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

ORDINARY MEETING OF PŪRORO HĀTEPE | REGULATORY PROCESSES COMMITTEE AGENDA

Time: **9:30am**
Date: **Wednesday, 18 May 2022**
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 (Deputy Chair)
Councillor Pannett
Councillor Woolf (Chair)

Have your say!
You can make a short presentation to the Councillors, Committee members, Subcommittee members or Community Board members at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 04-803-8337, 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 Pūroro Hātepe | 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 relevant committee.
- Traffic resolutions which are not considered by the Pūroro Āmua | Planning and Environment 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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Business **Page No.**

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, te wairua	Draw on the supreme sacredness 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 4 May 2022 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

Kōrero taunaki
Summary of considerations

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).

Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

☐ Sustainable, natural eco city
☒ People friendly, compact, safe and accessible capital city
☐ Innovative, inclusive and creative city
☐ Dynamic and sustainable economy

Strategic alignment with priority objective areas from Long-term Plan 2021–2031

☐ Functioning, resilient and reliable three waters infrastructure
☐ Affordable, resilient and safe place to live
☐ Safe, resilient and reliable core transport infrastructure network
☐ Fit-for-purpose community, creative and cultural spaces
☐ Accelerating zero-carbon and waste-free transition
☐ Strong partnerships with mana whenua

Significance

The decision is rated low significance in accordance with schedule 1 of the Council's Significance and Engagement Policy.

Financial considerations

☒ Nil	☐ Budgetary provision in Annual Plan / Long-term Plan	☐ Unbudgeted $X

Risk

☒ Low	☐ Medium	☐ High	☐ Extreme

Author	Leteicha Lowry, Democracy Advisor
Authoriser	Sean Johnson, Democracy Team Leader Liam Hodgetts, Chief Planning Officer

Taunakitanga

Officers' Recommendations

Officers recommend the following motion:

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.

Whakarāpopoto

Executive Summary

5. 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).

Takenga mai

Background

6. Under the Act, Council may classify dogs as menacing (section 33A) if

   a) A dog has not been classified as a dangerous dog under section 31; but

   b) A territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of –

      i. Any observed or reported behaviour of the dog; or

      ii. Any characteristics typically associated with the dog's breed or type.

7. The effect of classification as a menacing dog is referred to in section 33E of the Act.

Kōrerorero

Discussion

8. Council's Public Health team has classified a dog as menacing and the dog owner has objected to this classification.

9. Both parties were asked to submit evidence, which has been attached to this report.

10. 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.
11. No cross-examination of one party by the other will be permitted.
12. 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.
13. 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.
14. Following the meeting, the chairperson will issue a determination which will be attached to the standard meeting minutes.

Kōwhiringa

Options

15. The committee can uphold or rescind the original classification as a menacing dog.
16. The committee cannot propose any further restrictions on the dog or dog owner.

Whai whakaaro ki ngā whakataunga

Considerations for decision-making

Alignment with Council's strategies and policies

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

Engagement and Consultation

18. Not applicable.

Implications for Māori

19. Not applicable.

Financial implications

20. Not applicable.

Legal considerations

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

Risks and mitigations

22. Not applicable.

Disability and accessibility impact

23. Not applicable.

Climate Change impact and considerations

24. Not applicable.

Communications Plan

25. Not applicable.

Health and Safety Impact considered

26. 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 rescind an existing classification as a menacing dog.

Ngā mahinga e whai ake nei

Next actions

27. Following the meeting, the chairperson will issue a determination which will be attached to the standard meeting minutes.

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Attachments

Attachment 1. Evidence provided - WCC Public Health
Attachment 2. Evidence provided - Colin Wood

Date: 27 April 2022

Objection to Dog Classification Section 33A – Dog Control Act 1996
Dog Owner Colin Wood
Dog Lomu2
SR#

Objection to Dog Classification Section 33 A

Executive Summary

Warning: **Please note document contains graphic photographs of a serious injury.**

On 31 October 2021, [redacted], a witness, contacted Wellington City Council's Animal Services advising that "a lady was attacked by a dog", he also advised that her taken to hospital by his friend (Appendix 1).

Ms [redacted] was bitten and dragged to the ground by the dog which resulted in; an open fracture, a compound fracture, exposed tendons and serious lacerations. These injuries required both general and plastic surgeries.

The incident occurred on Townsend Road, a public street in Miramar.

On 1 November 2021 Senior Animal Control Officer (ACO) [redacted] commenced her investigation

On 4 November 2021, the dog was seized and assessed under an attack rating report (Appendix 3) and classified as a menacing dog under Section 33A of the Dog Control Act 1996.

On 17 November 2021, Colin Wood lodged an appeal against the Menacing Dog Classification.

On 16 December 2021, ACO [redacted] received a sworn statement from Ms [redacted] where she advised that as she walked past the Dog Owner Colin Wood, that the dog jumped up and bit her.

31 October 2021 Incident

On 31 October 2021, Animal Services received notification by Mr [redacted] (Appendix 1) that he had a lady had been attacked by a dog, and his friend had taken her to hospital. He provided Animal Services with the dog owners details.

Ms [redacted]'s sworn statement (Appendix 4) advises that she was walking her usual route on Townsend Road towards the junction with Wilberforce Street at approximately 10:30 – 10:45am on 31 October 2021, a public place.

She saw the dog owner and the dog on the grass verge, stationery. She advises that as she passed the dog it bit her and pulled her to the ground. She didn't see the dog jump, "just remember it grabbing my hand".

Ms [redacted] states, "when I fell to the ground the dog still had my hand in its mouth. The dog released my hand I was still on the ground". Ms [redacted] goes on to state that she saw she had a very bound wound and thought "I could see the bone".

Mr Wood states (Appendix 5) that he was managing the dog's faeces at the time of the incident. He had taken a poo bag out of his main bag and was "kneeling down in the grass with my back to the foot path". From Mr Wood's statement it is indicated that the dog was on lead at the time of the attack.

Mr Wood also states that when he looked over a "and saw he (the dog) had [redacted]'s jersey sleeve in his mouth". He went on to state that his "first reaction was to pull the dog away from [redacted]" and believed "that this is where most of the damage done to [redacted]'s hand came from".

After The dog releasing Ms [redacted], Mr Wood secured the dog and went to attend to Ms [redacted]. Upon his return, Ms [redacted] states that he took off his top and wrapped it around Ms [redacted]'s hand.

At this time, two members of the public ([redacted] and [redacted]), driving passed, saw Ms [redacted] on the ground and stopped to render assistance. [redacted] took Ms [redacted] to hospital and [redacted] remained on the scene and entered into a conversation with Mr Wood. Mr Wood advised him that this had never happened before (Appendix 1).

There is no disagreement between parties that Ms [redacted] was attacked and bitten by the dog.

Investigation into 31 October 2021 incident.

On 31 October 2021, Senior ACO [redacted] commenced her investigation.

On 31 October 2021 Senior ACO [redacted] advised Mr Wood that he must present the dog to the pound. Mr Wood advised that he was on his way to the hospital, Senior ACO advised that the dog can stay at home, but not to walk him or muzzle him. This request was repeated on 3 November 2021 by request of Team Leader Public Health, Jude Austin (Appendix 1).

During the investigation, it was revealed that the dog was registered to [redacted] who resides at the same address as Mr Wood. The ownership of the dog was transferred to Mr Wood on 3 November 2021.

Mr Wood presented the dog to Senior ACO [redacted] on 4 November at 10:17 am. At that time, Mr Wood provided Animal Services with his statement of the events (Appendix 5). The dog was conditionally released with a menacing dog classification.

Senior ACO [redacted], assessed the dog under the Attack Rating Report as is consistent with all dog attacks.

The outcome of "The dog's" rating is a risk level of 48 requiring ACO's to issue, warning notice, Menacing Classification, Infringement and prosecution assessment.

On 1 November 2021, Senior ACO [redacted] received photos of Ms [redacted]'s injuries and x-rays (Appendix 6).

On 3 November 2021, [redacted], Ms [redacted]'s brother advised Senior ACO [redacted] that they were still considering their options.

On 4 November 2021 Senior ACO [redacted] issued Mr Wood:

1. Notice of Retention of Dog/s Threatening Public Safety under Section 71 (Appendix 8 & 9)

2. Notice of Seizure and Removal of Dog (Appendix 9)

3. Email detailing release and classification (Appendix 10)

4. Notice of Menacing Dog Classification (Appendix 11)

On 4 November 2021, Mr Wood contacted Senior ACO [redacted] requesting the consideration of a probationary period of 6 months to a year on the muzzling requirement (Appendix 12).

On approximately 8 November 2021, hospital reports from both Wellington Hospital and Wellington Regional Plastic, Maxillofacial & Burns unit, covering Ms [redacted]'s injuries and treatment (Appendix 7).

On 17 November 2021 Mr Wood submitted an appeal against the menacing dog classification to Wellington City Council (Appendix 13) The findings of the investigation were upheld and Mr Wood advised that he wishes to continue his appeal to be heard in Council (Appendix 14).

Injuries sustained to Ms [redacted]

The injuries sustained to Ms [redacted] as a result of the dog attack required both General and Plastic Surgery. Ms [redacted] was hospitalised for 3 days and required medications and ongoing treatment.

A review of the medical report outlined the injuries as follows:

- Compound fractures
- Open fracture
- Significant tissue damage and exposed tendons.
- Bleeding
- Loss of sensation
- Pain

Ms [redacted] has also provided a victim impact statement, which covers her experience, ongoing physical and psychological trauma, ability to care for her parents, perform everyday tasks, loss of independence, financial constraints and restrictions on her leisure time.

History of the dog

The dog has not come to the attention of Animals Services prior to the incident on 31 October 2021.

Dog Owner Colin Wood has demonstrated responsibility over the incident. He attended Ms [redacted] at the time of the incident, visited Ms [redacted] in hospital and entered discussions with her brother. He has also offered to cover any expenses, (Appendix 4) however it is unclear whether any reparations have been made. The Dog Control Act 1996 provides under Section 63 - Owner Liable for damage done by dog.

Grounds for Appeal of Menacing Dog Classification.

On 17 November 2021 Mr Wood lodged an "Appeal for the dog (Appendix 13). The grounds for the appeal are as follows.

- No Previous incidences of aggressive behaviour towards humans
- The dog is a family dog
- Property is fenced and he is kept on lead on the deck.

Mr Wood goes on to state that.

> "The dog didn't attach (to) her is he is almost 60 Kgs and if he attacked the outcome would have been totally different. The dog just grabbed her jersey sleeve and unfortunately caught the bottom of her hand. He released her when requested".

