

Exemptions and Objections Committee Agenda

Date: Wednesday, 14 August, 2019

Time: 11:00 am

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Cr Greg Innes (Chairperson)
Her Worship the Mayor Sheryl Mai
Cr Shelley Deeming
Cr Sue Glen

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

1. Declarations of Interest	
2. Apologies	
3. Confirmation of Minutes of Previous Exemptions and Objections Committee Meeting	
3.1 Minutes Exemptions and Objections Committee 16 October 2018	3
4. Decision Reports	
4.1 Objection to Menacing Dog Classification	5
4.2 Objection to Probationary Ownership	35
5. Public Excluded Business	
6. Closure of Meeting	

Exemptions and Objections Committee – Terms of Reference

Parent Committee: **Planning and Development Committee**

Membership

Chairperson: Councillor Greg Innes

Members: Her Worship the Mayor Sheryl Mai
Councillors Shelley Deeming, Sue Glen

Meetings: As required.
The relevant legislative requirements shall be taken into consideration when setting meeting dates.

Quorum: **2**

Purpose

To hear and determine objections, appeals and applications in respect of the regulatory functions and responsibilities of Council.

Delegations

- Hear and decide s357 objections under the Resource Management Act where staff recommend decline.
- Determine and grant of Territorial Authority consents under S100 of the Gambling Act 2003 (as it relates to Class 4 Gambling Venues) and s65C of the Racing Act 2003 (as it relates to Board Venues).
- Determine applications for exemptions under the Fencing of Swimming Pools Act 1987.
- Consider objections relating to the classification of any dog as a dangerous dog under the Dog Control Act 1996.
- Power to consider an objection to classification as a menacing dog under s33A and s33C of the Dog Control Act 1996.
- Power to consider and determine an objection to any notice issued requiring abatement of a barking dog nuisance under s55 of the Dog Control Act 1996.
- Hear and determine appeals in respect of an invoice under Council's Development Contribution Policy (no ability to waiver).
- Hear and determine objections in respect to s120 of the Reserves Act 1977.
- Hear and determine statutory appeals or objections in respect to any matter where no specific delegation applies.

Item 3.1
Exemptions and Objections Committee Meeting Minutes

Date: Tuesday, 16 October, 2018
Time: 1:00 p.m.
Location: Council Chamber
 Forum North, Rust Avenue
 Whangarei

In Attendance Cr Greg Innes (Chairperson)
 Her Worship the Mayor Sheryl Mai
 Cr Shelley Deeming
 Cr Sue Glen

Also present Chris Harold (President RSA)
 Jarrod True (True Legal Ltd)

Scribe C Brindle (Senior Democracy Adviser)

1. Declarations of Interest

There were no declarations of interest.

2. Apologies

There were no apologies.

3. Confirmation of Minutes of Previous Exemptions and Objections Committee Meeting

Moved By Cr Shelley Deeming

Seconded By Cr Sue Glen

That the minutes of the Exemptions and Objections Committee meeting held on 1 August 2017, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

4. Decision Reports
4.1 Submission Hearing - Relocation of Gaming Machines by RSA

Moved By Cr Shelley Deeming

Seconded By Her Worship the Mayor

That the Committee:

Receive the submissions made on the application by the Whangarei Returned and Services Association to relocate gaming machines to new premises and hear from those submitters wishing to be heard.

Carried

The Committee heard and deliberated on the application.

Following deliberations the Committee resolved:

Moved By Cr Innes

Seconded By Cr Deeming

That the Committee:

Determines that the application from the Whangarei Returned and Services Association Incorporated to relocate nine gaming machines to 12 – 16 Hannah Street, Whangarei, be granted for the following reasons:

- a) The application complies with the Whangarei District Council Class 4 Gambling Venue Policy.
- b) The application will not have a negative impact on the character of the area.
- c) The proposed reduction in the number of gaming machines from 14 to 9, in a safe and well managed environment, meets the needs of Council's Class 4 Gambling Policy.

Carried

5. Closure of Meeting

The meeting concluded at 1.17pm

Confirmed this 14th day of August 2019

Councillor Greg Innes (Chairperson)

4.1 Objection to Menacing Dog Classification

Reporting officer: Nina Darling, Bylaws Enforcement Co-ordinator

Date of meeting: 14 August 2019

Time	Hearing	Name
11.00am	Objection to Menacing Dog Classification (Sections 33A and 33B of the Dog Control Act 1996)	Amy Abernethy

Hearing Procedure

Objection under the Dog Control Act 1996

- 1 The Chairperson opens the proceedings by introducing the committee and asks parties to introduce themselves and their witnesses.
- 2 Staff will briefly outline the objection.
- 3 The Council Officer's/contractor's report, which has been circulated prior to the hearing, is taken as read.
- 4 The objector presents his/her case including any supporting evidence from witnesses.
- 5 Council officers/contractors will speak on his/her report and is available to answer questions.
- 6 Only the objector is given the opportunity to have a right to reply. This gives him/her the chance to clarify matters raised in the Council officer's/contractor's report but not to present new evidence.
- 7 Final questions of clarification.
- 8 The Chairperson adjourns the hearing to deliberate on its decision based on the evidence submitted, following which the objector will be notified in writing of the decision.

A written decision will be issued as soon as practicable.

Report to Exemptions and Objections Committee

Introduction

The purpose of this hearing is to hear and determine the objection made by Ms Amy Abernethy to a menacing classification imposed by letter dated 23 April 2019 (Attachment One) against her dog 'Star'.

Background

S33A of the Dog Control Act 1996 ('the Act') provides that a territorial authority may classify a dog as menacing where it considers that the dog may pose a threat to any person, (or stock, poultry, domestic animal, or protected wildlife) because of any observed or reported behaviour of the dog.

If a dog is classified as menacing under s33A of the Act, the owner of the dog:

- (a) Must not allow the dog to be at large or in any public place, or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
- (b) Must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying:
 - (i) That the dog is or has been neutered; or
 - (ii) That for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- (c) Must, if a certificate under paragraph (b)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

Under S33B of the Act Ms Abernethy was entitled to object within 14 days of receiving the classification and has the right to be heard. Ms Abernethy made an objection on 6 May 2019 and therefore lodged her objection in sufficient time.

Statutory Considerations

Section 33B gives the power to the Committee to consider the objection, which may uphold or rescind the classification. In making its determination the committee must have regard to:

- (a) The evidence which formed the basis for the classification; and
- (b) Any steps taken by the owner to prevent any threat to the safety of persons or animals; and
- (c) The matters relied on in support of the objection; and
- (d) Any other relevant matters.

The territorial authority must, as soon as practicable, give written notice to the owner of:

- (a) Its determination of the objection; and
- (b) The reasons for its determination.

Assessment

The classification of the dog 'Star' as menacing followed three incidents reported to Council's animal management and enforcement contractor 'Armourguard'. These have been summarised below.

Date	Incident	Outcome
2 February 2018	<p>Complaint lodged by victim that he was bitten by a 'red x staffordshire' dog outside 8 Garland Road, Ruakaka.</p> <p>A signed written statement was provided by the victim (Attachment Two).</p>	<p>12 February 2018</p> <p>Infringement Notice D503050 issued to dog owner for failure to confine and control the dog 'Star' (Attachment Three).</p>
8 January 2019	<p>The complainant lodged a complaint that that a 'brown dog' rushed her son who was walking their own small dog past 8 Garland Road, Ruakaka. The complainant subsequently supplied a signed letter dated 9 January 2019 confirming complaint (Attachment Four).</p>	<p>Enforcement officer(s) had discussions with the dog owner regarding need to confine and control the dog 'Star'.</p>
12 April 2019	<p>The complainant lodged a complaint that her daughter who was walking two dogs was rushed by a 'female golden brown staffy type' dog from 8 Garland Road, Ruakaka. The complainant and her daughter jointly provided an email later that same day confirming the complaint (Attachment Five).</p>	<p>An enforcement officer spoke with the dog owner.</p> <p>However, dog owner denied this incident had occurred. Ms Abernethy advised that the dog 'Star' recently had pups and had only been in the house or her outside cage and could not therefore have been responsible.</p> <p>The enforcement officer, accepted the evidence provided by the complainant.</p> <p>Infringement Notice D502935 was issued on 29 April 2019 to dog owner for the dog 'Star' for failure to confine and control (Attachment Six).</p>

Assessment

As noted above, in making its determination the committee must have regard to:

- (a) The evidence which formed the basis for the classification; and
- (b) Any steps taken by the owner to prevent any threat to the safety of persons or animals; and

- (c) The matters relied on in support of the objection; and
- (d) Any other relevant matters.

These matters are reviewed below.

The evidence which formed the basis for the classification

S33A of the Act provides that a Council may classify a dog as menacing where it considers based on '*reported behaviour*' that the dog poses a threat to any person. It is submitted that the above three incidences of '*reported behaviour*' provide sufficient basis to justify classification of the dog 'Star' as menacing under the 'Act'.

