

6 June 2003

To the **Local Government and Environmental Committee**

On the **Local Government Law Reform Bill (No.2) and Supplementary Order Paper No 79**

1. This submission is from Tom Didovich, Animal Welfare Services Manager of **Waitakere City Council**, 6 Waipareira Avenue, Lincoln North, Henderson, Waitakere City, Auckland.
2. AIMS: Waitakere City Council has developed an approach to dog control founded upon improving the behaviour practises of the owner. We advocate dog owner education and licensing and promote good behavioural practises.

INTRODUCTION

The purpose of the reforms appears sound. The objective to increase public safety in relation to dogs can only be applauded. However, the issue arises as to whether or not the changes can be effective in meeting the primary objective. It is a challenge to not tar all dogs or all owners with the same brush. Without a balance which accommodates law abiding owners then the effect may be to alienate currently responsible owners and so create a new problem while attempting to address the real problem.

There has been much detail worked through with the Local Government Sector Project Team and this submission is not intended to revisit such detail but rather to comment on specific matters of concern within two areas : 1. The potential benefits and also the potential counter-productiveness of the proposed reforms; and 2: Further recommendations for change.

POTENTIAL OF PROPOSED REFORMS

FENCING

Fencing provisions may be unaffordable for house holders and also very impractical for many properties. However, under existing legislation a dog is not legally allowed to bite, so the proposal to fence dogs in such a way that access to a door is available simply reinforces existing provisions and may assist in reducing the number of attacks where certain dogs are mismanaged with regard to territorial aggression. The fencing proposal does attempt to address a common problem. However, a modification of this proposal can still be effective if it is written in as a law that a Territorial Authority Dog Control Officer has the power to require such a provision where it is believed the dog poses a threat to others. Many dogs are not likely to bite and this proposed reform places all dogs and owners in the same basket.

MUZZLING AND SELECT BREEDS

Muzzling of select breeds in public will have no significant impact on reducing the number of bites. Overseas experience has demonstrated that such measures are counter productive and do not assist in reducing the number of dog attacks and lead to greater difficulties in enforcement. In addition, research strongly indicates that most attacks occur on or near private property and that these select breeds are no more likely to attack than any other breed of dog.

LEASHING

Leashing and increased restrictions of dogs in parks needs to be treated with some caution as it is rare for attacks on people to occur in parks. If new laws are not well balanced then all they may succeed in doing is in forcing normally responsible dog owners to break the law. The Carolina Anderson case in which a severe attack to Carolina occurred in a park appears to be very much an exception. Quite clearly the Carolina Anderson case involved a specific dog owner being non compliant so it seems illogical to change the law in this respect when it is generally working successfully. Current Dog Policies administered via the Dog Control Act 1996 already address the issue of leashing and dogs in parks.

POWERS OF SEIZURE

Powers to seize uncontrolled dogs returning to a property will undoubtedly have benefits in specific problem situations and assist in promoting a safer community and perceived safety.

MICROCHIPPING

Micro-chipping of all dogs is arguably going overboard and raises the questions: If irresponsible owners do not register their dogs usually then are they likely to have them micro-chipped? Who will pay? Will a dual registration system work? Why not just give TAs the power to micro-chip any dog involved in an offence so these dogs can be traced when "hidden" and found elsewhere? - Chipping all dogs may tar all owners with the same brush when the irresponsible owners to be targeted by this proposed measure are the least likely to participate in the proposed chipping programme. So will it succeed in addressing the problem to any useful extent? It is the irresponsible owners who will be least likely to have chipped dogs in the first place yet these are whom the programme is aimed at. If chipping occurs then the data base needs to be independent of industry control in order for costs and data use to be well managed. There has been long held concerns within the animal control industry as to the under developed technology available for chipping. Also, the micro chipping industry has traditionally presented itself as a dog fighting over a bone - each competing, and with consumer concerns low on the priority. Issues of standardisation have always been a concern.

