

Agenda

**Notice is hereby given of
a Waimate District Council Appeal Panel
Committee Meeting**

Tuesday 2 April 2019

Commencing at 3.30pm

Council Chamber
Waimate District Council
125 Queen Street
Waimate

www.waimatedc.govt.nz

Notice is hereby given that a meeting of the Waimate District Council Appeal Panel Committee will be held in the Council Chamber, Waimate District Council, 125 Queen Street, Waimate, on Tuesday 2 April 2019, commencing at 3.30pm.

Committee Membership

Craig Rowley	Chairperson
Sharyn Cain	Deputy Mayor
Sheila Paul	Councillor

Quorum – no less than two members

Significance Consideration

Evaluation: Council officers, in preparing these reports have had regard to Council's Significance and Engagement Policy. Council and Committee members will make the final assessment on whether the subject under consideration is to be regarded as being significant or not. Unless Council or Committee explicitly determines that the subject under consideration is to be deemed significant then the subject will be deemed as not being significant.

Decision Making

The Council, in considering each matter, must be:

- i. Satisfied that it has sufficient information about the practicable options and their benefits, costs and impacts, bearing in mind the significance of the decision;
- ii. Satisfied that it knows enough about and will give adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decisions to be made.

Stuart Duncan
Chief Executive

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OPENING

1 APOLOGIES

2 VISITORS

Maree & Paul Whiting
Anne Weeks
Bradley Haines
Lawrence Pritchard
John Fattorini
Leanne McLeod

3 CONFLICTS OF INTEREST

As per the Local Authorities (Members' Interests) Act 1968 (as below), the Chair will enquire if there are any Conflicts of Interest to be declared on any item on the agenda, and if so, for any member to declare this interest.

Local Authorities (Members' Interests) Act 1968

Councillors are reminded that if they have a pecuniary interest in any item on the agenda, then they must declare this interest and refrain from discussing or voting on this item and are advised to withdraw from the meeting table.

4 IDENTIFICATION OF MAJOR (URGENT) OR MINOR ITEMS NOT ON THE AGENDA

1. The Chair will call for any major (urgent business) or minor items not on the agenda to be raised according to Standing Orders, as below:

a. Standing Orders 3.7.5 – Major Items

An item not on the agenda for a meeting may be dealt with at the meeting if the local authority by resolution so decides, and the presiding member explains at the meeting at a time when it is open to the public –

- i. The reason why the item was not listed on the agenda; and
- ii. The reason why discussion of the item cannot be delayed until a subsequent meeting.

b. Standing Orders 3.7.6 – Minor Items

An item not on the agenda for a meeting may be dealt with at the meeting if –

- i. That item is a minor matter relating to the general business of the local authority; and
- ii. The presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- iii. No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

REPORTS

5 GENERAL REPORTS

5.1 TERMS & REFERENCE - WAIMATE DISTRICT COUNCIL APPEAL PANEL COMMITTEE
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Author: Karalyn Reid, Committee Secretary and PA to the Mayor

Authoriser: Paul Cooper, Regulatory and Compliance Group Manager

Attachments: 1. Terms of Reference [!\[\]\(de95854c7ee024cfadc48187bbb781b2_img.jpg\)](#) 

PURPOSE

To present the Terms and Reference of the Waimate District Council Appeal Panel Committee for the information of the members.

1. Terms of Reference for all Council Committees

Other Committees

Meetings will be arranged as required, normally quarterly.

To provide independent assurance and assistance to the Council on the risks, control, compliance framework and its external accounting responsibilities. The committee is advisory only and should not assume any management functions or make decisions that are the statutory responsibility of the Chief Executive.

Waimate District Council Appeal Panel

Terms of Reference and Processes. Approved Council Meeting 27 June 2017

1. The Dog Control Appeal Panel (the Panel) shall consist of the Mayor and two Councillors
2. The Panel has the power to receive objections as defined in the Dog Control Act 1996, primarily Barking Abatement Notices, Menacing Classifications, Dangerous Dog Classification, Disqualified Owner Classification and Probationary Owner Classification.
3. The Panel will only receive and hear objections to Notices which are issued under the provisions of the Dog Control Act 1996.
4. The Panel will adhere to the legal requirements for the keeping of records as set down in the Dog Control Act 1996 section 30.
5. The Chair will liaise with appropriate staff and the Committee Secretary to produce the agendas and collate information required for the process outlined in the following 'Dog Control Hearing – Appeal Process Flowchart'.
6. Copies of agendas, together with supporting papers will be provided to the Panel and other appropriate parties no less than four working days prior to the Appeal Hearing.
7. The dog owner/s, victim, complainant and appropriate staff will be invited to attend the Appeal Hearing. Approval for the attendance of any other relevant parties is at the discretion of the Panel.
8. The Panel shall follow the Waimate District Council Model Standing Orders (a set of procedures for conducting meetings). The Chair is responsible for maintaining order at meetings and may, at their discretion, order the removal of any attendee for disorderly conduct, or remove any member of the Panel who does not comply with Standing Orders.
9. The Panel may request an audio recording be made of the hearing for transcription purposes. The Chair will advise all parties prior to commencement.
10. The victim or complainant will appear first and make their verbal submission to support their statement. The dog owner/s would appear second and make their verbal submission to support their statement. The Animal Control Officer and appropriate staff members will then be asked to give evidence following their brief of evidence as disclosed prior to the meeting. The Chair and Panel Members may ask questions of each party in cross-examination at any time and photographs or other evidence will be allowed to be presented by each party.

11. At the completion of giving of evidence the Panel may take a short adjournment to decide if they are able to make an immediate determination, or may close the meeting and reserve their decision. The Panel may also determine that it is necessary to make a site visit prior to a determination being reached.
12. When considering an objection the Panel must give due consideration to all relevant sections of the Dog Control Act 1996, but particularly to section 26(3)(a-e).
13. The decision of the Panel will be advised to all affected parties as soon as practically possible with compliance to be assessed as per the following 'Dog Control Hearing – Appeal Process Flowchart'.
14. Minutes of meetings and decisions must be kept as evidence of the proceedings of the meeting.

5.2 MENACING DOG CLASSIFICATION OBJECTION - MAREE AND PAUL WHITING
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Author: Karalyn Reid, Committee Secretary and PA to the Mayor
Authoriser: Paul Cooper, Regulatory and Compliance Group Manager
Attachments: Nil

PURPOSE

1. This report is to refer the above matter to the hearings committee for decision of an objection by a dog owner against the decision of the Council Animal Control Officer to classify their dog as menacing pursuant to Section 33A(2) of the Dog Control Act 1996 (copy of classification notice and letter of objection from dog owner attached.)
2. The dog owners are Maree and Paul Whiting of 25 Overdale Drive Christchurch.
3. Maree and Paul Whiting have indicated that they will be present at the hearing.

BACKGROUND

4. At about 4.30 p.m. on Wednesday the 2 of January 2019 an Action Request was received from Anne Weeks reporting an attack on her dog from two dogs in Victoria Park.
5. The Council After Hours Animal Control Officer, Robin Cadogan investigated the matter initially.
6. The investigation concluded that because of the reported behaviour of the dog, he may pose a threat to any domestic animal, namely another dog, and was therefore classified menacing pursuant to Section 33A (2) of the Dog Control Act 1996.
7. Key factors to classification:
 - a. Dog escaped the control of the owner, rushed at and grabbed Mrs Weeks' little dog around the neck and shook it.
 - b. A propensity for aggression towards small dogs now having been demonstrated, if the same or similar circumstances were to occur again, there is no guarantee that the dog will not behave in a similar manner and injure another dog during a future incident.
8. As a result of the investigation, the Animal Control Officer has discussed the incident with the parties involved and has undertaken peer discussion and advice. An infringement fine for failing to control the dog was issued together with the menacing classification.
9. The course of action taken by the Animal Control Officer is both consistent with the Dog Control Act 1996 and with the action taken by other neighbouring councils in similar circumstances (dog attack with minor injuries sustained to another dog).
10. The Animal Control Officer has responded to the complaint as required by internal procedures, the Dog Control Act 1996 and the Council Policy. After investigating the complaint, the Animal Control Officer believed that sufficient evidence existed for the dog to be classified menacing. The dog owner is now exercising his legal right to object to that notice and have the issue heard by the Hearings Committee.
11. All evidence is attached to this report.

