Minutes of a meeting of the Hearings Committee held on Friday 8 July 2016, commencing at 9.00am in the Manawatū District Council Chambers, 135 Manchester Street, Feilding.

PRESENT: Cr Howard Voss (Chairperson)
Cr Shane Casey
Cr Tony Jensen

IN ATTENDANCE: Shayne Harris (General Manager-Business)
Lou Fairest Harper (Acting Senior Animal Control Officer)
Fred de Burgh (Animal Control Officer)
Allie Dunn (Business Support Team Leader)
Nichole Ganley (Business Support Officer)
Trevor Cook (Objector)

HC 16/023 MEETING OPENING

The Chairperson welcomed attendees to the hearing, introduced committee members and officers that were present. He explained the general procedure that would be followed.

HC 16/024 OBJECTION TO CLASSIFICATION OF MENACING DOG

OBJECTOR

Mr Trevor Cook spoke to his brief of evidence. Issues he raised were:

- Trevor acknowledged that Snap his 4.2kg Jack Russell was present during the attack and his dogs were responsible for molesting the hens but stated Snap most likely was the instigator in leading his other dog Maui off the property but believed she would not have been involved in killing the hens. He accepted the classification of menacing for the other dog.
- He stated his concern the limitations that the menacing classification would have as the dog frequently travelled with him. He advised the dog posed no risk to people or other animals when travelling with him.
- In conclusion he said this incident was caused by a change in routine and was an 'unusual event'. Steps had been taken to ensure that it would not be repeated.

Mr Cook concluded his evidence at 9.10am

MANAWATU DISTRICT COUNCIL

Councillor Voss sought clarification that there were two dogs present and that Snap was the ‘leader.’ He also asked if the dogs were normally tied up and if they were microchipped.

Councillor Jensen raised his concerns about the other dog Maui and if Trevor knew whether the complainant Bruce Brownlee knew they were his dogs. He also sought clarification that Mr Brownlee did in fact receive recompense for the chickens. He sought clarification from Animal Control Officer Fred de Burgh of the infringement applicable for failing to contain dogs.
Animal Control Officer Fred de Burgh had nothing further to add to his brief of evidence but confirmed the complainant Mr Brownlee did receive the recompense for the hens as he desired and the infringement for failing to contain dogs was $200.00.

Councillor Voss sought clarification from the written evidence sent to Council from witness Ryan Henson, that the dog who was described to be hiding in the bushes was Snap.

OBJECTOR – RIGHT OF REPLY

- Mr Cook said the dogs were restrained on the property when he and his wife were not out on the property themselves and when they leave the property, otherwise they have 23 hectares they can essentially use. He didn’t believe that Mr Brownlee knew they were his dogs, there was a phone number on one of the dog tags which Mr Brownlee rung but had no reply as no one was at home. Consequently the dogs were taken to the pound and identified via their microchips.

HC 16/025 DECISION – CLASSIFICATION OF DOG “SNAP” AS MENACING UNDER SECTION 33A(1)(B)(I) DOG CONTROL ACT 1996

The Chairperson opened the discussion noting that it seemed Snap was guilty by association in this instance. The consensus was a classification of menacing was not a suitable punishment given the circumstances and taking into account the complainant had been recompensed. However if there was a repeat offence of similar nature there would be a different outcome.

RESOLVED

1) That the “menacing” classification imposed on the dog “Snap” belonging to Trevor Cook, pursuant to Section 33A(1)(b)(i) of the Dog Control Act 1996 be rescinded.

2) That the Hearings Committee takes note of the actions of the dog “Snap” and advises should there be a similar repeat of the actions of the dog then the Council would have no option but to enforce the requirements of the Dog Control Act 1996.

Moved by: Councillor Howard Voss

Seconded by: Councillor Tony Jensen

CARRIED

HC 16/026 MEETING CLOSURE

The Chairperson declared the meeting closed at 9.30am

Approved and adopted as a true and correct record:

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CHAIRPERSON  DATE