



Order Paper for a meeting of the

DOG CONTROL COMMITTEE

To hear an

**Appeal against
Dangerous Dog Classification
Pursuant to Dog Control Act 1996**

to be held on

Tuesday, 26 September 2023

commencing at 1.00pm

In the

Council Chambers, 10 Gorge Road,
Queenstown

9.12 Items of business not on the agenda which cannot be delayed | Ngā take kāore i runga i te rārangi take e kore e taea te whakaroa

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with the item and the Chairperson provides the following information during the public part of the meeting:

- (a) the reason the item is not on the agenda; and*
- (b) (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.*

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda | Te kōreorero i ngā take iti kāore i runga i te rārangi take

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

REFERENCE:

Queenstown Lakes District Council Standing Orders adopted on 17 November 2022.

Queenstown Lakes District Council

Dog Control Committee

Panel to Hear Objection to Classification of Menacing Dog

Councillor Cocks

Councillor Ferguson

Councillor Wong

Agenda for a meeting of the Dog Control Committee to be held in Council Chambers,
10 Gorge Road on Tuesday 26 September 2023 commencing at 1.00pm.

Item	Page	Report Title
		Election of Chairperson
		Apologies
		Declaration of Conflicts of Interest
		Confirmation of Agenda
1		Objection to Classification of Dangerous Dog
	5	Officer report
	10	Attachment A: QLDC Officer Report dated 14 th April 2023
	17	Attachment B: Dangerous classification cover letter dated 9 th May 2023
	18	Attachment C: Dangerous classification notice dated 9 th May 2023
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Hearing Panel

26 September 2023

Department: Assurance, Finance & Risk

Title | Taitara: Objection to classification of Menacing Dog

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to provide background information to inform the Council's decision to uphold or rescind the classification of Happy as menacing under the Dog Control Act 1996.

Recommendation | Kā Tūtohuka

That the Dog Control Committee:

Note the contents of this report; and

Either

Uphold the classification of Happy as a menacing dog under the Dog Control Act 1996 (the Act;

Or

Rescind the classification of Happy as a menacing dog under the Act.

Prepared by:



Name: Hannah Dennison
Title: Senior Animal Control Officer
3 September 2023

Reviewed and Authorised by:



Name: Anthony Hall
Title: Regulatory Manager
4 September 2023

Dog Ownership Details

Dog details	Owner	Person in charge at the time of incident	Registration Status
Happy Animal ID: 56062 Shetland Sheepdog x German Short Hair Pointer	[REDACTED] And [REDACTED]	[REDACTED]	Licence number: [REDACTED] Registration year: 2022/23
Alfie Animal ID: 61587 Bichon Frise X Jack Russel	[REDACTED] And [REDACTED]	[REDACTED] And [REDACTED]	Licence number: [REDACTED] Registration year: 2022/23

Background

1. On the 25 March 2023, [REDACTED] were walking their dog Alfie on lead, along the area of Marine Parade. This is an on-leash area.
2. At the same time [REDACTED] had finished busking with his dog Happy who was not on lead.
3. Alfie approached happy on a retractable lead, when Happy suddenly reacted, growled, and lunged for Alfie, resulting in a bite to Alfie’s head, requiring vet treatment.
4. The attack ended with [REDACTED] pulling Happy away and [REDACTED] removing Alfie from the scene.
5. The injuries sustained by the victim, Alfie, did require vet treatment, however this was minor. Alfie was provided antibiotics and pain relief for the inflicted wound.
6. Happy is legally owned by [REDACTED] and is the dog that has been classified.

Classification Decision

7. Queenstown Lakes District Council (QLDC) received a statement from [REDACTED] that detailed the attack.
8. Based on his statement and prior history (Attachment E), QLDC officers, acting under delegated authority, classified Happy as a menacing dog.
9. Officers considered the matter and applied the legal test under s33A(1)(b) of the Act before determining to classify Happy as a menacing dog.
10. Analysis of the decision is in the officer's report as follows: *the territorial authority considers Happy "may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife".*
Attachment A
11. QLDC notified the **owner** that Happy had been classified as menacing on 9 May 2023. The letter and notice sent to the **owner** are attached as **Attachment B and C** and explain the effects of the classification.

Objection to Classification

12. Section 33B of the Act states that *"If a dog is classified under section 33A as a menacing dog, the owner may, within 14 days of the receipt of the notice of that classification, object to the classification in writing to the territorial authority and has the right to be heard in support of the objection"*.
13. QLDC received an objection from Mr [REDACTED] to the menacing classification of Happy on 27 June 2023. [REDACTED] wishes to be heard. **Attachment D**
14. The late request for objection of classification was approved due to the public interest in this case and rights to natural justice.
15. Section 33D (3) of the Act requires that QLDC is required to decide whether to uphold, or rescind, the classification of Happy following the hearing.
16. Option 1: **Uphold** the classification of Happy as a menacing dog under the Dog Control Act 1996

Advantages:

- The effects of the original classification will still be in force.
- The classification does not disadvantage Happy or his owners as Happy can continue to sing while wearing a muzzle, so there is no prejudice as a result of the requirement.
- While wearing a muzzle, Happy is unable to attack other dogs.

