

Notice of Meeting:

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

Date: Tuesday 25 February 2025
Time: 1.30 pm
Venue: Council Chambers, Dunedin Public Art Gallery, The Octagon,
Dunedin

Sandy Graham
Chief Executive Officer

Hearings Committee

Objection to Dog Owner Disqualification

MEMBERSHIP

Chairperson

Cr Kevin Gilbert

Cr Bill Acklin

Cr Jim O'Malley

Senior Officer

Paul Henderson, General Manager Customer and Regulatory
(Acting)

Governance Support Officer

Wendy Collard

Wendy Collard
Governance Support Officer

Telephone: 03 477 4000
Wendy.Collard@dcc.govt.nz
www.dunedin.govt.nz

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

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PART A REPORTS (Committee has power to decide these matters)		
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DECLARATION OF INTEREST

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	Register of Interest	5

Hearings Committee Interest Register 17 February 2025				
Councillors are members of all committees				
Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr Bill Acklin	Shareholder/Director	Dunedin Brokers Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	APRA - AMCOS	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Entertainer	Various functions	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Strath Taieri Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Casual Employee	Insulmax	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Craigieburn Reserve 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.
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.
	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.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	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 Jim O'Malley	Owner	Biocentrix Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Residential Property Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Ayrmed Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Northern AFC	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Ocho Newco Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Ice Sports Dunedin Incorporated (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.
	Member	Dunedin Hospital Local Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Regional Transport Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Okia Reserve Management Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Tertiary Precinct Planning Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Waikouaiti Coast Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

- 15 Mr Bailey has also previously registered four other dogs in the past twenty-four months, which he has advised DCC have been rehomed:
- i. “Roxy” neutered female, blue American Staffordshire-Terrier, classified as dangerous
 - ii. “Maddi” unneutered female, blue American Staffordshire-Terrier, classified as menacing by action.
 - iii. “Dozer” an entire male, blue American Staffordshire-Terrier
 - iv. “Blue” an entire male, blue American Staffordshire-Terrier
- 16 Between 10 January 2024 and 23 August 2024, the Dunedin City Council received 13 complaints about dogs owned by Mr Bailey. A copy of the DCC’s Pathway owner record for a history of complaints received in respect of all of the dogs which were recorded as owned by the appellant during this timeframe is attached.
- (Attachment B: Pathway owner record)
- 17 Animal Control officers investigating each of these complaints found that on multiple occasions, dogs belonging to Mr Bailey had left his property, were seen wandering on the surrounding streets, and had attacked chickens and other dogs, and acted aggressively towards members of the public.
- 18 As a result of these investigations, Mr Bailey was issued four infringement notices for the offence of failing to keep a dog controlled or confined within land or premises occupied by its owner on separate occasions;
- 10/01/2024- Failure to keep dog controlled or confined #12231
22/01/2024- Failure to keep dog controlled or confined #12239
19/05/2024- Failure to keep dog controlled or confined #12420
23/07/2024- Failure to keep dog controlled or confined #12443
- (Attachment C: copies of infringements)
- 19 On 25 October 2024, Animal Services Team Leader Cazna Savell reviewed Mr Bailey’s history of complaints and confirmed that he had received four infringements within a 24-month time frame, and that each had been transferred to Ministry of Justice and ordered to pay under section 78A(1) of the Summary Proceedings Act 1957.
- 20 On 25 October 2024 Ms Savell made the decision to issue Mr Bailey with a notice disqualifying him from dog ownership from 02 August 2024- 01 August 2027, a period of three years from the issue date the last infringement was transferred to the Ministry of Justice and confirmed as a fine. A copy of the above notice was served to Mr Bailey’s address on the 25 October 2024.
- (Attachment D: Disqualification notice)
- 21 On 08 November 2024, the DCC received a written objection to his disqualification from dog ownership from Mr Bailey.

(Attachment E: Written objection to disqualification)

DISCUSSION

22 Ms Savell has prepared a statement setting out the DCC’s reasons for making the decision to disqualify the appellant from dog ownership for a period of three years. A copy of this statement is attached.

