

Inspections, compliance with wildlife regulations, policy and legislative impediments in relation to the captive lion breeding industry



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ANIMAL WELFARE



In the wild, lions have Challenges however they also have Choices. When kept in captivity, an **undisputed legal obligation** exists to provide for their species-specific needs, well-being and welfare.



THE NSPCA (THE COUNCIL)

- Is a statutory body established in terms of the Societies for the Prevention of Cruelty to Animals Act 169 of 1993.
- To prevent cruelty to animals, promote animal welfare and enforce the Animals Protection Act 71 of 1962.
- To prevent the ill-treatment of animals by promoting their good treatment by man.
- Take cognizance of the application of laws affecting animals and make representations in connection therewith to the appropriate authority.
- Do all things reasonably necessary for or incidental to the achievement in carrying out our legal mandate.



NOTABLE JUDGEMENTS

Supreme Court 462/07

NSPCA vs Peter Openshaw

Judge Cameron : *Animals are sentient beings that are capable of suffering and experiencing pain.*

Khampepe, J. (2016) 'CASE NO: CCT 1/16', Constitutional Court of South Africa

The NSPCA vs the Minister of Justice and Constitutional Development and Another

In a unanimous decision by Khampepe et al, right to private prosecutions and the Constitutional Court highlighted the connection between *intertwined values of animal welfare and conservation.*

Kollapen, J. (2019) 'CASE NO: 86515/2017', The High Court, Gauteng Division, Pretoria

The NSPCA vs Minister of Environmental Affairs; DG Department of Environmental Affairs, and South African Predators Association

The judgement made by Judge Kollapen again reinforced the fact that animal welfare and conservation together reflect intertwined values, effectively meaning an official may not make a decision regarding any animal, without considering its welfare.



APPLICABLE LEGISLATION

- National Environmental Management Act 107 of 1998
- National Environmental Management: Biodiversity Act 10 of 2004
- Threatened or Protected Species Regulations
- Provincial Nature Conservation Ordinances and Regulations.
- Animals Protection Act 71 of 1962
- Animals Improvements Act 62 of 1998
- Animal Matters Amendments Act 42 of 1993
- Performing Animals Protection Act 24 of 1935
- Animal Health Act, 2002 (Act No. 7 of 2002)
- Occupational Health and Safety Act 85 of 1993



APPLICABLE LEGISLATION - Occupational Health and Safety 2004



INSPECTIONS OF LION FACILITIES

127 *captive lion facilities* inspected in 2022

- 21 Warrants granted
- 49 Warnings issued - 48%
- 6 Notices issued
- 8 Dockets in total for lion farming
- 17 Accused
- 1 Case in trial
- 1 Case first appearance
- 32 Joint operations



INSPECTIONS OF PREDATOR FACILITIES

Regulation / Compliance Issues

- Inadequate Fencing Standards
- Inadequate shelter
- Unpotable water
- Unhygienic keeping conditions
- Overstocking ito permits / fencing policy
- Inadequate diet – emaciated / obese
- Insufficient food
- Incompatible animals
- No environmental enrichment
- Lack of/or inadequate veterinary care
- Lack of management camps



LEGISLATIVE / POLICY IMPEDIMENTS

- Varying fencing policies and inconsistencies between provinces.
- Some provinces have ‘keeping conditions’ in permits which do not marry existing fencing policies.
- Misinformed belief that the Animals Protection Act 71 of 1962 (APA) is sub-ordinate legislation to that of provincial ordinances.
- Need for specialised courts to handle wildlife cases and to expediate the cases through the judicial system.



