

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

**Date:** Tuesday 15 December 2020  
**Time:** 9 am  
**Meeting Room:** Sabine Room  
**Venue:** Tasman District Council  
189 Queen Street  
Richmond

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## **Animal Control Subcommittee**

### **AGENDA**

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#### **MEMBERSHIP**

(Quorum 2 members)

Contact Telephone: 03 543 8455  
Email: [julie.halsey@tasman.govt.nz](mailto:julie.halsey@tasman.govt.nz)  
Website: [www.tasman.govt.nz](http://www.tasman.govt.nz)



## **AGENDA**

**1 OPENING, WELCOME**

**2 REPORTS**

2.1 Menacing Dog Classification.....5

**3 CONFIDENTIAL SESSION**

Nil



## 2 REPORTS

### 2.1 MENACING DOG CLASSIFICATION

Decision Required

|                       |   |
|-----------------------|---|
| <b>Report To:</b>     | Animal Control Subcommittee                         |
| <b>Meeting Date:</b>  | 15 December 2020                                    |
| <b>Report Author:</b> | Ross Connochie, Administration Officer - Regulatory |
| <b>Report Number:</b> | RACS20-12-1   |

#### 1 Summary

- 1.1 An objection to a “Menacing” classification of a dog has been lodged under Section 33B of the Dog Control Act 1996 (the Act) by Ms Joanne Dippie and she has requested to be heard.
- 1.2 Nelson is an 18 month old male Hungarian Vizsla currently registered to Ms Joanne Dippie of 277 Rutherford Street Nelson. Ms Dippie also owns property at Pakawau.
- 1.3 Nelson was classified as menacing after a dog attacks person incident on 27 October 2020.
- 1.4 The dog Nelson is registered to Nelson City Council, however as the attack occurred in the Tasman District, Tasman District Council has jurisdiction.
- 1.5 Actions available to the Council under The Act range from prosecution and destruction of the dog; classification as dangerous; imposition of financial penalties and classification as menacing. The scale of the injury and the associated factors led to a decision to classify the dog as menacing. This decision is now under challenge.
- 1.6 The Hearing Panel may uphold or rescind the classification.

#### 2 Draft Resolution

**That the Animal Control Subcommittee:**

1. **Receives the Menacing Dog Classification Hearing; and either:**
2. **Upholds the menacing classification for the dog Nelson owned by Joanne Dippie or:**
3. **Rescinds the menacing classification for the dog Nelson owned by Joanne Dippie**

**3 Purpose of the Report**

- 3.1 To explain the process and reasoning behind the imposition of the ‘menacing’ classification on the dog Nelson and to allow the panel to decide on whether this is the appropriate classification in the circumstances.

**4 Background and Discussion**

- 4.1 The Council has classified Nelson as a menacing dog, in order to do this the Council must consider the requirements of Section 33 of the Act:

***33A Territorial authority may classify dog as menacing***

(1) This Section applies to a dog that:

- (a) has not been classified as a dangerous dog under Section 31; but
- (b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:
  - (i) any observed or reported behaviour of the dog.

It is staff opinion that the reported behaviour (which is uncontested) warrants the imposition of the classification which will protect the public from Nelson.

