
Agenda for a hearing by Commissioners of the Regulatory Subcommittee for Waikato District Council to be held in the Committee Rooms, District Office, 15 Galileo Street, Ngaruawahia on **FRIDAY, 2 SEPTEMBER 2022**, commencing at **11.00am**.

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

1. APOLOGIES AND LEAVE OF ABSENCE

2. DISCLOSURES OF INTEREST

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CHIEF EXECUTIVE

Open Meeting

To	Regulatory Subcommittee
From	Sue O’Gorman General Manager Customer Support
Date	15 August 2022
Prepared by	Tracey Oakes Animal Control Team Leader
Chief Executive Approved	Y/N
Reference #	Dog ID: 152728 Name ID: 176401 Property ID: 1004949 Service Request ID: DOGS2672/22
Report Title	Objection to Menacing Classification – Zach Merrilees

I. EXECUTIVE SUMMARY

Section 33A of the Dog Control Act 1996 (“the Act”) allows Waikato District Council (“Council”) to classify a dog as menacing if the dog is considered to pose a threat to a person or other animal due to observed or reported behaviour (sections 33A and 33B of the Act annexed as Appendix 1).

‘Crash’, a tan coloured male Staffordshire Bull Terrier Cross, aged approximately 3 years and owned by Mr Zach Merrilees (Mr Merrilees) was involved in a rushing incident towards a member of the public out for a walk on 27 May 2022. The incident occurred outside 99 Henry Road, Taupiri, Mr Merrilees’ address.

After investigation, Council has classified Crash as menacing. In accordance with section 33B of the Act, Mr Merrilees has since objected in writing to the menacing classification within the statutory time frame.

Council believes that Crash poses an ongoing threat to persons or animals given the reported behaviour, both in relation to the current incident and Crash’s reported history, which includes a prior rushing (annexed as Appendix 2). Council understands that improvements have been made to the containment of Crash at the property, however Council submits that for public safety reasons Crash should remain classified as menacing, requiring the dog to be muzzled when in public.

2. RECOMMENDATION

- a. THAT the Regulatory Sub-committee receives the report of the General Manager Customer Support – (Objection to Menacing Classification – Zach Merrilees).**
- b. THAT the Regulatory Sub-committee upholds the Classification of Crash under section 33(A)(1) of the Dog Control Act 1996.**

3. BACKGROUND

On 27 May 2022 Council's after hours call centre received a complaint from a member of the public, Ms Jacqueline Bunyan (Ms Bunyan). Ms Bunyan describes in her witness statement that she was out for her daily walk and on the way home passed by 99 Henry Road, Taupiri on the public road, where she was rushed by a white and tan Staffordshire cross dog. The dog displayed aggressive behaviour (barking, growling, heckles up and teeth barred) and is thought to have jumped up at Ms Bunyan as she could feel its breath on her neck.

Ms Bunyan yelled at the dog to get home, and could hear a woman inside the property calling the dog, but she did not come out to fetch it and the dog did not respond to her. Ms Bunyan then heard a man's voice call the dog as well from the back of the house at 99 Henry Road. The dog then stopped barking and growling at Ms Bunyan and turned and ran back inside the property. Ms Bunyan continued home, shaken, to report the incident to Council. Ms Bunyan's witness statement is attached as Appendix 3.

Officer Davis took the call from the after hours call centre advising of the incident on 27 May 2022 (annexed as Appendix 4). Officer Davis checked the Council database for records relating to the address and found record of a Staffordshire Bull Terrier dog matching the description. Records show previous complaints of the dog rushing (see Appendix 2). That same evening, at approximately 5.54pm, Officer Davis called the dog owner, Mr Merrilees to ensure the dog was secure, advise of the complaint and to inform Mr Merrilees of the next steps relating to possible enforcement action.

Officer Davis called Ms Bunyan on 27 May 2022 at 6.15pm to advise of the actions taken and arrange to take a witness statement, and describes Ms Bunyan as 'shaken' during that call. Officer Davis' statement is annexed as Appendix 5. Ms Bunyan did not attend her appointment for the statement the following day and officer Moore was then tasked with obtaining the statement from Ms Bunyan. This statement was taken on 8 June 2022 and also refers to earlier incidents of rushing (Appendix 3).

