

## Exemptions and Objections Sub Committee Agenda

**Date:** Monday, 22 April, 2024

**Time:** 9:30 am

**Location:** Civic Centre, Te Iwitihi, 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.

<b>1. Declarations of Interest / Take Whaipānga</b>	
<b>2. Apologies / Kore Tae Mai</b>	
<b>3. Confirmation of Minutes of Previous Exemptions and Objections Committee Meeting / Whakatau Meneti</b>	
3.1 Minutes Exemptions and Objections Committee Meeting 7 March 2024	5
<b>4. Decision Reports / Whakatau Rīpoata</b>	
4.1 Donald Hedges objection to disqualification from dog ownership	7
<b>5. Public Excluded Business / Rāhui Tangata</b>	
<b>6. Closure of Meeting / Te katinga o te Hui</b>	
<p>Recommendations contained in the agenda are not the decisions of the meeting.</p> <p>Please refer to minutes for resolutions.</p>	

## ***Exemptions and Objections Committee - Terms of Reference***

### **Membership**

<b>Chairperson</b>	Councillor Ken Couper
<b>Members</b>	His Worship the Mayor Vince Cocurullo Councillors Deborah Harding, Patrick Holmes and Scott McKenzie
<b>Quorum</b>	<b>3</b>
<b>Meetings</b>	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.





## Item 3.1

### Exemptions and Objections Sub-committee Meeting Minutes

**Date:** Thursday, 7 March, 2024  
**Time:** 9:00 a.m.  
**Location:** Civic Centre, Te Iwitahi, 9 Rust Avenue

**In Attendance**

Cr Ken Couper (Chairperson)  
 Cr Deborah Harding  
 Cr Patrick Holmes  
 Cr Scott McKenzie

**Not in Attendance**

His Worship the Mayor Vince Cocurullo

**Also present**

Reiner Mussle (Manager Health & Bylaws)  
 Zane Kumar (Bylaw Enforcement Coordinator)  
 Peter Banks (Manager, Animal Management, Armourguard)  
 Christine Crawford (Executive Officer, Animal Management, Armourguard)

**Scribe**

N. Pestana (Team Leader, Democracy)

**1. Declarations of Interest / Take Whaipānga**

No interests were declared.

**2. Apologies / Kore Tae Mai**

His Worship the Mayor – away on Council business.

**Moved By** Cr Deborah Harding

**Seconded By** Cr Patrick Holmes

That the apology be sustained.

**Carried**

**3. Confirmation of Minutes of Previous Exemptions and Objections Committee Meeting / Whakatau Meneti**

**3.1 Minutes Exemptions and Objections Committee 8 November 2023**

**Moved By** Cr Patrick Holmes

**Seconded By** Cr Scott McKenzie

That the minutes of the Exemptions and Objections Sub-Committee meeting held on Wednesday 8 November 2024, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

**Carried**

**4. Decision Reports / Whakatau Ripoata**

**4.1 Waina Murray Objection to Disqualification from Dog Ownership**

Waina Murray appeared in person and withdrew his objection to the disqualification from dog ownership, which was accepted by the Committee.

**5. Closure of Meeting / Te katinga o te Hui**

The meeting concluded at 9.04am.

Confirmed this 22<sup>nd</sup> day of April 2024

Councillor Ken Couper (Chairperson)

## 4.1 Objection to Disqualification of Dog Ownership

**Meeting:** Exemptions and Objections Committee  
**Reporting officers:** Reiner Mussle, Manager Health and Bylaws  
 Zane Kumar, Bylaw Enforcement Co-Ordinator  
**Date of meeting:** 22 April 2024

Time	Hearing	Name
09:30am	Objection to dog owner disqualification	Donald Hedges

### Hearing Procedure

#### Objection under the Dog Control Act 1996

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

A written decision will be issued as soon as practicable.

## Report to Exemptions and Objections Committee

### Introduction

The purpose of this hearing is to hear and determine the objection lodged by Donald Hedges to a disqualification from dog ownership.

### Background

Council issued Mr Hedges with a notice disqualifying him from dog ownership on the 9<sup>th</sup> of August 2022 (Appendix A) for a period of 3 years from 27 March 2022 to 27 March 2025. This is due to Mr Hedges having received three infringements, relating to three separate occasions, within a twenty-four-month period. Mr Hedges applied to have the decision to disqualify him from dog ownership reviewed in 2023. The committee on 4<sup>th</sup> April 2023 upheld the disqualification from dog ownership. Mr Hedges has again applied on 02<sup>nd</sup> of April 2024 to have the decision to disqualify him from dog ownership reviewed (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.

Under section 26(2) of 'the Act', Mr Hedges has the right to object to the disqualification every 12 months after the previous hearing of an objection to the disqualification (Appendix H1). Mr Hedges submitted an objection by letter (Appendix B) on the 02<sup>nd</sup> of April 2024 and subsequently, accepted by Council. The disqualification effects remain in place until a decision by the Committee is made as to whether to uphold the decision or not.

### **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 Mr Hedges.

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 Mr Hedges.

## Assessment

### Nature of offences:

The disqualification of dog ownership for Mr Hedges is based on three separate incidents reported by members of the public to Council's animal management and enforcement contractor, Armourguard. On all three occasions, an infringement was issued for a failure to control and confine Mr Hedges dogs. Infringements and summary of incidents forming the basis for the disqualification:

Date issued:	Infringement no:	Description:
17/05/2021	D507727	Failure to control and confine dog
27/11/2021	D508523	Failure to control and confine dog
27/03/2022	D508576	Failure to control and confine dog

### First incident - 17th May 2021 (Appendix C)

Armourguard were called by a member of the public on the 17th of May 2021 to lodge a formal complaint in relation to Mr Hedges dog, 'Limpet'. The complainant stated they were driving past Mr Hedges address when 'Limpet' left its property and approached the complainant's vehicle. The complainant had their driver's window down, and the dog jumped onto the car and started growling at the complainant through the window. Mr Hedges was present during the incident and attempted to call 'Limpet' back into the property. Eventually, 'Limpet' retreated, and the complainant drove off. The complainant mentions in their statement (Appendix C) that previously, 'Limpet' had shown the complainant this kind of rushing/aggressive behaviour on multiple occasions, although not reported to Armourguard.

On the 26th of May, an Armourguard officer visited Mr Hedges property to follow up on the complaint, however, Mr Hedges and 'Limpet' were not present. During this visit, a nearby resident spoke with the officer and mentioned they'd seen Mr Hedges allow 'Limpet' to chase cars and bite the vehicles tyres. The Armourguard officer suggested they report the next incident and/or take photos for evidence.

On the 3rd of June, an Armourguard officer re-visited the address and spoke with Mr Hedges regarding the initial incident. Mr Hedges acknowledged the incident, and the officer issued a failure to control and confine infringement as well as warning Mr Hedges of the risks of allowing 'Limpet' to chase vehicles and bite the tyres. Mr Hedges indicated he had fencing ready to be installed to the property to better confine his dogs.

### Second incident - 27 November 2021 (Appendix D)

Armourguard received a complaint from a member of the public in relation to a rushing incident involving 'Limpet'. Mr Hedges was driving when he pulled over and got out of his vehicle to speak with the complainant regarding an unrelated topic. 'Limpet' and 'Bruno' (another dog belonging to 41 Mr Hedges) jumped out of Mr Hedges driver's door window and onto the road. Although 'Limpet' showed no signs of aggression, the dog approached the complainant. As the complainant did not trust 'Limpets' behaviour, they kicked the dog away and subsequently, the dog yelped, and both 'Limpet' and 'Bruno' ran into the complainant's parents' property. Mr Hedges did not react or recall the dogs, and only until Mr Hedges returned to his car, the dogs followed him in.

Later that day, the complainant visited Mr Hedges property for an unrelated purpose. As the complainant left Mr Hedges property and drove off in their vehicle, 'Limpet' started biting the vehicles tyres and chased the vehicle down the road.

An Armourgard officer attempted to visit and call Mr Hedges on multiple occasions, however, was unsuccessful in contacting him. Mr Hedges was issued an infringement for failing to control and confine 'Limpet'.

### **Third incident - 27 March 2022 (Appendix E)**

Armourgard received a call from a member of the public regarding being rushed at by 'Limpet'. The complainant, riding a bicycle, and their grandson, riding a scooter, were passing Mr Hedges address. Mr Hedges gates were left open, and 'Limpet' left its property and rushed at the complainant's grandson, barking, and growling. The complainant stood between the two, yelling and chasing the dog back inside the property. Mr Hedges attempted to grab 'Limpet' and secure the dog, while the complainant and their grandson continued down the road.

On the 8th of April an Armourgard officer visited the property to explain and follow up on the complaint. During this visit, Mr Hedges allowed 'Limpet' and 'Bruno' out of his property, and onto the public footpath in front of the officer. 'Limpet' jumped onto the officer in a playful manner, and the officer pushed the dog down and closed both dogs inside the property. The officer explained the severity of the incident, however, as Mr Hedges struggled to hear the officer, the officer raised concerns that Mr Hedges may not have understood the severity of the events.

As a result, 'Limpet' was impounded and later released to Mr Hedges on 11th April. A failure to control and confine infringement issued, a menacing classification was placed on 'Limpet', and Mr Hedges was advised that Council would consider disqualification. Subsequently, Council disqualified Mr Hedges following his third infringement being issued.

### **Any steps taken by the owner to prevent further offences**

Although Mr Hedges has previously mentioned steps to prevent offending, including installing fencing, his extensive history of dog related issues makes it difficult to point out any effective steps he has taken. In fact, on 29/10/2022 'Limpet' was impounded due to Mr Hedges failure to comply with the disqualification, Limpet was eventually signed to a new owner (Appendix F).

### **Any other relevant matters**

It is submitted to the Committee that while Mr Hedges disqualification from dog ownership ends in March next year. Mr Hedges has made no real effort to improve his dog ownership. The matters that were before the committee last year on the 4<sup>th</sup> of April 2023 are still relevant. Mr Hedges has an extensive history as a dog owner having registered 11 dogs, accumulated 26 dog related infringements, and is linked to 46 animal related enquiries. 'Appendix F' sets out the dates, complaints and/or offences and the results of each infringement and animal related enquiry.

On the 10th of July 2018, Mr Hedges was made a probationary owner under section 21 of 'the Act' (Appendix G) following having received three infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months. A probationary owner is similar to a disqualification; however, a probationary owner is permitted to retain their already registered dog/s but are not permitted to become a registered owner to any new/additional dogs. Mr Hedges probationary classification was in place from 16 November 2017 until 16 November 2019. Making Mr Hedges a probationary owner on this occasion was not explored, due to Mr Hedges history, and the fact he is currently disqualified from owning dogs. It is also a fact that Mr Hedges has previously been made a probationary owner. Mr Hedges originally objected to being a probationary owner, resulting in an August 2019 hearing. The Committee decided to uphold the classification (Appendix H).

## 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 Mr Hedges 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. Along with the fact that Mr Hedges when submitting his most recent objection, has not provided any evidence of an improvement of his dog ownership skills, leading to a situation where the matters previously considered by the committee in April 2023 where the decision was to uphold the disqualification are still relevant.

