Western Bay of Plenty District Council

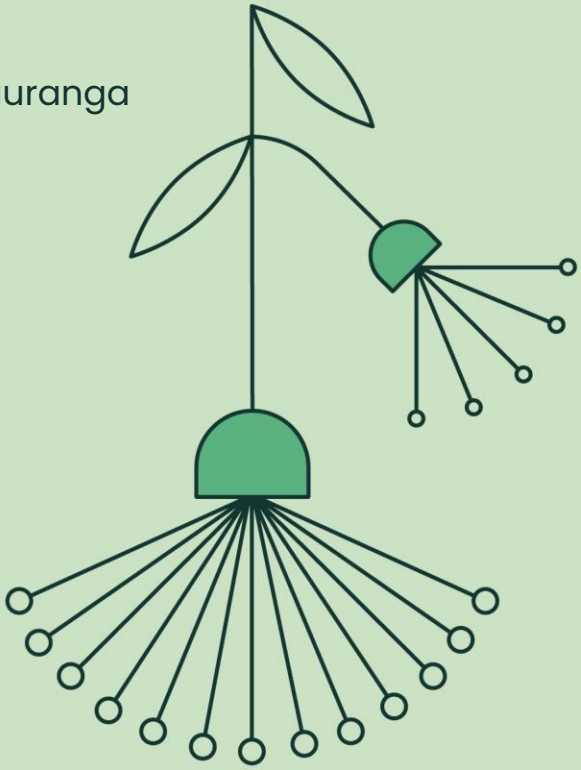
Mā tō tātou takiwā

For our District

Regulatory Hearings Panel

Poari Kōrero Whakarite

RHP25-1
Thursday, 7 August 2025, 9.30am
Council Chambers, 1484 Cameron Road, Tauranga



Regulatory Hearings Panel

Membership:

Chairperson	Deputy Mayor John Scrimgeour
Deputy Chairperson	Cr Murray Grainger
Members	Cr Tracey Coxhead Cr Grant Dally Mayor James Denyer Cr Anne Henry Cr Rodney Joyce Cr Margaret Murray-Benge Cr Allan Sole Cr Don Thwaites Cr Andy Wichers Any other external appointee that may be required.
Quorum	A panel of five (5) appointed in the first instance allowing for a quorum of three (3) once the hearing has commenced.
Frequency	As required.

Role:

- To conduct hearings and make decisions of a quasi-judicial nature of statutory and regulatory matters that fall within the scope of the Hearings Panel.

Scope:

- To conduct fair and effective hearings and make determinations under the Dog Control Act 1996.
- To hear submissions under the Reserves Act 1977 and make recommendation to Council.
- To consider staff reports outlining practicable options for matters relating to reserves.

Power to Act:

All powers, duties and discretions necessary to conduct hearings and make decisions of a quasi-judicial nature on behalf of the Council on any statutory and regulatory matters that are within the scope of the Committee, and that the Council is legally empowered or obligated to hear and determine, including but not limited to:

- all powers, duties, and discretions necessary to hear and make decisions on behalf of the Council in respect of any matter that the Council is empowered or obligated to hear and/or determine under the Dog Control Act 1996, Local Government Act 1974, Reserves Act 1977, Local Government Act 2002 or any other Act, or under any bylaw, as required.

Chairperson's Delegations:

The Chairperson of the Regulatory Hearings Panel are delegated the power to determine the composition of any panel to be convened under the Regulatory Hearings Panel's terms of reference.

Notice is hereby given that a Regulatory Hearings Panel Meeting will be held in the Council Chambers, 1484 Cameron Road, Tauranga on: Thursday, 7 August 2025 at 9.30am

Order Of Business

1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

2 PRESENT

3 IN ATTENDANCE

4 APOLOGIES

5 CONSIDERATION OF LATE ITEMS

6 DECLARATIONS OF INTEREST

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

7 PUBLIC EXCLUDED ITEMS

8 PUBLIC FORUM

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Board for up to five minutes on items that fall within the delegations of the Board provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer relationship management system as a service request, while those requiring further investigation will be referred to the Chief Executive.

9 HEARINGS

9.1 OBJECTION TO MENACING DOG CLASSIFICATION - SUSAN BUXTON

File Number: **A6803026**

Author: **Peter Hrstich, Animal Services Team Leader**

Authoriser: **Dougal Elvin, Compliance and Monitoring Manager**

PURPOSE OF THE REPORT

1. To hear an objection from Susan Buxton opposing the Menacing Classification of her dog named Willow.
2. This report is provided to assist the Panel in making a decision on an application to uphold or rescind a menacing dog classification in accordance with Section 33A(b)(i) of the Dog Control Act 1996 (The Act) ***(Attachment 1 – 33A(b)(i) Dog Control Act)***

RECOMMENDATION

1. That the Team Leader Animal Services report dated 7 August 2025, and titled Objection to Menacing Dog Classification - Susan Buxton, be received.
2. That the Regulatory Hearings Panel uphold the menacing classification, however the panel may either:
   a. Uphold the classification; or
   b. Rescind the classification

EXECUTIVE SUMMARY

3. Susan BUXTON is the registered owner of the dog **Willow**, Standard Poodle x Irish Setter, 18 months, spayed female and **Sadie**, Flat Coated Retriever, 12 years, female spayed. There has not been any recorded history with Council until the complaint on 16 April 2025, SR 69578 and SR 69579. ***(Attachment 2 Service request) (Attachment 3 Service request)***
4. As a result of the investigation for SR 69578 and 69579, Council classified the dog Willow as Menacing, which means the owner 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. The dog must also be desexed. ***(Attachment 4 – Officer Incident report) (Attachment 5 – Afterhours Contractor report) - (Attachment 6 – Notice of Menacing Classification)***

5. The attack matrix recommends a menacing classification. ***(Attachment 7 – Attack Matrix)***

6. The owner of a dog may object to that classification within 14 days of receiving the notice. The notice was sent on 5 May 2025 and the objection to the classification was received on 10 May 2025. ***(Attachment 6 – Objection to Menacing Classification)***

BACKGROUND

7. On the 15th April 2025 John (Jack) BUXTON, son of dog owner, was walking the two dogs Willow and Sadie on the edge of the sports field on [redacted] The dogs were not on a leash.

8. A group of children were playing soccer and running around the field, including the 10-year-old victim, [redacted] The team manager, [redacted], was present to supervise the training and the children. [redacted] parents were not present.

9. The dogs Willow and Sadie ran towards the children. [redacted] states that he was about 200 metres away from the children at the time.

10. The dogs chased after the children, and Willow bit [redacted] on the buttocks, resulting in puncture wounds that required treatment at a medical centre. ***(Attachment 7 – photo 1 injury) (Attachment 8 – photo 2 injury)***

11. [redacted] states that Willow got a bit over excited and got a bit nippy. ***(Attachment 9 – Offender interview notes)***

12. [redacted] recounted that he initially heard the dogs barking and then saw them running towards him. The dogs began circling him, prompting him to back away, after which Willow chased him, culminating in the dog Willow biting him. ***(Attachment 8 – victim interview notes)***

13. [redacted] witnessed the incident, stating that the two dogs pursued the children as they ran away, with Willow ultimately biting [redacted] ***(Attachment 9 – Witness Statement)***

14. Susan BUXTON was issued with a "Notice of Classification of Dog as a Menacing Dog – Section 33A, Dog Control Act 1996' (Attachment 6 – Notice of Menacing Classification) for her dog "Willow". This notice was issued as there were reasonable grounds to believe that Willow may pose a threat to people as it is proven that she bit a person.

15. In addition to the s.33A provisions under the Act that provide for Council's to classify a dog as menacing or dangerous, the owner of a dog whose dog attacks a person, or any stock, or poultry, or property of any kind, has a responsibility under section 62 of the Act. This section requires the dog to be muzzled in any public place or private way as follows:

(1) The person must not allow the dog to be at large or in any public place or private way, except when confined completely within a vehicle or cage, without being—

(a) muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

(b) controlled on a leash (except when in a dog exercise area specified in a bylaw made under section 20(1)(d))

16. This requirement under section 62 of the act is not imposed by Council and not subject to objection. A letter was sent to the dog owner stipulating the requirements of section 62. ***(Attachment 10 – Letter section 62)***

17. Section 62 does not alleviate the need for a Menacing classification as this presents a clearer obligation for the owner, and from a public safety requirement is more transparent. Menacing and Dangerous classifications are also recorded against the dog's Council records and on the National Dog Database. This information is available to other Council's through accessing the national database.

STATUTORY COMPLIANCE

18. Section 33A(1)(b)(i) of the Dog Control Act 1996 applies to a dog that:

A territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or report behaviour of the dog"

19. Section 33B of the Act offers a right of objection to a menacing dog classification by lodging a written notice within 14 days after receiving the notice.

20. The criteria Council must apply to this application are set out in Section 33B(2) of the Act:

"When considering any objection, the Committee shall have regard to:

a. The evidence which formed the basis for the original classification; and

b. Any steps taken by the owner to prevent any threat to the safety of persons and animals; and

c. The matters advanced in support of the objection; and

Any other relevant matters - and may uphold or rescind the classification."

21. Council may uphold or rescind the classification only. That is, there is no provision to modify the conditions of the classification.

22. The Dog Control Bylaw 2016 and Dog Control Act 1996 states that Council requires mandatory neutering of dogs classified as menacing.

23. The Dog Control Bylaw 2016 and Dog Control Act 1996 states menacing Dogs must wear a muzzle in public.

ISSUES AND OPTIONS ASSESSMENT

<table>
<tr><td colspan="2">Option A
That pursuant to Section 33B(2) of the Dog Control Act 1996 the Regulatory Hearings Panel upholds the menacing dog classification.</td></tr>
<tr><td>Assessment of advantages and disadvantages including impact on each of the four well-beings
Economic
Social
Cultural
Environmental</td><td>Advantages:
Appropriate controls will be required for the individual dogs that will reduce public threat.
Consistent with the Council risk management approach for ensuring public safety measures are in place.
Victims of negative dog behavior can be satisfied that their concerns have been accepted by Council.
Future incidents and complaints about this dog are mitigated.
Clearer for any Court decision should there be further reoffending
Disadvantages:
Dog owner remains dissatisfied with Council decision – increased compliance cost for owner.</td></tr>
<tr><td>Costs (including present and future costs, direct, indirect and contingent costs).</td><td>Costs of officer's time as follow-ups are required by Council staff to ensure menacing dog requirements are being met.</td></tr>
<tr><td colspan="2">Option B
That pursuant to Section 33B(2) of the Dog Control Act 1996 the Regulatory Hearings Panel rescinds the menacing dog classification.</td></tr>
<tr><td>Assessment of advantages and disadvantages including impact on each of the four well-beings
Economic
Social
Cultural
Environmental</td><td>Advantages:
Dog owner is satisfied with Council decision - Reduced compliance costs and controls for dog owner.
Disadvantages:
Increased risk of harm (e.g. bite) as dog may not be muzzled in public place.
Public perception that Council is "soft" on negative dog behavior.</td></tr>
</table>

Costs (including present and future costs, direct, indirect and contingent costs).	Costs of officer's time to investigate if further incidents occur with the dog.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	There are no budgetary or funding impact associated with the recommendations in this report.

ATTACHMENTS

1. **33A Dog Control Act 1996**
2. **Service Request 69578**
3. **Service Request 69579**
4. **Officer Incident Report**
5. **Contractor Afterhours Report**
6. **Menacing 33A**
7. **Attack Matrix**
8. **Objection for classification for Willow**
9. **Photo 1 injury**
10. **Photo 2 injury**
11. **Victim Interview Notes**
12. **Offender Interview Notes**
13. **Victim Statement**
14. **Section 62 Letter**

PARLIAMENTARY COUNSEL OFFICE
TE TARI TOHUTOHU PĀREMATA

New Zealand Legislation

Dog Control Act 1996

If you need more information about this Act, please contact the administering agency: **Department of Internal Affairs**

Menacing dogs

Heading: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

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.

Section 33A: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).
Section 33A(3): amended, on 1 November 2004, by section 10 of the Dog Control Amendment Act 2004 (2004 No 61).
Section 33A(3)(c): amended, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).
Section 33A(3)(d): added, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).

Service Request Summary

1/07/2025 2:06:54 pm

Western Bay of Plenty District Council

Request ID:	69578	**Assigned to:**	Animal Services Referral Team (ds_team)	**Request:**	15/04/2025 6:11:24 pm
Priority:	Routine	**Location:**	[redacted]		29/04/2025 4:30:00 pm
Sub Type:	PERSON - Dog attacked (and made contact)	**Contact:**	[redacted]	**Closed:**	28/04/2025 11:31:56 am

Default Phone: **Other Phone:** [redacted]

Email: [redacted]

Description

[redacted]

There were 2 dogs off leash in the park during football training.
One dog has attacked one of the players and bitten them leaving two large bite marks
At the beginning of training players were doing a lap of the field (running) when owner with two dogs have come onto the park, seen the players and started chasing them as they were running their lap.
At first dog seemed to be just chasing, however the owner was yelling at them to return which they ignored before one has bitten a player.
Owners details: Jack Buxton [redacted] who lives at either [redacted] or [redacted] (but is moving tomorrow or the next day.)
Golden Lab, wearing a collar medium to large size.
Time of incident 15:35approx
[redacted] is the child who was attacked.
[redacted]

Called [redacted] to advise as per [redacted], left voice mail.

Emailed watchdog 18:25
Called watchdog 18:27 and spoke to [redacted] who advised paperwork received.

[redacted]

18:00 15/04/2025 [redacted]

Interactions

Page 1

Service Request Summary
1/07/2025 2:06:54 pm

Western Bay of Plenty District Council

Date: 16/04/2025 6:30:08 am **Created by:** Carolyn Bennett-Ouellet **Type:** Email
Subject: WBOPDC Contact Centre Transaction Notification SR.69578

This is a notification of a new contact centre transaction

CCR SUBTYPE: PERSON - Dog attacked (and made contact)

CCR REFERRAL: Animal Services Referral Team (ds_team)

CCR DETAILS: [redacted]
There were 2 dogs off leash in the park during football training. One dog has attacked one of the players and bitten them leaving two large bite marks At the beginning of training players were doing a lap of the field (running) when owner with two dogs have come onto the park, seen the players and started chasing them as they were running their lap. At first dog seemed to be just chasing, however the owner was yelling at them to return which they ignored before one has bitten a player. Owners details: Jack Buxton [redacted] who lives at either [redacted] or [redacted] Street (but is moving tomorrow or the next day.) Golden Lab, wearing a collar medium to large size. Time of incident 15:35approx [redacted] is the child who was attacked. Father [redacted]
Called [redacted] to advise as per [redacted], left voice mail.
Emailed watchdog 18:25 Called watchdog 18:27 and spoke to [redacted] who advised paperwork received.
[redacted]
18:00 15/04/2025 [redacted]

Click here to view Job in Datascape SR 69578 - SR.Animal Services - SR.Animal Services.Dog Rush/Attk Person - Routine

If you have any questions please contact a member of the Customer Service Team for assistance.

