



Order Paper for a meeting of a

Hearing Panel

To hear an

Appeal Against a Menacing Dog Classification Pursuant to the Dog Control Act 1996

to be held on

Tuesday 22 September 2026

commencing at 1.45pm

in

Council Chambers, 10 Gorge Road, Queenstown

9.12 Items of business not on the agenda which cannot be delayed | Ngā take kāore i runga i te rārangi take e kore e taea te whakaroa

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with the item and the Chairperson provides the following information during the public part of the meeting:

(a) the reason the item is not on the agenda; and

(b) (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda | Te kōreorero i ngā take iti kāore i runga i te rārangi take

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

REFERENCE:

Queenstown Lakes District Council Standing Orders adopted on 31 July 2025.

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing Panel

Panel to Hear Objection to Classification of a Menacing Dog

PANEL MEMBERS

Councillor H Copland

Councillor N Gladding

Councillor M White

**Menacing Dog Classification Objection Hearing
22 September 2026**



Agenda for a Menacing Dog Classification Objection Hearing, to be held in the Council Chambers, 10 Gorge Road, Queenstown on Tuesday 22 September, beginning at 1.45pm.

Item	Title	Page
	Election of Chairperson	
	Apologies	
	Declarations of Conflict of Interest	
	Confirmation of Agenda	
1	Objection to Classification of Menacing Dog	
	Officer Report	5

Hearing Panel

22 September 2026

Report for Agenda Item | Rīpoata moto e Rāraki take [1]

Department: Assurance, Finance & Risk

Title | Taitara: Objection to Classification of Menacing Dog

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to provide background information to inform Council's decision to uphold or rescind the classification of Dusky as menacing under the Dog Control Act 1996 (the Act).

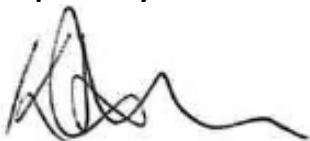
Recommendation | Kā Tūtohu

That the Hearing Panel:

1. **Note** the contents of this report; and either

- Uphold the classification of Dusky as a menacing dog under the Dog Control Act 1996; or
- Rescind the classification of Dusky as a menacing dog under the Dog Control Act 1996.

Prepared by:



Name: Kelcey Clifton
Title: Animal Control Officer
19 June 2026

Reviewed and Authorised by:



Name: Carrie Edgerton
Title: Animal Control Manager
4 August 2026

Context | Horopaki

Dog Ownership Details

Dog Details	Owner	Person in Charge at the Time of Incident	Registration Status
Dusky (Attacking dog) Siberian Husky/German Shepherd Animal ID: 62507	Sage Schlebach	Sage Schlebach	Registered 2025/26 Tag number: 007022 Certified as Desexed

Complainant Details

Name
Witness 1 (complainant)

1. On Thursday 7 May 2026 at approximately 5:15pm, Witness 1 (complainant) was walking their dog off leash, approaching the exit of the Arawata Track which is an on-leash Department of Conservation (DOC) track.
2. Witness 1 has provided a statement confirming that they observed Sage Schlebach entering the track with Dusky (Animal ID 62507), who was on leash. Witness 1 paused and put their own dog on leash at this time.
3. Sage Schlebach is the registered owner of Dusky.
4. As Witness 1 and Mr Schlebach crossed paths, they paused to greet each other. Witness 1 offered Dusky a treat with Mr Schlebach's oversight. Both parties reported this encounter between themselves and the dogs as calm and positive, with neither dog displaying any obvious sign of distress or aggression. Witness 1 reportedly observed Dusky looking at her dog.
5. Following the initial interaction, Mr Schlebach began to walk along the track. Dusky remained stationary and when Mr Schlebach was approximately one metre ahead of Dusky, he looked back and observed Dusky looking at Witness 1's dog. He then saw Witness 1 step in front of her dog, positioning herself between the two dogs. In response, Mr Schlebach applied tension to Dusky's lead.

6. Dusky then moved his head forward and bit Witness 1 on the lower left thigh through her dress. The bite resulted in multiple superficial puncture wounds to Witness 1, with one deeper penetration wound.
7. Mr Schleichach asked if Witness 1 was okay, and Witness 1 lifted her dress to inspect the injury. Both parties observed an injury on Witness 1's leg following the alleged bite from Dusky.
8. Witness 1 cleaned the wound upon returning home and reported the alleged incident to Queenstown Lakes District Council (QLDC). As the medical centre was closed, she sought medical attention from The Village Medical Centre, at 12:44pm the following day. Witness 1 received antibiotics and her wounds were cleaned, flushed and dressed, with steri-strips applied to the deeper wound to bring the edges together.
9. This incident occurred in a public setting on an on-leash track. Both statements show that Dusky was on lead, but still able to make contact with the complainant and cause injuries that resulted in medical attention.
10. The complainant's medical records and photographs provide contemporaneous proof of the incident and resulting injuries, including puncture wounds. The owner of Dusky has provided a statement in which he accepts that Dusky moved towards the other dog and bit the complainant's "dress by mistake" leaving a "mark" and says that this occurred when she stepped between the dogs.
11. Mr Schleichach's statement indicates that Dusky's behaviour was directed towards the complainant's dog, rather than the complainant. Irrespective of whether Dusky's behaviour was directed at the complainant or her dog, the incident resulted in physical injuries and puncture wounds to a person in a public setting. The panel is not being asked to determine whether an attack took place, but rather whether Dusky's behaviour poses a threat to "any person" or "domestic animal".
12. Following the incident, Council officers considered Dusky may pose a threat to persons and/or domestic animals because of the behaviour reported in this incident on 7 May 2026, and subsequently classified Dusky as a menacing dog.

