



# agriculture, forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

## THE DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES THE DIRECTORATE OF ANIMAL HEALTH

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### MONTHLY STATUS UPDATE: OCTOBER 2014

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The March, April, May, June, July, August and September monthly reports have been published on the Department's website and was also e-mailed to the applicant and the third respondent.

To comply with the second court order dated 27 February 2014, the following has been undertaken:

1. A request was sent on 4 September 2014 for inputs on the Entry and Exposure assessments on the hazards identified with regards to the importation of sable antelope from Zambia. The deadline given for comments was 18 September 2014. Very few responses were received. It was then realized that due to technical difficulties the request for inputs on the Entry and Exposure assessments on the hazards identified with regards to the importation of sable antelope from Zambia had not been received by many of the stakeholders. An extension was therefore given to the 13<sup>th</sup> of October 2014.
2. A meeting was held with the independent consultant, Dr Evan Sergeant of Ausvet. A draft of the risk assessment has been produced by him. This draft is currently being considered.
3. A response from the Veterinary Authority of Zambia was received on 22 September 2014. The response is being considered.

4. Pursuant to the request for an extension of time for publication of the draft policy by DAFF, responses were received from the applicant in the Court proceedings and from the third respondent. The applicant opposes the extension of time. The third respondent supports the extension of time. A copy of the letters are annexed hereto marked "A" and "B" respectively.
5. Comments were received on the request for inputs on the consequence assessment and risk management on the hazards identified with regards to the importation of sable antelope from Zambia. The deadline for comments was 13 October 2014.
6. The department, at the time of sending the September monthly report, had legal proceedings instituted against it by Swanvest 234 (Pty) Ltd. The Notice to oppose was submitted on 20 October 2014. The affidavit must be submitted within 15 days from the date of sending the Notice to Oppose and the Department will meet this deadline.

# ANNEXURE A



## Van De Wall & Vennote | Partners

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Ons verwysing/Our reference : JJ BOTMA/mv/C09302  
U verwysing/Your reference : DR MPH0 MAJA  
Datum/Date : 2014-10-10

**THE DIRECTORATE ANIMAL HEALTH  
DELPEN BUILDING  
C/O ANNIE BOTHA & UNION STREETS  
RIVIERA  
PRETORIA  
0084**

**VIA E-MAIL: [SableRA@daff.gov.za](mailto:SableRA@daff.gov.za)  
CC: [Mpho.Maja@daff.gov.za](mailto:Mpho.Maja@daff.gov.za)**

### URGENT

Dear Sir/Me,

### **RE: COMMENTS ON THE SEPTEMBER REPORT AND AUSVET ANNEXURE**

It is true that monthly reports were published on the website but not always on time. It is definitely not true that they were e-mailed to the Applicant as they became available.

To comply with the Court Order.....

1. The list of potential hazards listed in alphabetical order – is this the final list? From the Ausvet annexure it appears as though more may be identified.

We have received the following email from the DAH office on the 24<sup>th</sup> of September. This was the request for inputs not circulated to all interested parties and definitely not to the Applicant. The Applicant did however coincidentally find it on the Internet on the 8<sup>th</sup> of September and was in time to deliver his comments and inputs on the 18<sup>th</sup> of September. Why must this be circulated again? It was present on their website on the 4<sup>th</sup> of September as confirmed by forensic IT specialists.

**“2nd Call - RE: Request for inputs on the Entry and Exposure assessments on the Hazards identified with regards to the import**

*Good Day,*

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*We believe that there may have been technical difficulties with our previous emailed request for comments. Thus this is a 2nd Call for comments please.*

*Please find attached the letter regarding the request for inputs on the entry and exposure assessments on the hazards identified with regards to the importation of sable antelope from Zambia for your comments.*

*Please take note of the deadline for these comments is the 13th of October 2014.*

*Please, please acknowledge receipt of this email.*

*Thank you,  
Kind regards,  
Sandra Da Camara*

*Personal Assistant for the Director of Animal Health  
This email is sent on behalf of Dr Mpho Maja the Director of Animal Health  
Directorate of Animal Health  
Department of Agriculture, Forestry and Fisheries*

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*This email arrived on the same day as the requests for inputs on the consequence assessments and risk management on the hazards identified with regards to the importation of Sable Antelope from Zambia dated 26 September 2014. It is our impression that not enough comments and inputs were received.*

