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Agenda for a hearing by Commissioners of the Regulatory Subcommittee for Waikato District Council to be held in Committee Rooms, District Office, 15 Galileo Street, Ngaruawahia on **FRIDAY, 2 SEPTEMBER 2022**, commencing at **9.30am**.

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

**1. APOLOGIES AND LEAVE OF ABSENCE**

**2. DISCLOSURES OF INTEREST**

**3. HEARING**

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GJ Ion  
**CHIEF EXECUTIVE**

### **Open Meeting**

<b>To</b>	Regulatory Subcommittee
<b>From</b>	Sue O’Gorman General Manager Customer Support
<b>Date</b>	16 August 2022
<b>Prepared by</b>	Tracey Oakes Animal Control Team Leader
<b>Chief Executive Approved</b>	Y/N
<b>Reference #</b>	Dog ID: 158896 Name ID: 152574 Property ID: 2018220 Service Request ID: DOGS2977/22
<b>Report Title</b>	Objection to Menacing Classification – Stefanie Collier

## **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 I).

“Wilson”, a white and tan male, Jack Russell Terrier, aged 1 year 4 months, owned by Stefanie Collier (Ms Collier), was involved in an incident on 27 June 2022 where Wilson bit Mr Richard Wallace (Mr Wallace) behind the knee. Wilson was being walked by Ms Collier on leash at the time.

In accordance with section 33B of the Act, Ms Collier has objected in writing to the menacing classification within the statutory time frame.

Council believes the behaviour displayed by Wilson during the reported incident is concerning and without the addition of a muzzle as a precaution poses an ongoing risk to the safety of the public. Council acknowledges the intention of Ms Collier to voluntarily use a muzzle in public and investigate behavioural training for him. Council submits that regardless of this, Wilson should remain classified as menacing. The menacing classification is the only means by which Council can ensure the muzzle is applied in public with the consequences of enforcement action if it is not.

## **2. RECOMMENDATION**

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

## **3. BACKGROUND**

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On 28 June 2022, Council Call Centre received a complaint from a member of the public, Mr Wallace. Mr Wallace was walking on a public footpath at the time of the incident (Service Request annexed in Appendix 2). Mr Wallace reported being bitten by a dog and that he had received medical attention.

Officer Greeves was assigned the Service Request from the call centre. Officer Greeves' statement and pocketbook notes relating to this matter are annexed in Appendix 2. Officer Greeves rang and spoke with the complainant to confirm what had happened. At this time Officer Greeves made an appointment to obtain a witness statement from Mr Wallace.

On Wednesday 29 June 2022, Officer Greeves obtained a witness statement and photographic evidence from Mr Wallace. In this statement Mr Wallace outlined that on Monday 27 June 2022 at approximately 6pm he had been walking past Ms Collier and her dog when he felt pain behind his leg and realised, he had been bitten. He noted there was no indication from the dog that the dog was aggressive. Mr Wallace told Ms Collier he had been bitten and Ms Collier apologised and gave him her details.

Mr Wallace returned home and discovered he had a laceration and a hole in his trousers. Mr Wallace took photos of both his leg and the damage to his trousers (annexed in Appendix 2).

Mr Wallace then went to Ms Colliers house and spoke to Ms Collier and her husband who said they would reimburse Mr Wallace for the damage.

On Tuesday 28 June 2022 Mr Wallace had received medical treatment at the Urgent Care Franklin Clinic (annexed in Appendix 2).

On Wednesday 29 June 2022 Officer Greeves attended Ms Colliers home address and spoke with Ms Collier. She knew why Officer Greeves was there. Officer Greeves explained the most likely course of action would be a Menacing Classification and explained what this entailed.

On 29 June 2022, Officer Greeves 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. The decision was made to classify Wilson as menacing, and Council issued a notice of menacing classification dated 29 June 2022. Officer Greeves hand delivered the classification to Ms Collier who signed the retained copy (annexed in Appendix 2). No infringement was issued.

Following receipt of the notice of menacing classification, on 13 July 2022 Ms Collier lodged a written objection to the menacing classification with Council (annexed as Appendix 3). Council received the written objection within the prescribed 14-day objection period.

On 8 August 2022 Officer Greeves visited the site of the incident and took photos of the scene (annexed as Appendix 4)

Having received Ms Colliers' 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**

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The evidence provided by Mr Wallace by way of witness statement confirms that the dog showed unpredictable behaviour. Neither Mr Wallace nor Ms Collier saw any indication that Wilson was going to bite Mr Wallace. Council considers that this behaviour is a danger to the public.

In Ms Collier's objection, she argues that this behaviour was out of character for Wilson and she had taken all reasonable precautions to prevent the incident from happening. Ms Collier does not dispute that Mr Wallace was bitten by Wilson. Ms Collier is aware that Wilson does not like men and moved to the side of the footpath and shortened Wilson's lead. However, Mr Wallace still got bitten.

Ms Colliers objection confirms Mr Wallace's statement that Wilson showed no indication he was going to exhibit aggressive behaviour (no barking or growling). Council is concerned this indicates that Wilson's behaviour is unpredictable, and muzzling would mitigate this risk.

Council notes that the legal effect of the menacing classification (refer Appendix 5) is simply to formalise the wearing of a muzzle as a legal requirement whilst in a public place.

Wilson is already desexed, so this is not a concern.

On balance, Council believes that the menacing classification remains appropriate for Wilson.

#### **5. OPTIONS AVAILABLE**

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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**

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This menacing classification will reduce the risk posed to any member of the public by requiring Wilson to be muzzled when in public.

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 Wilson as menacing under the Act.

## **7. ATTACHMENTS**

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

Appendix 2 – Investigation File completed by Officer Greeves

Appendix 3 – Written Objection to Menacing Classification

Appendix 4 – Scene Photos

Appendix 5 – Section 33E Dog Control Act 1996

## 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).



# ANIMAL CONTROL OFFICER (ACO)

## DOCUMENTS

*(Tick all that apply)*

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

History  
*(Tick all that apply)*

- P & R printouts
- Infringement notices
- Other:

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ACO DETAILS			
ACO Number	28	Date of Birth	8 August 1961
Full Name	Phillip William Alexander Greeves		
Email	phil.greeves@waidc.govt.nz		
Phone	0272633938		

ACO STATEMENT
<p>My name is Phillip Greeves I am a warranted Animal Control Officer for the Waikato District Council.</p> <p>On Tuesday 28 June 2022, I was assigned DOGS2977/22 in which Richard James WALLACE had reported that he had been bitten by a dog. <a href="#">Appendix 1</a></p> <p>I called WALLACE who me gave a brief outline of what had happened and arranged to meet him at his property, [REDACTED] on the morning of Wednesday 29 June 2022 to record his statement.</p> <p>On Wednesday 29 June 2022 at 10:35am, I arrived at WALLACE's home and, after he had told me what had happened, I commenced recording his statement. <a href="#">Appendix 2</a></p> <p>WALLACE told me that on Monday 27 June 2022 at approximately 6:00pm, he had been out for a walk on Hillpark Drive, Pokeno. He stated that he had seen a woman approaching him walking a small tan coloured Jack Russell on its lead. He stated that he had moved to the left of the footpath to give them room to pass on his right. WALLACE said that when the woman and dog had passed him, he had felt pain behind his right leg and had realised that he had been bitten by the small dog. He showed me the area of the bite site and the damage that had been done to his trouser leg. WALLACE had taken a photo of the bite <a href="#">Appendix 3</a> and the hole in the trousers <a href="#">Appendices 4</a>.</p> <p>WALLACE stated that the dog had given no indication of aggression prior to the attack. WALLACE stated that he told the woman that her dog had bitten him. The lady apologised and had given her name as Stephanie COLLIER from 18 Helenvale Crescent, Pokeno and her dog's name was WILSON. These details were written on a piece of paper which he had taken a photo of. <a href="#">Appendix 5</a></p> <p>WALLACE stated that he had gone home and, after seeing the injury and hole in his trousers, he had gone to COLLIER's address and spoken to COLLIER and her husband. He had told them that he had been injured when WILSON had bitten him and that there was a hole in his trousers from the bite. He stated that the COLLIERS had told him they would recompense him for any costs. WALLACE stated that he told COLLIER he would be reporting the attack to Animal Control.</p> <p>On Tuesday 28 June 2022 at approximately 11:00am WALLACE had gone to Urgent Care Franklin Clinic, 12 Glasgow Road, Pukekohe where his wound was treated. He was given a Tetanus injection and antibiotics as part of his treatment. Photos of the clinic and pharmacy receipts are at <a href="#">Appendices 6 &amp; 7</a></p> <p>WALLACE had then gone to the Warehouse, Pukekohe where he purchased a pair of trousers. He took a photo of the Warehouse receipt. <a href="#">Appendix 8</a></p> <p>WALLACE signed the Medical Release – Authorisation Notice which, on 29 June 2022 at 12:06pm, I emailed to Urgent Care Franklin. <a href="#">Appendix 9</a></p> <p>After I had recorded WALLACE's statement and was leaving the property, WALLACE told me that he didn't want WILSON seized or destroyed but did want the owner to be more careful in future.</p>
<p>Signature: </p>



