

HUTT CITY COUNCILOBJECTION TO A MENACING DOG CLASSIFICATION  
HEARINGS SUBCOMMITTEE

Minutes of a Hearing held in the Council Chambers,  
2nd Floor, 30 Laings Road, Lower Hutt on  
**Tuesday 22 July 2025 commencing at 2.04 pm**

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**PRESENT:** Cr S Edwards (Chair) Cr C Parkin  
Cr T Stallinger

**APPEARANCES:** J Ward, Dog Owner  
J Quinn, Submitter in Support of Dog Owner  
V Van Dooren, Senior Animal Control Officer  
S Lightfoot, Animal Control Officer  
M Dunn, Solicitor  
J Young, Democracy Advisor  
H Clegg, Minute Taker

PUBLIC BUSINESS**1. OPENING FORMALITIES - KARAKIA TIMATANGA**

|                              |                                                  |
|------------------------------|--------------------------------------------------|
| Whakataka te hau ki te uru   | <i>Cease the winds from the west</i>             |
| Whakataka te hau ki te tonga | <i>Cease the winds from the south</i>            |
| Kia mākinakina ki uta        | <i>Let the breeze blow over the land</i>         |
| Kia mātaratara ki tai        | <i>Let the breeze blow over the ocean</i>        |
| E hī ake ana te atakura      | <i>Let the red-tipped dawn come with a</i>       |
| He tio, he huka, he hau hū   | <i>sharpened air.</i>                            |
| Tihei mauri ora              | <i>A touch of frost, a promise of a glorious</i> |
|                              | <i>day.</i>                                      |

**2. APOLOGIES**

There were no apologies.

**3. CONFLICT OF INTEREST DECLARATIONS**

There were no conflict of interest declarations.

The Chair advised that he owned a dog, which did not constitute a conflict of interest.

#### 4. HEARING FOR OBJECTION TO MENACING DOG CLASSIFICATION

Report No. HSC2025/3/173 by the Principal Animal Control Officer

##### **Background**

An objection was received from the owner of the dog, "Mahi," regarding the classification of his dog as a menacing dog under section 33A of the Dog Control Act 1996 ("the Act").

##### **Statutory Considerations**

In terms of the Dog Control Act 1996, section 33A of the Act provides that a territorial authority may classify a dog as a menacing dog if –

- (1) *This section applies to a dog that –*
  - (a) *has not been classified as a dangerous dog under [section 31](#); but*
  - (b) *a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of –*
    - (i) *any observed or reported behaviour of the dog; or*
    - (ii) *any characteristics typically associated with the dog's breed or type.*
- (2) *A territorial authority may, for the purposes of [section 33E\(1\)\(a\)](#), classify a dog to which this section applies as a menacing dog.*
- (3) *If a dog is classified as a menacing dog under subsection (2), the territorial authority must immediately give written notice in the prescribed form to the owner of –*
  - (a) *the classification; and*
  - (b) *the provisions of [section 33E](#) (which relates to the effect of classification as a menacing dog); and*
  - (c) *the right to object to the classification under [section 33B](#); and*
  - (d) *if the territorial authority's policy is not to require the neutering of menacing dogs (or would not require the neutering of the dog concerned), the effect of [sections 33EA](#) and [33EB](#) if the owner does not object to the classification and the dog is moved to the district of another territorial authority.*

Section 33B provides dog owners with an opportunity to object to the classification of their dog. It requires the territorial authority, in considering any objection, to have regard to the evidence which formed the basis for the original classification, any steps taken by the owner to prevent any threat to the safety of persons and animals, the matters advanced in support of the objection and any other relevant issues.

Section 33E specifies the restrictions that apply to a dog classified as menacing. Section 33EA confirms that a menacing classification for a dog is enforceable across the whole of New Zealand. Section 33E(b)(i) provides for a Council to require certification that a dog classified as menacing is or has been neutered.

Section 33EC lists the offences and consequences if a dog owner fails to comply with the classification requirements.

