



NOTICE OF MEETING

**Notice is hereby given that a Meeting
of the Hearings Panel
will be held in the Council Chambers
First Floor, Civic Administration Building,
101 Esk Street, Invercargill
On Wednesday 7 March 2018 at 10.30 am**

Cr DJ Ludlow (Chairman)
Cr R R Amundsen
Cr T M Biddle

EIRWEN HARRIS-MITCHELL
MANAGER, SECRETARIAL SERVICES

Council's Values:

- Responsibility Take ownership of decisions and outcomes, both collectively and individually.
- We willingly share our knowledge.
 - We acknowledge our mistakes, work to resolve them and learn from them.
 - We give and receive feedback in a constructive manner to resolve issues.
 - We do our job with total commitment.
- Respect Everyone is important, as are their views.
- We support and care for each other.
 - We stop to listen, learn and understand.
 - We communicate in an honest, up-front and considerate manner.
 - We maintain confidences and avoid hurtful gossip.
- Positivity Always look on the bright side of life.
- We are approachable, interested and friendly.
 - We are open and receptive to change.
 - We acknowledge and praise the efforts of others.
 - We work together as a team to get the job done.
- Above and Beyond Take opportunities to go the extra mile.
- We take the initiative to improve our work practices to get the best results.
 - We challenge ourselves and each other to make it better.
 - We take pride in providing the best possible outcomes.
 - We are ambassadors for our Council at all times.

Council's Vision for the City:

Enhance our City and preserve its character, while embracing innovation and change.

Council's Vision:

We are an energised, fun and innovative team that makes it better for each other and our community.

Council's Mission:

Making it better by making it happen.

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BEFORE THE HEARINGS COMMITTEE

IN THE MATTER of the Dog Control Act 1996

BETWEEN **ANGEL NGU**
Appellant

AND **INVERCARGILL CITY COUNCIL**
Respondent

**IN RESPECT OF AN OBJECTION TO A DOG BEING
CLASSIFIED AS MENACING**

OFFICER'S REPORT

Timeline of Events

11 July 2017 at approximately 10.30 am a complaint was received regarding a person being bitten by a golden labrador cross breed outside 300 Barrow Street, Bluff. The complainant alleged that the dog had caused a small wound/bruise to her right lower leg.

11 July 2017 - An Animal Control Officer was dispatched shortly after the call was received. He spoke to a young child at the dwellinghouse who informed him that the dog owner was working. When he asked for the whereabouts of the dog she replied she could not find the dog.

11 July 2017 - The dog owner was contacted via mobile phone by the Animal Control Officer and it was explained to her what was going on. The Animal Control Officer then proceeded to patrol the surrounding area in search of the dog in question.

11 July 2017 at 2.20 pm a statement was taken from the complainant and it was decided a Section 52A infringement for failure to keep control of the dog as well as a menacing classification would go ahead.

14 July 2017 - The dog owner was contacted by Animal Control and was informed of the outcome from the complaint. The dog owner informed us she would keep the dog at her mother in-laws until her fencing is up to standard.

13 September 2017 - An Animal Control Officer attempted to contact the complainant with an update. No response was heard.

4 October 2017 - Menacing classification documents were hand delivered to the dog owner and she was spoken to by two Animal Control Officers at the time. The dog owner made it clear she would write in and object to the classification.

Dog History

- 6 September 2013 - Wandering Complaint. Dog has been seen out wandering 2-3 times a day.
- 17 July 2014 - Wandering complaint. Dog wandering in Barrow Street. Chased home to 300 Barrow Street and owner spoken to.
- 18 April 2016 - Wandering complaint. Dog chased from Main Street Bluff to 300 Barrow Street. Owner spoken to and will tie dog up.
- 15 April 2017 - Dog attack complaint. Dog was out wandering and bit a person, who did not wish to take the matter further other than having the owner spoken to.
- 11 July 2017 - Dog attack complaint. Dog ran out of 300 Barrow Street and bit the postie going past on a motorbike. Menacing classification issued on 4 October 2017.
- 3 October 2017 - Wandering complaint. Dog from 300 Barrow Street out wandering.

ANALYSIS

The complainant was delivering mail to 300 Barrow Street when the dog bit her on the leg. A statement was taken from the complainant (annexed as Exhibit 5). This is evidence under Section 33A that the dog attacked a person and is therefore part of the classification.

We believe there is an ongoing risk to people as in this case the dog bit the complainant. This was an unprovoked attack as all the complainant was doing was delivering the mail to the letterbox.

There is also history of this dog acting in a similar manner. Previously it has bitten a person. This shows that the actions taken by the owner to control her dog are inadequate and there is an ongoing risk to the public because of the aggressive actions of the dog.

RECOMMENDATION

I recommend that the Panel uphold the classification because of the aggressive manner of the dog with more than one attack that this dog has been involved in. This shows a high level of risk that the dog will attack again as it has already done so twice and the owner has repeatedly failed to keep control of the dog.

Should the Panel elect to rescind the classification, there are no provisions for the Panel to make specific recommendations or direction in regard to the ongoing control of the dog.

NAE Todd
ANIMAL CONTROL OFFICER

23 February 2018

ANNEXURE

- Exhibit 1 Objection letter
- Exhibit 2 Menacing classification
- Exhibit 3 Dog attack/menacing complaint 11 July 2017
- Exhibit 4 Photographs
- Exhibit 5 Complainant statement
- Exhibit 6 Investigation check sheet
- Exhibit 7 Complaint history

Nicole Todd

From: Angel Ngu <angel.12008@live.com.au>
Sent: Wednesday, 25 October 2017 1:37 p.m.
To: Animal Control
Subject: ATTENTION: ELLE DICKSON.RE:Infringement notice and classification of dog.

Follow Up Flag: Follow up
Flag Status: Completed

Complaint number 253926

Hello Elle

I am replying to the letter dated 4th October 2017, and your visit, which states that a "person" told you that there may be a problem with lack of control with my dog Jess.

On the day and time in which the allegation was made and the supposed wandering of my dog, I and my daughter were home with Jess who resides inside the house in the conservatory when we are at home. This is why I do not believe the allegation is true and I object to having this menacing dog classification put on Jess or paying the \$200 Infringement fine.

My dog has been in this neighbourhood for almost 5 years and I have followed the rules by having her fixed and making sure she is registered since coming to me at 4months old. She is not of any breed stated in shedual 4 of the Dog Control Act 1996.she is a Labrador cross as stated on her registration forms. She has a kennel with a chain which we use when we are away from the property or she is inside as previously stated. When we travel away she is taken to family where the property is completely fenced. We have young children in our neighbourhood that come to play with our children and to date none have ever been attacked, bitten and scared by Jess, this includes our neighbours on both sides and across the road from us,who also treat her as there own.

Jess is a family dog and has never threatend any postie in the past, other than barking which is normal for all dogs as we know. I did however recently, this Year, witness one of the posties try to kick Jess as she lay on the grass inside my property. This person did not see me as I was in the garage looking out the window.As I came out of the garage the person was very surprised to see me. I asked what the problem was and was answered with "oh nothing, she's fine" and carried on, which, of course my dog was fine she was still laying on the grass.I did not bother to follow up on this matter with NZ post but perhaps I should have. Also, Jess wouldn't follow a motorbike because she doesn't like the loud noise.

It seems my dog is the one getting picked on possibly because of this incidence. For as I am writing this email, I am looking out my window at 3 dogs roaming down my street, as they do most days, 1 white, 1 tan, 1 black, all unaccompanied by their owners.

I use to walk Jess through various tracks in bluff reagulaly if not daily and never had an issue with her attacking other dogs or people. Now she is made to stay home because if people see her in a horrible muzzle they automatically assume she is a vicious dog which is just not true at all, she is the complete opposite. I understand that there is a need for certain dogs to have a muzzel but Jess is not one if them.

We have installed a wire run for Jess as you directed, so she can at least walk up and down our property for exercise.

I thank you for taking the time to consider my objection and am sorry for any inconvenience that has been caused.

I look forward to your correspondence.

Sincerely
 Angel Ngu

Sent from my Samsung Galaxy smartphone.

Nicole Todd

From: Angel Ngu <angel.12008@live.com.au>
Sent: Friday, 12 January 2018 12:31 p.m.
To: Animal Control
Subject: Infringement 4828

Follow Up Flag: Follow up
Flag Status: Completed

Hello Elle

Happy New Year.

I have received your letter dated 20 December 2017 referring to the infringement notice for Failure to control dog.

Thankyou for your reply and assistance with this matter.

As you have decided for the infringement not to be waived, I am writing to advise that I am only able to pay this infringement in fortnightly payments.

Can you please forward me the account information and reference needed to pay this infringement so I may get it started asap.

Thankyou again for your time with this and I look forward to the outcome of the hearing regarding Jess's Menacing classification.

Regards
Angel Ngu

Sent from my Samsung Galaxy smartphone.



SC EXHIBIT 2
05 OCT 2017
04 OCT 2017

Licence No: MEN/2017/58
Ref No: 02207956
Dog Ref: 27728

NOTICE OF CLASSIFICATION OF A DOG AS A MENACING DOG
(Section 33A, Dog Control Act 1996)

Name: Angel Ngu
Address: 300 Barrow Street
BLUFF 9814

This is to notify you* that this dog has been classified as a menacing dog under Section 33A (1) of the Dog Control Act 1996. This is because of the observed or reported behaviour of the dog being it attacked a person.

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

Dog: Jess, a spayed tan coloured Labrador cross breed

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

6  _____ 22.08.17
P M Gare (Date)
Director of Environmental and Planning Services

- * 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 (Please Note: "At Large" includes your own property) 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 Invercargill City Council, produce to the Invercargill City Council, within one 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 Invercargill City Council, produce to the Invercargill City Council, within one month after the date specified in that certificate, a further certificate under paragraph (b)(i).*

You must in accordance with Section 33E(1)(b) neuter your dog. The certificate must be provided to the Invercargill City Council within one month of the date of this notice.

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 Invercargill City Council in accordance with the reasonable instructions of the Invercargill 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 two 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 two 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.



Licence No: MEN/2017/58
Ref No: 02207956
Dog Ref: 27728

22 August 2017

Angel Ngu
300 Barrow Street
BLUFF 9814

Dear Angel

NOTICE OF CLASSIFICATION OF DOG AS A MENACING DOG

Please find enclosed a notice classifying your dog Jess as menacing. This is due to observed and reported behaviour on 11 July 2017.

The classification is due to the following behaviour:

1. Roaming at large.
2. Attacked a person.

These events were witnessed by a person who has provided a statement to Council. On this evidence Council has determined your dog Jess as menacing.

There are a number of responsibilities with having a dog classified as menacing, and these are explained in the enclosed notice, and outlined as below:

- Your dog must be muzzled when it is "at large", and this includes a public place or in a private way.
- A clear property inspection must take place within 30 days of receiving this notice.
- Your dog must be microchipped.

An Animal Control Officer will contact you (if they have not already) to arrange for a property inspection to take place.

If you have any further questions about this matter please do not hesitate to contact Animal Services at the Invercargill City Council on (03) 211 1777, and quote MEN/2017/58.

Yours sincerely

A handwritten signature in black ink, appearing to read "J. Youngson".

John Youngson
MANAGER – ENVIRONMENTAL HEALTH AND COMPLIANCE

Encl.

RIGHT OF OBJECTION TO CLASSIFICATION UNDER SECTION 33C

(Section 33D, Dog Control Act 1996)

You may object to the classification of your dog as menacing by lodging with the Invercargill 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.

You must provide evidence to the Invercargill City Council that the dog is not of a breed or type listed in Schedule 4 of the Dog Control Act 1996.

INVERCARGILL CITY COUNCIL BYLAW 2015/1 - DOG CONTROL

(Clause 15.1)

The owner of any dog classified as menacing must follow these additional obligations:

- 15.1.1 Any dog, classified as menacing by any other territorial authority, that now resides in Council's area must be neutered as per section 33EB of the Dog Control Act 1996.
- 15.1.2 Any owner of a dog classified as menacing must follow these additional obligations:
 - a. Ensure the provision of a secure area where it is possible to gain unrestricted access to at least one door of the dwelling.
 - b. Ensure that the dog is muzzled in any public place or when not confined in a vehicle or cage.
 - c. Not dispose of the dog to any other person without the written consent of the Council.



Licence No: MEN/2017/58
Ref No: 02207956
Dog Ref: 27728

REPORT TO THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES – P M GARE

CLASSIFICATION OF DOG AS MENACING

BACKGROUND

On 11 July 2017 a report was received concerning a dog that came out of a property and attacked a woman on a bicycle.

I am recommending that the dog in this case be classified as Menacing in terms of Section 33A of the Dog Control Act 1996.

The Facts

Dog: Jess, a spayed tan coloured Labrador cross breed owned by Angel Ngu of 300 Barrow Street, Bluff.

On 11 July 2017 at approximately 10.20 am the complainant was delivering mail at 300 Barrow Street in Bluff.

The complainant put the mail in the mail box and as she was getting ready to leave, she felt pressure on her lower right leg. She moved her leg slightly to see what it was and realised that it was the dog that had bitten her.

When the complainant turned around the dog was moving away, she yelled at the dog and moved her bike in front the of property's garage.

When she went to put the bike stand down the dog advanced towards her again, so she yelled again.

The complainant then tried to phone her husband who turned up at the property. The complainant's husband chased the dog, yelling at it, to the house where it hid. They did not see the dog after that. The complainant's husband phoned Animal Control.

The complainant continued to deliver mail, no-one from the address where the dog came from came out at the time of the attack.

The complainant advised that the dog has previously tried to bite her but she was fast enough to move her leg before it did.

The dog lives at the address, the complainant confirmed this as she has previously seen the dog tied up at the same address.

The file in respect of this matter is available for your reference.

PREVIOUS DOG HISTORY

6 September 2013 - Dog Wandering. Letter sent to owner.

17 July 2014 - Dog Wandering. Owner will keep a better eye on the dog.

18 April 2016 - Dog wandering. Owner will tie dog up at the back of the house in future.

15 April 2017 - Dog attack/wandering. Bit Postie on leg. Owner spoken to about responsibilities.

THE LAW AND ANALYSIS

Menacing Classification

In order for a dog to be classified as Menacing the following needs to be established as per Section 33A Dog Control Act 1996:

- 1) The dog is not already classified as *Dangerous* under the Act.
- 2) A threat may be posed to any person, stock, etc because of:
 - (a) observed or reported behaviours; or
 - (b) any characteristics typically associated with the dog's breed.

Addressing each of these elements:

Not Dangerous Already

I have searched our database and the dog Jess is not classified as Dangerous by Council.

A Threat posed to any person...

On the information available there is a threat to person. The dog showed no signs of aggression towards the complainant until it attacked. Without restrictions, the dog poses a threat to people if it is allowed loose again.

Observed or Reported Behaviours

The complainant's statement confirms there was an attack.

Dog Attack

Because there has been an attack on a person consideration must also be given to a prosecution under Section 57 of the Dog Control Act 1996.

For a Charge under Section 57 to be established we must prove:

- 1) a person
- 2) attacked
- 3) a dog

Addressing each of these elements:

Person

It is clear that the complainant is a person in terms of the Act.

Attacked

For an attack to be proved there must be physical contact between the dog and the person.

In this case

The Statement confirms that there was physical contact between the dog and the complainant.

A Dog

The animal involved is a dog. Evidence has identified Jess.

RECOMMENDATIONS

I am recommending that the dog be classified as a Menacing Dog.

The test set out in Section 33A has been met as there is evidence that the dog poses an ongoing threat to persons. This is evidenced by the observed and reported behaviour of the dog.

I am not recommending a prosecution under Section 57. While the elements are made out I do not believe that there is public interest in prosecution.

A classification under Section 33A will send a strong message to the owner that she needs to take care and be vigilant at all times with her dog Jess.

I request that the dog Jess be classified as Menacing.

EJR Dickson
ANIMAL CONTROL OFFICER

EXHIBIT 3

DOG ATTACK/MENACING

Request No:247699

Name of Complainant:		
Address of Complainant:		
Home Ph:	Work Ph:	Mobile:

Date Received: 11 July 2017

Time Received: 10:30:55

Dog Owner Details

Angel Ngu
300 Barrow Street, BLUFF
Jess / Ref No. 27728

Complaint Details:

Type of Incident	Attack
Category	People
Owner name (if Known) and Complainants Address	
Dog Breed	Lab X
Dog Colour	golden
Dog Sex	Unknown
Is dog a puppy, adult, or older dog	Unknown
What was the date and time of incident?	about 10.30am
Any further relevant information	
Dog Registration	Current
Dog Microchipped	Undecided
Dog History	Rushing/Aggressive
Is complaint substantiated	Undecided
Attack Location	Public Place - Immediately outside

	dogs property
Owner Present at time of Incident	Undecided
Victim	Person - No relationship
Victim Age Group	Adult
Victim Gender	Female
Assisting Officer	
Responded within 30 minutes?	No

Request Notes

11-Jul-2017
10:34:16

LEEANNEM

ring to reports adog attack this morning about 5-10 minutes ago.

advised that
his partner

JANICEP

was on her
motorbike going past
300 Barrow St Bluff,
when a golden Lab
X with collar ran out
and bite her on the
right lower leg, there
is no punture wound,
but more of a scrape
on her leg and
bruising is now
coming up, they will
be taking pictures.

said he was
driving past in the
van and
yelled at the dog and
it is now hiding in the
house. Advised

Janice11-Jul-2017
10:40:13

MICHEALM

ACO53
dispatched11-Jul-
2017 12:48:44

11/07/2017 @ 11:15
300 Barrow street
Talked to young girl
whom was in the
house with two other
children, I asked if
mum was home and
she said no shes
away painting.

MICHEALM

Asked if the dog was there She went and had a look and came back and said it was not It is always wandering said i need to get your mums MBL please as the dog has bitten someone She went and got it for me. I called angel told her as much as i knew And needed to know were the dog was. She said she had no idea. I patrolled the area Called the complainant husband he told me his wife was still

on Lagan street. Meet with her She was busy but will call into the office this afternoon to do a staement. I patrolled for a while longer passing 300 Barrow street three times still no dog. 11-Jul-2017 15:00:13

11/07/2017 @ 14:20
Statement from the complainant taken by Elle. Menacing classification and fines for failure to control. 14-Jul-2017 10:12:21

MICHEALM

14/07/2017 @ 08:40
Talked tot he dog owner at her property Told her that her dog will have a menacing classification and she will receive a \$200 fine for failure to control. They will put the dog at her mother in laws as there is very good fencing there until

ELLED

they can sort there
own fencing.17-Aug-
2017 10:30:31

Does the dog just
need to be classified
now?21-Aug-2017
14:51:24

ELLED

Classification has
been typed up, to be
seen by WPOs the
JY to be signed04-
Sep-2017 11:18:19

ELLED

ACO to phone
complainant
021403463 and give
update13-Sep-2017
12:16:32

MICHEALM

13/09/2017 @ 12:17 Called the complainant no reply.

Inspection Notes

Inspection Notes

EXHIBIT 4





EXHIBIT 5

RFS number: 247699

Complainant's address: _____

Offender's address (if known): 300 Barrow Street Bluff.

COMPLAINANT STATEMENT TEMPLATE

Issue being dealt with: Dog Attack

Start time and location of complainant's statement:
14.20 101 Esk Street Invercargill

Statement

_____ states:

That is my full name. I live at _____

My home phone is _____, my email is _____

I am currently employed at _____

My date of birth is 1/1/1980

I am being spoken to by Elle Dickson from the Invercargill City Council about an incident on 11 July 2017 on Barrow Street in Bluff.

(Statement below is written as if the complainant is talking in the first person)

PROBLEM SUMMARISED

It was approx 14.20am today 11th July 2017 I was delivering the mail at 300 Barrow Street Bluff. When the dog that lives there, I know this as I have seen the dog tied up at the address previously.

After I put the mail in the mailbox I was getting ready to leave, and felt pressure on my lower right leg. I moved my leg slightly and turned to see what it was.

I realised it was the dog that had bitten me, when I turned around the dog was moving away, I yelled at the dog and moved my bike to in front of the property's garage.

When I went to put the bike stand down, the dog advanced again towards me, so I yelled again. I then tried ringing my husband, who turned up at the property.

He then chased the dog yelling at it, to the house; it hid at the house somewhere. After that we didn't see the dog again.
My husband rang dog control.

I continued delivering my mail after about ten mins. No one from the property came out.
This is not the first time I have had trouble with the same dog.

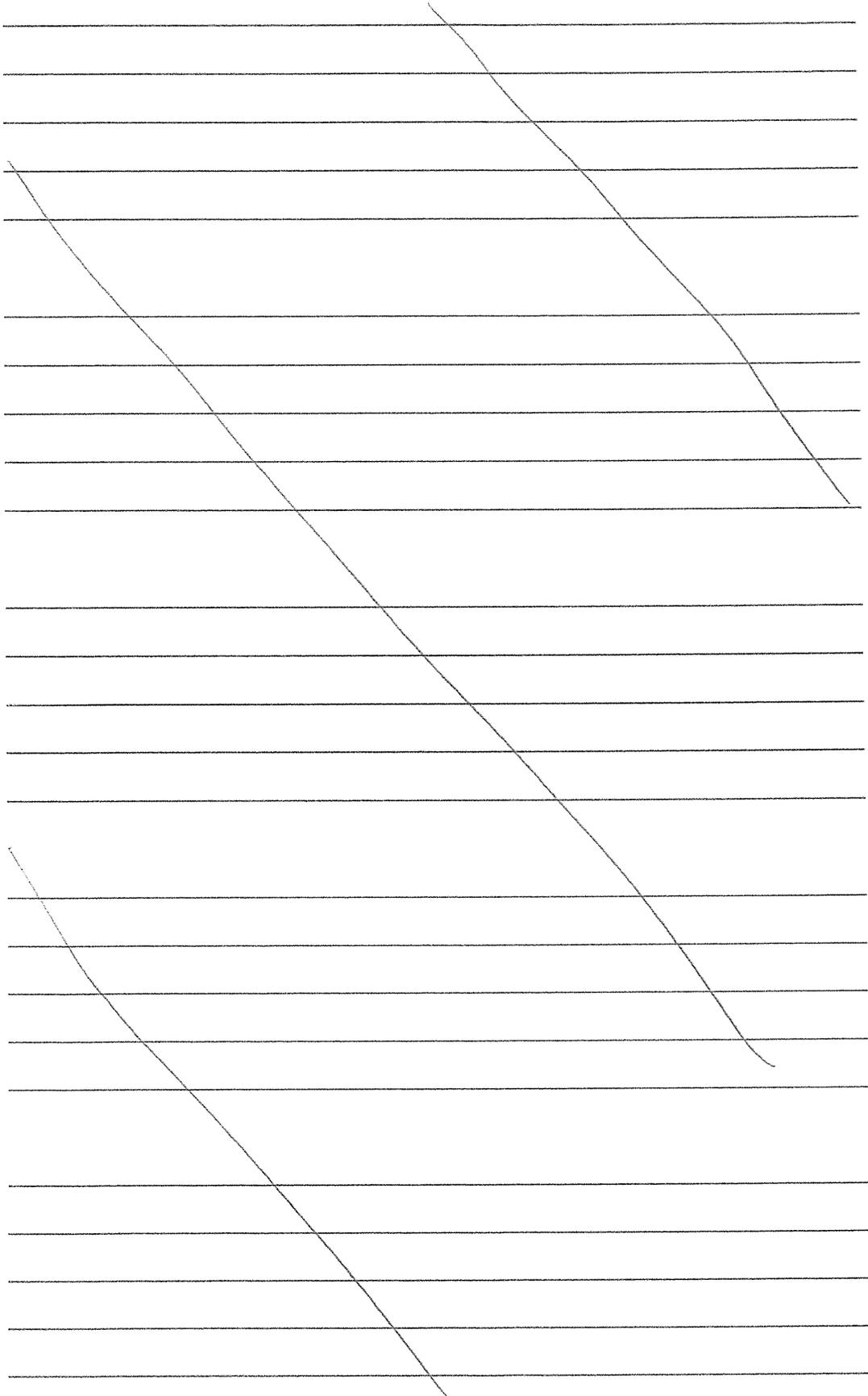
It has previously tried to bite me, but I was fast enough to move my leg in time.

Im not sure what gender the dog is, its solid built medium to large

sized dog, medium tan coloured.

He had a collar which was dark brown black colour with a red tag on the collar.

They have a small concrete block fence only couple feet high, There are no gates so the dog can freely wander. I often see the dog loose in their property.



[The page contains approximately 25 horizontal lines, all of which are crossed out with a large, diagonal handwritten 'X' that spans the width of the page from top to bottom.]

Blank lined area for writing, crossed out with a large diagonal line.

Statement by complainant to confirm all that is written is true and correct:

Statement: I have read this statement & it is true & correct.

Signed: 

Dated: 11/7/17

Statement taken and signature witnessed by:

Name: Elle Dickson

Job Title: Animal Control Officer

Organisation: Invercargill City Council

Warrant Number: 2016/14

Finish Time: 14.40.

EXHIBIT 6

05 OCT 2017

Investigation Check Sheet / Report

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

Investigation Details

SCANNED

RFS #: 247699

Officer: Mike

05 OCT 2017

Alleged Offence: Dog Attack on: Person / Stock / Domestic Pet / Protected Wildlife / Poultry
(note which of the above is the dog attack victim)

Investigation File Check List

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> RFS print out | <input type="checkbox"/> Officer Field Notes | <input checked="" type="checkbox"/> Complainant Statement |
| <input type="checkbox"/> Dog Owner Statement
<i>(if applicable)</i> | <input type="checkbox"/> Witness Statement
<i>(if applicable)</i> | <input type="checkbox"/> Medical/Veterinary Reports
<i>(if applicable)</i> |
| <input checked="" type="checkbox"/> Evidential Photos
<i>(if applicable)</i> | <input type="checkbox"/> Consent Agreement
<i>(if applicable)</i> | <input type="checkbox"/> Impound Notice
<i>(if applicable)</i> |
| <input type="checkbox"/> Seizure Notice
<i>(if applicable)</i> | <input type="checkbox"/> Victim Impact Report
<i>(if applicable)</i> | <input checked="" type="checkbox"/> Assessment matrix |
| <input type="checkbox"/> File Fact Sheet | | |

History: YES NO
(if YES attach information to file)

Registered: YES NO
(if YES attach information to file)

Other Breaches of DC Act: *(if applicable) e.g. Bylaw Breaches*

Other Actions to Date: *(if applicable) e.g. Seizure of Dog*

Summary of Incident:

Dog has been left to wander and has wandered out to the street and bitten postie with no warning.

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.

RFS # 247699

Dog

• Level of aggression displayed in the attack

<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	7	8	10				
Low Intensity <i>(nip and run off)</i> <i>(intimidating)</i>		Medium Intensity <i>(bite and retreat)</i> <i>(growling)</i>			Extreme Intensity <i>(multiple bites and retreat)</i> <i>(snarling)</i> <i>(hanging on - shaking)</i>				

Score:

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

Score:

• Previous history -- (only if in last 6 months)

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

Score:

• Previous history -- (only if in last 12 months - record as NIL if prior)

<input type="checkbox"/>									
1	2	3	4	5	6	7	8	9	10
Nil		Barking		Growling		Straying		Snarling	
		Impounded		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 type="checkbox"/>	<input checked="" 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 <i>(access / no access)</i> <i>(outbuilding)</i>		Owner control <i>(leash)</i> <i>(verbal)</i>		At large private property <i>(owner present)</i> <i>(no owner present)</i>		Secured/At large public place / At large other persons private property			

Score:

Dog Total:

(Min 4 - Max 40)

Use Only One

Owner

• Attitude to the incident

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

Score:

• Previous History -- (only if in last 6 months)

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

Score:

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

Score:

• Level of Responsibility towards Control of Dog

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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			Ignorant of			Disregard of				Deliberate
Above average		Average		Below average		rules and/or regulations		previous warnings/actions		

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"/>								
1	3	5								
Nil	Possible	Probable								

Score:

Why? Provisions of control are average

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

<input checked="" 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)

RFS # 247699 Assessment Score 41

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

- | | |
|---|---|
| <input type="checkbox"/> Dog Control Notice and S33AMenacing Classification (<i>deed</i>) | <input type="checkbox"/> Education |
| <input type="checkbox"/> Dog Control Notice | <input type="checkbox"/> S33CMenacing Classification (<i>breed</i>) |
| <input 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.