**ACO STATEMENT** (continued)

At 11:25am, I went to 18 Helenvale Crescent, Pokeno and spoke to COLLIER. I identified myself and asked her if she knew why I was there, she said it was because WILSON bit that man. I told her that I wasn't going to seize WILSON at this time, but it was possible that WILSON would be classified as Menacing because the attack was unprovoked and he really should be wearing a muzzle when out in public, even if he is on his lead.

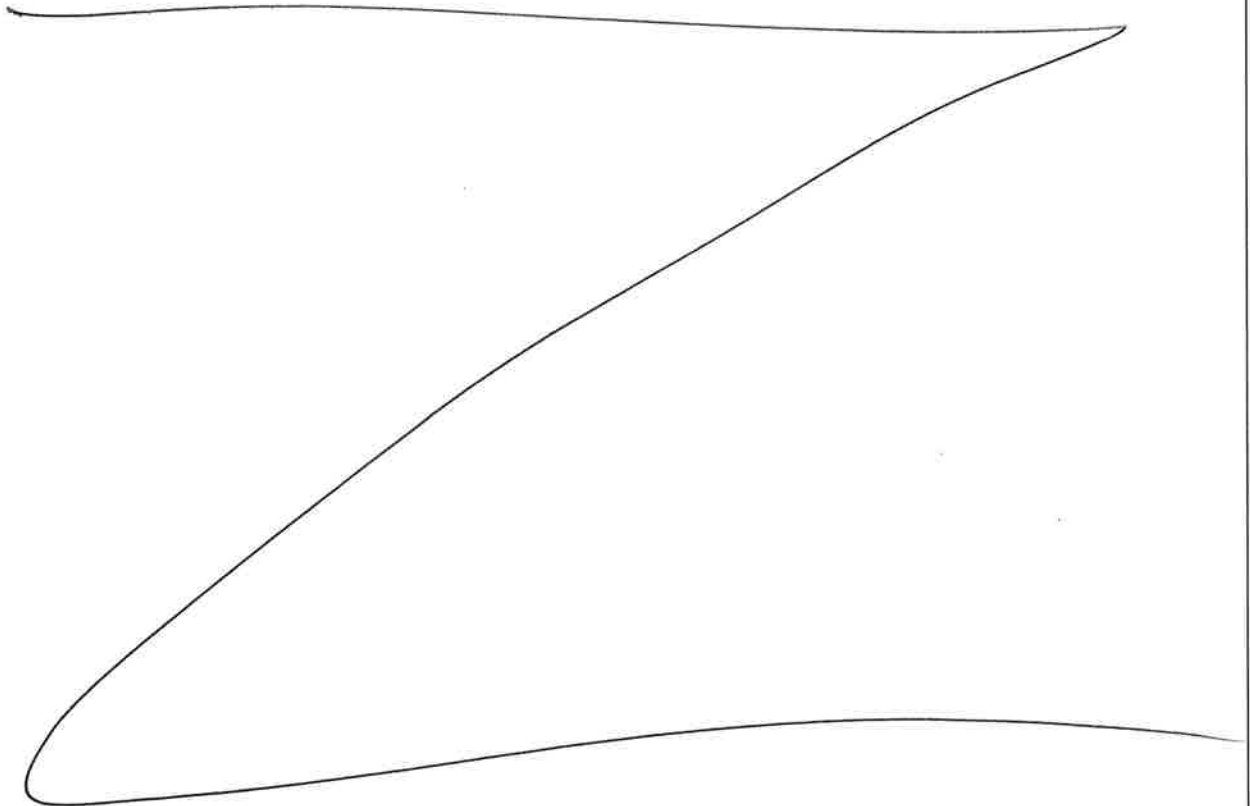
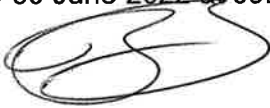
On my way back to the office, I called Senior Animal Control Officer Amanda Davis and we spoke about the attack. We agreed that seizing WILSON under S57 of the Dog Control Act 1996 was not in the public interest however, classifying WILSON as Menacing under S33A of the Dog Control Act 1996 was the appropriate action in this case. I completed the Classification Decision Making Criteria page when I returned to the office. [Appendix 10](#)

On Wednesday 29 June 2022 at 11:58am, I sent my file to Animal Control Team Leader, Tracey Oakes along with Notice of Classification of Dog as Menacing for her review and signature. I did forget to attach the Classification Decision Making Criteria page.

At 12:11pm, I received an email from Tracey Oakes confirming the dog owner was following the rules by walking WILSON in his lead, but a menacing classification will ensure the dog is muzzled in public. Tracey attached the signed Notice of Classification of Dog as Menacing. [Appendix 11](#)

At 2:35pm I returned to 18 Helenvale Crescent, Pokeno and personally served COLLIER the S33A Notice of Classification of Dog as Menacing which she signed as having received.

On Thursday 30 June 2022 at 09:18am, I received the Medical Report from Urgent Care Franklin. [Appendix 12](#)




Signature:



**ACO DECLARATION**

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

<b>ACO Full Name</b>	Phillip William Alexander Greeves				
<b>ACO Signature</b>					
<b>ACO Number</b>	28	<b>Date</b>	25 July 2022	<b>Time</b>	12:15pm



12  
**Waikato District Council**  
**Request**

<i>Description</i>			<i>Commenced</i>	<i>Target Date</i>	<i>Role Name</i>
	<i>Status</i>	<i>Decision</i>	<i>Finalised</i>		<i>User</i>
<b>Notes</b>					
Current Dog Classification?			29/06/2022 02:25.30 pm		
	Past	Menacing	29/06/2022 02:25.52 pm		
<hr/>					
Infringement / Prosecution or Warnings Required			29/06/2022 02:25.52 pm		
	Past	UpMenace	29/06/2022 02:26.24 pm		
<hr/>					
Email Envir Admin to Update to Menacing			29/06/2022 02:26.25 pm		
	Past	Done	29/06/2022 02:29.12 pm		
<hr/>					
Infringement / Prosecution or Warnings Required			29/06/2022 02:29.12 pm		
		Current			
<hr/>					
CRM Completed			29/06/2022 02:29.29 pm		
	Past	Yes	29/06/2022 02:29.29 pm		
<hr/>					

13  
**Waikato District Council**  
**Request**

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Custom Date Fields:

Custom Text Fields:

