



AGENDA

Regulatory Hearings Panel meeting Thursday, 30 March 2023

I hereby give notice that a Regulatory Hearings Panel meeting will be held on:

Date: Thursday, 30 March 2023

Time: 9.30am

**Location: Ground Floor Meeting Room 1
306 Cameron Road
Tauranga**

Please note that this meeting will be livestreamed and the recording will be publicly available on Tauranga City Council's website: www.tauranga.govt.nz.

**Marty Grenfell
Chief Executive**

Terms of reference – Regulatory Hearings Panel

Membership

Chairperson	Mary Dillon
Members	Puhirake Ihaka Terry Molloy Alan Tate
Quorum	At least two members
Meeting frequency	As required

Role

- To conduct hearings and make decisions of a quasi-judicial nature on regulatory matters through specific hearings and decision making.

Scope

Regulatory matters

- To conduct hearings and make decisions of a quasi-judicial nature on behalf of the Council on any regulatory matter that the Council is legally:
 - empowered or obligated to hear and determine;
 - permitted to delegate to a subordinate decision-making body of Council under the Local Government Act 2002, or any other Act.
- To exercise this function in accordance with:
 - the applicable legislation;
 - the Council's corporate strategies, policies, plans and bylaws; and
 - the principles of administrative law and natural justice.
- Regulatory matters include (but are not limited to):
 - dog control matters;
 - matters arising from the exercise of Council's enforcement functions; and
 - regulatory matters that require a hearing under Council's policies (including, without limitation, Council's Gambling Venues Policy) and bylaws.

Matters excluded from scope

- The following are excluded from the scope of the Regulatory Hearings Panel:
 - matters relating to the sale and supply of alcohol;
 - matters under the Resource Management Act 1991; and
 - matters the Council is precluded from delegating to a subordinate decision-making body by the Local Government Act 2002, or any other Act.

Power to Act

Regulatory matters

- All powers, duties and discretions necessary to conduct hearings and make decisions of a quasi-judicial nature on behalf of the Council on any regulatory matter that the Council is legally empowered or obligated to hear and determine, including (but not limited to):
 - All powers, duties and discretions necessary to hear and make decisions on behalf of the Council in respect of any matter that the Council is empowered or obligated to hear and determine under the Dog Control Act 1996, the Local Government Act 2002, the Local Government Act 1974 and any regulatory matters that require a hearing under Council's policies and bylaws.
- For the avoidance of doubt, the above delegation includes authority to hear and make decisions on appeals under Council's Gambling Venues Policy, including to decline an application to appeal.
- The power to establish and amend hearings protocols relating to the general conduct of hearings and hearings related matters in accordance with the applicable legislation and the principles of administrative law and natural justice.
- The power to co-opt expert advice on an as required basis.

Matters excluded from power to act

- For the avoidance of doubt, the Regulatory Hearings Panel does not have the power to hear:
 - matters relating to the sale and supply of alcohol;
 - matters under the Resource Management Act 1991; or
 - matters that the Council is precluded from delegating to a subordinate decision-making body by the Local Government Act 2002, or any other Act.

Power to Recommend

- The Regulatory Hearings Panel is unlikely to need to make recommendations to the Council as it has the power to conduct hearings and make decisions of a quasi-judicial nature on behalf of Council as per its powers to act. However, the Panel may make recommendations to the Council if, in the circumstances of a matter, it considers it appropriate to do so.

Note: The Regulatory Hearings Panel is established as a subordinate decision-making body of Council and delegated the powers specified in its Terms of Reference under clauses 30 and 32 of Schedule 7 Local Government Act 2002 respectively. It is not a committee or subcommittee of Council.

Regulatory Hearings Panel

Summary of hearings procedure



Who is involved in a hearing?

- Regulatory Hearings Panel – these are independent persons who make the decision
- Tauranga City Council staff – staff who write the report and attend the hearing
- Applicant/objector or their representative – those who will present their evidence
- Witnesses/experts – called by staff or applicant/objector



What happens before the hearing?

- The applicant/objector will be given at least seven days' notice of the date, time and place of the hearing.
- An agenda with the staff report and any documents will be sent to the panel members and the applicant/objector before the hearing.
- The applicant/objector can organise evidence and call witnesses in support of their application/objection.
- If the applicant/objector can't be present at the hearing they can organise a representative to attend on their behalf.

What happens at the hearing?

- The hearings will be conducted without a lot of formality and will make sure that all parties and witnesses receive a fair hearing.
- Staff will present Council's case (including evidence and any witnesses) in support of its decision that is the subject of the application/objection.
- The applicant/objector presents their case (including any evidence and any witnesses).
- Council staff have a right of reply but can't submit any new evidence or call any further witnesses.
- The chairperson and panel members may ask questions from any party or witness.
- Other persons may ask the chairperson to put a question to any party or witness on their behalf but that is at the discretion of the chairperson as to whether the question is put.

- No cross examination is permitted.
- The chairperson's rulings on any matter is final.
- The hearing is generally open to the public unless there is good reason to have the hearing with the public excluded.

What happens after the hearing?

- The panel will usually deliberate in private immediately after the hearing and make their decision.
- The panel may, but is not required to, deliver its decision in the open section of a meeting. A notice of decision will be given (or sent) in writing to the applicant/objector as soon as practicable after the panel has made its decision.
- The chairperson will then close the hearing.
- If the chairperson has allowed further information to be provided before the hearing is closed, then the hearing will be adjourned, and the panel will reserve its decision until it has considered the further information.
- Where the applicant/objector has a right to appeal the panel's decision, that will be advised in writing.
- No discussions or communication of any kind will happen outside of the hearing between the panel, the parties or witnesses until a decision is issued, including during any site visits, adjournment or break.
- Minutes of the meeting will be kept as evidence of the hearing.

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- 1 OPENING KARAKIA**
- 2 APOLOGIES**
- 3 DECLARATION OF CONFLICTS OF INTEREST**

4 CONFIRMATION OF MINUTES

4.1 Minutes of the Regulatory Hearings Panel meeting held on 10 March 2023

File Number: A14571248

Author: Sarah Drummond, Governance Advisor

Authoriser: Sarah Drummond, Governance Advisor

RECOMMENDATIONS

That the Minutes of the Regulatory Hearings Panel meeting held on 10 March 2023 be confirmed as a true and correct record.

ATTACHMENTS

1. Minutes of the Regulatory Hearings Panel meeting held on 10 March 2023



MINUTES

**Regulatory Hearings Panel meeting
Friday, 10 March 2023**

UNCONFIRMED

UNCONFIRMED

Order of Business

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**MINUTES OF TAURANGA CITY COUNCIL
REGULATORY HEARINGS PANEL MEETING
HELD AT THE GROUND FLOOR MEETING ROOM 1, 306 CAMERON ROAD, TAURANGA
ON FRIDAY, 10 MARCH 2023 AT 9.30AM**

PRESENT: Mrs Mary Dillon (Chairperson), Mr Puhirake Ihaka, Mr Terry Molloy, Mr Alan Tate

IN ATTENDANCE: Brent Lincoln (Team Leader: Animal Services), Kiran Erasmus (Animal Services Officer), Sarah Drummond (Governance Advisor), Anahera Dinsdale (Governance Advisor)

1 OPENING KARAKIA

Mr Puhirake Ihaka opened the meeting with a karakia.

2 APOLOGIES

Nil

3 CONFIRMATION OF MINUTES

3.1 Minutes of the Regulatory Hearings Panel meeting held on 24 August 2022

COMMITTEE RESOLUTION RHP1/23/1

Moved: Mr Alan Tate

Seconded: Mr Puhirake Ihaka

That the minutes of the Regulatory Hearings Panel meeting held on 24 August 2022 be confirmed as a true and correct record.

CARRIED

4 DECLARATION OF CONFLICTS OF INTEREST

Chairperson Mary Dillon noted that she was a resident of the area that Mrs D Konowe lived in, but did not know Mr and Mrs Konowe or have knowledge of the dog in question therefore did not consider she had a conflict of interest with the Konowe matter.

