

Agenda for a hearing by Commissioners of the Regulatory Subcommittee of Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **FRIDAY, 25 JUNE 2021** commencing at **2.00pm**.

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.

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GJ Ion
CHIEF EXECUTIVE

Open Meeting

To	Regulatory Sub Committee
From	Gavin Ion Chief Executive
Date	10 May 2021
Prepared by	Lynette Wainwright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1319
Report Title	Confirmation of Minutes – Che Reti

1. EXECUTIVE SUMMARY

To confirm the minutes of a meeting of the Regulatory Subcommittee held on Monday, 29 March 2021.

2. RECOMMENDATION

THAT the minutes of a meeting of the Regulatory Subcommittee held on Monday, 29 March 2021 be confirmed as a true and correct record of that meeting.

3. ATTACHMENTS

- A REGSUB Minutes – 29 March 2021
- B REGSUB Decision – 29 March 2021

MINUTES of a hearing by Commissioners of the Regulatory Subcommittee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY, 29 MARCH 2021** commencing at **9.30am**.

Present:

Cr NMD Smith (Chairperson)
Cr J Gibb
Cr J Sedgwick

Attending:

Mr C Reti (Objector)

Mrs C Pidduck (Legal Counsel)
Ms T Oakes (Animal Control Team Leader)
Ms A Davis (Animal Control Officer)
Mrs LM Wainwright (Committee Secretary)

APOLOGIES AND LEAVE OF ABSENCE

All members were present.

CONFIRMATION OF MINUTES

Resolved: (Crs Gibb/Sedgwick)

THAT the hearing minutes of a meeting of the Regulatory Subcommittee held on **Friday, 19 February 2021** be confirmed as a true and correct record of that meeting.

CARRIED

HE2103/01

INTRODUCTION

Commissioner Smith introduced the members of the hearing panel and welcomed all parties.

HEARING

Objection to Dangerous Classification – Mr Che Reti

Dog ID: 147051

Name ID: 162935

Property ID: 1007708

Service Request ID: DOGS1915/21

Mr Reti addressed the hearing and noted the following matters:

- He did not believe that Remi had attacked Ms Reid, his neighbour, but that she had barked a warning.
- Cattle had broken the top railing of the fence allowing Remi to escape.
- Remi had not left the property on her own in the four (4) years Mr Reti had lived there.
- Ms Reid visited Mr Reti following the altercation with Remi and there had been no animosity between the parties.
- Ms Reid contributed \$5,000 to the cost of the boundary fence and Mr Reti and his sons had erected the fence. The incident occurred in December when Mr Reti was waiting for the timber to be delivered.
- The fence height is 1.8m.
- Mr Reti was unsure if Remi had been speyed.

The Animal Control Team Leader addressed the hearing and noted the following matters:

- Ms Reid was unable to attend the hearing due to a health condition.
- The Animal Control Team were concerned that Remi posed an ongoing threat to the safety of the public.
- A dangerous classification would ensure that Remi is always securely contained, and a muzzle would be worn in a public place to minimise risk to any member of the public.
- The dangerous classification was imposed due to public safety.

Legal Counsel advised the hearing that there is no definition of aggression in the Dog Control Act 1996.

Ms Davis (ACO7) addressed the hearing and noted the following matters:

- The complaint had been received through the Waikato District Call Centre on Tuesday, 12 January 2021.
- When she attended the property, the dog was contained at the rear of Mr Reti's property.
- Ms Reid was concerned that the dog could escape as the property was not securely fenced. The new fencing had not been erected at this time.
- There is concern that Mr Reti's family would let Remi out to the front of their property where she could escape.

On viewing the video, the chairperson advised that Remi had not attacked Ms Reid but had barked and then retreated through the hedge.

Discussion was held with Legal Counsel on hearsay evidence.

The Animal Control Team Leader noted that there was no malice between Ms Reid and Mr Reti.

RIGHT OF REPLY

Mr Reti gave his right of reply and noted the following matters:

- He had received notification of the dangerous classification before informing ACO7 that Remi had been taken out to social events.
- He had offered to reimburse Ms Reid for the cost of the fencing timber. Ms Reid declined the offer.

Mr Reti produced an email from his mother (Doc 1) advising that the incident had happened when she was taking care of Remi while Mr Reti and family were in the Coromandel. She had left Remi at the back of the property on the day of the incident as Mr Reti was returning from holiday.

The hearing adjourned at 10.59am and the decision reserved.

DELIBERATIONS

The Commissioners undertook deliberations on all evidence presented.

IN THE MATTER of the Dog Control Act 1996

AND

IN THE MATTER of an objection against the classification of a dog as dangerous pursuant to section 31(4) of the Dog Control Act 1996.

BETWEEN **Che Reti**

Objector

AND **Waikato District Council**

Respondent

**BEFORE THE WAIKATO DISTRICT COUNCIL REGULATORY
SUBCOMMITTEE.**

Chairperson Cr Noel Smith
Members Cr Jan Sedgwick
Cr Janet Gibb

HEARING at Ngaruawahia on 29 March 2021

APPEARANCES:

Mr C Reti, Objector
Ms T Oakes, Team Leader, Animal Control Officer, Waikato District Council
Ms A Davis, Animal Control Officer, Waikato District Council
Ms C Pidduck, Legal Counsel for Waikato District Council

DECISION

Pursuant to Section 31(4) of the Dog Control Act 1996 the Regulatory Subcommittee rescinds the classification of the dog, known as 'Remi', as a dangerous dog.

Introduction:

[1] On the 27th of December 2020 an incident was reported to Waikato District Council that a neighbour's dog had attacked a person at 191B Hoeka Road, Tamahere. The incident was alleged to have occurred the previous day. An Animal Control Officer contacted the complainant on 5 January 2021 and ascertained that the complainant did not want the Animal Control Officer to speak to the dog owner as the complainant had already done so and a resolution had been agreed. The officer elected to take the matter no further as the situation had been resolved to the complainant's satisfaction. The dog in question is a 4 year old blue Neapolitan Mastiff bitch, named Remi.

[2] On 12 January 2021 the complainant, Ms Kitrina Reid, contacted Waikato District Council and spoke to an Animal Control Officer. Ms Reid complained that the dog, Remi, was loose in the neighbour's property and Ms Reid was afraid that Remi could escape and cause her harm. Shortly afterwards an Animal Control Officer (ACO) met Ms Reid onsite at her property and noted that 'Remi' was loose on the neighbour's property. For some reason the complaint of 27 December 2020 was revived and a statement was taken from Ms Reid by the ACO. A short time later the ACO located Remi and her owner at home on their property. Remi was not seized however was later classified as 'dangerous' and an infringement issued on or about 9 February 2021 'for not containing a dog on the owners property'. Mr Reti subsequently appealed the classification of Remi as a dangerous dog.

[3] The Committee was presented with a Council agenda which contained, amongst other correspondence, a copy of the complaint, extracts of legislation, Animal Control Officer's statement, a copy of the dangerous dog classification notification to Mr Reti, his written objection and photos taken by Animal Control Officers as well as other associated documents.

[4] The only witnesses, Ms Reid was not present at the hearing, citing health reasons, to give evidence or provide the Committee with the opportunity to clarify any aspect of her witness statement.

HEARING:

Objector – Mr Reti

[5] At the commencement of the hearing the Chairperson outlined how the hearing would take place. Mr Reti confirmed he had a copy of the documents.

[6] Mr Reti began his objection by saying he believed the issue arose from a misunderstanding and he did not believe the dog was going to attack Ms Reid. He went on to explain he believed his boundary fences were secure, but that the December 26 incident occurred when a cow broke one of the fences, allowing Remi to escape. He also said the dog did not like people coming into her area and would bark an alert if someone did.

[7] He went on to say the dog was used to being around people; that he and his family had no concerns around Remi, nor when friends came to visit. He indicated there was a secure area where he may lock the dog away if needed, when there were too many people visiting.

[8] He explained that he had reached an agreement with his neighbour after the December incident whereby Ms Reid, offered to supply timber for fencing off his property, to a value of \$5,000. On the arrival of the timber, he and his son erected the 1.8m high fence over a period of about two weeks in late February/early March. When questioned about the value of his time spent in erecting the fence, he agreed it might be around \$10,000 if it included the price of the timber.

[9] He said the fence created a secure internal fence within his property, with additional boundary fencing of timber and three wires, and hedging between his property and that of Ms Reid.

[10] He had also disposed of the cow at Ms Reid's request and was subsequently confident that the inner boundary fence would be sufficient to retain Remi on his property, with a further external boundary fence to enable any grazing, and further security.

[11] He reiterated several times that he and Ms Reid got on well as neighbours and he believed there was no animosity between them.

[12] The committee was shown a video clip provided by Ms Reid. It showed Ms Reid running to the right of the screen, with Remi moving behind her at an approximate distance of about 3-4 metres. Ms Reid, on becoming aware of Remi's presence behind her, screamed and Remi barked then retreated through the hedge to the Reti property.

