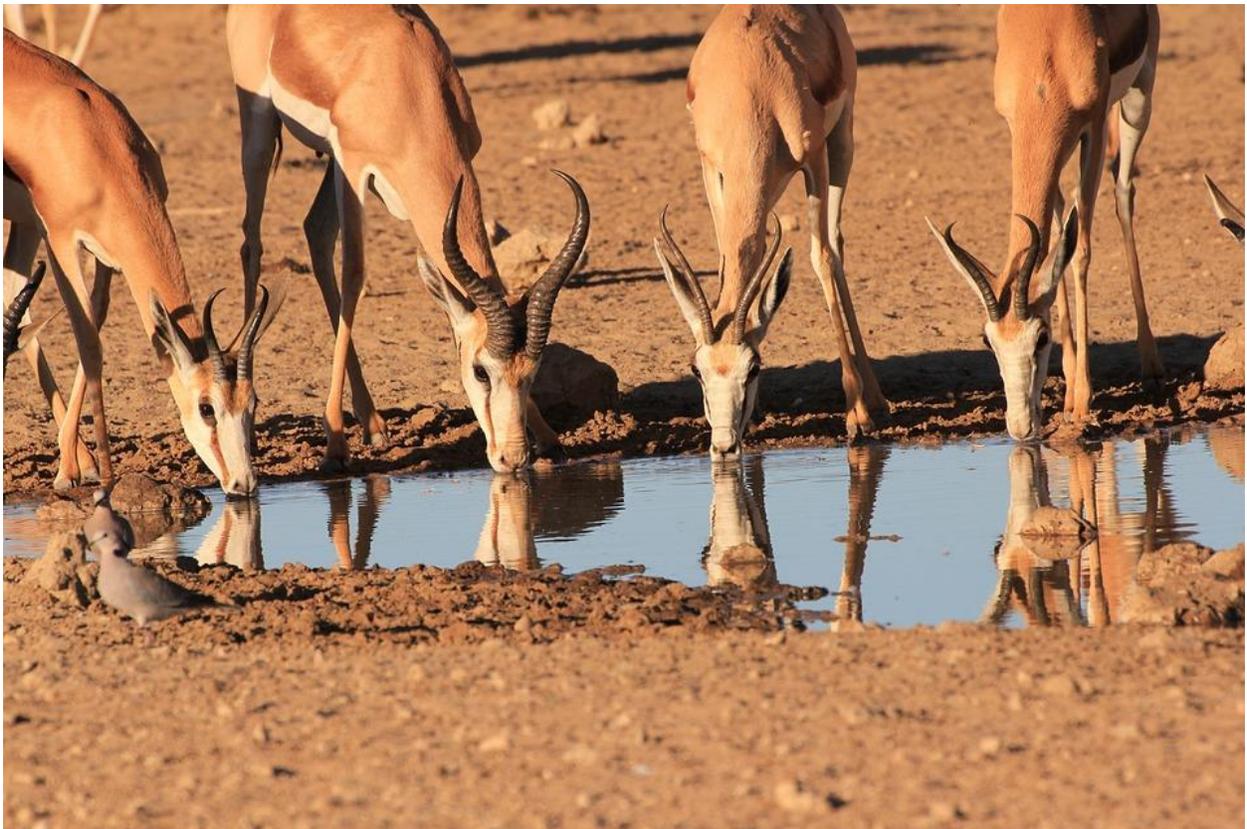




ANIMAL LAW REFORM

SOUTH AFRICA

SUBMISSION IN RESPECT OF EXEMPTION FROM SECTION 11(1)(i) OF THE MEAT SAFETY ACT 2000 (ACT NO.40 OF 2000) FOR THE SLAUGHTER OF GAME ANIMALS



23 November 2022

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To: The Department of Agriculture, Land Reform and Rural Development
(hereinafter the “**Department**” or “**DALRRD**”)

For the Attention of: **Director of Veterinary Public Health, DALRRD**
Per e-mail: VPH@dalrrd.gov.za

23 November 2022

Dear Honourable Representatives,

RE: Exemption from section 11(1)(i) of the Meat Safety Act, 2000 (Act No.40 of 2000) for the slaughter of game animals

Submission

Please find herewith the submission (the “**Submission**”) by Animal Law Reform South Africa (“**ALRSA**”) in respect of the call for submissions published in *Government Gazette* number G 46959 – GoN 2533 of 23 September 2022 in respect of the proposed exemption from Section 11(1)(i) of the Meat Safety Act, 2000 (Act. No.40 of 2000) (the “**Act**” or “**MSA**”) for the slaughter of game animals (the “**Exemption**”).

We reject the proposed amendment to / exemption from the Meat Safety Act in its entirety. The Exemption is not only dangerous, unreasonable, irrational and irresponsible, but it is a threat to public health and safety and infringes on guaranteed constitutional rights. It also has major implications for public health and safety, the health and safety of workers, environmental health as well as animal health and welfare.

Proceeding with this amendment would have potentially disastrous consequences which would be felt far outside of our borders.

In addition to these valid and overarching concerns, the Exemption represents a massive regressive step with regard to food security, environmental protection, animal welfare, sentience and intrinsic value of the wild animals. Furthermore, the Exemption is providing an opportunity for major health and safety risks for abattoir workers and consumers at large.

This Submission consists of two parts and 25 pages in total. It is non-exhaustive and does not represent all our comments, responses or objections to the issues covered by the Exemption and matters raised herein. We reserve the right to amend this Submission and provide any further or additional information on aspects raised herein or in respect of this Submission and related subjects.

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Organisational Background and Declaration of Interest

This Submission is by Animal Law Reform South Africa (“ALRSA”)¹, a non-profit company (Registration Number 2017/330930/08) and a registered NPO (Number 238-234 NPO). We have a substantial interest in the issues raised by the Exemption and other matters within the mandate of the Department. We have, for years, consistently expressed interest in these issues to DFFE, other government departments, NGOs, the South African public and other stakeholders – both privately and within the public domain.

We have furthermore requested engagement with and feedback from the relevant authorities in respect thereof. We have provided various formal submissions, sent letters, emails, and other correspondence, attended presentations and meetings, and otherwise engaged on these matters (where such engagement has been possible). We are interested stakeholders and representatives of vulnerable populations within South Africa, including humans as well as nonhumans – such as animals and natural entities. We have, within our core focus, concepts of social justice and appreciate the need for intersectionality in our approach. ALRSA is composed of compassionate legal professionals and envisages a society and legal system that adequately protects humans, nonhuman animals and the environment. We work on connecting three core focus areas: Animal well-being, Social Justice, and Law. We focus on a few key areas that we believe will bring about the most change. These focus areas include Legislative and Policy Reform; Litigation and Legal Services and Education and Research.

Incorporation of Other Submissions

We wish to reference and incorporate as appropriate our recent submission made on the proposed Draft Game Meat Strategy dated 26 September 2022 to the Department of Forestry, Fisheries and Environment (“DFFE”)². Many of our comments and concerns raised in the submission are applicable to the proposed Exemption, and have not been repeated in this Submission.

Endorsements

We wish to endorse the Submissions on the proposed MSA made by:

- (i) the EMS Foundation dated 21 November 2022; and
- (ii) Wildlife Animal Protection Forum of South Africa dated 23 November 2022,

including their specific comments on the Exemption, and incorporate specific suggestions and proposals made in such submissions herein, to the extent that these are not in conflict with our Submission and can be read collaboratively with one another.