5 BUSINESS

5.1 Objection to menacing Dog Classification - Denese Konowe

Staff Brent Lincoln, Team Leader: Animal Services
Kiran Erasmus, Animal Services Officer

External Robin and Alan Denith
Jacqueline Foot

Key points

- Mr and Mrs Konowe were unavailable to attend the hearing due to health conditions and provided their apology. The matter was left to lie on the table to allow further information to be

received from the Konowes and a new hearing date would be set.

- The hearing was also attended by the victim Robin Denith and her husband Alan, with support person Jacqueline Foot, to be available to answer questions should the Panel require information.

COMMITTEE RESOLUTION RHP1/23/2

Moved: Mr Alan Tate

Seconded: Mr Terry Molloy

That the Regulatory Hearings Panel leaves the report to lie on the table.

CARRIED

The meeting adjourned at 9.54am

The meeting resumed at 10.15am

5.2 Objection To Notice to Remove Barking Dog - Brendon Martin

Staff Brent Lincoln, Team Leader: Animal Services
Kiran Erasmus, Animal Services Officer

External Mr Brendon Martin and Ms Kahurangi Martin

Key points

- The Panel thanked Mr Martin and his partner for being able to attend the hearing earlier than their originally scheduled time.
- The Committee heard both the matters of the Notice to remove a barking dog and the Notice to rescind ownership together, and considered and deliberated both matters together.
- Staff presented a brief overview of their report and noted the legislative requirements for the owner, and the history and incidents associated with the dog Kora.
- Five notices had been served to Mr Martin and filed with the district court.
- Following the legislative process required that a disqualification notice was now issued.
- Staff noted the incidents of Kora roaming, and that this was the owner's responsibility to stop through fencing; chaining the dog had proved ineffective as the dog would slip its chain.
- As recently as February 10 2023 a complaint had been received regarding Kora roaming.
- Legislation did not provide for Council to be able to run a probationary programme for dog owners.
- Noted that Mr Martin had not been able to access the key to his letterbox and therefore had only received two of the five served notices.
- The Martins had attempted to raise fencing height themselves; however their landlord had not responded to requests to raise the fence height.
- The section was a relatively small one for a large breed of dog.
- Mr Martin exercised Kora up to five times per week, and while at home controlled her barking. However, she could spend periods alone at the property and was prone to slipping her collar and wandering.
- As a large dog people did fear her size but Mr Martin felt she was friendly to people and other dogs.
- Mr Martin also felt that as a large dog she was unfairly blamed for all barking in the area, even though other dogs also barked.

In response to questions

- It was confirmed that no one else at the property could take over ownership/registration of Kora. If the order was granted Kora would have to be rehomed but not euthanised.

- There was only one registered owner recorded in council systems.
- Panel member Mr Molloy acknowledged that these cases were difficult to hear and to make decisions on, and that most panel members were or had been dog owners themselves and understood how important dogs could become to a family.
- It was noted that Kora was one year old and was a large rottweiler dog.

COMMITTEE RESOLUTION RHP1/23/3

Moved: Mr Alan Tate

Seconded: Mr Terry Molloy

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection To Notice to Remove Barking Dog - Brendon Martin"; and
- (b) Confirms the notice to remove.

CARRIED

5.3 Objection to Disqualification as Dog owner - Brendon Martin

Staff Brent Lincoln, Team Leader: Animal Services
Kiran Erasmus, Animal Services Officer

External Mr Brendon Martin and Ms Kahurangi Martin

COMMITTEE RESOLUTION RHP1/23/4

Moved: Mr Alan Tate

Seconded: Mr Terry Molloy

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog owner - Brendon Martin".
- (b) Upholds the disqualification.

CARRIED

5.4 Objection to Disqualification as Dog Owner - Tina Bowrind

Staff Brent Lincoln, Team Leader: Animal Services
Kiran Erasmus, Animal Services Officer

Key points

Ms Bowrind had informed Governance Advisor Ms Drummond that she would not be able to attend the hearing as she had just returned to New Zealand the previous evening. Ms Bowrind wished to attend a hearing in person, with a support person.

The Panel agreed to leave the report on the table to be heard at a later date when Ms Bowrind could attend.

COMMITTEE RESOLUTION RHP1/23/5

Moved: Mr Terry Molloy

Seconded: Mr Alan Tate

That the Regulatory Hearings Panel leaves the report to lie on the table.

CARRIED

5.5 Objection to Barking Abatement Notice - Abigail Waters

Staff Brent Lincoln, Team Leader: Animal Services
Kiran Erasmus, Animal Services Officer

Key points

- Ms Waters had confirmed she would not be attending the hearing in person and agreed that the objection be decided on the papers.
- Staff provided a detailed explanation of the bark collar provided to Ms Waters and staff work with Ms Waters to assist her to reduce the number of complaints.
- It was noted that complaints had initially abated but had since started again.
- As part of the process required, staff would continue to work with Ms Waters on education and use of the anti-bark collar.
- Staff confirmed the legislative requirements for Ms Waters to follow and noted her previous history of dog ownership and interaction with Animal Services on similar matters.

COMMITTEE RESOLUTION RHP1/23/6

Moved: Mr Puhirake Ihaka

Seconded: Mr Terry Molloy

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Barking Abatement Notice - Abigail Waters".
- (b) Upholds and confirms the abatement notice.

CARRIED

6 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

COMMITTEE RESOLUTION RHP1/23/7

Moved: Mr Terry Molloy

Seconded: Mr Alan Tate

That the public be excluded from the following parts of the proceedings of this meeting.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
6.1 - Public Excluded minutes of the Regulatory Hearings	s6(a) - The making available of the information would be likely to prejudice the maintenance of the law, including the	s48(1)(a) - the public conduct of the relevant part of the proceedings of the

Panel meeting held on 24 August 2022	prevention, investigation, and detection of offences, and the right to a fair trial s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
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CARRIED

7 CLOSING KARAKIA

Mr Puhirake Ihaka closed the meeting with a karakia.

The meeting closed at 11.42am.

The minutes of this meeting were confirmed as a true and correct record at the Regulatory Hearings Panel meeting held on 30 March 2023.

.....
CHAIRPERSON

5 BUSINESS

5.1 Objection to Disqualification as Dog Owner - Tina Bowrind

File Number: A14554129

Author: Brent Lincoln, Team Leader: Animal Services

Authoriser: Sarah Omundsen, General Manager: Regulatory and Compliance

PURPOSE OF THE REPORT

1. To return the report, left on the table at the previous meeting of 10 March 2023, to the Panel for consideration

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog Owner - Tina Bowrind".
- (b) Notes that staff recommend that the disqualification be upheld.
- (c) The Dog Control Act provides that, in determining any objection, the Panel may either:
 - (i) Uphold the disqualification; or
 - (ii) Bring forward the date of termination; or
 - (iii) Terminate the disqualification.

ATTACHMENTS

1. **Appendix 1 - Report - Objection to Disqualification as Dog Owner - Tina Bowrind - A14554337** [↓](#) 

4.4 Objection to Disqualification as Dog Owner - Tina Bowrind**File Number: A14116840****Author: Brent Lincoln, Team Leader: Animal Services****Authoriser: Sarah Omundsen, General Manager: Regulatory and Compliance****PURPOSE OF THE REPORT**

1. To hear an objection by Tina Bowrind opposing her disqualification as a dog owner for a period of 3 years.

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog Owner - Tina Bowrind".
- (b) Staff recommend that the disqualification is upheld.
- (c) The Dog Control Act provides that, in determining any objection, the panel may either:
 - (i) Uphold the disqualification; or
 - (ii) Bring forward the date of termination; or
 - (iii) Terminate the disqualification.

