

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

GENERAL NOTICE 1868 OF 2023

MS WENDY ALEXANDER, MP

**NOTICE OF INTENTION TO INTRODUCE A PRIVATE
MEMBER'S BILL, 2023 AND INVITATION FOR COMMENT**

Hon Wendy Alexander, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Performing Animals Protection Amendment Bill, 2023 ("the Bill"), in Parliament. An explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly (9th Edition).

In the Equality Court judgment of *SA Guide-Dog Association for the Blind and Amanda Bester v The Department of Home Affairs and the Western Cape Department of Home Affairs* Case No. EC 16/2018 (unreported), the Court held that the denial of access to the applicant, Amanda Bester and her assistance animal, Reo, to the premises and offices of the Department of Home Affairs, Western Cape amounted to unfair discrimination.

Following this judgment, it has become evident that people with disabilities who use assistance animals remain marginalised and are often turned away from public and private spaces, as well as from accessing public transport. There is currently a lack of legislation preventing assistance animals and their owners from being turned away from private and public areas, buildings and transport. It is therefore important that the Performing Animals Protection Act, 1935 (Act No. 24 of 1935) ("the Act") be amended in order to protect persons with a disability who use assistance animals and to create a licencing procedure for persons with a disability whose assistance animals accompany them to and on, especially, public areas, buildings and transport.

The licencing of assistance animals will provide persons with a disability with tangible proof of their right to enter or access any public or private area, building, facility or transport while accompanied by their assistance animal. Any person who denies a person with a licence access to these places will be committing an offence and will be liable to a fine or imprisonment.

Interested parties and institutions are invited to submit written representations on the proposed content of the Bill to the Speaker of the National Assembly within 30 days of the publication of this notice. Representations can be delivered to the Speaker, Africa House Building, Cape Town; mailed to the Speaker, PO Box 15, Cape Town, 8000; or emailed to speaker@parliament.gov.za and copied to legislation@da.org.za.

Copies of the Bill may be obtained upon request from legislation@da.org.za.