PROPOSAL

12. That the Waimate District Council Appeal Panel Committee reviews the information as supplied and makes a decision to either:
 - a. Uphold the Menacing Dog Classification; or
 - b. Rescind the Menacing Dog Classification.

Options

13. The Committee is authorised by the Dog Control Act 1996 to either uphold or rescind the classification.

ASSESSMENT OF SIGNIFICANCE

14. This matter is not deemed significant under the Council's Significance and Engagement Policy.

CONSIDERATIONS

15. The classification of the dog as menacing was made under Section 33A (1)(b)(i) of the Dog Control Act 1996 due to the reported or observed behaviour of the dog, that it may pose a threat to poultry and/or domestic animals.
16. With the offending dog having already been microchipped and neutered the compliance action required is that the dog be muzzled when in a public place.

Legislation

17. The provisions of Sections 33A-33EC of the Dog Control Act 1996 address this issue. An extract from that Act detailing the legal requirements is attached to this report.

CONCLUSION

18. The Animal Control Officer has responded to the complaint as required by internal procedures, the Dog Control Act 1996 and the Council Policy. After investigating the complaint, the Animal Control Officer believed that sufficient evidence existed for the dog to be classified menacing. The dog owner is now exercising his legal right to object to that notice and have the issue heard by the Hearings Committee.

FINANCIAL

19. There are no special funding considerations for this issue that are not part of the Animal Control budget.





Cost-effectiveness

20. Cost-effectiveness consideration is not applicable.

RECOMMENDATION

1. That the Menacing Dog Classification Objection - Maree and Paul Whiting report is accepted; and
2. That the WDC Appeal Panel Committee hear evidence from both the complainants and the objector and after deliberation either uphold or rescind the notice.

5.3 BRIEF OF EVIDENCE: ANIMAL CONTROL OFFICER

Author: Karalyn Reid, Committee Secretary and PA to the Mayor
Authoriser: Paul Cooper, Regulatory and Compliance Group Manager
Attachments: 1. Attachment Sheet  
2. Brief of Evidence: Linda Faye Shefford  

BRIEF OF EVIDENCE: LINDA FAYE SHEFFORD

1. My full name is Linda Faye Shefford and I am a warranted full time Animal Control Officer for the Waimate District Council. I have been in the role for one year and three months.
2. Part of my role is to investigate complaints to establish whether offences against the Dog Control Act 1996 or the Waimate District Council Dog Control Bylaw and policy have occurred.
3. At 9:08am on Thursday 3 January 2019, Timaru Answering Services took a call from Mrs Anne Weeks, reporting that her small dog had been attacked by two adult Labrador Retrievers. Mrs Weeks recorded the registration number of a vehicle at the scene and subsequently took her dog to the vet for treatment.
4. I subsequently received a report from TAS in email form and through the Chair; I now refer the Committee to a printout of the email.
5. At 9:14 am, the details of the complaint were passed to the on call after-hours Animal Control Officer, Robin Cadogan.
6. The Animal Control Officer obtained a written statement from Mrs Weeks, and through the Chair, I now refer the Committee to a copy of that statement.
7. A written statement was subsequently obtained from Mrs Maree Whiting, the person in charge of the two Labrador Retrievers that had allegedly attacked Mrs Week's dog. Through the Chair, I now refer the Committee to a copy of that statement.
8. The case file for this matter was handed to me on Thursday 7 January 2019. Based on information known to me at that time I checked the National Dog Database to see if the offending dog named "Bently" was currently registered and if any infringements or classifications existed. The dog was registered to a Paul Whiting. There were no existing infringements or classifications shown on the database.
9. I completed the internal assessment score sheets and based on the outcome of that assessment made recommendations about what the next step should be in the process to the Regulatory and Compliance Group Manager Paul Cooper. Through the Chair, I now refer the Committee to a copy of that assessment.
10. After a discussion between Mr Cooper and myself, Mr Cooper agreed with the recommendation from the assessment and his conclusion was that because of the observed and reported aggressive behaviour, the dog known as "Bently" may pose a threat to any domestic animal, such as another dog, and therefore should be classified menacing pursuant to Section 33 A (2) of the Dog Control Act 1996. Further to this, a single infringement under Section 53 (1) of the Dog Control Act 1996 for Failure to Keep Dog Under Control would be issued.
11. I obtained a written statement from a further three witnesses, namely Bradley Haines, Lawrence Pritchard and John Edward. Through the Chair, I now refer the Committee to a copy of that assessment.
12. Mr Cooper obtained a written statement from Leanne McLeod. Through the Chair, I now refer the Committee to a copy of that assessment.

13. Mrs Whiting is now exercising her legal right to object to the menacing classification notice and have the issue considered by the Hearings Committee.

I confirm the truth and accuracy of this statement. I make the statement with knowledge that it is to be used in 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.

Linda Faye Shefford

Attachments

1.	Relevant Legislation Dog Control Act 1996 – Section 53	Page 15
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5.	Relevant Legislation Dog Control Act 1996 – Section 33EA	Page 19
6.	Relevant Legislation Dog Control Act 1996 – Section 33EB	Page 20
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17.	Witness 5: Written Statement – Leanne McLeod (1)	Page 31
18.	Witness 5: Written Statement – Leanne McLeod (2)	Page 32
19.	Witness 5: Written Statement – Leanne McLeod (3)	Page 33
20.	Objector: Written Statement – Maree Whiting	Page 34
21.	Job Sheets: Animal Control Officer Linda Shefford (1)	Page 35
22.	Job Sheets: Animal Control Officer Linda Shefford (2)	Page 36
23.	Job Sheets: Animal Control Officer Linda Shefford (3)	Page 37

24. National Database: Registered dog owner details	Page 38
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2/13/2019

Dog Control Act 1996 No 13 (as at 01 March 2017), Public Act 53 Offence of failing to keep dog under control – New Zealand Legisl...



COPY

New Zealand Legislation
Dog Control Act 1996

53 Offence of failing to keep dog under control

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who, being the owner of a dog, fails to keep that dog under control.
- (2) Notwithstanding [section 52\(2\)\(b\)](#), an owner of a dog does not commit an offence against subsection (1) by reason only of the dog being found at large in a public place in contravention of any regulation or bylaw.

Section 53(1): amended, on 1 July 2013, by [section 413](#) of the Criminal Procedure Act 2011 (2011 No 81).

Section 53(1): amended, on 1 December 2003, by [section 33](#) of the Dog Control Amendment Act 2003 (2003 No 119).

2/13/2019

Dog Control Act 1996 No 13 (as at 01 March 2017), Public Act 33A Territorial authority may classify dog as menacing – New Zealan...



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New Zealand Legislation 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).

2/13/2019

Dog Control Act 1996 No 13 (as at 01 March 2017), Public Act 33B Objection to classification of dog under section 33A – New Zeala...



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New Zealand Legislation
Dog Control Act 1996

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).