Thank you

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Service Request Summary

1/07/2025 2:06:54 pm

Western Bay of Plenty District Council

Date: 16/04/2025 6:30:11 am **Created by:** Carolyn Bennett-Ouellet **Type:** Email

Subject: New SR.69578 'SR.Animal Services.Dog Rush/Attk Person'

Service Request Subtype: SR.Animal Services.Dog Rush/Attk Person

Assigned to: Animal Services Referral Team (ds_team) Tony Wright

[redacted]

Address: [redacted]

Description: [redacted]
There were 2 dogs off leash in the park during football training. One dog has attacked one of the players and bitten them leaving two large bite marks At the beginning of training players were doing a lap of the field (running) when owner with two dogs have come onto the park, seen the players and started chasing them as they were running their lap. At first dog seemed to be just chasing, however the owner was yelling at them to return which they ignored before one has bitten a player. Owners details: Jack Buxton [redacted] who lives at either [redacted] or [redacted] Street (but is moving tomorrow or the next day.) Golden Lab, wearing a collar medium to large size. Time of incident 15:35approx [redacted] is the child who was attacked. Father [redacted]
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[redacted]
18:00 15/04/2025 [redacted]

Click here to view Job in Datascape SR 69578 - SR.Animal Services - SR.Animal Services.Dog Rush/Attk Person - Routine

Service Request Summary

1/07/2025 2:06:54 pm

Western Bay of Plenty District Council

Date: 16/04/2025 7:08:32 am **Created by:** Carolyn Bennett-Ouellet **Type:** Note

Subject: Further Details:

Further Details:

Watchdog Job no.: 93636 (69578)

15/04/2025 18:46 En Route - (PDA) 15/04/2025 19:53 On site - (PDA) 15/04/2025 20:16 Animal Not Located - (PDA) Animal nif located as phone statement was taken. 15/04/2025 20:16 Clear from site - (PDA) I contacted the victim via phone number provided on the job.They described the incident that their 10 year old son was at his soccer training at [redacted] football field when 2 dogs came running from the other side of the park.1 of the 2 dog then came straight to their son and bite him twice in the buttox.Their son was then taken to [redacted] medical center for treatment.The 2 dog was running around the park work no leash on. The owner was also at the park at the time of the incident and he immediately put the 2 dogs back on leash.I also contacted the witness(caller) and her story matches that of the vitamins family.I also managed to speak to the dog owner and he said that he was very sorry and very unfortunate that the incident happened.He said that his dog that bite the kid was a female puppy blonde pudo cross.He claimed that his dogs were playful and wrre just excited to see kids at the park.He was very apologetic however he refuses to provide his current address and claimed that he is on the process of moving houses.He claimed to not know who lives on the address listed on the job as his.The victim family and sent through photos of dog bite their son sustained from the incident.The dog owner is aware that the council will get in touch regarding the incident.All statement is from the victim family the witness and dog owner will be submitted. 15/04/2025 20:18 Job Completed [redacted]

Service Request Summary

1/07/2025 2:06:54 pm

Western Bay of Plenty District Council

Date: 16/04/2025 3:29:40 pm **Created by:** Peter Hrstich **Type:** Note

Subject: Further Details:

Further Details: Visited dog owner and spoke to her and her son John (Jack) Oliver Westland Buxton, DoB [redacted]. He was walking the two dogs off a leash at [redacted] The was a team of young soccer players training in the field. They were over 200 metres away. The dog Willow started running towards them, Sadie followed. He saw Willow jumping up around boy. He didn't know about a bite but was advised later.

They advised that they are moving to [redacted] the next day.

Jack and his mother Susan were cooperative.

Visited the victim, 10-year-old [redacted] and spoke to him and his father. The father was not at the park at the time of the incident. [redacted] said that he was running around the park with the team. He heard barking and saw the two dogs coming towards him. They circled him and he started to run. The lighter coloured dog then bit him once on the buttock.

Phoned and spoke to [redacted] who was a witness and organiser of the training. She said that the two dogs were running towards all the boys and targeted [redacted]. Just the one dog bit him. The owner was calling the dogs back and were unresponsive with the black dog heading back to Jack before returning to him. She believes that if the dog didn't attack [redacted] the dog would have bitten another one of the boys.

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Service Request Summary
1/07/2025 2:06:54 pm

Western Bay of Plenty District Council

Date: 28/04/2025 11:13:37 am **Created by:** Peter Hrstich **Type:** Note
Subject: Further Details:

Further Details: Outcome - menacing dog classification for Willow. Two INF to be issued for failing to control dogs. Dog owner and comp updated.

Date: 28/04/2025 11:32:53 am **Created by:** Peter Hrstich **Type:** Note
Subject: Selected Outcome (Completed)

Classification and INFs

Documents

Vetting – Additional Information

Interactions

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Service Request Summary

1/07/2025 2:06:54 pm

Western Bay of Plenty District Council

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Western Bay of Plenty District Council

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Western Bay of Plenty District Council

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Service Request Subtype: SR.Animal Services.Dog Rush/Attk Person

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Classification and INFs

Documents

Vetting – Additional Information

Service Request Summary

1/07/2025 2:11:35 pm

Western Bay of Plenty District Council

Request ID:	69579	**Assigned to:**	Animal Services Referral Team (ds_team)	**Request:**	15/04/2025 7:01:04 pm
Priority:	Routine	**Location:**	[redacted]		30/04/2025 3:32:00 pm
Sub Type:	PERSON - Dog attacked (and made contact)	**Contact:**	[redacted]	**Closed:**	23/04/2025 3:33:10 pm

Default Phone: [redacted] **Other Phone:** [redacted]

Email: [redacted]

Description

[redacted]

Attack happened on calls 10 years old son
Dog attack
Dog bite right bottom
2 wounds
Upper is not large
lower is bleeding
Rushed to medical center - [redacted] (Doctor)
Time of incident: between 15:30 to 15:40
Golden retriever
Large dog
Fluffy/messy hair
Caller advised team manager phoned to advise of the attack - [redacted]
Phoned [redacted] as a FYI

Watchdog emailed and phoned - [redacted]

[redacted]
or
Husbands number - [redacted] - [redacted]

[redacted] 15/04/2025 7:00pm

Page 1

Service Request Summary

1/07/2025 2:11:35 pm

Western Bay of Plenty District Council

Interactions

Service Request Summary

1/07/2025 2:11:35 pm

Western Bay of Plenty District Council

Date: 16/04/2025 6:32:46 am **Created by:** Carolyn Bennett-Ouellet **Type:** Email

Subject: WBOPDC Contact Centre Transaction Notification SR.69579

This is a notification of a new contact centre transaction

CCR SUBTYPE: PERSON - Dog attacked (and made contact)

CCR REFERRAL: Animal Services Referral Team (ds_team)

CCR DETAILS: [redacted]
Attack happened on calls 10 years old son Dog attack Dog bite right bottom 2 wounds Upper is not large lower is bleeding Rushed to medical center - [redacted] (Doctor) Time of incident: between 15:30 to 15:40 Golden retriever Large dog Fluffy/messy hair Caller advised team manager phoned to advise of the attack - [redacted] Phoned [redacted] as a FYI
Watchdog emailed and phoned - [redacted]
[redacted] or Husbands number - [redacted] - ** [redacted] ** [redacted]
** [redacted] **
[redacted] 15/04/2025 7:00pm

Click here to view Job in Datascape SR 69579 - SR.Animal Services - SR.Animal Services.Dog Rush/Attk Person - Routine

If you have any questions please contact a member of the Customer Service Team for assistance.

Thank you

Western Bay of Plenty District Council

Service Request Summary

1/07/2025 2:11:35 pm

Western Bay of Plenty District Council

Date: 16/04/2025 6:32:50 am **Created by:** Carolyn Bennett-Ouellet **Type:** Email

Subject: New SR.69579 'SR.Animal Services.Dog Rush/Attk Person'

Service Request Subtype: SR.Animal Services.Dog Rush/Attk Person

Assigned to: Animal Services Referral Team (ds_team) Tony Wright

[redacted]

Address: [redacted]

Description: [redacted]
Attack happened on calls 10 years old son Dog attack Dog bite right bottom 2 wounds Upper is not large lower is bleeding Rushed to medical center - [redacted] (Doctor) Time of incident: between 15:30 to 15:40 Golden retriever Large dog Fluffy/messy hair Caller advised team manager phoned to advise of the attack - [redacted] Phoned [redacted] as a FYI
Watchdog emailed and phoned - [redacted] or Husbands number - [redacted] - ** [redacted] ** [redacted] ** [redacted] **
[redacted] 15/04/2025 7:00pm

Click here to view Job in Datascape SR 69579 - SR.Animal Services - SR.Animal Services.Dog Rush/Attk Person - Routine

Page 4

Service Request Summary

1/07/2025 2:11:35 pm

Western Bay of Plenty District Council

Date: 16/04/2025 7:09:37 am **Created by:** Carolyn Bennett-Ouellet **Type:** Note

Subject: Further Details:

Further Details:

Watchdog Job No. 93641 (69579)

15/04/2025 19:35 En Route - (PDA) 15/04/2025 20:18 On site - (PDA) 15/04/2025 20:22 Animal Not Located - (PDA) Dog kif located as phone statement was taken. 15/04/2025 20:22 Clear from site - (PDA) The victim was at his soccer training when 2 dog cams running from the other side of the park l .1 of the 2 dogs then came and bite the victim twice on the buttox.The victim was then taken to [redacted] medical center for treatment.The victim is now at home.Please refer to the previous job for more details.Note that the dog owner refuses to confirm that his lives on the address listed on the job as the pick up address. Printed 16/04/25 07:00 [238909] Customer Activity Report Page 2 GDS 15/04/2025 20:22 Job Completed [redacted]

Service Request Summary

1/07/2025 2:11:35 pm

Western Bay of Plenty District Council

Date: 16/04/2025 3:22:17 pm **Created by:** Peter Hrstich **Type:** Note

Subject: Further Details:

Further Details: Visited dog owner and spoke to her and her son John (Jack) Oliver Westland Buxton, DoB [redacted]. He was walking the two dogs off a leash at [redacted]. The was a team of young soccer players training in the field. They were over 200 metres away. The dog Willow started running towards them, Sadie followed. He saw Willow jumping up around boy. He didn't know about a bite but was advised later.

They advised that they are moving to [redacted] the next day.

Jack and his mother Susan were cooperative.

Visited the victim, 10-year-old [redacted] and spoke to him and his father. The father was not at the park at the time of the incident. [redacted] said that he was running around the park with the team. He heard barking and saw the two dogs coming towards him. They circled him and he started to run. The lighter coloured dog then bit him once on the buttock.

Phoned and spoke to [redacted] who was a witness and organiser of the training. She said that the two dogs were running towards all the boys and targeted [redacted]. Just the one dog bit him. The owner was calling the dogs back and were unresponsive with the black dog heading back to Jack before returning to him. She believes that if the dog didn't attack [redacted] the dog would have bitten another one of the boys.

Service Request Summary

1/07/2025 2:11:35 pm

Western Bay of Plenty District Council

Date: 23/04/2025 3:34:04 pm **Created by:** Peter Hrstich **Type:** Note

Subject: Selected Outcome (Completed)

Refer to SR 69578 - this is the second complaint to same incident

Outcome - menacing dog classification for Willow. Two INF to be issued for failing to control dogs. Dog owner and comp updated.

Date: 11/05/2025 8:56:59 am **Created by:** Carolyn Bennett-Ouellet **Type:** Note

Subject: Further Details:

Further Details:

Also refer to SR.71717

Documents

application/octet-stream SR.69579 - Animal Services - PERSON - Dog attacked (and made contact) - [redacted]

Vetting – Additional Information

Interactions

Service Request Summary

1/07/2025 2:11:35 pm

Western Bay of Plenty District Council

Date: 16/04/2025 6:32:46 am **Created by:** Carolyn Bennett-Ouellet **Type:** Email

Subject: WBOPDC Contact Centre Transaction Notification SR.69579

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Watchdog emailed and phoned - [redacted]
[redacted]or Husbands number - [redacted] - **[redacted]** [redacted]
[redacted]
[redacted] 15/04/2025 7:00pm

Click here to view Job in Datascape SR 69579 - SR.Animal Services - SR.Animal Services.Dog Rush/Attk Person - Routine

If you have any questions please contact a member of the Customer Service Team for assistance.

Thank you

Western Bay of Plenty District Council

Service Request Summary

1/07/2025 2:11:35 pm

Western Bay of Plenty District Council

Date: 16/04/2025 6:32:50 am **Created by:** Carolyn Bennett-Ouellet **Type:** Email

Subject: New SR.69579 'SR.Animal Services.Dog Rush/Attk Person'

Service Request Subtype: SR.Animal Services.Dog Rush/Attk Person

Assigned to: Animal Services Referral Team (ds_team) Tony Wright

[redacted]

Address: [redacted]

Description: [redacted]
Attack happened on calls 10 years old son Dog attack Dog bite right bottom 2 wounds Upper is not large lower is bleeding Rushed to medical center - [redacted] (Doctor) Time of incident: between 15:30 to 15:40 Golden retriever Large dog Fluffy/messy hair Caller advised team manager phoned to advise of the attack - [redacted] Phoned [redacted] as a FYI
Watchdog emailed and phoned - [redacted] or Husbands number - [redacted] - ** [redacted] ** [redacted] ** [redacted] **
[redacted] 15/04/2025 7:00pm

Click here to view Job in Datascape SR 69579 - SR.Animal Services - SR.Animal Services.Dog Rush/Attk Person - Routine

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Service Request Summary

1/07/2025 2:11:35 pm

Western Bay of Plenty District Council

Date: 16/04/2025 7:09:37 am **Created by:** Carolyn Bennett-Ouellet **Type:** Note

Subject: Further Details:

Further Details:

Watchdog Job No. 93641 (69579)

15/04/2025 19:35 En Route - (PDA) 15/04/2025 20:18 On site - (PDA) 15/04/2025 20:22 Animal Not Located - (PDA) Dog kif located as phone statement was taken. 15/04/2025 20:22 Clear from site - (PDA) The victim was at his soccer training when 2 dog cams running from the other side of the park l .1 of the 2 dogs then came and bite the victim twice on the buttox.The victim was then taken to [redacted] medical center for treatment.The victim is now at home.Please refer to the previous job for more details.Note that the dog owner refuses to confirm that his lives on the address listed on the job as the pick up address. Printed 16/04/25 07:00 [238909] Customer Activity Report Page 2 GDS 15/04/2025 20:22 Job Completed [redacted]

Service Request Summary

1/07/2025 2:11:35 pm

Western Bay of Plenty District Council

Date: 16/04/2025 3:22:17 pm **Created by:** Peter Hrstich **Type:** Note

Subject: Further Details:

Further Details: Visited dog owner and spoke to her and her son John (Jack) Oliver Westland Buxton, DoB [redacted]. He was walking the two dogs off a leash at [redacted]. The was a team of young soccer players training in the field. They were over 200 metres away. The dog Willow started running towards them, Sadie followed. He saw Willow jumping up around boy. He didn't know about a bite but was advised later.

They advised that they are moving to [redacted] the next day.

Jack and his mother Susan were cooperative.

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Phoned and spoke to [redacted] who was a witness and organiser of the training. She said that the two dogs were running towards all the boys and targeted [redacted]. Just the one dog bit him. The owner was calling the dogs back and were unresponsive with the black dog heading back to Jack before returning to him. She believes that if the dog didn't attack [redacted] the dog would have bitten another one of the boys.

Service Request Summary

1/07/2025 2:11:35 pm

Western Bay of Plenty District Council

Date: 23/04/2025 3:34:04 pm **Created by:** Peter Hrstich **Type:** Note

Subject: Selected Outcome (Completed)

Refer to SR 69578 - this is the second complaint to same incident

Outcome - menacing dog classification for Willow. Two INF to be issued for failing to control dogs. Dog owner and comp updated.

