

Submission  
No 177

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

**Organisation:** Sentient, The Veterinary Institute for Animal Ethics  
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The veterinary voice in animal welfare

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

### **Sentient submission**

Sentient is an independent Australian veterinary association dedicated to animal welfare advocacy. Our members are represented in academia, private practice (companion, equine and large animals), non-government, government and industry settings, with expertise in many fields including animal welfare, animal behaviour, clinical medicine, epidemiology and the use of animals in teaching and research. A number are qualified specialists in particular disciplines, or have extensive experience within industries such as live exports, horse racing and greyhound racing. Sentient has presented at international and national conferences, published papers, contributed numerous submissions to state and federal government inquiries, and provided evidence at parliamentary public hearings. We also host final year veterinary science students for Public, Industry and Community placements in animal welfare advocacy. Sentient is registered with the Australian Charities and Not-for-profits Commission.

Sentient welcomes the opportunity to submit to this Inquiry, which is very timely given heightened community awareness and concerns regarding the care and use of animals for entertainment.

This submission addresses the following terms of reference for this Inquiry:

1. Welfare of exotic animals exhibited in circuses in New South Wales, with consideration of community expectation
2. Welfare of cetaceans exhibited in New South Wales, with consideration of community expectation
3. Continuation of breeding of exotic circus animals and captive cetaceans
4. Phasing out of use of exotic animals in circuses and cetaceans for exhibition
5. Other regulatory actions

#### **1. Welfare of exotic animals exhibited in circuses in New South Wales, with consideration of community expectation**

The federal government legislates the owning of exotic pets, and defines exotic animals as:

“Animals that do not occur naturally in the wild in Australia”

(<https://www.environment.gov.au/biodiversity/wildlife-trade/non-commercial/household-pets>). This definition includes domesticated animals legally kept as companion animals or livestock. For the purposes of this submission, we consider ‘exotic animals’ to be non-native species that do not fall into these categories. Examples may include lions, elephants, zebras, giraffes, camels, macaques, and non-native birds and reptiles.

Sentient opposes the use of exotic animals in circuses due to inherent welfare risks. The main welfare issues arise from artificial and prolonged confinement, unnatural feeding behaviour,

regular transport and unmet social needs. We refer to an independent scientific report that concluded exotic animals should not continue to be used in travelling circuses as their welfare needs cannot be met (Dorning et al 2016, The welfare of wild animals in travelling circuses. Report for the Welsh Government).

### **Artificial and prolonged confinement**

Exotic animals used in circuses are kept in enclosures that are even smaller than their natural home range than those provided in zoos, and include low levels of complexity and enrichment. This prevents the expression of many highly-motivated natural behaviours and can result in higher levels of stereotypic behaviours than those observed for exotic animals in other captive environments. Stereotypic behaviours are repetitive behaviours with no apparent goal or function, and are widely acknowledged as indicators of exposure to poor welfare conditions. Examples include pacing in wide-ranging carnivores such as lions and tigers, rocking and swaying in elephants, and rocking and self-sucking in primates.

### **Unnatural feeding behaviour**

Exotic animals are deprived of the opportunity to seek out natural food sources through hunting or foraging. For some species such as elephants, feeding could take up the majority of their time in the wild, so without adequate enrichment, this increases the risk of negative mental states and stereotypic behaviours.

### **Regular transport**

Due to the mobile nature of circuses, exotic animals used in circuses are exposed to frequent travel, which involves even more confinement (in individual or group cages) and exposure to unfamiliar environments.

### **Unmet social needs**

The natural social groupings of exotic animals cannot be replicated when kept in captivity and this situation is more pronounced in circuses than in zoos, where social species may be kept without access to conspecifics, or in close proximity to a small number of conspecifics who are incompatible, and where solitary species may be grouped. This leads to a reduction in positive social behaviours, such as allogrooming, and risks an increase in negative behaviours. For example, non-human primates such as macaques are highly intelligent and adapted to living in large social groups, where they develop strong bonds and display a range of complex social behaviours. These needs cannot be provided for in a captive circus environment.

### **Community expectation**

There are growing community concerns regarding the use of exotic animals in circuses in Australia, as evidenced by the Australian Capital Territory's ban on this practice, and prohibitions by an increasing number of councils on the use of parklands for circuses exhibiting exotic animals.

## 2. Welfare of cetaceans exhibited in New South Wales, with consideration of community expectation

Various cetacean species have been retained in captivity throughout the world for exhibition and entertainment for over a century, including dolphins, orcas and beluga whales. Research has shown that over 80% of all captive cetaceans are bottlenose dolphins (World Animal Protection 2019). On this basis and given that the only species of cetacean kept in captivity in NSW is the bottlenose dolphin, this submission will primarily focus on the health and welfare of this species, although many issues will be common to other species.