- Council will be discharging its duties under the Dog Control Act 1996 and will be sending a message to all dog owners about dog control where it relates to public safety.

Disadvantages:

- There are no disadvantages to Council. Public safety is a priority. However, the dog owner may feel aggrieved, but this is not a reason to rescind a properly considered decision.

17. Option 2: **Rescind** the classification of Happy as a menacing dog under the Act.

Advantages:

- The dog owner will be pleased with the outcome. This is, however of little relevance to the Council in its role.

Disadvantages:

- There is a potential for Happy to attack in future, and Council would not have acted in accordance with its duties under the Act.
- Public confidence in the regime could be undermined where a decision, based on evidence, is rescinded. Particularly where there are no relevant advantages to Council or the public in rescinding the classification.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

18. The Hearings Panel, with a quorum of three Councillors, whose powers are set out in the Delegations Register, must hear any objections lodged under the Act.

19. Section 33D of the Act states:

(3) 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) the matters relied on in support of the objection; and

(c) any other relevant matters.

20. The Council must consider the matters set out at s 33 of the Act in respect of each objection and must make a decision in respect of the classification of Happy. These differ from the legal test that council officers considered when classifying Happy under s 33(1)(b).

21. The Council shall give notice of its decision on any objection, and the reasons for its decision, to the **owner** as soon as practicable: *Section 33D (4) of the Act*.

Attachments | Kā Tāpirihaka

A	QLDC Officer Report dated 14 th April 2023
B	Dangerous classification cover letter dated 9 th May 2023
C	Dangerous classification notice dated 9 th May 2023
D	Dog Owners' objection dated 27 th June 2023
E	History of Happy
F	Photos of attack
G	RFS job details
H	Victim statement
I	Witness statement from [REDACTED]
J	Vet report for Victim
K	Vet invoice
L	Witness statement

Attachment A: QLDC Officer Report dated 14th April 2023

DOG Vs PERSON ATTACK - INVESTIGATING OFFICER REPORT

SUBMITTED BY: ACO R Ramsden

REPORT DATED: 14/04/2023

DOG ATTACK TOOK PLACE ON: 25th March 2023

EXECUTIVE SUMMARY

Dog details	Owner	Person in charge at the time of incident	Registration Status
Happy Animal ID: 56062 Shetland Sheepdog x German Short Hair Pointer	[REDACTED] And [REDACTED]	[REDACTED]	Licence number: [REDACTED] Registration year: 2022/23
Alfie Animal ID: 61587 Bichon Frise X Jack Russel	[REDACTED] And [REDACTED]	[REDACTED] And [REDACTED]	Licence number: [REDACTED] Registration year: 2022/23

At 7pm on the 25th of March 2023, [REDACTED] were walking their dog Alfie on lead, along the area of Marine Parade, between the premises Pedro's and Patagonia. This area is designated as on leash.

[REDACTED] had just finished up busking with his dog Happy. [REDACTED] was in the process of packing away his equipment and had removed Happy from his lead, while he collected the rope used to cordon off the area of his performance.

At this time Alfie approached happy on a retractable lead, when Happy suddenly reacted, growled, and lunged for Alfie, resulting in a bite to Alfie's head, requiring vet treatment.

[REDACTED] who was allegedly standing next to Happy at this time reached for his dog and pulled him away, separating the two dogs. [REDACTED] walked Alfie away from the scene.

At 9pm on the 25th of April the incident was raised as a Request for service (RFS) to afterhours ID [REDACTED]. A victim statement was recorded by Cougar Security. Further investigation was directed to Animal Control to follow up the following day.

Alfie received vet treatment a wound behind his left ear.