Date: 11/05/2025 8:56:59 am **Created by:** Carolyn Bennett-Ouellet **Type:** Note

Subject: Further Details:

Further Details:

Also refer to SR.71717

Documents

application/octet-stream SR.69579 - Animal Services - PERSON - Dog attacked (and made contact) - [redacted]

Vetting – Additional Information

Incident Report

Attention
Team Lead Animal Services
Western Bay of Plenty District Council

Report date 28/04/2025
Incident date 16/04/2025

Service Request 69579

Complainant: [redacted]
Address: [redacted] Street [redacted]

Victim: [redacted]
Son of complainant – 10 years old

Offender: Susan BUXTON
Address: [redacted]
Dog 1: Willow – Poodle x Irish Setter – Female – entire – 18 Months
Dog ID [redacted] –registered

Dog 2: Sadie – Retriever x Poodle – Female – desexed – 12yrs
Dog ID [redacted] - registered

Person in charge: John Oliver Westland BUXTON
Date of Birth: [redacted]
Relationship: Son of owner
Address: [redacted]

Witness: [redacted]
Address: [redacted]

SUMMARY OF FACTS

1. At approximately 1530hrs on the 15th April 2025 [redacted] was participating in soccer training session on [redacted].
2. John BUXTON was walking on the park with two dogs belonging to his mother. They were not on a leash. BUXTON claims that he was over 200 metres away from the children playing soccer.
3. The two dogs ran towards the boys playing soccer. [redacted] heard barking and then saw them both approaching him.
4. The two dogs started circling [redacted] then he backed off then ran away. The dog named Willow then bit him once on the buttocks.

5. BUXTON secured the dogs and put them into his vehicle. [redacted] was taken to the medical centre for treatment for his injury. Two small puncture wounds.

Evidence

- Statement from Offender – BUXTON
- Statement from Witness – [redacted]
- BWC interview - [redacted]
- Body Worn Camera footage – property visit
- Photos of Injuries
- Attack matrix

Dog/Owner Background and history

- There is no history for the dogs or owners

Conclusion and recommendation

The matrix indicates a menacing classification and infringement. This seems to be appropriate given the circumstances of the incident.

- Menacing classification for the dog Willow s33A(b)(i)
- Two infringement notices for failing to control the dogs Willow and Sadie in a public place – Breach of a bylaw s20 DCA 1996.

[redacted]

Peter Hrstich
Team Lead Animal Services

Printed 16/04/25 07:00 [238909] Customer Activity Report Page 1

WBAH ANIMAL SERVICES (WBAHANIMAL) Customer WBAH

1484 CAMERON ROAD, GREERTON TAURANGA

Job no.: 93636 (69578) Time: 15/04/2025 18:28:03 Job type: Animal Services (ANIMAL)
Event: Animal Services (ANIMAL) Source: Western Bay Council (WBAH) Callsign: D5
Details: Name [redacted] (Witness) Contract:
Street Address [redacted]
Phone Number [redacted]
Pick Up Address [redacted]
Animal/s Golden Lab
Description Dog has attacked and bitten a child at the [redacted] football field during training.Dog was with owner at the time who had attacking dog and one other off leash.Child has gone to the medical centre due to bites received.

Caller has Owner of dogs details: Jack Buxton [redacted]
Owner walking with 2 dogs off leash when one has bitten the child.

Time of incident 15:35

Caller notes child's father's details: [redacted]
Size Medium to large
Colour Golden
Collar Yes
Tag Year/Number Unknown
Is the animal Secured
(dogs must be secured) No
Other Witness to a dog attack.
Council Reference Number SR69578

15/04/2025 18:46	En Route - (PDA)
15/04/2025 19:53	On site - (PDA)
15/04/2025 20:16	Animal Not Located - (PDA) Animal nif located as phone statement was taken.
15/04/2025 20:16	Clear from site - (PDA) I contacted the victim via phone number provided on the job.They described the incident that their 10 year old son was at his soccer training at [redacted]ootball field when 2 dogs came running from the other side of the park.1 of the 2 dog then came straight to their son and bite him twice in the buttox.Their son was then taken to [redacted]medical center for treatment.The 2 dog was running around the park work no leash on. The owner was also at the park at the time of the incident and he immediately put the 2 dogs back on leash.I also contacted the witness(caller) and her story matches that of the vitamins family.I also managed to speak to the dog owner and he said that he was very sorry and very unfortunate that the incident happened.He said that his dog that bite the kid was a female puppy blonde pudo cross.He claimed that his dogs were playful and wrre just excited to see kids at the park.He was very apologetic however he refuses to provide his current address and claimed that he is on the process of moving houses.He claimed to not know who lives on the address listed on the job as his.The victim family and sent through photos of dog bite their son sustained from the incident.The dog owner is aware that the council will get in touch regarding the incident.All statement is from the victim family the witness and dog owner will be submitted.
15/04/2025 20:18	Job Completed

[redacted]

Job no.: 93641 (69579) Time: 15/04/2025 19:22:07 Job type: Animal Services (ANIMAL)
Event: Animal Services (ANIMAL) Source: Western Bay Council (WBAH) Callsign: D5
Details: Name [redacted] Contract:
Street Address [redacted]
Phone Number [redacted] Husbands number [redacted]
Pick Up Address [redacted]
Animal/s Golden retriever
Description Fluffy/Messy hair
Size Large
Colour Golden
Collar Unknown
Tag Year/Number Unknown
Is the animal Secured
(dogs must be secured) Unknow - Attack
Other 10 Year old boy was bitten by dog, above is his mother.
Council Reference Number SR69579

15/04/2025 19:35	En Route - (PDA)
15/04/2025 20:18	On site - (PDA)
15/04/2025 20:22	Animal Not Located - (PDA) Dog kif located as phone statement was taken.
15/04/2025 20:22	Clear from site - (PDA) The victim was at his soccer training when 2 dog cams running from the other side of the park I .1 of the 2 dogs then came and bite the victim twice on the buttox.The victim was then taken to Kati medical center for treatment.The victim is now at home.Please refer to the previous job for more details.Note that the dog owner refuses to confirm that his lives on the address listed on the job as the pick up address.

GDS

15/04/2025 20:22 Job Completed

[redacted]

[redacted]

Western Bay of Plenty District Council
1484 Cameron Road,
Greerton, Tauranga 3112
P 07 571 8008
E customer.service@westernbay.govt.nz
westernbay.govt.nz

29 April 2025

Service Request No: **69579**

SUSAN BUXTON
[redacted]

Dear Susan,

Notice of Classification of Dog as a Menacing Dog - Section 33A, Dog Control Act 1996

This is to notify you that this dog has been classified as a menacing dog under Section 33A(1) of the Dog Control Act 1996:

Name:	**Breed:**	**Colour:**	**Sex:**	**Age:**
WILLOW	POODLE, STANDARD SETTER, IRISH	GINGER	FEMALE	1 yr 5 mths
Dog Id No: [redacted] **Authority**: Western Bay of Plenty District Council				

Reason for Classification:
Due to reported or observed behaviour of the dog Council has reasonable grounds to believe this dog poses a threat to any person, stock, poultry, domestic animal or protected wildlife.

A summary of the effect of the classification and your right to object is attached**; this includes the requirement for the dog to be neutered.**

Yours faithfully

[redacted]

Peter Hrstich
Animal Services Team Lead

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Otamarakau ki te Uru

** For the purposes 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 16 who is the owner of the dog and who is a member of your household living with and dependent on you.*

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

You –

(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 the dog 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** produce to the Western Bay of Plenty District Council, within one month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying that:

(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 Western Bay of Plenty District Council, produce to the Western Bay of Plenty District Council, within one month after the date specified in that certificate, a further certificate under paragraph (b)(i).

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

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (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 Western Bay of Plenty District Council in accordance with the reasonable instructions of the Western Bay of Plenty District Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

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 in any 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 all it to breathe and drink without obstruction. You will commit an offence and be liable on conviction to a fine not exceeding $500 if you fail to comply with this requirement.

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

You may object to the classification of your dog as menacing by lodging with the Western Bay of Plenty District Council a written objection within 14 days of receipt of this notice setting out the ground on which you object.

You have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

ATTACK RATING REPORT

OFFENDER NAME: Oliver / Susan BUXTON
SERVICE REQUEST 69579

SERIOUSNESS	
Attack person – no visible / significant injury	15
VICTIM IMPACT	
The victim has suffered minor physical and/or mental trauma. No financial loss.	2
DOG SURRENDERED / DESTROYED	
The dog has not been surrendered for destruction.	4
OBSERVED AGGRESSION (PEOPLE) *(Based on the Officer's observation only)*	
No signs of aggression	0
NEGLIGENCE	
The incident is the direct result of minor negligence/carelessness	2
CO-OPERATION	
Cooperative and forthcoming with information & contrition shown	0
REGISTRATION	
Registered	0
PREVIOUS HISTORY - DOG	
No history	0
PREVIOUS HISTORY - PERSON	
No history	0
BREACH OF CLASSIFICATION CONDITIONS	
N/A	0
RESTRAINT	
The dog was under inadequate restraint i.e. could have been accidentally approached or coulc	1
RECURRENCE LIKELIHOOD	
Recurrence possible	2
DAMAGES	
No damages or damages paid voluntarily	0
POTENTIAL FOR HARM	
Large dog	3
TOTAL	29

Result Menacing dog classification and/or infringement

<25 = Warning Letter and/or Infringement
<34 = Menancing dog classification and/or infringement
<50 = Dangerous dog and infringement
50+ = Dangerous dog and infringement or prosecution

Peter Hrstich

From: Susan Buxton <[redacted]>
Sent: Monday, 19 May 2025 9:10 am
To: Peter Hrstich
Subject: Re: SR.71717 Regarding service request 69579

From: Susan Buxton <[redacted]>
Sent: Saturday, 10 May 2025 5:31 pm
To: Customer Service <customerservices@westernbay.govt.nz>
Subject: SR.71717 Regarding service request 69579

Attention [redacted]

Objection to the classification of Willow as a menacing dog.

Willow is a very young dog yet to reach adulthood. She did run excitedly after the boys playing football in a misplaced effort to play. She did get overexcited and grabbed at the boy's clothing from behind and tragically bit his buttock. This is terrible for the boy concerned who is likely to carry fear for the rest of his life. It must never happen again.

Willow is not at all confrontational in public. I would like to have permission to walk her on the leash without a muzzle. She is, however, currently being trained to wear one and is attending a programme with a professional trainer - [redacted]. I have also contacted a veterinary behaviourist with a view to medicating Willow to relieve her anxiety. She is not an aggressive individual or breed. She does bark loudly at strangers coming to the house but soon settles as your officers could confirm. She did not have to be restrained in any way when they came despite their gear and official manner.I will do anything in my power to ensure she is a good dog.

I consider this classification over harsh for such a young dog still in training and learning how the world works as it will follow her all her life. I am an experienced dog owner and have her under control.

The fault for this incident lies with my son who should never have put her in a situation where she was able to get into trouble.

My other dog Sadie is a registered therapy dog who has supported school children, hospital patients, resthome patients and disabled people for years. She is 12.5 years old and unable to run fast or hear very well. There is absolutely no way she could have been involved in the incident except maybe barking from way behind. The witnesses to the incident would have been concentrating on the unfortunate boy and not the secondary dog. I think the fine for her is unwarranted.

Here are some people who know Willow and Sadie and are prepared to talk to you about them. There are many more in the dog walking group who would do this as well although we are not attending presently of course.

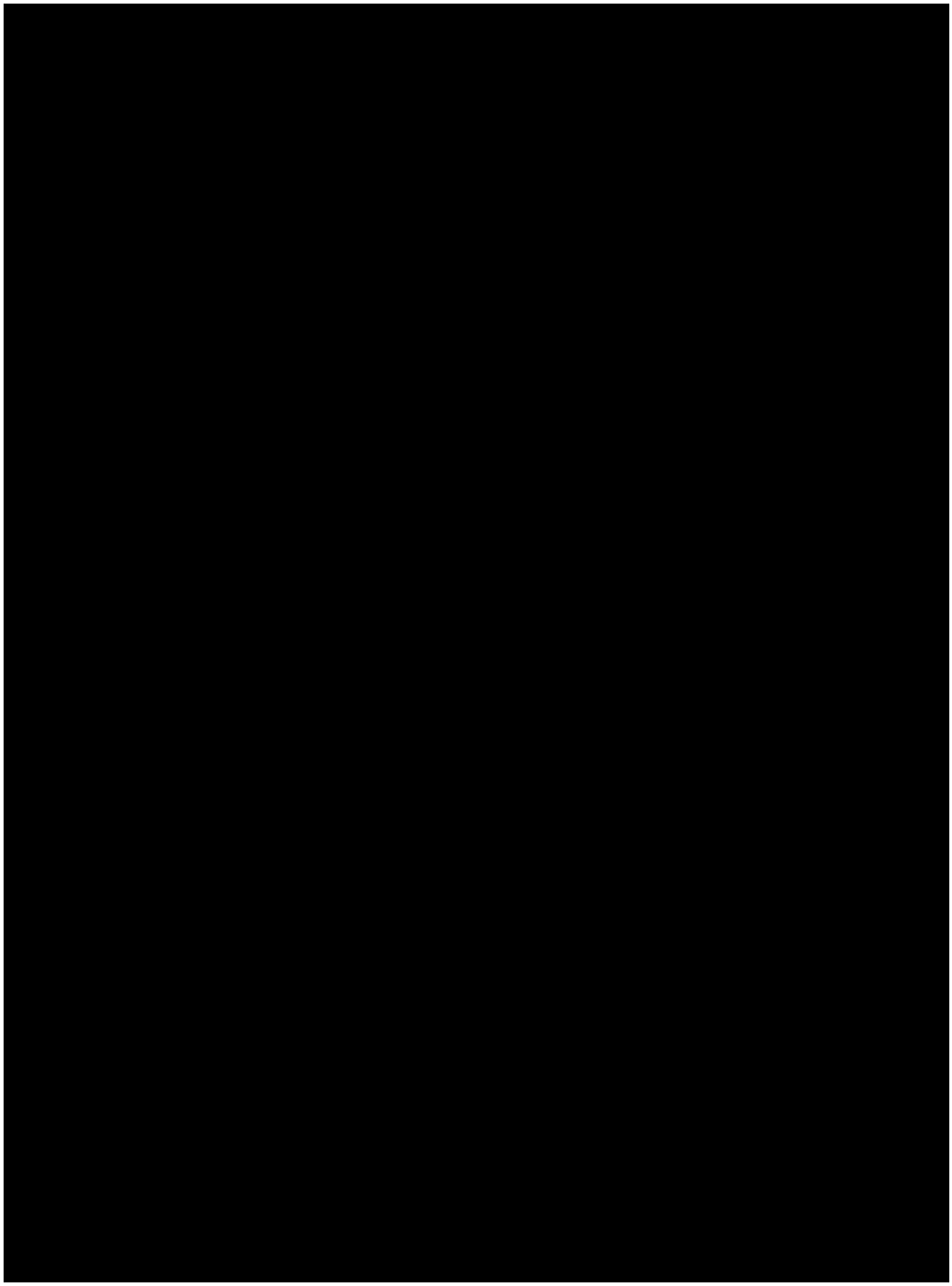
[redacted]