Context

¹ Animal Law Reform South Africa Website: <https://www.animallawreform.org/>

² <https://www.animallawreform.org/wp-content/uploads/2022/10/ALRSA-Game-Meat-Strategy-Submission-Updated.pdf>

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At this time, as the world is dealing with the impacts of the COVID-19 pandemic and countries around the globe are taking drastic measures to decrease the possibility of such an occurrence happening again, South Africa is rather moving toward a reality of increased risk of zoonotic disease spread. In addition, recently, COP27 has taken centre stage, with countries put under a microscope in respect of efforts in relation to climate change. President Cyril Ramaphosa has expressly stated that countries, including South Africa, need to act to addressing global threats and comply with their international obligations. Climate change, biodiversity loss and mass extinction of species represent serious global threats and South Africa must step up to the plate to meet the challenges.

Increased commercialisation of wildlife for “game meat” and exemptions made to law in order to further facilitate this **does not represent the need to act to addressing global threats and comply with international obligation highlighted by the President.**

The Department must not take backward steps in respect of protecting and promoting food safety and public health, we need to look forward to progressive approaches and take swift, immediate and effective action.

We look forward to receiving a response to our Submission and are available to engage on any queries, comments, concerns which you may have in respect of the Submission.

We welcome the opportunity to make such Submission and look forward to it being properly considered by the Department more broadly. We are also available to engage on any queries or specific input you may require from us.

Kindly confirm receipt of this Submission and address further correspondence to the email address: amywilson@animallawreform.org.

Yours sincerely,



Amy P. Wilson
BCom, LLB, LLM
Executive Director, Co-Founder
Animal Law Reform South Africa
amywilson@animallawreform.org

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Part I: Introduction and Summary

1. REQUESTS TO, AND RESPONSES SOUGHT FROM THE DEPARTMENT

We note that in 2020, the Department proposed an amendment to Schedule 1 of the Meat Safety Act and undertook a public participation process to comment on such amendments.³ As ALRSA, and together with the EMS Foundation, we submitted comments on the proposed amendments⁴. We did not receive a response relating to our submission nor any further updates relating to the proposed amendment. While the 2020 proposed amendment attempted to widen the scope of the entire Act to apply to all animals, this proposed exemption is in direct conflict with such a proposal, attempting to limit the application of the Act to a broad group of animals (game animals).

This Exemption is therefore perplexing to us based on the above and seems to be driven largely by an interest in promoting and facilitating the wildlife/ game meat industry, with complete disregard for animal and health considerations, environmental factors, and animal welfare, to name a few issues. Accordingly, we would like to understand the rationale for the development of the Exemption and the process which the Department undertook in developing the Exemption.

We hereby request the following from the Department:

1. Section 11(3) of the MSA, requires that (3) The Minister may, subject to such conditions as may be specified by him or her after consultation with the MEC of an affected province, grant exemption from any essential national standard in respect of a particular...”. We therefore request any and all records and information pertaining to the consultations by the Department with the MECs of every province which may be affected by such proposed amendment as required by this section of the Act;
2. Any and all records in respect of the decision to amend this Act including meeting minutes, communications, and others;
3. Any and all studies, research or assessments conducted and collated by the Department prior to releasing the proposed Exemption pertaining to implications and impact assessment of this proposed amendment;
4. Any and all records relating to the rationale for the Exemption;
5. Any and all records as to who was consulted in developing and drafting of this exemption and details of such communications;
6. Any and all records relating to the proposed amendments to Schedule 1 of the Meat Safety Act in 2020;⁵

³ Accessible: https://www.gov.za/sites/default/files/gcis_document/202002/43050gon201.pdf

⁴ Accessible: <https://www.animallawreform.org/wp-content/uploads/2020/07/ALRSA-and-EMS-Meat-Safety-Act-Comments.pdf>

⁵ Accessible: https://www.gov.za/sites/default/files/gcis_document/202002/43050gon201.pdf

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7. Status update on the aforementioned 2020 Amendment to the MSA including responses to submissions received; and
8. Other records and information relating to the Exemption and the proposed 2020 Amendment to the MSA which illustrates due and proper process and consideration of all relevant factors by the Department.

2. EXEMPTION RENDERS MANY PROVISIONS OF THE MEAT SAFETY ACT INEFFECTIVE, INHERENT AND UNREMEDIALABLE CONFLICT WITH PURPOSE AND OTHER PROVISIONS OF MEAT SAFETY ACT 40 OF 2000

One of our most fundamental and overarching comments is that the proposed Exemption from the Meat Safety Act will effectively render the Act ineffective in many respects. It is also inherently in conflict with both the purpose of the Act and many of the substantive provisions of the Act, a few of which have been detailed below and expanded on in Part II.

The result is that the Exemption will endanger health and safety of animals and humans (including the public and workers). The Exemption from section 11(1)(i), while seemingly only relates to that singular provision, has the impact of excluding a number of other sections and provisions of the Act. This is largely due to such provisions and specific requirements applying to animals while they are still alive.

The Meat Safety Act 40 of 2000 (“**MSA**”) is stated to “*provide for measures to promote meat safety and the safety of animal products; to establish and maintain essential national standards in respect of abattoirs; to regulate the importation and exportation of meat; to establish meat safety schemes; and to provide for matters connected therewith*”. Yet, in terms of this proposed amendment, the Department is requesting an exemption from one of the most important provisions of the Act, namely that in terms of section 11(1)(i), **no dead animal or animal suffering from a condition that may render the meat unsafe for human and animal consumption may be presented at an abattoir for slaughter**.

According to the Exemption, it is to allow game animals who have been shot outside an abattoir (“**dead animals**”) to be presented at an abattoir for dressing in compliance with all other provisions of the Meat Safety Act, 2000. However, there are **many** issues and potentially harmful and problematic consequences, a few of these are detailed below.

Also relevant to this context is a number of regulations which have been passed in terms of the MSA, as well as draft regulations, including:

- a. MSA Draft Regulations Crocodiles⁶ (the “**Crocodile Regulations**”);
- b. MSA Draft Regulations Game 2016⁷ (the “**Draft Game Regulations**”)

⁶ <http://www.rmaa.co.za/wp-content/uploads/2016/02/Act-40-of-2000-Regulations-Crocodiles-DRAFT.pdf>

⁷ <http://www.rmaa.co.za/wp-content/uploads/2016/02/Act-40-of-2000-Regulations-Game-DRAFT-2016.02.16.doc>

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- c. MSA Regulations Ostrich⁸ (the “**Ostrich Regulations**”)
- d. MSA Regulations Poultry⁹ (the “**Poultry Regulations**”)
- e. MSA Regulations Red Meat¹⁰ (the “**Red Meat Regulations**”)
- f. Gazette Nr 40965 – 7 July 2017- Meat Inspection Scheme¹¹ (the “**Meat Inspection Scheme Regulations**”).

The Regulations largely follow a similar format and provide for important requirements for animals while they are still alive in pursuit of the overarching purpose of the Act as well as in the interests of animal welfare. The Exemption implicates these factors and does not provide any alternative regulations for the important matters excluded by it.

3. SUMMATION OF SELECTED ISSUES WITH EXEMPTION

Below is a non-exhaustive list of selected issues with the Exemption. Certain of these issues have been expanded on for purposes of Part II of this Submission:

1. **Exemption is Vague, Unclear and Creates Uncertainty**
2. **Exemption is in direct Conflict with Purpose of the Act, Other Provisions of the Act and renders other provisions of the Act useless and ineffective**
3. **Exemption endangers Public Health and Safety**
4. **Exemption endangers Worker Health and Safety**
5. **Exemption is problematic from an Animal Welfare and Protection Perspective**
6. **Exemption has potentially far-reaching International Impacts**
7. **Mandate Impact and Overlap not Properly Accounted for**
8. **Legislative Impact and Overlap not properly accounted for**
9. **Exemption Creates Legal Loopholes and does not set other requirements in its place**
10. **Objection to wildlife exploitation**
11. **Exemption is Irresponsible, Unreasonable and Irrational**
12. **Exemption is contrary to a “One Health” Approach**
13. **Creates an Environment for Illegal and Problematic Wildlife Practices**
14. **Other Contextual and Problematic Impacts**

Both the Department and the DFFE are promoting a problematic and industry-based agenda of increased consumption of wild animals, which can be seen through the Draft Game Meat Strategy (the “**Strategy**”)¹², among other policy and legislative efforts.

