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Exotic animals in circuses

by Tom Gotsis

1. Introduction

The [Exhibited Animals Protection Amendment \(Prohibitions on Exhibition\) Bill 2018](#) is a Private Members Bill introduced into the New South Wales (NSW) Legislative Council on 25 October 2018 by Mark Pearson MLC, of the Animal Justice Party. The Bill seeks to amend the *Exhibited Animals Protection Act 1986* in order to prohibit the use of exotic animals, such as lions and elephants, in circuses.

In order to facilitate consideration of the Bill, this e-brief provides an overview of the types of circuses performing in NSW and their contribution to the State's live performance industry. It then discusses the main features of the *Exhibited Animals Protection Act 1986*, *Exhibited Animals Protection Regulation 2010* and the Standards for Exhibiting Circus Animals in NSW established under that legislation. Data is then presented on offences relating to exhibited animals in NSW. The main features of the Bill are then set out; as are arguments for and against prohibiting the use of exotic animals in circuses.

2. Circuses in NSW

In 2016, Circus and Physical Theatre in NSW was attended by 346,002 persons and generated \$36,259,497 in revenue.¹ These figures represent 5.7% of all NSW live performance industry attendance and 6.8% of all NSW live performance industry revenue.²

The circuses that perform in NSW have diverse origins, traditions and business models. They comprise:

- Small privately owned circuses, such as [Stardust Circus](#) and [Lennon Bros Circus](#).
- Australian circuses receiving some government funding, such as [Circus OZ](#).
- Large multinational companies, such as [Cirque du Soleil](#); which in 2015 was sold to a United States private equity firm³ and has annual revenue of more than \$US 1 billion.⁴

These diverse circus entities adopt differing positions on the use of animals in circuses. Stardust Circus, which uses African lions,

monkeys, horses and ponies in its performances, promotes itself as “Australia’s largest animal circus”.⁵ Stardust’s use of animals reflects its adherence to long-standing animal circus traditions:

We love our animals. They are part of our family and integral to our identity as a circus. Their safety and comfort is of the utmost importance to us and we are dedicated to their care from birth, throughout their performing years and into retirement. ... Each of our animals receive the very best in veterinary care and every member of our circus treats them with love and respect.⁶

Lennon Bros Circus describes itself as the “oldest touring circus in Australia”.⁷ Its shows feature lions, ponies, camels and donkeys.⁸ Stardust and Lennon Bros are both owned by Janice and Lindsay Lennon.⁹ Ms Lennon has said that the current generation of lions will be the last that they breed.¹⁰

Circus OZ states that it “chooses to be an all-human circus ensemble”.¹¹ Its Artistic Director, Rob Tannion, has said: “If a circus chooses to use animals, I think that’s their prerogative ... it’s not our place to make a moral ethical judgment on those circuses”.¹²

[Cirque du Soleil’s](#) success is based on a Contemporary Circus (*Nouveau Cirque*) model of circus performance, which does not feature animal acts. Instead, Contemporary Circus combines traditional human-based circus acts with elements of theatre; such as costume, characterisation and narrative.¹³ Contemporary Circus has proven popular in NSW. For instance, primarily due to tours of Cirque du Soleil’s [Quidam](#) and [Kooza](#) shows, NSW’s 2016 Circus and Physical Theatre revenue and attendance figures grew by 140% and 122.1%, respectively, compared to 2015.¹⁴

3. The existing regulatory framework

Acts that compromise the welfare of exhibited animals, or which result in exhibited animals posing a risk to the safety of the public, constitute offences against the *Exhibited Animals Protection Act 1986* and the *Exhibited Animals Protection Regulation 2010*. In contrast, acts of animal cruelty constitute offences against the *Prevention of Cruelty to Animals Act 1979*, *Prevention of Cruelty to Animals Regulation 2012* and [section 530](#) of the *Crimes Act 1900*.

