



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 20 June 2018 at 11.00 am**

Cr D J Ludlow (Chairman)
Cr T M Biddle
Cr K F Arnold

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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3. **COMMITTEE IN PUBLIC EXCLUDED SESSION**

Moved, seconded and **RESOLVED** that the public be excluded from the following parts of the proceedings of this meeting; namely

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Consideration of Resource Consent Application	A right of appeal lies to any court or tribunal against the final decision of the Local Authority in these proceedings.	Section 48 (2) (a) (1)

4. **DECISION**

BEFORE THE HEARINGS COMMITTEE

IN THE MATTER of the Dog Control Act 1996

BETWEEN **DARRYL RUSSELL**

Appellant

AND **INVERCARGILL CITY COUNCIL**

Respondent

IN RESPECT OF AN OBJECTION TO DOGS BEING CLASSIFIED AS MENACING

SUMMARY

Appellant Darryl Russell

Dogs *Ted*, a male black and tan coloured Rottweiler
Tish, a female black and tan coloured Rottweiler

Objection Received 9 May 2018

On 1 May 2018 dogs *Ted* and *Tish* were classified as menacing after an attack on a child. The owner, Darryll Russell, has objected to the classifications and requests a Hearing.

The Hearing Process

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

- The evidence which formed the basis of the classification; and
- Any steps taken by the owner to prevent any threat to the safety of persons or animals; 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 objection; and
- The reasons for its determination.

The Law

33A Territorial authority may classify dog as menacing

- (1) This section applies to a dog that—
- (...) (b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—
- (i) any observed or reported behaviour of the dog; or (...)

33B Objection to classification of dog under section 33A

- (1) If a dog is classified under section 33A as a menacing dog, the owner—
- (a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
- (b) has the right to be heard in support of the objection. (...)

The effects of the classification include:

- The use of a muzzle if the dog is not confined in a vehicle or cage, or is at large in any place or private way.
- The dog is to be desexed as required by the Dog Control Bylaw 2015/1.

OFFICER'S REPORT

Timeline of Events

- 26 March 2018 – A report was received concerning uncontrolled and aggressive dogs on Colyers Island which had nipped a child on the stomach.
- 26-27 March 2018 - Animal Control Officer, Micheal Murdoch made attempts to contact complainant with no result.
- 27 March 2018 – Statement taken from dog owner
- 29 March 2018 - Statement taken from child's mother (complainant)
- 17 April 2018 – Investigation report handed to Director for decision outcome.
- 1 May 2018 - Menacing classifications hand delivered to 76 Colyers Island Road and left in mailbox.

Dog History

15 July 2016 – A report was received concerning three aggressive dogs living on Colyers Island. The complainant reported that one of the dogs tried to attack her but she was not prepared to give a statement.

28 October 2016 – A report was received from a concerned neighbour one of the dogs on Colyers Island had attacked their owner, Darryl Russell. The dog was signed over to Animal Control Officers Elle Dickson and Nicole Todd to be destroyed. They observed the aggressive behaviour of other dogs while on the property.

ANALYSIS

On 25 March 2018 the complainant and her three children were on the mud flats near Colyers Island when they heard barking and saw three dogs running towards them. One dog stood back on the island while two Rottweilers (*Ted and Tish*) kept approaching. The complainant's daughter screamed as one dog reached out biting her on the stomach. A statement was taken from the complainant regarding the attack, this is annexed as **Exhibit 3**. 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 rushed out and bit a child. This was an unprovoked attack as the complainant and her children did not notice the dogs until it was too late.

There is history of the dogs acting in a similar manner, however no investigation was carried out as the complainant did not want to take the matter further.

Given the dog owner's inability to control the dogs involved in this attack as there is inadequate fencing in place there is an ongoing risk to the public because of the aggressive actions of both dogs.

The Dog Control Act is protective of the public and public safety must be to the forefront in making recommendations.

RECOMMENDATION

I recommend that the Panel uphold the menacing classifications of both dogs, although they have never attacked a person in the past the observed and reported aggressive behavior has been noted on more than one occasion, also with the lack of fencing on Colyers Island the dogs are not adequately controlled or confined as per Section 52A of the Dog Control Act 1996 which puts the public at ongoing risk for future attacks.

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 dogs.