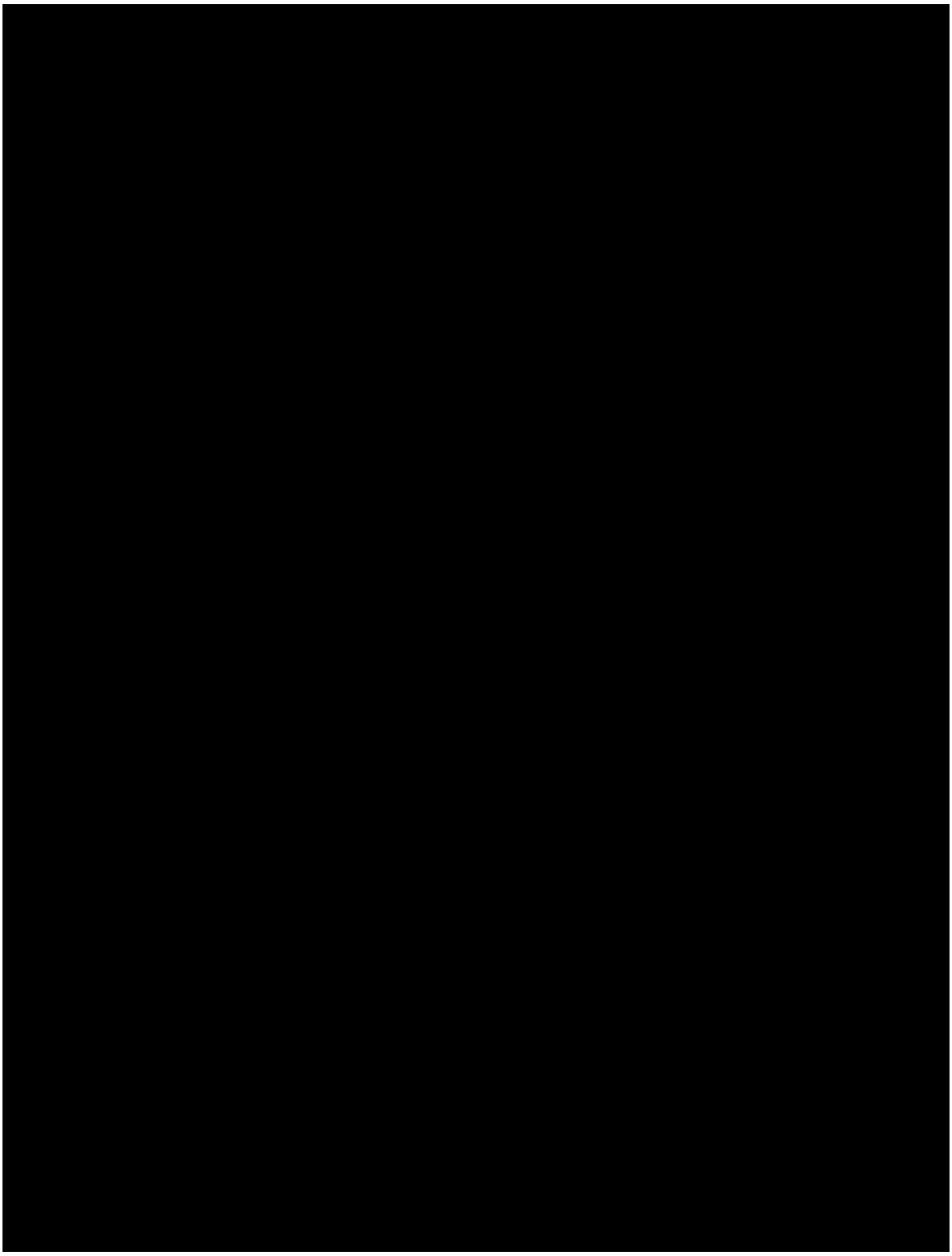
[redacted]

[redacted]

Regards

Susan Buxton





Victim Interview notes – Service Request 69578
[redacted]

Interview 16/04/2025 - 1252 hrs - [redacted]
Conducted by Peter Hrstich – Animal Services

[redacted] 10 years old, described the incident.

He was at soccer training and the team was doing a warmup run around the field.

[redacted] first heard the dogs barking. Then he saw the two dogs running towards himself and the team members.

The dogs started circling and [redacted] backed off. The dogs then started chasing after him, so he ran.

That is when one of the dogs bit him.

The injury was still painful particularly when he would try to sit.

Interview notes – Service Request 69578
John BUXTON - Susan BUXTON

Interview 16/04/2025 - 1130 hrs - [redacted]
Conducted by Peter Hrstich – Animal Services

Arrived at the property and was greeted at the property by the dog Willow which barked at us.

Susan BUXTON put Willow on a leash and invited us to come through the gate. Susan asked us not to look at the dog stating that "she was a real stranger danger".

Spoke to Susan and Jack BUXTON.

Jack BUXTON stated that he took the dogs to the park. They were walking a fair way from where the boys were running. He said that Willow ran over and got a bit "over excited" and got a bit "Nippy".

Jack BUXTON stated that Willow took off and their other dog Sadie followed. He estimates that he was over 200 metres away from the children. Willow was chasing maybe 3 children.

Susan BUXTON said that the trigger for Willow's behaviour is movement, and that Willow has also chased bicycles.

Personal Statement

Western Bay of Plenty District Council | Te Kaunihera a rohe mai i Ngā Kuri-a-Whārei ki Otamarakau ki te Uru

Name: [redacted]		SR	69578
Address: [redacted]		Date	1/07/25
		Time	1307
Date of Birth: [redacted]	| Occupation: [redacted]		
[redacted]	Animal Services Officer: TL2		
This is my statement, the statement is true, and I make it with the knowledge that it may be used in court proceedings, in compliance of section 82(1)c of the Criminal Procedure Act 2011.			

On Tuesday 15 April 2025 at aprox. 3.35pm I was taking the school soccer team training. Their first warm up was running around the field. This was at [redacted].

I am the team manager for the soccer team.

I saw a person I know as Jack walking two dogs off a lead coming down the bank towards field 12. He was about 100 metres away from the boys. As the boys ran around that side of the park the two dogs ran towards them.

Jack was calling them back, the dogs turned around back towards him but then continued towards the kids.

The 12 boys in the team started to disperse as the dogs approached, the dogs were barking. The dogs were chasing all the boys generally. The children were scared.

[redacted] tried to run across the field to me, and I was calling him and yelling out to Jack to control your dogs. I then saw the light coloured dog jump up behind [redacted] and bite his bottom.

The dog then went towards Jack then back towards the boys until Jack caught him. Jack then took both dogs back to the car. I called [redacted] parents, and his mother turned up shortly after and took him to the medical centre.

I did see two puncture wounds on [redacted] they looked deep and there was some blood.

Personal Statement Continued – Statement of [redacted] SR 69578

This was also witnessed by several parents.

The attacking dog was jumping up onto several kids but ended up biting [redacted]. Jack was unable to control the dogs at any time.

When I saw Jack take the two dogs back to the car, he had no lead and was holding them by the collar.

page 2 Intial

Western Bay of Plenty District Council

Western Bay of Plenty District Council
1484 Cameron Road,
Greerton, Tauranga 3112
P 07 571 8008
E customer.service@westernbay.govt.nz
westernbay.govt.nz

29 April 2025

Susan Buxton
[redacted]

Service Request No: 69579

Dear Susan,

Investigation of Service Request

We have completed an investigation into the incident in which the complainant alleged that on the 15 April 2025 at [redacted] your dog was not under control and attacked either a person or stock or poultry or property which includes other dogs.

Based on the information obtained, Council is satisfied that your dog named Willow was the dog in question.

Section 62 of the Dog Control Act 1996 provides that the owner or person in charge of a dog that has attacked or endangered any person; or any stock; or poultry; or domestic animal; or property; must not allow that dog to be at large or in a public place or private way without being muzzled and controlled on a leash.

This is an automatic consequence of this incident. It is not a restriction imposed by Council and is not subject to an objection reviewable by Council. It would be considered an aggravating factor if your dog was to attack again, or endanger a person or animal, and was not controlled by a lead and muzzled at the time.

See overleaf for section 62 Dog Control Act 1996.

The penalties that may be imposed under the Act are severe. Therefore, it is important that you understand the need to keep Willow under proper control at all times.

Thank you for your cooperation and assistance with this investigation.

Yours sincerely,

[redacted]

Venita Campbell
Animal Services Officer

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Otamarakau ki te Uru

Dog Control Act 1996

62 Allowing dogs known to be dangerous to be at large unmuzzled

(1) This section applies to a dog owned by a person and known by the person to-

(a) be dangerous; or

(b) have attacked any person or any stock or poultry or property of any kind.

(2) The person must not allow the dog to be at large or in any public place or private way, except when confined completely within a vehicle or cage, without being-

(a) muzzled in such a manner to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

(b) controlled on a leash (except when in a dog exercise area specified in a bylaw made under Section 20 (1)(d).

(3) A person whose dog is in the possession of any either person for a period of less than 72 hours must advise that person of the requirement to comply with subsection 2.

(4) Every person who contravenes subsection 2 commits an offence and is liable on summary conviction to a fine not exceeding $3000, and the court may, on convicting the person, make an order for the destruction of the dog.

(5) Who person who contravenes subsection 3 commits an offence and is liable on summary conviction to a fine not exceeding $500.

(6) This section does not apply in respect of a dog that –

(a) is kept, or used, or is certified for use by a specified agency; and

(b) is being used for the purpose of carrying out in a lawful manner any function, duty, or power of that agency.

9.2 OBJECTION TO MENACING DOG CLASSIFICATION - FIONNA TORR

File Number: **A6803044**

Author: **Peter Hrstich, Animal Services Team Leader**

Authoriser: **Dougal Elvin, Compliance and Monitoring Manager**

PURPOSE OF THE REPORT

1. To hear an objection from Fionna Torr opposing the Menacing Classification of her dog named Peppa.

2. This report is provided to assist the Panel in making a decision on an application to uphold or rescind a menacing dog classification in accordance with Section 33A(b)(i) of the Dog Control Act 1996 (The Act) ***(Attachment 1 – 33A(b)(i) Dog Control Act)***

RECOMMENDATION

1. That the Team Leader Animal Services report dated 7 August 2025, and titled Objection to Menacing Dog Classification - Fionna Torr, be received.
2. That the Regulatory Hearings Panel uphold the menacing classification, however the panel may either:
   a) Uphold the classification; or
   b) Rescind the classification

EXECUTIVE SUMMARY

3. Fiona Torr is the owner of a dog named Peppa, Labrador Retriever x German Short Haired Pointer, 3 ½ years, male, neutered. Peppa has not had any history with Council until the complaint on 24 March 2025, SR 67408. ***(Attachment 2 Service request)***

4. As a result of the investigation for SR 67408, Council classified the dog Peppa as Menacing, which means the owner 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. The dog must also be desexed. ***(Attachment 3 – Notice of Menacing Classification)***

5. The owner of a dog may object to that classification within 14 days of receiving the notice. The notice was sent on 5 May 2025 and the objection to the classification was received on 19 May 2025. ***(Attachment 4 – Objection to Menacing Classification)***

BACKGROUND

6. On the 24th of March 2025 [redacted] was walking their dog [redacted], on leash, down towards the letterboxes at the end of [redacted] Drive.

7. Craig TORR, who is the husband of the registered dog owner of Peppa, was wearing a head torch and was running down [redacted] Drive towards [redacted] with their dog Peppa not controlled on a leash.

8. As the two parties came close the dog Peppa rushed at the dog [redacted] and bit and held on.

9. [redacted] was taken to the vet to get his injuries treated. He was diagnosed with multiple puncture wounds around the mid back, right lateral abdomen and on the lateral chest. ***(Attachment 5 - vet report)***

10. The attack matrix recommends a menacing classification. ***(Attachment 6 – Attack Matrix)***

11. The Incident was investigated by Council officers. ***(Attachment 7 – Officer Incident report) (Attachment 8 – Statement Craig TORR) (Attachment 9 Victim Statement)***

12. Fiona TORR was issued with a "Notice of Classification of Dog as a Menacing Dog – Section 33A, Dog Control Act 1996' (Attachment 3 – Notice of Menacing Classification) for her dog "Peppa". This notice was issued as there was reasonable grounds to believe that Peppa posed a threat to domestic animals as it is proven that Pepper attacked another dog.

13. In addition to the s.33A provisions under the Act that provide for Council's to classify a dog as menacing or dangerous, the owner of a dog whose dog attacks a person, or any stock, or poultry, or property of any kind, has a responsibility under section 62 of the Act. This section requires the dog to be muzzled in any public place or private way as follows:

> *(1) The person must not allow the dog to be at large or in any public place or private way, except when confined completely within a vehicle or cage, without being—*
>
> *(a) muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and*
>
> *(b) controlled on a leash (except when in a dog exercise area specified in a bylaw made under section 20(1)(d))*

14. This requirement under section 62 of the Act is not imposed by Council and not subject to objection. A letter was sent to the dog owner stipulating the requirements of section 62. ***(Attachment 10 – Letter section 62)***

15. Section 62 does not alleviate the need for a Menacing classification as this presents a clearer obligation for the owner, and from a public safety requirement is more

transparent. Menacing and Dangerous classifications are also recorded against the dog's Council records and on the National Dog Database. This information is available to other Council's through accessing the national database.

In the submission from Fiona TORR and the two references provided, testify to the good behaviour of Peppa with other dogs and people. Claims are made that Peppa attacked [redacted] due to [redacted] aggressive behaviour. ***(Attachments Submissions 11, 12, 13)***

16. Craig TORR has taken full responsibility on not keeping Peppa under control which resulted in the attack. The TORRs have paid for the vet bills, but this can not be taken as a concession as a dog owner is for liable for all damages caused by their dog under section 63 of the Act.

(1) The owner of a dog shall be liable in damages for damage done by the dog, and it shall not be necessary for the person seeking damages to show a previous mischievous propensity in the dog, or the owner's knowledge of any such mischievous propensity, or that the damage was attributable to neglect on the part of the owner of the dog.

ISSUES AND OPTIONS ASSESSMENT

<table>
<tr><td colspan="2">Option A
That pursuant to Section 33B(2) of the Dog Control Act 1996 the Regulatory Hearings Panel upholds the menacing dog classification.</td></tr>
<tr><td>Assessment of advantages and disadvantages including impact on each of the four well-beings
• Economic
• Social
• Cultural
• Environmental</td><td>Advantages:
• Appropriate controls will be required for the individual dogs that will reduce public threat.
• Consistent with the Council risk management approach for ensuring public safety measures are in place.
• Victims of negative dog behavior can be satisfied that their concerns have been accepted by Council.
• Future incidents and complaints about this dog are mitigated.
• Clearer for any Court decision should there be further reoffending
Disadvantages:
• Dog owner remains dissatisfied with Council decision – increased compliance cost for owner.</td></tr>
</table>

Costs (including present and future costs, direct, indirect and contingent costs).	Costs of officer's time as follow-ups are required by Council staff to ensure menacing dog requirements are being met.
Option B That pursuant to Section 33B(2) of the Dog Control Act 1996 the Regulatory Hearings Panel rescinds the menacing dog classification.	
Assessment of advantages and disadvantages including impact on each of the four well-beings • **Economic** • **Social** • **Cultural** • **Environmental**	**Advantages:** • Dog owner is satisfied with Council decision - Reduced compliance costs and controls for dog owner. **Disadvantages:** • Increased risk of harm (e.g. bite) as dog may not be muzzled in public place. • Public perception that Council is "soft" on negative dog behavior.
Costs (including present and future costs, direct, indirect and contingent costs).	Costs of officer's time to investigate if further incidents occur with the dog.

STATUTORY COMPLIANCE

17. Section 33A(1)(b)(i) of the Dog Control Act 1996 applies to a dog that:

A territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or report behaviour of the dog"

18. Section 33B of the Act offers a right of objection to a menacing dog classification by lodging a written notice within 14 days after receiving the notice.

19. The criteria Council must apply to this application are set out in Section 33B(2) of the Act:

"When considering any objection, the Committee shall have regard to:

a. The evidence which formed the basis for the original classification; and

b. Any steps taken by the owner to prevent any threat to the safety of persons and animals; and

c. The matters advanced in support of the objection; and

Any other relevant matters - and may uphold or rescind the classification."

20. Council may uphold or rescind the classification only. That is, there is no provision to modify the conditions of the classification.

21. The Dog Control Bylaw 2016 and Dog Control Act 1996 states that Council requires mandatory neutering of dogs classified as menacing.

22. The Dog Control Bylaw 2016 and Dog Control Act 1996 states menacing Dogs must wear a muzzle in public.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	There are no budgetary or funding impact associated with the recommendations in this report.