By means of licences, approvals, permits and standards, the *Exhibited Animals Protection Act 1986* and the *Exhibited Animals Protection Regulation 2010* prescribe the manner in which animals can be exhibited¹⁵ at animal display establishments in NSW.¹⁶ For the purposes of this legislation, a travelling circus is a mobile animal display establishment.¹⁷

The Department of Primary Industries has stated that the *Exhibited Animals Protection Act 1986* was enacted “due to public outcry over the poor conditions being provided for animals exhibited in some circuses and fauna parks”.¹⁸

3.1 Licences

[Section 12\(1\)](#) of the *Exhibited Animals Protection Act 1986* prohibits occupiers of a prescribed class of premises from using those premises as an animal display establishment without a licence. Only fixed animal display establishments, such as zoological parks and oceanariums, require licences under section 12(1).¹⁹

3.2 Approvals

It is an offence against [section 22\(2\)](#) of the *Exhibited Animals Protection Act 1986* to exhibit an animal without an approval:

- on premises occupied by temporary or movable structures used for the purposes of a circus, fair, fun-fair, amusement park or similar place of public entertainment; or
- at a preschool, school, Technical and Further Education (TAFE) establishment, university or other place of education.

An offence against [section 22\(2\)](#) carries a maximum penalty of 20 penalty units (\$2,200) or imprisonment for 6 months, or both.²⁰

[Section 23\(1\)](#) provides that an approval to exhibit an animal shall not be issued unless the Secretary of the Department of Industry is satisfied that the person to whom it is issued has appropriate qualifications and/or experience to exhibit animals of that species.²¹

As set out in [section 23\(2\)](#), an approval authorises the holder to exhibit, or supervise the exhibition of, animals of the species specified in the approval; provided the animals are exhibited in accordance with the terms and conditions of the approval.

3.3 Permits

It is an offence against [section 24](#) to exhibit prescribed species without a permit. The prescribed species for which a permit is required include all species of elephants, zebras, horses (except domestic horses and donkeys), camels, dogs (except domestic dogs) and cats (except domestic cats).²² An offence against section 24 carries a maximum penalty of 20 penalty units (\$2,200) or imprisonment for 6 months, or both.²³

[Section 25\(1\)](#) provides that a permit authorising the exhibition of an animal of a prescribed species shall not be issued unless the Secretary of the Department of Industry is satisfied that the animal will be exhibited in accordance with the relevant prescribed standards.

As stated in [section 25\(3\)](#), a permit authorises the holder to exhibit, or supervise the exhibition of, the animals specified in the permit; provided the animals are exhibited in accordance with the terms and conditions of the permit.

3.4 Standards

Under [section 14](#) of the *Exhibited Animals Protect Act 1986*, standards may be prescribed in relation to:

- the facilities for the exhibition of animals at animal display establishments;
- the conduct of animal display establishments; and
- any of the matters referred to in Schedule 3, which include: housing, fencing, caging and exercise facilities for animals; hygiene; nutrition; record keeping; destruction of animals and disposal of carcasses; and public safety.

[Clause 8\(1\)](#) of the *Exhibited Animals Protection Regulation 2010* lists the standards that apply to exhibited animals. Those standards include the [Standards for Exhibiting Circus Animals in NSW](#) (last amended on 27 January 2009). [Clause 8\(2\)](#) expressly states that it is a condition of a licence, approval or permit that animals are exhibited in accordance with the relevant standards.²⁴

Clauses 1 and 2 of the [Standards for Exhibiting Circus Animals in NSW](#) state that the standards apply to all species of animals displayed in circuses in NSW and have been developed to “maximise the welfare of animals in captivity”. Given the pivotal role of the [Standards for Exhibiting Circus Animals in NSW](#) in the regulatory framework established by the *Exhibited Animals Protection Act 1986*, Table 1 sets out a selection of standards relating to the manner in which circus animals must be socialised, sheltered, watered, transported, rested, trained, exercised, caged and managed.

Table 1: Selected standards relating to key aspects of circus animal welfare

Clause 3(9)	Social species shall not be exhibited as single specimens, unless compelling reasons can be shown.
Clause 4(2)(b)	Animals must be provided with shelter from climate extremes.
Clause 4(2)(c)	Animals must have access to drinking water when the circus is not in motion.
Clause 6(1)	If the distance to be covered entails more than two hours travelling, vehicles must stop for at least 10 minutes every two hours in order to properly inspect the animals and their facilities, and to provide food and water as required.
Clause 6(2)	There must be a stationary period of no less than 12 hours in any 24-hour period, when the circus moves between venues and/or layover sites.
Clause 6(5)	All circuses in Australia must provide facilities with adequate ventilation, to enable appropriate transport of their animals from venue to venue.
Clause 6(6)	There must be at least two layover periods each year, one of which must be for at least two weeks. ... The animals must have a total of at least one month’s rest in any twelve-month period.
Clause 7(1)	Animals must not be maintained in transportation wagons for greater than two days without exercise.
Clause 7(3)(a)(ii)	Minimum display dimensions for big cats: Minimum floor space for one animal: 20 m ² . Floor space for each additional animal: 10 m ² . Minimum height: 2 m. Minimum width: 2.4 m.
Clause 7(3)(e)(ii)	Minimum display dimensions for primates: Small, macaque-sized / large primates, chimps, baboons. Minimum floor space for one animal: 5 m ² / 20 m ² . Floor space for each additional animal: 2.5 m ² / 10 m ² . Minimum height: 2.5 m / 2.5 m. Minimum width: 2.4 m / 2.4 m.