[13] Mr Reti said he had not previously seen the video clip, but acknowledged it was his dog and noted she was back, in distance, from Ms Reid and in his opinion not about to attack.

[14] Turning to the incident on January 12 he said he was away and his mother had come to feed Remi daily whilst the family were on holiday. Mr Reti produced a letter from his mother, which confirmed she was looking after Remi.

[15] Anticipating their return that day, she had left Remi out of her run in the belief the property was secure. Mr Reti stated he was home when the Animal Control Officer arrived in response to a call from Ms Reid who said the dog was loose on the property and she feared for her safety.

COMPLAINANTS EVIDENCE

[16] In a written statement by Ms Reid on January 12 2021, Ms Reid said she was at home with her husband and child on at 7.15pm, 26 December 2020 when she heard Remi barking. She decided to check as she knew her neighbour was away. She said about six months previously Mr Reti had asked her to check when Remi was barking as they may be being robbed. She could not see anyone so turned to come home up her adjoining driveway, walking on her gravel driveway, not near Mr Reti's boundary fence. She viewed the dog through the hedge heading towards the boundary fence, barking at her. She said she heard the barking pitch changing, looked around and saw Remi behind her. In her statement she said she ran and screamed, then jumped over her pool fencing causing injuries to herself (photos supplied).

[17] She stated she called Mr Reti and asked them to come home to secure Remi and within 60 minutes noted someone was at the property. She reported the incident on 27 December 2020 to Waikato District Council's Animal Control via the after-hours number.

[18] Ms Reid's statement said she had since spoken to the owners and they assured her they would fix the fence. Ms Reid stated she feels panic when she hears the dog barking and does not feel safe outside.

[19] The committee was unable to question Ms Reid on her statement and advised Animal Control officers that this was less than desirable and asked that more effort be made to have all parties available at future hearings, even if by zoom or phone if needed.

Animal Control Team Leader – Tracey Oakes

[20] Ms Oakes opened her comments by stating an opinion that this was a very dangerous situation with a large dog and that she was gravely concerned at the dog's rushing behaviour. Ms Oakes commented that to enhance public safety she imposed the dangerous dog classification as she had concern about Remi attending social events and being amongst the public. She also commented that a dog's behaviour can be very different when the owner is absent and in her opinion a classification as a dangerous dog was the best course of action. She stated that in terms of dogs, 'aggression' is the action of attacking without provocation'.

Legal Counsel -Christine Pidduck

[21] Ms Pidduck responded to questions from the Committee on the term rushing. She said a plain language determination of the term aggressive was self-explanatory, but that the 'rushing movement of an animal in a way that suggests threat or criminal harm' was an appropriate meaning for 'rushing'.

[22] The committee questioned why the 26 December case had been reviewed by another Animal Control Officer and then closed, could subsequently be re-opened two weeks later, apparently triggered by the complainant's call to say she believed the dog was loose on its property. Ms Pidduck said that in this instance natural justice should prevail. She also noted that only one offence was needed for classification as dangerous.

Animal Control Officer – Amanda Davis

[23] Ms Davis's brief of evidence, having been pre-circulated, was taken as read and she was asked to speak to it. She then answered questions from the Committee. Ms Davis told the Committee that her main concern was that the dog was able to leave the property. In her reply she said she believed if Ms Reid had not screamed she believed the dog would have attacked. In response to a question from the Committee, she agreed that running and screaming when a person believed they may be the subject of a dog attack was not what Animal Control taught as good practice.

[24] The committee asked why the video clip did not have the preceding 30 seconds which would have set a more helpful scene. Ms Davis said that was all that was provided by Ms Reid.

[25] When asked why Ms Davis did not uplift the dog which was loose on its property, she said they would have, had it left the property, but it did not.

RIGHT OF REPLY – Mr Reti

[26] Mr Reti said he had little more to add in his right of reply, except to restate his assertion that Remi was safe around people (and particularly with large numbers of children); that she had been to day care with no issues and was taken out several times a year on family trips to the beach and social events. He said he had made every effort to fence the property within his own boundaries and had a safe area for Remi when she was alone. He had also got rid of a cow which had previously broken a boundary fence made of wood and wire. He said he and the neighbour were on cordial relations and he wanted to be a good neighbour, demonstrated by his actions. He also stated that the classification as dangerous was made prior to the ACO being told Remi attended several social events with his family.

[27] The committee questioned Mr Reti as to whether Remi had been spayed. He said not to his knowledge, nor had she come into season nor had puppies, since he had had her from a puppy of several weeks old.

LEGISLATION: S31(1)(b) Dog Control Act 1996

[28] *“Territorial Authority must classify a dog as a dangerous dog if -
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,*

[29] On 21 January 2021, Amanda Davis, Animal Control Officer, Waikato District Council undertook a classification exercise with respect of Remi. Ms Davis then discussed the classification done by Ms Davis and Ms Oakes, Animal Control Team Leader then countersigned the classification. As a result Ms Oakes issued a notice, on 9 February 2021, under s31(1) of the Dog Control Act 1996 classifying Remi as a dangerous dog. Notice of the classification was sent to Mr Reti and he responded by objecting to the classification.

[30] The Committee notes at page 44 of the Agenda an infringement notice for not keeping a dog contained to owners property issued to Mr Reti.

REASONS FOR DECISION:

[31] The Committee accepts that the dog Remi, should not have been able to enter on to Ms Reid’s property. It is not certain from the video clip, how Remi was moving towards Ms Reid. The committee noted Remi retreated at the same time as Ms Reid screamed and was not intent on continuing a pursuit. The video clip in itself did not show the incident to any definitive extent. Had the previous 30 seconds to a minute of recording been made available to the Committee then the situation would have been much clearer.

[32] The Committee was once again unable to seek clarity from the only witness to the events of 26 December 2020. In the circumstances the Committee must deal with the evidence put before it in a dispassionate manner. Without the ability to gain clarity around the events of 26 December 2020 there is no evidence before the Committee that an attack occurred or was about to occur. Ms Reid's response upon seeing the dog was understandable.

[33] Remi, although Ms Reid believed to the contrary, was secure in her property on 12 January as Mr Reti had repaired the fence following the incident of 26 December 2020. Had Ms Reid been aware that the fence was secure she would likely not have called the Animal Control Team. That being the case the matter that Mr Reti believed resolved on 26 December 2020 would not have been resurrected by Ms Davis.

[34] The Committee, noting Ms Pidduck's comments during the hearing, is of the opinion the resurrection of the complaint of 26 December 2020, after it had been completed, is a breach of natural justice. That is to say Mr Reti had good cause to believe the matter was complete. Mr Reti provided a timely solution to the issue which the neighbour supported, in ensuring his already externally fenced property now has full internal fencing of 1.8m palings to secure his dog Remi.

[35] The role of the Committee is to review the classification and determine whether the classification should be upheld or dismissed. The Committee finds no grounds to uphold the classification.

DECISION:

[36] By unanimous decision and pursuant to Section 31(4) of the Dog Control Act 1996 the Regulatory Subcommittee rescinds the classification of the dog, known as 'Remi', as a dangerous dog.

A handwritten signature in black ink, appearing to read 'Noel Smith', is written over a light grey rectangular background.

Noel Smith
Chairperson
Regulatory Subcommittee
Waikato District Council
06 April 2021

Open Meeting

To	Regulatory Subcommittee
From	Sue O’Gorman General Manager Customer Support
Date	5 May 2021
Prepared by	Tracey Oakes Animal Control Team Leader
Chief Executive Approved	Y
Reference #	Dog ID: 151428 Name ID: 154498 Property ID: 2018062 Service Request ID: DOGS2092/21
Report Title	Objection to Dangerous Classification - Juanita Vosloo

I. EXECUTIVE SUMMARY

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

“Bow”, a male black and tan, Rottweiler, aged 2 years, owned by Juanita Vosloo, was involved in an incident on 30 January 2021 where “Bow” aggressively rushed Chris Burn’s minor son. “Bow” was free to leave his property and the rushing happened on a public walkway. As a result of this incident, Council issued Mrs Vosloo with an infringement notice, and a notice of dangerous classification.

In accordance with Section 31(3) of the Act, Mrs Juanita Vosloo has objected in writing to the dangerous classification within the statutory time frame, via her lawyer Mr James Carter.

Council believes the behaviour displayed by “Bow” during the reported incident that led to the dangerous dog classification and other reported incidents is very concerning. Due to this displayed behaviour, “Bow” poses an ongoing threat to the safety of any person and Council considers “Bow” should remain classified as dangerous in accordance with the Act.

2. RECOMMENDATION

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

AND THAT under Section 31(1)(b) of the Dog Control Act 1996, the dangerous classification imposed on the dog “Bow”, owned by Juanita Vosloo, be upheld.

3. BACKGROUND

At 9.48am on 31 January 2021, Council After Hours service received a complaint from a member of the public. A Rottweiler had come out from under the fence of 26 Piriti Lane Horotiu and rushed at a 7-year-old boy on his bike while he and his father, Christopher Burns, were on the Te Awa walkway. Mr Burns had managed to yell at the dog and get between his son and the dog. (Service Request annexed as Appendix 2). Amanda Davis was the Animal Control Officer (ACO) on call and responded to the service request.