ATTACHMENTS

1. **33A Dog Control Act 1996**
2. **Service Request Summary SR 67408**
3. **TORR, FIONNA - Menacing 33A Dog ID 65525**
4. **Objection for classification of Peppa**
5. **Vet Report**
6. **Attack Matrix**
7. **Officer Incident Report**
8. **Statement Craig TORR**
9. **Victim Statement**
10. **Section 62 letter**
11. **TORR Submission**
12. **TORR Reference J OTTO**
13. **TORR Reference Big Paws**

PARLIAMENTARY COUNSEL OFFICE
TE TARI TOHUTOHU PĀREMATA

New Zealand Legislation

Dog Control Act 1996

If you need more information about this Act, please contact the administering agency: **Department of Internal Affairs**

Menacing dogs

Heading: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

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.

Section 33A: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).
Section 33A(3): amended, on 1 November 2004, by section 10 of the Dog Control Amendment Act 2004 (2004 No 61).
Section 33A(3)(c): amended, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).
Section 33A(3)(d): added, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).

Service Request Summary

27/06/2025 1:08:51 pm

Western Bay of Plenty District Council

Request ID:	67408	**Assigned to:**	Animal Services Referral Team (ds_team)	**Request:**	24/03/2025 11:27:07 am
Priority:	Routine	**Location:**	[redacted] OMANAWA		16/05/2025 8:10:00 am
Sub Type:	ANIMAL - Dog attacked (and made contact)	**Contact:**	FIONNA RUTH TORR [redacted]	**Closed:**	2/05/2025 9:39:01 am

Default Phone: [redacted] **Other Phone:** [redacted]

Email:

Description

[redacted] Drive

Dog Attack
[redacted] was walking his dog down [redacted] last Monday (17th March) when his dog was attacked by his neighbours dog.
His neighbour was out running with his dog Peppa who was off lead, and came up and attacked [redacted] dog.
His dog suffered 2x large puncture wounds, one on his spine, and the other on his abdomen.
This was originally resolved as the neighbour paid for the vet bill, however, this morning the dog was running off lead again.
He is concerned about this occurring again, as it is no the first time its happened, just the first time any injury has occurred.
Details of attacking dog:
Peppa
Dog ID: [redacted]
Owner ID: [redacted] (Fionna is the registered owner, but [redacted] said the owner who was running with the dog is [redacted]

Please see the attached email from [redacted] also.

[redacted]

Interactions

Service Request Summary

27/06/2025 1:08:51 pm

Western Bay of Plenty District Council

Date: 24/03/2025 11:27:21 am **Created by:** [redacted] **Type:** Email

Subject: New SR.67408 'SR.Animal Services.Dog Rush/Attk Animal'

Service Request Subtype: SR.Animal Services.Dog Rush/Attk Animal

Assigned to: Animal Services Referral Team (ds_team) Tony Wright

[redacted]

Address: [redacted]

Description: [redacted]e
Dog Attack [redacted] was walking his dog down [redacted] last Monday (17th March) when his dog was attacked by his neighbours dog. His neighbour was out running with his dog Peppa who was off lead, and came up and attacked [redacted] dog. His dog suffered 2x large puncture wounds, one on his spine, and the other on his abdomen. This was originally resolved as the neighbour paid for the vet bill, however, this morning the dog was running off lead again. He is concerned about this occurring again, as it is no the first time its happened, just the first time any injury has occurred. **Details of attacking dog:** Peppa Dog ID: [redacted] Owner ID: [redacted] (Fionna is the registered owner, but [redacted] said the owner who was running with the dog is [redacted])
Please see the attached email from [redacted] also.
[redacted]

Click here to view Job in Datascape SR 67408 - SR.Animal Services - SR.Animal Services.Dog Rush/Attk Animal - Routine

Date: 24/03/2025 10:59:21 am **Created by:** **Type:** Email

Subject: SR.67408 - Dog Attack [redacted]

Hi Western Bay of Plenty Dog Control

I am writing to bring to your attention a concerning incident that involved my dog, [redacted] Below are the details of the attack:

Page 2

Service Request Summary

27/06/2025 1:08:51 pm

Western Bay of Plenty District Council

On March 17, 2025, at approximately 6:15 AM, while I was walking [redacted] along [redacted] Drive, we encountered another dog that was not on a leash with its owner. [redacted] was securely on a leash when this unrestrained dog launched an attack against him. The owner of the attacking dog intervened and was able to wrestle their dog away from [redacted]. In the chaos, [redacted] managed to escape and ran off, with the other dog attempting to pursue him. In seeking safety, [redacted] made his way back home.

I would like to note that the owner of the dog responsible for the attack has since taken responsibility and covered the veterinary expenses incurred as a result of this incident. However, I must express my concern, as I recently came across the same unrestrained dog again. Thankfully, this time the owner was able to restrain their dog.

I hope this report will help ensure the safety of other dogs and their owners in our community.

Thank you for your attention to this matter.

The owners of the dog that attacked [redacted] are Fiona and Craig Torr – [redacted], [redacted] – Dog Black Staff/Lab (Pepper)

See copy of the vet injury report below

Sincerely,

[redacted]

[redacted]

Service Request Summary
27/06/2025 1:08:51 pm

Western Bay of Plenty District Council

Date: 26/03/2025 10:29:37 am **Created by:** [redacted] **Type:** Note
Subject: Phone Call

25/3/25 10.15am Spoke with the Comp and they stated this was not the first time that Peppa has attacked however it is the first time that a visit to the vets was required.

Date: 9/04/2025 4:46:02 pm **Created by:** [redacted] **Type:** Note
Subject: Further Details:

Further Details: Customer called to follow up on a message Tony left. Please call her back when you are free.

Date: 10/04/2025 10:26:24 am **Created by:** [redacted] **Type:** Note
Subject: Phone Call

10/4/25 10.25 Tried to call Offnd again no answer. Have now spoken to the dog owner and have their partners phone number to call. Craig Thorr [redacted]

Date: 28/04/2025 4:29:08 pm **Created by:** [redacted] **Type:** Note
Subject: Offd Statement

28/4/25 Venita has contacted the Offd and received their statement. ASO Tony has emailed the statement to Offd for signature and awaits the return. The report has been sent to Team Leader for approval.

Peter Hrstich

From: Craig Torr [redacted]
Sent: Monday, 19 May 2025 3:48 pm
To: [redacted]
Subject: Re contesting classification for Peppa
Attachments: Peppa Reference Big Paws.pdf; Peppa Reference J Otto.pdf; Peppa.docx

Good afternoon,

We would like to contest the classification of our dog Peppa as menacing and dangerous. Please find attached documentation about this.

Regards
Craig and Fionna Torr

Western Bay of Plenty District Council
1484 Cameron Road,
Greerton, Tauranga 3112
P 07 571 8008
E customer.service@westernbay.govt.nz
westernbay.govt.nz

05 May 2025

Service Request No: **67408**

FIONNA TORR
[redacted]

Dear Fionna,

Notice of Classification of Dog as a Menacing Dog - Section 33A, Dog Control Act 1996

This is to notify you that this dog has been classified as a menacing dog under Section 33A(1) of the Dog Control Act 1996:

Name:	**Breed:**	**Colour:**	**Sex:**	**Age:**
PEPPA	RETRIEVER, LABRADOR POINTER, GERMAN SHORT HAIRED	BLACK	FEMALE	3 yrs 9 mths
Dog Id No: [redacted] **Authority**: Western Bay of Plenty District Council				

Reason for Classification:
Due to reported or observed behaviour of the dog Council has reasonable grounds to believe this dog poses a threat to any person, stock, poultry, domestic animal or protected wildlife.

A summary of the effect of the classification and your right to object is attached**; this includes the requirement for the dog to be neutered.**

Yours faithfully

[redacted]

Peter Hrstich
Animal Control Team Lead

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Otamarakau ki te Uru

** For the purposes 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 16 who is the owner of the dog and who is a member of your household living with and dependent on you.*

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

You –

(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 the dog 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** produce to the Western Bay of Plenty District Council, within one month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying that:

(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 Western Bay of Plenty District Council, produce to the Western Bay of Plenty District Council, within one month after the date specified in that certificate, a further certificate under paragraph (b)(i).

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

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (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 Western Bay of Plenty District Council in accordance with the reasonable instructions of the Western Bay of Plenty District Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

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 in any 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 all it to breathe and drink without obstruction. You will commit an offence and be liable on conviction to a fine not exceeding $500 if you fail to comply with this requirement.

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

You may object to the classification of your dog as menacing by lodging with the Western Bay of Plenty District Council a written objection within 14 days of receipt of this notice setting out the ground on which you object.

You have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

Incident Report For [redacted]

Animal's Details:

Name: [redacted] Dog | Weight: 12.00 kg (26.46 lb) | Beige & Brown | Brussels Griffon | Male Neutered | Microchip [redacted] DOB: 12/21/2020 |

Owner's Details:

Name: [redacted] Tauranga Bay of Plenty 3171

[redacted]

This is to certify, that I have examined above-mentioned pet [redacted] on 17/03/2025 and found multiple puncture wounds suggestive of a bite from a large breed dog.
There is a large puncture wound mid back on right of his spine: full thickness but sealed by subcut tissue. No pocket on flush, but bruising around area and a scratch tapering downwards.
Another similar puncture wound found on right lateral abdomen; and a partial thickness wound found along the same plane on lateral chest
No muscle involvement suspected at this stage but further diagnostics: X-rays and/or surgical exploration would be necessary to assess this further.

Yours Sincerely,

ATTACK RATING REPORT

OFFENDER NAME: Craig TORR
SERVICE REQUEST 67408

SERIOUSNESS	
Domestic pet injured - serious injuries	15
VICTIM IMPACT	
The victim has suffered minor physical and/or mental trauma. No financial loss.	2
DOG SURRENDERED / DESTROYED	
The dog has not been surrendered for destruction.	4
OBSERVED AGGRESSION (PEOPLE) *(Based on the Officer's observation only)*	
No signs of aggression	0
NEGLIGENCE	
The incident is the direct result of minor negligence/carelessness	2
CO-OPERATION	
Cooperative and forthcoming with information & contrition shown	0
REGISTRATION	
Registered	0
PREVIOUS HISTORY - DOG	
No history	0
PREVIOUS HISTORY - PERSON	
No history	0
BREACH OF CLASSIFICATION CONDITIONS	
N/A	0
RESTRAINT	
The dog was under inadequate restraint i.e. could have been accidentally approached or coulc	1
RECURRENCE LIKELIHOOD	
Recurrence possible	2
DAMAGES	
No damages or damages paid voluntarily	0
POTENTIAL FOR HARM	
Medium dog	2
TOTAL	28

Result Menacing dog classification and/or infringement

<25 = Warning Letter and/or Infringement
<34 = Menancing dog classification and/or infringement
<50 = Dangerous dog and infringement
50+ = Dangerous dog and infringement or prosecution

Incident Report

Attention
Team Lead Animal Services
Western Bay of Plenty District Council

Report date 28/04/2025
Incident date 24/03/2025

Service Request 67408

Complainant: [redacted]
Address: [redacted] Drive
Dog: [redacted] – Griffon, Bruxellois – Male – Desexed – 4yrs 4 mths
Dog ID [redacted] - Registered

Offender: Fiona TORR
Address: [redacted] Drive
Dog : Peppa – Retriever, labrador / Pointer, German Short Haired – Female – Desexed – 3yrs 8 mths
Dog ID [redacted] – Registered

Person in charge: Craig TORR
Relationship: Husband of owner
Address: [redacted] Drive

SUMMARY OF FACTS

1. At approximately 0615hrs on the 24th of March 2025 [redacted] was walking his dog [redacted] on leash, down [redacted] towards the post boxes.
2. TORR, who was wearing a head torch, was out running his dog Peppa without a leash.
3. Peppa, without warning, ran at [redacted] and grabbed him in her mouth. There was no growl or bark from Peppa before the attack.
4. TORR jumped on Peppa to get her to release [redacted] was pulling [redacted] leash which came off and [redacted] ran home.
5. Peppa tried to have a second go at [redacted] however [redacted] had fled by then.
6. As [redacted] made his way home, his wife [redacted] saw [redacted] come home dirty and covered in mud. [redacted] cleaned [redacted] and was unaware of the event that had just happened.

7. [redacted] left [redacted] for a few hours before he realised the depth of the wounds and took him to the vet.
8. [redacted] made first contact between the parties after the incident. TORR states that he was in the process of obtaining the [redacted] contact details.
9. [redacted] informed TORR that [redacted] had to go to the vet. TORR requested they inform him of any costs and the vet bill has subsequently been paid by him.
10. [redacted] states that no apology was received from TORR.

Evidence

- Victim Statement– [redacted]
- Dog owner statement - TORR
- Body worn Camera footage – Property Visit
- Vet Report
- Attack matrix

Dog/Owner Background and history

- The dog Peppa has no reported history.
- The dog owner has no reported history.

Conclusion and recommendation

There has been no previous reported history of Peppa being aggressive around other dogs however Craig has stated that it was not the first time Peppa has tried to attack [redacted], or the first-time contact had been made. Craig understands Peppas behaviour around [redacted] is aggressive and the two dogs do not get along.

On arrival to take [redacted] statement [redacted] barked at both ASO's, however showed no aggression and in fact went inside the house to avoid any interaction. [redacted] always has [redacted] on leash when walking him and is conscious of other dogs as this is not the first time [redacted] has been attacked.

Craig has paid all vet fees associated with [redacted] injuries.

Although it appears that Peppa's aggression is only targeted at [redacted] the unpredictability of Peppa and the continued routine of Craig running Peppa of leash and having little recall success I recommend the following.

- Fiona Thorr be issued a S.62 Letter.
- Menacing classification for the dog Peppa ID [redacted] - s33A(b)(i).
- Infringement to be issued for failure to control the dog Peppa in a public place – Breach of a bylaw s20 DCA 1996.

[redacted]

Tony Wright
Animal Services Officer

Team Lead comments

I approve the investigating officer's recommendations.

The victim dog was under control on a leash in a public place and the offending dog was not. This resulted with the dog Peppa attacking the dog [redacted] The injuries required vet treatment, and the report indicated a large number of puncture wounds. It is fortunate that the injuries did not cause permanent or fatal injuries.

The reported provocation by [redacted] from the offender is a concern as it can indicate a future lack of caution in controlling their dog. A menacing classification will lock in a control which will protect other dogs from being threaten if they have a dislike to Peppa. This may be an inconvenience to Peppa's owners however Council has a responsibility to ensure every reasonable step is taken to keep people and other animals are safe from dogs in our community.

[redacted]

Peter Hrstich
Team Lead Animal Services

Personal Statement

Western Bay of Plenty District Council | Te Kaunihera a rohe mai i Ngā Kuri-a-Whārei ki Otamarakau ki te Uru

Name: Craig TORR Address: [redacted] Drive		SR	67408
		Date	17/04/2025
		Time	10:02am
Date of Birth:	| Occupation:		
Location statement taken: Over the phone		Animal Services Officer: VXC	
This is my statement, the statement is true, and I make it with the knowledge that it may be used in court proceedings, in compliance of section 82(1)c of the Criminal Procedure Act 2011.			

I, Craig Torr, state:

1. On the 24th of March, unsure of the exact time, I was out for a run with Peppa.
2. I usually run Peppa off lead on the bush trails around [redacted] Drive.
3. Toward the end of my run, I didn't see [redacted] until I was close as [redacted] wasn't wearing a headlamp (I was) and it was still dark, Peppa was beside me. [redacted] were on one side of the road, Peppa and I were on the other side.
4. [redacted] started barking at us, Peppa ran at [redacted] and grabbed him.
5. I jumped on Peppa and made her release [redacted] Peppa then got away from me, but I recalled her and restrained her.
6. One of the neighbours stopped to see if everything was ok.
7. We run Peppa often with other dogs who are both on and off the lead, with big dogs and small dogs and she has never been aggressive with any other dogs, just [redacted].
8. Two minutes prior, we had passed another lady who was walking two small dogs on the lead, Peppa was off the lead and there were no issues at all, no barking from any of the dogs, and Peppa ignored them, and we ran straight past.
9. I should have restrained Peppa.

