



# AGENDA

**Ordinary meeting of the**

**Hearings Panel - Other**

**Tuesday 14 March 2017  
Commencing at 8.30am  
Ruma Marama, Floor 2A  
Civic House  
110 Trafalgar Street, Nelson**

Membership:

Chair: Councillor Barker

Panel: Councillor Matheson

**1. Confirmation of Order of Business****2. Interests**

2.1 Updates to the Interests Register

2.2 Identify any conflicts of interest in the agenda

**3. Objection to classification of a dog as menacing – Annette Te Kotua – Dog named “Wahine Toa” 4 - 41**

Document number A1717209

Recommendation

***That the Panel***

***Receives the report Objection to classification of a dog as menacing – Annette Te Kotoa – Dog named “Wahine Toa” (A1717209) and its attachments (A1724511, A1724521, A1588269, A1724558, A1724572, A1724578, A1724583 and A1724587); and***

***Recommends that, in view of the evidence which formed the basis of the classification of “Wahine Toa”, the objection be dismissed and the menacing dog classification upheld.***

**4. Objection to classification of a dog as dangerous – Alex Wilkinson – Dog named “Boris” 42 - 67**

Document number A1613999

Recommendation

***That the Panel***

***Receives the report Objection to classification of a dog as dangerous – Alex Wilkinson – Dog named “Boris” (A1613999) and its attachments (A1586227, A1586527, A1311905, A1598524, A1311931 and A1721845); and***

**Recommends that, in view of the evidence received by way of sworn statement, the objection on the classification of "Boris" be dismissed and the dangerous dog classification upheld.**

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## **Objection to classification of a dog as menacing – Annette Te Kotua – Dog named “Wahine Toa”**

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### **1. Purpose of Report**

- 1.1 To hear, consider and decide on an objection to the classification of a dog as menacing.

### **2. Delegations**

- 2.1 Under Council’s Delegations Register, the Hearings Panel has the delegated authority of Council to hear, consider and decide on this objection (Delegation DC4).

### **3. Recommendation**

***That the Panel***

***Receives the report Objection to classification of a dog as menacing – Annette Te Kotua – Dog named “Wahine Toa” (A1717209) and its attachments (A1724511, A1724521, A1588269, A1724558, A1724572, A1724578, A1724583 and A1724587); and***

***Recommends that, in view of the evidence which formed the basis of the classification of “Wahine Toa”, the objection be dismissed and the menacing dog classification upheld.***

### **4. Discussion**

#### **4.1. Overview**

- 4.1.1 On 20 July 2016, the dog called ‘Wahine Toa’, owned by Annette Te Kotua was classified as a Menacing Dog pursuant to the Dog Control Act 1996. The Council is required to classify as menacing, any dog that the territorial authority has reasonable grounds to believe belongs wholly or predominantly to 1 or more breeds or types as listed in Schedule 4 of the Act (See attachment 1).
- 4.1.2 Under Section 33D of the Dog Control Act 1996, Annette Te Kotua had (and was advised) 14 days to object to the classification. Where there is



no objection, the Menacing Dog conditions apply one month after the issue of the notice (See Attachments 2 and 3).

- 4.1.3 Following an extension to the objection period (to allow the owner to carry out DNA testing and an overseas trip) a formal objection against the classification of 'Wahine Toa' as a menacing dog was received by Council on 13 October 2016 (See Attachment 4).

#### **4.2. Details of the Classification**

- 4.2.1 On Monday 18 July 2016 at about 1.27 pm a warranted Dog Control Officer Sandra Vale was undertaking a routine patrol along St Vincent Street in Nelson.
- 4.2.2 At this time she observed what she identified as a chocolate coloured American Pit Bull Terrier being walked along the footpath without a muzzle.
- 4.2.3 Ms Vale approached the person walking the dog, who was uncooperative. She called for assistance from another Dog Control Officer.
- 4.2.4 A short time later the owner of the dog, Annette Te Kotua arrived and was cooperative with Ms Vale. She assisted with identifying the dog (was registered) and said that the dogs parents were Bull Mastiff and Pit Bull crosses.
- 4.2.5 Dog Control Officer Martin Vince arrived to assist he also identified the dog as an American Pit Bull Terrier type.
- 4.2.6 On 20 July 2016 classification papers were sent out to the owner.
- 4.2.7 Refer to Attachment 5 for Dog Control Officer Vale and Vince's statements.

#### **4.5. Requirements of menacing dog classification**

- 4.1.1 Section 33E of the Dog Control Act 1996 (See attachment 5) outlines that when a dog is classified as a menacing dog the following must be complied with:
- The owner must not allow the dog to be at large or in any public place or private way, without being confined completely within a vehicle or cage, or without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without the obstruction.
  - If required by the territorial authority the dog must be neutered. Note that the Nelson City Council Dog Control Policy requires that all dogs classified as menacing are neutered.
  - 'Wahine' Toa is not currently neutered.

## 5. Comments in relation to the objection

- 5.1 Ms Te Kotua has objected to this classification. Her reasons appear to be the results of a BITSA DNA test she has had undertaken on ‘Wahine Toa’ (attachment 4).
- 5.2 BITSA is a test which uses DNA analysis to provide a history of a dog’s ancestry. The profile obtained is cross-referenced against an extensive genetic database to provide a breed signature. In the case of BITSA – the database uses DNA collected from registered pedigree dogs throughout Australasia. Specifically it is noted that BITSA does not carry breed signatures for American Pit Bull Terriers and a note on the BITSA website states that it cannot detect Pit Bull Terriers (see attachment 6)
- 5.3 According to BITSA the profile of the dog can determine whether both parents of a dog were a particular breed, but it cannot be used to serve as evidence of a pedigree of dog. The reason for this is that BITSA does not have a conclusive catalogue of all breeds of dogs.
- 5.4 Furthermore many dogs are so highly cross-bred that very quickly the purebred characteristics (and the genetic breed signatures) are no longer able to be identified.

## 6. Comments in relation to the Pit Bull type of dog

- 6.1 The term American Pit Bull Terrier does carry with it uncertainty. The Act (and Courts) have failed to provide clarification on precisely what was meant by a pit bull ‘type’ and in that absence of clarity territorial authorities have used largely subjective reasons for determining whether a dog is a Pit Bull type or predominately a Pit Bull type.
- 6.2 The term Pit Bull is considered to be a social construct which groups any number of dogs with particular physical characteristics, and is not considered a ‘breed’.
- 6.3 In some circles Pit Bull is a term used to describe American Pit Bull Terrier, the Bull Terrier, the American Staffordshire Terrier, and the Staffordshire Bull Terrier that may have been mixed together, or mixed blood lines with other breeds of dogs.
- 6.4 The American judiciary have grappled with the question “what is a Pit Bull” more than other countries. In *Toledo v. Tellings*, Lucas App. L-04-1224, 2006-Ohio-975, the county dog warden summed up in his evidence that there really was no way to tell whether or not a dog was a ‘pit bull’, and that the determination was a matter of subjective opinion. Differences of definition, lack of agreement between visual identifications and DNA breed signatures, disagreement among observers looking at the same dog, and poor understanding of the meaning of breed and genetic relatedness, mean that an individual’s belief as to whether or not a dog is a ‘pit bull’ may have no scientific significance what so ever.

- 6.5 Many territorial authorities throughout New Zealand use a resource booklet to assist with the identification of the American Pit Bull Type (See attachment 7).
- 6.6 It may be worth comparing the photos of 'Wahine Toa' to those in the guide for comparison (See attachment 8).

## 6. Options

- 6.1 **That the objection be dismissed (recommended option).** This will result in the requirements of the classifications being upheld
- 6.2 **That the objection be upheld.** This will result in no additional requirements.
- 6.3 The criteria the Council must use in considering any objection is set out in Section 33D of the Dog Control Act 1996 (attachment 2).
- 6.4 If an owner objects to the classification he, or she must provide evidence that the dog is not of a breed or type listed in Schedule 4.
- 6.5 In determining its decision the territorial authority must have regard to:
- (a) the evidence which formed the basis for the classification; and
  - (b) the matters relied upon in support of the objection; and
  - (c) any other relevant matters (d) any other relevant matters

## 7. Conclusion

- 7.1 Section 33C of the Dog Control Act 1996 outlines that a territorial authority must classify a dog as menacing if the territorial authority has reasonable grounds to believe it belongs wholly or predominantly to 1 or more breeds or types listed in Schedule 4.
- 7.2 Two experienced Dog Control Officers have identified 'Wahine Toa' as being wholly or predominantly an American Pit Bull Terrier type of dog.
- 7.3 'Wahine Toa' was subsequently classified as a menacing dog and an objection to this classification was submitted by the owner including BITSA DNA results.
- 7.4 The criteria the Council must use, in considering any objection are set out in Section 33C of the Dog Control Act 1996.
- 7.5 If an owner objects to the classification he, or she must provide evidence that the dog is not of a breed or type listed in Schedule 4.
- 7.6 BITSA DNA results are not a suitable form of evidence to prove (in relation to American Pit Bull Terriers) that the dog is not of a breed or type listed in Schedule 4.

- 7.7 It is recommended that the objection is dismissed and the dog 'Wahine Toa' be classified as Menacing pursuant to Section 33C of the Dog Control Act 2006.

Brent Edwards  
**Team Leader Regulatory**

## **Attachments**

- Attachment 1: A1724511 - Section 33C and Schedule 4 of the Dog Control Act 1996  
Attachment 2: A1724521 - Section 33D of the Dog Control Act 1996  
Attachment 3: A1588269 - Copy of Notice of Classification of Dog as Menacing  
Attachment 4: A1724558 - Objection from Annette Te Kotua  
Attachment 5: A1724572 - Dog Control Officer Vale and Vince's statements  
Attachment 6: A1724578 - BITSA Webpage  
Attachment 7: A1724583 - Resource Booklet American Pit Bull Terrier Type (APBT)  
Attachment 8: A1724587 - Photos of 'Wahine Toa'

Objection to classification of a dog as menacing – Annette Te Kotua – Dog named "Wahine Toa"

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	The Dog Control Act 1996 makes better provision for the care and control of dogs by making special provision in relation to dangerous and menacing dogs.
<b>2. Consistency with Community Outcomes and Council Policy</b>	The recommendation aligns with Councils Dog Control Policy by having regard to the need to minimise danger, distress and nuisance to the community generally caused by dogs.
<b>3. Risk</b>	Council has obligations under the Dog Control Act 1996. Following correct legal process means there is minimal risk.
<b>4. Financial impact</b>	There is no financial impact to Council.
<b>5. Degree of significance and level of engagement</b>	The recommendations outlined in this report are not considered significant in terms of Council's Significance and Engagement Policy.
<b>6. Inclusion of Māori in the decision making process</b>	Maori have not been consulted on this matter.
<b>7. Delegations</b>	The Hearings Panel – Other has the power to hear and determine objections to the classification of dogs, and all other procedural matters for which a right of objection and hearing is provided for under the Dog Control Act, 1996; and to recommend changes to the Council's Dog Control Policy and Dog Control Bylaw.

