

## **Dog Control Act Hearings Panel DETERMINATIONS**

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**Date:** Monday 14 April 2025  
**Time:** 12.00pm  
**Venue:** Committee Room 1, Level 2, Civic Offices,  
53 Hereford Street, Christchurch

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**Present**

Chairperson	Community Board Member Emma Norrish
Members	Community Board Member Jason Middlemiss Councillor Kelly Barber

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**Meeting Advisor**

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### **Election of a Chair Te Whakatū Poumua**

It was resolved on the motion of Councillor Barber, seconded by Jason Middlemiss, that Emma Norrish be appointed Chairperson of the Hearings Panel for the hearings scheduled for this date.

The Christchurch City Council Hearings Panel convened on 14 April 2025 to hear objections as follows under the Dog Control Act 1996, which were dealt with in this order:

#### **1. Hearing at 12.00pm - regarding dog named 'Biggy'**

Hearing of an objection by **SHARLANI LEE HALLETT** of Christchurch, pursuant to s 33B of the Act, to classifications of her dog, 'Biggy', as menacing under s 33A(1)(b)(i) of the Act by Christchurch City Council Animal Management.

The Hearings Panel heard on this date the evidence and submissions (summarised in its decision) of the Objector, Animal Management Team, and the Complainant in regard the incident leading to the classifications objected to, and at 12.42pm adjourned the hearing to deliberate its decision in this matter making a determination at 12.47pm, which is attached hereto and was confirmed as noted at its base.

**BEFORE THE HEARINGS PANEL  
OF THE CHRISTCHURCH CITY COUNCIL**

**IN THE MATTER** of the Dog Control Act 1996

**AND**

**IN THE MATTER** of an objection of **Sharlani Lee Hallett** of Christchurch to the classification by the Christchurch City Council Animal Management Team under Section 33A(1)(b)(i) of her two-year-old, male, white and brown coloured, American Bulldog named '**Biggy**' as a menacing dog.

Hearing: Committee Room 1, Level 2, Civic Offices, 53 Hereford Street

Panel: Community Board Member Emma Norrish – Chairperson  
Community Board Member Jason Middlemiss  
Councillor Kelly Barber

Appearances  
for the Objector: Sharlani Lee Hallett (Objector)

for the Animal Management Team: Lionel Bridger (Manager Animal Services)

Determination: 6 May 2025

Hearings Advisor: Simone Gordon

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**DETERMINATION OF THE HEARINGS PANEL  
OF THE CHRISTCHURCH CITY COUNCIL**  
*(Dog Control Act 1996, section 33B)*

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**The classification of Biggy as menacing is upheld.**

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**REASONS OF THE HEARINGS PANEL**

**INTRODUCTION**

[1] The Hearing was held to consider an objection received from dog owner, Sharlani Lee Hallett ('the Objector'), to the classification by the Christchurch City Council Animal Management Team ('Animal Management') under section 33A(1)(b)(i) of the Dog Control Act 1996 ('the Act') of her:

- 2 year old, male, white and brown, American Bulldog named Biggy;

as a 'menacing' dog – which classification creates special obligations imposed on the dog owner by, and described within, sections 33E-33F of the Act.

[2] Section 33A(1)(b)(i) of the Act, under which Biggy was classified, relates to a dog that a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of an observed or reported behaviour of the dog.

[3] Under section 33A(2) of the Act a territorial authority may classify such a dog as 'menacing', and following a report that Biggy had, on 15 January 2025, absconded from his house and attacked another dog, the Manager Animal Services under his delegated authority from the territorial authority in which the Objector and her dogs reside did so classify Biggy as a 'menacing' dog by causing to be given to the Objector notice of the classifications and other prescribed matters, including her right to object to the classifications under section 33B of the Act.

[4] The Objector exercised her right to object to the classification of Biggy as 'menacing' and in accordance with her right to be heard in support of her objection they were referred to the Hearings Panel of the Christchurch City Council as the body with the delegated authority to hear and determine the objection.

