PALMERSTON NORTH CITY COUNCIL

# AGENDA

# HEARINGS COMMITTEE (EXTRAORDINARY)

2PM, THURSDAY 3 JUNE 2021

COUNCIL CHAMBER, FIRST FLOOR,
CIVIC ADMINISTRATION BUILDING
32 THE SQUARE, PALMERSTON NORTH

## MEMBERSHIP

**Deputy Mayor Aleisha Rutherford (Chairperson)**
**Councillor Rachel Bowen**
**Councillor Zulfiqar Butt**

**Agenda items, if not attached, can be viewed at:**

pncc.govt.nz | Civic Administration Building, 32 The Square
City Library | Ashhurst Community Library | Linton Library

**Heather Shotter**

**Chief Executive, Palmerston North City Council**

**Palmerston North City Council**

W **pncc.govt.nz** | E **info@pncc.govt.nz** | P **356 8199**
Private Bag 11034, 32 The Square, Palmerston North

PALMERSTON NORTH CITY COUNCIL

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# HEARINGS COMMITTEE

## EXTRAORDINARY MEETING

3 June 2021

**MEETING NOTICE**

Pursuant to Clause 22 of Schedule 7 of the Local Government Act 2002, I hereby requisition an extraordinary meeting of the Hearings Committee to be held at **2.00pm on Thursday 3 June 2021 in the Council Chamber, first floor, Civic Administration Building, The Square, Palmerston North** to consider the business stated below.

**CHAIRPERSON**

# ORDER OF BUSINESS

**1. Hearing of Objection Pursuant to Section 33B Classification of Dog as Menacing under the Dog Control Act 1996**

## 2. Exclusion of Public

That the public be excluded from the following parts of the proceedings of this meeting, namely agenda item 1.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| | General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under section 48(1) for the passing of this resolution |
|---|---|---|---|
| 1. | Hearing of Objection Pursuant to Section 33B Classification of Dog as Menacing under the Dog Control Act 1996 | Personal privacy | (a)(i) |

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

1. Hearing of Objection Pursuant to Section 33B Classification of Dog as Menacing under the Dog Control Act 1996 – LGOIMA 7(2)(a) – personal privacy.

Also that the persons listed below be permitted to remain after the public has been excluded for the reasons stated.

[Add Third Parties], because of their knowledge and ability to assist the meeting in speaking to their report/s [or other matters as specified] and answering questions, noting that such person/s will be present at the meeting only for the items that relate to their respective report/s [or matters as specified].

* * * *

**INFORMATION CONCERNING PROCEDURE FOR HEARING OF OBJECTIONS RECEIVED PURSUANT TO THE DOG CONTROL ACT 1996**

This information is for the assistance of persons participating in the hearing of objections received pursuant to the Dog Control Act 1996.

1. **Committee conducting the Hearing**
   Objections received pursuant to the Dog Control Act 1996 are considered by the Hearings Committee.

2. **Statutory Provision**
   Relevant statutory provisions are contained in the Dog Control Act 1996.

3. **Engagement of Counsel**
   The objector may present his or her case in person or may be represented by legal counsel or any other person.

4. **Public Hearing**
   The hearing is a public meeting and the media and members of the public are entitled to be present. This also means that any evidence provided during the process, the Minutes of the hearing and the Decision of the Hearings Committee or Commissioner will be published on the Council website and remain publicly available.

   However, the Hearings Committee or Commissioner has the power to make an order to protect sensitive information.

5. **Venue**
   Unless otherwise advised, the meeting will be held in the Council Chamber which is situated on the first floor in the Civic Administration Building, Te Marae o Hine | The Square, Palmerston North. Access is via the doors on the Square side of the roadway. Disabled access is via the Customer Service Centre then via the lifts to the first floor.

6. **Agenda**
   **An agenda for the Hearing will be sent to you at least three days before the Hearing**. The agenda will also include any pre-circulated evidence. (See paragraph 7 below).

7. **Evidence**
   **Any evidence given may be oral or in writing. Photographs and similar evidence may also be produced. Please provide six copies of any documents to be tabled at the hearing. If you would like to have your evidence pre-circulated, you will need to provide this to the Committee Administrator by 3pm on 26 May 2021**.

8. **Cross-Examination**
   There is no right of cross-examination. This means that the parties do not have the right to address questions to other parties. The Hearings Committee or

Commissioner may, however, question any party concerning their submission or evidence.

**9. Conduct of the Hearing**

At the start of the hearing, the Chairperson will briefly outline the hearing procedure. The following order of appearance will usually apply:

(a) The objector presents his or her case in support of their objection.

(b) The representative of the Council and any other person reporting on behalf of the Council presents their case.

(c) The objector has a right of reply.

Notwithstanding this general order, the Chairperson may elect to regulate the hearing procedure as they see fit.

**10. Tikanga Maori**

You may speak to your objection in Maori if you wish. If you intend to do so, please contact the Committee Administrator **within three days** of the date you receive the letter notifying you of the hearing. This is to enable arrangements to be made for a certified interpreter to attend the meeting.

**11. Visual and Digital Aids**

If you wish to use any visual or digital aids, please contact the Committee Administrator no later than two days before the meeting so that arrangements can be made.

**12. Adjournment**

The Committee has the authority to adjourn the hearing. If at the time of adjournment no date or time is set for a resumed hearing then the applicant will be given at least seven working days notice of the date and time of the resumed hearing.

**13. Decision**

After the Hearings Committee has heard the evidence, it will usually declare the hearing closed and will leave the Council Chamber to consider its decision. All parties will be advised in writing of the decision as soon as possible and the reasons for it.

If you are dissatisfied with the decision, we recommend you seek legal advice.

**14. Variation of Procedure**

The Hearings Committee or Commissioner may, in its sole discretion, vary the procedure set out above if the circumstances indicate that some other procedure would be more appropriate.

* * * * *

Dear Officer of Palmerston North City Council

I have received your notice dated 15 Feb 2021 about classifying my dog (Becky, Tag 6291) as a menacing dog under section 33A(2) of the Dog Control Act 1996. I would like to object to this classification on the grounds setting out as follows:

1. My dog Becky is over 1 and half years old and is currently living with another German Shepherd. I have always been taking very good care of my dogs. They have routine check-up at the vets. The vets and nurses like them very much and often praise their friendliness.

2. They are regular visitors to doggy parks and the beach, and get along with other dogs at those places.

3. I am well aware of the obligations of owning a large dog, so I have attended a professional puppy school at Massey University Veterinary Hospital for a series of training sessions before the dogs reached adulthood.

4. After they have reached adulthood, I have also had a professional dog trainer to train the dogs in their daily behaviour.

5. My dogs have stayed in the boarding center before and according to the feedback, Becky is very well behaved and has not had any conflicts with other dogs.

6. I usually have a professional (Massey's vet) walk the dogs and Becky has been walked and trained on Pacific Drive countless times and incident like this has never happened.

7. I was not on the scene on the day of the incident, I was out of Palmerston North.

8. On the day of the incident, the dog was taken out without my permission and was not properly collared.

9. On the day of the incident, the person who took the dog out without my permission has never spent time with my dog therefore not familiar with Becky and they have not had experience handling dogs either. Becky was anxious about being taken out by someone she did not know well. I believe this was the main cause of the accident.