M Murdoch
ANIMAL CONTROL OFFICER

29 May 2018

ANNEXURE

- Exhibit 1 Request for service – 265986
- Exhibit 2 Offender statement
- Exhibit 3 Complainant statement
- Exhibit 4 Investigation check sheet/assessment matrix
- Exhibit 5 Investigation report
- Exhibit 6 Letter to complainant
- Exhibit 7 Letter to dog owner
- Exhibit 8 Menacing Classification for *Ted and Tish*
- Exhibit 9 Objection letter
- Exhibit 10 Map of Colyers Island
- Exhibit 11 Record of *Ted and Tish* (Pathways)
- Exhibit 12 Request for service – 221605 and 229866

EXHIBIT 1

DOG ATTACK/MENACING

Request No:265986

Name of Complainant:	Unknown	
Address of Complainant:	NO ADDRESS ON FILE	
Home Ph:	Work Ph:	Mobile:

Date Received: 26 March 2018

Time Received: 09:27:57

Dog Owner Details

Darryl Russell
76 Colyers Island Road, INVERCARGILL
George / Ref No. 28610
Darryl Russell
76 Colyers Island Road, INVERCARGILL
Ted / Ref No. 30133
Darryl Russell
76 Colyers Island Road, INVERCARGILL
Tish / Ref No. 30134

Complaint Details:

Type of Incident	Attack
Category	People
Owner name (if Known) and	Darryl Russell
Complainants Address	
Dog Breed	Rottis
Dog Colour	
Dog Sex	
Is dog a puppy, adult, or older dog	
What was the date and time of incident?	
Any further relevant information	
Dog Registration	Current

Dog Microchipped	Yes
Dog History	Wandering
Is complaint substantiated	Yes
Attack Location	Public Place
Owner Present at time of Incident	No
Victim	Person - No relationship
Victim Age Group	Child
Victim Gender	Female
Assisting Officer	
Responded within 30 minutes?	Yes

Request Notes

26-Mar-2018 ELLED
09:34:42

phoned regarding aggressive dogs from Colyers Island, she was out there with her small children, when the dogs a came rushing over barking and growling at herself and children one of the dogs nipped her daughter on the stomach, she said the woman came out to get the dogs but couldnt get them under control, the dogs didnt have any collars on so she had nothing to grab onto, she is concerned that the dogs can get out and something might happen again but be worse.

Advised her that we MICHEALM
would like to get a
statement from her
getting all the
information
regarding the
incident, she had an
appointment at
10am until 11am to
day but apart from
that can ring to
arrange at any time,
best contact number
-Mar-

2018 11:49:04
26/03/2018 @ 11:14 MICHEALM
Called no reply .
11:28 Called again
no reply.26-Mar-
2018 15:18:41
26/03/2018 @ 13:16 MICHEALM
Called again no
reply.27-Mar-2018
08:58:24
27/03/2018 @ 08:58 MICHEALM
Called again phone

turned off. 17-Apr-2018 11:32:29
29/03/2018 @ 10:25 NICOLEP
Statement taken from complainant/03/2018 @ 11:14 Statement taken from the dog owner Both stories differ quiet a lot At the end of the day the dogs were not under control I will recommend that they are classified as menacing pets. 09-May-2018 10:22:50
9/05/18 @ 10:21 Darryl phoned in asking about objecting to Tish and Ted's menacing classifications.

I told her she is more than welcome to do this she just needs to write a letter attentioned to Animal Services that she would like to object to both of their classifications and ICC will be in contact with a Hearing date.

Darryl is going to write a letter and drop it into ICC.

Inspection Notes

Inspection Notes

EXHIBIT 2

Append 2

RFS number: 265986
 Offender's address: 76 Colyers Island.

OFFENDER STATEMENT TEMPLATE

Location of statement: 76 Colyers Island

Date statement taken: 27/03/18 Time statement taken: 11:55

Statement

Darryl Russell states:
 That is my full name. I live at 76 Colyers Island.
 I am currently employed as a unemployed. and live at home
 at Colyers.
 My home phone is _____, my email is _____.
 My date of birth is 30/03/57

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

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)

on 25-03-18 @ around 11am
I could see a car across
the road and hear kids
laughing and making noise.
I went out to do some
gardening with my dog's.

I could hear the children
again. I have no idea how
they got onto my property.

my dog's went out to
my drive way. I followed
them I seen three children
and a lady the kids
were waving there arm's screaming

my two Rottweillers went over
to the kids I went to
the kids told my dog's
to go away. and waited
for the mother. My dog's
did go away. The mother
left one kid by its self