[5] The Hearings Panel on 14 April 2025 heard the Objector's evidence and submission, and also heard from Animal Management in relation to the incident leading to the classification of Biggy, having previously received a report from Lionel Bridger, Manager Animal Services, together with the evidence collected by the Investigating Animal Management Officer relating to the incident and classifications.

[6] This report notifies the determination of the Hearings Panel that:

- the classification of the Objector's dog, Biggy, as 'menacing' is **upheld**;

and the reasons for its determination in accordance with section 33B(3) of the Act. The determination that the classification of Biggy is 'upheld' signifies that he remain and will continue to be classified 'menacing' and the relevant special obligations thus imposed by the Act in relation to 'menacing' dogs must be adhered to or the consequences for non-adherence set out in s 33EC of the Act will apply.

**BACKGROUND**

[7] On 15 January 2025, the Council received a complaint from the Complainant alleging that on that day his dog 'Frank' had been attacked by an American Bulldog named 'Biggy' while being walked in public.

[8] When the Investigating Officer's statements and evidence collected were assessed by the Manager with the delegated authority to make the decision, Animal Management determined that Biggy may pose a threat and would be classified 'menacing' under section 33A(1)(b)(i) of the Dog Control Act (which relates to a dog that 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).

[9] The Council subsequently received from the Objector a formal objection to the classification of her dog, Biggy, as 'menacing'. The objection triggered the appointment of a Hearings Panel to hear the objection with delegated authority to uphold or rescind the classification after having regard, pursuant to Section 33B(2) of the Act, to:

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

The Hearings Panel had regard to these matters in reaching its determination as summarised in this report.

[10] The following report and assessment summarises a considerable volume of oral and written evidence and submissions presented to the Hearings Panel. It is not intended to be exhaustive in its scope or to present a transcript, but rather to summarise and identify what were considered to be the salient points.

## **THE HEARING**

### **Submissions of the Animal Management Team**

[11] The Manager Animal Services, Lionel Bridger, appeared at the Hearing to speak to the decision to classify Biggy as menacing, which was subject to the objection to be determined by the Hearings Panel. In his report he outlined the circumstances leading to the dog attack and the relevant section of the Dog Control Act, i.e. section 33 that stipulates a territorial authority may classify a dog as menacing.

[12] Mr Bridger summarised for the Hearings Panel the facts on which the decision to classify the Objector's dog as 'menacing' was based referring to the report. Animal Management escalated the compliance, i.e. a warning was not appropriate in this instance.

[13] Mr Bridger noted that Biggy has absconded from his property on three previous occasions, was impounded and then returned home. In August of 2024, the Objector was advised of the requirement to register Biggy and subsequently this has been done.

[14] The Complainant's dog required vet treatment, and the Objector is expected to cover these costs. As of the date of the hearing, no payment has been made. Biggy is an entire male and Animal Management have offered desexing to be done free of charge. The Objector has also been offered guidance on containing the property, including self-closing locks for the doors. Mr Bridger advised that the Objector has not engaged with these offers.

[15] Mr Bridger responded to questions of clarification from the Hearings Panel, regarding the impact of the muzzle requirement on the dog, and what effect desexing could have on Biggy. Mr Bridger clarified that the muzzle would only need to be worn when the dog was in a public place and was not intended to be punitive in nature but rather to ensure the safety of the wider community. Mr Bridger advised the Panel that desexing dogs has a positive impact on a dog's temperament in reducing aggressive behaviour, and that many owners will comply with this to prevent future attacks.

