

Submission
No 230

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

Organisation: Australian Circus Festival and Federation Mondiale du Cirque
Date Received: 8 December 2019

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Cover Letter

I am the director of the Australian Circus Festival, also sitting on the board of directors of the Federation Mondiale du Cirque (World Circus Federation) patronne by H.S.H Princess Stephanie of Monaco, who also sits as the federations honorary president. I am coming up to my 17th year in the circus industry and I believe I have a unique perspective on this bill due to my history both in circus and my family history with threatened species conservation.

I grew up watching and learning from my father Richard, who dedicated more than 20years to WIRES, Sydney University and RTA rescuing, rehoming and rehabilitating native animals. I also grew up living with my grandfather Peter Pigott, who saved the critically endangered native Parma Wallaby from extinction and ran breed and release programs for many other threatened and endangered Australian species from his sanctuary in the Blue Mountains. Animals have always been a part of my daily life and I have spent hundreds of hours volunteering in various sanctuaries. Through this journey, I learned how to feed, care and adore the incredible wildlife of Australia. animals are important to me, they play a part in my identity, no different to how circus people feel about their animals.

Should Exotics Still Be Used in Marine Parks and Circuses? I am yet to review any sound evidence to support otherwise.

Should the Breeding Of Animals Still Continue in Circuses/Marine Parks? Yes, this is important for conservation and awareness.

Does the Current Legislation/Acts Adequately Protect the Welfare Of Animals? The current legislation is more than adequate.

I will elaborate on these points further in the attached submission.

As a point of concern, the circus industry was not notified regarding this current inquiry and were notified by word of mouth, nor was our industry notified regarding the changes to the Standards and Guidelines for Circuses released by the DPI in February 2019. One of the biggest changes was the change of the definition of exotic to the use of domesticated animals. The timing of this bill is also questionable, as it comes during the end of the touring season, when many shows are busy packing up also at the time of our national circus festival, which has reduced the capabilities of many industry professionals to respond to this very important bill that will affect many animal groomers, trainers, artists, directors, agents and technical personnel. I feel that our industry should have had more time to respond.

I am deeply concerned with the wording at the bottom of the Terms of Reference that states "Any other matter that arises" given the definition of circus by the DPI includes mobile fairs and "any structure that is movable for the purpose of entertainment". What does this mean for reptile displays, petting zoos, mobile exhibitions and local council fairs all of whom play a big role in bringing animals closer to the public and raising awareness of their species, some of which are critically endangered.

Kind regards,

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Introduction.

I am the director of the Australian Circus Festival, sitting on the board of directors of the Federation Mondiale du Cirque (World Circus Federation) and run a creative direction company producing acts for both local and international shows. I am coming up to my 17th year in the circus industry and I believe I have a unique perspective on this bill due to my history both in circus and my family history with threatened species conservation.

I grew up watching and learning from my father Richard, who dedicated more than 20 years to WIRES, Sydney University and RTA rescuing, rehoming and rehabilitating native animals. I also grew up living with my grandfather Peter Pigott, who saved the critically endangered native Parma Wallaby from extinction and ran breed and release programs for many other threatened and endangered Australian species from his sanctuary in the Blue Mountains. Animals have always been a part of my daily life and I have spent hundreds of hours volunteering in various sanctuaries. Through this journey, I learned how to feed, care and adore the incredible wildlife of Australia. Animals are important to me, they play a part in my identity, no different to how circus people feel about their animals.

One very important word relayed to me constantly by my family was "Conservation" and the importance of humans coming up close and personal with animals in order to become aware of them and to create the next generation of conservationists and animal enthusiasts. The Animal Rights Movement is entirely contradictory to the word "conservation".

Animal Rights Movement

I have watched in dismay over the Animal rights movement destroying the very meaning of the word "Conservation". Animal rights is a movement of the most extreme form, a multimillion-dollar industry often using non-factual, emotive arguments based on anthropomorphism and often misquoting behavioural studies, or utilising studies that have already been rejected by actual science. Little by little this movement has infiltrated our councils and parliaments, little by little the bonds that humans share with animals are being removed. If we are to throw away industries that have spent generations bringing thousands of audiences closer to animals, making them aware of species, often being able to touch or interact with them (unforgettable moments for any child) what chance does conservation have in our future? I think the answer is obvious.