On 27 June 2022 Officer Davis referred the incident to the Team Leader of Animal Control, who holds delegation to make decisions around enforcement action, including classifying a dog as menacing under the Act (Classification Decision Making annexed as Appendix 6). The decision was made to classify Crash as menacing, and Council issued a notice of menacing classification dated 27 June 2022 which was sent by signed courier to Mr Merrilees (Annexed as Appendix 7).

On 1 July 2022 Mr Merrilees' mother, Lucy, called Officer Davis and was provided with information on how to make an objection to the classification. Lucy also informed Council that the property was now securely fenced. A formal objection was received by Council on 8 July 2022 which is within the prescribed 14-day objection period (Annexed as Appendix 8).

Having received Mr Merrilees' written objection to the menacing classification, the objection now needs to be determined in accordance with section 33B of the Act (sections 33A and 33B of the Act annexed as Appendix 1).

4. CONSIDERATION

The evidence provided by Ms Bunyan together with the prior records of concerning behaviour indicates that Crash poses a threat to people.

In Mr Merrilees' objection no grounds are stated as to why he believes Crash should not be classified as menacing. Council has been informed by Mr Merrilees' mother that the fencing at the property has been improved to better contain Crash. Whilst this is welcomed by Council, it remains a concern that the incident described by Ms Bunyan happened when a car was in the driveway of the property, indicating that little effort is made to keep Crash contained in circumstances where the gate may be opened. It is not apparent that the dog owner accepts that Crash's behaviour is concerning.

A menacing classification enables Council to take more decisive action in the case of future incidents of rushing, particularly if Crash is outside of the property and not muzzled. The history in Council records shows that Council now must take action to prevent future harm to members of the public.

Council believes that the menacing classification remains appropriate for Crash.

5. OPTIONS AVAILABLE

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

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

6. CONCLUSION

This menacing classification will reduce the risk posed to any member of the public by requiring Crash to be muzzled when in a public place (including a public road) and will enable future escalation of enforcement action should that be necessary.

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

The position of the Animal Control Team on behalf of the Council is that the evidence substantiates the classification of Crash as menacing under the Act.

7. ATTACHMENTS

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

Appendix 2 – Council records on prior history of Crash

Appendix 3 – Witness Statement – Ms Bunyan

Appendix 4 – Service Request

Appendix 5 – Officers Statement

Appendix 6 – Classification Decision Making Document

Appendix 7 – Menacing Classification

Appendix 8 - Written objection to Menacing Classification

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

Menacing dogs

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

33A Territorial authority may classify dog as menacing

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

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

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

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

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

33B Objection to classification of dog under section 33A

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

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

APPENDIX 2 - Dog_History_Redacted_MW review_11_Aug_2022

152728 Crash History

Current Owner:

Name ID	Given Names	Name	Date of Birth
176401	Zach	Merrilees	14/09/1997

Impounds:

Impound Reg No	Impounding Date	Reason	Outcome
0			

CRM History:

RAM ID	RAM PRIMARY CATEGORY	Date Received	DESCRIPTION	RESOLUTION
DOGS0613/21	DogStrayH	19/08/2020	the dog is from number 9 edgecomb there property is not fenced and able to roam no collar brown male dog with white paws and a big head black tip on a tail looks like its about knee high its always on this property and they are getting sick of it, also going to number 8 and number 10 please keep [REDACTED] name anonymous	Went and spoke with dog owner Zach and advised that wandering dogs can be infringed \$300.00. No dogs registered to the property. Got owner details Zach and [REDACTED] and created dogs and will issue 14 day diversion infringements for registration for Crash and Starlet zjack001

