



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

ANIMAL WELFARE STRATEGIC IMPLEMENTATION PLAN TO THE VETERINARY STRATEGY

Directorate: Veterinary Public Health: Draft Work Group Report

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1. Executive summary

Animals play an important role in the social, sport and recreational, religious, cultural, economic, and agricultural and tourism history of South Africa. Animals also play a major in providing the much needed proteins. Good animal welfare practices have the potential to contribute to economic growth and trade; however South Africa does not have any comprehensive legislation that addresses all animal welfare needs. Currently the Animals Protection Act, 1962 (Act 71 of 1962) and the Performing Animals Protection Act, 1935 (Act 24 of 1935) are being utilized for the protection of animals with an emphasis on cruelty rather than prevention of cruelty. The current legislation is fragmented and does not address the animal welfare needs.

The proposed Animal Welfare Strategic Framework follows the Animal Welfare policy, approved by the Minister of Department of Agriculture, Forestry and Fisheries, and seeks to remedy the deficiencies that are compromising the welfare of animals and limiting trade. The strategic framework proposes the creation of Specialized Animal Welfare Unit(SAWU) within Department of Agriculture, Forestry and Fisheries (DAFF) which will integrate and harmonize all the relevant standards and, where there are gaps, establish new regulatory framework. In the absence of a comprehensive legislation, one of the short-term goals of the strategic framework is for DAFF to develop the necessary regulatory framework (regulations, guidelines, norms and standards) to address the animal welfare concerns. Furthermore the ultimate goal of the SAWU is to develop a new Animal Welfare legislation (structured according to section 75) would place the emphasis on care provision rather than cruelty prevention

Improving animal welfare should result in increasing export of livestock and livestock products which is in line with the National Development Plan (NDP) and Agricultural Policy Action Plan (APAP).

Education tools that are appropriate will be used to facilitate a paradigm shift from a reactive cruelty paradigm to one where society becomes more caring and responsible towards animals. The SAWU will have regular consultation with relevant stakeholders. This approach will include broad public consultation. This strategic framework identifies the Minister of Agriculture, Forestry and Fisheries, the MECs of Provincial Departments of Agriculture and mayors as the political champions for animal welfare. DAFF will be champions in the implementation of the strategic framework and financial needs will source from the fiscus.

2. Mission statement

- To create an environment where welfare is important in the owning, keeping and use of animals.
- To create awareness of animal welfare, to encourage voluntary compliance with welfare standards and, where necessary, to enforce the law.
- To align South African standards and legislation with international norms and standards to facilitate international trade of animals and animal products.
- To harmonize and update Animal Welfare legislation.
- To support the development of animal welfare standards that address risks to animal welfare and promote improved welfare outcomes.

3. Definition of Animal Welfare

This strategic framework adopts the definition of the World Organisation of Animal Health (OIE) which defines Animal Welfare as follows:

'Means how an animal is coping with the conditions in which it lives. An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour, and if it is not suffering from unpleasant states such as pain, fear, and distress. Good animal welfare requires disease prevention and veterinary treatment, appropriate shelter,

management, nutrition, humane handling and humane slaughter/killing. Animal welfare refers to the state of the animal; the treatment that an animal receives is covered by other terms such as animal care, animal husbandry and humane treatment.'

4. Background

Animals have played an important role in the social, sport and recreational, religious, cultural, economic, and agricultural and tourism history of South Africa. Animals play a major role in food security and are used in research, testing and teaching, and as working and companion animals. Good animal welfare practices have the potential to contribute to economic growth and trade.

This strategic framework has been compiled to facilitate the development of a culture of caring and protection through a framework that includes legislation, guidelines, norms and standards that take cognizance of the socio economic and socio cultural and multiple roles of animals in South Africa.

At present, there are a number of welfare codes of conduct for specific sectors and activities but these are fragmented and currently applied on a voluntary basis. While the Department of Agriculture, Forestry and Fisheries (DAFF) currently administers the legislation, enforcement is largely undertaken by non-governmental organizations such as the National Society for the Prevention of Cruelty to Animals (NSPCA), the South African Police Services (SAPS) and the public.

