

Exemptions and Objections Sub Committee Agenda

Date: Tuesday, 19 August, 2025

Time: 9:00 am

Location: Civic Centre, Te Iwitahi, 9 Rust

Avenue

Elected Members: Cr Ken Couper (Chairperson)

His Worship the Mayor Vince

Cocurullo

Cr Deborah Harding Cr Patrick Holmes Cr Scott McKenzie

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

			Pages
1.	Declarations of Interes	est / Take Whaipānga	
2.	Apologies / Kore Tae	• Mai	
3.	Confirmation of Minu Committee Meeting /	tes of Previous Exemptions and Objections Whakatau Meneti	
	3.1 Minutes Exemp 2025	otions and Objections Sub Committee 6 May	5
4.	Decision Reports / W	/hakatau Rīpoata	
	4.1 Objection to Di	squalification from Dog Ownership	9
5.	Information Reports	Ngā Pūrongo Kōrero	
6.	Public Excluded Bus	iness / Rāhui Tangata	
7.	Closure of Meeting /	Te katinga o te Hui	
	Recommendations	contained in the agenda are not the decisions of the meeting.	
	Please	e refer to minutes for resolutions.	



Exemptions and Objections Committee - Terms of Reference

Membership

Chairperson Councillor Ken Couper

Members His Worship the Mayor Vince Cocurullo

Councillors Deborah Harding, Patrick Holmes and Scott McKenzie

Quorum 3

Meetings As required

The relevant legislative requirements should be taken into account

when setting meeting dates

Purpose

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

Delegations

- Hear and decide s357, s357A and 357B 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).
- Power to consider an objection under s33B in relation to classification as a menacing dog under s33A of the Dog Control Act 1996 or an objection under s33D in relation to classification as a menacing dog under s33C of the Dog Control Act 1996.
- Consider objections relating to the classification of a person disqualified from owning a dog under s26 of 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.
- To determine the outcome of a request for reconsideration made under sections 199A and 199B of the Local Government Act 2002 in accordance with Council's Development Contribution Policy (no ability to waiver).
- Hear and determine statutory appeals or objections in respect to any matter where no specific delegation applies.



Exemptions and Objections Sub-committee Meeting Minutes

Date: Tuesday, 6 May, 2025

Time: 1:00 p.m.

Location: Civic Centre, Te Iwitahi, 9 Rust Avenue

In Attendance Cr Ken Couper (Chairperson)

His Worship the Mayor Vince Cocurullo

Cr Deborah Harding Cr Patrick Holmes Cr Scott McKenzie

Reguina Blair

Reiner Mussle (Manager Health and

Bylaws)

Zane Kumar (Bylaw Enforcement

Coordinator)

Peter Banks (Manager, Animal Management, Armourguard)

Christine Crawford (Executive Officer, Animal Management, Armourguard)

Scribe D.Garner (Democracy Adviser)

1. Declarations of Interest / Take Whaipānga

No interests were declared.

2. Apologies / Kore Tae Mai

There were no apologies.

- 3. Confirmation of Minutes of Previous Exemptions and Objections Committee Meeting / Whakatau Meneti
 - 3.1 Minutes Exemptions and Objections Sub Committee 17 December 2024

Moved By His Worship the Mayor **Seconded By** Cr Patrick Holmes

That the minutes of the Exemption and Objections Sub-Committee meeting held on Tuesday, 17 December 2024, having been circulated,

2

be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

4. Decision Reports / Whakatau Rīpoata

4.1 Objection to the desexing requirement under Clause 12 of the Dog Control Bylaw 2024

Moved By Cr Ken Couper Seconded By Cr Deborah Harding

That the Exemptions and Objections Sub-committee hears the objection by Reguina Blair to the notice requiring the desexing of the dog 'Stella' under Clause 12 of the Whangarei District Council's Dog Control Bylaw 2024.

Carried

The Committee heard and considered the objection.

Procedural Motion

Moved By Cr Ken Couper Seconded By Cr Patrick Holmes

That the Exemptions and Objections Sub-committee's decision on the objection to the notice requiring the desexing of the dog 'Stella' under Clause 12 of the Whangarei District Council's Dog Control Bylaw 2024. be reserved until such time as the Committee has considered the evidence and all relevant matters and that the Committee's decision be issued in due course.

Carried

The Committee adjourned to deliberate on the objection.

Following deliberations, the Subcommittee resolved:

Moved By His Worship the Mayor **Seconded By** Cr Deborah Harding

That the Committee determines that the requirement to desex the dog 'Stella' under Clause 12 of the Whangarei District Council's Dog Control Bylaw 2024 be **not upheld.** However, future incidents of wandering will result in reconsideration of this decision.

Carried

5. Closure of Meeting / Te katinga o te Hui

The meeting concluded at 2:03pm.

Confirmed this_____ day of _____2025

Cr Ken Couper (Chairperson)



4.1 Objection to Disqualification from Dog Ownership

Meeting: Exemptions and Objections Committee

Reporting officers: Zane Kumar, Bylaw Enforcement Co-Ordinator

Reiner Mussle, Manager Health and Bylaws

Date of meeting: 19 August 2025

Time	Hearing	Name
9:00am	Objection to dog owner disqualification	Elizabeth Ginda

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.
- 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.
- 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.
- 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 lodged by Elizabeth Ginda to a disqualification from dog ownership.

Background

Council issued Ms Ginda with a notice disqualifying her from dog ownership on the 30th of April 2025 (Appendix A) for a period of 3 years from 5th of April 2025 to 5th of April 2028. This was due to Ms Ginda having received three infringements, relating to three separate occasions, within a twenty-four-month period. Ms Ginda objected to this disqualification on 25 July 2025 by way of letter from her lawyer Mr Starr (Appendix B).

Section 25 of the Dog Control Act 1996 ('the Act') states the foundations for disqualifying an owner.

25 Disqualification of owners

- (1) 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
- (1A) 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.

Section 26 of 'the Act' states the foundations of objecting to a disqualification from dog ownership:

26 Objection to disqualification

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.

Section 28 of 'the Act' states the effects of disqualification:

28 Effect of Disqualification

- (1) Subject to this section, if a person is disqualified from owning a dog under section 25 the person must, —
- (a) within 14 days of the date on which notice of the decision is given to the person, dispose of every dog owned by the person: and
- (b) not subsequently be in possession of a dog at any time, except for the purpose of—
- (i) preventing a dog from causing injury, damage, or distress; or
- (ii) returning, within 72 hours, a lost dog to the territorial authority for the purpose of restoring the dog to its owner.

Statutory Considerations

Section 26(4) gives the power to the Committee to consider the objection, which may **uphold**, **bring forward the termination date**, or **immediately terminate** the disqualification of Ms Ginda.

In making the decision, the Committee must consider the following:

- (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.

The Committee must give a written notice of its decision, the reasons for it, and the right to appeal under section 27 of 'the Act' as soon as practicable to Ms Ginda.

Assessment

Nature of offences:

The disqualification from dog ownership for Ms Ginda is based on three separate incidents, on all three occasions an infringement was issued. One for a *failure to control and confine* at least one of the five dogs owned by Ms Ginda. One for *failure to register a dog* and one for *failure to comply with effects of menacing classification*.

Infringements and summary of incidents forming the basis for the disgualification:

Date issued:	Infringement no:	Description:
04-Sep-2023	D514413	Failure to control or confine
25-Sep-2024	D514827	Failure to register dog
05-Mar-2025	D510618	Failure to comply with effects of menacing classification

First incident – 04 September 2023 (Appendix C)

On 05 September 2023 Armourguard was alerted to an attack on a jogger which occurred the previous day on the 4th of September 2023. The jogger was running down an alleyway when they came across Ms Ginda walking a large Doberman (Leo) and a small pug (Bobo) on leash. The jogger pushed themselves against the fence of the alleyway so that Ms Ginda and the dogs could pass. As the jogger turned back to continue running, Leo the Doberman turned and bit the jogger

on the upper left thigh. The jogger suffered puncture wounds and bruising from the attack and went to White Cross the same day for medical treatment. CCTV captured the jogger running down the alleyway before the attack, and Ms Ginda walking up the alleyway after the attack with the dogs. Leo was the only dog involved. Leo was registered at the time and had one previous incident of failure to control and confine from a rushing incident one year prior to this incident. Leo was impounded on the 13/09/2023 and then released on S71(4) temporary menacing classification while the investigation took place and following a property check. Due to moderate nature of this incident, it was decided that the temporary menacing classification on Leo would become permanent as menacing classification by deed and Ms Ginda receive an infringement for failure to control and confine and a warning about disqualification, due to receiving 2 infringements within 24 months.

Second incident – 25 September 2024 (Appendix D)

On the 25th of September 2024 Armourguard interrogated Councils TechOne system to begin the yearly process of making contact with and infringing persons who did not register their dogs as is required under Section 36 of the Dog Control Act 1996 during the dog registration period, which occurs each year in July. The system flagged Ms Ginda as not having registered the dog known as Tuptup. Armourguard then issued Ms Ginda an infringement for failure to register on 25/09/2024 (appendix D).

Third incident - 05 March 2025 (Appendix E)

On 05 March 2025 Armourguard was conducting a proactive patrol of Barge Park show grounds. During this patrol Officer 242 sighted Ms Ginda walking all five of her dogs through the show grounds. All dogs were off lead including Leo who has a menacing classification due to the above reported incident with the jogger. The officer took photos of this incident as this is in breach of the effects of a menacing classification. The menacing classification requires dogs with said classification to be on leash and muzzled at all times when in a public place, as per Section 33E of the Act. When officers spoke to Ms Ginda, she acknowledged the breach but stated "but no one was at the park at the time, you saw that". The officers reminded Ms Ginda that the effects of the menacing classification still stand regardless of how busy an area is. An infringement was subsequently issued for failure to comply with effects of menacing classification.

Any steps taken by the owner to prevent further offences

None known

Any other relevant matters

Armourguard have had a number of interactions with Ms Ginda in relation to her ownership of her dogs. Each interaction has resulted in Ms Ginda not accepting responsibility for the incident or denying the incidents occurred.

Conclusion

Under section 25 of 'the Act' Whangarei District Council must disqualify a person from being an owner of any dog if the person commits three or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months, unless the territorial authority is satisfied that the circumstances of the offence does not warrant a disqualification.

It is submitted that there is enough evidence on file to continue the disqualification of Ms Ginda from being a dog owner as there are three infringements issued on three separate occasions within a continuous period of 24 months, justifying the disqualification.

Recommendation

That the Exemptions and Objections Committee hear the objection to disqualification of Elizabeth Ginda as a dog owner.

Following deliberations:

That the Exemptions and Objections Committee determine whether to **uphold**, **bring forward the termination date**, or **immediately terminate** the disqualification.

Appendices

Appendix A: Notice of disqualification

Appendix B: Letter from Ms Ginda's lawyer objecting to her disqualification as dog owner 25th July 2025

Appendix C: Incident 04th September 2023

Appendix D: Incident 25th September 2024

Appendix E: Incident 05th March 2025

Appendix F: Letter confirming hearing time and date

Appendix G: Letter from Ms Ginda's lawyer to Whangārei District Council 16th July 2025

Appendix₅A



In reply please ask for

Peter Banks Manager - Animal Management

30th April 2025

Elizabeth Ginda

Forum North, Private Bag 9023 Whangarei 0148, New Zealand P +64 9 430 4200

E mailroom@wdc.govt.nz

www.wdc.govt.nz

Dear Elizabeth,

Disqualification as Dog Owner

Please find attached a notice of disqualification from dog ownership pursuant to section 25 of the Dog Control Act 1996.

This follows the issue of three or more infringement offences (not relating to a single incident or occasion) to you within a continuous period of 24 months.

The infringementment notices that have been issued to you are set out below:

Date:	Infringement No:	Description:
04-Sep-2023	D514413	Failure to control or confine
25-Sep-2024	D514827	Failure to register dog
05-Mar-2025	D510618	Failure to comply with effects of Menacing Classification

The disqualification is for a period of 3 years from the date of the third infringement offence and therefore the disqualification will apply until 5th March 2028.

You are entitled to object to this disqualification and for your objection to be heard. Objections are heard by way of a formal hearing and conducted by a Council Committee. Should you wish to exercise your right of objection, further information is set out in the notification form attached.

Yours faithfully

Zane K

Bylaws Enforcement Co-ordinator



Whangarei District Council Notice of disqualification from dog ownership

r 2

Section 25, Dog Control Act 1996

Elizabeth Ginda



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; or

The disqualification will apply from 5th April 2025 until 5th April 2028.

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

Signature of officer of Whangarei District Council:

Control Act 1996 from owning any dog.

Date:30/04/2025

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.

However, you may not dispose of a dog—

- to a person who resides at the same address as you; or
- in a way that constitutes an offence against the Dog Control Act 1996 or any other Act.

Appendix A

You must not become the owner, even on a temporary basis, of any dog while you are disqualified. You may have possession of a dog only for the purpose of—

- preventing it from causing injury, damage, or distress; or
- returning, within 72 hours, a lost dog to a territorial authority for the purpose of restoring the dog to its owner.

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

- fail to dispose of every dog owned by you within 14 days of this notice; or
- at any time while disqualified, become the owner of any dog; or
- dispose of a dog owned by you—
 - to a person who resides at the same address as you; or
 - in a manner that constitutes an offence against the Dog Control Act 1996 or any other Act.

If you are convicted of the first or second of these offences, your period of disqualification may be further extended.

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you dispose or give custody or possession of a dog to a person knowing that person to be disqualified from ownership under section 25 of the Dog Control Act 1996.

Full details of the effect of disqualification are provided in the Dog Control Act 1996.

Right of objection to disqualification

Section 26, Dog Control Act 1996

You may object to the disqualification 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 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 the Whangarei 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 Whangarei District Council on your objection.

Schedule form 3: substituted, on 1 November 2004, by regulation 3 of the Dog Control (Prescribed Forms) Amendment Regulations 2004 (SR 2004/354).



25 July 2025

Bylaws Enforcement Whangārei District Council Te Iwitahi 9 Rust Avenue Whangārei 0110

By email: BylawEnforcement@wdc.govt.nz

Dear Zane

Elizabeth Ginda & Whangarei District Council | Enforcement Issues

- 1. Further to our letter of 16 July 2025 and your response of 18 July 2025 –
- 2. On Ms Ginda's behalf, we herein lodge her objection to the Notice of Disqualification issued on or about 30 April 2025. The objection is made pursuant to Section 26 of the Dog Control Act 1996 (**DCA**).
- 3. The grounds for the objection are set out in our letter of 16 July 2025 which we do not repeat in full but summarise:
 - (a) Ms Ginda objected to the menacing dog classification;
 - (b) Whangārei District Council has not heard or determined that objection;
 - (c) The infringement notice for failing to comply with the classification should not have been issued;
 - (d) There were no grounds to issue the Notice of Disqualification.
- 4. It is added that notwithstanding the wording in Section 25(2) DCA, it is not possible (as a matter of law) to be liable for an offence on the basis of an infringement notice which is invalidly issued.
- 5. Payment of an infringement also does not limit the Council's (or the Court's) consideration of the broader matters under Section 26(3)(d)-(e) DCA.

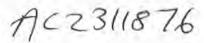
6. Please let us know when the Council can hear Ms Ginda's objection to the disqualification. We will confirm if Ms Ginda wishes to be heard in support of the objection and her availability.

Yours faithfully **Molloy Batts**

Kenton Starr Associate

 $\underline{\text{kenton@molloybatts.co.nz}}$

Ph: 09 368 1810



WHANGAREI DISTRICT COUNCIL ATTACKS NON-PROSECUTION

Part A - Background

Dog 'Leo' vs Chi		
Date: 04/09/2023	3	
Officer # 249		
Complainant Address		
Dog Owner	Elizabeth Ginda	
Address		
Offending dog	Leo, 80502	
Breed	Doberman	1 sed
Colour	Black and tan	Clored
Sex	Male	Josed
Registered	Yes, 12569	
Microchipped	Yes, 953010004819678	EMTERED
History	Yes, a rushing 26/08/2022	CNIELIED
Classification	Nil	
Brief Descriptio	n of Attack	
	ember 2023 at approximately 1710hrs, 19	5-year-old was
	way that connects Michel Colombon Clos	
	ran down, she came across Elizabe	
	small Pug (Bobo) on leash coming towar	
	e alley way so that Elizabeth and the dogs	
	continue running, Leo the Doberman turn	
	high. suffered puncture wounds a	
	ite Cross on the same day for medical tre	
running down the alley	way before the attack and Elizabeth walk	ing her dogs back up the
alleyway after the attach	ck. Leo, the Doberman was the only dog i	nvolved in the attack and Bobo,
the Pug was not involve	red.	
2 1 20/10/0000		

Date: 29/10/2023

Part B: - Officer recommendation

OFFENDING DOG: At the time of the attack, Leo was registered with Whangarei District Council and microchipped. Leo has one previous infringement history for failure to control or confine from a rushing incident that look place 1 year previously. Leo had a timid temperament during impounding but was protective of his owner when around her. The injuries inflicted on the complainant were of moderate severity, considering that this was an attack on a person under the age of 16.

DOG OWNER: Elizabeth was compliant when I arrived at her address to impound Leo following the attack. Elizabeth was quick to blame the 15-year-old victim and to this day is still in denial that an investigation is necessary. Even after having it explained thoroughly, Elizabeth found it difficult to understand the s71(4) menacing conditions set upon Leo after the property check and release was approved by management. Although not obstructive, it was obvious that Elizabeth

Appenax C

was not going to accept or take responsibility that Leo is capable of biting somebody. Elizabeth's dogs Leo and Bobo have always been registered and are both microchipped.

