



RANGITIKEI
DISTRICT COUNCIL
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ORDER PAPER

HEARINGS COMMITTEE MEETING

Date: Wednesday, 15 June 2022

Time: 1.00 pm

Venue: Council Chamber
Rangitikei District Council
46 High Street
Marton

Chair: HWTM Andy Watson

Members: Cr Fi Dalgety
Cr Angus Gordon

Objector: Ms Caitlyn Thomsen

Council's Advocate: Mr Robert Peterson

Expert Officer: Mr Johan Cullis

Business Support Officers: Mrs Carol Gordon
Mr Ash Garstang

Witness: Mr Stephen Illston

For any enquiries regarding this agenda, please contact:

Ash Garstang, Governance Advisor, 0800 422 522 (ext. 848), or via email
ash.garstang@rangitikei.govt.nz

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Postal Address:	Private Bag 1102, Marton 4741		
Fax:	(06) 327 6970		

Notice is hereby given that an Hearings Committee Meeting of the Rangitīkei District Council will be held in the Council Chamber, Rangitīkei District Council, 46 High Street, Marton on Wednesday, 15 June 2022 at 1.00 pm.

Order Of Business

1	Open Hearing	4
2	Introduction	4
3	Statement of Matter	4
4	Council’s Advocate	4
5	Objector	4
6	Confirmation of Documentation	4
7	Rules of the Hearing	4
8	Reports for Decision	5
	8.1 Hearing of Objection to Classification of Dog	5
9	Hearing Closed	24

Order of Business

1 Open Hearing

The Chairperson will open the hearing.

2 Introduction

The Chairperson will introduce the members of the Hearings Committee and Council Officers assisting the Committee.

3 Statement of Matter

The Chairperson will state the matter to be heard by the Committee.

4 Council's Advocate

Council's Advocate will introduce any witnesses.

5 Objector

The Objector (or their advocate) will introduce themselves.

6 Confirmation of Documentation

The Chairperson will confirm that all individuals have received the relevant documentation in advance of the meeting.

7 Rules of the Hearing

The Chairperson will explain the rules of the hearing to all present and outline the hearing procedure, as per item 8.

8 Reports for Decision

8.1 Hearing of Objection to Classification of Dog

Author: Robert Peterson, Senior Animal Control Officer

Authoriser: Johan Cullis, Regulatory Manager

1. Reason for Report

1.1 As attached.

Attachments

1. **Hearing of Objection to Classification of Dog - Caitlyn Thomsen - KODA** [↓](#)
2. **Annex A - RFS 2104359 - 30 Dec 2021 - Dog Atk - Stephan Illston** [↓](#)
3. **Annex B - RFS 2104372 - 31 Dec 2021 - Michelle Verrincamp** [↓](#)
4. **Annex C - RFS 2104373 - 31 Dec 2021 - Caitlyn Thomsen - Request for Info Re Impounded Dog** [↓](#)
5. **Annex D - 11195 Caitlyn Thomsen 4524 - Menacing Classification** [↓](#)
6. **Annex E - 11195 Caitlyn Thomsen 4524 - Objection to Classification Email** [↓](#)
7. **Annex F - 11195 - Stephen Illston Statement Signed - 22 Mar 2022** [↓](#)
8. **Annex G - RFS 2205350 - 7 Mar 2022 - Another Atk - Stephan Illston** [↓](#)
9. **Annex H - RFS 2205446- 15 Mar 2022 - AC Update to Stephan Illston** [↓](#)

Recommendation

That the “Menacing” classification imposed on the dog “KODA” belong to Caitlyn THOMSEN, pursuant to Section 33A(1)(b)(i) of the Dog Control Act 1996, be upheld based on the evidence provided in this hearing.

**RANGITIKEI**
DISTRICT COUNCIL**Hearings Committee**

Date Created: 21 April 2022

Hearing of Objection to Classification of Dog**Purpose**

This report seeks the Hearings Committee's consideration and decision on the objection lodged by Caitlyn THOMSEN, against the issuing of a Menacing Dog Classification relating to the dog known as "KODA" pursuant to the provisions of Section 33A(1)(b)(i) of the Dog Control Act 1996.

