
**ORDINARY MEETING
OF
PŪRORO HĀTEPE - REGULATORY PROCESSES COMMITTEE
AGENDA**

Time: 1:30am
Date: Wednesday, 15 September 2021
Venue: Ngake (16.09)
Level 16, Tahiwi
113 The Terrace
Wellington

MEMBERSHIP

Mayor Foster
Deputy Mayor Free
Councillor Condie
Liz Kelly
Councillor Matthews
Councillor O'Neill
Councillor Sparrow (Chair)
Councillor Woolf (Deputy Chair)

Have your say!

You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 04-803-8334, emailing public.participation@wcc.govt.nz or writing to Democracy Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number, and the issue you would like to talk about. All Council and committee meetings are livestreamed on our YouTube page. This includes any public participation at the meeting.

AREA OF FOCUS

The Regulatory Processes Committee has responsibility for overseeing the Council's regulatory functions, including responsibility for:

- Approving the list of Resource Management Act Commissioners and the associated Appointment Guidelines
- Objections to classifications under the Dog Control Act
- Fencing of swimming pools
- Road stopping
- Naming places in accordance with the Naming Policy, except for significant naming decisions, which are considered by the Strategy and Policy Committee.
- Traffic resolutions which are not considered by the Strategy and Policy Committee.
- Suburb boundaries
- Development Contributions remissions.
- Approving leases pursuant to Council policies.

To read the full delegations of this Committee, please visit wellington.govt.nz/meetings.

Quorum: 4 members

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1. Meeting Conduct

1.1 Karakia

The Chairperson will open the meeting with a karakia.

Whakataka te hau ki te uru,	Cease oh winds of the west
Whakataka te hau ki te tonga.	and of the south
Kia mākinakina ki uta,	Let the bracing breezes flow,
Kia mātaratara ki tai.	over the land and the sea.
E hī ake ana te atākura.	Let the red-tipped dawn come
He tio, he huka, he hauhū.	with a sharpened edge, a touch of frost,
Tihei Mauri Ora!	a promise of a glorious day

At the appropriate time, the following karakia will be read to close the meeting.

Unuhia, unuhia, unuhia ki te uru tapu nui	Draw on, draw on
Kia wātea, kia māmā, te ngākau, te tinana,	Draw on the supreme sacredness
te wairua	To clear, to free the heart, the body
I te ara takatū	and the spirit of mankind
Koia rā e Rongo, whakairia ake ki runga	Oh Rongo, above (symbol of peace)
Kia wātea, kia wātea	Let this all be done in unity
Āe rā, kua wātea!	

1.2 Apologies

The Chairperson invites notice from members of apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

1.3 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

1.4 Confirmation of Minutes

The minutes of the meeting held on 8 September 2021 will be put to the Pūroro Hātepe | Regulatory Processes Committee for confirmation.

1.5 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows.

Matters Requiring Urgent Attention as Determined by Resolution of the Pūroro Hātepe | Regulatory Processes Committee.

The Chairperson shall state to the meeting:

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

The item may be allowed onto the agenda by resolution of the Pūroro Hātepe | Regulatory Processes Committee.

Minor Matters relating to the General Business of the Pūroro Hātepe | Regulatory Processes Committee.

The Chairperson shall state to the meeting that the item will be discussed, but no resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Pūroro Hātepe | Regulatory Processes Committee for further discussion.

1.6 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 31.2 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

Requests for public participation can be sent by email to public.participation@wcc.govt.nz, by post to Democracy Services, Wellington City Council, PO Box 2199, Wellington, or by phone at 04 803 8334, giving the requester's name, phone number and the issue to be raised.

2. General Business

OBJECTION TO A CLASSIFICATION UNDER THE DOG CONTROL ACT 1996

Purpose

1. This report asks the Pūroro Hātepe | Regulatory Processes Committee to determine whether to uphold or rescind a classification as a menacing dog under the Dog Control Act 1996 (the Act).

Summary

2. Under the Act, Council may classify dogs as dangerous (section 31) or menacing (section 33A).
3. Council's Public Health team has classified a dog as menacing and the dog owner has objected to this classification.
4. Both parties have submitted evidence, which is attached to this report.
5. This committee must determine whether to uphold or rescind the original classification as a menacing dog.

Recommendation/s

That the Pūroro Hātepe | Regulatory Processes Committee:

1. Receive the information.
2. Note:
 - a. the evidence which formed the basis for the classification
 - b. any steps taken by the owner to prevent any threat to the safety of persons or animals
 - c. the matters relied on in support of the objection
 - d. any other relevant matters
3. Agree to uphold the classification as a menacing dog OR
Agree to revoke the classification as a menacing dog.
4. Delegate to the chairperson of the Pūroro Hātepe | Regulatory Processes Committee: the authority to issue a written decision, which will be sent to all parties and attached to the minutes of this meeting.

Background

6. Under the Act, Council may classify dogs as dangerous (section 31) or menacing (section 33A).
7. Council may classify a dog as menacing if it has not been classified as dangerous, but considers that the dog may pose a threat to to any person, stock, poultry, domestic animal, or protected wildlife because of:
 - Any observed or reported behaviour of the dog, or
 - Any characteristics typically associated with the dog's breed or type.
8. If a dog is classified as a dangerous or menacing dog then the dog owner has the right under section 33B of the Act to object to the classification and has the right to be heard in support of the objection.
9. At Wellington City Council, the Pūroro Hātepe | Regulatory Processes Committee has the delegation to hear objections to classifications under the Act.
10. The only decision that the committee can make is to uphold or recind the original classification. The committee cannot propose any further restrictions on the dog or dog owner and cannot classify the dog as a dangerous dog.
11. When making it's decision, the Act requires the committee to have regard for the following four factors:
 - The evidence which formed the basis for the classification
 - Any steps taken by the owner to prevent any threat to the safety of persons or animals
 - The matters relied on in support of the objection
 - Any other relevant matters
12. If a dog is classified as a menacing dog then the owner of the dog:
 - 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
 - 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—
 - that the dog is or has been neutered; or
 - 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
 - must, if a certificate stating that the dog is not in a fit condition to be neutered 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 that the dog is or has been neutered.
13. Any classification as a menacing dog is in force throughout New Zealand.
14. If the dog owner fails to comply with the above conditions, they would be in breach of the Act and could face a fine of up to \$3,000. Additionally, if the dog owner fails to comply with the above conditions, a dog control officer or dog ranger may sieze and remove the dog concerned from the person's posession and retain custody of the dog until they are satisfied that the conditions will be complied with, or until the dog is destroyed in accordance with section 71A of the Act..

Discussion

15. Council's Public Health team has classified a dog as menacing and the dog owner has objected to this classification.
16. Both parties were asked to submit evidence, which has been attached to this report.
17. The committee will sit in a quasi-judicial capacity for this hearing. The meeting will proceed as follows:
 - The WCC Public Health team will present their evidence and any witnesses and answer any questions from committee members.
 - The dog owner will present their evidence and any witnesses and answer any questions from committee members.
 - The WCC Public Health team will have the opportunity to respond to the dog owner's case.
 - The dog owner will have the opportunity to respond to the WCC Public Health team's case.
18. No cross-examination of one party by the other will be permitted.
19. Following hearing from both parties, the committee will adjourn to deliberate on the matter. The deliberations will take place with the public and both parties excluded but will be minuted in detail. These minutes will form the basis of the determination issued by the chairperson.
20. Following the deliberations, the committee will reconvene, and a motion will be moved, seconded, debated, and voted on. Standard committee procedures for debate and voting will be used. The vote will be by simple majority.
21. Following the meeting, the chairperson will issue a determination which will be attached to the standard meeting minutes.

Options

22. The committee can uphold or rescind the original classification as a menacing dog.
23. The committee cannot propose any further restrictions on the dog or dog owner and cannot classify the dog as a dangerous dog.

Attachments

- Attachment 1. Evidence Provided - Bryan Tressider   Page 11
- Attachment 2. Evidence Provided - WCC Public Health   Page 41

Author	Sean Johnson, Senior Democracy Advisor
Authoriser	Jennifer Parker, Democracy Services Manager Liam Hodgetts, Chief Planning Officer

SUPPORTING INFORMATION

Engagement and Consultation

Not applicable.

Treaty of Waitangi considerations

Not applicable.

Financial implications

Not applicable.

Policy and legislative implications

The decision to uphold or recind a classification as a menacing dog will be in accordance with the Dog Control Act 1996.

Risks / legal

As noted in the paper, objections to classifications a menacing dogs are a right under the Dog Control Act 1996. This paper gives effect to that right.

Climate Change impact and considerations

Not applicable.

Communications Plan

Not applicable.



Health and Safety Impact considered

Dogs can be classed as menacing if they pose a risk to the public as identified in the Act. The committee must determine whether to uphold or recind an existing classification as a menacing dog.

**Regulatory Processes Committee: hearing for objection to menacing dog
classification for Breaker: 15 September 2021**

**Written evidence supporting the objection by Bryan Tresidder, 1 September
2021**

Supporting documents (attached)

Animal services incident report for action	 Appendix A.pdf
Officers report 29/06/21	
Complainant's statement 6.33 pm, 24/05/21 (email complaint to Council, subject: Wadestown dog attack - statement as sought)	
Council request to complainant for statement (email from team leader animal services 1.20 pm 24/05/21, subject: Wadestown dog attack)	
Emails with the subject: dog bite Owner of 2.52 pm, 23/05/21 and 6.37 pm 24/05/21	
Complainant's statement 9.21 pm, 24/05/21 (email complaint to Council, subject: Wadestown dog attack – addendum to statement sent earlier today)	
Correspondence: complainant/ Council re medical centre records (emails of 1.44 pm 25/05/21 and 10.37 am and 11.57 am 28/05/21)	
Patient medical history 28/05/21 including photo of injury	
Bryan Tresidder statement to Council (email 11.24 am 25/05/21)	
National dog database view owner details	
National dog database view dog details	
Attack rating report	
Written warning Council animal control officer to Bryan Tresidder 3/12/20	
Reference re Breaker from Alla Baider [3]/09/21	 Appendix B.pdf

*See also separate references in relation to Breaker from Raewyn Mullan and my neighbour Terry

I appreciate the opportunity to speak to the Council Regulatory Processes Committee in relation to my objection to the classification of our dog, Breaker, as a menacing dog under the Dog Control Act 1996 (Act).

First, however, I agree the complainant would not have been hurt if Breaker had been on a lead. I feel regret that Breaker being off-leash lead to a person being hurt. I have received and paid the \$300 fine for an infringement in relation to s 20 of the Dog Control Act. I now walk Breaker on-lead only (outside off-lead areas) and he wears a muzzle around his neck on a temporary basis pending the outcome of the Committee's decision.

I am asking the Council to rescind the classification of Breaker as a menacing dog as:

- the Council lacked evidence to decide that Breaker attacked the complainant or his dog George (see no. 1),
- the Council seems to have acted unfairly, predetermining the classification without an open mind (see no 2), and
- the main issue is that Breaker was off-lead resulting in the injury and to prevent any further threat to the safety of people or animals I, now, and will continue to, walk Breaker

on-lead.

1. Lack of evidence for dog attack offence.

For the detailed reasons at 1.1 and 1.2 below I believe the Council:

- lacked evidence to decide that Breaker attacked the complainant or his dog George,
- should not have scored a level 13 'attack person causing injury' for Breaker in its 'Attack rating report' (attached as appendix A), and
- should rescind the classification of Breaker as a menacing dog under s 33A of the Act.

First, I would like to comment generally that:

- the Council seems to have relied on the complainant's version of the facts as the only evidence for its decision that Breaker attacked George and the complainant,
- the only other witness to the complete interaction between the dogs, the complainant's wife, has not made a statement,
- there is no video or photograph of Breaker attacking George or the complainant, and
- no Council officer witnessed Breaker attacking George or the complainant.

1.1 Did Breaker attack George?

The complainant stated¹ "*...the large Collie... suddenly rushed out onto the street and began to attack [George] in a vicious manner. My wife was trying to pull [George] and was in danger of being pulled over.*"

The investigating officer then stated² as a fact "[the complainant's dog] was attacked by Breaker."

