

Notice is given that an ordinary meeting of the Animal Control Subcommittee will be held on:

Date: Wednesday 30 April 2025
Time: 9.30 am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street, Richmond
Zoom conference link: <https://us02web.zoom.us/j/84741969626?pwd=r6SZxastZlhq6x8M7raM9JfmL4UNO9.1>
Meeting ID: 847 4196 9626
Meeting Passcode: 498681

Animal Control Subcommittee

AGENDA

MEMBERSHIP

Chairperson Councillor C Hill
Members Councillor M Kininmonth
Councillor K Maling

(Quorum 2 members)

Contact Telephone: 03 543 8400
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AGENDA

1 OPENING, WELCOME, KARAKIA

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation
That the apologies be accepted.

3 DECLARATIONS OF INTEREST

4 REPORTS
4.1 Menacing Classification Appeal 4

5 CONFIDENTIAL SESSION
Nil

6 CLOSING KARAKIA

4 REPORTS

4.1 MENACING CLASSIFICATION APPEAL

Decision Required

Report To:	Animal Control Subcommittee
Meeting Date:	30 April 2025
Report Author:	Sandy Vale, Regulatory Support Officer; Shannon Green, Team Leader - Regulatory Support
Report Authorisers:	Shane Bruyns, Regulatory Manager
Report Number:	RACS25-04-1

1. Purpose of the Report / Te Take mō te Pūrongo

- 1.1 To conduct a hearing of the objection to, and to explain the process and reasoning behind the imposition of the 'Menacing' classification of the dog **Trixie** and allow the Subcommittee to decide on whether this was the appropriate classification in the circumstances.

2. Summary / Te Tuhinga Whakarāpoto

- 2.1 The Council classified **Trixie** on 11 March 2025 as a menacing dog in accordance with Section 33A(1)(b)(i) of the Dog Control Act 1996 (the Act), following an attack on 25 January 2025.
- 2.2 **Trixie** is a female, five-year-old, brown, Mastiff, registered, and owned by Aaron Wayne Baigent, living at 60 River Terrace Road, Brightwater.
- 2.3 An objection to the 'Menacing' classification of **Trixie** has been lodged by Aaron Baigent on 25 March 2025 under Section 33B(1) of the Act. He has requested a hearing in support of his objection.
- 2.4 The victim of the 25 January 2025 attack was **Meiko**, a thirteen-year-old Shitzu cross Maltese, unregistered and owned by Megan Ruth Harnett.
- 2.5 Actions available to the Council under the Act range from:
 - 2.5.1 prosecution and destruction of the dog;
 - 2.5.2 classification as dangerous;
 - 2.5.3 imposition of financial penalties; and
 - 2.5.4 classification as menacing.
- 2.6 The circumstance of the attack and the associated factors led to the decision to classify the dog as Menacing. This decision is now under challenge.
- 2.7 The Subcommittee may uphold or rescind the classification.

3. Recommendation/s / Ngā Tūtohunga

That the Animal Control Subcommittee

1. receives the Menacing Classification Appeal, report RACS25-04-1; and
2. pursuant to Section 33A of the Dog Control Act,
EITHER
 upholds the Menacing Classification for Trixie, owned by Aaron Wayne Baigent
OR
 rescinds the Menacing Classification for Trixie, owned by Aaron Wayne Baigent.

4. Background / Horopaki

- 4.1 The Council has classified Trixie as a Menacing dog, to do this the Council must consider the requirements of Section 33A of the Act:

33A Territorial authority may classify dog as menacing

(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.

- 4.2 It is the opinion of staff that the reported behaviour of **Trixie** warrants the imposition of the Menacing Classification.
- 4.3 On 25 January 2025, at 1700hrs, Tasman District Council received a phone call from Karen Baigent, reporting a dog attack against a dog, stating that, she was walking her dog on a lead (**Trixie**) when a dog who had a lead attached to its collar (**Meiko**) but not being held came running at them and tried to attack her dog (**Trixie**), the dog that attacked her dog (**Meiko**) had passed away.
- 4.4 Regulatory Enforcement Officers gathered evidence related to the attack, and this was considered in the decision to classify the dog, **Trixie**, as Menacing.