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Clause 9(1)	Animals shall receive at least 45 minutes exercise per day, on at least 4 days of every week, in the form of training sessions and/or public performance. This does not apply when the circus is travelling or the animals are in a layover period. All animals must have access to a display cage with the size dimensions as outlined in this document, for a minimum of six hours each day during daylight hours.
Clause 9(2)	The training methods used must not be capable of causing distress, pain or injury to any animal involved, in the long or short-term. For this reason, the use of fire in animal acts is prohibited.
Clause 9(7)/(9)	All training must be based on positive reinforcement (being rewarded for completing a desired behaviour). Negative reinforcement (including physical punishment) must never be used.
Clause 11(1)	Trained behaviours must incorporate bodily movements that are within the enhanced normal physical capability of the animal. Animals must not perform movements that carry a high risk of injury.
Clause 11(3)	Animals that are unwilling to perform a desired behaviour, for whatever reason, must not be forced to continue.
Clause 12	It is acceptable to ceremonially dress animals but no costume shall be used that belittles an animal.
Clause 13(2)	Recognising signs of stress and distress, and ascertaining the causes of such stress or distress is vital. The cause of the stress or distress must then be removed or alleviated as much as is possible. Veterinary advice should be obtained where the cause cannot be identified.

3.5 Offences created

As discussed above (at 3.2–3.3), it is an offence to exhibit an animal at a travelling circus without an approval ([section 22](#)) and, in respect of certain animals of a prescribed species, without a permit ([section 24](#)).

Additionally, [section 31\(1\)](#) of the *Exhibited Animals Protection Act 1986* provides that a person shall not, by act or omission, contravene the terms or conditions of any licence, approval or permit issued under that Act or its regulations; or fail to surrender a licence, approval or permit that has been suspended or cancelled. A maximum penalty of 10 penalty units (\$1,100) applies to an offence against [section 31\(1\)](#).

It is also an offence against [section 31\(2\)](#) to: falsely advertise or claim to hold a licence, approval or permit under the Act; alter a licence, approval or permit; produce or sign a false licence, approval or permit; or impersonate a person named in a licence, approval or permit. An offence against [section 31\(2\)](#) carries a maximum penalty of 20 penalty units (\$2,200).

Failing to co-operate with an inspector is an offence against [section 43](#), which carries a maximum penalty of 20 penalty units (\$2,200). Providing false or misleading information in any application under the Act, or in purported compliance with the Act, is an offence against [section 44](#), which carries a maximum penalty of 20 penalty units (\$2,200).

[Part 4](#) of the *Exhibited Animals Protection Regulation 2010* creates the offences set out in Box 1, each of which carries a maximum penalty of 10 penalty units (\$1,100).

Box 1: Offences under Part 4 Exhibited Animals Protection Regulation 2010*

- | | |
|--------------------------------------------------------|------------------------------------------------------------|
| 19 Display of authority | 29 Reporting of injuries to people |
| 20 Veterinary drugs | 30 Noisy construction and maintenance work |
| 21 Notification of outbreak of disease | 31 Acquisition etc of animals |
| 22 Disposal of veterinary equipment | 32 Removal of exhibited animal |
| 23 Tethering animals | 34 Compliance with conditions |
| 24 Dangerous or unsuitable housing | 35 Animal records |
| 25 Exhibition of unconfined animal | 36 Other records |
| 26 Safety in drive-through area | 37 Species identification |
| 27 Escape of animal | 39 Attendants and other staff |
| 28 Venomous animals | |

* Numbers refer to clauses. No offences were created under clauses 33 and 38.

