1ml methadone under skin

**EXHIBIT NOTE**  
 This is the annexure marked "B" referred to within the affidavit of Joanne Elizabeth Tate, JP and sworn/affirmed at Morrinsville this 16th day of June 2020 before me  
 Signature: [Signature]

**Invoiced Items:**

Service Provided	No.
<b>Professional Fees</b> Consultation Physical Examination	1.00

19/03/2020 Ref: Paul van der Wel Age 2 yrs 0 mths

Vital Signs:	Name	Value	Notes	Low	High
	Weight	4.7	Kilograms		

**History Details:**

Reason: Sedate To Xray  
 Methadone given for pain by JB  
 Sedation medetate / Butordyne  
 Topped up with additional medetate to deepen sedation  
 Xray pelvis DV and lateral - no evidence of fractures and internal injuries  
 Home with metacam 1 mg tablets x 5 - 1/2 tablet once daily  
 Inj Noroclav and dispensed home antibiotics noroclav 50 mg x 10 - 1 tablet twice daily

**Invoiced items:**

Service Provided	No.
<b>Professional Fees</b> Hospitalisation Dog Day	1.00
X-Ray, Interpret & Report	2.00
<b>Anaesthesia</b> Sedation (Companion Animal)	1.00

Joanne Elizabeth Tate, JP  
 #14112  
 NGARUAWAHIA  
 Justice of the Peace for New Zealand



**Anexa FVC**  
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Paeroa  
 P: 07 862 8815  
 Raglan  
 P: 07 825 8390

Rototuna  
 P: 07 853 0027  
 Te Aroha  
 P: 07 884 8014

Te Kauwhata  
 P: 07 826 3581  
 Thames  
 P: 07 868 7005

### Patient History for Fergus - 1/01/1970 to 29/05/2020

<b>Ethical</b>	
Medetate Inj 1mg 10ml (10)	0.15
Butordyne Injection 10ml (10)	0.05
Methadone Inj 10mg 1ml X 10	0.10
Noroclav Tablets 50mg	10.00
Metacam Chewable 1mg	5.00
<b>Sales</b>	
Materials	1.00

## Appendix 3

### Affirmation of Amanda Davis

In the matter of

s.57 of the Dog Control Act 1996

Between

Karen Amy of [ ]  
HUNTLY

And

Amanda Davis of 15 Galileo Street  
NGARUAWAHIA

---

## Affirmation of Amanda Davis

---

Filed by: *Amanda Davis* ACO 7

I Amanda Davis of 15 Galileo Street, NGARUAWAHIA do solemnly and sincerely affirm the following:

1. I am employed by Waikato District Council as an Animal Control Officer
2. 18 of March 2020 I attended a dog attack on a dog. The 2 dogs from 32 Hartis Avenue left their property and attacked another dog.
3. Attached is a Witness Statement taken by me on the 18 of March 2020. This is Exhibit **A**
4. Based on the aggression these dogs have displayed I believe these dogs constitute a threat to public safety.
5. This statement taken by me is true and correct to the best of my knowledge and belief.
6. I am aware that I commit an offence of perjury and am liable of a term of imprisonment if I know the contents of this affidavit are false.

*Handwritten initials*

Signed: *[Signature]*

Date: 16/6/2020

Affirmed at Ngaruawahia this 16<sup>th</sup> day of June ~~April~~ 2020

*Handwritten initials*

Before me: *[Signature]*  
*[Signature]*  
Justice of the Peace

Joanne Elizabeth Tate, JP  
#14112  
NGARUAWAHIA  
Justice of the Peace for New Zealand

*Handwritten mark*

22/11

# 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: DOGS52532/20  
 Person ID: 157968  
 Dog ID: 151240  
 151239

## Witness Statement

Section 82 of the Criminal Procedure Act 2011

**EXHIBIT NOTE**

This is the annexure marked "A" referred to within the affidavit of Amanda Davis and sworn/affirmed at Ngaruawahia this 16<sup>th</sup> day of June 2020 before me

Signature [Signature]

Joanne Elizabeth Tate, JP  
 #14112  
 NGARUAWAHIA  
 Justice of the Peace for New Zealand

Statement of: Green Amy Date of birth: [ ]  
 Address: [ ] Contact Number: [ ]  
one Huntly  
 Date of Statement: 19/3/2020 Time of Statement: 9:19 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 19/3/2020 at about 8:20 am pm  
specify the date give the time of day event happened

The incident happened at In the driveway of the house across the road from #31  
Address of where the incident occurred

The dog involved was a Black stocky type dog smaller than my boxer x no collars, short hair  
description of dog - breed, colour, sex, size etc

The dog is kept at 32 Hart's Ave Huntly  
give the address where the dog is kept

I know the dog is from this address because I saw the dogs return to number 32 Hart's. I have seen them at that address before.

