

COUNCIL ORDINARY MEETING 5 MAY 2015	5.9
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RESULTS OF COMMUNITY ENGAGEMENT – EXHIBITING NON NATIVE FAUNA ON COUNCIL PARKS AND RESERVES

Darryl Crees: General Manager Corporate Services #453089

RECOMMENDATION:

That council notes the results of the recent community engagement on Exhibiting Non Native Fauna on Council Parks and Reserves.

EXECUTIVE SUMMARY:

On 3 March 2015, Council resolved for staff to undertake community engagement with regards to exhibiting non native fauna on Council parks and reserves. This report provides details feedback received from this engagement and the deferred item 5.1 from Councils' Ordinary Meeting of 3 March 2015 is the next item on the agenda for Councils' consideration. As it is a deferred matter, there have been no changes or alterations to the report presented at the earlier meeting.

BACKGROUND:

At the 3 March 2015 Ordinary Council Meeting, a report was presented to Council on Exhibiting Non Native Fauna on Council Parks and Reserves. Council deferred this item pending a further report detailing feedback from engaging the Douglas Community. Details of this resolution are:

5.1 EXHIBITING NON NATIVE FAUNA ON COUNCIL PARKS AND RESERVES

Robert Donovan: Property Officer #448835

Darryl Crees: General Manager Corporate Services

Moved

Seconded

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

Moved Cr Leu

Seconded Cr Noli

“That the Council defer Item 5.1 and request a further report that includes consultation with the Douglas community”.

For: Cr Leu, Cr Melchert, Cr. Noli

Against: Cr Carey

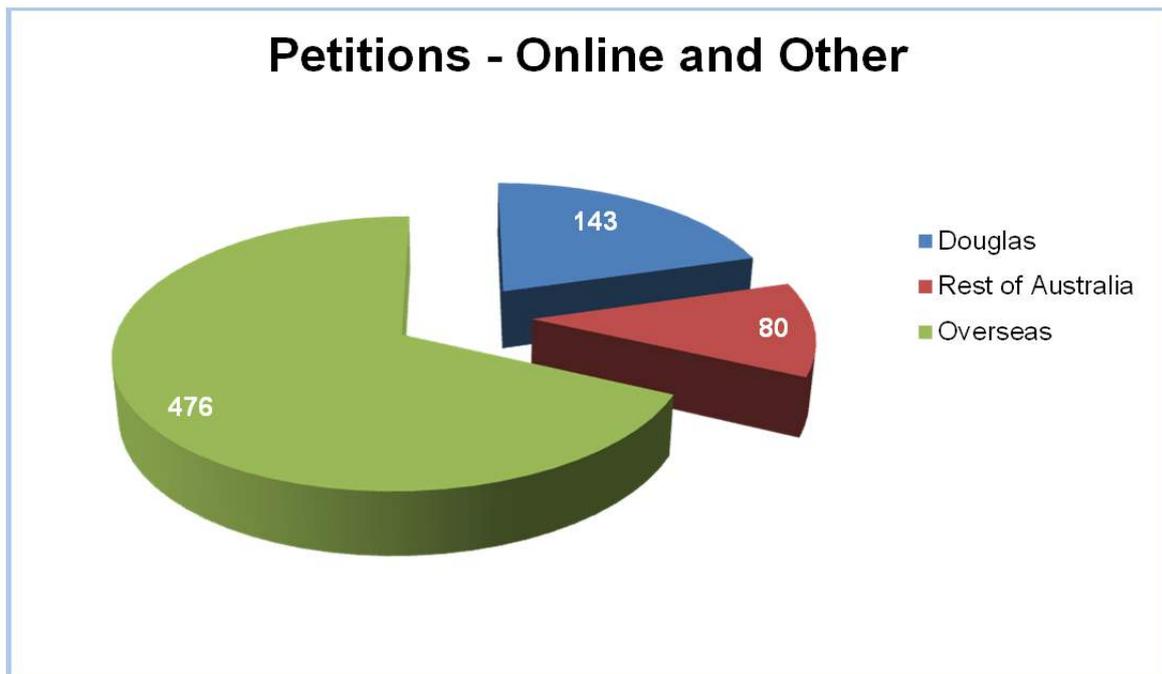
Carried

In implementing Councils' decision referred to above, it was announced on Councils' website and Facebook page that community engagement on this matter was open for public comment on 4 March 2015 and interested persons had until 3 April 2015 to respond.

COMMENT:

During the period of community engagement, there were 18 responses received. Of these responses, 16 were in favour of the restricting circuses from Council lands and 2 were not. Comments received from these 18 respondents are attached to this report and it should be noted that some words in these comments have been blanked out so as not to publicly identify the respondents.