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 S33AMenacing Classification (<i>deed</i>) | <input type="checkbox"/> S33CMenacing Classification (<i>breed</i>) |
| <input type="checkbox"/> S53(1) Infringement Notice and Dog Control Notice | <input checked="" type="checkbox"/> S42 Infringement Notice |
| <input type="checkbox"/> S53(1) Infringement Notice | <input type="checkbox"/> Dog Control Notice |
| <input checked="" type="checkbox"/> Dog Control Notice and S33AMenacing Classification (<i>deed</i>) | <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 - 97 (tick box/s) (T/A OPTIONS)

S58 Prosecution and Dog Seizure Retention

S57 Prosecution

S57 Prosecution and Dog Seizure Retention

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#: 27728

Owner ID#: Angel Nga

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)

A classification and failure to control infringement will send a strong message to the dog owner to keep her dog under control

Signed: E. Dickson
(Manager)
Team leader Compliance
E. Dickson

Date: 21/8/17

EXHIBIT 7

WANDERING / FOULING COMPLAINT

Request No:148967

Name of Complainant:		
Address of Complainant:		
Home Ph:	Work Ph:	Mobile:

Date Received: 6 September 2013

Time Received: 09:53:14

Dog Owner Details

Angel Ngu
300 Barrow Street, BLUFF
Jess / Ref No. 27728

Complaint Details:

Owner name (if Known) and address	300 Barrow St Bluff - Angel Te-Wah?
Complainants Address	
Dog Breed	medium sized
Dog Colour	brown
Dog Sex	Female
Is dog a puppy, adult or older dog	Young
What was the date and time dog was seen?	2 - 3 times a day, did not have specifics
Any further relevant information	

Request Notes

06-Sep-2013
10:30:10

DIANEL

.....

.....

brown dog called 'Jess' from 300 Barrow st bluff is out wandering 2-3 times a day according to

WANDERING / FOULING COMPLAINT

Request No:170131

Name of Complainant:	Invercargill City Council - Animal Control	
Address of Complainant:	C/- Environmental & Planning Services	
	Private Bag 90104	
	INVERCARGILL 9840	
Home Ph:	Work Ph:	Mobile:

Date Received: 17 July 2014

Time Received: 09:36:12

Dog Owner Details

Angel Ngu
300 Barrow Street, BLUFF
Jess / Ref No. 27728

Complaint Details:

Owner name (if Known) and address	300 Barrow Street Bluff
Complainants Address	
Dog Breed	
Dog Colour	Tan
Dog Sex	
Is dog a puppy, adult or older dog	
What was the date and time dog was seen?	17/07/14 @ 08:40
Any further relevant information	

Request Notes

17-Jul-2014
09:39:07

MICHEALM

17/07/14 @ 08:40 Dog wandering Barrow Street, Chased it home to 300 Barrow street. Talked tot he owner he will keep a better eye on his dog.

WANDERING / FOULING COMPLAINT

Request No:214994

Name of Complainant:	Invercargill City Council - Animal Control	
Address of Complainant:	C/- Environmental & Planning Services	
	Private Bag 90104	
	INVERCARGILL 9840	
Home Ph:	Work Ph:	Mobile:

Date Received: 18 April 2016

Time Received: 16:15:07

Dog Owner Details

Angel Ngu
300 Barrow Street, BLUFF
Jess / Ref No. 27728

Complaint Details:

Owner name (if Known) and address	300 Barrow Street
Complainants Address	
Dog Breed	Lab X
Dog Colour	Tan
Dog Sex	Female
Is dog a puppy, adult or older dog	Adult
What was the date and time dog was seen?	18/04/16 @ 14.49
Any further relevant information	
Assisting Officer	

Request Notes

18-Apr-2016
16:18:01

ELLED

ACO 55/53 18/04/16 @ 14.49 chased dog from main street bluff home dog almost got hit by a car a couple times, took the dog to his house until the dog owner got home, card left.ACO 53 spoke to dog owner, he is going to tie the dog up around the back of the house.

Inspection Notes

Inspection Notes

DOG ATTACK/MENACING

Request No:241387

Name of Complainant:	Invercargill City Council - Animal Control	
Address of Complainant:	C/- Environmental & Planning Services	
	Private Bag 90104	
	INVERCARGILL 9840	
Home Ph:	Work Ph:	Mobile:

Date Received: 15 April 2017

Time Received: 10:10:00

Dog Owner Details

Angel Ngu
300 Barrow Street, BLUFF
Jess / Ref No. 27728

Complaint Details:

Type of Incident	Harrassment
Category	People
Owner name (if Known) and	Angel Ngu
Complainants Address	
Dog Breed	Lab X
Dog Colour	tan
Dog Sex	
Is dog a puppy, adult, or older dog	
What was the date and time of incident?	
Any further relevant information	
Dog Registration	
Dog Microchipped	Undecided
Dog History	
Attack Location	

Owner Present at time of Incident	Undecided
Victim	
Victim Age Group	
Victim Gender	
Assisting Officer	
Responded within 30 minutes?	Yes

Request Notes

15-Apr-2017 10:12:45 ELLED
 from NICOLEP

in Bluff called in regarding a dog from Barrow street that has been out wandering and bit her on 13/04/17 @ 12:30, she didnt want to take the complaint any further than us visiting and talking to the dog owner regarding the dog wandering and acting aggressive, she said that they have low fences and the dog can jump the, ACO to Visit and remind them of keeping there dog under control at all times and possibility of infringements and menacing classification if dog is aggressive. 19-Apr-2017 13:52:53 19/04/17 @ 13:53Tried to phone dog owner, no luck.

Unable to get down to Bluff today as I am the only ACO on, will try ring owner again later on.

Dog will be losing its responsible status for this incident, they can re apply in 2 years time if they wish. 11-May-2017 NICOLEP

12:12:42

Spoke to Angel about Jess biting the Postie.

She was shocked to hear that had happened, she said Jess is a protective dog but she has never seen her try to bite anyone.

Angel is going to apologise to the Postie, she will keep an eye on Jess when she is near the fence.

Inspection Notes

Inspection Notes

WANDERING / FOULING COMPLAINT

Request No:253926

Name of Complainant:		
Address of Complainant:		
Home Ph:	Work Ph:	Mobile:

Date Received: 3 October 2017

Time Received: 11:45:33

Dog Owner Details

Angel Ngu
300 Barrow Street, BLUFF
Jess / Ref No. 27728

Complaint Details:

Owner name (if Known) and address	
Complainants Address	
Is it a Dog>	Undecided
Dog Breed	labx
Dog Colour	
Dog Sex	
Puppy, adult or older dog	
Not a Dog - What animal and how many	
Date and time seen?	11.40pm 3/10
Any further relevant information	
Assisting Officer	

Request Notes

03-Oct-2017 COLLEENM
11:54:09

Wandering Dog Lab NICOLEP
x tan from 300
Barrow St Bluff by

then
went out of sight
would like AC
to contact her dog
has bitten her
before 04-Oct-2017
07:27:04

3/10/17 @ 12:10 ACO54/56 Patrolled area for dog, we were not told the dog came from 300 Barrow only that the dog was wandering around there otherwise we would have visited the property.....

This dog is supposed to be classed as menacing so im not sure whats happening there? I will find out about this before I talk to again.

I will issue NICOLEP
infringements to the
dog owner and try
and get intouch with
her. 04-Oct-2017
11:30:36

4/10/17 @ 10:23 ACO54/56 Visited and spoke to dog owner.

We informed her that an infringement notice will be coming in the post as yesterday we received a complaint to say that Jess had been out wandering again. Angel said she is going to dispute the ticket as she was home and she was pretty sure she did not leave the property, we told her this is fine she is welcome to do so.

We also hand delivered Jess's menacing classification at the same time as this had not been done.

Angel said she has been waiting for the paperwork to turn up but it never arrived so she assumed it wasnt going ahead, she is going to write in an object to this as well.

Will contact NICOLEP
complainant with an
update. 13-Oct-2017
09:15:43

Tried to phone JANICEP
left a voice
message on her
phone letting her
know the owner has
been issued with an
infringement and to
please give us a call
if she see's it
again. 11-Jan-2018
10:18:51

See below email from Angel Ngu for Elle to respond
Complaint number 253926

Hello Elle

I am replying to the letter dated 4th October 2017, and your visit, which states that a 'person' told you that there may be a problem with lack of control with my dog Jess.

On the day and time in which the allegation was made and the supposed wandering of my dog, I and my daughter were home with Jess who resides inside the house in the conservatory when we are at home. This is why I do not believe the allegation is true and I object to having this menacing dog classification put on Jess or paying the \$200 Infringement fine.

My dog has been in this neighbourhood for almost 5 years and I have followed the rules by having her fixed and making sure she is registered since coming to me at 4 months old. She is not of any breed stated in Schedule 4 of the Dog Control Act 1996. She is a Labrador cross as stated on her registration forms. She has a kennel with a chain which we use when we are away from the property or she is inside as previously stated. When we travel away she is taken to family where the property is completely fenced. We have young children in our neighbourhood that come to play with our children and to date none have ever been attacked, bitten and scared by Jess, this includes our neighbours on both sides and across the road from us, who also treat her as their own.

Jess is a family dog and has never threatened any postie in the past, other than barking which is normal for all dogs as we know. I did however recently, this year, witness one of the posties try to kick Jess as she lay on the grass inside my property. This person did not see me as I was in the garage looking out the window. As I came out of the garage the person was very surprised to see me. I asked what the problem was and was answered with 'oh nothing, she's fine' and carried on, which, of course my dog was fine she was still laying on the grass. I did not bother to follow up on this matter with NZ Post but perhaps I should have. Also, Jess wouldn't follow a motorbike because she doesn't like the loud noise. It seems my dog is the one getting picked on possibly because of this incident. For as I am writing this email, I am looking out my window at 3 dogs roaming down my street, as they do most days, 1 white, 1 tan, 1 black, all unaccompanied by their owners.

I use to walk Jess through various tracks in the bluff regularly if not daily and never had an issue with her attacking other dogs or people. Now she is made to stay home because if people see her in a horrible muzzle they automatically assume she is a vicious dog which is just not true at all, she is the complete opposite. I understand that there is a need for certain dogs to have a muzzle but Jess is not one of them.

We have installed a wire run for Jess as you directed, so she can at least walk up and down our property for exercise.

I thank you for taking the time to consider my objection and am sorry for any inconvenience that has been caused.

I look forward to your correspondence.

Sincerely
Angel Ngu

Inspection Notes

Inspection Notes

BEFORE THE HEARINGS COMMITTEE

IN THE MATTER of the Dog Control Act 1996

BETWEEN **KIERAN PETER CARSON**
Appellant

AND **INVERCARGILL CITY COUNCIL**
Respondent

**IN RESPECT OF AN OBJECTION TO A DOG BEING
CLASSIFIED AS MENACING**

OFFICER'S REPORT

Timeline of Events

7 June 2017 between 5.00 pm and 6.00 pm a complaint was received regarding a dog attacking stock, namely sheep. The attacking dog killed three sheep. This was witnessed by a member of the public.

8 June 2017 at 1.55 pm a card from Animal Control Officers was left at the dog owner's house. The dog was in the house at the time.

8 June 2017 at 2.26 pm the stock owner was spoken to by Animal Control Officers about the stock attack. He showed us the dead sheep, photos were taken at the time. We were told from the stock owner that the dog owner had paid for the three sheep that his dog had killed.

9 June 2017 at 10.17 am a statement from the dog owner admitted to his dog attacking stock and killing three sheep.

23 June 2017 the dog was classified as menacing. The stock owner was notified by phone that the dog had been classified as a menacing pet and what it meant. He was very happy with our service and happy with the outcome.

Dog History

6 October 2017 - Dog wandering complaint. Dog seen wandering in the Herbert Street/Queens Drive area. Dog retrieved by owner.

ANALYSIS

The dog owner was walking his dog along the Waihopai walkway, the dog was not on a lead. The dog saw a small mob of sheep and chased and attacked them. The statement taken from the dog owner (annexed as Exhibit 3) is evidence under Section 33A that the dog attacked the stock and killed three sheep and is therefore part of the classification.

We believe there is an ongoing risk to stock as the attack on the sheep was unprovoked.

RECOMMENDATION

I recommend that the Panel uphold the classification because this attack was unprovoked and three sheep died as a result. This shows a high level of risk that the dog will attack again as it has already done so killing sheep and wounding others during the same incident.

Should the Panel elect to rescind the classification, there are no provisions for the Panel to make specific recommendations or direction in regard to the ongoing control of the dog.

MJ Murdoch
ANIMAL CONTROL OFFICER

23 February 2018

ANNEXURE

Exhibit 1	Objection letter
Exhibit 2	Menacing classification
Exhibit 3	Offender statement
Exhibit 4	Dog attack/menacing complaint
Exhibit 5	Photographs
Exhibit 6	Complaint history

EXHIBIT 1

25 JUL 2017

SCANNED

21 July 2017
Kieran Carson
219 Herbert Street
Invercargill 9810

Dear John Youngson,

I am writing to you in regards to the letter I recieved on Friday 14th July 2017 concerning the "Notice Of Classification Of Dog As Menacing" for Cuzco.

I must admit to my disappointment that you have come to this decision and will be performing my right to object to this classification.

I would like to clarify the circumstances from which this unfortunate incident ocured.

Cuzco was being exercised by myself on Wednesday 7th June 2017 along the Waihopai Walkway - an Invercargill City Council designated area where dogs can be exercised off lead.

This is an area I have been exercising him on an almost daily basis for the last 12 months. I am very much aware of the likelihood of stock being grazed in the area and that their postioning is very much variable on a day to day basis. Due to this fact I am always very careful to make sure that an area is clear of stock before letting Cuzco off his lead, with the only times he is off lead is when he is playing/exercising with another dog/dogs.

Unfortunately on this occasion he has accessed an area he has never shown any interest in, neither have I realised the distinct change in the nature of fencing in this one spot. As a result of my inattention Cuzco has been able to access an area where stock have been grazing and resulted in him chasing and killing two lambs.

Within an hour of the incident happening (the time it took me to walk back to my house and look up thye property owner in the phone book), I made contact with Mr Rowland apologised and organised with him to make financial reparations for the stock he had lost.

I made payment to Mr Rowland first thing the next morning and assured him that I would always make sure to keep Cuzco on his lead in the future.

It was of my understanding that at this point the incident had been dealt with, but this has not been the case.

As the incident happened on 7/06/17 and your animal control staff took my statement on 9/06/17, of which the animal control officer told me to expect "something in the mail in the next 5 to 10 days", I had actually come to the conclusion that the council had decided that there was no need for any follow up action.

To then receive this letter on 14/07/17, 35 days after the last contact I had with anyone, I must admit to being extremely disappointed with the lack of urgency in dealing with this matter.

As the legislation states that the territorial authority must immediately give written notice to the owner, I feel that you have not met your obligation here.

The Notice of Classification is dated as 28 June 2017, for it to then take a further 16 days to be posted and received I think is not even close to acceptable.

Also in regards to the Councils distinct lack of attention as to provide me with a voucher for free neutering of my dog with an expiration date of 30/06/17. That is a grand total of two days after the date the letter was written, which had well and truly expired on by the time I received it on 14/07/17.

Fortunately in this instance Cuzco has already been desexed, information that I believe you already have but I have enclosed a copy of his desexing certificate to add to your records just incase.

As I truly believe this to be a one off incident, I feel it is unfair to punish myself and Cuzco any further. Cuzco has already been restricted to being on his lead full time. He is a highly social dog, anyone who has regularly spent time in Queens Park in the last 18 months will have likely come across us. He has been patted by hundreds of strangers, said high to many other dogs big and small and is generally a gentle giant.

I hope you will realise you have made a mistake in this instance and remove this classification immediately.

Kind Regards,

Kieran Carson

EXHIBIT 2



SCANNED
14 JUL 2017

13 JUL 2017

Licence No: MEN/2017/38
Ref No: 02175468

NOTICE OF CLASSIFICATION OF A DOG AS A MENACING DOG

(Section 33A, Dog Control Act 1996)

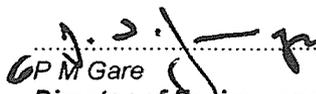
Name: Kieran Peter Carson
Address: 219 Herbert Street
INVERCARGILL 9810

This is to notify you* that this dog has been classified as a menacing dog under Section 33A (1) of the Dog Control Act 1996. This is because of the observed or reported behaviour of the dog being that it attacked and killed stock.

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

Dog: Cuzco, a male black coloured Siberian Husky

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


GP M Gare
Director of Environmental and Planning Services

28.06.17
.....
(Date)

* 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 (Please Note: "At Large" includes your own property) 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 Invercargill City Council, produce to the Invercargill City Council, within one 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 Invercargill City Council, produce to the Invercargill City Council, within one month after the date specified in that certificate, a further certificate under paragraph (b)(i).*

You must in accordance with Section 33E(1)(b) neuter your dog. The certificate must be provided to the Invercargill City Council within one month of the date of this notice.

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 Invercargill City Council in accordance with the reasonable instructions of the Invercargill 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 two 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 two 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 33C

(Section 33D, Dog Control Act 1996)

You may object to the classification of your dog as menacing by lodging with the Invercargill 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.

You must provide evidence to the Invercargill City Council that the dog is not of a breed or type listed in Schedule 4 of the Dog Control Act 1996.

INVERCARGILL CITY COUNCIL BYLAW 2015/1 - DOG CONTROL

(Clause 15.1)

The owner of any dog classified as menacing must follow these additional obligations:

- 15.1.1 Any dog, classified as menacing by any other territorial authority, that now resides in Council's area must be neutered as per section 33EB of the Dog Control Act 1996.
- 15.1.2 Any owner of a dog classified as menacing must follow these additional obligations:
 - a. Ensure the provision of a secure area where it is possible to gain unrestricted access to at least one door of the dwelling.
 - b. Ensure that the dog is muzzled in any public place or when not confined in a vehicle or cage.
 - c. Not dispose of the dog to any other person without the written consent of the Council.



Licence No: MEN/2017/38
Ref No: 02175468

28 June 2017

Kieran Peter Carson
219 Herbert Street
INVERCARGILL 9810

Dear Kieran

NOTICE OF CLASSIFICATION OF DOG AS A MENACING DOG

Please find enclosed a notice classifying your dog Cuzco as menacing. This is due to observed and reported behaviour on 8 June 2017.

The classification is due to the following behaviour:

1. Roaming at large.
2. Attacked stock, namely sheep.

On the evidence you provided, Council has determined your dog Cuzco as menacing.

There are a number of responsibilities with having a dog classified as menacing, and these are explained in the enclosed notice, and outlined as below:

- Your dog must be muzzled when it is "at large", and this includes a public place or in a private way.
- Your dog **MUST BE NEUTERED** in accordance with the provisions of Section 33EB of the Dog Control Act 1996 and Clause 15.1.1 of the Invercargill City Council Dog Control Bylaw 2015/1. A certificate to confirm this must be provided within one month of the date of this letter.
- A clear property inspection must take place within 30 days of receiving this notice.

An Animal Control Officer will contact you (if they have not already) to arrange for a property inspection to take place.

If you have any further questions about this matter please do not hesitate to contact Animal Services at the Invercargill City Council on (03) 211 1777, and quote MEN/2017/38.

Yours sincerely

A handwritten signature in black ink, appearing to read "J. Youngson".

John Youngson
MANAGER – ENVIRONMENTAL HEALTH AND COMPLIANCE

Encl.



Licence No: MEN/2017/38
Ref No: 02175468

28 June 2017

Kieran Peter Carson
219 Herbert Street
INVERCARGILL 9810

Dear Kieran

TAKE ADVANTAGE OF A GOVERNMENT FREE DE-SEXING PROGRAMME TO SUPPORT A PROPOSED LAW CHANGE AROUND HIGH RISK DOGS

There is a proposed law change coming up this year about the way that menacing and dangerous (high risk) dogs are kept. Our records show that you own a dog that this change could apply to. This letter is to advise you of the proposed changes and a free de-sexing service that is being offered by the Government to support the changes.

One of the changes that central government is making is that all owners of dogs who have a dog classified as 'high risk' will have to de-sex them. While the Council has had a Bylaw about this for a number of years, the proposed changes will strengthen this by making it a requirement under the Dog Control Act 1996.

To go with this proposal, the government has given us some funding to cover the cost of having all of the high risk dogs in Invercargill neutered and microchipped.

If you wish to take advantage of this free programme I have enclosed for you a purchase order which you can take to an Invercargill City Veterinarian of your choice to get your dog neutered. The Council will organise payment for you.

You will note that your dog is also required to be microchipped. If your dog is not microchipped then we can take care of this for you at no charge.

This is a once only offer, and will expire on 30 June 2017. If you choose not to take advantage of this offer then all costs to meet the proposed law change after this date will have to be funded at the dog owner's cost.

It will also be a "first in first served" programme as if the funding is used prior to this date we cannot guarantee we can offer the service for free.

If you would like more information, go to the Department of Internal Affairs website www.dia.govt.nz. We have also enclosed a pamphlet for you to read on the benefits of neutering your dog.

The Animal Services Team will keep you up to date with the law changes as they happen, and how they will affect you and your dog.

Get in touch with us any time if you have questions or concerns about this letter. The best number to use is (03) 211 1777 during office hours. Our Animal Control Officers will be happy to advise you.

Yours sincerely



John Youngson
MANAGER – ENVIRONMENTAL HEALTH AND COMPLIANCE



Dear Kieran

This voucher entitles you to a free neutering of your dog

Please take this voucher to a veterinary clinic of your choice.


Invercargill
CITY COUNCIL

Microchip # 953010000636491

Expires 30 / 06 / 17

Te Tari Teiwhenua

For Animal Services Team



Licence No: MEN/2017/38
Ref No: 02175468

REPORT TO THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES – P M GARE

CLASSIFICATION OF DOG AS MENACING

BACKGROUND

On 9 June 2017 a report was received concerning a dog attacking stock (sheep) and killing two of them.

I am recommending that the Dog in this case be classified as Menacing in terms of Section 33A of the Dog Control Act 1996.

The Facts

Dog: Cuzco, a male black coloured Siberian Husky owned by Kieran Peter Carson of 219 Herbert Street, Invercargill.

On 8 June 2017 a complaint was received about the lack of control and aggressive behaviour of a dog.

The complainant advised that at approximately 5.00 pm on 8 June 2017 two of his sheep had been killed and another attacked by Carson's dog (Cuzco).

A Statement from the dog owner states he was walking his dog on the Waihopai river bank when it jumped into a paddock next to some stock. The dog could not get in with the stock as they were behind a deer fence. The owner was trying to get his dog back over the fence when his dog Cuzco saw some sheep in the same paddock as he was in. The dog then took off after them attacking one. This sheep lay down. The dog then chased another sheep attacking it as well. The owner all the time was trying to catch his dog. A passerby stopped and helped him catch his dog. He got the stock owners name from her. He contacted the stock owner and paid him for the loss of stock \$360.00.

The file in respect of this matter is available for your reference.

PREVIOUS DOG HISTORY

There is no previous history for this dog.

THE LAW AND ANALYSIS

Menacing Classification

In order for a dog to be classified as Menacing the following needs to be established as per Section 33A Dog Control Act 1996:

- 1) The dog is not already classified as *Dangerous* under the Act.
- 2) A threat may be posed to any person, stock, etc because of:
 - (a) observed or reported behaviours; or
 - (b) any characteristics typically associated with the dog's breed.

Addressing each of these elements:

Not Dangerous Already

I have searched our database and the dog Cuzco is not classified as Dangerous by Council.

A Threat posed to any stock...

On the information available there is a threat to stock.

Observed or Reported Behaviours

The dog owner has supplied a statement regarding the attack.

Dog Attack

Because there has been an attack on stock consideration must also be given to a prosecution under Section 57 of the Dog Control Act 1996.

For a Charge under Section 57 to be established we must prove:

- 1) stock
- 2) attacked
- 3) a dog

Addressing each of these elements:

Person

It is clear that sheep are stock in terms of the Act.

Attacked

For an attack to be proved there must be physical contact between the dog and the stock.

In this case

The Statement confirms that there was physical contact between the dog and the stock.

A Dog

The animal involved is a dog. Evidence has identified Cuzco.

RECOMMENDATIONS

I am recommending that the dog be classified as a Menacing Dog.

The test set out in Section 33A has been met as there is evidence that the dog poses an ongoing threat to stock. This is evidenced by the observed and reported behaviour of the dog.

I am not recommending a prosecution under Section 57. While the elements are made out I do not believe that there is public interest in prosecution.

A classification under Section 33A will send a strong message to the owner Kieron Carson that he needs to take care and be vigilant at all times with his dog Cuzco.

I request that the dog Cuzco be classified as Menacing.

Micheal Murdoch
ANIMAL CONTROL OFFICER

Licence No: MEN/2017/38
Ref No: 02175468

ANIMAL CONTROL
STATEMENT OF SERVICE

NAME OF CONTRACTOR: Invercargill City Council
Animal Control
ADDRESS: 101 Esk Street
Private Bag 90104
Invercargill
TELEPHONE: (03) 211 1777
FAX: (03) 211 1430
DATE: 13.07.17
DOCUMENT NAME: Menacing Dog Classification
REFERENCE NUMBER(S): 32685
PERSON SERVED: Kieran Carson
DID PERSON IDENTIFY HIM/HERSELF?
TIME SERVED: 10.47
LOCATION: 219 Herbert Street
SERVER'S NAME: Mike Murdoch
COMMENTS: left in mail box

SIGNED:



EXHIBIT 3

RFS number: 245290
 Offender's address: 219 Herbert Street

OFFENDER STATEMENT TEMPLATE

Location of statement: 219 Herbert Street.

Date statement taken: 09/06/17 Time statement taken: 10.17.

Statement

KIERAN PETER CARSON states:

That is my full name. I live at 219 HERBERT STREET INVERCARGILL

I am currently employed as a SELF EMPLOYED

at _____

My home phone is 0273159683, my email is kpcarson@outlook.co.nz

My date of birth is 22/04/1983

I am speaking with MP Michael Murdoch, a Warranted Officer from the Invercargill City Council (Council Unit Animal Control) about _____

Attacks on Stocks.

I have been shown his/her Warrant of Appointment (Warrant number 2016/35)

under the outlined Act Dog Control Act 1996

OUTLINING RIGHTS UNDER NEW ZEALAND BILL OF RIGHTS ACT 1990

- a) I have been told that I have the right to refrain from making any statement.
- b) I have been told that I have the right to consult and instruct a lawyer in private without delay, before answering any of these questions.
- c) I have been advised that anything I say may be recorded and given in evidence.
- d) I have been asked if I understand these rights.
- e) I do not wish to contact a lawyer.

(Statement below is written in a question/answer format.
IS = I said, HS/SS = He said/She said)

We left my house at approx 5pm for a walk to Waihopi walk way. We meet another dog owner Queen's drive end of the walkway. So I let my dog off to play by the river with the other dog.

Myself and the other owner walked along the walk way. The dogs played. At the racecourse exit the lady and her dog had finished their walk and left.

