



CAPE OF GOOD HOPE SPCA
TWO OCEANS AQUARIUM

Date of Inspection:

Friday, 17 January 2025

Time of Inspection:

12:50 to 13:56

Relevant Contact:

Michael Farquhar (CEO) & Andrea Taylor (General Curator)

aquarium@aquarium.co.za & 021 418 3823

Address of Facility:

Two Oceans Aquarium, Dock Road, V&A Waterfront, Cape Town

Attending Inspectors:

Nicole Venter (Cape of Good Hope SPCA)

Report Compiled By:

Nicole Venter

Background:

On Thursday, 16 January 2025, the Cape of Good Hope SPCA received a complaint forwarded by the NSPCA regarding a TikTok post that claimed a turtle in the Two Oceans Aquarium (TOA) appeared to be dead. The post led to further complaints, including a WhatsApp message alleging that the aquarium housed dead animals in its tanks. One TikTok comment clarified that the turtle in question was undergoing rehabilitation and could not swim like the others, while other comments suggested the animals were simply sleeping. Refer to <https://vt.tiktok.com/ZS6XPtAgw/>.

Findings:

On Friday, 17 January 2025, I visited TOA to inspect the aquarium and assess the validity of the complaint. Upon my arrival, I informed the staff that I was conducting an inspection due to a recent complaint regarding a TikTok post that I was sure they were already aware of. I requested to speak with a manager who could provide me access to the facility (including restricted areas) and answer my questions fully.

A few minutes later, I was met by Michael Farquhar, the CEO of TOA, who accompanied me through to the exhibit which was seen in the relevant post. During my inspection of the relevant aquarium, we were joined by Andrea Taylor, the Head and General Curator at TOA. I observed the loggerhead turtle seen in the TikTok video, swimming throughout the entire exhibit and I observed a green sea turtle sleeping in the same spot that the loggerhead had been seen sleeping in the TikTok post.

I enquired about the sleeping turtle's behaviour, and Andrea confirmed it was simply sleeping. I asked for Andrea's qualifications and she confirmed that she had a Bachelor's Degree of Science in Marine Biology and Biological Oceanography. Andrea has also been working at TOA for approximately 3 years. After

conducting independent research on turtle behaviour prior to my inspection, I am of the opinion that the turtle appeared to be sleeping, as confirmed by Andrea who is a Marine Biologist.

Not long after it was seen sleeping, the turtle woke up and swam to a different part of the aquarium. The research I conducted prior to my inspection of the exhibit housing sea turtles confirms that various species of sea turtles, including the loggerhead species seen in the video, are known to sleep in various positions, including underwater or resting on the seafloor among rocks. Some species, like green sea turtles, may sleep for extended periods of up to 11 hours per day. It was clear from my observation that the turtle was not deceased but rather sleeping, a behaviour consistent with natural patterns for sea turtles.

I continued my inspection of the facility, accompanied by Andrea. We visited the aquarium's restricted areas, including the equipment rooms, turtle rehabilitation area, and quarantine spaces. I did not observe any actionable animal welfare concerns during my inspection.

Facilities:

The tanks and exhibits inspected included a variety of marine life, such as stingrays, sharks, eels, penguins, jellyfish, and turtles. I also reviewed the turtle rehabilitation facilities and the quarantine area, where newly caught or rehabilitating animals are kept. All animals observed appeared healthy, active, and in no distress. The facilities appear suitable and appropriate in accommodating the species housed in them.

Animal Care and Rehabilitation:

Andrea explained that the aquarium uses its largest tank for rehabilitating sea turtles. This tank serves as a soft release area, allowing the turtles to practice natural behaviours in a more spacious environment. The rehabilitation process varies for each turtle; some are fit for release in as little as three weeks, while others require years of care. Only turtles deemed fit for release by the aquarium's veterinarians, Dr Ilse Jenkinson and Dr Bernice van Huyssteen, are released back into the ocean.

The largest tank is the same tank relevant to the complaint received and unfortunately, they use the exhibit for later stages of turtle rehabilitation (as already stated - to encourage natural behaviours and more exercise). However, I did not notice any behaviours associated with excessive habituation to people or any behaviours associated with distress.

TOA has received all necessary permits for the rehabilitation and release of sea turtles from the Department of Forestry, Fisheries and the Environment (DFFE) and Cape Nature. The rehabilitation team, including veterinarians, rehabilitators, and nutritionists, ensures that each turtle receives individualised care. Turtles undergo regular medical assessments, including weight, measurements, and health checks, and are fed according to targeted nutritional goals. Other than the frequent medical assessments, they use a 'hands-off' policy as much as possible.