10. On the day of the incident, according to the person on the scene, the accident started when the other person's small dog barked first and then a confrontation arose, resulting in probably some minor injuries. Therefore, in my opinion, it was an accident, not a habitual behaviour.

For the reasons mentioned above I hope you would reconsider and withdraw the notice classifying Becky as a "menacing dog". I would also welcome any further assessment of Becky

if necessary, and you will find she is a very friendly dog.

**Hearings Committee**

Meeting of

Business Unit: Customer,
Division: Environmental Protection Services
Date Created: 19th May 2021

**Hearing of Objection to Menacing Classification of Dog**

**Purpose**

This report seeks the Hearings Committee's consideration and decision on the objection lodged by Jing Jing YANG against the issuing of a Menacing Dog Classification relating to her dog known as "BECKY" pursuant to the provisions of Section 33A of the Dog Control Act 1996.

**Significance of Decision**

The Council's Significance and Engagement policy is not triggered by matters discussed in this report.

**Recommendations**

That the "menacing" classification imposed on the dog "BECKY" belonging to Jing Jing YANG, pursuant to Section 33A of the Dog Control Act 1996, be upheld based on the evidence provided in this hearing.

Report prepared by:
Ross McDermott
Team Leader Animal Management and Education

Approved for submission by:
Kerry-Lee Probert
Head of Environmental Protection Services

## 1 Contribution to the Council Vision and Council Outcomes

1.1 Relationship to the Council Outcomes that underpin the Council's Vision:

| | | | | |
|---|---|---|---|---|
| **An innovative and growing city –** We will drive entrepreneurship and innovation by providing the support, infrastructure, opportunities and conditions to enable traditional sectors to diversify and expand, and new industries and new economies to grow to create the employment opportunities that sustain and expand our city's future. | **A creative and exciting city –** We will work to make it easy for Palmerston North citizens to connect with each other and to the services, infrastructure, facilities, drinking water quality and opportunities that support individual development, health, prosperity and wellbeing, for the greater good of our community as a whole. | **A connected and safe community –** We will build Palmerston North's reputation as a creative and exciting place to live, work and study, that has great places for people, and the attractions, recreation options and experiences of a big city without the hassle and cost. | **An eco city –** Palmerston North will have a sustainable future and a reduced ecological footprint through effective planning of infrastructure and the protection, maintenance and enhancement of our natural and built environment. We are working towards our city becoming a low carbon economy. | **A driven and enabling Council** – We will drive entrepreneurship and innovation by providing the support, infrastructure, opportunities and conditions to enable traditional sectors to diversify and expand, and new industries and new economies to grow to create the employment opportunities that sustain and expand our city's future. |
| | | [redacted] | | |

## 2 Background

2.1 Section 33A of the Dog Control Act 1996 provides that a Council may classify as menacing any dog that they consider may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog.

2.2 At 0917hrs on Wednesday the 10th of February 2021 a complaint was made to the Palmerston North City Council by Josephine ARCHIBALD 7(2)(a) personal privacy 7(2)(a) personal privacy Palmerston North in relation to a dog attack. The details given explain that a German Shepherd had broken free from its owners, crossed the street knocked Josephine over and attacked her dog (now known as "DAISY"), violently shaking her and biting at the back leg and groin area. Complaint number 56228. (Annex A)

2.3 My initial contact with Josephine ARCHIBALD was via phone call where she identified that the incident occurred the day prior on Tuesday 9th of February 2021 at approximately 1830hrs on Pacific Drive near the intersection with Johnston Drive. The offending dog/s were being walked by a couple across the road from her. One of the dogs started to lunge and bark. The male party attempted to pull the dog back, once he got the dog between his legs, the dog has managed to slip its collar and has crossed the road, initially grabbing DAISY by the neck, and shaking her. The man was trying to pull the dog off DAISY. While trying to keep DAISY away from the attacking dog Josephine

ARCHIBALD was knocked over and pinned between a fence and the attacking dog which continued to bite at DAISY's hind leg and groin area. Josephine ARCHIBALD mentioned a vet bill that she wanted the dog owner to contribute to, I explained that if I was able to track down the owner then I would raise this with them. I asked Josephine ARCHIBALD if she could put this in writing for me and that I would collect it from her. An email was written and is included as (Annex B)

2.4 On searching Palmerston North's Electronic Dog Register, I was able to identify two owners on Pacific Drive that owned two German Shepherd dogs, one of the two owners appeared to fit the description given by the complainant, this being Jing YANG of 7(2)(a) personal privacy, Palmerston North.

2.5 On the 10th of February 2021 at 1313hrs I visited 7(2)(a) personal privacy, Palmerston North, no one was home. I returned again on the 12th of February 2021 at which point I met Jing Yang, I advised her there had been a dog attack recently involving 2 German Shepherd dogs. Jing YANG has freely informed me that this was her dog "BECKY" who was being walked by friends of hers at the time and used the wrong leashes.

2.6 Given that Jing YANG was not present at the time of the attack I asked if she could have her friends email me their side of the story.

2.7 At this time I advised Jing YANG I would be classifying Becky as menacing, and that she would be required to wear a muzzle when off the property. Jing YANG seemed to be shocked or confused about what I had told her, I advised that, I would send paperwork out which would explain everything to her (annexed in 2.9). I also made mention that the other party has a vet bill that she is liable for, however council only assist with communicating and play no other part in cost recovery, Jing YANG said she was willing to pay this bill.

2.8 I received an email from Minami YOKOYAMA (Jing YANG's friend) on the 12th of February at 1915hrs, this had been cc'd to Taiga YAMAGUCHI (also Jing YANG's friend) the email was closed as if written by both parties. Within this email they said that the dogs were walking fine until they saw another dog at which point, they started to bark and pull, the collar has come off and "BECKY" ran after the other dog and bit the dog. (Annex C)

2.9 15th February 2021, after discussions with my team and completing the assessment matrix (Annex D and E), BECKY has been classified as menacing, the documents prepared and posted to Jing YANG. (Annex F)

2.10 15th February 2021, I received a copy of the vet bill incurred by Josephine ARCHIBALD. (Annex G)

2.11 22nd February 2021, I spoke with Jing YANG on the phone and explained I had received the vet bill amounting to $1,422.90 and would like to put her in contact with the other party so that they can address this themselves. Jing YANG gave me her personal email address, and this was later passed onto Josephine ARCHIBALD.

2.12 In this same conversation Jing YANG has asked about the classification on her dog and felt it was not right and wanted it removed. Jing YANG explained to me that she thought she would be unable to take her dog in a public place. I again explained what it meant to her and her dog, that the dog must be de-

sexed and must have a muzzle on when out in public, except when confined completely within a vehicle or cage.

2.13 4th March 2021 I emailed a Warning notice to Minami YOKOYAMA and Taiga YAMAGUCHI (Annex H).

2.14 5th March 2021, I called Josephine ARCHIBALD and advised that the warning notice had been sent to the persons walking the dog/s at the time, and asked if she had had any response in terms of the vet bill, she answered no.