Mr Wood advises that the dog has rejected two muzzles and proposes a one-year probation period. There is no provision in the Act for probationary periods for menacing or dangerous dogs.

On 14 January 2022, Senior ACO [redacted] completed her investigation, the outcome of which

Analysis

In the original statements (Appendix 4 and 5) wellington City Council is satisfied that the dog, did attack Ms [redacted] on 31 October 2021, causing significant injuries to Ms [redacted]'s hand, a prosecution offence under Section 58 of the Act.

Mr Wood has demonstrated concern for Ms [redacted] at the time of the attack and acted responsibly in his willingness to assist her.

<u>Evidence</u>

Statement of the incident by Ms [redacted] (Appendix 4)

Statement of the incident by Mr Wood (Appendix 5)

Statement of the incident by Mr [redacted] (Appendix 4 a)

Statement of the incident by [redacted] (Appendix 1 and 1 a)

File notes and investigation report by Senior ACO [redacted] (Appendix 1 and 2)

Medical Records (Appendix 7)

Photographs of injuries sustained (Appendix 6)

Animal Services Attack Rating Report Assessment Matrix (Appendix 3)

Breaches of legislation – Dog Control Act 1996

Section 5 – Obligations of Dog Owners

Section 57 – Dog attacking Persons or Animals

Section 58 – Dog causing Serious Injury

Section 63 – Owner Liable for Damage Done by Dogs

The incident occurred in a public place; Mr Wood had the dog on lead but not under control a breach of Section 5 (b) Obligation of Dog Owners. At the time of the attack Mr Wood was occupied with picking up faeces from the grass verge and stated that he "felt a tug".

At the time of the attack [redacted] was the registered owner of the dog and ownership was transferred to Mr Colin Wood. Mr Wood was responsible (Appendix 5) for the control of the dog under Section 2 Interpretation of Owner (b) as he had the dog in his possession.

Ms [redacted] was walking on her usual daily walk on Townsend Road, towards the junction of Wilberforce Street. Ms [redacted] states "the dog bit me and pulled me to the ground" (Appendix 4). This is a breach of Section 57 of the Act.

Mr Wood states "my first reaction was to pull the dog away from [redacted] before calling him to let go, which he did (I believe this is where most of the damage to [redacted]'s hand came from)". The evidence reveals that the dog latched on to Ms [redacted]'s hand, pulled her to the ground and it required Mr Wood to pull the dog from Ms [redacted]. This differs to the statement in Mr Woods Appeal (Appendix 13) in which he states that the dog didn't attach.

Both parties agree that the Dog did attack and bite Ms [redacted], causing a serious injury which required hospitalisation and medical attention (Appendix 4 and 5) an offence under Section 58 of the Act.

Mr Wood does not dispute the injuries that Ms [redacted] received, and Medical Records submitted in Appendix 7 are provided as evidence as to the seriousness of the attack.

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 The Dog's rating is a risk level of 48 requiring Senior ACO [redacted] to issue a warning notice, Meaning Classification and Or Infringement. The dog was conditionally released into Mr Woods possession, classified as a menacing dog under Section 71 and 57 of the Act. (Appendix 11). The score matrix is as follows;

Score	Outcome
09-29	Warning Notice, Menacing Classification and or infringement
30-36	Dangerous Dog Classification and or infringement
Over 37	Prosecution

Due to the dog's rating of 48, Wellington City Council is undertaking a prosecution consideration and Dangerous Dog Classification. The decision to prosecute will be undertaken by Wellington City Council Legal.

Section 63 is a provision that states that the owner is liable for damage done by dog. Mr Wood has offered reparation, however Wellington City Council is unaware if this has been undertaken.

Wellington City Council is satisfied that;

- Breaches under Sections 57 and 58 of the Act has occurred.
- The incident occurred on public property.
- The dog was on lead but not under control.
- The dog attacked Ms [redacted]
- Ms [redacted] suffered serious injuries as a result of the attack.
- Based on the evidence provided, the menacing dog classification decision is robust and justified.
- That a prosecution consideration under Section 58 must be undertaken.

Conclusion

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

The dog if unmuzzled is a risk to the public.

The dog has not come to the attention of Animal services in the past.

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

Based on the score of the Attack Rating Report assessment, Wellington City Council has an obligation to classify the dog as Dangerous under section 31 of the Act. – Territorial Authority to classify dangerous dogs.

Due to the significant injuries suffered by Ms [redacted], Wellington City Council has an obligation to consider prosecution under section 58 of the Act.

The defendant is obligating under the Act to ensure the dog is kept under control at all times.

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

Wellington City Council must keep in mind the public interest test given the severity of the attack. It is in the public interest, where Wellington City Council believes that the dog, unmuzzled is a significant risk to the public and the possibility of an attack reoccurring.

Wellington City Council has a responsibility that members of the public are protected from aggressive animals that can and have caused 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 to remain.

Jude Austin

Team Leader Public Health

Acting under Delegated Authority of the Dog Control Act 1996

[redacted]@wcc.govt.nz

Animal Control: TOWNSEND ROAD, Miramar #SR-262702

NOT REQUESTED

by [redacted] ([redacted]@wcc.govt.nz) on **Sun, 31 Oct, 2021 at 11:27 AM** via **Phone**

Requested for : [redacted] ([redacted]@wcc.govt.nz)

TICKET PROPERTIES

Urgency Low	**Impact** Low	**Priority** Medium	**Status** Closed
Source Phone	**Type** Service Request	**Group** Animal Control Officers	**Agent** [redacted]
Site Location --	**Telephone Number** --	**Common Issues** --	**Other Line number** --
Time call was made/received --	**Device Used** --	**Type of Call** --	**Category** External Customer Service
	Sub-Category --	**Skip notifications** true	**Incident address** TOWNSEND ROAD, Miramar
Incident location -41.313444963336664,174.82400011030214	**Created By** --	**Due by** Tue, 5 Apr at 10:16 AM	

DESCRIPTION

REQUESTED ITEMS (1)

Animal Control

DESCRIPTION

Animal Control issues and requests

Stage Requested	**Service** Report a dog attack	**What did the dog attack?** A person	**If the attack just took place tick this box to make the report URGENT.** false
If after hours, have you called this through to the on-call animal control officer? true	**Description of dog** Rottweiler	**Description** Caller witnessed a lady that was attacked by a dog today, caller's friend has taken the lady to hospital but did not get her details. Caller got the details of the owner of the Rottweiler. Collin [redacted] Callers contact is [redacted]	**Skip notifications?** false **Location** -41.313444963336664,174.82400011030214 **Incident address** TOWNSEND ROAD, Miramar

APPROVAL LOGS

COMMENTS

From **System User Agent** ([redacted]@wcc.govt.nz) on **Sun, 31 Oct, 2021 at 11:27 AM** as **Private note**

Address:

TOWNSEND ROAD, Miramar

Open in Google Maps:

https://www.google.com/maps/search/?api=1&query=-41.313444963336664,174.82400011030214
(https://www.google.com/maps/search/?api=1&query=-41.313444963336664,174.82400011030214)

From [redacted] ([redacted]@huttcity.govt.nz) on **Mon, 1 Nov, 2021 at 12:18 PM** as **Private note**

31.10 1133 [redacted] (caller) ST on phone. Descried what happened and said his friend took the lady to hospital. said her finger was hanging off and lots of blood. He got owners ph number. He didn't see the actual bite. He is happy to provide a statement.

31.10 1137 DOST. Confirmed what happened. Said he was picking up dogs poo when he pulled and bit the woman. Discussed the need for the dog to come in to us. He was on his way to the hospital to check on her. 1300 DOST. Advised that dog can stay at home today but he either needs to not walk him or muzzle. He said he has a muzzle so will use it.

31.10 1355 Visited victim at the hospital. [redacted]. Injury bandaged. [redacted](brother) also there. He said her finger is degloved and will need surgery and then plastic surgery. Advised them of the process and said they need to let me know if they wish to make a formal complaint.

1.11 0900 Emailed [redacted] sking if wish to lay formal comp.

From [redacted] ([redacted]@huttcity.govt.nz) on **Mon, 1 Nov, 2021 at 2:04 PM** as **Private note**

1300 ST [redacted]. [redacted] still hasn't decided what action she wants taken. Asked that they please let me know today. He will call back later. Photos of injury and xray also sent.

From [redacted] ([redacted]@huttcity.govt.nz) on **Wed, 3 Nov, 2021 at 10:25 AM** as **Private note**

2.11 DOST. Advised that have not heard back from COMP. He said that they have told him they do not wish to take it further. Text Victim's brother to ask them to confirm this.

From [redacted] ([redacted]@huttcity.govt.nz) on **Wed, 3 Nov, 2021 at 10:27 AM** as **Private note**

3.11 At request of Judith AUSTIN at WCC, DOST and advised that Lomu needs to come to the shelter while investigation continues. He said he will bring him down later today.

[redacted](brother of victim) text to say she would like to speak to me about the options available.

Original caller/witness has not replied to emails sent asking for a statement.

From [redacted] ([redacted]@huttcity.govt.nz) on **Wed, 3 Nov, 2021 at 11:02 AM** as **Private note**

3.11 0920 DOST. Advised that at WCC managers request, Lomu needs to come to the shelter while the investigation is completed. He will drop him off after 5pm.

From [redacted] ([redacted]@huttcity.govt.nz) on **Wed, 3 Nov, 2021 at 11:37 AM** as **Private note**

Emailed [redacted] asking for a statement and release request for when Lomu comes to shelter.

From [redacted] ([redacted]@huttcity.govt.nz) on **Wed, 3 Nov, 2021 at 2:20 PM** as **Private note**

Statement form and change of ownership form dropped off to [redacted] Colin confirmed Lomu will be dropped off tomorrow morning.

From [redacted] ([redacted]@huttcity.govt.nz) on **Thu, 4 Nov, 2021 at 10:16 AM** as **Private note**

3.11 1451 [redacted] ST. She does not wish to make a statement in relation to the attack. Is happy that we can proceed with a classification on the dog. Told her will update once investigation is complete.

From [redacted] ([redacted]@huttcity.govt.nz) on **Thu, 4 Nov, 2021 at 10:17 AM** as **Private note**

4.11 0819: Colin brought Lomu to [redacted] at aco request. Statement received. IMP 73479.

From [redacted] ([redacted]@huttcity.govt.nz) on **Thu, 4 Nov, 2021 at 12:48 PM** as **Private note**

1130 Prop check done. Fully fenced to the rear of the house + kennel/run. Free access to front door.

From [redacted] ([redacted]@huttcity.govt.nz) on **Fri, 5 Nov, 2021 at 11:20 AM** as **Private note**

4.11 Lomu released from pound. DO signed releaes after agreeing to conditions. Lomu classified as menacing. Classification handed to DO.