Water Quality and Management:

The water quality protocols at TOA are rigorous. Fresh ocean water is pumped into the facility 24 hours a day, ensuring optimal conditions for marine life. Multiple filters and protein skimmers are used to maintain the water's quality, and staff conduct daily water quality checks, including ammonia testing. Filters are backwashed twice daily, and an alarm system is in place to notify staff of any equipment failures (including a system with ADT in which ADT calls them if any equipment's alarms have gone off), allowing immediate attention from the technical team which consists of 10 people.

Ethics and Standards:

TOA has an ethics committee that oversees a wide range of decisions related to animal care, including animal welfare, rehabilitation, euthanasia, transportation, and release protocols. Any animal exhibiting abnormal behaviour or not adapting to captivity is reviewed by this committee. If deemed necessary, such animals may be released back into the ocean or humanely euthanized.

The ethics committee also reviews mortality rates, enrichment protocols, and any complaints received about the facility. Andrea confirmed that even minor deviations from standard operating procedures are escalated to the committee for evaluation.

Enrichment and Husbandry:

Enrichment is an integral part of the daily care for marine species at TOA. Expert-approved enrichment programs are implemented and cycled regularly to ensure the well-being of the animals. This includes providing physical and mental stimulation for the animals in captivity.

Animal Welfare Concerns:

While I observed no concerning animal welfare issues during my inspection, it must be noted that we remain opposed to the fact that the facility places wild-caught animals in captivity, even if such is for conservation, the public exhibition of such animals is not directly related to such conservation. However, given that TOA holds the appropriate permits and no violations on the Animals Protection Act 71 of 1962 were observed, no further action is required in this instance.

Animals and Exhibits Inspected

I observed an excessive amount of marine species in various exhibits at TOA. The animals and exhibits inspected include but are not limited to the following:

- Kelp forest exhibit (various fish species).
- Starfish exhibit.
- Coral exhibit.
- Eel, stingray, sea turtle, and fish exhibit.
- Shark species exhibit.
- Hopper penguin exhibit.
- Cape penguin exhibit.
- Quarantine area with various marine species.
- Jellyfish exhibit.
- Turtle rehabilitation facility.
- Seahorse exhibit.

Conclusion:

Based on my inspection and the information provided by the facility, I found no evidence to substantiate the complaints regarding dead animals or inadequate care at TOA. The turtle seen in the TikTok video was simply sleeping (and the manner in which it was sleeping has been determined as a natural behaviour for sea turtles), and the facility's rehabilitation and water management protocols are robust. Additionally, all marine life observed appeared to be healthy and well-cared for, with no obvious concerns or contraventions of animal welfare standards.

While we maintain our position of being opposed to these wild-caught animals being in captivity, TOA operates within the legal framework and adheres to strict protocols for the care, rehabilitation, and eventual release of animals back into the wild and in such we have no action to take in terms of our mandate.

****See copies of the facility's permit and PAPA license below.***

[End]

Report by:

Nicole Venter
Inspector
Cape of Good Hope SPCA



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

STANDING PERMIT FOR MULTIPLE RESTRICTED ACTIVITIES INVOLVING LISTED THREATENED OR PROTECTED MARINE SPECIES

Enquiries: Matshidiso Matatji
Telephone: 012 399 8818
E-mail: OCPermits@environment.gov.za

Issued in terms of Regulation 7 (1) of the Threatened or Protected Marine Species Regulations, 2017 (Government Gazette Notice No. 40876 of 30 May 2017) read together with the National Environmental Management: Biodiversity Act, 2004 (Act no.10 of 2004) ("the Act"); and subject to the conditions attached hereto.

SECTION A

PERMIT HOLDER(S): TWO OCEANS AQUARIUM TRUST
(T/A TWO OCEANS AQUARIUM)

REGISTRATION NO: T2601/94

ADDRESS: NO. 1 THE MOORINGS
DOCK ROAD
V & A WATERFRONT
CAPE TOWN
8002

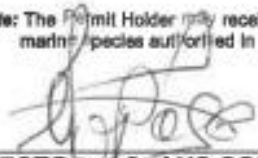
TYPE OF ENTITY/OPERATION: COMMERCIAL EXHIBITION FACILITY
CAPTIVE BREEDING FACILITY
REHABILITATION FACILITY
NURSERY/SANCTUARY
TEMPORARY HOLDING FACILITY

