

**Inquiry into the Exhibition of Exotic Animals in Circuses and the Exhibition of
Cetaceans in New South Wales**

Hearing: Thursday, 13 August 2020

Question Taken on Notice

Question 1 (Page 3 of transcript)

The Hon. EMMA HURST: Yes, that is right. It is a bit confusing because they are partly registered here and partly in Queensland, and their address is actually the Zambi sanctuary. I was a bit confused as to where they had these animals, or whether they were travelling. An internet search did not show that they were travelling. I wanted to ask you about the wagons. Animals can be held in wagons for up to two days at a time. Is there anything in the standards that requires that these wagons must be of a certain size?

Ms ROBINSON: Yes, there are requirements for their enclosure sizes. They usually will need to also have an exercise area. There are also standards requiring that they have access to those other areas for a certain amount of time, which I think is about six hours, off the top of my head.

The Hon. EMMA HURST: What is the minimum size requirement of the wagons?

Ms ROBINSON: I will have to take that on notice to provide that information.

ANSWER:

When wagons are used for transport:

- For each big cat the transport compartment must provide enough space to allow the animal to assume a normal standing posture, lie down fully stretched and turn around without physical contact with neighbouring animals.
- For a primate a transport compartment must provide sufficient space to allow the primate to assume a normal standing posture, lie down fully stretched, and turn around.
- For a bird, a cage must be large enough so that the bird contained can extend its head, feet, wingtips and its feathers, and turn around, without touching any cage walls, the ceiling, or solid cage furniture. This is regardless of its posture or whether it is on its perch or not. A perch must be provided and be positioned high enough so the bird's extremities (including its feathers) are at least six centimetres above the cage floor, regardless of the bird's posture.

When wagons are used to display animals the minimum size requirements for display housing apply, which are set out in Clause 7 of the Standards for Exhibiting Circus Animals in New South Wales. If an animal wagon being used for display housing does not meet the minimum display requirements, demountable enclosures annexed to the animal wagon must be provided to ensure the minimum size requirements are met.

Question 2 (Pages 6-7 of transcript)

The Hon. PETER PRIMROSE: Just a follow-up question seeking information in relation to your last answer, and please feel free to take it on notice. At the beginning of your evidence you outlined for each of the relevant species the numbers of exotic animals—and you have now spoken about cetaceans as well—that were being exhibited. Can you also tell us the date of the most recent acquisition of each of those species? What I am getting at is I am trying to understand whether these animals are just being allowed to live out their natural lives, or are they being replaced? If you could please take that on notice, or maybe you could answer that now.

Mr HANSEN: I will start with cetaceans and I will see while I am doing that whether my colleagues have any data on the others, because cetaceans is an easy one. All three remaining dolphins were born in captivity and the most recent of those bred was actually 11 years ago.

The Hon. PETER PRIMROSE: The most recent acquisitions was 11 years ago. You have indicated that one has recently unfortunately died. Are you aware if there are any proposals to acquire an additional dolphin?

Mr HANSEN: We are not aware of any proposals for acquisition of additional dolphins, no.

The Hon. PETER PRIMROSE: And possibly now, if you can, the other species?

Mr DAY: We will take that on notice, but my understanding is that the animals that are in both those companies, Janlin and Animals All Around, have been there for a significant amount of time. My understanding is the submission from Janlin is that they have got a plan to retire those lions in the future, in about five years time, I think. They have all been there for a period of time. They are all of a mature age, but we can come back with the specifics on that.

ANSWER:

The most recent acquisition of animals under the *Exhibited Animals Protection Act 1986* are:

- (a) Janlin Pty Ltd
 - i. Lions - 2013
 - ii. Rhesus Macaque - 2007

- (b) Animals All Round
 - i. Lions – July 2020*
 - ii. Crab Eater Macaques –January 2020
 - iii. Hamadryas Baboons – July 2020*
 - iv. Tigers – July 2020*

*Note: * denotes movement from Animals All Round Queensland Site – July 2020.*

Supplementary Questions

1. You note in your submission that there are '65 inspectors' under the *Exhibited Animals Act*.
 - (a) How many of those are specifically dedicated and trained in regulating circuses?
 - (b) How many are specifically dedicated to monitoring facilities exhibiting dolphins in NSW?

ANSWER:

- (a) 4
- (b) 2.

2. Mr Day stated in his evidence to the Committee that “Our audit program commenced in 2017”. How were exhibited animal licensees regulated and inspected prior to the audit program commencing in 2017?

ANSWER:

All new applicants received one or more pre-licensing inspections to ensure compliance before licensing. Licensed facilities were sometimes audited, but most inspections were undertaken on a complaint basis or in response to evidence of contravention of the legislation.

3. Can you please provide further detail about the “minor issues” found in the audits of Stardust Circus (referenced in Mr Day’s evidence to the inquiry), and advise if the DPI has been provided with evidence that the issues have been rectified?

ANSWER:

The minor issues related to improvements in relation to enclosure fittings and fixtures. The Department can confirm that the corrective actions raised have been rectified by the authority holder.

4. What size are the enclosures for exotic animals at the ‘off-display’ or home base housing at:
- (a) Stardust Circus
 - (b) Animals All Around

ANSWER:

- (a) For Stardust Circus there are two relevant exotic animals’ enclosures:
 - a. Total area for Rhesus Macaque: 94.1sqm
 - b. Total area for Lions: 428.0sqm.
- (b) For Animals All Around there are four relevant exotic animal enclosures:
 - a. Total area for African Lions: 1808 sqm
 - b. Total area for Crab Eater Macaques: 180sqm*
 - c. Total area for Hamadryas Baboons: 216sqm
 - d. Total Are for Tigers: 1103sqm.

*Note: * Animals All Around were issued with a Direction in 2019 to furnish and improve the off-display enclosures for the Crab Eater Macaques held under their exhibited animals’ authority by April 2021.*

5. The Committee’s terms of reference defines ‘exotic animals’ as ‘any animal that is not native and is not a stock or companion animal.’
- (a) Do you believe the term ‘exotic’ is satisfactory? If not, what would be a better term, and is it used in any other jurisdiction?
 - (b) Do you agree that this is a satisfactory definition? If not, what would be a better definition?

ANSWER:

The NSW Government is currently reforming animal welfare laws and will consider definitions and terms as part of that process.

6. The Committee's terms of reference refers to 'circuses'.
- (a) Do you believe the term 'circuses' is satisfactory?
 - (i) If so, how should it be best defined in legislation?
 - (ii) If not, what would be a better term, and is it used in any other jurisdiction?
 - (b) Some witnesses argued that the term 'circuses' could include agricultural shows, mobile petting zoos, and the supply of animals for use in film and television. Do you agree?

ANSWER:

The NSW Government is currently reforming animal welfare laws and will consider definitions and terms as part of that process.

7. The Committee's terms of reference refers to the 'welfare' of exotic animals and cetaceans.
- (a) Do you believe the term 'welfare' is satisfactory?
 - (i) If so, how should it be best defined in legislation?
 - (ii) If not, what would be a better term, and is it used in any other jurisdiction?

ANSWER:

The NSW Government is currently reforming animal welfare laws and will consider definitions and terms as part of that process.