While the third incident on 12 April 2019 is disputed by the dog owner, an enforcement officer may issue an infringement notice where the officer has 'reasonable cause to believe' that an infringement offence has occurred. It is submitted that the officer was entitled to accept the evidence offered by the complainant in preference to that of the dog owner, and further that Council was able to accept the complainant's email as an instance of '*reported behaviour*'.

Finally, the imposition of a menacing classification is not timebound or restricted under the Act in the way that for example the issue of an infringement, or bringing of a prosecution is subject to time limits. Council would have been entitled to impose the menacing classification issued on 23 April 2019 based solely on the first two reported behaviour incidents only, irrespective of whether or not the third incident was disputed.

Ms Abernethy herself has subsequently stated in emails lodging her objection to the classification (Attachment Seven) that the dog 'Star' '*...has only Eva rushed at 2 people az the third is a lie...*' (sic), acknowledging therefore that 'Star' has indeed rushed at people previously.

It is considered that there was sufficient evidence on which to base the menacing classification.

Any steps taken by the owner to prevent any threat to the safety of persons or animals

Ms Abernethy indicated in her email dated 6 May 2019 that she intends to build a higher fence. Each of the three incidents are alleged to have occurred as a result of the dog 'Star' rushing off the property at 8 Garland Road. Adequate fencing would likely address the main cause of the incidents that have occurred, however Ms Abernethy has had significant time since the first incident in February 2018 to address the fencing around the property, and as at 23 April 2019 had not done so.

The matters relied on in support of the objection

The committee must consider the information set out in Ms Abernethy's objection email(s) dated 6 May 2019 (Attachment Seven) and any other matters put forward by Ms Abernethy in support of her objection.

Conclusion

By Ms Abernethy's own admission, the dog 'Star' has rushed at two people before. A previous incident for which an infringement notice was issued, resulted not only in the victim having been rushed, but also bitten.

Under s33A of the Act, a Council may classify a dog as menacing that it 'considers may pose a threat to any person [...] because of any observed or reported behaviour'. Following three separate incidents, Council received written statements/complaints from each of the victims reporting on what had occurred.

It is therefore submitted that the requirements of the Act for classification have been made out, and the dog was appropriately classified.

In addition, the Council has received no evidence that the property at 8 Garland Road, Ruakaka, has been adequately fenced in order to prevent a repeat incident.

Recommendation

That the Committee:

- a) hear the objection to the menacing classification against the dog 'Star' owned by Amy Abernethy.

Following deliberations:

That the Committee:

- a Determine that the menacing dog classification imposed on the dog 'Star' owned by Amy Abernethy on 23 April 2019, be **either** upheld or not upheld.

Attachments

1. Letter dated 23 April 2019 imposing menacing classification against the dog 'Star'
2. Statement of complainant of dog bite, 2 February 2018, 8 Garland Road, Ruakaka (Personal details of complainant redacted)
3. Infringement notice D503050 for the incident on 2 February 2018 issued 12 February 2018
4. Letter from complainant of rushing incident, 8 February 2019, 8 Garland Road, Ruakaka (Personal details of complainant redacted)
5. Infringement notice for the incident on 12 April 2019, 8 Garland Road, Ruakaka issued 29 April 2019
6. Email from complainants of rushing incident, 12 April 2019, 8 Garland Road, Ruakaka.
7. Emails from Ms Amy Abernethy dated 6 May objecting to the classification
- 7a Confirmation of ownership

23 April, 2019

Amy Abernathy
 8 Garland Road
 Ruakaka
 Whangarei 0116

Dear Amy Abernathy

Forum North, Private Bag 9023
 Whangarei 0148, New Zealand
P +64 9 430 4200
F +64 9 438 7632
E mailroom@wdc.govt.nz
www.wdc.govt.nz

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

Dog ID:	70867	Primary Breed:	American Staffordshire Terrier
Microchip No:	990000001657964	Secondary Breed:	
Name:	Star	Primary Colour	Tan
Sex:	Female	Secondary Colour	
Age:	5 years 4 months		
Address where dog is usually kept: 8 Garland Road, Ruakaka, WHANGAREI			

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

This is because Whangarei District Council considers that the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of observed or reported behaviour of the dog, namely: Rushing at members of the public walking along Garland Road, Ruakaka

I hereby notify you that the dog described herein has been classified as a MENACING DOG with effect from the date of issue of this notice.

A summary of this classification and your right to object is provided on the reverse.

Please note:

- Your dog must now be de-sexed with a veterinary certificate for proof of de-sexing provided by 23 May 2019
- Your dog must now be muzzled when it is at large or in any public place or private way
- Your dog must be kept under control at all times

Documents requested above can be sent to: Armourguard Security, P O Box 99, Whangarei, 0140



Yours sincerely
 Manager Health and Bylaws

*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, if required by the Whangarei District Council, produce to the Whangarei District Council, within 1 month after receipt of this notice, a certificate issued by a veterinarian certifying—

(i) that the dog is or has been neutered; or

(ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and

(c) where a certificate under paragraph (b)(ii) is produced to the Whangarei District Council, produce to the Whangarei District Council, within 1 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 Whangarei District Council in accordance with the reasonable instructions of the Whangarei District Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

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

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

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement to 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. You will commit an offence and be liable on conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

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

***Right of objection to classification under section 33C
Section 33D, Dog Control Act 1996***

You may object to the classification of your dog as menacing by lodging with the Whangarei District Council a written objection within 14 days of receipt of this notice setting out the grounds 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.

You must provide evidence to the Whangarei District Council that the dog is not of a breed or type listed in Schedule 4 of the Dog Control Act 1996.

STATEMENT OF EVENTS – Complainant/WitnessDate: 2 FEB

Start Time:

My full name is: and I live at.....

Phone (Home) (Mobile)

I am (age)..... My date of birth is..... and I making this statement to A.C.O.

(name)..... of Armourguard at (address)

On the (date)	<u>2 FEB</u>	at approximately (time)	<u>18:45</u>
I was at (place)	<u>8 GARLAND</u>		
(what happened)	<u>I WAS WALKING PAST THE ABOVE ADDRESS</u> <u>WHEN A DOG ATTACKED ME. IT BIT MY RIGHT</u> <u>ARM AT THE WRIST. THE DOG WAS GOING TO</u> <u>ATTACK AGAIN, BUT THE OWNER SHOUTED AT THE</u> <u>DOG, & IT STOPPED THE ATTACK. THE DOG WAS A RED-</u> <u>COLORRED X STAFFORDSHIRE DOG.</u> <u>I'M CONCERNED (1) IF THE OWNER WASN'T THERE,</u> <u>HOW WOULD THIS HAVE ENDED?</u> <u>(2) IF THIS HAD BEEN A CHILD, HOW WOULD IT</u> <u>HAVE ENDED?</u> <u>I PHONED NZ POLICE! THEY REFERRED ME TO</u> <u>THE SPCA!!</u> <u>THE OWNER SAID THE DOG HAD PUPPIES. SHE</u> <u>WAS VERY APOLOGETIC.</u>		

Statement continues overleaf (circle if applicable)

I have had this statement read back to me **OR** I have read this statement and agree that it is true and correct. I have nothing further to add.

Print full name: Signed:

If under 16 years of age statement taken in the presence of parent/guardian

Print full name: Signed:
(parent or guardian)

Finish Time:



DOG INFRINGEMENT NOTICE

Issued under authority of section 66
of the dog control act 1996

The infringement fee is payable within 28 days after the service of this notice

Notice No.:

D503050

ALLEGED INFRINGEMENT OFFENCE DETAILS:

Name of dog owner:		(forenames) <i>Emily</i>	(surname) <i>Harrelly</i>
Date: <i>2.2.18</i>	Time: <i>18:15</i>	Date of Birth: <i>11.11.15</i>	
Street: <i>8 Gaskin Road</i>		Day: <i>M T W TH F S SU</i>	
Suburb: <i>Ruakohu</i>			
Locality: <i>Whangarei</i>			

BOX TICKED TO INDICATE ALLEGED OFFENCE:

- ☐ Section 36A (6) - Failure to microchip dog
- ☐ Section 42 - Failure to register dog
- ☒ Section 52A - Failure to keep dog controlled or confined
- ☐ Section 53 (1) - Failure to keep dog under control
- ☐ Other: _____

Additional Details of Offence (if any): *Under section 52A of*

The Dog Control Act 1996

R. No/Description of dog: *Star, American Staffy, Tan, (F)*

Officer Number: *1112*

INFRINGEMENT FEE PAYABLE:

\$200.00

Please present this notice when making payment:

PAYMENT OF INFRINGEMENT FEE: Payable within 28 days after *12/2/18*

Please note that if you have been served with this Infringement Notice for failing to register a dog, payment of the infringement fee 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.

