

Mr Barry O'Farrell, MP
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SYDNEY NSW 2000

Dear Premier

6 September 2011

Ban of Exotic Animals in Circuses

The NSW Young Lawyers (**NSWYL**) supports practitioners in their professional and career development in numerous ways, including by encouraging active participation in its 15 separate committees, each dedicated to particular areas of practice. Membership is automatic for all NSW lawyers under 36 years and/or in their first five years of practice, as well as law students.

The NSWYL Animal Law Committee (**the Committee**) comprises of a group of approximately 180 lawyers and law students interested in animal welfare and laws regulating the treatment of animals. The Committee aims to raise awareness and provide education to the legal profession and wider community, while increasing understanding about the importance of protecting animals from abuse and neglect. A common theme amongst Committee members is a passion and desire to use our legal skills and the law to help improve the lives of animals.

The Committee joins a number of other animal welfare agencies including the NSW RSPCA, Animals Australia and Animals Asia in writing to you to support a ban on the use of "exotic" (non-domesticated) animals such as lions, tigers, non-human primates and elephants in circus performances in New South Wales.

Circus life is inherently cruel to exotic animals regardless of how well a circus is managed or how well it complies with welfare codes. The circus environment is never appropriate or compatible with the complicated social, behavioural, psychological, physical and welfare needs of exotic animals. A 2009 study showed that the most common exotic (or non-domesticated animals) kept in circuses

were in fact the animals that were the least suited to such conditions.¹ Animals such as elephants and non-human primates have been shown to be highly intelligent, social and complex animals with the need for a high level of stimulation to prevent boredom and stress in captive and artificial environments. Their natural behaviours and physical needs (for example, elephants can cover very large areas of land per day to forage and eat)² can never be fully simulated in an environment as highly artificial as a circus which has a “limited ability to make improvements such as increased space, environmental enrichment and appropriate social housing”.³

Animals involved in circuses are also often kept in areas of close confinement for long periods of time both in beast wagons and small “exercise” areas.⁴ Additionally, animals used in circus performances are subjected to continuous travel over large distances which, in Australian weather conditions can include extreme heat and cold. The continuous handling, loading and unloading, and changes in food and water availability also contribute to the potential stress of animals.⁵

The lack of stimulation, proper exercise and properly enriched environments (as well as a lack of natural biological habitats), lack of proper diets and access to natural food sources, the inability to exhibit natural behaviours, being forced to undergo strict training regimes and performing unnatural tricks as well as living in contrived social groups (and with non-compatible species) has a significant impact on the wellbeing of animals in circuses. This is demonstrated by animals exhibiting symptoms of stress and boredom such as pacing, mouthing at cage bars and swaying.⁶

These conditions can also lead to health impacts such as arthritis and lameness.⁷ The animals are also subjected to stressful interactions with human audiences which include large levels of noise

¹ Iossa G, Soulsbury CD Harris S. (2009) *Are wild animals suited to a travelling circus life?* **Animal Welfare** 18: 129-140, 129 (herein Iossa & Soulsbury). 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 elephants and lions, currently meet these criteria. The study concluded that the species of non-domesticated animals commonly kept in circuses appear the least suited to a circus life.

² RSPCA http://www.rspcansw.org.au/campaigns/animals_in_circuses (herein RSPCA).

³ Iossa & Soulsbury, 129.

⁴ Animals Australia, http://www.animalsaustralia.org/factsheets/animal_circuses.php (herein Animals Australia). Lions in New South Wales for example are granted an enclosure of at least 300 m² if they live in a zoo, in a circus they are only entitled to 6 hours a day in an ‘exercise area’ of 20 m². For the remaining 18 hours they can be locked away in beast wagons.

⁵ Iossa & Soulsbury, 133.

⁶ RSPCA & Animals Australia.

⁷ Iossa & Soulsbury, 135. For example, a survey conducted by Clark et al in 1980, of Asian and African elephants founds that the animals from circuses and zoos had a high incidence of “rheumatoid disorders” and “one of the authors observed chronic arthritis and lameness in elephants”.

and lighting, which have both been shown to have negative welfare impacts on the animals including in some cases, adverse physiological changes and negative physical impacts.⁸

Many circuses which do not use animals have proven popular with Australian audiences including Cirque du Soleil, Circa, The Flying Fruit Fly Circus and Circus Oz to name a few. This evidences the fact that animals are not necessary to keep circuses commercially viable and as entertaining attractions within New South Wales or Australia as a whole.

Governments around the world (at national, regional and local levels) have taken a stance to ban the use of exotic animals in circuses including Australian (and New South Wales) local councils, such as Ku-ring-gai Council, which determined in November 2010 to uphold its decade long ban on circuses with animals within its jurisdiction. Public support for the ban of the use of exotic animals is increasing which is evidenced by the petition. The Committee therefore urges the Premier to introduce new legislation to support a ban on the use of exotic animals in circuses and submits that the legislation should include a provision that animals currently kept in such conditions should be re-homed in suitable, high quality facilities which is more appropriate to meet the complex needs of these animals.

Yours faithfully

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⁸ Iossa & Soulsbury, 132-133. For example, “acoustical stress within and outside the human hearing range can cause critical alteration in physiological parameters” and “tigers may develop gastroenteritis as a consequence of persistent, loud noise”.