

**Submission
No 81**

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

Name: Mr Patrick Murphy

Date Received: 24 November 2019

Dear Legislative Council Inquiry members,

I am writing to you as our law makers to respectfully express my will as a constituent in this state; regarding the committee on the Exhibition of exotic animals in circuses and exhibition of cetaceans in New South Wales.

I will state my case against this below, including references supporting it.

Having exotic animals in circuses is not a suitable environment for them to be placed in. There have been comprehensive independent studies done into the welfare of exotic animals in circuses.

I shall start with a report commissioned for the Welsh Government to prove my case. [1]

This was an impartial review and an analysis of the scientific evidence available as to whether captive wild animals in travelling circuses and other animal shows achieve their optimal welfare requirements.

The report contacted 658 experts and organisations from around the world to seek their views on the key welfare issues for wild animals in travelling circuses and mobile zoos. These experts were identified through scientific publications, internet research and recommendations from other experts. They included 138 animal trainers and circuses, 206 lawyers and veterinarians with expertise in wild animal welfare, 107 people working for relevant NGOs, 144 scientists such as biologists, researchers, behavioural and species experts, and 58 zoo and wild animal sanctuary staff. Other contacts included relevant government officials and wildlife experts.

I implore you to read all of this report as it will save you a lot of time and effort, as the hard work has already been done for you.

The welfare of animals should be of paramount importance, as they are an integral part of the show, but need not be a part of that show, when the need to have them, outweighs the benefits and problems that go with having exotic animals in circuses.

The circus staff have a choice, and a voice, as to their level of participation in the circus - the animals do not.

Exotic animals in circuses are nothing more than slaves, moved around the state and country from show to show, town to town, all to perform the same repetitive, unfulfilling, unnatural tricks for food.

A Circus can be on the road for 11 months of the year, with animals repeatedly travelling in small barren cages under extreme weather conditions, as you will read about later.

There is no satisfaction in their life, no natural behaviours to be expressed. They are basically bored stiff; causing them mental health issues, manifesting in captive animal behavioural patterns, such as swaying, tail chasing, fur pulling and lethargy.

The people involved with circuses need to come up with more than anecdotes to substantiate their specious claims of animal welfare, training methods, suitable diet, veterinary care, suitable environments, cage sizes, cage cleanliness, separation of predator and prey species, relief from boredom and general quality of life.

These are requirements that not only should be met, but must be met, in order to keep an animal both physically and mentally healthy.

Training methods are usually done with negative reinforcement techniques, such as withholding food, physical abuse, aggression and yelling at the animals. [18], [22]

The reasons for this are because, training takes time, and tight schedules may lead to more forceful training methods. One instance of a harsh punishment technique may be enough to attain long-term control, therefore a more efficient training method from the trainer's point of view.

Circus animals are not always handled by knowledgeable, experienced professionals with a calm temperament.

Most circuses with exotic animals focus on tricks that do not reflect the natural behaviours of the animals.

Tricks performed by exotic animals are unnatural and are usually the result of physical exertion on the animal and causes an increased potential for injury, such as deformities, injuries, lameness and strains.

One should also remember that some of the exotic animals have different sleeping patterns, which should be accommodated for.

Naturally nocturnal, or sedentary animals can be required to perform at times that are convenient for the circus show.

They perform in unnatural lighting and sensory surroundings. Once again, suitable for the circus, not the animal.

If they can't accommodate the animals natural sleeping and activity patterns, they should not have them performing in their shows.

In my local area, the Circus comes to town over the Christmas / New year period. It is located on a large vacant block of public land across from the water's edge.

On New Year's Eve this water's edge hosts the family fireworks display to welcome in the new year.

As you can imagine these fireworks are deafening, not only to humans, but more so to animals. To make matters worse, there is a sporting stadium next to that public land and across the road from the water's edge.

When the fireworks go off, the explosions send very loud blasts, not only into the air and the surroundings, but they also go into this stadium, and echo back, having a doubling effect.

These fireworks must literally terrify the animals, as if World War III is breaking out.

This has to be incredibly traumatic to the animals and it should be stopped.

Well may you say, this is a local issue, and one that should be dealt with by local council, but my rebuttal would be, where else are similar things happening?

How do you know there aren't similar situations where the circuses are located next to noisy roads, railway lines, industrial areas etc?

Any exposure to noise is a stressor for a diversity of wild animals, and has wide-ranging adverse impacts on their behaviour and physiology.

Gates, vehicles, machinery, crowds and caretaking activities, all increase sound pressure levels in captive environments beyond that normally experienced by wild animals. Captive animals are frequently exposed to sound pressures that exceed the recommended limit for human well-being. Species of animals that are sensitive to seismic vibrations or "infrasound" may be distressed by excessive man-made vibration and sound.

Therefore, animals should be kept away from this type of environment.

The Stardust circus has, both prey and predator species kept together in the one circus. I have seen where lions and horses have been kept in very near proximity to each other.

I have video footage of a Stardust horse being led by a staff member, a lion went to attack it through a fence; this was at Gosford in 2017; the lion was crouching and tried to pounce, but its attempt was foiled by a fence. It continued to pace next to the horse on the other side of the fence. The horse must have been terrified.

This is an example where housing incompatible species in close proximity can be very stressful to the prey species.

Stardust circus house predators and prey within auditory and olfactory communication, and often within sight of each other, this is a known stressor to the prey species in particular.

Acute stress is adaptive and allows animals to avoid danger or harm, but relentless exposure to repeated stressors leads to chronic stress, and prolonged elevation of stress can lead to long-term problems including suppressed growth and immune function, reproductive or reduced fertility, and impaired maternal behaviour.

There have been instances overseas where two lions have attacked a horse. [2]

Nearly two years ago there was a training rehearsal that went horribly wrong, because two predator species were in the ring with two prey species.

There was a Lion and a Tiger in a circus ring, under the big top, when they decided to have a meal... horse.