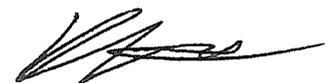
We continued on our walk East on the Walk way.

My dog seen a mob of sheep in the deer fence section. He went over to them to say hello

The mob of sheep moved to the rear of the paddock.

My dog jumped into a paddock next door to follow the sheep.

He realised he cannot get into the deer fence section



He then came back towards the walk way. I was trying to get him back over the wooden entrance

He then was distracted by another dog walking past, He then spotted

a small mob of sheep in the far end of the paddock.

He then went after them. He managed to split the mob and grabbed one sheep. which has been hurt and lay by the fence. He then moved on to the

next sheep. He managed to grab it by the ear. That sheep stood its ground. He continued to bark and circle around it. After a period of time it became dark. He still would not come to me. A member of the public came to help

me. We managed to get him away from the sheep and get a hold off him

I asked her if she knew whom owned the sheep. She gave me his name

Once home I contacted the stock owner



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On speaking to him, He had been
to check his stock He said there
were two dead sheep and another one
mangled. He told me they were worth
\$120.00 Each
I payed him the next morning.

Statement by offender to confirm all that is written is true and correct:

Statement: KIERAN PETER CARSON

Signed: 

Dated: 9.06.2017

Statement taken and signature witnessed by:

Name: Michael Murdoch

Job Title: Animal Control officer -

Organisation: I.C.

Warrant Number: _____

Finish Time: 10.40



EXHIBIT 4

DOG ATTACK/MENACING

Request No:245290

Name of Complainant: Invercargill City Council - Animal Control		
Address of Complainant: C/- Environmental & Planning Services		
Private Bag 90104		
INVERCARGILL 9840		
Home Ph:	Work Ph:	Mobile:

Date Received: 8 June 2017 Time Received: 12:57:33

Dog Owner Details

Kieran Peter Carson
219 Herbert Street, INVERCARGILL
Cuzco / Ref No. 32685

Complaint Details:

Type of Incident	
Category	
Owner name (if Known) and	Kieran Carson
Complainants Address	
Dog Breed	Sam
Dog Colour	BlkGry
Dog Sex	Male
Is dog a puppy, adult, or older dog	
What was the date and time of incident?	
Any further relevant information	6pm -- 7pm
Dog Registration	Current
Dog Microchipped	Yes
Dog History	None
Attack Location	Public Place

Owner Present at time of Incident	Yes
Victim	Livestock
Victim Age Group	
Victim Gender	
Assisting Officer	Elle Dickson
Responded within 30 minutes?	Yes

Request Notes

08-Jun-2017 12:59:12 KERRYK
 Dog attacked stock happened 7.6.17 between 5-6pm last night on the waihopai walkway queensdive to waihopai wall end. A husky type dog 8 attcked and 3 killed. Caller Robin Wilson from Enviroment South 02184936. Stock owned by

Dog owners has paid for the 3 killed animals. persons of interest Jeremy Carson?? address 219 Herbert St. attcked was witnessed by

19- Jun-2017 12:48:02 08/06/2017 @ 13:55 MICHEALM
 Card left at the dog owners house, The dog was in the house.. 08/06/2017 @ 14:26 Talked to the stock owner He showed us the dead lambs SEE Attached photos and the mauled lamb No photos as we could

not get close to it but
blood was visable to
the eye around its
ears.09-Jun-2017
12:51:33

09/06/2017 @ 10:17 ELLED

Statement from the
dog owner Amited
to his dog attacking
stock and killing
three lambs .We do
not need any more
statements to
classified the dog All
fees for the mauled
and dead stock have
been payed in full
Dog owner was very
co operative and
very helpful with our
investigation23-Jun-
2017 14:09:52

Dog has now been ELLED

classified as
menacing, awaiting
being signed and
dropped off.23-Jun-
2017 14:14:47

Phoned and let him know that the dog has been classified and what that meant, he was really happy with our service and happy with the outcome.

EXHIBIT 5





EXHIBIT 6

WANDERING / FOULING COMPLAINT

Request No:254237

Name of Complainant: Anonymous - Customer Service Requests		
Address of Complainant: Private Bag 90104 INVERCARGILL 9840		
Home Ph:	Work Ph:	Mobile:

Date Received: 6 October 2017

Time Received: 21:26:02

Dog Owner Details

Kieran Peter Carson
219 Herbert Street, INVERCARGILL
Cuzco / Ref No. 32685

Complaint Details:

Owner name (if Known) and address	unkown
Complainants Address	unkown
Is it a Dog>	Yes
Dog Breed	Husky
Dog Colour	Grey and White
Dog Sex	
Puppy, adult or older dog	
Not a Dog - What animal and how many	
Date and time seen?	21:25 6.10.2017
Any further relevant information	
Assisting Officer	

Request Notes

06-Oct-2017 BARRYS
21:26:55

 ;alled about ELLED
a Husky wandering
on Herbert St and
Queensdrive round
about09-Oct-2017
08:56:09

AHC- Called to round-about on Herbert street Queens drive re wandering dog on arrival no dog found, i drove around the area no dog seen i rang complainant got no answer i left a message the complainant called me back and said the owner had got the dog home. I went and spoke to the owner and he said his sister had left the door open and Cuzo had gotten out.

BEFORE THE HEARINGS COMMITTEE

IN THE MATTER of the Dog Control Act 1996

BETWEEN **GEOFFREY ROBERT LEWIS**
Appellant

AND **INVERCARGILL CITY COUNCIL**
Respondent

**IN RESPECT OF AN OBJECTION TO A DOG BEING
CLASSIFIED AS MENACING**

OFFICER'S REPORT

Timeline of Events

- 11 August 2017 - Report received about an uncontrolled and aggressive dog.
- 11 August 2017 3.10 pm - Animal Control Officers attended 94 Ward Street. The dog was identified by the complainant and seized. Statement taken from complainant.
- 12 August 2017 - Statement taken from witness.
- 15 August 2017 - Dog released to owner.
- 22 August 2017 - Menacing classification hand delivered to 94 Ward Street and left in mailbox.

Dog History

- 15 June 2015 – Dog found, being held at 254 George Street awaiting pickup by Animal Control Officers.
- 4 February 2016 – Wandering dog sighted by Animal Control Officer and chased home to 94 Ward Street. The Animal Control Officer tied the dog to the kennel and informed the owner. Owner states he will be building taller fences to keep the dog contained.
- 30 August 2016 – Dangerous/menacing complaint. Complainant rushed at twice in one day by the same dog. Owner to raise fences even higher to keep the dog contained. Owner also considers use of electric boundary to contain the dog.
- 2 March 2017 – Dangerous/menacing complaint. Complainant and her dog were rushed at in an aggressive manner by a dog from 94 Ward Street. The dog was impounded.

ANALYSIS

The complainant was walking past 94 Ward Street when the dog rushed out and bit him. Statements were taken from the complainant and a witness stating that the dog bit the complainant on the leg. These are annexed as Exhibit 3 and 4. This is evidence under Section 33A that the dog attacked a person and is therefore part of the classification.

We also believe there is an ongoing risk to people as in this case the dog rushed out and bit the complainant. This was an unprovoked attack as all the complainant was doing was walking along the footpath.

There is also a history of this dog acting in a similar manner. On two previous occasions it has rushed at people in a manner that was described as aggressive. This shows that the actions taken by the owner to control his dog are inadequate and there is an ongoing risk to the public because of the aggressive actions of the dog.

RECOMMENDATION

I recommend that the Panel uphold the classification because the dog has an aggressive manner with more than one complaint regarding the dog's aggressive behaviour. This shows a high level of risk that the dog will attack again as it has already done so four times and the owner has repeatedly failed to keep control of the dog.

Should the Panel elect to rescind the classification, there are no provisions for the Panel to make specific recommendations or direction in regard to the ongoing control of the dog.

EJR Dickson
ANIMAL CONTROL OFFICER

23 February 2018

ANNEXURE

- Exhibit 1 Objection of Geoffrey Lewis
- Exhibit 2 Dog attack/menacing complaint 11 August 2017
- Exhibit 3 Complainant statement
- Exhibit 4 Witness statement
- Exhibit 5 Offender statement
- Exhibit 6 Impound notice 11 August 2017
- Exhibit 7 Investigation check sheet
- Exhibit 8 Menacing classification documents
- Exhibit 9 Complaint history

EXHIBIT 1

28-Aug-2017 16:20:46 - Janice Paisley - GEN

See BURT for letter below: Refer to rfs 251100

AUG 2017

27 August 2017

Invercargill City Council

Animal services

To Whom it may Concern

Re: MEN/2017/53.

SCANNED

I would like to object to the new classification of my dog being menacing. I have requested a copy of the complaint from your Officers so I can fully understand what she has been accused of doing.

In relation to the effects of classification in the notice.

- a) We got our pet Brittany from the SPCA and was neutered already
- b) She has been microchipped

Yours sincerely

Geoff

94 Ward Street

Invercargill

0211140836

snarse@hotmail.

06-Sep-2017 14:10:50 - Peter Jones - GEN

numerous RFS created for this request. Owner has been issued copy of file and report with personal details redacted.

EXHIBIT 2

DOG ATTACK/MENACING

Request No:250162

Name of Complainant: Invercargill City Council - Animal Control		
Address of Complainant: C/- Environmental & Planning Services		
Private Bag 90104		
INVERCARGILL 9840		
Home Ph:	Work Ph:	Mobile:

Date Received: 11 August 2017

Time Received: 15:48:31

Dog Owner Details

Geoffrey Robert Lewis
20 Duncan Street, INVERCARGILL
Brittany / Ref No. 31514

Complaint Details:

Type of Incident	Rushing
Category	People
Owner name (if Known) and	Geffory Lewis 94 Ward street
Complainants Address	Graeme
Dog Breed	Lab X
Dog Colour	
Dog Sex	Female
Is dog a puppy, adult, or older dog	Adult
What was the date and time of incident?	
Any further relevant information	
Dog Registration	Current
Dog Microchipped	Yes
Dog History	Rushing/Agressive

Attack Location	Public Place - Immediately outside dogs property
Owner Present at time of Incident	Yes
Victim	Person - No relationship
Victim Age Group	Adult
Victim Gender	Male
Assisting Officer	Micheal Murdoch
Responded within 30 minutes?	Yes

Request Notes

11-Aug-2017 ELLED
15:50:31

Call from regarding a dog from 94 Ward street came out of its property and rushed at him, i asked if it bit him and he said yes, he was still outside the address while i was speaking with him, and he advised that the dog owner was coming out, he was happy to wait at the scene until ACOs arrived to gather more details of the event and speak with the dog owner.

ACO 53/54 were PETERJ
dispatched 11-Aug-
2017 16:22:05

11/8/17 @ 15.10 Arrived at 94 Ward street and immediately took details from
The complainant:

-

The witness:

:

-

could not hang around, I said I'd call her from the office.

The dog was identified by the complainant and seized from the property. The dog was in the house, ACO53 knocked on the door and spoke to a young woman about the issue and asked her to bring the dog out. The dog immediately tried to attack MM.

A complainant statement was taken from

The dog owner arrived home, and was issued with an impound/seizure notice and he also gave a statement of events. (dog barked at him, rushed at him, 'slammed into him, did NOT bite him)

Dog to be held until the investigation is complete.

@ 16.30 I phoned PETERJ
and
arranged to take a

statement on
Saturday 12/8/17 @
11am at her house -

.15-
Aug-2017 09:06:26
12/8/17 @ 1055 PETERJ
Went to
Street and took a
Statement from

.15-Aug-
2017 10:53:33
Assessment matrix NICOLEP
completed.

Recommendation is
to classify the dog as
a menacing dog. No
infringemnt. All
pound fees must be
paid before the dog
is released. Owner
to collect dog at
1620 today.15-Aug-
2017 16:49:31
Brittany has been released back to owner, full fees.
Sounds like he may object to this classification....

Inspection Notes

Inspection Notes

15-Aug-2017 09:06:22 *Peter Jones*

◆ Took a Statement from ◆

EXHIBIT 3

RFS number: 250162

Offender's address: _____

OFFENDER STATEMENT TEMPLATE

Location of statement: Ward Street

Date statement taken: 11/8/17 Time statement taken: 1512

Statement

_____ states:

That is my full name. I live at _____

I am currently employed as a _____
at _____

My home phone is _____, my email is _____

My date of birth is _____

I am speaking with Peter Jones, a Warranted Officer from the
Invercargill City Council (Council Unit Animal Services) about _____
Dog attack.

I have been shown his/her Warrant of Appointment (Warrant number 2016/29)
under the outlined Act _____

OUTLINING RIGHTS UNDER NEW ZEALAND BILL OF RIGHTS ACT 1990

- a) I have been told that I have the right to refrain from making any statement.
- b) I have been told that I have the right to consult and instruct a lawyer in private without delay, before answering any of these questions.
- c) I have been advised that anything I say may be recorded and given in evidence.
- d) I have been asked if I understand these rights.
- e) I do not wish to contact a lawyer.

(Statement below is written in a question/answer format.
IS = I said, HS/SS = He said/She said)

I was walking on the other side of the Road - the dog barked at me from outside 94 Ward Street.

I kept walking, and next minute it was running across the road barking at me, I tried to get the

dog to leave me alone, next minute I felt something on my leg - hitting me. I thought the dog was attacking me. A lady in a silver car said "did that dog attack you"? She saw the whole thing.

The dog ran back home and the owner put it away. The owner drove off without talking to me.

The dog in the animal control site is the dog that attacked me.

[The following section contains 15 horizontal lines for a statement, which have been crossed out with diagonal lines.]

Statement by offender to confirm all that is written is true and correct:

Statement: I've read this statement - it is true and correct!

Signed: _____

Dated: 11/18/17

Statement taken and signature witnessed by:

Name: Peter Jones

Job Title: Animal Control officer

Organisation: ICC

Warrant Number: 2016/29

Finish Time: 15:18

EXHIBIT 4

RFS number: 250162

Complainant's address: _____

Offender's address (if known): _____

WITNESS STATEMENT TEMPLATE

Issue being dealt with: Alleged Dog attack

Start time and location of witness's statement:

12-8-17 @ 11:00

Statement

_____ states:
 That is my full name. I live at _____
 My home phone is _____, my email is _____
 I am currently employed at _____
 My date of birth is _____

I am being spoken to by Peter Jones from the Invercargill City
 Council about an incident That I witnessed on 11-8-17

(Statement below is written as if the witness is talking in the first person)

PROBLEM SUMMARISED

I was picking my kids up from school.
I went around the corner onto ward
street and saw a man being attacked
by a dog. The dog looked like
a lab cross - it was a yellow colour

PS GBM

and wearing a collar & a red tag.

The dog was biting at the mans lower leg and jumping up at him (not in a friendly manner).

I got out of the car & asked if he was alright, I informed the man I would be ringing the council, because this isn't good enough.

I saw the dog go into 94 ward street, and I heard a sliding door opening and shutting. I saw a gentleman leaving 94 ward street and got into his vehicle and left.

He did not approach us or speak to us. I am not sure if he saw what had happened.

The man being attacked was trying

to ~~to~~ shoo the dog away with his news papers - he looked quite shocked.

[This section contains a large area of horizontal lines that has been completely crossed out with a diagonal line.]

Statement by witness to confirm all that is written is true and correct:

Statement: _____

Signed: *S. Meyn*

Dated: 12, 8, 17

Statement taken and signature witnessed by:

Name: _____

Job Title: Animal Control officer

Organisation: I.C.C.

Warrant Number: 2016/29

Finish Time: 1110

EXHIBIT 5

RFS number: 250162.
 Offender's address: _____

OFFENDER STATEMENT TEMPLATE

Location of statement: 94 Ward Street Invercargill
 Date statement taken: 11/08/19 Time statement taken: 15:25

Statement

Geoffrey Lewis states:
 That is my full name. I live at 94 Ward St
 I am currently employed as a electrician
 at NZAS
 My home phone is 2171139, my email is srose@hotmail.com
 My date of birth is 24/10/71.

I am speaking with Michael Murdock, a Warranted Officer from the
 Invercargill City Council (Council Unit Animal Control) about A
Dog Attack on a person

I have been shown his/her Warrant of Appointment (Warrant number 2016/35)
 under the outlined Act _____

OUTLINING RIGHTS UNDER NEW ZEALAND BILL OF RIGHTS ACT 1990

- a) I have been told that I have the right to refrain from making any statement.
- b) I have been told that I have the right to consult and instruct a lawyer in private without delay, before answering any of these questions.
- c) I have been advised that anything I say may be recorded and given in evidence.
- d) I have been asked if I understand these rights.
- e) I do not wish to contact a lawyer.

(Statement below is written in a question/answer format.
IS = I said, HS/SS = He said/She said)

I got home around 2.30pm
My dog had been inside the
house. So I put her in the back
yard, while I unpacked some
shopping I seen a movement
in the corner of my eye.

I also heard a dog bark.
So I went outside and shouted
for my dog. I do not think
that she would of got to the
end of the drive.
She came back in. At that stage

I went to my car then went
back to the house and locked
the door.

I backed out my drive there
was a man and a women
she was leaning on her car.

The male was on his phone
I waved and drove off.

Then I had a call from my
daughter to say Animal Control
was here and took the dog.

Statement by offender to confirm all that is written is true and correct:

Statement: I have read this statement & it is true & correct

Signed: 

Dated: 11 / 8 / 17

Statement taken and signature witnessed by:

Name: Michael Murdoch

Job Title: Animal Control

Organisation: ICC

Warrant Number: 2016 / 35

Finish Time: 13.33.



**NOTICE OF IMPOUNDED/SEIZED DOG
SECTION 57 DOG CONTROL ACT 1996**

Date: 11-08-17

Name: Geoffrey Lewis

Address: 94 Ward Street Invercargill

The following dog(s) have been impounded/seized by Invercargill City Council Dog Control Officers. Our records show that you appear to be the owner of the dog(s).

The dog was impounded/seized on 11 08 17 from Ward Street Invercargill

The dog was impounded/seized because: Attack on person / rushing

Description of Dog(s)

Name	Breed	Colour	Microchip No.	Sex	Age	Ref No.	Reg No.
Brittany	lab x	Tan		F		31514	5836

Fee(s) Payable:

The following fees are applicable and must be paid in full before the dog(s) can be released:

- Impounding fees \$ 80-
- Registration fees \$
- Outstanding Registration fees \$
- After Hours fees \$
- Sub Total \$ 80-
- Sustenance costs \$ 20- per day

Additional fees may be imposed if this notice is not acted on.

Unless the dog(s) is/are claimed and all due fees are paid within seven (7) days of delivery of this notice, the dog(s) may be sold, destroyed or otherwise disposed of at your expense.

To find out how to reclaim your dog, or if you have any questions about this notice, please contact Dog Control staff at the Invercargill City Council, phone (03) 211 1777.

Yours faithfully

ANIMAL CONTROL OFFICER

Invercargill City Council - Animal Control Civic Administration Building • 101 Esk Street • Private Bag 90104
Invercargill 9520 • New Zealand • P.O. Box 1400000 Telephone: (03) 211 1777 • Fax: (03) 211 1422

16 AUG 2017

SCAN...

EXHIBIT 7

Investigation Check Sheet / Report
 (applies for offences under Sections 57 and 58 Dog Control Act 1996)

Investigation Details

RFS #: 250162

Officer: 54 Peter Jones

Alleged Offence: Dog Attack on: Person / ~~Stock~~ / ~~Domestic Pet~~ / ~~Protected Wildlife~~ / ~~Poultry~~
(note which of the above is the dog attack victim)

Investigation File Check List

- | | | |
|---|---|---|
| <input type="checkbox"/> RFS print out | <input type="checkbox"/> Officer Field Notes | <input checked="" type="checkbox"/> Complainant Statement |
| <input checked="" type="checkbox"/> Dog Owner Statement
<i>(if applicable)</i> | <input checked="" type="checkbox"/> Witness Statement
<i>(if applicable)</i> | <input type="checkbox"/> Medical/Veterinary Reports
<i>(if applicable)</i> |
| <input type="checkbox"/> Evidential Photos
<i>(if applicable)</i> | <input type="checkbox"/> Consent Agreement
<i>(if applicable)</i> | <input checked="" type="checkbox"/> Impound Notice
<i>(if applicable)</i> |
| <input type="checkbox"/> Seizure Notice
<i>(if applicable)</i> | <input type="checkbox"/> Victim Impact Report
<i>(if applicable)</i> | <input checked="" type="checkbox"/> Assessment matrix |
| <input type="checkbox"/> File Fact Sheet | | |

History: YES NO
(if YES attach information to file)

Registered: YES NO
(if YES attach information to file)

Other Breaches of DC Act: *(if applicable) e.g. Bylaw Breaches*

Other Actions to Date: *(if applicable) e.g. Seizure of Dog*

Summary of Incident:

Assessment Matrix
(applies for offences under Sections 57 and 58 Dog Control Act 1993)
(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.

RFS # 250162.....

Dog

• **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:

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

Score:

• **Previous history - (only if in last 6 months)**

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

Score:

• **Previous history - (only if in last 12 months - record as NIL if prior)**

	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Use	1	2	3	4	5	6	7	8	9	10
	Nil	Barking	Growling	Straying	Snarling	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) (outbuilding)	Owner control (leash) (verbal)	At large private property (owner present) (no owner present)			Secured/At large public place / At large other persons private property				

Score:

Dog Total:

(Min 4 - Max 40)

Owner

• **Attitude to the incident**

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

Score:

— **Previous History -- (only if in last 6 months)**

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

Score:

— **Previous History -- (only if in last 12 months -- record as NIL if prior)**

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

Score:

• **Level of Responsibility towards Control of Dog**

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

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)

1 3 5
 Nil Possible Probable

Score:

Why? Dog has history, & drive to jump fences

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

1 3 5
 Current Not Current Never Been

Score:

Owner Total:
(Min 5 - Max 40)

Victim 1 -- (person)

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

Note: cannot be a shaded box

<input checked="" type="checkbox"/>	<input type="checkbox"/>								
1	3	5	7						
Good	Angry	Shaken	Trauma						

Score:

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

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
1	2	3	4	5	6	7	8	10	
Nil Clothing/ Scar	Tom	Bruising	Property damage	Shaken	Bite Marks	Stitches	Punctures	Extensive Medical 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"/>									
1	2	3	4	5	6	7	8	9	10
Nil	Scar	Bruising	Endangered	Bite Marks	Stitches	Punctures	Veterinary 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"/>									
1	2	3	4	5	6	7	8	9	10
Poultry			Protected Wildlife		Domestic Pets				Stock

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"/>									
1	3	5	7						
Good	Angry	Shaken	Trauma						

Score:

Victim 2 Total:
(Min 2 Max 17)

Overall Total:
(Min 11 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)

RFS # 250167 Assessment Score 33

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> Dog Control Notice and S33A Menacing Classification (<i>deed</i>) | <input type="checkbox"/> Education |
| <input type="checkbox"/> Dog Control Notice | <input type="checkbox"/> S33C Menacing Classification (<i>breed</i>) |
| <input 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.

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 (<i>deed</i>) | <input type="checkbox"/> S33C Menacing Classification (<i>breed</i>) |
| <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 (<i>deed</i>) | <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 – 97 (tick box/s) (T/A OPTIONS)

S58 Prosecution and Dog Seizure Retention

S57 Prosecution

S57 Prosecution and Dog Seizure Retention

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#:

Owner ID#:

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)*

Signed:
(Manager)

Date:

Attack Incident Examples and Gauges

CATEGORY	EXAMPLES of INCIDENT TYPE (but not limited to)	SCORE RANGE	PROSECUTE
<p>NON SERIOUS (minor attack, dog aggressive, physical contact made).</p>	<p>Rushing and physical contact made but nil or minor injury sustained. Bite marks resulting in bruising or torn clothing or other minor injury. Property damaged. Domestic animals; stock; poultry or protected wildlife grabbed hold of but nil injury OR minor injury – (no death) Dog just not under control</p>	11 - 34	WONT
<p>SERIOUS 1 (An attack has occurred resulting in physical and/or psychological injury).</p>	<p>Physical contact made resulting in injury e.g. bite marks through to minor tissue damage. Medical or veterinarian attention may have been required but nil stitches. Physical contact made resulting in psychological effects. Death of Poultry</p>	35 - 59	<p>lesser MAY</p>
<p>SERIOUS 2 (An attack has occurred resulting in greater physical and/or psychological injury).</p>	<p>Physical contact made resulting in more serious injury e.g. medical or veterinarian attention is required – stitches or on-going treatment Physical contact made resulting in traumatic psychological effects. Stock or Domestic Animal killed Protected wildlife injured Veterinarian surgery</p>	60 – 84	<p>MAY greater</p>
<p>SERIOUS 3 (An attack has occurred resulting in very serious physical injury)</p>	<p>Physical contact made resulting in very serious injury e.g. medical extensive repair required or hospitalisation. Large numbers of stock killed Protected wildlife killed e.g. Kiwis</p>	85 - 97	WILL

Factors to Consider when determining Prosecution or No Prosecution

Note: When making a determination Council shall give consideration to the options outlined below and be able to justify:

Why Council would go to Court? ; What would going to Court achieve? ; What does Council want to achieve as an end result for the particular case?

Council MAY choose NOT to prosecute if one or more of the following factors are considered relevant:

- The offending dog is dead or voluntarily handed over to Council for destruction
 - The dog owner has either compensated OR offered to compensate the victim or owner of the victim/s to the satisfaction and agreement of the either the victim or owner of the victim/s
 - Prosecution could be counter-productive e.g. the dog is dead or the victim or victim owner does not want to go to Court or for any other reason considered relevant.
 - The consequences of any conviction could be considered unduly harsh or oppressive
 - The likely length and expense of a trial
 - The cooperation of the accused during the investigation
 - To proceed to prosecution is unlikely to result in a conviction
 - In the score range of 35 – 84 the case assessment score was under 60 (*serious 1*)
 - Mitigating Factors (*determined by circumstances of each case that may or may not be considered relevant*)
-

Council MAY choose TO prosecute if one or more of the following factors are considered relevant:

- Given that evidential basis exists i.e. sufficient and reliable evidence, the public interest requires the prosecution to proceed – in other words the effect of a decision not to prosecute on public opinion.
 - The dog owner or the dog itself have been subject to dog attack investigations or aggressive behaviour investigations that have been proven and resulted in either Infringement Notice or Seizure or any other control provisions within the last 12 months
 - If in the score range of 35 – 84 the case assessment score was 60 or over (*serious 2*) for attacks on: **poultry; domestic animals; stock or protected wildlife.**
-

Council WILL prosecute if one or more of the following factors are considered relevant:

- The case assessment score is 85 or over (*serious 3*) for an attack on either persons, stock, poultry, domestic animals or protected wildlife
- The dog owner or the dog itself have been subject to dog attack investigations, that have been proven and resulted in either Infringement Notice or Seizure or any other control provisions within the last 6 months
- The dog has attacked a **person** resulting in an assessment score 60 or over (*serious 2*)

Note: If an assessment score on a person is over 90 consideration shall be given to prosecute under S58 of the Dog Control Act 1996.

File Fact Sheet

When an 'attack' is reported an Animal Control officer shall investigate the report for the purpose of either **proving** or **disproving** the allegation. As a process of the investigation a file shall be produced (*see Standard Operating Procedures – Investigations*).

If the allegation is proved (*see Elements of Proof – attached*) the matter is then subject to the provisions of Section 57 of the Dog Control Act 1996 in so much that the Territorial Authority may exercise any power imposed or conferred on it by this Act, therefore, the Territorial Authority may prosecute or not for the offence.

