



SAPS Central Firearms Registry Accreditation 1300050

298 Aries Street, Waterkloof Ridge, Pretoria - PO Box 11461, Hatfield, Pretoria, 0028, South Africa  
Tel: 012-343-3236 ; Fax: 0866-523-059  
E-mail: [admin@natshoot.co.za](mailto:admin@natshoot.co.za) Web: [www.natshoot.co.za](http://www.natshoot.co.za)

**19 June 2006**

## **The Director-General**

Department of Environmental Affairs and Tourism  
Private Bag X447  
Pretoria  
0001

**ATTENTION: DR PIET BOTHA**

*Dear Dr Botha,*

### **COMMENTS ON THE DRAFT REGULATIONS RELATING TO LISTED THREATENED OR PROTECTED SPECIES**

The Draft Regulations Relating to Listed Threatened or Protected Species which were published on 5 May 2006 as Government Notice 597 in the Government Gazette, no 28803, refers.

The National Shooting Association would like to comment on the relevant proposed Regulations in the following manner:

First the relevant section of, or the whole of the definition or the regulation is quoted with an indication of sections that are proposed to be added or deleted, followed by a rationale, which is the motivation for the changes.

Proposed changes are indicated as follows:

**ADD = i.e. Nationally (Bold red)**

**Delete =i.e. Nationally (~~Bold blue with strike through~~)**

#### **1. DEFINITIONS**

##### **1.1 Current definition:**

*“**extensive wildlife system**” means a system practised on any piece of land which involves, and is large enough and suitable for, the management of self-sustaining wildlife populations in a natural environment with **minimal** human intervention in the form of –*

(a) *the provision of water;*

(b) *the supplementation of food, ~~except in times of drought;~~*

- (c) *the control of parasites;*
- (d) *the provision of health care; or*
- (e) *the supplementation of wild prey populations;*

**Rationale:**

Defining minimal human intervention and supplementary feeding only in draught are fraught with difficulty as some forms of wildlife ranching (so-called extensive wildlife systems) entail more human interventions than others if such operations are to be managed sustainably. We suggest that the word, minimal, be deleted.

**1.2 Current definition:**

“**hunting off-take limit**”, in relation to a **nationally** listed threatened or protected animal species, means a limit on the hunting of that species as determined in terms of regulation 76;

**Rationale:**

Can only be nationally listed animals, as gamebirds are for the absolute majority all listed as either protected or ordinary game species. As the definition stands now, off-take limits would then have to be determined for all gamebirds on a national basis. See proposed amendment to Section 76 below where it is proposed that an additional sub-section be included to read: *(4) Off-take limits for listed Gamebirds are excluded from this Section, and are regulated by annually set Provincial daily bag limits.*

**1.3 Current definition**

“**Nationally listed threatened or protected species**” means a species listed as a threatened or protected species in Government Notice R.....dated..... published in terms of section 56(1) of the Biodiversity Act;

**Rationale:**

If the definition does not state that it refers to nationally listed species, the Government Notice will have to include all species on all existing lists either provincial or those of CITES.

**1.4 Current definition**

“**put and take animal**” means a live specimen of a listed large predator species that is released on a property irrespective of the size of the property for the purpose of hunting the animal;

**Add an additional definition for put-and-take gamebirds** directly following the above definition, to read:

**“Put-and-take Gamebird”** means any gamebird species bred in captivity for the sole purpose of releasing such gamebird for hunting purposes.

**Rationale:**

There are no regulations relating to put-and-take operations regarding gamebirds.

**1.5 ADD a definition for Gamebird**

Gamebird means species of the Orders *Anseriformes* (duck and geese), *Galliformes* (partridge, francolin, quail and guineafowl), *Pteroclitiformes* (sandgrouse), *Columbiformes* (pigeons and doves) and the Ethiopian Snipe *Gallinago nigripennis*, under the Order *Charadriiformes* all of which have a high reproduction rate and sustainable utilization.

**Rationale:**

As there are reference to gamebirds in the proposed Regulations, the concept needs to be defined.

**1.6 ADD a definition for:**

**“listed animal”** means –

- (a) a nationally listed threatened or protected animal; or
- (b) a provincially listed threatened or protected animal;

**Rationale:**

Not currently in this proposed set of Regulations. These Regulations need to be in line with the definitions in the *Draft National Norms and Standards for the Regulation of the Hunting Industry in South Africa*.

