



Order Paper for a meeting of the

**QUEENSTOWN LAKES DISTRICT COUNCIL'S  
DOG CONTROL COMMITTEE**

to be held on

Thursday, 15 February 2018

commencing at 1.00pm

In the Council Chambers, 10 Gorge Road,

Queenstown

**Queenstown Lakes District Council**

**Dog Control Committee**

**Panel to Hear Objection to Classification of Menacing Dog**

**Councillor J MacDonald**

**Councillor Q Smith**

**Councillor S Stevens**

**Dog Control Committee**  
**15 February 2018**



Agenda for a meeting of the Dog Control Committee to be held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 15 February 2018 commencing at 1.00pm.

<b>Item</b>	<b>Page</b>	<b>Report Title</b>
		Election of Chairperson
		Apologies
		Declaration of Conflicts of Interest
		Confirmation of Agenda
1		<b>Objection to Classification as Menacing Dog: Charlie (registration 175206)</b>
	4	Officer recommending report
	8	Attachment A: Dangerous Classification dated 6 December 2017
	10	Attachment B: Objection to Classification from Mr Barfoote dated 18 December 2017
	11	Attachment C: Emailed assessment of Charlie from Mary Chaffey, K9Mana Behaviour Consultant dated 24 November 2017
	12	Attachment D: Photo of the wound (Mudge) received (victim)
	13	Attachment E: Copy of Vet's Bill

**Dog Control Committee****15 February 2018****Department:****Finance and Regulatory****Objection to Menacing Dog Classification****Purpose**

The purpose of the report is to determine an objection to the classification of Charlie as a Menacing Dog.

**Recommendation**

That the Dog Control Committee **uphold** the Menacing Dog classification of Charlie, registration 175206.

Prepared by: Ashlin Woodley



Animal Control Officer

31/01/2018

**Background**

- 1 On 6 December 2017, the Queenstown Lakes District Council classified Charlie under Section 33A of the Dog Control Act 1996 following aggressive behaviour exhibited towards another dog on 20 November 2017.
- 2 Charlie is registered as a de-sexed male Jack Russell cross, owner Jason Barfoote.
- 3 On 18 December 2017 an objection to the classification was received from Mr Barfoote.

**The circumstances regarding the classification are:**

- 4 On 20 November 2017 at 08:40am, Charlie attacked a female Maltese cross named Mudge (Animal ID 53481).
- 5 The attack took place on York Street, near the corner of Hallenstein Street, Queenstown and opposite the property Charlie is kept at.

- 6 Charlie attacked Mudge in an unprovoked manner, resulting in a wound at the base of Mudge's tail. Mudge was being walked on-leash at the time of attack. Vet treatment was sought for Mudge's injury.
- 7 At the time of attack, Charlie was on-leash however he broke his collar in his pursuit to attack the other dog, demonstrating considerable effort in accessing the other dog in order to attack.
- 8 From interviews conducted with Charlie's owners, it was determined that Charlie had previously demonstrated similar aggression towards other dogs. It was also determined that training had been sought with Mary Chaffey, a canine behaviourist, as a result of this aggression.
- 9 A written assessment was received from Mary Chaffey confirming Charlie's history of aggression, and the likelihood of another offence occurring again in the future. Ms Chaffey recommended that Charlie must be muzzled in public.
- 10 After regarding the incident, the reported history of Charlie's aggression and likelihood of a repeat offence, it was considered that Charlie may pose a threat to other domestic dogs and Charlie was classified as a Menacing Dog.

## Classification

- 11 The Dog Control Act 1996 provides the Territorial Authority with the ability to classify a dog as Menacing under the following criteria:

### *Menacing dogs*

Heading: inserted, on 1 December 2003, by [section 21](#) of the Dog Control Amendment Act 2003 (2003 No 119).

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

- (1) This section applies to a dog that—
  - (a) has not been classified as a dangerous dog under [section 31](#); but
  - (b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—
    - (i) any observed or reported behaviour of the dog; or
    - (ii) any characteristics typically associated with the dog's breed or type.
- (2) A territorial authority may, for the purposes of [section 33E\(1\)\(a\)](#), classify a dog to which this section applies as a menacing dog.
- (3) If a dog is classified as a menacing dog under subsection (2), 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 33B](#); and
  - (d) if the territorial authority's policy is not to require the neutering of menacing dogs (or would not require the neutering of the dog concerned), the effect of [sections 33EA](#) and [33EB](#) if the owner does not object to the classification and the dog is moved to the district of another territorial authority.

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

Section 33A(3): amended, on 1 November 2004, by [section 10](#) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 33A(3)(c): amended, on 28 June 2006, by [section 13](#) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33A(3)(d): added, on 28 June 2006, by [section 13](#) of the Dog Control Amendment Act 2006 (2006 No 23).

12 Following a Menacing Dog classification, the effects of the classifications are:

**33E Effect of classification as menacing dog**

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

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

Section 33E(1)(b): amended, on 28 June 2006, by [section 29\(4\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(2): repealed, on 28 June 2006, by [section 29\(5\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(3): repealed, on 28 June 2006, by [section 29\(5\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(4): repealed, on 28 June 2006, by [section 29\(5\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(5): amended, on 7 July 2004, by [section 12](#) of the Dog Control Amendment Act 2004 (2004 No 61).