10. I was not aware of the injuries until [redacted] sent photos and the veterinary invoice through which I paid.

11. As soon as I got back from my run, I was going to text [redacted] to apologise and make sure they were ok, but I didn't have their contact details. I sent a text straight away to the secretary of [redacted] to request their contact details. She took a while to reply. [redacted] contacted me in the meantime.

12. There has been a previous incident involving Peppa and [redacted]. I was running on the trail with Peppa off lead. [redacted] was on lead. [redacted] growled and barked. Peppa went for [redacted] and again I had to intervene. I have since held Peppa when passing [redacted] however, this time I felt that it would be ok as Peppa has been fine with other dogs.

13. We now always stop and put Peppa on the lead if we see them and have since passed [redacted]. [redacted] still barks. Peppa never barks back at [redacted]

Signed Date

Personal Statement

Western Bay of Plenty District Council | Te Kaunihera a rohe mai i Ngā Kuri-a-Whārei ki Otamarakau ki te Uru

Name: [redacted] Address: [redacted]	SR	67408
	Date	27/3/25
	Time	10.00am
Date of Birth [redacted] | Occupation: [redacted]		
Location statement taken : [redacted]	Animal Services Officer: TWW	
This is my statement, the statement is true, and I make it with the knowledge that it may be used in court proceedings, in compliance of section 82(1)c of the Criminal Procedure Act 2011.		

I, [redacted], State:

1. On Monday 24 March 2025 at 6.15am I left home to walk my dog A[redacted]. I left slightly earlier than usual as I usually leave at 7am.
2. I walked up [redacted] to the post boxes and just about to go down the track when I saw Craig running with his headlight torch on.
3. I did not realize that his dog Peppa was off lead as I had [redacted] on Lead.
4. Peppa came flying at [redacted] without warning, there was no growl or bark.
5. Peppa grabbed [redacted]n in her mouth and Craig jumped on Peppa and tried to get Peppa to release [redacted]
6. I was pulling on the lead and [redacted] came free however the lead came off [redacted] and he ran off. Peppa then went to have a second go at A[redacted] however he had run home.
7. I then made my way home.
8. [redacted] my wife, was at home and saw [redacted] come home dirty and covered in mud.
9. [redacted] cleaned [redacted]up, however, was unaware that he had been attacked, by this time I had made my way home.

Personal Statement Continued – Statement of J[redacted] SR 67408

10. I left [redacted] for a few hours and then realised that the cuts on his stomach were quite deep and took him to the vet.
11. Peppa had tried to attack [redacted] previously but never made contact.
12. Craig made no attempt to contact us about any injuries to [redacted]
13. [redacted] contacted [redacted] and informed him [redacted] had to go to the vets, and he said let me know if there is any cost. At no time did he apologise for Peppas actions.
14. Vet report supplied

Signed Date

page 2 Intial

Western Bay of Plenty District Council

Western Bay of Plenty District Council
1484 Cameron Road,
Greerton, Tauranga 3112
P 07 571 8008
E customer.service@westernbay.govt.nz
westernbay.govt.nz

05 May 2025

FIONNA TORR
[redacted]

Service Request No: 67408

Dear Fionna,

Investigation of Service Request

We have completed an investigation into the incident in which the complainant alleged that on the 24th of March 2025 in [redacted], your dog was not under control and attacked either a person or stock or poultry or property which includes other dogs.

Based on the information obtained, Council is satisfied that your dog named Peppa was the dog in question.

Section 62 of the Dog Control Act 1996 provides that the owner or person in charge of a dog that has attacked or endangered any person; or any stock; or poultry; or domestic animal; or property; must not allow that dog to be at large or in a public place or private way without being muzzled and controlled on a leash.

This is an automatic consequence of this incident. It is not a restriction imposed by Council and is not subject to an objection reviewable by Council. It would be considered an aggravating factor if your dog was to attack again, or endanger a person or animal, and was not controlled by a lead and muzzled at the time.

See overleaf for section 62 Dog Control Act 1996.

The penalties that may be imposed under the Act are severe. Therefore, it is important that you understand the need to keep Peppa under proper control at all times.

Thank you for your cooperation and assistance with this investigation.

Yours sincerely

[redacted]

Venita Campbell
Technical Support Compliance Officer

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Otamarakau ki te Uru

Dog Control Act 1996

62 Allowing dogs known to be dangerous to be at large unmuzzled

(1) This section applies to a dog owned by a person and known by the person to-

(a) be dangerous; or

(b) have attacked any person or any stock or poultry or property of any kind.

(2) The person must not allow the dog to be at large or in any public place or private way, except when confined completely within a vehicle or cage, without being-

(a) muzzled in such a manner to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

(b) controlled on a leash (except when in a dog exercise area specified in a bylaw made under Section 20 (1)(d).

(3) A person whose dog is in the possession of any either person for a period of less than 72 hours must advise that person of the requirement to comply with subsection 2.

(4) Every person who contravenes subsection 2 commits an offence and is liable on summary conviction to a fine not exceeding $3000, and the court may, on convicting the person, make an order for the destruction of the dog.

(5) Who person who contravenes subsection 3 commits an offence and is liable on summary conviction to a fine not exceeding $500.

(6) This section does not apply in respect of a dog that –

(a) is kept, or used, or is certified for use by a specified agency; and

(b) is being used for the purpose of carrying out in a lawful manner any function, duty, or power of that agency.

03/06/2025

To whom it may concern,

We are providing a written submission contesting the Western Bay of Plenty Council's classification of our dog Peppa as a "menacing dog".

Firstly, yes, we admit there has been an incident between Peppa and a neighbouring dog [redacted]. This should not have occurred and we have taken full responsibility for this, apologizing and paying all vet bills straight away. This incident was however not unprovoked as [redacted] aggressively barks at all dogs and people that he passes while out walking. We have also heard first hand that [redacted] has been involved with at least two other incidents with other dogs in [redacted], provoking them to run at him. Peppa was not on lead at the time as my husband had felt that she would be fine as they had just passed another lady walking two small, nonaggressive or barking dogs, and Peppa had shown no interest and totally ignored them.

Our justification for wanting the classification changed is that we have never had any issues with any other dogs we have met. We regularly run Peppa off lead on trails that are dog friendly and have done so at the beach as well. We can meet up to 20 dogs during our run/walks. These are dogs of all breeds, sizes and on/off leads. Not once has Peppa ever been aggressive towards any of the dogs we have met, nor has she ever been aggressive to any people or stock animals.

We have Peppa on lead while on roads and in areas requiring her to be on leash.

Peppa has also stayed at kennels, both of which state that she has a lovely temperament. We have attached references from these places. If she was a menacing or dangerous dog, as you are suggesting, these places would not have taken her. She is friendly with all people whom she meets and often we have had visitors or tradies say they would like to take her home with them.

Peppa has been neutered and micro chipped. In future we will endeavour to do all we can to ensure we do not ever meet [redacted] while out walking, especially as [redacted] has been verbally abusive towards us.

We appreciate your consideration on changing this classification as we know Peppa is a very happy, friendly dog who loves to run and play with the family and has never had any other altercations with any dog or person.

Thank you

Craig and Fionna Torr

Attn

Western Bay council;

To whom it may concern;

I have "Peppa" a black female dog stay with me on my lifestyle block & have no issues with her at all.

Lovely temperament & full of life. Very placid.

No problems with other dogs in her area or around stock.

Regards

[redacted]

15.5.25.

Outlook

Re: Re peppa

From [redacted]
Date Sun 11/05/2025 3:52 PM
To Fionna Torr [redacted]

Hi Fionna

We found Peppa to be delightful.

She is excellent with people / staff. She can be a little quiet at first when mixed with other dogs but then just wants to play. We mixed her with like minded pups and not 'teenage, energetic pups' We never encountered any aggression of any form and wouldn't hesitate to have her stay again.

Enjoy the rest of your Sunday.

Kind regards

[redacted]

Big Paw Pet Lodge

...your pets are our life...

Opening Hours : Monday-Saturday 8-10 am and 4-6 pm
Sunday 8-9 am and 3-6 pm

www.bigpaw.co.nz

On Sun, May 11, 2025 at 3:04 PM Fionna Torr [redacted] wrote:

> Hello,
> You have looked after our dog Peppa (black lab x pointer) in the past a couple of times, the last being oct/Nov last year.
> We were wondering if you would be able to write us a reference regarding her temperament and behaviour with other dogs while she has been with you
> I am assuming she has been good as we have never heard otherwise.
>
> Thank you for your time.
>
> Fionna Torr

[redacted] 1/2

9.3 OBJECTION TO DISQUALIFICATION - JESS MOLITIKA

File Number: **A6853297**

Author: **Peter Hrstich, Animal Services Team Leader**

Authoriser: **Dougal Elvin, Compliance and Monitoring Manager**

PURPOSE OF THE REPORT

1. To hear an objection from Jess Molitika opposing her disqualification of being a dog owner.
2. This report is provided to assist the Panel in making a decision on an application to uphold the disqualification or reduce the period of the disqualification or immediately terminate the disqualification in accordance with Section 26 of the Dog Control Act 1996 (The Act) ***(Attachment 1 – Section 26 Dog Control Act 1996)***

RECOMMENDATION

1. That the Team Leader Animal Services report dated 10/07/2025, and titled Objection to Disqualification - Jess Molitika, be received.
2. That the Regulatory Hearings Panel uphold the disqualification, however the panel may either:
   a. Uphold the disqualification; or
   b. Rescind the classification; or
   c. Reduce the period of the disqualification

EXECUTIVE SUMMARY

3. Section 25 of the Dog Control act 1996 requires a dog owner to be disqualified if the person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months ***(Attachment 2 - Section 25 Dog Control Act 1996)***
4. Jess MOLITIKA is the owner of the dog **Zeus.** Jess MOLITIKA has been issued three infringement notices under the Dog Control Act 1996 within a 24-month period. ***(Attachment 3 - First Infringement Notice) (Attachment 4 - Second Infringement Notice) (Attachment 5 - Third Infringement Notice)***
5. Jess MOLITIKA was disqualified as a dog owner for a period of 5 years under Section 25(1)(a) Dog Control Act 1996. ***(Attachment 6 – disqualification notice)***
6. An owner of a dog may object to that disqualification at any time after receiving the notice. The notice was delivered on 5 May 2025 and the objection to the

classification was received on 10 May 2025. ***(Attachment 7 – Objection to Disqualification)***

BACKGROUND

7. MOLITIKA was disqualified from being a dog owner due to receiving three infringement notices within a 24-month period. These notices were for roaming and failing to keep a dog confined or under control.

8. Each infringement notice is sent with a cover letter advising the dog owner of a disqualification if three infringement offences occur within a 24-month period.

9. Council has seven complaints about the dog roaming, including an instance where the dog was sighted by patrolling officers. These complaints occurred over a seven-month period. ***(Attachment 8 – Complaint history)***

10. The complaint history reflects only the incidents that have been reported and does not account for instances where the dog may be roaming without being seen or reported.

11. The complaint history includes multiple unsubstantiated reports of sightings by the public, as well as instances of aggressive behaviour.

12. A period of five years disqualification was determined due to the ongoing nuisance and threat to the public. A shorter period or probationary classification may be considered for infringements for lesser offences, such as failing to register a dog.

13. The owner registered the dog for the first time only after it came to the Council's attention.

14. The property where the dog normally resides in [redacted] lacks fencing ***(Attachment 9 – street view)***. The dog owner informed Animal Services Officers that the dog could scale very high fences. The owner has failed to implement adequate measures to contain the dog, and the Council has observed no attempts to establish such controls.

15. The disqualification has resulted from the owner's failure to control the dog effectively, rather than issues arising from the dog's behaviour itself, thereby negating the necessity for further training and education.

16. The owner has claimed that the dog provides emotional support to the owner, this has not been substantiated by any endorsement from an appropriate agency or health professional.

STATUTORY COMPLIANCE

17. Section 25(a) of the Dog Control Act 1996 applies to an owner of a dog that commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months.

The territorial authority must disqualify that person unless the territorial authority is satisfied that the circumstances of the offences are such that

(a) disqualification is not warranted; or

(b) the territorial authority will instead classify the person as a probationary owner

18. Section 26 of the Act offers a right of objection to disqualification by lodging a written notice.

19. The criteria Council must apply to this application are set out in Section 26(3) of the Act:

"In considering any objection under this section, the territorial authority shall have regard to—

a. the circumstances and nature of the offence or offences in respect of which the person was disqualified; and

b. the competency of the person objecting in terms of responsible dog ownership; and

c. any steps taken by the owner to prevent further offences; and

d. the matters advanced in support of the objection; and

e. any other relevant matters."

20. Council may uphold or rescind the disqualification or reduce the disqualification period only. That is, there is no provision to change to probationary owner status.

ISSUES AND OPTIONS ASSESSMENT

<table>
<tr><td colspan="2">Option A
That pursuant to Section 26(3) of the Dog Control Act 1996 the Regulatory Hearings Panel upholds the disqualification.</td></tr>
<tr><td>Assessment of advantages and disadvantages including impact on each of the four well-beings
• Economic
• Social
• Cultural
• Environmental</td><td>Advantages:
• Consistent with the Council risk management approach for ensuring public safety measures are in place.
• Victims of negative dog behavior or the threat of roaming can be satisfied that their concerns have been accepted by Council.
• Future incidents and complaints about dogs owned by this person are removed for a 5 year period.
• Clearer for any Court decision should there be further reoffending
Disadvantages:</td></tr>
</table>

	• Dog owner remains dissatisfied with Council decision. • Dog can not keep their dog for a period of time.
Costs (including present and future costs, direct, indirect and contingent costs).	There will be minimal costs of officer's time for a 5 year period other than ensuring the disqualification requirements are being met and there are no dogs in person's possession.
Option B That pursuant to Section 26(3) of the Dog Control Act 1996 the Regulatory Hearings Panel rescinds the disqualification.	
Assessment of advantages and disadvantages including impact on each of the four well-beings • **Economic** • **Social** • **Cultural** • **Environmental**	**Advantages:** • Dog owner is satisfied with Council decision – They can own and keep dogs. **Disadvantages:** • Continued risk of harm (e.g. bite) or threat to public as dog(s) will still be with the owner and dogs can further offend such as roaming. • Continuing complaints to be investigated by officers. • Public perception that Council is "soft" on negative dog behavior.
Costs (including present and future costs, direct, indirect and contingent costs).	Costs of officer's time to investigate if further incidents occur with the dog.
Option C That pursuant to Section 26(3) of the Dog Control Act 1996 the Regulatory Hearings Panel reduces the period of the disqualification.	
Assessment of advantages and disadvantages including impact on each of the four well-beings • **Economic** • **Social** • **Cultural** • **Environmental**	**Advantages:** • Dog owner is partially satisfied with Council decision – They can own and keep dogs in the future within a reduced exclusion period. **Disadvantages:** • Dog owner remains dissatisfied with Council decision.

	• Dog can not keep their dog for a period of time. • Public perception that Council is "soft" on negative dog behavior.
Costs (including present and future costs, direct, indirect and contingent costs).	There will be minimal costs of officer's time for a reduced period, other than ensuring the disqualification requirements are being met and there are no dogs in person's possession.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	There are no budgetary or funding impact associated with the recommendations in this report.

ATTACHMENTS

1. **Section 26 Objection**
2. **Section 25 DCA 1996**
3. **First INF and cover letter**
4. **Second INF and cover letter**
5. **Third INF and cover letter**
6. **Disquaification Notice**
7. **Letter of objection**
8. **Complaint history**
9. **Sreet view of property**

Objection to disqualification

Every person disqualified under section 25—

(a) may object to the disqualification by lodging with the territorial authority a written objection to the disqualification; and

(b) shall be entitled to be heard in support of the objection.

An objection under this section may be lodged at any time but no objection shall be lodged within 12 months of the hearing of any previous objection to the disqualification.

