

Notice is given that an ordinary meeting of the Environment and Planning Committee - Hearing Panel will be held on:

Date: Wednesday 19 June 2019
Time: 11.00 am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street
Richmond

Animal Control Subcommittee

AGENDA

MEMBERSHIP

Cr Stuart Bryant
Cr Paul Sangster

(Quorum 2 members)

Contact Telephone: 03 543 8524
Email: robyn.schereer@tasman.govt.nz
Website: www.tasman.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted.

AGENDA

1 OPENING, WELCOME

2 REPORTS

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3 CONFIDENTIAL SESSION

Nil

2 REPORTS

RACS19-06-1

DANGEROUS DOG CLASSIFICATION HEARING

Decision Required

Report To:	Animal Control Subcommittee
Meeting Date:	19 June 2019
Report Author:	Ross Connochie, Administration Officer - Regulatory
Report Number:	RACS19 June 2019-1

1 Summary

- 1.1 An objection to a “Dangerous” classification of a dog has been lodged under section 31(3) of the Dog Control Act 1996 (the Act) by Carrie Officer. Ms Officer has requested that she be heard.
- 1.2 Ms Officer’s dog inflicted a minor bite injury to a two-year-old girl.
- 1.3 Punitive actions available to the Council range from:
 - prosecution and destruction of the dog;
 - classification as dangerous;
 - imposition of financial penalties; and
 - classification as menacing.
- 1.4 The scale of the injury and the associated factors led to a decision to classify the dog as dangerous. This decision is now under challenge.
- 1.5 The Hearing Panel may uphold or rescind the classification.

2 Draft Resolution

That the Animal Control Subcommittee:

1. receives the Dangerous Dog Classification Hearing report REP19-06-01; and

Either:

2. Upholds the dangerous classification for the dog Phoenix owned by Carrie Officer;

Or:

3. Rescinds the dangerous classification for the dog Phoenix owned by Carrie Officer.

3 Purpose of the Report

- 3.1 This report explains the process and reasoning behind the imposition of the “dangerous” classification on the dog and to allow the panel to decide on whether this is the appropriate classification in the circumstances.

4 Background and Discussion

- 4.1 At 1800 hours on 23 February 2019 Ms Officer was at Kotare Sands Café/Bar with her two dogs, Vanilla and Phoenix. Both dogs are male Bichon/Frise cross. The dogs were secured under a table.
- 4.2 The Café/Bar was reasonably crowded and a number of small children were present; several children approached the dogs and petted them.
- 4.3 At some point, Ms Officer has left the table to use the restroom. During her absence, a two-year-old girl has approached the dogs and suffered an attack. It is unclear as to what actually occurred immediately before the attack.
- 4.4 Immediately after the attack, the girl was distressed and kept repeating “the dog bit my face”. An unidentified member of the public indicated that **Phoenix** was the attacking dog.
- 4.5 Ms Officer has also stated that, by noting **Phoenix’s** demeanor immediately following the incident, she believed **Phoenix** was the attacking dog.
- 4.6 The girl suffered minor bite-induced injuries to her face but did not require medical attention.
- 4.7 These facts are not disputed by Ms Officer.

5 Options

- 5.1 In considering the objection, the sub-committee may either uphold or rescind the classification. The Act indicates that the following must be considered:

31(3) Objection to classification of dog under section 31(1)(b)

- (1) *If a dog is classified under section 31(1)(b) as a dangerous dog, the owner may, within 14 days of receiving notice of the classification under subsection(2), object in writing to the territorial authority in regard to the classification; and has the right to be heard in support of the objection.*
- (2) *The territorial authority considering an objection under subsection (3) may uphold or rescind the classification, and in making its determination must have regard to—*
- (a) *the evidence which formed the basis for the classification; and*
 - (b) *any steps taken by the owner to prevent any threat to the safety of persons or animals; and*
 - (c) *the matters relied on in support of the objection; and*
 - (d) *any other relevant matters.*

6 Key Points

- 6.1 The dogs were secured/tied to the table legs.
- 6.2 The girl has approached the dogs while the owner was absent.
- 6.3 Several people were present however there is no substantiated witness testimony as to which dog attacked the girl.
- 6.4 A member of the public indicated that **Phoenix** was the attacking dog and Ms Officer has agreed that this is probably the case.
- 6.5 The contact did happen and the dog bit the girl.

