

AGENDA

RĀRANGI TAKE

NOTICE OF HEARING OF THE

Dog Control Hearing Committee

to be held on **Thursday 29th of February 2024** commencing at **10 am** in the Council Chambers, 36 Weld Street, Hokitika and via Zoom

Chairperson	Her Worship the Mayor
Members:	Deputy Mayor Cassin
	Cr Neale
	Cr Davidson
	Cr Phelps

Quorum – 3 Members



In accordance with clause 25B of Schedule 7 of the Local Government Act 2002, members may attend the meeting by audio or audio-visual link.

Council Vision

We work with the people of Westland to grow and protect our communities, our economy, and our unique natural environment.

Purpose

The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:

- (a) To enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

1. NGĀ WHAKAPAAHA APOLOGIES

2. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or the Group Manager Corporate Services Risk and Assurance (preferably before the meeting). It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

3. HEARING OF OBJECTION PURSUANT TO SECTION 33B CLASSIFICATION OF DOG AS MENACING UNDER THE DOG CONTROL ACT 1996

- Hearing Procedure pages 4 – 6
- Report to Hearing Committee pages 7 - 11
- Appendix 1 – Section 33A - Dog Control Act 1996 page 12
- Appendix 2 – Notice of Impounded Dog – Section 69 Dog Control Act 1996 pages 13 – 14
- Appendix 3 – Victim Impact Statement page 15
- Appendix 4 – Clinical Summary - West Coast Vets – Hokitika pages 16 – 22
- Appendix 5 – Notification of Classification of Dog as Menacing pages 23 – 25
- Appendix 6 – Section 33B - Dog Control Act 1996 page 26
- Appendix 7 – Objection email to Menacing Classification pages 27 – 28
- Appendix 8 – Objection Letter to Menacing Classification pages 29 - 31
- To consider the following:
 - (i) **Objector – Nikki-Leigh Wilson-Beazley Condon**
Objection to the menacing classification of the dog Brooklyn, lodged by Nikki-Leigh Wilson-Beazley Condon (Appendix 7 and 8 to the Council Officer’s Report)
 - (ii) **Westland District Council**
Group Manager Regulatory, Planning & Community Services – Te Aroha Cook
Animal Control Officer – Clare Lomax

4. OBJECTOR RIGHT OF REPLY

5. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI RESOLUTION TO GO INTO PUBLIC EXCLUDED

(to consider and adopt confidential items)

Resolutions to exclude the public: Section 48, Local Government Official Information and Meetings Act 1987.

The general subject of the matters to be considered while the public are 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 the resolution are as follows:

Item No.	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Dog Control Hearing Decision	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

This resolution is made in reliance on sections 48(1)(a) and (d) of the Local Government Official Information and Meetings Act 1987 and the particular interests or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No.	Interest
1	Protect the privacy of natural persons, including that of deceased natural persons (s. 7(2)(a))
1	To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial (s. 6(a))

**DATE OF NEXT HEARING – TBC
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM**

INFORMATION CONCERNING PROCEDURE FOR HEARING OF OBJECTIONS RECEIVED

Pursuant to the Dog Control Act 1996

This information is for the assistance of persons participating in the hearing of objections received pursuant to the Dog Control Act 1996.

1. Panel of Elected Members conducting the Hearing

Objections received pursuant to the Dog Control Act 1996 are considered by a Hearings Panel composed of three Elected Members, who have Council's delegated authority to hear and determine the objection.

2. Statutory Provision

Relevant statutory provisions are contained in the Dog Control Act 1996.

3. Engagement of Counsel

You may present your case in person or may be represented by legal counsel or any other person. You may also bring a support person with you.

4. Public Hearing

The hearing is a public meeting and the media and members of the public are entitled to be present. This also means that any evidence provided during the process will be included in an Agenda publicly published prior to the hearing. The Decision of the Hearings Panel will be published on the Council website and remain publicly available. The minutes of the Hearing will also be published on the Council website.

Despite the above, the Hearings Panel has the power to make an order to protect sensitive information.

5. Venue

The Hearing will be held in the Council Chambers which is situated on the second floor in the Council Administration Building, 36 Weld Street, Hokitika. Access is via the doors on Weld Street. Disability access is via the Customer Service Centre then via the lifts to the second floor.

6. Agenda

An agenda for the hearing will be sent to you at least three days before the hearing.

The agenda will also include any pre-circulated evidence.

7. Evidence

Any evidence given and submissions made may be oral or in writing. Photographs and similar evidence may also be produced. Please provide six copies of any documents to be tabled at the hearing.

If you would like to have your evidence pre-circulated, you will need to provide this to the Hearing Administrator at least five working days prior to the Hearing for inclusion in the Agenda.

8. Cross-Examination

There is no right of cross-examination. This means that the parties do not have the right to address questions to other parties. The Hearings Panel may, however, question any party concerning their submission or evidence.

9. Conduct of the Hearing

At the start of the hearing, the Hearings Panel will briefly outline the hearing procedure. The following order of appearance will usually apply:

- The objector presents their case in support of their objection.
- The representative of the Council and any other person reporting on behalf of the Council present their case.
- The objector has a right of reply.

