



MEETING of Hearings Committee AGENDA

Time: 11:00 am
Date: Wednesday, 29 November 2023
Venue: Waiata House, 27 Lincoln Road,
Masterton

MEMBERSHIP

Councillor Craig Bowyer (Chairperson)

Mayor Gary Caffell

Councillor David Holmes

Councillor Tom Hullena

Iwi Representative Ra Smith

Values

1. **Public interest:** members will serve the best interests of the people within the Masterton district and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behaviour.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their ethnicity, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of Council staff.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this Code, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which MDC operates, including a regular review and assessment of MDC's collective performance.

These values complement, and work in conjunction with, the principles of section 14 of the LGA 2002; the governance principles of section 39 of the LGA 2002; and our MDC governance principles:

| | |
|--------------------------|--|
| Whakamana Tangata | Respecting the mandate of each member, and ensuring the integrity of the committee as a whole by acknowledging the principle of collective responsibility and decision-making. |
| Manaakitanga | Recognising and embracing the mana of others. |
| Rangatiratanga | Demonstrating effective leadership with integrity, humility, honesty and transparency. |
| Whanaungatanga | Building and sustaining effective and efficient relationships. |
| Kotahitanga | Working collectively. |

Order Of Business

| | | |
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| 1 | Conflicts of Interest | 5 |
| 2 | Apologies | 5 |
| 3 | Reports for Decision..... | 6 |
| 3.1 | Determination of an Objection to a Menacing Dog Classification..... | 6 |
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| 4.1 | Deliberation on the Objection to Classification of Dog as Menacing | 80 |

1 CONFLICTS OF INTEREST

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.

2 APOLOGIES

The Chair invites notice from members of apologies, including apologies for lateness and early departure from the meeting.

3 REPORTS FOR DECISION

3.1 DETERMINATION OF AN OBJECTION TO A MENACING DOG CLASSIFICATION

File Number:

Author: Steven May, Manager Regulatory Services

Authoriser: Kym Fell, Chief Executive

PURPOSE

This report seeks the Hearings Committee consideration and decision on the objection lodged by a dog owner against the classification of the dog, [REDACTED] as a menacing dog under section 33A of the Dog Control Act 1996 (the Act).

EXECUTIVE SUMMARY

Under the Act, Council may classify dogs as menacing ([Section 33A](#)). Council's Animal Services and Bylaws Team have classified a dog as menacing under the Act and the dog owner has objected to that classification.

The evidence relating to the classification and the objection are attached to this report.

The Committee must determine whether to uphold or rescind the classification as a menacing dog

RECOMMENDATIONS

That the Hearings Committee

1. Receives the information;
2. Notes
 - i) The evidence which formed the basis for the classification;
 - ii) Any steps taken by the owner to prevent any threat to the safety of persons or animals;
 - iii) The matters relied on in support of the objection;
 - iv) Any other relevant matters.
3. Agree to uphold the classification as a menacing dog **OR**
Agree to revoke the classification as a menacing dog.

CONTEXT

Under [Section 33A\(1\)](#) of the Act, Council may classify a dog as menacing if it considers the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog.

If a dog is classified as a menacing dog the dog owner has the right under [Section 33B](#) of the Act to object to the classification and has the right to be heard in support of the objection.

Consequences of a Menacing Classification¹

If a dog is classified as a menacing dog, the owner of the dog:

¹ [Section 33E Dog Control Act 1996](#)

- Must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
- Must, if required, by the territorial authority, within 1 month after receipt of notice of the classification, provide to the territorial authority a certificate issued by a veterinarian certifying either
 - That the dog is or has been neutered; or
 - That for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- Must, if a certificate stating that the dog is not in a fit condition to be neutered is produced to the territorial authority, produce to the territorial authority within 1 month after the date specified in that certificate, a further certificate that the dog is or has been neutered.

The [Masterton District Council Dog Policy](#) provides that all menacing dogs must be desexed. This requirement is permitted under [Section 10\(3\)\(ea\)](#) of the Act. De-sexing tempers a dog's aggression and thereby reduces the risk a dog poses to public safety. There is no discretion to waive the requirement to desex a dog classified as menacing. However, a veterinarian may certify that the dog is not in a fit condition to be neutered before a specified date. This may be due current conditions e.g. a pregnant or lactating bitch.

Any classification as a menacing dog applies throughout New Zealand².

If a dog owner doesn't comply with the conditions set out above, they are in breach of the Act and liable for a fine of up to \$3000. In addition, if the dog owner fails to comply with the requirements of the Act, the dog can be seized until the owner has demonstrated they will comply with the Act, or the dog is disposed of under Section 71A of the Act³.

The Hearing Process and Decision

The Masterton District Council Hearings Committee has the delegation to hear and make decisions on matters arising from processes under the Dog Control Act 1996 (see [Inaugural Council Meeting Agenda 26 October 2022 Report 5.3 Committee Structure and Appointments 2022-2025](#)).

The Committee will sit in a quasi-judicial capacity for this hearing. The meeting will proceed as follows:

- The objector will present their evidence and any witnesses in support of their objection and will answer any questions from the Committee;
- The Animal Services Officer will present their evidence, along with any other witnesses, and will answer any questions from the Committee.
- The objector has a right of reply.
- There will be no cross examination of one party by the other.

Information about the proceedings provided to the objector is attached (see Attachment 1).

² [Section 33EA Dog Control Act 1996](#)

³ [Section 33EC Dog Control Act 1996](#)

After the Committee has heard from both parties, the meeting will move into a public excluded session to enable the Committee to protect the privacy of the objector in their deliberations on the matter (Section 7(2)(a) of the Local Government Official Information and Meetings Act 1987).

The only decision the Committee can make is to uphold or rescind the classification⁴. The Committee can't propose any further restrictions on the dog or dog owner or decide to classify the dog as dangerous.

When making its decision, the Act requires the Committee to have regard to the following four factors:

- The evidence which formed the basis for the classification; and
- Any steps taken by the owners to prevent any threat to the safety of persons or animals; and
- The matters relied on in support of the objection; and
- Any other relevant matters.

Once the hearing and deliberations are complete, the Committee must give written notice to the owner of its determination of the objection and the reasons for its determination.

ANALYSIS AND ADVICE

Classification as menacing

The Animal Services Team has classified a dog, [REDACTED] (a female black and tan rottweiler), as a menacing dog under section 33A of the Dog Control Act 1996 (the Act) and the registered dog owner, in a letter dated 2 October 2023, has objected to that classification (see Attachment 2).

The menacing classification resulted from an incident on 23 September 2023. Police received a complaint that two rottweilers were running loose and had attacked a pedestrian. Police contained one of the dogs. When Police attempted to secure the other dog (subsequently identified as [REDACTED]), the dog became aggressive and lunged at the Constable who sprayed the dog with Police-issued pepper spray in defence. The Masterton District Council after-hours Animal Services officer was called and both dogs were seized and impounded. As the owner wasn't home at the time of impounding, seizure notices were delivered to the owner later that day. Statements from the Animal Services Officer and the Police officers who attended the incident are attached, along with the statement from a complainant provided to Police, the letter Police delivered to the dog owner on the day of the incident and a photograph of the fence referred to in one of the Police statements (see Attachments 3-7).

On 28 September Animal Services Officers visited the dog owner and inspected the interim kennel that had been built to contain the dogs and prevent them leaving the property when they were left unsupervised. The dog owner was advised that a larger enclosure was needed as the interim kennel was too small to be acceptable long term. The dog owner informed the Animal & Bylaws Services Team Leader later that day that a larger enclosure was coming the following week. The dogs were returned to the owner later that same day with a copy of the infringements resulting from the incident, a fencing order and the menacing classification of [REDACTED]. An application form for desexing at no cost to the dog owner through the Department of Internal Affairs was also provided (see Attachment 8).

⁴ [Section 33B\(2\)](#) Dog Control Act 1996

Objection to classification

The dog owner has objected to the classification of [REDACTED] as menacing on the grounds that “many studies have proven that neutering large breed dogs before they are fully developed can cause a list of health issues and also makes them a high risk for many other health issues”. The objector also stated that neutering would “have a major effect on [REDACTED] physical development, her mental and also behavioural development” (see Attachment 2).

The objection to the menacing classification does not relate to the grounds for classifying the dog as menacing, but to the potential effect of neutering the dog which is required when a dog is classified as menacing. The objector is, in effect, objecting to the application of Council’s Dog Policy. As stated above, there is no discretion under the Policy to waive the requirement for a dog classified as menacing to be desexed. In addition, officers have not received a notice from a veterinarian certifying that the dog is not in a fit condition to be neutered at this time (see Section 33E(1)(b)(ii)). For completeness, the Animal Services Officer has researched the objector’s claims of harm that would result from the dog being neutered. The officer considers that there are differing opinions on the age for neutering large breeds of dog (see Attachment 9).

As stated above, the council has the discretion to classify a dog as menacing if it considers that dog may pose a threat to any person, stock, poultry, domestic animal or protected wildlife because of any observed or reported behaviour of the dog. The discretion needs to be considered in the context that a dog ‘... may pose a threat to any person ...’. ‘May’ is a low threshold and a decision considers the likelihood of the dog behaving similarly in the future.

The matters that Section 33B of the Act requires the Committee to take into account when considering an objection to the classification are set out below, along with the specific facts that officers consider apply in this situation:

i) **The evidence which formed the basis for the classification;**

[REDACTED] classified as menacing due to the incident on 23 September 2023 where [REDACTED] was found wandering off the owner’s property without [REDACTED] control and responded aggressively to the attending Animal Services Officer, Police and members of the public.

ii) **Any steps taken by the owner to prevent any threat to the safety of persons or animals;**

On 28 September Animal Services Officers visited the address and were shown a kennel and run the owner’s partner was building to be used when the owner was not at home. It was small but adequate for the purpose of preventing the dog leaving the property when left alone but only in the short term because it did not comply with the Welfare Act. The dog owner has not advised if the larger enclosure for the dogs has been erected on the property for the longer term to enable inspection and signoff, as required as a condition of the release of the dogs in the letter provided to [REDACTED] on release of the dogs (see Attachment 8).

iii) **The matters relied on in support of the objection;**

The objector has not provided any further information other than as outlined in the letter objecting to the classification of [REDACTED] as menacing.

iv) **Any other relevant matters.**

- The objection relates to the effects of the classification of the dog and the application of Council’s Dog Policy, rather than the classification itself. As set out above, Council may classify a dog as menacing if it considers the dog may pose a threat ... because of any observed or reported behaviour of the dog. The objection doesn’t raise any matters that

call into question the observed or reported behaviour of the dog and the classification of [REDACTED] as menacing. The potential effects of neutering on the dog aren't a relevant consideration to the classification of the dog as menacing.

- The assessment matrix used by Animal Services Officers to provide an assessment of action to be taken following a dog attack is attached (see Attachment 10). This kind of matrix is used by a number of territorial authorities Animal Control/Animal Management teams throughout the country.
- There has been one previous complaint in relation to the same dogs. On 3 May 2023 a complaint was received that two rottweilers had been seen attacking a chicken. One dog took off when approached but the other stood its ground briefly before running down Colombo Road and entering a property. The dogs were seized after the incident and a warning notice was issued to the registered dog owner.

OPTIONS CONSIDERED

A summary of the options considered is included in the table below.

| Option | Advantages | Disadvantages |
|---------------------------------------|---|---|
| 1 Uphold the menacing classification | The likelihood of further attacks on members of the public or animals will be reduced by the requirement for the dog to be muzzled when in public and to be neutered to temper aggressive tendencies. | None identified |
| 2 Rescind the menacing classification | None identified. | If the menacing classification is rescinded there is a risk that further breaches of the Act will occur and members of the public could be further threatened or even harmed. |

RECOMMENDED OPTION

Option 1 is recommended. The menacing classification will reduce the risk posed to any member of the public and other animals by requiring [REDACTED] to be muzzled when in public and to be neutered.

This is the second incident [REDACTED] has been involved in. While the previous incident was considered minor, this pattern of behaviour indicates to the Animal & Bylaw Services Team that the dog owner has a disregard or is ignorant of [REDACTED] dog's behaviour and the requirements of the Dog Control Act 1996. If there are no measures put in place, this is likely to result in further incidents occurring.

If the Committee rescinds the classification, there is a risk that further breaches of the Act will occur and members of the public could be further threatened or even harmed.

The incident which gave rise to the menacing classification, while not resulting in injury to any of those officers who attended, clearly demonstrated unacceptable behaviour from the dog. If the

dog bites a member of the public in future, Council may consider prosecuting the owner and seek destruction of the dog.

Based on professional experience, officers consider that if the dog owner continues to allow the dog to act in the manner that it has in the past, it will attack again. The Animal & Bylaw Services Team therefore consider that the evidence substantiates the classification of [REDACTED] as menacing under the Act and remains appropriate.

SUMMARY OF CONSIDERATIONS

Strategic, Policy and Legislative Implications

The Dog Control Act 1996 provides for the provision for the care and control of dogs by imposing on the owners of dogs obligations designed to ensure the dogs to not injure, endanger or cause distress to any person or stock, poultry, domestic animal or protected wildlife (Sections 4(a)(iii) and (iv)) and requires that every owner of a dog must ensure that their dog is kept under control at all times (Section 5(1)(b)). The relevant sections of the Act are attached (see Attachment 11).

