

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

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Portfolio Committee No.4 – Industry
Inquiry into the use of exotic animals in circuses and the exhibition of cetaceans in New South Wales

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Dear Committee members

I very much welcome this opportunity to lodge a personal submission to the **Inquiry into the use of exotic animals in circuses and the exhibition of cetaceans in New South Wales**.

Like many, I invest considerable time and energy in compiling and lodging public submissions on matters which are very important to me involving the welfare of non-human animals, environmental concerns and general issues of social justice.

It can be very disheartening and frustrating when in spite of an overwhelming view put forward by the community, government ignores public opinion and scientific evidence in favour of economic considerations or for the benefit of a few over the majority, as was the recent shameful example with the Inquiry into battery caged eggs. I hope we will not witness a repeat performance by this committee.

PREAMBLE

"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."

Peter Singer, AC, Author, Philosopher, and Professor of Bioethics at Princeton University



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INTRODUCTION

I am grateful for this long overdue NSW Inquiry, and am excited by the opportunity NSW has to lead by example and advance meaningful protections for some non-human animal species which are exploited for human entertainment, exhibition and performance.

I am strongly opposed to the use and exploitation of all non-human animals (wild and domestic), for human entertainment. I fully support a total ban on the NSW exhibition of all non-human animals including exotic animals and cetaceans, and an end to their breeding for the purposes of entertainment, exhibition and performance.

The exploitation of non-human animals held captive and forced to 'perform' can and does lead to suffering and pain; there is ample credible scientific literature available to evidence this. This type of exploitation also 'validates' and 'normalises' the objectification, ridicule and lack of respect shown towards sentient and highly intelligent, complex and social beings.

Widely available and credible scientific evidence confirms that all non-human animals are sentient, possessing individual capacities to feel and suffer, and a desire and need to express their uniqueness and natural behaviours.

All non-human animals are equally deserving and entitled to rights, respect and specifically tailored welfare protections enshrined under strictly monitored and enforceable legislation. No sentient being should be born into captivity, or taken from the wild to be held captive and forced to perform for human entertainment, exhibition or performance.

TERMS OF REFERENCE

My submission points focus on the Terms of Reference subject matter of exotic animals and cetaceans however, I also wish to voice my valid concerns and strong opposition to the use of all non-human animals as entertainment. In animal circuses which frequent NSW this includes the exploitation of ponies, horses, goats and other species. While a NSW ban on circuses which exploits wild animals is long overdue and would be very much welcomed, such a ban will do nothing to alleviate the suffering of these other species. Webers circus for example do not exhibit exotic animals and a ban on circuses with exotic animals would accordingly allow them to continue to exploit several other 'non wild' species.

I believe the Terms of Reference are restrictive and too limited. While the committee's intentions are admirable, the Terms of Reference could also be considered to support 'speciesism' in that the exploitation, rights and suffering of other non-human animals are not being considered when reviewing all the issues associated with travelling animal circuses, marine parks and other similar forms of human entertainment where animals are used including rodeos, petting zoos, safari parks and even traditional zoos.

The limited Terms of Reference is therefore at risk of sending the wrong message; that some non-human species are more deserving of consideration of sentience, suffering and animal welfare protections, over other species. This in my opinion, is no different to the animal protection laws and loopholes which make cutting the tail off a dog a criminal animal cruelty matter, but legally permitted under exemptions applied to pigs.

In regards to exotic animals and cetaceans, due to their uniqueness and intelligence, science and evidence confirms, it is simply not possible to meet the physical, mental and behavioural needs of any wild (non-domesticated) animal, or marine mammal, held in captive, unnatural and artificial environments, regardless of their origins of being captured in the wild or those who have been bred into captivity.

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Animal Welfare

Businesses which hold captive and exhibit wild animals or mammals cannot recreate a natural environment nor can these non-human species perform natural behaviours or enjoy natural enrichment; consequently each individual animal's life is negatively affected. Training regimes and performances force animals to engage in unnatural behaviour in the name of 'entertainment'. When not 'performing' these animals are denied the opportunity to move or exercise freely, form complex social groups, and manage their surroundings.

Business operators defend the use of animals by claiming the animals are loved and well cared for. Merely loving and caring for something does not provide enrichment nor promote well-being akin to the species' natural behaviour or instinct. The 2009 scientific review 'Are wild animals suited to a travelling circus life?'¹ by the University of Bristol in the UK confirms that "the species of non-domesticated animals commonly kept in circuses appear the least suited to a circus life." Therefore, this is a breach of the fourth point of the globally recognised Animal Welfare 'five freedoms'², that being, "Freedom to express normal behaviour".

