

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No.

Date

**NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004
(ACT 10 of 2004)**

I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby in terms of section 100 of the Act, publish for public information and comments the following:

**DRAFT NATIONAL NORMS AND STANDARDS FOR THE REGULATION
OF THE HUNTING INDUSTRY IN SOUTH AFRICA**

To ensure that all the relevant stakeholders are consulted and to streamline the consultation process, interested and affected stakeholders are invited to submit **written** comments to the department:

Please submit all written comments to:

The Director-General
Department of Environmental Affairs and Tourism
Private Bag X447
PRETORIA
0001

For Attention: Dr Pieter Botha

Enquiries should be directed to Dr Pieter Botha Tel. (012) 310 3575; e-mail:

pbotha@deat.gov.za; or Mrs Thea Carroll Tel. (012) 310 3799;

tcarroll@deat.gov.za, or fax number (012) 320 7026.

Closing date: 19 June 2006

**M C J VAN SCHALKWYK
MINISTER**

Media release: Ministry of Environmental Affairs and Tourism

“One of the biggest obstacles to more effective conservation in South Africa has been the fact that we did not have a national system to regulate the management and sustainable use of protected species. This was one of the reasons we passed the Biodiversity Act in 1994 - to empower authorities, at all levels, to better protect our natural heritage. Today we will use this legislation to address the need for better regulation of listed species.” This was how Marthinus van Schalkwyk, Minister of Environmental Affairs and Tourism, on Tuesday introduced two new draft legal instruments related to the breeding, trade, transport, and hunting of threatened and protected species in South Africa.

Speaking at the De Wildt Cheetah and Wildlife Centre in Brits in the North West Province, the Minister unveiled draft Threatened and Protected Species Regulations and the much-anticipated draft National Norms and Standards for the Regulation of the Hunting Industry. These will be formally published on 5 May in the Government Gazette for public comment over the next six weeks. They are also available to be downloaded on the Department’s website at www.environment.gov.za

“The greatest value of both these documents,” said the Minister, “Is that they will establish, for the first time, uniform national systems that will apply the same standards across the country. The management of threatened and protected species, both plants and animals, is currently regulated in terms of provincial ordinances, whose application has tended to be inconsistent. These new regulations and the Norms and Standards for hunting, will ensure that we clear up the current confusion and close the loopholes that have allowed environmental thugs to get away with immoral activities like canned hunting, illegal trade, and unethical breeding. No longer will ‘province hopping’ allow them to escape the law. No longer will there be any excuses for their abuse of our natural heritage.”

Turning to the draft Regulations the Minister said: “We are issuing lists of nationally threatened and protected species, and establishing a permit system – to be implemented by all provinces - for the breeding, hunting, trade and transport of listed species. The draft regulations effectively ban so-called ‘intensive breeding’ of listed large predators, like Cheetahs, Lions, Leopards and Wild Dogs, for any purposes of hunting or sale for hunting – and provide for the formal registration of all captive breeding facilities, nurseries, scientific institutions, sanctuaries, and rehabilitation facilities. Existing operations will have three months from the commencement of the regulations to apply for registration.”

“In effect,” said the Minister, “The days of captive breeding of listed species for any purposes except science and conservation, are over. Any person who contravenes these regulations, or who falsifies their applications, will be liable for a fine and imprisonment of up to five years – penalties that our Environmental Management Inspectors (the “Green Scorpions”) will be instructed to apply with vigour. It will also be forbidden to hunt any listed large

predator kept in captivity which has not been rehabilitated in an extensive wildlife system and been fending for itself in the wild for at least two years.”

Speaking about other provisions of the draft Regulations the Minister added: “We are also establishing a Scientific Authority representing our Department, the provincial authorities, SANParks, SANBI, our natural history museums and the National Zoological Gardens, to assist in regulating and restricting trade in specimens of protected species. The regulations also give effect to a number of our responsibilities in terms of CITES (the international agreement on trade in endangered species).”

