

## CHAPTER 2

### HISTORICAL BACKGROUND

#### Overseas

2.1 While many historical accounts and tales refer, over centuries, to relationships between humans and cetacea, the keeping of captive cetacea for display or for research has a relatively recent history.

2.2 The first attempts at keeping cetacea in captivity date back at least to the 1860s. Dolphins were displayed at London's Westminster Aquarium in 1860 and the Zoological Gardens in Regents Park in 1865. White whales and Atlantic bottlenose dolphins were displayed together at the Aquarial Gardens in New York in 1863 as part of Barnum's Museum. Six white whales had been captured in the Saint Lawrence River and transported to New York during 1861 and 1862 but only one survived. The white whale at Aquarial Gardens may have been the first cetacean to be trained in captivity.<sup>1</sup>

2.3 A harbour porpoise was kept at Brighton Aquarium, England, in the 1860s and, in the 1870s, white whales were shipped to England and displayed at Westminster Aquarium and at shows in Manchester and Blackpool.<sup>2</sup> In 1877 and 1878, white whales were captured and held in ponds at Labrador for shipment overseas.

2.4 Several early attempts at keeping captive cetacea were also made in Europe. At the end of the nineteenth century, bottlenose dolphins were kept at the Arcachon Biological Station near Bordeaux in France and at an aquarium in Copenhagen.<sup>3</sup>

White whales were captured in the St Lawrence River and delivered to cities in Western Europe during the late nineteenth and early twentieth centuries. In these cases, the whales were shipped over long distances and the only precautions taken against drying and dehydration were to pour buckets of water periodically over the whales and to place moist seaweed on the bottom of the shipping crate.<sup>4</sup>

2.5 During the same period, white whales were captured and shipped to cities in eastern North America for display. In 1912 several bottlenose dolphins were transported for display at the New York Aquarium from the porpoise fishery at Cape Hatteras in North Carolina which had been taking bottlenose dolphins for oil for over one hundred years. All died on the journey. On the second attempt, six dolphins were kept moist under a tarpaulin but four died before arrival and the other two soon after. In 1913, six dolphins were transported using special boxes containing water and five reached the New York Aquarium. However, none survived beyond 21 months.

2.6 These early, isolated attempts appear to have been short-lived and ill-informed and the captive cetacea usually did not survive long. However, by the 1940s, the notion that cetacea could be trained for display, rather than just kept as exhibits, led to the establishment of institutions specialising in keeping cetacea. The first dolphinarium was opened in Florida in 1938. Marine Studies Aquarium at Marineland in Florida was originally established as an aquatic movie set and eventually became involved in the display and training of captive cetacea for public viewing. Staff pioneered techniques of cetacean capture, transport, husbandry and medicine.<sup>5</sup> The establishment of Marineland of the Pacific, south of Los Angeles, in 1954, heralded the rapid growth in popularity of keeping live cetacea (mainly dolphins). Other oceanaria were soon established in several large towns in the U.S.A.

2.7 Dolphinarium began to be established in other countries about a decade later. In New Zealand, three oceanaria have held small cetacea in captivity for display since 1964.<sup>6</sup> Port Elizabeth Oceanarium, the first to be built in South Africa, has maintained dolphins continuously since 1961.<sup>7</sup> One of the first dolphinarium in Europe was the Duisburg Dolphinarium in Western Germany which was established in 1965. Other countries in Europe such as Sweden, Holland, France, Italy and Romania soon followed the trend. England began operating dolphinarium in 1964, the first being established at Morecambe.

2.8 Experiments in keeping captive killer whales for display were made in the 1960s. A killer whale was first used as an exhibit in an oceanarium in the U.S.A. in 1961 when Marineland of the Pacific netted an adult female in Newport harbour, California, but it only lived one and a half days. In 1962, the same oceanarium attempted to capture a whale but it died in the process. Vancouver Public Aquarium in British Columbia created much interest when it kept a small whale alive for three months. In 1965, the Seattle Marine Aquarium purchased a large male killer whale which had been netted accidentally. It lived in a floating pen for a year where it responded to training and was a major attraction.<sup>8</sup>

