

18<sup>th</sup> September 2020

To the Portfolio Committee-4

### ACA RESPONSE TO SUPPLEMENTAY QUESTIONS & ITEMS TAKEN ON NOTICE

Animal Care Australia (ACA) welcomes the opportunity to provide additional information to the Inquiry.

ACA finds it extraordinary that this Inquiry is trying to re-define wording utilised in the Terms of Reference and in its title AFTER the consultation and testimony process in an attempt to validate its continuance and an outcome. The fact the need has arisen for these questions to be asked highlights the flaws of the Inquiry.

As a consequence, any recommendations of this Inquiry (whether endorsed by the majority or minority of Inquiry members) that restrict the ability to care for or exhibit animals must be viewed with scepticism.

In reference to the three supplementary questions, ACA makes the following recommendations:

**Recommendation One:**

That the definition of ‘exotic’ be excluded from the Inquiry and the Inquiry should instead rely on existing definitions within NSW Animal Welfare Legislation & Standards. Any attempt to re-define the word directly invalidates all testimony provided and submitted.

**Recommendation Two:**

That no definition of ‘circus’ be included in the Inquiry and the Inquiry should instead rely on existing definitions within NSW Animal Welfare Legislation & Standards. Any attempt to re-define the word directly invalidates all testimony provided and submitted.

**Recommendation Three:**

Defining ‘welfare’ for the purpose of this Inquiry to be limited to the existing definition of ‘welfare’ within POCTAA as this is already part of NSW Legislation.

For further explanation response, please refer to the appendixes listed:

- Appendix 1: Explanation of the above three recommendations
- Appendix 2: Items ‘Taken On Notice’
- Appendix 3: Corrections to Transcript
- Appendix 4: Right of Reply to testimony provided by other witnesses

Kind regards,



Michael Donnelly  
President, Animal Care Australia.  
0400 323 843

## Appendix 1: Response to Supplementary Questions.

1. The Committee's terms of reference defines 'exotic animals' as 'any animal that is not native and is not a stock or companion animal.'

(a) Do you believe the term 'exotic' is satisfactory? If not, what would be a better term, and is it used in any other jurisdiction?

(b) Do you agree that this is a satisfactory definition? If not, what would be a better definition?

The term "exotic" is not satisfactory for the Terms of Reference, or for any inclusion in animal welfare legislation, given that it can be and already is perceived by the broader community as anything that anyone considers out of the normal.

In NSW (and Australia) veterinary practices use the term "Exotic" to describe and include animals such as rabbits, rats and guinea pigs, native reptiles, foreign birds and more, despite all of these species having been domestically bred as pets. This is to claim an 'exclusive' niche market.

To further complicate the use of 'exotic' the Federal Government refers to foreign birds as 'exotic' - even the common domesticated Canary is on the federal list of exotic bird species known to be in Australia. These animals are neither 'exotic' or companion animals, however they are domesticated, and have been for centuries.

ACA strongly recommends this Inquiry confines itself to the existing definitions within NSW legislation.

**Prevention Of Cruelty To Animals Act** includes the following definitions:

- **stock animal** means an animal which belongs to the class of animals comprising cattle, horses, sheep, goats, deer, pigs, poultry and any other species of animal prescribed for the purposes of this definition.
- **domestic animal** means an animal which is tame or which has been, or is being, sufficiently tamed to serve some purpose for the use of human beings, or which, although it neither has been nor is being nor is intended to be so tamed, is or has become in fact wholly or partly tame

The **Companion Animals Act** includes:

- **companion animal** means each of the following:
  - (a) a dog,
  - (b) a cat,
  - (c) any other animal that is prescribed by the regulations as a companion animal

Most importantly and specifically the **Standards for Exhibiting Circus in NSW** defines:

- **domestic animal** means any of the various animals which have been domesticated by humans, so as to live and breed in a tame condition.

Utilising the existing definitions then ALL animals including the monkeys, lions etc in the care of circus and the marine park are stock, companion and domesticated animals.

It would be extremely unprofessional and irresponsible for ACA to recommend any other definition than those already legislated as these definitions have been appropriately scrutinised, consulted and are recognised throughout the community and therefore define the 'community expectation' for ALL animals held within any exhibited establishment, zoo or private keeper.

ACA MUST draw into question the validity of the need to 'separate' so-called exotic animals from other animals. Isn't the intention of any government, Inquiry or review to focus on animal welfare? If the

welfare of the animals is being maintained then there is no logical or scientific reason to separate one animal out from another.

