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**ORDINARY MEETING**

**OF**

**PŪRORO HĀTEPE | REGULATORY PROCESSES COMMITTEE**

**MINUTES**

**Time:** 09:30am  
**Date:** Wednesday, 16 February 2022  
**Venue:** Virtual meeting

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**PRESENT**

Deputy Mayor Free (via audiovisual link)  
Councillor Condie (via audiovisual link)  
Councillor Matthews (via audiovisual link)  
Councillor O'Neill (Deputy Chair)  
Councillor Pannett (via audiovisual link)  
Councillor Woolf (Chair) (via audiovisual link)



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## 1. Meeting Conduct

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### 1.1 Karakia

The Chairperson declared the meeting open at 9.30am and invited members to stand and read the following karakia to open the meeting.

<b>Whakataka te hau ki te uru,</b>	Cease oh winds of the west
<b>Whakataka te hau ki te tonga.</b>	and of the south
<b>Kia mākinakina ki uta,</b>	Let the bracing breezes flow,
<b>Kia mātaratara ki tai.</b>	over the land and the sea.
<b>E hī ake ana te atākura.</b>	Let the red-tipped dawn come
<b>He tio, he huka, he hauhū.</b>	with a sharpened edge, a touch of frost,
<b>Tihei Mauri Ora!</b>	a promise of a glorious day

### 1.2 Apologies

**Moved Councillor O'Neill, seconded Councillor Matthews**

#### **Resolved**

That the Pūroro Hātepe | Regulatory Processes Committee:

1. Accept the apologies received from Mayor Foster for absence and Deputy Mayor Free for early departure.

**Carried**

### 1.3 Conflict of Interest Declarations

No conflicts of interest were declared.

### 1.4 Confirmation of Minutes

**Moved Councillor O'Neill, seconded Deputy Mayor Free**

#### **Resolved**

That the Pūroro Hātepe | Regulatory Processes Committee:

1. Approve the minutes of the Pūroro Hātepe | Regulatory Processes Committee Meeting held on 9 February 2022, having been circulated, that they be taken as read and confirmed as an accurate record of that meeting.

**Carried**

### 1.5 Items not on the Agenda

There were no items not on the agenda.

### 1.6 Public Participation

There were no requests for public participation.

The meeting adjourned at 10.20am and resumed at 10.35am with the following members present: Councillor O'Neill, Councillor Matthews, Councillor Condie, Councillor Pannett and Councillor Woolf.

## **2. General Business**

### **2.1 Objection to a classification under the Dog Control Act 1996**

**Moved Councillor O'Neill, seconded Councillor Matthews**

#### **Resolved**

That the Pūroro Hātepe | Regulatory Processes Committee:

- 1) Receive the information.
- 2) Note:
  - a. the evidence which formed the basis for the classification
  - b. any steps taken by the owner to prevent any threat to the safety of persons or animals
  - c. the matters relied on in support of the objection
  - d. any other relevant matters
- 3) Agree to uphold the classification as a dangerous dog.
- 4) Delegate to the chairperson of the Pūroro Hātepe | Regulatory Processes Committee: the authority to issue a written decision, which will be sent to all parties and attached to the minutes of this meeting.

**Carried**

#### **Attachments**

- 1 Deliberation and Decision - Objection Dangerous Dog Classification

The meeting concluded at 10:40am with the reading of the following karakia:

<b>Unuhia, unuhia, unuhia ki te uru tapu nui</b>	Draw on, draw on
<b>Kia wātea, kia māmā, te ngākau, te tinana, te wairua</b>	Draw on the supreme sacredness To clear, to free the heart, the body and the spirit of mankind
<b>I te ara takatū</b>	
<b>Koia rā e Rongo, whakairia ake ki runga</b>	Oh Rongo, above (symbol of peace)
<b>Kia wātea, kia wātea</b>	Let this all be done in unity
<b>Āe rā, kua wātea!</b>	

Authenticated: \_\_\_\_\_  
Chair

**ORDINARY MEETING**

**OF**

**PŪRORO HĀTEPE - REGULATORY PROCESSES COMMITTEE**

**MINUTE ITEM ATTACHMENTS**

**Time:** 9:30am  
**Date:** Wednesday, 16 February 2022  
**Venue:** Virtual meeting

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**Business**

**Page No.**

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**2.1 Objection to a classification under the Dog Control Act 1996**