Speaking about the draft Norms and Standards for Hunting the Minister said: “We have considered all of the recommendations made by our Panel of Experts last year. We aim to permanently eliminate those aspects of utilisation that, in recent years, have cast a shadow on our phenomenal conservation successes, and left a stain on our reputation as world leaders in protecting and promoting biodiversity. Hunting will now be permitted only by humane methods, in accordance with strict fair chase principles, by hunters registered with recognised hunting bodies, and in terms of carefully monitored and reviewed off-take limits at both national and provincial level. There will be no hunting on private land that borders national or provincial protected areas where fences have been dropped, unless this is formally agreed to, by the landowner and the management authority – and then personally approved by the MEC or the Minister. Our SA National Biodiversity Institute (SANBI) will also keep and maintain a National Hunting Register, detailing how many animals have been hunted, for what purpose, where, and by what method. In this way the monitoring and reporting on issues relating to the management of protected species will be much improved.”

“Issues of breeding, trade, and hunting of protected and endangered species remain amongst the most important and sensitive considerations in any national conservation and biodiversity strategy,” said the Minister. “We believe that these two draft documents take South African conservation to new heights and that they establish a system to provide much-needed clarity and direction. We urge all interested South Africans to examine the drafts and to make their voices heard in this consultation process. Above all however, we undertake to strengthen our compliance and enforcement capacity – in cooperation with responsible partners in conservation.”

**NATIONAL NORMS AND STANDARDS FOR THE REGULATION OF THE
HUNTING INDUSTRY IN SOUTH AFRICA**

I, Marthinus van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby issue national norms and standards for the regulation of the hunting industry in South Africa and related matters in terms of section 9 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), and section 11 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule.

SCHEDULE

TABLE OF CONTENTS

CHAPTER 1

INTERPRETATION, PURPOSE AND APPLICATION OF THIS SCHEDULE

1. Definitions
2. Purpose of this Schedule
3. Application of this Schedule

CHAPTER 2

PROVINCIAL HUNTING AUTHORISATIONS

4. Applications relating to animals which are both provincially listed animals and nationally listed threatened or protected animals
5. Factors to be taken into account when considering applications for provincial hunting authorisations
6. Contents of provincial hunting authorisations

CHAPTER 3

HUNTING RESTRICTIONS

Part 1: Restrictions relating to protected areas and land adjacent to protected areas

7. Hunting in special nature reserves, world heritage sites and wilderness areas
8. Hunting in national protected areas other than those referred to in clause 7(1)

9. Hunting in provincial protected areas
10. Hunting in protected areas to be consistent with biodiversity legislation and other management instruments
11. Hunting on private land adjacent to protected areas

Part 2: Other restrictions

12. Damage causing animals
13. Persons restricted from obtaining hunting authorisations and permits
14. Compulsory conditions subject which hunting authorisations and permits must be issued

CHAPTER 4

SELFREGULATION OF HUNTING INDUSTRY

15. National association of hunting organisations
16. Recognition of hunting organisations
17. Norms and standards for codes of ethical conduct and good practice
18. Withdrawal of recognition of hunting organisations

CHAPTER 5

MISCELLANEOUS MATTERS

19. National Hunting Register
20. Short title and commencement

CHAPTER 1

INTERPRETATION, PURPOSE AND APPLICATION OF THIS SCHEDULE

Definitions

1. (1) In this Schedule, unless the context indicates otherwise, a word or expression defined in the Biodiversity Act or Protected Areas Act has the same meaning, and –

“**adjacent land**”, in relation to a protected area, means land which adjoins a protected area or of which its border at any point is withinkilometres of the border of a protected area;

“**alien animal species**” means an animal species which is an alien species as defined in section 1 of the Biodiversity Act;

“**amateur hunter**” means a person who hunts or intends to hunt a listed animal, but excludes –

- (a) a professional hunter; and
- (b) a hunting client;

“**Biodiversity Act**” means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), and includes any subordinate legislation as defined in section 1 of that Act;

“culling”

- (a) in relation to an animal in a protected area, means an operation executed by an official of, or other person designated by, the management authority of the protected area to kill a specific number of animals of that species within the area in order to manage that species in the area in accordance with the management plan of the area; or
- (b) in relation to a listed animal which has escaped from a protected area and has become a damage causing animal, means an operation executed by an official of, or other person designated by, the management authority of the protected area to kill the animal as a matter of last resort;