Notwithstanding this general order, the Hearings Panel may elect to regulate the hearing procedure as they see fit.

11. Visual and Digital Aids

If you wish to use any visual or digital aids, please contact the Hearing Administrator no later than two days before the meeting so that arrangements can be made.

12. Adjournment

The Hearings Panel has the authority to adjourn the hearing. If at the time of adjournment no date or time is set for a resumed hearing then you will be given at least seven working days' notice of the date and time of the resumed hearing.

13. Decision

After the Hearings Panel has heard the evidence, it will usually declare the Hearing closed and will leave the room to consider its decision. All parties will be advised in writing of the decision as soon as possible and the reasons for it. If you are dissatisfied with the decision, we recommend you seek legal advice.

14. Variation of Procedure

The Hearings Panel may, in its sole discretion, vary the procedure set out above if the circumstances indicate that some other procedure would be more appropriate.

Report to Hearing's Committee



DATE: 29 February 2024

TO: Hearing's Committee

FROM: Group Manager Regulatory, Planning & Community Services

OBJECTION TO CLASSIFICATION OF MENACING – NIKKI-LEIGH WILSON-BEAZLEY CONDON

1. Summary

- 1.1. The purpose of this report is to seek the Hearing's Panel's consideration and decision on the objection lodged by Nikki-Leigh Wilson-Beazley Condon against classification of her dog, Brooklyn, as a menacing dog under section 33A of the Dog Control Act 1996 (the Act) (**Appendix 1**)
- 1.2. This issue arises due to Nikki-Leigh Wilson-Beazley Condon's dog Brooklyn, being classified as a menacing under section 33A of the Act following an incident on 20 December 2023 where Brooklyn attacked and caused serious injury to another dog, and the registered owner exercising their right to object to the classification of menacing.
- 1.3. Council seeks to meet its obligations under the Local Government Act 2002 and the Dog Control Act 1996
- 1.4. This report concludes by recommending that the Hearing's Panel upholds the Menacing Classification of Ms Nikki-Leigh Wilson-Beazley Condon's dog, Brooklyn

2. Background

Legislation

- 2.1 Section 33A(1) of the Act provides that Council may classify a dog as menacing that has not been classified as a dangerous dog under section 31; but Council considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog.
- 2.2 In relation to section 33A, of the Act, Council has the discretion to classify a dog as menacing, having given consideration in the context that a dog '... may pose a threat to any person,...'. 'May' is a very low threshold and a decision considers the likelihood of the dog behaving similarly in the future.

Incident

2.3 Nikki-Leigh Wilson-Beazley Condon is the registered owner of Brooklyn, a male, Brindle/Black, German Shepherd

Dog 107938 MENACING

Name	Brooklyn	Registration ID	241027
Breed	Shepherd, German	Registered For	2024
Colour	Brindle/Black	Tag ID	1027
Age	1 Year 4 Months	Date Registered	24/07/23
Sex	Male	Date Added	18/07/23
Neutered	No		
Marks			
Microchip			
Microchip	This dog requires microchipping.		
Class	Menacing		
Fee Category	Rural Dog Registration		

- 2.4 On 20 December 2023 Council's Animal Control Office received a telephone call from West Coast Vets - Hokitika advising that a dog had been attacked on the South Spit Beach by an Alsatian/German Shepherd breed dog, and that the attacked dog required veterinary treatment for its injuries.
- 2.5 Council's Animal Control Officer immediately made their way to South Spit Beach where she encountered two person's leaving South Spit Beach by vehicle, with a German Shepherd and Labrador in their possession.
- 2.6 On making enquiry with the person's in possession of the dog, S Gosil and N Lott, they confirmed that the German Shepherd in their care, Brooklyn, had been involved in an attack, and belonged to Nikki-Leigh Wilson-Beazley Condon, and Hayden Condon, whom they were house sitting for.
- 2.7 S Gosil and N Lott informed Council's Animal Control Officer that they were given the routines for safe places to walk dogs off lead by Nikki-Leigh, and that both of her dogs had good recall. They had arrived at the South Spit Beach with Brooklyn (German Shepherd), and Winnie (Labrador), both registered to Nikki-Leigh Wilson-Beazley Condon. When arriving at South Spit, both dogs were let out of their vehicle. A small dog came up to Winnie, with its tail wagging and engaged with Winnie without any issue. While attaching a lead to Winnie, they heard yelling from the small dog's owner, at which point they became aware of Brooklyn biting the small dog. S Gosil and N Lott advised that they were overwhelmed by the situation, and slow to react. They stated that Brooklyn released his grip on the small dog when kicked by the owner of the dog being attacked.

