

Animal Law Reform South Africa Outreach

From:

Tuesday, 28 March 2023 14:00

To:

Animal Law Reform South Africa Outreach

Cc:

Subject:

Re: NSPCA / ALRSA - Request for access to information in terms of PAIA

Attachments:

NATIONAL TRAINING POLICY 1-4 2020.pdf; Reply ALRSA.pdf; List of SPCA.pdf; 1-1A-Statement-of-Policy-with-Explanatory-Notes.pdf; 1-1-Statement-of-Policy.pdf; Database of Poultry Inspections final.xlsx; NSPCA REPORT OF THE POULTRY INDUSTRY IN SOUTH AFRICA.pdf

[REDACTED]

The aforementioned refers. Please see the attached, in reply to your PAIA request.

List of documents included:

- NSPCA Statement of Policy.
- NSPCA Statement of Position.
- Contact list of SPCA's
- NSPCA Training Policy.
- List of Facilities.
- Report by FAPU.

Yours sincerely,

[REDACTED]



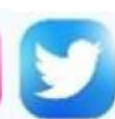
National Council
of SPCAs

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From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>

Date: Tuesday, 07 March 2023 at 13:42

To: [REDACTED]

Subject: RE: NSPCA / ALRSA - Request for access to information in terms of PAIA

I trust you are well.

We acknowledge receipt of your response to our PAIA request and thank you for the information you have provided us thus far. We have now had an opportunity to review the documents provided and take legal advice in respect of your correspondence dated 23 January 2023 and attachments thereto and set out our response below. Please note that whilst we do not intend to deal with each and every issue raised in your correspondence, we reserve the right to do so in detail, and in the appropriate forum, should the need arise.

As you are no doubt aware, PAIA gives effect to the right to access to information in terms of s 32 of the Constitution. Its constitutionally ordained purpose is to promote transparency, accountability, and ensure effective governance of all bodies in South Africa, including statutory bodies such as the NSPCA. PAIA is further to be interpreted in a generous and purposive manner.

To the extent that you purport to rely on ss 39 and 44 of PAIA as bases to refuse access to our PAIA request, the courts have confirmed that a public body is obliged to give adequate reasons for its refusal, which you have not done. Merely stating which provision you rely upon does not constitute adequate reasons. The onus rests on you to establish that a refusal of access to the record is justified in terms of PAIA. Please could you provide adequate reasons, bearing in mind that transparency and disclosure of information are “the rule” when it comes to the interpretation of PAIA, and exemption from disclosure is the exception, as confirmed by the courts. The NSPCA has a particular duty to be transparent since its mandate includes the prevention of cruelty towards and the protection of animal welfare in the public interest.

Furthermore, the courts have held that a public body must take reasonable steps to notify any third party of requests concerning their information before making any decision whether or not to disclose the information. Please advise what steps you have taken to notify third parties of our request as required by PAIA.

In addition, in relation to the information provided, please could you clarify the following:

1. How does the NSPCA define a “welfare concern” in the context of the inspections conducted by the “skilled inspectors” forming part of the NSPCA’s Farmed Animal Protection Unit (FAPU)? What are the specific criteria used by the inspectors? What legislation, if any, is utilised, in determining what constitutes a welfare concern?
2. More specifically, when the FAPU’s Inspectors inspect facilities:
 - a. Do they regard the housing of chickens in cages (specifically “battery cages”) to fall within the definition of a welfare concern?
 - b. Do they regard de-beaking to fall within the definition of a welfare concern?
 - c. Do they regard culling of day-old male chicks to be a welfare concern?
 - d. What methods of culling are considered to be appropriate by the NSPCA / non-reportable?
 - e. How do they assess the quality of the food and water provided to chickens in relation to chicken welfare?
 - f. What (in centimetres squared) constitutes a “small cage”?
 - g. What constitutes an “overcrowded” or “overstocked” cage?
 - h. What constitutes “proper protection against weather elements”?
 - i. What constitutes “neglect”?
 - j. What constitutes a “handling” concern?
3. In relation to the criteria against which FAPU Inspectors inspect facilities, when does a concern become reportable and/or actionable?
4. What qualifications and skills are required to be an Inspector of the FAPU? Please provide training materials for these Inspectors.
5. What steps are required to be taken by Inspectors against facilities where welfare concerns are identified? Whilst we appreciate that you may not be able to detail the precise steps against each facility, please provide the protocol and/or standard operating procedure that Inspectors are required to follow.
6. What monitoring and compliance measures does the NSPCA implement where welfare concerns are identified?

7. Are inspections only conducted at facilities or are transportation/transit methods also monitored and reported upon?
8. Can we infer that when nothing is included in the “animal welfare concerns” column of the spreadsheet you provided to us, there were no animal welfare concerns identified relating to that facility?
9. Did the NSPCA attend to any inspections at abattoirs?
10. Are FAPU Inspectors required to report the number of animals suffering from each of the conditions identified in each facility or just that these issues are present at a facility, without noting the number of animals suffering?
11. Could you provide the records produced following individual inspections that are captured in the spreadsheet provided, which presumably are more detailed? Could you also explain the methodology of each inspection? Do inspectors complete a form? Could you provide an example? We reiterate our request for training manuals and instructions for FAPU Inspectors.
12. Who (which official) is responsible for preparing the spreadsheet?
13. Please could the NSPCA provide a list of each of the SPCA’s and contact details that the NSPCA oversees, with any personal information redacted.
14. We reiterate our request for training manuals and standard operating procedures of the NSPCA, etc. which could be responsive to at least some of the questions we have raised.