The continuation of the disqualification to its full end date of March 2025 not only benefits the community from ongoing dog issues, but also benefits dogs and their safety. Council and Armourguard have now exhausted their options in working with Mr Hedges to become a responsible dog owner as he continues to show a lack of confinement for his dogs.

## Recommendation

That the Exemptions and Objections Committee hear the objection to disqualification from dog ownership.

Following deliberations:

That the Exemptions and Objections Committee determine whether the disqualification is either **upheld** or **immediately terminated** or **the date of termination brought forward**.

## Appendices

Appendix A: Notice of disqualification

Appendix B: Letter of Objection

Appendix C: 17 May 2021 File

Appendix D: 27 November 2021 File

Appendix E: 27 March 2022 File

Appendix F: Related history

Appendix G: Probationary notice

Appendix H: Probationary owner objection- August 2019 EOC decision

Appendix H1: April 2023 EOC decision to uphold disqualification

Appendix I: Confirmation of hearing

Appendix J: Relevant legislation



In reply please ask for

Nina Darling - Bylaws Enforcement Co-ordinator

9<sup>th</sup> August 2022

Donald Hedges



Forum North, Private Bag 9023

Whangarei 0148, New Zealand

P +64 9 430 4200

E [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz)

[www.wdc.govt.nz](http://www.wdc.govt.nz)

Dear Donald Hedges,

### ***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 infringement notices that have been issued to you are set out below:

Date:	Infringement No:	Description:
17/05/2021	D507727	Failure to control and confine
27/11/2021	D508523	Failure to control and confine
27/03/2022	D508576	Failure to control and confine

The disqualification is for a period of 3 years from the date of the most recent infringement offence and so the disqualification will apply until 27/03/2025.

You are entitled to object to this classification 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



Reiner Mussle

**Manager - Health and Bylaws**

# Whangarei District Council Notice of disqualification from dog ownership

r 2

## Section 25, Dog Control Act 1996

Donald Hedges

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

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.

The disqualification will apply from 27<sup>th</sup> March 2022 until 27<sup>th</sup> March 2025.

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

Signature of officer of Whangarei District Council:



Date: 10<sup>th</sup> August 2022

## 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.

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

Served 10/8/22  
by officer 95.

- 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).





-2 APR 2024

WHANGAREI DISTRICT COUNCIL

Whangarei District Council

DM Hedges



1-4-24

Re Dog Disqualification

I would ask Council to review situation with hope that it could be removed after 12 months.

I have rehoused dog hoping that caused the infringement of being unrestrained at Pakarua save I can park as no aggressive behavior was caused as he escaped from my vehicle to look for food scraps. I would like to have a companion dog called Bruno that I also rehoused to Rodney Wallace that is a vagrant and can not care for him but is registered to him. A containment problem exists with my neighbour at 15 who has removed the coloured steel boundary fence that needs restoring to stop dog entering their place. Could Council ask them to repair it to fence poles so their \$2000 presence at would be saved? Many neighbourhoods have dogs running free that are only a problem caused by aggressive dogs attacking neighbours pet dogs. Could Council consider a Pukei Island dog free area with a pontoon for a swim and refreshment enjoyment? also at Pukei where I took him?





# Dog Incident

☐ WHANGAREI DISTRICT

## Appendix C

PEN #

CRM #

AC084681

Officer 194

Date 17 / 5 / 21 S (M) T W T F S

Dispatch Number

Time received 9:45 Actioned 1002 Arrived 1010 Completed 1015

Complainants Name

Address

Phone Number

Email

Complainant to be advised? ☒ Yes

Time / date contacted

Dog(s) are at

Dog Owner Name

Donald Hedges (28560) (287555)

Address

Phone Number

DOB

Type of complaint:

☐ Attack☐ Patrol☐ Into Refuse☒ Rushing☐ Collection☐ Trap☐ Wandering☐ Revisit☐ Worring Stock☐ Barking☐ Unregistered☐ Conditions

Action:

☐ Barking Notice Served☐ Seizure/Impounded☐ Infringements Issued☐ Revisit Required

Complaint

Ru? Pitbull- Dark Brown/Black - rushed a bailed Grandson  
Grandson is terrified to walk up road. Complainant advises  
that the owner of these dog has another dog but is very friendly

Dog Details:

Tech One ID 75560

Registration Number 21064

☒ Male ☐ Female

Name Limpet

Microchip 934000090223260

Breed Bull Terrier Cross

Result FCC

Colour Black

Result Date 03/06/2021

Officers Comments

1002 spoke to comp, he will come in  
today for a statement, he is unable to bring

Canine Health Check:

Body Score 1-5:

☐ Very Poor☐ Poor☐ Normal☐ + Weight☐ ++ Weight

Demeanor:

☐ Normal☐ Timid☐ Aggressive☐ Other

General Body:

☐ Healthy☐ Poor☐ Wounds☐ Other

Returned to Owner

/ /

Time

Receipt Number



Appendix C

Notes: in his grandson today.

Notes Spoke to:

Statement obtained from [REDACTED] regarding rushing which occurred on 15th May 2021 in the presence of his grandson [REDACTED]

Please CRM and return Thank you.

26/05 916 visited [REDACTED] She advised she had witnessed the incident when the comp's grandson has been rushed at by the dog when riding his scooter/bike along the road. She advised she knows of Don letting the dog chase his car down the road and the dog is always biting at the wheels. I asked if in future would she be able to take any photo evidence if she felt safe to do so, so we can get a history for the dog.

938 Visited Don Hodges property - Don was not home. Spoke to [REDACTED] and sighted Titus back at the address - photos taken.

03/06 Visited property - Don was home - Don was aware of the incident. I advised there will be an FCC - he understood this. He spoke about Limpet chasing the tires on cars. I encouraged him to stop doing this/and/or allowing limp to do this. We spoke about the risk it causes for both the dog and driver. Don showed me some fencing/gates he was wanting to put up to help confine Limpet and the other dogs inside the property.

1554 Spoke to comp and advised the outcome regarding the FCC. I also asked if the comp



Notes: Was comfortable to do so to take photos of the dog when he sees the dog out. Comp became aggressive and abusive stating we don't do our job, useless etc, etc. I stated I was not going to be spoken to in that manner and I was ending the conversation. Comp then hung up on me.

FCC DS07727 Issued

## ANIMAL MANAGEMENT PROSECUTION FILE

## COMPLAINANT

property. Don witnessed the incident from a distance of 20 meters. I did not see Don shut the gate or secure the dog after the incident. My Grandson and I continued to ride up the hill towards [REDACTED]

When we returned home Don has shut the gate and the offending dog was not seen. I am familiar with this dog because I have lived [REDACTED]. I reported a incident approx 6 months ago to Animal Management ~~off~~ involving the same dog.

The dog has not physical touched me or my Grandson but the dogs behaviour shows the signs that it would attack if I did not defend my Grandson on this occasion. Since the last incident my Grandson has been to afraid to visit me due to the fear of the [REDACTED] dog. The second dog belonging to Don is a wandering nuisance but does not show the same level of aggression as the brown dog.

Signature [REDACTED]

## Appendix C<sup>23</sup>

### ANIMAL MANAGEMENT PROSECUTION FILE

### COMPLAINANT



Due to the dogs aggression and history of incidents I believe this dog needs to be destroyed.



Signature







# Dog Incident

25

PEN #

☐ WHANGAREI DISTRICT

CRM #

## Appendix D

AC221227

Officer

160

Date

29 / 11 / 21

S (M) T W T F S

Dispatch Number

Time received

1430

Actioned

1520

Arrived

1520

Completed

1530

Complainants Name

Address

Phone Number

Email

Complainant to be advised?

☐ Yes

Time / date contacted

Dog(s) are at

Dog Owner Name

Don Hedges (287555)

Address

Phone Number

DOB

Type of complaint:

☐ Attack☐ Patrol☐ Into Refuse☒ Rushing☐ Collection☐ Trap☒ Wandering☐ Revisit☐ Worrying Stock☐ Barking☐ Unregistered☐ Conditions

Action:

☐ Barking Notice Served☐ Seizure/Impounded☐ Infringements Issued☐ Revisit Required

Complaint

Dark Brown dog belonging to Don Hedges, jumped out of car window outside my property and attempted to nip my son (37 years). Incident happened 29th (Saturday) 1030 approx.

Dog Details:

Tech One ID

75860

Registration Number

10550

☒ Male☐ Female

Name

Limpet

Microchip

Breed

Staff x

Result

Statement taken

Colour

Dark Brown / Brindle

Result Date

15 / 12 / 21

Officers Comments

1520 message left for [redacted]

Canine Health Check:

Body Score 1-5:

☐ Very Poor☐ Poor☐ Normal☐ + Weight☐ ++ Weight

Demeanor:

☐ Normal☐ Timid☐ Aggressive☐ Other

General Body:

☐ Healthy☐ Poor☐ Wounds☐ Other

Returned to Owner

/ /

Time

Receipt Number

PTO

1/12 1805 Spoke to [REDACTED] - describes aggressive rushing type event. Agreed to make a formal statement.

Dark brown or brindle, dark face, med-lge, male, doesn't know name, scars on face.

15/12 1400 [REDACTED] interviewed and statement taken. Downgraded to wondering based on dog's behaviour. Signed Christine.

20/12 1230 Visited property - No one home. Calling card left. Have been unsuccessful trying to reach Don by phone to explain. FCC.

23/12 No response from Don. Upgraded FCC based on witness statement.

DS#8523.

NFA.





ECL  
15/12/21

**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:



# COMPLAINANT

## Appendix D

Personal Details			
<input checked="" type="checkbox"/> Complainant		<input type="checkbox"/> Victim	
Title:		Date of Birth	
Name:			
Address:			
Home Phone:		Work Phone:	
Mobile Phone:			
Email:			

DOG DETAILS			
Number of dogs involved: <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 or more (attach separate sheet)			
Dog 1		Dog 2	
Gender:	Male	Gender:	
Size:	Med-Lge	Size:	
Ears:		Ears:	
Tail:	Long	Tail:	
Breed:		Breed:	
Colour:	DK Brown	Colour:	
Collar:	or Bridle	Collar:	
Distinguishing Features:		Distinguishing Features:	
Scars on face			

**COMPLAINANT****Appendix D****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 #: 160**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.)

Don Hedges.

# COMPLAINANT

## Appendix D

### Complainant Statement

On the (date) 27th of November 2021 at approximately (time) 1030

I was at (place) [REDACTED]

What happened?

digging up [REDACTED] drive-way  
 when Don Hedges pulled up in his vehicle to talk to me about clean fill he wanted from the driveway.  
 As we were talking, his dark brown brindle dog and a tan dog jumped out of the drivers side window which was only a small gap. Don was out of the vehicle talking to me on the driveway.  
 The dark brown dog came over to sniff the back of my legs - he wasn't acting aggressively as such, he didn't run at me, bark or growl he was just super cagey and I didn't trust him. I pushed him away with my boot and he yelped and took off into [REDACTED] Section, going nuts looking for [REDACTED] Cats. Don wasn't fazed, didn't try to call them back or get the dogs under control. Eventually he got back into the car and they followed.  
 The same day, later that after-

Signature





## COMPLAINANT

Appendix D

now I delivered the dirt to Dons house. This black brach dog just has such a menacing way about it. I really thought it might bite me just by the way it was acting. The behaviour is described as 'fidgety', the dog is clearly uncomfortable with strangers. It was going at my truck tyres when I jumped back in and followed me up the road.