From [redacted] ([redacted]@huttcity.govt.nz) on **Fri, 5 Nov, 2021 at 11:20 AM** as **Private note**

5.11 Final reprt submitted for review

From [redacted] ([redacted]@huttcity.govt.nz) on **Fri, 17 Dec, 2021 at 2:10 PM** as **Private note**

After Judith AUSTIN ST victim, she has agreed to give a statement. 16.12.21 Statement taken from [redacted] Photos also taken of injuries healing. 17.12 Emailed [redacted] original comp) asking for a statement as he hasn't sent one despite saying he would.

From [redacted] ([redacted]@huttcity.govt.nz) on **Thu, 13 Jan at 9:36 AM** as **Private note**

16.12 Statement taken from [redacted] Statement received from witness [redacted]

From [redacted] [redacted]@huttcity.govt.nz) on **Wed, 19 Jan at 2:42 PM** as **Private note**

18.1 Sworn statement collected from [redacted] 19.1 Final report signed by [redacted] and [redacted] Sent to Judith and [redacted] for review.

From [redacted] ([redacted]@huttcity.govt.nz) on **Mon, 28 Mar at 2:03 PM** as **Private note**

Signing off while waiting for WCC decision on outcome.

Appendix 2: ACO Investigation

DOG CONTROL ACT 1996 – SECTION 57

ANIMAL SERVICES INCIDENT REPORT FOR ACTION

WCC SR Number	262702
Date of Offence	31.10.21
Time of Offence	Approx. 1030
Alleged Offence	Dog attacks person in a public place
Investigating Officer(s)	[redacted]
Complainant Name	[redacted]
Complainant Address	[redacted]
Complainant Contact Number	[redacted]
Dog Owner Name	Initially [redacted] change of ownership completed to Colin WOOD
Dog Owner Address	[redacted]
Dog Owner Contact Details	[redacted]
Dog Name	Lomu
Dog Breed	Rottweiler
Dog Registration Tag	2110897
Dog Seized:	YES
Date Impounded:	4th November 2021
Seizure Notice Number:	14511

Officers Report

Introduction:

The victim in this matter is [redacted] does not know WOOD personally but has seen him and Lomu walking several times. The offending dog is "Lomu" who is a male, black and tan Rottweiler

At the time of the incident, he was currently registered to [redacted] but has now been changed into WOODS name.

Background:

Lomu is currently registered and has not come to the attention of Animal Services before.

Circumstances:

1. At around 1015hrs on Sunday 31st October 2021 WOOD was walking Lomu on Townsend Road.
2. He had his back to Lomu as he was picking up his faeces.
3. [redacted] was walking past him when Lomu jumped up, biting her left hand and pulling her to the ground
4. The injury was considered serious harm
5. [redacted] who initially called the incident through to WCC was driving with his friend [redacted] and saw that [redacted] was injured.
6. They stopped to see if they could help, and [redacted] took her straight to Wellington Hospital
7. [redacted] was transferred to the plastics unit at Hutt Hospital
8. She underwent surgery that evening
9. She stayed in hospital Sunday and Monday night and was discharged on Tuesday
10. Lomu was seized on 4th November 2021 and following a release request was returned to WOOD that afternoon. Lomu was released with a Menacing Classification

Scene:

The incident happened on Townsend Road near the intersection with Wilberforce Street, Miramar

Victim:

On 16th December 2021 [redacted] took a statement from [redacted] She advised:

1. That she was walking her usual route on Townend Road
2. That she saw WOOD and Lomu approx. 5-6 metres away from her, they were stationary
3. That she has walked past WOOD & Lomu numerous times without incident
4. That she does not recall if she stepped out into the road, but that she normally would when passing a dog
5. That as she passed them, Lomu jumped up at her, biting her left hand and dragging her to the ground
6. That WOOD pulled Lomu back quickly

7. That she believes WOOD took Lomu away and tied him up as when he came back to check on her, Lomu was not with him
8. That [redacted] and [redacted] were driving past and stopped to help
9. That [redacted] took her to Wellington hospital
10. That WOOD had visited her in the hospital to check on her and apologise
11. That she underwent surgery
12. That following the attack she was unable to drive for 2 months and is still in a great deal of pain
13. That she has been told that due to the nerve damage, the Dr's have told her it may never heal properly and her little finger may always be bent

Witness

[redacted] has provided an emailed statement advising that:

1. He did not witness the attack
2. He was driving with his friend [redacted] and saw [redacted] clutching her hand and screaming
3. They pulled over and saw lots of blood on the pavement
4. They assisted her and [redacted] took her straight to Wellington Hospital
5. He stayed behind and spoke to WOOD.
6. WOOD told him that Lomu had never done anything like this before and that he had his back turned while picking up his poo when Lomu lunged at [redacted]
7. He noted that Lomu was calm and not behaving aggressively after the attack
8. He contacted Wellington City Council to report the attack

Alleged Offender:

After the attack was reported to WCC, [redacted] spoke to WOOD on the phone. He confirmed what had happened. At the time, he was on his way to the hospital to check on [redacted] On 4th November 2021 after advising that Lomu was to be seized, Colin brought him to the shelter and provided a statement. In it he advised:

1 That he was walking Lomu on leash and had his back to him while picking up his faeces.

2 That he felt a tug on the lead

3 That he turned and saw that Lomu had [redacted] sleeve in his mouth

4 That he quickly pulled Lomu back and told him to let go, which he did. WOOD believes the action of pulling him back quickly may have been where most of the damage was done.

5 That he does not believe Lomu "attacked" [redacted] more that he was going for the sleeve of her jersey

6 That he gave his details to [redacted]

7 That he visited [redacted] in the hospital and had subsequent contact with [redacted]

8 That he offered to cover any medical expenses, travel bills etc.

9 That Lomu has never behaved like this before

Colin provided a release request advising that in order to ensure this type of incident does not happen again he will:

1. Muzzle Lomu when being walked. WOOD has suggested that the muzzle requirement be for a probationary period of 6 months to a year
2. Continue to walk him on leash
3. Keep him confined to his fully fenced property. The fenced area allows free access to the front door and WOOD also has a kennel and run.

Exhibits/ Evidence

Investigating Officer Checklist	Yes 1 No	If yes how many?	If no, provide explanation
Victim Statement	YES	1	Taken in person
Witness Statement	YES	1	emailed
Photographs of Injuries	YES	5	
Alleged Offending Dog Identified	YES		Owner admitted Lomu involved
Dog Owners Statement	YES	1	
On Site File Notes	YES		
Previous Service Requests	NONE		
Entered onto Complaint Database	YES		
Medical Notes / Bills	YES		Emailed through by [redacted]
Copy of Seizure Notice	YES		

Conclusion

As a result of this investigation, I find that:

1. Lomu was being walked on leash but while WOOD was distracted jumped up at and bit [redacted]
2. [redacted] was taken to hospital with a serious injury to her left hand
3. [redacted] will require further treatment and may never regain full use of the little finger
4. [redacted] has provided a signed, sworn statement
5. Lomu has not come to the attention of Animal Services before

It is my recommendation that WOOD be prosecuted under Section 57 of the Dog Control Act 1996 for owning a dog that attacked a person. I also recommend that WOOD receives an infringement under Section 53 of the DCA for failing to control Lomu in a public place.

Investigating Officer		
Name: [redacted]	Signature:	14/1/22 Date:

Reviews:

Animal Management Team Leader Peer Review		
Name: [redacted]	Signature:	Date: 15-1-2022

Notes:

Recommend referral for legal opinion ☐

[redacted]

Agreed Action:

Mr Colin Wood be prosecuted under Section 57 of the Dog Control Act 1996 for owning a dog that attacked a person

Mr Colin Wood receives an infringement under Section 53 of the DCA for failing to control dog in a public place

[redacted] Manager Animal Services

☐ Legal opinion confirmed if final decision has changed from the proposed action.

☐ Investigating Officer informed of changes.

Appendix 3 : Attack Rating Report

ATTACK RATING REPORT			
CCM No	**262702**		
NAME:	**Lomu**		
		5 to 35	**28**
(This section relates to the physical seriousness of the attack).			
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	**3**
Public expectation of how the incident should be managed based on seriousness of incident			
LEGISLATIVE INTENT			**2**
(Legislative intent has been factored into the report and remains constant @ 2 points).			
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	**5**
(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.			
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**
The fact the dog has been surrendered for destruction has some influence on decision however would be enevitable outcome if prosecution pursued.			
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	**1**
(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).			
Level 0	No signs of aggression		
Level 2	Very aggressive		
NEGLIGENCE		0 to 6	**3**
(Evaluate the degree of negligence).			
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	3
Level 0	The circumstances relating to this incident are such that a reoccurance is highly unlikely		
Level 3	The circumstances relating to this incident are such that a reoccurance 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	0
Level 0	No damages or damages paid voluntarily.		
Level 1	Did not voluntarily offer to pay/Damages unpaid.		
BREED CHARACTERISTICS		0 to 4	1
This section is evaluated mainly based on our experience. 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.			
Level 0	Not known for its aggression.		
Level 1	Known as a guard dog breed.		
Level 4	Notorious for attacking.		
TOTAL			48

09 – 29 = WARNING NOTICE, MENACING CLASS & OR INFRINGEMENT

30 – 36 = DANGEROUS DOG CLASSIFICATION & OR INFRINGEMENT

Over 37 = PROSECUTION

General Comments and Recommendation:

Appendix 4: Victim Statement

INCIDENT STATEMENT – COMPLAINANT

A1

ANIMAL SERVICES
Servicing Hutt City and Wellington communities
HUTT CITY

COMPLAINT NUMBER 262702

Animal Control Officer number	Animal Control Officer name
11	[redacted]
Time	**Date**
1400hrs	Statement taken 16/12/21

COMPLAINANT DETAILS

First name [redacted]
Middle name [redacted]
Surname [redacted]

CONTACT DETAILS

Home telephone
Mobile phone [redacted]
Email [redacted]@xtra.co.nz

PERSONAL DETAILS

Date of birth [redacted]
Occupation Retired/care giver

STATEMENT

I, First name [redacted] Middle name [redacted] Surname [redacted]

of Residential address [redacted] Postcode

state that on the 31st day of October 20 21 at Approx. 1015hrs am/pm

at Location of incident
Townsend Road, towards junction with Wilberforce, I saw them on the grass area. I will indicate where on a google maps print out.