This is an example where no matter how docile and well trained the animal appears to be, there is not a lot you can do when they decide to attack. [2]

The video footage of the attack is graphic, [25] but as a legislator in this parliament, you have a duty to watch this, because, if you continue to allow Circuses with exotic animals to continue in this state, this is the risk you are allowing to happen.

Watch this footage, and ask yourself if it is possible for this situation to happen in Australia; I think the answer would be - it's only a matter of time.

Long term unstimulated animals experience boredom, and anticipatory behaviour prior to performances.

Trying to keep the animals entertained between shows is a task that wouldn't necessarily be high on the list of priorities of the circus staff.

Other tasks can easily take priority over the animals, leaving the animals bored and unfulfilled.

The circus animals must feel stress. Exotic animals seek control over their environment, and the activities performed may be the greatest stressor for captive wild animals in circuses.

Stardust Circus had an elephant that suffered from boredom, anxiety and stress from leading an unfulfilling existence. In the end, it had enough of its meaningless life and taking abuse from the trainer. It decided to take out its frustrations on its tormentor, and killed the trainer.

The elephant was sent to Western Plains Zoo at Dubbo. [3]

The anecdote I heard was, the Circus promised to pay for the upkeep of the elephant, however, once the elephant was in the care of the zoo, no money was ever forthcoming.

My fourth reference shows how inadequate the needs of animals are, when travelling in circuses, they spend a minimum of 91% of their lives locked up in cages, only to be dragged out to perform for a matter of minutes. [4]

Below is an abstract of their findings:

"A comprehensive synopsis of the welfare of captive, wild (i.e. non-domesticated) animals in travelling circuses is missing. We examined circus animal welfare and, specifically, behaviour, health, living and travelling conditions. We compared the conditions of non-domesticated animals in circuses with their counterparts kept in zoos. Data on circus animals were very scarce; where data were absent, we inferred likely welfare implications based on zoo data. Circus animals spent the majority of the day confined, about 1–9% of the day performing/training and the remaining time in exercise pens. Exercise pens were significantly smaller than minimum zoo standards for outdoor enclosures. Behavioural budgets were restricted, with circus animals spending a great amount of time performing stereotypies, especially when shackled or confined in beast wagons. A higher degree of stereotyping in circuses may be indicative of poorer welfare. Inadequate diet and housing conditions, and the effects of repeated performances, can lead to significant health problems. Circus animals travel frequently and the associated forced movement, human handling, noise, trailer movement and confinement are important stressors. Although there is no conclusive evidence as to whether animals habituate to travel, confinement in beast wagons for long time periods is a definite welfare concern. Circuses have a limited ability to make improvements, such as increased space, environmental enrichment and appropriate social housing. Consequently, we argue that non-domesticated animals, suitable for circus life, should exhibit low space requirements, simple social structures, low cognitive function, non-specialist ecological requirements and an ability to be transported without adverse welfare effects. None of the commonest species exhibited by circuses, such as elephants and large felids, currently meet these criteria. We conclude that the species of non-domesticated animals commonly kept in circuses appear the least suited to a circus life."

This goes to show, that a circus is not a suitable place for animals in captivity.

Any claims made to the contrary by circus folk need to be substantiated. As you can see above, this data is rare, because the Circus folk only have anecdotal evidence to back up their unsubstantiated claims. Without evidence of good welfare, training methods and the satisfactory lives of their animals, they only have one choice; stop having animals in circuses.

The Circus folk are always playing the victim and telling lies, as provided below, from this source. [5]

I will repudiate each one of their lies underneath their claim.

"There are just so many lies and sensational stories that get put across and that's when we have a problem. It's very disheartening."

I couldn't agree more, the lies and allegations that get put forward by the circus staff are very disheartening.

They constantly make these unsubstantiated claims to the media, they never provide proof, and the media never asks for proof, or for the story to be confirmed from the animal activists point

of view. There is no impartiality in their reporting and absolutely no fact checking. The media swallow it up like its gospel.

"One organisation said that we showed in the 40-degree heat. We certainly didn't and never would. It's not fair to the animals or the public."

This is a lie; I attended a protest on a 42 degree C day in Gosford; they certainly do have shows on hot days.

I have photo evidence of this and another day where the temperature climbed to 41 degrees C.

"Some of these organisations say 'take them out to a sanctuary', however they would not survive. This is the life they have become accustomed to..."

This is simply not true, there have been lion sanctuaries operating in Sydney previously, the reason they closed down, wasn't the fact that the lions "didn't survive", it was the business that didn't survive. They know this is a lie, but once again, the circus's claims never seem to be questioned.

If the circus makes claims, they should be verified by an independent source and not be taken at face value.

Even if their claims about survival are backed up by facts, one could use the following analogy.

If prisoners lived a longer life from being in prison, would that justify putting innocent people in prison?

"Stardust Circus manager Glenn West said ... the circus received threats on a regular basis."

"It's all day every day, we get them calling our bookings line and threatening us," he said. "We have people claiming they will 'kidnap the animals back to safety'".

I will ask them if they have reported these calls to the police, had their calls traced, written down the Calling Line Identification (CLI) number of the alleged people making these "threats".

With calls all day, every day, they should be able to produce plenty of recorded evidence of this happening.

They could also invite someone to stand by the phones to see if there are people making these calls (we just need to make sure they aren't getting their supporters to make the calls when someone is there. These are the sort of tricks they get up to.) If they can't prove it; it's not happening.

This is another one of their overstated claims, lacking any evidence. I simply say to you Glenn West; prove it.

"Mr St James said 'peaceful protests' are also becoming a danger to the community.

"I made a complaint to the Gosford Police following last year's protests with protesters taking up the pathway and forcing the public onto the busy road," he said."

Really? This is not the case! I was there at the protest and when we gave our "Notice of Assembly" form to the Police, they told us the rules; one of which was, that the protesters were NOT to block the footpath. The protest organiser went out of her way to ensure that the footpath was not being blocked.