I'm concerned about this dog and the lack of control Don shows. He just doesn't seem to care about this dog's behaviour.



Signature

## COMPLAINANT

Appendix D**Declaration**

This statement is true and I have made with the knowledge that it is to be used in court proceedings (Pursuant to section 82 of the Criminal Procedure Act 2011).

Print Name: [REDACTED]

Signature:  Date: 15/12

Name of parent/guardian: \_\_\_\_\_  
(where complainant is less than 16 years old)

Signature of parent/guardian: \_\_\_\_\_  
(where complainant is less than 16 years old)

Statement recorded at: \_\_\_\_\_

AMO Name: \_\_\_\_\_ AMO Number: \_\_\_\_\_

AMO Signature: \_\_\_\_\_ Date and Time: \_\_\_\_\_

**Please Note:** if the Whangarei District Council finds evidence of an offence and your matter goes to court, you may be required to attend court to give evidence. If the Council decides to pursue a prosecution, a court order for the destruction of any offending dogs will be sought

(Office Use Only: Animal Management Officer Tick one)

- ☐ Complainant has confirmed that they are prepared to attend a court hearing and give evidence if necessary.
- ☒ Complainant has confirmed that they are NOT prepared to attend a court hearing and give evidence.

Signature  Date \_\_\_\_\_

**INJURY INFORMATION SHEET - PERSON****Medical**

Did you/ the victim seek medical treatment following the incident?

☐ No ☐ Yes Date \_\_\_\_\_ Time \_\_\_\_\_

Where did you/ the victim receive treatment?

**COMPLAINANT****Appendix D**

Describe your/ victim's injuries:

Describe the medical treatment you/ the victim received:

---

---

**Injuries**

Did you/ the victim receive injuries?

☐ No



Yes

Please indicate on the diagrams the part of the body that was injured





# Dog Incident

☐ WHANGAREI DISTRICT

## Appendix E

PEN #

8

CRM #

AC222163

Officer #95 Date 27 08 22 S M T W T F S

Dispatch Number 0389

Time received 1024 Actioned 1025 Arrived 1036 Completed 1104

Complainants Name [REDACTED]

Address [REDACTED]

Phone Number [REDACTED] Email [REDACTED]

Complainant to be advised? ☐ Yes Time / date contacted [REDACTED]

Dog(s) are at [REDACTED]

Dog Owner Name Don Hedges #287555

Address [REDACTED]

Phone Number [REDACTED] DOB [REDACTED]

### Type of complaint:

- |   |                                       |   |
|---|---------------------------------------|---|
| <input checked="" type="checkbox"/> Attack  | <input type="checkbox"/> Patrol       | <input type="checkbox"/> Into Refuse    |
| <input checked="" type="checkbox"/> Rushing | <input type="checkbox"/> Collection   | <input type="checkbox"/> Trap           |
| <input type="checkbox"/> Wandering          | <input type="checkbox"/> Revisit      | <input type="checkbox"/> Worriyng Stock |
| <input type="checkbox"/> Barking            | <input type="checkbox"/> Unregistered | <input type="checkbox"/> Conditions     |

### Action:

- |  |
|--|
| <input type="checkbox"/> Barking Notice Served |
| <input type="checkbox"/> Seizure/Impounded     |
| <input type="checkbox"/> Infringements Issued  |
| <input type="checkbox"/> Revisit Required      |

Complaint Caller and his Grandson were attacked by two dogs from this property. Owners name is Don and has been warned various times.

### Dog Details:

Tech One ID 75560 Registration Number 01064 ☒ Male ☐ Female

Name Limpet Microchip 934000090223260

Breed Labrador x Result Impounded

Colour Black Result Date 8/4/2022

Officers Comments Phoned [REDACTED] and confirmed incident details. 29/3 1230 Official statement recorded

### Canine Health Check:

Body Score 1-5:	<input type="checkbox"/> Very Poor	<input type="checkbox"/> Poor	<input checked="" type="checkbox"/> Normal	<input type="checkbox"/> + Weight	<input type="checkbox"/> ++ Weight
Demeanor:	<input checked="" type="checkbox"/> Normal	<input type="checkbox"/> Timid	<input type="checkbox"/> Aggressive	<input type="checkbox"/> Other	
General Body:	<input checked="" type="checkbox"/> Healthy	<input type="checkbox"/> Poor	<input type="checkbox"/> Wounds	<input type="checkbox"/> Other	

Returned to Owner 12/04/2022 Time 1130hrs Receipt Number [REDACTED]



at Whangarei Animal Management

No physical contact made by dog so incident was downgraded to a rushing incident.

8/4/22 1124 - Visited Don Hedges and explained investigation. Don verbally given BORA caution and explained process of investigation. S69 ST002920 issued by hand and claimed in writing.

As I was explaining the process to Don he let both "Limpet" and "Bruno" outside the property onto the public footpath. Don had no control over any dog so "Limpet" jumped up to me in a friendly manner while standing on the footpath. I pushed "Limpet" off me and closed him inside the property.

Don immediately started brainstorming ways to prevent this happening again despite the witnessing "Limpet" jumping on me in front of him. Don has suggested chaining up the two fences to avoid visitors leaving the gates open would be a solution to the problem. Don was very hard of hearing so I don't feel like he understood the severity of the incident.

"Limpet" uplifted and impounded.

11/4 1210 - Complainant positively identified "Limpet" at Whangarei Animal Management. He was explained the release process and possible outcome.

12/4 "Limpet" released back to Don Hedges. Menacing classification explained and advised consideration for disqualification is pending from Council. PEC to be issued.

PEC 508576 issued.

Reminder set for 56 day to complete disqualification.



Appendix E

## NOTICE OF SEIZURE AND IMPOUNDING OF DOG

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

Date: 08/04/2022

Time: 1124

Notice No.:

SI002920

Name: (Mr/Mrs/Miss/Ms)

Don Hedges

Address:

[Redacted Address]

Postcode:

Dog ID	Dog Name	Breed	Colour	Sex	Microchip No.
75560	Limpet	Lab x	Brown	M	9340000
					90223260

This is to notify you that the dog described above has been seized and impounded under the Dog Control Act 1996 for the following reason(s):

- ☐ Section 32 - Failing to comply with dangerous classification
 ☐ Section 57 - Dog attacking person or animal  
☐ Section 33EC - Failing to comply with menacing classification
 ☒ Section 57A - Dog rushing at person, animal or vehicle  
☐ Section 42 - Failing to register a dog
 ☐ Section 60 - Dog running at large among stock or poultry  
☐ Section 52A - Failure to control or confine  
☐ OTHER

Unless the dog is claimed and any fee paid within 7 days of the receipt of this notice, it may be sold, destroyed or otherwise disposed of pursuant to Section 69(2) of the Dog Control Act 1996.

**You have until 4.00pm on 15/04/2022 to claim your dog. Payment to be made by EFTPOS.**

- ☒ As the dog is not currently registered the dog must be registered/microchipped/de-sexed before it will be released.  
☒ As the dog is registered it will need to be microchipped/de-sexed before it will be released.  
☒ As the dog has been seized pursuant to section 57 or 57A, if you claim the dog after paying the fees the dog may be retained pursuant to section 71 of the Dog Control Act 1996 on the basis that it is a threat to public safety. A notice will be served to you pursuant to section 71 of the Dog Control Act 1996.

### Fees:

Registration

[Redacted]

Impounding

146-203

Microchipping

[Redacted]

Sustenance

\$25.00

per night

Your dog is currently housed at the following location:

Whangarei District Council Animal Shelter, 109 - 115 Kioreroa Road, Whangarei

AMO Name:

Christine

AMO Number:

95

JOP 702AL

# Appendix E

Date: 8/4/22 Time: ..... CRM: AC222163  
Photo taken/provided by: ..... Officer 95 .....  
Photo description: ..... "Limpet" .....



**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:

## ANIMAL MANAGEMENT PROSECUTION FILE

### COMPLAINANT



Personal Details			
<input type="checkbox"/> Complainant		<input checked="" type="checkbox"/> Victim	
Title:		Date of Birth	
Name:			
Address:			
Home Phone:		Work Phone:	
Mobile Phone:			
Email:			

DOG DETAILS			
Number of dogs involved: <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 or more (attach separate sheet)			
Dog 1		Dog 2	
Gender:	Male	Gender:	
Size:	Medium - Large	Size:	
Ears:	Pointed up.	Ears:	
Tail:	long.	Tail:	
Breed:	Mixed Bull Terrier	Breed:	
Colour:	Dark brown/black	Colour:	
Collar:	none described.	Collar:	
Distinguishing Features:		Distinguishing Features:	

## ANIMAL MANAGEMENT PROSECUTION FILE

### COMPLAINANT



### DOG IDENTIFICATION

☐ Dog not positively identified

☐ I am familiar with offending dog(s)

☒ I have seen offending dog confined on property at:

[Redacted address]

☐ 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) 11/04/22 at (time) 1210hrs.

☐ 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.)
<p><u>Don</u></p> <p>[Redacted description]</p>



## ANIMAL MANAGEMENT PROSECUTION FILE

### COMPLAINANT



#### Complainant Statement

On the (date) Sunday 27/3/2022 at approximately (time) 10 am.

I was at (place) [REDACTED]

What happened? I had left my address and was walking up [REDACTED] towards Morningside Road. I was on a pushbike and my Grandson, age 10, was on a scooter.

As we approached Don's address, at a distance of approx 10 meters of the gate to [REDACTED] I heard the black dog bark at our presence. The gate was wide open with the owner Don, nearby. The dog run towards ~~the~~ my ~~Grand~~ Grandson onto the road. The dog stopped two meters in front of my Grandson barking and growling. The dogs behaviour was very territorial with intent to attack. My Grandson froze on the ~~the~~ spot and looked at me for help. I have moved towards the dog, while it continued to bark and growl, and stood between the dog and my Grandson. I yelled at the dog and chased it back inside the property of [REDACTED] Don attempted to grab his dog ~~at~~ and secure it on the

Signature

[Signature]

## COMPLAINANT

property. Don witnessed the incident from a distance of 20 meters.

I did not see Don shut the gate or secure the dog after the incident. My Grandson and I continued to ride up the hill towards Morningside Road.

When we returned home Don has shut the gate and the offending dog was not seen. I am familiar with this dog because [REDACTED]

[REDACTED] I reported a incident approx 6 months ago to Animal Management ~~app~~ involving the same dog.

The dog has not physical touched me or my Grandson but the dogs behaviour shows the signs that it would attack if I did not defend my Grandson on this occassion. Since the last incident my Grandson has been to afraid to visit me due to the fear of the neighbours dog. The second dog belonging to Don is a wandering nuisance but does not show the same level of aggression as the brown dog.

Signature





ANIMAL MANAGEMENT PROSECUTION FILE

COMPLAINANT



Due to the dogs aggression and  
history of incidents I believe this  
dog needs to be destroyed.

Rdo

Signature



## ANIMAL MANAGEMENT PROSECUTION FILE

## COMPLAINANT



## Declaration

This statement is true and I have made with the knowledge that it is to be used in court proceedings (Pursuant to section 82 of the Criminal Procedure Act 2011).

