



For over the past five decades Marineland has maintained its commitment to marine and land animal care by consistent investment in the evolution of its facilities, its staff, education, and the continued re-evaluation, commitment and implementation of the highest standards of animal care.

As a result, Marineland remains one of the worlds leading marine mammal facilities.

Marineland's first priority and commitment has been and will always be the care and treatment of the animals living at Marineland.

Marineland is subject to and meets the most rigorous marine mammal care standards in the world.

Marineland's operations are completely transparent. All of its marine mammals have and will always be subject to and available for inspection and accessible to credible scientific researchers at no cost.

Marineland is critical to the health and growth of the Niagara Region and provincial economy.

Marineland covers 1000 acres, with 400 acres developed and another 100 acres under current development.

Marineland employs over 100 people year round and 700 hundred during the operation season.

Marineland has employed over 50,000 people in its 56 years of successful operation.

Marineland does not seek or rely upon any public funding.

Marineland annually commits approximately 4 million dollars a year to advertising, reaching more than 15 million people across Canada and the US.

Marineland attracts close to 1,000,000 visitors yearly to the Niagara Region.

The entire regional economy benefits from and relies upon Marineland.

The Park is open seven days a week from early morning to dusk during the season and the animals may be viewed for as long as any member of the public wants. This includes visiting scientists, researchers, investigators, politicians and many radical activists.

Marineland is committed to public accountability and transparency.

Marineland commits millions of dollars a year directly to the support, care and health of all its animals.

Marineland has no limit to the annual budget for animal care.

Marineland's visitors are almost exclusively from Central Canada and are composed of families with young children who cannot typically afford the cost of a trip to whale watch on either coast or the arctic.

A day at Marineland may cost several hundred dollars for an entire family.

A whale watching trip to either coast costs thousands of dollars and is simply not in the budget of our typical visitors. Marineland does not compete for visitors with ocean based whale watching experiences.

Marineland is most families' only practical and realistic option to view marine mammals and provides access to an opportunity to do so for those with relatively restricted means.

As a direct result of a trip to Marineland, many visitors stay overnight in the Niagara Region. 57% of all hotel bookings in Niagara Falls can be attributed to a visit to Marineland.

Tens of thousands of jobs in the Niagara Region also directly or indirectly rely on Marineland's business.

Thousands of school children have visited Marineland as part of class trips and these continue to take place each year. Thousands of children whose families lack the financial means to pay for a private visit, get to visit Marineland. In addition, students that visit Marineland are taught about marine and land animals, how they are cared for, what they eat and how they survive each and everyday (in captivity and elsewhere in the world). These hands-on interactions with the animals provide for educational tools to assist with bringing the science curriculum to life for teachers and students.

Also of tremendous importance, thousands of special needs children, and at least 3500 per year, visit Marineland through special programs, including events like Autism day.

Marineland works with several children's wish organizations.

Marineland offers a special discount program to military personnel and their families.

Marineland is currently undergoing a very substantial investment in a 100 acre expansion. All without any public money.

There are thousands of birds, land animals and marine mammals living at Marineland.

The Beluga whales cared for at Marineland represent, without any debate, the world's finest collection of Beluga whales in a marine mammal facility anywhere in the world.

To put that in context there are approximately 343 marine facilities operating in 63 countries. None have the years of direct experience, scale of facilities, or year after year success with newborn, juvenile and adult Beluga whales.

Marineland's two beluga and killer whale pools are larger than the largest pools in any facility in Africa, Europe, the Middle East and Asia, and the National Aquarium in the U.S., and comparable in size to the largest single pool in the World.

The pools cover acres and are fixed into rock and well isolated from other exhibits. Acoustically, the pools are devoid of the acoustic issues commonly posed by marine traffic or shifting ice or waves. Acoustic evaluation has not disclosed any signs of distress.

All the water in all the pools is filtered every three hours through a modern computer controlled multi -million dollar system covering acres that has been independently examined, reviewed, and a report publicly posted by Stantec (one of North America's largest water quality engineering firms).

The whales are fed fish that is fit for human consumption.

Their every individual behaviour is monitored daily and recorded. The comprehensive records represent the single greatest repository of data regarding Beluga whales in the world.

They are all under constant daily medical oversight by a team of highly experienced marine mammal care staff. They all receive prompt and excellent medical care by veterinarians as required.

According to marine mammal specialists, experts and studies, Beluga whales prefer to spend their time in shallow estuaries in the Arctic, composed of shale, broken stone, rock and sand, devoid of any substantial aquatic plant life. Typically they gather in six feet of water or less in large and very tight groups, similar to flocks of sheep. There is no tree cover in the arctic and high UV radiation from direct sunlight. Beluga whales appear to seek such locations for feeding, moulting and birthing.

