

## CHAPTER 1

### INTRODUCTION

1.1 The Senate appointed the Committee on 16 November 1983 and reappointed it on 22 February 1985 in the new Parliament to inquire into and report upon:

'the question of animal welfare in Australia, with particular reference to:

- (a) interstate and overseas commerce in animals;
- (b) wildlife protection and harvesting;
- (c) animal experimentation;
- (d) codes of practice of animal husbandry for all species; and
- (e) the use of animals in sport.'

1.2 After preliminary hearings in mid 1984, the Committee decided to concentrate initially on two areas of animal welfare - the export of live sheep from Australia and kangaroo welfare and management. The Committee reported on live sheep exports on 13 August 1985.

1.3 After representations were made to the Committee by animal welfare organisations about the welfare of cetacea (dolphins and whales) held in captivity and the proposed establishment of an oceanarium at Springvale, Victoria, the Committee held a public hearing in July 1984 to take evidence from Project Jonah, the Australian Conservation Foundation and the Australian Federation of Animal Societies. It held a further

hearing in September 1984 to take evidence from the management of the proposed Victorian oceanarium. That meeting was curtailed and the taking of further evidence was postponed until after the Federal election.

1.4 In October 1984, the Minister for Home Affairs and the Environment refused the application of Marine World, Victoria for a permit to capture cetacea in Commonwealth waters for the proposed Victorian oceanarium. He indicated, however, that the matter might be reconsidered later in the light of any recommendations on captive cetacea from this Select Committee. The Victorian Government, noting that the question of captive cetacea was being considered by the Committee, decided to defer a decision on the keeping of cetacea in captivity in Victoria until the Committee had reported its findings to the Senate.

1.5 The Committee decided, in view of the circumstances, to give priority to the examination of captive cetacea. This meant that consideration was given to one species of captive animals out of the context of the general issue of holding animals in captivity, such as in zoos, circuses or even other marine animals in marine parks.

1.6 Most captive cetacea are kept in establishments in which other marine animals are also kept. The Committee has used the term 'oceanaria' to describe such establishments. This term is synonymous with 'marine parks', a term which the oceanarium industry often uses to describe their establishments. The term 'dolphinarium' or 'dolphinaria' is used occasionally where an establishment maintains only cetacea and the Committee wishes to emphasise that fact. The Committee also uses the phrase 'captive cetacean facility' or a similar phrase where it wishes to identify that part of an oceanarium in which cetacea are kept.

1.7 Representatives from Government departments, marine mammal specialists and scientists gave evidence and made submissions together with other interested individuals and concerned groups from both sides of the debate. In addition, Dr Paul Spong and Professor Kenneth Norris were brought to Australia by animal welfare organisations and marine parks respectively to represent their respective interests.

1.8 The Committee found that, while there were some marine mammal experts in Australia, little scientific study had been done on cetacea in captivity in Australia. It was necessary therefore to look further for documented evidence in scientific and other papers published overseas.

1.9 However, a heated and often acrimonious debate both in Australia and overseas has developed over the findings and interpretations of much of the evidence put forward. Each side has denounced the findings of the other and frequently called into question the qualifications and integrity of particular people.

1.10 This forum of debate has made objective study of the material difficult and highlights the problems faced by the Committee in trying to establish whether cetacea should be kept in captivity.

1.11 There has also been much debate about the nature of cetacea. Available evidence points to the probability that cetacea have complex social behaviours and are highly intelligent. In the absence of any strong evidence to the contrary, the Committee has given cetacea the benefit when assessing the impact of captivity on them.