Significance of Decision

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

Recommendation

That the "Menacing" classification imposed on the dog "KODA" belonging to Caitlyn THOMSEN, pursuant to Section 33A(1)(b)(i) of the Dog Control Act 1996, be upheld based on the evidence provided in this hearing.

Report prepared by:
Robert Peterson
Team Leader Animal Control

Approved for submission by:
Carol Gordon
Group Manager
Democracy and Planning

1 Contribution to the Council Vision and Council Outcomes

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

Making This Place Home

Manaakitanga	Rangatiratanga	Whakapono	Whanaungatanga	Kotahitanga	Aroha
The customer is at the centre of everything we do.	We aspire to the highest standards.	We strive to be trusting and trustworthy	We act with courage, respect, kindness and empathy	We embrace diversity and strive to be inclusive	We believe in and encourage each other.
✓					

2 Attack Background

- 2.1 On Thursday 30 December 2021, RFS 2104359 was received from Stephen ILLSTON, at 3.57pm who witnessed a white and grey husky dog attacking his sheep. He reported that the dog came from an address belonging to a Sam THOMSEN.
- 2.2 ACO Mark POWER attended at 4.10pm and spoke to the complainant. ACO POWER confirmed there were no dogs registered to the address. ACO POWER arrived at the address at approximately 5.00pm and identified a white and grey husky inside a kennel.
- 2.3 As there were no dogs registered to the address and an attack had been reported involving a white and grey husky, the dog was uplifted and impounded under Section 42 (Unregistered Dog) and Section 57 (Dog attacking an animal). All appropriate paperwork was left at the address.
- 2.4 On 31 December 2022, RFS 2104372 and RFS 2104373 were received from the owner of the husky – Caitlyn THOMSEN and her mother Michelle VERRINCAMP. Both RFS's were requesting information regarding the impounded husky now known as KODA.
- 2.5 KODA was released to the owner after all fees had been paid on 1 January 2022.
- 2.6 7 March – 19 April 2022: Three separate RFS's were raised (RFS 2205350, 2205446 and 2205894) by the complainant Stephen ILLSTON regarding finding further carcasses of sheep on his farm due to dog attacks and ultimately requesting a dog trap. The attacking dog(s) were not seen.
- 2.7 15 March 2022: the Team Leader Animal Control reinterviewed Stephen ILLSTON in order to clarify a timeline of events.
- 2.8 22 March 2022: Stephen ILLSTON'S statement was signed.

3 Classification

- 3.1 Based on the evidence received at that time, KODA was classified as Menacing under Section 33A(1)(b)(i) of the Dog Control Act which states that – ***“A territorial authority may classify a dog as menacing if it considers the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog”.***

- 3.2 An objection to classification email was received from Caitlyn THOMSEN on 3 February 2022, five days after KODA was classified.
- 3.3 The evidence considered was:
- (a) 30 December 2021: RFS 2104359 received reporting that a white/grey husky dog was seen by Stephen ILLSTON, the sheep owner, attacking his sheep (attached at **Annex A**).
 - (b) 31 December 2021: RFS 2104372 and RFS 2104373 received from Michelle VERRINCAMP, and Caitlyn THOMSEN requesting information regarding the dog that had been seized the previous day. These RFS's confirmed the ownership of KODA (attached at **Annex B** and **Annex C**).
 - (c) 28 January 2022: Menacing Classification letter (attached at **Annex D**).
 - (d) 3 February 2022: Objection to classification email (attached at **Annex E**).
 - (e) 7 March 2022: RFS 2205350 – Update on further carcasses found from Stephen ILLSTON (attached at **Annex G**).
 - (f) 15 March 2022: RFS 2205446 – Update from TLAC to Stephen ILLSTON and arranging for a meeting to confirm his statement (attached at **Annex H**).
 - (g) 22 March 2022: Stephen ILLSTON's signed statement (attached at **Annex F**).
- 3.4 Section 33B: Objection to classification of dog under section 33A, states:
- (1) If a dog is classified under section 33A as a menacing dog, the owner—
 - (a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
 - (b) has the right to be heard in support of the objection.
- 3.5 The Hearings Committee in considering the objection may uphold or rescind the classification. In making its determination the committee must have regard to:
- (a) the evidence which formed the basis for the classification; and
 - (b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and
 - (c) the matters relied on in support of the objection; and
 - (c) any other relevant matters.
- 3.6 Following the hearing of the objection the Hearings Committee must, as soon as practicable, give written notice to the owner of—
- (a) its determination of the objection; and
 - (b) the reasons for its determination.

