TRINIDAD AND TOBAGO

ANIMAL HEALTH POLICY 2018

30th June 2018

PURPOSE AND OBJECTIVES OF THE DRAFT ANIMAL HEALTH BILL, 2018

The primary purpose of the Animal Health Bill, 2018, is to provide a modern and comprehensive legislative framework for animal health in the Republic of Trinidad and Tobago. The Bill also seeks to implement Trinidad and Tobago's obligations under the World Trade Organisation's (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) and the CARIFORUM-EU Economic Partnership Agreement (EPA).

The Animal Health Bill will repeal and replace the 1954 Animals (Diseases and Importation) Act, Chapter 67:02, which focuses specifically on the importation, treatment and disposal of animals. The Bill will not only build upon the provisions of the current Act but will also address issues such as the monitoring and surveillance of diseases, importation, exportation and transit requirements, animal health emergency preparedness, quarantine and the welfare and care of animals

The major concern of the current Animals (Diseases and Importation) Act, Chapter 67:02 is that it is outdated and does not adequately meet all of the obligations under the WTO Agreement and the EPA, to which the Republic of Trinidad and Tobago is a signatory.

The Animal Production and Health Division (APHD), Ministry of Agriculture, Land and Fisheries (MALF) recognizes the concerns of our livestock clientele especially those involved in the import and export of livestock products. The current Act no longer sufficiently provides protection against increasing risks from outside of our borders.

The main objectives of the APHD are to protect and promote animal and human health; prevent the introduction and spread of animal diseases within Trinidad and Tobago and from other countries; facilitate and regulate trade in animals, carcasses; and animal products and animal-related items.

The APHD has realised that, as the Division responsible for Animal Health, increasing animal health sanitary measures will assist Trinidad and Tobago in better meeting its obligations under WTO and the EPA. In the long term, this proposed legislation will assist all producers of livestock, especially those involved in export of livestock and animal products. The APHD, also, considered the establishment of standards for animal welfare.

The APHD considered three options when examining the current animal health situation in Trinidad and Tobago with respect to the current legislation.

A. The current legislation remains without changes
B. The current legislation is modified
C. Repeal and replace the current legislation, while keeping relevant parts of the current legislation

A. *The current legislation remains without changes*. This was the simplest option. The APHD continues with the present situation and leaves the livestock farmers, producers and other clientele facing continual problems. The major problem with the current legislation is that it does not adequately meet all of the obligations under the SPS measures or the EPA. For example, it is limited in its monitoring and surveillance of animal diseases, given the modern developments in these areas. There are also increasing animal health risks and changing economic situations which have impacted on the ability of the APHD to adequately manage the risks based on the current law.
   The costs associated with this option are that the current levels of funding for Animal Health sub-division remains. However, the economic costs with associated with insufficient monitoring and surveillance funding, should an animal health emergency occur would be enough to set back the livestock industry for decades.

B. *The current legislation is modified*. This method has been attempted over the years of the law's existence. However, updates are no longer sufficient to keep abreast of the ever changing animal health situation in the world. Any more changes would result in a farrago of laws and regulations that may contain conflicts and still not be SPS compliant. A broader scope is required protect human and animal health in Trinidad and Tobago. The cost here would be similar to option A. The only addition would be the time required to enact regulations to satisfactory cover animal emergencies after they have occurred. Again, this would put our livestock clientele and perhaps human health at risk.

C. *Repeal and replace the current legislation, while keeping relevant parts of the current legislation*. This was the most difficult option. It meant finding model legislation which could be used to base our proposed changes to become SPS measure compliant and meet EPA requirements. CARICOM had drafted a model Animal Health Protection Bill, which was circulated to CARICOM members. This model bill is SPS compliant and meets EPA obligations. The use of this model legislation could form the basis for repealing and replacing the current legislation. The costs of this new bill would be the hiring of a consultant to work on the draft legislation to ensure a completed product in a minimum amount of time; the livestock clientele would be protected by enhanced monitoring and surveillance systems, once the Animal Health sub-division is funded; and no cost can be placed on increased safeguards to human health.