EXECUTIVE SUMMARY

2. When a dog owner receives three or more qualifying infringements within a 24-month period, Section 25 of the Dog Control Act 1996 requires Council to disqualify that person from being a dog owner for up to 5 years. On 17 May 2022 the objector was issued with a notice disqualifying her as a dog owner until 5 February 2025.
3. A disqualification will not be mandatory if the Territorial Authority:
 - (a) Is satisfied that the circumstances of the offence or offences do not warrant a disqualification; or
 - (b) The person is classified as a probationary owner.
4. Staff assessment is that neither of these provisions apply to the objector.

BACKGROUND

5. Tina Bowrind was the owner of two dogs, Rosebud and Jasper, both Bull Terrier Cross dogs.
6. She obtained Rosebud in July 2020 and Jasper in July 2021
7. In January 2021 Animal Services started receiving complaints about the dog Rosebud roaming on the street, this then progressed into Rosebud rushing at people and then, complaints that both dogs were involved in attacks on domestic animals and roaming. (*Attachment 1 - Schedule of offences*)
8. Despite staff visiting the dog owner, issuing both verbal and written warnings, the offending continued which led to infringements being issued together with further discussions with the dog owner, requesting her to maintain control of her dogs.

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9. When a person is disqualified, they have the right to object against that disqualification. Section 26 of the Act provides that in considering any objection under this section, the territorial authority shall have regard to—
 - (a) the circumstances and nature of the offence or offences in respect of which the person was disqualified; and
 - (b) the competency of the person objecting in terms of responsible dog ownership; and
 - (c) any steps taken by the owner to prevent further offences; and
 - (d) the matters advanced in support of the objection; and
 - (e) any other relevant matters.
10. In determining any objection, the territorial authority may:
 - (a) Uphold the disqualification; or
 - (b) Bring forward the date of termination; or
 - (c) Immediately terminate the disqualification of any person, and shall give written notice of its decision, the reasons for it, and the right of appeal to the District Court if they are not satisfied with the panel's decision.
11. The panel is not required to review the legality of the infringements, that is the realm of the Court. For the purpose of the disqualification process, an infringement offence is deemed to be complete once it has been either paid or filed with the Court. All the infringements relied on by Council in this matter have been filed with the Court. (*Attachment 2 - Schedule of Infringements – Tina Bowrind*)
12. The process associated with the issuing of infringements is prescribed for by the Summary proceedings Act 1957. When an infringement is issued, the recipient has 28 days to either dispute or pay the infringement. If they do nothing a reminder notice will then be sent after the 28 day period has expired. At the expiry of a further 28 days the infringement will be filed with the Court if not disputed or paid.
13. While not required by legislation, Animal Services has introduced a process whereby we send a dog owner an advisory letter when they have received two qualifying infringements. On 3 February 2022 we hand delivered to the objector a letter dated 1 February 2022 (*Attachment 3 - Notification of Second Infringement*)
14. Once a person has received three qualifying infringements we send the dog owner a letter advising them that Council must disqualify them as a dog owner unless we are satisfied the disqualification is not warranted. We ask them to provide Council with any information they would like us to take into consideration. On 2 May 2022 we sent the objector one of these letters (*Attachment 4 – Notice of Pending Disqualification, Request for Explanation – Tina Bowrind*)
15. On 17 May 2022 Council generated a disqualification notice for Tina Bowrind, disqualifying her from owning a dog for a period of three years. This was because:
 - (a) We had not received any explanation from the objector; and
 - (b) The circumstances of the offences were such that a disqualification was warranted; and
 - (c) It was not appropriate to classify the objector as a probationary owner.
 (*Attachment 5 – Notice of Disqualification – Tina Bowrind*)
16. A three year disqualification is the standard period adopted for repeat infringement offences.
17. As it is important the dog owner is fully aware of the disqualification and implications, staff always, hand deliver these notices. The disqualification letter was not delivered until 1 June 2022 as staff could not locate the dog owner. While the officer was trying to discuss the disqualification with Bowrind, she turned and walked away and refused to discuss the matter.

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18. Before she walked away, she was informed that she had 14 days to lodge an appeal against the disqualification or she must dispose of all her dogs. As she had walked away, the disqualification notice was placed in her letterbox.
19. Tauranga does not operate a probationary owner classification status as this requires engagement by the dog owner to be successful. A person who has been disqualified as a dog owner has had ample opportunity to voluntarily take proactive steps such as engage a dog trainer and take advantage of assistance from staff.
20. On 25 July 2022 the dog Rosebud was out roaming and caught in a Council trap and impounded. On 28 July 2022 the objector arrived at the pound and gave staff a false name in an attempt to release Rosebud. The dog Jasper was seen in the car and when staff realised she was actually Tina Bowrind, they seized the dog because of the disqualification.
21. The dogs were later released to a new owner.
22. On 4 August 2022 Council received an email from Tina Bowrind objecting to her disqualification from dog ownership. This was followed up by a second email on 1 September 2022. (*Attachment 6 – Objection to Disqualification – Tina Bowrind*)
23. On 5 September 2022 Council responded to the objection with an email, outlining the reason for the disqualification and asking for Tina to advise whether she wished to continue with the objection. (*Attachment 7 – Response to Objection to Disqualification – Tina Bowrind*)
24. On 3 October 2022 Council received confirmation from Tina that she wanted her objection to proceed and included her reasons for the objection. (*Attachment 8 – Confirmation of Objection – Tina Bowrind*)
25. On 28 October 2022 staff visited Tina Bowrind at her home, they found her in the possession of two dogs, Tina claimed the owner was asleep but wouldn't wake them. No evidence of a second person was established. Tina wouldn't accept that she couldn't be in charge of the dogs while someone was asleep. She then admitted that she was looking after one of the dogs for a third person who she said was at a funeral. She then said that being disqualified for receiving excess infringements wasn't a good enough reason to disqualify her.
26. The dog owner in this matter denies her offending and does not accept that her dogs are a problem and that she could see no reason why her dogs could not go for a walk on the street on their own. She doesn't accept that the disqualification should apply to her.

STRATEGIC / STATUTORY CONTEXT

27. N/A

FINANCIAL CONSIDERATIONS

28. There are none

LEGAL IMPLICATIONS / RISKS

29. The Panel is required to consider the objection and may either:
 - (i) Uphold the disqualification; or
 - (ii) Bring forward the date of termination; or
 - (iii) Terminate the disqualification.
30. The objector may appeal the decision of the panel to the District Court.

CONSULTATION / ENGAGEMENT

31. N/A

SIGNIFICANCE

Item 4.4

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32. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
33. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the .
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
34. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

ENGAGEMENT

35. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

NEXT STEPS

36. N/A

ATTACHMENTS

1. **Attachment 1 - Schedule of Offences - Tina Bowrind - A14161623**
2. **Attachment 2 - Schedule of Infringements - Tina Bowrind - A14161619**
3. **Attachment 3 - Notice of Second Infringement - Tina Bowrind - A14165397**
4. **Attachment 4 - Notice of Pending Disqualification, Request for Explanation - Tina Bowrind - A14165395**
5. **Attachment 5 - Notice of Disqualification - Tina Bowrind - A14161616**
6. **Attachment 6 - Objection to Disqualification - Tina Bowrind - A14165398**
7. **Attachment 7 - Response to Objection to Disqualification - Tina Bowrind - A14165400**
8. **Attachment 8 - Confirmation of Objection to Disqualification - Tina Bowrind - A14165396**