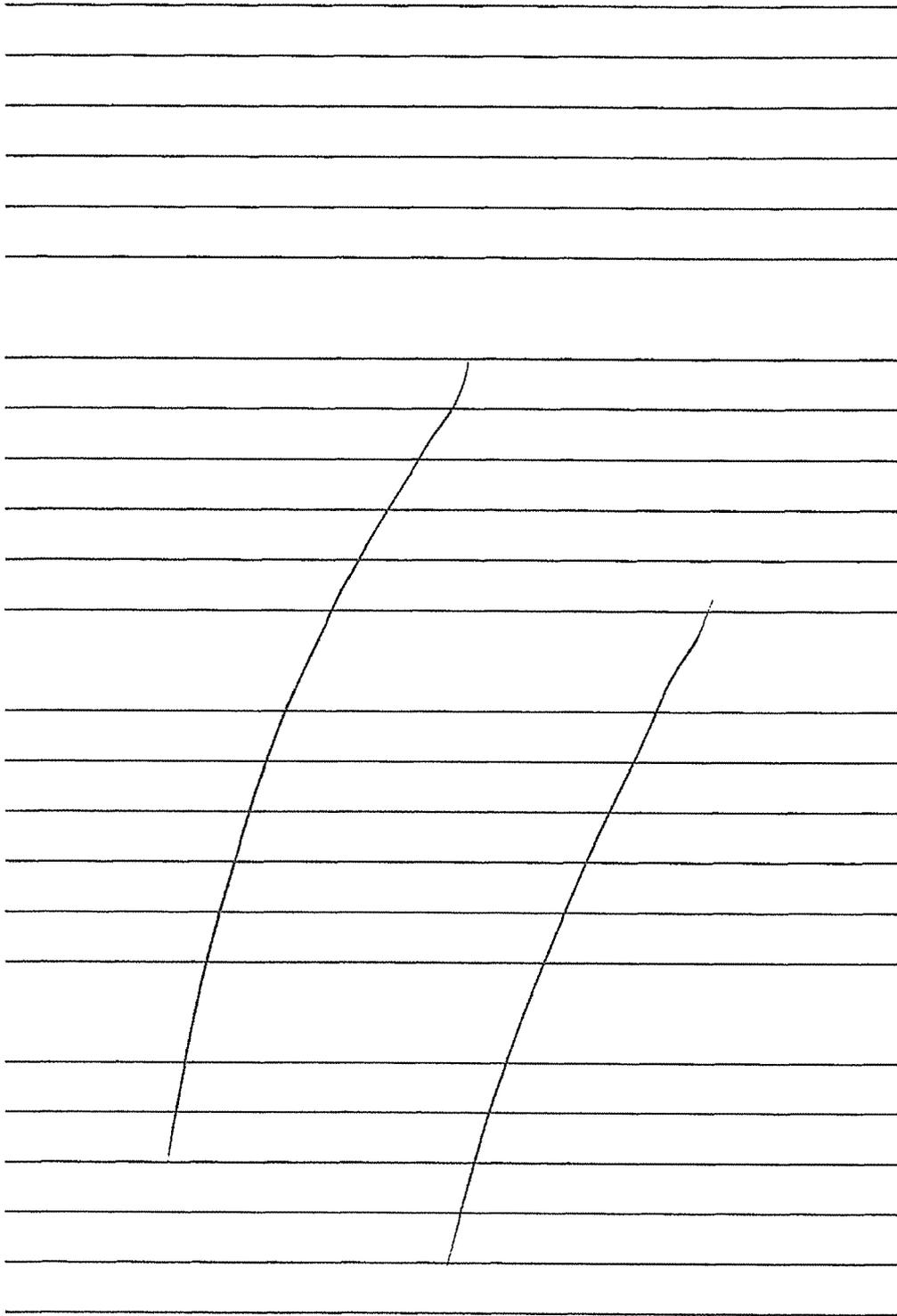
I went over to the
kid by him self as my
dog's had gone over there
to him.

And picked him up and
told my dog's to go away,
all three kids were screaming
there heads off.

I did see teddy put
his foot out towards the
child.

I am not sure if my dog
bit any children but not that
I know.

I put my dog's in the
house and I could see
the lady taking her kids away.