Witness Initials

Witness Initials

I was in my kitchen and suddenly I heard a dog screaming outside so I rushed to my window. I thought maybe a dog had been hit by a car. I saw two black dogs that I described attacking a little white dog. The dogs were on the driveway. I saw the two black dogs tear down onto the white dog. The white dog was still screaming. I went out my front door and grabbed my shoes. I waited outside in the pavement outside my house. Chris had seen the dogs also and had come ahead of me, he ran towards the dogs he was yelling at the dogs telling them to go home. When Chris got to the dogs one of the dogs ran back across the road to number 32 Hertis and the second dog hung around and did not leave for about 30 seconds. The white dog was still on the ground the dog

Witness Initials



could only move slowly. A man came out of 31 Hertis Ave and picked up the white dog. Chris came back to where I was and asked me to get my phone to call Criminal Control. I will post number 32 Hertis daily and the two black stumpy cross dogs bark at me in an aggressive manner from behind the gate. I have never seen these dogs out before until today. Neither of the two black dogs were wearing a muzzle. There was no person with these black dogs. No person came out from number 32 Hertis Ave.

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used for enforcement action. 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: [Signature]  
(Informant)

Date: 19/3/2020

Signed: [Signature]  
(Witness - ACO)

Date: 19/3/2020

Witness Initials

## Appendix 4

### Request for Service



Request Number: DOGS2532/20  
Date Received: 19/03/2020  
Source: Phone  
Status: P  
Group: DOGSCRM  
Category: DogAggCurr  
Process Counter: 475849

25

Priority: Medium  
Completed On: 19/03/2020  
Resp Workgroup: Dogs  
Raised By: SSPAI001  
Resp User: JNEWE001  
Call Back?: No

### Related Property & Customer

Property Address: [ ]

Home Telephone:

Mobile Telephone: [ ]

Work Telephone:

Caller Name: Christopher Mark Amy

Caller Address: [ ] Huntly 3700

Caller Email: [ ]

### Request Details

Description: 2 Dogs came from 32 Hartis Ave and attacked the dog at 31 Hartis Ave they were chucking the dog around like a little rabbit

Chris [ ] (Chris is from [ ])

Resolution Description: Completed

Resolution Details: 2x dogs seized from property. Dog owner was extremely hard to communicate with. Statements take from 2x witnesses and scene photos taken. Victim dog owner will give statement and vet records once they know the condition of their dog. Dogs will be classified Dangerous if collected by owner and infringements will be issued under section bylaw 30/03 - infringements created

### Memo Details

Memo Ctr	Table No	Memo Type	Status	Notes	Date Created
746834	475849	CRMDogCon	C	Advised dog owner intention to classify Dangerous if collected by owner, and what this means going forward. Also advised that infringements would be issued for both dogs.	26/03/2020

## Appendix 5

### Seizure Notice

**Animal Control****Notice of seizure and removal of a dog**

Date 19/3/2020 Time 9.11am  
 To Dog owner  
 Address 32 Hartis Avenue Huntly  
 Tag no. \_\_\_\_\_ ANI no. \_\_\_\_\_  
 Name Clous and Mila Breed Pitbull x 2 (M) (F)

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 / Amanda at the Ngaruawahia / Tuakau Office on 0800 492 452, 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 days from the date of this notice. Disposal of the dog may not exempt the owner from fees owing or from possible prosecution.