The Hutt City Council's Dog Control Policy 2015, in section 3.5, specifies that all dogs that have been classified as menacing must be neutered or spayed:

***"3.5 MENACING DOGS – REQUIREMENT TO BE NEUTERED***

*3.5.3 It is Council policy in all cases where dogs are classified as menacing because of their breed (ie because they are one of the breeds of dogs specified in the 4th Schedule to the Act) or behaviour to require evidence that the dog has been neutered or is unfit to be neutered by the specified date."*

The territorial authority may uphold or rescind the classification, and is required by section 33B(3) of the Act to give notice of its decision and the reasons for its decision to the owner as soon as practicable.

**Evidence on behalf of Council's Animal Services team**

The Senior Animal Control Officer mentioned that the complainant was unable to attend the hearing due to the date change, so a written statement was submitted instead, which was tabled at the hearing. Additionally, another written statement from a previous complainant regarding the dog named 'Mahi' was also submitted. The members carefully read both written statements.

The Senior Animal Control Officer reported that the most recent complaint about Mahi was not an isolated incident. Since 2023, a total of 39 complaints have been received from 10 different individuals regarding Mahi. These complaints have cited various issues, including excessive barking (both when the owner was home and when he was not), aggressive behaviour, and a report concerning a lost dog from the owner.

At the request of members, video footage from a security guard who responded to a complaint about Mahi on 22 February 2025 was presented. The incident occurred at 6.20pm and captured Mahi barking aggressively and growling behind a front chain-link fence, which was approximately 1.8m tall, on the property. The security officer waited behind the open car door until the dog owner arrived and Mahi had calmed down. During their conversation, the dog owner stated he was unaware Mahi had escaped into a neighbouring property and that a complaint had been lodged. He confirmed that Mahi was now secure on the premises and explained that he was in the process of building and repairing all the boundary fencing. Additionally, he mentioned that he was constructing a run for Mahi in the rear of the property.

To clarify and in response to a member's question, the dog owner confirmed that the driveway alongside his property was shared among nine properties, including his own. All property owners used this driveway for vehicle and pedestrian access to the main road.

In response to questions from members, the Senior Animal Control Officer mentioned that contacting the dog owner had been highly challenging. She explained that Mahi was seized in August 2023 following a complaint about the dog's welfare, and the SPCA was involved in the case. The SPCA inspected the property and expressed concerns regarding the condition of Mahi's shelter, which led to the dog being removed and taken to the pound. She confirmed that the issues related to Mahi's shelter had been resolved to the SPCA's satisfaction. She also noted that a different individual had come to the pound to collect Mahi, claiming to be the dog's owner. As a result, all correspondence regarding Mahi was sent to this person for a time. However, he was also challenging to reach, and officers believed that J Ward was the actual legal owner of Mahi.

In response to questions from members, the Senior Animal Control Officer noted that the initial complaints regarding Mahi were related to the dog being uncontrolled. She acknowledged the fencing that the dog owner had installed, and mentioned that as a result, the number of complaints about Mahi had decreased. However, she added that when Mahi was outside of his property, he exhibited territorial behaviour around the front gate, causing people to feel threatened as they used the driveway. It seemed that Mahi viewed the driveway as his territory. The officer further explained that despite the fences being built, Mahi still managed to escape the property and continued to bark, especially at night. She had compiled a file of complaints from various neighbours who were concerned about the persistent barking. She believed this behaviour might be a result of anxiety on Mahi's part, as it appeared he was often home alone.

The Senior Animal Control Officer reported that she and the Animal Control Officer visited the dog owner to guide building secure fencing for his sloping property, as well as to offer training tips for the dog, Mahi. Despite these efforts, Mahi continued to escape from the property, leading to further complaints. The officer confirmed that Control Notices and subsequently Infringement Notices had been issued, but there had been little response from the dog owner. It was determined that the officers had exhausted all available enforcement options, so an escalated response to the complaints about Mahi was deemed necessary. Consequently, they issued a Menacing Dog classification. The officer noted that the dog owner only seemed to take action when it was clear that serious consequences were likely to follow.