A study that is often utilised by Animal Rights extremists is "The Review of the Welfare of Wild Animals in Circuses" by Professor Stephen Harris. Prior to making the review, this professor had already written a paper condemning the use of wild animals in circus, so his bias was already obvious: As a scientist he should have remained impartial.

Prior to the report, the industry was already aware of his involvement with many animal rights groups such as The League Against Cruel Sports (LACS), his involvement with the organisation already caused one case in 2015 to be entirely dismissed as his integrity was questioned based on his inability to remain unbiased. The other two scientists on the team were also found to be connected to multiple animal rights organisations, thus debunking the ability for this report to savour any objectivity.

Identity and Discrimination

A race is a grouping of humans based on shared physical OR social qualities into categories generally viewed as distinct by a society. Thus, making classical circus families a "race".

The circus is a 250-year-old art form originating in Britain by horse-rider Philip Astley, the folks of the classical circus community live a symbiotic relationship beside their animals, denoting a mutually beneficial relationship between them, each partaking in the daily activities like performance to support their way of life.

This daily way of life is this cultural minorities' culture and tradition, removing this factor deeply affects the identity of the circus people, it is discriminatory and unnecessary, whilst regulation and education already exists to protect the animals in question.

This bill places into question the Anti-Discrimination Act 1977, please read the below text carefully before making any form of discriminatory attack on the basic human rights of the circus industry.

Part 2 Racial discrimination (Anti-Discrimination Act 1977)

Division 1 General

7 What constitutes discrimination on the ground of race

- (1) A person (*the perpetrator*) discriminates against another person (*the aggrieved person*) on the ground of race if the perpetrator—
 - (a) on the ground of the aggrieved person's race or the race of a relative or associate of the aggrieved person, treats the aggrieved person less favourably than in the same circumstances, or in circumstances which are not materially different, the perpetrator treats or would treat a person of a different race or who has such a relative or associate of a different race, or
 - (b) on the ground of the aggrieved person's race or the race of a relative or associate of the aggrieved person, segregates the aggrieved person from persons of a different race or from persons who have such a relative or associate of a different race, or
 - (c) requires the aggrieved person to comply with a requirement or condition with which a substantially higher proportion of persons not of that race, or who have a relative or associate not of that race, comply or are able to comply, being a requirement which is not reasonable having regard to the circumstances of the case and with which the aggrieved person does not or is not able to comply.
- (2) For the purposes of subsection (1) (a) and (b), something is done on the ground of a person's race if it is done on the ground of the person's race, a characteristic that appertains generally to persons of that race or a characteristic that is generally imputed to persons of that race.

UNESCO has protected classical circus arts as an "Intangible Heritage" already in many European countries.

H.S.H Princess Stephanie of Monaco sits as patron and honorary president of the Federation Mondial du Cirque (World Circus Federation), where she and her board of directors protect classical circus arts with animals in European Parliament and promote this culture of happiness to the Monegasque people through the Festival International du Cirque de Monte Carlo, created by her father Prince Rainier III of Monaco.

Whilst Animal Rights groups may argue about the global success of Cirque du Soleil, that it proves circus can flourish without animals, it simply is not a valid argument. Cirque du Soleil is a corporate company, which was funded by millions of dollars from the Canadian government, the company is not a family of circus people, who's culture has been passed through generations. It would be like asking a catholic to become a protestant, whilst they may share the Christian faith, there is deep rooted beliefs that set them apart entirely. This is not a logical argument, the argument itself is disrespectful to this cultural minority. Cirque du Soleil has used animals in their productions... They are not against the use of animals in circus.

The victimisation and discrimination of circus and aquariums is one that I find completely unacceptable and we cannot simply make hypocritical rules or bills towards one industry, race or culture and then allow others to do the very same thing. All venues using with animals should be regulated in the same way. The regulation already exists and there is no need to change something that is working and ensuring the welfare of its animals.

Does The Current Legislation /Acts Adequately Protect The Welfare Of Animals?

Good animal welfare requires disease prevention, veterinary treatment, appropriate shelter, nutrition and humane handling. Australian Circuses and Marine Parks are already ensuring these needs for animal welfare are met and are ALREADY regulated to do so.