7 Decision on What Action to Take

- 7.1 The owner of a dog who has attacked a person is considered to have committed an offence under The Act. The punitive options available to the Council in this instance were:
 - 7.1.1 **Prosecution under s57** (Dogs attacking persons) which carries a maximum fine of \$3000 plus reparation to the victim. The dog involved must also be destroyed unless there are extenuating circumstances.
 - 7.1.2 **Classification as “Dangerous” under s31.** This puts requirements on the owner to ensure that there is a safe access way to their property, muzzling of the dog in public, neutering of the dog, increased registration fees and consent from the Council to transfer ownership to another person.
 - 7.1.3 **An Infringement Notice under s53** for \$200 for failure to keep a dog under effective control.
 - 7.1.4 **Classification of the dog as “Menacing” under s33.**
- 7.2 Given the facts, a decision was made by the Regulatory Manager on 7 March 2019 to issue an infringement notice for failing to keep a dog under control and to classify the dog Phoenix as “Dangerous”:
 - 31(1)(a) Territorial Authority To Classify Dangerous Dogs**
 - (1) *A territorial authority must classify a dog as dangerous if -*
 - (b) *the territorial authority has, on the basis of sworn evidence attesting to aggressive behavior by the dog on one 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.*
- 7.3 The primary effects of the classification are:
 - 7.3.1 that the dog is to be kept within a securely fenced portion of the owner’s property;
 - 7.3.2 that it is not necessary to enter to obtain access to at least one door of any dwelling on the property;
 - 7.3.3 that the dog must be muzzled when in public; and
 - 7.3.4 the dog registration fees are increased by 50%.

8 Process

- 8.1 The objector, Ms Officer has the opportunity to make a statement to the Hearing Panel.
- 8.2 The Regulatory Manager will explain the Council’s position.
- 8.3 Ms Officer has the right of reply.
- 8.4 At any time, the panel may ask questions of those present.
- 8.5 The Hearing Panel will go into committee and make its decision.
- 8.6 Ms Officer is informed of the panel’s decision.

9 Policy / Legal Requirements / Plan

- 9.1 The owner of a dog who has attacked a person is considered to have committed an offence under the Act. The punitive options available to the Council in this instance are shown in section 7 above.
- 9.2 Failure to take any action in such circumstances would be extremely unusual and would need to be justified by some form of extenuating circumstance; none was found.
- 9.3 After the panel makes its decision it 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.

10 Conclusion

- 10.1 The Council has a responsibility to impose on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger or cause distress to any person.
- 10.2 By upholding the dangerous classification, the Council will be seen to be taking the action necessary to significantly reduce the chances of **Phoenix** being involved in any future biting incident. If the classification is rescinded it would make it very difficult to consistently deal with any future dog attacks of a similar nature.

11 Next Steps / Timeline

- 11.1 The Council must, as soon as practicable, give written notice to the owner of:
 - 11.1.1 The Council’s determination of the objection; and
 - 11.1.2 The reasons for the Council’s determination.

12 Attachments

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Item 2.1



D407
Writer's Direct Dial: 03 5438407

07 March 2019

Carrie Laurie Officer
C/ Post Shop
29 Commercial Street
Takaka 7110

Dear Carrie

Dog Attack Person Incident

As you are aware council has received a complaint alleging a dog attack person incident attributed to your dog Phoenix. The complainant alleges that on 23 February 2019, at Kotare Sands Pohara, Phoenix attacked the complainants two year old daughter.

I have investigated the complaint and considered evidence from the complainant, yourself and the Animal Control Officer who investigated the incident and have determined that the following points are a true reflection of what happened:

- On the 23 February 2019 at approximately 1800hrs you and your two dogs, Vanilla and Phoenix were at the Kotare Sands Café/Bar. The Café/Bar was reasonably crowded and a number of small children were present. The dogs were tied up under a table and several children including the complainants daughter approached the dogs and petted them.
- At some point you have left your table to use the restrooms, in your absence the complainants daughter has approached the dogs and suffered an attack. It is unclear as to what actually occurred immediately before the attack and apart from an unidentified member of the public indicating that Phoenix was the attacking dog, there is no substantiated evidence as to which of your dogs was responsible for the attack.
- The complainants daughter suffered minor bite induced injuries to her face, she did not require medical attention.

I am satisfied that an offence under the Dog Control Act 1996 (The Act) Section 57, (Dogs attacking persons or animals) has been committed.

Having given due consideration to the statements, I believe that rather than seeking prosecution under The Act, in this instance, the classification of Phoenix as a Dangerous Dog under Section 31(1)(b) and the issuing of an infringement notice

Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance

Richmond
189 Queen Street
Private Bag 4
Richmond 7050
New Zealand
Phone 03 543 8400
Fax 03 543 9524

Murchison
92 Fairfax Street
Murchison 7607
New Zealand
Phone 03 523 1018
Fax 03 523 1072

Metuoka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022
Fax 03 528 9751

Takaka
78 Commercial Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0020
Fax 03 525 9972

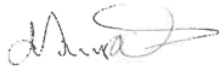
under Section 53(1) of The Act is an appropriate course of action to take. The notice of Dangerous Classification and infringement notice are enclosed. Information concerning your rights is contained on the reverse of the notice.