In response to questions from members, the Senior Animal Control Officer explained that the recent seizure of Mahi had lasted for 23 days. Initially, the dog owner's partner came to pick Mahi up, and the dog owner was visible in the vehicle but did not exit it. The officer clarified that Mahi could only be released to the registered owner. Since the dog owner did not enter the premises, Mahi remained at the pound for an extended period. After 23 days, the dog owner contacted the Animal Control Division but refused to speak with the officer and requested to deal only with the Principal Animal Control Officer. Arrangements were then quickly made to release Mahi to the dog owner's custody. The officer affirmed that she did not believe the owner was unconcerned about the length of Mahi's stay at the pound and was uncertain why it took so long for Mahi to be retrieved.

In response to questions from members, the Animal Control Officer explained that unneutered male dogs typically had higher levels of testosterone, which could lead to increased aggression compared to neutered dogs. However, she emphasised that this was not always the case. She also shared her observation of Mahi displaying aggressive behaviour. Furthermore, she noted that neutering an animal would prevent it from breeding with other dogs. The officer clarified that a dog classified as menacing was required to wear a muzzle in public areas, but this requirement does not apply when the dog was on its property.

In response to questions from members, the Animal Control Officer explained that dogs exhibit various aggressive behaviours depending on the situation. She noted that they typically showed territorial aggression within their territory. Furthermore, she confirmed that outside of Mahi's marked area, he was not aggressive. She also supported the dog owner's statement that Mahi was well-behaved in a crowd of 40,000 people and at a dog-friendly venue.

In response to questions from members regarding how secure the dog owner's property was, the Animal Control Officer advised that the dog owner had completed securing the front and rear portions of his property; however, there appeared to be a portion of the side of the property that was not dog-proof. She said that if Mahi escaped through one of the three doors leading into this area, he could leave the property unhindered.

In response to further questions from members, the Senior Animal Control Officer confirmed there had been no complaints received of any physical contact from Mahi against a person, and that Mahi was entitled to run up to his gate snarling. She also confirmed that Mahi had not become less aggressive over time, and that Animal Control officers feared for what could happen if Mahi continued to be aggressive and continued to escape his property. She reiterated that it appeared Mahi believed the driveway was his property.

### **Evidence of the Complainant**

The complainant did not appear at the hearing. It was recorded that the written statements were read by the members, along with supporting statements from other complainants.

### **Evidence on behalf of the Dog Owner and Supporter**

The dog owner addressed the concerns raised by the Animal Control Officers and the complainant. He pointed out that the complainant incorrectly referred to the driveway as "theirs" when it was a shared driveway, giving both parties equal rights to it. The dog owner expressed significant distress over the lengthy time that Mahi had spent in the pound. He assured the subcommittee that Mahi had adequate shelter and access to water at the back of his property, which was in place when the SPCA had visited.

The dog owner questioned the validity of several complaints against Mahi. He stated that the video evidence presented at the hearing showed Mahi aggressively protecting his property at the front gate, which was secured by a chain-link fence that he could not get under, over, or through. He also mentioned his intention to attach a visual barrier to the gate, so that no one walking along the driveway could see Mahi and vice versa.

The dog owner firmly believed that Mahi should not be muzzled in public. He emphasised that Mahi had shown excellent behaviour in a crowd of 40,000 people, during which strangers frequently petted him. Additionally, Mahi remained well-behaved at an establishment for several hours afterwards.

The dog owner mentioned that his large property was situated on a hillside, and he intended to install 1.8m high fences around all its boundaries. He confirmed that this included the front yard. Additionally, he had built a secure 20 square metre dog run area at the back of the property, which was twice the recommended size. However, he felt that this space was still too small for Mahi to be confined in for extended periods. Therefore, he preferred to allow Mahi to run freely in the secure front yard.

