

Damian Syred & Circus Royale submission to Agriculture, Resources and Environment Committee on the Queensland Exhibited Animals Bill 2014

Damian Syred Telephone 0410 669 253

www.circusroyale.com.au

Circus Royale ABN 87648527850 P.O Box 1448 Geelong Victoria Australia 3220

Email circus@circusroyale.com.au

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The Research Director
Agriculture, Resources and Environment Committee
Parliament House George Street BRISBANE QLD 4000

Caring for the animals in Damian's Circus Royale

"Our animal partners are healthy, well cared for, and content, and we know that because we have individual relationships with each and every one of them. A relationship built on respect, trust, affection and uncompromising care. Animals who are born in the care of humans, grow up with humans, and live with humans are comfortable working with humans." Damian Syred owner Circus Royale Australia

Professional Animal Trainer Mr Robert Joyce with Circus Royale camels



Circus Royale has domestic animals only. There are no caged animals and the animals presented were chosen because they thrive in the circus environment.

Circus Royale 2014 performances may include the following domestic animals: 5 Domestic horses, 3 Domestic camels, 2 Domestic llamas, 4 Domestic dogs, 6 Domestic geese, 2 Domestic cows.

Damian Syred owner and ringmaster of Circus Royale his animal partnerships, and the physical and behavioural needs of

all his animals are a top priority in Circus Royale.

Damian believes that a positive, healthy environment is the only acceptable method of working with animals. The domestic animals in Circus Royale are fed, watered, groomed and cleaned daily. The entire stable area, including individual stalls, is cleaned regularly. The manure is removed and fresh bedding is provided.



Circus Royale stock in electric fenced exercise area

Circus Royale has an extensive publication of Compliance Documents and detailed Work Methods.

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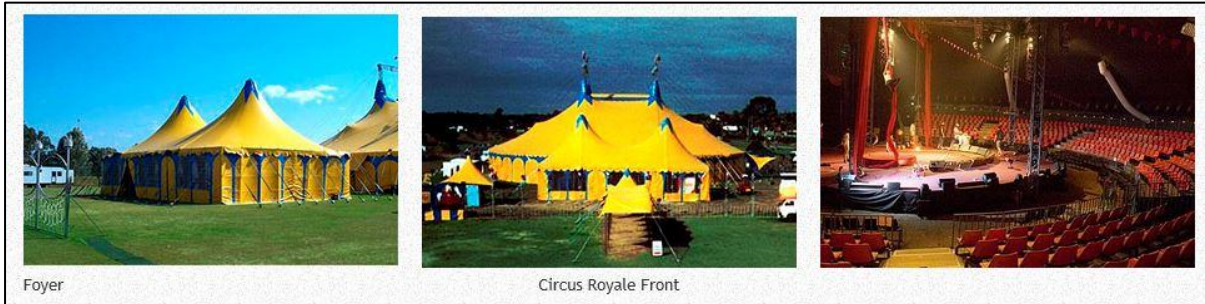
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Circus Royale Australia History and Ownership 1971 to 2014



Circus Royale performing Geese 2014

Circus Royale's founding owner Frank Gasser struck a deal, leasing a big top, some transport, a lion act and an elephant from the Ashton family and "The Swiss Circus Royale", as it was known, hit the road in 1971. As the show grew, so did its audience and reputation.

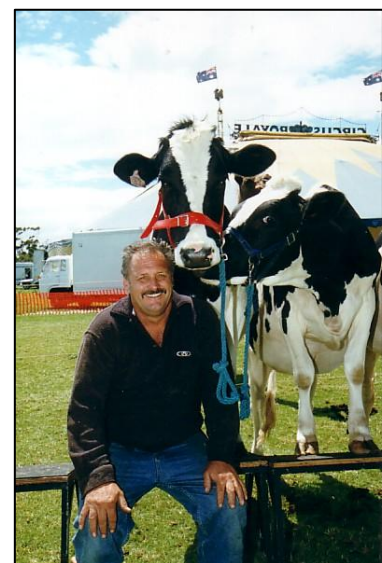
Frank Gasser was a seventh generation Swiss born circus man. His family owned and operated several family circuses in Switzerland including the established Circus Royal.

The Australian based Swiss Circus Royale prospered into the 80's and introduced the first vinyl big top to Australia.

In 1984 the Gasser's show became "Royale American 3 ring Circus" touring Australia and New Zealand until December 1987. During a ten month national tour of New Zealand in 1985 1.1 million people of a population of 3.7million paid to see Frank Gassers American style 3 ring circus.

In 1988; "Royale Super Circus" pioneered Australian circus' first mobile stage, along with a team of dancers and choreographed Broadway style performances.

