

ORDER PAPER

HEARINGS COMMITTEE MEETING

Date: Tuesday, 25 February 2025

Time: 1.00pm

Venue: Council Chamber
Rangitikei District Council
46 High Street
Marton

Chair: HWTM Andy Watson

Members: Cr Fi Dalgety
Cr Jeff Wong

Objector: Mr Larry Robert

Council's Advocate: Mr Aaron Thornton

Expert Officer: Mr Johan Cullis

Business Support Officers: Mrs Carol Gordon
Ms Kezia Spence

For any enquiries regarding this agenda, please contact:

Kezia Spence, Governance Advisor, 0800 422 522 (ext. 917), or via email

kezia.spence@rangitikei.govt.nz

Contact:	0800 422 522 info@rangitikei.govt.nz www.rangitikei.govt.nz (06) 327 0099				
Locations:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>Marton</u> Head Office 46 High Street Marton </td> <td style="width: 50%; vertical-align: top;"> <u>Bulls</u> Bulls Information Centre Te Matapihi 4 Criterion Street Bulls </td> </tr> <tr> <td style="vertical-align: top;"> <u>Taihape</u> Taihape Information Centre 102 Hautapu Street (SH1) Taihape </td> <td></td> </tr> </table>	<u>Marton</u> Head Office 46 High Street Marton	<u>Bulls</u> Bulls Information Centre Te Matapihi 4 Criterion Street Bulls	<u>Taihape</u> Taihape Information Centre 102 Hautapu Street (SH1) Taihape	
<u>Marton</u> Head Office 46 High Street Marton	<u>Bulls</u> Bulls Information Centre Te Matapihi 4 Criterion Street Bulls				
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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 Tuesday, 25 February 2025 at 1.00pm.

Order Of Business

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AGENDA

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 Menacing Classification of Dog

Author: Aaron Thornton, Manager Animal Control

Authoriser: Johan Cullis, Group Manager Regulatory Services and Emergency Management

1. Reason for Report

1.1 As attached.

Attachments:

1. Hearing of Objection to Menacing Classification of Dog [↓](#)
2. Annex A: RFS 2405938- Dog Attack complaint report [↓](#)
3. Annex B: RFS 2406094- Dog Attack complaint report [↓](#)
4. Annex C: Email Statement- Victim [↓](#)
5. Annex D: Council Owner Record- L ROBB [↓](#)
6. Annex E: Statement- H KOSTER [↓](#)
7. Annex F: Notice of Classification of Dog as Menacing Dog "CHEVY" [↓](#)
8. Annex G: Objection to Classification Letter- L ROBB [↓](#)
9. Annex H: Assessment Matrix and score range options [↓](#)

Recommendation

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

**Hearings Committee**

Date Created: 2nd December 2024

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

This report seeks the Hearings Committee's consideration and decision on the objection lodged by Larry ROBB against the issuing of a Menacing Dog Classification relating to his dog known as "CHEVY" 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.

Recommendations

That the "Menacing" classification imposed on the dog "CHEVY" belonging to Larry ROBB, 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:
Aaron Thornton
Manager Animal Control

Approved for submission by:
Johan Cullis
Group Manager
Regulatory & Emergency Management

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 Background

2.1 On Wednesday, October 9, 2024, at 3:31 PM, a complaint (RFS 2405938) was received from ██████████ regarding a dog bite incident at Tutaenui Reserve. ██████████ reported that an older woman, ██████████ had been bitten by a dog while jogging. She also mentioned frequently seeing dogs off-leash at the reserve. A copy of the complaint report RFS 24058938 is attached as **Annex A**.

2.2 At 3:32 PM, ACO Trevor GUNN responded to the complaint by contacting ██████████ to gather further details. He obtained information about the victim, ██████████, and the vehicle associated with the dog owners.

2.3 ACO GUNN contacted and spoke with the victim, ██████████. She stated that at approximately 2 On October 9th, 2024, around 2:30 PM, ██████████ was jogging in the Tutaenui reserve. She encountered two women walking five dogs. As the women and their dogs approached, Ms. ██████████ paused to allow them to pass. One small terrier, off-leash, jumped on her legs. ██████████ statement is annexed to this document. A further RFS (RFS 2406094) was logged by the victim and is attached as **Annex B**.

Shortly after, a Rottweiler lunged and bit ██████████ on her right buttock. She briefly spoke with the woman who owned the Rottweiler, who asked if she had been bitten. ██████████ confirmed the bite but declined to exchange contact information, possibly due to shock.

After the incident, ██████████ continued her run, met her daughter at the car park, and examined the bite wound, which showed clear teeth marks. She subsequently sought medical attention. ██████████ statement attached as **Annex C**.

2.4 ACO Gunn conducted his investigation based on the information provided. As a result, he determined that the dog involved in the incident was a Rottweiler named "CHEVY." At the time of the attack, CHEVY was under the control of Helen KOSTER. CHEVY is owned by Larry ROBB. Council dog owner record attached as **Annex D**.

2.5 ACO GUNN contacted KOSTER via the phone number listed on the dog owner's Council record. KOSTER was cooperative and provided a detailed account of the incident to ACO GUNN. She confirmed that Chevy was on a short leash at the time of the attack. A full written statement from KOSTER is attached as **Annex E**.

2.6 It was determined at the conclusion of the investigation that an offence had been committed under Section 57 – *Dogs attacking persons or animals* - Dog Control Act 1996.

3 Classification

3.1 Based on the evidence received, CHEVY 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”**. A copy of this Classification is attached as **Annex F**.

3.2 On 18 November 2024 an Objection to Classification of “CHEVY” as Menacing received from Larry Robert ROBB via email. Attached as **Annex G**.

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.*

4 Considerations

4.1 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*
- (d) *any other relevant matters.*

4.2 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.

4.3 The following paragraphs set out the information relevant to the Section 33B considerations:

The evidence which formed the basis for the Classification

- 4.3.1 It was determined during the investigation that a dog bite did happen, this is not disputed in any of the statements provided to Animal Control.
- 4.3.2 Although the dog was being held on a short leash, the dog was still able to lunge at and bite a passerby.