2/13/2019

Dog Control Act 1996 No 13 (as at 01 March 2017), Public Act 33E Effect of classification as menacing dog – New Zealand Legislation



COPY

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).

2/13/2019

Dog Control Act 1996 No 13 (as at 01 March 2017), Public Act 33EA Menacing dog classification to extend over New Zealand – Ne...



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New Zealand Legislation
Dog Control Act 1996

33EA Menacing dog classification to extend over New Zealand

- (1) Every classification as a menacing dog under [section 33A](#) or [33C](#) is in force throughout New Zealand.
- (2) This section is for the avoidance of doubt.

Section 33EA: inserted, on 28 June 2006, by [section 14](#) of the Dog Control Amendment Act 2006 (2006 No 23).

2/13/2019

Dog Control Act 1996 No 13 (as at 01 March 2017), Public Act 33EB Territorial authority (other than classifying authority) may requir...



COPY

New Zealand Legislation
Dog Control Act 1996

33EB Territorial authority (other than classifying authority) may require neutering of menacing dog

- (1) This section applies if—
 - (a) a dog is classified by a territorial authority as a menacing dog under [section 33A](#) or [33C](#); and
 - (b) the territorial authority does not require it to be neutered under [section 33E\(1\)\(b\)](#); and
 - (c) the dog is later registered with any other territorial authority.
- (2) No later than 1 month after the dog is registered with the other territorial authority, that territorial authority may require, by written notice, the owner of the dog to produce to the territorial authority a certificate issued by a veterinarian certifying—
 - (a) that the dog has been neutered; or
 - (b) that for reasons that are specified in the certificate, it will not be in a fit condition to be neutered before a date specified in the certificate.
- (3) The owner must produce the certificate to the territorial authority no later than 1 month after receiving the notice.
- (4) If a certificate under subsection (2)(b) is produced to the territorial authority, the owner of the dog must produce to the territorial authority, no later than 1 month after the date specified in that certificate, a further certificate under subsection (2).

Section 33EB: inserted, on 28 June 2006, by [section 14](#) of the Dog Control Amendment Act 2006 (2006 No 23).

29th January 2019

Waimate District Council
125 Queen Street
Waimate 7960
Animal Management



Copy To PC Lsh OR
For Action By PC
Enclosure Held By —

COPY

Re: Menacing Classification – Bently

To whom it may concern,

On taking further advice with regards to the above classification, we would like to appeal the decision.

We have owned Bently for over 5 years and the incident in Waimate is the first that has ever occurred.

Can you please forward the necessary documents to put the appeal in and a copy of all statements with regards to the case.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Maree & Paul Whiting".

Maree & Paul Whiting
25 Overdale Drive
Christchurch 8022

Diane Robertson

From: TAS Answering Services 7 <tas_nz@xtra.co.nz>
Sent: Friday, 4 January 2019 8:12 AM
To: Diane Robertson; Jill Wilson; Kim Quirke; Linda Shefford; Margaret Mather; Paul Cooper; Steve Bailey
Cc: tas_nz@xtra.co.nz
Subject: TAS Report - 4 January 2019

COPY

Waimate District Council (WDC)

Total Records: 6

Date and Time	Name	Phone Numbers	Address	Fault/Location
03/01/2019 09:08:00	Anne Weeks	Work:	Waimate	Dog attacked 2/1/19 16:30 by 2 x big Labrador retriever, gold types, owners unknown, but car rego 2swim, dogs not under control. Anne has had to take her dog to the vet for treatment. Victoria Park - camping area
				Action Taken
				Passed to ACO/Sonia @ 09:14 Text @ 09:16
Order No:24744 Enquiries: Animal		Logged In:	Logged Out:	Service Number:
From: Tas Answering Service Limited - Phono: 03 688 8627, Fax: 03 6847698, E-Mail Tas_nz@xtra.co.nz				

WAIMATE DISTRICT COUNCIL
After Hours Animal Control Record Sheet

Received by ACO ☐ Linda ☐ Sonia ☐ Jason ☐ Dusty ☒ Robin ☐ Office

From: ☐ Complainant ☒ TAS ☐ Or other

Name: Anne Weeks

Address: Waimate

Phone: [redacted] Date Received: 03-01-19

Received by: ☒ phone, ☐ letter, ☐ email, ☐ in person Time Received: 9-16am

Attended to: ☒ immediately, ☐ within 2 hours, ☐ noted only, ☐ other

Location: Victoria Park Waimate 02/01/19

Incident: Anne's small dog "Jemma" was attacked by a golden retriever while walking thru camping ground. Two retrievers were on loose but only the one larger dog picked up Jemma and shook her. Dogs were separated and the retrievers owner took her dog away to campsite.

Action taken: Visited Anne at her home and went over the events of the previous day with her. "Jemma" has been assessed by a Vet and is only shaken and bruised (no puncture wounds). Obtained a statement

Dog Owner Name & Owner Number Anne Weeks Contacted: ☐ Yes ☐ No

Owners Contact Phone Num [redacted]

Dog Name: Jemma Registered: ☒ Yes ☐ No Tag # 2378 MChip#

Dog Name: Registered: ☐ Yes ☐ No Tag # MChip#

Dog Name: Registered: ☐ Yes ☐ No Tag # MChip#

If impounded, Pound Book number:

Follow Up

Comments: 04/01/19 - phone call to Anne to check on her and "Jemma's" well being. Jemma bright and playful today so hopefully no lasting effects. Anne happy to have spoken to Maree & Paul about the incident.

Complainant Advised By: ☒ Phone ☐ Email ☐ Letter ☐ Personal

Action Officer: R. [signature] Actioned Date: 03-01-19

from Anne, and a couple of names of people she was walking with. Anne could not recall much of what happened after dog was taken away as she was more worried about "Jenna". Anne mentioned a few times throughout our conversation, that what really upsets her is that the owners of the retrievers didn't say sorry or have even bothered to check on her and Jenna.

- I went to camping ground and found the owners of the 2 retrievers. They admitted that the dogs were loose and explained the circumstance around this verbally to me, and subsequently in their statement. They were extremely upset that this incident had happened and expressed to me that they would like to apologise to Anne in person, which was subsequently arranged for them to do. I obtained a statement and, as they were staying a further week at the camping ground, told them the dogs were not to be off their leads. I also gave them a copy of our booklet outlining the areas they may and may not walk the dogs etc.

- I notice that over the course of this coming week that there are a lot of campers at Victoria Park with dogs - In the course of my clearing duties with Waimate District Council I will be able to observe closely the behaviour of owners and dogs staying at the camping ground and associated parks.

COPY

COPY

PERSON/OWNER FULL DETAILS

Person in charge (PIC) or Owner of dog (circle one) If PIC obtain owners full details also.

Name: Maree & Paul.

Middle:

Last: Whiting

Date of Birth:

Address:

Phone Number:

DOGS FULL DETAILS

①

Name: Bentley

Age: 5

Gender: M

Description: Golden Retriever

Registration Status: # 12038

②

Name: Dakota

Age: 1½

Gender: F

Description: Golden Retriever

Registration Status: 12039



COPY

Waimate District Council Animal Control

Statement of Events

(Dog Owner)

complainant

CAR Number: _____

Date: 03-01-19

Start Time: 11-00 am

My full name is Anne Weeks. (complainant) and I live at Waimate Phone _____ I am (age) 79 y/o (date of birth) 29-06-1939 and I am making this statement to Animal Control Officer (name) Robin Cadogan of the Waimate District Council, at Waimate.

