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BY CRAIG WARHURST.

THE ongoing saga of Rusty the dog and his misidentification is about "to be played out for the second time, according to Rusty's owner Daryn Willis.

Mr Willis says he is going the Gympie Regional Council and staff members for the misuse of power (Misfeasance) by a public officer.

The alleged misuse of power relates back to a year long struggle Mr. Willis had with Council dog control officers who believed Rusty may have been a dangerous American pit bull terrier a prohibited breed.

Mr. Willis Claims Council continued to harrass his family by bringing police on to his property while council officers assessed Rusty, asking for DNA samples and numerous other calls challenging Rusty's true identity, all after Mr Willis showed Council a letter form his Barrister Stephen Clinton Fynes.

The letter told Council of Supreme Court proceedings that firstly saved Rusty form Redcliffe City Council's dog death row after they thought he was a dangerous breed.

A second Supreme Court Case in 2006 saved another dog in Logan City and exposed the 22 point checklist, used by Councils across Queensland to identify dangerous breeds, as seriously flawed and may be misidentifying innocent family dogs form all over the state.

Mr. Willis says Gympie Regional Council dog control officers continued to use the 22 point checklist, the same test that misidentified Rusty in Redcliffe: even after Councils own legal firm King and Company alerted them and other Qld Councils to its inherent problems in 2006.

The dog owner said all he wanted form Council was an apology for staff actions, an assurance Gympie Regional Council would not use the 22 point checklist as a means to harass any other innocent dogs, in the region and to leave his family alone.

But Mr. Willis claims instead of apologising the Council tried to intimidate him by getting lawyers to do there bidding. "Unfortunately this leaves me know other action , but to do the same," Mr. Willis said.

A Gympie Regional Council spokesman said they have been using the 22 point checklist as a tool to identify banned dog breeds since 2002, but wasn't destroying dogs.

He said the Council hadn't banned dangerous breeds like some other Councils, but owners had to comply with the sate legislation.

Gympie Regional Council Chief executive officer Ken Mason said he wouldn't comment on Court action but all Council was asking Mr. Willis to do was be a responsible dog owner, register his pet and keep it under control.

Mr. Mason said Council had decided to take no further action against Rusty because it is hard to positively identify the dog.

Mr. Willis has applied to Council under the Freedom of Information Act for over 200 documents relating to Gympie Regional Council officers alleged harassment.