

October 2024

**To Hamilton City Council**

Please find attached our submission on the Proposed Animal Nuisance By-Law, Dog Control By-Law and Dog Control Policy

For any further inquiries, please contact:

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# Introducing Disabled Persons Assembly NZ

**We work on systemic change for the equity of disabled people**

Disabled Persons Assembly NZ (DPA) is a not-for-profit pan-impairment Disabled People’s Organisation run by and for disabled people.

**We recognise:**

* Māori as Tangata Whenua and [Te Tiriti o Waitangi](https://www.archives.govt.nz/discover-our-stories/the-treaty-of-waitangi) as the founding document of Aotearoa New Zealand;
* disabled people as experts on their own lives;
* the [Social Model of Disability](https://www.odi.govt.nz/guidance-and-resources/guidance-for-policy-makes/) as the guiding principle for interpreting disability and impairment;
* the [United Nations Convention on the Rights of Persons with Disabilities](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) as the basis for disabled people’s relationship with the State;
* the [New Zealand Disability Strategy](https://www.odi.govt.nz/nz-disability-strategy/) as Government agencies’ guide on disability issues; and
* the [Enabling Good Lives Principles](https://www.enablinggoodlives.co.nz/about-egl/egl-approach/principles/), [Whāia Te Ao Mārama: Māori Disability Action Plan](https://www.health.govt.nz/publication/whaia-te-ao-marama-2018-2022-maori-disability-action-plan), and [Faiva Ora: National Pasifika Disability Disability Plan](https://www.moh.govt.nz/notebook/nbbooks.nsf/0/5E544A3A23BEAECDCC2580FE007F7518/$file/faiva-ora-2016-2021-national-pasifika-disability-plan-feb17.pdf) as avenues to disabled people gaining greater choice and control over their lives and supports.

**We drive systemic change through:**

**Rangatiratanga / Leadership**: reflecting the collective voice of disabled people, locally, nationally and internationally.

**Pārongo me te tohutohu / Information and advice**: informing and advising on policies impacting on the lives of disabled people.

**Kōkiri / Advocacy**: supporting disabled people to have a voice, including a collective voice, in society.

**Aroturuki / Monitoring**: monitoring and giving feedback on existing laws, policies and practices about and relevant to disabled people.

# The Submission

Disabled Persons Assembly (DPA) welcomes this opportunity to engage with the Hamilton City Council (HCC) on the proposed Animal Nuisance Bylaw, Dog Control Bylaw and Dog Control Policy.

Dogs and animals play an important role for disabled people in being companions as well as - for a growing number of people in our disability community - playing an important support role as service animals and disability assistance dogs.

The role of service animals and disability assistance dogs are recognised in legislation given the role that they have in supporting disabled people and, especially, blind and low vision people to maintain independent lives and enable community participation.

The wider role that animals play as companions to disabled and non-disabled people alike are covered in New Zealand’s animal welfare laws and policies.

Many disabled people have companion animals as a means of ensuring mental wellbeing and companionship for both them and their families/whānau.

DPA welcomes the Animal Nuisance Bylaw and associated bylaws being re-written in a more accessible, simplified way by the HCC. This will help everyone, including disabled people, to better understand their rights and responsibilities as animal owners.

DPA has a few concerns around the Dog Control Policy which we wish to raise and make recommendations around.

Otherwise, we support the general direction of the policies and guidelines and see our recommendations as a means of further refining them to make them more effective.

**Dog Control Policy and Bylaw**

Hamilton DPA members have expressed concerns about the increasing number of unleashed dogs roaming around the streets of the central city.

We note and welcome the provisions of the by-law outlawing the presence of unleashed dogs in all public places and that owners and/or people controlling them are required to take full responsibility for maintaining their dogs while within these areas.

Disabled people can have issues with dogs, particularly if they are unleashed, poorly controlled or aggressive. They can present safety issues for disabled people using mobility devices including wheelchairs, people with impaired mobility who may be knocked over, blind and low vision people and disabled people seeking to keep their guide dogs/support animals under control to enable safe navigation (as guide dogs can be affected by the actions of other animals) and autistic/neurodiverse people who may sometimes become distressed in the presence of dogs.

For these reasons it is important that unleashed dogs are banned from the Hamilton CBD and appropriate fines should be given to the owners or people in control of any dogs who deliberately unleash them in the CBD and other high foot traffic areas of the city, unless there are mitigating circumstances.

DPA recommends that the HCC’s proposed dog control policy include more active monitoring in the central city through whatever resources are at the council’s disposal.

This could include more prominent signage around the need to keep dogs leashed, active monitoring by council staff through CCTV and the ability for members of the public to more easily alert council about the presence of unleashed dogs and non-permitted animals in the CBD and other high foot traffic areas.

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| **Recommendation 1:** that unleashed dogs are banned from the CBD and other high foot traffic areas of the city with appropriate fines for any owners or people controlling them who intentionally do so, unless there are mitigating circumstances. |

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| **Recommendation 2:** that the HCC engage in active enforcement of both dog and animal control laws through, for example, more prominent signage, CCTV footage and encouraging active public reporting. |

## Dog park risks

DPA acknowledges the public demand for more off-lead dog exercise areas to be created in public parks and reserves across Hamilton.

However, these demands need to be balanced with those of the needs of disabled people, older people and younger children when doing so.

Some of the proposed off-lead exercise areas cut across important footpath and walkway connections which are used by both walking and mobility device using pedestrians.

As stated earlier, there are risks associated with unleashed dogs, even when they are within easy reach of either their owners or other people controlling them and these need to be mitigated for everyone’s safety.

DPA recommends that off-lead dog exercise areas are not created in areas where there are significant walkway or footpath connections. Only leashed dogs and animals should be permitted in these spaces.

Off-lead dog exercise areas should only be created in spaces where there is plentiful grass and other amenities for dogs, and which don’t have walkway or pathway connections upon them.

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| **Recommendation 3:** that off-lead dog exercise areas are not created in areas where there are significant walkway or footpath connections. |