We were standing off the footpath on the grass. (I could probably dig up a video of this if you would like proof.) Any claim that any member of the public was forced onto the busy road is FALSE. I was there, I know what did and didn't happen. I am telling the truth, he is not.

Once again, the circus staff make as many claims as they like, they are not used to being questioned about validating their claims. They simply "put it out there", and people believe them without question. Where is their evidence?

"For most of the shows we are 80 to 90 per cent full."

If that is the case, they must have very few seats under "The big top". Then again, they give away a lot of tickets. Maybe the Australian Taxation Office would like to do an audit on them to find out if their tax returns reflect that claim.

Every shop or household with a sign for the Circus in their window or front yard, has been given free tickets. (I found that out when asking them to take down the signs.) The ticket sales for circuses with animal are dwindling, as can be evidenced by the lack of (paying) customers attending them.

"These people are trying to destroy a tradition that has been in the Lennon and West families for over 150 years.

Protesters are only opposed to the animals being kept in the circuses, not the circus itself. Using tradition as an excuse is a very weak argument.

Just because something that is immoral and has been done for an extended period of time, doesn't mean it has social license to continue.

The zeitgeist has changed, as it has with so many other traditions; animals in circuses are a tradition that should cease.

The circus is no place for an animal. Its needs can't be met, so they need to stop having animals held in prisons and treated like slaves, "earning their keep" by doing tricks for food.

"It would be nice if the bullying stops."

Yes, it would be. The question is, where is the bullying coming from?

Circus operators are very passionately opposed to demonstrators, quite often their responses are aggressive, antagonistic and include threats of violence. As one teenage girl, a minor, (Name can be supplied upon request; she wants to remain anonymous) experienced at a Circus last year.

They said to "watch out" and they "were going to target" her.

They have made online threats of taking legal action because someone (who wasn't abusive), asked them to stop.

They harass protesters (I have footage of the Stardust ringmaster [Adam] arguing with protesters).

They are constantly disparaging those who are opposed to them. Their social media pages are "stacked" with pro animal abuse supporters, such as; other circuses, horse riders, farmers, country folk who are opposed to people protesting (because apparently, they don't have jobs etc).

"We give people good, clean family entertainment and I would hate that to end."

The people who are protesting against the circus don't have a problem with circuses, they have a problem with the animals in circuses.

Protesters love good clean (not smelly animal dung ridden) family entertainment. Protesters don't want the circuses to end, they want the animal component taken out of the show. The circus always complains about the protesters, but the only reason protesters are there, is because of the animals. If the animals were removed there would be no protesters; therefore, no problems. Try it, and see how many protesters they get at their next show without animals in them?

If you were to ask a child (or even an adult for that matter), what they learnt about animals at the circus, I'm sure that it wouldn't be a lot.

They would be better off spending that time watching a David Attenborough documentary than to watch animals that have been "conditioned" to perform unnatural tricks, for a life imprisoned on the road, and travelling in small cages. [26]

It is time to end this old-fashioned exploitation of animals and to not believe the lies told by the circus trainers and handlers.

Here is a pertinent quote about animals in circuses from Peter Singer, AC. Author, Philosopher and Professor of Bioethics at Princeton University:

"When children see animals in a circus, they learn that animals exist for our amusement. Quite apart from the cruelty involved in training and confining these animals, the whole idea that we should enjoy the humiliating spectacle of an elephant or lion made to perform circus tricks shows a lack of respect for the animals as individuals."

The protesters want the misinformation about protesters to stop. The circus folk have been peddling the same lines for years, unchecked.

The onus of proof should be placed back on them to back up their inaccurate claims.

I have witnessed the claims of circus staff saying their animals have air-conditioned wagons for their animals; used to keep them cool on hot days.

Then turn around and say lions are used to 40+ degree C days, just like they do in nature.

Which is it? They can't seriously claim both positions to be true.

Furthermore, regarding the bullying they have even gone to the extent of flying drones over the top of protesters. They were filming them outside their protests. I know this as I was filmed at a protest.

They regularly make false reports to police about protesters. Usually something along the lines of "one of our patrons was verbally threatened / felt intimidated by the protesters."

Once again, I have been there and have spoken with the police who came to investigate these vexatious claims. I can tell you the protests have been peaceful, and hardly a word was spoken to passers-by.

Their use of Machiavellian techniques is a given, as can be seen from above. Their word cannot be trusted.

This brings us to animal welfare and what the RSPCA's view is, on the use of animals in circuses? [6]

Their very first sentence says:

"The RSPCA is opposed to the use of animals for any kind of entertainment, exhibition or performance where injury, pain or suffering is likely to be caused."

It continues with:

"In the specific case of circuses, the RSPCA is opposed to the continued use of non-domesticated (exotic) animals, such as lions and non-human primates (monkeys), because the requirements of circus life are not compatible with the physiological, social and behavioural needs of these animals. The RSPCA's policy is based on evidence that no circus, no matter how well managed, can provide an appropriate environment for wild animals."

"Performing circus animals are kept for prolonged periods in close confinement, in artificial social groups and are continually being transported between circus venues for the duration of their performing lives. All for the purpose of entertainment. The life of a circus animal leads to stress, boredom and often results in abnormal behaviours or stereotypes, such as repetitive pacing or swaying. Even when wild animals have been captive-bred for many generations they still retain their 'wildness' and should not be considered domesticated.

Non-human primates are highly intelligent, complex, and very social. They require a high level of stimulation to prevent them from becoming bored in a captive environment. Captive lions also require regular stimulation and show severe signs of boredom and frustration when kept in the restricted environment of a circus pen."

Stardust Circus has six lions, five monkeys, two pigs, three goats, as well as horses and dogs. [5]

The RSPCA discusses ending the use of exotic animals in circuses, as follows: [7]

"In recent years a number of reports have examined the use of exotic animals in circuses. In 2012, in response to the concerns raised in a UK report (Radford 2007) by a government appointed circus animal working group, the British Government stated that it intended to prohibit the use of exotic species in the future (DEFRA 2012). However, as an interim measure it was proposed to introduce regulations requiring licensing and compliance with specified standards to safeguard the welfare of animals in travelling circuses.

