

## Annexure A– Template for providing written comments by Government and General Stakeholders

Name of the Juristic Body or Natural Person: **CPHC-SA (Custodians for Professional Hunting & Conservation – South Africa)**

| Sections and Sub-Sections  | Do you support or oppose the text (Yes or No)? | If no, please indicate the issue   | What <u>amendments</u> do you propose?  | Response by Department |
|--|--|--|---|------------------------|
| General Comments   |  |  |   |                        |
| <p>1. <b>Introduction:</b><br/>Thank you for the opportunity to comment on the proposed <b><u>TOPS Regulations and TOPS Species listing</u></b></p> <p>2. <b>Detailed Comments:</b><br/>Below, please find our detailed comments.<br/>You will note that we need clarification on many areas included in the document.<br/>Please do not hesitate to contact us should you need clarity or further information on any of the comments made</p> |  |  |   |                        |
| <b>DEFINITIONS</b>   |  |  |   |                        |
| <b>Animal Well-being</b>   | NO   | It is our understanding that animal well-being as defined, relates to live animals and not to hunting. | <b>Proposal:</b><br>To delete the definition and references to animal well-being. |                        |

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|                                   |  | There are no guidelines to issuing authorities on the mechanisms to measure an animal's mental health. Therefore, it will be based on interpretations of the relevant Issuing Authority. | <p>If that is not possible, due to the inclusion thereof in NEMLA, then:</p> <p>1. To stipulate that animal well-being does not apply for the purposes of hunting.</p> <p>2. For the '1' above, and for the purpose of live animals, that it will not be introduced until guidelines have been drafted after consultation with the affected parties, informing issuing authorities.</p> |                        |
| <b>Conservation Purposes</b>      | NO   | The definition could imply that other species, to which the definition is not relevant, have no conservation purpose.  | <b>Proposal:</b><br>To also address the conservation contributions of other species.  |                        |
| <b>Extensive wildlife systems</b> | YES  |  |   |                        |

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| Deleting free-roaming definition   | YES  |  |  |                        |
| <b>REGULATION 14</b><br><i>General requirements applicable to the person who will carry out a risk assessment:</i><br><br><i>c) be a scientist with expertise in :</i><br><i>i) biodiversity matters; and</i><br><i>ii) conducting risk assessments.</i> | -  | CPHC-SA is uncertain about:<br>a) who will qualify as a scientist;<br>and<br>b) what type of “expertise” does the scientist need and who will decide on whether the person has the necessary expertise or not. | <b>Proposals:</b><br>1) To clarify the terms “scientist” and “expertise”<br>2) To include:<br>- A person with a degree in wildlife and/or biodiversity management. |                        |
| Regulation 18: Additional factors to be taken into account by the issuing authority when considering an application  | NO   | NOTES:<br><br>Reg 8 deals with ALL TOPS species.<br><br>Reg 9(5) deals with rhino.   | <b>Proposal:</b><br>Section 18 c 3 is a repetition of 9(5) and we propose that it be deleted.  |                        |

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| for a hunting permit:   |  | Reg 9c deals only for rhino.<br><br>Reg 18, first paragraph, now also refers to ANY TOPS animal.  |   |                        |
| <b>Regulation 20: Decision on a permit application and issuance of a permit.<br/>Sub-section (1) .... Issue the permit within 30 working days of receipt of the application,...</b> | NO   | Hunting clients in many instances do not want to pay a deposit for a booked hunt, until receiving confirmation that a permit has been issued.<br><br>30 Working days is excessive and an incumbrance on the professional hunting industry. Any such constraints, negatively affect the economic activity (professional hunting), particularly in the rural economy. | <b>Proposal</b><br>To amend to 24 hours, which already happens in the North West Province, through their electronic system. |                        |
| <b>Regulation 20(7): The failure to make a decision within the prescribed time frames contemplated,</b>   |  | CPHC-SA understands the basic principle that a permit is necessary and that a remedy for the permit not being issued in time, would not be for the  | <b>Proposal:</b><br>To include a section of how this should be dealt with by the applicant and issuing authorities ,        |                        |

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| does not render the carrying out of an activity by the applicant, as lawful.   |  | applicant to take the law in his/her own hands.  | to allow the applicant to continue with his/her business, without being penalised.                                  |                        |
| <b>Regulation 23(2): Additions to compulsory conditions:</b><br>- All ordinary permits issued and standing permits, issued subject to a condition that permit holder must<br>i) keep a register...<br>ii) report information in writing within 30 days or at the end of the calendare year | NO   | CPHC-SA sees the requirement for registers and reports, as additional red tape.<br>To ensure compliance, it is important to make it easier for an applicant to comply. | <b>Proposal:</b><br>To be removed for the reasons as stipulated.  |                        |
| <b>Regulation 23(5): All hunting permits issued, subject to conditions:</b><br><b>Sub-section c. Original</b>  | NO   | CPHC-SA is of the opinion that the responsibility placed on hunters to return permits within 21 days, are much stricter than the responsibility placed on issuing      | <b>Proposal:</b><br>As stakeholders in the industry and government should be in a partnership to ensure compliance, |                        |

