



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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HEARINGS COMMITTEE (DOG HEARING)

Open Minutes Attachments

Objection to Notice of a Menacing Classification

Meeting Date: Friday 22 August 2025

Time: 9.30am – 10.06am

Venue: Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier

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**HEARINGS COMMITTEE (DOGS) DECISION****IN THE MATTER**

of the Dog Control Act 1996

AND**IN THE MATTER**

of an objection against the Classification of dog as Menacing) pursuant to section s33(c) of the Dog Control Act 1996.

BETWEEN**Amanda Moylan**Objector**AND**Napier City Council
215 Hastings Street
Napier 4110Respondent**BEFORE THE NAPIER CITY COUNCIL HEARINGS COMMITTEE (DOGS)**Chairperson: Deputy Mayor Annette Brosnan
Members: Councillors Chrystal and Taylor**HEARING HELD**

at Napier on Friday, 22 August 2025

APPEARANCES:

The Objector	Amanda Moylan
Council's Advocate	Luke Johnson (Manager Regulatory Solutions)
Animal Control Officers	Mike Clark (Animal Control Officer)
Governance Advisor	Carolyn Hunt
Public	Members of the public and press were not present in the gallery

DECISION

Pursuant to: Section 33(a) Classification of dog[s] as
menacing under the Dog Control Act 1996

Introduction and Background:

Prior to the Hearing a minute of the hearings committee was issued, in response to a privacy breach regarding Agenda.

At the Hearing (*Full minutes available*)

1. **Councils Advocate** provided submissions to the committee.

Incident on 20 May 2025 (Triggering Event)

- Location: Outside 152 York Avenue, Greenmeadows.
- Zeus (9-year-old Huntaway cross) and Chewie (4-year-old collie cross) were off-lead in driveway about to get in car.
- Both dogs ran onto the footpath where a lady was walking her two elderly dogs (*Quip*, 12-year German Shepherd; *Chopper*, 16-year terrier).
- Zeus circled behind the lady then latched onto Quip's face/neck, pinning her to ground.
- Lady described Zeus as repeatedly grabbing, growling, pressing Quip's head into the footpath.
- Onlookers intervened to separate. Quip received a cut under her eye.
- Lady reports her and dogs were left shaken.
- Zeus was removed back behind the gate.

Zeus's History (Council records)

- 20/08/20 – Warning: chased postal worker
- 01/05/21 – Verbal warning: chased postal worker
- 29/12/21 – Verbal warning: chased postal worker
- 22/03/22 – Infringement: rushed elderly woman on scooter
- 23/03/22 – Infringement: rushed two postal workers

Pattern: repeated aggressive rushing, mostly at the property boundary.

Attack Rating Evaluation

- Score = 28 → Meeting Threshold for *Menacing Classification*
- Factors:
 - Seriousness: 8 (injury to pet, not fatal)
 - Negligence: 4 (dogs off-lead at front boundary, foreseeable risk)
 - Previous history: 3 (aggressive history)
 - Owner knew risk: 2 (aware of prior incidents)
 - Recurrence likelihood: 2 (highly likely unless restrained)

Officer Recommendation: classify as *menacing* and issue infringement for bylaw breach.

Complainant's Correspondence

- Stated attack was frightening, left her shaken.
- Concern for elderly dogs, especially Quip.

2. **Animal Control Officers** provided submissions to the committee,

3. **The Objector** provided submissions to the committee.
Objector's Case (Amanda Moylan)
 1. **General Characterisation of Zeus**
 - o Family pet, loved and cared for.
 - o Friendly and affectionate, no aggression when walked in parks or by river.
 - o Past incidents were years ago, related to chasing wheels; measures since taken (solid gate, fencing, locks).
 2. **Account of Incident**
 - o Zeus was about to get in car, not leashed.
 - o Coincidental timing: Quip walked past at that moment.
 - o Says Zeus has habit of barking at cars/bikes/dogs from inside fence.
 - o Believes this was overexcitement rather than aggression.
 - o Emphasises: **no bite occurred**.
 - o Was upset at the public's intervening aggressive / confrontational approach directly following and believed it to be disproportionate to the incident
 3. **Relevant Matters**
 - o Moylan stated she was "extremely tired" due to caring for unwell daughter.
 - o Produced health records proving child had ED visits for respiratory illness around that time.
 - o Says this contributed to poor judgment and routine disruption.
 4. **Commitments/Steps**
 - o Will leash Zeus when taking to car in future.
 - o Already has fencing, gate, locks, signage.
 - o Willing to implement further measures.

