

Submission
No 20

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

Name: Name suppressed
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Submitted by:

**Inquiry into the use of exotic animals in circuses and the exhibition of cetaceans in
New South Wales
PORTFOLIO COMMITTEE NO. 4 – INDUSTRY**

1. That Portfolio Committee No.4 – Industry inquire into and report on the use of exotic animals (defined as any animal that is not native and is not a stock or companion animal) in circuses and the exhibition of cetaceans in New South Wales, and in particular:
 - (a) the welfare of exotic animals exhibited in circuses in New South Wales, with consideration of community expectation,
 - (b) the welfare of cetaceans exhibited in New South Wales, with consideration of community expectation,
 - (c) in light of the findings in (a) and (b) above, whether:
 - (i) to allow the continuation of the practice of breeding of exotic animals for use in circuses and cetaceans for exhibition,
 - (ii) there should be a phase out of the use of exotic animals in circuses and cetaceans for exhibition, and/or
 - (iii) there should be any other legislative or regulatory action that the committee considers appropriate, and
 - (d) any other related matter.
2. That the Committee report by 27 June 2020.

Introduction

As more scientific evidence, commercial denouncement and a greater public awareness about the detrimental effects on the wellbeing of exotic animals held in captive entertainment facilities increases, Governments must accept responsibility and uphold evolving community expectations. They must ensure that they too evolve in line with advances in animal welfare science and the ever overwhelming public abandonment of this archaic practice globally.

All animal based entertainment involves behaviour control training and food deprivation (or reward) which often involves cruel and demeaning methods of programming in order to make the animals conform to a life of performance for human entertainment. All animal themed industries are facing increasing pressure from a public (and evidence based) shift away from acceptance of such practices.

Welfare assessment concepts such as the “5 freedoms” and more recent and contemporary thinking incorporating the “5 domains,” is a model that moves away from “freedom from” and towards a “life worth living,” with the aim **to ensure animals thrive not simply exist**.¹ The 5 domains model provides a better understanding of how animal welfare should be measured and is now widely accepted by modern facilities that have animals in human care, including the Zoological Association of Australia and the World Association of Zoos and Aquariums. The Five Freedoms of animal welfare are:

Freedom from hunger and thirst.

Freedom from discomfort.

Freedom from pain, injury and disease.

Freedom to express normal behaviours.

Freedom from fear and distress.



¹[https://www.google.com.au/url?](https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=14&ved=2ahUKEwjFzcz15NfeAhWaTn0KHf1KAYEQFjANegQIARAC&url=https%3A%2F%2Fwww.mdpi.com%2F2076-2615%2F6%2F3%2F21%2Fpdf&usg=AOvVaw1AdfulsFWpVVQiRiBNB_qo)

[sa=t&rct=j&q=&esrc=s&source=web&cd=14&ved=2ahUKEwjFzcz15NfeAhWaTn0KHf1KAYEQFjANegQIARAC&url=https%3A%2F%2Fwww.mdpi.com%2F2076-2615%2F6%2F3%2F21%2Fpdf&usg=AOvVaw1AdfulsFWpVVQiRiBNB_qo](https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=14&ved=2ahUKEwjFzcz15NfeAhWaTn0KHf1KAYEQFjANegQIARAC&url=https%3A%2F%2Fwww.mdpi.com%2F2076-2615%2F6%2F3%2F21%2Fpdf&usg=AOvVaw1AdfulsFWpVVQiRiBNB_qo)

The 5 domains model has a significant focus on subjective experiences, which contribute to an animal's overall welfare state and also takes into consideration an animals 'mental state.'²

The four physical or functional domains (nutrition, environment, health and behaviour) are concerned with biological function, or physical well-being, whereas the fifth domain, the mental state, considers the 'affective state' or psychological well-being, and represents the animal's overall subjective feelings and experiences and hence this fifth domain is a key element of animal welfare. An animal may have positive or negative emotional states and it is the balance between these subjective experiences that can influence an individual animal's 'Quality of Life' (Mellor 2013).

The argument that if animals are bred into the circus or a dolphinarium they do not know any different, and are somehow domesticated like other 'pets,' is a fallacy.

A wild animal has the same evolutionary needs wherever it was born and is still entitled to respect, dignity and freedom of choice. Consider a human child born into a similar situation, kept locked up, dominated, forced to perform for its very existence for its entire life, never allowed to roam free or experience the world around it, despite clearly seeing the outside world whilst travelling for hours from town to town. A situation, when anthropomorphised would likely be labelled, 'child abuse' or 'an abusive household.'

As with so many other animal welfare issues, much of Australia is lagging behind other countries when it comes to banning circuses with wild or exotic animals or ending the breeding and/or keeping of cetaceans in captivity.

The use of animals as entertainment has already been restricted or banned in cities and in countries worldwide. National, regional, and local governments in at least 50 countries³ have banned the use of wild, or all, animals in circuses, with Portugal and Canada most recently joining the list⁴. Approximately 40 councils in Australia have banned exotic animal circuses from performing on council land.

The global tourism sector is also rapidly evolving and is developing animals in tourism policies, in line with public demand, that work towards the phase out of animal based travel experiences as well as the cessation of captive breeding programs (other than for genuine conservation purposes) and a move towards retirement of performance animals to sanctuaries.

[Trip Advisor](#), [Virgin](#), [STA Travel](#), [Intrepid](#), [Thomas Cook](#), [AirBNB](#), [bookings.Com](#), [British Airways](#) and more are ending the sale of tickets to dolphinarium and other wild or exotic animal based entertainment and instead are promoting more sustainable and eco-friendly tourism offerings. None sell tickets to exotic animal circuses.

²<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5575572/>

http://www.stopcircussuffering.com/circus-bans/?fbclid=IwAR1Akm4M0P97_6-VofNB7t2NVhImY4JI5eZ-G6dEPO220h92QhSGaLyrM2U

⁴https://www.livekindly.co/parliament-bans-wild-animal-circuses-portugal/?fbclid=IwAR3NnbmsKaAXgWHsvilwlJ97_LqLzjpruV_nFtx5RZfFVypum1ADz0ExN7s

We are at a tipping point where our exploitation and lack of empathy, respect and care for the wellbeing of the natural world around us has our planet and its animals in peril. Our decades long poor messaging ingrained in our psyche has resulted in a self absorbed disconnect that we must turn around. These species have a right to a free life worth living as we do. We have no right to exploit them for our own self gratification or to line the pockets of businesses owners.

We must instil in our children respect for the other species that we share our planet with. That inspiration will only come from genuine respectful education and upholding only the highest standards of animal welfare and the genuine conservation of threatened species in their wild habitats.