DOGS0843/21	DogsStrayC	08/09/2020	Dog Straying - Current 10 minutes ago this dog from 9 Edgecombe Drive, light brown dog (the dog was at [REDACTED] house at [REDACTED])	Patrolled area and attended property. Dog found on property with D/O. Advised of wandering complaint and potential enforcement if the dog is found at large or evidence is provided showing dog off property. D/O has advised registration has been paid in the last couple of days but as yet has not shown up. D/O is aware if the dog is not registered it is liable for infringements and/or impounding. Voicemail left for complainant to discuss and obtain evidence if possible. NFA at this stage. ACO21
DOGS3132/21	DogsStrayC	20/05/2021	Dog Straying - Current - Three pigs dogs outside their property at the moment. Dogs live at 9 Edgecombe Drive, second house on the left. [REDACTED] is scared of these dogs. Message left on [REDACTED] mobile.	Job reassigned early June. Patrolled are, unable to find sight dogs. Can see evidence of a dog at the property. Left note for call back. No call back received. Spoke wo [REDACTED] regarding the issue, has stated that it has been going on for a while but they are now sick of it. Advised to call and lodge job each time they are out. If [REDACTED] could get a photo of the dogs as well that would help to identify them.
DOGS0484/22	DogStrayH	16/08/2021	Hi Team, Waikato District Council Afterhours here – our system is currently offline please accept this job request Date/Time: 11.24 – 14/08/21 Customers Name: [REDACTED] Customers Address: [REDACTED] Customers Contact Number: [REDACTED] Sighted and chased off dog that was chasing one of [REDACTED] chickens, white dog possibly bull terrier mix – Black tail. Thinks dog comes from 9 Edgecumbe drive. Threatened to use firearm, was advised this was not legal. Dog was no longer in sight of property when caller phoned.	Visited 9 Edgecumbe and spoke with Zach about the wandering. He stated that while he tries his best to ensure that the dogs are monitored or contained. he admits there are periods however short they may be that the dogs are unmonitored. Unable to confirm description of the dogs as [REDACTED] had taken dogs for a ride. Spoke to Zach about registration for the 2 dogs and also containment until the new fence has been built.

DOGS2440/22	DogAggCurr	03/05/2022	<p>Dogs Aggression - Current - ██████ was walking past this address with ██████ dog. There are two dogs here, one is a tan staffy, no collar.. (Other dog never gets out, just barks, Black lab). This dog rushed out at ██████ and went for ██████ dog. ██████ had to pull ██████ dog back. ██████ dog has no injuries, but was very close. Dog is very aggressive.</p> <p>Property is not fully fenced. Tan Staffy has rushed at ██████ before, and has rushed before at ██████ about 2-3 weeks. ██████ informed.</p>	<p>ACO27 went to the property to find two dogs in the house. Spoke to the dog owner and ██████ said that the dogs can get out through the fence in one spot, ██████ was told to fix the hole and that the dogs are not allowed out of their property unless they are with the owner.</p> <p>Will follow up to see if things have changed.</p>
DOGS2672/22	DogAggCurr	27/05/2022	<p>Dogs Aggression - Current</p> <p>Large Staffy white and brown colouring rushed off 99 Henry Road, Taupiri when Jacqui was jogging past. the gate was open. The owner was home and called the dog back which it did immediately. No contact made. Jacqui felt that it was going for her throat. Jackie can be reached at ██████ if you need to speak with her</p>	<p>call to dog owner Zach. he was aggressive abusive and dismissive told me to fuck off, advised of potential enforcement action and to make sure the dog was tied up or it would be impounded, he stated the dog was inside and he hung up, Arranged to get statement from Jacqueline. dog to be classified on behaviour as not 1st time this has happened, Zachs mother called and advised she was home from overseas, she stated she was now in charge so i advised on the containment and the potential to loose the dog if the behaviour continues. 10/6 - Statement received 13/6 - called and advised of infringement and menacing classification</p>

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Infringements:

Infringement ID	Infringement Number	Infringement Date	Offence Code	Offence Description	Infringement Status
40919	D25503	27/05/2022	S20(5)	Failed to comply with ByLaw authorised by Section 20 of the Dog Control Act	SP10DReady
38036	S85016	25/08/2020	S42	Kept an unregistered dog	Reverse
39990	R75051	16/08/2021	S42	Kept an unregistered dog	ALTCRNReq

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Ownership History:

Name Id	Given Names	Name	Date of Birth	Animal ID	Animal Name	Status	Classification Type	Classification Section
176401	Zach	Merrilees	14/09/1997	152728	Crash	Active		



Witness Statement

Section 82 of the Criminal Procedure Act 2011

OFFICE USE ONLY

CRM: DOGS2672/22

Person ID: I76401

Dog ID: I52728

Property ID: I004949

Leave blank

Statement of: Jacqueline Coral Bunyan

Date of Birth: [REDACTED]

Contact Number: [REDACTED]

Address: [REDACTED]

Date of Statement: 08/06/2022

Time of Statement: 2.52pm

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 27 May 2022 at about 4.30 – 4.45pm am / pm
specify the date give the time of day event happened

