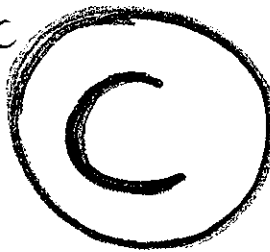


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**COMMENTS ON THE PERFORMING ANIMALS PROTECTION
AMENDMENT BILL**

SUBMISSION PREPARED BY BAN ANIMAL TRADING SOUTH
AFRICA

BAN
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Compassion in Action

APRIL 2015

BAN ANIMAL TRADING (BAT) is a registered, Not For Profit Company that aims to educate and create awareness about the protection of all animals.

BAT represents the views of thousands of people, both locally and internationally, concerned about the interests, welfare and use of sentient beings in captivity.

BAT has serious concerns about the proposed Performing Animals Protection Amendment Bill, from an animal welfare and animal rights perspective. It is imperative that government mandated standards are effective. BAT is concerned that the amendment bill contains numerous terms that are not fully defined and are open to broad interpretation. As currently formulated, the bill will merely serve to institutionalize the activities it is purporting to regulate.

BAT believes that the proposed Performing Animals Protection Amendment Bill, in its current form, is a positive step to ensuring the protection of performing animals. However, this amendment bill must be revised to address inadequate and unspecified law enforcement provisions to benchmark itself internationally.

To achieve this, BAT submits that this bill be revised as follows:

1. 3C. Delegations of functions

(1) The National Executive Officer may appoint such experts or other persons as necessary with a view to assisting in the exercise and performance of powers, functions and duties.

1.1 The above should be revised to read:

(1) The National Executive Officer SHOULD appoint experts in animal welfare and animal rights, with a view to assisting in the exercise and performance of powers, functions and duties.

1.2 The revision is suggested for the following reasons:

1.2.1 Section 3 (3A) provides for the designation of a National Executive Officer, who should be qualified as an animal scientist or a veterinarian.

1.2.2 No mention is made of individuals experienced in the welfare of animals in captivity.

1.2.3 The licensing process cannot depend on one, or two executive officers who have no knowledge of or experience in the field of animal welfare and animal rights.

1.2.4 A committee, weighted in favour of animal welfare, should be appointed and only such a committee should have the authority to grant a licence to (a) any business or individual who trains and uses animals in the entertainment industry, including animal circuses, zoos, aquariums, bird parks and parks where wild animals are used as entertainment, e.g. lion parks; (b) any

business or individual who uses animals for exhibitions, including reptiles, arachnids and birds.

2. 3I. Application for a licence

3I.(2) An application for a licence in terms of this Act must be in writing and must include the following information:

- (a) A description of the animal the applicant intends to exhibit or train for exhibition or to be used for safeguarding;
- (b) a description of the general nature of the performances in which the animal is to be exhibited or trained to be exhibited;
- (c) description of the general nature of the safeguarding in which the animal is to be used;
- (d) written motivation for the granting of the licence; and
- (e) proof of payment of the prescribed fee.

2.1 The following should be added to 3I:

- (f) The 'Terms and Conditions' of a licence.
- (g) The process for considering and granting a licence should be in the public domain.

2.3 The revision is suggested for the following reasons:

- 2.3.1 There is no mention, description or definition in this Act of the 'Terms and Conditions' under which a permit/licence will be granted.

- 2.3.2 The 'Terms and Conditions' of permits need to be articulated, so that it can be clear as to how the permits will be obtained, implemented and enforced.
- 2.3.3 The process of considering and granting a permit, should be in the public domain to ensure that the 'Terms and Conditions' are adhered to.
- 2.3.4 In a democratic society, it is imperative that the concerns of South African citizens' about examples of abuse and cruelty of wild animals in captivity, be addressed.

3. Other issues

- 3.1 The provision of the act should be extended to be applicable to all businesses that train and use captive animals to perform, i.e. circuses, zoos, aquariums (fixed base exhibits), security dogs, animals used in temporary exhibitions (including pet shops), animals used in advertisements, etc.
- 3.2 In keeping with international trends, BAT submits that only a complete ban on animals trained and used to perform for entertainment, will be enforceable.

Ban Animal Trading commends the Department of Agriculture, Forestry and Fishery (DAFF) for ensuring that licences/permits will only be granted by executive officers experienced in the field of animal welfare. BAT appeals

to the committee to take the above submission into consideration, so that the welfare and rights of animals are protected.

Ban Animal Trading

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