

Submission
No 223

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

Organisation: Animals Australia
Date Received: 24 November 2019

23 November 2019

Hon Mark Banasiak MLC
Committee Chair
Portfolio Committee no. 4 - Industry
NSW Legislative Council
6 Macquarie Street
Sydney NSW 2000

Submitted by email: portfoliocommittee4@parliament.nsw.gov.au

Animals Australia submission to the *Inquiry into the Use of Exotic Animals in Circuses and the Exhibition of Cetaceans in New South Wales*

Dear Mr Banasiak,

Animals Australia welcomes the opportunity to provide input in response to the Inquiry into the Use of Exotic Animals in Circuses and the Exhibition of Cetaceans in NSW.

Animals Australia is opposed on animal welfare grounds to both the use of exotic animals in travelling circuses and the captivity for exhibition of cetaceans. The practices serve no educational or conservation purpose.

These enterprises use the animals for 'entertainment' and thereby also perpetuate the perception that animals exist for our amusement and/or commercial gain. The notion that children too should be witness to captive wild animals performing unnatural 'tricks' simply reinforces a lack of respect for the animals' intrinsic worth as sentient individuals. Such displays therefore undermine the broader community goal of the improvement of animal welfare and promotion of compassion to all species.

(a) The welfare of exotic animals exhibited in circuses in NSW, with consideration of community expectation.

We understand that in NSW, there are two remaining privately-owned travelling circuses that feature exotic animals. Stardust Circus¹, which keeps and uses African lions and monkeys, and Lennon Bros Circus, which also houses and uses lions². Many of these animals must perform for approximately ten months of the year with five to seven shows per week.

There is a vast body of scientific literature detailing the poor welfare suffered by exotic animals in circuses and travelling zoos.

Living conditions in circuses can cause severe stress, boredom, frustration and lethargy for animals, leading to abnormal behaviours known as stereotypies. These are repetitive behaviours such as swaying, pacing or mouthing cage bars, which are scientifically acknowledged as indicators of impaired welfare.

¹ <http://stardustcircus.com.au/about-us/>

² Samantha Turnbull, 'Lennon Bros sets up big top in Lismore, seven years after city bans animal circuses', ABC North Coast, 3 March 2016: <https://www.abc.net.au/news/2016-03-03/circus-sets-up-in-city-that-banned-performing-animals/7217558>

The first comprehensive scientific review of exotic animal welfare in travelling circuses³ found (in 2009) that this lifestyle can neither recreate a natural environment nor provide for most natural behaviours, and a non-domesticated animal's life is consequently impoverished. The scientists concluded that "*the species of non-domesticated animals commonly kept in circuses appear the least suited to a circus life.*"

This study details the unavoidable limited size of 'beast' wagons and exercise pens, the negative welfare effects of long transportation periods such as is common in Australia and the impact of human audiences, high noise and bright lighting on the animals.

More recently, a 2016 report⁴ also found that the welfare of wild animals in travelling circuses is compromised. This study 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.

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.

The issue is **not** whether circus owners/managers care about their animals or not (all claim they do), but rather whether the proprietors are able to provide their animals with the level of welfare and care needed. They clearly cannot provide adequately for exotic animal species due to the severely limited environment possible in a travelling circus.

(b) The welfare of cetaceans exhibited in NSW, with consideration of community expectation.

There is one marine park in NSW, Dolphin Marine Magic (DMM). This park is home to four bottlenose dolphins, who perform in two daily shows⁵. DMM has come under public scrutiny for compliance issues relating animal welfare, including breaches of the standards that led to the death of a dolphin⁶⁻⁷. Despite not meeting the NSW standard for exhibiting dolphins, DMM was granted a licence variation by the NSW Department of Primary Industries.

Cetaceans are highly intelligent animals that display emotional complexity and self-awareness⁸. In their natural environment, whales, porpoises and dolphins will travel long distances each day, forage and socialise. It is not possible to replicate these natural lifestyles and behavioural needs in a captive environment and this is why the keeping of most cetacean species in captivity has been associated with high mortality rates⁹.