The incident happened at Outside 99 Henery Road
Address of where the incident occurred

The dog involved was a White/ Tan large Staffie x short coat
description of dog – breed, colour, sex, size etc

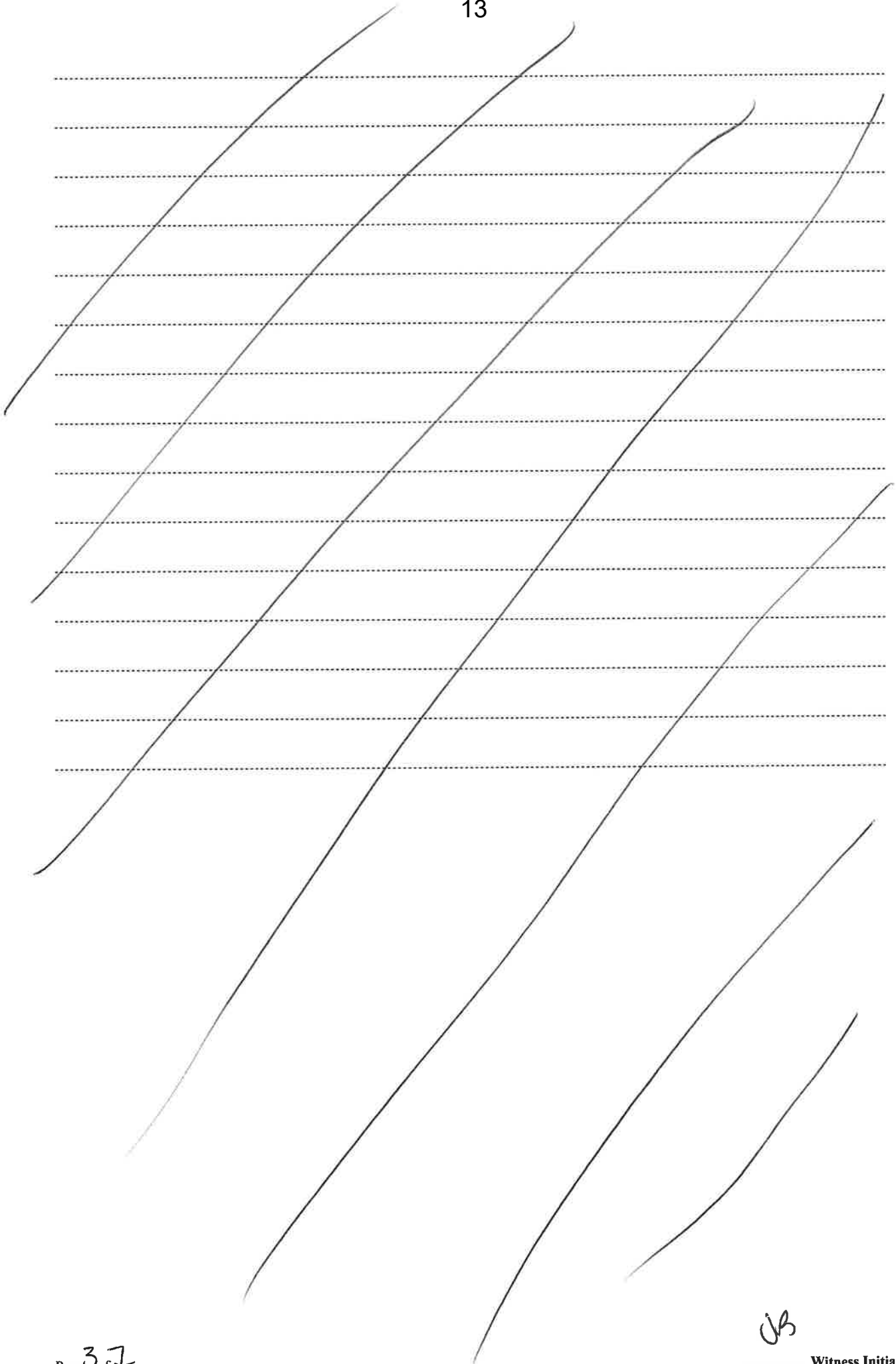
The dog is kept at 99 Henery Road
give the address where the dog is kept