- 4.2 On the morning of 27 October 2020 Ms Dippie was exercising Nelson of lead on Pakawau Beach at the same time Mr Brian White was also walking on Pakawau Beach. Nelson has rushed Mr White, jumped up on him and bitten/nipped him on the lower jaw. Nelson attempted to jump up on Mr White a second time and was discouraged by “a smack to the face”.
- 4.3 Mr White did not suffer any serious injury, he was however shaken by the experience and concerned that Ms Dippie showed little appreciation for the distress her dog had caused stating Nelson “was only playing”.
- 4.4 Section 5(f) of the Act requires owners of dogs to take all reasonable steps to ensure the dog does not injure, endanger, intimidate, or otherwise cause distress to any person.
- 4.5 Section 52 of the Act requires a dog to be under control at all times. Under control means that the dog is on a leash and restrained by a person capable of doing so or that the dog responds immediately to voice, hand or other commands. Although Ms Dippie was present she was unable to exercise such control over Nelson as to prevent the attack.
- 4.6 On 18 March 2020 Nelson was involved in a dog attack dog incident at Pakawau Beach. It is alleged that Nelson rushed up to another dog and a dog fight ensued. Statements from both owners are conflicting and no further action was taken.
- 4.7 When considering the Council’s response to the incident, staff decided that the incident did not warrant any punitive action. Staff did however consider that Nelson posed a threat to the general public and should be muzzled when in a public area. A Menacing Classification under Section 33 of The Act is the means by which Council can require dog owners to muzzle their dogs.

**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:

**33B Objection to classification of dog under Section 33A**

*(1) If a dog is classified under Section 33A as a menacing dog, the owner:*

- (a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and*
- (b) has the right to be heard in support of the objection.*

*(2) The territorial authority considering an objection under Subsection (1) may uphold or rescind the classification, and in making its determination must have regard to:*

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

|                     |
|---------------------|
| <b>6 Key Points</b> |
|---------------------|

- 6.1 An attack did take place
- 6.2 The attack was unprovoked
- 6.3 The injury was relatively minor
- 6.4 The classification relates to the behavior of the dog and the ongoing threat.

|  |
|--|
| <b>7 Decision on What Action To Take</b> |
|--|

- 7.1 Dogs attacking persons are considered to have committed a serious offence under the Act. The punitive options available to the Council in this instance are:

7.1.1 **Prosecution under Section 57** (Dogs attacking persons) which carries a maximum fine of \$3,000 plus reparation to the victim. The dog involved must also be destroyed unless there are extenuating circumstances.

7.1.2 **Classification as “Dangerous” under Section 31.** 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** for \$200 for failure to keep a dog under effective control.

7.1.4 **Classification of the dog as “Menacing”.**

- 7.2 Given the facts, a decision was made by on 5 November 2020 to classify Nelson as “Menacing” under Section 33A(b)(i) of the Act:

**33A Territorial authority may classify dog as menacing**

*(1) This Section applies to a dog that:*

- (a) *has not been classified as a dangerous dog under Section 31; but*
- (b) *a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:*
  - (i) *any observed or reported behaviour of the dog; or*
  - (ii) *any characteristics typically associated with the dog's breed or type.*

(2) *A territorial authority may, for the purposes of Section 33E(1)(a), classify a dog to which this Section applies as a menacing dog.*

- 7.3 A copy of the Menacing classification notice and other supporting information is attached to this report.
- 7.4 The primary effects of the classification are that Nelson must be muzzled when in public.

## **8 Process**

- 8.1 The objector Joanne Dippie has the opportunity to make a statement to the Animal Control Subcommittee Hearing Panel.
- 8.2 The Regulatory Administrator will explain Council's position.
- 8.3 Joanne Dippie has the right of reply.
- 8.4 At any time, the Hearing Panel may ask questions of those present.
- 8.5 The Hearing Panel will go into Committee and make its decision.
- 8.6 The objector is informed of the Hearing Panel's decision.

## **9 Legal Requirements**

- 9.1 Dogs attacking persons are considered to have committed a serious 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. By upholding the menacing classification, the Council will be seen to be taking the action necessary to significantly reduce the chances of Nelson 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**

|                      |                                       |    |
|----------------------|---------------------------------------|----|
| 1. <a href="#">↓</a> | Incident Report                       | 11 |
| 2. <a href="#">↓</a> | J Dippie Email Objection              | 21 |
| 3. <a href="#">↓</a> | Service Request 2005333 18 March 2020 | 27 |





D401  
Writer's Direct Dial: 03 5438407

05 November 2020

Joanne Dippie  
277 Rutherford Street  
Nelson 7010

Dear Joanne

### Dog Not Under Control

As you are aware council has received a complaint alleging a dog attack incident attributed to your dog Nelson. The complainant alleges that on 27 October 2020 at Pakawau Beach, Nelson has rushed the complainant jumped up on him and bitten him on the face. The complaint is not in dispute.