A scientific review of the suitability of wild animals to live in a travelling circus found that for non-domesticated animals to be suitable for circus life they would need to exhibit low space requirements, simple social structures, low cognitive function, non-specialist ecological requirements and an ability to be transported without adverse welfare effects. None of the exotic animals exhibited by Australian circuses, such as monkeys and lions, currently meet these criteria. The study concluded that the species of non-domesticated animals commonly kept in circuses appear the least suited to a circus life (Iossa et al 2009)."

Clearly animals don't belong in circuses in these modern times. This is why you should stop supporting them being there and ban the use of animals for entertainment.

Entertainment stops where animal suffering begins. Circuses cannot recreate a natural environment, nor can animals in circuses perform much of their natural behaviour. A non-domesticated animal's life is consequently impoverished and, the keeping of exotic animals in circuses should therefore be banned.

Under the NSW Department of Industry - Standards for Exhibiting Circus Animals in New South Wales (February 2019) [8]

There are multiple requirements to be met, I don't know if the circus is meeting all of these requirements or not, but I would like proof of the requirements being met.

Their comeback, to claims of treating their animals well are usually ones that ask - "Have there been any reports to the NSW Department of Industry saying we have done anything wrong?"

Well the NSW Department of Industry doesn't report to me. The lack of evidence of reports does not mean that all regulations have been complied with, it just means they haven't been caught breaching the rules.

The NSW Department of Industry doesn't have endless time to supervise the behaviour of the circus' treatment, spacing, training methods, and exercise routines of the animals.

They make an appointment (so I have heard) to inspect the site; the circus staff put on their best behaviour for the department, then return to business as usual after they have 'passed muster'.

Are there any "surprise visits" to inspect the circus and the condition of the animals kept in them?

Is there really any genuine attempt to see how they operate from day to day?

There really needs to be accountability that is not only transparent, but seen to be transparent. Perhaps having continuous CCTV on the animals and the training times and methods could be a start.

When it comes down to it, our lawmakers *are* the enablers of animal abuse. My local council says "there is a groundswell of support against animals in circuses". This issue is not a self-centred one, it is an issue of justice for the ones without voices, the ones who don't have the ability to write to this committee and object to being held captive and performing meaningless, and unnatural tricks to earn a meal.

It isn't an issue that is seen as a "vote winner". It is an issue of morals, of doing what is right, just because it is right.

People can be unsung heroes; they don't have to receive medals or awards for doing what is ethical. You can easily choose to do the right thing. There are ways to get self-satisfaction knowing one has done the right thing for the helpless in society, be they people or animals.

If you can remember back to the times when certain countries were hunting whales, and there was a type of smear campaign against those who were standing up for the whales. They were ridiculed, told to "get a job", "get a life", got told, "haven't you got anything better to do?".

The right-wing media in particular were taking cheap shots at the ones who wanted to stop the whaling.

Those activists didn't stop, they didn't remain silent, because they knew what they were fighting for was the right thing to fight for.

Once the international whaling commission ruled that whales were not to be hunted anymore, a collective roar went up around the world.

You see, everyone knew in their hearts what was the right thing to do, but only a few had the intestinal fortitude to stand up for what was right.

In the end the correct and logical decision was made.

The circus is in the same category as that.

The numbers may be few, but the issue is one that isn't about you or me, it is an issue about doing something that is right, just because it is right.

We can choose to ignore it, but when our children and grandchildren ask us what we did to stop the animals from being used as props in circuses, what is our answer going to be?

Mine will be that I tried to get good people to listen and to change the rules to prevent a lifetime of misery for the animals, what will you say?

The animals need your help in defending them, that is why there needs to be a ban exotic animals from performing in circuses on either public or private land in this state and you can help make it happen.

45 different councils from around Australia have caught up with the times and realised, circuses with exotic animals do not have a place in modern society.

Listed below are the states, territory and councils, who have banned exotic animals in circuses.

{Included for your reference, and to make it easy to pass legislation is a copy of the Australian Capital Territory's "ANIMAL WELFARE ACT 1992 refer to PART 5--CIRCUSES AND TRAVELLING ZOOS"} [9]

ACT - Australian Capital Territory
Everywhere (Since 1992)

QLD
Gold Coast
Ipswich

NSW
Blue Mountains
Camden
Gosford (no available land)
Hornsby
Ku-ring-gai
Lake Macquarie
Lismore
Liverpool
Manly
Newcastle
Parramatta
Pittwater
Warringah
Wingecarribee
Woollahra

SA
Playford
Tea Tree Gully

VIC
Banyule
Greater Dandenong
Hobson's Bay [10]
Maribyrnong
Moreland
Nillumbik
Surf Coast Shire Council (Geelong area) [11]
Yarra

WA
Armadale
Bayswater
Cambridge
Cockburn City [12]
Denmark
Fremantle
Jerramungup
Kalamunda

Mosman Park
Mundurah Council
Peppermint Grove
Perth
Swan
Victoria Park
Vincent
Wanneroo
Woodaniling

This matter has been before this Parliament back in 2011 [13], but was not passed. Let's make up for previous mistakes and pass legislation this time.

Clover Moore also tried to ban performing circus animals, and had a petition signed by more than 10,000 supporters [14].

It is time we listened to the increasing number of people who are against having animals in circuses. You should not only listen to them, but perform your duty as an elected representative of the people and act on their will.

Internationally animal welfare laws are changing, Australia is falling behind common-sense practices, that is, to treat animals kindly.

Below are some examples of 54 other countries where exotic animals in Circuses are being phased out too. [21]

In New Zealand they have passed the Animal Welfare Amendment Bill [15], this covers all animals, yet here in New South Wales, we are reluctant to make the most basic changes on old, outdated traditions that are no longer relevant in modern society, like having animals perform tricks for food, in order to entertain us.