2. DAH had a six day meeting with Ausvet – this is an extensive period and much must have been achieved. Can minutes and an attendance list be provided? It will be very disappointing if the only outcome of this meeting is the annexure on the *Methodology for import risk analysis for Sable antelope from Zambia*. This document was only sent on the 29<sup>th</sup> of September by Ausvet and is simply a summary of Chapter 1.2.1 of the TAHC. Time is clearly not of the essence in their case! Considering DAH and Ausvet had their meeting from the 3<sup>rd</sup> to the 9<sup>th</sup> of September.
3. No mention is made of the above quoted email even though it was sent on the 26<sup>th</sup> of September. This should have also occurred in the September monthly report.
4. We still need an exact date when the questionnaire was sent to Zambia. We do know that it was only sent during June instead of March. This was a deliberate contrivance to delay the process.
5. We object in the strongest of terms to request for a period of extension. This has been objected against since the first reference to this venture. Furthermore we find it unacceptable and arrogant to ask interested parties to state if they are in support of extending the period or not. This was, and remains, a Court Decision.
6. This document was emailed to the Applicant on the 26<sup>th</sup> of September.
7. The Department has no option but to consider the application. We still need to know who is paying for the independent consultant.

We fail to understand why the period must be extended considering all the information available (previous RA's and requests for inputs).

## **SPECIFIC COMMENTS ON THE AUSVET DOCUMENT:**

### 1. SCOPE

We are pleased to note that specific reference is made to the Swanvest consignment which is according to the February 2014 Court Order under the Ausvet Scope for the RA. This automatically requires interviews with the applicant's specialists and a visit to the Swanvest facility in Zambia.

### 2. HAZARD IDENTIFICATION

We accept that an evaluation of Zambian Veterinary Services will be done but it is predictable that it will be found to be insufficient. It was already stated in 2009 that part of the risk mitigation process will be South African involvement and supervision as well as diagnostics while the consignment is still in Zambia.

### 3. RISK ASSESSMENT

Coincidentally the TACH provides adequate risk management measures for all hazards identified so far in domestic species. It is a concern that it has already been decided that inadequate data is available to perform a quantitative risk analysis. Quantitative risk analysis can be performed for FMD. This excuse is likely to appear again because of the fact that wildlife is involved and that the TAHC seldom refers to wildlife.

It is of particular concern that the Independent Expert needs to consult with DAH on the expected consequences should entry and exposure occur. This is then no longer an independent exercise.

Then the following statement confirms further concern: DAH will still decide on the acceptable level of risk after risk assessments have been determined by the Independent expert.

### 4. RISK MANAGEMENT

Again risk mitigation must start in Zambia as determined in 2009. *The least onerous option would be followed.* This is an unacceptable statement as it simply refers to doing nothing – implying denial of the import. The lack of capacity will be used again.

### 5. RISK COMMUNICATION

Risk communication will only be considered where appropriate – If comments/inputs are requested how is it decided on whether it is appropriate? If inputs are inappropriate the interested party must be informed accordingly in a transparent way.

### 6. TIMELINE

Considering all information available to the Independent Consultant this timeline is unacceptable. Also considering that six days consultation already occurred during September and only this Annexure was developed from the consultation. Will the Independent Consultant visit South Africa again or is it all over now? Please keep in mind

that the applicant's experts also need to be interviewed in person and a visit by the Independent Consultant to Zambia is imperative.

Yours faithfully

**JJ BOTMA**  
**VAN DE WALL & PARTNERS**  
(typed and sent in absence of writer)

# **ANNEXURE B**





**WERTHEIM BECKER**

Attorneys est. 1904

**THE DIRECTOR OF THE DIRECTORATE OF  
ANIMAL HEALTH**

Department of Agriculture, Forestry and Fisheries

**ATTENTION: Dr MPHO MAJA**

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Our Ref: Mr A Kika/Jn/38842

Your Ref:

Date: 10 October 2014

This communication may contain privileged and confidential information intended for the named recipient only. If you are not the intended recipient, you may not disseminate the information or copy this communication. If you have received this communication in error, please notify us immediately by telephone and return this communication to us at our cost.

Dear Sirs/Madam

**RE: SWANVEST 234 (PTY) LIMITED // THE DIRECTOR OF THE DIRECTORATE ANIMAL HEALTH AND 6 OTHERS – CASE NO.: 64765/2012 [NORTH GAUTENG HIGH COURT, PRETORIA]**

1. We act for and on behalf of the Red Meat Industry Forum ("our client").
2. We refer to the September 2014 Monthly Status Update, received during October 2014.
3. In terms of paragraph 5 thereof, the Director of the Directorate of Animal Health requested an extension of time for the draft policy to be published for comment to the 31 January 2015.
4. We hereby consent on behalf of our client to the extension of time requested in the monthly status update.

Yours faithfully

**WERTHEIM BECKER INC.**

**AMISH KIKA**



Wertheim Becker Inc - Registration No. 1999/024354/21  
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