

23<sup>rd</sup> November 2019

### **Inquiry into the exhibition of exotic animals in circuses and exhibition of cetaceans in NSW**

Animal Care Australia (ACA) is a national incorporated association representing the interests of all animal hobbyists established to lobby for real animal welfare. ACA comprises of a broad range of pet & companion animal groups, recognising we are the real animal welfare experts - those who keep, care for and breed animals.

ACA strives to educate and clarify the differences between animal welfare and animal rights. The latter has no place in legislation or policy management with the keeping of pets, companion animals, animals used for educational/entertainment purposes or kept for conservation.

ACA notes Schedule 1[1] of the Bill associated with this Inquiry inserts a new definition of "circus" 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." This new definition can and will encompass most animal exhibitions - both public and private. Mobile petting zoos, mobile educators, agricultural shows, local fairs, and even animal shows and expos will all be affected if this Inquiry successfully bans animals in circuses. This will have a major impact on society and in particular the pet keeping community.

The effects could be far more reaching, such as animals being utilised for film & television. These animals currently are overseen within the Exhibited Animals Protection Act – they are mostly owned by mobile exhibitors and the TV or film sets are certainly temporary or moveable structures used for the purpose of public entertainment.

#### **Recommendations:**

- **Community expectation of the welfare of exotic animals exhibited in circuses and cetaceans is being met and to a high standard**
- **ACA finds no substantiated reason to call into question whether the welfare needs of exotic animals can be met in a circus environment or in a marine park.**
- **ACA SUPPORTS the continuation of breeding of animals – both exotic and cetacean - under the care of circuses and marine parks.**
- **ACA OPPOSES the need to phase-out the ongoing care of exotic animals in circuses and cetaceans in marine parks.**

For further explanation please refer to the attached documentation.

Animal Care Australia supports the circus & cetacean marine parks and empathises with those affected by the needless emotional trauma this Inquiry has impacted onto them.

On behalf of the Animal Care Australia Committee,

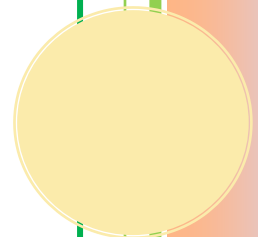


Michael Donnelly  
President,  
Animal Care Australia.

# **Inquiry into the exhibition of exotic animals in circuses and exhibition of cetaceans in NSW**



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## **Inquiry into the exhibition of exotic animals in circuses and exhibition of cetaceans in NSW**

Animal Care Australia (ACA) believes community expectation of the welfare of exotic animals exhibited in circuses and cetaceans is being met.

Quite simply the community wants to see those who own any exhibited animal maintain a healthy and caring home – even when that home is mobile – with the animals provided a clean environment with sufficient space to move freely and carry out their daily routines without severe or impacting restrictions.

### **ACA strongly believes the welfare needs of exotic animals can be met in a circus environment.**

The recent review of the Standards for Exhibiting Circus Animals in New South Wales, culminating in the current standard (PUB 19/25) published February this year makes this abundantly clear. The Standards cover all aspects of animal care and welfare including transportation and enclosure sizes and these are audited annually ensuring full compliance.

In NSW there are five circuses that tour with performing animals, Stardust Circus, Hudson's, Burton's, Weber's and Lennon Bros. Lennon Bros has not toured during 2019, but will be returning to NSW in 2020, they have camels, ponies & donkeys. Weber's only show horses and dogs, while Hudson's Circus shows horses, camels, llama & water buffalo, and Burton's shows camels, ponies & donkeys. Stardust includes lions, rhesus monkeys, horses & ponies, pigs, goats and dogs.

Quoted in the *'Exotic Animals in Circuses' E-brief October 2018* Section 4.1 the current definition of exotic animal is defined to mean any animal other than a stock animal or a companion animal, while the *Standards for Exhibiting Circus Animals in New South Wales February 2019* defines a 'domestic' animal as being any of the various animals which have been domesticated by humans, so as to live and breed in a tame condition – these two definitions combined remove the existence of any 'exotic' animals existing in any circus that is touring NSW.