4 Discussion and Options considered

4.1 The following statements of evidence are appended to this report:

- (a) Statement of Evidence – Complainant – Stephen ILLSTON
- (b) Objection to Classification email – Offending Dog Owner – Caitlyn THOMSEN

5 Operational Implications

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

6 Financial implications

6.1 There are no financial implications associated with this matter.

7 Statutory Requirements

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

33A Territorial authority may classify dog as menacing

- (1) This section applies to a dog that—
 - (a) has not been classified as a dangerous dog under section 31; but
 - (b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of –
 - (i) **any observed or reported behaviour of the dog;** or
 - (ii) any characteristics typically associated with the dog's breed or type.
- (2) A territorial authority may, for the purposes of section 33E(1)(a), classify a dog to which this section applies as a menacing dog.
- (3) If a dog is classified as a menacing dog under subsection (2), the territorial authority must immediately give written notice in the prescribed form to the owner of –
 - (a) the classification; and
 - (b) the provisions of section 33E (which relates to the effect of classification as a menacing dog); and
 - (c) the right to object to the classification under section 33B; and
 - (d) if the territorial authority's policy is not to require the neutering of menacing dogs (or would not require the neutering of the dog concerned), the effect of sections 33EA and 33EB if the owner does not object to the classification and the dog is moved to the district of another territorial authority.

8 Delegations

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

9 Consultation

- 9.1 There are no community consultation requirements.

10 Cultural Considerations

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

11 Conclusion

- 11.1 Rangitikei District Council Animal Control staff have a duty to enforce the provisions of the Dog Control Act 1996.
- 11.2 Pursuant to the provisions of Section 33A(1)(b) of the Dog Control Act 1996, the Rangitikei District Council has, ***because of the observed and reported behaviour in this report poses a threat to any person, stock, poultry, domestic animal, or protected wildlife*** classified KODA as Menacing.

12 Attachments

- Annex A: RFS 2104359 – Dog Attack
- Annex B: RFS 2104372 – M. VERRINCAMP Request for info re Impounded Dog
- Annex C: RFS 2104373 – C. THOMSEN Request for info re Impounded Dog
- Annex D: Menacing Classification KODA dated 28 Jan 22
- Annex E: Objection to Classification email – Caitlyn THOMSEN - dated 3 Feb 22
- Annex F: Stephen ILLSTON signed Statement
- Annex G: RFS 2205350 – Update on further carcasses found
- Annex H: RFS 2205446 – Update from the Team Leader Animal Control to Stephen ILLSTON



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ANNEX A

Request: 2104359
To: Animal Control
Attn: Mark Power

Closed: 30/12/21 - 18.00

Caller Information

Name Stephan Illiston
Address [REDACTED]
Phone [REDACTED]
Email [REDACTED]

Feedback Not Required

Request

Received by Jennifer Barrow
Recd date/time 30/12/21 - 15.57
How received After hours
Incident date/time -
Action required Respond (1/2 hour)
Type Dog attack
Details AFTER HOURS
 Dog seen attacking sheep today, owner is away on holiday someone is house sitting, owner of dog is on holiday Lost about 7 Lambs back in Lambing session didnt do any at the time Sam Thompson, [REDACTED], White/ Grey Huskey
 ACO responded 1610, onsite 1640. Spoke to complainant requested statement and photos. He stated that the dog was from [REDACTED]. No dogs registered to that address. Onsite at 4524 at 1700, dog matching description onsite. No tag visible microchip 953 0100 0481 2494 not on RDC database. No one at address. Dog seized under S42 and S57. Notice fixed to door. Dog impounded at MDC pound. Day staff to follow up.