A tour of South East Asia as "American Circus" followed in 1989, staging shows in Indonesia, Thailand and Malaysia. On returning to Australia in 1991, Coca-Cola sponsored a tour of "Royale Coca-Cola Circus" through the greater Brisbane district and regional Queensland.



Robin Howell and performing cows

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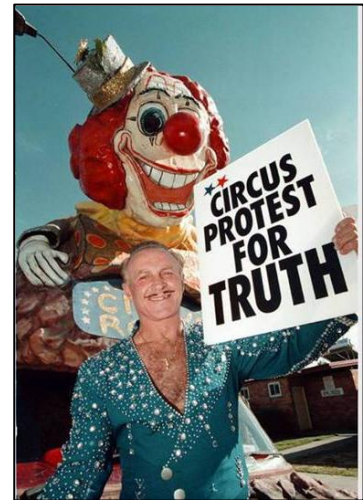
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From 1992, the "Circus Royale" has continued to tour every state of Australia including regular visits to Queensland.

The year 2000 saw the end of exotic animals at the Circus Royale, when the remaining Tiger, Leopard and Panther retired to their new rainforest enclosures at the National Aquarium and Zoo in Canberra.

Animal Rights groups targeting responsible animal care providers for political reasons and protesting about the animal performances in Circus Royale lead management to develop new domestic animal acts like performing cows that continue to be exhibited in Circus Royale shows.



Circus Royale's new proprietor, Damian Syred took control of the circus from the Gasser family at the beginning of 2007. (Damian's love affair with the circus began when he visited the Circus Royale, as a child, in his home town of Perth. His boyhood dream of one day owning the circus, realized nearly twenty years later.)

In 2014, the Circus Royale is an energetic, youthful and colourful production, displaying a mix of domestic animals, comedy and human skills.



Under Damian Syred's ownership Circus Royale is more modest in size and operation and remains professional, modern and entertaining.

www.circusroyale.com.au

Circus Royale founder Mr Frank Gasser protesting outside RSPCA Albury following untrue anti circus statements. Extensive pro circus media coverage resulted in RSPCA issuing public retraction and apology.

Damian Syred presenting Circus Royale performing animals



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Circus Royale images 2014



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Circus Royale questioning of basis for the Queensland Exhibited Animals Bill 2014 proposed greater restrictions on animal circus operations, itineraries and ultimate ban on performing animals

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 circus animals presently being used in the United Kingdom.

That position has not changed in the United Kingdom and is also true for Australia.

With no evidence of welfare concerns and apparently lacking any definable “ethical” grounds, the basis for the Queensland Exhibited Animals Bill 2014 greater restrictions on circus with performing animals operations and itineraries appears to be based on opinions only.

Most “arguments” advanced to support restrictions on circus animals concern aspects of circus 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 valid basis for the proposed ultimate Queensland ban on circus animals and greater restrictions on circus operation and itineraries. There is currently insufficient evidence of irredeemable welfare problems in traveling circuses with wild animals to justify a ban on welfare grounds or opinions.

The 2007 UK 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 or remain in Queensland for longer than 6 months on licence?

Once the welfare arguments are set aside, what remains as the legal and factual basis for the proposed ultimate Queensland ban on circus animals 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 most frequent inquiry at the Circus Royale ticket office when the circus comes to town is “which species of animals are in the show?”

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A 2006 Leisure Industry analysis records that traditional circuses in Australia attracted approximately 1.3 million paid visits in one year, a larger numbers of paying patrons than opera or rugby.

Irish Arts Council 2006 survey by the found that more Irish visit the circus than ballet, opera and contemporary dance combined. Independent market research by a German firm (GfK) in 2008 found that 6.4 million Germans visited a circus performance in 2007. The survey found that 86% of randomly selected persons surveyed believe that animals are an essential part of the circus.

Live Performance Australia's published 2014 Audience Survey showed circus performances both classic and contemporary combined were the strongest growth sector of Australian entertainment.

Countries across Europe and elsewhere continue to regulate, not ban, animals in the circus. This shows governmental respect for the training and presentation of animals in a circus setting and reflects the ongoing appeal of the classical circus to the public. Animal trainers are professional persons employed full time in their chosen careers.

Australian circus owners like those in France, Germany, Italy, Switzerland and other countries, proactively formed together and organised the first Australian Code of Practice for the Exhibition and Husbandry of Circus Animals. Specific rules for travelling circuses requiring proof of inspection of facilities, husbandry, recordkeeping and other aspects. These self-imposed guides and standards formed the basis of the first state regulations enacted in New South Wales.

Is the only apparent purpose of the Queensland Exhibited Animals Bill 2014 to create a legal barricade to stop those who have a high opinion of circus and value the opportunity to see well cared for performing animals in the classical circus from doing so?