Section 33A(1) of the Act, provides that Council may classify a dog as menacing if it considers the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog.

Section 33B provides that an owner can object to a menacing classification and sets out the matters the territorial authority must take into account when considering an objection made under the section.

Masterton District Council's Dog Policy provides that all menacing dogs must be de-sexed and within one month of the classification notice either provide evidence that the dog has been desexed or is unfit to be de-sexed by the specified date, and that, in accordance with Section 33E of the Act, be muzzled when in public places and when on private ways (unless confined in a cage or vehicle).

Significance, Engagement and Consultation

The decision whether to uphold or rescind the menacing classification is not a decision that comes within the scope of Council's Significance and Engagement Policy. No engagement or consultation is therefore required.

Financial Considerations

There are no financial considerations associated with the decision to be made in relation to the menacing classification.

Implications for Māori

There are no implications for Māori in the decision whether to uphold or rescind the menacing classification.

Communications/Engagement Plan

No communications or engagement plan is required.

Environmental/Climate Change Impact and Considerations

There are no environmental or climate change impacts or considerations in the decision by the Committee on the objection to the menacing classification.

ATTACHMENTS

1. **Hearing and Meeting Procedure** [↓](#) 
2. **Objection to Classification** [↓](#) 
3. **Statement of Masterton District Council Animal Control Officer** [↓](#) 
4. **Statements of Police Constables** [↓](#) 
5. **Statement of Complainant** [↓](#) 
6. **Letter from Police to Dog Owner** [↓](#) 
7. **Photos of Fence** [↓](#) 
8. **Letter from Masterton District Council to Dog Owner** [↓](#) 
9. **Research on Neutering Dogs** [↓](#) 
10. **Assessment Matrix** [↓](#) 
11. **Extracts from Dog Control Act 1996** [↓](#) 



**INFORMATION CONCERNING PROCEDURE FOR HEARING OF OBJECTIONS RECEIVED
PURSUANT TO THE DOG CONTROL ACT 1996**

This information is for the assistance of persons participating in the hearing of objections received pursuant to the Dog Control Act 1996.

1. Committee of Elected Members conducting the Hearing

Objections received pursuant to the Dog Control Act 1996 are considered by Masterton District Council Hearings Committee composed of Elected Members and an iwi representative, who have Council's delegated authority to hear and determine the objection.

2. Statutory Provision

Relevant statutory provisions are contained in the Dog Control Act 1996.

3. Engagement of Counsel

You may present your case in person or may be represented by legal counsel or any other person. You could also bring a support person with you.

4. Public Hearing

The hearing is a public meeting and the media and members of the public are entitled to be present. This also means that any evidence provided during the process will be included in an Agenda publicly published prior to the hearing with personal information redacted where required.

The decision of the Hearings Committee will be publicly available when confirmed at the Council meeting held on 13 December 2023.

5. Venue

The hearing will be held in Waiata House 27 Lincoln Road, Masterton. If a change of venue is required, you will be informed in advance.

6. Agenda

An agenda for the hearing will be sent to you at least three days before the hearing. The agenda will also include any pre-circulated evidence. (See paragraph 7 below).

7. Evidence

Any evidence given and submissions made may be oral or in writing. Photographs and similar evidence may also be produced. Please provide six copies of any documents to be tabled at the hearing. If you would like to have your evidence pre-circulated, you will need to provide this to the Governance Advisor by 3pm on Friday 24 November 2023.

8. Cross-Examination

There is no right of cross-examination. This means that the parties do not have the right to address questions to other parties. The Hearings Committee may, however, question any party concerning their submission or evidence.

9. Conduct of the Hearing

At the start of the hearing, the Hearings Committee will briefly outline the hearing procedure. The following order of appearance will usually apply:

- (a) The objector presents their case in support of their objection.
- (b) The representative of the Council and any other person reporting on behalf of the Council present their case.
- (c) The objector has a right of reply.

Notwithstanding this general order, the Hearings Committee may elect to regulate the hearing procedure as they see fit.

10. Tikanga Maori

You may speak to your objection in Te Reo Māori if you wish. If you intend to do so, please contact the Hearing Administrator within three days of the date you receive the letter notifying you of the hearing. This is to enable arrangements to be made for a certified interpreter to attend the meeting.

11. Visual and Digital Aids

If you wish to use any visual or digital aids, please contact the Governance Advisor no later than two days before the meeting so that arrangements can be made.

12. Adjournment

The Hearings Committee has the authority to adjourn the hearing. If at the time of adjournment, no date or time is set for a resumed hearing then you will be given at least seven working days' notice of the date and time of the resumed hearing.

13. Decision

After the Hearings Committee has heard the evidence, it will declare the hearing closed and will exclude the public from the meeting to consider its decision. All parties will be advised in writing of the decision as soon as possible and the reasons for it. If you are dissatisfied with the decision, we recommend you seek legal advice.

14. Variation of Procedure

The Hearings Panel may, in its sole discretion, vary the procedure set out above if the circumstances indicate that some other procedure would be more appropriate.

[REDACTED]

Team Leader
Animal and Bylaw Services
Masterton 5810

Owner Number: [REDACTED]
Dog tag: [REDACTED]

[REDACTED]

I am writing to object to the classification of [REDACTED] being a menacing dog.

My main reason for this objection is related to the requirement of [REDACTED] being neutered. Many studies have proven that neutering large breed dogs before they are fully developed can cause a long list of health issues but also makes them a high risk for many other health issues.

I do not think it is fair or sensible to neuter [REDACTED] before she is fully developed as it is going to have a major effect on her physical development, her mental and also behavioral development. This will also make her a high risk for a various rang of health issues.

I shall elaborate on my objections at the time and place lined out for my objections to be heard.

[REDACTED]

2nd October 2023

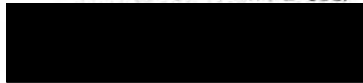
**BEFORE THE HEARINGS COMMITTEE – MASTERTON DISTRICT COUNCIL
(MDC)**

IN THE MATTER Of a notice of objection under section 33B of the Dog
Control Act 1996 (DCA)

AND

IN THE MATTER Objection to the classification of a dog as menacing under
section 33A of the DCA.

BY



**STATEMENT OF EVIDENCE OF
Garry Hardgrave (ANIMAL CONTROL OFFICER), MDC**

Menacing Dog Objection Hearing:

29th November 2023

1. INTRODUCTION

1.1 My name is Garry Michael Hardgrave and I am an Animal Control Officer with the Masterton District Council. I have been responsible for classifying a dog owned by [REDACTED] as menacing under section 33A of the DCA.

[REDACTED] owns two black and tan Rottweilers one named [REDACTED] and the other named [REDACTED].

1.3 At about 12.15 pm on 23rd of September 2023 MDC received a complaint of a dog attack on a chicken hutch. This happened on the property of [REDACTED]

1.4 The investigation identified the dog as [REDACTED], belonging to [REDACTED]

1.5 [REDACTED] was classified as menacing under section 33A of the DCA. [REDACTED] was advised of the classification on 28th September 2023.

[REDACTED] objected to the classification on 4th October 2023.

2 DESCRIPTION OF THE ATTACK

2.1 At 12.55 pm on 23rd of September 2023 a complaint (number [REDACTED]) was received. This reported that two Rottweilers were on a property attacking a chicken hutch and when confronted by the owner of the property both dogs became aggressive towards the owner of the property. The dogs left the property and headed towards the dairy on the corner of [REDACTED] and [REDACTED]. One dog was seen to try and bite a male on the footpath pushing his bike. Police arrived and spotted the dogs in the middle of the road by the [REDACTED] Dairy. One of the dogs was timid and police managed to temporarily secure this dog in a property. This dog was later identified as [REDACTED]. One police officer remained with [REDACTED]. The other officer followed the second dog down to [REDACTED] and went up the driveway, this dog was later identified as [REDACTED]. [REDACTED] then advanced on the officer growling, exposed its teeth and bark. The dog then lunged towards the officer who was fearful that the dog was going to attack. The officer backed away and drew OC spray and sprayed the dog as it lunged again. The dog then jumped a six-foot fence into the back yard of [REDACTED]. Police tried several times to contact owner by phone without success. At this stage [REDACTED] arrived at the property and went to the front porch until MDC Animal Services arrived. [REDACTED] was placed in the MDC vehicle without trouble. Due to her aggression [REDACTED] had to be poled by the Animal Services Officer and with Police help was placed in the back of the MDC vehicle.

2.2 Both dogs were seized and taken to the Masterton District Council animal shelter by MDC Staff.

- 2.3 Staff returned to the owners address of [REDACTED] and delivered seizure notices for both dogs to the owner's partner. Following discussions with the dog owner evidence was seen of a kennel and run for future containment of the dogs.
- 2.4 Impound, seizure and registration fees were paid on the 25th of September 2023. Both dogs were returned that day to [REDACTED], both dogs were infringed for not being kept under control or confined and [REDACTED] was classified as Menacing.

3 EVIDENCE

- 3.1 The evidence considered in the issuing of the menacing classification was:
- a. Statement from the chicken owner and Police:
- i. Police said the dog [REDACTED] was acting aggressively in the street towards members of the public.
 - ii. Police had to take evasive action to avoid being bitten.
 - iii. [REDACTED] had to be poled off the section.
- b. An assessment matrix that is used throughout New Zealand by numerous Territorial Authorities' Animal Control / Animal Management services to give an indication of what action should be taken in dog attacks. Masterton District Council also uses this tool to give an indication of appropriate actions. In this case the score was assessed as 26, this indicates an option of Classification as Menacing under Section 33A of the DCA 1996.

4 DOG CONTROL ACT 1996 – SECTION 33A AND 33B

33A - Territorial authority may classify dog as menacing.

- (1) This section applies to a dog that—
- (a) has not been classified as a dangerous dog under section 31; but
 - (b) **a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—**
 - (i) *any observed or reported behaviour of the dog; or*
 - (ii) **any characteristics typically associated with the dog's breed or type.**
- (2) A territorial authority may, for the purposes of section 33E(1)(a), classify a dog to which this section applies as a menacing dog.

- (3) If a dog is classified as a menacing dog under subsection (2), the territorial authority must immediately give written notice in the prescribed form to the owner of—
- (a) the classification; and
 - (b) the provisions of section 33E (which relates to the effect of classification as a menacing dog); and
 - (c) the right to object to the classification under section 33B; and
 - (d) if the territorial authority's policy is not to require the neutering of menacing dogs (or would not require the neutering of the dog concerned), the effect of sections 33EA and 33EB if the owner does not object to the classification and the dog is moved to the district of another territorial authority.

33B Objection to classification of dog under section 33A

- (1) If a dog is classified under section 33A as a menacing dog, the owner—
- (a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
 - (b) has the right to be heard in support of the objection.
- (2) The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to—
- (a) the evidence which formed the basis for the classification; and
 - (b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and
 - (c) the matters relied on in support of the objection; and
 - (d) any other relevant matters.
- (3) The territorial authority must, as soon as practicable, give written notice to the owner of—
- (a) its determination of the objection; and
 - (b) the reasons for its determination.

5 OBJECTIVES AND POLICIES

- 5.1 Section 4 of the Dog Control Act 1996 identifies the objects of the Act to include making better provisions for the care and control of dogs by making special provision

Section 33B Dog Control Act 1996 owner name: _____

Page: 5

in relation to menacing dogs and impose on owners of dogs obligations to ensure that dogs do not injure, endanger or cause distress to any domestic animal.

- 5.2 Page 3 of the Masterton District Council Dog Control Policy 2018 requires dogs classified by Masterton District Council as menacing under sections 33A or 33C of the Dog Control Act 1996, or any dog classified as menacing which is transferring to Masterton District Council to be neutered.

6 CONCLUSION

- 6.1 Masterton District Council Animal Services staff have a duty to enforce the provisions of the Dog Control Act 1996.
- 6.2 Pursuant to the provisions of Section 33A of the Dog Control Act 1996, Masterton District Council classified the dog known as [REDACTED] because of the observed and reported behaviour whilst off his owner's property.

Garry Michael Hardgrave

Animal & Bylaws Services Officer
Masterton District Council



New Zealand Police
STATEMENT

POL 2150 A 08/16

Section 82 Criminal Procedure Act 2011

Statement of: Maraea-Jula DUDSON Age (if under 18): _____
Date statement taken: 18/10/2023 Time: _____
Location: Masterton Police Station

I, Maraea-Jula DUDSON, state:

1. That is my name.
2. On Saturday 23 September 2023 I was working in the Masterton area.
3. I was working with Constable DUFTON, call sign MSI4.
4. At around 12pm we received job details from Police Communications to attend a dog control job.
5. The job details read, that what there were two large Rottweilers roaming around the [REDACTED] area.
6. The job then read, that one of the dogs had bitten a member of the public.
7. The Masterton Council had also been contacted to get to a Dog Control Officer to attend and uplift both dogs.
8. Police arrived in the area a short while later and spotted the dogs in the middle of the road by the [REDACTED]
9. It was a Saturday afternoon, as such, this area of town was very busy. There were multiple members of the public walking around as it was a nice day.
10. Constable DUFTON and I got out of the vehicle to try and get the dogs off the road and away from members of the public.