⁸ <http://www.rmaa.co.za/wp-content/uploads/2016/02/Act-40-of-2000-Regulations-Ostrich.pdf>

⁹ <http://www.rmaa.co.za/wp-content/uploads/2016/02/Act-40-of-2000-Regulations-Poultry.pdf>

¹⁰ <http://www.rmaa.co.za/wp-content/uploads/2016/02/Act-40-of-2000-Regulations-Red-Meat.pdf>

¹¹ <http://www.rmaa.co.za/wp-content/uploads/2019/11/Gazette-Nr-40965-7-Julie-2017-Meat-Inspection-Scheme.pdf>

¹² Accessible

https://www.dffe.gov.za/sites/default/files/gazetted_notices/draftgamemeatstrategy_g47024gon2293.1.pdf

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We have already provided a [detailed submission](#) on this in September 2022¹³ (the “**Strategy Submission**”) and many of the same issues raised in our Strategy Submission are applicable to this Submission. Additionally, many comment made in [our submission](#) on the 2020 proposed amendments to the MSA are relevant to the proposed Exemption. We have not included all relevant comments again for purposes of this Submission.

We take this opportunity to acknowledge and note that there are currently gaps and problems in the MSA as it pertains to (inter alia) the slaughter and consumption of animals (either meat or animal products), both for human as well as animal consumption. These gaps are problematic for various reasons and must be rectified. generally (including meat and animal products), and the need to regulate these issues.

Instead of rectifying issues with the existing MSA and closing potential loopholes, or increasing effective enforcement of the Act, the Exemption takes further steps backwards.

The Exemption further disregards the important food safety and animal welfare measures contained within the MSA and must be rejected.

We now expand on selected issues and potential impacts of the Proposed Exemption in Part II.

¹³ Accessible: <https://www.animallawreform.org/wp-content/uploads/2022/10/ALRSA-Game-Meat-Strategy-Submission-Updated.pdf>

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Part II: Additional Detail

I. Exemption is Vague, Unclear and Creates Uncertainty

a. **No qualifications or other requirements or specifications:** The Exemption is broadly phrased and has no qualifications, provisos, requirements or restrictions. While section 7 of the Act also contains exemptions from the Act, the confines of these are articulated. This is not the case for the Exemption, which sets out no particular requirements, a few examples are set out for illustrative purposes below:

- i. **Specific Example: Manner of Death:** The Exemption appears to apply regardless of the reason for an animal's death. Practically, this could mean that an animal could be shot or could have been killed in any other many (such as being driven over; having been killed by another animal; having been killed by an infection or disease; or being dead for any reason whatsoever and can still be presented at an abattoir.
- ii. **Specific Example: Time of Death/Timing from death to presentation at abattoir:** There are no requirements relating to the length of time an animal can be dead before it may be presented at an abattoir. Practically, an animal could be presented which has been dead for days, which has serious health and safety implications.
- iii. **Other:** No other qualifications, restrictions, provisos, or requirements are articulated in the proposed Exemption.

b. Unclear meaning of “Game Animals”

There is currently no definition as to what constitutes a “game animal”. This includes in terms of the Exemption, as well as the MSA itself. This raises issues related to the ambit of the Exemption and the animals to which the Exemption would apply.

The MSA, in Schedule 1, provides for a list of “wild game” including Blesbok; Blue Wildebeest; Buffalo; Elephant; Springbuck and Zebra. Despite this however, there remains uncertainty as to whether these are the animals to be understood as “game animals” and if so, why the term “wild game” was not used in this exemption.

To this effect, we request that the Department provide clarification and a complete list of all species of animals to which it proposes that the Exemption apply. Without such clarity, the proposed Exemption cannot be properly or adequately considered.

c. Unclear Application beyond Animal Type

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Currently there are no other restrictions or requirements pertaining to animals to which the Exemption applies which raises questions. For example: is there a threshold on the age of an animal?; are there exclusions for pregnant animals?; are there exclusions against threatened and endangered species?; are there any requirements in respect to the conditions of / potential ailments relating to these animals?; are there restrictions / requirements for rejections?, etc.

d. Application to “Abattoirs” and Export Considerations

The MSA differentiates between “abattoir” and “export abattoir”. The Exemption makes no indication as to whether it would apply to all abattoirs. This Exemption, read together with the Game Meat Strategy, however, indicates that the Department intends to use this exemption to further facilitate international trade in respect of wild animal as “game meat”. To this effect, we request that the Department provide clarity in relation to its international trade agreements and obligations as it relates to food safety and security and how this Exemption is in compliance with such obligations and agreements.

2. Exemption is in direct Conflict with purpose of the Act, other provisions of the Act and renders other provisions of the Act useless and ineffective, including but not limited to:

a. Exemption is in direct conflict with Purpose of Act / Renders the Act Ineffective

As aforementioned, the purpose of the MSA is to provide for measures to promote meat safety and the safety of animal products; to establish and maintain essential national standards in respect of abattoirs; to regulate the importation and exportation of meat; to establish meat safety schemes; and to provide for matters connected therewith. The Exemption which effectively excludes game animals from a number of requirements aimed at achieving such purposes, effectively renders the Act ineffective in respect of those animals.

b. Exemption renders Section 7 of the Act Ineffective

Section 7 of the MSA, relates to the Prohibition of slaughter of animals at places other than abattoirs, and exemptions. It states that:

“7(1) No person may

(a) slaughter any animal at any place other than an abattoir;

(b) permit the slaughter of any animal at any place under his or her control unless the place is an abattoir or

(c) sell or provide meat for human and animal consumption unless it has been slaughtered at an abattoir.

(2)(a) Subsection (1) does not apply to slaughter for own consumption or for cultural or religious purposes.

(b) No meat or animal product obtained from an animal slaughtered as contemplated in paragraph (a) may be sold to any person.”

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Currently, the only exemptions for animals being slaughtered outside of abattoirs is when this is for own consumption or cultural and religious purposes. Furthermore, these exemptions are further qualified by the requirement that they cannot be sold and also, they do not enter the broader public domain. The Exemption creates a situation which renders the requirements of section 7(1)(a) – (c) ineffective for game animals. Furthermore, while the existing exemptions in section 7(2) are grounded in the protection of certain constitutional rights and are qualified and restricted, they also have specific requirements and qualifications to protect public health and safety. The Exemption, however, has no similar constitutional basis nor qualifications or requirements.