One of the respondents was the initiator of the original online petition (as detailed in report 3 March 2015) and this respondent has provided up to date information on petitions regarding this matter. In total there were 699 signatures recorded on petitions, in favour of banning circuses on Council land. An analysis of respondents to these petitions follows:



The petitions referred to above, only relate to petitions originating since 1 January 2014.

PROPOSAL:

That Council notes the results of the recent community consultation on exhibiting non native fauna on Council parks and reserves. The deferred item from Councils' Ordinary Meeting 3 March 2015 is the next item on this agenda for consideration and as it is a deferred matter, there have been no changes or alterations to the report presented at the earlier meeting.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:

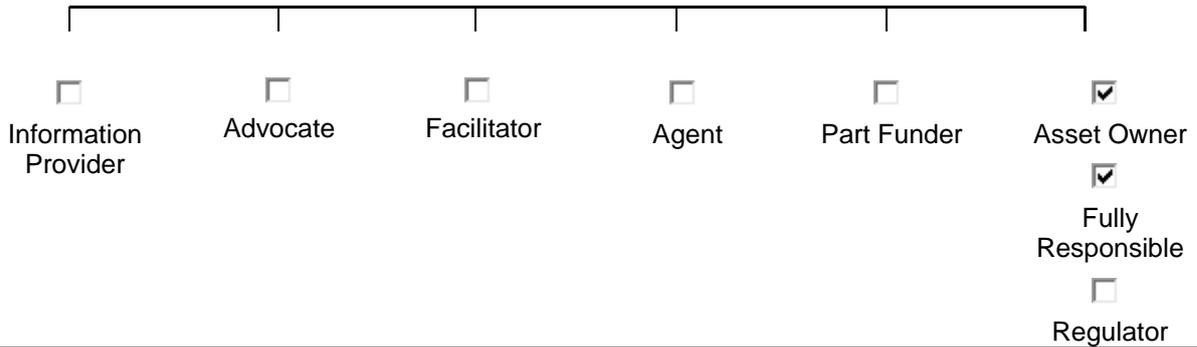
This report has been prepared in accordance with 4.1.2 of Councils' Corporate plan which state:

4.1.2 Undertake community engagement activities that are clearly identified and are appropriate in relation to the project.

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.
Fully Responsible:	Funding the full cost of a program or activity.

FINANCIAL/RESOURCE IMPLICATIONS:

There have been no impacts on Council’s budget or resources in this community consultation exercise.

RISK MANAGEMENT IMPLICATIONS:

This report is providing Council with details of a community engagement exercise and accordingly there are no risk management implications.

INTERNAL/EXTERNAL CONSULTATION:

Community engagement was open for public comment on 4 March 2015 and interested persons had until 3 April 2015 to respond.

ATTACHMENTS:

Comments received during community engagement.

Postcode	Support Ban	Comments
4877	Yes	Animal circuses are cruel and horrible and in this day and age, no longer have a place in society.
4877	No	Very happy for circuses to be allowed to come to our area.
4873	Yes	I am emailing to register my support for the banning of circuses that use exotic wild animals for entertainment on Council land and Reserves. I would actually support a total ban on these types of circuses exhibiting on any land within the Douglas Shire. I would be grateful if receipt of my submission to this community engagement is acknowledged.
4877	Yes	I wish to support a ban on all animal circuses within the Douglas shire council. Along with all of my family members that reside within the Douglas council. [REDACTED] and myself [REDACTED]
-	Yes	I have already sent Julia Leu and David Carey a great deal of evidence based research which documents the detrimental effects that these circuses have on the animals involved and I hope that the information is going to be considered. I am strongly opposed to the use of these animals in circuses and it is an unnecessary form of entertainment. There are plenty of options for family entertainment in the area and maybe support should be thrown behind productions and the clink theatre or other locally based forms of entertainment. Money from these circuses do not benefit the local community. Circuses can be extremely successful and entertaining, not to mention safer for spectators without the use of animals so those who wish to take their children out for an evening of entertainment can easily do so without need for these animals to suffer for the sake of entertainment. More importantly it is time for the Douglas Shire to get on board with the RSPCA recommendations that councils ban these circuses from their land as a way of getting the message across that the use of these animals is unacceptable. The use of these animals in the circus is far from educational as it is portraying the message that we humans have the right to be entertained by the humiliation of these magnificent creatures. There is also the safety aspect as there have been many occasions documented around the world where circus animals have snapped and run loose, injuring spectators. There can be no guarantee that this would not happen as these are animals involved, not machines. This is not to mention the fact that these animals are transported for long hours in confined spaces, spending the majority of their lives in such conditions which is not acceptable. Please take action on this to show that this is a modern council and not a council with practices as outdated as the use of exotic animals in circuses.
4873	Yes	I heartily support the banning of Circuses and all animal acts in the Douglas Shire. Animals are not ours to use for entertainment and I applaud Julia Leu for asking the publics opinion on this very important matter. I encourage anyone who cares for the well being of animals to outlaw these disgusting and cruel shows in the name of entertainment.
-	Yes	Hello, I couldn't find a link on the community engagement page to make comment however id like to lodge my opinion that all engagement of non native fauna (animal circuses) on council reserves should definitely be banned within the Douglas Shire. This

