

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

Date: Thursday 20 March 2025
Time: 1:30pm
Meeting Room: Heaphy Room
Venue: 189 Queen Street, Richmond

Zoom conference link: <https://us02web.zoom.us/j/81330965016?pwd=ZTFYowtSlpI9MVYqoYEXK3QupIP39h.1>

Meeting ID: 813 3096 5016
Meeting Passcode: 815344

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

AGENDA

1 OPENING, WELCOME, KARAKIA

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That apologies be accepted.

3 DECLARATIONS OF INTEREST

4 REPORTS

4.1 Menacing Classification Appeal 4

5 CONFIDENTIAL SESSION

Nil

6 CLOSING KARAKIA

4 REPORTS

4.1 MENACING CLASSIFICATION APPEAL

Decision Required

Report To:	Animal Control Subcommittee
Meeting Date:	20 March 2025
Report Author:	Sandy Vale, Regulatory Support Officer; Shannon Green, Team Leader - Regulatory Support
Report Authorisers:	Shane Bruyns, Regulatory Manager
Report Number:	RACS25-03-1

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

- 1.1 To conduct a hearing of the objection to, and to explain the process and reasoning behind the imposition of the 'Menacing' classification of the dog **Boy** and allow the Subcommittee to decide on whether this was the appropriate classification in the circumstances.

2. Summary / Te Tuhinga Whakarāpotō

- 2.1 The Council classified **Boy** on 5 November 2024 as a menacing dog in accordance with Section 33A(1)(b)(i) of the Dog Control Act 1996 (the Act), following an attack on 25 August 2024.
- 2.2 **Boy** is a two year, 10-month-old, tan and white, Mastiff, registered, and owned by Briar-Leigh Brittnal Hughes, [REDACTED]
- 2.3 An objection to the 'Menacing' classification of **Boy** has been lodged by Briar-Leigh Hughes on 12 November 2024 under Section 33B(1) of the Act. She has requested a hearing in support of her objection.
- 2.4 The victim of the 25 August 2024 attack was **Franklin**, a six-year-old Huntaway cross Labrador Retriever, registered and owned by Lilian Tuki.
- 2.5 Actions available to the Council under the Act range from:
- 2.5.1 prosecution and destruction of the dog;
 - 2.5.2 classification as dangerous;
 - 2.5.3 imposition of financial penalties; and
 - 2.5.4 classification as menacing.
- 2.6 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.
- 2.7 The Subcommittee may uphold or rescind the classification.

3. Recommendation/s / Ngā Tūtohunga

That the Animal Control Subcommittee

1. receives the Menacing Classification Appeal report, RACS25-03-1; and
2. pursuant to Section 33A of the Dog Control Act,
EITHER
upholds the Menacing Classification for Boy, owned by Briar-Leigh Hughes.
OR
rescinds the Menacing Classification for Boy.

4. Background / Horopaki

- 4.1 The Council has classified **Boy** as a Menacing dog, to do this the Council must consider the requirements of Section 33A of the Act:

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.

- 4.2 It is the opinion of staff that the reported behaviour of **Boy** warrants the imposition of the Menacing Classification.
- 4.3 On 28 August 2024, at 16:42hrs, the Tasman District Council received a phone call reporting a dog attack against a dog, stating that, an off-lead dog came running to them and attacked, and dragged their dog, Franklin into the bush. Regulatory Enforcement Officers gathered evidence relating to the attack, and this was considered in the decision to classify the dog as Menacing.
- 4.4 From the evidence gathered we believe the following happened.
- 4.4.1 At approximately 10.00am on Saturday, 25 August 2024, Lilian Tuki was walking her dogs Franklin, and Memphis, on leads through the Motueka Inlet walkway with her sister Tracey and her daughter Taylor.

4.4.2 An off-lead dog, being walked by Jean Love, approached at running pace, and attacked Franklin, pulling him into nearby bushes.

4.4.3 The person in charge of **Boy**, Jean Love, got on her knees and separated the dogs from each other, holding onto the collar of the dog being walked by her.

