

## Notice of Meeting:

I hereby give notice that an ordinary meeting of the Hearings Committee will be held on:

**Date:** Tuesday 3 September 2024  
**Time:** 9.30 am  
**Venue:** Council Chambers, Dunedin Public Art Gallery, The Octagon,  
Dunedin

Sandy Graham  
Chief Executive Officer

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### Hearings Committee

#### Objection to Dog Classification

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#### MEMBERSHIP

**Chairperson**

Cr Kevin Gilbert

Cr Sophie Barker

Cr Andrew Whiley

**Senior Officer**

Ros MacGill, Manager Compliance Solutions

**Governance Support Officer**

Wendy Collard

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Wendy Collard  
Governance Support Officer

Telephone: 03 477 4000  
Wendy.Collard@dcc.govt.nz  
[www.dunedin.govt.nz](http://www.dunedin.govt.nz)

**Note:** Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.



<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
1	Declaration of Interest	4
<b>PART A REPORTS (Committee has power to decide these matters)</b>		
2	Menacing Classification Appeal	8

## DECLARATION OF INTERESTS

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### EXECUTIVE SUMMARY

1. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.
2. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.

### RECOMMENDATIONS

That the Committee:

- a) **Notes/Amends** if necessary the Elected Members' Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected Members' Interests.

### Attachments

	Title	Page
<a href="#">Download</a>	Declaration of Interests	5



Hearings Committee Councillor Register of Interest - Current as at 21 August 2024				
Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr Sophie Barker	Director	Ayrmed Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Various publicly listed companies	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Property Owner	Residential Property Owner - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Beneficiary	Sans Peur Trust (Larnach Castle)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Mentor	Business Mentors NZ	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Southern Heritage Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Friends Otago Museum	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Peninsula Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Orokonui Ecosanctuary	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Volunteer	Blue Penguins Pukeura	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Vegetable Growers Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Committee Member	Otago Anniversary Day Dinner	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Dunedin Heritage Fund (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Gasworks Museum Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Otaru Sister City Society (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Hereweka Harbour Cone Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Deputy Chair	Dunedin Food and Drink Tourism Story Group	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Te Ao Tūroa Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Connecting Dunedin (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Kevin Gilbert	Owner	Gipfel Limited - Bakery	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Schlubert Trust - Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Schlup Family Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	BNI	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Business South	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Air New Zealand	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Kevin Gilbert and Esther Gilbert Partnership - Residential Rental Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Biddies Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Advisors	Ronald McDonald House Supper Club Committee	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Fair Trading Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Local Government New Zealand (Zone 6 Committee) (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member (alternate)	Otago Regional Transport Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Toitū Otago Settlers Museum Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Keep Dunedin Beautiful (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Settlers Association (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Saddle Hill Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chair	Food Equity and Education Dunedin (FEED) Charitable Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	National Industry Advisors Group Food and Beverage (Workforce Development Council)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Connecting Dunedin (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Andrew Whiley	Owner/Operator	Whiley Golf Inc and New Zealand Golf Travel Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder 22 May 2017	Estate of Grace Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Japek (Family Trust) - Property Ownership - Dunedin	Duties to Trust may conflict with duties of Council Office.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Golf Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin South Rotary Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Institute of Directors	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	National Party	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Board Chair	Volunteer South	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	New Zealand PGA (Professional Golf Association)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chair	Dunedin Community House Executive Committee	Potential grants recipient	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Otago Property Investors Association	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Hereweka Harbour Cone Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Peninsula Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Shanghai Association (Sister City Society) (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Grow Dunedin Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	NZ Masters Games Trust Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Puketai Residential Centre Liaison Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Board Member	Dunedin Christmas Charitable Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

## PART A REPORTS

### MENACING CLASSIFICATION APPEAL

Department: Customer and Regulatory

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#### EXECUTIVE SUMMARY

- 1 This report details the Dunedin City Council's (DCC) decision to classify the appellant's two dogs as menacing pursuant to section 33A(2) of the Dog Control Act 1996 (The Act).
- 2 This report is prepared in response to the appellant's objection to the menacing classification and details the process by which the menacing classification was made and contains the evidence gathered by the DCC Animal Services team in respect of that decision.
- 3 The Hearings Committee in accordance with the Council's Committee Structure and Delegations Manual has the delegation to hear and determine objections for classification of dogs as menacing under the Dog Control Act 1996. The objection will be heard under the provisions of Section 33B(1) of the Act and the owner of the dog has right to be heard in support of the objection.
- 4 The role of the Committee is to consider whether to uphold or to rescind the menacing dog classification.

#### RECOMMENDATIONS

That the Committee:

- a) **Upholds** the decision to classify the appellant's two dogs; River and Charlie as menacing pursuant to section 33B(2) of the Dog Control Act 1996.
- b) **Provides** the appellant, as soon as practicable, with a written decision which contains the reasons for its determination.

#### BACKGROUND

- 5 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; where the Council considers the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog. If a dog is classified as a menacing dog under Section 33A, the dog is required to be muzzled in public places unless they are in a cage, confined in a vehicle, inside a dwelling house, inside the dog owner's property, or inside another person's fenced property with the consent of that person. The Council can also require that dogs classified as menacing are neutered and require the owner to provide a certificate issued by a

vet to certify this has occurred. The appellant in this matter is Miss Michaela Anderton. Miss Anderton is the registered owner to two dogs: River, an entire male Huntaway-Golden retriever Cross aged two years and six months and Charlie, a female un-neutered Labrador Retriever aged one year and two months.

- 6 On Saturday 01 June 2024 at 10:36am the DCC afterhours service received a Lost Dog report from Miss Anderton advising that her two dogs, River and Charlie had gone missing from the Tomahawk Beach area at approximately 8:30am.
- 7 Later that same day at 2:03pm the DCC afterhours service received a Dog Attack-Other Request for Service from the complainants in this matter. The report advised that two dogs had been secured at their property, and they reported that the dogs had attacked sheep.
- 8 The Request for Service was attended by an Armourguard Dog Ranger who secured the dogs in his van and contacted Animal Control Officer (ACO) Janine Day to meet him at the DCC pound. [Armourguard is contracted to the DCC for the provision of dog control and other services and relevant staff are warranted as Dog Rangers under s12 of the Act.]
- 9 The two dogs were impounded by ACO Day and she started an investigation into the incident.
- 10 On Tuesday 04 June 2024 the DCC received further information from a witness who had been present at Tomahawk Lagoon the previous day. He stated that he had seen the dogs running up the track at Tomahawk Lagoon catchment and he saw the dogs enter the complainants' paddock. He stated he had found a dead swan at the Tomahawk Lagoon catchment.
- 11 On Tuesday 04 June 2024 the DCC received an email from the Otago Regional Council (ORC) reporting that a total of six dead swans had been found in the Tomahawk Lagoon area and were believed to be showing evidence of dog bites. ORC has provided the DCC with photos taken of the dead swans on 03 June 2024 which are included in the Animal Attack Pack.
- 12 As part of the investigation into this complaint, ACO Day spoke to the complainant, the dog owner Michaela Anderton and the witness who had alerted the complainant to the dogs being on his property. ACO Day completed the DCC Attack Pack. This pack contains the complainant details, dog owner details, dog details, emailed communication from the witness and dog owner, assessments and recommendations and outcome. (Attachment 1)
- 13 On 04 June 2024 ACO Day issued the dog owner with a \$200 infringement under s53 of the Act for failing to keep dog under control. This was paid on 04 July 2024
- 14 On Tuesday 04 June 2024, after reviewing the investigation details with ACO Day, the Animal Services Team Leader Cazna Savell determined that the two dogs should be classified and issued the two dogs with a Menacing Classification under s 33A of the Act.
- 15 A Notice of classification was prepared and is dated 04 June 2024.
- 16 The Menacing Classification Notice together with information regarding the effects of classification and advising of the right to object to classification was posted to Miss Anderton on 11 June 2024.
- 17 A statement outlining the facts leading to the issuing of the Menacing Dog Classification has been prepared by ACO Day; The officer's statement which annexes the Attack Pack, DCC records is attached to this report. (Attachment 2)