INCREASE OF PENALTIES

Increasing penalties may have some deterrent effect – but does any research bear this out? Overseas experience shows that increasing penalties has not reduced numbers of attacks. On the other hand increasing penalties may send a message to the courts to impose higher penalties. Many TAs perceive low level penalties as a problem with imposed fine levels currently being well below the maximum provisions. The benefit of appropriate penalty levels may be more in the message and stance it sends to the community regarding the seriousness with which the matter is considered as opposed to actually achieving significant change in dog owner behaviour. Once again meaningful research could assist here.

PUBLIC EDUCATION CAMPAIGN

The proposal to develop and implement a public education campaign at a National level is an excellent proposal because it has the potential to address the most common shortfall in the entire safety around dogs issue. It is the understanding of dogs and their behaviour and how to successfully interact with dogs coupled with an awareness of individual and social responsibilities that can provide much light to address the problem. A well balanced public education campaign in which people's understanding and awareness of how to live in harmony with dogs in the community appears sorely needed and has the potential to reap sustainable benefits for both dog owners and the general public - provided it is ongoing. The fact that by far the higher proportion of dog aggression problems occurs on private property - and often with family or friends of the dog owner - testifies to education being a key solution- both public education and individualised dog owner education.

FURTHER RECOMMENDATIONS FOR CHANGE

The debate over the proposed reforms is not assisted by the lack of New Zealand based research into the issue. This indicates the need for a national coordinating body to oversee and monitor dog control activities in order to achieve consistency in implementation of sound legislation based on substantial research into the problem. The amendments also do not appear to address the issue of specifically targeted dog owner education – such as compulsory education as a condition for owning a dog. Nor do they address the problem of uncontrolled dog breeding which places little value on dogs and results in a situation where dogs are too easy to acquire and too easily “thrown away”. The “throw away” component of modern society means that along with other areas of concern, dogs are undervalued and therefore without targeted measures to address the situation these dogs become part of the problem – both in terms of resources wasted on processing and often euphonising surplus dogs and also in terms of the impact on social responsibility and how dog owners (mis) manage their dogs.

WHERE TO?

The recent dog issues debate highlights the absence of meaningful nationwide research in the area of dog control within New Zealand. It also highlights the symptomatic nature of the dog issue and that significant social change is needed in order for some people to behave more wisely in relation to dogs and each other. If successful and sustainable outcomes are to be achieved then we need to have a sustainable structure and foundation upon which to base this structure. A foundation of well considered sound laws based on research and the investment of a body specifically to build on the work to date is the sustainable way to the future of the industry and to getting a grip on dog control issues.

A national coordinating body specifically dedicated to animal management and comprised of various industry representatives and other experts would undertake research and provide direction to central and local government on dog control issues. It could also manage the national micro – chip data base if there is to be one. An ongoing commitment to supporting such a body would ensure successful and sustainable outcomes in relation to the animal industry. The current heightened activity and initiatives if followed through have the potential to reap sustainable improvements but without such coordination will in all likelihood suffer loss of benefits and to whatever extent be a wasted exercise.