is a cruel and unnecessary form of entertainment in this day and age.

Postcode	Support Ban	Comments
-	No	To Whom It may Concern, Firstly, the view in this Email is mine only and not that of this [REDACTED]. What are we coming to when a small minority try and stop something that they don't believe in and that families have been enjoying for many years. Having visited the Circus when it was in Port Douglas last year after some 30 years when I last took my son I not only found it enjoyable but taking in the enjoyment it brought to the young kids that were there made my day. I don't believe it is the Council role to make a decision on what families should or should not see. Circuses have standards that they must meet and are continually monitored by the RSPCA, which is their role not Council.
4877	Yes	If anyone genuinely thinks circuses are okay in this day and age are completely misinformed. Maybe before we even have an opinion on the topic, we should educate the community on how these animals are trained for our "entertainment". If you love animals you can't possibly be fine with them being beaten, starved and tortured just for a nice little family outing. "Some people love taking their kids to the circus" does not justify the act of cruelty circuses possess. As a new resident to Port Douglas I completely support the ban.
4873	Yes	To Whom It may Concern, I strongly object to having exotic caged animals displayed in the Douglas Shire as a circus. This is supporting animal cruelty. These animals do not have a good quality of life.
4873	Yes	[REDACTED] and his wife are against circuses. They are cruel and antiquated way to display animals.
4877	Yes	Dear Councillors, I would like to support the banning of animal circuses in our region. Wild animals like elephants, lions and tigers have an inherent dignity which should be respected. They should not be kept in captivity, dressed up and trained to do trivial things for human amusement. Let's look to Circe du Soleil, and encourage human ingenuity instead. Best regards
-	Yes	To whom it may concern, I am writing this letter in support of banning animal circuses in the Douglas Region. I am wholly against animals being carted from one end of the country to another. This is a cruel and outdated tradition. Please make me proud to call this region home and ban this barbaric practice. Thank you. Kindest regards
4877	Yes	Hello, I am a happy resident of Port Douglas and I'm concerned for the animals and the circus coming here... I for one will not be attending. I ask that you consider saying NO to the circus coming to Port Douglas and make a stand for animal treatment. This would give a clear message about the way our community thinks animals should be treated and can be treated. I think Australia is really capable of doing better than circus cruelty in this day and age. Kind regards
4873	Yes	Hello I would like to express my objection to circuses involving live animals visiting Douglas Shire. It is the 21st century. The animals are not treated humanely and are cruelly trained in order to provide "entertainment" to ignorant humans with no understanding of the conditions under which these animals are kept. As a ratepaying member of the community, I hope my views are taken into account

		and the circuses are not welcomed to Douglas shire.
4877	Yes	I don't think it's right that animals are dragged around the country for their humiliating tricks for entertainment. Training methods have to be cruel for the animals to do such things.