I know the dog is from this address because

I have seen the dog on the property

I was going for my daily walk. I walked out of my driveway at [REDACTED] and headed down Henry Road towards Tenfoot Road. I walked past 99 Henry Road and noticed the gate was closed and I didn't see or hear any dog. On my return trip home, I was walking in the middle of the road as there are no footpaths and I am all ways on guard when walking past 99 Henry Road as the dog has rushed out at me in the past. As I approached 99 Henry Road, I Noticed the gate was open and a car was parked up the driveway. I was walking in the middle of the road outside 99 Henry Roads driveway when I could hear a dog barking and then that's when I saw the white and tan staffie cross came running out of the open gate at me barking, growling, heckles up and teeth bearing. The white and tan staffie x rushed straight up to me it must have jumped up at me as I could feel its breath on my neck, I'm only short 5foot I. I yelled at the dog to get home. I could hear a female inside the property calling the dog she called the dog a few times she didn't come out to get the white and tan staffie she stayed in the car parked by their terrace I then herd a guy calling the dog as well he was around the back of the house. The white & tan staffie x stopped barking and growling at me and turned and ran back inside the property. The male and female didn't say anything to me I carried on walking home shaken by the incident once home I called animal control to report the dog rushing out at me.

[Handwritten scribbles]



JB

[The page contains approximately 25 horizontal dotted lines, all of which have been crossed out with diagonal scribbles.]

[Handwritten signature lines]

[Redacted content]

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: [Signature]
(Informant)

Date: 8. 6. 22

Signed: [Signature]
(Witness - ACO)

Date: 8/6/22

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) -

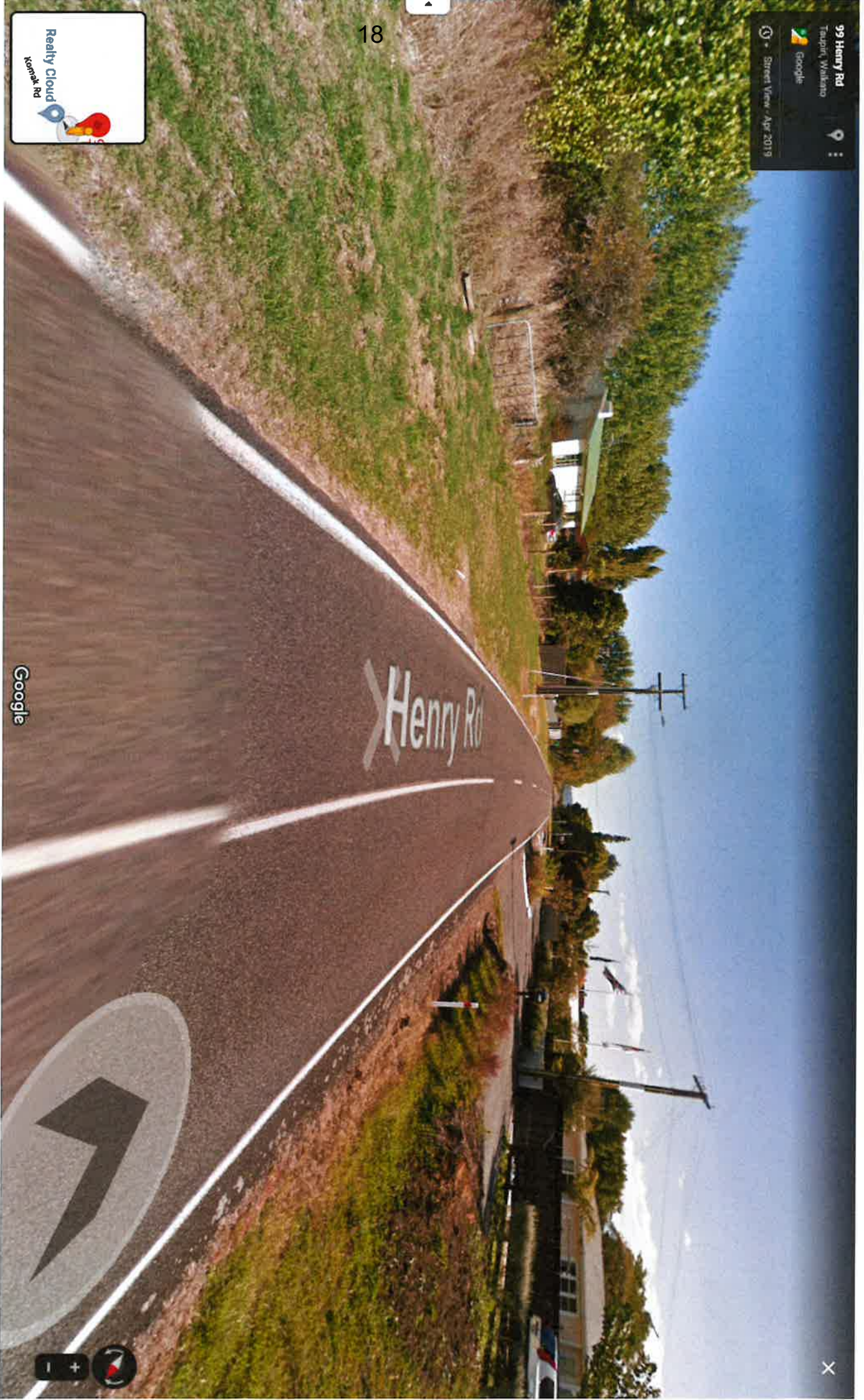
- **Colour** – (include any patches etc.).
- **Size** – small, medium, large.
- **Gender** (if known).
- If the dog was wearing a collar/tag.
- **Length of coat** – smooth, medium, longhaired.
- **Breed** - an option is to say what **type** of dog it is like if you are unsure of the exact breed.
- **Body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



