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

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The Director
Portfolio Committee No.4
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22 November 2019

Dear Director,

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

Humane Society International (HSI) is the world's largest conservation and animal welfare organisation with over 10 million supporters globally. We have more than 25 years' experience in Australia working actively to assist governments to further the protection of animals and the environment through appropriate regulation and enforcement.

HSI appreciates the opportunity to make a submission to the *Legislative Council Portfolio Committee No.4 – Industry* detailing our views on the use of exotic animals in circuses and the exhibition of cetaceans in New South Wales.

The environmental, behavioural and social needs of exotic animals and cetaceans cannot be met in a circus or marine park respectively, and it is Humane Society International's belief that any such facility within New South Wales should be banned in the interests of animal welfare.

With changing attitudes towards animals evident, particularly in younger generations, there is an increasing trend showing heightened moral sensitivity over the use of animals for entertainment. As our knowledge as consumers advances, so too does the public objection to facilities where animals are unnecessarily exploited.

The distaste over the exploitation of animals for 'entertainment' is already evident here given that more than 40 councils across Australia have banned the use of circus animals, and only one dolphinarium continues to operate in New South Wales. A state-wide ban is essential to ensure the protection of exotic animals and cetaceans going forward, and to prevent the establishment of any new facilities in the future. In the interests of animal welfare, the animals currently featured in circuses across New South Wales and the dolphins in the Coffs Harbour marine park need to be transferred to a sanctuary where they are no longer used for entertainment or to maintain captive populations.

US Office: Washington DC

Regional Offices: Africa Canada Europe India Latin America Mexico United Kingdom

THE CIRCUS ENVIRONMENT AND WELFARE NEEDS OF EXOTIC ANIMALS

Humane Society International is opposed to any degree of confinement or the use of any animal in sport, entertainment or exhibition which causes distress or suffering or adversely affects their welfare. Our objection also extends to the use of wildlife in circuses and travelling menageries.

The Australian Capital Territory Government passed legislation prohibiting bears, elephants, giraffes, primates or felines (other than domestic cats) from being exhibited in circuses. This inquiry gives the NSW government the opportunity to follow this precedent and end the use of exotic animals in circuses.

More than 40 councils across Australia have already banned circuses that use wild animals on their land, driven by animal welfare concerns of the local communities.

In New South Wales, bans are in place in Parramatta, Lismore, Wingecarribee, Newcastle, Blue Mountains, Warringah, Woollahra, Hornsby, Pittwater, Manly, Randwick, Ku-ring-gai, Lake Macquarie, Liverpool and Camden. There is currently one remaining travelling circus operating within the state, Stardust Circus, and they continue to use exotic animals including African lions and monkeys. They claim to be Australia's largest animal circus and according to their website they travel on 22 motor vehicles including semi trailers, 14 trucks and many 4WDs¹. Stardust Circus uses private land or they use land owned by councils who are yet to impose a ban – most recently they have been holding shows in Rockdale (Bayside Council) and Miranda (Sutherland Shire Council).





Images from the Stardust Circus website: https://stardustcircus.com.au/about-us/

Humane Society International supported a petition that was tabled in parliament in 2001 by the City of Sydney's Lord Mayor Clover Moore² calling for a ban on forcing wild animals to perform in circuses – it gained more than 10,000 signatures by New South Wales citizens.

The most famous circus in the United States, Ringling Bros. and Barnum and Bailey, closed recently after almost 150 years in the business largely because of dwindling audiences who no longer wish to view animal exploitation. The following lists show the bans or restrictions on the keeping of animals in circuses in Europe and worldwide³. This demonstrates that Australia is lagging behind in terms of the global legislation trend, and a NSW circus ban would serve as a significant step to help close this gap and show leadership for other Australian states to follow.

The welfare needs of exotic animals cannot be met in a circus environment and this is evident given the widespread bans already legislated in numerous countries.