The complainant did not suffer any serious injury, he was however shaken by the experience and concerned that you showed little appreciation for the distress your dog had caused.

At the time of the incident Nelson was at large and not under control.

Dog Control Act 1996 (DCA) Section 52 relates to the control of dogs specifically that, when not confined or contained, a dog must at all times be under the control of a person capable of controlling them. Under control means on a leash or that the dog responds immediately to voice, hand or other commands. It is apparent that Nelson does not respond to any commands and should therefore be under leash control when in a public place.

The DCA Section 53 makes the act of failing to control a dog an offence, the penalty for which ranges from a \$200 infringement fee to a maximum fine of \$3000.

Furthermore under the DCA Section 33A(1)(b) Council may, if it believes a dog may pose a threat to persons or animals, classify that dog as "Menacing", requiring the dog to be leashed and muzzled when in a public place. Council does believe that Nelson may pose such a risk, this is due to his propensity to rush and jump at people and your inability/reluctance to exercise proper control over Nelson. A notice of Menacing Classification is enclosed a statement of your rights can be found on the back page.

Tasman District Council  
Email [info@tasman.govt.nz](mailto:info@tasman.govt.nz)  
Website [www.tasman.govt.nz](http://www.tasman.govt.nz)  
24 hour assistance

**Richmond**  
189 Queen Street  
Private Bag 4  
Richmond 7000  
New Zealand  
Phone 03 543 8800  
Fax 03 543 8324

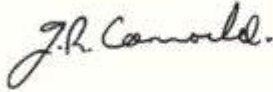
**Murchison**  
90 Fairfax Street  
Murchison 7007  
New Zealand  
Phone 03 528 1093  
Fax 03 528 1032

**Motueka**  
7 Hickson Place  
PO Box 127  
Motueka 7140  
New Zealand  
Phone 03 528 2002  
Fax 03 528 8753

**Takaka**  
28 Commercial Street  
PO Box 24  
Takaka 7140  
New Zealand  
Phone 03 525 0000  
Fax 03 525 0872

Your future cooperation in ensuring that Nelson is adequately controlled would be appreciated.

Yours sincerely



Ross Connochie  
Administration Officer Regulatory Services

**Tasman District Council**  
Email [info@tasman.govt.nz](mailto:info@tasman.govt.nz)  
Website [www.tasman.govt.nz](http://www.tasman.govt.nz)  
24 hour assistance

**Richmond**  
189 Queen Street  
Private Bag 4  
Richmond 7050  
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Phone 03 541 8400  
Fax 03 541 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 7193  
New Zealand  
Phone 03 528 2822  
Fax 03 528 9751

**Takaka**  
14 Junction Street  
PO Box 24  
Takaka 7142  
New Zealand  
Phone 03 525 0033  
Fax 03 525 9972



## Tasman District Council

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

|                                 |   |
|---------------------------------|---|
| <b>Request:</b> 2020054         | <b>District:</b> Golden Bay                       |
| <b>To:</b> Animal Control       | <b>Received by:</b> Casey Port                    |
| <b>Attn:</b> Control Services   | <b>Date &amp; time received:</b> 28/10/20 - 11.52 |
|                                 | <b>How received:</b> Phone                        |
|                                 | <b>Date &amp; time of incident:</b> -             |
| <b>Closed:</b> 04/11/20 - 12.14 | <b>Action required:</b> Investigate               |

**Caller Information**

**Name** [REDACTED]

**Address** [REDACTED]

**Phone** [REDACTED]

**Email** [REDACTED]

**Request**

**Type** Dog Attack - Human

**Details** \*\*SQ\*\* Dog jumped up and bit his face then tried to jump up he kicked it- owner said oh hes just being playful.  
 Bj would like the owner to be spoken too and leash the dog.

