



Rangitikei District Council

Hearings Panel Meeting

Minutes – Thursday 23 May 2019 – 10:00 a.m.

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Present: His Worship the Mayor, Andy Watson
Cr Cath Ash
Cr Nigel Belsham
Cr Lynne Sheridan

In attendance Mr Rob Peterson, Senior Animal Control Officer
Ms Nicole Doriguzzi, Objector

Also in attendance: Nichole Ganley, Governance Support Officer
Lou Fairest Harper, Animal Control Officer
Trevor Gunn, Animal Control Officer
Mark Power, Animal Control Officer
Herb Verstegen, Animal Control Officer
Vicki Hodds, Democratic Services

Tabled Documents: 2.2A - Email Correspondence between Robert Peterson, Ms Doriguzzi and Anne Fuller of ARAN Rescue

1 Council Prayer

His Worship the Mayor Andy Watson opened the meeting with the Council Prayer.

2 Welcome and introduction from the Mayor

The Chair welcomed attendees to the hearing of an objection lodged by Ms Doriguzzi against the issuing of a dangerous dog classification relating to the dog known as "Raro" pursuant to the provisions of Section 31 (1)(b) of the Dog Control Act 1996. The Chair asked members of the panel to introduce themselves along with Council officers and then outlined the procedure of the hearing, advising both the objector and officers of the rules around cross-examination and conduct.

3 Apologies / Leave of absence

There were no apologies or requests for leave of absence.

4 Notice of classification of dog 'Raro' as dangerous

A copy of this notice, issued on 22 February 2019, was included in the Order Paper.

5 Further information

The Chair noted the written copies provided to the panel at the start of the hearing of the presentation to be made by Ms Doriguzzi.

6 Statement from Objector

The Chair invited Ms Doriguzzi to speak to the Panel. Ms Doriguzzi had prepared a PowerPoint presentation which she spoke to highlighting her background, experience as a Vet Nurse, and her work with ARAN Rescue.

Ms Doriguzzi spoke to a number of areas which she disputed including inconsistencies in the communication and information regarding the incident and classification.

She then spoke of "Raro's" background and the interactions she had witnessed whilst he was in her home and with others including with Blake Munt to whom she has subsequently rehomed "Raro".

She informed the panel she had advised Blake of the dangerous dog classification and had advised him on what would need to be done regarding the requirements from Auckland Council.

Ms Doriguzzi was under the impression "Raro" had been transferred between the councils.

Ms Doriguzzi questioned the reliability of the affirmed affidavit and highlighted her concern with her interactions and attempts to contact officers.

7 Questions from the Panel to the Objector

Following questions from the panel Ms Doriguzzi confirmed "Raro" showed signs of taking a dislike to cats.

She was not aware of the previous menacing classification until the Rangitikei District Council had informed her. She noted that as she usually takes dogs from the pound; they are typically checked at this stage and it is not something that she does.

She confirmed that, had she been aware of the previous menacing classification, she would never have taken "Raro" as she does not have the time to deal with the implications of a classification. She felt the previous owners would have known that the classification would have been a problem and felt that information was not passed on.

While she felt that "Raro" may be unsuitable to be around the elderly or vulnerable people she disputed that he was dangerous. She felt it was a reaction to whatever had happened to him, for which accounts were inconsistent. When questioned on who owned the dog at the time of the incident, Ms Doriguzzi felt that the owner would have been Joan Clement because of the contract that Joan Clement signed but would need to speak to a lawyer to confirm. When asked why she rehomed "Raro" again she said she had too many dogs and knew he just needed the right home, as he was a lovely dog.

8 Report from Council's Senior Animal Control Officer

The Chair invited Animal Control Officer Robert Peterson to speak to the Panel.

Mr Peterson highlighted points in his written report and responded to the points raised in the objector's PowerPoint presentation. At this point, he provided supporting documents, which were copies of email transactions between himself, Ms Doriguzzi and Anne Fuller of ARAN Rescue as well as information about "Raro" from the National Dog Database.

In response to Ms Doriguzzi's reference to attempts to contact him, he referred to the email correspondence that he tabled.

