

Hearing

Order Paper

Thursday, 23 May 2019 – 10.00 am

Council Chamber, Rangitikei District Council
46 High Street, Marton

Website: www.rangitikei.govt.nz

Email: info@rangitikei.govt.nz

Chair

His Worship the Mayor, Andy Watson

Panel Members

Councillor Cath Ash, Councillor Nigel Belsham and Councillor Lynne Sheridan

Please Note: Items in this agenda may be subject to amendments or withdrawal at the meeting. It is recommended therefore that items not be reported upon until after adoption by the Council. Reporters who do not attend the meeting are requested to seek confirmation of the agenda material or proceedings of the meeting from the Chief Executive prior to any media reports being filed.

Rangitikei District Council

Hearings Panel Meeting

Order Paper – Thursday, 23 May 2019 – 10:00 a.m.



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1 Council Prayer

2 Welcome and introduction from the Mayor

(in the Chair)

3 Apologies / Leave of absence

4 Notice of classification of dog 'Raro' as dangerous

A copy of this notice, issued on 22 February 2019, is attached.

5 Further information

The Chair will confirm whether there has been additional documentation provided to the Panel and Ms Doriguzzi since the distribution of the meeting Order Paper and that it was received. He will also confirm with Ms Doriguzzi and Mr Peterson whether there is any additional documentation to be tabled at the hearing and whether there are any Council witnesses attending whom the Panel may question.

6 Statement from Objector

The Chair will invite Ms Doriguzzi to speak to the Panel. This may include a PowerPoint presentation.

Ms Doriguzzi asks the Hearing Panel to rescind the classification of the dog 'Raro' as dangerous.

7 Questions from the Panel to the Objector

8 Report from Council's Senior Animal Control Officer

The Chair will invite Mr Peterson to speak to the Panel, highlighting points in his written report (but not reading it to the Panel).

The report is attached. It includes Appendices A to N.

Mr Peterson recommends that the Hearing Panel uphold the classification of the dog 'Raro' as dangerous.

9 Further questions from the Panel to the Objector, to the Council's Senior Animal Control Officer and/or to the Council's Witnesses

The Panel may seek views from the Objector, the Senior Animal Control Officer or the Witnesses on any written statement provided or oral statement made at the hearing, but these parties are not permitted to cross-examine each other.

10 Deliberation by the Hearing Panel

The Panel may wish to deliberate in private.

Under section 33B(2) of the Dog Control Act 1996 the Panel may resolve to either uphold or rescind the classification, but must note its reasons for its decision, and these must be conveyed to the owner of the dog. Alternatively, the Panel may, for any reason, resolve to adjourn the meeting until a specified date and time or to a date to be subsequently determined with the Members of the Panel, the Objector and the Council's Chief Executive.

11 Meeting closed

Attachment 1



Rangitikei District Council
Notice of Classification of Dog as a
DANGEROUS DOG.

Section 31, Dog Control Act 1996

To ARAN Animal Rescue NZ

Address: 217 Ireland Road, RD1, Kaukapakapa, 0871

Dog: **RARO** a Black Cavalier King Charles Spaniel / Miniature Poodle Cross

This is to notify you that this dog, (RARO) has been classified as a dangerous dog under section 31(1)(b) of the Dog Control Act 1996 having bitten Joan CLEMENT at her residence of 35 Armagh Street, MARTON causing injury on 17 February 2019.

A summary of the effect of the classification is provided below.

Yours Sincerely

Robert Peterson
Senior Animal Control Officer
Rangitikei District Council

22 February 2019

31 Territorial authority to classify dangerous dogs

(1) A territorial authority must classify a dog as a dangerous dog if—

(a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or

(b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or

(c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

(2) Where any dog is classified as a dangerous dog under subsection (1), the territorial authority shall immediately give notice in the prescribed form of that classification to the owner.

(3) Where any dog is classified as a dangerous dog under subsection (1)(b), the owner may, within 14 days of the receipt of notice of that classification under subsection (2), object to the classification in writing to the territorial authority, and shall be entitled to be heard in support of his or her objection.

(4) In considering any objection under this section, the territorial authority shall have regard to—

- (a) the evidence which formed the basis for the original classification; and
- (b) any steps taken by the owner to prevent any threat to the safety of persons and animals; and
- (c) the matters advanced in support of the objection; and
- (d) any other relevant matters—

and may uphold or rescind the classification.

(5) The territorial authority shall give notice of its decision on any objection, and the reasons for its decision, to the owner as soon as practicable

*For the purpose of the Dog Control Act 1996, you are the owner of a dog if –

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

Effect of classification as dangerous dog

Sections 32 and 63A, Dog Control Act 1996

You are required, -

- (a) **Within 1 month after receipt of this notice, to ensure that the dog is kept within a securely fenced portion of your property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property; and**
- (b) Not to 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-
 - (i) 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
 - (ii) The dog being controlled on a leash (except in a designated dog exercise area); and
- (c) To produce to the [territorial authority], within 1 month after receipt of this notice, a certificate issued by a veterinarian certifying-
 - (i) That the dog is or has been neutered; or
 - (ii) That for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- (d) Where a certificate under paragraph (c)(ii) is produced to the [territorial authority], to produce to the [territorial authority], within 1 month after the date specified in that certificate, a further certificate under paragraph (c)(ii); and

- (e) In respect of every registration year commencing after receipt of this notice, to pay dog licensing fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
- (f) Not to dispose of the dog to any other person without the written consent of the territorial authority in whose district the dog is to be kept.

