



**agriculture**

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Department:  
Agriculture  
REPUBLIC OF SOUTH AFRICA

**DRAFT ANIMAL CARE POLICY  
FOR  
SOUTH AFRICA**

**Directorate: Animal and Aquaculture Production**

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## **1. Introduction**

Domestic animals have played an important role in the social, cultural, economic and agricultural history of South Africa – and will continue to do so – as providers of food, fibre, draught power, for recreational purposes, for cultural and ceremonial purposes, for research purposes, as working animals (guide dogs, sheep dogs, security dogs etc.) and as pets.

Caring for these animals – animal care – not only makes economic sense as far as management is concerned, but it is becoming a key factor in trade and animal health protocols.

To be in a position give long-term assurances both locally and internationally we need a culture of caring for our animal resources - supported by realistic and appropriate policy - and by effective legislation and regulation.

This document has been compiled with this in mind – to facilitate the development of a culture of caring through a framework that includes guidelines, norms and standards that take cognizance of the socio economic and socio cultural role and multiple uses of animals in South Africa.

### **1.1 Animal care In South Africa**

The care of animals in South Africa is regulated by two Acts – namely the Animals Protection Act, 1962 (Act 71 of 1962) and the Performing Animals Protection Act, 1935 (Act 24 of 1935).

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 NSPCA.

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

Good examples of similar decisions/actions include those taken by the United States of America, Australia and New Zealand.

The major difference in these cases is the emphasis on care rather than cruelty – along with a provision for a functional animal care advisory body (AWAC) and codes/guidelines for all activities involving animals.

This has enabled the respective departments of agriculture to focus attention on sound animal husbandry – and to function as 'players' in the field of animal production - without the added responsibility of being a referee as well.

Having assumed the responsibility for animal welfare, DoA therefore reviewed potentially appropriate legislation from New Zealand and Australia and this – along with the inputs of a National workshop and a wide variety of reactive issues relating more to cruelty than pro-active animal care made it clear that South Africa needed the following:

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- A general policy focusing on the care of animals.
- Specific guidelines/ codes and norms and standards to monitor and control the multitude of activities involving animals. This would include the activities of animal care organizations.
- A National Animal Care Working Group/ Advisory Committee (NACWG)
- One animal care Act.

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 - such as animal research, transport of animals and the humane management and slaughter of livestock.

This can be done within the current legislative framework while more effective legislation is being drafted - thereby assisting with the process of changing the cruelty paradigm to one where society in general becomes more tolerant of the diverse use of animals for various purposes.

It will also enable the Department to facilitate more effective education of owners of animals at all levels - and help develop partnerships with registered animal care organizations as primary functionaries.

This approach will include broad public consultation - and a critical review of legislation and experience in relevant countries.

To align the process with International norms and standards, guiding principles for animal welfare developed by the International organization for animal health (OIE) have been included.

## 1.2 Guiding principles for animal care (OIE)



- 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.
- That the scientific assessment of animal welfare involves diverse elements which need to be considered together, and that selecting and weighing these elements often involves value-based assumptions which should be made as explicit as possible.
- That the use of animals in agriculture and science, and for companionship, recreation and entertainment, makes a major contribution to the wellbeing of people.

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- That the use of animals carries with it a duty to ensure the welfare of such animals to the greatest extent practicable.
- That improvements in farm animal care can often improve productivity and hence lead to economic benefits.
- That equivalent outcomes (performance criteria), rather than identical systems (design criteria), be the basis for comparison of animal care standards and guidelines.

## **1.2 Scientific basis for policy and guidelines**

- Welfare is a broad term which describes how well individuals 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 individuals 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.

## **1.3 Ethical basis for guidelines**

- Those who use animals have obligations concerning the welfare of those animals. Poor welfare should be minimized and good welfare maximized by the use of adequate housing and ethically accepted methods of treatment, inspection, training and management.

**3. Problem statement**

**3.1 The need for a balanced and responsible approach to the care of animals**

The Animals protection legislation in South Africa was adapted from laws from Countries with uniform populations and cultures (e.g. the United Kingdom). In addition, the emphasis has been on the prevention of cruelty – rather than on the care of animals.

This legislation has been used by Societies for the Prevention of Cruelty to Animals (SPCA's) and similar organizations to monitor and act in cases of cruelty and , while most are responsible and focused in their respective activities, the emphasis on cruelty rather than care can lead to legal action and negative publicity against individuals and groups who are using animals for recreational (horse racing), ceremonial (Halaal slaughter, etc.), farming (intensive housing of poultry and pigs), research and business (e.g. cart horses) purposes.