<b>Date Received</b>	28/06/2022 2:55:01pm	<b>Victim Type?*</b>	Person
		<b>Dog made contact?*</b>	Yes
		<b>When Occurred?*</b>	-
		<b>Description of dog?*</b>	-
		<b>Incident Location?*</b>	-
		<b>Where Dog from?*</b>	-
		<b>Owner Details</b>	-
		<b>Victim Details</b>	-
		<b>Ani Control Area*</b>	North
<b>OnSite Time</b>	29/06/2022 10:40:00am		
<b>Target Date</b>	5/07/2022 2:55:00pm	<b>Severity</b>	2
<b>Work Completed</b>	29/06/2022 2:29:29pm	<b>Substantiated?</b>	YES
		<b>Outcome</b>	NoActionRq

Custom Value Fields:

<b>EOC Open?</b>	0.00
<b>EOC GIS Map?</b>	0.00
<b>EOC Impact</b>	
<b>EOC Urgency</b>	
<b>EOC Injury Count</b>	
<b>EOC Fatality Count</b>	

14  
**Waikato District Council**  
**Request**

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**Possible Cause:**

It's possible the dog was protecting the owner



Animal#  
15  
Owner#  
Property #

2

# Witness Statement

Section 82 of the Criminal Procedure Act 2011

### OFFICE USE ONLY

CRM: DOGS2977/22

Person ID: 152574

Dog ID: 4730 241 700

Property ID: 2018220

REGISTERED  
Doc. No. 3595102

Leave blank

Animal# 158896  
Owner# 152574  
Property# 2018220

Statement of: Richard James Wallace

Date of Birth: [REDACTED]

Contact Number: [REDACTED]

Address: [REDACTED]

Date of Statement: 29 June 2022

Time of Statement: 10:48am

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 June 2022 at about 6:00 am/pm  
specify the date give the time of day event happened

The incident happened at Outside 108 Hillpark Drive, Pokeno  
Address of where the incident occurred

The dog involved was a Tan coloured Jack Russell  
description of dog – breed, colour, sex, size etc

The dog is kept at 18 Helenvale Crescent, Pokeno  
give the address where the dog is kept

I know the dog is from this address because

The dog's owner gave me her details and the name of the dog at the time of the incident.

I AM Richard James Wallace and I am making this statement to Animal Control Officer Phil Greeves. On Monday 27 June 2022 at approximately 6pm, I was walking on Hillpark Drive from the direction of Muirhill Place towards Helenvale Crescent. I observed a woman coming towards me walking a small tan coloured Jack Russell on it's lead. I moved to the left of the footpath leaving room to my right for them to pass. When we had passed each other close to 108 Hillpark Drive, I felt a pain behind my right knee and realised I had been bitten. The dog had given no indication that he was going to attack me, and I hadn't heard it behind me. I immediately told the woman that her dog had bitten me. She apologised and gave me her details as Stephanie Collier from 18 Helenvale Crescent, Poken. she also told me that her dog was named Wilson. I went home and checked the area where the dog had bitten me and found a laceration behind my right knee and a hole in my track suit trousers. At approximately 6:30pm, I went to 18 Helenvale Crescent and spoke to Stephanie Collier and her husband. I told them that I had been injured when their dog had bitten me and that there was a hole in my trousers. They told me that they would recompense me for the damage. I also advised them that I would be reporting the incident to Animal Control. On Tuesday 28 June 2022 at approximately 11:00am I went to Urgent Care Franklin clinic, 12 Glasgow Road, Pukekohe where I had my wound treated. I received a Tetanus injection as part of my treatment. At approximately 2pm, I went to the Pukekohe Warehouse where I purchased a replacement pair of track suit trousers.



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: \_\_\_\_\_


  
(Informant)

Date: \_\_\_\_\_

29/06/2022

Signed \_\_\_\_\_


  
(Witness - ACO)

Date: \_\_\_\_\_

29/6/22



## 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.



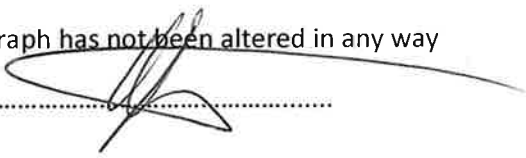
Animal# 241700  
 Owner# 152574  
 Property# 2018220

1. Photograph taken ..... 214 leg wound .....

2. Photographs shows ..... 214 leg dog bite .....

3. Photograph taken at ..... Palen o .....

4. This photograph has not been altered in any way

Signature .....  .....

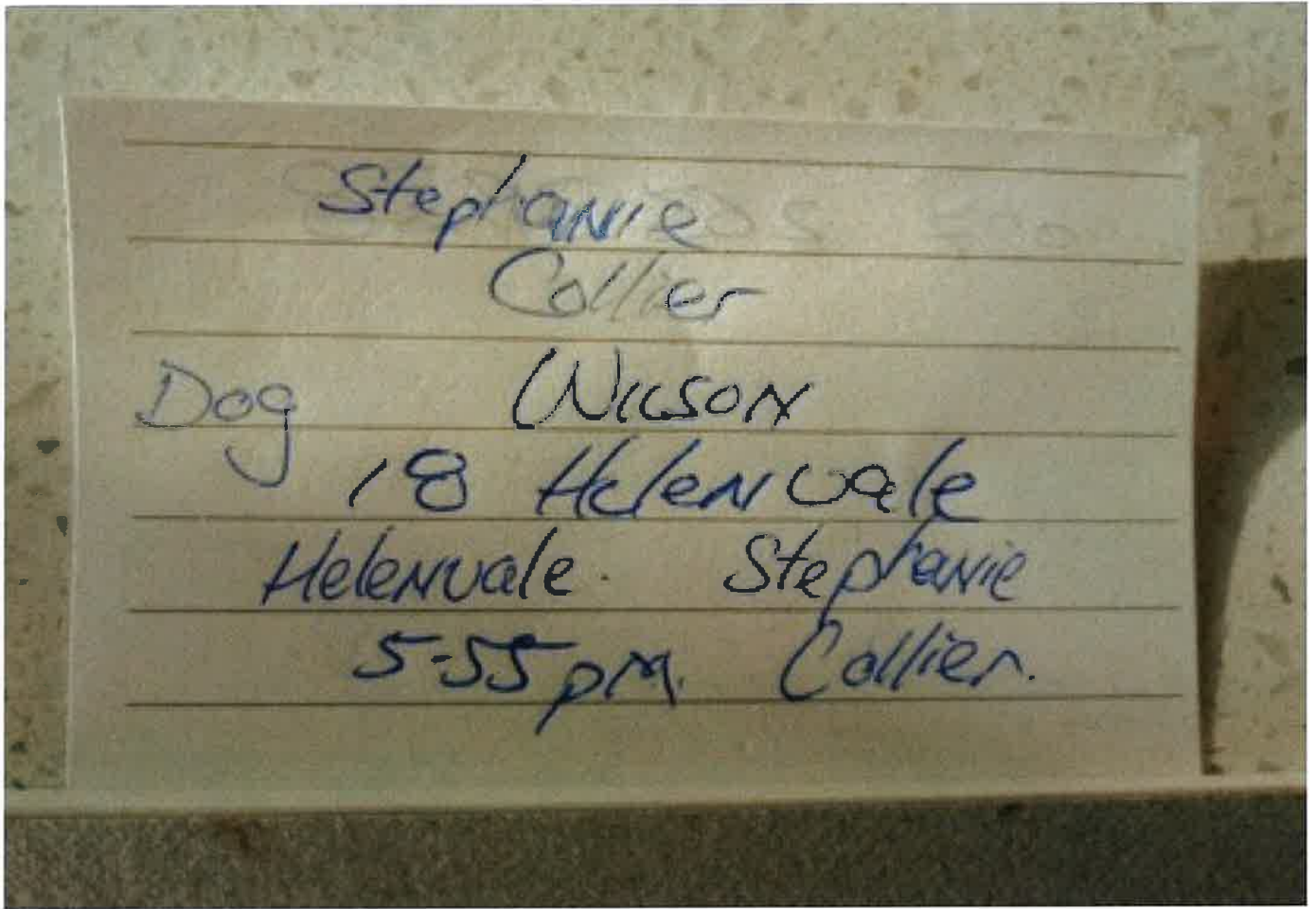


*RSW Hole in Track Pants (receipt of New pair) RSW*

1. Photograph taken .....
2. Photographs shows ..... *Track pants.* .....
3. Photograph taken at ..... *Pokeno* .....
4. This photograph has not been altered in any way

Signature ..... *[Handwritten Signature]* .....

