



Bella

Bella's story

As secretary of The American Pit Bull Terrier Club of Australia Inc, my wife Bonnie receives dozens of calls from victims of oppressive and illogical Breed Specific Legislation (BSL), particularly from Queensland. These calls come from American Pit Bull Terrier owners but more often from owners of dogs identified as "Pit Bull type".

This is the all-embracing term used by Councils for any dog they don't like.



At the Logan Pet Expo

The following story is by no means the worst we've heard but these people had the courage to defend their dog as far as resources would allow them.

BSL may not affect show dogs yet but spare a thought for the hundreds of people trapped and victimized by this ill conceived, pointless witch-hunt.

Bella was brought to our attention by another innocent victim of Queensland's Breed Specific Laws. She told us of a dog that had barked at a fence and was declared dangerous. We contacted the Maroske family to offer our assistance.

Christine Maroske finds writing about their experience at the hands of Logan Council is still too upsetting for her. With her permission, this is their story.

Her son, Alan, was living by himself and wanted a dog for company. Mum (Christine) did the groundwork, as Mums do. She specifically asked the Council whether the dog could be construed to be a Pit Bull. She was aware and conscientious.

With a confident, "that would never happen" from the Council, the pup was purchased. A Staffy/Ridgeback, with receipt... Bella.

Bella had spent 14 months with her new family. She had been to training and had starred in an obedience demonstration at Logan's own Pet Expo in October 2003. She knew the front fence was not to be crossed, she learned people were her friends, she was registered, micro-chipped, and desexed.

On 29 April 2004, her world went pear shaped. A lady walking past was observed to have collapsed on the footpath by a neighbour who also observed Bella barking, behind the fence. To our knowledge, the exact sequence of events has never been established and was only superficially investigated. It was irrelevant.

Christine asked the lady and was told, "I had a turn and had to sit down. Then the dog barked at me." The Council was told, "The dog barked at me and I had

a turn, and had to sit down." The lady in question is 82, details are unimportant to her unless it concerns living to 83. The ensuing court case at no time referred to Bella's alleged misdemeanour.

This incident brought Bella to the attention of the Council, who impounded her, not because of any wrongdoing but because they felt she was a "Pit Bull". A Destruction Order was issued.

Allen lodged an appeal against this and provided Council with his receipt from the pet shop owner (BVSc) and a letter from his Vet (BVSc), both of whom believed Bella to be a Staffy/Ridgeback. An independent assessment done by Dr Cam Day (BVSc, BSc, MACVSc) indicated Bella was not predominantly Pit Bull.

The Council rescinded the Destruction Order and released Bella, on the understanding she was declared dangerous. Rather than lose their dog the Maroske family accepted this. Allen was asked to cancel his appeal, which he did.

Some 11 days later (7 June 2004) whilst walking their trained, leashed and now muzzled dog, Christine was subjected to what can only be described as an unnecessary, planned assault.

Without warning, 3 cars pulled up, 4 Council officers surrounded her and Bella was virtually dragged from her arms. No paperwork and no explanation apart from a brief "we changed our minds", and from the court transcript it was obvious she was 'encouraged' not to make a fuss. In fact, she was threatened with Police intervention if she didn't hand the dog over. Another Destruction Order was issued.

The Magistrate later accepted this to be a legal seizure and made no comment on the behaviour of the council employees.

The Hearing: The Maroske family re-submitted their appeal. Dates are a matter of public record but the hearing ran in three parts, over a total of six days. By the end of the hearing, Bella had been impounded for 11 months. It then took another 4 months for the decision to be handed down.

Most of the hearing concerned the application of the 22-point identification "system" by the Council officers. The transcripts ran to some 600 pages.

What became apparent was that none of the Council "experts" knew if the system had any validity and that the scoring was entirely subjective, applied by people with little or no experience in the application of Breed Standards. Their main claim to "expert" status is a one-day course, with video, tea and bikkies.

The required 46 points of a possible 66 were admitted to be arbitrary and subject to change. The prosecution's most "reliable" witness admitted she rarely saw a true American Pit Bull Terrier. One wonders if she has ever seen one. This witness was responsible for training the "experts". **Most of these were trained after they had assessed Bella.**

The magistrate accepted this shambles to be a reliable method of breed identification.

The testimony of the pet shop owner was largely discounted, as was that of Bella's Vet.

Dr Day fared a little better, injecting logic into the court when he described the 22-point system as flawed. He went on to explain his own system,

Dog's Fate Up In Air - 15 December 2004, Albert and Logan News

The fate of Kingston dog Bella remains undecided.