The APHD decided to use option C. There was already a model animal protection bill from CARICOM. This draft bill was drafted with the intention to harmonise what was done in throughout the CARICOM region. The Inter-American Institute for Cooperation on Agriculture (IICA) had asked for national projects to be submitted to them for consideration in 2015. The result of the IICA/MALF project, which included substantial consultations with stakeholders, was a draft Animal Health Bill for Trinidad and Tobago.

Key features of the draft 2018 Bill include:

- An expanded definition of animals to include all vertebrate and invertebrate animals;
- The replacement of the Chief Technical Officer with the Chief Veterinary Officer;
- The identification of a Competent Authority to implement the provisions of the legislation;
- The establishment of an Advisory Committee on Animal Health;
- The delegation of certain functions under the Bill to private sector veterinary surgeons;
- The establishment of animal welfare standards;
- The declaration of an infected zone and a free zone;
- The declaration of an animal disease emergency;
- The development of an animal disease emergency plan;
- Quarantine stations;
- Retention of the relevant and updated regulations and
- Administrative penalties and fixed-penalty notices.

DRAFT ANIMAL HEALTH BILL, 2018

EXPLANATORY NOTE

(These notes form no part of the Bill but are intended only to indicate its general purport).

The Bill would contain the constitutionally required perambulatory clauses which indicate that the Bill requires a special majority where it is inconsistent with sections 4 and 5 of the Constitution.

PART I–*Preliminary*

Clause 1 would provide for the short title of the Bill.

Clause 2 would provide for the commencement of the Bill.

Clause 3 would provide that the Act, for which this is the Bill, shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Clause 4 would provide for the terms used in the Bill.

PART II–*Administration*

Clause 5 would provide that the Minister shall have primary responsibility for the administration of the Act, for which this is the Bill, and may declare, inter alia, a state of disease emergency and a free zone.

Clause 6 would provide for the Chief Veterinary Officer (CVO) to be the Competent Authority.

Clause 7 would provide that the Minister, upon the recommendation of the CVO, may delegate functions to private sector veterinary surgeons.

Clause 8 would provide for the establishment by the Minister responsible for animal health, an Advisory Committee on Animal Health which shall be made up of persons who the Minister deems necessary.

Clause 9 would provide for the designation of diagnostic, research or other laboratories as an official or approved laboratory.

Clause 10 would provide for the principles to be taken into account by the animal health measures.

PART III–*Animal Disease Control*

Clause 11 would provide that the Competent Authority shall develop a list of notifiable diseases based on risk analysis and economic impact and regularly update such list.

Clause 12 would provide for the establishment of an animal disease surveillance system by the Competent Authority to detect and report animal diseases, animal health hazards or invasive alien animal species.

Clause 13 would provide for the declaration of an infected zone by the Minister after the finding of an infected zone has been confirmed by the Competent Authority.

Clause 14 would provide for the revocation of the declaration of an infected zone by the Minister upon the recommendation of the CVO.

Clause 15 would provide that the CVO shall prepare an animal disease emergency plan which shall be tested every two years.

Clause 16 would provide for the declaration of an animal disease emergency by the Minister in the event of an outbreak of a disease or the high risk of an outbreak of a disease.

Clause 17 would provide for the development of contingency plans for emergencies affecting animal health.

Clause 18 would provide that the Minister shall declare, upon the recommendation of the Competent Authority, a free zone, containment zone, surveillance zone and free compartment.

Clause 19 would provide that no person shall remove any animal from or take into an infected zone or containment zone without a valid permit issued by the CVO.

Clause 20 would provide for the segregation and notification of animals suffering or suspected of suffering from a disease.

Clause 21 would provide for the humane euthanasia or destruction of a diseased animal suffering or reasonably suspected to be suffering from a notifiable disease in order to prevent the spread of the disease.

Clause 22 would provide for the measures to control or eradicate animal diseases and to prevent their introduction or spread.

Clause 23 would provide for the sanitary disposal of animals which are humanely euthanised or destroyed or which die as the result of a notifiable disease.

Clause 24 would provide for the taking, moving or straying of animals into or out of an infected or infested area.