SCHEDULE OF OFFENCES AND OUTCOMES - TINA E		
Complaint and Date	Details	Dog
1022576 28 Oct 2022 11:12am	Customer message that 2 other people living at 22 Collingwood have registered dogs but Tina is the owner	
1004632 28 Jul 2022 05:09pm	Disqualified owner Tina Bowrind arrives at pound with jasper in car. Initially provided false name. Jasper seized and impounded.	Jasper
25-Jul-22	Rosebud captured by dog Trap and impounded	Rosebud
1002615 16 July 2022	ROAMING DOG - Rosebud impounded	Rosebud
1002428 15 Jul 2022 12:08pm	DOMESTIC ANIMAL ATTACKED	Rosebud
1002010 13 Jul 2022 09:27am	DOMESTIC ANIMAL ATTACKED	Rosebud and Jasper
1-Jul-22		
999478 15 Jun 2022 11:19am	Witness to Roaming dogs	
998710 10 Jun 2022 07:49pm	DOMESTIC ANIMAL ATTACKED	
998574 10 Jun 2022 10:56am	ROAMING DOG	
1192 24 Jun 2022 10:42am	ROAMING DOG	
591 21 Jun 2022 07:44am	ROAMING DOG	
121 17 Jun 2022 10:33pm	CUSTOMER MESSAGE - general complaint about dogs roaming and aggression.	Rosebud and Jasper
996715 31 May 2022 09:06am	ROAMING DOG	Rosebud and Jasper
996686 31 May 2022 03:45am	ROAMING DOG	

996489 30 May 2022 10:44am	ROAMING DOG	
17-May-22		
992653 10 May 2022 01:23am	ROAMING DOG	Rosebud and Jasper
991854 05 May 2022 11:38am	WITNESS TO ATTACK DOMESTIC ANIMAL	Rosebud and Jasper
2-May-22		
987739 11 Apr 2022 10:23am	ROAMING DOG	Rosebud
987674 10 Apr 2022 07:14pm	DOMESTIC ANIMAL ATTACKED	Rosebud
978293 25 Feb 2022 09:36am	ROAMING DOG	Rosebud and Jasper
9-Feb-22		
973797 06 Feb 2022 07:49pm	ROAMING DOG	Rosebud
1-Feb-22		
970058 19 Jan 2022 12:27pm	DOMESTIC ANIMAL ATTACKED	Rosebud
958544 21 Nov 2021 03:56pm	DOMESTIC ANIMAL ATTACKED	Rosebud and Jasper
945500 17 Sep 2021 06:41pm	Witness to Domestic Animal Attack	Rosebud
942057 30 Aug 2022 09:20am	Animal Rushed at	Rosebud
935356 22 Jul 2021 09:42pm	PERSON RUSHED AT	Rosebud
928134 23 Jun 2021 10:30am	ROAMING DOG	Rosebud

911838 06 Apr 2021 08:22am	PERSON RUSHED AT	Rosebud
893028 08 Jan 2021 04:33pm	ROAMING DOG	Rosebud

BOWRIND
Outcome
Under Action
Dog released to new owner Damion Jansen. Released on 9 August 2022.
Rosebud Impounded
Tina Bowrind arrived at pound and provided false name trying to release Jasper. Dog released to new owner Damion Jansen. Released on 9 August 2022. Infringement 26235 - fail to comply with Disqualification notice issued
infringement 26236 and 26237 - fail to control private property
Tina advised dogs had been rehomed to Ngawai Borrell aka Anahera Kohu
Complaints received about dogs at Objectors property and roaming. Dog(s) unable to be located or prove offence, witnesses unwilling to come forward. Increase patrols - no further action
Officers with Police attend property Dogs not located. Owner states she has rehomed them.
Working through process of removing dogs. Obtaining search warrant to enter house.
NFA - Owner has 14 days to remove dogs after disqualification.

Disqualification Notice issued in person to Tina
No Further Action as complainant did not wish to pursue complaint
infringement 26160 - fail to control jasper and 26161 fail to comply with menacing classification Rosebud
Notification of three Infringements - Request Explanation
infringement 26080 - fail to control
infringement 26093 - fail to comply with menacing classification
infringement 25985 and 25986 - fail to control
Menacing Classification served on owner for Rosebud
Verbal warning - Roaming
Notification of Second Infringement given.
Rosebud classified menacing by deed. Infringement 25963 - fail to control
Infringement 25905 and 25906 - fail to control as witness unsure which dog attacked.
Victim not identified - Spoke to Tina and cautioned her that she should obtain training for dog and herself. Dog should be muzzled in public and lead control. Must ensure dog cannot leave property.
Section 62 Notice - Requirement to muzzle and control on lead.
Written Warning - Aggression
infringement 25679 - fail to control

Written warning - Roaming
Verbal warning - Roaming

SCHEDULE OF INFRINGEMENTS - TINA B			
Infringement Number	Offence Date	Filed With Court	Dog
25679	23/06/2021	20/10/2021	ROSEBUD
25905	21/11/2021	23/02/2022	ROSEBUD
25906	21/11/2021	23/02/2022	JASPER
25963	19/01/2022	27/04/2022	ROSEBUD
<i>3 February 2022 - Notification of second infringement</i>			
25985	25/02/2022	12/05/2022	JASPER
25986	25/02/2022	12/05/2022	JASPER
26080	11/04/2022	27/06/2022	ROSEBUD
26093	10/04/2022	5/06/2022	ROSEBUD
<i>2 May 2022 - Notice of pending disqualification and request for</i>			
26160	4/05/2022	4/08/2022	JASPER
26161	4/05/2022	4/08/2022	ROSEBUD
<i>1 June 2022 - Disqualification notice served</i>			
26235	16/07/2022	27/10/2022	ROSEBUD
26236	13/07/2022	27/10/2022	ROSEBUD
26237	13/07/2022	27/10/2022	JASPER

DWRIND
Offence
Fail Control Public Place
Fail Control Public Place
Fail Control Public Place
Fail Control Public Place
<i>ient delivered</i>
Fail Control Public Place
Fail Control Public Place
Fail Control Public Place
Fail to Comply Menacing Dog
<i>or explanation delivered</i>
Fail Control Public Place
Fail to Comply Menacing Dog
<i>ved</i>
Fail Comply with Disqualification
Fail Control Private Property
Fail Control Private Property

Regulatory Hearings Panel meeting Agenda

10 March 2023

1 February 2022

TINA BOWRIND
22 COLLINGWOOD STREET
JUDEA
TAURANGA 3110

Dear Tina

Notification of second infringement: dog owner reference 579918

Our records show you have, within a 24-month period, committed a second infringement offence against the Dog Control Act 1996.

This letter is to advise you that section 25 of the Dog Control Act 1996 states if you commit a third or subsequent infringement offence you must be disqualified from owning a dog for a period not exceeding five years. We have the discretion not to invoke this clause if we are satisfied that the circumstances of the offences are such that the disqualification is not warranted.

The letter is to inform you of the possible outcome of further offending and urge you to look at how you manage your dog to avoid further infringements.

If you need help or advice call us on 07 577 7000.

Yours sincerely



Brent Lincoln
Animal Services team
Tauranga City Council

07 577 7000
info@tauranga.govt.nz

Regulatory Hearings Panel meeting Agenda

10 March 2023

2 May 2022

TINA BOWRIND
22 COLLINGWOOD STREET
JUDEA
TAURANGA 3110

Dear Tina,

Disqualification on third or subsequent infringement
Dog owner reference number: 579918

Our records show you have committed three or more infringement offences against the Dog Control Act 1996.

These offences were committed:

- within a continuous 24-month period
- each incident was on a separate occasion
- each was for a separate incident.

Section 25 of the Dog Control Act 1996 states you must be disqualified from owning a dog for a period not exceeding five years unless Tauranga City Council is satisfied that the circumstances of the offences are such that the disqualification is not warranted.

If there is any information you would like to be taken into consideration regarding your possible disqualification, please submit this in writing by 16 May 2022. If a submission is not received by this date, a decision will be made based on the facts before council at the time.

Yours sincerely



Brent Lincoln
Animal Services team leader
Tauranga City Council

07 577 7000
info@tauranga.govt.nz

Regulatory Hearings Panel meeting Agenda

10 March 2023

17 May 2022



TINA BOWRIND
22 COLLINGWOOD STREET
JUDEA
TAURANGA 3110

Dear Tina,

Notice of disqualification from dog ownership
Section 25, Dog Control Act 1996

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

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

The disqualification will apply from 25 February 2022 and will expire 24 February 2025.

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

Yours sincerely

A handwritten signature in black ink, appearing to be "Brent Lincoln".