INVESTIGATION (Timeline of Events)

25/03/23 19:00	Dog-on-dog attack occurs on Marine Parade.
25/03/23 21:00	Request for attack received through afterhours and Cougar take Victim statement from [REDACTED].
27/03/23 15:15	Phone contact with [REDACTED] to go over statement and gather additional information.
27/03/23 15:50	Investigation conducted into previous history of offending dog Happy. Email of information sent to Carrie EDGERTON (Team Leader) for assessment of classification.
27/03/23 17:00	Phone statement taken from [REDACTED] as attacking dog owner.
27/03/23 17:03	Email received from [REDACTED] containing vet reports and photos of Alfie's injuries.
06/04/23 8:45	Phone correspondence with [REDACTED] to provide update on current investigation
12/03/23 10:37	Phone correspondence with [REDACTED] to advise of potential enforcement outcomes.
14/03/23 10:15	Phone Statement taken from [REDACTED] who was a witness to the events

SUMMARY OF INVESTIGATION

- The offending dog, Happy, is a desexed 7year old Shetland Sheepdog cross German Short Haired Pointer and has been the subject of 6 previous alleged dog attack requests.
 - 3 of which are 2+ years old
 - 1 resulting in an infringement for [REDACTED], the legal owner, in 2018. Issued under *S53 Failure to keep dog under control.*
 - 1 resulting in a warning notice for [REDACTED], in 2021. Issued under *52A Failure to keep dog controlled or confined.*
- The incident occurred in a designated-on leash area, were Happy was confirmed to have been off lead.
- The injuries sustained by the victim, Alfie, did require vet treatment, however this was minor. Alfie was provided with antibiotics and pain relief for the inflicted wound.
- Happy was not visited by an ACO for a behavioural review during this investigation. ACO R RAMSDEN has previously visited the property and found there to be no behavioural issues towards people of concern.

OPTIONS

- Issue a warning letter to [REDACTED] under s.53 of the Dog control Act 1996 (DCA)
- Issue a warning letter to [REDACTED], as the legal owner, under s.53 of the DCA.
- Infringe [REDACTED] under s.53 of the DCA for not having Happy effectively controlled. Infringement fee \$200.
- Infringe [REDACTED] under s.53 of the DCA, for Happy not being under effective control. Infringement fee \$200.
- Classify Happy as a Menacing dog by Action under s.33A of the DCA.
- Classify Happy as a Dangerous dog by Action under s.33A of the DCA.

- Prosecute [REDACTED] under s.57 of the DCA
- Prosecute [REDACTED] under s.57 of the DCA
- A combination of the above

RECOMMENDATION

- Classify Happy as a Menacing dog by Action under s.33A of the DCA.

REASONS FOR RECOMMENDATION

- A previous warning letter has been issued to [REDACTED] on 10/12/2021
- A previous infringement has been issued to [REDACTED] on 31/01/2018
- An offence has been committed against s.53 and s.57 of the DCA
- Council believes 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.
- Without classification future incidents are likely due to the aggressive nature of Happy towards other dogs.
- [REDACTED] is aware of his obligation to have Happy on lead during performances and in designated on-leash areas, however, Happy is still allowed off lead.
- Happy has no reported aggression towards people and has not been aggressive upon ACO property visits.
- The victims' wounds and vet treatment were not of a serious nature.
- A sworn statement has not been provided by [REDACTED].

SIGN OFF

Report Prepared by:



**Rachel Ramsden
Animal Control Officer**

Date: 14/04/23

Reviewed By:



**Carrie Edgerton
Team Leader – Animal Control Team**

Date 5/1/2023

Recommendation Approval:



**Antony Hall
Manager – Regulatory**

Date 2 May 2023

ATTACHEMENTS:

- A Photo evidence of injuries to victim
- B Afterhours RFS for [REDACTED]
- C Witness statement from [REDACTED]
- D Witness statement from [REDACTED]
- E Vet report
- F Vet Invoice
- G Witness Statement from [REDACTED]

4.2 ANIMAL CONTROL

Legislation

- *Dog Control Act 1996*
- *Dog Control Bylaw 2020*
- *Local Government Act 2002*

Common breaches of this legislation

- Dogs attacking persons or animals (s 57)
- Dogs rushing at persons, animals, or vehicles (s 57A)
- Dogs causing serious injury (s 58)
- Offence of failing to keep dog under control (s 53)

Action	Description	Potential Effects on the Liable Party	When This Action Might Be Appropriate
Education	Education involves explaining the nature of the breach that has occurred under the relevant legislation.	A file note will be recorded on the file of the dog and considered if any further offending occurs.	If a minor offence has occurred, or there are mitigating factors, education may be appropriate in the first instance.
Formal warning	Formal warnings can be verbal or written warnings that identify to the offender that a breach of the relevant legislation has occurred and that they are liable for that breach.	A file note will be recorded on the file of the dog and considered if any further offending occurs. Non-compliance with the formal warning will be considered if and when escalating enforcement action.	A formal warning may be appropriate any time there is a breach of the legislation (depending on the circumstances).
Penalty (at renewal time)	A penalty is issued when payment of registration is not received by the due date.	A formal file note will be recorded on the file of the dog. 50% of the registration fee is added to the cost of registration. Positive history will be removed from the animal for 2 years, which is a financial implication.	A penalty may be appropriate if the registration fees are not paid within the appropriate timeframes.

