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**Damian Syred & Circus Royale submission to Agriculture, Resources
Environment Committee on the Queensland Exhibited Animals Bill**

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and
2015

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Attention: Agriculture and Environment Committee
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Ms Jennifer Howard MP, Member for Ipswich, Chair
Mr Stephen Bennett MP, Member for Burnett
Mrs Julieanne Gilbert MP, Member for Mackay
Mr Billy Gordon MP, Member for Cook
Mr Robbie Katter MP, Member for Mount Isa
Mr Ted Sorensen MP, Member for Hervey Bay

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**Damian Syred & Circus Royale welcome the new Agriculture and
Environment Committee and Chair and extend thanks for the
opportunity to provide input.**

Ms Jennifer Howard MP.

Member for Ipswich, and Chair,

As the operator of a touring Classic circus with performing domestic animals that stages performances in all states and territories of Australia including Queensland I offer my knowledge and experience to Staff and Committee Members. I would welcome the opportunity to directly provide input as an industry representative.

I am fully prepared to participate in industry consultation sessions and or Agriculture and Environment Committee forums.

It is extremely concerning that changes are being made to Exhibited Animals Bill 2015 without industry consultation. Given 60 days' notice I will attend Brisbane in person and at my own expenses regardless of where in Australia my business is located at that particular time.

Madame Chair would you please ensure that Circus Industry operators are consulted and listened to by Staff and extended Committee.

Sincerely,

Damian Syred

Owner and Ringmaster

Circus Royale Australia

Tuesday, 14 April 2015

Is the only purpose of the Queensland Exhibited Animals Bill 2015 circus conditions and regulations to stop Classical circuses with performing animals from performing in Qld?

These conditions as set out in the Qld Exhibited Animals Bill 2015 seriously and unnecessarily increase compliance burden, do not benefit exhibited animals and are NOT relevant to and disadvantage and discriminate against the circus industry.

Classic circus owners have individual relationships with each and every one of the small number of animals presented in their circuses.

A strong relationship built on mutual respect, shared trust, affection given and received and adequate care.

We know that animals who are born in the care of humans, who grow up interacting with humans, and who live full time with humans are comfortable working with humans.

We have unique hands on, 24 hours, 7 days a week relationships with all our animals.

Circus Royale, (the circus I own and operate) has domestic animals only. There are no caged animals and the animals presented were chosen because they thrive in the circus environment.

Circus Royale 2015 performances may include: 5 Domestic horses, 3 Domestic camels, 2 Domestic llamas, 4 Domestic dogs, 6 Domestic geese, 2 Domestic cows.

As the owner and the person ultimately responsible for the physical and behavioural needs of all my animals I know that a positive, healthy environment is the only acceptable method of housing, transporting, training and presenting these animals.

As a newly formed committee you may not know that the 2007 UK Radford report on circus animals concluded that there was insufficient scientific evidence to demonstrate that travelling circuses are unable to meet the welfare needs of wild animals presently being used in classic circuses. That position has not changed.

The Radford report

1. In June 2006, the Circus Working Group was established and tasked with considering the evidence so as to decide whether or not wild animals should be banned from being used in travelling circuses. They were asked to focus on evidence on the transportation and housing needs of wild animals, as these were considered to be the factors that differentiated wild animals in circuses from wild animals being kept in other situations.

2. *The Circus Working Group assessed evidence on the basis that to ban wild animals from travelling circuses, there must be sufficient scientific justification that the welfare of wild animals was compromised by being part of a travelling circus.*
3. *The Circus Working Group did not consider photographic or video evidence, as it was decided that while photographic evidence of one incidence of cruelty in a circus can be distressing, it is not proof that circuses are inherently cruel.*
4. *Having considered the evidence provided by both animal welfare organisations and the circus industry, in October 2007 the Radford report concluded that there was not enough scientific evidence to ban the use of wild animals in circuses.*

<http://webarchive.nationalarchives.gov.uk/20100202100434/http://defra.gov.uk/corporate/consult/circus-wild-animals/consultation.pdf>

Most of the "arguments" advanced in support of proposed wild animal bans concern animal welfare: e.g., performance is "unbefitting their wildness and potentially harmful"; "loss of their ability to behave naturally as a wild animal"; "not naturally suited to travelling circuses"; "may suffer as a result of being unable to fulfil their instinctive natural behaviour"; and "implications for their treatment".

