



SOUTH AFRICAN  
VETERINARY FOUNDATION

**REVIEW OF  
ANIMAL CARE LEGISLATION  
IN SOUTH AFRICA**

SA VETERINARY FOUNDATION • NON-PROFIT ORGANISATION 022-238-NPO • SECTION 21 COMPANY  
NO. 1984/003967/08 • FUND RAISING NUMBER 022002390002 • PO BOX 25033, MONUMENT PARK, 0105  
PRETORIA, SOUTH AFRICA. • TEL. +27-12 346 1150/1; FAX +27-12 346 2929 • E-MAIL: SAVF@SAVA.CO.ZA  
• WEBSITE: WWW.SAVF.ORG.ZA



## Project Background

Animal Welfare has become a major issue worldwide and officials agree that the South African legislation is in urgent need of review. This state of affairs is compounded by the fact that, effectively, there are little or no regulations under existing laws. Agreement has been reached that stakeholders involved in animals should be involved in the drafting of new regulations based on existing codes of conduct and practice and in the development of new legislation for animal care and use.

Internationally, the accepted guiding principles for animal care and use are the following:

- 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.
- 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.

In the light of the critical importance of animal welfare and use in the veterinary profession, and in view of the dramatic development of new concepts of ethics and care of animals, the South African Veterinary Foundation resolved to take the initiative with this project. The Foundation undertook to work closely with the National Department of Agriculture in the review and development of Animal Care and Use legislation.

**The primary contribution of this project is the collection and collation of existing international codes and manuals and the adaption of suitable material for South African conditions. The material will then be refined by the Department of Agriculture – working closely with the Foundation – and after publishing for public comment will form the basis of new regulations.**

**Part of the project involves the distribution of relevant codes of practice to the various specialist groups of the South African Veterinary Association. This will position the veterinarian and paraveterinary professions of Southern Africa on the international forefront in modern practice in animal care and use.**

**Finally, the project will produce the first ever comprehensive Manual of Animal Care and Use in Southern Africa.**



## Changing Times — New Threats and New Opportunities

During the last decade the increasing aggressive tactics of animal rights activists have become a worldwide phenomenon. Of course civilised, rational people support the need for society to accept the responsibility of custodianship of animals on this planet — in particular domestic animals — and to enforce standards of animal welfare and care. But the activities of animal rightists have given rise to alarm and confusion.

### **What is the distinction between animal welfare and animal rights?**

Animal welfare reflects people's concern for the humane treatment of animals and is regarded as more representative of the mainstream of society. It appears to have growing support from society at large.

In contrast, proponents of animal rights hold that animals must not be exploited in any manner. In other words, the only interactions humans should have with animals are those that occur by happenstance or those that are initiated by an animal.

'Animal rights advocates believe that animals have basic rights — many say, the same as people — to be free from confinement, pain, suffering, use in experiments, and death for reason of consumption by other animals (including humans). Thus, animal rights advocates oppose the use of animals for food, for clothing, for entertainment, for medical research, for product testing, for seeing-eye dogs, and as pets. Currently, animal rights doctrine is essentially philosophical, anti-vivisectionist, vegetarian, pro-activist, moralistic, and urban-based.' (Albright 1986).

'The animal rights proponents believe that humans have evolved to a point where they can live without any animal products — meat, milk, eggs, honey, leather, wool, fur, silk, by-products, etc. These advocates offer a long list of concerns in support of the conclusion that neither medical researchers nor the cosmetic industry has the right to experiment on animals. They also conclude that the animal kingdom is exploited by hunters, zoos, horse racing, horseback riding, the use of guide dogs by blind people, the use of simians (small primates) to assist quadriplegics in wheelchairs, and by the keeping of animals as pets.'

- This is one of the main threats of the new millennium, a threat which no animal health, pharmaceutical or agricultural organisation can take lightly!
- This is the threat of orchestrated, dramatic media events, loaded with emotion, which generate massive public sympathy and consequently millions of donor dollars — and where scientific fact and common sense are totally inconsequential.
- This is the threat by activists to the life and limb of employees of targeted companies, including even the wives and children of employees.

