

**Hearings Committee**  
**Objection to Dog Classification**  
**MINUTES**

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**Minutes of an ordinary meeting of the Hearings Committee held in the Council Chambers, Dunedin Public Art Gallery, The Octagon, Dunedin, on Tuesday 03 September 2024, commencing at 9.30 am - Objection to Dog Classification**

**PRESENT**

<b>Chairperson</b>	Cr Kevin Gilbert	
	Cr Sophie Barker	Cr Andrew Whiley

**IN ATTENDANCE**

Carlo Bell (Team Leader - Compliance, Environmental Health and Alcohol Licensing), Cazna Savell (Team Leader – Animal Services), Eleanor Bunt (Senior In-House Legal Counsel)

**Governance Support Officer** Wendy Collard

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**1 DECLARATIONS OF INTEREST**

Members were reminded of the need to stand aside from decision-making when a conflict arose between their role as an elected representative and any private or other external interest they might have.

Moved (Cr Kevin Gilbert/Cr Andrew Whiley):

That the Committee:

- a) **Notes** the Elected Members' Interest Register; and
- b) **Confirms** the proposed management plan for Elected Members' Interests.

**Motion carried (HEAR/2024/006)**

## 2 OBJECTION TO DOG CLASSIFICATION

A report from Customer and Regulatory detailed the Dunedin City Council's decision to classify the appellant's (Michaela Anderton) two dogs as menacing pursuant to section 33A(2) of the Dog Control Act 1996

The applicant was represented by:  
Michaela Anderton (Applicant)  
Peter Wilson (Support Person)

### ***Submissions from Staff***

The Senior In-House Legal Counsel (Eleanor Bunt) provided a background to the offence and the witness statements. Ms Bunt commented that while one of the witnesses had seen the dogs at the Tomahawk Lagoon they had not seen them attack any swans and felt given Mr Mathieson's statement that it could be surmised the appellant's dogs had attack the swans as well.

Ms Bunt advised given the witness statement and the evidence of Mr Mathieson that there was enough evidence to support the DCC's decision to classify Michaela Anderton's two dogs River and Charlie as menacing.

### ***Witness Statement***

Warren Mathieson provided a background to the complaint which included witnessing the appellant's two dogs chasing his sheep. Mr Mathieson commented that he had witnessed one of the dogs River with a sheep in its mouth and the other dog Charlie chasing the sheep. He also commented that after catching the dogs he had noted that they were both wet and had blood on them with one of the dogs also having feathers and wool stuck to it.

Mr Mathieson responded to questions.

In response to a question, Ms Bunt advised that if the Committee decided to rescind the dog classification and another similar incident occurred then this incident could not be given any consideration – it would be like this incident had never happened.

### ***Submission from the Appellant***

Michaela Anderton spoke to her tabled evidence which included:

- One of the witnesses had only seen the dogs running along the track by the Tomahawk Lagoon and had not seen her dogs attack or cull any swans. She commented that the swans could have been killed anytime between the 1 June and 3 June when the photographs with the agenda had been taken.
- Concerns that the swans had been included after previously being advised that they would not be.
- There was no proof that the photographs of the swans had been taken on 1 June 2024, the date of the incident.
- There was no photographic evidence from the complainant showing any puncture wounds that had been sustained by the sheep. Also there was no evidence from the freezing works kill sheet when the sheep had been sent along with no visual sighting of the kill sheet.

- The photographs that had been tabled and taken at the time the dogs were collected from the pound showed no evidence of blood on either dog or their collars.

Ms Anderton advised that she had explored appropriate dog training options and had been advised this would provide an excellent opportunity to ensure that they had control over the dogs in all future occasions.

Ms Anderton requested that the Committee give consideration to rescinding the menacing dog classification as she felt there was insufficient evidence from the witnesses and in her view poor procedures within the DCC Animal Control Department.

Ms Anderton responded to questions.

### ***Staff Reply***

The Team Leader Animal Control (Cazna Savell) responded to questions which included the previous and current infringements and the meeting that she had had with the appellant.

In response to a question regarding the process for impounding of the appellant's dogs, the Animal Control Officer (Janine Day) advised that Armourguard (DCC's Contractor) collected the dogs who met her at the pound then she photographed the dogs before they were impounded. Ms Day commented that this was the normal Council procedure for all impoundments.

Ms Day also responded to questions regarding her assessment matrix.

Ms Bunt responded to questions on the Dog Control Act and what Council as the Territorial Authority had the ability to do.

Moved that the Committee (Cr Kevin Gilbert/Cr Andrew Whiley):

That the Committee:

**Adjourns** the meeting.

**Motion carried**

The meeting adjourned at 10.35 am and reconvened at 10.43 am.

### ***Appellant Reply***

Ms Anderton reiterated her request that the Committee rescind the Menacing Dog Classification for her two dogs River and Charlie.

Moved (Cr Kevin Gilbert/Cr Sophie Barker):

That the Committee:

**"That the public be excluded from the following parts of the proceedings of this meeting, namely, Item 1.**

**The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:**

	<b>General subject of each matter to be considered.</b>	<b>Reason for passing this resolution in relation to each matter.</b>	<b>Ground(s) under section 48 for the passing of this resolution.</b>
1	<b>Objection to Dog Classification</b>	<b>That a right of appeal lies to any Court or Tribunal in these proceedings.</b>	<b>Section 48(1)(d)</b>
	<b>Motion carried (HEAR/2024/007)</b>		

The meeting went into non-public at 10.55 am and concluded at 11.18 am.