¹ https://stardustcircus.com.au/about-us/

² https://www.clovermoore.com.au/performing circus animals ban

³ https://www.four-paws.org.za/campaigns-topics/topics/wild-animals/worldwide-circus-bans

EUROPE: Bans or restrictions on the keeping of animals in circuses

Austria: General ban on the use of wild animals.
Belgium: General ban on the use of wild animals.
Bosnia-Herzegovina: General ban on the use of all animals.
Bulgaria: General ban on the use of wild animals.
Croatia: General ban on the use of wild animals.
Cyprus: General ban on the use of all animals.

Czech Republic: Ban on the use of newly born apes, seals, whales (excl. dolphins), rhinoceroses,

hippopotami, giraffes.

Denmark: Elephants, sea lions and zebras are still permitted in circuses, but a complete ban

on all wild animals is announced for end of 2019.

England: General ban on the use of wild animals as of 2020.

Estonia: General ban on the use of wild animals.

Finland: Ban on the use of apes, predators, elephants, hippopotami, marsupials,

rhinoceroses, seals, crocodiles, predatory birds, ostriches, wild forms of ruminant

or equine animals.

Greece: General ban on the use of all animals.

Hungary: Ban on the use of elephants, rhinoceroses and primates. Ban on the use of newly

captured animals from the wild. Ban on the use of species mentioned in Appendix

I of the CITES Convention.

Ireland: General ban on the use of wild animals.

Italy: In November 2017, the Italian Parliament adopted a ban on animals in circuses

and traveling exhibitions. The ban is not implemented yet.

Latvia: General ban on the use of wild animals.
Luxembourg: General ban on the use of wild animals.
Malta: General ban on the use of all animals.
Macedonia: General ban on the use of wild animals.
Netherlands: General ban on the use of wild animals.
Norway: General ban on the use of wild animals.

Portugal: Ban on the use of Great Apes. Breeding ban on whales, primate, wolves, bears,

big cats, pinnipeds, elephants, manatees, rhinos, hippos, flightless birds, reptiles,

constrictors. General ban of wild animals as of 2024.

Poland: Ban on the use of wild animals that were born in the wild.

Romania: General ban on the use of wild animals.
Scotland: General ban on the use of wild animals.
Serbia: General ban on the use of wild animals.
Slovakia: General ban on the use of wild animals.
Slovenia: General ban on the use of wild animals.

Sweden: Ban on the use of apes, predators, rhinoceroses, giraffes, kangaroos,

hippopotami, seals, predatory birds, ostriches, crocodiles, fallow deer, elephants

and sea lions.

Wales: In July 2018, the Welsh government announced, that a bill will be introduced

within the next 12 months to ban wild animals.

WOLRDWIDE: Bans or restrictions on the keeping of animals in circuses

Bolivia: General ban of wild animals and domesticated species.

Costa Rica: General ban of wild animals.

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: General ban of wild animals.
Guatemala: General ban of all animals.
Honduras: General ban of all animals.
India: General ban of wild animals.
Iran: General ban of wild animals.
Israel: General ban of wild animals.
Columbia: General ban of wild animals.

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

Mexico: General ban of wild animals.

Panama: Nationwide ban prohibiting 'entry of wild animals for use in static and travelling

circuses and similar shows'.

Paraguay: General ban of wild animals.
Peru: General ban of wild animal.
Singapore: General ban of wild animals.

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

Featuring animals in a circus serves no educational purpose

Teaching children that it is acceptable for exotic animals to be kept and used purely for human entertainment, performing unnatural tricks to please an audience, is grossly outdated. There is nothing educational about watching a lion balance on a small table or jump through a hoop. It is both humiliating and degrading to these magnificent species. Children should be taught to respect living things and learn how species thrive in their natural surroundings, where they have the freedom to display their natural behaviours.

Wild animals pose a dangerous threat to staff and patrons.