Analysis and Advice | Tatāritaka me kā Tohutohu

Classification Decision

13. QLDC received the statement from Witness 1 (Attachment A - Evidence Bundle).
14. QLDC took a statement from Mr Schleichach's (Attachment B - Evidence Bundle).
15. Based on Witness 1's statement, medical records, photos, and Mr Schleichach's statement, Council officers, acting under delegated authority, classified Dusky as a menacing dog.

16. Council officers considered the matter and applied the legal test under S33A (1)(b) of the Act in determining to classify Dusky as a menacing dog. Section 33A(1) provides that a territorial authority may classify a dog as menacing if it considers the dog may pose a threat to any person, stock, poultry, domestic animal or protected wildlife because of “any observed or reported behaviour of the dog” or “any characteristics typically associated with the dog’s breed or type”.

Notification of Decision

17. Council notified the owner, Mr Schleich, that Dusky had been classified as Menacing on 21 May 2026. The letter and notice sent to Mr Schleich. Attachments H and I explain the effects of the classification.

Objection to Classification

18. Section 33B of the Act states that *“If a dog is classified under section 33A as a Menacing dog, the owner may, within 14 days of the receipt of the notice of that classification, object to the classification in writing to the territorial authority and has the right to be heard in support of the objection”*.
19. Council received an objection from Mr Schleich to the menacing classification of Dusky on 28 May 2026 (Attachment J - Evidence Bundle). Mr Schleich’s objection is to be heard on 22 September 2026.
20. Section 33D (3) of the Act requires that QLDC is required to decide whether to uphold, or rescind, the classification of Dusky, following the hearing.

Discussion

21. These factors are listed in Section 33B (2) of the Act which provides that Council may either uphold or rescind the classification and that in considering any objection, Council shall have regard to:
- a. the evidence which formed the basis for the original classification;
 - b. any steps taken by the owner to prevent any threat to the safety of persons and animals;
 - c. the matters advanced in support of the objection; and
 - d. any other relevant matters.
22. The key issue for the Panel is whether, having regarded the section 33D factors, there remains a basis to uphold the menacing classification because Dusky may pose a threat to persons or domestic animals. It is not required to be satisfied that an attack took place. This determination must be based on objective evidence such as sworn statements, reports, and the specific facts of

any incidents of aggressive behaviour or evidence of the dog's potential to harm others. If the dog constitutes a threat, the Act provides that classification should follow.

23. The Act provides the above list of matters that the panel shall have regard to in determining whether to uphold or rescind the classification. As outlined above, the panel must only consider objective factors like evidence of the incident, steps taken by the owner, severity, and expert opinions, all of which directly relate to the dog's risk of causing harm.
24. The panel must not consider the appropriateness of penalties, subjective opinions, or whether alternative methods of control (such as shock collars or behavioural training) could be suitable. The panel cannot impose alternative methods of control and therefore these matters do not directly address whether the dog poses a current threat to safety.
25. A table outlining the matters that are relevant to consider is provided in Appendix A.
26. In considering the objection to the classification, Council may either uphold or rescind the classification after having regard to the section 33B (2) factors.
27. Option 1: Uphold the classification of Dusky as a menacing dog under the Dog Control Act 1996.

Advantages:

- The effects of the menacing classifications will remain in effect.
- Dusky must wear a muzzle whenever he is off their property, which will protect against the risk of any future attacks.
- While wearing a muzzle, Dusky will be unable to attack, which will reduce the risk of harm to the community.
- The complainant will be satisfied with the outcome.
- Council will be discharging its obligations to ensure public safety, as it is obliged to do under the Act. This will also communicate to the public the importance of dog control in relation to public safety. It is important that Council promotes a sense of responsibility in dog owners through using its powers appropriately, reflecting society's views and reinforcing community standards of responsible pet ownership.
- Council officers are concerned about the number of recent reports involving poor dog behaviour throughout New Zealand. This is contrary to the community's expectations that domestic pets should be safe from harm. Imposing a classification will enhance public confidence in the animal control regime and ensure that the public feel confident that they (and their pets) will be safe from harm.

- The regulations for menacing dog classification aim to prevent the risk of harm from occurring in the future

Disadvantages:

- There are no disadvantages for the Council as public safety is the top priority. While the dog owner may feel dissatisfied, this does not justify overturning a well-considered decision. It is important that Council uses its powers to reduce the risk of harm by dogs and to provide the community with some security and safety.

28. Option 2: Rescind the classification of Dusky as a menacing dog under the Act. The Panel should only rescind the classification if satisfied that the dog does not pose a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife, based on objective evidence.