At 10.11am 31 January 2021, ACO Davis obtained a witness statement from Mr Burns. (Witness statement annexed as Appendix 3). In this statement Mr Burns explains the detail of the rushing and the action Mr Burns was required to take to stop the dog reaching his son Harry. Mr Burns had started yelling at the dog before it had left its property to try and stop it. He started running towards Harry. Harry started to run when he saw the dog running towards him. Mr Burns saw the dog go under the boundary fence and come into the Te Awa reserve. The dog carried on running towards Harry. Mr Burns managed to get between Harry and the dog. The dog then stopped, turned around and headed home. The dog went back under the fence into its property. Mr Burns and Harry then continued home. Included in the witness statement is a birds' eye view hand drawn sketch of where events took place.

On 31 January 2021 ACO Davis attended 26 Piriti Lane, Horotiu to discuss the incident. Mrs Vosloo was home and discussed the incident with ACO Davis. Mrs Vosloo is the registered owner of two Rottweiler dogs (one male named Bow and one female named Bella). Mrs Vosloo expressed surprise that the male dog was involved in the incident. ACO Davis asked Mrs Vosloo to ensure the male dog was contained at all times. (Officers Statement annexed as Appendix 4).

On 1 February 2021 ACO Davis walked the Te Awa walkway with her own dogs on leash whilst on duty to obtain scene photos of where the incident had occurred and to visually inspect the fencing. A man from 26 Piriti Lane, Horotiu enquired as to what ACO Davis was doing. She explained what she was doing and why she was doing it. ACO Davis reiterated the conversation she had had the day before with Mrs Vosloo. ACO Davis was aware she was conversing with Mr Vosloo. Mr Vosloo became argumentative and increasingly agitated. ACO Davis terminated the conversation and left the area. (Scene/Fence photos annexed with witness statement as Appendix 3).

On 9 February 2021 ACO Davis received a call from the Council Call Centre. A member of the public had witnessed dog behaviour at 26 Piriti Lane from the Te Awa walkway that caused her serious concerns. She had been biking along the Te Awa cycleway heading up the hill towards the Horotiu Bridge in front of the 26 Piriti Lane property. She saw two rottweilers barking and straining on the end of their chains contained within the property. She was very concerned the chains would snap. She saw a lady walking her two small dogs and noticed the dog's behaviour escalate to 'berserk'. (Witness statement annexed as part of Appendix 3).

On 9 February 2021 ACO Davis issued an infringement notice to Mrs Vosloo for the offence that took place on 30 January 2021. This infringement has not been paid at the date of this report. (Infringement notice annexed as Appendix 5)

On 11 February 2021 ACO Davis affirmed an affidavit in the presence of Joanne Tate, Justice of the Peace of New Zealand, which included both the witness statements provided and photos obtained by ACO Davis.

On 16 February 2021 ACO Davis referred the incident to the Team Leader of Animal Control, who holds delegation to make decisions around enforcement action, including classifying a dog dangerous under the Act. Council issued a notice of dangerous classification dated 16 February 2021. (Classification annexed as Appendix 6).

Following receipt of the notice of dangerous classification, on 24 February 2021 Mrs Vosloo lodged a written objection to the dangerous classification with Council via her lawyer James Carter, Barrister and Solicitor. (Objection annexed as Appendix 7). Council received the written objection within the prescribed 14-day objection period under the Act.

Having received Mrs Vosloo's written objection to the dangerous classification, the objection now needs to be determined in accordance with section 31 of the Act (Section 31 and 32 of the Dog Control Act 1996 annexed as Appendix 1).

Previous history attributed to the two Rottweilers belonging to Mrs Vosloo exists. There have been three substantiated instances of wandering, all three involving the female dog "Bella" and one involving "Bow". The most recent before the incident leading to the classification was two days prior to the incident. Both dogs were loose on the Te Awa River Trail. A member of the public tried to contain the dogs and was growled at by the male Rottweiler. Mrs Vosloo was spoken to on this occasion by ACOs Holmes and McLay. (Officers Statement annexed as Appendix 8).

ACO Davis maintained pocket-book notes throughout her investigation (Pocket book notes annexed as Appendix 9).

ACO Holmes obtained a photograph of "Bow" during a call by a member of the public to ensure "Bow" was contained as the road gate had not been latched correctly. ACO Holmes ensured the gate could not be opened by tying the two gates together (Photos of Bow annexed as Appendix 10). These photos are attached for reference purposes only.

4. CONSIDERATION

The evidence provided by the victim by way of witness statement confirms that the dog showed aggressive behaviour when it rushed off its property, onto the Te Awa reserve towards the victim.

A dangerous classification will ensure that Mrs Vosloo contains "Bow" in the securely fenced portion of her property. It will enable Council to take further enforcement action should an incident of this type occur in the future. By applying a muzzle when "Bow" is in a public place, this will minimise the risk to any member of the public. By enforcing desexing, it will mitigate further offspring from a genetic line exhibiting undesirable behaviour.

5. OPTIONS AVAILABLE

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

- Uphold the classification of the dog as dangerous; or
- Rescind the classification.

6. CONCLUSION

This classification will reduce the risk posed to any member of the public by requiring “Bow” to be muzzled when in public. This classification requires “Bow” to be kept within a securely fenced portion of the owner’s property that does not include access to the dwelling.

If the Regulatory Subcommittee rescinds the classification, there is a risk that further breaches of the Dog Control Act 1996 and Dog Control Bylaw 2015 will occur, and members of the public could be threatened or harmed.

The position of the Animal Control Team on behalf of the Council is that the evidence substantiates the classification of “Bow” as dangerous under the Act.

7. ATTACHMENTS

Appendix 1 – Section 33A and 33B of the Dog Control Act 1996

Appendix 2 – Service Request

Appendix 3 – Witness Statement

Appendix 4 – ACO Statement

Appendix 5 – Infringement Notice

Appendix 6 – Dangerous Classification

Appendix 7 – Objection

Appendix 8 – ACO Statement

Appendix 9 – ACO Pocket-book Notes

Appendix 10 – Photos of Bow

Appendix 1
Section 33A and 33B of the Dog Control Act 1996



New Zealand Legislation

Dog Control Act 1996

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).



New Zealand Legislation

Dog Control Act 1996

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).

Appendix 2
Service Request

All Service Requests (CRMs) for customer number 166511

Request Number:	DOGS2092/21	Priority:	Medium
Date Received:	31/01/2021	Completed On:	31/01/2021
Source:	AftHours	Resp Workgroup:	Dogs
Status:	P	Raised By:	PRABI001
Group:	DOGSCRM	Resp User:	AFORB001
Category:	DogAggHist	Call Back?:	No
Process Counter:	513264		

Related Property & Customer

Property Address: [REDACTED]

Home Telephone:

Mobile Telephone: [REDACTED]

Work Telephone:

Caller Name: Christopher Alexander Burns

Caller Address: [REDACTED]

Caller Email: [REDACTED]

Request Details

Description: Dogs Aggression - Historic

Chris is concerned about 2 large Rotweilers from 26 Piriti Lane, Horotiu

Chris was running and his 7 yr old son was biking along the walkway by Horotiu Bridge when one of the Rottweilers came from under the fence of the property and rushed at the boy on bike, his father managed to yell at the dog and get between his son and the dog, dog then went back under the fence

He is very concerned as there are a lot of young kids in that area, and next time one of the dogs gets out they may not be so lucky
He works from home and sees the dogs out regularly

Christopher Burns

[REDACTED]

Resolution Description: Completed

Resolution Details: 31/1/21 Statement taken from Chris. 31/1/21 spoke to female dog owner t address advised of incident and classification/infringment. 1/2/21 - photos taken of scene from reserve and conversation with male dog owner. very dismissive and confrontational has taken no responsibility for rushing and denies it was his dog. see ACO 7 pocket book for more detail on conversation. dog to be classified and infringement to be sent. dog is registered to janetia. 9/2/21 infringement sent. evidence sworn 11/2/21.
16/2/21 DOG CLASSIFIED AS DANGEROUS TO BE HAND DELIVERED TO OWNER
18/2/21 BUT ACO TEAM LEADER