RESTRICTED ACTIVITIES AUTHORISED			
Possession / Exercise Physical Control	X	Convey / Move / Translocate	X
Receive/ Feed	X	Approach/ Catch/ Angling/ Gathering/ Collecting	X
Harass (i.e., tagging)	X	Release into the wild (excluding in Marine Protected Areas)	X
Donate/Give	X	Deft for veterinary attention of a species in distress	X

SPECIES INVOLVED
SEE ANNEXTURE A

VALIDITY PERIOD: 01 MARCH 2023 TO 28 FEBRUARY 2028

Note: The Permit Holder may receive stranded sick (including oiled), injured or orphaned specimen of listed protected or threatened marine species authorised in terms of this permit from members of the public or a registered or permitted facility / person.


**DIRECTOR: OCEANS CONSERVATION
STRATEGIES**

13/03/2023
DATE

PERMIT CONDITIONS: 2023/2026**1. EMPOWERING PROVISION**

- 1.1 This Permit is issued in terms of regulation 7(1) of the Threatened or Protected Marine Species Regulations, 2017 (Government Gazette Notice No. 40876 of 30 May 2017) (the Regulations) read with the National Environmental Management: Biodiversity Act, 2004 (Act no.10 of 2004) (the Act).

2. AUTHORISATION

- 2.1 Permission is hereby granted to the **TWO OCEANS AQUARIUM** (hereinafter referred to as the Permit Holder) to undertake the restricted activities involving specimen of species referred to in this permit (Annexure A).

3. SPECIFIC CONDITIONS

- 3.1. This permit authorizes the permit holder thereof to carry out restricted activities involving specimens of species referred to in this permit, only by persons in the employment of the **TWO OCEANS AQUARIUM**.
- 3.2. In the event that the Permit Holder intends to conduct a restricted activity on marine specimens not referred to in this permit, that are listed as threatened or protected marine species and/or intends to conduct restricted activities that are not authorized in terms of this permit, the Permit Holder must apply for a separate permit with the Department.
- 3.3. **The Permit Holder must not allow/permit any public viewing, display or exhibition of any protected species that is undergoing rehabilitation and/or held at a sanctuary/nursery or temporary holding facility, in terms of this authorisation. THIS HOWEVER IS NOT APPLICABLE TO MARINE TURTLES ONLY.**

3.4. For Rehabilitation & Nursery Facilities:

- a. The Permit Holder must ensure that its facility comply with the South African National Standard for Zoo and Aquarium Practices (**SANS 10379:2005**), as amended and Norms and Standards relating to the management of seabirds in captivity, if applicable.
- b. The Permit Holder must ensure that species received into rehabilitation facility are identified, stabilized and marked accordingly.
- c. The Permit Holder must ensure rehabilitation and release of wildlife to the wild is the primary objective of the Rehabilitation and/or Nursery Facility.
- d. The Permit Holder may receive **distressed**, sick (including oiled), injured or orphaned specimen of listed protected or threatened marine species authorised in terms of this permit from members of the public or a registered or permitted facility / person;
- d. The Permit Holder must ensure that specimen is not handled unnecessarily and must minimise exposures that are likely to result in unnecessary stress, habituation and/or illness, especially during moulting and breeding seasons.
- e. The Permit Holder must **prevent** hybridization and inbreeding of species involved at all times;
- f. The Permit Holder must ensure best practice techniques for feeding admitted distressed species are followed;
- g. When handling animals, the Permit Holder must minimize risk of harm to the animals and must cover the animals head and in the case of seabirds, protect its feathers with a towel.
- h. Record keeping of animals is required and may include:
 - time, date, origin of received species;



Licence no: PAL/08/801/87

PERFORMING ANIMALS PROTECTION ACT, 2016

(Act No. 4 of 2016)

LICENCE TO TRAIN/EXHIBIT ANIMALS/USE ANIMALS FOR SAFEGUARDING

This license is hereby granted to:

Name of applicant: Shanet Rutgers

Identity number: 9007170065086

Designation: Manager

Trading as (Company/Business name): Two Oceans Aquarium

Permanent address (primary facility) where applicant trains/exhibits animals: Dock Road, Victoria & Alfred Waterfront, Cape Town, 8002

This license is applicable to the following animals:

