

# **Report on the online questionnaire:**

## **Inquiry into the use of exotic animals in circuses and the exhibition of cetaceans in New South Wales**

As part of its Inquiry into the use of exotic animals in circuses and the exhibition of cetaceans in New South Wales, Portfolio Committee No. 4 – Industry launched an online questionnaire to enable public participation in an efficient and accessible way.

The questionnaire was not intended as a statistically valid, random survey. Like the submission process, respondents self-selected in choosing to participate. This means that respondents were not a representative sample of the NSW population, but rather interested members of the public who volunteered their time to have a say. It should also be noted that identical responses were received in high volumes, and that some of the participants in the questionnaire resided outside of New South Wales.

The online questionnaire was complementary to and did not replace the usual submission process. The submission process was also available for individuals and organisations who wished to make a more detailed response to the inquiry's terms of reference. In this regard, it should be noted that some respondents may have completed both the questionnaire and a submission.

### **Questions asked**

The questionnaire comprised eight questions. This included a question seeking contact details of participants (question 1); a question asking for an assessment of the current legislative and regulatory standards; and open-ended questions seeking input on:

- the welfare needs of exotic animals in a circus environment
- the welfare needs of dolphins and whales in a marine park
- the practice of breeding in circuses and marine parks
- the potential phasing out of use of exotic animals in circuses and cetaceans in marine parks
- the reasons for the response provided regarding the adequacy of current legislative and regulatory standards
- any other issues deemed relevant.

The full list of questions is at Appendix 1.

### **Responses to questions**

The questionnaire was open online from 10 October 2019 to 24 November 2019 and received 3,037 responses.

As most of the questions were open ended, this report focuses on presenting a sample of views on each side of the debate.

A sample of answers and summaries of responses are provided for each question below. The samples have been selected to represent the various viewpoints expressed in the responses.

***Q2. Do you think the welfare needs of exotic animals can be met in a circus environment?  
Please give reasons for your answer.***

Answers in the affirmative

- 'Yes I have met the people who love and work with these animals and know the animals in their care are family to them'.
- 'Yes. They provide suitable enclosures with things needed to keep the animals happy. They provide feed and fresh water. They interact with the animals and treat them with love and respect. They keep them active and interested'.

Answers in the negative

- 'No, Exotic animals have not been domesticated and have complex needs that cannot be met in the confines of a circus environment, even if the best of care is met legally... There is also a high risk of abuse ...'.
- 'I am sure that as much as possible circus owners of exotic animals do their utmost to provide a clean, healthy and stimulating environment for the animals in their care. However ... I consider it wrong that circus animals are required to be exhibited/performed in a thoroughly unnatural environment ...'.
- 'No. There is no human made environment that can provide the necessary enrichment and mental stimulation for exotic animals'.
- 'No. Not at all. Even the best care in circuses means that the animals live in confinement that is inappropriate for wild animals... and requires them to behave in unnatural ways for the benefit only of humans'.
- 'No. Humans should not be in charge of what they do, where they live or how they live'.

The responses received revealed a significant difference in approach between those who responded in the affirmative and those who responded in the negative.

Those who felt that the welfare of exotic animals could be met in a circus environment noted the often strong bonds between the animals and their caregivers, and the fact that the industry made genuine efforts to provide the best care possible.

On the other hand, respondents who opposed current practices often saw captivity in human settings itself as a violation of animal rights and freedoms, irrespective of the standard of care provided and levels of legislative / regulatory compliance.

***Q3. Do you think the welfare needs of dolphins and whales can be met at a marine park?  
Please give reasons for your answer.***

Answers in the affirmative

- 'Yes most definitely. They have the constant care of highly trained carers that are passionate about whales and dolphins'.

- 'Yes. In the majority of cases these animals are "rescued" animals... Like with circus animals they form extremely strong and loving bonds with their keepers ... they adhere to strict guidelines to ensure their welfare needs are being met'.

#### Answers in the negative

- 'No. Cetaceans should never be kept in close captivity in chlorinated pools and be trained to perform for human "entertainment". These are highly intelligent species and they should be allowed to live out their lives in as natural environment as possible ...'.
- 'Marine parks do not provide for the welfare needs of dolphins and whales. The pools are small and chlorinated and do not allow dolphins and whales adequate movement and socialisation. They are trained to perform tricks and routines that are completely at odds with their natural behaviours. Research has found that this boring and miserable existence is detrimental for the animals ...'.
- 'No, dolphins in natural environment travel up to 100 km a day. Locking them up and limiting their ability to move and communicate means denying the most basic welfare requirement and causing huge distress'.

