Notice is given that an ordinary meeting of the Animal Control Subcommittee will be held on:

Date:	**Monday 24 February 2025**
Time:	**1:00pm**
Meeting Room:	**Tasman Council Chamber**
Venue:	**189 Queen Street, Richmond**
Zoom conference link:	**https://us02web.zoom.us/j/83897880478?pwd=8Cv6TEbpcCdbxW5lwjYMP7mJmbF55l.1**
Meeting ID:	**838 9788 0478**
Meeting Passcode:	**764950**

Animal Control Subcommittee

AGENDA

MEMBERSHIP

Chairperson	Councillor C Hill
Members	Councillor M Kininmonth
	Councillor K Maling

(Quorum 2 members)

Contact Telephone: 03 543 8400
Email: tdc.governance@tasman.govt.nz
Website: www.tasman.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted.

PROGRAMME

2 REPORTS

2.1 MENACING DOG CLASSIFICATION APPEAL

Decision Required

Report To:	Animal Control Subcommittee
Meeting Date:	24 February 2025
Report Author:	Sandy Vale, Regulatory Support Officer; Shannon Green, Team Leader - Regulatory Support
Report Authorisers:	Shane Bruyns, Regulatory Manager
Report Number:	RACS25-02-1

1. Purpose of the Report / Te Take mō te Pūrongo

1.1 To explain the process and reasoning behind the imposition of the 'Menacing' classification of the dogs **Theo** and **Tillie** and allow the Subcommittee to decide on whether this was the appropriate classification in the circumstances.

2. Summary / Te Tuhinga Whakarāpoto

2.1 The Council has classified **Theo** and **Tillie** on 12 December 2024 as menacing dogs in accordance with Section 33A(1)(b)(i) of the Dog Control Act 1996 (the Act), following an attack on 5 December 2024.

2.2 **Theo** is a nine-year-old brindle male Border Terrier currently registered, and owned by Ann Randall, living at [redacted]

2.3 **Tillie** is a four-year-old brindle female Border Terrier currently registered, and owned by Ann Randall, living at [redacted]

2.4 An objection to the 'Menacing' classification of the dogs has been lodged by Ann Randall on 28 December 2024 under Section 33B(1) of the Act. She has requested a hearing in support of her objection.

2.5 The victim of the 5 December 2024 attack was Alec Asquith and his dog **Bo**, a one-year-old Golden Retriever.

2.6 Actions available to the Council under the Act range from:

2.6.1 prosecution and destruction of the dog;

2.6.2 classification as dangerous;

2.6.3 imposition of financial penalties; and

2.6.4 classification as menacing.

2.7 The scale of the injuries and the associated factors led to the decision to classify the dog as Menacing. This decision is now under challenge.

2.8 The Subcommittee may uphold or rescind the classification.

3. Recommendation/s / Ngā Tūtohunga

That the Animal Control Subcommittee

1. receives the Menacing Dog Classification Appeal RACS25-02-1; and pursuant to Section 33A of the Dog Control Act, and

EITHER

2. upholds the Menacing Classifications for Theo and Tillie owned by Ann Randall

OR

3. rescinds the Menacing Classifications for Theo and Tillie owned by Ann Randall.

4. Background / Horopaki

4.1 The Council has **Theo** and **Tillie** classified as Menacing dogs, to do this the Council must consider the requirements of Section 33A of the Act:

4.2 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.

4.3 It is the opinion of staff that the reported behaviour of **Theo** and **Tillie** warrants the imposition of the Menacing Classifications.

4.4 On 5 December 2024, at 8:30am, the Tasman District Council received a phone call reporting a dog attack against a dog and person, stating that, Alec was out walking his dog when two dogs came out and attacked his dog. Regulatory Enforcement Officers gathered evidence relating to the attack, and this was considered in the decision to classify the dogs as Menacing.

4.5 From the evidence gathered we believe the following happened.

4.5.1 At approximately 8:30am on Thursday 5 December 2024, Alec was walking his dog **Bo** at [redacted] (private property) towards the estuary when he saw two (**Theo** and **Tillie**) off-leash dogs about 15 metres away, Alec recognised these dogs from a previous unreported encounter, so turned to leave.

