

From: [REDACTED]
To: [Agriculture Resources and Environment Committee](#)
Subject: [SPAM ?] Draft Exhibited Animals Bill 2014 - CIRCUS COMMENTS
Date: Tuesday, 11 November 2014 7:16:15 AM
Importance: Low

The following background and comments on the Draft Exhibited Animals Bill 2014 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 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 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 it's 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 it's 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.
- 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 Marthe 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 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 it’s 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 it’s present form, the Bill will effectively constitute a ban in this State on traditional Australian circuses with performing exotic animals.

SOME SPECIFIC CLAUSES:

4 (a) (i), (ii), (A), (B) and (C) My submission has already shown that traditional Australian circuses with exotic animals do not pose a risk to animal welfare, human health, safety or wellbeing and have a positive impact on social amenity and the economy, particularly in regional areas of the State. As far as can be judged, their effect on the environment is neutral – there certainly is no evidence that they have ever had an adverse effect on the environment.

- **Traditional Australian circus with exotic animals achieves the purposes of the proposed Act without the discriminatory provisions of this Bill.**

16 (3) PROBLEM: Unfair to hold a person “responsible” until they actually successfully secure the mortgage or security.
SOLUTION: Reword to “... if the person successfully secures the mortgage or security ... “

24 (1) and (4) PROBLEM: No obligation for the Chief Executive to consult with industry – only entities which may be opposed to the industry.
SOLUTION: Redefine “entities” to exclude groups or individuals who are not legitimate stakeholders.
Add obligation for Chief Executive to consult with industry.

26 (3) PROBLEM: This wording allows the Chief Executive to seek input from people who have no right to interfere in this industry.
SOLUTION: Redefine “entities” in consultation with the industry working group.

Chapter 3 Part 1

29, 30 and 31 PROBLEM: The requirements for traditional Australian circus in these clauses completely undermine the government’s stated intention of reducing red tape for small businesses. There are too many categories required for traditional Australian circuses resulting in a flawed, unworkable section of the Bill. In it’s present form, this Bill could require a circus to secure an “exhibition licence”, a “temporary authority”, a “special exhibition approval”, a “primary authority” and an “interstate exhibitors permit”. This is quite unnecessary and has come about because of the persistent refusal of the department’s staff to listen to the concerns of people in the circus industry. These requirements also discriminate against the circus industry when compared with other exhibited animal industries in this State.
SOLUTION: Unfortunately, at this late stage the only way to overcome the flaws in this Chapter will be to scrap the whole concept and start again. This is unworkable in it’s present form and is inconsistent with **Chapter 1 Part 2 #3 and #4**. There are better, fairer and more effective ways of regulating the traditional Australian circus industry in Queensland.

40 PROBLEM: There is no provision in these clauses for moving an animal *in* an enclosure – ie an animal living trailer.
SOLUTION: Add circus specific wording in consultation with the industry working group.

59 (1) PROBLEM: This provision is completely unfair and can lead to lazy [or worse] management practices within the department. Department staff over the years have had a history of “losing” applications and/or failing to process paperwork. Even now, the 40 day ruling can be flouted. This clause could relieve staff of the obligation to properly perform the duties that we are paying them to perform.
SOLUTION: Delete this clause. Alternatively, reword it to say that an application is automatically *granted* if we have heard nothing after 40 days.

65 (3) (a) PROBLEM: This is one of the major flaws in this Bill. For the past eight years the government's employees have consistently declined to state what they consider to be the need for this discriminatory requirement. Over those years they have also consistently failed to listen to the circus industry's advice as to why this requirement is unworkable, a restriction of free trade, a curtailment of the industry's rights and is completely unnecessary.

SOLUTION: Completely delete this illogical requirement.

68 PROBLEM: This clause seems to have been designed for wildlife demonstrators but will have [presumably] unintended negative consequences for circus animals. For example, a circus animal may perform a 10 minute act 6 times a week for a total of 40 weeks of the year. Straight away it will be in breach of this provision because exhibition times of under 3 hours duration are not counted. However, if it's 10 minute performance *is* counted, then it will have to perform something like 5400 times a year [instead of it's normal 240 times a year] in order to satisfy the requirements of this clause. This is a further example of nonsensical proposed legislation resulting from department staff refusing to listen to circus people.

SOLUTION: Scrap the circus provisions currently proposed in this Bill and start afresh. Remove departmental staffers with an anti-circus agenda from any involvement with the development of circus regulatory legislation. Listen to the circus people who know what they are talking about.

71 (3) (a) PROBLEM: This prescribes the *minimum* number of animals that can be exhibited. This is unnecessary and unworkable.

SOLUTION: Delete the reference to *minimum* number of animals.

74 (a) serious incident PROBLEM: Confuses *injury* and *illness* and seeks to apply the same requirement to each.

SOLUTION: Redefine and reword in consultation with the industry working group.

89 PROBLEM: This whole section refers to 6 month permits for circus. There has been no demonstrated need for such restrictive permits ever provided by the department. Such permits are unnecessary, discriminatory, unworkable and defy logic. They curtail the traditional rights of Australian circus people to bring their unique form of entertainment to all regions of this vast State. The department has never provided a reason as to why it seeks to restrict trade within the State in this way.

SOLUTION: Delete this section and rework in a manner that will allow circuses to acquire permits for up to 3 years as is the case with other animal exhibitors.

93 (3) PROBLEM: Concern that the current definition of "publicly available parts" may be watered down. The July industry working group workshop unanimously voiced it's opposition to anything other than the information outlined in 2 (a), (b) and (c) of the current draft being made publicly available.

SOLUTION: Ensure that the current wording of 93 (5)

is retained.

CONCLUSION: The traditional Australian circus industry wholeheartedly supports the introduction of industry standards to Queensland. It has consistently sent representatives to meetings with government staff – and has just as consistently been ignored. The industry has a wealth of first-hand knowledge that can be accessed to develop workable, circus specific legislation. Unfortunately this Bill is unworkable from a traditional Australian circus perspective. The department has tried to create a “one size fits all” piece of legislation and it will not work. It is disappointing to see that, after such a long time in preparation, so much of this Bill has merely been cut and pasted from other legislation.

The traditional Australian circus community exhorts the committee to consider abandoning this Bill on the grounds that it is an ill conceived, agenda driven piece of discriminatory legislation in it’s present form. This current Bill will result in an Act that will effectively ban traditional Australian circus with exotic animals in this State.

Alternatively, the committee could recommend that this Bill specifically precludes circuses.

At the same time we exhort the department to develop an industry specific piece of legislation in genuine consultation with the traditional Australian circus industry.

It has been found that the department’s practice of holding consultation sessions with all sections of the industry simultaneously is unproductive. It is just not possible to work through the different concerns of the circus industry, the zoo industry and the wildlife demonstrator sector in the amount of time available in one working day. The *modus operandi* of the circus industry is so different to the way that zoos and wildlife demonstrators operate that an industry specific working group is needed to develop industry specific legislation.

I thank the committee for their consideration of this submission and reiterate my availability to continue to work with government to ensure the best possible outcome for circus animals in this State.

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