Animal # *241700 HCC*  
 Owner # *152574*  
 Property # *2018220*



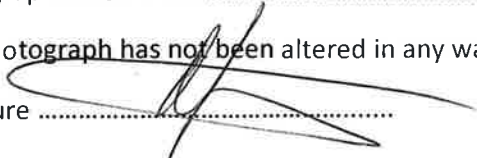
Animal# 244700 HCC  
 Owner# 152574  
 Property# 2018220

1. Photograph taken ..... Notes of dog owner.....

2. Photographs shows ..... Notes.....

3. Photograph taken at ..... Pollenio.....

4. This photograph has not been altered in any way

Signature .....  .....

**Urgent Care Franklin**  
 12 Glasgow Road, Pukekohe, Auckland 2120. Tel: 09 238 6610  
 Email: Reception@urgentcarefranklin.co.nz  
 Accd No: 12-3244-0015982-00 GST No: 124-629-683 EDI: estamhd

**Tax Invoice/Receipt**  
 GST No: 124629683

To: Richard Wallace  
[REDACTED]

Chart No: 1593164  
 28 Jun 2022

Date	Ref	Description	Amount (GST Incl)
28 Jun 2022	103207240	Professional Services Nur Ariana Hessel	0.00
		Tdap-Tetanus Prone Wound	0.00
28 Jun 2022	103207316	Professional Services Dr Junaid Qureshi	65.00
		FR Copayment ACC	65.00
28 Jun 2022	6123957	Payment Received, Thank You 103207316 - FR Copayment ACC	65.00 Cr
<b>Total</b>			<b>0.00</b>
GST 8.48			

(Balance on account \$0.00)

Animal# 241700 HCC  
 Owner# 152574  
 Property# 2018220

1. Photograph taken ..... *Receipt of doctor visit* .....

2. Photographs shows ..... *Receipt* .....

3. Photograph taken at ..... *Pokeno* .....

4. This photograph has not been altered in any way

Signature ..... *[Signature]* .....



Animal # 24140  
Owner # 152574  
Property # 2015720

12/2

Needs  
Receipt of (New pair of track pants) R-50

1. Photograph taken .....
2. Photographs shows .....
3. Photograph taken at ..... Pokeno
4. This photograph has not been altered in any way

Signature .....



Animal # 241 700  
 Owner # 152574  
 Property # 2018220

1. Photograph taken ..... *Receipt of Warehouse Parts.*

2. Photographs shows ..... *Receipt*

3. Photograph taken at ..... *Po Keno*

4. This photograph ~~has not been~~ altered in any way

Signature ..... *[Handwritten Signature]*

*Emailed  
 to Urgent Care Franklin  
 1206h 29/6/22*

## Medical release – Authorisation notice

**Animal#** 2441700  
**Owner#** 152574  
**Property#** 2018220

### URGENT ATTENTION:

Dear Sir/Madam,

Full name: Richard James Wallace

Address: [REDACTED]

Postcode: 2402

Home Ph: \_\_\_\_\_ Mobile Ph: [REDACTED]

I, *(full name)* **Richard James Wallace**

give authorisation to release a full copy of all medical records relating to my/(minor's name) treatment

from: *(date)* **28 June 2022** to: *(date)* **28 June 2022**

to Waikato District Council for legal purposes.

**Yours faithfully,**

Signed: \_\_\_\_\_ Date: **29/06/2022**  
*(injured party)*

Signed by parent or guardian: \_\_\_\_\_ Date: \_\_\_\_\_  
*(if injured party is under the age of 18)*

Parent or guardian name in full: \_\_\_\_\_

### Important privacy information

The personal information that you provide in this form will be held and protected by Waikato District Council in accordance with our privacy policy (available at [www.waikatodistrict.govt.nz/privacy](http://www.waikatodistrict.govt.nz/privacy) and at our libraries and service centres) and with the Privacy Act 1993. Our privacy policy explains how we may use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. We recommend you familiarise yourself with this policy.

**Please return this form to:**

District Office  
 15 Galileo Street  
 Private Bag 544  
 Ngaruawahia 3742

Email: [phil.greeves@waidc.govt.nz](mailto:phil.greeves@waidc.govt.nz)



## Classification Decision Making Criteria

**Owner ID: 152574**

**Dog ID: Wilson - 158896**

**CRM : DOGS2977/22**

<p><b><u>OWNER RESPONSIBILITY</u></b> <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></p>
<p>The owner was walking Wilson on his harness. She pulled Wilson away from the complainant after the bite. Initially she wasn't happy to give her details to the complainant but did when he said he was a Police Officer.</p>
<p><b><u>HISTORY</u></b> <i>(Any history in Council Database)</i></p>
<p>No previous history</p>
<p><b><u>SERIOUSNESS OF THE INCIDENT</u></b> <i>(Was contact made? Was the attack prolonged? What injuries were sustained?)</i></p>
<p>The bite was a quick nip to the back of his leg causing a small puncture wound.</p>
<p><b><u>VICTIMS VIEWS</u></b> <i>(Impact of the incident on the Victim, and/or ongoing effects of the incident?)</i></p>
<p>The complainant was more concerned that the dog could have bitten a child.</p>
<p><b><u>EVIDENCE</u></b> <i>(Witness statement provided? Dog identified?)</i></p>
<p>Dog not seized because complainant didn't want it seized or destroyed. He just wanted the dog owner to be more careful in future.</p> <p>Witness statement recorded identifying the dog and it's owner.</p>
<p><b><u>REGISTRATION COMPLIANCE</u></b> <i>(Was the dog registered at the time? If not, have they registered it since?)</i></p>

Dog was registered

**PROPERTY** *(Is the property suitable to contain this dog?)*

Excellent property

**MITIGATING RISK** *(How the dog owner thinks they can mitigate this sort of behaviour in the future? Physical steps the dog owner has taken?)*

Owner appeared to listen when I took her through the steps she needs to carry out to keep the dog secure. She wasn't happy when I mentioned Wilson could be classified as menacing.

**ACO REASONING BEHIND CLASSIFICATION**

This was an unprovoked attack on a person passing by whilst out for their walk. The dog gave no obvious sign of aggression and needs to be muzzled in public. The dog was being walked on it's lead and otherwise the owner was following the rules. No infringement required. Complainant is only interested in making sure it doesn't happen again.