13 The Council is not aware of any further incidents involving Charlie following the classification.

## Objection

14 On 18 December 2017, an objection to the classification was received from Mr Barfoote in accordance with the Dog Control Act 1996.

15 Following the initial objection, Mr Barfoote has not provided any further information in support of the objection.

## Discussion

16 Following receipt of the objection to the Menacing Dog classification, the classification and its effect have been further considered.

17 The Menacing Dog classification sets out requirements which must be adhered to, which would aid in preventing an attack happening in the future.

18 The key requirements of the classification are:

- 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 being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction.
- To produce to the Queenstown Lakes District Council, within one month after receipt of this notice, a certificate issued by a registered veterinary surgeon

and certifying that the dog is or has been neutered.

19 In this instance it is understood Charlie has already been neutered.

20 The aggressive behaviour by Charlie on 20 November 2017 has demonstrated the potential risk posed by this dog. Requiring Charlie to be muzzled while in a public place provides some mitigation to the risk of an attack.

21 No evidence has been supplied in support of the objection.

### **Options**

22 In considering any objection to a dog classified as Menacing, the territorial authority shall have regard to the following matters:

- i) The evidence which formed the basis for the original classification; and*
- ii) Any steps taken by the owner to prevent any threat to the safety of persons and animals; and*
- iii) The matters relied on in support of the objection; and*
- iv) Any other relevant matters.*

23 The territorial authority may either uphold or rescind the classification.

### **Attachments**

Attachment A – Menacing Dog Classification – dated 6 December 2017

Attachment B – Objection to Classification from Mr Barfoote - dated 18 December 2018

Attachment C – Emailed assessment of Charlie from Mary Chaffey, K9Mana Behaviour Consultant dated 24 November 2017

Attachment D – Photo of the wound Mudge received (Victim)

Attachment E – Copy of Vet Bill

## Attachment A – Menacing Dog Classification (6 December 2017)



## Queenstown Lakes District Council

## NOTICE OF CLASSIFICATION OF DOG AS A MENACING DOG

## Section 33A, Dog Control Act 1996

To: Jason Barfoote

Address: Jason Barfoote  
7b York Street  
Queenstown 9300

Dog: Charlie registration number 175206

This is to notify you\* Jason Barfoote that this dog has been classified as a menacing dog under section 33A of the Dog Control Act 1996.

This is because of the aggressive behaviour exhibited by your dog, Charlie, registration number 175206, on 20 November 2017 at York Street, Queenstown.

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

A handwritten signature in blue ink, appearing to read "J. Webster", written over a dotted line.

Manager Regulatory

A handwritten date "6/12/17" in blue ink, written over a dotted line.

Date

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

**\* You own the dog; or**

**\* You have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or**

**\*You are the parent or guardian of a person under the age of 16 who is the owner of the dog and who is a member of your household living with you and dependent on you.**



**Effect of Classification as a Menacing Dog**  
**Sections 33E, 33F, and 36A Dog Control Act 1996**

You are required,-

- (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 being muzzled in such a manner as to prevent the dog from biting but allow it to breath and drink without obstruction; and
- (b) Must, if required by the Queenstown Lakes District 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 Queenstown Lakes District Council, to produce to the Queenstown Lakes District Council, within one month after the date specified in that certificate, a further certificate under paragraph (b)(i); and

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with any of the matters in paragraphs (a) to (c) above.

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

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 Queenstown Lakes District Council in accordance with the reasonable instructions of the Queenstown Lakes District Council for verification that the dog has been implanted with a functioning microchip transponder 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 menacing or after 1 December 2003 but before 1 July 2006; or
- 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 not to allow the dog to be at large or in any public place or 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 breath and drink without obstruction. You will commit an offence and be liable on conviction to a fine not exceeding \$500.00 if you fail to comply with requirement

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

**Right of Objection to Classification Section 33 (A), Dog Control Act**

**Section 33B Dog Control Act 1996**

If the dog is classified as a menacing dog because it is believed to constitute a threat to public safety, you may object to the classification by lodging with the Queenstown Lakes District Council a written notice within 14 days of receipt of this notice setting out the grounds on which you object.

You are entitled to be heard in support of your objection and will be notified of the time and place when your objection will be heard.

## Attachment B – Objection to Classification from Mr Barfoote

-----Original Message-----

**From:** "Personal Gmail" <[jbarfoote@gmail.com](mailto:jbarfoote@gmail.com)>  
**Sent:** Monday, 18 December 2017 5:54 PM  
**To:** "[services@qldc.govt.nz](mailto:services@qldc.govt.nz)" <[services@qldc.govt.nz](mailto:services@qldc.govt.nz)>  
**Cc:** "[steve@barfootefamily.co.nz](mailto:steve@barfootefamily.co.nz)" <[steve@barfootefamily.co.nz](mailto:steve@barfootefamily.co.nz)>  
**Subject:** Appeal for classification of menacing AC17/1200

To whom this may concern,

I am looking for a review over my dog's, charlie, classification as menacing. I understand this ruling is standard protocols for when an animal has an incident with another animal but I feel like this is a harsh ruling for a first time offence. Charlie has had no previous history with any animal related violence and only stipulations have been made about his past as a puppy. For this reasoning I wish to appeal the classification of menacing.

