

National Assembly for Wales All Party Group for Animal Welfare (APGAW)
Annual Conference 24th January 2006

In Attendance

Chair, Lorraine Barrett AM (Lab, Cardiff South and Penarth)
 Claire Lawson, RSPCA Cymru Wales
 Brynle Williams AM (Con, North Wales)
 Mick Bates AM (Lib Dem, Montgomeryshire)
 Daniel Turner, The Born Free Foundation
 Sian Edwards, Dogs Trust
 Roy Peckham, Pit Pony Sanctuary
 Norman Brown, International League for the Protection of Horses
 Suzanne Campbell, Protection of Wild Animals
 John Campbell, Protection of Wild Animals
 Lionel Ford, The Donkey Sanctuary
 Alan Streeter, Office of the Chief Veterinary Officer for Wales
 Leslie Thomas, Greyhound Rescue Wales
 Alain Thomas, Greyhound Rescue Wales
 Alison Hobbes, AM Support Staff John Marek
 Kathryn Jenkins EPC Committee Clerk
 Ifan Lloyd, British Veterinary Association
 Chris Jones, AM Support Staff Lorraine Barrett
 Paul Pavia, Conservative Group Research Unit
 Secretariat, Lucy Merredy and Rahel Jones, Morgan Allen Moore Cymru

Item 1: Chair's welcome and introduction

Lorraine Barrett AM introduced the speaker, Daniel Turner from The Born Free Foundation and welcomed members. The Chair noted the presence of Welsh Assembly Government Officials Kathryn Jenkins and Alun Streeter, and then asked all attendees to briefly introduce themselves and the bodies they represent.

Item 2: Presentation from the Born Free Foundation on Wild Animals in Circuses

Daniel Turner made the following points during his presentation:

- The Born Free Foundation cares about domestic animals but the focus of the presentation today is on wild animals.
- There is a committee meeting on the Animal Welfare Bill taking place in Westminster today.
- The Foundation is running a campaign related to the Animal Welfare Bill. This presentation looks at scenarios where the needs of animals cannot be provided for under certain practices.
- Born Free is an organisation which works for the welfare of captive animals worldwide. It is against the use of animals in captivity for entertainment but is also realistic in its outlook on what it can achieve. The organisation works with others to improve the lives of wild animals and seeks to improve legislation and draft legislation which is likely to affect the welfare of these animals.
- It is the welfare of animals that is paramount, not the number of animals held in or entering captivity.
- 'Compassionate Conservation' is one of the Foundation's objectives, along with protecting animals in the wild. The Foundation undertakes research, community and education projects relating to animal welfare. It lobbies internationally for their rights.
- The discussion today is about the Animal Welfare Bill and the remit of the Born Free Foundation is specifically wild animals. Therefore the presentation focuses on what the passage of the Bill will mean for them.
- The Animal Welfare Bill is a huge improvement on the 1911 Act, mainly because it introduces tougher measures.
- The positives of the Bill are that it harmonises legislation. There will be enabling abilities and as we learn more from science our capabilities to cater for the needs of animals will be improved. The most important area is the recognition that all animals have basic needs and that everyone must provide for these basic needs.
- Clause 8 of the Bill refers to Welfare Offences and concerns the provision of basic needs. There are five areas or freedoms animals must be given:
 1. Suitable environment.
 2. Suitable diet.
 3. Ability to express normal behaviour.

4. Housing with, or apart, from other animals.
 5. Protection from pain, suffering, injury and disease.
- This is a huge step forward but there is room for misinterpretation. The Bill should provide interpretation of these freedoms, but it fails to do so. What constitutes suitable freedom for one animal may not be suitable for another.
 - This is up for discussion in secondary legislation and within codes of practice, which can recommend good practice.
 - The animal must be able to behave as it would do in the wild. For example a monkey should not be housed or caged in a domestic home.
 - An animal can develop abnormal behaviour when it is trying to cope without a stimulating environment.
 - The Born Free Foundation's campaign aims to influence the Bill in order to bring an end to the use of wild animals in circuses as the five areas of freedom cannot be provided for in these regimes.

Video footage of wild animals and their treatment in circuses was shown to the group.

Chair, Lorraine Barrett AM asked where the video footage had been filmed.

Daniel Turner replied that it was mainly filmed in America and Germany. There is nothing to suggest that conditions and practice are any different in the UK, the training and management will be the same. The Chipperfield case was not used as an example in the video as it is an old case and does not reinforce our aims today. There is no legislation in place to prevent animal circuses from other countries performing in the UK.