**A new strategy to cope with changing times must urgently be formulated.**



### Shortfalls and Issues

#### **Animal Care in South Africa** (includes extracts from the policy paper)

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 animal welfare associations.

The responsibility for the two Acts (Act 71 and 24) was transferred to the National Department of Agriculture (DoA) in 1997. 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:

- 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.

But drafting new legislation can be a lengthy process. **Meanwhile there is an immediate need for regulations, guidelines, norms and standards that can control the various sectors — including the pharmaceutical and chemical industry, the various producer groups, the public sector and the consumers — and all related activities involving animals.**

The needed regulations can be implemented within the current legislative framework in the interim while more effective legislation is being drafted. 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 and producer groups 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.

#### **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 – to be drafted by in consultation with all role players and stakeholders.
- **No regulations.**  
The Minister may, however, make regulations referring to specific codes, either in existence or in the drafting process, which 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 and handling of livestock, slaughter facilities, poultry, etc.
- **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 by way of codes, norms and standards.



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The absence of Regulations (see above) is a major problem, because there are no clear guidelines or interpretations. Such regulations will clearly describe which practices are acceptable and which are not and also clearly describes the procedures to be taken in the case of acceptable practices.

According to the Animal Care Policy of the Department of Agriculture, the Codes of Conduct and Procedures of various organisations involved in animals across a broad front will be incorporated in the Regulations. The aim of the project described here is to draw up, collate, and publish such sets of codes and to incorporate these into the proposed **Manual of Animal Care and Use**.

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### The New Policy of the Department of Agriculture

The Department, seeking to develop an enabling policy for the Care of Animals, is considering the following:

1. Developing the animal care capacity within the Department.
2. Funding for DoA and other animal care-related initiatives.
3. The adaptation of existing codes of practice for use as regulations in terms of the existing legislation.
4. The development of an effective inspectorate.
5. Regulations to enforce the registration of animal care organizations and animal care inspectors.
6. A code for Laboratory animals.
7. A code for wildlife welfare.
8. Codes for captive and companion animals.
9. Codes for breeding facilities and kennels.
10. Codes for working animals.
11. Codes for security animals.
12. The formation of an Animal Care Advisory Committee (AWAC).
13. An effective communication strategy.

#### **Animals to be included in this policy**

- Animals used for breeding, production and for human consumption.
- Animals used for agricultural and other research.
- Draught animals.
- Working animals.
- Security animals.
- Animals used for sport, recreation and cultural activities.
- Game animals used for farming purposes.
- Companion animals.
- Domesticated and captive animals.
- Zoo and performing animals.
- Marine animals.



### **Activities needing codes of conduct and guidelines of practice**

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

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

There is no need to wait for new legislation. Existing codes on the welfare of livestock, transport of game, working dogs (bird dogs), laboratory animals, animals used in scientific research, 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 and adapted from existing codes in other countries.

### **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.

### **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.

### **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. This will constitute the backbone of the Manual.



## Strategy and Solution

From the foregoing, a clear strategy presents itself. This is to play an active role in the formulation of Regulations under the current Acts; and to play an active role in the development and formulation of the new Animal Care and Use Act and its regulations, while providing information which is indispensable in the development of the regulations and the new legislation.

### **Stage 1:**

The collating and formulation of important **Codes and Standards** applicable to the most urgent aspects of animal care and use — for incorporation in the regulations under the current acts. This stage is planned for completion by the end of March 2008.

### **Stage 2:**

To produce the **Manual of Animal Care and Use**. This manual must be as wide and comprehensive as possible and represent the inputs of all possible stakeholders and persons involved in animal management, care and use. This requires ongoing editing and updating, both locally and internationally. The first edition of this manual should be published by end 2009.

### **Stage 3:**

The ongoing revision, updating and supplementation of the Manual on an ongoing basis for another three years to end 2012.