MO
..... witness initials



New Zealand Police
STATEMENT CONTINUED
Section 82 Criminal Procedure Act 2011

POL 2150 A 08/16

Statement of: Maraea-Jula DUDSON Age (if under 18): _____

11. One of the Rottweiler's labelled A was quite timid and therefore we managed to temporarily secure this dog and a property behind the dairy.
12. The other Rottweiler labelled B was very aggressive, it was barking and growling, and it walked down [REDACTED] barking at members of the public and walking onto oncoming traffic [REDACTED].
13. I followed the dog down [REDACTED].
14. Constable DUFTON remained with dog A.
15. As I followed dog B down the road I was on one side of the road whilst the dog was on the other.
16. I followed the dog to [REDACTED] the dog went onto the driveway of the address, and I remained on the footpath.
17. I called Constable DUFTON over the radio and asked him to do a NIA search on the address to try and contact the occupiers of the property to see if the dog belonged to them.
18. Once I had radioed this through dog B unprovoked began to growl, expose its teeth, bark and then lunge towards myself in attempts to attack.
19. I backed away from the dog and drew my OC spray.
20. The dog then lunged towards me, so I had to deploy my OC spray.
21. The OC spray had immediate effect the dog retreated and jumped a six foot fence into the back garden of [REDACTED].
22. Constable DUFTON arrived at the address just after this had happened.
23. I attempted to call the occupier of [REDACTED] seven times the phone number that we had listed [REDACTED] was [REDACTED].



New Zealand Police
STATEMENT CONTINUED
Section 82 Criminal Procedure Act 2011

POL 2150 A 08/16

Statement of: Maraea-Jula DUDSON Age (if under 18): _____

- 24. I was trying to call this number to advise the occupier that this dog had attacked a member of the public and now a police officer and was going to be uplifted by a Dog Control Officer employed by the Masterton District Council.
- 25. Dog A arrived at [REDACTED] shortly after and remained on the front porch of the property until Dog Control Officers arrived.
- 26. I assisted the Dog Control Officers with safely securing both dogs. As dog B had jumped the fence into the back of [REDACTED] we had to move this gate to allow officers to get through and detain the dog.

I confirm the truth and accuracy of this statement. I make the statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

Signature

Date

22/10/23

MD witness initials

Maraea-Jula Dudson
PST Constable
Waikarapa Police

06 370 0300

www.police.govt.nz

M09819

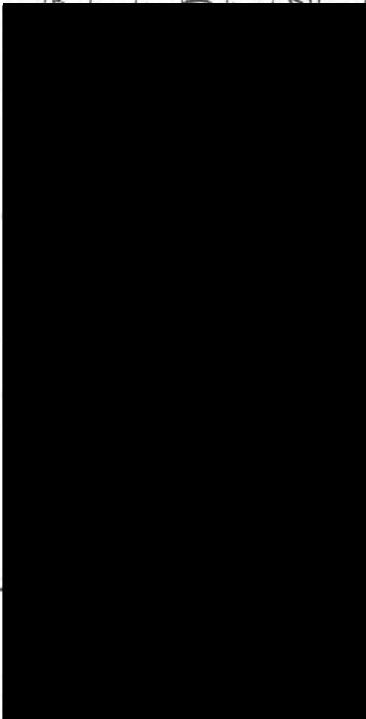


24/9/23

1/2

B46

Dog control (assist)



| | |
|---|---|
| | |
| <p>Maraea-Jula Dudson PST Constable Waikarapa Police 06 370 0300 [Redacted] [Redacted] [Redacted]</p> | <p>Asst council. Council advise they have entry powers to enter + take dog.</p> |
| <p>2/2 [Redacted] MDYB19 NEW ZEALAND POLICE 24/9/23</p> | <p>Dog sprayed tearpain irritate [Redacted]</p> |
| | <p>Launched to attack me.</p> |
| | <p>Police assist council to uplift both dogs.</p> |
| | |



New Zealand Police
STATEMENT
Section 82 Criminal Procedure Act 2011

POL 2150 A 08/16

Statement of: Michael DUFTON Age (if under 18): _____
Date statement taken: 24 October 2023 Time: _____
Location: Masterton Police station

I, Michael DUFTON, state:

1. That is my name.
2. I am a Public Safety Team Constable currently attached to Section 4 based at the Masterton Police station.
3. I have been requested by the Masterton District Council Animal and Bilaw Services Officer for a Formal Written Statement in relation to the dog attack I was involved in on Saturday the 23rd of September 2023.
4. On Saturday 23rd September 2023 I was assigned Unit call sign MSI4 and was working alongside Constable Maraea DUDSON.
5. During our shift we were dispatched to [REDACTED] in relation to two dogs running loose in this street.
6. The job detail stated that two Rottweilers were running in and out of traffic and that one of the dogs was trying to attack a member of the public.
7. It also stated that a dog had bitten a member of the public and that Animal Control had been advised.
8. We drove to the location immediately and arrived at the corner of [REDACTED] [REDACTED] at 12:50pm
9. The informant approached Police and pointed out the two dogs that were still roaming on [REDACTED]



New Zealand Police
STATEMENT CONTINUED
Section 82 Criminal Procedure Act 2011

POL 2150 A 08/16

Statement of: Michael DUFTON Age (if under 18): _____

10. The informant gave [redacted] name as [redacted] stated that these two dogs were the same dogs that had gone onto [redacted] property two weeks ago and killed [redacted] chooks.
11. I managed to herd one of these dogs into the rear address of the dairy at [redacted] [redacted], however, this dog jumped the fence and continued roaming and travelled back north along [redacted].
12. My colleague Maraea DUDSON was on foot further down [redacted] so I hopped in my patrol car and drove to her location.
13. I parked outside approximately [redacted]
14. I then observed one of the Rottweiler dogs lunge towards Constable DUDSON and she deployed her spray which was effective, both dogs then retreated into the address of [redacted]
15. The dog which had been sprayed jumped over the five foot high wooden gate / fence and got into the back rear yard of [redacted].
16. The other dog continued to roam around the front of the address inside the property.
17. I presumed that these two dogs belonged to this address however this was unconfirmed.
18. I then used my Police phone to query the two vehicles that were parked in the driveway and attempted to call and make contact with the registered owners of these vehicles, however, this was unsuccessful.
19. When the dog was down the side of the house I went to the address and knocked long and loud on the front door and front window, however, no one came to the door.
20. I then retreated outside of the address and waited on the footpath for Animal Control.
21. I then spoke further with [redacted] and obtained a notebook statement from [redacted] about the event in my notebook.



New Zealand Police
STATEMENT CONTINUED
Section 82 Criminal Procedure Act 2011

POL 2150 A 08/16

Statement of: Michael DUFTON Age (if under 18): _____

- 22. We then all waited until Animal Control arrived and eventually two Animal Control Officers arrived at the scene.
- 23. I took their direction in relation to assisting them seizing the two dogs that were on the property.
- 24. I observed the first dog that was in the front yard area being coxed into the back of the van.
- 25. I took photos of this dog as it was the less aggressive dog and thought it may be important to differentiate which dog was which as both dogs didn't appear to be wearing a collar.



26.



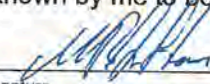
New Zealand Police
STATEMENT CONTINUED
Section 82 Criminal Procedure Act 2011

POL 2150 A 08/16

Statement of: Michael DUFTON Age (if under 18): _____

27. Myself, Constable DUDSON and then two Animal Control Officers then entered the rear yard of the address and the Animal Control Officers managed to lasso the dog with their tool and also contained it in the back of their vehicle without issue.
28. In the first of week of October 2023 I drove past the address of [REDACTED] and observed that the five foot high wooden gate has not been extended in any way, presuming that the dogs would still able to jump over this fence.

I confirm the truth and accuracy of this statement. I make the statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.



Signature

27/10/2023

Date

Michael Duffon
PST Constable
Wairarapa Police

page 1 of 6

063700300

police.govt.nz



NEW ZEALAND
POLICE
Ngā Pirihimona o Aotearoa

Michael Duffon

23/09/2023

1345 Taking a statement from

At about 12:15 pm a I
was at my house at

I heard my chickens going
nuts. It sounded like they
were fighting.

Michael Duffon
PST Constable
Wairarapa Police

page 2 of 6

063700300

police.govt.nz



MDH

I went to the chicken
coop.

My chickens were in
a metal cage about
1.5m long and 0.8m long.

A dog immediately lunged and
jumped at me.

Then another also jumped
at me.

They were both very
angry and aggressive.

Their lips were up and
they were growling at
me.

Before they lunged at me
I saw them lunging
and smashing into the
cage.



Michael Duffon
PST Constable
Wairarapa Police

page 3 of 6

063700300

police.govt.nz



Michael Duffon

They would have killed
the chickens if they
got in.

After they lunged at me
I picked up a large
piece of wood to
protect myself.

The dogs then took off
out the front of my
gate.

The dogs are both
Rottweiler dogs.
Black and tan in colour.
Normal Rottweiler colours.

I think they will be about
12 months old.

I then watched the dogs
running down the street
going in and out of [redacted]
properties and crossing [redacted]

Michael Duffon
PST Constable
Wairarapa Police

page 4 of 6

063700300

[REDACTED]



[Handwritten signature]

the road.

There were people around
the dairy on [REDACTED]

The dogs went at the
people at the dairy.

I then saw one of
the dogs run at a
person pushing his bike

The person walking the
bike would have been
about 100 meters from
the dairy.

The dog ran the full
distance.

It lined him up and
charged him.

I jumped and lunged
at him and appeared [REDACTED]

Michael Duffton
PST Constable
Wairarapa Police

page 5 of 6

063700300
Michael.Duffton@police.govt.nz



W.D.H.

to bite his knee
area.

The dog then ran off
down the street again.

I spoke to the man and he
said it knipped him but
he wasn't injured and
walked off.

He didn't want to report it.

Both dogs had no fear
whatsoever.

They were barking at people.

Police arrived and
saw the more aggressive
dog lung at the female
police officer and she
sprayed it and the
dog ran into the property
of V [REDACTED]

Michael Dufton
PST Constable
Waikarapa Police

page 6 of 6

063700300
Michael.Dufton@police.govt.nz



Michael Dufton

the sprayed dog the
jumped the solid wooden
fence / gate.

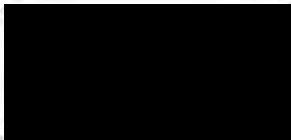
The gate is about 6
foot high.

I believe these are the
same 2 dogs that
have previously gone into
my address and killed
my chickens.

I'm sure they are the same
two dogs.

I confirm the truth and accuracy of this statement. I make the statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

Signed: [Redacted]



Sunday 24 September 2023



On the 23 September 2023, Police were called by a member of the public stating that there were 2 Rottweiler dogs at large on the corner of [REDACTED] and [REDACTED]. One of the dogs had bitten a member of the public. The Masterton Council had also been contacted to get a Dog Control Officer to attend and uplift both dogs.

Police spotted the dogs in the middle of the road by the [REDACTED] dairy.

One of the dogs was very aggressive barking and growling. It walked down [REDACTED], barking at members of the public and walking onto incoming traffic.

The attending officer saw the dog go into the driveway of [REDACTED]. As the dog was standing in the driveway of the property barking and still not secured, attempts were made to try and contact the occupiers of this property to see if the dog belonged to them.

The officer was on the footpath outside of the address when the dog, unprovoked, began to growl, expose its teeth, bark and then lunge towards the officer in attempt to attack. The officer had to take evasive action to avoid being bitten by the dog.

Police made seven phone calls to your recorded cell phone number [REDACTED] to advise you that the dogs had attacked a member of the public and a Police Officer and were to be uplifted by a Dog Control Officer, employed by the Masterton District Council.

The Dog Control Officers arrived at your property and Police assisted the Officers in safely securing your animals.

If you refer to the Dog Control Act 1996, Section 5 details obligations of dog owners.

Section 57 and 57A details dogs attacking persons or animals or dogs rushing at persons, animals or vehicles.

Section 52 details control of dogs.



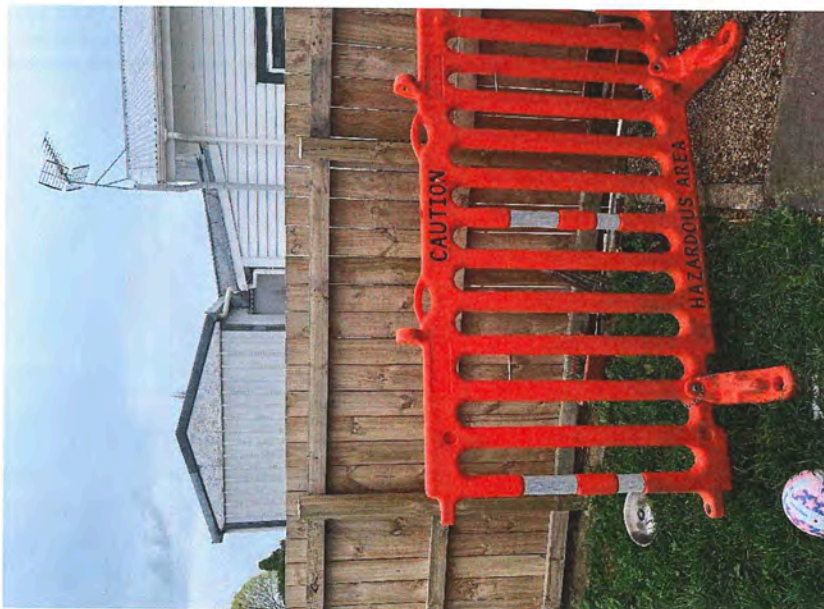
If you read through this legislation it explains to you your obligations as a dog owner, the offences committed by your dogs and the entry powers used by the council to secure your dogs.