CONCLUSION

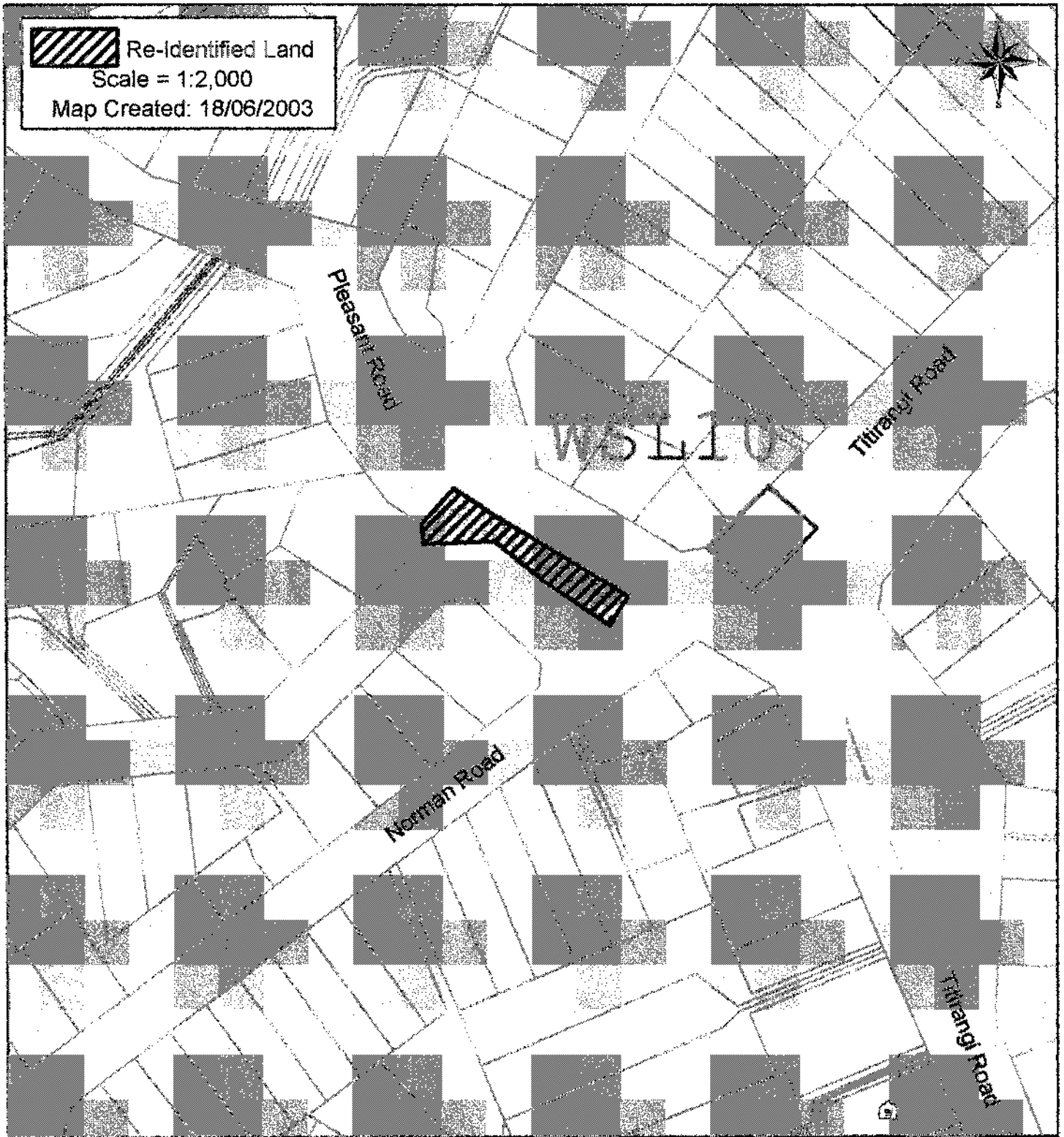
There is much value to be gained from the proposed reforms if they are tempered so as to not alienate responsible owners. Further measures would assist in addressing the education and excessive breeding issues and also the lack of nationwide coordination of the industry.

RECOMMENDATIONS

1. Compulsory dog owner education as a prerequisite of owning a dog
2. Establishment of a National Animal Urban Animal Management Council to spearhead TA activities on a national basis and undertake research and provide recommendations to Central and Local Government
3. Introduction of the requirement of a breeding permit to breed any dog

District Plan

Proposed Changes to Map Number G10 Human Environments



Proposed Plan Change No. 6

Change from 'Transport Environment' to 'Open Space Environment'

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Classification and Naming of Reserve

Pursuant to the Reserves Act 1977, and to a delegation from the Minister of Conservation, the Waitakere City Council hereby declares the land described in the Schedule hereto to be a recreation reserve, subject to the provisions of the said Act, and to be hereafter known as Burbery Reserve.

Schedule

North Auckland Land District—Waitakere City

911 square metres, more or less, being Section 1, S.O. 69923.

Dated at Auckland this 5th day of November 2002.