3.6 Offences committed

The following data encompasses all offences committed against the *Exhibited Animals Protection Act 1986* and *Exhibited Animals Protection Regulation 2010*. As such, it is not necessarily restricted to offences committed by circuses. The data reveals that, in recent times, 14 offences against the *Exhibited Animals Protection Act 1986* and *Exhibited Animals Protection Regulation 2010* have been dealt with either by way of a penalty notice or a finding of guilt by the courts.

From 1 June 2013 to 31 July 2018, 7 penalty notices were issued for offences against the *Exhibited Animals Protection Act 1986* and *Exhibited Animals Protection Regulation 2010*.²⁵ Additionally, as detailed in Table 2, from 1 April 2007 to 31 March 2018, there were 9 finalised charges against the *Exhibited Animals Protection Act 1986*. Of these 9 finalised charges, 7 resulted in a finding of guilt.²⁶

Table 2: Finalised charges under Exhibited Animals Protection Act 1986: 1 April 2007 to 30 March 2018

Section	Charges	Outcome
Section 24: Exhibit animal of prescribed species without a permit	3	Guilty: 3
Section 31(1)(a): Breach term/condition of authority issued under Act/regulation	4	Guilty: 2 Not Guilty: 2
Section 44: Make false/misleading statement in application/compliance	2	Guilty: 2

Source: NSW Bureau of Crimes Statistics and Research

3.7 Local Council prohibitions

Exercising their powers under [Chapter 7](#) of the *Local Government Act 1983*, some Local Councils have adopted policies prohibiting all animal circuses.²⁷ For instance, in its policy [Approvals and use of land owned or managed by council](#), Lismore City Council states:

No animal circus is permitted to utilise, occupy or operate on land owned or managed by Council in the Lismore Local Government Area.²⁸

Other Local Councils have adopted policies prohibiting exotic animal circuses. For instance, [Northern Beaches Council](#) refers to the circus policies of former Pittwater and Manly Councils. Former Pittwater Council's [Circuses](#) policy states:

1. Circuses that do not include exotic animals are encouraged to perform in Pittwater.
2. Circuses that include exotic animals are NOT permitted to operate in Pittwater.²⁹

Former Manly Council's policy, [Operation of Circuses in the Manly LGA](#), states:

It is Council's policy that circus performances involving animals be permitted on Council owned and controlled land within the Manly Council area on the basis that the applicant provides copies of all current certificates and licences required by the Federal and State Government bodies for the operation of circuses. ... It is also Council's policy to refuse any application which includes the use or display of exotic, wild or native animals in its performance.³⁰

In contrast, other Local Councils actively support animal circuses. For example, Stardust Circus is currently performing in the Fairfield Local Council area of Bonnyrigg and is scheduled to perform in the Wollongong Local Council area of Warrawong.³¹

Some Local Councils have published policies which effectively entail a case by case consideration of any application for approval to conduct a circus. For instance, Randwick City Council's [Public reserves – Use for circuses policy](#) states:

That Council considers the wellbeing of animals in circuses when determining whether to approve any requests to conduct circuses in parks and reserves in the Randwick City Council area.³²

A review of Local Council websites revealed that other Local Councils have not published any policies on animal circuses.³³

Councils are continuing to adopt disparate policy positions. In June 2018, Canterbury-Bankstown Local Council announced that it would prohibit circuses which use exotic animals from performing on council-owned land;³⁴ while, in August 2018, Bayside Council Mayor Bill Saravinovski defended circuses with exotic animals.³⁵

In short, at the Local Government level, there is inconsistency in the approaches adopted as to whether the use of exotic animals in circuses should be prohibited.

4. The Exhibited Animals Protection Amendment (Prohibitions on Exhibition) Bill 2018

The Exhibited Animals Protection Amendment (Prohibitions on Exhibition) Bill 2018 seeks to amend the *Exhibited Animals Protection Act 1986* in order to prohibit the use of exotic animals at circuses.

4.1 “Circus” and “exotic animal” defined

Schedule 1[1] of the Bill inserts new definitions of “circus” and “exotic animal” into section 5(1) of the Act. “Circus” is defined to mean “any premises occupied by temporary or moveable structures used for the purposes of a circus, fair, fun-fair, amusement park or similar place of public entertainment.” “Exotic animal” is defined to mean any animal other than a stock animal or a companion animal.³⁶

4.2 Non-exotic animals can be exhibited in circuses

A new section 22(3) is inserted into the Act by Schedule 1[3] of the Bill. The new section 22(3) prohibits non-exotic animals from being exhibited in circus without an approval.³⁷ That offence carries a maximum penalty of 20 penalty units (\$2,200) or imprisonment for 6 months, or both. Non-exotic animals can be exhibited in circuses provided approval has been granted.