Are we really that shallow?

Why are we so out of touch?

Why are we so far behind?

The Scottish Parliament Bill was introduced 10 May 2017 [16], another example where A Bill, under an Act of the Scottish Parliament makes it an offence to use wild animals in travelling circuses.

This is a good example of passing sensible legislation, which is, once again, already drawn up, and can be used as an example when drafting legislation here in New South Wales.

The United States of America have introduced a "Traveling Exotic Animal and Public Safety Protection Act" [17], on November 17, 2016.

Please read what the USA house of representatives says about exotic animals in circuses.

The Italian Parliament has passed laws banning the use of circus animals. [18]

The law came in response to a campaign by animal rights activists who say the performing beasts are mistreated and exploited.

"Traveling from place to place, week after week, using temporary collapsible cages and pens, circuses simply cannot provide for the needs of the animals," said Animal Defenders International President Jan Creamer in a statement.

At a workshop for Italian lawmakers, Creamer said her organization's undercover investigations — featured in a documentary called Lion Ark — "have shown the violence and abuse that is used to force these animals to obey and perform tricks." [18]

If Italy, with an estimated 100 circuses and some 2,000 animals [19] can pass this kind of law, surely New South Wales can too?

Quite often the excuse to ban an industry is, the effect it will have on jobs. In the case of circuses, the show can still go on without the animals.

The trainers can go with their animals to be kept at a suitable place of their choosing. If they love and care for their animals like they claim, there shouldn't be any significant loss of jobs, because they would be spending their time looking after their animals, and doing what they love. Any job losses would be minimum, and redundancies could be paid out, just like many other industries.

If Italy can do it, surely New South Wales, with only a few circuses with exotic animals, can too?

Sometimes another excuse people use to justify the existence of circuses is the effect on the local economies.

Once again, the circus will still be in town, just not with the animals, so any effect on the economy should be negligible.

India has also joined the side of compassion and ethics by making sure no circus in India can now make wild animals perform tricks. [20]

The article says "The ministry deregistered several circuses under the Prevention of Cruelty to Animals Act, 1960, to ban the training, exhibition and use of elephants for performances."

In New South Wales, the circuses can either ban the use of exotic animals, or be deregistered as a business. The circuses need to make the smart choice.

Below is an expanding list of worldwide circus bans and restrictions in place other countries around the world: [21]

EUROPE

Austria: Nationwide ban on the use of wild animals in circuses.

Belgium: Nationwide ban on the use of most wild animals in circuses (Parrots and camel are classed as domestic)

Bosnia and Herzegovina: Nationwide ban on all animals in circuses

Bulgaria: Nationwide ban on certain wild animal species in circuses, variety shows and other entertainment facilities

Croatia: Nationwide ban on the use of wild animals in circuses

Czech Republic: Nationwide ban on the use of certain species in circuses

Cyprus: Nationwide ban on all animals in circuses

Denmark: Nationwide ban on the use of certain species in circuses

Estonia: Nationwide ban on the use of wild animals in circuses

Finland: Nationwide ban on the use of certain species in circuses

France: Local bans in 50 towns and cities

Germany: Local bans in more than 90 towns and cities

Greece: Nationwide ban on all animals in circuses

Hungary: Nationwide ban on the use of wild caught animals in circuses, the purchase and training of elephants and primates for circus performances and the purchase, training and use of CITES listed species in circuses

Ireland: Ban on wild animals in circuses

Italy: Ban on the use of animals in circuses

Latvia: Nationwide restrictions effectively banning the use of wild-caught animals

Luxembourg: Nationwide ban on wild animals in circuses
Macedonia: Nationwide ban on the use wild animals in circuses
Malta: Nationwide ban on all animals for performances, exhibitions, shows or training for the circus
The Netherlands: Nationwide ban on the use and transport of animals in circuses, with exemptions for certain, mostly domestic, species
Norway: Use of wild species effectively banned nationwide – positive list of permitted animals only includes domestic animals (apart from camels)
Poland: Nationwide ban on the use of wild-born animals in circuses
Portugal: Nationwide ban restricting the use of great apes in circuses and the acquisition and breeding of CITES listed species
Romania: Nationwide ban on the use of wild animals in circuses (apart from certain exotic bird species and cetaceans)
Scotland: Nationwide ban on the use of wild animals in circuses
Serbia: Nationwide ban on the use of wild animals in circuses
Slovakia: Nationwide ban on the use of wild animals in circuses
Slovenia: Nationwide ban on the use of wild animals in circuses
Spain: Local bans on the use of wild animals in circuses in more than 400 towns and cities including Barcelona
Sweden: Nationwide ban on the use of certain species in circuses
UK: Over 200 local authorities have bans on animal circuses (more than two thirds of these ban all performing animals, the remainder ban just wild animals). Wales has committed to ban the use of wild animals in circuses; a ban on such acts has passed in Scotland and in England.
Ukraine: Nationwide ban on “mobile menageries” and the transportation of wild animals for use in circus performances

NORTH AMERICA

USA: 95 partial or full bans on performing animals in jurisdictions in the US, in 32 states. State-wide bans in New Jersey, Hawaii and California.
Canada: Local bans on the use of animals in circuses in more than 33 municipal jurisdictions including Vancouver

LATIN AMERICA

Argentina: Local bans on the use of wild animals in circuses in over 20 cities including a ban in the city of Buenos Aires
Bolivia: Nationwide ban on the use of wild and domestic animals in circuses
Brazil: Local bans on the use of animals in circuses in 11 states and over 20 cities
Colombia: Nationwide ban on the use of wild animals in circuses; Local ban on the use of animals in circuses in the capital, Bogota
Costa Rica: Nationwide ban on the use of wild animals in circuses.
Ecuador: Nationwide ban on the use of native wild animals; restrictions on the use of exotic animals; ban on the import of both native and exotic wild animals with circuses
El Salvador: Nationwide ban on the “Income, use or abuse of wildlife species in all kinds of entertainment”
Guatemala: Nationwide ban on the use of animals in circuses
Mexico: Nationwide ban on the use of wild animals in circuses
Panama: Nationwide ban prohibiting “entry of wild animals for use in static and travelling circuses and similar shows”
Paraguay: Nationwide ban on the use of wild animals in circuses.
Peru: Nationwide ban on the use of wild animals in circuses as well as a local ban on all animals in Magdalena del Mar

OCEANIA

Australia: Local bans on the use of animals in circuses in several towns as stated above.