Postcode	Support Ban	Comments
4877	Yes	Hi, I started the original banning of animal circuses petition for the Douglas Shire, and sent the below email to the council in July last year. I received no reply or confirmation that the email had been received, but it can be viewed below. You will see in the attachments that the signatures collected online through change.org also include the individuals post codes which should help in verifying how many signatories were from the Douglas Shire. The signatures collected via hardcopy are also attached, and I am able to provide the originals on request. Please accept this this email as my support for banning animal circuses in the Douglas Shire. I am a Port Douglas (4877) resident. For your information, there was also a similar petition (that gained more signatures than this petition) a few years ago before Douglas de-amalgamated. It would be good if that petition could also be taken into account. Thank you, [REDACTED].
4877	Yes	Dear Council Members, I would like to express my great opposition to Circus Animals coming to Port Douglas. Please do everything in your power to stop this dated and cruel practice, and put the Douglas Shire on the map as a modern and proactive society. Council Member David Carey gave an excellent argument on his Facebook page and I could not better it, I have copied it below as follows. "Personally, and as an elected leader of the Douglas community responsible for taking decisions on its behalf, I consider it morally reprehensible for human beings in the 21st century to exploit exotic species of animals like large cats, monkeys and elephants for human entertainment. Human beings as the dominant species on this planet, have a moral responsibility not to exploit other species of animals unnecessarily. I pointed out that increasingly a number of local governments throughout Australia have introduced bans on the use of Council land by such circuses. Some have gone as far as banning such circuses operating on any land within their boundaries, be it public or private land. Some examples of local governments which have introduced some form of ban include Surf Coast Shire in Victoria, Lismore Council in NSW, Ipswich City Council and Gold Coast City Council in Qld. In all, around 43 local Governments Australia wide are reported to have introduced either limited or wholesale bans on circuses which use exotic animals. The RSPCA, and other animal welfare organisations, are opposed to the use of animals for any kind of entertainment, exhibition or performance where injury, pain or suffering is likely to be caused. In the specific case of circuses, I support the opinion of the RSPCA which is opposed to the continued use of non-domesticated (exotic) animals, such as elephants, large cats and non-human primates (monkeys), because the requirements of circus life are not compatible with the physiological, social and behavioural needs of these animals. The RSPCA's policy is based on the fact that no circus, no matter how well managed, can provide an appropriate environment for wild

animals. The RSPCA contends, and I agree, that performing circus animals are kept for prolonged periods in close confinement, in artificial social groups and are continually being transported between circus venues for the duration of their performing lives. The life of a circus animal leads to stress, boredom and often results in abnormal behaviours or stereotypes, such as repetitive pacing or swaying. It is well documented that elephants and non-human primates are highly intelligent, complex, and very social. They require a high level of stimulation to prevent them from becoming bored in a captive environment. In the wild, elephants occupy very large home ranges and will cover tens of kilometres every day moving from one feeding location to another and spending long periods of time foraging and eating. Captive big cats also require regular stimulation and show severe signs of boredom and frustration when kept in the restricted environment of a circus pen. I support the view of the RSPCA that unless there is strong and active discouragement from the local community, circuses will continue to breed and train wild animals for the sole purpose of performing. Acting to prevent circuses using wild animals from appearing on council land sends a clear message that this activity is no longer acceptable to the Australian community. I further argued there is no need to have animals in circuses for our entertainment. The Moscow Circus and the Cirque du Soleil, for example, are internationally renowned yet do not use any animals at all. Some might argue that exotic animals in circuses offer educational opportunities for children about these creatures. I disagree. These animals are required to perform un-natural acts which would not be displayed in the wild. There is nothing educational about that. I suggested it is far more appropriate for children to visit these animals in a contemporary zoo where they live in an environment created to, as closely as possible, reflect their natural habitat and foster their natural behaviours. For children, seeing these animals in these contemporary zoo environments offers much better educational opportunities and a chance for children to better appreciate the importance of these species, some of which are endangered, and hopefully create an understanding in children of the need to protect these animals and support their sustainability in the wild.”

ORDINARY COUNCIL MEETING DEFERRED ITEM: 5.1: 3 MARCH 2015	5.9
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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:

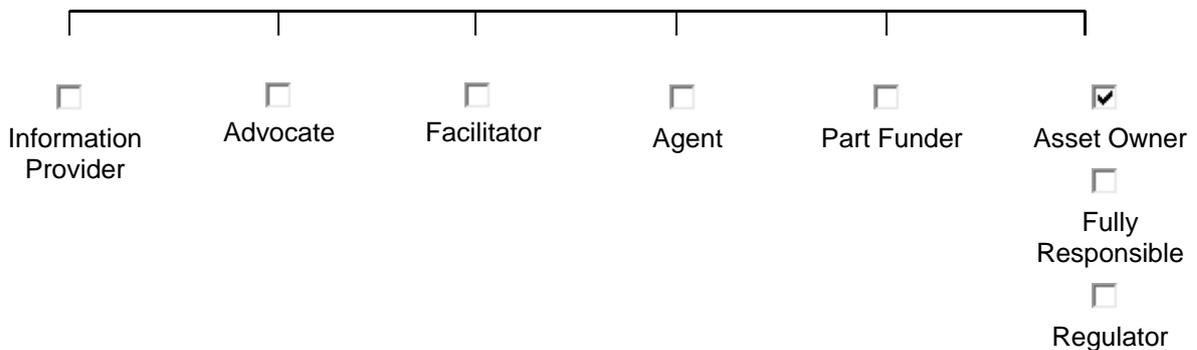
This report has been prepared in accordance with the following Corporate Plan 2014-2019 actions:

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.

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