You will commit an offence and be liable on conviction to a fine not exceeding \$3000 if you fail to comply with all of the matters in paragraph (a) to (f) above.

In addition, on conviction the court must order the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not justify the destruction of the dog.

A dog control officer or dog may seize and remove the dog from you if you fail to comply with all of the matters in paragraph (a) to (f) above.

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you sell or otherwise transfer the dog, or offer to do so, to any person without disclosing that the dog is classified as a dangerous dog.

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 classification as a dangerous dog are provided in the Dog Control Act 1996.

Dangerous Dog Checklist

For your convenience the following checklist may be used to confirm your compliance with this notice.

	Requirement	Section	Compliance By:	Complied ?
1	Within 1 month after receipt of this notice, to ensure that the dog is kept within a securely fenced portion of your property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property	S32(1)(a)		
2	Not to 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: (i) 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	S32(1)(b)(i)		
3	(ii) The dog being controlled on a leash (except in a designated dog exercise)	S32(1)(b)(ii)		
4	To produce to the Rangitikei District Council, within 1 month after receipt of this notice, a certificate issued by a veterinarian certifying- (i) that the dog is or has been neutered; or (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate	S32(1)(c)		
5	In respect of every registration year commencing after receipt of this notice, to pay dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog.	S32(1)(e)		
6	Not to dispose of the dog to any other person without the written consent of the territorial authority in whose district the dog is to be kept	S32(1)(f)		
7	You must not sell or otherwise transfer the dog, or offer to do so, to any person without disclosing that the dog is classified as a dangerous dog.	S33(c)		
8	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.	Dog Control Regs 1996		

Attachment 2

Report

To: Hearings Panel

From: Robert Peterson, Senior Animal Control Officer

Date: 30 April 2019

Subject: **Objection to dangerous dog classification – Nicole Doriguzzi**

File: 2-RE-1-7

1 Purpose

- 1.1 This report seeks the Hearings Panel's consideration and decision on the objection lodged by Nicole DORIGUZZI on behalf of ARAN Animal Rescue, against the issuing of a Dangerous Dog Classification relating to the dog known as "RARO" pursuant to the provisions of Section 33(1) of the Dog Control Act 1996.
- 1.2 Council has delegated authority to the Hearings Committee to hear the objection to the Dangerous Dog Classification and to make its determination based on the case presented. The committee may either uphold or rescind the classification.

2 Background

- 2.1 On Sunday 17 February 2019, RFS 349742 (attached at **Annex A**) was received at 9:21pm regarding a dog attack against Joan CLEMENT an 87 year old retiree; who during a home adoption trial was bitten by the dog belonging to ARAN Animal Rescue. Joan CLEMENT had agreed to take RARO on a two week trial period with Nicole DORGUZZI the ARAN Wellington Coordinator, the owner of the RARO.
- 2.2 The On Call Officer, ACO Lou Fairest-Harper attended the incident and impounded the dog in the Whanganui District Council Pound. RDC uses both the Whanganui Pound and the Manawatu Pound as required to impound dogs and is dependent upon where the ACO impounding the dog lives.
- 2.3 The dog was a 6 year old, King Charles Cavalier Spaniel / Miniature Poodle cross named RARO. **Annexes B, C and D** provide updates from ACO Fairest-Harper as to the actions taken and advice given that night.
- 2.4 ACO Fairest-Harper advised Nicole DORIGUZZI, who had called to locate the whereabouts of RARO, at **Annex D** of the associated fees to have him released from the pound and that RARO would be classified as Menacing. ACO Fairest-Harper noted that Nicole DORIGUZZI's response appeared unconcerned with the incident but more focussed toward getting the dog back and having the Whanganui Animal Control team charging her a minimal fee and

not classifying the dog. She was advised by ACO Fairest-Harper that as the attack occurred in RDC then RDC Animal Control would be dealing with the incident and not WDC.

Rehoming of RARO

- 2.5 RARO was delivered to Joan CLEMENT on Saturday 16 February by an ARAN representative who spent approximately 45 minutes with Joan explaining how the dog had behaved for him the night before. He also delivered a hand written note from Nicole DORIGUZZI briefly explaining RARO's likes and dislikes and associated fees involved with his being delivered to her as an unregistered dog. This note is attached at **Annexes E and E-2**.
- 2.6 Joan confirmed in her affidavit attached at **Annex F** that RARO had growled at her at least twice on the Saturday and that she had passed it off as him getting used to his new surroundings. She also thought that things were looking good when RARO has sat on her lap on the Sunday and licked her face. It was later that evening when she reached for his lead to take him outside for a walk, that he bit her.

Dog History

- 2.7 I took over the investigation on Monday 18 February 2019 as ACO Fairest-Harper was on stand down due to being On Call for 7 days.
- 2.8 I interviewed Joan CLEMENT on Tuesday 19 February and my notes are attached at **Annex G**. I received copies of her Hospital Discharge Summary at this meeting (attached at **Annex H and H-2**) and took a photograph of her bandaged hand attached at **Annex I**.
- 2.9 Over the four days from 18 – 22 February I communicated with two representatives from ARAN. A local representative based in Whanganui – Anna FULLER and Nicole DORIGUZZI based in Wellington.
- 2.10 As part of my investigation I checked RARO's microchip number on the National Dog Database and found that RARO had been classified as a Menacing Dog by the Porirua City Council in November 2017. I contacted the Porirua City Council Animal Control team and confirmed that RARO had been classified as menacing for his part in killing a neighbour's cat. A screenshot of the NDD page is attached at **Annex J**. This meant that RARO should not have been allowed to be rehomed without the prospective owner being informed.
- 2.11 ARAN was not aware of RARO's classification as the former owner lied on the handover form stating that the dog had never attacked or been involved with Animal Control. I received a copy of the handover form from ARAN and this is attached at **Annex K**.
- 2.12 ARAN did not check RARO's history with the local Council as they had not changed ownership over and their policy is to not re-register a dog until it has been rehomed.
- 2.13 Based on RARO already being classified as menacing for killing a cat fifteen months prior and for biting and causing injury to Joan CLEMENT on Sunday 17 February 2019; I recommended to my Manager, Johan Cullis that RARO be reclassified as a Dangerous Dog under Section 31(1)(b) of the Dog Control Act 1996 who agreed.
- 2.14 I then classified RARO as Dangerous on 22 February 2019. A copy of the Dangerous Classification notice is attached at **Annex L**.