I am the owner of the dog/s described below:

Colour: Grey Breed: Mattress / Sydney Silky X Sex: M ☒ F Age: 14
Name: Jemma Registered: ☒ Yes ☐ No Registration Number: #2378
Colour: _____ Breed: _____ Sex: M / F Age: _____
Name: _____ Registered: ☐ Yes ☐ No Registration Number: _____

(date) On the	<u>02-01-19</u>	(time) at approximately	<u>4-30 pm</u>
(place) I was	<u>I was walking Jemma (on lead) thru Victoria Park Waimate</u>		
(what happened)	<u>2 x Lab/ Retrievers (golden) came across from tent site/cabins and without stopping went for Jemma. One dog picked Jemma up in its mouth and shook her about. When a friend with me kicked at the dog it released Jemma. A lady shouted out 'don't kick my dog' and came and took dog away. I didn't see where she went as I was worried about Jemma. My friends who were walking with me witnessed this incident.</u>		

(circle if applicable)

statement continues overleaf

☐ I have had this statement read back to me OR

☐ I have read this statement and agree that it is true and correct

I have nothing further to add.

Print full name: Anne Weeks

Signed: _____

Finish Time: 11.30 am

Waimate District Council Animal Control
Statement of Events
(Dog Owner)

COPY

Statement of Anne Weeks (continued)

Jemma was visibly distraught by this and so a call was made to the Vet and the Vet attended to Jemma at my house. No puncture wounds were found but Jemma is obviously bruised and sore. At no time has the lady that took the dog away come forth to enquire or apologise for this incident.



I have had this statement read back to me

OR



I have read this statement and agree that it is true and correct

I have nothing further to add.

Print full name: Anne Weeks

Signed:

Anne Weeks

Finish Time: 11.30 am.



COPY

Waimate District Council Animal Control

Statement of Events

(Complainant / Witness)

CAR Number:

Date:

Start Time:

28/1/19
2.37 PM

My full name is Bradley Stewart Haines and I live at _____

Phone: _____

(age) 66 years (date of birth) 26/12/52 and I am making this statement to

Animal Control Officer (name) Linda Shefford of the Waimate District Council,

at _____

(date) On the	<u>2/1/19</u>	(time) at approximately	<u>4.30 PM</u>
(place) I was	<u>camp ground</u>		
(what happened)	<p>Two Golden Retriever dogs ran over one dog attacked a wee dog which was on a lead held by an elderly woman around the neck and shook it one person intervened to separate them elderly woman very distraught, owners of the 2 dogs stood back and initially.</p>		

(circle if applicable)

statement continues overleaf

☒ I have had this statement read back to me OR ☐ I have read this statement and agree that it is true and correct

I have nothing further to add.

Print full name: Brad Haines Signed: BH

If under 16 years of age statement taken in presence of parent/guardian:

Parent or Guardian full name: _____ Signed: _____

Finish Time: 2.50 PM



Waimate District Council Animal Control
Statement of Events
(Complainant / Witness)



COPY

CAR Number: _____

Date: _____

Start Time: _____

My full name is Lawrence Perchard and I live at _____

(age) 72 (date of birth) 14/11/46 and I am making this statement to _____

Animal Control Officer (name) _____ of the Waimate District Council,
at _____

(date) On the	(time) at approximately
(place) I was	<u>We had walked our dogs Around The</u>
(what happened)	<u>Victoria Park With Mrs Ann Week Ann been</u> <u>on her Mobility Scooter on coming into caravan</u> <u>park area 2 Golden Retriever One Rushing At Gemma</u> <u>Grabbing By The neck Pinning To The Gasand. Girls</u> <u>after Shock of what happening Came To Investigate By</u> <u>this time I had punched Retriever In The Head area</u> <u>Dog let Go Girls To Both Dogs Away Gasp of</u> <u>people upset Ann beside her Set Gemma IS 14 yrs</u> <u>ad we walk our dogs Daily with no bother</u>

(circle if applicable)

statement continues overleaf

☐ I have had this statement read back to me OR ☒ I have read this statement and agree that it is true and correct

I have nothing further to add.

Print full name: Lawrence Perchard Signed: L Perchard

If under 16 years of age statement taken in presence of parent/guardian:

Parent or Guardian full name: _____ Signed: _____

Finish Time: _____



Waimate District Council Animal Control
Statement of Events
 (Complainant / Witness)



COPY

CAR Number: _____

Date: _____

Start Time: _____

My full name is John Edward Fattorini and I live at _____
 _____ Phone _____ am
 (age) 73 (date of birth) 3-3-45 and I am making this statement to
 Animal Control Officer (name) _____ of the Waimate District Council,
 at _____

(date) On the	(time) at approximately
(place) I was	<u>at my caravan 10 metres away I saw</u>
(what happened)	<u>The two dogs run across from the tents. They were golden retrievers a breed I didn't think would actually attack the dogs when I saw what was happening I ran down there to give a hand the male was attacking the we dog</u>

(circle if applicable)

statement continues overleaf

☐ I have had this statement read back to me OR ☒ I have read this statement and agree that it is true and correct

I have nothing further to add.

Print full name: JOHN EDWARD FATTORINI Signed: J. Fattorini

If under 16 years of age statement taken in presence of parent/guardian:

Parent or Guardian full name: _____ Signed: _____

Finish Time: _____



Waimate District Council Animal Control
Statement of Events
(Complainant / Witness)

COPY

CAR Number: _____
Date: 1 March 2015
Start Time: 13:55

My full name is Leanne McLeod and I live at _____

Phone _____

(age) _____ (date of birth) _____ d I am making this statement to

Animal Control Officer (name) Paul Cooper of the Waimate District Council,
at the Waimate District Council Main Office

(date) On the	(time) at approximately
(place) I was	
(what happened)	
<p>I can't remember what day it was but it was when the swimming competition was on, maybe the day after New Year. I was at the cabins, at the Victoria Park cabins, standing outside with my dog having a beer. It was around tea time, just before.</p> <p>I just seen them all coming out of that alley-way walking up towards the shower block. About four of them with their dogs</p>	

(circle if applicable)

statement continues overleaf

☒ I have had this statement read back to me OR ☐ I have read this statement and agree that it is true and correct
I have nothing further to add.

Print full name: _____ Signed: _____

If under 16 years of age statement taken in presence of parent/guardian:

Parent or Guardian full name: _____ Signed: _____

Finish Time: _____

[Signature]

[Signature]

Waimate District Council Animal Control

Statement of Events

(Complainant / Witness)

Statement of Leanne McLeod (continued)

Walking home. There was Brad, Carol, another chap and the old lady on the mobility scooter. The dogs were all on leads. These two Labrador's just bolted out from the middle of the field in the camping ground. They went straight for the little dog on a lead with the old lady on the mobility scooter. I heard her yelling out for someone to help her, then I heard the wee dog yelp, like a long pain cry. You could tell the dog had been hurt. The wee dog was on the ground. I thought it was dead. One of the Labrador's had shook the wee dog like a rugby ball. I thought it was dead. A girl had run over and everyone was trying to stop the dogs. The young girl took the Labrador's away, back to the tent in the middle. Then later on I saw the Labrador's put again with their owners. One of them nipped a wee kiddie they seemed to know. I saw the bite but the wee girl seemed to be ok, no injuries.

☒ I have had this statement read back to me OR ☐ I have read this statement and agree that it is true and correct
I have nothing further to add.

☐ And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957

Print full name: _____ Signed: _____

Declared at _____ this _____ day of _____

An officer authorised to take statutory declarations




3

COPY

Waimate District Council Animal Control

Statement of Events

(Complainant / Witness)

Statement of Leanne McLeod (continued)

that I could see. There was at about 7am or 7.30pm. Later that night I was out walking my dog Bailey on a lead. I saw the man who owns the two Labradors out with his dogs. They were pulling him really hard to try and get at my dog, my dog is a wee Bichon. I told him his dogs needed to be muzzled because he couldn't control them. He didn't say anything. Both his dogs were on leads this time but he could barely control them. I walked away back to my cabin.