Brent Lincoln
Animal Services: Team Leader
Tauranga City Council

07 577 7000
info@tauranga.govt.nz

Tauranga City Council Private Bag 12022, Tauranga 3143, New Zealand 📞 +64 7 577 7000 ✉ info@tauranga.govt.nz 🌐 www.tauranga.govt.nz

Effect of disqualification**Section 28, Dog Control Act 1996**

You are required to dispose of every dog owned by you within 14 days of the date of this notice. However, you may not dispose of a dog:

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

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

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

You will commit an offence and be liable on conviction to a fine not exceeding \$3000 if you:

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

If you are convicted of the first or second of these offences, your period of disqualification may be further extended. You will also commit an offence and be liable on conviction to a fine not exceeding \$3000 if you dispose or give custody or possession of a dog to a person knowing that person to be disqualified from ownership under section 25 of the Dog Control Act 1996.

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

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

You may object to the disqualification by lodging a written objection with Tauranga City Council setting out the grounds on which you object. You are entitled to be heard in support of your objection and will be notified of the time and place when your objection will be heard.

No objection can be lodged within 12 months of the hearing of any previous objection to the disqualification. If an objection is lodged within 14 days after the date of this notice, the requirement to dispose of every dog owned by you will be suspended until Tauranga City Council has determined the objection.

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

Note: In the event of a Council hearing, the council report and minutes of the hearing will be posted on the council's website. Other documentation and correspondence may also be made available to the public upon request and after considering any legal obligations.

Letter - Disqualification from Dog Ownership (A5219825)

17/5/22
2

OBJECTION TO DISQUALIFICATION – TINA BOWRIND

From: Tina Jae <[REDACTED]>

Date: Thu, Aug 4, 2022 at 3:02 PM

Subject: Dispute disqualification ...

To: <animal.admin@tauranga.govt.nz>

To whom it may concern,

I would like to please formally request a hearing to have the disqualification informally given to me revoked .

Tina Bowrind

Email received via infoline 01/09/22.

Can someone please advise on my request under section 21 of the dog control act 1996 my objection to the classification of Rosebud and Jasper as menacing dogs as well as my calssification as a disqualified dog owner.

I also request a copy of the files pertaining both Rosebud and Jasper and any incidents which have been reported.

I request this be actioned under urgency as both dogs are currently being held by the animal control and they are a risk of losing there lifes.

hese dogs are companion animals for my children who suffer from PTSD as a result of past trauma.

Please feel free to contact me on [REDACTED]

Kind regards,

Tina

RESPONSE TO OBJECTION TO DISQUALIFICATION - TINA BOWRIND

BL by email 5 Sept 2022

Document request forwarded for LGOIMA

Hi Tina

Thank you for your request for copies of your files and the objection against your disqualification and the menacing classification for the dog Rosebud.

Your files will be copied and provided to you, this should be completed by next week.

In relation to your objection to the disqualification, the following applies:

1. The Dog Control Act 1996 (section 25) requires Council to disqualify an owner where they have received 3 or more infringements in a period of 24 months.

Section 25 - A territorial authority must disqualify a person from being an owner of a dog if

(a) the person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or

2. The disqualification shall not apply if Council is satisfied that the circumstances of the offence or offences are such that the disqualification is not warranted.

3. Before an infringement can be used for a disqualification, the infringement must have been paid or referred to the Court. Infringements are referred to the Court if not paid after a minimum of 56 days has elapsed from when the date of issue.

4. In relation to your objection to the disqualification:

a. Disqualification was issued on 17 May 2022 for infringements up to 19 January 22. Prior to that you were issued with a letter on 1 February 2022 advising that you had received two infringements and if you received a third then you would be subject to disqualification.

b. Since being disqualified you have had a further 9 infringements issued. Below is a schedule of the infringements that have been issued to you.

c. Considering the large number of infringements, please advise whether you wish to continue with your objection to the disqualification.

Infringement Number	Offence	Date	Status	Dog
25679	Fail to Control - Public place	23/06/21	FILED WITH COURT	ROSEBUD
25905	Fail to Control - Public place	21/11/21	FILED WITH COURT	ROSEBUD
25906	Fail to Control - Public place	21/11/21	FILED WITH COURT	JASPER
25963	Fail to Control - Public place	19/01/22	FILED WITH COURT	ROSEBUD
25985	Fail to Control - Public place	25/02/22	FILED WITH COURT	JASPER

25986 Fail to Control - Public place 25/02/22 FILED WITH COURT JASPER
26080 Fail to Control - Public place 11/04/22 FILED WITH COURT ROSEBUD
26093 Fail to comply with Menacing Classification 10/04/22 FILED WITH COURT ROSEBUD
26160 Fail to Control - Public Place 4/05/22 FILED WITH COURT JASPER
26161 Fail to comply with Menacing Classification 4/05/22 FILED WITH COURT ROSEBUD
26235 Fail to comply with Disqualification 16/07/22 ENTERED ROSEBUD
26236 Fail to Control - Private Property 13/07/22 ENTERED ROSEBUD
26237 Fail to Control - Private Property 13/07/22 ENTERED JASPER

Brent Lincoln

Team Leader: Animal Services

CONFIRMATION OF OBJECTION TO DISQUALIFICATION – TINA BOWRIND

Email response dated 11 October 2022

Hi Tina

Thank you for your message below objecting to the disqualification as a dog owner for multiple infringements.

I apologise for the delay as I have been away but will lodge an application with the Hearing Panel who will hear your objection. The panel will arrange a suitable time for your objection to be heard and notify you of this and provide you with a copy of the Council submission in opposition to your objection.

Kind Regards

Brent Lincoln | Team Leader: Animal Services

Tauranga City Council | 07 577 7000 | www.tauranga.govt.nz

Details:

email received via info line on 3/10 at 2.14am

previous CCM: 1011617 – Relates to this.

"Hi,

I have still heard nothing from animal control . We are living without our dogs who are loved members of our family. I was told i would get an opportunity to have this case heard. Animal control have taken all the dogs including 2 puppies from our street or property on friday . These dogs are not mine but belong to a close friend nearby as i am disqualified simply because i objected to the classification of my dog as menacing. I feel like this has become blatant harassment and am afraid for my dogs life despite him not having done anything more wrong than roam. I have continuously asked for disclosure of the events resulting in an insane number of fines for nothing other than seen walking down the street. If my dogs had bit somebody i would understand but they nor myself and my daughters who use them as companion dogs due to previous trauma deserve such relentless and disturbing destruction of our family life because our dogs are on the street from time to time. Various accusations have been made but i have seen no proof despite numerous requests and do not understand how one persons word can be taken over anothers without some form of proof. At the pound we are treated like virtual leppers and no one seems to care about the impact this is having on my girls who love and have had to let go of there companions. the pound have lied to me about what would happen if i cooperated which I have.

Please i would like to formally request a stay of execution on Jasper immediately and the release of whiria and her 2 pups to there appropriate owners untill the hearing as taken place so we can all get a fair say and hopefully independent and fair decision.

I would also like to make a formal complaint against the staff and procedures undertaken by the animal control team. They have been heavy handed and over zealous in the pursuit of my dogs and have caused serious

unnecessary hurt to my 3 girls and there dogs.

Tina Bowrind

5.2 Objection to Menacing Dog Classification - Denese Konowe.**File Number: A14553854****Author: Brent Lincoln, Team Leader: Animal Services****Authoriser: Sarah Omundsen, General Manager: Regulatory and Compliance****PURPOSE OF THE REPORT**

1. To return the report, left on the table at the previous meeting of 10 March 2023, to the Panel for consideration.

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Menacing Dog Classification - Denese Konowe".
- (b) The panel may either:
 - (i) Uphold the classification; or
 - (ii) Rescind the classification.

