



**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. 4120 {NW5400E}

INTERNAL QUESTION PAPER NO. 48 of 2023

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Ms T Breedt (FF Plus) to ask the Minister of Forestry, Fisheries and the Environment:

- (1) Whether, with reference to the proposed introduction of Norms and Standards for the Management of Damage-causing Animals in South Africa and subsequent statements regarding Guidelines for The Management of Damage-causing Animals in South Africa, the Guidelines were issued; if not, by what date(s) will the Guidelines be (a) issued and (b) implemented; if so, on what date was the Guidelines issued;
- (2) Whether she will furnish Ms T Breedt with a copy of the relevant Guidelines; if not, why not; if so, what are the relevant details;
- (3) What were the reasons that the proposed Norms and Standards were replaced with the Guidelines, of which compliance is not mandatory and which are unenforceable?

4120. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:

- 1) (a) (b) The Guidelines for the Management of Damage-Causing Animals in South Africa (Guidelines) were finalised, but have not yet been issued. It was recommended that the Department of Forestry, Fisheries and the Environment (DFFE) conducts further public consultation on the Guidelines, however, the finalisation and implementation of various other legislative tools simultaneously was prioritised at the time.
- 2) A copy of the Guidelines cannot be provided at this stage, as the document has not yet been released for public consumption.
- 3) Section 9 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEM:BA) empowers the Minister to issue norms and standards by notice in the *Government Gazette* for the achievement of any of the objectives of NEM:BA, including to restrict activities that may impact biodiversity and its components. The Minister may further set indicators to measure compliance with the norms and standards.

Non-compliance with the provisions of the norms and standards issued in terms of NEM:BA is currently not a punishable offence in terms of NEM:BA. Nevertheless, norms and standards that apply to listed threatened or protected species (TOPS) are enforceable through a condition of a permit issued in terms of NEM:BA, which binds the holder thereof to any applicable norms and standards. The breaching of a permit condition, therefore, constitutes an offence in terms of NEM:BA. The implication is that norms and standards that are issued in terms of section 9 of NEM:BA would have no legally binding effect in respect of animals of species that are **not** listed as TOPS. To prevent the ineffective and non-uniform implementation of norms and standards that would only be partially legally binding, the final draft Norms and Standards for the Management of Damage-Causing Animals were converted to Guidelines.



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

DATE:

14/12/2023