In considering any objection under this section, the territorial authority shall have regard to—

(a) the circumstances and nature of the offence or offences in respect of which the person was disqualified; and

(b) the competency of the person objecting in terms of responsible dog ownership; and

(c) any steps taken by the owner to prevent further offences; and

(d) the matters advanced in support of the objection; and

(e) any other relevant matters.

In determining any objection, the territorial authority may uphold, bring forward the date of termination, or immediately terminate the disqualification of any person and shall give written notice of its decision, the reasons for it, and the right of appeal under section 27 to the objector.

Disqualification of owners

A territorial authority must disqualify a person from being an owner of a dog if—

(a) the person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or

(b) the person is convicted of an offence (not being an infringement offence) against this Act; or

(c) the person is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, section 26ZZP of the Conservation Act 1987, or section 56I of the National Parks Act 1980.

Subsection (1) does not apply if the territorial authority is satisfied that the circumstances of the offence or offences are such that—

(a) disqualification is not warranted; or

(b) the territorial authority will instead classify the person as a probationary owner under section 21.

For the purposes of subsection (1)(a), a person must be treated as having committed an infringement offence if—

(a) that person has been ordered to pay a fine and costs under section 375 of the Criminal Procedure Act 2011, or is deemed to have been so ordered under section 21(5) of the Summary Proceedings Act 1957; or

(b) the infringement fee specified on the infringement notice in respect of the offence issued to the person under section 66 has been paid.

A disqualification under subsection (1) continues in force for a period specified by the territorial authority not exceeding 5 years from the date of the third infringement offence or offences (as the case may be) in respect of which the person is disqualified.

If a person is disqualified under subsection (1), the territorial authority must, as soon as practicable, give written notice in the prescribed form to the person of that decision.

Western Bay of Plenty District Council
Private Bag 12803,
Tauranga Mail Centre,
Tauranga, 3143
P 0800 926 7327
E info@westernbay.govt.nz
westernbay.govt.nz

11 September 2024

INF: 2247

MOLITIKA, JESS
[redacted]

Dear Jess,

Dog Infringement Payment Options

Payment of infringement notices is due within 28 days from the date of issue.

Please read the back of the infringement notice for your summary of rights and contact the Council if you have any queries.

Please be aware that if you (as the registered dog owner) receive infringement(s) on three separate occasions within a 24 month period, Council must disqualify you as a dog owner under the Dog Control Act 1996 S52(1)(a). This is the 1st occasion.

In cases of financial hardship, please apply in writing to seek an agreement payment option where the Infringement is $150.00 or more. This option is for the infringement only the dog's registration can only be paid in one payment.

If you wish to request a waiver for this infringement, please go to the Council website and search "infringement" click on "Infringement notice payment" click on "Dog infringement waiver request".

Yours faithfully

[redacted]

Compliance Support Team
Western Bay of Plenty District Council

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Ōtamarākau ki te Uru

Barkes Cnr, Greerton, Tauranga
New Zealand
Private Bag 12803,
Tauranga 3143, New Zealand
Phone: 64 07 571 8008
Fax: 64 07 577 9820
customerservices@westernbay.govt.nz
www.westernbay.govt.nz

INFRINGEMENT NOTICE

(Issued under authority of Section 66 of the Dog Control Act 1996)

Infringement No. 2247

Full Name of Dog Owner	MOLITIKA, JESS	
Full Address	[redacted]	
Date of Birth	[redacted]	☐ Male ☑ Female

ALLEGED INFRINGEMENT OFFENCE DETAILS

S.52A Failure to keep dog controlled or confined

Dog Control Act 1996

Date: 13 Aug 2024		**Time:** 01:17p.m.	
Road/Street	[redacted]		
Suburb	[redacted]	**Town**	[redacted]

Post/Delivery:
☐ Delivered Personally ☑ Ordinary Post ☐ Registered Post

Infringement Fee Payable:
200.00

DOG DETAILS

Dogs Name: ZEUS		**Breed:** MASTIFF	
Colour: FAWN	**Reg No:** [redacted]	**Sex** ☑ Male ☐ Female	**Age:** 2 YRS 6 MTHS

PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after: 11 Sep 2024
(Earliest date notice delivered personally, or posted)

Officer Number **ASOC**	**Service Request Number** **48718**	**NOTE** **PLEASE PRESENT THIS NOTICE WHEN MAKING PAYMENT**
The infringement fees may be paid to:	Western Bay of Plenty District Council, Barkes Corner, Greerton, TAURANGA	
Or at Area Offices:	Jellicoe Street, TE PUKE or Main Road, KATIKATI	

Please note that if you have been served with this Infringement Notice for failing to register a dog, payment of the infringement does not include the dog registration fee. You will still need to register your dog without delay and failing to do so may result in the issue of further infringement notices.

IMPORTANT: Please read the Summary of Rights printed overleaf

SUMMARY OF RIGHTS

Note: If you do not understand any of the following notes, you are advised to consult a lawyer.

1. This notice sets out an alleged infringement offence. In terms of Section 2 of the Dog Control Act 1996, you are liable as the owner of 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 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Payments

2. If you pay the infringement fee within 28 days of the issue of this notice, no further action will be taken. Payment may be made at places indicated on the front of this notice.

Defences

3. You have a complete defence against proceedings if the infringement fee was paid to the Western Bay of Plenty District Council at any of the places for payment shown or within 28 days after you were served with a reminder notice. Note that late payment or payment at any other place will not be a defence.

Further action

4. If you wish to:-
   a) raise any matter relating to the alleged offence for consideration by the Western Bay of Plenty District Council; or
   b) deny liability for the offence and request a court hearing (refer to paragraphs 5 and 9 below); or
   c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraph 6 and 9 below), - you should write to the Western Bay of Plenty District Council at the address shown on the front page of this notice. Any such letter must be personally signed.

5. You have a right to a Court hearing. If you deny liability for the offence and request a hearing, the Western Bay of Plenty District Council will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court (unless it decides not to start Court proceedings). Note that if the Court finds you guilty of the offence, costs will be imposed in addition to any penalty.

6. If you admit the offence but want the Court to consider your submissions as to penalty or otherwise, you should in your letter:-
   a) ask for a hearing; and
   b) admit the offence; and
   c) set out the written submissions you wish to be considered by the Court.

   The Western Bay of Plenty District Council will then file your letter with the court (unless it decides not to commence court proceedings). There is no provision for an oral hearing before the Court if you follow this course of action.

   Note that costs will be imposed in addition to any penalty.

Non payment of fee

7. If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice (unless the Western Bay of Plenty District Council decides otherwise).

8. If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice, the Western Bay of Plenty District Council may file the reminder notice, or provide particulars of the reminder notice for filing, in the Court and you will become liable to pay **costs in addition to the infringement fee,** under section 21(5) of the Summary Proceedings Act 1957.

Queries/Correspondence

9. When writing or making payment please include:-
   a) the date of the infringement; and
   b) the infringement notice number; and
   c) the identifying number of the alleged offence and the course of action you are taking in respect of it; and
   d) your address for replies.

Notice of liability for classification as a probationary owner or a disqualified owner

If you commit three or more infringement offences (not relating to a single incident or occasion) over a period of 24 months, the Western Bay of Plenty District Council may classify you as-

- a probationary owner; or
- a disqualified owner

You will be treated as having committed an infringement offence if you:-

- have been ordered to pay a fine and costs under Section 78A(1) of the Summary Proceedings Act 1957 or are treated as having been so ordered under Section 21(5) of that Act; or
- pay the infringement fee specified in the infringement notice.

Probationary ownership starts from the date of the third infringement offence in the 24 month period. Unless terminated earlier by the Western Bay of Plenty District Council, probationary ownership runs for a period of 24 months.

Disqualification as a dog owner starts from the date of the third infringement offence in the 24 month period. The length of disqualification is determined by the Western Bay of Plenty District Council but may be no longer than 5 years.

Consequences of classification as a probationary owner or disqualified owner

During the period that a person is classified as a probationary owner, the person-

- must not be or become the registered owner of any dog except a dog that the person was the registered owner of at the time of the third infringement offence; and
- must dispose of every unregistered dog the person owns.

During the period that a person is classified as a disqualified owner, the person-

- must not own or become the owner of any dog; and
- must dispose of all dogs the person owns; and
- may have possession of a dog only for certain purposes (e.g. returning a lost dog to the territorial authority).

A person may object to being classified as a probationary or disqualified owner by lodging a written objection with the Western Bay of Plenty District Council. There is a further right of appeal to a District Court, if a disqualified person is dissatisfied with the decision of the Western Bay of Plenty District Council on his or her objection.

Full details of classification as a probationary owner or a disqualified owner, and the effects of those classifications, are provided in the Dog Control Act 1996.

FULL DETAILS OF YOUR RIGHTS AND OBLIGATIONS ARE IN SECTION 66 OF THE DOG CONTROL ACT 1996 AND SECTION 21(10) OF THE SUMMARY PROCEEDINGS ACT 1957.

NOTE: ALL QUERIES AND ALL CORRESPONDENCE REGARDING THIS INFRINGEMENT NOTICE MUST BE DIRECTED TO WESTERN BAY OF PLENTY DISTRICT COUNCIL AT THE ADDRESS SHOWN.

Western Bay of Plenty District Council

Western Bay of Plenty District Council
Private Bag 12803,
Tauranga Mail Centre,
Tauranga, 3143
P 0800 926 7327
E info@westernbay.govt.nz
westernbay.govt.nz

15 November 2024

INF: 2309

MOLITIKA, JESS
[redacted]

Dear Jess,

Dog Infringement Payment Options

Payment of infringement notices is due within 28 days from the date of issue.

Please read the back of the infringement notice for your summary of rights and contact the Council if you have any queries.

Please be aware that if you (as the registered dog owner) receive infringement(s) on three separate occasions within a 24 month period, Council must disqualify you as a dog owner under the Dog Control Act 1996 S52(1)(a). This is the 2nd occasion.

In cases of financial hardship, please apply in writing to seek an agreement payment option where the Infringement is $150.00 or more. This option is for the infringement only the dog's registration can only be paid in one payment.

If you wish to request a waiver for this infringement, please go to the Council website and search "infringement" click on "Infringement notice payment" click on "Dog infringement waiver request".

Yours faithfully

[redacted]

Compliance Support Team
Western Bay of Plenty District Council

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Ōtamarākau ki te Uru

Barkes Cnr, Greerton, Tauranga
New Zealand
Private Bag 12803,
Tauranga 3143, New Zealand
Phone: 64 07 571 8008
Fax: 64 07 577 9820
customerservices@westernbay.govt.nz
www.westernbay.govt.nz

INFRINGEMENT NOTICE

(Issued under authority of Section 66 of the Dog Control Act 1996)

Infringement No. 2309

Full Name of Dog Owner	MOLITIKA, JESS
Full Address	[redacted]
Date of Birth	[redacted] ☐ Male ☑ Female

ALLEGED INFRINGEMENT OFFENCE DETAILS

S.20 (1) Failure to comply with any bylaw authorised by section 20 namely being the owner of a dog, failed to keep that dog under control contrary to section 2.1 of the Western Bay of Plenty District Council Dog Control Bylaw 2016

Dog Control Act 1996

Date: 06 Nov 2024	**Time:** 07:00p.m.
Road/Street	[redacted]
Suburb	**Town** [redacted]
Post/Delivery: ☐ Delivered Personally ☑ Ordinary Post ☐ Registered Post	
Infringement Fee Payable: 300.00	

DOG DETAILS

Dogs Name: ZEUS		**Breed:** MASTIFF	
Colour: TAN	**Reg No:** [redacted]	**Sex** ☑ Male ☐ Female	**Age:** 2 YRS 8 MTHS

PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after: 15 Nov 2024
(Earliest date notice delivered personally, or posted)

Officer Number TL2	**Service Request Number**	**NOTE** **PLEASE PRESENT THIS NOTICE WHEN MAKING PAYMENT**
The infringement fees may be paid to:	Western Bay of Plenty District Council, Barkes Corner, Greerton, TAURANGA	
Or at Area Offices:	Jellicoe Street, TE PUKE or Main Road, KATIKATI	

Please note that if you have been served with this Infringement Notice for failing to register a dog, payment of the infringement does not include the dog registration fee. You will still need to register your dog without delay and failing to do so may result in the issue of further infringement notices.

IMPORTANT: Please read the Summary of Rights printed overleaf

SUMMARY OF RIGHTS

Note: If you do not understand any of the following notes, you are advised to consult a lawyer.

1. This notice sets out an alleged infringement offence. In terms of Section 2 of the Dog Control Act 1996, you are liable as the owner of 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 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Payments

2. If you pay the infringement fee within 28 days of the issue of this notice, no further action will be taken. Payment may be made at places indicated on the front of this notice.

Defences

3. You have a complete defence against proceedings if the infringement fee was paid to the Western Bay of Plenty District Council at any of the places for payment shown or within 28 days after you were served with a reminder notice. Note that late payment or payment at any other place will not be a defence.

Further action

4. If you wish to:-
   a) raise any matter relating to the alleged offence for consideration by the Western Bay of Plenty District Council; or
   b) deny liability for the offence and request a court hearing (refer to paragraphs 5 and 9 below); or
   c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraph 6 and 9 below), - you should write to the Western Bay of Plenty District Council at the address shown on the front page of this notice. Any such letter must be personally signed.

5. You have a right to a Court hearing. If you deny liability for the offence and request a hearing, the Western Bay of Plenty District Council will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court (unless it decides not to start Court proceedings). Note that if the Court finds you guilty of the offence, costs will be imposed in addition to any penalty.

6. If you admit the offence but want the Court to consider your submissions as to penalty or otherwise, you should in your letter:-
   a) ask for a hearing; and
   b) admit the offence; and
   c) set out the written submissions you wish to be considered by the Court.

   The Western Bay of Plenty District Council will then file your letter with the court (unless it decides not to commence court proceedings). There is no provision for an oral hearing before the Court if you follow this course of action.

   Note that costs will be imposed in addition to any penalty.

Non payment of fee

7. If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice (unless the Western Bay of Plenty District Council decides otherwise).

8. If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice, the Western Bay of Plenty District Council may file the reminder notice, or provide particulars of the reminder notice for filing, in the Court and you will become liable to pay **costs in addition to the infringement fee,** under section 21(5) of the Summary Proceedings Act 1957.

Queries/Correspondence

9. When writing or making payment please include:-
   a) the date of the infringement; and
   b) the infringement notice number; and
   c) the identifying number of the alleged offence and the course of action you are taking in respect of it; and
   d) your address for replies.

Notice of liability for classification as a probationary owner or a disqualified owner

If you commit three or more infringement offences (not relating to a single incident or occasion) over a period of 24 months, the Western Bay of Plenty District Council may classify you as-
- a probationary owner; or
- a disqualified owner

You will be treated as having committed an infringement offence if you:-
- have been ordered to pay a fine and costs under Section 78A(1) of the Summary Proceedings Act 1957 or are treated as having been so ordered under Section 21(5) of that Act; or
- pay the infringement fee specified in the infringement notice.

Probationary ownership starts from the date of the third infringement offence in the 24 month period. Unless terminated earlier by the Western Bay of Plenty District Council, probationary ownership runs for a period of 24 months.

Disqualification as a dog owner starts from the date of the third infringement offence in the 24 month period. The length of disqualification is determined by the Western Bay of Plenty District Council but may be no longer than 5 years.

Consequences of classification as a probationary owner or disqualified owner

During the period that a person is classified as a probationary owner, the person-
- must not be or become the registered owner of any dog except a dog that the person was the registered owner of at the time of the third infringement offence; and
- must dispose of every unregistered dog the person owns.

During the period that a person is classified as a disqualified owner, the person-
- must not own or become the owner of any dog; and
- must dispose of all dogs the person owns; and
- may have possession of a dog only for certain purposes (e.g. returning a lost dog to the territorial authority).