4.3 Exotic animals cannot be exhibited in circuses

Schedule 1[4] of the Bill inserts a new section 25(4) to provide that a permit may not be issued to authorise the exhibition of an exotic animal at a circus.

Schedule 1[5] of the Bill inserts the key offence provisions of sections 31A and 31B.

Section 31A(1) prohibits a person from exhibiting an exotic animal at a circus. Section 31A(2) prohibits the antecedent acts of keeping, training or transporting an exotic animal for the purpose of exhibiting the exotic animal at a circus, whether or not the circus is located in NSW. An offence against section 31A(1) and 31A(2) carries a maximum penalty of 20 penalty units (\$2,200) or imprisonment for 6 months, or both.

Section 31B prohibits a person from breeding an exotic animal for the purpose of exhibiting the exotic animal at a circus, whether or not the circus is located in NSW. An offence against section 31B carries a maximum penalty of 20 penalty units (\$2,200) or imprisonment for 6 months, or both.

4.4 Removal of exotic animals from circuses

Schedule 1[7] of the Bill inserts a new Part 3 into Schedule 5 of the Act. The new Part 3 provides that the owner of an exotic animal that is exhibited in a circus under a current approval or permit must, within 12 months after the commencement of Part 3:

- place the exotic animal in an approved animal display establishment or wildlife sanctuary; or
- if such placement is not reasonably practicable, keep the exotic animal in accordance with any applicable prescribed standards.

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Accordingly, clause 2 of the Bill provides that the *Exhibited Animals Protection Amendment (Prohibitions on Exhibition) Act* commences on its date of assent, except for the provisions set out in Table 3, which commence 12 months after the date of assent.

Table 3: Provisions of Act commencing 12 months after date of assent.

Schedule of Bill	Provisions of Act
Schedule 1[2]	Amendments to section 22
Schedule 1[3]	New section 22(3)
Schedule 1[4]	New section 25(4)
Schedule 1[5]	New section 31A (but not new section 31B).

5. Should the use of exotic animals in circuses be prohibited?

An overview of the main arguments against and in favour of prohibiting the use of exotic animals in circuses is provided below.

5.1 Arguments against prohibition

Arguments against prohibiting the use of exotic animals in circuses include:

- Animal circuses are upholding long-standing circus traditions that are valued by the general community.
- Animal circuses are particularly popular in, and important to, rural communities; which cannot readily access or afford to attend contemporary circuses, such as Cirque du Soleil.
- Prohibition will end the commercial viability of animal circuses, as exotic animals are an important feature of their shows and audience appeal.
- The circus community in Australia is a closely integrated ecosystem that values all circus forms.
- Owners of traditional circuses view their exotic animals akin to family pets, and treat them accordingly.
- Animal circuses in Australia no longer exhibit tigers, elephants and bears.
- Australian circuses do not engage in acts of animal cruelty.
- The exotic animals used in Australian circuses are lions which have been bred and raised by hand over many generations, and have never lived in the wild.
- Circuses adhere to the existing regulatory framework, which provides for the welfare of circus animals.³⁸

On 14 September 2011, in response to a petition signed by 10,000 or more persons calling for a prohibition on the use of exotic animals in circuses, former Minister for Primary Industries, Katrina Hodgkinson MP, said:

Circuses have existed for centuries and remain a highly popular form of family entertainment in New South Wales. Performing and exhibited animals are a very important attraction for some circuses that tour New South Wales. Without animals, those circuses may not survive. Compliance with our strict standards ensures that circus animals in New South Wales receive an appropriate level of care. While incidents of poor standards and cruelty elsewhere may be used to justify the call for a blanket ban on exotic animals, circuses in New South Wales are complying with our tough standards.³⁹

5.2 Arguments favouring prohibition

Arguments in favour of prohibiting the use of exotic animals in circuses include:

- Animal circus traditions and commercial viability are not under threat because non-exotic animals may still be exhibited at circuses.
- Keeping exotic animals in circuses risks the safety of the animals, staff and the public. There have been many instances of exotic animals escaping from circuses, being injured while performing or transported, or injuring staff and patrons.⁴⁰
- Other jurisdictions have prohibited the use of exotic animals in circuses. These include: the Australian Capital Territory,⁴¹ New York City,⁴² Austria, Belgium, Croatia, Denmark, Greece, Israel and Singapore.⁴³ On 1 January 2018 the Republic of Ireland joined the list of jurisdictions prohibiting the use of exotic animals in circuses, with the Minister for Agriculture, Michael Creed, stating:

The use of wild animals for entertainment purposes in circuses can no longer be permitted. This is the general view of the public at large and a position I am happy to endorse ... This is a progressive move, reflective of our commitment to animal welfare. ...