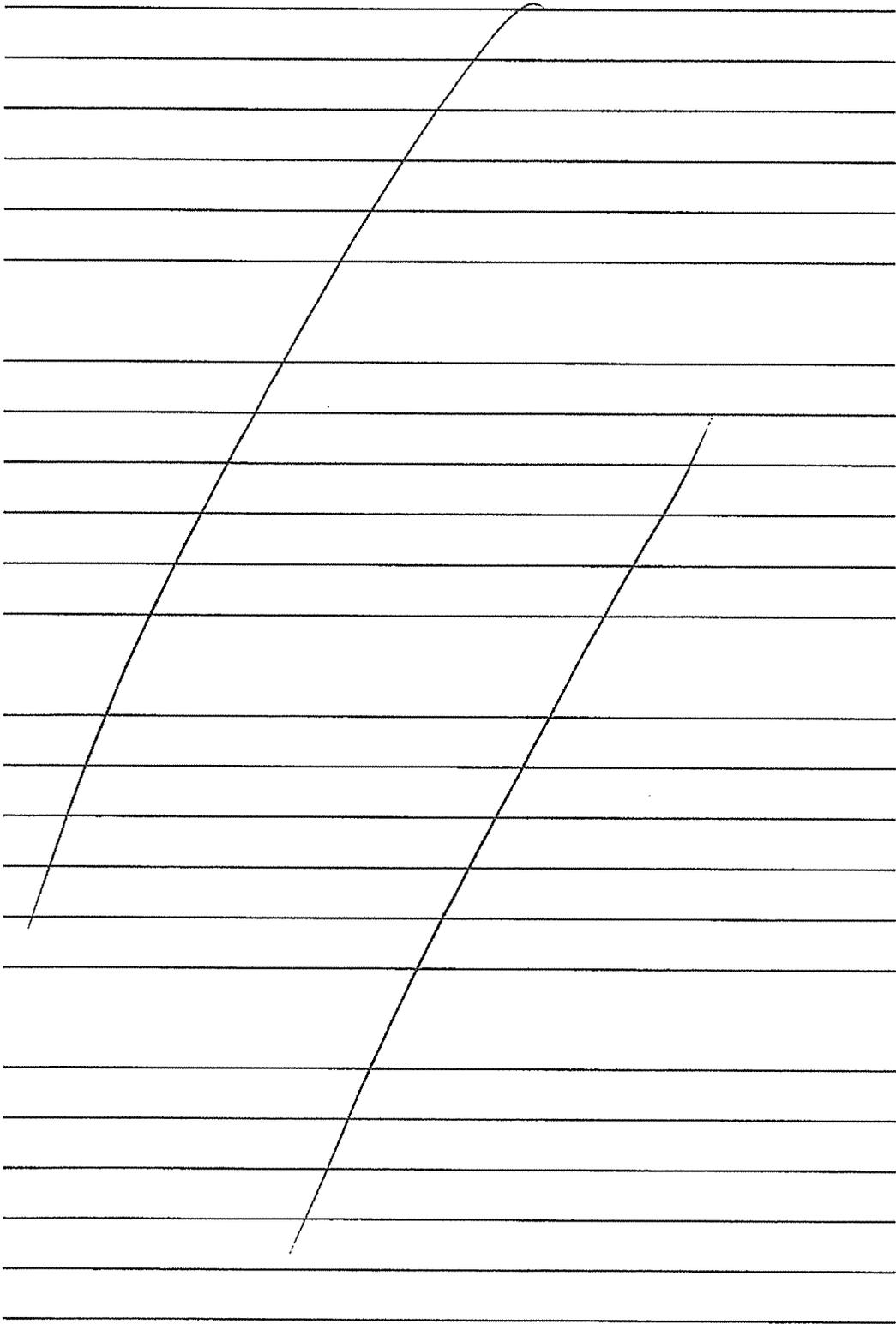


EXHIBIT 3

APP

RFS number: 265986

Complainant's address: _____

Offender's address (if known): 96 Colquhoun Island

COMPLAINANT STATEMENT TEMPLATE

Issue being dealt with: _____

Start time and location of complainant's statement:

101 Esk Street 10.11.

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 _____

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

PROBLEM SUMMARISED

On Sunday 25 March 2018 @
around 13:00. We had gone
across the bridge and walked
across the mud flat's we
1.20.18 around ten to fifteen

away from the Island.
We could hear the dogs barking
myself and my three children
5yr old 3yr old and a two
year old. I seen two

Rottweilers and another dog
Both were black with brown
markings. the third dog was
white with brown markings.
The white dog stopped at the end

of the drive. Both Rottweilers kept
coming. They kept coming up
to all the kids threatening them.
I told all the kids to stand
still and do not look at the

dog's. My three year old daughter
started screaming. The dog one
of the rottweilers nipped at
her side under her arm. left side
Both dogs kept going around

my kids and around me now as well.
My oldest started crying. The dog owner
picked my son up and brought
him over to me.
We then just walked away.

I think the owner may have
tried to call them away.
The dog's were there for approx
30 seconds before the owner
arrived
We then left.

[Redacted content]

[The page contains a large, diagonal scribble that obscures the majority of the lined writing area.]

EXHIBIT 4

AM

Investigation Check Sheet / Report

Investigation Details

RFS #: 265986

Officer: Mike

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 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 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 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:

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:

Use Only One
 • **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
 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? As no fencing on the island.

