

IN THE MATTER of an objection against the classification of a dog as menacing pursuant to section 33A of the Dog Control Act 1996 by Zoe Monk.

BEFORE THE WAIKATO DISTRICT COUNCIL REGULATORY SUBCOMMITTEE.

Chairperson Cr Peter Thomson
Members Cr Crystal Beavis
Cr Carolyn Eyre

HEARING at NGAARUAWAAHIA on 13 June 2025 at 10am

APPEARANCES

Ms Z Monk – Objector
Mr J Monk – Objector
Ms K Harper – Support Person
Mr K Lapwood – Support Person
Ms C Pidduck – Waikato District Council Legal Counsel, to assist.
Mr P Greeves – Waikato District Council Senior Animal Control
Ms R Dean – Waikato District Council Regulatory Services Manager
Mr C Nicholson – Waikato District Council Animal Control Team Lead

IN ATTENDANCE:

Mr T Rowland – Democracy Advisor, Waikato District Council
Ms R Monk – Support Person

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 rescind the menacing classification set by staff imposed under S33 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 Mrs Z Monk and confirmed that all papers and other evidence had been received by the committee regarding an incident on the morning of 25 February 2025 reportedly involving two dogs in which a sheep was mauled, and two pet rabbits and three chickens were killed.

HEARING

- [1]. The objector provided an overview of why she was objecting the menacing classification for her dog Storm. She noted that there were errors in the Animal Control Report which included the wrong dog being referenced.
- [2]. The objector noted that were contradictory statements around the muzzling requirement and public safety. The objector noted that the Animal Control officer provided incorrect information around the returning of the incident forms.
- [3]. The objector noted that the last she heard from Animal Control was that there was no need to provide a Dog Owner statement form, however she received a follow-up weeks later noting that Storm had now been classified as a menacing dog.
- [4]. The objector noted that the muzzling requirement was unnecessary when in a controlled environment, and that Storm has shown strong obedience and impulse control around other animals such as cats. The objector noted that this was a one-off situation with two dogs together, namely, Winter (belonging to another family member) and Storm, which they have undertaken to ensure would not happen at their home again.
- [5]. The objector noted that they take full responsibility for the incident but that it was a one-off incident that was unrelated to Storm's behaviour. The objector noted the extensive preventive steps and reparations that have been provided to those involved.
- [6]. The objector requested that if the menacing classification is upheld then the muzzling condition be removed as appeared possible under Section 33E (5) under the Dog Control Act as the objector believed muzzling did

not fit the case. The objector noted the stress that she has had with this case has had on her during this period whilst she was also pregnant.

- [7]. The panel queried how the e-perimeter gate worked, with the objector noting that if Storm goes near the perimeter, they will receive a beep and if they go within one metre of the perimeter they will receive a shock.
- [8]. The objector noted that they have secondary power services like solar for the perimeter however the collar is also powered by batteries.
- [9]. The panel queried if there was mobile phone tracking for the e-collar with the objector noting that there was the ability to track via a mobile phone and change the perimeter using the app on the phone.
- [10]. The objector noted that they also have a secondary apple GPS tracking for Storm.
- [11]. The panel queried whether the collar was on during the incident, with the objector noting that Storm was not wearing an e-collar at the time of the incident due to property work which meant the e-perimeter fence had not been in operation for some time, but that Storm was wearing an ordinary collar with a dog registration tag. .
- [12]. The objector noted that they misjudged the effect that Winter being with Storm would have, noting that Winter had not been used to be sleeping outside. The objectors noted that it was their misjudgement at fault not the dogs.
- [13]. The objector noted that Storm has always worn a standard collar, but the e-collar was not worn due to it not working at the time.
- [14]. The panel queried the objector's enquiries with the Animal Control team and that they were not able to get any photographic evidence from the team which the objector said was correct and noted that there was differing witness evidence.
- [15]. The objector noted that they reached out to the Animal Control Officer as they believed it was the Animal Control Officer for the area, but now aware of Animal Control's processes.
- [16]. Waikato District Council Legal Counsel noted that the Regulatory Subcommittee cannot exempt the muzzling requirement from the decision as that was up to Animal Control at the time of the decision. The objector noted that they had emails from Animal Control noting that Animal Control said this was a decision for a Regulatory Subcommittee.