Memo Details

Memo Ctr	Table No	Memo Type	Status
793567	513264	CRMDogCon	C

Event Details

Event Ctr	Related Table	Table No	Sequence	Event Code	Description	Date Commenced	Date Finalised	Status
7264887	ramAP	513264	100	CRMCreate	CRM Created	31/01/2021	31/01/2021	P
7264888	ramAP	513264	200	DogSeized	Dog Seized?	31/01/2021	16/02/2021	P
7264889	ramAP	513264	300	DogClass	Current Dog Classification?	16/02/2021	16/02/2021	P
7264890	ramAP	513264	2000	CRMComple	CRM Completed	16/02/2021	16/02/2021	P
7292480	RamAP	513264	310	Infringe	Infringement / Prosecution or Warnings Required?	16/02/2021	16/02/2021	P
7292481	RamAP	513264	320	Infringe	Infringement / Prosecution or Warnings Required?	16/02/2021	16/02/2021	P
7292482	RamAP	513264	330	EmailDange	Email Envir Admin to Upgrade to Dangerous	16/02/2021	16/02/2021	P
7292483	RamAP	513264	340	Infringe	Infringement / Prosecution or Warnings Required?	16/02/2021	16/02/2021	P
7292484	RamAP	513264	350	EmailDown	Email Envir Admin to Downgrade Policy	16/02/2021	16/02/2021	P
7292485	RamAP	513264	360	Infringe	Infringement / Prosecution or Warnings Required?	16/02/2021	16/02/2021	P
7292486	RamAP	513264	370	InformComp	Inform Complainant of Action	16/02/2021	16/02/2021	P
7292487	RamAP	513264	380	CRMComple	CRM Completed?	16/02/2021	16/02/2021	P

Appendix 3
Witness Statement



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: DOGS2092/21

Person ID:154498

Dog ID:151428

In the matter of

Section 57A of the Dog Control Act 1996

Between

Juanita Vosloo

And

Waikato District Council

Affidavit of Amanda Davis

Filed by: Amanda Davis



District Office	15 Galileo Street	☎ 07 824 8633
Private Bag 544	Facsimile	☎ 07 824 8091
Ngaruawahia 3742		
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: DOGS2092/21

Person ID: 154498

Dog ID: 151428

I Amanda Davis, of 15 Galileo Street, NGARUAWAHIA, Animal Control Officer swear/affirm:

1. I am employed by Waikato District Council as an Animal Control Officer
2. On Sunday the 31st of January 2021, I took a witness statement from Christopher Burns.
3. Attached is a Witness Statement provided to Waikato District Council. This is labelled exhibit "A".
4. Attached are photos taken of the scene taken by myself. This is labelled exhibit "B"
5. On Thursday the 11th of February 2021, I took a witness statement from Philippa Stevenson
6. Attached is a Witness Statement provided to Waikato District Council. This is labelled exhibit "C"
7. Based on the aggression this dog has displayed I believe the dog constitutes a threat to public safety.
8. This statement taken by myself is true and correct to the best of my knowledge and belief.
9. 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.

Signed: 

~~Swear / Affirmed~~ ^{declared} at Ngaruawahia this 11th day of February 2021

Before me: 

Justice of The Peace

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

'Exhibit' 'A'
Witness Statement

Section 82 of the Criminal Procedure Act 2011

OFFICE USE ONLY

CRM: Dags2092/21

Person ID: 154498

Dog ID: 151428

Property ID:

Statement of: Christopher Burns

Date of Birth: [REDACTED]

Contact Number: [REDACTED]

Address: [REDACTED]

[REDACTED]

Leave blank

EXHIBIT NOTE
This is the annexure marked "A" referred to within the
statements deposed by Amalie Dain
and sworn/affirmed at Huaruaia
this 11th day of February 2021 before me
Signature [Signature]

Joanne Elizabeth Tate, JP

#14112

NGARUAWAHIA

Justice of the Peace for New Zealand

Date of Statement: 31/1/2021

Time of Statement: 10:11am

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 30/1/2021 at about 8:15 am/pm

The incident happened at Te Awa Walkway outside 26 Pirih Lane boundary, Hootia

The dog involved was a Male Rottweiler Black and tan. large massive

The dog is kept at 26 Pirih Lane Hootia

I know the dog is from this address because They are our neighbours dog I have returned them home about 6 times that I can remember.

I was running with my son who his 7 years old. We run through a section onto the Te Awa walk way. We had run North past the boundary of 26 Pirih'i lane we had turned around and headed back south past 26 Pirih'i lane. My son Harry was about 10mtrs in front of me. I noticed the rottweiler coming down from the corner of its property at 26 Pirih'i lane the left hand side of the house. I saw the dog and started yelling at it. I was still running as fast as I could. Harry had stopped. Harry started running I yelled at him to stop. The dog was still running towards Harry. The dog went under its boundary fence and into the reserve. The dog was still running and went through the farm fencing onto the

The Area walkway where Harry was. I was still yelling and running at the dog. I managed to get to within about a meter of Harry and between him and the dog. Harry was standing on the reserve I was between him and the dog. The dog stopped when I got between Harry and it. The dog turned around and ran home. I saw the dog go back under the farm heading towards its property. I then took Harry and his bike home. Harry was extremely upset last night. I had a plan how I was going to bill the dog if it got hold of him. I was extremely angry. I called animal control and reported the incident. I have returned the two rottweilers that live at 26 Pirithi before and called the owner or text him. The dogs continue

to get out. I am concerned
that these dogs will attack.
I have written down dates
and times I have dealt with
these dogs being out. I have
a video of my son Harry
after the incident.

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.

River reserve

Harry
Chris
Dog

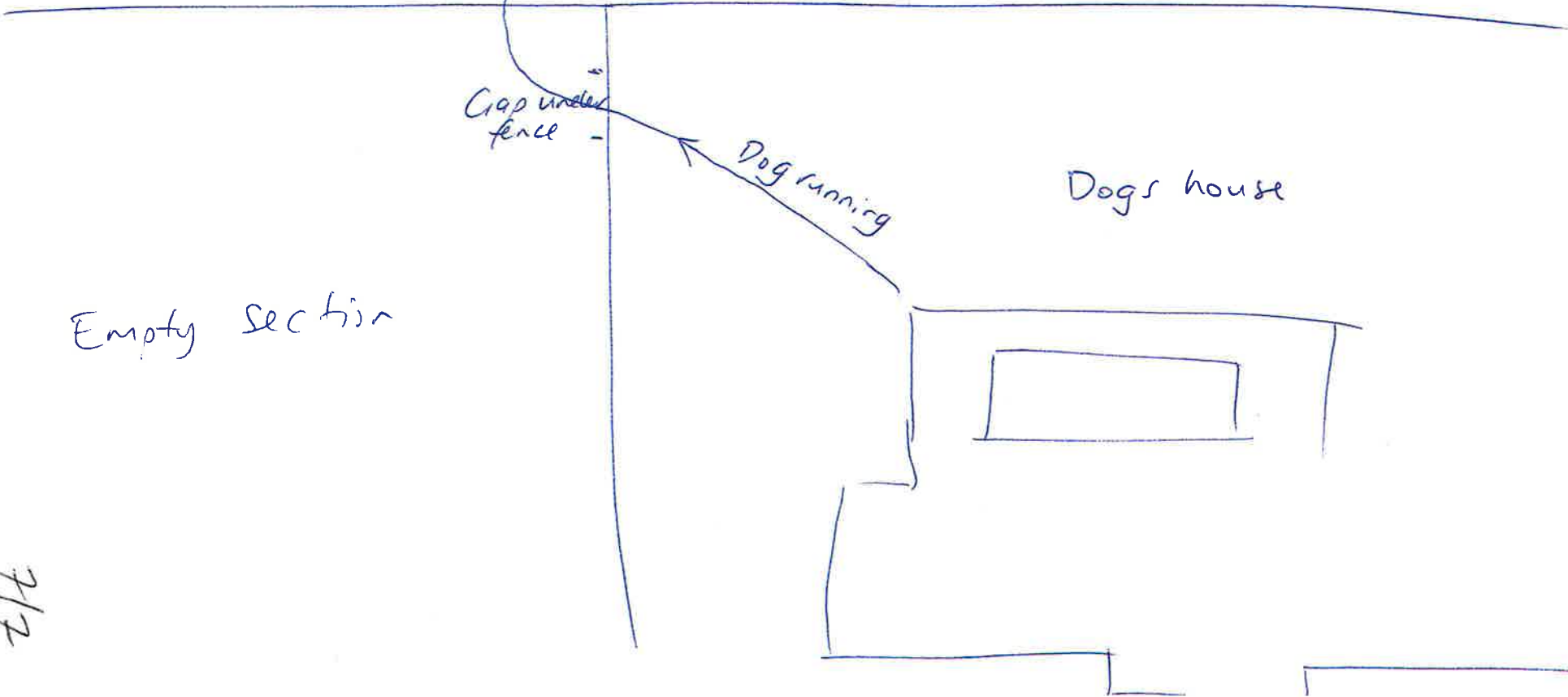
Gap under
fence

Dog running

Dogs house

Empty section

2/2



Photo's taken ³⁴ by ACO 7 "B"
 on 2/1/2021



EXHIBIT NOTE
 This is the annexure marked "B" referred to within the
State of New Zealand v. Amade Davis
 and sworn affirmed at *Hagaruwahia*
 this *11* day of *February* *2021*
 Signature *[Signature]*

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



'Exhibit' 'B'

Certified true copy of _____
 that represents the named individual _____
 Signed _____
 Date _____

1/2



36
'Exhibit' C'
Witness Statement

Section 82 of the Criminal Procedure Act 2011

OFFICE USE ONLY
CRM: D0552090/21
Person ID: 154428
Dog ID: 151428
Property ID: 151428

Leave blank

Statement of: Philippa Stevenson
Date of Birth: [REDACTED]
Contact Number: [REDACTED]
Address: [REDACTED]

EXHIBIT NOTE	
This is the annexure marked "C" referred to within the	Statement of <u>Amanda Day</u>
and sworn/affirmed at	<u>Ngaurua</u>
this <u>11th</u> day of <u>February</u> 20 <u>21</u> before me	
Signature	<u>[Signature]</u>

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

Date of Statement: 11/2/2021

Time of Statement: 10:00 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 6/2/21 at about 9:30 am / pm
specify the date give the time of day event happened

The incident happened at Te Awa walk way up the hill to Horatio bridge.
Address of where the incident occurred

The dog involved was a Rottweilers x 2
Black / tan
large dogs
description of dog - breed, colour, sex, size etc

The dog is kept at 26 piriti tene road
Horatio.
give the address where the dog is kept

I know the dog is from this address because

I could see them chained on that property.