Applying such legislation in a country with diverse cultures and traditions is therefore difficult as local customs are often overlooked in the process. A situation such as this is unfortunately open to abuse by local and international organizations that may value the rights of animals above human rights to food, safety and security

Neither the Minister nor DoA is empowered in terms of the current legislation to react in cases of cruelty – or in cases where empowered societies act with regard to or against certain practices that may be acceptable to the owners of the animals in question – but not to other sectors of society.

**3.2 Advice and guidance on animal care issues**

At present, South Africa has a Livestock Welfare Coordinating Committee (LWCC) that deals with issues related to the care of farm animals. This committee has drafted a number of codes of conduct for specific sectors and activities but these are currently applied on a voluntary basis.

The National Society for the Prevention of Cruelty to Animals (NSPCA) communicates regularly with DoA – and provides inputs on a variety of issues but South Africa does not have a functional ACWG.

**3.3 Current administration and implementation of animal care legislation**

While the DOA currently administers the legislation, implementation is largely dependent on laypersons and non-governmental organizations reporting incidents of cruelty to the authorities (police).

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 care organizations.

As a result, actions are often based on emotions and perceptions and are seldom subjected to independent expert review / advice.

A magistrate or judge makes the final ruling whether cruelty has occurred or not. There are no mechanisms, to ensure that those reporting are acting within reason - or that they are qualified to identify whether the act has been transgressed.

Experience has shown that the administration of animal care legislation is complex and that it is extremely difficult to act in cases where individual rights and basic farming activities are involved.

The current legislation also has three major shortfalls:

- Two acts that deal with the Protection of animals. One animal care Act would be far more effective – and this could be drafted by an ACWG – in consultation with all role players and stakeholders.
- No regulations. The relevant Minister may, however, make regulations – and there are specific codes – either in existence – or in the drafting process that could regulate specific sectors and activities – e.g. the code on animals used for research (Almost finalized) the code for the transport of wild herbivores (completed and available) and codes for the transport of livestock, handling of livestock, slaughter facilities, poultry, etc. (LWCC Codes).
- No provision for the registration of animal care workers, animal care Societies and kennels, shelters and animal research laboratories. This is an issue that could also be dealt with in the interim by way of codes, norms and standards – enforceable as regulations – but this is one issue that would require more specific legislation – along the lines of the legislation controlling reproduction operators and breed societies in the Animal Improvement Act – and the registration of veterinary Para veterinary practitioners in the Animal health legislation.

### 3.3 DoA as player and referee

Some concern was expressed about the advisability of DoA being both “player and referee” as far as animal care is concerned. This is, however, justified by the following:

- The fact that OIE has established an animal welfare-working group – with terms of reference that include welfare considerations in production systems and future country classifications. This WG has already met twice and has drafted basic guidelines for certain activities. Non compliance could jeopardize South Africa's position on the World organization for animal health.
- The Directorate of animal health deals with the health of all animals – and is involved with the importation of all animal species. Separating Agriculture animals from others for the purposes of animal care could be problematic.

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- Ongoing WTO directives indicating that animal care was becoming a factor that would have to be taken into consideration in the near future. South Africa has adopted a 'wait and see' approach – but may not be able to ignore animal care issue for much longer.
- The Departments of Agriculture in the United States, Australia and New Zealand have all assumed responsibility for animal care and have been able to assume the role of both player and referee very effectively.
- Other DOA legislation – on animal improvement, identification and health – all have links to animal welfare. With uniformity and effective service in mind, it may therefore be advisable to retain all under one 'umbrella' to avoid what has happened in other sectors where more than one Department has legislation / functions that are interlinked.

DoA can therefore be a player and referee (administer the legislation) by establishing an animal care working group (ACWG) that would deal with all relevant issues on the behalf of the Department.

There is a working example of such a committee in the DoA. The way in which the GMO legislation is administered could be applied to animal welfare.

There are also good working examples in the USA, Australia and New Zealand that could be used as models to develop a framework suitable for South African conditions.

This must be taken into consideration when deciding on the best policy option for the Department.

