

- 1. Member does not understand how changes will affect him, and is not satisfied with comment of “new format” and “slight changes”. Please indicate what license format changes are and why?**

The changes will, for all practical intents and purposes, not affect your members at all. CNC has purchased a permit program in line with several other Provinces. This permit program uses different “templates” to the previous permit format, now no longer in use, for all permits, licences and certificates. Changes are primarily, if not solely, cosmetic (i.e. the permits simply “look” different). The only other slight changes are that the application forms have had minor amendments brought to them, concerning information requested (e.g. the applicant’s ID number is now mandatory for all applications). As and when members make application for permits and receive permits the “new format” and “slight changes” will become evident to them and it will also become equally evident that the new format of permits and the slight changes to both the application forms and the permits will have little, if any, affect on your members.

- 2. Member expresses extreme dissatisfaction at the “seeming attempt at extortion” by the charging of an “extra R50 for prompt service”.**

There is no attempt whatsoever by CNC to force, coerce or intimidate any of your members to take advantage of this new express service that we offer, which is entirely optional and voluntary. As per the norm all applications will be processed as promptly as possible. However, should a client desire to have his application processed quicker than the norm then he is free to pay for this extra service. Should a client not wish to take advantage of this service then their application will still be processed as quickly as possible. For the permit section to process express service applications may require a staff member to work overtime or to use a courier service instead of normal postal service and we aim to recover these costs via the “express service” fee. Again, I must stress that the use of this service is entirely optional and your members are free to use it or not to use it at their discretion. Members should perhaps regard this service as akin to the various express service fees offered by the post office, which everyone is free to use... or not to use.

- 3. I suggest it is high time people are required to apply for captivity permits for cats and dogs, as other than feral human beings, there is no greater threat to nature conservation and biodiversity.**

Our legal mandate only stretches as far as wild animals, which domesticated animals (i.e. dogs, cats, cows, chickens etc.) are not seen as and thus do not require a permit in terms of our Ordinance.

- 4. WCNCB did not invite public involvement in the initial development of the fee system. Member demands an explanation of the original proposal before even considering future increases.**

There was no public involvement required nor was there any invited as legally we are not required to do so and we saw no reason for such an exercise. When CNC split from the provincial government and became a statutory board we simply had to generate income as a matter of priority or perish. Permits, along with a myriad of other services provided by CNC, could no longer be issued free of charge. This concept of “user pays” is pretty much universally accepted and it was from that platform that CNC implemented a nominal administration fee of R50 per application for Ordinance permits. To enter into process of broad public participation would have ultimately achieved very little. Such an exercise would have in all likelihood have been to the detriment of all concerned as it would have slowed the process of issuing permits and generating income down dramatically and would have become an administrative nightmare. One cannot consult all the people all the time. Our client base basically includes everyone in the country and not just those clients that keep snakes on permit. As with other areas where fees are initiated or increased for a similar service (i.e. TV licences, recreational rock lobster permits, petrol price increases etc) rarely, if ever, is the public at large consulted. As far as CNC fees (new, current and proposed) there is no single body that represents our entire client-base. So whom exactly would we have approached for

public comment at the risk of excluding others and run the risk of being accused of being exclusionary? This year, however, in an effort to involve our client base, we have broadcast an information document informing as many of our clients as possible of the proposed and new tariffs and fees and we feel that your member should perhaps concentrate his attention on these new and proposed fees and not those that have already been implemented and accepted by all concerned.

**5. What is the normal service level of agreement (time duration) for the issuing of a transport permit and a captivity permit?**

The permit section of CNC does not currently have a service level agreement with any of our clients, but does endeavour to process all applications, **which are solely processed by Head Office's permit section** (i.e. where no other party or outside office needs to be consulted before the permit can be issued) within 5 – 10 working days. Captivity permit applications need to be referred to a business unit office for inspection and report and this process can add anything from a few weeks to a few months to the process. For clients with unusually large amounts of animals in captivity (i.e. zoos) such applications can (and usually do) take even longer!

**6. If the CNCB makes a mistake on the issued permit does that individual get a R50 credit for their mistake? If the CNCB takes too long to issue the permit, does the individual get a R50 credit? As far as I'm concerned, we are all human and we do make mistakes thus I find it totally unfair to let the public pay for mistakes and the CNCB does not get penalized.**

If a mistake is discovered on a permit that deviates **fundamentally** from what was applied for (i.e. an import application resulted in an export permit or a Corn Snake application resulted in a Ball Python permit) then that permit holder should not use the permit (it is invalid) and must bring the error to the attention of the issuing official as soon as possible so that a new (correct) permit can be issued. This new permit will obviously be issued free of charge. The applicant will thus not get a credit or a refund, as he/she will still, at the end of the day, get the permit that they originally applied and paid for. An individual will not get a credit or refund for applications that take "too long".

