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Draft revised tops regulations and lists

Predation Management South Africa (PMSA) provided public comments for the draft revised Threatened or Protected Species (TOPS) regulations and lists.

Predation Management South Africa represents:

- Mohair SA;
- Wildlife Ranching SA (WRSA);
- the Red Meat Producers' Organisation (RPO);
- the Livestock Welfare Coordinating Committee (LWCC);
- the National Wool Growers' Organisation of SA (NWGA); and
- the SA Hunters' and Game Conservation Association (SA Hunters).

PMSA is a registered non-profit company (NPC). It provides a multi-sectoral platform for liaison and coordination of activities of commodity organisations in the livestock and wildlife ranching sectors. It aims to solve the problem of predation by reducing or minimising losses incurred by predation. This is done by ecologically and ethically acceptable methods to protect the biodiversity of South Africa.

In Government Gazette No. 49469, dated 12 October 2023, The National Environmental Management Act, 2004 (Act No. 10 of 2004) defines what a damage-causing animal (DCA) is. It is an individual or group of a listed, threatened, or protected animal species that, when in conflict with human activities, can be proven to be:

- causing substantial loss to livestock or to wild animals;
- causing substantial damage to cultivated trees, crops, and other property; or
- presenting an imminent threat to human life.

Leopard, lion, spotted hyena, and brown hyena are all listed under the TOPS regulations, which potentially pose a threat as damage-causing animals (DCAs).

Part 4, Issuing of Permits, deals with the decision on a permit application and issuance of a permit. Regulation 20 (1) stipulates that on receipt of a complete application, the issuing authority must consider and decide on the application. If the decision is to issue the permit, it must be issued within 30 working days of receipt of the application, unless any other subordinate legislation regulating the same matter provides a different time frame. PMSA believes that 30 working days or six weeks for a permit to be issued to remove a DCA will result in unnecessary high livestock losses. It also poses an extended threat to human life, whatever the permit application is for.

PMSA regards the regulations to have been developed in good faith. Nevertheless, it has serious concerns about providing a time frame for a discretionary action by a government official based on the following:

...continue

Discretionary powers provide decision makers with the freedom to choose when there is no exclusive legal disposition to the issue at hand. In this context, a decision maker can accept or deny a request, but this choice must align with the relevant legal framework. The exercise of discretion should adhere to fairness and administrative law principles; the decision maker should carefully consider all relevant facts and ensure that their decision is made thoughtfully and fairly (The Right to Just Administrative Action in the Context of Suspending the Payment of Disputed Tax. S de Lange* and D van Wyk. 2017)

It is proposed, therefore, that the regulation be amended to read as follows:

Part 4, Issuing of Permits, deals with the decision on a permit application and issuance of a permit. Regulation 20 (1) stipulates that on receipt of a complete application, the issuing authority must consider and decide on the application, and if the decision is to issue the permit, to issue it, unless any other subordinate legislation regulating the same matter provides a different time frame.

The question is, what are the consequences if the discretion is not exercised within 30 days? This creates a reverse sanction for the applicant of a permit. If not amended as proposed, a penalty clause will need to be included in the regulations and this pertains to many other clauses in the regulations.

Furthermore, DCA cases are often time-sensitive, requiring immediate action where the criteria are being met. It needs to be ensured that local authorities (implementing agents) can apply discretion in such cases. PMSA therefore requests that applications of this nature, where there is risk of excessive livestock losses and/or human life is at risk, be dealt with within five working days.