Action	Description	Potential Effects on the Liable Party	When This Action Might Be Appropriate
Abatement notice (for barking dogs – s 55)	An abatement notice is issued to the owner requiring the remediation of barking within 7 days or as prescribed within the notice.	Gives 7 days to remediate the issue. Infringements may be issued for breach of abatement notice.	An abatement notice might be appropriate where the dog control officer or dog ranger has reasonable grounds for believing the dog is creating a nuisance by loud barking or howling.
Impounding/removal of dog (s 69)	The dog is impounded/removed.	The dog is impounded/removed. Fees associated with this enforcement option will be charged to the owner.	Non-compliance with barking dog notice with further complaint (s 56). Removal of the dog is sought when an offence has taken place and if applicable, other enforcement options have been exhausted and/or considered.
Disposal of dog (ss 64, 69, 71A)	After written notice, or order of the Court, the dog is sold, destroyed, or otherwise disposed.	Within 7 days of the receipt of that notice, the dog may be sold, destroyed, or otherwise disposed of in such a manner as the territorial authority determines. The sale, destruction, or other disposal of a dog under this section shall not relieve the former owner of the dog of the liability for the payment of any fees payable under this Act.	Disposal of the dog is appropriate when an abatement notice has been issued under the Dog Control Act and the nuisance has not been remedied. Disposal of the dog is sought when an offence has taken place and there are no factors to minimise the future risk.
Prosecution	A prosecution is sought when an offence has taken place, serious injury has occurred and there are no factors to minimise the future risk.	If convicted, court must order the destruction of the dog unless there are exceptional circumstances. A monetary fine is imposed by the court which varies depending on severity of instance.	A prosecution may be appropriate any time there is a breach of the Dog Control Act.

9th May 2023

[REDACTED]

Dear [REDACTED]

MENACING DOG CLASSIFICATION

I am writing to you following an alleged dog-on-dog attack on 25th March 2023, at Marine Parade, Queenstown, involving your dog Happy, license number [REDACTED] / Animal ID: [REDACTED].

Following an investigation, the Queenstown Lakes District Council has determined that Happy's history of dog-on-dog attacks gives us reasonable grounds to believe that Happy constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

Consequently, Happy has been classified as menacing. Please refer to the attached Notice of Classifications.

Conditions of these Classifications are that you must ensure Happy:

- Is muzzled at all times when in public places
- Proof of De-sexing is submitted

Proof of Happy being de- sexed will need to be provided to council within one month of receipt of this notice, you can email this to services@qldc.govt.nz , attention Rachel. Your vet will be able to provide this proof to you. Failure to do so could result in further infringements.

Please ensure that you comply with the requirements of the menacing dog classification and the Dog Control Act 1996 at all times, as failing to do so may result in further enforcement action.

If you have any queries regarding this matter, please do not hesitate to contact Queenstown Lakes District Council on email services@qldc.govt.nz or phone 03 441 0499.

Yours sincerely



Rachel Ramsden
Animal Control Officer
Queenstown Lakes District Council

NOTICE OF CLASSIFICATION OF DOG AS A MENACING DOG

Section 33A, Dog Control Act 1996

To: [REDACTED]

[REDACTED] [REDACTED]

Dog: Happy –License [REDACTED]

This is to notify you* [REDACTED] that this dog has been classified as a menacing dog under section 33A of the Dog Control Act 1996.

This is because of the aggressive behaviour exhibited by your dog, Happy, license number [REDACTED] on 25th March 2023, along Marine Parade, Queenstown.

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



.....
Manager Regulatory

Date: 9 May 2023

***For the purpose of the Dog Control Act 1996, you are the owner of a dog if –**

* You own the dog; or

* You have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or

*You are the parent or guardian of a person under the age of 16 who is the owner of the dog and who is a member of your household living with you and dependent on you.

Effect of Classification as a Menacing Dog
Sections 33E, 33F, and 36A Dog Control Act 1996

You are required,-

- (a) Must not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without being muzzled in such a manner as to prevent the dog from biting but allow it to breath and drink without obstruction; and
- (b) Must, if required by the Queenstown Lakes District Council, within 1 month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying –
 - (i) That the dog is or has been neutered; or
 - (ii) That for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- (c) Where a certificate under paragraph (b) (ii) is produced to the Queenstown Lakes District Council, to produce to the Queenstown Lakes District Council, within one month after the date specified in that certificate, a further certificate under paragraph (b)(i); and

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with any of the matters in paragraphs (a) to (c) above.

A dog control officer or a dog ranger may seize and remove the dog from you if you fail to comply with all the matters in (a) to (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with (a) to (c).

