



**SOUTH WAIRARAPA  
DISTRICT COUNCIL**  
*Kia Reretahi Tātau*

**South Wairarapa District Council**

**HEARINGS COMMITTEE**

Order paper for a meeting to be held in the Supper Room, Waihinga  
Centre, Texas Street, Martinborough on

**Wednesday 10 July, 2019 9:30am**

**Dog Control Act 1996 Hearing**

MEMBERSHIP OF THE COMMITTEE

Her Worship Viv Napier (Chairperson)  
Cr B Jephson  
Cr C Olds

RECOMMENDATIONS IN REPORTS ARE NOT TO BE CONSTRUED  
AS COUNCIL DECISIONS UNTIL ADOPTED



# AGENDA

## APPLICATION UNDER SECTION 33B OF THE DOG CONTROL ACT 1996

### 1. Welcome

- Apologies
- Hearing procedure Page 1  

(Note: This hearing is a reconvening of the hearing adjourned on the 17 April 2019)
- Confirmation of Hearing Committee Minutes 17 April 2019 Pages 2-3  

**Proposed Resolution:** *That the Hearing Committee Minutes from the 17 April 2019 are a true and correct record*
- Council/applicant introductions

### 2. Case for Menacing Classification

- Legal submissions
- Council Officer's report Pages 4-44  
'Objection to Dog Being Classified as Menacing, Shane Sykes, Environmental Services Manager
- Appearance in support of applicant
- Opportunity for Committee to ask questions

### 3. Objectors to Classification

- Appearances in support
- Opportunity for Committee to ask questions

### 4. Rights of Reply

- South Wairarapa District Council
- Objector to classification

### 5. Public Excluded

- Deliberation of a hearing conducted under the Animal Control Act

**PROPOSED RESOLUTION:** That the public be excluded from the following part of the meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) and section 48(2) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>Report/General Subject Matter</b>	<b>Reason for passing this resolution in relation to the matter</b>	<b>Ground(s) under Section 48(1) for the passing of this Resolution</b>
Deliberation of a hearing conducted under the Animal Control Act	Good reason to withhold exists under section 1(d) and section 2(a)(i)(ii)	Section 48(1)

This resolution is made in reliance on Section 48(1)(d) and Section 48 2(a)(ii)(iii) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the hearing in public are as follows:

<b>Reason for passing this resolution in relation to the matter</b>	<b>Ground(s) under Section 48(1) for the passing of this Resolution</b>
d) that the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.	Section 48 1(d)
a) any proceedings before a local authority where: i) a right of appeal lies to any court or tribunal against the final decision of the local authority in those proceedings or ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.	Section 48 2(a)(i)(ii)

## **HEARINGS PROCEDURE**

- (1) The Hearings Committee has full delegated authority to hear the objection to the dangerous dog classification and make a decision.
- (2) It is the intention that the hearings will be held without unnecessary formality, but not such as will impede progress.
- (3) At the commencement of the hearing those participating in the hearing will be asked to identify themselves and anyone who is giving evidence for them.
- (4) Chairperson shall have the right with or without concurrence of the other members, to terminate a submission in progress.
- (5) No person other than the chairperson or other member of the hearing body may question any party or witness.
- (6) No cross examination is allowed.
- (7) At the conclusion of the submissions the Chairperson will announce that the Committee will reserve its decision and retire to deliberate in accordance with Section 48(1)(d) of the Local Government Official Information and Meetings Act 1987.
- (8) Decisions will be released in written form as soon as practicable.

### **NOTE:**

- (a) The Committee may wish to visit the site at a time arranged to suit all parties.
- (b) Councillors are reminded there should be no discussion with anyone outside of the hearings committee in regard to the submissions until the decisions are made.



## **SOUTH WAIRARAPA DISTRICT COUNCIL HEARINGS COMMITTEE MINUTES**

**17 April 2019**

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Minutes of a Hearings Committee meeting held on Wednesday 17 April 2019, commencing at 12:30pm in the Supper Room, Waihinga Centre, Texas Street, Martinborough. The meeting was conducted in public between 12:30pm and 12:35pm except where expressly noted.