99 Henry Rd
Teupini, Waikato
Google
Street View - Apr 2019

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Google

Street view 99 Henry road
Teupini

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APPENDIX 4 - Service Request_Redacted

Request details for DOGS2672/22

Request Number	DOGS2672/22	Priority
Date Received	27/05/2022	Completed On
Source	AftHours	Resp Workgroup
Status	P	Raised By
Group	DOGSCRM	Resp User
Category	DogAggCurr	Call Back?
Process Counter	565199	

Related Property & Customer

DOGS2672/22

Property Address	Henry Road		
Home Telephone	██████████	Mobile Telephone	██████████
Caller Name	Jacqueline Coral Bunyan		
Caller Address			
Caller Email	██		

Request Details

Description

Resolution Description

Resolution Details

Memo Details

Medium

13/06/2022

Dogs

TSHAR001

AFORB001

False

Work Telephone [REDACTED]

[REDACTED]

Dogs Aggression - Current

Large Staffy white and brown colouring rushed off 99 Henry Road, Taupiri when Jacqui was jogging past. the gate was open. The owner was home and called the dog back which it did immediately. No contact made. Jacqui felt that it was going for her throat. Jackie can be reached at [REDACTED] if you need to speak with her

Completed

call to dog owner Zach. he was aggressive abusive and dismissive told me to fuck off, advised of potential enforcement action and to make sure the dog was tied up or it would be impounded, he stated the dog was inside and he hung up, Arranged to get statement from Jacqueline. dog to be classified on behaviour as not 1st time this has happened, Zachs mother called and advised she was home from overseas, she stated she was now in charge so i advised on the containment and the potential to loose the dog if the behaviour continues. 10/6 - Statement received 13/6 - called and advised of infringement and menacing classification

APPENDIX 4 - Service Request_Redacted

Officers statement.

I am an Animal Control Officer employed by the Waikato District Council.

On the 27/05/2022 at 5:45pm I received a call from Waikato District Council After Hours call centre advising me that a staffy type dog from 99 Henry Road Gordonton had rushed off the property at a member of the public.

I then checked Waikato District Council data base for any records of 99 Henry Road. The record of a Staffy type dog matching the description was found. Crash a male Staffordshire Bull Terrier belonging to Zach MERRILEES. Records show previous complaints of the dog rushing.

On the 27/05/2022 at 5:54pm I called Zach MERRILEES. I introduced myself and why I was calling. I explained that we had received a complaint that Crash had rushed off the property at a person.

MERRILEES instantly became hostile and aggressive. He blamed the victim. I tried to explain I was calling to make sure the dog was secure and that allegedly someone had called the dog back. He stated the dog was next to him on the couch. He also stated that if I tried to seize the dog he would take it away. I had advised MERRILEES that if we get anymore calls the dog would be seized and the impounded for public safety. MERRILEES then stated he was going to complain about 'her' dog always getting out.