2.15 8th March 2021 I called into Jing YANG's property and spoke with her, she told me she had not heard about the vet bill and confirmed that she wanted to be heard in relation to her objection to the menacing classification.

2.16 Further conversations with Josephine ARCHIBALD highlighted that Jing YANG wanted to have the menacing hearing first before paying the vet bill.

2.17 Considerations taken into account for issue of Warning and Classification:

a) Complaint reported to Council by Josephine ARCHIBALD nee DRAKE 10th February 2020 at 0917hrs.

b) The dog owner's own admission confirming the facts.

c) The dog owner's friends own admission confirming the facts, responsible for the dogs at the time of the incident.

d) An assessment matrix that is used throughout New Zealand by numerous Territorial Authorities' Animal Control/ Animal Management services to give an indication of what action should be taken in dog attacks. Palmerston North City Council also uses this tool to give an indication of appropriate actions. In this case the score was assessed as 42, which is at the low end of the middle of the score range, this indicates an option of Classification and Dog Control Notice/ Warning as a minimum action.

e) A common piece of case law that is routinely referred to during dog attack prosecutions and other dog bite attack incidents is ***Halliday vs New Plymouth District Council***, in part mentions that ***"past behaviour is the best predictor of future behaviour".***

2.18 Section 33B: Objection to classification of dog under section 33A, states:

(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.

2.19 Objection to Classification of BECKY as Menacing received from Jing YANG in writing on 26th February 2021(Annex I).

2.20 The Hearings Committee in considering the objection may uphold or rescind the classification. In making its determination the committee must have regard to:

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

(b) the matters relied on in support of the objection; and

(c) any other relevant matters.

2.21 Following the hearing of the objection the Hearings Committee 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.

## 3 Discussion and Options considered

3.1 The following documents are appended to this report:

a) Attack assessment matrix

b) Score range options

## 4 Operational Implications

4.1 There are no capital or operating expenditure implications or maintenance costs associated with this matter.

## 5 Financial implications

5.1 There are no financial implications associated with this matter.

## 6 Statutory Requirements

6.1 The provisions around classifying a dog as menacing are as follows:

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.

## 7 Delegations

7.1 Council has delegated authority to the Hearings Committee to hear the objection to the Menacing Dog Classification and to make its determination based on the case presented. The committee may either uphold or rescind the classification.

## 8 Consultation

8.1 There are no community consultation requirements.

## 9 Cultural Considerations

9.1 There are no cultural considerations to be taken into account in this matter.

## 10 Conclusion

10.1 Palmerston North City Council Animal Control staff have a duty to enforce the provisions of the Dog Control Act 1996.

10.2 Pursuant to the provisions of Section 33A of the Dog Control Act 1996, Palmerston North City Council classified the dog known as "BECKY" because of the ***observed and reported aggressive behaviour*** whilst being exercised in a public place.

11.3 A common piece of case law that is routinely referred to during dog attack prosecutions and other dog bite attack incidents is ***Halliday vs New Plymouth District Council***, in part mentions that ***"past behaviour is the best predictor of future behaviour"***. My 7 years' experience as an Animal Control Officer, I have found this statement to be very accurate, and have dealt with numerous cases where dogs that have been able to attack or bite have gone on to attack and bite again given the opportunity. Whilst I believe that the dog owner has provisions in place for exercising the dog/s themselves, the mere fact that they have different leashes for walking the dog/s suggest; it was previously known to the owner that the dogs could over power a person and behave aggressively. I do consider that this dog may pose a risk if it is able to get away from its owner when out being walked, and in that respect, consider that classification in this case is appropriate.

## 11 Attachments

- Annex A: CN56228 – Dog Attack complaint report
- Annex B: Email Statement of Events – Josephine ARCHIBALD nee DRAKE
- Annex C: Email Statement of Events – Minami YOKOYAMA and Taiga YAMAGUCHI.
- Annex D: Attack assessment matrix
- Annex E: Score option range
- Annex F: Notice of Classification of Dog as Menacing Dog "BECKY"
- Annex G: Vet Bill incurred by Josephine ARCHIBALD nee DRAKE
- Annex H: Notice of Warning in respect of Alleged Offence
- Annex I: Objection to Classification Letter – Jing YANG

# ANIMAL CONTROL COMPLAINT REPORT

## Complaint Information for Complaint No:56228

**Complainant Details**

| | |
|---|---|
| Complainant | JOSEPHINE DRAKE, ID # [redacted] |
| Address | [redacted] |
| **Phone No.** | **Extension** |
| CEL | [redacted] |

| | |
|---|---|
| Method of contact | PHONE |
| Date & Time | 10 Feb 2021 at 09:17a.m. |
| Status | RECEIVED |
| Date & Time completed | at |

**Complaint Details**

| | |
|---|---|
| Problem Type & subtype | ANIMAL/DOG ATTACK ON DOG |
| Location | CONFIDENTIAL<br>JOSEPHINE DRAKE<br>96 PACIFIC DRIVEANIMAL/DOG ATTACK ON DOG |
| Details | Happened yesterday evening.<br>Jo was walking with her jack russel when a german sheppard broke free of its onwers and crossed the street to attack her dog.<br>The offending dog knocked Jo over and severly injured her dog. Jo's dog was shaken violently and its back leg and groin area bitten.<br>Jo believes the couple live on pacific drive and own two german sheppards.<br><questions><br>Q> Description/colour of dog<br>A><br></questions> |

| | |
|---|---|
| **Officer Referred to** | Ross McDermott |
| Action 1 | |
| Action 2 | |
| Action 3 | |
| Action 4 | |
| Action 5 | |
| Action 6 | |

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**Animal Associated with Complaint**

| | |
|---|---|
| Problem | DOG ATTACK ON DOG |
| Offending Dog | , Dog ID # |
| Dog Menacing | |
| Dog Dangerous | |

**Owners - Dog details:**

| Dog Name | Dog Tag No | Dog Breed/s | Dog Colour/s | Gender | Dog Age |
|---|---|---|---|---|---|
| | | | | | |

| **Offenders Details:** | |
|---|---|
| Offender & address | |
| Parcel | 0733/106 |
| Phone #'s | / |

**Ross McDermott**

**From:** Jo Archibald [redacted]
**Sent:** Wednesday, 10 February 2021 2:00 pm
**To:** Ross McDermott
**Subject:** Dog attack

On Tuesday 9/2/21 at about 6.30pm I was walking my dog Daisy along Pacific Drive. Near the intersection with Johnston Drive I saw an Asian couple walking 2 german shepherd dogs on the other side of the road.
The dog that the man was leading starting lunging and barking madly. He was trying to pull it back but when he put the dog between his legs the dog managed to pull out of the collar and ran over the road towards us.
I was shouting at it to go away but it launched into an attack. It got Daisy around the neck and was shaking her like a rag doll. The man came running over and was trying to pull his dog off her. While I was trying to spin away from the dog with Daisy I got knocked off my feet and dog carried on attacking her while I was on the ground pinned under them against a fence. The woman with the dog came across the road as well with her dog lunging and barking. I don't know if this dog attacked as well or was just barking and lunging and had dragged the woman across the road.