The existing legislation can be effective as far as specific cruelty to animals is concerned but any action is largely dependent on information supplied by members of the public – and subsequent reaction from animal welfare organizations. Currently there is no provision for the registration of animal welfare inspectors, animal welfare societies, municipal facilities, kennels and shelters. This has led to a proliferation of instances where shelters are operated without the necessary expertise.

In terms of the current dispensation, there is no control over the conduct of individuals and organizations involved in the regular importation, exportation and sale of animals. This would include pet shops, breeders and auctioneers. This has led to cases of extreme animal cruelty such as that which occurred in the recent 2014 case where Madagascan reptiles, abandoned at OR Tambo International Airport, were subject to high mortalities.

There is a similar lack of control over the conduct of animal breeders, behaviorists, groomers, therapists, farriers, trainers, wranglers, animal research and breeding facilities, circuses, touch/petting farms, falconry, pigeon racers and elephant back safaris. This has reinforced the need for legislation to create appropriate and enforceable norms and standards for animal welfare.

Historically, the protection of animals in South Africa has been regulated by two Acts – the Animals Protection Act, 1962 (Act 71 of 1962) and the Performing Animals Protection Act, 1935 (Act 24 of 1935). The administration of these acts was transferred from Department of Justice to DAFF in 1994. These however require revision and this was confirmed by the constitutional judgment between the Minister of Agriculture Forestry and Fisheries and the NSPCA in declaring Section 2 and 3 of the Performing Animals Protection Act unconstitutional. (11 July 2013, Constitutional Court) The findings further indicate that the administrative mandate resides with the DAFF.

Furthermore, the 2012 World Organisation of Animal Health (OIE) report on the Performance of Veterinary Services (PVS) in South Africa found that: *"the current legislation is outdated, not harmonized with OIE standards; there are no dedicated staff addressing animal welfare in the Veterinary Service (VS)"*. The report recommended that: *"Animal Welfare should be provided with a designated point of contact at national and provincial level and legislation should be updated to harmonize with OIE standards"*.

According to the National Development Plan (NDP): "*to optimize the impact of expanding exports, it is necessary to stimulate areas where there is a revealed competitive advantage and growing global demand, where the products would contribute to rising terms of trade, and where potential exists to expand domestic linkages*". Agriculture and agro-processing have been identified as key sectors that can contribute to increasing exports for the country. Increasing concerns about animal welfare locally and globally have led to demands for assurances of acceptable animal welfare standards in the production of products of animal origin. This has led to the incorporation of welfare standards in the certification requirements for the international trade in animals and animal products. The Agricultural Policy Action Plan (APAP) highlights the adverse effects of certain diseases (e.g. Foot and Mouth Disease) on trade of animals and animal products. Similar assurances are needed for animal welfare to access lucrative trade markets.

It is against this background that South Africa has initiated a process to develop a comprehensive animal welfare legislative framework. This national Animal Welfare Strategic Framework is the first phase of the process.

5. Principles

This strategic framework endorses the basic animal welfare principles of the OIE - namely:

- That there is a critical relationship between animal health and animal welfare.
- That the internationally recognized 'five freedoms' (freedom from hunger, thirst and malnutrition; freedom from fear and distress; freedom from physical and thermal discomfort; freedom from pain, injury and disease; and freedom to express normal patterns of behavior) provide valuable guidance in animal welfare.

- That the internationally recognized ‘three Rs’ (reduction in numbers of animals, refinement of experimental methods and replacement of animals with non-animal techniques) provide valuable guidance for the use of animals in science. **Replacement** refers to the preferred use of non-animal methods over animal methods whenever it is possible to achieve the same scientific aim. **Reduction** refers to methods that enable researchers to obtain comparable levels of information from fewer animals, or to obtain more information from the same number of animals. **Refinement** refers to methods that alleviate or minimize potential pain, suffering or distress, and enhance animal welfare for the animals still used.
- That the scientific assessment of the welfare of animals involves diverse elements which need to be considered together.
- That the use of animals in agriculture and science, and for companionship, safety and security, recreation and entertainment, makes a major contribution to the wellbeing of people.
- That the use of animals carries with it a responsibility to ensure the welfare of such animals to the greatest extent possible.
- Those improvements in farm animal care can often improve productivity and hence lead to economic benefits.
- Improvements in animal care impact positively on outcomes relating to the function or purpose of the specific animal or animals.

