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NCLR

IN THE HIGH COURT OF NEW ZEALAND
HAMILTON REGISTRY

M.303/84

X

(3) FWJ

1056

BETWEEN D RAWIRI
Appellant

A N D POLICE
Respondent

Counsel: Appellant in Person
C.Q.M. Almaco for Respondent

Hearing and
Judgment: 5 September 1984

ORAL JUDGMENT OF GALLEN J.

The appellant appeals against an order for the destruction of a dog, , which order was made as a result of the fact that the dog has on not one, but three occasions bitten a 14 year old girl on her way to the shops. Although there have not been previous proceedings in respect of this, it is obvious that there has to be great concern about a situation such as this. People should not be put in a position of being frightened to go to the shops, nor should they be subjected to attacks from dogs.

Mr Rawiri has said that the occasions have occurred because of a problem with the dog as when she has had litters and that it is his intention to have her speyed. He has also

said that at present she is out on a farm where she is obviously unlikely to cause difficulty. He has also forwarded a petition from a number of people asking that the dog not be destroyed.

The Act provides that a dog is either to be kept under control or be destroyed. Mr Almas says that a second bite is too much. The question is not really with regard to bites, but with regard to control. I think it is significant that the dog is at present on a farm and I understand from Mr Rawiri that it will be kept there.

I am prepared to allow the appeal and to substitute an order that the dog be kept under control. In doing so, I indicate that the dog is to be kept on the farm. If there were any further trouble, there would be no doubt whatever that the dog would be destroyed.



Solicitor for Respondent: Crown Solicitor, Hamilton