## **2. The Committee's terms of reference refers to 'circuses'.**

**(a) Do you believe the term 'circuses' is satisfactory?**

**(i) If so, how should it be best defined in legislation?**

**(ii) If not, what would be a better term, and is it used in any other jurisdiction?**

**(b) Some witnesses argued that the term 'circuses' could include agricultural shows, mobile petting zoos, and the supply of animals for use in film and television. Do you agree?**

As was highlighted in our testimony, there is no definition of Circus in existing legislation in fact THE WORD circus is SIMPLY included within the definition of a 'mobile exhibition' WITH NO FURTHER EXPLANATION WHATSOEVER. Unless it is the intent of this Inquiry to include ALL mobile exhibitors, then for the purpose and scope of this Inquiry, there needs to be a clear agreement on what is and is not the subject of this Inquiry.

ACA is unclear (and concerned) how this can be done in retrospect as all evidence and submissions will have used their own interpretation of Circus.

An additional concern in defining a circus, is the fact entire circuses are often hired in to provide entertainment at festivals, theme parks and agricultural shows, so therefore this directly impacts more than just the 'circus'.

It would be irresponsible of ACA to separate and define one sector of mobile exhibitors when the emphasis of the Inquiry should focus on the welfare of animals regardless of who keeps those animals or where they are kept.

## **3. The Committee's terms of reference refers to the 'welfare' of exotic animals and cetaceans.**

**(a) Do you believe the term 'welfare' is satisfactory?**

**(i) If so, how should it be best defined in legislation?**

**(ii) If not, what would be a better term, and is it used in any other jurisdiction?**

For the purpose of the definition of 'welfare' ACA would refer this Inquiry to our current 'Animal Welfare Policy & Position Statement'

([https://www.animalcareaustralia.org.au/wp-content/uploads/2020/08/ACA-Animal-Welfare-Policy\\_2020.pdf](https://www.animalcareaustralia.org.au/wp-content/uploads/2020/08/ACA-Animal-Welfare-Policy_2020.pdf))

Protecting an animal's welfare means providing for its physical and mental needs. This includes animal care, animal husbandry, and the humane treatment of the animal.

Achieving good animal welfare relies on providing animals:

1. Freedom from hunger or thirst, by providing access to fresh water and an appropriate diet;
2. Freedom from fear and distress, through appropriate treatment and surroundings;
3. Freedom from discomfort, by providing appropriate environments in which to live;
4. Freedom from pain, injury or disease, by prevention and rapid diagnosis and treatment;
5. Freedom to express natural behaviour, by providing appropriate space, facilities, and social interactions with members of their own species.

Signs that an animal has a good state of welfare can include longevity, having low levels of disease, displaying normal behaviour, and reproducing normally.

Another common definition of 'welfare' is:

- **Welfare** means a state of wellbeing which can be compromised by such things as disease, injury, pain, stress and deprivation

Again, ACA finds it extremely unprofessional and irresponsible to attempt to re-define the term 'welfare' outside of a proper process of public & stakeholder consultation and review.

## **Appendix 2: Taken On Notice**

### **Regulatory environments for circuses and for the exhibition of animals compared to New South Wales.**

ACA has scrutinised the current animal welfare legislation in other States & Territories and while some States do specifically mention circus as part of their policy all appear to defer to or replicate the NSW Standards – as they are recognised as the strictest and of highest standard.

In reference to animals deemed permissible to be exhibited by circus this varies from state to state with some having different requirements in permitting animals such as rabbits or cockatoos, however generally Local Councils appear to be the ‘authority’ that permits entry into their regions. Different Councils recognise different animals as ‘exotic/wild’ which may include monkeys, lions, buffalo and camels – pending on the Council.

### **Appendix 3: Corrections to transcript**

Animal Care Australia requests the following correction be made:

Page 35 of the transcript:

**Mr DONNELLY:** Yes, because, as I have pointed out, all animals around sanctuary—circus that is sitting outside western Sydney has animals. They do have the welfare right to continue breeding

Should read:

“Yes, because as I have pointed out, **Animals All Around** Sanctuary – ....”

Animals All Around is the name of the Sanctuary that Mr Donnelly is referring to in his statement.

#### Appendix 4: Right of Reply to testimony provided by other witnesses



17<sup>th</sup> September, 2020

#### **Right of reply to testimony - INQUIRY INTO EXHIBITION OF EXOTIC ANIMALS IN CIRCUSES AND EXHIBITION OF CETACEANS IN NEW SOUTH WALES.**

I, Jasmine Straga, Board of Directors of the Australian Circus Festival and the Federation Mondiale du Cirque wish to respond as a right of reply in relation to the testimony provided by Ms Jo Dorning. Please see the below response.