[16] Mr Bridger initially provided the following case summary of the incident leading to the classification:

**Summary:** *A relative of the complainant was walking her sister's dog, Frank, with her 2 daughters and niece. Frank had his halti head collar on, and was being held by his leash. As they walked past the Objectors address, 2 dogs (only one dog left the property) approached from the driveway. The white dog (Biggy) and Frank began sniffing each other and then Biggy jumped on Frank and began trying to bite him on his back. Biggy flipped Frank on his back and had him pinned on the ground. After about 10 seconds, a young guy (the Person-In-Charge (PIC)) came out of the driveway and tried to get his dog off Frank. The PIC managed to grab Biggy by the neck and pull him off, but Biggy got free and then lunged at Franks neck and ear and held on. Frank was yelping, the complainants relative still had hold of Frank's leash and was trying to pull him away but couldn't. The PIC then was trying to hit Biggy on the mouth to get him to release Frank, which was successful after about 5 seconds. Frank then took off with the Objectors relative still holding him on the leash and they both collapsed on the neighbour's berm.*

*Frank's injury was a full thickness puncture wound and a superficial scratch ventral to his right ear, with a total vet cost of \$563.07 cost involved sedation as Frank would not allow vets to access the wound so had to be sedated for the vet to look at it, the wound did not require stitches only cleaning, antibiotics and pain relief.*

**Mitigating Circumstances:** *First attack offence with minor injuries.*

**Aggravating Circumstances:** *Biggy has been found at large on 3 previous occasions. On one of these occasions, it was said that he escaped because the children had left the front door open (no warnings have been issued for any of the found dog tickets to date)*

**Officer Recommendation:** *Classification 33a(1)(b)(i) due to owner not willing to put something in place to prevent this happening again after property visit on 12 February 2025.*

*S52a written warning to both dog owner and PIC.*

*S63 letter has been sent, but dog owner has advised that I should ask the complainant to take to small claims as she will not be in a position to pay it and would be better to pay it off over a period of time.*

**Principal Advisor Recommendation:** *The Officer and I have attempted to offer the dog owner options to avoid classification of her dog. I believe that the dog has escaped out the front door, while the young children were coming and going from the house. The dog is a young entire male dog. We made the suggestion that they have the dog neutered. I believe this would help calm the dog, making him easier to handle and potentially less likely to wander and to accost another dog in the street. The owner has refused to comply with our suggestions. As such, I believe it is necessary to classify the dog as menacing. This will require the dog to be neutered. Section 33A(1)(b)(i) of the Act.*

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**Evidence of the Owner of the dog that was Attacked ('the Complainant')**

[17] The Complainant had provided the following affidavit to the Investigating Officer:

*"At approximately 2.00pm on the 15/1/2025, I was walking my sisters dog, Frank, with my 2 daughters, and my niece. Frank had his halti head collar on and I was holding his leash. We were walking past the objectors address, when 2 dogs, 1 white and 1 tan brown, approached us from their driveway. No gates were there and both dogs had no collars on. The white dog and Frank started sniffing each other however then the white dog jumped on Frank and began trying to bite him on his back. He was able to get Frank turned on his back and had him pinned on the ground. By this time, about 10 seconds into it, the young guy came out of the driveway and was trying to get his dog off Frank. He managed to grab him by the neck and pull him off but the white dog got free then lunged at Franks neck and ear and held on. Frank was yelping at this point. I still had hold of Franks leash and was trying to pull him away but couldn't."*

[18] The Complainant appeared at the Hearing and advised the Panel that the attack on Frank had resulted in behavioural changes that subsequently required him to be desexed. They were concerned that the attack had happened near a school.

[19] The Complainant advised the Panel that the incident had left him out of pocket financially and reiterated that he was yet to receive any reparation payments.

**The Objector**

**Evidence and Submissions of the Objector**

[20] The Person-in-Charge of Biggy at the time of the incident provided the following statement to Animal Management Officers:

*"At approximately 2.30pm on 15 January 2025, I was at home with my partner and siblings. My little sister, Biggy can be protective of. We have a Port a Com in the driveway where a family members partner is living. I am not sure how or why the front door was left open. I was outside in the backyard when I heard something happening out the front of the property, I have gone out and seen Biggy out the front and he was sniffing another dog that was being walked past. From there I am not sure what has happened as Biggy is normally really good with other dogs, I am not sure if something happened to him but all of a sudden, the dogs started to fight. I have run out grabbed Biggy to get him off, I had to grab the bottom of his mouth to make him let go, he let go and I picked him up and threw him up the driveway and made him go back in the house. I have then gone and spoken with the other people that owned the other dog. I asked if their dog was all good and they said it was alright. The other dog did not come out he just watched from the front door."*

[21] At the Hearing, the Objector advised the Panel that when she adopted Biggy, as he was microchipped, she thought that this included registration. She added that at the time of the incident, she received a health diagnosis and while she understood the importance of registering Biggy, her health was her priority.