TERMS OF REFERENCE:

1. (a) **the welfare of exotic animals exhibited in circuses** in New South Wales, with consideration of community expectation,

Circuses directly target the most vulnerable and impressionable in our society — our children. Circuses portray unnatural and inaccurate images of how wild animals live and act and in such an unrealistic context, this creates a greater disconnect between people and wild animals, promoting the notion to children that it's acceptable, even enjoyable to exploit animals for entertainment and that their wellbeing is somehow secondary to ours.

Circuses play no meaningful role in education or conservation; the lifelong suffering of circus animals continues only for the sake of a few minutes of a families entertainment.

Circuses perpetuate an outdated attitude that wild animals are ours to use at any cost to their welfare.⁵ Governments and the public in general must consider their role in allowing such antiquated and anthropocentric influences to continue in our community.

The exotic animal circuses that remain in Australia, are and always have been, commercial businesses based on the exploitation of wild, sentient animals for personal monetary gain. They are an embarrassing remnant of our human exceptionalism and dominance that has no place in a modern biocentric society and certainly no place in an educated Australia.

I have personally heard, a circus proprietor, Mr St James and other staff that he employs sadly and wrongly define animal welfare as: “we love our animals” and “they are part of our family.” An educated animal keeper should be aware of the latest scientific thinking in animal welfare and should understand that it refers to the state of the animal. This means providing for the animals physical and mental needs not the human keepers (or paying publics) feelings.

⁵ PAWS

Further the proprietor stated: “All animals have veterinary care, are treated with care and respect and referencing suitability of animal species, husbandry, safety, housing of the animals, behavioural training, the health and interaction with the public, trainers and other animals.”

This describes animal care, animal husbandry, humane treatment and public enjoyment, it does not describe animal welfare. An animal may have the best of care and be loved but that does not translate to what the animal ‘needs’, its sentience or its suffering.

Animal welfare is far from, *we love you, we feed you, we give you shelter, we care for you, we give you choices*, none of this is *the animals* choice.

When referring to current animal welfare thinking and considering the following, it is my opinion that a circus ‘life’ cannot ever meet either the 5 freedoms or the 5 domains.

Exotic animals in circuses are confined virtually all of their lives. They are forced to suffer extreme physical and psychological deprivation, routinely subjected to months on the road in small, barren cages enclosed inside trucks, where they also sleep, eat and defecate in the same cage. They are denied every opportunity to express their natural behaviour and enclosed in tiny cages even when on set up site. Their training is often based on fear and punishment such as whipping, hitting, poking, and shocking with electrical prods and as well they are often sedated and even have their claws removed.

Exotic animals in circuses’ controlled, made to constantly submit, often to loud music and screaming, cheering audiences is a cruel existence, creating stress, stereotypical behaviours and ultimately aggression. Frustrated, stressed and aggressive wild animals pose a significant threat to public health and safety. The potential life long trauma to young children from shows that inevitably ‘go wrong,’ as demonstrated in these recent videos is a potential liability that Governments and the community should seriously consider:

[Lions attack Circus staff](#)

[Tigers attacks circus horse](#)

[Lion attacks 4 year old girl](#)

[Bear attacks handler](#)

(Please also see some historical Australian incidents exemplified in the table below.)

The remaining circuses using exotic animals in Australia may still draw in crowds, it is a spectacle. However a circus is by its very nature and also by definition “a situation or event that is very busy, lively, and confusing and that attracts a lot of attention” — for all the wrong reasons.

1980 August	Ingham, Qld	Elephant	Ashton's elephant, Abu, escaped from the circus and ran into a cane field.
1980 September	near Herbert, QLD	Lions & tigers	3 lions and 5 tigers were trapped for 4 hours when their cage overturned on the banks of the Wild River.
1981 December		Elephant	Sole Brother's elephant, Tara, fell from a semi-trailer, sustaining a gash to the head above the right eye.
1981			Circus elephant, Cardie was shot after knocking down his trainer and crushing him with his head and another elephant, Toby, crushed a man to death by ramming him against the wall of a truck.
1982	Ingham, Qld	Elephant	Ashton's elephant, Abu, escaped from the circus and ran into a cane field – two years to the day, that she escaped into the same cane field.
1982		Elephant	2 elephants belonging to Sole Brother's Circus were killed in a road accident.
1983		Elephant	Ashton's elephant, Abu, killed her handler Debbie Wirth by crushing her with her trunk. Debbie was Abu's second victim.
1983	Melbourne		The Director of Circus Startime (later Circus Santos), Barry Nixon, was found guilty of failing to conform with caging regulations
1983		Bear	A bear trainer from Michael Edgley's so-called " World's Greatest Circus Spectacular " pleaded guilty in a Melbourne court to a charge of overcrowding.
1983		Lion	Sole Brother's lion tamer, Joe Eronis, needed 80 stitches after being attacked by a lion.

1984		Camel	Sole Brother's was convicted of cruelty to a camel, whose halter was embedded in the flesh of the nose.
1984 January		Horse	A young child received severe injuries to the abdomen, when attacked by a horse belonging to Sole Brother's
1984		Lion	The proprietor of Circus Royale , Frank Gasser, was attacked by a circus lion. He required 64 stitches.
1984 December	Eltham, Vic	Lion	The proprietor of Silvers' Circus , Anton Gasser, was convicted on 2 counts of cruelty to lion cubs. They were unable to walk, emaciated, and suffering from malnutrition, calcium deficiency, worm infestation and mange.
1985	Bacchus Marsh, VIC	Lions & Tigers	A number of individuals were convicted in relation to a group of starving lions and tigers found in a disused lion park. The animals belonged to Ashton's Circus . One of the persons convicted later worked as an Administrator with Silvers' Circus.
1986 January	Richmond, VIC	Monkey	Television cameras were on hand to record an incident where an employee of R&A Perry's and Bullen's combined circus threw a monkey at an Animal Liberation representative who was attempting to inspect the animals' enclosures.
1986			Officials from the Victorian RSPCA were denied access to animals featured in Michael Edgley's " Great Moscow Circus on Ice " when they attempted to conduct a routine inspection.