ATTACHMENTS

1. **Appendix 1 - Report - Objection to Menacing Dog Classification - Denese Konowe - A14554341** [!\[\]\(8ba0a8bc08cfb681721719303df69bb8_img.jpg\)](#) 

4.3 Objection to menacing Dog Classification - Denese Konowe**File Number: A14363482****Author: Brent Lincoln, Team Leader: Animal Services****Authoriser: Sarah Omundsen, General Manager: Regulatory and Compliance****PURPOSE OF THE REPORT**

1. To hear an objection opposing the menacing classification of the dog Fiora (Fi) – Denese Konowe

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to menacing Dog Classification - Denese Konowe".
- (b) The panel may either:
 - (i) Uphold the classification; or
 - (ii) Rescind the classification

EXECUTIVE SUMMARY

2. Denese Konowe is the registered owner of a 5-year-old Border Collie Cross dog called Fiora, commonly known as Fi.
3. On 31 December 2022 at approximately 8:30pm Fi was being walked off lead by her owner and the owner's husband, they approached a parking area at the end of Eden Crescent adjacent to number 11. (*Attachment 1 – Aerial Photograph*)
4. The victim, an 80-year-old female was with her husband and standing by a car in the parking area when the dog owner and her husband with the dog Fi approached.
5. Fi walked past the victim's husband and lunged at the victim, biting her on the knee without provocation. It happened very quickly and when she lifted her skirt, she saw blood, she had received four puncture wounds to her knee. (*Attachment 2 – Photograph of Bite*)
6. Staff conducted an investigation and completed an "attack rating" form, it was concluded that classifying the dog Fiora as a menacing dog was the most appropriate action. A classification notice was issued on 19 January 2023 (*Attachment 3 – Attack Rating form*) (*Attachment 4 – Menacing Classification*)
7. On ... the dog owner lodged a formal objection to the classification for this panel's consideration. (*Attachment 5 – Objection to Classification*)

BACKGROUND

8. Prior to this attack, Council had no record of aggression or any complaints about the dog Fi.
9. During the investigation, a number of people in the area said that Fi had been aggressive to them and had bitten people. Each person thought they were the only victim and therefore hadn't contacted Council preferring to preserve community harmony rather than complain about a resident's dog.
10. Once this attack became evident in the neighbourhood, the true extent of the dog's propensity to bite became more evident and Council were called upon to remove the dog from the community because of the ongoing aggression.

Regulatory Hearings Panel meeting Agenda

10 March 2023

11. In reaching the decision to classify this dog menacing, staff only considered the circumstances of the December attack as none of the other incidents had been documented.
12. When a dog has bitten a person, there are three main provisions of the Dog Control Act apply:
 - (a) Section 33A - Classify the dog as menacing – the dog must be muzzled in a public place and neutered.
 - (b) Section 31 - Classify the dog as dangerous – the dog must be muzzled and controlled on a lead in public, neutered and contained on its property so visitors can access one door of the house without encountering the dog.
 - (c) Section 62 – The dog must be muzzled and controlled by lead when in public.
13. Council has discretion whether it classifies a dog as menacing or dangerous and the dog owner may object to any such classification.
14. Section 62 applies automatically where the owner knows the dog to be dangerous or has attacked a person or any animal. Council cannot override section 62 and the owner has no right of appeal.
15. If Council relied entirely on section 62 and there was further offending, we would have to prove the owner knew the dog had bitten or was dangerous before we could take any action for failing to muzzle or control the dog by lead.
16. A classification provides more certainty and clarity for all involved should there be any repeat incidents of aggression.
17. Two residents from the neighbourhood have now provided statements about previous aggression shown by the dog Fiora. The incident reported by Mr Foot could be dismissed because he was the one that put his hand toward the dog. However, as Mrs Konowe was aware of the incident described by Mr Hickey, she should have ensured that an attack could not happen. (*Attachment 6 – Attack statement William Foot*) (*Attachment 7 – Attack statement of James Hickey*)
18. The Dog Control Act requires all dog owners to take all reasonable steps to ensure their dog does not injure, endanger, intimidate, or otherwise cause distress to any person. "All reasonable steps" is a high threshold and means everything possible to avoid an attack which included fitting a suitable muzzle to the dog.
19. Council may classify any dog menacing where we consider the dog may pose a threat to any person because of observed or reported behaviour of the dog. The threshold to classify a dog as menacing is quite low. In this matter the dog has shown that it does pose a threat to people in the community and clearly surpasses the minimum standard required to classify the dog.

STRATEGIC / STATUTORY CONTEXT

20. N/A

OPTIONS ANALYSIS

21. N/A

FINANCIAL CONSIDERATIONS

22. N/A

LEGAL IMPLICATIONS / RISKS

23. N/A

CONSULTATION / ENGAGEMENT

24. N/A

Item 4.3

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SIGNIFICANCE

25. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
26. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the .
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
27. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

ENGAGEMENT

28. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

NEXT STEPS

29. N/A

ATTACHMENTS

1. **Attachment 1 - Arial Photograph of Area - A14388951**
2. **Attachment 2 - Photographs of Bite - A14387920**
3. **Attachment 3 - Attack Rating Form - A14387919**
4. **Attachment 4 - Menacing Dog Classification dated 19 Jan 2023 - Denese Konowe - A14387913**
5. **Attachment 5 - Objection to Menacing - Denese Konowe - A14387916**
6. **Attachment 6 - Attack statement William Foot - A14388632**
7. **Attachment 7 - Attack statement of James Hickey - A14387966**








Attack rating report		
CCM number:	1034725	
Name:	Lee and Denese KONOWE	
Seriousness	5 to 35	13
(This section relates to the physical seriousness of the attack.)		
Level 5	Rushing person	
Level 7	Attacked person - no visible injury	
Level 8	Animal injured	
Level 10	Worried stock	
Level 12	Animal killed	
Level 13	Attacked person causing injury	
Level 21	Serious attack but no hospitalisation	
Level 22+	Admitted to hospital and/or suffers long term effects	
Level 35	Attack caused a person to die	
Public interest	4 puncture 0 to 3	2
(Public expectation of how the incident should be managed based on seriousness of incident.)		
Legislative intent	unreported history	2
(Legislative intent has been factored into the report at a constant at two points.)		
Classified (unleashed or unmuzzled)	0 or 2	0
(Classified menacing by breed - classifications by deed are captured in other aspects of the assessment.)		
Victim impact	0 to 5	2
(This section does not relate to the level of punishment sought by the victim, but the effects on the victim as a result of the attack.)		
Level 0	The victim does not suffer lasting effects following the attack	
Level 5	The victim is likely to continuously suffer as a result of the attack	
Dog surrendered/destroyed	0 to 1	1
(If a dog is surrendered after an attack it will not significantly affect the outcome. Surrendering the dog could be a way of shirking responsibility. It could be an act of taking responsibility. Either way the action was taken too late to prevent the damage done.)		
Level 0	The dog has been surrendered for destruction	
Level 1	The dog has not been surrendered for destruction	
Observed aggression	0 to 2	1
(Based on the officer's observation only. It should be noted that a dog may act aggressively under certain stimuli and show absolutely no signs of aggression without that stimuli.)		
Level 0	No signs of aggression	
Level 2	Very aggressive	
Negligence	growing 0 to 6	3
(Evaluate the degree of negligence.)		
Level 0	Not the result of negligence by the owner	
Level 2	A lack of understanding of the true nature of dogs	
Level 4	The incident is the direct result of carelessness	
Level 6	The incident is a result of planning and encouragement	
Cooperation	0 to 3	1
Level 0	Cooperative and forthcoming with information	
Level 3	Uncooperative to the point that police assistance was required	