[22] The Objector advised the Panel that she adopted Biggy as a companion animal for her children. She acknowledged that Animal Management did discuss desexing Biggy with her, but her focus was her health and recovery, and it was difficult for her to fully engage with the process at that time.

[23] The Objector discussed how she did not have control of situation at the time of the incident as she was not home. She reiterated that she is sincerely sorry for what has happened. She noted her concerns about having Biggy classed as menacing due to the perceived stigma and judgement.

[24] At the Hearing, the Objector informed the Panel that she has been unable to make any reparation payments to the Objector, owing to her financial situation. She has not engaged with Animal Management regarding improvements to her property, as she has since relocated, and is currently seeking appropriate new accommodation. She noted her concern that a menacing classification could hinder housing options.

### **Final Remarks from the Objector**

[25] The Objector informed the Panel that she did not feel the incident had been correctly described by Animal Management or the Complainant.

[26] The Panel thanked the Objector for their appearance at the hearing.

### **Reply by Animal Management**

[27] The Panel sought further clarification from Animal Management whether the standing offer for Biggy to be desexed still remained, and if this could circumvent having Biggy classed as menacing. Mr Bridger informed the Panel that there was no willingness on behalf of the Objector to comply with any of the offers made for desexing or assistance in appropriately securing the property.

[28] The Panel inquired as to the consequences for Biggy if the classification was rescinded and there was another incident. Mr Bridger noted that in the event of another incident the classification could be more serious. Additionally, Animal Management noted that in the interest of safety and the prevention of further incidents it would be advisable to uphold the classification.

[29] The Panel inquired if Animal Management knew of the Objector's change of address and Mr Bridger informed them that he was not.

### **Close of Hearing**

[30] The Hearings Panel considered that it had all the information it needed to have regard to under section 33B(2) of the Act after considering the evidence, information and submissions available to it.

[31] The Hearings Panel adjourned the hearing and deliberated its decision.



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**PANEL DELIBERATIONS**

**The evidence which formed the basis for the classification**

[32] The evidence which formed the basis for the classification was in the Panel's view not in any doubt with regard to it supporting the assessment that Biggy had injured the Complainant's dog, Frank.

[33] The Panel considered that the attack resulted from the person-in-charge failing to properly contain and keep Biggy under effective control on their property.

[34] Classification as menacing is not intended to be punitive, and the statutory requirement for it is not high; only that it is assessed that the dogs may pose a threat, based on observed or reported behaviour – not specifically that a bite had occurred. The muzzling requirement arising from classification may suggest that the threat should be from biting, but the Panel having carefully looked at the evidence did consider it more likely than not that Biggy does pose some risk of biting based on the evidence around the reported behaviour.

[35] The Panel lacked confidence in the Objector's obligation to contain her dog and prevent any incident, so they saw that Biggy may again rush another dog and their owner.

[36] In fairness, the Panel notes that any dog that can bite does pose some risk of biting, so classification is not intended to stigmatise or pass moral judgement on Biggy. Rather there is an issue with society wrongly stigmatising a dog wearing a muzzle, and the Dog Control Act unhelpfully employing the label 'menacing' to cover the plethora of often accidental incidents that lead territorial authorities to impose the muzzling requirement, when the reality is that muzzling should be a more widespread voluntary device to manage the common and innate risk of dog bites.