Although I did not witness the complete interaction between the 2 dogs, I ask the Committee to take into account the following points:

- Breaker is a friendly well-socialised rough coat collie who has been a much-loved member of our family for 6 years and lives harmoniously with a free-range parrot and a cat (please refer to references about Breaker from Alla Baider (attached as appendix B) and Raewyn Mullan and my neighbour Terry both sent separately to the Council),
- rough coat collies are known for their sensitivity, intelligence, friendliness towards other dogs and strangers, loyalty, gentleness and compliance – they are not known for attacking people and other dogs,
- I have some experience with dog behaviour as I grew up on a sheep farm with working dogs,
- I have often walked Breaker off-lead in the past 6 years (without incident) as he is well trained, gentle and compliant (although I now appreciate my mistake - see above),
- in this case I believe that Breaker (who was in the lookout park with me) ran to see George (on the footpath) not to attack him but to do his usual friendly dog-greeting,
- as mentioned in my statement³ when I saw the complainant and his wife walking George down the footpath (heading south) (as George has sometimes responded aggressively to Breaker's friendly greetings) I turned and walked away from the footpath side of the lookout and George (holding a stick out for Breaker and expecting him to follow me)

¹ Complainant's statement 6.33 pm, 24/05/21 – see appendix A

² Officers report 29/06/21– see appendix A

³ Bryan Tresidder statement to Council (email 11.24 am 25/05/21) – see appendix A

- I turned when I heard growling and saw Breaker (face-to-face with George and pointing south) was blocked:
 - from the front by George (who had turned to face north) lunging at him aggressively (the complainant states⁴ his wife struggled to restrain George to the extent that he feared George would pull his wife over),
 - from the left, by an upward rising bank and the lookout fence,
 - from the right/back by the complainant (facing south-east) kicking his right leg into the right side of Breaker's mane, and
 - effectively from the back, as dogs find it difficult to move backwards.
- I called Breaker twice in quick succession,
- as Breaker was trapped, he did not turn around normally but:
 - reared upright on his back legs,
 - swivelled 180 degrees upright to his left anti-clockwise (towards the bank - not right towards the complainant) (note he also looked directly at me during the swivel and he was not snarling or growling but looked confused),
 - 'landed' with his front paws facing north, and
 - ran straight back to me through the northern gap in the lookout fence.
- I believe it is more likely that George, a labrador, attacked Breaker as:
 - labradors, as a breed, are known for attacking people and other dogs,
 - George has several times in the past behaved aggressively towards Breaker (as noted above and in my statement),
 - after turning, I saw George lunging toward Breaker, and
 - after the interaction, I saw that George was unhurt but had a large clump of Breaker's fur in his mouth (as noted in my statement).

1.2 Did Breaker attack the complainant?

The complainant stated⁵ *"I ran up immediately to try to get the dog off [George]... The dog then viciously turned its attention onto me and tore my right leg very badly in two places."* The investigating officer then stated as a fact in his report⁶: *"During the attack [the complainant] ran to break the dogs up. As he did this Breaker..turned and attacked the [complainant] biting hm on the right calf. ... When asked, [the complainant] was adamant that he was bitten by Breaker."* Inconsistently with this statement (the investigating officer does not conclude in the report that Breaker attacked the complainant but rather *"as a result of this investigation I find that (the complainant) received an injury while trying to break up the dogs fighting possibly redirected aggression from the dog fight."*

I ask the committee to take into account my comments in 1.1 above in relation to the Council decision that Breaker attacked George and also the following:

- I witnessed the interaction between Breaker, George and the complainant during the period beginning when I turned around (on hearing the dogs growling) and ending when Breaker starting running back to me,
- I saw the complainant standing next to Breaker as described above, facing south-east, hold his arms outstretched in a 'T' shape (maybe for balance?) and kicking his bare right leg (he was wearing shorts) back and forth into the right side of Breaker's mane with

⁴ Complainant's statement 6.33 pm, 24/05/21 – see appendix A

⁵ Complainant's statement 6.33 pm, 24/05/21 – see appendix A

⁶ Officers report 29/06/21– see appendix A

- George lunging north toward Breaker (and effectively the complainant's bare right calf),
- during this period I did *not* see:
 - Breaker attack the complainant, bite or tear his leg,
 - the complainant notice any injury to his leg, or
 - the complainant's wife showing any concern that the complainant had been attacked or injured,
 - I did, however, see Breaker rear up and swivel 180 degrees on his hind legs as described in no. 1.1 above in response to my verbal command,
 - during the 'swivel', in theory, Breaker could have touched the complainant at 3 points:
 - scratching with the claw of his right paw as he reared upward,
 - with the fur on his back as he turned anti-clockwise, and
 - scratching with the claw of his left paw as he landed.
 - none of these contact points, however, seem consistent with the injury to the complainant's right calf being several puncture marks and an open flap of skin as the result of a dog bite,
 - the complainant did not realise he was injured until after Breaker had returned to me so I am confused as to why the complainant believes Breaker, rather than George, bit him.
 - it seems more likely to me that George bit the complainant accidentally because:
 - George, facing north, was lunging aggressively toward Breaker, and
 - the complainant, facing-south east, was kicking his leg back and forth into the right side of Breaker's main and effectively in the path of George's jaws.

2. Predetermination

I am also concerned that the Council has acted unfairly without an open mind in this matter - collaborating with the complainant but keeping me 'in the dark', accepting the complainant's version of the facts and distorting my words.

2.1 Complaint

I first learned of the complaint on 25 May when Council officer Mr Batty visited my house and informed me. Mr Batty was unnecessarily officious and unfriendly. He said:

- the complainant had complained that Breaker had bitten him, and
- the Council required a statement from me of time, place and what I thought had happened.

He did not ask for my email address or offer to put the request in writing (I note the Council put its request for a statement to the complainant in writing clearly stating the details required⁷).

I responded that the injury would have been a scratch only (meaning rather an intentional bite). Mr Batty seemed to misunderstand responding brusquely (as if I was trying to minimise the complainant's injury and distress) that the injury required several stitches.

Mr Batty did not provide me a copy of the complainant's statements.⁸

Mr Batty started to leave my house without giving me information about who to send the statement to (address) or timeframe. It was only when I asked him for these details that he

⁷ Council request to complainant for statement – appendix A

⁸ Complainant's statement 6.33 pm, 24/05/21 and complainant's statement 9.21 pm, 24/05/21 – appendix A

gave me the information by providing his business card.

On the same day (25 May) I emailed my statement to Mr Batty.⁹ The Council did not acknowledge receipt of the statement or communicate with me in any other way on the matter until I received, by post, the Council's letter and attachments (of 30 June 2021) signed by Mr Nunns. The letter and attachments notified me of the infringement, fine and Breaker's menacing dog classification (and right to object to the classification).

On 7 July 21 I notified Mr Nunns by email of my objection to the menacing dog classification attached and requested a copy of the complainant's statement but again received no acknowledgement from the Council or information about next steps.

In late July (perhaps 27 July?) we were in a position to pay the fine but could not find any clear information about how to pay it on either the Council's correspondence of 30 June or the Council's website. My wife, accordingly, telephoned and left a phone message for Mr Nunns who responded that day and mentioned to her 2 methods of paying the fine. Neither method was clearly and transparently provided in any Council communication/website (she paid the \$300 fine on 27 July). I then took the phone and talked to Mr Nunns asking if he had received my email of 7 July objecting to the menacing dog classification, my request for the complainant's statement and, if so, next steps. Mr Nunns confirmed receipt and noted that he should have told me that a different unit of the Council was dealing with the matter. He said it would be in touch with me soon.

On 29 June I received an email from Judy Austin of the Council seeking confirmation of my email address for receipt of the Council's 'animal services report'. I confirmed and received all of the correspondence attached as appendix A. I comment on some of that correspondence below.

2.2 Correspondence

Re the complainant's statement of 6.33 pm 24 May (appendix A),:

- I was absolutely astounded that the complainant stated as a fact that Breaker attacked George and bit the complainant (which for the reasons noted at no. 1 above is not a reasonable assertion), and
- I was surprised by:
 - the emotive language (use of the word 'vicious' in relation to Breaker's behaviour), and
 - the negative implication of Breaker and myself being 'well known' in Barnard St, and reference to the incident last January in which Breaker accidentally scratched my leg while we were play fighting (which in the context of the statement could imply that Breaker 'viciously' attacked me - which is absolutely not the case).

Re the addendum to complainant's statement of 9.31 pm 24 May (appendix A), I was disappointed to read the complainant's misleading statements that I did not:

- assist the complainant to get Breaker off him, or

⁹ Bryan Tresidder statement to Council (email 11.24 am 25/05/21) – see appendix A

- move off the lookout onto the street.

In relation to the first statement, I would like to add that:

- as noted at no. 1 the complainant had voluntarily put himself between the 2 dogs,
- I realised that the complainant's behaviour was foolish and it would be equally foolish to physically intervene myself, and
- knowing Breaker as a consistently compliant dog, I knew he would return if called (which he did immediately after the delay of pivoting out of his boxed in position as described at no. 1).

Re the second statement, it is true that I did not move off the lookout onto the street. This was quite clearly because the complaint and George were on the street. My intention was to keep Breaker on the lookout at a distance giving the complainant and George the space to move away peacefully.

It was however even more astounding to read the investigating officer's report¹⁰ as:

- (under the heading 'circumstances') the report relies on the complainant's statement that Breaker attacked his dog and attacked and bit the complainant as facts (see my concerns about the evidence about no. 1 above). This reliance inflated Breaker's score Attack rating report at appendix A. The Council did not seek my view on the complainant's interpretation of the circumstances or seem to test the interpretation thoroughly enough before finalising the report.
- the report:
 - (under the heading 'alleged offender') seems to distort my reference to the injury as 'a scratch' and misleadingly implies I did not care about ,or was trying to minimise, the complainant's injury and distress. The report notes that I stated during Mr Batty's visit to my house that the injury was "only a scratch" but fails to put this in the context of my statement of 25 May in which I was clearly referring to a scratch in relation to the injury being *accidental* via a 'stray claw' rather than an intentional bite,
 - does not mention or explore the key point in my statement of 25 May that neither the complainant nor the complainant's wife realised the complainant was injured until after the dog interaction (see no 1 above) which undermines the complainant's assertion, and the Council's resulting decision, that Breaker bit the complainant,
 - does not mention the comment in my statement that after the interaction I offered to help but that the complainant yelled back "just keep that dog away from me." I note also in passing that:
 - on 21 May, the day after the incident, I put a card apologising for any distress and a small box of chocolates in the complainant's mail box, and
 - a few days later while driving down Barnard St I noticed the complainant talking with a group of people on the street (perhaps neighbours?). I immediately parked the car and walked over to show my concern and ask how the complainant was faring. Again the complainant yelled at me in front of the people saying things along the lines of Breaker was a vicious dog and the injury was serious. He abruptly walked away from the group of people and myself (in what appeared to

¹⁰ Officers report 29/06/21– see appendix A

be a 'huff?').

Other matters that concerned me with the correspondence received on 29 July at appendix A and suggested the Council predetermined the menacing dog classification included:

- an email message of 6.37 pm on 24 May relating to a search of the title of our address (from the complainant?) and informing the Council of the owners of the property and our private living arrangements (information obtained from a 'close neighbour'), and
- email correspondence 25-28 May re medical centre records which seems to be initiated by Council to the complainant about getting the complainant's medical records from his medical centre which suggests that the Council went to the extent of ringing the medical centre and asking for the records directly – a request declined by the medical centre.

ANIMAL SERVICES INCIDENT REPORT FOR ACTION

Incident	
WCC SR Number	169295
Date of Offence	Thursday 20 May 2021
Time of Offence	Aprox 1000hrs
Alleged Offence	Dog attacks dog and person section 57
Investigating Officer(s)	
Complainant Name	
Complainant Address	
Complainant Contact Number	Phone
Dog Owner Name	Bryan TRESIDDER SR#383893
Person in charge at the time of incident	Bryan TRESIDDER
Dog Owner Address	
Dog Owner Contact Details	Phone
Dog Name	Breaker
Dog Breed	male grey and white Rough Coat Collie.
Dog Registration Tag	WCC 2014352
Dog Seized:	No
Date Impounded:	NA
Seizure Notice Number:	NA

Officers Report

Introduction:

The victim in this matter is [REDACTED]

Bryan TRESIDDER is the registered owner of Breaker and was in charge of Breaker at the time. [REDACTED] and TRESIDDER are known to each other as they live in the same street.

Background:

TRESIDDER has come to Animal services previously. ACO sighted TRESIDDER for a breach of bylaw (dog being walked off lead in a public place). A written warning was issued 03 December 2020 by ACO [REDACTED]

Circumstances:

On Thursday the 20th of May 2021 at approximately [REDACTED] and his Wife [REDACTED] were walking their dog [REDACTED] on lead on Barnard Street, when [REDACTED] was attacked by Breaker who was being exercised off lead by TRESIDDER on the corner of Barnard and Lennel road. During the attack [REDACTED] ran in to break the dogs up. As he did this Breaker has turned and attacked [REDACTED] biting him on the right calf.

[REDACTED] received a wound to the leg that required medical attention.

When asked, [REDACTED] was adamant that he was bitten by Breaker.