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## SOUTH AFRICAN VETERINARY FOUNDATION

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### Project Executors

#### **Council of Advisers**

Prof Remo Lobetti

Mrs Esther Ludin

Dr Raoul vd Westhuizen

Mr Anthony Crossley

Dr Willem Burger

Convenor (Chairman of SAVF)

T Ludin Trust

SA Wingshooters

Veterinary Pharmaceutical Industry

Kleinkaroo-Landboukoöperasie

#### **SA Veterinary Foundation**

The South African Veterinary Foundation was founded in 1974. It is a registered non-profit organisation and a section 21 company without gain. The Foundation was established to raise money to promote a greater understanding of animals by means of research and an informed public and to financially support projects that add value and which would not otherwise receive sponsorship.

The Foundation accepts the legal responsibility for the Project and for the handling and supervision of the financing, budget control and disbursements.

#### **Project Executive**

Dr Kobus du Toit

Tel 082 873 1160

gameserv@mweb.co.za



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### Appendix 1: Estimated Costs

#### Stage 1:

1 June 2006 to 31 January 2007 —	
8 months x 50 hrs @ R400 /hr.. . . . .	R160,000
1 February to 31 March 2008 —	
14 months x 50 hrs @ R400 /hr.. . . . .	<u>R280,000</u>
<b>Total – .. . . .</b>	<b>R440,000</b>

#### Stage 2:

1 April 2008 to 31 December 2008 —	
9 months x 50 hrs @ R450 /hr.. . . . .	R202,500
1 January 2009 to 31 December 2009 —	
9 months x 50 hrs @ R450 /hr (manual pre-print) . . . . .	R202,500
<b>Total – .. . . .</b>	<b>R405,000</b>

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#### Printing & publishing of Manual (to be outsourced e.g. Macmillan Academic Publishers)

Set of 4 volumes (Small animals, Production animals, Horses, Wildlife) —	
R2,000 per set x 1,000 print run .. . . .	R2,000,000

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## Appendix 2

Information and Codes already incorporated in the material for the Animal Care Manual:

- ▼ ANIMAL FEEDING
  - ▼ CARNIVORE FEEDING
    - Live prey summary.doc
    - meatprey.pdf
    - Zoosanitary regulations.pdf
  - Sampling Protocol for Feeds and Ingredients.doc
- ▼ ANIMAL WELFARE GENERAL
  - CRITICAL ANALYSIS WELFARE.doc
  - ETHICAL GUIDELINES BIOTECH RESEARCH.pdf
  - POLICIES.pdf
  - WELFARE GENERAL.pdf
  - WELFARE NGO'S.pdf
- ▼ BIBLIOGRAPHY
  - ANIMAL HEALTH WEB REFERENCES.doc
  - BIBLIOGRAPHY ANIMAL RIGHTS.doc
  - BIBLIOGRAPHY BIOPSY TECHNIQUES.doc
  - BIBLIOGRAPHY CARE AND USE LAB ANIMALS.doc
  - BIBLIOGRAPHY CATTLE MANAGEMENT CARE USE.doc
  - BIBLIOGRAPHY DEHORNING.doc
  - BIBLIOGRAPHY EUTHANASIA.doc
  - BIBLIOGRAPHY FALCONRY.doc
  - BIBLIOGRAPHY FARM ANIMALS MANAGEMENT CARE USE.doc
  - BIBLIOGRAPHY HORSES MANAGEMENT CARE USE.doc
  - BIBLIOGRAPHY HUNTING.doc
  - BIBLIOGRAPHY MARINE MAMMALS.doc
  - BIBLIOGRAPHY PAIN MANAGEMENT.doc
  - BIBLIOGRAPHY PRIMATES LAB ANIMALS.doc
  - BIBLIOGRAPHY TAILDOCKING.doc
  - BIBLIOGRAPHY TOXICOLOGY RESEARCH.doc
  - BIBLIOGRAPHY TRAINING PRIMATES LAB ANIMALS.doc
  - BIBLIOGRAPHY TRAINING.doc
  - BIBLIOGRAPHY WAR DOGS MANAGEMENT CARE USE.doc
  - BIBLIOGRAPHY WILDLIFE DISTURBANCE.doc
  - ELEPHANT.doc
  - FERRAL HORSES EQUIDAE.doc
  - RHINO BIBLIOGRAPHY.doc
  - SABLE BIBLIOGRAPHY.doc
  - WILDLIFE GAME RANCHING.doc
  - WILDLIFE INTENSIVE FARMING.doc
