This matter is being dealt with by the Masterton District Council. Should you have any further questions about this, you will need to contact them directly.

Regards,

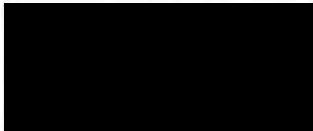
Constable Dudson

Photos of property:





28 September 2023



Dear [REDACTED]

Dog Owner: [REDACTED]

FENCING REQUIREMENT

This letter is regarding an incident on 23 September 2023 at about 1.45pm when your dogs [REDACTED] and [REDACTED] escaped your property at [REDACTED] Masterton and rushed at and tried to attack members of the community.

You have previously been warned, in writing, for failing to keep your dogs controlled or confined, following a prior incident outside your address.

As a result of this incident your dogs were seized and impounded and to enable them to be released you were required to show how you were going to keep your dogs contained to prevent and future incidents. You have provided a small run type enclosure and a running wire to contain the dogs when you are not at home.

This has been inspected by our officers and it is not considered that it is suitable for two large rottweiler dogs for an extended period. It would not meet current welfare standards due to size and the new intended updates restricting tethering of dogs. Further information can be found on the Ministry for Primary Industries website by searching code of welfare - dogs. All dog owners and those caring for dogs including Masterton District Council must adhere to these rules.

You have advised me that you are purchasing a large enclosed cage area in the next two weeks to contain your dogs when required, on a long term basis. This would be an acceptable alternative enclosure to comply with the requirements in the Welfare Act and we can approve the use of such an enclosure. So it is a condition of release of the dogs today that you obtain the large caged enclosure for the security of the dogs, within 21 Days of this notice.

Until this larger enclosure has arrived, to prevent any further incidents when they are not under your direct control or not at home, you must either keep the dogs contained inside the house or in the temporary housing as inspected by the officers yesterday.

Please advise Animal Services once the larger enclosure has been set up to enable inspection and signoff, failure to comply may result in further enforcement.

This requirement is defined under Section 9.2.C and 9.2.D of the Masterton District Council Control of Dogs Bylaw 2019, which is provided on the reverse of this notice.



Also as advised will have received infringements for both dogs and the dog Lady has been classified as a menacing dog under the Dog Control Act 1996, these documents are attached to this letter. Please ensure you read the information carefully so you can abide by the requirements.

Thank you for your cooperation with this matter, please contact Animal Services on 06 370 6300 to arrange an appointment for inspection once your fencing has been improved.

Yours Sincerely,



Team Leader
Animal and Bylaw Services



Masterton District Council
Control of Dogs Bylaw 2019

9. Dogs becoming a Nuisance or Injurious to Health

- 9.1. The owner of any dog or the owner or the occupier of any premises whereon any dog or dogs are customarily kept shall take adequate precautions to prevent the dog or dogs, or the keeping thereof, from becoming a nuisance or injurious to health.
- 9.2. If, in the opinion of the Council, the dog or dogs or the keeping thereof on such premises has become, or is likely to become, a nuisance or injurious to health, the Council or any person duly authorised on that behalf by the Council may, by notice in writing, require the owner or occupier of the premises within a time specified in such notice to do all or any of the following:
- a) Reduce the number of dogs kept on the premises.
 - b) Construct, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain such dog or dogs;
 - c) **Require such dog or dogs to be tied up or otherwise confined during specified periods;**
 - d) **Require such dog or dogs to be confined at all times by way of additional fencing controlling access within a property**
 - e) To clean and keep clean the dog kennel and associated area.
 - f) Take such other action as the Council deems necessary to minimize or remove the likelihood of nuisance or injury to health.
- 9.3. Any person to whom notice is given under Clause 9.2 who fails to comply with such notice within the required time, shall commit an offence against this bylaw.

Failure to comply with this bylaw is an offence against the Dog Control Act 1996 Section 20(5) and carries an infringement fee of \$300.

Animal Control Section
INFRINGEMENT NOTICE

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

| | | | |
|--|---|------------------------------|-----------|
| Owner Details: [REDACTED] Masterton 5810 | | Infringement: 11412 | |
| Date of Birth: | [REDACTED] | | |
| ALLEGED INFRINGEMENT OFFENCE DETAILS | | | |
| Date: | 23/09/2023 | Time: | 1.45pm |
| Road/Street: [REDACTED] | | Day of Week: Saturday | |
| Locality: Masterton | | | |
| Offence: | Failure to keep dog controlled or confined Dog Control Act 1996 Section 52A Your dog [REDACTED] escaped your property and rushed at and tried to attack members of the public. | Infringement Fee Payable: | \$ 200.00 |
| Reg. No or Description of Dog: [REDACTED] 7 [REDACTED]; Rottweiler : Black/Tan : Female | | | |
| Issuing Officer: JW6258 | | | |
| PAYMENT OF INFRINGEMENT FEE | | | |
| The infringement fee is payable within 28 days after: (Earliest date notice is delivered personally, or posted) | | 28/09/2023 | |
| The infringement fee may be paid to: MASTERTON DISTRICT COUNCIL 161 Queen Street, PO Box 444, Masterton | | | |
| Cheques or money orders should be marked "Not Transferable". Please present this notice when making payment. IMPORTANT - PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF | | | |

SUMMARY OF RIGHTS
INFORMATION ABOUT DOG CONTROL ACT 1996 INFRINGEMENT OFFENCES

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

1. This Notice sets out an alleged infringement offence. In terms of Section 2 of the Dog Control Act 1996, you are liable as the owner of a dog if:
 - * you own the dog; or
 - * you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, 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.

PAYMENTS

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

DEFENCES

3. You have a complete defence against proceedings if the infringement fee was paid to the territorial authority at any of the places for payment shown on the front page of this notice before or within 28 days after you were served with a reminder notice. Note that late payment or payment at any other place will not be a defence.

FURTHER ACTION

4. If you wish to:
 - (a) raise any matter relating to the alleged offence for consideration by the territorial authority; or
 - (b) deny liability for the offence and request a court hearing (refer to paragraphs 5 and 6 below); or
 - (c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraphs 6 and 9 below),-
you should write to the territorial authority at the address shown on the front page of this notice. Any such letter should be personally signed.
5. You have a right to a Court hearing. If you deny liability for the offence and request a hearing, the informant will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the Court (unless it decides not to start Court proceedings).
NOTE that if the Court finds you guilty of the offence, costs will be imposed in addition to any penalty.
6. If you admit the offence but want the court to consider your submission as to penalty or otherwise, you should in your letter-
 - (a) ask for a hearing; and
 - (b) admit the offence; and
 - (c) set out the written submissions you wish to be considered by the Court.
 The territorial authority will then file your letter with the Court (unless it decides not to commence Court proceedings). There is no provision for an oral hearing before the Court if you follow this course of action.
NOTE that costs will be imposed in addition to any penalty.

NON-PAYMENT OF FEE

7. If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice (unless the territorial authority decides otherwise).
8. If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice, the territorial authority may file the reminder notice in the Court and you will become liable to pay **costs in addition to the Infringement fee** under Section 21(5) of the Summary Proceedings Act 1957.

QUERIES/CORRESPONDENCE

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

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

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

- * a probationary owner; or
- * a disqualified owner.

You will be treated as having committed an infringement offence if you-
* have been ordered to pay a fine and costs under Section 78A(1) of the Summary Proceedings Act 1957, or are treated as having been so ordered under Section 21(5) of that Act; or
* pay the infringement fee specified in the infringement notice.

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

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

CONSEQUENCES OF CLASSIFICATION AS A PROBATIONARY OWNER OR DISQUALIFIED OWNER

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

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

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

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

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

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

FULL DETAILS OF YOUR RIGHTS AND OBLIGATIONS ARE IN SECTION 66 OF THE DOG CONTROL ACT 1996 AND SECTION 21(10) OF THE SUMMARY PROCEEDINGS ACT 1957.

NOTE: ALL PAYMENTS, ALL QUERIES, AND ALL CORRESPONDENCE REGARDING THIS INFRINGEMENT MUST BE DIRECTED TO THE INFORMANT AT THE ADDRESS SHOWN.

**Animal Control Section
INFRINGEMENT NOTICE**

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

| | | | |
|--|--|-----------------------|---|
| Owner Details:  | | Infringement: 11413 | |
| Date of Birth: |  | | |
| ALLEGED INFRINGEMENT OFFENCE DETAILS | | | |
| Date: | 23/09/2023 | Time: | 1.45pm |
| Road/Street: | | Day of Week: Saturday | |
|  | | Locality: Masterton | |
| Offence: | Failure to keep dog controlled or confined Dog Control Act 1996 Section 52A Your dog  escaped your property and rushed at members of the public. | | Infringement Fee Payable: \$ 200.00 |
| Reg. No or Description of Dog:  6  : Rottweiler : Black/Tan : Female | | | |
| Issuing Officer: JW6258 | | | |
| PAYMENT OF INFRINGEMENT FEE | | | |
| The infringement fee is payable within 28 days after: (Earliest date notice is delivered personally, or posted) | | 28/09/2023 | |
| The infringement fee may be paid to: MASTERTON DISTRICT COUNCIL 161 Queen Street, PO Box 444, Masterton | | | |
| Cheques or money orders should be marked "Not Transferable". Please present this notice when making payment. IMPORTANT - PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF | | | |

SUMMARY OF RIGHTS
INFORMATION ABOUT DOG CONTROL ACT 1996 INFRINGEMENT OFFENCES

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

1. This Notice sets out an alleged infringement offence. In terms of Section 2 of the Dog Control Act 1996, you are liable as the owner of a dog if:
 - * you own the dog; or
 - * you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, 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.

PAYMENTS

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

DEFENCES

3. You have a complete defence against proceedings if the infringement fee was paid to the territorial authority at any of the places for payment shown on the front page of this notice before or within 28 days after you were served with a reminder notice. Note that late payment or payment at any other place will not be a defence.

FURTHER ACTION

4. If you wish to:
 - (a) raise any matter relating to the alleged offence for consideration by the territorial authority; or
 - (b) deny liability for the offence and request a court hearing (refer to paragraphs 5 and 6 below); or
 - (c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraphs 6 and 9 below),-
 you should write to the territorial authority at the address shown on the front page of this notice. Any such letter should be personally signed.
5. You have a right to a Court hearing. If you deny liability for the offence and request a hearing, the informant will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the Court (unless it decides not to start Court proceedings).
NOTE that if the Court finds you guilty of the offence, costs will be imposed in addition to any penalty.
6. If you admit the offence but want the court to consider your submission as to penalty or otherwise, you should in your letter-
 - (a) ask for a hearing; and
 - (b) admit the offence; and
 - (c) set out the written submissions you wish to be considered by the Court.
 The territorial authority will then file your letter with the Court (unless it decides not to commence Court proceedings). There is no provision for an oral hearing before the Court if you follow this course of action.
NOTE that costs will be imposed in addition to any penalty.

NON-PAYMENT OF FEE

7. If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice (unless the territorial authority decides otherwise).
8. If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice, the territorial authority may file the reminder notice in the Court and you will become liable to pay **costs in addition to the infringement fee** under Section 21(5) of the Summary Proceedings Act 1957.

QUERIES/CORRESPONDENCE

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 - (c) The identifying number of the alleged offence and the course of action you are taking in respect of it; and
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 - * a disqualified owner.
- You will be treated as having committed an infringement offence if you-
- * have been ordered to pay a fine and costs under Section 78A(1) of the Summary Proceedings Act 1957, or are treated as having been so ordered under Section 21(5) of that Act; or
 - * pay the infringement fee specified in the infringement notice.

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

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

CONSEQUENCES OF CLASSIFICATION AS A PROBATIONARY OWNER OR DISQUALIFIED OWNER

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

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

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

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

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

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

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

NOTE: ALL PAYMENTS, ALL QUERIES, AND ALL CORRESPONDENCE REGARDING THIS INFRINGEMENT MUST BE DIRECTED TO THE INFORMANT AT THE ADDRESS SHOWN.

Form 4A

**NOTICE OF CLASSIFICATION OF DOG AS
A MENACING DOG**

Section 33A Dog Control Act 1996



Owner Number: [REDACTED]

Dog Description: [REDACTED] Rottweiler, Black/Tan, Female Entire with tag: [REDACTED]

This is to notify you, [REDACTED] that this dog has been classified as a menacing dog under **Section 33A(2)** of the Dog Control Act 1996.

