



General Manager
Hawkesbury City Council
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2 February 2017

Dear Sir/Madam

SUBMISSION—DRAFT CIRCUS POLICY

We thank the Hawkesbury City Council (the Council) for inviting public comment on the *Draft Circus Policy (Version 1)* (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 (ADO) is a non-profit, community law practice that specialises in animal law. The ADO also raises community awareness about animal protection issues, and works 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 Hawkesbury City Council's proposal to stop circuses that use exotic animals from setting up on Council land. We strongly support the Policy, specifically section 4(3). The Policy is welcome as there is overwhelming evidence of significant welfare issues associated with using wild animals in circuses.

How exotic animals suffer in circuses

For the ADO, entertainment stops where animal suffering begins. 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 showed that exotic animals were the least suited to the conditions of circus life.¹ The study confirmed that it is impossible to satisfy the behavioural and welfare needs of exotic animals in travelling circuses.² Exotic animals such as non-human primates are highly intelligent and social animals needing

¹ Lossa G, Soulsbury CD and Harris S, (2009) 'Are wild animals suited to a travelling circus life' *Animal Welfare Journal* 18, 129-140. The study found that for non-domesticated animals to be suitable for circus life they would need to exhibit low space requirements, simple social structures, low cognitive function, non-specialist ecological requirements and an ability to be transported without adverse welfare effects. None of the commonest species exhibited by circuses, such as lions, monkeys and (in circuses overseas) elephants, currently meets these criteria.

² Ibid.

high levels of stimulation to prevent stress in captive and artificial environments.³ However, they are kept in confinement for long periods of time in tiny beast wagons⁴ or small ‘exercise’ pens which are many times smaller than the minimum sizes of zoo enclosures.⁵ The conditions in travelling circuses cause severe stress to non-domesticated animals, leading to stereotypies such as pacing by big cats and monkeys,⁶ and mouthing cage bars.⁷ These behaviours are scientifically acknowledged as indicators of an impaired welfare due to the inability to cope with unsuitable living conditions.

Additionally, animals are subjected to continuous travel over large distances, including continuous handling, loading, unloading, and changes in food and water availability and weather conditions,⁸ 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.⁹

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.¹⁰ 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.¹¹ Training and performances were not considered to be appropriate substitutes for these things, or able to overcome the limitations imposed by the inadequate environment.¹²

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

³ Ibid 129.

⁴ 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*, DPI, 2009).

⁵ Ibid.

⁶ 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>.

⁷ RSPCA, *Animals in Circuses* <http://www.rspcansw.org.au/campaigns/animals_in_circuses>; Animals Australia, *Animal Circuses* <http://www.animalsaustralia.org/factsheets/animal_circuses.php>.

⁸ Ibid.

⁹ Lossa, Soulsbury and Harris, above n 1.

¹⁰ 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>.

¹¹ Ibid.

¹² Ibid.

enclosure of at least 300 m²,¹³ whereas in a circus the enclosure can be as small as 20 m².¹⁴ Moreover the circus lions do not have to be kept in this 20 m² area for the whole day, as circus owners can keep lions in tiny beast wagons for up to 18 hours a day.¹⁵ When research has shown that animals in circuses spend only 1–9% of the day actually performing or being trained, such space limitations are clearly inadequate for wild animals.¹⁶

Other jurisdictions

Around the world, concern about the plight of wild animals in circuses is increasing. National, regional and local governments in at least 30 countries have already banned the use of exotic or all animals in circuses.¹⁷ Many councils in NSW have banned animal circuses from setting up on council land.¹⁸ The ACT has even banned circuses with certain species of wild animals from entering the Territory.¹⁹

State-wide ban of animal circuses

While we commend Hawkesbury 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 NSW politicians to ban animal circuses at the State level.²⁰ We hope that Hawkesbury City Council would also support this measure, as being the only way to stop the suffering and distress caused to animals used in circuses.

The ADO respectfully recommends the following:

1. That the *Draft Circus Policy (Version 1)* be adopted by Hawkesbury City Council.
2. That in the future consideration be given to extending the ban 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.²¹
3. That in the 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. The Hawkesbury City Council consider supporting initiatives to ban animal circuses at the State level.

¹³ Appendix 1, *Standards for Exhibiting Carnivores in NSW*, DPI (August 2016).

¹⁴ Clause 7(3)(a) of the *Standards for Exhibiting Circus Animals in New South Wales*, DPI (January 2009)

¹⁵ *Ibid*, clause 7(3)(a)(i).

¹⁶ Dorning J, Harris S and Pickett H, (2016), *op.cit.*.

¹⁷ *Ibid*.

¹⁸ 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.

¹⁹ Section 55(2) of the *Animal Welfare Act 1992* (ACT).

²⁰ <http://markpearson.org.au/first-state-wide-ban-on-animal-circuses-in-australia-proposed-by-mark-pearson-and-alex-greenwich-independent-mp-for-sydney/>

²¹ *Animal Welfare Act 1992*, s52(3).

Conclusion

In summary, the ADO supports the Council's current action to prevent circuses using wild animals from setting up on its 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

Zana Serdar

On behalf of
The Animal Defenders Office