**Actions**

**Status** Contact Caller - Control Services - Arrived: 09/11/20 - - Completed: 30/10/20 - 08.39

**Details** BJ has phoned back to talk to Shelly. will try aga mornig

**Status** Contact Caller - Control Services - Arrived: 29/10/20 - 10.00 - Completed: 30/10/20 - 08.39

**Details** SQ rang and spoke with complainant, dog was a light brown, he thought maybe a GSP type dog. Happened on Pakawau beach, he said the owner Jo Dippie often walks her dog on the beach not on a lead. Has a bach at 1078 Cpllingwood - Pakawau Hwy but lives in Nelson, NCC registered dog 03 5458659.

**Status** Contact Caller - Control Services - Arrived: 30/10/20 - 09.20 - Completed: 30/10/20 - 09.20

**Details** This is the second complaint about this dog rushing at people this year, see SR2005333. A statement has been requested from the complainant.

**Status** Contact Caller - Control Services - Arrived: 30/10/20 - 13.28 - Completed: 30/10/20 - 13.28

**Details** Phoned owner, LM on landline. Require a cell contact for this owner as often at her bach in Pakawau.

**Status** Contact Caller - Control Services - Completed: 30/10/20 - 16.25

**Details** Jess please call BJ on Monday 2/11, he would like to dictate a statement for you to type up, pls call him on 0276125848.

## Request 2020054

Page 2

## Actions cont.

**Status** Contact Caller - Jess McAlinden - Arrived: 01/12/20 - 14.30 - Completed: 01/11/20 - 14.37

**Details** Jo Dickie contacted SQ to discuss, she stated she is working hard to prevent dog from getting excited and jumping up, tried to give her some training advice to help and told her she should keep her dog on a lead until she is able to control it fully.  
Got her email contact for when she is in the Bay as she does not have a cellohone. Contact her on wanakajo@xtra.co.nz.

**Status** Contact Caller - Jess McAlinden - Arrived: 01/11/20 - 14.41 - Completed: 01/11/20 - 14.41

**Details** A letter needs to be sent to dog owner reiterating the requirement to keep her dog under control at all times, and that if a further complaint is received then an infringement will be incurred. BJ Whites statement when received needs to be kept on file as this owner has her dog registered in NCC.

**Status** Contact Caller - Jess McAlinden - Completed: 02/11/20 - 15.37

**Details** Rang BJ, no response so left message advising BJ can drop off a statement to me at the upcoming GBCB meeting which he is usually in attendance at.

**Status** Contact Caller - Jess McAlinden - Completed: 03/11/20 - 13.54

**Details** Statement provided by BJ White and attached to service request. Re-assigned to Control Services.

**Status** Investigate - Control Services - Completed: 03/11/20 - 14.02

**Details** Dog is not registered in Tasman District however NDD advises that Nelson City have a dog owner namely 'Joanne Dippie of 277 Rutherford Street in Nelson with a registered dog called Nelson who is a Hungarian Vizsla (Gold coloured) male and desexed. Tag number 5162