The main welfare issues relating to retaining dolphins in captivity arise from restricted space, unnatural environment, artificial diet, health and limited opportunities for social interaction.

### Restricted space

Studies have shown that dolphins generally travel tens of kilometres daily<sup>1</sup> and yet the space available in a marine park represents a negligible relative proportion of this. For example, an Australian study of wild dolphins in northern NSW showed that the average home range was about 250 km<sup>2</sup> for two different groups of dolphins<sup>2</sup> and yet the area of the current marine park in NSW is less than 1 km<sup>2</sup>. The only existing marine park in NSW comprises three tanks/pools for four dolphins where, to achieve maximum exercise, these animals are forced to swim in a repetitive circular pattern. This is not a natural behaviour of wild dolphins, who primarily swim in a linear pattern. Repetitive circular swimming has been identified as a stereotypic behaviour in some captive dolphins<sup>3</sup>. In addition to circular swimming, the distance travelled is unlikely to mirror the distances travelled in the wild, thereby limiting the opportunity for free exercise.

### Unnatural environment

Marine parks are either comprised of tanks/pools or less artificial lagoons with sandy bottoms. However, neither environment provides the same level of diversity and complexity as that found in a natural marine environment. This variation and unpredictability in the wild create important challenges and mental stimulation for dolphins, who are extremely intelligent. It is virtually impossible for dolphins to avoid boredom and frustration in a captive environment where the features are almost constant and/or predictable. It is well recognised that environmental enrichment needs to be of a very high standard to help meet the psychological needs of dolphins<sup>4</sup>.

### Artificial diet

Captive dolphins are fed thawed frozen fish, squid and octopus. This is artificial in terms of the quality of the diet and the denial of opportunity to express natural foraging and feeding

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<sup>1</sup> Rose et al 2017 Improving captive marine mammal welfare in the United States: science based recommendations for improved regulatory requirements for captive marine mammal care. *Journal of International Wildlife Law & Policy*, 20(1):38-72

<sup>2</sup> Hawkins E & Gartside D (2008) Social and behavioural characteristics of Indo-Pacific bottlenose dolphins (*Tursiops aduncus*) in northern New South Wales, Australia. *Australian Mammalogy*, 30:71-82.

<sup>3</sup> Clegg I et al 2015 C-Well: The development of a welfare assessment index for captive bottlenose dolphins (*Tursiops truncatus*). *Animal Welfare*, 24: 267-282.

<sup>4</sup> Clark FE, Davies SL, Madigan AW et al. (2013) Cognitive enrichment for bottlenose dolphins (*Tursiops truncatus*): Evaluation of a novel underwater maze device. *Zoo Biology*, 32:608-619

behaviours. Furthermore, dolphins use their intelligence and, in some circumstances, their intelligence and collaborative strategies when hunting. Given that food acquisition in the wild accounts for nearly one fifth of a wild dolphin's activity time<sup>5</sup>, it is a significant challenge to provide similar opportunities to express associated innate behaviours in a captive environment. Water must be added to the artificial diet as the freezing and thawing process significantly reduces the water content and poses a risk of dehydration unless additional water is provided in an alternative way.

## Health

Although it appears that basic health requirements such as food, water, comfortable environment and veterinary care are provided by reputable marine park facilities, captive dolphins are at risk of suffering debilitating eye conditions due to the high proportion of time their head is above the water surface. This is because they are constantly scanning their surroundings, particularly to observe trainers with whom they associate feeding and interaction. This excess exposure to UV light can lead to eye damage. A recent study found that at least 10% of captive dolphins showed a condition called medial keratopathy, which is damage to the cornea.<sup>6</sup> Although additional shade can be provided over pools, this condition is an inherent risk of captive environments.

Records show that the lifespan of some captive individuals is comparable to those in the wild, but given that they are provided with a constant supply of food and protected from pollution, predators and fatal diseases, this is not unexpected. However, longevity is not an accurate measure to assess welfare as it is the quality of life that is critical.

## Social interactions

An Australian study has shown that wild dolphins interact with over 30 individuals, with over half being preferred associations with specific individuals.<sup>7</sup> It was also found that these interactions are associated with different activities such as rest, travel, feeding etc. This and other studies demonstrate the complex nature of dolphin social interactions. It is not possible to provide opportunities for these highly motivated behaviours in a captive environment due to the small number of individuals retained.

