

IN THE MATTER of an objection against the classification of dogs as dangerous pursuant to Section 31 of the Dog Control Act 1966 by Natalie Parkinson.

BEFORE THE WAIKATO DISTRICT COUNCIL REGULATORY SUBCOMMITTEE

Councillor Peter Thomson - Chairperson
Councillor Carolyn Eyre
Councillor Fabio Rodrigues

HEARING at Ngaaruawaahia on 3 July 2026.

APPEARANCES:

Mr Clayton Bennett – Representing Objector, Dog Owner
Ms C Pidduck – Legal Counsel, Waikato District Council (WDC)
Mr Phil Greeves – Animal Control Principal Specialist, Waikato District Council (WDC)

IN ATTENDANCE

Ms E Saunders – Senior Democracy Advisor, Waikato District Council (WDC)
Dr C Frethey – Democracy Advisor, Waikato District Council (WDC)

The Chairperson opened the hearing with a prayer at 10.04am.

APOLOGIES AND LEAVE OF ABSENCE

From Natalie Parkinson, Objector.

DISCLOSURES OF INTEREST

Councillor C Eyre noted she was an elected director of Anexa Vet Services but did not work in the operational area.

DECISION OF THE SUB-COMMITTEE

Having considered the information presented in writing and in person at the hearing, the Waikato District Council Regulatory Subcommittee upholds the dangerous dog classification of the dogs Gracie and Floyd imposed under section 31(1)(b) of the Dog Control Act 1996.

HEARING:

Introduction

- [1] WDC provided a written agenda to the parties and the Subcommittee. The agenda contained the objection material, Animal Control report, supporting documentation, classification information and relevant extracts from the Dog Control Act 1996.
- [2] The Chairperson welcomed Mr Bennett to the hearing and introduced the members of the Regulatory Subcommittee and Council staff who were present.
- [3] It was noted that Ms Natalie Parkinson, co-owner of the dogs and objector, was not present. Mr Bennett presented the objection on behalf of Ms Parkinson.
- [4] The Chairperson outlined the hearing process. Mr Bennett would present the objection first, followed by questions from the Subcommittee. Animal Control would then respond and answer questions. Legal Counsel would provide advice to assist the Subcommittee on the relevant legislation and the decision-making options available. Mr Bennett would then have the opportunity to make any further comments or ask any final questions.

Objector

- [5] Mr Bennett opened by greeting the Subcommittee and staff present. He stated that he and Ms Parkinson were not seeking to make excuses for the incident and accepted ownership and responsibility for what had occurred.
- [6] Mr Bennett acknowledged that, had the fencing been repaired earlier, the incident would not have occurred. He explained that Floyd had previously been left at home without incident and they had taken for granted that Gracie would behave in the same way.
- [7] Mr Bennett said the incident had changed the way they viewed dog ownership and containment. He stated that it was not the dog that needed training, but them as owners. He advised that they were now constantly alert and hyper-vigilant in relation to the dogs and their containment.
- [8] Mr Bennett described Gracie as a deeply loved family pet. He advised that they had found her abandoned when she was approximately six to eight weeks old.
- [9] Mr Bennett explained that Gracie had recently been desexed and had been approximately six (6) weeks away from being able to attend dog day-care before the incident occurred.

- [10] Mr Bennett referred to the behavioural assessment and rehabilitation report prepared. Mr Bennett advised that Gracie had responded well to rehabilitation and that the objectors would be willing to accept a formal probationary period if such an option were available.
- [11] Mr Bennett also referred to Floyd's health. He explained that Floyd had an autoimmune condition and that the requirement to wear a muzzle could affect him physically and cause pain or discomfort.
- [12] Mr Bennett advised that within 72 hours of the incident, the objectors had created a new containment area. He stated that the dogs were now kept in that area when they were not supervised, and that any future dogs owned by them would be managed in the same way.
- [13] Mr Bennett stated that public safety was their responsibility. He reiterated that they accepted total responsibility and accountability for the incident.
- [14] Mr Bennett asked the Subcommittee to consider granting Gracie a probationary period, and to consider the impact of the dangerous dog classification and muzzle requirement on Floyd because of his medical condition.

The Subcommittee responses and questions to the Objector:

- [15] In response to questions from the Subcommittee, Mr Bennett confirmed that the temperament assessment undertaken had not included exposure to livestock.
- [16] The Subcommittee asked about the objectors' willingness to contain Gracie and what further steps would be taken if the classification was rescinded. Mr Bennett advised that, if probationary-type conditions were available, the objectors expected Council would want input into what those conditions looked like. He stated that the dogs already responded to basic commands and that the objectors would wait until after the hearing before moving through the next stage of training and progression.
- [17] The Subcommittee asked whether the objectors were willing to have Gracie desexed. Mr Bennett confirmed that Gracie had already been desexed.
- [18] The Subcommittee acknowledged the efforts made by the objectors since the incident and asked about the fencing shown in the photographs, including whether there was a risk of the dogs being able to get underneath the fencing or through gaps at ground level.
- [19] Mr Bennett explained that where the post and rail fencing was located, there had been a wire at the top and a wire at the bottom. He advised that the dogs had gone through the farm fencing.