- 18 A statement from the complainant who witnessed the dogs attacking his sheep is attached to this report. (Attachment 3)
- 19 Section 33B of the Act provides that an owner may within 14 days of receiving notice of classification object to that classification. (Attachment 4)
- 20 On Tuesday 25 June 2024 Miss Anderton wrote to the DCC via email objecting to that classification under Section 33(B) of the Dog Control Act. (Attachment 5)

## **DISCUSSION**

- 21 ACO Day will provide evidence to the Committee of her investigation and explain the process used with the implementation of the Attack Pack as a means of determining the outcome of an investigation.
- 22 Complainant, will provide a statement detailing the behaviour of the dogs River and Charlie, towards his stock, which he witnessed on his property on 01 June 2024.
- 23 The purpose of this Committee hearing is to decide whether the DCC's classification of menacing in respect of both of the appellant's dogs is just and reasonable under the circumstances and whether that decision should be upheld.
- 24 The object of the Dog Control Act 1996 is:
  - a) To make better provision for the care and control of dogs-
  - (iv) By imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal or protected wildlife.
- 25 Any decision of the Committee must be made in regards to:
  - a) The evidence presented which formed the basis of the DCC decision to classify the dogs as menacing; 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

## **OPTIONS Option One – Recommended Option**

- 26 Uphold the decision to classify the appellant's two dogs: River and Charlie as menacing pursuant to section 33B (2) of the Dog Control Act 1996.

### *Advantages*

- The risk to the public and other animals is reduced significantly.
- If classified as menacing, the classification applies throughout New Zealand.

### *Disadvantages*

- There are no known disadvantages.

### **Option Two –**

- 27 Rescind the decision to classify the appellant's two dogs: River and Charlie as menacing pursuant to section 33B (2) of the Dog Control Act 1996.

### *Advantages*

- There are no known advantages.

### *Disadvantages*

- River and Charlie may continue to be a risk to the public and other animals.

### **NEXT STEPS**

- 28 The Committee must give written notice to the appellant of:
- a) its determination of the objection; and
  - b) the reasons for the determination

### **Signatories**

Author:	Cazna Savell - Animal Services Team Leader
Authoriser:	Paul Henderson - General Manager Customer and Regulatory (Acting)

### **Attachments**

	<b>Title</b>	<b>Page</b>
<a href="#">↓A</a>	Attachment 1: Attack Pack Documents 1A-1H	14
<a href="#">↓B</a>	Attachment 2: Statament of ACO Janine Day	42
<a href="#">↓C</a>	Attachment 3: General Statement of Complanaint	46
<a href="#">↓D</a>	Attachment 4: Sections 33A and 33B of the Dog Control Act 1996	48
<a href="#">↓E</a>	Attachment 5: Letter of objection to Menacing Classiifcation from dog owner Michaela Anderton	50

**SUMMARY OF CONSIDERATIONS**
***Fit with purpose of Local Government***

This decision enables democratic local decision making and action by, and on behalf of communities.

***Fit with strategic framework***

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Economic Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Future Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Integrated Transport Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Parks and Recreation Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	✓

***Māori Impact Statement***

There are no known impacts for Māori

***Sustainability***

There are no implications for sustainability

***LTP/Annual Plan / Financial Strategy /Infrastructure Strategy***

There are no implications for the LTP/Annual Plan/Financial Strategy/Infrastructure Strategy

***Financial considerations***

There are no financial considerations

***Significance***

While the public will have a general interest in the objects of the Dog Control Act 1996, specific community interest in this case is low. This decision is considered low in terms of the Council's Significance and Engagement Policy

***Engagement – external***

There has been no external engagement

***Engagement - internal***

There has been no internal engagement

***Risks: Legal / Health and Safety etc.***

There are no identified risks

***Conflict of Interest***

There is no conflict of interest



## SUMMARY OF CONSIDERATIONS

### *Community Boards*

There are no implications for Community Boards

## Animal RFS

### RFS Details

RFS number	764851
Request	DAO - Dog Attack - Other
Date and time RFS attended by officer	01/06/2024 3:56p.m.
ACO:	Janine Day

### Customer detail

Customer name Customer Services Agency  
Default Address PO Box 5045 Dunedin 9054

### References

Home Phone (\*\* \*\*\*) [REDACTED]  
Customer Name [REDACTED]  
Mailing Address [REDACTED]  
Additional Location Details INCIDENT HAPPENED AT [REDACTED]

### Questionnaire

Inform of Outcome? Yes  
Time to contact  
Preferred contact method? Home Phone  
Time of attack? 2pm  
Date of attack? 01/06/2024  
Where is the dog now?  
Address of the dog that attacked?  
Suburb (Mandatory)  
Were there any witnesses? yes  
Dog Breed? 1 Labrador and 1 Huntaway cross  
Dog Colour? 1 brown and 1 black/brown  
Dog Name? River and Charlie  
Tag Colour/Number?  
Additional Notes? Information provided by PNCC dispatched to Armourguard @ 2.02pm 1/6/24 Details: Called in by [REDACTED] 2 Dogs -1 is a young chocolate lab looking dog with a metal tag 21502. The other dog is a large male black and tan dog. They have mauled at least 3 sheep on the farm. Dogs are secured at their property awaiting pick up.

### RFS notes

11:38:AM	Dispatched to Armourguard Date - 1/6/24 Time received - 1411 Contact made with complainant - 1417
4/6/2024 by Liz Brown	Time attended - 1431 Met Janine at the pound and dogs are getting processed Impounded K9 and K10 Waiting on the complainant to send photos of the sheep.

### Health and safety assessment

I have identified the potential risks for this job? Yes

1 of 7

Do NZTA or Kiwi Rail need to be notified? No  
The level of risk has been assessed and deemed safe? Yes  
I have the required PPE/ equipment to undertake this job safely? Yes

### Incident property

Property address

[REDACTED]

### Incident dogs

Dog

Lookup dog

No

Animal reference

369310

Animal type

Dog

Microchip

934000090339576

DCC Tags

Year: 2023-2024 Tag: 23230

Year: 2022-2023 Tag: 5505

Animal class

Pet (Not Neutered)

Animal colour

Black/Brown

Animal gender

Male

Animal breed

Huntaway - Retriever, Golden

Animal name

RIVER

Animal Status

Active

Animal birthdate

14/2/2022

Animal property address

[REDACTED]

Owner first name/s

Michaela

Owner last name

Anderton

Owner birthdate

[REDACTED]

Owner mail address

Owner mobile phone

[REDACTED]

Owner home phone

Owner business phone

Owner email

[REDACTED]

Dog

Lookup dog

No

Animal reference

371772

Animal type

Dog

Microchip

953010006452736

DCC Tags

Year: 2023-2024 Tag: 21502

Animal class

Pet (Not Neutered)

Animal colour

Brown

Animal gender

Female

Animal breed

Retriever, Labrador

Animal name

CHARLIE

Animal Status

Active

Animal birthdate

9/6/2023

Animal property address

[REDACTED]

Owner first name/s

Michaela

Owner last name

Anderton

Owner birthdate

[REDACTED]

Owner mail address

[REDACTED]

Owner mobile phone

[REDACTED]

Owner home phone

[REDACTED]

Owner business phone

[REDACTED]

Owner email

[REDACTED]

## Action notes

Date and time of incident (required for any letters)

01/06/2024 09:45a.m.