Committee: Mayor Vivien Napier (Chair)  
Cr Colin Olds  
Cr Brian Jephson

In Attendance: Andrew McEwan (Bylaws Officer)  
Lynne Drake (Bylaws Officer)  
Shane Sykes (Environmental Services Manager)  
Russell O'Leary (Planning and Environment GM)  
Suzanne Clark (Committee Advisor)

Michal Navratil (Objector)  
Yvonne Ellison (Objector support person)

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### **HEARING OPENING**

The Chairperson welcomed attendees to the hearing of an objection lodged by Ms Yvonne Teuwissen against the issuing of a menacing dog classification relating to the dog known as "Romeo" pursuant to the provisions of Section 33C(1) of the Dog Control Act 1996. Romeo is now owned by Michal Navratil, and as the current owner, wishes to be heard.

Dr Sykes, Environmental Services Manager, had forwarded a request from Mr Navratil to have the hearing deferred as the hearing agenda and associated report had been received too late to prepare for the hearing. Officers supported the request for the reasons stated.

*THE HEARINGS COMMITTEE RESOLVED* (HC2019/09) to adjourn the hearing and reconvene at a later date that allowed sufficient time for the objector to make preparations.

*Moved* (Cr Brian Jephson/Cr Colin Olds)

Carried

The Chair declared the hearing adjourned at 12:35pm.

**Confirmed as a true and correct record**

..... (Chair)

..... (Date)

# SOUTH WAIRARAPA DISTRICT COUNCIL

## HEARINGS COMMITTEE

10 JULY 2019

### OBJECTION TO DOG BEING CLASSIFIED AS MENACING

#### **Purpose of Report**

To provide advice to the Hearings Committee to enable them to consider an objection to a menacing classification under the Dog Control Act 1996.

#### **Recommendations**

Officers recommend that the Hearings Committee:

1. *Receive the Objection to Dog Being Classified as Menancing Report.*
2. *Confirm the classification of "Romeo" as a menacing dog pursuant to section 33B of the Dog Control Act 1996.*

#### **1. Executive Summary**

On the 31<sup>st</sup> October 2018, Mr Tom Alison attended the property located at 298 State Highway 53, Featherston to perform pre-arranged electrical work.

On arriving at the location, Mr Alison parked his vehicle on the driveway and proceeded through a pedestrian gateway leading to the porch door.

Before reaching the doorway Mr Alison was confronted by Romeo a Maremma Sheepdog who came from inside the residence. Romeo immediately rushed at Mr Alison and made physical contact with Mr Alison's left thigh via a bite. Mr Alison was treated the same day at Featherston Medical Centre for a dog bite.

Mr Alison physically kicked Romeo to cease the attack and made an attempt to reach the porch door to isolate himself from the dog. Mr Alison was able to reach the doorway but was subsequently attacked a second time resulting in Romeo attaching to the back of Mr Alison's shirt. Romeo attempted to pull Mr Alison backwards away from the doorway.

The incident ceased once the dog owner appeared at the porch doorway from inside the residence and instructed Romeo to cease.

At the time of the incident, Romeo was owned by Ms Yvonne Teuwissen who subsequently raised an objection to the resultant menacing classification



assigned to Romeo. After raising the objection, Ms Yvonne Teuwissen's personal circumstances have changed and ownership of Romeo has been transferred to Mr Michal Navratil. Mr Navratil has a right to be heard, as he is the current owner of Romeo.

Officers consider that this incident demonstrates that Romeo may pose a threat to other domestic animals and/or people.

In such cases, Officers on behalf of Council can prosecute, issue infringements, seize a dog, or classifying the dog as dangerous or menacing.