Life in a circus for a wild animal causes undeniable psychological suffering and this can have tragic consequences. There were 131 incidents in Australia where members of the public or circus workers were harmed between 1863 and 2001. In 2008 Arna the Asian elephant killed her handler by crushing him to death. At Ashton's circus a toddler tragically lost his arms after he stuck them through the bars of a cage containing two tigons in 2004. A lion tamer was attacked by three lions in Penrith at a Lennons circus performance in 2001. Lions most commonly instigated attacks, followed by tigers and elephants.

Stardust circus is the last remaining circus in New South Wales to feature exotic animals. The exotic animals used by Stardust are subjected to regular transportation and caged confinement, enduring unnatural conditions that deny them of the ability to socialise adequately and exhibit natural behaviours. The lack of stimulation leads to the display of stereotypical behaviours indicating increased stress and boredom.

Stardust circus currently exhibits six lions, four rhesus macaque monkeys, as well as goats, dogs and horses, made to perform for entertainment around the state.

In the wild these monkeys typically live in social groups with a strong hierarchy in place, caring for each other and interacting. This is in stark contrast to life in a circus where they are often contained in barren cages and sometimes kept in isolation.





Monkeys at Stardust Circus in NSW

Wild animals can never be considered domesticated – circus life is grossly incompatible with their physiological, social and behavioural needs.

Lions are designed to live in prides on expansive grasslands where they spend their time resting, socialising, grooming and hunting. Again, it couldn't be further from the artificial environment they are subjected to live in as part of a travelling circus.





Lions at Stardust Circus in NSW

A 2009 study by the University of Bristol titled *Are Wild Animals Suited to a Travelling Circus Life*⁴ was the first study to review the welfare of non-domesticated animals in circuses and their suitability to a circus life. It found that the species of non-domesticated animals commonly kept in circuses appear the least suited to a circus life. The study states, '*The deleterious effects that circus life has on individual animals are of primary welfare concern. Circus animals spend the majority of the day confined, a small amount of time performing/training, and the remaining time in exercise pens.'*

It is hard to imagine an animal enjoying positive emotions and overall wellbeing when regularly transported, exposed to bright lights and loud noises prevalent within the circus environment.

Moving lions and monkeys from town to town to perform tricks for human entertainment negatively impacts their welfare state. When they are not on the road, the Stardust lions spend the majority of their days in exercise pens that are significantly smaller than minimum standards for outdoor zoo enclosures. This presents a clear shortfall in the NSW Department of Primary Industry (DPI) Standards for Exhibiting Circus Animals in New South Wales.

The 2009 Bristol University study also revealed that, '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.' The study concluded that, 'highly social, non-domesticated animals, such as elephants and wide-ranging carnivores, which are amongst the most popular species kept in circuses (Garhardo 2005), appear to be the least suitable to captive environments such as zoos (Rees 2003); Clubb & ason 2007) and even less so to circuses (Amboseli Elephant Research Project 2007).'

There are numerous alternatives available today offering family-friendly entertainment and featuring people in place of wild animals. Cirque du Soleil is one such example. No wild animals are forced to live a life continually on the move, in unnatural surroundings and denied the opportunity to express natural behaviours. Humane Society International supports these non-animal shows, leaving wild animals in the wild where they belong. There is no longer a place in modern society for exotic animals in circuses.

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⁴ http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.578.4890&rep=rep1&type=pdf

MARINE PARKS AND THE WELFARE NEEDS OF DOLPHINS AND WHALES

Humane Society International believes that dolphins and whales are best seen in their natural coastal and ocean environments, not held captive to entertain people. In the wild, whales and dolphins live in groups, often in tight family units. Family bonds often last many years, and in some species, they last for a lifetime.

The very nature of cetaceans makes them uniquely unsuited to confinement.

