

Hon Matthew Swinbourn MLC

Chairman Standing Committee on Environment and Public Affairs

Parliament House

Perth 6000

11th July 2017

Dear Hon Matthew Swinbourn (Chairman),

RE: Petition number 009

Thank you for the invitation to provide a written submission regarding the issues on the above petition tabled by Martin Pritchard MLC in the Legislative Council on the 13th June 2017 for the purpose of a preliminary investigation by the Standing Committee of Environment on Public Affairs

At this time I have not made contact with the Parliamentary Commissioner for Administrative Investigations (Ombudsman).

The submission follows this cover letter.

Sincerely,

Kirrily Beer.

Lead petitioner 009.

Submission in relation to petition 009 – Oppose Horse Beach Joondalup closure

Members of the Western Australian public signed this petition expressing their opposition to the City of Joondalup (COJ) Amendment Animal Local Law 2016 which was intended to and resulted in the closure of the horse beach at latitude -31.807473 and longitude 115.728701 (Animal Exercise Beach / Whitfords Horse Beach) on the 24th January 2017.

The COJ Amendment Animal Local Law 2016 removes the right of access to the ocean from the only sanctioned facility north of Perth and an alternative option of access will not be offered by the COJ. The next available horse beach is located at Kwinana (60kms south).

It is believed that the COJ Animal Amendment Local Law 2016 is in contravention of the terms of reference of Delegated Legislation by as it effects an existing right.¹

History:

1970s	The City of Wanneroo (COW) designated the beach at (latitude -31.807473 and longitude 115.728701) as an animal exercise beach with dogs and horses separated. It was chosen as the best option for the exercising of horses based on accessibility and safety within the boundaries of the COW.
01 07 1998	City of Wanneroo boundary is changed and the City of Joondalup (COJ) formed.
1999	COJ commences a review of the local laws within the City's boundaries.
23 09 1999	COJ proposed the "City of Joondalup Animals Local Law 1999" ² . No community issues were noted at this time in regard to horse beach access.
17 04 2007	COJ briefing meeting report "To provide Council with information on current community concerns regarding the animal beach facilities at Hillarys and a recommended way forward." ³
21 04 2009	Petition requesting extension of the dog beach ⁴
16 02 2010	Draft Beach Management Plan (BMP) presented at COJ council meeting ⁵ . Draft BMP sought to resolve parking issues at the animal exercise beach by prohibiting access to the animal beach by horses ⁶ .
02 04 2010	Petition opposing horse beach closure presented to COJ council ⁷ .
21 09 2010	COJ adopts the BMP. COJ meeting resolved to phase out the closure of the beach and engage with the City Of Wanneroo regarding site for horse beach in the COW ⁸ .
2014	Dog Act 1976 amended.
17 05 2016	COJ voted (simple majority 9/3) to "initiate amendments to the COJ Animals Local Law 1999, with the purpose of removing provisions that provide permissible area for the exercising of horses on City of Joondalup beaches" ⁹ .
29 06 2016	Public advertisement of proposed COJ Animal Amendment Local Law 2016.
16 08 2016	Petition opposing horse beach closure presented to COJ council (1167 signatures) ¹⁰ .
22 08 2016	Close of public submission period. COJ received 311 submissions against and 6 in favour of the proposed amendment ¹¹ .

20 09 2016	COJ deferred vote until 13 12 2016 to enable an absolute majority vote ¹²
13 12 2016	COJ voted 7/6 to “finalise the local law adoption process” ¹³
10 01 2017	COJ Animals Amendment Local Law 2016 published in the Western Australian Government Gazette ¹⁴
24 01 2017	Closure of the horse beach
13 06 2017	Tabling of petition 009 by Hon Martin Pritchard MLC in the Legislative Council ¹⁵

Facts (prior to the beach closure 24 01 2017):

- Horses were restricted to 160m of the animal exercise beach from daybreak to midday Monday to Saturday.
- Horses were restricted to walking – ie no trotting, cantering or galloping.
- The 160m was shared with dogs – no exclusivity.
- The carpark of the animal exercise beach did not provide “float only” bays (absence of signage or road markings stating this).

Those opposed to the closure (users of the horse beach and supporters of retaining the horse beach including the many dog owners using the beach) engaged the COJ seeking to prevent the closure, citing the many significant positive benefits to its many users (individuals and groups)^{10,11}. COJ councillors were invited to visit the beach, witness the interactions between the users and see that its closure would not resolve the issues as well as diminish the experience. Some councillors who voted 17 05 2016 to proceed with closure of the beach did visit and subsequently this was reflected in the vote of 13 12 2016.

One issue identified by the COJ was the “perceived inadequacy of carparking facilities at the Hillarys Dog Beach”¹⁶. Excluding horses from the beach did not increase the number of parking bays available to dog owners. Between 2010 and 2016 the COJ received two complaints regarding carpark overcrowding¹⁷.