#### 4. Objectives



To develop an enabling policy for the care of animals – taking the following into consideration:

- The best option for DoA.
- Developing the animal care capacity within the Department.
- Funding for DoA and other animal care -related initiatives.
- The adaptation of existing codes of practice for use as regulations in terms of the existing legislation.
- The development of an effective inspectorate.
- Regulations to enforce the registration of animal care organizations and animal care inspectors.
- A code for Laboratory animals.
- A code for wildlife welfare.
- Codes for captive and companion animals.
- Codes for breeding facilities and kennels.
- Codes for working animals.
- Codes for security animals.
- The formation of an Animal care Advisory Committee (AWAC).
- An effective communication strategy.

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**4.1 What animals should be included in this policy?** 

- Animals used for breeding and production.
- Animals used for agricultural and other research.
- Draught animals.
- Working animals (Sheep dogs).
- Security animals.
- Animals used for sport and recreation.
- Game animals used for farming purposes.
- Companion and captive animals.
- Zoo and performing animals.
- Marine animals

**4.2 What activities need codes of conduct / guidelines?** 

- Handling facilities.
- Animal housing.
- Management practices – dehorning, castration, etc.
- Transport of animals.
- Slaughter.
- Feedlots.
- Sporting activities.
- Working animals (Draught, sheep dogs, hunting dogs, etc.)
- Animal pounds.
- Farm animal care organizations and inspectors.
- The care of animals used for research.
- The establishment and management of kennels.
- Caring for captive animals.
- Rehabilitation centers
- The care of companion animals / pets.

**5. Key issues to be considered** 

In order to give effect to these policy objectives, attention will have to be given to the following key issues:

- Developing animal care capacity within the Department.
- Funding for DoA initiatives.
- Setting standards.
- Adapting existing codes
- The drafting of new codes for a specific purpose.
- The establishment of an Animal care Advisory Committee.
- The possible relocation of the legislation (Justice).
- The drafting of holistic animal care act to replace existing legislation
- An effective communication strategy.

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### **5.1 Developing capacity within the DoA**

An animal care component should be established to co-ordinate this responsibility. This need not be a large component, as most of the work will be done by the AWAC. Depending on the option taken, the DoA would provide a secretariat for the animal care advisory committee (AWAC) and would co-ordinate the drafting of regulations, guidelines and legislation.

The implementation of programs, projects schemes and communication campaigns would be a shared responsibility of the ACWG and would be co-coordinated by this unit. This would also be done in partnership with the relevant NGOs. The unit will also function as a registry for NGO's and some of the people empowered to perform functions.

### **5.2 Setting standards**

Any existing standards should be reviewed and altered where necessary in order to develop specific directives for the operation of any relevant animal care function. This would include the registration of relevant NGOs and individuals.

All standards, codes of conduct and regulations will be drafted, using the consultative approach outlined earlier. (DoA in consultation with the AWAC, experts or/and other government departments dealing with standard setting.)

### **5.3 The adaptation of existing codes**

There is no need to wait for new legislation. Existing codes on the welfare of livestock transport of game and laboratory animals will be adapted for publication as regulations under the present Act or any other Act that specifically caters for standard setting.

Other codes could be developed from existing codes in other countries. The New Zealand and Australian codes would, without doubt be the most appropriate.

### **5.4 The drafting of new codes for specific purposes**

New codes that can also be used as regulations will be drafted in consultation with the relevant sectors. These include codes for the care of working animals, wildlife, companion animals, laboratory animals, handling and the transport of animals by sea and the humane handling and slaughter of sacrificial animals.

### **5.5 The establishment of an Animal care Advisory Committee**

A committee to advise the Minister and the DoA on any issue related to animal care will be established. The membership will be a combination of subject matter specialists, representatives of organizations involved in aspects of animal welfare, specific animal agricultural sectors and representatives from the broader community. This committee would also delegate specific tasks to smaller working groups.

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## **5.6 The need for a holistic animal care act to replace all the existing legislation that deals with animal welfare**

The ACWG will be tasked with advising the DoA on the drafting of a holistic animal care Act to replace the existing legislation. This will take some time and the existing legislation will be adapted and strengthened through the inclusion of regulations in the interim. The Department intends developing more effective legislation that will focus on all aspects of animal care – including guidelines and regulations for specific activities and sectors such as transport, humane slaughter, animals used for research and wildlife welfare.

This will be done in consultation with relevant sectors and subject matter specialists – taking cultural and religious activities involving animals – as well as the needs of our diverse society into consideration.