The matters relied on in support of the objection

4.3.3 As outlined in the dog owner’s objection, they have stated that there is no previous history of the dog acting in an aggressive manner.

Any other matters

- 4.3.4 Complaint history: Council hold no previous records of reported aggression in relation to the offending dog.
- 4.3.5 Assessment matrix: An assessment matrix is used throughout New Zealand by numerous territorial authorities' Animal Control / Animal Management teams to give an indication of appropriate action following a dog attack or bite incident. Rangitikei District Council also uses this tool. In this case the score was assessed as 41, which is at the middle of the score range, this indicates an option of classification and infringement issue as an appropriate officer action. A copy of the assessment matrix completed by ACO GUNN is attached as **Annex H**.
- 4.3.6 Case law: Case law that is routinely referred to during dog attack prosecutions, and is taken into consideration when investigating dog bite / attack incidents is ***Halliday v New Plymouth District Council***¹. This case mentions in part, when discussing the underlying principles of section 57 and 58 under the Act that in the absence of exceptional circumstances “***...past behaviour is regarded as the best predictor of future behaviour.***”

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:

Section 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.*

¹ *Halliday v New Plymouth District Council* High Court New Plymouth CRI-2005-443011, 14 July 2005.

- (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 Options Available

- 8.1 The Hearings Committee has two options in considering the objection to the menacing classification
- Uphold the classification of the dog as menacing; or
 - Rescind the decision.

9 Delegations

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

10 Consultation

- 10.1 There are no community consultation requirements.

11 Cultural Considerations

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

12 Conclusion

- 12.1 Rangitikei District Council Animal Control staff have a duty to enforce the provisions of the Dog Control Act 1996.
- 12.2 Pursuant to the provisions of Section 33A(1)(b) of the Dog Control Act 1996, the Rangitikei District Council classified the dog known as CHEVY because of the **observed and reported aggressive behaviour** and considers that the dog may pose a threat to persons or animals.

- 12.3 The dog owner, and the person in charge of the dog at the time of the incident do not dispute the circumstances surrounding the incident or the fact that the dog bit.
- 12.4 This menacing classification will reduce the risk posed to any member of the public and other dogs and animals by requiring CHEVY to be muzzled when in public.
- 12.5 If the Committee rescinds the classification, there is a risk that further breaches of the Act may occur, and members of the public could be further threatened or harmed.
- 12.6 The incident relating to the menacing classification whilst it did not result in serious injury to the victim, it clearly demonstrated unacceptable behaviour from the dog. Should the dog bite a member of the public again, Council may consider prosecuting the owner and seek destruction of the dog.
- 12.7 Based on professional experience, and consistent with the case law, *Halliday* previously cited, officers consider that if the dog is placed in a similar situation in the manner that it has in this instance, it will bite again.
- 12.8 The position of the Animal Control Team on behalf of the Council is that the evidence substantiates the classification of CHEVY as menacing under the Act and remains appropriate.

Attachments

- Annex A:** RFS 2405938 – Dog Attack complaint report
- Annex B:** RFS 2406094 – Dog Attack complaint report
- Annex C:** Email Statement – Victim – [REDACTED]
- Annex D:** Council Owner Record – L ROBB
- Annex E:** Statement - H KOSTER
- Annex F:** Notice of Classification of Dog as Menacing Dog “CHEVY”
- Annex G:** Objection to Classification Letter – L ROBB
- Annex H:** Assessment Matrix and score range options

ITEM 8.1

ATTACHMENT 2



Rangitikei District Council

46 High Street, Marton 4710
 Private Bag 1102, Marton 4741
 Telephone (06) 327 0099 - Facsimile (06) 327 6970
 Web www.rangitikei.govt.nz

Request: 2405938
To: Animal Control
Attn: Trevor Gunn

Closed: 14/10/24 - 14.15

Caller Information

Name [REDACTED]
 Address [REDACTED]
 Phone [REDACTED]
 Email [REDACTED]

Feedback Not Required

Request

Received by Jennifer Barrow
Recd date/time 09/10/24 - 15.31
How received Telephone
Incident date/time -
Action required Respond (1/2 hour)
Type Dog attack
Details [REDACTED] has phoned it to report that there was a dog attack at the Tutaenui Reserve this afternoon (9/10/24). The older lady that was bitten on the butt has gone to the doctor and hopefully she will come and report the attack to us. [REDACTED] says that she has often seen these dogs at the reseve (off the lead) There were 2 ladies and 4 dogs - brown/white Foxy, black/white Springer Spaniel and 2x Rottie x's one of them was muzzeled. [REDACTED] will sent some photos in one she gets home

Location

Details Tutaenui Reserve, Marton

Actions

Opened By jenb - 09/10/24, 15.32
Assigned to Trevor Gunn
Status Respond (1/2 hour) - Arrived: 09/10/24 - 15.32 - Completed: 10/10/24 - 11.52
Details spoken with victim and her family.
 Statements have arrived.
 Spoken with Helen Koster.
 i have invited her to write a statement.
 awaiting reply.
Completed By trevorg - 10/10/24, 11.54

Opened By trevorg - 10/10/24, 11.54
Assigned to Trevor Gunn
Status - Arrived: 14/10/24 - 14.15 - Completed: 14/10/24 - 14.15
Details closing as there is two open for the same event.
Completed By trevorg - 14/10/24, 14.16

ANNEX A



Rangitikei District Council

46 High Street, Marton 4710
Private Bag 1102, Marton 4741
Telephone (06) 327 0099 - Facsimile (06) 327 6970
Web www.rangitikei.govt.nz

ITEM 8.1
ATTACHMENT 3

Request: 2406094
To: Animal Control
Attn: Trevor Gunn

Closed: 05/11/24 - 16.06

Caller Information

Name [REDACTED]
Address [REDACTED]
Phone [REDACTED]
Email [REDACTED]

Feedback Telephone

Request

Received by Taite Pohatu-Campbell
Recd date/time 15/10/24 - 15.50
How received Telephone
Incident date/time 15/10/24 - 15.48
Action required Respond (1/2 hour)

Type Dog attack
Details At 2.30pm 09/10/2024 [REDACTED] was out jogging at the Tutaenui Reservoir in a clockwise direction then on the eastern side, met 2 woman and 5 dogs walking in opposite direction who blocked her path. Brief conversation then [REDACTED] continued walking, as she jogged off a rottweiler bit her buttock. The owner said it was just a scratch and asked if [REDACTED] wanted her details but because she was in shock she said no. Upon getting back to the car park [REDACTED] and her daughter realized there actually was a bite mark. [REDACTED] went to doctor who put her on antibiotics. [REDACTED] said her daughter [REDACTED] spoke to the owners of the dog and got a name and number. [REDACTED] said she couldn't comment on the conversation as she wasn't present. [REDACTED] said she spoke to [REDACTED] who was at the reservoir who said she had spoken to the dog owners previously about having their dogs off leash there.