This is because: Your dog [REDACTED] escaped your property and rushed at and tried to attack members of the public.

A summary of the effect of the classification and your right to object are provided below:

[REDACTED]
Animal Services Officer
Masterton District Council
28 September 2023

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

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

EFFECT OF CLASSIFICATION AS MENACING DOG

[Section 33E, 33F and 36A, Dog Control Act 1996](#)

You -

- (a) must not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
- (b) must, if required by the Masterton District Council, produce to the Masterton District Council, **within 1 month** after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying
 - (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- (c) where a certificate under paragraph (b) (ii) is produced to the Masterton District Council within 1 month after the date specified in that certificate, a further certificate under paragraph (b) (i)

You will commit an offence and be liable on conviction to a fine not exceeding \$3000 if you fail to comply with any matters in paragraphs a) to c) above.

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

As from 1 July 2006, you are also required, for the purposes for providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the Masterton District Council in accordance with the reasonable instructions of the Masterton District Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3000.00 if you fail to comply with this requirement -

- within 2 months from 1 July 2006 if your dog is classified as menacing on or after 1 December 2003 but before 1 July 2006; or
- within 2 months after the dog is classified as menacing if your dog is classified as menacing after 1 July 2006.

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. You will commit an offence and be liable for on conviction to a fine not exceeding \$500.00 if you fail to comply with the requirement.

Full details of the effect of the classification of a dog as menacing are provided in the [Dog Control Act 1996](#).

Right of objection to classification under section 33A

[Section 33B, Dog Control Act 19](#)

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

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

Schedule form 4A: inserted, on 1 November 2004, by [regulation 3](#) of the Dog Control (Prescribed Forms) Amendment Regulations 2004 (SR 2004/354).

Schedule form 4A: amended, on 22 December 2005, pursuant to [section 95](#) of the Veterinarians Act 2005 (2005 No 126).



PO Box 444,
Masterton
Tel: (06) 370 6300
animalservices@mstn.govt.nz
www.mstn.govt.nz

National Neutering Campaign Application Form

Date of Application:/...../.....

OWNERS DETAILS

Full Name:

Address:

Date of Birth: Email:

Mobile Number: Day: Night:

DOG DETAILS

Name of Dog: Breed of Dog:

Age: Sex: M F Colour: Registration Number:

Microchip Number:

I currently own a muzzle Yes No

QUALIFYING CRITERIA

Menacing by Deed Menacing by Breed

I acknowledge the truth and accuracy of this application. I also acknowledge that I understand my dog will be classified as a Dangerous/Menacing by my local authority pursuant to the Dog Control Act 1996. Once classified as Dangerous/Menacing there is also a requirement that your dog(s) must be muzzled when at large, in any public place.

Signature

Date

Vet Clinic: Date: Time:

Conditions:

- If I am unable to keep the appointment time I must contact the Vet Clinic 24hours prior to cancelling
- My dog must be muzzled at times
- I understand that this voucher entitles me to free desexing only, any other follow ups or complications are at my own cost

Garry Hardgrave

From: [REDACTED]
Sent: Wednesday, 4 October 2023 3:28 pm
To: Garry Hardgrave
Cc: Masterton Nurse
Subject: Re: Age for Neutering

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Garry,
Thanks for reaching out.

Unfortunately there isn't a straightforward answer to your question and different vets do have differing opinions on the matter. There is no set age and factors also include breed, sex, size, and environment (such as behavioural issues).

Very generally speaking, the larger the dog the longer we tend to leave it. But in a large dog you'd usually be safe from 8 weeks post first heat. Again, different vets have different opinions so it really depends who their provider is and the decision is ultimately up to the surgeon.

Hope this helps,

[REDACTED]

Operations Manager (Companion Animal)
South Wairarapa Veterinary Services
3240 State Highway 2, Clareville
Ph: 06 379 6767

From: Masterton | South Wairarapa Vets <mstn@swvets.co.nz>
Sent: Wednesday, October 4, 2023 3:21 PM
To: [REDACTED]
Subject: FW: Age for Neutering

From: Garry Hardgrave <garryh@mstn.govt.nz>
Sent: Wednesday, October 4, 2023 11:13 AM
Subject: Age for Neutering

Good morning , I would like your opinion on a minimum age for dogs to be neutered. We are requiring a customer to have their dog neutered due to behaviour but they are saying that at 11mths their female dog is too young and that they have been told by a vet that the dog must be fully mature before they will carry out the neutering.

Is there a set age that a dog must be before a neutering can be carried out. Also does the size or sex of the dog make a difference.

Cheers
Garry

Garry Hardgrave

From: Vetcare Masterton <reception.vetcare@gmail.com>
Sent: Wednesday, 4 October 2023 3:51 pm
To: Garry Hardgrave
Subject: Re: Age for Neutering
Attachments: image003.png

Follow Up Flag: Follow up
Flag Status: Flagged

Hi there Gary,

As a quick and simple answer, yes the age of the animal does matter when neutering them. Now we highly recommend having them neutered after one years old and if female, having experienced their first heat as well. This is mainly due to hormonal imbalances that may become present but depending on the breed of the animal and their genetics, it may also cause issues further down the line regarding their skeletal structure if they are a larger breed who suffers from things like elbow or hip dysplasia.

I hope this helps answer your question.

Kind regards,

Senior Vet Technician
Assistant Clinic Manager
Vetcare, Masterton

On Wed, Oct 4, 2023 at 11:12 AM Garry Hardgrave wrote:

Good morning , I would like your opinion on a minimum age for dogs to be neutered. We are requiring a customer to have their dog neutered due to behaviour but they are saying that at 11mths their female dog is too young and that they have been told by a vet that the dog must be fully mature before they will carry out the neutering.

Is there a set age that a dog must be before a neutering can be carried out. Also does the size or sex of the dog make a difference.

Cheers

Garry

I am now working four days per week so any emails sent to me may not be actioned immediately. If you need to contact Animal and Bylaw Services urgently please email animalservices@mstn.govt.nz

GARRY HARDGRAVE

Garry Hardgrave

From: Keinzley Vet Clinic Masterton <vetclinic@keinzley.co.nz>
Sent: Wednesday, 4 October 2023 3:57 pm
To: Garry Hardgrave
Subject: RE: Age for Neutering

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Garry,


Advice can be varying regarding desexing and guidelines change over time. Our recommendation is as follows:

Small and medium dog breeds (0-25kg) desex 6 to 9 months of age

Large and giant breeds (25kg+) desex 12 to 18 months of age

Regards,


Veterinarian – Keinzley Agvet Companion Animal Clinic Masterton

From: Garry Hardgrave 
Sent: Wednesday, October 4, 2023 11:13 AM
Subject: Age for Neutering

Good morning , I would like your opinion on a minimum age for dogs to be neutered. We are requiring a customer to have their dog neutered due to behaviour but they are saying that at 11mths their female dog is too young and that they have been told by a vet that the dog must be fully mature before they will carry out the neutering.

Is there a set age that a dog must be before a neutering can be carried out. Also does the size or sex of the dog make a difference.

Cheers
Garry

I am now working four days per week so any emails sent to me may not be actioned immediately. If you need to contact Animal and Bylaw Services urgently please email animalservices@mstn.govt.nz

GARRY HARDGRAVE
Animal and Bylaw Services Officer

Hours of work: I work four days per week

06 370 6300
161 Queen Street,
PO Box 444, Masterton 5840, NZ

 [@MastertonDC](https://www.facebook.com/MastertonDC)
www.mstn.govt.nz



**ANIMALS ARE
NOT OURS**

to experiment on, eat, wear,
use for entertainment, or
abuse in any other way.

Spay and Neuter



The single most important thing that we can do to save cats and dogs from all the suffering and death that their overpopulation causes is to spay and neuter them. Spaying and neutering are routine,

affordable surgeries that can prevent thousands of animals from being born, only to suffer and struggle to survive on the streets, be abused by cruel or neglectful people, or be euthanized in animal shelters for lack of a loving home.

Spaying and neutering makes a big difference: Just one unaltered female dog and her offspring can produce 67,000 puppies in only six years. In seven years, one female cat and her offspring can produce an incredible 370,000 kittens!

Sterilized animals live longer, happier lives. Spaying eliminates the stress and discomfort that females endure during heat periods, eliminates the risk of uterine cancer, and greatly reduces the risk of mammary cancer. Neutering makes males far less likely to roam or fight, prevents testicular cancer, and reduces the risk of prostate cancer. Altered animals are less likely to contract deadly, contagious diseases, such as feline AIDS and feline leukemia, that are spread through bodily fluids.

Communities spend millions of taxpayer dollars each year coping with problems that a failure to spay and neuter causes. The one-time cost of spaying or neutering is far lower than the expense involved in rounding up strays, feeding and housing abandoned animals, and euthanizing those for whom homes can't be found.

Cities and counties all over the country are aggressively addressing the animal overpopulation crisis, requiring everyone who chooses not to spay or neuter to pay a hefty breeder's fee. Areas with mandatory spay-and-neuter laws have reported a significant reduction in the number of animals who are taken to their facilities and subsequently euthanized.

Many communities have low-cost or free spay-and-neuter clinics that make it easy for everyone to do the right thing and have their animals sterilized. Call 1-800-248-SPAY to find your nearest low-cost spay-and-neuter clinic.

**CLICK HERE FOR
INFORMATION ON
PETA'S MOBILE
CLINICS
([HTTPS://WWW.PETA.ORG/ABOUT-
PETA/LEARN-ABOUT-
PETA/HELPING-
ANIMALS-IN-
HAMPTON-
ROADS/SNIP/](https://www.peta.org/about-peta/learn-about-peta/helping-animals-in-hampton-roads/snip/))**

If you would like a spay-neuter ordinance in your community, please visit PETA's Action Center for free information on how you can help pass animal-friendly legislation (<https://www.peta.org/action/activism-guide/passing-legislation/>).

Spay-and-Neuter FAQs

Will my animal's personality change after spaying or neutering?

Spaying and neutering will only reduce or eliminate the behaviors that you *don't* want, such as aggression and urine marking. Neutered males are less likely to roam, fight, or mark their territory with urine, and spayed females experience less hormone-related moodiness. In exchange, your companions will likely become more interested in you (rather than finding a mate) and will still protect your family.

Will spaying and neutering affect my animal's weight?

No. Cats and dogs become overweight and inactive because their guardians feed them too much and exercise them too little, not because they are sterilized.

Why should I have my male cat or dog neutered?

Male animals contribute to the companion animal overpopulation (<https://www.peta.org/issues/companion-animal-issues/overpopulation/>) crisis even more than females do. Just one unsterilized male animal can impregnate dozens of females, creating dozens upon dozens of unwanted offspring. Neutering also eliminates male animals' risk of testicular cancer and reduces unwanted behaviors such as biting.

Should I let my female animal have one litter before having her spayed?

It's best to spay animals *before* they reach sexual maturity in order to reap the full health benefits. Spaying your female companion animal before her first heat cycle means she will have one-seventh the risk of developing mammary cancer. Spaying also eliminates female animals' risk of diseases and cancers of the ovaries and uterus, which are often life-threatening and require expensive surgery and treatment.

How can I teach my children about the 'miracle of birth'?

Allowing your animal to reproduce only teaches your children irresponsibility. Every year, 3 to 4 million animals are killed in U.S. animal shelters, most simply because of a lack of good homes. Bringing more animals into a world that is already short of homes means that animals in animal shelters will die. Numerous books and videos are available to help you teach your children about reproduction responsibly.

What if I can find homes for all my animal's puppies or kittens?

Even if you manage to find loving, lifelong homes for all the puppies or kittens, that means that there will be that many fewer homes for puppies and kittens in animal shelters who desperately need to be adopted. And unless you ensure that every puppy or kitten you place is spayed or neutered before going to his or her new home, they can go on to produce litter after litter of offspring themselves. Just one female dog and her puppies can result in 67,000 dogs in six years, and one female cat and her kittens can lead to 370,000 cats being born in seven years.

IS STERILIZATION SAFE?

Spay and neuter surgeries are the most commonly performed animal surgeries. Most animals experience relatively little discomfort (anesthesia is used during surgery, and pain medication is generally given afterward) and are back to their normal activities within a day or two.

How Many Animals Does PETA Spay or Neuter?

Via our Mobile Clinics Division, PETA spays and neuters hundreds of companion animals every week in southeastern Virginia. Each of our clinics is capable of sterilizing up to 30 animals per day. The staff consists of a licensed veterinarian, a licensed veterinary technician, a veterinary assistant, and an assistant who checks in each animal. The clinics operate an average of six days a week, and the mobile clinics travel from Virginia's Eastern Shore to Gloucester County and from the Border Station in Chesapeake to Emporia and locations in between. **Since the program's inception in 2001, PETA's mobile clinics have spayed or neutered more than 213,700 companion animals**, preventing the births and inevitable suffering of hundreds of thousands of unwanted dogs and cats in Virginia and North Carolina, all through low-cost or free sterilization surgeries. PETA staffers go into underserved neighborhoods to distribute flyers about our low-cost spay/neuter program. The mobile clinics park in these neighborhoods, which makes it easier for residents to take in their animal companions for surgery. If someone doesn't have transportation, we offer to transport the animal to and from surgery at no cost.