The publicised and documented statements that show the lions and rhesus monkeys that have been born, bred and raised in the care of Stardust over many generations are, by government department definitions, all domestic animals. This negates the purpose of any restrictions, further legislation or inquiries into the keeping of 'exotic' animals in circuses in NSW.

The claim of animal cruelty being perpetrated in the circus environment is not substantiated by the facts. No Australian Circus has had a conviction for animal cruelty in over 35 years. The trainer at Stardust Circus uses the latest scientific training techniques of positive reinforcement. It is also our understanding that Stardust Circus lobbied the Department of Primary Industries, insisting on improving the living standards of its lions by adding outdoor enclosures. Previous legislation did not allow lions to be outside of their caged transport trailer, limiting them from being able to carry-out day to day behaviours and to have environmental enrichment. It should be noted that today, this same circus provides their lions with more than three times the size of the minimum standard of outdoor enclosures.

They also apply this high standard of welfare to their other animals to ensure that they are very happy with ample environmental enrichment and freedom of movement.

**ACA strongly believes the welfare needs of dolphins and whales can be met at a marine park.**

Our advice indicates in NSW there remains just one facility – the Dolphin Marine Conservation Park in Coffs Harbour, with four Indo-pacific Bottle-nosed Dolphins (Tursiops truncatus) under their care, all of whom are deemed ‘un-releasable’.

The current Standards for Exhibiting Bottle-nosed Dolphins (Tursiops truncatus) dated April 1994 is sufficient for the maintenance of these animals for the remainder of their life.

The Australian Veterinary Association also supports the operation of marine parks that meet the standards laid down by the Australian Regional Association of Zoological Parks and Aquaria (ARAZPA). <https://www.ava.com.au/.../welfare-of-cetaceans-in.../>

Marine parks are vital in being able to help injured and/or sick cetaceans.

ACA believes marine parks can meet welfare needs of dolphins, provided they are afforded the support to do so.

**ACA SUPPORTS the continuation of breeding of animals – both exotic and cetacean - under the care of circuses and marine parks.**

To clarify in relation to the Terms of Reference & survey questions referring to the inclusion of porpoises & whales – there are no porpoises or whales being held or bred in marine parks within Australia. This inclusion is trying to pull at the heart strings of a community response. The insinuation that whales are being kept and bred is misleading and quite likely drastically affecting the outcome of responses received.

ACA notes public statements from circus owners stipulating all lions have been spayed and the only facility holding Indo-pacific Bottle-nosed Dolphins has stated it does not intend breeding those dolphins. This negates point (c) (i) of this Inquiry.

There are sound educational, husbandry and conservation reasons for the breeding of captive exotic individuals for use in these facilities. The animals involved within this Inquiry are domesticated and are multiple generations distant from their wild cousins and yet have much to contribute to raising awareness of wild populations, conservation and their environment.

Cetaceans are highly social animals. To ban breeding of cetaceans would be detrimental to their welfare. You would deprive them of natural reproductive behaviours and force facilities to have to segregate them to male and female groups, which would break up bonded compatible animals and as such the premise of banning breeding would create poor welfare scenarios.

Marine parks like Sea World and Dolphin Marine Conservation Park both have contributed to research on cetaceans. By maintaining healthy populations in human care, scientists have conducted research that cannot be done with wild populations. Most of what we know about cetaceans - their physiology, reproduction, sensory abilities/echolocation, cognition and more

has been learned from monitoring cetaceans in human care. A lot of tools to monitor and conserve wild populations can only be tested and proven by utilising captive populations. Banning breeding will only serve to create major welfare issues and remove vital tools to conserve wild populations, and let's not forget the opportunity to educate and inspire the public. With the increasing numbers of lions poached in their natural habitat and many dolphins, whales and porpoises succumbing to cruel hunting traditions and pollutants in our oceans this breeding sadly may in fact be a life-line to securing some species from extinction.