Scene:

The incident occurred on a public foot path. This area is a controlled public place where dogs are allowed but must be on lead.

Victim

I obtained an email statement from [REDACTED] as well as a doctor's report and a photo provided by [REDACTED] medical centre.

[REDACTED] has stated that he and wife [REDACTED] were walking their dog George on lead along Barnard Street approaching Lennel Road. [REDACTED] were ahead of [REDACTED] walking toward the lookout. As they got closer to the lookout they saw Breaker off lead with TRESIDDER. Breaker suddenly rushed and attacked [REDACTED]. Concerned that his wife might be pulled over [REDACTED] has run in to separate the dogs. At this point Breaker has then turned and bitten [REDACTED] on the right leg.

[REDACTED] has been treated at the [REDACTED] medical and receives 6 stitches to his leg.

Witness

[REDACTED] wife was the only witness.

Alleged Offender

Officer [REDACTED] visited TRESIDDER in person at this address. TRESIDDER admitted that his dog was off lead and stated that the injury was only a scratch.

TRESIDDER has provided an emailed statement stating that he was throwing a stick for Breaker on the grass area near the intersection of Lennel Road and Barnard Street.

TRESSIDER saw [REDACTED] and [REDACTED] walking towards them and walked the other way thinking that Breaker would follow. While TRESSIDER had his back turned he heard growling, he turned and saw the two dogs fighting. TRESSIDER stated he saw [REDACTED] trying to separate the dogs. He did not see how [REDACTED] received his injury.

Exhibits/ Evidence (list and refer to exhibit schedule)

- A. Evans statement
- B. Photos of [REDACTED] leg
- C. Doctors report
- D. Tressider statement
- E. Attack Matrix Report

Investigating Officer Checklist	Yes / No	If yes how many?	If no, provide explanation
Victim Statement	YES	1	
Witness Statement	No		
Photographs of Injuries	YES	1	
Photographs of Scene	NO	0	
Alleged Offending Dog Identified	YES	1	NDD database records
Photograph of Dog	NO		
Dog Owners Statement	YES	1	
On Site File Notes	NO		
Dog / Owners History	Yes	1	Written warning letter
Previous Service Requests	NA		
File Prepared			
Entered onto Complaint Database	NO		
Vet Notes / Bills	N/A		
Medical Notes / Bills	Yes		Provided By [REDACTED] Medical centre
Copy of Seizure Notice	N/A		

As a result of this investigation, I find that:

- [REDACTED] received an injury while trying to break up the dogs fighting, possibly redirected aggression from the dog fight.
- Tressider failed to keep Breaker under control.
- Tressider was not walking Breaker on lead.
- [REDACTED] bite was moderate.

Page ☐ of ☐

I recommend that Breaker be classified as a Menacing dog under section 33a of the DCA of the Dog Control Act 1996 and TRESSIDER receives an infringement under section 20 failure to comply with of a bylaw of the DCA 1996.

Investigating Officer		
Name: [REDACTED]	Signature: [REDACTED]	Date: 29/06/2021

Recommend referral for legal opinion ☐

Final Decision

Agreed Action:

Page ☐ of ☐

- ☐ Legal opinion confirmed if final decision has changed from the proposed action.
- ☐ Investigating Officer informed of changes.

From: [REDACTED] <[REDACTED]>
Sent: Monday, 24 May 2021 6:33 PM
To: [REDACTED]
Subject: RE: Re Wadestown dog attack-statement as sought

My wife and I were walking our [REDACTED] duly registered, on a leash on Barnard Street. There is a lookout at the corner of our street and Lennel Road. My wife and [REDACTED] our dog, were a little ahead of me. As they walked towards the lookout the large Collie dog, owned by Mr Bryan Tresidder and unleashed as always, suddenly rushed out onto the street and began to attack [REDACTED] in a vicious manner. My wife was trying to pull [REDACTED] away and was in danger of being pulled over. I ran up immediately to try to get the dog off [REDACTED]. The dog's name is Breaker. It is well known in our Street, as is its owner Mr Tresidder. The dog then viciously turned its attention onto me and tore my right leg very badly in two places, requiring immediate medical attention to stem the bleeding and six or more stitches. I continue to require regular dressings of the wound and am on strong antibiotic therapy for the infection that has ensued. My GP, Dr [REDACTED] has registered an ACC claim on my behalf. I am presently immobilised and my wife, [REDACTED] is frightened to walk [REDACTED] alone in case she should run into Mr Tresidder and his dog again. He himself had suffered an incident of some kind with his dog, whilst exercising him on the lookout and made his way home bleeding profusely. The blood left in the street occasioned subsequent Police attention. I do not want to see his dog put down but it needs to be muzzled and kept under strict control. Please advise if I may assist further. Yours sincerely, [REDACTED]

From: [REDACTED] >
Sent: Monday, 24 May 2021 1:20 PM
To: [REDACTED]
Subject: Re Wadestown dog attack

Hi [REDACTED]
as discussed ,If you are able to provide me a statement that would be great.
Things it needs to cover are :
Time and date of incident.
Exactly where the incident it happened.
What you were doing just prior to the incident .
What happened.
Descriptions of dog and its owner if possible.
What you and the other owner did to break it up.
And how you know who the owner is

Email me back once you have completed this and we will keep it on file.

I hope your doctor's visit goes well.
Kind Regards

[REDACTED]
Team Leader Animal Services - WCC

Hutt City Council, 21 Meachen Street, Private Bag 31912, Lower Hutt 5040, New Zealand
T 04 570 6666, W www.huttcity.govt.nz



sign up to our newsletter

[REDACTED]

From: [REDACTED]
Sent: Monday, 24 May 2021 6:37 PM
To: [REDACTED]
Subject: FW: Dog bite Owner

Copy for you. [REDACTED] is a close neighbour. [REDACTED]

From: [REDACTED] >
Sent: Sunday, 23 May 2021 2:52 PM
To: [REDACTED] >
Subject: Dog bite Owner

[REDACTED]

[REDACTED] says the collie dog owner (+ parrot!) lives at 80 Barnard Street.

My search shows this property is currently owned by Bryan James TRESIDDER and Caroline Lisa KIDD.

Seems they purchased the property in April 2013.

Owners live downstairs and have rented out upstairs.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Monday, 24 May 2021 9:21 PM
To: [REDACTED]
Subject: Wadestown Dog Attack-addendum to statement sent earlier today.

The incident occurred last Thursday, 20 May, at about 9.45 am. Mr Tresidder did not assist me to get his dog off me and [REDACTED] He did not move off the lookout onto the street. Please advise if I may assist further. [REDACTED]

From: [REDACTED]
Sent: Friday, 28 May 2021 11:57 AM
To: [REDACTED]
Subject: RE: Re Wadestown dog attack-statement as sought

Thank you [REDACTED]. The wounds are slowly healing. On Wednesday I gave the nurse, [REDACTED], the relevant email correspondence and asked her to send you the clinical notes. She said she would. I gave her a written authority to do so. She photographed my leg to send to you. I saw another nurse at the [REDACTED] Medical Centre today. Her name is [REDACTED]. I have spoken to her just now and she said she will transmit the material to you. Kind regards. [REDACTED]

From: [REDACTED]
Sent: Friday, 28 May 2021 10:37 AM
To: [REDACTED]
Subject: RE: Re Wadestown dog attack-statement as sought

Hi [REDACTED]
I hope you are doing well. I was just wondering how you got on with the Medical Centre records and photo?

Regards [REDACTED]

From: [REDACTED]
Sent: Tuesday, 25 May 2021 1:44 PM
To: [REDACTED]
Subject: RE: Re Wadestown dog attack-statement as sought

Hi [REDACTED] thanks for you emails.

I have rung the Medical Centre and spoke to reception [REDACTED]. I asked from you notes regarding the incident on Thursday. They are unwilling to provide these records without your permission and also they said that they would prefer that you collect these and provide them yourself. If you are able to collect these yourself I'm happy to collect these from you and any photos of the injury you have.

Many thanks [REDACTED]

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, 24 May 2021 6:33 PM
To: [REDACTED]
Subject: RE: Re Wadestown dog attack-statement as sought

My wife and I were walking our Labrador, duly registered, on a leash on Barnard Street. There is a lookout at the corner of our street and Lennel Road. My wife and [REDACTED] our dog, were a little ahead of me. As they walked towards the lookout the large Collie dog, owned by Mr Bryan Tresidder and unleashed as always, suddenly rushed out onto the street and began to attack [REDACTED] in a vicious manner. My wife was trying to pull [REDACTED] away and was in danger of being pulled over. I ran up immediately to try to get the dog off [REDACTED]. The dog's name is Breaker. It is well known in our Street, as is its owner Mr Tresidder. The dog then viciously turned its attention onto me and tore my right leg very badly in two places, requiring immediate medical attention to stem the bleeding and six or more stitches. I continue to require regular dressings of the wound and am on strong antibiotic therapy for the infection that has ensued. My GP, Dr [REDACTED] has registered an ACC claim on my behalf. I am presently immobilised and my wife, [REDACTED] is frightened to walk [REDACTED] alone in case she should run into Mr Tresidder and his dog again. He himself had suffered an incident of some kind with his dog, whilst exercising him on the lookout and made his way home bleeding profusely. The blood left in the street occasioned subsequent Police attention. I do

Patient Medical History

M [REDACTED]

Date From: 20-May-2021. Date To: 20-May-2021.

To:

Mr [REDACTED]
[REDACTED] Barnard Street, Wadestown, Wellington
[REDACTED] (HM) [REDACTED] (WK)
Age [REDACTED] GMS: [REDACTED]

Daily Record

20-May-2021	Tcal from [REDACTED] Mall Pharmacy - concerned re [REDACTED] penicillin allergy advised pp CVD that he has had augmentin before with no problem	IMC
20-May-2021	Imm: BOOSTRIX - G	CV
20-May-2021	Dog bite to R calf this morning. Dog was not on a lead and attacked his dog - he tried to separate and was bitten. o/e large wound to R calf - proximal flap with ragged edges. Wound cleaned with saline and edges approximated. Sutured to hold edges together - steristrips on top. For review tomorrow. Steristrips likely to need replacing.	CV
20-May-2021	ePrescription-CV-27HGC8QBM1T8QJNM65 Presents after sustaining a dog bite whilst walking his own dog. Sustained several puncture marks and x1 large open flap to R) calf. Bleeding ++. S/by CVD for closure of the large flap. Xylocaine 1% batch F0126-1 Exp 11/2021 Sutures applied with steristrips in between for support and closure of the smaller skin flaps. Dry gauze and bandage applied over the top. Tubigrip over the top of that. strict instructions to rest with leg elevated and to come in tomorrow for wound check. Appt booked for the same EB	CV EB
	Rx: 90 - Cilazapril 5mg Tab - one tab daily	CV
	Rx: 90 - Betaloc Cr 47.5mg Controlled Release Tab (equiv. 50 mg metoprolol tartrate)	CV
	Rx: 21 - Augmentin Tab (500/125 mg) - one tab tds for one week	CV
	Dx: Dog bite (TE60.00) (Confirmed) - Right	EB
20-May-2021	ACC4 ACC45 - EO32820 - Sustained a dog bite when walking own dog to R) calf	CV
20-May-2021	Imm: Flu 65+ - DIC	CV



[REDACTED]

From: [REDACTED]
Sent: Tuesday, 25 May 2021 1:20 PM
To: [REDACTED]
Subject: FW: Complaint , breaker barnard st

From: Bryan Tresidder [REDACTED]
Sent: Tuesday, 25 May 2021 11:24 AM
To: [REDACTED]
Subject: Complaint , breaker barnard st

Hi [REDACTED]

The following is my recollection of the dog incident that happened on the 20th of may around 10am beside the small park at the corner of lennel rd and Barnard st. I was throwing sticks for my dog Breaker and saw [REDACTED] and [REDACTED] walking down Barnard towards us with [REDACTED] their dog . As [REDACTED] often gets aggressive when Breaker does the usual dog greeting I walked away into the park thinking Breaker would follow . Then I heard growling behind me ,turned around and saw [REDACTED] and Breaker fighting . I didnt see exactly what happened but it appeared that [REDACTED] was trying to break them up . I called Breaker and he came back . Then [REDACTED] said he was bleeding and telling [REDACTED] who was laughing ,that it was not funny but serious and showed that he had a reasonable amount of blood on his handkerchief. I offered to help but he yelled " just keep that dog away from me " . I don't know how he ([REDACTED]) got the injury . I would assume that [REDACTED] was the aggressor although admittedly Breaker wouldn't have " got in his face" had he been on a lead .At no time did either dog pay any attention to [REDACTED] and I think the injury was purely accidental perhaps caused by a stray claw . The actual fracas lasted around 5 seconds and ended with [REDACTED] bleeding and [REDACTED] ([REDACTED] and [REDACTED]'s dog) with a mouthful of Breakers fur . If you would like independent comment on Breakers overall Behaviour you could contact james@kuricompanion.co.nz .He walked Breaker on a professional basis for over a year and I'm sure would remember him as Breaker, Rough Collie, Barnard st .