Location

Street Tutaenui Road, Marton
Details Attack happened at Tutaenui Reservoir

Dog Details

Owner 4831 : Larry Robert Robb : [REDACTED]
Safety Risk: No
Safety-Note:
Dog 244531 : Chevy : Rottweiler : 3 yrs 00 mnths : MALE : Black/Tan
Dangerous Dog: No

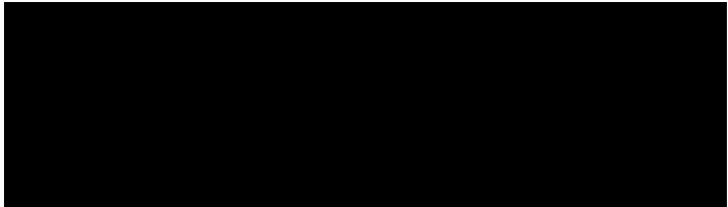
Actions

ANNEX B

Request 2406094

Actions cont..

Opened By taitep - 15/10/24, 15.51
Assigned to Trevor Gunn
Status Respond (1/2 hour) - Arrived: 29/10/24 - 09.36 - Completed: 29/10/24 - 09.36
Details emailed Larry Robb.
Completed By trevorg - 29/10/24, 09.36



Opened By trevorg - 01/11/24, 13.14
Assigned to Trevor Gunn
Status Action/report back (1 day) - Arrived: 01/11/24 - 13.14 - Completed: 01/11/24 - 13.14
Details sorry I have added wrong info to this job.
 I have not had a reply from Larry Robb. Infringements and classification will be written next week.
Completed By trevorg - 01/11/24, 13.16

Opened By trevorg - 01/11/24, 13.16
Assigned to Trevor Gunn
Status Action/report back (1 day) - Arrived: 01/11/24 - 14.10 - Completed: 01/11/24 - 14.10
Details spoke with Larry Robb.
 He is happy to receive documentation next week. We had a good conversation where he was informed of the process, and he was given a brief on his responsibilities, rights and obligations.
 Larry was reminded that we are available for conversation regarding the classification process, and he was also advised to research pros and cons for desexing his dog.
Completed By trevorg - 01/11/24, 14.15

Opened By trevorg - 01/11/24, 14.15
Assigned to Trevor Gunn
Status Action/report back (1 day) - Arrived: 05/11/24 - 16.06 - Completed: 05/11/24 - 16.06
Details I have spoken with [redacted] today.
 She has sent an email to me regarding some improvements she would like to see at the reservoir. I have passed this email to AT for perusal.
 AT has been in discussion with parks and reserves team about improving signage.
 [redacted] was happy with the level of service provided, and the classification of the Dog which bit her.
Completed By trevorg - 05/11/24, 16.09

ANNEX B

Trevor Gunn

From: [REDACTED]
Sent: Thursday, 10 October 2024 12:39 pm
To: Trevor Gunn
Subject: Second revision – [REDACTED] statement

Attention: Trevor Gunn
Re: Dog incident at Tutaenui Reservoir

At 2.30pm on October 9th, 2024 I was jogging at the Tutaenui Reservoir in a clockwise direction. On the eastern side of the track I met two women and five dogs walking in the opposite direction. They were taking up most of the track so I stopped and we had a brief conversation about the weather. They were walking a small terrier, off lead, and a bigger brown dog who was muzzled and a Rottweiler, plus two other dogs I don't recall what they looked like. The small terrier, off lead, jumped up and put its front paws on my legs. The Rottweiler was on a lead and was being led by a woman wearing a woollen beanie. I went to carry on running past the group when the Rottweiler lunged at me and bit me on my right buttock. I stopped to look at where I had been bitten, and the woman handling the Rottweiler asked 'did s/he get you?' I said, 'yes'. She then came to have a look and said 'it's only a graze' I couldn't see so I took her word for it. She then asked, 'do you want my name and number?' I said 'No'. I wanted to get away, I think I was in shock. She said 'thank you'. I then said 'my family are back that way', meaning they were soon going to encounter my son-in-law [REDACTED] and two grandchildren about 300m further back. I carried on to the end of the track where my daughter [REDACTED] was waiting for us near the carpark. She took a photo of the injury and it was then I realised there were teeth marks in my skin. We waited in the car for the women to return from their walk so we could get their details. During that time we saw [REDACTED] returning from a run. [REDACTED] asked [REDACTED] if she had seen two women with dogs. [REDACTED] said yes she had seen them and mentioned she had already spoken to those women in the past about their dogs being off-lead at the reservoir. I called the doctor and they recommended I come in to have it looked at and get antibiotics (which I am now on). We decided not to wait any longer and I was dropped home.