Definition of 'Attack':

Justice Randerson declared that for an 'attack' to take place for the purpose of S57 of the Dog Control Act 1996 requires physical contact between the dog and any person, stock, poultry, domestic animal or protected wildlife that results in injury. However physical contact in itself that may result in injury doesn't necessarily mean it is an 'attack' within the meaning of S57. Justice Laurenson added that an 'attack' that resulted in contact or harm to a person's clothing would also be considered an 'attack' but also provided for an 'attack' having the need to be an action from the dog that was intended to cause contact or harm.

Whether an 'attack' has occurred is subject to the facts and the whole of the circumstances of the case. It could be considered counterproductive to prosecute for every 'attack' given the definition of 'attack'.

Use this File Fact Sheet to determine if the matter goes to the Council officer(s) holding delegated authority to decide whether to prosecute or not.

NOTE:

If questions 1 and 2 are answered **YES** then the case **MUST** go to the Council officer(s) holding delegated authority to prosecute or not, for further discussion. That doesn't necessarily mean prosecution as an end result but it could so investigation processes **MUST** be completed as per the Standard Procedure.

The only way it can't go to the territorial delegation even if questions 1 and 2 are answered YES is if question number 3 is answered NO:

RFS #:

1. Did an attack take place that can be proven? YES / ~~NO~~
(see elements of proof attached)

2. Was the attack of a serious nature? (see definition attached) ~~YES~~ / NO

3. Can the dog be identified and connected to an owner? YES / ~~NO~~

Definition of Serious Attack

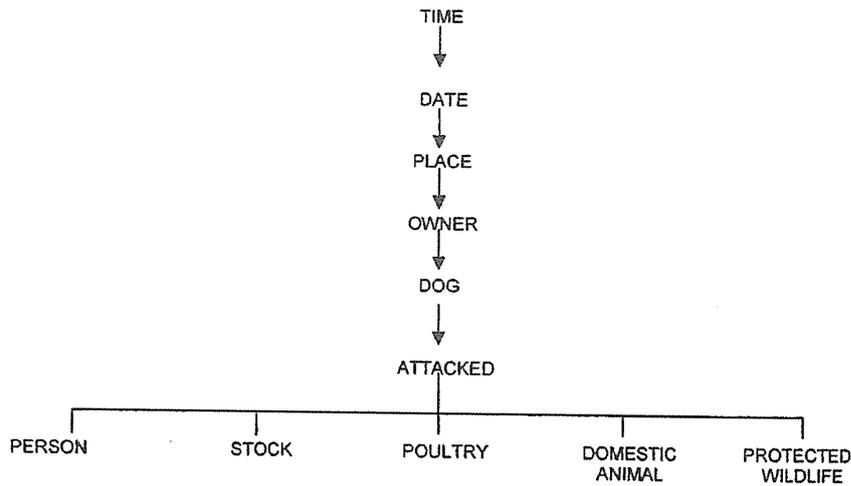
An attack of a serious nature will be that which resulted in an assessment score 35 or over.

Elements of Proof – S57

Before an investigator can investigate a breach of law, he/she must know the component parts of the law that he/she is enforcing. These component parts are often called the Elements of Proof of Law.

The elements of the offence are all the component parts of the law, which must be proved before the accused person can be found guilty of the breach.

The time, date and place (location) and the identity of the offender (dog) must be proved in every case, along with the specific elements of that offence.



ELEMENT	EVIDENCE
TIME	STATEMENT
DATE	STATEMENT
PLACE	STATEMENT
OWNER	REG DETAILS; STATEMENT OF ADMITTANCE; OWNER DEFINITION PURSUANT TO SECTION 2 DOG CONTROL ACT 1996; PERSON ADMITTED OWNERSHIP; PERSON KNOWN BY COMPLAINANT/WITNESS TO BE OWNER.
DOG	PHYSICAL DESCRIPTION
ATTACKED	CARCASSES; BITE WOUNDS; PHOTOGRAPHS; VETERINARY REPORT; MEDICAL REPORT; COMPLAINANT/ WITNESS STATEMENT; CLEAR EVIDENCE SUPPORTING THAT THE DOG INITIATED AN ATTACK.; (evidence that a dog is present at an attack scene is circumstantial evidence only).
PERSON	STATEMENT WITNESS STATEMENT
STOCK; POULTRY; DOMESTIC ANIMAL; PROTECTED WILDLIFE	AS DEFINED IN SECTION 2 DOG CONTROL ACT 1996



Licence No: MEN/2017/53
Ref No: 02205532
Dog Ref: 31514

16 August 2017

Geoffrey Robert Lewis
94 Ward Street
INVERCARGILL 9810

Dear Geoffrey

NOTICE OF CLASSIFICATION OF DOG AS A MENACING DOG

Please find enclosed a notice classifying your dog Brittany as menacing. This is due to observed and reported behaviour on 11 August 2017

The classification is due to the following behaviour:

1. Roaming at large.
2. Attacked a person.

These events were witnessed by two people who have provided statements to Council. On this evidence Council has determined your dog Brittany as menacing.

There are a number of responsibilities with having a dog classified as menacing, and these are explained in the enclosed notice, and outlined as below:

- Your dog must be muzzled when it is "at large", and this includes a public place or in a private way.
- A clear property inspection must take place within 30 days of receiving this notice.

An Animal Control Officer will contact you (if they have not already) to arrange for a property inspection to take place.

If you have any further questions about this matter please do not hesitate to contact Animal Services at the Invercargill City Council on (03) 211 1777, and quote MEN/2017/53.

Yours sincerely

A handwritten signature in black ink, appearing to read "J. Youngson", written in a cursive style.

John Youngson
MANAGER – ENVIRONMENTAL HEALTH AND COMPLIANCE

Encl.



Licence No: MEN/2017/53
Ref No: 02205532
Dog Ref: 31514

REPORT TO THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES – P M GARE

CLASSIFICATION OF DOG AS MENACING

The following dog requires consideration for classification as menacing in accordance with the provisions of Section 33 of the Dog Control Act 1996.

Dog: Brittany, a female tan coloured Labrador cross breed owned by Geoffrey Robert Lewis of 94 Ward Street, Invercargill.

THE FACTS

On 11 August 2017 a report was received concerning an uncontrolled and aggressive dog.

The complainant was delivering newspapers on Ward Street at approximately 3.00 pm when he was rushed at by a tan coloured dog which came from 94 Ward Street.

He tried to get the dog to leave him alone, but it wouldn't. He felt the hit his leg and believed the dog was attacking him.

The dog then ran back home to 94 Ward Street and the owner put it away.

The owner of the dog admits the dog escaped its enclosed yard and was uncontrolled for a short period of time. He did not see the incident.

A witness describes seeing a man being attacked by a dog. She says the dog was biting at the victims lower legs and jumping up at him, not in a friendly manner.

The dog was seized under Section 57 and is currently being held at the Animal Care Facility while the investigation is undertaken.

The file in respect of this matter is available for your reference.

PREVIOUS DOG HISTORY

15 June 2015 – Dog found, being held at 254 George Street, awaiting pick-up by Animal Control Officers.

4 February 2016 – Wandering dog sighted by Animal Control Officer and chased home to 94 Ward Street. Animal Control Officer tied dog to kennel and informed owner. Owner states he will be building taller fences to keep the dog contained.

30 August 2016 – Dangerous/menacing complaint. Complainant rushed at twice in one day by the same dog. Owner to raise fences even higher to keep the dog contained. Owner also considers use of electric boundary to contain the dog.

2 March 2017 - Dangerous/menacing complaint. Complainant and her dog were rushed at in an aggressive manner by a dog from 94 Ward Street. The dog was impounded.

THE LAW AND ANALYSIS

Menacing Classification

In order for a dog to be classified as Menacing the following needs to be established as per Section 33A Dog Control Act 1996:

- 1) The dog is not already classified as *Dangerous* under the Act.
- 2) A threat may be posed to any person, stock, etc because of:
 - (a) observed or reported behaviours; or
 - (b) any characteristics typically associated with the dog's breed.

Addressing each of these elements:

Not Dangerous Already

I have searched our database and the dog Brittany is not classified as Dangerous by Council.

A Threat posed to any person...

On the information available there is a threat to people. The complainant and a witness have provided a statement regarding the attack. The dog has a reported history of leaving its property and rushing towards members of the public in an aggressive manner.

The dog shows considerable drive and ability to leave the enclosed area to the rear of its section, despite the owners continued efforts to contain it.

Observed or Reported Behaviours

There are two statements relating to the most recent complaint attesting to the uncontrolled and aggressive nature of the dog.

Dog Attack

Because there has been an attack on a person consideration must also be given to a prosecution under Section 57 of the Dog Control Act 1996.

For a Charge under Section 57 to be established we must prove:

- 1) a person
- 2) attacked
- 3) a dog

Addressing each of these elements:

Person

It is clear that the complainant is a person in terms of the Act.

Attacked

For an attack to be proved there must be physical contact between the dog and the person.

In this case

The Statements confirm that there was physical contact between the dog and the complainant.

A Dog

The animal involved is a dog. Evidence has identified Brittany.

RECOMMENDATIONS

I am recommending that the dog be classified as a Menacing Dog.

The test set out in Section 33A has been met as there is evidence that the dog poses an ongoing threat to persons. This is evidenced by the observed and reported behaviour of the dog.

I am not recommending a prosecution under Section 57. While the elements are made out I do not believe that there is public interest in prosecution.

A classification under Section 33A will send a strong message to the owner that he needs to take care and be vigilant at all times with his dog Brittany.

I request that the dog Brittany be classified as Menacing.

Peter Jones
ANIMAL CONTROL OFFICER



Licence No: MEN/2017/53
Ref No: 02205532
Dog Ref: 31514

**NOTICE OF CLASSIFICATION OF A DOG AS A MENACING
DOG**
(Section 33A, Dog Control Act 1996)

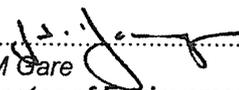
Name: Geoffrey Robert Lewis
Address: 94 Ward Street
INVERCARGILL 9810

This is to notify you* that this dog has been classified as a menacing dog under Section 33A (1) of the Dog Control Act 1996. This is because of the observed or reported behaviour of the dog being it attacked a person.

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

Dog: Brittany, a female tan coloured Labrador crossbreed

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


P M Gare
Director of Environmental and Planning Services

16.08.17
.....
(Date)

* 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 (Please Note: "At Large" includes your own property) 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 Invercargill City Council, produce to the Invercargill City Council, within one 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 Invercargill City Council, produce to the Invercargill City Council, within one month after the date specified in that certificate, a further certificate under paragraph (b)(i).*

You must in accordance with Section 33E(1)(b) neuter your dog. The certificate must be provided to the Invercargill City Council within one month of the date of this notice.

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 Invercargill City Council in accordance with the reasonable instructions of the Invercargill 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 two 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 two 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 33C

(Section 33D, Dog Control Act 1996)

You may object to the classification of your dog as menacing by lodging with the Invercargill 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.

You must provide evidence to the Invercargill City Council that the dog is not of a breed or type listed in Schedule 4 of the Dog Control Act 1996.

INVERCARGILL CITY COUNCIL BYLAW 2015/1 - DOG CONTROL

(Clause 15.1)

The owner of any dog classified as menacing must follow these additional obligations:

- 15.1.1 Any dog, classified as menacing by any other territorial authority, that now resides in Council's area must be neutered as per section 33EB of the Dog Control Act 1996.
- 15.1.2 Any owner of a dog classified as menacing must follow these additional obligations:
 - a. Ensure the provision of a secure area where it is possible to gain unrestricted access to at least one door of the dwelling.
 - b. Ensure that the dog is muzzled in any public place or when not confined in a vehicle or cage.
 - c. Not dispose of the dog to any other person without the written consent of the Council.

EXHIBIT 9

DOG FOUND

Request No:193469

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 15 June 2015

Time Received: 14:34:22

Dog Owner Details

Geoffrey Robert Lewis
20 Duncan Street, INVERCARGILL
Brittany / Ref No. 31514

Complaint Details:

Location of Dog	
Required to be picked up from the above address?	Yes
Comments on pick up (ie location, tied up etc)	contained in the back yard
Dog Registered? If yes, have you completed details	Undecided
Is dog a Puppy, Adult or old dog	Young
Dog Breed	Lab x pitbull
Dog Colour	brown & white with white socks
Dog Sex	Female
Dog Markings	
Have you contacted animal control	Yes
Any other relevant information	Janice advised

Request Notes

15-Jun-2015 DIANEL
14:34:37

female Lab x Pitbull LISSAD
brown / tan with
white paws, no collar
or tag needs picking
up from

St15-Jun-2015

15:27:38

dog very scared , and abit on thin side , not cuts or scartches

WANDERING / FOULING COMPLAINT

Request No:209931

Name of Complainant: Invercargill City Council - Animal Control		
Address of Complainant: C/- Environmental & Planning Services		
Private Bag 90104		
INVERCARGILL 9840		
Home Ph:	Work Ph:	Mobile:

Date Received: 4 February 2016

Time Received: 15:41:13

Dog Owner Details

Geoffrey Robert Lewis
20 Duncan Street, INVERCARGILL
Brittany / Ref No. 31514

Complaint Details:

Owner name (if Known) and address	Geoffery Lewis 94 Ward Street
Complainants Address	
Dog Breed	Pit Bull Terrier
Dog Colour	Tan
Dog Sex	Female
Is dog a puppy, adult or older dog	Young
What was the date and time dog was seen?	04/02/16 @ 14:50
Any further relevant information	
Assisting Officer	

Request Notes

04-Feb-2016 ELLED
15:44:12

ACO 55/53 04/02/16 @ 14.50 saw dog wandering Ward street, chased it home had current registration tag on, tied dog back up to kennel card left.
ACO 53 spoke to dog owner who called in and explained what had happened he said that he is going to make the fence higher as she keeps getting out.

Inspection Notes

Inspection Notes

DOG DANGEROUS / MENACING COMPLAINT

Request No:225712

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9810		
Home Ph:	Work Ph:	Mobile:

Date Received: 30 August 2016

Time Received: 15:54:50

Dog Owner Details

Geoffrey Robert Lewis
20 Duncan Street, INVERCARGILL
Brittany / Ref No. 31514

Complaint Details:

Owner name (if Known) and address	94 Ward Street
Complainants Address	
Dog Breed	possible Lab x
Dog Colour	Sandy
Dog Sex	Unknown
Is dog a Puppy, Adult or old dog	Unknown
What was the date and time of attack?	30/08/16 1.40pm and 3.20pm
Any further relevant information	
Assisting Officer	
Responded within 30 minutes?	Yes

Request Notes

30-Aug-2016
15:55:12

MICHELLET

Complainant walked to and from work today and both times a 'sandy coloured, sharp nosed' dog ran out of 94 Ward Street and across the road barking. It's 3 days in a row this has happened. A student from Hargest came out and knew where the dog came from and was able to put it back in its kennel.30-Aug-2016 16:04:45

JANICEP

talked to ACO53, he is attending to this.01-Sep-2016 15:12:55

MICHEALM

Card left Owner contacted us we will give him some ideas to help to keep his dog in.01-Sep-2016 15:20:16

MICHEALM

01/09/16 @ 15:12 Dog owner geoff on 0211140836 He thinks he may have to raise his fence even more it is already six foot hig. I said we can come around and give him some ideas (electric fence) to keep his dog contained. He works until after five so will sort pete to go see him before 09.00am on sat 03/09/16 Call first please pete.03-Sep-2016 11:04:29

PETERJ

3/9/16 @ 10.00 Visited Gary for half an hour discussing options with him. We discussed raising the fence.

My concern is that once he does this, the dog will look for other ways out - there is a raised vege-garden that the dog could use to climb another part of the fence, and there are also compost bins that the dog could use.

The north fencing was not very secure looking and when I went to inspect it, the dog rushed over and showed us that there was indeed a hole in it. It went straight through to a neighbouring property but came back when called. The owner was unaware of this hole.

We discussed the use of an electric fence - He is keen to give it a go. I was uncer of the availability of our unit, I will speak to Mike during the week about it.

The owner also asked about the 'electric boundry' where the dog wears a shock collar and gets a zap when it gets too close to the boundry.
This would also work.

The owner is going to spend the next few days investigating both options on the internet and will keep the dog on its chain in the mean time.

Inspection Notes

DOG DANGEROUS / MENACING COMPLAINT

Request No:237999

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9810		
Home Ph:	Work Ph:	Mobile:

Date Received: 2 March 2017

Time Received: 09:54:24

Dog Owner Details

Geoffrey Robert Lewis
20 Duncan Street, INVERCARGILL
Brittany / Ref No. 31514

Complaint Details:

Owner name (if Known) and address	Ward street 3 houses back from herbert poss 94 Ward
Complainants Address	
Dog Breed	Unknown, mediun sized
Dog Colour	Tan
Dog Sex	
Is dog a Puppy, Adult or old dog	
What was the date and time of attack?	9:10am
Any further relevant information	
Assisting Officer	
Responded within 30 minutes?	Yes

Request Notes

02-Mar-2017 09:59:21 ELLED
phoned in MICHEALM
regarding an aggressive dog, she was walking down Ward street when a tan medium sized dog was barking at her and was going to have a go at her, she said she had to yell at the dog for it to stop, she said that she kept walking and when she turned around it was just walking around outside the property, the dog was 3 houses from Herbert street on ward street on the right had side, advised her that ACOs would go a visit as the area and try find the dog as it may still be out, also said we may need to get a statement off her but we would phone her back and let her know how we got on.02-Mar-2017 10:26:05

02/03/2017 @ 10:00 The dog was back on the property, But not secure, The dog owners have spent a lot of money trying to keep this dog in its secure area Electric fence may do the trick. Dog impounded. Imp notice left in mail box

BEFORE THE HEARINGS COMMITTEE

IN THE MATTER of the Dog Control Act 1996

BETWEEN **DANUTA HELENA JADWIGA
BONIFACE**

Appellant

AND **INVERCARGILL CITY COUNCIL**

Respondent

**IN RESPECT OF AN OBJECTION TO A
BARKING DOG NOTICE**

SUMMARY

Appellant	Danuta Helena Jadwiga Boniface
Dog	Zara, a female black and tan German Shepherd cross breed Argos, a male black and brindle Rottweiler cross breed

Objection received 29 January 2018

On 24 January 2018 a barking notice was issued to the dogs' owner as the result of a barking complaint. The owner, Ms Boniface, is objecting to the barking notice and requests a Hearing.

The Hearing Process

The Territorial Authority may uphold or rescind the Notice and in making its determination must have regard to:

- The evidence which formed the basis of the Notice; and
- Any steps taken by the owner to prevent the nuisance from occurring; and
- The matters relied on in support of the objection; and
- Any other relevant matters.

The Territorial Authority must, as soon as is practicable, give written notice of:

- Its determination of the appeal of the Notice; and
- The reasons for its determination.

The Law

55 Barking dogs

- (1) Where a dog control officer or dog ranger has received a complaint and has reasonable grounds for believing that a nuisance is being created by the persistent and loud barking or howling of any dog, the dog control officer or dog ranger may—
 - (a) enter at any reasonable time upon the land or premises, other than a dwellinghouse, on which the dog is kept, to inspect the conditions under which the dog is kept; and
 - (b) whether or not the dog control officer or dog ranger makes such entry, give the owner of the dog a written notice requiring that person to make such reasonable provision on the property to abate the nuisance as shall be specified in the notice or, if considered necessary, to remove the dog from the land or premises.
- (2) Any person on whom notice is served under subsection (1) may, within 7 days of the receipt of the notice, object in writing to the territorial authority against the requirements of that notice.

The effects of the Notice are:

- The dog is removed from the property.

OFFICER'S REPORT

Dog and Owner's History

In April 2014 Danuta's previous two dogs were removed from her property for loud and persistent barking. They were not returned to her.

Between September 2014 and August 2015 Council received 18 barking complaints.

In 2017 Council received three wandering/fouling complaints and two barking complaints.

In January 2018 Council received six complaints, three of these being on the same night.

Timeline of Events for this Notice

17 January 2018 at 10.12 pm, the Water Tower received three complaints regarding the dogs barking. The operator tried to phone the dog owner twice but there was no reply and no message facility. The Water Tower operator stated that the situation was becoming serious and dispatched the SPCA after-hours contractor.

17 January 2018 - The contractor entered the property at 20 Hardy Street and knocked on the door but there was no reply. He went back out to the street and spoke to people waiting out there, advising them he would remove both the dogs.

18 January 2018 an Impound Notice was delivered to the dogs' owner and two Animal Control Officers visited thirteen houses in the area with six people providing statements. A statement was also gathered from the dogs' owner.

24 January 2018 - Two notices were hand given to the dogs' owner. These notices stated conditions to comply with before the release of the dogs.

ANALYSIS

Several complaints have been received regarding the dogs barking. Statements from neighbours have been taken and these are annexed as Exhibit 3. This is evidence under Section 55 of the nuisance being created by the loud and persistent barking of the dogs.

The dogs were removed from the property under Section 55(1)(b) as the dogs were barking excessively and the after-hours Dog Control Officer was concerned for their welfare. Upon arrival to the call out the Dog Control Officer heard people talking about poisoning and killing the dogs (refer Exhibit 6).

There have been several complaints received by Council regarding the dogs barking. This shows that the actions taken by the owner to control her dogs barking are inadequate and there is an ongoing likelihood that the nuisance caused by the loud and persistent barking of the dogs will continue.

RECOMMENDATION

In view of the history of complaints in respect of the dogs and ongoing concerns for their welfare, I recommend that the Panel uphold the notice/confirm the removal because the barking is loud and persistent. This shows a high level of risk that the dog will continue to cause a nuisance as the owner has repeatedly failed to manage the dog's barking.

Should the Panel having heard Ms Boniface's submissions reach a different decision, suggested modifications to the notice might include:

- The provision of better fencing/kenneling to the satisfaction of an Animal Control Officer.
- A requirement for Ms Boniface to attend an appropriate dog training/owner education programme.
- These provisions are put in place prior to the dogs release and within a specified timeframe as determined by the Panel.
- All appropriate pound fees and sustenance charges are paid prior to the dogs being released.

Note - The dogs are also seized under the welfare provisions of the Dog Control Act 1996. The dogs cannot be released until staff are satisfied adequate welfare provisions have been made. This can only be appealed to the District Court.

EJR Dickson

TEAM LEADER COMPLIANCE

23 February 2018

ANNEXURE

Exhibit 1	Objection
Exhibit 2	Dog barking complaint
Exhibit 3	Complainant statements
Exhibit 4	Impound notice
Exhibit 5	Notices issued
Exhibit 6	Afterhours report
Exhibit 7	Veterinarian report
Exhibit 8	SPCA report
Exhibit 9	Dog owner questions
Exhibit 10	Photographs
Exhibit 11	Complaint history

EXHIBIT 1

Micheal Murdoch

From: Juanita Rose <juanitarosie@gmail.com>
Sent: Thursday, 1 February 2018 2:17 a.m.
To: Animal Control; Customer Services
Subject: re: Ref: 02259516

ATTN: TEAM LEADER - COMPLIANCE

I hereby object to the Barking Notice to:

1. Implement a management strategy to ensure the nuisance caused by the persistent and loud barking of my dogs is mitigated.
2. Ensure that all fees relating to the impoundment and sustenance of my dogs while in the Council's Animal Care Facility have been paid.

I object to 1. on the basis that my dogs, Zara and Argos, do not cause a nuisance. The night of the 17th, on which they were removed, was an isolated, one-off incident. Zara and Argos do not bark excessively nor is their barking "continued, persistent, and loud." When they do bark, it is only ever in response to an external factor and their barking is proportionate to the intensity of the stimulus. They also both have quick recovery and any barking ceases as soon as the event causing them to bark is over.

I object to 2. on the basis that:

- (a) Their removal was unjustified, unreasonable and heavy-handed.
- (b) The dog ranger left no notice of entry or seizure and removal of the dogs.

(a) According to the Invercargill City Council, Zara and Argos were removed from my property under Section 55 and Section 15(1)(c) with the reason for removal being "excessive barking causing a nuisance and the dog(s) did not have sufficient food, water or shelter." Both Zara and Argos had proper and sufficient water and shelter. When I arrived home following their removal, Zara still had three bowls of water (two almost full and one half full) while Argos had one large bowl of water which was around 2/3's full. Both dogs had a kennel each and were provided with further protection from the sun by trees. Both dogs had been given dog kibble in the morning and wet dog roll just before I left home. Therefore, removing them on the basis that they were not provided these basic essentials is simply absurd.

In regards to the barking, there seemed to be no interest given into what was causing Zara and Argos to bark. However, as my dogs only ever bark for a good reason, it suggests that there was something very serious going on that night. While the dogs were removed for causing a nuisance, the more significant nuisance seemed to be that posed by particular neighbours yelling out and only further agitating Zara and Argos. What is most concerning is that certain neighbours' reflex reactions were to threaten to poison and kill my dogs, however, it was my dogs that were removed. It perplexes me as to why the police were not called to investigate these threats. While the barking may have been mitigated by Zara's and Argos' removal, this does not address the serious cause of such barking nor does it address the danger posed by threatening neighbours.

Irrespective of whether or not Zara's and Argos' removal on the night of the 17th was reasonable, they should not have been retained in the Invercargill Animal Care Facility. It is very rarely that my dogs bark persistently for an extended period of time making this this an isolated incident and therefore my dogs should have been returned to my property the following morning.

(b) Section 15(3)(a) and 15(4) require any dog ranger to leave a notice of seizure and removal of any dog. The dog ranger failed to do this.

I have lodged a complaint with the police to investigate the threats made against my dogs and other incidents that have occurred since the removal of my dogs in addition to trespassing certain neighbours from my property.

Yours faithfully,

Dania Bielecki-Boniface

EXHIBIT 2

DOG BARKING COMPLAINT

Request No:260948

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 17 January 2018

Time Received: 22:12:44

Dog Owner Details

Complaint Details:

Owner name (if Known) and address	D Boniface 20 Hardy Street
Complainants Address	
Dog Breed	rotyx and german shepherd x
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	SPCA attending
Assisting Officer	

Request Notes

17-Jan-2018
22:13:16

KENNETHB

KENNETHB

-
Street along with
several other people
have complained
about barking dogs
at 20 Hardy

Street. Situation is becoming serious and I have asked SPCA to visit this address. 17-Jan-2018 23:55:05 I attempted to contact D Boniface on two occasions prior to the removal of the dogs there was no reply and she has no message facility. The two other people who complained were

JANICEP

[who was very angry] and

During all three calls the dogs could clearly be heard barking through the phone. Malcom SPCA stated that the female dog was tangled up and unable to reach her water or shelter so the dogs were removed for their own well being. At aprox 23:15 D Boniface returned my calls she stated her phone had been on her charger. She then called back 30 minutes later wanting SPCA and Animal Control telephone numbers which was declined and she was advised to contact A/C after 0800 tomorrow. 18-Jan-2018 09:05:55 AHC report in Objective 22:14

I received a call from Control regarding a situation that was developing in Hardy Street regarding two dogs barking excessively. Control had tried to ring Dania she did not answer. Control had received so many complaints that someone needed to attend tonight.

When I pulled up to 20 Hardy Street I was met by three different complainants and I could hear many more yelling. I heard several threats of poisoning the dogs and coming over and killing the two dogs. As the dogs were barking excessively I went into the property knocked and no one came out. I went out and spoke to the people on the street and told them I would remove the dogs from the property.

I rang control and told him I would remove both dogs for their own safety he agreed that was the best option.

I am going to raise a MICHEALM
welfare issue with
the SPCA.18-Jan-
2018 10:36:59

18/01/2018 @ 10:15 NICOLEP

Imp notice handed to
boniface. She was
away taking her
daughters gear to
dunedin. Full
statement will be
taken between 13:00
and 13.30 today
Boniface is coming
into the office..

Myself and kelsi will
door knocks to get
statements on last
night and barking
issues19-Jan-2018
09:50:42

Malcolm (AHC) is coming in at 10:15 today (19/01/18) to give a witness statement regarding this incident.