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| permit to be returned to the issuing authority within 21 days.  |  | authorities, having 30 days to consider a permit and an additional 15 days to request additional information; Total of 45 days  | CPHC-SA proposes that the time periods for government be aligned with the time period expected from applicants.  |                        |
| Regulation 23(7)(b): Permits relating to possession of or physical control over a live TOPS specimen..... to keep a stock book. | NO   | NOTE:<br>It is impossible to keep a stock book on an extensive system   | <b>Proposal:</b><br>As this is impractical on extensive systems, CPHC-SA proposes that regulation 23(7)(b), be deleted.  |                        |
| Regulation 36: Registration of a game farm  |  | NOTE:<br>CPHC-SA is uncertain how this regulation is affected by the "game farm hunting permit" as defined in the definition section.<br><br>CPHC-SA is furthermore unsure whether this regulation also pertains to renewals. | <b>Proposal:</b><br>To clarify the purpose/role of the game farm hunting permit in context of this regulation.<br><br>To clarify regulation 36 pertains to renewals as well. |                        |

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| <p><b>Regulation 44: Compulsory information to be submitted with an application for the registration of a game farm.</b></p> <p><b>Sub-section (b): to provide details of the number and age (if known or appropriate) of males and females of each listed TOPS species on the farm</b></p> <p><b>Sub-section (d): to provide past, current and expected annual production of offspring and, where possible, information on the numbers of females producing offspring each</b></p> | <p>NO</p> <p>NO</p>                            | <p>NOTE:<br/>This is impossible on an extensive game farm</p> <p>NOTE:<br/>This is impossible on an extensive game farm.</p> <p>CPHC-SA would like to note that inclusion of such requirements confirms the ignorance of policy</p> | <p><b>Proposal:</b><br/>To delete both sub-sections (d) and (b)</p> |                        |

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| year.  |  | makers, about the private, extensive wildlife system   |   |                        |
| <b>Section 50(3): Issuing authority must refuse to register a game farm ... (b) for TOPS species that are not included on the CAE issued by the province</b> |  | There seems to be confusion about which species should be listed on the CAE, and which should be listed on the P2. Our understanding is that this specifically relates to predators.                     | <b>Proposal:</b><br>To provide clarification in the sub-regulation. |                        |
| <b>Regulation 77(1): Issuing authority may not issue more than one permit in a 12 month period to a particular hunting client....</b>                        |  | CPHC-SA is of the opinion hunting is currently the only value derived from rhino breeding. Hunting clients already need to submit documentation, including a hunting CV, before a permit will be issued. | <b>Proposal:</b><br>To repeal this sub regulation.                  |                        |
| <b>Regulation 82(2)c: Damage Causing Animals:<br/>The person.... May not be a hunting client, or be</b>  | NO   | It happens from time to time that a landowner need to hunt a DCA whilst there are international hunters on the farm. CPHC-SA understands that the presence of an international hunter might              | <b>Proposal:</b><br>To delete subparagraph 2c                       |                        |



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| accompanied by a hunting client.  |  | <p>create a perception that he/she might have been involved in the hunting.</p> <p>However, we believe that all outfitters are aware of the restriction. Should a hunting client shoot the DCA, it would a contravention of the law.</p> |   |                        |
| <b>Regulation 95</b><br><b>Off-take limits: The Scientific Authority must each year determine off-take limits for TOPS specimens for the following year, if so required, per province or for the country as a whole</b> | NO   | CPHC-SA's opinion is that the wording "if so required" is extremely vague and might provide an opportunity to anti-sustainable use groups to use the legal system to halt the hunting of TOPS species.                                   | <b>Proposal:</b><br>To clarify this, by specifying the specific instances under which this might happen, e.g. when it is clear that a specific specie is under threat, when the Minister may request the Scientific Authority's advice. |                        |
| <b>Reg 104</b>  |  | CPHC-SA's understanding is that the penalty will be suitable for the offence.  |   |                        |

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|                           |  |                                  |  |                        |
| TOPS SPECIES LISTING      |  |                                  |  |                        |
| No comments               |  |                                  |  |                        |