By the sheer nature of these businesses, animals are objects of entertainment as opposed to individual sentient beings. In addition, despite best practice conditions being unachievable for wild animals, even minimum conditions are subject to business costs which include housing, special dietary needs, and veterinarian fees. The physiological and social needs of many animals have still not been fully understood, due in part to the way in which humans classify and commodify animals. However, studies of animal circuses have found it is often unavoidable that social animals are housed singly, in groups smaller than the average in the wild or in unnatural groupings, thereby preventing the establishment of normal social dynamics. This can have significant negative consequences for behaviour, welfare, and reproduction³.

Due to the varying requirements of a travelling animal circus, animal enclosures are on average smaller than comparable zoo enclosures. Whilst NSW regulations specify minimum requirements for enclosures, these minimum requirements are based on the needs of the business model as opposed to the needs of the animal. Housing is often barren, with either overexposure to the elements or overly enclosed cages with unnatural bedding and ground.

¹ http://www.santuariodeelefantes.org.br/docs/Animal_Welfare_circus_2009.pdf

² http://kb.rspca.org.au/Five-freedoms-for-animals_318.html

³ http://www.santuariodeelefantes.org.br/docs/Animal_Welfare_circus_2009.pdf PAGE 132

Countless studies, research and evolved thinking towards animals confirms, without any doubt, that conditions experienced by animals used as entertainment causes severe stress which leads to abnormal 'stereotypic' behaviour. While some animals may seem willing to perform, the overwhelming majority of their existence is spent in unsuitable enclosures and environments. One study found that in "captivity-related stress caused by reduced space is believed to be more acute the more wide-ranging the species"⁴.

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Although data on the effects of transport on animals in circuses is limited, the Bristol researchers concluded that "confinement in barren enclosures for long periods of time is of welfare concern"⁵ In a vast country like Australia, circuses must travel for extensive periods of time for most of the year in extreme weather conditions, hence there is a severe risk to the welfare of circus animals. In addition, the risk of a biosecurity and disease outbreak, either to the circus animals or wild and domestic animals, elevates the need for stricter compliance.

Whilst it could be stated that animals “normalise” to extensive travel, loading, unloading and different environments and temperatures, this has not been scientifically proven. In fact, it could be said that not unlike domesticated horses that may travel frequently, nature and personality of the individual animal has more effect on their ability to cope with travel regimes.

Some circuses invite visitors to observe 'trainings' to show animals are trained only with rewards or positive reinforcement. However, these 'trainings' are simply repetitions or routines demanded of them from their trainer or handling based on their need for food or emotional enrichment. Several international undercover investigations over the last decades have revealed brutal cruelty in training methods and reinforce the attitude that the human handler is dominant and can control another being to comply with the demands.

The business model of a travelling circus dictates varying environments over short periods of time and causes distress and stereotypic behaviour. Studies have found “many non-domesticated animals are kept outside their natural geographic distribution and this may have negative consequences for their health.” In addition, physical health and well-being is adversely affected due to the “physical restrictions of the captive environment” with “linked signs of depression and inappetence to extremely hot weather conditions and, in colder and wetter climates, there is a greater incidence of foot infections in livestock”.

Captive Exotic Animals

The welfare needs of exotic animals cannot be met because:

They are wild, non-domesticated animals, held captive in a constantly travelling circus for prolonged periods where natural surroundings, environment, enrichment and stimulation is denied and leads to boredom, frustration, stress and stereotypic behaviour such as repetitive pacing or swaying.

⁴ http://www.santuariodeelefantes.org.br/docs/Animal_Welfare_circus_2009.pdf PAGE 131

⁵ http://www.santuariodeelefantes.org.br/docs/Animal_Welfare_circus_2009.pdf PAGE 133

They are forcibly confined in small and inadequate enclosures whilst travelling for lengthy periods which restricts free exercise and the ability to express instinctive and normal behaviours such as hunting and foraging.

They have limited social interaction with other animals of the same species denying them the ability to engage in important social behaviours which would normally include complex group social dynamics to meet their unique behavioural and physiological needs.

The *RSPCA Australia Information Paper – Exotic animals in circuses*, confirms:

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In 2009 a review of the suitability of wild animals to live in a travelling circus was published in the journal *Animal Welfare*. This review 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.