- 2.15 I spoke with Anna FULLER and advised her that I would be classifying RARO as dangerous based on his history and the attack on Joan CLEMENT.
- 2.16 I arranged with Anna that she pay the fees to have RARO released from the pound and I would return RARO to her at the Whanganui District Council Pound on Fri 22 Feb 19 at around 3pm.
- 2.17 I advised her that I do this in order to ensure that the owner is fully briefed as to what the classification means to the dog and to them.
- 2.18 I met Anna at the Whanganui pound and talked her through the dangerous classification document. I handed Anna the Dangerous Classification Notice when I had finished.
- 2.19 I sent Anna and Nicole an email clarifying the points I covered at the Whanganui pound on 28 February 2019 and a copy is attached at **Annex M**.
- 2.20 An objection to classification email was received from Nicole DORIGUZZI on 5 March 2019 eleven days after RARO was classified. A copy of this note is attached at **Annex N**.
- 2.21 The evidence considered was:
- (a) 18 Feb 19: RFS 349742 and subsequent updates from ACO Fairest-Harper which outlined discussions with the victim and caregiver and Nicole DORIGUZZI the ARAN representative regarding the dog attack.
 - (b) 18 Feb 19: Hospital Discharge Summary notes describing the open wound skin sloughing and puncture wounds to Joan CLEMENTs left hand.
 - (c) 19 Feb 19: My interview with Joan CLEMENT following up from the dog attack report and subsequent impounding of the dog RARO.
 - (d) 22 Feb 19: The signed statement from Joan CLEMENT the victim, attesting to the aggressive behaviour of the dog where it had growled at her the night before and then bit her the following day when she was preparing to take it for a walk.
 - (e) 28 Feb 19: Classification clarification email to Anna FULLER.
 - (f) 5 Mar 19: Objection to Classification note emailed to SACO from Nicole DORIGUZZI.

3 Statutory requirements

- 3.1 The provisions around classifying a dog as dangerous are as follows:

31 Territorial authority to classify dangerous dogs

- (a) A territorial authority **must** classify a dog as a dangerous dog if—
- I. the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or

- II. *the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife;* or
 - III. the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.
- (b) Where any dog is classified as a dangerous dog under subsection (1), the territorial authority shall immediately give notice in the prescribed form of that classification to the owner.
- (c) Where any dog is classified as a dangerous dog under subsection (1)(b), the owner may, within 14 days of the receipt of notice of that classification under subsection (2), object to the classification in writing to the territorial authority, and shall be entitled to be heard in support of his or her objection.
- (d) In considering any objection under this section, the territorial authority shall have regard to—
- I. the evidence which formed the basis for the original classification; and
 - II. any steps taken by the owner to prevent any threat to the safety of persons and animals; and
 - III. the matters advanced in support of the objection; and
 - IV. any other relevant matters—
- and may uphold or rescind the classification.
- (e) The territorial authority shall give notice of its decision on any objection, and the reasons for its decision, to the owner as soon as practicable.

3.2 Section 31(3): Objection to classification of dog under section 31, states:

- (a) Where any dog is classified as a dangerous dog under subsection (1)(b), the owner may, **within 14 days** of the receipt of notice of that classification under subsection (2), object to the classification in writing to the territorial authority, and shall be entitled to be heard in support of his or her objection.

3.3 The Hearings Panel in considering the objection may uphold or rescind the classification. In making its determination the Panel must have regard to:

- (a) the evidence which formed the basis for the classification; and
- (b) the matters relied on in support of the objection; and
- (c) any other relevant matters.

3.4 Following the hearing of the objection the Hearings Panel 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.

4 Conclusion

- 4.1 Rangitikei District Council Animal Control staff have a duty to enforce the provisions of the Dog Control Act 1996.
- 4.2 Pursuant to the provisions of Section 31(1)(b) of the Dog Control Act 1996, Rangitikei District Council has, ***on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions***, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife, classified the dog known as “RARO” as Dangerous.

5 Attachments

- Annex A: After Hours RFS 349742
- Annex B: RFS 349742 – Update 1 from A/Hrs Service Provider
- Annex C: RFS349742 – Update 1 from ACO Fairest-Harper
- Annex D: RFS349742 – Update 2 from ACO Fairest-Harper
- Annex E: ARAN Handover Note – Page 1
- Annex E-2: ARAN Handover Note - Page 2
- Annex F: Joan CLEMENT Affidavit – 22 Feb 19
- Annex G: SACO Interview Notes with Joan CLEMENT – 19 Feb 19
- Annex H: Hospital Discharge Summary Page 1
- Annex H-2: Hospital Discharge Summary Page 2
- Annex I: Photo of Joan CLEMENT Bandaged Hand
- Annex J: NDD – RARO Menacing Classification PCC
- Annex K: RARO Handover Form to ARAN
- Annex L: Dangerous Classification RARO dated 22 Feb 19
- Annex M: Classification clarification email to ARAN
- Annex N: Objection to Dangerous Classification – Nicole DORIGUZZI – 5 Mar 19.

