

DOG LOCAL LAW SUBMISSIONS 2022

Submission 1- Comment only

1. Where does this document outline dog exercise areas in CoK. Some 12mths ago I wrote to Council requesting Davies Park in Maida Vale be made an off leash exercise area. The outcome of that request is yet to be addressed by the City of Kalamunda

Submission 2 – Comment only

1. Looks pretty reasonable and straight forward.

Submission 3- Comment Only

1. In the proposed Dog law by City of Kalamunda, we see no law to preclude nuisance dogs ie continually barking/howling dogs and no requirements by dog owners to prevent their dogs creating a nuisance to neighbours and others. Personally, we have experienced over 12 years of a nuisance dog close by and despite years of contacting council and a ranger varifying the nuisance, diary keeping for weeks (a huge burden for a complainant who is already burdened by the nuisance) nothing was achieved except conflict and harassment from the dog owner, which has only created long lasting physical and other stress for us. We are not alone – other residents within the city have experiences of similar magnitude, which need not get to that point if the city had a strong dog nuisance law. Lack of quick solutions has only created division within the community of neighbours. (See the 6 points below – ‘Objectives of the Guidelines’) We need clear, concise laws which place the burden of responsibility back onto the dog owner to ensure their dog does not become a nuisance to others, after all, the dog owner, upon registering their dog, agrees to abide by any local laws. The Local Law should explicitly refer to Nuisance Dogs. The law could adopt some of the Standards set out in Chapter 5 of the DLGSC Best Practice Guideline on the Identification, Investigation and Handling of Nuisance Dogs about Nuisance Barking (possibly without getting bogged down by diaries and such) This would help to implement the objectives of the Guidelines, namely to:
 1. set out a clear process for investigation and action;
 2. discourage vindictive complainants;
 3. reduce the burden on complainants and local governments;
 4. make complaints relatively quick to resolve;
 5. remove ambiguity; and most importantly,
 6. make owners responsible for the behaviour of their dog(s)

Our experience as ratepayers in the City of Kalamunda over the last 12 years has shown, sadly, none of these 6 guidelines have been met.

This new Section of the Local Law can reference Nuisance Dogs described in the Dog Act 1976 Part VI Division 4 s38 (1).

Thank you for giving the opportunity to make this submission.

Submission 4 – Comment only

1. No information is given as to where the dogs can be lawfully exercised off lead? More off lead places need to be added in Kalamunda and Lesmurdie. More signage need at Jorgensen Park as cyclists and dog owners and runners share this area. Information needs to be shared when events take place

Submission 5 – Minister of Local Government, Sports and Cultural Industries

Good afternoon,

This email is regarding the City's proposed dog local law. No significant issues were identified, but some minor drafting suggestions are provided below.

Dog Local Law 2022

1. Minor edits

The following minor edits are suggested:

- **Enacting provision:** The date in this provision is incorrect, since the final version of the local law is yet to be made by the council. The City should ensure the correct meeting date is included when the local law is submitted for final endorsement.
- **Clause 1.4:** Change "19 April 2010" to "24 May 2010".
- **Clause 3.5:** Part of this clause appears to be missing. The Shire should ensure that no other paragraphs are intended to be in that clause. If the clause is complete, it is suggested that paragraph (a) be merged with the first two lines.
- **Clause 4.13:** Redesignate paragraphs i.-vii. to (a)-(g).
- **Clause 4.14(1):** Put brackets around the paragraph designators and remove the full stops.

The City should also ensure that all references and cross references are accurate, particularly if any changes are made as a result of the Department's comments.

Minister's Directions – pursuant to s 3.12(7) of the Local Government Act 1995

Please note: once the City has published a local law in the *Government Gazette*, the City must comply with the requirements of the Minister's *Local Laws Explanatory Memoranda Directions 2010*. The City must, within 10 working days of the Gazettal publication date,

forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk
Joint Standing Committee on Delegated Legislation
Legislative Council Committee Office
GPO Box A11
PERTH WA 6837
Email: delleg@parliament.wa.gov.au
Tel: 9222 7404
Fax: 9222 7805

A copy of the Minister's Directions and Explanatory Memoranda forms can be downloaded from the Department of Local Government, Sport and Cultural Industries website at www.dlgsc.wa.gov.au. Failure to comply with the Directions may render the local law inoperable.

Please note that my comments:

- have been provided to assist the City with drafting matters in relation to the local law;
- do not constitute legal advice;
- have been provided in good faith for the City's consideration; and
- should not be taken as an approval of content.

The City should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the City's policies and objectives.

Kind regards