I was kicking at the head and neck of the dog that was attacking to try to get her off Daisy and give me room to get back up. Daisy managed to get free as the dog backed off but as I got to my feet the dog attacked again and grabbed her by the back leg and starting shaking her.
The man managed to get his dog off her and as I grabbed Daisy up into my arms I looked back and he was really struggling to hold his dog and still did not have the collar back on it.
I was terrified that the dog was going to get away from him and chase us again so I ran along to my home at [redacted]

I took Daisy immediately to the Massey University emergency clinic. Daisy was kept in overnight because she was in so much pain that they needed to do deep sedation and serious pain relief just to be able to examine her and find out what damage had been done.

I will be collecting Daisy this afternoon and taking her home as they have now ruled out any spinal or organ damage and are managing the pain control with drugs. She has stitches in the wound on her leg.

This couple have been seen before walking their dogs along Pacific Drive and they always look like they are barely in control of them. This was a terrifying experience and I really feel that this is a dangerous dog and needs to be removed from walking along the street for the safety of any other animals.

Gribbles VETERINARY
Gribbles LABNET

Jo Archibald
[redacted]
t: [redacted]
e: [redacted]

## Ross McDermott

**From:** Minami YOKOYAMA 7(2)(a) personal privacy
**Sent:** Friday, 12 February 2021 8:14 pm
**To:** Ross McDermott
**Cc:** Taiga YAMAGUCHI
**Subject:** Re: About Dog trouble on the 9th Tuesday

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

I forgot to put the owner's phone number.
7(2)(a) personal privacy

Regards,
Minami and Taiga

On Fri, Feb 12, 2021 at 19:15, Minami YOKOYAMA 7(2)(a) personal privacy wrote:

> Dear Ross
>
> Sorry for the trouble.
> On the 9th Tuesday around 5 o clock
> We were asked by Jing (the dogs' owner) to look after the dog as she was in Wellington.
> We took the dogs for a walk and may have put the wrong collar on the dogs accidentally the dogs were fine walking but they saw another dog and started barking at each other and pulling
> And the collar came off and Becky ran after the dog and bit the dog.
> We said sorry to the owner but she walked away carrying her dog and we tried to look for the owner and wanted to apologise but couldn't find her.
> We told Jing about what happened and she said she wanted to find the owner and tell her that she would cover the vet fees if there were any.
>
> Regards,
> Minami and Taiga

# 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.

**Complaint Number** ..... 56228 ..... **Dog Owner** ..... 109145 JING YANG .....
**Completed by Officer**..... IZ ..... **Dog**..... 36057 - BECKY .....

## Dog

- **Level of aggression displayed in the attack**

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☑ **Score:** 10

1 2 3 4 5 6 7 8 9 10

Low Intensity *(nip and run off) (intimidating)* — Medium Intensity *(bite and retreat) (growling)* *(multiple bites and retreat) (snarling)* — Extreme Intensity *(hanging on – shaking)*

- **Factors involved that led to the attack occurring**

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☑ ☐ **Score:** 9

1 2 3 4 5 6 7 8 9 10

Uncharacteristic Accidental; Reaction; Provoked; Territorial Puppies Breed; Protection Prey Drive; Unprovoked *(no obvious reasoning)*

- **Previous history** – *(last **6** months)*

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ **Score:** —

1 2 3 4 5 6 7 8 9 10

Barking; Growling; Straying Impounded; Snarling; Rushing aggressive behaviour; Minor Biting; Attack

- **Previous history** – *(**6** months to **2** years) Note: Cannot be a shaded box*

■ ■ ■ ■ ☐ ☐ ☐ ☐ ☐ ☐ **Score:** —

5 6 7 8 9 10

Snarling; Rushing; Minor biting; Attack

- **Previous history** – *(**2** years to **5** years) Note: Cannot be a shaded box*

■ ■ ■ ■ ■ ■ ■ ☐ ☐ ☐ **Score:** —

8 9 10

Minor biting; Attack

- **Type of 'control' situation the dog was in**

☐ ☐ ☐ ☑ ☐ ☐ ☐ ☐ ☐ ☐ **Score:** 4

1 2 3 4 5 6 7 8 9 10

Secured on own property *(access /no access)* / Owner control / *(leash) (verbal)* / At large private property *(owner present)* *(no owner present)* / Secured/At large public place *(outbuilding)* / At large other persons private property access to neighbouring property

**Dog Total:** 23

**(Min 3 - Max 40)**

Use Only One ( Do NOT score if NIL previous record )

## Owner

- **Attitude to the incident**

☑ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ **Score:** 1

1 Excellent 2 3 Cooperative 4 5 Average 6 7 8 Disregard 9 10 Obstructive
*('Couldn't care less')*

- **Previous History - – *(last 6 months)***

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ **Score:**

1 Education Verbal 2 3 4 D/C Notice (non attack / attack) 5 6 7 Infringement Notice *(non attack / attack)* 8 9 Prosecution 10

One Only Use (Do NOT score if NIL previous record)

- **Previous history – *(6 months to 2 years)* Note: Cannot be a shaded box**

■ ■ ■ ■ ☐ ☐ ☐ ☐ ☐ ☐ **Score:**

5 D/C Notice (non attack / attack) 6 7 Infringement Notice *(non attack / attack)* 8 9 Prosecution 10

- **Previous history – *(2 years to 5 years)* Note: Cannot be a shaded box**

■ ■ ■ ■ ■ ■ ■ ☐ ☐ ☐ **Score:**

8 9 D/C Notice and Infringement Notice 10 Prosecution
*( biting / attack)*

- **Level of Responsibility towards Control of Dog**

☐ ☐ ☑ ☐ ☐ ☐ ☐ ☐ ☐ ☐ **Score:** 3

1 Control provisions were in place Above average 2 3 Average 4 5 Below average 6 7 Ignorant of rules and/or regulations 8 9 Disregard of previous warnings/actions 10 Deliberate

PERSONS USED WRONG LEASH'S WHEN WALKING.

- **Likelihood of dog being a continuing threat to the safety of persons, stock, poultry, domestic animals or protected wildlife *(at the same address – same owner)***
  ***Note: cannot be a shaded box***

☐ ■ ☑ ■ ☐ ■ ■ ■ ■ ■ **Score:** 3

1 Nil 3 Possible 5 Probable

**Why?** HUMAN ERROR / DOGS STRENGTH - ABILITY TO OVER POWER PERSONS

- **Registration Compliance – *Note: cannot be a shaded box***

☑ ■ ☐ ■ ☐ ■ ■ ■ ■ ■ **Score:** 1

1 Current 3 Not Current 5 Never Been

**Owner Total:** 8
**(Min 4 - Max 40)**

## Victim 1 – (person)

- **Victim impact as a result of the attack** (psychological)
  *Note: cannot be a shaded box.* *VIS may be required if 5 or 7*

☐ ■ ☐ ■ ☐ ■ ☐ ■ ■ ■

**Score:** [/]

1 Good 3 Angry 5 Shaken 7 Trauma

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

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

**Score:** [/]

1 Torn Clothing/ 2 3 Bruising Scare 4 5 Property damage 6 Bite Marks 7 Stitches Punctures 8 9 10 Extensive medical attention