Its effect will be to stop Queensland trainers and presenters from exercising their legal right to live and carry out their trade here in Australia. To prohibit interstate licensed circus exhibitors from conducting their performance with any animal, just because a tiny vocal portion of Queensland society prefers a different form of entertainment is nothing short of censorship of those who do not subscribe to animal rights agendas.

The Queensland 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 like rural and remote areas of Queensland.

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 circus animal welfare.

Often the first entertainment Queensland children see in a classic circus with animals. This is especially true for children living in rural and remote Queensland. Circus is unique in that it takes its entertainment to all areas of Queensland both the larger cities and the tiny village communities.

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In 2005, the European Parliament adopted a resolution in which it noted that it “would be desirable for it to be recognised that the classical circus, including the presentation of animals, forms part of European culture” and urged “the Member States who have not already done so to recognise the circus as part of European culture.”

Now that Australia has appropriate animal welfare and licensing regulations in place in every state and territory, it would behoove all Australian Governments both nationally and state to look to protect the cultural heritage of Australian traditional circus rather than destroying it on the basis of what comes down to personal taste concerning performing animals in circuses.

Circus Royale specific objections to sections of Queensland Exhibited Animals Bill 2014

4	How purposes are primarily achieved	1
	The purposes of this Act are to be achieved primarily by—	2
	(a) imposing a general obligation on persons exhibiting and dealing with exhibited animals to prevent or minimise—	3
		4
	(i) the relevant risks associated with exhibiting and dealing with exhibited animals; and	5
		6
	(ii) the adverse effects of the escape or release of exhibited animals or other events caused by exhibiting or dealing with exhibited animals on each of the following—	7
		8
		9
		10
	(A) animal welfare;	11
	(B) human health, safety and wellbeing;	12
	(C) social amenity, the economy and the environment; and	13
		14

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 Statements for Local Government regulators in most areas of Australia and all of these have shown zero environmental impact.

24(1) and (4)

24	Consultation about codes of practice	19
	(1) Before the making of a code of practice under this part is recommended to the Governor in Council, the chief executive must consult with relevant entities.	20
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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.

(4) In this section—	3
<i>relevant entities</i> means entities the chief executive considers have an interest in matters relating to exhibiting and dealing with exhibited animals.	4
<i>Examples of types of entities—</i>	7
entities from community groups or professional and industry associations	8
	9

Circus Industry exhibitor and work methods are intimately known and understood by the professional animal exhibitors and members of the Circus Federation of Australia. A Circus Federation representative place should be included on any committee formed in relation to exhibited animals in Queensland.

26(3)

(3) Before making a guideline, the chief executive must take reasonable steps to allow entities the chief executive considers may have an interest in the proposed guideline to give the chief executive written submissions about it.	21
	22
	23
	24

Persons who are not animal exhibitors should NOT be allowed to 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. Chapter 3 Part 1 29, 30 and 31

29	Meaning of <i>exhibited animal authority</i> and relevant references	20
		21
(1)	An <i>exhibited animal authority</i> is an authority of a category mentioned in section 30 given under this chapter for exhibiting and dealing with an exhibited animal.	22
		23
		24
(2)	Unless otherwise provided, a reference to an authority or an exhibited animal authority in relation to an authorised animal	25
		26



30	Categories of exhibited animal authorities	14
	The chief executive may give exhibited animal authorities of the following categories—	15 16
	(a) an exhibition licence;	17
	(b) a permit (an <i>interstate exhibitors permit</i>) to exhibit and deal with an animal in this State if the animal is the subject of an interstate authority;	18 19 20
	(c) an authority (a <i>temporary authority</i>) for a person to deal with an animal for the purpose of—	21 22
	(i) obtaining an exhibition licence for the animal; or	23
	(ii) disposing of the animal.	24
31	Meaning of <i>special exhibition approval</i>	25
	A <i>special exhibition approval</i> is an approval given by the chief executive to the holder of an exhibition licence to exhibit and deal with an authorised animal (category 2) at either of the following places identified in the approval—	26 27 28 29

Reducing red tape and administrative burdens are stated objectives of all Australian levels of 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 unworkable and unnecessary.

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. WHY? What is the net benefit in such licencing?

These requirements as read discriminate against circus animal exhibitors in comparison to other exhibited animal industries in Queensland.

There are better, fairer and more effective ways of regulating the traditional circuses seeking to stage performances in Queensland.

Do Not impose this unworkable, discriminatory, and benefit less licencing requirement.