As from 1 July 2006 you are also required, for the purpose of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the Queenstown Lakes District Council in accordance with the reasonable instructions of the Queenstown Lakes District Council for verification that the dog has been implanted with a functioning microchip transponder in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement –

- Within 2 months from 1 July 2006 if your dog is classified as menacing or after 1 December 2003 but before 1 July 2006; or
- within 2 months after the dog is classified as menacing if your dog is classified as menacing after 1 July 2006

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement not to allow the dog to be at large or in any public place or private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breath and drink without obstruction. You will commit an offence and be liable on conviction to a fine not exceeding \$500.00 if you fail to comply with requirement

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

Right of Objection to Classification Section 33 (A), Dog Control Act
Section 33B Dog Control Act 1996

If the dog is classified as a menacing dog because it is believed to constitute a threat to public safety, you may object to the classification by lodging with the Queenstown Lakes District Council a written notice within 14 days of receipt of this notice setting out the grounds on which you object.

You are entitled to be heard in support of your objection and will be notified of the time and place when your objection will be heard.

Attachment D: Dog Owners' objection dated 27th June 2023

From: [REDACTED]
Sent: Tuesday, 27 June 2023 9:12 PM
To: Anthony Hall <Anthony.Hall@qldc.govt.nz>
Subject: Menacing Dog Classification

Hi Anthony,

It's [REDACTED] here, thank you very much for your time this afternoon.

It was nice to talk with you over the phone.

And regarding the Menacing Dog Classification [REDACTED] I would like to appeal your decision, so would you please send me all information regarding this case and all of Happy's history as well?

Thank you very much, and I'm looking forward to your reply.

I will be in touch.

Kind Regards,

[REDACTED]

Attachment E: History of Happy

<p>3/6/2019</p>	<p>██████████</p>	<p>At about 9.45am today I witnessed an incident outside Prime restaurant, near the Rees statue. A man with a guitar, apparently a busker, had a large dog on a leash. That dog was approached (calmly) by another dog, also on a leash. The busker's dog attacked the other dog quite viciously, and the busker was barely able to contain his dog from seriously injuring the other.</p> <p>I am concerned about this because:</p> <p>a) people walk in that area with their dog b) there are young children in the area at various times.</p> <p>In my opinion the busker's dog might injure another animal or a child and should not be kept there.</p>	<p>Tried to contact owner but unable to get in touch. Email sent to complainant - The dog owner is known to us and we have been working with him on an ongoing basis to assist with managing the dog's behaviour. Up to this point he has cooperated with Council and has been working with a canine behaviourist and while street-performing has the area corded off. As far as we know the dog has not been aggressive towards children however I do agree the subject dog is not the friendliest towards other dogs. Because of situations such as these we generally recommend dog owners do not allow their dogs to "meet" without approval of both parties.</p> <p>We will continue to work with the subject dog owner and I will make further recommendations to him when I manage to speak with him.</p>
<p>11/5/2021</p>	<p>██████████</p>	<p>xxxx has called to advised of a dog attack on dog. States the singing dog with owner along the lake front has flung his dog around. Owner has had to separate dogs apart. Dog has no serious injuries however caller is concerned dog may attack others as he was just walking past with his dog when this happened.</p>	<p>Multiple attempts to contact complainant made with no response. However we did discuss this with the alleged offending dog owner, ██████████</p> <p>██████████ He described the situation to me that his dog HAPPY was playing with another dog on the Queenstown water front. They were off-leash as they were going in and out of the lake. The customer's dog then approached the other two. The customer's dog tried to sniff HAPPY but went underneath his belly, which HAPPY didn't like. HAPPY then growled and pinned the other dog down for a moment before releasing him. ██████████ claims the other dog was unhurt and there was no biting at all, but did note the customer was very angry and aggressive towards him. HAPPY's behaviour is not considered unusual as many large</p>

			dogs will respond in a similar manner if a smaller dog tries to go under their belly to sniff. As the customer has not provided their account of events this was closed.
12/7/2021	██████████	last night, xxxx's dog was attacked by the 'singing dog' from town (they are neighbours) The other dog had xxxx dog by the neck and xxxx had to kick the other dog off. The other dog owner was watching the event, but made no effort to control his dog. xxxx has often seen/received aggression from this dog to his own and other dogs, even when walking through town when they are performing.	07.12 - Have spoken with ██████ – Owner of happy regarding the incident. ██████ has since spoken directly with xxxx to apologise for the event and the two have discussed this between themselves. Please can you link Animal Id ██████ ██████ has said today that he is putting up a fence around the property to confine Happy. Has said the fence should be in place by tomorrow.
3/25/2023	██████████	Caller was walking with his dog (Bishon Frise) which was on leash and when he went to sniff the dog he was attacked by the dog which was with his owner who was busking. xxxx said he will email with pictures as well. He said that dog can even attack a small child because it is aggressive. He said it is a white coloured dog which is always at the water front. This incident happened at the water front.	Happy classified as menacing. Conditions of these Classifications are that you must ensure Happy: Is muzzled at all times when in public places More information on the effects of a menacing classification can be found in the Dog Control Act 1996, S33 Effect of classification as menacing dog.