**Victim 1 Total:** [0]
**(Min 2 Max 17)**

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

One Only Use

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

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☑ ☐ ☐

**Score:** [8]

1 Bruising 2 3 Bite Marks Endangered 4 5 Stitches 6 Punctures 7 Minor Vet 8 9 Major Vet Euthanasia 10

- **Death of stock, poultry, domestic animal, or protected wildlife.**
  *NOTE: (poultry – not above 3; protected wildlife – not below 4; domestic animals and stock – not below 6)*

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

**Score:** [ ]

1 2 Poultry 3 4 Protected Wildlife 5 6 7 8 Domestic Animals 9 10 Stock

- **Victim impact in relation to being the owner of stock; poultry or domestic animals as a result of the attack. If protected wildlife the victim impact of the complainant** (psychological)
  *Note: cannot be a shaded box.* *VIS may be required if 5 or 7*

☐ ■ ☑ ■ ☐ ■ ☐ ■ ■ ■

**Score:** [3]

1 Good 3 Angry 5 Shaken 7 Trauma

**Victim 2 Total:** [11]
**(Min 2 Max 17)**

**Overall Total:** [42]
**(Min 9 Max 97)**

## 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)**

***Complaint Number*** 56228 ***Assessment Score*** 42

***Score:*** **11 – 34** *(tick box/s)* **(OFFICER OPTIONS)**

- ☐ Dog Control Notice and S33AMenacing Classification ***(deed)***
- ☐ Dog Control Notice
- ☐ Verbal Warning
- ☐ Education
- ☐ S33CMenacing Classification ***(breed)***
- ☐ Notice to Register

**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.

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

- ☐ S57 Prosecution and Dog Seizure Retention
- ☐ S57 Prosecution
- ☐ S25 disqualification (upon conviction)

**(OFFICER OPTIONS – where classifying need T/A approval)**

- ☐ S53(1) Infringement Notice and Dog Control Notice and S33AMenacing Classification ***(deed)***
- ☐ S53(1) Infringement Notice and Dog Control Notice
- ☐ S53(1) Infringement Notice
- ☑ Dog Control Notice and S33AMenacing Classification ***(deed)***
- ☐ S31 classification (if applicable)
- ☐ S33CMenacing Classification***(breed)***
- ☐ S42 Infringement Notice
- ☑ Dog Control Notice (WARNING)
- ☐ Notice to Register

**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 – 97** *(tick box/s)* **(T/A OPTIONS)**

- ☐ S58 Prosecution and Dog Seizure Retention
- ☐ S57 Prosecution and Dog Seizure Retention
- ☐ S57 Prosecution
- ☐ S25 Disqualification

**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 ID#:** 36057 - BECKY

**Owner ID#:** 7(2)(a) personal privacy - JING JING YANG

**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)*

OTHER OPTIONS AVAILABLE WHICH PROVIDES A SATISFACTORY OUTCOME.

**Signed:** **Date:**
*(Manager)*

COPY

*Palmerston North City Council*
Notice of Classification of Dog as Menacing Dog.
Section 33A Dog Control Act 1996

To: JING YANG
Address: 7(2)(a) personal privacy

Dog:

| | | | |
|---|---|---|---|
| Name: | BECKY | Tag: | 6291 |
| Gender: | FEMALE | Breed: | Shepherd, German |
| Age: | 1 yr 9 mths | Colour: | BLACK & TAN |
| Tattoo: | | Distinguishing marks: | |

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
33A Territorial Authority may classify dog as menacing
(1) This section applies to a dog that
(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.

A summary of the effect of the classification and your right to object is provided below.

.....(RM).....
Signature of officer of [Palmerston North City Council]

...15th February 2021...
Date

109145

*For the purposes of the Dog Control Act 1996, you are the owner of a dog if—
- you own the dog; or
- you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- you are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Effect of classification as menacing dog
Sections 33E, 33F, and 36A, Dog Control Act 1996

You—

(a) must not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

(b) must, if required by the [Palmerston North City Council], produce to the [Palmerston North City Council], within 1 month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying—
  (i) that the dog is or has been neutered; or
  (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and

(c) where a certificate under paragraph (b)(ii) is produced to the [Palmerston North City Council], produce to the [Palmerston North City Council], within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

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

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

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

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

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

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

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

**Right of objection to classification under section 33A**

Section 33B, Dog Control Act 1996

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

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

MASSEY UNIVERSITY
TE KUNENGA KI PŪREHUROA

MASSEY VETS

COMPANION

## Visit Summary and Discharge Instructions for Daisy

**Owner:** Jo Archibald
**Patient ID:** [redacted] **Patient Name:** Daisy
**Species:** Canine **Breed:** Terrier - Fox, Toy
**Age:** 11 Yrs. 0 Mos. **Sex:** Speyed Female

**Referring Vet:** NO CURRENT VET NO CURRENT VET
**Referring Hospital:** NO REGULAR VET CLINIC
**Fax number:** **Email:**

The Massey clinician caring for Daisy was [redacted]. The veterinary student caring for Daisy was [redacted].

---

**Presenting Problems:** Multiple wounds around her hind end and pain.

**Clinical Findings:**
- Daisy had a moderate deep wound on her right flank and a small puncture wound caudal to the right flank wound. There is a second puncture wound on lumbar spine, slightly to the left of midline. Daisy also had an inguinal flesh wound.
- On examination of Daisy last night we found no evidence of free fluid in the thorax or abdomen from and her bladder was still intact.
- From the ultrasound that was performed, we found no concerns internally - no pneumothorax, pleural effusion and no haemothorax, deterimining that Daisy does not have any severe internal damage.
- The radiographs performed also came back with no concerns.

**Tests/Procedures:**
We performed an AFAST/TFAST (ultrasound) to look for abdominal/thoracic free fluid - this came back negative for free fluid.
We also ran bloods to check Daisys' liver and kidney function - her levels came back within normal limits.
Radiographs came back with no internal damage being able to be seen.
Daisy was sedated and her wounds were clipped and explored to see if there was further underlying damage. Daisys' right flank wound required sutures though the others on her back end should heal without further closure. Daisys' inguinal wound was flushed with sterile saline and was given clean margins before being sutured closed.

**The following diagnosis has been made:** Lacerations to right flank and left of lumbar spine as well as lacerations to the inguinal area.
We are hopeful that with continuing pain management, Daisy should heal well and with no complications.