4.5 From the evidence gathered we believe the following happened:

At approximately 1620hrs on Saturday, 25 January 2025, Karen Baigent was walking her dog **Trixie** on a lead and body harness along Starveall Street in Brightwater. An off-lead dog, **Meiko**, owned by Megan Harnett, approached, at running pace, barking aggressively and tried to attack **Trixie**. The owner of **Meiko** was unable to recall the dog or to stop it from approaching **Trixie**. **Trixie** has picked **Meiko** up and shaken him. Karen Baigent, laid on top her dog, **Trixie**, and holding her throat to let **Meiko** go. **Meiko** passed away on site.

4.6 Karen Baigent's statement is attached as **Attachment 1**.4.7 Megan Harnett's statement is attached as **Attachment 2**.

5. Analysis and Advice / Tātaritanga me ngā tohutohu

5.1 Dogs attacking persons or animals is considered a serious offence under the Act. The punitive options available to the Council in this instance are:

5.1.1 **Prosecution under Section 57 – Dogs attacking persons or animals**, which carries a maximum fine of \$3,000 plus reparation to the victim. The dog involved must also be destroyed unless there are extenuating circumstances.

5.1.2 **Classification as Dangerous under Section 31**. This puts requirements on the owner to ensure that the dog is kept within a securely fenced portion of the owner's property, that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property, muzzling of the dog in public, controlled on a leash, neutering of the dog, increased registration fees and consent from the Council to transfer ownership to another person.

5.1.3 **An Infringement Notice** for \$200 for failure to keep a dog under control.

5.1.4 **Classification as Menacing under section 33A**. The primary effect of Menacing classification is the dog must be muzzled when in public.

6. Financial or Budgetary Implications / Ngā Ritenga ā-Pūtea

6.1 None

7. Options / Kōwhiringa

7.1 The options are outlined in the following table:

Option		Advantage	Disadvantage
1.	To uphold the classification of Trixie as Menacing	Prevention of future attacks and safer community	Added requirements on the owner
2.	Rescind the classification of Trixie as Menacing	Trixie is allowed unmuzzled in public	Risk of another attack

7.2 Option 1 is recommended.

8. Legal / Ngā ture

- 8.1 Section 5(f) of the Act requires owners of dogs to take all reasonable steps to ensure the dog does not injure, endanger, intimidate, or otherwise cause distress to any person.
- 8.2 Section 5(g) of the Act requires owners of dogs to take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife
- 8.3 Section 52 of the Act requires a dog to be under control at all times. Under control means that the dog is on a leash and restrained by a person capable of doing so or that the dog responds immediately to voice, hand, or other commands.
- 8.4 Section 33B(2) of the Act states the territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must 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 or animals; and
 - (c) the matters relied on in support of the objection; and
 - (d) any other relevant matters.
- 8.5 Staff consider **Trixie** to be a threat to other dogs in a reactive manner so should be muzzled when in a public place. A Menacing Classification under Section 33A of the Act is a means by which Council can require dog owners to muzzle their dogs.

9. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

- 9.1 Not applicable

10. Significance and Engagement / Hiranga me te Whakawhitiwhiti ā-Hapori Whānui**10.1 Low**

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	None	
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	None	
3.	Is there a significant impact arising from duration of the effects from the decision?	None	
4.	Does the decision relate to a strategic asset? (refer Significance and	None	

	Issue	Level of Significance	Explanation of Assessment
	Engagement Policy for list of strategic assets)		
5.	Does the decision create a substantial change in the level of service provided by Council?	None	
6.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	None	
7.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	None	
8.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	None	
9.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	None	
10.	Does the proposal require particular consideration of the obligations of Te Mana O Te Wai (TMOTW) relating to freshwater or particular consideration of current legislation relating to water supply, wastewater and stormwater infrastructure and services?	None	

