



Order Paper for a meeting of the

Hearing Panel

To hear an

**Appeal against
Dangerous Dog Classification
Pursuant to the Dog Control Act 1996**

to be held on

Friday, 4 April 2025

commencing at 10.00am

In the

Council Chambers, 10 Gorge Road,
Queenstown

9.12 Items of business not on the agenda which cannot be delayed | Ngā take kāore i runga i te rārangi take e kore e taea te whakaroa

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with the item and the Chairperson provides the following information during the public part of the meeting:

- (a) the reason the item is not on the agenda; and*
- (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.*

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda | Te kōreorero i ngā take iti kāore i runga i te rārangi take

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

REFERENCE:

Queenstown Lakes District Council Standing Orders adopted on 17 November 2022 and revised on 15 February 2024.

Queenstown Lakes District Council

Hearing Panel

Panel to Hear Objection to Classification of a Dangerous Dog

Councillor Bartlett

Councillor Ferguson

Councillor Cocks

Hearing Panel to hear appeal under Dog Control Act 1996 4 April 2025

Agenda for a meeting of a Hearing Panel to hear an appeal against a classification under the Dog Control Act 1996 be held in the Council Chambers, 10 Gorge Road, Queenstown on Friday April 2025 commencing at 10:00am

Item	Page	Report Title
		Election of Chairperson
		Apologies
		Declaration of Conflicts of Interest
		Confirmation of Agenda
1		Objection to Classification as Menacing Dog
	5	Officer report

Hearing Panel

4 April 2025

Department: Assurance, Finance & Risk

Title | Taitara: Objection to classification of Dangerous Dog

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to provide background information to inform the Council's decision to uphold or rescind the classification of Thad as Dangerous under the Dog Control Act 1996.

Recommendation | Kā Tūtohuka

That the Dog Control Committee:

Note the contents of this report; and

Either

Uphold the classification of Thad as a dangerous dog under the Act

Or

Rescind the classification of Thad as a dangerous dog under the Act.

Prepared by:



Name: Lani McIntosh
Title: Animal Control Officer
16 January 2025

Reviewed and Authorised by:



Name: Anthony Hall
Title: Regulatory Manager
18 March 2025

Context | Horopaki

Dog Ownership Details

Dog details	Owner	Person in charge at the time of incident	Registration Status
Thad Animal ID: 60437 Catahoula Leopard	Cameron Macdonald	Cameron Macdonald	Tag number: 000420 Registration year: 2024/25 Certified as Desexed

Background

- On 5 November 2024 at approximately 1600, Witness 1 (Victim) was walking his 12-week-old Golden Retriever, [REDACTED] with animal ID [REDACTED] on leash along [REDACTED]. The victim has provided detailed statements confirming that a dog (identified as Thad, a 5-year-old male, brown/Catahoula Leopard, animal ID 60437) attacked him.
- The Victim confirmed the following sequence of events:
 - As the Victim was walking past [REDACTED], the dog, subsequently identified as Thad ran out from its owner's property and charged at him and puppy.
 - The dog proceeded to bite him multiple times as he held his puppy to his chest to protect him. The dog was snarling and growling and left him with bite marks on his arms and his face.
 - The dog's owner emerged from the property, intervened to pull Thad off the Victim, and offered an apology for the incident.
 - Following the attack, the Victim's face and arms were covered in blood and he sought urgent medical treatment at the hospital.
 - Medical records confirm that he presented with multiple dog bite wounds and lacerations on both forearms and the right side of his face. He received antibiotics, and a tetanus shot. The records report injuries that were consistent with dog bites.
 - The Victim described the attacking dog as a large, light-brown, short-haired dog with white paws, believed to be a Boxer-cross breed.
- The Victim has provided photos of his injuries that match the above descriptions and his medical records. The photos are time stamped (**Attachment E – bundle**) which accords with the date and time that the victim and Mr Macdonald estimate the incident happened in their statements.

4. Thad is legally owned by Mr Cameron Macdonald, who was interviewed shortly after the incident and confirmed he was in charge of his dog at the time. In a statement to the Animal Control Team shortly after the incident, Mr Macdonald states that he saw his dog Thad standing near the Victim (“right beside” him). He does not deny that the attack took place but says he did not see Thad bite the victim.
5. In a subsequent interview on 11 November 2024, the Victim confirmed that his wife visited Mr Macdonald’s property to take photographs of the dog and his owner. The Victim has provided a copy of these photographs to the Animal Control Team (**Attachment K – Bundle**) stating this is the dog that attacked him.
6. **Statutory Declaration:** On 16 November 2025, the Victim provided a statutory declaration restating his account of the incident. In the declaration, he confirmed:
 - a. He was walking his 12-week-old puppy on the day of the incident.
 - b. A Boxer-cross dog ran down the driveway and attacked him and his puppy.
 - c. He sustained bite wounds to both forearms and the right side of his face.
 - d. The individual in charge of the dog apologized for the incident.
 - e. He received medical treatment at Queenstown Emergency Department, where he was administered antibiotics and a tetanus shot.
7. Notwithstanding the dog owners’ statement that he did not witness the attack, there is a sworn statement made under oath that the attack took place. A sworn statement is stronger evidence than an unsworn statement and this is relevant to the determination of what events is credible.
8. Further, the Victim’s medical records and photographs provide contemporaneous proof of an attack. Further, he provided a description that matches Thad and has subsequently identified him as the attacking dog.