I was on my bike on The Fe Ave cycle way heading up the hill towards the Hootin Bridge on the concrete path. I noticed very loud aggressive barking and then I looked over to the barking and saw two Rottweilers barking and straining to the length of their chains. The two dogs were both lunging at the end of their chains barking. I was very concerned that because they were at the extent of their chains they would snap. The dogs are on a sloped section and there was only farm fencing 5 wire fence. If they got loose or broke their chains they could easily get out. The dogs behaviour was very threatening and frightening. A lady came behind me up the Fe Ave walkway with two small white dogs ~~on~~^{at} Then the two Rottweilers went ~~berserk~~ berserk still at the full

extent of their chains. The two Rottweilers were tied together. I said to the lady are you worried. She thought they couldn't get out but I was not as confident as her by any means. My worry is that the degree of aggression if they hadn't been chained up they wouldn't have been stopped by that fence. The two Rottweilers were barking aggressively the entire time I was on the walkway. I saw a 'Beware of the dog' sign on the farm fence. All that said to me was that the owner knows that they are dangerous. I carried on up the walkway across the bridge to my car. When I got home I looked up the street address and wrote down what happened so that I could report this to Animal Control. What struck me was the

dogs were chained a long way from the dwelling by the walkway. This to me suggested they had been placed there to intimidate. I am very concerned as this is a very busy public walkway and only going to get more so. The two pottweilers are going to be a constant source of danger and anxiety for people. I was ~~at~~ frightened by the incident. This has made me think twice about going back to use the Te Anau walkway. When the dogs were barking there was no sign of any person on the property or in the house.

[Large area of the page is crossed out with a diagonal line.]

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

Signed: P. Stev
(Informant)

Date: 11/2/21

Signed [Signature]
(Witness - ACO)

Date: 11/2/21

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) -

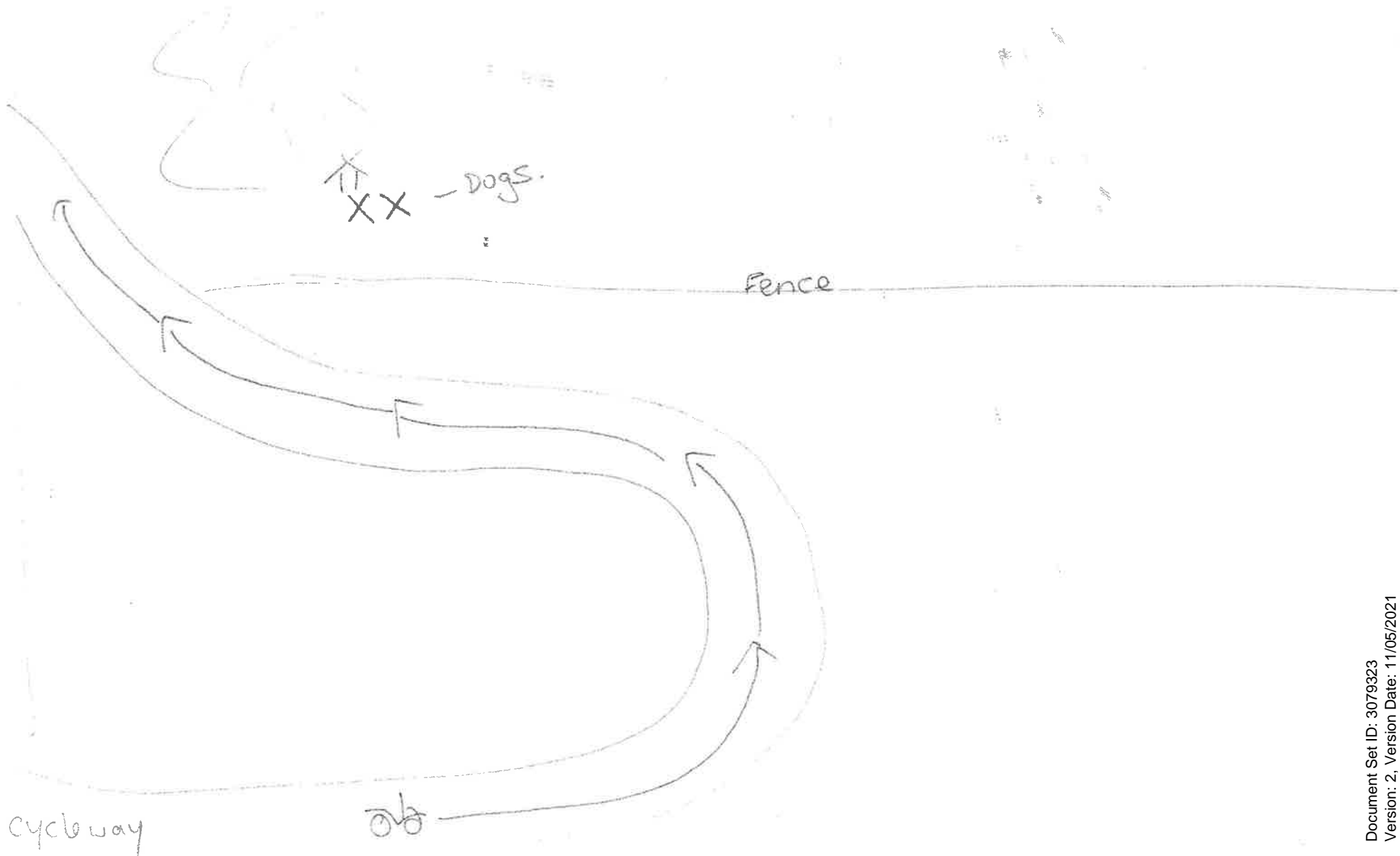
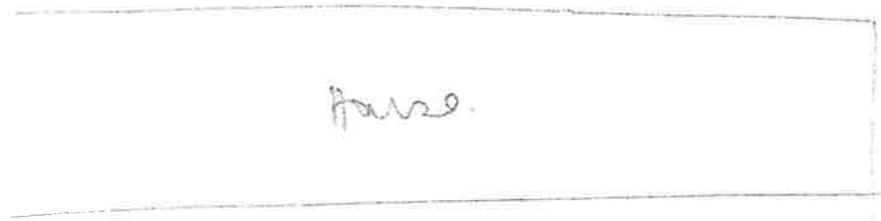
- **Colour** – (include any patches etc.).
- **Size** – small, medium, large.
- **Gender** (if known).
- If the dog was wearing a collar/tag.
- **Length of coat** – smooth, medium, longhaired.
- **Breed** - an option is to say what **type** of dog it is like if you are unsure of the exact breed.
- **Body 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.



Bridge

XX - DOGS

Fence

cyclo way

ob

Appendix 4
Officers Statement

Officer's Evidential Statement

My full name Amanda Davis

I am currently an Authorised Animal Control Officer for the Waikato District Council.

My officer number is ACO 7.

On the 31st of January 2021 while on after hours duty, I received a complaint through the Hamilton Call Centre about a large male Rottweiler free to leave its property boarding the Te Awa walkway reserve in Horotiu. That on the 30th of January 2021 a 7-year-old boy was rushed by a large male Rottweiler from 26 Piriti Lane Horotiu.

On the 30th of January 2021 a 7-year-old boy was rushed by a large male Rottweiler from 26 Piriti Lane. The child's father Chris Burns witnessed the rushing, he sighted the dog leave the property of 26 Piriti Lane into the reserve. He managed to sprint and intervene, he got between the child and dog before the dog attacked the child. Chris believed at the time due to the dog's behaviour and demeanour the dog would have attacked his son if he had not got between them. This was called in to the Hamilton call centre but was not logged and I was not notified.

On the 31st of January 2021 I received a call from the Hamilton call centre as Chris had called to get an update. A job was raised, and I went and took a statement from Chris. Chris also provided further information regarding the times he has had to return the 2 Rottweilers that reside at 26 Piriti Lane since the construction of his house began. This includes text messages and phone calls between Chris and the male dog owner at 26 Piriti Lane. During my statement Chris expressed his worry and concern for his family due to the dog's behaviour. His son Harry who was rushed was terrified from the incident. Chris stated he had a video recording of Harry after the incident.