URGENT ALERTS



**Tell the U.S.
Government to
Allow Animal**



**Tell SPCA Tampa
Bay to END Its
Corrupt Puppy Mill**



Desexing your companion animals saves lives

The overpopulation of pets in New Zealand is a huge concern, and thousands of animals end up homeless or neglected every year as a result. SPCA works hard to find homes for these animals, but it is an unending battle - we need your help!

SPCA is concerned about the oversupply of companion animals. The excessive, uncontrolled breeding of pets is an important contributing factor in creating New Zealand's widespread stray and unwanted animal problems, which leads to negative welfare impacts, negative impacts on the environment, and the euthanasia of healthy animals. The desexing of companion animals is an important component of population control and has health and welfare benefits for the desexed animal (read on for more information about this).

We are committed to reducing the number of unwanted animals in New Zealand. All animals rehomed from SPCA Centres are desexed, unless it is inappropriate for the species/sex of the animal concerned, or if it is deemed inappropriate by a veterinarian for the particular individual (e.g. for specific health reasons). If there is a valid reason why an animal cannot be desexed prior to rehoming, we will make sure that they will not be rehomed to a location where breeding can occur or where conflict or fighting is likely to occur with other entire animals.

We also run regular [desexing campaigns for owned pets](#), and work with local rescue organisations to desex stray cats in our community.

Common questions about desexing

What is desexing?

Desexing is the surgical removal of part of the animals' reproductive system. Under New Zealand legislation, this is a significant surgical procedure and must only be undertaken by a veterinarian, or a veterinary student under the supervision of a veterinarian.

There are many different words to describe this procedure (desexing, spaying, neutering, altering, castration, sterilisation etc.), but they all refer to the surgical altering of an animal to prevent breeding (having babies).

Should I desex my companion animal?

Yes! SPCA advocates for all companion cats, dogs, and other companion animals as deemed appropriate, to be desexed before selling or rehoming, except registered breeding animals. Desexing is an important component of population control and has welfare benefits for the desexed animal.

You can read more SPCA's position on desexing, and other position statements, [here](#).

At what age should my companion animal be desexed?

SPCA supports **pre-pubertal desexing** - that is desexing before the animal reaches puberty and is able to reproduce.

We recommend that all cats, dogs, rabbits, and other companion animals are desexed as early as possible in accordance with veterinary advice.

What about small animals (rabbits, guinea pigs, rats, mice) – can they be desexed?

SPCA supports the pre-pubertal desexing of all companion animals, and recommends that rats, mice, rabbits and guinea pigs be desexed as early as possible in accordance with veterinary advice.

Not all veterinarians will offer desexing services for rabbits and small rodents. Ask your veterinarian, your local SPCA, or rabbit/rodent society/interest group for recommendations for a veterinarian who does offer desexing for rabbits/rodents and is experienced and familiar with anaesthetising and desexing these small animals.

Fun fact! Male rabbits can still be fertile for up to six weeks post-desexing, so bear this in mind when considering housing arrangements during this time.

Will desexing change my dog's nature?

There is generally no great character change noted after desexing, although the dog may be quieter, more placid, and less likely to roam. Unlike people, animals don't experience the concepts of sexual identity or ego, and do not suffer emotionally or feel self-conscious after being neutered.

Should my female dog or cat have a litter before being desexed?

No! Well-meaning people may tell you that your female dog or cat should have a litter or experience a heat cycle/season before she is desexed. However, veterinary science tells us that the opposite is true! Female animals that have not been spayed are at higher risk of developing cancers of the uterus, ovaries and mammary glands, as well as suffering from complications of pregnancy and birthing.

Will desexing my dog make him/her gain weight?

Desexing removes the animals' major source of sex hormones which can slightly lower the metabolic rate. As a result, a desexed animal may gain weight more easily, but only if you feed him/her more than needed. You could look at this as a cost-saving exercise, as the desexed animal needs relatively less food to maintain weight at a healthy level.

Other than preventing breeding, what are the advantages of desexing?

- Prevents false pregnancies in females.
- Eliminates "heat" cycles in females, which is often inconvenient for owners.
- Reduced roaming activity (in search of mates) - meaning they are also less likely to be hit by a car, or come into contact with infectious diseases and parasites.
- Less chance of developing certain kinds of cancers.
- Eliminates the chance of common uterine infections (in females).
- Reduces fighting and aggressive behaviours which reduces risk of contracting infectious disease spread by fighting.
- Reduces dominance aggression and fighting between individual rabbits, thus making them easier to house together.
- Reduces unwanted animals being attracted to your property by females in heat.
- Reduces dog registration fees.
- Reduces urine and scent marking behaviour.
- Reduces territorial aggression towards owners in rabbits.
- Desexed animals generally live longer, healthier, happier lives due to various health benefits, some of which are listed here.

I want to get my animal desexed, but I can't afford it - what should I do?

Certainly, there is cost involved and this can be a barrier for some people to get their animals desexed. Fortunately, the cost of desexing is a one-off expense and there are many initiatives that offer lower cost (sometimes free) desexing for people who can't afford normal veterinary fees. You can keep an eye out for SPCA Desexing Services on our [Facebook](#) page and [website](#).

When should my male horse be castrated?

Male horse castration is a routine surgery that is performed to prevent unwanted offspring and possible health or behavioural issues. We recommend that you discuss the best timing for this procedure with an experienced equine veterinarian. You can ask your local SPCA or horse society/interest group for recommendations if you do not already know a suitable local veterinarian.

What can I do to help prevent companion animal overpopulation?

- Have your own companion animal desexed!
- Ask your veterinarian about pre-pubertal desexing - why wait? Do it today!
- Encourage friends, family, and neighbours to have their animals desexed.
- Support and even donate towards the desexing of shelter animals and stray cats in our communities.
- Spread the word in your community with our resources below!

Be a part of the solution and not part of the problem: Desexing Saves Lives

Desexing resources in English

[Break the Cycle of Unwanted kittens Poster \(English\)](#)

(PDF)

[Desexing Posters \(English\)](#)

(PDF)

Desexing resources in Māori

[Break the Cycle of Unwanted kittens Poster \(Māori\)](#)

(PDF)

[Desexing Posters \(Māori\)](#)

(PDF)

Desexing resources in Samoan

[Break the Cycle of Unwanted kittens Poster \(Samoan\)](#)

(PDF)

[Desexing Posters \(Samoan\)](#)

(PDF)

Desexing resources in Tongan

[Break the Cycle of Unwanted kittens Poster \(Tongan\)](#)

(PDF)

[Desexing Posters \(Tongan\)](#)

(PDF)

Desexing resources in Simplified Chinese

[Break the Cycle of Unwanted kittens Poster \(Chinese Simplified\)](#)

(PDF)

[Desexing Posters \(Chinese Simplified\)](#)

(PDF)

Desexing resources in Hindi

[Break the Cycle of Unwanted kittens Poster \(Hindi\)](#)

(PDF)

[Desexing Posters \(Hindi\)](#)

(PDF)

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PMID: [32733924](https://pubmed.ncbi.nlm.nih.gov/32733924/)

Assisting Decision-Making on Age of Neutering for 35 Breeds of Dogs: Associated Joint Disorders, Cancers, and Urinary Incontinence

[Benjamin L. Hart](#),^{1*} [Lynette A. Hart](#),² [Abigail P. Thigpen](#),² and [Neil H. Willits](#)³

Abstract

Neutering (including spaying) of male and female dogs in the first year after birth has become routine in the U.S. and much of Europe, but recent research reveals that for some dog breeds, neutering may be associated with increased risks of debilitating joint disorders and some cancers, complicating pet owners' decisions on neutering. The joint disorders include hip dysplasia, cranial cruciate ligament tear or rupture, and elbow dysplasia. The cancers include lymphoma, mast cell tumor, hemangiosarcoma, and osteosarcoma. In previous studies on the Golden Retriever, Labrador Retriever and German Shepherd Dog, neutering before a year of age was associated with increased risks of one or more joint disorders, 2–4 times that of intact dogs. The increase was particularly seen with dogs neutered by 6 months of age. In female Golden Retrievers, there was an increase in one or more of the cancers followed to about 2–4 times that of intact females with neutering at any age. The goal of the present study was to expand and use the same data collection and analyses to cover an additional 29 breeds, plus three varieties of Poodles. There were major breed differences in vulnerability to neutering, both with regard to joint disorders and cancers. In most cases, the caregiver can choose the age of neutering without increasing the risks of these joint disorders or cancers. Small-dog breeds seemed to have no increased risks of joint disorders associated with neutering, and in only two small breeds (Boston Terrier and Shih Tzu) was there a significant increase in cancers. To assist pet owners and veterinarians in deciding on the age of neutering a specific dog, guidelines that avoid increasing the risks of a dog acquiring these joint disorders or cancers are laid out for neutering ages on a breed-by-breed and sex basis.

Keywords: elbow dysplasia, hip dysplasia, cranial cruciate tear, lymphoma, mast cell tumor, hemangiosarcoma, osteosarcoma

Introduction



In the U.S. and much of Europe, the practice of neutering male and spaying female dogs (herein both referred to as neutering) has become routine (1) and is increasingly being performed at, or before, 6 months of age. At the same time, several investigations have revealed that joint disorders and some cancers may increase in association with neutering of males and/or females. For example, in studies that did not focus on specific breeds or ages of neutering, one found that hip dysplasia and cranial cruciate ligament tears or ruptures were significantly more likely in neutered than intact males and females (2). Another study found that neutering was associated with a 3-fold increase in excessive tibial plateau angle (3), which is a risk factor for development of cranial cruciate ligament tears or rupture. Neutering is reported to be a risk factor for canine intervertebral disc herniation in Dachshunds (4). Certain cancers are also known to be more likely in neutered than intact dogs. The occurrence of lymphoma was found to be higher in spayed than intact females (5), as was the occurrence of mast cell tumors (6) and hemangiosarcoma (7). A study of over 40,000 dogs utilizing the Veterinary Medical Database found that neutered males and females were more likely to die of cancer than intact dogs (8). A recent finding was that the absence of estrogen from spaying females was associated with accelerated brain aging (9). Another recent report from the Golden Retriever Lifetime Project is that neutering at <6 months increases the risk of cranial cruciate ligament injury (10). Most of the studies cited above offer no useful clinical information or guidelines with regard to the various diseases that may occur in association with neutering in a specific breed.

In an attempt to address the absence of breed-specific information on joint disorders and cancers associated with neutering, we undertook a project focusing on various specific breeds using data collection and analyses with our extensive veterinary hospital database where the same diagnostic criteria could be applied to all breeds. We started with popular breeds well-represented in the database, initially with the Golden Retriever (11, 12), Labrador Retriever (12) and German Shepherd Dog (13). The joint disorders examined included cranial cruciate ligament tears or rupture (CCL), hip dysplasia (HD) and elbow dysplasia (ED). The cancers examined, which previous studies found could be affected by neutering, were lymphoma/lymphosarcoma (LSA), hemangiosarcoma (HSA), mast cell tumors (MCT), and osteosarcoma (OSA).

In the Labrador Retrievers, Golden Retrievers, and German Shepherd Dogs, there was an increase in the incidence of one or more of the joint disorders with neutering in the first year in males and females to 2–4 times >3–5% incidence in intact dogs. In female Golden Retrievers, neutering at any age was associated with an occurrence of one or more of the cancers followed to 2–4 times higher than the 5 percent incidence in intact females. But in male Golden Retrievers, and in male and female Labrador Retrievers and German Shepherd Dogs, there was no evident increase in cancers above that of the dogs left intact. Preliminary analyses from some small-dog breeds revealed no apparent increased risks of joint disorders with neutering. Thus, the research that had been undertaken revealed a wide range of breed-specific differences in disease vulnerability to neutering.

The purpose of this study was to analyze, in a variety of additional breeds, the increased risks, if any, of the above specified joint disorders and cancers associated with neutering male and female dogs at various ages, so as to increase the information available to pet owners and veterinarians for consideration when making decisions regarding neutering specific dogs. We added 29 new breeds to the study, separating three varieties of Poodles, for a total of 32 breed groups (referred to as breeds); this made a total of 35 breeds with the Goldens, Labs and

German Shepherds included. The goal was to use the same veterinary hospital database and diagnostic criteria for the diseases as was used with the published studies on the retrievers and German Shepherds so as to allow for direct comparisons among various breeds. The primary purpose was to offer readers some evidence-based information on breed-specific differences with vulnerability to neutering, including suggested guidelines for neutering ages to avoid increasing long-term health risks of neutering, if any. A secondary, unforeseen, purpose was to document breed-specific differences in the increases in some cancers associated with removal of gonadal hormones, as an area for possible research on genetic aspects of cancer occurrence.

Methods

Ethics Statement

Hospital records of the Veterinary Medical Teaching Hospital (VMTH) provided the retrospective dataset used. In conformity with the campus policy, faculty of the University of California-Davis, School of Veterinary Medicine, are allowed use of the record system for research purposes. No animal care and use committee approval was required, and strict confidentiality of the owners and their dogs was maintained.