Yours sincerely
Bryan Tresidder

24/06/2021

National Dog Database - View Owner Details



User: [REDACTED]
TA: Wellington City

[Search](#) [Standard Lists](#) [Messages](#) [Documents](#) [TA Contact Details](#) [Help](#) [Log Out](#)

View Owner Details

First name:	Middle name(s):	Surname:	TA Owner I
<input type="text" value="Bryan James"/>	<input type="text"/>	<input type="text" value="Tressider"/>	<input type="text" value="383893"/>
Address one:	Address two:	E-mail:	Date of birth:
<input type="text" value="Wadestown Wellington"/>	<input type="text"/>	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>
Home phone #:	Work phone #:	Mobile phone #:	
<input type="text" value="[REDACTED]"/>	<input type="text"/>	<input type="text" value="[REDACTED]"/>	
Classification:	Classification Section:	Classification expiry:	Safety alert:
<input type="text"/>	<input type="text"/>	<input type="text" value="(DD/MM/YYYY)"/>	<input type="text" value="No"/>
TA:	National infringement count:	Protected status:	
<input type="text" value="Wellington City"/>	<input type="text" value="0"/>	<input type="text" value="No"/>	

[New Search](#) [Search Results](#)

[All Dogs Owned](#) [Infringements](#) [Duplicate Owners in other TAs](#)

All Dogs Owned		
TA Dog Id=383609 : Reg=2020/2021-14352 : Breed=Collie_Rough : Colour=Grey/White : Name=Breaker : Male : Born=2014		
Infringements		
No infringements.		
Duplicate Owners in other TAs	Status	Compare
No duplicate owners.		
<input type="text" value="Search for other duplicate Owners"/>		



24/06/2021

National Dog Database - View Dog Details



User: [REDACTED]
TA: Wellington City

[Search](#) [Standard Lists](#) [Messages](#) [Documents](#) [TA Contact Details](#) [Help](#) [Log Out](#)

View Dog Details

Name: <input type="text" value="Breaker"/>	TA Dog Id: <input type="text" value="383609"/>	Born: <input type="text" value="2/2014"/> (MM/YYYY)	Kept at address: <input type="text" value="[REDACTED]"/>
Predominant breed: <input type="text" value="Collie, Rough"/>	Predominant colour: <input type="text" value="Grey"/>	Gender: <input type="text" value="Male"/>	De-sexed: <input type="text" value="No"/>
Secondary breed: <input type="text" value=""/>	Secondary colour: <input type="text" value="White"/>	Classification: <input type="text" value=""/>	Classification Sect: <input type="text" value=""/>
Distinguishing marks: <input type="text" value=""/>	Standard microchip #: <input type="text" value="900108000982630"/>	Status: <input type="text" value="Currently in District"/>	Dog alert: <input type="text" value="No"/>
Permanent identifier: <input type="text" value=""/>	Other microchip #: <input type="text" value=""/>	Deactivated reason: <input type="text" value=""/>	Destruction Order: <input type="text" value=""/> (DD/MM/YYYY)
TA: <input type="text" value="Wellington City"/>	Registration #: <input type="text" value="14352"/>	Year of Registration: <input type="text" value="2020/2021"/>	

[Back](#)

[Current Owners](#) [Previous Registrations](#) [Duplicate Dogs in other TAs](#)

Current Owners

[TA Owner Id=383893 : Owner=Tresidder, Bryan James : D.O.B=04/04/1960 : Address=Wadestown Wellington : Created=24/04/2017](#)

Previous Registrations

Wellington City : TA Dog Id=383609 : Reg=2016/2017-13531 : TA Owner Id=383893 : Owner=Tresidder, Bryan James : DOB=04/04/1960 : Address=Wadestown Wellington : Created=24/04/2017

Wellington City : TA Dog Id=383609 : Reg=2017/2018-9926 : TA Owner Id=383893 : Owner=Tresidder, Bryan James : DOB=04/04/1960 : Address=Wadestown Wellington : Created=07/07/2017

Wellington City : TA Dog Id=383609 : Reg=2018/2019-8354 : TA Owner Id=383893 : Owner=Tresidder, Bryan James : DOB=04/04/1960 : Address=Wadestown Wellington : Created=26/05/2018

Wellington City : TA Dog Id=383609 : Reg=2019/2020-10727 : TA Owner Id=383893 : Owner=Tresidder, Bryan James : DOB=04/04/1960 : Address=Wadestown Wellington : Created=31/07/2019

Duplicate Dogs in other TAs

[TA=Horewhenua District : TA Dog Id=27823 : Reg=2015/2016-2951 : Breed=Collie, Rough : Colour=Blue : Name=BREAKER : Male : Born=2014 : Created=14/08/2014 : Owner Id=362173 : Name=Mullan, Raewyn](#)

Status	Compare
Confirmed Same	Compare



ATTACK RATING REPORT		
CCM No	165433	
NAME:	Breaker	
	5 to 35	13
<i>(This section relates to the physical seriousness of the attack).</i>		
Level 5	Rushing person.	
Level 7	Attack person - no visible injury.	
Level 8	Animal injured	
Level 10	Stock Worried	
Level 12	Animal killed - Non Dog	
Level 13	Attack person Causing Injury	
Level 17	Dog Killed	
Level 21	Serious but not hospitalised	
Level 22+	Admitted to Hospital and/or suffers long term effects	
Level 35	Death of a person.	
PUBLIC INTEREST	0 to 3	2
<i>Public expectation of how the incident should be managed based on seriousness of incident</i>		
LEGISLATIVE INTENT		2
<i>(Legislative intent has been factored into the report and remains constant @ 2 points).</i>		
CLASSIFIED (unleashed or unmuzzled)	0 or 3	0
Classified menacing by Breed (Classifications by deed are captured by other aspects of the assessment.)		
VICTIM IMPACT	0 to 5	3
<i>(This section does not relate to the level of retaliation sought by the victim, rather the effects on the victim as a result of the attack.</i>		
Level 0	The victim is not concerned about the outcome.	
Level 5	The victim is likely to continuously suffer as a result of the attack	
DOG SURRENDERED/DESTROYED	0 to 1	1
<i>The fact the dog has been surrendered for destruction has some influence on decision however would be inevitable outcome if prosecution pursued.</i>		
Level 0	The dog has been surrendered for destruction or destroyed.	
Level 1	The dog has not been surrendered for destruction.	
OBSERVED AGGRESSION	0 to 2	0
<i>(Based on the Officers observation only. It should be noted that a dog may act aggressively under certain stimuli and show absolutely no signs of aggression in the absence of that stimuli).</i>		
Level 0	No signs of aggression	
Level 2	Very aggressive	
NEGLIGENCE	0 to 6	3
<i>(Evaluate the degree of negligence).</i>		
Level 0	Not the result of negligence of the owner.	
Level 2	A lack of understanding of the true nature of dogs	
Level 4	The incident is the direct result of carelessness.	
Level 6	The incident is a result of connivance	
CO-OPERATION	0 to 2	0
Level 0	Co-operative and forthcoming with information	
Level 2	Unco-operative to the point that Police assistance was required	

PREVIOUS HISTORY		0 to 5	0
Level 0	No history		
Level 1	History without aggression		
Level 3	History with aggression (Over one year old)		
Level 4	History with aggression (under one year old)		
Level 5	Classified as dangerous.		
DOG REGISTERED AT THE TIME OF THE INCIDENT		0 to 2	0
Level 0	The dog is currently registered		
Level 2	The dog is not currently registered		
RESTRAINT		0 to 4	1
Level 0	The dog was under adequate restraint ie caged or fenced in.		
Level 1	The dog was under inadequate restraint ie could have been accidentally approached or could have easily escaped		
Level 2	The dog was at large (unknown).		
Level 4	The dog was at large (known).		
KNOWN BY OWNER TO BE DANGEROUS		0 to 4	0
Level 0	Not known by the owner to have shown previous aggression.		
Level 4	Known by the owner to have previously attacked.		
RECURRENCE LIKELIHOOD		0 to 3	1
Level 0	The circumstances relating to this incident are such that a reoccurrence is highly unlikely		
Level 3	The circumstances relating to this incident are such that a reoccurrence is highly likely		
TRAINED TO BE AGGRESSIVE		0 to 2	0
Level 0	Not trained at all to be aggressive.		
Level 1	Encouraged to be a guard dog.		
Level 2	Professionally trained guard-dog.		
DAMAGES		0 to 1	1
Level 0	No damages or damages paid voluntarily.		
Level 1	Did not voluntarily offer to pay/Damages unpaid.		
BREED CHARACTERISTICS		0 to 4	0
<i>This section is evaluated mainly based on our experience. In the case of a mixed breed, evaluate the most predominant identified breed. Example – Pit Bull type dogs are renowned for their propensity to attack.</i>			
Level 0	Not known for its aggression.		
Level 1	Known as a guard dog breed.		
Level 4	Notorious for attacking.		
TOTAL			27
09 – 29 = WARNING NOTICE, MENACING CLASS & OR INFRINGEMENT			
30 – 36 = DANGEROUS DOG CLASSIFICATION & OR INFRINGEMENT			
Over 37 = PROSECUTION			
General Comments and Recommendation:			

03/12/20

Bryan Tresidder



SR# 383893

Dear Bryan

**Written warning for breach of bylaw requirement for dog to be on-lead
Wellington Consolidated Bylaw – Part 2,**

On 02/12/2020 at 16.25hrs you were sighted walking your dog Breaker off-lead on Oriental Bay. This area is designated as a controlled public place where dogs are allowed, as long as they are on a leash. It is an offence to allow your dog in this location with no leash.

As a result of the investigation there is enough evidence for the Animal Control Officer to have reasonable grounds for believing the offence did occur.

However Breaker's registration has not been renewed this year, \$262.75 is outstanding. Provided you reregister within 7 days the infringement will not be issued. If you fail to register, the infringement will stand.

Please be aware that if you allow your dog to be off its leash again in a controlled public place, it may lead to you being issued with an infringement notice and a \$300 fine being incurred.

Please contact me if you have any questions.

Yours sincerely

Wayne
ACO 13
Animal Control Officer
Animal Services

03/08/2021

To: Claire Barlow
**Regulatory Processes Committee: hearing for objection to menacing dog
classification for Breaker: 15 September 2021**
Wellington City Council

From: Alla Baider



Lower Hutt 5010

Dear Claire,

Please consider my submission in support of the character of Breaker, the rough collie, and his owner Bryan Tresidder in relation to his hearing process for objection to menacing dog classification.

I have known Breaker and Bryan for quite some time, as being the owner of two rough collies and also living in Lower Hutt, we often walk our dogs together in the designated area of Petone beach. Rough collies are a relatively rare breed in Wellington and we've often discussed their character and habits while our dogs played together.

I've had the chance to observe Breaker's behaviour around both my dogs and dogs belonging to others. Under no circumstances has Breaker ever been unfriendly around other dogs or shown the least sign of aggression towards people. Whenever he would approach other dogs, it was with curiosity and good will. He has really good rapport with Bryan, listens to commands and shows excellent recall manners, never leaving his owner's sights.

Having owned rough collies myself for 12 years I know first hand that their (Lassie) breed is exceptionally gentle and non-threatening to others. They are very intelligent and social dogs that always try to avoid confrontation and are only known to attack when provoked.

To anyone familiar with Breaker, it would be absolutely preposterous to hear that he has been qualified as a menacing dog, given everything about his behaviour and temperament suggests otherwise.

If you have any further questions I can be reached any time on my email address or mobile phone number [REDACTED]

Kind regards

Alla Baider

[REDACTED]

[REDACTED]

Foxton [REDACTED]

26/08/21

Attention:

Claire.Barlow@wcc.govt.nz

Complaint 169295

To Whom It May Concern,

I understand there has been a complaint made against the Rough Collie dog "Breaker" owned by Bryan Tressider.

I have had a lot of dealings with this dog over the years, from the time he was in my ownership for a year and since Bryan and his family have owned him.

I wish to state that you couldn't possibly wish for a dog with a friendlier or more stable temperament than Breaker has.

I would never have placed this dog with a family if he had ever shown the slightest trace of aggression.

He is totally non aggressive, and has been extensively socialised with other dogs his entire life.

I find it unbelievable that he could possibly be classed as a menacing dog on the word of one person.

I am happy to be contacted on [REDACTED] if required.