2.8 Brooklyn was impounded on 20 December 2023

Search	Sign Off	Change	Post	New Impound	Change Log	D
Status	Returned To Owner					
Remarks	classified Menacing					
Impound Date	20/12/23 15.00					
Where Impounded	Hokitika Pound					
Reason	Attacked person or animal					
Picked Up	south spit beach (Hokitika)					
Officer	Clare Lomax					
Animal	Shepherd, German : Brindle					
Tag	241027 MENACING DOG					
Name	Brooklyn					
Sex	Male					
Age YY.MM	1.02					
Weight kg	0.00					
Marks						
Microchip						
Safe to be Rehomed?	Safe to be Rehomed?					
Behaviour						
Health Signs						
Other TLA						
Owner Details	6240 Nikki-Leigh Wilson-Beazley Condon					
Owner Notified	In person					
Impounding \$	82.00					
Sustenance \$	30.00					
Other \$						
Registration \$						
Total \$	112.00					

Notes

- 2.9 The registered owner, Nikki-Leigh Wilson-Beazley Condon was notified by email, with attached notices relating to seizure and impounding on 21 December 2023 **(Appendix 2)**
- 2.10 Impounding and infringement fees were paid on 21 December 2023, and Brooklyn was released from the pound.
- 2.11 Council's Animal Control Officer, contacted D Graham, the registered owner of the dog attacked by Brooklyn to obtain a statement. The owner's Victim Impact Statement is attached **(Appendix 3)**
- 2.12 Council received a copy of the Clinical Summary for Indie on 21 December 2023 **(Appendix 4)**
- 2.13 Having taken into account the verbal statements made by of S Gosil and N Lott at South Spit Beach, the Victim Impact Statement, and the Clinical Summary for Indie received from West Coast Vets showing the severity of injury inflicted, and assessment was made that the attack was not minor, and that Brooklyn be classified as 'Menacing' under section 33A(2) of the Act and the registered owner notified 21 December 2023. **(Appendix 5)**
- 2.14 The registered owner exercised their right under section 33B of the Act **(Appendix 6)** to object to classification of menacing, by email on 22 December 2023 **(Appendix 7)**

2.15 A further objection to classification of menacing was received 22 February 2024 (**Appendix 8**)

3. Current Situation

3.1. Nikki-Leigh Wilson-Beazley Condon as the registered owner of Brooklyn has exercised the right to object to the classification of menacing.

3.2. Section 33B of the Act (Appendix 6) provides that in determining this objection, the Hearing's Panel shall have regard to:

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

3.3. The following paragraphs set out the information relevant to section 33B considerations:

The evidence which formed the basis for the classification

3.4. Nikki-Leigh Wilson-Beazley Condon's dog Brooklyn, was classified as menacing due to the incident on 20 December 2023, where Brooklyn attacked another dog, unprovoked. The seriousness of injuries incurred evidence the attack being more than a minor.

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

3.5. At the time of writing this report, no evidence has been provided to Officers of Council that requirements of the classification of menacing have been complied with, or any other actions on the part of the owner to evidence steps taken to prevent any threat to the safety of persons or animals.

Any other matters

3.6. Case Law: Case law that is routinely referred to during dog attack prosecutions and taken into consideration when investigating dog bite/ attack incidents is Halliday v New Plymouth District Council (Halliday v New Plymouth District Council High Court New Plymouth CRI-2005-443011, 14 July 2005). This case mentions in part, when discussing the underlying principles of section 57 and 58 under the Act that in the absence of exceptional circumstances "... past behaviour is regarded as the best predictor of future behaviour."

4. Options

4.1. As a result of analysis of the objection received, the Hearing's Panel have the following options:

Option 1: Uphold the classification of Brooklyn as menacing; or

Option 2: Rescind the classification

4.2. The Hearing's Panel must give written notice of its decision and the reasons for it, under Section 33B(3) of the Act to the objector.

4.3. The preferred option is that the Hearing's Panel uphold the classification of Brooklyn as menacing

5. Risk Analysis

5.1. Should the Hearing's Panel uphold the classification and proceed with the staff recommendation, the classification stands with no further recourse for appeal by the objector. The dog owner must comply with all requirements of the menacing classification.

- 5.2. Should the Hearing's Panel rescind the classification, there is a risk that further breaches of the Act may occur, and Brooklyn may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife.

6. Conclusion

- 6.1. The menacing classification will reduce the risk posed to any member of the public and other dogs and animals. The menacing classification requires Brooklyn to be neutered, and to be muzzled when in public.
- 6.2. The incident clearly demonstrated unacceptable behaviour from Brooklyn. Should Brooklyn be involved in a dog bite / attack incident again, Council may consider prosecuting the owner and seek destruction of the dog.
- 6.3. Based on professional experience, and consistent with case law, Halliday, previously cited, Officers of Council consider that there is a risk that Brooklyn may attack again.
- 6.4. The position of Council Officers is that the evidence substantiates the classification of Brooklyn as menacing under the Act, and that that classification remains appropriate in regard to this Hearing of the objection received by Nikki-Leigh Wilson-Beazley Condon.

7. Recommendation

- 7.1. That the Hearing's Panel uphold the classification of Brooklyn as menacing.