RECCOMENDED OUTCOME: I believe that due to this attack being on a child, Leo's history, and Elizabeth's lack of taking responsibility that the menacing conditions should stay in place and a fine for failure to control and confine is issued. This would subsequently mean that Elizabeth will also be receiving a warning for disqualification after the infringement for this incident as she will have received 2 in a 24-month period. Leo's breed requires intense ongoing training, and he is a high energy dog that requires constant mental simulation to prevent this type of aggressive behaviour. I believe that enforcing a menacing by deed classification will help prevent another incident.

Date:29/10/2023

Part C: - management review

Reviewing the information contained in this file there is sufficient evidence to support an offense committed by Leo under section 57 of the dog Control At 1996.

As per Officers recommendations file to be closed as non-prosecution and an infringement for failure to keep Leo controlled or confined to be issued. A warning for disqualification to be issued as Elizabeth has reached two strikes. Menacing classification will continue to be enforced.

All parties involved to be notified. File to be closed.

Date:

	COMPLETED/DETAIL	OFFICER
Rescinded Letter	NIA	NIA
Classification	Poug	
Infringement	0514413	249
Dog Owner Advised	6-11-23 KA191	
Complainant Advised	22/11/23 BM	299

		Animal Management Manager/ Anim
Animal Management Review:		Pete Banks/Christine Crawford
Admin/infringement/letters	1211125	56183
Admin/infringement/letters	1001100	

Orgu And, **Management Executive Officer** Date 30/15/27 **Outcome Review** Pete Banks/Christine Crawford Animal Management Manager/ Animal **Management Executive Officer**

Date:	
6-11-2023	

Document Set ID: 1438013 Version: 1, Version Date: 14/06/2024

Whangarei District Council

Request

Request Number Date Received Source Priority Responsible Resource Pool AC2311876 05-Sep-2023 CONTRACTOR SAFETY WDC.RQ.ANI Category Sub-Category Description Created By Responsible Person

AC DCATT Animals SFOSTER 248

110300100100

Stage

CLOSED

Resolution Details (if

closed)

Thank you for notifying us about this issue. We have taken appropriate initial action and although the status of your request has been closed, this case is being actively monitored. Remains under investigation.

28-Sep-2023

Property Number Property Address

Caller Name

Caller Name

Caller Address

Preferred Telephone

Number Preferred Email Address

Date Resolved

Request Details

Dog attack - dog vs person. Yesterday at approx. 17:15hrs caller was jogging through alleyway and a lady with 2 dogs (1 small and 1 bigger). Has CCTV footage. Dog lunged forward and bit caller on back of leg. Has puncture/ broken skin wound. Received 05/09/23.

Important Dates

Date Created 06-Sep-2023
Date Accepted 06-Sep-2023
Initial Inspection Date 05-Sep-2023
Date Scheduled 01-Jan-1900
Date Service Restored 01-Jan-1900

Comments

Memo Type: Inspection Details

Date Created: 06/09/2023 12:00:00 AM

Notes: 05-Sep-2023 19:58 Rangi/138. Called comp. to advise an AMO will be in contact tomorrow.

Further Notes:

Created By: SFOSTER

Memo Type: Request Closure Notes
Date Created: 28/09/2023 12:00:00 AM

Notes: ONGM-Thank you for notifying us about this issue. We have taken appropriate initial action and although the status of your request has been closed, this case is being actively monitored. Remains under

investigation.

Further Notes: Work Completed By: SFOSTERClosed as per RM WDC as past deadline

Created By: SFOSTER

Memo Type: Animal Information

Date Created: 22/11/2023 12:00:00 AM

Notes: 'Leo' attack Further Notes:

Created By: SFOSTER

Memo Type: Infringement Number
Date Created: 22/11/2023 12:00:00 AM

Notes: Infringement issued FCC 'Leo' 04/09/23 249

Further Notes:

Created By: SFOSTER

Peter Banks

From:

Peter Banks

Sent:

Friday, October 13, 2023 9:54 AM

To:

Zane Kumar

Subject:

Dog 'Leo' Attack Dog v Child

Attachments:

3540_001.pdf; 3540_027.pdf; 3540_079.pdf

Hi Zane,

Thanks for sending me the Leo documents regarding the menacing. The below is the email I was referring to at yesterdays meeting from the 5th Oct. I obviously took the time to write it but must have been distracted and didn't 'Send'. Never the less we agree on the final outcome recommendation.

Pete

Hello Zane,

The attached file relates to a reported attack by a dog on a fifteen year old with their owner in a walkway between streets.

Offence occurred on the 4th Sept and resulted in a moderate single bite to the back of the Doberman dog 'Leo' .

The reason I am bringing this file to your attention is simply due to the fact that the victim is a fifteen year old child. The unusual circumstances of the incident would not normally suggest submitting it to council for consideration for prosecution apart from the victims age.

I don't want to waste the officers time by making her complete the officer statement and the prosecution cover sheet if you agree that it is not a matter warranting prosecution but more so alternative enforcement. If you disagree then I will have the file completed to prosecution standard and send it through to you.

The offending dog, a Doberman was compliant at the time and it and the second dog, a Pug were both on lead and under the control of the female owner who was taking both dogs for a walk.

Peter Banks

From: Peter Banks

Sent: Thursday, October 26, 2023 4:31 PM

To: Brooke McWilliams
Cc: Christine Crawford

Subject: FW: Dog v Person attack Dog 'Leo'

Attachments: Menacing Deed S33A Elizabeth Ginda (80502) Leo #249.pdf; s71(5) MENACING

WITH S71 Elizabeth Ginda (80502) Leo #249.pdf

Hi Brooke, As per Zanes email below, can you prepare a non-prosecution cover for this file with your recommendations. Please attach this email to the file also.

I had a call from Elizabeth

Pete

From: Zane Kumar < zane.kumar@wdc.govt.nz>

Sent: Friday, October 13, 2023 9:05 AM **To:** Peter Banks <peter.banks@wdc.govt.nz>

Cc: Christine Crawford <christine.crawford@wdc.govt.nz>; Reiner Mussle <Reiner.Mussle@wdc.govt.nz>

Subject: FW: Dog v Person attack Dog 'Leo'

Hi Peter,

I remembered you speaking to me about this yesterday.

I see you did send the file to me, but I think I did sign off on the menacing classification (please see below and attached).

Either way, I agree with your assessment of not passing this matter over for prosecution. The attack is minor in that while bruising occurred and the victim obviously suffered a bit of shock and trauma, it is not of such seriousness that it warrants prosecution. And I also understand that Leo has no prior history and the dog is registered and microchipped.

As such, I agree that this should not be prosecuted, instead an infringement for Failure to control should be issued with a warning to Elizabeth. I also believe the menacing classification should remain in place.

Please advise if there is anything further I need to sign.

Thanks

Zane Kumar

Bylaws Enforcement Co-ordinator | Health & Bylaws Department

Whangarei District Council | Te Iwitahi,9 Rust Avenue | Private Bag 9023, Te Mai, Whangarei 0148 | www.wdc.govt.nz

P 09 430 4200 | DDI 09 430 4251 | M 021521847 | E zane.kumar@wdc.govt.nz

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From: Zane Kumar

Sent: Thursday, September 14, 2023 1:43 PM To: Peter Banks peter.banks@wdc.govt.nz>

Cc: Reiner Mussle <Reiner.Mussle@wdc.govt.nz>; Christine Crawford <christine.crawford@wdc.govt.nz>

Subject: RE: Dog v Person attack Dog 'Leo'

Afternoon Pete,

I have read the attached file and you email below.

I agree with the classification and have therefore signed my signature to the attached documents.

Thanks

Zane Kumar

Bylaws Enforcement Co-ordinator | Health & Bylaws Department

Whangarei District Council | Te lwitahi,9 Rust Avenue | Private Bag 9023, Te Mai, Whangarei 0148 | www.wdc.govt.nz

P 09 430 4200 | DDI 09 430 4251 | M 021521847 | E zane.kumar@wdc.govt.nz

Like us on Facebook



From: Peter Banks peter.banks@wdc.govt.nz>
Sent: Thursday, September 14, 2023 1:32 PM
To: Zane Kumar <zane.kumar@wdc.govt.nz>

Cc: Reiner Mussle <Reiner.Mussle@wdc.govt.nz>; Christine Crawford <christine.crawford@wdc.govt.nz>

Subject: Dog v Person attack Dog 'Leo'

Hello Zane,

Attached is a s71(5) and Menacing classification relating to the dog 'Leo'. On the 4th September 2023 Leo, a Doberman was being walked on lead by is owner Elizabeth Ginda. They were accompanied by another dog, a Pug which was also on lead. At the time they were in an alleyway footpath when they were approached by the victim a fifteen year old who had gone for a run.

As they passed each other leo has lunged at the victim and bitten her on the back of the upper thigh. The attack caused puncture wounds and severe bruising.

The dog has been impounded, is compliant and the owner is cooperative. Property satisfies our requirements and Elizabeth has applied for the return of the dog. There are no concerns over the dog being released back to the owner.

Victim statement and pics of the offending dog and victims injuries are attached also FYI.

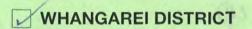
Please look everything over and if satisfied could they be signed/returned.

Pete Banks Manager Animal Management 109 Kioreroa Road



Document Set ID: 1438013 Version: 1, Version Date: 14/06/2024

Appendix C Dog Incident



PEN#	
	113030 A
CRM#	_ 131 131
ACZ3	311876

	100000				
Officer 249.		Date Ø	5 109 23	SMTWTFS	
Dispatch Number	6493				
Time received 18	36 Actioned 199	Arrived	0900.	Completed 🔊	
Complainants Name				CAN TO	
Address				6	00
Phone Number		Email			
Complainant to be ad	dvised? Yes	Time / da	ate contacted		
Dog(s) are at	Catherin	servar	H CLOSE	, whongar	R
Dog Owner Name	=lizabeth i	Marie.	Ginda.	,	,
Address	catherin!	servoint	dose.	whangare	1
Phone Number		DOB			
Type of complaint:					
Attack	Patrol	Into	Refuse	Action:	
Rushing	Collection	Tra	p	Barking Notice Serv Seizure/Impounded	ea
Wandering	Revisit	Wo	rrying Stock	Infringements Issued	d
Barking	Unregistered	Cor	nditions	Revisit Required	
Complaint DOCS	Valeur Pers	n uren	Day AT G	10020V 17151	loc
ALLER Torion	through olle	JILLYEJIEK	Dil Wirth	Prince IVS	2.11
BICKED HOW	COTY FOOT	OCE DOCK	UNGED FO	WARD BIT CA	all
N THE BACK O	OF CALLER LEG	DOG HAS		THROUGH SKI	dik
Dog Details:	600		/	_/	
Tech One ID 80	007	Registration Nu	imber V	Male F	emale
Name Leo	mala	Microchip			
Breed Oobev	Han	Result			-
Colour Black	17011	Result Date	111111111111111111111111111111111111111	Cakel	-
Officers Comments	1458 pm-05	-99-725	41110 # 158	Cornacted	1
	o courseou	That an.	HIVIO UVI	LL BE	
Canine Health Check				pro	
Body Score 1-5:	Very Poor	Poor N	ormal	+ Weight ++ We	eight
Demeanor:	Normal	Timid A	ggressive	Other	
General Body:	Healthy	Poor W	ounds	Other	
Returned to Owner		Time	David	t Number	
THE THE PROPERTY OF THE PROPER		111116	HECAIN	L INCITITARY	

Appendix C Notes: TOMORROW NORNING TO FOLLOW UD. officer 200x. 7, #249 6 19123. Spoke to complainant who informed that it was (15 yrs) who had the interaction with the two dogs was walking down alleyway when two body Ix one and lunged towards bigger dog e back of the Statement organised w daughter 1700 #249 6/9/23. Camp did 1449#249119123. Statement organised for 1630 #249 1219/23. tement completed at Whagarei Animal Managemen 0900,#249,13/9/23. rived at close maunu ending dog-Leo xplained that undo under 1).C impound their dog. he back of ection 69 Served by hard. fered to take dog owner Statement and they Said t a later date they will. log impounded at whanganei Animal management in Document Set ID: 1438013

Version: 1, Version Date: 14/06/2024

CRM: AC2311876

1000.#249,13 9 23. Comp. contacted to Inform that the offending dog 15 in the pound. 1400,*249,13 9 23. Dog owner centacted Whangarei Animal Management to ask about the evidence involved and Why Leo' INAS Impounded I in- formed him that he IS Within his vights to reguest a LOIMA. He alrepted this He asked when his dog (an be released and I said If management agres then Monday 12 9 23. He said he will be contacting a lawyex and I gacepted this Phone call ended. 1505,1319 23, #249. Contacted dog owner to explain 7 clays to claim the dog He accepted this s and will be clown Thusday It morfriday 16th. Property check arranged for Satur- day 16th. 17 09 23,142 ,#249. CCTV obtained from co- mp. Main points explained and attached-including Seveenshots Video 1s 44 Seconds in total-see attacked	
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-day 16th. 17/09/23,1421,#249. CCTV obtained from comp. Main points explained and attached-including Screenshots. Video is 44	14 th or Friday 18th. Properter
17/09/23,1421,#249. CCTV obtained from co- -mp. Main points explained and attached-including Screenshots. Video is 44	check arranged for Satur-
-mp. Main points explained and attached-including Screenshots. Video is 44	-day 16th.
and attached-including Screenshots. Video is 44	17/09/23 1421,#249. CCTV obtained from co-
Screenshots. Video is 44	-mp. Main points explained
Seconds in total-see attacked	
	Seconds in total-see attached

Officer Number: 249

Page#: 2

1000, 19/9/23, #249. Dog owner called to org-
-anise statement organisal
for 2pm finday 22nd.
She is Stating that the
victim ran into
and caused injury. 15 going to bring photos
With
1031, 22/9/23 #249. Phone call taken from
complainant 15 con
-cerned about the dog
being released and back
in the dog owners care.
i reasured that the
dog has been classified
as menacing and is
released on conditions
1 all told that the
investigation is still
ongoing and cantake
up to 6 months for an
outcome-1-told
that 'leo' being taken
tor a walk or off the
property at any time
would be breathing the
CONDITIONS AND TO CALL
Animal Warragement
straight away (al)
10 ED 02 10 122 +210 Ctole paget and to compet
1200, 2219123, #249. STOTEWENT postponed by comp
For manday 26, Can 12 cons
For monday 25th Sep, 1200hs

Officer Number: 249.

Page#: 3

<u>Appendix C</u>

CRM: AC2311876.

1200hrs, #249, 25/9/23. Dog owner Statement
completed with Lizar
Whangarei Animal Management.
She is stating that Leo
only jumped on her and
there was no bite . she
thinks that the van
into her and that & the
girl Should be educased
gri stema de lacata
on how to act around
dogs. Dog owner is
in denial that her dag
bit any body.

Officer Number: 249

Page#:



Version: 1, Version Date: 14/06/2024

Appendix C Dog Incident



PEN#	
CRM #	12153

0					
Officer * 191	PU) -		Date 13 / 9	123 SMTW	TFS
Dispatch Number	0353				
Time received 20	SS Actioned	058	Arrived 2059	Completed	9.23 0830L
Complainants Name	1 . 1.		Λ.		
Address	artherin Servan	w close	Mauru.		
Phone Number			Email	V. VII.	
Complainant to be a	dvised? Yes		Time / date contacte	ed 14 9-23 0	830 phoned
Dog(s) are at					
Dog Owner Name				ENI	CERED
Address					
Phone Number			DOB		
Type of complaint:	DINF	O ONLY.			
Attack	Patrol		Into Refuse	Action:	Notice Served
Rushing	Collection	on	Trap		Impounded
Wandering	Revisit		Worrying Stock		ments Issued
Barking	Unregis	tered	Conditions	Revisit I	Required
Complaint /a//	hack read	10starle	Checking	on hor	don.
Les. The	dea veni	super is	a work	ino them	ou dog.
Caller Conc	erned \$	Proxing.	he is o	K. Dog Me	ant Por
PICK UP Dog Details: UP	Tombyvoul 0502				
Tech One ID &	0502	Regist	ration Number	M	ale Female
Name		Micro			
Breed		Result			
Colour		Result	Date /	/	
Impound Picture loa	ded i <mark>nto</mark> Database			0	
Date Uploaded	1 1			V:	7.0
Canine Health Chec	k:				
Body Score 1-5:	Very Poor	Poor	Normal	+ Weight	++ Weight
Demeanor:	Normal	Timid	Aggressive	Other	
General Body:	Healthy	Poor	Wounds	Other	
Returned to Owner Document Set ID: 1438013	1 1	Time		Receipt Number	

Notes:	Appersar C
odea.	M 12 0 22 AMOUNTER Contracted line to
24281	111-18-4-25, AIIL #1150 CONTACTED LIZ 10
agvise	a her to all the pourly topperview.
HSKEd	, to speak to one of my manages
412 /	recome hysterical, preventalating, UZ Complained
that	She Couldn't breath, advised her to
Call	Saint John, " Could Not get a Word in I
ended	the Call Screen shot the Jos through to
10-10/4	Christine.
ic les é	Guto III A
9-12	
830hs	Showed Liz and Sound This complaint relates to attack file clay AC2311876.
050WS	Charles UZ and Sound wis wir war water
	THE CAM AC2311076.
	the state of the s
احاك	The activity of groters and what she should expect solutions
	infound of her dog 'Leo' what she should expect Sollowing
k 15a	N.F.A., flease Chy and close. Hand back to Other *249
	N.F.A. Please CRM and close. Hand back to Oblie *249 Be adhering to main the.
	Alg.
16.7	MOLO
- Anna	And the second s
1000	
	the state of the s
THEW	

Dog 'Leo' VS Child

AC2311876 Statements.