[37] The Panel considered that the incident resulted from a lapse in responsibility on the person-in-charge's part to maintain effective control of Biggy, which may be accepted as a mistake, not to be punished, but neither allowing the Panel to neglect the object of the Dog Control Act and obligation to consider the wider community. The Panel can only look at the preventative tool of classification the Act puts in front of it, imperfect as it may be.

[38] The Hearings Panel, having regard to the evidence which formed the basis for the classification of Biggy as 'menacing', considered that it was sufficient to form the basis for the Animal Management Team's classification of the dog, recognising that it would proceed to consider the Objector's evidence and her submissions in support of her objection to the classification.

**Steps taken to prevent any threat to the safety of persons or animals**

[39] The Hearings Panel thus considered the Objector's evidence and submissions in regard to the steps she had taken to prevent any further threat. The Panel was of the view that the Objector had not taken responsibility for the incident and were concerned by her lack of communication with Animal Management to implement the offers to have Biggy desexed and properly contained. The Panel perceived a continuing risk that a similar incident could happen again.

[40] Having considered the information provided by the Objector, the Panel still felt that Biggy would pose a threat to other dogs and the public. The Panel had regard to the objects and provisions of the Act, the nature of the attack and the resulting injury to the Complainant's dog, and the need to address the threat. It recognised the difficulty in constantly controlling Biggy as there are a range of factors which can cause dogs to have a negative reaction, and the threat they present when unmuzzled.

[41] In light of these various considerations speaking to the fact that Biggy is a potential threat, the Hearings Panel considered that the steps taken by the Objector, were not sufficient in all the circumstances of this case to persuade it to rescind the classifications of Biggy. The Panel perceived a continuing risk that this could not be entirely eliminated, given that future incidents could occur, and it is unfair that potential victims of such bear that risk.

### **Matters relied on in support of the objection**

[42] The Panel were also discouraged by the Objector's unwillingness to accept the offers of assistance from Animal Management to have Biggy desexed and improvements to her property to suitably contain the dog.

[43] Classifications are not intended to remedy or punish but are to prevent risk. The Panel still perceived risk in this case. It is unfortunate to add a label of 'menacing' but the intent is not to stigmatise, and it is simply the arbitrary manner of reference the Act adopted to signal the employment of the preventative tool that is classification.

[44] The Hearings Panel had regard to the matters relied on in support of the objection and appreciated her taking the time to appear at the Hearing.

[45] However, the Hearings Panel was mindful of the potential relevance of these determinations to the safety of the wider public, and was not persuaded Biggy no longer had the propensity to attack another dog in unpredictable circumstances. The Hearings Panel regarded that the nature and result of the attack justified upholding the 'menacing' classifications of Biggy to require muzzling as a preventative measure.

### **Other relevant matters**

[46] The Hearings Panel had regard to the evidence as a whole and considered that it had all the information it needed to have regard to under section 33B(2) of the Act. The Hearings Panel noted that every objection to a menacing dog classification is considered on its own merits and having regard to the circumstances particular to the case. The Hearings Panel, having regard to all relevant matters, considered that upholding Biggy's classification as menacing would be justified by the evidence and submissions and would align with the objects of the Act.

**RESULT**

[47] Having considered the objection of the Objector to the classification of her dog, Biggy, as a 'menacing' dog, together with the evidence and submissions collated by the Animal Management Team and from those who appeared before the Hearings Panel, and having regard to the matters contained within the Dog Control Act 1996 and referred to in section 33B(2) of the Act, it is determined that:

- The classification of the Objector's male, white and brown American Bulldog, Biggy as a 'menacing' dog be upheld for the reasons indicated herein and for the reason that the Hearings Panel considers because of the reported incident that Biggy may pose a threat to one or other of the types of sentient being the Act has designs to ensure are not injured, endangered or caused distress.

**Meeting concluded at 12.47pm.**

**CONFIRMED THIS 6<sup>TH</sup> DAY OF MAY 2025.**

**COMMUNITY BOARD MEMBER EMMA NORRISH**  
**CHAIRPERSON**