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

1 3 5
 Current Not Current Never Been

Score:

Owner Total:
 (Min 5 - Max 40)

Assessment Matrix (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 # 265986

Dog

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

Score:

1 3 5 7 8 10
 Low Intensity Medium Intensity Extreme Intensity
(nip and run off) (bite and retreat) (multiple bites and retreat) (hanging on - shaking)
(intimidating) (growling) (snarling)

• **Factors involved that lead to the attack occurring**

Score:

1 3 5 7 8 9 10
 Uncharacteristic Reaction Provoked Territorial Protection Unprovoked
 Accidental Puppies Prey Drive

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

Score:

1 2 3 4 5 6 7 8 9 10
 Nil Barking Growling Straying Snarling Rushing Biting Attack
 Impounded aggressive behaviour

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

Score:

1 2 3 4 5 6 7 8 9 10
 Nil Barking Growling Straying Snarling Rushing Biting Attack
 Impounded aggressive behaviour

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

Score:

1 2 3 4 5 6 7 8 9 10
 Secured on own property (access /no access) Owner control (leash) (verbal) (outbuilding) At large private property (owner present) (no owner present) Secured/At large public place / At large other persons private property

Dog Total:

(Min 4 - Max 40)

Use Only One

Victim 1 – (person)

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

Note: cannot be a shaded box

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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"/>	<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		10
Nil Clothing/	Tom Scare	Bruising	Property damage	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"/>	<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 Scare	Bruising	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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Poultry			Protected 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"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
1	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 # 265986 Assessment Score 21

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

- | | |
|--|---|
| <input checked="" 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 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 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#:

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	lesser MAY
<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	MAY greater
<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. Kwis</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 #: 265086

1. Did an attack take place that can be proven?
(see elements of proof attached)

YES / NO

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

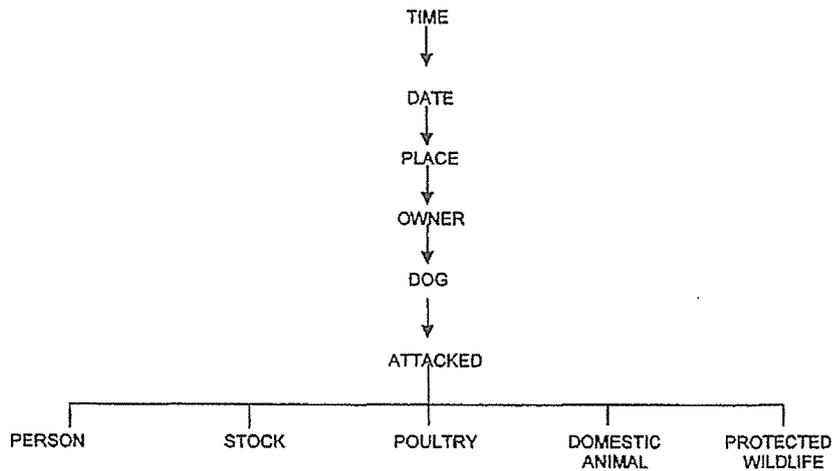
An attack of a serious nature will be that which resulted in an assessment score **35** or over.

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

EXHIBIT 5

Request # 265986:
Doc Ref: 30133
30134

INVESTIGATION REPORT

17 April 2018

MEMO TO: Elle Dickson, Team Leader Compliance

MEMO FROM: Micheal Murdoch , Animal Control Officer

DOG'S ATTACKING A PERSON 96 COLYERS ROAD, INVERCARGILL RFS 265986

EXECUTIVE SUMMARY

On 25 March 2018 a lady and her three children were on the mud flats near Colyers Island when she saw three dogs run towards her and her children. One dog stopped at the edge of the island but the two Rottweilers kept coming. One of the dogs nipped her daughter on her side under her arm.

The dogs were uncontrolled at the time of the incident. The dog owner states her dogs were still on her property and they never bit the children and it was from the dog's foot when it jumped up wanting a pat.

The dogs displayed signs of aggression by rushing, growling and biting a child.

The offending dogs, Ted and Tish, have displayed signs of aggression by rushing and growling at people in the past, although the dogs were friendly towards us.

SUMMARY OF INVESTIGATION :

- 27 March 2018 – An offender statement was taken from Darryl Russell
- 29 March A complainant statement was taken from regarding a dog rushing and biting her daughter. There were no visible marks on the child.

1.0 History

On 15 July 2016 – A complaint was received in regards to Ted and Tish and two other dogs from the property rushing and growling at people in the same manner they did in this new attack.

2.0 Known Facts

- On 26 March 2018 a complaint was received from regarding an attack involving her children on the 25 March at approximately 13.00 hrs.
- states she was on the mud flats near Colyers Island when she saw three dogs rushing at her children and herself growling, barking and running around her children.
- states that one of the Rottweiler's although unsure what dog it was, nipped her daughter under her left arm on her torso
- states she thinks she could hear the dog owner yelling at her dogs.
- i states the dogs remained clearly aggressive for around another thirty seconds before the owner had them under control.

2.1 Darryl Russell

- On 25 March 2018 around 11.00am she heard kids laughing and making noises from the road across the mud flats and could see a car over there on the road. She and her three dogs went to do some gardening.
- Russell states she could still hear children yelling and making noises
- Russell states her dogs went out to her driveway and she followed her dogs. She saw three children and a lady on her property, the children were waving their arms and screaming.
- Russell states her dogs did go over to the kids and she told her dogs to go away and they did.
- Russell states she waited for the mother to come over to the children, she did, but left one child by himself. Russell said she picked up the boy as her dogs had come back and were over at the child.
- Russell states all three children were crying and screaming. Russell states her dog Ted did put his foot out towards the girl but in no way did he bite.
- Russell states she then put her dogs in the house and she could see the lady taking her children back to the car.