Note: All queries and all correspondence regarding this infringement must be directed to the Whangarei District Council, Private Bag 9023, Whangarei 0148 or email: mailroom@wdc.govt.nz, phone (09) 430 4200

JOP 702E

9 January 2019

To whom it may concern,

My son was walking our small dog down past 8 Garland Road (he was on the other side of the road from the property) last week and the brown dog (looked aggressive-pit bull like) that lives in this property jumped over the fence and rushed at them. My son stood still and the dog tried to nip / bite our dog. The dog finally walked off and then chased them again as they tried to make their way home.

The dog then jumped back over the fence to go back into the property. He jumped at a lower part of the fence where it dips down by the gate.

Garland Road is the quickest way to the dairy and a road we walk down a lot when we are staying out our place in Ruakaka Beach Road. We have lots of friends with younger children and they have always taken our dog out for a walk. He is a small poodle cross, so easy for smaller children to walk.

This dog has barked at me before when I was walking without our dog. Even when we are not with our dog, we try to avoid this street due to his aggressive behaviour.

Regards

Kim Lindsay

From:
Sent: Friday, 12 April 2019 5:04 PM
To: Aimee Waldron
Cc: Kim Lindsay
Subject: Re: Rushing incident

This complaint is for a dog on no. 8 Garland Rd, Ruakaka.

At 4pm on Friday 12th April, my daughter was walking our two dogs down Garland Rd on the opposite side of the road from no. 8. When a female golden brown staffy type dog (who looks to have had puppies) came rushing out and across the road at her and our dogs. The gate had been left open and thought the dog didn't have a collar on (but can't be sure). We have two young dogs, both were on their leads, it was very hard for my daughter () to hold our dogs. On seeing our dogs reaction, this dog backed off and returned to her property.

This dog also came rushing out at us two weeks ago, the gate had been left open that day as well. This dog was very menacing, curling it's lips back and angrily backing at and our dogs.

)
 My name is , I was the one walking our dogs today. I'm just verifying that the above statement of what happened today is correct. I was walking on the opposite side of the road and felt that this female dog was threatening towards me and our dogs.

On Fri, 12 Apr 2019 at 4:29 PM, Aimee Waldron <aimee.waldron@wdc.govt.nz> wrote:

Good Afternoon

Thank you for your time this afternoon, as discussed can you please provide me with a statement of events relating to the rushing incident. Please include the time, date, and description of offending dog.

I have included Animal Management Officer Kim #160 in this email as she is the Officer on duty tomorrow – please ensure you 'reply all' to the email.

Kind Regards



DOG INFRINGEMENT NOTICE

Issued under authority of section 66
of the dog control act 1996

The infringement fee is payable within 28 days after the service of this notice.

Notice No.:

D502935

ALLEGED INFRINGEMENT OFFENCE DETAILS:

Name of dog owner:		
(forenames)	(surname)	
Date:	Time:	Date of Birth:
Street:	Day: M T W TH F S SU	
Suburb:		
Locality:		

BOX TICKED TO INDICATE ALLEGED OFFENCE:

- ☐ Section 36A (6) - Failure to microchip dog
- ☐ Section 42 - Failure to register dog
- ☐ Section 52A - Failure to keep dog controlled or confined
- ☐ Section 53 (i) - Failure to keep dog under control
- ☐ Other:

Additional Details of Offence (if any):

No/Description of dog:

Officer Number:

INFRINGEMENT FEE PAYABLE:

Please present this notice when making payment:

PAYMENT OF INFRINGEMENT FEE: Payable within 28 days after

Please note that if you have been served with this Infringement Notice for failing to register a dog, payment of the infringement fee 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.

Note: All queries and all correspondence regarding this infringement must be directed to the Whangarei District Council, Private Bag 9023, Whangarei 0140 or email: mailroom@wdc.govt.nz, phone (09) 430 4200

TOP PAGE

Nina Darling

From: Amy Abernethy <kmfamo@icloud.com>
Sent: Tuesday, 7 May 2019 10:09 AM
To: Nina Darling
Subject: Re: Re 'Star': Objection to Menacing Classification

Soon as puppies are al sold that's when the building of fence will start .and if she rushes after the new fence is up I will be taking her home back to Australia.desexing her will not change anything she's a guard dog her job is to protect my property and kids .az I have desexed one of my other dogs back in Australia and it actually made him worse and I had him put down as the pound there told me it would calm him dwn from been so hypo so I listen and had him desexed and then he became aggressive.so that's why I'm so fussy on desexing I do not believe in it..

Sent from my iPhone

On 7/05/2019, at 9:59 AM, Nina Darling <nina.darling@wdc.govt.nz> wrote:

Dear Amy,

The purpose of this email is to acknowledge receipt of your objection to the classification of your dog 'Star' as menacing under s 33A of the Dog Control Act 1996 on 23 April 2019.

Objections to classifications are heard and considered by the Council's Exemptions and Objections Committee.

Once a date and time for the hearing has been set, we will contact you again.

Yours sincerely

Nina Darling

Bylaws Enforcement Co-ordinator | Health and Bylaws Department

Whangarei District Council | Forum North | Private Bag 9023, Whangarei 0148 | www.wdc.govt.nz

P 09 430 4200 | **DDI** 09 9454424 | **M** 0272444825 | **E** nina.darling@wdc.govt.nz

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<image001.png>

From: Amy Abernethy [<mailto:kmfamo@icloud.com>]
Sent: Monday, 6 May 2019 2:46 PM
To: Mail Room <mailroom@wdc.govt.nz>
Subject: Objection

I am writing to object the rite for the council to classification of menacing dog.
Reasons been my dog is not a menac she was acting in protection both times these complaints came in as she had puppies at the time and these people walk past my gate with dogs of leads there for she runs at them to scare them off as she is guarding her puppies.the last complaint was a lie as my dog was in her cage locked in with puppies she had the day b4 and my daughter and step mum where home at the time .and they heard star barking as the next door neighbor was walking his dog so sue

came ova and put a blanket over the cage so she could not see the dog and that was at same time the complaint has said my dog rushed at them .so they have a witness and I have 3 witnesses and cctv footage that proves she was in the cage we are waiting for my technician to come and take the recording and put it on a USB stick .since my dog has lived bak here in Nz which is 3 years she has only Eva rushed at 2 people az the 3rd is a lie .pretty harsh to say a dog is a menace for rushing at 2 people and waiting it desexed dogs make mistakes just like humans .i have told the pound that we are building a bigger fence so that when these people come up from Auckland on there holidays and walk there dogs off the leads they can feel save by looking at a big fence .my dog is only Eva on edge when she has puppies .this has just added much stress to this already difficult live so soon as I get my cctv I will be taking this to court and have the people that lied about my dog rushing them delt with .there is a lot of people around here that hate my dog because of the breed they think she is .neva judge a book by its cover ...so no my dog will not be desexed on the 23rd of May az she has puppies .

Sent from my iPhone



Permit to Export Animals or Animal Reproductive Material

Permit No.

Australian Government

316-001258

Department of Agriculture

Sections 2.59, 3.15 and 4.04 of the Export Control (Animals) Order 2004

Name and Address of Exporter DOGTAINERS MELBOURNE 11/189 B SOUTH CENTRE ROAD TULLAMARINE VIC 3163		
Name and Address of Consignee Amy Abernathy c/- Dogtainers Auckland 89A The Braigh Waipu		
Health Certificate No. 316-001258	Valid to 17/06/2016	Date of Departure
Country of Origin AUSTRALIA	Port of Loading MELBOURNE	Ship/Aircraft AIRCRAFT
Country of Destination NEW ZEALAND	Port of Discharge AUCKLAND	Final Destination (if on-cargage)

Species	Quantity	Breed	Sex	Age
DOG	1	Staffordshire Bull Terrier	F	2 yrs

In pursuance of the Export Control Act 1982 I, the undersigned authorised officer, grant this permit in respect of the prescribed goods described above that have been inspected and passed for export. The goods have complied with the requirements included in the attached Certificate of Health.

