

Section 4

Incidents at Sanctioned Events

Affiliated clubs and sanctioned event organisers are reminded that they have a duty of care to provide a safe environment for all attending their event (humans and canines alike). All precautions taken, all hazards identified, reported and rectified and all incidents reported.

4.1 CANINE AGGRESSION

DEFINITIONS:

Canine Aggression: An act of canine aggression occurs if a dog chases with intent, bites, or holds a person or animal in its mouth, whether or not the holding is accompanied by biting, shaking, pulling or pushing or the person or animal suffers an injury, physical or otherwise. Dogs displaying a temperament, disposition or nature that causes a justifiable fear from those in its vicinity shall be deemed to have committed an act of canine aggression.

Provocation: The only justifiable provocation is the defence of its self or its owner/handler. Unless the dog or its owner/handler is under physical attack from another person or animal at the time of the aggression there is no provocation defence allowable.

4.1.1 GENERAL

4.1.1.1 It is the obligation of any person who, at any exhibition, observes a dog (or dogs) behaving in an aggressive manner, to report the incident, either orally or in writing, to a member of the event committee. Such report is to be made either immediately or as soon as possible after the incident occurred. In the case of a Judge, Steward or a Club Official conducting the event, this is obligatory.

4.1.2 RESPONSIBILITIES OF OWNER OR HANDLER:

Each owner, exhibitor or handler at a Show or Trial must take all action necessary to ensure that any dog under their control or responsibility does not behave in an aggressive manner.

4.1.3 THE RESPONSIBILITIES OF THE EXHIBITION COMMITTEE

- (A) Upon witnessing (or receipt of a report of) an incident involving aggressive behaviour of a dog (or dogs), from a person other than a Judge whilst judging at the event (for report from Judges see 4.1.4), the Exhibition Committee shall appoint an inquiry committee (The Inquiry Committee shall comprise of the NACA Representative and two(2) financial members of any ANKC member body that are not either committee members of the affiliate conducting the event or party to the proceedings) which shall meet immediately to investigate the matter. Minutes of the inquiry must be kept by the NACA Representative. Where the NACA Representative is party to the proceedings, a replacement shall be found by the event committee. This person shall not be a committee member of the affiliate conducting the event or party to the proceedings, they should also have a sound knowledge of the rules.
- (B) If, after inquiring into the matter, the Inquiry Committee is satisfied that the incident occurred and comprised or included the accused dog (or dogs) behaving in a manner as described in the definition of Canine Aggression in these rules and the Inquiry Committee is satisfied that the incident took place with no justified provocation (as defined in these rules), the Inquiry Committee shall find the charges to be substantiated
- (C) Upon the Inquiry committee finding the charges to be substantiated it shall:-
- (i) instruct the person(s), who at that time appears be responsible for the care and control of the dog(s), to remove the dog from the exhibition ground immediately and
 - (ii) advise that the dog is, by virtue of the fact that the charge has been substantiated, disqualified from further exhibition at that exhibition and also at any other exhibition until advised to the contrary by the NACA. During the period of such disqualification, the dog is prohibited from entering or remaining upon any grounds where official canine activity is taking place.

(D) In any event that an Inquiry Committee is held, then, no later than 2 (two) working days after the incident, the affiliated body concerned shall provide the NACA with:

- (i) a written report concerning the incident
- (ii) a detailed report of any injuries sustained and any first aid or medical treatment required by the victim(s)
- (iii) the minutes of the inquiry committee's meeting
- (iv) the Inquiry Committee's findings and decision
- (v) copy of the advice given to the person then apparently responsible for the care and control of the dog
- (vi) copies of all statements taken from witnesses
- (vii) relevant catalogue
- (viii) any other relevant documents.

(E) It shall be the responsibility of the affiliated body to ensure that the Inquiry Committee complies with the requirements of these Regulations. If the Inquiry committee fails in any material respect to comply with the procedures and requirements of these Regulations, NACA may:

- (i) impose such penalty on the affiliated body as it deems is warranted or
- (ii) may withdraw or deny approval for any or all future exhibitions schedules to be conducted by that affiliated body.

(F) Irrespective of (E) above, no person other than Council shall have any claim upon, or recourse against, any member of the Inquiry Committee, the affiliated body which appointed it, a judge or any other person as a consequence of any action taken pursuant to these Regulations.

4.1.4 THE RESPONSIBILITIES OF THE JUDGE

(A) Where an exhibit, which is competing in the exhibition ring at a NACA approved exhibition:-

- (i) displays an aggressive or savage disposition or tendency towards any person or other exhibit
- (ii) bites or attempts to bite the judge or any other person the judge shall:-
 - (a) call the Ring steward to attend and, in the Ring Steward's presence and hearing, direct the handler to remove the exhibit from the judging ring and inform the handler that the exhibit is banned from further competition at that or any other exhibition until advised to the contrary by the NACA.
 - (b) ensure that the all exhibition paperwork is marked appropriately "Dismissed for aggression".