ASIA

India: Nationwide ban on the use of certain species in circuses

Iran: Use of wild animals in circuses effectively banned nationwide (no permits issued)

Israel: Nationwide ban on the use of wild animals in circuses

Lebanon: Nationwide ban on the use of certain species in circuses

Singapore: Nationwide ban on the use of wild animals in circuses

Taiwan: Nationwide prohibition on the import or export of protected wildlife for circuses

There are ubiquitous training methods used internationally. The common denominators that keep coming out are; training a circus animal is always physically abusive, unnatural, inadequate and at times, dangerous.

The referenced article from the USA shows this is common and dangerous. [22]

When there are big cat predators being housed in beast wagons continuously, their natural desire is to escape from their confines and be free.

Surely it couldn't happen... could it? As a matter of fact, yes it could, and it did! [23]

There were three big cats in a Circus in Darwin, they escaped causing death and mayhem.

They broke up a wedding ceremony, went into the Botanic Gardens, prowled on one of Darwin's busiest roads and entered a local Golf Club.

It did happen a long time ago in Darwin too; a lioness bolted free during a performance and jumped over a nine-year-old boy and chased the trainer.

The lions then turned on a camel; ironically; dragging it to the ground and ripping open its neck.

Is this the sort of scenario you want people to risk, no matter how small that risk is?

There is a database with a list of incidents where exotic animals have escaped and attacked. [24]

A compilation of the attacks is listed there. You can see the regularity with which they attack.

Another reason to stop putting the public's life at risk.

I shall provide another link supporting my case that shows animals don't belong in circuses.

This message has to be heard, loud and clear, without leaving you in any doubt as to why exotic animals in circuses should be banned.

Enjoy the Circus? The Animals Don't. [26]

It starts with the following statement:

"Life under the big top is not the "wholesome, fun-loving, educational experience" the circus industry would like you to think it is. For the animals, life is a monotonous and brutal routine of boredom, stress and pain. In short, traveling animal acts perpetuate animal cruelty, inhumane care, public safety hazards and distorted images of wildlife.

Circus animals are confined virtually all of their lives in barren conditions, while forced to suffer extreme physical and psychological deprivation"

Now I shall move on to discuss the exhibition of Cetaceans in Marine parks and Aquariums.

I find it difficult to have to write a submission to this parliament requesting you stop having Cetaceans held captive in pools (no matter what the size). It's so obvious to me, as it should be to any animal loving compassionate, reasonable thinking person. Dolphins should be born wild and free in the ocean. Not trapped in artificial pools to be grabbed at by tourists, or made to perform circus tricks for food.

Their environments are out in the salt water of the world's oceans. Dolphins travel long distances each day, sometimes swimming in a straight line for 160 kilometres, other times remaining in a certain area for hours or days, moving several kilometres along a coastline and then turning to retrace their path. [27]

These marine mammals can dive over one hundred metres and can stay underwater for 15 minutes or more. They spend only 10 to 20% of their time at the surface.

They shouldn't be cooped up in a chlorinated swimming pool doing lap after boring lap around the same area.

The marine parks like to come up with specious claims about why they are in business and try to set the narrative on how they are the good guys acting in the best interest of the dolphins.

They will say, they are acting to protect the species, it's for conservation, rehabilitation, to "save the ocean".

It's not for conservation. It's not for rehabilitation. It's not to save the ocean; these are all lies.

It's purely for profit. And it has to STOP.

One of the first questions that has to be asked is; where do the dolphins come from?

Dolphins come from a place in Japan called Taiji, in an area known as "The Cove". [28]

One of Japan's biggest secrets and shame is the annual "drive hunt". This is the barbaric process of herding pods of dolphins into the killing cove of Taiji, for the selection process of Sea World trainers [and other marine parks] for dolphins used for captivity.

The "pretty ones" are kept alive to be sold to various marine parks around the world, to be held captive and used for entertainment.

The ones that don't make the cut end up being barbarically slaughtered. The slaughter of thousands of dolphins in Japan is due to the captivity industry.

Typically, the marine parks say they do not get their dolphins from Japan; but if they purchase dolphins from other marine parks and other Sea Worlds then THEY ARE DIRECTLY contributing to the slaughter. It's both a new, and second hand trade in animal poaching.

"The Cove" is a documentary about the dolphin industry and its origins in Japan. I believe it is mandatory viewing by all the decision makers on this committee.

Its origins are traced back to the 1960's TV show "Flipper", which popularised the dolphin and gave rise to its popularity as a "cute animal with a permanent smile".

It was filmed in the backyard of a young boy called Ric O'Barry, who supported it in his youth; until he found out about the horrendous truth behind the scenes. He has now made it his mission in life to expose the marine park industry for what it is.

Tourists going to Japan wanting to visit Taiji to see what goes on at "The Cove", have been constantly harassed and even banned from visiting there.

As this current government realises, whistle-blowers cause severe embarrassment to the animal abusers, who are the ones hiding the truth from the general public. The Japanese are no different

in that regard. They want to deliberately harass and threaten those who expose their unethical ways.

It is becoming more apparent to the public and to an increasing number of companies, that keeping animals in pools to perform tricks for the entertainment of the public is no longer a morally acceptable practice.