Document Set ID: 1438013 Version: 1, Version Date: 14/06/2024





ANIMAL MANAGEMENT – PROSECUTION FILE COMPLAINANT

Tick all that apply:
☐ Statement & Declaration
□ Photos
☐ Injury information sheet
☐ Consent to access medical/ veterinary records
☐ Medical bills/ reports
☐ Complainant dog details
☐ Veterinary bills/ reports
☐ Victim impact statement
☐ Correspondence
☐ Other:





Personal Details	
☐ Complainant	Victim
Title:	Date of Birth
Name:	
Address:	
Home Phone:	Work Phone:
Mobile Phone:	
Email:	

DOG DETAILS				
Number of dogs involved: ☐1				
Dog 1		Dog 2		
Gender:	unsure	Gender:	unsure.	
Size:	Large	Size:	Small	
Ears:	Stoodup	Ears:	unsure	
Tail:	Long	Tail:	Short.	
Breed:	Doberman	Breed:	unsure.	
Colour:	Black + tan.	Colour:	White.	
Collar:	no collar.	Collar:	nocollar	
Distinguishing Features:		Distinguish	ning Features:	
Slip lead.		Slip	lead	



COMPLAINANT



DOG IDENTIFICATION ☑ Dog not positively identified ☐ I am familiar with offending dog(s) ☐ I have seen offending dog confined on property at: ☐ Positive identification of the dog(s) in Animal Management Vehicle on (date) _____at (time) ____ Positive identification of the dog(s) at Animal Shelter on (date) _____ at (time) _____ ☐ Positively identified from photos provided by Animal Management Officer #: _____ DOG OWNER IDENTIFICATION I do not know who owns the dog ☐ I know the owner of the dog Description of dog owner (ethnicity, gender, build, approximate age, clothing, vehicle, etc.)





Complainant Statement
On the (date) 1 10102 at approximately (time) 5 000
I was at (place) Walkway down the end of road.
What happened?
My full name is
1 am 15 years old. I am at whan-
-garei Ahimal Management tak-
Ing a Statement with Officer 749
and my mother
I am here to report about a
dog that bit me while I was runn.
-ing down Michel colombon
CIBSE. I have ran this route in
the past and I am tamiliar
with the area. I live at
with the area. I live at with my
family. We have lived there for
family. We have lived there for b years. On Monday 4th of Sep-
6 years. On Monday 4th of Sep- -tember I was running down
6 years. On Monday 4th of Sep- -tember I was running down my road and down the walkway
b years. On Monday 4th of Sep- -tember I was running down my road and down the walkway at the end of the culde Sac. The
b years. On Monday 4th of Sep- -tember I was running down my road and down the walkway at the end of the culde Sac. The Walkway is narrow. I Started to
b years. On Monday 4th of Sep- -tember I was running down my road and down the walkway at the end of the cul de Sac. The Walkway is narrow. I Started to go down the walkway and about
b years. On Monday 4th of September I was running down my road and down the walkway at the end of the culdesac. The walkway is narrow. I Started to go down the walkway and about half way down I noticed a
b years. On Monday 4th of September I was running down my road and down the walkway at the end of the cul de Sac. The walkway is narrow. I Started to go down the walkway and about half way down I noticed a woman walking two dogs. One
b years. On Monday 4th of September I was running down my road and down the walkway at the end of the cul de Sac. The walkway is narrow. I Started to go down the walkway and about half way down I noticed a woman walking two dogs. One large doberman and a Smaller
b years. On Monday 4th of September I was running down my road and down the walkway at the end of the culdesac. The walkway is narrow. I started to go down the walkway and about half way down I noticed a woman walking two dogs. One

ANIMAL MANAGEMENT PROSECUTION FILE

COMPLAINANT



lowed down a Signature

ANIMAL MANAGEMENT PROSECUTION FILE



what happened as soon 95 1
got home. My mum went Straight
outside to talk to the woman
and the Woman did not care
and Started talking in another
language and growling my mum.
Once my mum returned we went
to white cross to recieve medical
treatment for the bite. The dog
punctured me twice bruised
my leg and left scratches. I think
that the dog owners should have
the dogs taken off them as the
do not know how to control
them. They also did not really care that their dog had bit me.
care part boy had on mr.
L.
· - · · · · · · · · · · · · · · · · · ·
Signature
oignature

ANIMAL MANAGEMENT PROSECUTION FILE



Print Name:	
Signature:	Date: 12.9.23
olgridate	Dutc.
Name of parent/guardian: _	
where complainant is less than 16 year	ars old)
Signature of parent/guardian: _	
(where complainant is less than 16 yea	ars old)
Statement recorded at: IN hand	garei Animal Manageme
Statement recorded at.	
	AMO Number: 249
AMO Name: Brooke	AMO Number: 249
AMO Name: Brooke	
AMO Name: Brooke AMO Signature: Brooke Please Note: if the Whangarei District	AMO Number: 249 Date and Time: 12/9/23 1713 Council finds evidence of an offence and your matter goes
AMO Name: Brooke AMO Signature: Please Note: if the Whangarei District to court, you may be required to attention	AMO Number: 249 Date and Time: 12/9/23 1713 Council finds evidence of an offence and your matter goes a court to give evidence. If the Council decides to pursue a
AMO Name: Brooke AMO Signature: Brooke Please Note: if the Whangarei District to court, you may be required to attention	AMO Number: 249 Date and Time: 12/9/23 1713 Council finds evidence of an offence and your matter goes
AMO Name: Brooke AMO Signature: Brooke Please Note: if the Whangarei District to court, you may be required to attend prosecution, a court order for the destrict.	AMO Number: 249 Date and Time: 12/9/23 1713 Council finds evidence of an offence and your matter goes a court to give evidence. If the Council decides to pursue a ruction of any offending dogs will be sought
AMO Name: BYOOKE AMO Signature: Byooke Please Note: if the Whangarei District to court, you may be required to attend orosecution, a court order for the destrict of the Use Only: Animal Management	AMO Number: 249 Date and Time: 12/9/23 1713 Council finds evidence of an offence and your matter goes a court to give evidence. If the Council decides to pursue a ruction of any offending dogs will be sought
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AMO Name: BYOOKE AMO Signature:	Date and Time: 12/9/23 1719 Council finds evidence of an offence and your matter goes of court to give evidence. If the Council decides to pursue a ruction of any offending dogs will be sought t Officer Tick one) at they are prepared to attend a court hearing and give at they are NOT prepared to attend a court hearing and give Date 12.9.23
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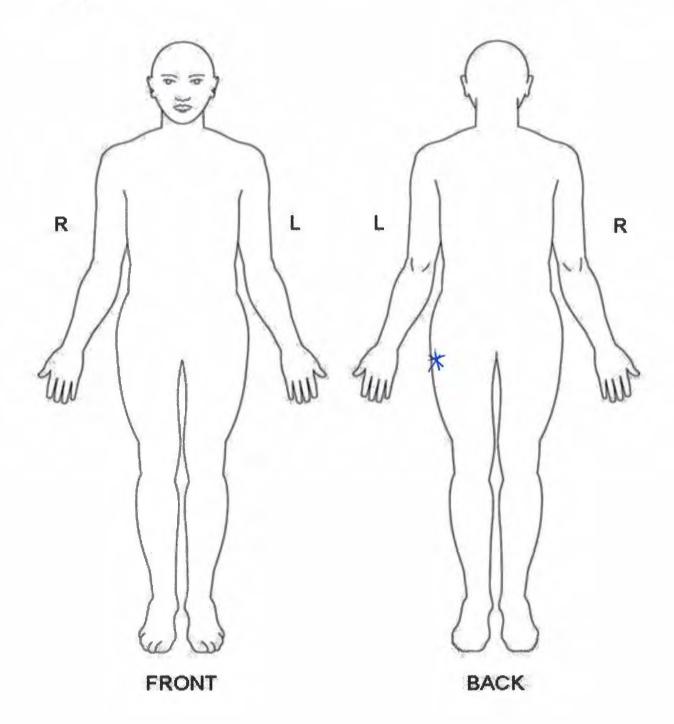
ANIMAL MANAGEMENT PROSECUTION FILE



Describe your/ victim's injuries:
Describe the medical treatment you/ the victim received:
cleaned the wounds, pain relet, anti
biotics, drossed the wound.
Injuries
Did you/ the victim receive injuries?
No. Yes Please indicate on the diagrams the part of the body that was injured

ANIMAL MANAGEMENT PROSECUTION FILE







COMPLAINANT









LEFT

RIGHT

INJURY INFORMATION SHEET - ANIMAL

Veterinary Did you seek veterinary treatment for your anir	nal (s) following the incident?
☐ No ☐ Yes Date: Where did your animal(s) receive treatment?	Time:
Nature of the animal's injuries:	
reaction of the difficulty injurios.	
Describe the veterinary treatment your animal(s) receved:
Veterinary costs: \$	(attach veterinary bills/invoices)
Injuries Did your animal(s) receive injuries?	
☐ No ☐ Yes Please indicate	on the diagrams the part of the body that is injured

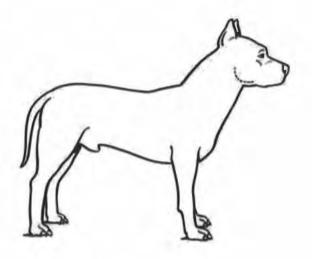
ANIMAL MANAGEMENT PROSECUTION FILE

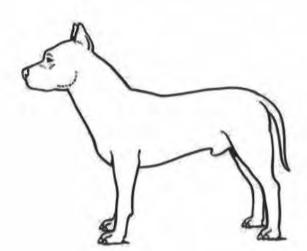
COMPLAINANT



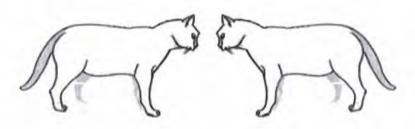
Domestic Animals

□ Dog





☐ Cat



☐ Other domestic animal

Livestock

Animal type:

No. of animals injured:

No. of animals deceased:



ANIMAL MANAGEMENT – PROSECUTION FILE DOG OWNER

Tick all that apply:
☐ Owner details
☐ Person in Possession details
☐ Statement & Declaration
☐ Notes of conversation
☐ Prior history on dog (s) and dog owner
☐ System information printouts
☐ Owner classifications
☐ Dog details
☐ Dog classifications
☐ Photos of property
☐ Photos of dog(s)
☐ Correspondence (Including Impound Docket, S.69 letter, S.71 letter, CoR, Release Info)
□ Other:

ANIMAL MANAGEMENT PROSECUTION FILE

DOG OWNER



Title:	Date of Birth
Name:	LIZ Ginda
Address:	catherin Serven! close
Home Phone:	Work Phone:
Mobile Phone:	
Email:	
Place of work:	J

Dog Owner Statement CAUTION I have been advised of the following: I have the right not to make a statement and to remain silent; ii. I have the right to speak with a lawyer without delay and in private before deciding whether to answer questions; That anything I say will be recorded and may be used as evidence. iii. I understand this Caution and my rights and I am prepared to make a statement. at approximately (time) I was at (place) What happened?

2 Sychola

ANIMAL MANAGEMENT PROSECUTION FILE

DOG OWNER



Signature

ANIMAL MANAGEMENT PROSECUTION FILE

DOG OWNER



that needs to be educated
on how to act around animals.
Leo is a gentle grant and he
has never done anything like
this before. I am happy to walk
Leo on a muzzle until this
has come to a conclusion.
Signature no Conde
X IV COLOR



DOG OWNER



	- ==1		al sub	
-		***		
				
,				
Signature				
DOG DETAIL				المتحسنيسي
Name:	Leo		Dog ID:	

ANIMAL MANAGEMENT PROSECUTION FILE

DOG OWNER



Breed:	Doberman				
Colour:	Black		fan		
Gender:	M	- /		De-sexed:	905
Age:	Years	18	Months	Microchip No:	yes
Registration:	Yes	□ No	Year: 2	023-2024	Council: W DC
Notes:					
DOG DETAI	LS: DOG 2	T.E	MEY.	**	
Name:				Dog ID:	
Breed:					
Colour:					
Gender:				De-sexed:	
Age:	Years	3	Months	Microchip No:	
Registration:	□ Yes	□ No	Year:		Council:
Notes:			1		
L	I				
Declaration	9.34			178.44	
I have read this	s statement a	nd it is t	rue and co	orrect.	
OR					
I have had this statement read back to me by and it is true and correct.					
Print Name: L12 G1NDA					
Signature: M Ch. da Date: 25 9 2023					
Statement recorded at: Whangarei Animal Managemen +					
AMO Name: Brooke AMO Number: 249					
AMO Signatur	e: <u>Byv</u>	neu	lav	Date and	Time: 1253hrs 25/9/23

Dog 'Leo' VS Child

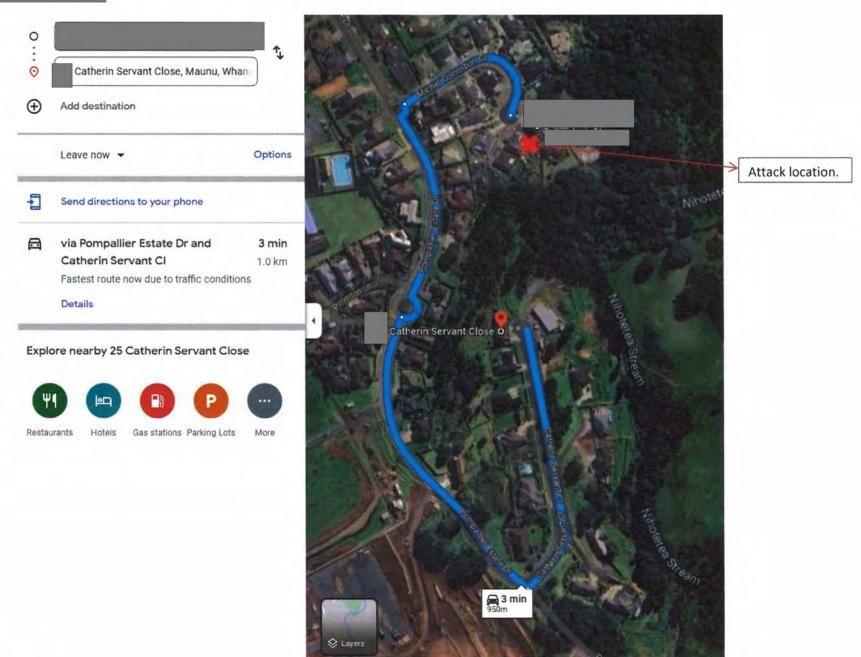
AC2311876 Scene.



Whangarei. Scene location.



Where is in relation to offending dogs address Catherin Servants Close.



Appendix₅C

, Maunu, Whangarei. Victims arial view of attack 04/09/2023. Dog vs 15-year-old.



Appendix G7

Date: 05/10/2023 Photo taken/provided by: Officer 249

Time: 0835hrs Photo description: Walkway between Maunu and Catherin Servant

Close, Maunu where attack on 04/09/2023 happened. Width of walkway is 1.66m



Thursday - 5/10/2023 - 8:35 AM

O' IMP STON

Adjust

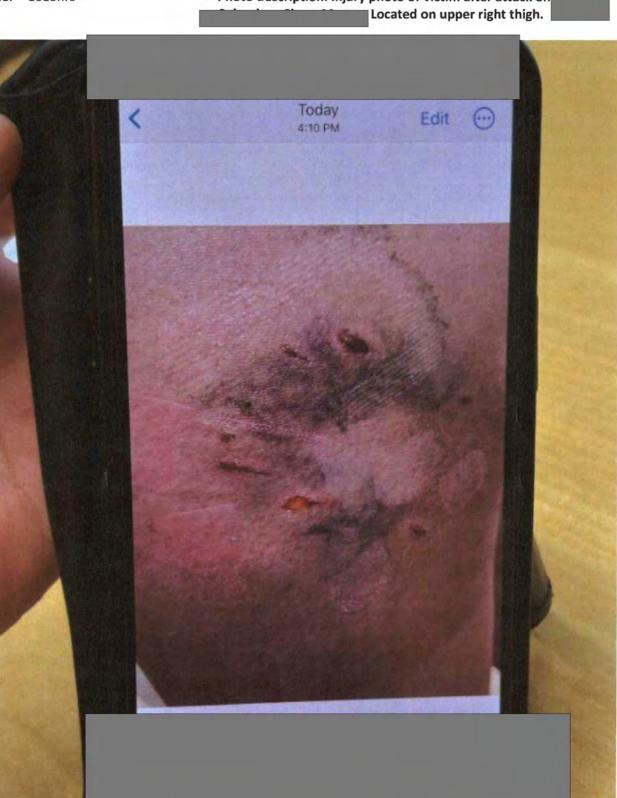
Dog 'Leo' VS Child

AC2311876
Victim Pictures.

Date: 12/09/2023 **Time**: 1610hrs

Photo taken/provided by: Complainant/249

Photo description: Injury photo of victim after attack on



Dog 'Leo' VS child

AC2311876 Medical Records.