The dog owner explained that the last time Mahi escaped the property was when an external bedroom door leading to a deck had been left unlocked. A flatmate, unfortunately, let Mahi out, and he was unaware of this at the time because he was occupied. He later went out onto the deck once he was able to.

The dog owner responded to another written complaint by stating that he was unaware a neighbour had come to his front gate. His flatmates mentioned that a friend had been present and that he did not believe he needed to be at the front gate. He added that, if he had known a neighbour was there, he would have approached him for a friendly conversation. Regarding another complaint, he recounted an incident where the complainant yelled at him while he was on his rear deck. He confirmed he had informed the neighbour that he would come to talk with him. However, he said the neighbour made a threatening remark to him, stating that he possessed a gun and would use it on Mahi, which led the dog owner to take time to consider how he should approach the situation.

In response to the Animal Control Officers' concerns that he did not enter the pound, the dog owner explained he was traumatised and upset and was struggling to deal with the situation. He indicated that he perceived the conduct of one of the officers as unprofessional, which led him to deal with the Principal Animal Control Officer.

The dog owner read from a prepared letter, stating Mahi was a lovely dog who listened well and was happiest when travelling in a vehicle. He added that Mahi had a calm and gentle nature, and he had no concerns about introducing Mahi to his five year old daughter. The dog owner mentioned that Mahi had previously left the property through an unlocked door, but assured that it would not happen again. He reiterated that he was continuing to fence his entire quarter-acre property with 1.8m high fences, so that once it was fully secured, Mahi would not be able to escape again. He also noted that Mahi had never bitten anyone and was comfortable in crowds and other environments.

The dog owner apologised for Mahi scaring his neighbours and stated he was doing his best to prevent this from happening again. He informed members that Mahi was enrolled in Dog Obedience training starting in September and that Mahi was not a menacing dog. The dog owner tabled written statements in support and called on a supporter to elaborate on his support.

The supporter advised that he had known the dog owner for the past 10 years. He acknowledged that, to strangers, Mahi might appear aggressive. He stated that the dog owner was complying with all the requirements set by the Animal Control officers, and that he and other friends had assisted with the fence-building projects. He added that he, along with other friends, including children, had spent time around Mahi without any issues with Mahi's behaviour. He pointed out that some of the complaints about Mahi might stem from the construction of the boundary fences, which could be causing problems for some neighbours. He had witnessed several instances where neighbours hit objects against the fence to provoke Mahi.

In response to questions from members, the supporter stated it was a trying situation with the shared driveway.

In response to questions from members, the dog owner could not remember the most recent incident referred to by the complainant, in which Mahi had escaped four days after a prior escape. He believed that Mahi's escapes were no more frequent than those of any other dog. The dog owner noted that in 2023, he had removed Mahi from his property for seven months while he installed secure fencing. Mahi did not return until the front yard was completely secure.

In response to questions from members, the dog owner explained that he had experienced multiple incidents of hostility with his neighbours regarding the behaviour of his dog, Mahi. He shared an incident where a neighbour across the street filmed him while he was in his front yard and mentioned that a rope noose had been thrown onto his deck. He also stated that the fencing around his property was intended to provide him with privacy and peace of mind. He concluded that he strongly objected to Mahi being classified as a menacing dog, as he did not believe he met the criteria for such a classification. Additionally, he said that muzzling or neutering Mahi was unnecessary.

**Response from the Council's Animal Services regarding the dog owner's case.**

The Animal Control Officer confirmed that all complaints related to Mahi were valid. She stated that Animal Control officers acted only on evidence and that there was sufficient evidence to respond to each complaint received. She reiterated that they had exhausted all graduated enforcement efforts and had now reached the limits of their approach regarding Mahi. She noted that it seemed the dog owner only took action when extreme measures were suggested. She explained that the video presented at the hearing demonstrated Mahi's territorial behaviour. Furthermore, she mentioned that the evidence on record indicated that Mahi could still exit the property without hindrance. She acknowledged the dog owner's intention to secure the property thoroughly and to install a visual barrier at the front gate. She emphasised that it was the responsibility of Animal Control officers to keep the public safe, which they would continue to do about Mahi.