In determining the most appropriate action Officers consider:

- a) Public safety, that is, the actual or potential harm to society as a whole and to individuals.
- b) Behaviour of the individual or party responsible including history, any rectification of the issue and steps taken to avoid future incidents.
- c) Attitude of the person towards compliance which includes denial/acceptance, willingness/reluctance to accept evidential facts.
- d) Public interest matters including the seriousness of the offence, likelihood of future offences being committed and the prevalence of the offence in the community.

The facts of the case are presented following this section as well as how Officers on behalf of Council have considered these matters when deciding the most appropriate course of action to take in this case.

## **2. Summary of Facts**

### **2.1 Complaints history**

There are no previous records of complaints relating to either Ms Yvonne Teuwissen, Michal Navratil or the Maremma sheepdog Romeo.

### **2.2 Events of 31<sup>st</sup> October 2018**

On the morning of 31<sup>st</sup> October 2018, Mr Alison was scheduled to undertake pre-arranged electrical work at the property of 298 State Highway 53, Featherston. Telephone contact with the property manager was attempted at 9.37 am but the phone call was not answered.

At 9.38 am the tenant, Ms Yvonne Teuwissen was contacted to advise that Mr Alison was running late and he would not make the scheduled time.

A second phone call to Ms Teuwissen occurred at 10.30 am to inform the tenant that Mr Alison would be arriving shortly. There was no discussion about whether the dogs should be locked away. Ms Teuwissen had two Maremma Sheepdogs registered to her at the property (Figure 1).

Figure 2 shows an aerial image of the property at which the dog attack on Mr Alison occurred. Figure 3 shows a higher magnification picture of the property showing the driveway on which Mr Alison parked his vehicle and the gateway he

passed through on his way to the porch door. The gateway is located immediately above the red marker parallel with the clear roofing section shown at the rear of the building.

After leaving his vehicle and entering the property via a small gateway to gain access to the porch doorway, Mr Alison was confronted and bitten by Romeo, a Maremma Sheepdog. Mr Alison had his injuries from the bite assessed later the same day at Featherston Medical Centre (Figure 4). Photos of Mr Alison's injuries are shown in Figure 5 after having the wounds attended to at Featherston Medical Centre.

Mr Alison was forced to kick out at the dog in order to have his thigh released from the physical hold of Romeo. Mr Alison attempted to gain access inside the porch to isolate himself from the attacking dog. Mr Alison was attacked a second time by Romeo. Romeo attached to the back of Mr Alison's shirt and physically tried to pull Mr Alison backwards, away from the doorway. This second attack ceased when Ms Teuwissen appeared at the porch doorway and commanded Romeo to cease. Statements from Mr Alison and Ms Teuwissen are attached as Figures 6 and 7 respectively.

### **2.3 Council's actions**

It is standard practice when Council Officers investigate complaints that the involved parties are informed as to what the possible outcomes are.

In this case an infringement notice was issued for failing to keep a dog under control as per section 53 of the Act. This infringement was contested as the owner wished to raise matters relating to the alleged offence for the Council to consider. This matter was reviewed by the Group Manager Planning and Environment and the infringement was upheld. The infringement was later filed with the District Court as an unpaid infringement. However, this infringement notice (along with several others) had an administrative error occur and was incorrectly filed with the Court. As such, the infringement had to be cancelled.

In addition, a menacing classification was issued for Romeo on 5 December 2018. Ms Teuwissen provided initial documentation to suggest that she wanted to appeal the menacing classification as early as 18 December 2018. The nature of the information provided lead officers to question whether Ms Teuwissen was aware of the process she needed to follow for objecting to the classification.

In order to be assistive further verbal information was provided to Ms Teuwissen early in January 2019 in an attempt to better explain the objection process for both the infringement notice and menacing classification. It was explained that Council required separate documentation for each issue (i.e. the infringement and menacing classification) as the processes for contesting these were different.

Ms Teuwissen subsequently provided additional information on 10 January 2019. A further meeting was held on 18 January 2019 to further explain the process to Ms Teuwissen. This was to make it quite clear that the processes for appealing the decisions of officers are different. Additional paperwork was provided at this meeting to assist in this. It was discussed that additional time would be provided

to Ms Teuwissen to determine her actions for both the infringement and menacing classification.