Animal Control Officer Jo / Amanda Date 19/3/2020

**0800 492 452**

■ If calling from overseas +64 7 824 8633  
 ■ [publicenquiries@waidc.govt.nz](mailto:publicenquiries@waidc.govt.nz)

■ [www.waikatodistrict.govt.nz](http://www.waikatodistrict.govt.nz)  
 ■ [www.facebook.com/WaikatoDistrictCouncil](https://www.facebook.com/WaikatoDistrictCouncil)

**Postal Address**  
 Waikato District Council  
 Private Bag 544  
 Ngaruawahia 3742

**Huntly Office**  
 142 Main Street  
 Huntly

**Ngaruawahia Office**  
 15 Galileo Street  
 Ngaruawahia

**Raglan Office**  
 7 Bow Street  
 Raglan

**Te Kauwhata Office**  
 1 Main Road  
 Te Kauwhata

**Tuakau Office**  
 2 Dominion Road  
 Tuakau

## Appendix 6

### Scene Photos

31 Hartys Avenue Huntly. Jewell 19/3/2020

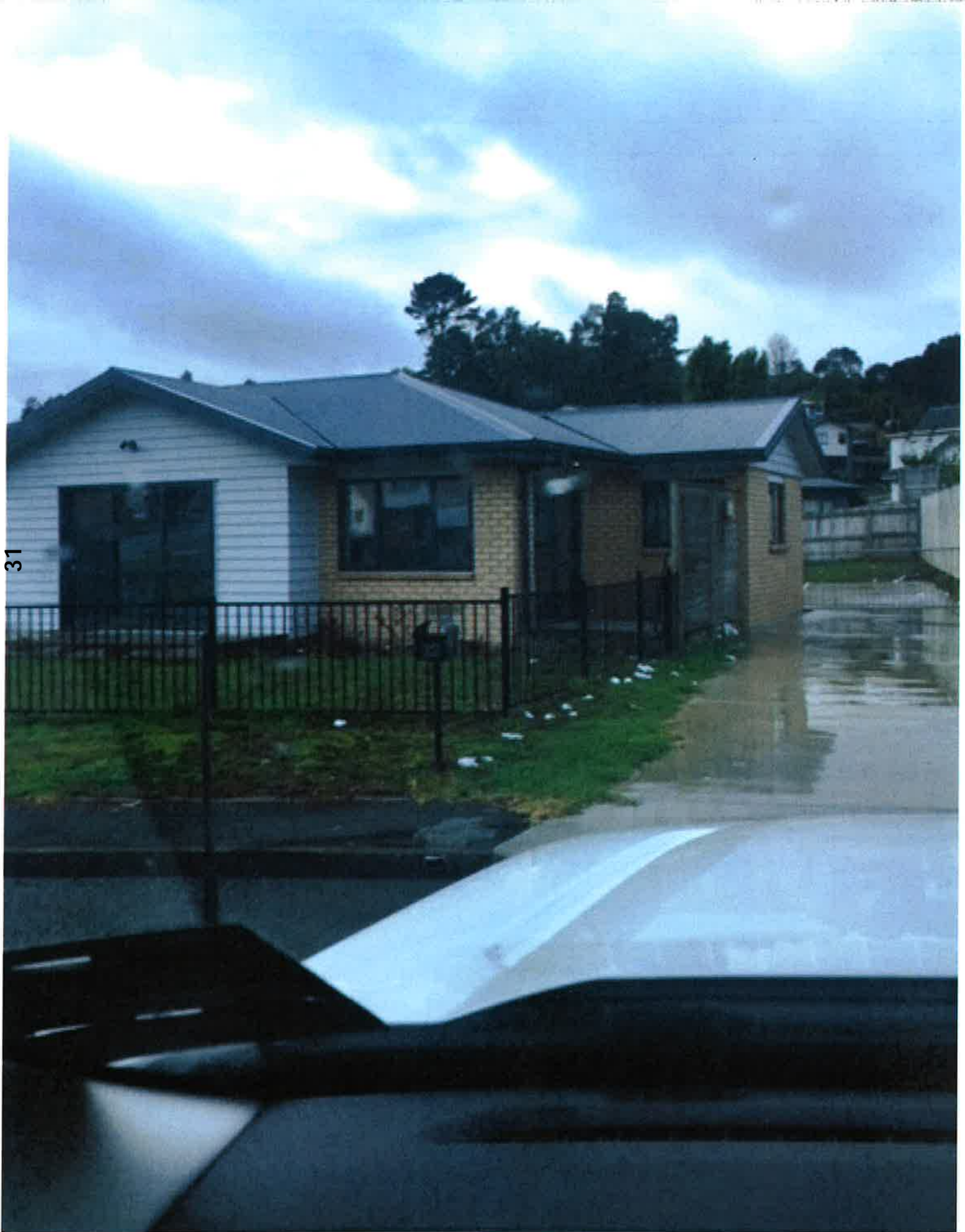
29



32 Hartis Avenue Huntly 30 19/3/2020  
Frewell.



32 Hartis Avenue Huntly Jewell. 19/3/2020



31

32

↑  
Dogs were behind  
this gate on ACO's arrival  
farewell.

32 Hartis Avenue Huntly 19/3/2020



31 Hartis Avenue Huntly <sup>33</sup> Jewell. 19/3/2020



31 Hart's Avenue <sup>34</sup> Huntly 19/3/2020  
Shenell.



## Appendix 7

Dangerous Classifications for both dogs



**District Office**  
Private Bag 544  
Ngaruawahia 3742

15 Galileo Street  
Facsimile

☎ 07 824 8633  
☎ 07 824 8091

**Huntly Area Office**  
**Raglan Area Office**  
**Tuakau Area Office**

142 Main Street  
7 Bow Street  
2 Dominion Road

☎ 07 828 7551  
☎ 07 825 8129  
☎ 0800 492 452

**OFFICE USE ONLY**

CRM:DOGS2532/20

Person ID:157968

Dog ID:151240

# Notice of Classification of Dog as a Dangerous Dog

Section 31 Dog Control Act 1996

**To:** Hayley Maree Edwards

**Address:** 32 Hartis Avenue

Huntly 3700

**THIS IS TO NOTIFY YOU THAT THE DOG DESCRIBED HEREIN,**

**Klouws American Staffordshire Bull Terrier x Labrador Black Male**

*(description of dog)*

**HAS BEEN CLASSIFIED AS A DANGEROUS DOG UNDER SECTION 31(1) OF THE DOG CONTROL ACT 1996.**

**THIS IS BECAUSE**

- The Waikato District Council has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe it constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

A summary of the effect of the classification and your right to object is contained overleaf.

**Tracey Oakes**  
**Animal Control Team Leader**

18/06/2020  
**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 dangerous dog**  
*Sections 32 and 36A, Dog Control Act 1996*

You are required,—

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

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

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

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