Raewyn Mullan

Claire Barlow

From: Raewyn Mullan [REDACTED]
Sent: Saturday, 28 August 2021 4:45 pm
To: Claire Barlow
Subject: RE: Complaint 169295

Hi Claire,

Thank you for acknowledging receipt of my letter.

I didn't include it as I didn't know if it was relevant, but I have been involved in breeding and showing Rough Collies for 40 years, and worked in a vet clinic for 21 yrs so have had a lot of experience with dogs.

Kind Regards,
Raewyn Mullan
www.braemistcollies.com

From: Claire Barlow <Claire.Barlow@wcc.govt.nz>
Sent: Saturday, 28 August 2021 2:57 PM
To: Raewyn Mullan [REDACTED]
Cc: Sean Johnson <Sean.Johnson@wcc.govt.nz>; Bryan Tresidder [REDACTED]
Subject: RE: Complaint 169295

Hi Raewyn,

Thank you for your email. I will be sure to include it with Mr Tressida's evidence for the hearing.

Kind regards
Claire

Claire Barlow (she/her)
Democracy Advisor | Wellington City Council
M 027 437 7448
E Claire.Barlow@wcc.govt.nz | W Wellington.govt.nz |  

The information contained in this email is privileged and confidential and intended for the addressee only.
If you are not the intended recipient, you are asked to respect that confidentiality and not disclose, copy or make use of its contents.
If received in error you are asked to destroy this email and contact the sender immediately. Your assistance is appreciated.



From: Raewyn Mullan [REDACTED]
Sent: Saturday, 28 August 2021 10:02 am
To: Claire Barlow <Claire.Barlow@wcc.govt.nz>
Subject: Complaint 169295

Hi Claire,

Attached please find a letter in relation to the Complaint 169295 before the Wellington City Council.

Regards,
Raewyn Mullan

Claire Barlow

From: terry handel [REDACTED]
Sent: Tuesday, 3 August 2021 1:45 pm
To: Judith Austin
Cc: [REDACTED]
Subject: Ref: 169295

Hi Judith

I would just like to send a quick note to express my dismay at hearing about our local favorite doggo - Breaker - being found to be a menacing dog. Our dog has grown up around Breaker, and there isn't a viscous bone in Breakers body.

I would like to petition the council to review this finding, and if required - please contact me for a "character" witness. It's really sad this event happened - and I am sure that you reviewed both sides of the story - but I am still shocked to find out that the regal, calm, beautiful Breaker has been sentenced to a life of muzzles.

It is not fair, and I am appealing to your compassion and fairness to rethink / review your findings.

Thanks in advance.

Terry Handel (and Joey - Breakers little friend)

[REDACTED]

Memorandum

Date: 30 August 2021
To: Helen Jones
From: Jude Austin
Cc: Claire Barlow

File ref: SR#383893

Subject: **Objection to Dog Classification – Section 33a Dog Control Act 1996**

Executive Summary

On 24 May 2021, Mr Gary Evans contacted Animal Services advising that he and his dog had been attacked by an off-lead dog ("Breaker") and he had been bitten (Appendix 1). In an attempt to separate the two dogs, Mr Evans sustained several puncture marks and a large open flap to his calf, that required approximately six stitches. The incident occurred on Barnard Street, a public street in Wadestown.

On 24 May 2021, Animal Control Officer (ACO) Wayne Batty commenced his investigation (Appendix 2).

On 25 May 2021, ACO Batty received a statement from Mr Bryan Tresidder, the owner of "Breaker", confirming the incident between the two dogs. He advised that "Breaker" was off lead and he didn't see exactly what happened, as he was walking away from the park. When he turned around, he saw Mr Evans attempting to separate the dogs. (Appendix 3).

On 30 June 2021, Team Leader ACO, Damien Nunns issued Mr Tresidder with a 'Notice of Infringement, Breach of Section 57 and Menacing Dog Classification' (Appendix 4) under the Dog Control Act 1996 (The Act).

On the 7 July 2021, Mr Tresidder notified Wellington City Council (WCC) that he objected to the classification of "Breaker" as a menacing dog under The Act and that he was exercising his rights to be heard in support of the objection (Appendix 5). As a result of this request under Section 33B a hearing has been set with the Regulatory Processes Committee on 15 September 2021 at 1:30pm.

The offending dog owner has a previous history of failing to have a dog on-lead on 2 December 2020 for which he received a written warning (Appendix 6).

20 May 2021 Incident

On 24 May 2021, the Mr Evans contacted Animal Services via email (Appendix 1) at 6:33pm, to report that he had been attacked by a large collie dog. In his email Mr Evans has stated that:

Whilst out walking their Labrador (George) on leash on Barnard Street a large Collie dog (off-lead) owned by Mr Bryan Tresidder suddenly rushed out onto the street and began to attack George in a vicious manner. I immediately tried to get the dog off George when the dog turned its attention onto me and tore his right leg "very badly in

two places, requiring immediate medical attention to stem the bleeding and six or more stitches.

Mr Evans stated that he was presently immobilised and his wife, Isobel, is frightened to walk "George" alone "in case she should run into Mr Tresidder and his dog again".

On 24 May 2021, Team Leader ACO Nunns followed up with the Mr Evans requesting further information. Mr Evans supplied the time and date of the incident and noted that "Mr Tresidder did not assist me to get his dog off me and "George". He did not move off the lookout onto the street" (Appendix 7).

On 25 May 2021, Team Leader ACO Nunns contacted Mr Evans, seeking his medical records relating to the injury received by "Breaker" (Appendix 8).

On 25 May 2021, ACO Batty received an email from Mr Tresidder outlining his recollection of the event. In this email he advises that he was "throwing ticks for his dog, "Breaker" and had seen Gary and Isobel Evans walking down Barnard Street towards him with "George", their dog. He states that "George" often gets aggressive when "Breaker" does the usual dog greeting". "I walked away into the park thinking "breaker" would follow". Mr Tresidder goes on to advise "Then I heard a growl behind me, turned around and saw "George" and "Breaker" fighting. "I didn't see exactly what happened, but it appeared Gary was trying to break them up". He notes that he saw Mr Evans was injured but believed that the "injury was purely accidental perhaps caused by a stray claw". (Appendix 2).

On 28 May 2021, Mr Evans provided his injury and treatment report from Wadestown Medical Centre. This was accompanied by a photo of Mr Evan's injured leg. (Appendix 9). The medical report states;

- "Dog bite to right calf",
- "Sustained several puncture marks and x1 large open flap"
- "Large wound to R Calf – proximal flap with ragged edges".

On 30 June 2021 Team Leader ACO Nunns, on completion of his investigation issued to Mr Tresidder (Appendix 4);

- Infringement Notice 3676 for failure to comply with any bylaw (requirement for dog to be on-lead) authorised by Section 20 – Dog Control bylaws under the Dog Control Act 1996 (The Act)
- Notice of Breach of Section 57 - Dog attacking persons or animals for committing an offence on 24 May 2021, of the Act
- Notice of Classification as a Menacing Dog under Section 33A of the Act.

On 7 July 2021 Mr Tresidder advised Wellington City Council (WCC) that he objected to the menacing dog classification under s 33B and that the council's letter of 30 June is factually inaccurate. His second account of the attack varies from his first statement, in this statement he advises that he saw "Breaker" approach "George" and it was "George" that attacked "Breaker". He also confirms again, he didn't see what happened (Appendices 5 & 10)

History of Complaints received by WCC in relation to Mr Tressider and his dog Breaker

Type	Date	Complaint	Comments
------	------	-----------	----------

Roaming/uncontrolled	03/12/2020	Off-lead in Oriental Bay	Written warning for breach of by law. Dog not registered.
Roaming/Uncontrolled Dog Attack	20/05/2021	Off-lead, in Wadestown rushed at dog and moderate bite to dog owner. Medical attention required.	Infringement, Breach of Section 57 letter issued and Menacing dog under Section 33A
Roaming/Uncontrolled Agressive	11/07/2021	Nov/Dec Complainant rushed at by dog on Barnard St. Made biting motions towards his legs.	Complainant, unsubstantiated, insufficient evidence.
Total	3		

Analysis

Evidence

State of the incident by Mr Evans
Statement of incident by Mr Tresidder
Medical records
Photograph of injury
Animal Services Attack Rating Report Assessment Chart

Breaches of legislation – Dog Control Act 1996

Section 5 – Obligations of Dog Owners
Section 57 & 58 – Dog Attacks
Section 57 A – Dog Rushes
Section 63 – Owner Liable for Damage Done by Dogs

- The incident occurred in a public place, Mr Evans had “George” on-lead and under Mr Evans’ control.
- Mr Tresidder’s dog was off-lead and Mr Tresidder had, by his own statement, turned his back on his dog and walked away. This is a breach under Section 5 – Obligations of Dog Owners and Section 20 (5) failing to abide by WCC’s By Law requirement to keep dogs on-lead in public place.
- Mr Evans states that “Breaker” rushed and attacked “George”. During the course of Mr Evans separating the two dogs, Mr Evans states that he was bitten by “Breaker” on the leg. WCC council is satisfied that it was “Breaker”, the dog who has attacked Mr Evans and “George”. This is a breach under Sections 57, 57A and 58 of The Act.
- Mr Tresidder states that he didn’t see exactly what happened but when he turned around he could see Mr Evans trying to separate the dogs. Mr Tresidder argues that

"Breaker" "would not have bitten Mr Evans". WCC is satisfied that Mr Tresidder did not witness the attack.

- Medical records of Mr Evans's injury indicate puncture marks, and a large flap with jagged edges. The treatment report states Mr Evans suffered a dog bite. WCC is satisfied that Mr Evans suffered a dog bite and his injury was not the result of a "stray claw".

ACO Team Leader Damian Nunns completed his investigation satisfied that "Breaker"

- was off lead and not under control,
- rushed both Mr Evans and "George"
- attacked Mr Evans and "George"
- Bit Mr Evans causing a moderate injury

Attack Rating Report

On the 30 June 2021, ACO Team Leader assessed "Breaker" against the Attack Rating Report assessment chart (Appendix 11). The assessment chart applies risk levels based on the following criteria;

- The seriousness of the attack
- Public Interest,
- Legislative Intent
- Classified (unleashed or muzzled)
- Victim Impact
- Dog Surrendered or Destroyed
- Observed aggression
- Negligence
- Co-Operation
- Previous history
- Dog registered at the time of incident
- Restraint
- Known by owner to be dangerous
- Recurrence Likelihood
- Trained to be aggressive
- Damages
- Breed characteristics

The outcome of "Breaker's" rating is a risk level of 27 requiring ACO's to issue; warning notice, Menacing Classification and/or Infringement. This was undertaken on 30 June 2021.

WCC is satisfied that;

- Five offences had occurred under of the Dog Control Act 1996.
- The incident occurred on public property.
- The dog "Breaker" was off lead and uncontrolled.

- The dog "Breaker" rushed and attacked Mr Evans and his dog.
- Mr Evans suffered a significant bite to his calf.
- Based on evidence provided, the menacing dog classification was robust and justified.

Conclusion

Animal Services have an obligation under section 33A to classify a dog as menacing, to ensure that further aggressive and uncontrolled animal behaviour is prevented.

The dog "Breaker", when uncontrolled is a risk to the public.

Animal services are familiar with the dog of it being uncontrolled and aggressive as presented in this report.

Based on a sufficient set of facts, the Attack Rating Report assessment was an appropriate cause of action.

The defendant is obligated under the Act and the Bylaw to ensure that the dog is kept on lead and under control in any public place.

The defendant is obligated to ensure that he takes all reasonable steps to ensure that the dog does not injure, endanger, intimidate or otherwise cause distress to any person.

WCC must keep in mind the public interest test, given the number of times complaints have been received and infringements issued in relation to significantly similar offences. It is in the public interest where WCC believe there are grounds for believing that the offence is likely to be continued, or repeated, for example where there is a history of recurring conduct (Solicitor-General's Prosecution Guidelines).

Wellington City Council has a responsibility that members of the public are protected from aggressive animals that can cause serious harm.

Wellington City Council must be confident that no further harm will occur to members of the public and therefore require the menacing dog classification remain.

