

STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Phil Bergman, Tasman District Council Dog Control Officer

REFERENCE: D406

SUBJECT: **A SIMMONS - REPORT EP09/09/02** - Report prepared for hearing of 2 September 2009

1. INTRODUCTION

On Friday, 17 April 2009 at approximately 10.00 am, a Collie cross dog named Tiga owned by Anne Simmons was in the care of Janet Mossop, and was being exercised along a walking track near Dawson's Road.

At the same time, Maureen Leuschke was exercising her dogs on their leads along the same track.

As Mrs Leuschke came toward the bottom of the walking track Tiga who was not on a lead and walking ahead of her handler rushed up to and instigated an attack against one of Maureen Leuschke's dogs named Millie, who required intensive veterinary attention.

During the attack Mrs Leuschke was also bitten on the leg which also required medical attention.

2. OPTIONS AVAILABLE

In accordance with the Dog Control Act 1996 Janet Mossop who was the legal owner of the dog Tiga at the time, was issued with an Infringement Notice for failing to control the dog (\$200 fine).

Further to this, Janet Mossop agreed completely with the complainant's statement and version of events and paid all costs associated with the attack.

The Dog Control Act 1996 allows for several different actions that Councils may take against offending dog owners in similar circumstances. For example the owners of dogs attacking people, stock, protected wildlife or domestic pets are liable and may be summarily charged with the following offences:

Section 53: Failing to Control a Dog- maximum fine \$3,000

Section 57: Owning a dog that attacked a person or animal- \$3,000 maximum fine plus destruction of the dog unless circumstances of the offence were exceptional.

Section 57 (a): Dogs rushing at persons – maximum fine of \$3,000

Section 58: Dog causing serious injury- maximum fine of \$20,000 and/or three years Imprisonment, and also an order for Destruction of the dog unless circumstances of the offence were exceptional.

Section 33(a): Classification as Dog as Menacing

Section 31: Classification of Dog as Dangerous.

In this case after considering the facts relating to the attack it was decided, so as to prevent any further attacks against either the Leushke dogs, or any other dogs TIGA may meet, that Council should classify the dog as a menace.

This classification is the milder of the two possible scenarios the other being Dangerous, however the requirement for both classifications includes muzzling the dog when ever in public. The dangerous classification also requires a dog to be compulsorily neutered and contained or confined at all times. Both also require a microchip transponder to be implanted into the dog.

If Council had decided to charge Mrs Mossop with owning a dog that attacked, the likely outcome may have been a far more severe punishment in having the dog destroyed. A scenario we felt was too harsh.

In this case the fine to the person in charge of the dog, costs of the attack paid to the victim and the continual muzzling of the dog whenever in public will prevent any future attacks or incidents.

3. RECOMMENDATION

That the Committee maintain the Menacing Dog Classification.



Phil Bergman
Animal Control Officer
Animal Welfare Inspector