Each one of these arguments can be set aside as deficient as a basis for any proposed ban.

The Radford report, also addressed potential welfare implications of travel. It concluded: "[A]lthough circus animals are transported regularly; there is no evidence that this, of its own nature, causes the animals' welfare to be adversely affected." Radford Report, para. 5.4.3.

Is it travel that makes it unethical for animals to perform?

Once the welfare arguments are set aside, what remains as the legal and factual basis for any proposed ban is very thin: that it is "not necessary" to use wild animals in the circus to experience the circus; that performing animals represent an outdated view; that performance is "unbefitting to their wildness"; and that performance provides little or no benefit of any kind.

The suggestion that performing animals in the circus is a "traditional, but outdated" view is nothing more than an ideological or personal opinion held by some.

That many hold a different opinion is clear.

The existing Australian Circus Standards (State based in NSW, SA, WA, TAS and The Codes of Practices in Vic and NT) are working well, and proprietors have to certify and pass physical inspections to maintain annual membership in Circus Federation of Australasia.

Most Classic circuses now exceed the housing sizes and husbandry set out in the actual circus Standards. Modern equipment, materials and engineering allow for portable hocker style animal accommodation and living wagons with expandable sides etc. Evolving husbandry, public perception and animal rights criticism has contributed to these changes.



Circus Royale in Bonython Park 2013 (Above)



Circus Royale in Bonython Park 2013 (Above two images)



Blue water container on fence off floor. Walls available and added for weather protection as required.



Images of modern animal housing as regulated by Circus Standards. Bedding and straw added to living areas to suit animal needs and climatic conditions. Animals have open access to exercise yards all daylight hours.

According to an analysis in 2006, traditional circuses in Australia attracted approximately 1.3 million paid visits in one year, a larger numbers of paying patrons than opera or rugby. (Reference: Australian Leisure Management, "Animal Circuses More Popular than Rugby and Ballet," 08 Jul 2009.)

Australia has more full size tented circuses and smaller diverse touring circuses now then in 2006.

There are a growing number of circus schools, community circus programs, a circus university course in Melbourne etc. Adelaide's annual Garden of Unearthly Delights is a by-product of Australia's expanding circus culture.

Classic circuses have to evolve, diversify and remain commercially competitive. It is an extremely competitive marketplace.

Most, all but two of Australia's Classic circuses have no exotic animals. One of those two circuses voluntarily retired their elephants years ago.

One of those two circuses has taken the decision not to replace the existing performing lions on retirement.

(Lions thrive in the circus environment and are rightly a recommended suitable animal under the NSW Exhibited Animal Standards.)

The older generation of Australian circus proprietors are retired or of retirement age (within 5 years) and the new generation of circus operators are all educated, aware of compliance, WH&S and regulation.

All are aware of software and marketing tools. All survey their audiences, and clearly understand public trends.

The Classic Circuses of 2015 are competitive enterprises presenting modern, clean entertainment to diverse audiences. Animal husbandry has evolved and peer competitiveness raises production values.

Australia, like France, Germany, Italy, Switzerland and other countries, has existing National and State legislation for travelling circuses requiring proof of qualifications, licensing, and inspection of facilities, husbandry, recordkeeping and other compliance aspects.

The public has the right to decide for itself whether it thinks classical circus, built on the three traditional pillars of acrobatics, animals and clowns, has value to them and whether they want to see human/animal interaction – particularly in places where such interaction may be hard to find.

Circus is often the first cultural and entertainment experience for children in rural and remote locations.

The decision as to whether to attend a circus should rest with the paying public, not be made for them by a government prohibition that has nothing to do with animal welfare.

Circus Royale fully supports the submission contents provided by Mr Steve Robinson of Darling Downs Zoo and asks the Committee to seriously consider the points raised.

12 Meaning of an animal (2) (a) and (b)

PROBLEM: This definition is too broad. It includes eggs, from the time that they are laid, as well as invertebrates – none of which pose any form of *risk* that this Bill seeks to minimise.

SOLUTION: Adopt the definition used in the *Animal Care and Protection Act 2001*. This will ensure consistency across legislation and will eliminate the need to add amendments and exclusions via Regulation.