[REDACTED]
[REDACTED]

Owner: 4831
 Larry Robert Robb
 Owner

Name Larry Robert Robb

Date of Birth

Work Phone

Email

Address

Location

Balance 0.00

Infringements Balance 660.00

Group Current

Registration Notice 10/09/24

Penalty Notice 12/08/24

Dogs: 1

ID	Regn ID	Name	Breed	Colour	Sex	Neutered	Age	Class	Transfer Out	New Owner	Decease
187666	244531	Chevy	Rottweiler	Black/Tan	Male	No	3 Years 1 Month	Non-Working Dog - Menacing	T	N	D

Display 7 archived animals for this owner

Complaints	Infringements	Prosecutions	Warnings	Impoundings
0	2 28/09/17	0	0	0

History (sorted by type)
 Sort History Chronologically

15/10/24	Dog attack	2406094 At 2.30pm 09/10/2024 [REDACTED] was out jogging at the Tutaenui Reservoir in a clockwise direction then on the eastern side, met 2 woman and 5 dogs walking in opposite direction who blocked her path. Brief conversation then [REDACTED] continued walking, as she jogged off a rottweiler bit her buttock. The owner said it was just a scratch and asked if [REDACTED] wanted her details but because she was in shock she said no. Upon getting back to the car park [REDACTED] and her daughter realized there actually was a bite mark. [REDACTED] went to doctor who put her on antibiotics. [REDACTED] said her daughter [REDACTED] spoke to the owners of the dog and got a name and number. [REDACTED] said she couldn't comment on the conversation as she wasn't present. [REDACTED] said she spoke to [REDACTED] who was at the reservoir who said she had spoken to the dog owners previously about having their dogs off leash there.
20/11/14	Lost animal	1402539 She would like to report a lost dog from her premises. It went missing yesterday morning at 9am as the contractor that was working on the premises had left the

ANNEX D

gate open. His name is Tyson Male/Rottweiler/possibly wearing a black collar with studs/unsure if he is wearing his tags. Fro our records this dog is 15yrs old.The dog was last seen running towards the Highway and he hasn't come home yet. She is worried of where he has gone as he never leaves the property. She has checked with the neighbours, looked in and around the area. No sight of him.-Checked with Matt B. No sight, information of this dog. If we have any information about this dog can you please contact Mrs Robb A.S.A.P.

6/11/24	File Note	244531 : Chevy 2 x Documents please use amended copy
23/11/22	File Note	212450 : Duece visited property. left note for contact attached to front door. (Trevor Gunn)
18/11/17	File Note	GDO removed for Failing to Register both dogs for the 2017 year.Infringements issued.
28/09/17	Infringement	Keeping unregistered dog 1125 : Sent to Court : 165861 : Tyson : Rottweiler : Black/Tan : M
28/09/17	Infringement	Keeping unregistered dog 1126 : Sent to Court : 165860 : Duece : Rottweiler : Black/Tan : F
5/11/24	Menacing Dog	244531 : Chevy dog did bite [redacted] at Tutaenui Reservoir on the 09/10/24 at approximately 1430 hours. The dog was under the control of a Helen Koster [redacted] of [redacted] [redacted] She is the partner of Larry R Robb who is the registered owner of Chevy. (Trevor Gunn)
20/11/14	Relocated	[redacted] Moved from [redacted] Moved to [redacted]
31/03/04	Relocated	[redacted] Moved from [redacted] Moved to [redacted]
31/07/03	Relocated	[redacted] Moved from [redacted] Moved to [redacted]

* 11 history records located *

Notes

Date	Last Changed By	
06/11/2024	trevorg	Menacing classification for Chevy Nov 2024



Owner Unique ID 1959

Last NDD Change: 11/07/24 13.33

Update Timestamp

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ANNEX D

I, Helen Tracey Koster whose phone number is [REDACTED], provide the following statement.

1. On the 09 Oct 24 at about 3.00 p.m. I was walking with two dogs at the track around the Reservoir, north of Marton town. I was accompanied by Caroline Smith.
2. In my care was Chevy, a Rottweiler belonging to Larry Robb, and a Cockaspanial belonging to my son.
3. I had Chevy on a short lead (about a foot long) for no particular reason other than to allow other walkers to feel comfortable around him as Rottweiler. Chevy is a very good walker staying close to my knee so the lead serves very little purpose because he does not pull away from me. He simply walks with his front shoulder in line with my leg.
4. We came upon the complainant jogging towards us. As we approached each other both parties stopped. There may have been about six meters between the two parties at the point that the parties stopped. There was a short friendly engagement between her and us.
5. At that time I was standing to the left edge of the path with Chevy on my right. Caroline was slightly behind me and more off to the right side of the path, but not hard to the right.
6. During the engagement the complainant began to walk towards us. Upon approaching Chevy the complainant broke into a running stride. She would have been no more than a meter from Chevy's face at this point so was in very close proximity to him. Prior to this Chevy had not shown any distress towards the complainant, or any other walkers before this. He had not growled nor was his hair up on end. There was no sign of distress from him.
7. When I looked down I saw Chevy pulling away from the complainant's right hand Glute. I did not see him bite her, but it was evident to me he had done something.
8. The complainant immediately made her discomfort known. I asked if she was okay with genuine concern. She said no as she was leaning into the affected site walking away from us. Caroline was also stating 'no, she isn't alright'. I asked Caroline if Chevy bit her, and she replied that he had. I immediately offered the complainant my details with which she said it would be alright. Still, she was leaning into the affected site and began to expose the site. I handed the lead of Chevy to Caroline and walked over the complainant who was now about 5 meters behind us. I asked her if she was okay and I recall she said 'no', but I can't be sure. She exposed the affected site. I saw grazes, redness and early bruising. I did not see puncture wounds. I assured her there were no puncture wounds or bleeding and that there was more grazing and bruising. She covered the site up. I asked her again if she wanted my details. Again she said no. It was evident she was still distressed and shaken. While this was going on I was being supportive and empathetic. I was upset for her. I asked her again if she was okay and was she sure she did not want my details. Again, the response was no. The complainant set off jogging in the direction of the car park.
9. We continued our walk. Close to the exit I saw a lady approaching and I yelled back to Caroline 'dogs on a lead'. This lady advised us sternly that all dogs must be on a lead at all times, and that there was a lady waiting in the car park who had been bitten. I felt that she was directing this at Caroline. I tried explain to her that Chevy had bit her and that he had been on short lead, and that I had offered the complainant my details. This particular walker didn't appear to care what I was saying. She seemed to of the opinion that the bite happened because the dogs were not on a lead. She was very upset for the complainant (which is understandable because I was also), and she was adamant that all dogs must be on a lead at all times while walking there. She suggested with force that we should walk our dogs at the beach. There was a further exchange between her and Caroline. The walker firmly told us she was going to call the police. All we could do was walk away because she did not want to have a civil conversation.