## **5.7 The Livestock Welfare Coordinating Committee**

The LWCC has the capacity to deal with all issues relating to production animals and game animals used for farming purposes.

Its current composition is fairly representative and it is managed by a parastatal, the South African Meat Industry Company (SAMIC).

The current codes drafted by the LWCC can be reviewed and adopted as regulations in terms of the existing legislation.

Should the option to concentrate on the care of animals used for food and agriculture be taken, the LWCC terms of reference would be reviewed to enable it to function as an AWAC.

In the case of the option to retain all animal care activities in DoA, the LWCC would remain as a specialist committee for the care of animals used for food, recreation and agriculture.

## **5.8 Licensing and Permits**

A system to license certain and other facilities such as wildlife quarantine and marketing facilities, research facilities, breeding and kennel facilities, training facilities, zoos, pet shops and animal transporters should be included. Uniform permits for certain activities should also be considered.

No animals should be transported by any means before a basic checklist has been completed. These checklists should be compiled by the LWCC – in consultation with the relevant producer organizations and stakeholders. This would include a reasonable checklist for stockowners moving animals using light delivery vehicles.

Checklists for animals should be compiled by the ACWG – in consultation with subject matter specialists.

## **5.9 Animal care Organizations and Animal Shelters**

These organizations perform a very necessary function – often working in partnership with municipalities to manage pound and the licensing of pets.

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AWO's are also often in a better position to deal humanely with problems such as feral cat colonies and unwanted puppies as a result of indiscriminate breeding and the keeping of unsterilised dogs.

It is, however, important to ensure that such bodies operate in a uniform manner – taking the rights of both humans and animals into consideration.

A code of practice for Animal care organizations and animal shelters should be developed in consultation with all such bodies and legislation should be put in place to ensure that all such organizations are registered.

Registration would be subject to inspection and approval of premises – particularly when these include kennels / animal shelters.

Any pounds operated by such organizations should also comply with the relevant legislation.

#### **5.10 Animal care Inspectors**

All animal care inspectors should be registered – and all should be required to comply with minimum standards to qualify for registration.

The SAVC should assist with the drafting of standards – and with registration of such inspectors.

Provision should also be made for at least two levels of AWI – to make provision for those with extensive experience but no formal training.

Both levels would be evaluated in terms of knowledge of the relevant legislation, basic and advanced animal handling and care – and by way of a practical exam.

Consideration should also be given to the training of animal health officers, municipal and provincial traffic inspectors in animal care to carry out certain functions.

#### **6. Links to Other Policies**

This policy will link to and complement the following policies by way of animal care principles:

- Animal Improvement
- Game farming
- Animal Traction

It will also link to and complement the National Livestock Development Strategy that includes sector strategies such as small ruminants, pigs, poultry, beef and dairy cattle, game farming and aquaculture

#### **7. Policy Options**

7.1.1 Establish a functional animal care component in DoA to serve as a focal point (maximum 3 officials – Agric scientist/Vet; Admin officer and an animal care inspector).

7.1.2 Establish an animal care working group (ACWG) to deal with all AC queries and issues and to assist with the drafting of an animal care bill that will eventually replace the three current Acts (USA / Australia / New Zealand could be used as a model).

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7.1.3 Use the LWCC as a specialist reference group for the care of animals used for food and agriculture.

7.2 Policy option recommended to address the problem

Taking the guiding principles for animal care (developed and endorsed by the OIE) – as well as working examples in the USA, Australia and New Zealand into consideration, only one option is recommended – namely to :

Retain Animal care in the DoA – under Animal Aquaculture Production (AAP) – with a functional component to serve as a focal point (maximum 3 officials – Agric scientist/Vet; Admin officer and an animal care inspector).

Establish an animal care working group (ACWG) to deal with all AC queries and issues and to assist with the drafting of an animal care bill that will eventually replace the three current Acts (USA / Australia / New Zealand could be used as a model).

7.3 Justification of the recommendation

Taking the following into consideration:

- The fact that the Directorate of Animal Health deals with the health of all animals.
- The fact that most animal care activities are linked to some legislation in the DoA.
- The fact that animal care has become a key issue with trade.
- The fact that the OIE has established a standing committee for animal care – and has already produced draft codes for the transport and slaughter of animals.
- The fact that it would be possible to delegate the "referee" function to an ACWG.