Consent to Access Medical Records

Date/time: 12.9.23
Name:
OOB:
Address:
give permission for Whangarei Animal Management to gain access to my
medical records relating to any treatement required for the following incident.
Date of incident: 4.9.23
ncident Type: Dog attack
reatment received at: Whitecross
Signiture:

WDC Animal Control Officer
Armourguard Security
109-115 Kioreroa Road, Whangarei 0110
P O Box 99, Whangarei, 0140
d: 09 438 7513 c: 0277009852
e: mailroonm@wdc.govt.nz
www.armourguard.co.nz



White Cross Whangarei

32 Reyburn Street, Town Basin, Whangarei 0110 Phone: 09 470 1083

Email: whangarei@whitecross.co.nz Bank Acct No. 12-3244-0046885-00 edi: estamhcl GST No: 65-233-010

26 Sep 2023

Re: Patient Consultation Notes

To,

TEL: FAX:

Dear

Re:

Dear Colleague

, attended our surgery today. Enclosed please find the Clinical Records for the Consultation today:

04 Sep 2023 Nur. Mharvy Palma

Wound cleaned with normal saline.

Dressed with atraumen, telfa and hypafix
Instructions given for self-cares - including: keep dry
See in 2-3/7 as planned or prn as discussed
Advised of red flags for earlier return.

Form: Triage

Warning: NKDA

Measurement: Triage template(TRIAGE) - - 5 - 120mins

Measurement: Pulse(P)-102

Measurement: Temp(T)-36.8 - Tympanic

Measurement: Oxygen Saturation(SAO2)-100

appendi<u>k</u> C

Rx: IC-Paracetamol 500mg Tab - 1 tabs, Immediately

04 Sep 2023 Dr. Lucien Paul-Robie

dog bite L buttock - large dog

no hx/rx

ADT 2019 (NIR)

NKA

appears well

puncture wounds L buttock

@ dog bite

COD

abx

r/v s/s infx

Rx: 20 - Amoxicillin 500Mg; Clavulanic Acid 125Mg Tab (500/125 Mg) - 1 tabs, Three Ti

Rx: 20 - Ibuprofen 800Mg Sustained Release Tab - 1 tabs, Twice Daily PRN with food

ePrescription-WHDPR-27HGC803R451JNB2D5

Dx: Open wound of buttock (S87.00) - Left

Dx: Dog bite (TE60.00) - Left

04 Sep 2023 Nur. Mharvy Palma

about 1710hrs, patient was running on the street, someone else's dog bit patient's L) buttock/upper thigh; says it was a big dog

meds: nil

med Hx: hayfever

tetanus inj: cannot recall last

Observations: Triage score 5 - 120mins; Pulse (Heart Rate): 102; Temp: 36.8; Tympanic;

SAO2: 100;

NIM pacimol 1tab at 1844hrs

Form: Triage

Warning: NKDA

Measurement: Triage template(TRIAGE) - - 5 - 120mins

Measurement: Pulse(P)-102

Measurement: Temp(T)-36.8 - Tympanic

Measurement: Oxygen Saturation(SAO2)-100

Rx: IC-Paracetamol 500mg Tab - 1 tabs, Immediately

04 Sep 2023, Status Query-Single match

Vaccine Details

Vaccine Outcome Dose Date Group Batch No Expiry Action

Dog 'Leo' VS Child

AC2311876 Offending Dog.

Date: 13/09/2023

Time: 0949hrs

9/2023 Photo taken/provided

by:249

Photo description: Impound

photos of 'Leo' 80502

65 Appendix C







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

Dog Owners Full Name; Elizabeth Linda
Physical Address Cotherin Servant Close Maunu D.O.B;. Contact Number;
RIGHTS CAUTION I have been advised of the following: i. I have the right not to make a statement and to remain silent; ii. I have the right to speak with a lawyer without delay and in private before deciding whether to answer questions; iii. That anything I say will be recorded and may be used as evidence. I understand this caution and my rights, and I am prepared to make a statement.
I formally claim and request the release of my dog(s) named;
I am willing to comply with all conditions of release imposed by the Whangarei District Council. Sign:
Witnessed by AMO; Barry # 229 Page

	444
ARMOURGUARD	WHANGAREI

67

NOTICE OF SEIZURE AND IMPOUNDING OF DOG

Pursuant to Sections 69 and 69A of The Dog Control Act 1996

Date:	5/09/24 Time	: 0900] No	otice No.:	SI	003833
Name: (Mr/N	Mrs/Miss/Ms)	beth	CALE	olo	3 -	
Address:	Cath	EVID	50	VVC	ant	close
1000	MADLE			Postcoo	de:	110
Dog ID	Dog Name	Breed	Colour		Sex	Microchip No.
20002	LPO	Dobe	biE/	tan	M	1
					-	
Section 33E0 Section 42 - Section 52A OTHER Unless the do or otherwise You have un As the dog As the dog pursuant to	Failing to comply with dengerous of C - Failing to comply with menacing Failing to register a dog - Failure to control or confine og is claimed and any fee paid disposed of pursuant to Section til 4.00pm on // /20 is not currently registered the dog many registered it will need to be micronas been selzed pursuant to section 71 of the Dog Control Act 1 at to section 71 of the Dog Control Act 1 at 10 section 71 of the Dog Control Act 1	within 7 days of the n 69(2) of the Dog to claim your nust be registered/micrchipped/de-sexed before 57 or 57A, if you claim 996 on the basis that it	Section 57 Section 60 a receipt c Control Ac dog. Pa rochipped/c ore it will be m the dog a	A - Dog rur of this note t 1996. yment to de-sexed to a released after paying	ushing at period of the control of t	de by EFTPOS. I be released. the dog may be retained
Registration Microchipping	NA NA	Impounding Sustenance	\$ 15	60	20 p	er night
	rently housed at the following loca strict Council Animal Shelter, 1		Road, Wha	angarei		

Appendix C

In reply please ask for

Peter Banks - Manager Animal Control



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

14th September 2023



Dear Elizabeth,

Application for the release of a dog retained under section 71 Dog Control Act 1996

Dog ID:	80502	Primary Breed	Doberman
Microchip No:	953010004819678	Secondary Breed	
Name:	Leo	Primary Colour	Black
Sex:	Male	Secondary Colour	Tan
Age:	1 year 7 months		
Address where do	g is usually kept: Cath	L erin Servant Close Mai	unu

Thank you for your application for the release of your dog, described above, under section 71(4) of the Dog Control Act 1996.

After full consideration of your application, which has included an inspection of your property at Catherin Servant Close, Maunu, we have decided to release 'Leo' into your care until the prosecution is determined by the Court.

To mitigate any concerns around the potential threat your dog poses to the safety of persons and/ or animals, your dog will only be released to you provided you agree to the following conditions of release:

- That the dog remains on the property at Catherin Servant Close, Maunu at all times.
- If the dog does need to leave the property for any reason (e.g. for veterinary care), you must advise Armourguard on 09 438 7513 in advance.
- The dog is to be muzzled at all times when it is not at Catherin Servant Close.
- The dog must be kept secured to Kennel and chain or secured inside the dwelling.
 The dog may be exercised on the property only whilst under direct and immediate supervision.
- Armourguard may conduct regular inspections at any reasonable time to ensure that compliance with these conditions are being met.
- If any of these conditions are not being met, the dog may be seized and impounded until the prosecution is determined by the court.

I note that if you are dissatisfied with Council's decision regarding the return of your dog you have the right to appeal to the District Court against that decision under section 71(6) of the Act.

A.6

In addition, your dog 'Leo' has been classified as menacing. The menacing classification is attached to this letter.

The classification is because:

Council considers **'Leo'** may pose a threat to persons and/or animals including stock, poultry, domestic animal, or protected wildlife because of aggressive behavior whereby Leo attacked and bit a 15 year old child on the 4th of September 2023

If after the court proceedings for the prosecution relating to "Leo", there is an order for the destruction of the dog you must

(a) have the dog destroyed immediately; and

(b) provide a certificate issued by a veterinarian, or a dog control officer or dog ranger, certifying that the dog has been destroyed to the Whangarei District Council within one month of the date of the relevant Court order.

Yours faithfully

Zane Kumar

Bylaws Enforcement Co-Ordinator

I Elizabeth Ginda agree to the conditions of release for "Leo" set out above and acknowledge that I have received and had the menacing classification imposed on "Leo" explained to me.

Signed:

Date:

Appendix ®

In reply please ask for Peter Banks - Manager Animal Control

14th September 2023

Elizabeth Ginda



Dear Elizabeth,

Whangarei District Council

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

ondary Breed:	
Jiluary Diccu.	
ary Colour	Black
ondary Colour	Tan
	7
	nt Close, Maunu

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:

On the 4th September 2023 Leo attacked and bit a fifteen year old child

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 15. October 2023.
- Your dog must now be microchipped with evidence produced by: Not applicable
- 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, or email mailroom@wdc.govt.nz with attention to Animal Management.

Yours faithfully

Zane Kumar

Bylaws Enforcement Co-Ordinator

Yours faithfully

Peter Banks

Manager Animal Management

^{*}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 33A Section 33B, 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.

Dog 'Leo' VS Child

AC2311876

Misc.

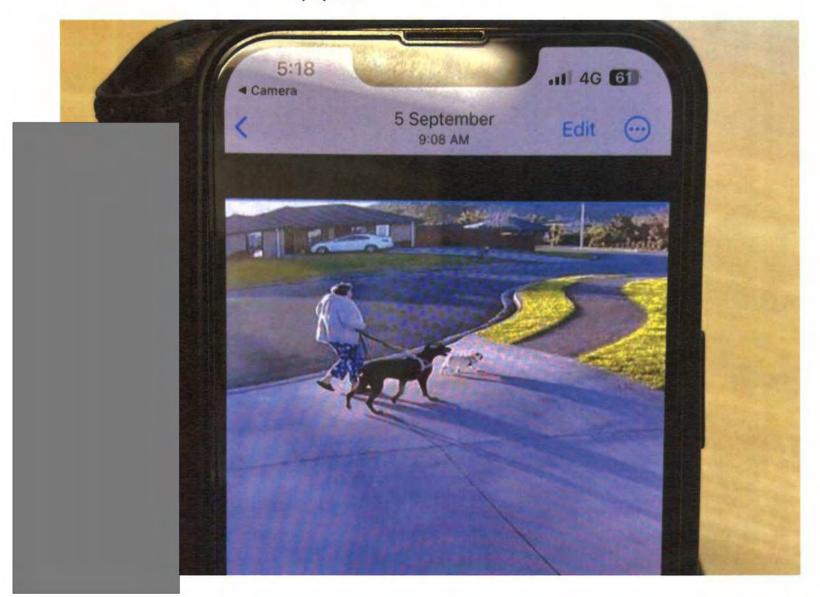
Date: 05/09/2023 **Time:** 0908hrs

Photo taken/provided by: Complainant 249
Photo description: Screenshot of CCTV down

Photo description: Screenshot of CCTV down

Offending dog owner walking the offending dog at approximately 1700hrs

04/09/2023.

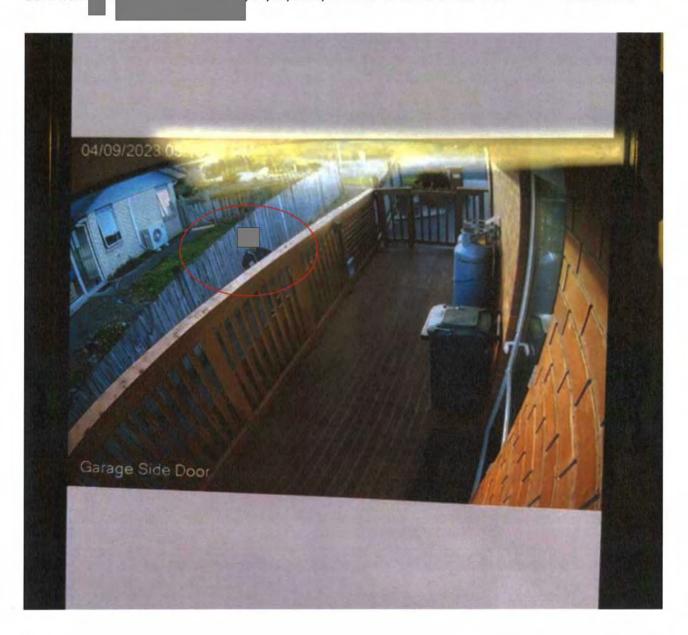


Appendix C

CCTV from

04/09/2023, 1710hrs- 1712hrs. Officer 249.

AC2311876



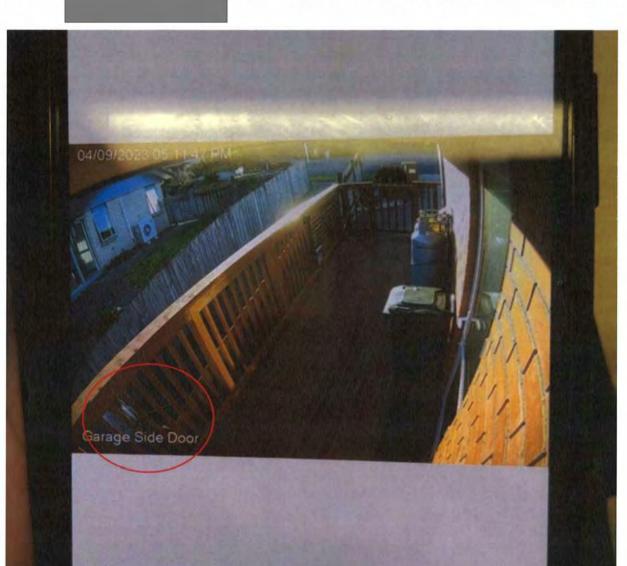


Complainan running down the alleyway between 27-29 Michel Colombon Close. Seen at 1710hrs. Light glare over the time stamp.

CCTV fron

, 04/09/2023, 1710hrs- 1712hrs. Officer 249.

AC2311876



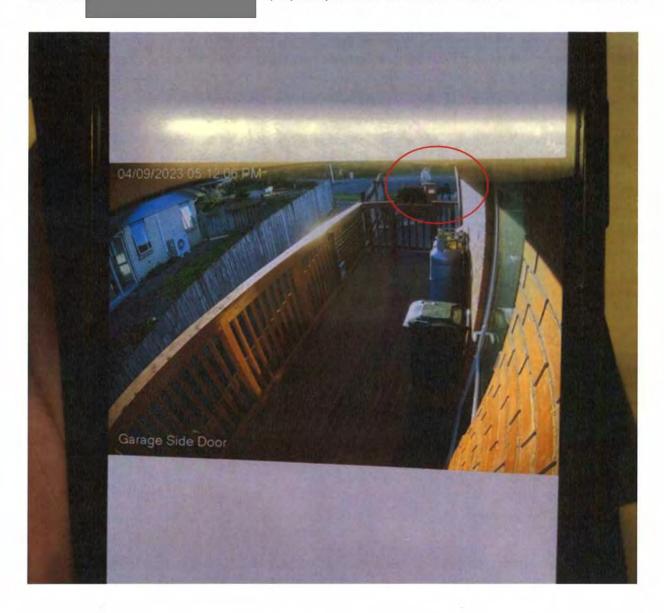


Silence for 1 second when attack happened. Attack not caught by CCTV. First sighting of dog owner walking 'Leo' the Doberman and 'Bobo' the pug. Dog owner can be heard yelling "Leo! ... Why did you do that! ... WHY!" as she continues to walk up the alleyway.

CCTV fron

04/09/2023, 1710hrs- 1712hrs. Officer 249.

AC2311876





Clear view of dog owner walking the two dogs now on Michel Colombon Close. Interaction happened between 1710hrs and 1712hrs as captured by the time and date stamp on CCTV.