**Status** Investigate - Control Services - Arrived: 04/11/20 - 12.14 - Completed: 04/11/20 - 12.14

**Details** File forwarded to Ross for decision.



## INCIDENT INVESTIGATION FORM



|  |                           |  |                             |
|--|---------------------------|--|-----------------------------|
| Tasman District Council Contact: 2020054   |                           | Control Services Officer investigating: Sally Quickfall/John Griffiths   |                             |
| <b>PARTICULARS OF INCIDENT</b>   |                           |  |                             |
| Date: 27.10.20   | Time: AM                  | Location: Pakawau Beach  | Date reported: 28.10.20     |
| <b>DETAILS OF INJURED PERSON/ANIMALS</b>   |                           |  |                             |
| Name: BJ WHITE   | Age: Adult                | Date of Injury: 27.10.20   | Contact number: [REDACTED]  |
| Address: Caravan at Pakawau Holiday Park   |                           | Other relevant details:  |                             |
| Type of injury and where on body: Right side of jaw bone (face)  |                           |  |                             |
| Animals injured/killed: N/A  |                           |  |                             |
| <b>DETAILS OF ATTACKING DOG(S) OWNER</b>   |                           |  |                             |
| Name: Joanne DIPPPIE   | Age: Adult                | Other owners (if any):   | Contact number: 03 545 8659 |
| Address: 277 Rutherford St, Nelson   |                           | Other relevant details:  |                             |
| Attacking dog(s) details (Type/Rego Number/Classification etc)   |                           | Rego – NCC 5162 – 'Nelson' – Vizsla, Hungarian - Gold – Male – 1.5 years |                             |
| Where is the dog now?  | 277 Rutherford St, Nelson |  |                             |
| <b>THE INCIDENT</b>  |                           |  |                             |
| On the morning of 27 October 2020 while on Pakawau Beach an unrestrained and uncontrolled dog came up to WHITE and jumped up biting the right side of his jaw bone. The dog 'Nelson', belonging to DIPPPIE tried a second attempt and WHITE discouraged it by smacking it on its face. |                           |  |                             |
| DIPPPIE was with her dog at the time and said the dog was just playing and did not apologise.  |                           |  |                             |
| This is the second reported incident SR2005333 where 'Nelson' has been involved, on Pakawau Beach. The first time was where 'Nelson' rushed at and bit another dog.  |                           |  |                             |
| <b>WHAT WERE THE CONTRIBUTING CAUSES OF THE INCIDENT?</b>  |                           |  |                             |
| Dog loose, slipped leash, protecting pups etc: Dog not under control   |                           |  |                             |
| What has or will be done to prevent it occurring again in future? Dog owner needs to keep the dog under control at all times.  |                           |  |                             |
| <b>TREATMENT</b>   |                           |  |                             |
| Type of treatment given:   | Name of first aider:      | Doctor/hospital:   |                             |

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: _____        |                 |



T.D.C.

On the morning of Wednesday 27<sup>th</sup> Oct I was on Pakawau beach. As I approached a local woman (Jo Dippie), her unrestrained dog came directly up to me, jumping up and biting my face on the right side of my jaw bone.

On a second attempt from the dog I discouraged it with a smack on the face.

The owner showed no genuine sign of chastisement for the dog and no apology to me.

Her general apathy to the situation was a disappointing aspect.

p.t.o.

The owner then continued  
down the beach with the dog  
still unrestrained.

While I do not want this  
dog destroyed, I think owner  
education needs to be  
addressed.

Thank you..

B.J White  
Pakawan



05 November 2020

D407

Direct Dial 03 5438407

Joanne Margaret Dippie  
277 Rutherford Street  
Nelson 7010

Dear Joanne

**NOTICE OF CLASSIFICATION OF DOG AS  
A MENACING DOG**  
*Section 33A Dog Control Act 1996*

**YOUR REFERENCE: 28456****DOG DESCRIPTION: Nelson, Vizsla, Hungarian, Gold**

This is to notify you that your dog, **Nelson**, has been classified as a menacing dog under **Section 33A** of the Dog Control Act 1996. Tasman District Council considers this dog may pose a threat to any person, stock, poultry, domestic animal or protected wildlife because of:

Observed or reported behaviour of the dog in that on the 27 October 2020 at Pakawau Beach Nelson while at large and not under control attacked a person.

A summary of the effect of the classification and your right to object is provided on the following page.