Print Name: [REDACTED]Signature: Date: 29/3/22

Name of parent/guardian: \_\_\_\_\_

(where complainant is less than 16 years old)

Signature of parent/guardian: 

(where complainant is less than 16 years old)

Statement recorded at: \_\_\_\_\_

AMO Name: ChristineAMO Number: 95AMO Signature: Date and Time: 1230 29/3/22

**Please Note:** if the Whangarei District Council finds evidence of an offence and your matter goes to court, you may be required to attend court to give evidence. If the Council decides to pursue a prosecution, a court order for the destruction of any offending dogs will be sought

(Office Use Only: Animal Management Officer Tick one)

- ☒ Complainant has confirmed that they are prepared to attend a court hearing and give evidence if necessary.
- ☐ Complainant has confirmed that they are NOT prepared to attend a court hearing and give evidence.

Signature Date 29/3/22

## INJURY INFORMATION SHEET - PERSON

## Medical

Did you/ the victim seek medical treatment following the incident?

☐ No☐ Yes

Date \_\_\_\_\_

Time \_\_\_\_\_

Where did you/ the victim receive treatment?

ANIMAL MANAGEMENT PROSECUTION FILE

**COMPLAINANT**



Describe your/ victim's injuries:

Describe the medical treatment you/ the victim received:

---

---

**Injuries**

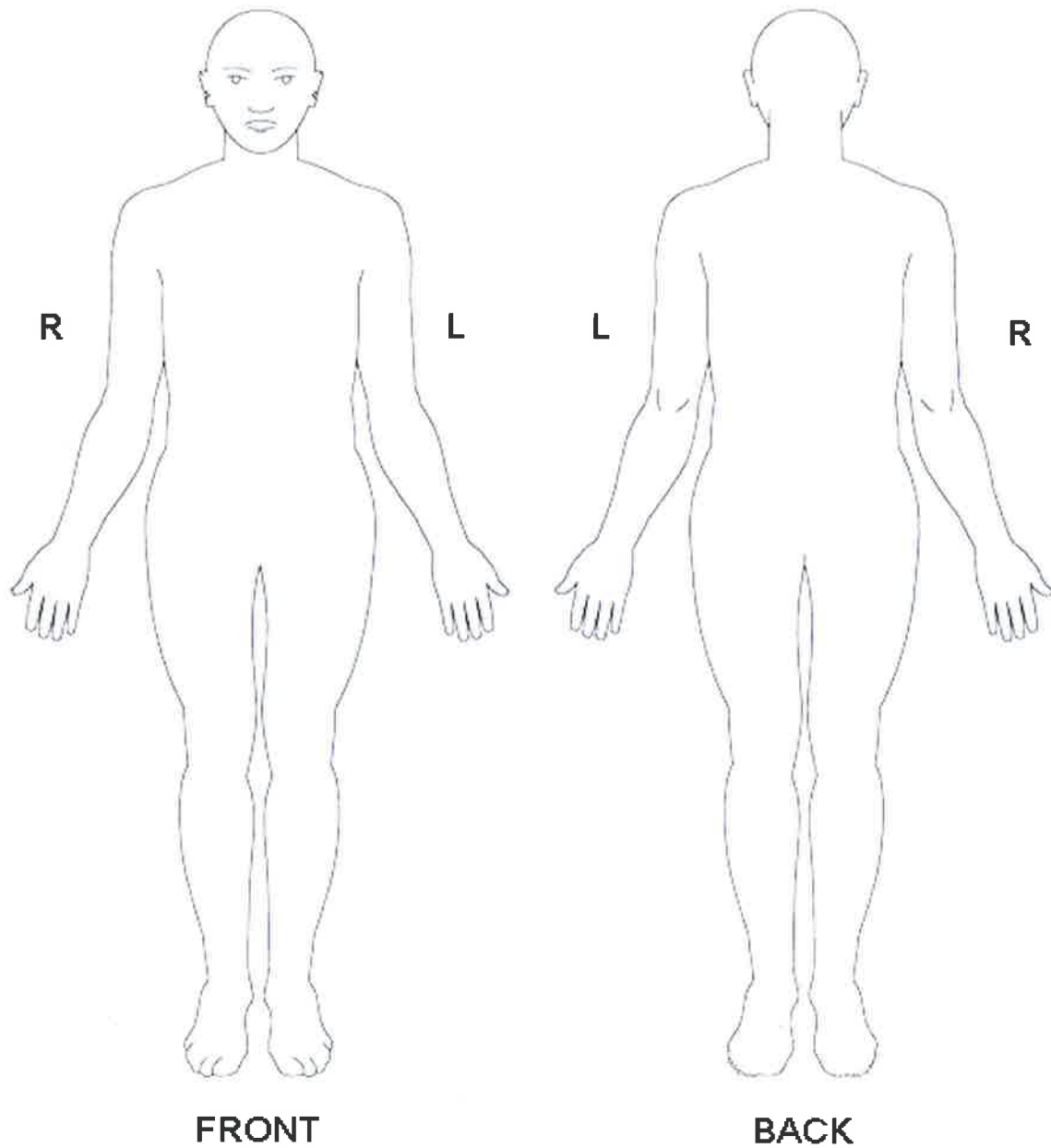
Did you/ the victim receive injuries?

☐ No

☐ Yes

Please indicate on the diagrams the part of the body that was injured

**COMPLAINANT**



## ANIMAL MANAGEMENT PROSECUTION FILE

### COMPLAINANT



#### INJURY INFORMATION SHEET - ANIMAL

#### Veterinary

Did you seek veterinary treatment for your animal (s) following the incident?

☐ No    ☐ Yes    Date: \_\_\_\_\_ Time: \_\_\_\_\_

Where did your animal(s) receive treatment?

---

Nature of the animal's injuries:

---



---

Describe the veterinary treatment your animal(s) received:

---



---

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.

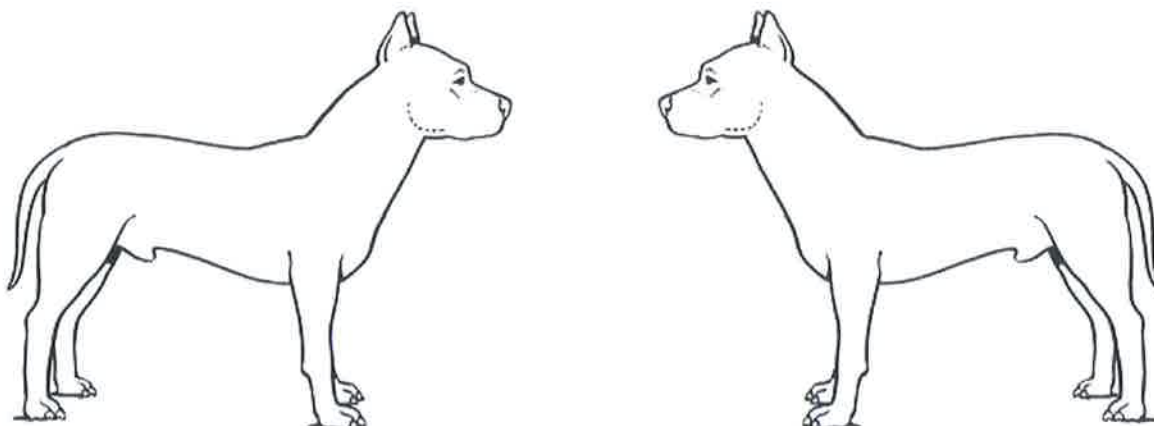
ANIMAL MANAGEMENT PROSECUTION FILE

COMPLAINANT

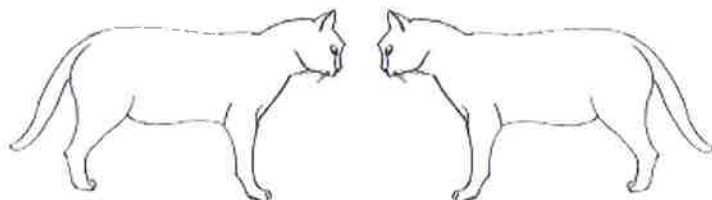


**Domestic Animals**

☐ Dog



☐ Cat



☐ Other domestic animal

\_\_\_\_\_

**Livestock**

Animal type:

\_\_\_\_\_

No. of animals injured:

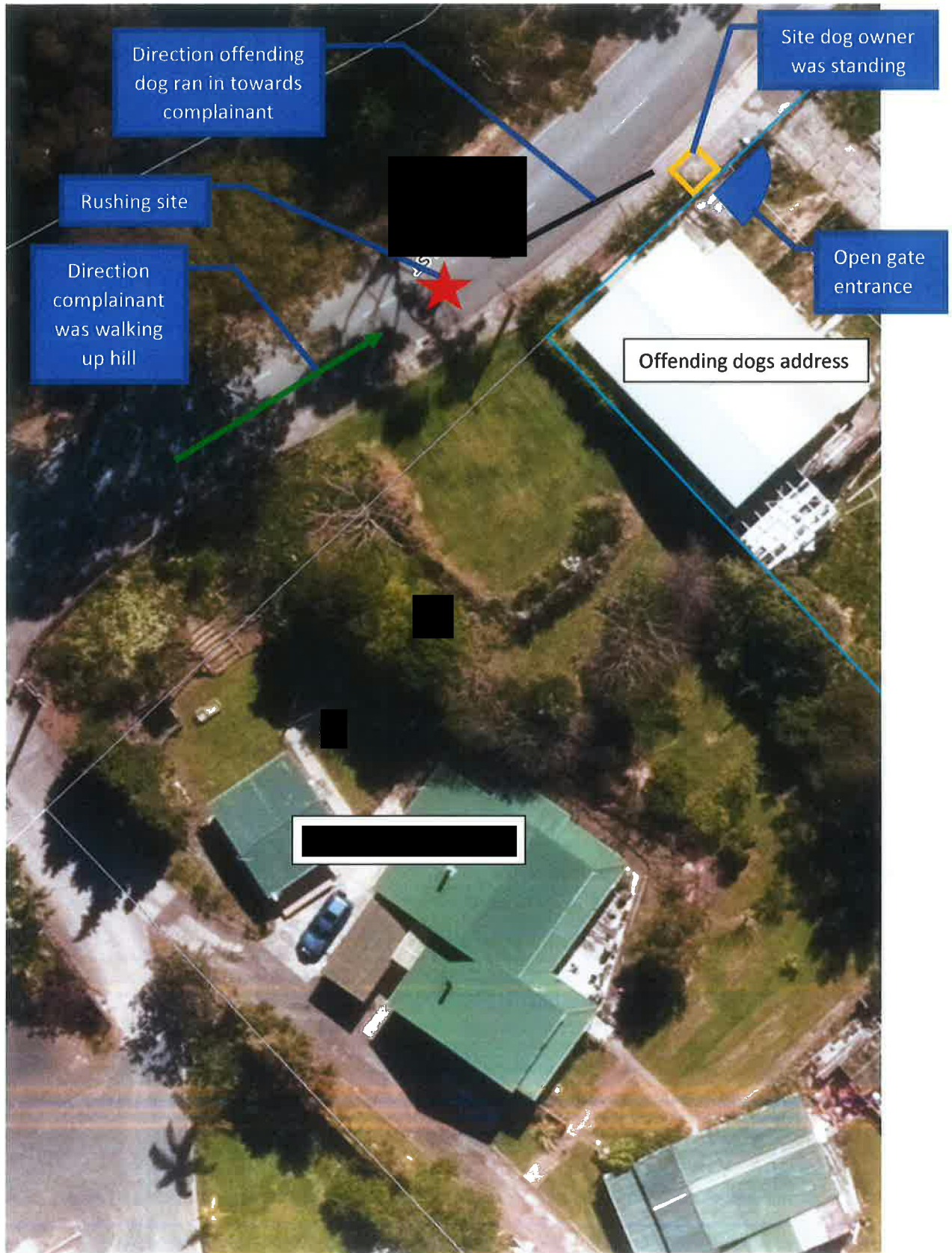
\_\_\_\_\_

No. of animals deceased:

\_\_\_\_\_



50 Appendix E



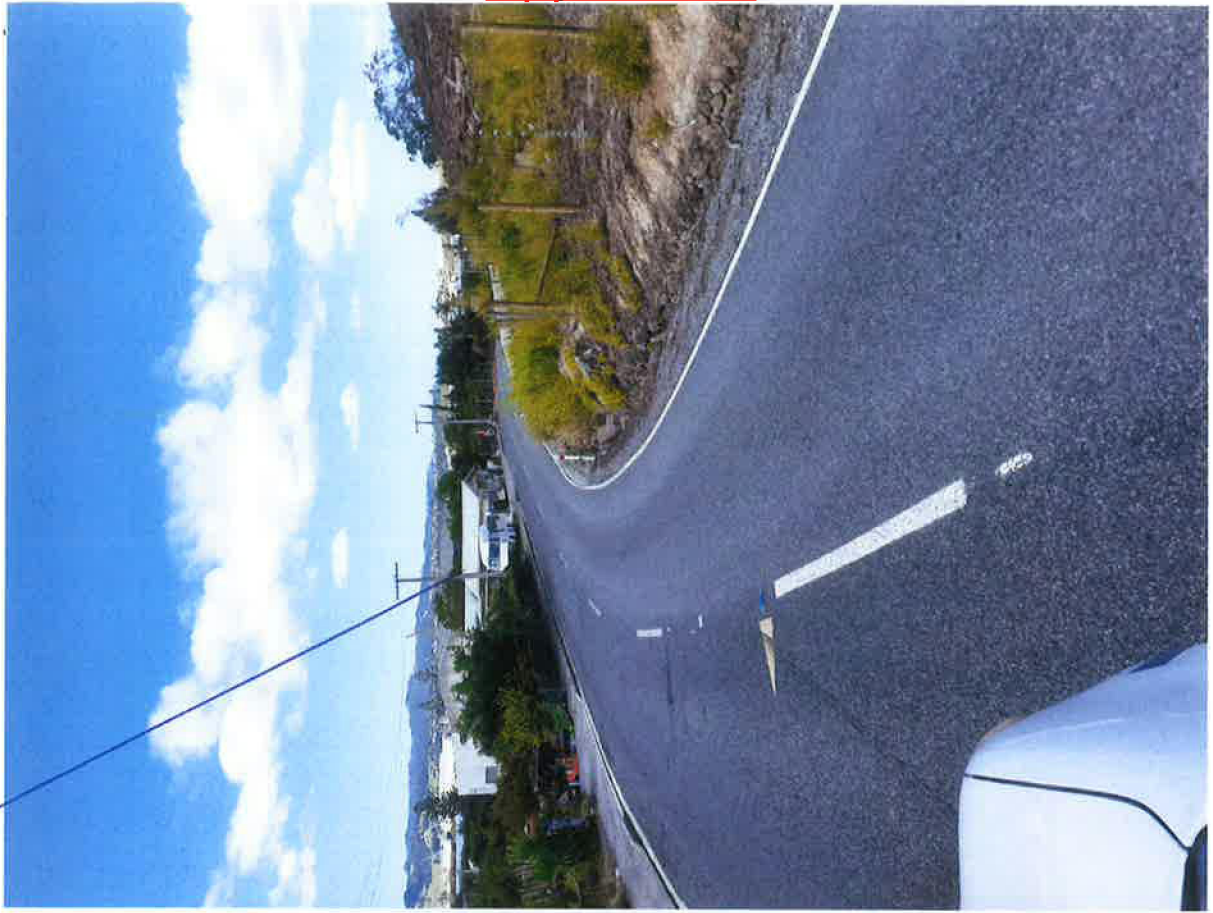
Date: 27/03/22 Time: ..... CRM: AC222163

Photo taken/provided by: .....

Photo description: .....



occupied by Van Hedges.



Date: \_\_\_ / \_\_\_ / \_\_\_ Time: ..... CRM: .....

Photo taken/provided by: .....

Photo description: .....





"Limpet" Photo by officer 194.



Forum North, Private Bag 9023  
Whangarei 0148, New Zealand  
P +64 9 430 4200  
F +64 9 438 7632  
E [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz)  
[www.wdc.govt.nz](http://www.wdc.govt.nz)

Date: 8/4/22

Dog Owners Full Name; Don Hedges

Physical Address; [REDACTED]

D.O.B; [REDACTED]

Contact number; [REDACTED]

**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 Limpet. I am willing to comply with all conditions of release imposed by the Whangarei District Council.

Sign; [Signature]

Witnessed by AMO; Crawford

## Infringement Offenders (Enquiry)

Infringement No	Infringement Type	Infringement Date And Time	Offence Code	Reference	Officer Code	Status	Offender Name
D508523	DOG, Dog	Infrin... 27/11/2021 10:30:00 AM	FCC	75560	160	Prosecut...	Hedges
D507727	DOG, Dog	Infrin... 17/05/2021 9:45:00 AM	FCC	75560	194	Paid, Pai...	Hedges
D503108	DOG, Dog	Infrin... 16/11/2017 12:00:00 AM	FCC	67004	93	Paid, Pai...	Hedges
D503109	DOG, Dog	Infrin... 16/11/2017 12:00:00 AM	FCC	68950	93	Paid, Pai...	Hedges
D503112	DOG, Dog	Infrin... 16/11/2017 12:00:00 AM	IC	62311	93	WriteOff...	Hedges
D503113	DOG, Dog	Infrin... 16/11/2017 12:00:00 AM	UN	62311	93	WriteOff...	Hedges
D503114	DOG, Dog	Infrin... 16/11/2017 12:00:00 AM	IC	70738	93	WriteOff...	Hedges
D503115	DOG, Dog	Infrin... 14/11/2016 12:00:00 AM	UN	70738	93	WriteOff...	Hedges
D501607	DOG, Dog	Infrin... 08/09/2016 12:00:00 AM	FCC	62311	92	Paid, Pai...	Hedges
17394	DOG, Dog	Infrin... 08/09/2016 12:00:00 AM	FCC	62311	59	Paid, Pai...	Hedges
17395	DOG, Dog	Infrin... 08/07/2016 12:00:00 AM	FCC	62311	59	Paid, Pai...	Hedges
17649	DOG, Dog	Infrin... 08/07/2016 12:00:00 AM	FCC	67004	92	Paid, Pai...	Hedges
17650	DOG, Dog	Infrin... 08/07/2016 12:00:00 AM	FCC	62311	92	Paid, Pai...	Hedges
17651	DOG, Dog	Infrin... 08/07/2016 12:00:00 AM	FCC	55920	92	Paid, Pai...	Hedges
13792	DOG, Dog	Infrin... 12/02/2015 12:00:00 AM	UN	55920	92	Paid, Pai...	Hedges
13793	DOG, Dog	Infrin... 12/02/2015 12:00:00 AM	FCC	55920	92	Cancelle...	Hedges
13794	DOG, Dog	Infrin... 12/02/2015 12:00:00 AM	UN	58812	92	Paid, Pai...	Hedges
12423	DOG, Dog	Infrin... 18/07/2012 12:00:00 AM	PRA	55920	73	Cancelle...	Hedges
09974	DOG, Dog	Infrin... 29/12/2010 12:00:00 AM	FCC	45087	59	Paid, Pai...	Hedges
10543	DOG, Dog	Infrin... 24/11/2010 12:00:00 AM	FCC	45087	55	Paid, Pai...	Hedges
10122	DOG, Dog	Infrin... 03/03/2010 12:00:00 AM	FCC	45087	21	Paid, Pai...	Hedges
D9927	DOG, Dog	Infrin... 24/06/2008 12:00:00 AM	DC	8806	TP	P, Prose...	Hedges
D9901	DOG, Dog	Infrin... 15/05/2008 12:00:00 AM	UN	8787	KB	P, Prose...	Hedges
D108443	DOG, Dog	Infrin... 28/04/2006 12:00:00 AM	DC	7670	AN	C, Cance...	Hedges
D108444	DOG, Dog	Infrin... 28/04/2006 12:00:00 AM	DC	7669	AN	C, Cance...	Hedges

Count:25

*Limpet*



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

10 July 2018

Donald Hedges

Dear Mr Hedges

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

This is to notify you<sup>1</sup> that you have been classified as a probationary owner under section 21 of the Dog Control Act 1996.

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

**Infringement Date Offence Outcome**

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

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

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

Yours sincerely

  
Reiner Mussle  
Manager Health and Bylaws

<sup>1</sup> For the purposes of the Dog Control Act 1996, you are the owner of a dog if:

- You own the dog; or
- You have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- You are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Received 12/7/2018 @ 11:52  
Donald M. Hedges

Witness:  #92

#### **EFFECT OF CLASSIFICATION AS PROBATIONARY OWNER**

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

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

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

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

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

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

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

#### **RIGHT OF OBJECTION**

**Section 22, Dog Control Act 1996**

*You may object to classification as a probationary owner by lodging a written objection with the Whangarei District Council setting out the grounds on which you object. You are entitled to be heard in support of the objection and will be notified of the time and place when your objection will be heard. No objection can be lodged within 12 months of the hearing of any previous objection to the same classification. If an objection is lodged within 14 days after the date of this notice, the requirement to dispose of every unregistered dog owned by you will be suspended until the Whangarei District Council has determined the objection.*

11<sup>th</sup> April 2022

Donald Hedges

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](http://www.wdc.govt.nz)

Dear Donald Hedges

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

Dog ID:	75560	Primary Breed:	American Staffordshire Cross
Microchip No:	934000090223260	Secondary Breed:	Cross
Name:	Limpet	Primary Colour:	Brown
Sex:	Male	Secondary Colour:	White
Age:	3 Years and 0 Months		
Address where dog is usually kept:			

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:

15th May 2021 Rushed at a person on public property  
27th March 2022 Rushed at a person on public property

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 **12<sup>th</sup> May 2022**.
- Your dog must now be muzzled when it is at large or in any public place or private way
- Your dog must be kept under control at all times

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

Yours sincerely



Reiner Mussle  
Manager Health and Bylaws

\*For the purposes of the Dog Control Act 1996, you are the owner of a dog if:

- You own the dog; or
- You have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- You are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

*Effect of classification as menacing dog*  
*Sections 33E, 33F, and 36A, Dog Control Act 1996*

You—

(a)

must not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

(b)

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

(i)

that the dog is or has been neutered; or

(ii)

