



12 Boekenhout Drive Milkwood Park 7975
Tel: +27 (0)21 785 6853 Cell: +27 (0)82 576 9366
Fax: +27 (0)88 021 785 6853
E-mail: nikki@animalsmatter.co.za

12 May 2015

Ms M R Semenya
Chairperson
Portfolio Committee
Agriculture, Forestry & Fisheries
National Assembly
CAPE TOWN
8001

Dear Ms Semenya

SUBMISSION: PERFORMING ANIMALS AMENDMENT ACT 24 OF 1935

Thank you for allowing me to make a submission in respect of the proposed amendment of this Bill at such short notice. We appreciate the opportunity as we believe the issuing of licences have been reduced to what can best be described as a rubber stamp function in certain provinces, particularly as far as licences issued to circuses with performing animals are concerned.

As the founder/director and Chairperson of the Non-Profit Organisation United Front 4 Animals (UFA) (Reg No 2014/106999/08), I am duly authorised to represent said organisation at these hearings.

UFA's founding principles include – inter alia – to protect all animals from abuse and exploitation, to do all that is necessary to alleviate suffering, raise awareness, campaign, and to educate and advocate on behalf of all animals – domestic-, farm- and wild animals.

I am also founder of the group 'No Animals in Circuses' which has been raising awareness, advocating and lobbying on behalf of animals suffering in circuses, and it remains one of the main projects of UFA to end this medieval form of cruelty to animals.

Our input today would therefore be aimed, primarily, at the issuing of licences to circuses, and will essentially be a recommendation that animal circuses should not be issued licences while it continues to operate as it does at present, i.e. travelling and performing all year round and the conditions under which the circus business operates.

This recommendation is based on the fact that immense cruelty and suffering are inherent in travelling circuses, as no animal's needs can be provided for when confined to trailers and crates and in transit.

We would like to provide a brief background against which we came to the conclusion that, as far as circuses go, this is the only possible recommendation we can make.

It is no secret that the Performing Animals Protection Act (PAPA) 24 of 1935 is hopelessly outdated, as is the Animals Protection Act 71 of 1962. The third Act, the Societies for the Prevention of Cruelty to Animals Act 169 of 1993 also falls short, as it focuses on cruelty, rather than the welfare of animals – i.e. it falls short of international standards which include the welfare of animals in legislation. When the Department of Agriculture Forestry and Fisheries (DAFF) took over the responsibility for these Acts in 1997, a Committee was formed (in 2011), to develop an Animal Care Policy, and I quote “To align the process with international norms and standards, guiding principles for animal welfare developed by the International Organisation for Animal Health (OIE).”

The Committee was also tasked to ensure the welfare of animals to the greatest extent possible and recognised that it is only once the needs of animals are known, that conditions and treatment methods can be developed and put into practice to fulfil the needs of animals and thus ensure their welfare.

The Committee accepted and endorsed as guiding principles, among others, the five basic Freedoms, i.e. 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 behaviour.

Circus animals are regularly subjected to pain, often to injury, consistently to fear and distress, unremitting physical and thermal discomfort, and they never have the opportunity to express normal patterns of behaviour.

Also considering the duty the licensing officer has to determine whether the person applying for a licence is ‘fit and proper’, we believe that this Act cannot be amended without taking cognisance of this very important aspect of issuing licences. There is currently no criteria for any licensing officer to take into account when he needs to decide what constitutes ‘fit and proper’ and we believe neither the nature of the ‘use’ of animals, nor what it entails, can or should be regarded as being of no consequence when this is considered. We therefore contend that, because of the cruelty and suffering inflicted on circus animals, no circus owner can be regarded as ‘fit and proper’ because:

The very nature of their business means that travelling circuses present a series of recognised animal welfare problems, including:

- **No other working animals spend their entire year in temporary travelling accommodation;**
- **excessive periods** of time spent shut inside trailers – whether travelling or not and in extreme and all weather conditions;