**OUTCOME**

**Discussion between ACO and Senior**

**Dog Seized/Impounded**      **~~Yes~~/No**

**Menacing Classification**      **Yes/~~No~~**

**Dangerous Classification**      **~~Yes~~/No**

**Infringement**      **~~Yes~~/No**

**Prosecution**      **~~Yes~~/No**

Signed (ACO)



Date    29 June 2022

**Check List**

- Witness Statement
- Officers Statement
- Sworn Evidence (If Dangerous)
- Classification
- Copy of signed classification in ECM
- Classification hand delivered or delivered by registered post

REGISTERED

28

11

Doc. No. 3595163



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

**OFFICE USE ONLY**

CRM: DOGS2977/22  
Person ID: 152574

Dog ID: 241700 HCC  
158896

Name: Stephanie Collier  
Address: 18 Helenvale Crescent  
Address: Pokeno  
Address: 2402

Received by: Stephanie Collier  
Date: 29/6/2022

Dog name: Wilson  
Breed: Jack Russell  
Gender: Male  
Colour: Tan

Animal# 241700 HCC 158896  
Owner# 152574  
Property# 2018220

**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**

29 June 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

**Urgent Care Franklin**

12 Glasgow Road, Pukekohe, Auckland 2120. Tel: 09 238 6610  
Email: Reception@urgentcarefranklin.co.nz  
Acct. No: 12-3244-0015982-00 GST No. 124-629-683 EDI: estamhd

28 Jun 2022

Re: **Richard Wallace**  
[REDACTED]  
[REDACTED]

**Dx:Open wound of knee (SA100.00) - Right**

**28 Jun 2022 Dr. Junaid Qureshi**

was attached by dog yesterday - has a wound behind R knee  
wound was bleeding initially  
has minimal pain in the knee

concerned about ADT - as doesn't know when he had it last time

medical hx - Asthma  
no regular meds  
no allergies

O/E

well  
undistress  
well perfused

**Right Knee:**

superficial abrasion behind the back of the knee

D - Alert and conversing 30

Medical History: asthma

Medication: nil

Allergies: NKDA

<TRIEHC28/06/2022 11:37:46 AM>

**Observations: Triage score 5 - 120mins; Pulse (Heart Rate): 88; Temp: 36.5; RR: 18; SAO2: 100;** </TRIEHC28/06/2022 11:37:46 AM>

Measurement:Triage template(TRIAGE)-- 5 - 120mins

Measurement:Pulse(P)-88

Measurement:Temp(T)-36.5

Measurement:Resp Rate :(RR)-18

Measurement:Oxygen Saturation(SAO2)-100

Imm:Tdap-Tetanus Prone Wound (TDAPPW) - G

Form:Triage

Acc Number :

Regards

Urgent Care Franklin

**WORK & REFERRAL**

**ACC45 No.**

**PERSONAL DETAILS**

**PROVIDER DETAILS**

**SI94991**

Richard Wallace

[REDACTED]

Ph Wk:

Ho:

Dob:

[REDACTED]

NHI:

[REDACTED]

Dr Junaid Qureshi

Urgent Care Franklin

12 Glasgow Road

Pukekohe, Auckland

ACC # PAL572 NZMC: 42327

**INJURY, DIAGNOSIS AND ASSISTANCE**

Date of accident: 27 Jun 2022

Time of accident: 05:55 PM

**Out for a walk, fox terrior bit left leg as walking past.**

Open wound of knee(SA100.00)

Right (R)

**REFERRAL INFORMATION**

To:

Treatment Provider Signature: \_\_\_\_\_ Date : 30 Jun 2022

This form is NOT a complete ACC45 and is not suitable for sending to ACC. It is intended for referral Health Providers and Employers.

ACC Injury Claim Form

**Part A: Personal Details**

Surname **WALLACE**  
 Forenames **RICHARD**  
 Date of Birth [REDACTED] Gender **Male**  
 Address [REDACTED]  
 Phone Work [REDACTED] Home [REDACTED]  
 Ethnicity **European/Pakeha NZ (11)**

**Part B: Injury and Employment Details**

Accident Date **27 Jun 2022** Time **5:55 pm**  
 Scene **Road Or Street (30)**  
 Location **Auckland City (307)** Accident in NZ **Y**  
 Description **Out for a walk, fox terrior bit left leg as walking past.**

Road Accident **N** Sport [REDACTED]  
 Occupation [REDACTED]  
 Earner Status **Paid Employment**  
 Usual Work Type [REDACTED]  
 Work Accident **N**  
 Employer Name [REDACTED]  
 Employer Address [REDACTED]

**Part C: Patient Authorisation and Declaration**

To assess cover and/or entitlements, ACC may need to collect medical and other records about you from a third party.  
 For more details see ACC's privacy notice at [www.acc.co.nz/privacy](http://www.acc.co.nz/privacy).

I authorise:  
 o ACC to collect medical and other records which are or may be relevant to my claim  
 o the treatment provider to lodge this claim for me.

I declare that the information I have given in this form is true and correct.

Patients Signature: \_\_\_\_\_ Date: **28 Jun 2022**

Authorised representative's Name  
 Authorised representative's relationship to patient

32

**Part D: Injury Diagnosis and Assistance**

Claim No: **SI94991**

Diagnosis 1 **Open wound of knee(SA100.00)** Right (R)  
 Diagnosis 2  
 Diagnosis 3  
 Diagnosis 4  
 Diagnosis 5  
 Diagnosis 6  
 Diagnosis 7  
 Diagnosis 8  
 Diagnosis 9  
 Diagnosis 10  
 Injury Comments

Treatment injury claim **N**  
 Assistance Required **N**

Referral 1

Referral 2

Referral 3

Treatment Objectives

Rehabilitation **1 No need for ACC to call Health Provider**

**Part E: Work Capacity**

Normal Hours **N**  
 Selective Hours **N**  
 Type  
 Hours per day From: To:  
 Restriction

Unfit for **days** From: To:  
 Return to work on

**Part F: Treatment Provider Declaration**

ACC Provider No **PAL572**  
 Provider ID  
 Facility **Urgent Care Franklin (FR)**  
 Agency **Urgent Care Franklin (FR)**  
 Provider **Dr Junaid Qureshi**

Provider's Signature : \_\_\_\_\_ Date: **28 Jun 2022**



**APPENDIX 3 - Written Objection to Menacing Classification**

**From:** [Tracey Oakes](#)  
**To:** [pokenocolliers@gmail.com](mailto:pokenocolliers@gmail.com)  
**Cc:** [Democracy](#)  
**Subject:** FW: Appeal of CRM DOGS2977 [#3B9D0A]  
**Date:** Wednesday, 13 July 2022 11:32:00 am  
**Attachments:** [CRM DOGS2977.docx](#)  
[FW Re Appeal of CRM DOGS2977 #3B9D3D.msg](#)  
[image001.jpg](#)

---

Hello Stefanie,

Thank you for your detailed objection to the Menacing Classification issued to Wilson. This email is to acknowledge the receipt of your objection. This was received within the 14 day appeal period.

Next steps:

You will receive an email from our democracy team. This will explain the objection process. I have CC'd them into this email.

Kind regards,

**Tracey Oakes**

Animal Control Team Leader

**Waikato District Council**

*Te Kaunihera aa Takiwaa o Waikato*

**Nama waea:** 0800 492 452

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

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



-----Original Message-----

**From:** [pokenocolliers@gmail.com](mailto:pokenocolliers@gmail.com)  
**Sent:** Wednesday, 13 July 2022 12:15:33 am  
**To:** [info@waidc.govt.nz](mailto:info@waidc.govt.nz)  
**Subject:** Appeal of CRM DOGS2977  
Hi There

Please find attached appeal to CRM DOGS2977.

A second email to follow with photos.

Kind regards  
Stefanie Collier

Date: 03/07/2022

info@waidc.govt.nz

CRM DOGS2977/22 – Appeal Notice of classification of Dog as Menacing Dog

To whom it may concern,

My name is Stefanie Collier, I am writing to appeal the notice I received regarding classification of my dog, Wilson, as a Menacing Dog, reference CRM: DOGS2977/22, Person ID: I52574.

This incident was out of character for Wilson and I felt I had taken all reasonable steps as a dog owner would have done to prevent this from happening.

Wilson is a rescue dog and estimated to be a little over a year old. We adopted him from the Hamilton City Council - Adopt a Dog in April 2022. In the original Facebook advertisement, they had characterised him as a suitable dog for a family, however they did mention that he seems to be weary of men which suggests he may not have had the best start to life with his previous owners. It is for this reason why we choose to walk him in the evenings where there is likely to be less interaction, at least until he gets adjusted.

We have noticed over the time we have had him that he has nightmares and feel that he must have been abused in the past.

In saying that, he has shown no aggression towards my husband or my children and we are providing him with positive reinforcement when socialising with new people.