Massey University Veterinary Teaching Hospital
Massey University, Tennant Drive, Palmerston North 4442, New Zealand
**Ph:** (06) 350 5329 **Fax:** (06) 350 5616 **E-mail:** vethospital@massey.ac.nz **Web:** vethospital.massey.ac.nz

MASSEY UNIVERSITY
TE KUNENGA KI PŪREHUROA

MASSEY VETS COMPANION

**Daisy has been sent home on the following medications:**

| QUANTITY | ITEM DESCRIPTION | DIRECTIONS | TOTAL REFILLS |
|---|---|---|---|
| 1.60 | Meloxicam (Apex) Oral DOG 100ml per ml | Please give the entire contents of ONE syringe (0.4mL) ONCE daily beginning 11/02 8am. To be given with food. If vomiting, diarrhoea or black/tarry stools please discontinue and seek further veterinary advise. | 0 |
| 24 | Amoxicillin/Clav (Clavaspetin) 50mg Tabs | Please give TWO tablets every morning and evening beginning 11/02. Antibiotic, please finish course | |
| 10 | Gabapentin (Apo) 100mg Caps | Please give ONE capsule every morning and evening. May cause sedation | |

*Medication side-effects to observe for include diarrhoea, vomiting, anorexia, sedation and inappetance*

**Now that Daisy has been discharged from hospital, please observe the following instructions.**
It would be best to keep Daisy from licking her wound site and continue monitor her pain level - feel free to contact Massey if you are concerned with her level of pain or how her healing is progressing. We wish Daisy a speedy recovery

**Diet:** ☑ No change ☐ Special diet:
**Exercise:** ☐ No change ☑ Special advice: Please rest Daisy for the next 7-10 days.

## Follow-up instructions

**Progress report:** Please call with a progress report in **24-48 hours.**

**Sutures:** Sutures are due for removal in **10-14 days.** Observe the wound daily for signs of swelling, redness or discomfort. Please phone if concerned.



Massey University Veterinary Teaching Hospital
Massey University, Tennant Drive, Palmerston North 4442, New Zealand
**Ph:** (06) 350 5329 **Fax:** (06) 350 5616 **E-mail:** vethospital@massey.ac.nz **Web:** vethospital.massey.ac.nz

MASSEY UNIVERSITY
MASSEY VETS

MUVTH Companion Animal Hospital
GST Number 11-205-615
Tennent Drive
Private Bag 11-222
Palmerston North, NZ 4410
063505329

Client ID: [redacted]
Tax Invoice #: [redacted]
Date: 10/02/2021

Mr. Jo Archibald
[redacted]

Patient ID: 104230 | Species: Canine | Weight: 6.50 kilograms
Patient Name: Daisy | Breed: Terrier - Fox, Toy | Birthday: 09/02/2010 | Sex: Speyed Female

| | Description | Quantity | Total |
|---|---|---|---|
| )2/2021 | Consent form (reporting only) | 1.00 | $0.00 |
| | CA IV Setup | 1.00 | $52.40 |
| | Methadone Amps 10mg 1ml | 0.19 | $22.20 |
| 02/2021 | Bundle CBC+Chem17+ABL90 | 1.00 | $185.00 |
| | CA XR Abdomen 1st Study (Small) | 1.00 | $245.00 |
| | Medetomidine (Medetate) Inj 1mg/ml 10m | 0.10 | $19.40 |
| | Fentanyl Citrate 500mcg | 1.00 | $10.40 |
| | Ultrasound Point of Care ICU Initial | 1.00 | $40.00 |
| | PEC Wound / Stitch Up | 1.00 | $316.30 |
| | Veterinary Procedure | 3.00 | |
| | Wound Clip and Clean | 1.00 | |
| | Nursing Time | 1.00 | |
| | Syringe Luer lock 20ml (Jorgan) | 1.00 | |
| | Needle BD 18G x 1.5" | 1.00 | |
| | Surgical prep | 1.00 | |
| | Lubricating Gel 3ml Sachet Sterile | 3.00 | |
| | PEC Vet Scrub In | 1.00 | |
| | Scrub Brush EZ - Chlorhex | 1.00 | |
| | Surgeons Gloves Gammex P/F Size 7 | 1.00 | |
| | Repackaging & Resterilisation Fee | 1.00 | |
| | PEC Anaesthesia Maintenance | 1.00 | |
| | Oxygen Therapy | 3.00 | |
| | Nursing Time | 3.00 | |
| | Suture Pack | 1.00 | |
| | Repackaging & Resterilisation Fee | 1.00 | |
| | Suture Ethilon 3/0 26mm P Ndl (W1685T) | 1.00 | |
| | Lubricating Gel 3ml Sachet Sterile | 2.00 | |
| | Scalpel Blades LUX No 15 (each) | 1.00 | |
| | Incontinence Sheet 60 x 90cm 77g White | 2.00 | |
| | Elizabethan Collar Greencol 15cm | 1.00 | |
| | BD Posiflush 3ml | 4.00 | |
| | Suture Monocryl 3/0 Sh70cm (Y316H) | 1.00 | $20.50 |
| | Drape Non Adhesive 60x60 with Hole | 1.00 | $2.90 |
| | Propofol (Fresofol) 1% 20ml Inj (per ml) | 20.00 | $12.50 |
| | PEC Consultation Afterhours | 1.00 | $177.00 |
| | PEC Hospitalisation ICU L2 (per 24hrs) | 1.00 | $250.00 |
| | BD Posiflush 10ml | 3.00 | $6.60 |
| | Gabapentin (Apo) 100mg Caps | 10.00 | $8.50 |
| | Amoxicillin/Clav (Clavaseptin) 50mg Tabs | 24.00 | $30.50 |

**Payment can be made into our BNZ Account 020630 0016592 00. To ensure your payment is allocated to your account, please use your SURNAME, the word VET and your CLIENT NUMBER (as above), as a reference with all payments.**

MASSEY UNIVERSITY
MASSEY VETS

MUVTH Companion Animal Hospital
GST Number 11-205-615
Tennent Drive
Private Bag 11-222
Palmerston North, NZ 4410
063505329

Client ID: 7(2)(a) personal pr
Tax Invoice #: 7(2)(a) personal privacy
Date: 10/02/2021

Mr. Jo Archibald
7(2)(a) personal privacy

| | | |
|---|---|---|
| Meloxicam (Illium) Oral DOG 100ml | 1.60 | $8.90 |
| Buprenorphine (Temgesic) Amp 0.3mg/1m | 1.00 | $11.60 |
| Dressing Primapore 8.3cm x 6cm | 2.00 | $3.20 |
| Ready to Go (RTG) | 1.00 | $0.00 |
| | **Patient Subtotal:** | **$1,422.90** |
| | **Invoice Total:** | **$1,422.90** |
| | Total: | $1,422.90 |
| | Outstanding Balance: | $1,422.90 |
| | Previous Balance: | ($800.00) |
| | Outstanding Balance: | $622.90 |
| | ALL EFTPOS: | ($622.90) |
| | Less Payment: | ($622.90) |
| | **Outstanding Balance:** | **$0.00** |

**The total price includes GST of $185.60**

# NOTICE OF WARNING IN RESPECT OF ALLEGED OFFENCE (Dog Control Act 1996, PALMERSTON NORTH DOG CONTROL BYLAW 2018)

| | | | |
|---|---|---|---|
| To: | Minami and Taiga | Date Issued: | 26th Feb 2021 |
| Address: | Confidential | Time Issued: | 1415hrs |
| D.O.B: | Confidential | Breed: | Shepherd, German |
| Dog Name: | BECKY | | |
| Colour/s: | BLACK & TAN | Sex: | FEMALE |
| Age: | 1 yr 9 mths | Reg No: | 2021/6291 |

☐ The Palmerston North City Council Animal Control Section has investigated a complaint dated 10th February 2021 alleging that you were walking 2 dogs and one of whom is named Becky. Becky has not been kept controlled resulting in her attacking another dog.