Marineland is, unquestionably, the only facility in the world with direct experience and deep understanding of the pregnancy, birth and care of newborn belugas. All births are natural and no artificial insemination is used.

The Beluga whale population at Marineland includes whales rescued from a Russian naval program, that were otherwise condemned to death.

Seven Beluga whales were born last year at Marineland. They are all healthy and growing. A 100 per cent success rate. That is unknown in any other facility in the world and greatly exceeds the survival rate in the wild.

Marineland does not capture Beluga whales and has not acquired any in almost a decade.

Marineland represents the sole realistic source of Beluga whales to support the work and programs of leading marine mammal institutions worldwide, including the Vancouver Aquarium, with whom Marineland is committed to working collaboratively with.

None of the Beluga whales at Marineland are realistic candidates for release into the wild.

Kiska, the killer whale is currently healthy and behaving well, with no abnormal behaviours. She is cared for by a team of staff and receives enrichment sessions every day. There is no debate that moving Kiska poses a completely unacceptable risk to her.

After a series of false allegations by a former employee in 2012, Marineland was subject to a complete review by the OSPCA, the NFHS, experts from CAZA, the MOE, the Ministry of Labour, and a team of independent outside experts appointed by the Government of Ontario.

Activists you have heard from, and others, vocally and relentlessly pursued those allegations and their own. All were investigated. None were substantiated.

A two year legislative review process by the Government of Ontario ensued, which process included the formation of a Technical Advisory Group, composed of many of the activists you have heard from (including Zoocheck and Naomi Rose), an independent review and report by outside experts appointed by the Government of Ontario, and public hearings.

The Government of Ontario committed, as a cornerstone of the process, to following "scientific advice" and did so, in setting out comprehensive government regulations governing all aspects of marine mammal care.

Those regulations are in effect and are enforced by the new zoo inspection team of the OSPCA, which conducts regular announced and unannounced inspections. Marineland has been subject to multiple inspections and passed all of them.

After that entire process and a review of all the activists' allegations, all of them, covering 2012 to date, not a single charge has been laid by anyone in relation to any marine mammal at Marineland.

I would like to repeat that - no agency (under the Criminal Code or OSPCA Act) believed it had reasonable or probable grounds that a marine mammal at Marineland was or is being abused or even in distress.

The investigators have investigated all of the allegations that have been inaccurately and falsely publicized, spoken with the very same people who have repeated them to you, and have seen the photos and videos you have all been provided with. The allegations continue to represent either ignorance, deliberate distortion, are based on a complete absence of basic factual information or are deliberately and unequivocally false and supported by clearly tampered video or photos.

The activists you have heard from are organized, coordinated, politically sophisticated and relentless in their campaign. The same people you have heard from have participated in similar campaigns making similar allegations all around the U.S. and many parts of the world.

From a scientific perspective, you will have heard that scientific evaluation of the Beluga whales at Marineland support that they are happy and well adjusted. They breed, there is no unnatural behaviour, and blood tests reveal low cortisol readings (which would be elevated if they are under stress). They are all eating well and generally healthy. They have been under scientific research and monitoring virtually year round for decades.

That being said, the public interest requires that adequate legislation ensures that continues. Comprehensive laws, rules and regulations are already in place.

Comprehensive regulations, updated less than two years ago by the Government of Ontario, govern the care of marine mammals at Marineland. International treaties, such as CITES govern the movement of whales internationally. The Department of Fisheries and Oceans in Canada requires a permit be issued prior to the movement of any marine mammal in or out of the Country. The same rules apply in any country that could receive such an animal, such as the United States.

The laws are comprehensive, in force, and enforced.

There are multiple overlapping and layered levels of regulation and legislation governing all aspects of the natural environment in Canada, including whales.

The scientific debate regarding "captivity" was held in Ontario, asked and answered, animals can be held in captivity under certain strict conditions. Those strict conditions are now the law of Ontario.

The testimony you have heard from activists is virtually word for word their submissions to the Ontario Government. Testimony based almost exclusively on "belief" and ascribing anthropomorphic responses and attributes to Beluga whales and their behaviours, in direct contrast to the objective science presented by individuals with qualifications and experience.

The Government of Ontario stated it would be guided by "science" and it was. The activists who now inundated this committee in a coordinated fashion with their beliefs, did not get what they wanted and are now trying to achieve it through a private senators bill.

There appears, on its face, to be no need for this piece of legislation in the context of the welfare, care, management and movement of marine mammals.

So what is the purpose of this Bill? That is a good and necessary question and one that requires careful thought and thorough consideration.

Why is this Bill structured as an amendment to the Criminal Code?

The Criminal Code legislates and prohibits morally repugnant conduct by people against people and by people against property. The Criminal Code prohibits intentional animal abuse.