A more recent report in 2016, which involved reviewing relevant legislation and scientific papers, as well as contacting over 650 experts and organisations around the world including trainers, circus owners, researchers and animal advocates found that the welfare of wild animals in travelling circuses is compromised. The report found travelling environments limited appropriate social interactions, restricted normal behaviours and were unable to provide adequate enrichment. Training and performances were also not considered to be an appropriate substitute, or able to overcome, the limitations imposed by the inadequate environment.

Captive Cetaceans

The welfare needs of captive cetaceans cannot be met because:

They are confined in severely restricted spaces which prevents the expression of normal behaviours including the freedom to travel long distances, or to engage in hunting and foraging as experienced naturally in the wild.

Their housing includes barren and unnatural artificial pools or tanks which limits their ability to explore or enjoy mental stimulation, leading to boredom and frustration as demonstrated by captive cetaceans who display abnormal behaviours including circular swimming, tooth rubbing and repeated intentional collisions with enclosure structures resulting in injury and pain.

They are confined in small group numbers and therefore are restricted from expressing normal complex social behaviours and interactions.

Captive dolphins expose their heads above water to a greater degree than wild dolphins because of human activity and therefore suffer increased risks of sunburn and eye problems caused by excessive UV exposure.

Ongoing Breeding

Exotic animals and cetaceans often have long lifespans and ongoing breeding of non-human animal species for human entertainment cannot be justified. Allowing ongoing breeding will merely result in future generations of animals being subjected to conditions which cannot and do not meet their unique needs and will cause ongoing evidenced and inherent welfare risks and impacts and suffering for decades.

Adequacy of Current Legislation

The exploitation of all animals for 'entertainment' is abhorrent and unnecessary. NSW legislation designed to regulate the exhibition of animals, is inadequate in that it is weak, outdated and does not address all the inherent

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welfare risks relating to animal species captivity, often in aged facilities involving forced 'performance'. Welfare concerns are often delegated to voluntary guidelines and standards designed for the benefit of the commercial operators, and can normally be met with little attention to the 'welfare' aspects.

The NSW animal welfare legislation which oversees non-human animals (as referred to in this Inquiry), exploited for human entertainment, exhibition and performance, (Exhibited Animals Protection Act 1986), regulation (Exhibited Animals Protection Regulation 2010), and other standards (Standards for Exhibiting Circus Animals in New South Wales February 2019) and (Standards for exhibiting bottle-nosed dolphins in New South Wales 1994) is totally inadequate, fails to protect or even acknowledge the unique needs, even basic needs, of these animals and does not reflect scientific evidence or contemporary public opinion and expectations.

Any improvements to welfare standards including the adoption of national standards, would only reflect 'minimum' requirements and would not address or resolve the inherent issues associated with captive wild animals being forced to perform including both those captured in the wild and those bred in captivity and 'trained' and forced to perform.

Around the world and across Australia there has been a rapidly growing level of public awareness and increase in public disapproval regarding non-human animals being exploited for human entertainment, exhibition and performance. An increasing number of cities and countries have introduced resolutions and legislation to ban circuses that use wild animals. There are more than 45 countries which have banned animal circuses alone, on either a nationwide, district based or at council level.

In June 2016, Scotland became the first region of the UK to ban wild animals in travelling circuses. In July 2016, Dublin City Council voted in favour of banning animal circuses and has also lobbied for a country wide ban. These include countries such as Peru, El Salvador, Bolivia, Paraguay, Colombia, Cyprus, Netherlands, France, Spain, Greece, the USA, Italy, and more recently the city of Paris. The closing of Ringling Bros circus after 146 years of using animals for entertainment demonstrates the extent of shifting societal change.

In Australia, the ACT banned the use of certain species of wild animals in circuses in 1992. In addition a growing number of NSW councils have imposed bans or have a defined policy restricting exotic animals on public land. Some of these NSW councils include the Blue Mountains, Camden, Canterbury-Bankstown, Hornsby, Lake Macquarie, Newcastle, Sydney City, and Woollahra.

Phasing out of exotic animals in circuses and cetaceans in marine parks

A phasing out of these abhorrent human entertainment activities will allow circuses and marine parks adequate time to adapt and prepare in a responsible and ethical manner with a priority of focus on the needs and welfare of the captive animals.

Given both types of businesses include other current human attractions and performances, they will be able to continue to operate as other operators have already done by transitioning from exploiting these animals, or they

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can independently choose to cease operation. Entertainment businesses such as Cirque du Soleil, Circus Oz and many other popular (non-animal) circuses have shown, the success, quality and economic viability of a circus does not require the use and exploitation of any animal.

Other

It is unethical and unnecessary to use wild animals for human entertainment, exhibition and performance. Many circuses and marine sanctuaries enjoy significant public support and success without the use of and exploitation of captive and exploited animals.