Regarding the night the incident occurred, on the 27/06 at approx. 5.45pm, it was dark and I was walking Wilson on Hillcrest Road, Pokeno when I saw the complainant at the last minute coming towards me wearing dark clothing. Wilson was in a harness and on a lead. I tried to provide the complainant as much room as I could and I grabbed onto the lead to pull Wilson as close as I could to my left as the complainant was coming in on the right

As I had a hedge on my left (See photos of incident location attached) I was unable to move any further over and I had expected the complainant to move further to the right but he continued towards us and we ended up almost shoulder to shoulder. Wilson at this time was not barking, growling or acting aggressive and as the complainant walked past, Wilson nipped at him one time. I immediately addressed his behaviour and Wilson was compliant straight away. I turned to the complainant and ask if he was okay. Again, Wilson was showing no signs of any aggression before or after the incident.

He said that Wilson had ripped his trousers and that he had been bitten. I apologised and I did admit it was my fault as Wilson did appear to have been spooked and he was possibly just trying to protect me. The complainant said he was walking along and just listening to an audio book.

He then said to me that I should have full control of my dog and he should be on a muzzle. The complainant then said what if he had been a child? He then demanded I give him my name and address and I was not comfortable with this as I felt he was being aggressive towards me. I did however offer to provide my name and phone number. That was when he identified himself as a police officer and demanded again that I give him my name and address. I reluctantly gave it as I felt

intimidated. Being a lady walking alone at night, without seeing his NZ Police badge he could have been anybody. He also asked if Wilson had received all his shots which I advised that he had and he said are you sure and I said yes. He even asked if he had his rabies shot (which, I found out later, we don't have in NZ). The complainant then confirmed my details and we went our separate ways.

On the same night, the complainant then came to my door at approx. 7pm to briefly show me his police badge and let me know he had laid a complaint to Animal control. I again found this as an act of intimidation. I did offer compensation for medical and replacement of the trousers which I have now paid.

I had asked to take photos of the complainant's injuries but was declined stating that he had the photos on his camera and that he had also provided these to the Animal Control Officer. We had also asked if he could provide us copy of the photo's and he said we would need to get these from the Animal Control Officer.

When I have contacted the Animal Control Officer, I was advised that I would need to obtain these via a request under the official information act which I was concerned that the timeframe, in doing so that my right to objection would of passed. Therefore, we are unfortunately unable to provide photos.

I had received a call from the Animal Control Officer on 28<sup>th</sup> June at 3.58pm to book a time for him to discuss with me the incident and I agreed meet on the 29<sup>th</sup> June at 1pm. I was under the assumption that at this meeting I would be able to provide my statement of the incident that occurred.

I met with the Animal Control Officer, Phil on the 29<sup>th</sup> June at approx. 1pm. He advised that he had received the statement from the complainant and the investigation was now complete. I asked about providing him with my side of the story but he did not appear interested as they had already made the decision. The Animal Control officer then advised me they were initially going to classify him as a dangerous dog however it was downgraded to menacing. I believe without being able to provide my own statement this may have impacted on the decision. I was also expecting that the Animal Control Officer would have wanted to view Wilson and/or view the harness and leash that he was wearing at the time of the incident, however this was not the case.

On the 29<sup>th</sup> June at approx. 2pm, I had the complainant come to my door again. We discussed the incident again and at this time he did admit to me that he did not see me nor realised I had a dog. We then discussed compensation and when we asked for his email address to request copy of the receipts and the photo of the mark for our records, he declined and ask me to provide our email to him instead.

Again, as I expressed at the start of my email, this was out of character for Wilson and I believe I had taken all reasonable steps a dog owner would have taken to have prevented this from happening. We have since purchased a muzzle and happy to voluntarily use it in public and will be looking into behavioural training for him. However, I feel that him being classed as a menacing dog is unjust due to the above circumstances.

I look forward to hearing from you soon.

Kind regards

Stefanie Collier

PH: 021 978 798

Email: [pokenocolliers@gmail.com](mailto:pokenocolliers@gmail.com)

**From:** [Waikato DC](#)  
**To:** [Phil Greeves](#); [Tracey Oakes](#)  
**Subject:** FW: Re: Appeal of CRM DOGS2977 [#3B9D3D]  
**Date:** Wednesday, 13 July 2022 11:04:23 am  
**Attachments:** [20220712\\_235440.jpg](#)  
[20220712\\_235455.jpg](#)  
[20220712\\_235538.jpg](#)

---

Hi Guys,  
Please see second email with photos relating to DOGS2977/22

Nгаа mihi,  
Rasharn Neil  
**Waikato District Council**  
| P 07 824 8633 | F 07 824 8091 | Call Free 0800 492 452  
Private Bag 544, Ngaruawahia 3742  
[www.waikatodistrict.govt.nz](http://www.waikatodistrict.govt.nz) | [Like us on Facebook](#)  
Customer Delivery Team | Contact Centre

-----Original Message-----

**From:** pokenocolliers@gmail.com  
**Sent:** Wednesday, 13 July 2022 12:17:32 am  
**To:** info@waidc.govt.nz  
**Subject:** Re: Appeal of CRM DOGS2977  
One of two emails with photos relating to CRM DOGS2977.

On Wed, 13 Jul 2022 at 00:15, Aaron Collier <[pokenocolliers@gmail.com](mailto:pokenocolliers@gmail.com)> wrote:

Hi There

Please find attached appeal to CRM DOGS2977.

A second email to follow with photos.

Kind regards  
Stefanie Collier



**Global  
Veterinary  
Services**

## CERTIFICATE OF STERILISATION

This is to certify that the following animal has been sterilised

Owner: HCC Animal Education and Control  
217 Ellis Street  
Frankton, Hamilton

PHONE: 07 8386664

MICROCHIP NO

NAME: Matt

SEX: Male

BREED: Fox Terrier X

COLOUR: Tricolour

D.O.B: Approx. 01/01/2022

WEIGHT 9 kg

DATE STERILISED: 04/04/2022

VET CLINIC: Global Veterinary Services

VETERINARIAN: Andrew Gore

SIGNED:

*i.A. J. Bullen*

**Global Veterinary Services**  
1034 Gordonton Road • RD 1 • Hamilton

**P** 07 210 4562

**E** [globalvetnz@gmail.com](mailto:globalvetnz@gmail.com)

[www.globalvetservices.co.nz](http://www.globalvetservices.co.nz)

# Vaccination

# Record

Vet clinic and vaccine administrator

Date

Weight (kg)

Vaccine details

Global Veterinary Services  
878A Gordonton Road  
R.D. 1 Hamilton  
Ph: (07) 210 4562

J. Bennien

Due:

Given:

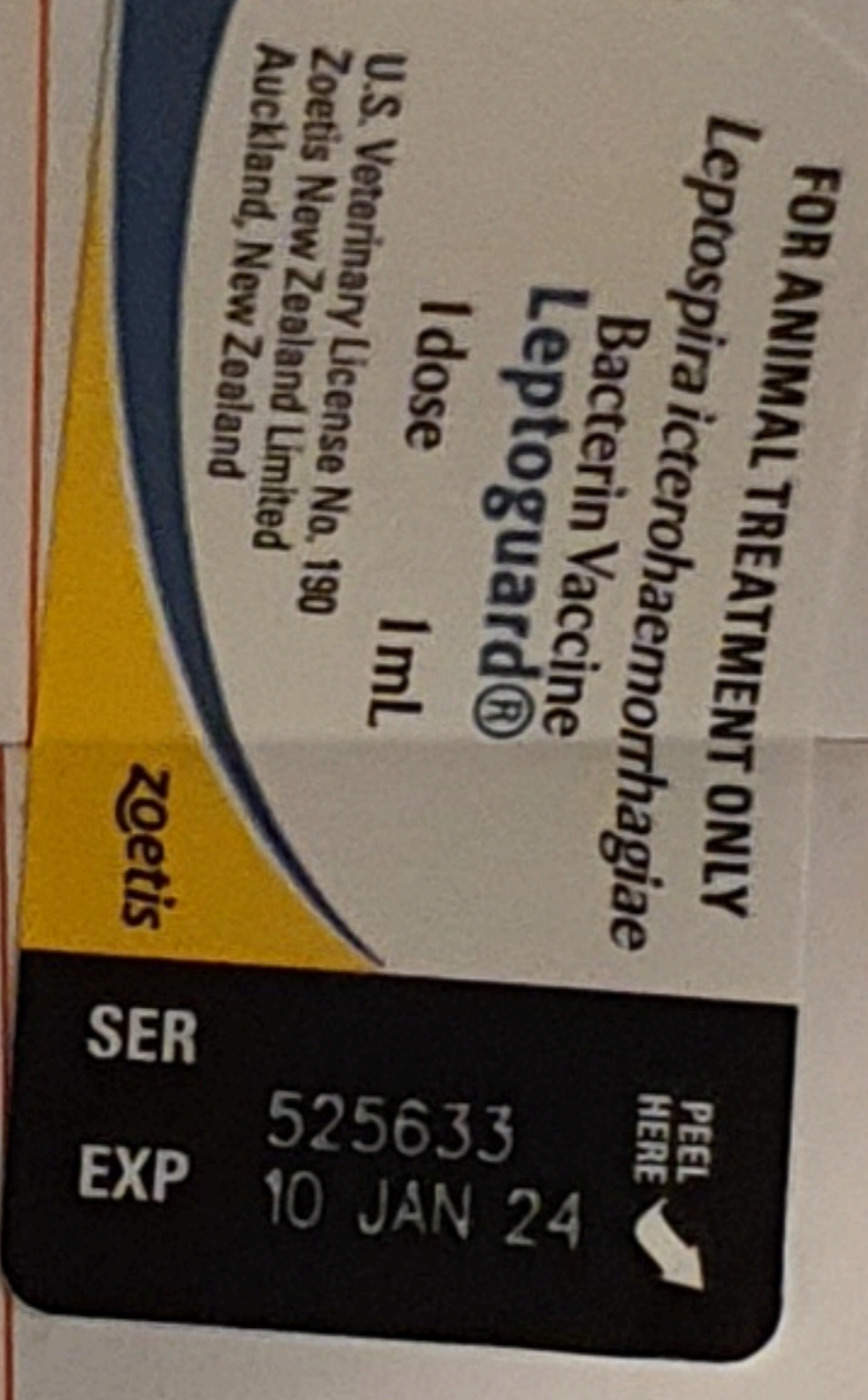
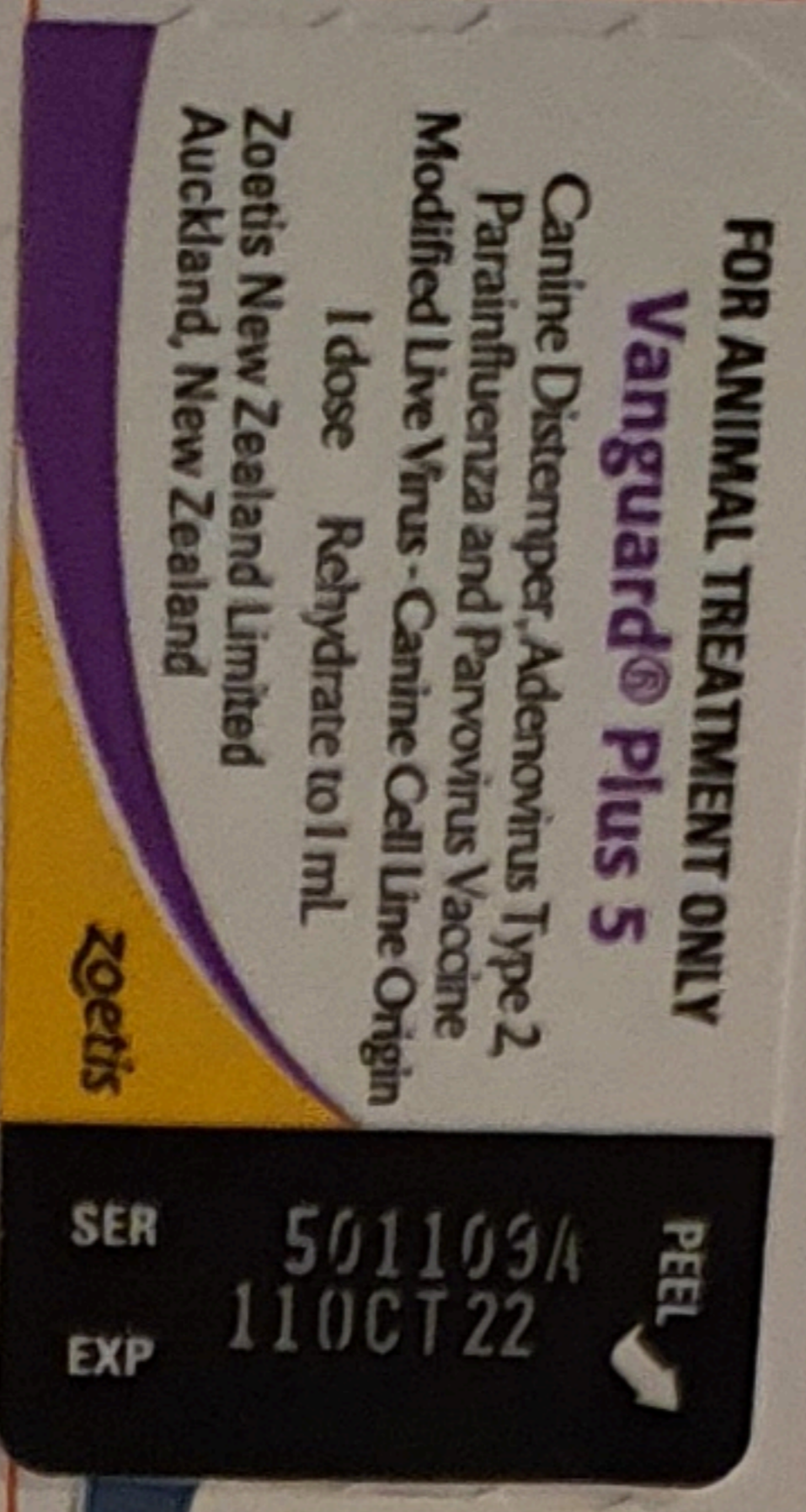
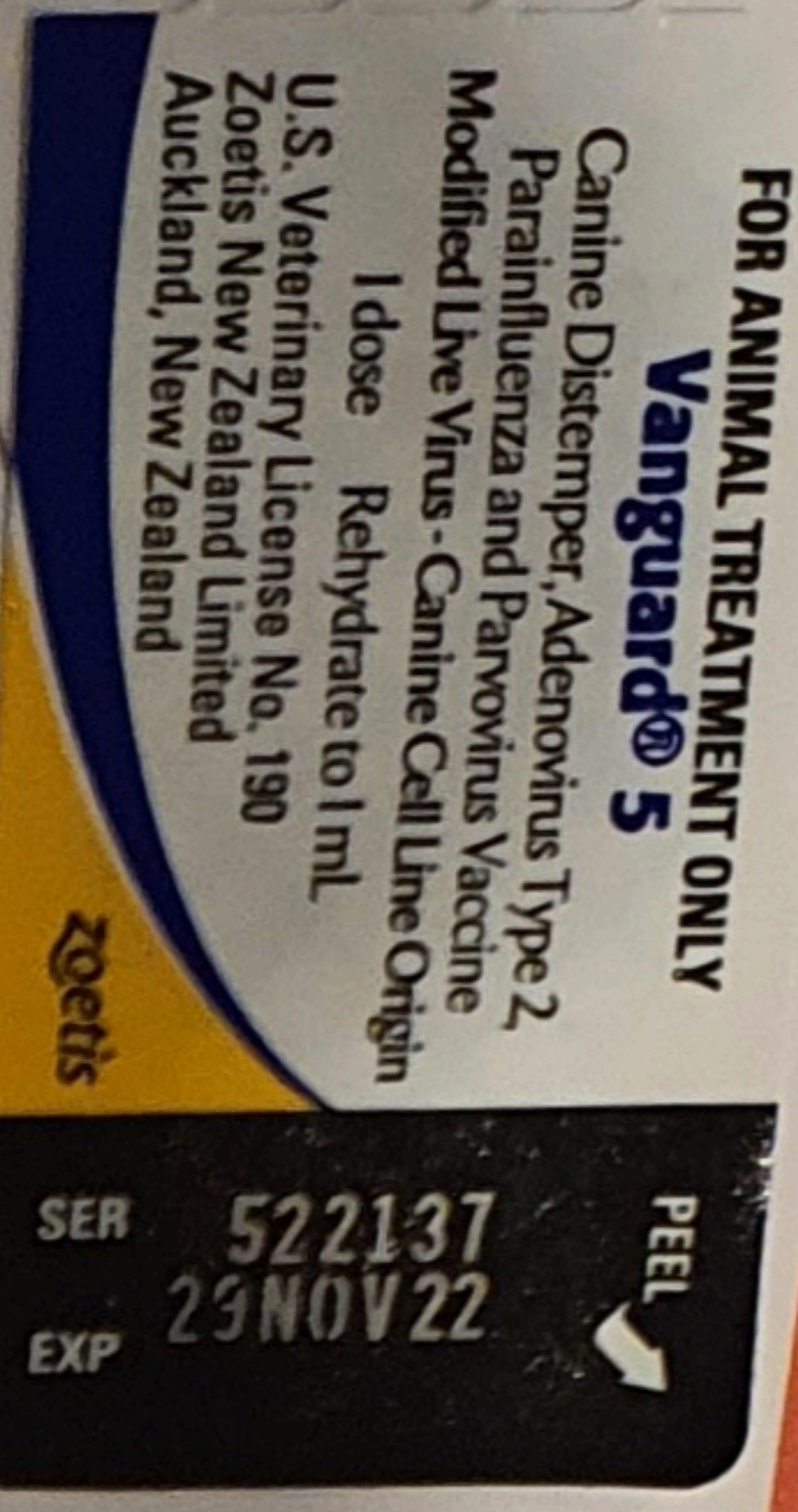
22/3/22