☒ I have had this statement read back to me OR ☐ I have read this statement and agree that it is true and correct
I have nothing further to add.

☒ And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957

Print full name: LEANNE MCLEOD Signed: [Signature]
Declared at WAIMATE this 1 day of MARCH 2019.

Statement taken and signature witnessed by:

An officer authorised to take statutory declarations

[Signature]



COPY

Waimate District Council Animal Control

Statement of Events

(Complainant / Witness)

Dog Owner

CAR Number: _____

Date: _____

03-01-19

Start Time: _____

11:40 am

My full name is Maree Whiting and I live at _____

(age) _____

Animal Control Officer (name) Robin Cadogan of the Waimate District Council,

at Victoria Park Camping Ground Waimate

(date) On the	<u>02-01-2019</u>	(time) at approximately	<u>5:30 pm</u>
(place) I was	<u>Untangling Bentley from being caught up on longline</u>		
(what happened)	<u>he was attached to by his lead. Briefly undid his lead while untangling it. He bolted as he saw 3-4 people walking along the path with their dogs and tackled a very small dog. He was chased and taken from the situation as soon as possible and taken back to where he and our other dog were tied up. I checked to make sure the dog and owner was ok - apologised as it is not the nature of a retriever to hurt anyone. I did say I was happy to cover any costs if Bentley had hurt the ladies dog. She was visibly shaken & upset.</u>		

(circle if applicable)

statement continues overleaf

☒ I have had this statement read back to me OR ☐ I have read this statement and agree that it is true and correct
I have nothing further to add.

Print full name: Maree Ellen Whiting

Signed: Maree Whiting

If under 16 years of age statement taken in presence of parent/guardian:

Parent or Guardian full name: _____

Signed: _____

Finish Time: 11:58 am

COPY

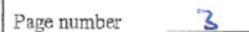
	WAIMATE DISTRICT COUNCIL Animal Control Officers Job Sheet	Service Request # <u>3268</u> Page number <u>1</u>
---	---	---

Date	Time	Activity	Signed
7/1/19		After hours job sheet on my desk along with statements for review & recommendation filled in the assessment sheets from all of the information that was provided. Handed into our manager for review discussion & sign off an infringement was to be issued. Had phoned the Waimate vets Blue Cross to have their report e-mailed through & to confirm that they had seen the dog.	<i>[Signature]</i>
	3:46pm	Phone call to the person in charge of the two dogs at the time who also provided a statement with contact number to phone. Mr Whiting answered the registered owner said I would phone back as Mrs Whiting was unavailable right then.	4-
	3:51pm	Phone call received from a Mrs Whiting the outcome of the investigation was explained menacing order & a infringement for Bentley only. I advised of the menacing requirements (note has a microchip & has been neutered) the only requirement they need to meet was to have him microchipped in public. Explained that with the evidence collected it comes across as if the wee dog was very lucky to have only received trauma & bruising as a member of the public intervened & used force to get Bentley off/let go of the wee dog that he had in	

COPY

	WAIMATE DISTRICT COUNCIL Animal Control Officers Job Sheet	Service Request # <u>3268</u> Page number <u>2</u>
---	---	---

Date	Time	Activity	Signed
		his mouth. If Bently was to escape their control again in the future he may do this again & the outcome could potentially be worse. If he had a muzzle on it not only would protect my dog he may come across it will also protect him & the person in charge of him at the time went over their rights to object advised the paperwork would be done & sent out early next week.	
14/1/19		Menacing letter in infringement done & sent out the following day.	✓
17/1/19	19:06pm	E-mail received (attached)	✓
18/1/19		Collected the vet report from the vets as no e-mail was received.	✓
21/1/19	8:08am	E-mail reply (attached)	✓
25/1/19	10:44am	E-Mail received (attached)	✓
28/1/19	8:05am	E-Mail reply (attached)	
		Meeting with Group Manager Paul Cooper. Plan to obtain the other witnesses statements if possible for file.	✓
	10:50am	Site visit to collect complainant to obtain their friends details who witnessed what had happened. Tried to phone them but no reply would try again and get back to me.	
	1:25pm	E-Mail phone message (attached)	✓
	2pm	site visit to Victoria Park locate the person who had witnessed what had happened. Statement done a second person also wanted to provide a statement they	✓

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National Dog Database - View Owner Details

Page 1 of 1



User: Linda Shefford
TA: Waimate District

[Search](#) [Standard Lists](#) [Messages](#) [Documents](#) [TA Contact Details](#) [Help](#) [Log Out](#)

View Owner Details

First name:	Middle name(s):	Surname:	TA Owner Id:
PAUL	DAVID	WHITING	3193869
<div style="border: 1px solid black; height: 100px; width: 100%;"></div>			

[New Search](#) [Search Results](#)

[All Dogs Owned](#) [Infringements](#) [Duplicate Owners in other TAs](#)

All Dogs Owned
TA Dog Id=187208 : Reg=2015/2018-19298 : Breed=Retriever, Labrador : Colour=Gold : Name=MUFFIN : Female : Born=2005
TA Dog Id=197910 : Reg=2018/2019-12038 : Breed=Retriever, Golden : Colour=White : Name=BENTLY : Male : Born=2013
TA Dog Id=223321 : Reg=2018/2019-12039 : Breed=Retriever, Golden : Colour=Gold/White : Name=DAKOTA : Female : Born=2017

Infringements
No infringements.

Duplicate Owners in other TAs	Status	Compare
No duplicate owners.		

[Search for other duplicate Owners](#)



Person in charge
Maree Whiting

Dog:

Bently
male
Golden retriever

14/1/19 Infringement 553(1) Failure to keep dog under control.

offence date. 2/1/19 @ approx 4:30pm.

Menacing letter to go with Infringement.

6144 jDG

COPY

National Dog Database - View Dog Details

Page 1 of 1



User: Linda Shefford
TA: Waimate District

[Search](#) [Standard Lists](#) [Messages](#) [Documents](#) [TA Contact Details](#) [Help](#) [Log Out](#)

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View Dog Details

Name: BENTLY			
Predominant breed: Retriever, Golden			
Secondary breed:			
Distinguishing marks:			
Permanent Identifier:	Other microchip #:	Deactivated reason:	Destruction Order Date: (DD/MM/YYYY)
TA: Christchurch City	Registration #: 12038	Year of Registration: 2018/2019	

[Back](#)

[Current Owners](#) [Previous Registrations](#) [Duplicate Dogs in other TAs](#)

Current Owners		
TA Owner Id=3193869 : Owner=WHITING, PAUL : D.O.B=07/03/1972 : Address=25 OVERDALE DRIVE CASHMERE : Created=17/08/2011		
Previous Registrations		
Christchurch City : TA Dog Id=197910 : Reg=2013/2014-25513 : TA Owner Id=3193869 : Owner=WHITING, PAUL : DOB=07/03/1972 : Address=25 OVERDALE DRIVE CASHMERE : Created=25/08/2013		
Christchurch City : TA Dog Id=197910 : Reg=2014/2015-37870 : TA Owner Id=3193869 : Owner=WHITING, PAUL : DOB=07/03/1972 : Address=25 OVERDALE DRIVE CASHMERE : Created=25/07/2014		
Christchurch City : TA Dog Id=197910 : Reg=2015/2016-19299 : TA Owner Id=3193869 : Owner=WHITING, PAUL : DOB=07/03/1972 : Address=25 OVERDALE DRIVE CASHMERE : Created=31/07/2015		
Christchurch City : TA Dog Id=197910 : Reg=2016/2017-24455 : TA Owner Id=3193869 : Owner=WHITING, PAUL : DOB=07/03/1972 : Address=25 OVERDALE DRIVE CASHMERE : Created=25/07/2016		
Christchurch City : TA Dog Id=197910 : Reg=2017/2018-14245 : TA Owner Id=3193869 : Owner=WHITING, PAUL : DOB=07/03/1972 : Address=25 OVERDALE DRIVE CASHMERE : Created=27/07/2017		
Duplicate Dogs in other TAs	Status	Compare
No duplicate dogs.		