11. Communication / Whakawhitiwhiti Kōrero

11.1 The classification letter sent to Aaron Wayne Baigent is attached as **Attachment 3**.

12. Risks / Ngā Tūraru

12.1 The classification will reduce the risk of future reactive attacks on other dogs.

13. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi

13.1 Not applicable.

14. Alignment with Policy and Strategic Plans / Te Hangai ki ngā aupapa Here me ngā Mahere Rautaki Tūraru

14.1 Not applicable.

15. Conclusion / Kupu Whakatepe



15.1 The Council has a responsibility to insist that owners of dogs meet the obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person, animal, or wildlife. By upholding the Menacing classification, the Council will be seen to be taking the action necessary to significantly reduce the chance of **Trixie** being involved in future attacks. If the classification is rescinded, it would make it very difficult to consistently deal with any future dog attacks of a similar nature.

16. Next Steps and Timeline / Ngā Mahi Whai Ake

16.1 The Council must, as soon as practicable, give written notice to the owners of:

- (a) The Council's determination of the objection; and
- (b) The reasons for the Council's determination.

17. Attachments / Tuhinga tāpiri

1.  	Baigent's Statement	10
2.  	Harnett's Statement	12
3.  	Menacing Cover Letter	13

4.20pm

25.1.25

Place: Park on corner of Starveall St and Ben Nevis Pl, Brightwater

My full name is Karen Baigent. I am 48 years of age and I am employed as a registered nurse. I live at [REDACTED] and my contact number is [REDACTED]. My husband is Aaron Baigent, and under the TDC's registration, Trixie is registered under his name and kennel licence. His contact number is [REDACTED]. She is a family pet which has accompanied on my fitness walks since she was a pup in the same area that this attack occurred. There have been no incidents throughout the 4.5 years of walking in this area, or any other area, of Trixie being a dangerous or menacing dog until this attack from the uncontrolled dog today. I walk regularly in Brightwater, Richmond Hills, Lee Valley areas with Trixie and have had no incidents like this in the past eg: she's never been attacked before.

I was walking along Starveall Street in Brightwater which I've been doing for the last 4.5 years, with my dog Trixie on a short lead and body harness at approx. 4.20pm. We were walking past the children's park where there were two adults, a young child and two dogs. One dog (boxer type) was on a lead and held, the other grey and white dog (a small terrier type) had a lead on but was not held or tied. I don't know the breed, but would estimate it at approx. 4-6kg. Trixie weighs 40kg. We were approx. 30 metres away on the sidewalk (I returned to the site on 26.1.25, to get more accurate measurements - measured on TDC website).

One adult was sitting at the picnic table, and the other was at the playground helping the child. The boxer was beside the table and the other small dog was by the playground approx. 30 metres away on the grass.

The small dog saw mine and came running directly over towards myself and my dog, barking aggressively from the start. The owner did try to call it back, but the dog did not respond. It ran past the lady at the table, the whole time barking aggressively right up until it tried to attack Trixie who was at my feet. No one at the park physically had a chance to stop the smaller dog. I honestly thought it wouldn't engage as it got closer, but it just kept coming. My dog did not show any aggression, bark or growl. She only responded to the immediate attack in extreme proximity to myself (at my feet). My dog defended itself from the attack from the uncontrolled, aggressive dog and unfortunately for the small dog, it didn't recognise the significant size difference in its attack. The dog's aggression and attack was met with defence from my dog and I immediately jumped/lay down on my dog and held her throat to get her to let go, which she did. The small dog died at the scene.

Once the small dog was removed by a member of the public away from my dog, I got off my dog and held her in extreme proximity to myself. I then rang my husband and told him to come immediately. There were other members of the public there, they didn't see the start of the attack, but heard it and came to offer help. At no time did I let go of the lead or harness. Even when lying on her, I still had her harness held.

My husband arrived shortly after and put our dog in the ute, removing her from the situation as he had seen the boxer type dog and thought that was the one in the fight and wanted to remove any further chance of altercation. He didn't see the little dog wrapped up in the towel on the pavement until after he returned from securing our dog in the ute.