(Attachment F: Team leader Statement)The DCC was not satisfied that the circumstances of the offences were such that Mr Bailey should be classified as a probationary owner in terms of s25(1A) of the Act, but rather that disqualification was warranted.

23 Accordingly the DCC determined that disqualification in terms of s25(1) was required and that given the nature of the infringement offences, a disqualification period of three years, out of a maximum disqualification period of 5 years, was reasonable and appropriate.

24 The purpose of this Committee hearing is to decide whether the DCC’s decision to disqualify the appellant from dog ownership, and for the period set out, is just and reasonable under the circumstances and whether that decision should be upheld.

25 In considering any objection, s25(3) of the Act requires that the territorial authority shall have regard to:

- a. The circumstances and name of the offences in respect of which the person was disqualified; and
- b. The competency of the person objecting in terms of responsible dog ownership; and
- c. Any steps taken by the owner to prevent further offences; and
- d. The matters advanced in support of the objection;
- e. and any other relevant matters.

OPTIONS Option One – Recommended Option

*Uphold the decision to disqualify the appellant from dog ownership for a period of three years, commencing from 02 August 2024-01 August 2027*Advantages

- The risk to the public and other animals will be reduced significantly.

Disadvantages

- There are no known disadvantages.

Option Two –

26 Uphold the decision to disqualify the appellant from dog ownership. Bring forward the date of termination to a period of fewer than three years.

Advantages

- The risk to the public and other animals will be reduced.

Disadvantages

- There are no known disadvantages

Option Three –

27 Immediately terminate the decision to disqualify the appellant.

Advantages

- There are no known advantages.

Disadvantages

- Dogs owned by the appellant will continue to pose 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 - Compliance Solutions Manager (Acting)
Authoriser:	Paul Henderson - General Manager Customer and Regulatory (Acting)

Attachments

	Title	Page
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↓D	Disqualification Notice	23
↓E	Written objection to disqualification	25
↓F	Statement of Team Leader- Animal Services	26

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"/>	✓

There is no contribution to the Strategic Framework

Māori Impact Statement

There are no known impacts for Māori

Sustainability

There are no impacts for sustainability

Zero carbon

There are no known impacts for Zero carbon policy

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.

SUMMARY OF CONSIDERATIONS

Conflict of Interest

There is no conflict of interest

Community Boards

There are no implications for Community Boards

Dog Control Act 1996

25 Disqualification of owners

- (1) A territorial authority must disqualify a person from being an owner of a dog if—
- (a) the person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or
 - (b) the person is convicted of an offence (not being an infringement offence) against this Act; or
 - (c) the person is convicted of an offence against [Part 1](#) or [Part 2](#) of the Animal Welfare Act 1999, [section 26ZZP](#) of the Conservation Act 1987, or [section 56I](#) of the National Parks Act 1980.
- (1A) Subsection (1) does not apply if the territorial authority is satisfied that the circumstances of the offence or offences are such that—
- (a) disqualification is not warranted; or
 - (b) the territorial authority will instead classify the person as a probationary owner under [section 21](#).
- (2) For the purposes of subsection (1)(a), a person must be treated as having committed an infringement offence if—
- (a) that person has been ordered to pay a fine and costs under [section 375](#) of the Criminal Procedure Act 2011, or is deemed to have been so ordered under [section 21\(5\)](#) of the Summary Proceedings Act 1957; or
 - (b) the infringement fee specified on the infringement notice in respect of the offence issued to the person under [section 66](#) has been paid.
- (3) A disqualification under subsection (1) continues in force for a period specified by the territorial authority not exceeding 5 years from the date of the third infringement offence or offences (as the case may be) in respect of which the person is disqualified.
- (4) If a person is disqualified under subsection (1), the territorial authority must, as soon as practicable, give written notice in the prescribed form to the person of that decision.