10. We continued back to the car which was only minutes away.
11. When we got out I put the dogs in the back of the ute when the complainant's daughter and a male accompanying her drove up. I approached them. The complainant's daughter said her mother had changed her mind and wanted my details, and that she was going to the Doctors. So I promptly and without delay provided her with my name and number. I recognised to them that it was a distressing situation. The interaction was cordial and civil.
12. Thinking back I believe that this is simply a very unfortunate event whereby Chevy was unsure about the movements of the complainant in that she set her running stride and front of his face. I don't know if he felt threatened, or if he felt I was being threatened. I don't condone what he did, but it is in no way characteristic of him. Consistently, when at home and when he is approached by a stranger on the property he backs away and barks. In this instance I am inclined to think that he felt he had no way out while perceiving he was being lunged at. For my part in this I should have moved him to my left side, however, it all happened so fast that I am not sure if I had time to do that. Again, it was an unfortunate event for two parties who simply wanted to do some exercise. There was never any ill intent from anyone.

Signed by



Helen Koster

Date: 14 Oct 24

ANNEX E

6 November 2024



Larry R Robb



Marlon

Dear Larry R Robb

**Notice of Classification of Dog as a Menacing Dog
Section 33A, Dog Control Act 1996
Dog: Chevy, Rottweiler, Black/Tan, Male 3 years of age.**

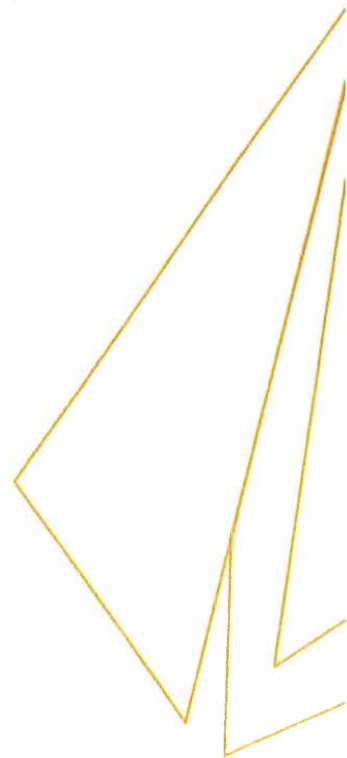
This is to notify you that your dog has been classified as a menacing dog under Section 33A of the Dog Control Act 1996.

Rangitikei District Council considers that your dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of observed and reported behaviour of the dog, on the 9th of October 2024, at Tutaenui Reservoir where your dog Chevy Rottweiler Black/Tan Male 3 years of age did bite a member of the public.

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

Yours sincerely

Trevor Gunn
Animal Control Officer



Making this place home.

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

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.

Larry Robb and Helen Koster

[REDACTED]
[REDACTED]

18 November 2024

Rangitikei District Council
Attention: Trevor Gunn
Trevor.Gunn@rangitikei.govt.nz

RE: Exercising 'Right of Objection to Classification' notice issued 06 Nov 2024

Dear Mr Gunn

We are in receipt of your notice dated 06 Nov 2024 and hereby officially object to the Dog (as identified in your notice (Chevy)) classification. In doing so we request that section 33B of the Dog Control Amendment Act 2003 (Act) is observed. The reason for our objection to Chevy's classification is as follows.

It is both of our belief that this incident occurred due to the complainant launching into a run directly in front of Chevy. Chevy was on a short lead, and stuck between the complainant and Helen's leg. He was by all accounts trapped. The resulting grazes and bruising that the complainant received from Chevy is (in our best estimation) a 'fear-based' response as opposed to 'predatory aggression' (ref Annex A). Clearly Chevy felt threatened in that moment and gave the complainant a warning with his teeth as he had no other means with which to warn her. Prior to and leading up to the incident Chevy did not display any warning signs that he was unhappy about the situation He had been walking in tight by Helen's right knee, as he had several times before.

Helen has provided her recollection of the events to Council. They have been provided again as Enclosure 1 for ease of reference.

The result of both the complainant's behaviour and Helen (being in control of the dog at the time of the incident) are key factors that must be considered. There is no denying that the complainant received grazing and bruising in her right hand gluteus maximus, which was observed and inspected by Helen at the time of the incident (and who is holds a Bachelor of Health Science – Nat Med). Had Chevy been acting out of predatory aggression the wounds would have been severe punctures that would have bled profusely (as serious puncture wounds do) and would have been preceded by Chevy's noticeable discomfort.

Chevy does not have a history of undesirable behaviour and, prior to this incident, did not feature on the Councils radar for behavioural issues at all. Additionally Rottweilers are not listed in the Acts schedule 4 as a 'Breed or type of dog subject to ban or importation and muzzling'. The point we are making is that Rottweilers are not generally classed as dangerous dogs.

By nature Chevy is not predatory or aggressive towards people. When unfamiliar people arrive at our home Chevy barks and stands back from them by about four meters. He does not approach people he is not familiar with, nor does he bare his teeth. He simply barks. Visitors can safely make their way to our front door without incident from Chevy. The point we are making is that when he is

performing his task at home as a watch dog, he is not menacing or threatening, nor does he display predatory aggression.

Chevy is not aggressive or predatory to other dogs. In September of this year we introduced a new male dog into the home. Chevy has not shown any aggression towards him and has not hurt him. A pecking order has been established whereby Chevy is the alfa male, which can be observed from time to time when the dogs are at play. Additionally Chevy has been introduced to three new dogs of late and he has not shown aggression towards them.

Further consideration must be given to repeat behaviour referred to as human directed aggression (HDA), keeping in mind that by 12 months old dogs have relatively well-defined characteristics. Chevy is coming up four years of age and has well defined characteristics; biting is not one of them. Chevy does not bare any of the indicators of habitual HDA dog (categorised by more than one HDA event). This was a unique event with a unique set of circumstances.

Further to our objection outlined above we reject the notion that having Chevy de-sexed will serve any benefit at all. In consideration of this point I provide the following from a literature review by Silvan and Kaeberlein; (*Desexing Dogs: A Review of the Current Literature*. 2019. Retrieved from <https://pmc.ncbi.nlm.nih.gov/articles/PMC6940997/>)

'Behavioural Effects: Desexed males...There is a detrimental effect on the risk and progression of age-related cognitive dysfunction. Desexed dogs may be less likely to cause bite injuries across sexes. The evidence for other effects such as human-directed aggression [HDA], human or object mounting, resource guarding, or shyness and anxiety is inconsistent and contradictory.