Scientific basis for policy and guidelines

- Welfare is a broad term which describes how well individual animals are coping with their environment, and includes their health, their feelings, and other good and bad effects on brain and body mechanisms for dealing with problems.
- Welfare can be scientifically evaluated and can be shown to range from very good to very poor. The study of how to assess animal care has progressed rapidly in

recent years and evidence from such studies has been used in the formulation of these guidelines.

- Some studies of animal care involve assessing the extent of stress, which occurs when individual animals are not able to cope with the consequences of treatment by humans or other impacts on the animal's environment. Other indicators of poor welfare reveal how much the individual has to do in order to cope with problems.
- Other areas of animal care research provide further information about the needs of animals by measuring the strengths of their positive and negative preferences. Once the needs of animals are known, conditions and treatment methods which fulfill their needs can be devised and used.
- Some measures of poor welfare involve assessing the extent of pain or impaired functioning associated with injury or disease. Many of the problems can be revealed by an inspection of the animals.
- Many measurements of animal care can be used as performance indicators in the evaluation of general methods for the keeping and treatment of animals and the actions of individuals who have an impact on those animals. Using such evidence, the acceptability of systems and of human performance can be decided.

6. Objectives

To develop a comprehensive legislative framework for the welfare of animals in South Africa to:

- Develop capacity within the DAFF, the nine provincial departments of agriculture (PDAs) and local government.
- Review and develop animal welfare codes, norms and standards of practice for use as regulations in terms of the existing legislation.
- Develop specialized welfare units at National, Provincial and local government level.

- Develop regulations to enforce the registration of animal welfare organizations and animal welfare inspectors registered with the South African Veterinary Council (SAVC) as Para-veterinary professionals.
- Develop legislation to enforce the registration of relevant animal related activities, organizations or individuals.
- Develop an effective education and communication strategic framework to raise awareness about the issues of animal welfare.

This process will facilitate the development of a comprehensive Animal Welfare Act for South Africa.

7. Legislative mandate

Currently the Animals Protection Act, 1962 (Act 71 of 1962) and the Performing Animals Protection Act, 1935 (Act 24 of 1935) are being utilized for the protection of animals with an emphasis on cruelty rather than prevention of cruelty. A third Act, the Societies for the Prevention of Cruelty to Animals Act (Act No. 169 of 1993) governs the organization and management of the SPCA movement in South Africa. This act resides and is administered by DAFF; however it only consolidates the SPCAs without taking into account other animal welfare organizations as they were never consulted during the conception of the act.

The responsibility for the two Acts (Act 71 and 24) was transferred to the then National Department of Agriculture in 1997. This was in line with trends in other Countries where Agriculture has assumed responsibility for animal welfare.

The current legislation is fragmented and does not address the animal welfare needs. The proposed Animal Welfare Act seeks to concatenate all relevant legislation and broaden the scope of the above. In the absence of the legislation, DAFF will develop the necessary regulatory framework to address the animal welfare concerns.

Drafting legislation can be a lengthy process - and there is an immediate need for regulations, guidelines, norms and standards that can control the various sectors and activities

Other relevant legislation:

- Animal Identification Act, 2002 (Act 6 of 2002)
- Animal Improvement Act, 1998 (Act 62 of 1998)
- Animal Diseases Act, 1984 (Act 35 of 1984)
- National Environmental Management: Biodiversity Act 10 of 2004
- Meat Safety Act, 2000 (Act 40 of 2000)
- Veterinary and Para-Veterinary Professions Act,
- Provincial and municipal bylaws as listed in Section 5 and 6 of the Constitution of the Republic of South Africa

8. Implementation plan

The proposed Animal Welfare legislation (structured according to section 75) would place the emphasis on care provision rather than cruelty prevention – along with a provision for a functional advisory body and codes, guidelines, standards and legislation for all relevant activities involving animals. The creation of specialized welfare units, relevant regulations and legislation will address the objectives in the following manner:

8.1 Capacity building

Development of capacity within the DAFF, the nine PDAs and local government by the establishment of a specialized welfare unit in DAFF to:

- draft legislation and regulations,
- enforce legislation,
- create awareness and capacity throughout the different spheres of government with respect to animal welfare.