6 Recommendations

- 6.1 That the report ‘Objection to dangerous dog classification – Nicole Doriguzzi’ be received.

6.2 That the Hearings Panel, under delegation from the Rangitikei District Council, having regard for the evidence presented regarding the classification of the dog known as RARO and the objection to the classification by Nicole Doriguzzi on behalf of ARAN Animal Rescue

EITHER

upholds the classification of RARO as dangerous because ...[state reason(s)]

OR

rescinds the classification of RARO as dangerous because..... [state reason(s)]

Robert Peterson
Senior Animal Control Officer

Robert Peterson

From: MailProcessing@monitoringstation.co.nz
Sent: Sunday, 17 February 2019 9:25 p.m.
To: ACOs; Verste Afterh Lesley
Subject: RDC A

Reference: 349742
Date: 17/02/2019
Time: 21:20:38
Callers Name: Katrina
Callers Surname: Adrian
Callers Address: 35 Armagh Terrace
Callers Phone Number: 0273275010
Callers Email:
Location of Issue 35 Armagh Terrace
(Address):
Town: [30] - Marton
Type of Call: Dog Attack
Message: Dog has bitten its owner who has it on a trial , and has it secured you
don't own it . have to call shelter
Feedback type: [-] - No contact required
Name of contractor Lou
advised:
Time Contractor Advised: 21:24:00
Additional
Comments/Actions:



monitoring@monitoringstation.co.nz



Robert Peterson

From: MailProcessing@monitoringstation.co.nz
Sent: Sunday, 17 February 2019 10:39 p.m.
To: ACOs; [REDACTED]
 Versted
 Afterho
 Lesley
Subject: [UPDATE] RDC After hours - Animal Control



MONITORING STATION

Reference:	349742
Date:	17/02/2019
Time:	21:20:38
Callers Name:	Katrina
Callers Surname:	Adrian
Callers Address:	35 Armagh Terrace
Callers Phone Number:	0273275010
Callers Email:	
Location of Issue	35 Armagh Terrace
(Address):	
Town:	[30] - Marton
Type of Call:	Dog Attack
Message:	Dog has bitten its owner who has it on a trial , and has it secured you don't own it . have to call shelter
Feedback type:	[-] - No contact required
Name of contractor	Lou
advised:	
Time Contractor	21:24:00
Advised:	
Additional	2237, Nicole from animal shelter called trying to locate dog. 0273384134.
Comments/Actions:	Called Lou and she was on site now collecting dog. gave her Nicole's number and she will call her.



monitoring@monitoringstation.co.nz

Robert Peterson

From: Lou Fairest-Harper
Sent: Monday, 18 February 2019 1:34 a.m.
To: ACOs; Afterhours; Robert Peterson; Trevor Gunn; Herb Verstegen; Lesley Butler;

Subject: Re: RDC After hours - Animal Control

Initial response 21.25. Spoke to katrina, who called in on behalf of Joan Clement (87yrs young) Katrina explained that Joan had agreed to take a capoodle from ARAN Animal Shelter on a 2 week trial.

The dog was dropped at Joan's property by a representative of ARAN. Joan had only had the dog for a few hours when it snapped and growled at her.

The dog seemed a little more settled today (sunday 17th feb) and by early evening he was sitting in her lap. Joan went to move a blanket on the sofa when the dog bit her on her hand. An ambulance was called by Joan's caregiver and she was taken to wanganui hospital.

Dog uplifted and impounded at WDC. ARAN animal shelter contacted and advised to sort fees and collection of the dog.

Job completed 23.10.

Lou Fairest-Harper
 Animal Control Officer
 Rangitikei District Council
 46 High St Marlton 4710
 0800 422 522

----- Original message -----

From: MailProcessing@monitoringstation.co.nz

Date: 17/02/19 21:24 (GMT+12:00)

To: ACOs <ACOs@rangitikei.govt.nz>

<Robert.Peterson@rangitikei.govt.nz>

Trevor Gunn <Trevor.Gunn@rangitikei.govt.nz>

Lesley Butler <Lesley.Butler@rangitikei.govt.nz>

<ACOs@rangitikei.govt.nz>

<Robert.Peterson@rangitikei.govt.nz>

Trevor Gunn <Trevor.Gunn@rangitikei.govt.nz>

Lesley Butler <Lesley.Butler@rangitikei.govt.nz>

Subject: RDC After hours - Animal Control



MONITORING STATION

Reference: 349742

Date: 17/02/2019
Time: 21:20:38
Callers Name: Katrina
Callers Surname: Adrian
Callers Address: 35 Armagh Terrace
Callers Phone Number: 0273275010
Callers Email:
Location of Issue 35 Armagh Terrace
(Address):
Town: [30] - Marton
Type of Call: Dog Attack
Message: Dog has bitten its owner who has it on a trial , and has it secured you
don't own it . have to call shelter
Feedback type: [-] - No contact required
Name of contractor Lou
advised:
Time Contractor Advised: 21:24:00
Additional
Comments/Actions:



monitoring@monitoringstation.co.nz

Robert Peterson

From: Lou Fairest-Harper
Sent: Monday, 18 February 2019 1:23 a.m.
To: ACOs; [REDACTED] Trevor Gunn; Herb Verstegen; Lesley Butler; mark.p
Subject: Re: [UPDATE] RDC After hours - Animal Control

Advised Nicole, from ARAN animal shelter, that the dog had been uplifted and impounded for biting an 87 year old woman, Joan Clement, who had agreed to take the dog on a 2 week trial.