A person may object to being classified as a probationary or disqualified owner by lodging a written objection with the Western Bay of Plenty District Council. There is a further right of appeal to a District Court, if a disqualified person is dissatisfied with the decision of the Western Bay of Plenty District Council on his or her objection.

Full details of classification as a probationary owner or a disqualified owner, and the effects of those classifications, are provided in the Dog Control Act 1996.

FULL DETAILS OF YOUR RIGHTS AND OBLIGATIONS ARE IN SECTION 66 OF THE DOG CONTROL ACT 1996 AND SECTION 21(10) OF THE SUMMARY PROCEEDINGS ACT 1957.

NOTE: ALL QUERIES AND ALL CORRESPONDENCE REGARDING THIS INFRINGEMENT NOTICE MUST BE DIRECTED TO WESTERN BAY OF PLENTY DISTRICT COUNCIL AT THE ADDRESS SHOWN.

Western Bay of Plenty District Council
1484 Cameron Road,
Greerton, Tauranga 3112
P 07 571 8008
E customer.service@westernbay.govt.nz
westernbay.govt.nz

18 February 2025

INF: 2344

MOLITIKA, JESS
[redacted]

Dear Jess,

Dog Infringement Payment Options

Payment of infringement notices is due within 28 days from the date of issue.

Please read the back of the infringement notice for your summary of rights and contact the Council if you have any queries.

Please be aware that if you (as the registered dog owner) receive infringement(s) on three separate occasions within a 24 month period, Council must disqualify you as a dog owner under the Dog Control Act 1996 S52(1)(a). This is the 3rd occasion.

In cases of financial hardship, please apply in writing to seek an agreement payment option where the Infringement is $150.00 or more. This option is for the infringement only the dog's registration can only be paid in one payment.

If you wish to request a waiver for this infringement, please go to the Council website and search "infringement" click on "Infringement notice payment" click on "Dog infringement waiver request".

Yours faithfully

[redacted]

Compliance Support Team
Western Bay of Plenty District Council

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Otamarakau ki te Uru

Barkes Cnr, Greerton, Tauranga
New Zealand
Private Bag 12803,
Tauranga 3143, New Zealand
Phone: 64 07 571 8008
Fax: 64 07 577 9820
customerservices@westernbay.govt.nz
www.westernbay.govt.nz

INFRINGEMENT NOTICE

(Issued under authority of Section 66 of the Dog Control Act 1996)

Infringement No. 2344

Full Name of Dog Owner	MOLITIKA, JESS	
Full Address	[redacted]	
Date of Birth	[redacted]	☐ Male ☑ Female

ALLEGED INFRINGEMENT OFFENCE DETAILS

S.20 (1) Failure to comply with any bylaw authorised by section 20 namely being the owner of a dog, failed to keep that dog under control contrary to section 2.1 of the Western Bay of Plenty District Council Dog Control Bylaw 2016

Dog Control Act 1996

Date: 22 Jan 2025		**Time:** 07:05a.m.	
Road/Street	[redacted]		
Suburb	[redacted]	**Town**	[redacted]

Post/Delivery:
☐ Delivered Personally ☑ Ordinary Post ☐ Registered Post

Infringement Fee Payable:
300.00

DOG DETAILS

Dogs Name: ZEUS		**Breed:** MASTIFF	
Colour: TAN	**Reg No:** [redacted]	**Sex** ☑ Male ☐ Female	**Age:** 2 YRS 11 MTHS

PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after: 18 Feb 2025
(Earliest date notice delivered personally, or posted)

Officer Number ASOC	**Service Request Number 61704**	**NOTE PLEASE PRESENT THIS NOTICE WHEN MAKING PAYMENT**
The infringement fees may be paid to:	Western Bay of Plenty District Council, Barkes Corner, Greerton, TAURANGA	
Or at Area Offices:	Jellicoe Street, TE PUKE or Main Road, KATIKATI	

Please note that if you have been served with this Infringement Notice for failing to register a dog, payment of the infringement does not include the dog registration fee. You will still need to register your dog without delay and failing to do so may result in the issue of further infringement notices.

IMPORTANT: Please read the Summary of Rights printed overleaf

SUMMARY OF RIGHTS

Note: If you do not understand any of the following notes, you are advised to consult a lawyer.

1. This notice sets out an alleged infringement offence. In terms of Section 2 of the Dog Control Act 1996, you are liable as the owner of 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 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Payments

2. If you pay the infringement fee within 28 days of the issue of this notice, no further action will be taken. Payment may be made at places indicated on the front of this notice.

Defences

3. You have a complete defence against proceedings if the infringement fee was paid to the Western Bay of Plenty District Council at any of the places for payment shown or within 28 days after you were served with a reminder notice. Note that late payment or payment at any other place will not be a defence.

Further action

4. If you wish to:-
   a) raise any matter relating to the alleged offence for consideration by the Western Bay of Plenty District Council; or
   b) deny liability for the offence and request a court hearing (refer to paragraphs 5 and 9 below); or
   c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraph 6 and 9 below), - you should write to the Western Bay of Plenty District Council at the address shown on the front page of this notice. Any such letter must be personally signed.

5. You have a right to a Court hearing. If you deny liability for the offence and request a hearing, the Western Bay of Plenty District Council will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court (unless it decides not to start Court proceedings). Note that if the Court finds you guilty of the offence, costs will be imposed in addition to any penalty.

6. If you admit the offence but want the Court to consider your submissions as to penalty or otherwise, you should in your letter:-
   a) ask for a hearing; and
   b) admit the offence; and
   c) set out the written submissions you wish to be considered by the Court.

   The Western Bay of Plenty District Council will then file your letter with the court (unless it decides not to commence court proceedings). There is no provision for an oral hearing before the Court if you follow this course of action.

   Note that costs will be imposed in addition to any penalty.

Non payment of fee

7. If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice (unless the Western Bay of Plenty District Council decides otherwise).

8. If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice, the Western Bay of Plenty District Council may file the reminder notice, or provide particulars of the reminder notice for filing, in the Court and you will become liable to pay **costs in addition to the infringement fee,** under section 21(5) of the Summary Proceedings Act 1957.

Queries/Correspondence

9. When writing or making payment please include:-
   a) the date of the infringement; and
   b) the infringement notice number; and
   c) the identifying number of the alleged offence and the course of action you are taking in respect of it; and
   d) your address for replies.

Notice of liability for classification as a probationary owner or a disqualified owner

If you commit three or more infringement offences (not relating to a single incident or occasion) over a period of 24 months, the Western Bay of Plenty District Council may classify you as-
- a probationary owner; or
- a disqualified owner

You will be treated as having committed an infringement offence if you:-
- have been ordered to pay a fine and costs under Section 78A(1) of the Summary Proceedings Act 1957 or are treated as having been so ordered under Section 21(5) of that Act; or
- pay the infringement fee specified in the infringement notice.

Probationary ownership starts from the date of the third infringement offence in the 24 month period. Unless terminated earlier by the Western Bay of Plenty District Council, probationary ownership runs for a period of 24 months.

Disqualification as a dog owner starts from the date of the third infringement offence in the 24 month period. The length of disqualification is determined by the Western Bay of Plenty District Council but may be no longer than 5 years.

Consequences of classification as a probationary owner or disqualified owner

During the period that a person is classified as a probationary owner, the person-
- must not be or become the registered owner of any dog except a dog that the person was the registered owner of at the time of the third infringement offence; and
- must dispose of every unregistered dog the person owns.

During the period that a person is classified as a disqualified owner, the person-
- must not own or become the owner of any dog; and
- must dispose of all dogs the person owns; and
- may have possession of a dog only for certain purposes (e.g. returning a lost dog to the territorial authority).

A person may object to being classified as a probationary or disqualified owner by lodging a written objection with the Western Bay of Plenty District Council. There is a further right of appeal to a District Court, if a disqualified person is dissatisfied with the decision of the Western Bay of Plenty District Council on his or her objection.

Full details of classification as a probationary owner or a disqualified owner, and the effects of those classifications, are provided in the Dog Control Act 1996.

FULL DETAILS OF YOUR RIGHTS AND OBLIGATIONS ARE IN SECTION 66 OF THE DOG CONTROL ACT 1996 AND SECTION 21(10) OF THE SUMMARY PROCEEDINGS ACT 1957.

NOTE: ALL QUERIES AND ALL CORRESPONDENCE REGARDING THIS INFRINGEMENT NOTICE MUST BE DIRECTED TO WESTERN BAY OF PLENTY DISTRICT COUNCIL AT THE ADDRESS SHOWN.

Western Bay of Plenty District Council
1484 Cameron Road,
Greerton, Tauranga 3112
P 07 571 8008
E customer.service@westernbay.govt.nz
westernbay.govt.nz

19 May 2025

JESS MOLITIKA
[redacted]

Notice of Disqualification from Dog Ownership

Section 25, Dog Control Act 1996

This is to notify you that **you have been disqualified from owning any dog** under Section 25 of the Dog Control Act 1996.

This follows -

3 or more infringement offences (not relating to a single incident or occasion) having been committed by you within a continuous period of 24 months

- 13/08/2024 Infringement 2247 Dog not confined or controlled under Section 52A
- 06/11/2024 Infringement 2309 Failure to comply with any dog bylaw authorised by Section 20
- 22/01/2025 Infringement 2344 Failure to comply with any dog bylaw authorised by Section 20

The disqualification will apply from **22 January 2025** until **22 January 2030**

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

Signed: **Dated:** 19th May 2025

[redacted]

Peter Hrstich
Animal Services Team Lead

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Otamarakau ki te Uru

Effect of Disqualification
Section 28, Dog Control Act 1996

You are required to dispose of every dog owned by you within 14 days of the date of this notice.

You may not dispose of any dog to any person who resides at the same address as you. You may not dispose of any dog in a manner that constitutes an offence against the Dog Control Act or any other Act.

You cannot become the owner, even on a temporary basis, of any dog while you are disqualified, nor may you have possession of a dog, even on a temporary basis.

You will commit an offence and be liable on conviction to a fine not exceeding $1,500 if you-

- fail to dispose of every dog owned by you within 14 days of this notice; or
- dispose of any such dog to any person who resides at the same address as you or dispose of any such dog in a manner that constitutes an offence against the Dog Control Act or any other Act; or
- at any time while disqualified, become the owner of any dog.

If you are convicted of any of these offences, your period of disqualification may be further extended.

Any person will commit an offence and be liable on conviction to a fine not exceeding $1,500 who disposes or gives custody or possession of any dog to any person, knowing that person to be disqualified from ownership under Section 25 of the Dog Control Act.

Full details to the effect of disqualification are provided in the Dog Control Act.

Right of Objection to Disqualification
Section 26, Dog Control Act 1996

You may object to the disqualification by lodging with the Western Bay of Plenty District Council a written 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. No objection can be lodged within 12 months of the hearing of any previous objection to the disqualification.

If an objection is lodged within 14 days after the date of this notice, the requirement to dispose of every dog owned by you will be suspended until Western Bay of Plenty District Council has determined the objection.

There is a further right of appeal to a District Court if you are dissatisfied with the decision of the Western Bay of Plenty District Council on your objection.

To Whom It May Concern, Western Bay of Plenty District Council

I am writing to formally object to the disqualification notice issued regarding my beloved dog, Zeus. I strongly urge you to reconsider this decision based on the following points:

1. Commitment to Responsible Ownership & Training
I have made arrangements for Zeus to receive professional training with a certified trainer who also judges at Tux shows. This training will ensure he meets all behavioral expectations, and I continue to provide the best care possible. Additionally, the trainer will assess whether neutering would be beneficial for Zeus, prioritizing his long-term wellbeing.

Furthermore, I am actively working to improve my own knowledge and skills as a responsible dog owner. I am committed to becoming the best guardian for Zeus, ensuring he is well-trained, properly cared for, and never left unsupervised in a way that could compromise his safety.

2. Changed Circumstances & Prior Issues
A primary factor leading to Zeus being left unsupervised was an ex-partner, who is no longer in the picture. With this major change, I am confident that Zeus will receive the care, supervision, and structure necessary to prevent future incidents.

3. Zeus as Emotional Support & Protection
Zeus provides me with emotional stability, particularly because his father was my previous dog, making his presence deeply significant. He is not just a pet but an essential source of comfort, familiarity, and emotional strength in my life.

Moreover, as a single female living alone, Zeus serves as my protector, providing security and reassurance. His presence helps me feel safe and confident in my own home, reducing fear and vulnerability. Losing Zeus would not just be emotionally devastating—it would also remove an important element of my personal safety.

4. Unjust Handling & Financial Hardship
I was previously informed that I would receive only a warning regarding Zeus's situation, yet was later fined $300. The officers were not wearing their cameras and entered my property from the back entrance, making me feel extremely vulnerable, especially as a woman dealing with two male officers approaching from an unexpected direction. I have a witness who observed

this interaction. Despite the misleading assurances, I have complied fully and am paying this fine.

5. Legal Precedents & Fair Consideration
There have been cases where owners successfully objected to disqualification notices by demonstrating a commitment to responsible ownership. In Hayes v Tauranga City Council, an objection was initially accepted after the owner showed improvements such as upgraded fencing and supervision. Another case in the Waikato District Council considered whether disqualification was an excessive measure, leading to an alternative resolution.

These cases show that objections can be successful when owners prove their dedication to better management and training. Given my ongoing efforts and willingness to comply with best practices, I strongly believe my case merits the same fair consideration.

6. Proposed Solutions for Fair Resolution
I am willing to:

Commit to regular check-ins with Zeus's trainer.

Ensure Zeus is leashed and supervised at all times.

Upgrade fencing or implement additional safety measures if required.

Accept a probationary period rather than immediate disqualification, allowing time for Zeus's progress to be monitored.

7. Devastating Consequences & Request for Reconsideration
The order to dispose of Zeus would be catastrophic for my life. This decision does not reflect my current commitment to responsible ownership nor does it acknowledge the improvements I am actively making. I respectfully ask the council to reconsider their decision and allow me the opportunity to implement necessary training and care adjustments.

I am deeply invested in ensuring that Zeus continues to live a safe and healthy life under my care. I kindly request that this matter be reviewed with fairness and compassion.

Sincerely, Jess Molitika-Morris

CCR ID	Details
[redacted] 22 Jun 2024 08:11a.m.	Roaming Dog Two photos attached Caller says the dog is aggressive may attack someone. Dog is currently at [redacted]
[redacted] 28 Jun 2024 09:02a.m.	Customer calling to complain about a reoccurring roaming dog issue. Roaming outside callers property. Growls and hangs around callers property all the time. Also tried to have a go at callers dog previously. Known to be aggressive - attacked an old man (this was not reported).
[redacted] 04 Aug 2024 09:20a.m.	The dog was over at the callers house and was being aggressive towards her and trying to get at her cat/s. The caller has rung in a few times about this particular dog and it lives next door to the caller. It growls at her every time she walks on to her property or past the house where the dog lives. Aggressive dog.
[redacted] 14 Aug 2024 08:18a.m.	Dog sighted roaming by officers on patrol
[redacted] 06 Oct 2024 11:29a.m.	This dog repeatedly roams in our street. There have been instances of kids feeling threatened by it, and it rushing and snapping at our own dogs. It has no collar. Always roaming and entering properties on its own.
[redacted] 07 Nov 2024 10:17a.m.	Roaming dog; Same dog reported before, a known problem to council, roaming again.
[redacted] 20 Jan 2025 12:39p.m.	Roaming dog; This dog is on the loose AGAIN. No collar, roaming around properties, menacing to other animals in the area, and kids play area. My kids won't go outside when it's there. This is the second time in a week the dog has been spotted in the area. Followed my children home from the school playground, charged at my dog and kids as they tried to leave the park. This dog has been reported before, and you told us the owners were on their FINAL warning