- c. **Exemption renders Section 11(1)(h) ineffective** which requires that an animal presented for slaughter at an abattoir must be handled humanely during loading, transportation, off-loading, housing, immobilizing and killing as prescribed in accordance with the requirements of the Animals Protection Act, 1962 (Act No. 71 of 1962). This is dealt with in further detail in section 5 of this Submission below.
- d. **Exemption renders Section 11(1)(j) ineffective** which requires that an animal presented for slaughter must be examined by a person contemplated in paragraph (c) before slaughter and must be accompanied by information its ownership.
- e. **Exemption renders Section 11(1)(k) ineffective** which requires that an animal presented for slaughter in accordance with an animal health scheme in terms of the Animal Diseases Act, 1984 (Act No 35 of 1984), may only be accepted for slaughter if the animal is identified in accordance with requirements of the scheme in question.
- f. **Exemption renders Section 11(1)(l) ineffective** which requires that any person suspecting that an animal is infected with a controlled animal disease as prescribed or under the Animal Diseases Act, 1984 (Act No. 35 of 1984), must convey that suspicion without delay to a veterinarian in the employ of the Department of a province. Notably this also takes away certain duties and responsibilities of veterinarians and reduces reporting of potential diseases.
- g. **Exemption renders Section 11(1)(o) ineffective** which requires that the owner of an abattoir must keep the prescribed records relating to the number of animals slaughtered, the origin of animals slaughtered, details of examinations carried out while the animals were alive and inspections carried out after the animals had been slaughtered and the destination of the meat and animal products, and must at the request of a person contemplated in paragraph (c) furnish such information to that person.
- h. **Section 14(1)(a)** which states that, subject to subsection (6), no person may export any meat from the Republic unless the animal from which the meat was obtained, was slaughtered at an abattoir approved by the national executive officer as an export abattoir.

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While there are other provisions which could be highlighted, it is important to note that the knock-on effects and impacts of the proposed Exemption have not been properly considered nor provided for in the Exemption and that the implications extend far beyond the specific section contemplated.

3. Exemption Endangers Public Health and Safety

The Exemption has the potential to impact the health and safety of the public and consumers both locally and internationally, as well as general hygiene of abattoirs, other animals who are being slaughtered, as well as their products. The Exemption therefore has public health, food safety, infection, diseases, infection, infestations and health implications.

The MSA defines unsafe for human or animal consumption to mean “*unsafe for human and animal consumption by reason of disease, an abnormal condition, putrefaction, decomposition, contamination or residues, or by reason of exposure or contact with a disease or putrefied, decomposed or contaminated material*”. The Exemption specifically seeks to exempt the provision that no dead animal or animal suffering from a condition that may render the meat unsafe for human and animal consumption may be presented at an abattoir for slaughter.

The definition read together with the Exemption has the impact that game animals may be presented at an abattoir regardless of their meat being unsafe for human animal consumption by reason of disease, an abnormal condition, putrefaction, decomposition, contamination, or residues, or by reason of exposure or contact with a disease or putrefied, decomposed or contaminated material.

On a practical reading of the Exemption as is and particularly in light of no other qualifications, could allow wild animals who may have been suffering from a disease to ultimately enter the consumer market. It could also see animal meat which is not fit for consumption ending up on store shelves across the country or being exported to other countries. Furthermore, this would add additional risk to non-contaminated meat, game or otherwise, to become cross contaminated with any of these potential diseases and further amplify issues related to human health and food security in the country.

It is apparent that the Government is attempting to deregulate an industry which needs proper and effective regulation. It is clear that game meat, has severe health implications. This is even more apparent in the informal market, which according to research indicates that “meat handling in the informal meat trade exposes consumers to high health risks and recommends that governments create legislation that would be applicable to carcasses produced in the informal sector to align this sector with the regulations governing food production.”¹⁴

¹⁴ Rani, Z. T., et al. "Effect of post-slaughter handling during distribution on microbiological quality and safety of meat in the formal and informal sectors of South Africa: A review." *South African Journal of Animal Science* 47.3 (2017): 255-267. Accessible: <https://www.ajol.info/index.php/sajas/article/view/154832>

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In addition to some of the issues which have been highlighted above, it is important to consider other potential implications of farming, killing and utilising wild animals. For example:

- a. **Toxic Metals:** Research has shown that: “Processes of killing wild game meat animals could introduce toxic metals into the animal’s meat, which subsequently may pose a risk of consumer exposure to toxins during ingestion. In most cases, toxic metals occur naturally in the environment and may be found in traces in different parts of a game meat animal. However, some of these metals are also introduced to meat animals by bullets used during the hunting and killing of game meat animals. These bullets are generally made from metals such as lead, arsenic, and copper, all of which have strictly regulated limits in food products including meat. Samples of helicopter-killed impala in the area around the bullet/pellets’ wound (n = 9) and from animals killed by a single projectile (n = 9) were analysed using inductively coupled plasma mass spectrometry (ICP-MS). The type of bullet used influenced the mean concentration of some of these toxic metals (mg/Kg) in meat samples; helicopter killing resulted in the following levels of As (0.665, SD = 1.95); Cd (0.000, SD = 0.000); Pb (620.18, SD = 1247.6); and Hg (0.017 SD = 0.033) compared to single projectile killing that resulted in the following levels: As (0.123, SD = 0.221); Cd (0.008, SD = 0.021); Pb (1610.79, SD = 1384.5); and Hg (0.028, SD = 0.085). The number of samples per metal with levels above the EU products’ limits were Pb = 18/18 samples from both killing methods, As = 2/18 samples from helicopter killing, Cd- = 1/18 from rifle killing and Hg = 0/18. To minimise the risks of toxic metals posed by bullets, the use of lead (Pb) free bullets should be encouraged, and the control of meat animal killing methods must always be performed, especially for meat contamination prevention.”¹⁵
- b. **Increase in risk of disease incidence and emergence of new diseases:** Research has further shown that: “With on-going changes in land use practices from conventional livestock farming to commercial, wildlife-based activities, the interface or interaction between livestock and wildlife is increasing. As part of the wildlife-based activities of ecotourism, breeding and hunting, game farmers are also exploring the utilisation of meat from hunted or harvested game. The expanding interface or increased interaction between livestock and wildlife increases the risk of disease incidence and the emergence of new diseases or the re-emergence of previously diagnosed diseases. The risk is not only related to domestic and wild animal health, but also to the occupational hazards that it poses to animal handlers and the consumers of game meat. This review endeavours to highlight the role that game plays in the spreading of zoonotic diseases to other animals and humans. Examples of zoonotic diseases that have occurred in wild animals in the past, their relevance and risk have been summarised and should

¹⁵ Nkosi, Davies Veli, Johan Leon Bekker, and Louwrens Christiaan Hoffman. "Toxic Metals in Meat Contributed by Helicopter and Rifle Thoracic Killing of Game Meat Animals." *Applied Sciences* 12.16 (2022): 8095. <https://www.mdpi.com/2076-3417/12/16/8095>

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function as a quick reference guide for wildlife veterinarians, ecologists, farmers, hunters, slaughter staff, processors and public health professionals.”¹⁶

On the OIE Website¹⁷, for 2020 alone, the OIE list includes one hundred and seventeen animal diseases, infections and infestations. These appear to be on the increase, with countless examples from 2020 and 2019 – and many more before this.¹⁸

Zoonoses are diseases transmissible between animals (domestic and wildlife) and humans. Around 75% of emerging infectious diseases are zoonotic (Taylor et al., 2001; Woolhouse and Gowtage-Sequeria, 2005). In aggregate, zoonoses have high impacts on human health, livelihoods, animals and ecosystems.¹⁹

The current global health crisis makes it clear that we are all inter-connected and that zoonotic spillovers are a result of human actions towards non-human animals and the way we interact with them. The exploitation of wildlife by humans through hunting, trade, habitat degradation and close contact between the two, increases the risk of virus spillover.²⁰

According to infectious disease experts, the emerging of infectious zoonotic disease outbreaks have increased dramatically in the last 30 years and the most likely causes are anthropogenic commercialisation drivers such as: Increased number of farmed animals – including wild animals; increased hunting, increased trade in and transport of wild and domestic animals and increased agricultural activities and expansion of agricultural land²¹ with consequent degradation of eco-systems.