4.5.2 **Theo** and **Tillie** ran up the hill and attacked **Bo.** Alec fought the dogs off **Bo** and received multiple dog bites on his hands, Ann was walking behind the dogs, the grass was long, Ann heard the dogs fighting before she saw them. Ann stood back and called **Tillie** and **Theo**, **Tillie** returned first, and Ann was able to secure **Tillie** on a lead, **Theo** was still fighting with **Bo** while Alec continued to try and separate **Theo** and **Bo**.

4.5.3 Ann called **Theo** off several times, he eventually backed off. Alec required medical attention at Mapua Medical Centre and **Bo** was treated at Town and Country Vet for his wounds.

4.6 Alec Asquith's statement is attached as **Attachment 1**.

4.7 Ann Randall's statement is attached as **Attachment 2**.

4.8 Alec Asquith's medical record is attached as **Attachment 3**.

4.9 **Bo**'s vet record is attached as **Attachment 4**.

5. Analysis and Advice / Tātaritanga me ngā tohutohu

5.1 Dogs attacking persons is considered a serious offence under the Act. The punitive options available to the Council in this instance are:

5.1.1 **Prosecution under Section 57 – Dogs attacking persons**, which carries a maximum fine of $3,000 plus reparation to the victim. The dog involved must also be destroyed unless there are extenuating circumstances.

5.1.2 **Classification as Dangerous under Section 31**. This puts requirements on the owner to ensure that there is a safe access way to their property, muzzling of the dog in public, neutering of the dog, increased registration fees and consent from the Council to transfer ownership to another person.

5.1.3 **An Infringement Notice** for $200 for failure to keep a dog under effective control.

5.1.4 **Classification as Menacing under section 33A.** the primary effect of Menacing classification is the dog must be muzzled when in public.

5.2 Given the facts, the decision was made on 12 December 2024 to issue an infringement and classify **Theo** and **Tillie** as Menacing under Section 33A of the Act. The classifications are attached as **Attachments 5 and 6**:

6. Options / Kōwhiringa

6.1 The options are outlined in the following table:

Option		Advantage	Disadvantage
1.	To uphold the classifications of **Theo** and **Tillie** as Menacing	Prevention of future attacks and safer community	Added requirements on the owner
2.	Rescind the classifications of **Thoe** and **Tillie**	**Theo** and **Tillie** are allowed unmuzzled in public	Risk of another attack.

6.2 Option 1 is recommended.

7. Legal / Ngā ture

7.1 Section 5(f) of the Act requires owners of dogs to take all reasonable steps to ensure the dog does not injure, endanger, intimidate, or otherwise cause distress to any person.

7.2 Section 5(g) of the Act requires owners of dogs to take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife

7.3 Section 52 of the Act requires a dog to be under control at all times. Under control means that the dog is on a leash and restrained by a person capable of doing so or that the dog responds immediately to voice, hand, or other commands.

7.4 Section 33B(2) of the Act states the territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination 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.

7.5 Staff consider **Theo** and **Tillie** to be a threat to the public and other dogs so should be muzzled when in a public area. A Menacing Classification under Section 33A of the Act is a means by which Council can require dog owners to muzzle their dogs.

8. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

8.1 Not applicable

9. Significance and Engagement / Hiranga me te Whakawhitiwhiti ā-Hapori Whānui

9.1 Low

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	None	

	Issue	Level of Significance	Explanation of Assessment
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	None	
3.	Is there a significant impact arising from duration of the effects from the decision?	None	
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	None	
5.	Does the decision create a substantial change in the level of service provided by Council?	None	
6.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	None	
7.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	None	
8.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	None	
9.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	None	
10.	Does the proposal require particular consideration of the obligations of Te Mana O Te Wai (TMOTW) relating to freshwater or particular consideration of current legislation relating to water supply, wastewater and stormwater infrastructure and services?	None	