Even when wild animals have been captive bred for many generations, they retain their 'wildness' and should not be considered domesticated.

Using and exploiting captive animals for entertainment sets a poor example for children regarding dominance and a 'normalised' lack of respect towards non-human animals. Businesses which exploit animals for 'entertainment' argue that children seeing the animals provides an educational benefit however there is nothing educational where wild animals are depicted engaging in human based behaviours so human beings can laugh, ridicule and gain some form of entertainment value. Inappropriate messages are imparted on the audience, primarily, that these animals are objects that can be dominated and manipulated to perform unnatural acts for profit. In addition, it gives a skewed view of our natural world in which exotic animals, some that may be endangered in the wild, are something to ridicule and be amused by. This creates a one-way relationship between humans and non-human animals as opposed to one that should promote respect, co-existence, and individuality.

No exploited animal used as entertainment has conservation benefits or value. These businesses do not advocate for protection of species, donate money or resources to conservation and nor do they engage in the rewilding any of their animals. All these exploited animals, once broken into a life of endless 'performance' have zero chance of survival in the wild. They have not been allowed to learn or experience natural and instinctual behaviours, understand the complexities of social structure, hunt (in the case of carnivores) or forage for survival. Conservation requires stable, natural environments, social needs and enrichment, natural survival, and educational benefits that very few sanctuaries can provide.

⁶ <http://theconversation.com/ringling-bros-circus-closure-shows-our-changing-attitudes-to-animals-in-captivity-71485>

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The captive imprisonment of wild animals forced to perform unnatural, degrading and humiliating tricks for a reward or out of conditioning or fear, results in a cruel life sentence for these animals and mammals for all of their performing lives. They are unable to withdraw or rest from frequent human handling and exposure to human crowds and noise where they are forced to perform in a captive environment. The captivity and forced performance of wild animal species is unethical, contrary to their natural behaviours, and results in poor welfare and unnecessary suffering.

Regardless of training and domestication, wild animals used in circuses can behave unpredictably and this should be factored into any policy decision made by council. I have significant concerns that circuses using wild animals can present a threat to human safety, whether this is to the viewing public or the circus employees. There are numerous examples across the world of wild animals escaping from captivity and circuses. Some of the more notorious incidents involve elephants running down suburban streets and having to be slaughtered by police or authorities in public view. Whilst it is true that elephants are no longer used in animal circuses here in Australia, there is still a real risk of other wild animals such as lions creating a public safety situation.

Likewise, under current NSW legislation there is nothing stopping existing circuses from reintroducing elephants to their acts. In fact, one of the last performing elephants in Australia, Arna of Stardust fame crushed and killed her handler after a stress induced attack. Other Australian examples also involve species that are currently exploited. August 2001, lion trainer Geoffrey Lennon, from Stardust Circus, was mauled by three lions during a performance. In 2001 a lion tamer was attacked by three lions at a Lennons circus performance in Penrith. In 2004 a toddler at Ashton's circus tragically lost his arms when he wedged them through bars of a cage containing two tigers. When animals such as lions retaliate against trainers' physical dominance, trainers cannot protect themselves, let alone the public.

Australia prides itself in strong animal welfare standards and community expectations regarding the housing, use and protection of all non-human animals has evolved significantly around the world and across Australia. Community support for these types of human entertainment has continued to fall and globally, there has been a strong response by legislators to meeting public expectations in how we regard and treat all animals by banning practices which include captive animals being exploited for human entertainment.

Many NSW local government councils have banned circuses with captive and performing animals on council land in response to increased community demands, however this open to loopholes. It is time to legislate a state wide ban. Responsible decision makers are increasingly recognising that society no longer considers it acceptable to exploit exotic animals in circuses or the keeping of captive cetaceans for human entertainment.

All of Australia's leading animal welfare and animal rights organisations who have a significant level of expertise, oppose the use and exploitation of animals for human entertainment, exhibition and performance. This includes RSPCA Australia, Animals Australia, PETA Australia, and Humane Society International Australia.

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SUMMARY and CONCLUSION

Current scientific evidence clearly demonstrates numerous significant risks and impacts to the overall well-being of these intelligent and complex beings when confined against their will and used for entertainment. They are denied personal choice and neither their environments or current legislation can ever meet their physical, psychological and behavioural needs, when they are forced to endure a repeated cycle of transport and/or confinement and performance in unnatural environments.

Thank you for considering my submission points during the committee's deliberations and I will await the committee's final report and recommendations.