“damage causing animal” means a listed animal that –

- (a) causes losses to livestock;
- (b) damage to cultivated trees or crops or other property;
- (c) presents a threat to human life; or
- (d) is present in such numbers that agricultural grazing is materially depleted;

“darting”, in relation to a listed animal, means to shoot the animal with a projectile loaded with a tranquillising or narcotic immobilising or similar agent;

“humane”, in relation to the hunting of a listed animal, means that the way in which an animal is hunted –

- (a) is reconcilable with the prevailing norms of society against cruelty to animals; and
- (b) causes no or minimum –
 - (i) suffering for the hunted animal; and
 - (ii) distress to other animals in the vicinity of the hunted animal;

“hunt”, in relation to an animal, includes –

- (a) to kill the animal by any means, method or device whatsoever;
- (b) to capture the animal by any means, method or device whatsoever with the intent to kill the animal;
- (c) to search for, lie in wait for, pursue, pin down against a fence or barrier or in an enclosure, shoot at, or tranquillise or immobilise, the animal with the intent to kill the animal; or
- (d) to lure by any means, method or device whatsoever, or to set a snare or trap for, the animal with the intent to kill the animal,

but excludes the culling of an animal in a protected area or which has escaped from a protected area and has become a damage causing animal;

“hunting client” means a natural person who –

- (a) is not resident in the Republic; and
- (b) pays or rewards any other person for or in connection with the hunting of a listed animal;

“hunting off-take limit” means an off-take limit for hunting purposes established for a nationally listed threatened or protected species in terms of the Threatened and Protected Species Regulations, 2006;

“hunting organisation” means an organisation, association or other body of –

- (i) professional hunters;
- (ii) hunting outfitters;
- (iii) amateur hunters;
- (iv) other persons having interests in the hunting industry; or
- (v) any combination of persons referred to in subparagraphs (i), (ii), (iii) and (iv);

“hunting outfitter” means a person who is registered or recognised as a hunting outfitter in terms of provincial legislation;

“indigenous animal species” means an animal species which is an indigenous species as defined in section 1 of the Biodiversity Act;

“issuing authority” –

- (a) in relation to a national hunting permit to hunt a nationally listed threatened or protected animal, has the meaning assigned to it in section 1 of the Biodiversity Act; or
- (b) in relation to a provincial authorisation to hunt a provincially listed animal, means an authority empowered in terms of provincial legislation to issue or grant provincial authorisations;

“listed animal” means –

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

“local community” has the meaning assigned to it in section 1 of the Protected Areas Act;

“management authority”, in relation to a protected area, has the meaning assigned to it in section 1 of the Protected Areas Act;

“management plan”, in relation to a protected area, has the meaning assigned to it in section 1 of the Protected Areas Act;

“national hunting permit” means a permit issued in terms of the Biodiversity Act authorising a person to hunt a nationally listed threatened or protected animal;

“nationally listed threatened or protected animal” means an animal belonging to an indigenous or alien animal species listed in terms of section 56 (1) of the Biodiversity Act as a critically endangered species, endangered species, vulnerable species or protected species, but excludes a marine animal species listed as such;

“national park” has the meaning assigned to it in section 1 of the Protected Areas Act;

“nature reserve” has the meaning assigned to it in section 1 of the Protected Areas Act, and includes a provincial park;

“professional hunter” means a person who is registered or recognised as a professional hunter in terms of provincial legislation;

“Protected Areas Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“protected area” has the meaning assigned to it in section 1 of the Protected Areas Act;

“provincial hunting authorisation”, in relation to a provincially listed animal, means –

- (a) a permit, permission, consent, license, registration or other document issued in terms of provincial legislation authorising a person to hunt a provincially listed animal; or
- (b) an exemption or exclusion from a provision of provincial legislation regulating or prohibiting the hunting of a provincially listed animal;

“provincially listed animal” means an animal belonging to an indigenous or alien animal species which in terms of provincial legislation may not without a provincial hunting authorisation be hunted in the province;

“recognised hunting organisation” means a hunting organisation recognised in terms of clause 16;

“SANBI” has the meaning assigned to it in section 1 of the Biodiversity Act;

“special nature reserve” has the meaning assigned to it in section 1 of the Protected Areas Act;

“wingshooting” means the hunting of game-birds that are listed animals;

“wilderness area” has the meaning assigned to it in section 1 of the Protected Areas Act;

“world heritage site” has the meaning assigned to it in section 1 of the Protected Areas Act.