Objection to classification of a dog as menacing – Annette Te Kotua – Dog named "Wahine Toa"



Attachment 1

## New Zealand Legislation

# Dog Control Act 1996

Warning: Some amendments have not yet been incorporated

- This version was reprinted on 14 March 2016 to make corrections to sections 2, 30(1)(a)(ii), 35AB(2), 55(7)(a), and 76(3)(a)(iii) under sections 25(1)(i), (j)(i), (ii), and (iv) of the Legislation Act 2012.

### **33C Dogs belonging to breed or type listed in Schedule 4 to be classified as menacing**

- (1) A territorial authority must, for the purposes of section 33E(1)(a), classify as menacing any dog that the territorial authority has reasonable grounds to believe belongs wholly or predominantly to 1 or more breeds or types listed in Schedule 4.
- (2) If a dog is classified as menacing under subsection (1), the territorial authority must immediately give written notice in the prescribed form to the owner of—
  - (a) the classification; and
  - (b) the provisions of section 33E (which relates to the effect of classification as a menacing dog); and
  - (c) the right to object to the classification under section 33D.

Section 33C: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33C(2): amended, on 1 November 2004, by section 11 of the Dog Control Amendment Act 2004 (2004 No 61).

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## New Zealand Legislation

# Dog Control Act 1996

Warning: Some amendments have not yet been incorporated

- This version was reprinted on 14 March 2016 to make corrections to sections 2, 30(1)(a)(ii), 35AB(2), 55(7)(a), and 76(3)(a) (iii) under sections 25(1)(i), (j)(i), (ii), and (iv) of the Legislation Act 2012.

### Schedule 4

#### Breed and type of dog subject to ban on importation and muzzling

ss 30A, 33A, 33C, 78A–78C

Schedule 4: added, on 1 December 2003, by section 50 of the Dog Control Amendment Act 2003 (2003 No 119).

#### Part 1

##### Breed of dog

Brazilian Fila  
Dogo Argentino  
Japanese Tosa  
Perro de Presa Canario

#### Part 2

##### Type of dog

American Pit Bull Terrier

Schedule 4 Part 1: amended, on 18 August 2011, by clause 3 of the Dog Control (Perro de Presa Canario) Order 2010 (SR 2010/369).



Attachment 2

## New Zealand Legislation

# Dog Control Act 1996

Warning: Some amendments have not yet been incorporated

- This version was reprinted on 14 March 2016 to make corrections to sections 2, 30(1)(a)(ii), 35AB(2), 55(7)(a), and 76(3)(a)(iii) under sections 25(1)(i), (j)(i), (ii), and (iv) of the Legislation Act 2012.

### 33D Objection to classification of dog under section 33C

- (1) If a dog is classified as a menacing dog under section 33C, 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) If an owner objects to the classification, he or she must provide evidence that the dog is not of a breed or type listed in Schedule 4.
- (3) 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) the matters relied on in support of the objection; and
  - (c) any other relevant matters.
- (4) The territorial authority 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.

Section 33D: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

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## Notice of classification of dog as menacing dog

*Section 33C, Dog Control Act 1996*

To: Annette Te Kotua

Address: 91 Toi Toi Street, Nelson 7010

Dog: Wahine Toa, female, chocolate, American Pit Bull Terrier

This is to notify you\* that this dog has been classified as a menacing dog under section 33C(1) of the Dog Control Act 1996.

This is because the Nelson City Council has reasonable grounds to believe that the dog belongs wholly or predominantly to the American Pit Bull type breed as listed in Schedule 4 of the Dog Control Act 1996 (*dog may belong to 1 or more breed or type*)

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

S Vale

Dog Control Officer for Nelson City Council

Date 20 July 2016

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

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

### Effect of classification as menacing dog

*Sections 33E, 33F, and 36A, Dog Control Act 1996*

You –

- (a) **must 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; and
- (b) **must** as required by the Nelson City Council, **produce to the Nelson City Council, within 1 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 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) where a certificate under paragraph (b)(ii) is produced to the Nelson City Council, produce to the Nelson City Council within 1 month after the date specified in that certificate, 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 all of the matters in paragraphs (a) to (c) above.**

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c) above.

**As from 1 July 2006, 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 the Nelson City Council in accordance with the reasonable instructions of the Nelson 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 the dog is classified as menacing if your dog is classified as menacing after 1 July 2006.

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

#### **Right of objection to classification under section 33C**

*Section 33D, Dog Control act 1996*

You may object to the classification of your dog as menacing by lodging with the Nelson 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 your objection and will be notified of the time and place at which your objection will be heard.

**If you contest the breed classification of the dog, you must provide to the Nelson City Council evidence from a registered veterinarian or breeder that the dog is not of a breed or type listed in Schedule 4 of the Dog Control Act 1996.**

**Brent Edwards**

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**From:** Annette mary Houston <tekotua@xtra.co.nz>  
**Sent:** Thursday, 20 October 2016 8:21 a.m.  
**To:** Brent Edwards  
**Subject:** Re: menacing classification of wahine toa

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Brent

yes I do want the Bitsa DNA scan to be included as part of my objection to the classification. I will bring any other matters with me to the hearing.

regards  
Annette

On Tuesday, 18 October 2016 12:11 PM, Brent Edwards <Brent.Edwards@ncc.govt.nz> wrote:

Also.. Are there any matters you wish to raise in support of your objection at this time?

It is noted that you have previously provided a one page scan of the DNA Bitsa test. Do you want this to be considered as part of your objection?

Regards

**Brent Edwards**

Team Leader Regulatory  
Nelson City Council / *Te Kaunihera o Whakatū*  
03 539 5516 or 027 277 8746  
[www.nelson.govt.nz](http://www.nelson.govt.nz)

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**From:** Brent Edwards  
**Sent:** Tuesday, 18 October 2016 12:04 p.m.  
**To:** 'Annette mary Houston' <tekotua@xtra.co.nz>  
**Subject:** RE: menacing classification of wahine toa

Hi Annette

I acknowledge receipt of your objection.

Unfortunately I am unable to confirm when the next hearing will occur. As you are probably aware a new Council has just been elected and there have been no meeting dates yet set down.

As soon as I know of a date I'll get in touch.

If you have any questions please feel free to call.

Regards

**Brent Edwards**

Team Leader Regulatory  
Nelson City Council / *Te Kaunihera o Whakatū*  
03 539 5516 or 027 277 8746  
[www.nelson.govt.nz](http://www.nelson.govt.nz)

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**From:** Annette mary Houston [<mailto:tekotua@xtra.co.nz>]  
**Sent:** Thursday, 13 October 2016 12:24 p.m.  
**To:** Brent Edwards <[Brent.Edwards@ncc.govt.nz](mailto:Brent.Edwards@ncc.govt.nz)>  
**Subject:** menacing classification of wahine toa

Hi Brent

I am writing to you to lodge a formal objection to the Menacing Classification of Wahine Toa.

Please use this email address to contact me rather than my work email thanks. You can also contact me on my mobile 021-251-8803

How long will it be until this matter is heard by the Hearings Panel?

kind regards

Annette Te Kotua

## Brent Edwards

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**From:** Franklyn Village <info@Franklynvillage.co.nz>  
**Sent:** Monday, 3 October 2016 1:37 p.m.  
**To:** Brent Edwards  
**Subject:** Wahine Toa Bitsa DNA results  
**Attachments:** img-X03132955.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Brent

Here is the scan of the DNA Bitsa test. I will speak to Brendon at Victory Vets and let him know that you are going to contact him.

Hopefully we can get the classification removed from Toa as I have said it is very stressful for her and me having to have her muzzled.

Thank you for your help

Annette Te Kotua      021 251 8803

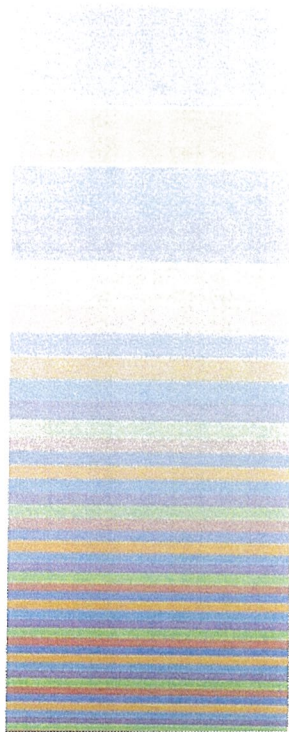
Work email is      info@franklynvillage.co.nz

A Q value of 0.4 to 0.69 for a particular breed indicates that the breed identified is a primary breed, that is, approximately 50% of your dog is of that breed.

A Q value of 0.1 to 0.39 for a particular breed indicates that the breed identified is a secondary breed, that is, approximately 25% of your dog is of that breed.

A Q value of 0.089 to 0.099 for a particular breed indicates that the breed identified is a distant breed, that is, a trace amount of your dog may be of that breed.

Q values of less than 0.089 for a particular breed may indicate trace amounts of that breed but may also be due to sharing of markers between dogs of similar ancestry.



Staffordshire Bull Terrier Q=0.241
Bull Mastiff Q=0.208
American Staffordshire Terrier Q=0.091
Labrador Q=0.052
Bulldog Q=0.044
Dalmatian Q=0.041
Alaskan Malamute Q=0.037
Rottweiler Q=0.025
Basset Hound Q=0.021
Bull Terrier Q=0.02
Neapolitan Mastiff Q=0.019
Cairn Terrier Q=0.017
Chihuahua Q=0.015
Irish Setter Q=0.013
Tibetan Spaniel Q=0.012
Rhodesian Ridgeback Q=0.012
Golden Retriever Q=0.012
Tenterfield Terrier Q=0.011
Papillon Q=0.011
German Shepherd Q=0.011
Dachshund Q=0.01
Great Dane Q=0.01
Boston Terrier Q=0.009
Poodle Q=0.009
Dobermann Q=0.009
Dogue De Bordeaux Q=0.008
Silky Terrier Q=0.008
Siberian Husky Q=0.008
Jack Russell Terrier Q=0.008
Kelpie Q=0.008
English Springer Spaniel Q=0.008
Australian Cattle Dog Q=0.008
Koolie Q=0.007
Fox Terrier Q=0.007
Shih Tzu Q=0.007
Cavalier King Charles Spaniel Q=0.007
Boxer Q=0.007
Beagle Q=0.007
Australian Shepherd Q=0.007
Greyhound Q=0.007
German Shorthaired Pointer Q=0.006
Weimaraner Q=0.006
Pomeranian Q=0.006
Italian Greyhound Q=0.006
Border Collie Q=0.006
Australian Terrier Q=0.005
Bichon Frise Q=0.005
Shiba Inu Q=0.005
Pointer Q=0.005
West Highland White Terrier Q=0.005
Curly Coated Retriever Q=0.004
Pug Q=0.004
Cocker Spaniel Q=0.004

My name is Sandra Kaye Vale. I am a warranted Dog Control Officer employed by Environmental Inspections Limited which is contracted to Nelson City Council. I have held this position since September 2007.