**DRAFT
CONSERVATION
POLICIES**

**Public comments
needed**

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**NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004
(ACT NO. 10 OF 2004)**

PUBLICATION OF THE DRAFT REGULATIONS PERTAINING TO LISTED THREATENED/PROTECTED TERRESTRIAL SPECIES AND FRESHWATER SPECIES FOR PUBLIC COMMENT

I, Barbara Daliso Cecoy, Minister of Forestry, Fisheries and the Environment, hereby give notice of my intention to regulate, for public comment, the draft Regulations Pertaining to Listed Threatened or Protected Terrestrial Species and Freshwater Species in terms of sections 37(3)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z), (aa), (ab), (ac), (ad), (ae), (af), (ag), (ah), (ai), (aj), (ak), (al), (am), (an), (ao), (ap), (aq), (ar), (as), (at), (au), (av), (aw), (ax), (ay), (az), (ba), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bi), (bj), (bk), (bl), (bm), (bn), (bo), (bp), (bq), (br), (bs), (bt), (bu), (bv), (bw), (bx), (by), (bz), (ca), (cb), (cc), (cd), (ce), (cf), (cg), (ch), (ci), (cj), (ck), (cl), (cm), (cn), (co), (cp), (cq), (cr), (cs), (ct), (cu), (cv), (cw), (cx), (cy), (cz), (da), (db), (dc), (dd), (de), (df), (dg), (dh), (di), (dj), (dk), (dl), (dm), (dn), (do), (dp), (dq), (dr), (ds), (dt), (du), (dv), (dw), (dx), (dy), (dz), (ea), (eb), (ec), (ed), (ee), (ef), (eg), (eh), (ei), (ej), (ek), (el), (em), (en), (eo), (ep), (eq), (er), (es), (et), (eu), (ev), (ew), (ex), (ey), (ez), (fa), (fb), (fc), (fd), (fe), (ff), (fg), (fh), (fi), (fj), (fk), (fl), (fm), (fn), (fo), (fp), (fq), (fr), (fs), (ft), (fu), (fv), (fw), (fx), (fy), (fz), (ga), (gb), (gc), (gd), (ge), (gf), (gg), (gh), (gi), (gj), (gk), (gl), (gm), (gn), (go), (gp), (gq), (gr), (gs), (gt), (gu), (gv), (gw), (gx), (gy), (gz), (ha), (hb), (hc), (hd), (he), (hf), (hg), (hh), (hi), (hj), (hk), (hl), (hm), (hn), (ho), (hp), (hq), (hr), (hs), (ht), (hu), (hv), (hw), (hx), (hy), (hz), (ia), (ib), (ic), (id), (ie), (if), (ig), (ih), (ii), (ij), (ik), (il), (im), (in), (io), (ip), (iq), (ir), (is), (it), (iu), (iv), (iw), (ix), (iy), (iz), (ja), (jb), (jc), (jd), (je), (jf), (jg), (jh), (ji), (jj), (jk), (jl), (jm), (jn), (jo), (jp), (jq), (jr), (js), (jt), (ju), (jv), (jw), (jx), (jy), (jz), (ka), (kb), (kc), (kd), (ke), (kf), (kg), (kh), (ki), (kj), (kk), (kl), (km), (kn), (ko), (kp), (kq), (kr), (ks), (kt), (ku), (kv), (kw), (kx), (ky), (kz), (la), (lb), (lc), (ld), (le), (lf), (lg), (lh), (li), (lj), (lk), (ll), (lm), (ln), (lo), (lp), (lq), (lr), (ls), (lt), (lu), (lv), (lw), (lx), (ly), (lz), (ma), (mb), (mc), (md), (me), (mf), (mg), (mh), (mi), (mj), (mk), (ml), (mn), (mo), (mp), (mq), (mr), (ms), (mt), (mu), (mv), (mw), (mx), (my), (mz), (na), (nb), (nc), (nd), (ne), (nf), (ng), (nh), (ni), (nj), (nk), (nl), (nm), (nn), (no), (np), (nq), (nr), (ns), (nt), (nu), (nv), (nw), (nx), (ny), (nz), (oa), (ob), (oc), (od), (oe), (of), (og), (oh), (oi), (oj), (ok), (ol), (om), (on), (oo), (op), (oq), (or), (os), (ot), (ou), (ov), (ow), (ox), (oy), (oz), (pa), (pb), (pc), (pd), (pe), (pf), (pg), (ph), (pi), (pj), (pk), (pl), (pm), (pn), (po), (pp), (pq), (pr), (ps), (pt), (pu), (pv), (pw), (px), (py), (pz), (qa), (qb), (qc), (qd), (qe), (qf), (qg), (qh), (qi), (qj), (qk), (ql), (qm), (qn), (qo), (qp), (qq), (qr), (qs), (qt), (qu), (qv), (qw), (qx), (qy), (qz), (ra), (rb), (rc), (rd), (re), (rf), (rg), (rh), (ri), (rj), (rk), (rl), (rm), (rn), (ro), (rp), (rq), (rr), (rs), (rt), (ru), (rv), (rw), (rx), (ry), (rz), (sa), (sb), (sc), (sd), (se), (sf), (sg), (sh), (si), (sj), (sk), (sl), (sm), (sn), (so), (sp), (sq), (sr), (ss), (st), (su), (sv), (sw), (sx), (sy), (sz), (ta), (tb), (tc), (td), (te), (tf), (tg), (th), (ti), (tj), (tk), (tl), (tm), (tn), (to), (tp), (tq), (tr), (ts), (tt), (tu), (tv), (tw), (tx), (ty), (tz), (ua), (ub), (uc), (ud), (ue), (uf), (ug), (uh), (ui), (uj), (uk), (ul), (um), (un), (uo), (up), (uq), (ur), (us), (ut), (uu), (uv), (uw), (ux), (uy), (uz), (va), (vb), (vc), (vd), (ve), (vf), (vg), (vh), (vi), (vj), (vk), (vl), (vm), (vn), (vo), (vp), (vq), (vr), (vs), (vt), (vu), (vv), (vw), (vx), (vy), (vz), (wa), (wb), (wc), (wd), (we), (wf), (wg), (wh), (wi), (wj), (wk), (wl), (wm), (wn), (wo), (wp), (wq), (wr), (ws), (wt), (wu), (wv), (ww), (wx), (wy), (wz), (xa), (xb), (xc), (xd), (xe), (xf), (xg), (xh), (xi), (xj), (xk), (xl), (xm), (xn), (xo), (xp), (xq), (xr), (xs), (xt), (xu), (xv), (xw), (xx), (xy), (xz), (ya), (yb), (yc), (yd), (ye), (yf), (yg), (yh), (yi), (yj), (yk), (yl), (ym), (yn), (yo), (yp), (yq), (yr), (ys), (yt), (yu), (yv), (yw), (yx), (yy), (yz), (za), (zb), (zc), (zd), (ze), (zf), (zg), (zh), (zi), (zj), (zk), (zl), (zm), (zn), (zo), (zp), (zq), (zr), (zs), (zt), (zu), (zv), (zw), (zx), (zy), (zz).