On the 31st of January 2021 I went to 26 Piriti Lane, I was approached by a different resident of Piriti Lane in his vehicle, he advised me his kids are terrified to play outside as the two Rottweilers from 26 Piriti Lane are often on his property and are aggressive. He was hesitant to provide his details and warned me about the behaviour of the male dog owner at 26 Piriti Lane. He stated the whole road was concerned about these dogs, that they were always out.

I entered the property at 26 Piriti Lane the right-hand side of the gate was open. I could not enter the property with my vehicle, I pressed a buzzer on the gate post but heard no answer. I was concerned about walking onto the property with two Rottweilers. I entered the property on foot and was met in the middle of the driveway by a female. I introduced myself as Amanda from Animal Control. I then asked the female if she was the owner of the two Rottweilers on the property. She stated that she was.

I advised the woman Juanita Vosloo that I was there because her Male Rottweiler had rushed and attempted to attack a 7-year-old boy on his bike in the reserve the evening before 30th of January 2021. I explained to her he was seen leaving the property and then coming back to the property. I advised her how extremely serious this was, the importance of keeping the dogs contained to the property. I advised her the dog would be classified and

ran through the main points of this with her. Juanita was surprised it was the male dog and stated usually it's the female as she is the more aggressive one and was tied up. I asked her to make sure the male dog was also secure and advised her she had the right to appeal the classification. She took this on board and said she would tie him up. I also explained to her that Rottweilers were very good guard dogs and territorial dogs, that perhaps the female was unable to guard therefore the male took over.

I asked her if she would like me to explain this to her husband and she declined.

On the 1st of February 2021 I went to the Te Awa walkway and took scene photos from the path and the reserve that runs behind 26 Piriti Lane. The two Rottweilers were chained together on a running wire closet to the walkway and reserve some way from the dwelling. Both dogs barked and lunged towards me on my arrival. I stayed close to the middle of the reserve and tree line. I ignored the dogs and continued to take scene photos. There was several 'Beware of dog' signs attached to the farm fence boarding the reserve.

I was called out to by a man on his balcony at 26 Piriti Lane. I was in the reserve near the tree line. I went over to his fence and stood about a metre back from the man.

He asked me why I was taking photos of his property, I introduced myself as Amanda from Animal Control and advised him I was taking scene photo for the rushing involving the male Rottweiler from this address.

I advised I had spoken to his wife the day before regarding the rushing and that his dog attempted to attack a 7-year-old boy on his bike in the reserve. The man was very defensive and extremely dismissive of the incident. He stated it was not his dog, asked me to prove how it got out, I showed him the area and he denied the dog could leave the property. He stated I had no proof of this, and it was just allegations. He asked if the dog was scanned for a chip at the time. I stated no members of the public have chip scanners. I explained that the dog was witnessed by the child's father leaving his property and entering back into it after the rushing. I explained the male was a lot larger than the female. He disagreed and asked if the dog did get out how do I know it was attacking. I explained this to him that a rushing was an attempt to attack and the boy's father managed to intervene and prevent it, and this was very serious.

He became increasingly agitated, was not concerned for the public was just denying his dogs could get out. His son about 15 or 16 joined the conversation and asked me if I had the incident on camera. I stated no we didn't he said case closed waved me off and said I could go now. I explained to them both that no one pulls out their phone when their child was about to be attacked by a dog.

I advised him we had a statement from an eyewitness who knows the dogs and we know his dogs can get out as we had photos and complaints of them roaming. He continued to argue and started blaming the council for removing his fence by the walkway. I advised him it was the other side of his property where the dog left but regardless of that it was up to the dog owner to contain his dogs.

I explained to him the different offences of a dog rushing and a dog being able to freely leave.

I explained several times in several different ways the containment of his dogs was 100% their responsibility.

I said I was happy to speak to his wife who was the registered dog owner. He stated that I intimidated his wife and she had filmed the incident. He was told that I had told her what I had told him, but she was more accepting of the information. He then accused me of intimidating him.

He wanted more clarification of how his dog got out, I pointed to the corner of his section and the neighbouring property. The statement said the dog ran out into the neighbouring section and out through the farm fence into the reserve in the boundary corner. He asked what a farm fence was, and I stated it was what he was leaning on.

He did not believe this. I stated his wife had tied the dog up after my visit so that suggests the dogs can get out. He stated he tied him up. I thanked him for doing so.

He was advised of the infringement and classification being sent for this incident and also infringements for photos we had received for separate roaming's. He stated he did not care, and I had not sent him anything.

I explained to him after 3 infringements they can be disqualified as dog owners and the importance of keeping the dogs contained.

He became increasingly defensive and said these were all just allegations. I asked him to keep his dogs on the chains and contained, he stated to me they would be contained on his property but not on their chains. I advised him that if the dogs were loose in the property with the current fencing, they can get out and Animal Control could seize and remove the dogs. He began yelling about police and court orders, so I said this was going around in circles and began leaving I ended the interaction with please keep your dog's home and have a nice day.

I left the reserve.

Not once did either the dog owner or her Husband enquire about the welfare of the child who was rushed.

The male appears to have no intention of containing his dogs or managing their behaviour.

I believe these dogs pose a threat to public safety being next to a busy walkway, have displayed territorial aggression and not being properly contained to their property.

On the 9/2/21 I received a Job via the Waikato DC call centre from a member of the public who was using the Te Awa walkway in Horotiu on her bike on the 6/2/21. She had grave concerns with the behaviour of the 2 Rottweilers on the property at 26 Piriti Lane boarding the public reserve. A Statement was provided to me by the complainant expressing her concerns with the aggressive behaviour of the two dogs and their inadequate fencing.

I have checked council database and found the following jobs regarding the two Rottweilers from 26 Piriti Lane Horotiu

7 Roaming dog calls

1 x barking dog call.

1 x rushing/aggression (male)

1 x general concern regarding containment of dogs

1 x dog free to leave due to broken gate

A witness statement was taken for DOGS2163/21.

Photos were taken of the scene for DOGS2163/21.

A statement was taken for DOGS2169/21.

ACOF  24/3/2021

Appendix 5
Infringement Notice

INFRINGEMENT NOTICE

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



NUMBER: D25407
SR No. : DOGS2092/21

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

Juanita Vosloo
26 Piriti Lane
RD 1
Hamilton 3281

	Forenames	Surname		
Name of Owner:	Juanita Vosloo		Person ID:	154498
Date of Birth:	11/03/1973		Animal ID:	151428

ALLEGED INFRINGEMENT OFFENCE DETAILS

Date:	30/01/2021	Time:	8:15:00 PM	Day of Week:	Saturday
Road/Street:	Piriti Lane	Locality:	HOROTIU		

OFFENCE COMMITTED

	Infringement Fee (\$)	Offence Code
Failed to comply with ByLaw authorised by Section 20 of the Dog Control Act	\$300.00	S20(5)

Additional Details of Offence (if any):	Infringement Fee payable
DOG NOT CONTAINED TO OWNERS PROPERTY RUSHING A CHILD	\$300.00
Reg No or Description of Dog:	
Licence:	Breed: Rottweiler
Sex: Male	Primary Colour: Black

PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after:	09/02/2021	ACO:
(earliest date notice delivered personally or posted)		07

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

Infringement fee may be paid to:

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

IMPORTANT: PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF

SUMMARY OF RIGHTS

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

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

Payments

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

Defences

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

Further action

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

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

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

Non-payment of fee

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

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

Queries/correspondence

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

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

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

- a probationary owner; or
- a disqualified owner.

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

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

Consequences of classification as a probationary owner or disqualified owner

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

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

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

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

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

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

Note:

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

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

Appendix 6
Dangerous Classification

Notice of Classification of Dog as a Dangerous Dog

Section 31 Dog Control Act 1996

To: Juanita Vosloo

Address: 26 Piriti Lane

RD 1

Hamilton 3281

THIS IS TO NOTIFY YOU THAT THE DOG DESCRIBED HEREIN,

'Bow' Male Rottweiler Black and Tan

(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

16 February 2021

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 7
Objection

James⁵⁴Carter
Barrister & Solicitor
1084 River Road, Queenwood, Hamilton 3210
Tel: 027 8600988
Email: jcarter@jamescarterlaw.co.nz

24 February 2021

Waikato District Council
15 Galileo Street
Ngaruawahia
2742

For: Christine Piddock Legal Counsel
Email: Christine.Piddock@waidc.govt.nz &
Tracey Oakes Animal Control Team Leader
Email: Tracey.Oakes@waidc.govt.nz

Re: Classification of Bow as a dangerous Dog and Infringement Notices.

We act for Juanita Vosloo of 26 Piriti Lane, RD 1, Hamilton 3281.