Dr Andrew Kalinowski B. Sc.
 Department of Agriculture
 Veterinary Officer
 255 Melrose Drive
 Tullamarine VIC 3041

Signature of authorised officer

Identity No

110017

Date

14/06/2016

Official Stamp



Issued at Department of Agriculture, 255 Melrose Drive, Tullamarine VIC 3041

795 MEL 30118966

795-30118966

Shipper's Name and Address DOGTAINERS PET TRANSPORT 36 HARVEY STREET NORTH EAGLE FARM, QLD, AU, 4009 TE: 22711155 TE: 0433729996		Shipper's Account Number		Not Negotiable Air Waybill	
Consignee's Name and Address AMY ABERNATHY C DOGTAINERS AKL 89A THE BRAIGH WAIPU, NZ TE: 0212688767		Consignee's Account Number		Copies 1, 2 and 3 of this Air Waybill are originals and have the same validity	
Issuing Carrier's Agent Name and City DOGTAINERS PET TRANSPORT BRISBANE		Accounting Information GEN FREIGHT PRE-PAID GEN CAN NO. EXPE			
Agent's IATA Code 02-3 6418 4141		Account No			
Airport of Departure (Addr. of First Carrier) and Requested Routing Melbourne Intl / Melbourne				Reference Number ORD-57563	
To AKL		By First Carrier VA		Optional Shipping Information	
Routing and Destination to by to by		Currency AUD		Declared Value for Carriage NVD	
Airport of Destination Auckland Intl		Requested Flight/Date VA150/15		Declared Value for Customs NCV	
Handling Information -- CONTACT CONSIGNEE IMMEDIATELY ON ARRIVAL -- CARRIER NOT RESPONSIBLE FOR MORTALITY DUE TO NATURAL CAUSES -- CHECK H2O LEVELS -- TEMP 22-24 DEG --		Amount of Insurance XXX		INSURANCE - If carrier offers insurance and such insurance is requested in accordance with the conditions thereof indicate amount to be insured in figures in box marked "Amount of Insurance"	
No. of Pieces RCP	Gross Weight	kg	Rate Class Commodity Item No	Chargeable Weight	Rate Charge
1	28	K	S Q200	45	8.20
			Total		Nature and Quantity of Goods (incl. Dimensions or Volume)
			369.00		1 X LIVE DOG DIMS 82x56x60xCMTx1
			369.00		
Prepaid		Weight Charge		Collect	
		369.00		Other Charges	
		Valuation Charge		AWC	
		Tax		20.00	
		Total Other Charges Due Agent			
		Total Other Charges Due Carrier			
		20.00			
		Total Prepaid		Signature of Shipper or his Agent	
		389.00		DOGTAINERS PET TRANS	
		Total Collect			
		Currency Conversion Rates		67/JUN/16	
		CC Charges in Dest. Currency		BRISBANE	
		Charges at Destination		JOANNE HARRIS	
		Total Collect Charges		Signature of Issuing Carrier's Agent	
				795-30118966	

Copy 8 (for Agent)



Specialist Veterinary Services Pty Ltd T/AS
Vetpath Laboratory Services
ABN 24 036 909 173

39 Epsom Avenue Ascot WA 6104
PO Box 18 Belmont WA 6984
Tel (08) 9259 3666
Fax (08) 9259 3627
A/Hrs 0418 916 436

Lab No : 462182

278

Client : ABERNATHY/Star

Client Ref: 16-6246741

Date: 2/06/2016

Collection Date: 31/05/2016

Species Canine 16400

Gribbles Veterinary Pathology

Private Bag 4444

CLAYTON VIC 3169

Tests :

NZ exp comb

Specimens :

Blood 1 3D x 1

Blood 1 3B x 1

Submitting Veterinary Surgeon: Dr Katherine Macmillan

Signature: *[Handwritten Signature]*

Practice Name and Address - Yarrambat Veterinary Hospital
641 Yan Yean Road
YARRAMBAT VIC 3091

PATIENT DETAILS

Date of sampling: 31/5/2016

Export destination: New Zealand

Owner's name: Abernathy

Animal's name/ID: Star

Species: Canine

Breed: Staffordshire Bull Terrier

Gender: Female Entire

Age/Date Of Birth: 2 years old

Microchip number: 956 000 002 963 973

Babesia gibsoni (Asian strain) IFA Serology at a dilution of 1:40 = Negative

Canine Heartworm Antigen test (ELISA): Negative

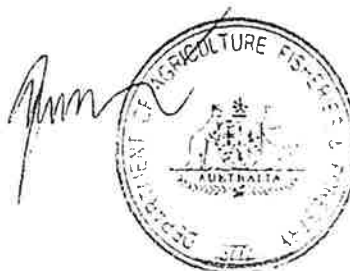
(These tests were performed by VETPATH Laboratory Services,
AQIS Accreditation No. VL 0006, certificate no. VL 001/05)

FINAL REPORT: 7/06/2016

This single report has been approved by AQIS Canberra as fulfilling all their certification requirements for the above tests.

Pathologist: Dr Jenny Hill

Scientist: Janine Simmonds



Certificate Number: 316-201258

**Babesia gibsoni tests (dogs) (delete as appropriate)**

- (14) The dog has been subjected to an IFA (indirect fluorescent antibody) test or ELISA (enzyme-linked immunosorbent assay) test for *Babesia gibsoni* with a negative result in the 16 days prior to the date of shipment:

Sample collection date: 31-05-2016 Done elsewhere by Katherine MacMillian
Yarrambat Veterinary Hospital., or

- (15) The dog has been subjected to two PCR (polymerase chain reaction) tests for *Babesia* species or *Babesia gibsoni* with negative results on samples collected 30 to 37 days apart, with the second sample collected in the 16 days prior to the date of shipment:

First sample collection date: _____

Second sample collection date: _____


Note: Dogs diagnosed with *Babesia gibsoni* are not eligible for import, regardless of treatment.

Examination

- (16) In the two days prior to shipment, I examined the animal(s) and found it/ them to be free from:
- (a) Clinical signs of infectious or contagious diseases.
 - (b) External parasites.
 - (c) (Only for a dog that is not castrated or spayed) any visible signs of canine transmissible venereal tumour on examination of external genitalia (which includes examination of the extruded penis).
- (17) The container in which the animal is to be transported meets the *International Air Transport Association (IATA)* standards and is clean, dry, and free of pests.

Note: Government veterinary signature and stamp to be applied to all pages (including laboratory reports). Model veterinary certificate B for cats and dogs from Australia (includes Norfolk Island) must also be completed

Veterinarian Registered to Practice in Australia

<p>Name:</p> <p>Michael bell</p> <p>Address:</p> <p>9 Craigieburn rd</p> <p>Craigieburn VIC</p> <p>3043</p> <p>PH: 9305 5855</p>	<p>Signature:</p>  <p>Date: 14-06-2016</p>
--	--

Done
4/6/16

Certificate Number: 316-001258

Internal parasite treatments

- (10) The cat or dog was treated by a veterinarian twice with a product (or combination or products) registered for the control of nematodes and cestodes at the manufacturer's recommended dose
- (a) The first treatment(s) was given in the 30 days prior to the date of shipment and at least two weeks before the second treatment.

First treatment date: 31-05-2016

Name of active ingredient(s): Milbemycin Oxime & Praziquantel (Milbemax)

Done elsewhere by Katherine MacMillian Yarrambat Veterinary Hospital

- (b) The second treatment (or course of treatment) was given in the four days prior to the date of shipment.

Second treatment date: 14-06-2016

Name of active ingredient(s): Drontal- Praziquantel, Pyrantel Embonate, Febantel

**External parasite treatments**

- (11) The cat or dog was treated by a veterinarian twice with a topical product registered for the control of ticks and fleas at the manufacturer's recommended dose and certified as free from external parasites at each treatment.
- (a) The first treatment was given in the 30 days prior to the date of shipment and at least two weeks before the second treatment, and the animal was free of external parasites

First treatment/inspection date: 31-05-2016

Name of active ingredient(s): Fipronil & S-Methoprene (Frontline)

Done elsewhere by Katherine MacMillian Yarrambat Veterinary Hospital

- (b) The second treatment was given in the two days prior to the date of shipment and the animal was free of external parasites.

Second treatment/inspection date: 14-06-2016

Name of active ingredient(s): Frontline-Fipronil

Heartworm treatment and testing (dogs)

- (12) Treatment – (All dogs regardless of age) (delete as appropriate):
- (a) The dog has been treated with one of the following in the four days prior to the date of shipment (delete as appropriate):

- (i) Ivermectin at 6 mcg/kg
 (ii) Milbemycin at 0.5mg/kg
 (iii) Moxidectin at 2-4mcg/kg
 (iv) Selamectin at 6 mg/kg

Date of treatment: 14-06-2016

- (b) The dog is up to date on heartworm prevention with a sustained release injection of moxidectin.

Date of treatment:

Name of product:

- (13) Testing: (Dogs six months of age or older on the date of shipment)

- (a) The dog has been subjected to a heartworm antigen ELISA (enzyme-linked immunosorbent assay) test with a negative result in the 30 days prior to the date of shipment:

Sample collection date: 31-05-2016 Done elsewhere by Katherine MacMillian Yarrambat Veterinary Hospital

Note: Dispensation for the heartworm test will be given to New Zealand dogs in Australia for less than two months if the dog is accompanied by the New Zealand export certificate

Certificate Number: 316-001258

Veterinary Certificate A - Cats and Dogs from Australia to New Zealand. (Includes Norfolk Island)

(1) Each page of veterinary certificate A and B must be signed and stamped.