Whales and dolphins travel long distances each day in the wild, sometimes swimming in a straight line for a hundred miles as they search for food and socialise. These marine mammals can dive up to several hundred metres and stay underwater for half an hour or more. They would normally spend only 10 or 20 per cent of their time at the surface in the wild. The comparatively shallow waters in a marine park pool mean captive dolphins often suffer from sunburn or blistering following overexposure to the sun. Heavily chlorinated water can also burn their eyes and in severe cases lead to permanent damage.

Because tanks are shallow, the natural tendencies of whales and dolphins are reversed – they must spend more than half their time at the tank's surface.



A dolphin at Dolphin Marine Conservation Park in Coffs Harbour, NSW

The sea is to whales and dolphins much as the air is to birds – a three-dimensional environment, where they can move up and down and side to side. Whales and dolphins don't stop to perch. They never come to shore, as seals and sea lions do. Whales and dolphins are always swimming, even when they "sleep". They are voluntary breathers, conscious during every breath they take. They are always aware and always moving. Understanding this, it is difficult to image the tragedy of life in no more than a tiny swimming pool.

Life for captive whales and dolphins is nothing like a life in the sea. It is almost impossible to maintain a family group in captivity as animals are traded among different facilities.

At first look, a whale or dolphin show may seem exciting, even for the animals. But when you look past the show to the mortality rates and stress-related causes of death in captive whales and dolphins, the effects of captivity suggest a far harsher reality. In a tank, the environment is monotonous and limited in scope. Sonar clicks, the method by which individuals navigate and explore their surroundings, have limited utility in such an environment. These animals, who are perpetually aware, have nothing like the varied stimulation of plants and fish and other animals in their natural environment. In perpetual motion,

they are forced into literally endless circles. Captive cetaceans are typically fed frozen fish instead of exhibiting their natural behaviours of hunting for live prey. Many captive dolphins are regularly administered medication for ulcers⁵ or antidepressants⁷ to alleviate the stress from living in such an unnatural environment.

Life for these animals is a mere shadow of what it would be in the wild.

At least 2,000 dolphins are kept in captivity worldwide across around 63 countries. The public display of whales and dolphins in marine parks and aquariums is diminishing in many parts of the world, but is increasing in developing countries, particularly those in Asia. Fortunately many countries have already banned or stopped keeping dolphins in captivity including Switzerland, Cyprus, Croatia, Hungary, Slovenia, Chile, Costa Rica, the United Kingdom and India. In 2013, India banned the keeping of dolphins for public entertainment. Brazil, Luxemburg and Norway have highly restricted standards that make it nearly impossible to keep dolphins in captivity, and the last dolphinarium in the UK closed more than 20 years ago. More recently, a Bill has just been passed in Canada to prohibit the keeping of dolphins and whales in captivity.

TripAdvisor's recent announcement to stop selling tickets to captive dolphin facilities followed years of expert consultation with some of the world's leading animal welfare organisations, scientific advisors and even industry experts. They consulted with organisations including The World Cetacean Alliance, Whale & Dolphin Conservation, World Animal Protection, Animal Welfare Institute, and Orca Research Trust. This further demonstrates that the issues surrounding dolphin captivity are of global concern.

Marine parks that promote dolphin shows and interactions with these mammals contend that public display serves educational and conservation purposes. However, experience has proven that public display does not effectively educate the public who generally learn little of value about the animals that are on display in shows and swim-with facilities. Profit, not education, is the primary reason that they are captive.

The monotonous, confined life that captivity offers a marine mammal is a mere shadow of life in the wild.

In Australia, Sea World on the Gold Coast keeps more than 30 captive dolphins and is the biggest of the remaining two facilities in Australia holding cetaceans for entertainment. The New South Wales facility in Coffs Harbour, recently renamed Dolphin Marine Conservation Park, is home to four dolphins who are subjected to numerous performances and interactions daily.

In 2015 the Coffs Harbour marine park came under intense public scrutiny over the death of an infant captive dolphin known as Baby Ji. The dolphin had ingested significant amounts of debris and leaf litter from within the tank and a park vet attempted to remove it by reaching into the dolphins' stomach with one hand. As a result Baby Ji suffered from a heart attack and died. The then park manager Paige Sinclair refused to release the autopsy report.

