



STAFF REPORT

TO: Delegated Committee

FROM: John Bergman, Dog Control Officer

REFERENCE: D407

SUBJECT: **CLASSIFICATION OF A DOG AS MENACING UNDER SECT 33A (1) B (1) DOG CONTROL ACT 1996 - REPORT REP11-05-04 - Report prepared for meeting of 26 May 2011**

On Friday, 25 February 2011 Council received a complaint from a local Wakefield person relating to an attack on her by a Black and White Collie dog living in Totara View Road, Wakefield.

I called on the complainant, discussed the incident and took a statement from her. I also checked a mark, bruising and puncture wounds on her leg consistent with a dog bite. The Collie dog named Spot is owned by Mr Alfred Neuman and is kept at 86 Totara View Road Wakefield.

The incident occurred at approximately 18.20 hrs on Wednesday, 23 February 2011.

I also called on the dog owner Mr Neuman and discussed the attack and bite with him. He was very upset about this incident and was very honest about it admitting the offence and saying that he wanted to pay for any damage incurred. I told Mr Neuman that it was very likely that he would receive an infringement notice and fine of \$200 for failing to keep the dog controlled or confined on the property and that the dog would also be classified as menacing under section 33a (1) b (1) of the Dog Control Act 1996 with an instruction to neuter the dog. Mr Neuman agreed to reimburse the complainant her medical costs of \$34.00.

The dog spot appeared to be intelligent is accepting of people coming onto his property but is very protective of it. He gives the impression he is constantly on guard and is not happy with other dogs coming near the property.

Prior to this incident in February this year a complaint was received from a local person on Thursday 26 August 2010. This complaint related to several occasions when a collie dog living at 86 Totara View Road was rushing from its property and challenging people and other dogs walking past the property.

The complainant stated that she always had her dog on the leash when out walking in Totara View Road but when passing No. 86 the collie dog rushes out and fights with her dog. The gate is always open and it is a big black and white dog and is really terrifying.

My notes on the day of my visit to the Neuman property indicate that I felt that Spot is a reasonably friendly dog; a medium sized black and white Collie.

He had a control collar on him on this day which was supposed to stop him from going out the gate. It was assumed the batteries may be flat.

The owner Mr Neuman was genuinely concerned about it and will remember to keep the gate at the front of the property closed.

As an exercise, Mr Neuman called Spot out the gate to try and get him off the property but he wouldn't go. Not sure if it was the collar stopping him or the thought of being disciplined by his owner for going out there.

No further problems were expected and the owner was made aware of the consequences of the dog rushing off the property and challenging those passing by.

After this second complaint about the dog in February this year and the fact that it had actually made contact with this complainant and bit her on the leg meant consideration had to be given to either initiating proceedings in the district court against the owner or issuing an infringement notice and \$200 fine. Classifying the dog as menacing, having it desexed (neutered) and microchipped and compensating the complainant for her medical fees seemed to be reasonable and the best course of action for a dog owner who was disappointed and indicating that he would do his best to improve the situation.

Since the February incident no further problems have occurred. The dog has been neutered and microchipped, the fine has been paid and the complainant reimbursed for her medical fees.

In our never ending bid to make our community a safer place the need to classify dogs acting in an aggressive manner such as Spot is considered critically important and an effective tool for the prevention of similar incidents.

John Bergman
Dog Control Officer