Also advised Nicole that she would be charged impound fee, registration fee, sustenance fee and the dog would be classified as menacing.

Nicole stated she would sort things with Bernie Compton, despite being told on a number of occasions that this matter has nothing to do with Bernie or WDC, because WDC will only charged a \$10 rego fee and not have a classification placed against the dog.

Lou Fairest-Harper
Animal Control Officer
Rangitikei District Council
46 High St Marlton 4710
0800 422 522

----- Original message -----

From: MailProcessing@monitoringstation.co.nz
Date: 17/02/19 22:39 (GMT+12:00)

To: [REDACTED] Robert Peterson
<R...>
Tre...
Les...
<A...>
<R...>
Tre...
Les...
Subject: [UPDATE] RDC After hours - Animal Control



MONITORING STATION

Reference: 349742
Date: 17/02/2019
Time: 21:20:38
Callers Name: Katrina

Callers Surname: Adrian
Callers Address: 35 Armagh Terrace
Callers Phone Number: 0273275010
Callers Email:
Location of Issue 35 Armagh Terrace
(Address):
Town: [30] - Marton
Type of Call: Dog Attack
Message: Dog has bitten its owner who has it on a trial , and has it secured you don't own it . have to call shelter
Feedback type: [-] - No contact required
Name of contractor Lou
advised:
Time Contractor 21:24:00
Advised:
Additional 2237, Nicole from animal shelter called trying to locate dog. 0273384134.
Comments/Actions: Called Lou and she was on site now collecting dog. gave her Nicole's number and she will call her.



monitoring@monitoringstation.co.nz

ANNEX E

Hi Joan,

Sorry I couldn't come up
+ meet you!

Raro is a lovely little man.
that loves affection + sitting
on your knee.

He is a bit fussy with food
+ prefers tinned dog food
mixed with his biscuits.

Raro hates cats + isn't fond
of motorbikes or bicycles.

Raro isn't registered with.

the council Sorry so I charge
the price of adoption to \$150

a flea + worm

I have given 20 January.
treatment on p.t

I, Joan Caroline Clement (retired) of 35 Armagh Terrace, MARTON state that:

1. On Saturday 16 February 2019 I received a dog named RARO that I was looking to adopt, on a two week trial period from ARAN Animal Rescue NZ.
2. RARO had growled at me twice on Saturday but I thought it was because he was still getting used to me and his surroundings.
3. On Sunday 17 February 2019 at approximately ⁷8:15pm, I went to walk RARO prior to watching a programme I wanted to see on TV.
4. RARO was lying on the couch and as I bent down to reach for the lead which was attached to him and his collar, he bit me. I was talking to him telling him we were going for a walk while I reached for the lead. I have no idea why he did this as he had been sitting on my lap earlier that day and happily licking my face.
5. I called my caregiver who came to my aid and I was transported to Whanganui Hospital in an ambulance. I received an open wound to the back of my left my hand and two puncture marks on my second finger of the same hand.

J. Caroline Clement

Joan Caroline Clement

A. Affirmed

Sworn / Attested before me at *Marton* this *22nd* day of February 2019 *Prior to signing this Affirmation "8" was deleted and replaced by "7" in line 1 of clause 3.*

G.D. Pointon

G.D. Pointon
04187
Whanganui
Justice of the Peace for New Zealand



19 February 2019

RARO – DOG ATTACK ON JOAN CLEMENT, 35 ARMAGH TERRACE, MARTON

1. I interviewed Joan CLEMENT, an 87 year old retiree of 35 Argmah Terrace, MARTON and her Caregiver Katrina ADRIAN at her residence on Tue 19 Feb 2019 at 11:00am. ACO Herb VERSTEGEN was also present.

Background

2. Joan had agreed to adopt a dog from ARAN Animal Rescue (Upper Hutt Branch) from Nicole DORIGUZZI and had agreed to take RARO, a Cavalier Kings Charles Spaniel / Miniature Poodle cross on a trial period of two weeks.

3. RARO was delivered to Joan on Saturday 16 February 2019. The male person dropping RARO off discussed how RARO had behaved for him whilst in his care and advised Joan leave the leash on the dog for a day or so until he got used to the property. He departed after approximately 45 minutes.

4. Joan confirmed that the dog had either growled or snapped at her on two occasions that day but she considered it to be because he was still unsure of his surroundings.

5. At one point in the day on Sunday 17 February 2019, Joan felt as if good progress was being made as RARO had sat on her lap and licked her face repeatedly. She took this as a good sign.

6. At approximately 7:15pm that evening, Joan was preparing to settle in for the evening in front of the TV. She decided she would walk RARO so he could toilet and then she would get herself organised in order to watch a particular television programme.

7. RARO was lying on the couch and as she bent down to reach for the lead which was attached to him and his collar, he bit her on her left hand. She had been talking to him letting him know they were going for a walk while she reached for the lead.