I bring to your attention: Section 52 and 53 of the Dog Control Act 1996.

(refer overleaf for Act/Bylaw/Infringement Offence)
You are therefore requested to ensure any dog you exercise, is kept under proper control at all times.
Further to this, seeking the owners' permission to exercise their dog/s would be of benefit to you both.

By immediately

You are advised that should you commit any further offence; the Council will consider taking legal action against you for such offence. Should you wish to discuss the information contained in this Warning Notice please telephone (06) 356 8199 and request to speak with the Issuing Animal Control Officer and quote complaint number 56228.

Issued by Animal Control Officer Number……12……

109145

**FOR FURTHER INFORMATION CONTACT:**
**Animal Control Services** | Email: **info@pncc.govt.nz**
Palmerston North City Council Customer Service Centre, 32 The Square,
Palmerston North | Phone: **356 8199** | Website: **pncc.govt.nz**



ANIMAL CONTROL SERVICES
PALMERSTON NORTH CITY COUNCIL

PALMERSTON NORTH CITY COUNCIL

# Dog Control Act 1996

## Interpretation

**Owner**, in relation to any dog, means every person who—
(a) Owns the dog; or
(b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
(c) The parent or guardian of a person under the age of 16 years who—
(i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
(ii) Is a member of the parent or guardian's household living with and dependent on the parent or guardian;— but does not include any person who has seized or taken custody of the dog under this Act or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under this Act or the Animal Welfare Act 1999

## 42. Offence of Failing to Register a Dog

(1)Every person commits an offence and is liable on summary conviction to a fine not exceeding $3,000 who is the owner of a dog of a greater age than 3 months unless the dog is registered under this Act for the current registration year.

## 48. Changes of Ownership of Registered Dog

(1)Where the ownership of any dog is changed, any registration of the dog shall continue in force, but the previous owner and the new owner shall each within 14 days give written notice to the territorial authority or territorial authorities concerned of the change of ownership and of the residential address of the new owner and the address at which the dog will ordinarily be kept.
(2) Where the dog is registered, the territorial authority or territorial authorities concerned shall, without fee, record the changes in their registers and the territorial authority in whose district the dog is ordinarily to be kept shall, without fee, issue a new label or disc for the dog.
(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding [$500] who fails to comply with the requirements of subsection (1) of this section.
(4) It shall be a defence to a charge of failing to comply with the requirements of subsection (1) of this section if the defendant satisfies the Court that the previous owner or the new owner, as the case may be, complied with the requirements of that subsection.

## 49. Transfer of Dog From Address or District to Another

(1)Where the owner of any dog changes his or her address within the district of a territorial authority, he or she shall, within 14 days, give notice in writing of his or her change of address to the territorial authority.
(2) Where any dog is transferred to and is kept, for a period of 1 month or more, in any territorial authority district other than that in which it has been kept, the owner shall, within 6 weeks of the transfer, give notice in writing of the transfer to the territorial authority in whose district the dog has been kept and to the territorial authority to whose district the dog is transferred, setting out the address at which the dog will ordinarily be kept.
(3) Where the dog is registered, the territorial authority or territorial authorities concerned shall, without fee, record the changes in its register or their registers, and the territorial authority in whose district the dog is ordinarily to be kept shall, without fee, issue a new label or disc for the dog.
(4) Every person commits an offence and is liable on summary conviction to a fine not exceeding [$500] who fails to comply with subsection (1) or subsection (2) of this section.

## *OBLIGATIONS OF OWNERS*

## 52. Control of Dogs

(1)The owner of any dog shall keep that dog under control at all times.
(2) Without limiting the generality of subsection (1) of this section, a dog shall, for the purposes of this Act, be deemed to be not under control—
(a) If it is found at large on any land or premises other than a public place or a private way without the consent (express or implied) of the occupier or person in charge of that land or those premises; or
(b) If it is found at large in any public place or in any private way in contravention of any regulation or bylaw.
(3) Where a dog is not under control in terms of subsection (2) of this section, the dog control officer or dog ranger may seize the dog and cause it to be returned to its owner or impounded.
(4) Where, in the opinion of—
(a) The occupier of any land or premises, or of any other person acting with the authority of such occupier (whether express or implied); or
(b) Any person in any public place or in any private way,—
a dog is likely to cause annoyance or distress to any person or animal or damage to any property on the land or premises or in any public place or in any private way, the occupier or person may seize the dog and cause the dog to be returned to its owner, or to be delivered into the custody of a dog control officer or dog ranger.
(5) Nothing in subsection (4) of this section authorises any person to seize any dog that is under the direct control of any other person.
(6) Where a dog is, under subsection (4) of this section, delivered into the custody of a dog control officer or dog ranger, the dog control officer or dog ranger may cause the dog to be returned to its owner or impounded.

## 53. Offence of Failing to Keep Dog Under Control

(1)Every person commits an offence and is liable on summary conviction to a fine not exceeding $3,000 who, being the owner of a dog, fails to keep that dog under control.

## 54. Obligations of Dog Owner

The owner of any dog shall—
(a) Ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water, and shelter; and
(b) Ensure that the dog receives adequate exercise.
(2) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding $5,000 who, being the owner of any dog, fails to comply with subsection (1) of this section.

## 57. Dogs Attacking Persons or Animals

(1)A person may, for the purpose of stopping an attack, seize or destroy a dog if—
(a) the person is attacked by the dog; or
(b) the person witnesses the dog attacking any other person, or any stock, poultry, domestic animal, or protected wildlife.
(2) The owner of a dog that makes an attack described in subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding $3,000 in addition to any liability that he or she may incur for any damage caused by the attack.
(3) If, in any proceedings under subsection (2), the Court is satisfied that the dog has committed an attack described in subsection (1) and that the dog has not been destroyed, the Court must make an order for the destruction of the dog unless it is satisfied that the circumstances of the offence were exceptional and do not warrant destruction of the dog.
(4) If a person seizes a dog under subsection (1), he or she must, as soon as practicable, deliver the dog into the custody of a dog ranger or dog control officer.
(5) If a dog control officer or dog ranger has reasonable grounds to believe that an offence has been committed under subsection (2), he or she may—
(a) seize and take custody of the dog; or
(b) if seizure of the dog is not practicable, destroy the dog.
(6) A dog control officer or dog ranger may enter land or premises for the purposes of subsection (5), but may enter any dwelling house on the land or premises only if—
(a) he or she is in fresh pursuit of a dog that—
(i) he or she has reasonable grounds to believe has committed an attack described in subsection (1); and
(ii) has been identified by a witness to the attack; or
(b) he or she is authorised in writing to do so by a Justice, who must not grant an authority unless the Justice is satisfied that there are reasonable grounds to believe that an offence has been committed under subsection (2), and, in the case of a dog control officer, he or she is accompanied by a constable.
(7) To avoid doubt, a member of the police may exercise the powers conferred on a dog control officer or dog ranger by this section.
(8) This section, section 57A, and section 58 do not apply in respect of a dog that—
(a) is kept, or is being used, or is certified for use by a specified agency; and
(b) is being used for the purpose of carrying out in a lawful manner any function, duty, or power of that agency.