1986 March	Melbourne, Vic		Following the example set by Michael Edgley, officials from Circus Royale refused to allow RSPCA inspectors to view the animals when attempting to investigate compliance with the Wildlife Act. Shortly after these 2 incidents, the Victorian Government changed the law to give the RSPCA the legal powers it needed to carry out such investigations.
1986 August	Darwin, NT	Camel, Lions	A camel belonging to Sole Brother's Circus was attacked by 2 lions who had escaped from their cage. Prior to attacking the camels, the lions turned on their trainer, who took refuge in a caravan after fending them off with an industrial bin.
1987 September	Gunnedah, NSW	Elephant	Ashton's elephant, Abu, killed her third victim, George Littlejohn, who was a horse groom with the circus.
1987 December	Sydney, NSW	Bear	The RSPCA ordered Edgley International to provide larger quarters for the Moscows Circus' brown bears after they were found living in cramped and barren conditions.
1987 December	Sydney, NSW	Bear	An animal handler from the Moscow Circus was attacked by a circus bear.
1988 Easter	Sydney, NSW	Tiger	An animal handler from Robert and Alby Perry's Circus was hospitalised after being mauled by a circus tiger.
1988 August	Noosa Heads, QLD	Camel	3 camels belonging to Ashton's Circus died after being grazed on a property which had recently been sprayed with a poisonous substance.

1989 February	Moruya, NSW	Tiger	Ashton's lion keeper, received 170 stitches after being mauled by a tiger named Moscow, who had been reared by the circus since birth. The tiger had escaped from its cage prior to this incident, and was eventually recaptured by circus hands using tent poles, cattle prods, and a rope tied to its tail.
1990 April	Melbourne, Vic	Chicken	The organisers of visiting French Circus Archaos , were forced to withdraw a live chicken from use in the show. The chicken made its first appearance in the ring being dragged around by a heavy chain. Later a performer swung from a rope with the chicken's head in his mouth. Responding to the demand for the act to be dropped, the circus' Mr Pashalito stated "If you make some problem about that, I swear I kill one chicken for each of the 25 shows we are here for".
1991 February	Ararat, VIC	Lion	A group of lions belonging to Russell's Free Circus were released from their cages by an intoxicated man who had been attending a nearby party. Four men, including a police officer, were mauled before the animals were recaptured.

1991 March		Lion	<p>NSW Environment Minister announced that Sole Brothers' Circus would be refused a permit to import 9 trained lions from Papua New Guinea.</p> <p>According to the Minister, "Sole Brothers' Circus has failed to meet the standards required under the Exhibited Animals Protection Act and has been unable to demonstrate that the lions, if imported, would be housed to the standards considered acceptable in New South Wales".</p> <p>Jean Perry, a proprietor of Sole Brothers' Circus, wrote to Minister Moore requesting that he overturn the above decision. In her letter, Mrs Perry admitted that the circus' existing lions "are of an old age ... and should have been retired long ago". Mrs Perry also attempted to mislead the Minister when she claimed in her letter that animal liberation groups "will protest" if a permit to import the animals is refused.</p>
1991 May	Townsville, QLD	Monkey	A monkey belonging to Sole Brother's Circus was trampled to death after falling from the back of a horse and being dragged around the ring for 30 minutes, all in front of a stunned audience.
1991 June	Penrith, NSW	Lion	A lion belonging to Robert and Alby Perry's Circus escaped injury despite colliding with a burning hoop during the performance. The hoop, still burning, fell across the animal's back.
1991 July	Gold Coast, QLD	Lion	Circus owner Bruce Russell was mauled by one of his lions during a photograph session. He required 17 stitches.

1992 June	St Marys, NSW	Tiger	A bengal tiger, Genghis, belonging to Robinson's Family Circus bit a circus worker, and fled the circus area. Genghis was shot and killed as he approached a busy shopping center.
1993 May	Werribee, VIC	Elephant	A Sole Brother's elephant was lucky to escape injury when the circus wagon she was chained to caught fire. After escaping the fire, the elephant ran around the streets of Werribee for 40 minutes before circus staff were able to recapture her.
1993 August	Cardwell Range, QLD	Lion	Two Sole Brother's vehicles, including a semi-trailer with two lions on board, were involved in a road accident. The lions were left on the side of the road for 90 minutes before being towed to the Ingham Showgrounds. As the result of this accident, two Sole Bros' drivers were charged with Unlicensed Driving and Dangerous Driving. A total of 13 vehicle defect notices had been issued against the circus in the preceding three weeks, including one relating to the semi-trailer, which had no brakes. Following the accident the vehicles were finally ordered off the road by Transport Department officers.
1993 December	Enfield, NSW	Lion	Ashton's Circus lion tamer Charlie Wang Quay, received multiple lacerations and stitches when a lioness attacked him during a performance.
1994 June	Brisbane, QLD	Tigon	The 20 month old child of an Ashton's Circus member was attacked by a tigon (a lion-tiger). The child lost one arm, and received serious injuries to the other.

1994 October	Brisbane, QLD	Lion	Two healthy, 3 year old lionesses belonging to Circus Royale were killed at the direction of circus management because they were excess to requirements. Initially, the circus claimed that the animals were killed because a permit to carry them on a tour of NSW had been refused. However, this claim was rejected by a spokesperson from the NSW Department of Agriculture, who stated that Circus Royale had never applied for permits to take the animals into the State, and that permits would certainly have been issued had an application been received.
1997 March	Bathurst, NSW	Lion	A lioness belonging to Burton's Circus escaped from her cage at O'Neil Park. She was located 20 minutes later in a corner of the park, when circus workers erected a temporary fence around her while awaiting additional assistance. Despite this precaution, the lioness again escaped, and was shot with 2 tranquiliser darts before finally being recaptured.
1997 April	Perth, WA	Tiger	A visitor to Lennon Brothers' Circus had one finger bitten off and two others injured by a circus tiger when he approached too close to the cage.

1998 July	Helidon, Qld	Monkey	A macaque monkey owned by an animal trainer from the Great Australian Circus , former circus proprietor Steve Robinson, died after escaping from its cage and spending 5 days at large. The animal crawled into the yard of a private dwelling adjoining Mr Robinson's property and died shortly afterwards. The animal was one of many who had been left for months in their cages on the Helidon property, apparently because they were considered to be redundant. No advice had been issued to local residents concerning the monkey's escape. Mr Robinson was on tour in North Queensland at the time.
1998 August	Dumolly, Vic	Elephant	Perry Brother's elephant, Ginny, fled into nearby bushland after being frightened by passing train. She was not located and recaptured until the following day.
2001 August	Penrith, NSW	Lion	Lennon's Circus . Lion tamer Geoffrey Lennon is attacked by three lions during a performance in Penrith. The attack resulted in severe lacerations to the buttocks requiring surgery. Many children were crying in a severely distressed state after witnessing the attack. The owner of the circus stated that he had no idea why the lions would attack.