The objective of desexing to reduce aggression in a male dog in the prevention of HDA is not established.

We are also concerned of the wide ranging negative health impact desexing Chevy would have on his long term health nothing that it has already been established it may contribute to age-related cognitive dysfunction, it may also contribute to cardiac and splenic haemangiosarcoma, appendicular osteosarcoma, lymphoma, and transitional cell tumours of the bladder become likely (Silvan & Kaeberlein). Lymphoma can erupt anywhere in a dog's body. While one or two may be benign, once they start they don't tend to stop ultimately having a deleterious effect of the dog's normal function.

In closing we would like to state that it is very narrow sighted to have a blanket policy towards dogs that bite. That would be like saying all humans who assault another are predatory. This does not observe the right to self-defence which some circumstances warrant. Nothing is ever so simple that everything fits into one category. Mitigating circumstances must be a consideration. To that end we would like to attend the decision making process to ensure it is conducted in accordance with the Act. Please provide us with a time, date and place of the hearing. Additionally we would be happy to present our position in person if that would be desirable. Please advise by email or post if this is something you would like us to do.

ANNEX

We would like to thank you in advance for your consideration.

Kind regards

Helen Koster
18 Nov 2024

Larry Robb
18 Nov 2024



[Redacted]

Annex A

akc.org/expert-advice/training/why-do-dogs-bite/



Why Do Dogs Bite?

With very rare exceptions, dog bites do not come out of nowhere, even if it sometimes seems that way. From small nicks that don't break the skin to serious bites that require medical care, there are multiple reasons a dog might feel that biting is their best response. Unfortunately, people often miss the warning signs that a bite could happen. Most dogs will try to communicate discomfort prior to biting by barking, growling, or snapping at the air. But what actually leads to dog bites? There are a variety of reasons that dogs might use their teeth to communicate:

Fear

Most aggressive behavior from dogs is on some level rooted in fear. A dog might be fearful of something or someone getting close to them, or into their space. When whatever a dog is afraid of gets too close, dogs can become overwhelmed or "over threshold" and may respond by biting. For the dog biting out of fear, it is generally about trying to create distance from whatever or whoever they are worried about.

Startled

Dogs can bite if they are startled, especially if they have been sleeping. A dog who is startled awake may be disoriented and confused about where they are and what is going on and might bite. These bites may take people and even the dog by surprise. This can be particularly common with older dogs who may have decreased sight and/or hearing so may be particularly confused if they are startled awake. Always be thoughtful about touching a sleeping dog, and teach children not to crawl into dog beds or wake up dogs who are asleep.

ANNEX G

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

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

Complaint Number 2405938 Dog Owner ID 4831
 Investigating Officer T. Gunn Dog ID 187666 REZ244531

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"/>
Low Intensity			Medium Intensity			Extreme Intensity			
1	2	3	4	5	6	7	8	9	10
nip and run off		bite and retreat	multiple bites		hanging on - shaking				
(intimidating)			(growling)		(snarling)				

Score:

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Uncharacteristic	Reaction		Provoked		Protection		Prey Drive		
Accidental	Puppies		Breed		Territorial		Unprovoked (No obvious reason)		

Score:

use Only (Do NOT score if Nil; previous record)

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Bylaw	Roaming	Rushing	Minor Biting	Attack					
Barking	Impounded	Aggressive							

Score:

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

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				5	6	7	8	9	10
				Rushing	Minor biting	Attack			
				Aggressive					

Score:

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

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
							8	9	10
							Minor biting	Attack	

Score:

*If dog has been Classified Dangerous at anytime score 10 irrespective of time elapsed

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

<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"/>
Private Property						Public Place			
1	2	3	4	5	6	7	8	9	10
Kennelled	Fenced	Unfenced	On Lead	*Other property					
Chained	Free run	Tied up	Off Lead	At large					

Score:

**"Other property" defined as any private property other than the dog owners

Dog Total:
(Min 3 - Max 40)

ANNEX H

Victim 1 – (person)

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

Note: cannot be a shaded box.

Victim Impact statement may be required if 5 or 7

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

Score:

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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
Scare	Torn Clothing	Bruising	Property damage	Bite Marks	Punctures	Stitches	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
Bruising	Bite Marks		Punctures		Minor Vet		Major Vet	Euthanasia	

Score:

Use Only One

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

NOTE: (poultry – not above 3; protected wildlife – not below 4; domestic animals and stock – not below 7)

<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 Animals & Stock			

Score:

- Victim impact in relation to being the owner of stock; poultry or domestic animals as a result of the attack. If protected wildlife the victim impact of the complainant (psychological)

Note: cannot be a shaded box.

Victim Impact Statement may be required if 5 or 7

<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"/>
1	2	3	4	5	6	7	8	9
Good		Angry		Shaken		Trauma		

Score:

Victim 2 Total:
(Min 2 Max 17)

Assessment Total:
(Min 9 Max 97)

ANNEX H

SCORE RANGE OPTIONS – (Min 11 / Max 97)

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

Complaint Number 2405938

Assessment Score 41

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

S33A Menacing Classification

Education

Warning Notice

S52A Infringement

Verbal Warning

S42 Infringement

Note:

- In the case of an unregistered dog a S42 Infringement **must** accompany the above (unless dog impounded or handed over) **and** a S33C Menacing Classification in the case of a dog listed under Schedule 4 of the Dog Control Act 1996.
- S33A Menacing Classification would **not** apply if the dog was destroyed.

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

S57 Prosecution and Dog Seizure Retention

S25 Disqualification (upon conviction)

S57 Prosecution

(OFFICER OPTIONS)

S33A Menacing Classification

Warning Notice

S52A Infringement Notice

S42 Infringement Notice

S53(1) Infringement Notice

Notice to Register

S31 Dangerous Classification **(if applicable)**

Note:

- In the case of an unregistered dog a S42 Infringement **must** accompany the above (unless dog impounded or handed over) **and** a S33C Menacing Classification in the case of a dog listed under Schedule 4 of the Dog Control Act 1996.
- S33A 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)*.