H. V. O'ROURKE, Chief Executive, Waitakere City Council.

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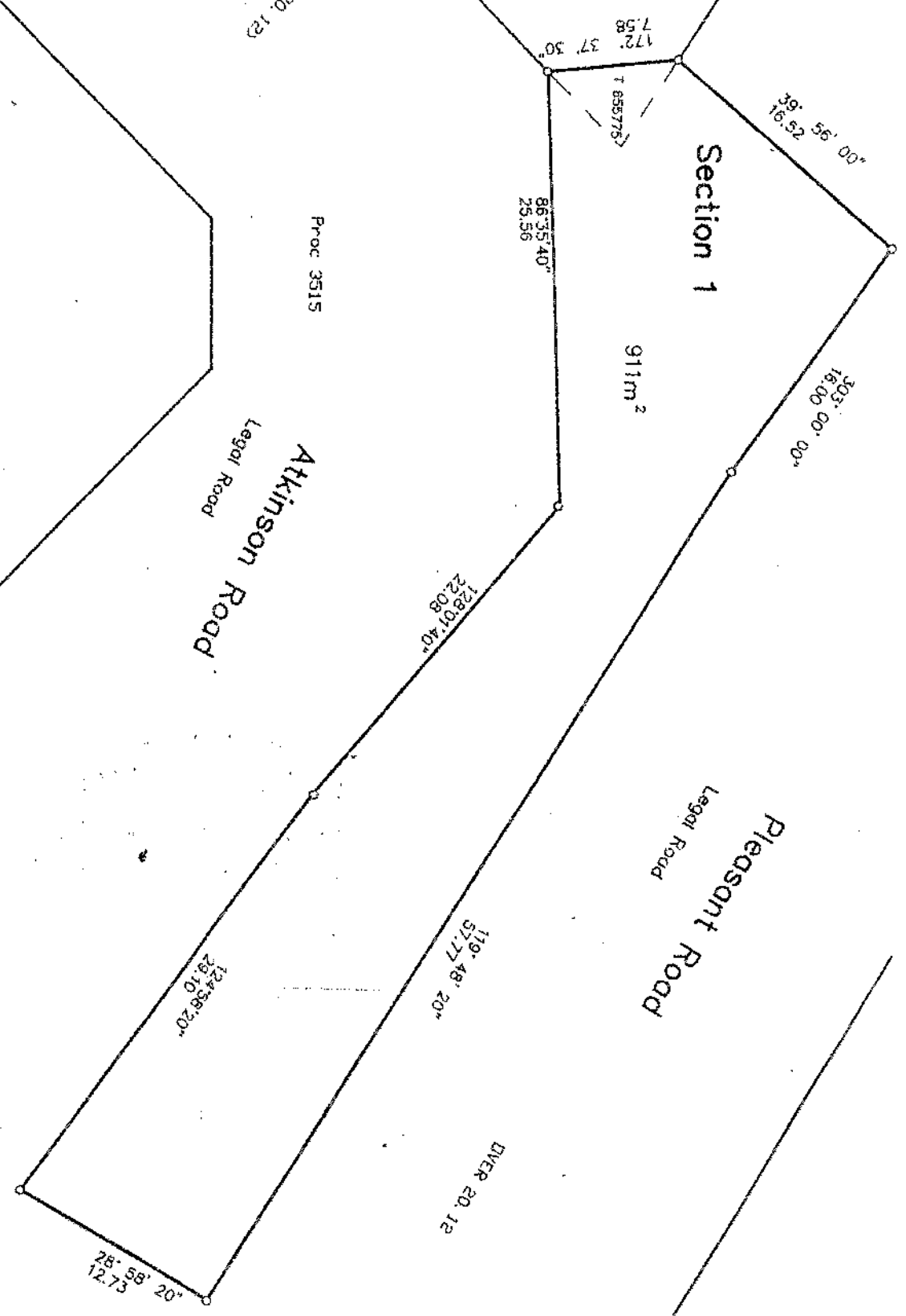
Atkinson Road
Legal Road

Section 1

911m²

Pleasant Road
Legal Road

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