

10.20.Circus Policy - Amended

AUTHOR: Danielle Birkbeck, Snr Sustainability Programs Coordinator

ENDORSED BY: Peter Massey, Acting Director Open Space and Environmental Services

ATTACHMENTS:

1. Amended Circus Policy 2022 - Oct 2022 [**10.20.1** - 2 pages]

PURPOSE:

This report responds to the Council resolution of 22 August 2022:

2. THAT a further report be provided regarding the Circus Policy to reflect modern ethical and structural standards of animal use and exploitation.

EXECUTIVE SUMMARY:

In response to the above-mentioned resolution, research has been undertaken regarding live animals at circuses. It is proposed that Council's *Circus Policy* be amended to include the following provisions:

- A. Council expects exhibitors that use domestic animals in exhibits, keep the animals in accordance with all relevant legislation including the *RSPCA Policy - C02 Performing Animals*.
- B. Council reserves the right to revoke its permission to operate a circus with domestic animals on Council land if it is found to be in breach of any legislation or regulation protecting the welfare of animals.

This policy is categorised 'operational'. In accordance with Council's corporate policy framework, the amendment was approved by the A/General Manager on 24 October 2022. It is recommended that the *Circus Policy* be re-adopted by the Council and that public exhibition is not required.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with the proposed policy amendments.

RECOMMENDATION:

1. THAT Council strengthens its existing Circus Policy to include the following provisions:

- A. Council expects exhibitors that use domestic animals in exhibits, keep the animals in accordance with all relevant legislation including the *RSPCA Policy - C02 Performing Animals*.

B. Council reserves the right to revoke its permission to operate a circus with domestic animals on Council land if it is found to be in breach of any legislation or regulation protecting the welfare of animals.

2. THAT the amended Circus Policy be re-adopted by the Council and that public exhibition is not required.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment
- 1.2 Environmentally sustainable community
- 1.4 Well utilised open space and recreational facilities

BACKGROUND

Council's *Circus Policy* has been reviewed to reflect modern ethical and structural standards of animal use and exploitation. Research into the general status of circuses in Australia in conjunction with a review of current legislation, policies and standards was undertaken to ascertain if amendments were needed.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Current Situation

Currently in Australia there are around one dozen circuses in operation. Nowadays, these circuses mostly involve the use of people as trapeze artists, aerial artists, jugglers and in sport exhibits (e.g. motor cross). These modern-day circuses feature only minimal use of domesticated animals such as horses, dogs and goats. Exotic animals such as lions, elephants and monkeys haven't been used in circuses since 2021 when the last remaining company to exhibit them, The Stardust Circus, were unable to get insurance for the animals. As a result, the company revamped their circus to be more people-centric and re-homed the exotic animals in zoos. It is expected that circuses featuring exotic animals will never occur again in Australia.

Legislation and Regulations

For those circuses that do include domestic animals in their shows, they must follow strict adherence to the legislation and policies that apply to their welfare.

The *Exhibited Animals Protection Act 1986* (the Act) governs exhibitors so that they provide the required standards of care, presentation and safety for the animals. Under the legislation, the NSW Department of Primary Industries (DPI) must issue an authority (permit, license or approval) that details the steps exhibitors must take to house and care for their animals. Different authorities are needed depending on how the animals are exhibited and the type of animals intended to be exhibited.

NSW DPI is also the enforcement agency for the Act, with inspectors regularly visiting the exhibitions to ensure compliance. Advice is received from the Exhibited Animals Advisory Committee, which comprises representatives from industry, animal welfare groups and government.

The standards incorporated into the Act are set out in the *Exhibited Animals Protection Regulation 2021*. These standards have been developed to ensure the welfare of exhibited animals and cover a range of areas including a) psychological and physical animal welfare; b) educational value of exhibits; c) public safety; and d) requirements for new or existing exhibits.