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**This notice was delivered by post on the 8 December 2020**

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**Adrian Humphries**  
**Regulatory Manager**

**Tasman District Council**  
**Email** [info@tasman.govt.nz](mailto:info@tasman.govt.nz)  
**Website** [www.tasman.govt.nz](http://www.tasman.govt.nz)  
**24 hour assistance**

**Richmond**  
189 Queen Street  
Private Bag 4  
Richmond 7050  
New Zealand  
**Phone** 03 543 9400  
**Fax** 03 543 9524

**Murchison**  
92 Fairfax Street  
Murchison 7007  
New Zealand  
**Phone** 03 523 1013  
**Fax** 03 526 1017

**Motueka**  
7 Hickmott Place  
PO Box 123  
Motueka 7143  
New Zealand  
**Phone** 03 526 2027  
**Fax** 03 526 9751

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

**EFFECT OF CLASSIFICATION AS MENACING DOG***Sections 33 E&F, Dog Control Act 1996*

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

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

**In addition if you fail to comply with the above requirements a dog control officer or dog ranger may seize and remove the dog from your possession and retain custody of the dog until the Tasman District Council has reasonable grounds to believe that you will comply with these requirements.**

2. **Section 33F.** Owner must advise person with possession of menacing dog of requirement to muzzle dog in a public place

This applies if the dog in the possession of another person not exceeding 72 hours. Failure to comply if convicted may result in a maximum fine of \$500.00

3. **Section 33B. Right of objection to classification.** You may within 14 days of receiving this Notice of Classification, object in writing to the Tasman District Council in regard to this classification. You have the right to be heard in support of your objection and you will be notified of the date, time and place when your objection will be heard.

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

**Ross Connochie**

**From:** Jo Dipple <wanakajo@xtra.co.nz>  
**Sent:** Thursday, 19 November 2020 1:25 pm  
**To:** Reception Richmond  
**Subject:** Your ref 28456

**Categories:** Allison

Good afternoon Ross

I am writing to object to your classification of my dog as menacing.

I am, frankly, surprised at this move, given that the dog control officer I spoke with about this incident said she would recommend that the matter would go no further. She then added there might be a fine, but she didn't think so, in the circumstances.

The facts, as I explained to her, are repeated here...

My dog Nelson is still a boisterous puppy and so I take extra care when walking in public to ensure he doesn't bother others. My previous dog, Friday, was a great puppy but as she got older she was less reliable around other dogs. She would also escape any fence put in her way. The vet said her aggression was anxiety based and although we did one-on-one training with Sue from Dog Almighty, and used an electronic collar, I couldn't trust her so sadly had her put down at 3.5 years of age. This made me more determined than ever to ensure Nelson is trustworthy.

On the day in question, we had just driven from Nelson to Pakawau in the pouring rain. I unpacked the car in the pouring rain and Nelson was keen to run on the beach. Given I was already soaked, it seemed a fine idea. I patted one pocket to check I had the lead, another pocket to check for poo bags, a third pocket to check for dried liver treats in case we wanted to do some training, and we set off.

We walked down as far as Totara Ave in the rain, then turned to walk back as the rain eased then stopped. Just past BJ's home, he appeared suddenly on the beach. Nelson was running ahead of me, off-lead. I immediately put out my hand to BJ, saying hello, please just wait. I called to Nelson and he ran instantly to me and sat as requested. And this is where it came unstuck. I should have dropped the bag of dog poo I had scooped up earlier. I should have grabbed Nelson by the collar while I was reaching for the lead, stuck in the pocket of my sodden jacket. But I didn't, and I was too slow. I had just pulled the lead out of my pocket and was about to attach it when BJ stepped forward, talking. Nelson immediately turned his focus from me to BJ.

BJ has been to my property several times, he has been in my house at least twice. Nelson thinks BJ is his friend. Nelson wanted to say hello. He ran over to BJ and in his excitement, he jumped up. That is not in dispute. Did he bite BJ? I strongly doubt it. Nelson doesn't have an aggressive bone in his body. One of his

1



best friends in Pakawau encourages him to jump (I no longer allow John unsupervised visits because of this) and he has never bitten John or anyone else. What is more likely is that Nelson's claw possibly grazed BJ's cheek. But that is a moot point as Nelson shouldn't be jumping, I understand that fully. However Nelson's leap of joy certainly couldn't be called an attack.

