

Submission  
No 172

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

**Organisation:** Action for Dolphins

**Date Received:** 22 November 2019

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22 November 2019

To the Hon. Mark Banasiak, MLC  
Committee Chair  
Portfolio Committee No. 4 - Industry  
Parliament of New South Wales

To the Hon. Chair and Committee members,

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

I am writing on behalf of Action for Dolphins, a not-for-profit marine animal protection organisation.

I am contacting you in relation to the Legislative Council's Inquiry into the use of exotic animals in circuses and the exhibition of cetaceans in New South Wales.

Action for Dolphins ("AFD") will provide a response to the Terms of Reference **in bold** below:

- (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.

## **TERM OF REFERENCE (b)**

### **The welfare of cetaceans exhibited in New South Wales, with consideration of community expectation**

It is AFD's view that community attitudes and expectations in regards to the welfare of cetaceans have changed dramatically in recent years.

The public is now aware there is no justification on the grounds of conservation or welfare for the keeping and breeding of cetaceans in captivity. Studies have shown dolphins in captivity can suffer stress resulting in appetite loss, ulcers, and increased susceptibility to disease. A recent report by the RSPCA also confirmed the complex physical and mental needs of cetaceans cannot be met in a captive marine park environment.

The last ten years has seen education around cetacean captivity increase. Many people now understand the difficulties associated with keeping these complex animals in pools for entertainment. The release of critically-acclaimed documentaries such as *The Cove* and *Blackfish* have contributed to a profound societal shift in the way animals and captive cetaceans in particular are perceived.

This global increased awareness has translated to a sharp decline in visitor numbers to marine parks such as Sea World.

This trend has reached Australia and is confirmed by a recent Galaxy poll, which found two out of three Australians are not in favour of dolphin captivity.

Many commercial companies such as Instagram, AirBnB, TripAdvisor, Booking.com, and Virgin Holidays have changed their business practices to ensure animal welfare is at the forefront. This includes not promoting or selling tickets to marine parks that have cetaceans in captivity, unless they are transitioning to a sea-pen sanctuary model. This policy change from large, public-facing companies marks a significant change from previous business practices. The community now considers animal welfare to be an important and legitimate priority on company agendas.

It is therefore AFD's opinion that the community rightly places a lot of emphasis on the welfare of cetaceans in New South Wales. As such, the relocation of dolphins in New South Wales to more natural surroundings in the ocean, such as a sea-pen sanctuary, fits squarely within community expectations of how these complex animals should be treated.

## **TERM OF REFERENCE (c)(i)**

### **In light of the findings above, whether to allow the continuation of the practice of breeding of exotic animals for use in circuses and cetaceans for exhibition**

In light of the above welfare considerations, it is AFD's opinion that the practice of breeding cetaceans for exhibition in New South Wales should be discontinued. The RSPCA's position statement states "[T]here is no evidence that justifies the keeping and breeding of dolphins in captivity on conservation grounds".

The only marine park with captive dolphins in New South Wales is Dolphin Marine Conservation Park ("DMCP") in Coffs Harbour. Commendably, DMCP has recently announced of its own volition it will no longer breed dolphins.

Over the past 18 months, AFD has been working collaboratively with DMCP and World Animal Protection on a feasibility study exploring the viability of developing a sea-pen sanctuary to retire captive cetaceans to an ocean setting.

It is AFD's view that a legislative ban should be put in place so the current generation of dolphins in captivity in NSW remains the last. This will not only meet community expectations but will mean the current voluntary breeding ban is secure, pending any future management shifts.

#### **TERMS OF REFERENCE (c)(ii)**

##### **There should be a phase out of the use of exotic animals in circuses and cetaceans for exhibition**

Due to the above welfare considerations and community expectations, it is AFD's opinion that the commercial exhibition of cetaceans should be phased out in New South Wales.

The current dolphin population residing at DMCP could be supported through this transition by relocating them to a sea-pen sanctuary type environment. The primary purpose of this type of environment would be to provide the dolphins with as natural a home as possible, rather than keep them for exhibition purposes.

This move to create a sea-pen sanctuary is currently being taken by other marine park facilities such as The Baltimore National Aquarium in Baltimore, in the USA. This move is in recognition of community expectations as well as the science, which demonstrates the Baltimore dolphins' welfare would likely be improved by relocating them to a more natural setting in the ocean.

A sea-pen sanctuary of this kind in Coffs Harbour would allow the current captive dolphin population in NSW to live out the rest of their lives with as much autonomy and space as possible.

#### **TERMS OF REFERENCE (c)(iii)**

##### **There should be any other legislative or regulatory action that the committee considers appropriate**

The *Standards for Exhibiting Bottle-nosed Dolphins in NSW* have not been updated since they were established in 1994. Much has changed in terms of what we now understand about dolphin behaviour and their welfare needs. As such, it is AFD's view that the exhibition standards should be updated accordingly, in consultation with animal protection organisations such as the RSCPA and cetacean welfare experts.

Together with World Animal Protection and DMCP, AFD has been working over the course of the past 18 months on the possible creation of a sea-pen sanctuary in Coffs Harbour.

We have commissioned a feasibility study from Manly Hydraulics Laboratory, which has come back as positive. We are now seeking funding from the New South Wales government to finalise the feasibility study and continue with the next steps.

If created, a sea-pen sanctuary would help the current captive dolphin population in New South Wales live out their lives in a much more natural setting, as well as provide a rescue centre for stranded and injured animals.

It is AFD's view that the New South Wales government should support the establishment of a sanctuary for dolphins in Coffs Harbour, both from a legislative and funding perspective.

Thank you very much for considering this submission.

Please do not hesitate to get in touch with me on the number below if you would like to discuss.

Yours sincerely,

Jordan Sosnowski  
Advocacy Director, Action for Dolphins