Council is obliged under The Act to protect the general public from injury or distress caused by dogs and it is only due to the relatively minor nature of the injuries suffered by the victim and the apparent absence of any other witnesses to the attack that I have decided not to seek a prosecution.

Carrie, please be aware that in the event a successful prosecution for a dog attacking persons or animals the consequences are severe for both owner and dog. Apart from a fine not exceeding \$3000.00 the Court is also required to order the destruction of the dog.

Furthermore The Act requires that dogs must at all times be under the control of a person capable of controlling them or be confined within the bounds of the property in such a manner to prevent them freely leaving the property, your cooperation in ensuring that your dogs are under control at all times would be appreciated.

Yours sincerely



Adrian Humphries
Regulatory Manager

Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance

Richmond
189 Queen Street
Private Bag 4
Richmond 7050
New Zealand
Phone 03 543 8400
Fax 03 543 9524

Murchison
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013
Fax 03 523 1012

Motueka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022
Fax 03 528 9751

Takaka
14 Junction Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0020
Fax 03 525 9972



D406
 Writer's Direct Dial: 03 5438407

07 March 2019

Carrie Laurie Officer
 C/ Post Shop
 29 Commercial Street

NOTICE OF CLASSIFICATION OF DOG AS A DANGEROUS DOG
Section 31, Dog Control Act 1996

REFERENCE: 25135

DOG DESCRIPTION: Phoenix, Bichon Frise/Cross, White

This is to notify you* that this dog has been classified as a dangerous dog under section 31(1) of the Dog Control Act 1996.

This is because: on 23 February 2019, at Kotare Sands Pohara, Phoenix attacked a person.

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

Signed

Adrian Humphries
Regulatory Manager

*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 dependant on you.

Tasman District Council
 Email info@tasman.govt.nz
 Website www.tasman.govt.nz
 24 hour assistance

Richmond
 189 Queen Street
 Private Bag 4
 Richmond 7050
 New Zealand
 Phone 03 543 8400
 Fax 03 543 9524

Murchison
 92 Fairfax Street
 Murchison 7007
 New Zealand
 Phone 03 523 1013
 Fax 03 523 1012

Motueka
 7 Hicknott Place
 PO Box 123
 Motueka 7143
 New Zealand
 Phone 03 528 2022
 Fax 03 528 9751

Takaka
 78 Commercial Street
 PO Box 74
 Takaka 7142
 New Zealand
 Phone 03 525 0020
 Fax 03 525 9972

EFFECT OF CLASSIFICATION AS A DANGEROUS DOG**Section 32, Dog Control Act**

You are required:-

- a) within one month after receipt of this notice, to ensure that the dog is kept within a securely fenced portion of your property which it is not necessary to enter to obtain access to at least one 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) 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; and
- d) 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 \$3,000 if you fail to comply with any of the matters in paragraphs (a) to (d) above. In addition, 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 ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (d) above. The ranger or officer may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (d).

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 other person without disclosing that the dog is classified as a dangerous dog.

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

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

If the dog is classified as a dangerous dog because it is believed to constitute a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife, you may object to the classification by lodging with the Tasman District Council a written objection within 14 days of receipt of this notice setting out the grounds on which you object. You are entitled to be heard in support of your objection and will be notified of the time and place when your objection will be heard.

Animal Control Section INFRINGEMENT NOTICE

(Issued under authority of Section 66
of the Dog Control Act 1996)



Owner Details: Carrie Laurie Officer C/ Post Shop 29 Commercial Street Takaka 7110		Infringement: 102921
Date of Birth:	4/06/1963	
ALLEGED INFRINGEMENT OFFENCE DETAILS		
Date:	23/02/2019	Time: 6.00pm
		Day of Week: Saturday
Road/Street:	Kotare Sands Pohara	
		Locality: Takaka
Offence:	Failure to keep dog under control Dog Control Act 1996 Section 53(1) did own a dog namely Phoenix which you failed to keep under control.	Infringement Fee Payable: \$ 200.00
Reg. No or Description of Dog:	1901836 Phoenix: Bichon Frise/Cross : White : Male	
Issuing Officer:	Adrian Humphries	
PAYMENT OF INFRINGEMENT FEE		
The infringement fee is payable within 28 days after: (Earliest date notice is delivered personally, or posted)		7/03/2019
The infringement fee may be paid to either: <ul style="list-style-type: none"> • In person at Tasman District Council Offices: <ul style="list-style-type: none"> ◦ Richmond: 189 Queen Street ◦ Takaka: 78 Commercial Street ◦ Motueka: 7 Hickmott Place ◦ Murchison: 92 Fairfax Street • By posted cheque made payable to Tasman District Council and crossed "Not Transferrable". • By electronic bank transfer to ASB Bank Acct 12-3193-0002048-03, include the Notice Number and surname of the addressee in the reference. (For international bank transfers the SWIFT Code is "ASBBN22A"). 		