Service Restored

Date & Time :

Location

Details [REDACTED] on the left hand side of the road

Dog Details

Owner 11195 : Caitlyn Thomsen : [REDACTED]
 Safety Risk: No
 Safety-Note:
Dog 214255 : Koda : Siberian Husky : yrs 11 mnths : MALE : Grey/White
 Dangerous Dog: No

Actions

Request 2104359

Page 2

Actions cont..

Opened By jenb - 05/01/22, 13.20
Assigned to Mark Power
Status Respond (1/2 hour) - Arrived: 30/12/21 - 16.10 - Completed: 30/12/21 - 18.00
Details Dog has been impounded and Owner advised with a Section 57(5) Notice, fees to be paid before dog is released.
Completed By vickir - 10/01/22, 08.59



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ANNEX B

ITEM 8.1
 ATTACHMENT 3

Request: 2104372
To: Animal Control
Attn: Alan King

Closed: 03/01/22 - 09.00

Caller Information

Name Michelle Verrincamp
Address [REDACTED]
Phone [REDACTED]
Email

Feedback Telephone

Request

Received by Jennifer Barrow
Recd date/time 31/12/21 - 10.33
How received After hours
Incident date/time -
Action required Respond (3 days)
Type General enquiry
Details AFTER HOURS
 Her daughters dog was seized yesterday reference 0965. Her daughter has just moved there and she would like to organise to pick it up. She would like a call back as soon as possible.

Service Restored

Date & Time :

Location

Details [REDACTED]

Actions

Opened By jenb - 05/01/22, 14.19
Assigned to Alan King
Status Respond (3 days) - Arrived: 31/12/21 - 16.50 - Completed: 03/01/22 - 09.00
Details dog was returned after fees were paid.
Completed By trevorg - 13/01/22, 16.51



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ANNEX C

Request: 2104373
To: Animal Control
Attn: Alan King

Closed: 03/01/22 - 16.52

Caller Information

Name Kaylin Thompson
Address [REDACTED]
Phone [REDACTED]
Email [REDACTED]

Feedback Telephone

Request

Received by Jennifer Barrow
Recd date/time 31/12/21 - 11.05
How received After hours
Incident date/time -
Action required Respond (3 days)
Type General enquiry
Details AFTER HOURS
 Male - 11month husky - grey/black/white. Blue harness collar. A note was left advising this dog had been collected by the pound. She's not in the best reception area so she's given her mothers number as well. Please try both [REDACTED]

Service Restored

Date & Time :

Location

Details [REDACTED]

Actions

Opened By jenb - 05/01/22, 14.22
Assigned to Alan King
Status Respond (3 days) - Arrived: 31/12/21 - 11.06 - Completed: 03/01/22 - 16.52
Details husky was seized and returned after fees paid.
Completed By trevorg - 13/01/22, 16.53

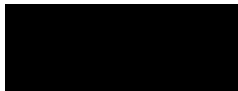
28th January 2022

ANNEX D



RANGITIKEI
DISTRICT COUNCIL

Caitlyn Thomsen



DG/11195

Dear Caitlyn

Notice of Classification of Dog as a Menacing Dog
Section 33A(1)(b)(i), Dog Control Act 1996
Dog: KODA, Siberian Husky, Male, Grey/White, 11 months
Registration N# 214255 Microchip N# 953010004812494

This is to notify you that your dog **KODA** has been classified as a menacing dog under Section 33A(1)(b)(i) of the Dog Control Act 1996.

Rangitikei District Council has reasonable grounds to believe that your dog **KODA** may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of observed and reported behaviour dated 30th December 2021.

A summary of the effect of the classification and details of your right to object are attached.

If you have any questions regarding this matter, please contact me on 0800 422 522.

Yours sincerely

Mark Power
Animal Control Officer



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06 327 0099 info@rangitikei.govt.nz www.rangitikei.govt.nz 46 High Street, Private Bag 1102, Marton 4741

Effect of Classification as Menacing Dog

Section 33E and 36A, Dog Control Act 1996

The owner of a dog that has been classified as menacing-

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

If you fail to comply with the requirement in paragraph (a) above, you will commit an offence and be liable on summary conviction to a fine not exceeding \$3,000.