Country: AUSTRALIA



I,Michael Bell....., an official government veterinarian or veterinarian authorized to provide export certification on behalf of the government veterinary service of Australia certify the following:

Species (cat or dog)	Breed	Microchip number	Name	Sex	Neutered or Entire	Age
Dog	Staffy	956 000 002 963 973	Star	F	Entire	2 Years

Origin of animals

- (1) Name and address of owner/exporter: Dogtainers Melbourne 189 South Centre Road Tullamarine VIC 3145
- (2) Country or territory of origin: Australian-Victoria-Melbourne
- (3) Port of departure: Melbourne

Destination of animals

- (4) Name and address of importer (consignee) in New Zealand: Amy Abernathy 89A The Braigh Waipu
- (5) Means of transport: AIR
- (6) Port of arrival: Auckland

Specified requirements

- (7) I have scanned and confirmed the microchip number above.
- (8) The microchip number is recorded on all vaccination and treatment records, laboratory results and certification.
- (9) After due enquiry and inspection, I am satisfied that the cat or dog:
 - (a) Will be more than eight weeks of age at the date of shipment and is weaned and fit for travel.
 - (b) Will not be more than 42 days pregnant at the date of shipment.
 - (c) Has not been under any quarantine restriction immediately prior to shipment.
 - (d) Is not a dog that belongs wholly or predominantly to any of the following dog breeds or types
 - (i) Breeds:
 1. Brazilian Fila
 2. Dogo Argentino
 3. Japanese Tosa
 4. Perro de Presa Canario
 - (ii) Type:
 1. American Pit Bull Terrier
 - (e) Is not a hybrid (crossed with another species), with the exception of Bengal cats. Documentation of five generations of domestic ancestry must be provided for Bengal cats.

So Star would have not got into N.Z if she was pitbull

Department of Agriculture (MPI - V 28 November 2014)



Australian Government
Department of Agriculture

Certificate of Health to Accompany Animals or Animal Reproductive Material

Certificate No.

316-001258

Sections 2.59, 3.05 and 4.04 of the Export Control (Animals) Order 2004

Veterinary Certificate B

Species: CANINE / FELINE

Destination Country: NEW ZEALAND

I, the undersigned Department of Agriculture (DA) Veterinary Officer, certify after due inquiry with respect of animal(s) for export to New Zealand identified in the attached Veterinary Certificate that:

1. In the 12 months prior to the date of export there have been no cases of the following diseases diagnosed in Australia:
 - a. Canine brucellosis (*Brucella canis*)
 - b. Rabies
2. To my knowledge, in the 12 months prior to export there have been no cases of Leptospirosis caused by *Leptospira interrogans serovar canicola* reported in Australia.
3. The cat(s) or dog(s) was inspected in the two days prior to travel and is healthy and fit to travel: Free from external parasites; Free from clinical signs of infectious disease, and (only for a dog that is not castrated or spayed) Free from any visible signs of canine transmissible venereal tumor on examination of external genitalia (which includes examination of the extruded penis).
4. The veterinarian whose signature appears on Veterinary Certificate A is a registered veterinary practitioner in Australia and is authorised to sign export certification to New Zealand.
5. All tests were conducted at a DA, or DA-approved laboratory.
6. All of the documents were examined and found to be correctly completed in accordance with New Zealand Import Health Standard requirements. These documents are attached and stamped.
7. The microchip number/s was/were confirmed 956 000 002 963 973 and is/are recorded on all vaccination and treatment records, laboratory results, and certification.
8. The animal(s) was/were placed in a container that meets the International Air Transport Association (IATA) standards. The container was clean, dry, and free of pests.

Address: Department of Agriculture and Water Resources, 255 Melrose Drive, Tullamarine, VIC, 3043

Veterinary Certification

Official Stamp

Dr Andrew Kalincov
Department of Agriculture
Veterinary Officer
255 Melrose Drive
Tullamarine Vic 3043 AUSTRALIA

14/06/2016



Authorised Officer

Signature

Date

Biosecurity Authority/ Clearance Certificate

Pursuant to Sections 25 and 26 of the
Biosecurity Act 1993

Ministry for Primary Industries
Manatū Ahu Matua



C2016/172712

CUSMOD Release No.: AF100101197839

BACC No.: B2016/165207

NZCS Entry No.:

All Biosecurity Requirements Met?

YES

The goods that are covered by the authorities in this document have been cleared for entry into New Zealand.

Any clearance or Authority that is contained in this document, and that relates to agricultural compounds or veterinary medicines, also constitutes permission to remove these goods under the conditions contained within the Agricultural Compounds and Veterinary Medicines Act 1997.

Authority Issued To: Amy Abernathy, 89A The Braigh, , Waipu

Importer: Amy Abernathy, 89A The Braigh, , Waipu

Contact: 021 2688 767

Agent: Dogtainers Auckland, c/- Auckland Airport, Bay 2 AFCAB, Auckland Airport, Auckland

Contact: Gareth 02 2057 2496

Arrival Method: Flight: VA150 **Date:** 15/06/2016

IDENTIFIERS:

B/L:79530118966;Sub B/L:79530118966;

AUTHORITY

For: .Released (all Biosecurity requirements met)

By: MPI, -

Std Ref Name: CATDOG.GEN

Authorising Inspector: Dine, Stephen

Location: Auckland - Vets

Version Date: 28/11/2014

Date: 15/06/2016

GOODS COVERED BY THIS AUTHORITY:

No.	Line Type	Country of Origin	Line Details
1	Animals	AUSTRALIA	Dog,Staffordshire Bull Terrier Star 956 000 002 963 973,Female,Adult,1.000 unit(s)

Line Identifiers: B/L:79530118966; Sub B/L:79530118966;

Issued By: Stephen Dine
Location: Auckland - Vets

Signed:

Signing Date: 15/06/2016



Australian Government

Department of Agriculture Sections 2, 53, 3, 14 and 4.03 of the Export Control (Animals) Order 2004

Certificate of Health to Accompany Animals or Animal Reproductive Material

Certificate No.

316-001258

Page 1 of

Description of Animals

Species	Quantity	Breed	Sex	Age	Other Information
DOG	1	Staffordshire Bull Terrier	F	2 yrs	956 000 002 963 973 ✓

Total Animals:

1

Date of Export:

Source Details

Name of Exporter: DOGTAINERS MELBOURNE

State or Territory of
origin of animalsAddress of Exporter: 11/189 B SOUTH CENTRE ROAD TULLAMARINE VIC
3163

VIC

Consignee Details

Name: Amy Abernathy c/- Dogtainers Auckland

Country of Destination

Address: 89A The Braigh Waipu

NEW ZEALAND

Embarkation Details

Port of Loading

Means of Transport

Import Number(s)

MELBOURNE

AIRCRAFT

Declaration

The animals are healthy and have not been in contact with any diseased animals during the previous 6 months. The animals have been in Australia since birth, or for the whole of the previous 6 months.

I, the owner, ☒ the owner's agent, the person in charge of the animals described above, declare that the details provided above are true and correct to the best of my knowledge.

Andrea Cannamela
Signature

Andrea Cannamela
Printed Name

14/06/2016
Date

Veterinary Certification

Official Stamp

I have no reason to doubt the correctness of the declaration, and hereby certify that the animal(s) referred to in the declaration underwent a veterinary inspection on 14/06/2016 and showed no evidence of infectious or contagious diseases or external parasites

Dr Andrew Kalinowski BVSc
Department of Agriculture
Veterinary Officer
255 Melrose Drive
Tullamarine Vic 3043

Name of authorised officer

AK
Signature of authorised officer

110017
Identity No

14/06/2016
Date



Issued at Department of Agriculture 255 Melrose Drive Tullamarine VIC 3043

23 April, 2019

Amy Abernathy
8 Garland Road
Ruakaka
Whangarei 0116

Dear Amy Abernathy



Forum North, Private Bag 9023
Whangarei 0148, New Zealand
P +64 9 430 4200
F +64 9 438 7632
E mailroom@wdc.govt.nz
www.wdc.govt.nz

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

Dog ID:	70867	Primary Breed:	American Staffordshire Terrier
Microchip No:	990000001657964	Secondary Breed:	
Name:	Star	Primary Colour	Tan
Sex:	Female	Secondary Colour	
Age:	5 years 4 months		
Address where dog is usually kept: 8 Garland Road, Ruakaka, WHANGAREI			

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

This is because Whangarei District Council considers that the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of observed or reported behaviour of the dog, namely: Rushing at members of the public walking along Garland Road, Ruakaka

I hereby notify you that the dog described herein has been classified as a MENACING DOG with effect from the date of issue of this notice.

A summary of this classification and your right to object is provided on the reverse.