Species /Breeds	Nature of Activity	Number
Amphibians (frogs and toads)	Exhibition and education	+/-11
Birds (penguins)	Exhibition and education	+/-34
Crustaceans	Exhibition and education	+/-250
Fish	Exhibition and education	+/-7800
Invertebrate species (anemone, starfish, urchins, jellyfish, octopus, etc.)	Exhibition and education	+/-3100
Reptiles (turtles)	Exhibition and education	+/-137
Sharks and stingrays	Exhibition and education	+/-52

* See attached addendum for detailed numbers and species list

Special conditions in terms of Act 24/35 Sec 7 (d), Read with Amendment Act 4 of 2016 Sec 3C (1) (h):

1. Proof of a valid PAPA licence must accompany the animals at all times, in line with Regulation 7 of the PAPA.
2. On request, the PAPA licence must be presented to a police officer, including an animal welfare inspector authorised as a police officer in terms of Section 8 of the Animal Protection Act, (Act 71 of 1962).
3. A police officer must be allowed access, in terms of Act 4 of 2016, Section 4, at any reasonable time to a premise, place or vehicle whereby performing animals may be used.)
4. When animals under this licence are moved to a facility not listed on this licence, the licencing officer has to be notified 7 days before the intended movement, in line with Regulation 6. This will also be applicable to movements of new animals to this facility.
5. Any restraining methods used on the animals or birds shall not cause pain, injury or suffering and should be supplemented with species appropriate measures to reduce stress.
6. It remains the responsibility of the licence holder to feed, care for and house all the above mentioned animals and maintain the facilities, transport and other equipment to meet all the animal welfare needs.
7. The officer has to be informed if there is any change to the number or type of species used. Small variation in bird/reptiles/fish numbers acceptable with natural increase – license has to be amended to reflect true numbers when number stabilize/ variation is substantial.
8. It remains the responsibility of the licence holder to ensure that he/she submits the correct PAPA application form, correctly completed, at least 2 months before a valid PAPA licence expires, to papa@daird.gov.za and Cc Dr Pepler here in the province Ansulize.Pepler@westerncape.gov.za and papa.els@westerncape.gov.za. The form is available on the Elsenburg website: <https://www.elsenburg.com/veterinary-services/> and <https://www.elsenburg.com/performing-animals-protection-act-licensing/>

9. It remains the responsibility of the licence holder to ensure that the facility veterinarian will visit the facility at least twice per year at an interval of at least 4 months apart.
10. The public should not be encouraged to keep wild animals or birds in captivity
11. Only fit, healthy and appropriately habituated and/or trained animals may be used for exhibition, training, awareness or other activities related to a wildlife exhibition.
12. Feeding, touching, petting or stroking of suitably habituated wild animals by the public should be limited in accordance with approved working plan.
13. If public encounters with suitably habituated birds / other wildlife species are allowed, a safety briefing and education to outline the risks and procedures in case of an incident must precede all encounters and the centre's approved public activities protocol must strictly be implemented to ensure the safety of all involved, including the animals. Appropriate medical care must be available for the animals, staff and members of the public directly or incidentally involved in an attack. The public activity protocol must conspicuously be published in an area from where such an encounter may take place.
14. Animals must have the opportunity to retreat at will and should not be forced to interact with the public.
15. Animals used for human interaction must be evaluated continuously by a suitably competent person for signs of stress upon which interaction should immediately be terminated. The individual animal or animals must be allowed to retreat to a safe environment (hide) and allowed rest periods without human interference or interaction.
10. Only healthy invertebrate species and healthy, appropriately habituated birds may be used for petting/touching.

This license is valid from **date of issue** 17 July 2024 until **expiry date** 12 June 2025.

Convictions/contraventions in terms of the PAPA, 2016 (Act No. 4 of 2016) and APA, 1962 (Act No. 71 of 1962) if applicable: The license holder exhibited and trained animals in contravention of the PAPA, without a valid PAPA license, for the period 13 June 2024 to 17 July 2024. A repeat of this offence may be handled with legal action.

This license is granted subject to the provisions of the **Performing Animals Protection Act, 2016 (Act No. 4 of 2016)**, the **Animals Protection Act, 1962 (Act No. 71, 1962)**, the **Regulations** made under the aforementioned Acts.

This license does not absolve the license holder from obtaining any other relevant permissions, movement notices, licenses and/or permits.

Licensing Officer: Dr Skye Sheerin

Official Stamp

Signature:



Place: Elsenburg

Date: 17th July 2024

CCS Veterinarian: State Vet Boland

Email address: skye.sheerin@westerncape.gov.za

papa.els@westerncape.gov.za

Official telephone: 076 564 2373