Some respondents who supported current practices cited the often strong bonds between animals and their caregivers. Some also noted the role of marine parks as a place of sanctuary, serving valuable rescue, rehabilitation and public education functions.

On the other hand, some respondents were of the view that the welfare needs of dolphins and whales could not be met in marine park settings, as natural behaviours and needs cannot be fully expressed. Many also emphasised the sentience of dolphins and whales.

***Q4. Do you think the practice of breeding exotic animals to be used in circuses, and the breeding of cetaceans (whales, dolphins and porpoises) to be used in marine parks should continue? Please give reasons for your answer.***

#### Answers in the affirmative

- 'Yes, the breeding programs for both will help the animal population in the long run ...'.
- 'Yes. Breeding for cetaceans plays a vital role in the animals mental and physical welfare. Mothering calves plays a large role in cetacean social hierarchy and mental stimulation for adult females... Preventing females from breeding would have detrimental effects to the mental welfare of those animals in human care ...'.

#### Answers in the negative

- 'No, despite being bred into a captive environment, the natural instincts and needs of exotic animals and cetaceans cannot be satisfied in circuses and marine parks'.

- 'No, public perception has changed. It's no longer considered acceptable to take animals from the wild as it once was... Zoos, circuses, marine parks cannot replicate an animal's natural environment and they are motivated by profit not by welfare'.
- 'The practice of breeding exotic animals in circuses and the breeding of cetaceans in marine parks should cease. No wild animals should be bred for entertainment and be subject to confinement and deprivation of a natural life and environment purely for the sake of human pleasure'.
- 'No. Animals should not be bred for human entertainment'.

Some respondents were in support of breeding on the basis that it would potentially contribute to conservation efforts. Respondents also noted that a forced ban on breeding may adversely impact the wellbeing of animals already in human care.

Other respondents expressed their strong opposition to the practice of breeding exotic animals to be used in circuses and the breeding of cetaceans to be used in marine parks. These responses commonly noted that circuses and marine parks were using animals for human entertainment and profit, which they suggested was anachronistic and unacceptable.

***Q5. Do you think there should be a phase out of the use of exotic animals in circuses and cetaceans in marine parks? Please give reasons for your answer.***

Answers in the affirmative

- 'The animals welfare should always be put before the human desire for entertainment, profit or "culture"...'.
- 'Yes, because animals should not be kept in captivity. The phase out should be done under advice from experts in the species to ensure any return to the wild is done with the welfare of each animal at top of mind'.
- 'Yes, because there are people's jobs involved... People should have the right to be prepared for that change in their lives, to develop financial plans for their future etc. Also, there need to be decisions made and discussions led as to where the animals will live in future (e.g. sanctuaries)'.
- 'Yes. I think the public now expects that animal welfare should come before our own entertainment'.

Answers in the negative – calling instead for immediate closures

- 'No I think a phase out is too slow. These animals should be allowed to retire into sanctuaries ASAP. I don't even mind if we financially assist the companies so it can happen sooner'.
- 'No. I think they should be immediately released from these places and sent to sanctuaries ... and where possible released ...'.

### Answers in the negative – supporting the status quo

- 'No. There is no need to phase out healthy, happy animals from circuses and marine parks. Marine parks in particular rely on income derived from patrons visiting their establishments to facilitate rescue and rehabilitation programs. Circus is often the only chance most Australians would get to appreciate the sight of exotic animals up close ...!'
- 'No, these parks provide an educational platform for people otherwise unable to see these animals in the wild or natural habitats ...!'

Some respondents supported a phase out of the use of exotic animals in circuses and cetaceans in marine parks. The reasons provided were consistent with previous responses, with many contending that captivity for the purpose of human entertainment and profit are no longer acceptable.

Some respondents who opposed a phase out did so on the basis that the use of exotic animals in circuses and cetaceans in marine parks should instead be stopped immediately.

On the other hand, some respondents were supportive of the status quo. These responses noted that circuses and marine parks can play a positive role in rescue, rehabilitation and conservation efforts. It was also pointed out that circuses and marine parks often provide a platform for the public to meet and learn about animals.

