



## Animal Defenders Office

*Using the law to protect animals*

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The Animal Defenders Office Inc. is accredited by the National Association of Community Legal Centres.

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Dear Sir/Madam

### **SUBMISSION—DRAFT CIRCUS POLICY**

We thank the Canterbury-Bankstown City Council (“the Council”) for inviting public comment on the *Use of Exotic Animals in Circuses Policy* (“the Policy”). We acknowledge the importance of the public consultation process in enabling the Council to consider a variety of stakeholder perspectives.

#### **About the Animal Defenders Office**

The Animal Defenders Office (“the ADO”) is a nationally accredited community legal centre that specialises in animal law. The ADO is run by volunteer lawyers and law students. We aim to raise community awareness about animal protection issues, and to advance animal interests through law reform.

The ADO is a member of Community Legal Centres NSW Inc.

#### **The Policy—our position**

The ADO commends Canterbury-Bankstown’s proposal to stop circuses that use exotic animals from setting up on Council land. We strongly support the Policy, specifically section 3(3). The Policy is welcome given the significant welfare issues associated with using wild animals in circuses.

#### **The regulation of animal circuses in NSW**

In Australia the space requirements for keeping animals in circuses are far below the minimum space required for the same species in zoos, and are inadequate to protect the animals’ welfare. For example, lions kept in a zoo in NSW must have an enclosure of at least 300 m<sup>2</sup>,<sup>1</sup> whereas in a circus the enclosure can be as small as

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<sup>1</sup> Appendix 1, *Standards for Exhibiting Carnivores in NSW*, DPI (August 2016).

20 m<sup>2</sup>.<sup>2</sup> Moreover circus lions do not have to be kept in this 20 m<sup>2</sup> area for the whole day, as circus owners can keep lions in tiny ‘beast wagons’ for up to 18 hours a day.<sup>3</sup> Research has shown that animals in circuses spend only 1–9% of the day actually performing or being trained, meaning that most of their time is spent in their limited enclosures. Such space limitations are clearly inadequate for wild animals.<sup>4</sup>

## Other jurisdictions

Around the world, concern about the plight of wild animals in circuses is increasing. There are national bans in more than 30 countries which prohibit the use of some or all wild animals in circuses.<sup>5</sup> Many councils in NSW have banned animal circuses from setting up on council land.<sup>6</sup> The ACT has even banned circuses with certain species of wild animals from entering the Territory.<sup>7</sup>

## How exotic animals suffer in circuses

In our view, circus life is inherently cruel for exotic animals regardless of how well the circus is managed or how well it complies with welfare codes.

A 2009 scientific study (“the study”) showed that exotic animals were the least suited to the conditions of circus life.<sup>8</sup> The study confirmed that it is impossible to satisfy the behavioural and welfare needs of exotic animals in travelling circuses.<sup>9</sup> Exotic animals such as non-human primates are highly intelligent and social, and need high levels of stimulation to prevent stress in captive and artificial environments.<sup>10</sup> However, they are kept in confinement for long periods of time in tiny beast wagons or small ‘exercise’ pens which are many times smaller than the minimum sizes of zoo enclosures.<sup>11</sup> They can be kept in transportation wagons for up to 2 days with no exercise.<sup>12</sup> The conditions in travelling circuses cause severe stress to non-domesticated animals, leading to stereotypies such as pacing by big cats and

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<sup>2</sup> *Standards for Exhibiting Circus Animals in New South Wales*, DPI (2009), clause 7(3)(a): <https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/exhibit/prescribed-standards2/circus>

<sup>3</sup> *Ibid*, clause 7(3)(a)(i). A ‘beast wagon’ is ‘a wagon, truck, float or van intended for the transport and/or holding, and/or static display, of an animal or animals’ (*Standards for Exhibiting Circus Animals in New South Wales*, ‘Definitions’, *ibid*).

<sup>4</sup> Lossa G, Soulsbury CD and Harris S, (2009) ‘Are wild animals suited to a travelling circus life’ *Animal Welfare Journal* 18, 129-140.

<sup>5</sup> Dorning J, Harris S and Pickett H, (2016) ‘The welfare of wild animals in travelling circuses’, Report for the Welsh Government, [http://www.ispca.ie/uploads/The\\_welfare\\_of\\_wild\\_animals\\_in\\_travelling\\_circuses.pdf](http://www.ispca.ie/uploads/The_welfare_of_wild_animals_in_travelling_circuses.pdf).

<sup>6</sup> NSW Councils that have banned animal circuses at some point in their history include Parramatta, Lismore, Wingecarribee, Newcastle, Blue Mountains, Warringah, Woollahra, Hornsby, Pittwater, Manly, Randwick, Ku-ring-gai, Lake Macquarie, Liverpool, Penrith and Camden.