Alan Maroske's appeal against Logan City Council's destruction order against his two year old dog was adjourned for the second time this year at Southern District Court on Monday. The case went from one court room to another after magistrate WH Ehrich excused himself from the case.

Magistrate Ehrich questioned the expertise of Council's primary witness Deborah Pomeroy, after explaining he had seen her in action on a previous case.



Bella showing how "AGRO" she is during the Temperament Test, whilst some Japanese students look on.



Freedom at last, see how this extremely "DANGEROUS DOG" greets a total stranger after an 11 hour flight to her new home.

which incorporated control elements to improve consistency. The magistrate preferred the simplicity (or stupidity?) of the Council's neat little package and didn't like it being criticised.

All Breeds judge, Ed Ryder described the years of training and experience required to become a competent dog judge, just to be able to apply a Standard to a dog whose breed is NOT in question.

Bella was judged to be of "Pit Bull type" and the Destruction Order was upheld.

A further appeal was not a viable option. The family had been living a nightmare for a total of 15 months. Legal fees and court costs will ensure they will be financially crippled for years to come.

Logan Council gave the Maroskes the option of rehousing Bella out of the shire, issuing statements to the media saying they were willing to help. **Their "help" was to contact any receptive Council and stress that Bella was vicious and dangerous.**

Bella is now safe and well in Western Australia. With the help of Endangered Dog Breeds Association



Alan saying goodbye to Bella

of Australia (EDBA) we found someone with an ear to a Council who discounted the garbage Logan was spouting.

Council's jurisdiction ends at their boundaries? Not any more. **Bella was caged and escorted to the airport.** The distraught family was permitted a brief farewell.

After her arrival at her new home, the first and only temperament assessment through this entire saga was done by a top Western Australian Animal Behaviouralist. Bella passed with flying colours and is no longer deemed a dangerous dog.

Bella is now foreman in charge of renovations at her new home, friend to everyone she meets and, most importantly, out of Queensland. Let us pray this same insidious cancer doesn't spread to WA.

NIGEL NORTON
With the assistance of Bonnie, Linda, Christine & Ivy

He gave Council's lawyers the option to remove Ms Pomeroy from the witness list or he would remove himself from the case.

"I'm not saying she was telling mistruths, just that I questioned her," he said.

It was decided to keep Ms Pomeroy as a witness and a second magistrate, Terry Duroux, was assigned.

Magistrate Duroux adjourned the case until January 27 and 28, 2005. By the time her case is heard, Bella will have spent 264 days in the Logan pound. Registered as a Staffordshire Terrier in April 2003, Bella was deemed a Pit Bull Terrier, an illegal breed in Logan, by Council in April.

Excerpts from an article titled Mixed reaction to seizure -

4 March 2004, Albert and Logan News

FAMILY pet Bella was registered with Logan City Council as a Staffordshire terrier cross in April 2003.

She has been at Logan Animal Management Centre since her seizure in late April 2004. She was released to the Maroskes on June 4 and re-seized on June 7.

Impoundment fees of \$12 a night apply, with the Council agreeing to waive fees after September 29, 2004, due to the unexpected adjournment of the case.

The total cost of Bella's impoundment, expected to be borne by the Maroskes, is \$1776.....

Questions:

There are many but here's a few.

Video evidence of a caged dog, by then separated from family for 7 months was accepted as evidence of aggression, complete with the boot of the ACO swinging towards the cage?

Why did the council have a closed meeting on 7 June 2004 and change the points required to be deemed a Pit Bull from 51 to 46 and then immediately send Animal Control Officers out to re-seize Bella?

One cup of food a day and a steel platform for a bed, with no blanket, no access to grass in a cage designed for short term impoundments? For 15 months?

Consider for a moment the assessment done by an RSPCA officer on Bella. He scored her a total of 48 points, making her a Pit Bull. It was pointed out that the individual scores only totalled 45. Rather than amend the total, he simply added 4 extra points to the same check sheet, taking the total to 49. However, the written total remained at 48?

There was a paragraph in Council regulations that gave the benefit of any doubt in identification to the defendant. Just exactly when was this paragraph deleted, and why?

Let's not forget the Council cheers when they won their case and separated a loving pet from its family.

By past standards this is a good result. We hear of dozens of innocent family pets facing the green dream because they have round to almond shaped eyes or muscular legs.

The Maroske family would like to thank all who supported them through this ordeal and particularly Ivy from Western Australia.