Continued over page

ANNEX H

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 (upon conviction)

Note:

- In the case of an unregistered dog a S42 Infringement **must** accompany the above (unless dog impounded or handed over) **and** a S33C Menacing Classification in the case of a dog listed under Schedule 4 of the Dog Control Act 1996.
- 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: 187 666

Owner ID: 4831

Impound Notice:

Infringement Notice:

Officer recommendation:

Prosecution

No Prosecution

Reason for either Prosecution or No Prosecution: (see Factors to Consider for Prosecution decision)

CLASSIFICATION MENACING FOR OWNER OF DOG
EDUCATION OVER ENFORCEMENT.
HELEN FORD/KOSTER GENUINE CONCERN FOR
BITE VICTIM.

Signed:
Manager – Animal Control

Date: 6/11/24

ANNEX H

ITEM 9.1

9 Reports for Information

9.1 Objector Submission

Author: Kezia Spence, Governance Advisor

1. Reason for Report

As attached.

Attachments:

- 1. Objector provided Email Exchange** [↓](#)
- 2. Objector provided Witness Statement** [↓](#)

Recommendation

That the Objector Submission is received.

Annex I

Trevor Gunn Reply Reply all Forward Thu 10/10/2024 11:10 AM

To: You
Cc: Aaron Thornton

Good morning, Helen Koster.
Thank you for speaking with me this morning.
I'm writing to confirm a few details regarding the incident at Tutaenui Reservoir. Please let me know if the following information is correct:

[REDACTED]

As we discussed earlier today, I'm currently investigating an incident involving a Rottweiler named Chevy. Chevy is a male Rottweiler, approximately 2 years and 11 months old, with registration tag 244531. The dog is owned by Larry Robb of [REDACTED]. We've received a statement from a victim and have photos of an injury that appears consistent with a bite wound. I would like you to prepare a written statement regarding the incident. The information you provide will be reviewed by management, and a decision will be made on any necessary action by the Rangitikei District Council Animal Control. To clarify your question about my request for your details, I've provided a link to Section 19(1)(A) of the Dog Control Act below.
[Dog Control Act 1996 No 13 \(as at 30 November 2022\), Public Act 19 Power of constable, dog control officer, or dog ranger to request information about owner - New Zealand Legislation](#)
Please don't hesitate to contact me if you have any questions.
Thank you for your cooperation.
Sincerely,
Trevor Gunn
Animal Control Officer

..... If you have received this email and any attachments to it in error, please take no action based on it, copy it or show it to anyone. Please advise the sender and delete your copy. Thank you.

Annex I Cont.

HF Helen Ford
To: Trevor Gunn

Reply Reply all Forward

Fri 10/11/2024 8:04 AM

Hello Trevor.

I am in receipt of your email, thank you. The following is addressing your conduct this morning on the phone to me. I will address the event with Chevy as per your request in a separate email next week, as that is separate to your conduct over the phone this morning in your capacity as a Animal Control Officer. The bottom line is that you had no legal right to request my DOB which I believed at the time was a breach and I questioned with you.

In the first instance I want to be clear that I had not tried to evade discussing the situation with the victim at the time of the event offering her my details, not once, but three times which she declined. I did not hesitate to give my details to the complainants daughter when we completed our walk, and I was forthcoming on the phone conversation providing you with details. The point I am making is that I was forthcoming in every interaction over the matter at hand with the exception of providing you with my DOB. It is by all accounts this is not a nice situation for the complainant or myself.

I have taken a moment to read the Dog Control Act 1996 (Act) (thank you for providing me with the link). While you are correct that you may ask for the details of a dog owner, you know I am not the dog owner of the dog in question. (In fact, you stated in our conversation that you had got my contact details of the registration notice which I completed on behalf of the owner.) In accordance with the Act's clause 1A, I was under no legal obligation then or now to provide you with my DOB. As such you had no right to threaten me with an infringement notice. As per the detail in your email it turns out you have taken it upon yourself to find my DOB, something you had no legal right to do.

Unless I have misread the Act, or I have been directed too the wrong clause I believe that an apology is in order and that you remove my birthdate from the record to align with the Act.

Keeping in mind that this is a separate matter to the dog in question this email should in no way influence how the situation with the dog is delt with, that is fairly and proportionate to the facts as they are presented.

Kind regards

Helen

Reply Forward

Annex I Cont.

Trevor Gunn Reply Reply all Forward [G] ...
 To: You Mon 10/14/2024 10:54 AM
 Cc: Aaron Thornton

Good morning, Helen

Thank you for sending through a response to part of my email on Thursday.

I felt that I should respond to your comments and the belief that I have no power to request your date of birth in relation to investigating the alleged incident involving Chevy.

I have broken down **Section 19 of the Dog Control Act 1996** down for you below to try and assist with your reading and understanding of it.

19 Power of constable, dog control officer, or dog ranger to request information about owner

(1) *A constable, dog control officer, or dog ranger may, for the purposes of this Act, request the following persons to state his or her full name, date of birth, address, telephone contact number, and place of work (if applicable):*

(a) *any person appearing to be in charge of a dog, or*
 (b) *any person appearing to be the occupier of any land or premises on which a dog for the time being is being kept.*

(1A) *If a person referred to in subsection (1)(a) or (b) claims not to be the owner of the dog, the person must state the name, address, and place of work of the owner of the dog (if known).*

(2) *Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who, without reasonable excuse, fails or refuses to comply with a lawful request under subsection (1), or wilfully provides false information in response to a request to provide the information.*

(3) *Any constable, dog control officer, or dog ranger who—*

(a) *has reasonable grounds to believe that an offence against subsection (2) has been committed by any person; and*
 (b) *has warned that person of the provisions of this subsection; and*
 (c) *has reasonable grounds to believe that a further offence against subsection (2) has been committed by that person subsequent to the warning; and*
 (d) *has reasonable grounds for believing that an offence against any other section of this Act, or against any bylaw authorised by this Act, has been committed by the owner of the dog referred to in subsection (1),—*
may seize and impound the dog and, in the case of a constable, may arrest that person without a warrant.