**ACA OPPOSES the need to phase-out the ongoing care of exotic animals in circuses and cetaceans in marine parks**

We sadly acknowledge the phasing out of exotics & cetaceans will naturally occur given those points highlighted in our previous statements. With no further breeding occurring and no stated intent at acquiring new animals it is only a short period of time before these species disappear, and are either retired or they 'pass' in the care of their loving families & owners.

It is a well attested fact that empathy for the environment is built through direct interaction with animals. Circuses play an important role in this regard. The Australian Veterinary Association has stated: "Cetaceans (such as whales and dolphins) in zoological marine parks provides a useful focus of contact for Australian people. The opportunity to observe cetacean behaviour contributes to community education and the development of positive attitudes towards wildlife. Captive cetaceans are also used in behavioural and biological research." – Why would we then support phasing these out?

Minority views from Animal Rights activists with no scientific justification should not be allowed to strangle this debate.

**ACA is committed to ensuring all Acts overseeing the welfare of animals in NSW are adequate, easily understood and include the appropriate Standards for all species.**

Circuses and Cetaceans are heavily regulated in NSW. There are four primary documents that have been implemented to ensure the highest welfare standards are being met. Regular reviews of these Standards have occurred and are continuing as part of the current review of all animal welfare legislation in NSW with the Animal Welfare Action Plan and as a key stakeholder ACA will continue to consult in this process. The four Acts (Exhibited Animals Protection Act 1986), regulation (Exhibited Animals Protection Regulation 2010), and other standards (Standards for Exhibiting Circus Animals in New South Wales February 2019) and (Standards for exhibiting bottle-nosed dolphins in New South Wales 1994) have been consulted and contributed by members of different government agencies, animal advocate groups, the RSPCA, Michael Edgley International, Taronga Zoo, The Australian Circus Federation, just to name a few. Regular reviews of these Standards have occurred and are continuing as part of the current review of all animal welfare legislation in NSW with the Animal Welfare Action Plan.

**Animal Care Australia would like to add the following:**

➤ **The definition of ‘circus’ and ‘exotic’ relating to this inquiry**

Our primary concern is the definition of a circus: “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.” This encompasses too broad a scope and includes animal shows/expos, agricultural shows, horse trail-riding events and more. While the current scope does not appear to include these, ACA foresees the possibility that should this Inquiry find ‘exotic’ animals cannot be cared for, the next obvious step for the ever-louder animal rights movement would be to target ALL animals that are exhibited – mobile or not.

ACA would like to see recommendations included in the outcome of this Inquiry that restrict the findings to ‘exotic’ animals only.

➤ **ACA Recommendation in relation to the Exhibited Animals Protection Act**

ACA and its member clubs recommend a legislative regime that ENCOURAGES the exhibition of animals of all types, albeit with suitable animal welfare controls. ACA largely represents hobbyist keeper groups and clubs. These organisations have a proud history of self-regulating the welfare of the animal’s members keep and exhibit. Therefore, the current “EXHIBITED ANIMALS PROTECTION REGULATION 2010 - REG 5 Exhibitions exempted from the operation of the Act” under EAPA s.5(1) must remain. Indeed, there are additions to REG 5 for completeness that we would like considered. Government should engage and support hobbyist not-for-profit animal keeper organisations – this is certainly the best way to improve animal welfare outcomes. ACA actively discourages over-regulation in this space.

EAPA S.5

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol\\_act/eapa1986285/s5.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol_act/eapa1986285/s5.html)

Reg 5

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol\\_reg/eapr2010376/s5.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol_reg/eapr2010376/s5.html)

➤ **Expertise exists within the circus and marine park environments**

Exotic mammals (and other taxa) require mental stimulation and enrichment. Circuses are especially adept at providing such enrichment and stimulation - their expertise should be applauded and utilised by others caring for captive animals such as animal rehabilitation orgs, etc.