Please note:

- Your dog must now be de-sexed with a veterinary certificate for proof of de-sexing provided by 23 May 2019
 - Your dog must now be muzzled when it is at large or in any public place or private way
 - Your dog must be kept under control at all times
- Documents requested above can be sent to: Armourguard Security, P O Box 99, Whangarei, 0140

Yours sincerely
Manager Health and Bylaws

* 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.

4.2 Objection to Probationary Owner Classification

Reporting officer: Nina Darling, Bylaws Enforcement Co-ordinator

Date of meeting: 14 August 2019

Time	Hearing	Name
12 noon	Objection to Classification as Probationary Owner	Donald Hedges

Hearing Procedure

Objection under the Dog Control Act 1996

- 1 The Chairperson opens the proceedings by introducing the committee and asks parties to introduce themselves and their witnesses.
- 2 Staff will briefly outline the objection.
- 3 The Council Officer's/contractor's report, which has been circulated prior to the hearing, is taken as read.
- 4 The objector presents his/her case including any supporting evidence from witnesses.
- 5 Council officers/contractors will speak on his/her report and is available to answer questions.
- 6 Only the objector is given the opportunity to have a right to reply. This gives him/her the chance to clarify matters raised in the Council officer's/contractor's report but not to present new evidence.
- 7 Final questions of clarification.
- 8 The Chairperson adjourns the hearing to deliberate on its decision based on the evidence submitted, following which the objector will be notified in writing of the decision.

A written decision will be issued as soon as practicable.

Report to Exemptions and Objections Committee

Introduction

On 10 July 2018 Mr Hedges was classified by Council as a probationary owner. The classification period commenced on 16 November 2017 and will expire on 16 November 2019 (Attachment One).

As a probationary owner Mr Hedges is not entitled to become the registered owner of a dog other than any dog that was registered to him as at 10 July 2018. On 10 July 2018 Mr Hedges had one dog registered to him.

Background

Section 21 of the Dog Control Act 1996 ('the Act') specifies that where any person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months, the territorial authority may classify that person as a probationary owner.

Mr Hedges was issued with four infringements between 8 September 2016 and 16 November 2017 relating to three separate incidents being Infringements: 17395, D501607, D503109 & D503108. As noted above Mr Hedges was subsequently classified as a probationary owner.

By letter dated 29 November 2018 Mr Hedges requested a hearing for the purpose of hearing his objection to classification as probationary owner, to allow him to take on two dogs belonging to previous occupants at his property. The dogs identified were a male German Shepherd and a female American Pit-bull Terrier (Attachment Two). As a hearing could not be scheduled before February 2019, confirmation was sought from Mr Hedges in writing as to whether he wished to proceed (Attachment Three).

Subsequently Mr Hedges reaffirmed his request for a hearing in writing on 24 April 2019, noting however, that the purpose of his objection on this occasion was to allow him to care for a different dog known as 'Shadow' (Attachment Four). This is a dog which Mr Hedges had owned previously, but which is currently registered to, and resides with another dog owner.

An email response providing Mr Hedges with advice regarding the care of 'Shadow' in the interim was sent to Mr Hedges, (Attachment Five), and a hearing was scheduled which was advised by letter handed to Mr Hedges personally at Council's Walton Plaza reception by a Council staff member (Attachment Six).

Statutory Considerations

In determining any objection, the territorial authority may uphold or terminate the classification of any person as a probationary owner, and shall give written notice of its decision and the reasons for it to the objector.

Section 22(3) of the Act sets out that 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 classification was made; 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 including, but not limited to, the disposal of any dog or dogs or the fencing of the property on which the dog is kept; 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 or terminate the classification of any person as a probationary owner, and shall give written notice of its decision and the reasons for it to the objector.

Assessment

The circumstances and nature of the offence or offences in respect of which the classification was made

Date	Infringement Number(s)	Circumstances leading to the infringement
8 September 2016	17395	Following a complaint lodged by the Whangarei District Council Transfer Station about a wandering dog, the dog 'Shadow' was uplifted and impounded and an infringement issued to Mr Hedges for failure to confine and control (Attachment Seven).
14 November 2016	D501607	An infringement issued to Mr Hedges for the dog 'Shadow' for failure to confine and control. The infringement was paid on 28 December 2016 however the circumstances of the infringement are not recorded (Attachment Eight).
16 November 2017	D503108 and D503109	A complaint was received that two dogs had attacked and injured a cat. The dogs were located at Limeburners Street. Mr Hedges was spoken to and was aware the incident had occurred. The dogs 'Bruno' and 'Koha' were impounded and infringements were issued for failure to confine and control for both dogs (Attachment Nine).

The competency of the person objecting in terms of responsible dog ownership

Following Mr Hedges' request for his probationary ownership classification to be reconsidered to allow him to care for 'Shadow' on 24 April 2019, Mr Hedges had care of the dog for a brief period.

As set out in the letter to Mr Hedges (Attachment Six) it was reported to Council by Armourguard (Council's Dog Management Enforcement Contractor) that even during that short period Mr Hedges had on a number of occasions reported 'Shadow' missing, with 'Shadow' wandering at large and not being under control. Armourguard expended time and resources in effort to locate the dog. The dog was subsequently impounded and returned to an appropriate registered owner.

It is submitted that while Mr Hedges provided appropriate care for the dog 'Shadow' including ensuring that the dog received veterinary treatment and paying for that treatment himself, he was unable to exercise the appropriate control over the dog. This failure to confine and control forms the basis for his classification as a probationary owner in the first instance.

Any steps taken by the owner to prevent further offences including, but not limited to, the disposal of any dog or dogs or the fencing of the property on which the dog is kept

As evidenced by the most recent incident concerning 'Shadow', Council is not aware of any improvements to the property that would provide confidence that Mr Hedges would be able to effectively confine and control an additional dog.

The matters advanced in support of the objection

In addition to the issues set out above, the Committee must also have regard to the matters put forward by Mr Hedges in support of his objection.

Conclusion

Council has consulted with Armourguard's Animal Management Team Leader who acknowledges that since the imposition of the probationary ownership classification, Mr Hedges has effectively managed the one individual dog, which he is currently entitled to own without any issues.

Council, however remains very concerned about Mr Hedges ability to manage more than one dog at a time, and in particular to prevent any additional dog(s) wandering.

On 16 November 2019 the probationary ownership classification will expire. It is considered desirable that prior to this date Mr Hedges install adequate fencing to ensure that any dogs which he owns can be effectively confined in the future.

Recommendation

That the Committee:

- a) hear the objection to classification as probationary owner.

Following deliberations

That the Committee:

- a) Determine that the probationary ownership classification be **either** up held or not upheld
- b) If the probationary ownership classification is upheld include the following proviso in their decision:

If Mr Hedges were to install adequate fencing within 30 days of the date of the decision of the Committee, and if Armourguard's Animal Management Team Leader subsequently confirmed in writing to the Chair of the Exemptions and Objections Committee, that the fencing was satisfactory, then Mr Hedges' probationary ownership may be terminated.

Attachments

1. Probationary ownership classification dated 10 July 2018
2. Initial request for objection to be heard from Mr Hedges dated 29 November 2018
3. Letter from Council to Mr Hedges seeking confirmation if he wished to proceed dated 20 December 2018
4. Further request from Mr Hedges for his probationary ownership classification to be reconsidered dated 24 April 2019 with attached Veterinary account for the dog 'Shadow'
5. Email from Council to Mr Hedges regarding the care and location of 'Shadow' dated 2 May 2019
6. Letter from Council to Mr Hedges confirming date of hearing dated 14 May 2019
7. Customer complaint record and Council record of infringement dated 8 September 2016
8. Council record of infringement dated 14 November 2016
9. Customer complaint record and Council record of infringements dated 16 November 2017



**WHANGAREI
DISTRICT COUNCIL**

Forum North, Private Bag 9023
Whangarei 0148, New Zealand
Telephone: +64 9 430 4200
Facsimile: +64 9 438 7632
Email: mailroom@wdc.govt.nz
Website: www.wdc.govt.nz

10 July 2018

Donald Hedges
17 Limeburners Street
Morningside
Whangarei 0110

Dear Mr Hedges

Notice of Classification as Probationary Owner – Section 21, Dog Control Act 1996

This is to notify you¹ that you have been classified as a probationary owner under section 21 of the Dog Control Act 1996.

This is because under section 21(2) You have committed three or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months.

Infringement Date Offence Outcome

Infringement	Date	Offence	Outcome
17395	8/9/2016	Failure to keep dog controlled and confined (Section 52 A)	Paid
D501607	14/11/2016	Failure to keep dog controlled and confined (Section 52 A)	Paid
D503109 D503108	16/11/2017	Failure to keep dog controlled and confined (Section 52 A)	Paid

The classification will apply from 16 November 2017 until 16 November 2019, unless earlier terminated by Whangarei Council.