Reducing the risk of zoonotic spillover events from wild animals to people requires maintaining wild animals in secure and intact wild habitats and minimizing wild animal human interaction, including by severely limiting the use and trade of wild animals, particularly for sale as luxury meats in large urban wildlife markets.

¹⁶ Bekker, Johan L., Piet J. Jooste, and Louw C. Hoffman. "Wildlife-associated zoonotic diseases in some southern African countries in relation to game meat safety: A review." *Onderstepoort Journal of Veterinary Research* 79.1 (2012): 1-12. Accessible: <https://journals.co.za/doi/abs/10.10520/EJC129086>

¹⁷ OIE Listed diseases, infections and infestations in force in 2020: <https://www.oie.int/en/animal-health-in-the-world/oie-listed-diseases-2020/>

¹⁸ Some examples include (non-exhaustive): [from 1993 to 2020 = <http://webapps.daff.gov.za/VetWeb/diseaseDatabase.do;jsessionid=85752ed101514abc90ec9b699871>] and <https://www.oatext.com/zoonotic-viral-infections-in-south-africa-an-overview.php#gsc.tab=0>

¹⁹ Grace, D. Infectious Diseases in Agriculture, in *Encyclopedia of Food Security and Sustainability*, Volume 3, 2019, Pages 439-447, 2019, <https://doi.org/10.1016/B978-0-08-100596-5.21570-9>

²⁰ <https://royalsocietypublishing.org/doi/10.1098/rspb.2019.2736>

²¹ Professor Thijs Kuiken, Comparative Pathology at the Department of Viroscience of the Erasmus University Medical Centre in Rotterdam, The Netherlands and Di Marco et al. Moreno Di Marco et. al., Sustainable development must account for pandemic risk, *PNAS* February 25, 2020, 117 (8) 3888-3892; <https://doi.org/10.1073/pnas.200165511>

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More worryingly, we will never be able to predict how the transmission will cross a species. So, whenever we try to farm domestic or wild animals for economic benefits, we expose humanity to pathogens that are and can be extremely dangerous for humans.²²

The number of game animals consumed should be reduced, not increased, as part of transformative changes for sustainability.²³ This would mean lower risk of zoonosis, efficient land use, less harm to climate, improved biodiversity and cleaner land, water, and air. Ultimately, it would mean initiating that transformative process to honour the Sustainable Development Goals²⁴ South Africa committed to. The Minister should support measures to implement the above changes in the interest of the environment and the people. In respect of the Exemption, this would require the opposite action to what is being proposed. Provisions which ensure unsafe game meat is prevented from being slaughtered and introduced into the market are of paramount importance in ensuring zoonotic diseases do not spread to humans.

Global and national action to curb the wildlife consumption is one of the most effective strategies to prevent future pandemics and is necessary to reduce animal suffering and protect biodiversity.²⁵ We therefore call upon South Africa to abandon current efforts in relation to that could become sources for future pandemics and to commit to end the international trade in wild animals and their products could aid in the spread of zoonotic diseases.

c. Health Implications of Meat Consumption: There are a number of conditions, diseases and other health implications that are associated with, related to or impacted by the consumption of animals. Examples include, but are not limited to: the rise of antibiotic resistance development,²⁶ and increased obesity rates.²⁷ The National Development Plan 2030 (“**NDP**”) vision in respect of the health sector provides that the country’s health challenges are more than medical, and notes that behaviour and lifestyle contribute to ill-health amongst South Africans.

d. Environmental Health Implications of Meat Consumption: The DOH Environmental Management Plan provides *the linkage between the status of the environment and human health cannot*

²² Professor Lu Jia Hai, Epidemiology, University of Guangzhou, Webinar; Zoonotic Risks in Wildlife Farming, 28 April 2020

²³ Ibid.

²⁴ <https://www.undp.org/content/undp/en/home/sustainable-development-goals.html>

²⁵ Wishart, David. Commentary: Four states to help avoid the next pandemic. Folio. May 28 2020 www.folio.ca/commentary--four-strategies-to-help-avoid-the-next-pandemic/

²⁶ VAN DEN HONERT, M. S.; GOUWS, P. A. and HOFFMAN, L. C. Importance and implications of antibiotic resistance development in livestock and wildlife farming in South Africa: A Review. South African Journal of Animal Science 48 (2018) 401412 (<http://dx.doi.org/10.4314/sajas.v48i3.1>).

²⁷ RONQUEST-ROSS L-C, VINK N, SIGGE GO. Food consumption changes in South Africa since 1994. South African Journal of Science (2015) 111 (<http://dx.doi.org/10.17159/sajs.2015/20140354>)

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be underestimated. When hazards exist in the environment and humans are exposed to these hazards, a relationship is established between the exposure level to these hazards and health outcomes of the particular community. Environmental health is therefore a key practice that seeks to protect human health by combating, physical, chemical, social and biological threats in the environment. It further states “the success of environmental health is dependent on improved cooperation and collaboration with other government sectors and stakeholders in ensuring improved community health outcomes”.

To this effect a precautionary approach must be adopted in respect of the consumption of wild animals. Instead of promoting this industry, South Africa must take urgent steps to restrict it undertake proper research. The Exemption wholly fails to achieve this and has the potential to further exacerbate this global issue. The game industry needs to be curbed, not promoted, and it must, out of necessity, be properly regulated.

- e. **Need for proper regulation:** Research has shown that: “Global reports on illnesses and deaths related to food consumption continue to raise concern in most countries. This has led to diligent efforts to improve the manner in which food is handled. Hygienic handling of carcasses after slaughter is critical in preventing contamination and ensuring meat safety in both formal and informal meat trading sectors. However, in the informal sector, regulations as prescribed in the Meat Safety Act No. 40 of 2000, which have been set to protect consumer health, are not always adhered to. Although these regulations are put into practice in the formal sector, meat safety challenges associated with meat handling during distribution continue to raise concern. The distribution stage is the most critical period, during which the quality of meat can easily be compromised. Furthermore, meat inspection at the abattoir covers only visual assessment, without considering microbiological tests. Meeting food safety requirements set by government regulations remains a challenge to almost all food processors. This paper reviews the impact of post-slaughter handling on carcass quality and its implications for meat safety during the distribution stage in the formal and informal sectors in South Africa. It also details how meat handling in the informal meat trade exposes consumers to high health risks and recommends that governments create legislation that would be applicable to carcasses produced in the informal sector to align this sector with the regulations governing food production.”²⁸

The DOH Environmental Management Plan provides, in section 4 entitled “A Description of Priorities Regarding Compliance with the DOHs Policies by Other Organs of State or Persons”, “*The importance of investing in the improvement of people’s health and supporting environment is a pre-requisite for sustainable development. A supportive environment for health is free from major health hazards, satisfies the basic needs for healthy living and facilitates equitable social interaction.*”

²⁸ Rani, Z. T., et al. "Effect of post-slaughter handling during distribution on microbiological quality and safety of meat in the formal and informal sectors of South Africa: A review." *South African Journal of Animal Science* 47.3 (2017): 255-267. Accessible: <https://www.ajol.info/index.php/sajas/article/view/154832>

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4. Exemption Endangers Worker Health and Safety

In addition to the endangerment of public health and safety as indicated above, the Exemption will impact on the safety of workers.

Proposals to further develop the industry in South Africa based on products deriving from wild animals constitute a serious public health risk. The risk includes not only the danger to consumers of wildlife products in South Africa and globally but the danger to abattoir workers in South Africa who will come into close contact with wild animals alive and dead. For example, the legal trade in lion bones for consumption in Asian traditional medicines potentially exposes abattoir workers to the risk of contracting TB. While much is unknown about the risk from lion bones, the current evidence is clear that the wildlife trade poses huge risks to public health.