A new notification for classification was issued to Ms Teuwissen on 22 January 2019 outlining the new date by which she would need to lodge an objection for the menacing classification (4 February 2019).

Council subsequently received on 1 February 2019 the new form provided to Ms Teuwissen at the meeting on 18 January 2019 that clearly outline the circumstances under which Ms Teuwissen wished to object to the menacing classification (Figure 8).

## **2.4 Situational circumstances**

There has been a comment by both Mr Alison and Ms Teuwissen in regards to whether the dogs residing at the property **should** have been locked away prior to the arrival of the tradesperson.

Officers' notes show that contact with the property manager (Greer Sinton) and the electrical company (Gordon Mouldey) both resulted in each party believing they had no responsibility in relation to the health and safety of Mr Alison in relation to the dogs on the property (Figure 9). For the benefit of the Hearings Committee, this is legally incorrect as evidenced by freely accessible information on the WorkSafe NZ website (Figure 10).

Officers' comment in relation to this matter is that this was not a legal requirement of Ms Teuwissen.

However, the question arises as to what would have been reasonable in the circumstances.

Ms Teuwissen has stated that she has not had previous issues with Romeo in relation to interactions with other people or animals, nor has Council had previous reports of issues. This does not equate to a factual finding that incidents didn't occur but rather that we have no evidence to state that they did.

Officers have accepted material submitted to Council on 10 January 2019 as forming part of the clarified objection to the menacing classification officially received on 1 February 2019 (Figure 11). Paragraph "4" of this documentation states:

*"...Typically Romeo will go to the entrance, bark, expect the intruder to stop, and then wait until I have given clearance."*

It is possible that previous visitors to the site have followed this practice and therefore the circumstances giving rise to the attack have not occurred. This is quite pertinent given that at the time of Mr Alison's arrival, Ms Teuwissen has stated she was in the bathroom. That is, Ms Teuwissen was not able to follow the "normal" practice.

If it is taken as true that Romeo has shown no previous signs of acting in the way that he did during Mr Alison's visit, it could be argued that there was no reason to think that the dogs would be required to be locked away.

It appears as though Ms Teuwissen may have subsequently put in place a practice for how she asks guests to arrive at her site (Figure 12). However, the system appears that it would only be effective when prior contact has been made and not for visitors with no prior knowledge of the property.

Another aspect that needs to be considered in this case is that Mr Alison was attending the site to complete pre-arranged electrical work. As such, this is a workplace health and safety matter.

It is reasonable to expect (and a legal requirement) that a business that conducts door-to-door services would have policies and protocols relating to how their staff are to enter properties in order to maintain their health and safety. That is, the business could have a policy requirement that any dogs on a property are contained prior to work being done. This could be formulated into a contractual agreement at the time of booking the service.

## **2.5 Ownership change**

In early March, Council was notified of an ownership change for both Romeo and Ms Teuwissen's other Maremma Sheepdog.

The new owner is Mr Michal Navratil who resides at the same address as Ms Teuwissen. However, officers have been provided anecdotal oral evidence from Mr Navratil that Ms Teuwissen is no longer in New Zealand and therefore not currently residing at the premises.

Officers sought a legal opinion as to how the objection to the menacing classification should proceed in regards to the ownership change. Figure 13 shows a legal opinion on the matter with two paragraphs that have been redacted on the grounds of legal professional privilege.

Officers consider that Mr Navratil is the new owner and has a right to be heard in relation to the objection. In addition, officers have contacted Ms Teuwissen via email (since we have reason to believe she is no longer in New Zealand), to request whether she has any additional information she would like to supply in support of her objection. No information was received as a result of this communication.