3.0 Summary

- An attack occurred on 25 March 2018 where the offending dogs did display signs of aggression by rushing and nipping at a person, leaving them very frightened and shaken.
- The dogs were uncontrolled at the time of the incident.
- The dogs Ted and Tish have history of showing aggression towards people.

4.0 *Assessment of Legal Requirements I have considered the following options:*

- Classifying Ted and Tish as menacing pets as per section 33a (1) (b) (1) of the Dog Control Act 1996
- Infringing Russell \$200.00 per dog for failure to control each dog.

5.0 *Conclusion*

The offending dogs, Ted and Tish, had shown aggressive behaviour before this attack. There is no fencing on Colyers Island, there are no signs saying it is private property. Under section 52A of the Dog Control Act 1996 (not confined or controlled) and because of the aggressive nature of the dogs I believe it is in the best interest of the public that the dogs be classified as menacing pets.

As a result of this, a menacing classification will mitigate any ongoing risk to the public.

RECOMMENDATIONS

I recommend the following:

1. Both dogs to classified as menacing pets under section 33 of the Dog Control Act 1996
2. Fines for failure to control dogs.
3. Inform of the outcome.

Micheal Murdoch
ANIMAL CONTROL OFFICER

I agree/~~do not~~ agree with the recommendations.

Pamela Myre

Elle Dickson
TEAM LEADER

Edison

John Youngson
MANAGER

APPENDICES

- | | |
|------------|------------------------|
| Appendix 1 | Complainants statement |
| Appendix 2 | Offender statement |
| Appendix 3 | Assessment Matrix |
| Appendix 4 | |
| Appendix 5 | |
| Appendix 6 | |

EXHIBIT 6



Request No: 265986
Ref: 02291970

27 April 2018

Dear

INVESTIGATION OUTCOME – DOG ATTACK ON CHILD – 96 COLYERS ROAD – RFS 265986

Council has now investigated an incident that occurred in which a dog rushed and attacked your daughter near Colyers Island.

The investigating Animal Control Officer's report found that:

1. The dogs were uncontrolled and unconfined.
2. The dogs showed signs of aggression by rushing, growling and biting your daughter.
3. There is known history for these dogs.
4. This incident was avoidable had the dog been under control.

As a result of the incident both dogs involved will be classified as menacing which means the dogs will have to be confined on the property which allows access to the dwelling and when they are not confined have to be muzzled.

I hope you are satisfied with the outcome of this investigation. Please call me on (03) 211 1777 if you wish to discuss the matter further.

Yours sincerely

A handwritten signature in black ink that reads "Edunson".

Elle Dickson
TEAM LEADER – COMPLIANCE

EXHIBIT 7



Licence No: MEN/2018/14
Ref No: 02291949
Dog Ref: 30133

27 April 2018

Darryl Russell
C/- Caretakers Colyers Island
76 Colyers Island Road
RD 11
INVERCARGILL 9877

Dear Russell

NOTICE OF CLASSIFICATION OF DOGS AS MENACING DOGS

Council has now completed its investigation into the incident that took place on 25 March 2018. As a result your dogs Ted and Tish are being classified as menacing. Enclosed are the classification notices.

The classification is due to the following behaviour:

1. Uncontrolled and unconfined.
2. Rushing at, growling and biting a child.

On this evidence Council has determined your dogs Ted and Tish as menacing.

As a result of the Animal Control Officer's findings, you will be issued with an infringement for each dog for failure to keep your dogs controlled and confined.

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 and on a lead 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.
- 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/2018/14 and MEN/2018/15.

Yours sincerely

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

John Youngson
MANAGER – ENVIRONMENTAL HEALTH AND COMPLIANCE
Encl.

EXHIBIT 8



Licence No: MEN/2018/14
Ref No: 02291949
Dog Ref: 30133

NOTICE OF CLASSIFICATION OF A DOG AS A MENACING DOG

(Section 33A, Dog Control Act 1996)

Name: Darryl Russell
Address: C/- Caretakers Colyers Island
76 Colyers Island Road
RD 11
INVERCARGILL 9877

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.

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: Ted, a male black and tan coloured Rottweiler

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

27/4/18
.....
(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/2018/15
Ref No: 02291964
Dog Ref: 30134

NOTICE OF CLASSIFICATION OF A DOG AS A MENACING DOG

(Section 33A, Dog Control Act 1996)

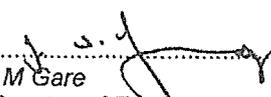
Name: Darryl Russell
Address: C/- Caretakers Colyers Island
76 Colyers Island Road
RD 11
INVERCARGILL 9877

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.