**The perceived feeling about this announcement is:**

- 1. General acceptance of a "charge for service".**
- 2. Concept of charging more for "express service" is absolutely unacceptable.**

As mentioned above, this service will not be forced on anyone and the use thereof is entirely voluntary. Those members that find it unacceptable are free not to utilise it.

- 3. The "extras" over and above the annual fee defeats the whole purpose of a one-off annual payment. Dealers save time and trouble by paying an annual fee and then "forgetting it". Having to go to the bank for an "express service" payment or an "extension on expiry date" is just not worth the trouble. Stop splitting hairs.**

The one-off annual fee was implemented to avoid the hassle for our more regular clients of having to go, daily in some cases, to the bank or online to deposit R50 for each and every application made. This annual fee in fact, does also lead to considerable savings (in time and money) by those that choose to utilise it. And, like the "express service" fee, is enjoyed at the discretion of our clients (i.e. they are free to take advantage of it or pay the admin fee per application). The advantages for dealers paying the annual fee are still quite clear over and above whatever other services CNC offer. Should one of our clients who have paid the annual fee wish to take further advantage of the "express service" fee for a specific application, then they are free to do so, but at a cost to the same value of that application. Those clients (including the annual fee payers) who do not view this service as worth the trouble are free to not utilise it.

4. **The proposed increase in 2005 will be vigorously opposed. Administrative fees will double the cost of the more popular reptiles, which accounts for the majority of the “pet trade”. The public resent the arbitrary levying of fees, by a company holding the monopoly in its field, for an unwanted service.**

There is as yet no **formal** proposal to increase the application fees for 2005/2006 and we cannot speculate what these fees will be. As the costs, services and material that CNC utilises increase, as inflation is prone to do, so will our fees be increased. At the beginning of the next financial year (2005/2006), the R50 admin fee would have been in place and unchanged for two full financial years and a new fee structure or an increase is quite likely. We will, as we have done this year, endeavour to keep the CRC and its members fully informed as to any new and proposed fees or fee increases.

## **1.0 The Provisional List**

### 1.1 Concerns regarding various Morphs in reptiles.

Most of the morphs are derivatives of one or another type of albinism or hypomelanism which have been domestically created. No adult specimens of the original form of albinism (e.g. one original baby albino corn snake that was wild caught in 1957 (none since) from which all others, to date descend has been found in the wild. The same with albino Burms) Authorities on the subject maintain that although albinos and hypos do hatch in nature (due to isolation of populations and the resultant inbreeding due to habitat shrinkage) the hatchlings do not reach maturity as they are not able to deal with normal climatic conditions and are easily picked off by predators due to their abnormal colouring.

### 1.2 How are the WCNCB going to deal with these?

A “morph” is simply a distinct, readily observable **type** of a given species (i.e. a species that has gone through a change in form or character but not in taxonomy (i.e. species)). There is no provision made in legislation to specifically include (or exclude) colour morphs/variations or any other form of recessive gene colour variations of wild animals. Colour morphs of wild animals and their offspring are thus still classified as wild animals given that it is the species that is seen (as a wild animal) and not the phenotypic variation of that species.

### 1.3 Are they going to classify them as part of the Pet Trade list with cats and dogs? (After all cats and dogs are also morphs?)

**We don’t think that cats and dogs can be seen as morphs (although one does get morphs of the same breed) so no, colour morphs of wild animals will not be seen as domestic animals (which cats and dogs are).**

### 1.4 Define “domestic animal”

**CapeNature only works with wild animals so to answer this question a definition of “wild animal” will have to be provided and state that anything that doesn’t fall within the definition of “wild animal” is seen as a “domestic animal”.**

**CapeNature’s current definition of “wild animal” is as follows:**

***“wild animal” means any live vertebrate or invertebrate animal (including the egg or spawn of any such animal but excluding any ostrich used for farming purposes and the egg thereof) belonging to a non-domestic species and includes any such animal, which is kept or has been born in captivity.***

We can go on to qualify this definition by stating that a “wild animal” is defined as any animal which is now or historically has been found in the wild or in a wild state and / or if both its parents occur(ed) in the wild or in a wild state. Wild animals raised in captivity, which have merely become tame or accustomed to people are not seen as domestic animals.

1.5 When does an animal get classified as a domestic animal?

**When it doesn't fall into the definition of “wild animal”.**

1.6 On what did the WCNCB base the status of the various species wrt the provisional list returned to the CRC?

**National and international conservation norms and practices as well as IUCN guidelines.**

1.7 Did the WCNCB base their provisional list it on “Potentially invasive”, if so why then are the Tent Tortoises, Geometric Tortoises and some of the Padlopers listed as gray? They all come from SA so how can they be potentially invasive.