Members of the public are invited to submit written comments on the draft Regulations Pertaining to Listed Threatened or Protected Terrestrial Species and Freshwater Species, within 30 (Thirty) days from the date of publication of this notice in the Government Gazette, or the notice in the newspaper, whichever date is the later date of publication, to the following addressee:

By post to: The Director-General, Department of Forestry, Fisheries and the Environment
Attention: Mr Khubiso Mahamba
Private Bag 2447
PRETORIA
0001

By hand at: Environment House, 473 Deneys Street, Arcadia, Pretoria, 0083.

By e-mail: comments@forestry.gov.za

Any enquiries in connection with the notice can be directed to Mr Khubiso Mahamba at 012399 6945 or 084 800 8738.

Comments received after the closing date may be disregarded.

The Threatened or Protected Species (TOPS) Regulations and the TOPS list were published for implementation under Government Notice No. R. 152, in Government Gazette No. 25657 on 23 February 2002. The regulations came into effect on 01 June 2002.

Draft related TOPS Regulations were published for public comment under Government Notice No. 385, in Government Gazette No. 38375 on 16 April 2013. These draft regulations proposed substantial amendments to the TOPS Regulations of 2002.

Feedback: ECPMF 2023

The Eastern Cape Predation Management Forum (ECPMF) hosts two meetings per year, one in May and one in October, and they are well attended.

The main issues that are discussed, are:

- the finalisation of the Hunting Proclamation;
- organised hunting dog pack problems;
- issuing of permits by the Department; and
- issues around problem leopards.