IMPORTANT - PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF

SUMMARY OF RIGHTS INFORMATION ABOUT DOG CONTROL ACT 1996 INFRINGEMENT OFFENCES

NOTE: If, after reading these notes, you do not understand anything in the notes, you should consult a lawyer immediately.

1. This Notice sets out an alleged infringement offence. In terms of Section 2 of the Dog Control Act 1996, you are liable as 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.

PAYMENTS

2. If you pay the infringement fee within 28 days of the issue of this notice, no further action will be taken. Payment may be made at places indicated on the front of this notice.

DEFENCES

3. You have a complete defence against proceedings if the infringement fee was paid to the territorial authority at any of the places for payment shown on the front page of this notice before or within 28 days after you were served with a reminder notice. Note that late payment or payment at any other place will not be a defence.

FURTHER ACTION

4. If you wish to:
 - (a) raise any matter relating to the alleged offence for consideration by the territorial authority; or
 - (b) deny liability for the offence and request a court hearing (refer to paragraphs 5 and 6 below); or
 - (c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraphs 6 and 9 below),-
you should write to the territorial authority at the address shown on the front page of this notice. Any such letter should be personally signed.
5. You have a right to a Court hearing. If you deny liability for the offence and request a hearing, the informant will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the Court (unless it decides not to start Court proceedings).
NOTE that if the Court finds you guilty of the offence, costs will be imposed in addition to any penalty.
6. If you admit the offence but want the court to consider your submission as to penalty or otherwise, you should in your letter-
 - (a) ask for a hearing; and
 - (b) admit the offence; and
 - (c) set out the written submissions you wish to be considered by the Court.
 The territorial authority will then file your letter with the Court (unless it decides not to commence Court proceedings). There is no provision for an oral hearing before the Court if you follow this course of action.
NOTE that costs will be imposed in addition to any penalty.

NON-PAYMENT OF FEE

7. If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice (unless the territorial authority decides otherwise).
8. If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice, the territorial authority may file the reminder notice in the Court and you will become liable to pay **costs in addition to the infringement fee** under Section 21(5) of the Summary Proceedings Act 1957.

QUERIES/CORRESPONDENCE

9. When writing or making payment please include:
 - (a) The date of the infringement; and
 - (b) The infringement notice number; and
 - (c) The identifying number of the alleged offence and the course of action you are taking in respect of it; and
 - (d) Your address for replies.

NOTICE OF LIABILITY FOR CLASSIFICATION AS A PROBATIONARY OWNER OR A DISQUALIFIED OWNER

If you commit 3 or more infringement offences (not relating to a single incident or occasion) over a period of 24 months, the territorial authority may classify you as-

- * a probationary owner; or
- * a disqualified owner.

You will be treated as having committed an infringement offence if you-

- * have been ordered to pay a fine and costs under Section 78A(1) of the Summary Proceedings Act 1957, or are treated as having been so ordered under Section 21(5) of that Act; or
- * pay the infringement fee specified in the infringement notice.

Probationary ownership starts from the date of the third infringement offence in the 24 month period. Unless terminated earlier by the territorial authority, probationary ownership runs for a period of 24 months.

Disqualification as a dog owner starts from the date of the third infringement offence in the 24 month period. The length of disqualification is determined by the territorial authority but may be no longer than 5 years.

CONSEQUENCES OF CLASSIFICATION AS A PROBATIONARY OWNER OR DISQUALIFIED OWNER

During the period a dog owner is classified as a probationary owner, the person-

- * must not be or become the registered owner of any dog except a dog that the person was the registered owner of at the time of the third infringement offence; and
- * must dispose of every unregistered dog the person owns.

During the period that a person is classified as a disqualified owner, the person-

- * must not own or become the owner of any dog; and
- * must dispose of all dogs the person owns; and
- * may have possession of a dog only for certain purposes (eg, returning a lost dog to the territorial authority).

A person may object to being classified as a probationary or disqualified owner by lodging a written objection with the territorial authority. There is a further right of appeal to a District Court, if a disqualified person is dissatisfied with the decision of the territorial authority on his or her objection.

