

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 Rowena 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 11:30am

APPEARANCES

Ms R Monk – Objector
Ms Z Monk – 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

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 Ms R 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, Rowena Monk, provided a brief overview of the reason for objecting to her dog Winter being classified as menacing and noted several inaccuracies in the Animal Control Report such as Zoe, the owner of the dog Storm, being her daughter (Zoe is her daughter in law) and other inconsistencies and inaccuracies in reports of the incident, which occurred when Winter stayed overnight with Storm at Zoe Monk's property.
- [2]. The objector noted that until the hearing neither her dog Winter nor herself had been with or met with Animal Control.
- [3]. The objector noted that she had a phone call with an Animal Control officer to discuss the muzzling recommendation and who would have ultimate decision over this, with Animal Control informing her this would be up to the Regulatory Subcommittee, which was incorrect.
- [4]. The objector noted that they did not complete the Dog Owner statement form upon advice from Animal Control.
- [5]. The objector provided video evidence of Winter's training since the incident. This was watched by the panel.
- [6]. The objector noted that the process with Animal Control had been a stressful experience but she took full accountability for the incident and said that it was not reflective of the dog but human error.

- [7]. The objector noted that a lifelong muzzling requirement was unfair for Winter and would provide stress for family members such as the objector's grandchildren.
- [8]. The panel queried Winter's normal home environment with the objector noting that it was a lifestyle property with a 1.5 metre swimming pool fence on their property along with an e-fence perimeter.
- [9]. The objector noted that wild rabbits were frequent on Winter's home property and that fencing would not stop Winter in that case as the rabbits were already on the property.
- [10]. The objector noted that they had livestock all around their property and it had never been an issue for Winter.
- [11]. The objector clarified that Winter sleeps inside with a dog door to go outside if required for the toilet, but she was still restrained by the boundaries of the fencing.
- [12]. The panel queried how many times Winter had stayed away from home with the objector noting that this was the first time Winter had stayed overnight at her son's and daughter in law, but for extended periods she stays away in a kennel.
- [13]. The objector noted that she did not consider the effects of leaving Winter for one night at another family member's home with their own dog Storm.
- [14]. The objector noted that they are taking the incident seriously and if it was required for Winter to not return to her son's property then they would make sure of it.
- [15]. The objector noted that prior to owning Winter she had enrolled for dog ownership courses and completed modules on the matter.
- [16]. The objector noted that Winter was a significant part of her family since the loss of her husband, and they go out together regularly including to work.
- [17]. The objector noted that she had learnt that she would not let Winter stay elsewhere (other than a kennel) but that she believed that this was still a one-off incident of human error.
- [18]. Legal Counsel clarified that there is no requirement for Council to inspect the dog owner's property before applying the classification.
- [19]. Animal Control clarified that with the two dogs, Winter and Storm, together there is a high risk of harm to small animals however with the dogs separated and with the fencing improvements in place at each property they believed there was minimal risk to small animals.

- [20]. The panel thanked both objectors present for their cooperation during the process, the actions they had taken, and for the remorse they had shown.

The hearing was adjourned at 12:01pm for deliberations.

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

- [21]. The committee is satisfied that Winter was involved in the incident on the morning of 25 February 2025 in which a sheep was mauled and two pet rabbits and three chickens were killed.
- [22]. The Act states that the Territorial Authority may classify a dog as menacing if the Territorial Authority considers Winter may pose a threat to any persons, stock, poultry, domestic animal or protected wildlife because of any observed or reported behaviour by Winter
- [23]. The committee considers that Animal Control acted correctly to designate Winter as menacing and might have been justified in designating Winter as dangerous, or even disqualifying the Objector from ownership.
- [24]. The Objector stated that Winter was staying away from her own property on the night of 24th and that neither she nor Zoe Monk, at whose home Winter was staying, had realised the difficulty that this could pose. The incident occurred early in the morning when the dogs Winter and Storm were unsupervised and off leash and unconstrained by an e-perimeter fence which was not operating while construction activities were occurring at Zoe Monk's property.
- [25]. The Objector admitted another incident two years ago with Winter and Storm rushing a Springer Spaniel and returning when called. This incident did not result in a complaint.
- [26]. Winter is free to access the house and property of her home night and day but remains within the boundary. This has been strengthened since the incident with an e-perimeter wire fencing system.

- [27]. The Objector took courses in dog handling before getting Winter and is undertaking further training now. Winter has now had behaviour assessment and training from a number of professionals. She had performed well in controlled circumstances.
- [28]. The Objector has committed to closely managing any interactions between her dog Winter and her daughter in law's dog Storm, specifically the Objector has undertaken not to have Winter at the property of Zoe and Jared Monk.
- [29]. The committee considered advice from Animal Control that 'with the dogs Winter and Storm together there is a high risk to small animals, however with the dogs separated and the improvements made to each property they believed that there was minimal risk to small animals.'
- [30]. On balance the committee considers that despite the very serious nature of the incident on the morning of 25th February, the Objector has made sufficient efforts to educate herself, to train Winter and to make improvements to her property so that an event of this type will be unlikely to occur again.
- [31]. Accordingly the classification of Winter 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 over a light blue horizontal line.