---

**2. REGULATIONS**

**2.1 ADD as Section 11**

**Permits issued for the hunting of put-and-take alien gamebird species**

11. No permit may be issued for the hunting and or breeding of any put-and-take alien gamebird species.

**Rationale:**

Breeding of alien gamebird species holds no environmental advantage, rather the contrary. Put-and-Take operations relating to alien gamebirds in this country is done merely for financial gain, and negates the need for sustainable environmental management.

In addition this kind of operation holds the negative of introducing yet other foreign gamebird species to our shores as not all alien gamebirds presented for shoots are shot, and could roam free, with negative effects on our own gamebird species (i.e. mallards aggressively interbreeding with yellow billed duck)

## 2.2 Compulsory conditions subject to which hunting permits must be issued

21. (1) All permits authorising the hunting of a specimen of a listed threatened or protected animal species must, in addition to any other conditions the issuing authority may or must impose, be issued subject to the following conditions:
- (a) The animal may not be hunted by means of –
    - (i) poison;
    - (ii) traps;
    - (iii) snares;
    - (iv) dogs, except as provided for in sub-regulation (2);
    - (v) darting, except as provided for in sub-regulation (3);
    - (vi) a bow and arrow, except where specifically permitted by provincial legislation;
    - (vii) a firearm other than a rifle, **or a shotgun**, or a handgun specifically designed for hunting purposes;
    - (viii) spears;
    - (ix) air guns; **(except in the case of rats, mice, doves, quellas and other small bird species which may be regarded as problem animals) or**
    - (x) any other device **of which the use has a high risk of mere injury to an animal** ~~which use would result in injuring or killing an animal in a way which is not humane;~~
  - (b) the animal may not be hunted by luring the animal by means of –
    - (i) bait, except in the case of -
      - (aa) lions and leopards, where dead bait may be used; and
      - (bb) fish or other aquatic species;
    - (ii) sounds **excluding duck callers used to lure gamebirds**
    - (iii) smell; or
    - (iv) any other induced luring method **excluding artificial gamebird decoys used to lure gamebirds or artificial lures used for artificial lure fishing**
- (2) Sub-regulation (1)(a)(iv) does not prevent the use of dogs for the purpose of
- (a) tracking a wounded animal; or

- (b) pointing, **flushing**, and retrieving ~~in the case of listed threatened or protected bird~~ **of all gamebird** species, **listed or not.**

**Rationale:**

**Section 21(1)(a)(vii)**

Shotguns are used for hunting too. As the sub-clause stands now wingshooting is not a legal form of hunting.

**Section 21(1)(a)(ix)**

Air guns are used to control mice and other small vermin, as well as being a firearm used by parents to teach their smaller children to hunt ethically.

**Section 21(1)(a)(x)**

The concept humane has different meanings to different people and in the context of different cultures. What is humane to one person is inhumane to another. Rather stay with factually definable concepts than to include value laden concepts which do not always portray culture-fit under all conditions and need extensive interpretation through lengthy court procedures.

**Section 21(1)(b)(ii):**

Gamebird calling devices are widely used in Europe and North America as standard devices for calling gamebirds. The banning of luring techniques is aimed at ensuring the principle of fair chase. The use of calling devices does not remove the element of fair chase, as gamebirds are always shot in flight.

**Section 21(1)(b)(iv):**

Artificial decoys which are either two or three dimensional representations of the particular species are widely used in Europe and North America as standard devices for attracting gamebirds in ethical wingshooting practises. The banning of luring techniques is aimed at ensuring the principle of fair chase. The use of decoys does not remove the element of fair chase, as gamebirds are always shot in flight.

As the sub-section stands now flyfishing or artificial lure fishing is NOT permitted – this effectively prohibits all artificial lure fishing for indigenous species of fish (i.e. yellow fish) in this country. One is not under the impression that these regulations are meant to achieve this disservice to sport fishermen.

**Section 21(2)(b):**

The element of the dogs flushing out birds needs to be included to avoid a very narrow definition of pointing and retrieving. Pointing and flushing does not involve any chasing,

engagement or physical contact between the dog and the bird. The Regulations should provide for the use of gundogs in all wingshooting events and for all gamebird species, which include common game like the majority of dove and pigeon species.