MP-152196
- 152195

ref - 30189
- 32553

EXHIBIT 3

RFS number: <u>260948</u>
Complainant's address: _____ street _____
Offender's address (if known): <u>20 Hardy street</u>

COMPLAINANT STATEMENT TEMPLATE

Issue being dealt with: Dogs Barking

Start time and location of complainant's statement:

219pm

Statement

_____ states:

That is my full name. I live at _____

My home phone is _____, my email is _____

I am currently employed at _____

My date of birth is _____

I am being spoken to by Kelsi from the Invercargill City

Council about an incident Dogs Barking

(Statement below is written as if the complainant is talking in the first person)

PROBLEM SUMMARISED

I was home last night, around 7.30-8 & dogs were barking. Heard neighbours telling the dogs to shut up. Was pretty continuous racket. Went back out & came home & SPCA were there collecting

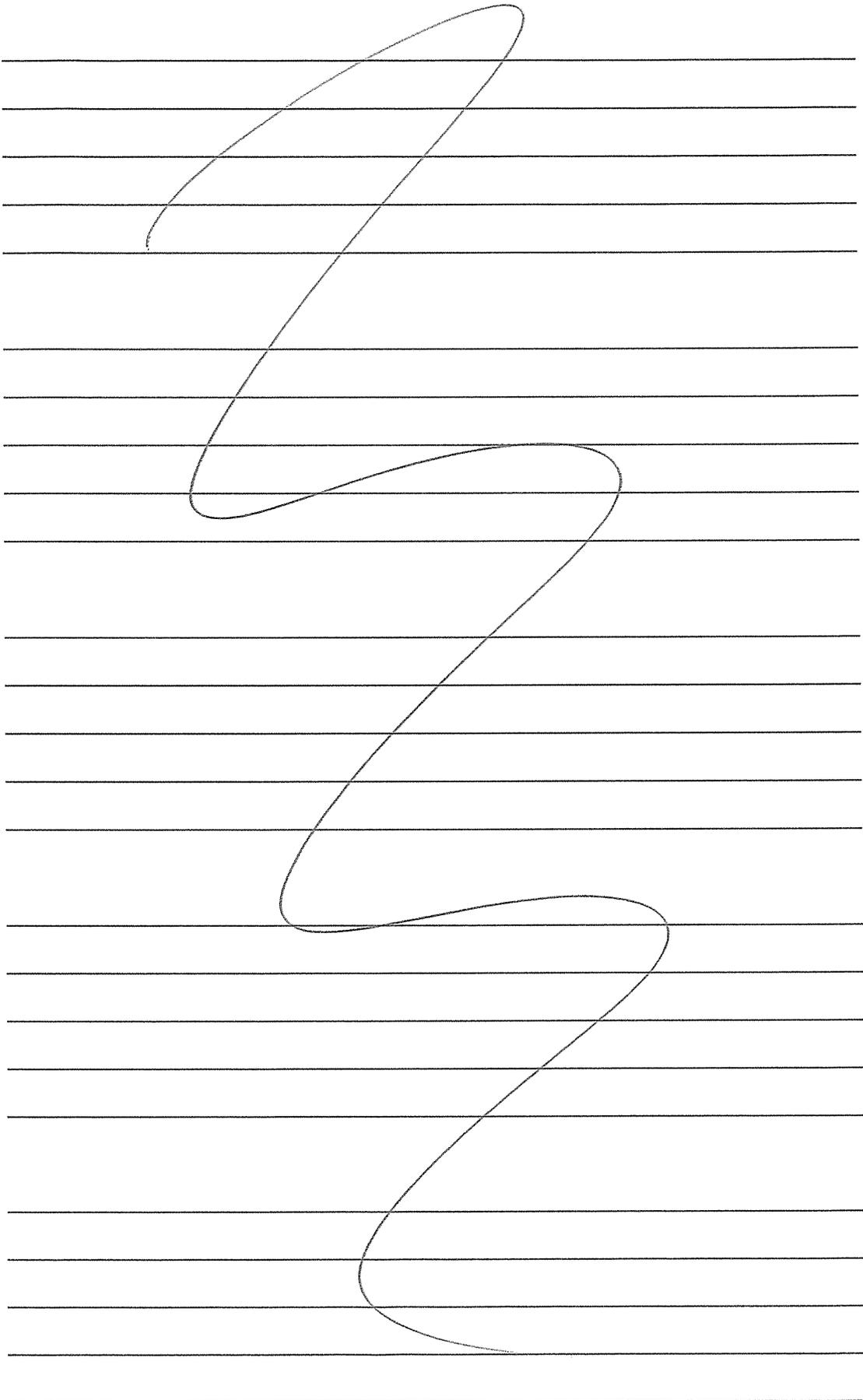
RFB-260948

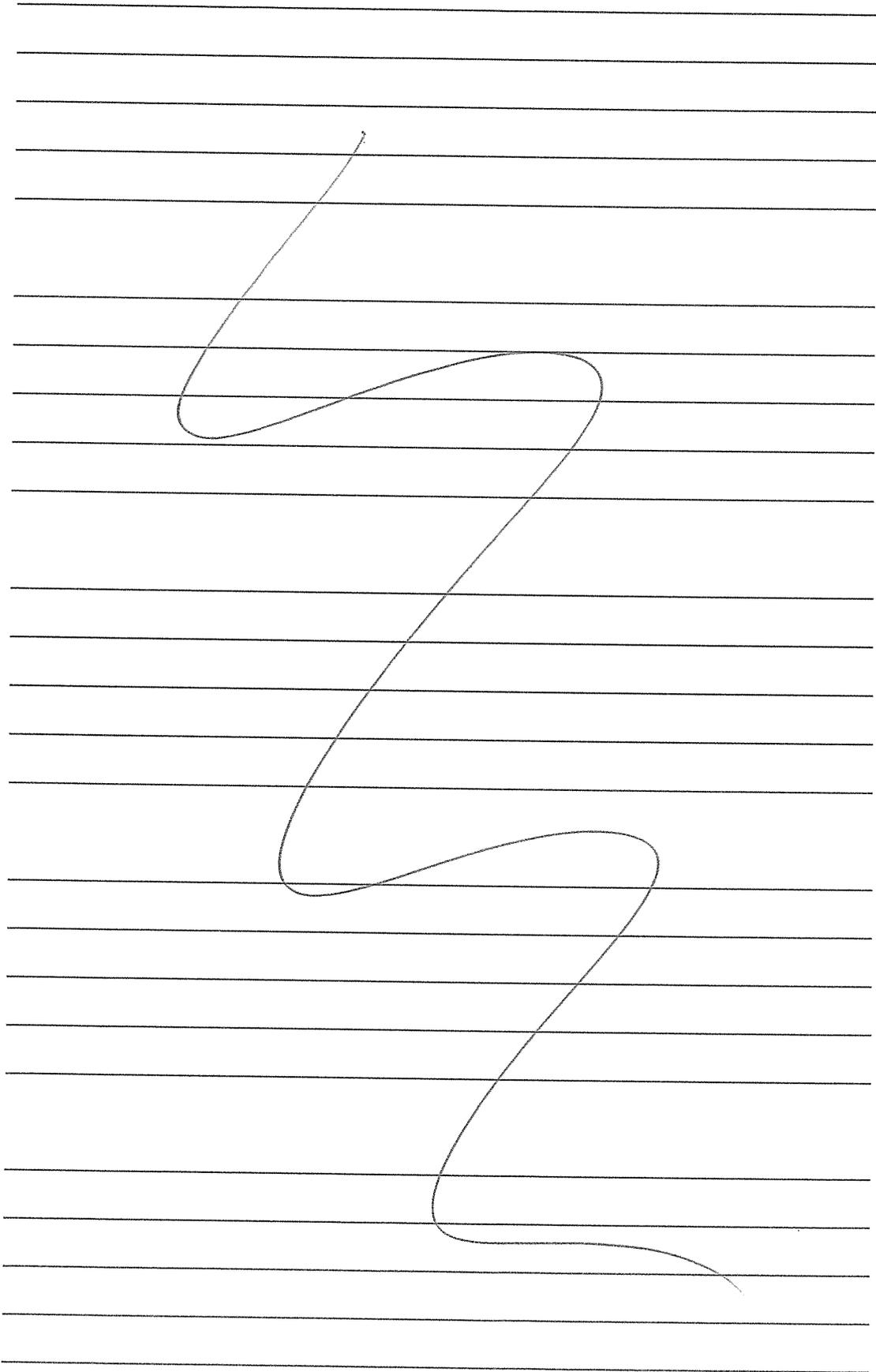
IND-152196
-152195

Rf-30189

-32553

dogs around 10:30 pm. Last night was
the worst. if I hear them bark it's
normally during the day I think.





13 1
1

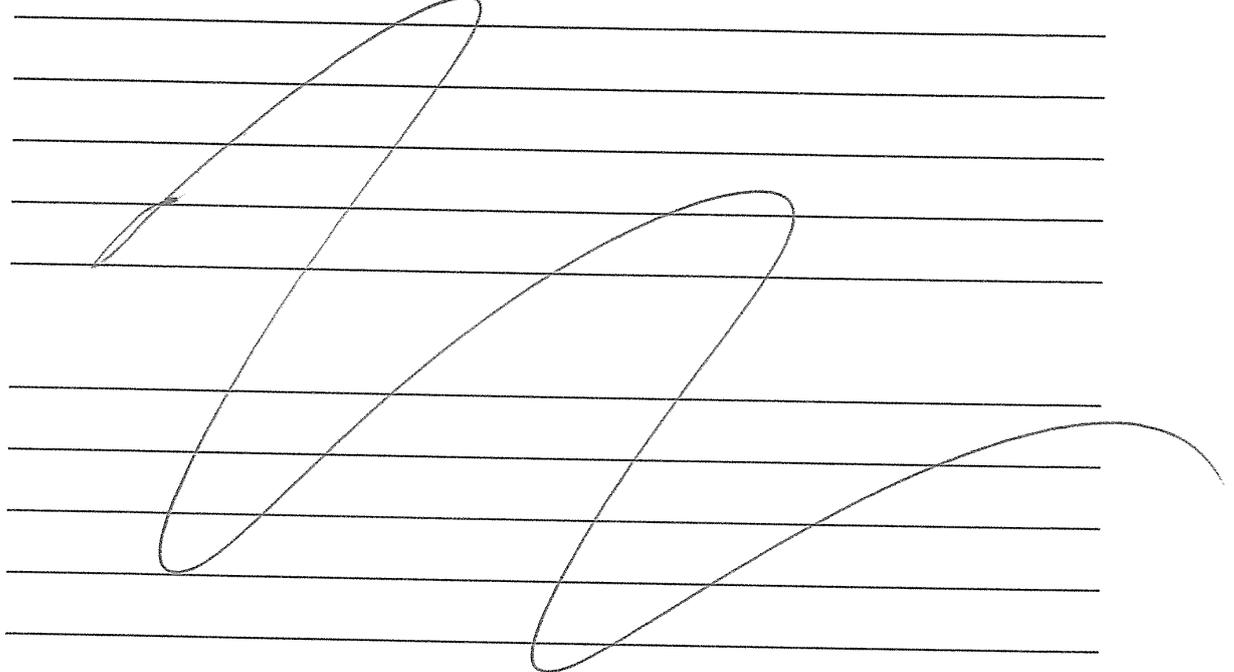
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RS-260948

Ref-30189

IMP - 152196
- 152195

- 32553.



Statement by complainant to confirm all that is written is true and correct:

Statement: _____

Signed: _____

Dated: 18, 01, 18

Statement taken and signature witnessed by:

Name: Kelsi Olausen

Job Title: Animal Control

Organisation: ICC

Warrant Number: 2017 / 18

Finish Time: 2.26pm

KTS - 260948 Ref - 30189
Imp - 15296 - 32553
- 15495

RFS number: 260948

Complainant's address: _____

Offender's address (if known): 20 Waddy Street

COMPLAINANT STATEMENT TEMPLATE

Issue being dealt with: Barking dog's

Start time and location of complainant's statement:

_____ street Invercargill

Statement

_____ states:

That is my full name. I live at _____ St.

My home phone is _____, my email is _____

I am currently employed at _____

My date of birth is _____

I am being spoken to by Michael Munday from the Invercargill City

Council about an incident Barking dog's

(Statement below is written as if the complainant is talking in the first person)

PROBLEM SUMMARISED

I do not have issues with the
dog's barking. But the waning most
day's. I can also hear the owner
training the dog's most day's telling them
to sit ect.

KIS-260948 REF-30189
Imp. 152196 - 32553
- 152195

We have not heard the
dog's at night as our bedroom
is on the South-East of our house
But at xmas on night our daughter
stayed in our sleep out and she
said they were very bad.

I have also seen a male walk
past 20 handy street he was barking
at the dog's This caused them to
bark.

We have been living here
since
I have never met the neighbour.

if we are out in our yard
sometimes the dog's hear us talking
and this will make them bark
but I can't blame them.

The whining is most days I
think if they were walked this
may help.

I have seen water/food bowls by the
dog's but can not see if full or not

A series of horizontal lines for writing, with two large diagonal scribbles crossing through the middle section.

Blank lined area for notes or agenda items.

RFB - 260948
Imp - 152126
152195.

Ref. 30189
- 32553

[A series of horizontal lines for writing, with a large diagonal line drawn across them from the bottom left to the top right.]

Statement by complainant to confirm all that is written is true and correct:

Statement: I have been read this statement and it is true and correct.

Signed: _____

Dated: 18/1/18.

Statement taken and signature witnessed by:

Name: Michael Murdoch

Job Title: Animal Control Officer

Organisation: ICC

Warrant Number: 2016/35

Finish Time: 11.39.

IMP - 152146 Ref - 30189
- 152195 - 32553

RFS number: <u>260948</u>
Complainant's address: <u>21 Hardy St</u>
Offender's address (if known): <u>20 Hardy Street</u>

COMPLAINANT STATEMENT TEMPLATE

Issue being dealt with: Dogs Barking.

Start time and location of complainant's statement:

11.36am

Statement

_____ states:

That is my full name. I live at _____ street

My home phone is _____, my email is _____

I am currently employed at _____

My date of birth is _____

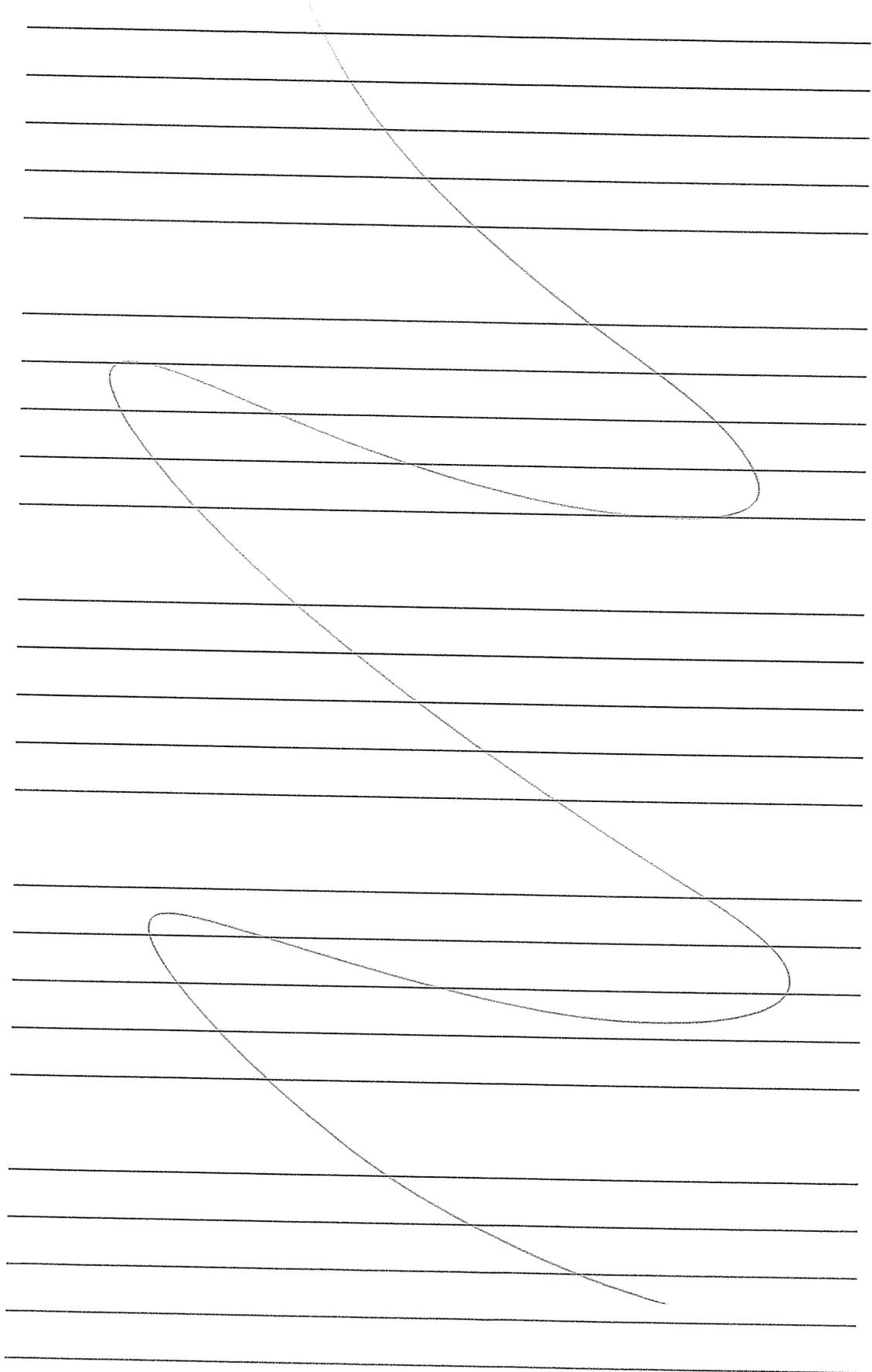
I am being spoken to by Kelsi from the Invercargill City

Council about an incident Dogs Barking

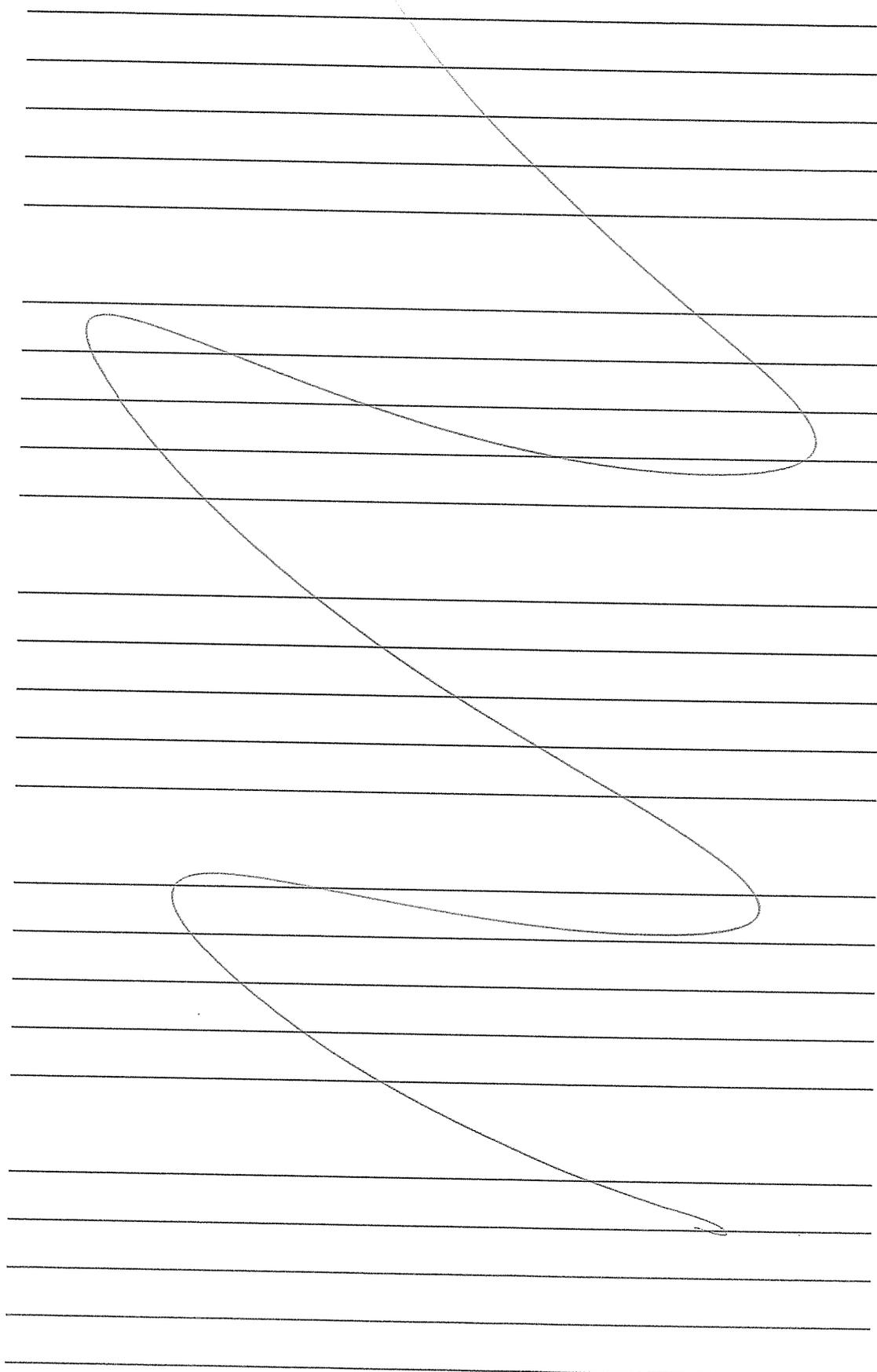
(Statement below is written as if the complainant is talking in the first person)

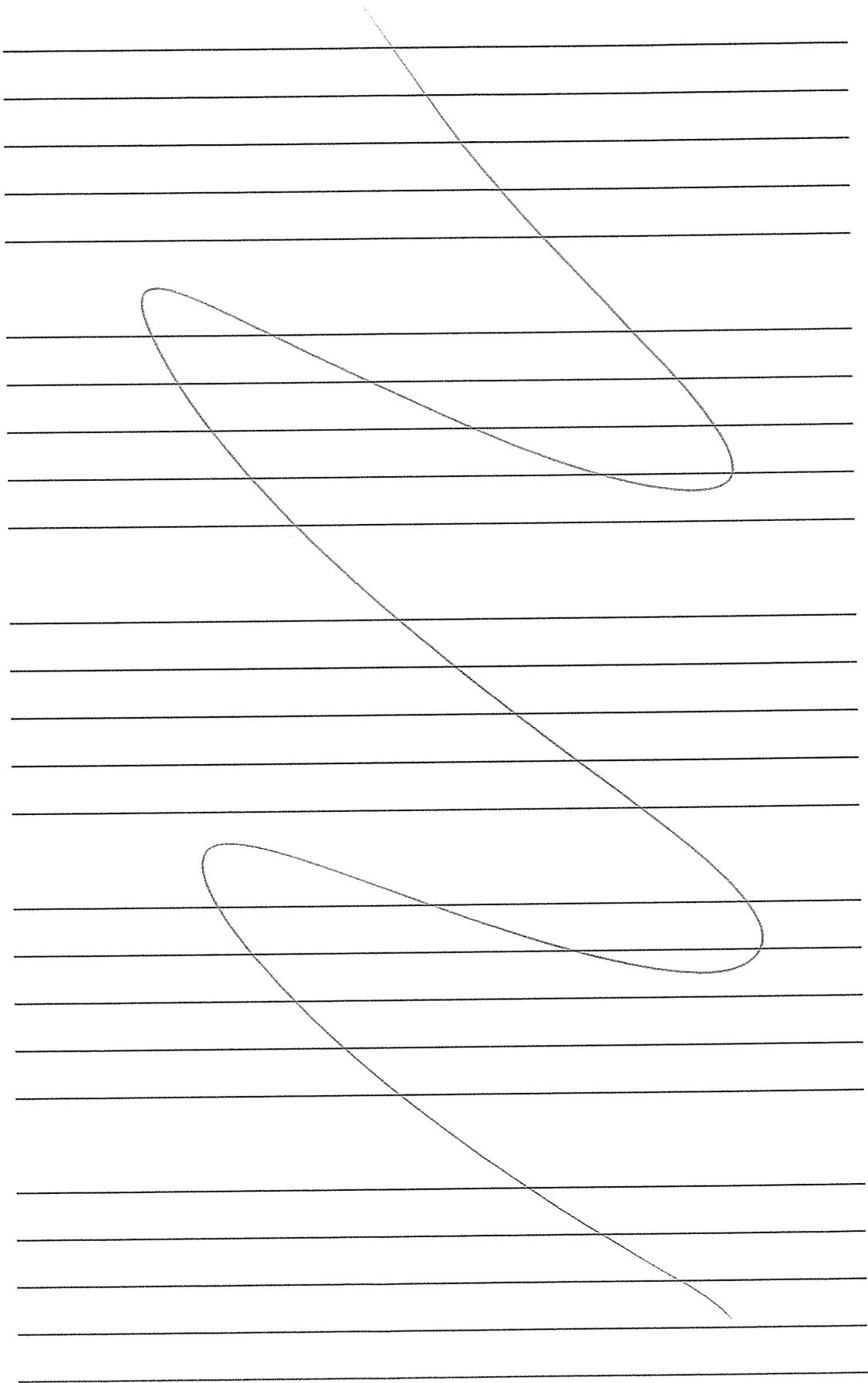
PROBLEM SUMMARISED

Continuous barking @ night. They wander, chased postman the other day.



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RB - 260948
IMP - 152196
- 152195

Ref - 30184
- 32553

[Large scribbled-out area covering the main body of the page]

Statement by complainant to confirm all that is written is true and correct:

Statement: TRUE & CORRECT

Signed: _____

Dated: 15/1/2018

Statement taken and signature witnessed by:

Name: Kelsi Olansen

Job Title: Animal Control

Organisation: ICC

Warrant Number: 2017/18

Finish Time: 11.40AM

IMP - 152196
- 152195

Ref - 30189
- 32553

RFS number: <u>260948</u>
Complainant's address: _____
Offender's address (if known): <u>20 Hardy street</u>

COMPLAINANT STATEMENT TEMPLATE

Issue being dealt with: Barking dogs/whining.

Start time and location of complainant's statement:

11.07 AM

Statement

_____ states:

That is my full name. I live at _____

My home phone is _____ my email is _____

I am currently employed at _____

My date of birth is _____

I am being spoken to by Kelsi from the Invercargill City

Council about an incident Dogs barking.

(Statement below is written as if the complainant is talking in the first person)

PROBLEM SUMMARISED

Around 9.15pm, we were sitting outside
having tea, & watching news later on (recorded)
inside when dogs started barking. Waited
roughly 20 mins before contacting us. Prior
to this I went outside to see what could've
unsure

IMP-152196
-152195

Ret - 30189
- 32553

RRS-260948

been setting them off. I was yelling at the dogs to be quiet. Then I rang council to be told they couldn't do much until Animal Control started in the morning. Then I contacted the police to be told

basically the same thing. Perhaps around 9:15pm a neighbour thought he saw Danuta walking past with her ^{wee} red holley. I also thought I heard a woman yelling at the dogs around 9:30pm

coming from that property, but I could be wrong. Dogs were pretty much barking/whining until roughly 11pm when I went to sleep. SPCA collected dogs at this point.

E
A

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[Handwritten scribbles and lines covering the main body of the page, likely representing redacted or illegible text.]

