

**MINUTES** of a hearing by Commissioners of the Regulatory Subcommittee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY, 29 MARCH 2021** commencing at **9.30am**.

**Present:**

Cr NMD Smith (Chairperson)  
Cr J Gibb  
Cr J Sedgwick

**Attending:**

Mr C Reti (Objector)  
  
Mrs C Pidduck (Legal Counsel)  
Ms T Oakes (Animal Control Team Leader)  
Ms A Davis (Animal Control Officer)  
Mrs LM Wainwright (Committee Secretary)

**APOLOGIES AND LEAVE OF ABSENCE**

All members were present.

**CONFIRMATION OF MINUTES**

**Resolved: (Crs Gibb/Sedgwick)**

**THAT the hearing minutes of a meeting of the Regulatory Subcommittee held on Friday, 19 February 2021 be confirmed as a true and correct record of that meeting.**

**CARRIED**

**HE2103/01**

**INTRODUCTION**

Commissioner Smith introduced the members of the hearing panel and welcomed all parties.

## **HEARING**

Objection to Dangerous Classification – Mr Che Reti

Dog ID: 147051

Name ID: 162935

Property ID: 1007708

Service Request ID: DOGS1915/21

Mr Reti addressed the hearing and noted the following matters:

- He did not believe that Remi had attacked Ms Reid, his neighbour, but that she had barked a warning.
- Cattle had broken the top railing of the fence allowing Remi to escape.
- Remi had not left the property on her own in the four (4) years Mr Reti had lived there.
- Ms Reid visited Mr Reti following the altercation with Remi and there had been no animosity between the parties.
- Ms Reid contributed \$5,000 to the cost of the boundary fence and Mr Reti and his sons had erected the fence. The incident occurred in December when Mr Reti was waiting for the timber to be delivered.
- The fence height is 1.8m.
- Mr Reti was unsure if Remi had been speyed.

The Animal Control Team Leader addressed the hearing and noted the following matters:

- Ms Reid was unable to attend the hearing due to a health condition.
- The Animal Control Team were concerned that Remi posed an ongoing threat to the safety of the public.
- A dangerous classification would ensure that Remi is always securely contained, and a muzzle would be worn in a public place to minimise risk to any member of the public.
- The dangerous classification was imposed due to public safety.

Legal Counsel advised the hearing that there is no definition of aggression in the Dog Control Act 1996.

Ms Davis (ACO7) addressed the hearing and noted the following matters:

- The complaint had been received through the Waikato District Call Centre on Tuesday, 12 January 2021.
- When she attended the property, the dog was contained at the rear of Mr Reti's property.
- Ms Reid was concerned that the dog could escape as the property was not securely fenced. The new fencing had not been erected at this time.
- There is concern that Mr Reti's family would let Remi out to the front of their property where she could escape.

On viewing the video, the chairperson advised that Remi had not attacked Ms Reid but had barked and then retreated through the hedge.

Discussion was held with Legal Counsel on hearsay evidence.

The Animal Control Team Leader noted that there was no malice between Ms Reid and Mr Reti.

### **RIGHT OF REPLY**

Mr Reti gave his right of reply and noted the following matters:

- He had received notification of the dangerous classification before informing ACO7 that Remi had been taken out to social events.
- He had offered to reimburse Ms Reid for the cost of the fencing timber. Ms Reid declined the offer.

Mr Reti produced an email from his mother (Doc 1) advising that the incident had happened when she was taking care of Remi while Mr Reti and family were in the Coromandel. She had left Remi at the back of the property on the day of the incident as Mr Reti was returning from holiday.

The hearing adjourned at 10.59am and the decision reserved.

### **DELIBERATIONS**

The Commissioners undertook deliberations on all evidence presented.

**DECISION**

**THAT pursuant to Section 31(4) of the Dog Control Act 1996, the Regulatory Subcommittee rescinds the dangerous classification of the dog known as "Remi" owned by Che Reti.**

**HE2103/02**

The hearing was declared closed at 2.14pm on Tuesday, 6 April 2021.

Minutes approved and confirmed this    day of    2021.

NMD Smith  
**CHAIRPERSON**