☐ I observed ☑ I was involved in a dog *(tick one)*

☐ attacking a dog ☑ attacking a person ☐ attacking an animal
☐ rushing at a person ☐ uncontrolled *(tick one)*

The dog concerned was a *(description of dog, ie colour, breed, scars on face, one leg missing etc)*
Large, black, stout dog. Someone told me after that it is a Rottweiler though I'm not sure who.

Anything else that will help prove identity
I have seen the owner walking the dog several times when I am out walking. We acknowledge each other but haven't talked.

The dog lives at *(how do they know the dog lives there – have they seen it before?)*
Don't know

And is owned by *(how do they know this person owns it – did they speak to the owner – did someone tell them?)*
I now know his name is Colin Wood. I think he must have told my brother his name at the hospital

The incident was witnessed by *(the ACO must take a statement from the witness)*

Witness name First name [redacted] Middle name Surname [redacted]

Contact Home Work Mobile

Email [redacted]@gmail.com

Residential Postcode

The witness is known to me because
He & his friend were driving past and stopped to help. His friend, [redacted] took me straight to the Hospital.

1. On 31st October 2021 at around 1015hrs I went out for my daily walk. I left my house. I was walking on Townsend Road near the intersection of Wilberforce Street.

2. I saw Colin around 5-6 metres away from me. He was on a grass verge on Wilberforce Street.

3. I saw that he had a dog with him. Previously when I have seen him the dog appears to be on a lead. I can't be sure whether it was on or off lead at the time of the incident.

4. They were stationery. I was walking on the path. I don't recall whether I stepped out into the road. I normally would if I pass a dog, but I do recall there being lots of cars parked on the road so may not have.

5. As I passed the dog the dog must have rushed over to me and pulled me to the ground. I didn't see it jump at me, just remember it grabbing my hand.

6. When I fell to the ground the dog still had my hand in its mouth.

7. The dog released my hand. I was still on the ground.

8. I saw that it was a very bad wound and think I could see the bone.

9. I cannot remember what he said to me after the attack. He must have taken the dog and secured it as he came back without it. He didn't seem to know what to do.

10. 2 young men, [redacted] and [redacted] pulled up in their car. They came to help me. One of them said "does she need a tourniquet?"

11. Colin took off his top and wrapped it around my hand.

12. [redacted] and [redacted] discussed calling an ambulance, but then decided to take me straight to the hospital. [redacted] drove me there.

13. I can't remember anything said to me by Colin. [redacted] stayed behind and that is when he must have called the Council.

14. When I got to the hospital, I went to the reception area and I got the impression that they knew I was coming, so someone may have called ahead.

15. They started tending to the injury. My brother [redacted] had been contacted and he came to the hospital

16. Colin arrived at the hospital and was able to come in and see me. I don't remember a lot of what he said but I do remember him saying that the dog had never done anything like this before. He spoke to [redacted] more than me.

17. I had surgery that evening. I had to go out to Lower Hutt hospital. My brother drove me out.

18. The surgeon prepped me beforehand and told me that there was a possibility the finger may die. The surgery took around 3 hours.

19. They had to put 2 plates in the hand as the bones were fractured. I cannot bend the little finger at all.

20. I spent Sunday and Monday night in hospital and was discharged on Tuesday afternoon.

21. I have had 3 follow up consultations at the plastics unit in Lower Hutt. Each consult can take up to 4 hours with travel and waiting time.

22. The Dr's at the Hutt hospital have told me that because the nerves are damaged it may never heal properly and always be bent.

23. I must see the hand therapist weekly. I have been going once a week, but she has said I will need to go twice a week. She said if it doesn't heal after a certain time frame – I think she said 3-4 ~~years~~ months, it may not ever heal properly. I am on pain relief, but I am still in a lot of pain.

24. I am still unable to drive so must get someone to take me to my appointments
I don't know if I will need more surgery, they haven't indicated that I will.
I don't know when the consultations will stop.

25. The Dr's are also worried about the scarring as that can also make the skin tighter and more rigid.

Victim impact statement:

1. I live with my elderly parents and am their primary care giver. My mother has dementia.
2. The injury has made my life extremely hard. Most everyday tasks now take ~~me 3 times as long~~ longer, or I can't do them at all
3. As I am unable to drive, we now must get groceries delivered. This costs extra.
4. I am reliant on family and friends for transport to medical appointments
5. If and when I can drive again, I will likely have to change my car as I don't believe I will be able to pull up the handbrake. I will have to get a car with a pull button handbrake
6. I remember waking up after surgery and remember the pain being so intense. It wasn't going away. I asked for more pain relief. The nurse told me he couldn't give me anymore. I recall asking him to knock me out and not wake me up. I just wanted to black out.
7. I am aware that this will be a very long recovery time and I am still so worried that I may never regain use of the finger.
8. With all the follow up appointments, my days are taken up with them. I feel like I don't have time to do anything
9. The finger is still numb, and I have no temperature sensation in it. The finger also sticks out on an angle and gets in the way of anything I do. It is also still terribly swollen and may be so for up to a year. There are thick scars on my hand which are sore to the touch and are hampering finger recovery
10. I feel self-conscious about them
11. I attend a regular fitness class and the hand injury will significantly impeded participation if I can resume
12. I have changed my walking route as I do not want to see Colin or the dog again. I worry about what Colins reaction might be. This annoys me as it is a route I do regularly and enjoy.
13. The afternoon of the attack I was due to go to the Ballet but obviously could not attend. I have also got some events planned next year which I may not be able to attend as I can't drive and may still be in pain. I don't want to fly.
14. I felt that I lost my independence – as I was not able to drive for some time. I am now able to drive

(Tick as required)

☑ required medical attention following this incident *(medical certificate attached)*

☐ **did not** require medical attention following this incident

The following items were damaged as a result of this incident

Item	Purchase date	Cost
Ballet ticket $120		$120.00

SIGNATURES

I have completed this statement accurately and truthfully knowing that it may be used as evidence in a District Court hearing

Complainant

Signature

Name *(print)* [redacted]

Date 15/1/22

Animal Control Officer

Signature

Name *(print)* [redacted]

Date

Statutory Declaration

I *(Enter your full name)*

[redacted]

of *(Enter the address where you live)*

[redacted]

(Enter your occupation – for example, bricklayer, teacher, unemployed)

RETIRED

solemnly and sincerely declare that

(List the facts in your own words. Number each point to make it clearer)

Note: What you write must be true. You can be prosecuted if you make a false declaration.

Please see statement labelled "A" attached which is a 6 page incident statement of the dog attack which occured on 31st October 2021.

Attached labelled "B" is a printed aerial map showing where the incident happened.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Note: Do not complete the following section until you are with the person witnessing your declaration.

Your signature

BL

Declared at *(Place, for example town or city)*

Wellington

(Day/month/year)

15 | 01 | 2022

Before me *(Name of official witness)*

[redacted] JP

#00142
WELLINGTON
Justice of the Peace for New Zealand

(For example, a Justice of the Peace, solicitor or another person authorised to take a statutory declaration)

Signature of official witness

Hall

B1
Wilberforce St
Wilberforce St
Townsend Rd
Townsend Rd
Townsend Rd
Townsend Rd
Townsend Rd
Wilberforce St
Wilberforce Close
Ballingarrane Park
Ballingarrane Park
Townsend Rd
Townsend Rd
Townsend Rd
Townsend Rd
PS Area
PS Pumphouse
113

Appendix 5: Owners Statement

INCIDENT STATEMENT

ANIMAL SERVICES
Servicing Hutt City and Wellington communities
HUTT CITY

Animal Control Officer number	Animal Control Officer name
11	[redacted]
Time	Date

REGISTERED OWNER DETAILS (at time of incident)

Person

First name	Middle name
[redacted]	
Surname	Date of birth
[redacted]	[redacted]

Contact

Home	Work	Mobile
		[redacted]
Email		

Address

Residential
[redacted]

Postcode 6022

DETAILS OF PERSON ☐ IN CHARGE ☐ IN POSSESSION AT TIME OF OFFENCE *(tick one)*

Person

First name	Middle name
Colin	
Surname	Date of [redacted]
Wood	

Contact

Home	Work	Mobile
		[redacted]
Email [redacted] @ GMAIL . COM		

Address

Residential
[redacted]

Postcode 6022

ADMISSION – OFFENCE ADMITTED ☐ YES ☐ NO *(delete one)*

By whom?

DOG DETAILS

Name	Breed	Colour	Sex	Animal ID	Tag number
Lomu	Rottweiler	Black and tan	Male	417278	2110897

RESPONSE OF ☑ OWNER ☐ PERSON IN CHARGE *(tick one)*

SUNDAY 31/10/2021 APPROX 10.30AM

I GOT READY FOR WALK WITH LOMU. THIS ENTAILS GRABBING POO BAGS, FILL UP WATER BOTTLE, GET LOMU TO HAVE DRINK. HEADED OFF FROM ATHENS STREET THEN UP TOWNSEND ROAD. LOMU SEEMED TO BE HIS USUAL SELF DOING USUAL ACTIVITIES WALKED UP TO CNR WILLESDEN STREET/TOWNSEND ROAD CROSSED THE ROAD FROM CHILDRENS PARK TO THE GRASSED AREA OPPOSITE FROM THE PARK. LOMU HAD A SNIFF ROUND ON THE WAY THROUGH THE GRASS (NOT ON FOOTPATH). AT THIS POINT WE HAD PASSED APPROX 8 PEOPLE, SO WITH DOGS WITH NO PROBLEMS. LOMU STOPPED APPROX 1 TO 1½ METRES FROM THE EDGE OF THE FOOTPATH AND WENT FOR A POO IN THE GRASS. WE HAVE BEEN DOING THE SAME WALK FOR NEARLY 3 YEARS NOW SO WE SEE A LOT OF THE SAME PEOPLE SOME ALMOST DAILY AND HAVENT COME CLOSE TO ANYTHING THAT HAPPENED NEXT. LOMU HASNT ATTACKED ANOTHER HUMAN NOR DOG BEFORE NOW IN THE NEARLY FOUR YEARS WE KNOWN HIM. AFTER HE POOED I'VE HAD A LOOK AROUND FOR PEOPLE NEARBY. COULNT SEE ANYONE CLOSE I'VE TAKEN A POO BAG OUT OF MY MAIN BAG AND KNELT DOWN IN THE GRASS WITH MY BACK TO THE FOOTPATH. FEELING A TUG ON THE LEAD I LOOKED OVER AT LOMU AND SAW HE HAD [redacted] JERSEYS SLEEVE IN HIS MOUTH. HER SLEEVE WAS COVERING HER HAND. MY FIRST REACTION WAS TO PULL LOMU AWAY FROM [redacted] BEFORE CALLING TO HIM TO LET GO. WHICH HE DID (I BELIEVE THIS IS WHERE MOST OF THE DAMAGE TO [redacted] HAND CAME FROM). I DONT THINK LOMU ATTACKED [redacted] I THINK HE ONLY NOTICED [redacted] AS SHE APPROACHED US AT THE LAST MINUTE AND THE FIRST THING HE SAW WAS THE SLEEVE OF [redacted] JERSEY