Due:

12/4/22

Given:

7.5kg



FRANKLIN VETS  
PO Box 459  
Pukekohe 2340  
09 238 7486

B. Hughes

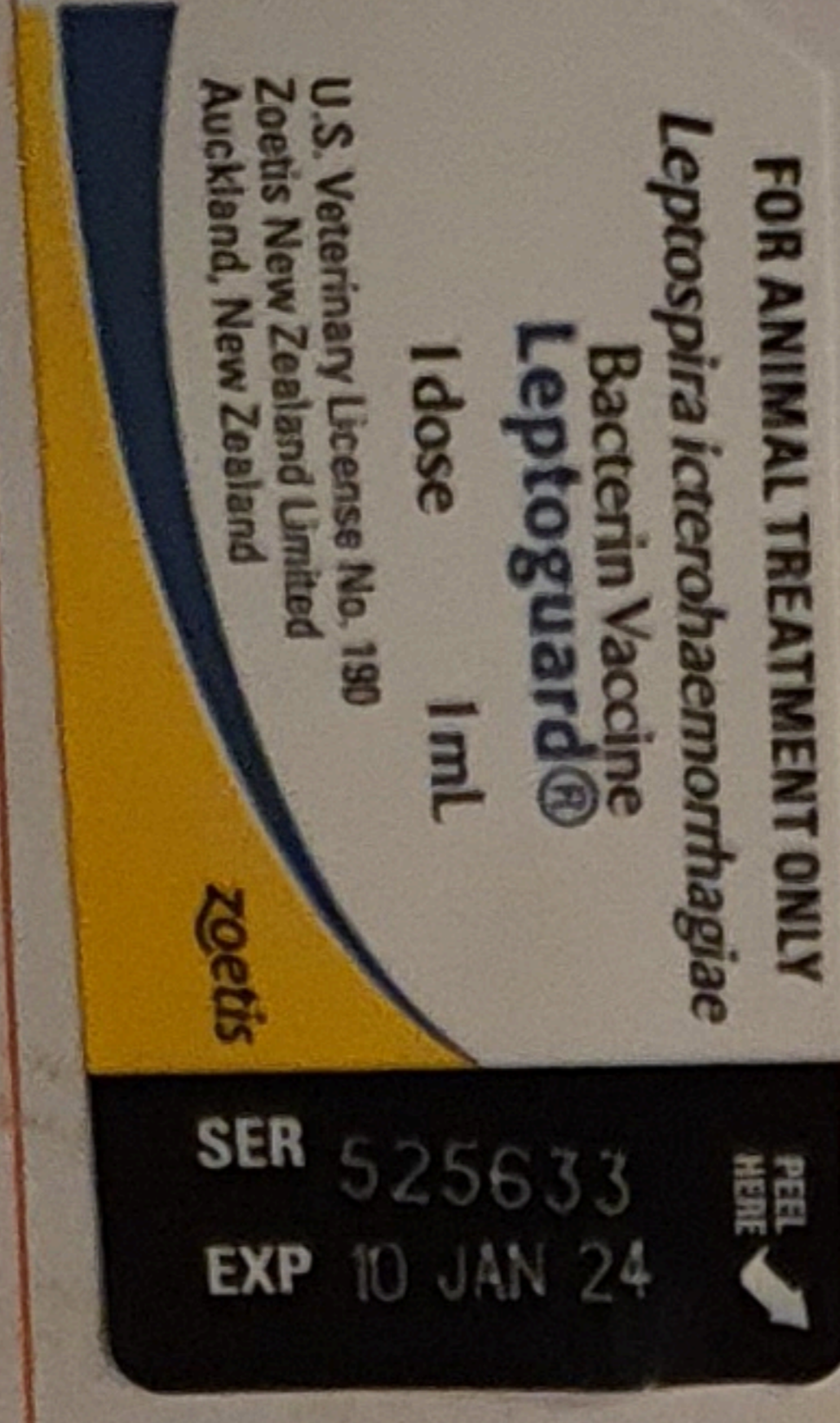
Given: 20/5/22

Due:

Given:

Due:

Given:



FRANKLIN VETS  
PO Box 459  
Pukekohe 2340  
09 238 7486



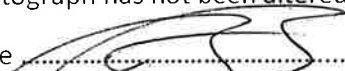


## APPENDIX 4 - Scene Photos



1. Photograph taken by Animal Control Officer # 28 of Waikato District Council on 8/8/22 at 10:38am
  2. Photographs shows Footpath - Hillpark Dr
  3. Photograph taken at Hillpark Dr, Pokeno
  4. This photograph has not been altered in any way
- Signature [Signature]



1. Photograph taken by Animal Control Officer # 28 of Waikato District Council on 8/5/22 at 10:38am
  2. Photographs shows width of footpath 1.5mtrs
  3. Photograph taken at Hillpark Dr, Pokeno
  4. This photograph has not been **altered** in any way
- Signature 



## APPENDIX 5 - Section 33E of the Dog Control Act

### New Zealand Legislation Dog Control Act 1996

#### 33E Effect of classification as menacing dog

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

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

Section 33E(1)(b): amended, on 28 June 2006, by section 29(4) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(2): repealed, on 28 June 2006, by section 29(5) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(3): repealed, on 28 June 2006, by section 29(5) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(4): repealed, on 28 June 2006, by section 29(5) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(5): amended, on 7 July 2004, by [section 12](#) of the Dog Control Amendment Act 2004 (2004 No 61).