TERMS OF REFERENCE:

1. (b) **the welfare of cetaceans** exhibited in New South Wales, with consideration of community expectation,

From my personal and extensive research into the Queensland based dolphinarium, Sea World Gold Coast, I make this submission for committee consideration into the welfare of cetaceans exhibited in NSW.

There are only 2 dolphinariums that exist in Australia today: Dolphin Marine Conservation Park in Coffs Harbour NSW (DMCP) and Sea World Gold Coast Queensland (SWGK).

Combined these facilities house approximately 33 bottlenose dolphins a species that is not threatened in the wild so have no conservation breeding purpose.

In the absence of relevant legislation in Queensland's Exhibited animals and Welfare acts, Queensland refers to NSW legislation with regard to cetacean welfare requirements.

I have personally documented the poor state of welfare of the dolphins at Sea World Gold Coast, who state they uphold the highest of welfare standards and that *all* of their activities are underpinned by animal welfare.

I provide here a summary of the welfare concerns that I have documented from my research of exhibited cetaceans in Australia. I ask the committee to consider these for the purpose of this inquiry. I also ask that the committee take into consideration the Case against Marine Mammals in Captivity edition 5 which I have referenced in my submission and that outlines the extensive welfare concerns for exhibited dolphins.

1. Risk to cetacean health and welfare due to direct contact with humans, poor hygiene protocols and non-compliance with policies for jewellery removal.

“Facilities that allow direct human contact with marine mammals ... are exposing their customers to possible infection and injury. The reverse is also true – such facilities are exposing their animals to possible human diseases or injury as the result of inappropriate behavior by the public.”⁶

“Dolphins’ skin is their immune system’s first line of defense, and the routine compromise of this important defensive barrier can have serious health implications. Extensive or repeated breaks in the skin not only are painful but also expose the tissues and blood vessels to environmental pathogens, increasing the risk of localized and even systemic infection.”⁷

⁶Rose, N.A. and Parsons, E.C.M. (2019). *The Case Against Marine Mammals in Captivity, 5th edition* (Washington, DC: Animal Welfare Institute and World Animal Protection), 160 pp. (CAMMIC, Rose, N.A et al.)

⁷DOLPHIN EXPLOITATION AND SUFFERING AT SEAWORLD PARKS. Heather D. Rally, D.V.M. Supervising Veterinarian, PETA Foundation Toni Frohoff, Ph.D.

At both Sea World Gold Coast (SWG) and Dolphin Marine Conservation Park (DMCP) there are a number of ‘experiences’ or animal adventures allowing the public to interact with the dolphins. These generally occur throughout the facilities, all day (and sometimes into the night) where participants enter the dolphin pools and are permitted to touch, hold, play with, feed, have photos taken with and in the case of DMCP, kiss and swim with the dolphins. Interactions can run concurrently with dolphin shows such as Affinity at SWGC where audience members are also selected to interact with dolphins. Dolphins at Sea World are only permitted one day off per week (depending on demand) but will interact and perform when they are injured, sick and even when pregnant. They are on display until they die, they are never retired.

These activities offer no protection to the dolphins from potential zoonotic pathogens or injury and they are exposed to chemicals from participants wearing sunscreen, deodorants, insect sprays, perfumes and aftershaves. At SWGC, two dolphins in one pool can be exposed to up to 15 people at one time, including 12 public participants, 2 trainers and a photographer. Programs are available 7 days a week, 364 days a year.

Dolphins are placed at risk when interacting with young children due to their unpredictable behaviour when excited and around animals. Young children have been observed during animal encounters interacting, touching and lying down in the water with faces next to the dolphins whilst out of reach of parents and trainers, putting both the dolphins and children at risk of serious injury. Participants are required to remove jewellery before interactions, yet have been documented to interact wearing jewellery. There is also the potential that non visible piercings (nipples, genitalia, tongues etc) are not removed. This presents a risk to the animals from injury or ingestion of lost jewellery. Foreign object ingestion is documented at both DMCP and SWGC.

People with medical conditions, cuts, open wounds or infections are not permitted to participate in interactions however this cannot be and is not properly policed, when relying on the honesty of the public over their desire to interact with the animals. As well participants are not required to wash their hands or feet before entering the dolphin pools, or hand feeding the animals, further exposing dolphins to pathogens and zoonotic disease.

2. Ingestion of foreign objects and resulting invasive medical procedures, and lack of prevention measures.

“The reasons for the high incidence of foreign body ingestion in captive cetaceans are not clear. The captive environment, due to its obvious spatial limitations, is at best an abnormal one. The social behavior of these animals has been severely altered (Caldwell et al. 1968). Ridgway (1972) suggested that since captive animals are taught to consume dead fish, they may consider any object entering the pool as edible. Excitement of training, performing, play behavior, and competition for food may also be contributing factors (Nakajima et al. 1965).”

“What is clear from the accounts on captive cetacean ingestion of foreign objects is that it has the potential for being a direct cause of mortality, or at least debilitating to a degree which could predispose animals to disease or predation in the wild state.” - HD Rally et al.

Exhibited Animals Protection Regulation 1995, Standards For Exhibiting Bottlenose Dolphins In New South Wales Clause 2.1.5 c States “ Precautions must be taken to prevent any foreign bodies entering pools. Pools must be thoroughly checked for foreign bodies at least twice a day.”

Dolphins are predators and naturally curious mammals, unable to exercise their instinct to hunt and forage in captivity. This limitation leads to boredom and frustration resulting in abnormal, repetitive or ‘stereotypical’ behaviours that, when combined with physical hazards, presents serious risk to the animals. Accidental injury, self-harm, and ingestion of foreign material, through repetitive contact with structures and objects or of items that have fallen into their otherwise barren enclosures can occur.

Even the sand substrate at SWGC which may allow the dolphins to ‘forage,’ (there is nothing natural in the pools that the dolphins are able to forage for) the animals will find anything they can to manipulate or ingest or play with to relieve boredom. Dolphins will manipulate objects within their enclosures and may also echolocate, retrieve and ingest objects from beneath the sands surface. They can ingest debris from surrounding rocks or by breaking, scraping or chewing off debris from platforms, concrete tunnels, pylons, gates, barriers and filtration devices and as mentioned lost jewellery, sunglasses, etc.

3. Open rostrum wounds and inclusion of wounded animals in public interaction programs.

“It is common for captive dolphins to injure their rostrum while confined to a restrictive environment in which they’re surrounded by unnaturally hard surfaces, such as concrete and metal, that easily cause trauma to the skin. Despite the obvious vulnerability of the rostrum to injury and the evidence of existing wounds on numerous dolphins, SeaWorld continues to force these animals to perform demeaning tricks that could cause skin abrasions in that area” - HD Rally et al.