Full details of classification as a probationary owner or a disqualified owner, and the effects of those classifications, are provided in the Dog Control Act 1996.

FULL DETAILS OF YOUR RIGHTS AND OBLIGATIONS ARE IN SECTION 66 OF THE DOG CONTROL ACT 1996 AND SECTION 21(10) OF THE SUMMARY PROCEEDINGS ACT 1957.

NOTE: ALL PAYMENTS, ALL QUERIES, AND ALL CORRESPONDENCE REGARDING THIS INFRINGEMENT MUST BE DIRECTED TO THE INFORMANT AT THE ADDRESS SHOWN.

d:\noticeBack\15/12/03



Tasman District Council

189 Queen Street, Richmond
 Private Bag 4, Richmond 7031
 Telephone (03) 543 8400 - Facsimile (03) 543 9524

Request: 1904159	District: Golden Bay
To: Animal Control	Received by: Laura Page
Attn: Control Services	Date & time received: 26/02/19 - 14.14
	How received: Counter
	Date & time of incident: -
Closed: 06/03/19 - 09.46	Action required: Investigate

Caller Information

Name Katie McRae
Address 27 Haile Lane, RD 1, Takaka 7183
Phone (Hm) 035258676
Email

Request

Type Dog Attack - Human
Details 2 year old daughter was attacked by a dog at Kotare Sands in Pohara on Saturday. A lady called Carry tied her 2 Bischon Frise dogs up next to a group of children playing. Katie's daughter was one of them. Dog attacked her daughter on her face. she has bite marks to her lips, tongue, nose and eyes. Carry refused to take her dogs home. Dogs are not registered. Carry is living on her section at 6 Pohutukawa Place in Pohara and the 2 dogs are not registered.

Location

Street 6 Pohutukawa Place, Pohara

Property

Location 6 Pohutukawa Place, Pohara
Valuation No 1871007599
Ratepayer Officer Moraig Laurie - C/- Post Shop, 29 Commercial Street

Actions

Status Investigate - Control Services - Arrived: 26/02/19 - 17.14 - Completed: 26/02/19 - 17.14
Details Passed to SQ to make contact with complainant.

Status Investigate - Control Services - Arrived: 27/02/19 - 09.50 - Completed: 27/02/19 - 14.46
Details SQ visited Katie. LN to contact back which she did and has emailed a Statement and photo of the injuries. Follow up visit to dog owner scheduled for 28/02/19.

Request 1904159

Page 2

Actions cont..

- Status** Investigate - Control Services - Arrived: 28/02/19 - 13.30 - Completed: 05/03/19 - 07.22
- Details** Both JG and SQ visited dog owner and collected statement. Her property did not have adequate containment for her dogs which was discussed by owner was not very receptive to provided an adequate arrangement, she said she is only there for a few more weeks then has to move out while builders are on the property. She was told to ensure any temporary accommodation is adequately fenced. She was very emotional, and would not easily surrender her dog if required. Decision made to leave the dog with her until investigation completed.
- Status** Investigate - Control Services - Arrived: 05/03/19 - 07.27 - Completed: 05/03/19 - 07.27
- Details** 4/3/19 10.00. SQ visited Kotare Sands owners, Steve and Stephen. They both described the dog owner as a problem for them, she was not receptive to removing the dog off their property when asked to do so, and Stephen said he had to get quite angry at her to make her remove the dog which he did not like to have to do. We discussed dogs on the property in a public area and they felt that they did not want to exclude dogs on a weekend afternoon who come with their owners and are well behaved but that they would in future not allow dogs to attend major events like the music one when this incident happened. They said they have trespassed Carries dogs from the property, they are not welcome in future and Stephen said he had noticed that her male dog had a tendency to be more feisty and territorial. They will email a statement to Control Services.
- Status** Investigate - Control Services - Arrived: 06/03/19 - 09.46 - Completed: 06/03/19 - 09.46
- Details** File forwarded to Ross for decision.
NFA