Te Arohanui Cook
Group Manager Regulatory, Planning & Community Service

Clare Lomax
Animal Control Officer

Appendix 1:	Section 33A - Dog Control Act 1996
Appendix 2:	Notice of Impounded Dog – Section 69 Dog Control Act 1996
Appendix 3:	Victim Impact Statement
Appendix 4:	Clinical Summary – West Coast Vets – Hokitika
Appendix 5:	Notification of Classification of Dog as Menacing
Appendix 6:	Section 33B – Dog Control Act 1996
Appendix 7:	Objection Email to Menacing Classification
Appendix 8:	Objection Letter to Menacing Classification

Menacing dogs

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

33A Territorial authority may classify dog as menacing

- (1) This section applies to a dog that—
 - (a) has not been classified as a dangerous dog under [section 31](#); but
 - (b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—
 - (i) any observed or reported behaviour of the dog; or
 - (ii) any characteristics typically associated with the dog's breed or type.
- (2) A territorial authority may, for the purposes of [section 33E\(1\)\(a\)](#), classify a dog to which this section applies as a menacing dog.
- (3) If a dog is classified as a menacing dog under subsection (2), the territorial authority must immediately give written notice in the prescribed form to the owner of—
 - (a) the classification; and
 - (b) the provisions of [section 33E](#) (which relates to the effect of classification as a menacing dog); and
 - (c) the right to object to the classification under [section 33B](#); and
 - (d) if the territorial authority's policy is not to require the neutering of menacing dogs (or would not require the neutering of the dog concerned), the effect of [sections 33EA](#) and [33EB](#) if the owner does not object to the classification and the dog is moved to the district of another territorial authority.

Section 33A: inserted, on 1 December 2003, by [section 21](#) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33A(3): amended, on 1 November 2004, by [section 10](#) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 33A(3)(c): amended, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).

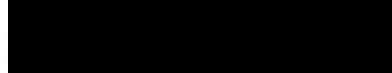
Section 33A(3)(d): added, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).

AML 2.1
Clare Lomax



20/12/2023

Nikki-Leigh Condon



Westland District Council
36 Weld Street
Private Bag 704
Hokitika 7842

Phone 03 756 9010
Fax 03 756 9045
Email council@westlanddc.govt.nz

Dear Nikki,

IMPOUNDED DOG – SECTION 69 DOG CONTROL ACT 1996

This letter is to advise you that your dog, Brooklyn, Male, Black with some Tan , German Shepherd was impounded on 20/12/23 due to your dog being involved in a dog attack on South Spit beach.

Unless your dog is claimed and all the fees paid within seven days of the date of this letter your dog may be sold, destroyed or otherwise disposed of in a manner that Council thinks fit.

The sale, destruction or other disposal of a dog under this section shall not relieve the former owner of the dog of any liability for the payment of any fees payable under this Act.

Prior to release of your dog you must register your dog if it is unregistered, and pay the impounding fees and pay any sustenance owing.

FEES OWING:

Impounding	\$82.00
Sustenance @ \$30.00 per day from and including date of impoundment	\$30.00
<i>(\$30.00 per day will be added each day the dog is in the pound)</i>	

TOTAL TO PAY	\$ 112.00
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Registration and payments may be made at Westland District Council in Hokitika between the hours of 8.30am and 4.30pm Monday to Friday

NOTE: Due to Christmas hours the council office will be closing at 12pm on the 23rd of December 2023

Sincerely

Clare Lomax
Animal Control Officer



Impounding Enquiry: I0000559**Hokitika Pound, Shepherd, German : Brindle 28/12/23**

Status	Alive and in pound
Impound Date	20/12/23 15.00
Where Impounded	Hokitika Pound
Reason	Attacked person or animal
Picked Up	south spit beach (Hokitika)
Officer	Clare Lomax

Animal	Shepherd, German : Brindle
Tag	241027
Name	Brooklyn
Sex	Male
Age YY.MM	1.02
Weight kg	0.00
Marks	
Microchip	
Safe to be Rehomed?	Safe to be Rehomed?
Behaviour	
Health Signs	
Other TLA	

Owner Details	Nikki-Leigh Wilson-Beazley Condon
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Owner Notified	In person
Impounding \$	82.00
Sustenance \$	30.00
Other \$	
Registration \$	
Total \$	112.00

Notes

Date	Last
	Changed By

No notes found



Westland District Council
36 Weld Street
Private Bag 704
Hokitika 7842

Phone 03 756 9010

Email council@westlanddc.govt.nz

Website <https://www.westlanddc.govt.nz>

Victim Impact Statement

Dale Kevin Graham

21/12/23

On December 20th 2023 at approximately 2.30 pm, I had taken my dog Indi a 10 year old tiny brindle Staffordshire Terrier to the beach known as South Spit.

We got out the car she wasn't on a lead, and she saw 2 dogs on the beach by the sea 1 was a black labrador the other a long-haired German Shepherd. She loves meeting other dogs and ran down to greet them.

Indi went to the labrador where they did the normal greeting wagging tails and sniffing there didn't look to be a problem at all. Suddenly the German Shepherd went to them and gave Indi a warning nip she squealed and dropped to her tummy, I thought Indi would of run back to me but she didn't. At this point the German Shepherd started really biting her.

I ran across and kicked the German Shepherd in the head as that was the only place I could get to . He instantly backed off, at this stage the young couple were able to grab him and put his lead on . Indi had run off back to the car.