Owner/person in charge signature	Date 3/11/2021

[redacted] IS ONE OF THE PEOPLE LOMU & MYSELF WALK PAST AND WOULD PUT THE TIMES WE'VE WALKED PAST EACH OTHER IN THE HUNDREDS AND IN ALL THOSE TIMES WE'VE NEVER HAD ANYTHING BUT A QUICK HELLO OR GOOD MORNING ETC. I VISITED [redacted] AT THE HOSPITAL WITHIN ONE HOUR OF THE INCIDENT AND SHE WAS AS DUMBFOUNDED AS I WAS AT WHAT HAPPENED. SHE STATED THAT SHE DIDNT THINK TO STEP TO THE OTHER EDGE OF THE FOOT PATH AS WE HAD WALKED PASSED EACH OTHER SO MANY TIMES IN THE PAST AND SHE DIDNT FEEL SCARED OF LOMU. [redacted] ONE OF THE YOUNG BOYS THAT STOPPED IN ~~THE~~ A CAR WITH HIS FRIEND AND ULTIMATELY TAKING [redacted] TO HOSPITAL COULDNT SHED A LIGHT ON WHAT HAPPENED AS THEY ARRIVED AFTER LOMU HAD LET GOD OF [redacted] I HAVE HAD DAILY CONTACT WITH [redacted] SON [redacted] AND HE IS KEEPING ME UPTODATE WITH PROGRESS ON [redacted]. MY FAMILY HAS MADE THE OFFER OF PAYING MEDICAL BILLS / TRAVEL COSTS FOR APPOINTMENTS AND ARE HAPPY THAT SHE WILL MAKE A FULL RECOVERY AND UNDERSTAND THIS IS GOING TO BE A LONG PROCESS. LOMU IS GOING TO HAVE TO GET USED TO HIS MOBILE NOW FOR WORKS TO HAPPEN. OUR SECTION IS FULL FENCED HE IS UNABLE TO ESCAPE THE PROPERTY.

I DONOT BELIEVE LOMU TO BE A VICIOUS OR AN AGGRESIVE DOG WHEN IN HIS ELEMENT DOING HIS ROUTINE EXCERSISES

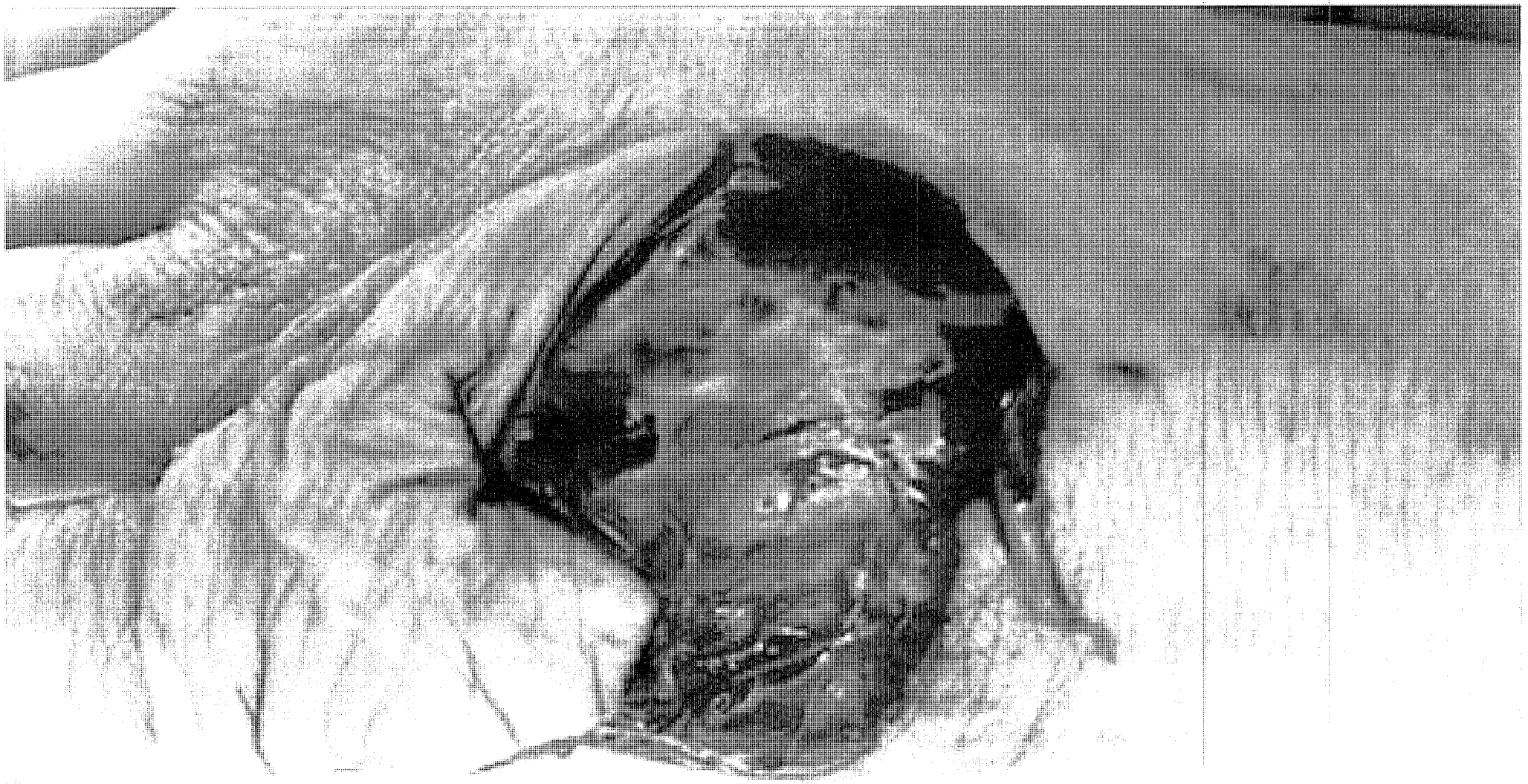
THANK YOU

JOHN WOOD

LOMUS OWNER.

Owner/person in charge signature	Date 3/11/2021

Appendix 6: Photos of Injury



Appendix 7: Medical Records

23 Dec 2021

Re: Ms [redacted] PH: [redacted] Mob:
DOB: [redacted] NHI: [redacted]
[redacted]

02 Nov 2021, Discharge Summary
Referral/Discharge Status: Completed and treated/discharged
Primary Care Provider: [redacted]
Referred to Provider: [redacted]
Patient Details
Patient Name: [redacted]
NHI No: [redacted]
Date of Birth: [redacted]

NHI: [redacted]
Diagnosis Details: Compound fractures of the left 5th MC and prox pha
Diagnosis Details: [redacted]
Attending Doctor:
Referring Doctor:
Consulting Doctor:
Admitting Doctor:
Admission Time: 31 Oct 2021

Specialty
Specialty: Plastic Surgery (S63)

Discharge Demographics
Discharge To: Home
ACC Number: [redacted]

Discharge Medications
Paracetamol 600mg PO, 600mg PRN/max QID , 30 tabs
Augmentin 625mg PO, 625mg TDS , 7 days

Consultants involved during this admission
Plastics consultant for this event:Dr Deo

Post discharge follow-up
1. Discharge home
2. PO Augmentin 7 days
3. Hand clinic 1/52
4. Outpatient referral [redacted]

Instructions to patient

Dea[redacted]

You were admitted to hospital after sustaining fractures in your little finger following a dog bite. This was treated with an operation. We are now pleased to get you home.

At home:
- Please continue to take the antibiotics until the course has been completed
- You can move your hand gently

We will see you next in one week - date and time for appointment will be sent out

Please return to hospital if:
- You develop a fever i.e. become hot/cold/shivery
- If you notice your wound becoming more red/more hot/more swollen/discharge of pus
- If you are increasing pain and it becomes difficult to move the affected joint.

Kind Regards,
Plastic Surgery
Hutt Hospital

Other inactive problems
==PMHx==
1. [redacted]

==Admission Medications==
[redacted]

==Allergies/ADRs==
[redacted]

==Social Hx==
RHD, [redacted]
Lives with elderly parents

COVID Screening
[redacted]

[redacted]

Accident details
67F presented to Wellington ED with dog bite

==HPC==
Bitten by a stranger[singlequote]s dog on the street
Compound fractures of the left 5th MC and prox phalanx

==Examination==
Finger is perfused
Limited sensation

==Investigations==
XR (CCDHB): Little finger metacarpal and proximal phalangeal fractures that are compound.

Treatment and progress in hospital
Admitted to Plastic Surgery - Dr Deo
==========

==Procedure==
Procedure: Washout dogbite L hand + ORIF 5th metacarpal, proximal phalanx LF + R DN
Date: 31/10/21
Surgeon: [redacted]
Findings:
- UDA + UDN intact
- RDA and RDn 100%
- Tendons intact
Closure: 5/0 nylon to skin

==Post-Procedure==
Remained afebrile and haemodynamically stable throughout the admission

(1) Antibiotics
- Microbiology: Nil
- Started on IV Augmentin on admission, stepped down to PO antibiotics 2/11/21 for 7 days

(2) [redacted]

(3) Analgesia
- Pain managed with paracetamol and single doses of sevredol and tramadol

==Discharge/Follow-up Plan==
1. Discharge home
2. PO Augmentin 7 days
3. Hand clinic 1/52
4. [redacted]

Observation date:

01 Nov 2021, Discharge Summary
Referral/Discharge Status: Completed and treated/discharged
Primary Care Provider: [redacted]
Referred to Provider: Unknown Unknown
Patient Details
Patient Name: [redacted]
NHI No: [redacted]
Date of Birth: [redacted]

NHI: [redacted]
""

Attending Doctor:
Referring Doctor:
Consulting Doctor:
Admitting Doctor:
Admission Time: 1 Nov 2021

Specialty
Specialty: No Service (NONE)

Admission Speciality
Speciality:Plastic Surgery

Note To GP
Note To GP:
Date: 01/11/2021
Clinician Name: [redacted]
Subject: [redacted]
Notes: Dear [redacted]

Your patient [redacted] was recently admitted to Plastic Surgery at Hutt Hospital after sustaining fractures following a dog bite.