(2) In this Schedule, a word or expression which is a derivative or other grammatical form of a word or expression defined in subclause (1) or in the Biodiversity Act or Protected Areas Act, has a corresponding meaning unless the context indicates that another meaning is intended.

Purpose of this Schedule

2. The purpose of this Schedule is to set national norms and standards aimed at ensuring –

- (a) that the various listed animal species that are hunted in the Republic are hunted in a way and at a rate that –
 - (i) would not lead to the long term decline of those species;
 - (ii) would not disrupt the ecological integrity of the ecosystems in which those species occurs; and

- (iii) would ensure the continued use of those species to meet the needs and aspirations of present and future generations of people; and
- (b) that the hunting industry is regulated as far as possible –
 - (i) in a uniform way across the country;
 - (ii) in accordance with national policies on biodiversity management and sustainable development; and
 - (iii) in a way that takes into account the Republic’s international obligations in terms of international agreements on biodiversity management binding on the Republic.

Application of this Schedule

- 3.** (1) The norms and standards contained in this Schedule must be complied with by –
- (a) all issuing authorities when implementing –
 - (i) the Biodiversity Act to the extent to which that Act applies to the hunting of nationally listed threatened or protected animals; and
 - (ii) provincial legislation relating to the hunting of provincially listed animals; and
 - (b) all management authorities of protected areas in the management of biodiversity in protected areas.
- (2) In the event of any conflict between a provision of this Schedule and a provision of provincial legislation, the conflict must be resolved in terms of section 146 of the Constitution.

CHAPTER 2

PROVINCIAL HUNTING AUTHORISATIONS

Applications relating to animals which are both provincially listed animals and nationally listed threatened or protected animals

- 4.** An application for a provincial hunting authorisation to hunt a provincially listed animal which is also a nationally listed threatened or protected animal must be considered in terms of both the applicable provincial legislation and the Biodiversity

Act, but issuing authorities must as far as possible deal with such applications in accordance with section 92 of the Biodiversity Act.

Factors to be taken into account when considering applications for provincial hunting authorisations

5. When considering an application for a provincial hunting authorisation to hunt a listed animal, an issuing authority must, to the extent applicable, take into account –

- (a) all applicable legal requirements, in order to ensure that any decision with respect to the authorisation is consistent with those requirements;
- (b) whether the authorisation applied for is not prohibited, restricted or affected in terms of Chapter 3 of this Schedule;
- (c) whether the animal to which the application relates is also a nationally listed threatened or protected animal, and if so, also take into account –
 - (i) whether the animal is a critically endangered species, an endangered species, a vulnerable species or a protected species;
 - (ii) any applicable recommendations of the Scientific Authority in terms of section 61(1)(d) of the Biodiversity Act;
 - (iii) any risk assessment obtained by the issuing authority in terms of section 89 of the Biodiversity Act;
 - (iv) any annual hunting off-take limits set in respect of that species for –
 - (aa) the country as a whole; and
 - (bb) the province in which the hunt is to take place; and
 - (v) SANBI's latest statistics on the number of national hunting permits and provincial hunting authorisations already issued during the year concerned in respect of a species referred to in subparagraph (iv) for –
 - (aa) the country as a whole; and
 - (bb) the province in which the hunt is to take place;
- (d) the impact of the hunt on the conservation status of the relevant species;
- (e) the area where the hunt is to take place, and whether the land on which the hunt is to take place is –
 - (i) a protected area, and if so, the category in which that protected area falls with reference to section 9 of the Protected Areas Act;
 - (ii) adjacent to a protected area, and if so, whether it is adjacent to a national or provincial protected area;