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

(c)

where a certificate under paragraph (b)(ii) is produced to the Whangarei District Council, produce to the Whangarei District Council, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

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

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

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

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

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

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. You will commit an offence and be liable on conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

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

*Right of objection to classification under section 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 Incident

☒ WHANGAREI DISTRICT

PEN # <div style="text-align: center; font-size: 1.2em;">15</div>
CRM # <div style="text-align: center; font-size: 1.2em;">AC226233</div>

Officer _____	Date <u>29 / 10 / 22</u> S M T W T F (S)
Dispatch Number _____	
Time received <u>1300</u>	Actioned <u>1310</u>
Arrived <u>1310</u>	Completed <u>1325</u>
Complainants Name <u>WDC Directive</u>	
Address _____	
Phone Number _____	Email _____
Complainant to be advised? <input type="checkbox"/> Yes	Time / date contacted _____
Dog(s) are at <span style="background-color: black; color: black;">[REDACTED]</span>	
Dog Owner Name <u>Donald Mitchell Needges</u>	
Address <span style="background-color: black; color: black;">[REDACTED]</span>	
Phone Number <span style="background-color: black; color: black;">[REDACTED]</span>	DOB _____

ENTERED

**Type of complaint:**

- |                                    |   |  |
|------------------------------------|---|--|
| <input type="checkbox"/> Attack    | <input type="checkbox"/> Patrol             | <input type="checkbox"/> Into Refuse   |
| <input type="checkbox"/> Rushing   | <input type="checkbox"/> Collection         | <input type="checkbox"/> Trap          |
| <input type="checkbox"/> Wandering | <input checked="" type="checkbox"/> Revisit | <input type="checkbox"/> Worring Stock |
| <input type="checkbox"/> Barking   | <input type="checkbox"/> Unregistered       | <input type="checkbox"/> Conditions    |

**Action:**

- ☐ Barking Notice Served  
☐ Seizure/Impounded  
☐ Infringements Issued  
☐ Revisit Required

**Complaint**

**Dog Details:**

Tech One ID <u>75560</u>	Registration Number <u>272</u>	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
Name <u>Limper</u>	Microchip <u>934000090223260</u>	
Breed <u>Staffy X</u>	Result <u>Dog impounded</u>	
Colour <u>Black-White</u>	Result Date <u>29 / 10 / 22</u>	

**Officers Comments** Dog impounded from reported address, due to owner being disqualified and from council directive.

**Canine Health Check:**

Body Score 1-5:	<input type="checkbox"/> Very Poor	<input type="checkbox"/> Poor	<input type="checkbox"/> Normal	<input type="checkbox"/> + Weight	<input type="checkbox"/> ++ Weight
Demeanor:	<input type="checkbox"/> Normal	<input type="checkbox"/> Timid	<input type="checkbox"/> Aggressive	<input type="checkbox"/> Other	
General Body:	<input type="checkbox"/> Healthy	<input type="checkbox"/> Poor	<input type="checkbox"/> Wounds	<input type="checkbox"/> Other	

Returned to Owner	/	/	Time	Receipt Number
-------------------	---	---	------	----------------

# Appendix F

## Notification of Change of Dog Ownership



Dog ID: 75560 Tag No: \_\_\_\_\_

Dog Name: Limpet Gender: F \_\_\_ M \_\_\_ Age: \_\_\_\_\_

Colour: \_\_\_\_\_ Dog Breed: \_\_\_\_\_

Previous Owners Name: Don Hedges.

Address: \_\_\_\_\_

Home Ph No: \_\_\_\_\_ Mobile: \_\_\_\_\_ Business: \_\_\_\_\_

Signature: [Signature] Date: 7-11-22

\*\*\*\*\*

New Owners Name: [Redacted] Date of Birth: [Redacted]

Postal Address: [Redacted]

Property Address: As above. Email Address: [Redacted]

Home Ph No: \_\_\_\_\_ Mobile: [Redacted] Business: \_\_\_\_\_

Signature: A. M. Hemm Date: 3-11-22

**Note:** A signed letter from the previous owner is acceptable, please ensure a copy is attached

Office Use Only:

Computer Update: 4 ✓ New owner Name ID: 317013 Staff Name: Julia D.  
Date: 7/11/22



**NOTICE OF SEIZURE  
AND IMPOUNDING OF DOG**  
Pursuant to Sections 69 and 69A of The Dog Control Act 1996

Date: 29/11/2022 Time: 13:14 Notice No.: **SI001332**

Name: (Mr/Mrs/Miss/Ms) Donald Decker  
Address: [REDACTED]  
Postcode: [REDACTED]

Dog ID	Dog Name	Breed	Colour	Sex	Microchip No.
75560	Linger	Staffy x	Black/White	M	

This is to notify you that the dog described above has been seized and impounded under the Dog Control Act 1996 for the following reason(s):

- ☐ Section 32 - Failing to comply with dangerous classification  
☐ Section 33EC - Failing to comply with menacing classification  
☐ Section 42 - Failing to register a dog  
☐ Section 52A - Failure to control or confine  
☒ OTHER Section 23 - Threat of dangerous classification

☐ Section 57 - Dog attacking person or animal  
☐ Section 57A - Dog rushing at person, animal or vehicle  
☐ Section 60 - Dog running at large among stock or poultry

Unless the dog is claimed and any fee paid within 7 days of the receipt of this notice, it may be sold, destroyed or otherwise disposed of pursuant to Section 69(2) of the Dog Control Act 1996.

**You have until 4.00pm on 5/12/2022 to claim your dog. Payment to be made by EFTPOS.**

- ☐ As the dog is not currently registered the dog must be registered/microchipped/de-sexed before it will be released.  
☐ As the dog is registered it will need to be microchipped/de-sexed before it will be released.

☒ As the dog has been seized pursuant to section 57 or 57A, if you claim the dog after paying the fees the dog may be retained pursuant to section 71 of the Dog Control Act 1996 on the basis that it is a threat to public safety. A notice will be served to you pursuant to section 71 of the Dog Control Act 1996.

**Fees:**

Registration: 21.00 Impounding: 50.00  
Microchipping: 21.00 Sustenance: \$26.00 per night

Your dog is currently housed at the following location:

**Whangarei District Council Animal Shelter, 108 - 115 Kioreroa Road, Whangarei**

AMO Name: J. M. M. M. AMO Number: 217

## Dog Impound

Pen# 15  
CRM# AC226234

Officer: 217 Date: 29/10/22  
Time: 1314

S M T W T F (S)

Complainants Name: WDC

Address:

Phone Number:

Dog(s) found at:

Dog Owner Name: Donald Hodges

Address:

Phone Number:

DOB:

### Type of Complaint:

- |                                    |   |   |
|------------------------------------|---|---|
| <input type="checkbox"/> Attack    | <input type="checkbox"/> Collection         | <input type="checkbox"/> Trap           |
| <input type="checkbox"/> Rushing   | <input checked="" type="checkbox"/> Revisit | <input type="checkbox"/> Worrying Stock |
| <input type="checkbox"/> Wandering | <input type="checkbox"/> Unregistered       | <input type="checkbox"/> Conditions     |
| <input type="checkbox"/> Patrol    | <input type="checkbox"/> Into Refuse        | <input type="checkbox"/> Surrender      |

Date Quoted	Total
2/11/22	\$247.

paid  
cancel  
2/11/22

Picture attached: ☐

### Fees Quoted:

### Dog Details:

Tech One ID: 75560

Registration Number: 272

Name: Limpet

Microchip: 934000910223260

Breed: Staffy x

☒ Male ☐ Female

Colour: Black - White - Brown

☒ Desexed ☐ Entire

### Result:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Owner Collected | <input type="checkbox"/> Rehome (Wandering Angels) |
| <input type="checkbox"/> Euthanized                 | <input type="checkbox"/> Adoption (Armourguard)    |

ENTERED

Communication Info: Refer to AC226233 for office notes.

ST001332 to be served to owner.

New owner collected too completed.

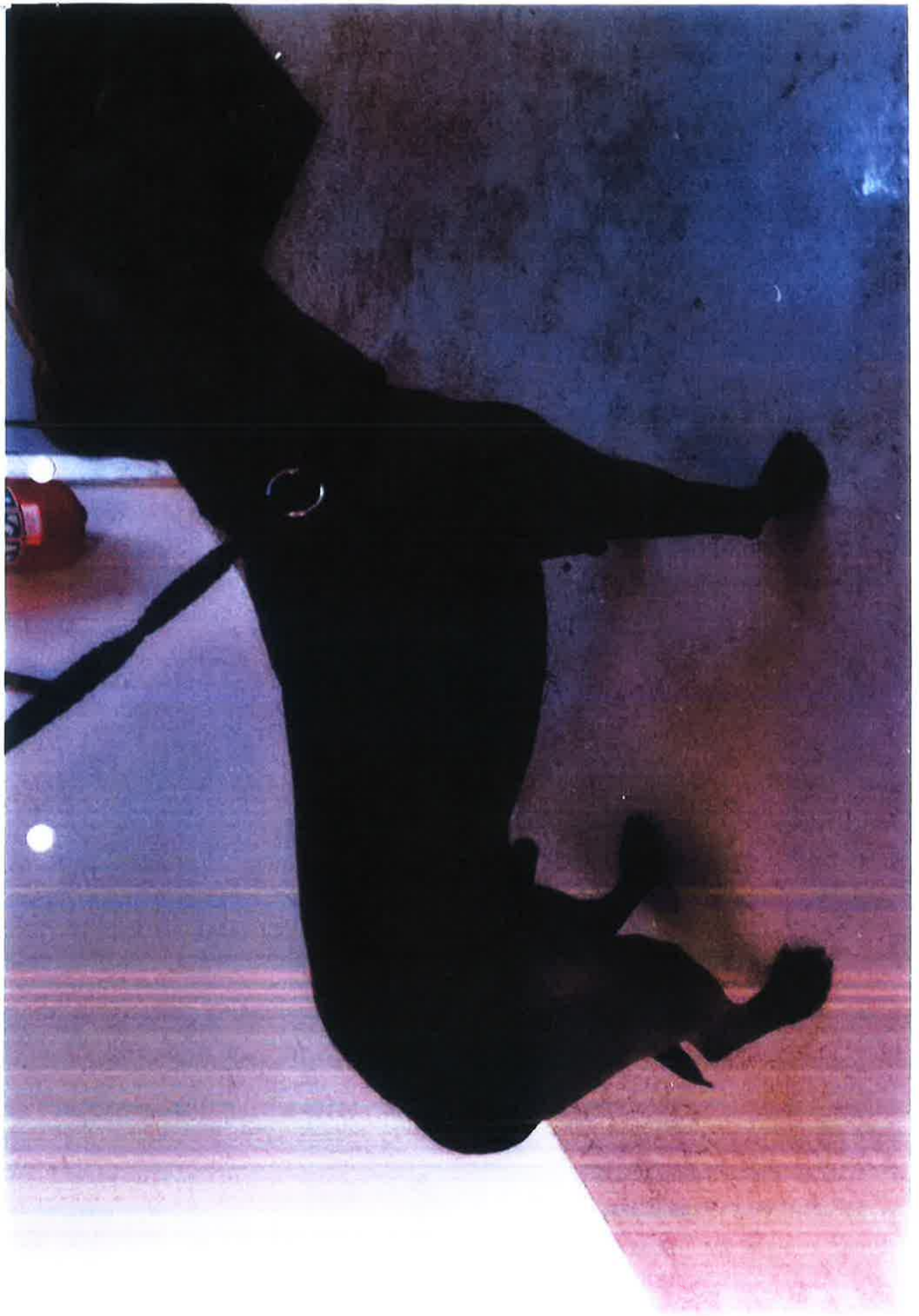
### Canine Health Check:

- |                   |   |                                |  |                                   |                                    |
|-------------------|---|--------------------------------|--|-----------------------------------|------------------------------------|
| Body Score 1 - 5: | <input type="checkbox"/> Very Poor          | <input type="checkbox"/> Poor  | <input checked="" type="checkbox"/> Normal | <input type="checkbox"/> + Weight | <input type="checkbox"/> ++ Weight |
| Demeanor:         | <input checked="" type="checkbox"/> Normal  | <input type="checkbox"/> Timid | <input type="checkbox"/> Aggressive        | <input type="checkbox"/> Other    |                                    |
| General Body:     | <input checked="" type="checkbox"/> Healthy | <input type="checkbox"/> Poor  | <input type="checkbox"/> Wounds            | <input type="checkbox"/> Other    |                                    |

Result Date: 03/11/22 Time: 1200

ENTERED







## Appendix F

CRM	Date	Complaint/Offence	Result
AC086293	07-09-2021 12:22 PM	Wandering dog - Bruno	No dog sighted on patrol
AC085581	09-07-2021 11:48 AM	Wandering, barking and unregistered black aggressive dog which chases people, cars and mobility scooters.	Advised Don to keep dogs secure. Complainant doesn't know victims and no victims came forward. Info only.
AC084077	13-04-2021 5:34 PM	Barking dog. Loud and complainant believes the dogs are vicious.	No barking heard during monitor
AC083669	25-03-2021 4:06 PM	Barking and fighting dogs on property	No barking heard nor dogs fighting noise during monitor. SPCA advised of concerns.
AC081743	04-12-2020 1:08 PM	Wandering dog - wants dog impounded as months long issue and she is fed up and it's an attack dog	No result. No notes.
AC081511	18-11-2020 10:25 AM	Unregistered dog. [REDACTED] Unable to understand Don. He left [REDACTED] phone number.	Called Don and advise 'Titus' is registered to [REDACTED] at her address
AC080844	06-10-2020 11:50 AM	Wandering dog	No dog sighted on patrol
AC077626	04-02-2020 2:29 PM	Wandering dog, tan colored unknown breed on [REDACTED] Rd	No dog sighted on patrol
AC077434	23-01-2020 1:27 PM	Caller has made numerous complaints about Don Hedges' dog which is allowed to wander and is never walked but gets out [REDACTED]	WDC responded advising complainant that Mr Hedges has been spoken to and infringed on several occasions
AC077124	29-12-2019 10:07 AM	Wandering dog - follow up call to get outcome for Bruno getting into refuse job 2-3 weeks ago	Don spoken to and he advised 'Bruno' has been possibly stolen 2 weeks ago, advised to inform police of theft
AC076861	16-12-2019 8:49 AM	Wandering dog - one of Don's dogs golden/brindle. Dog was out last night, came onto callers property and she is worried about her cat	Patrol of area no dog seen roaming. Don's property checked - dog sighted at address. Don not home.
AC075676	10-09-2019 12:14 PM	Property Check - for compliance of probationary owner	Spoke to Don - no dogs at address other than 'Bruno'
AC075570	03-09-2019 11:44 AM	Collection	'Titus' collected from Don as he is not allowed more than one dog as a probationary dog owner
AC075481	28-08-2019 9:39 AM	Hand deliver Mr Hedges the outcome of the probationary dog owner hearing. If second dog at address give 3 days to return to its owner	Don asleep in his vehicle with 2 dogs. Advised to return 'Titus' to [REDACTED] or surrender dog to us to find owner

## Appendix F

AC075305	15-08-2019 1:48 PM	Property check requested by Don to check suitability of housing more than 1 dog in relation to classification as probationary owner	Property check conducted - 'Bruno' sighted inside dwelling, Don not home. Fencing deemed inadequate.
AC075188	08-08-2019 2:15 PM	Wandering dog - tan mastiff no collar	Patrolled area and no dogs sighted
AC073604	03-05-2019 1:15 PM	Request from Don to keep another dog Shadow at his address	Officer stood down as advised council are working with Don
AC073495	30-04-2019 11:50 AM	Property Check - uplift any dogs at Don's property excluding Bruno. Impound Shadow if located in Don's care	Shadow' had been in Don's care as owner in hospital, however 'Shadow' missing from Don's currently. 'Shadow' impounded as found wandering by member of public
AC073436	24-04-2019 4:22 PM	Another request from Don to keep dog Shadow at his address	Issue dealt with by Nina Council - copy of email response printed for Don at reception
AC073122	01-04-2019 3:18 PM	Dog issue - dog named [REDACTED]	Issue dealt with by council Kathryn Kandy
AC072683	01-03-2019 1:17 PM	Unregistered dog - dog was in Pak N Save carpark and returned to Don's car	No dogs other than 'Bruno' at Don's address
AC072674	01-03-2019 12:23 PM	Wandering dog	Patrolled area and no dogs sighted
AC072303	07-02-2019 8:18 AM	Disqualification query from Don	Council legal team dealt with complaint - [REDACTED]
AC072256	04-02-2019 10:58 AM	Property Check - for probationary owner.	Only 'Bruno' sighted on property as per probation
AC072139	29-01-2019 11:06 AM	Don requests photo evidence that a dog named Wally was put to sleep by ENL years ago and not rehomed. Don said he wasn't disqualified at the time	Don emailed by Nina Darling at council
AC071261	03-12-2018 12:30 PM	Property Check - Suitability of property for confining dogs	Council stood officer down as they no longer require property check
AC071192	28-11-2018 11:05 AM	Request to terminate probationary classification	Mir Hedges advised he can only have 2 dogs on his property
AC070991	26-11-2018 11:31 AM	Attack. Dog Vs Dog. Follow on from CRM AC070749	Info only
AC068874	13-08-2018 11:45 AM	Property check - for probationary owner. Please check that Bruno is the only dog on the property	Sighted 'Bruno' off his property. Checked property and no dogs located.



## Appendix F

Date	Complaint/Offence	Result
15-03-2010	Objection to classification of dog	Letter sent to Don by management
15-10-2010	Dog issues - Don is concerned over delay in processing of request	Both of Don's dogs returned
25-05-2015	Rushing - gate was open, dog ran towards complainant on Don's property. Dog did not leave address.	No action justified, all dogs chipped and registered
05-01-2016	Dog issues - [redacted] reports hearing gunshots from bush behind ENL pound and is concerned dogs are being put down inhumanely	Kevin Crocombe assigned complaint - no result/outcome noted
27-06-2017	Rushing - One black and one white dog	Patrol of area couldn't locate dogs and nobody home
18-12-2017	Dog issues - [redacted] reports [redacted] teasing her dog to make it bark so they can make barking complaints against it	Passed to management
12-11-2018	Attack dog vs dog Pitbull entire male at 03:00hrs. Complainants dog badly injured	Statement taken from complainant no matching dog at [redacted] follow up completed on AC070991
29-11-2018	Impound - Pitbull residing/under care of Don Hedges impounded	Owner surrendered dog as can't afford fees, dog destroyed. Don warned that he is only meant to have Bruno in his care and the third dog at address must go back to its owner
25-01-2019	Dog issues - [redacted] claims D Hedges of [redacted] Street is stealing dogs around the Whangarei District	Complainant advised the 3 dogs with Don are owned and registered to him
28-02-2019	Wandering dogs	Patrol of area and no dogs found wandering
14-05-2019	Property check - please uplift any dogs on Mr Hedges property excluding Bruno	Bruno sighted at address. Another dog Shadow uplifted and impounded
28-08-2019	Letter from Don requesting date/time change for probationary dog ownership decision	Nina closed via email - no further outcome info noted
14-10-2019	Wandering dogs - court order for only one dog at address yet people and their dogs are staying there	Phoned Don twice no answer. Visiting dogs are not owned by Don
18-11-2020	Wandering dogs - Pitbull on [redacted]	No dog sighted on patrol. Visited Don who advises the dog Titus belongs to [redacted] who works out of town. Advised dog needs to be chipped and registered

## Appendix F

17-05-2021	Rushing dog - aggressive Pitbull rushed at and bailed up complainant's grandson who is now terrified to walk up road	Statement taken from complainant and grandson. Don was aware of incident and advised of FCC infringement
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# Appendix G

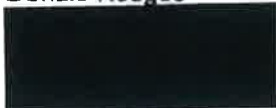


**WHANGAREI  
DISTRICT COUNCIL**

Forum North, Private Bag 9023  
Whangarei 0148, New Zealand  
Telephone: +64 9 430 4200  
Facsimile: +64 9 438 7832  
Email: mailroom@wdc.govt.nz  
Website: www.wdc.govt.nz

10 July 2018

Donald Hedges



Dear Mr Hedges

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

This is to notify you<sup>1</sup> that you have been classified as a probationary owner under section 21 of the Dog Control Act 1996.

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

### Infringement Date Offence Outcome

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

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

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

Yours sincerely

**Reiner Mussle**  
Manager Health and Bylaws

<sup>1</sup> For the purposes of the Dog Control Act 1996, you are the owner of a dog if:

- You own the dog; or
- You have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- You are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Received 12/7/2018 00:11:52  
Donald M. K. Hedges

Witness: #92





## Appendix H



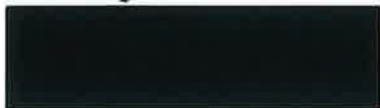
In reply please quote

Or ask for

Nina Darling, Bylaws Enforcement Co-ordinator

20 August 2019

Don Hedges



Dear Mr Hedges

***RE: Decision - Objection to Probationary Owner Classification***

Please find attached a copy of the Committee's decision in relation to your objection to probationary dog owner classification. While the probationary owner classification was upheld, it will expire on 16 November 2019.

In the meantime, if a boarder or other person leaves you with the care of an additional dog for more than three days please contact Armourguard to let them know.

From 16 November this year you will be entitled to own additional dogs. If you take on extra dogs after 16 November 2019 it will be very important for you to ensure that they are not allowed to wander.

Yours faithfully

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

**Reiner Mussle  
Manager - Health and Bylaws**

## **Report and Decision of the Whangarei District Council through its Exemptions and Objections Committee Meeting held in the Council Chambers, Forum North, Whangarei on 14 August 2019 Commencing at 12.00 Noon**

A Committee of the Whangarei District Council was convened to determine an application lodged by Mr Donald Hedges objecting to classification as a probationary dog owner in accordance with s26 of the Dog Control Act 1996.

**Present**                      **Hearings Committee**  
 Councillor Greg Innes (Chairman)  
 Her Worship the Mayor Sheryl Mai  
 Councillor Shelley Deeming  
 Councillor Sue Glen

**Applicant**                Mr Donald Hedges

**In Attendance**        Nina Darling, (Bylaws Enforcement Co-ordinator), Reiner Mussle (Manager Health and Bylaws), Shaun Holland (Animal Control Officer – Armourguard) C Brindle (Senior Democracy Advisor)

### **1     Objection**

The hearing is to consider an objection received from Donald Hedges to classification as a probationary owner.