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

Yours sincerely

Reiner Mussle
Manager Health and Bylaws

¹ 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.

Received 12/7/2018 01152
Donald M. K. Hedges

Witness. #92

EFFECT OF CLASSIFICATION AS PROBATIONARY OWNER

Sections 23, 23A and 24, Dog Control Act 1996

During the classification period, you may not become the registered owner of any dog that is not presently registered by you.

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

You may be required to undertake, at your own expense, a dog owner education programme or a dog obedience course (or both) approved by the Whangarei District Council. You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you do not comply with this requirement.

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you:

- fail to dispose of every unregistered dog owned by you within 14 days of this notice; or*
- at any time while classified as a probationary owner, become the owner of any dog (unless you were the owner of the dog on the date of the offence or on the date of the third infringement offence in respect of which the classification as a probationary owner was made); or*
- dispose or give custody or possession of any dog to any person if you know that the person is disqualified from being a dog owner.*

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

RIGHT OF OBJECTION

Section 22, Dog Control Act 1996

You may object to classification as a probationary owner by lodging a written objection with the Whangarei District Council setting out the grounds on which you object. You are entitled to be heard in support of the 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 same classification. If an objection is lodged within 14 days after the date of this notice, the requirement to dispose of every unregistered dog owned by you will be suspended until the Whangarei District Council has determined the objection.

29/11/18

Dorob Hedges
17 Limeburners St
Morningside
Whangapei

Whangapei District Council

Dear Sir / Madam

Re: Probationary Dog Classification

I had two casual occupants staying in a shed on my property.

1. Richard MacDorob was the owner of the German Shepherd x, entire male, black and tan named 'Storm'.
2. Karen Andrews was the owner of the American Pitbull Terrier, entire female white, named 'Hunnie'.

Richard and Karen moved out of my property about 2 weeks ago and left both dogs on my property. Naturally I am taking care of these dogs although it is against the probationary classification.

I wish to apply for a hearing under section 22 of the Dog Control Act 1996 in objection to the classification as a probationary owner. The reason for this is so I can keep 'Storm' and 'Hunnie' as they are devoted to me and follow me everywhere, they are residing on my property and I don't believe they are a threat to anyone coming on my property nor do they wander.

P.T.O

I have already paid \$120 for 'Storm' after a dog fight with 'Bruno' but the dogs have made peace with each other now.

'Humie' was impounded because of the classification and because she is a Pitbull.

Please consider my request to have my classification rechecked.

Kind Regards



Donald Hedges

P.S. I have handed Storm over to Animal Control to try and get in touch with Richard.

Pshd 20/12/18



In reply please quote
Or ask for

Nina Darling, Bylaws Enforcement Co-ordinator

Forum North, Private Bag 9023
Whangarei 0148, New Zealand
P +64 9 430 4200
F +64 9 438 7632
E mailroom@wdc.govt.nz
www.wdc.govt.nz

20 December 2018

Donald Hedges
17 Limeburners Street
Morningside
Whangarei, 0110

Dear Mr Hedges

Request for Hearing

Thank you for your letter dated 29 November 2018, in which you have requested a hearing for the purpose of objecting to classification as a probationary owner pursuant to s22(1) of the Dog Control Act 1996.

A hearing cannot be scheduled before the week commencing 11 February 2019, at the very earliest.

Given the delay, can you please confirm in writing, either by letter or email whether you still wish to proceed.

Yours faithfully

A handwritten signature in black ink, appearing to read "Reiner Mussle".

Reiner Mussle
Manager - Health and Bylaws

Raise a WDC Issue

Or visit our website www.wdc.govt.nz and "Report a Problem" online.

Date 24-04-19

RECEIVED - CUSTOMER SERVICES

24 APR 2019

WHANGAREI
DISTRICT COUNCIL

(☒ one) ☐ Request for Service ☐ Complaint ☐ Compliment ☐ Suggestion ☒ Other

Customer Name

Contact phone no

Email

Event place (specific, e.g. directions if rural)

DON Hedges
099460714 PID No. (If applicable)
1719, 21 Ave buxwells & Morningside

For a Request for Service please ☒ one

Water

☐ Leak

☐ No Water

☐ Quality

☐ Pressure

☐ Other

Waste

☐ Sewerage

☐ Stormwater

☐ Rubbish

☐ Recycling

☐ Other

Parks

☐ Trees

☐ Reserves

☐ Mowing

☐ Sports Parks

☐ Playgrounds

☐ Other

Roading

☐ Potholes

☐ Grading/Metal

☐ Footpaths

☐ Missing Grates

☐ Signs

☐ Traffic Lights

☐ Street Lights

☐ Other

Misc

☐ Graffiti

☐ Vandalism

☒ Other

Comments

I would like Council to remove the single dog owner ship on me so I can come to a old Labrador Retriever that I previously owned as he has been neglected by present owner Carrie-Joe Toyle at 3 Ronger Place. Has severe case of mange and requires long term treatment with I have paid \$400 vet fees and have current possession

Taken by (Please print name if different from the customer name)

Please send this form to the WDC Customer Centre for action.

For Office Use Only:

Received and Entered by Customer Services

Date:

By:



NORTHLAND VETERINARY GROUP LTD

HIKURANGI
09-470-1067
Cnr George & Park St
Farm & Pets

ONERAHI
09-470-1063
165 Onerahi Rd
Pets

WHANGAREI
09-470-1060
16 - 18 Maunu Rd
Farm, Pets & Equine



BEST PRACTICE
New Zealand Veterinary Association
ACCREDITED CLINIC
WHANGAREI & HIKURANGI

WHANGAREI CLINIC OPEN 7 DAYS

GST No: 090-339-818

Mr. Don Hedges A To Z Enterprises 19 Limeburners Street Morningside Whangarei 0110	Invoice Date 23/04/2019 Transaction No 1106215 Patient Shadow Reference Angus Campbell B.V.Sc
--	--

Details

Chronic skin infection with suspect mange - long term antibiotics required
-Rilexine: ONE TABLET TWICE DAILY FOR 30 DAYS
Malaseb Wash: WASH SHADOW WITH NORMAL SHAMPOO, WASH OFF THEN LATHER ON
MALASEB WASH, WORKING INTO BALD AREAS, TOES AND UNDER TAIL, Leave on for 10 minutes,
then wash off. Repeat every 4 days for 3 - 4 weeks
Bravecto pill - kills fleas and mange mites for 3 months -repeat every 3 months

Tax Invoice for Professional Services

Service Provided on 23/04/2019	No	Amount
Examination: Sick/Trauma	1.00	61.00
Flea, Worm & Tick Preparations		
Bravecto 20-40kg Dog	1.00	66.90
Malaseb Shampoo 250mL	1.00	74.20
Rilexine 600mg Palatable	60.00	194.80
Total:		396.90
Includes GST of:		51.77

PAID

Amount Paid	396.90
Balance remaining	0.00

Special Instructions

Direct Credit payments to Acc No: 060493-0399987-00 quote Ref as below please.

RECEIVED - CUSTOMER SERVICES

24 APR 2019

WHANGAREI
DISTRICT COUNCIL

Dispensed By _____ Prescribing Vet _____ Ref: - 19246 - 23/04/2019 - 11:34:53AM

P.O. Box 6030, Whangarei 0147 * Fax: 0064-9-4701-069
e mail admin@northvets.co.nz
24 HOUR EMERGENCY SERVICE: TEL: 09-470-1060
www.northvets.co.nz

Nina Darling

From: Nina Darling
Sent: Thursday, 2 May 2019 3:20 PM
To: Aimee Waldron
Subject: FW: Objection to Probationary Owner Classification

FYI

From: Nina Darling
Sent: Thursday, 2 May 2019 2:16 PM
To: hedgesdonald24@gmail.com
Subject: Objection to Probationary Owner Classification

Dear Don

Council acknowledges receipt of your recent request for review of your probationary owner classification.

The Council is currently seeking to determine the earliest date when the appropriate Council Committee can be convened to hear and consider your request.

As soon as a suitable date and time is confirmed, Council will write to inform you.

In the meantime you have advised that you have arranged for the veterinary care of an aged Labrador, which may now be in your own care. As a probationary dog owner you are not currently entitled to own additional dogs. Please ensure that the Labrador is cared for by someone who is entitled to possess the dog until the objection to your classification has been heard and determined.

Council will request that its enforcement contractor visits your property(ies) at least ten days from the date of this email. To avoid uplift of any additional dog(s) please ensure that only the one dog you are currently entitled to own is in your possession.