- (iii) private property ;
- (iv) communal land; or
- (v) state-owned land;
- (f) whether the hunt to which the application relates is to be –
 - (i) a trophy hunt;
 - (ii) a recreational hunt;
 - (iii) a biltong or meat hunt;
 - (iv) wingshooting;
 - (v) a traditional hunt; or
 - (vi) a hunt for any other purpose;
- (g) the manner in which, and the hunting instrument by which, the hunt is to be carried out;
- (h) whether the applicant is a professional or amateur hunter, or a hunting client, and if a hunting client, whether the applicant will be assisted by a professional hunter;
- (i) if the applicant is a professional or amateur hunter, whether the applicant is a member of a recognised hunting organisation;
- (j) whether a hunting outfitter is involved in the arrangements for the hunt; and
- (k) all other relevant factors, including –
 - (i) information, motivations and other documentation submitted by the applicant to the issuing authority in connection with the application;
 - (ii) any additional information required by the issuing authority in terms of the legislation applicable to the application;
 - (iii) any objections to the application submitted by an interested person; and
 - (iv) any relevant information on the database that SANBI is required to keep in terms of section 11 (1) (j) of the Biodiversity Act.

Contents of provincial hunting authorisations

- 6.** A provincial hunting authorisation must reflect the following information:
- (a) The name and physical address of the person to whom the authorisation is issued;

- (b) the name and physical address of a person appointed by the applicant as an agent for purposes of obtaining the authorisation on the applicant's behalf, if applicable;
- (c) the name of the issuing authority;
- (d) the authorisation number and date of issue;
- (e) the scientific and common name of the species in respect of which the authorisation is issued;
- (f) the number of specimens involved, and its gender if applicable;
- (g) the location and other particulars of the place where the hunt is to be carried out;
- (h) the instrument and the method by which the animal may be hunted in terms of the authorisation; and
- (i) the conditions subject to which the authorisation is issued, including the compulsory conditions referred to in clause 12.

CHAPTER 3

HUNTING RESTRICTIONS

Part 1: Restrictions relating to protected areas and land adjacent to protected areas

Hunting in special nature reserves, world heritage sites and wilderness areas

7. (1) No hunting of any animal may take place in—
- (a) a special nature reserve;
 - (b) a world heritage site; or
 - (c) a wilderness area.

(2) An issuing authority may not issue a national hunting permit or a provincial hunting authorisation to hunt a listed animal in a protected area referred to in subclause (1).

Hunting in national protected areas other than those referred to in clause 7 (1)

8. (1) The management authority of a national protected area, other than an area referred to in clause 7 (1), may, to the extent provided for in subclause (3) or (4), allow hunting in the protected area, or part of the protected area, if that protected area or part was proclaimed on —

- (a) land which is privately owned; or
- (b) state-owned land in respect of which a local community claims historical hunting rights.

(2) An issuing authority may, to the extent provided for in subclause (3) or (4), issue a national hunting permit to hunt a nationally listed threatened or protected animal in a national protected area or part of an area referred to in subclause (1).

(3) Hunting of specific species of animals on private land referred to in subclause (1) (a) is permissible only if –

- (a) in the case of a national park or national nature reserve, the agreement contemplated in section 20 (3) or 23 (3) of the Protected Areas Act in terms of which the private land was declared as a national park or nature reserve, or as part of a national park or nature reserve, confers on the owner of the land the right to hunt or allow hunting of that specific animal species on that land;
- (b) the management plan of the protected area in which the hunt is to take place provides for the hunting of that specific animal species on that land;
- (c) hunting of that specific animal species on that land takes place in accordance with scientifically based off-take limits for that protected area as set out in the management plan of the area; and
- (d) hunting in that protected area of that specific animal species is not prohibited in terms of regulations issued in terms of section 86 of the Protected Areas Act.

(4) Hunting of specific species of animals on state-owned land referred to in subclause (1) (b) is permissible only if –

- (a) the management authority of the relevant protected area has entered into an agreement with the local community claiming hunting rights on that state owned land, which confers on that community rights to hunt that specific species of animals on that land in accordance with the management plan of that protected area;
- (b) that agreement, in the case of a national park, is an agreement contemplated in paragraph (a) of the definition of “national park” in the Protected Areas Act;

- (c) the agreement has been approved by the Minister;
- (d) hunting of that specific animal species on that land takes place in accordance with scientifically based off-take limits for that protected area as set out in the management plan of the area; and
- (e) hunting in that protected area of that specific animal species is not prohibited in terms of regulations issued in terms of section 86 of the Protected Areas Act.