Subjects Breed Categories

In addition to the Golden Retriever, Labrador Retriever, and German Shepherd Dog, the other breeds chosen for this project included those most frequently occurring in the database and those chosen to obtain a sampling of giant breeds or small-dog breeds. The final list of 35 (including three varieties of Poodle) represented in the present study are, alphabetically, the: Australian Cattle Dog, Australian Shepherd, Beagle, Bernese Mountain Dog, Border Collie, Boston Terrier, Boxer, Bulldog, Cavalier King Charles Spaniel, Chihuahua, Cocker Spaniel, Collie, Corgi (Pembroke and Cardigan combined), Dachshund, Doberman Pinscher, English Springer Spaniel, German Shepherd Dog, Golden Retriever, Great Dane, Irish Wolfhound, Jack Russell Terrier, Labrador Retriever, Maltese, Miniature Schnauzer, Pomeranian, Poodle-Miniature, Poodle-Standard, Poodle-Toy, Pug, Rottweiler, Saint Bernard, Shetland Sheepdog, Shih Tzu, West Highland White Terrier, and Yorkshire Terrier.

Study Parameters

The present study examined the occurrence in both sexes of the joint disorders: HD, CCL and ED. Also examined in both sexes were the cancers LSA, HSA, MCT, and OSA, because these had been shown in some multi-breed studies to be increased in risks with neutering. In addition, mammary cancer (MC), pyometra (PYO), and urinary incontinence (UI) were examined in female dogs. Of interest was the possible association of early neutering and the occurrence of intervertebral disc disorders (IDD) in the Corgi and Dachshund, two breeds known to be at risk for these diseases. All of the above diseases were examined with regard to dogs neutered in one of the age periods of: <6 mo., 6–11 mo., 1 year (12 to <24 mo.) or 2–8 years, or left intact. The diseases were tracked until the dogs were last seen at the hospital, or through 11 years of age, if seen past their 12th birthday.

Mammary cancer is a late occurring cancer with the median age of diagnosis being 10.1 years in one study (14). Tracking cancers through 11 years of age would be presumably sufficient to catch most cases of MC if the case record had information extending to that age. However, most case records did not extend to that age. As an additional point of comparison, percentages of MC occurrence were looked at in just females tracked through 8 years of age or beyond, including diagnosed MC cases beyond the 12th birthday cut-off, which was the cut-off used for all other data.

Data Collection and Presentation

The computerized hospital record system of the VMTH provided the dataset. The hospital, with currently over 50,000 cases admitted per year, is a secondary and tertiary facility as well as being a primary care facility. The statistical evaluations, with standardized diagnostic criteria applied to various diseases and taking into account sex and different ages of neutering, required a large database with a computerized record system. The study focused on proportional differences in disease occurrences between the neuter age groups and intact dogs of the same breed and sex.

The study period represented 15 years of data for most breeds. The inclusion criteria were date of birth, age at neutering (if neutered), and age of diagnosis or onset of clinical signs for diseases of interest. As mentioned, age at neutering was designated as <6 mo., 6–11 mo., 1 year (12 to <24 mo.), and 2–8 years (2 to <9 years). The term “early neutering” is sometimes used below to refer to neutering in the first year, combining cases for both the <6 mo. and 6–11 mo. neuter periods. For MC, PYO, and UI, only females were examined. While UI does occur in males, it is predominantly an issue in females.

For all neutered dogs that developed a disease of interest, records were examined to confirm that the dog was neutered prior to the diagnosis or signs of the disease. If the dog developed signs of the disease prior to neutering, the dog was considered intact for analysis of that disease. However, for any disease that occurred after neutering, the dog was considered neutered for analysis of that disease. For any disease of interest that occurred before 12 months of age, the dog was removed from that disease analysis, but included in analyses of other diseases. Therefore, the number of cases for various diseases varied in the analyses for different disease occurrences.

The age at neutering was sometimes not included in the hospital records, so telephone calls to the referring veterinarians were made to obtain the neutering dates or ages. Nonetheless, there were many neutered dogs where age at neutering was not available from the VMTH records or the referring veterinarian, so these dogs were excluded from the study. Of course, this was not an issue with the sample of intact dogs, so there were proportionately more intact cases in the final dataset for each breed than would be expected in the general population. However, the proportion of dogs with a disease, whether intact or neutered, was not affected by the overrepresentation of intact dogs in the database.

The criteria for disease diagnoses were the same as in previous studies on the retrievers and German Shepherd Dog (11–13). A dog was considered as having a disease of interest if the diagnosis was made at the VMTH, or by a referring veterinarian and later confirmed at the VMTH. For joint disorders (HD, ED, and/or CCL), dogs typically presented with signs of lame-

ness, difficulty in moving, and/or joint pain. The diagnosis was confirmed by orthopedic examination, radiographic evidence, and/or surgery. In Dachshunds and Corgis, where intervertebral disc disorders (IDD) is a concern, the diagnosis included herniation, rupture, extrusion, protrusion, fracture, compression, stenosis, or spinal cord injury. For cancers (LSA, HSA, MCT, OSA, MC), the diagnosis was based on the presence of a tissue mass, lumps on the skin or enlarged lymph nodes, and confirmed by chemical panels, appropriate blood cell analyses, imaging, histopathology, and/or cytology. PYO was confirmed by ultrasonic evidence and/or post-surgically after removal of the uterus. UI was confirmed by clinical signs of abnormally frequent urination, urinalyses and exclusion of urinary tract infection and/or other disease. If a diagnosis was listed in the record as "suspected" based on some clinical signs but not confirmed, the case was excluded from the analysis for that specific disease, but the dog was included in other disease analyses.

Although body condition scores have been reported to be a factor in the occurrence of joint disorders (3, 15), our previous studies on the retrievers and German Shepherd Dog found no significant relationship when body condition scores were compared between dogs with and without a joint disorder. Therefore, in the current paper the body condition score is not reported for each breed.

Statistical Analyses

Survival analysis was used to test for differences with respect to the hazard of a disease in the neutered and intact groups, while adjusting for the differences in time at risk for a disease. The groups were initially compared using a Kaplan Meier life table analysis. *Post-hoc* comparisons among the subgroups were based on least squares means of the hazard within each subgroup. For comparisons where the Kaplan Meier test showed significance at the $p < 0.05$ level, both the log-rank and Wilcoxon tests were used for further analyses. Because joint disorders are expected to be seen at a similar risk throughout a dog's lifespan, regardless of age, the log-rank test was used initially for the joint disorders. If the log-rank test did not show significance but the Wilcoxon test did for joint disorders, the Wilcoxon test result was reported with significance level and an asterisk. The reverse rule of thumb was used with cancers where the first test examined was the Wilcoxon test, since the risk of cancer is expected to be higher in older dogs. If the Wilcoxon test did not show significance but the log-rank test did for cancers, the log-rank test result was reported with significance level and an asterisk. For all statistical tests, the two-tailed statistical level of significance was set at $p < 0.05$ and reported as either $p < .05$ or $p < 0.01$. Each breed was analyzed separately, and there were no statistical comparisons between breeds. However, the overall findings with each breed allow for some general comparisons.

Data Presentation

For each breed represented on a separate page in [Appendix 1](#), the numbers of intact and neutered males and females are given. In the tables, the percentage of dogs with each of the diseases and the percentage having at least one of the joint disorders and at least one of the cancers (except MC) was calculated for intact males and intact females as well as those neutered at various age ranges. Statistical analyses compared the occurrences of joint disorders and cancers between each neuter period and intact dogs. If the comparison was significant at either the $p < 0.05$ or $p < 0.01$ level, the data were bolded and the p -value was given. The

detailed datasets are available online (Figshare, doi: [10.6084/m9.figshare.7231010](https://doi.org/10.6084/m9.figshare.7231010)). Three breeds for which findings have been previously published (Golden Retriever, Labrador Retriever, German Shepherd Dog) are included to present an overall picture in the same [Appendix 1](#). The data for these three breeds were expanded through 11 years of age, to provide continuity among breeds and diseases.

For each breed, a short paragraph summarizes the main findings on joint disorders (HD, CCL, ED), cancers (LSA, HSA, MCT, OSA) for both males and females, and MC, PYO and UI for females. For Dachshunds and Corgis, the occurrence of IDD is listed for both sexes. Survival analyses were not done on IDD occurrence because the condition represented so many different disease diagnoses. Also included in the breed summary information is a suggested guideline for neutering age for males and females to avoid increasing the risks of a disease under consideration. When there was no noticeable occurrence of an increase in joint disorders or cancers with neutering, the guideline statement was made that those wishing to neuter should decide on the appropriate age (or briefly stated as choice in [Table 1](#)). When neutering at <6 months was associated with an increased disease risk but no increased risk was evident with neutering beyond 6 months, the default recommended guideline was neutering beyond, 6 months.

males or females. However, in males neutered at 6-11 mo., there was a significant 9 percent occurrence of joint disorders ($p < 0.01$), reflecting CCL. In spayed females, there was no occurrence of a joint disorder. In intact males and females, there was a 5 and zero percent occurrence of cancers, respectively. There was no indication of increased cancer occurrence related to neutering in either sex. The only occurrence of MC in females was one female that had been spayed at 2-8 years. Of intact females, 6 percent developed PYO. Just one female spayed at <6 mo. developed UI. The suggested guideline for males, based on the significant occurrence of a joint disorder with neutering at 6-11 mo., is delaying neutering until a year of age. Lacking a noticeable occurrence of increased joint disorders or cancers in neutered females, those wishing to neuter should decide on the appropriate age.

Poodle, Standard

The study population was 47 intact males, 88 neutered males, 53 intact females, and 87 spayed females for a total sample of 275 cases. The AKC registers the Toy and Miniature, along with the Standard Poodle, as all being Poodles. However, because of differences in size, the varieties of Poodles are dealt with separately here. There was a 2 percent occurrence of joint disorders in both intact males and females. In males neutered at <6 mo., there was a non-significant increase to 8 percent, and in spayed females, there was no occurrence of joint disorders. The occurrences of cancers in intact males and females were 4 and 2 percent, respectively. In males neutered at 1 year of age, the occurrence of one or more cancers rose to a significant 27 percent ($p < 0.01$), all due to the increased risk of LSA. In females, there was no significant increase in cancers with spaying. There was a 4 percent occurrence of MC, and a 2 percent occurrence of PYO in the females left intact. Just one female spayed beyond 2 years later developed UI. The suggested guideline for males, based on the occurrence of one or more cancers with neutering at 1 year, is to delay neutering until 2 years of age. Lacking a noticeable occurrence of increased joint disorders or cancers in neutered females, those wishing to neuter should decide on the appropriate age.

Pug

The study population was 96 intact males, 106 neutered males, 63 intact females, and 118 spayed females for a total sample of 383 cases. In intact males and females, the occurrences of joint disorders were zero and 2 percent, respectively. In neutered males and females, there was no evident increased occurrence of joint disorders. The level of occurrence of one or more cancers in intact males was 6 percent and in intact females, 8 percent. Neutering males and females did not lead to any evident increase in risk of a cancer. There were no cases of MC in females left intact or spayed at any time, and there was a 5 percent occurrence of PYO in the intact females. None of the females was diagnosed with UI. Lacking a noticeable occurrence of increased joint disorders or cancers in neutered males or females, those wishing to neuter should decide on the appropriate age.

Rottweiler

The study population was 315 intact males, 152 neutered males, 143 intact females, and 239 spayed females for a total sample of 854 cases. Joint disorders are a major concern in this breed with 8 percent of intact males and 16 percent of intact females having one or more joint

disorders. In males, neutering at <6 mo. and at 6-11 mo. resulted in 10 percent and 22 percent occurrences (combined $p < 0.05$). In females, spaying at <6 mo. resulted in a significant 43 percent occurrence ($p < 0.05$), the main joint disorder being CCL. The cancers followed occurred in the intact males and females at 16 and 11 percent, respectively. These relatively high occurrences of cancers in intact males and females were not increased by neutering at any age. Of females left intact or spayed at 2-8 years, 8 and 5 percent were diagnosed with MC, respectively. In intact females, 12 percent were diagnosed with PYO. With regard to UI, 1 percent of intact females had UI, and in females spayed at <6 mo. and 6-11 mo., 4 and 6 percent, respectively had UI. The suggested guideline for males, given the risk of joint disorders for those neutered at 6-11 mo. or earlier, is neutering beyond a year of age. For females, given the increased risk of joint disorders with neutering at <6 mo., the suggested guideline is spaying beyond 6 months.

Saint Bernard

The study population was 26 intact males, 27 neutered males, 18 intact females, and 23 spayed females for a total sample of 94 cases. This breed was chosen because of the large size. In intact males and females, the occurrences of one or more joint disorders were 8 percent and 6 percent, respectively. While there was no evident increase in joint disorders with neutering males, in females spayed at <6 mo., joint disorders increased to a significant 100 percent ($p < 0.01$). The cancers followed occurred in intact males and females at 4 and 11 percent, respectively. With neutering males and females, there were no noteworthy increases in cancers. There was no occurrence of MC in either the intact or spayed females. In intact females, PYO was diagnosed in 15 percent. There was no occurrence of UI in spayed females. Lacking a noticeable occurrence of increased joint disorders or cancers in neutered males those wishing to neuter should decide on the appropriate age. The suggested guideline for females given in the increased risk of joint disorders with neutering at <6 mo., is neutering beyond 6 months. However, given the large body size, some may wish to consider neutering well-beyond 1 year of age.

