

Exhibition of exotic animals in circuses and exhibition of cetaceans in New South Wales

Good afternoon,

I am Michael Donnelly – President of Animal Care Australia, and joining me today is Jasmine Straga. I would ask that Jasmine be permitted to provide a brief introduction following mine.

Animal Care Australia or ACA is a national incorporated association established to lobby for real animal welfare by those who keep, breed and care for animals. Our goal is to promote and encourage high standards in all interactions with the animals in our care.

ACA encourages continued development of animal welfare standards and Codes of Practice for animal husbandry, breeding, training, sale and sporting exhibitions for a wide range of animal species, including pets, companion animals, animals used for educational or entertainment purposes or kept for conservation

To encourage responsible pet ownership and the respectful treatment of all animals in our community ACA continues to promote welfare education over restrictive regulations.

ACA contends the community has an expectation that the welfare of all animals kept in our care is of a high standard and no less than the standards legislated regardless of whom the carer may be – pet owner, zoo keeper, or circus. There is an expectation that through greater education and regular review of those standards any and all improvements to husbandry and welfare techniques are implemented constantly improving welfare standards for all animals. Therefore in response to this Inquiry:

- ❖ **ACA finds the Community expectation is being met and to a high standard.**
- ❖ **There is no substantiated reason to call into question whether the welfare needs can be met in a circus environment or in a marine park.**
- ❖ **ACA SUPPORTS the continuation of breeding of animals as long as those overseeing their care meet the standards as legislated or raise those standards.**
- ❖ **ACA OPPOSES the need to phase-out the ongoing care of any animals in circus or marine parks.**

The concerns raised within the Terms of Reference are not shared by ACA. However, ACA does have concerns relating to definitions within the Terms of Reference.

Currently the Exhibited Animals Protection Act does not provide a definition of a circus rather it refers to a ‘mobile establishment as outlined in Section 22 of the Act’. Section 22 provides a list of mobile establishments which include circus. Our question to this panel in reference to exotic animals held in a circus is = what defines a circus? Is it the intention of this Inquiry to act under the definition proposed by the Hon Mark Pearson in his 2018 proposed Exhibited Animals Protection Amendment (Prohibitions on Exhibition) Bill?

That definition can and will encompass most animal exhibitions - both public and private. Mobile petting zoos, mobile educators, agricultural shows, local fairs, the film & television industry and even animal shows and expos would be affected. We question whether there is a broader goal at play prohibiting any ‘exotic’ animal to be held within circumstances fitting that definition, and not solely aimed at Stardust or the Dolphin Conservation Marine Park, instead, one that would have a far reaching impact on the community and all who are involved in any form of ‘animals used for entertainment’.

This brings ACA to question the definition of exotic animal cited in the Terms of Reference, that being: **“any animal that is not native and is not a stock or companion animal.”**

ACA notes there is no existing definition of an ‘exotic animal’ in the Exhibited Animals Protection Act 1986. Additionally the **Standards for Exhibiting Circus Animals in New South Wales** published by the Department of Industry in 2019 has no inclusion of that definition. There is however the definition of a domestic animal recorded as being: “any of the various animals which have been domesticated by humans, so as to live and breed in a tame condition”.

For us this draws into question the validity of the terms of reference given there are currently no animals or cetaceans held within Australian circus or marine parks that are not living in a tame condition.

Animals are no longer 'taken from the wild' for the use in Australian circus, raising further doubt as to the authenticity of the use of the term 'exotic' – unless this Committee is intending to draw down on the 'non-native' element, which if so, would then include, camels, water buffalo, macaws, foreign marine animals such as seals and the list would go on. Inclusion of the latter marine animals would immediately prohibit the capacity of the marine park to give sanctuary to any of those species deemed un-releasable resulting in them needing to be euthanased.

Stardust has publicly stated all their lions have been spayed and the Dolphin Marine Conservation Park has also publicly stated their dolphins will not be bred in the future. The community expectation is that there will be no future breeding or exhibiting of these particular animals and as such ACA must question whether there is an underlying motive to this point of reference?

Should this Inquiry find it appropriate to phase-out the ongoing care of exotic animals (which ever they are deemed to be) what is the proposed method of care for these animals?

Ongoing animal rights social media posts state the animals should be moved to sanctuaries. Is this Committee aware the Marine Park is already recognised as a sanctuary for animals deemed un-releasable and that Animals All Around is already the home of retired zoo & circus animals – yet is licensed as a circus? Is this Committee willing to acknowledge a sanctuary for any retired animals still requires enclosures, requires care of the animals and requires funding?

If animals are being well-cared for and loved in their current spaces – ACA asks what is the point of uprooting animals, forcing them to undergo higher stress during transportation, during quarantining, leaving behind the carers that they know and trust and the stress of being introduced to new surroundings, new carers, and potential new local environmental factors, such as polluted ocean that would not be filtered to levels they are accustomed to? This action WOULD most certainly be an animal welfare issue and NOT in the best interest of the animals.

The focus on the caring of our animals should not be based on WHO or WHERE they are being cared for but HOW the welfare is maintained. Interference by those who anthropomorphise the agenda more often than not leads to negative animal welfare consequences.

It is our contention those who do not have experience, training or a realistic understanding of how any animal can or should be kept should not be involved in or influencing the care of animals. The determination of standards within any legislation MUST be influenced by the experts – that being those who care for breed and maintain animals.

We would like to thank the Chair and the Committee for inviting us to appear today.