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: Tish, a female black and tan coloured Rottweiler

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

6 
P M Gare
Director of Environmental and Planning Services

27/4/18
.....
(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/2018/14
Ref No: 02291949
Dog Ref: 30133
30134

ANIMAL CONTROL
STATEMENT OF SERVICE

NAME OF CONTRACTOR: Invercargill City Council
ADDRESS: Animal Control
101 Esk Street
Private Bag 90104
Invercargill
TELEPHONE: (03) 211 1777
FAX: (03) 211 1430
DATE: 01.05.18
DOCUMENT NAME: Menacing Dog Classification
REFERENCE NUMBER(S): 30133 & 30134
PERSON SERVED: Darryl Russell
DID PERSON IDENTIFY HIM/HERSELF?
TIME SERVED: 10.39
LOCATION: 76 Colyers Road
SERVER'S NAME: Mike Murdoch
COMMENTS: left in mail box

SIGNED:



EXHIBIT 9

Elle Dickson

From: John Youngson
Sent: Wednesday, 9 May 2018 5:10 p.m.
To: Michelle Sievwright; Pamela Gare
Cc: Clare Hadley; Elle Dickson; Michael Morris; Nicole Todd
Subject: RE: Dog Control

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Michelle,

I haven't seen this but this owner is lodging an objection to the Menacing Classification of their dogs. This is in accordance with section 33 B of the Dog Control Act 1996.

Can you please acknowledge receipt of their objection and that they will be contacted by Elle Dickson , Team Leader : Animal Services to get some more information and advise them on the process options.

It is likely that we may have to hold a hearing.

Many thanks

john



From: Michelle Sievwright
Sent: Wednesday, 9 May 2018 4:51 p.m.
To: Pamela Gare; John Youngson
Cc: Clare Hadley
Subject: FW: Dog Control

Good afternoon Pam / John

Please find below an email received today on behalf of Darryl Russell, 76 Colyer Island Road.
Have you received a copy of this email?
Is there any response I can give?

Kind regards

Michelle



From: debbie ellis <debbiejoanellis@hotmail.com>
Sent: Wednesday, 9 May 2018 2:03 PM
To: Michelle Sievwright <Michelle.Siewwright@icc.govt.nz>
Subject: Dog Control

Ms Sievwright,

I am contacting your office on behalf of Darryl Russell, 76 Colyer Island Road, RD11, Invercargill 9877.

This matter concerns a Dog Classification notice. Dog Ref: 30134. 33A Territorial authority may classify dog as menacing.

Dog Ref:30133. 33A Territorial authority may classify dog as menacing.

Dear John Youngson, and Pamela Gare,

I write stating that I do object to the classification of my dogs "Ted" and "Tish" as being menacing. I object citing extenuating circumstances and mitigating factors with regard to the reported behaviour of my dogs.

My name is Darryl Russell,
76 Colyers Island Road,
R.D. 11
Invercargill.

Your correspondence dated 27th April was received by myself on the 3rd May 2018. Please know that I wish to work with your office to resolve this issue. Fell free to contact me via this email address or to the address I provided, also can I be supplied with all documents and evidence that this issue would have raised. I f council would prefer I am able to file full disclosure forms if possible.

If some one from your office wishes to contact me I am available at 0273217913.

Kindest Regards Darryll Russell

Sent from Windows Mail

EXHIBIT 10



EXHIBIT 11

Animal Type and Owner Details

Type: Dogs
 Property Location: 76 Colvers Island Road, InverCairn
 Owner: Darryl Russell - 03 212 7141 (Home Phone Number)

Animal Details

Reference: 30133 Date Created: 18/09/2014
 Registration Class: Nonworking Pet
 Name: Ted
 Breed: Rottweiler
 Secondary Breed:
 Colour: Black/Blue
 Secondary Colour:
 Particulars:

Source: Pathway Is Registered:
 Status: N
 Gender: Male
 External Reference:
 Physical ID:
 Date of Birth:
 Age (Registration):

malRegistration (All Records)

Registration Period	Registration Type	Registration Class
2018-RED (01-Jul-2017 - 30-Jun-2018)	Renewal	Responsible Pet
2017-BLUE (01-Jul-2016 - 30-Jun-2017)	Renewal	Standard Working
2016-YELLOW (01-Jul-2015 - 30-Jun-2016)	Renewal	Standard Working
2015-GREEN (01-Jul-2014 - 30-Jun-2015)	New Registration	Standard Pet

Doc Number	Balance	Is Registered?
8215	0.00	<input checked="" type="checkbox"/>
2073	0.00	<input checked="" type="checkbox"/>
972	0.00	<input checked="" type="checkbox"/>
5371	0.00	<input checked="" type="checkbox"/>

Animal Type and Owner Details

Type: Dog

Property Location: 78 Colvins Island Road, JINGOAGULL

Owner: Darryl Russell - 03 212 7141 (Home Phone Number)

Animal Details

Reference: 20134 Date Canceled: 18/09/2014

Registration Date: 2013 Maturity Pet:

Name: Fish

Breed: ROTT Retriever

Secondary Breed:

Colour: BLACK Black/Tran

Secondary Colour:

Particulars:

Source: Pathway Is Registered?

