

## CHAPTER 8

### CONCLUSIONS AND RECOMMENDATIONS

8.1 Proprietors of oceanaria have drawn attention to the benefits of holding cetacea in captivity - both for humans and for cetacea. For humans these benefits have been enjoyment and increased understanding of cetacea and the natural world generally. For the cetacea themselves oceanaria claim to have contributed to their preservation and conservation by fostering public awareness and by scientific study.

8.2 The Committee acknowledges the past contribution made by oceanaria in raising awareness and advancing knowledge about cetacea. It also acknowledges the role which has been performed by oceanaria in conservation and preservation, both indirectly by fostering interest and concern and, more directly, through research and through rescue and rehabilitation of sick and stranded animals.

8.3 An examination of some of the evidence has indicated to the Committee, however, that cetacea in captivity have suffered stress, behavioural abnormalities, high mortalities, decreased longevity and breeding problems. While it notes that, in Australia, the overall record for mortalities in oceanaria over the last five years is better than for oceanaria overseas and that a number of variables must be taken into account when examining the evidence, the Committee is, nevertheless, of the opinion that cetacea generally have paid a high price for the dubious advantages of captivity.

8.4 Furthermore, the Committee points out that, with one exception, Australian oceanaria have not made a substantial contribution to cetacean conservation and preservation in the sense that few of the major threats to cetacean welfare in the wild has been addressed by oceanaria. Four of the seven Australian oceanaria do not have research programmes.

8.5 With regard to their educational role, the Committee notes that three Australian oceanaria have no educational programme and that of the fourth is very limited. The greatest emphasis, in the majority of oceanaria, has been on the relationship of cetacean to trainer in the captive situation and, in most cases, the display of cetacea has not attempted to teach people about their natural habitat. Some cetacea are trained to perform unnatural behaviours.

8.6 The Committee draws attention to the problems inherent in the administration of the present system for the protection of cetacea. Responsibility for cetacean protection and welfare is divided between Federal and State Governments. However, only Victoria, New South Wales and Western Australia have drawn up guidelines to be complied with by applicants under the legislation. The national guidelines drawn up by ANPWS for applicants under the Whale Protection Act are only used where the application is made to capture cetacea from Commonwealth waters. It is probably not possible to police the capture of cetacea to ensure that it is done within the appropriate jurisdiction. The Committee is of the opinion that the existing ANPWS guidelines do not adequately specify educational and research requirements for oceanaria. The problems of the present system of licensing and regulating oceanaria in Australia are exemplified by the differences in the establishment of the one at Hamilton Island and the proposed one at Keysborough in Victoria.

8.7 The Committee is of the opinion that evidence points to the probability that cetacea are highly intelligent animals with complex social behaviour. As the scientific community has not yet reached a full understanding of the nature of the animal, the Committee believes that it is important to give the animal the benefit in considerations on its future in captivity, especially where captivity has been shown to be mainly for the purposes of entertainment in Australian oceanaria.

8.8 The Committee concludes that the benefits of oceanaria in Australia for humans and cetacea are no longer sufficient to justify the adverse effects of capture for captivity.

8.9 Therefore, the Committee RECOMMENDS that no further facilities for keeping captive cetacea be permitted to be established in Australia and that no further permits be issued for the capture of cetacea in Australian Commonwealth or State waters. It further RECOMMENDS that importation of cetacea from overseas be banned.

8.10 The Committee also RECOMMENDS that existing oceanaria be allowed to continue keeping cetacea for the time being but that the keeping of cetacea should eventually be phased out unless further research justifies their continuance.

8.11 Under the Commonwealth 'Guidelines for the Preparation of Applications for Permits for Live Display, Scientific or Educational Purposes 1982', applicants for a permit for scientific or educational purposes are required to submit much more detailed information on scientific or educational projects than applicants for a live display permit. This includes the names and addresses of sponsors or co-operating institutions and the scientists or educationalists involved, a copy of the formal research proposal or contract and a statement of whether the proposed research has broader significance than the individual

researcher's requirements, or responds directly or indirectly to recommendations of any national or international scientific body charged with research or management of cetacea and, if so, how.

8.12 The Committee RECOMMENDS that existing oceanaria be required to submit to more stringent assessments of educational and research functions by supplying detailed information similar to that required for applicants for scientific and educational permits in current Commonwealth guidelines and to be able to show that education and research constitute a significant component of the oceanarium's activities.

8.13 In keeping with the accepted policy of presenting animals in a manner which improves public awareness and understanding of cetacea, the Committee RECOMMENDS that display programmes in oceanaria be designed in such a way as to present only natural forms of behaviour and the facility to approximate more closely the cetacean's natural environment.

8.14 Only some States have guidelines, and national guidelines for applicants under the Whale Protection Act are only used where the application is made to capture cetacea from Commonwealth waters.

8.15 The Committee RECOMMENDS that national standards for the maintenance and care of captive cetacea be drawn up by the ANPWS in consultation with the State Government authorities, members of the captive cetacean industry and other people with knowledge of cetacean welfare for use by authorities responsible for captive cetacea in each State. The Committee further RECOMMENDS that national standards include standards for assessments of financial viability, natural display and educational and research components of captive cetacean display as well as covering all aspects of maintenance, handling and care of captive cetacea. These standards would replace guidelines for permit applications.

8.16 The Committee supports the proposal for a licensing system for owners and managers of oceanaria in addition to the existing provisions for licensing the oceanarium facility and RECOMMENDS that such a system be implemented.

8.17 It is the Committee's view that some of the existing oceanaria would not satisfy revised criteria for cetacean care and facilities and for educational and research components of cetacean display. The view was commonly expressed in evidence to the Committee by both opponents and proponents<sup>1</sup> of oceanaria, that these establishments should be made to upgrade their captive cetacean facilities within a specified period or close them down.

8.18 The Committee RECOMMENDS that authorities responsible for captive cetacea in each State assess any oceanaria within that State against the established national standards and, where it is found that the captive cetacean facility is unable to comply with these standards, a specified time be allocated for improvements, and if, after this period, the facility is still unable to comply with these standards, it be closed down.

8.19 The Committee recognises the time and staff constraints of State authorities responsible for captive cetacea. It notes that national bodies such as the ANPWS consult non-government organisations and individuals in matters concerning cetacean welfare. It notes also that representatives of oceanaria have established an organisation for exchange of views, dissemination of information and regulation of the industry.

8.20 The Committee RECOMMENDS that a national advisory body be established comprising representatives from Federal and State Government authorities, non-government organisations and oceanaria, which would advise the Federal and State Governments on matters relating to cetacea, both captive and in the wild and to encourage and monitor research in this area.

8.21 The Committee, recognising the role played by some oceanaria in the rescue and rehabilitation of sick and stranded animals, RECOMMENDS that oceanaria continue this work provided that it is directed towards returning the animals to their natural environment, where possible, and that the cetacea are not rescued with the ultimate intention of rehabilitating the animal for the purposes of display and of circumventing the directive that no more wild cetacea be captured.

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Chairman