Minutes of a meeting of the Hearings Committee held on Friday 30 September 2016, commencing at 8.30am in the Manawatu District Council Chambers, 135 Manchester Street, Feilding.

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

IN ATTENDANCE:  Rachelle Johnston (Consents and Monitoring Team Leader)
                 Robert Petersen (Senior Animal Control Officer)
                 Trevor Gunn (Animal Control Officer)
                 Herb Verstegen (Animal Control Officer)
                 Lou Fairest-Harper (Animal Control Officer)
                 Allie Dunn (Business Support Team Leader)
                 Terry Healy (Objector)
                 Peter Simpson

HC 16/036 HEARING OPENING

The Chairperson welcomed attendees to the hearing of an objection lodged by Terry Healy against the issuing of a menacing dog classification relating to the dog known as “Steinie” pursuant to the provisions of Section 33C(1) of the Dog Control Act 1996.

The Chairperson acknowledged additional information tabled being a copy of notes made by Animal Control Officer Trevor Gunn of a phone conversation between himself and Terry Healy, and a copy of the signed affidavit of Trevor Gunn, which was made available to all parties present.

HC 16/037 MANAWATU DISTRICT COUNCIL – SENIOR ANIMAL CONTROL OFFICER

Robert Peterson, Senior Animal Control Officer, answered questions from the Hearings Committee around the process of serving the menacing classification letter, the timeframes between classification of the dog and the follow up visit. In response to a question from the Hearings Committee, he confirmed that there had been no reported complaints relating to the behaviour of the dog "Steinie". He also explained that the pit bull type as listed in the Dog Control Act 1996 was not a recognised breed whereas the American Staffordshire Terrier was a recognised breed. With regard to Annex I to the agenda, which listed information from the Auckland City Council relating to their recognition of American Staffordshire Terriers as pit bull type, it was clarified that the Manawatu District Council did not adopt the same procedure in its Dog Control Policy or Bylaws.

HC 16/038 OBJECTOR– TERRY HEALY

Mr Healy tabled a letter from himself to the Hearing Committee outlining the background of breeding of American Staffordshire Terrier, documenting the temperament of his dog, and including references confirming his dog’s temperament and behaviour.

Following questions from the Hearings Committee, he confirmed the process undertaken at the veterinary clinic where the DNA sample was taken, noting that the dog’s microchip was scanned to confirm the dog’s identity and that there was the vet and vet nurse present during the taking of the sample.
Following questions from the Hearings Committee regarding the documented breeds of the dam and sire of the dog Steinie, Mr Healy noted that the documentation showed the information provided by the owners of the dogs, which has shown to be incorrect by the DNA results.

HC 16/039  MANAWATU DISTRICT COUNCIL – SENIOR ANIMAL CONTROL OFFICER RIGHT OF REPLY

Robert Peterson, Senior Animal Control Officer, in his reply clarified the wording of Section 33C of the Dog Control Act 1996 as requiring an Animal Control Officer to classify a dog as menacing if the Animal Control Officer believes the dog to be wholly or predominantly of pitbull type. They base this belief on their experience and he referred to Annex J of the agenda that set out responses received from other Animal Control Officers after viewing a photo of the dog “Steinie”. He confirmed that there was no issue with the ownership or behaviour of the dog, it was about enforcing the Dog Control Bylaws in accordance with the requirements of the Dog Control Act 1996.

HC 16/039  DELIBERATIONS AND DECISION – OBJECTION TO CLASSIFICATION OF DOG AS MENACING

The Hearings Committee discussed the DNA evidence provided by Mr Healy which showed the dog “Steinie” to be an American Staffordshire Terrier by breed, and showed no other breeds in its bloodline. Following direction from the Hearings Committee, officers confirmed with Palmerston North City Council that the sire of the dog “Steinie” known as “Shady” and shown as American Staffordshire Bull Terrier and Sharpei on their database, had not been classified as menacing. The committee noted that the listing of the breeds of the dogs in vet records and Council records is based on information provided by owners, which may or may not be correct.

In considering the objection the Hearings Committee had regard to the evidence which formed the basis of the classification, took into account the clarification of the process followed for the DNA sampling of the dog in question, and also the explanation of how the breeds of the dog, and its dam and sire were entered into Council and vet records.

As a result, the Hearings Committee accepted the evidence provided by Terry Healy that the dog “Steinie” was an American Staffordshire Terrier and not of pitbull type.

RESOLVED

That the menacing classification imposed on the dog “Steinie” belonging to Terry Healy, pursuant to Section 33C(1) of the Dog Control Act 1996, be rescinded.

Moved by: Councillor Howard Voss
Seconded by: Councillor Tony Jensen
CARRIED
HC 16/040 CLOSURE OF HEARING

The Chairperson declared the hearing closed at 9.35am.

Approved and adopted as a true and correct record:

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CHAIRPERSON                   DATE
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