8.2 Legislative framework

8.2.1 Review, convert and develop, where necessary, animal welfare codes, norms and standards of practice for use as regulations in terms of the existing legislation or any new legislation

Due to the existing fragmentation of the regulatory mechanisms, different sectors within the field of animal welfare have developed their own standards/codes/ethics/SOPs/guidelines and this strategic framework proposes that the specialized welfare unit integrates and harmonizes all the above mentioned standards and where there are gaps establish new regulatory framework.

Any existing standards should be reviewed and altered where necessary in order to develop specific directives for the operation of any relevant animal welfare function. New codes that can also be used as regulations will be drafted in consultation with the organizations with the necessary legal framework.

8.2.2 Develop regulations to enforce the registration of animal welfare organizations and animal welfare inspectors registered with the South African Veterinary Council (SAVC) as para-veterinary professionals.

All practicing animal welfare organizations should be regulated and registered by DAFF, subject to meeting the minimum requirements set up by the standard.

This will be addressed in the proposed Animal Welfare Act.

8.2.3 Develop legislation to enforce the registration of relevant animal related activities, organizations or individuals.

This will be addressed in the proposed Animal Welfare Act.

8.3 Education and Communication strategic framework

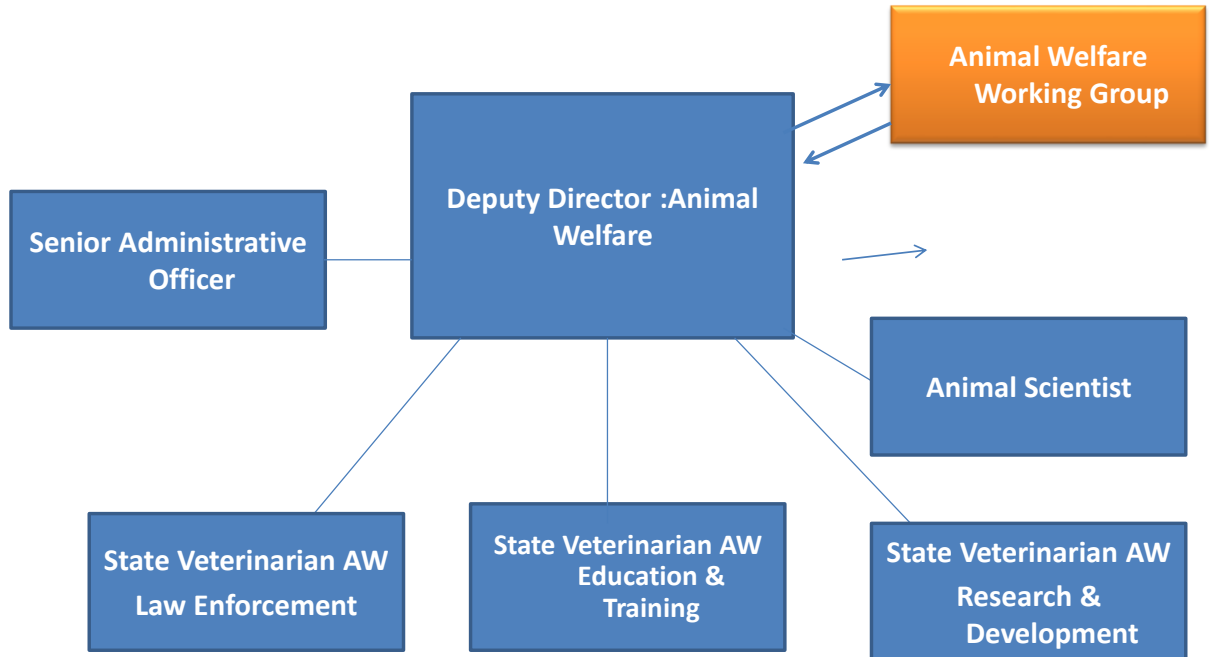
Appropriate education tools will be used to facilitate a paradigm shift from a reactive cruelty paradigm to one where society becomes more caring and responsible towards animals. More effective education of owners of animals at all levels will be achieved through the development of partnerships with registered animal welfare organizations as primary functionaries.

The specialized welfare unit will have regular consultation with relevant stakeholders. This approach will include broad public consultation – and a critical review of legislation and experience in other countries.

