

IN THE MATTER of an objection against the disqualification from dog ownership pursuant to section 25 (1B) of the Dog Control Act 1996 by Daniel Warren.

BEFORE THE WAIKATO DISTRICT COUNCIL REGULATORY SUBCOMMITTEE.

Chairperson Cr Janet Gibb
Members Cr Crystal Beavis
Cr Peter Thomson

HEARING at NGAARUAWAAHIA on 4 April 2025 at 10am

APPEARANCES

Ms C Pidduck – Waikato District Council Legal Counsel, to assist.
Ms P Prakash – Waikato District Council Junior Solicitor, to observe.
Mr P Greeves – Waikato District Council Senior Animal Control
Ms A Prentis-Pirere – Waikato District Council Animal Control Officer
Ms R Dean – Waikato District Council Regulatory Services Manager

IN ATTENDANCE:

Mr T Rowland – Democracy Advisor, Waikato District Council
Ms S Chandar - Democracy Advisor, Waikato District Council

The meeting was opened with a Karakia.

APOLOGIES AND LEAVE OF ABSENCES:

No apologies were received

DECISION

Having considered the information presented in writing, and in person at the hearing, The Waikato District Council Regulatory Sub-committee unanimously agrees to uphold the disqualification and impose the three-year term as recommended by staff imposed under S25 (1B) of the Dog Control Act 1996.

Introduction

The Objector was welcomed by the chair and introduced to the members of the Hearing Panel and Council Staff. The chair outlined the process to Mr Warren.

Hearing

[1] The objector provided an overview of why he was objecting the Disqualification noting that he was an environmentalist who worked to keep possum levels under control.

[2] The objector noted that he used his dogs to complete his work as they hunt the Possums.

[3] The objector noted that he believed disqualifying him from dog ownership took away his taonga and was a breach of the Te Tiriti of Waitangi.

[4] The panel acknowledged the Te Tiriti of Waitangi and queried how many dogs the Objector had left with the objector noting that he only had one left, a female called "Girl."

[5] The panel queried that there were five dogs registered with the objector noting that three had been shot and were now deceased.

[6] The panel queried what happened on the day of event. The objector noted that due to a heart condition he was unable to give the dogs the attention and exercise they needed.

[7] The objector noted that the dogs eventually jumped a fence and ran away as they were not chained up.

[8] The panel queried whether the objector knew the dogs was not at his property with the objector noting that he knew they had run away.

[9] The panel queried the objector's land around Manuatū and how many people lived on the land and how adjacent it was to the land where the dog was found.

[10] The panel queried how far away the incident took place from the objector's home with the objector noting that the land was just over his fence.

[11] The panel queried what the objector would do differently and has been doing differently. The objector noted that his heart did not allow him to hunt pigs anymore and his current dog Girl is now a companion dog whilst he had also fenced up his property more securely.

[12] The panel queried what happened to the fourth dog that was registered but not shot, the objector noted that the dog was taken away by the Council over two years ago.

[13] The panel queried if the disqualification had started with Staff noting that the period of disqualification had not started yet.

[14] The panel queried what would it mean to the objector if he was disqualified from dog ownership for three years, with the objector noting it would be devastating to his family.

[15] The panel queried how the objector would be affected in the future if he was not disqualified and would he go back to owning hunting dogs, the Objector noted that with his heart condition he was unable to hunt anymore and that he would have no intention of owning hunting dogs in the future.

[16] The panel queried why one of his dogs was taken away three years ago with the objector noting that the dog was not registered and had a roaming issue.

[17] The objector noted his Whakapapa. The panel acknowledged his Whakapapa.

[18] The panel queried if the remaining dog would be used as a hunting dog with the objector noting that the current dog was too small for hunting, but he also clarified that he used his current dog for hunting possum.

[19] The chair directed questioning to the Animal Control officers.

[20] Staff noted the process of the Dog Control Act and why the objector was disqualified.

[21] Staff explained the call out on the day when the objector's dogs had attacked the neighbouring farmer's stock. The neighbouring farmer had shot the three dogs.

[22] Staff noted they had contacted Mr Warren's family noting that the deceased dogs were being held at the pound however received no contact from Mr Warren regarding an acknowledgement or collection of the deceased dogs.

[23] Staff noted that the farmer had moved the dogs away from the deceased sheep and that they were located by Animal Control in the farmer's trailer.

[24] The panel queried whether anyone from Council staff had seen the dog proof fencing with staff noting that they had not visited the property since.

[25] The chair asked legal counsel to confirm that the documentation was in order. Staff confirmed that the process of the Dog Control Act had been followed.