Daniel Turner continued the presentation and noted:

- Feedback received from Westminster regarding the five freedoms show that the general consensus is that circus practices have been going on for many years and there is no evidence on a scientific level to show that needs cannot be catered for by a circus regime.
- With regard to a suitable environment, animals are kept in small, cramped cages. This is necessary in circuses because they are always on the move. They generally stay in each location for a week, holding performances twice a day. Whereas they used to spend six to seven months a year on the road, they now have to be on the road for the majority of the year to survive. When not travelling they stay in permanent winter quarters for three to four months. There is no legislation to assess that these quarters meet standards. Conditions in the circuses are generally cramped.
- Lions and tigers are kept in enclosures for the majority of the time; currently there are five tigers and seven lions in the UK. Some circuses have an exercise cage but these are also very small and do not allow them to express normal behaviour.
- There is a large amount of evidence to show that the needs of animals cannot be met in a circus regime, as the Act prescribes.
- Animals need to be stimulated. To cope with boredom they can develop abnormal behaviour such as stereotypic behaviour and self-mutilation. An example of this is elephants – to keep stimulated it is best for them to be kept with other elephants but they are generally kept apart or in pairs.
- Another method of stimulation is food. Putting a bowl of fruit in front of an animal in the same place and same way every day is not stimulating. Giving an elephant a branch with food on it is far more stimulating and reduces abnormal behaviour. The animal will spend a long time stripping the bark and chewing on it – this stimulation is very simple and easy to do. Making life more interesting for the animal is very important, it prevents them from swaying from side to side as is so often seen and will reduce the need to use shackles.
- Sufficient diet is not provided for animals. He cited that it is not sufficient to give a lion the same meal of chicken every day as it does not provide the animal with the minerals it needs, which leads to conditions such as paralysis.
- The ability to express of normal behaviour should allow animals to display attributes it would in the wild, for example the encouragement of foraging would allow animals to express normal behaviour, or the keeping of elephants in groups of more than one or two. Housing is another area of concern – social animals should be kept with their own kind, while others need to be on their own.
- In order to get an animal to perform abnormal behaviour such as an elephant sitting on a chair balancing an orang-utan on its head, you have to teach the animals this behaviour. This has to be done through a harsh and negative regime in order to get the animals to comply. Mr Turner cited the practice undertaken in Thailand where elephants are put in small cages and starved until they will

take food from a person's hand; it is a matter of domination and is detrimental to the animal's wellbeing. In addition an animal's teeth and claws are sometimes removed for convenience.

- The future of infant animals based in circuses is bleak. As they grow too big to perform or to control they become very dangerous leading to them being euthanised.
- A MORI poll from 2005 showed that 80% of the general public in the UK do not want to see wild animals in circuses.
- Experts on animal welfare have also conducted studies into animals in the circus. APGAW (then UK wide) set up the 'Circus Working Group' in 1998 – both the Foundation and the RSPCA were experts on the group - which undertook a two year study. It made recommendations to improve conditions in circuses and prohibit the use of certain animals. It also expressed concerns about animal welfare, inadequate accommodation for animals and the development of abnormal behaviour. Nothing was done with these findings.
- The Environment Food and Rural Affairs Committee (EFRA) at Westminster which oversees DEFRA, also undertook a review in 2005 in light of the Animal Welfare Bill. It was recommended that the use of wild animals should be prohibited as their basic needs could not be met. It also recommended that the use of other performing animals should be licensed and regulated.
- More evidence is needed on domestic and companion animals for action to be taken in this area;
- The Minister has decided to go with secondary legislation for the Animal Welfare Bill which will allow for the continued use of wild animals. It will not be discussed until 2009 in England, nothing will happen until then and this is a major worry.
- There is an option to put Codes of Practice into effect in Wales before 2009 – there is a chance to make standards as strict as possible if this happens.

APGAW Comments

Brynle Williams AM declared that he agreed entirely with The Born Free Foundation. Asked whether it is possible to stop other wild animals joining circuses now or if we have to wait until 2009

Mr Turner replied that the Assembly will have the ability to act once the Animal Welfare Bill is passed.

Lorraine Barrett AM enquired in what way this will affect Wales and indicated her full support for a ban on circuses with all animals.

Mr Turner pointed out that there are a lot of travelling of circuses in the UK, he added that there is a need to close the winter quarters too.