**Response from the dog owner regarding Council's Animal Services case**

The dog owner stated that he was fully aware of the responsibilities that came with being a responsible dog owner, as well as the implications of having a dog classified as menacing. He acknowledged the complaints regarding Mahi's barking and mentioned that hearing any dog bark now made him anxious. He expressed his intention to build a visual barrier for the front gate, which would protect both people from Mahi's behaviour and Mahi from being harassed. Additionally, he noted that some of his neighbours were also dog owners, and he had grounds to file complaints about their behaviour. However, he chose not to do so, preferring to address issues through polite conversation.

The Chair thanked all parties for their attendance and submissions at the hearing.

After the public hearing, the Subcommittee adjourned to deliberate at 3.15pm.

**Deliberations**

The following members were present: Councillor Simon Edwards, Councillor Chris Parkin and Councillor Tony Stallinger. The Solicitor attended the deliberations to provide legal advice when needed.

Members agreed that the classification of a menacing dog had been carried out in accordance with the law. Members also agreed they had not been presented with any exceptional circumstances that would warrant reconsideration of the classification.

Members agreed that the Animal Control team had exhausted all graduated enforcement options and that classifying Mahi as a menacing dog was the only remaining course of action to manage his behaviour. They acknowledged that this classification was not made lightly by the Animal Control officers and was not a common occurrence. They also noted the numerous serious complaints from various complainants regarding Mahi's aggressive behaviour. Members commented on the video screened during the hearing, which showed Mahi's aggressive behaviour when the dog owner was not present. They expressed gratitude that a chain-link fence had prevented Mahi from escaping in that situation.

The members acknowledged that the dog owner had made genuine efforts to address the situation. However, they noted that these efforts had taken too long to complete, and it appeared that the dog owner only took action when faced with the threat of serious consequences. They also observed that it was taking an extended period for the dog owner to fully secure and dog-proof his property, and complaints against Mahi were still ongoing from 2023.

The members recognised that the dog owner had a large property with a long boundary. Still, they expressed concern that Mahi's territorial behaviour could lead to unintended consequences if he escaped and confronted someone in the shared driveway. It seemed that Mahi regarded the shared driveway as his territory, as he had marked it whenever he managed to escape.

Members noted that the dog owner had the option to keep Mahi in the secure 20m<sup>2</sup> run he had built in the rear of the property. However, the dog owner felt that this area was too small for Mahi to be left in, even though it met the requirements set by the SPCA and the Animal Control officer. They also considered the possibility that Mahi might be taunted by the neighbours, which could contribute to his aggressive behaviour. They acknowledged the difficult relationship the dog owner had with his neighbours. They discussed whether secure fencing was the only necessary action, especially since Mahi had exhibited exemplary behaviour while off-site and under control among many strangers and crowds. However, they agreed that Mahi's territorial aggressiveness also needed to be addressed.

Members further discussed that neutering could help calm an aggressive male dog. However, the dog's owner was unwilling to have Mahi neutered. The members expressed concern that if Mahi escaped again, the lack of full security on the property could lead to serious harm for a passerby, resulting in more severe consequences for Mahi. They emphasised the duty of care that the Animal Control officers have to ensure public safety, especially considering the genuine fears expressed by the neighbours in their numerous complaints.

The Solicitor referenced an article in the Otago Daily Times, which reported that the Dunedin City Council Subcommittee had resolved to keep the menacing dog classification in effect until the dog completed the required training. Members discussed this matter, noting that according to the Hutt City Council's Dog Control Policy 2015, a dog classified as menacing must be neutered within one month of the classification being confirmed. The members did not have the authority to reverse that requirement.