26 Objection to disqualification

- (1) Every person disqualified under [section 25](#)—
- (a) may object to the disqualification by lodging with the territorial authority a written objection to the disqualification; and
 - (b) shall be entitled to be heard in support of the objection.
- (2) An objection under this section may be lodged at any time but no objection shall be lodged within 12 months of the hearing of any previous objection to the disqualification.
- (3) In considering any objection under this section, the territorial authority shall have regard to—
- (a) the circumstances and nature of the offence or offences in respect of which the person was disqualified; and
 - (b) the competency of the person objecting in terms of responsible dog ownership; and
 - (c) any steps taken by the owner to prevent further offences; and
 - (d) the matters advanced in support of the objection; and
 - (e) any other relevant matters.

(4) In determining any objection, the territorial authority may uphold, bring forward the date of termination, or immediately terminate the disqualification of any person and shall give written notice of its decision, the reasons for it, and the right of appeal under [section 27](#) to the objector.

27 Appeal to District Court

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

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

28 Effect of disqualification

(1) Subject to this section, if a person is disqualified from owning a dog under [section 25](#) the person must,—

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

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

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

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

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

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

- (a) fails to comply with subsection (1); or
- (b) fails, in disposing of a dog under subsection (1), to comply with subsection (2); or
- (c) at any time while disqualified under [section 25](#), becomes the owner of any dog in terms of this Act; or
- (d) disposes or gives custody or possession of any dog to any person, knowing that person to be disqualified under [section 25](#).

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

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

52A Control of dog on owner's property

(1) This section applies when a dog is on land or premises occupied by its owner.

(2) The owner of a dog must, at all times, ensure that either—

- (a) the dog is under the direct control of a person; or
- (b) the dog is confined within the land or premises in such a manner that it cannot freely leave the land or premises.

(3) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who fails to comply with subsection (2).

(4) If a person fails to comply with subsection (2), a dog control officer or dog ranger may—

- (a) seize and impound the dog; and
- (b) for the purposes of paragraph (a), enter, at any reasonable time, the land or premises (except a dwellinghouse) owned or occupied by the owner of the dog.


Pathway Person Details

DCC Pathway Profiles LIVE
Pathway Profiles Home > Person Search > Person Details

DCC\cjsavell: 14/02/2025

- [Person Details](#)
- [Animals](#)
- [Infringements](#)
- [Memos](#)
- [Customer Requests](#)
- [Registers](#)

Person Details

Name Key 250454
Name Ricky Bailey
Mailing Address ██████████ Street Dunedin 9010
Category
Status Active
Mobile Phone ██████████
EDMS Link 

Animals

Animal Reference	Status	Animal Name	Breed	Colour	Ownership Ended
365899	Active	MADDI	Terrier, American Staffordshire	Blue	08/10/2024
368493	Active	RAGNOR	Terrier, American Staffordshire	Blue	
370330	Active	CASPER	Terrier, American Staffordshire	Blue	
372554	Active	SHADOW	Terrier, American Staffordshire	Blue	
372555	Active	DOZER	Terrier, American Staffordshire	Blue	02/08/2024
372556	Active	BLUE	Terrier, American Staffordshire	Blue	16/10/2024
373827	Active	Dog 1	Terrier, American Staffordshire	Blue	
323658	Dead	NUGS	Terrier, Staffordshire Bull - Retriever, Labrador	Black	
323659	Dead	DURBAN	Terrier, Bull - Cross	White/Brindle	
340976	Dead	DUKE	Mastiff, Bull - Cross	Tan	
358098	Dead	DEEVA	Retriever, Labrador - Cross	Tan	
370331	Gone From District	ROXY	Terrier, American Staffordshire	Blue	

[Show Owner Register](#)