While the retirement of the small numbers of wild animals in circuses might seem like a loss, I am confident that this move will do more to secure the future of the circus community ... Coming in line with modern welfare standards will mean that greater numbers of the public will be more comfortable going to the circus ...⁴⁴

- A growing ethical awareness and concern for animals amongst the general population is a key factor contributing to the popularity of contemporary circuses, such as Cirque du Soleil.⁴⁵
- Exhibiting exotic animals in circuses is inherently unethical, as circuses are unable to provide exotic animals with an environment that allows them to engage in natural behaviours.⁴⁶

The Royal Society for the Prevention of Cruelty to Animals (RSPCA) expressly states that it opposes the use of exotic animals in circuses because a circus environment cannot provide for the physiological, social and behavioural needs of exotic animals:

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... 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. ...⁴⁷

As to whether or not standards can effectively provide for the welfare of exotic animals in circuses, the RSPCA states:

While exotic animals remain in circuses, any improvement in their welfare, such as the adoption of national standards, is welcomed. However, such standards reflect minimum requirements and do not address the fundamental problems of keeping wild animals in circuses. Neither do the standards set a timetable for the phasing out of wild animals in circuses.⁴⁸

6. Conclusion

The object of the Exhibited Animals Protection Amendment (Prohibitions on Exhibition) Bill 2018 is to prohibit the use of exotic animals in circuses. The fundamental concern addressed by the Bill is that the Standards for Exhibiting Circus Animals in NSW are unable to provide for the welfare of exotic animals in circuses because circus life is inherently incompatible with the physiological, social and behavioural needs of exotic animals. That concern has been raised by the RSPCA and the NSW Local Councils that have unilaterally prohibited the use of exotic animals in circuses.

Circuses have a rich heritage and long-standing traditions. Yet, at the same time, contemporary circuses such as Cirque du Soleil have thrived by embracing innovation and redefining the very concept of circus. By proposing to prohibit only the use of exotic animals in circuses, rather than the use of all animals, the Exhibited Animals Protection Amendment (Prohibitions on Exhibition) Bill 2018 seeks to balance animal welfare and circus concerns.