16 Meaning of *responsible person* ... (4)

PROBLEM: Unfair to hold a person “responsible” as soon as they take “a step to enforce [a] mortgage or other security” What if they fail to enforce the mortgage or security?

SOLUTION: Change wording to “... if the person successfully enforces a mortgage or security”.

17 Meaning of *relevant risk* and *relevant adverse effects*.

PROBLEM: Unless the current wording of Section 12 [Meaning of an *animal*] is corrected, issues could arise around the feeding of invertebrates to exhibited animals.

SOLUTION: Reword in consultation with the industry. The *Animal Care and Protection Act 2001* accepts that there are few welfare risks associated with invertebrates.

24 Consultation about Codes of Practice. (1)

PROBLEM: Chief executive **must** consult with relevant entities. While it is imperative that the chief executive meaningfully consults with the industry, this clause obliges him to also consult with groups who are philosophically opposed to the exhibition of animals.

SOLUTION: Redefine “entities” to exclude non-stakeholders and groups with an abolitionist agenda.

26 Chief executive may make guidelines. (3)

PROBLEM: “... entities the chief executive considers may have an interest ...”. The definition of entities allows people other than genuine stakeholders to have input into a subject that they have no real right to.

SOLUTION: Redefine "entities" to exclude non-stakeholders and opponents of the animal exhibition industry.

37 Meaning of *management plan*. (1) to (5)

PROBLEM: Requires a management plan for all species currently held under a Declared Pest Permit and/or Wildlife Exhibitors Licence. The amount of paperwork involved for existing licence/permit holders will be crippling. We will be required to duplicate all of the work that we have done over the years to achieve our existing approvals. In addition, the department itself does not have the resources to process all of these new management plans as well as carrying out its normal daily functions.

SOLUTION: Draw a line in the sand for existing species held by existing license/permit holders. Only applications for new licenses or new species for existing license holders to be subject to this requirement. The industry's good record to date is justification for making this concession.

37 Meaning of *management plan*. (2) (a)

PROBLEM: Requires all individual specimens to be individually identified. This requirement could be welfare negative for some species.

SOLUTION: Modify this requirement.

62 Failure to decide application. (1) and (3)

PROBLEM: Allows the chief executive to fail to act on an application for 40 days, after which the application is deemed to have failed. Currently, many applications to the department are not processed within 40 days. These applications are not automatically deemed to have failed. Applications have been known to be "lost". This clause relieves the department's staff of any obligation to do the job that we are paying them to do. It is a cop out for lazy public servants.

Additionally, given that many current applications cannot be processed within a 40 day timeframe, the enormous amount of new paper work to be generated by the proposed new Act will almost guarantee that this clause will be frequently used.

SOLUTION: Scrap this clause. Alternatively, reword it to read that an application is automatically *granted* if there is no response from the department within 40 days.

99 Deciding application (5)

PROBLEM: Allows chief executive to ignore application for 30 days after which application is deemed to have failed.

Currently applications are regularly not processed within 30 days but are not deemed to have failed. As many current applications are not being processed within this timeframe there is little chance that new applications will meet this criteria, particularly given the huge amount of extra red tape that will be created by the Act resulting from this Bill.

Additionally, this timeframe is inconsistent with the timeframe nominated in 62 (1) and (3).

SOLUTION: Scrap the present wording. Reword to read that an application is automatically *granted* if there is no response from the department within 30 [or 40] days.

Circus Royale fully supports the submission contents provided by Mr Steve Robinson of Darling Downs Zoo on behalf of Traditional Circus and asks the Committee to seriously all of the points raised from the circus perspective.

The following background and comments on the Draft Exhibited Animals Bill 2015 are submitted from a circus perspective for the committee's deliberation.

BACKGROUND:

Steve Robinson.