Interview Points

8. I asked Joan to show me where RARO had been and where she had been in relation to RARO and how she had reached for the lead when the incident occurred.

a. *I believe from her demonstration, that her position in relation to where RARO was lying, showed that Joan would not have been leaning or bending over RARO at the time and it was only her hand that was reaching for the lead that caused RARO to react.*

9. The bite resulted in an open wound with skin sloughing and puncture marks in the second finger of her left hand as noted in the Discharge Summary from the Whanganui Hospital. Joan and Katrina described the wound running from the knuckle of the small finger down to and in line with the wrist and about the width of a band aid. They also said that the skin had been "bunched up" close to the knuckle of the little finger.

a. *I believe the sloughing of the skin could have been attributed to a RARO's claws scratching the back of Joan's hand as the skin was sloughed back from her wrist area back toward the small finger. If teeth had been involved I would have expected the flesh and possible muscle on both sides of her hand to have been damaged or torn given Joan's age.*

b. *I believe that the puncture wounds to both sides of her 2nd finger could only have come from RARO's teeth.*

10. Throughout the interview Joan was lucid and clear, however would become distraught when talking about the incident. She mentioned that she had been unable to sleep and would recall the incident and become upset and fearful.

11. She gave me the impression that she was:

- a. extremely upset that the incident had occurred,
- b. disappointed that RARO had not worked out, and
- c. worried about his future



R. J. PETERSON

Senior Animal Control Officer
Rangitikei District Council

P: 06 327 0099 or 0800 422 522

E: robert.peterson@rangitikei.govt.nz

Whanganui Hospital
Discharge Summary
Emergency Medicine
(ED Summary)

Mrs Joan Caroline CLEMENT

NHI: EGY6677
[DoB: 19/12/1931] Female
35 Armagh Terrace, MARTON, 4710, NEW ZEALAND
Ph: (H) 02040826289
ACC: ZJ89632

To: Doctor William John HOLT
220 Wicksteed Street
WHANGANUI
4500
NEW ZEALAND
Ph: 063491800
Discharged To: Home

Admitted: 18/02/2019 01:00
Visit Number: 40999915

Discharged On: 18/02/2019 04:12
Ward/Location: WH Acute Assess Unit
Discharge Method: Discharge - routine

Advice To Patient

Medical Staff,

Look out for swelling, pain, redness, heat, pus and fevers - these symptoms might indicate infection, see your GP if you have them.
Take the antibiotic as prescribed to reduce the chance of infection.

Advice To Caregiver**Advice To GP**

Thank you for accepting the on-going care of this patient, we have no specific recommendations.

Clinical Management Summary

Notes by Alex Dodd ED RMO - MCNZ 81326

PC: This 87 year old patient presents today with a dog bite wound to her left hand

HPC: Bought a new dog from a rescue home, small dog (unsure breed). Last night it jumped up and bit her left hand. Denies fever, otherwise has been well in herself.
She appears slightly confused and tearful and is unable to answer questions about her PMHx.
She has home care and seen on clinical portal.

PMHx: 1. IBS

2. HTN

3. AF not anticoagulated

4. Prev MI

5. R carpal tunnel syndrome

6. Two polyps removed in a colonoscopy in the late 90's.

7. Paroxysmal supraventricular tachycardia

DHx: Isosorbide, metoprolol, colecalciferol, paracetamol, lactulose

Allergies: NKDA

Review of systems: no further symptoms reported.

O/E:

Looks well, alert but mildly confused, moist mucous membrane.

A: patent

B: RR 14, sats 100% on RA, chest clear on auscultation

ECY6677: Joan Caroline CLEMENT [DoB: 19/12/1931]

ANNEX H-2

C: warm, CRT <2, HS I + II + 0, BP 138/97, regular pulse 76bpm, temp 36.6C, no radio-radial delay.

Abdo SNT

Calves SNT

Neuro grossly normal

Left hand – posterior hand open wound with skin sloughing, no damage to underlying structures. 2nd digit puncture wounds over distal and middle phalanges, not too deep, no damage to underlying structures visible. Full power flex/ext, NV intact.

Impression: dog bite wound, superficial injury.

Plan:

1. PO co-amoxiclav
2. ADT
3. Wound cleaned and steri-stripped by nurse
4. safety netted for signs of infection.
5. Monitor in ED (unsuitable for AAU due to confusion), home on shuttle in the morning.

Diagnoses

Primary Diagnosis

- dog bite wound

Appointment Details

Follow up required?: No

Page 27

Discharge Medications

- amoxicillin 500 mg + clavulanic acid 125 mg tablet, 1 tab TDS for 7 days, 7 Day(s) Fixed Duration, Start Date 18-Feb-2019, 7 days (Print on Script) , [wound infection prophylaxis.]

Smoking Information

- Information unavailable

Designation of Person Completing the Summary

- Doctor

Finalised by: Alexander Dodd (Senior house officer -
Senior House Officer)

For Consultant: Dr Ryan Ackland POHL

Signature:

Date: 18/02/2019 04:15





User: Robert Peterson
TA: Rangitikei District

ANNEX J

[Search](#) [Reports](#) [Standard Lists](#) [Messages](#) [Documents](#) [TA Contact Details](#) [Help](#) [Log Out](#)

[View Dog Details](#)