I have observed and photographed a large number of dolphins at SWGC with wounds ranging from superficial nicks, scrapes and scarring from previous injuries such as teeth or ‘rake’ marks, and also open and ‘raw’ wounds. These include multiple dolphin rostrum , tail fluke and dorsal wounds, sunburn, cuts, scratches, healed teeth (rake) marks and other scarring, the result of aggression (or rough play) between confined pairs or groups of animals.

These animals, despite their injuries or open wounds, continue to be used in public interactions and shows

4. Trainers pushed or pulled through the water by dolphins rostrums and dorsal fins, standing on rostrums and requiring dolphins to ‘beach’ for interactions.

The dolphin's lower jaw, or mandible, supports nearly the full force of the trainer's bodyweight during tricks that involve standing on the rostrum. The mandible is a sensitive structure that plays an important role in hearing. It is filled with delicate fatty tissue that allows dolphins to receive underwater sound vibrations through the jaw bone. These are then transmitted directly to the middle ear, where they're perceived as sound (Rommel, Costidis, & Lowenstine, 2018). Thus, the bones and joints of and around the mandible are important to the animals' acoustic health, and routine exposure to excessive or abnormal force on these structures could not only be uncomfortable but even cause damage - HD. Rally et al.

Behaviours are presented in SWGC and DMCP shows and interactions that ask the animals to perform behaviours that are not natural and are in some cases harmful to the dolphins. eg. tail walking, dancing, tongue rolling, rostrum pushes, dorsal pulls, rocket hops, beachings, kissing, humping balls, catching balls, jumping through hoops and jumping in front of and over a speeding boat.

These conditioned or trained behaviours are not underpinned by animal welfare rather are trained theatrics to provide audience enjoyment, petting experiences and photo opportunities.

All of these behaviours present the animals in a way that is ‘devoid of any biological significance to them or educational value to the public.’ Some are demeaning and place the dolphins at risk of physical injury.

Trainers have dolphins ‘beach’ or ‘slide out’ on the shores or shallow edges of pools, where they are kept for lengthy periods of time. This is particularly evident during the Affinity show at SWGC and for kisses at DMCP. The dolphins are almost entirely out of the water for an extended period while the public pat, feed, ‘play splash,’ ask the animals to ‘speak’ and pose for photo opportunities. The dolphins are exposed to the full sun and their internal organs experience the pressure of the animals full out-of-water body weight, which can range between 150 and 650 kg.

During the SWGC Affinity show, trainers hold onto the dolphins dorsal or pectoral fins and also use the dolphins rostrums to be pulled or propelled around the stadium pool, including being lifted out of the water onto the stage. The dolphins push or pull the entire weight of a trainer through the pressure of the water.

Trainers stand on the dolphins rostrums when presenting a “rocket hop,” where the dolphin’s jaw supports the full force of the trainer’s bodyweight, being propelled through the water in order to catapult the trainer into the air. A sample of these can be seen here:

<https://www.youtube.com/watch?v=9znQ3FmMR6M>

At DMCP dolphins are also subjected to foot pushes, kisses, being made to pull customers around the pools by pectoral and dorsal fins. <https://www.youtube.com/watch?v=dwsaeWHrsVw>

<https://www.youtube.com/watch?v=dwsaeWHrsVw>

5. Worn, missing and algae covered teeth.

“This type of dental pathology is a common abnormal finding in captive cetaceans who frequently grind down and break their teeth on hard surfaces in their enclosures, metal gates, rock substrate, enrichment objects, or by excessive, repeated ‘jaw-popping’ and other behavioral abnormalities. Teeth that are worn down to the gum line may have exposed pulp cavities and are vulnerable to infection.” - Heather D. Rally, D.V.M, SWGC Review - supplied

Dolphins are naturally inquisitive and will manipulate objects in their environment. The dolphin pools are void of any natural stimulus so they will repetitively manipulate or gnaw at solid objects in their pens, such as concrete structures, pylons, gates and fencing. Perhaps even the ‘toys’ provided to them as enrichment and used in interactions such as fully inflated basketballs regularly placed in their jaws may also cause dental damage.

Algae have been observed on dolphins teeth that may be caused by poor water quality due to high bio-loading — algae requires nutrients to bloom. Dolphin's cannot swim great distances or at speed so do not get normal water flow over their bodies. Dolphin's are not able to manipulating live food. Usually when a dolphin catches a fish it would have to manipulate it so that the fish can be ingested head first to avoid spines, in captivity dead fish have spines removed and are thrown directly in to dolphins mouths.