Infringements

Customer Requests				
Request Link	Description	Status	Date Received	Due Date and Time
DAO 790417	Dog Attack - Other	Follow-Up	21/10/2024 11:40	
DAO 786261	Dog Attack - Other	Completed	30/09/2024 08:03	
DAO 774768	Dog Attack - Other	Completed	23/07/2024 14:30	
DPA 774710	Dog Patrol	Completed	23/07/2024 12:58	
DAO 763127	Dog Attack - Other	Completed	21/05/2024 12:41	
DPA 763069	Dog Patrol	Completed	21/05/2024 10:08	
DAO 762874	Dog Attack - Other	Completed	20/05/2024 12:37	
DAG 762724	Dog Aggressive	Completed	19/05/2024 12:42	
DWA 762739	Dog Wandering	Completed	19/05/2024 12:14	
DPA 762771	Dog Patrol	Completed	19/05/2024 10:53	
DAO 755181	Dog Attack - Other	Completed	22/03/2024 17:00	
DWA 755060	Dog Wandering	Completed	22/03/2024 15:13	
DAO 745727	Dog Attack - Other	Completed	24/01/2024 09:12	
DAO 745466	Dog Attack - Other	Completed	22/01/2024 19:00	
DAG 745469	Dog Aggressive	Completed	22/01/2024 18:31	
DCO 745203	Dog Contained	Completed	21/01/2024 08:39	
DAO 743632	Dog Attack - Other	Completed	10/01/2024 12:23	

Infringement Notice

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

Ricky Bailey
[REDACTED]
Dunedin 9010

Notice Number:	12231
Issue Date:	20 January 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: 370331
 DOG BREED: Terrier, American Staffordshire
 DOG GENDER: Female
 DOG COLOUR: Blue
 DATE: 10 January 2024
 TIME: 12:20:00
 AT: Allenby Avenue, Dunedin
 FEE: \$200.00
 IN THAT YOU: Failed to keep dog controlled or confined
 THIS IS AN OFFENCE AGAINST: Section 52A, Dog Control Act 1996, Schedule 1
 INFRINGEMENT NOTICE ISSUED BY: D03 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
 Dunedin City Council
 50 The Octagon
 PO Box 5045
 Moray Place
 Dunedin 9058

Notice Number:	12231
Issue Date:	20 January 2024
Total Fee:	\$200.00

Infringement Notice

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

Ricky Bailey
[REDACTED]
Dunedin 9010

Notice Number:	12239
Issue Date:	26 January 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: 368493
 DOG BREED: Terrier, American Staffordshire
 DOG GENDER: Male
 DOG COLOUR: Blue
 DATE: 22 January 2024
 TIME: 18:25:00
 AT: Franklin Street, Dunedin
 FEE: \$200.00
 IN THAT YOU: Failed to keep dog controlled or confined
 THIS IS AN OFFENCE AGAINST: Section 52A, Dog Control Act 1996, Schedule 1
 INFRINGEMENT NOTICE ISSUED BY: D05 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
 Dunedin City Council
 50 The Octagon
 PO Box 5045
 Moray Place
 Dunedin 9058

Notice Number:	12239
Issue Date:	26 January 2024
Total Fee:	\$200.00

Infringement Notice

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

Ricky Bailey
[REDACTED]
Dunedin 9010

Notice Number:	12420
Issue Date:	29 May 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: 365899
 DOG BREED: Terrier, American Staffordshire
 DOG GENDER: FN
 DOG COLOUR: Blue
 DATE: 19 May 2024
 TIME: 11:00:00
 AT: Orbell Street, Dunedin
 FEE: \$200.00
 IN THAT YOU: Failed to keep dog controlled or confined
 THIS IS AN OFFENCE AGAINST: Section 52A, Dog Control Act 1996, Schedule 1
 INFRINGEMENT NOTICE ISSUED BY: D05 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
 Dunedin City Council
 50 The Octagon
 PO Box 5045
 Moray Place
 Dunedin 9058

Notice Number:	12420
Issue Date:	29 May 2024
Total Fee:	\$200.00

Infringement Notice

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

Ricky Bailey
[REDACTED]
Dunedin 9010

Notice Number:	12443
Issue Date:	06 August 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: 372554
 DOG BREED: Terrier, American Staffordshire
 DOG GENDER: MN
 DOG COLOUR: Blue
 DATE: 23 July 2024
 TIME: 13:30:00
 AT: Croydon Street, Dunedin
 FEE: \$200.00
 IN THAT YOU: Failed to keep dog controlled or confined
 THIS IS AN OFFENCE AGAINST: Section 52A, Dog Control Act 1996, Schedule 1
 INFRINGEMENT NOTICE ISSUED BY: D05 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

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

Notice Number:	12443
Issue Date:	06 August 2024
Total Fee:	\$200.00



Dunedin City Council

NOTICE OF DISQUALIFICATION FROM DOG OWNERSHIP

Section 25, Dog Control Act 1996

To: Ricky Bailey
Address: [REDACTED]

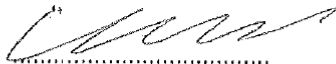
This is to notify you that you have been disqualified under section 25(1)(b) of the Dog Control Act 1996 from owning a dog.