Re: Pound ID





Hi there

I would say that none of these dogs fit the descrition because the dog that attacked me had pointy ears and a long skinny snout. I also know that it was a doberman and I could be wrong but I dont believe any of the images given are dobermans. I have attached footage of the dog that attacked me. However if I had to pick one that was the closest one it would be dog number 5 because of the colours of the dog.



regative 1D, offending dog is #3

Appendix C

POUND IDENIFICATION



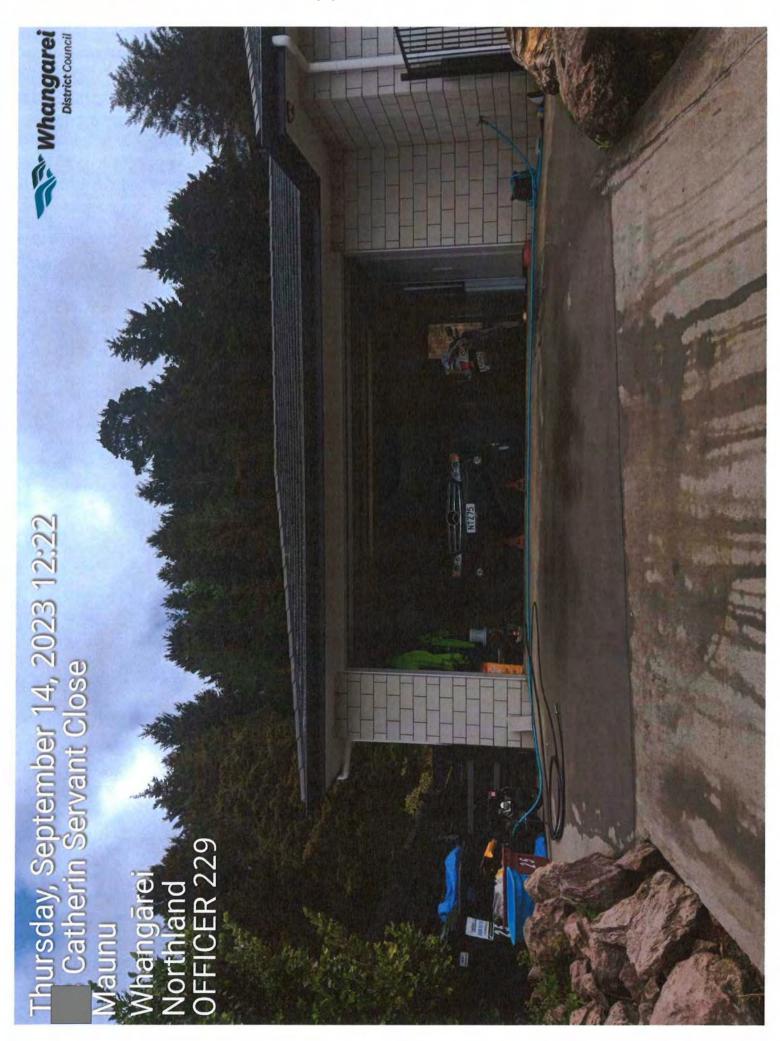
Dog 'Leo' VS Child

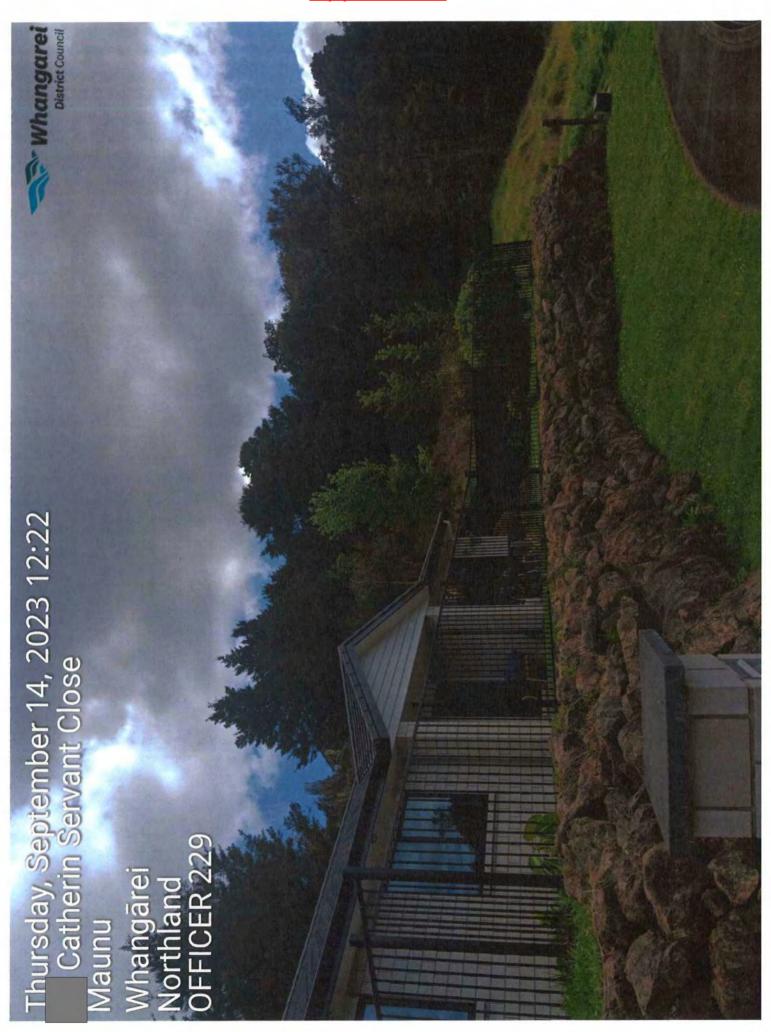
AC2311876 Property Check.