Section (1)(a) - any person in charge of a dog must provide the following information when requested:

- His or her full name
- Date of birth
- Address
- Telephone contact number
- And place of work (if applicable)

In addition to the above requested information;

Section (1A) – if the person claims **not to be the owner**, they must also provide the following information:

- Name
- Address
- Place of work of the owner

In summing up; The section of the Act needs to be read in its entirety, the first part Section 19(1) gives the applicably authorised Officer the power to request information, the second part Section 19(1A) states the additional information that a person must give if they are not the owner.

I hope this helps to give clarity on the issue.

Kind regards
 Trevor Gunn

----- If you have received this email and any attachments to it in error, please take no action based on it, copy it or show it to anyone. Please advise the sender and delete your

Annex I Cont.

HF Helen Ford
To: Trevor Gunn

20241014 Helen Koster State...
1.013 KB

Mon 10/14/2024 5:56 PM

Reply Reply all Forward

Hello Trevor

Thank you for your response. I have read it carefully. In all honesty it was not necessary to write out section 19 for me as I have a link to it, but it was helpful, so thank you for that.

Having considered your response I think you will find you are incorrect. Nowhere does section 19 (1) (a or b) of the Act does it state that you may request information from a person in charge of a dog other than the owner. It clearly states that the power of a constable... to request information about the owner. Unfortunately that is not open to interpretation. The owner is not the same as a person in control. I suspect that is why 19 (1A) exists, to provide for 'what to ask for where the person in control is not the owner'. 19 (1A) is NOT additional information. It is the extent that a constable... may request a non owners information. I provided my name, I provided my cell number, and upon request my email address, more than you are entitled to ask for under the Act. You did not ask for my address and there is nowhere under section 19 (1) (a or b) that permits you to ask me my DOB.

If there is still doubt in your mind the 'owner' is defined in the Act. It is as follows.

owner
, in relation to any dog, means every person who—
(a) owns the dog; or
(b) has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
(c) the parent or guardian of a person under the age of 16 years who—
(i) is the owner of the dog pursuant to paragraph (a) or paragraph (b); and
(ii) is a member of the parent or guardian's household living with and dependent on the parent or guardian;—
but does not include any person who has seized or taken custody of the dog under this Act or the [Animal Welfare Act 1999](#) or the [National Parks Act 1980](#) or the [Te Urewera Act 2014](#) or the [Conservation Act 1987](#) or any order made under this Act or the Animal Welfare Act 1999

I am none of a, b or c. I was merely taking both my sons dog and Larry's dog for a walk. Neither were in my possession for any extended period of time.

If for any reason you disagree I would be more than happy to put this in front of a solicitor while you are present. I still believe you have illegally obtained personal information that I advised you I was not willing to provide, and with which I had no legal obligation to provide. As such, I believe you still owe me an apology.

Regarding the incident, I have attached my recollection of the events.

Kind regards

Helen

...

Reply Forward

I, Caroline Faye Smith whose phone number is [REDACTED] do swear that:

09/11/2024 CFS

1. I was accompanying Helen Koster on a dog walk on the 05/11/2024 at the Tutuanui Reservoir.
2. I was present when there was an incident that involved a pedestrian coming in the opposite direction to us (Lady), Helen and her partner Larry's dog, Chevy.
3. At the time of the incident and throughout the walk Chevy was on a short lead and walked without incident. It is my observation that Chevy walks very well on a lead tucking his shoulder into Helen's knee.
4. At the time of the incident the Lady (who had been jogging) stopped about five meters in front of us. There was some polite banter between ourselves and the Lady. At this time Chevy was on Helen's right hand side with his shoulder at her knee possibly touching her. I was standing behind Helen and Chevy and off to the Right.
5. The Lady walked towards us and then broke into a jog right in front of Chevys head raising her arm and extending her stride as you ordinarily would to run. Her course placed her very close to Chevys head. As she went passed Chevy turned his head without moving position and nipped her. The Lady could not have seen Chevy nip her as he nipped her Right Buttock. He did not move from his position during the incident. He remained in close contact to Helen.
6. The Lady leant into her right hand buttock. Helen looked back as she had not seen what had happened and was surprised because Chevy had not moved. I responded with 'no, he has just bit her' or something to that effect.
7. By this time the Lady was a short distance behind us.
8. Helen was clearly concerned that something had happened. She asked the Lady if she was okay and the Lady responded that she was. Helen offered up her details. The lady declined. She offered again and again the Lady indicated 'no'. The Lady went to move off and stopped again. At this point Helen handed me Chevy's lead and walked over to the woman who was now attempting to inspect the site and was probably about five meters behind us. Helen supported her and inspected the site. If I recall the conversation Helen explained to the Lady that there was grazing and bruising but he had not sunk his teeth in. Again Helen offered her details and again the Lady said 'no, it would be okay'.
9. It was clear to me that Helen was upset as was I that this incident had happened.
10. During this incident I can honestly say that Chevy did not show any aggression. His hair was not on end, he was not growling or displaying behaviour of a dog in an aggressive state.

CFS

ITEM 9.1
ATTACHMENT 2

11. I have been a dog owner for many years. I am of the opinion that given the close proximity with which the Lady went passed Chevy's head, and given that the Lady broke into a run with arms and legs moving in front of Chevy's head, Chevy was trapped between Helen and the Lady. He would not have known what to make of the situation. He would have been a protective mode next to Helen or possibly trapped between the two. I can state categorically that he was in his space. He did not leave his space. He most certainly did not lunge at anyone. The Lady entered his space and to be fair, Chevy would have interpreted this as an aggressive move on her part. He simply fired a warning shot to let her know she was 'too close'.
12. In all the time I have known Chevy I have never witnessed him show any aggression to me or any other person or dog. As a guard dog it is my experience that he stands back from me by about five meters at least and barks. Until he became familiar with me he never approached.

If you require further information I can be contacted at the number provided.

Signed by Caroline Smith



Witnessed by:

Name:

Date: TERESA CARLA STOLTZ
Solicitor
Marton

11 February 2025

10 Hearing Closed.