

# The responsibilities of livestock auctioneers in terms of the Animal Diseases Act (Act 35 of 1984)

## Notice: All livestock auctioneers



## InfoPak 1

### The current threat of foot and mouth disease virus

The single greatest risk of introducing **Foot and mouth disease (FMD)** into the Western Cape is with the introduction of infected livestock (cattle, sheep and goats) but anything that had contact with an infected animal or its environment can spread the disease. These include animal products (milk, meat, wool, etc.), feed and bedding, people working or in contact with infected animals and their clothes, shoes, etc. and any object, including the vehicles and handling equipment that had contact with any secretions (dung, urine, saliva, milk) of FMD infected animals. Infected animals can be infectious to other cloven-hoofed animals, even though the animals may not appear sick.

The effect of introducing this highly infectious animal disease into our province will be catastrophic, not only for the affected animal and human populations, but also for the economy of this province. It endangers food security, trade, jobs and the mental well-being of animal owners and farming communities.

### The responsibilities of livestock auctioneers

Section 11 of the Animal Diseases Act (Act 35 of 1984) assigns certain responsibilities, not only to the owners of animals, but also to the owners or managers of land on which animals are kept, as well as to their staff, agents and family.

For clarity, the relevant clauses related to livestock trade from Section 11 reads:

1. To take all reasonable steps **to prevent infection** of the animals with any animal disease or parasite.
2. To **prevent the spreading** thereof from that land or animals.
3. If there is a reasonable suspicion that it is controlled animal disease, to report it to the local state veterinarian.
4. In the case of the outbreak of controlled animal disease or the suspicion thereof, the animal owner have to **inform** his/her neighbour, any prospective buyer and any buyer of his/her animals during the past 30 days.

### The liability of livestock auctioneers

**Contravention** of the above legislated responsibilities by an animal owner and/or a landowner is described as an offence in Section 32 of Animal Disease Act. Through **vicarious liability** described in Article 34 (2) an employee, representative or agent of the principal (owner) can by an act or omission also contravene the Animal Disease Act. This include, therefore, a **livestock auctioneer** who sells animals when they are infected or deemed to be infected with a controlled animal disease, who will be guilty of an offence.

Section 26 of Animal Disease Act, however, provides for an animal auctioneers to **refuse to auction** animals:

- if they are known to be, or are suspected to be infected with a controlled animal disease;
- when the consignor is unable to provide a required permit or other document;
- if there is any prohibition to remove or transport an animal from its origin or detention of animals in accordance with a written direction by the Director.

The livestock auctioneer **will thereby be released from liability** under the Act. The **animal owner will be liable to the** auctioneering service for any cost incurred in connection with the detention or disposal of such animals.