Pathway notes

1/6/2024 3.56pm phoned complainant, no answer left message.  
4.25pm Phoned dog owner, no answer, left message.  
4.31pm Dog owner called back. I informed Michaela that her dogs were impounded and that they had attacked sheep but that is the only information that I had at this stage.  
(At this stage I did not know that the dogs had also potentially killed wildlife - estuary birds, sounds like 1 swan, perhaps pukekoe also).  
Michaela asked what would happen to her dogs.  
I replied that I don't have all of the information yet. I told her that as it's a long weekend that we won't know anything further til Tuesday, and once we have all of the necessary information that my Team Leader will make decisions on what happens next.  
I assured her that her dogs would not be euthanized (as that is what she was thinking might happen) and that they will be well taken care of while they are in our care.  
Michaela enquired regarding cost, I told her that there will be the \$25 per dog daily sustenance charge and that there will likely be further fees which the team leader will make a decision on.  
I did let her know that her dogs may end up being classified due to the incident, and that any classification will be for the life of her dogs if given, and that she may also be infringed.  
I asked her to provide a statement of events and sent her the statement format to complete.  
Michaela told me that her and her partner were walking the dogs off lead when they took off into the sand dunes. Michaela said that her partner went after them calling them but couldn't find them.  
I informed Michaela that it is her responsibility to ensure that she has full control of her dogs at all times, on and off lead.

2/6/2024 9.23am Phoned complainant. The complainant has 3 sheep missing in a block of rough terrain, scrubby forest. They have a mob of 300 sheep in total. They yarded their sheep on Sunday morning to vaccinate and check. They currently have 9 months of wool on. Complainants did manage to find some sheep that have sustained puncture wounds.

2/6/2024 I tried to email [REDACTED] ( he made contact with the [REDACTED] that the dogs were heading their way and had potentially killed wildlife) with the provided email from [REDACTED] but it bounced back. I then sent an email requesting [REDACTED] to contact me on the Tomahawk Lagoon site. I haven't had a reply yet.

4/6/2024 Managed to speak with [REDACTED] He sent the email below;

[REDACTED] observation from Lagoon Creek catchment on [REDACTED] farm 01/06/2024.

I left the walking track and crossed the fence adjacent to the stream. No animals close by the stream at 8.45 ish.

I travelled up the catchment/stream for about 20 minutes collecting water samples etc.

On my return I could hear dogs barking consistently down near the lagoon. As I got closer to the walking track, barking continues, I passed by 2 cygnets which were racing up the catchment away from the track and the barking. At that point two dogs were running up the catchment or stream about 80 metres to my left, still barking.

I was quite relieved they were away from me!! I came close to the fence at the bottom of the catchment-one dead adult black swan lay beside the stream. About 10.00 am. I assumed they had killed the adult swan and maybe chasing the cygnets. I drove around to [REDACTED] place and alerted him to the dogs present on his land. 10.10 am

4 /6/2024 Discussed incident with team leader. Menacing classification to be given for both dogs along with infringement for - Failure to keep dog under control (section 53(1)).

Is a follow up visit required  
Is the property linked  
Are the offending dogs linked

No  
Yes  
Yes

Further action

- Infringement

## Infringement

RFS number

764851

Request

DAO - Dog Attack - Other

Property ID

5043112

Property address

[REDACTED]

Is the offender the dog owner?

Yes

Are the offending dogs linked

Yes

Linked dogs

Animal reference

369310

Animal breed

Huntaway - Retriever, Golden

Animal name

RIVER

Animal property address

[REDACTED]

Owner first name/s

Michaela

Owner last name

Anderton

Owner birthdate

[REDACTED]

4 of 7

Linked dogs

Animal reference	371772
Animal breed	Retriever, Labrador
Animal name	CHARLIE
Animal property address	[REDACTED]
Owner first name/s	Michaela
Owner last name	Anderton
Owner birthdate	[REDACTED]

Date and time RFS attended by officer	01/06/2024 03:56:p.m.
ACO	Janine Day

Offence	Failure to keep dog under control (section 53(1))
Location	Tomahawk Beach/Lagoon
Date and time of incident (required for any letters)	01/06/2024 09:45:a.m.

Cleared other

Neutering	
Add to DCC neutering scheme	No

Contacted?	
Complainant contacted if requested	Yes
Comment	As per pathway

Update dog details

New Registrations

Letters

Attack Pack

Investigation Check Sheet / Report

Alleged offence	Dog/s attack on : Stock
Would a DNA sample be useful in this attack?	No
Is the dog contained	Yes

1A

Should the Dog be seized

Summary of incident (to appear on letter/classification)

Dogs Charlie - Female Chocolate Lab and River- Back & Tan  
entire male Huntaway not under effective control by owner  
and entered a nearby farming property attacking sheep.

Officer Notes

Assessment Matrix

Level of aggression displayed in the attack	7 - (multiple bites and retreat)
Factors involved that lead to the attack occurring	8 - Protection. Prey drive
Previous history of dog/s (in the last 2 years, or bites or attacks in the last 5 years)	1 - Nil
Type of 'control' situation the dog/s was in	9 - Secured/at large public place/ At large other persons private property
Victim impact as a result of the attack (psychological)	0
Effects/Injuries as a result of the attack (physical)	0
No death - Effects / Injuries as a result of attack	7 - Punctures
Death of stock, poultry, domestic animal, or protected wildlife. Note: poultry- not above 3: protected wildlife - not above 4; domestic pets and stock not below 6	0
Victim impact in relation to being the owner of stock; poultry or domestic animals as result of the attack (psychological)	3 - Angry
Attitude to the incident	3 - Co-operative
Previous history (in the last two years, or attack infringement or prosecution in the last five years)	1 - None
Level or responsibility towards control of dog	5 - Below average
Likelihood of dog/s being a continuing threat to the safety of persons, stock, poultry, domestic animals or protected wildlife (at the same address)	3 - Possible
Why?	Both are young dogs and need training.
Registration compliance	1 - Current
Assessment score	48

Attack Pack Letters

Classification letters	• Menacing Classification
Date of letter	04/06/2024
Notes to admin	Menacing classification for both River and Charlie.

Investigation File Check List

Officer Field Notes	Yes
Complainant Statement	Yes
Dog Owner Statement	Yes
Witness Statement	Yes
Medical/Veterinary Reports	No
Seizure notice	No
Consent Agreement	No
Impound Notice	No
Evidential Photos	No
Victim Impact report	No
Assessment Matrix	Yes
Other breaches of dog control act	Failure to keep dog under control (section 53(1))
Other actions to date	No
Decision of council	No prosecution
Council decision reason	Both dogs will receive a menacing classification

6 of 7



1A

Team leader signature



Signature date

04/06/2024

8 of 7

Item 2

Attachment A



**Cazna Savell**

---

**From:** Palmerston North City Council <afterhours@pncc.govt.nz>  
**Sent:** Saturday, 1 June 2024 10:37 a.m.  
**To:** DCC - Animal Control  
**Subject:** New Case SRC0147451 Form: AH - Animal Complaints

Attn: Dunedin City Council

A new Case has been added with the following details:

Customer Details:

Customer: Anderson, Michaela

Customer Address: [REDACTED]

Home Phone:

Cell Phone: [REDACTED]

Work Phone:

Email:

We have recorded the following information:

Case Started: 01-06-2024 10:36:58 AM NZST

Call In: 10:36:58

Issue Location: [REDACTED] Dunedin

Type of Animal: Dog

Problem Type - Dog: Lost Dog

Details: Dogs have gone missing from Tomohawk Beach area, around 8:30 this morning.