RFs - 260948 Ref - 30189
Imp - 152196 - 32553
152185

[The following section contains several horizontal lines that have been completely crossed out with a large, diagonal scribble.]

Statement by complainant to confirm all that is written is true and correct:

Statement: Have read and agree with statement

Signed: _____

Dated: 18/1/18

Statement taken and signature witnessed by:

Name: Kersi Clausen

Job Title: Animal Control

Organisation: ICC

Warrant Number: 2017/18

Finish Time: 11.25am

Imp - 152196
- 152195

Ref - 30189
= 32553

RFS number: 200948.

Complainant's address: _____

Offender's address (if known): 20 Hardy St.

COMPLAINANT STATEMENT TEMPLATE

Issue being dealt with: Dog Barking

Start time and location of complainant's statement:

14.06 Street

Statement

_____ states:

That is my full name. I live at _____

My home phone is _____, my email is _____

I am currently employed at _____

My date of birth is _____

I am being spoken to by Michael Murdoch from the Invercargill City

Council about an incident Dog Barking

(Statement below is written as if the complainant is talking in the first person)

PROBLEM SUMMARISED

As soon as any one walks
past, putting out wheelie bin they
bark. Once they start the dog's
just keep barking.
They sometimes bark for a week

RDS- 260948 Ref. 30189
Imp- 152196 - 32553
- 152195

Then they may stop for a few days.

The barking sometimes starts at 5-6 am and carries on until late in to

the night. I often hear the dog owner yelling at her dog's to shut up.

I have also seen the small

brown dog out on the street

This barking has been going on for a number of years I have contacted the Council

noise control. Etc.

Both dog's whine and bark. It has never got any better last night was the best sleep

I have had for many years

I don't even know if the dog owner is even living there at night. As we see her

RFB- 260948 Ref- 30189
IND - 152196 - 32553.
152195

leave around 9pm. She is often away for a few days at times this is when the dog's bark the most

You can tell when she is home as she is yelling at her dog's again.

I would like the dog owner not to be able to have dog's

anymore as they are tied up not exercised so on

A series of horizontal lines for writing, with a large, irregular scribble in the middle section.

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RS - 260948
IMP - 152196
- 152195

Ref - 30189
- 32553

Statement by complainant to confirm all that is written is true and correct:

Statement: I have read and understand

Signed: _____

Dated: 18 11 18

Statement taken and signature witnessed by:

Name: Michael Murdoch

Job Title: Animal Control officer

Organisation: ICC.

Warrant Number: 2018/35

Finish Time: 14:20.

RFS - 260948
Imp - 152196
- 152195

Ref - 30189
32553.

RFS number: 260948

Complainant's address: _____ Street.

Offender's address (if known): 20 Hardy Street

COMPLAINANT STATEMENT TEMPLATE

Issue being dealt with: Barking dog's

Start time and location of complainant's statement:

_____ Street Invercargill. 11.07

Statement

_____ states:

That is my full name. I live at _____ ST

My home phone is _____, my email is _____

I am currently employed at _____

My date of birth is _____

I am being spoken to by Michael Murdoch. from the Invercargill City Council about an incident Dog's Barking

(Statement below is written as if the complainant is talking in the first person)

PROBLEM SUMMARISED

At the moment I do not have issues with the dog's at 20 Hardy Street I have had issues in the past. Barking howling. Dont know

RB-260948

Imp-152196

- 152195

Rd-30189-32553

if the dog owner is home
or not. for a while I was
sure they were not there.

I have seen them walking
these dog's but not for a
long time.

My partner has been to
her property not about dog's.

My neighbours have talked to
me about these dogs barking

A series of horizontal lines for writing, with a large, faint, handwritten scribble in the middle section.

KIS - 260248

Imp - 152196
- 152195

Ref. - 30189
- 32553

Statement by complainant to confirm all that is written is true and correct:

Statement: I have read this statement it is correct

Signed: _____

Dated: 18/1/18

Statement taken and signature witnessed by:

Name: Michael Murdoch

Job Title: Animal Control officer

Organisation: CC

Warrant Number: 2016/36

Finish Time: 11.17

IMP-152196 Ref-30189
152195 - 32553

1 of 5

RFS number: 260948

Complainant's address: _____

Offender's address (if known): 20 Hardy Street

WITNESS STATEMENT TEMPLATE

Issue being dealt with: Dogs Barking / Welfare Complaint

Start time and location of witness's statement:

10:16am @ 101 Esk Street

Statement

_____ states:

That is my full name. I live at _____

My home phone is _____, my email is _____

I am currently employed at _____

My date of birth is _____

I am being spoken to by Nicole & Kelsi from the Invercargill City Council about an incident on the 17th of Jan 2018

(Statement below is written as if the witness is talking in the first person)

PROBLEM SUMMARISED

Water Tower Called me around 10pm
telling me that there was situation
on Hardy Street with some barking
dogs and some very angry neighbours.
They asked if I could attend

2 of 5

RFS-260948 Ref-30189
JAP-152196
152195 32553

as they tried calling the dog owner several times and were unable to contact her.

I arrived at 20 Hardy Street.

at approx 10:15pm and a lady came straight over. She lived on Hardy Street.

She told me she had complained

about the dogs barking. ~~Her~~ Her husband has headed down Wellington Street so I thought I better go see him but I couldn't find him.

The dogs at 20 Hardy Street were barking excessively, I walked into the property via Wellington St.

The Rotti charged me digging behind his kennel.

I knocked on the windows but had no response.

RFS - 260948
Imp - 152126
- 152195
Ref - 30189 & 32553

3 of 7

I went back to the van to get the catch pole.

Two people were standing at the van and said they were shift workers and were sick to death of the barking.

I went back into the property

I then heard someone yelling over the fence "if you dont shut those dogs up I'll come over and kill them!".

I over heard someone say from out on the street that they would poison the dogs.

The best course of action at

that stage was to take the dogs away from the property for ^{their} own protection.

4 of 5

ERB-260948
IMP-152196
-152195

Bef. 30189
-32553

I was also concerned about their welfare as one of the dogs was very thin and neither of them could get to water.

I would also contact the welfare inspectors at SPCA.

I let the Rotti calm down and was able to get a lead on him then I put him the van.

And then the same with the Shepard X.

I was unable to get the paddlock and rope of the Shepard so I just took her collar off.

There were people still standing on the street watching me take the dogs away.

It was the best outcome for everybody concerned.

Inv 152196 Rd. 30189
152195 - 32553

3 of 5

(The following section contains 12 horizontal lines, all of which are crossed out with diagonal lines from the top-left to the bottom-right.)

Statement by witness to confirm all that is written is true and correct:

Statement: I have Read this statement it is true and correct

Signed: _____

Dated: 19/1/18

Statement taken and signature witnessed by:

Name: Nicole Todd

Job Title: ACO

Organisation: ICC

Warrant Number: 25

Finish Time: 10:46 am

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152195 10 - 50134
- 32553.

RFS number: 260948

Complainant's address: _____

Offender's address (if known): 20 Hardy Street

COMPLAINANT STATEMENT TEMPLATE

Issue being dealt with: Dogs Barking

Start time and location of complainant's statement:
2.57pm Invercargill City Council

Statement

Danuta Boniface states:

That is my full name. I live at 20 Hardy Street

My home phone is 077 945 2888, my email is _____

I am currently employed at _____

My date of birth is 10 / 11 / ~~1995~~ 1955

I am being spoken to by Kelsi + Mike from the Invercargill City

Council about an incident Dogs Barking

(Statement below is written as if the complainant is talking in the first person)

PROBLEM SUMMARISED

17th January 2018 I fed the dogs about 9.30am in the morning. put nuts (biscuits) Pedigree in water. Just before I left about 1 I gave them some dog roll. They were happy when I left, just lying in the ~~sun~~ shade. They had plenty

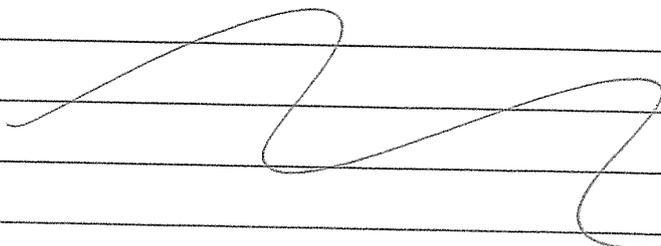
of shelter & shade from the trees but access to the sun if they wanted it. My phone died at my friends house at about 9.45pm & I charged it until about 11pm. At this point I saw the

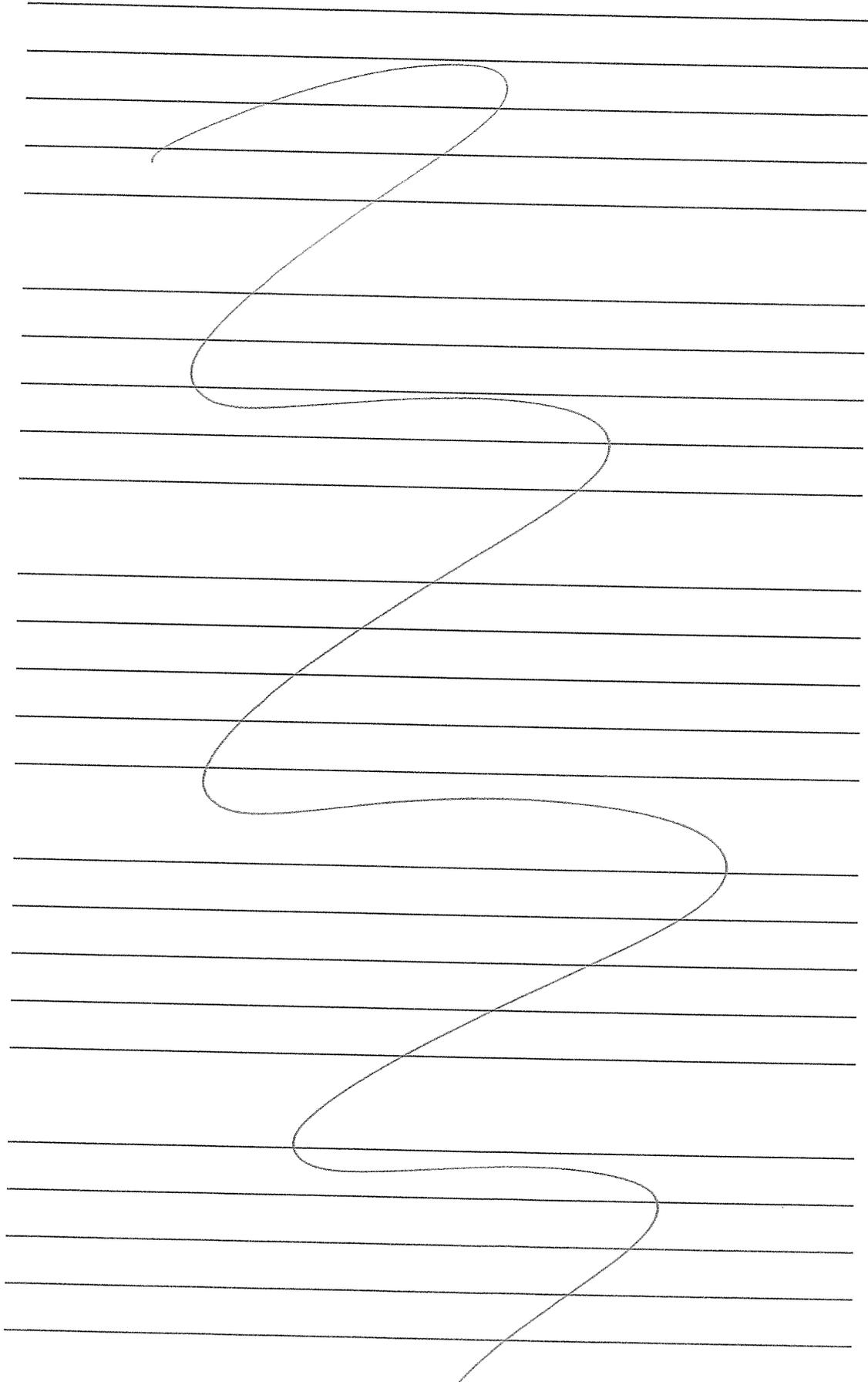
missed calls. My phone was in another room while on charge. I rang & spoke to the contractor, ^(Ken) I asked where the dogs were now, he said they are gone now. He said he tried to call me twice

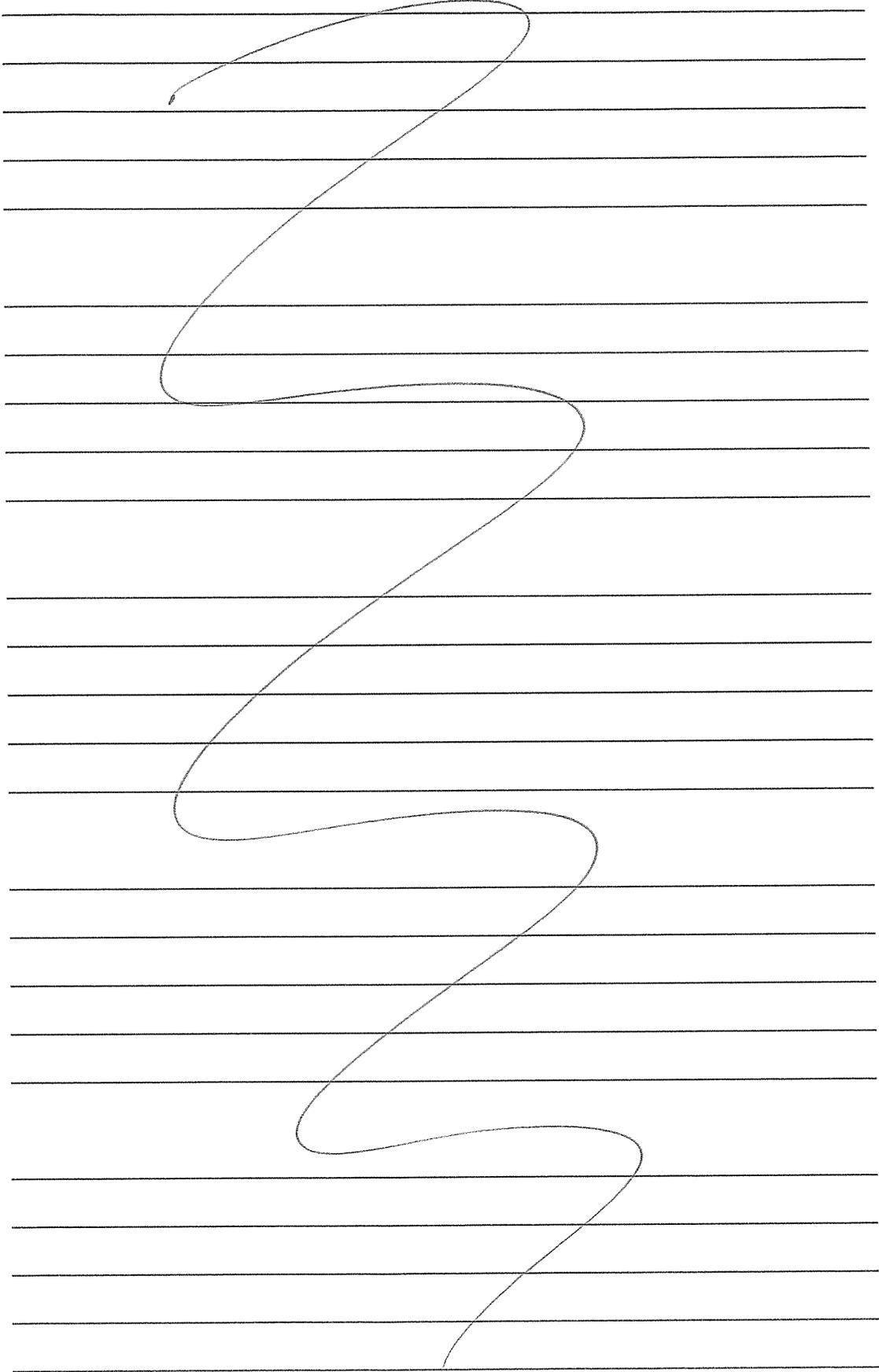
while he was still at my house before he took my dogs. I got home about midnight. I didn't touch the water since, ~~as it was all gone & I was surprised that they would have drunk~~ as I was told there was no water but there was.

~~all the water I left them as they aren't big drinkers.~~ I'm concerned that someone came on my property as there was a flattened area of grass. But I don't know if this could have been dogs or

people.







[Handwritten signature]

Statement by complainant to confirm all that is written is true and correct:

Statement: True and correct, as read.

Signed: *[Handwritten signature]*

Dated: 18/1/2018

Statement taken and signature witnessed by:

Name: Kelsi Olausen

Job Title: Animal Control

Organisation: ICC

Warrant Number: 2017/18

Finish Time: 3.30 PM

EXHIBIT 4

Request No: 260948

**NOTICE OF IMPOUNDED/SEIZED DOG
PURSUANT TO SECTION 15 & 55 1(b)
DOG CONTROL ACT 1996**

Date: 18 January 2018

Name: Danuta Helena Jadwiga Boniface

Address: 20 Hardy Street Invercargill

The following dog(s) have been impounded/seized by Invercargill City Council Animal Control Officers. Our records show that you appear to be the owner of the dog(s).

The dog was impounded/seized on 17 January 2018 from 20 Hardy Street Invercargill

The dog was impounded/seized because: Failure to supply sufficient food and water or shelter for dogs. Barking dogs causing Nuisance.

Description of Dog(s)

<i>Name</i>	<i>Breed</i>	<i>Colour</i>	<i>Microchip No.</i>	<i>Sex</i>	<i>Age</i>	<i>REF No.</i>	<i>Reg No.</i>
Zara	German Shepx	Black Tan	982000356749009	F	3.10	30189	6441
Argos	Rottweiler x	Black Brindle	982000356753898	M	2.7	32553	7976

Fee(s) Payable:

Impounding fees \$ 80.00 Per Dog

After Hours fees \$ 55.00 Per Dog

Sub-Total **\$ 135.00 Per Dog**

Sustenance fees \$ 20.00 per day Per Dog

Additional fees may be imposed if this notice is not acted on.

Unless the dog(s) is/are claimed and all due fees paid within seven (7) days of delivery of this notice, the dog(s) may be sold, destroyed or otherwise disposed of at your expense.

To find out how to reclaim your dog, or if you have any questions about this notice, please contact Animal Control staff at the Invercargill City Council, phone (03) 211 1777.

Yours faithfully

Elle Dickson
COMPLIANCE TEAM LEADER

EXHIBIT 5

Ref: 02259891
RFS: 260948
Dog Ref: 30189
32553

24 January 2018

Danuta Helena Jadwiga Boniface
20 Hardy Street
INVERCARGILL 9812

Dear Danuta

BARKING NOTICE AND WELFARE NOTICE - ARGOS AND ZARA

Attached are two notices in regards to your dogs Argos and Zara which relate to:

1. Barking Notice - Please note that in this notice you have the right to object to Council, where as
2. Welfare Notice - If the conditions of this notice are not met and a further notice is issued, you can lodge an appeal with the District Court.

Please note that you must comply with both notices by the 9 February 2018.

If you have any questions you can contact us on (03) 211 1777 or by email animalcontrol@icc.govt.nz

Yours sincerely

Elle Dickson
TEAM LEADER – COMPLIANCE

Ref: 02259842
RFS: 260948
Dog Ref: 30189
32553

**WELFARE NOTICE
PURSUANT TO SECTION 15(1)(c) OF THE DOG CONTROL ACT 1996**

To: Danuta Helena Jadwiga Boniface
20 Hardy Street
Invercargill 9812

The Invercargill City Council has received a number of complaints regarding your dogs, Zara and Argos. The dogs were removed from 20 Hardy Street, Invercargill on 17 January 2018 at 10.14 pm as the Investigating Ranger considered:

- That your dogs were unattended and did not have access to an adequate supply of water and shelter; and
- That the physical condition of the dogs would suggest they were not receiving sufficient food.

Your dogs will remain in Council's Animal Care Facility until an Animal Control Officer is satisfied that the dogs will be given access to sufficient food, water and shelter.

You have until 9 February 2018 to comply with the above condition.

If the Officer is not satisfied that your dogs will receive sufficient food, water and shelter you will be given a further written notice stating this and Council may dispose of your dogs in a manner it sees fit.

If that decision is made you have the right to appeal under Section 71B:

- (1) *The owner of a dog to whom section 71A(1)(a)(ii) or (2)(a)(ii) applies may appeal to the District Court against the territorial authority's decision.*
- (2) *An appeal must be lodged no later than 7 days after the owner receives a notice under section 71A(1)(b)(i) or (2)(b)(i).*
- (3) *The court must consider the matters specified in section 71A(1)(a)(i) or (2)(a)(i), as the case may be, and any submission by the territorial authority concerned.*
- (4) *The court may—*
 - (a) *uphold the territorial authority's decision or order the return of the dog;*
 - (b) *make an order in respect of any fees owing in relation to the dog under this Act.*

Dated this 24th day of January 2018

Elle Dickson
TEAM LEADER – COMPLIANCE

Ref: 02259516
RFS: 260948
Dog Ref: 30189
32553

**BARKING NOTICE
PURSUANT TO SECTION 55 OF THE DOG CONTROL ACT 1996**

To: Danuta Helena Jadwiga Boniface
20 Hardy Street
Invercargill 9812

The Invercargill City Council has received a number of complaints relating to the continued persistent and loud barking of your dogs, Zara and Argos. The dogs were removed from 20 Hardy Street, Invercargill on 17 January 2018 at 10.14 pm as the Investigating Ranger considered:

“That the persistent and loud barking of your unattended dogs was considered to be causing a nuisance to the neighbours.”

In accordance with the provisions of Section 55 of the Dog Control Act 1996, **you are hereby given notice to:**

1. Implement a management strategy to ensure the nuisance caused by the persistent and loud barking of your dogs is mitigated. Note: It is recommended that you seek professional advice on this aspect.
2. Ensure that all fees relating to the impoundment and sustenance of your dogs while in the Councils Animal Care Facility has been paid.

You have until 9 February 2018 to comply with the above conditions.

Note:

1. You have the right to object to this notice *within seven (7) days* : Please note that Section 55(2) of the Act provides as follows:
“Any person on whom notice is served under subsection (1) of this section may, within seven (7) days of the receipt of the notice, object in writing to the territorial authority against the requirements of that notice.”
2. If you wish to lodge an objection, please do so in writing within seven (7) days of receiving this notice. Letters are to be addressed to Team Leader – Compliance, Invercargill City Council, Private Bag 90104, Invercargill.

Contact us on (03) 211 1777 or email animalcontrol@icc.govt.nz if you have any questions with regard to this notice.

Dated this 24th day of January 2018

Elle Dickson
TEAM LEADER - COMPLIANCE

EXHIBIT 6

Imp ~~#~~ 152195 - 32553
152116 - 30189

18 JAN 2018



SCANNED
19 JAN 2018

INVERCARGILL CITY COUNCIL Animal Control Contracting Incident Report Sheet (IRS)

RFS NO: 260948.....

Date: 17/1/18.....

Time: 10-14 pm.....

NATURE OF CALL

- Barking x2.
- Wandering
- Registration
- Attacking Stock
- Attacking People
- Amongst Stock
- Fouling
- Neglected
- Other.....

DETAILS

Dog's Name: Argos and Zara Owner (Surname): Boniface
 Sex: M & F Age: Given Names: Danna
 Breed: Rottix and German Shep X Address: 20 Hardy St
 Colour: Black/Ken Tan/Black Phone:
 Ref/Tag No: no tags x2 DOB:

MICROCHIP NUMBER: Argos - 982000356753898
 Zara - 9820003567449009

DOG IMPOUNDED : YES ~~NO~~ **DURATION OF CALLOUT:** 1hr 30mins

ATTENDED BY: Malcolm

COMPLAINANT'S DETAILS:

Name: The whole neighbourhood

Address: Hardy & Wellington streets

Phone:

RESPONSE/REPORT

I received a call from control regarding a situation that was developing in Hardy St regarding 2 dogs barking excessively. Control had tried to ring Danna she did not answer. Control had received so many complaints that someone needed to attend tonight. When I pulled up to 20 Hardy St I was met by 3 different complainants & I could hear many more yelling. I heard several threats of poisoning the dogs and coming over & killing the 2 dogs. As the dogs were barking excessively I went into the property. Knocked & no one came out. I went out & spoke to the people on the street & told them I would remove the dogs from the property. I rang control & told him I would remove both dogs for their own safety he agreed that was the best option. I'm going to raise a welfare issue with the SPCA

FWD ICC	PDF filed
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A1187689.DOC- ANIMAL CONTROL INCIDENT REPORT SHEET

Waikiwi
299 North Road
PO Box 5009
Invercargill 9843

E vsi@vetservices.co.nz



EXHIBIT 7

South City
102 Elles Road
PO Box 5009
Invercargill 9843

F 03 215 9237

Thursday 25th January 2018

To Whom It May Concern,

I have examined two dogs for the Invercargill City Council (ICC) today for an assessment of health and body condition. It is my understanding these dogs have been in the care of ICC for the past week and have been eating well.

Dog 1: "Argus", entire male, approx 2year old, black & tan Rottweiler cross
EXAMINATION : Bright, alert, responsive, very outgoing, body condition score 3/9, weight 27.8kg, dull, dry flaky coat, faeces soft on rectal exam, prostate normal, no obvious skin or dental disease, mucous membranes pink, eyes & ears clean & clear on external exam, no abnormalities detected on chest auscultation and abdominal palpation, taking treats well.
ASSESSMENT : underweight, poor hair coat suggestive of poor nutrition previously, otherwise healthy dog

Dog 2: "Zara", neutered female, approx 3 years old, tan, German Shepherd cross
EXAMINATION : Bright, alert, responsive, cautious but friendly, body condition score 4/9, weight 23.9kg, dull, dry coat, no obvious skin or dental disease, mucous membranes pink, eyes and ears clean and clear on external exam, no abnormalities detected on chest auscultation or abdominal palpation, has scar mid-line abdomen to support history of neutering
ASSESSMENT : poor hair coat suggestive of poor nutrition previously, otherwise healthy dog

Regards

Waikiwi Vet Services Ltd

EXHIBIT 8



Southland Branch

Southland branch of the Royal New Zealand Society for the Prevention of Cruelty to Animals Inc

23 January 2018

To Whom it May Concern

BONIFACE DOGS – ARGOS & ZARA

The Southland SPCA Animal Welfare Inspectors were asked to attend a call out as a joint visit to 20 Hardy Street, Invercargill on 27 November 2017 by the Animal Control Officers from the Invercargill City Council.

We arrived at the property at 11.30am to inspect two dogs. There appeared to be no one home at the time of this visit.

There were two dogs restrained on the property:

“Argos” is an entire male Rottweiler cross adult dog. He was light in body condition with his ribs, spine and pin bones visible. He was tethered to the clothes line beside his kennel with minimal water provided.

“Zara” is a female black & tan German Shepherd cross adult dog. She was in good body condition. She was tethered to a tree with inadequate shelter and minimal water provided. She did have cover from the full sun by the tree she was tethered to.

We left an Animal Welfare Act S129 notice in the mail box of the house as both doors to the dwelling were inaccessible due to overgrown trees or piles of rubbish bags. This notice was to notify the owner of our visit and inspection of the animals.

The owner, being Dania Boniface, made contact. We discussed with her regarding the concerns found at the property. She advised Zara slept inside the dwelling at night in a crate but on nice days was tethered under the tree to get fresh air. Dania also advised that Argos had lost a bit of weight lately as he had become fussy with his food and not eating as much but had also been defecating more than normal.

We discussed a feeding and worming programme with Dania for the next month and a revisit would then be made to observe the outcome.