## 57A. Dogs rushing at persons, animals, or vehicles

This section applies to a dog in a public place that—
(a) rushes at, or startles, any person or animal in a manner that causes—
(i) any person to be killed, injured, or endangered; or
(ii)any property to be damaged or endangered; or
(b)rushes at any vehicle in a manner that causes, or is likely to cause, an accident.
(2) If this section applies,—
(a) the owner of the dog commits an offence and is liable on summary conviction to a fine not exceeding $3,000 in addition to any liability that he or she may incur for any damage caused by the dog; and
(b) the court may make an order for the destruction of the dog.

## 62. Allowing Dogs Known to be Dangerous to be at Large Unmuzzled.

This section applies to a dog owned by a person and known by the person to—
(a) be dangerous; or
(b) have attacked any person or any stock or poultry or property of any kind.
(2) The person must not allow the dog to be at large or in any public place or private way, except when confined completely within a vehicle or cage, without being—
(a) muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
(b) controlled on a leash (except when in a dog exercise area specified in a bylaw made under section 20(1)(d)).
(3) A person whose dog is in the possession of any other person for a period of less than 72 hours must advise that person of the requirement to comply with subsection (2).
(4) Every person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding $3,000, and the court may, on convicting the person, make an order for the destruction of the dog.
(5) Every person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding $500.

## 63. Owner Liable for Damage Done by a Dog

(1) The owner of a dog shall be liable in damages for damage done by the dog, and it shall not be necessary for the person seeking damages to show a previous mischievous propensity in the dog, or the owner's knowledge of any such mischievous propensity, or that the damage was attributable to neglect on the part of the owner of the dog.

## *INFRINGEMENT OFFENCES*

## 65. Infringement Offences

In this Act, infringement offence means an offence specified in Schedule 1.
(2) Where any person is alleged to have committed an infringement offence, that person may either—
(a) Be proceeded against summarily for the offence; or
(b) Be served with an infringement notice as provided in section 66 of this Act.

## SCHEDULE 1

| Section | Brief description of offence | Infringement fee ($) |
|---|---|---|
| 18 | Wilful obstruction of dog control officer or ranger | 750 |
| 19(2) | Failure or refusal to supply information or wilfully providing false particulars | 750 |
| 19A(2) | Failure to supply information or wilfully providing false particulars about dog | 750 |
| 20(5) | Failure to comply with any bylaw authorised by the section | 300 |
| 23A(2) | Failure to undertake dog owner education programme or dog obedience course (or both) | 300 |
| 24 | Failure to comply with obligations of probationary owner | 750 |
| 28(5) | Failure to comply with effects of disqualification | 750 |
| 32(2) | Failure to comply with effects of classification of dog as dangerous dog | 300 |
| 32(4) | Fraudulent sale or transfer of dangerous dog | 500 |
| 33EC(1) | Failure to comply with effects of classification of dog as menacing dog | 300 |
| 33F(3) | Failure to advise person of muzzle and leashing requirements | 100 |
| 36A(6) | Failure to implant microchip transponder in dog | 300 |
| 41 | False statement relating to dog registration | 750 |
| 41A | Falsely notifying death of dog | 750 |
| 42 | Failure to register dog | 300 |
| 46(4) | Fraudulent procurement or attempt to procure replacement dog registration label or disc | 500 |
| 48(3) | Failure to advise change of dog ownership | 100 |
| 49(4) | Failure to advise change of address | 100 |
| 51(1) | Removal, swapping, or counterfeiting of registration label or disc | 500 |
| 52A | Failure to keep dog controlled or confined | 200 |
| 53(1) | Failure to keep dog under control | 200 |
| 54(2) | Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise | 300 |
| 54A | Failure to carry leash in public | 100 |
| 55(7) | Failure to comply with barking dog abatement notice | 200 |
| 62(4) | Allowing dog known to be dangerous to be at large unmuzzled or unleashed | 300 |
| 62(5) | Failure to advise of muzzle and leashing requirements | 100 |
| 72(2) | Releasing dog from custody | 750] |

# PALMERSTON NORTH DOG CONTROL BYLAW 2018

## 5. General Control in Public Places

(1) No owner of any dog shall allow the dog on any Prohibited Public Place as defined in Schedule 1 of this Bylaw, except where the only pedestrian access to either the owner's residence or a veterinary surgeon is through a Prohibited Public Place in which case the owner may lead the dog through the Prohibited Public Place provided that:
(a) The owner and dog take the most direct route across the Prohibited Public Place, and
(b) The dog is controlled on a leash.
(2) The owner of a dog shall keep the dog controlled on a leash on any public place not being a Dog Exercise Area, including in those areas listed in Schedule 2.
(3) The Owner of a dog shall ensure that the dog is under control but shall not be obliged to keep the dog on a leash within the Dog Exercise Areas described in Schedule 3.

## 8. SEIZURE OF DOGS IN PUBLIC PLACES THAT ARE IN CONTRAVENTION OF THE BYLAW

A Dog Control Officer or a Dog Ranger may seize and impound any dog at large in a public place in contravention of this Bylaw, whether or not the dog is wearing a collar having the proper label or disc attached indicating that the dog is currently registered.

## 13. RESPONSIBILITY TO REMOVE FAECES

The owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner, shall immediately remove the faeces.

Dear Officer of Palmerston North City Council

I have received your notice dated 15 Feb 2021 about classifying my dog (Becky, Tag 6291) as a menacing dog under section 33A(2) of the Dog Control Act 1996. I would like to object to this classification on the grounds setting out as follows:

1. My dog Becky is over 1 and half years old and is currently living with another German Shepherd. I have always been taking very good care of my dogs. They have routine check-up at the vets. The vets and nurses like them very much and often praise their friendliness.

2. They are regular visitors to doggy parks and the beach, and get along with other dogs at those places.

3. I am well aware of the obligations of owning a large dog, so I have attended a professional puppy school at Massey University Veterinary Hospital for a series of training sessions before the dogs reached adulthood.

4. After they have reached adulthood, I have also had a professional dog trainer to train the dogs in their daily behaviour.

5. My dogs have stayed in the boarding center before and according to the feedback, Becky is very well behaved and has not had any conflicts with other dogs.

6. I usually have a professional (Massey's vet) walk the dogs and Becky has been walked and trained on Pacific Drive countless times and incident like this has never happened.

7. I was not on the scene on the day of the incident, I was out of Palmerston North.

8. On the day of the incident, the dog was taken out without my permission and was not properly collared.

9. On the day of the incident, the person who took the dog out without my permission has never spent time with my dog therefore not familiar with Becky and they have not had experience handling dogs either. Becky was anxious about being taken out by someone she did not know well. I believe this was the main cause of the accident.

10. On the day of the incident, according to the person on the scene, the accident started when the other person's small dog barked first and then a confrontation arose, resulting in probably some minor injuries. Therefore, in my opinion, it was an accident, not a habitual behaviour.

For the reasons mentioned above I hope you would reconsider and withdraw the notice classifying Becky as a "menacing dog". I would also welcome any further assessment of Becky

if necessary, and you will find she is a very friendly dog.