***Q6. How adequate do you think current legislation (Exhibited Animals Protection Act 1986), regulation (Exhibited Animals Protection Regulation 2010), and other standards (Standards for Exhibiting Circus Animals in New South Wales February 2019 and Standards for Exhibiting Bottle-Nosed Dolphins in New South Wales 1994) are relating to the exhibition of exotic animals and cetaceans (whales, dolphins and porpoises) in New South Wales?***

***Q6a. Please give reasons explaining your response to the question above.***

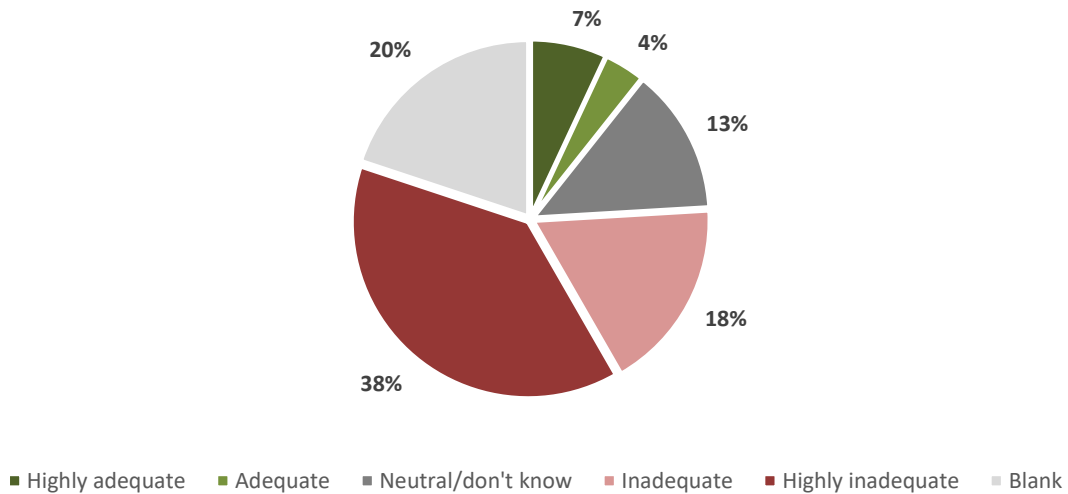
Unlike others, this question was delivered in a multiple choice format with a follow up questioning providing an opportunity to explain the selection.

56 per cent, or 1,703 respondents found current legislation, regulation and standards to be highly inadequate (1,168 respondents) or inadequate (535 respondents). Many of these responses saw the allowance of keeping of animals for the purpose of human entertainment and profit as reason enough to render the legislation, regulation and standards inadequate.

33 per cent, or 1,010 respondents chose not to answer the question (604 respondents) or indicated uncertainty (406 respondents). A common reason provided was the respondents' unfamiliarity with the legislation, regulation and standards.

11 per cent, or 324 respondents deemed the current legislation, regulation and standards to be highly adequate (211 respondents) or adequate (113 respondents). These respondents commonly noted that both the standards and NSW's performance over the past years compare favourably to other jurisdictions.

### Adequacy of Legislation, Regulation and Standards



#### Sample Answers - Highly Inadequate / Inadequate

- 'It allows the unnatural use of animals for human gain. It isn't legislated from the animal's best interests!'
- 'This legislation, while attempting to protect the welfare of animals being exhibited, does not result in consistent or well-enforced high quality care for these animals. Also, this legislation continues to acknowledge that there may be some sort of 'right' for circuses and marine parks to exploit animals for profit. This right is non-existent ...!'
- 'This legislation does not meet 21st century views on animal welfare!'
- 'The laws need to be strengthened to allow for more animals sentient rights!'
- '... Though the legislation now places limits on human action to improve the animals' welfare, it fails to recognise the animals as having fundamental rights. Ultimately we need to move to a rights-based paradigm of animal law, and move away from the welfare-based paradigm of animal law ... While that may not be immediately political feasible, it should be flagged in your report as a stakeholder concern and a direction for law reform in the future ...!'

#### Sample Answers – Neutral / Don't Know

- 'I do not have a big enough understanding of these specific legislations to base an opinion on their success!'