Let us be clear. The Bill, as it is currently drafted, provides for a criminal offence to be created, for summary conviction, and for imprisonment as a summary conviction offence for up to two years less a day upon conviction. It ascribes the same level of criminal misconduct and consequences to the display or capture of a whale as to its intentional abuse.

The Criminal Code, like the rest of the common law, mandates the appropriate care and treatment of animals as "property" not as "people" with exactly the same rights as a person.

Animals, from farms to the family home, are captive - and treated under the law as property, subject to appropriate consideration of their welfare.

The common law for centuries - and as the basis for all wildlife management and legislation in North America is grounded in providing for the appropriate welfare of animals.

The activists you have heard from are interested only in advancing an ideological cause - the extension of "personhood" rights to animals equal to those of humans.

This Bill is a direct effort by activists to begin to extend rights to whales as "persons" and to upset and overturn the law and radically alter the rights of Canadian citizens in relation to wildlife and all other animals.

That is why this Bill seeks to make amendments to the Criminal Code and related legislation.

The activists you have heard from, including Lori Marino and Hal Whitehead are named signatories to the Declaration of Cetacean Rights, extending human rights of personhood to whales.

That declaration expressly prohibits the "capture" or "captivity" of whales as a "right", what this Bill expressly seeks to do:

Based on the principle of the equal treatment of all persons;

...

We affirm that all cetaceans as persons have the right to life, liberty and wellbeing.

We conclude that:

1. Every individual cetacean has the right to life.
2. No cetacean should be held in captivity or servitude; be subject to cruel treatment, or be removed from their natural environment.
3.
4. No cetacean is the property of any State, corporation, human group or individual.
5.
6.

Ingrid Visser, another activist witness in support of the Bill, personally participated in a lawsuit alleging that whales kept in captivity in the US are being held as Slaves contrary to the 13th Amendment of the U.S. Constitution.

This Bill further seeks to ban movement of whales internationally, not because it is needed, as it is heavily regulated and also enormously expensive, but so the only legal movement of Marineland's whales in the future could be to the activists own Whale Sanctuary Project, which you have heard so much about but is mentioned nowhere in the Bill.

A project with no site, no budget, no operations, no staff, and no animals, which appears to be lead by foreign activists.

The UK Lien Report notes the inherent problems in using Sea Pens:

There are practical problems with sea pens, relating to ensuring the provision of good quality water at all times, to the prevention of the build up of pathogens and parasites and to the safety of animals in extreme weather conditions. These can only be solved by having provision for water treatment if necessary, by constructing pens so that they can be easily cleaned and by having alternative accommodation available to which animals can be moved, when required, It therefore

appears that all the facilities of a conventional establishment would be required to provide the back up necessary to ensure the welfare of animals at all times, making the use of sea pens a very expensive option.

Importantly, this Bill and the testimony of the activists, very carefully seeks to ignore the existence of treaties with the Inuit, as it appears to strip treaty rights from Inuit groups regarding their use of all wildlife in the north, including whales, subject to appropriate management and animal conservation and welfare.

Certainly the Declaration of Cetacean Rights is unambiguous that the Inuit people are no different from any other people in their relationship to cetaceans.

Extending animal rights through the Criminal Code appears to have the potential to be a serious collateral attack on the Inuit way of life.

The common law and the constitution mandates that the Inuit community be properly and thoroughly consulted regarding the impact of this Bill on their treaty rights.

Marineland urges that consultation.

Marineland after years of interaction with these very same activists, the witnesses before you, believes that a bill without an evident purpose, brought before the fisheries committee to amend the criminal code, is aimed at only two institutions. These issues have already been thoroughly investigated and publicly considered and legislated upon. The relentless pressure from activists all over the world isn't about the Vancouver Aquarium or Marineland, it's about convincing the senate through a private members bill to extend personhood rights to animals in the guise of protecting animals.

To be clear, the very same arguments by the activists made about whales can be made about dozens of other species. Once extended to whales what about seals? What about horses? What about cows? What about dogs?

Marineland respectfully suggests that the intended and unintended effects of this bill be very carefully considered.

Amending Canada's Criminal Code has always been done only after very serious consideration and wide-ranging public input from across the country. It has also only been done based upon very broad public consensus.

Coordinated internet campaigns by activists and activist witnesses (most of whom appear to be citizens of the United States), does not constitute a consensus of or a fair reflection of Canadian public opinion.

Marineland believes this bill requires very careful and additional study by this Honourable Committee beyond the testimony provided to date, which has focussed almost exclusively on the scientific debate around the alleged harm posed by captivity and the value or absence of value of any educational experience.

Marineland wishes to thank the Committee for its careful and thoughtful consideration of this Bill and for providing Marineland with the opportunity to make submissions.