INCIDENT INVESTIGATION FORM



Tasman District Council Contact:		Control Services Officer investigating: John Griffiths	
PARTICULARS OF INCIDENT			
Date: 23 Feb 2019	Time: 6:00pm	Location: Kotare Sands	Date reported: 2019
DETAILS OF INJURED PERSON/ANIMALS			
Name: Maisy McRae	Age: 2	Date of Injury: 23 Feb 2019	Contact number: 035258676
Address: 27 Haile Lane, RD1, Takaka		Other relevant details:	
Type of injury and where on body: Bite mark to face			
Animals injured/killed:			
DETAILS OF ATTACKING DOG(S) OWNER			
Name: Carrie Officer	Age: 55	Other owners (if any):	Contact number: 0276888106
Address: 6 Pohutukawa Place, Pohara		Other relevant details:	
Attacking dog(s) details (Type/Rego Number/Classification etc)		Rego – 1901836 - Phenix* - Bichon Frise/Cross - Male - 7 Years	
Where is the dog now?	6 Pohutukawa Place, Pohara		
THE INCIDENT			
At about 6.00pm on Saturday 23 February 2019, Carrie OFFICER was in the garden bar at Kotare Sands in Pohara. She took her two dogs, Phenix and Vanilla with her and tied them to a chair nearby to where she was sitting.			
There was a band performing at the Kotare Sands bar and there were a large number of people present including young children. A number of these children sat near Phenix and Vanilla. At some point Phenix has snapped at and bitten a young two year old girl sitting nearby. The bite caused moderate injuries to her face which did not require medical treatment.			
After the incident the dog owner was asked to remove the dogs from the bar. However she didn't leave immediately and positioned herself towards the rear of the premises. She was asked on another occasion to remove the dogs and eventually she did.			
WHAT WERE THE CONTRIBUTING CAUSES OF THE INCIDENT?			
Dog were not under proper control. Children also not supervised appropriately.			
What has or will be done to prevent it occurring again in future?			
Bar owners have made a decision to ban dogs from the garden bar during concerts with large numbers of people present. Have also requested that dog owner not bring her two dogs to the bar.			
TREATMENT			
Type of treatment given: Home first aid	Name of first aider: Self	Doctor/hospital: NA	

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Attach any relevant photos, reports and statements to this form and give to TDC Regulatory Manager

WITNESS STATEMENT

WITNESS DETAILS			
Name:	Age:	Date of incident:	Contact number:
Address:		Other relevant details:	
THE INCIDENT			
Describe what happened:			
Would you be willing to appear in Court if required? YES/NO *delete one			
Date: _____		Signature: _____	

Item 2.1

Attachment 5

Emma Gee

From: Sally Control Services <sallycontrolservices@gmail.com>
Sent: Wednesday, 27 February 2019 12:02 p.m.
To: Reception Takaka
Subject: Fwd:

Hi,
 Could I please get 2 copies of the attached statement and photo printed off. I will pick them up tomorrow morning when passing.
 Thank you.
 Sally.
 Control Services.

----- Forwarded message -----

From: Katie McRae <katiemcrae17@gmail.com>
Date: Wed, 27 Feb 2019, 11:03 AM
Subject:
To: sallycontrolservices@gmail.com <sallycontrolservices@gmail.com>

This is a true statement of events occurring on Saturday 23rd February 2019.

On Saturday we attended Kotare Sands cafe/bar to watch the Band playing and spend time with friends.

We were sitting at a table while many children played about dancing and having fun.

At the table opposite us were two small white dogs tied up to the table.
 I watched closely as my 2 year old daughter gently patted the dogs then moved off to play with our family friends children.

We had only been there for approximately 15 minutes when we all heard a scream from my daughter and she came running to me with blood on her face and coming from her mouth.

Someone at our table yelled "that dog just bit her!"
 I immediately picked Maisy up and took her across the road to where our car was in case I needed to get her up to the hospital as her face was bleeding a lot.

A member of the bar staff rushed a wet tea towel over to us and I wiped her face and cuddled her. She was hysterical saying "the dog bite my face" over and over.

Soon, Carrie the dog owner came over and was Apologetic but making excuses as to why her dog may have bit my daughter such as "she must have approached it from behind".
 My friend Tineke McDonald repeatedly told Carrie to get back to her dogs which she had left and to get them home.

My husband took Maisy to the Pohara store to get an ice block as her mouth was bleeding and I went back into the bar to make sure the dogs were taken away before they hurt another child.

Stephan owner from Kotare Sands approached Carrie who had moved her dogs to another side of the bar and apparently asked her to leave. She moved further away from the band but did not leave the premises. I was furious and decided to leave and check up on Maisy and my husband.

Reportedly from a bar staff member she was abusive towards bar staff who asked her to leave and refused to do so.

Eventually she "took dogs home" but I was told by a friend's young son who was scooting around the back was asked by her to watch the dogs while she went back into the bar.

Carrie then went to the toilet there and one of her dogs came running through the bar.

Steve from Kotare Sands then banged on the toilet door demanding she take the dogs home.

Maisy is traumatised and spent the weekend very quiet and bursting into tears saying "dog bite me" over and over. Yesterday (Tuesday) she had her first day back at kindy. I was rung at midday to pick her up as she was "very sensitive" and had told the teacher about "dog bite me" on seeing a soft toy dog at the kindy.