4.4.4 Franklin was treated at Vetlife Motueka for his wounds.

4.5 Lilian Tuki's statement is attached as **Attachment 1**.

4.6 Jean Love's statement is attached as **Attachment 2**.

4.7 Franklin's vet records are attached as **Attachment 3 and 4**.

5. Analysis and Advice / Tātaritanga me ngā tohutohu

5.1 Dogs attacking persons or animals 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 or animals**, 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 the dog is kept within a securely fenced portion of the owner's property, that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property, muzzling of the dog in public, controlled on a leash, 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 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.

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

6.1 None

7. Options / Kōwhiringa

7.1 The options are outlined in the following table:

Option	Advantage	Disadvantage
1. To uphold the classification of Boy as Menacing	Prevention of future attacks and safer community	Added requirements on the owner
2. Rescind the classification of Boy as Menacing	Boy is allowed unmuzzled in public	Risk of another attack

7.2 Option 1 is recommended.

8. Legal / Ngā ture

- 8.1 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.
- 8.2 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
- 8.3 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.
- 8.4 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.
- 8.5 Staff consider **Boy** to be a threat to other dogs so should be muzzled when in a public place. A Menacing Classification under Section 33A of the Act is a means by which Council can require dog owners to muzzle their dogs.

9. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

- 9.1 Not applicable

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

10.1 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	
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	None	

	Issue	Level of Significance	Explanation of Assessment
	Engagement Policy for list of strategic assets)		
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	

11. Communication / Whakawhitiwhiti Kōrero

11.1 The classification letter sent to Briar-Leigh Hughes is attached as **Attachment 5**.

12. Risks / Ngā Tūraru

12.1 The classification will reduce the risk of future attacks on other 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 classification, the Council will be seen to be taking the action necessary to significantly reduce the chance of **Boy** being involved in future attacks. If the classification is 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

1. 	Lilian Maree Tuki - Statement	10
2. 	Jean Love Statement	11
3. 	Franklin - Initial Vet Consult Receipt/Prescriptions	13
4. 	Franklin - Vet Procedure and Receipt	14
5. 	Boy - Notice of Menacing Classification	16

Time: 11:45am

Date: 29/08/2024

My full name is Lilian Maree Tuki. I am 39 years of age, and I am self-employed as a Virtual Assistant. I live at [REDACTED] and my contact phone number is [REDACTED]

At about 10am on Saturday 24th August 2024, myself, my sister [REDACTED] and my daughter [REDACTED] were walking through the Motueka inlet walkway (please see map provided) with my dogs Franklin Tuki (6 years old) and Memphis Tuki (1 year old). I had Memphis on lead with myself and my sister Tracey had Franklin on lead throughout the walk.

An off-lead dog approached us at a running pace and went straight towards Franklin who was on lead with my sister [REDACTED]. They sniffed at each other as [REDACTED] tried to lead Franklin to continue walking past and Franklin barked at the off-lead dog which turned into a fight that moved across the path and into a bush where I saw the off-lead dog with its mouth around Franklins neck. The owner of the off-lead dog got on her knees and separated the dogs from each other. She held on to the collar of her dog and apologised and gave us her card to contact her in case we found something wrong with Franklin.

At the time we could not find anything wrong with Franklin, other than him being visibly shaken. We could not find any injuries as Franklin is rather furry around his neck area. The next day on the Sunday, there was clearly something wrong with Franklin as he was excessively drooling, shaking and he started sagging on one side of his neck. We called the after-hours vet who directed us to give him paracetamol for the pain and booked him into a clinic appt for the next day (Monday).

Monday morning, I called the owner of the off-lead dog and advised her of what was happening, and she met us at the vet (Vet-life Motueka) appt for Franklin where we found out that the bite wound that Franklin had on his neck had an infection and created an abscess that needed a procedure to be drained. The procedure took place at Mapua Vet-life on Tuesday. The off-lead dog owner has paid \$398.39 towards the full amount of the vet's bills of \$724.45.

The dog that attacked my dog Franklin was Tan and white and we are unsure about the breed (please see attached picture of the dog we believe to be the dog that has caused the injuries to Franklin).