We wish to note that thousands of workers around the world in abattoirs, slaughterhouses and other animal agricultural organisations have been some of the worst impacted by the pandemic. These include in countries around the world such as (but not limited to): the United States of America;²⁹ Germany³⁰; and Brazil³¹

The exemption would further facilitate the unregulated nature of slaughtering animals without hygienic and safety requirements, this increases the risk of zoonotic diseases.

In addition to those worker safety issues already raised above, while this issue warrants a huge amount of consideration and attention, we wish to point out the extreme and undeniable negative impacts which animal agriculture more broadly has on the environment.

Workers in animal agriculture (specifically in slaughterhouses) suffer from ailments including both physical and emotional ones such as post-traumatic stress disorder due to the work of slaughtering sentient animals repeatedly, day in and day out.³² In addition to the animal agriculture industry, we

²⁹ Some examples (non-exhaustive) of this include: <https://www.cdc.gov/mmwr/volumes/69/wr/mm6918e3.htm> and <https://www.theatlantic.com/ideas/archive/2020/05/essentials-meatpacking-coronavirus/611437/> and <https://www.foodpolitics.com/2020/05/the-meat-problem-1-coronavirus-in-slaughterhouses-and-packing-plants/>

³⁰ One example (non-exhaustive) of this includes: <https://www.globalmeatnews.com/Article/2020/06/23/Number-of-workers-tested-for-COVID-19-rises-at-meat-processing-plant-in-Germany>

³¹ One example (non-exhaustive) of this includes: <https://www.poultryworld.net/Meat/Articles/2020/5/Brazil-Covid-19-cases-spike-among-processing-plant-workers-589566E/>

³² Victor, Karen and Antoni Barnard. 2016. "Slaughtering for a living: A hermeneutic phenomenological perspective on the well-being of slaughterhouse employees." *International Journal of Qualitative Studies on Health and Well-being* 11: 30266. DOI:10.3402/qhw.v11.30266

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note that there are dangers to marginalised and exploited ‘game farm’ workers involved in the slaughter for meat or bones.³³

As Brandt³⁴ has pointed out, generally, the wildlife industry violates the rights of black people and farm workers are disproportionately exposed to risks while living and working with dangerous animals. In addition, generally many workers do not receive adequate employment benefits, such as medical insurance nor do they have the means to protect themselves from harm, disability or death.³⁵ The law already does little to protect these members of society. Increasing this risk via the Exemption may cause even further harmful negative consequences for workers and their safety. Additionally, it may impact on fundamental and guaranteed constitutional rights.

5. Exemption is problematic from an Animal Welfare and Protection Perspective

The Exemption Explicitly excludes game animals from the ambit of many provisions of the Act including Section 11(h) which states that an animal presented for slaughter at an abattoir **must be handled humanely during loading, transportation, off-loading, housing, immobilizing and killing as prescribed in accordance with the requirements of the Animals Protection Act, 1962 (Act No. 71 of 1962).**

As aforementioned, the Exemption would render all animal welfare requirements as contained in the Meat Safety Act (including section 11(1)(i), as well as those contained in the various Regulations (including but not limited to in respect of Regulation V thereof) ineffective.

Poor welfare essentially leads to poor animal health as well as harms to humans. The link has been well-acknowledged internationally, through organisations such as the World Animal Health Organisation, or WOA. ³⁶

If the purpose of the MSA is in fact to regulate the safety of foods for consumption, an exemption which has the potential to impact animal welfare of these animals, and further facilitate the consumption of game meat which may be rendered unsafe for sale and consumption, would be in direct conflict with it. This is furthered by the fact that the current South African legal landscape does

³³ Peet Van Der Merwe et al., “The Economic Significance of Lion Breeding Operations in the South African Wildlife Industry,” *International Journal of Biodiversity and Conservation* 9, no. 11 (2017): 314–22, <https://doi.org/10.5897/IJBC2017.1103>.

³⁴ Femke Brandt Trophy Hunting in South Africa: Risky Business for Whom? DAILY MAVERICK (17 Nov 2015) http://www.dailymaverick.co.za/opinionista/2015-11-17-trophy-hunting-in-south-africa-risky-business-for-whom/?utm_source=Daily+Maverick+Mailer#.VqCRDLZ97IV

³⁵ Ibid.

³⁶ World Animal Health Organisation: <https://www.oie.int/>

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not set measurable and enforceable standards for raising animals in captivity at all, nor standards specific to species that should apply.

There are severe problems with disregarding animal welfare in animal agriculture. Some examples of these include stress; anti-biotic use (due to risks of disease and other ailments); to name a few.

Furthermore, the highest court in South Africa (the Constitutional Court) has emphasised the critical importance of animal welfare and indicated that the rationale behind protecting animal welfare had shifted from merely safeguarding the moral status of humans to placing intrinsic value on animals as individuals.

An important issue which the Department and DFFE fail to acknowledge is that the Constitutional Court of South Africa and other courts, such as the Supreme Court of Appeal and High Courts (as applicable), have explicitly acknowledged that:³⁷

1. Animals are sentient beings and animals can suffer and feel pain;
2. Individual animals have intrinsic worth;
3. Animal welfare and conservation reflect two intertwined values;
4. Constitutional Values dictate a more caring attitude towards animals and the environment;
5. Animal wellbeing is an important mandate of the DFFE;
6. The right to Environment as contained in section 24 of the Constitution includes animal welfare.

In our view, this is a tremendous oversight and should be dealt with by the Department as the body regulated to oversee these issues. The Exemption, however, does not provide for the regulation nor overseeing of this issue, instead it will have a negative and potentially compounding effect on animal welfare of wild animals.

³⁷ See for example (non-exhaustive): *National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development and Another* [2016] ZACC 46 [<http://www.saflii.org/za/cases/ZACC/2016/46.html>]; and *Lemthongthai v S* (849/2013) [2014] ZASCA 131; 2015 (1) SACR 353 (SCA) (25 September 2014) [<https://www.saflii.org/za/cases/ZASCA/2014/131.html>]; and *National Council of Societies for the Prevention of Cruelty to Animals v Openshaw* (462/07) [2008] ZASCA 78; [2008] 4 All SA 225 (SCA); 2008 (5) SA 339 (SCA) (30 May 2008) [<http://www.saflii.org/za/cases/ZASCA/2008/78.html>]; and *National Council of the Society for Prevention of Cruelty to Animals v Minister of Environmental Affairs and Others* (86515/2017) [2019] ZAGPPHC 337; 2020 (1) SA 249 (GP) (6 August 2019); and *Botha v Smuts and Another* (2832/2019) [2020] ZAECPEHC 19 (4 June 2020) [<http://www.saflii.org/za/cases/ZAECPEHC/2020/19.html>]; and *Smuts N.O & 2 Others v MEC: Eastern Cape Department of Economic Development, Environmental Affairs and Tourism and Another* (unreported, case number 1199/2021); and *Sustaining the Wild Coast NPC and Others v Minister of Mineral Resources and Energy and Others* (3491/2021) [2022] ZAECMKHC 55 (1 September 2022) [<https://www.saflii.org/za/cases/ZAECMKHC/2022/55.html>]

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It is important to note that there are specific welfare requirements pertaining to the slaughter of animals. Not only are there requirements and negative obligations contained in the Animals Protection Act, 71 of 1962, the MSA prescribes positive obligations. For example, in section 11(1)(i).

In addition, the MSA regulations being the Red Meat Regulations, Poultry Regulations and Ostriches Regulations respectively contain an entire section on “Humane Treatment”. These requirements are similarly reflected in the draft “Crocodile Regulations; and Game Regulations. These sections respectively illustrate important requirements to be complied with in the slaughter process including in respect of transportation to the abattoir. The Exemption has the effect that game animals would not have the benefits of such animal welfare standards which is extremely harmful and problematic.