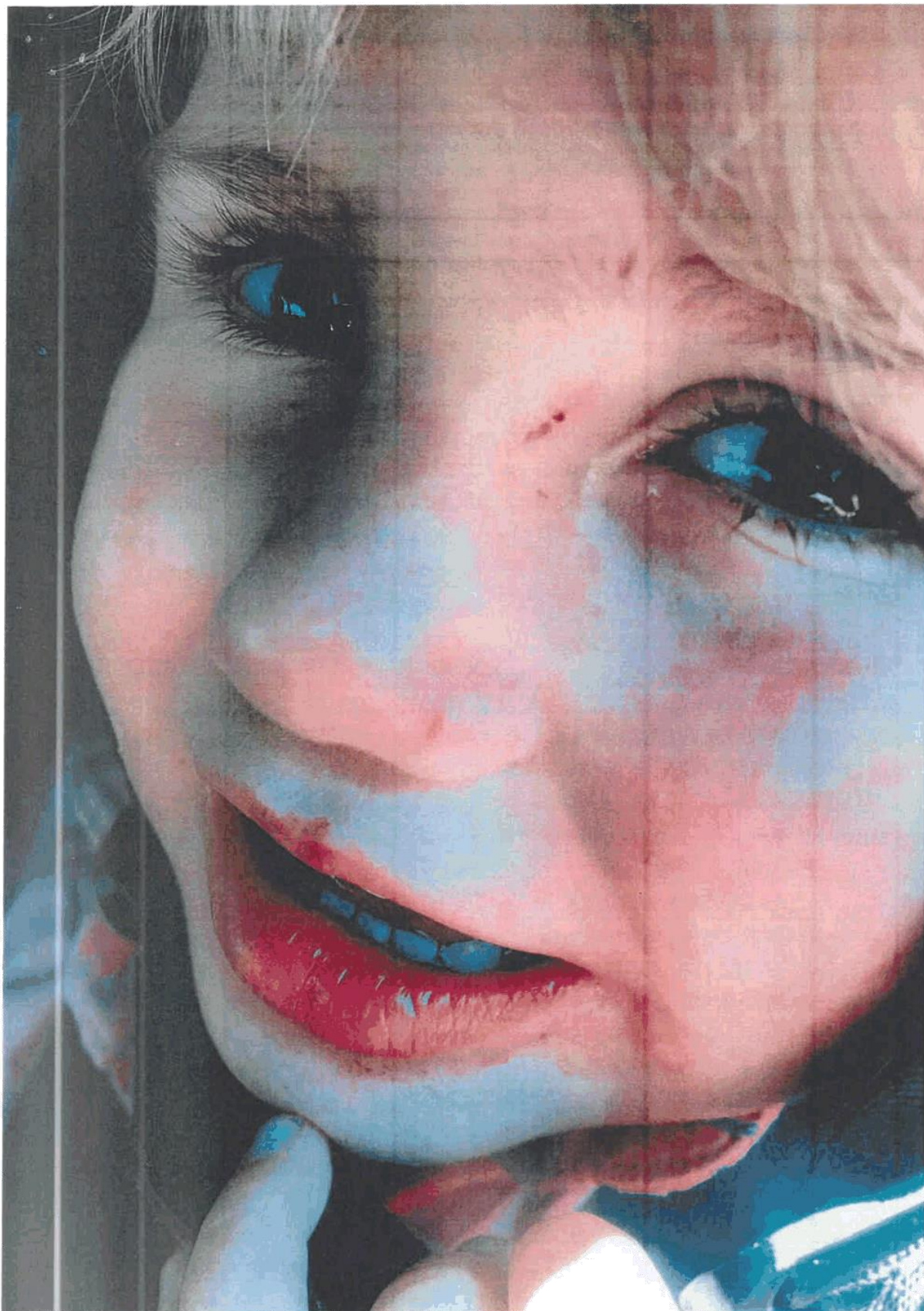
I am upset that Maisy was put in this situation when we were having a nice family evening in a place where she usually feels safe and has fun.

I feel the actions by the dog owner were utterly irresponsible and it scares me to think another child could be bitten and much worse.

These dogs should not be tied up in a public place as they cannot be trusted and the owner's attitude that her dogs come before children's health and well-being.

Katie McRae

Please find attached photos taken of my daughter's face 4 days after the incident. They have healed quickly and are not a true representation of what was seen after the incident and immediate days after.



Attachment 6

Item 2.1



0276888106

1:55pm
28/2/19
6 Pohutukawa Pl, Takaka.