I called Nelson back and he responded instantly. I said to BJ, oh no, are you hurt, are you okay? as BJ took a step backwards and put his hand to his face. He shouldn't be doing that, BJ said. I totally agree, I said, I am so sorry, as I clipped Nelson's lead on him, as he sat beside me. I took a step toward BJ to look at his face but he took a step back and started going off about birds and all sorts of nonsense. I again took a step towards BJ, saying sorry, but BJ said he couldn't talk and he stormed off. No one else was on the beach so I took the lead off and we walked back home. I contacted John as he knows BJ very well and told him what had happened. I asked John if I should go visit BJ. The advice I got was not to. To now have BJ say, 'you showed little appreciation for the distress' cuts me to the core. I tried several times to show my concern, BJ held up his hand to stop me from coming closer and he said he didn't want to talk further.

The dog control officer I spoke with on the phone said Nelson had previously wandered the beach on his own - this is totally untrue. My dog Friday had twice (as far as I know) gone wandering alone on the beach. After I discovered that, I had her on a long tie every second she was outside so she couldn't escape. Nelson has only ever been on the beach with me (or John). During the recent school holidays there were lots of people on the beach so I used his long training line to walk past the family next door building sandcastles, to the deserted bit of beach further down the way. The control officer suggested I should walk Nelson on a long lead until his training proceeds further. I said I already use a long line when people are about.

Earlier in the year, a dog viciously attacked Nelson. The two dogs were standing nose to nose one second, tails wagging, than poor Nelson was on his back in the sand, yelping in fear as the other dog stood over him, holding him down. I called Nelson and he struggled to his feet to be then knocked down again by the other dog. This time the dog straddled Nelson's back with Nelson's head in his jaws and I thought it would kill Nelson. Nelson was screaming in terror. I called over and over as Nelson struggled to get the heavier dog off him. The dog's owner was standing a foot from his dog who was viciously growling and shaking my dog, and the man did nothing. He didn't call to his dog or tug the collar - he just stood passively as his dog shook mine. Nelson was finally able to get up and he ran to me. We hurried back to my property and I put him inside the gate and checked him over. He had lost one long strip of skin off one side of his head, and two long strips of skin off the other. Luckily the dog had missed his eyes. I didn't discover he had a long gash on the underside of his rear leg till the following day. The scar is still visible.

After checking Nelson, I closed the gate and walked back out on the beach to go talk to the man. I passed my neighbour Joy who lives two doors along with her small dog, she had watched the whole thing. I asked her if she knew the man, she said no. The man saw me following and he walked faster with his dog, but his dog stopped to do a poo and I caught up. I told him my dog had lost a considerable amount of skin. I said my pup wasn't even a year old and his dog should be on a leash if it attacks other dogs. He said, with a smirk, Your dog attacked mine. I said you know that isn't true. He leaned forward and said, Lady, walk back home, I know where you live. It was said with menace and I am ashamed to admit I was scared, and so I went home and as I didn't know who he was I was unable to take the matter further. I was shocked when later I found he had reported my dog. But I think he did that to avert blame from his own dog. btw, on my walk back to my property after leaving the man, I passed Joy again. I was in tears and she asked if I was okay. I said he said Nelson had attacked his dog. She said, that's nonsense, his dog was the one who attacked.

Your comments, 'it is apparent Nelson does not respond to any commands' and 'your inability/reluctance to exercise proper control over Nelson' is wounding. Nelson has had excellent recall from a very early age. We are on the beach and he doesn't even look at birds as he knows they are not to be bothered. I admit the jumping when very excited is still an issue, but we are working through this. Before lockdown I had two long (and expensive) phone consultations with dog trainer Mark Vette on how to keep Nelson focused my me all the time, not just when it suited him. I was surprised to learn Mark uses a shock collar. I have one and have taken it out to Pakawau for further training, but on the days he's worn the collar to test our new training we haven't met anyone else on the beach.