Previous history		0 to 5	0
Level 0	No history		
Level 1	History without aggression		
Level 3	History with aggression (over one year old)		
Level 4	History with aggression (under one year old)		
Level 5	Classified as dangerous		
Dog registered at the time of the incident		0 to 2	0
Level 0	The dog is currently registered		
Level 2	The dog is not currently registered		
Restraint		0 to 4	1
Level 0	The dog was under adequate restraint e.g. caged or fenced in		
Level 1	The dog was under inadequate restraint e.g. could have been accidentally approached or could have easily escaped		
Level 2	The dog was at large (unknown)		
Level 4	The dog was at large (known)	off lead	
Known by owner to be dangerous		0 to 4	1
Level 0	Not known by the owner to have shown previous aggression		
Level 4	Known by the owner to have previously attacked	anxiety	
Recurrence likelihood		0 to 3	1
Level 0	The circumstances relating to this incident are such that a reoccurrence is highly unlikely		
Level 3	The circumstances relating to this incident are such that a reoccurrence is highly likely		
Trained to be aggressive		0 to 2	1
Level 0	Not trained at all to be aggressive		
Level 1	Encouraged to be a guard dog		
Level 2	Professionally trained guard dog		
Damages		0 to 1	1
Level 0	No damages or damages paid voluntarily		
Level 1	Did not voluntarily offer to pay/damages unpaid		
Breed characteristics		0 to 4	1
(This section is evaluated mainly based on our experience, however a reference to the Macdonald Encyclopaedia of dogs, breed use, may be used. In the case of a mixed breed, evaluate the most predominant identified breed. For example Pit Bull type dogs are renowned for their propensity to attack.)			
Level 0	Not known for its aggression		
Level 1	Known as a guard dog breed		
Level 4	Notorious for attacking	order collie x head	
Total			31
09 – 29 = Warning notice, menacing class & or infringement			
30 – 36 = Dangerous dog classification & or infringement			
Over 37 = Prosecution			
General comments and recommendation:			
The dog FI was being walked off lead with its owners when it bit the complainant, the dog has anxiety and can be unsure of meeting new people. Growly at ASO initially. Owners kept her on lead and did not allow the dog to approach. Neighbours say dog is known to be aggressive however have not reported it. Current rego. No history. Due to injury, recommend DG15 or menacing by deed.			

NOTICE OF CLASSIFICATION



Menacing dog classification – Section 33A, Dog Control Act 1996 (behaviour of the dog)			
Date	19/1/2023	CCM	1034725
Name	DENESE DIANE KONOWE		
Address	12 JACOB STREET BROOKFIELD TAURANGA 3110		
<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;">DELIVERY CONFIRMATION</p> <p>Recipient name</p> <p>Signature</p> <p>Date</p> <p>Served by</p> <p>Signature</p> <p>Time</p> </div>			
Dog details			
Dog ID	47640	Primary breed	BORDER COLLIE
Microchip No	934*0000*9020*2792	Secondary breed	HEADING
Name	FIORA (FI)	Primary colour	WHITE
Sex	FEMALE	Secondary colour	BLACK
Age	5 yrs 6 mths		
Address where the dog is kept	12 JACOB STREET		
Classification details			
<p>This is to notify you that this dog has been classified as a menacing dog under section 33A of the Dog Control Act 1996 with effect from the date of this notice.</p> <p>This is because Tauranga City Council considers that the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife, because of observed or reported behaviour of the dog, namely: On Saturday 31 December 2022, at approximately 8:00pm, FIORA (FI) did attack a person walking on Eden Crescent.</p> <p>A summary of this classification and your right to object is provided on the reverse. Objections must be in writing and can be sent to the addresses provided or delivered to the Tauranga City Council Service Centre.</p>			
Classification requirements			
<p>Neutering: Your dog must now be neutered, and you must provide a veterinary certificate as proof thereof within one month of receipt of this notice.</p> <p>Microchip: Your dog is already microchipped; you are compliant with this requirement.</p> <p>Muzzle: Your dog must now be muzzled when it is at large or in any public place or private way, and it must be kept under control at all times.</p>			
<p>The required documents can be sent by mail to: Animal Services, Tauranga City Council, Private Bag 12022, Tauranga 3143, New Zealand or by email to: dog.registration@tauranga.govt.nz</p>			
ADDITIONAL INFORMATION			
Signature			
Name	Brent Lincoln		
Position	Animal Services Team Leader		
	Dated: 19 January 2023		

EFFECT OF CLASSIFICATION AS A MENACING DOG**Sections 33E, 33F and 36A Dog Control Act 1996**

- a) You must not allow your 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) You must produce to Tauranga City Council within one month after receipt of this notice a certificate issued by a registered veterinary surgeon certifying:
 - (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are certified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- c) If your dog is not fit to be neutered before a specific date as mentioned above, then you must produce to Tauranga City Council within one month after that specified date, a further certificate under paragraph (b)(i).

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with any of the matters in paragraphs (a) to (c) above. In addition, a dog control officer or dog ranger may seize and remove the dog from you and keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c) above.

If applicable, if not already microchipped, you are also required, for the purpose of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to Tauranga City Council in accordance with the reasonable instructions of Tauranga City Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement within 2 months after this notice.

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 menacing dog are provided in the Dog Control Act 1996.

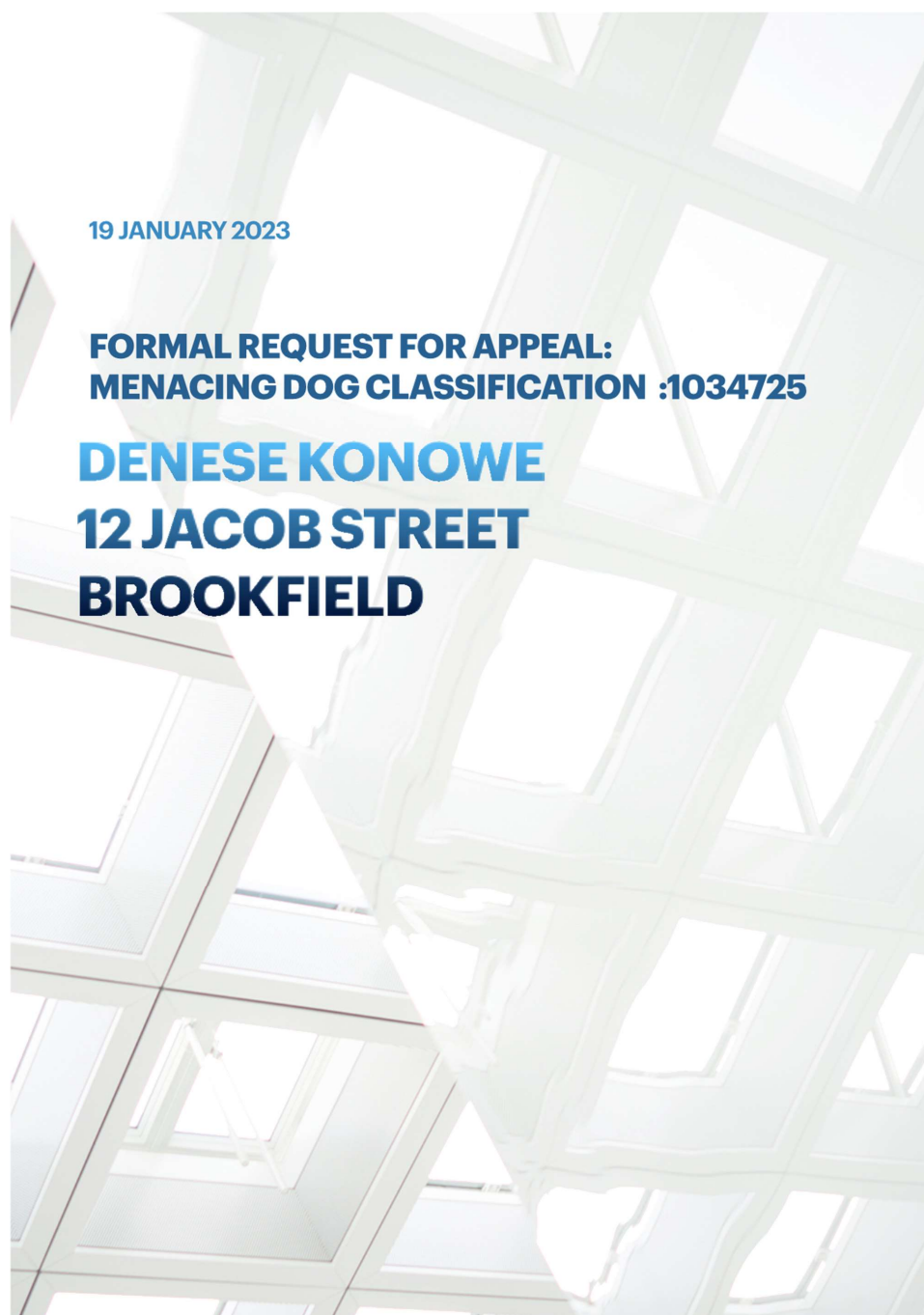
RIGHT OF OBJECTION TO CLASSIFICATION UNDER SECTION 33A**Section 33B, Dog Control Act 1996**

You may object to the classification of your dog as menacing by lodging with Tauranga City Council a written objection within 14 days of receipt of this notice setting out the grounds on which you object.