10. Communication / Whakawhitiwhiti Kōrero

10.1 The letter sent to Ann Randall advising of the classification is attached as **Attachment 7**.

11. Financial or Budgetary Implications / Ngā Ritenga ā-Pūtea

11.1 None.

12. Risks / Ngā Tūraru

12.1 The classification will reduce the risk of future attacks on people and dogs.

13. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi

13.1 Not applicable.

14. Alignment with Policy and Strategic Plans / Te Hangai ki ngā aupapa Here me ngā Mahere Rautaki Tūraru

14.1 Not applicable.

15. Conclusion / Kupu Whakatepe

15.1 The Council has a responsibility to insist that owners of dogs meet the obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person, animal, or wildlife. By upholding the Menacing classifications, the Council will be seen to be taking the action necessary to significantly reduce the chances of **Theo** and **Tillie** being involved in future attacks. If the classifications are rescinded, it would make it very difficult to consistently deal with any future dog attacks of a similar nature.

16. Next Steps and Timeline / Ngā Mahi Whai Ake

16.1 The Council must, as soon as practicable, give written notice to the owners of:

(a) The Council's determination of the objection; and

(b) the reasons for the Council's determination.

17. Attachments / Tuhinga tāpiri

Time: 8.15am

Date: 5 Dec 2024

Place: [redacted]. This is the Doctors Block QEII area where dogs are often walked.

My full name is Alec Asquith

I live at [redacted] my contact phone number is [redacted]

I am 46 years of age.

and I am employed as [redacted]

(Description of incident with as much detail as you can remember)

I was walking down the hill towards the estuary with my dog Bo. I saw the two dogs off leash at the bottom on the hill, about 15m ahead. These dogs had previously attacked Bo, so I turned to walk away, but the dogs ran up the hill and attacked Bo.
One dog had Bo by the throat and the other was biting his side. So, I fought the dogs off and got multiple puncture holes from the dog bites in both hands, and lacerations to my legs from falling and wrestling on the ground.
The ordeal lasted several minutes as I would prize one dog off Bo and the other would launch a new attack. The owner made no effort to intervene but rather stumbled about shouting. It was a very aggressive attack from both dogs. I lost my dog collar controller in the melee also. I finally got them off Bo, and we walked home, as i was bleeding from several puncture wounds, and Bo was very shaken up.
I had to fight really hard to get the dogs off, despite their size. I hate to think what would have happened if that had been my wife or one of my children. Those dogs are not safe.

I have spoken to other dog owners at the orchard, and they had previously reported being attacked by the same dogs. They are very aggressive and dangerous.

They were **not** on a lead or muzzled at the time of the incident, despite having a history of attacking Bo previously and also attacked other dogs.

(Description of Injuries)

Alec Asquith sustained multiple puncture wounds in both hands during the attack.

Right hand – puncture holes in back of hand and fingers. 1 stiche to the back of the hand, one stitch in the index finger.

Other cuts on hands that didn't require stitches.

Left hand – deep puncture wound at base of thumb – 1 stitch.

Cuts and lacerations on both knees from falling and scrambling to protect Bo.

Thankfully Bo is a golden retriever and has a very thick neck hair. We have not identified any puncture wounds on Bo. He is definitely shaken after the attack, shaking with tail down, but most damage was done to me.

I would describe the dog/s as

(Description of Dogs)

Border terriers. One older, one a bit younger.
They live at [redacted]

(Description of Treatment)

I was seen immediately by the Mapua Health Centre. Tetanus injection, 10 day course of amoxicillin tryhydrate, 3 stitches and the rest has been cleaned and bandaged up. I can't work today or tomorrow as my hands are painful and currently still under the effects of anesthetic. I am also very shaken after the event.

I am willing to back any enforcement action the Council deems necessary.

I have read this statement, and it is true and correct to the best of my knowledge.
I am aware that this statement may be shared and used as evidence in any court proceedings.

Signed .....  .....

Name: Alec Asquith

Add as much details as possible. Add or delete anything you think necessary.