In 2008 I completed an extramural paper on the Principles of Canine Behaviour from Massey University from the Institute of Veterinary, Animal and Biomedical Sciences Department.

I have nine years' experience as a Dog Control Officer. My duties include interacting with a wide range of dogs (of varying breeds) and their owners from providing advice on barking, territorial aggression, wandering issues to separation anxiety and other issues as required.

My duties also include the investigation of dog attacks against people, other dogs and stock. Part of the investigation process is identifying the attacking dog by a description provided by the victim.

I also provide assistance with the maintenance of the pound from cleaning the pens to feeding and exercising the dogs.

Due to the above, I believe I am experienced in recognising breeds of dogs due to the large number of differing breeds I come across in my day to day duties.

On the 18<sup>th</sup> of July 2016 at approximately 1327 hrs, I was driving my work vehicle north along St Vincent Street when I sighted a chocolate coloured American Pit Bull Terrier being walked without a muzzle on. I contacted the Dog Control Administration team and requested they send another officer as back up.

I recognised the type of dog because of the muscular/stocky body, square shaped/brick-like head, furrowing across the brow, the broadness between the cheeks, thick muscled well defined neck and the broadness across the chest.

I approached the person who appeared to be in charge of the dog and introduced myself, producing my warrant of appointment.

The man was uncooperative and hostile towards me.

Martin Vince arrived and we both tried to speak to the man but he walked off with the dog.

A lady came over and introduced herself as Annette Te Kotua. Annette was cooperative and advised the dog was registered. Discussed the breed with Annette and she stated the parents

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of the dog were Bull Mastiff/American Pit Bull's. Martin Vince advised her that the dog had thrown more towards the Pit Bull side.

I advised Annette that as we believed the dog to be a predominantly American Pit Bull Terrier type of dog, I will be sending her menacing classification papers.

As required under the Dog Control Act 1996, I gave written notice, in the prescribed form, to the owner of the dog on 20 July 2016.

A handwritten signature in cursive script, appearing to read 'Sandy Vale', written in dark ink.

Sandy Vale  
Dog Control Officer



## IDENTIFICATION OF DOG BREED

21 Feb 2017

My name is Martin Vince and I have been a Dog Control Officer for the Nelson City Council for 28 years.

On the 18 July 2016 I was contacted by Animal Control Officer Sandy Vale requiring assistance at Victory Squire.

When I arrived I observed a chocolate coloured American Pit Bull Terrier type with its owner.

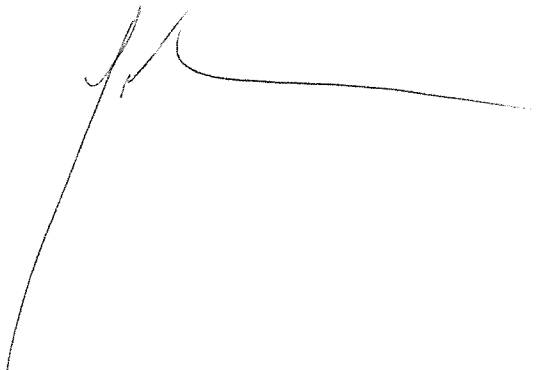
The dog is named Wahine Toa and resides at 91 Toi Toi St Nelson.

I have had a lot of experience of assessing various dogs for breeds starting back to when there was a National requirement of identifying and documenting dogs by breed for the treatment of Hydatids.

Since then I have been involved in much of the debate, circulated information and actual identification of the various breeds of Bull Terriers including the American Pit Bull.

From my assessment in Victory Square there is no doubt in my mind that the dog sighted was an American Pitbull Terrier Type of good form.

I failed to identify any other possible breeds present including other Bull Terriers.

A handwritten signature in black ink, appearing to read 'Martin Vince', with a long horizontal line extending to the right.



About BITSA

Just a swab?

Got a question?

What's the result?

Talk to us



## Frequently Asked Questions

- What are breed signatures and how were they developed?
- How accurate is the test?
- When will I receive my results and what will they explain?
- Can BITSA tell me if my dog is purebred?
- What breeds can BITSA identify?
- How much does BITSA test cost?
- What if my dog doesn't look like the breeds reported?
- Why doesn't my dog have a breed for every generation?
- What is a True BITSA?
- Are you concerned about restricted dog breeds?
- A daughter with brown eyes to a parent with blue eyes?  
Or a black dog with a gold parent?  
How does this happen?

BITSA does not test for Pit Bull Terriers. BITSA uses breed signatures to identify the genetic make-up of your dog, these breed signatures were developed using registered pedigree dogs throughout Australasia.

As a Pit Bull Terrier/American Pit Bull Terrier is listed as a restricted dog breed in Australia, we do not have the ability to collect significant breed signatures for these dogs due to the limited population. Note: BITSA is not a test used to legally verify a dog's breed, it is an informative genetic service allowing owners to gain insight into their dogs breed ancestry and how this may influence their pets. For more information on restricted dog breeds in Australia, contact your local council.

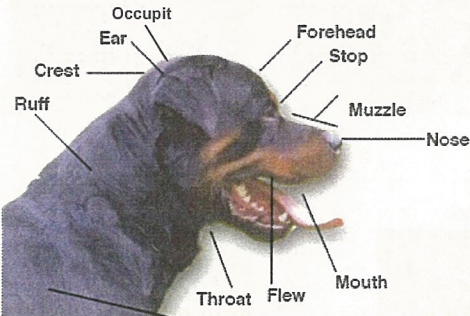
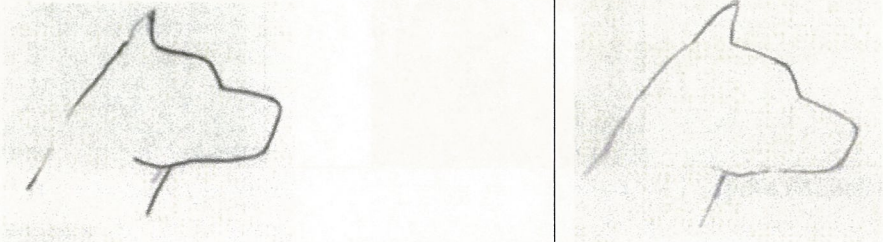

### *Why not get breed signatures from overseas?*

As the Pit Bull is a restricted breed, it is prohibited from importation under the Customs Act, and so internationally bred Pit Bulls are not entering the country, and Pit Bulls are not legally permitted to be bred within Australia, so an international breed signature would not be valid within Australia as the breed signature would not match our canine population.

In addition, depending on the breed population, specific characteristics may have been selected for when breeding dogs meaning that some traits may have been dampened or been lost. As a result while still being the same breed - their genetic markers used for breed signatures may not be the same as those within the Australasian population. Our breed signatures are developed using registered pedigree dogs throughout Australasia which means that they are specifically suited to the Australasian breed population.





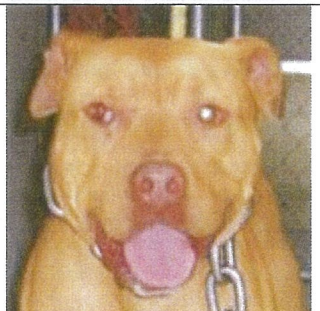


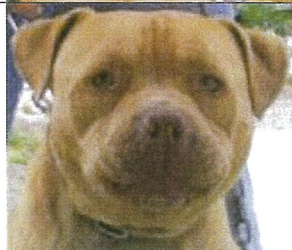



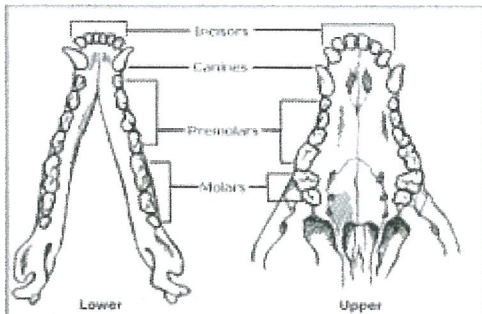
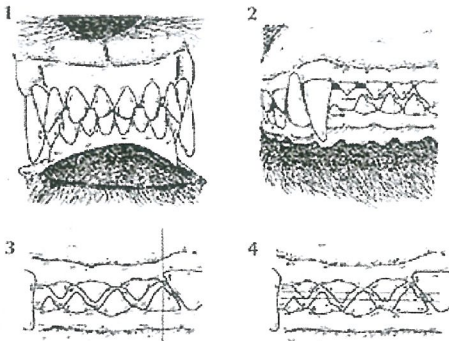
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# Resource Booklet American Pit Bull Terrier Type (APBT)

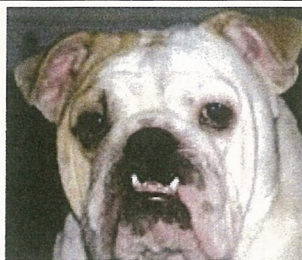
HEAD	
<b>Description</b>	<p><b>Head</b> - The APBT head is a key element of breed type. It is large and broad, giving the impression of great power, but it is not disproportionate to the size of the body. Viewed from the front, the head is shaped like a broad, blunt wedge. Viewed from the side, the skull and muzzle are parallel and joined by a well defined, moderately deep stop.</p> <p><b>Head Shape</b>- The skull is large, flat or slightly rounded, deep, and broad between the ears. Viewed from the top, the skull tapers just slightly toward the stop. There is a deep median furrow that diminishes in depth from the stop to the occiput. Cheek muscles are prominent but free of wrinkles. When the dog is concentrating, wrinkles form on the forehead, which give the APBT his unique expression.</p> <p><b>Muzzle</b>- The muzzle is broad and deep with a very slight taper from the stop to the nose, and a slight falling away under the eyes. The length of muzzle is shorter than the length of skull, with a ratio of approximately 2:3. The topline of the muzzle is straight. The lower jaw is well developed, wide and deep. Lips are clean and tight.</p> <p><b>Teeth</b> - The American Pit Bull Terrier has a complete set of evenly spaced, white teeth meeting in a scissors bite.</p> <p><b>Nose</b> - The nose is large with wide, open nostrils. The nose may be any colour.</p>
<ul style="list-style-type: none"> <li>▪ <b>Mesaticephalic Head Shape:</b> Medium skull with a medium muzzle. Broad at the base but short in length.</li> </ul>	<p><u>Dog Anatomy:</u></p> 
<ul style="list-style-type: none"> <li>▪ <b>Standard Cheek Muscle</b>  - Prominence of cheek muscle helps form overall head picture.</li> </ul>	<p><u>Outline:</u></p> 
<ul style="list-style-type: none"> <li>▪ <b>Standard Flews/Jowls:</b>  - Looseness and length of upper and lower lip.</li> </ul>	<p><u>Examples:</u></p> 