THE BASICS - HYGIENE



BASICS – POTABLE WATER



BASICS - HYGIENE



BASICS - HYGIENE



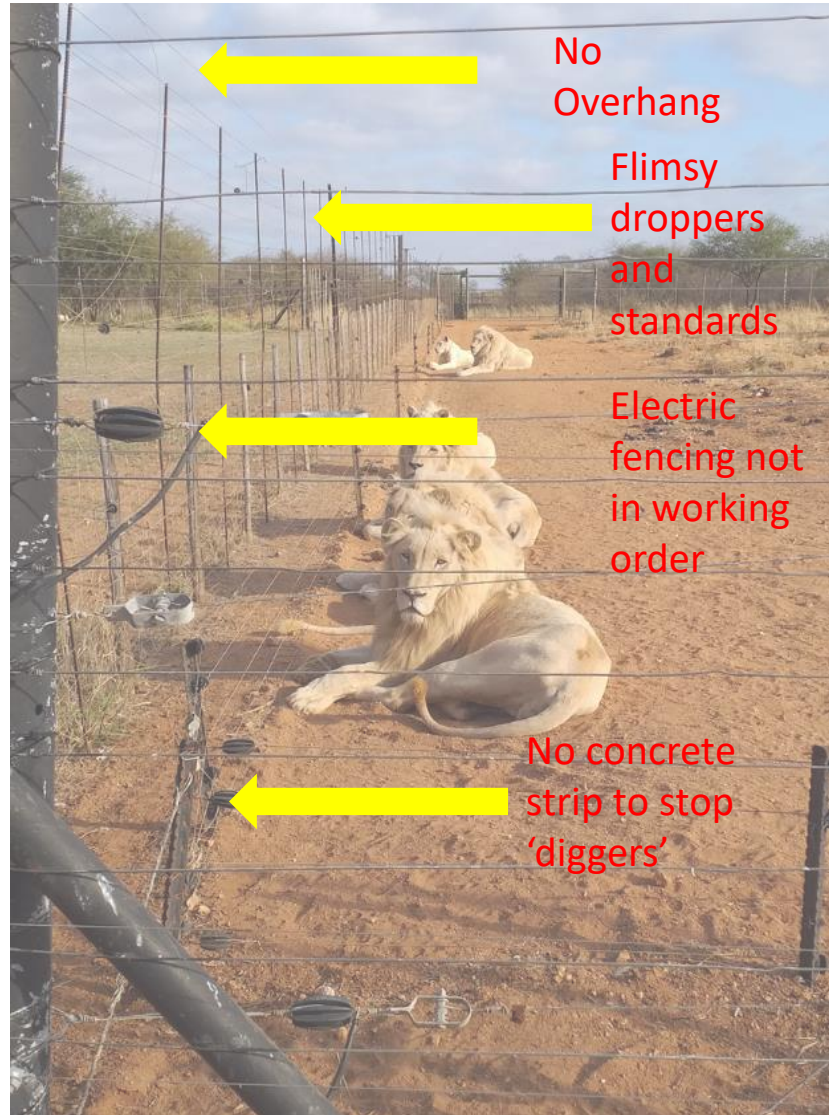
BASICS - HYGIENE



POTABLE WATER



BASICS – SAFETY FOR ANIMAL AND HUMAN



BASICS - SHELTER



DIET- / FEEDING RELATED WELFARE CONCERNS



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NEGLECT OF THE MOST BASICS OF ANIMALS NEEDS

Suitable, adequate nutrition?



BASICS - DIET



Nutritional secondary hyperparathyroidism resulting in fibrous osteodystrophy, specifically due to a calcium and phosphorus imbalance.

A SCIENTIFIC OUTCOME FROM POOR NUTRITION



**All animals:
Moderate to severe
osteopenia and
osteolysis with
diffuse, severe, acute
fibroplasia.**

**All bones throughout
each animal were
possible to be entirely
cut through with a
knife.**

PSYCHOLOGICAL ASPECTS IMPACTING ON WELFARE

Placement of incompatible predators in adjacent camps



BULLYING BEHAVIOUR



INADEQUATE VET CARE AND HUSBANDRY



INADEQUATE VET CARE AND HUSBANDRY



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A TRAGIC ENDING



NON-COMPLIANCE WITH TOPS REGULATIONS



THE VOICE OF THE DEAD



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WELFARE OF CUBS USED IN ENTERTAINMENT



CHRONIC NEGLECT



AN ALL-TOO-COMMON SIGHT FOR US AS INSPECTORS



UNINTENDED CONSEQUENCES - THE IMPORTANCE OF OUR INSPECTIONS



Unpermitted lion meat



Lion claws and teeth



Illegally kept shark fins



Opium factory bust – Joint ops



CHALLENGES

- Access to facilities
- Location of facilities
- Information difficulties
- Access to affordable and prompt science
- Veterinary experts
- Judiciary Specialist required
- Prosecution Process



THANK YOU

The weight of evidence against the captive lion industry has called for its closure – deemed irresponsible, inhumane and an unsustainable practice.



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