Attachment F: Photos of attack

Photos of victim's injury

Injury sustained on back of neck, behind left ear





RFS [redacted] job details

Animal Control Callout Log

QUEENSTOWN LAKES DISTRICT COUNCIL

RFS # 1355213 Date: 25/3/23
 QLDC Callout # _____ Time Received: 2:00p
 Officer Name: MARTIN Time officer on site: 2:15

Issue: Lost Dog Worrying stock Rushing Found Dog
 Aggressive behaviour Fouling Roaming Impound Dog
 Barking Dog Stock General Concern Release Dog
 Transport Dog

Attack on people – minor / serious Attack on animal – minor / serious
 (Please circle)

Notifier Details
 Name: [redacted]
 Address: [redacted]
 Contact: [redacted]
 Details: [redacted]

Known History
 Description of Dog
 Breed: Rough Collie Colour: White
 Distinctive Marks: _____
 Registration Tag: _____ / _____ Chip No: _____
 Owner: _____ Owner Number: _____
 Owner Address: _____ Owner Ph No: _____
 Other Details: _____

Action Taken Impound / Not Impound / Release
 Details (Please circle)
No person or dog after arrived
Comms took victims statement

Impounding Fees:	1 st	2 nd	3 rd
	(\$125)	(\$200)	(\$300)

Registration fees: _____
 Feeding Fees: _____
 Chipping Fees: _____
 Impound Fees: _____

QLDC Receipt # _____
 Cougar receipt # _____

Animal Control Callout Log

Witness statement from [REDACTED]



Dog Control – Victim Interview Form (Can be a victim Dog or Animal owner)

RIGHTS/CAUTION - ADULTS

- I am speaking to you about (give reason)
- You have the right to remain silent.
- You do not have to make any statement.
- Anything you say will be recorded and may be given in evidence in Court.
- You have the right to speak with a lawyer without delay and in private before deciding whether to answer any questions.
- Police have a list of lawyers you may speak to for free.

RFS # 1355213

A caution has been given as above Tick

General

Interviewing officer: Gary Location: Beach Street
 Date: 25/03/23 Start time of interview: 9:25pm
 Full Name of Victim: [REDACTED] Date of Birth: _____
 Address: [REDACTED]
 Phone number: [REDACTED]

Where applicable:

Victim Dogs name: ALFie Rego: [REDACTED] Breed: Bishon
 Victim animal details: Little Beshon Dog

The Attack

Were you attacked or did you observe your dog / animal being attacked (provide details):
Dog's went nose to nose Attacking Dog had victim's Dog ALF head in his mouth

If your animal, please provide details of the control your animal was under (i.e on a lead or on property):
Leash with Both owners victim
No Leash on attacking Dog Attacking dog

When did attack occur (Date and Time):

7pm rsh out side pedros / Patagonia
Aren

Where did attack occur:

pedros patagonia corner beach street
and end of the mall

Description of Attacking Dog (Breed, Colour):

hairy Black and white scruffy Dog

Did anyone appear to be in charge of the attacking Dog (description/ details):

owner was with the Dog pulled his
Dog off other Dog was not watching
over his Dog

Do you know the owners of the attacking dog, if yes provide details please:

Where did attacking dog come from:

Both Dogs walked up sniffing each
other Dog Bit out of no where
Taking victim's Dog head into its mouth

Nature of Attack (were you or animals bitten): _____

Attacking Dog Bit victim's Dog and
had its whole head in his mouth
victim's Dog's owners state this Dog's been in trouble
for the same actions before

Before the attack, how was the attacking dog under control (verbal / lead) _____

verbal owner not pay attention
Just finished Singing / Barking Dog's
attacked

Before the attack how was the attacking dog acting (barking, snarling): _____

was Barking along to owner's Barking
then left unattended with out lead with
is where the Attack has happened

How did the attack end: _____

attacking Dog's owner pulled
them apart

Has medical or vet attention been sought: _____

yes They are going
To be Taking These Dog into vet's and
get him checked out 25/03/23

Have the attacking dog owners offered compensation for any costs: _____

victim's left asap avoiding
him looking after his Dog

Victim Impact (are you Angry, Trauma – What would you like to happen now?)

victims are Angry These Dogs was attacked
worried That Next time it's could be
a Child

Any other information to add:

These people ~~be~~ would like a call
Back from council and ~~to~~ to be
updated with an outcome of how
this will be handled

Dog is very Trauma tised has Bite marks
They will be sending through TO RFS support
@glide.gart.nz

End time of interview: 10:00 pm



Phone Interview



I have read the above statement and agree it is true and correct



I have had the above statement read back to me and agree it is true and correct

Print Full Name:

Signed:

Date:

Animal Control Officer: Lury

Signed: Lury

Date: 25/03/23

Witness statement from [REDACTED]



Dog Control – Alleged Attacking Dog Owner Interview Form

RIGHTS/CAUTION - ADULTS

- I am speaking to you about (give reason)
- You have the right to remain silent.
- You do not have to make any statement.
- Anything you say will be recorded and may be given in evidence in Court.
- You have the right to speak with a lawyer without delay and in private before deciding whether to answer any questions.
- Police have a list of lawyers you may speak to for free.

RFS # [REDACTED]

A caution has been given as above Tick

General

Interviewing officer: Rachel Ramsden Location: Over the Phone
 Date: 27/03/23 Start time of interview: 5pm
 Full Name of Dog owner: [REDACTED] Date of Birth: [REDACTED]
 Address: [REDACTED]
 Phone number: [REDACTED]
 Dogs name: Happy Rego: [REDACTED] Breed: Sheepdog/GSDIP

The Attack

Are you aware an attack has taken Place: yes, knew there had been an altercation, but wasn't aware the attack was physical

Did you observe your dog attacking a person or animal: I saw Happy growl at the dog but not cause any injury

Were you in charge of your dog at the time of the alleged attack, if not who was: Yes
I was with my dog

When did attack occur (Date and Time): 7pm on the 25/3/23

Where did attack occur: at the lake front along
Marine parade

Description of Victim (Person, Animal or Dog - provide details) A lady
and a man were walking a small
white dog

If victim an animal, did anyone appear to be in charge of the animal / Dog:
lady had the dog on lead

Do you know the owners of the victim animal / dog, if yes provide details please: _____
No details of owner

Where did victim come from: the victim was walking
along and came and approached
Happy

Nature of Attack (did your dog bite): Don't believe that Happy attacked, heard him growling

Before the attack, was your dog under control (verbal / lead) Had just finished performing and had taken happy off lead while I packed equipment. He was right by my feet as was about to put him back on lead

Before the attack how was your dog acting (barking, snarling): Happy was calm and had just finished performing

How did the attack end: I grabbed hold of happy and moved him away. The owners of the small dog walked off without saying anything I asked if they were okay

Are you aware if medical or vet attention been sought: Not aware

Have you offered compensation for any costs resulting from attack: Not spoken with dog owners

Owners Attitude: (are you Angry, Sympathetic, concerned) annoyed that they approached happy with their dog.

Any other information to add: The small dog was
sawed to approach Happy and
walked underneath him sniffing
causing Happy to react. I grabbed
Happy straight away.

Happy is always on lead and
attached to my ankle, but I had
removed it to quickly pack up.

Other buskers can be witnesses

End time of interview: 5.20pm

Phone Interview

I have read the above statement and agree it is true and correct

I have had the above statement read back to me and agree it is true and correct

Print Full Name:

[REDACTED]

Signed:

Phone interview

Date: 27/03/23

Animal Control Officer:

Rachel Ramsden

Signed:

r ramsden

Date: 27/03/23

Attachment J: Vet report for Victim

Vet Report

Alfie's (Victim) injuries and treatment



Remarkable Vets
1079 Malaghans Road
Arrowtown, 9371

Ph (03) 442 1411
Email contact@remarkablevets.co.nz

Animal No.	121872
Clinical No.	518524
Record Date	27-03-2023
Attending Vet(s)	Dr Rachel Burt
Printed At	27-03-2023
Printed By	Dr Rachel Burt

CLINICAL SUMMARY

Client Details

Name [REDACTED]
Address [REDACTED]

Animal Details

Name	Alf	Age	10 years 2 months
Species	Canine (Dog)	Sex	Male Neutered
Breed	Jack Frost - Jack Russell cross Bichon Frise		

Health Status

Date/Time	Weight (kg)
27-03-2023 10:14:53am	6.45

Presenting Problem

Dog fight over weekend - spoke to TP on phone wound weeping now. Alf very tender around wound on neck so take care. has had metacam and codeine

History

27-03-2023 10:18:43am, Dr Rachel Burt

Sat evening reportedly bitten by another dog, grabbed around his head. Wound behind left ear. Bit off in himself, been giving metacam and codeine for pain.

