
ORDINARY MEETING

OF

PŪRORO HĀTEPE | REGULATORY PROCESSES COMMITTEE

MINUTES

Time: 9:30am
Date: Wednesday, 18 May 2022
Venue: Ngake (16.09)
Level 16, Tahiwī
113 The Terrace
Wellington

PRESENT

Councillor Condie (via audiovisual link)
Councillor Matthews
Councillor O'Neill (Deputy Chair)
Councillor Pannett
Liz Kelly (via audiovisual link)

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1. Meeting Conduct

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.

**Whakataka te hau ki te uru,
Whakataka te hau ki te tonga.
Kia mākinakina ki uta,
Kia mātaratara ki tai.
E hī ake ana te atākura.
He tio, he huka, he hauhū.
Tihei Mauri Ora!**

Cease oh winds of the west
and of the south
Let the bracing breezes flow,
over the land and the sea.
Let the red-tipped dawn come
with a sharpened edge, a touch of frost,
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 Councillor Woolf, Deputy Mayor Free and Mayor Foster for absence.

Carried

1.3 Conflict of Interest Declarations

No conflicts of interest were declared.

1.4 Confirmation of Minutes

Moved Councillor O'Neill, seconded Councillor Pannett

Resolved

That the Pūroro Hātepe | Regulatory Processes Committee:

1. Approves the minutes of the Pūroro Hātepe | Regulatory Processes Committee Meeting held on 4 May 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.

2. General Business

The meeting adjourned at 10:32am and resumed at 10:47am with the following members present: Councillor Condie, Councillor Matthews, Councillor O'Neill and Councillor Pannett.

(Liz Kelly joined the meeting at 10:55am.)

The meeting adjourned at 11:12am for deliberations and resumed at 11:38am with the following members present: Councillor Condie, Councillor Matthews, Councillor O'Neill and Councillor Pannett.

2.1 Objection to a classification under the Dog Control Act 1996

Moved Councillor O'Neill, seconded Councillor Pannett

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 menacing 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.

A division was called for, voting on which was as follows:

For:

Councillor Condie
Councillor Matthews
Councillor O'Neill (Deputy Chair)
Councillor Pannett

Against:

Majority Vote: 4:0

Carried

Attachments

- 1 Deliberation and Decision - Objection Menacing Dog Classification

The meeting concluded at 11:43am with the reading of the following karakia:

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

Authenticated: _____
Chair

ORDINARY MEETING

OF

PŪRORO HĀTEPE | REGULATORY PROCESSES COMMITTEE

MINUTE ITEM ATTACHMENTS

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Business

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2.1 Objection to a classification under the Dog Control Act 1996

1. Deliberation and Decision - Objection Menacing Dog Classification 3

**DECISION OF THE WELLINGTON CITY COUNCIL PŪRORO HĀTEPE | REGULATORY PROCESSES
COMMITTEE**

Objection to Menacing Dog Classification – Colin Wood and ‘Lomu’

1. The Committee agreed to uphold the decision to classify ‘Lomu’ as a Menacing Dog under the Dog Control Act 1996 (section 33A).
2. Under this classification the dog owner must comply with the following requirements:
 - 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 (note this 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)); and
 - They 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—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, 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.
 - Note that any classification as a menacing dog under section 33A or 33C of the Act is in force throughout New Zealand.
 - Note that if the dog owner fails to comply with the above conditions, they would be in breach of the Act and could face a fine of up to \$3,000. Additionally, if the dog owner fails to comply with the above conditions, a dog control officer or dog ranger may seize and remove the dog concerned from the person’s possession and retain custody of the dog until they are satisfied that the conditions will be complied with, or until the dog is destroyed in accordance with section 71A of the Act.

REASONS FOR THE DECISION

3. The Committee was presented with written and oral evidence, from both the WCC Public Health team and from Colin Wood (the dog owner), 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 or animals; and
 - The matters relied on in support of the objection; and
 - Any other relevant matters

DELIBERATIONS

Committee members present: Councillor O'Neill, Councillor Condie, Councillor Pannett, Councillor Matthews and Liz Kelly

Staff present: Sean Johnson, Hedi Mueller, Leteicha Lowry

The Committee commenced deliberations at 11:13am.

Councillor Matthews stated she hadn't seen anything to make her think the Committee should overturn the classification, particularly given the serious nature of the injuries. Councillor Matthews stated they thought the classification should be upheld.

Councillor O'Neill said the label of menacing, dangerous or attack might not feel, to the owner, like an accurate representation of what happened, but is the language required to be used under the Dog Control Act. Councillor O'Neill said it was important to acknowledge the dog owner had acted responsibly at the time of the attack, and how distressing the situation is. Councillor O'Neill discussed previous socialising of the dog to different behaviours including with a crate and muzzle, and was hopeful that the dog could be retrained with the muzzle which the classification constrains.