Name:	TA Dog Id:	Born:	Kept at address:
<input type="text" value="RARO"/>	<input type="text" value="118249"/>	<input type="text" value="12/2012"/> (MM/YYYY)	<input type="text" value="149 WARSPITE AVENUE"/>
Predominant breed:	Predominant colour:	Gender:	De-sexed:
<input type="text" value="Spaniel, Cavalier King Charles"/>	<input type="text" value="Black"/>	<input type="text" value="Male"/>	<input type="text" value="Yes"/>
Secondary breed:	Secondary colour:	Classification:	Classification Section:
<input type="text" value="Poodle, Miniature"/>	<input type="text"/>	<input type="text" value="Menacing"/>	<input type="text" value="33A(1)(b)(i)"/>
Distinguishing marks:	Standard microchip #:	Status:	Dog alert:
<input type="text"/>	<input type="text" value="982000190645194"/>	<input type="text" value="Out of District"/>	<input type="text" value="No"/>
Permanent identifier:	Other microchip #:	Deactivated reason:	Destruction Order Date:
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/> (DD/MM/YYYY)
TA:	Registration #:	Year of Registration:	
<input type="text" value="Porirua City"/>	<input type="text" value="557"/>	<input type="text" value="2016/2017"/>	

[Back](#)

[Current Owners](#) [Previous Registrations](#) [Duplicate Dogs in other TAs](#)

Current Owners

TA Owner Id=587088 : Owner=TUILOMA JULIA : D.O.B=08/02/1968 : Address=149 WARSPITE AVENUE WAITANGIRUA : Created=25/10/2013



email: aran.rescue.nz@gmail.com
or message via our Facebook page:
<https://www.facebook.com/ARANRescueNZ>

OWNER SURRENDER FORM

Owner's name: Julia Tuiloma

Address: Lot Akron Grove Totara Park.

Home phone: ~~XXXX~~ cellphone: 021326711 email: _____

Dog's Name: RARO Age: 9 Breed: Poodle x Cav Sex: Male

Registration No: _____ De-sexed: YES Microchip No: _____

Why are you surrendering the dog? Please give as much information as possible financial
Landlord not wanting dog's on property

How long have you owned the dog? 9y How many homes has the dog had? _____

Where did you get the dog? Dunedin. friend _____

Has the dog ever bitten or attacked another dog or a person? Please explain circumstances of when and where this occurred _____
NO

Was Animal Control involved? _____
NO

Has the dog ever lunged or attacked a person or animal? _____
NO

Your Veterinarian's contact details: ~~None~~
PET VET LOWER HUTT



Rangitikei District Council

Notice of Classification of Dog as a

DANGEROUS DOG.

Section 31, Dog Control Act 1996

To ARAN Animal Rescue NZ

Address: 217 Ireland Road, RD1, Kaukapakapa, 0871

Dog: **RARO** a Black Cavalier King Charles Spaniel / Miniature Poodle Cross

This is to notify you that this dog, (RARO) has been classified as a dangerous dog under section 31(1)(b) of the Dog Control Act 1996 having bitten Joan CLEMENT at her residence of 35 Armagh Street, MARTON causing injury on 17 February 2019.

A summary of the effect of the classification is provided below.

Yours Sincerely

Robert Peterson
Senior Animal Control Officer
Rangitikei District Council

22 February 2019

31 Territorial authority to classify dangerous dogs

(1) A territorial authority must classify a dog as a dangerous dog if—

- (a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or
- (b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
- (c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

(2) Where any dog is classified as a dangerous dog under subsection (1), the territorial authority shall immediately give notice in the prescribed form of that classification to the owner.

(3) Where any dog is classified as a dangerous dog under subsection (1)(b), the owner may, within 14 days of the receipt of notice of that classification under subsection (2), object to the classification in writing to the territorial authority, and shall be entitled to be heard in support of his or her objection.

(4) In considering any objection under this section, the territorial authority shall have regard to—

- (a) the evidence which formed the basis for the original classification; and
- (b) any steps taken by the owner to prevent any threat to the safety of persons and animals; and
- (c) the matters advanced in support of the objection; and
- (d) any other relevant matters—

and may uphold or rescind the classification.

(5) The territorial authority shall give notice of its decision on any objection, and the reasons for its decision, to the owner as soon as practicable

*For the purpose of the Dog Control Act 1996, you are the owner of a dog if –

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

Effect of classification as dangerous dog

Sections 32 and 63A, Dog Control Act 1996

You are required, -

- (a) **Within 1 month after receipt of this notice, to ensure that the dog is kept within a securely fenced portion of your property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property; and**
- (b) Not to 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-
 - (i) 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
 - (ii) The dog being controlled on a leash (except in a designated dog exercise area); and
- (c) To produce to the [territorial authority], within 1 month after receipt of this notice, a certificate issued by a veterinarian certifying-
 - (i) That the dog is or has been neutered; or
 - (ii) That for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- (d) Where a certificate under paragraph (c)(ii) is produced to the [territorial authority], to produce to the [territorial authority], within 1 month after the date specified in that certificate, a further certificate under paragraph (c)(ii); and

- (e) In respect of every registration year commencing after receipt of this notice, to pay dog licensing fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
- (f) Not to dispose of the dog to any other person without the written consent of the territorial authority in whose district the dog is to be kept.

You will commit an offence and be liable on conviction to a fine not exceeding \$3000 if you fail to comply with all of the matters in paragraph (a) to (f) above.

In addition, on conviction the court must order the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not justify the destruction of the dog.

A dog control officer or dog may seize and remove the dog from you if you fail to comply with all of the matters in paragraph (a) to (f) above.

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you sell or otherwise transfer the dog, or offer to do so, to any person without disclosing that the dog is classified as a dangerous dog.




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 classification as a dangerous dog are provided in the Dog Control Act 1996.

Dangerous Dog Checklist

For your convenience the following checklist may be used to confirm your compliance with this notice.