2.9 Travelling shows with improvised pools also became popular in the 1950s and 1960s. Dolphins and other small cetacea were transported from place to place in trucks to perform tricks at popular holiday resorts and large towns.<sup>9</sup>

### Australia

2.10 Information on the keeping of captive cetacea in Australia is fragmentary. It is thought that the first dolphinarium was established in Australia as a result of the accidental netting of a dolphin by fishermen in the Tweed River

in the early 1950s. It was placed overnight in the public swimming pool. The ensuing publicity led the pool operator to consider the commercial possibilities and the porpoise pool at Tweed Heads was established. Other dolphinariums established subsequently were not always as successful as this original venture. Taronga Park Zoo in Sydney established an oceanarium but drained it when many animals died from foreign objects being thrown into the pool. Marineland in Surfers Paradise was a successful oceanarium until, under pressure of competition from Sea World, it was forced to close down. Currently there are seven facilities housing captive cetacea in Australia.

2.11 The number and species of cetacea held in these facilities are given in Table 1.

2.12 An application was made on 6 December 1983 for the establishment of a further oceanarium for keeping captive cetacea and other marine animals at Keysborough, Victoria.

### Public Opinion and Changing Attitudes towards Captive Cetacea

#### Overseas

2.13 Before the middle of this century, the intermittent and usually short-term displays of captive cetacea paid scant attention to the welfare of the animal. It was kept mainly as an object for show and entertainment and to satisfy the curiosity of people. Owners had little knowledge of the cetacean's biological needs for such things as space, social interaction and appropriate diet. There was little information on the injuries, illnesses and diseases suffered by cetacea and their treatment.

2.14 Concern about cetacean welfare started to develop in the 1960s as the public realised that numbers of species of large whales had declined to the extent that some were

threatened with extinction by commercial whaling. A worldwide campaign against whaling was mounted by conservationists who expressed concern about depletion of populations, the possibility of extinction of certain species, the cruelty of killing methods, the possibility that some cetacea might be very intelligent and the ethical considerations of killing whales for commercial purposes.

2.15 At the same time the public had been finding out more about small cetacea through seeing them in oceanaria, which were becoming increasingly numerous in the 1960s. Scientific studies of small captive cetacea were probably first carried out on the behaviour and physiology of dolphins by the United States Navy in San Diego. These findings were augmented by research on cetacea in oceanaria which contributed to knowledge about behaviour, nutritional requirements, physiology, communication and reproduction.

2.16 Other developments which also contributed to increased knowledge of and concern with small cetacea included the proliferation of high quality nature films documenting the life of wild cetacea and observations of wild cetacea by whale watching enthusiasts. As well, by the mid 1970s, the resurgence of the humane movement and the publication of several philosophical treatises on the limits of moral concern, individual rights, including the rights of other species, were focussing attention on the issue of animal welfare and, in particular, on the experience of suffering in animals.

2.17 In the 1970s, legislation was passed in many countries regulating the capture of cetacea and their care in oceanaria or other facilities, usually through the issue of a permit for display, education or scientific study. In the U.S.A., for instance, the Marine Mammal Protection Act, passed in 1972, requires permits to be issued to United States facilities maintaining marine mammals in captivity and export permits for

animals being transported to overseas facilities. The United States Department of Agriculture issues regulations for the humane care, treatment and transportation of marine mammals, which are incorporated into the permit system, and also imposes strict conditions on overseas facilities importing marine mammals from the U.S.A.

2.18 While legislation reflected an increasing concern with the welfare of cetacea in captivity, attitudes towards the display of animals in captivity had also been changing. Criticism of oceanaria began as an extension of the whale campaign and because some scientific research had indicated that cetacea had high intelligence and sophisticated behaviour patterns. Oceanaria were criticised for painful and stressful capture techniques, the high mortality rate of captive cetacea and a captive environment which was not able to provide for the cetacean's social or biological needs. The critics argued that, not only were oceanaria detrimental to the cetacean's welfare, but that the behaviour displayed by these captive animals was so different from their natural behaviour that there was now little scientific or educational justification for keeping them captive. They also questioned the ethics of capturing such an intelligent species.<sup>10</sup>

2.19 Whereas animals had previously been considered as mere curiosities for the purpose of display, the effect of the reappraisal of moral concern for animals was that institutions started to present them as integrated communities in natural settings which were also designed to educate and inform. Against pressure to abandon captive facilities in favour of experiencing animals in their natural state or through the media, zoos and oceanaria emphasised their contribution to scientific knowledge of the natural world and preservation of various species, together with their promotion of greater understanding of and responsibility towards animals.