6. Lack of shade and shelter from inclement weather.

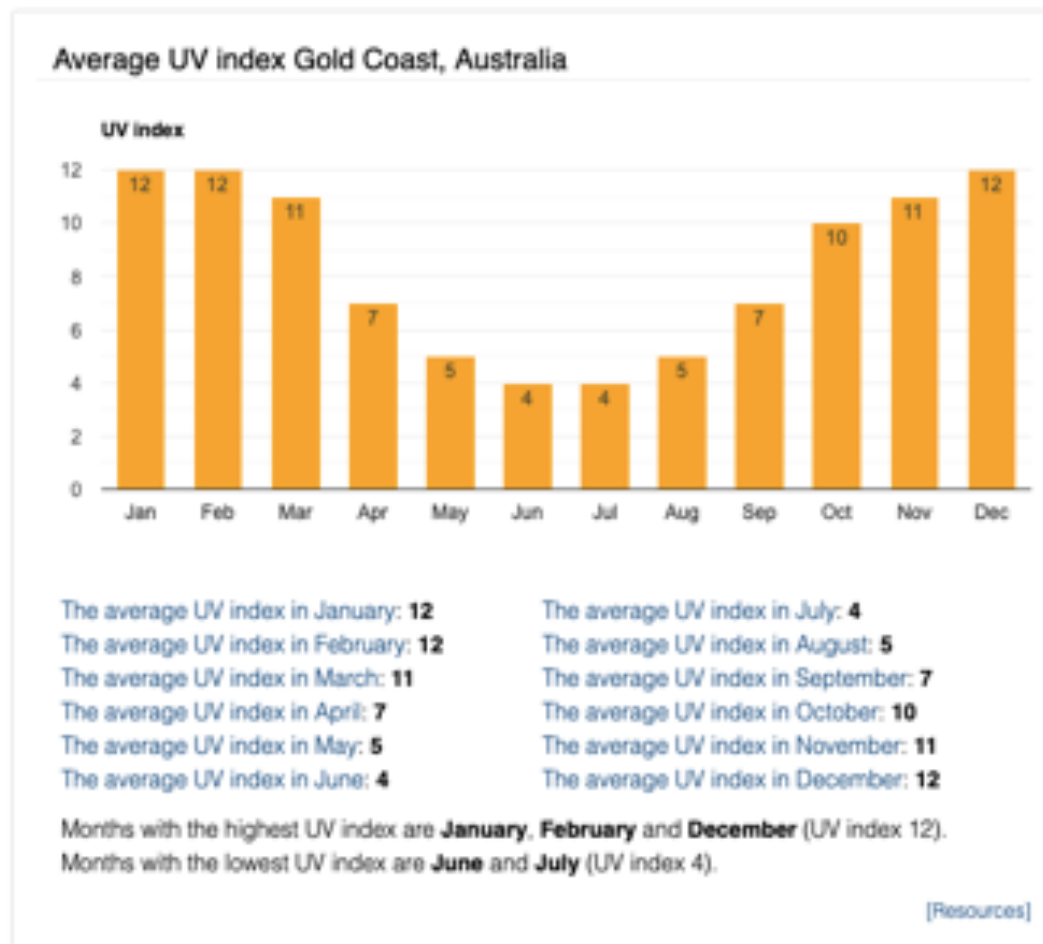
”Because tanks are often painted a light or bright blue color (to increase visibility of the animals to spectators) and because enclosures typically lack shade, light is often reflected back at marine mammals in captivity (versus in the wild, where natural surfaces are rarely highly reflective). This results in captive marine mammals being exposed to higher levels of ultraviolet (UV) light than in nature. In addition, most marine mammals are fed by trainers standing at the side of their tanks, with the animals looking up (into the sun) for fish to drop into their mouths. This “stationing” posture is uniquely associated with captivity. As a result, captive marine mammals may suffer from eye lesions and infections and premature cataracts.” - CAMMIC, Rose, N.A et al.

Exhibited Animals Protection Regulation 1995, Standards For Exhibiting Bottlenose Dolphins In New South Wales Clause 2.1.3 states: “appropriate shaded, covered or sheltered areas must be provided to protect the animals from adverse ambient conditions caused by weather, sunlight or artificial lighting, glare or other environmental factors.”

According to accepted UVR indexes, due to its light colouration, sand is one of the top UV reflective surfaces and water also reflects solar UVR⁸

- Levels of reflective UVR:
 - Concrete (Footpath) = 8.2-12.0
 - Sand (Wet Beach) = 7.1
 - Sand (Dry Beach) 15.0-18.0

For Humans, The World Health Organisation recommends when the UV level reaches three or higher a combination of sun protection control measures including sun protective clothing, hat, sunglasses, sunscreen and shade may be needed to eliminate or minimise, so far as is reasonably practicable, exposure to solar UVR. The UV Index has five categories. When the UV Index is at three or above, sun protection should be used as the solar UVR is strong enough to damage the skin.



SWGC, for example, has sun shelters for trainers working with the animals but have not invested in any shelter for the dolphins. The dolphins have no designated shelter to rest in the shade or to prevent exposure to inclement weather such as high winds or hail.

⁸<https://www.safeworkaustralia.gov.au/system/files/documents/1702/guide-exposure-solar-ultraviolet-radiation.pdf>

There are some small spots of shade early morning and towards evening at SWGC when UV rays are lower, however these areas are only in the shallow sand or rocky shores of the pools where the dolphins need to be almost entirely out of the water to utilise it and only found in some pool areas.

Shallow water in addition to the requirement for dolphins to be at or near the surface for activities means that dolphins in all marine parks are exposed to extreme ultraviolet rays consistently.

During interactions dolphins are required to be mostly in the shallowest parts of the pools, further exposing them to UV and reflected UV from the waters surface, surrounding dry sand and or concrete.

Conditioning to receive food from trainers also causes the dolphins to regularly have their heads out of the water ‘begging.’ Cetaceans are required to perform for the public to receive part of their daily food intake offering them no choice but to perform or go hungry throughout the day.

Eye problems such as infections and cataracts are constant and recurring at dolphinariums partly due sunlight exposure, lack of shade constantly being out of the water for the public.

7. Exposure to relentless and increasing noise, vibration and night lighting due to park activities, events, constructions and rides.

“A growing body of research has found that exposure to excessive or unnatural levels of noise can affect a number of health and welfare parameters in cetaceans, including immune suppression, increased aggression, and premature hearing loss (Couquiaud, 2005). Indeed, captive dolphins who are exposed to acoustic insults are known to demonstrate physiological and behavioral indications of stress, such as an increase in circulating stress hormones and a refusal to perform or eat. Captive dolphins have even died because of severe acoustic disturbances (Couquiaud, 2005; Monreal-Pawlowsky et al., 2017).

“Acoustic stress is a serious welfare concern for captive dolphins, who would use their sophisticated acoustic systems to communicate, navigate, hunt, and visualize their environment... Their aural anatomy and physiology is highly complex and exceptionally sensitive to sources of sound and vibration.”- HD Rally et al.

Exhibited Animals Protection Regulation 1995, Standards For Exhibiting Bottlenose Dolphins In New South Wales Clause 2.1.5 a) states: “animals need protection from excessive noise.” and Clause 2.1.5 c) states “attention should be paid to acoustic treatment of buildings and protection of animals from disturbing noise e.g. certain noises generated by mechanical systems and transmitted under water. Particular care must be taken during construction and maintenance work. If extraneous noise appears to be resulting in loss of animal appetite and condition, this problem must be corrected.

Dolphinariums are amusement parks no matter how they are marketed and designed to provide fun and excitement to the paying public. As part of the guest experience a great amount of sound energy is generated and animals in the parks are continuously and unrelentingly subjected to an ever increasing level and range of disturbance.

The industry will typically claim that these noises are ‘deflected’ by the water surface (or ‘muffled’ by the water) and that the animals are underwater and therefore don’t hear it.

However the dolphins:

a/ perceive sound and vibration differently to how humans perceive it,

b/ the rostrum of dolphins is used as a ‘sound receptor,’ i.e. their ears don’t have to be above water, just the rostrum or part of it, for them to perceive these sounds clearly above the water.

c/ spend the vast majority of their time at the waters surface and or with their heads out of the water, eg. during presentations and interactions, when being fed or waiting to be fed etc.