**The main reason why some indigenous taxa such as the tortoises were gray listed initially, was about concern for “uncontrolled” trade, and not for their invasiveness. The situation was re-evaluated however, and updated in the next draft. It must be mentioned that the wanton translocation through the province and country of various indigenous species should, however, be cautioned against as even an indigenous species or population/ecotype of that species translocated outside its natural range, ecosystem or habitat can have a deleterious affect on local fauna and flora. In this line one should take note of the definition of “alien species” in the Biodiversity Act, which can include an indigenous species!**

1.8 Giant Day Gecko's (Phelsuma madagascariensis) – Why were these not white listed as per CRC/WCNCB minutes dated 2004/05/28 – Appendix G?

**This was rectified in the next draft of the list.**

1.9 Why are all the Vipers “Black” listed?

**Not “all” vipers were listed. However, if one studies the list carefully in terms of the origin, climatic regions and general biogeography of the relevant taxa, one will note that most of these vipers originate from the Mediterranean region , Middle East and the northern and north-eastern parts of Africa, regions with very similar climates and habitats to SA and which qualifies them as potential invaders.**

1.10 Could the WCNCB please provide the CRC with the actual definitions used in determining

1.10.1 Gray listing?

1.10.2 Black listing?

**There is, as far as we know, not one commonly accepted definition of these terms (some authorities use terms such as “prohibited” & “regulated and “unlisted” *in lieu*). The member should take a look at page 54 of the IUCN's publication “A guide to designing legal and institutional frameworks on alien**

**invasive species” (ISBN: 2/8317-0548-7), which should provide a good background.**

1.11 Please supply a full bibliography and references of scientific texts used by WCNCB to have compiled their provisional list, same as what the CRC had to provide.

**See earlier email to the CRC Secretary. Also see the various IUCN and other references mentioned in this document.**

1.12 Was a new EIA template gazette, and if so why where the CRC not notified?

**CapeNature is not aware of such an EIA template, which was Gazetted. There are, however, various guidelines as well as a 16 part “Integrated Environmental Management Information Series” that are available from DEAT. Parts 1 – 6 of the information series is available at DEAT’s website. The guidelines and the rest of the information series are only available as hard copies and must be ordered from DEAT.**

**KZN’s risk assessment pro-forma is believed to be a good model and is itself a modified version from Mary Bomford’s publication “Risk assessment for the import and keeping of exotic vertebrates in Australia” (ISBN: 0-9750443-3-8), which itself is a must-read for anyone involved import EIAs or similar such risk-assessments involving the import of wild animals. Another document that must be perused is the IUCN’s “Guidelines for the prevention of biodiversity loss caused by alien invasive species”, specifically the generic questions posed in the Appendix.**

## **2.0 Various Permits**

2.1 Permit book for dealers and breeders – How far did the WCNCB get with their investigation into the provisioning of permit books for dealers and breeders?

**This idea does not enjoy much support within CapeNature and may not be feasible for various reasons and the proposal has since been shelved.**

2.2 Why is it necessary to be applying for the required permits for:

2.2.1 Transport, for what ever purpose (vet, display etc) when you already legally own the animal?

2.2.2 Why do we need to continually renew permits, for existing reptiles already on permit? (We are not exploiting natural resources).

**The question of why one requires permits and why must they be renewed etc. have been asked and answered on more than one occasion, either at CRC general meetings or at meetings between the CRC and CNC. It is felt that any further debate about the what, where, when and how of permits will eventually boil down to a philosophical debate and will serve little purpose. We need to look at what current legislation states and work from there. Currently the Nature Conservation Ordinance requires permits for keeping, transporting, selling etc. of wild animals. Fortunately this Ordinance is currently being revised and the public participation process will hopefully start early next year (round about March / April). The member interested in pursuing this line of**

questioning can formally address this permit issue at that stage. We must, however, draw your attention to the Biodiversity Act's list of defined "restricted activities" and the requirement for permits to perform these activities.

### **3.0 Catch-&-Release**

3.1 Breeding Eagle Owls from Rehab and selling the off spring to farmers is allowed, so why can't the catch-&-release people do the same with reptiles that can't be released back into its natural environment?

**Rehab animals may not be sold for commercial profit and this includes raptors.**

3.1.1 What happens to reptiles that can't be released (Indigenous)?

**They must either be euthenased or given to a registered zoo or to CapeNature for further disposal. Under very exceptional circumstances and under strict conditions they can be kept by a private individual, but CapeNature does not encourage this practice as it may lead to rehabilitators intentionally declaring animals unrehabilitateable simply so that they can be kept, bred with and even traded in. This risk is great and we would prefer to avoid it at all costs.**

3.1.2 Why can't these be used to breed with and distributed to interested individuals?

**For the reason mentioned above. The primary intention of a catch and release permit is simply that... catch and release. CapeNature will, however, consider applications in this regard according to merit, and may deem it appropriate to place these animals in permanent captivity with a *bona fide* keepers.**

3.2 If Natural Healers are allowed to go and collect what they want from the wild, then why can't the CRC allowed to use wild caught specimens to start a captive breeding program?