In the 2023 financial year, two officials from the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT), Tim de Jongh and Gerrie Ferreira, retired. As they both played crucial roles in compiling the hunting proclamation and with correct procedures for problem leopards, ECPMF will ask DEDEAT to nominate officials to attend future meetings and help with relevant challenges.



Frikkie Wentzel; Niel du Preez; Dehan Kukuk (ECRPO); Kate Webster (Agri EC/Vulpro); Gunther Pretorius (Agri EC); Lynette vd Walt; and Gerrie Ferreira.

Rooikathokke vir kommunale boere

Tydens 'n predasiekursus wat spesialis Niël Viljoen in Mount Fletcher aangebied het, is twee rooikathokke aan die kommunale boere geskenk. Die doel is om insae te kry in watter diere en predatore in die Mount Fletcher omgewing rondloop. Die boere het opdrag gekry om rekord te hou van alles wat in die hok gevang word.

'n Kommunale monitorplaas is verlede jaar in Mount Fletcher begin, met vier skeerhuise en 288 boere wat daaraan deelneem. Die monitorplaas se hoofdoelwit is om biodiversiteit te beskerm en te bewaar en om die beste oplossings vir vee- en predasiebestuur te bewerkstellig. Die opleiding van boere oor bestuurstrategieë om bestaande situasies te verstaan en om toekomstige oplossings te soek, word ook in die doelwit vervat.

Groot dank aan mnr. Chris Wilken van Fulirex vir die skenking van die hokke.



Predasie info dag lok groot belangstelling

Die RPO Noord-Kaap het predasiespesialis, Niël Viljoen genader om boere van die Loeriesfontein-distrik toe te spreek oor predasiebestuur. Amper 40 boere het die dag bygewoon, met nog 64 wat aangedui het dat hulle aan 'n volgende geleentheid sal wil deelneem. Die geleentheid word beplan vir vroeg in 2024.



Brown hyaena reproduction



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CENTRE (PMC)

In the second leaflet of the brown hyaena series, the Predation Management Centre (PMC) takes a closer look at the reproduction of the brown hyaena, which reveals a complex social system. The brown hyaena is often thought of as a solitary animal, when in fact they live in clans where family members help raise the young. Because they are scavengers, they may be blamed for livestock losses when they are seen feeding on livestock carcasses. Such misperceptions may lead to persecution of these secretive animals, which, in turn, may upset their social system.

This series reveals some fascinating facts about an animal we still know little about. Because farmland may be important for the conservation of this endangered species, it is important to understand their behaviour and role in the landscape. Read more here:

https://www.ufs.ac.za/docs/librariesprovider22/pmic-documents/05_02-reproduction-of-brown-hyaena_newlogo.pdf?sfvrsn=39ef3220_4

The leaflet has been composed using the following resources:

https://www.ufs.ac.za/docs/librariesprovider22/pmic-documents/bibliography_brown-hyaena_new-logo.pdf?Status=Master&sfvrsn=42db3320_3/Bibliography_Brown-hyaena_New-Logo.pdf

Contact the PMC through their website <https://www.ufs.ac.za/pmic>, or email PredationMC@ufs.ac.za for more information on the methods described here or specialists in the field of predator control.



Jong boere leer van predasie

Predasiespesialis, Niel Viljoen het 'n 4-dag Predasiebestuurkursus by [Maritzdam Opleiding](#) naby Britstown, Noord Kaap aangebied.



Alle aspekte van predasiebestuur is hanteer en het die 10 toekomstige jong boerseuns hulself ingeleef in die praktiese aspekte van die kursus, met 'n teoretiese eksamen ter afsluiting.





Deel u bestuurs- praktyk met ons!

Daar is menige boere wat predatore doeltreffend bestuur en daarom wil ons graag sulke suksesstories aanhoor en deel met medeboere. U geslaagde bestuurspraktyk sal in die maandelikse PMF- nuusbrieff verskyn en ook op die webtuiste geplaas word. Skakel Bonita Francis by (041) 365 5030 of per e-pos by nwga@nwga.co.za.



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