You have the right to be heard in support of the objection and will be notified of the time and place at which your objection will be heard.

All objections must be in writing and can be sent via email to dog.registration@tauranga.govt.nz or by mail to: **Animal Services, Private Bag 12022, Tauranga 3143, New Zealand.**

 19/1/2023



This appeal request is being filed in regards to a January 18 mailbox drop by Chardon Daley and following a subsequent phone conversation with Chardon, and Brent Lincoln.

It is my understanding that by requesting this appeal and by taking additional actions described below, that during the appeal period, we will not be subject to any imposition of fines, nor any removal of our dog from our home.

During this period, as has been our practice "Fi" will be under lead at all times, when not on our property and has no access to public places when not on lead. We are also taking specific steps to advance a long-term training paradigm with Fi with regard to existing farm/breed appropriate "Operant Conditioning".

Fi is voice trained and will respond to verbal commands, including "Stop" and "Come" as required.

Additionally, we are seeking the vet's record on "Fi" to demonstrate that she was desexed previously, as required. We have supplied this record to you via an email from the Vet's office.

Basis For Appeal:

Dr. Konowe (Fi's owner in addition to Denese Konowe) holds a Ph.D. degree in "Learning Theory & Applications"; was the Department Chairperson at Pace University, NYC; and had responsibility for all scientific studies involving animal as subjects and behavioural learning patterns. His existing qualifications would certainly support his being qualified as a professional trainer/behaviourist.

As has been explained to Chardon when she made her site visit, Fi is now approximately six years old (3+ years in our home) and this the first instance reported.

Using a muzzle on a Border Collie can have a number of negative outcomes, including:

1. Restricting the dog's ability to pant and drink water, which can lead to overheating and dehydration.
2. Preventing the dog from performing natural behaviours such as herding, which can lead to behavioural issues.
3. Giving the impression to other people that the dog is dangerous, which can lead to fear and mistrust.
4. Creating a negative association with the muzzle in the dog's mind, which can make it difficult to train the dog in the future.
5. Creating an opportunity for the dog to be harmed if it is able to remove the muzzle or if it gets caught on something.
6. It can also have negative impact on the dog's physical and mental health by causing stress and anxiety.

It is important to understand that muzzling a dog should only be used as a last resort and only under the guidance and supervision of a professional trainer or behaviourist.

It is much better to address the root cause of the behaviour and train the dog to behave well.

NOTE:

Complete documentation and additional submissions, will be provided at the Objection Hearing and we may seek legal representation as well.

We have unilaterally begun retraining with positive reinforcement and an ultrasonic beeper and will introduce negative reinforcement (see below) if it proves necessary.



Can a high frequency beeper be used in training dog behaviour?

High frequency beepers, also known as ultrasonic or silent dog whistles, can be used in training dogs to help them understand specific commands or behaviours. These beepers emit a high-frequency sound that is inaudible to humans but can be heard by dogs. The sound of the beeper can be used as a marker or cue for the dog, to indicate that they have performed the desired behaviour correctly.

For example, a trainer can use a high-frequency beeper to signal to a dog that they have performed a specific behaviour correctly, such as sitting or coming when called. The dog will learn to associate the sound of the beeper with the desired behaviour, and will eventually respond to the command without the need for the beeper.

It is important to note that high-frequency beepers should be used in conjunction with positive reinforcement training and not as a standalone tool. It is also important to get professional guidance and supervision before using any tools like this.

END OF SUBMISSION:

4

Dog Control – Victim Statement of Incident

Incident: Attack on a person

Date statement taken: 2/02/23 at 13h00.

[REDACTED] Tauranga.

Officer details: Kiran Erasmus

Victims Full Name: William John Foot

[REDACTED]

I am speaking to John Foot about an incident that occurred on possibly a Friday on about the 21st of October in the afternoon (between 1pm and 3pm) to the best of his memory. The incident occurred on Eden Crescent, Bethlehem, Tauranga.

Please describe the incident from start to finish...

Denese was walking at the end of Jacob Street, and we met on the berm (in between the parking spaces) on Eden Crescent and Jacob Street. I was on Eden Crescent walking east. I said hello and paused, put my hand (balled up my fist as I always do when I'm meeting dogs) in front of me and Fi just snapped at my hand. I said, "oh that was unexpected". And Denese said nothing. The dog gave no indication that it was about to do that (bite me). It is a quiet dog, not a yappy or jumpy dog, nothing to take offense about. The dog did nothing to indicate any aggression. It was a single bite to my right index finger knuckle. The dog snapped, bit and let go. There was only one puncture wound and very little blood. No bruising. The tooth only just penetrated my skin.

I didn't see any need to take it further. I was surprised at the unexpectedness of the bite but put it down to an isolated case and I hadn't suffered any significant or lasting injury.

This statement is true and correct, I have nothing further to add at this time.

Full Name: William John Foot

Signed: 

Date: 02/02/2023

Dog Control – Victim Statement of Incident

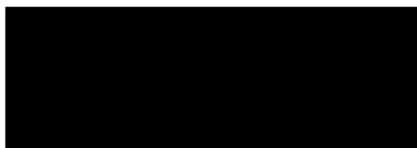
Incident: Person Attacked

Date statement taken: 07/02/2023

Place statement taken: The Strand extension – Oscar & Otto Restaurant

Officer details: Kiran Erasmus

Victims Full Name: James Milton Hickey



I am speaking to (Victim) James Hickey About an incident that occurred about a year ago – January 2022 in the late afternoon outside No. 12 Jacob Street on the road as there is not footpath.

Please describe the incident from start to finish...

So, I had literally set off for a walk. Put my earphones in and there was music playing. This blocked out background noise. I got to the section of the road outside their driveway. Looking ahead and then through the music I heard significant barking and a blur of movement to my left and I realised the dog was right there and it had come screaming down the driveway and before I had time to react pretty much, it had latched onto my left leg round the calf height. Denese was there and she quickly followed the dog (which was not on a lead) and she (combination of me kicking the dog off) telling to get off. It did stop biting me. I was shocked and angry, and I did give her an earful – alone the lines of this are unbelievable and unacceptable. Denese was very apologetic. I stormed off. I looked down afterwards and it had drawn blood. Not a huge amount and there were two puncture wounds. These concerned me as I thought I would need a tetanus shot. When I got back, I called my doctor and explained what had happened. I was up to date with my shots and did not feel like the wound need attending. I was told to monitor by the doctor's room.

The dog has lunged at me on two other occasions, but thankfully it was on a lead. I've seen lunge at a neighbour's dog and a child. All these occasions it has been on a leash.

I did not report the incident because Denese was so apologetic and because they have been good neighbours to me, and I gave them the benefit of the doubt. I'll talking now because since I've heard about nine other incidences.

This statement is true and correct, I have nothing further to add at this time.

Full Name: James Hickey

Signed:

A handwritten signature in black ink, appearing to read 'James Hickey'.

Date: 07/02/2023

6 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

RECOMMENDATIONS

That the public be excluded from the following parts of the proceedings of this meeting.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
6.1 - Public Excluded Minutes of the Regulatory Hearings Panel meeting held on 10 March 2023	s6(a) - The making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

7 CLOSING KARAKIA