
MINUTES
of the
ANIMAL CONTROL SUBCOMMITTEE MEETING

held
2.00pm, Wednesday, 24 April 2024
at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Councillors C Hill (Chair), M Kininmonth and K Maling

In Attendance: Regulatory Manager (S Bruyns) and Administration Officer – Regulatory (S Gourley)

1 OPENING, WELCOME

The Chair opened the meeting with a karakia and welcomed everyone in attendance. She introduced the Subcommittee, staff, Mrs Lisa Wiblin and Mr Michael Wiblin.

The Chair explained the hearing proceedings, Mr Wiblin requested to speak on behalf of Mrs Wiblin.

Mr Wiblin stated that:

- Joy had jumped off his knee and slid on the lino floor, hurting her leg.
- Mrs Wiblin thought it was only a sprain.
- Joy had very young pups, and was only partially weight bearing, this would have meant a vet call out on Boxing Day.
- Joy was caged with the pups.
- A toilet roll was taped to her leg, with some improvements after three weeks, but her leg was still tender.
- A vet appointment was made and they also decided to have health check as this was requested by a potential pup owner. This is normally carried out when pups have their first vaccination.

- The primary reason for the vet visit was to have Joy's leg looked at.
- The vet report dated 21 January 2022 recommended an x-ray if the issue was not resolved.
- Mrs Wiblin decided to have an x-ray done on Joy earlier.
- The vet nurse advised Mrs Wiblin that Joy had a greenstick fracture, Joy was prescribed medication.
- The medication bottle instructed to give the medication for two weeks and then bring Joy back to the vets.
- Mrs Wiblin had not read the medication bottle instructions and Mr Wiblin admitted this should have been done.
- Joy was not taken back to the vet and Dr K Bowron contacted the SPCA.
- The SPCA was contacting them every one to two weeks, advising Mrs Wiblin that she would be going to court, facing a possible fine and prison.
- Mr Wiblin said that Mrs Wiblin's mental health had been greatly affected.
- They sought legal advice and were advised that they had good grounds to fight the case.
- Mrs Wiblin said the vet disclosed their information before the SPCA enacted section 130 of the Animal Welfare Act, which breached the Privacy Act.
- The barrister advised that it would take 18 months for the court process and sentencing and felt Mrs Wiblin should not be put through this, so the advice was to plead guilty.
- In hindsight, if they had known it was a fracture, they would have taken Joy to the vet.
- The SPCA had no other issues with any of their other dogs.
- The disqualification letter from the Council arrived on 22 December 2024.
- They hoped that keeping the four current dogs they had was an option.
- Their 14 year old dog suffered from Cushing's disease and cancer and could not be rehomed and was on medication and not in any pain. Her partner was one of the other dogs they still had.
- The other two dogs went out on the farm with Mrs Wiblin, as she is on medication and the dogs would alert Mr Wiblin if Mrs Wiblin hurt herself.
- They were not going back to dog breeding again after the last four years. This was due to being ostracised by people they had helped
- Stuff News had landed a helicopter on their land illegally, this had been reported to the Civil Aviation Authority and Mr Wiblin was advised on the phone that the pilot was being prosecuted for illegally taking photos.
- Mr Wiblin spoke to the Jan Rae letter and their relationship with her and that she offered to check the dogs.
- They were expecting to have three dogs as Ruby's time was limited
- A kennel licence would not be required with that number of dogs.
- Ruby had a long bond with Mrs Wiblin and did not leave Mrs Wiblin's side when her health was bad.

The Members of the subcommittee asked Mr Wiblin questions:

Cr Maling asked about the history over the years in the report.

Mr Wiblin replied:

- They had experienced run-ins with neighbours and people saying they had seen things and this was not possible as they knew who had been on their property.
- Reports to the Ministry for Primary Industries (MPI) had been made about cattle twice
- Mrs Wiblin called the SPCA, which then called MPI due to the large animal vets being turned against them, to assess two goats that had been a bit on the unwell side. They had been advised to get a vet from Blenheim/Picton.
- A goat breeder was contacted for advice and the goats came right.
- MPI had visited the goats, which had jackets on, and told them that nothing was wrong with the goats.
- Mr Wiblin said they cared about their animals and spent a lot of money on vet bills.

The Chair asked Cr Maling if there was something specific he wanted to know about the timeline.

Mr Wiblin spoke to a couple of complaints on the timeline about barking, wandering on neighbour's property, noise from pigs and turkeys and told of how the neighbours wound the dogs up to bark.

Cr Hill asked about the transferred dogs.