<sup>7</sup> *Animal Welfare Act 1992* (ACT), section 55(2).

<sup>8</sup> Lossa G, Soulsbury CD and Harris S, above n 4. The study found that for non-domesticated animals to be suitable for circus life they would need to require small living spaces, and have simple social structures, low cognitive function, non-specialist ecological requirements and an ability to be transported without adverse welfare effects. None of the commonest exotic species exhibited by circuses in Australia, such as lions and monkeys, meets these criteria.

<sup>9</sup> *Ibid*.

<sup>10</sup> *Ibid*.

<sup>11</sup> *Standards for Exhibiting Circus Animals in New South Wales*, clause 7, above n 2.

<sup>12</sup> *Ibid*, clause 7(1).

monkeys,<sup>13</sup> and mouthing cage bars. These behaviours are scientifically acknowledged as indicators of impaired welfare due to the inability to cope with unsuitable living conditions.<sup>14</sup>

In addition, animals are subjected to continuous travel over large distances, including continuous handling, loading, unloading, and changes in food and water availability and weather conditions,<sup>15</sup> which in Australia can include extreme hot and cold. These factors further compromise the welfare of circus animals.

Moreover, evidence suggests human audiences, loud noises, and bright lights—all inherent elements of a circus performance—are stressful for non-domesticated animals.<sup>16</sup>

The study concluded that the species of non-domesticated animals that are commonly kept in circuses appear to be those least suited to a circus.

A more recent report in 2016 reviewed relevant legislation and scientific papers, and contacted over 650 experts and organisations around the world including trainers, circus owners, researchers and animal advocates.<sup>17</sup> The report found that the welfare of wild animals in travelling circuses is compromised because travelling environments limit appropriate social interactions, restrict normal behaviours and are unable to provide animals with adequate enrichment.<sup>18</sup> Training and performances were not considered to be appropriate substitutes for these things, or able to overcome the limitations imposed by the inadequate environment.<sup>19</sup>

### **State-wide ban of animal circuses**

While we commend Canterbury-Bankstown City Council for the Policy, we note that no matter how effective council policies are in banning animal circuses from setting up on council land, circuses circumvent this restriction by setting up on private land within the municipality. For this reason, the ADO supports the recent proposal by two members of the NSW Parliament to ban animal circuses at the State level.<sup>20</sup> We hope that Canterbury-Bankstown City Council would also support this measure, as in our view it is the only way to stop the suffering and distress caused to animals used in circuses in NSW.

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<sup>13</sup> For footage of a monkey pacing in a small circus cage in Queanbeyan NSW, see: <http://www.al-act.org/issues/animals-in-entertainment/circuses>.

<sup>14</sup> RSPCA, *Animals in Circuses* [http://kb.rspca.org.au/what-is-the-rspcas-view-on-the-use-of-animals-in-circuses\\_146.html](http://kb.rspca.org.au/what-is-the-rspcas-view-on-the-use-of-animals-in-circuses_146.html); Animals Australia, *Animal Circuses* [http://www.animalsaustralia.org/factsheets/animal\\_circuses.php](http://www.animalsaustralia.org/factsheets/animal_circuses.php).

<sup>15</sup> *Ibid.*

<sup>16</sup> Lossa, Soulsbury and Harris, above n 4.

<sup>17</sup> Dorning J, Harris S and Pickett H, above n 5.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> <http://markpearson.org.au/first-state-wide-ban-on-animal-circuses-in-australia-proposed-by-mark-pearson-and-alex-greenwich-independent-mp-for-sydney/>; and <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3306>.

**The ADO respectfully recommends the following:**

1. That the *Use of Exotic Animals in Circuses Policy* be adopted by Canterbury-Bankstown City Council.
2. That future consideration be given to extending the Policy's ban on using exotic animals for performance or display on Council land (section 3.3), to not allowing circuses with wild animals on Council land regardless of whether the animals are used in performances. This is the case in the ACT, which bans wild animal circuses even if they have them in the troupe but do not use them.<sup>21</sup>
3. That future consideration be given to banning *all* animal circuses from performing on Council land. No animal should be forced to perform unnatural behaviours and subjected to long periods of confinement and travel merely for 'entertainment'.
4. That Canterbury-Bankstown City Council consider supporting initiatives to ban animal circuses at the State level.

**Conclusion**

In summary, the ADO supports the Council's current action to prevent circuses using exotic animals from setting up on Council land, as it sends a clear message that this activity is no longer acceptable to the Australian community.

We also hope that consideration will be given to further steps that could be taken to stop animal suffering caused by circuses.

We thank you again for the opportunity to contribute to this review of your policy on animal circuses.

Regards

Sindy Racanelli, Selma Burek and Tara Ward

*On behalf of*  
The Animal Defenders Office

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<sup>21</sup> *Animal Welfare Act 1992* (ACT), s 52(3).