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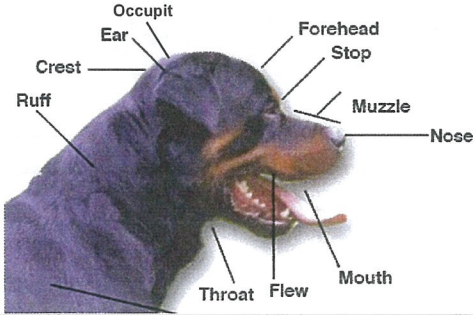
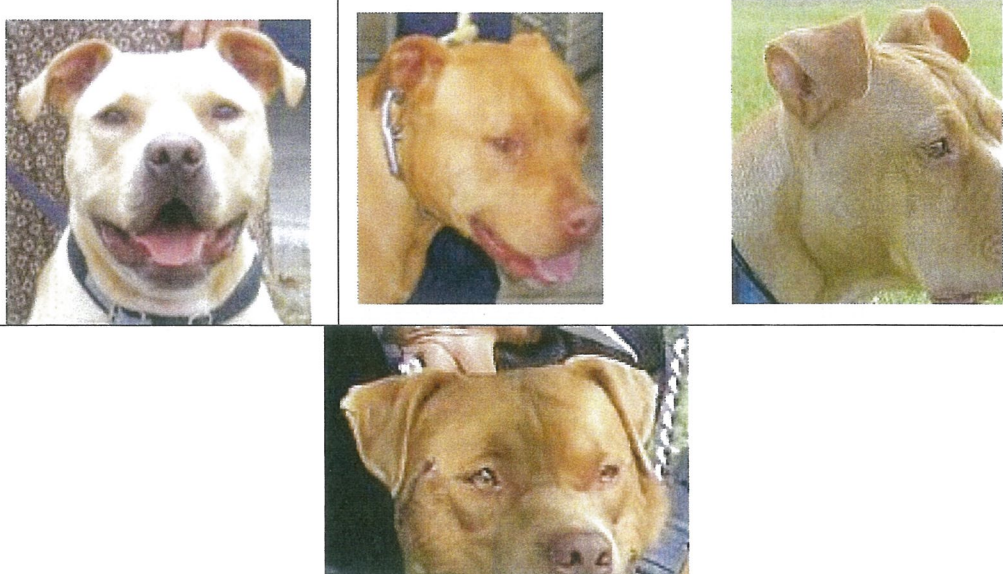

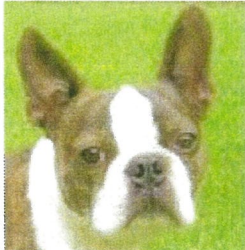






			
			
			
	<p><b>NOT:</b> Dolichocephalic E.g. Greyhound:</p> 	<p>Brachycephalic E.g Pug:</p> 	
<p>▪ <b>Scissor Teeth</b></p> <p>- Known as the bite, where teeth meet.</p>	<div></div> <div></div>		
	<p><b>Not:</b> Undershot e.g. Bulldog</p>		<p>Pincer/Level e.g. Great Dane</p>











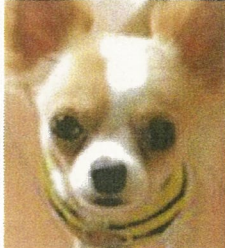






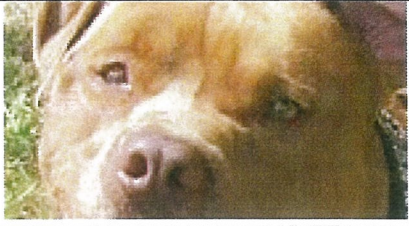


EARS	Ears - Set high on the head and free from wrinkles.		
▪ <b>Pointed Ear Shape</b>	<b>Dog Anatomy:</b> 		
▪ <b>Semi Erect Ear</b>			
▪ <b>Carriage</b>			
▪ <b>Standard Ear Type</b>	<b>Examples:</b> 		
	<b>Not:</b> <div> <div data-bbox="475 1243 805 1590">           Button Shape e.g. Wirehaired Fox Terrier   </div> <div data-bbox="813 1243 1141 1590">           Bat Shape e.g. Boston Terrier   </div> <div data-bbox="1149 1243 1484 1590">           Rounded Long Shape e.g. Basset Hound   </div> </div>		
	<div> <div data-bbox="475 1606 805 1964">           Rounded Short Shape and/ or Dropped Carriage e.g. Labrador   </div> <div data-bbox="813 1606 1141 1964">           Erect Carriage e.g. German Shepherd   </div> <div data-bbox="1149 1606 1484 1964">           Rose Carriage e.g. Greyhound.   </div> </div>		





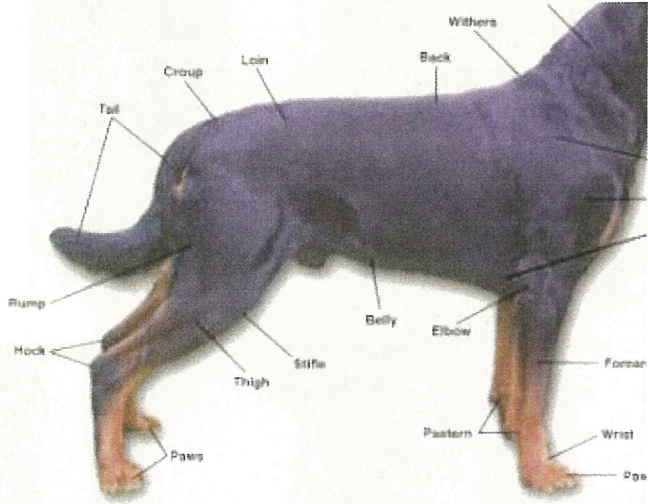




EYES		Eyes - Eyes are medium size, round to almond-shaped, and set well apart and low on the skull.		
<ul style="list-style-type: none"><li>Almond Eye Shape</li></ul>	Examples:			
				
	<b>Not:</b>	Round Shape e.g. Pug	Triangular Shape e.g. Bull Terrier	
				
<ul style="list-style-type: none"><li>Standard Eye Type</li></ul>	Examples:			
	<b>Not:</b>	Protruding Type e.g. Chihuahua	Deep Type e.g. Shar Pei	
				



<ul style="list-style-type: none"> <li>▪ <b>Standard Eye Set</b></li> <li>- Eye position in the skull</li> </ul>		
	<p><b><u>Not:</u></b></p> <p>Wide Set e.g. Amstaff</p> 	<p>Oblique Set e.g. Greyhound</p> 












BODY	
<b>Description</b>	<p><b>Neck</b> - The neck is of moderate length and muscular. The neck should be narrowest just behind the ears and widen downward gradually to blend smoothly into the withers (top of the shoulders). The skin on the neck is tight and without dewlap.</p> <p><b>Forequarters</b> - The shoulder blades are long, wide, muscular, and well laid back. The upper arm is roughly equal in length to the shoulder blade and joins it at an apparent right angle.</p> <p>The forelegs are strong and muscular. The elbows are set close to the body. Viewed from the front, the forelegs are set moderately wide apart and perpendicular to the ground. The pasterns are short, powerful, straight, and flexible. When viewed in profile, the pasterns are nearly erect.</p> <p><b>Back</b> - The back should be short and strong, slightly sloping from withers to rump. The top-line should be slightly higher at the withers than at the rump, with subtle arch just over the loin area.</p> <p><b>Chest</b> - The chest should be deep, but not too broad, with wide sprung ribs. As the fore chest (also known as the brisket) goes down between the front legs to meet the chest, the fore chest should be deep enough at its lowest point to be even with the dog as elbow when viewed by the side.</p>
<p>▪ <b>Medium Height</b></p> <p>- Between 30-45cm</p>	<p><u>Dog Anatomy:</u></p>  <p><u>Examples:</u></p> <div data-bbox="464 1249 831 1541">  </div> <div data-bbox="983 1232 1353 1574">  </div> <p><b>Not:</b></p> <div data-bbox="459 1641 766 2051"> <p>Small e.g Jack Russell Terrier</p>  </div> <div data-bbox="805 1630 1129 1933"> <p>Large e.g Labrador</p>  </div> <div data-bbox="1150 1630 1382 1709"> <p>Giant e.g English Mastiff</p> </div>









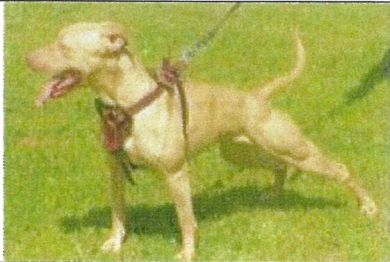

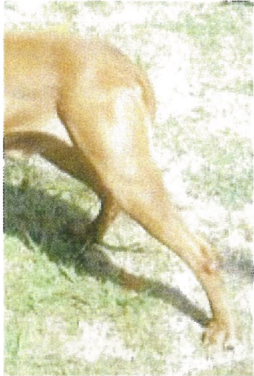
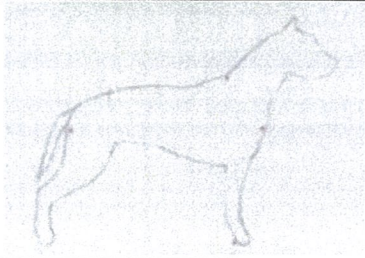

			
<ul style="list-style-type: none"> <li>▪ Deep Chest Shape</li> </ul>			
			
	<p><b>Not:</b></p> <p>Barrel: E.g Bulldog</p> 		<p>Ovoid/Standard: E.g Jack Russell</p> 
	<ul style="list-style-type: none"> <li>▪ Stocky Build</li> </ul>	<p>Examples:</p> 	 