We thank you for the information you have provided to us this far. Whilst the information you have provided is helpful, the NSPCA has not complied fully with PAIA.

We look forward to receiving records previously requested from the NSPCA, as well as the clarification requested in this correspondence. We do not believe that any PAIA grounds of refusal could be justifiably relied upon by the NSPCA in response to the questions we have raised.

We hope that the NSPCA will be responsive to this follow up request in a spirit of collaboration with us in pursuit of the protection and flourishing of animals as sentient beings with intrinsic value.

All our rights remain reserved.

Kindly respond to this correspondence by no later than **22 March 2023** given that we are currently preparing our public report. Please let us know if you need more time.

Kindly acknowledge receipt of this email.

Kind regards

[Redacted Signature]

Outreach: External Liaison
Animal Law Reform South Africa
outreach@animallawreform.org



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From: [Redacted]

Sent: Wednesday, 25 January 2023 08:26

[Redacted]

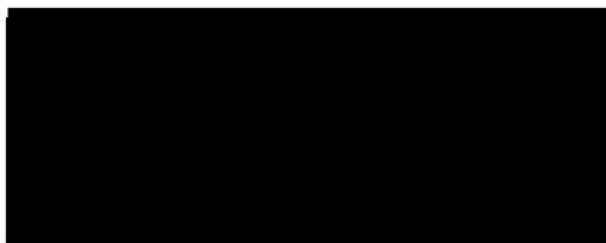
Subject: Re: ALRSA - Request for access to information in terms of PAIA

Hope you are well.

Please find the attached documents for your perusal.

Yours sincerely,

Advocacy Officer



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From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>

Date: Tuesday, 24 January 2023 at 13:28

To:

[Redacted email address]

Subject: RE: ALRSA - Request for access to information in terms of PAIA

I trust you are well.

We enclose proof of payment of fees in the amount of R400,00 into the NSPCA's bank account, noting that we had requested an exemption from paying this fee. We remain of the view that we are entitled to such an exemption, but have made payment for the sake of expediency, and reserve our rights fully in this regard.

We now look forward to your substantive response to our PAIA request forthwith, noting that it was due on 20 January 2023.

Kindly acknowledge receipt of this email.

Kind regards,

[REDACTED]

Outreach: External Liaison
Animal Law Reform South Africa
outreach@animallawreform.org



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From: [REDACTED]
Sent: Wednesday, 18 January 2023 17:54

To: [REDACTED]
[REDACTED]

Subject: Re: ALRSA - Request for access to information in terms of PAIA

[REDACTED]

Thank you for your mail.

In accordance with the regulations, please tender the following fees in respect of the access to information so required.

Access fee: R300
Request Fee: R100

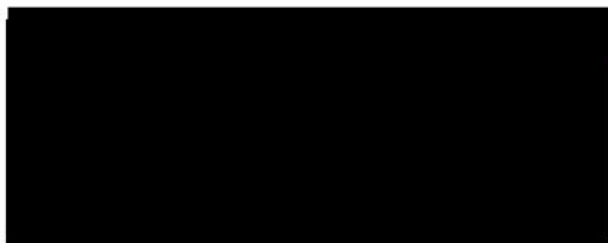
Total: R400

Our banking details can be found on our website. Please include the reference: "ALRSA – PAIA", and by return mail forward proof.

Thanking you.

Yours sincerely,

[REDACTED]



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From: Animal Law Reform South Africa Outreach <outreach@animallawreform.org>

Date: Tuesday, 17 January 2023 at 11:00

To:

[Redacted]

Subject: RE: ALRSA - Request for access to information in terms of PAIA

[Redacted]

I trust you are well.

Thank you for your response and acknowledgement of receipt of ALRSA's request for access to information in terms of PAIA dated 16 November 2022 ('our request').

We note your extension notice in response to our request, which extends the period within which to respond thereto by 30 days, that period expiring on 20 January 2023.

As such, we look forward to your response to our request by 20 January 2023.

We thank you in advance for your cooperation, as the information requested will empower us to advance animal welfare concerns in South Africa in pursuit of the fulfilment of the environmental right enshrined in section 24 of the Constitution.

Yours sincerely,

[Redacted]

Outreach: External Liaison
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[Redacted]

Sent: Thursday, 08 December 2022 10:35

[Redacted]

Subject: ALRSA - Request for access to information in terms of PAIA

Good day,

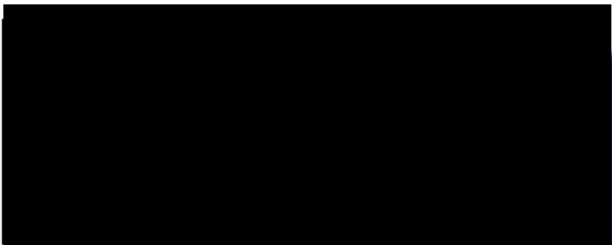
Thank you for your email to the National Council of SPCA's.

In respect of the letter and accompanying application in terms of PAIA, the following notice is issued.
Kindly find the attached correspondence for your consideration.

Please confirm receipt hereof.

Yours sincerely,

[Redacted]



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