It belongs to the owner/operator of Delightful Dogs Motueka – Fern

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.

Name: Lilian Tuki

Signed 

Date: 25 August 2024

Time: 12 pm (approx)

Place: Motueka Inlet Track

My full name is Briar Hughs Phone [REDACTED]

My dog (name) Boy

The person in charge of my dog was:

Full name Jean Love... Date of birth [REDACTED] I am employed as

Dog Walker, I live at [REDACTED] And my contact phone

Number is [REDACTED]

At about 12 pm on 25 August 2024, the person in charge

(Description of incident)

25 th August 12pm. Inlet walk Motueka.

I came around the corner and Boy was a few meters ahead of me not on a lead and in sight at all times, I saw three women and dogs. They stopped and stood with their dogs on extended leads. They didn't say anything. They were about four meters away from from me. I called him back, he saw the dogs and stopped. I think he thought they were friends of his and started to approach them slowly.

I called him a couple more times and their dogs started to lunge and bark, one dog attacked him from behind and another from in front.

By this stage I was already adjacent to the group and I immediately jumped forward

The women were screaming and pulling on the dogs leads. At no stage did they appear to be in any form of control, apart from they were still hanging onto fully extended leads and made no effort to intervene.

Boy tried to get into the bushes, but one dog followed him dragging his owner behind. I followed and grabbed Boy's collar, Boy had the other dog by the snout. He wasn't growling or moving and as soon as I touched his collar he released the other dog and tried to get away. I was on my hands and knees and the other dog proceeded to claw my face and bite my hand.

I clipped Boy onto his lead and he just sat quietly, as he's been trained to do.

I apologised because my dog had been off lead. They said that their dogs had already been involved in another incident earlier on their walk that day when their dogs had also lunged at another dog. They apologised for their dogs behaviour and said that they were both highly reactive dogs.

I gave them my business card and asked them to contact me if their dog was injured. I then left because blood was pouring down my face and hand and required attention.

They said that they would make contact later in the day to check up on how I was, but failed to do so.

The next contact was a phone call on Monday 26th July at 7.54am Kate (not sure if owner or not) to say that their dog was shaking, not eating, generally flat and had a swelling on it's neck. Kate said that they had booked an appointment for 1.30pm that same day and I said I would meet them there.

The vet (Vet Life Motueka) said that there was a puncture wound that would need to be drained at Mapua Vets the following day and it was agreed that I would pay 50% of the bill for this procedure.

During the consult, we were told that this would cost between \$700 - \$800. I left before the end of the consult as I had another appointment.

During the consultation the veterinarian made comment that it was fantastic that a dog owner was prepared to step up and take some responsibility. The owner of the dog agreed and said they were very grateful also and again apologised for the behaviour of their dogs.

At 2.17pm the dog owner sent me an estimate, this is when I first learned that the dogs name is Franklin. They attached a copy of the estimate and added that there was an additional cost of \$90 for the consultation. I

On that same evening I paid \$398.38 into the VetLife account.

On Wednesday at 10.50am I sent a text asking how the procedure went and requesting a copy of the final account along with their details for my insurance purposes. I had no reply, nor have I had any replies to further messages with these requests.

While at Vet Life Richmond on Wednesday 28th to support a client through a medical procedure, I made enquiries about Franklin and the account. I was informed by Vet Life that the account for Franklin's procedure was \$501.06. My payment showed in the vet account and Franklin's owners had paid the balance. I can only assume that this is the reason for their lack of contact with myself and they have made contact with the Ranger to cover all bases.

I can supply personal testimonials, bank deposit statement, and photos of my injuries if required.

I was walking Boy as a favour to Briar Hughs as she has recently had a baby and is feeling over whelmed this was not part of my business and not paid. I feel that I have done everything within my power to make this as positive outcome and behave as a responsible person walking a dog. This experience has had a profound effect on my belief in human nature.

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.

Name: Jean Love

Signed ...Jean Love...