[redacted]

Kind Regards,
[redacted]
Clinician Title/Position: House Surgeon
Institution/Organisation:
Hutt Valley DHB - Surgical Plastics

Observation date:

01 Nov 2021, Ed Discharge Summary
Referral/Discharge Status: Completed and treated/discharged
Referral Description: ED Discharge Summary
Primary Care Provider: [redacted]
Referred to Provider: Emergency Department
Patient Details
Patient Name: [redacted]
NHI No: [redacted]
Date of Birth: [redacted]

NHI: [redacted]

Treating Doctor: [redacted]

Discharge Status: Admitted

ACC number: ZU08226

Date of Injury: 31/10/2021

Triage Date and Time: 31/10/2021 16:43:41

Diagnosis: [283809003] Animal bite of hand

ED Medical Notes: 31/10/2021 17:02:23 - [redacted] - Registrar
pt reporting pain as ulnar nerve block administered at wellington starting to wear off - pt had further 10mL 0.75% ropivicaine injected as a distal ulnar nerve block. ASA 2

31/10/2021 17:04:20 - [redacted] - Registrar
note compound 5th MC neck #, significant soft tissue damage with tendons exposed from clinical photos from wellington

31/10/2021 17:49:31 - ED Locum Doctor
Plastics on call [redacted]
SMO on call [redacted]
PC: Dog bite left hand
HOPC: 67 year old female. Bitten by a stranger[singlequote]s dog on the street. Compound fractures of the left 5th MC and prox

phalanx
Finger is perfused
Limited sensation
Medical hx: Migraines
Meds: Rizamelt
NKDA
RHD, Non smoker
Lives with elderly parents
Plan:
Book/consent for ORIF tonight

Triage Nursing Note: CCDHB ref to Plastics PC dog bite Lt hand HPC deep lacerations to palmar & volar aspect Lt hand extending to 4th & 5th web space with visible metacarpal #, brisk cap refil but nil sensation to LLF, UTD with analgesia & IV AB[singlequote]s, ring block wearing off

ED Prescription / Medical Registrar Assessment Note:
Attending Doctor:
Referring Doctor:
Consulting Doctor:

Admitting Doctor:
Visit Number: [redacted]

Observation date:

01 Nov 2021, Ot-thtr - Upper Limb (left)
Patient Details
Patient Name: [redacted]
NHI No:
Date of Birth: [redacted]

REPORT: Clinical Indication (as provided by [redacted]:
dog bite and # finger .60mins wqrning will give 30mins notice nearer the time .please confirm receipt of info

Electronically Ordered by: [redacted]

I-I views of the left hand:

Findings:
For early postoperative appearance, see film.

Reporting Radiologist: [redacted]
Typist: VJ
This report has been electronically signed by: [redacted]
Signed: 04/11/2021 19:07
""

Ordered by: [redacted]
Laboratory: hvdhbrsd
Observation date: 01-Nov-2021

31 Oct 2021, Ccdhb-xray-multi Proc
Patient Details
Patient Name: [redacted]
NHI No:
Date of Birth: [redacted]

REPORT: RADIOLOGY RESULTS - GP COPY

Answer
Patient: [redacted] Admission/Visit details:
NHI: [redacted] DOB: [redacted] Admission: 31671240
Referring Consultant: Requesting Specialty ED_Emergency
Ordering Doctor: Visit Type: E
Cc: SWO Order No: 1893783
Cc: ACC No:
Cc: Exam Performed at: WRD
Order Placed by: 307670, Entered By: [redacted] Registrar,
Answer:

Image Accession No: 23708659

EXAMINATION: 001 Left Hand, Left Finger
EXAM DATE/TIME: 31-10-2021 12:5

Clinical Indication (as provided by ordering Doctor):
Dog bite to left hand. Degloving of little finger exposure of metacarpals ?bony injury
31-10-2021

Other Comments (as provided by ordering Doctor):

Technical Details:

Findings:

Left hand and wrist.
There is a fracture through the metaphysis of the base of the little finger proximal phalanx. There is a soft tissue defect and gas within the soft tissues at this site. This suggests a compound fracture .
There is also a fracture of the neck of the little finger metacarpal.
Gas is seen tracking along the subcutaneous tissues adjacent to the distal ulna.
Conclusion:
Little finger metacarpal and proximal phalangeal fractures that are compound.

Reading Dr 1:

This report has been electronically signed by:
[redacted] Radiologist on 31-10-2021 at 15:17

Laboratory: ccoaststst
Observation date: 31-Oct-2021

31 Oct 2021, Ccdhb Emergency Dept Discharge
Referral Description: CCDHB Emergency Dept Discharge
Primary Care Provider: [redacted]
Referred to Provider: [redacted]
Patient Details
Patient Name: [redacted]
NHI No: [redacted]
Date of Birth: [redacted]

NHI: [redacted]
Diagnosis Details: Open fractures of hand
Attending Doctor:
Referring Doctor:
Consulting Doctor:
Admitting Doctor:
Visit Number: 31671240

Admission Time: 31 Oct 2021
Discharge Time: 31 Oct 2021

ACC No: ZU08226

Ward / Location
Ward/Location: Wellington Hospital

Specialty
Specialty: Emergency Medicine (EmergencyMedicine)

Discharge Demographics

Last Updated By
Document last updated by [redacted]

Designation of Person Completing the Summary
: Doctor

COVID Screening
: NOT a COVID case
COVID19 swab sent: No

History and Examination
TRANSFER TO HUTT ED FOR PLASTICS REVIEW

Dog bite to left hand
Deep lacerations to volar aspect of palm & base of 5th finger

Exam:
Deep lacs to palmar & volar aspect of hand, extending into 4th/5th web space
Visible metacarpal fracture
Little finger - no sensation but brisk CRT
Unable to accurately assess tendons given extensive fractures but appear intact visually

X-rays: displaced fractures of prox phalanx & metacarpal of little finger

Interventions:
Ulnar block infiltrated
Finger pulled out to length - remains to have brisk CRT
Thorough wound toilet
Edges of wounds loosely tacked together with steristrips
Gauze applied over top
Placed into ulnar gutter with little finger visible
IV Augmentin & tet tox booster given in Wellington ED
D/W plastics on-call & accepted for transfer - brother will transport to Hutt ED

Follow up Arrangements and Advice to Patients
Patient to arrange follow-up with: Not Required
Please Note: Please take this discharge summary with you when attending follow-up appointments with your GP or other health professionals.

Smoking Status
Smoker: No

Observation date:

Yours sincerely

Dr [redacted]

Wellington Regional Plastic, Maxillofacial & Burns Unit
Hutt Hospital

Hand Surgery & Rehabilitation Service - HVDHB

Clinic Letter

NHI: [redacted]

Clinic Date: 08 November 2021

cc:

The Doctors
Karori Medical Centre
Po Box 17264, Karori
Wellington 6012

Dear Doctor

[redacted]

Diagnosis: Washout of Dog bite to left hand + ORIF left 5th MC fracture + ORIF left little finger P1 fracture + repair L LF RDN (31/10/21)

Plan:
1. Removal of sutures and dressing change today
2. Start movement with hand therapist in thermoplastic splint
3. Review in three weeks

Today I reviewed M[redacted]eight days after her operation. She has been progressing well since her discharge. She has completed her course of oral antibiotics but has noted some tingling sensations in the left little finger. She is right hand dominant. She is retired but does care for her elderly parents at home. The wounds have healed quite well today and the sutures were removed. There are no signs of infection. There is some bruising over the fracture areas. Today she reports reduced sensation on the ulnar side of the left little finger rather than the radial which does not correspond to the repair. She has also been reviewed by Dr [redacted] who is happy that sensation is present just reduced which may be due to swelling. She has flexion and extension present. She is still quite tender over the fracture sites.

X-rays today show good fixation and satisfactory bony alignment. The plan will be to start movement with hand therapy to continue with her ulnar gutter thermoplastic splints and we will review her in three weeks time to check her progress and assess her ability to commence driving at that stage as per Dr [redacted]

Kind regards

Yours sincerely

(Electronically sighted & approved)

[redacted]

Plastic Surgery Registrar to:

[redacted]

Dictated Date: 08 November 2021
Date Typed: 17 November 2021
Date Author Approved:
Date Typist Finalised:

Appendix 8:

NOTICE OF RETENTION OF DOG/S THREATENING PUBLIC SAFETY

Section 71, Dog Control Act 1996

ANIMAL SERVICES
Servicing Hutt City and Wellington communities
HUTT CITY

To Dog Owner		
[redacted] & Colin WOOD		
Address		
[redacted]		
Date		
4th November 2021		
Dog name: Lomu	Dog ID/SR: 417278	Impound number: 73479
Colour: Black & tan	Breed: Rottweiler	Sex: ☑ Male ☐ Female

This is to notify you that this dog will be retained in custody under section 71(2) of the Dog Control Act 1996 pending the conclusion of the prosecution against you for an offence under sections 57 of the Act.

The Council believes that the release of the dog would threaten public safety.

You may apply at any time to the Council for the release of the dog.

If the Council is satisfied that the release of the dog will not threaten the safety of any person, stock, poultry, domestic pet or protected wildlife, the dog will be returned.

You have a right of appeal to the District Court against a refusal to return the dog.

You may be required to pay fees for the sustenance of the dog while in custody before it will be released.

If any fees are not paid, within seven (7) days of the receipt by the owner of written notice, the Council may dispose of the dog by means of sale, destruction, or otherwise and that disposal will not relieve you of liability for payment of the fees.