Further, exhibitors of animals must also adhere to the following legislation and regulations and are expected to comply with the RSPCA Policy on performing animals:

- *Prevention of Cruelty to Animals Act 1979*
- *Prevention of Cruelty to Animals Regulation 2012*
- *RSPCA Policy C02 Performing Animals*

North Sydney Council Policy

Council's *Circus Policy* defines a circus as 'an entertainment facility open to the public, established on a temporary basis within the local government area (LGA), which includes the display of performing animals'. The Policy requires landholders' consent, followed by the lodgment of a Development Application, with consideration only given on receipt of the appropriate permits/-licenses.

Council has not received any applications to hold a circus in the North Sydney LGA for well over 20 years, most probably due to the lack of available land needed to house an event of this scale. Should a licensed exhibitor approach Council to hold a circus in the LGA, the only suitable location is St Leonards Park, and consent would not be viewed favourably due to the impact that such an event would have on the infrastructure and amenity of the park.

The Policy's provisions for approval effectively preclude a circus being approved in the LGA, however if one was deemed reasonable no exotic animals could be exhibited and any domestic animals involved would be governed by the strictest adherence to animal welfare legislation and regulations.

To further strengthen the Council's existing Policy, consideration could be given to the inclusion of a provision regarding adherence to the RSCPA Policy for performing animals - *C02 Performing Animal*.

The amendments are marked up on the attached, shown in red font italics to indicate new/additions.

Use of animals in educational displays

It should be noted that some Council teams will, from time to time, use domestic or native animals for educational and therapy purposes. Staff that run these events ensure that all service providers have the relevant licenses and permits and are certified exhibitors whom they have worked with before.

The use of these animals in an event enhances the mental health and wellbeing of the North Sydney community as well as helping with the understanding and subsequent preservation of our native wildlife. By educating the community on native animals through displays and interaction we are encouraging them to look after the wildlife in our local area and helping them to better understand their needs.



CIRCUS POLICY

D1-01

Page 1 of 2

Policy Owner: Director Open Space and Environmental Services

Category: Operational

Direction: 1. Our Living Environment

1. STATEMENT OF INTENT

- 1.1 This Policy aims to ensure that circuses occurring within the North Sydney local government area are managed in accordance with the required standards.

2. ELIGIBILITY

- 2.1 The Policy applies to any Circus seeking approval to operate within the North Sydney local government area.

3. DEFINITIONS

- 3.1 Circus - an entertainment facility that is open to the public, established on a temporary basis within the Council area, which includes the display of performing animals.

4. PROVISIONS

- 4.1 Circus performances involving animals may be permitted in the North Sydney local government area. However, the applicant must first receive the landholders' consent for the area on which the circus is to operate and then lodge a Development Application for Council's consideration.
- 4.2 Council will only consider a Development Application on receipt of the appropriate permits from the relevant authorities regarding exhibiting the specific animals involved in the circus performance.
- 4.3 *Council expects exhibitors that use domestic animals in exhibits, to keep the animals in accordance with all relevant legislation including the RSPCA Policy - C02 Performing Animals.*
- 4.4 *Council reserves the right to revoke its permission to operate a circus with domestic animals on Council land if it is found to be in breach of any legislation or regulation protecting the welfare of animals.*

Re-adopted by Council [insert date]

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Council's Director Open Space and Environmental Services is responsible for administering this Policy.
- 5.2 Council's Development Services Department is responsible for assessing Development Applications.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Community Strategic Plan

The Policy should be read in conjunction with the following documents/legislation:

- Environmental Assessment and Planning Act 1979
- Exhibited Animals Protection Act 1986
- Exhibited Animals Protection Regulation 2021
- Local Government Act 1993
- *RSPCA Policy - CO2 Performing Animals*
- Standards for Exhibiting Circus Animals in NSW 2019
- Standards for Exhibiting Animals at Mobile Establishments 2019

Version	Date Approved	Approved by	Resolution No.	Review Date
1	2 August 2004	Council	794	2008/09
2	16 February 2009	Council	61	2012/13
3	18 February 2013	Council	61	2016/17
4	25 June 2018	Council	214	2020/21
5	24 October 2022	A/General Manager	-	2021/22
6	[insert date]	Council	[insert Min. No.]	2024/25

Re-adopted by Council [insert date]