➤ **Irresponsible & irreparable propaganda**

Since the announcement of this Inquiry there has been irresponsible, misleading and irreparable propaganda promoted via email & social media. We would like to address some of that.

**“Businesses are profiteering from animals, and animals have no voice.”**

Animals are the showpiece for businesses built around their display or exhibition.

It is in the best interest of the animals and the businesses to have healthy, well cared for, happy animals. These animals are in the public eye, animals appearing unwell or not cared for do not promote well and businesses are very quickly called out on that. Welfare concerns are reported immediately and not just to authorities but on social media platforms as well.

In addition this statement is purposively broad and misleading. This Inquiry is not directly about those businesses profiting from the use of animals – it is about one circus (Stardust) and one Marine Park (Dolphin Marine Conservation Park). There has not been a charge of animal cruelty brought against an Australian Circus in more than 35 years. This statistic is proof that in non-traditional speaking terms – the animals DO HAVE A VOICE – it is the voices from every circus goer, every RSPCA Inspector, and every Department of Primary Industries Inspector who pass through that big top and see those animals on a daily basis.

**“Animals are forced to perform unnatural behaviours.”**

The science of teaching and learning has advanced over the years. This science was first discovered using rats; and developed further teaching marine mammals. It is now used for teaching pets, animals in zoos, circuses, and more. One of the best examples of the effectiveness of positive reinforcement training is with lions and marine animals. Matt (the trainer) from Stardust Circus can enter the circus ring with a pride of lions and have them respond with nothing more than use of hand signals and treats. Trainers from marine parks can ask for a particular behaviour from the side of a pool and the animals willingly oblige.

Science is trying to promote this best practice theory and yet animal rights advocates are trying to ban its existence.

**“A more compassionate society.”**

How do we teach and learn empathy and compassion? How do we learn to appreciate and respect animals? To understand that they are loving, intelligent, and caring? To believe they are worth having in this world with us?

One of our Committee members recalls: *“My life-long love of animals began from my visit to the zoo as a 4 year old. The otter swam back and forth in the pond alongside me as I ran back and forth in joy and awe that it wanted to play such a game with me. It is visits to Stardust Circus as an adult that inspire me to be a better teacher for my pets”*

Another adding *“After visiting Stardust Circus first hand with lions, I was amazed! Understanding animal behaviour, I was able to witness how comfortable and relaxed all the lions were with their surroundings, even when on show. All of the lion’s behaviour displayed nothing but content and comfort and very much displayed a regard of their trainer as being a part of their Pride. There was no fear or intimidation, only confidence as they eagerly approached their trainer with rubs and purrs. I have utmost respect for the importance of the higher welfare that this circus goes above and beyond to ensure for all of its animals.”*

Giving people an experience where they can get up close and personal with the animals is an excellent way of people becoming empathetic and caring towards animals. If we reduce the opportunities in society for people to engage with and connect with animals, we are decreasing the likelihood they are going understand and care for animals in the future.

**In summary**, Animal Care Australia supports the circus & cetacean marine parks. We support their ongoing existence, and respect the hard work and dedicated commitment that their volunteers, staff and trainers all exhibit every day of their lives. Animal Care Australia has seen first-hand that extraordinary bond that exists between the animals and their trainers when we visited Stardust Circus. An account of that visit is attached (see Appendix 1) and has been shared on social media sparking a remarkable response of support.

Most importantly Animal Care Australia empathises with those affected by the needless emotional trauma this Inquiry has impacted upon them.

On behalf of the Animal Care Australia Committee

A handwritten signature in black ink that reads "M Donnelly". The signature is written in a cursive style with a large, stylized 'M' and a long, sweeping underline.

Michael Donnelly  
President  
Animal Care Australia.