Another issue was to increase the amount beach available for exercising dogs, thus relieving “congestion on the dog beach”. The 160m of beach that was permissible for horses to access was already available for dogs to use. It was shared.

The issues that the COJ sought to resolve at the animal exercise beach were not resolved by closing the access to horses.

Questions submitted to the COJ seeking a clear, succinct, logical and consistent rationale or answer as to why the amendment was necessary was unsuccessful.

The COJ’s decision contradicts the expressed wishes of the majority of their electors (residents and rate payers)¹¹, results of a COJ survey¹⁸ and two of the four guiding principles of the BMP¹⁹.

It remains unclear who benefits from the closure but the loss is primarily borne by the horses who benefit from using this regional facility for physical development, training, treatment and rehabilitation as well as recreation. Coastal facilities service the public on a regional basis, not only COJ residents, all northern inland communities are being discriminated against with this closure.

The petitioners urge that the Western Australian Legislative Council recommends the State Government disallow this amendment thus preserving access to the ocean / beach by horses and their handlers at this site.

REFERENCES

1. Legislative Council Standing Orders p126
[http://www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/resources/file-lc-standing-orders/\\$file/LC%20Standing%20Orders%2001032017.pdf](http://www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/resources/file-lc-standing-orders/$file/LC%20Standing%20Orders%2001032017.pdf)
2. City of Joondalup Council meeting minutes 23 03 1999 page 8
<http://www.joondalup.wa.gov.au/files/councilmeetings/1999/CJ990323.pdf>
3. City of Joondalup Council briefing meeting agenda 17 04 2007 ITEM 8 HILLARYS ANIMAL BEACH – [02093] page 27. http://www.joondalup.wa.gov.au/files/councilmeetings/2007/CJ070417_BRF.pdf
4. City of Joondalup Council meeting minutes 21 04 2009 page 12
http://www.joondalup.wa.gov.au/files/councilmeetings/2009/CJ090721_MIN.pdf
5. City of Joondalup Council meeting minutes 16 02 2010 page 143
http://www.joondalup.wa.gov.au/files/councilmeetings/2010/CJ100216_MIN.pdf
6. City of Joondalup Beach Management Plan page 24
http://www.joondalup.wa.gov.au/Libraries/Documents/Beach_Management_Plan_2010.pdf
7. City of Joondalup Council meeting minutes 02 04 2010 page 11
http://www.joondalup.wa.gov.au/files/councilmeetings/2010/CJ100420_MIN.pdf
8. City of Joondalup Council meeting minutes 21 09 2010 Page 32
http://www.joondalup.wa.gov.au/files/councilmeetings/2010/CJ100921_MIN.pdf
9. City of Joondalup Council meeting minutes 17 05 2016 page 44
http://www.joondalup.wa.gov.au/files/councilmeetings/2016/CJ160517_MIN.pdf
10. City of Joondalup Council meeting minutes 16 08 2016 page21
http://www.joondalup.wa.gov.au/files/councilmeetings/2016/CJ160816_MIN.pdf
11. City of Joondalup Council meeting minutes 20 09 2016 attachment 10brf160913 page 5
<http://www.joondalup.wa.gov.au/files/councilmeetings/2016/Attach10brf160913.pdf>
12. City of Joondalup Council meeting minutes 20 09 2016 page 77
<http://www.joondalup.wa.gov.au/files/councilmeetings/2016/Attach10brf160913.pdf>
13. City of Joondalup Council meeting minutes 13 12 2016 page 48
http://www.joondalup.wa.gov.au/files/councilmeetings/2016/CJ161213_MIN.pdf
14. Western Australian Government Gazette No. 6 January 10th 2017 page 139
[https://www.slp.wa.gov.au/gazette/gazette.nsf/searchgazette/B033481C39685622482580A300032567/\\$file/Gg006.pdf](https://www.slp.wa.gov.au/gazette/gazette.nsf/searchgazette/B033481C39685622482580A300032567/$file/Gg006.pdf)
15. Current petitions before the 40th Parliament of Western Australia
[http://www.parliament.wa.gov.au/Parliament/commit.nsf/\(viewPetitions\)?openview&com=Environment%20and%20Public%20Affairs%20Committee&parl=40](http://www.parliament.wa.gov.au/Parliament/commit.nsf/(viewPetitions)?openview&com=Environment%20and%20Public%20Affairs%20Committee&parl=40)
16. Executive summary City of Joondalup Council meeting minutes 17 05 2017 page 35-38
http://www.joondalup.wa.gov.au/files/councilmeetings/2016/CJ160517_MIN.pdf
17. City of Joondalup Council meeting minutes 17 05 2017 page 39

18. City of Joondalup Council meeting minutes 17 05 2017 page 37

19. City of Joondalup Beach Management Plan page 12

http://www.joondalup.wa.gov.au/Libraries/Documents/Beach_Management_Plan_2010.pdf