Dolphins in both NSW and QLD parks are exposed to multiple shows and presentations throughout the day and evening that are scheduled at intervals that enable maximum patron experience. All activities use either speaker broadcasted music and dialogue or a combination of both and include associated theatrical show noise eg. boats, jet skis, explosions and audience cheering and squealing. In the case of SWGC they are also exposed to thrill rides, helicopters, concerts, weddings, corporate events and the Carnivale spectacular throughout the month of January. Currently they are also exposed to major construction work resulting in extensive disturbance to the dolphins living arrangements, artificial social groupings and wellbeing at the facility.

Dolphins in captivity are also exposed to filtration noise.

At SWGC noise from filtration systems can be heard throughout the park. There is no way of knowing how this noise affects the dolphins in their enclosures without a robust evaluation being undertaken.

A research study of stress responses in 5 captive bottlenose dolphins published in 2017 found that, “...during the [sic] day when construction works were carried out, all five dolphins showed increased salivary cortisol concentrations ($p=0.0004$); this was more evident in the breeding male who showed a 300-fold increase of cortisol level in the afternoon (3.119 ng cortisol/ml saliva; $p=0.004$). The assay detected an acute increase in salivary cortisol induced by vibrations and noise in the dolphinarium. For each animal, samples were obtained four times per day for three regular days, as well as for the day the facility underwent a structural check-up. This consisted in drilling of the walls surrounding the different pools and the facility itself at regular intervals over a 10-hour span, starting at 08.00 and finishing at 18.00.”⁹

The industry compares dolphins in human care to keeping pets or having a dog in a back yard. Dogs have been domesticated through selective breeding for thousands of years. Their genetic divergence from wolves was estimated to have taken place about 20 to 40 thousand years ago. Dolphins, on the other hand, are wild animals. They were born to be wild and have both physical and psychological needs that can never be met in a captive environment.

⁹Daily salivary cortisol levels in response to stress factors in captive common bottlenose dolphins (*Tursiops truncatus*): a potential welfare indicator. T. Monreal-Pawłowsky, A. Carbajal, O. Tallo-Parra, M. Sabés-Alsina, L. Monclús, J. Almunia, H. Fernández-Bellón, M. López-Bejar

It might be considered that a large dog confined for its life in a small pen and provided no shelter from the weather or sun, exposed to loud, unnatural and unexpected sounds day and night, with no where to retreat or escape, not even taken for a walk would constitute a serious welfare concern. Marine parks argue that most of its dolphins are born into the amusement park environment so are adapted to it. However, they also indoctrinate rescued wild dolphins who have never been exposed to this life.

8. Inability of dolphins to go “off display” or retreat from disturbance.

“..unlike many other species kept at zoos and aquaria, captive marine mammals often have no provision to go “off display” (to retire to an area away from the main exhibit area, out of view of the public) or avoid/escape from other animals in the tank at will; if such retreat space exists, they can only access it when handlers open gates or doors. This absence of retreat space has led to serious aggressive interactions between animals, in at least some cases resulting in serious injury and even death.” - CAMMIC, Rose, N.A et al.

Dolphins are on permanent public display, there is no area available to them to go ‘off-display’ or that allows them the option to flee from disturbance. They are permanently exposed to the highest levels of noise and activities in an amusement park setting.

Interconnecting gates may give the impression that dolphins can move to another area or zone but these are usually closed and only utilised when parks management requires it, not when the dolphins would *like* to move. There is no retreat there is no ability to go off public display.

9. Aggression and abnormal (stereotypical) behaviours

"While all species of marine mammals held in captivity (with the exception of sirenians) are predators, none are allowed to exercise that part of their behavioral repertoire that is related to hunting and foraging. For all captive marine mammals, this means boredom is a serious concern, but for display-only animals, such as polar bears and most seals, boredom can be unremitting. Stereotyped behaviors, severe aggression toward conspecifics and humans, and other behavioral problems frequently arise in predators denied their natural foraging behavior. Though a degree of aggression is of course natural, in a captive setting, aggression can be escalated due to artificial social groupings and spatial constraints that prevent subordinate animals from escaping aggressive interactions.” - H.D.Rally et al.

Stereotypical behaviour is well documented in Zoos and Aquaria and is usually an indicator of stress and or boredom, is a repetitive habit that has no goal or function. Some examples include: vomiting, head bobbing, pacing/circling, comotose-like states, self mutilation, biting on gates and bars, unnatural body positioning, continuous rubbing on objects and tongue playing.

Aggression in captivity is often caused by frustration, including factors previously mentioned, incompatible groupings of animals and/or species and large animals confined in small spaces. Aggression between dolphins causes stress and can result in injury and even death. Aggression, between dolphins does occur in the wild and can be considered natural behaviour however within the confines of their managed amusement park lives, where stress, anxiety, boredom and frustration may be extreme, the animals are unable to flee from aggressors.

Aggression incidents can result in serious open rakes wounds, bruising and swelling.

Abnormal or repetitive behaviours are observed in all captive animals and dolphins are no different. These behaviours are a direct result of boredom, stress and aggression.

10. Lack of Space

“In any design of a dolphinarium or aquarium, satisfying the needs of the visiting public and the facility’s budget comes before meeting the needs of the animals. If every measure were taken to create comfortable, safe, and appropriate conditions, then the size, depth, shape, surroundings, props, colors, and textures of concrete enclosures would be different from those seen now. In addition, noisy and disruptive activities and structures (such as fireworks displays, musical events, and roller coasters), all too commonly placed adjacent to or near marine mammal enclosures at marine theme parks, would be relocated to avoid disruption to marine mammals exposed to them daily and in some cases intermittently throughout the day.” - HD Rally et al.

“In the wild they travel between 60 and 225 km (35 to 140 miles) in a day, reach speeds as high as 50km (30 miles) an hour, and dive from 500 to 1,000 m (1,640 to 3,280 ft) deep. These cetaceans are highly intelligent and socially and behaviorally complex. Their perception of the world is largely acoustic, a difference in mode of perception that makes it virtually impossible for humans to imagine what they “see.” Even in the largest facilities, a cetacean’s room to move is decreased enormously, allowing the animal access to less than one ten-thousandth of 1 percent of its normal habitat size.” - CAMMIC, Rose, N.A et al.

Exhibited Animals Protection Regulation 1995, Standards For Exhibiting Bottlenose Dolphins In New South Wales Clause 2.4.4 d) states “minimum surface area for each animal will be 49 square metres with 49 square metres to be added for every additional animal held.”

