
Hearings Subcommittee

OPEN MINUTES

Minutes of a meeting of the Hearings Subcommittee held in the Kauri Room, Municipal Building, Garden Place, Hamilton on Thursday 2 April 2015 at 9:00am.

PRESENT

Chairperson Cr M Forsyth
Members Cr K Green
 Cr P Yeung

In Attendance City Safe Unit Manager, Animal Education & Control Manager, Team Leader
 Animal Education & Control Officers, Animal Education & Control Officer,
 Communication Advisor

Also In Attendance John and Sharon Taylor, Mrs Christina Campbell (and family)

Committee Advisor Mr B Stringer

1. Apologies

There were no apologies.

2. Confirmation of Agenda

The Chair noted the following changes to the circulated Agenda:

- a. The meeting was postponed from 18 March 2015 due to the unavailability of some Councillors on that date due to attending a funeral.
- b. Cr Yeung replaced Cr Pascoe.
- c. Items 4 (Hearings Subcommittee Open Minutes 8 December 2014) and 5 (Objection by Char Thompson to the Classification of Hine as Menacing) were to be heard at later Subcommittee meetings.

Resolved: (Crs Forsyth/Yeung)

The Subcommittee to confirm the agenda, noting the above changes.

3. **Declarations of Interest**

No Subcommittee members declared a Conflict of Interest.

4. **Objection by John Taylor to the Classification of Chika as Menacing**

The Animal Education & Control Manager spoke to the staff Report, summarised the background to the case and highlighted the following points:

a. **Contributing Factors**

The principal contributing factors for the incident in question were:

- i. that the gate at number 12 Valley Terrace was not closed, which enabled Lulu to escape; and
- ii. that the rear door of the Taylor's car was not shut, which allowed Chika to escape.

b. **Menacing classification**

The Taylors had not objected to the classification initially. Staff believed there was an ongoing risk in relation to Chika and noted:

- i. the aggression Chika exhibited to Animal Education & Control officers; and
- ii. Mrs Taylor's comment to staff that Chika had to be restrained when a meter reader came to their property.

The Animal Education & Control Manager, the Taylors and Mrs Campbell responded to the following questions from Subcommittee Members (as appropriate):

- c. No one saw the full act of Chika attacking Lulu. The Taylors and Mrs Campbell respective accounts of what occurred after the attack differed to some degree.
- d. Mrs Campbell confirmed Lulu had a shrill bark, though she had not heard Lulu bark prior to the attack in question. Mrs Campbell stated she was alerted by Mr Taylor shouting at his dog.

Mr John Taylor provided a presentation that comprised three short video clips (that showed styles of dogs playing) and three photos (of Chika and dogs that represented Chika's breed).

Mr Taylor spoke to his written objection to the classification of Chika as menacing:

e. **Contesting Report Statements**

Mr Taylor disputed the following points in the Report:

- i. The reference to Chika as a "bull mastiff cross" in Andrew Campbell's written statement (p57 of the Agenda) or that Chika had a studded collar.
- ii. Claims that Chika entered into the Campbells' property at any time.
- iii. That his car door was left open. Mr Taylor further claimed there was no sign of any person or animal at the time he put Chika into his car.
- iv. While Chika may have been upset when Council staff arrived, Mr Taylor believed Chika exhibited no aggression when she jumped into the Council van.

Mr Taylor stated the classification of Chika as menacing was not justified in the circumstances.

f. **Dog Behaviour**

Mr Taylor referred to the video clips shown and noted that dogs often acted vigorously with no intention to harm or to be aggressive. He believed that the issue related to the disparity in size of the dogs. He explained that Chika had not previously attacked any other family pets or other animals and had previously completed a dog obedience course.

Mr Taylor responded to the following questions from Subcommittee members:

g. **Video Presenter's credentials**

The presenter in *Dog Play Styles* was an American professional dog trainer. Mr Taylor did not know the presenter's qualifications.

h. **Chika's behaviour**

Mr Taylor believed the incident started as an act of playing that ended badly. He claimed that the interaction between the two dogs was not intended to be aggressive.

The Team Leader Animal Education & Control Officers confirmed that the video presentation, highlighting different play styles for dogs on basis of size, was correct. However, he explained that the examples shown on the video reflected rough play that had not escalated to aggression. He believed this was different from the situation with Chika where aggression was evident, which was a menacing characteristic.

The Team Leader considered that the speed of the attack and proximity of the attack to the Taylors' car represented predatory behaviour by Chika. Mr Taylor refuted that the interaction was predatory and claimed that there was potential for injury when different sized-dogs are engaged.

i. **Location of attack**

Mr Taylor claimed the attack occurred on the street and Chika never went on the Campbells' property. Once he realised what had happened, he shouted at Chika, grabbed her by the collar and took her to his car.

The Animal Education & Control Manager referred to:

- i. Mrs Campbell's written statement (p53 of the Agenda) in which it was claimed Chika had entered the Campbells' property; and
- ii. Photos in the Agenda where it was understood that Lulu's body was found by the Campbells.

Mrs Taylor asserted that she saw Andrew Campbell pick up Lulu's body from the road and take it back to the Campbells' property.

The Chair concluded that on the basis of statements provided, no one saw the attack itself.

j. **Meter Reader**

Mr Taylor explained that the Taylors had previously secured Chika when a new meter reader came on to their property to ensure the meter reader was not alarmed by Chika's barking. Mrs Taylor confirmed they had a dog warning sign on their gate.

k. **Menacing classification**

The Chair discussed the grounds of Mr Taylor's objection as noted in paragraph 33 of the staff's Report.

- i. Mr Taylor clarified that he had not wanted Chika to interact with other dogs in a public setting as it was his legal responsibility to control his dog in such places. Mrs Taylor also noted they took Chika for a walk at least once every day and that Chika would normally be on a leash as required.
- ii. The Taylors confirmed Chika had not undergone any further training since the attack.
- iii. Mr Taylor believed that as Chika had not been in season for the previous two years, it would be cruel and unnecessary to require Chika to be neutered.
- iv. Mr Taylor noted he would never have thought the attack could have occurred prior to the

event and did not believe it would happen again. Mrs Taylor stated that they would take additional precautions in the future.

The Animal Education & Control Manager believed a similar attack could occur again and that this would be prevented if Chika was required to wear a muzzle in public. She also noted that Chika could come back into season at a later stage.

I. **Breed**

Mr Taylor clarified that Chika was purchased from a farm and was registered as an Australian cattle dog/Pointer German short-haired retriever. He preferred that Chika was recorded as a Hunterway, which was the official name used for Australian cattle dogs in New Zealand – he noted this was not an option when Chika was registered.

At the Chair's discretion, Mrs Campbell expressed her concerns with the Taylors' objection and the distress the attack in question had caused to their family.

The Meeting adjourned during the discussion on this Item from 10:10am to 10:30am

Resolved: (Crs Yeung/Green)

That:

- a) the Report be received; and
- b) the classification of "Chika" as menacing is upheld.

The Subcommittee Members reflected on the facts of this matter and noted the following in support of the Resolution:

- They had concerns a similar event could happen again; and
- The staff's recommendation took account of both dog owners' versions of the event.

The Animal Education & Control Manager confirmed the process that would occur following the conclusion of the Meeting.

The Chair thanked the Taylors and Campbells for attending the Meeting.

The Meeting closed at 10:45am.