### 2.3 Applications for translocating listed threatened or protected animals to extensive wildlife systems

27. An issuing authority must refuse a permit application for the transfer, transport or translocation of a specimen of a listed threatened or protected animal species to an extensive wildlife system –
- (a) if such extensive wildlife system falls outside the natural distribution range of that animal species;
  - (b) if there is a risk of –
    - (i) transmitting disease;
    - (ii) genetic mixing with other species in that extensive wildlife system; or
    - (iii) introducing inferior specimens that may affect the genetic traits of the species of that animal in that extensive wildlife system; or
  - (c) if, in the case of a specimen of a listed large predator species, **or of a species of alien gamebird**, the predator **or the alien gamebird** is to be transferred, transported or translocated as a put and take animal.

**Rationale:**

See motivation under 2.1 above.

### 2.4 Applications for transferring, transporting or translocating put and take animals

30. An issuing authority must refuse an application for a permit to transfer, transport or translocate a specimen of a listed large predator species **or of an alien gamebird species** if that predator or **alien gamebird** is to be used as a put and take animal

**Rationale:**

See motivation under 2.1 above.

### 2.5 Setting of annual hunting off-take limits

76. (1) SANBI must each year before the end of September determine for the following year annual hunting off-take limits for the country as a whole and per province in respect of a listed threatened or protected animal species determined by the Minister.
- (2) Hunting off-take limits must be determined only after an appropriate consultation process has been conducted involving –

- (a) the Department;
  - (b) provincial departments responsible for biodiversity management;
  - (c) the organised hunting industry; and
  - (d) other relevant role players.
- (3) Hunting off-take limits set in terms of this regulation do not apply to listed threatened or protected animal species culled in protected areas in accordance with the management plans of the respective areas.
- (4) Off-take limits for listed Gamebirds are excluded from this Section, and are regulated by annually set Provincial daily bag limits.**

**Rationale:**

Determining a national off-take for gamebirds is not possible and impractical, as it would require an annual total census of all gamebirds. This exercise in itself would require an astronomical investment in man power as the only feasible way of determining such numbers is by conducting a physical census on each farm or property with the help of gundogs.

**2.7 SCHEDULE B2: Other Protected Species** – All species listed in **the** Appendices **1 and 2** of CITES

**Rationale:**

CITES Appendix 3 is defined on the CITES website (<http://www.cites.org/eng/app/index.shtml>) as follows: “Appendix III is a list of species included at the request of a Party that already regulates trade in the species and that needs the cooperation of other countries to prevent unsustainable or illegal exploitation (see Article II, paragraph 3, of the Convention). International trade in specimens of species listed in this Appendix is allowed only on presentation of the appropriate permits or certificates. (See Article V of the Convention)”. Thus meaning that the list can be propagated by member countries when they have certain requirements regarding specific species.

Appendix 3 includes several bird species which are very common in South Africa, for example;

Egyptian Goose ( <i>Alopochen aegyptiacus</i> );	Spurwinged Goose ( <i>Plectropterus gambensis</i> )
Cape teal ( <i>Anas capensis</i> )	White-faced Duck ( <i>Dendrocygna viduata</i> )
Fulvous Duck ( <i>Dendrocygna bicolor</i> )	Rock pigeon ( <i>Columba guinea</i> )
Feral Pigeon ( <i>Columba livia</i> )	Laughing Dove ( <i>Streptopelia senegalensis</i> )
Redeye Dove ( <i>Streptopelia semitorquata</i> )	

It is strongly suggested that CITES Appendix 3 species be excluded from the definition of Protected Species because:

- the inclusion of some of these specie (pest and alien species whose status is not threatened) cannot be the intent of this legislation;
- because these species where not identified as threatened by DEAT's own listing process for threatened and protected species;
- because it is essentially unenforceable,
- because it would place an additional significant administrative load on provincial conservation agencies, and;
- it would bring ridicule on the draft legislation by including pest and alien species as protected species, so diminishing the credibility of the legislation as a whole.
- It will make farmers criminals when they protect their crops and livestock.

Thank you for affording the NSA the opportunity to comment on the Draft Regulations Relating to Listed Threatened or Protected Species.

Yours Sincerely



---

**Dr Herman Els**

Executive chairman  
Permanent member of the Executive Council