- (c) instruct the Ring Steward to immediately advise the exhibition manager of the incident.
- (d) write a detailed report of the incident to be forwarded to the NACA by the Exhibition Manager
- (B) in such cases the Exhibition Manager shall;-
 - (i) instruct the person, who at that time appears be responsible for the care and control of the dog, to remove the dog from the exhibition ground immediately and
 - (ii) advise that the dog is, by virtue of the fact that it has reported for aggression by the judge, disqualified from further exhibition at that exhibition and also at any other exhibition until advised to the contrary by the NACA. During the period of such disqualification, the dog is prohibited from entering or remaining upon any grounds where official canine activity is taking place.
 - (iii) within two (2) working days advise the NACA of the incident, in writing, including the judges written report, details of any witnesses, any injuries sustained and any first aid or medical treatment required by the victim(s)

4.1.5 THE RESPONSIBILITIES OF THE NACA

- (A) When a report of Canine Aggression is received from an affiliate the NACA shall:-
 - (i) enter the report on the agenda for the next scheduled meeting of Council.
 - (ii) examine all reports, statements and committee minutes in detail.
 - (iii) assess details of any previous occurrences.
 - (iv) determine action to be taken. The course of action shall be commensurate with the level of offence and any previous reports. The actions shall be:-
 - (a) Flag placed on the dog's record advising of charges. Only to be used where Council decides this is an isolated incident and where reoccurrence is not likely. The dog may resume all activities immediately.
 - (b) Dog to be temperament tested by NACA approved assessors (minimum of two (2)). The dog shall remain under suspension until a report of a pass grade in temperament testing has been received by Council and registered owner(s) notified as such.

- (c) Dog to undertake a retraining course by an NACA approved Canine Trainer. The approved Canine Trainer shall make an initial assessment of the dog and report back to the NACA in writing within fourteen (14) days, on the schedule for retraining. Upon completion of the retraining, the dog shall be temperament tested by a minimum of two (2) NACA approved assessors who are independent of the re-trainer. The dog shall remain under suspension until a report of a pass grade in temperament testing has been received by Council and registered owner(s) notified as such.

Should the trainer decide that the said dog is unsuitable for, or would not respond to re-training then it shall be declared unsuitable for sanctioned canine activities and deregistered.

- (d) Dog declared unsuitable for sanctioned canine activities and deregistered.

Where a dog fails the temperament testing as described in (b) above, it shall be required to undertake re-training as outline in (c) above. The NACA shall advise the registered owners of this in writing within seven (7) days.

Where a dog fails the temperament testing after re-training as described in (c) above, the NACA shall seek reports from the trainer and assessors as to the suitability of the dog for further re-training. Based on these reports The NACA will permit one (1) only further schedule of re-training. Should the said dog fail the temperament testing after this additional re-training or the reports state that dog would not benefit from the additional training it shall be declared as unsuitable for sanctioned canine activities and deregistered.

(B) After the NACA determines the course of action, the registered owner will be advised of this determination in writing within seven (7) days.

The registered owner(s) shall reply to the NACA in writing within fourteen (14) days of receipt of this determination as to how they wish to proceed with the matter. The registered owner(s) shall have the following options available to them:-

- (i) Advise the NACA that the said dog's continued participation in official canine activity is not desired.
- (ii) Advise the NACA of their agreement to the course of action prescribed, including a list of their preferred trainers and/or assessors for NACA approval.

- (iii) Advise the NACA that they wish to appeal the decision. To be included in this is the appeal fee (available from the web site or office) and the grounds for the appeal.

(C) At the next scheduled Council meeting after receipt of the registered owner(s) reply the NACA shall, dependent on the registered owners intentions, take the following action:-

If option (i) is chosen; the dog shall be deregistered and the ANKC database be amended to show "Never to be reregistered". Such dogs shall lose all rights and privileges afforded to ANKC registered dogs.

If option (ii) is chosen;

(a) Assess any preferred trainers or temperament testers for suitability to undertake the retraining and or testing. If suitable continue to (b); if none suitable provide a list of candidates suitable to the NACA. Advise registered owners in writing that they have fourteen (14) days in which to respond or the trainer and/or assessors shall be appointed for them.

(b) Delegate (as per NACA Constitution) a NACA Councillor to be the coordinator for the retraining and/or temperament testing. This coordinator shall be responsible for the day to day administration of the retraining and/or assessment schedule. This delegation is to ensure a smooth operation of the schedule and not have its timing dictated by NACA Council meetings. The coordinator shall advise Council as to the progress at each council meeting and all results and reports to Council for their final approval.

The registered owners shall be notified in writing of the name and contact details of the NACA delegated coordinator. All further correspondence from the registered owners shall be directed to the coordinator in the first instance.

If option (iii) is chosen; Council shall appoint and delegate a NACA Appeals Tribunal for hearing of the appeal. The Appeals Tribunal shall operate as per Section 6 of the NACA Rules. The outcome of the appeal shall dictate any further action to be taken.

(D) If for any reason NACA has not initiated proceedings in relation to the matter within the 2 (two) months of notification, the owner(s) of the

dog may make written application to NACA for removal of the disqualification. Upon receipt of the application the NACA shall:

- (i) grant the Application, or
- (ii) reach a decision in relation to the matter. If such decision is not reached within 1 (one) month after receipt of the application, the application shall be deemed to have been granted.

(E) If for any reason a dog required to undergo retraining or assessment that has not received a pass grade in temperament testing after twelve (12) months from the date of original incident, it shall be declared unsuitable for sanctioned canine activities and deregistered.

All members are reminded that compliance with the above rules in no way relieves them of any statutory responsibilities in relation to incidents involving dogs that may be in force through any level of government or government agency.