Dog Colour: 1. Brown 2. Black

Dog Gender: Unknown

Tag Number/Colour: 1. DCC tag 2. None

Any Other Dog Details: 1. Lab 2. Huntaway/Lab

Duty Officer Contacted?: Not Applicable

Assignment Group: Dunedin - Animals

Thank You

Ref:MSG0127170\_4Fg5PkG1LkTPI9l1Qqtu

**Cazna Savell**

---

**From:** Palmerston North City Council <afterhours@pncc.govt.nz>  
**Sent:** Saturday, 1 June 2024 02:04 p.m.  
**To:** 0277002735@mtxt.co.nz; DCC - Animal Control; 0272219101@mtxt.co.nz;  
0272219100@mtxt.co.nz; 0279635413@mtxt.co.nz  
**Subject:** New Case SRC0147541 Form: AH - Animal Complaints

Attn: Dunedin City Council

A new Case has been added with the following details:

Customer Details:

Customer: [REDACTED]

Customer Address [REDACTED]

Home Phone: [REDACTED]

Cell Phone:

Work Phone:

Email:

We have recorded the following information:

Case Started: 01-06-2024 02:03:17 PM NZST

Call In: 14:03:17

Issue Location: [REDACTED]

Type of Animal: Dog

Problem Type - Dog: Dog Attack

Details: Called in by [REDACTED] 2 Dogs -1 is a young chocolate lab looking dog with a metal tag 21502. The other dog is a large male black and tan dog. They have mauled at least 3 sheep on the farm. Dogs are secured at their property awaiting pick up.

Dog Colour: Chocolate brown and black and tan

Dog Gender: Unknown

Tag Number/Colour: Blue metal 21502 on the lab

Duty Officer Contacted?: No Answer - Will Keep Trying

Name/Number Called: 0272219100 - Armourguard

Time Called Out : 1402

Assignment Group: Dunedin - Urgent Animals

Thank You

Ref:MSG0127306\_WgZSEhsMQjIQVcFXixry

## Pathway Animal Details

DCC Pathway Profiles LIVE  
[Pathway Profiles Home](#) > [Animal Search](#) > [Animal Details](#)

DCC\cjsavell:20/08/2024

- [Animal Details](#)
- [Letters Sent](#)
- [Registration History](#)
- [Owner Details](#)
- [Previous Owners](#)
- [Impound Details](#)
- [Customer Requests](#)
- [Infringements](#)

[Animal Services](#) ▪

- [Dog Changes Form](#)
- [Dog Registration Form](#)

### Animal Details

**Animal Reference** 371772  
**Name** CHARLIE  
**Dog Setup Date** 09/01/2024  
**Gender** Female  
**Class** Menacing by Action (Not Neutered)  
**Breed** Retriever, Labrador  
**Colour** Brown  
**DOB** 09/06/2023  
**Status** Active  
**ISO Std Microchip** 953010006452736  
**Non Std Chip No.**  
**Property**  
**Particulars**

### Letters Sent

Merge Type Code	Letter	Reference/Amount	Issue Date
EREGDISC	ePathway (Online) Registration disc letter		9/01/2024 12:56:46 p.m.

### Registration History

Year	Tag	Tran Type	Amount	Receipt Date
2024-2025	21502	Renewal	115.00	31/07/2024
2023-2024	21502	New Registration	63.60	29/12/2023

### Owner Details

**Owner** [769711](#) Michaela Anderton  
**Start Date** 09/01/2024  
**Owner Date of Birth**  
**Owner Status** Standard  
**Policy** Annual Education

**Urban Rural  
Infringement  
Comments**

Rural

Infg 11810 sent with letter 8/11/2022 due to River being unregistered. hd  
Infg 12421 issued on River for failure to control/confine, as advised  
RFS764851, see 208, 05/06/2024 KE

**General Comments**

Menacing By Action, see RFS764851 and 208. 05/06/2024 KE

↓ ↑	<b>Previous Owners</b>	↑ ↓
-----	------------------------	-----

No information is available

↓ ↑	<b>Impound Details</b>	↑ ↓
-----	------------------------	-----

	<b>Impoundment Date</b>	<b>Result/Release Date</b>	<b>Reason for Impoundment</b>
<a href="#">13483</a>	01-Jun-2024	04-Jun-2024	Captive

↓ ↑	<b>Customer Requests</b>	↑ ↓
-----	--------------------------	-----

<b>Request Number</b>	<b>Request Code</b>	<b>Description</b>	<b>Date Received</b>	<b>Request Status</b>
<a href="#">764851</a>	DAO	Dog Attack - Other	04/06/2024	Completed

↑	<b>Infringements</b>	↑ ↓
---	----------------------	-----

No information is available

### Pathway Animal Details

DCC Pathway Profiles LIVE  
[Pathway Profiles Home](#) > [Animal Search](#) > [Animal Details](#)

DCC\cjsavell:20/08/2024

- [Animal Details](#)
- [Letters Sent](#)
- [Registration History](#)
- [Owner Details](#)
- [Previous Owners](#)
- [Impound Details](#)
- [Customer Requests](#)
- [Infringements](#)

[Animal Services](#) ▪

- [Dog Changes Form](#)
- [Dog Registration Form](#)

#### Animal Details

**Animal Reference** 369310  
**Name** RIVER  
**Dog Setup Date** 02/12/2022  
**Gender** Male  
**Class** Menacing by Action (Not Neutered)  
**Breed** Huntaway - Retriever, Golden  
**Colour** Black/Brown  
**DOB** 14/02/2022  
**Status** Active  
**ISO Std Microchip** 934000090339576  
**Non Std Chip No.**  
**Property Particulars** [REDACTED]

#### Letters Sent

Merge Type Code	Letter	Reference/Amount	Issue Date
EREGDISC	ePathway (Online) Registration disc letter		5/12/2022 11:25:08 a.m.

#### Registration History

Year	Tag	Tran Type	Amount	Receipt Date
2024-2025	23230	Renewal	115.00	24/06/2024
2023-2024	23230	Renewal	163.50	25/10/2023
2022-2023	5505	New Registration	63.60	01/12/2022

#### Owner Details

**Owner** [769711](#) Michaela Anderton  
**Start Date** 02/12/2022  
**Owner Date of Birth** [REDACTED]  
**Owner Status** Standard

3 of 4

<b>Policy</b>	Annual Education
<b>Urban Rural</b>	Rural
<b>Infringement Comments</b>	Infg 11810 sent with letter 8/11/2022 due to River being unregistered. hd Infg 12421 issued on River for failure to control/confine, as advised RFS764851, see 208, 05/06/2024 KE
<b>General Comments</b>	Menacing By Action, see RFS764851 and 208. 05/06/2024 KE

↕ ↕	<b>Previous Owners</b>	↑ ↓
-----	------------------------	-----

No information is available

↕ ↕	<b>Impound Details</b>	↑ ↓
-----	------------------------	-----

	Impoundment Date	Result/Release Date	Reason for Impoundment
<a href="#">13482</a>	01-Jun-2024	04-Jun-2024	Captive

↕ ↕	<b>Customer Requests</b>	↑ ↓
-----	--------------------------	-----

Request Number	Request Code	Description	Date Received	Request Status
<a href="#">764851</a>	DAO	Dog Attack - Other	04/06/2024	Completed

↕	<b>Infringements</b>	↑ ↓
---	----------------------	-----

Infringement	Offence Date	Offender
<a href="#">12421</a>	01/06/2024	<a href="#">769711</a> Michaela Anderton

4 of 4



**Janine Day**

---

**From:** Michaela anderton [REDACTED]  
**Sent:** Monday, 3 June 2024 08:12 p.m.  
**To:** Janine Day  
**Subject:** Re: Dogs atrack sheep 1May 2024  
**Attachments:** 0.png

My full name is Michaela Anderton

I live at [REDACTED]

my date of birth is the [REDACTED]

and my cell phone number is [REDACTED]

I am suppling a statement of events from the 1st June 2024

at approximately 8 30am

to ACO Janine Day from the Dunedin City Council Animal Services.