This follows three or more infringement offences (not relating to a single incident or occasion) having been committed by you, within a continuous period of 24 months.

- 10/01/2024- Failure to keep dog controlled or confined #12231
- 22/01/2024- Failure to keep dog controlled or confined #12239
- 19/05/2024- Failure to keep dog controlled or confined #12420
- 23/07/2024- Failure to keep dog controlled or confined #12443

The disqualification will apply from the issuing date of the last infringement, 02 August 2024 until 01 August 2027, a period of three years under section 25(4)].

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



Signature of officer of Dunedin City Council

25-10-2024

Date

Effect of disqualification
Section 28, Dog Control Act 1996

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

However, you may not dispose of a dog -

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

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

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

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

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

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

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

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

Right of objection to disqualification
Section 26, Dog Control Act 1996

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

There is a further right of appeal to a District Court if you are dissatisfied with the decision of the Dunedin City Council on your objection.

To The Dunedin City Council

This letter is to Object to the disqualification of dog ownership for myself Ricky Bailey

I believe this is a far too harsh a punishment for the four minor infringements against myself. I do however acknowledge that the offences have occurred. All of which I believed to have been dealt with quickly, compliantly & have tried to stop my dogs from escaping due to the hedge falling over between our neighbouring property owned by HNZ we have yet to have a fence built & hedge removed. We then purchased \$800 worth of temporary fencing to confine our dogs to an area we believed they could not escape. One incident the front door was not shut properly & was blown open in the middle of the night, 2 dogs escaped & were collected by dog control & the last being 2 clever dogs jumped onto a table next to the fence & got out the neighbours gate. I love my dogs like children & would never hurt them they are all well feed & loved. I truly think disqualification is a unrealistic outcome as I've already had my kennel license revoked 2 days after registering 7 dogs @ \$115 each & \$800 worth of fines.

Statement of Cazna Savell. Team leader Animal Services

1. I am employed as the Team Leader Animal Services Team of the Dunedin City Council (DCC). I have held this position since May 2023.
2. I am appointed as an Animal Control Officer under section 11 of the Dog Control Act 1996 (the Act). I have the delegation of the Chief Executive to administer and exercise all powers under the Dunedin City Council Control of Dogs Bylaw 2016 (the bylaw).
3. My duties include the investigation and actioning of complaints received by the DCC, made under the Dog Control Act 1996 and the Dunedin City Council Dog Control Bylaw 2016.
4. One of the two objects of the Act is to make better provision for the care and control of dogs by imposing on dog owners, obligations designed to ensure dogs do not cause a nuisance to anyone and do not injure, endanger or cause distress to a person or animal.
5. Section 25 of the Act requires that a territorial authority disqualify a person from owning a dog if that person commits three or more infringement offences within a continuous 24 month period.
6. In the case of Rickey Bailey, the decision to disqualify was made after he received four infringements for offences against the Dog Control Act 1996 involving his dogs roaming, attacking animals and acting aggressively towards people.