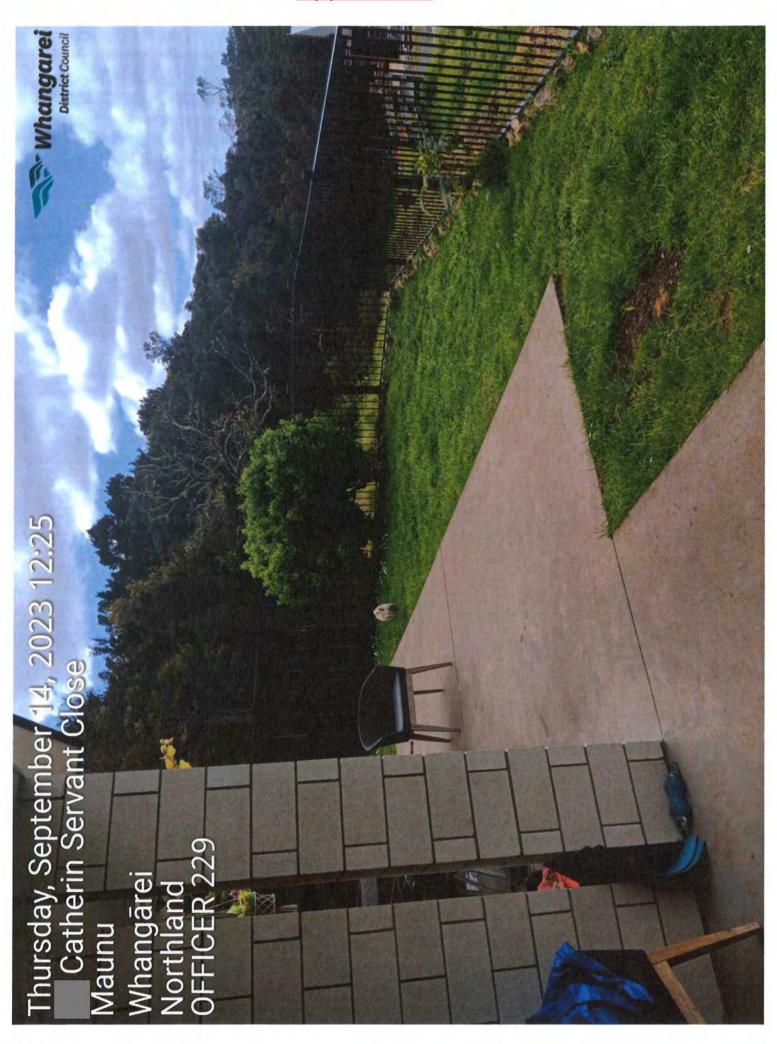
Appendix₀C



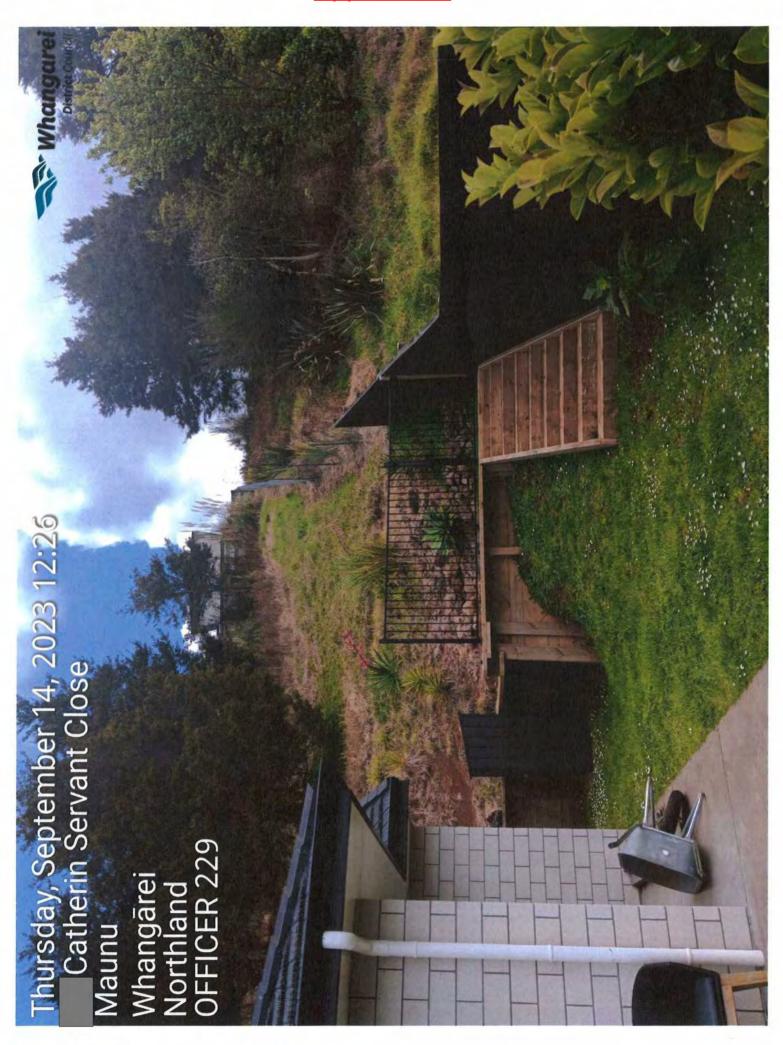
Indicates a gate

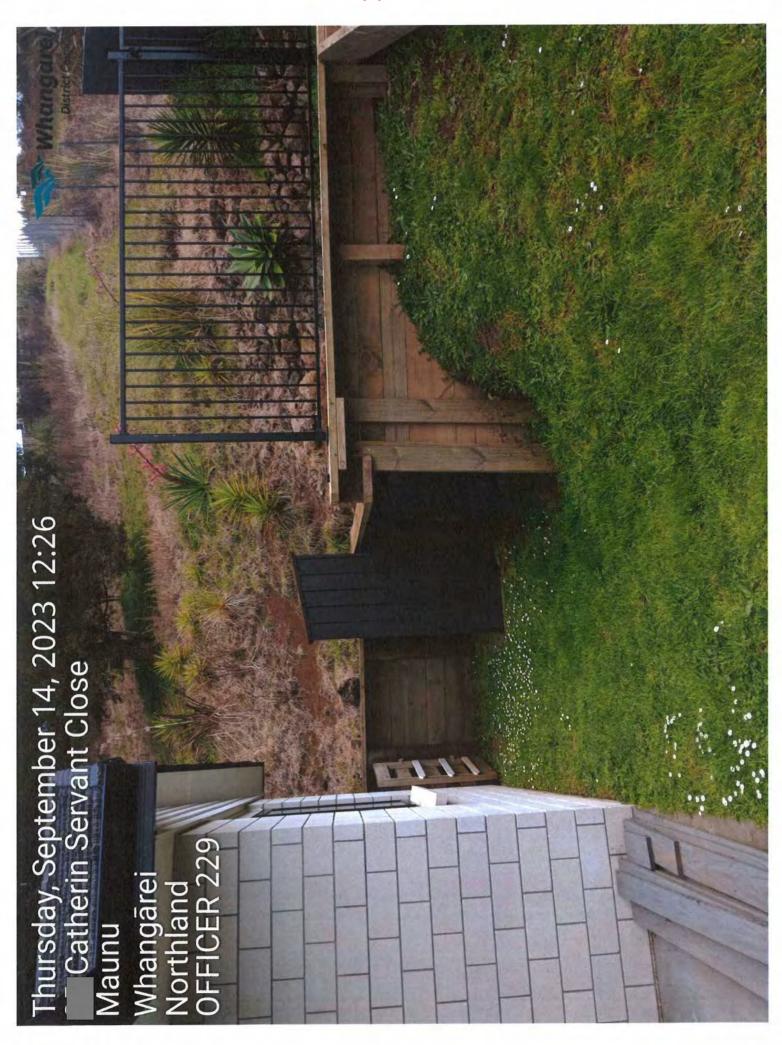


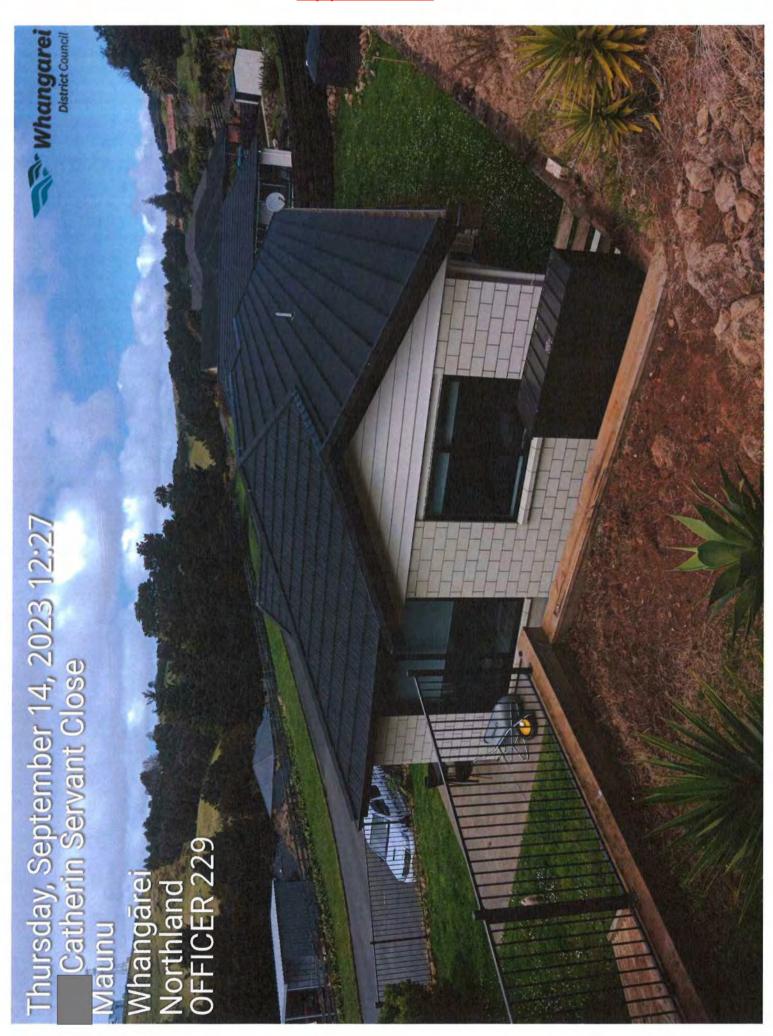




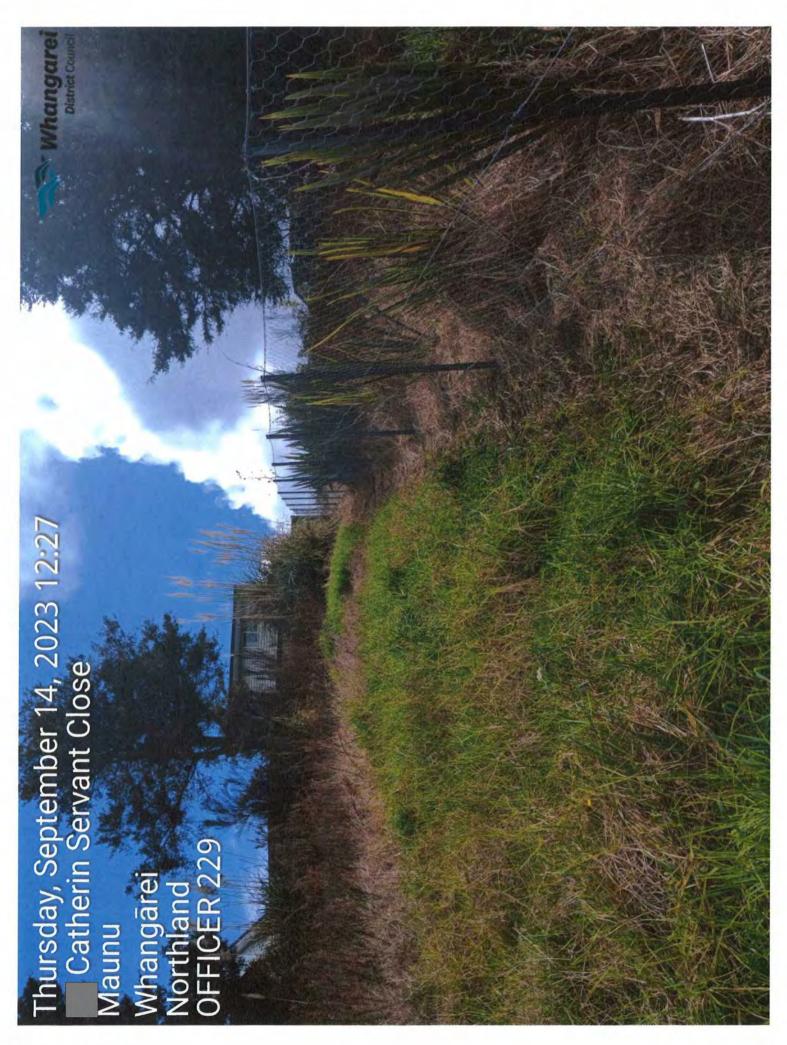




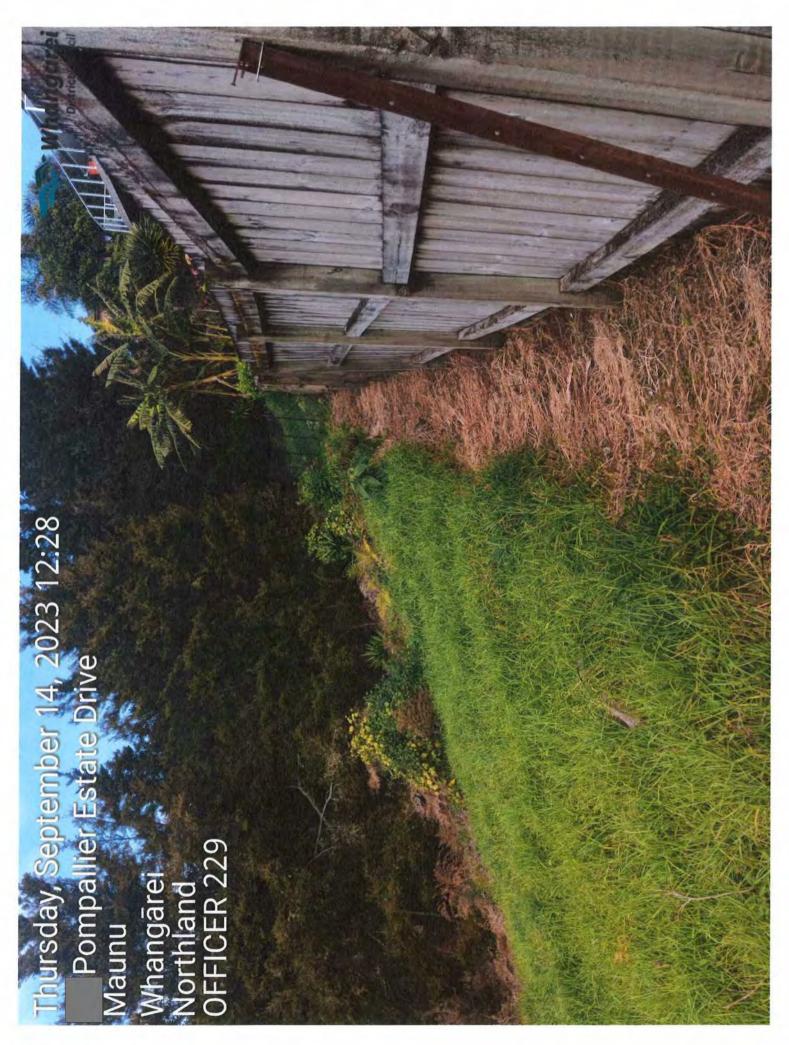


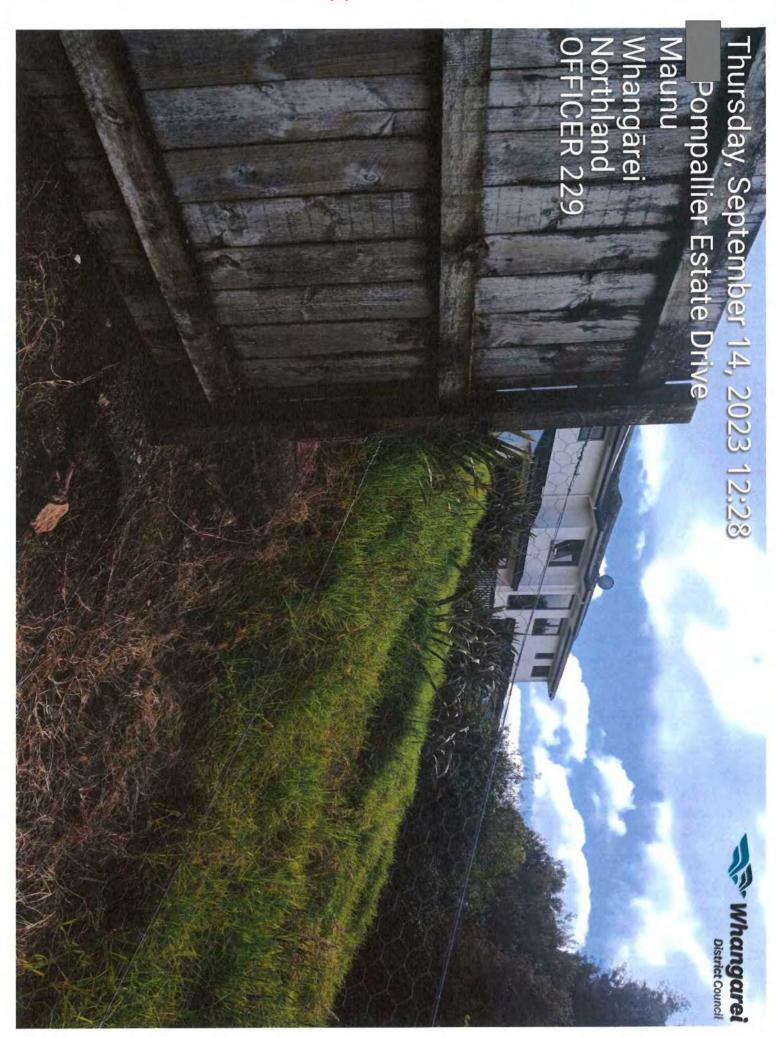


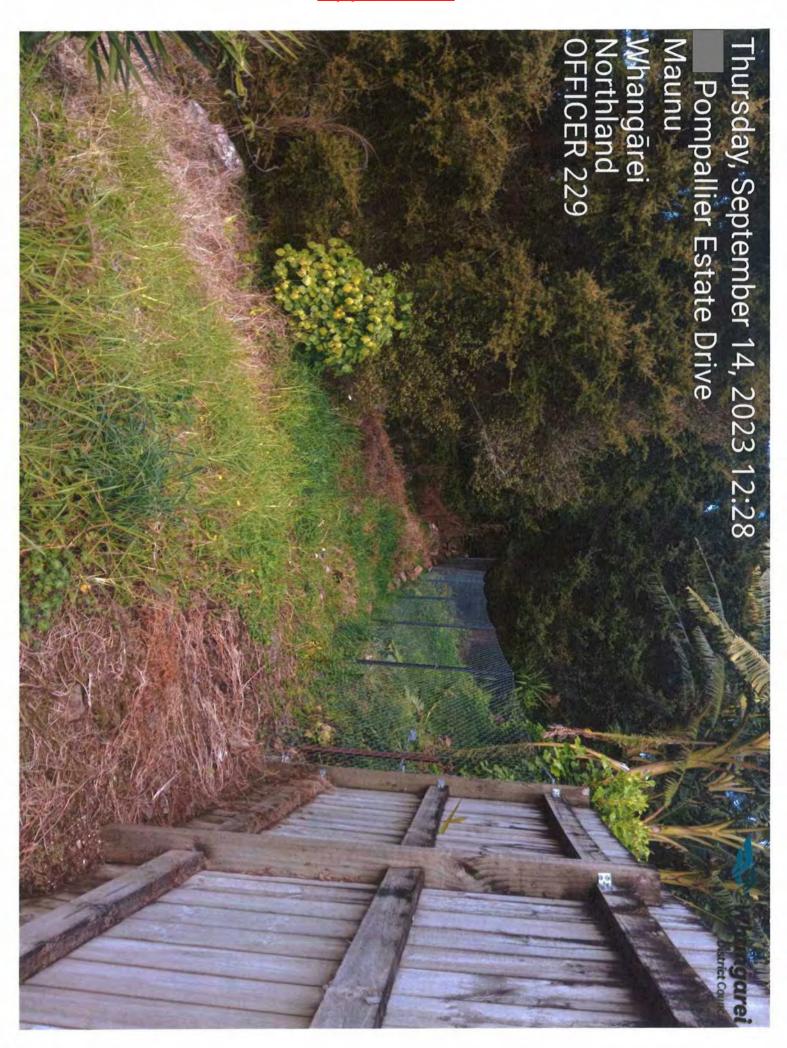
Appendix₈C

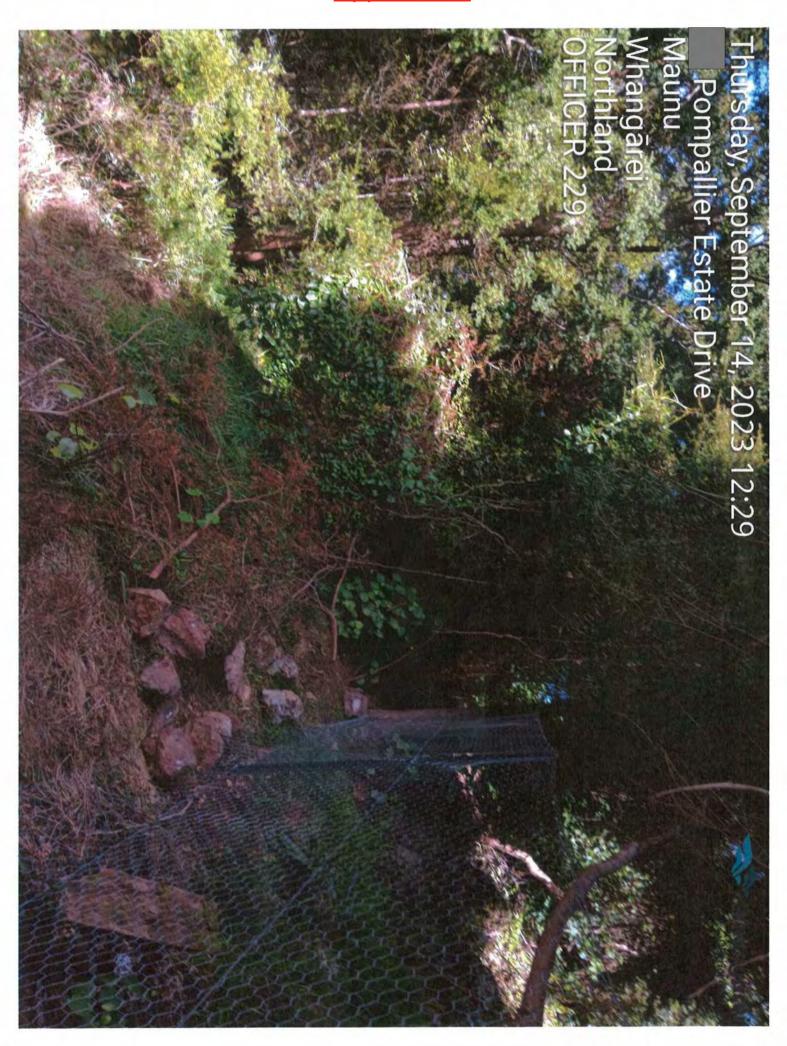




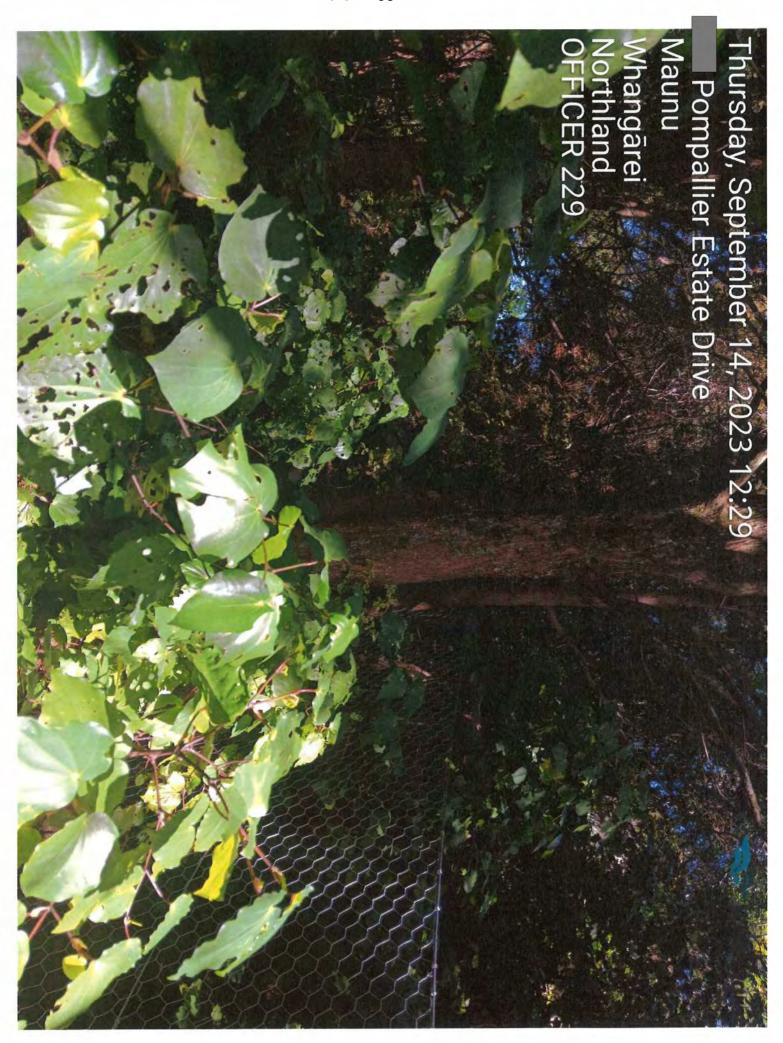


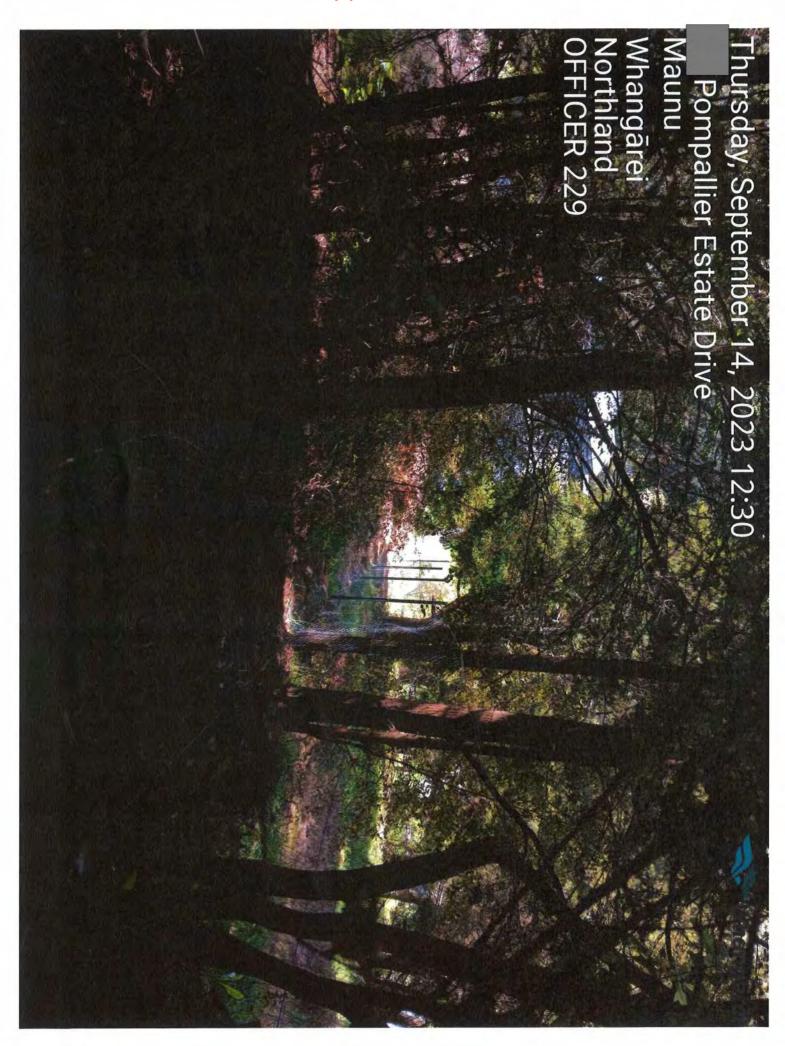


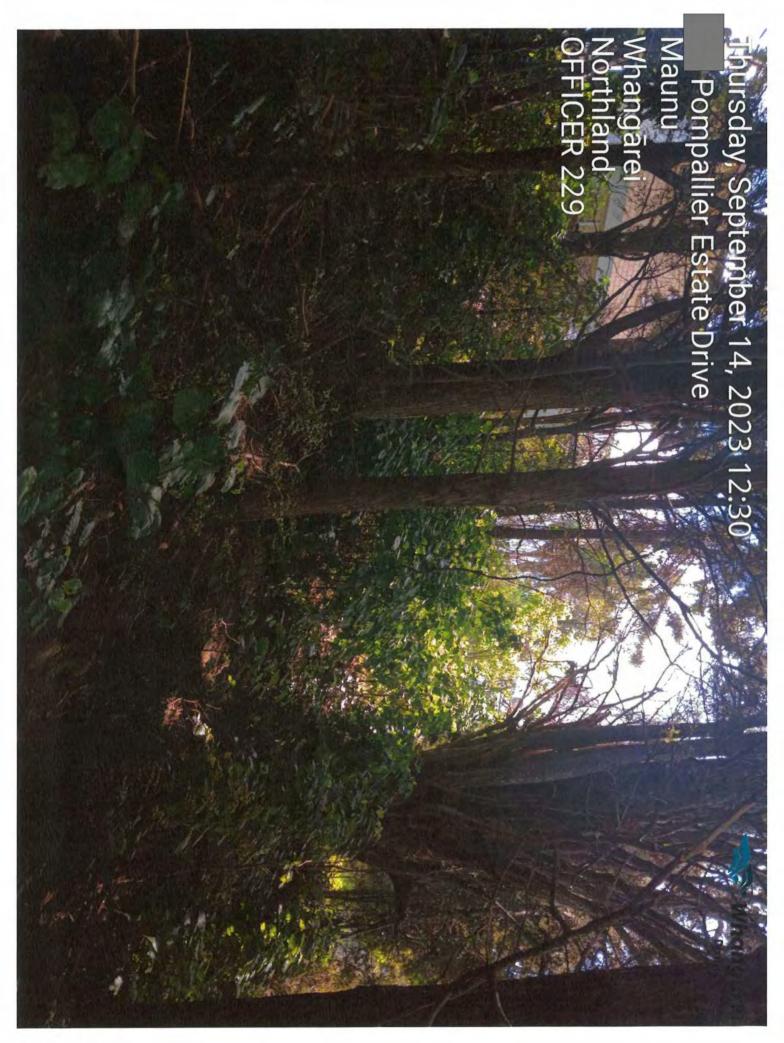




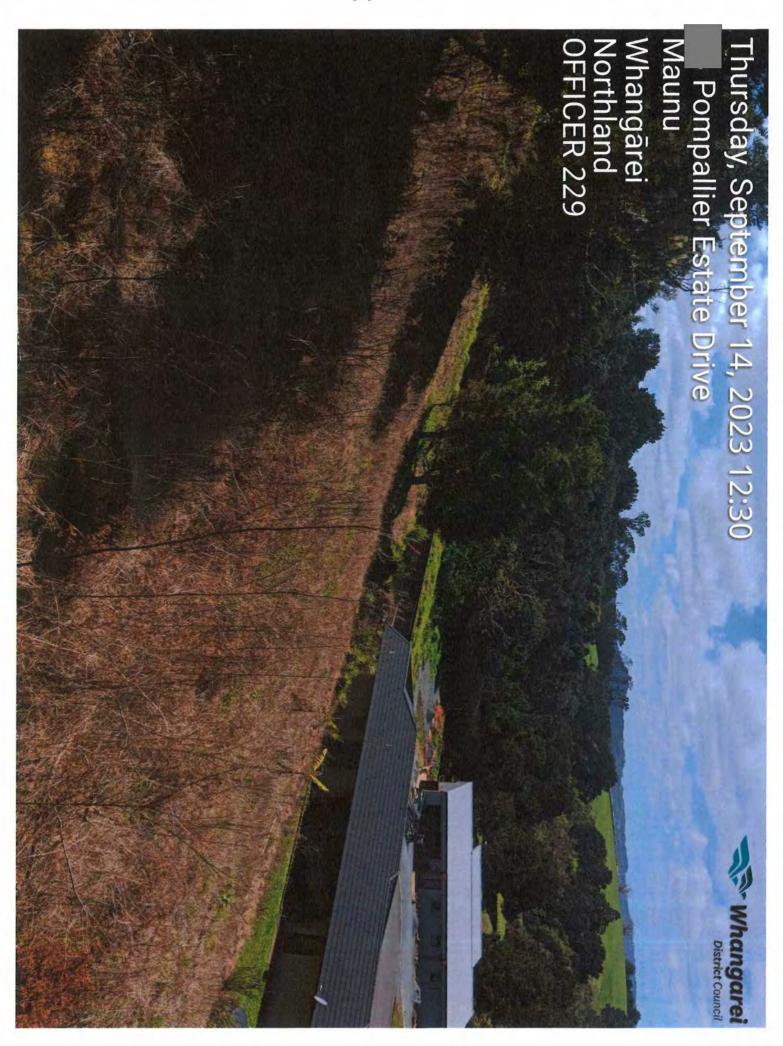


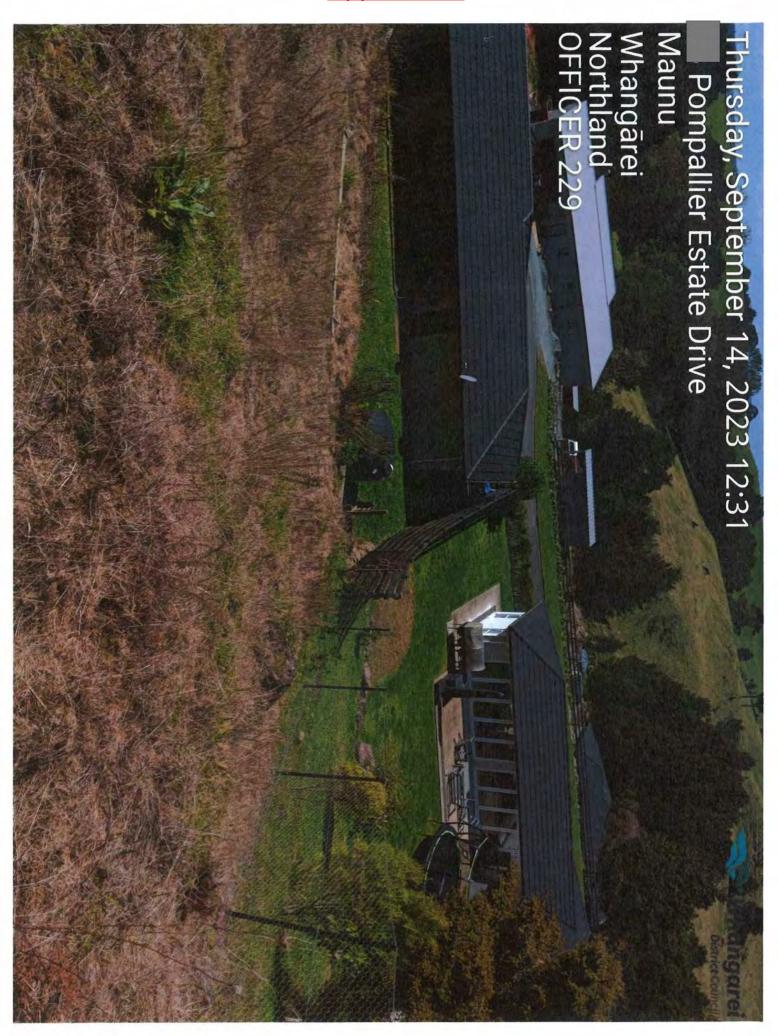