Physical Exam

27-03-2023 10:33:40am, Dr Rachel Burt

Area of dried blood on coat behind left ear, painful in this area. Dog not tolerant of having the area examined or the hair clipped away so can't ascertain level of injury, would need sedation to investigate further. Abdominal palpation a bit reactive caudally as he normally is (prev bladder stones), but don't feel any abdominal injuries. Otherwise bright in himself

Feel reasonable to start antibiotics and monitor for now, owners can try cleaning area at home once he's a bit more comfortable. R/V if any concerns wrt size of wound or if not healing.

Clav 0.4ml SQ
Rx clav 125mg BID 7 days

Medication

Date/Time	Drug Name	Qty	Instructions	Prescribed By
27-03-2023 10:28:28am	Clavaseptin 250mg - Antibiotic	7	Give HALF a tablet every morning and night until finished (7 days). Start Tuesday morning	Dr Rachel Burt
27-03-2023 10:28:17am	Clavulox Rtu Inj 40ml	0.4		Dr Rachel Burt

Attachment K: Vet Invoice

Vet Invoice

Cost of payment for treatment of Alfie's wounds



1079 Malaghans Road
Arrowtown, 9371
(03) 442 1411
contact@remarkablevets.co.nz
GST 92-054-314

BILL TO



TAX INVOICE

DATE 1011138
25-03-2023
PURCHASE ORDER
CLIENT CODE 210781
ANIMAL Alf (Canine (Dog))
CLINICAL 518506

DESCRIPTION	STAFF MEMBER	QTY	TOTAL
Case Discussion, assessment and record keeping, +/- prescription	Dr Tim Penlington	1	\$74.00

PAYMENT TERMS: **Immediate Payment**
Payment in full is expected on the day of receiving invoice unless written authorisation specifies another date

Administration fees (\$20) and interest (2%/mth) will be applied to unauthorised overdue accounts and to all accounts outstanding at 1 month overdue

Please make bank deposits to 02 0948 0009464 02 with your client code as reference
Bank Account: 02 0948 0009464 02

Subtotal \$74.00
Inc. GST \$9.65
Total \$74.00
Paid \$74.00
Due \$0.00

1/1



1079 Malaghans Road
 Arrowtown, 9371
 (03) 442 1411
 contact@remarkablevets.co.nz
 GST 92-054-314

BILL TO



TAX INVOICE

DATE 1011169
 27-03-2023
 PURCHASE ORDER
 CLIENT CODE 210781
 ANIMAL Alf (Canine (Dog))
 CLINICAL 518524

DESCRIPTION	STAFF MEMBER	QTY	TOTAL
Veterinary Examination	LJ Montgomery	1	\$74.00
Clavulox Rtu Inj 40ml	Dr Rachel Burt	0.4	\$30.40
Clavaseptin 250mg - Antibiotic	Dr Rachel Burt	7	\$29.60

PAYMENT TERMS: Immediate Payment
 Payment in full is expected on the day of receiving invoice unless written authorisation specifies another date
 Administration fees (\$20) and interest (2%/mth) will be applied to unauthorised overdue accounts and to all accounts outstanding at 1 month overdue

Subtotal	\$134.00
Inc. GST	\$17.48
Total	\$134.00
Paid	\$134.00
Due	\$0.00

Attachment L: Witness statement

	QLDC ANIMAL CONTROL JOB REQUEST:
DATE and TIME	14 th April 2023 10:12am
	INTRODUCTION
	<p>[REDACTED]</p> <p>[REDACTED] was at the scene of the reported attack in close proximity to [REDACTED]</p>
10:12am Phone statement	<p>INTERVIEW WITNESS</p> <p>I was standing next to [REDACTED] and Happy, who has just finished up with their performance, while waiting to perform next.</p> <p>Happy was sat by [REDACTED] feet as we were chatting. I did not notice the small white dog approaching us. The first I noticed of the dog was when it was already underneath Happy. The lead must have been some sort of retractable long line as the owners weren't close to their dog as it approached.</p> <p>Happy was very chilled and relaxed and didn't seem to notice the dog approaching. The dog had managed to move under Happy's belly and had startled him. It was at this point that Happy growled and [REDACTED] grabbed hold of him and moved him away.</p> <p>I did not witness Happy causing any injuries to the other dog, and did not notice any wounds, bleeding, and nor was myself or [REDACTED] made aware from the other owner that any damage had been inflicted.</p> <p>Due to the long line the owners had no control over there dog and were stood away from the dog when the incident occurred. They then had to walk over to their dog to remove him from the situation.</p>
	<p>VICTIMS INJURES</p> <p>Did not notice any injuries and the victim did not mention and direct injuries to their dog.</p>

<p>R. RAMSDEN Name: Rachel Ramsden Date: 21/04/23</p>	<p>[REDACTED]</p> <p>Statement completed over phone and emailed for review 21/04/23</p>
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