There are numerous perspectives on animal welfare that are influenced by a person's values and experiences, this is the area where animal welfare can easily be confused with animal rights. It is important to use relevant peer reviewed behavioural scientific reports, combining them with saliva cortisol stress tests and actual first-hand

experience on site with those working with these animals to gain an objective view on the matter of circuses and other shows exhibiting wild animals. There are various means of measuring animal welfare, including (but not limited to) health, productivity, behaviour, and physiological responses.

Study supporting the use of animals in circus:

A long-term study, funded by the RSPCA by animal behaviourist Dr Marthe Kiley-Worthington found circus animals suffer no stress during performance, training or transportation.

The 18-month study, sponsored by the RSPCA and published as *Animals in Circuses and Zoos: Chiron's World?* Identifies the relationship between animals and trainers could contribute to our scientific understanding of how animals think, learn and perceive the world.

Interestingly, In 2006, the Labour government in the UK commissioned a six-month study of circus animals, with full participation of anti-circus campaigners and circuses and it was concluded that circuses were as capable as other captive environments, such as zoos, of meeting the welfare needs of the animals in their care. More importantly the "Radford Report" found no grounds for a ban.

She suggested to study changes from the wild ethogram which can be associated with negative effects or conditions which implicates reduced welfare. For example, stereotypic behaviours alongside other qualitative and quantitative behavioural changes that can be treated in a similar way.

There are a few studies (Beaver (1980), and Leyhausen (1979)) for example that indicate that predatory behaviour is a 'need' in cats, since they perform hunting behaviour even when their nutritional requirements for food have been met. However, observations in the wild have shown that given the opportunity, big cats will readily scavenge for all of their food. They found that animals will override the 'need' to hunt in the wild. However, the inability to hunt in captivity is considered a welfare problem, without any demonstration that this causes suffering.

Why should this be? Are we allowing our scientific judgement to be clouded by our intuitive perception?

This would go into, for instance: It is known that many predatory animals spend a large proportion of their time resting in the wild. Lions for example, are known to spend up to 75 per cent of their time resting similar to that seen in captive carnivores. It can therefore be seen that circus' may have suffered undue criticism as a result of wild comparisons, as they are chastised for not fulfilling the behavioural requirements of their animals, and yet they are also condemned for allowing their animals to express a normal level of inactivity.

These protestors believe the absence of a specific behaviour in these lions may result in reduced welfare (such as roaming), but this needs to be demonstrated, rather than assumed. What is critical to show here, is that there is not a need to perform all behaviours. Say, a lion will express predatory behaviour given the opportunity, but may not suffer from non-expression without an appropriate stimulus.

"The academic panel concluded that there appears to be little evidence, to demonstrate that the welfare of animals kept in travelling circuses is any better or worse than that of animals kept in other captive environments".
-Executive summary of DEFRA Circus Working Group 2007.

"A non-invasive assessment of welfare in captive elephants can be realised by measuring the salivary Cortisol, which indicates stress.

There were no differences between the measured values before and after the transport, which leads us to the conclusion, that the tour did not cause stress for the elephants."

"It is irrational to take a stand against circuses on grounds that the animals in circuses necessarily suffer, unless they are to take the same stand against zoos, stables, race horses, kennels, pets and all other animal keeping systems".

-Dr Marthe Kiley-Worthington, world renowned animal behaviour expert.

German animal behaviourist Dr Immanuel Birmelin (Society of Animal Behaviour and Research) carried out salivary cortisol measurements on circus elephants and lions.

Circuses in NSW are already licenced and audited annually under the Department of Primary Industries

Should The Breeding Of Animals Still Continue in Circuses/Marine Parks

One very important word relayed to me constantly by my family was "Conservation" and the importance of humans coming up close and personal with animals in order to become aware of them and to create the next generation of conservationists and animal enthusiasts. The Animal Rights Movement is entirely contradictory to the word "conservation".

Conservation IS Important. Many circuses and aquariums around the world aid conservation through breeding programmes, often in conjunction with zoos and sanctuaries and by raising awareness of the species.

Animals in today's wild, live stressed lives and are being threatened by shrinking habitats, lack of abundance of food, water, risk of being poached and live much shorter lives than their circus or aquarium counterparts.

Circus and Aquarium animals receive food, shelter and veterinary care. The average life expectancy of a tiger in captivity is 26 years compared to 15 in the wild.