Dog Control Officer	Date
i2	4.11.21

Appendix 9:

NOTICE OF SEIZURE AND REMOVAL OF DOG

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

HUTT CITY — TE AWA KAIRANGI

Number 14511

Date	Time am / pm
To	
Address	
This notice is to advise you that *(dog description)*	Dog ID/SR:
has been uplifted from *(address)*	

PART A: The dog was uplifted under the section of the Dog Control Act indicated by a ✓

☐	s15(1)(c)	Dog with insufficient food, water or shelter. Reasonable cause to suspect insufficient food, water or shelter in next 24 hours
☐	s19(3)(d)	Failure or refusal to provide information or wilfully providing false information
☐	s28(7)	Failure to comply with effects of dog owner disqualification
☐	s32(5)(a)	Failure to comply with dangerous dog requirements
☐	s33EC(2)(a)	Failure to comply with menacing dog requirements
☐	s42(2)(a)	Unregistered dog
☐	s52(3A)	Unrestrained dog returned to owner's property
☐	s52A(4)(a)	Failure to keep dog controlled or confined
☐	s56(2)	Removal of barking dog causing distress following further complaint
☐	s57(5)(a)	Dog has attacked person, stock, poultry, animal or protected wildlife
☐	s57A(3)	Dog has rushed or startled person, animal or rushed vehicle in a public place
☐	s64(2)	Failure to comply with Court order for the dogs destruction
☐	s72A(a)	Dog unlawfully released from custody

Seizure fee	$
Impound fee	$
Microchip fee	$
Registration fee	$
TOTAL	$
Plus sustenance fee	$ PER DAY

Owner – 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 dependant on you

Power of entry – where a Dog Control Officer has good cause to suspect that an offence has been committed, he/she, and all persons called to his or her assistance, may enter at any reasonable time onto the land or premises to seize or take custody of any dog

PART B: Release details

s15(1)(c)	Will be released if Council is satisfied that the dog will receive sufficient food, water or shelter and on payment of all fees within seven (7) days from the date of this notice. Note, if Council decides not to release the dog you will be issued with a further notice for which you have a right to appeal
19(3)(d)	Released on proof of ownership and payment of all fees within seven (7) days from the date of this notice
28(7)	May be released at, at Council's discretion to a person who does not reside at your address and on payment of any fees deemed appropriate
32(5)(a)	Will be released if Council is satisfied that the owner will comply with the dangerous dog requirements and on payment of all sustenance fees
33EC(2)(a)	Will be released if Council is satisfied that the owner will comply with the menacing dog requirements and on payment of all fees within seven (7) days from the date of this notice. Note, if Council decides not to release your dog you will be issued with a further notice for which you have a right to appeal
42(2)(a), 52(3A), 52A(4)(a)	Will be released on payment of all fees within seven (7) days from the date of this notice
56(2)	Will be released if Council is satisfied that the barking nuisance will not resume and on payment of all sustenance fees. Note, you have a right to appeal to the District Court against the refusal to release the dog. Unless returned, the dog will be kept in custody until such time as Council is satisfied that • proper provision in relation to the dog (as specified in the notice issued under section 55 of the Dog Control Act 1996) has been made on the property; or • the owner has made arrangements for the dog to be kept on a property other than the property from which it has been removed
57(5)(a), 57A(3)	Will be released if Council is satisfied that the dog will not threaten any person, stock, poultry, animal or protected wildlife, and on payment of all fees within seven (7) days from the date of this notice
64(2)	Will not be released. The owner will be liable for seizure, destruction and disposal costs
72A(a)	Will be released under the conditions associated with the initial impounding (incurring additional seizure fee)

IMPORTANT INFORMATION: If any fees are not paid, the territorial authority may dispose of the dog by means of sale, destruction, or otherwise and that disposal will not relieve you of liability for the payment of the fees.

Dog Control Officer	Method of service

Appendix 10: Email detailing Classification + Release

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

4th November 2021

Colin WOOD

[redacted]

SR# 417278

Dear Mr Wood,

Notice Under Section 71 and Dogs Attacking persons or animals section 57 of the dog control Act 1996.

On Sunday the Sunday 31st October 2021 your dog Lomu did attack and injure a person while being walked in a public place.

Under section 57(2). The owner of a dog that makes an attack described in subsection 57(1) commits an offence and is liable on conviction to a fine not exceeding $3,000 in addition to any liability that he or she may incur for any damage caused by the attack.

In response to your application dated 4th November 2021 Council has considered your request for the release of the dog:

"Lomu" Microchip # 956000005493488,

Under section 71(1)(d), Including the officers observations at an inspection on Thursday 4th November 2021;

- The property is fully fenced at the rear of your section with suitably high fencing.
- The dog can be confined to a kennel and run when at home alone.

Council decision is based on the above and a conditional release is approved.

These conditions are as follows.

1. Lomu will be classified as a Menacing dog under section 33A(1)(b)(i)
2. You must not allow Lomu to be at large or in any public place or private way (other than completely confined 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
3. Lomu must be kept under control at all times;

Wellington City Council
PO Box 2199
Wellington 6140
New Zealand
Phone +64 4 499 4444
Fax +64 4 801 3138
Wellington.govt.nz

4. the dog will be kept on a lead at all times when off your property unless he is in a designated dog exercise area;
5. You will keep the dog adequately confined to your property, or the dog must be under the direct control of a person while on your property;
6. Any person in charge of the dog must also comply with this notice. If this dog is impounded, the person in charge may be subject to legal proceedings.
7. You will pay Council the full impound fees;
8. You will pay Council the sustenance fees owed of $18.50 per day, the total of which will be calculated by Animal Services.

These conditions must be adhered to and signed in agreement.

You understand that any breach of these conditions may result in the dog being seized again and you will commit an offence and be liable upon conviction, to a fine not exceeding $3000 it you fail to comply with all matters 1 to 6 above.

The decision to release Lomu is separate from the decision to prosecute. Council is still considering the evidence in this case and may consider to prosecution, under section 57 of the Dog Control Act 1996, being the owner of a dog that has attacked or Classify the dog as Dangerous under section 31(1)

Yours sincerely,

[redacted]
Senior Animal Control Officer
Animal Services
Wellington Team
[redacted]@huttcity.govt.nz

Signed:

Colin WOOD
[redacted]

11/11/2021

Appendix 11:

FORM 4A

NOTICE OF CLASSIFICATION AS A MENACING DOG

Section 33A, Dog Control Act 1996

ANIMAL SERVICES
Servicing Hutt City and Wellington communities
HUTT CITY

To	
Colin WOOD	
Address	
[redacted]	
Name of dog: Lomu	Animal ID/SR: 417278
Registration number: 2110897	Desexed: ☒ Yes ☐ No
Microchip number: 9 5 6 0 0 0 0 0 5 4 9 3 4 8 8	
Colour: black and tan	Breed: Rottweiler

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)*):

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	Date
11	4th November 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

Appendix 12: Email requesting probationary period

Vicki Harwood

From: [redacted]
Sent: Thursday, 4 November 2021 1:38 PM
To: [redacted]
Subject: FW: [EXTERNAL] Re: release
Attachments: image002.jpg

Lomus release request
The property is fully fenced affording Lomu no escape.I have also extended some parts to stop Lomu jumping up and barking at neighbours. Not that he does that any more.Lomu has a bark collar as not to annoy the neighbourhood. As for walking Lomu I'm suggesting a period of probation.
6 months to a year.as he has walked past 2 years without one.
Hope this is sufficient for your needs
Colin wood
Lomus owner

Appendix B: Email requesting Appeal to WCC

Judith Austin

From: [redacted] <[redacted]@huttcity.govt.nz>
Sent: Friday, 19 November 2021 12:23 pm
To: Judith Austin
Subject: RE: [EXTERNAL] FW: Appeal for lomu no 262702

Hi Jude, are you happy with this response to Colin . (This is the Rotti that nearly degloved the woman's hand)

Hi Colin

I have receive your objection to the Classification under section 33A of menacing dog.
This classification was imposed as part of our release agreement when collecting Lomu from the Animal shelter.
Wellington City Council are still reviewing this file and considering if further chargers or conditions are to be imposed.
Once this process is finalised you will be advised of the outcome, at that point WCC will advised you on the way forward with this objection if necessary.

Kind regards [redacted]
---------- Forwarded message ---------
From: **Colin Wood** <[redacted]@gmail.com>
Date: Wed, 17 Nov 2021, 21:32
Subject: Appeal for lomu no 262702
To: <[redacted]@wccgovt.nz>

Lomu is nearly 5 years old and in that time has never had any instances of aggressive behaviour to humans. He happily allows my 2 year old grandson to crawl over him.He is a family dog not for protection or any other reason.Lomu only leaves the property to walk,get a wash,go to the vet.He is not left to roam the property without supervision otherwise he is tied on his lead on the deck.There is a separate fence allowing visitor's to approach the front door.The front of the property belongs to the cat.Lomu has walked the same walk for nearly three years now and we never had a problem except for this one time.we were approached unobserved at close quarters.Lomu didn't pull hard on his lead.I feel the responsibility falls on my shoulders .For a few seconds of inattention on my part scooping poo from the ground.I didn't see [redacted]
Lomu didn't attach her he is almost 60 kgs and if he attacked the outcome would have been totally different.Lomu just grabbed her jersey sleeve and unfortunately caught the bottom of her hand.her sleeve was dangling bellow her hand.he released her when requested.this one stupid act does not warrant being labelled for life .Lomu is not a menacing dog he is a loving,spoilt and often cuddled ball chasing dog.
As for the future.
We have tried two types of muzzles and he has rejected both of these(both reminded me of the Hannibal lector movies).
We are currently researching other types and hope to have alternate one shortly.
I propose a one year muzzle period.

Thank you for this process I would have appreciated having a meeting to discuss this matter rather than have to send e-mails .this is a format I am not comfortable using and don't feel able to express myself properly using it.please take this into consideration we reading this

Colin wood
Lomus owner

Appendix 14: Email requesting Appeal to Councillors

Judith Austin

From: Judith Austin
Sent: Wednesday, 2 March 2022 3:55 pm
To: Colin Wood
Subject: RE: Appeal for Lomu no 262702

Hi Colin,

These are two separate processes. The prosecution consideration is based on section 57, this is a council consideration. Injuries are outlined in Section 58.

57Dogs attacking persons or animals

(1)
A person may, for the purpose of stopping an attack, seize or destroy a dog if—
(a)
the person is attacked by the dog; or
(b)
the person witnesses the dog attacking any other person, or any stock, poultry, domestic animal, or protected wildlife.
(2)
The owner of a dog that makes an attack described in subsection (1) commits an offence and is liable on conviction to a fine not exceeding $3,000 in addition to any liability that he or she may incur for any damage caused by the attack.
(3)
If, in any proceedings under subsection (2), the court is satisfied that the dog has committed an attack described in subsection (1) and that the dog has not been destroyed, the court must make an order for the destruction of the dog unless it is satisfied that the circumstances of the offence were exceptional and do not warrant destruction of the dog.

Dogs causing serious injury

The owner of any dog that attacks any person or any protected wildlife and causes—
(a)
serious injury to any person; or
(b)
the death of any protected wildlife; or
(c)
such injury to any protected wildlife that it becomes necessary to destroy the animal to terminate its suffering,—
commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years or a fine not exceeding $20,000, or both, and the court shall, on convicting the owner, make an order for the destruction of the dog unless satisfied that the circumstances of the attack were exceptional and do not justify destruction.