Liz Kelly asked Committee members whether she should participate in the deliberations and vote as she had not heard all comments of the owner. Liz Kelly said she had read the agenda and felt she could contribute, if considered reasonable by Committee members.

Democracy Services staff advised that it might not be appropriate for those not present for the full hearing to take part in deliberations and vote.

Councillor Condie said they wished to echo Councillor O'Neill's comments that, as has been the case in previous dog hearings, owners do find the language of the legislation confronting, and struggle with the language of attack, menacing and dangerous. Councillor Condie said she believed it was clear the dog latched onto the woman's hand, even if the dog could not see her hand, and the dog knew it had more than just the jersey. Councillor Condie said the dog owner had been clear and stated that the dog released as soon as he was instructed to which says the owner also accepts that the dog had clamped down on the woman's hand, even though for a short period of time. She said the dog owner disputes the dog pulling the woman to the ground and, even if they were not pulled to the ground, this was a serious bite, the dog had clamped down and a very serious injury occurred. Councillor Condie stated, even allowing this to be disputed, it was not relevant enough to change the menacing classification.

Councillor Condie said it was disappointing to hear of the dog owner's concerns regarding inconsistency in the process, and that the process seems to be confusing for owners in this situation. Councillor Condie said, whilst that is a challenge for Wellington City Council to improve the process where we can, it is also not a reason to overturn the classification. Councillor Condie said she found it interesting that the dog owner said they never had an incident like this because they deliberately stayed away from people when they were walking rather than because the dog has never had an incident before. She said that that indicates an owner who knows their dog is a large dog and perhaps isn't the best around other people. Regarding the dog owner's comments about the dog not having rushed the woman, Councillor Condie said she thought the dog owner may have misunderstood the form as, to get the score of 28, the dog does not need to do everything on the list leading up to that. She said the dog is scored based on the most serious item that was a part of the attack and was, in this case, a very serious injury that required hospitalisation and surgery.

Councillor Pannett said it is devastating for the dog, the victim and for the owner. Councillor Pannett said she agreed with colleagues and, given the score of 22+ and the person requiring hospitalisation due to there being significant damage, Committee members did not have much choice in this matter. Councillor Pannett said she believed owning a dog is a big responsibility and she was not confident that, given the strength and power of the dog, the owner had done possibly everything they needed to. She said, even if it is not an aggressive breed, there is so much power to it compared to other dogs and the responsibility is high. Councillor Pannett said they would agree to uphold the classification and hoped that this was a message to dog owners they have to take this really seriously.

Councillor Condie requested it be acknowledged that the dog owner has acted responsibly, and it is an unfortunate incident. Councillor Condie said, when the dog owner spoke, it was clear they were concerned about what they could have done differently or if there was anything else he could have done. She acknowledged the dog owner had responded the best that he could have after the attack happened. From the dog hearing process, Councillor Condie said she has come to believe any dog could attack at any time under the wrong circumstances and that is why it is so confronting for owners when there is no pattern of behaviour. She said the Committee's priority needs to be public health and safety and, with this dog now having once displayed this type of behaviour, the Committee must ensure it does not happen again.

Councillor Matthews said she thought it was a good thing that Wellington City Council officers followed up repeatedly with the victim as, given the serious nature of the injuries, she was not in a position to make a longer-term decision. She believed that that process was not akin to harassment, and was diligent, and good, proactive public health and safety action.

Councillor Condie seconded Councillor Matthew's comments that the Public Health team acted appropriately in seeking victim statement, and said it sounds staff were very sensitive in understanding the woman was dealing with a serious trauma and gave her the time and space to process that before coming back to her with the pseudo legalistic process of a complaint. Councillor Condie referenced the dog owner's comment that the Public Health team were not neutral when he thought they should have been, and said the Public Health team are not neutral as that is not their role, and their role is to defend the public health. She said, in this case, the Public Health team does have a role to support the victim and encourage them, or at least give them all the information and support they may need, to come forward with a statement, which is they have done, and she was pleased about that.

Councillor Matthews said they agreed with Councillor Condie and said they do have a lot of confidence in the Public Health team and the procedure seems to be followed with extreme scrupulousness.

Following deliberations, the public meeting returned from adjournment at 11:38am.

CONCLUSION: Having regard to the relevant provisions of the Dog Control Act 1996, the Committee is satisfied that the classification of Lomu as a Menacing Dog should be upheld.

DATED this day Wednesday 25 May 2022



[Teri O'Neill \(May 25, 2022 12:54 GMT+12\)](#)

Councillor Teri O'Neill

Deputy Chair – Pūroro Hātepe | Regulatory Processes Committee

**Chairperson presiding at the meeting of Pūroro Hātepe | Regulatory Processes Committee on
Wednesday 18 May 2022**