- The writer is currently a zoo owner and has separately submitted comments on the Bill from the perspective of the Darling Downs Zoo.
- However, the writer was a circus owner and animal trainer for over 30 years and is still in daily contact with the circus world.
- The writer is also the only person on the industry working group who has had hands on experience in every field of animal exhibition - circus, zoo, wildlife park, film, television and wildlife educational demonstration.
- The writer is a member of the Zoo and Aquarium Association [ZAA] and a founding member of, and former secretary of, the Circus Federation of Australia.
- The writer was formerly a participant in the NSW Exhibited Animals Advisory Committee – the body which advised the NSW government on matters pertaining to exhibited animal legislation.
- The writer has been approached by a number of circus owners and animal trainers to make this submission on their behalf. Due to the itinerant nature of their business it is often difficult for some of them to find the time and the resources to add a burden such as this to their workload.
- The writer was involved in the first ever Circus Standards to be developed in this country – self-regulating standards developed by the Circus Federation of Australia.
- The writer was then involved in the development of those industry Standards into law in NSW .
- The writer has been involved in the formation of this Bill since 2006.

Australian Circus Industry.

- Traditional Australian circus is the oldest continuous form of entertainment still extant in this country.
- It's cultural and heritage significance in this State is acknowledged by the Queensland government.
- Throughout its history the Australian circus has featured performing animals. Initially these were horses and dogs but, when they became available in this country, exotic animals were added as well.
- Exotic animals have featured in traditional Australian circus for over a century.
- Throughout that time there has never, repeat never, been an instance where a feral pest species has become so as a result of a deliberate or accidental release from a circus.
- This blemish free record exists even though the circus industry was relatively unregulated during its earlier years. Tighter regulations that have been adopted over the past 25 years or so should ensure that the industry maintains this enviable record.
- **There is no demonstrated biosecurity risk posed by keeping exotic animals in traditional Australian circus.**
- Traditional Australian circus features exotic animals that are hardy and are suited to the itinerant lifestyle. These include Primates such as Macaques and Capuchins, Carnivores such as Lions, Tigers and Bears as well as Ungulates such as Elephants, Camels, Llamas, Alpacas, Zebras, Bison etc.
- All of the specimens of these species, except for elephants, are captive born from many generations of captive born stock. In many cases animals, such as lions, are selectively bred for conformation and temperament.
- Circuses do not seek to keep species, or specimens, which are not suited to the itinerant lifestyle.
- No animals are taken from the wild to be exhibited in circuses with the historical exception of the last few remaining elephants.

- Exhaustive scientific studies have been conducted on the lifestyle and training of circus animals.
 - These include work by ethologist Dr Martha Kiley-Worthington, Professor Theodore Friend of the University of Texas and the Radford Report in the UK which was compiled by a committee which included animal rights advocates.
 - All of these studies have concluded that animals living, travelling and performing in a circus are no worse off than animals in any other form of husbandry.
 - Circuses are not exempt from any of the Animal Welfare legislation – they can be prosecuted if cruelty is genuinely felt to exist.
 - It is significant that neither the RSPCA, nor anybody else, has ever felt the need to prosecute a circus for any reason in this State.
 - It is relevant to note that there have only ever been two convictions of cruelty against circuses in the history of Australia and neither were in Queensland. Both of these were several decades ago. This record compares very favourably with any other field of animal husbandry.
 - It is also relevant to note that the Australian circus industry led the way in the development of animal welfare Standards for the species in their care. There were circus Standards before there were zoo Standards. The Australian circus industry itself initiated the development of these Standards in a self-regulatory move back in the 1980s. They were then modified and adopted by the NSW State government and enacted as law in that State in the 1990s. Some other States have since adopted them as secondary legislation.
 - There have been no convictions of circus people for cruelty anywhere in Australia since the adoption of those Standards. This, despite the intense scrutiny given the industry by people and groups that are philosophically opposed to animals in circuses.
- **There is no demonstrated animal welfare risk resulting from the keeping of exotic animals in traditional Australian circuses.**
- Traditional Australian circus has long featured animals that are potentially dangerous to humans. These animals have always been kept in mobile accommodation and regularly transported between venues.
 - Despite this itinerant lifestyle, the number of incidents involving injury to humans is far less than has been the case in contemporary zoos, or animals in sport or any other form of entertainment.
 - The number of such incidents has also diminished markedly since the introduction of industry self-regulation and enforceable Standards.
 - Similarly, the number of incidents involving risk to the animals themselves is negligible. One reason for this is the fact that circus animal carers live in close proximity to their charges for 24 hours a day, every day. They don't clock on and off as do animal carers who are employees in other animal related industries.
 - Circus animals are constantly monitored by their experienced carers and have regular veterinary monitoring. There have been no recorded cases of zoonoses between circus animals and humans – either carers or members of the public.
 - Insurance premiums are lower for circus public risk policies than they are for some wildlife parks. Insurance brokers say that the reason for this is that the insurance industry gets very few claims from circuses, despite the perceived added risk generated by their itinerant nature. However, they do get a lot of claims from people injured by macropods and ratites in walk-through enclosures in wildlife parks.
- **There is no demonstrated risk to human or animal health, safety or wellbeing resulting from the keeping of exotic animals in a traditional Australian circus.**

