

28/8/2022

Gold Coast City Council
Mayor, Councillors, Chief Executive Officer

Dear Mayor, Councillors and Chief Executive Officer

RE: Gold Coast City Council proposed amendments to Local Law 12 and Draft Subordinate Local Law 12

The Canary and Cage Bird Federation of Australia Inc. (CCBFA) is a national federation of approximately 250 avicultural (bird keeping) clubs, including most clubs operating within Queensland and within the Gold Coast LGA. Our member clubs include those supporting a large and broad range of bird species.

Our affiliates, the Gold Coast Aviary Bird Association and the Surfers Paradise Budgerigar Society operate almost exclusively within your boundary and have not been approached by Council. Numerous other avicultural clubs include members residing within the Gold Coast LGA.

CCBFA is working with Animal Care Australia (ACA) who is engaged with state governments to develop more appropriate model Local Laws and model Subordinate Local Laws governing the keeping of animals in each state - issues such as those highlighted in this submission continue to arise across LGAs nationally.

ACA is currently negotiating with the Queensland Government as part of the current review of the *Animal Care and Protection Act 2001* which regulates the welfare of all captive animals including birds. It is unwise for Council to make changes that have the potential to conflict or encroach on this review.

The Gold Coast City Council Amending Documents are summarised in the "Fact Sheet", *Proposed amendments to the City's animal management local laws* located at the following URL...
<https://gchaveyoursay.com.au/77711/widgets/378383/documents/237063>

The amending documents propose to amend *Local Law No. 12 (Animal Management) 2013* (LL12) located at the following URL...
<https://www.goldcoast.qld.gov.au/files/sharedassets/public/pdfs/local-laws/local-law-no12-2013.pdf>

and *Subordinate Local Law No. 12 (Animal Management) 2013* (SLL12) located at the following URL...
<https://www.goldcoast.qld.gov.au/files/sharedassets/public/pdfs/local-laws/subordinate-law-no12-2013.pdf>

In general terms, we always encourage councils to promote and encourage the keeping of animals, in our case birds.

Policies that restrict keeping of animals in an attempt to pre-empt and hence prevent noise, odour or other issues for neighbours are discouraged. Such restrictions, including permit requirements, inflict an unnecessary compliance burden on residents and staff which only discourages animal

keeping needlessly. Laws are already in place to deal with neighbourhood nuisance issues including matters due to poor animal keeping practices.

Recommendation 1

Add the following as an additional object 2(2)(e) to both LL12 and SLL12...

“Gold Coast City Council acknowledges the importance animals play to the wellbeing of our residents. Council’s default position is to encourage and promote the keeping of animals within the shire.”

Restrictions based on numbers alone are retrograde; animals of all types but in particular birds come in a range of sizes and temperaments, many are flock species, there is a broad range of alternative and legitimate management and housing systems and numerous other factors. For birds, where hundreds of different species are being regulated, numbers are simple for legislators but inappropriate in terms of regulating neighbourhood amenity and ensuring sound animal welfare standards.

In general, CCBFA strongly cautions against specifying bird numbers for any property with an area exceeding 1000 square metres (0.1 ha).

Councils existing SLL12 sections 24 (2), 26 (2) and 30 (2) are already essentially best practice. They currently require membership of a relevant avicultural or pigeon club together with compliance with an appropriate code of practice. Why would Council seek to remove these sections?

How does Council intend to deal with clubs whose members have in good faith built and continue to maintain aviaries based on the current arrangements? For example, members of our affiliate, the Surfers Paradise Budgerigar Society operate based on approval from Council (see Appendix A) of their code of practice under the current SLL12 section 24 (2).

CCBFA questions why Council is considering removing these sections and requests evidence indicating why these best practice sections are no longer successfully regulating bird keeping in the Gold coast LGA. Please forward detailed factual evidence to president@ccbfa.org.au.