#### Sample Answers – Highly Adequate / Adequate

- 'The focus was on proper treatment of the animals and all the conservation related initiatives. The facilities meet the requirements already, and if science actually shows that the whales are thriving in every way then the facility has met the goal ... !'

- 'We can be proud that Australia's captive animals have the highest standards of care in the world, enabling them to be happy and healthy under human stewardship'.
- 'The legislation has clear requirements for safe and healthy care of exotic animals which is actively monitored by regulatory bodies'.

***Q7. Is there any other information you would like to share with the members of this inquiry?***

Respondents often used this question as an opportunity to reiterate their comments to the preceding questions.

Those against current practices of circuses and marine parks emphasised the violation of animal rights and freedoms. These respondents saw animal captivity for human entertainment and profit as inherently unethical and contrary to contemporary values.

Other respondents reiterated their support for circuses and marine parks. Asserting that the welfare of the animals concerned are well looked after in these settings, some of these respondents maintained that concerns of animal abuse and suffering are based on misinformation and exaggerations. Some respondents recommended that the committee visit the facilities and industries subject to the inquiry to make an accurate and independent assessment.

Sample of further comments

- 'Please consider the rights of the animals rather than any human rights over them. It is well recognised they are sentient but don't have a "voice" to assert their own rights... We have a moral and ethical duty to protect their best interests'.
- 'It is not fitting for a civilised society to allow the forced training and cruel exploitation of animals for entertainment... It robs them of their birthright of a free and natural life. Animals are not here for us to do with what we choose ...'.
- 'Animal circuses, marine parks, zoos, aquariums and all other places where animals are kept in captivity for human entertainment should be closed and made illegal. Animals aren't on this planet for human entertainment and enjoyment ...'.
- 'As someone who loves animals and believes in the conservation of all living beings, I strongly believe that animals in the circus and in marine parks, domestic and exotic alike, should be allowed to stay where they are cared for and loved... they are some of the most well-kept animals I have ever met ...'.
- 'Animals in captivity lead fulfilling lives and are able to educate large numbers of people at a time and encourage individuals to care about animals and the environment ...'.
- 'Members of this inquiry need to be visiting and assessing the welfare of the current dolphins held in marine parks in NSW and QLD. They need to be speaking to the people on the ground caring for these animals and looking at the facilities, their animal

conditioning programs, their husbandry programs, nutrition and social structures. Assessments need to be made by looking at the marine parks individually and actually looking at the animals themselves and determine if those individual are in a positive state of welfare ...'.

## **Conclusion**

The online questionnaire has been a valuable tool to efficiently gather the views of interested stakeholders on the issues raised in the terms of reference. The information gathered through the questionnaire will inform committee members as the inquiry progresses and be reflected in the inquiry report. The committee may also use the responses to support its findings and conclusions.



## Appendix 1: List of questions asked

### Questions

1. Contact details (*free text*)  
Name:  
Email address:  
Postcode:
2. Do you think the welfare needs of exotic animals can be met in a circus environment?  
Please give reasons for your answer.  
*250 words – free text box*
3. Do you think the welfare needs of dolphins and whales can be met at a marine park?  
Please give reasons for your answer.  
*250 words – free text box*
4. Do you think the practice of breeding exotic animals to be used in circuses, and the breeding of cetaceans (whales, dolphins and porpoises) to be used in marine parks should continue? Please give reasons for your answer.  
*250 words – free text box*
5. Do you think there should be a phase out of the use of exotic animals in circuses and cetaceans in marine parks? Please give reasons for your answer.  
*250 words – free text box*
6. How adequate do you think current legislation ([Exhibited Animals Protection Act 1986](#)), regulation ([Exhibited Animals Protection Regulation 2010](#)), and other standards ([Standards for Exhibiting Circus Animals in New South Wales February 2019](#)) and ([Standards for exhibiting bottle-nosed dolphins in New South Wales 1994](#)) are relating to the exhibition of exotic animals and cetaceans (whales, dolphins and porpoises) in New South Wales?
  - a. Highly adequate
  - b. Adequate
  - c. Neutral/don't know
  - d. Inadequate
  - e. Highly inadequate
- 6a. Please give reasons explaining your response to question 6 above.  
*250 words – free text box*
7. Is there any other information you would like to share with the members of this inquiry?  
*250 words – free text box*