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

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

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

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

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

**Right of objection to classification**  
*Section 31(3), Dog Control Act 1996*

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



**District Office**  
Private Bag 544  
**Ngaruawahia 3742**  
15 Galileo Street  
Facsimile  
☎ 07 824 8633  
☎ 07 824 8091

**Huntly Area Office**  
**Raglan Area Office**  
**Tuakau Area Office**  
142 Main Street  
7 Bow Street  
2 Dominion Road  
☎ 07 828 7551  
☎ 07 825 8129  
☎ 0800 492 452

**OFFICE USE ONLY**

CRM:DOGS2532/20

Person ID:157968

Dog ID:151239

# Notice of Classification of Dog as a Dangerous Dog

*Section 31 Dog Control Act 1996*

**To:** Hayley Maree Edwards

**Address:** 32 Hartis Avenue

Huntly 3700

**THIS IS TO NOTIFY YOU THAT THE DOG DESCRIBED HEREIN,**

**Meelah American Staffordshire Bull Terrier x Labrador Black Female**  
**99000000308244.**

*(description of dog)*

**HAS BEEN CLASSIFIED AS A DANGEROUS DOG UNDER SECTION 31(I) OF THE DOG CONTROL ACT 1996.**

**THIS IS BECAUSE**

- The Waikato District Council has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe it constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

A summary of the effect of the classification and your right to object is contained overleaf.

**Tracey Oakes**  
**Animal Control Team Leader**

18/06/2020

**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 dangerous dog**

#### *Sections 32 and 36A, Dog Control Act 1996*

You are required,—

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

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

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

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

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

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

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

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

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

### **Right of objection to classification**

#### *Section 31(3), Dog Control Act 1996*

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

## Appendix 8

Objection to Classifications by email



**Tracey Oakes**

---

**From:** Hayley Edwards [ ]  
**Sent:** Wednesday, 24 June 2020 5:20 p.m.  
**To:** Tracey Oakes  
**Subject:** Re: Notice of dangerous dogs

Tracey

As already clearly outlined in person and in writing, I OBJECT TO THE ALLEGATIONS THAT OUR DOGS ARE DANGEROUS.