When I got back to the car it was then I saw Indi had a gash on her back / side . We called the vets who advised to wash and to take her in to the vets.

Indi has had stitches and a drain put in and is on pain killers and spent the night in being observed.

I have read this statement, it is true and correct, I have nothing further to add.

Signed

DK Graham

Signed

[Signature]
22-12-23.

Date 22-12-23

Date



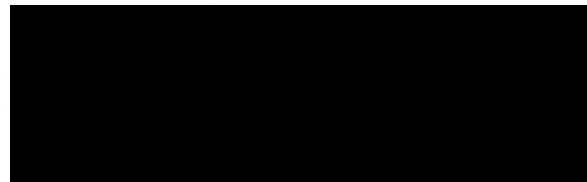
West Coast Vets - Hokitika
40 Brittan Street
Hokitika, 7810, West Coast

Ph (03) 755 8361

CLINICAL SUMMARY

Animal No. INDJJOHNSO-41395
Attending Vet(s) Vanessa Love, Dr Ciara Couper, Dr Minnie Hartnell, Dr Shannon Boyle, Dr Ariane Pritchard, TJ Fredrickson (Nurse), Dr Jo Ross
Date Range 19-12-2023 to 21-12-2023
Printed At 21-12-2023
Printed By Dr Minnie Hartnell

Clinical Summary for Indie



Animal Details

Name	Indie	Age	10 years 1 month
Species	Canine (Dog)	Sex	Female Spayed
Breed	Staffordshire Bull Terrier		

Thursday the 21st of December 2023

04:02PM

History

Dr Minnie Hartnell

presented post dog attack at the beach. happened at 2.30pm, came in at 4.30pm. dripping frank blood from wound on rhs thorax. given 0.45ml meth im and admitted for surgery to invest wound, flush and stitch.

Attachment(s)



Attachment(s)



Attachment(s)



Wednesday the 20th of December 2023

05:19PM

💊 Medication

Prescribed By: Dr Jo Ross

9 x Rheumocam 1mg (per tablet) chewable tablet

Give 1.5 tablets *ONCE* daily with food for 6 days *STARTING TOMORROW (21/12) EVE Discontinue with vomiting or diarrhoea*

9 x Noroclav 250mg (tablet)

Give 3/4 of a tablet *TWICE* daily, 12 hours apart, for 6 days *STARTING TOMORROW (21/12) EVE Contains penicillin*

05:10PM

🔧 Therapeutic / Procedure

Dr Minnie Hartnell

WCV General Surgery Dog

Specifics:

Procedure: GA + stitch up

ASA: 1 / 5

IVFT hartmann's 5xM

Pre-med:

0.45ml methadone

0.1ml ACP

IM

Induction: 8ml propofol slow IV to effect

Intubation tube size 9mm

Maintenance: Isoflurane/O2

Surgery:

Description of surgery: wound on right thorax made by another larger dog on the beach. clipped and flushed. large

pocket extending dorsally and ventrally so elongated incision. hair and grit/sand flushed from wound. penrose drain placed. closed muscle with 2.0 vicryl and sc fat. nylon used to close skin.
High HR - 0.05ml dom IV

dressing placed.

Pain relief given: 0.6ml metacam and more tgh.

Antibiotics required 0.75ml clavulox and more tgh.

Post-op Recommendations: remove drain in 3-5 days when not actively draining.

Sutures out: 10 days

• Medication

Prescribed By: Dr Minnie Hartnell
0.1 x Acezine 2mg Injection (per ml)(100ml)

• Medication

Prescribed By: Dr Minnie Hartnell
8 x Fresofol Injection (per ml)

• Medication

Prescribed By: Dr Minnie Hartnell
0.45 x Methadone Injection (per ml)

• Medication

Prescribed By: Dr Minnie Hartnell
1.5 x SA - Local Inj Per MI

• Medication

Prescribed By: Dr Minnie Hartnell
0.5 x Fluid - Lactated Ringers/Hartmann's (1L bag)

• Medication

Prescribed By: Dr Minnie Hartnell
0.6 x Metacam 0.5% Injection (per ml) 20ml

• Medication

Prescribed By: Dr Minnie Hartnell
0.75 x Clavulox Injection (per ml)

Medication

Prescribed By: Dr Minnie Hartnell
1 x Fluid - Lactated Ringers/Hartmann's (1L bag)

💊 Medication

Prescribed By: Dr Minnie Hartnell
1 x Buprelieve injection (per ml)

💊 Medication

Prescribed By: Dr Minnie Hartnell
0.05 x Sedamed Injection (per ml)

04:15PM

📋 Presenting Problem(s)