Shetland Sheepdog

The study population was 31 intact males, 30 neutered males, 20 intact females, and 52 spayed females for a total sample of 133 cases. There were no joint disorders in intact males and just one in the intact females. In neutered males, the only joint disorder was in one of the males neutered at <6 mo. and in females there was no joint disorder associated with spaying. The occurrence of cancers in intact males was 6 percent and in intact females, zero. There were no evident increases in cancers in neutered males or females. There was no occurrence of MC in intact or spayed females and a 14 percent occurrence of PYO in intact females. Spaying at 6-11 mo. resulted in a 6 percent occurrence of UI, but at 1 year a 33 percent occurrence. Lacking a noticeable occurrence of increased joint disorders or cancers in neutered males, those wishing to neuter should decide on the appropriate age. However, to avoid the high level of UI occurrence in females, one could consider spaying females at, or beyond, 2 years.

Shih Tzu



Dog Attack / Rushing Evaluation

SR # [REDACTED]

Owner # [REDACTED]

Name [REDACTED]

Dog Name [REDACTED]

Dog Reg # [REDACTED]

Microchip #

Officer Garry Hardgrave

Date Completed 18-10-2023 3:13 PM

1. NATURE OF INCIDENT 5 to 40

- Level 05 Rushing and or aggressive behaviour on a person or animal.
- Level 07 Attack on a person or animal - no visible injury.
- Level 08 Domestic pet injured
- Level 11 Domestic pet killed
- Level 12 Stock Worried
- Level 13 Attack on a person with minor injury
- Level 25 Attack on a person with serious injury
- Level 40 Death of a person.

Attack on a person or animal - no visible injury

2. PUBLIC INTEREST (Public interest is factored into report, remains constant @ 2 points)

02

3. LEGISLATIVE INTENT (Legislative intent factored into report, remains constant @ 2 points)

02

4. CLASSIFIED DOG (unleashed and or un-muzzled) 0 or 5

Dog not previously Classified

5. VICTIM IMPACT 0 to 3

- Level 0 The victim is not concerned about the outcome.
- Level 2 The victim is concerned about the outcome.
- Level 3 The victim is likely to continuously suffer as a result of the attack.

Victim is concerned about the outcome

6. DOG SURRENDERED 0 to 1

- Level 0 The dog has been surrendered for destruction.
- Level 1 The dog has not been surrendered for destruction.

Dog Not Surrendered

7. OBSERVED AGGRESSION BY a Compliance Officer 0 to 2

- Level 0 No sign of aggression.
- Level 1 Mild aggression.
- Level 2 Very aggressive.

Very Aggressive

8. NEGLIGENCE 0,2,4 or 6

- 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 or indifference.
- Level 6 The incident is a result of connivance

Lack of Understanding of Dogs

9. DOG OWNER CO-OPERATION 0 or 3

- Level 0 Co-operative and forthcoming with information
- Level 3 Not co-operative would not supply information willingly

Co-operative and Forthcoming

| | |
|--|-----------|
| 10. DOGS PREVIOUS HISTORY 0 to 5 | |
| Level 0 No history Level 1 History with no aggression Level 3 History with aggression outside 24 months of incident Level 4 History with aggression within 24 months of incident Level 5 Already classified as dangerous or menacing. | |
| Aggression History within 24mths | |
| 11. DOG REGISTERED AT THE TIME OF THE INCIDENT 0 or 4 | |
| Level 0 The dog is currently registered Level 4 The dog is not currently registered | |
| Dog is NOT currently registered | |
| 12. RESTRAINT or CONTAINMENT 0 to 4 | |
| Level 0 The dog was under control of a person or secured. Level 1 The dog was not under control of a person or secured. Level 2 The dog was at large (unknown by owner or known and reported) Level 4 The dog was at large (known and not reported) | |
| Dog was at large (unknown by owner or known and reported) | |
| 13. KNOWN TO BE DANGEROUS 0 - 2 | |
| Level 0 Not known by the owner or council to have shown previous aggression. Level 1 Known by owner or council have shown previous aggression. Level 2 Known by the owner or council to have previously attacked. | |
| Known by owner or council to have shown previous aggression | |
| 14. RECURRENCE LIKELIHOOD 0 or 2 | |
| Level 0 Unlikely. Level 2 Likely. | |
| Likely | |
| 15. TRAINED AGGRESSION 0 to 2 | |
| Level 0 Not trained to be aggressive or a guard dog. Level 1 Encouraged to be aggressive or a guard dog. Level 2 Professionally trained to be a guard dog. | |
| Not trained to be aggressive or a guard dog | |
| 16. DAMAGES 0 to 1 | |
| Level 0 No damages or damages paid voluntarily. Level 1 Did not offer to pay any damages or damages remain unpaid. | |
| Did not offer to pay any damages or damages remain unpaid | |
| 17. BREED CHARACTERISTICS 0 or 4 | |
| Level 0 Not known for its aggression. Level 4 Known to be naturally aggressive. | |
| Not known for its aggression | |
| TOTAL | 32 |

09 – 23 = WARNING NOTICE AND OR INFRINGEMENT
 24 – 27 = MENACING DOG CLASSIFICATION AND OR INFRINGEMENT
 28 – 35 = DANGEROUS DOG CLASSIFICATION AND OR INFRINGEMENT
 35 – 40 = PROSECUTION

CLASSIFICATION: NONE **MENACING** DANGEROUS INFRINGEMENT (CIRCLE OPTION)

Notes

██████ has come to our attention on the 3/5/23 when she was reported as being on a property and killed a chicken earlier that day she was reported as roaming. ██████ has not been reported for any aggression towards people until this incident. We have been unable to contact the person who was allegedly bitten and he has not reported it.

Taking all these points into consideration it has been decided to classify the dog as Menacing.

Objects

4 Objects

The objects of this Act are—

- (a) to make better provision for the care and control of dogs—
 - (i) by requiring the registration of dogs; and
 - (ii) by making special provision in relation to dangerous dogs and menacing dogs; and
 - (iii) by imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person; and
 - (iv) by imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife; and
- (b) to make provision in relation to damage caused by dogs.

Section 4(a)(ii): amended, on 1 December 2003, by section 4 of the Dog Control Amendment Act 2003 (2003 No 119).

5 Obligations of dog owners

- (1) The obligations imposed on dog owners by this Act require every owner of a dog—
 - (a) to ensure that the dog is registered in accordance with this Act, and that all relevant territorial authorities are promptly notified of any change of address or ownership of the dog;
 - (b) to ensure that the dog is kept under control at all times;
 - (c) to ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter;
 - (d) to ensure that the dog receives adequate exercise;
 - (e) to take all reasonable steps to ensure that the dog does not cause a nuisance to any other person, whether by persistent and loud barking or howling or by any other means:

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- (f) to take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person:
 - (g) to take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife:
 - (h) to take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person:
 - (i) to comply with the requirements of this Act and of all regulations and bylaws made under this Act.
- (2) Nothing in this Act limits the obligations of any owner of a dog to comply with the requirements of any other Act or of any secondary legislation regulating the control, keeping, and treatment of dogs.

Section 5(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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Menacing dogs

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

33A Territorial authority may classify dog as menacing

- (1) This section applies to a dog that—
- (a) has not been classified as a dangerous dog under section 31; but
 - (b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—

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s 33B

- (i) any observed or reported behaviour of the dog; or
 - (ii) any characteristics typically associated with the dog's breed or type.
- (2) A territorial authority may, for the purposes of section 33E(1)(a), classify a dog to which this section applies as a menacing dog.
- (3) If a dog is classified as a menacing dog under subsection (2), the territorial authority must immediately give written notice in the prescribed form to the owner of—
- (a) the classification; and
 - (b) the provisions of section 33E (which relates to the effect of classification as a menacing dog); and
 - (c) the right to object to the classification under section 33B; and
 - (d) if the territorial authority's policy is not to require the neutering of menacing dogs (or would not require the neutering of the dog concerned), the effect of sections 33EA and 33EB if the owner does not object to the classification and the dog is moved to the district of another territorial authority.

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

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

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

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

33B Objection to classification of dog under section 33A

- (1) If a dog is classified under section 33A as a menacing dog, the owner—
- (a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
 - (b) has the right to be heard in support of the objection.
- (2) The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to—
- (a) the evidence which formed the basis for the classification; and
 - (b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and
 - (c) the matters relied on in support of the objection; and
 - (d) any other relevant matters.
- (3) The territorial authority must, as soon as practicable, give written notice to the owner of—

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- (a) its determination of the objection; and
- (b) the reasons for its determination.

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

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

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

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

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

33D Objection to classification of dog under section 33C

- (1) If a dog is classified as a menacing dog under section 33C, the owner—
 - (a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
 - (b) has the right to be heard in support of the objection.
- (2) If an owner objects to the classification, he or she must provide evidence that the dog is not of a breed or type listed in Schedule 4.
- (3) The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to—
 - (a) the evidence which formed the basis for the classification; and
 - (b) the matters relied on in support of the objection; and
 - (c) any other relevant matters.
- (4) The territorial authority must, as soon as practicable, give written notice to the owner of—
 - (a) its determination of the objection; and
 - (b) the reasons for its determination.

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

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s 33EA

33E Effect of classification as menacing dog

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

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

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

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

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

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

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

33EA Menacing dog classification to extend over New Zealand

- (1) Every classification as a menacing dog under section 33A or 33C is in force throughout New Zealand.
- (2) This section is for the avoidance of doubt.

s 33EB

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Section 33EA: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

33EB Territorial authority (other than classifying authority) may require neutering of menacing dog

- (1) This section applies if—
 - (a) a dog is classified by a territorial authority as a menacing dog under section 33A or 33C; and
 - (b) the territorial authority does not require it to be neutered under section 33E(1)(b); and
 - (c) the dog is later registered with any other territorial authority.
- (2) No later than 1 month after the dog is registered with the other territorial authority, that territorial authority may require, by written notice, the owner of the dog to produce to the territorial authority a certificate issued by a veterinarian certifying—
 - (a) that the dog has been neutered; or
 - (b) that for reasons that are specified in the certificate, it will not be in a fit condition to be neutered before a date specified in the certificate.
- (3) The owner must produce the certificate to the territorial authority no later than 1 month after receiving the notice.
- (4) If a certificate under subsection (2)(b) is produced to the territorial authority, the owner of the dog must produce to the territorial authority, no later than 1 month after the date specified in that certificate, a further certificate under subsection (2).

Section 33EB: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

33EC Offence to fail to comply with section 33E(1) or 33EB

- (1) Every person who fails to comply with section 33E(1) or 33EB commits an offence and is liable on conviction to a fine not exceeding \$3,000.
- (2) If a person fails to comply with section 33E(1) or 33EB, a dog control officer or dog ranger may—
 - (a) seize and remove the dog concerned from the person's possession; and
 - (b) retain custody of the dog until—
 - (i) the dog control officer or dog ranger is satisfied that the person has demonstrated a willingness to comply with section 33E(1) or 33EB (as the case may be); or
 - (ii) the dog is disposed of under section 71A.

Section 33EC: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33EC(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Version as at
30 November 2022

Dog Control Act 1996

s 34

Dangerous and menacing dogs

Heading: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

33ED Territorial authority to classify certain dogs as dangerous or menacing

- (1) A territorial authority must classify a dog as a dangerous dog under section 31 or a menacing dog under section 33A if—
 - (a) the owner of the dog has been convicted of an offence against section 57(2) or 57A(2)(a); and
 - (b) no destruction order for the dog has been made by the court concerned.
- (2) Subsection (1) applies unless the territorial authority is satisfied that the circumstances of the attack, rush, or startle by the dog (being the circumstances relating to the offence for which the owner was convicted)—
 - (a) were exceptional; and
 - (b) do not, in the territorial authority’s opinion, justify classifying the dog as dangerous or menacing.

Section 33ED: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

33F Owner must advise person with possession of dangerous or menacing dog of requirement to muzzle and leash dog in public

- (1) This section applies to an owner whose dog has been classified as—
 - (a) dangerous under section 31; or
 - (b) menacing under section 33A or section 33C.
- (2) If the dog is in the possession of another person for a period not exceeding 72 hours, the owner must advise the person of the requirement to comply with section 32(1)(b) or section 33E(1)(a), as the case may be (which relate to the requirement to muzzle and leash the dog in public).
- (3) Every person who fails to comply with subsection (2) commits an offence and is liable on conviction to a fine not exceeding \$500.

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

Section 33F(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Registration and registration fees

34 Dogs register

- (1) Every territorial authority shall keep a register of all dogs registered with it under this Act.
- (2) The register shall contain the following information in respect of each dog:
 - (a) the full name, date of birth, and address of the owner of the dog:

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4 PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RECOMMENDATIONS

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

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

| General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under section 48 for the passing of this resolution |
|---|--|--|
| 4.1 - Deliberation on the Objection to Classification of Dog as Menacing | s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons | s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7 |