1. By notice dated the 16th of February 2021 the Waikato District Council [WDC] has classified our client's dog [Bow a male black and tan Rottweiler] as a dangerous dog in accordance with s. 31 (1) of the Dog Control Act 1996 [DCA].
2. In accordance with s. 31 (3) DCA our client files an objection to the classification.
3. To fully prepare submissions for the objection, in accordance with s. 10 of the Local Government Official Information & Meetings Act 1987 please supply [as a pdf via email to the above email address] the following information:
 - 3.1 All statements of the complainant and any independent witnesses; and
 - 3.2 The sworn statement upon which the WDC has placed reliance to classify the dog as dangerous; and
 - 3.3 Any statement made by our client either electronically recorded or recorded in a written interview, together with documentary evidence to demonstrate full compliance with the New Zealand Bill of Rights Act 1990 [NZBORA] where and when applicable; and

- 3.4 Any photographs [whether still photographs or video] taken by enforcement officers¹ or photographs [whether still photographs or video] supplied to the council from any witnesses other than a WDC enforcement officer; and
 - 3.5 Any recording from any telephone call to the Council regarding any alleged incident directly or indirectly connected to the classification; and
 - 3.6 Any pocketbook notes or any documented evidence whatsoever compiled by any enforcement officer involved with the incident or investigation leading up to the classification; and
 - 3.7 Any electronic records held by WDC on a data base regarding the history of Bow including the National Dog Data Base.
4. It is noted that our client has been issued two [2] infringement notices.
- 4.1 Infringement Notice alleging an offence on the 25th of November 2020 at 6.49 a.m. and
 - 4.2 Infringement Notice alleging an offence on the 30th of January 2021 at 8.15 p.m.
5. In accordance with s. 10 LGOIMA 1987 we repeat paragraph 3 – 3.7 inclusive.
6. S. 13 LGOIMA requires the request to be dealt with as soon as reasonably practicable. The 20 working days is a long stop date. It is expected that no decisions would have been taken by WDC staff [with regards to the classification and infringement notices] until all available and relevant evidence had been gathered, secured, and considered. Therefore, it is expected this information will be readily at hand to be sent.

We look forward to your early response.

Yours faithfully



James Carter
Director James Carter Law Ltd

¹ To include but not limited to Dog Control Officers.

Appendix 8
Officers Statement

Officer's Evidential Statement

My full name is Marty HOLMES.

I am currently an Authorised Animal Control Officer for the Waikato District Council.

My officer number is ACO 21.

At 10:47am on 28 January 2021, a complaint was received at the front counter of the Ngaruawahia Office regarding 2 wandering dogs on the Te Awa cycleway near the Brian Perry bridge.

The witness described the dogs as rottweilers, 1 male and 1 female. The female dog was dragging a chain behind it. The witness advised they had spoken to another member of the public regarding a possible attack involving the dogs.

Based on previous history of a wandering rottweiler in the area, myself and ACO15 drove to 26 Piriti Lane, Horotiu as they have 2 registered Rottweilers that fit the description provided. We arrived at approximately 11:14am and sighted the female dog owner climbing back over the fence from the Waikato District Council river reserve into her property with one of the dogs. We were unable to identify which dog it was from a distance however both dogs could be heard barking at the property.

We spoke with the female occupant and advised of the complaint that we had received regarding 2 rottweilers loose on the walkway. This was the same person I had spoken with on previous occasions who had identified herself as the owner of the dogs. Both dogs are registered to one Juantita Vosloo of 26 Piriti Lane, Horotiu.

The dog owner acknowledged that both dogs had been off the property and that they have unsuccessfully tried to contain the female dog (Bella) and that this was the first time that the male dog (Bow) had been off the property.

The property in question is fully fenced however most of it is only fenced with 4 wire farm fencing that is not suitable to contain dogs. ACO15 and I gave advice on different options for containing the dogs, such as, fully fencing the property, a perimeter collar, electric fencing, a separate containment area for the dogs or a running wire.

The dog owner advised they had tried unsuccessfully to use a perimeter collar on Bella and that she had just managed to get the chain off the running wire they had installed and that she was still dragging it behind her when she caught her.

I advised that this was the 3rd incident of Bella wandering that I was aware of and that it may result in enforcement action being taken. I also explained that we had received information that the dogs may have also been involved in an attack while they were loose on the walkway and that I would be following this up.

The dog owner acknowledged that Bella had been wandering on several occasions and that they were considering rehoming her because they have not been able to contain her to the property, especially if

Beau was going to start wandering also. ACO15 and I offered different options for rehoming both with council and with different agencies.

We also explained the potential outcomes if the dogs were to continue the wandering behaviour and the likelihood of it escalating. We made it clear that when dogs are allowed to roam it increases the chance of them being involved in an incident as they begin to claim more territory beyond their own property and can develop a pack mentality resulting in them becoming aggressive towards people or animals when they are roaming.

The dog owner was receptive to the information provided and advised she would speak to her husband regarding it and they would ensure the dogs are contained to the property.

After further investigation I was able to locate the member of the public who encountered the dogs while walking his dogs on the walkway. This person was concerned that the dogs were wandering and attempted to secure the 2 dogs. The male dog has acted aggressively towards him, so he has backed off and left the walkway with his 2 dogs. The rottweilers followed him for a short while up a track towards River road and then they have headed back towards the river walk.

This person was not prepared to make statement but wanted us to discuss the incident with the dog owner as he was very concerned that the dogs could roam freely. The victim did not know where the dogs came from but the description he gave matches Bella and Bow. He described the female as being a young dog dragging a chain and the other as a very large, confident entire male.

Based on the previous wandering history on Bella it was decided on this occasion to issue an infringement under section 52A of the Dog Control Act 1996 for failure to keep dog controlled or confined.

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

Signed:



Date:

3/2/2021

Appendix 9
Officer Pocket-book Notes

AC07

pocket Book notes

CL

31/12/21	Statement taken
10:00am	24 pirihi lane
	Horsham from

Chris Burns he
 was on the
 Awa track
 reserve end
 with 7 yr old
 son Harry
 when the male
 Ratti from
 26 rushed off
 the property
 and pushed
 Harry attempting
 to attack. Chris
 believed he
 would have had
 to kill the dog
 to save his
 son if he had
 not got to
 him in time.

screed for his
 sons life. Film
 Harry after the
 incident. photos
 provided viz
 cell with dogs
 from 26 Pinti
 landed on camera
 will intringe.
 records provided
 by Chris re
 dogs running
 & being returned
 home.

31/1/21 26 Pinti Lane
 11. 40am Harry. Flushed
 down by MOP
 who also lives
 on Pinti Lane
 up the hill

stated the dogs are always on his property too & his kids are too scared to play outside has them on camera. Also warned me about more dog owner behavior.

Spoke to front gate open. Female from property came out when I rang gate bell. Introduced myself as Amanda from

Animal Control. asked if she was the dog owner she said yes. I advised her that the male ritti had nipped and attempted to attack a 7yr old boy on his bike on Friday 29/1/21 advised of classification and need to keep the dogs contained and how extremely serious this

was. She stated she was surprised it was the male vs the female one was the more aggressive one.

She was tied up. I asked her to keep the male safe.

She was aware of the situation and took it on board.

I made sure she knew they had the right of appeal and that I

would send the classification in the mail.

11/21/21 Scene photos
 11:05am of reserve &
 26 Pivik Lane
 taken from
 reserve & Te
 Awa walkway.
 male dog owner
 questioned what
 I was doing
 I explained I
 was taking

some photos.
I introduced my
self. explained
I was talking
to his wife
yesterday re
the video of
rushing / attempting
to attack a
7yr old boy
on his bike.
Male very
defensive. very
dismissive of
incident stated
was not his dog
asked me to
prove how dog
got out. I
showed him

area car of
his property
he said the
dog cant get
out. He said
I had no proof
re these
were just
allegations &
that the
dog was not
seen so
how do I know
it was his dog
I explained that
the dog was
witnessed by
the boys
father coming
out of garage.

property &
back & that
they know
the dogs live
here and the
male is a lot
bigger than
the female.