## Breeding

Although improvements in breeding success of captive dolphins have been achieved over the past few decades, it is reported that nearly 14% of young dolphins will die within their first year of life.<sup>8</sup>

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<sup>5</sup> Hawkins E & Gartside D (2008) Social and behavioural characteristics of Indo-Pacific bottlenose dolphins (*Tursiops aduncus*) in northern New South Wales, Australia. *Australian Mammalogy*, 30:71-82.

<sup>6</sup> Colitz CM, Walsh MT & McCulloch SD (2016) Characterisation of anterior segment ophthalmologic lesions identified in free-ranging dolphins and those under human care. *Journal of Zoo and Wildlife Medicine*, 47(1): 56-75

<sup>7</sup> Gero, S, Bejder L, Whitehead H et al. (2005) Behaviorally specific preferred associations in bottlenose dolphins (*Tursiops spp*). *Canadian Journal of Zoology*, 83:1566-1573

<sup>8</sup> Sweeney JC, Stone R, Campbell M et al. (2010) Comparative survivability of *Tursiops* neonates from three US institutions for the decades 1990-1999 and 2000-2009. *Aquatic Mammals*, 36(3):248-261

This mortality rate was derived from analysing records from three highly reputable marine mammal facilities that provide very high standards of care. The impact on females who lose their offspring can be severe but there are also situations where nursing mothers are unable to express normal maternal behaviours due to the artificial nature of a captive environment. Adverse effects include loss of appetite, risk of infection and complications relating to lactation, with associated mental impacts of anxiety, frustration, fear and depression. Newborn dolphins can also be at risk of aggressive attacks from other dolphins, especially as the lack of predators in a captive environment is thought to reduce the protective maternal instinct.

Although the existing marine facility in NSW has publicly stated that it will not undertake further breeding, it is still essential to mandate this to ensure no further breeding is undertaken by this or any other marine park facility. Achieving a conservation objective is the only justification for breeding animals in captivity and bottlenose dolphins are not an endangered species. If a cetacean species required conservation efforts through a breeding program, this would best be done through an accredited zoological or bona fide research facility rather than a marine park.

### **Community expectation**

There are growing community concerns regarding the treatment of cetaceans used for performances in marine parks in Australia and internationally. The change in public sentiment is evidenced by the following examples:

- 1992 – UK introduced very stringent standards for captive dolphins which resulted in marine parks closing
- 1992 – Hungary closed their last dolphinarium and banned dolphin imports
- 2005 – Chile prohibited the capture or importation of cetaceans
- 2005 – Costa Rica prohibited the keeping of cetaceans in captivity
- 2009 – Croatia prohibited the keeping of cetaceans in captivity for commercial purposes
- 2012 – Greece banned commercial dolphin captivity
- 2012 – Switzerland banned the importation of dolphins and the keeping of dolphins in captivity or for entertainment purposes
- 2013 – India banned enterprises involving the importation or capture of cetaceans for entertainment, exhibition or interaction purposes
- 2016 - US National Aquarium announced shift of resident dolphins to sea sanctuary by 2020
- 2018 - Dolphin Marine Conservation Park, Coffs Harbour, collaborated with Action for Dolphins and World Animal Protection on a feasibility study to transfer resident dolphins to a sea pen sanctuary
- 2018 – Mexico City banned dolphinariums
- 2019 – Canada banned the capture and breeding of cetaceans and prohibited the possession of cetaceans for purposes other than research or rehabilitation
- 2019 - Dolphin Marine Conservation Park, Coffs Harbour, announced the cessation of captive dolphin breeding



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### **3. Continuation of breeding of exotic circus animals and captive cetaceans**

Sentient recommends that all breeding of exotic circus animals and captive cetaceans used for entertainment cease as soon as possible through a legal prohibition.

### **4. Phasing out of use of exotic animals in circuses and cetaceans for exhibition**

Sentient recommends a prohibition on the use of exotic animals in circuses in NSW, and that this use ceases as soon as possible. A phasing out is not required. The need to prevent further suffering of these animals is paramount and due consideration must be given to rehoming them to environments, such as sanctuaries, where their welfare needs can be met. The two existing operators who use exotic species are able to continue operating as exotic animal-free circuses.

Sentient recommends the use of cetaceans for exhibition be phased out. This will require a prohibition on the display of cetaceans for exhibition in NSW and funding for the completion of a feasibility study for the transfer of existing cetaceans at Dolphin Marine Conservation Park, Coffs Harbour, to a sea sanctuary.

### **5. Other recommended regulatory actions**

The Standards for Exhibiting Bottle-nosed Dolphins (*Tursiops truncatus*) in New South Wales (1994) should be reviewed.

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