### **2     Staff Report**

Nina Darling, Bylaws Enforcement Co-ordinator referred to the written report circulated to all parties prior to the hearing, which included the statutory considerations that the committee must have regard to in making its determination.

Mr Hedges had been classified as a probationary owner following incurring three infringements related to separate incidents within a twenty four month period. The classification period was from 16 November 2017 to 16 November 2019. The Committee was being asked to consider whether the probationary classification should be terminated or upheld. If the probationary classification was upheld there were approximately three months until the classification would expire in any event.

Nina Darling highlighted a note in the report indicating that for a short period Mr Hedges had recently had the care of an additional dog that he had previously owned. During that time the dog had wandered and Armourguard had expended time and resources attempting to locate the dog.

### **3     Presentation of objection**

Mr Hedges addressed the circumstances in which the dog 'Koha' had escaped leading to the final infringement that had led to his classification as probationary owner. 'Koha' had been able to slip out of his collar, but this was not the case with the dog, which he was currently entitled to own as an existing dog under the probationary classification.

Shaun Holland, Animal Control Officer provided some background to the incidents that had given rise to the classification. He advised that Mr Hedges was a caring dog owner and that since the classification had been imposed, and so long as Mr Hedges had only had one dog, there had been



no issues. However when there was more than one dog there was a tendency for them to wander together if not adequately confined. The nature of Mr Hedge's property was such that it would be difficult to fully fence.

Mr Hedges had boarders who sometimes owned dogs themselves and for as long as the classification was in force he needed to be aware that he could not care for another dog for longer than 72 hours. If one of his boarders went away and left a dog with him for more than 72 hours then he needed to call Armourguard to uplift the dog to ensure its care until the dog owner returned. This was for Mr Hedges own safety and protection.

In response to a question from the Committee as to whether he would consider constructing a run or other way of keeping a dog confined, in lieu of fencing the property, Mr Hedges advised that he was not able to do that.

#### **The committee determined**

The Committee having heard the objection to the probationary owner classification determined:

- That the probationary ownership classification be upheld.

Noting that:

- The classification would ~~expire~~ in any event on **16 November 2019**

In reaching the decision the committee had regard to the matters set out in the s22(3) of the Dog Control Act.

#### **Right of appeal**

There is no statutory right of appeal

Issued this 21<sup>st</sup> day of August 2019

Councillor Greg Innes  
Chairperson





In reply please ask for Zane Kumar Bylaws Enforcement Co-ordinator

01 May 2023

Donald Hedges  


Dear Mr Hedges,

***Decision of the Exemptions and Objections Committee hearing of objection to disqualification.***

Please find attached the decision of the Exemptions and Objections Committee following the hearing on 04 April 2023 of your objection to disqualify you from owning dogs.

The Exemptions and Objections Committee has upheld the decision to disqualify you from owning dogs. The disqualification expires on 27 March 2025.

As per section 28 of the Dog Control Act 1996 you must now comply with the following:

- Within 14 days of the date on which notice of the decision of the Exemptions and Objections Committee is given to you, dispose of every dog owned by you: and
- Not subsequently be in possession of a dog at any time, except for the purpose of-
  - Preventing a dog from causing injury, damage, or distress; or
  - Returning, within 72 hours, a lost dog to the territorial authority for the purpose of restoring the dog to its owner.

Please note that every dog disposed of under section 28 (1) of the Dog Control Act 1996 shall be:

- Be disposed of in a manner that does not constitute an offence against this or any other Act; and
- not be disposed of to any person who resides at the same address as the person disqualified.

***Right of Appeal:***

In accordance with section 27 of the Dog Control Act 1996, any person who has lodged an objection under section 26 and is dissatisfied with the decision of the territorial authority may, within 14 days of the date on which notice of that decision is, under section 26(4), given to that person, appeal to the District Court against that decision.

Yours faithfully



Reiner Mussle  
Manager - Health and Bylaws

## Report and Decision of the Whangarei District Council through its Exemptions and Objections Committee Meeting held in the Council Chambers, Forum North, Whangarei on 4th April 2023 commencing at 9.00am

A Sub Committee of the Whangarei District Council was convened to determine an objection to Disqualification from Dog Ownership under Sections 25 and 26 of the Dog Control Act 1996.

<b>Present</b>	<b>Hearings Committee</b> Cr Ken Couper (Chairperson) His Worship the Mayor Vince Cocurullo Cr Patrick Holmes
<b>Applicant</b>	Not in attendance
<b>In Attendance</b>	Reiner Mussle (Manager Health and Bylaws) Tylah Clark (Bylaws Enforcement Co-ordinator) (Teams) Peter Banks (Manager – Animal Management - Armourguard) Christine Crawford (Executive Officer Animal Management - Armourguard)  N Pestana (Democracy Team Leader) D Garner (Democracy Adviser)

### Objection

An objection in terms of section 26 of the Dog Control Act 1996 has been made in response to a disqualification from dog ownership imposed under section of the Dog Control Act 1996.

### At the meeting

The Chairperson Councillor Ken Couper introduced the Hearing and briefly outlined the structure of the proceedings. The Committee noted absence of the objector Donald Hedges, and that no apology or reason for absence had been received. The meeting was adjourned to allow for the possible late arrival of the objector. The meeting readjoined without the objector present and the Committee resolved to consider the objection. Council Officers were then invited to present Council's case.

### Council Officer's report

By way of introduction Tylah Clark referred to the written report circulated to all parties prior to the hearing and to the statutory considerations in the Dog Control Act 1996 which the Committee must have regard to in making its determination.

Section 25 of the Dog Control Act 1996 provides that a territorial authority must disqualify a person from being an owner of a 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. In this case, Mr Hedges received three infringements, relating to three separate occasions within a twenty-four-month period, and subsequently, Council disqualified Mr Hedges from dog ownership.

Section 26(4) of the Dog Control Act 1996 gives the power to the Committee to consider the objection lodged by Mr Hedges and uphold, bring forward the date of termination or immediately terminate disqualification.

Peter Banks provided some background to the incidents leading to the recommendation to the disqualification from dog ownership, noting a lengthy history and extensive involvement with Animal Control. He noted Mr Hedges is a nice man who loves his dogs but cannot or will not accept ownership of the dogs and the dogs wander.

### **Presentation of objection**

Donald Hedges was not in attendance.

### **In Summary:**

In response to questions to the staff from the Committee, it was clarified that:

- The disqualification from dog ownership expires 27 March 2025.
- Concerns have been transferred to the SPCA due to the condition of the dogs.
- Mr Hedges was personally handed a copy of the notice to attend the hearing.

### **Statutory Considerations**

Section 26(3) of the Dog Control Act 1996, gives the power to the Committee to consider the objection, which may uphold or rescind the classification having 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) The matters advance in support of the objection
- d) Any other relevant matters.

### **The committee determined**

The Committee had regard to the statutory considerations in reaching its determination to **uphold** the disqualification from dog ownership imposed on Donald Hedges.

The Committee's reasons for their determination are:

- The owner has an extensive history of poor dog management.
- No new evidence was presented that would suggest the disqualification should be altered.

### **Right of appeal**

In accordance with section 27 of the Dog Control Act 1996, a person who has lodged an objection under section 26 and is dissatisfied with the decision of the territorial authority may appeal to the District Court against that decision.

Issued this 27th day of April 2023.



Councillor Ken Couper  
**Chairperson**





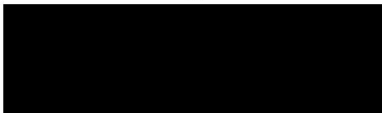


In reply, please quote  
Or ask for

Hearing of your objection  
Zane Kumar

04/04/2024

Donald Hedges



Te Iwitihi, 9 Rust Avenue, Whangārei  
Private Bag 9023, Te Mai,  
Whangārei 0143, New Zealand  
P +64 9 430 4200  
E [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz)  
[www.wdc.govt.nz/ContactUs](http://www.wdc.govt.nz/ContactUs)

Dear Donald

### ***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 letter on 02 April 2024. 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](mailto:zane.kumar@wdc.govt.nz) to advise whether you **will** or **will not attend**.

- Your objection will be heard by the Exemptions and Objections committee at **9:30am 22 April 2024**.
- The hearing will be held in the Council Chambers, in Te Iwitihi (Civic Centre), in Rust Avenue, Whangarei.

The Council Chambers are located on the ground level, in the new Civic Center 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.

If possible, please bring additional copies of your 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 Kumar  
**Bylaw Enforcement Coordinator**

*Disqualification of owners*

**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; or

(b)

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

(c)

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

(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](#).

(2)

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

(a)

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

(b)

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

(3)

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

(4)

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

## **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.

## **27 Appeal to District Court**

(1)

Any person who has lodged an objection under [section 26](#) and is dissatisfied with the decision of the territorial authority may, within 14 days of the date on which notice of that decision is, under section 26(4), given to that person, appeal to the District Court against that decision.

(2)

The District Court, in hearing the appeal, shall consider the matters specified in [section 26\(3\)](#) and any submission by the territorial authority in support of its decision, and may uphold the determination, bring forward the date of termination, or immediately terminate the disqualification.



## **28Effect 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.

(2)

Every dog disposed of under subsection (1)(a)—

(a)

shall be disposed of in a manner that does not constitute an offence against this or any other Act; and

(b)

shall not be disposed of to any person who resides at the same address as the person disqualified.

(3)

Where any person has, within 14 days after the date on which the notice of disqualification under [section 25\(4\)](#) is given to that person, lodged an objection under [section 26](#), subsection (1) of this section shall apply in relation to that person as if the reference in that subsection to section 25(4) were a reference to section 26(4).

(4)

Where any person has, within 14 days after the date on which the notice under [section 26\(4\)](#) is given to that person in respect of an objection to which subsection (3) of this section refers, lodged an appeal under [section 27](#), subsection (1) of this section shall apply in relation to that person as if the reference in that subsection to the date on which the notice under [section 25\(4\)](#) was given to that person were a reference to the date of the decision of the District Court on that appeal.

(5)

Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who—

(a)

fails to comply with subsection (1); or

(b)

fails, in disposing of a dog under subsection (1), to comply with subsection (2); or

(c)

at any time while disqualified under [section 25](#), becomes the owner of any dog in terms of this Act; or

(d)

disposes or gives custody or possession of any dog to any person, knowing that person to be disqualified under [section 25](#).

(6)

Where any person is convicted of an offence against paragraph (a) or paragraph (c) of subsection (5), the territorial authority may extend the period of disqualification of that person until a date not later than 5 years after the date on which the offence occurred.

(7)

Where any person fails to comply with subsection (1), any dog control officer may seize any dog owned by that person and, for that purpose, may, at any reasonable time, with all persons he or she calls to his or her assistance, enter onto the land or premises, including any dwellinghouse, of the owner of the dog.

**RESOLUTION TO EXCLUDE THE PUBLIC**

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

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

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

**Resolution to allow members of the public to remain**

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

**Move/Second**

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

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

*Note:*

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