8. Summary of stakeholder inputs as well as responses to expressed suggestions and objections

Communication with stakeholders has been limited as it was more important to get the policy option endorsed and a draft document finalized before any general public announcement.

Past experience has shown that it is better to provide all stakeholders and role players with a working document – to avoid lengthy consultation prior to publication

The following were consulted / informed:

SAAV  
NSPCA  
KUSA  
LWCC  
SAVA  
SAVC  
SAVF

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**9. Institutional Implications**

Animal care capacity within DoA .  
Provision for an AWAC.

**10. Financial Implications**

The funding for the activities of the animal care unit in the DoA will be sourced from the fiscus. The operation of the advisory committee and any working groups attached to it could be partly funded from income generated from the issuing of registrations and permits within the framework of governments regulations regarding such procedure.

Should option 1 be taken, it may be necessary to provide some funding for the ACWG – along the lines established with the GMO Act.  
This would amount to about R100 000 per year.

**11. Communication Implications**

The choice of option should be communicated as widely as possible – and as soon as possible.  
An invitation to comment on both the policy and draft policy should also be published as widely as possible.

**12. Legislative and regulatory Implications**

If option 1 is taken, all three Acts should be relocated with Justice as soon as possible and a liaison committee must be established as well.

**13. Indicators of performance**

- 13.1 Adoption of the policy.
- 13.2 Establishment of an ACWG.
- 13.3 A more active LWCC.
- 13.4 Codes published as regulations.
- 13.5 Positive response from the public – compliance with codes and regulations.
- 13.6 Positive response from trade partners – compliance with codes and regulations.
- 13.7 A paradigm shift towards animal care.

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**14. Timetable and Implementation**

Action	Time frame	Key role players
Final decision on policy option	June 2006	DoA / DEXCO
Publication of a draft policy for public scrutiny and inputs	July 2006	DoA
Establish an ACWG along the lines of the New Zealand / Australian model	August 2006	DoA, LWCC, SAVC, SAVA, NSPCA, AACL
Adaptation of existing codes as regulations and drafting of new codes where necessary	Ongoing	AWAC / LWC
Draft Bill	2008	AWAC, DoA

**16. Annexures****15.1 The main policy areas concerning the department are clustered around the inherent needs of those engaged in agricultural activities namely:**

- (i) Access to and sustainable utilization of natural resources such as land, water, flora and fauna.
- (ii) Capacity to optimally utilize the resources dependent on infrastructure, finance, technology, service and skills development.
- (iii) Competitiveness of the individual enterprises and the entire sector relative to that of similarly endowed or competing economies to be addressed through improved efficiency and productivity, free and fair markets and innovation.
- (iv) Confidence and stability brought about by objective and effective regulation, by risk alleviation measures, sound customer relations and effective governance of the sector.
- (v) Responsibility underpinned by the sector's strategic role as society's basic food provider, employer of the less skilled, and as social safety net for rural society.

**15.2. Definitions**

**Animal** Any animal declared to be an animal in terms of the relevant sections of the following legislation - The Animal Improvement Act, 1998(Act 62 of 1998); Animal Diseases Act, 1984 (Act 35 of 1984), and the Animals Protection Act, 1962 (Act 71 of 1962)

**Animal care** The care of animals through good husbandry practices – taking the basic freedoms – as endorsed by the animal care committee of the OIE into consideration

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

**Animal care 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

**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), the Domestic Animal Rescue Group (DARG) the Wet nose animal shelter etc.

### 15.3 Acronyms

AACL	Animal Anti Cruelty League
AWAC	Animal care Advisory Committee
DoA	National Department of Agriculture
LWCC	Livestock Welfare Coordinating Committee
NSPCA	National Society for the Prevention of Cruelty to Animals
OIE	World Organization for Animal Health
SAALAS	SA Association for Laboratory Animal Scientists
SAAV	South African Association for the Abolishment of Vivisection
SABS	South African Bureau of Standards
SAMIC	South African Meat Industry Company
SAVC	South African Veterinary Council
SAVF	South African Veterinary Foundation
SPCA	Society for the Prevention of Cruelty to Animals

### 15.4 Reference documents

Animals Protection Act, 1962 (Act 71 of 1962)  
 Performing Animals Protection Act, 1935 (Act 24 of 1935)  
 NSPCA'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)  
 Literature review of legislation from Australia and New Zealand

### 15.5. Document Information

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