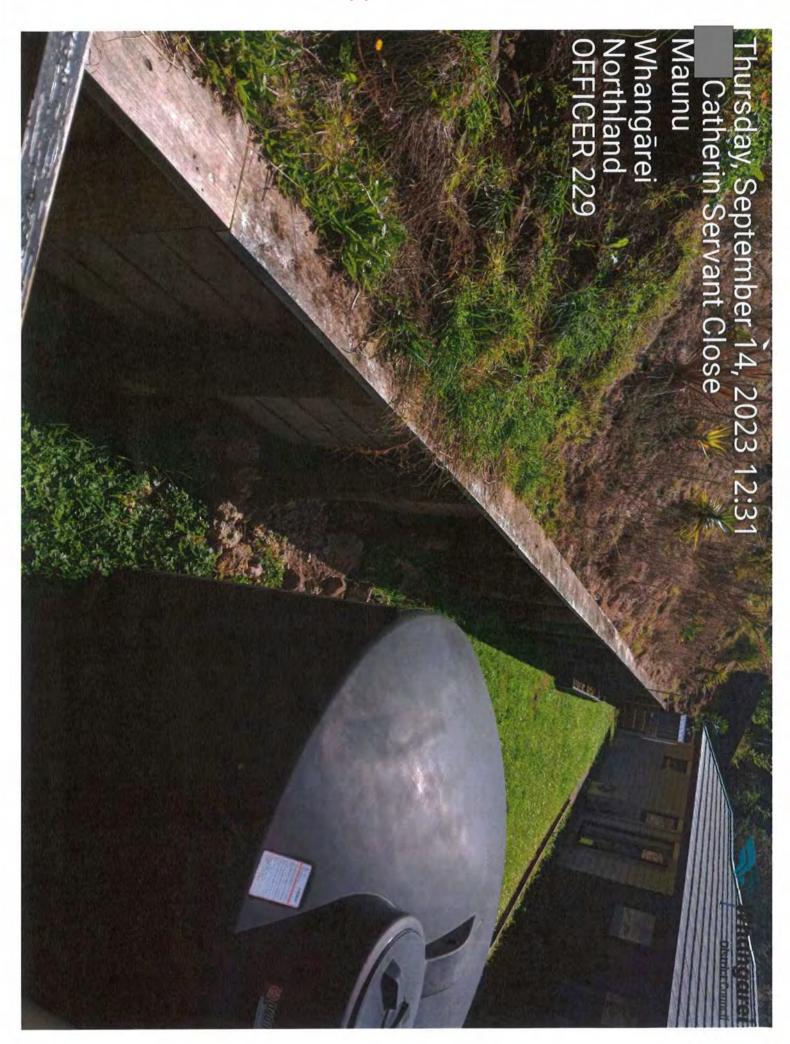


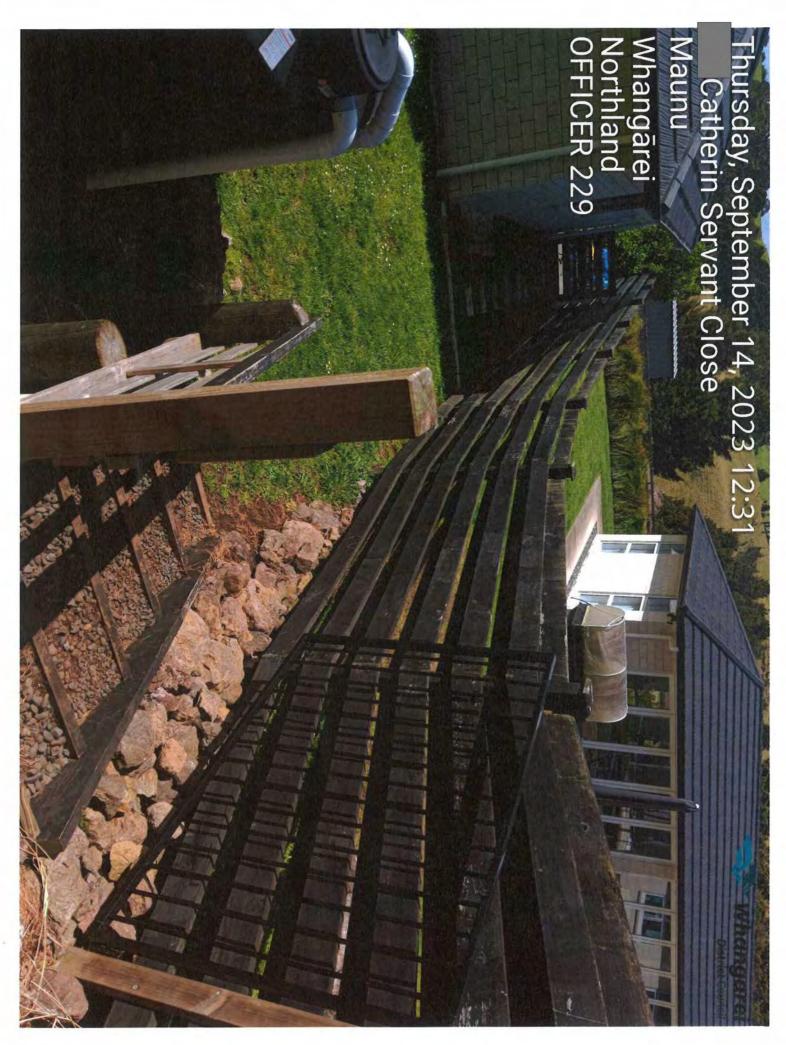


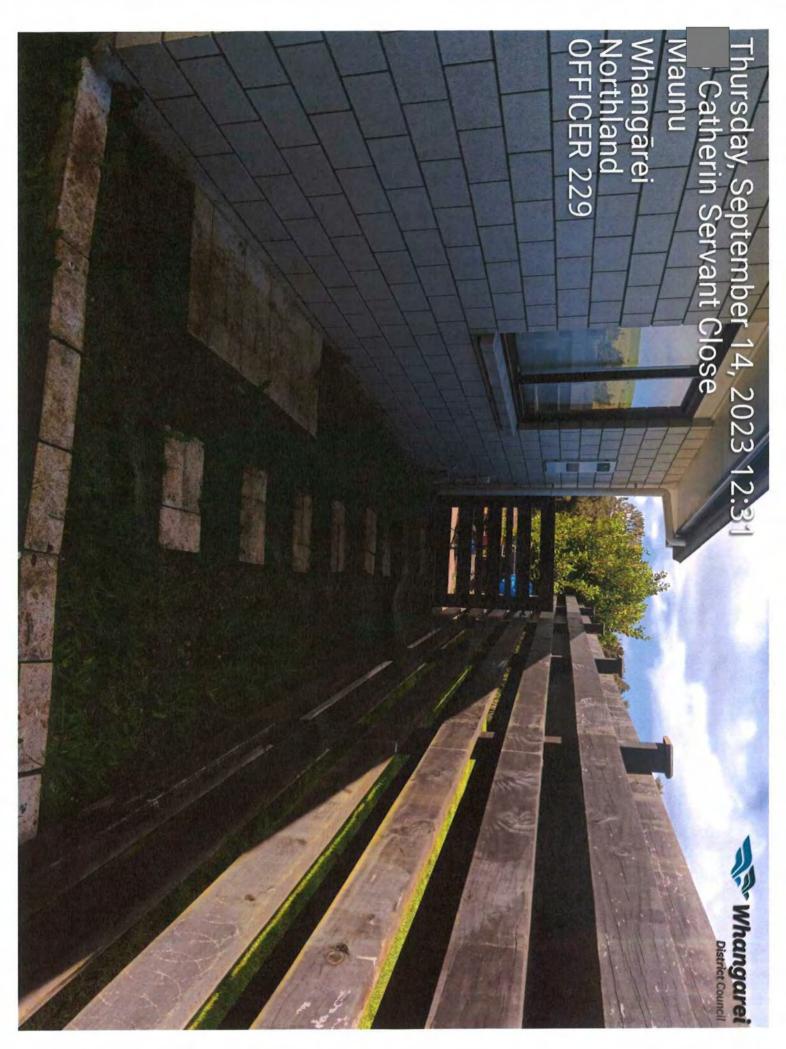


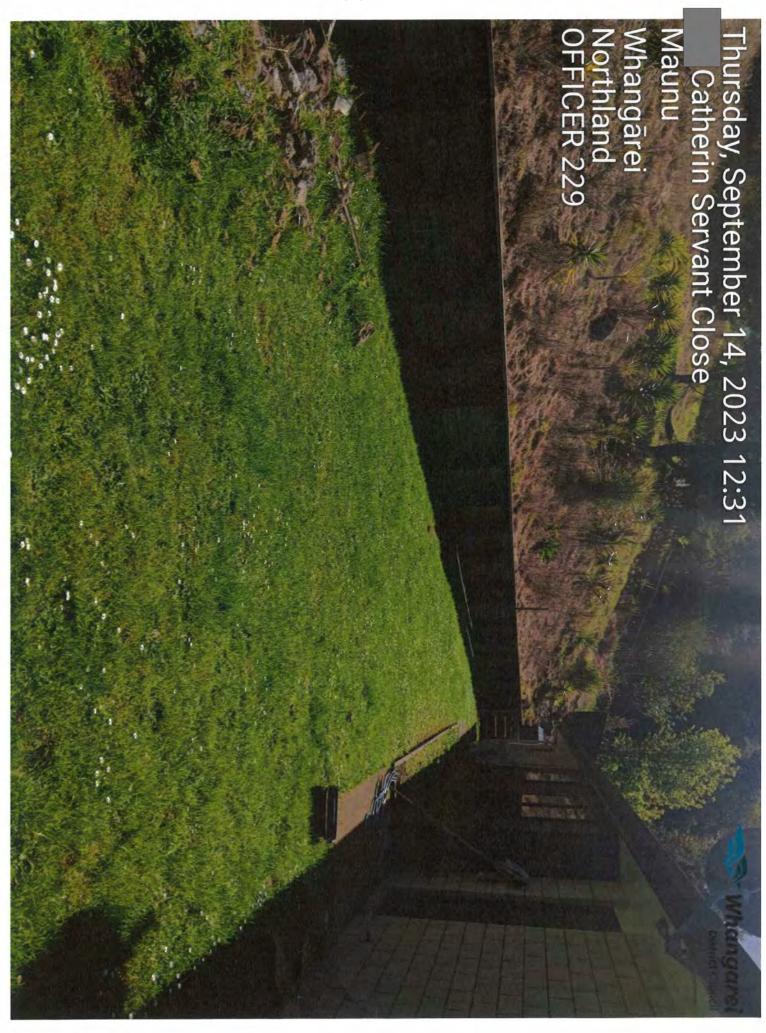


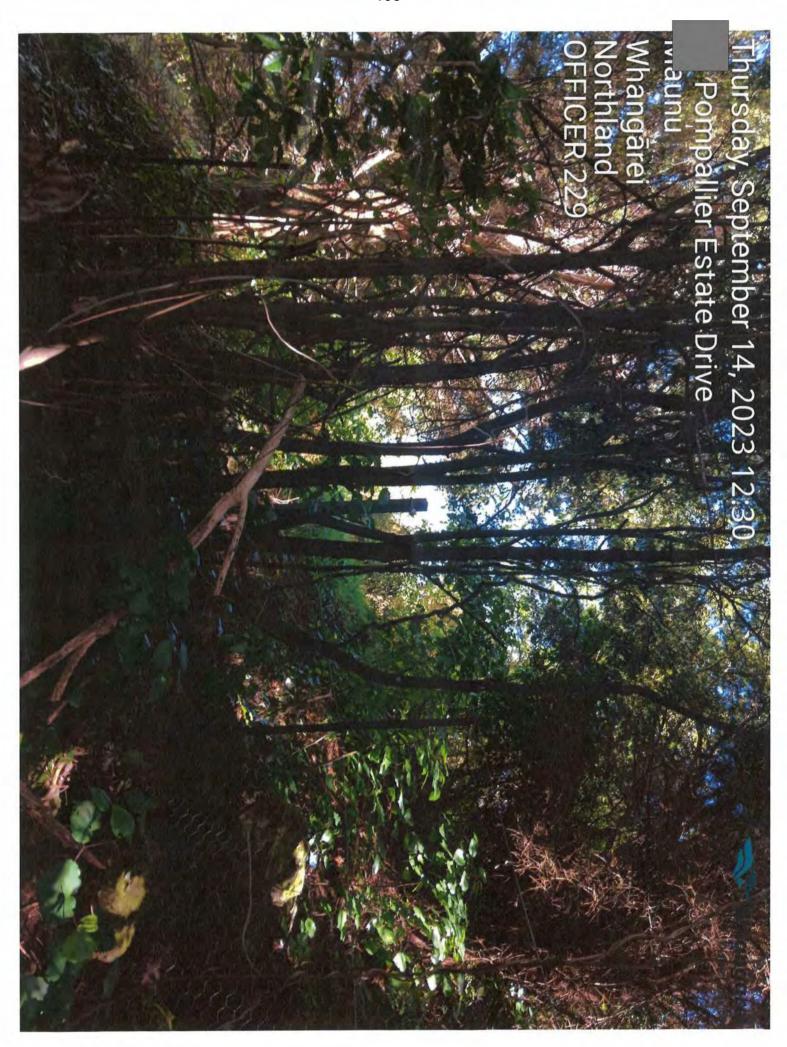
<u>Appendix C</u>











Appendix D

Whangarei District Council

Request

Request Number Date Received Source Priority AC2423546 25-Sep-2024 CONTRACTOR LOW

WDC.RQ.ANI

Category
Sub-Category
Description
Created By
Responsible Person

AC DCI Animals SFOSTER 242

Responsible Resource Pool

Stage CLOSED

Resolution Details (if closed)

Thank you for your request for service. We have processed your request and the status is now closed.