He stated that in terms of ownership he felt that the ownership would have been transferred to Joan Clement after the two-week trial should she wish to adopt him and take possession at that time.

In speaking to the inconsistencies of information highlighted by Ms Doriguzzi, he noted that he could only go by the information supplied to him via the National Dog Database, which showed a date of birth for "Raro" as December 2012, and this information would have become available after the owners first registered the dog.

He confirmed that both Joan Clement and Graeme Pointon were present at the time the affirmation was signed.

Mr Peterson confirmed he could only work with the facts presented on investigation and during the interview with the victim, which is what he has based his decision on.

He noted that there was no meeting between ARAN and Joan before the dog was dropped off. ARAN was therefore unaware of the dog's environment, how much exercise the dog would

receive, or that Joan Clement was capable of providing. Mr Peterson noted he was completing a dog psychology and training paper and that a number of factors must be taken into consideration when assessing the suitability between a dog and its potential owner.

He noted that, had proper checks been made by ARAN, they would have discovered the classification. Mr Peterson confirmed that, as indicated in the Dog Control Act Section 31, there was sworn evidence of aggressive behaviour by "Raro."

9 Further questions from the Panel to the Objector, to the Council's Senior Animal Control Officer and/or to the Council's Witnesses

On further questions from the panel Mr Peterson confirmed his decision on the classification of the dog had not changed.

He felt that legal ownership of the dog was ARAN during the trial period and Joan Clement would have been responsible for minor animal welfare. He felt the ownership now lay with Blake Munt. Ms Doriguzzi had confirmed that "Raro" had been with Blake Munt since 16 May 2019. Mr Peterson noted that the dog should have been registered under Blake's name as soon as he took responsibility of the dog. Ms Doriguzzi assured the panel that she had been told that the dog had been transferred from Upper Hutt City Council to Auckland and she had the contact details of the staff member she spoke to at Upper Hutt City Council. Cr Sheridan sought clarification on tabled document 2.2B, as there was no mention of the Upper Hutt City Council or the microchip number. Mr Peterson confirmed that that was because the previous owner did not do any change of ownership and that the Microchip number is what produces the information.

Ms Doriguzzi felt that the database was inaccurate and stated that she had registered the dog with the Upper Hutt City Council and had the tag number as proof. Mr Peterson confirmed that the information in database was updated every 24 hours and clarification would need to be sought from Upper Hutt City Council. Mr Peterson also confirmed that the victim Joan Clement sought to have nothing to do with the dog or the process despite being asked if she wanted to attend the hearing.

Ms Doriguzzi questioned the panel on whether the Chair would use his casting vote should the panel not reach consensus. The Chair stated he believed this to be correct but would seek advice should the issue arise.

The Chair asked Ms Doriguzzi if, in her opinion, correct process had been followed. She agreed that this had occurred.

10 Deliberation by the Hearing Panel

Resolved minute number **19/HCM/001** **File Ref**

That the meeting adjourn to deliberate on the matter.

His Worship the Mayor / Cr Belsham. Carried

The meeting adjourned at 11.09am – 11.20am

Resolved minute number **19/HCM/002** **File Ref**

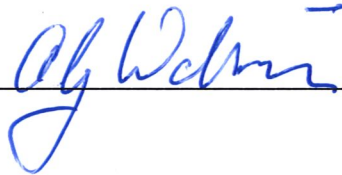
That the Hearings Panel, under delegation from the Rangitikei District Council, upholds the classification on the basis of sworn evidence and find in favour of the Rangitikei District Council that "Raro" meets the classification of a dangerous dog by a majority decision pursuant to the provisions of Section 31 (1)(b) of the Dog Control Act 1996.

His Worship the Mayor / Cr Sheridan. Carried
Against Cr Ash

11 Meeting closed

11.32am

Confirmed/Chair:

A handwritten signature in blue ink, appearing to read 'G. Williams', is written over a horizontal line.

Date:

A handwritten date in black ink, appearing to read '20.5.19', is written next to the 'Date:' label.