Circus is a form of entertainment that is inexpensive and available to low income earners, thus filling a very important gap that brings children of all ages and socio-economic class closer to animals and getting them excited about animals. I am a donator to two elephant conservation companies, due to my experience watching and being enthralled by the beauty and intelligence of the elephants at Ashtons Circus as a child (There are currently no elephants or tigers in any Australian circus). I am certain had I not been exposed to the elephants by watching that show, that I would not be an elephant conservation supporter now. There is nothing quite like being meters away from an animal to move your very soul.

Should Exotics Still Be Used in Marine Parks and Circuses?

Of course, I am yet to review any sound evidence to support otherwise. Circus animals lead rewarding lives. They are enriched by new sites, smells and sounds. Show and training time is a form of enrichment. Every pet owner knows their pet enjoys playing with humans, and it's no different for exotic animals. Training and performance are organised play, like playing fetch with a dog. Animals in Australian Circuses are trained with reward methods, not with punishment as you see in animal rights videos taken in third world countries of street side shows. We need to be judged based on what happens in Australia, not on extreme and random cases overseas.

Our friends at Australian zoos also do live performances with domestic and exotic animals, no different to the circus, because they know that the animals benefit from this stimulation known as 'enrichment.'

The RSPCA ALSO hold competitions for locals who bring their animals, dress them up and make them do tricks in order to raise money for their charity. How is this different from a circus?

Circus with animals are amongst the most successful circus shows in Australia and this is because it is what the public wants to see. The paying public should decide, not local council and not animal rights extremists such as the Animal Justice Party.

No other profession is judged by the actions of individuals. Globally there have been seven prosecutions of circus trainers in 130 years. The facts speak much louder than emotion.

A ban on circus animals or aquariums with dolphins is just the beginning of the broader picture of the animal rights global agenda. Next on their list are zoos, farmers, meat consumption, wool, leather, medical research and pet ownership. There are already campaigns happening globally moving towards this, a vote to support this bill is a vote against the human/animal connection, a connection that we have shared since the dawn of time. It is dangerous for conservation, discriminatory and unjust.

This bill is a clear rejection of current DPI standards already in place, are we saying the Department of Primary Industries have had it wrong all this time?

In conclusion, I believe that the above submission demonstrates the illegitimacy and hypocrisy of the proposed bill.

Further reading:

Wild Animals In Traveling Circuses: Report of the Chairman of the Circus Working Group October 2007.

Animals in Circuses And Zoos: Chiron's World? Friend, T. H. 1999. Behavior of picketed circus elephants. *Appl. Anim. Behav. Sci.* 62:73-88. Friend, T. H. and M. L. Parker. 1999. The effect of penning versus picketing on stereotypic behavior of circus elephants. *Appl. Anim. Behav. Sci.* 64:213-225. Gruber, T. M., T. H. Friend, J. M. Gardner, J. M. Packard, B. Beaver, and D. Bushong. 2000. Variation in stereotypic behavior related to restraint in circus elephants. *Zoo Biology* 19:209-221. Toscano, M. J., T. H. Friend and C. H. Nevill. 2001 Environmental conditions and body temperature of circus elephants transported during relatively high and low temperature conditions. *J. Elephant Managers Association* 12:115-149. Nevill, C. H. and T. H. Friend. 2003. The behavior of circus tigers during transport. *Appl. Anim. Behav. Sci.* 82:329-337. Williams, J. L. and T. H. Friend. 2003. Behavior of circus elephants during transport. *J. Elephant Managers Association* 14:8-11. Nevill, C. H., T. H. Friend and M. J. Toscano. 2004. Survey of transport environments of circus tiger (*Panthera Tigris*) acts. *J. Zoo and Wildlife Medicine* 35:167-174. Nevill, C. H. and T. H. Friend. 2006. A preliminary study on the effects of limited access to an exercise pen on stereotypic pacing in circus tigers. *Appl. Anim. Behav. Sci.* 101:355-361. Krawczel, P.D., T.H. Friend and A. Windom. 2006. Stereotypic behavior of circus tigers: Effects of performance. *Appl. Anim. Behav. Sci.* 95:189-198. [4]Minutes of 2011 International Elephant and Rhino Conservation and Research Symposium (Page 31) [5] The Moral Landscape: How Science Can Determine Human Values (Pages 11 and 44) [6] Animals in Circuses And Zoos: Chiron's World? (Chapter 11)