Judy Austin
Team Leader Public Health
Acting under Delegated Authority of the Dog Control Act 1996.
Judith.austin@wcc.govt.nz

Appendix 1

Damian Nunns

From: Gary Evans [REDACTED]
Sent: Monday, 24 May 2021 6:33 PM
To: Damian Nunns
Subject: RE: Re Wadestown dog attack-statement as sought

My wife and I were walking our Labrador, duly registered, on a leash on Barnard Street. There is a lookout at the corner of our street and Lennel Road. My wife and George, our dog, were a little ahead of me. As they walked towards the lookout the large Collie dog, owned by Mr Bryan Tresidder and unleashed as always, suddenly rushed out onto the street and began to attack George in a vicious manner. My wife was trying to pull George away and was in danger of being pulled over. I ran up immediately to try to get the dog off George. The dog's name is Breaker. It is well known in our Street, as is its owner Mr Tresidder. The dog then viciously turned its attention onto me and tore my right leg very badly in two places, requiring immediate medical attention to stem the bleeding and six or more stitches. I continue to require regular dressings of the wound and am on strong antibiotic therapy for the infection that has ensued. My GP, Dr Christine Van Dalen has registered an ACC claim on my behalf. I am presently immobilised and my wife, Isobel, is frightened to walk George alone in case she should run into Mr Tresidder and his dog again. He himself had suffered an incident of some kind with his dog, whilst exercising him on the lookout and made his way home bleeding profusely. The blood left in the street occasioned subsequent Police attention. I do not want to see his dog put down but it needs to be muzzled and kept under strict control. Please advise if I may assist further. Yours sincerely, Garry Evans.

From: Damian Nunns <Damian.Nunns@huttcity.govt.nz>
Sent: Monday, 24 May 2021 1:20 PM
To: [REDACTED]
Subject: Re Wadestown dog attack

Hi Gary
as discussed ,If you are able to provide me a statement that would be great.
Things it needs to cover are :
Time and date of incident.
Exactly where the incident it happened.
What you were doing just prior to the incident .
What happened.
Descriptions of dog and its owner if possible.
What you and the other owner did to break it up.
And how you know who the owner is

Email me back once you have completed this and we will keep it on file.

I hope your doctor's visit goes well.
Kind Regards

Damian Nunns
Team Leader Animal Services - WCC

Hutt City Council, 21 Meachen Street, Private Bag 31912, Lower Hutt 5040, New Zealand
T 04 570 6666, W www.huttcity.govt.nz



sign up to our newsletter

Appendix 2

ANIMAL SERVICES INCIDENT REPORT FOR ACTION

Incident	
WCC SR Number	169295
Date of Offence	Thursday 20 May 2021
Time of Offence	Aprox 1000hrs
Alleged Offence	Dog attacks dog and person section 57
Investigating Officer(s)	Damian Nunns
Complainant Name	[REDACTED]
Complainant Address	[REDACTED]
Complainant Contact Number	Phone [REDACTED]
Dog Owner Name	Bryan TRESIDDER SR#383893
Person in charge at the time of incident	Bryan TRESIDDER
Dog Owner Address	[REDACTED]
Dog Owner Contact Details	Phone [REDACTED]
Dog Name	Breaker
Dog Breed	male grey and white Rough Coat Collie.
Dog Registration Tag	WCC 2014352
Dog Seized:	No
Date Impounded:	NA
Seizure Notice Number:	NA

Appendix 2(2)

Officers Report

Introduction:

The victim in this matter is [REDACTED]

Bryan TRESIDDER is the registered owner of Breaker and was in charge of Breaker at the time. [REDACTED] and TRESIDDER are known to each other as they live in the same street.

Background:

TRESIDDER has come to Animal services previously. ACO sighted TRESIDDER for a breach of bylaw (dog being walked off lead in a public place). A written warning was issued 03 December 2020 by ACO Wayne Batty AS#13.

Circumstances:

On Thursday the 20th of May 2021 at approximately [REDACTED] and his Wife [REDACTED] were walking their dog George on lead on Barnard Street, when George was attacked by Breaker who was being exercised off lead by TRESIDDER on the corner of Barnard and Lennel road. During the attack [REDACTED] ran in to break the dogs up. As he did this Breaker has turned and attacked [REDACTED] biting him on the right calf.

[REDACTED] received a wound to the leg that required medical attention.

When asked, [REDACTED] was adamant that he was bitten by Breaker.

Scene:

The incident occurred on a public foot path. This area is a controlled public place where dogs are allowed but must be on lead.

Victim

I obtained an email statement from [REDACTED] as well as a doctor's report and a photo provided by Wadestown medical centre.

[REDACTED] has stated that he and wife [REDACTED] were walking their dog George on lead along Barnard Street approaching Lennel Road. Isobel and George were ahead of [REDACTED] walking toward the lookout. As they got closer to the lookout they saw Breaker off lead with TRESIDDER. Breaker suddenly rushed and attacked George. Concerned that his wife might be pulled over [REDACTED] has run in to separate the dogs. At this point Breaker has then turned and bitten [REDACTED] on the right leg.

EVANS has been treated at the Wadestown medical and receives 6 stitches to his leg.

Witness

[REDACTED] wife was the only witness.

Alleged Offender

Officer Wayne BATTY visited TRESIDDER in person at this address. TRESIDDER admitted that his dog was off lead and stated that the injury was only a scratch.

TRESIDDER has provided an emailed statement stating that he was throwing a stick for Breaker on the grass area near the intersection of Lennel Road and Barnard Street.

Appendix 2(3)

TRESSIDER saw [REDACTED] and George walking towards them and walked the other way thinking that Breaker would follow. While TRESSIDER had his back turned he heard growling, he turned and saw the two dogs fighting. TRESSIDER stated he saw [REDACTED] trying to separate the dogs. He did not see how [REDACTED] received his injury.

Exhibits/ Evidence (list and refer to exhibit schedule)

- A. Evans statement
- B. Photos of [REDACTED] leg
- C. Doctors report
- D. Tressider statement
- E. Attack Matrix Report

Investigating Officer Checklist	Yes / No	If yes how many?	If no, provide explanation
Victim Statement	YES	1	
Witness Statement	No		
Photographs of Injuries	YES	1	
Photographs of Scene	NO	0	
Alleged Offending Dog Identified	YES	1	NDD database records
Photograph of Dog	NO		
Dog Owners Statement	YES	1	
On Site File Notes	NO		
Dog / Owners History	Yes	1	Written warning letter
Previous Service Requests	NA		
File Prepared			
Entered onto Complaint Database	NO		
Vet Notes / Bills	N/A		
Medical Notes / Bills	Yes		Provided By Wadestown Medical centre
Copy of Seizure Notice	N/A		

As a result of this investigation, I find that:

- [REDACTED] received an injury while trying to break up the dogs fighting, possibly redirected aggression from the dog fight.
- Tressider failed to keep Breaker under control.
- Tressider was not walking Breaker on lead.
- [REDACTED] bite was moderate.

Appendix 2(4)

I recommend that Breaker be classified as a Menacing dog under section 33a of the DCA of the Dog Control Act 1996 and TRESSIDER receives an infringement under section 20 failure to comply with of a bylaw of the DCA 1996.

Investigating Officer		
Name: Damian Nunns	Signature: 	Date: 29/06/2021

Recommend referral for legal opinion ☐

[illegible]

Appendix 3

Damian Nunns

From: Wayne Batty
Sent: Tuesday, 25 May 2021 1:20 PM
To: Damian Nunns
Subject: FW: Complaint , breaker barnard st

From: Bryan Tresidder [REDACTED]
Sent: Tuesday, 25 May 2021 11:24 AM
To: Wayne Batty
Subject: Complaint , breaker barnard st

Hi Wayne .

The following is my recollection of the dog incident that happened on the 20th of may around 10am beside the small park at the corner of lennel rd and Barnard st. I was throwing sticks for my dog Breaker and saw Gary and Isabel walking down Barnard towards us with George their dog . As George often gets aggressive when Breaker does the usual dog greeting I walked away into the park thinking Breaker would follow . Then I heard growling behind me ,turned around and saw George and Breaker fighting . I didnt see exactly what happened but it appeared that Gary was trying to break them up . I called Breaker and he came back . Then Gary said he was bleeding and telling Isabel who was laughing ,that it was not funny but serious and showed that he had a reasonable amount of blood on his handkerchief. I offered to help but he yelled" just keep that dog away from me " . I don't know how he (gary)got the injury . I would assume that George was the aggressor although admittedly Breaker wouldn't have " got in his face" had he been on a lead .At no time did either dog pay any attention to Gary and I think the injury was purely accidental perhaps caused by a stray claw . The actual fracas lasted around 5 seconds and ended with Gary bleeding and George(Gary and Isabel's dog) with a mouthful of Breakers fur . If you would like independent comment on Breakers overall Behaviour you could contact [REDACTED] .He walked Breaker on a professional basis for over a year and I'm sure would remember him as Breaker, Rough Collie, Barnard st .

Yours sincerely
Bryan Tresidder

Appendix 4

Breach of Section 57 of the Dog control Act 1996.

**Absolutely Positively
Wellington City Council**
Me Heke Ki Pōneke

30 June 2021

Bryan Tresidder

SR#383893



Dear Bryan

Investigation of Complaint 169295

We have now completed an investigation into this incident. The complainant alleged that at about 1000hrs on Thursday the 20th May 2021 a Grey, Collie type dog caller Breaker attacked his dog and also bit them leg while walking on a public street in Wadestown.

Based on the information obtained it would appear that your dog Breaker a male Grey and white Rough Coat Collie was that dog.

Although this type of offence is always considered serious, it was agreed that this particular case did not warrant prosecution. In view of the circumstances we have enclosed an infringement notice for \$300 issued under section 20(5) of the Dog Control Act 1996 for failing to abide by the Wellington City Council.

Your dog Breaker will also be Classified as a Menacing dog under section 33(A) of the Dog control Act 1996 due to the reported behaviour and injuries inflicted on the victim.

Please read the following sections of the Dog Control Act, which relate to your obligations as a dog owner.

Section 57 & 58 Dog Attacks

The owner or any person in charge of a dog, which attacks, can be fined up to \$20,000 and imprisoned for 3 years. The Court is likely to make an order for the dog's destruction unless the circumstances of the attack are exceptional.

Section 63 Owner Liable for Damage Done by Dog

The owner of a dog is liable for any damage done by their dog.

Section 57 & 58 Dog Attacks

The owner or any person in charge of a dog, which attacks, can be fined up to \$20,000 and imprisoned for 3 years. The Court is likely to make an order for the dog's destruction unless the circumstances of the attack are exceptional.

Wellington City Council

PO Box 2199
Wellington 6140
New Zealand

Phone +64 4 499 4444
Fax +64 4 801 3138
Wellington.govt.nz

Appendix 4 (2)

Section 57(A) Dog Rushes

The owner or any person in charge of a dog which rushes at a person, animal or vehicle in a public place can be fined up to \$3,000. The Court may make an order for the dog's destruction.

Section 5 Obligations of Dog Owners

(1) The obligations imposed on dog owners by the Dog Control Act require every owner:

- to ensure that the dog is kept under control at all times;
- to take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person;
- to take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife;
- to take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person.

As you will see, the penalties which may be imposed under this Act are severe. Therefore, it is important that you understand the need to keep Breaker under proper control at all times.

Thank you for your cooperation and assistance with this investigation.

If you would like to discuss the matter further, please do not hesitate to contact me.

Yours sincerely



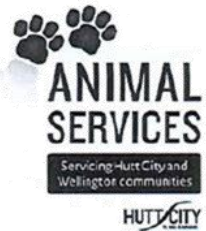
Damian Nunns
Team Leader
Animals Services
Wellington.
Damian.nunns@huttcity.govt.nz

FORM 4A

Appendix 4(3)

NOTICE OF CLASSIFICATION AS A MENACING DOG

Section 33A, Dog Control Act 1996



To Bryan Tresidder	
Address <div style="background-color: black; width: 100px; height: 40px;"></div>	
Name of dog Breaker	Animal ID/SR 383609
Registration number 2014352	Desexed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Microchip number 9 0 0 1 0 8 0 0 0 9 8 2 6 3 0
Colour Grey and White	Breed Rough Coated Collie

This is to notify you* that this dog has been classified as a menacing dog under section 33A(2) of the Dog Control Act 1996

This is because (under section 33A(1)(b)):

On Thursday the 20th May 2021 Breaker was unrestrained in a public place and acted aggressive manner attacking another dog and a member of the public causing a moderate injury that required medical treatment.

Wellington City Council considers the dog 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

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

Dog Control Officer Damian Nunns	Date 30 June 2021
-------------------------------------	----------------------

*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

Animal Services | 21 Meachen Street, Seaview, Lower Hutt 5010 | animals@huttcity.govt.nz
Hutt City Council | 30 Laings Road, Private Bag 31912, Lower Hutt 5040 | 04 570 6666 | huttcity.govt.nz
Wellington City Council | 101 Wakefield Street, PO Box 2109, Wellington 6140 | 04 388 8212 | wellington.govt.nz
RSA-FORM-027 HCC-WCC | August 2018

EFFECT OF CLASSIFICATION AS A MENACING DOG

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

Appendix 4(4)

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, if required by the Council, produce to the Council, within one month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying—
 - (i) That the dog is or has been neutered; or
 - (ii) That for reasons that are 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 Council, produce to the Council, within one 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 \$3000 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).