6. Exemption has potentially far-reaching International Impacts

The Exemption has the potential to impact South Africa’s international obligations, international trade (including the embargos due to diseases) and reputation.

- a. Legal:** South Africa has many international obligations and commitments in terms of animal and human health, human rights, the environment, climate change, trade and others. The Exemption has the potential to impact such international obligations and have far-reaching consequences for the country and its trade, economy and reputation.
- b. Trade:** South Africa has obligations to provide safe products internationally. Yet, the Exemption has the potential to endanger not only trade and industry relating to game animals, but other animals, including farmed animals who are exported. For example, South Africa’s status for exporting animals and products due to zoonotic disease outbreaks.
- c. Reputational:** The Exemption has the potential to cause detrimental reputational harm to the country in respect of aspects relating to food safety, public health and safety, conservation, animal welfare, food safety and international trade.

According to Dr Tertius Bergh, an independent meat safety consultant, while these regulations are intended to guide a particular industry’s activities to stay within the law, they can be difficult to understand and implement, and as such can hinder business growth. “For the 19 years since the introduction of the Meat Safety Act, and as a result of a lack of clarifying explanations from government, most of South Africa’s game industry has had to interpret the relevant regulations itself,” Bergh says. “Unfortunately, what we’ve often seen on a large scale is poorly handled and

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poor-quality game meat coming out of the industry. This situation needs to be corrected urgently.”³⁸

If anything, it should call on a higher regulatory burden, given that government is so vehemently pushing a problematic industry. Furthermore, given that the Strategy aims to increase exports, it is essential that any products meet the highest standards of food safety and do not jeopardise South Africa’s status or impact on other imports. Yet, in an apparent disregard for such considerations, the Department is rather removing the very safety nets to ensure that certain requirements and standards are met. Even within the Department’s own problematic narrative of increasing animal utilisation and exploitation, this represents a concerning lack of understanding.

- d. Global Health:** According to the Game Meat Strategy, “*South Africa is the top game producer on the continent in both value (86%) and volume (75%) terms.*” Possibly unsafe game meat being exported to other countries presents a major risk which would affect this dominance and has the potential to cause economic loss in the country. Furthermore, unsafe meat sold to international trading partners has the potential to expose zoonotic diseases to the global population with the potential to cause global outbreaks, epidemics, and even pandemics.

7. Mandate Impact and Overlap Not Properly Accounted For

The Exemption impacts multiple departments at various governmental levels. While the MSA falls under DALRRD, wild animals fall under the mandate of the DFFE as well as the provincial departments. The Exemption therefore implicates various government departments and their mandates, and this is not properly accounted for in the Exemption.

The Exemption and the proposed intensification of farming and killing of wild animals is contrary to each of the mandates of the Department and the DFFE in that it is contrary to the right to environment as contained in section 24 of the Constitution and is contrary to animal welfare. The intensification of farming and killing of animals, including wild animals is unsustainable and unjustifiable. The Exemption indicates a clear contravention of the mandates of each of the aforementioned departments.

While the Exemption technically falls under DALRRD, it essentially straddles agricultural, animal welfare, environmental and health areas (among others). It creates gaps, loopholes, uncertainties and inconsistencies for compliance and enforcement. The Exemption seeks to remove obligations to comply with certain important health, safety, welfare and other requirements which are generally expected of those within the agricultural sector in respect of domesticated and farmed animals, to allow for non-compliance in respect of wild animals. In this way, the wild animal industry will be able to benefit from the existing farmed and domestic animal structures, without many of the regulatory

³⁸ <https://journals.co.za/doi/epdf/10.10520/EJC-177c7c6c86>

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burdens. It is not clear exactly how this regime will be enforced and by whom, and where the line of mandate of DALRRD ends, and DFFE begins, and vice versa.

The Exemption is blatant exceptionalism for a certain sector which will have negative impacts on humans, animals and the environment.

We note that the Department, DFFE and other parties (across the public and private sector), have been systematically moving towards the “agriculturalisation” of South African wildlife. This is apparent through the 2020 Amendments to the MSA, the Amendments made to the Animals Improvement Act (without public consultation), and others. These actions essentially have the effect of legitimising and facilitating the slaughter and consumption of wild animals, which is unacceptable and problematic for various reasons, some of which have been highlighted in this Submission.

The Exemption comes at a time when other countries are moving away from the exploitation of wild animals and increasing bans are being implemented with regards to the utilisation of wild and other animals. This is due to increasing evidence that animal use and industries promoting them are harmful, unsustainable and unjustifiable. Furthermore, countries are increasingly moving towards alternatives to animals use, including to achieve food security. This is because food security may be achieved, as well as other goals, with less of the harmful impacts of traditional animal agriculture.³⁹

The systematic agriculturalisation of wild animals has many issues and implications, including but not limited to the entrenchment of the notion of animals as commodities; welfare issues which have not been considered (especially those relating to the slaughter of such issues); the spreading of various zoonotic diseases; biodiversity concerns; issues relating to the use of land; sacred sites and animals; biodiversity impacts; major resource and the effects on wild populations of intensive breeding operations. The Exemption would only further exacerbate these and other issues, if implemented by the Department.

8. Legislative Impact and Overlap Not Properly Accounted For

In addition to the overlap and gaps in mandate between the departments as aforementioned, the Exemption implicates other important legislation which is not properly considered nor accounted for in the proposed Exemption.

The Department has not properly considered how this implicates other legislation, nor does it reference other legislation as well as and the role and duties and responsibilities of persons contemplated in such Acts in relation to the slaughter of animals and diseases.

Examples of Acts include (but are not limited to):

- a. Animals Protection Act 71 of 1962;

³⁹ See for example: <https://www.animallawreform.org/wp-content/uploads/2022/10/White-Paper-Food-Systems.pdf>

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- b. Animal Diseases Act 35 of 1984 and regulations;
- c. Environmental legislation (national and provincial) including but not limited to NEMBA (10 of 2004);
- d. Health Act 63 of 1977, including the regulations such as general hygiene requirements for food premises and the transport of food, published in Government Notice No. 918 of 30 July 1999 under the Health Act.

A full list of implicated legislation by the proposed Exemption must be drawn up and the potential effects on such legislation. A full impact assessment of the Exemption on existing legislation must be undertaken by the relevant departments, and properly considered.

9. Exemption Creates Legal Loopholes and does not set other requirements in its place

As aforementioned, the Exemption not only creates legal and practical uncertainty, but it also creates legal loopholes. The Exemption removes requirements in the MSA for game animals without providing any alternative requirements. It excludes the application of certain provisions of the MSA, without specifying this. Certain loopholes have been highlighted in previous sections including but not limited to in respect of food health and safety as well as animal welfare and wellbeing. The Exemption should not be considered further until possible loopholes have been identified, researched and adequate regulation proposed which contains similar or more onerous requirements than the current MSA.

10. Objection to Wildlife Exploitation

ALRSA objects to the exploitation and increased usage of wild animals as promoted by the Department and DFFE. This includes but is not limited to the development and promotion of the game industry. This is particularly so in light of proper regulation and enforcement of existing regulation as well as jurisprudence recognising the sentience and intrinsic worth of animals. The Exemption, the Game Meat Strategy and other policy and legislative efforts which aim to increase the exploitation of animals are extremely harmful to animals, people and the planet and will have far-reaching and long-term implications. These include for some of the most vulnerable members of our society.

Animals are not mere resources for human exploitation and for profit. The Department has a mandate to deal with animal welfare, yet consistently promotes the utilisation and intensification of animal exploitation, which cannot have proper regard for their welfare.