I must admit that I was quite baffled to see The Dorning Report and Ms Dorning used as a witness for this inquiry. The report has been dissected and debunked globally as deceptive, so much so, that the BVA and RSPCA switched the report name from Harris to Dorning in a deliberate attempt to cover up their poor research. This is shown where the review was named “The Harris review in Wales”, it was exposed, then changed into the graduate researcher’s name “Dorning” for Scotland Parliament in an attempt to cover up previous questioning into its validity.

These actions show that these two professors are not trustworthy. If these professors stand behind their research, then why allow the change of name? Attached is the complete story including how her name is used in place of Harris debunked Welsh report."

Article named: “Corrupt Welsh Assembly Needs Closing” Full article available at:

<https://countrysquire.co.uk/2020/07/18/corrupt-welsh-assembly-needs-closing/?fbclid=IwAR0JJcgwzTgLm9opeLwKg-LsFHIDQxpM7nSHjYfnE3G0H9PpZRRjvOmF0jg>

“I am concerned that very few people have actually read my scientific publications and discovered that Harris’s spin is 180 degrees from what we found.” – Quote by Dr Ted Friend, who’s research was cherry picked and twisted by Prof Harris & Ms Dorning for their “report”.

“We began an investigation. We contacted Professor Friend, a world-renowned animal behaviourist and, as it turned out, he had debunked the review written for the Welsh Government to Welsh Minister Lesley Griffiths in late December 2016 – a few days after the findings had been announced. He also sent a copy to Bristol University where Professor Harris was employed.

The Welsh RSPCA and BVA were also unrelenting in their pursuit of a ban at all costs. Fearing that Harris would be exposed as a fraud and propagandist – his findings rendered unusable in Wales – they renamed it

using the surname of a lowly graduate researcher called Dorning. It was relaunched in Scotland as the ‘Dorning’ Review. Under its new title it was used as “welfare evidence” against circuses.

Using the Freedom of Information Act (FOI) we investigated the Welsh Labour Government’s sponsored deceptions further. Our discoveries were as follows:

Professor Friend had complained seminal work had been left out of what was supposed to be a worldwide review of the evidence. An FOI request supported his claim, the Welsh Government had sat down with Professor Harris and agreed criteria that allowed conflicting evidence to be circumvented. However, the paper was peer reviewed, this surely gave it some credibility. No, another FOI request found that the peer review team had been loaded with an ex-RSPCA scientific officer and the current one, Dr Ros Clubb. Both were biased and had even publicly spoken out against circuses in the past.”

They had rigged the review panel 2:1 so the review was always going to pass.

Dr Ros Clubb in 2011 in the Independent:

“Circuses represent an important traditional form of entertainment and culture but the days when it was acceptable to haul wild animals around in beast wagons to be gawped at and to entertain with unnatural tricks are long gone. Society has moved on, as has our understanding of what animals need”

Ron Aitkinson Ex-Science officer of the RSPCA in the Daily Mail in 2009:

The RSPCA’s wildlife department head Dr Rob Atkinson said: “This is a body blow for animal welfare in this country. Asking these majestic animals to behave in unnatural ways in the name of entertainment is a disgrace – a disgrace which is already banned in several other European countries”

“The RSPCA then supplied an academic that has in the past received generous funding from them and in addition supplied peer reviewers to pass the dodgy science. Complete deception set up from start to finish and, arrogantly, they hoped the public would remain ignorant.”

Not once did Griffiths mention the debunking or the salient fact that one of only three people to have carried out empirical research on circus animals was being referenced in proceedings. She only ever extolled the virtues of Harris’ review to the Welsh Assembly. In doing so she failed to act soundly and disgraced her office. In effect she hid objectively collected information that would have better informed the Welsh assembly and members of the public.”

Ms Dorning is a research collaborator that has never conducted empirical research on circus animals, the professors merely surfed the web, then utilized and twisted the research of others. Hence why it is essentially a ‘Review’ of the evidence – See attached links:

1. [https://www.researchgate.net/profile/Jo\\_Dorning2](https://www.researchgate.net/profile/Jo_Dorning2)
2. [https://www.google.com/amp/s/www.researchgate.net/profile/Jo\\_Dorning2/amp](https://www.google.com/amp/s/www.researchgate.net/profile/Jo_Dorning2/amp)

Ms Dorning is also unable to remain impartial as she has worked with two promising animal rights extremists groups “League Against Cruel Sports” and “Compassion in World Farming” as shown here in her personal LinkedIn profile: <https://uk.linkedin.com/in/jo-dorning>



Ms Dorning completed PHD on Red Foxes in Nov 2016. Proving she was the graduate researcher for the Harris review, thus creating a conflict of interest for the report made in circus. This thesis by Ms Dorning proves this claim: - <https://bristol.academia.edu/JDorning>

