



## HUMANE SOCIETY INTERNATIONAL

### INQUIRY INTO THE EXHIBITION OF EXOTIC ANIMALS IN CIRCUSES AND THE EXHIBITION OF CETACEANS IN NEW SOUTH WALES

Hearing – 14 August 2020 – Responses to Questions taken on Notice  
Ms Georgie Dolphin, Humane Society International, Australia

With reference to page 15:

**The CHAIR:** *I have a few questions. We heard from other submissions yesterday, particularly Animal Care Australia, about the definition of what is an exotic animal. Particularly from you, Ms Dolphin, I want to hear your thoughts on where you think the line in the sand should be drawn in terms of exotic animals? Also, I guess the definition of circus was also raised. From the proposed definition that was in a bill from two years ago, which has been cited in this hearing, there seems to be a bit of ambiguity and potential for other animals to be incorporated other than what has been mentioned here in submissions about lions and monkeys.*

HSI considers the term 'exotic animals' to include non-native species that do not occur naturally in the wild in Australia. The term does not include stock animals (as defined by POCTAA 1979) or companion animals (as defined by the Companion Animals Act).

In the ACT, the [Animal Welfare Act 1992](#) uses the defined term 'prohibited animals' in Part 5, defining the species rather than whether they are classed as domestic or non-domestic. HSI supports this move and believes that a NSW ban should apply to all animals specified in the ACT definition of 'prohibited animal', with the option to extend it further to prohibit additional species if necessary in the future.

The definitions incorporated for 'exotic animal' and 'circus' would ultimately be a matter for the Committee and for Parliament to resolve, but the following could also be considered and may prove helpful.

In the United Kingdom the use of wild animals for exhibition or performance in travelling circuses was recently banned. Their approach incorporates the term 'wild animal' which is defined as any species not commonly domesticated in Great Britain, including big cats, like lions and tigers, camels, elephants, reindeer, and zebras. They also state that the definition of wild animal for this act does not include commonly domesticated species such as dogs, cats, horses, rabbits, pigeons or doves. The UK legislated definition for 'wild animal' could be extended to clarify that tamed wild animals should not be classified as domestic animals. More details can be found here:

<https://www.gov.uk/guidance/travelling-circuses-wild-animal-performance-and-exhibition>

The [Wild Animals in Travelling Circuses \(Scotland\) Bill](#) passed by a vote of 112 for, 0 against, and 0 abstentions and the Bill became an Act on 24 January 2018. They define 'wild animal' as an animal other than one of a kind that is commonly domesticated in the British Islands. Further, an animal is of a kind that is domesticated if the behaviour, life cycle or physiology of animals of that kind has been altered as a result of the breeding or living conditions of multiple generations of animals of that kind being under human control.

If the term 'wild animal' was considered as an alternative, then clarification of the term 'domesticated' may be necessary, meaning animals physically changed by domestication due to selective breeding by humans. The Federation of Veterinarians of Europe go further to state, 'These animals have the

same genetic makeup as their counterparts in the wild and retain their natural instinctive behavioural drives and needs.'

Where there was confusion over the classification of some species and whether they would be classed as exotic or domestic, or warrant another 'label', HSI proposes that their classification should be based on how they are commonly considered in Australia. For example, in their countries of origin, camels have been used for many thousands of years by man and have been adapted for such use through breeding to encourage particular traits. So given that camels are not commonly domesticated in Australia, and the feral populations have reverted to the wild state, they might be better considered as wild or exotic for the purpose of the Act.

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With reference to page 17:

**The Hon. MICK VEITCH:** —yes, but also the educative reptile exhibits at the country shows. I just want to clarify your views on whether there is a definition to look at, other than the one we have at the moment that we are working with?

**Ms DOLPHIN:** Yes, I think it is good to have more clarity around that, because as far as HSI is concerned, we are opposed to the use of the animals for the entertainment aspect, particularly the species where it is very detrimental to their welfare if they are used for entertainment like that. Yes, exotic species and cetaceans particularly. Some of those other species are domesticated and they are used to being handled, so I think it would be on a species by species basis, or based on different situations.

**The Hon. MICK VEITCH:** Is there a model in another jurisdiction that has a legislated definition that we could look at?

**Ms DOLPHIN:** I can have a look at that for you and take it on notice.

HSI suggests that the definition for 'exhibition' in relation to this particular legislation should prohibit the use of exotic animals for performance, exhibition or display to the public.

In the [Wild Animals in Travelling Circuses \(Scotland\) Act 2018](#), a 'travelling circus' means a circus which travels, whether regularly or irregularly, from one place to another for the purpose of providing entertainment. They continue to explain that a 'travelling circus' is still defined as such despite there being periods during which it does not travel from one place to another, and it includes any place where a wild animal associated with such a circus is kept (including temporarily).

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With reference to page 22:

**The Hon. SAM FARRAWAY:** I have a couple of questions for you, Ms Dolphin. You note in your submission:

*There were 131 incidents in Australia where members of the public or circus workers were harmed between 1863 and 2001.*

*Proportionally, I would say that that is a very low number. Can you tell me how many incidents there have been since 2001 to your knowledge?*

Unfortunately there is a lack of transparency within the industry so there is not a public record listing all of the incidents that I am aware of. However, I am aware that there have been serious incidents since 2001, for example, on 28 December 2007 a Stardust Circus elephant handler was crushed to death in Yamba (<https://www.northernstar.com.au/news/apn-circus-struggles-with/12576/>) and also in August 2001 lion tamer Geoffrey Lennon was attacked by three lions during a performance in Penrith, NSW. That particular attack resulted in severe lacerations requiring surgery and was witnessed by many children.

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With reference to page 22:

**The Hon. SAM FARRAWAY:** I will try to get through the questions if you are happy to take that on notice. You have images of Stardust Circus from their website on page 2 of your submission and you

*note that it is from their website. I wanted to note when were these photos taken, which is not noted, because I would not think they were from their website these photos of the monkeys from Stardust Circus in New South Wales and also the lions at Stardust Circus in New South Wales because it is not referenced where the photos are from, when were they taken and who took them.*

**Ms DOLPHIN:** *I can get you the date from when they were taken.*

With reference to page 23:

**The Hon. CATHERINE CUSACK:** *And you are happy to attest to the credibility of the photos?*

**Ms DOLPHIN:** *Absolutely, yes. I can give you the date that they were taken.*

**The Hon. WES FANG:** *You are taking the date of the photos on notice, is that correct?*

**Ms DOLPHIN:** *Yes.*

The photos in question were taken by a professional photographer. Specific dates and locations were as follows:

Monkey in trailer – Photo of left (page 4 of submission) was taken on 06/10/2016 at Stardust Circus in NSW

Monkey behind bars – Photo on right (page 4) was taken on 30/9/2014 at Lennon Bros Circus in NSW

Lion behind bars – Photo on left (page 5) was taken on 06/10/2016 at Stardust Circus in NSW

Lion in trailer – Photo on right (page 5) was taken on 06/10/2015 at Stardust Circus in NSW