65	Term of exhibited animal authority	13
(1)	An exhibited animal authority remains in force, unless sooner suspended or cancelled, for the term decided by the chief executive and stated in the authority.	14 15 16
(2)	However, the term of an exhibition licence must not be more than 3 years.	17 18
(3)	Also, the term of an interstate exhibitors permit—	19
(a)	must not be more than 6 months; and	20

65 (3) (a) The limiting on interstate exhibitors permits to six months only is unnecessary and unprecedented in animal regulation anywhere in Australia.

Why is it necessary to restrict any animal exhibitor from interstate to a maximum of 6 months operation in Queensland? Is this not restriction of free trade and direct discrimination in comparison to other Queensland animal exhibitions licenced to trade 365 days annually?

This limit of 6 months maximum is a curtailment of itinerant circus exhibitors rights and completely without benefit or necessity.

68	Minimum exhibition period for authorised animal (category 2)	8 9
(1)	This section applies to exhibiting an authorised animal (category 2) of a species identified in an exhibition licence, whether the animal is identified in the licence as a particular animal or only by reference to its species.	10 11 12 13
(2)	It is a condition of the licence that at least 1 authorised animal of the species must be exhibited—	14 15
(a)	if animals of the species have been kept under the licence for 1 or more whole years—for a combined total of at least 900 hours in each whole year; and	16 17 18
(b)	if animals of the species have been kept under the licence for part of a year to which paragraph (a) does not apply—for a combined total of at least the nearest whole number of hours proportionate to 900 for the period for which the animals have been kept.	19 20 21 22 23
(3)	An animal is exhibited for subsection (2) only to the extent it is exhibited for at least 3 hours on each occasion it is exhibited.	24 25 26
(4)	However, despite section 13(2)(a), the display of an animal at a private event is not an exhibition of the animal for subsection (2).	27 28 29

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Circus Royale animal performances last on average 10 minutes and are performed on average of 6 times per week for approximately 40 weeks annually. During 2014 Circus Royale has performed approximately 240 performances of 2 hour duration.

Each of the 2 hour performances contained several exhibited animal shows that lasted 7 to 10 minutes each. On average 28 minutes of the 2 hour performance involved exhibited animals.

This section does not consider average performance times for exhibited circus animals and will potentially have negative consequences for all exhibited circus animals.

71 (3) (a)

- | | |
|---|---|
| (3) Without limiting subsection (2), the conditions may be about any of the following— | 4 |
| | 5 |
| (a) the maximum or minimum number of authorised animals that may be exhibited and dealt with under the authority; | 6 |
| | 7 |
| | 8 |

Prescribing the minimum number of exhibited circus animals is unnecessary. Regulating maximum numbers may have validity however regulating minimum numbers is unnecessary and burdensome.

- | | |
|---|----|
| 89 Deciding application for special exhibition approval | 18 |
| (1) If the application is made under section 87(1), the chief executive must consider the application and decide to— | 19 |
| | 20 |
| (a) grant the special exhibition approval; or | 21 |
| (b) grant the special exhibition approval on conditions; or | 22 |
| (c) refuse to grant the special exhibition approval. | 23 |
| (2) Without limiting subsection (1), the chief executive must have regard to any contravention of an exhibited animal direction by the applicant. | 24 |
| | 25 |
| | 26 |
| (3) However, the chief executive may grant the special exhibition approval only for a period ending no later than— | 27 |
| | 28 |
| (a) 6 months after the grant of the approval; or | 29 |

Annual or 3 or 5 year permits is the norm for circus approvals in all states and territories of Australia. This applies to animal licencing, temporary structure approvals, design certifications and all aspects of regulation.

Queensland is a vast state and circus has traditionally taken its entertainment to rural and remote areas as well the larger cities. Circus Royale knows of no reason operational or other reason why it would be necessary to impose a 6 month limitation on the exhibition of circus animals. Prohibition by regulation can be the only reason for such trade limiting, discriminatory and unworkable time frames.

Other animal exhibitors are being offered 3 year permits under this legislation. Why is it necessary to limit circus exhibition to 6 months maximum?

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93(3)

- (3) The publicly available part of the register must be published on the department's website. 9
10

Circus Royale sees value in selected information being available. Information that is of a commercial nature should be confidential. The information outlined in 2 (a), (b) and (c) of the current draft being made publicly available is acceptable.

Closing Comments

In closing Circus Royale as an established long standing entity within the Australian Classic Circus Industry and a founding member of the Circus Federation of Australasia strongly supports the introduction of practical circus animal exhibition 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 regulations was cooperative with the NSW Animal Advisory Committee listening, learning and ultimately considering the wealth of first-hand knowledge and practical experience that senior circus animal exhibitors provided.

The Queensland Exhibited Animals Bill 2014 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
Tuesday, 11 November 2014