Time: 8:30am

Date:5th December 2024

Place: Farm land off Higgs Rd [see map with pin drop]

My full name is Ann Randall

I live at [redacted] my contact phone number is [redacted]

I am 68 years of age.

and I am [redacted]

(Description of incident with as much detail as you can remember)

I was walking my two dogs off lead in an area off Higgs Rd Mapua. The area is farm land and runs down to The Waimea inlet. (see attached map)
We had walked around the foreshore and were about to turn left and go up the hill into the trees. Coming down the hill Was a man with an off-leash dog.
I was behind the dogs, the grass was long and I heard them fighting before I saw them. Once they came into view I could see the owner of the other dog on the ground trying to separate the 3 of them.
I stood back and called my dogs. Tillie came away first and I managed to get her on her lead. Theo was still fighting with the other dog and the man continued to try and separate them. I called Theo off several times and he eventually backed off and came to me and I put him on his lead.
I could see the other dog owner had cuts on his hands from trying to separate the 3 dogs.
Once I had my dogs under control he verbally abused me (lots of swearing and cursing) and said he was going to report me. At that point I pulled out my phone to record what he was saying and he shut up. He went off to look for his phone which he said he had dropped and I walked home very shaken and upset.

All three dogs were off lead at the time of the incident.

(Description of Injuries) My dogs were not hurt

I would describe the dog/s as

(Description of Dogs) My two are Border Terriers. I think the other dog was a Labrador

(Description of Treatment)

I am unwilling to back any enforcement action the Council deems necessary.

I have read this statement, and it is true and correct to the best of my knowledge. I am aware that this statement may be shared and used as evidence in any court proceedings.

Signed .....A Randall.....

Name: Ann Randall

Add as much details as possible. A

dd or delete anything you think necessary.

Mapua Health Centre
62 Aranui Road
Mapua
[redacted]

Tax Invoice/Receipt

To: [redacted]

Chart No:8903
18 Dec 2024

Date	*Ref*	*Description*	*Amount (GST Incl)*
05 Jun 2024	579012	Professional Services	0.00
		Triage	
		Triage Call Back	0.00
05 Jun 2024	579045	Professional Services	0.00
		Kathryn Parr	
		Nurse Consultation	0.00
05 Dec 2024	598740	Professional Services	0.00
		Dr Tim Ewer	
		Tdap Booster	0.00
05 Dec 2024	598788	Professional Services	45.00
		Irene Minchin	
		N/NP Consult 14+	45.00
		Burn/Abras Multi >4c	0.00
		Close Wound >7cm	0.00

Accident: [redacted] - 05 Dec 2024 - Open wound finger(s) or thumb (S93.00)
Employer: [redacted]
DOB: [redacted]

Mapua Health Centre
62 Aranui Road
Mapua
Nelson
P [redacted]
E

Tax Invoice/Receipt

To: Mr Alec Asquith

Chart No:8903
18 Dec 2024
Page: 2

Date	*Ref*	*Description*	*Amount (GST Incl)*	
06 Dec 2024	599059	Professional Services	0.00	
		Janet Hardcastle		
		Burn/Abras Multi >4c	0.00	
		Accident: [redacted] - 05 Dec 2024 - Open wound finger(s) or thumb (S93.00)		
		Employer [redacted]		
		DOB [redacted]		
		Date Seen: 06 Dec 2024		
06 Dec 2024	598951	Professional Services	30.00	
		Janet Hardcastle		
		ACC Nurse Consult 14+	30.00	
		Accident: [redacted] - 05 Dec 2024 - Open wound finger(s) or thumb (S93.00)		
		Employer [redacted]		
		DOB [redacted]		
06 Dec 2024	370222	Payment Received, Thank You	75.00	Cr
		598788 - N/NP Consult 14+		
		598951 - ACC Nurse Consult 14+		
		Total	**0.00**	

Town & Country Vet Richmond
35 McGlashen Avenue, Richmond 7020
035441200

Date Printed 17 DEC 24

Report Clinical Record

Name Bo
Colour Golden
Microchip 953010006459394
Breed Retriever - Golden
DOB 23 APR 23 **Sex:** M
Optimal Weight 0.000

Owner Asquith
Code ASQUI17
Address [redacted]

Phone
Mobile [redacted]