**Statement content**

Woke up on Saturday morning and took the dogs to Tomahawk beach as we do multiple times each week.

When we arrived at the beach carpark both dogs had leads on as we walked to the waters edge.

Once down on the beach we removed their leads as we usually do and begun to walk down the beach. The dogs played with other dogs that were there at the time.

We walked to the other end of the beach and made our return back to the car, about half way back River started to sniff. It looked like he was sniffing to go to the toilet, so I prepared to get a poo bag out of my pocket and as I did, he ducked into the sand dune with Charlie following.

My partner and I went over to them, but they had already made their way through the tussocks.

We spent the next two hours searching the dunes, beach, streets and nearby sports ground for them.

I called the council at 10.28am as we continued looking for both dogs.

We continued the search for the dogs throughout the day by looking by car and also on foot checking the beach and dunes again.

We live on a lifestyle property and the dogs have lived on lifestyle property their whole life with 30 sheep and lambs and neither dog have ever shown any aggression towards the sheep and have daily interactions with them.

I am absolutely devastated to hear that they were involved with the killing of three sheep. As mentioned previously they both share the property with livestock and have been through lambing seasons and have always got along with sheep and lambs.

I confirm that this is my statement and is true to the best of my knowledge.

Time 8.00pm

Date 3rd June

On Sun, 2 Jun 2024, 9:00 am Janine Day, <[Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)> wrote:

Hi Michaela

Please find our statement process below.

Please just stick to what occurred on the day.

Once I have received this, I will make a day and time suitable to you to visit and have you digitally sign your statement.

Kind regards

Janine

My full name is

I live at

my date of birth is the

and my cell phone number is

I am supplying a statement of events from the ..... 2024

at approximately .....

to ACO Janine Day from the Dunedin City Council Animal Services.

Statement content

#Please describe the incident, (Ted) tell, describe, and explain

I confirm that this is my statement and is true to the best of my knowledge.

Time ....

Date .....

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**Cazna Savell**

---

**From:** CSA Customer Services - DCC address  
**Sent:** Tuesday, 4 June 2024 09:25 a.m.  
**To:** DCC - Animal Control  
**Subject:** Fwd: FW: Deceased Swans Tomahawk Lagoon Reserve  
**Attachments:** 1000028134.jpg; 1000028138.jpg; 1000028136.jpg; 1000028135.jpg;  
1000028137.jpg; 1000028132.jpg; 1000028139.jpg; ATT00001.bin

Kia ora

This was received via email for your attention.

Ngā mihi

Kelsie King  
**Customer Services Officer**

**Customer Services**

P 03 477 4000 | E [dcc@dcc.govt.nz](mailto:dcc@dcc.govt.nz)  
Dunedin City Council, 50 The Octagon, Dunedin  
PO Box 5045, Dunedin 9054  
New Zealand  
[www.dunedin.govt.nz](http://www.dunedin.govt.nz)



If this message is not intended for you please delete it and notify us immediately; you are warned that any further use, dissemination, distribution or reproduction of this material by you is prohibited..

**From:** Pollution@orc.govt.nz  
**Sent:** Tuesday, June 4, 2024 9:15 AM  
**To:** dcc@dcc.govt.nz, info@doc.govt.nz  
**Subject:** FW: Deceased Swans Tomahawk Lagoon Reserve

---

Kia ora

Yesterday, ORC Pollution Hotline received a complaint regarding six dead swans about five minutes up the walking track along the stream at Tomohawk Lagoon Reserve. Some of them have bite wounds from a dog.

I have forwarded on photos from the site.

Please follow-up and take appropriate action.

Kā mihi  
Tami



**Pollution**  
0800 800 033 (24 hour) [Pollution@orc.govt.nz](mailto:Pollution@orc.govt.nz)



**Important notice**

This email contains information which is confidential and may be subject to legal privilege. If you are not the intended recipient, you must not peruse, use, disseminate, distribute or copy this email or attachments. If you have received this in error, please notify us immediately by return email or telephone (03 474-0827) and delete this email. The Otago Regional Council accepts no responsibility for changes made to this email or to any attachments following the original transmission from its offices. Thank you.

**From:**  
**Sent:** Monday, June 3, 2024 11:20 AM  
**To:** Pollution <[Pollution@orc.govt.nz](mailto:Pollution@orc.govt.nz)>  
**Subject:** Deceased Swans

[Caution: External Email] This email originated from outside ORC. Do not click links or open attachments unless you trust the sender and know the content is safe. Use the Phish Alert Button to report this email if you think it is suspicious.

Tomahawk Lagoon wildlife reserve down walking track where stream crosses over the fence  
..photos attatched.

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4 of 8





5 of 8





6 of 8





7 of 8





8 of 8



Janine Day

---

**From:** [REDACTED]  
**Sent:** Tuesday, 4 June 2024 11:17 a.m.  
**To:** Janine Day  
**Subject:** Dogs on Warren Mathieson's farm 1/06/2024

04/06/2024

[REDACTED] observation from Lagoon Creek catchment on [REDACTED] farm 01/06/2024.

I left the walking track and crossed the fence adjacent to the stream. No animals close by the stream at 845 ish.

I travelled up the catchment/stream for about 20 minutes collecting water samples etc.

On my return I could hear dogs barking consistently down near the lagoon. As I got closer to the walking track, barking continues, I passed by 2 cygnets which were racing up the catchment away from the track and the barking. At that point two dogs were running up the catchment or stream about 80 metres to my left, still barking.

I was quite relieved they were away from me!! I came close to the fence at the bottom of the catchment- one dead adult black swan lay beside the stream. About 10.00 am. I assumed they had killed the adult swan and maybe chasing the cygnets.

I drove around to [REDACTED] place and alerted him to the dogs present on his land. 10.10 am



4 June 2024

Reference: RFS 764851

Michaela Anderton



Dear Michaela,

**Your dogs have been classified as Menacing.**

I write regarding an incident on 1 June 2024 at approximately 09:45a.m. where your dogs, Charlie - Female Chocolate Lab and River- Back & Tan entire male Huntaway were not under effective control entered a nearby farming property attacking sheep. Due to this behaviour Council believes that River and Charlie may pose a threat to people, stock, poultry, domestic animal, or protected wildlife. As a result, Council has classified River and Charlie as menacing under Section 33A of the Dog Control Act 1996. Please find enclosed the menacing classification notice.

**This means that all of the following conditions apply:**

1. **River and Charlie must be muzzled when off your property.**

We appreciate your co-operation in this matter.

If you wish to discuss this further, or need assistance, please contact Dunedin City Council Animal Services on 03 477 4000.