## **3. Legal considerations**

### **3.1 Menacing classification**

The Act sets out the requirements for classifying menacing dogs under s 33A:

*33A Territorial authority may classify dog as menacing*

*(1) This section applies to a dog that—*

- (a) has not been classified as a dangerous dog under section 31; but*
- (b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—*
  - (i) any observed or reported behaviour of the dog; or*
  - (ii) any characteristics typically associated with the dog's breed or type.*

*(2) A territorial authority may, for the purposes of section 33E(1)(a), classify a dog to which this section applies as a menacing dog.*

- (3) *If a dog is classified as a menacing dog under subsection (2), the territorial authority must immediately give written notice in the prescribed form to the owner of—*
- (a) *the classification; and*
  - (b) *the provisions of section 33E (which relates to the effect of classification as a menacing dog); and*
  - (c) *the right to object to the classification under section 33B; and*
  - (d) *if the territorial authority's policy is not to require the neutering of menacing dogs (or would not require the neutering of the dog concerned), the effect of sections 33EA and 33EB if the owner does not object to the classification and the dog is moved to the district of another territorial authority.*

The owner of a dog classified as menacing may object to the classification as set out by s 33B of the Act:

*33B Objection to classification of dog under section 33A*

- (1) *If a dog is classified under section 33A as a menacing dog, the owner—*
- (a) *may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and*
  - (b) *has the right to be heard in support of the objection.*
- (2) *The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to—*
- (a) *the evidence which formed the basis for the classification; and*
  - (b) *any steps taken by the owner to prevent any threat to the safety of persons or animals; and*
  - (c) *the matters relied on in support of the objection; and*
  - (d) *any other relevant matters.*
- (3) *The territorial authority must, as soon as practicable, give written notice to the owner of—*
- (a) *its determination of the objection; and*
  - (b) *the reasons for its determination.*

The effect of a dog being classified as menacing is outlined by s 33E of the Act.

*33E Effect of classification as menacing dog*

- (1) *If a dog is classified as a menacing dog under section 33A or section 33C, the owner of the dog—*
- (a) *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*
  - (b) *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—*
    - (i) *that the dog is or has been neutered; or*
    - (ii) *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*
  - (c) *must, if a certificate under paragraph (b)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).*

- (2) *[Repealed]*

(3) [Repealed]

(4) [Repealed]

(5) *Subsection (1)(a) 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).*

### **3.2 Ownership change**

As noted in section 2.5 above, the ownership change during the objection process has added additional matters for consideration.

On 4 April 2019, officers wrote to Mr Navratil to inform him of contact Council had with a third-party claiming to be acting in support of Mr Navratil and asking details about the case (Figure 14). Officers requested that Mr Navratil to formally notify Council of any third-party persons he wished to operate as a support person and the limit of access he wished to set for any persons. The letter from officers included additional information on the limits of a support person during the hearing. It was also mentioned that if Mr Navratil required language assistance that this could be provided by Council.

On 9<sup>th</sup> April 2019 Council received formal notification from Mr Navratil that he requests for Ms Yvonne Ellison to be a support person for him during the hearing and that he also grants her full access to any information regarding Romeo (Figure 15). It should be noted that this access will only relate to information about Romeo since being owned by Mr Navratil and all relevant information that will be needed for the hearing.

Mr Navratil states in his letter that Ms Ellison has been involved in the case from the beginning as a support person for Yvonne Teuwissen. Officers can confirm that Ms Ellison attended the 18 January 2019 meeting in support of Ms Teuwissen.

Ms Ellison has personal involvement in this case as she has submitted on Ms Teuwissen's behalf that she does not consider Romeo to be a danger to other people or animals (see Figure 11).

This is of particular interest to officers as both Mr Navratil and Ms Ellison need to be aware that Ms Ellison will need to be a silent partner at the hearing.

The exception is if Ms Ellison is called as a witness by Mr Navratil. In this instance, the Hearings Committee will need to weigh any evidence provided by Ms Ellison as they see appropriate.

## **4. Officers' Comments**

### **4.1 Cause of attack**

Officers noted in section 2.4 the situational circumstances leading up to the attack.