Clinical Notes:

Date: 11 DEC 24 16:45
Vet: AR
Weight: 27.500 **Temperature** 38.2 **Scores: Body** **Dental**
Desc: dog bite wounds and Vax

History: 1 week ago on Thurs bitten by 2 terriers which hung off neck and shoulder area and onr's husband bitten too. The wounds seemed ok but hair been licked off L shoulder in last 24 hours. Been ok in himself , eating, drinking and toileting ok

Vacc status - are they due soon?:(overdue- discussed with Elaine and doesn't go to kennels and low risk so wants to leave KC vax and just do Van +5 - given today as temp and ck normal

Microchip checked - accurate to file:(y)

Are they due for checkup for repeat medication?:Ok for repeats until:()

Clinical exam: BAR, teeth great, ears N, eyes N, chest- HR=90, reg, no murmur. lungs N, abdo N. clipped and cleaned L shoulder - has mostly healed graze and puncture wounds but inflammed and is now licking because of this, concern about infection but nofluid accum beneath wounds

Diagnosis/plan:(clav and carp short course and buster collar /T shirt until meds work to stop irritation.)

Surgery?:() Estimate:()

Treatment: Van +5 vax and clav/carp tabs

Revisit: if needs to

Drugs Dispensed:

Drug Quantity	Drug Name and Instructions
1	Vanguard Plus 5 Vaccine:
1	Consult - At Clinic:
6	Carprieve/Carprofen 50mg Tablet: Anti-inflammatory. Give with food. Stop if any vomiting/diarrhoea Give 1 tablet twice daily by mouth until finished.
10	Clavaseptin 500mg Per Tablet: Give 1 tablet twice daily by mouth until finished.

tasman district council | Te Kaunihera o te tai o Aorere

12 December 2024

D407
Direct Dial 03 5438407

Ann Randall
[redacted]

Dear A Randall

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

YOUR REFERENCE: 29361
DOG DESCRIPTION: Theo, Terrier, Border, Brindle

This is to notify you that your dog, **Theo,** has been classified as a menacing dog under **Section 33A** of the Dog Control Act 1996. Tasman District Council considers this dog may pose a threat to any person, stock, poultry, domestic animal or protected wildlife because of:

> Observed or reported behaviour of the dog in that on the 5th of December 2024 your dog attack another dog causing injuries to the dog and owner.

A summary of the effect of the classification and your right to object is provided on the following page.

This notice was sent by post on the 12 December 2024

Shannon Green
Team Leader – Regulatory Support

Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance

Richmond
189 Queen Street
Private Bag 4
Richmond 7050
New Zealand
Phone 03 543 8400

Murchison
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013

Motueka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022

Tākaka
78 Commercial Street
PO Box 74
Tākaka 7142
New Zealand
Phone 03 525 9972

EFFECT OF CLASSIFICATION AS MENACING DOG
Sections 33 E&F, Dog Control Act 1996

1. **Section 33E.** If a dog is classified as a menacing dog under section 33A or section 33C, the owner of the dog—

a. must not allow the dog to be at large or in any public place or in any private way, except when confined 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; and
b. must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying—
    i. that the dog is or has been neutered; or
    ii. that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
c. must, if a certificate under paragraph (b)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph

You will commit an offence and be liable on conviction to a fine not exceeding $3000 if you fail to comply with any matters in paragraphs a] to c] above.

As from the 1 July 2006, you are also required, for the purpose of providing permanent identification of the dog, to arrange within 2 months after classification for the dog to be implanted with a functioning microchip transponder. This must be confirmed by the Tasman District Council. You will commit an offence and be liable on conviction to a fine not exceeding $3,000 if you fail to comply with this requirement.

In addition if you fail to comply with the above requirements a dog control officer or dog ranger may seize and remove the dog from your possession and retain custody of the dog until the Tasman District Council has reasonable grounds to believe that you will comply with these requirements.