Legislation:

4. Under s33B of The Dog Control Act 1996 (the Act), the owner has the right to object to the meaning dog classification
5. The Council must hear the objection and have regard to:
 1. The evidence behind the classification,
 2. Steps the owner has taken to reduce risk,
 3. Matters the owner raises,
 4. Any other relevant matters.
6. After considering these, the authority may uphold or rescind the classification. Noting A territorial authority may classify a dog as menacing if:
 - It considers that the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of
 - any observed or reported behavior of the dog, or
 - any characteristics normally associated with the dog's breed or type.
7. This decision document records this process and is served in accordance with section 33(a) of the Act.

Discussion of Evidence

8. The committee gave consideration to all matters circulated as part of the Agenda and discovery, along with the submissions made at the hearing.

9. No consideration has been given to matters raised outside of the hearing process.

10. The committee considered the following in making its decision :

Favouring Upholding Classification

- Repeated pattern of aggression (warnings + infringements).
- Attack involved latching, holding, growling – not just overexcitement.
- Independent witnesses intervened; complainant and dog distressed.
- Incident was preventable if Zeus had been leashed.
- Owner admits knowing dog's habits, yet let him off-lead at frontage.
- Attack rating meeting menacing threshold.
- Legislative intent: to protect the public and other animals from foreseeable risk.

Favouring Rescinding Classification

- Injury was minor (small cut under eye).
- No recorded bites of people or serious injuries.
- Owner has made environmental improvements (gate, fencing).
- Owner demonstrates remorse, acknowledges poor judgment, cites exceptional personal circumstances (tiredness from medical considerations).
- Pledges stronger management (always leashing before car).
- Argues Zeus is otherwise non-aggressive in wider community.

11. Further factors the Committee Considered

- The evidence presented by dog control staff, including the May 2025 attack and Zeus's prior history of rushing behaviour.
- Dog Control Staff's submission that Zeus poses a threat to people and animals, and their assessment that the dog was engaging its prey drive during the incident.
- The view from dog control staff that the classification is correct, given the types of incidents reported and the consistent pattern of behaviour.
- The use of the attack rating matrix as a best-practice, moderated tool for consistency across cases.
- Acknowledgement that the owners appear to be generally responsible and have taken some steps to reduce risk (fencing, gates, locks, and committing to leash use).
- Consideration that, despite these measures, there remains a likelihood that a similar incident could occur again.
- Objector acknowledged she did not see the initial incident and as a result believes there is a need for ongoing restraint, however not in all public places, just while exiting the property
- Recognition of the owner's personal circumstances at the time, and their commitment to further management.

Committee's Conclusions

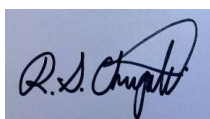
- We noted there were differing accounts of the severity of the attack; however, all evidence indicates Zeus displayed territorial and aggressive behaviour at the time.
- The Committee considers the attack to be territorial in nature, accepts the dog control officers expert view that prey drive had been engaged, and that given the opportunity Zeus is likely to rush an animal again in these circumstances.
- We believe this behaviour is unlikely to be fully trained out of Zeus due to his age.
- The Committee accepts there is a continuing potential for future risk of attack.
- Consistent with the preventative intent of the Dog Control Act 1996, the classification of Zeus as a menacing dog is appropriate to protect public and animal safety.