He disagreed
and then said
if the dog
got out how
do I know
it was attacking
I explained that
if the victim
felt intimidated
then it was
a nushing. He
then got upset

about the word
attack & nushing
saying I keep
changing my
story. I explained
that a nushing
was an attempted
attack & was
very serious.

his son joined
the conversation
asked if I
had this on
film I stated
I was not here
at the time
& no one would
get their phone
out when their
child was about

to be attacked.
the son then
started 'no proof
case closed
goodbye' I advised
the father that
was not how
it worked. We
had a statement
and we know
his dogs, can
get out as
we have photos
he continued
to argue then
blamed the
council for
pulling down
his fence on
the other side

of his property.
I explained
several times
several ways
that the
containment of
his dogs was
100% his
responsibility.
if his fence
is gone he
still had to
keep them on
the property
that it was
an offence
to have them
leave or be
able to leave
a also an

offense to
rush/attempt
to attack a
child or any
person. He
mentioned that
I intimidated his
wife & she
filmed it. I
told him that
I told her what
I told him.
He then tried
to say I was
intimidating
him by standing
by his fence
with my dogs.
I explained that
no my dogs &

were both on
leed and both
under control
and not interested
in him at all
so no. I explained
once again
that the nerve
dog left his
property pointing
out the fence
and area I was
described and
said that was
an offense
as his dog
left his property
He then asked
me for proof
of how his

dog can get through the fence. I said he went into the neighboring section & then out the farm fence. He asked what farm fence was I stated it was what he was leaning on. He did not believe this. I stated his wife had tied the dog up after my visit & he said he did. So

I stated that was good so they are now contained & thank him. He was advised of the infringements he would be receiving re this incident & previous actions we had photos from. He stated he did not care. I stated that I had not sent him anything. I then advised of 3 infringements and he can be disqualified

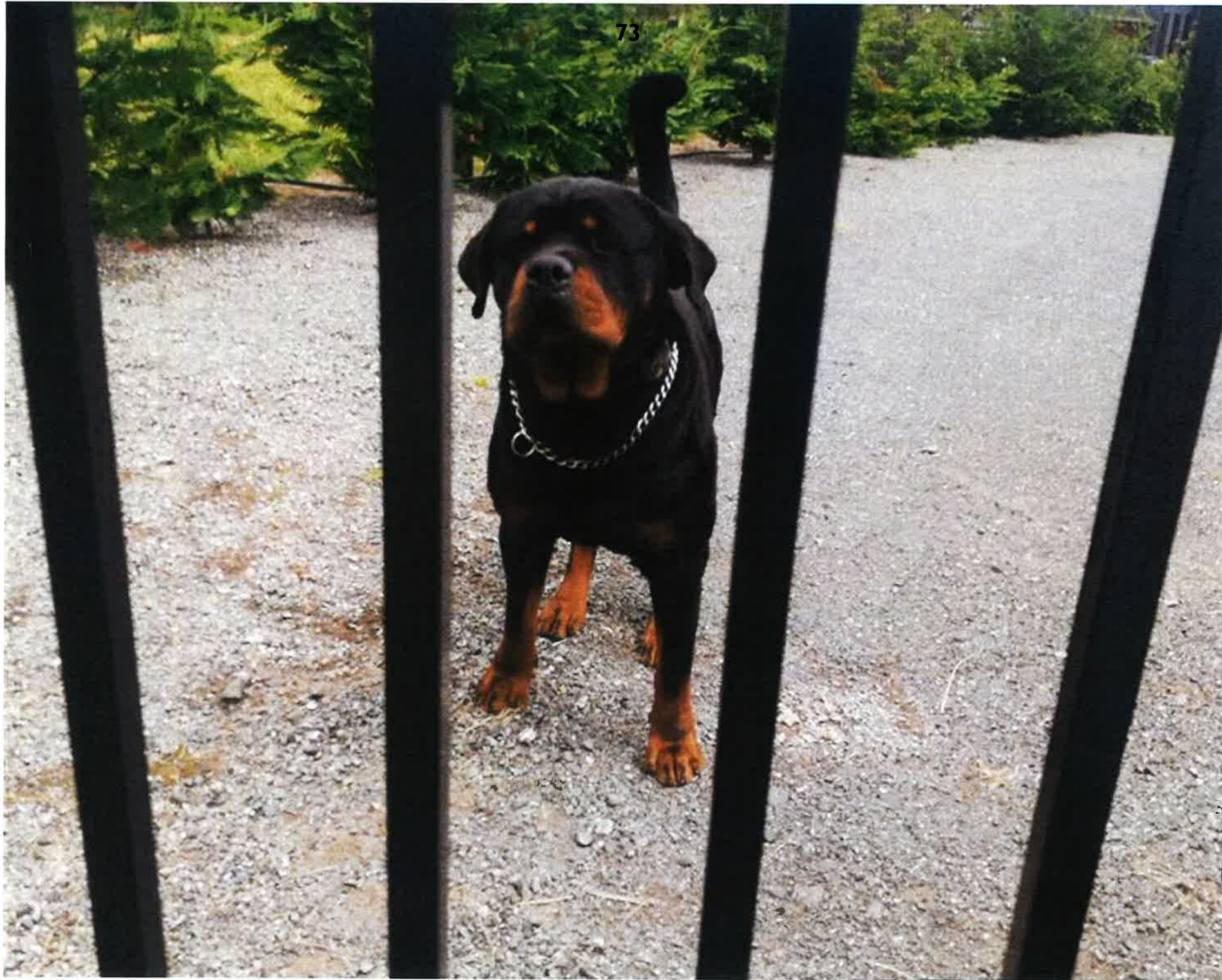
He became
very defensive
and said these
were all alligators
I stated how
important it
was that he
kept the dogs
on their ches
and contained.
He then stated
they would be
contained on
his property but
not on their
ches. I then
advised that
if the dogs
were loose
then they would

be seized &
removed as
they are not
contained to
his property.
I stated that
this was going
around in circles
told him to
keep the dogs
contained &
to have a nice
day. Took more
scene photos
as I left of
the scene by
the Ft. Awa
walkway. The
male has no
regard for the

public no-
for the welfare
of the child
who was rushed
and traumatized.
he has no
intention of
keeping his dog
confined to
his property.
Both owners
are fully aware
of their obligations
as dog owners
and of the
infringements
& classifications
coming on the
mail.

Appendix 10
Photos of Bow

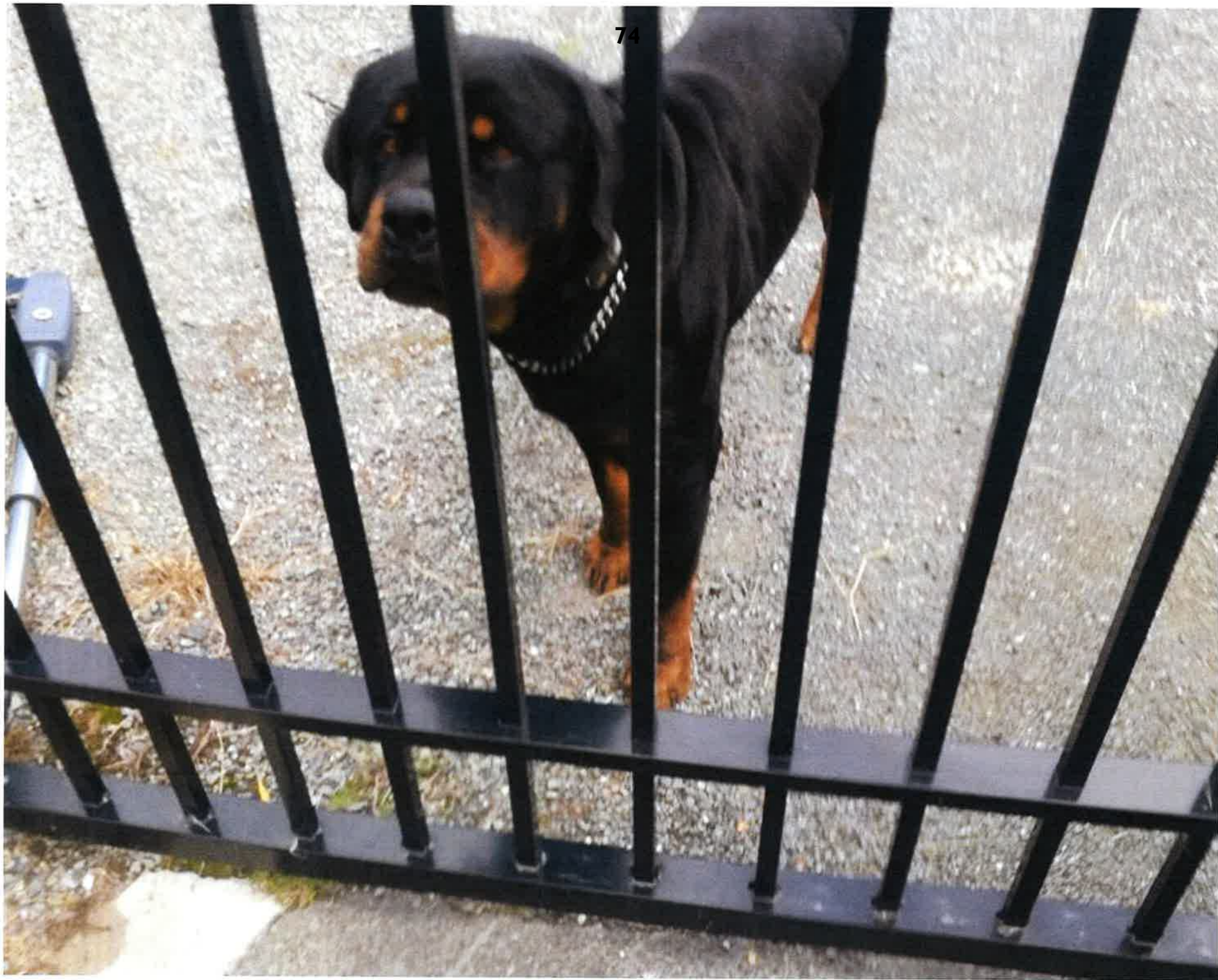
73



8/3/21

131 Gpr

[Handwritten signature]



8/3/21

1316 gm

~~W.A.S.T.~~