2. **Section 33F.** Owner must advise person with possession of menacing dog of requirement to muzzle dog in a public place

This applies if the dog in the possession of another person not exceeding 72 hours. Failure to comply if convicted may result in a maximum fine of $500.00

3. **Section 33B. Right of objection to classification**. You may within 14 days of receiving this Notice of Classification, object in writing to the Tasman District Council in regard to this classification. You have the right to be heard in support of your objection and you will be notified of the date, time and place when your objection will be heard.

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

tasman district council | Te Kaunihera o te tai o Aorere

12 December 2024

D407
Direct Dial 03 5438407

Ann Randall
[redacted]

Dear A Randall

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

YOUR REFERENCE: 29361
DOG DESCRIPTION: Tillie, Terrier, Border, Brindle

This is to notify you that your dog, **Tillie,** has been classified as a menacing dog under **Section 33A** of the Dog Control Act 1996. Tasman District Council considers this dog may pose a threat to any person, stock, poultry, domestic animal or protected wildlife because of:

> Observed or reported behaviour of the dog in that on the 5th of December 2024 your dog attack another dog causing injuries to the dog and owner.

A summary of the effect of the classification and your right to object is provided on the following page.

This notice was sent by post on the 12 December 2024

Shannon Green
Team Leader - Regulatory Support

Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance

Richmond
189 Queen Street
Private Bag 4
Richmond 7050
New Zealand
Phone 03 543 8400

Murchison
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013

Motueka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022

Tākaka
78 Commercial Street
PO Box 74
Tākaka 7142
New Zealand
Phone 03 525 9972

EFFECT OF CLASSIFICATION AS MENACING DOG
Sections 33 E&F, Dog Control Act 1996

1. **Section 33E.** If a dog is classified as a menacing dog under section 33A or section 33C, the owner of the dog—

a. must not allow the dog to be at large or in any public place or in any private way, except when confined 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; and
b. must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying—
    i. that the dog is or has been neutered; or
    ii. that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
c. must, if a certificate under paragraph (b)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph

You will commit an offence and be liable on conviction to a fine not exceeding $3000 if you fail to comply with any matters in paragraphs a] to c] above.

As from the 1 July 2006, you are also required, for the purpose of providing permanent identification of the dog, to arrange within 2 months after classification for the dog to be implanted with a functioning microchip transponder. This must be confirmed by the Tasman District Council. You will commit an offence and be liable on conviction to a fine not exceeding $3,000 if you fail to comply with this requirement.

In addition if you fail to comply with the above requirements a dog control officer or dog ranger may seize and remove the dog from your possession and retain custody of the dog until the Tasman District Council has reasonable grounds to believe that you will comply with these requirements.

2. **Section 33F.** Owner must advise person with possession of menacing dog of requirement to muzzle dog in a public place

This applies if the dog in the possession of another person not exceeding 72 hours. Failure to comply if convicted may result in a maximum fine of $500.00

3. **Section 33B. Right of objection to classification**. You may within 14 days of receiving this Notice of Classification, object in writing to the Tasman District Council in regard to this classification. You have the right to be heard in support of your objection and you will be notified of the date, time and place when your objection will be heard.

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

tasman district council | Te Kaunihera o te tai o Aorere

File:29361
Doris ID:2426471
Dog.Control@tasman.govt.nz
Phone 543 8407

12 December 2024

Ann Randall
[redacted]

Dear Ann

Alleged Incident involving Theo and Tillie.

I am writing in relation to an alleged incident that occurred on 5 December 2024 on [redacted] involving Theo and Tillie. It is alleged while on an off-lead walk with the dogs, they broke away and attacked another dog, the dog owner also sustained injuries.

Upon investigation, we believe that offences have been committed under s53 of the Dog Control Act 1996(DCA) – Failure to keep a dog under control, and s57 of the DCA – Dogs attacking persons or animals.

We understand you managed to call Tillie back first and Theo took longer to respond, we believe classifying Theo and Tillie as Menacing and issuing an infringement for failure to keep Theo and Tillie under control is the best course of action, I have attached the Infringement and classification notices. Please read them carefully to ensure you know your rights regarding the Infringement and Classifications.

If you have any questions, please contact the undersigned.

Yours sincerely

Shannon Green
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