Decision:

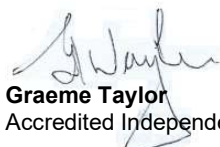
1. Consideration has been given to the evidence of the incident, the dog's history, the steps taken by the owner, the matters raised in objection, and all other relevant circumstances in accordance with section 33B(2) of the Dog Control Act 1996,
2. The Decision of the Committee is to **uphold the classification** of Zeus as a menacing dog under section 33A of the Act
3. The Committee notes that this outcome is consistent with the preventative purpose of the legislation, which is to protect the public and other animals from a foreseeable risk of harm, even where incidents have not resulted in serious injury.
4. This decision document is served in accordance with section 33(a) of the Dog Control Act 1996.
5. Note: Once classified as menacing:
The dog must be muzzled in public.
The Council may also require the dog to be neutered



Annette Brosnan
Chairperson Hearings Committee
Accredited Independent Commissioner



Ronda Chrystal
Accredited Independent Commissioner



Graeme Taylor
Accredited Independent Commissioner

Date: 25/08/2025

Attachment 1 – Minute of the Hearings Chair

Ref: Objection to Menacing Dog Classification, owner 332757

Objection to the notice issuing a Menacing Dog Classification

Issued 12/08/2025

Minute of Direction – Privacy Breach Regarding Agenda

Background

In preparation for the Dog Control Hearing scheduled for Friday, 22 August 2025 regarding the objection to the menacing classification of Zeus (owned by Amanda Moylan), it has been identified that the public agenda released on Council's website included the applicant and her daughter's personal information.

It is agreed by Council staff and the applicant that this information should have been withheld under section 7(2)(a) of the Local Government Official Information and Meetings Act 1987 to protect the privacy of natural persons.

As a result of this disclosure, media outlets have directly contacted the applicant. To maintain fairness, protect privacy, and preserve the integrity of the hearing process, the following directions are issued.

1. Immediate Removal and Secure Circulation

1. The current public agenda must be immediately removed from the public portal.
 2. An unredacted version of the agenda, containing all relevant information for hearing preparation (including personal details), must be issued **immediately and securely** to all Commissioners on the hearing panel.
 3. Council Officers must prepare an amended public agenda with all personal information removed or redacted, ensuring compliance with LGOIMA and the Privacy Act 2020.
 4. The amended agenda must be published to the public portal no less than 2 working days prior to the hearing.
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2. Privacy Breach Reporting

- The Council's Privacy Officer is directed to:
 1. Follow Council's established privacy breach process without delay.

2. Notify the Office of the Privacy Commissioner in accordance with the Privacy Act 2020, including:
 - Section 113 – obligation to notify the Commissioner and the affected individual when a notifiable privacy breach has occurred that poses a risk of serious harm;
 - Section 115 – requirements for the content of the notification to both the Commissioner and the affected individual.
 - The affected individual, in this case Ms Amanda Moylan, must be promptly informed of the breach in a sensitive and accurate manner.
-

3. Process Improvement – Best Practice for Hearings

Council Officers are to prepare a process note to be added to hearings best practice, including:

- Pre- agenda meetings for the hearings committee
 - Publication review of hearings agendas by the governance team / Privacy officer
-

4. Independence of the Hearing Panel

I reaffirm that I, and the other panel members, are acting as Independent Commissioners in hearing this objection under the Dog Control Act 1996. The hearing will be conducted with impartiality, and our decision will be based solely on the evidence and submissions presented.

Conclusion

These actions are required to:

- Protect the privacy of the applicant;
- Ensure Commissioners have the complete unredacted agenda for their deliberations;
- Maintain a fair and impartial hearing process;
- Embed improved safeguards to prevent recurrence of such privacy breaches.

Council Officers must confirm:

- When the revised public agenda will be published;
- When the unredacted agenda has been securely issued to Commissioners;
- When notifications to the Privacy Commissioner and the applicant have been made;
- When the process improvement note will be completed.

Prepared by:

A handwritten signature in blue ink, appearing to read 'Annette Brosnan'.

Annette Brosnan
Hearing Chair

Attachment 2 - Open Minutes

*Under separate cover