- [17]. Legal Counsel noted that the panel can only uphold or rescind the menacing classification. The panel confirmed that muzzling would be required in public places if the classification was upheld.
- [18]. Legal Counsel also noted that muzzling on private properties such as Doggy Daycare was up to the owner of the property.
- [19]. A Dog Trainer from Harper's Hounds was invited to speak to the panel. The trainer had not met with the objectors prior to the event but lives in the same area.
- [20]. The trainer noted that she has been working with Storm for over a month now and provided a professional opinion that she believes that Storm is not a risk to the public or menacing.
- [21]. The trainer noted that a lack of evidence such as no photos of blood on Storm raises questions about Storm's part in the incident. The trainer also noted that Storm is a back of the pack dog and more of a follower than a leader.
- [22]. The trainer noted that she had assessed Storm around animals such as ducks and that she is easily trainable. The trainer noted she poses no risks to other dogs noting that she would not be able to pack walk her if so.
- [23]. The trainer noted that pack mentality can change the behaviour of a dog and why she recommended that Winter not return to the property again. She noted that the full boundary fence has been reinstalled.
- [24]. The panel queried the inversion training done with Storm, the trainer noted that she was mildly interested in small animals, but that Storm was easily trainable and did not believe she was a risk.
- [25]. The panel queried whether the breed had a high prey drive with the trainer noting that all dogs have a prey drive to some level but would not say the Huskies are more predisposed to that risk. The trainer noted that the dogs must be trained regardless of the breed.
- [26]. The panel queried what would happen if Storm was off lead in a high-risk area. The trainer noted that Storm was receptive to the e-collar stimulation however that the owners have never let Storm off-leash.
- [27]. The trainer noted that Storm had more than likely escaped their home due to not being physically fulfilled (regularly walked) at the time due to Zoe being 8-9 months pregnant.
- [28]. A member of the objector's family with permission of the chair raised the issue that this hearing may not have happened if Animal Control

had fully briefed the objector on who could set the conditions of the muzzling if a menacing classification was upheld since the objectors would have wished to work fully with Animal Control to resolve the issue if the right information had been provided at the time.

- [29]. The panel watched video material presented to them of Storm at home and during behaviour assessment.

The hearing was adjourned at 11:05am for deliberations.

Considering the matters in Section 33B of the Act the sub-committee has considered the evidence and notes the following:

- [30]. The committee is satisfied that Storm was involved in the incident on the morning of 25 February 2025 in which a sheep was mauled, two pet rabbits and three chickens were killed.
- [31]. The Objector admitted two other instances of aggression by Storm, which did not result in complaints to Animal Control.
- [32]. The Objector admitted that the incident on 25th February occurred because of multiple failures on their part in failing to recognise the potential for an incident.
- [33]. The Act states that the Territorial Authority may classify a dog as menacing if the Territorial Authority considers Storm may pose a threat to any person, stock, poultry, domestic animal or protected wildlife because of any observed or reported behaviour by Storm.
- [34]. The committee considers that Animal Control acted correctly to designate Storm as menacing and might have been justified in designating Storm as dangerous or even disqualifying the Objector from ownership.
- [35]. The committee also notes that the Objector took full responsibility for the incident, made reparations in full, admitted to not being in control of both dogs at the time, and is remorseful.
- [36]. The committee notes the openness and honesty of the Objector in self-reporting the incident.
- [37]. The Committee notes the efforts by the Objector to ensure an incident like this does not occur again specifically: the promise to not have Winter on their property, obedience training and behaviour assessment

undertaken, new e-perimeter wire fencing installed, and a commitment to secure Storm at night.

- [38]. The committee considered advice from Animal Control in respect to 'Storm' and 'Winter' that "with the dogs together there is a high risk to small animals", however with the dogs separated and with improvements made to the property, Animal Control believed there would be minimal risk to small animals.
- [39]. On balance the committee considers that despite the very serious nature of the event on the morning of 25th February, the Objector has made sufficient efforts to educate themselves, to train Storm, and to make improvements to their property so that an event of this type will be unlikely to occur again.
- [40]. Accordingly, the Classification of Storm as a Menacing Dog pursuant of Section 33A of the Act is rescinded.

Dated at Ngaaruawaahia this day of June 2025.

Peter Thomson
Chairperson

A handwritten signature in black ink, appearing to read 'Peter Thomson', written in a cursive style.