If you fail to comply with this requirement, a dog control officer or dog ranger may seize and remove the dog and retain custody of the dog until the Rangitikei District Council has reasonable grounds to believe that you have demonstrated a willingness to comply.

Requirement to microchip dog

Under section 36A of the Dog Control Act 1996, you are required within 2 months from 1 July 2006 to have the dog implanted with a functioning microchip transponder of the prescribed type and inserted in the prescribed location. The prescribed type and location will be set out in regulations made under the Dog Control Act prior 1 July 2006.

You will also be required to either:

- (a) make the dog available in accordance with the reasonable instructions of the Rangitikei District Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location; or
- (b) provide to the Rangitikei District Council a certificate issued by a registered veterinary surgeon certifying –
 - (i) that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location; or
 - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be implanted with a such a microchip.

If a certificate is issued under paragraph (b), you must provide to the Rangitikei District Council, within 1 month after the date specified in the certificate, a further certificate under paragraph (b).

If you fail to comply with this requirement, you will be liable on summary conviction to a fine not exceeding \$3,000 or an infringement fine of \$300.

Right of Objection to Classification

Section 33D, Dog Control Act 1996

You may –

Within 14 days of receiving this notice of classification, object in writing to the Rangitikei District Council regarding the classification.

You have the right to be heard in support of your objection.

If you object to the classification, you must produce evidence that the dog is wholly or predominantly

The Rangitikei District Council, in considering your objection, may uphold or rescind the classification. In making its determination, the Council is required under section 33B of the Dog Control Amendment Act 2003 to have regard to –

- (a) the evidence which formed the basis for the classification; and
- (b) the matters relied on in support of the objection; and
- (c) any other relevant matters.

The Rangitikei District Council must, as soon as practical, give you written notice of-

- (a) its determination of the objection; and
- (b) the reasons for its determination.

Full details of the effect of the classification of a dog as menacing are provided in the Dog Control Act 1996 as amended by the Dog Control Amendment Acts 2003 and 2004.



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ANNEX E

Request: 2204762
To: Animal Control
Attn: Robert Peterson

Closed: 13/04/22 - 13.07

Caller Information

Name Caitlyn Thomsen
Address [REDACTED]
Phone [REDACTED]
Email [REDACTED]

Feedback Email (update customer when closing)

Request

Received by Jennifer Barrow
Recd date/time 03/02/22 - 10.05
How received Email (update customer when closing)
Incident date/time -
Action required Respond (3 days)
Type General enquiry
Details EMAILED

Hey caitlyn thomsen here
 I have received a letter about my dog Koda (husky) being deamed a dangerous dog after the nabour claims that he bit their sheep On the 30th of Dec 2021. I was home that morning untill about 11am at which point koda was tied up and I have videos cameras suggesting that he never got off and the animal controll had picked him up that evening about 5pm from his tied up area. Koda showed no sings of blood or anything to suggest that this happend while I was home and he has never displayed aggressive behavior before or after this date. And I know for a fact and have the videos to back up that there is know no way he could have gotten off after I tied him up at 11am dec 30th .
 I would like to dispute this .
 Cheers caitlyn thomsen

Service Restored

Date & Time :

Location

Details [REDACTED]

Dog Details

Request 2204762

Page 2

Dogs cont..

Owner 11195 : Caitlyn Thomsen : [REDACTED]
Safety Risk: No
Safety-Note:
Dog 214255 : Koda : Siberian Husky : 1 yrs 00 mnths : MALE : Grey/White
Dangerous Dog: No

Actions

Opened By jenb - 03/02/22, 10.27
Assigned to Robert Peterson
Status Respond (3 days) - Arrived: 13/04/22 - 13.07 - Completed: 13/04/22 - 13.07
Details See Notes
Completed By robertp - 13/04/22, 13.07

Statement

ANNEX F

My name is STEPHEN ILLSTON and I live at [REDACTED]. I am 64 years of age and my contact number is [REDACTED]. I confirm I have been cautioned and am giving this statement to Robert Peterson the Team Leader for Animal Control with the Rangitikei District Council on this day 22 March 2022 and confirm that the information I am providing is true and correct to the best of my knowledge.