- ▼ CODE PRACTISE CARE MANAGEMENT
  - ABATTOIRS CODE PRACTISE MANAGEMENT CARE.doc
  - BEEF CATTLE CODE PRACTISE MANAGEMENT CARE.doc
  - BUFFALO CODE PRACTISE MANAGEMENT CARE.doc
  - CODE PRACTISE CAMELS.pdf
  - CODE PRACTISE FERRAL ANIMALS.pdf
  - DAIRY CATTLE CODE PRACTISE MANAGEMENT CARE.doc
  - EXHIBITS CODE PRACTISE MANAGEMENT CARE.doc
  - FARM YARD ANIMAL CODE PRACTISE MANAGEMENT CARE.doc
  - FISH PRODUCTION CODE PRACTISE MANAGEMENT CARE.doc
  - FUR ANIMAL CODE PRACTISE MANAGEMENT CARE.doc
  - HORSE CODE PRACTISE MANAGEMENT AND CARE.doc
  - HORSE PRODUCTION CODE PRACTISE MANAGEMENT CARE.doc
  - INJURED ANIMALS CODE PRACTISE MANAGEMENT CARE.doc
  - LABORATORY ANIMAL CODE P...CTISE MANAGEMENT CARE.doc
- ▼ MINE DOGS
  - IMAS09.40-GuideMineDogs.doc
  - IMAS09.41-MineDog OpsProdedures.doc
  - IMAS09.42-Licensing Mine Dogs.doc
  - IMAS09.43-RemoteScenting.doc
  - IMAS09.44-Guide to Mine Dogs.doc
  - POULTRY PRODUCTION CODE ...CTISE MANAGEMENT CARE.doc
  - RABBIT PRODUCTION CODE PRACTISE MANAGEMENT CARE.doc
  - SECURITY DOG CODE PRACTICE MANAGEMENT CARE.doc
  - SHEEP GOAT CODE PRACTISE MANAGEMENT CARE USE.doc
  - SWINE PRODUCTION CODE PRACTISE MANAGEMENT CARE.doc
  - VEAL PRODUCTION CODE PRACTISE MANAGEMENT CARE.doc
- ▼ CONSERVATION LAWS
  - AGRICULTURE RESEARCH ACT No 27 2001.pdf
  - ANIMAL HEALTH ACT No 7 of 2002.pdf
  - ANIMAL IDENTIFICATION ACT No 6 2002.pdf
  - ANIMAL IMPROVEMENT ACT No 62 1998.pdf
  - BIBLIOGRAPHY SA LAWS CODES.doc
  - GAUTENG NATURE CONSERVATION ORDINANCE 1983.doc
  - NAT ENV MGMT PROTECT AREAS ACT No 31 of 2004.pdf
  - NAT ENVIRON MANAGEMT Act 1998 (Act No 107 of 1998).pdf
  - NATIONAL FORESTS ACT No 84 of 1998.pdf
  - NATURAL HERITAGE RESOURCES ACT No 25 of 1999.pdf
  - ONDERSTEPOORT BIOL PROD No19 of 1999.pdf
  - VET & PARAVET PROF ACT No10 of 2002.pdf
  - WORLD HERITAGE CONVEN ACT No 49 of 1999.pdf