On 30th November 2017 SPCA Animal Welfare Inspector Hannah Dennison revisited 20 Hardy Street to meet with Dania Boniface and to drop off the food. On this visit both dogs were tied to separate trees.

It was discussed that Argos should be fed little and often, by breaking his meals down to three feeds a day of kibble with the evening meal including pet roll.

Supplied to the owner was pet roll, kibble and Drontal all round worm tablets for both dogs. And it was discussed a revisit would be planned for some time during January 2018.

On 18 January 2018 Invercargill City Council Animal Control Officers Michael Murdoch and Elle Dickson advised me that both the above dogs had been impounded the night before. They arranged to meet me that morning to view both dogs for my records.

On viewing both dogs “Argos” was still light in body condition with his ribs, back bone and pin bones still visible. “Zara” was of good body condition.

22 Harewood Road, Woodend, Invercargill. PO Box 1325, Invercargill 9840, New Zealand. Telephone 03 2189 684
email: office@spcasouthland.org.nz

In my opinion on viewing "Argos" on the 18th January 2018 there has been no improvement in his weight but he has also not appeared to have lost any more weight since our original visit on 27th November 2017.

Argos's weight will be monitored whilst residing at the Invercargill City Council Animal Care Facility and if no improvement is seen it would be recommended that he visit a vet to be checked over. This recommendation would have been given to Dania Boniface upon revisiting the property if the dogs were still in her care.

If you require any further information regarding this, please do not hesitate to contact me or Animal Welfare Inspector Hannah Dennison.

Regards



Jenny MacDonald
Senior Animal Welfare Inspector
Education Officer



PO Box 1325
Invercargill 9840
Office: 03-218 9684
Cell: 027 228 9376
Email: jenny@spcasouthland.org.nz

EXHIBIT 9

Elle Dickson

From: Elle Dickson on behalf of Animal Control
Sent: Monday, 29 January 2018 5:02 p.m.
To: 'Juanita Rose'
Subject: RE: URGENT PLEASE re: Ref: 02259516

Hi Dania,

Below are the answers to your questions.

Kind regards
Elle



From: Juanita Rose [mailto:juanitarosie@gmail.com]
Sent: Monday, 29 January 2018 3:18 p.m.
To: Animal Control
Cc: Customer Services
Subject: URGENT PLEASE re: Ref: 02259516

URGENT PLEASE

To Whom It May Concern

re: Ref: 02259516

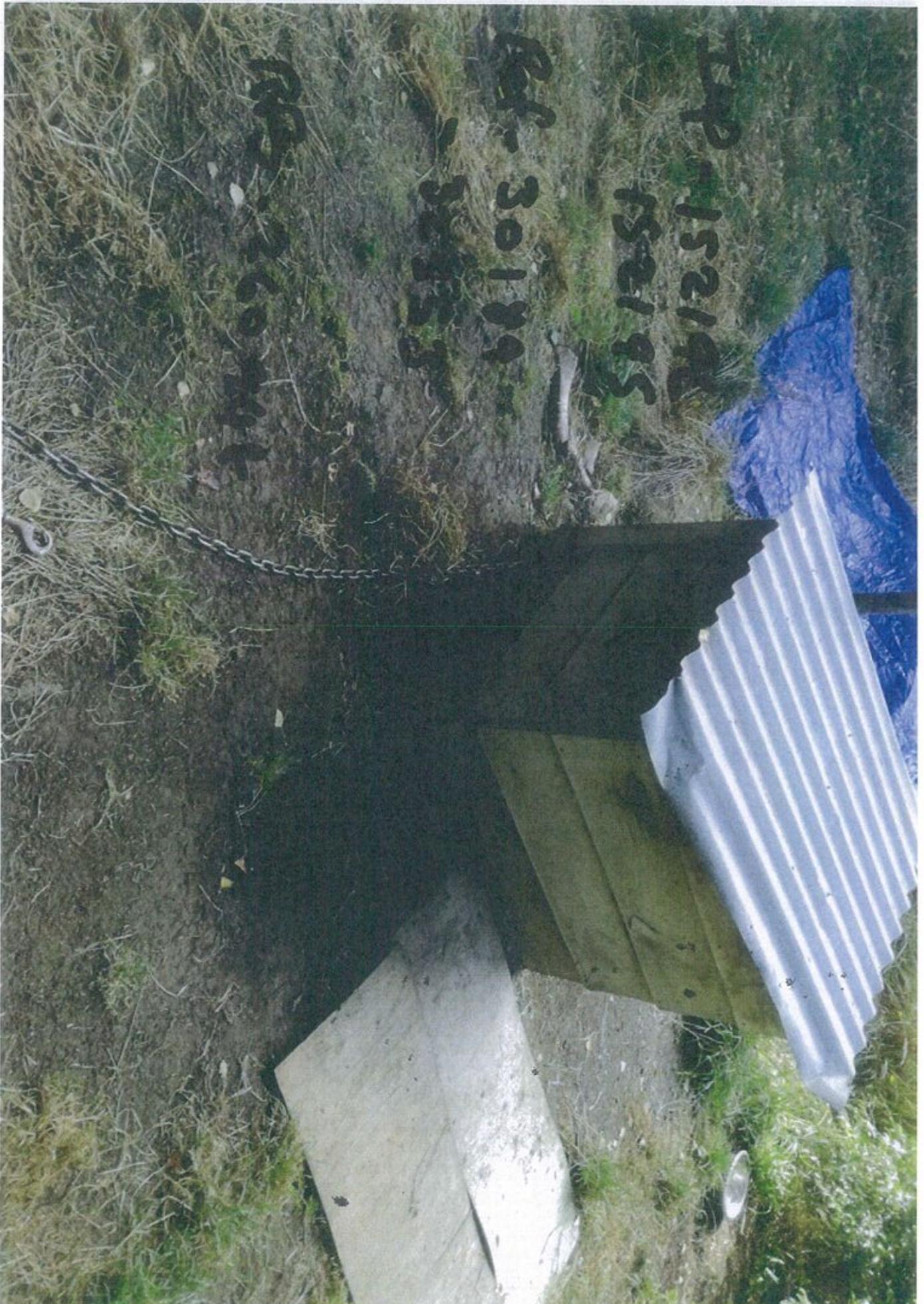
1. Under which Section of which Act was Zara removed from my property and what was the reason for her removal? Section 55 and 15(1)(c) of the Dog Control Act, the reason for the removal was excessive barking causing a nuisance and the dog did not have sufficient food, water or shelter.
2. Under which Section of which Act is Zara being retained at the Invercargill City Council Animal Care Facility and what is the reason for her retention? Section 69 provides Council the general power of impoundment, Section 70 provides for impoundment of barking dogs and Section 15 provides for the impoundment for Welfare issues. The reason for retention is that you have not satisfied Council that the barking nuisance will end or that the dogs will have sufficient food, water or shelter nor have you paid the impounding fees.
3. Under which Section of which Act was Argos removed from my property and what was the reason for his removal? Section 55 and 15(1)(c) of the Dog Control Act, the reason for the removal was excessive barking causing a nuisance and the dog did not have sufficient food, water or shelter.

4. Under which Section of which Act is Argos being retained at the Invercargill City Council Animal Care Facility and what is the reason for his retention? Section 69 provides Council the general power of impoundment, Section 70 provides for impoundment of barking dogs and Section 15 provides for the impoundment for Welfare issues. The reason for retention is that you have not satisfied Council that the barking nuisance will end or that the dogs will have sufficient food, water or shelter nor have you paid the impounding fees.

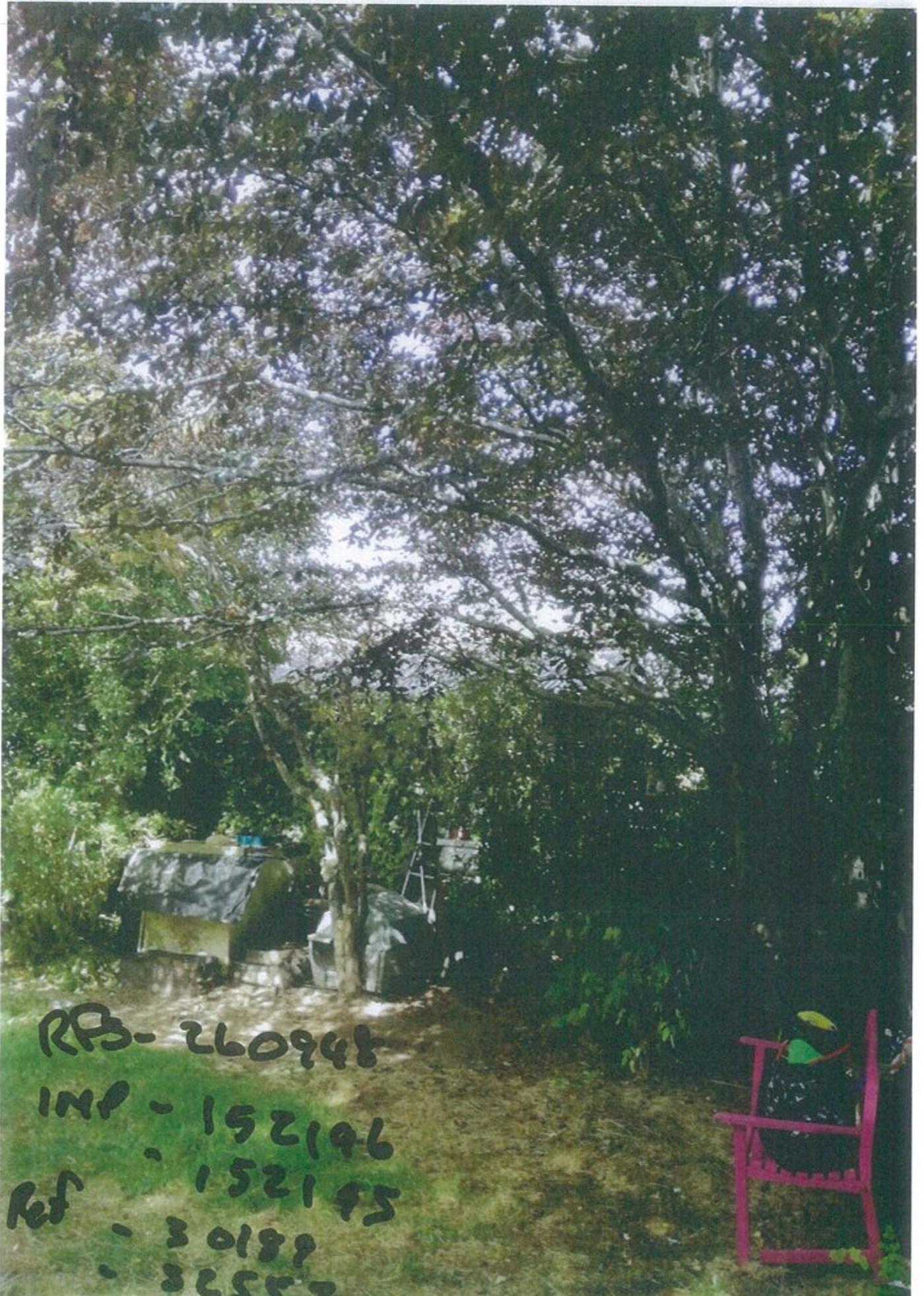
Dania Bielecki-Boniface

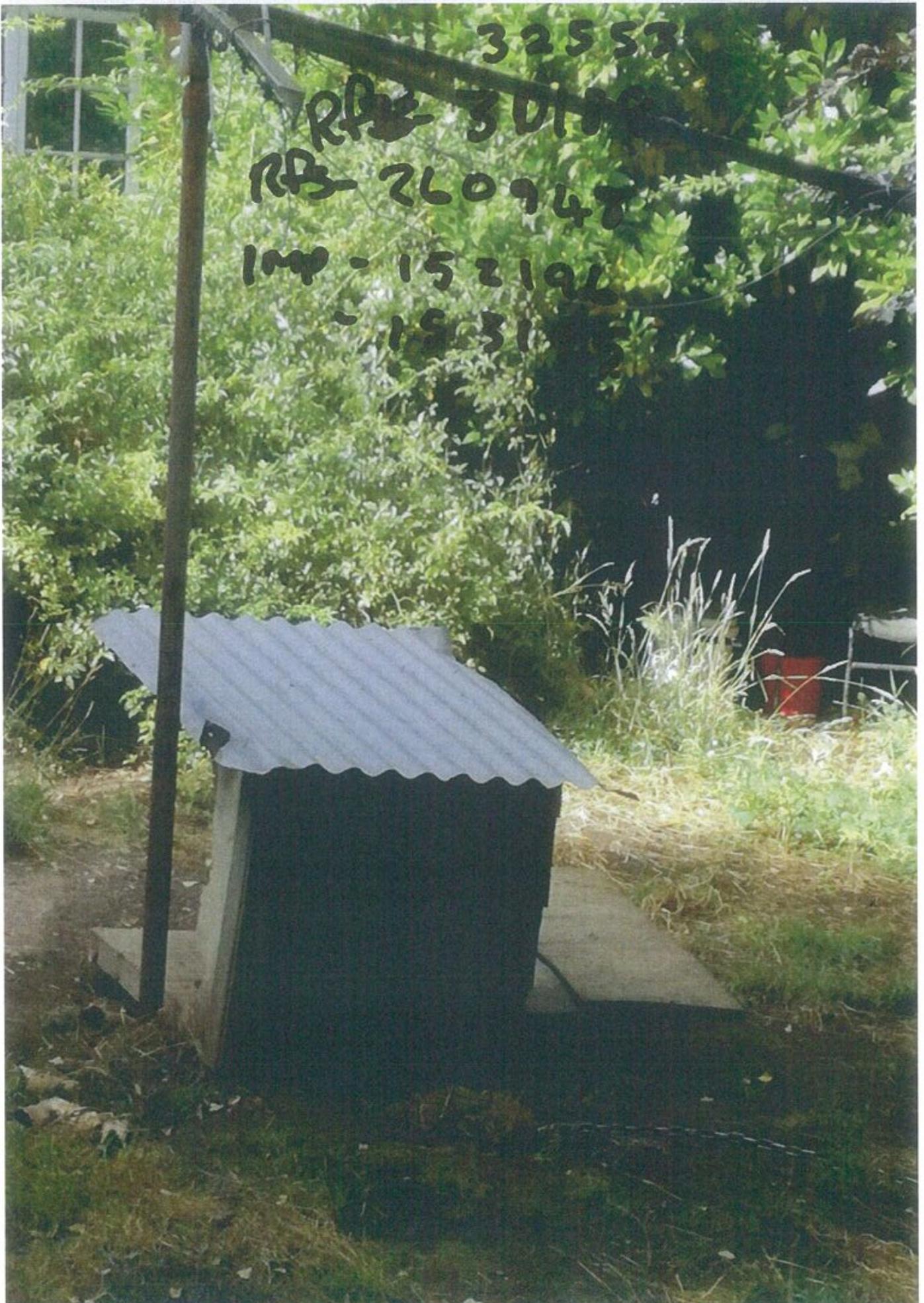


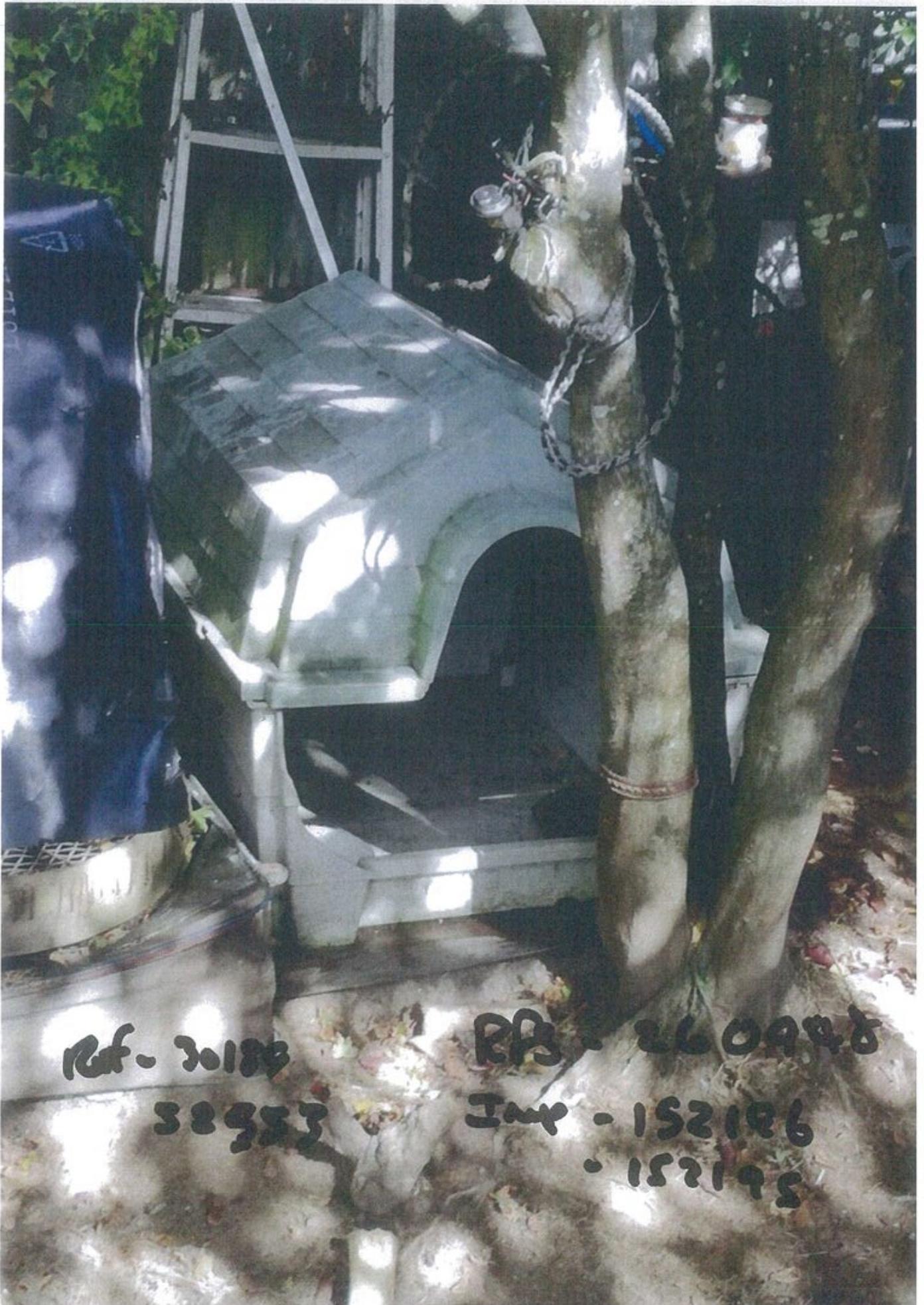
EXHIBIT 10











Ref. 30183
38953

RR - 260948
Inv - 152186
- 152195

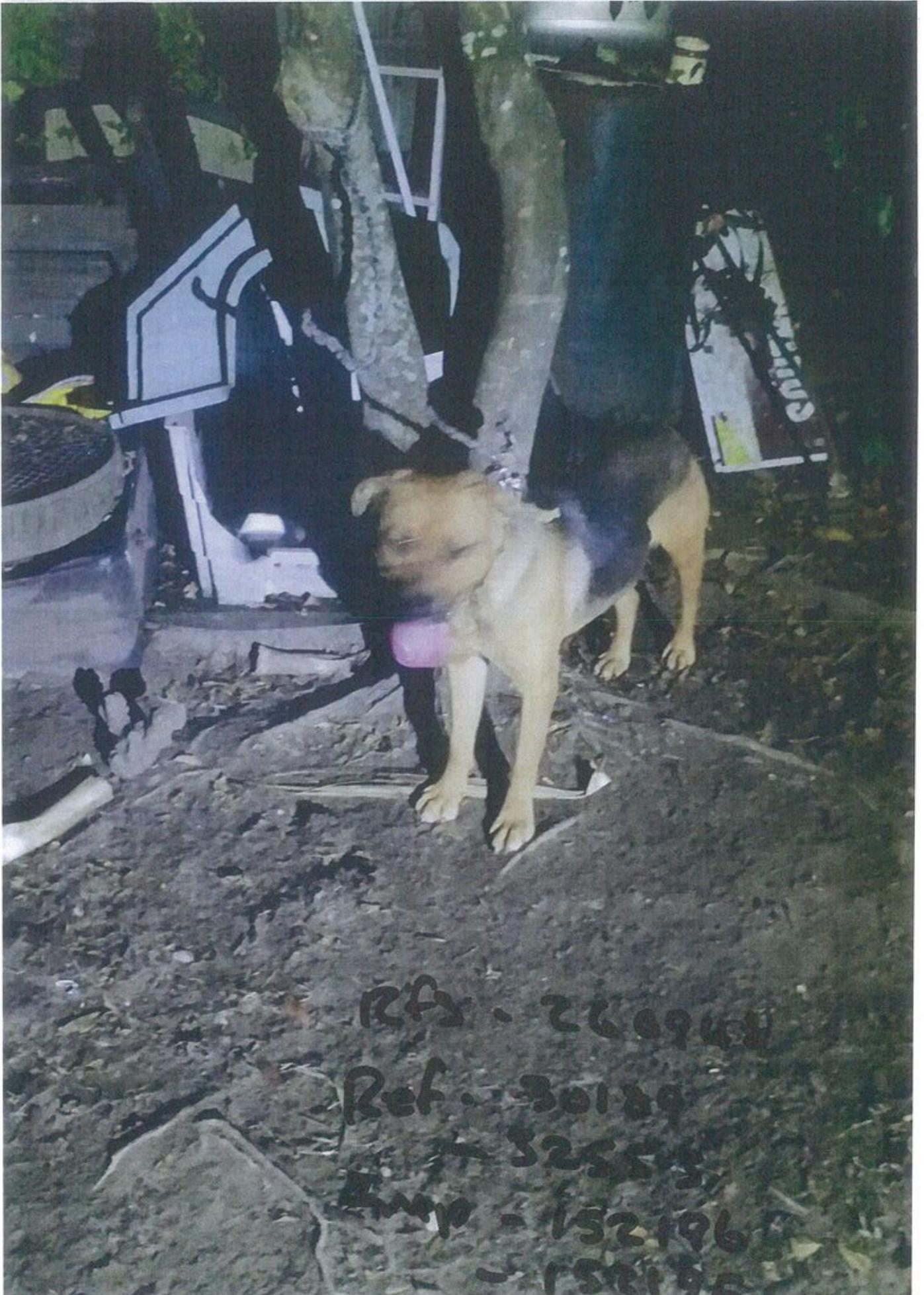


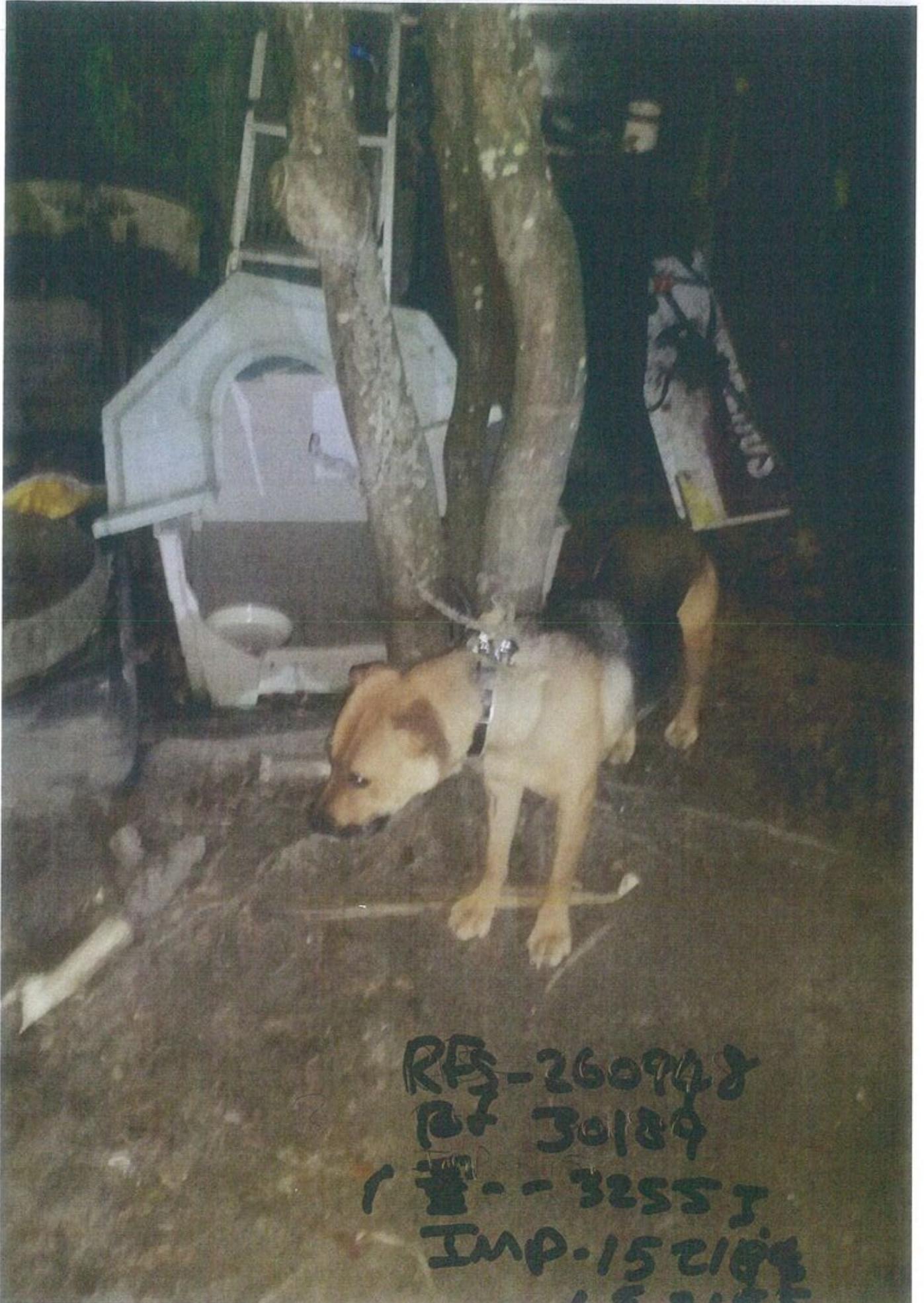
1973-260948
A/C - 32553
30189.

IND









RF-260948
RF 30189
IMP-152109

EXHIBIT 11

DOG BARKING COMPLAINT

Request No:175629

Name of Complainant: Danuta Helena Jadwiga Boniface		
Address of Complainant: 20 Hardy Street INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 22 September 2014

Time Received: 11:30:38

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 Hardy St
Complainants Address	-
Dog Breed	not sure
Dog Colour	b/black
Dog Sex	
Is dog a puppy, adult, or older dog	Young
Any further relevant information	day /night

Request Notes

22-Sep-2014
11:32:44

COLLEENM

Dog barking Black/brown young 20 Hardy St all weekend still barking now

DOG BARKING COMPLAINT

Request No:184353

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 4 February 2015

Time Received: 09:47:34

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 Hardy Street
Complainants Address	
Dog Breed	German Shepherd
Dog Colour	Brown / Black
Dog Sex	Unknown
Is dog a puppy, adult, or older dog	Young
Any further relevant information	

Request Notes

04-Feb-2015 PHILR
 09:49:27
 Caller who is a shift PETERJ
 worker complaining
 about dog barking at
 20 Hardy Street, has

been non-stop this morning since she put it outside.07-Feb-2015 14:56:02
5/2/15 @ 18.25 ACO54 & 56 visited 20 Hardy Street Re: Barking dog Nobody home, card left.

7/2/15 @ 13.45 PETERJ

Danuta returned call
Re: Card left.