## Appendix 1

### Inspiring Animal Acts - A Day At The Circus!

**"...how excited the animals were to be performing – those wagging tails were a giveaway!"**

The usual fanfare of introductory music and the call of 'Welcome to the Circus' rang out as we sat eagerly peering through the large enclosed Circus Ring unsure of what we were about to see. The lions were obviously going to be the first animal act of the Show. Without much delay a 'clown' found himself surrounded by 6 lions all ready to receive their afternoon treats as reward for their actions. There was no ring of fire and no whips. Just a clown (the animal trainer) his little bag of meaty treats and his lions. The 'tricks' were simple. Sit on a box and roar like a big male lion can, lie alongside each other and roll-over, and lay still while another lion jumps over you. Nothing cruel or unnatural, nothing forced and certainly nothing opposed by any of the lions. The only unnatural behaviour to be seen during the entire act was a lioness insisting on receiving a huge cuddle from her trainer.

Throughout the rest of the Show, a mix of animal shows highlighted the skills of two pigs – one rolling a ball into the soccer net to score – and score he did – he received a treat for his effort. Monkeys rode on ponies as the ponies moved around the ring. Dogs with tails wagging outwitted the clown as they showed off their skills to jump, to roll over and to play hide'n'seek in a barrel.

After many wonderful human performances the Show was over – leaving us all with no doubts on how comfortable each of the animal acts were and in fact how excited the animals were to be performing – those wagging tails were a giveaway!

We were privileged to be allowed behind the scenes – to go behind the Big Top and check out the enclosures of all of the species. The performing horses were all housed under a marquee – while those not performing for the day happily grazed in an open pen. The pigs, goats, and dogs all had their own open pens and easy access sheltering trailers, and the monkeys were more occupied with their sugar cane treats than worrying about the strangers peering at them.

Last – but not least – the lions. Wow! We had read claims by animal rights activists that these 'wild exotic' animals were being cruelly housed in small cages with no exercise, no shelter and unable to go about a normal routine. What we saw was the absolute opposite. The trailers the lions travel in are their night time beds and access to these is available all day. The trailers are fully reverse-cycle air-conditioned. Stretched from the side of the trailers into what is a large penned enclosure were two shade sails providing ample shelter and shade. Within the enclosure a large platform for climbing or stretching out on, multiple balls, and rubber implements to ensure exercise and enrichment is freely available whenever they are in the mood.

It should be noted – the lions are 20th generation – born and raised in the care of their trainer. They are as domesticated as any pet dog or cat. Previous Government legislation restricted – in fact disallowed the big cats to be outside of their trailers. Stardust Circus insisted upon having the extended pens, being instrumental in having the legislation changed to what is now a mandatory requirement.

Claims the animals are over-stressed by their workload and the noise are also unfounded. The performances are held just once per day for two out five weekdays, while they perform twice on each day of the weekend. Not exactly an extreme schedule. During the Shows – music is playing the entire time. This music is designed to mute out all other noises from the audience and allows the trainer to use vocal commands to remind the animals of the next part of the act. No different to our pets who have to endure their owner's loud televisions, war zones from gaming, or heavy metal blasting from their Ipods.

All in all – a great afternoon was spent watching the faces of the many children in awe of the lions, in fits of laughter at the dogs and monkeys and wishing they could own one of the ponies. An introduction to

animals, one that could easily blossom into our next generation of conservationists, veterinarians or zoo keepers, otherwise their afternoon would probably have been spent nose-deep in a computer game on an Ipad.

Exhibited Animals in Australia and those who work with them are governed by some of the strictest rules & guidelines in the World. The venues, attractions and animals are constantly inspected and the health of the animals is paramount. The conditions and welfare are the difference between being allowed to continue vs being shut-down. Fifty plus years ago that was very different. Today there is no room for cruelty and there is little scope for making mistakes. Every customer and person walking through the entry gate is a potential 'reporter' of a problem. It's a different space to those old days of animal abuse, rings of fire and chains around their ankles.

Before you believe the rhetoric – before you imagine those horrid stories told in movies from a by-gone era – go and see the truth first-hand – rather than jumping on the animal rights bandwagon that could see the demise of animals being kept across our country.

By Michael Donnelly

8<sup>th</sup> November 2019