Other controversy surrounding Dolphin Marine Conservation Park was revealed in 2016 when they were criticized for overworking the dolphins, holding two to three shows daily, and allowing visitors into the pool with them. The dimensions of the pools also fail to meet the NSW standard for exhibiting bottlenose dolphins, but a licence variation was granted by the NSW Department of Primary Industries.

Dolphin interactions are commonplace at Dolphin Marine Conservation Park. These can result in wounds and abrasions following frequent handling, and their sensitive beaks can be damaged from the photo opportunities and "dolphin kiss" interaction.



⁵ Stoskopf M. Nutrition and Nutritional Diseases of Marine Mammals - Exotic and Laboratory Animals - Merck Veterinary Manual. Merck Veterinary Manual. https://www.merckvetmanual.com/exotic-and-laboratory-animals/marine-mammals/nutrition-and-nutritional-diseases-ofmarine-mammals. Accessed June 11, 2019.

⁶ Gulland FMD et al. (eds). CRC Handbook of Marine Mammal Medicine. 3rd edition. New York: CRC Press

⁷ https://www.scribd.com/document/216021776/Knight-2013-Diazepam-Use-in-Captive-Botlenose-Dolphins











Dolphins at 'Dolphin Marine Conservation Park' in Coffs Harbour, NSW

Award-winning documentary 'The Cove' featuring Ric O'Barry exposes the captive dolphin trade and the notorious Taiji dolphin hunts in Japan, the largest exporter of wild-caught dolphins in the world. Although the captive facilities in Australia do not import any wild caught dolphins from Japan, they do display captive dolphins and by showcasing these animals in tanks they are indirectly endorsing the controversial hunts. The Taiji dolphin hunts are likely to continue for as long as there is a public demand to see captive dolphins, and the Coffs Harbour marine park is helping to fuel that demand.

Dolphins are highly social and highly intelligent species, and making them perform unnatural tricks to a crowd day after day is nothing more than demeaning and humiliating. Captive cetaceans do not display a realistic image of natural behaviours as they lack their natural habitat. Marine mammals are best protected by cleaning up and protecting their habitats, and truly appreciating them means being fortunate enough to encounter them in their natural environment, in the wild, where they belong.

BREEDING EXOTIC ANIMALS IN CIRCUSES, AND BREEDING CETACEANS IN MARINE PARKS

Humane Society International is strongly opposed to the practice of breeding exotic animals in circuses and cetaceans in marine parks and call for an end to both. In Australia, Sea World Gold Coast continues their captive breeding program unlike the New South Wales facility in Coffs Harbour who announced an end to theirs in March this year.

Some species of whales and dolphins do not breed well in captivity and some have never produced surviving offspring. Many of the captive dolphins and whales have a shorter life expectancy than others of their species who still live in the wild. An evaluation of bottlenose dolphins currently held in captivity in 67 facilities (mostly in the United States and Europe) found that the average survival time in captivity was 12.75 years (for all bottlenose dolphin individuals who lived more than one year), lower than that of most wild dolphin populations. The same evaluation also found that 52 per cent of bottlenose dolphins successfully born in captivity do not survive past one year⁸ – that's two or three times the mortality rate seen in the wild⁹. In 2016, Sea World Gold Coast announced the birth of a calf named Dusty, the first male calf born at the park in years, yet he died before reaching his first birthday.

All species of cetaceans on public display globally continue to be captured from the wild because captive breeding programs are not sufficient to supply the industry, at least on a global scale.

Facilities that allow breeding programs claim they are about conservation, but bottlenose dolphins are not endangered. There is no conservation benefit for the breeding of cetaceans in captivity and New South Wales legislation needs to instate a ban. The only reason any captive breeding program for cetaceans is implemented is to fulfil their entertainment promise.