II. Exemption is Unreasonable, Irresponsible and Irrational

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In light of the issues raised in this Submission, the current ongoing COVID-19 pandemic, the prevalence of zoonotic diseases in South Africa as well as other commitments including to environment and food security, the proposed Exemption is irrational and irresponsible and contrary to certain guaranteed Constitutional rights.

12. Exemption is Contrary to a “One Health” Approach

One Health is a collaborative, multisectoral, and trans-disciplinary approach - working at local, regional, national, and global levels- to achieve optimal health and well-being outcomes recognising the interconnections between people, animals, plants and their shared environment.⁴⁰ The Exemption is in contradiction to the One Health approach.

The Exemption ignores the connection between animal and human health and carves a pathway for increased zoonotic diseases and potentially unsafe foods.

13. Exemption Creates an Environment for Illegal and Problematic Wildlife Practices

The Exemption presents an opportunity to further increase illegal poaching, animal cruelty and corruptive dealings in the meat industry. To quote the Department “*The proposed exemption is to allow game animals that have been shot outside an abattoir (‘dead animals’) to be presented at an abattoir for dressing in compliance with all the other provisions of the Meat Safety Act*”. Furthermore, the exemption would apply specifically to section 11(1)(i) of the MSA which provides “*no dead animal suffering from a condition that may render the meat unsafe for human and animal consumption may be presented at an abattoir for slaughter.*”

This provision is imperative in order to fulfil the overall purpose of the MSA. Furthermore, with the increased emphasis placed by the Department to develop the “Game Meat Industry”, this provision would be of paramount value to regulate and ensure Game Meat is not unsafe for human or animal consumption.

Opening the floodgates by exempting game animals from suffering from conditions to be shot, slaughtered and sold, not only has the potential to cause detrimental human harm, but affects the biodiversity of the country in a truly detrimental manner. There is significant potential for wild animals illegally obtained to be “laundered” through the Exemption as well as potential for loss of wild populations by the killing of game animals in an unregulated manner, with the potential to reward illegal and unethical actors to disregard conservation efforts in respect of South Africa’s biodiversity.

14. Other Contextual and Problematic Impacts

⁴⁰ <https://www.up.ac.za/centre-for-viral-zoonoses/article/2758125/one-health-south-africa>

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a. Wild Animals, Biodiversity and Broader Environmental Implications

South Africa has over 95 000 known species, making it the third most biologically diverse country in the world, including three of the 34 global biodiversity hotspots.⁴¹ As South Africa’s population grows and human-interest increases, the reliance on more land for development and agricultural use seemingly results in the protection of biodiversity becoming less imperative and the preservation of species becoming merely a means to serve human needs. Biodiversity protection is a critical tool to ensure that the South African environmental right (in Section 24 of the Bill of Rights) is achieved.

b. HLP Report

The Exemption directly contradicts various key provisions / observations from the Ministerial High Level Panel Report from December 2020 (“**HLP Report**”). We request the Department be guided by the HLP Report.

Some examples include the executive summary of the HLP Report providing *despite the high reputation of South Africa as a global leader in conservation, especially of the iconic elephant, lion, leopard and rhinoceros, there is, however, public concern as to policies, legislation and practices on matters associated with the management, breeding, hunting, trade and handling of elephant, lion, leopard, and rhinoceros, especially in terms of animal welfare and well-being.*

And

Additional issues [identified by the Land-use and wildlife model sub-committee] included: inability to assess the contribution to conservation and bioeconomy targets; hunting quotas; permits, compliance, and enforcement issues; welfare and ethical concern; reputational risks (including welfare, domestication of wild animals, compromised wildness); poor contribution of captive industry to conservation (own emphasis added).

Additional sections which appear to not have been considered by the Exemption include the HLP noting various issues of concern relating to South Africa’s approach to animal welfare. The Report noted that in relation to wildlife welfare no overarching wildlife policy existed; a lack of understanding of “good” and “bad practices and what is acceptable; the need for government, state and provincial agencies to engage with wildlife welfare; no norms and standards for captive populations and that *“there is no standards, guidelines, or regulations for effective ‘rehabilitation of animals into the wild’ (an area defined as ‘wildlife rehabilitation’) with specific information on the welfare of wild animals that have been injured and placed in captivity for treatment/rehabilitation often not released”* as well as *“... a general lack of broad regulation pertinent to welfare for all wildlife, including the five iconic species – and activities related to them.”*

⁴¹ Jenner N and Balmforth Z (September 2015) Biodiversity offsets: Lessons learnt from Policy and Practice Country Summary Report: South Africa Business & Biodiversity Programme Fauna & Flora International available at BIODIVERSITY OFFSETS: LESSONS LEARNT FROM POLICY AND PRACTICE (accessed on 27 July 2022).

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Furthermore, the HLP expressly recognised that “[d]omestication of wildlife poses a direct risk to the conservation of wildlife and its [abovementioned] value propositions” and recommended that “aiming to enhance human well-being, as framed by our Constitutional rights, through ensuring that animal welfare and well-being is sufficiently addressed.”

In respect of welfare and the humane, responsible treatment of wildlife, the HLP provided the following goal: “standards and practices within the wildlife sector meet the minimum acceptable standards of animal welfare, and well-being based on the One Welfare approach that emphasises the link between animal welfare, human well-being, biodiversity and the environment” with the key recommendation in achieving this goal being: “Taking the One Welfare approach, the Minister should immediately initiate a process to engage with welfare and well-being issues across the sector, with a view to including elements within the conservation and sustainable use policy for the sector”

The Exemption directly contradicts these provisions of the HLP Report and rather aims facilitate harmful industries such as through the recently released Draft Game Meat Strategy of South Africa 2022, a strategy inherently flawed and reflective of the “old” paradigm in respect of biodiversity. We request that the Department and DFFE be guided by all recommendations and observations of the HLP Report.

c. Other Non-Exhaustive Concerns

The Exemption reflect the problematic “old regime approach” to the environment and animals, which includes promoting economic interests in the name of “development” and “use” and treating Nature and animals as mere resources, property and commodities. This fails to recognise both societal and legal developments which recognise their intrinsic value as individual entities. Such approach can neither be considered to be sustainable nor considered as conservation. The wording of section 24 explicitly requires that any use and development be “ecologically sustainable”, and furthermore, such right needs to be read in light of the remainder of the wording right and with reference to recent developments.

These and other factors which we have elaborated on in this Submission is in contradiction with the Exemption proposed. As such, the reflection of this “old regime” and regressive steps are inconsistent with the government’s obligations in terms of section 24. Most notably, these include removal of “intrinsic value” as a guiding principle as well as provisions relating to animal sentience, wellbeing and welfare.

Furthermore, the Exemption has implications on illegal forms of animal killing and cruelty. The exemption provides no measures to prohibit pouching of the animals within the ambit of the Exemption nor provide that an abattoir that suspects the dead animal derived from pouching activities may refuse to accept the animal carcass. On this basis, we reject the Exemption as it does not adhere to the environmental right, which includes animal welfare of all animals, including those game animals within the ambit of the MSA.

**This version has undergone minor editing for proof-reading since original submission to the Department. No substantive changes have been made other than correcting numbering, formatting, spelling and grammar.*



ANIMAL LAW REFORM

SOUTH AFRICA

d. Public Opinion

While we do note that the general public does not understand the intricacies of the Department's intention to further promote the game meat industry, and the potential benefits of a commercialized game meat industry, the fact that globally and locally members of the general public have increasingly opposed decisions made which have a detrimental impact on the environment, animals, diseases and food safety and security must be acknowledged by the Department.

-----**END**-----

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