- [20] The Subcommittee asked about the gate and latch shown in the photographs. Mr Bennett advised that the gate was within his paddock.
- [21] Mr Bennett advised that the netting on the boundary went into the neighbouring property. He also clarified that the incident occurred approximately two blocks away from the property.
- [22] In response to further questions from the Subcommittee, Mr Bennett confirmed that the dogs had gone underneath the fence. He explained that the bottom wire had been missing. He acknowledged that he had been aware the wire was missing but had not thought it would be a problem.
- [23] Mr Bennett stated that they had not previously had a problem with Floyd escaping.
- [24] The Subcommittee asked whether the dogs could jump the fence rather than going underneath it. Mr Bennett said he did not think they could and described the fencing as standard farm fencing.
- [25] The Subcommittee asked whether Mr Bennett ran livestock on the property. Mr Bennett explained that his neighbour ran stock on the property and had been grazing the land for approximately eight years.
- [26] Mr Bennett advised that the dogs had gone down a gully at the back of the property. He said this was approximately the third time they had been off the property by that route.
- [27] Mr Bennett advised that he had spoken to one of the witnesses. He said their dogs had gone down the gully at that time. He acknowledged that the fencing in that area was something that had been on the list to fix but had not yet been completed.
- [28] The Subcommittee asked whether Mr Bennett was aware that Floyd would not be required to wear a muzzle while on the property. Mr Bennett confirmed that he understood that requirement only applied in public. However, he explained that the dogs regularly went with the family to Raglan, to visit family and on other outings, and that Floyd would therefore be required to wear a muzzle regularly.

Animal Control

- [29] Animal Control responded to matters raised by the objector and the Subcommittee.
- [30] In response to a question from the Subcommittee regarding the extent of each dog's involvement, Animal Control agreed that there was no evidence of Floyd actively biting the animals. Animal Control advised that both dogs were involved in herding or chasing the animals and that both dogs were involved in the attack. The evidence did not establish that Floyd had bitten

the stock. The Subcommittee noted that the evidence appeared to indicate Floyd stood behind the younger dog and was involved in herding or chasing the cows.

- [31] Animal Control acknowledged the work Mr Bennett had completed on the property.
- [32] Animal Control advised that the ongoing dangerous dog classification was intended to help protect the public.
- [33] Animal Control stated that the matter before the Subcommittee related to the incident involving stock, rather than the dogs' previous behaviour around other dogs or other stock.
- [34] Animal Control expressed surprise that livestock had not formed part of the behavioural assessment, given that the incident involved stock.
- [35] Animal Control raised concern about the dogs' behaviour when people came out during the incident. Animal Control advised that, rather than running away or cowering as some dogs might, the dogs came towards the witnesses and were growling. Animal Control stated that this behaviour was a significant concern because the dogs did not leave the area, but stayed and showed aggression.
- [36] In response to questions from the Subcommittee, Animal Control was asked whether Council had walked the boundary of the objectors' property. Animal Control advised that this had not occurred, but said they would check whether a full perimeter check had been completed.
- [37] The Subcommittee asked Animal Control about pack mentality and whether, in Animal Control's opinion, the behaviour would have been likely to occur if only one dog had been involved.
- [38] Animal Control advised that one dog attacking stock may have been different from two dogs acting together. Animal Control noted that the dogs may have encouraged each other. Animal Control also acknowledged that no one had said Floyd was attacking the stock, but that he may have been involved in the behaviour through pack mentality.
- [39] The Subcommittee asked whether Animal Control was aware of the concerns regarding Floyd's autoimmune condition and the potential irritation caused by a muzzle.
- [40] Animal Control confirmed they were aware of the concern. Animal Control advised that there were multiple types of soft muzzles available and explained that the muzzle needed to enclose the mouth. Animal Control also noted that the muzzle would need to come off to allow the dog to eat and drink.

- [41] The Subcommittee asked whether Animal Control considered there would be any concern for Floyd if he was required to wear a muzzle.
- [42] Animal Control advised that they could not give a veterinary response. Animal Control stated that the muzzle requirement only applied when the dog was in public and that any impact on Floyd's medical condition would require veterinary assessment.
- [43] The Subcommittee asked Animal Control what would constitute a long period of time for a dog to be required to wear a muzzle. Animal Control indicated that this was difficult to quantify.
- [44] The Subcommittee asked whether Animal Control had spoken to the neighbour who had provided a supporting statement. Animal Control advised that they had not spoken to him and had only seen the statement.
- [45] The Subcommittee asked whether the fencing now in place was adequate from Animal Control's perspective. Animal Control advised that what had been put in place was what they would expect for a dangerous dog classification.