The global travel giant TripAdvisor recently announced the ban on any theme parks and tourist attractions that breed or import whales, dolphins and porpoises for public viewing. [29]

They were damning in their criticism of animals in captivity, explaining it in the following way: The policy shift came "after careful consideration of the scientific evidence and arguments presented from all sides", TripAdvisor states.

"Ultimately, we concluded that whales and dolphins do not thrive in captivity - the evidence is both plentiful and compelling," the company said.

"These are highly intelligent animals with complex needs, and their natural environment and wide-ranging roaming habits in the wild cannot be mimicked in inland facilities and small sea pens."

The RSPCA has an opinion about keeping cetaceans in captivity, as you would expect, they know there is no reason to keep cetaceans in captivity as can be found in their report. [30] Some of the information in that report backing up their claims are quoted below:

"RSPCA Australia recognises that some animals have complex social, physical or behavioural needs which are extremely difficult to provide for in captivity. The RSPCA is opposed to the keeping of species for public exhibition where scientific evidence indicates that their needs cannot be adequately met in a captive environment."

"Dolphins are extremely intelligent animals with highly developed cognitive abilities, problem solving skills and language capabilities as well as complex social networks and inter-generational relationships. Bottlenose dolphins are one of the few species that have been demonstrated to recognise their own bodies and have a sense of self [1]. In the wild, their natural life is to roam their unlimited marine environment; they may travel over 100 km in a day, explore home ranges in excess of 170 km², seek opportunities for wave surfing, deep diving or sprint swimming, all of which are impossible in captivity. In addition, they rely heavily on echolocation (sending out sound waves to detect objects at a distance by the echo created) to 'see' their natural, complex home (the ocean). Being confined in pools without complex seascapes to explore severely restricts their normal behaviour as well as their ability to swim naturally and encounter novel environments.

Studies have shown that dolphins in captivity can suffer stress resulting in appetite loss, ulcers, and increased susceptibility to disease due to changes in their social grouping, competition over resources and unstable social structures 2. A recent study showed significantly lower cortisol levels in dolphins retained in open facilities compared to dolphins in closed facilities with the conclusion that this may be due to open facilities providing more space and diverse stimuli.

Social grouping has been recognised as one of the most important issues affecting health and welfare of captive cetaceans. Although in many cases an effort is made to mimic the nature of social groupings in captivity, it is impossible to provide for the varied complex interactions that

occur in the wild due to the limit on the number of individuals maintained in captive groups and the restricted physical environment."

As for the aforementioned claims of conservation by the marine parks, this is a misnomer also:
[30]

"There is no evidence that justifies the keeping and breeding of dolphins in captivity on conservation grounds. Claims made by oceanaria that they help dolphins through research, conservation, public education and rehabilitation of stranded or injured individuals should be carefully examined to ensure that this is not limited to furthering captive dolphin programs rather than contributing to their conservation in the wild. Support for these other activities cannot be used to justify or overcome the inherent welfare problems of keeping dolphins in captivity."

Dolphin Marine Conservation Park in Coffs Harbour is a struggling marine park using a "Greenwashing" name to try and drum up business. I have it on good authority that their pool is undersize, but the local council won't enforce the regulations, as it would be a cost to the business, and it would affect their income; therefore, the welfare of the dolphins comes last and will never be considered a priority.

This is a business that harasses protesters too, they don't want people to become aware of the conditions the animals are kept in.

The government should listen to whistle-blowers, as they are the ones that are raising awareness to the plight of these animals. The animal activists are asking you to listen to them, they have valid points to make, but rarely get listened to. This needs to change, if you are serious about this inquiry.

It is only one park, with only a few employees. There are other animal, customer service, or pool related jobs they could get. Even if they get made redundant retraining them for further employment should be a simple task, which should be done.

Another issue, which isn't in this state is Sea World on the Gold Coast

It is the same issue, but in a different state, therefore I won't spend a lot of time discussing it.

I have had a fair bit of correspondence with them, and they also use the same bag of tricks as other animal abusers. They can't be trusted, lie about their animals, protesters, welfare standards, veterinary care and generally everything.

They have tried to hack into my email account, and have successfully hacked into two of my friend's accounts; disabling them. Luckily for me I had a two-factor authentication (2FA) on my account to protect me.

Marine parks can't be trusted for their word or their actions. They should be held to the same accountability standards as everyone else. They need to back up their claims.

To help explain my position, I shall refer to an international example of another large enterprise; SeaWorld.

To further understand why I am writing such a lengthy submission to you; you should also be obliged to watch the documentary "Blackfish". [31]

IMDB synopsis says, "Notorious killer whale Tilikum is responsible for the deaths of three individuals, including a top killer whale trainer. Blackfish shows the sometimes devastating consequences of keeping such intelligent and sentient creatures in captivity."

While there are no captive orcas in Australia, facilities around the country display many other intelligent marine mammals including dolphins and seals. Like Tilikum, these animals are confined to restricted artificial spaces and often required to perform unnatural tricks for large and noisy crowds in exchange for food.

Animals in marine parks and aquariums cannot forage for food, as they would normally do in the wild, they may be separated from their family and be unable to create the social bonds of their choosing. Ultimately, they are prevented from exerting any degree of control over their surroundings.

The problem is an anthropocentric one, as can be found at the conclusion of the below report: [32]

"Zoos have competing priorities: to entertain; to engage and inspire the public to love the natural world and support conservation; to ensure revenue is created to pay for running costs, reinvestment and conservation project support; and to provide the animals in their care with a life worth living and ideally a good life.

Public perception of what contributes to good welfare in zoos is often conflicting and comes from the anthropocentric assessment of perceived welfare and enclosure aesthetics. It is our duty to increase knowledge and understanding of animal behaviour, welfare, enclosure design and enrichment to improve the animals' quality of life."