Where you have exercised your rights to appeal, under section 33 A is the classification of your dog, this is your consideration.

I hope this clarifies the matter.

Thank you

Kind Regards

Jude

Judy Austin
Approvals & Process Innovation Team Leader | City Consenting & Compliance | Wellington City Council
[redacted]
E [redacted]@wcc.govt.nz | W Wellington.govt.nz |

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

From: Colin Wood <[redacted]@gmail.com>
Sent: Wednesday, 2 March 2022 3:10 pm
To: Judith Austin <[redacted]@wcc.govt.nz>
Subject: Re: Appeal for Lomu no 262702

Hi Judith
What is the reason for having an appeal system in place .when you go for an appeal the council back tracks and now decides to try for prosecution. When I have been informed by senior dog control the issue is closed apart from appeal.. I was promised the right to appeal being a meeting between myself and the council.where is the promised meeting when you seem to have made up your mind all ready. This is a democratic country not a dictatorship.can you please explain this process you are taking
Thanks
Colin wood

On Wed, 2 Mar 2022, 14:50 Judith Austin, <[redacted]@wcc.govt.nz> wrote:

> Thank you for your response.
>
> I will be in touch in due course.
>
> Thank you
>
> Kind Regards

Jude

Judy Austin
Approvals & Process Innovation Team Leader | City Consenting & Compliance | Wellington City Council
[redacted]
E [redacted]@wcc.govt.nz | W Wellington.govt.nz |

From: Colin Wood <[redacted]@gmail.com>
Sent: Wednesday, 2 March 2022 12:03 pm
To: Judith Austin <[redacted]@wcc.govt.nz>
Subject: Re: Appeal for Lomu no 262702

Good morning Judith

I an confirming that I wish to proceed with Lomus appeal.as regards to prosecution I would like to point out information received from your senior dog control person dealing with the case that no further action can be taken unless the lady concerned with the alledged attack makes a complaint.which never happened.I would also request that we stick to the facts as I'm sick of the rules changing and also sick of the lies told to me by your dog control.do I require a lawyer to proceed.I would hate to drag [redacted] and her son in law back into this.

Thank you

Colin wood

Lomus owner

On Wed, 2 Mar 2022, 11:33 Judith Austin, <[redacted]@wcc.govt.nz> wrote:

> Good morning Colin,
>
> I have reviewed the attack file for Lomu for the incident which occurred on 31/10/2021 . Wellington City Council, Public Health Unit is upholding the Animal Services findings.

The next step, upon your confirmation, is to present your case to the Councillors. Please advise by return email if you wish to continue your objection on the classification of Lomu, and I will notify Democracy Services who will set a hearing date.

In the matter of transparency, a prosecution assessment is also being undertaken pursuant to the Dog Control Act 1996 Section 57. You will be advised the outcome of this assessment in due course.

Thank you

Kind Regards

Jude

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

[redacted]@wcc.govt.nz | W Wellington.govt.nz | |

Appendix 15: Statement of [redacted]

Vicki Harwood

From: [redacted]@gmail.com>
Sent: Thursday, 30 December 2021 10:34 PM
To: [redacted]
Subject: [EXTERNAL] Re: Dog attack

Hi [redacted]
Apologies for the late reply I have been away.
Hopefully I'm not too late.

[redacted]

A description of the dog/owner

I think the dog was a Rottweiler. The owner was an older caucasian male.

What you saw

I was driving past with my friend when I saw [redacted] clutching her hand screaming with lots of blood dropping all over the pavement. The owner was tying the dog up at the time. We stopped the car and assisted her. The owner took off his sweatshirt and used it to stop the bleeding. He then helped her into my friends car who took her to the hospital. I did not see the actual attack.

If you had a conversation with the owner, what was said

I briefly asked him what happened and he said the she was walking past and the dog had lunged at her while his back was turned picking up the poo. He said it had never happened before.

Anything else you think may be important.

-The dog seemed to have calmed down once we got there and was not aggressive while we were tending to [redacted]

-I have family who live right where it happened and they have seen him and his dog before and often cross the street to avoid them and have suggested to me that the dog looks rather menacing.

-My mother in law saw the owner and his dog walking in the same place about a week after the attack and the dog was wearing a muzzle.

Let me know if you need anything else,
[redacted]

On Fri, 17 Dec 2021 at 2:09 PM, [redacted]<[redacted]@huttcity.govt.nz> wrote:

Hi [redacted]

[redacted] has made a formal statement with regards to the dog attack. She is still in a lot of pain and the healing is taking some time unfortunately.

Appendix 16: Statement of [redacted]

23/12/2021

STATEMENT

On Sunday morning 31 October 2021 I received a distressed call from someone. At the time I didn't know who. The person was crying uncontrollably down the phone, so much that she could not even form words to say who it was or what had happened. 10 mins later I got a call from my brother who said he had received a call from [redacted] hat she had been bitten by a dog whilst out on a walk and had been taken to the Emergency Department at Wellington Hospital by some bystanders who had witnessed the event.

When I arrived at ED [redacted] was being attended to by the ED physician to assess her injuries and to administer pain relief by way of intravenous analgesia and a local nerve block. She subsequently went to radiology for x-rays confirming she had sustained compound fractures to 2 bones in the left little finger.

Due to the nature of her wounds, she was subsequently transferred to Hutt Hospital under the care of the Plastic surgeon. Later that night she underwent 2 ½ hours of surgery to the finger which included exploration of the digital nerves and blood supply to that finger, plating of the 2 fractures bones and closure of the skin defect. She was later discharged home and remains under the care of the Plastic Surgery team and is undergoing Hand therapy to restore the function of the finger

During her time in the Emergency Department at Wellington Hospital, [redacted] was visited by [redacted] Senior Animal Control Officer. My understanding is that she was contacted by one of the gentlemen who had witnessed the event and taken her to ED. We were advised that the owner of the dog, Colin Wood was in the Department and was keen to see [redacted] and see how she was. He spoke to her on her own and I spoke to him afterwards. He said that this had never happened before, and he was at a loss as to why. He appeared genuinely concerned for her wellbeing. I phoned Colin later that evening to report her progress and that she would be going to theatre that night to salvage the badly damaged finger. The following day I also texted him to let him know that the surgery had gone well. He offered to send her flowers once she was discharged home which he subsequently did.

[redacted] nor I have had any contact with Colin since that time.

Yours sincerely

[redacted]

Brother of [redacted]

Supporting Info: Ballet Ticket

ROYAL NEW ZEALAND BALLET presents
The Ryman Healthcare Season of
A MIDSUMMER NIGHT'S DREAM

The Opera House, Wellington
Sun 31 Oct 2021 3:00pm

Latecomers may not be admitted until interval

DOOR 4

SECTION	ROW	SEAT
DRESS CIRCLE	A	12

TICKET TYPE PRICE
Adult Sub $120.00
incl. gst

[redacted]

V [redacted] 3/11/2021

to me

Hi Colin,

Regarding Lomu, if it's easier you can drop him in to us first thing tomorrow morning (from 8am). Let me know what suits you best.

If you would like to give one, I would also request a statement from you outlining what happened. Obviously you do not have to give one but if you do, it helps to give your side of events.

I have attached an incident statement form. You can type over it and bring it with you when you come to the shelter or print it and complete by hand.

I just need to know:

- the time, date and location of incident
- what happened before during and after, what was said etc?
- Has Lomu behaved in this manner before?
- Anything else you feel may be important.

We will also need a written release request signed by [redacted] (as she is the registered owner). She will need to advise what you intend to do in order to ensure this type of incident cannot happen again. For example

- kept in fully fenced section at all times when on the property
- muzzled/leashed in public etc

Whatever you say you will do must be followed through with. The Council just needs to be satisfied that he cannot do this again and therefore is not a danger to the public. Once I have these documents I can get on with my final report straight away. If you do not have a printer you can email them back to me and I can do that and you can sign them when here. [redacted] will have to physically sign the release which I can also print and drop back off to you if needed.

Any questions let me know. And if you could also let me know if you will drop him off tonight or early tomorrow.

[redacted]
Senior Animal Control Officer

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

V [redacted] 3/11/2021
Hi Colin, Regarding Lomu, if it's easier you can drop him in to us first thing tomorrow

9

V [redacted] 4/11/2021
to me

There's no form for it. You can wither write it out or it can just be emailed to me and signed at some point. Its basically just an email requesting him back and outlining what you will do to make sure this doesn't happen again. Whatever you write must be adhered to.

The sooner I get it, the sooner I can proceed from my end.

Cheers,

Show quoted text

No worries, will do. | Will do. | Will do, thanks.

Reply | Reply all | Forward

Colin Wood 3/11/2021
Hi [redacted] That would be good.i will come down and see you just after 8am.is it possible to fill

[redacted] 3/11/2021
Ok. Great. I will see you then. [redacted] will have to sign the back of a rego form to confirm

Colin Wood 3/11/2021
Thank you.see you in morning

[redacted] 3/11/2021
to me

Hi Colin,

I have just realised that I have to drop a dog to the vet in Khandallah tomorrow morning. However, my colleagues will be here so you can still come at that time. They will give you the relevant paperwork and you can contact me if you have any questions.

Thanks a lot,

Show quoted text

Draft 3/11/2021

Hey [redacted]

[redacted] 4/11/2021

to me

Hi Colin,

Lomu is doing good, seems happy enough and is wagging his tail.

For the release, I just need you to outline what you will do to ensure this type of incident doesn't happen again. For example – that he is kept in a fully fenced section, will be muzzled etc. I see that you have put that at the end of your statement, but I need a separate written and signed request.

Will get back to you soon.

Cheers,

[redacted]

Show quoted text

From: Colin Wood <[redacted]@gmail.com>
Sent: Wednesday, 2 March 2022 3:10 pm
To: Judith Austin <[redacted]@wcc.govt.nz>
Subject: Re: Appeal for Lomu no 262702

Hi Judith

What is the reason for having an appeal system in place .when you go for an appeal the council back tracks and now decides to try for prosecution. When I have been informed by senior dog control the issue is closed apart from appeal.. I was promised the right to appeal being a meeting between myself and the council.where is the promised meeting when you seem to have made up your mind all ready. This is a democratic country not a dictatorship.can you please explain this process you are taking

Thanks

Colin wood

On Wed, 2 Mar 2022, 14:50 Judith Austin, <[redacted]@wcc.govt.nz> wrote:

> Thank you for your response.
>
> I will be in touch in due course.
>
> Thank you
>
> Kind Regards