

<p>ORDINARY MEETING</p> <p>3 MARCH 2015</p>	<p>5.1</p>
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EXHIBITING NON NATIVE FAUNA ON COUNCIL PARKS AND RESERVES

Robert Donovan: Property Officer #448835

Darryl Crees: General Manager Corporate Services

RECOMMENDATION:

It is recommended that Council not restrict circuses utilising Council Land for events subject to any applicant holding all necessary State Government licences pertaining to exhibiting animals.

EXECUTIVE SUMMARY:

Following on from the presentation of the petition to ban all future animal circuses on Council Land, further information relating to licencing requirements by State Government has been investigated and provided to Council. The licencing, review and monitoring of animal welfare is a State Government legal responsibility and it is recommended to Council that provided applicants hold all relevant licences then they should not be restricted in utilising Council land.

BACKGROUND:

At its Ordinary meeting on 4 November 2014, Council formally received a petition calling upon Douglas Shire Council to ban all future animal circuses on Council land. A web link for this petition appears below:

<http://www.change.org/p/douglas-shire-council-we-call-upon-the-douglas-shire-council-to-ban-all-future-animal-circuses-on-council-land>

Although this petition was received electronically (the above provided link is the only option to view) and the principal petitioner contact details are not available, further to the Standing Orders for Council Meetings, the petition was provided for Council consideration. This petition has 161 supporters however it cannot be determined from the information provided determined how many of these supporters are Douglas Shire residents.

Council passed the following resolution:

5.15 PETITION – COUNCIL TO BAN ALL FUTURE ANIMAL CIRCUSES ON COUNCIL LAND

Darryl Crees: General Manager Corporate Services #432807

Moved Cr Noli **Seconded** Cr Carey

“That Council resolves that the petition be received and referred to the Chief Executive Officer for consideration and a report to Council by the end of February, 2015.”

Carried unanimously.

By way of further information Cairns Regional Council (CRC) also considered this matter at an Ordinary Council Meeting on 26 May 2010. This report evolved as a resolution from a Finance and Administration Committee Meeting in April 2010 as CRC had received over 40 emails supporting the ban on performing exotic animals on public land. At the same time the Cairns Post newspaper ran a public opinion through their website, with results indicating that 59% of the community supported the ban.

The Royal Society for the Protection and Cruelty of Animals (RSPCA) is apposed to exhibitions or presentations of animals in circus (RSPCA Policy CO1, CO2, and CO5). The RSPCA has lobbied Councils across Australia to prohibit performing exotic animals on Council managed land. There are several other Australian organisations that also support the prohibition of performing exotic animals.

CRC officer's recommendation was:

That upon receipt of an application to use a Council park or reserve for a circus or event which exhibits non-native fauna, that Council officers shall refuse the application in accordance with Local Law.

The recommendation was not adopted by Council. Instead CRC resolved as follows:

That Council accepts the use of exotic (non native) animals in public entertainment events and circuses notwithstanding the provisions of Councils Local Laws and Local Law Policies, being Parks and Reserves (Cairns City Council and Park and Reserves (Douglas Shire Council).

COMMENT:

In Queensland a person is required to have a licence or permit if the company/person plan to exhibit animals. Licences and permits allow a company/person to keep, house, display and transport the animals to be exhibited. The company/person is also required to meet codes of practice and demonstrate a duty of care to animals in that person's care. The animals exhibited are also protected by animal welfare, biosecurity and environment protection laws.

Biosecurity Queensland (BQ), a service of the Department of Agriculture, Fisheries and Forestry, is the Governments lead agency for animal welfare activities in Queensland. BQ develops, monitors and enforces animal welfare policy, legislation and standards and educate the community about animal welfare

The Department of Agriculture, Fisheries and Forestry is also responsible for the administration and enforcement of *the Queensland Animal Care and Protection Act 2001* and the *Queensland Animal Care and Protection Regulations 2002*. RSPCA inspectors respond to complaints regarding circus animals and are required to conduct inspections to ensure compliance with the Animal Care and Protection Act 2001.

It should be noted that the Exhibited Animals Bill 2014 will replace six licensing schemes and parts of four Acts with a single licensing scheme under one Act. The Bill and its regulations will commence at the same time as the Biosecurity Act 2014 which will be late in 2015.

Local Government does not have the delegation to enforce this legislation. Similarly Douglas Shire Council does not have local laws pertaining to Public Parks and Reserves for the exhibiting non native fauna. The Local Law referred to in the CRC officer's recommendation was repealed in December 2011.

Under the current practice of Douglas Shire Council, where a company/person wishes to hire a venue for a circus two applications must be made: - one for the hire of the venue and another for the Prescribed Activity. On approval of the Prescribed Activity Council through its Environmental Health and Regulatory Service issues a Schedule 18-Operation of Temporary Entertainment Events permit. On the back of this permit is a list of approval conditions. The permit must be displayed in a prominent position on the site.

PROPOSAL:

As the legal jurisdiction for licencing, monitoring and reviewing of animal welfare rests with the State Government, it is recommended to Council that Circuses be allowed to use Council land subject to all necessary licences being held by the applicant.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:

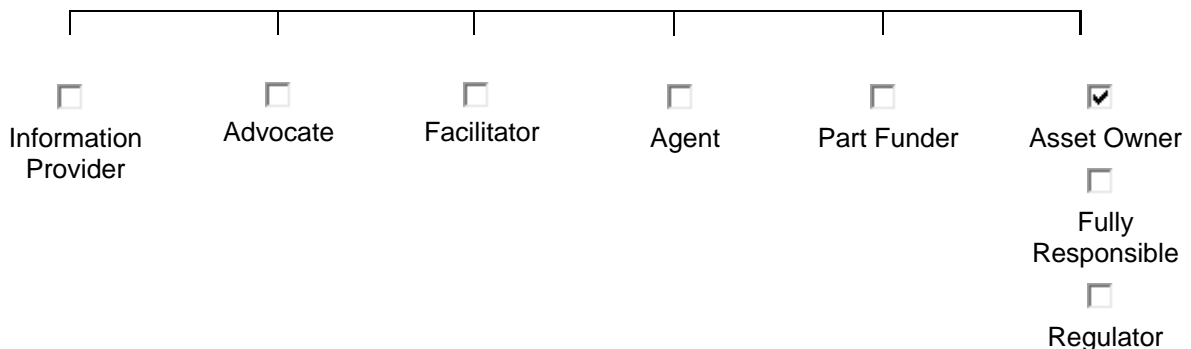
This report has been prepared in accordance with the following Corporate Plan 2014-2019 actions:

5.2.1 Provide Councillors and community with accurate, unbiased and factual reporting to enable accountable and transparent decision-making.

COUNCIL'S ROLE:

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:



Asset Owner:	Meeting the responsibilities associated with owning or being the custodian of assets such as infrastructure.
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FINANCIAL/RESOURCE IMPLICATIONS:

Circuses are infrequent users of Council Parks and Reserves therefore whether they are permitted to use Council land or not will have no, or an insignificant impact on Council's budget.

RISK MANAGEMENT IMPLICATIONS:

Council will mitigate risk through the application process of venue hire and prescribed activity by ensuring all relevant State Government licences are held by applicant.

INTERNAL/EXTERNAL CONSULTATION:

The Department of Agriculture and Fisheries
City of Gold Coast
Ipswich City Council
RSPCA Queensland Branch

ATTACHMENTS:

Nil