Mr Wiblin replied:

- That this was where the Council had asked them to downsize.
- Mrs Wiblin added that they had previously had 36 dogs, this number was now down to 21 and they were rehomed in a hurry.
- No other dogs had been uplifted, only Joy.
- Mr Wiblin added the SPCA wanted them and had even asked for more dogs.

2 REPORTS

Appeal against Disqualification from Dog Ownership

Regulatory Manager, Shane Bruyns, spoke to the report which was taken as read. He noted that:

- The Council had no choice but to disqualify, as per the Dog Control Act 1996.
- The Dog Control Act 1996 states a territorial authority must disqualify an owner if convicted under the Animal Welfare Act 1999.

The Chair asked if the Subcommittee had any questions for Mr Bruyns.

Cr Maling asked for clarification of some of the visits to the property in the timeline.

The Chair asked what the options available to the Subcommittee for disqualification were.

Mr Bruyns advised that, as the regulator, the Council had to disqualify Mrs Wiblin as a dog owner, but this decision could be appealed.

The Chair asked whether there was anything for further consideration.

Mr Wiblin stated:

- If it wasn't for Mrs Wiblin's ill health, they would have fought the case, and they had been advised by the barrister that they would have stood a good chance.
- They thought they were doing the right thing.
- Joy had a heart murmur and while conducting the x-ray, the SPCA asked Mr and Mrs Wiblin, whether Joy could be desexed.
- They advised the SPCA that Joy could not have an anaesthetic but the SPCA's vet said that she could. Joy had suffered a complication whilst on the table and one of the SPCA staff told them she caused a lot of stress because they almost lost her.
- Yes they pleaded guilty, and hoped that would lend credence.
- Joy's injury had shown signs of a sprain.
- At the first vet visit, they had been advised to leave it for another two weeks.
- The charges that were brought up were the reason for the delay and the vet then wanted to delay it further.
- Mrs and Mr Wiblin requested the x-rays earlier.
- The vet nurse had advised the injury was a greenstick fracture, this was why she was able to be weight-bearing on the leg
- Mr Wiblin said they were not looking for the disqualification to be rescinded but for a partial disqualification, allowing them to keep the four dogs.
- Mrs Wiblin visited Joy weekly while she was at the SPCA facility.
- They provided food to the SPCA for Joy.

The Chair thanked Mr and Mrs Wiblin for attending the hearing.

3 CONFIDENTIAL SESSION

The Subcommittee moved into confidential session at 2.31pm to deliberate in private.

**Moved Councillor Maling/Councillor Kininmonth
ACS24-04-1**

That the public be excluded from the following part(s) of the proceedings of this meeting.

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 follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1)(d) for the passing of this resolution

<p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>	<p>In cases where there is a right to appeal to the District Court (such as disqualifications) members can rely on section 48(1)(d)</p>	<p>48(1)(d) The exclusion of the public from the part of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation.</p>
---	---	---

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

CARRIED

The open session was resumed at 2.45pm.

Section 26(3) of the Dog Control Act 1996, states that for objections to disqualification, the Subcommittee must have regard to:

- (a) the circumstances and nature of the offence or offences in respect of which the person was disqualified; and
- (b) the competency of the person objecting in terms of responsible dog ownership; and
- (c) any steps taken by the owner to prevent further offences; and
- (d) the matters advanced in support of the objection; and
- (e) any other relevant matters.

The Subcommittee considered the officer's report, mitigating factors presented during the hearing, and the Council's responsibilities under the Dog Control Act 1996.

Following its deliberations, the Subcommittee determined that the dog owner disqualification should be upheld and the Subcommittee resolved :

2.1 Disqualification from Dog Ownership

**Moved Councillor Maling/Councillor Kininmonth
ACS24-04-2**

That the Animal Control Subcommittee

- 1. receives the Disqualification from Dog Ownership report RACS24-04-1; and**
- 2. pursuant to section 25(1)(c) of the Dog Control Act 1996, upholds the decision to disqualify Ms Lisa Wiblin from being a dog owner; and**
- 3. notes that the decision of the Animal Control Subcommittee will be recorded in the minutes and that a formal decision will be released as soon as practicable; and**
- 4. notes that Ms Wiblin has the right of appeal to the District Court under section 27 of the Dog Control Act 1996.**

CARRIED

Councillor Hill offered the closing karakia.

The meeting concluded at 2.47pm.

Confirmed as a correct record of proceedings by resolution on 6 June 2024.

RC24-06-3

That the minutes of the Animal Control Subcommittee meeting held on Wednesday, 24 April 2024, be confirmed as a true and correct record of the meeting.

Confirmed