2.20 As well as emphasising their scientific and educational contribution, proponents of oceanaria stated, however, that poor conditions and high mortalities in the past were the result of lack of information and knowledge about cetacea. In the last four or five years, the managements of oceanaria claim to have come together to: exchange information, draw up standards of care and treatment, change capture methods, improve conditions and develop captive breeding programmes to avoid depleting cetacean stocks.<sup>11</sup>

2.21 The changing attitude towards cetacea is reflected in the recent action taken by some governments to provide greater protection for these animals. The European Parliament passed legislation in 1984 banning the importation of orcas for display. The United States is presently considering a bill to prohibit the capture and display of orcas. Argentina has banned the use of dolphins for captive display. In the United Kingdom the Department of the Environment has not granted permits to import dolphins or killer whales since 1983. An adviser has recently been appointed to consider whether the educational, research and breeding benefits of dolphinarium and similar establishments in the United Kingdom are of sufficient value to justify the import and display of live cetacea.<sup>12</sup>

#### Australia

2.22 In the 1970s in a climate of growing awareness of the environment and of the need to conserve previously exploited species, concern was expressed in Australia, as in other countries, about the effects of commercial whaling. As a result of the findings of a Government inquiry into whales and whaling, in 1978, chaired by Sir Sydney Frost, the Federal Government banned commercial whaling in Australian waters.

2.23 In 1980 the Federal Parliament enacted the Whale Protection Act, which was based on the recommendations of the Frost Report. Although the Report dealt with the commercial harvesting of cetacea, the legislation protects all cetacea in Commonwealth waters. The Act does allow, however, for permits to be issued by the appropriate Federal Minister for the capture of cetacea for display, educational or research purposes. This legislation complements State legislation covering the capture, care and treatment of cetacea in captivity.

2.24 The campaign to end whaling increased public awareness about the need to protect cetacea. Improved legislative provisions for the protection of cetacea were only one result. In 1981, volunteers rescued about 70 stranded whales on Victorian and Tasmanian coastlines and returned them to the sea. Since then volunteers have formed groups which may be called on at any time to assist stranded whales. A national whale stranding contingency plan has been established and some State plans drafted.

2.25 Recently there has been increased interest in observing and interacting with cetacea in their natural environment. Numbers of visitors to Monkey Mia, in Western Australia, to see the dolphins, have grown considerably. Dolphins are common along the East Victorian coastline and are regularly observed in Port Phillip Bay. Four dolphins were trapped in Lake Tyers, near Lakes Entrance for nearly four years. Whales can be observed in bays and caves on the coast, mainly during the migratory months. At Lady Bay at Warrnambool in Victoria, visitors come to see the Southern Right Whales calve.

2.26 After the cessation of whaling, groups which had figured prominently in the campaign, such as Greenpeace and Project Jonah (both established in Australia in 1975), began to focus their attention on captive cetacea.



TABLE 1

## CETACEA IN CAPTIVITY IN AUSTRALIAN OCEANARIA

OCEANARIUM	SPECIES	NUMBER
Atlantis Marine Park Yanchep Sun City W.A. (Est. 1981)	<u>Tursiops truncatus</u>	7
King Neptune's Park Port Macquarie N.S.W. (Est. 1973)	<u>Tursiops truncatus</u>	3
Marineland of South Australia, Adelaide S.A. (Est. 1969)	<u>Tursiops truncatus</u>	5
Pet Porpoise Pool Coffs Harbour N.S.W. (Est. 1970)	<u>Tursiops truncatus</u>	5
Sea World Surfers Paradise Queensland (Est. 1971)	<u>Tursiops truncatus</u> <u>Sousa chinensis</u> <u>Pseudorca crassidens</u>	20 1 2
African Lion Safari Warragamba N.S.W. (Est. 1973)	<u>Tursiops truncatus</u>	3
Hamilton Island (Est. 1984)	<u>Tursiops truncatus</u>	3