Clause 25 would provide that the Minister may award compensation to the owner of any animal humanely euthanised or destroyed subject to a pre-emptive action.

Clause 26 would provide for the limitation of the State's liability for loss resulting from the destruction or disposal of any animal, carcass, animal product or animal-related item.

Clause 27 would provide for the establishment of a system for the identification and traceability of animals and animal products.

Clause 28 would provide for the registration of veterinary medicinal products in Trinidad and Tobago.

PART IV–*Import, Export and Transit*

Clause 29 would provide that the owner or operator of an international transportation facility provide and maintain adequate areas, offices, laboratories and other facilities in order to facilitate inspections.

Clause 30 would provide for the establishment of import requirements to prevent the entry of animal diseases and zoonoses into Trinidad and Tobago.

Clause 31 would provide for import permits to import any animal, carcass, animal product or animal-related item into Trinidad and Tobago.

Clause 32 would provide for the restrictions on the importation of animals, carcasses, animal products or animal-related items into Trinidad and Tobago.

Clause 33 would provide for import permits for animals for exhibitions, educational purposes, zoological collections, performances or circuses.

Clause 34 would provide for a customs officer, importer, courier, master of a vessel or captain of an aircraft to notify the Competent Authority of the arrival of all animals, carcasses, animal products or animal-related items.

Clause 35 would provide for the inspection of all animals, carcasses, animal products and animal-related items by a veterinary officer at the port of entry.

Clause 36 would provide for the granting of in transit permits to persons transporting any animal, carcass, animal product or animal-related item through Trinidad and Tobago.

Clause 37 would provide for the exportation requirements and official veterinary health certificates for animals, carcasses, animal products or animal-related items to be exported from Trinidad and Tobago.

PART V–*Quarantine*

Clause 38 would provide that the Minister, upon the recommendation of the CVO, may establish and designate quarantine stations.

PART VI–*Animal Welfare and Stray Animals*

Clause 39 would provide for the prohibition against maltreatment of any animal.

Clause 40 would provide for the welfare and care of any animal to be given by an owner or person in charge.

Clause 41 would provide that an animal owner has a duty to provide assistance and information to a veterinary officer.

Clause 42 would provide for the humane euthanasia and safe disposal of an infected or contaminated animal by the Competent Authority or the owner or person in charge of the animal.

Clause 43 would provide for the approval of measures by the Competent Authority to control the populations of stray and feral animals and contain and control notifiable diseases.

PART VII–*Enforcement*

Clause 44 would provide for the powers of a veterinary officer.

Clause 45 would provide for the powers of a constable.

Clause 46 would provide for the storage and removal of any animal, carcass, animal product or animal-related item seized and detained by a veterinary officer.

Clause 47 would provide for the prohibition against persons interfering with any animal, carcass, animal product or animal-related item that has been seized and detained.

Clause 48 would provide for offences committed by a person.

Clause 49 would provide for offences committed by any officer within the Competent Authority.

Clause 50 would provide for offences committed by a customs officer.
Clause 51 would provide for offences committed by a body corporate.

Clause 52 would provide for penalties for offences committed by any person where there is no specific penalty provided.

Clause 53 would provide for the suspension or revocation of any permit or any other administrative penalty by the Competent Authority.

Clause 54 would provide for any animal, carcass, animal product, animal-related item or other object to be forfeited to the State upon the conviction of any person for any offence.

Clause 55 would provide for fixed penalty notices to be served by veterinary officers.

PART VIII–*Miscellaneous*

Clause 56 would provide for local authorities to assist veterinary officers in the performance of their functions.

Clause 57 would provide for the right of appeal to the Competent Authority by any person aggrieved by an action or decision of a veterinary officer.

Clause 58 would provide for an official to be immune from suit or prosecution for acts done in good faith in the performance of official functions.

Clause 59 would provide that the Minister, on the advice of the CVO, has the power to make regulations.

Clause 60 would provide for the repeal of the Animals (Diseases and Importation) Act, Chapter 67:02, and the saving of any order, rule, requirement, regulation and notice in effect on the coming into force of this Bill.