With each review that Prof Harris quotes on multiple subjects relating to animals, his conclusions were manipulating the real scientific work by various Drs & Professors. These professionals have come out publicly to speak against Dr Harris:

‘..... while 34 out of 72 citations are to unrefereed publications, unpublished reports, or word of mouth. The authors give equal weight to all sources of information. This may sound objective, but it means that the evidence of first-class experimental studies is ranked equal with that of poor studies that lack any experimental design at all.’ And

‘This has been a continuing problem with misinterpretation of my data that apparently began with an anti-hunting group in the U.S. That group’s web page attributed changes recorded in trapped foxes to changes in foxes chased by dogs. This is blatantly incorrect and, I suspect, willfully done.’ - Dr Reynolds (GWCT) investigated the references in ‘Is the fox a pest’ research

‘The Welfare of Wild Animals in Traveling Circuses by Dorning, Harris and Pickett also cited my studies many times, and their use of my studies and the literature is similarly biased.’ ‘I am concerned that very few people have actually read my scientific publications and discovered that Harris’s spin is 180 degrees from what we found.’

On the following link Dr Ted Friend talks about manipulation of his studies:

[https://www.youtube.com/watch?v=xTjY6Gv\\_\\_2o](https://www.youtube.com/watch?v=xTjY6Gv__2o)

Dr Ted Friend refers to Dr Harris specifically in his letter of complaint to Bristol University, Dr Ted Friend declared “ If a scientist does not agree with another person’s conclusions, that is fine as long as they provide their justification for disagreeing. Pretending that such a seminal work does not exist because it does not support their opinion, however is not science” .

Professor Harris’s professionalism also comes into question where he was caught embracing an ‘expert’ witnesses, who was a known animal right extremist, when he should be impartial. Another clear display of his inability to remain impartial "The defense submission rests on the admitted fact that Professor Harris and Judy Gilbert greeted one another warmly with the prosecution witness kissing the professor"

<https://www.telegraph.co.uk/news/2019/05/25/expert-dropped-hunting-case-kissing-prosecution-witness/>

This article explains well the need for Prof Harris and Ms Dorning to rename the report:

<https://www.thetimes.co.uk/article/hunt-case-collapses-over-experts-bias-z2kr5ws2xpt>

“Conclusion: It appears Professor Harris is deliberately providing misinformation to satisfy the narrative of the animal rights groups. A service for which he has been handsomely rewarded financially. This is a clear perversion of science and a corruption of both the law and political process.”

Bristol University were quick to distance themselves from their former employee Prof Harris.

<https://www.countryside-alliance.org/news/2018/1/bristol-university-denies-affiliation-with-biased>

More articles debunking Harris's work : "Fox Hunting prosecution professor misrepresented science":  
<https://www.telegraph.co.uk/news/2018/08/11/foxhunting-prosecution-professor-misrepresented-science/>

In 2009 the RSPCA help fund the original report "Are wild animals suited to a travelling circus life" Harris et al (2009) This report was funded in order to debunk the fully independent and unbiased Radford report (2007) that animal welfare was not compromised in the circus. Interestingly, RSPCA quoted "complex needs of a wild animal cannot be met in a travelling circus" only they hoped the reader would not click on the references, if references were to be read they would notice that the quote refers purely to zoo animals in a static non travelling environment.

How can two people that have never attended a circus for their research be providing such important evidence for a parliamentary enquiry against the circus? There is no way to justify this sloppy research.

Why were Dr Ted Friend who was funded to conduct research in 1990's and continues that research to this very day with various scientifically proven methods findings twisted?

His concerns about Prof Harris's research were also heard in Italian Parliament.

I am under the firm belief that the criteria for Ms Dornings & Prof Harris's report were intentionally distorted to disallow the only 3 researchers in the world that had conducted real empirical research on the circus were to be discounted.

Is it scientific research where peer reviewers have financial and employment tied to a company who's goal is to shut down the circus?

Dr Ted Friend responded to Ms Dorning "She purposely hid and when she didn't hide, she twisted objectively-collected information out of her report".

I believe that for all the reasons stated above, that Prof Dorning and Prof Harris's report has no place in any international or local parliamentary enquiry regarding the use of animals in circus. The report and the reviewers have proven to not be trustworthy.

Kind regards,



Jasmine Straga

Board of Directors

Federation Mondiale du Cirque

[www.circusfederation.org/](http://www.circusfederation.org/)

J.S. Creations & Australian Circus Festival

[www.jasminestraga.com](http://www.jasminestraga.com)

[www.australiancircusfestival.org](http://www.australiancircusfestival.org)