Yours sincerely

Nina Darling

Bylaws Enforcement Co-ordinator | Health and Bylaws Department


Whangarei District Council | Forum North | Private Bag 9023, Whangarei 0148 | www.wdc.govt.nz

P 09 430 4200 | **DDI** 09 9454424 | **M** 0272444825 | **E** nina.darling@wdc.govt.nz

[Like us on Facebook](#)



Handed to Mr Hedges
by Layani H
@ruphi
14/5/19



Whangarei
District Council

In reply please quote

Or ask for

Nina Darling, Bylaws Enforcement Co-ordinator

14 May 2019

Forum North, Private Bag 9023
Whangarei 0148, New Zealand
P +64 9 430 4200
F +64 9 438 7632
E mailroom@wdc.govt.nz
www.wdc.govt.nz

Don Hedges
17 - 21 Limeburners Street
Morningside
Whangarei, 0110

And via email: hedgesdonald24@gmail.com

Dear Mr Hedges

RE: Objection to Probationary Owner Classification

As previously advised via email dated 2 May 2019, Council has received your application for objection to probationary ownership for the purpose of being able to own the dog known as 'Shadow'. As a result of your probationary owner classification you are not currently entitled to have an additional dog. However, due to the fact that you advised the dog was both old and needing veterinary care, ten days was allowed for you to find alternative care in the event that the dog was residing with you.

In the interim, however, Council understands that you have, on a number of occasions reported 'Shadow' as missing while in your care, subsequently wandering at large and not under control. In addition, Council's animal management contractor 'Armourguard' expended time and resources in an effort to locate the dog.

The dog has therefore now been impounded and the impound process will be worked through with the registered owner of the dog or their representative (so long as that representative is entitled to register and own a dog).

A date has been set for the hearing of your objection to probationary ownership being the morning of 10 July 2019. The precise time of the hearing will be confirmed closer to the time.

Yours faithfully



Reiner Mussle
Manager - Health and Bylaws

Infringement

Infringement No.:

17395

Primary Offender Name: Donald Mitchell Hedges
Primary Offender Address: 21 Limeburners Street Whangarei
Balance: 0.00

Status

Paid

General

Animal ID:

62311

Shadow - Retriever Labrador - Black

Date:

08/09/2016

Infringement ID:

294525

Time:

12:00:00 AM

Date Paid:

27/10/2016 6:30:19 AM

Officer Code:

59

Officer 59

Balance:

0.00

Book ID:

Due Date:

28/10/2016

Import ID:

Status:

Paid

Paid

Infringement Type:

DOG

Dog Infringements

Offence Code	Description	Fine Amount	Notes
ECC	Failed to keep dog controlled or confined	200.00	

Transactions

Drag a column header here to group by that column

Transaction ID	Transaction Date	Transaction Type	Status	Combined Receipt Number	Amount
41377136	25/10/2016	RECEIPT	Current	583854	-200.00
41107311	08/09/2016	INFEE	Current		200.00

Count: 2

0.00

Whangarei District Council Request

Request Number: AC059085
Date Received: 30/08/2016 03:58.40 pm
Source: Phone
Status: Past
Group: Animals
Category: Dog Complaint
Sub Categories: Wandering

Priority: Routine
Resp Workgroup: WDC.RM.EN
Raised By:
User ID: DON'T USE (OLD ENL) DON'T USE (OLD ENL)

Related AR:

Property Number:

Street: Rewa Rewa Road, Whangarei 0110

Property Description:

Caller Name: WDC Transfer Station

Caller Address: Invalid Address

Land Number:

Home Phone:

Work Phone:

Mobile:

Email:

Fax:

Request Details:

Wandering. Dog 2 of 2 uplifted & impounded

Comments:

<i>Date</i>	<i>Type</i>	<i>Feedback \ Comments</i>
30/08/2016 03:58.43 pm	CRMComment	30/8/16 Jack/59 1345 - dog uplifted & impounded from Transfer Station. Dog is chipped. Owner notified of incident. ENL PEN #03. 30/8/16 1451 - dog released
08/09/2016 10:40.17 am	crmFeedbck	fcc 17395 issued

Event History:

Infringement

Infringement No.:

Status: **Paid**

Primary Offender Name: Donald Mitchell Hedges
 Primary Offender Address: 21 Limeburners Street Whangarei
 Balance: 0.00

General

Animal ID: Shadow - Retriever Labrador - Black

Date: Infringement ID:

Time: Date Paid:

Officer Code: Officer 92

Balance: Book ID:

Due Date: Import ID:

Status: Paid

Infringement Type: Dog Infringements

Offence Code	Description	Fine Amount	Notes
ECC	Failed to keep dog controlled or confined	200.00	

Transactions

Drag a column header here to group by that column

Transaction ID	Transaction Date	Transaction Type	Status	Combined Receipt Number	Amount
42052101	28/12/2016	RECEIPT	Current	D000018812	-200.00
41547455	14/11/2016	INFEE	Current		200.00

Count: 2

0.00

Infringement

Infringement No.:

Status: **Paid**

Primary Offender Name: Donald Mitchell Hedges
 Primary Offender Address: 21 Limeburners Street Whangarei
 Balance: 0.00

General

Animal ID: Bruno - Mastiff - Tan

Date: Infringement ID:

Time: Date Paid:

Officer Code: Officer:

Balance: Book ID:

Due Date: Import ID:

Status:

Infringement Type: Dog Infringements

Offence Code: Description:

Fine Amount: Notes:

Transactions

Drag a column header here to group by that column

Transaction ID	Transaction Date	Transaction Type	Status	Combined Receipt Number	Amount
48300240	25/06/2018	RECEIPT	Current	D000399232	-20.00
48151384	30/05/2018	RECEIPT	Current	D000383529	-37.00
47665155	30/04/2018	RECEIPT	Current	D000355327	-36.00
47507490	29/03/2018	RECEIPT	Current	D000338935	-36.00
47375365	12/03/2018	RECEIPT	Current	D000329331	-36.00
47090046	26/03/2018	CST	Current		2.01
Count: 10					0.00

Infringement

Infringement No.*

Status **Paid**

Primary Offender Name: Donald Mitchell Hedges
 Primary Offender Address: 21 Limeburners Street Whangarei
 Balance: 0.00

General

Animal ID:

Date.* Infringement ID:

Time.* Date Paid:

Officer Code: Officer

Balance: Book ID:

Due Date: Import ID:

Status: Paid

Infringement Type: Dog Infringements

Offence Code	Description	Fine Amount	Notes
ECC	Failed to keep dog controlled or confined	200.00	

Transactions

Drag a column header here to group by that column

Transaction ID	Transaction Date	Transaction Type	Status	Combined Receipt Number	Amount
48300241	25/06/2018	RECEIPT	Current	D000399233	-20.00
48151385	30/05/2018	RECEIPT	Current	D000383530	-37.00
47685156	30/04/2018	RECEIPT	Current	D000355329	-36.00
47507491	29/03/2018	RECEIPT	Current	D000338936	-36.00
47375357	12/03/2018	RECEIPT	Current	D000329333	-36.00
47090416	06/03/2018	GST			7.61
Count: 10					0.00

"Bruno"
8 "Koha"

Whangarei District Council Request

Request Number: AC064248
Priority: Urgent
Date Received: 09/11/2017 08:39.04 am
Resp Workgroup: WDC.RM.EN
Source: Phone
Raised By:
Status: Past
User ID: Post Event Post Event Armourguard
Group: Animals
Category: Dog Complaint
Sub Categories: Attack

Related AR:

Property Number: 162780
Property Address: 17 Limeburners Street Whangarei 0110
Property Description:
Land Number:
Caller Name:
Home Phone: 4387312
Caller Address: Invalid Address
Work Phone:
Mobile:
Email:
Fax:

Request Details:

Attack - Dog vs Cat -

Comments:

Date	Type	Feedback \ Comments
09/11/2017 08:39.05 am	CRMComment	06/11/17 19:34 Brendon/93 - Patrolled area to locate owner and dogs, found them at the start of Limeburners Street. Spoke to owner and got his details and said that I was going to see complainant regarding it. Dog owner then said he knows what the complaint is and it's regarding his dog attacking a cat. I left the dog owner to return home with dogs. 19:46 - Statement taken with complainant, no photos could be taken as cat had taken off in really bad shape and complainant can't find the cat. 07/11/17 - Dogs impounded, please refer AC064240 and AC064241
16/11/2017 11:43.30 am	CRMClosure	16/11/17 Infringements sent

Event History:

Description	Status	Decision	Commenced Finalised	Target Date	Role Name User
Refer to (email)	Past	Referred	09/11/2017 08:39.05 am 09/11/2017 08:39.06 am		
Accept/Reassign	Past	Accept	09/11/2017 08:39.00 am 09/11/2017 08:39.32 am	13/11/2017 08:39.00 am	

RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. {Section 7(2)(c)}
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. {Section 48(1)(b)}.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. {Section 7(2)(c)(i)}.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

"That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item _____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____.

Note:

Every resolution to exclude the public shall be put at a time when the meeting is open to the public.