	<p><b><u>Not:</u></b></p> <p>Solid: E.g Mastiff</p> 	<p>Fine: E.g Greyhound</p> 
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<p>▪ <b>Standard Body Length</b></p>	<p><b>Examples</b></p>   <p><b>Not:</b></p> <p>Elongated e.g Dachshund</p> 	
<p>▪ <b>Sloping Topline</b></p> <p>-Gradient of the back from the withers to the rump</p>	<p><b>Examples:</b></p>   <p><b>Not:</b></p> <p>Level Topline e.g. Rottweiler</p> 	  <p><b>Rising Topline e.g. Greyhound</b></p> 



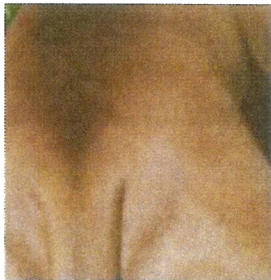













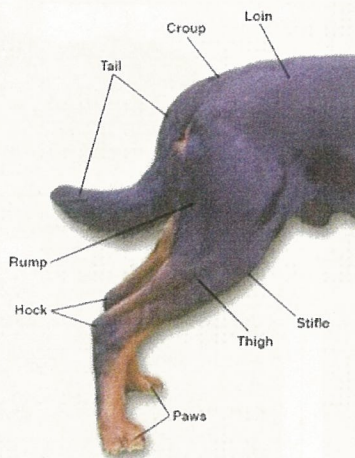
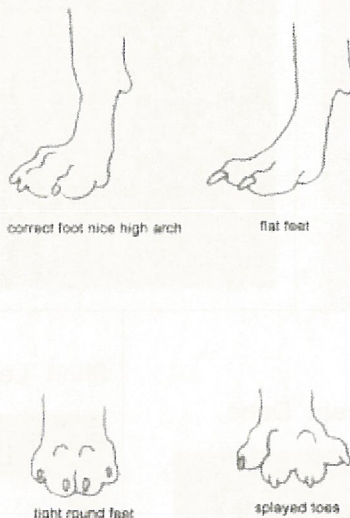
SKIN & COAT		Coat - The coat is glossy and smooth, close, and moderately stiff to the touch. The hair should be rather course in texture.		
<b>Standard Skin</b>  - Refers to the tautness of the skin	<b>Examples:</b>   			
	<b>Short Coat Length</b>  			
<b>Smooth Coat Type</b>	<b>Not:</b> Excess Skin e.g. Shar Pei 	Wire Haired Type e.g. Wire Haired Pointer 	Curly Haired Type e.g. Poodle 	
	Hairless Type e.g. Chinese Crested 	Long Coat Length e.g. Afghan Hound 	Medium Coat Length e.g. Border Collie 	





COAT COLOUR			
<ul style="list-style-type: none"> <li>Examples of Colours</li> </ul>	<p>Examples:</p> <p>Black</p> 	<p>Black &amp; White.</p> 	<p>Tan</p> 
	<p>Tan &amp; White</p> 	<p>Chocolate</p> 	<p>Chocolate &amp; White</p> 
	<p>Brindle</p> 		
	<p>Cream</p> 	<p>White</p> 	<p>Black and White</p> 

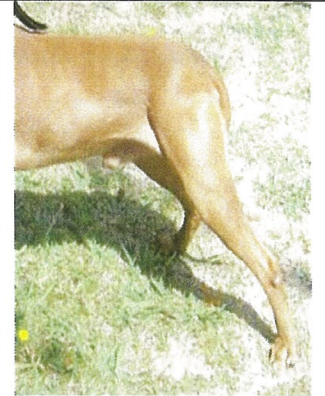
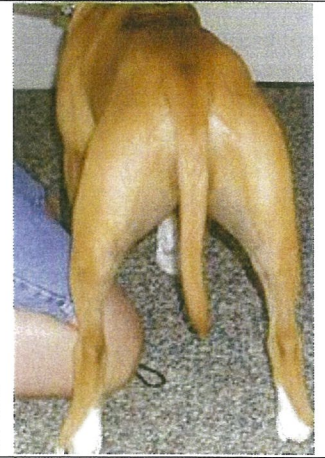
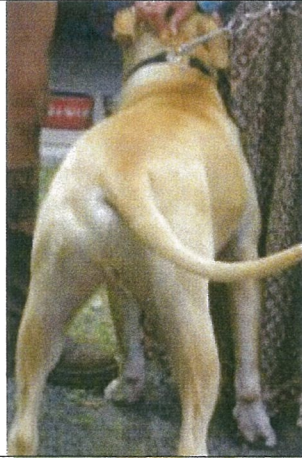
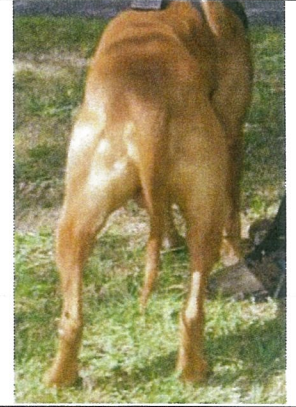


LEGS	
<b>Description</b>	<p><b>Hindquarters</b> - The hindquarters are strong, muscular, and moderately broad. The rump is well filled in on each side of the tail and deep from the pelvis to the crotch. The bone, angulation, and musculature of the hindquarters are in balance with the forequarters. The thighs are well developed with thick, easily discerned muscles. Viewed from the side, the hock joint is well bent and the rear pasterns are well let down and perpendicular to the ground. Viewed from the rear, the rear pasterns are straight and parallel to one another.</p> <p><b>Legs and Feet</b> – The front legs should be strong and sturdy. The feet should point directly to the front, not towards each other or away from each other. The pasterns (which are the lower part of the front leg, from the joint just above the foot down to the foot) should stand erect and strong.</p>
<ul style="list-style-type: none"> <li>Medium Leg Length</li> </ul>	<p><u>Dog Anatomy:</u></p>  <p>The diagram shows a side view of a dog's hindquarters. Labels point to the following parts: Tail, Croup, Loin, Rump, Hock, Thigh, Stifle, and Paws. The hock joint is shown in a well-bent position, and the pasterns are perpendicular to the ground.</p>
<ul style="list-style-type: none"> <li>Bowed Leg Shape</li> </ul>	<p><u>Diagram:</u></p>  <p>The diagrams show four types of foot shapes from a top-down perspective:     <ul style="list-style-type: none"> <li>correct foot nice high arch: A foot with a distinct arch and toes pointing forward.</li> <li>flat feet: A foot with a flat surface and toes pointing slightly outward.</li> <li>tight round feet: A foot that is rounded and compact with toes close together.</li> <li>splayed toes: A foot where the toes are spread apart.</li> </ul> </p>
	<p><u>Examples:</u></p>





- Well Developed  
Thigh Muscles



**Not:**

Long Legged e.g. Great Dane



Short Legged e.g. Maltese Terrier

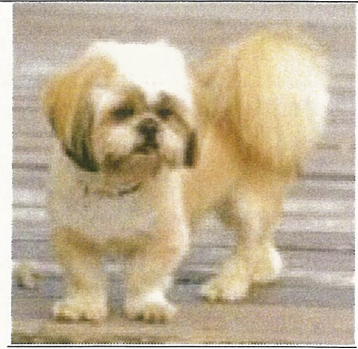




Straight Leg Shape e.g. Wirehaired  
Fox Terrier

Crooked Leg Shape e.g. Lhasa  
Apso




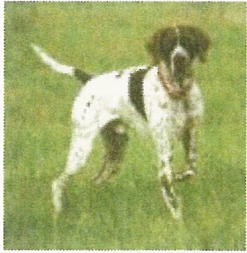








TAIL		Tail - The tail is set on as a natural extension of the top-line, and tapers to a point. When the dog is relaxed, the tail is carried low and extends approximately to the hock. When the dog is moving, the tail is carried level with the backline.			
<div>▪ Medium Tail Length</div>					
	<div>▪ Low Tail Carriage</div> <div>-The way the tail is commonly presented and carried</div>				
		<div>▪ Bee Sting Tail Type</div> <div>-Medium and tapered</div>			
<div>Not:</div> <div>Long Tail e.g. Irish Wolfhound</div> 			<div>Short Tail e.g. Boston Terrier</div> 		
<div>High Carriage e.g. Scottish Terrier</div> 		<div>Screw Type e.g. Bulldog</div> 			





■	<p>Curl Type e.g. Basenji</p> 	<p>Whip Type e.g. Pointer</p> 
	<p>Plume e.g. English Setter</p> 	<p>Crank Type e.g. Staffordshire Terrier</p> 
	<p>Spitz Type e.g. Samoyed</p> 	<p>Straight Type e.g. Airdale Terrier</p> 



**Source Materials:**

1. Standards New Zealand Guide to identifying Dog Breeds (NZS 8800:2006).
2. 'Pawsitive Pitbulls' Website: ([www.pawsitivepitbulls.com](http://www.pawsitivepitbulls.com))
3. 'Pitbull Lovers' Website: ([www.pitbulllovers.com](http://www.pitbulllovers.com))







A1724587

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## **Objection to classification of a dog as dangerous – Alex Wilkinson – Dog named “Boris”**

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### **1. Purpose of Report**

- 1.1 To hear, consider and decide on an objection to the classification of a dog as dangerous. Note that this matter was first heard on 23 September 2016 – the owner of the dog was late and the hearing was completed before they could be heard. In order to give them a chance to be heard the matter is being reheard.

### **2. Delegations**

- 2.1 Under Council’s Delegations Register, the Hearings Panel has the delegated authority of Council to hear, consider and decide on this objection (Delegation DC4).

### **3. Recommendation**

***That the Panel***

***Receives the report **Objection to classification of a dog as dangerous – Alex Wilkinson – Dog named “Boris” (A1613999) and its attachments (A1586227, A1586527, A1311905, A1598524, A1311931 and A1721845); and*****

***Recommends that, in view of the evidence received by way of sworn statement, the objection on the classification of “Boris” be dismissed and the dangerous dog classification upheld.***

### **4. Discussion**

#### **4.1. Overview**

- 4.1.1 On 19 July 2016, following a sworn statement from Jill Miller, the dog called ‘Boris’, owned by Alex Wilkinson was classified as a Dangerous Dog pursuant to the Dog Control Act 1996. The Council is required to classify the dog as dangerous if, on the basis of sworn evidence there are reasonable grounds to believe that the dog presents a threat to the safety of any domestic animal (See attachment 1).

4.1.2 Under Section 31 of the Dog Control Act 1996, Alex Wilkinson had (and was advised) 14 days to object to the classification. Where there is no objection, the Dangerous Dog conditions apply one month after the issue of the notice (See Attachments 2 and 3).

4.1.3 An objection against the classification of 'Boris' as a dangerous dog was received by Council on 4 August 2016 (See Attachment 4).