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 Council in accordance with reasonable instructions of the 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 be committing an offence and be liable on conviction to a fine not exceeding \$3000 if you fail to comply with this requirement—

- within 2 months from 1 July 2006 if your dog is classified as menacing on 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 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 33A

Section 33B, Dog Control Act 1996

You may object to the classification of your dog as menacing by lodging with the Council a written objection within 14 days of the 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.

INFRINGEMENT NOTICE

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

Appendix 4(5)

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Number	3676	Notice
Territorial Authority WELLINGTON CITY COUNCIL		

DETAILS OF DOG OWNER	
Mr / Mrs / Ms / Miss / Dr (circle which applies)	
First name(s)	Bryan
Last name	Tresidder
Street address	[REDACTED]
	Wellington
Date of birth	[REDACTED]

ALLEGED INFRINGEMENT OFFENCE DETAILS			
Date:	20/05/2021	Time:	10.00 hrs
		Day of week:	S M T W T F S
Road/Street:	Barnard Street	Locality:	Wadestown
✓	OFFENCE COMMITTED INDICATED BY BOX TICKED	Fee	Dog Control Act 1996 Section
<input type="checkbox"/>	Failure to register dog <i>This does not include the dog registration fee. You will need to register your dog separately without delay.</i>	\$300	42
<input type="checkbox"/>	Failure to keep dog under control	\$200	53(1)
<input type="checkbox"/>	Failure to implant microchip transponder in dog	\$300	36A(6)
<input checked="" type="checkbox"/>	Failure to comply with any bylaw authorised by section 20	\$300	20(5)
<input type="checkbox"/>	Failure to comply with effects of classification of dog as menacing dog	\$300	33EC(1)
<input type="checkbox"/>	Failure or refusal to supply information or wilfully providing false particulars	\$750	19(2)
<input type="checkbox"/>	Failure to supply information or wilfully providing false particulars about dog	\$750	19A(2)
<input type="checkbox"/>	Failure to keep dog controlled or confined	\$200	52A
<input type="checkbox"/>	Other offence		
Additional details of offence (if any): Owner was sighted walking dog off lead in a public place in contravention of Wellington City Council Bylaws part 2.			Infringement Fee Payable \$ 300.00
Reg no. or description of dog Male, Grey and white, Rough coat Collie.			

PAYMENT OF INFRINGEMENT FEE <i>Do not detach - please present both copies of this notice when making payment</i>	
The infringement fee is payable within 28 days after: (Earliest date notice delivered personally, or posted)	1/07/2021
Officer number: AS10	
The infringement fee may be paid at the address shown below. Cheques or money orders should be "not transferable". Wellington City Council, 101 Wakefield Street, PO Box 2199, Wellington	

IMPORTANT - PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF

Appendix 4(6)

IMPORTANT INFORMATION FOR DEFENDANT

Information about Infringement Offences under the Dog Control Act 1996

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

NOTE: Infringement offence notices under the Dog Control Act 1996 may be issued in respect of -

1. Wilful obstruction of a dog control officer or ranger (s18)
2. Failure or refusal to supply information or wilfully providing false particulars (s19(2))
3. Failure to supply information or wilfully providing false particulars about dog (s19A(2))
4. Failure to comply with a bylaw authorised by section 20 (s20(5))
5. Failure to undertake dog owner education programme or dog obedience (s23A(2))
6. Failure to comply with obligations of probationary owner (s24)
7. Failure to comply with effects of disqualification (s28(5))
8. Failure to comply with effects of classification of dog as dangerous dog (s32(2))
9. Fraudulent sale or transfer of dangerous dog (s32(4))
10. Failure to comply with effects of classification of dog as menacing (s33EC(1))
11. Failure to advise person of muzzling and leashing requirements (s33F(3))
12. Failure to implant microchip transponder in dog (s36A(6))
13. False statement relating to registration (s41)
14. Falsely notifying death of dog (s41A(4))
15. Failure to register dog (s42)
16. Fraudulent attempt to procure replacement tag (s46(4))
17. Failure to advise change of ownership (s48(3))
18. Failure to advise change of address (s49(4))
19. Removal or swapping of registration tags (s51(1))
20. Failure to keep dog controlled or confined (s52A)
21. Failure to keep dog under control (s53(1))
22. Failure to provide proper care and attention, food, water, shelter (s54(2))
23. Failure to carry leash in public (s54A)
24. Failure to comply with barking dog abatement notice (s55(7))
25. Allowing a dangerous dog to be at large unmuzzled (s62(4))
26. Failure to advise person of muzzle and leashing requirements (s62(5))
27. Releasing dog from custody (s72(2))

The type of infringement offence which it is alleged you have committed appears on the front of this form.

1. This notice sets out an alleged infringement offence. In terms of section 2 of the Dog Control Act 1996, you are liable as the owner of a dog if -
 - You own the dog; or
 - You have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
 - You are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

PAYMENTS

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

DEFENCES

3. You have a complete defence against proceedings if the infringement fee has been paid to the Wellington City Council at any of the places for payment shown on the front page of this notice before or within 28 days after you have been served with a reminder notice. **NOTE** that late payment or payment at any other place will not be a defence.

FURTHER ACTION

4. If you wish to -
 - (a) Raise any matter relating to the alleged offence for consideration by the Wellington City Council; OR
 - (b) Deny liability for the offence and request a Court hearing (refer to paragraphs 5 and 9 below); OR
 - (c) Admit liability for the offence, but wish to have a Court consider written submissions as to penalty or otherwise (refer to Paragraphs 6 and 9 below), - you should write to the Wellington City Council at the address shown on the front page of this notice. Any such letter should be personally signed.
5. You have a right to a Court hearing. If you deny liability for the offence and request a hearing, the Wellington City Council will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the Court (unless it decides not to start Court proceedings). **NOTE** that if the Court finds you guilty of the offence, costs will be imposed in addition to any penalty.

6. If you admit the offence but want the Court to consider your submissions as to penalty or otherwise, you should in your letter -
 - (a) Ask for a hearing; AND
 - (b) Admit the offence; AND
 - (c) Set out the written submissions you wish to be considered by the Court.

The Wellington City Council will then file your letter with the Court (unless it decides not to commence Court proceedings). There is no provision for an oral hearing before the Court if you follow this course of action. **NOTE** that costs will be imposed in addition to any penalty.

NON-PAYMENT OF FEE

7. If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice you will be served with a reminder notice (unless the Wellington City Council decides otherwise).
8. If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice, the Wellington City Council may file the reminder notice or provide the particulars of the reminder notice for filing in the Court, and you will become liable to pay **COSTS IN ADDITION TO THE INFRINGEMENT FEE**, under section 21(5) of the Summary Proceedings Act 1957.

QUERIES/CORRESPONDENCE

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

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

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

- a probationary owner; or
- a disqualified owner.

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

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

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

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

CONSEQUENCES OF CLASSIFICATION AS A PROBATIONARY OWNER OR DISQUALIFIED OWNER

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

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

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

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

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

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

Note

Full details of your rights and obligations are in section 66 of the Dog Control Act 1996 and section 21(10) of the Summary Proceedings Act 1957.

All queries and all correspondence regarding this infringement notice must be directed to territorial authority at the address shown.

Appendix 5

Judith Austin

From: Damian Nunns <Damian.Nunns@huttcity.govt.nz>
Sent: Thursday, 8 July 2021 3:06 pm
To: Judith Austin
Cc: Helen Jones
Subject: FW: [EXTERNAL] Complaint 169295
Attachments: 202107012227.pdf; 202107082015.pdf

From: Bryan Tresidder [REDACTED]
Sent: Wednesday, 7 July 2021 8:26 PM
To: Damian Nunns
Cc: Wayne Batty; Bryan Tresidder
Subject: [EXTERNAL] Complaint 169295

Dear Mr Nunns

Thank you for your letter dated 30 June 2021 (which I received by post on Monday, 5 June 2021) in relation to an allegation that, on 20 May 2021, my dog Breaker:

- # attacked the complainant's dog, and
- # bit the complainant on the leg.

Your letter and attached notice under s 33A of the Dog Control Act 1996 stated that, as a result of the allegation, the Wellington city council has classified Breaker as a menacing dog under section 33A(2) of the Act.

This email is written notice to the Wellington city council that, under s 33B(1) of the Dog Control Act, I, Bryan James Tresidder, :

- object to the classification of Breaker as a menacing dog under the Act; and
- exercise my right to be heard in support of the objection.

My objection relates to the evidence which formed the basis of the classification - which I assume is the complainant's report of Breaker's behaviour on 20 May 2021 (together with my written statement of 25 May 2021 sent by email to the council in response to the council's request (see below)).

The council has not provided me with a copy of the complaint (169295) and I request a copy of the complaint by return email so that I can consider the evidence that the council had regard to in making the menacing dog classification.

I believe that both statements in the council's letter of 30 June are factually inaccurate.

Breaker did not attack the complainant's dog George.

- Breaker ran over to greet George.

Appendix 5 (3)

aggressor although admittedly Breaker wouldn't have "got in his face" had he been on a lead .At no time did either dog pay any attention to Gary and I think the injury was purely accidental perhaps caused by a stray claw . The actual fracas lasted around 5 seconds and ended with Gary bleeding and George(Gary and Isabel's dog) with a mouthful of Breakers fur . If you would like independent comment on Breakers overall Behaviour you could contact _____ .He walked Breaker on a professional basis for over a year and I'm sure would remember him as Breaker, Rough Collie, Barnard st .
Yours sincerely
Bryan Tresidder

Appendix 5 (2)

- It was George who first lunged at Breaker as he has done several times in the past (the complainant may not be aware of this as it is his wife who normally seems to walk George).
-Breaker then reared back and swivelled to avoid George's attack.

Breaker would not have bitten the complainant's leg.

-The complainant was standing directly behind Breaker as Breaker swivelled away from George
-I didn't see exactly what happened but I assume that Breaker's claws on 1 of his front legs accidentally scratched the complainant's bare leg as Breaker dropped from the swivel backwards (Breaker accidentally deeply scratched my ankle during a play fight in January)
-The complainant did not immediately realise he had been injured. If Breaker had bitten him he would have known immediately.

In terms of evidence of the alleged bite it would be helpful if the complainant could provide a photograph of the wound showing teeth puncture marks. If a photo of the wound shows a scratch or scratches, then it is likely that Breaker accidentally scratched him and did not bite him.

Another relevant matter is that Breaker is a lovely, gentle, and well socialised dog.

He was bred and raised by Raewyn Mullan of Braemist Collies in Foxton and became part of our family 6 years ago.

James Nepia of Kuri Companion who walked Breaker several times a week for at least a year always spoke highly of Breaker's interactions with people and other dogs.

Breaker currently lives harmoniously with our other pets - a cat, 2 free-range parrots and a free-range dove. We have never had any problem with Breaker manacing any of them.

I look forward to:

-receiving a copy of the written complaint, and
-your advice of the time and place of the objection hearing.

Yours sincerely

Bryan Tresidder

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

From: **Bryan Tresidder**
Date: Tue, 25 May 2021, 11:23 am
Subject: Complaint , breaker barnard st
To: <wayne.batty@huttcity.govt.nz>

Hi Wayne .

The following is my recollection of the dog incident that happened on the 20th of may around 10am beside the small park at the corner of Iennel rd and Barnard st. I was throwing sticks for my dog Breaker and saw Gary and Isabel walking down Barnard towards us with George their dog . As George often gets aggressive when Breaker does the usual dog greeting I walked away into the park thinking Breaker would follow . Then I heard growling behind me ,turned around and saw George and Breaker fighting . I didnt see exactly what happened but it appeared that Gary was trying to break them up . I called Breaker and he came back . Then Gary said he was bleeding and telling Isabel who was laughing ,that it was not funny but serious and showed that he had a reasonable amount of blood on his handkerchief. I offered to help but he yelled" just keep that dog away from me " . I don't know how he (gary)got the injury . I would assume that George was the

Appendix 6

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

30 June 2021

Bryan Tresidder

SR# 383893

Dear Bryan

**Breach of bylaw requirement for dog to be on-lead
Wellington Consolidated Bylaw – Part 2,**

On Thursday 20th May 2021 at 1000hrs you were sighted walking your dog Breaker off lead on the corner of Barnard street and Lennel road . This area is designated as a controlled public place where dogs are allowed, as long as they are on a leash. It is an offence to allow your dog in this location with no leash.


On the 2nd December 2020 you were sighted walking you dog off lead on Oriental Bay Parade and issued with a written warning for the same offence.