Officers believe this attack may have been prevented by either of the parties involved having acted differently.

That is, the electrical company should have processes in place for how staff enter properties to ensure that their health and safety is not compromised. This

would obviously need to cover the potential risk of un-restrained dogs on the property.

Likewise it would be reasonable for any dog owner to confine their dog to a part of their property when they know that visitors will be attending. This does not necessarily need to be for fear of a potential attack but rather to ensure that the dog does not impede visitors.

#### **4.2 Risk presented by Romeo**

Romeo is a Maremma Sheepdog, a breed that is well known for exhibiting very strong guarding behaviour (watch dog) as well as protecting behaviour (deter/defend). The New Zealand Kennel Club recognises the Maremma Sheepdog and acknowledges these attributes (Figure 16).

The breed is accepted as being ancient in origin where it has been used to protect sheep flocks from predators. It is recognised that the Maremma Sheepdog will also protect its "flock" from humans who are perceived as a threat.

Romeo is an adult male that has not been neutered. Officers are willing to offer for free neutering of Romeo if the menacing classification is upheld by the Hearings Committee. Officers have available funding from the Department of Internal Affairs specifically for desexing dogs classified as menacing or dangerous.

#### **4.3 Owner's behaviour**

Prior to the incident of 31 October 2018 the owner had a dog warning sign displayed at the porch door along with a bell adjacent to it (Figure 17).

Since officers have investigated the dog attack on 31 October 2018, Ms Teuwissen has moved the warning signage to the driveway gate, added additional signage and installed a second bell (Figure 18).

Officers have also noted that Mr Navratil handles Romeo in a different manner to Ms Teuwissen. Mr Navratil will direct Romeo (and the other Maremma Sheepdog he now owns) to cease barking when Mr Navratil is present. This is not behaviour that officers witnessed when Ms Teuwissen owned Romeo or was present with him.

#### **4.4 Owner's attitude**

Throughout the investigation Ms Teuwissen has repeatedly ignored the physical bite Mr Alison received from Romeo.

The only time Ms Teuwissen acknowledged the bite occurred was in her statement as shown in Figure 7.

Documentation provided to Council from Ms Teuwissen after this date does not acknowledge the bite (Figure 11). Instead, the documentation focusses on the attack that resulted in Romeo attempting to pull Mr Alison back from the porch door.

In this documentation, Ms Teuwissen also refers to the tradesperson as an "intruder" (paragraph 4). As acknowledged earlier, Ms Teuwissen has a typical scenario to describe Romeo's behaviour. In this scenario she states that Romeo would expect the "intruder" to stop. This choice of language from Ms Teuwissen helps give insight into her viewpoint. It appears as though any person entering Ms Teuwissen's property is deemed by her to be an "intruder". She has even extended this to a tradesperson who was organised to come to the property to carry out work. Officers suggest that the average, reasonable person would not hold the same view.

Potentially due to the misunderstanding that Romeo "only" held the tradesperson's shirt, Ms Teuwissen seemed to be of the opinion that the incident was fairly minor. In her documentation of 10 January 2019 she attempts to paint the picture that Romeo acted reasonably by applying minimum force and a restriction to the damage he may have imposed.

Officers do not accept this type of anthropomorphism (attributing human characteristics to an animal) of a dog's actions. The actions of Romeo must be considered on the facts of what occurred and not viewed through a biased lens. These are outlined below:

- 1) A person enters the property and Romeo rushes the person.
- 2) Romeo barks and growls at the person.
- 3) Romeo bites the person and only ceases due to physical intervention.
- 4) Romeo attacks from behind and latches onto the person's clothing.
- 5) Romeo applies physical force to the clothing to stop forward momentum of the person.

The factors described above are considered extremely important when assessing this case from the human perspective. Officers are of the opinion that the actions of Mr Alison during the attack were reasonable and reflective of what the average person might have done given the circumstances. Furthermore, there is nothing unusual about a stranger having a pre-booked visiting at a property to carry out work.