Advantages:

- The dog owner may be satisfied with the outcome.

Disadvantages:

- There is a potential for Dusky to attack in future without the classification.
- There is a risk that public confidence in the animal control system could be compromised if the decision to impose a classification to reduce the threat of harm based on reported behavior of the dogs is reversed, especially when there are no clear benefits to the Council or the public in doing so. Council is obliged to promote the purposes of the Act, including by imposing obligations on owners designed to ensure that dogs do not cause harm, where there is a risk of harm. In this case, officers are satisfied that this dog poses a threat to other domestic animals due to the incident and reported behaviour of the dog.
- The complainant is likely to be dissatisfied with the outcome.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

29. The Hearings Panel, with a quorum of three Councillors, whose powers are set out in the Delegations Register, must hear any objections lodged under the Act.

30. Section 33D of the Act states:

3) 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) the matters advanced in support of the objection; and

(a) the matters advanced in support of the objection; and

(b) any other relevant matters.

1. The Council must consider the matters set out at S33B of the Act in respect of each objection and must make a decision in respect of the classification of Dusky. These differ from the legal test that council officers considered when classifying Dusky under s33A(1)(b).
2. The Council shall give notice of its decision on any objection, and the reasons for its decision, to Sage SCHLEBACH as soon as practical: *Section 33D(4) of the Act.*

Appendices

A	Determination for the Panel - Objection to Menacing Dog Classification
---	--

Attachments

A	Evidence Bundle (A-J)
---	-----------------------

Appendix A

Determination for the Panel - Objection to Menacing Dog Classification

S 33A Dog Control Act 1996

The panel's role is narrowly defined under the Dog Control Act 1996.

- The **sole question** the panel must determine is whether the dog **may constitute a threat** to the safety of any person, stock, poultry, domestic animal, or protected wildlife, based on objective **evidence** (like sworn statements, reports, and the specific facts of any incidents)) of any observed or reported behaviour of the dog.
- Observed aggressive behaviour and the dog's potential to harm others is relevant. If the dog may constitute a threat, classification should follow.
- The **panel must consider** objective factors like evidence of the incident, steps taken by the owner, severity, and expert opinions, all of which directly relate to the dog's risk of causing harm.
- The **panel must not consider** the appropriateness of penalties, the owner's future assurances, subjective opinions, or whether alternative methods of control (such as shock collars or behavioural training) could be suitable. The panel cannot impose alternative methods of control and therefore these matters do not directly address whether the dog poses a threat to safety.

<u>Question for the Panel</u>	<u>Whether the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife?</u>
<u>Relevant Factors to consider</u>	<u>Non-Relevant Factors</u>
1. Evidence of the Incident: Whether the dog has exhibited aggressive or dangerous behaviour (e.g., an attack or a threat) based on sworn statements or reports. Consider among other things: • what happened, why it happened, the size of the dog, its breed and the nature of aggression. • weight of competing evidence (sworn statements are more reliable than unsworn statements – see below)	1. Owner's Assurances about Future Behaviour: Assertions or promises by the owner that the dog will not repeat its behaviour or that the dog's behaviour has improved.
2. Steps Taken by the Owner: Real life actions already taken by the dog's owner to mitigate the risk (e.g., training) to reduce any potential threat	2. Penalties: The appropriateness of imposing a classification in terms of whether it is fair and reasonable in all the circumstances (if the dog poses a

to public safety or animals.	threat, classification must follow)
3. Severity of the Incident: The seriousness of the dog's actions during the incident, such as injuries caused, or the potential danger posed by the dog's behaviour. Consider among other things: whether the dog was under control, how long the attack/aggression lasted, whether it was a snap reaction or a sustained and uncontrolled attack, the environment that led to the attack	3. Alternative Control Measures: Whether alternative mechanisms (such as shock collars, behavioural training, etc.) could effectively prevent future incidents. The panel has no ability to impose alternative methods of control.
4. Witness account: Any corroborating evidence or expert reports (e.g. medical records, veterinarians, animal behaviourists) regarding the incident and potential for aggression. Consider whether there are any witnesses to the attack who corroborate a witness account of events.	4. Public Sentiment or Media Coverage: Public opinions or media reports about the incident or the dog, unless directly related to the threat posed by the dog.
5. Historical Behaviour of the Dog: Any previous incidents of aggressive behaviour or attacks that demonstrate a pattern of risk to safety.	5. Owner's Personal Circumstances: The personal situation of the dog's owner (e.g., financial issues, personal challenges) or why they may not be able to comply with classification requirements.
6. Expert Opinion: Professional evaluations (e.g., from veterinarians or animal behaviourists) regarding the dog's temperament, socialisation and training, and characteristics such as their breed and size and whether it poses a threat.	6. Owner's Opinion on Classification: The owner's subjective opinion about the fairness of the classification decision or their disagreement with the classification.

Sworn statements: A sworn statement is made under oath, meaning the person is legally obligated to tell the truth and can face penalties for lying. This makes it more reliable and credible. An unsworn statement, however, is not made under oath, so it holds less weight and is considered less trustworthy, as the person hasn't made a legal commitment to the truth.