**It is not clear who these "natural healers" are but if they are collecting material out of the wild without a permit then they are breaking the law. According to the Nature Conservation Ordinance nobody is allowed "to go and collect what they want from the wild" without proper permission, which includes the landowner's written permission and a permit from CapeNature.**

3.3 With in what radius can problem reptiles, which have been removed from public premises, be released?

**It is preferable to release these animals in natural areas (not nature reserves) as close to the original capture point as possible, but where this is deemed placing the animals in further danger, it would be recommended to remove and place them, where practical, in natural areas not exceeding a radius of approx. 20 km from the original point of capture.**

3.4 In what areas can problem reptiles, which have been removed from public premises, be released? Release areas to be provided per species.

**See 3.3. It is impossible to provide examples of release areas per species, but common sense should prevail. Obviously, one won't release snakes in built-up areas, and would much rather choose a well-vegetated mountain foothill or slope with vegetation cover e.g. mountain Fynbos similar for snakes such as Cape cobra, puff adder and boomslang, and more sandy, well-vegetated, flat natural areas for mole snakes and other smaller species such as whip snakes and house snakes.**

3.5 The status quo use to be that if not all the snakes are release by the time your captivity permit is due then these species use to be added to your captivity permit. Why is it the opposite now? Releasing harmless snakes is okay; within reason, but venomous snakes is another problem, as you can't just release them anywhere. Consideration should be given to people actually doing the catch-and-release.

**We are not aware of this *status quo* ever having existed and doubt that it ever did. But if it ever did, it is doubted that it would ever be repeated.**

#### 4.0 General

4.1 Private people v Zoos – Why are there two sets of rules wrt private individuals and Zoos regarding various herpetofauna? (CRC members won't accept that they are members of PAAZAB as PAAZAB doesn't please it's members)

**Registered zoos (i.e. PAAZAB) have to go through a rigorous application process before they can become members and have to comply to PAAZAB's professional code of ethics and constitution after they become members, whereas private individuals do not. The level of responsibility of a registered zoo is thus much higher and thus the different treatment.**

4.2 Can the WCNCB provide the CRC with an ISO spec in keeping and breeding exotic reptiles in captivity?

**We are not aware of such an "ISO spec".**

4.3 Cage Sizes – As the ordinance stands now, can the WCNCB provide the CRC with a spec on what the cage sizes should be for keeping reptiles in captivity?

**The current minimum cages sizes for all wild animals are as contained in our Regulations (955 of 1975). The CRC is in possession of CapeNature's Regulations and Ordinance. CapeNature would greatly appreciate the CRC's comments and review of these cage sizes for inclusion in the revised Regulations.**

4.4 Cage Sizes – The CRC would like to play an active role in the provision of information regarding cage sizes for the new Ordinance that is in the process of being rewritten.

**See answer under question 2.2.2 above. CapeNature thanks the CRC for its constructive and pro-active role that it has assumed in this regard. The revision of the Regulations will take place after the Ordinance revision process and the CRC will become involved then, in this exercise (see above).**

4.5 In this day and age with the pressures on the kids, drugs, aids and peer pressure, we have a hobby, which the kids enjoy and which take their minds away from these pressures. The money they spend on their reptiles prevents the wastage on cigs, drugs etc. So instead of Nature conservation and DEAT finding ways of suppressing our hobby why do they not finds ways of making the hobby easier for all of us. There are so much more important issues they should be concerning them selves with. The poaching and illegal trade of reptiles. The pressure they are exerting on us is not going to solve their problems as they are targeting the wrong people. – WCNCB's comments please?

This is a very broad question and although CapeNature is involved in social upliftment our primary concern at the end of the day is biodiversity conservation. The dilemma, however, is that many of the snakes, birds, plants, frogs, small mammals etc. that people acquire for hobby purposes are acquired illegally (i.e. through illegal capture from the wild, purchase and / or import). CapeNature has to tread a fine line between encouraging children to have an interest in nature and preventing an over-exploitation of our natural resources. I do not see CapeNature's role as "suppressing" your hobby but more ensuring that it is practiced in a sustainable fashion for the benefit of all (current and future generations). The statement is made in the question that CapeNature should involve itself more in the "poaching and illegal trade of reptiles" but what the member must understand that to a very large extent reptiles are poached and traded-in due to the high demand from the hobbyist sector! CapeNature cannot only concern itself with one end of the chain and we must be holistic in our approach.

I think the member should not see CapeNature's approach in this field as "suppressing" or "targeting" as this is simply not the case. The fact that CapeNature has entered into a supportive and encouraging role with the CRC should be an indication of this.