Dr Minnie Hartnell

Dog attacked on beach by another dog

04:12PM

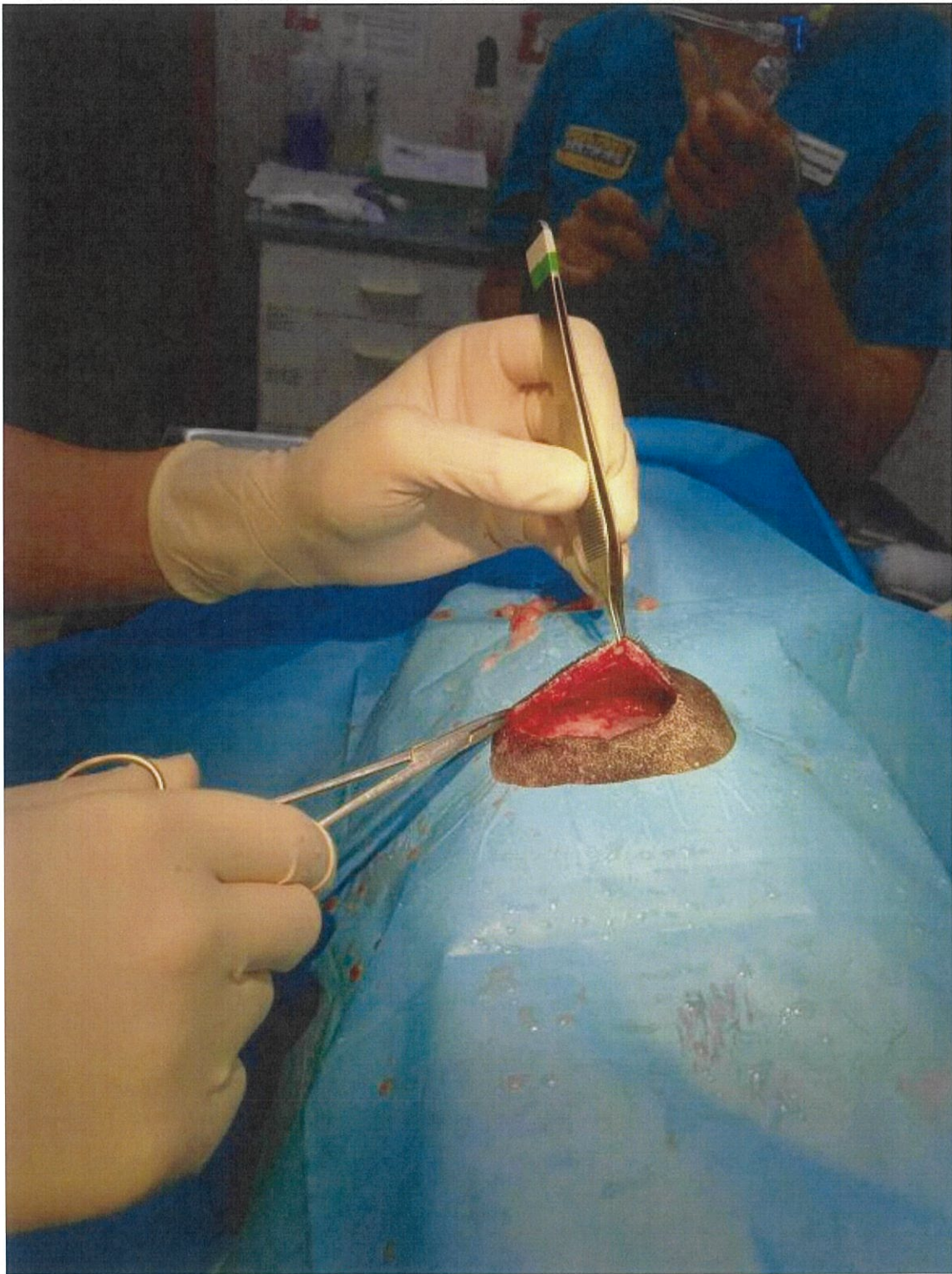
❤️ Health Status

Weight(kg): 15.00





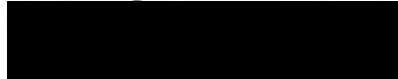




AML 4.1
Clare Lomax

21/12/2023

Nikki-Leigh Condon



Westland District Council
36 Weld Street
Private Bag 704
Hokitika 7842

Dear Nikki-Leigh Condon,

Phone 03 756 9010
Email council@westlanddc.govt.nz
Website <https://www.westlanddc.govt.nz>

MENACING DOG CLASSIFICATION

I am writing to you to advise that the Westland District Council is classifying your dog registered under the name Brooklyn breed German Shepherd as a Menacing dog.

On the 20th December 2023 Brooklyn attacked and injured a dog on South Spit Beach .

If a dog is classified under section 33A as a menacing dog you may, within 14 days of receiving this notice object in writing to the territory authority.

Attached is the Notice of Classification of Dog as Menacing Dog.

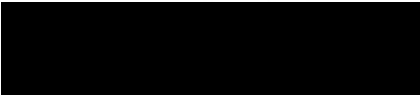
Yours Sincerely

Clare Lomax
Animal Control Officer



Notice of classification of dog as menacing dog
Section 33A, Dog Control Act 1996

Nikki-Leigh Condon



Dog: Brooklyn

This is to notify you* that this dog has been classified as a menacing dog under section 33A(2) of the Dog Control Act 1996.