MERRILEES was advised he would be issued an infringement and possible classification based on the dogs behaviour. I also attempted to speak about disqualification since the dog has history. MERRILEES told me to do what I have to do and Fuck off. He then hung up.

On the 27/5/2022 at 6:15pm I called Jacqueline to advise her of my actions. She was shaken and advised me that her daughter was also rushed by the same dog about two weeks ago. We arranged to take a witness statement on the 28/05/2022 at 3:30pm and the Ngaruawahia Council Office.

On 28/05/2022 Jacqueline did not attend the appointment. I asked Officer MOORE to obtain the statement from Jacqueline.

On the 1/07/2022 Lucy from 99 Henry Road called on her son Zach's behalf. She was enquiring on how to object to the classification. She stated the property was now securely fenced. I advised her how to object and to ensure it was done within the 14 day time frame. She also asked about desexing proof. She was given the info@waidc.govt.nz email to send through the desexing certificate.

I obtained the witness statement from Officer Moore. I had a conversation with my Team Leader Tracey Oakes and the decision was made to classify Crash as menacing. On 27/07/2022 the classification was signed and sent by signature required courier to Mr MERRILEES.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line that tapers to the right.

APPENDIX 6 - Classification Decision Making

Classification Decision Making Criteria

Owner ID: 176401

Dog ID: 152728

CRM : DOGS2672/22

<u>OWNER RESPONSIBILITY</u> <i>(How did they react? Did they stop the dog? Were they present? Have they offered to help the victim in any way? Was the dog leashed?)</i>
Owner was dismissive and told ACO to 'Fuck off'. Showed no regard or remorse
<u>HISTORY</u> <i>(Any history in Council Database)</i>
3 aggression crm 3 roaming crm
<u>SERIOUSNESS OF THE INCIDENT</u> <i>(Was contact made? Was the attack prolonged? What injuries were sustained?)</i>
No contact made however dog went for her throat. The dog came right off the property and rushed at the victim
<u>VICTIMS VIEWS</u> <i>(Impact of the incident on the Victim, and/or ongoing effects of the incident?)</i>
Not the 1 st time the dog has rushed. Feels unsafe
<u>EVIDENCE</u> <i>(Witness statement provided? Dog identified?)</i>
Witness statement obtained
<u>REGISTRATION COMPLIANCE</u> <i>(Was the dog registered at the time? If not, have they registered it since?)</i>

Dog registered for previous year
PROPERTY <i>(Is the property suitable to contain this dog?)</i>
Not suitable however gate was open on this occasion. Owners mother has stated they can not fence the area buy the water tank
MITIGATING RISK <i>(How the dog owner thinks they can mitigate this sort of behaviour in the future? Physical steps the dog owner has taken?)</i>
Dog owner not interested in mitigating behaviour
ACO REASONING BEHIND CLASSIFICATION
Dog has history of roaming and rushing. Owner has shown no regard to the public nor has he taken any steps to prevent the dog rushing off the property

OUTCOME

Discussion between ACO and Team Leader

Dog Seized/Impounded	Yes/No
Menacing Classification	Yes/No
Dangerous Classification	Yes/No
Infringement	Yes/No
Prosecution	Yes/No

Signed (ACO)



Date

27/6/22

APPENDIX 7 - Menacing Classification

Zach Merrilees

99 Henry Road
RD 1
Taupiri 3791

Crash
Staffordshire Bull Terrier Cross
Male, Tan

NOTICE OF CLASSIFICATION OF DOG AS MENACING DOG

Section 33A, Dog Control Act 1996

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

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

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



Tracey Oakes
Animal Control Team Leader

27/6/2022

Date

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

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

Effect of classification as menacing dog

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

You—

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

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

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

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

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

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

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

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

Right of objection to classification under Section 33A

Section 33B, Dog Control Act 1996

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

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

Waikato District Council.

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15, Galileo Street,
Ngaruawahia 3742,
Hamilton.

7/7/22

WAIKATO DISTRICT COUNCIL	
VIA MAIL BOX (FOM)	
8 JUL 2022	
Time 9am	Initials BT
NGARUAWAHIA	

Dear Tracey,

I am writing with reference to my Staffordshire Bull Terrier Cross named Crash, of residence 99 Henry Road, Taupiri. I wish to object to his newly classification of a menacing dog. I wait to hear back from you.

Kind regards

Zach Merrilees

APPENDIX 8 - Objection