Signature of 208  
ANIMAL CONTROL OFFICER

*This email or letter is confidential, solely for the intended recipient. If you are not the intended recipient or have received this correspondence in error, then: do not use this correspondence and any attached information or disclose the contents to anyone; notify the sender; delete along with all attachments. Legal privilege is not waived because you have read this correspondence. Thank you.*

50 The Octagon | PO Box 5054, New Zealand | T 03 477 4000 | E [dcc@dcc.govt.nz](mailto:dcc@dcc.govt.nz) | [www.dunedin.govt.nz](http://www.dunedin.govt.nz)  
 [DunedinCityCouncil](https://www.facebook.com/DunedinCityCouncil)  [@DnCityCouncil](https://twitter.com/DnCityCouncil)



## NOTICE OF CLASSIFICATION OF DOG AS MENACING DOG

Section 33A, Dog Control Act 1996

To: Michaela Anderton

Address: 

Dog: River - Huntaway - Retriever, Golden - Male  
Charlie - Retriever, Labrador - Female

Animal Reference: 369310,371772

This is to notify you\* that these dogs have been classified as a Menacing Dog under section 33A of the Dog Control Act 1996.

This is because on 1 June 2024, your dogs; Charlie and River were not under effective control and entered a nearby farming property and were seen attacking sheep.

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



Signature of officer of Dunedin City Council – Team Leader Animal Services  
4 June 2024

\*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.

50 The Octagon | PO Box 5054, New Zealand | T 03 477 4000 | E [dcc@dcc.govt.nz](mailto:dcc@dcc.govt.nz) | [www.dunedin.govt.nz](http://www.dunedin.govt.nz)  
 [DunedinCityCouncil](https://www.facebook.com/DunedinCityCouncil)  [@DnCityCouncil](https://twitter.com/DnCityCouncil)

2 of 3

**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 Dunedin City Council, produce to the Dunedin City 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
- (c) where a certificate under paragraph (b)(ii) is produced to the Dunedin City Council, produce to the Dunedin City 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 Dunedin City Council in accordance with the reasonable instructions of the Dunedin City 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 the requirement-

- Within 2 months from 1 July 2006 if you 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.

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

**RIGHT OF OBJECTION TO CLASSIFICATION**  
**Section 31(3), Dog Control Act 1996**

You may object to the classification by lodging with the **Dunedin City Council, Team Leader, Animal Services, PO Box 5045, Dunedin, a written objection within 14 days of receipt of this notice** 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 at which your objection will be heard.

3 of 3

## Infringement Notice

(ISSUED UNDER AUTHORITY OF SECTION 66 OF THE DOG CONTROL ACT 1966)  
TO DEFENDANT:

**Michaela Anderton**

Notice Number:	12421
Issue Date:	06 June 2024
Telephone:	03 477 4000
Informant:	Dunedin City Council 50 The Octagon PO Box 5045 Moray Place Dunedin 9058

**Important: Please read the summary of rights printed on the reverse**  
**ALLEGED INFRINGEMENT OFFENCE DETAILS**

OFFENDER DATE OF BIRTH: [REDACTED]  
ANIMAL REFERENCE: 369310  
DOG BREED: Huntaway - Retriever, Golden  
DOG GENDER: MN  
DOG COLOUR: Black/Brown  
DATE: 01 June 2024  
TIME: 09:45:00  
AT: Tomahawk Road, Ocean Grove  
FEE: \$200.00  
IN THAT YOU: Failed to keep dog under control  
THIS IS AN OFFENCE AGAINST: Section 53(1), Dog Control Act 1996, Schedule 1  
INFRINGEMENT NOTICE ISSUED BY: D08 Posted to Owner

### Payment of Infringement Fee

The Infringement fee is payable within 28 days of issue of this notice.

The infringement fee may be paid at the address shown below, between the hours of 8:30am and 5:00pm, Monday to Friday or at any of the Dunedin City Council Service Centres. Payment by Visa or Mastercard can be made at [www.dunedin.govt.nz](http://www.dunedin.govt.nz)

Dunedin City Council  
50 The Octagon  
PO Box 5045  
Moray Place  
Dunedin 9058

Notice Number:	12421
Issue Date:	06 June 2024
Total Fee:	<b>\$200.00</b>



Officer Statement for Menacing Appeal Hearing

- 1 I am Janine Ellen Day.
- 2 I am employed as an Animal Control Officer by the Dunedin City Council (DCC). I have been employed by the DCC as an Animal Control Officer since January 2023.
- 3 My job as an Animal Control Officer requires me to ensure that dog owners conform to the Dog Control Act 1996, ensuring that dogs are registered, microchipped and under control. I also attend to the investigation of complaints received by the DCC regarding dogs and when necessary, also deal with wandering stock. I am a warranted dog control officer under the Dog Control Act. Copy of warrant attached
- 4 On Saturday 1<sup>st</sup> June 2024 I was rostered on to work over the weekend. I was contacted by our afterhours contractor Armourguard to attend a report of a dog attack on stock. I was advised that the dogs had been contained by the complainant [REDACTED] and collected by the Armourguard Dog Ranger to impound.
- 5 I met the Armourguard Dog Ranger at the pound and used my microchip scanner to confirm the identity of the dogs. The dogs were identified as River – a entire male Black and Tan Huntaway and Charlie- a female Chocolate Labrador. They were registered for the 23/24 year to Michaela Anderton.
- 6 I completed the impounding process for the dogs and notified Miss Anderton via phone that that her dogs had been contained and impounded. I explained that we had received a report that they had attacked sheep on a farm block and had been contained, and were being held at the DCC pound. I explained that I would need to investigate this incident and speak with my manager on Tuesday after the long weekend. I sent Miss Anderton email with the standard template to make a statement and advised her of potential outcomes, including classification and or infringement.
- 7 I left a message for the complainant with my contact details.
- 8 On Sunday 2<sup>nd</sup> June 2024 I was called back by the complainant. He advised me that me that on Saturday 1 June 2024, he and his wife, [REDACTED] had received a visit from a member of the public [REDACTED] alerting them to the presence of the dogs on their land. Mr and Mrs [REDACTED] told me that they went to the paddock below their house at 121 Centre Road and saw a sheep with blood on it. Mr [REDACTED] advised that he then saw both dogs at large amongst the sheep. He saw the black dog, River with a sheep in it's mouth and the brown dog, Charlie chasing the sheep. Mr [REDACTED] and his wife were able to stop the dogs and contained them before calling

1 of 4

the DCC. They advised that they had been unable to find the sheep with blood on it straight after the incident on Saturday, as the mob had been spooked and run into the scrub.