	Requirement	Section	Compliance By:	Complied ?
1	Within 1 month after receipt of this notice, to ensure that the dog is kept within a securely fenced portion of your property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property	S32(1)(a)		
2	Not to 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: (i) 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	S32(1)(b)(i)		
3	(ii) The dog being controlled on a leash (except in a designated dog exercise)	S32(1)(b)(ii)		
4	To produce to the Rangitikei District Council, within 1 month after receipt of this notice, a certificate issued by a veterinarian certifying- (i) that the dog is or has been neutered; or (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate	S32(1)(c)		
5	In respect of every registration year commencing after receipt of this notice, to pay dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog.	S32(1)(e)		
6	Not to dispose of the dog to any other person without the written consent of the territorial authority in whose district the dog is to be kept	S32(1)(f)		
7	You must not sell or otherwise transfer the dog, or offer to do so, to any person without disclosing that the dog is classified as a dangerous dog.	S33(c)		
8	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.	Dog Control Regs 1996		

ANNEX M

 Reply  Reply All  Forward



Thu 28/02/2019 3:35 p.m.


Robert Peterson

RARO Classification

To aran admin

Cc nicoledoriguzzi@hotmail.com

Bcc Johan Cullis; Bernie Compton

 Message

 ARAN - Dangerous Classification RARO dated 22 Feb 19.pdf (680 KB)

Good afternoon Anna

I wanted to reiterate the key points that we discussed when we met at the Whanganui Pound last Friday 22 Feb 19, but in particular what the dangerous classification meant to ARAN and RARO.

The classification notice that I handed to you has a table at the bottom that I have amended to reflect what is pertinent to you today. I took out the references to microchipping because RARO already has one and I added the Serials 1 and 2 to the table as well as I deemed them important to note. If you want to review the actual table you can see it on the classification notice. I have attached a copy of the notice for you.

Please see my comments below.

I will again offer my assistance to you and ARAN if you require any checks done on dogs that are microchipped when you receive them from owners.

If you have any questions please advise.

7	Serial	Requirement	Section of Dog Control Act 1996	My Comments
	1	Where any dog is classified as a dangerous dog under subsection (1)(b), the owner may, within 14 days of the receipt of notice of that classification under subsection (2), object to the classification in writing to the territorial authority, and shall be entitled to be heard in support of his or her objection.	S31(3)	RARO was classified on 22 Feb 2019
	2	Where any dog is transferred to and is kept, for a period of 1 month or more, in any territorial	S49(3)	You mentioned that RARO may be sent back down to Nicole so within 6 weeks of that move,

	authority district other than that in which it has been kept, the owner shall, within 6 weeks of the transfer, give notice in writing of the transfer to the territorial authority in whose district the dog has been kept and to the territorial authority to whose district the dog is transferred, setting out the address at which the dog will ordinarily be kept.		<p>you are required to advise the Territorial Authority of the change of address.</p> <p>I would suggest that this Serial would be superseded by Serial's 7 & 8 below and you would have to do this prior to him moving as required by Serial 7.</p>
3	Within 1 month after receipt of this notice, to ensure that the dog is kept within a securely fenced portion of your property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property	S32(1)(a)	<p>If RARO is still in Whanganui then the Council will need to be advised of his classification so they can conduct an inspection before 22 Mar 2019.</p> <p>If you have a separated back yard with a high fence that RARO cannot reach over, then that would be sufficient. If not then a securely fenced portion of the yard needs to be in place (or a kennel run) and be inspected by the local TA - Animal Control.</p>
4	Not to 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: <ul style="list-style-type: none"> (i) 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 	S32(1)(b)(i)	The meaning of this is clear.
5	(ii) The dog being controlled on a leash (except in a designated dog exercise)	S32(1)(b)(ii)	The meaning of this is clear.

6	In respect of every registration year commencing after receipt of this notice, to pay dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog.	S32(1)(e)	All dogs classified as dangerous, pay a registration fee that is 150% that of a standard dog in the Territorial Authority it is registered to.
7	Not to dispose of the dog to any other person without the written consent of the territorial authority in whose district the dog is to be kept	S32(1)(f)	The meaning of this is clear. You mentioned that RARO may be sent back down to Nicole so this condition must be adhered to prior to moving RARO.
8	You must not sell or otherwise transfer the dog, or offer to do so, to any person without disclosing that the dog is classified as a dangerous dog.	Dog Control Regulations 1996 & S33(c)	The meaning of this is clear. Any person who would look to rehome RARO must be advised of his classification and what their responsibilities would be.
<p>FAILURE TO COMPLY WITH ANY OF THE ABOVE COULD RESULT IN FINES OF UP TO \$500 BEING IMPOSED OR UPON CONVICTION TO A FINE NOT EXCEEDING \$3,000.</p>			

Regards

| Robert Peterson | Senior Animal Control Officer |
 | Rangitikei District Council | 46 High Street, Private Bag 1102, Marton 4741 |
 | PH 06 327 0099 or 0800 422 522 | www.rangitikei.govt.nz |

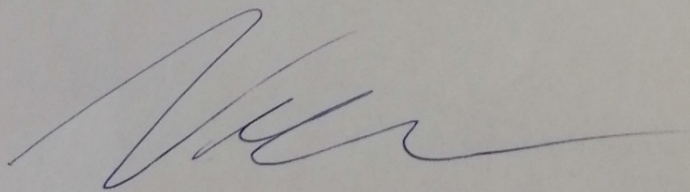


To the Rangitikei District Council

Attn- Rob Petersen.

I would like to formally
object to the classification
of Raro. + advise you
I would like to initiate
the dispute process

Regards



Nicole Doriguzzi