- **temporary facilities** lacking space and environmental enrichment for their entire working lives;
- **limited exercise enclosures** that are only available to some of the animals – for example too many animals for the space provided; use of the facility on a rotational basis cannot be maintained; ‘difficult’ animals not being allowed into the enclosure;
- **travelling whilst sick, injured, or pregnant**, and forced to give birth on the road or during a performance in a noisy environment (Brian Boswell Circus’s camel gave birth during a performance some years ago);
- **violence (scaring the animals) and force being commonplace** – part of the circus culture and husbandry practices – accepted as a means to move animals about (some video footage available);
- **complex or unnatural tricks** (such as hind leg walking) requiring very close control and domination during training, resulting in force and violence;
- **Inappropriate groupings (stress inducing)** and positioning of caging (e.g. mixing of species – or prey species close to predators; and herd species kept alone).
- **Space will always be limited, and facilities poor and inadequate and stress inducing** – some video footage available;
- **Circus animals cannot be adequately monitored to ensure protection which is the core function of the PAPA** – conditions (stress and distress including feeding and watering) while travelling are unknown;
- **Training cannot and have not been monitored or determined** – wild animals’ training starts when removed from their mothers soon after birth when the animals’ spirits are broken and its natural instincts suppressed by domination and violence (circus owners invite members of the public to see rehearsals while training takes place in a guarded tent or away from public and inspectors’ scrutiny).

In addition, stressed wild animals in close quarters with the public has proven to be a public health and safety hazard, with escaped animals both maiming and even killing members of the public, including children. Considering that it is incumbent on government to ensure the safety of communities, decision makers (licensing officers) could be held responsible for injury and even death of members of the public and the well documented circus animals who escaped over the years should be considered when licenses are issued.

In summary, we are of the opinion that circuses with performing animals (as they operate currently) cannot provide for the welfare of animals, and the inherent cruelty and suffering involved for animals in circuses, i.e. the nature of their business dictates that owners of animal circuses cannot presently be regarded as fit an proper to hold a licence under an Act which core function is to protect animals.

We further believe that only qualified wildlife experts can determine the well-being of animals, particularly of wild animals, of which I do not believe South Africa has enough readily available to fulfil the functions of a licensing officer or inspector of performing animals.

In conclusion, our recommendations are that:

- Only a Vet with a suitable Animal Welfare and Behaviour qualification should be recommended to issue licences for (all) performing animals;
- A policy be developed and laid down to determine what constitutes a 'fit and proper' person to hold a licence for (all) performing animals in terms of the Act;
- All transgressions in terms of prevailing legislation be documented and considered before a licence is renewed;
- All incidents of escaped animals (and hence the safety of the public) be well documented and considered before a licence is issued;
- A qualified professional (similar to the licensing officer) should be tasked with inspections;
- Circuses only be issued licences if compulsory rest periods for animals are prescribed, and that facilities at such rest camps/farms are comparable to at least the minimum and acceptable zoo/farm standards depending on the species;
- Circuses only be issued licences if they make their itinerary known to the licensing officer and it does not involve packing up and moving animals on a daily or even weekly basis;
- Circuses only be issued licences if adequate exercise facilities (not just small holding pens) and times can be ensured where they set up performances and that adequate protection is provided for such exercise facilities to obviate forced containment in trailers during adverse weather conditions;
- Circuses only be issued licences once conditions on the road (for at least two months during summer and two months during winter) have been monitored and studied by two independent and suitably qualified professionals to establish the welfare of animals during travelling;
- Circuses only be issued licences once training methods and the force (pain and distress) necessary for training have been properly studied and documented and compiled by Animal Welfare and Behavioural experts (readily available papers by experts regarding all facets of acceptable and unacceptable animal husbandry including transportation and captivity).

Thank you for your time and consideration.

Sincerely



Nikki Elliott
 Founder/Director: United Front 4 Animals
 2014/106999/08

World Animal Day Ambassador: SA
<http://www.worldanimalday.org.uk/ambassadors/south-africa-2/>
PROJECT LEADER: ANIMALS MATTER TO AFRICA