This is because the Westland District Council considers the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of observed or reported behavior of the dog:

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

Clare Lomax

Animal Control Officer

For Westland District Council

21/12/2023

Date

*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
Section 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) if requested, must produce to the Westland District Council, within 1 month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying-
 - i. **that the dog is or has been neutered;** or
 - ii. that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
 - iii. where a certificate under paragraph b)ii is produced to the Westland District Council, produce to the Westland 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 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 Westland District Council in accordance with the reasonable instructions of the Westland 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 of 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 on 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 Westland District Council a written objection within 14 days 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.

33B Objection to classification of dog under section 33A

- (1) If a dog is classified under [section 33A](#) as a menacing dog, the owner—
 - (a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
 - (b) has the right to be heard in support of the objection.
- (2) The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to—
 - (a) the evidence which formed the basis for the classification; and
 - (b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and
 - (c) the matters relied on in support of the objection; and
 - (d) any other relevant matters.
- (3) The territorial authority must, as soon as practicable, give written notice to the owner of—
 - (a) its determination of the objection; and
 - (b) the reasons for its determination.

Section 33B: inserted, on 1 December 2003, by [section 21](#) of the Dog Control Amendment Act 2003 (2003 No 119).

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Seasons Greetings from Westland District Council

Christmas Hours

Customer Service **closed**

12pm, Friday 22 December 2023 - 8.50am, Wednesday 3 January 2024

Building Consents, Resource Consents, LMs and LCOIMA processing **closed**

Wednesday 20 December 2023 - Wednesday 10 January 2024

Liquor Licensing processing **closed**

Wednesday 20 December 2023 - Monday 15 January 2024

For emergency assistance: Water/Sewerage/Drainage/Roading/Animal Control
call 0500 474 854 and follow the prompts

From: Nikki-Leigh Wilson-Beazley [REDACTED]
Sent: Friday, December 22, 2023 12:45:29 PM
To: Clare Lomax <clare.lomax@westlanddc.govt.nz>
Cc: [REDACTED]
Subject: Re: BROOKLYN

This email is from an external sender. Be careful when opening any links or attachments. If you are unsure, please contact IT for assistance.

Kia ora Clare,

Thank you for your email and for managing the incident which took place the other day.

As I understand - The Dog Control Act 1996 Classifies a Staffordshire Terrier as a pitbull breed, which is classified legally as a 'Menacing Dog.'

According to the law, menacing dogs must be registered as such with the council, must always be on a lead, and muzzled. As I understand this was not the case, as the statements from the dog sitters state that it was the Staffordshire Terrier which approached our group first, including Brooklyn.

Brooklyn who is a one year old German Shepherd puppy and is at times reactive due to still being socialised, then took steps as is expected to protect his group from harm.

As a result, a dog fight broke out, our house sitters were traumatised, we were traumatised, and our dog was impounded

I would expect that as the territorial authority to manage animals in the area, that you would have a greater understanding of how the Dog Control act would be applied in that situation.

As such, we do not accept Brooklyn's classification as a 'Menacing Dog' by the Westland District Council and we will file a counter-claim in court against both the Westland District Council and the owners of the other dog.

You can expect a formal response in the new year.

Nikki-Leigh & Hayden Condon

From: Clare Lomax <clare.lomax@westlanddc.govt.nz>
Sent: Thursday, December 21, 2023 1:29 PM
To: [REDACTED]

Clare Lomax

From: Nikki-Leigh Wilson-Beazley [REDACTED]
Sent: Friday, 22 December 2023 1:14 PM
To: Clare Lomax
Subject: Re: BROOKLYN

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Kia ora Clare,

Thank you for your email. My apologies, Helen informed us yesterday that she believed the other dog involved was an 'elderly staffordshire terrier.'

Let's discuss in the New Year, have a great Christmas.

Nikki-Leigh & Hayden

Get [Outlook for iOS](#)

From: Clare Lomax <clare.lomax@westlanddc.govt.nz>
Sent: Friday, December 22, 2023 12:57:09 PM
To: Nikki-Leigh Wilson-Beazley [REDACTED]
Cc: [REDACTED] Te Arohanui Cook <tearoha.cook@westlanddc.govt.nz>
Subject: Re: BROOKLYN

Hi Nikki




The dog involved in the incident is not a classified breed.



I've taken on board your response which will be passed onto my manager .

Kind Regards

Get [Outlook for Android](#)

Clare Lomax | Animal Control Officer
Te Kahui o Poutini | **Westland District Council**

36 Weld Street, Private Bag 704, Hokitika 7842 |   

 +64 27 245 0891 |  clare.lomax@westlanddc.govt.nz

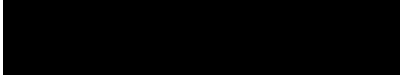
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Legal Objection

Nikki-Leigh Wilson-Beazley/ Condon



To the Westland District Council,

Subject: Formal Legal Objection to Misclassification of My Dog, Brooklyn, as 'Menacing' under the Dog Control Act 1996

Dear Council Members,

I am writing to formally challenge the decision made by the Westland District Council to classify my German Shepherd, Brooklyn, as a 'menacing' dog under the provisions of the Dog Control Act 1996 ("the Act"). This letter not only seeks to contest this classification but also to highlight inconsistencies in the application of the Act by the council, thereby advocating for a fair and informed reconsideration of Brooklyn's case.