1. Deliberation and Decision - Objection Dangerous Dog Classification 3



## DECISION OF THE WELLINGTON CITY COUNCIL REGULATORY PROCESSES COMMITTEE

### Objection to Dangerous Dog Classification - Fernanda Nunes, Marcelo Cesar and 'Lobo'

1. The Committee agreed to uphold the decision to classify 'Lobo' as a Dangerous Dog under the Dog Control Act 1996 (section 31).
2. Under this classification the dog owner must comply with the following requirements:
  - They must ensure that, from a date not later than 1 month after the receipt of notice of classification, the dog is kept within a securely fenced portion of the owner's property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property; and
  - They 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 controlled on a leash (except when in a dog exercise area); and
  - They must produce to the territorial authority, within 1 month after the receipt of notice of classification, a certificate issued by a veterinarian certifying 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
  - They must have a certificate stating that the dog is or has been neutered within 1 month of the classification, or a certificate provided as to while the dog will not be in a fit condition to be neutered before a specified date; and
  - They must, in respect of every registration year commencing after the date of receipt of the notice of classification, be liable for dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
  - They must not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.
  - Note that any classification as a dangerous dog is in force throughout New Zealand.
  - Note if a person fails to comply with the above conditions, a dog control officer or dog ranger may seize and remove the dog from the person's possession; and retain custody of the dog until the territorial authority has reasonable grounds to believe the person has demonstrated a willingness to comply with the terms; and
  - Note section 70 of the Act applies to a dog removed under these conditions as if it were removed under section 56 of the Act; and accordingly section 70 applies with all necessary modifications.

- Note that non-compliance with the above conditions commits an offence and is liable on conviction to a fine not exceeding \$3,000; and if a court convicts a person of an offence against this, the court must also make an order for the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not warrant destruction of the dog.
- Note that every person who sells or otherwise transfers, or offers to sell or transfer, to any other person any dog known by that person to be classified as a dangerous dog without disclosing the fact of that classification to that other person commits an offence and is liable on conviction to a fine not exceeding \$3,000.

### **REASONS FOR THE DECISION**

3. The Committee were presented with written and oral evidence, from both the WCC Public Health team and from Fernanda Nunes and Marcelo Cesar (the dog owners), to consider when making their decision.
4. Following hearing from both parties the Committee adjourned to deliberate on the proceedings.
5. When making its decision, the Act required the Committee to have regard for the following factors:
  - the evidence which formed the basis for the original classification; and
  - any steps taken by the owner to prevent any threat to the safety of persons and animals; and
  - the matters advanced in support of the objection; and
  - any other relevant matters

### **DELIBERATIONS**

Committee members present: Cr O'Neill, Cr Woolf, Cr Matthews, Cr Pannett, Cr Condie

Staff present: Alisi Puloka, Sean Johnson, Leteicha Lowry, Emily Deans

**The committee commenced deliberations at 10:20am.**

Cr Matthew stated she had not seen any evidence to suggest the classification was not in order and the photographs clearly displayed a bite. She considered Fernanda and Marcelo nice people who want to do the best by their dog, but concluded the classification was warranted and there was no reason to overturn the officer's assessment.

Cr O'Neill agreed with Councillor Matthews and stated upholding the dangerous dog classification seemed the logical thing to do. They acknowledged the steps the dog owners had taken but remained supportive of upholding the officer's recommendation.

Cr Pannett described the situation as difficult and unfortunate, especially on the victim as an older person. She acknowledged the significance of the repercussion on both the family and the dog in upholding the dangerous dog classification. She noted the average lifespan of a male German Sheppard is 9 years, so the dog will have some years wearing a muzzle in

public. Cr Pannett acknowledged this is the second incident with the dog and perhaps, as a dog guardian, she would have taken the situation very seriously after the initial incident, especially with a big and powerful dog.

Cr Pannett clarified that this meeting could only uphold or rescind the classification as a dangerous dog, and that it could not classify the dog as a menacing dog.

Cr O'Neill noted, based on the Attack Rating Report provided in the agenda (Appendix 12), if the dog were to score two points higher, prosecution would be advised.

Cr Condie agreed the dangerous classification held up and stated there was no doubt in her mind a bite had occurred. The puncture wounds were clear and there was an injury. Cr Condie acknowledged the owners believe their dog is not dangerous, but this is the legislative label that needs to be used. Cr Condie described the dog's behaviour as unpredictable and believed it to be an issue to public safety. Even with the great work the owners are doing with the behaviouralist, which she hopes they will continue, she did not feel confident another incident wouldn't happen. A muzzle is necessary for everybody's safety, including the dog.

Cr Condie requested it be acknowledged Fernanda felt upset by some of the comments made by the victim in their statement and, when in distressing situations where emotions are high, people may say things that they don't necessarily mean. Cr Condie reiterated she thinks Fernanda had acted responsibly and taken it seriously.

Cr Woolf agreed with the comments of other Councillors. Cr Woolf stated this was a difficult situation for all Councillors, but they were ultimately of similar mind.

Cr O'Neill stated they were happy to move the motion to uphold the officer's recommendations.

Cr O'Neill requested from Councillors any further comments to be extended upon the return of the meeting. Cr Pannett requested the victim was recognised and acknowledged there is another party also.

**Deliberation finished at 10:30am and the public meeting returned from adjournment at 10:35am.**

**CONCLUSION**

6. Having regard to the relevant provisions of the Dog Control Act 1996, the Committee is satisfied that the classification of Lobo as a Dangerous Dog should be upheld.

**DATED** this day Monday 21 March 2022



Councillor Simon Woolf

**Chair – Regulatory Processes Committee**