- ▼ CONSUMPTIVE WILDLIFE CODES
  - ▼ BOW HUNTING
    - TPA Bow-hunting policy.doc
  - ▼ CANNED HUNTING
    - Canned Lion Policy.doc
    - CODE CONDUCT ANGLING.doc
    - CODE CONDUCT FALCONRY.doc
  - ▼ GAME CAPTURE
    - CODE PRACTISE GAME CAPTURE PILOT.doc
    - SANS 10331 TRANSPORT GAME.pdf
    - WILDVANG KODE FINAAL.doc
  - ▼ HUNTING
    - PHASA CODE ETHICS.doc
    - POLICY LEGISLATION HUNTING SA.doc
    - SANDGROUSE CODE PRACTISE HUNTING.doc
  - Dr J Morton SAVA Animal Welfare.doc
- ▼ ELEPHANTS
  - ELE-DEMAZ-CODE-OF-CONDUCT-2000.pdf
  - ELE-DEMAZ-CONSTIT-2000.pdf
  - ELE-MANUAL-DEMAZ-2000.pdf
  - Elephant strategy SANParks.doc
  - EMOA ELEPHANT POLICY.pdf
- ▼ GAME RANCHING
  - EMOA ELEPHANT POLICY.pdf
  - GAME FARMING POLICY.pdf
  - INTRODUCTION EXOTIC WILDLIFE.doc
  - IUCN TRANSLOCATION GUIDELINES ELEPHANTS.pdf
  - SABS CERTIFISERING PLASE.doc
- ▼ GAMEBIRDS
  - AGRED-CaptiveBredPolicy.pdf
  - ANIMAL WELFARE AND FOX HUNTING.doc
  - GAME BIRD CODE PRACTISE MANAGEMENT CARE.doc
  - HUNTING DOGS REPORT UNITED KINGDOM.doc
  - SANDGROUSE CODE PRACTISE HUNTING.doc
  - SHOTGUN SAFETY CODE PRACTISE.doc
  - WingsCode-Waterfowling.pdf
- ▼ GOVERNMENT DOCUMENTS
  - BIODIVERSITY ACT SA.doc
  - BUFFALO BREEDING PROTOCOL NO 21.doc
  - DEAT BUSSINESS PLAN.pdf
  - Elephant strategy SANParks.doc
  - Exsitu-Policy-KNatal.pdf
  - LEGAL IDENTIFICATION MARKS.doc
  - NATIONAL NORMS STANDARDS HUNTING SA.doc
  - SA ANIMAL CARE POLICY.doc



- ▼  MANUAL STRUCTURE
  -  Index Manual.doc
  -  TEMPLATE.doc
- ▼  NON CONSUMPTIVE WILDLIFE CODES
  -  CODE CONDUCT DIVING SHARKS.doc
  -  CODE ETHICS WHALE WATCHING.doc
  -  CODE ETHICS WILDLIFE VIEWING.doc
  -  CODE PRACTISE CAMPING.doc
  -  CODE PRACTISE NATURE PHOTOGRAPHY.doc
- ▼  GREEN HUNTING
  -  EMOA GreenHunting.doc
  -  WILDLIFE GROUP POLICY GREENHUNTING.doc
- ▼  PROBLEM BIRDS
  -  DRAFT MANAGING PROBLEM BIRDS.doc
  -  NATIONAL PROBLEM BIRD FOR... CONTACTS LIST May 2004.doc
  -  PROBLEM BIRD LIST.doc
- ▼  PROCEDURES
  -  BASC-Tail Docking.pdf
  -  BIOPSY POLICY.doc
  -  DNA SAMPLING.pdf
  -  INTRODUCTION OF AFRICAN WILD DOG.doc
  -  PAINFUL PROCEDURES.pdf
  -  SMALL RUMINANT VETERINARY.pdf
  -  TAILDOCKING DOGS.pdf
  -  TAILDOCKING FACT SHEET.pdf
  -  TAILDOCKING REPORT.doc
  -  TATTOO.pdf
- ▼  TRAINING
  -  TRAINING HORSES.pdf