Hunting in provincial protected areas

9. (1) The management authority of a provincial protected area may, to the extent provided for in subclause (3) or (4), allow hunting in the protected area, or part of the protected area, if that area or part was proclaimed on –

- (a) land which is privately owned; or
- (b) state owned land in respect of which a local community claims historical hunting rights.

(2) An issuing authority may, to the extent provided for in subclause (3) or (4), issue a provincial hunting authorisation or a national hunting permit to hunt a listed animal in a provincial protected area or part of an area referred to in subclause (1).

(3) Hunting of specific species of animals on private land referred to in subclause (1) (a) is permissible only if –

- (a) in the case of a provincial nature reserve, the agreement contemplated in section 23 (3) of the Protected Areas Act in terms of which the private land was declared as a provincial nature reserve, or as part of a nature reserve, confers on the owner of the land the right to hunt or allow hunting of that specific animal species on that land;
- (b) the management plan of the protected area in which the hunt is to take place provides for the hunting of that specific animal species on that land;
- (c) hunting of that specific animal species takes place in accordance with scientifically based off-take limits for that protected area as set out in the management plan of the area; and

- (d) hunting, or hunting of that specific provincially listed animal species, in that protected area is not prohibited in terms of regulations issued in terms of section 87 of the Protected Areas Act.

(4) Hunting of specific species of animals on state-owned land referred to in subclause (1) (b) is permissible only if –

- (a) the management authority of the relevant protected area has entered into an agreement with the local community claiming hunting rights on that state owned land, which confers on that community rights to hunt that specific species animals on that land in accordance with the management plan of that protected area;
- (b) the agreement has been approved by the MEC of the relevant province;
- (c) hunting of that specific animal species on that land takes place in accordance with scientifically based off-take limits for that protected area as set out in the management plan of the area; and
- (d) hunting in that protected area of that specific animal species is not prohibited in terms of regulations issued in terms of section 87 of the Protected Areas Act.

Hunting in protected areas to be consistent with biodiversity legislation and other management instruments

10. Any provincial hunting authorisation or national hunting permit issued to hunt a listed animal in a protected area must be consistent with the requirements of any legislation and other instruments regulating such authorisations or permits, including –

- (a) the terms and conditions of any applicable agreement referred to in clause 8(3) (a) or (4) (a) or 9 (3) (a) or (4) (a);
- (b) the provisions of the management plan of the area;
- (c) any regulations issued in terms of section 86 or, in the case of provincial protected areas, section 87, of the Protected Areas Act; and
- (d) the internal rules determined for the area in terms of section 52 of the Protected Areas Act.

Hunting on private land adjacent to protected areas

11. (1) An issuing authority may issue a provincial hunting authorisation or a national hunting permit to hunt a listed animal on private land adjacent to a protected area, but if there is no fence between the adjacent land and the protected area such authorisation may be issued only in accordance with a written agreement between the private landowner and the management authority of the protected area.

(2) An agreement in terms of subclause (1) must –

- (a) specify the listed animal species that may be hunted on the adjacent private land;
- (b) specify the number of each species that may be hunted;
- (c) provide for sharing between the parties of benefits arising from such hunting; and
- (d) regularly be reviewed, taking into account annual off-take limits for the species that may be hunted on that land in terms of the agreement.

(3) An agreement in terms of subclause (1) may only be implemented if approved by –

- (a) the Minister, if the private land is adjacent to a national protected area; and
- (b) the MEC for environmental affairs in the province concerned, if the private land is adjacent to a provincial protected area.

Part 2: Other restrictions

Damage causing animals

12. (1) An issuing authority may not issue a national hunting permit or provincial hunting authorisation to hunt a damage causing animal.

(2) If a damage causing animal has escaped from a protected area, the management authority of that protected area is responsible for retrieving the animal, or if this is not possible, for culling the animal.