Objector response

- [46] Mr Bennett provided further comment in response to matters raised by Animal Control and the Subcommittee.
- [47] Mr Bennett advised that, prior to the new fencing being installed, there had been a top and bottom wire. He stated that the dogs had previously been in the paddock with stock on the property and there had never been any incidents.
- [48] Mr Bennett provided further information about Floyd's medical condition. He said Floyd had lesions on his face and was often on and off steroids. Mr Bennett advised that if Floyd was on steroids for too long, there was a risk he could develop Cushing's disease. He stated that Floyd's condition affected his ears, nose and the area across his eyes.
- [49] Mr Bennett explained that this was why the objectors had obtained a veterinary letter. He said the concern was not limited to prolonged use of a muzzle, but included even short periods of use in public.
- [50] In response to a question from the Subcommittee about the stock grazing in the paddock, Mr Bennett confirmed that there was a two-wire electric fence.
- [51] The Subcommittee asked Animal Control about the likelihood of the dogs attacking livestock again, particularly if livestock ran from them.

- [52] Animal Control advised that Mr Bennett had said the dogs had been in paddocks with stock again. Animal Control said dogs could attack for any reason and that a dog could be settled and then something could set it off. Animal Control stated that, where dogs had historically been good and had not caused problems, it was not always possible to know what had triggered a particular incident.
- [53] Animal Control also advised that once a dog had fed on a live animal, it could be very difficult to stop that behaviour.

Legal Counsel

- [54] Legal Counsel provided advice to assist the Subcommittee regarding the legislative framework.
- [55] Legal Counsel advised that the Subcommittee needed to be directed by the relevant legislation and consider the factors required under the Dog Control Act 1996.
- [56] Legal Counsel advised that the Subcommittee's options were to uphold the dangerous dog classification or rescind the dangerous dog classification.
- [57] Legal Counsel advised that the Subcommittee did not have the ability to impose a probationary period as part of its decision on the dangerous dog classification.
- [58] Legal Counsel noted that there were no witnesses present at the hearing.

Objector questions

- [59] Mr Bennett was invited to ask any questions of the Subcommittee or Animal Control.
- [60] Mr Bennett asked whether there was any possibility that training and rehabilitation, particularly for Gracie, could enable her not to reoffend.
- [61] Animal Control referred to aversion training, explaining that this involved consequences for the dog showing interest in stock. Animal Control advised that the objectors' trainer would need to review and assess the dogs and that this would assist the objectors to understand what progress could be made.
- [62] Animal Control also advised that the dogs were clearly well looked after. Animal Control stated that the objectors could work on total recall, but noted that the incident had occurred when the objectors were not present. Animal Control explained that training could be undertaken when the owners were there, but the concern was the unpredictability of the dogs'

behaviour when they were off the property and the owners were not around.

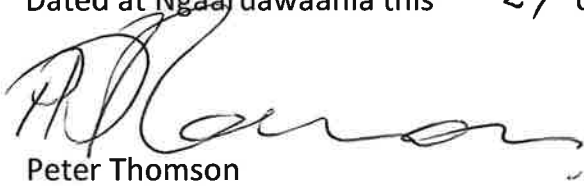
The hearing was adjourned at 10.46am for deliberations.

Considering the matters in Section 31(4) of the Act the Sub-Committee has considered the evidence and notes the following:

- [63] Taking into account the matters in section 31(4) of the Act the Sub-Committee has considered the evidence, which formed the basis for the original classification, any steps taken by the owner to prevent any threat to the safety of other animals, the matters advanced in support of the objection, and any other relevant matters.
- [64] Having considered the matters in s31(4) the Sub-Committee the Sub-Committee notes the following matters as the basis for its decision :
- [65] The Sub-Committee considered the evidence of the attack event and noted that although Floyd was not viewed biting, he was involved in the attack in a serious support role.
- [66] The event was serious, distant from the home property and resulted in the loss of a pet yearling heifer. Of concern to the Sub-Committee was that the dogs stayed in the area of the attack and showed aggression when approached.
- [67] The Sub-Committee notes that Mr Bennett stated that he and Ms Parkinson did not make any excuses for the incident and accepted ownership for what has occurred.
- [68] Improvement to fencing and containment to dangerous dog standard were noted.
- [69] The Sub-Committee notes references on good and friendly behaviour of the dogs. It was also noted that further training of the dogs has not happened awaiting the result of this hearing.
- [70] The Sub-Committee notes the 'dog guy' temperament assessment scoring Gracie and Floyd with scores of 40 out of 50, with no testing on livestock. The Sub-Committee notes Animal Control evidence that dogs could attack for any reason and it is not possible to know what triggered a particular incident.
- [71] The Sub-Committee notes Floyd's age and medical condition and has sympathy for this. However, Council has no authority to waive individual statutory requirements of the classification.

- [72] The Sub-Committee considers that the incident on 5 March 2026 was serious and in spite of efforts made to improve fencing that Floyd and Gracie have the potential to attack livestock in the future. The Sub-Committee also considers the single wire under the rails may not always contain the dogs.
- [73] Accordingly the Sub-Committee's decision is to uphold the classification of Floyd and Gracie as dangerous dogs pursuant of Section 31 of the Dog Control Act 1996.

Dated at Ngāruawaahia this 27 day of July 2026.

A handwritten signature in black ink, appearing to read 'P. Thomson', written over a horizontal line.

Peter Thomson
CHAIRPERSON