<u>A PHASE OUT OF THE USE OF EXOTIC ANIMALS IN CIRCUSES AND CETACEANS IN MARINE PARKS</u>

Humane Society International strongly advocates for the use of exotic animals in circuses and cetaceans in marine parks to be banned. The exotic animals used in circuses and cetaceans in the marine park in New South Wales need to be retired with immediate effect, ceasing all performances and public interactions. They need to be transitioned to a suitable environment such as a sanctuary where they can live a life free from exploitation.

We understand that a feasibility study is already underway which could see the dolphins at Dolphin Marine Conservation Park be transitioned into a sea sanctuary in Coffs Harbour. We urge the NSW

⁸ Long (2018) How long do bottlenose dolphins survive in captivity? Whale and Dolphin Conservation, 23 August 2018, available at https://au.whales.org/2018/08/23/how-long-do-bottlenose-dolphins-survive-in-captivity/.

⁹ The estimated annual infant mortality rate is about 20 percent for dolphins less than 1 year of age in Sarasota Bay, Florida, in the United States (Wells and Scott, 1990). In Shark Bay, Australia, where, unsurprisingly, predation by sharks on dolphin calves is frequent, the mortality rate is 44 percent for dolphins less than 3 years of age (Mann et al., 2000b), which is still a lower rate than noted for captive animals. In the Moray Firth, United Kingdom, the bottlenose dolphin calf mortality rate is just 13.5 percent for the first year (with a 1.9 percent mortality rate in the second year and 11.7 in the third year) (Civil et al., 2019).

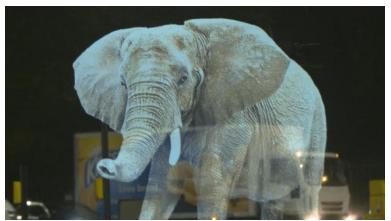
government to support the establishment of this sanctuary and ensure no breeding or performances are acceptable there.

ADEQUACY OF LEGISLATION

First and foremost, New South Wales legislation needs to ban the use of exotic animals in circuses and the exhibition of cetaceans. Until such bans are implemented, the space requirements set out in the current standards need to be extended significantly in order to facilitate welfare improvements. Further, the legislation must be extended to prohibit the exhibition of all exotic animals in circuses in New South Wales, including elephants, bears, and pinnipeds (seals, sea lions and walruses) to ensure new facilities do not feature any of these species in future.

A FUTURE WITHOUT ANIMAL EXPLOITATION

There are a number of alternative forms of entertainment that still allow children and adults alike to enjoy the wonders of the animal kingdom, yet without the associated welfare issues that circuses and marine parks present. A German company, Circus Roncalli, has transitioned to modern techniques by employing larger-than-life holograms with 360-degree visibility rather than live animal exhibitions¹⁰. This represents the final step in their effort to phase animals out of their shows altogether.



Circus Roncalli in Germany (featured in the Journal of African Elephants)

Another initiative, LightAnimal, uses life-size interactive animations of whales, dolphins and other wildlife that are experienced through state-of-the-art moving images¹¹. This digital exhibition system has been recommended for aquariums and museums that want to introduce these species to the public, but without keeping them captive. They also play a critical role in conservation efforts by raising awareness about species that have been exterminated and those that are being exterminated, educating the public in countries including Hong Kong, Japan and China.



LightAnimal (@LightAnimal) - Twitter

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¹⁰ https://africanelephantjournal.com/cruelty-free-circus-in-germany-uses-holograms-instead-of-live-animals/

¹¹ http://www.lightanimal.net

Only the implementation of legislation to immediately ban the use of exotic animals in circuses and the exhibition of cetaceans would guarantee adequate welfare protection for these wild animals. Thank you again for the opportunity to provide comments on this inquiry. Please forward any correspondence in relation to this submission to me by email at

Yours sincerely,

Georgie Dolphin Program Manager – Animal Welfare Humane Society International