On the 30th of December 2021 at approximately 0930am, I was mustering sheep down the hill at the front of our farm [REDACTED], when I noticed sheep running back towards me, about 5 or 6 ewes ran down the hill with a dog after them which was a gray coloured husky dog.

He grabbed one sheep by the front leg but let go when I yelled at him. By the time I got there he had gone. The said sheep had a bloody front leg where the dog had grabbed it. Later after I had spoken with ACO Mark Power, I discovered a second ewe with the same type of wounds to its leg.

I believe the dog came from [REDACTED] as I have seen a gray coloured husky dog at that address and that Sam Thomsen - [REDACTED] - lives there.



Signature:
Name:
Date:



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ANNEX G

ITEM 8.1
 ATTACHMENT 8

Request: 2205350
To: Animal Control
Attn: Robert Peterson

Closed: 15/03/22 - 12.27

Caller Information

Name Stephen Illston
Address [REDACTED]
Phone [REDACTED]
Email

Feedback Not Required

Request

Received by Hine Dais
Recd date/time 07/03/22 - 16.42
How received Telephone
Incident date/time -
Action required Respond (1/2 hour)
Type Dog attack
Details Resident requested to speak to ACO about his sheep being attacked potentially today or yesterday in [REDACTED]. Put caller through to ACO RP. For further information

Service Restored

Date & Time :

Location

Street [REDACTED]

Actions

Opened By hinematad - 07/03/22, 16.44
Assigned to Robert Peterson
Status Respond (1/2 hour) - Arrived: 07/03/22 - 16.45 - Completed: 07/03/22 - 16.55
Details Spoke to Stephen and he advised that he had been in one of his paddocks and had come across 3 sheep that had been attacked and wounded by a dog. He assumes it is the same dog from last year, however he did not see the dog involved. He believes the wound look up to 48 hours old. I asked him to take photos and send them through to me which he did and I have attached them. I told him I would follow up tomorrow. Stephen left me his brothers contact number - Gary Illston [REDACTED] as Stephen was leaving tomorrow for a few days. More to follow
Completed By robertp - 08/03/22, 14.54

Request 2205350

Actions cont..

Opened By robertp - 08/03/22, 14.54
Assigned to Robert Peterson
Status - Arrived: 15/03/22 - 12.26 - Completed: 15/03/22 - 12.27
Details See Notes
Completed By robertp - 17/03/22, 12.27



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ANNEX H

ITEM 8.1
 ATTACHMENT 9

Request: 2205446
To: Animal Control
Attn: Robert Peterson

Closed: 15/03/22 - 11.30

Caller Information

Name Stephen Illston
Address [REDACTED]
Phone [REDACTED]
Email

Feedback Telephone

Request

Received by Jennifer Barrow
Recd date/time 15/03/22 - 11.01
How received Telephone
Incident date/time -
Action required Respond (3 days)
Type General enquiry
Details Stephen would like Rob to give him a call about a Huskey that attacked and killed his sheep

Service Restored

Date & Time :

Location

Details [REDACTED]

Actions

Opened By jenb - 15/03/22, 11.09
Assigned to Robert Peterson
Status Respond (3 days) - Arrived: 15/03/22 - 11.10 - Completed: 15/03/22 - 11.30
Details Spoke to Stephen as he had been away on holiday last week. Advised that the owner of the Husky was objecting to the classification of her dog and I needed to know what time she saw the dog on the day he chased it home. He advised 09.30hrs. I told him all I could do at the moment was to call the dog owner and her partner Sam to let them know that a sheep had died and 3-4 had wounds to their body and that in accordance with the S60 of the DCA, I advised the farmer to carry a firearm on him and if any dog was found in a paddock with their stock in it, they were legally allowed to destroy the dog. Stephen was happy with this update.
Completed By robertp - 17/03/22, 10.23

9 Hearing Closed