- 9 On Sunday 2<sup>nd</sup> June 2024 they yarded their sheep to check for injuries and reported three sheep missing from their mob of 300. They told me that the remaining sheep had 9 months of wool and would need to confirm any injuries when they went to the freezing works in a few weeks. Mr [REDACTED] gave me the contact details of a witness; [REDACTED] and reported that he had told them that the dogs had also killed wildlife at Tomahawk Lagoon. After our phone conversation on Sunday 2<sup>nd</sup> June 2024, Mr [REDACTED] emailed his statement to me. Mr [REDACTED] will speak to his statement to the Committee.
- 10 On Monday 3<sup>rd</sup> June 2024 I received an emailed statement from Miss Anderton, confirming that she had lost her two dogs in Tomahawk at approximately 8:30am, on Saturday the 1st June and had reported them missing to the DCC. I have included this email in the attack pack. I offered her the opportunity to meet to sign her emailed statement. Miss Anderton advised that she would like to seek legal advice on the matter.
- 11 On Tuesday 4<sup>th</sup> June 2024 I contacted witness, [REDACTED] via phone, who advised me that he had been at the Tomahawk Lagoon on Saturday June 1st, 2024 collecting water samples. He reported that he had heard the two dogs barking and saw them running around the catchment and stream. He had observed 2 cygnets running away from the direction where the dogs were. He then found a dead adult swan beside the stream and believed that the dogs had killed the swan. He immediately drove to the complainant's property to warn him that the dogs had run onto his land. After our phone conversation, Mr [REDACTED] emailed me his statement and I included this in the attack pack.
- 12 On Tuesday 4<sup>th</sup> June 2024 I received an email from the Otago Regional Council reporting that that six dead swans had been found on Monday. The swans had bite wounds that appeared to have come from a dog, and photos of the injuries were attached. The dead swans were found in the same area where the dogs had been seen running up the track. I included the email and photos in the attack pack.
- 13 On Tuesday 4<sup>th</sup> June 2024, I completed my investigation using the DCC Attack Pack template and discussed with my manager. Based on the report from complainant Mr [REDACTED] of the behaviour of both dogs being seen worrying stock, and the report from Mr [REDACTED] that he had seen the dogs in the same area as the dead swans were found, I believed that the dogs posed a threat to stock and wildlife, and the requirement for the dogs to wear muzzles in public would mitigate future risk to public safety. I advised my Team Leader of the results of my investigation, and she issued a menacing classification on the dogs under section 33A of the Dog Control Act. I also issued an infringement to the dog owner under Section 53 (1) for failing to keep her dogs under control.

- 14 On Tuesday 4<sup>th</sup> June 2024, the dogs; River and Charlie were released from the pound to Miss Anderton.
- 15 On Monday 10<sup>th</sup> June 2024 I met complainant [REDACTED] to have the statement that he had provided via email on Sunday 2<sup>nd</sup> June signed.
- 16 On Tuesday 11<sup>th</sup> June 2024 I emailed Miss Anderton to advise that as I had not received a response to my request to have her statement signed, I was going to close the file, and I sent her a copy of the classification and infringement via post.
- 17 On Tuesday 25<sup>th</sup> June 2024 I received an email from Ms Anderton writing to appeal the classification, which I passed along to my Team Leader.



Janine Day  
Animal Control Officer



**DUNEDIN** | kaunihera  
CITY COUNCIL | a-rohe o  
ōtepoti

Warrant of Appointment



Janine Day  
Animal Control Officer

Mayor

General Manager Corporate  
and Quality



By Resolution  
07/07/2023

Janine Day  
Animal Control Officer  
Has the authority to exercise powers under the  
following:

Dog Control Act 1996  
14(1) & (2): Power of entry  
15(1), (2) & (3): Power of entry to feed/remove dogs  
17(1) & (2): Power of Warranted Officers  
19(1) & (3): Request information about owner  
19(A): Request information about dog  
28(7): Failing to comply with disqualification – officer  
may seize dog  
42(2)(a)(b): Power to seize unregistered dog and power  
of entry  
50(1): Power to seize dog not wearing proper collar or  
disc  
52(3) & (3A): Power to seize and impound uncontrolled  
dog and power of entry  
52(A)(4)(a)(b): Control of dog on owner's property  
and power of entry  
55(1): Barking dogs and power of entry  
56(2): Removal due to barking and power of entry  
57(5)(a)(b) & (6)(a)(b): Dog attacking persons or  
animals – seize or destroy dog and power of entry  
57(A)(3): Dog rushing at person, animal or vehicles –  
seizure and power of entry  
59(1)(b): Seizure or destruction of dog at large in  
vicinity of protected wildlife

Janine Day  
Animal Control Officer continued:

Dog Control Act 1996 continued:  
60(1): Seizure or destruction of dog running at large  
among stock or poultry  
64(2) & (3): Procedure where order made for seizure  
and destruction of dog and power of entry  
66(1): Issuing of infringement notices  
69(1): Impounding and subsequent disposal of dog  
71(1), (5), (8): Retention of dog threatening public  
safety  
Impounding Act 1955  
32(1), (3): Temporary pounds  
35: Stock straying on roads – power to impound  
36: Recovery of stock  
42(1): Disposal of wild stock  
47: Pound keeper to detain stock  
58(2)(a): Offences by other persons  
Local Government Act 2002  
174: Authority to act  
Dog Control Bylaw 2016  
Shelter for dogs – determination of what is reasonable  
Power to require owner to reduce the number of dogs  
on the premises  
Order permanent removal of dog on property  
Construct or improve kennels  
Require dogs to be tied up  
Such other action deemed necessary  
Require dog to be neutered or spayed

## General statement

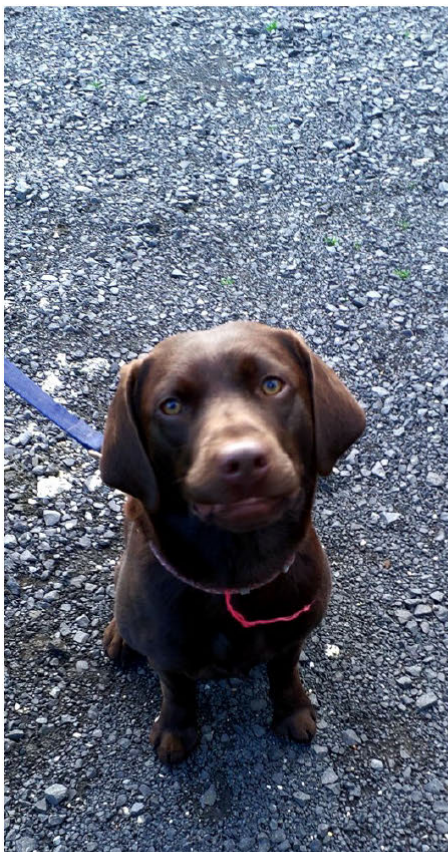
<b>RFS Number</b>	764851
<b>Job description</b>	Dogs attack sheep and wildlife
<b>Complainant surname</b>	[REDACTED]
<b>Statement date and time</b>	10/06/2024 10:26am
<b>Date of birth</b>	01/03/1965
<b>Full Name</b>	[REDACTED]
<b>Address</b>	[REDACTED]
<b>Contact number</b>	[REDACTED]
<b>Name of officer receiving statement</b>	Janine Day
<b>Location</b>	150 Victoria Rd St Clair, Dunedin
<b>Statement</b>	<p>I was contacted by [REDACTED] who was at the head of the lagoon and said there were two dogs on the loose on our property and they had already killed some bird wild life and were heading further up our property towards our sheep. I immediately went straight down the hill but could not sight the dogs initially. I sighted one sheep with blood on it in the forest block and come back down and saw the black do holding another sheep. I managed to capture the dogs and informed the DCC. The brown dog was seen chasing the sheep. We will be sending some of these sheep to the freezing works in 3 weeks time so if any come back with puncture wounds they will be downgraded. I will send you the kill sheet from the works if that is the case.</p>

I confirm that this is my statement and is true to the best of my knowledge.

**Statement photo**



Statement photo



Agreement

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

Customer finished time

10:33am

Full name and signature



## Dog Control Act 1996

### *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).

#### **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).

## Dog Control Act 1996

### 33E Effect of classification as menacing dog

- (1) If a dog is classified as a menacing dog under [section 33A](#) or [section 33C](#), the owner of the dog—
  - (a) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
  - (b) must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying—
    - (i) that the dog is or has been neutered; or
    - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
  - (c) must, if a certificate under paragraph (b)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) *[Repealed]*
- (5) Subsection (1)(a) does not apply in respect of any dog or class of dog that the territorial authority considers need not be muzzled in any specified circumstances (for example, at a dog show).