- ¹ [Live Performance Industry in Australia: 2016 Ticket Attendance and Revenue Survey](#), Live Performance Australia, 29 August 2017, p 61.
- ² *Ibid*, p 32.
- ³ [Cirque du Soleil sale to American, Chinese private equity firms gets approval](#), *The Canadian Press*, 30 June 2015.
- ⁴ Khadem, N, [Street culture roots keep Cirque du Soleil alive for 33 years says CEO Daniel Lamarre](#), *Sydney Morning Herald*, 14 September 2017.
- ⁵ [Stardust Circus, About us](#), no date [website—accessed 11 September 2018].
- ⁶ [Stardust Circus, Animal Welfare](#), no date [website—accessed 11 September 2018].
- ⁷ [Lennon Bros Circus, About us](#), no date [website—accessed 11 September 2018].
- ⁸ *Ibid*.
- ⁹ Palin M, [Stardust circus “bombarded with death threats”](#), *Fraser Coast Chronicle*, 9 February 2018.
- ¹⁰ *Ibid*.
- ¹¹ *Personal communication*, 10 May 2018.
- ¹² Carmody B, [Circus Oz boss angers animal rights activists with comments](#), *Sydney Morning Herald*, 5 January 2018.
- ¹³ Mauborgne R, [This is how Cirque du Soleil reinvented the circus](#), *Quartz*, 20 March 2015; [History of Contemporary Circus](#), *History of Circus*, no date [website—accessed 11 September 2018]; Lawler, A, [After Claims of Animal Cruelty, Can the Circus Survive?](#), *Smithsonian.com*, 29 January 2018; [History](#), Cirque du Soleil, no date [website—accessed 11 September 2018].
- ¹⁴ [Live Performance Industry in Australia: 2016 Ticket Attendance and Revenue Survey](#), Live Performance Australia, 29 August 2017, p 30 and 61. The extent of the percentage increase is determined by the low 2015 figures.
- ¹⁵ [Section 5](#) of the *Exhibited Animals Protection Act 1986* defines the term “exhibit” to include the display, or the keeping for display, of an animal for entertainment, educational, cultural and scientific purposes.
- ¹⁶ “Animal display establishment” is defined in [section 5\(1\)](#) of the *Exhibited Animals Protection Act 1986* to mean “premises used for the exhibition of animals”. [Clause 7\(2\)](#) of the *Exhibited Animals Protection Regulation 2010* provides for two classes of animal display establishments: fixed establishments and mobile establishments.
- ¹⁷ [Clause 3\(1\)](#) of the *Exhibited Animals Protection Regulation 2010* and [section 22\(2\)](#) of the *Exhibited Animals Protection Act 1986*.
- ¹⁸ NSW Department of Primary Industries, [A guide to the exhibition of animals in NSW](#), no date [website—accessed 19 September 2018]. See also, NSW Government, Industry and Investment, [A Guide to the Exhibition of Animals in NSW](#), 6 October 2010, p 1.
- ¹⁹ See [clause 7\(1\)](#) of the *Exhibited Animals Protection Regulation 2010*, which provides that, “for the purposes of section 12 of the Act, fixed establishments are a prescribed class of animal display establishments”.
- ²⁰ [Section 17](#) of the *Crimes (Sentencing Procedure) Act 1999* provides that one penalty unit equals \$110.
- ²¹ The terms “Secretary” and “Department” are defined in [section 5](#) of the *Exhibited Animals Protection Act 1986*.
- ²² [Schedule 2](#) of the *Exhibited Animals Protection Regulation 2010*.
- ²³ [Section 17](#) of the *Crimes (Sentencing Procedure) Act 1999* provides that one penalty unit equals \$110.
- ²⁴ [Section 26](#) of the *Exhibited Animals Protection Act 1986* and [clause 3\(1\)](#) of the *Exhibited Animals Protection Regulation 2010* define “authority” to mean a licence, approval or permit.
- ²⁵ NSW Government, [Revenue, Penalty notice data set](#) and [Penalty notice data set notes](#). [website—accessed 19 September 2018].
- ²⁶ *Personal Communication*, Bureau of Crime Statistics and Research, 19 September 2018. There is no equivalent data available for finalised charges under the [Exhibited Animals Protection Regulation 2010](#).
- ²⁷ See, in particular, sections [68](#) and [94](#), and [Part 3](#) of Chapter 7.
- ²⁸ Lismore City Council, [Approvals and Use of Land Owned or Managed by Council](#), clause 4.0, as at 27 May 2014.
- ²⁹ Clauses 1 and 2 of former Pittwater Council’s [Circuses](#) policy, as at 4 November 2013.
- ³⁰ Clause 3 of former Manly Council’s policy, [Operation of Circuses in the Manly LGA](#), as at 3 March 2014.
- ³¹ Stardust Circus, [Times and Dates](#), no date [website—accessed 21 September 2018].
- ³² Randwick City Council, [Public reserves – Use for circuses policy](#), as at August 2015, p 2.

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- ³³ Based on a search for the word “circus” conducted on 21 September 2018 on individual local council websites.
- ³⁴ Canterbury-Bankstown Local Council, [Exotic circus animals to be banned](#), 27 June 2018 [website—accessed 21 September 2018].
- ³⁵ James B, Bayside Mayor defends circuses with exotic animals, *Southern Courier*, 9 August 2018; and James B, Petition anger over Bayside Council animal circus plan, *Southern Courier*, 7 September 2018.
- ³⁶ As defined, respectively, by the *Prevention of Cruelty to Animals Act 1979* (see [section 4](#)) and the *Companion Animals Act 1998* (see [section 5](#)).
- ³⁷ Schedule 1[2] of the Bill makes a consequential amendment to section 22(2) of the Act.
- ³⁸ *Personal Communication* with circus stakeholders, 21 September 2018. See also: Palin M, [Stardust Circus ‘bombarded with death threats’](#), *Fraser Coast Chronicle*, 9 February 2018.
- ³⁹ Hodgkinson K, [Performing Circus Animals Ban: Discussion of a Petition Signed by 10,000 or more persons](#), *NSW Hansard*, 14 September 2011.
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