Further evidence of our anthropocentric point of view when it comes to cetaceans in marine parks is how Marine Parks force dolphins onto land so people can take 'Selfies': [33] Dolphins are kept out of the water, with their entire weight on their stomachs, compressing their organs, potentially causing damage to the dolphins. If Marine Park operators were genuine about their 'care' for the animals, then this shameless promotion would never be allowed in the first place.
How broken must their spirit be to forced into doing this for food?

Animals Australia also support not having Cetaceans held captive in pools [34]

They raise the many points that have been raised by me so far, and they are very valid points that are reasonable and fair, such as:

- Being in an unnatural environment.
- Being forced to perform.
- Being trapped, stressed and unhealthy.
- Being unable to create social bonds.

Then there is the 'Swimming with the Dolphins' programs. Which is revealed in the World Animal Protection Organisation.[35], and the Humane Society of the USA.[36]

These are in the USA, but go to show, again, the anthropocentric view we have towards Cetaceans, when the theme parks allow visitors to pet captive dolphins in shallow pools or interact with them in deeper water by swimming beside them or being towed around by holding onto the dolphin's dorsal fin. The (USDA) does not regulate these programs, and as a result, record keeping concerning human injuries and dolphin deaths are often not complete, with countless dolphin deaths going unreported.

Dolphins are perfectly evolved to live and flourish in their wild ocean home, not within the confines of a human-made concrete tank or artificial lagoon.

There is so much more information I could provide, but in reality, if this isn't enough information to convince you; you have already made up your mind.

When it comes to the current standards of animal welfare and the associated rules and regulations; the best thing to do is rip it up and throw them away. Animals shouldn't be used as entertainment in society any longer.

There are so many more forms of entertainment available, we really don't need this form of cruel and barbaric entertainment in this day and age.

We should be looking at it from a social, ethical and moral point of view, and take away any preconceived ideas you may have had prior to this inquiry.

To judge it on its current merits and from the point of view of the animals. Put yourself in their shoes, and ask yourself, is that something you would want for yourself or your family?

Sincerely,

Patrick Murphy.

[1] The welfare of wild animals in travelling circuses

https://www.ispca.ie/uploads/The_welfare_of_wild_animals_in_travelling_circuses.pdf

[2] Lions attack horse in the big top ring

<https://www.thesun.co.uk/news/5345546/shocking-moment-circus-lion-and-tiger-viciously-maul-a-horse-after-big-top-rehearsal-goes-horribly-wrong/>

[3] Circus elephants settle into their new home

<https://taronga.org.au/media/media-release/2018-07-11/circus-elephants-settle-their-new-home>

[4] Are wild animals suited to a travelling circus life?

<https://www.ingentaconnect.com/contentone/ufaw/aw/2009/00000018/00000002/art00003>

[5] Stardust Circus denies animal cruelty claims

<https://www.dailytelegraph.com.au/newslocal/central-coast/stardust-circus-denies-animal-cruelty-claims/news-story/ba170da28cd5e3c7e4e6dfba6bd5d3c9>

[6] What is the RSPCA's view on the use of animals in circuses?

<https://kb.rspca.org.au/knowledge-base/what-is-the-rspcas-view-on-the-use-of-animals-in-circuses/>

[7] Use of exotic animals in Australian circuses

<https://kb.rspca.org.au/wp-content/uploads/2019/03/Exotic-Animals-in-Australian-Circuses-RSPCA-Information-Paper-March-2017.pdf>

[8] Standards for Exhibiting Circus Animals in New South Wales (February 2019)

https://www.dpi.nsw.gov.au/__data/assets/pdf_file/0004/121549/Exhibited-Animals-Standards-For-Exhibiting-Circus-Animals-in-New-South-Wales-February-2019.pdf

[9] ANIMAL WELFARE ACT 1992 refer to PART 5--CIRCUSES AND TRAVELLING ZOOS

https://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/awa1992128/

[10] Have your say, ban on big top animals in Hobsons Bay

<http://hobsons-bay-leader.whereilive.com.au/news/story/have-your-say-ban-on-big-top-animals-in-hobsons-bay/>

[11] Surf Coast Shire agrees to ban circuses with caged wild animals

<https://www.geelongadvertiser.com.au/news/geelong/surf-coast-shire-agrees-to-ban-circuses-with-caged-wild-animals/news-story/2da81deeb478c8b2fc906741bf2909ea>

[12] Animal circus ban

<http://www.animalsaustralia.org/images/social-media/cockburn-circus-ban.jpg>

- [13] 439 - BAN ON EXOTIC ANIMALS IN CIRCUS PERFORMANCES
<https://www.parliament.nsw.gov.au/la/papers/Pages/noticeprofiles/ban-on-exotic-animals-in-circus-performances.aspx>
- [14] PERFORMING CIRCUS ANIMALS BAN
https://www.clovermoore.com.au/performing_circus_animals_ban
- [15] Animal Welfare Amendment Bill
<http://www.legislation.govt.nz/bill/government/2013/0107/latest/DLM5174807.html>
- [16] Wild Animals in Travelling Circuses (Scotland) Bill
<http://www.parliament.scot/parliamentarybusiness/Bills/104493.aspx>
- [17] Traveling Exotic Animal and Public Safety Protection Act
<https://www.congress.gov/bill/114th-congress/house-bill/6342/text>
- [18] Lion and Tigers and Bears, No More! — Italy Just Banned the Use of Circus Animals
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- [24] Search Exotic Incidents Database
https://www.bornfreeusa.org/?post_type=exotic_incidents&s=Circus
- [25] Video of the attack
<https://www.youtube.com/watch?v=mpDCbTqw5zk>
- [26] Enjoy the Circus? The Animals Don't.
<https://www.paws.org/get-involved/take-action/explore-the-issues/circus-cruelty/>
- [27] Swim-with-the-dolphins attractions
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<https://www.imdb.com/title/tt2545118/>
- [32] Assessment of Welfare in Zoo Animals: Towards Optimum Quality of Life
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[35] Marine animals in captivity

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[36] Swim-with-the-dolphins attractions

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