There are hundreds of avian species routinely kept in Queensland and every species has its own specialised management, husbandry, enclosure size and welfare requirements. Some species are best kept as bonded pairs, some in large colonies, size is an unreliable indicator of noise, recommended enclosure size varies considerably, diet should be considered, etc, etc. The variables are numerous such that setting numbers is unwise, particularly when based on land size. Such regulation is ineffective, and is simply not a reliable indicator of noise, odour, rodent potential or any other parameter relevant to neighbourhood amenity.

CCBFA recommends Council excludes all regulation of birds when the resident is keeping their birds in compliance with the Queensland Department of Agriculture and Science (DAS) *Code of Practice—Aviculture* under the *Nature Conservation Act 1992 s.174A*.

https://environment.des.qld.gov.au/_data/assets/pdf_file/0032/89690/cp-wm-aviculture.pdf

CCBFA encourages council to refer residents to the DAS *Code of Practice—Aviculture* rather than attempt to reinvent the wheel. If numbers are to be regulated, then doing so according to this code has legitimacy. Council may like to consider Logan City Council’s approach, which is based on the DAS code - <https://www.logan.qld.gov.au/aviary-birds>.

Recommendation 2

Replace the current wording under each of sections 24, 26, and 28 (under Parts 6, 7 and 8) of SLL12 with the following...

(1) A permit is required to keep birds to which this part applies if the birds are NOT kept in compliance with the Queensland Department of Agriculture and Science (DAS) *Code of Practice—Aviculture* under the *Nature Conservation Act 1992 s.174A*.

(2) A permit is NOT required to keep birds to which this part applies if the birds are kept in compliance with the Queensland Department of Agriculture and Science (DAS) *Code of Practice—Aviculture* under the *Nature Conservation Act 1992 s.174A*.

Retain section 30, in particular 30 (2) in the current SLL12.

Should Council not agree to Recommendation 2 above then CCBFA recommends retaining existing SLL12 sections 24 (2), 26 (2) and 30 (2) and adding similar to section 28. These are already essentially best practice. They currently do not require a permit when the keeper is a member of a relevant avicultural or pigeon club and are in compliance with an appropriate code of practice such as the *DAS Code of Practice—Aviculture*.

Aviculture is a hobby activity enjoyed by many thousands of people for many hundreds of years. In recent decades it has evolved to be central to conservation efforts globally. We support regulation that ensures aviculture is practiced with due respect for neighbours and with high welfare standards.

Should Gold Coast City Council wish to persist with numbers based on various land areas rather than as specified in the *DAS Code of Practice—Aviculture*, CCBFA requests Council convene a meeting to enable our position to be put directly.

For your information, this submission will be publicly available via our website www.ccbfa.org.au.

Please do not hesitate to make contact if we can assist further.

Kind regards,



Sam Davis
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Appendix A – Sample approval of Code of Practice under SLL12 section 24(2)

Date: 25 July 2013
Contact: Acting Coordinator Animal Management
Location: Animal Management
Telephone: (07) 5581 6664
Your reference:
Our reference: HL147/466/10(P1)

PO Box 5042 Gold Coast MC
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Email: gccmail@goldcoast.qld.gov.au
Web: goldcoastcity.com.au
Administration Centre
Ph: +61 7 5582 8211
135 Bundall Road Surfers Paradise
Fax: +61 7 5581 6346
833 Southport Nerang Road Nerang
Fax: +61 7 5596 3653

Ms C Shepherd
Surfers Paradise Budgerigar Society
PO Box 842
MUDGEERABA QLD 4213

Dear Ms Shepherd

SURFERS PARADISE BUDGERIGAR SOCIETY INC CODE OF PRACTICE

Further to my letter dated 15 July 2013 I wish to advise that the Surfers Paradise Budgerigar Society Inc Code of Practise for Exhibition Budgerigars 2013 was considered and has been approved by Council in accordance with Section 24(2) of *Subordinate Local Law 12 (Animal Mangement) 2013*.

Should you wish to discuss this matter further please do not hesitate to contact me on telephone (07) 5581 6664.

Yours faithfully



John Madigan
ACTING COORDINATOR ANIMAL MANAGEMENT
For the Chief Executive Officer