Status: N Normal

Gender: Female

E-Registration Reference:

Physical ID:

Date of Birth: Age (Registration):

Animal Registration (41 Records)

Registration Period	Type	Registration Class
2018-REB (01-Jan-2017 - 30-Jan-2018)	Renewal	Responsible Pet
2017-BLE (01-Jan-2016 - 30-Jan-2017)	Renewal	Standard Working
2016-YELO (01-Jan-2015 - 30-Jan-2016)	Renewal	Standard Working
2015-GRER (01-Jan-2014 - 30-Jan-2015)	New Registration	Standard Pet

Doc Number	Balance	Is Registered?
8216	0.00	<input checked="" type="checkbox"/>
2072	0.00	<input checked="" type="checkbox"/>
551	0.00	<input checked="" type="checkbox"/>
5372	0.00	<input checked="" type="checkbox"/>

EXHIBIT 12

DOG DANGEROUS / MENACING COMPLAINT

Request No:221605

Name of Complainant:	Unknown	
Address of Complainant:	NO ADDRESS ON FILE	
Home Ph:	Work Ph:	Mobile:

Date Received: 15 July 2016

Time Received: 11:20:23

Dog Owner Details

Darryl Russell
76 Colyers Island Road, INVERCARGILL
George / Ref No. 28610
Darryl Russell
76 Colyers Island Road, INVERCARGILL
Ted / Ref No. 30133
Darryl Russell
76 Colyers Island Road, INVERCARGILL
Tish / Ref No. 30134

Complaint Details:

Owner name (if Known) and address	Darryl Russell 76 Colyers Island Road
Complainants Address	
Dog Breed	x1 Mastiff x3 Rotti's?
Dog Colour	Tan Black/Tan
Dog Sex	
Is dog a Puppy, Adult or old dog	Adult
What was the date and time of attack?	
Any further relevant information	

Assisting Officer	
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Request Notes

15-Jul-2016 NICOLEP
11:20:57

Received a complaint for 4 dogs living on Colyers Island Road, complainant would like to remain anonymous as she doesn't want to cause trouble but I did get her contact number.

Thinks there may be 4 dogs living on the Island but she is not 100% sure, we have 3 dogs registered there.

Complainant says she does not have an issue with the dog named 'George' but the other dogs on the property are extremely aggressively and have been coming off the Island and chasing people passing by.

She said one of the Rottis have tried to attack her but she is not prepared to give a statement for this she just wants the dogs properly contained to stop them from hurting anyone.

ACO's to visit. 19-Jul- MICHEALM
2016 08:21:37

17/07/16 @ 09:05 Four dogs on the property The owner will register the new dog when they register the other three. The dogs never leave the island There was a guy on a motorcycle last week whom was riding around there property without permission One of the dogs did chase the motorcycle. But she said the dogs do not go to the main land unless they are with them. Asked her to keep a eye on them just in case they are going there without them knowing. She said she will.

Inspection Notes

WANDERING / FOULING COMPLAINT

Request No:229866

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

Date Received: 28 October 2016

Time Received: 09:13:30

Dog Owner Details

Darryl Russell
76 Colyers Island Road, INVERCARGILL
Jumbo / Ref No. 33321

Complaint Details:

Owner name (if Known) and address	Colyers Island
Complainants Address	
Dog Breed	Mastiff X
Dog Colour	Tan
Dog Sex	Male
Is dog a puppy, adult or older dog	Adult
What was the date and time dog was seen?	
Any further relevant information	
Assisting Officer	

Request Notes

28-Oct-2016 NICOLEP
 09:14:06
 27/10/16 @ 16:40

Call from a
concerned
neighbour regarding
one of the dogs on
Colyers Island, has
attacked its owner
several times.
Owner is willing to
sign the dog over to
be destroyed, have
agreed to meet the
complainant at 17:30
and go over to the
Island.28-Oct-2016

NICOLEP

09:24:07

27/10/16 @ 17:30 Owner has signed dog over to be destroyed, she has several bite marks on her hand and is off to A&E tonight.

Dog had to be poled as he would not allow anyone to come near him. Other dogs on the property were smashing against a glass door while we were trying to pole Jumbo which was quiet intimidating.