Dolphin enclosures can present a natural and tropical facade of sandy lagoons with sloping beaches, rocky ‘sea walls’ and scattered palm trees, or lovely back yard swimming pools. This environment is perceived to be idyllic by Human standards. The reality is quite different for the animals who reside in the pools permanently.

The pool sizes may appear large however the actual usable swimming spaces are smaller than they appear.

In captivity, a recent study found that the average size of the largest primary tank used at dolphin facilities is just 444 sq m. This means that most dolphins only have a space slightly larger than a theatre screen. That’s more than 200,000 times smaller than their natural home range. Sea pens are usually larger, but even the average sea pen size is about 77,000 times smaller than a dolphin’s home range in the wild. Even the largest sea pen identified in this research is 12,000 times smaller than a dolphin’s natural home range.¹⁰

11. Lack of Choice

Parks say they give their animals choices and that they don’t have to perform if they don’t want to. This is a fallacy. The animals are made to perform for part of their food and they reside in pools that suit managed artificial social groupings and are only moved to suit breeding and business management purposes.

¹⁰https://d31j74p4lpxrpf.cloudfront.net/sites/default/files/au_files/behind_the_smile_-_dolphins_in_entertainment_report_2_0.pdf

If dolphins truly had choice, staff would be unable to control instances of dolphin aggression, which could cause serious injury risk and dolphin death and additionally breeding (if not on contraception) would be random and uncontrolled. Breeding is limited by permit numbers.

12. Water Quality

“Chlorine required for hygiene precludes live plants and fish in the tank and can cause skin and eye complications for marine mammals.” - CAMMIC, Rose, N.A et al.

Pools must be able to support the health and well being of both the dolphins and the paying humans interacting with them so are heavily chlorinated. These chemicals are not natural to a dolphin and cause skin, eye and other health problems. Dolphins in all areas are exposed to human disease, infections, sunscreens, perfumes, human excretions, seagull and other bird faeces. They often also share their water with other species such as seals so will also have excretions from them as well.

13. Breeding, Births and Deaths

“Individuals from populations that could not breed together in the wild due to geographic separation regularly have offspring in captivity. Even worse, marine mammals belonging to completely different species have been bred together to produce hybrids, which could not be released and have absolutely no value in terms of species conservation. Most captive-breeding programs simply ensure a supply of animals for display or trade, creating in many cases a growing number of surplus animals of questionable genetic backgrounds. These animals are poor candidates for release into the wild or, for that matter, future breeding efforts, and face uncertain futures at best.” - CAMMIC, Rose, N.A et al.

“A species that does reproduce in a zoo or aquarium is not necessarily thriving or even being provided a minimally adequate environment. In addition, research has found that captive-bred animals generally have lower reproductive success than wild-caught captive animals, regardless of facility or species”

"The failure of captive dolphins in dolphinariums to definitively exhibit a higher survival rate than in the wild, despite 80-plus years of maintaining this species in captivity, disputes the public display industry's oft-stated contention that captivity enhances survival by keeping animals safe from predators, parasites, and pollution and by providing animals with regular feeding and ever-improving veterinary care."

“Causes of death for captive-born calves include lack of maternal skill or failure to bond properly between mother and newborn, lack of proper fetal development, and abnormal aggression from other animals in artificial social environments and confined spaces.” - CAMMIC, Rose, N.A et al.

Additionally and historically, captive dolphin facilities were known to breed hybrid dolphins, however this practice was frowned upon by the industry and scientific community. Hybrid animals cannot be released to the wild so serve no true conservation purpose.

SWGC publicly states it breeds for conservation purposes (privately it admits for business longevity) however the bottlenose dolphin is a species not considered threatened and they state they will never release their animals to the wild. Captive bred and hybrids too can never be released.

Dolphinaria are not accountable nor are they required to provide to any authority their animal breeding, births and deaths information as far as we have been able to ascertain, the only information they *are* required to provide is the numbers of dolphin stock, their species and sex.(In Qld). This demonstrates a clear lack of accountability and leaves the door open for the industry to do as they please with regard to breeding.

Artificial insemination is invasive, unethical as the animals have no choice and in my opinion equates to unsolicited rape.

Artificial contraception and physical separation is also used, as well as programmed genetic recommendations. This unnatural selection ensures the best outcome for park operations and to achieve genetic diversity ensuring longevity of its business rather than genuine conservation breeding.

Information about breeding practices, births and deaths at these facilities is shrouded in secrecy and self regulated by the industry.

14. Stress

“Stress has been recognized and discussed in this report as a factor that can severely affect the health of captive wildlife,,including marine mammals. Stress in mammals can manifest in many ways, including weight loss, lack of appetite, anti-social behavior, reduced calving and reproductive success, arteriosclerosis (hardening of the arteries), stomach ulcers, changes in blood cell counts, increased susceptibility to diseases (reduced immune response), and even death. Short-term acute stress will occur as the result of pursuit, confinement, sudden loss or change in social relationships, and physical handling experienced during capture or the transport process. Long-term chronic stress would result once an animal is permanently confined in captivity.” - CAMMIC, Rose, N.A et al.

I consider the entire body of information provided here is evidence of the stressful environment that the dolphins kept at marine parks for the purpose of display have no choice but to endure. The welfare concerns documented are intrinsically linked with the level and indications of stressed dolphins at these facilities.

These facilities are required to regularly medicate the animals through their food as the nature of the environment they are forced to live in compromises their immune systems.

Conclusion

Autonomy and lack of accountability leaves the door open for poor animal management, poor animal welfare and maintaining the status quo. Zoos and Aquariums are responsible for their own welfare standards through the Zoos and Aquarium Association accreditation process. This accreditation was established by and is effectively assessed by itself. The accreditation assessment takes place only every 3 years.

It is difficult to understand where the accountability lies when Government is charged with responsibility for permitting dolphin display or exhibitor licences yet rely on the facilities themselves to provide the information, in order to ascertain if there are any adverse impacts to the animals in its care.

All is not as it appears with regard to the well being and breeding practices at captive cetacean facilities and as commercial enterprises the welfare of cetaceans in their care will always come second to profitability.

It is for the reasons extensively documented here that I strongly urge the committee to consider its moral and ethical responsibility for the wellbeing of these animals (and the community) and to take a leadership role in this inquiry into **the use of exotic animals (defined as any animal that is not native and is not a stock or companion animal) in circuses and the exhibition of cetaceans in New South Wales** and move to:

(i) disallow the continuation of the practice of breeding of exotic animals for use in circuses and cetaceans for exhibition and

(ii) legislate the phase out of the use of exotic animals in circuses and cetaceans for exhibition.

Sincerely