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

Section 33E(1)(b): amended, on 28 June 2006, by [section 29\(4\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(2): repealed, on 28 June 2006, by [section 29\(5\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(3): repealed, on 28 June 2006, by [section 29\(5\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(4): repealed, on 28 June 2006, by [section 29\(5\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(5): amended, on 7 July 2004, by [section 12](#) of the Dog Control Amendment Act 2004 (2004 No 61).



**Janine Day**

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**From:** Michaela anderton [REDACTED]  
**Sent:** Tuesday, 25 June 2024 11:32 a.m.  
**To:** Janine Day  
**Subject:** Re: Dogs attack sheep 1May 2024

Hi Janine,

I've met with your team leader this morning, and she told me to email you that we write to you advising that we would like to contest the classification and proceed with the next steps with that please

Thanks  
Michaela

On Thu, 20 Jun 2024 at 13:52, Michaela anderton [REDACTED] wrote:

Perfect on my way and be there in about ten minutes

On Thu, 20 Jun 2024, 1:42 pm Janine Day, <[Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)> wrote:  
Hi Michaela

I'm just heading into the office, I'll be there in about 10 minutes.  
Get a desk staff member in the service centre to phoned through to Animal Services to let me know when you arrive.

Thanks  
Janine

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**From:** Janine Day <[Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)>  
**Sent:** Thursday, June 20, 2024 11:35:23 AM  
**To:** Michaela anderton [REDACTED]  
**Subject:** Re: Dogs attack sheep 1May 2024

Hi Michaela

I've not long started for the day. I'm currently attending a call out. I will be heading back to our office once I've completed this job. I'll flick you an update once I'm back.

Thanks  
Janine

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**From:** Michaela anderton [REDACTED]  
**Sent:** Wednesday, June 19, 2024 4:54:46 PM

To: Janine Day <[Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)>  
Subject: Re: Dogs attack sheep 1May 2024

Hi Janine,

Sorry just received your email.  
Does tomorrow morning suit to come and see you?

On Wed, 19 Jun 2024, 4:12 pm Janine Day, <[Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)> wrote:

Hi Michaela

I have just come back into our office. I have quite a bit of work to process. I will be here until 4.50pm if it would suit you to pop in to the Octagon Service Centre? If you do come in just give me a call and I'll pop up and meet you.

Thanks

Janine

Janine Day  
ANIMAL CONTROL OFFICER  
ANIMAL SERVICES

P 03 477 4000 | E [Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand  
[www.dunedin.govt.nz](http://www.dunedin.govt.nz)

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From: Michaela anderton [REDACTED]  
Sent: Tuesday, 18 June 2024 12:39 p.m.  
To: Janine Day <[Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)>  
Subject: Re: Dogs attack sheep 1May 2024

Ok yes that sounds fine thanks.  
I can meet you at the DCC branch in the Octagon if thats where you work out from?

On Tue, 18 Jun 2024, 12:24 pm Janine Day, <[Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)> wrote:

Hi Michaela

I have various appointments already for tomorrow afternoon which will take me through til about 4pm. If I manage to finish up earlier, I could let you know, and if you will be at your office I could pop in if that suits?

Kind regards

Janine

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**From:** Michaela anderton [REDACTED]  
**Sent:** Tuesday, June 18, 2024 12:10:55 PM  
**To:** Janine Day <[Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)>  
**Subject:** Re: Dogs atrack sheep 1May 2024

Can we do the afternoon if possible?

On Tue, 18 Jun 2024, 11:03 am Janine Day, <[Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)> wrote:

Hi Michaela

I have quite a busy day already.

I could try and catch up with you tomorrow morning if that would work for you? and also if nothing unexpected crops up at my end.



5

Kind regards

Janine

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**From:** Michaela anderton [REDACTED]  
**Sent:** Tuesday, June 18, 2024 8:29:29 AM  
**To:** Janine Day <[Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)>  
**Subject:** Re: Dogs atrack sheep 1May 2024

Hi Janine,

Just wanting to make a time with you today for an appointment.  
What is your availability?

Thanks  
Michaela

On Tue, 11 Jun 2024, 12:39 pm Janine Day, <[Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)> wrote:

Hi Michaela

As I have not had a response from you regarding signing your statement that you have provided, as you were seeking legal advice, I will be closing the job off.

You can contact me if you wish, either by email or on 021-241-0663.

Kind regards

Janine Day  
ANIMAL CONTROL OFFICER  
ANIMAL SERVICES

P 03 477 4000 | E [Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand  
[www.dunedin.govt.nz](http://www.dunedin.govt.nz)

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**From:** Michaela anderton [REDACTED]  
**Sent:** Wednesday, 5 June 2024 10:50 a.m.  
**To:** Janine Day <[Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)>  
**Subject:** Re: Dogs atrack sheep 1May 2024

Hi Janine

I am re thinking my position and will talk to my lawyer and will respond to you once you are back from leave.

Thanks  
Michaela

On Mon, 3 Jun 2024, 8:11 pm Michaela anderton, [REDACTED] wrote:

My full name is Michaela Anderton

I live at [REDACTED]

my date of birth is the [REDACTED]

and my cell phone number is [REDACTED]

I am supplying a statement of events from the 1st June 2024

at approximately 8 30am

to ACO Janine Day from the Dunedin City Council Animal Services.

Statement content

Woke up on Saturday morning and took the dogs to Tomahawk beach as we do multiple times each week.

When we arrived at the beach carpark both dogs had leads on as we walked to the waters edge.

Once down on the beach we removed their leads as we usually do and begun to walk down the beach. The dogs played with other dogs that were there at the time.

We walked to the other end of the beach and made our return back to the car, about half way back River started to sniff. It looked like he was sniffing to go to the toilet, so I prepared to get a poo bag out of my pocket and as I did, he ducked into the sand dune with Charlie following.

My partner and I went over to them, but they had already made their way through the tussocks.

We spent the next two hours searching the dunes, beach, streets and nearby sports ground for them.

I called the council at 10.28am as we continued looking for both dogs.

We continued the search for the dogs throughout the day by looking by car and also on foot checking the beach and dunes again.

We live on a lifestyle property and the dogs have lived on lifestyle property their whole life with 30 sheep and lambs and neither dog have ever shown any aggression towards the sheep and have daily interactions with them.

I am absolutely devastated to hear that they were involved with the killing of three sheep. As mentioned previously they both share the property with livestock and have been through lambing seasons and have always got along with sheep and lambs.

I confirm that this is my statement and is true to the best of my knowledge.

Time 8.00pm

Date 3rd June

On Sun, 2 Jun 2024, 9:00 am Janine Day, <[Janine.Day@dcc.govt.nz](mailto:Janine.Day@dcc.govt.nz)> wrote:

Hi Michaela

5

Please find our statement process below.

Please just stick to what occurred on the day.

Once I have received this, I will make a day and time suitable to you to visit and have you digitally sign your statement.

Kind regards

Janine

My full name is

I live at

my date of birth is the

and my cell phone number is

I am supplying a statement of events from the ..... 2024

at approximately .....

to ACO Janine Day from the Dunedin City Council Animal Services.

Statement content

#Please describe the incident, (Ted) tell, describe, and explain

I confirm that this is my statement and is true to the best of my knowledge.

7

7 of 8

Time ....

Date .....

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