At this junction, a person might argue that Romeo saw Mr Alison as a threat to his "flock" and that Romeo intervened to prevent this. However, officers do not take that approach as this would also be anthropomorphising the actions of Romeo.

Due to this, officers have looked at the 5 steps above and considered that we can't in all good conscience conclude that Romeo is not a threat to other people or animals. This is compounded by the fact that Romeo is not able to understand the interactions between humans that are considered normal. This further suggests that Romeo may pose a threat to any person, stock, poultry, domestic animal or protected wildlife due to this observed behaviour and compounded by the fact that he cannot understand normal human to human interactions.

#### **4.5 Public interest**

There are two matters of this case that have a significant level of public interest associated with them in the opinion of officers.



Firstly, Ms Teuwissen and those people who have signed the letter as shown in Figure 11 all appear to have an opinion that it is acceptable for a dog to attack a human, if the dog is of the opinion that their owner is threatened.

Officers would like to make it very clear that this is not the case. There are no circumstances where it is acceptable for a dog to attack a human. This relies on the dog understanding enough about human interactions to be able to establish friend from foe. This is simply another example of anthropomorphising the behaviour of the dog.

It should be noted that it is acceptable to have a dog that barks and alerts the owner to a presence on the property but this should never escalate to aggressive behaviour.

The second public interest matter with this case is that Council has had previous involvement with an attack from a Maremma Sheepdog (crossed with a Border Collie). In that case, a child was attacked and received a bite wound to the face. That owner was prosecuted and the dog now has a dangerous classification. In addition, that owner now breeds Maremma Sheepdogs.

This is of importance to officers due to the nature of the breed. The breed is known for having very high guarding and protective instincts. If owners are of the opinion as that outlined above, then the potential risk of the dog is escalated.

Given the predominately rural nature of the South Wairarapa district, it is of public importance that the community understand the type of training and processes that should be in place to mitigate the risk of Maremma Sheepdogs.

#### **4.6 Ownership**

The ownership of Romeo has changed during the process of the objection to the menacing classification. Officers have been provided anecdotal evidence that Ms Teuwissen is currently overseas dealing with personal matters.

As such, it is possible that Ms Teuwissen will return to New Zealand and seek ownership of Romeo. The Hearings Committee is advised that officers consider Romeo a risk irrespective of his ownership.

### **5. Summary**

Romeo is a Maremma Sheepdog, a breed recognised for its high propensity for displaying guarding and protecting behaviour. Furthermore, Romeo and canines in general, are not able to understand the complexities of human interactions. With Romeo, this is coupled with a propensity to physically attack a person that he perceives as a threat.

Officers recommend that the Hearings Committee uphold the menacing classification as Romeo has proven that he may pose a threat to the public. This threat exists independently of who owns Romeo.

## 6. Appendices

- Figure 1: Dog ownership record
- Figure 2: Aerial photograph of attack location
- Figure 3: High magnification aerial photograph of attack location
- Figure 4: Mr Alison medical record
- Figure 5: Photographs of Mr Alison's bite injury
- Figure 6: Statement of Mr Alison
- Figure 7: Statement of Ms Teuwissen
- Figure 8: Objection to menacing classification
- Figure 9: South Wairarapa District Council service request
- Figure 10: WorkSafe FAQ for property management
- Figure 11: Supporting documentation provided by Ms Teuwissen
- Figure 12: Supporting email documentation provided by Ms Teuwissen
- Figure 13: Partially redacted legal advice
- Figure 14: Letter sent to Mr Navratil
- Figure 15: Request for documentation from Mr Navratil
- Figure 16: Maremma Sheepdog breed information
- Figure 17: Photo of signage at attack location immediately after dog attack
- Figure 18: Photo of improved signage at attack location subsequent to attack

Contact Officer: Dr Shane Sykes, Environmental Services Manager

Reviewed By: Russell O'Leary, Group Manager Planning and Environment

# APPENDICES