As a result of the investigation there is enough evidence for the Animal Control Officer to have reasonable grounds for believing the offence's for did occur. The Council has considered the circumstances and it has decided to issue an infringement notice for this offence.

Please be aware that if you allow your dog to be off its leash again in a controlled public place, it may lead to you being issued with an infringement notice and a \$300 fine being incurred.

Please contact me if you have any questions.

Yours sincerely



Damian Nunns
Animal Services
Wellington Team
Phone 4994444
Damian.nunns@huttcity.govt.nz

Wellington City Council

PO Box 2199
Wellington 6140
New Zealand

Phone +64 4 499 4444
Fax +64 4 801 3138
Wellington.govt.nz

Appendix 7

Damian Nunns

From: Gary Evans [REDACTED]
Sent: Monday, 24 May 2021 9:21 PM
To: Damian Nunns
Subject: Wadestown Dog Attack-addendum to statement sent earlier today.

The incident occurred last Thursday, 20 May, at about 9.45 am. Mr Tresidder did not assist me to get his dog off me and George. He did not move off the lookout onto the street. Please advise if I may assist further. Garry Evans.

Appendix 8

Damian Nunns

From: Gary Evans [REDACTED]
Sent: Friday, 28 May 2021 11:57 AM
To: Damian Nunns
Subject: RE: Re Wadestown dog attack-statement as sought

Thank you Damian. The wounds are slowly healing. On Wednesday I gave the nurse, Lizzie, the relevant email correspondence and asked her to send you the clinical notes. She said she would. I gave her a written authority to do so. She photographed my leg to send to you. I saw another nurse at the Wadestown Medical Centre today. Her name is Issie. I have spoken to her just now and she said she will transmit the material to you. Kind regards. Garry Evans.

From: Damian Nunns <Damian.Nunns@huttcity.govt.nz>
Sent: Friday, 28 May 2021 10:37 AM
To: Gary Evans [REDACTED]
Subject: RE: Re Wadestown dog attack-statement as sought

Hi Garry
I hope you are doing well. I was just wondering how you got on with the Medical Centre records and photo?

Regards Damian

From: Damian Nunns
Sent: Tuesday, 25 May 2021 1:44 PM
To: Gary Evans
Subject: RE: Re Wadestown dog attack-statement as sought

Hi Garry thanks for you emails.

I have rung the Medical Centre and spoke to reception (Nicki).
I asked from you notes regarding the incident on Thursday. They are unwilling to provide these records without your permission and also they said that they would prefer that you collect these and provide them yourself. If you are able to collect these yourself I'm happy to collect these from you and any photos of the injury you have.

Many thanks Damian

From: Gary Evans [REDACTED]
Sent: Monday, 24 May 2021 6:33 PM
To: Damian Nunns
Subject: RE: Re Wadestown dog attack-statement as sought

My wife and I were walking our Labrador, duly registered, on a leash on Barnard Street. There is a lookout at the corner of our street and Lennel Road. My wife and George, our dog, were a little ahead of me. As they walked towards the lookout the large Collie dog, owned by Mr Bryan Tresidder and unleashed as always, suddenly rushed out onto the street and began to attack George in a vicious manner. My wife was trying to pull George away and was in danger of being pulled over. I ran up immediately to try to get the dog off George. The dog's name is Breaker. It is well known in our Street, as is its owner Mr Tresidder. The dog then viciously turned its attention onto me and tore my right leg very badly in two places, requiring immediate medical attention to stem the bleeding and six or more stitches. I continue to require regular dressings of the wound and am on strong antibiotic therapy for the infection that has ensued. My GP, Dr Christine Van Dalen has registered an ACC claim on my behalf. I am presently immobilised and my wife, Isobel, is frightened to walk George alone in case she should run into Mr Tresidder and his dog again. He himself had suffered an incident of some kind with his dog, whilst exercising him on the lookout and made his way home bleeding profusely. The blood left in the street occasioned subsequent Police attention. I do

Patient Medical History

Mr Garry Evans DOB [REDACTED]

Date From: 20-May-2021, Date To: 20-May-2021.

To:

Appendix 9

Mr Garry Evans
[REDACTED]

Daily Record

20-May-2021	Tcal from Karori Mall Pharmacy - concerned re Garrys penicillin allergy advised pp CVD that he has had augmentin before with no problem	IMC
20-May-2021	Imm: BOOSTRIX - G	CV
20-May-2021	Dog bite to R calf this morning. Dog was not on a lead and attacked his dog - he tried to separate and was bitten. o/e large wound to R calf - proximal flap with ragged edges. Wound cleaned with saline and edges approximated. Sutured to hold edges together - steristrips on top. For review tomorrow. Steristrips likely to need replacing.	CV CV
20-May-2021	ePrescription-CV-27HGC8QBM1T8QJNM65 Presents after sustaining a dog bite whilst walking his own dog. Sustained several puncture marks and x1 large open flap to R) calf. Bleeding ++. S/by CVD for closure of the large flap. Xylocaine 1% batch F0126-1 Exp 11/2021 Sutures applied with steristrips in between for support and closure of the smaller skin flaps. Dry gauze and bandage applied over the top. Tubigrip over the top of that. strict instructions to rest with leg elevated and to come in tomorrow for wound check. Appt booked for the same EB	CV EB
	Rx: 90 - Cilazapril 5mg Tab - one tab daily	CV
	Rx: 90 - Betaloc Cr 47.5mg Controlled Release Tab (equiv. 50 mg metoprolol tartrate)	CV
	Rx: 21 - Augmentin Tab (500/125 mg) - one tab tds for one week	CV
	Dx: Dog bite (TE60.C0) (Confirmed) - Right	EB
20-May-2021	ACC4 ACC45 - EO32820 - Sustained a dog bite when walking own dog to R) calf	CV
20-May-2021	Imm: Flu 65+ - DIC	CV

Appendix 9 (2)



The information contained in this email is privileged and confidential and intended for the addressee only.
If you are not the intended recipient, you are asked to respect that confidentiality and not disclose, copy or make use of its contents.
If received in error you are asked to destroy this email and contact the sender immediately. Your assistance is appreciated.

**Absolutely Positively
Wellington City Council**
Me Heke Ki Pōneke

Appendix 10

From: Bryan Tresidder [REDACTED]
Sent: Friday, 30 July 2021 9:38 am
To: Judith Austin <Judith.Austin@wcc.govt.nz>
Subject: Re: Request for Report

Hi Judith

Thank you so much for providing the report. As you may know we wish to dispute the the finding that Breaker attacked the complainant's dog and the complainant. In terms of the complaint's injury, we believe it is the result of Breaker or the complainant's dog scratching the complaint by mistake not biting/attacking him on purpose. We are happy to pay for the complainant's medical bills in relation to this.

We would be grateful if you could let us know the date, time, location and nature of the hearing in due course.

Kind regards

Bryan Tresidder

On Thu, 29 Jul 2021, 3:04 pm Judith Austin, <Judith.Austin@wcc.govt.nz> wrote:

Hi Bryan,

Please confirm that this is the correct email for which you wish to receive the animal services report for Breaker.

Thank you

Kind Regards

Jude

Judy Austin

Approvals & Process Innovation Team Leader | City Consenting & Compliance | Wellington City Council

M 021 530 942

E judith.austin@wcc.govt.nz | W Wellington.govt.nz | 

The information contained in this email is privileged and confidential and intended for the addressee only.

Appendix 11

ATTACK RATING REPORT		
CGM No	165433	
NAME:	Breaker	
		5 to 35 13
<i>(This section relates to the physical seriousness of the attack).</i>		
Level 5	Rushing person.	
Level 7	Attack person - no visible injury.	
Level 8	Animal injured	
Level 10	Stock Worried	
Level 12	Animal killed - Non Dog	
Level 13	Attack person Causing Injury	
Level 17	Dog Killed	
Level 21	Serious but not hospitalised	
Level 22+	Admitted to Hospital and/or suffers long term effects	
Level 35	Death of a person.	
PUBLIC INTEREST		0 to 3 2
<i>Public expectation of how the incident should be managed based on seriousness of incident</i>		
LEGISLATIVE INTENT		2
<i>(Legislative intent has been factored into the report and remains constant @ 2 points).</i>		
CLASSIFIED (unleashed or unmuzzled)		0 or 3 0
<i>Classified menacing by Breed (Classifications by deed are captured by other aspects of the assessment.)</i>		
VICTIM IMPACT		0 to 5 3
<i>(This section does not relate to the level of retaliation sought by the victim, rather the effects on the victim as a result of the attack.</i>		
Level 0	The victim is not concerned about the outcome.	
Level 5	The victim is likely to continuously suffer as a result of the attack	
DOG SURRENDERED/DESTROYED		0 to 1 1
<i>The fact the dog has been surrendered for destruction has some influence on decision however would be inevitable outcome if prosecution pursued.</i>		
Level 0	The dog has been surrendered for destruction or destroyed.	
Level 1	The dog has not been surrendered for destruction.	
OBSERVED AGGRESSION		0 to 2 0
<i>(Based on the Officers observation only. It should be noted that a dog may act aggressively under certain stimuli and show absolutely no signs of aggression in the absence of that stimuli).</i>		
Level 0	No signs of aggression	
Level 2	Very aggressive	
NEGLIGENCE		0 to 6 3
<i>(Evaluate the degree of negligence).</i>		
Level 0	Not the result of negligence of the owner.	
Level 2	A lack of understanding of the true nature of dogs	
Level 4	The incident is the direct result of carelessness.	
Level 6	The incident is a result of connivance	
CO-OPERATION		0 to 2 0
Level 0	Co-operative and forthcoming with information	
Level 2	Unco-operative to the point that Police assistance was required	

Appendix 11(2)

PREVIOUS HISTORY		0 to 5	0
Level 0	No history		
Level 1	History without aggression		
Level 3	History with aggression (Over one year old)		
Level 4	History with aggression (under one year old)		
Level 5	Classified as dangerous.		
DOG REGISTERED AT THE TIME OF THE INCIDENT		0 to 2	0
Level 0	The dog is currently registered		
Level 2	The dog is not currently registered		
RESTRAINT		0 to 4	1
Level 0	The dog was under adequate restraint ie caged or fenced in.		
Level 1	The dog was under inadequate restraint ie could have been accidentally approached or could have easily escaped		
Level 2	The dog was at large (unknown).		
Level 4	The dog was at large (known).		
KNOWN BY OWNER TO BE DANGEROUS		0 to 4	0
Level 0	Not known by the owner to have shown previous aggression.		
Level 4	Known by the owner to have previously attacked.		
RECURRENCE LIKELIHOOD		0 to 3	1
Level 0	The circumstances relating to this incident are such that a reoccurrence is highly unlikely		
Level 3	The circumstances relating to this incident are such that a reoccurrence is highly likely		
TRAINED TO BE AGGRESSIVE		0 to 2	0
Level 0	Not trained at all to be aggressive.		
Level 1	Encouraged to be a guard dog.		
Level 2	Professionally trained guard dog.		
DAMAGES		0 to 1	1
Level 0	No damages or damages paid voluntarily.		
Level 1	Did not voluntarily offer to pay/Damages unpaid.		
BREED CHARACTERISTICS		0 to 4	0
<i>This section is evaluated mainly based on our experience. In the case of a mixed breed, evaluate the most predominant identified breed. Example – Pit Bull type dogs are renowned for their propensity to attack.</i>			
Level 0	Not known for its aggression.		
Level 1	Known as a guard dog breed.		
Level 4	Notorious for attacking.		
TOTAL			27
09 – 29 = WARNING NOTICE, MENACING CLASS & OR INFRINGEMENT			
30 – 36 = DANGEROUS DOG CLASSIFICATION & OR INFRINGEMENT			
Over 37 = PROSECUTION			
General Comments and Recommendation:			

Supplementary
information

11/07/2021

To whom it may concern,

My name is Stephen Raynes, and I reside at [REDACTED] Wadestown and have since 2015. I can confirm that approximately late last year (Nov-Dec), while riding my electric scooter along the side of the road on Barnard Street, I stopped to check my phone. At this time, a medium-large sized dog ran towards me in an aggressive manner and made biting motions towards my legs. I kicked the dog away which did not deter it and it attempted to pursue me as I scooted away, whilst barking at me. At that time I also heard someone (unseen) calling out to what I assumed was the dog.

This is not the first time I have seen this dog on Barnard street. I can recall seeing it three or four times, and believe on one occasion the dog being attached to a lead. One of these times was post the attempted attack and I found it distressing to see it again, despite riding on a scooter. I do not remember details about the owner of the dog.

I cannot provide an exact colour description of the dog, however the below picture is a general approximation of type of dog that attempted to attack me:



If any further details, or information is needed from me I can be contacted at:

Email: [REDACTED]

Phone: [REDACTED]

Stephen Raynes