There was one guy that turned up after the attack, and made the assumption that it was Trixie that had instigated the attack. He was verbally abusive towards me in what was a very emotional situation, and also about my husband to me while my husband was removing the dog from the situation. When my husband started walking back from the ute, the man immediately left the area. My husband had not heard any of the abuse. The man was very assertive in his inaccurate opinion and abuse whilst my husband was out of earshot, and was very quick to leave the scene before my husband returned.

I suffered bruising and sore wrist and hand from not releasing the harness as a result of the attack. No treatment was required.

At that stage, a member of the public took the dog and its owner to an unknown location. Once arriving at home, I rang the TDC at 4.47pm to explain the situation and the operator said she would give the details to Dog Control. Danielle from Dog Control rang me, I explained what had happened and she asked me to write this statement and send to her.

We both have read this statement, and it is true and correct to the best of our knowledge

We are aware that this statement may be used as evidence in any court proceedings if required

Name: Karen and Aaron Baigent

Signed:

Two handwritten signatures in blue ink. The top signature is 'K Baigent' and the bottom signature is 'A Baigent'.

Time: 11:46am

Date: 26/01/2025

Place: Ben Nevis Park, Starveall Street, Brightwater

My full name is Megan Harnett. I am 37 years of age and I am employed as

Teacher in Training. I live at [REDACTED] and my contact phone

Number is [REDACTED]

At about 4:15pm on 25th January 2025, I was walking along Starveall Street, Brightwater my 20 month old daughter and my Step Mother in Law.

I had my 2 dogs Pixie and Meiko with me and they were on a lead.

We stopped to have a quick play in Ben Nevis park so I took both dogs to sit down at the bench. I put Meiko's lead under my foot while I was tying Pixie to the bench and within a couple of seconds Meiko slipped away. I hadn't realised there was a dog walking behind us down Starveall Street and before I could stop him Meiko had ran towards the dog barking. Before I could get there the dog picked up Meiko with his mouth and started flailing him around. The owner tried to stop the dog but the dog would not let go. I passed my other dog to my MIL to hold while I approached but was too scared to get too close. Once the dog had finally let go the owner managed to pin him down and call her husband for help. People came to help me with Meiko and take him to the vets but I could see he was already gone.

The dog that attacked me was dark brown large bull type breed.

It belongs to name unknown to me.

It was on a lead at the time of the incident.

My dog suffered fatal injuries, his skin was ripped off and he died at the scene.

I have read this statement and it is true and correct to the best of my knowledge.

I am aware that this statement may be shared and used as evidence in any court proceedings.

Name: Megan Harnett

Signed



Sandy.vale@tasman.govt.nz
Phone 03 543 8431
SR File: 2501843

11 March 2025

Aaron Baigent



Dear Aaron

Alleged Incident involving Trixie

I am writing about an alleged incident that occurred on 25 January 2025 at 4.15pm, where Trixie has allegedly been rushed at by another dog, and has subsequently killed it.

Upon investigation, we believe that offences have been committed under the Dog Control Act 1996, namely, Section 53 – Failure to keep a dog under control, and Section 57 – Dogs attacking persons or animals.

In this instance, we have decided to classify Trixie as Menacing under Section 33A(1)(b)(i) – observed or reported behaviour of the dog. This is to ensure that a similar incident cannot occur in the future.

Attached to this letter are menacing classification papers for Trixie. Please read them carefully to ensure you know the implications and your rights in relation to the menacing classification. Also attached is the relevant section of the Dog Control Act 1996 for your information.

You also need to be aware that under Section 63 of the Dog Control Act, you are liable for damages caused by Trixie. In this instance, Council has not been advised of any costs incurred by the other party.

Please do not hesitate to contact me if you have any questions.

Yours sincerely

Sandy Vale
Regulatory Support Officer

Tasman District Council
Email info@tasman.govt.nz
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24 hour assistance

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189 Queen Street
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78 Commercial Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0020
Fax 03 525 9972

33A Territorial authority may classify dog as menacing

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 - (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.