You have never produced any evidence that it were even our dogs that we were informed mauled to almost certain death the neighbouring dog.

As stated by your dog handlers that woke us up coming onto our property, scaring our dogs and backing them right up to the door that the gate was locked. The claims that they've been seen jumping the gate is absolute rubbish and came as a statement AFTER I informed you that your handlers said that they gate were locked and they were unable to explain how it is they got out and back in and locked said gate.

Again as already explained, I have on numerous occasions tested this theory before the alleged incident as I was not going to risk my dogs getting out and lost or stolen.

They have NEVER jumped our fences even when we have called them to come in the car with us and gone as far as tempted them with treats.

Their are also numerous dogs that get out regularly in fact and taunt our dogs, even then they DO NOT JUMP THE FENCE.

I require you to provide ALL information in relation to the allegations INCLUDING the SWORN EVIDENCE that has been collected, what reasonable ground that makes our dogs a threat to safety of people etc.

I have explained in detail what it is that you and your staff have achieved in causing unnecessary distress and harm to my children, our dogs and myself and done more than what you required in ensuring that there were no further ability for the emotion attacks of undeserved accusations with NOT ONE VALID REASON GIVEN as to why you have put us all through this appalling process.

If this can be made a priority to be moved forward quickly that would be appreciated as it has been a huge concern for us and over such a long period that it's affects become more disturbing by the day.

Hayley Edwards  
OWNER OF KLOUWS AND MEELAH

**Tracey Oakes**

---

**From:** Hayley Edwards [ ]  
**Sent:** Wednesday, 24 June 2020 5:47 p.m.  
**To:** Tracey Oakes  
**Subject:** Re: DANGEROUS DOG NOTIFICATION

Tracey

I also wish ALL parties who have had ANY involvement to be present at the hearing to ensure the TRUTH of these horrible accusations can be dismissed immediately and don't have to be dragged out over numerous court hearings.

The dog handlers that took our dogs who stated the other dog involved had been rushed to the vet with life threatening injuries and would more than likely die from the mauling it suffered, yourself who has been the lead in all of the following interactions, the complainants, everyone who has given their account of the incident in SWORN statements or given any other information in relation to this undue classification.

Also as has already been proven BOTH KLOUWS AND MEELAH have been microchipped and neutered. as well as having all their shots at the correct times as a responsible pet owner ensures, much like you would think the council should be responsible in noting SO if you can make sure that is updated in your systems ASAP that would be a good start for you.

Hayley Edwards  
OWNER OF KLOUWS AND MEELAH

**Tracey Oakes**

---

**From:** Hayl'n Co [ ]  
**Sent:** m Wednesday, 24 June 2020 6:53 p.m.  
**To:** Tracey Oakes  
**Subject:** Fwd: KLOUWS AND MEELAH

Find see attached Written Records

So there's absolutely no ability for the uncertainty that seems to still be very much apparent that Klouws and Meelah are both Microchipped and have had Neuter/ Bitch Spay surgery as soon as they were old enough, please attend ASAP my request to make right your incorrect records.

Hayley Edwards  
OWNER OF KLOUWS AND MEELAH

## Appendix 9

### Officers Statement

**Officers Evidential Statement**

My full name is Joanne Marion NEWELL.

I am currently a Warranted Animal Control Officer for the Waikato District Council.

My Officer number is ACO 16.

On the 19<sup>th</sup> March 2020 I attended DOGS2532/20 with ACO 7. We were called to a dog attack at 31 Hartis Avenue Huntly.

The witness of the attack had advised the two attacking dogs were from 32 Hartis Avenue Huntly.

On arrival at 32 Hartis Avenue Huntly we sighted the offending dogs. The dogs were barking aggressively behind a gate.

ACO 7 and I then proceeded to knock on the door of the house calling out to the occupants but nobody came to the door. ACO 7 and I then proceeded to the gate where the dogs were and tapped our bite sticks loudly calling out to the occupants of the house. Nobody responded.