This strategic framework identifies the Minister of Agriculture, Forestry and Fisheries, the MECs of Provincial Departments of Agriculture and mayors as the political champions for animal welfare. As part of this responsibility, it is proposed that the political principals will use official platforms available to them to promote animal welfare. Various campaigns under the banner of responsible animal ownership can be targeted at the various sectors.

9. Institutional Arrangements

9.1. *Specialized Animal Welfare Unit*



The animal welfare advisory body will be constituted by subject matter specialist and most of the stakeholders indicated below under item 9.2. will form part of the advisory group. This body will function in a similar manner as the Rabies Advisory Group and Buffalo Advisory Committee reporting to the Veterinary Mintech on a regular basis.

9.2. Public Private Partnership



10. Strategic partnerships

These have been identified as the critical stakeholders for the successful implementation of this strategic framework:

- Provincial Departments of Agriculture
- Department of Environmental Affairs
- Local government
- Conservation (wildlife, zoos)
- NGOs
- Exotic animal traders
- Welfare organizations
- Performing animals industry
- Animal traders and auctioneers
- Marine industry
- Research and academics
- Livestock industry

- Rural development and Land reform

The DAFF will strengthen partnerships with South African Police Services (SAPS), Department of Environmental Affairs (DEA), Department of Rural Development and Land Reform (DRDLR) and Department of Justice and Correctional Services to further the aims of this strategic framework.

11. Monitoring and Evaluation

To monitor the implementation of this strategic framework, the following indicators will be used to assess progress:

11.1 Ministerial approval of the strategic framework

11.2. Establishment of the specialized welfare unit.

11.3 Establishment of the legislative framework

- Enforcement of Standards/Codes by regulations where necessary
- Establishment of the proposed Animal Welfare Act.
- Periodic evaluation studies will be conducted to measure impact

12. Financial Implications

The funding for the activities of the animal welfare unit in the DAFF will be sourced from the fiscus. The rolling out of this strategic framework will inevitably have financial implications for provinces and local government which will have to be budgeted for.

13. Annexure

13.1. Definitions

Animal: Any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat or other domestic animal or bird, or any wild animal, wild bird or reptile which is in captivity or under control of any person

Animal care: The care of animals through good husbandry practices – taking the basic freedoms into account

Animal protection: the protection of animals by authorized and qualified persons through education, monitoring and enforcement.

Animal welfare organization: An organization registered as such to carry out animal care and protection duties described and prescribed in the legislation and relevant codes of practice.

Animal Welfare inspector: A trained registered person – authorized to carry out duties ascribed to such individuals in the legislation and relevant code of practice.

Code of practice: A set of guidelines for a specific activity involving animals which can be interpreted by a magistrate as the established and accepted norm.

Standard: A Standard is a published document which lists specifications and procedures established to ensure that a material, product, method or service is fit for its purpose and perform in the manner it was intended for.

Society for the prevention of cruelty to animals: Any society legally constituted that has as its mandate, the prevention of cruelty to animals. It is important to note that this not restricted to the SPCA/NSPCA. Other Societies would include the Animal Anti Cruelty League (AACL), Highveld Horse Care Unit, Wet Nose etc.

13.2. Acronyms

AACL: Animal Anti Cruelty League

DAFF: Department of Agriculture, Forestry and Fisheries

LWCC : Livestock Welfare Coordinating Committee

NSPCA: National Society for the Prevention of Cruelty to Animals

OIE : World Organization for Animal Health (translated from the French)

SABS : South African Bureau of Standards

SAMIC : South African Meat Industry Company

SAVA : South African Veterinary Association

SAVC : South African Veterinary Council

SAVF : South African Veterinary Foundation

SPCA : Society for the Prevention of Cruelty to Animals

NEMBA : National Environmental Management: Biodiversity Act 10 of 2004

13.3 Reference documents

Animals Protection Act, 1962 (Act 71 of 1962)

Performing Animals Protection Act, 1935 (Act 24 of 1935)

SPCA's Act, 1993 (Act 197 of 1993)

Animal Identification Act, 2002 (Act 6 of 2002)

Animal Improvement Act, 1998 (Act 62 of 1998)

Animal Diseases Act, 1984 (Act 35 of 1984)

National Environmental Management: Biodiversity Act 10 of 2004

Literature review of legislation from Australia and New Zealand

13.4. Document Information

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