## **4.2. Details of the Attack**

4.2.1 Jill Miller was looking after her neighbours (Barry and Kathy Rowe) two domestic cats while they were overseas, the cats were pedigree exotic shorthair breed (ginger in colour) named Bubble and Squeak.

4.2.2 On 1 June 2016 Bubble went missing and hasn't been seen since.

4.2.3 On 2 June 2016 Ms Miller was at her home address of 80 Montreal Road when she saw a black short haired dog who she now knows as Boris walk past her window on her property. She shouted at the dog and it ran down her driveway and onto the property at 74 Montreal Road.

4.2.4 On 6 June 2016 at about 2pm, Ms Miller was at her home address, she heard a disturbance outside and went to see what happened.

4.2.5 Outside she saw the same black dog, Boris on her property with the other cat Squeak In its mouth viciously shaking it.

4.2.6 She ran after the dog and it dropped the cat, which she then took to the vet. The cat died of the injuries it received.

## **4.3. Further Details**

4.3.1 Later that day Ms Miller went to the property of 74 Montreal Road and spoke to the owner of Boris, Alex Wilkinson.

4.3.2 He told her that they had recently moved from Wellington and the dog chased and killed feral cats there as they were previously rural.

4.3.3 On 8 June 2016 Dog Control Officer Sandy Vale spoke to the owner of Boris, Alex Wilkinson about a number of matters including that Boris was unregistered at the time, unconfined and killed a cat.

## **4.4. History of Alex Wilkinson and his dog "Boris"**

4.4.1. 'Boris' has no known history of aggression with dog control.

4.4.2 He was not registered at the time of incident. However he is now.



## 4.5. Requirements of dangerous dog classification

4.1.1 Section 32 of the Dog Control Act 1996 (See attachment 5) outlines that when a dog is classified as a dangerous dog the following must be complied with:

- The dog must be in a fenced portion of the owner's property where the public does not need to go through to get access to a doorway.
- The dog must be muzzled in public.
- The dog must be on a lead except when in a dog exercise area.
- The dog must be neutered – note 'Boris' has already been neutered.
- The owner must pay 150% standard registration fee.
- The dog must not be given away without written consent by the Territorial Authority.
- The dog must be micro chipped.

## 5. Comments in relation to the objection

5.1 Mr Wilkinson has appealed this classification. His reasons are outlined in the attached objection letter (attachment 4).

5.2 In his objection he raised a number of reasons why he is objecting. However concludes that this is a one off incident and considers that classifying Boris as dangerous would negatively impact his interaction with the public and other dogs, and that the negative impact would outweigh the perceived benefit.

## 6. Options

6.1 **That the objection be dismissed (recommended option).** This will result in the requirements of the classifications being upheld and reduce the risk of domestic animals being subject to a future attack from this dog.

6.2 **That the objection be upheld.** This will result in no additional requirements.

6.3 The criteria the Council must use in considering any objection are set out in Section 31(4) of the Dog Control Act 1996 (attached), and are as follows:

- (a) the evidence which formed the basis for the original classification; and



- (b) any steps taken by the owner to prevent any threat to the safety of persons and animals; and
  - (c) the matters advanced in support of the objection; and
  - (d) any other relevant matters—
- and may uphold or rescind the classification.

## 7. Conclusion

- 7.1 Section 31 of the Dog Control Act 1996 outlines that Council must classify a dog as dangerous if on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any domestic animal.
- 7.2 Sworn evidence providing details of the attack and death of a domestic cat was made by a witness.
- 7.3 'Boris' was subsequently classified as a dangerous dog and an objection to this classification was submitted by the owner.
- 7.4 The criteria the Council must use in considering any objection are set out in Section 31(4) of the Dog Control Act 1996.
- 7.5 It is recommended that the objection is dismissed and the dog 'Boris' be classified as dangerous pursuant to Section 31 of the Dog Control Act 2006.

Stephen Lawrence  
**Manager Regulatory**

## Attachments

- Attachment 1: Sworn Statement from Jill Miller (A1586227)
- Attachment 2: Copy of Notice of Classification of Dog as Dangerous (A1586527)
- Attachment 3: Section 31 of the Dog Control Act 1996 (A1311905)
- Attachment 4: Objection from Alex Wilkinson (A1598524)
- Attachment 5: Section 32 of the Dog Control Act 1996 (A1311931)
- Attachment 6: Additional information provided by Alex Wilkinson on 23 September 2016 (A1721845)

Objection to classification of a dog as dangerous – Alex Wilkinson – Dog named "Boris"

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	The Dog Control Act 1996 makes better provision for the care and control of dogs by making special provision in relation to dangerous and menacing dogs.
<b>2. Consistency with Community Outcomes and Council Policy</b>	The recommendation aligns with Councils Dog Control Policy by having regard to the need to minimise danger, distress and nuisance to the community generally caused by dogs.
<b>3. Risk</b>	Council has obligations under the Dog Control Act 1996. Following correct legal process means there is minimal risk.
<b>4. Financial impact</b>	There is no financial impact to Council.
<b>5. Degree of significance and level of engagement</b>	The recommendations outlined in this report are not considered significant in terms of Council's Significance and Engagement Policy.
<b>6. Inclusion of Māori in the decision making process</b>	Maori have not been consulted on this matter.
<b>7. Delegations</b>	The Hearings Panel – Other has the power to hear and determine objections to the classification of dogs, and all other procedural matters for which a right of objection and hearing is provided for under the Dog Control Act, 1996; and to recommend changes to the Council's Dog Control Policy and Dog Control Bylaw.

Objection to classification of a dog as dangerous – Alex Wilkinson – Dog named "Boris"

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**Affidavit of Jill Alice Miller**  
**18 July 2016**

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I, Jill Alice Miller, of Nelson swear that I have been looking after my neighbours two pedigree Exotic cats called Bubble and Squeak.

On Wednesday 1 June, one of the cats went missing and it hasn't been found.

I was at my computer on Thursday, 2 June, and saw a thin black dog with short hair and a shiny coat walk past my window. I opened the window and shouted at the dog. It went down the drive. I went to the other end of my property and saw the dog exit the drive and go into the property at 74 Montreal Road.

On Monday, 6 June 2016 at approximately 2pm, I heard a disturbance whilst downstairs at my property. When I checked what the noise was, I saw the same dog with my neighbour's cat in its mouth, viciously shaking it.

I ran after the dog and it dropped the cat which I picked up and took to the vet (it was bleeding from its bottom and mouth). The Senior Vet Nurse was unable to save the cat and it died of its injuries.

She advised me the injuries sustained are consistent with a dog attack. The vet kept the cat until the owners returned from their holiday.

I went to the property where I had seen the dog and spoke to a man (Alex, I think he said his name was). The dog was there and I told the owner what had happened. He asked me if I was sure it was his dog to which I responded, yes I'm sure.


The man told me they had recently moved from Wellington and the dog chased and killed feral cats as they were rural. I responded with you are now in a built up area and the dog won't differentiate between feral cats and someone's pet.

The owners of the dog haven't locked the dog in by closing the gates and it is wandering constantly.

I then contacted Dog Control and advised what had occurred.

I believe that if something is not done about this dog it will injure or kill more cats.

I will back any enforcement action Nelson City Council decides to take and will be available for further questioning as and when required.

*J.A. Miller* 

Everything in this statement is true to the best of my knowledge and belief,  
and I make it knowing that it might be admitted as evidence for the purposes  
of the standard committal or at a committal hearing and that I could be  
prosecuted for perjury if the statement is known by me to be false and is  
intended by me to mislead.

Sworn at Nelson

This 18:7:2016 day of July 2016

J.A. Miller Signature

Jill Alice Miller Full Name

J A Moore  
Deputy Registrar  
District Court

Before me [Signature]

Deputy Registrar/~~Justice of the Peace/Solicitor of the High Court~~



Service Request: 1600546  
Incoming correspondence: A1586527  
PO Box 645 Nelson 7040  
P 03 546 0200  
F 03 546 0239

19 July 2016

Sandy Vale  
546 0330  
sandy.vale@ncc.govt.nz  
www.nelsoncitycouncil.co.nz

Mr A T Wilkinson  
74 Montreal Road  
Toi Toi  
NELSON 7011

Dear Alex

### **DANGEROUS DOG CLASSIFICATION**

Please find attached to this letter a Notice of Classification from Council in regard to your male, black and white, German Short Haired Pointer named Boris.

This notification explains that Boris has been classified as a Dangerous Dog and lists what is required from you, as the owner, under the Dog Control Act.

#### **Summary of Requirements – That Must be Complied With**

- 1. When on your property Boris must be kept in a FENCED dog proof yard while giving the public an alternative safe access to a doorway of the dwelling.**
- 2. Boris must be muzzled at all times while in public unless completely confined within a vehicle.**
- 3. Boris must be controlled on a leash at all times while in public unless in a designated dog exercise area.**  
**(A list of designated dog exercise areas is available from the council and does not include Nelson streets)**
- 4. Boris must be registered every year at 1½ time's normal registration fee.**
- 5. Boris cannot be given to another person without approval from the council.**
- 6. You must notify the Nelson City Council of any address change so that a fencing inspection can take place.**

**Warning**

The above are legal requirements under the Dog Control Act.

Failure to comply with Dangerous Dog Classification can result in the dog being removed from the property or dwelling, the owner being prosecuted and on conviction of the owner, the dog being destroyed.

The Notice of Classification also sets out your right to object.

As discussed, please find attached an infringement under Section 52A of the Dog Control Act 1996 for failing to control or confine Boris. Your right to object is set out on the reverse side of the notice.

If you have any questions in relation to the above, please do not hesitate to contact me.

Yours sincerely

**Sandy Vale**

Animal Control Officer

## **Notice of classification of dog as dangerous dog**

*Section 31, Dog Control Act 1996*

To: Alexander Toby Wilkinson

Address: 74 Montreal Road, Toi Toi, Nelson

Dog: *[description]* Boris, male, black and white, German Short Haired Pointer

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

This is because the Nelson City Council has sworn evidence attesting to aggressive behaviour of the dog and it is believed that the dog constitutes a threat to domestic animals.

This is due to a complaint where “Boris” has attacked and killed a domestic cat.

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

S Vale  
Animal Control Officer  
Nelson City Council

Date: 19 July 2016

\* For the purposes of the Dog Control Act 1996, you are the owner of a dog if -

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

### **Effect of classification as dangerous dog**

*Sections 32 and 36A, Dog Control Act 1996*

You are required,—

(a) within 1 month after receipt of this notice, to ensure that the dog is kept within a securely fenced portion of your property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property; and

(b) not to allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without—

(i) the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

(ii) the dog being controlled on a leash (except in a designated dog exercise area); and

(c) to produce to the Nelson City Council, within 1 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 specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- (d) where a certificate under paragraph (c)(ii) is produced to the Nelson City Council, to produce to the Nelson City Council, within 1 month after the date specified in that certificate, a further certificate under paragraph (c)(i); and
- (e) in respect of every registration year commencing after receipt of this notice, to pay dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
- (f) not to dispose of the dog to any other person without the written consent of the territorial authority in whose district the dog is to be kept.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with all of the matters in paragraphs (a) to (f) above. In addition, on conviction the court must order the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not justify the destruction of the dog.