I understand that the classification is only to Reduce if not remove the possibility of reoccurrence but with this it also increases my dogs registration fees to amount in which I personally will struggle to pay.

As the ultimate goal here is to hopefully reduce the reoccurrence of an incident I would like to offer a potential compromise if acceptable. I propose since charlie has had 5 years prior of zero incidents that we would be aloud to voluntarily muzzle Charlie well in any form of public area. I am willing to write and acknowledge this statement formally as to make it aware that charlie is still expected to be muzzled.

I look forward to our further discussion about this issue. Please do not hesitate to call.

Kind Regards,

Jason Barfoote  
*Fire Protection Compliance Ltd*  
*Queenstown Building Inspector*  
[7B York Street - Queenstown](#)  
*Ph: [\(03\) 214 4198](tel:(03)2144198)*  
*Mobile: [021 300425](tel:021300425)*  
*Email: [Jason@fireprotection.co.nz](mailto:Jason@fireprotection.co.nz)*

Attachment C – Emailed assessment of Charlie from Mary Chaffey, K9Mana Behaviour Consultant dated 24 November 2017

Ashlin Woodley

---

From: Mary Chaffey <k9mana@gmail.com>  
 Sent: Friday, 24 November 2017 4:45 PM  
 To: Ashlin Woodley  
 Subject: Charlie Barfoot

Hi Ashlin

To follow up on our conversation re

Charlie Barfoot.

I was initially asked by Jason Barfoot to do a Private Behavioural Consultation for Charlie, covering the following unwanted behaviours on August 4th 2017, Wanaka

1. Separation anxiety
2. Aggression towards other dogs.

On the matter of Charlies aggression towards other dogs I recommend the following

*"Muzzle Charlie when off lead and out in public until Charlie has mastered calm settled behaviour around strange dogs*

*This will assist with safety by*

- a) Lowering your stress levels which will assist your leadership of Charlie*
- b) Cue other dog owners to recall their off lead dogs from Charlie or to give Charlie space when passing*
- c) Limit Charlie's ability to cause any injury should an off lead dog evoke Charlie into any aggressive behaviour and biting*

*If Charlie is given any opportunity to bite another dog, then statistically, the likely hood of him biting again increases."*

We arranged to meet up in 2 weeks to take Charlie on a lead walk and train counter conditioning to other dogs.

This appointment was however cancelled as Jason was in the process of moving to Queenstown.

I was then contacted by Jason for another consultation, following the aggressive actions of Charlie that ended with Charlie biting another dog.

From the consultation on the 21st November I have recommended to Jason that:

*"Charlie **must** be muzzled when out in public because now that Charlie has bitten a dog, research shows that he is therefore statistically far more likely to bite another dog again.*

*I need to take into account that Charlie has a reinforcement history with aggression towards other dogs and in this case he put a lot of effort into accessing the other dog in order to bite it, so although the counter conditioning training will reduce the level of fear based aggression in Charlie, I cannot guarantee that he will never attack another dog again."*

I hope that this is of assistance to you Ashlin,

Wag more, bark less

Mary Chaffey DipCBST  
 K9mana Behaviour Consultant and Trainer  
 Vet Nurse  
 0212880881  
[K9mana.co.nz](http://K9mana.co.nz)

Attachment D – Photo of wound Mudge received (Victim)



## Attachment E – Copy of Vet Bill

Mr Chris Fraser  
24 Panners Way  
Goldfield Heights  
Queenstown

**Invoice for Professional Services**

Date 20/11/2017  
Transaction No 1709782  
Reference Orla Fitzpatrick  
Patient Mudge  
Details

VETENT QUEENSTOWN  
1092 FRANKTON RD  
QUEENSTOWN

----- EFTPOS -----  
TERMINAL 19182701  
TIME 20NOV 09:24  
TRAN 007388 CREDIT  
VISA  
CARD .....7782

Visa  
RID: A000000003  
PIX: 1010  
TC: C865033061F2E86  
TVR: 00 00 04 00 00  
TSI: F0 00  
ATC: 0147  
AUTH 745912

PURCHASE NZ\$ 100.40  
TOTAL NZ\$ 100.40

**ACCEPTED**

-----  
INVOICE NUM 007050  
CUSTOMER COPY

Service Provided	No	Amount
20/11/2017		
<u>Fees</u>		
CA - Consultation	1.00	58.00
<u>Prescription Products</u>		
Clavulox Tablets 250mg	6.00	22.90
Previcox Tablets 57mg	6.00	19.50
<b>Total:</b>		<b>100.40</b>
Includes Tax of:		13.10

**PAID**

Amount Paid	100.40
Balance remaining	0.00

Next Appointment Details:  
20/11/2017 10:30 a.m. : Appointment arrived for Mudge