After several minutes we had come to the conclusion there was nobody home. The dogs required seizure due to the attack on the dog and for concerns for public safety. Due to the level of aggression the dogs were showing at the gate the decision was made to get the catch poles from our vehicle to restrain and remove the dogs.

ACO 7 and I entered the property through the gate and moved to restrain the dogs.

A woman who identified herself as the dog owner emerged from the garage that is separate to the house. The woman quickly secured the dogs in the garage and after several minutes she returned to speak with ACO 7 and myself.

Together ACO 7 and I explained that her two dogs had been identified as the offending dogs in an attack. The dog owner was dismissive of this and denied her dogs involvement. The dog owner became very agitated and hard to communicate with.

Two youths then emerged from inside of the house. We again explained the dogs had been involved in an attack on another dog that had been taken to the vet for medical attention. The dog owner continued to be obstructive. We gave the dog owner the option of putting the dogs into the vehicle again as we were seizing the dogs pending investigation or the other option is that we would call the police and remove the dogs with their support.

ACO 7 and I gave the dog owner 5 minutes to comply and waited at our vehicle.

The two youths then brought the two dogs to the ute. One of the youths stated she was 16. We then issued her the seizure notice and explained that the dog owner has 7 days to apply for the dogs release and that all of the information is on the seizure notice.

ACO 7 and I then took photos of 32 Hartis Avenue where the offending dogs are kept and also 31 Hartis where the victim dog is kept and location of the attack.

ACO 7 and I then visited the property of the two witnesses and proceeded to take independent statements from each witness.

ACO 7 and I then went to the pound and impounded both offending dogs according to the Waikato District Council impounding process.

ACO 7 and I then contacted the victim dog owner to ascertain the condition of their dog and advise we would require the medical records for enforcement purposes.

ACO 7 obtained the vet records from Anexa Vets Ngaruawahia.

J Newell. 10/7/2020

## Appendix 10

Previous roaming history of the dogs

Request Number:	DOGS1091/20	Priority:	High
Date Received:	14/10/2019	Completed On:	14/10/2019
Source:	AftHours	Resp Workgroup:	Dogs
Status:	C	Raised By:	JMART001
Group:	DOGSCRM	Resp User:	MTEAN001
Category:	DogAggCurr	Call Back?:	No
Process Counter:	448595		

### Related Property & Customer

Property Address: 32 Hartis Avenue HUNTLY

Property Type: ResUrbDwel                      Assessment No.: 04321/838.57

Property Status: C

Caller Name:

### Request Details

Description: Dogs Aggression - Current - dogs free to leave 32 hartis ave, huntly. Ran up to Alexs property and aggressively barked at him, roaming the street on and off. Dogs are aggressive and owners do not look like they are home. Unsafe for people to walk near property as dogs will chase.  
Both are black lab mix types.



Resolution Description: Completed

Resolution Details: 14-10-19 MTA - Arrived at property to see the 2 black dogs free to leave. One was on the street outside the property, the other was near the driveway entrance. Chased both dogs back into the property and secured the gate. Left a note for the owners to contact me about this event and registration of the dogs.  
14-10-19 MTA - Dog owner called after hours. I spoke with the D/O and advised what I saw and about the gate being open. I discussed options around containment and we spoke about getting the dogs registered. She was informed that because the dogs were desexed, she could be entitled to free registration, she would just need to provide the certificates. D/O is looking to secure the gate with a bicycle padlock. NFA.

### Memo Details

There are no memos for this request

### Event Details

Event Ctr	Related Table	Table No	Sequence	Event Code	Description	Date Commenced	Date Finalised	Status
6538051	ramAP	448595	100	CRMCreate	CRM Created	14/10/2019	14/10/2019	P
6538052	ramAP	448595	200	DogSeized	Dog Seized?	14/10/2019	15/10/2019	P
6538053	ramAP	448595	300	DogClass	Current Dog Classification?	15/10/2019	15/10/2019	P
6538054	ramAP	448595	2000	CRMComplet	CRM Completed	15/10/2019	15/10/2019	P
6538271	RamAP	448595	310	Infringe	Infringement / Prosecution or Warnings Required?	15/10/2019	15/10/2019	P