RELATED MATTERS:

- Traditional Australian circus has a well documented history of showcasing human/animal interaction to audiences throughout Queensland.
- This form of entertainment has traditionally visited regional areas of the State as well as the more populous coastal centres. This is important for the recreational and socialising opportunities that it provides for remote communities as well as for the opportunity for people in regional areas to gain first-hand knowledge of animal

species that would otherwise be denied them. Two dimensional videos and movies are no substitute for the real life experience.

- The economic benefit to regional communities cannot be underestimated either. Circuses do not bring all of their supplies with them – they buy them as they go.
- Opponents of traditional Australian circus often claim overseas video footage of animal abuse to be relevant to their argument against keeping animals in circuses in this country. It is important to understand that the Australian circus, to some extent, has developed in isolation. There are some practices that occur overseas that would never be condoned in traditional Australian circuses. These practices do not happen in this country and Australian circus people are as horrified as anyone else at some of the graphic videos that have been circulated.
- Opponents of traditional Australian circus sometimes use very old incidents as justification for their push to ban animals in Queensland circuses. It is important to realise that traditional Australian circus has evolved over the years – just as have zoos, farms and other forms of animal husbandry. As part of that evolution, Australian circuses voluntarily developed Standards and Codes of Conduct long before such Standards were developed by some other forms of animal husbandry. The circus of today is not the same as the circus of 20, 30 or even 50 years ago, just as the zoos, and other forms of animal husbandry, have evolved as well.
- Opponents of traditional Australian circus often claim “scientific” evidence to back their claims. The most commonly claimed evidence is a report published by Bristol University in the UK. This “report” is a sham. It is not a “report” at all but a series of statements, taken out of context and selectively edited. Some of the people who have been misquoted, such as Dr Theodore Friend from the University of Texas, have taken great umbrage at having been so misquoted. It is very pertinent to be aware of the fact that the Bristol University group that has put out this “report” is, in fact, a pressure group partly funded by the RSPCA UK. Their “report” is dodgy and is not relevant in any way to traditional Australian circus operating practices.

COMMENTS ON THE BILL:

- The writer has been involved in the development of this Bill since 2006.
- During that time many, many meetings have been held, initially with DNR staff and subsequently with DPI BQ staff. Those meetings have been held, formally and informally, both in Brisbane and at the Darling Downs Zoo.
- As a result of those meetings, and others, the department has taken on board many of the concerns of the zoo industry and the wildlife demonstrator sector.
- However, the department has consistently refused to act on the concerns of the circus industry.
- When challenged about this inaction at the July industry working group meeting we were told that the government intends to phase out exotic animals in circuses in response to “community expectations”.
- I have shown earlier in this document that exotic animals in traditional Australian circuses do not pose a risk under any of the criteria used in the development of this Bill.
- “Community expectations” has never been one of the criteria for the development of this Bill.
- “Community expectations” is a term that is open to misinterpretation. It is wrong to interpret the number of postings on an internet or social media site as a true reflection of community expectations. Experience has shown that these sites can be manipulated and that the majority of postings come from regions and countries beyond the jurisdiction of this legislature.
- The real Queensland “community” votes with its feet and pays to attend circus performances with exotic animals. If it did not, then there would be no need for this submission. Traditional Australian circuses are not funded by grants from the public purse – they have to be viable in order to survive. The fact that they are surviving, and regularly visiting Queensland, is testament to the fact that a large number of Queenslanders do support them.
- Currently, parts of the Bill are flawed, illogical, discriminate against, and are unworkable for, the traditional Australian circus industry.
- In its present form, the Bill will effectively constitute a ban in this State on traditional Australian circuses with performing exotic animals.