[26] The panel resumed questioning the objector.

[27] The panel queried the fencing work done by the objector. The objector noted that he lived in a bus and that the fence was several feet high with netting and that it was erected once the three dogs went missing.

[28] The panel queried what the objector would have done differently with the objector noting that he could have used GPS shock collars to keep them fenced in.

[29] The objector noted that the dogs were usually kept in a cage and only let out for exercise and that he kept them under control by sight and sound when they were exercising.

[30] The panel queried whether the objector do anything differently to control his dogs after the first dog was taken away by Council. The objector noted that he no longer had hunting dogs anymore.

[31] The panel queried on his experience with the hunting dogs with the objector noting that he did struggle with the ownership of hunting dogs and at times did not know what to do.

[32] The panel queried why the objector was objecting. The objector noted he was objecting due to a believed breach of the Te Tiriti of Waitangi. The objector noted that his remaining dog was a different breed and only hunted possum's not pigs.

[33] The panel queried the breach of the Te Tiriti of Waitangi. The objector noted that the land was tribal even if it was under private ownership.

[34] The objector noted that it was not acceptable for the dogs to have caused harm to livestock, but it was common for roaming dogs in the area.

[35] The panel noted that it was focused on the disqualification and the reason for the objection.

[36] The objector noted in summary that the neighbours released game animals, and the dogs were used to control that as well.

[37] The panel summarised the events and the following process to the objector and then closed with Karakia.

The hearing was adjourned at 10.50am for deliberations.

Reasons and decision:

Circumstances and nature of offence or offences in respect of which the person was disqualified.

[38] On 16 December 2024, Mr Daniel Warren (the objector) was convicted of an offence under Section 57 of the Act, relating to an incident where his dogs attacked other animals (multiple lambs and at least two ewes) causing serious injury and death to those animals. This section of the Act is not an infringement offence.

[39] Staff subsequently disqualified the objector from being a dog owner for a period of three years, as required by the Act (Notice of Disqualification).

[40] In accordance with Section 25(1A) of the Act, the requirement in Section 25(1)(b) of the Act to disqualify a person from being the owner of a dog where a person is convicted of an offence (not being an infringement offence) against this Act, does not apply if the territorial authority is satisfied that the circumstance of the offence(s) are such that disqualification is not warranted; or the territorial authority will instead

classify the person as a probationary owner under Section 21 of the Act. The attack that Mr Warren's dogs were involved in was of a serious nature; and the seriousness of the offence requires a higher classification than probationary ownership.

[41] Section 25(3) of the Act provides that a disqualification under Section 25(1) continues in force for a period specified by the territorial authority not exceeding 5 years.

[42] On 17 February 2025, Mr Warren objected to the disqualification.

The competency of the person objecting in terms of responsible dog ownership.

[43] The objector did not refute that his dogs were the animals that attacked and killed the sheep. He said a previous dog he owned had been taken by animal control as it was not registered and had a roaming issue. He also knew that the dogs in question had jumped a fence and ran away. The objector stated he knew his dogs had 'worried' before this incident, and didn't take preventative action.

[44] The objector stated that his health prevented him from being able to hunt with his dogs and once they were out of ear shot or eyesight, he could not control them. The objector noted that he did struggle with the ownership of hunting dogs and at times did not know what to do.

[45] He has only one dog left, and this dog is a companion animal, used only when hunting possums.

Any steps taken by owner to prevent further offences.

[46] The objector had commenced erecting some fencing to contain his dogs and it had been an ongoing process. The dogs were caged unless they were being fed or exercised. He noted he had continued to improve the fences.

The matters advanced in support of objection.

[47] Mr Warren objected to the disqualification as he believed it was a breach of Te Tiriti rights and that it is the council's responsibility to recognize these rights. The objector stated that Waikato District Council staff are uneducated on the Te Tiriti and these rights and acting on personal opinions that affect their judgement and there is a lack of council legislation in the matter. That this panel of the committee would also be fundamentally flawed.

[48] The committee explored these comments and acknowledged the kaitiaki mahi Mr Warren is doing in pest control and protecting the whenua.

Any other relevant matters.

[49] Mr Warren acknowledged that he is kaitiaki along with others on the land in the Ruapuke Block. He stated that he cares for the whenua which he acknowledges is owned by others but that it is tribal land.

Dated at Ngaaruawaahia this

day of April 2025

Janet Gibb Chairperson

A handwritten signature in blue ink, appearing to read 'Gibb', is written over a faint, rectangular grid pattern.