[Search for other duplicate Dogs](#)



COPY

Assessment Matrix

(applies for offences under Sections 57 and 58 Dog Control Act 1996) (attacks)

The following assessment matrix is to be used as a means of gauging the alleged offence to determine if the attack will be considered 'serious'. The scale is based on a 'score' for each matter to be assessed. The 'score' (unless expressly restricted to a range) is totally dependent on the officer's interpretation of the incident being investigated.

CAR # 3268 Dog Name: Bentley

Dog

Picked dog up & shook, no punitive wands.

- Level of aggression displayed in the attack**

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1		3		5		7	8		10
Low Intensity (nip and run off) (intimidating)		Medium Intensity (bite and retreat) (growling)				Extreme Intensity (multiple bites and retreat) (hanging on - shaking) (snarling)			

Score: 3
- Factors involved that lead to the attack occurring**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		3		5		7	8	9	10
Uncharacteristic Accidental	Reaction	Provoked	Territorial Puppies	Protection Prey Drive	Unprovoked				

Dog escaped owner & ran over to dog on lead
Score: 10
- Previous history – (use only if in the last 6 months)**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Nil	Barking	Growling	Straying Impounded	Snarling aggressive behaviour	Rushing	Biting	Attack		

Score: —
- Previous history – (use only if in the last 12 months - record as NIL if prior)**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Nil	Barking	Growling	Straying Impounded	Snarling aggressive behaviour	Rushing	Biting	Attack		

Score: —
- Type of 'control' situation the dog was in**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Secured on own property (access/no access)	Owner control (leash) (verbal) (outbuilding)	At large private property (owner present) (no owner present)		Secured/at large <u>public place</u> At large other persons private property					

Score: 5

Dog Total: 18
(Min 4 – Max 40)

COPY

Victim 1 – (person)

- **Victim impact as a result of the attack (psychological)**

Note: (cannot be a shaded box)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Good		Angry		Shaken		Trauma			

Score:

- **Effects/injuries as a result of the attack (physical)**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Nil	Torn	Bruising		Property	Bite Marks	Stitches		Extensive Medical	
	Clothing/Scare			damage	Punctures			attention	

Score:

Victim 1
Total:
(Min 2 Max 17)

Victim 2 – (stock; poultry; domestic animal; protected wildlife)

- **Effects/injuries as a result of the attack (not applicable if death)**

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Nil	Scare	Bruising		Bite Marks		Stitches		Veterinary	
			Endangered	Punctures				treatment	

Score:

- **Death of stock, poultry, domestic animal, or protected wildlife**

Note: (Poultry – not above 3; Protected wildlife – not below 4; Domestic pets and stock – not below 6)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Poultry				Protected		Domestic Pets			Stock
				Wildlife					

Score:

- **Victim impact in relation to being the owner of stock; poultry or domestic animals as a result of the attack (psychological)**

Note: cannot be a shaded box and does not relate to protected wildlife

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Good		Angry		Shaken		Trauma			

Score:

Victim 2
Total:
(Min 2 Max 17)

Overall Total:
(Min 11 Max 97)

COPY

Owner

• Attitude to the incident

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Excellent	Cooperative		Average		Disregard ('Couldn't care less')			Obstructive	

Score:

• Previous history – (use only if in the last 6 months)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Nil	Education	Verbal	D/C Notice (non attack/attack)		Infringement Notice (non attack/attack)			Prosecution	

Score:

• Previous history – (use only if in the last 12 months – record as NIL if prior)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Nil	Education	Verbal	D/C Notice (non attack/attack)		Infringement Notice (non attack/attack)			Prosecution	

Score:

• Level of Responsibility towards Control of Dog

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1	2	3	4	5	6	7	8	9	10	
Control provisions were in place Above Average			Below average		Ignorant of rules and/or regulations			Disregard of previous warning/actions		Deliberate

Score:

• Likelihood of dog being a continuing threat to the safety of persons, stock, poultry, domestic animals or protected wildlife
(at the same address)

Note: (cannot be a shaded box)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	3	5							
Nil	Possible	Probable							

Score:

Why? Refer owner's statement

• Registration Compliance – Note: (cannot be a shaded box)

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	3	5							
Current	Not Current	Never Been							

Score:

Owner Total:

(Min 5 – Max 40)

SCORE RANGE OPTIONS – (Min 11/Max 97)

Use the following guide based on the matrix score to provide a gauge as to the type of enforcement action to apply for attacks pursuant to Section 57 or 58 Dog Control Act 1996.
(one or more options may apply)

COPY

CAR# 3268 FILE Assessment Score 35

Score: 11 – 34 (tick box/s) (Officer Options)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Dog Control Notice and
S33A Menacing Classification (deed) | <input type="checkbox"/> Education |
| <input type="checkbox"/> Dog Control Notice | <input type="checkbox"/> S33C Menacing Classification (breed) |
| <input checked="" type="checkbox"/> Verbal Warning | <input type="checkbox"/> Notice to Register |
| | <input type="checkbox"/> By-Law Breach |

Note:

- Notice to Register **must** accompany the above (unless dog handed over)
- S33C Menacing Classification **must** accompany the above (if applicable)
- S33A or S33C Menacing Classification would **not** apply if the dog was destroyed

*1st offence (Waimate)
no warrants
accident caused by person in charge.*

Score: 35 – 84 (tick box/s) (T/A Options)

- | | |
|--|---|
| <input type="checkbox"/> S57 Prosecution and Dog Seizure Retention | <input type="checkbox"/> S25 Disqualification (upon conviction) |
| <input type="checkbox"/> S57 Prosecution | |

(Officer Options)

- | | |
|---|---|
| <input type="checkbox"/> S53(1) Infringement Notice and Dog Control Notice
And S33A Menacing Classification (deed) | <input type="checkbox"/> S33C Menacing Classification (breed) |
| <input type="checkbox"/> S53(1) Infringement Notice and Dog Control Notice | <input type="checkbox"/> S42 Infringement Notice |
| <input type="checkbox"/> S53(1) Infringement Notice | <input type="checkbox"/> Dog Control Notice |
| <input type="checkbox"/> Dog Control Notice and
S33A Menacing Classification (deed) | <input type="checkbox"/> Notice to Register |
| <input type="checkbox"/> S31 Classification (if applicable) | <input type="checkbox"/> By-Law Breach |

Note:

- Notice to Register **must** accompany the above (if applicable unless dog handed over or destroyed) where medical/veterinary attention is **not** required.
- S42 Infringement Notice **must** accompany the above (if applicable unless dog handed over or destroyed) where medical/veterinary attention is required or a **death** of stock, poultry, domestic animal or protected wildlife has resulted.
- S33C Menacing Classification **must** accompany the above (if applicable)
- S33A or S33C Menacing Classification would **not** apply if the dog was destroyed.
- Where medical/veterinary attention is required the officer **shall** give higher consideration to the more serious action option (providing it is relevant to the circumstances of the case).