The members noted that once the conditions for neutering, fencing and dog obedience training were met, the classification could be lifted. They discussed the possibility of setting a timeframe for these conditions, but emphasised that it was in the best interest of the dog owner to comply as quickly as possible. This would enable Mahi to be free from wearing a muzzle in public.

The members observed that neutering an aggressive male dog typically helped to calm its temperament. Research had indicated that it was possible to train a dog to be less territorially aggressive. They also discussed the importance of having a fully fenced and secure property to prevent Mahi from escaping.

### **The Decision of the Subcommittee**

In considering the matter, members took the following factors into account:

- the Animal Control team provided compelling evidence, including the video footage screened during the hearing, the report from the Animal Control officer and the file held on Mahi detailing a total of 39 previous complaints from 10 different individuals, specifically regarding barking or aggressive behaviour.
- the matters raised by the latest complaint that led to the classification of the menacing dog being applied to Mahi.
- the dog owner was taking several steps to prevent Mahi from escaping his property. These measures include a commitment to fully fence and secure the property, installing a visual barrier for the front fence, and ensuring that all exterior doors leading from the house to the property were kept locked at all times.
- the dog owner had taken at least two years to dog-proof his property, but during this time, Mahi continued to escape and threaten other people.
- Mahi did not display any aggression in public settings, whether in crowded situations or around strangers.
- the evidence provided in support of the objection included the dog owner's additional supporting statements.

The members concluded that Mahi exhibited territorial aggressive behaviour and could leave his property, displaying threatening behaviour towards neighbours while off his land. Additionally, the members noted that Mahi had a longstanding history of serious complaints registered against him.

**RESOLVED:** (Cr Edwards/Cr Parkin)**Minute No. HSC 25301***"That the Subcommittee:*

- (1) *notes the provisions of the Dog Control Act 1996 which apply to the classification of a dog as a menacing dog;*
- (2) *notes the evidence of the Animal Control Officer, which led to the classification being imposed;*
- (3) *notes the verbal and written objection by the owner of the dog;*
- (4) *notes the written evidence of the complainant;*
- (5) *notes any other matters relevant under Section 33B of the Act; and*
- (6) *pursuant to section 33B(2) of the Dog Control Act 1996, **UPHOLDS** the menacing classification of the dog "Mahi", until such time as:*
  - a) *the fencing of the owner's entire property is to a standard that meets the approval of the Animal Control team;*
  - b) *Mahi is neutered, and Animal Control officers have certification confirming this; and*
  - c) *Mahi has completed obedience training, which includes addressing and mitigating territorial aggressive behaviour."*

**REASONS**

- members acknowledged that the dog owner had taken steps to minimise the potential for Mahi to escape his property, and he believed that Mahi posed no danger to the public when under control.
- there have been several serious complaints against Mahi regarding the dog escaping from his property and not being under the owner's control.
- Mahi can escape from his property, and he became uncontrollable when this happened.
- the decision had been made to ensure the safety of the public.
- Council must enforce the Dog Control Act 1996, the Hutt City Council Dog Bylaw and Dog Control Policy.

**5. CLOSING FORMALITIES - KARAKIA WHAKAMUTUNGA**

Unuhia!  
 Unuhia!  
 Unuhia i te uru-tapu-nui  
 Kia wātea, kia māmā  
 Te ngākau, te tinana,  
 te wairua i te ara takatū  
 Koia rā e Rongo  
 whakairihia ake ki runga  
 Kia wātea, kia wātea!  
 Ae rā, kua wātea!  
 Hau, pai mārire.

*Release us from the supreme sacredness of  
 our tasks  
 To be clear and free  
 in heart, body and soul in our continuing  
 journey  
 Oh Rongo, raise these words up high so  
 that we be cleansed and be free,  
 Yes indeed, we are free!  
 Good and peaceful*

There being no further business, the Chair declared the hearing closed at 3.51 pm.

Cr S Edwards  
**CHAIR**

**CONFIRMED as a true and correct record dated this 11<sup>th</sup> day of September 2025.**