CONCLUSION:

- The circus provisions in this Bill are based on false premises and are thus flawed.
- The circus provisions in this Bill are discriminatory.
- The true facts, both historical and contemporary, demonstrate that the traditional Australian circus industry poses no concerns to the biosecurity risk, animal welfare risk and human safety risk obligations addressed by this Bill.
- There is no groundswell of public expectation that this Bill should regulate traditional Australian circuses to the point that this Bill seeks to do.
- To the contrary, Queenslanders overwhelmingly support traditional Australian circuses with animals in this State – they vote for them by buying tickets to attend them.
- Legislation and Regulations for the circus industry are industry specific and cannot be achieved by attempting to fit them into a “one size fits all” piece of exhibited animal legislation.
- Traditional Australian circuses welcome workable regulations and, once again, seek to collaborate with government to achieve this end.

Steve Robinson



Circus Royale has specific opinions and comments on these sections of Queensland Exhibited Animals Bill 2015

4	How purposes are achieved	Australian circuses with performing animals including those exhibiting exotic animals do not pose a risk to animal welfare, human health, safety and or wellbeing. They have a demonstrated history of positive impacts on social amenity and local economies in all areas of Queensland especially rural and remote areas. Touring circuses are short term temporary events that have zero environmental impact. All circuses have prepared Environmental Impact which have shown zero environmental impact.
24	Consultation about codes of practice	Animal Rights is very different to Animal Welfare. Whilst Circus Royale and the Australian Circus Industry support consultation with relevant entities consideration must be given to industry representatives, actual animal owners and exhibitors ahead of those that have an abolitionist agenda. Consultative Committees on Exhibited Animals in other Australian states regulate representation to ensure animal exhibitors, not animal rights have the majority input. A Circus Federation representative place should be included on any committee formed in relation to exhibited animals in Queensland.
26	Chief Executive may make guidelines	Persons who are not animal exhibitors should NOT be allowed to unduly influence or interfere with the exhibited animal industry. Entities that may have an interest should be limited to Industry representatives and licenced animal exhibitors. Those with direct experience of exhibited animals must hold the highest ratio of representation.
29, 30 + 31	Meaning of exhibited animal authority +	Reducing red tape and administrative burdens are stated objectives of all levels of Australian Government. Adding this level of administrative and compliance burden will not achieve any positive outcome for the exhibited animals, the licenced animal exhibitor nor the Queensland Government. Imposing this level of exhibited animal licencing requirement is burdensome and

		<p>unnecessary.</p> <p>WHY? What is the net benefit in such licencing? It means a small travelling family circus operation would have to secure an "exhibition licence", a "temporary authority", a "special exhibition approval", a "primary authority" and an "interstate exhibitors permit" in order to perform in Queensland.</p> <p>These requirements as read discriminate against circus animal exhibitors in comparison to other exhibited animal industries in Queensland.</p> <p>There are better, fairer and more effective ways of regulating the traditional circuses seeking to stage performances in Queensland.</p> <p>Do Not impose this unworkable, discriminatory, and benefit less licencing requirement.</p>
68	Term of exhibited animal authority	There is no valid reason for Interstate Exhibitors to be licensed differently from 3 year Exhibition licence. Primary Authority should be irrelevant once Qld licencing is held.

Closing Comments

Circus Royale as an established (40 year history) Classic circus within the extremely diverse Australian Circus Industry and as a founding member of the Circus Federation of Australasia strongly supports the introduction of workable exhibition animal regulations.

Experienced Circus Royale persons were involved in the formation of the first exhibited animal codes in Australia and have always been committed to regulation compliance.

Our participation in the formation of the NSW and SA and Victorian codes / regulations was cooperative with Animal Advisory Committees listening, learning and ultimately considering the wealth of our first-hand knowledge and practical experience as senior circus animal exhibitors.

The Queensland Exhibited Animals Bill 2015 should be amended to exclude itinerant circus exhibitors.

The proposed legislation is not industry relevant or specific. **It is unworkable and frequently discriminative.**

Circus Royale along with our associates in the classic circus community would encourage the Agriculture, Resources and Environment Committee to develop a circus industry relevant and specific, workable legislation in genuine consultation with the circus industry.

Faithfully,

Damian Syred
 Owner and ringmaster
 Circus Royale – Australia
 Wednesday, 15 April 2015





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