Score: 85 – 87 (tick box/s) (T/A Options)

- ☐ S58 Prosecution and Dog Seizure Retention
☐ S57 Prosecution and Dog Seizure Retention

- ☐ S57 Prosecution
☐ S25 Disqualification

COPY

Note:

- S42 Infringement Notice **must** accompany the above (if applicable unless dog handed over or destroyed)
- Where extensive medical repair and/or hospitalisation is required the T/A **shall** give higher consideration to the more serious action option.
- Seizure of Dog (if applicable)
- S25 Disqualification (upon conviction)

Details: Dog Rushed on the dog being walked on a lead, picked it up & shook it.

Dog ID #: 197910 Moo - Bentley #900008800417262

Owner ID #: 3193869 - Ch. ch Reg. P.J.C. Maree Whiting

Impound Notice #: /

Seizure Notice #: /

Notice to Register #: /

Decision of Council:

☐ Prosecution

☒ No Prosecution

(If 'No Prosecution' the ACO uses assessment score above under Officer Options for alternate action)

Reason for either Prosecution OR No Prosecution: (see factors to consider for prosecution decision)

Plus infringement please for main offender.

Signed: _____ Date: _____
 (Manager)

Waimate Veterinary Centre

Gorge Road

Phone: 03 6897213

Date Printed 18 JAN 19

Clinical Record For:

Name: Gemma

Breed: Maltese

DOB: 10 JUL 05

Sex: F (Neuter)

Optimal Weight: 0.00

Own

Addr

EKSA)

Waimate

SOUTH CANTERBURY 7924

Phc

MoL...

Clinical Notes:

Date: 2 JAN 19 19:55

Vet: LA

Weight:

Temperature:

Body Score:

Dental:

Desc: Gemma was rushed by two big dogs this afternoon while at the camping ground park. One of the dogs picked her up twice and shook her. She is quite timid already, but definitely worried about being examined. O said she yelped a lot when another person picked her up to put her on the mobility scooter for her.

BAR, HR + RR normal, MM pk and moist with CRT <2secs, some panting while i was in the house, but is a very hot day today and her chest otherwise auscultates normally. No sign of any broken skin, but two areas where there is dried saliva in fur. No bruising noted either, but dark coloured dog so might be hard to see. Gemma is physically fine, but just a bit shaken I think. O also quite shaken.

O to monitor this evening, any change in Gemma and she will call.

Drug Quantity Drug Name and Instructions

0

COPY

COPY

VETERINARY CENTRE

Veterinary Centre Oamaru, 311 Thames Street, Oamaru
 Veterinary Centre Waimate, Gorge Road, Waimate
 Veterinary Centre Omarama, 3 Chain Hills Highway, Omarama
 Veterinary Centre Kurow, 32 Bledisloe Street, Kurow
 Veterinary Centre Glenavy, 19 Redcliff Road, Glenavy
 Veterinary Centre East Otago, 29 Stronsa Street, Palmerston
 Veterinary Centre Ranfurly, 16 Charlemont Street East, Ranfurly

Ph:(03) 434 5666
 Ph:(03) 689 7213
 Ph:(03) 438 9868
 Ph:(03) 436 0567
 Ph:(03) 689 8118
 Ph:(03) 465 1291
 Ph:(03) 444 1020

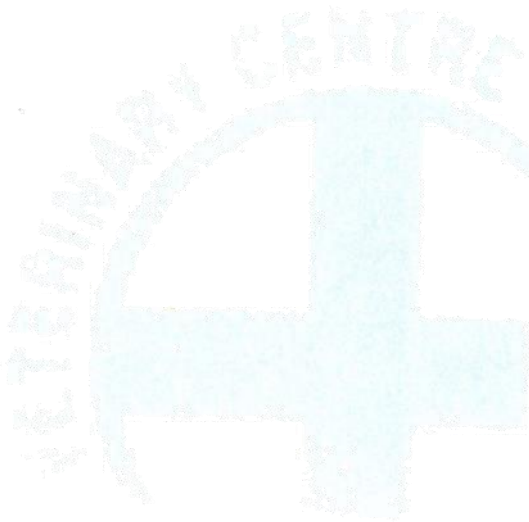
Waimate
 SOUTH CANTERBURY 7924

GST No: 65-700-662
 Tax Invoice No: 2675830
 Date: 2 JAN 19

Client C
 For Gemma

Description	Quantity	Total \$
Consultation A/Hours	1	75.00
Invoice Totals:		
This invoice Includes GST of \$9.78		
Invoice Total		75.00

If paying by direct credit please include your client code
 Bank Account - 02 0940 0063888 00



5.4 PAUL & MAREE WHITING: APPEAL DOCUMENTATION
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Author: Karalyn Reid, Committee Secretary and PA to the Mayor
Authoriser: Paul Cooper, Regulatory and Compliance Group Manager
Attachments: 1. Paul & Maree Whiting: Appeal Documentation [!\[\]\(c507f772dba2b921f86777f01218e570_img.jpg\)](#) 
2. Paul & Maree Whiting: Vet Report [!\[\]\(55463e2fc8fd9dd5cdf6584182081aba_img.jpg\)](#) 

PURPOSE

To present the appeal documentation received from Paul & Maree Whiting.

23 March 2019



To Whom It May Concern,

OBJECTION TO CLASSIFICATION AS A MENACING DOG UNDER S33A DOG CONTROL ACT 1996
DOG: Golden Retriever named Bently, DoB 10 March 2013.

On 2nd Jan 2019 at approximately 4.30pm I was untangling Bently from our other dog Dakota who were both connected by their leads to a longline next to our vehicle and tent at the Victoria Park Camping Ground - refer to the statement that was provided to Animal Control on the 3rd January 2019. We had arrived in Waimate only a couple of hours previously from Christchurch with our two children and two dogs. We were parent help at our swim club's swimming camp staying for a week. We had been at the park the previous year at the same time for a week and both dogs were with us for the duration without incident.

I now realise that tying up a dog or dogs causes them to defend themselves and drives them in adrenaline. Research has proved that a dog that is tied up will attack anyone or anything. We make any dog a guard dog by doing so. The reason this occurs is based on the same response to fear for both dogs and humans. Namely the fight, flight or freeze response. By tying a dog up we remove all but one of these options. A dog that is trapped can not escape, so it leaves it one option fight, as freeze is not going to save it. We now therefore realise tying our dogs up left them in a state of fear and high adrenaline, when they got tangled this only caused them more fear of being attacked so heightening their defense response. As we all know the best form of defense is attack which is what happened on this occasion, to our obvious horror. We can assure you we had no idea what tying up a dog or dogs did to them. We were struggling to understand why one of our dogs attacked this dog. He has never attacked anyone or anything before and has been around other dogs and children all his life, however it now becomes obvious. We sought the advice of Geoff Bowers, a Director of KURI Ltd who has had vast experience working with dogs over 26 years in numerous capacities. He provided the reasons a dog would defend itself in this case. According to the AMVA (American Veterinary Medical Association) There are up to 15 reasons a dog will attack, none of them relate to aggression, as we now know dogs are incapable of aggression. In this case there are potentially 4 reasons:

1. To defend themselves
2. They have been startled
3. They are placed in a stressful situation
4. To protect something valuable to them

Therefore we object to the menacing/dangerous dog classification under section 33A of the Dog Control Act 1996. This really would have such a significant impact on his enjoyment of life, not to mention make a public announcement to all in sundry that he is dangerous and to be avoided - this is simply untrue and creates a culture of fear.

This objection is based on section 33B of the Dog Control Act 1996.

Under sub sec 2 (b) (c) (d) namely:

(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.