(3) (a) If a damage causing animal is an animal that naturally occurs in the area where it causes the damage, the owner of the property, person or local community suffering the damage must notify the provincial department responsible for biodiversity management in the province.

(b) If the animal is a nationally listed threatened or protected animal, that provincial department must endeavour to translocate the animal to a suitable area, and may for this purpose make use of the assistance of any conservation agency.

(4) This clause does not prevent a person from killing a damage causing animal in self-defence where human life is threatened or where the killing of the animal is permitted in terms of legislation.

Persons restricted from obtaining hunting authorisations and permits

13. (1) An issuing authority may issue a provincial hunting authorisation or national hunting permit to hunt a listed animal only to –

- (a) a natural person; and
- (b) who is a member of a recognised hunting organisation.

(2) Subclause (1) (b) does not apply to a hunting client, if the hunting client is to be accompanied on the hunt by a professional hunter.

Compulsory conditions subject which hunting authorisations and permits must be issued

14. (1) All provincial hunting authorisations and national hunting permits must be issued subject to conditions that the holder of the authorisation or permit –

- (a) is bound by the norms and standards set out in this Schedule;
- (b) must act in accordance with these norms and standards when hunting in terms of the authorisation or permit;
- (c) may not use the authorisation or permit for a purpose for which an issuing authority may not issue an authorisation or permit in terms of this Schedule; and
- (d) must act in accordance with the code of ethical conduct and good practice of the hunting organisation of which that person is a member, to the extent that such code applies to hunting.

(2) All provincial hunting authorisations and national hunting permits authorising the hunting of a listed animal 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 subclause (3);
 - (v) darting, except as provided for in subclause (4);
 - (vi) a bow and arrow, except where specifically permitted by provincial legislation;
 - (vii) a firearm other than a rifle or a handgun specifically designed for hunting purposes;
 - (viii) spears;
 - (ix) air guns; or
 - (x) any other device 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, if the use of dead bait is specifically permitted by provincial legislation; and
 - (bb) fish or other aquatic species;
 - (ii) sounds;
 - (iii) smell; or
 - (iv) any other induced luring method;
- (c) except as provided for in subclauses (4) and (5), the animal may not be hunted by using –
 - (i) flood or spot lights;
 - (ii) motorised vehicles; or
 - (iii) aircraft; and
- (d) the animal may not be hunted if it is –
 - (i) under the influence of any tranquillising or narcotic immobilising or similar agent; or
 - (ii) trapped against a fence or in a small enclosure where the animal

- does not have a fair chance of evading the hunter;
- (e) the hunter, or if that person is a hunting client, the professional hunter assisting the client, must have all relevant documentation authorising the hunt on him or her during the hunt; and
 - (f) the hunter, or if that person is a hunting client, the professional hunter assisting the client, must within 21 days of the hunt furnish the provincial department responsible for biodiversity management in the relevant province with a written return on the hunt stating –
 - (i) the number of the provincial hunting authorisation or national hunting permit and date of issue of the authorisation or permit;
 - (ii) the species, gender and number of animals hunted; and
 - (iii) the location where the hunt took place.

(2) Subregulation (2)(a)(iv) does not prevent the use of dogs for the purpose of –

- (a) tracking a wounded animal; or
- (b) pointing and retrieving in the case of listed threatened or protected bird species.

(4) Subclause (2) (a) (v) does not prevent the darting of a listed animal by a veterinarian, whether on foot or from a motorised vehicle or aircraft, to immobilise or tranquillise the animal for the purpose of –

- (a) carrying out a disease control procedure or a scientific experiment;
- (b) veterinary treatment of the animal; or
- (c) translocating or transporting the animal.

(5) Subclause (2) (c) does not prevent the use of a motorised vehicle for the purpose of tracking an animal in an area where the hunt takes place over long ranges, provided that the animal is not shot from the vehicle except in the case of a wounded animal.

CHAPTER 4

SELFREGULATION OF HUNTING INDUSTRY

National association of hunting organisations

15. (1) An association of hunting organisations claiming to represent all recognised hunting organisations in the Republic may apply to the Minister for recognition as the national association of hunting organisations.

