



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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NATIONAL ASSEMBLY

(For written reply)

QUESTION NO. 80 {NW83E}

INTERNAL QUESTION PAPER NO. 1 of 2021

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Mr N Singh (IFP) to ask the Minister of Forestry, Fisheries and the Environment:

- (1) Whether, given that certain provinces are allegedly not complying with the Threatened or Protected Species (TOPS) regulations, her department has conducted an audit to determine which provinces are noncompliant; if not, why not; if so, which provinces are noncompliant;
- (2) What are the full relevant details of the progress of her department in standardising all environmental legislation and regulations, including bringing all provinces in line with TOPS regulations?

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

- (1) Mpumalanga (MP) and the Western Cape Provinces (WC) are currently not implementing the TOPS Regulations. In the case of MP, the Mpumalanga Tourism and Parks Agency (MTPA) which is the conservation management authority in Mpumalanga responsible for the function of biodiversity conservation has indicated serious capacity challenges that have impacted on the ability of the institution to implement the TOPS Regulations. In respect of the WC, CapeNature

considers the implementation of the TOPS Regulations as an unfunded mandate, given that additional funds are not allocated to CapeNature for the implementation function.

In 2016, the Department conducted an audit of the capacity requirements for the provincial conservation authorities to implement the revised TOPS Regulations, in particular, personnel to issue permits and conduct inspections in terms of provincial legislation, TOPS and CITES (Convention on International Trade of Endangered Species) Regulations. Capacity challenges were considered when the draft revised TOPS Regulations were finalised; e.g. the impact of provisions that could lead to unnecessary regulatory requirements. The Department of Environment, Forestry and Fisheries (the Department) has since amended the TOPS Regulations and species lists.

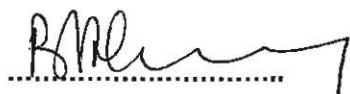
The revised TOPS Regulations, whilst still ensuring that conservation and regulation of species are not compromised, will be less onerous in respect of the requirements for permits, (e.g. except for a few species such as lion, rhino, leopard and elephant) a person will no longer require a permit for dead specimens. Furthermore, the movement of species between registered game farms does not require a permit.

These amendments are currently in the Parliamentary approval processes following which they will be published for implementation. Mpumalanga and Western Cape provinces have since, through MINMEC, expressed their willingness to implement the amended TOPS Regulations when published for implementation.

- (2) The Department, working with all provinces invested considerable amount of efforts and time in addressing conflict in legislation (i.e. alignment, addressing overlaps and duplications) through the existing sectoral cooperative governance system or intergovernmental processes (Working Groups, MINTECH and MINMEC). A project in this regard is ongoing and will intensify once the capacity is enhanced. However, the role of both National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPAA) as the principal framework legislation for protected areas, biodiversity conservation cannot be overlooked in

this regard. It must be noted that provinces are also in different stages of aligning their provincial legislation with national biodiversity legislation.

Regards

A handwritten signature in black ink, appearing to read 'B. D. Creecy', written over a horizontal dotted line.

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

DATE: 22/2/2021