Background Context

Brooklyn is a one-year-old King Shepherd, a breed known for its large size and protective nature, yet also recognised for its loyalty and intelligence. Despite his youth and the anxiety he has experienced since we adopted him, Brooklyn has been under continuous socialization and training to ensure his well-being and the safety of the community. Our responsible ownership practices include restricting his exposure to crowded public spaces and employing a combination of on and off-lead training exclusively on the beach, where interactions with other dogs and people can be more controlled.

Incident Summary

The incident leading to Brooklyn's current classification occurred in December 2023 while under the care of a dog sitter during our absence. It has been reported to us that Brooklyn, alongside another dog, Winnie, was involved in an altercation with a small dog while off-lead on the beach. The specifics of the incident remain largely unclear due to the council's refusal to provide access to case documents or witness statements.

Appeal Grounds

- **Inadequate Consideration of Circumstances (Section 33A of the Act)**

The decision to classify Brooklyn as 'menacing' appears to have been made without a comprehensive assessment of the circumstances surrounding the incident, including the behavior of all dogs involved and the preventive measures taken by the dog sitter. Section 33A emphasises the importance of considering the specific context of any alleged behavior leading to such a classification.

- **Selective Enforcement and Lack of Fair Procedure (Section 4 & 5 of the Act):**

The Act outlines the importance of fairness and consistency in the enforcement of its provisions. However, the selective impoundment of Brooklyn, with no action taken against the other dog involved, raises concerns about the equitable application of the Act. This is compounded by a lack of communication from the council, which has failed to provide essential information regarding the incident, contrary to the principles of natural justice.

- **Inconsistencies in Classification and Enforcement:**

There are precedents within the district where dogs have caused harm or exhibited aggressive behavior without receiving a 'menacing' classification. For example, dogs leaving their property and causing harm to other animals have not been consistently classified as 'menacing.' This includes personal knowledge of two dogs that have killed neighboring chickens yet have not been subjected to the same rigorous classification. Such inconsistencies undermine the integrity of the Act's enforcement.

- **Misinterpretation of Breed-Specific Legislation (Section 33C of the Act):**

The Act specifies certain breeds as inherently 'menacing,' yet Brooklyn's breed does not fall within these categories. The involvement of a Staffordshire terrier-type dog in the incident, allegedly not managed according to the Act's requirements for 'menacing' breeds (i.e., muzzled and on a lead), highlights a misapplication of breed-specific provisions and raises questions about the equitable enforcement of these regulations.

Brooklyn's age and behavior reflect his status as a young, non-aggressive animal dealing with anxiety, not indicative of a 'menacing' temperament. His actions, as described, suggest a defensive response rather than inherent aggression. The classification not only overlooks the specifics of the incident but also fails to consider Brooklyn's ongoing socialization and training efforts, which have been successful to date without any prior incidents.

In light of these points, I argue that the council's actions have not been in accordance with the spirit or the letter of the Dog Control Act. The law's intent is to ensure public safety while fairly assessing individual cases, not to indiscriminately penalise based on size or breed

Breach of Section 33A – Failure to Consider Circumstances

The Council's decision overlooks Section 33A of the Act, which mandates a comprehensive consideration of the circumstances leading to a dog's classification. The lack of evidence and refusal to share documentation concerning the incident in December 2023 precludes a fair assessment, violating this section.

Breach of Section 4 & 5 – Selective and Discriminatory Enforcement

The selective impoundment of Brooklyn, excluding the other involved dog, showcases a clear breach of Sections 4 and 5 of the Act. These sections require the Council to administer its duties without bias and ensure consistent application of the law. The Council's actions demonstrate a failure to uphold these principles, indicating a discriminatory practice against Brooklyn based on his breed and size.

Violation of Section 10 – Lack of Proper Notification

The Act under Section 10 stipulates the necessity for proper notification to the owner regarding the classification of their dog as 'menacing'. The Council's inadequate communication and refusal to provide essential case documents or witness statements have deprived me of the opportunity to understand or contest the specific allegations, a direct violation of this requirement.

Given the above violations, I demand an immediate reevaluation of Brooklyn's 'menacing' classification. Additionally, I request the Council to provide all relevant documentation and evidence related to the December 2023 incident, as per my rights under the Act. In light of the distress, inconvenience, and financial burden this misclassification has caused, I also seek appropriate compensation for these damages. due to the significant emotional distress, inconvenience, and the tangible harm caused by the wrongful classification of Brooklyn as 'menacing', we are seeking compensation in the amount of \$5,000.

Should our complaint not be adequately addressed and our demands for reevaluation and compensation not met, we are prepared to escalate our concerns through the following channels: filing a formal complaint with the Office of the Ombudsman to investigate the administrative conduct of the Westland District Council, seeking intervention from the Department of Internal Affairs for oversight, engaging legal counsel to consider judicial review of the council's decision, and utilizing local media to raise public awareness about this unjust treatment.

This issue necessitates immediate corrective action by the Westland District Council to remedy the legal breaches made in Brooklyn's case and to align with the legislative requirements of the Dog Control Act 1996.

Na,



Nikki-Leigh Wilson-Beazley