Record of complaints

7. On 10 January 2024 DCC received a complaint that dogs belonging to Mr Bailey had wandered onto a nearby property and attacked and killed a chicken. Mr Bailey admitted to the investigating animal control officers (ACOs) that the two of his dogs (Ragnor and Roxy) had been wandering, however they were unable to confirm which dog had killed the chicken. At this time Mr Bailey had four dogs registered to his property, all of which were registered. Mr Bailey had his responsible dog owner status removed, issued with a fencing order to fix where the dogs got out, and infringement for failure to keep dog controlled/confined. ACOs observed that Mr Bailey had a further four 13 week old puppies, and advised him of the requirement to register all dogs over the age of three months. They were advised that Mr Bailey was looking to rehome all of the puppies.
8. Mr Bailey was co-operative with the investigation and had complied with the fencing order, and inserting a self closing latch on his gate when Animal Control officer revisited the property on 26 January 2024.
9. On 21 January 2024, two dogs belonging to Ricky were contained by a member of the public after they wandered onto a nearby property. The dogs (Roxy and Maddie) were impounded and then released back to Mr Bailey on the same day. The complainant later made a statement to animal control officer reporting that the dogs had acted aggressively towards them and their dog before following them onto the property where they were contained.
10. On 22 January 2024, two dogs belonging to Rickey Bailey (Ragnor and Roxy) left the property and attacked and killed a cat at a property approximately 1km from his address. DCC received

three complaints about the dogs being out over that time. Mr Bailey was issued an infringement, and the two dogs involved in the attack were classified as menacing by action and put on the DCC desexing list to be neutered.

11. On 19 May 2024 DCC received five complaints about two dogs belonging to Rickey Bailey (Maddi and Roxy) wandering the street, acting aggressively and chasing a chicken. Animal control officers attended the calls and confirmed the two dogs involved and issued an infringement, and classified one of the dogs (Maddi) as menacing by action. During the property visit, an ACO confirmed that in addition to the four registered adult dogs, Mr Bailey had a total of 17 puppies from three different litters. Mr Bailey was issued with an order to reduce the number of dogs down to his original four.
12. On 23 July 2024 DCC received two complaints about two dogs belonging to Ricky Bailey (Ragnor and Shadow) wandering the street, acting aggressively and attacking chickens in a backyard. Animal control officers attending the calls were able to confirm the two dogs involved and issued an infringement. Mr Bailey's kennel permit was revoked and he was advised to reduce the number of dogs on his property to one. He was also advised that due to the number of infringements that had been issued, any further complaints would lead to disqualification. At this point Mr Bailey had registered the puppies that were old enough, and reported he was working on rehoming the other dogs.
13. On 30 September 2024, two dogs belonging to Rickey Bailey (Roxy and Ragnor) were being walked by a housemate when one (Roxy) slipped her collar and attacked another dog, causing serious injuries. Mr Bailey reported that his housemate had taken the dogs without his knowledge, so he had been unable to advise them of the requirement for both dogs to be muzzled as per the conditions of their menacing classifications. When ACO visited the property, Mr Bailey advised that he had arranged for Roxy to be rehomed to someone in Christchurch, and that she had left the district immediately. Roxy was issued with a dangerous classification, which was sent to the Chch Animal Control team as well as the new owner's address. Mr Bailey also advised ACOs that he had rehomed all but one of his dogs, and there were no other dogs sighted at the property.
14. On 20 October 2024, DCC received a complaint that two blue American Staffordshire terriers had been wandering on Allenby Ave, and attacked a dog being walked on the street. Rickey Bailey and another person arrived shortly after the incident and Mr Bailey was videoed carrying one of the dogs back to his address.
15. On receipt of this complaint, I reviewed the status of the infringements that had previously issued. We had not received any payment, and Mr Bailey had not made any requests to deny liability in court. Once I confirmed that the infringements had been transferred to Ministry of Justice, and as per Section 25 (2) (a) could then be treated as having committed an infringement offence, I issued the disqualification notice for a period of three years, based on the date on the last infringement was issued.

Further considerations:

- 17 Animal control officers who served the disqualification notice to Mr Bailey's house on 25 October 2024 observed three dogs at his address, in breach of his kennel permit removal notice.

RESOLUTION TO EXCLUDE THE PUBLIC

To be moved:

“That the public be excluded from the following parts of the proceedings of this meeting, namely, Item 2.

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

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48 for the passing of this resolution.
2	Objection to Dog Owner Disqualification	That a right of appeal lies to any Court or Tribunal against the Dunedin City Council in these proceedings.	Section 48(1)(d)