Arranged time to visit

on 8/2/15 @ 10.30am to discuss barking

complaint.09-Feb-2015 10:51:59

8/10/15 @ 10.30 ACO54 Visited 20 Hardy Street And spoke to Danuta Boniface re: Barking Dog. Danuta went on to explain her daily routine. Given the routine described to me and after viewing the dogs behaviour, it is my opinion that this dog does not nuisance-bark, but may bark reactively to external stimuli. The dog is walked for many hours a day, and is given large bones when it is kenneled - which may only be for a few hours during daylight-hours

On 5/2/15 when myself and ACO56 visited the property, the dog was quiet upon our arrival but barked when it saw us. Once we left the property it became quiet again.

Inspection Notes

07-Feb-2015 14:55:55 Peter Jones

◆ See general notes ◆

Inspection Notes

09-Feb-2015 10:51:28 Peter Jones

◆ @ 10.30 See general notes ◆

DOG BARKING COMPLAINT

Request No:188159

Name of Complainant: ..		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph: ..	Work Ph: ..	obile:

Date Received: 26 March 2015

Time Received: 13:34:05

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 Hardy Street
Complainants Address	
Dog Breed	
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	Dog howls every day seem to quieten down at 10pm each night , dog is locked in kennel all day.

Request Notes

26-Mar-2015 JANICEP
 14:10:52
 Previous barking JANICEP
 complaints.26-Mar-

2015 14:16:06

ACO54 to visit property.

Also I rang SPCA PETERJ
and spoke to Mel.

She said she will
pass this complaint
onto Jenny.30-Mar-

2015 17:41:33

30/3/15 @ 16.30 JANICEP

Card left, no one
home. Dog not on
property.31-Mar-

2015 08:42:45

Dania rang wanting PETERJ
to speak to ACO54.

I informed her that
Council has received
a complaint
regarding her dog
barking and ACO54
had visited her
property and was on
his days off and he
would be in touch
with her when he
returns on

Thursday.04-Apr-
2015 11:04:01

4/4/15 @ 10.10 Returned ph call to Ms Boniface.

Briefly explained the JACQUIL

complaints. She has
requested a

summary of the
complaints from

team leader /
manager.10-Apr-

2015 08:32:25

I spoke to Ms Boniface yesterday. She requested that she be supplied with all of the information relating to complaints involving her dog Zara. She said that she wants it in writing and she will pick it up.I obtain copies of all RFS' relating to Zara and delete all details of the complainants. I write her a cover letter and scan and file into BURT. I leave it for her to collect at the help desk and advise Ms Boniface that it's ready to collect.

DOG GENERAL REQUESTS

Request No:188400

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph	Work Ph:	Mobile: 027 746 7210

Date Received: 30 March 2015

Time Received: 16:22:34

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Request Notes

30-Mar-2015 COLLEENM
16:25:23

Dog poo on lawn JANICEP
 owner

lives at 20 Hardy
St31-Mar-2015

08:46:18
Refer to ACO54 who PETERJ

has visited dog
owner regarding a
barking complaint
against her dog.11-

Apr-2015 11:13:06

Ms Boniface was notified of the complaint. She has requested written copies of complaints to date.

DOG BARKING COMPLAINT

Request No:189449

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 18 April 2015

Time Received: 12:00:20

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 hardy st
Complainants Address	
Dog Breed	
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	

Request Notes

18-Apr-2015 KERRYK

12:00:26

Barking Dog18-Apr- PETERJ

2015 15:48:23

18/4/15 @ 12.45 Visited address, no answer from owner, left card. Dog was whining duration of visit. Dog next door was barking loudly.

Complainants saw me and expressed their fatigue with the issue.

Not concerned about the barking dog. Only the whining dog at 20 Hardy street.

DOG BARKING COMPLAINT

Request No:191931

Name of Complainant:	Anonymous - Customer Service Requests	
Address of Complainant:	Private Bag 90104	
	INVERCARGILL 9840	
Home Ph:	Work Ph:	Mobile:

Date Received: 24 May 2015

Time Received: 10:41:42

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	Danuta Helena Jadwiga Boniface 20 Hardy St
Complainants Address	
Dog Breed	
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	

Request Notes

24-May-2015 10:46:28	MALCOLMC
Barking dog at 20 hardy st.24-May- 2015 13:26:31	PETERJ

24/5/15 @ 11.25 Visited address, Dog was whining on arrival - quite loudly.
It appears that the owner was getting ready to leave, and take the dog with her. She seemed hurried and admitted that the dog was whining for the last hour - only because she was running late with her usual routine and the dog knew that.

Inspection Notes

DOG BARKING COMPLAINT

Request No:191958

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph: 03 218 1949 ext 8111	Mobile:

Date Received: 25 May 2015

Time Received: 10:26:21

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 Hardy St
Complainants Address	
Dog Breed	unknown
Dog Colour	black & tan
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	ongoing issue.

Request Notes

25-May-2015	DIANEL	
10:42:28		
dog at 20 Hardy St	JANICEP	
barking day and		
night, complainant		
said there was an		

issue before,
appeared to get
better now back
worse than ever,
barking, howling &
wining. Ongoing
issue.25-May-2015

11:14:31

ACO54 spoke to dog MICHEALM

owner at the

weekend, see rfs

19193126-May-2015

11:20:03

25/05/15 @ 11:20 We sat across the road There was no barking anywhere.

Inspection Notes

DOG BARKING COMPLAINT

Request No:193196

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph: 03 216 7389	Work Ph: 03 218 1949 ext 8111	Mobile:

Date Received: 11 June 2015

Time Received: 09:22:38

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 hardy street
Complainants Address	
Dog Breed	ger shep x
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	

Request Notes

11-Jun-2015 LISAG
 09:23:48
 dog barked all night JACQUIL
 until 8.30am,
 complainant got no
 sleep was very

grumpy would like to
speak to someone
from AC, please
phone11-Jun-2015
09:46:41
ACO 53 to attend11- MICHEALM
Jun-2015 10:34:47
See RFS 19319911- MICHEALM
Jun-2015 10:38:38
See Rfs 193199

Inspection Notes

DOG BARKING COMPLAINT

Request No:193197

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile: f

Date Received: 11 June 2015

Time Received: 09:24:36

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 Hardy St
Complainants Address	
Dog Breed	lab x
Dog Colour	black & tan
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	ongoing issue

Request Notes

11-Jun-2015	DIANEL
09:46:12	
lab german shep x	JACQUIL
tan & black barking,	
barked all night last	
night and over the	

last weekend,
 complainant said this
 has been an ongoing
 issue for the last 6
 years and he is sick
 of it, he is having
 chemotherapy next
 week and will be
 trying to rest and is
 concerned the
 barking will be a
 problem. He
 commented that
 'she' dog owner
 won't open the door
 to us and will just
 throw away any
 letters / warnings.11-

Jun-2015 09:55:52

MICHEALM

ACO53 attending11-

Jun-2015 10:15:46

11/06/15 @ 09:42

MICHEALM

Talked to the dog
 owner, She said
 there was a dog on
 her property last
 night causing her
 dog to bark. She
 thinks it was a
 rottweiler, One
 mouthful she said
 she had seen the
 dog next mouthful
 never seen the dog
 as was to scared to
 go outside. Asked
 her to contact ICC
 anytime she sees a
 dog wandering night
 or day .Her dog
 kennel is not a very
 good, The dog has
 got paper to sleep
 on so will be cold at
 night, I will contact
 SPCA to do a
 property visit.11-Jun-

2015 10:27:18

11/06/15 @ 10:30

JACQUIL

Contacated
 complaiant . Told her
 what we had done
 and what we were
 told about another
 dog on her property,

She said bull shit,
Wished us luck
dealing with the dog
owner, Asked her to
call back anytime the
dog barks to
excess. 11-Jun-2015
14:49:43

I spoke to Jenny from SPCA and emailed her the photo taken this morning. She's going to visit tomorrow afternoon. See BURT under this RFS for photo.

Inspection Notes

DOG BARKING COMPLAINT

Request No:193199

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 11 June 2015

Time Received: 09:30:08

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 Hardy St Dania Boniface
Complainants Address	
Dog Breed	g shep x
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	

Request Notes

11-Jun-2015	HALEYD
09:30:29	
dog barking	JACQUIL
constantly all night at	
neighbouring	

property, she had to
get up at 2.20am
and take medication
to be able to sleep.
When going to work
this morning could
still hear the dog
barking at Rodney
St. also noticed that
the bin of the
property wasnt out
this morning (it
usually is) so the
owner is possibly not
home. 11-Jun-2015
09:54:57
ACO 53
attending 11-Jun-
2015 10:53:59
See Rfs 193197

MICHEALM

Inspection Notes

DOG BARKING COMPLAINT

Request No:193233

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph: 03 2163744	Work Ph:	Mobile: 2163744

Date Received: 11 June 2015

Time Received: 14:23:02

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 hardy street
Complainants Address	
Dog Breed	ger shep x
Dog Colour	brown/blk
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	

Request Notes

11-Jun-2015	LISAG
14:25:08	
dog from corner	JANICEP
wellington and hardy	
street barked all	
night, and on/off	

most of today.
 Complainants
 husband walked
 down street to check
 address and saw
 dog in cage,
 howling. 11-Jun-2015
 14:39:13

JACQUIL

Team Leader
 contacted SPCA
 regarding the living
 conditions for this
 dog. 11-Jun-2015
 14:45:14

ELLED

I spoke to Jenny
 from SPCA and sent
 her a photo of the
 kennel that was
 taken this morning.
 She's not able to
 visit until tomorrow
 afternoon - but said
 that she'd be
 interested to see if
 the kennel is the
 same as the one that
 Duanita had as she
 was told to extend
 it. 11-Jun-2015
 18:44:08

ELLED

ACO 55/56
 11.06.15. @ 14.40
 Sat outside address
 briefly no noise
 heard. 11-Jun-2015
 18:45:14

ACO 55/56 Visited 11.06.15 @ 18.00 Card left fro contact, dog was not present but the neighbours dog barked by fence while we were there.

ELLED

Visited
 Street to gather
 nhone details
 they said
 that the dog gets
 neglected and
 dosent have good
 enough shelter to
 keep it warm, they
 said the dog barked
 most of last night
 and they didnt sleep
 because of this, they
 are understanding of
 the situation i
 advised them to
 phone any time day

or night if the bark
keeps barking, i
advised that the
SPCA had been
contacted to further
the investigation. 13-
Jun-2015 11:30:32
Refer to RFS 193326

Inspection Notes

DOG BARKING COMPLAINT

Request No:193254

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 12 June 2015

Time Received: 00:22:51

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 Hardy Street
Complainants Address	
Dog Breed	
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	

Request Notes

12-Jun-2015 KERRYK
 00:22:52
 Barking Dog corner KERRYK
 of Wellington St &
 Hardy St12-Jun-
 2015 01:19:12

Result-attended JANICEP
0105hrs wait time
10min only heard 1
single dog bark from
address12-Jun-2015
08:23:27
SPCA to visit this JANICEP
property.16-Jun-
2015 09:35:23
See BURT - ARMOURGUARD REPORT

DOG BARKING COMPLAINT

Request No:193310

Name of Complainant:		
Address of Complainant:		
	INVERCARGILL 9812	
Home Ph:	Work Ph:	Mobile:

Date Received: 12 June 2015

Time Received: 11:40:37

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 Hardy Street
Complainants Address	
Dog Breed	
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	

Request Notes

12-Jun-2015
11:42:48

JANICEP

rang to say dog from 20 Hardy Street was howling all night and is still howling this morning. thinks dog owner may not be able to afford to feed dog properly therefore dog is cold. She has also phoned SPCA but is concerned that the neighbours appear to be 'ganging up' on dog owner because they are all sick of the barking and also because of the previous history of dog owner's ability to cope with dogs.

I told her we are
working in
conjunction with
SPCA regarding this
dog barking. 12-Jun-
2015 14:07:25
See RFS 193326.

JACQUIL

DOG BARKING COMPLAINT

Request No:193326

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 12 June 2015

Time Received: 13:15:02

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 hardy st
Complainants Address	
Dog Breed	x
Dog Colour	black golden zara
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	

Request Notes

12-Jun-2015 13:16:27	COLLEENM
Barking day/night Hardy/ Wellington st12-Jun-2015 13:29:29	JANICEP

Spoke to ACO53, he is visiting this property. 12-Jun-2015 14:02:49

JACQUIL

I spoke to Danuta. She wanted to know who ACO 55 & 56 were and what time the barking complaints were coming through. I advised her and she said that it's interesting that these complaints are coming through as she's been away from her house all day and her dog Zara has been with her. She said that she's done that on purpose as she knew that the neighbours have been complaining about her dog barking. Micheal has gone around to the address and she's definitely not there. I asked if we could call her when the complaints were coming through to see if she's at home. 12-Jun-2015 15:55:38

MICHEALM

MICHEALM

12/06/15 @ 15:00
Phoned Danuta Told her we had an idea if we put her dog in the pound just for two or three nights and dog returned first thing in the morning to see how many complaints we get over night. She said thats a great idea And she would of no problems at all as long as her daughter agreed. But Danuta was one step ahead

of me as she had
already arranged to
house sit for a friend
tonight and saturday
night, So there will
be no one at 20
hardy street over
next two nights. 15-
Jun-2015 11:33:22

15/06/15 @ 09:00 Seen danuta and her daughter on kelso crescent without there dog . Went to 20 hardy street no dog barking at all. I went to see if the dog was in its kennel and she was , Never even barked at me once she saw me.

DOG BARKING COMPLAINT

Request No:193716

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 18 June 2015

Time Received: 05:07:07

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 HARdy St
Complainants Address	
Dog Breed	
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	

Request Notes

18-Jun-2015 MALCOLMC
 05:08:18
 Barking/howling dog MALCOLMC
 at 20 Hardy St, has
 been going since
 4am18-Jun-2015

05:32:21

Contractor left site 0530 - QOA no barking heard.

DOG GENERAL REQUESTS

Request No:193933

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph: 03 216 7389	Work Ph: 03 218 1949 ext 8111	Mobile:

Date Received: 22 June 2015

Time Received: 09:13:47

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Request Notes

22-Jun-2015 COLLEENM
09:15:26

JANICEP

St re dog
at 20 Hardy St22-
Jun-2015 09:27:37

Dog howling early hours of the morning until about 9am when owner may take it for a walk. Dog is stuck in kennel all the time apart from when it is taken for a walk. Shut in for huge periods because it is unable to run around the property because there are no fences.

Complainant's property
screeches.

20 Hardy Street so says it is definitely this dog barking. Dog doesn't bark it howls and

This barking is
affecting
complainat's health
and sleep.22-Jun-
2015 17:09:03

ELLED

ACO 55/56 Visited ELLED

22.06.15 @ 12.15

Card left.23-Jun-

2015 10:23:29

ACO 55/56 Visited dog park 22.06.15 17.50 Spoke to Dania regarding the barking complaint from the night before, she said that her dog was not barking at all and believes that it is a false accusation, after a long conversation about her dog she wants to have a meeting with the people complaining about her dog and get it out in the open, she believes that there is more to it than her dog, like the neighbours are picking on her, she would like to see all the complaints about Zara that have been made, and where the evidence is for them. She was good to talk to and i understand where she is coming from, my own observations of the dog are that she is very quiet and very rarely does bark, when i have visited her property the dog hasnt barked which is odd as they would normally do so at a stranger, But that doesnt mean that the dog isnt barking during the small hours of the morning.

I will consult with ELLED

Jacqui to further the

investigation.25-Jun-

2015 10:24:38

ACO 55/53 with ELLED

Jenny From SPCA

Visited 24.06.15 @

15.40, Spoke to

Dania about the

barking complaints,

we had not received

another one but

want to do a

combined visit with

SPCA with some

suggestions to solve

the issue. There is

no concern about

the welfare of Zara

she has good

kenneling and is in

good condition, we

talked about possibly

making a run for the

dog on the property

with consent from

management, she is

willing to accept our

help. We discussed

keeping the dog for

a couple nights to

see if there are

still some

complaints, she is

willing to try it and

will let us know when

she is ready and we

will monitor the

complaints. Talked

about herself and

the complications

meeting to discuss

the issue and getting

another party to run
it South alive is a
possibility. Dania will
contact us when she
is ready it trail the
dog inside the
house. 13-Jul-2015
12:28:19

We have not received any further complaints about Mrs Boinfaces dog.

Inspection Notes

Inspection Notes

Inspection Notes

DOG BARKING COMPLAINT

Request No:195117

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 7 July 2015 Time Received: 14:20:39

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	Boniface, 20 Hardy St
Complainants Address	
Dog Breed	X
Dog Colour	brown
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	ongoing issue

Request Notes

07-Jul-2015 DIANEL
 14:21:52
 dog at 20 Hardy st STEVENB
 barking all day
 today, complainant
 has just come out of

hospital and has had
to listen to it all day.
Ongoing issue.22-
Jul-2015 08:12:37
50 and 55 visited 200715 at 1128.
No dogs heard barking in the area at that time.

Inspection Notes

DOG BARKING COMPLAINT

Request No:198595

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 19 August 2015

Time Received: 11:25:48

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 hardy st
Complainants Address	
Dog Breed	
Dog Colour	brn
Dog Sex	
Is dog a puppy, adult, or older dog	Adult
Any further relevant information	

Request Notes

19-Aug-2015 MARYT
 11:28:29
 continuous barking ELLED
 starting at 5am21-
 Aug-2015 12:48:14
 ACO 53 Visited 20.08.15 @ 8.45am dog was heard barking twice and howled once.

The complaint came through after the dog owner had rang up about a dog being on her property at the same time the dog was believed to be barking, so this will be the reason that the dog was barking.

Inspection Notes

DOG BARKING COMPLAINT

Request No:199041

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile: 021 0388 465

Date Received: 25 August 2015

Time Received: 15:18:31

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 hardy st
Complainants Address	-
Dog Breed	gs
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	barking

Request Notes

25-Aug-2015 COLLEENM
 15:21:01
 Dog GS black f MICHEALM
 barking 20 Hardy St
 small dog there
 also26-Aug-2015

15:19:38

25/08/15 @ 15:40 Talked to boniface, Its not her dog barking as they were with her all day, The new pup sleeps inside at nights. She told me about every barking dog within a ten km area.

Inspection Notes

WANDERING / FOULING COMPLAINT

Request No:236540

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 13 February 2017

Time Received: 20:28:31

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Argos / Ref No. 32553
Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 hardy st
Complainants Address	
Dog Breed	
Dog Colour	black/brownish
Dog Sex	
Is dog a puppy, adult or older dog	
What was the date and time dog was seen?	
Any further relevant information	Skinny looking dog
Assisting Officer	

Request Notes

13-Feb-2017 MALCOLMC
20:29:09

Skinny NICOLEP
black/brownish

rottie?? from 20
hardy st has been on
his property again
crapping. Dog is now
back at its own
address. (Contractor
was not called as
dog is home)14-Feb-

2017 14:33:49
14/02/17 @ 11:33

ACO53/56 Left a MICHEALM
card for owner, dogs
inside house.15-
Feb-2017 07:48:18

15/02/2017 @ 07:45 Talked to the dog owner, We havent had any complaints about her dogs for a long time. Her dog did get off its lead as there was another dog on there property. Her dog chased it to play. She ran after her dog by the time i got there the dog had gone to the toilet on the property. The property owner came out and yelled abuse at her, She told the owner she would come back and clean the mess up once she took her dog back home, She did clean up the mess and said sorry to the property owner.No issues here as she does always clean up after her dog.

Inspection Notes

Inspection Notes

DOG BARKING COMPLAINT

Request No:241049

Name of Complainant: _____		
Address of Complainant: _____		
INVERCARGILL 9812		
Home Ph: _____	Work Ph: _____	Mobile: _____

Date Received: 10 April 2017

Time Received: 12:39:05

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Argos / Ref No. 32553
Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 hardy st
Complainants Address	
Dog Breed	
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	
Assisting Officer	

Request Notes

10-Apr-2017

COLLEENM

12:40:37

Dogs barking when
people walking past
20 Hardy st10-Apr-
2017 15:19:03

NICOLEP

We have not had
barking complaints
in a long time for
Danuta's dogs she
usually keeps them
with her all the
time.12-Apr-2017

MICHEALM

08:25:48

11/04/2017 @ 11:32 Talked to Danuta she was untangling her dogs as they were tied up with old ropes chains ect real mess. We had to cut one dog free This maybe why the dogs were barking. I had a good chain with clips swivels ect in the work truck. I gave this to her and told her i will see what else i can find. She was very grateful. Call from her latter in the day to say she knows why the dogs were barking. As there was a car load of young guys drinking and revving there car up outside her property. The council has cut her hedge back and the dogs can see through it now. She will keep an eye on her dogs.

Inspection Notes

DOG BARKING COMPLAINT

Request No:245957

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 18 June 2017

Time Received: 11:01:22

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Argos / Ref No. 32553
Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	danuta boniface 20 hardy street
Complainants Address	
Dog Breed	German shephard rotweiler
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	Adult
Any further relevant information	continually barking
Assisting Officer	

Request Notes

18-Jun-2017 11:01:20 ROBERTN
 barking dog at 20 MICHEALM
 hardy street28-Jun-2017 12:13:22
 28/06/2017 @ 10:39 MICHEALM
 Card left to contact office Talked to neiahbour from street She said the dogs only bark when someone walks past. I also called the complainant to see how the barking is going She said has not changed it is mostly in the evenings.03-Jul-2017 10:59:20
 03/07/2017 @ 09:50 MICHEALM
 and 10:55 Called Bothtimes no answer straight to answer box but can not leave a message03-Jul-2017 12:29:59
 03/07/2017 @ 12:28 ELLED
 Called again no reply.01-Aug-2017 13:04:53
 have you spoken to the dog owner?01-Aug-2017 14:35:02 MICHEALM
 I will visit as she wont answer her phone04-Aug-2017 09:54:03 MICHEALM
 03/08/2017 @ 11:15 Talked to the dog owner Same old story Her dogs are not barking Her hedges have now got thicker harder for the dogs to see through So bit luck this may help. All the time i was talking to her a dog from 27 hardy street barked full on. Dog owner said now that is a dog that is barking all the time Had to agree. RFS done for the dog at 27 hardy.

Inspection Notes

Inspection Notes

WANDERING / FOULING COMPLAINT

Request No:258212

Name of Complainant:	Unknown	
Address of Complainant:	NO ADDRESS ON FILE	
Home Ph:	Work Ph:	Mobile:

Date Received: 1 December 2017

Time Received: 08:58:17

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 Hardy Street
Complainants Address	
Is it a Dog>	Yes
Dog Breed	
Dog Colour	Black/Brown
Dog Sex	Unknown
Puppy, adult or older dog	Unknown
Not a Dog - What animal and how many	
Date and time seen?	8.55am 1/12/2017
Any further relevant information	
Assisting Officer	

Request Notes

01-Dec-2017
09:00:18

LEEANNEM

WANDERING / FOULING COMPLAINT

Request No:258215

Name of Complainant: Unknown		
Address of Complainant: NO ADDRESS ON FILE		
Home Ph:	Work Ph:	Mobile:

Date Received: 1 December 2017

Time Received: 09:10:48

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	Hardy Street?
Complainants Address	
Is it a Dog>	Yes
Dog Breed	Staffi Hunterway Cross looking?
Dog Colour	Brown with Black on its back
Dog Sex	
Puppy, adult or older dog	Adult
Not a Dog - What animal and how many	
Date and time seen?	9.00am 1/12/17
Any further relevant information	Have contacted Animal Control
Assisting Officer	

Request Notes

01-Dec-2017
09:23:53

JOANNED

has called, KELSIO
while she was
dropping kids to
school, she noticed
a large Brown Dog
with Black on its
back looks like a
Staffi cross
Huntaway, not
wearing a collar,
wandering along
Hardy Street01-Dec-
2017 09:49:18
1/12/17 @ 9.30am - Zara seen on Hardy St outside property. Impounded.

Inspection Notes

01-Dec-2017 09:49:14 *Kelsi Olausen*

◆ Dog impounded notice left. ◆

DOG BARKING COMPLAINT

Request No:260783

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 16 January 2018

Time Received: 10:47:16

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Argos / Ref No. 32553
Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	20 hardy street
Complainants Address	
Dog Breed	unknown
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	
Assisting Officer	

Request Notes

16-Jan-2018

LISAG

10:53:42

2 dogs on property NICOLEP
barking at early
hours of morning,
caller has lived in
area about 3 months
and they have been
a problem most of
that time. Early
monday morning
from 4 - 4.30am and
again at 5-5.30am,
tuesday morning 3-
3.30am . when dogs
are barking you can
hear people yelling
at them to shut up
and hitting/kicking
the kennel/fence to
try make them be
quiet. 18-Jan-2018

10:04:50

Refer to RFS 260952.

Dogs have been removed from this property until further notice.

Inspection Notes

DOG BARKING COMPLAINT

Request No:260948

Name of Complainant:		
Address of Complainant:		
INVERCARGILL 9812		
Home Ph:	Work Ph:	Mobile:

Date Received: 17 January 2018

Time Received: 22:12:44

Dog Owner Details

Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Argos / Ref No. 32553
Danuta Helena Jadwiga Boniface
20 Hardy Street, INVERCARGILL
Zara / Ref No. 30189

Complaint Details:

Owner name (if Known) and address	D Boniface 20 Hardy Street
Complainants Address	
Dog Breed	rottix and german shepherd x
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	
Any further relevant information	SPCA attending
Assisting Officer	

Request Notes

17-Jan-2018

KENNETHB

22:13:16

KENNETHB

Street along with several other people have complained about barking dogs at 20 Hardy Street. Situation is becoming serious and I have asked SPCA to visit this address. 17-Jan-2018 23:55:05

JANICEP

I attempted to contact D Boniface on two occasions prior to the removal of the dogs there was no reply and she has no message facility. The two other people who complained were

Street [who was very angry] and

During all three calls the dogs could clearly be heard barking through the phone. Malcom SPCA stated that the female dog was tangled up and unable to reach her water or shelter so the dogs were removed for their own well being. At aprox 23:15 D Boniface returned my calls she stated her phone had been on her charger. She then called back 30 minutes later wanting SPCA and Animal Control telephone numbers which was declined and she was advised to contact A/C after

0800 tomorrow.18-
Jan-2018 09:05:55
AHC report in Objective
22:14

I received a call from Control regarding a situation that was developing in Hardy Street regarding two dogs barking excessively. Control had tried to ring Dania she did not answer. Control had received so many complaints that someone needed to attend tonight.

When I pulled up to 20 Hardy Street I was met by three different complainants and I could hear many more yelling. I heard several threats of poisoning the dogs and coming over and killing the two dogs. As the dogs were barking excessively I went into the property knocked and no one came out. I went out and spoke to the people on the street and told them I would remove the dogs from the property.

I rang control and told him I would remove both dogs for their own safety he agreed that was the best option.

I am going to raise a MICHEALM
welfare issue with
the SPCA.18-Jan-
2018 10:36:59

18/01/2018 @ 10:15 NICOLEP
Imp notice handed to
boniface. She was
away taking her
daughters gear to
dunedin. Full
statement will be
taken between 13:00
and 13.30 today
Boniface is coming
into the office..

Myself and kelsi will
door knocks to get
statements on last
night and barking
issues19-Jan-2018
09:50:42

Malcolm (AHC) is ELLED
coming in at 10:15
today (19/01/18) to
give a witness
statement regarding
this incident.01-Feb-
2018 12:06:04

Welfare and Barking Notice was issued to Dania on the 24 Jan, she came into the building at 12pm and i handed the notices to her. She had 7 days to object to the barking notice.

Today, 1/2/18 at 2:17 am she emailed an objection to the baking notice. I have replied to her email stating that i would be approaching the Chair of hearing as to whether the objection will be accepted or not.