Date Resolved 08-Oct-2024

Property Number Property Address

herin Servant Close Whangarei 0110

Caller Name

Armourguard Animal Management

Preferred Telephone

Number

Preferred Email Address

Request Details

Caller Address

PW10 - issuing of UN infringement for known non registered dog at address

Important Dates

Date Created 08-Oct-2024
Date Accepted 08-Oct-2024
Initial Inspection Date 25-Sep-2024
Date Scheduled 01-Jan-1900
Date Service Restored 01-Jan-1900

Comments

Memo Type: Infringement Number

Date Created: 08/10/2024 12:00:00 AM

Notes: Infringement Issued UN 'Tuptup' 25/09/24 242

Further Notes:

Created By: SFOSTER

Memo Type: Animal Information **Date Created:** 08/10/2024 12:00:00 AM

Notes: 'Tuptup' non regd.

Further Notes:

Created By: SFOSTER

Memo Type: Inspection Details

Date Created: 08/10/2024 12:00:00 AM

Notes: 25-Sep-2024 08:00 242 Known dog at address non regd. UN infringement issued.

Further Notes:

Created By: SFOSTER

Memo Type: Request Closure Notes **Date Created:** 08/10/2024 12:00:00 AM

Notes: Request closed with Resolution Code: SERV

Further Notes: Closure Notes for Customer: Thank you for your request for service. We have processed your request and the status is now closed. Internal Notes: UN issued Work Completed By: SFOSTER

Created By: SFOSTER

Appendix D



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.: D514827
Name of dog owner: (forenames) £112abeth (surname) G1NDA
Street: (atherin Sewant Close
Suburb: Maunu
Locality: Whangarei
Date of Birth:
ALLEGED INFRINGEMENT OFFENCE DETAILS:
Date: 25 09 24 Time: 0900 Day: M T W TH F S SU
Street: Catherin Servant Close
Suburb: Maunu
Locality: Whangare
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):
Reg. No/Description of dog: TUPTUP (86028)
Officer Number: 247
INFRINGEMENT FEE PAYABLE: Please present this notice when making payment:
PAYMENT OF INFRINGEMENT FEE: Payable within 28 days after 08/10/24
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

Note: All queries and all-correspondence regarding this infringement must be directed to the Whangarei District Council,
Private Bag 9023, Whangarei 0143 or email: mailroom@wdc.govt.nz, phone (09) 430 4200

your dog without delay, and failing to do so may result in the issue of further infringement notices.



Whangarei District Council Request

Category

Request Number Date Received Source Priority AC2526492 05-Mar-2025 CONTRACTOR LOW

WDC.RQ.ANI

Sub-Category Description Created By Responsible Person DCI Animals SFOSTER CCONRADIE

AC

Responsible Resource Pool

Stage CLOSED

Resolution Details (if closed)

Thank you for your request for service. We have processed your request and the status is now closed.

Date Resolved

07-Mar-2025

Property Number Property Address

4 Whangarei 0179

Caller Name Armourguard Animal

Preferred Telephone Number

Management

Preferred Email

Address

Caller Address

Request Details PW1 - Maunu

Patrolled streets: Barge Park

Important Dates

Date Created 05-Mar-2025
Date Accepted 05-Mar-2025
Initial Inspection Date 05-Mar-2025
Date Scheduled 01-Jan-1900
Date Service Restored 01-Jan-1900

Comments

Memo Type: Inspection Details
Date Created: 05/03/2025 12:00:00 AM

Notes: 05-Mar-2025 14:18 officer 242 notes below

Further Notes: Outcome: Sighted known dog owner Elizabeth GINDA walking all 5 of her dogs through Barge Park showgrounds. All dogs off-lead including 'Leo' who is classified as menacing due to observed behaviour. No muzzle present either. Photos taken of Elizabeth and dogs, to be attached to CRM. 07/03/25 1200 - Generated infringement D510618 to be served to Elizabeth GINDA under S33EC(1). 1233 - Attempted to contact Elizabeth. No answer. 1243 - Spoke with Elizabeth via mobile phone. Advised of impending infringement for a breach of menacing classification under S33EC(1). Elizabeth acknowledged this breach and stated, "but no one was in the park at the time, you saw that". Reminded Elizabeth that the conditions still stand regardless of how busy an area is. Refer to photo and video added to

attachments. No further action required.

Created Bv: SFOSTER

Memo Type: Responsible Person **Date Created:** 05/03/2025 12:00:00 AM

Notes: Responsible person CCONRADIE has been assigned by Shaan Foster (notification email sent).

Further Notes:

Created By: SFOSTER

Memo Type: Animal Information

Date Created: 07/03/2025 12:00:00 AM

Notes: 'Leo' Further Notes:

Created By: SFOSTER

Memo Type: Infringement Number

Date Created: 07/03/2025 12:00:00 AM

Notes: Infringement Issued ME 'Leo' 05/03/25 242

Appendix E

Further Notes:

Created By: **SFOSTER**

Memo Type: Request Closure Notes **Date Created:** 07/03/2025 12:00:00 AM

Notes: Request closed with Resolution Code: SERV Further Notes: Closure Notes for Customer: Thank you for your request for service. We have processed your request and the status is now closed. Internal Notes: ME issued Work Completed By: SFOSTER

Created By: **SFOSTER** **Date:** 04/03/25 **Time:** 1418

Taken/provided by: Photo description:

Officer 1421

Photo showing Elizabeth GINDA breaching menacing conditions - AC2526492

Appendix E



Whangarei DOG INFRINGEMENT NOTICE
District Council Issued under authority of section 66 of the dog control act 1996
Private Bag 9023, Whangarel 0143
The Infringement fee is payable within 28 days after the service of this notice. Notice No.: D510618
Name of dog owner: (forenames) Elizabeth (surname) GINDA
Street: Catherin Servant Close
Suburb: Maunu
Locality: Whangave
Date of Birth:
ALLEGED INFRINGEMENT OFFENCE DETAILS:
Date: 05/03/25 Time: 1418 Day: M T W TH F S St
Street: Barge Park Snaygrounds
Suburb: Maunu
Locality: Whangaves
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
The state of the s
Other: 53 EC
Additional Details of Offence (if any):
Failure to comply with effects of class.
10 A 20 A
Theaton of agg as minacing ao
Reg. No/Description of dog: 120 \ V80507
Officer Number: 7417
INFRINGEMENT FEE PAYABLE: Please present this notice when making payment:
PAYMENT OF INFRINGEMENT FEE: Payable within 28 days after 07/03 /25
Please note that if you have been served with this Infringement Notice for failing to register a dog,

Note: All queries and all correspondence regarding this infringement must be directed to the Whangarei District Council,
Private Bag 9023, Whangarei 0143 or email: mailroom@wdc.govt.nz, phone (09) 430 4200

IMPORTANT - PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF

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.

In reply, please quote

Hearing of your objection

Or ask for

Zane K

08/08/2025

Whangarei

District Council

Te Iwitahi, 9 Rust Avenue, Whangārei Private Bag 9023, Te Mai,

Whangārei 0143, New Zealand

P +64 9 430 4200

E mailroom@wdc.govt.nz

www.wdc.govt.nz/ContactUs



Dear Elizabeth,

Hearing of your objection to dog owner disqualification

The purpose of this letter is to acknowledge that Council has received your objection to your dog owner disqualification status by way of email from your lawyer Kenton Starr on 25 July 2025. Council has organised a date with the appropriate committee for your objection to be heard and a decision to be made on your disqualification status.

Please understand if you are not able to attend the time and date set out below, and you do not get in touch with us to postpone, the hearing will go ahead and a decision to uphold or not uphold your disqualification status could be made without the committee hearing your objection.

Therefore, I suggest advising one of our animal control officers at Armourguard or Zane Kumar the Bylaws Enforcement Co-ordinator via email to zane.kumar@wdc.govt.nz to advise whether you will not attend.

- Your objection will be heard by the Exemptions and Objections committee at 9:00 am 19
 August 2025.
- The hearing will be held in the Council Chambers, in Te Iwitahi (Civic Centre), in Rust Avenue, Whangarei.

The Council Chambers are located on the ground level, in the new Civic Centre building on Rust Avenue. You are welcome to sit in the gallery until the meeting starts.

You may wish to bring a support person with you, and it is helpful to the committee if the submission you wish to make is in writing.

Appendix1F



If possible, please bring additional copies of you submission for the committee and staff in attendance (approximately 9). If you are not able to make any copies of the submission, then please let the Senior Democracy Advisor know on the day (ask reception for this person).

The Council Officer's/contractors report will be sent out to you before the meeting so that you are aware of the information that the committee will have in front of them.

The Chairperson directs the procedure of the hearing but broadly hearings of objections to disqualifications follow the below approach:

- 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 (you) presents their case, including any supporting evidence from witnesses. It is helpful to the Committee if the objector's main points or a summary of their case is provided in writing (this is optional, not a requirement).
- 5. Council officer's/contractors will speak on their report and is available to answer questions.
- 6. Only the objector is given the opportunity to have a right to reply. This gives you 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.

Yours faithfully

Zane K

Bylaw Enforcement Coordinator



16 July 2025

Bylaws Enforcement Whangārei District Council Te Iwitahi 9 Rust Avenue Whangārei 0110

By email: BylawEnforcement@wdc.govt.nz

Dear Zane

Elizabeth Ginda & Whangārei District Council | Enforcement Issues

- 1. As you are aware, we act for Elizabeth Ginda (Ms Ginda).
- 2. To summarise the context of this letter:
 - (a) On or about 30 April 2025 Whangārei District Council (**the Council**) issued to Ms Ginda a notice of disqualification of dog ownership (**Notice of Disqualification**) pursuant to Section 25 of the Dog Control Act 1996 (**DCA**).
 - (b) The Council issued the Notice of Disqualification on the basis that Ms Ginda had been issued with three or more infringement offences within a period of 24 months (s 25(1)(a) DCA).
 - (c) The three infringement offences referred to in the Notice of Disqualification were:
 - (i) D514413 4 September 2023, failure control or confine;
 - (ii) D514827 25 September 2024, failure to register dog; and
 - (iii) D510618 5 March 2025, failure to comply with effects of Menacing Classification.
 - (d) The latest infringement D510618 states that the menacing dog classification referred to was issued in respect of 'Leo' (ref 80502).

- (e) After the Notice of Disqualification was issued, Ms Ginda made an information request to the Council for records held concerning her dogs.
- (f) We wrote to the Council on 19 May 2025 following up on Ms Ginda's request. It was indicated to the Council that Ms Ginda had always disputed the Notice of Classification which she sought to formally challenge. This would have bearing on the validity of the Notice of Disqualification.
- (g) The Council agreed to hold off on any enforcement of the Notice of Disqualification until after it had sent us the information sought by Ms Ginda.
- (h) Information has now been provided to us by the Council in response to that request (although there are ongoing discussions about material/information that was redacted).
- 3. The information provided by the Council includes copies of a notice of classification of a menacing dog issued to Ms Ginda on 14 September 2023 in respect of her dog named Leo (**Notice of Classification**). The Council records indicate that the Notice of Classification was served on Ms Ginda on 15 September 2023.
- 4. The grounds provided for the Notice of Classification were that:
 - "... 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:
 - On the 4th September 2023 Leo attacked and bit a fifteen year old child."
- 5. Ms Ginda's objection to the classification is demonstrated in the contemporaneous records provided by the Council:
 - (a) Notes taken by Council on a green "Dog Incident" form dated 5 September 2023 (**Dog Incident Form**) record that on 13 September 20923 the "Dog owner contacted Whangarei Animal Management to ask about the evidence involved and why 'Leo' was impounded."
 - (b) Ms Ginda later voluntarily made a formal written statement to the Council on 25 September 2023. Along with other details, Ms Ginda stated:
 - (i) Leo goes for regular walks, meets new people and dogs, and has never had any previous issues; and
 - (ii) "I believe on the day that the girl gave Leo a massive fright and I believe that she needs to be educated on how to act around animals. Leo is a gentle giant and he has never done anything like this before. I am happy to walk Leo on a muzzle until this has come to a conclusion."

(c) The Dog Incident Form further states on 25 September 2023:

"Dog owner statement completed with Liz at Whangarei Animal Management. She is stating that Leo only jumped on her and there was no bite. She thinks that the [redacted] ran into her and that the [redacted] should be educated on how to act around dogs. Dog owner is in denial that her dog bit anybody."

- 6. Section 33B DCA enables a dog owner to object to a menacing dog classification. There is no specified procedure or form for an objection to be lodged, other than the requirement that it is made in writing within 14 days of receiving notice of the classification.
- 7. It would have been apparent to the Council that Ms Ginda objected to the classification. Ms Ginda disputed the grounds set out in the Notice of Classification, stating that there was no bite and that Leo's behaviour was a reaction to fright rather than an attack. By agreeing to walk Leo on a muzzle "until this has come to a conclusion" Ms Ginda referenced the conditions of the classification. She clearly viewed the matter as unresolved.
- 8. Ms Ginda's objections were recorded in writing by the Council before the expiration of the 14-day period after the Notice of Classification was issued. Therefore Ms Ginda made a valid s 33B objection to the menacing dog classification.
- 9. At the time, Ms Ginda had not yet been provided with a copy of the complainant's statement or other information which she had requested from the Council. Ms Ginda was therefore unable to fully respond to the allegations underpinning the classification. There are clear factual conflicts between Ms Ginda's statements and those of the complainant. The principles of natural justice require that Ms Ginda is given an opportunity to respond to those allegations after being properly informed of the entire basis of the classification. Furthermore, a dog owner has a right to be heard in support of an objection (s 33D(1)(b) DCA).
- 10. The Council has not yet offered Ms Ginda an opportunity to be heard in support of her objection. The objection was never determined. This is evident as the Council did not give written notice of its determination of the objection and reasons (as required by s 33D(4) DCA).
- 11. Ms Ginda's objection is therefore still pending, awaiting a hearing and determination.
- 12. Since the Council took no steps to determine Ms Ginda's objection, the Council should not have issued the infringement notice for failing to comply with the classification (D510618). The issue of that infringement was unreasonable and unlawful. The infringement is therefore invalid and therefore does not record an offence.
- 13. As the infringement D510618 is invalid, the Notice of Disqualification is also invalid. The Notice of Disqualification was issued on the basis that Ms Ginda had been issued with three or more infringement notices within 24 months. Since one of those

- infringement notices was invalid, the Notice of Disqualification could not be validly issued. None of the other grounds for disqualification in s 25 DCA apply.
- 14. We request confirmation from the Council that infringement D510618 and the Notice of Disqualification are invalidated and of no effect.
- 15. Since the period of non-enforcement of the disqualification by Council runs to 28 July 2025 (based on your email correspondence), we seek a response from the Council in terms of the above by 5.00pm 21 July 2025.
- 16. If the Council requires more time to consider the matters raised in this letter, we are willing to extend our timeframe, provided that the Council agrees to extend the period of non-enforcement accordingly.

We look forward to your response.

Yours faithfully Molloy Batts

Kenton Starr Associate

kenton@molloybatts.co.nz

Ph: 09 368 1810

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:

The making available of information would be likely to unreasonably prejudice the 1. commercial position of persons who are the subject of the information. {Section 7(2)(c)} To enable the council (the committee) to carry on without prejudice or disadvantage 2, 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)}. To protect information which is the subject to an obligation of confidence, the publication of 5. 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. {Section7(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
"Thatbe permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of

Note:

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