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (f) above. The ranger or officer may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (f). You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you sell or otherwise transfer the dog, or offer to do so, to any other person without disclosing that the dog is classified as a dangerous dog.

As from 1 July 2006, 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 the Nelson City Council in accordance with the reasonable instructions of the Nelson 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 from 1 July 2006 if your dog is classified as dangerous on or after 1 December 2003 but before 1 July 2006; or
- within 2 months after the dog is classified as dangerous if your dog is classified as dangerous after 1 July 2006.

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. You will commit an offence and be liable on conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

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

### **Right of objection to classification**

*Section 31(3), Dog Control Act 1996*

You may object to the classification by lodging with the Nelson City Council a written objection within 14 days of receipt of this notice setting out the grounds on which you object. You are entitled to be heard in support of the objection and will be notified of the time and place at which your objection will be heard.

*A1586516*



Attachment 3



## New Zealand Legislation

# Dog Control Act 1996

### *Dangerous dogs*

#### 31 Territorial authority to classify dangerous dogs

- (1) A territorial authority must classify a dog as a dangerous dog if—
  - (a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A (2); or
  - (b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
  - (c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.
- (2) Where any dog is classified as a dangerous dog under subsection (1), the territorial authority shall immediately give notice in the prescribed form of that classification to the owner.
- (3) Where any dog is classified as a dangerous dog under subsection (1)(b), the owner may, within 14 days of the receipt of notice of that classification under subsection (2), object to the classification in writing to the territorial authority, and shall be entitled to be heard in support of his or her objection.
- (4) In considering any objection under this section, the territorial authority shall have regard to—
  - (a) the evidence which formed the basis for the original classification; and
  - (b) any steps taken by the owner to prevent any threat to the safety of persons and animals; and
  - (c) the matters advanced in support of the objection; and
  - (d) any other relevant matters—and may uphold or rescind the classification.
- (5) The territorial authority shall give notice of its decision on any objection, and the reasons for its decision, to the owner as soon as practicable.

Section 31(1): substituted, on 7 July 2010, by section 4 of the Dog Control Amendment Act 2010 (2010 No 62).

A1311905

Service request: 10600546  
Incoming correspondence: A15862527

Nelson City Council  
Dog Control

Attention: Sandy Vale

By email: sandy.vale@ncc.govt.nz

**Notice of objection to Classification of "Boris" as a dangerous dog under s31(1)(b) of the Dog Control Act 1996**

*Section 31(3) Dog Control Act 1996.*

Further to your letter dated 19 July 2016 I formally object to the dangerous dog classification of my dog.

As set out in the Enforcement Guidelines issued by The Department of Internal Affairs in May 2009 ("the Guidelines") under s31 of the Dog Control Act a dog can be classified as a dangerous dog if the council has **reasonable** grounds to believe that the dog is a threat to the safety of people, and other animals such as stock, domestic animals or protected wildlife on the basis of sworn evidence attesting to the aggressive behaviour on more than one occasion.

I object to the classification of Boris as a dangerous dog on the grounds that the Council does not have reasonable grounds to believe that he is a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife,

Decisions on the classification of a dog as dangerous depend on the extent of risk or harm after consideration of the relevant factors.

Other factors such as the history of the dogs offending, the dog's observed level of aggression, an owner's readiness to accept responsibility and the likelihood of reoccurrence should be considered.

The availability of a range of enforcement measures requires decisions to be made about what is the most appropriate and effective course of action to prevent further incidents. These decisions should be based on the following questions:

1. What has occurred and how is this established?
2. What are the appropriate actions to be taken? and
3. Are the consequences appropriate for the circumstances?

The Guidelines suggest that if no offence occurred, it may be appropriate to offer advice or information to raise awareness. If an offence did occur, it is suggested that the appropriate course may be to issue either an informal or a formal written warning. This would then be recorded and form part of the history of the dog and the dog's owner.

Matching the seriousness of what happened to the appropriate consequences, including the appropriate escalation for repeated offences in respect of the same dog and the dog owner is **central** to enforcement activity.

The Guidelines have set out factors for consideration in applying penalties which I will address in turn below.

1. Preventative / mitigating factors
  - a. Behaviour of victim
  - b. Location of incident
  - c. Age, health of dog
  - d. Behaviour of dog
  - e. Extent of control exerted over dog
2. Impacts
  - a. Severity of injuries
  - b. Rehabilitation period
  - c. Age / health of victim
  - d. Extend and persistence of aggression and / or attack
  - e. Extend of trauma / shock
3. Exacerbating factors
  - a. History of dog
  - b. Attitude of dog owner
  - c. Registration status of dog
  - d. Likelihood of recurrence
  - e. History of owner
  - f. Owner's knowledge of their dog's behaviour
  - g. Negligence, recklessness or disregard

(please note that I have not included any evidence from 3<sup>rd</sup> parties but if required from the Council this can be provided with sufficient notice)

#### **Preventative / mitigating factors**

Behaviour of victim: The victim in this circumstance is a domestic cat. There was never any aggression showed to any person.

Location of incident: Neighbour property. (both properties being not fully fenced)

Age, health of dog: Boris is a registered, fit and healthy 6 year old German Short Haired Pointer.

Behaviour of dog: Characteristically Boris is a well behaved family dog with no signs of aggression towards people, wildlife and domestic animals.

Service request: 10600546  
Incoming correspondence: A15862527

I understand that when the incident occurred, Boris was given the command to "STOP" which he did.

I further understand that Boris showed no other sign of aggression or dangerous behaviour and that he immediately returned to our property.

My partner and I have not been shown a copy of the sworn evidence so can only commit in so far as our discussions with the lady who reported the incident. Our discussions have always been open and friendly. Boris has been present on all occasions and there has been no further issue.

#### Extent of control exerted over dog

Boris is a well behaved dog who listens to authority and will act accordingly. As Boris' owner I believe that I have strong control over him. This incident occurred whilst I was in the garden and Boris had wandered off without my noticing. (I have taken steps to address this so that Boris will not wander again.)

Boris has undertaken Dog Behaviour classes in Wellington.

Boris has been trained to sniff out opossums. We have noticed that since moving into Montreal Road a few months ago, there have been several opossums on the property which Boris has tracked. I believe that Boris left the property as he caught the scent of the opossum and unfortunately in this circumstance the domestic cat was caught in the crossfire.

Since this incident I am in the process of fully fencing the property as quickly as our resources allow. I keep a very close eye on Boris when he is in the yard and close the front gate.

#### **Impacts**

Severity of injuries: Death of domestic cat

Rehabilitation period: n/a

Age/health of victim: We understand the victim was an old domestic cat.

Extend and persistence of aggression and / or attack:

As noted above I understand that when the incident occurred, Boris was given the command to "STOP" which he did. I further understand that



Boris showed no other sign of aggression or dangerous behaviour and that he immediately returned to our property.

Extend of trauma /shock: n/a

### **Exacerbating factors**

History of dog: Boris has no history of aggressive or dangerous behaviour  
Boris has no history of complaints against him

#### *Boris' Background*

Boris is a six year old GSHP. He is a family dog and lives with two young children (A 3 year old and a 11 month old).

Boris has regular visits from other friends and family with young children and / or other dogs. He has never shown any aggression towards these visitors regardless of how well known the visitors are to either our family or Boris. Boris is extremely tolerate of young children climbing over him and pulling at his ears etc.

Likewise we regularly visit other people's property who have other dogs, cats, free range chickens and bunnies. There have been no incidents with these domestic animals.

Boris has lived with a domestic cat with no incident.

Boris has lived in an unfenced property where the neighbours had a cat with no incident. The neighbours made several comments about the nice nature of Boris. I had discussed with these neighbours if Boris was being a nuisance at all to which they replied – "not at all"

Boris has lived in a rural unfenced property which backs onto farm. Even during lambing season there was no incident.

Currently there is a weka who regularly visits our property and there has been no incident.

He is a hunting dog and is trained to hunt opossums.

He is very easily trained and he knows what to go for in the bush and not what to. He has never showed interest in birds.

Boris and I are members of the Marsden Tapping group. Boris has been mentioned in several meetings for his efficiency in eradicating possums in the area.

Attitude of dog owner:

I take dog ownership seriously and try to provide for my dog the best home environment I can.

I regularly exercise my dog so that he has the right amount of physical and mental stimulation. I believe this is important as it reduces the risk of wandering and it also prevents the dog from barking due to boredom.

I am upset by what has happened. I have approached the neighbours to offer our apologies and any reparation.

My partner and I have discussed the incident in depth with the lady who reported the incident who confirmed that she has provided evidence with respect to the incident. She further confirmed that Boris does not appear threatening or dangerous and that he was in fact "a nice dog". She also commented that "Boris was just doing what dogs do"!

My partner and I have also checked with the road workers who have been working on the road outside our road. We made enquiries as to whether they had noticed Boris out of the property, if they found him aggressive or threatening. The workmen confirmed they had not noticed Boris out of the property, they have not found him aggressive or threatening and further commented that they had not heard a peep from him.

When visited by the Dog Control Officer I was non-threatening and cooperative. Boris was with me and was not aggressive or threatening.

Registration status of dog

Boris is registered.

Likelihood of recurrence:

I am working as quickly as possible to fully fence the property and suggest that until such fence is complete that Boris is either kept inside the house or on a lead whilst outside.

I do not believe that Boris is a threat to domestic animals. I believe the likelihood of recurrence is minimal.

History of owner: I have no history of incidents with Boris or other Dogs

Owner's knowledge of their dog's behaviour:

I accept that Boris has killed the domestic cat. I do not accept that he constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife.

Negligence, recklessness or disregard:

I am not negligent, nor reckless of this situation and I do not act with disregard to the circumstances.

#### **Review / Objection**

The Guidelines suggest that in making decisions on enforcement a council should provide clear guidance in its operational policy on the processes and steps to be followed, and the considerations to be applied.

The Guidelines note that some councils have trailed various ways of not proceeding with enforcement action where it may of commenced, or would otherwise commence, where they are confident that lessons have been learned and a repeat of the behaviour or incident is unlikely.

