



**forestry, fisheries  
& the environment**

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

Ref: O2/1/5/2

**NATIONAL ASSEMBLY**

(For written reply)

**QUESTION NO. 3148 {NW4221E}**

**INTERNAL QUESTION PAPER NO. 34 of 2023**

**DATE OF PUBLICATION: 13 October 2023**

**Mr S N Swart (ACDP) to ask the Minister of Forestry, Fisheries and the Environment:**

- (1) Whether a valid Threatened or Protected Species permit was issued for a certain hunt (details furnished); if not, why not; if so, what are the relevant details of the specified permit;
- (2) whether the specified hunt was legal, given that (a) there currently exists no published hunting quota for elephants and (b) the Western Cape High Court granted an interim interdict on 21 April 2022, preventing both the hunting of elephants and the export of elephant trophies; if not, what is the position in this regard; if so, what are the relevant details;
- (3) what total number of (a) permits for the killing of elephants have been granted, by providing a detailed breakdown with regard to each (i) province and (ii) category of permit, including (aa) trophy hunting, (bb) damage causing animals and (cc) management culls and (b) elephants were killed in the period between 21 April 2022 and the latest specified date for which information is available?

**3148. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:**

- (1)
- (2)(a)(b)
- (3)(a)(i)(ii)(aa)(bb)(cc)(b)

In terms of Schedule 4 of the Constitution of the Republic of South Africa, 1996, environmental management and nature conservation fall within functional areas of concurrent national and provincial legislative competence. This affords both national and provinces the legislative mandate to regulate environment and nature conservation related matters. As a result, national government and each province have the mandate to regulate environment and nature conservation related matters that falls within its jurisdiction.

Therefore, in accordance with Section 87A (1)(a) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA), the Minister is the issuing authority responsible for deciding on an application for a permit for the carrying out of a restricted activity involving specimens of a listed threatened or protected species—(i) in a national protected area; (ii) that is a marine species; or (iii) applied for by an official, on behalf of—(aa) a provincial department or provincial organ of state responsible for the conservation of biodiversity in a province; (bb) a national protected area; (cc) the South African National Biodiversity Institute; or (dd) an organ of state in the national sphere of government.

In terms of section 87A(2) of NEMBA, the Member of the Executive Council (MEC) is the issuing authority responsible for deciding on an application for any permit not listed in section 87A(1)(a). This means that all applications not lodged by institutions/persons referred to in section 87A(1)(a) of NEMBA would be considered by the relevant MEC.

The information required falls within the purview of the relevant MEC.



MS B D CREECY, MP  
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 23/10/2023