Regardless, mortality is a very blunt indicator of the effect of these deprived environments, and the daily effects on animal welfare of a cetaceans confinement to a pool is clear even for those animals who endure over many years. The dolphins cannot dive deeply, express normal behaviours, make autonomous choices, nor enjoy a usual social or family environment.

³ Iossa G, Soulsbury CD & Harris S (2009) Are wild animals suited to a travelling circus life? *Animal Welfare*, **18**: 129-140.

⁴ Dorning J, Harris S & Pickett H (2016) The Welfare of Wild Animals in Travelling Circuses. A report prepared for the Welsh Government.

⁵ <https://www.dolphinmarineconservation.com.au/bottlenose-dolphins>

⁶ C Calcino, 'Green light for seal enclosure despite dolphin death', 17 August 2016, The Northern Star:

<https://www.northernstar.com.au/news/green-light-for-seal-enclosure-despite-dolphin-dea/3077862/>

⁷ Ruby Cornish, 'Coffs Harbour Dolphin Marine Magic facing court for misleading public over dolphin captivity', 13 April 2017, ABC Online: <https://www.abc.net.au/news/2017-04-13/nsw-marine-park-to-face-court/8441778>

⁸ Marino L (2011) Cetaceans and Primates: Convergence in Intelligence and Self-Awareness. *Journal of Cosmology*, **14**: 1063-1081.

⁹ Australian Veterinary Association, Welfare of cetaceans in captivity policy: <https://www.ava.com.au/policy/157-welfare-cetaceans-captivity>

Community outrage and expectations have increasingly placed pressure on corporates to cease relationships with marine parks. In October this year, TripAdvisor announced that they will no longer sell tickets to, or generate revenue from, any attraction that contributes to the captivity of dolphins and whales. The decision followed extensive consultation with a range of scientific experts and was based on compelling evidence that cetaceans cannot thrive in captivity¹⁰.

(c) In light of the findings in (a) and (b) above, whether:

- (i) To allow the continuation of the practice of breeding of exotic animals for use in circuses and cetaceans for exhibition,**
- (ii) There should be a phase out of the use of exotic animals in circuses and cetaceans for exhibition, and/or**
- (iii) There should be any other legislative or regulatory action that the committee considers appropriate,**

In response to community concerns, and where animal welfare is often cited as the main reason, over 40 countries have implemented national or local prohibitions on the keeping of exotic animals in circuses. Our nation's capital, the ACT, passed legislation to prohibit circuses with exotic animals over twenty years ago.

With regard to cetaceans in captivity, the federal Senate Select Committee on Animal Welfare considered this issue at length soon after it was established in 1984. It's report states that the Committee was *'of the opinion that cetacean generally have paid a high price for the dubious advantages of captivity'*. The Committee recommended in 1985 that no further facilities for keeping captive cetaceans should be permitted to be established in Australia, and that the keeping of cetaceans should be phased out¹¹. DMM in NSW and Sea World Marine Park in Queensland (which rescues marine animals) are now the only remaining facilities holding captive cetaceans.

Indeed captive (otherwise wild) animals have paid and continue to pay a very high price for the mere provision of 'entertainment' to some people. Our community is increasingly aware and concerned about the welfare of animals and so is collectively impacted by the existence of such archaic displays of human dominance over otherwise wild animals.

Animal welfare is now universally recognised as an area that needs to be safeguarded because animals are sentient and unable to represent their own interests.¹² A legislative phase out and ban of exotic and wild animals in both circuses and marine parks in NSW is long overdue and would be applauded by the community.

Please contact me if further clarification is required or if the Committee has any difficulty accessing the references provided herein.

Yours sincerely,

Glenys Oogjes
Chief Executive Officer

¹⁰ TripAdvisor Media Release, 2 October 2019: <https://tripadvisor.mediaroom.com/2019-10-02-TripAdvisor-Updates-Industry-Leading-Animal-Welfare-Policy-With-A-Commitment-To-End-Whale-Dolphin-Captivity>

¹¹ 'Dolphins and Whales in Captivity', Report by the Senate Select Committee on Animal Welfare, Australian Government Publishing Service, Canberra 1985.

¹² Regulating animal welfare to promote and protect improved animal welfare outcomes under the Australia Animal Welfare Strategy, Bloom (2008)