Under sec (b) We can confirm that these events namely the prevention of any threat to persons or animals will never be allowed to occur again based on the following points:

1. The dogs will never be tied up again they will be crated instead if left alone
2. When Bently is off the property he will remain on a lead at all times

Under sec (c)

1. We fully admit our mistakes, the dog escaping was our fault not Bently's, if we had been more aware of the consequences this would not have occurred. We have since taken professional advice with Geoff Bowers the founder and director of KURI Ltd who assessed Bently to ensure the dog did not have any behavioural issues.

Under sec (d)

1. We recently discovered a large lump on Bently's rear leg and upon assessment by our vet it was removed and tested. The results came back positive for cancer. Given the size of the tumour it may have been growing for some time and possibly caused agitation and/or pain (it was discovered by us when bathing Bently as it was well hidden under his long coat – refer to attachments from Avonhead Vets).
2. The use of the agitation muzzle in this case would not prevent further risk to other animals as the dog could still chase and potentially kill them. Wearing this type of muzzle increases the risk of that occurring for any dog wearing this type of muzzle. For the following reasons:

Muzzles

There are basically two types of muzzles used on dogs--the safety muzzle and the much sturdier agitation muzzle (or basket muzzle as it commonly referred to and issued by councils).

The safety muzzle is generally used to restrict the dog's biting ability when such behavior is undesired and cannot be controlled (e.g., at the vet's). Some keep the dog's mouth closed, while others allow limited lower jaw movement. They are usually worn for short periods of time, as they restrict panting and breathing.

*The agitation muzzle, on the other hand, **is used during times when biting is being encouraged**--as in the training of a police service dog. These muzzles are built stronger and can be worn for extended periods of time. They are designed to allow the dog free movement of his mouth--to allow barking and the bite reflex; they even allow the dog to drink or to eat little "treats".*

Plastic agitation muzzles are not a good idea for extensive muzzle use/training. They have sharp edges that can injure the agitator and it is possible for them to break. A good quality leather muzzle is best. In this article, I will discuss the basics of the agitation muzzle.

History of Muzzle Training

Muzzle training was first used at a German police dog training school around 1956-58. The trainers were trying to solve the problem of police dogs that had an "arm fixation" or "sleeve happiness". The muzzle was subsequently found to be a very effective aid in solving these problems.

At the State Police School for Dog Handlers (Landespolizeischule für Diensthundführer NW) at Schloss Holte-Stukenbrock, Germany, the muzzle was incorporated into the international patrol dog qualification test (DPO) and then called the Polizeischutzhundprüfung (PSP). There are several exercises that make up the PSP criminal apprehension test, but only one is off-muzzle -- a courage test that also tests the overall biting ability of the dog). The PSP, which also includes the standard tracking, evidence search, and obedience, is a highly regarded police dog test.

Used incorrectly the agitation muzzle lives up to its name, the dog can be highly stressed as they know they are unable to defend themselves. Imagine having to fight for your life with your hands tied behind your back. Training

in its correct use is imperative and highly skilled. Training to wear one so a dog is not more agitated when it is on or when it is taken off, takes up to 3 weeks.

Used correctly they are a very effective tool, but that is all they are, they should not be used as an excuse for a lack of knowledge on how to train or correct/stop unwanted behaviours. Used inappropriately we add further risk to the owners, other people and animals.

Geoff Bowers provided the report on muzzles he has used them and been trained in their use by the British and German Police.

We respectfully request that you give consideration to rescinding Bently's menacing dog classification, and we wish to be heard in respect of this matter. Thank you for your consideration.

Kind regards,

Maree & Paul Whiting

AVONHEAD VETS

Report: Lab Results
Current To: 25 MAR 19

Animal: Bently

Breed: Retriever

Client: Mr & Mrs Whiting

Clinical Record: 144974A

Clinical Date: 5 MAR 19 11:40

Vet: PM

Date	Test Type	Units	Result	Normal Range	H/L	Quick View	Lab Code Ref
6 MAR 19 10:41	Report		See Notes				CH1905020

Comments
REPORT:

19-05020

Right thigh skin mass:

Animal ID: Bently

Received: A 65 x 45 mm piece of skin with a 30 x 28 x 25 mm, ovoid, cream mass

One cross section (slides 1-2) and two additional marginal sections were examined.

The skin has a large, dermal to subcutaneous mass composed of a dense infiltrate of neoplastic mast cells. There are small areas of tumour in the panniculus outside the main area of the mass. Eosinophils are present throughout. The neoplastic cells have mainly oval nuclei with stippled chromatin, small nucleoli, and small to abundant amounts of cytoplasm lightly to heavily filled with basophilic granules. There is mild anisokaryosis and no mitoses were counted in 10 fields. The margins are clean. Neoplastic cells are around 5 mm from deep margin and 2 mm from the closest lateral margin.

Two clusters of neoplastic cells have pushed into a lymphatic but are beneath the endothelium. There are some round foci of neoplastic cells that may be within lymphatics.

DIAGNOSIS:

Cutaneous mast cell tumour (low-grade)

COMMENT: Peter, this is a low-grade cutaneous mast cell tumour and the margins are clean. The tumour is slightly infiltrative with small tongues of tissue extending along the panniculus. It is closer to a lateral margin than might have been expected because of one of these tongues.

Despite being low-grade I have a suspicion that neoplastic cells could be within lymphatics and there are areas where clusters of tumour cells are pushing into the lymphatics but still covered in endothelium. It might be worth checking the regional lymph node to see if there has been any possible deal spread. I'm not sure where this tumour is exactly but part of the thigh might drain to the sub-lumbar lymph nodes making assessment tricky (but if to the inguinal nodes that will be easier).

Grading systems cannot predict the behaviour of an individual mast cell tumour but they provide a guide. Many low-grade tumours will be cured by excision but some low-grade tumours will spread via the lymphatics to the regional lymph node and beyond. The 2-tier grading system is divided into low and high grades and there is a good correlation with behaviour based on these grades. Dogs with low-grade tumours had median survival times of greater than 2 years whereas dogs with high-grade tumours had median survival times of less than 4 months.

Rob Fairley BVSc, Diplomate ACVP, Gribbles Veterinary Pathology, Christchurch
rob.fairley@gribbles.co.nz

HISTOLOGY performed and reported by Gribbles Veterinary, Halkett St, Christchurch

Reference Ranges and Method Reference will be supplied on request

Testing Requested

1 x Histology - Single Tissue/Biopsy

1 x Histology - Single Tissue/Biopsy

IMPORTANT - GRIBBLES is a division of Healthscope Limited.

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Avonhead Vets
Fax 03 358 3276
207 WITHELLS RD, CHRISTCHURCH 8042

Phone: 358 4407

Mr & Mrs Paul & Maree Whiting

GST No: 87-535-681
Tax Invoice No: 588543
Date: 5 MAR 19
Client Code: WHIT25
For Bently

Description	Quantity	Total \$
Anaesthetic Dog Prop/Ket/Val 20-40kg	1	147.60
Isoflurane/30 Minutes >20kg	1	66.00
Surgery-Sterile /Min	30	252.00
Theatre Fee	1	61.30
Hospitalisation Dogs	1	30.00
Repose 50ml	12	0.00
Doppler / Pulse Oxymetry	1	30.00
Morphine 30mg/Ml	.45	9.30
Temgesic	1.3	16.30
Metacam Injection	1	21.90
Metacam Chewable 2.5mg	4	19.00
Lab Histopath Single Sample	1	201.60
Vicryl Suture 2/0	1	19.10

Invoice Totals:

This invoice includes GST of \$114.02	Balance Forward	0.00
	+ Invoice Total	874.10
	- Receipt Total	874.10
	Balance Due	0.00

Please note our NEW BANK ACCOUNT: ANZ 06-0807-0945195-00

MEETING CLOSURES