Analysis and Advice | Tatāritaka me kā Tohutohu

Classification Decision

1. Council received the Victim’s sworn statement dated 17 November 2024, that detailed the attack.
2. Section 31(1)(b) of the Dog Control Act 1996 (the Act) requires Council to classify a dog as dangerous where it has reasonable grounds to believe, based on sworn evidence, that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.
3. Based on the Victim’s sworn statement (**Attachment J –Bundle**) QLDC officers, acting under delegated authority, classified Thad as a dangerous dog.

4. Officers considered the matter and applied the legal test under s31(1)(b) of the Act in determining to classify Thad as a dangerous dog.
5. Analysis of the decision is outlined in the Officer's Report as follows:

"on the basis of sworn evidence attesting to aggressive behaviour of the dog on 1 or more occasions, QLDC has reasonable grounds to believe the dog constitutes a threat to the safety of any person, stock, poultry domestic animal or protected wildlife." **Attachment A – Bundle**

Notification of decision

6. QLDC notified the **owner** that Thad had been classified as Dangerous on 29 November 2024. The letter and notice sent to the **owner - Attachment B and C – Bundle** explain the effects of the classification.

Objection to Classification

7. Section 31(3) of the Act states that *"If a dog is classified under section 31(1) as a Dangerous dog, the owner may, within 14 days of the receipt of the notice of that classification, object to the classification in writing to the territorial authority and has the right to be heard in support of the objection"*.
8. QLDC received an objection from Mr Macdonald to the dangerous classification of Thad on 11th December 2024. Mr Macdonald wishes to be heard – **Attachment L – Bundle**.
9. Section 31(4) of the Act requires that QLDC is required to decide whether to uphold, or rescind, the classification of Thad following the hearing.

Discussion

10. In considering the objection to the classification, Council may either uphold or rescind the classification after having regard to the section 31(4) factors.
11. The sole question the panel must determine is **whether the dog constitutes a threat** to the safety of any person, stock, poultry, domestic animal, or protected wildlife. This determination must be based on objective evidence (like sworn statements, reports, and the specific facts of any incidents) of aggressive behaviour and the dog's potential to harm others. If the dog constitutes a threat, classification must follow.

12. Section 31(4) of the Act provides that in determining whether to uphold or rescind the classification, Council shall have regard to:

- a. the evidence which formed the basis for the original classification; and
- b. any steps taken by the owner to prevent any threat to the safety of persons and animals; and
- c. the matters advanced in support of the objection; and
- d. any other relevant matters.

Options

13. In considering the objection to the classification, Council may either uphold or rescind the classification after having regard to the section 31(4) factors but the decision **must** be based on whether the dog poses a threat.

14. Option 1: **Uphold** the classification of Thad as a dangerous dog under the Dog Control Act 1996. The Panel may uphold the classification if its remains satisfied that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife, based on objective evidence.

Advantages:

- The effects of the original classification will remain in force.
- Thad will be required to be muzzled when outside of the escape proof enclosure which will protect any future escapes from the property and any subsequent attacks.
- Council will be discharging its duties under the Dog Control Act 1996 and will be sending a message to all dog owners about dog control where it relates to public safety.
- The requirements of the dangerous dog classification are designed to prevent this type of attack happening again.

Disadvantages:

- There are no disadvantages to Council. Public safety is a priority. However, the dog owner may feel aggrieved, but this is not a reason to rescind a properly considered decision.

15. Option 2: **Rescind** the classification of Thad as a Dangerous dog under the Act. The Panel may **only** rescind the classification if satisfied that the dog **does not pose a threat** to the safety of any person, stock, poultry, domestic animal, or protected wildlife, based on objective evidence.

Advantages:

- The dog owner will be pleased with the outcome. This is, however of little relevance to the Council in its role.

Disadvantages:

- There is a potential for Thad to attack in future, and Council would not have acted in accordance with its duties under the Act.
- Public confidence in the regime could be undermined where a decision, based on evidence, is rescinded. Particularly where there are no relevant advantages to Council or the public in rescinding the Classification.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

16. The Hearings Panel, with a quorum of three Councillors, whose powers are set out in the Delegations Register, must hear any objections lodged under the Act.

17. Section 31 of the Act states:

(4) In considering any objection under this section, the territorial authority shall have regard to—

(a) the evidence which formed the basis for the classification; and

*(b) any steps taken by the owner to prevent any threat to the safety of persons and animals;
and*

(c) the matters advanced in support of the objection; and

(d) any other relevant matters.

18. The Council must consider the matters set out at s 31 of the Act in respect of each objection and must make a decision in respect of the classification of Thad. These differ from the legal test that council officers considered when classifying Thad under s 31(1).

19. The Council shall give notice of its decision on any objection, and the reasons for its decision, to the **owner** as soon as practicable: *Section 31(5) of the Act.*