I request you reconsider the menacing dog classification on Nelson. He is a laid back, happy, friendly dog, not the out of control horror described to you.

Please kindly acknowledge receipt of this email at your earliest convenience.

Respectfully

Jo Dippie





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**Ross Connochie**

**From:** Ross Connochie  
**Sent:** Friday, 27 November 2020 10:15 am  
**To:** 'wanakajo@xtra.co.nz'  
**Subject:** Nelson

Hi Jo, happy to review the classification in 4months (or earlier) just need to be satisfied that Nelson will respond to voice commands and has got over his tendency to jump up on people. I agree that the incident was on the on the low side of the scale as far as 'dog "attacks" go which is why Council took no punitive action against you, however Council is required to protect the public against intimidation, nuisance or distress caused by dogs.

That said you are still entitled to have a hearing . The hearing is run by 2-3 Councillors and is a relatively informal process. They will review the case and decide whether the Classification stands or not.

Let me know if you would like to proceed with a hearing.

Regards

Ross





## Tasman District Council

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

**Request: 2005333**

**To: Animal Control**  
**Attn: Control Services**

**Closed: 08/04/20 - 13.47**

**District: Golden Bay**

**Received by: Wendy Byrne**

**Date & time received: 18/03/20 - 13.14**

**How received: Counter**

**Date & time of incident: -**

**Action required: Investigate**

### Caller Information

**Name** [REDACTED]

**Address** Not provided

**Phone** [REDACTED]

**Email**

### Request

**Type** Dog Attack - Domestic Pet

**Details** \*\*SQ\*\* Jims dog was rushed and bitten by a red weimaraner looking dog on the Pakawau Beach. It came from a new looking black house. Jims thinks its rural number is 1078. Jims dog fought back and Jim called his dog off and left. He is very concerned as when he reported what had happened to the owners at the Pakawau Holiday Park. they were familiar with this dog and said it had a history of doing this. Jim would like the dog investigated. It had no collar or tag.

### Actions

**Status** Investigate - Control Services - Arrived: 19/03/20 - 08.58 - Completed: 19/03/20 - 08.58

**Details** Sq phoned complainant, his dog was not hurt in the incident but concerned as he thinks this dog often roams free and the owner is not concerned. Will follow up next week when back in the Bay.

**Status** Investigate - Control Services - Arrived: 05/04/20 - 16.37 - Completed: 05/04/20 - 16.37

**Details** Sq visited, empty bach. LN in letter box for owner to contact C/S on return. Rates check and NDD came up with an owner with a dog that fits the description given. Joanne Margaret Dippie, 277 Rutherford St, Nelson, DOB 30/05/59. TA dog ID 169182, a gold, male Hungarian Vizla, 1 yr old, NCC 2005892. Phone follow up required. She may also have 2 other dogs.

**Status** Investigate - Control Services - Arrived: 08/04/20 - 13.34 - Completed: 08/04/20 - 13.34

**Details** Spoke to dog owner and she said the complainants version of events was untrue. Her dog did run up to the other dog in a playful manner. They were nose to nose and then the other dog attacked hers. Her dog has a number of scars on his face from the attack. He is only a 1yr old puppy. The male person with the other dog just stood over them while they were fighting. She ran out yelling and confronted man about the incident. She was surprised he complained as his dog was the aggressor.

**Request 2005333**

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**Actions cont..**

**Status** Investigate - Control Services - Arrived: 08/04/20 - 13.47 - Completed: 08/04/20 - 13.47  
**Details** Both dog owners claim it was the other dog that was the aggressor. Both owners spoken to and informed they must have their dogs under control at all times. Neither parties want to take matter any further. NFA at this stage.

Item 2.1

Attachment 3