Section 31(4) of the Dog Control Act states that in considering any objection under this section, the territorial authority shall have regard to:

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

The basis of the original classification from what I understand is one sworn affidavit. I am not aware of the content of this affidavit so cannot test or respond to the statements made. I understand that there is no further evidence gathered in support of the classification and as such, I believe that evidence does not show the true characteristics of Boris.

Based on the evidence supplied in this objection and taking into account the matters set out in the Guidelines and the Act, I believe the council does not have reasonable grounds to believe that Boris is a threat to the safety of people, and other animals such as stock, domestic animals or protected wildlife.

## Conclusion

This was a one off uncharacteristic incident. My partner and I have accepted responsibility of the incident, we have approached those involved to help reduce their stress, and have put steps place to manage any perceived risk and prevent any further incident.

Boris is a loving family dog and I believe that classifying him a dangerous would negatively impact his interaction with the public and with other dogs. This negative impact would outweigh the perceived benefit.

Our family has certainly learnt from this lesson and are confident that a repeat incident is unlikely.

As noted above the availability of a range of enforcement measures requires decisions to be made about what is the most appropriate and effective course of action to prevent further incidents. These decisions should be based on the following questions:

### What has occurred and how is this established?

Incident where a dog left its property and killed a cat. There is one sworn evidence which I have not seen.

There is no record of previous offending and Boris and I are not known to the Council for any other offending.

### What are the appropriate actions to be taken?

I am in the process of fully fencing the property. We have a young family and with limited time and money available to complete this. I suggest that until a fence is complete that Boris is restrained within the property.

An infringement notice has already been issued which I accept and will arrange for payment.

A formal warning could be given and noted on our file.

### Are the consequences appropriate for the circumstance?

Is a one-off uncharacteristic incident and I believe that classifying Boris as a dangerous dog because of it will have negative impacts that outweigh the perceived level of risk.

I believe a more appropriate is an infringement notice (already issued) and a formal warning noted on our file.



Service request: 10600546  
Incoming correspondence: A15862527

Please do not hesitate to contact me if you require further information or would like to discuss any matters raised in this notice of objection prior to making a decision. Alternatively I would

Regards

Alex Wilkinson

02 263 84543



Attachment 5

## New Zealand Legislation

# Dog Control Act 1996

### 32 Effect of classification as dangerous dog

- (1) If a dog is classified as a dangerous dog under section 31, the owner of the dog—
- (a) must ensure that, from a date not later than 1 month after the receipt of notice of classification, the dog is kept within a securely fenced portion of the owner's property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property; and
  - (b) 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—
    - (i) muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
    - (ii) controlled on a leash (except when in a dog exercise area specified in a bylaw made under section 20(1)(d)); and
  - (c) must produce to the territorial authority, within 1 month after the receipt of notice of classification, a certificate issued by a veterinarian and certifying—
    - (i) that the dog is or has been neutered; or
    - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
  - (d) must, if a certificate under paragraph (c)(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 (c)(i); and
  - (e) must, in respect of every registration year commencing after the date of receipt of the notice of classification, be liable for dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
  - (f) must not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.
- (2) Every person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$3,000.
- (3) If a court convicts a person of an offence against subsection (2), the court must also make an order for the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not warrant destruction of the dog.
- (4) Every person who sells or otherwise transfers, or offers to sell or transfer, to any other person any dog known by that person to be classified as a dangerous dog without disclosing the fact of that classification to that other person commits an offence and is liable on conviction to a fine not exceeding \$3,000.
- (5) If a person fails to comply with subsection (1), a dog control officer or dog ranger may—
- (a) seize and remove the dog from the person's possession; and
  - (b) retain custody of the dog until the territorial authority has reasonable grounds to believe that the person has demonstrated a willingness to comply with subsection (1).
- (6) Section 70 applies to a dog removed under subsection (5) as if it were removed under section 56; and accordingly section 70 applies with all necessary modifications.

Section 32: substituted, on 1 December 2003, by section 19 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 32(1)(c): amended, on 28 June 2006, by section 29(3) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 32(1)(d): amended, on 7 July 2004, by section 9(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 32(1)(e): amended, on 7 July 2004, by section 9(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 32(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 32(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

A1311931

Customer was in building at 9.02 am

RECEIVED

22 SEP 2015

STATEMENT OF ALEXANDER WILKINSON

NELSON CITY COUNCIL  
Customer Service

9.24 am

Attachment 6

1. I am the owner of Boris.
2. I confirm that Boris is registered.
3. I confirm that I have paid the infringement notice with respect to Boris.
4. I confirm Boris is neutered and micro-chipped.
5. I confirm I have taken steps to confine Boris within our property .
6. When Boris is out of our property is either on a leash or in an "unleashed dog area".
7. I have control of Boris when we go tracking or hunting. We only go hunting /. tracking in areas where we are authorised and there is an issue with pest control.
8. Boris responds to my commands and will stop and come back if I call him off a scent.
9. We have a "resident" weka which visits our property each night and feeds from Boris dog ball. Boris has never attempted to attack the weka has we have taught him not too.
10. I have applied the same control / teaching method to Boris re domestic cats. If he shows any interest in domestic cats he gets a stern message that he is not allowed to chase / attack.
11. We have not had a problem with domestic cats before.
12. I believe this to be a one off incident.
13. I am continuing to fence our property in permanent materials in a manner which will confine Boris. This is a priority for me.



Alexander Wilkinson

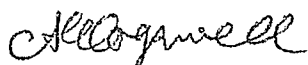
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STATEMENT OF ANDREA ELIZABETH COGSWELL

---

1. I spend two days per week with Boris, the five year old German Pointer dog, who belongs to Alex Wilkinson and Amy O'Malley.
2. Boris is in my care at the Wilkinson/O'Malley home at 74 Montreal, Rd, Toi Toi, Nelson, every Thursday and Friday when I am there looking after Alex and Amy's two young children, while Alex and Amy are at work.
3. I have been doing this for six months, so far and Boris goes everywhere the children and I do, when appropriate.
4. I take Boris to 'off leash' areas, such as the back beach at Tahunanui, when he is in my care.
5. He is an obedient, calm and loving dog, who responds well to my commands and we have formed a close and loving bond.
6. He is amazing with the children and very gentle, patient and tolerant of the attentions that come his way from an infant and pre-schooler.
7. Boris is a sociable dog, and loves interacting with other dogs of all breeds and sizes.
8. Boris is not aggressive in nature and stands protectively by the children when other dogs approach at the beach or by the river.
9. Boris is a loved and very well cared for dog, with an optimum diet and lifestyle here in Nelson, with daily exercise and sleeps inside at night.
10. I have training in managing dogs, when working at a local kennel here in Nelson a few years ago.
11. I have also completed a year as volunteer at The Nelson Ark working with the dogs and youth on the APART program.
12. I also picked up and delivered dogs regularly for the Ark, during this time, so I am aware of dog behaviour. I am also a trained early childhood educator and dog owner myself, who has introduced her dog to many groups of young children, over the years, for teaching on "how to safely approach a dog and interact appropriately with it".
13. Boris's primary relationship is with his owner Alex Wilkinson
14. Alex has nearly completed the fencing of the section at 74 Montreal rd, to contain Boris fully, and has resourced the recycled timber and built the whole fencing system himself, over the last six weeks.
15. Boris does not move off this property unless on a lead or in the car with us.

Yours sincerely,



Andrea Elizabeth Cogswell

Ph. 0276660195



1048 Okains Bay Rd,  
Okains Bay  
Banks Peninsula

Statement of Adam Thacker

Boris the dog has had many visits to our farm on Banks Peninsula, He has always behaved very well and has never posed a threat to our various livestock. We also have several working and pet dogs where i have found him to be very social with them as well as with our young family.

Kind Regards  
Adam Thacker

*A THACKER*

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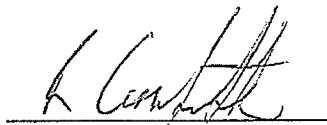
**Affidavit of Ricky Cunliffe**

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I, **Ricky Cunliffe**, of Nelson, Cellarhand, ~~swear~~:

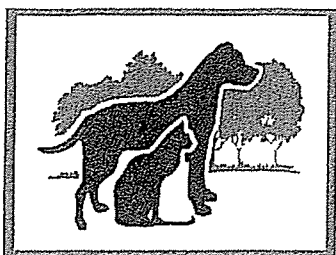
1. I am the owner and occupier of the property at 72 Montreal Road, Nelson,
2. I noticed new neighbours move into the property next door to me at 74 Montreal Road around approximately May 2016.
3. I remember shortly after the new neighbours arrived that a black dog with short hair came onto my property. The dog was friendly and non-threatening. I told the dog to leave which he did. I believe the dog was "Boris".
4. My property is not fenced and if a dog is not under control it could freely walk onto my property. The previous occupiers of 74 Montreal Road also had a dog which would occasionally come onto my property.
5. As I have not seen Boris on my property again nor on the street in general for several months I believe the owners must have taken steps to control and contain him in their property.
6. I did not find Boris to be threatening or dangerous.
7. Everything in this statement is true to the best of my knowledge and belief, and I make it knowing that it might be admitted as evidence for the purposes of the standard committal or at a committal hearing and that I could be prosecuted for perjury if the statement is known by me to be false and is intended by me to mislead.

~~Sworn at Nelson by the said~~ )  
~~Ricky Cunliffe this~~ )  
~~21st~~ of September 2016 )  
~~before me:~~ )



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~~Solicitor of the High Court~~



**VICTORY SQUARE**  
**VETERINARY CLINIC**  
179 Vanguard Street PH 5469646

**Dog Microchipping Certificate**

☐ New microchip implanted

☒ Existing microchip verified

Attach bar code

900 108 001 594 074

Animal (Owner/Agent to complete)

Name: BORIS

Breed: German short Haired Pointer Colour: Black & White

Distinguishing marks: -

Sex: ☒ Male ☐ Female Neutered: ☒ Yes ☐ No ☐ Unknown

Registered: ☒ Yes ☐ No If registered: Year: ..... Number: .....

Dog identification number (Council use only): .....

Owner

Name: Surname: Wilkinson First name: Alex

Address: 74 Montreal Rd, Nelson

Date of birth: 20-10-77

Owner identification number (Council use only): .....

Agent (if presented by an agent)

Name: Surname: ..... First name: .....

Address: .....

**OWNER/ AGENT DECLARATION**

I hereby certify that the breed description I have supplied to the veterinarian to enable him/ her to complete this certificate is true and correct to the best of my knowledge.

**If presented by an agent.** I warrant that I am authorised to act on behalf of the owner as agent in respect of the above animal and indemnify the veterinary practice for any loss arising from the above procedure.

Signed: [Signature] (owner/agent) Date: 20-9-16

lost tag