Alain Thomas stated that Wales has an opportunity to take limited but clear and symbolic action.

Lorraine Barrett AM said that the Assembly could prohibit circuses from coming into Wales along with a ban on circuses resident in Wales.

Mr Turner replied that the Assembly could end the use of circuses with wild animals and stop them from entering the country.

Mrs Barrett AM stated that banning the use of wild animals' in circuses would mean the end of circuses.

Mr Turner did not agree with this statement, and stated that circuses which do not use animals as entertainment are just as popular.

Suzanne Campbell added that the issue of stopping circuses from travelling through the country is important.

Mr Turner agreed that if a ban were imposed, circuses could not even transport wild animals across the country. He stated that occasionally the Foundation discovers that an animal act, as opposed to an actual circus is taking part in a show. Jolly's circuses advertise for 'animal acts' from abroad. In light of this, any guidelines written have to include watertight definitions.

Suzanne Campbell agreed that the 'devil is in the detail'.

Roy Peckham highlighted his own experience with regard to pit ponies and a ban on their use in mines. He spoke of an off the record phone call he had received which informed him that there was no hope in this

case as any legislation would have to reflect on the use of other animals such as, for example, police horses or dogs.

Mr Turner agreed that this is a problem. Subsection 3 of the Animal Welfare Bill states that if a practice is known to be legal then one or more of the five freedoms do not need to be met i.e. police horses or dogs. In the case of police horses, this is understandable as the police animals are going back to good conditions. He noted that the Foundation is focusing on the codes of practice in relation to performing animals and making the standards as strict as possible.

Sian Edwards asked whether there is a definition of what constitutes a wild animal. Mr Turner replied that DEFRA defines it as animals not normally domesticated in a specific country. For commonly kept species a list has been drawn up where they are crudely categorised into domestic and wild animals. This list could be used or a new list could be formulated. Circuses cannot duck out of the issue in this way. Mr Turner acknowledged that it is a tricky subject as a tenth generation tiger would not have a concept of the wild.

Brynle Williams AM expressed his view that despite the fact that circuses are a trade, it is a trade we can do without in this country, in his opinion. It will die a death eventually, but this will not be soon enough for the animals already captive. He noted that legislation needs to be as tight as possible.

Suzanne Campbell enquired whether pit ponies are really needed underground and noted that the use of police horses has declined.

Mr Turner emphasised that the Foundation were looking at issues from a legislative point of view and pursue what they can realistically achieve. Ideally the Foundation would like to see zoos banned but this is unlikely to happen - there is a lot of evidence supporting the Foundations view on some issues.

Alan Streeter said Wales might have the capability of an outright ban in the options laid down by the codes of practice. He added that Clause 10 has such a wide enabling power that could be used to enforce what the Assembly wishes.

Claire Lawson noted that there may be a legal problem with any ban on transportation, and noted that there may also be a problem with banning domestic animals from a legal definition point of view, because of the many other ways domestic animals are transported around the country, but this is something that will need to be examined further. Mr Turner was in agreement that European legislation affected any decision in this area. He used the example of Austria where circuses are challenging regulations which have been introduced on the transportation of animals because they claim that it conflicts with the Freedom of Movement under European legislation. Member States are currently discussing the movement of animals and the possibility of a register of animals, the vehicles that carry the animals and their owners. These regulations will help.

Lorraine Barrett AM added that the issue of wild animals and their basic needs need to be looked at carefully.

Suzanne Campbell suggested that measures could be put in place to frustrate the movement of animals, which would cause a nuisance to circuses and may deter them from operating.

Mr Turner stated that new regulations of a registration system from the EU will be a frustration to circuses. However, he stated that a complete ban is needed to eradicate wild animals in circuses altogether. Mr Turner indicated that the Bill is currently at Committee stage and still has a long way to go. The process is slow but is transparent and allows for interested parties to have an input.

Lorraine Barrett AM asked what could be done to improve this. Claire Lawson pointed out that it is difficult to do anything at this stage.

Mr Turner noted that the Government does not want any amendments to the Bill and has already decided what will go through. The secondary legislation will be vital and at present the priority is to get evidence to as many people as possible, to gather opinions, support, and add suggestions. The Foundation is happy to do the leg work in gathering any information or evidence for others where it is in their interest to do so.

Lorraine Barrett AM closed the meeting by giving thanks for the presentation.

Lucy Merredy & Rahel Jones
25.01.06