(2) The purpose of recognising a national association of hunting organisations is –

- (a) to have an organisation to represent the interests of its member organisations nationally;
- (b) to ensure that its member organisations establish and maintain codes of ethical conduct for their members;
- (c) to oversee the training of professional hunters and hunting outfitters by any its member organisations, including the training of professional hunters and hunting outfitters from disadvantaged communities;
- (d) to maintain an accreditation system for its member organisations to ensure enforcement by those member organisations of their codes of ethical conduct and good practice;
- (e) to act as the official body representing the hunting industry in its relations with organs of state; and
- (f) to act as a forum for stakeholder involvement in the hunting industry.

(3) The recognised national association of hunting organisations may establish –

- (a) a uniform curriculum for the training of professional hunters and hunting outfitters; and
- (b) a uniform code of ethical conduct and good practice for members of its member organisations.

Recognition of hunting organisations

16. (1) Any hunting organisation may apply in writing to the MEC responsible for biodiversity management in a province for recognition as a hunting organisation in that province.

- (2) An application in terms of subclause (1) must be approved if the applicant –
- (a) has adopted a code of ethical conduct and good practices which –
 - (i) complies with the minimum requirements set out in clause 17; and
 - (ii) is ascribed to by its members;
 - (b) gives a written undertaking to the MEC that it will –
 - (i) enforce its code of ethical conduct and good practices against members who breach the code;
 - (ii) report to the MEC or the South African Police Service any case of alleged criminal conduct by any of its members involving the hunting of a listed animal or a breach of any conditions subject to which any provincial hunting authorisation or national hunting permit was granted to such member; and
 - (c) has a clear policy on Black Economic Empowerment to include persons from disadvantage communities as members.

Norms and standards for codes of ethical conduct and good practice

17. The code of ethical conduct and good practices of a hunting organisation must –

- (a) require its members to act in strict compliance with –
 - (i) legislation regulating the hunting industry; and
 - (ii) any conditions subject to which any provincial hunting authorisation or national hunting permit is granted to a member;
- (b) define criteria for the hunting of listed animals in accordance with –
 - (i) the fair chase principle; and
 - (ii) humane methods;
- (c) require its members to act in strict compliance with those criteria when hunting a listed animal; and
- (d) provide for disciplinary steps against any member who breaches a provision of the code, which should include steps for the suspension or expulsion of such a member from the organisation.

Withdrawal of recognition of hunting organisations

18. (1) An MEC responsible for biodiversity management in a province may by written notice to a recognised hunting organisation withdraw the recognition of that organisation in the province if it fails to honour its written undertaking given to the MEC in terms of clause **16** (2) (b).

(2) An MEC considering the withdrawal of the recognition of a hunting organisation in terms of subclause (1) must–

- (a) notify the organisation that withdrawal of its recognition is being considered, together with the reasons for the proposed withdrawal; and
- (b) afford the organisation a reasonable opportunity to submit written representations regarding the proposed withdrawal of its recognition.

CHAPTER 5

MISCELLANEOUS MATTERS

National Hunting Register

19. (1) SANBI must as part of its database established in terms of section 11(1)(j) of the Biodiversity Act, keep and maintain a National Hunting Register in which the following information must be recorded:

- (a) the number of animals of each species for which national hunting permits and provincial hunting authorisations are issued annually in –
 - (i) each province;
 - (ii) each national protected area; and
 - (iii) each provincial protected area;
- (b) the number of animals of each species annually culled in each protected area;
- (c) the number of animals of each species hunted for –
 - (i) trophy purposes;
 - (ii) recreational and biltong purposes; and
 - (iii) subsistence purposes;
- (d) statistics on the different methods of hunting; and
- (e) any other statistics SANBI may require for the Register.

(2) All issuing authorities and all recognised hunting organisations must for the purposes of subregulation (1) at least annually submit to SANBI returns on forms provided by SANBI.

Short title and commencement

20. These norms and standards are called the National Norms and Standards for the Hunting Industry, 2006, and take effect on a date determined by the Minister in the Government Gazette.