My full name is (Carrie) Moray Officer. I am 55yrs of age born on 11/6/63. I live at 6 Pohutukawa Pl, Takaka. I am currently unemployed. Invalids Benefit.

I am speaking to John Gillies an Animal Control Officer for Tasman District Council about an incident that happened at Kaitere Sands last Saturday 23rd February at around 6pm approximately.

I went to the bar around quarter to 6. The band started at 5:00pm. I had my 2 dogs with me. Vanilla and Phoenix. They are Birchen Friese and they are registered.

I went to a table well away from the children that were there. There was a group of people there and I asked them if I could leave my dogs there. I tied them up to the table and I went and got some water for them.

I asked one of the ladies if I could leave them there while I went and got a beer. I came back and then moved to another table. I shifted the dogs to my new table. It was closer to where the children were in the bar.

I went to the toilet and thought that my friend Brigit was looking after the dogs and my other stuff. A bag and pencils.

When I came back I saw Phoenix sitting on his own. I stopped and spoke to someone. I saw a whole lot of children sitting around him.

Carrie
ml:O.

I may have seen the little girl that was bitten sitting near the dog patting it. This was earlier.

The next thing someone came up to me and said that my dog has bitten someone. I went straight to Phoenix and put my hand around its mouth.

The reason I knew it was Phoenix was because someone must have pointed him out to me. It could have been the way they were both sitting. They pointed him out to me.

I went out to the car to see how the little girl was. I was in shock too. I couldn't believe what happened. I discussed with them about what I could do. I was worried about it.

The dogs were still tied up to the table at this stage, when I went back ^{n.b.} ~~inside~~ ^{to the garden bar} I picked the dogs ^{up} and went to another seat far away. I went as far away as I could. I didn't know what to do. I was in shock.

Someone came up to me and said I should go home. I finished my beer as quickly as possible and left. I don't even think I finished it.

* I have read this, & it is true & correct.
n.l. officer (care)

Statement taken and witnessed by:


J. R. Griffiths

From "Francis Maxino" <francisemaxino@gmail.com>
To controlservices@kinect.co.nz
Date Mon, 4 Mar 2019 11:19:42 +1300
Subject: Phoenix Registered Dog, TDC 1835.
Client Apple Mail (2.3445.102.3)

To Whomever It May Concern,

I would like to put forward some points for consideration in defence of the dog Phoenix cared for by Ms M.L. Officer. I have been in a relationship with Carrie for about three years and have spent considerable time with both her and 'the boys' (her little dogs Phoenix and his father Vanilla) over this time. Sometimes I have looked after the boys for several days at a time. At no time that I can recall have either of them acted aggressively or attacked or bitten any person and their nature is actually quite the opposite. Phoenix is a friendly affectionate little fellow who I have seen interacting with many people, men, women and children, he even goes up to strangers with his tail wagging expecting a pat and sometimes licks peoples ankles. It is with some surprise that I learnt of what had happened and in my opinion something must have happened to provoke a defensive response from Phoenix e.g. had his tail stepped on or been accidentally hurt by the children in some way while being fussed over. I have seen him in many environments amongst lots of people, noisy crowds etc. and he is used to being around excessive external stimuli. It would seem by what has been described to me that Phoenix at the time was surrounded by children fussing over him and I think, like I said before, something extreme must have happened to trigger that response and was a case of him lashing out defensively under duress. On so many numerous occasions before I have seen that he likes being patted and fussed over and actively seeks out friendly attention and likes to snuggle up to people and has never like I said exhibited any type of aggressiveness towards any person. It would be a shame to only look at this isolated incident as any indication of Phoenix's general demeanour and trustworthiness as a social animal that I regard as being completely harmless and if anything, overly affectionate.

Yours sincerely,
Francis Maxino.

From "Stephen Matthews" <kotaresands2018@gmail.com>
To controlservices@kinect.co.nz
Date Tue, 5 Mar 2019 11:29:28 +1300
Subject Kotare Sands Pohara

Good morning,

As discussed yesterday I just need to put into writing what happened here on Saturday 23rd February.

Carrie (don't know her surname) had her two small dogs here during a busy night. When they were left unattended a child approached them for a pat and was bitten on the face.

When we heard about this Carrie and the dogs were asked to leave immediately. Carrie argued with both Steven and myself and didn't want to leave. Eventually she agreed to take the dogs home but one dog appeared again later on in the restaurant. At this point in time she was asked to get rid of the dog and she tied it up out the back in our car park.

We have had no end of problems with this customer and her dogs and do not want either back on our property in the future.

--
Regards

Steve Matthews
Kotare Sands
Pohara
027 528 6895