The Vet Centre Motueka
400D High Street

-----EFTPOS----- 0002
 TERMINAL 26 Aug 24 14:00 CONTACTLESS
 VISA A0000000031010
 AID ASB Visa
 APP LABEL *****1777
 CARD 01
 PAN SEQ Number 423902600884
 RRN 080760
 AUTHORISATION 058107
 REFERENCE NZD223.39
 PURCHASE NZD223.39
 TOTAL

APPROVED
PIN VERIFIED

 CUSTOMER COPY
 PLEASE RETAIN
 FOR YOUR RECORDS

Vetlife Motueka
400D High Street
Motueka
Ph: 03 528 8459
Email: motueka@vetlife.co.nz

TAX INVOICE #1468278
GST# 013 574 189
Date: 26-08-2024
Customer #: [REDACTED]
Animal: Franklin Tuki

DESCRIPTION	QTY	TOTAL
Consultation	1	\$90.00
Rimadyl Tab 100mg 60's - 60	7	\$44.83
Clavulox Tablets 500mg	14	\$88.56

PAYMENT TERMS: COD
 Payment in full is expected upon completion of treatment.
 Administration fees and collection fees will be applied to
 overdue accounts.
 Bank Account: 03-0887-0417199-001

Subtotal \$223.39
 Inc. GST \$29.14
Total \$223.39
 Paid \$223.39
Due \$0.00



Vetlife
 Nelson
 richmond@vetlife.co.nz
 013 574 189

Payment Receipt

Client No. [REDACTED]	Receipt No.	879324
Client Miss Tuki, Tracey	Date	26-08-2024
Amount \$398.38		
Method Direct Credit		
Comments		

DESCRIPTION	QTY	AMOUNT
Sedate Dog + Surgery Non Sterile	1	\$0.00
Hospital Level surgical	1	\$45.00
Sedation fee SA	1	\$110.00
Medetate/Medetomidine Inj	0.6	\$52.67
Torbugesic/Butorphanol 10mg	0.4	\$110.13
Antipam Inj - 10ml	0.6	\$54.03
Lopaine 2% decanted per ML	1	\$14.20
Theatre-Clean & Prep Patient/10m	1	\$36.00
Theatre Materials .. Surgery	1	\$45.00
Surgery Non Sterile	20	\$6.50
Penrose Drain 16"x1/4"	1	\$12.79
	Total	\$501.06
	Paid	\$501.06



Vetlife Mapua
03 540 2329
69 Aranui Road
Mapua, 7005, Tasman
mapua@vetlife.co.nz
013 574 189

Payment Receipt

Client No.	██████████	Receipt No.	879372
Client	Miss Tuki, Tracey	Date	27-08-2024
Amount	\$102.68		
Method	Eftpos/Visa/Mastercard		
Comments			

DESCRIPTION	QTY	AMOUNT
Sedate Dog + Surgery Non Sterile	1	\$0.00
Hospital Level surgical	1	\$45.00
Sedation fee SA	1	\$110.00
Medetate/Medetomidine Inj	0.6	\$52.67
Torbugesic/Butorphanol 10mg	0.4	\$110.13
Antipam Inj - 10ml	0.6	\$54.03
Lopaine 2% decanted per ML	1	\$14.20
Theatre-Clean & Prep Patient/10m	1	\$36.00
Theatre Materials .. Surgery	1	\$45.00
Surgery Non Sterile	20	\$6.50
Penrose Drain 16"x1/4"	1	\$12.79
	Total	\$501.06
	Paid	\$501.06

05 November 2024

D407

Direct Dial 03 5438431

Briar-Leigh Brittnal Hughes
 2264 Motueka River West Bank Road
 RD 1
 Motueka 7196

Dear B Hughes

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

YOUR REFERENCE: 262136**DOG DESCRIPTION: Boy, Mastiff, Tan/White, male**

This is to notify you that your dog, **Boy**, 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 24 August 2024, your dog attacked another dog whilst being walked by a dog walker

Or:

Any characteristics typically associated with the dog's breed or type in that your dog on the

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

This notice was delivered ~~by leaving it at the address/~~ by post/~~by registered post~~ on the 5 November 2024



Sandy Vale
Regulatory Support Officer

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.