

Trout wars May 2018

By Ian Cox

It has been even a busier month than the busy month that was March.

This month we (as in FOSAF the Consortium and I):

- made written submissions to Parliament's Portfolio Committee for the Environment
- Appeared before the Portfolio Committee and presented on those representations

But the big news is that The Minister of Environmental Affairs has written to the Consortium saying that she is not going ahead, at least for now, with the proposed listing of trout and a number of other species as invasive. She says that she will publish a further notice "in due course" giving the public more time to make representations.

Her letter dated [30 April 2018](#) was written in response to [the letter of demand](#) addressed by a Consortium of interested and affected parties. It is a rather churlish letter in my view that seeks to defend what has been the unconscionable conduct of her department by simply pretending that nothing untoward happened. But she cannot deny the fact that this is a climb down that impacts materially not only on what she can now do but also on the legality of what she has already done.

The nub of the problem that now faces the Minister lies in this undertaking she has given:

"The Department will also make available on its website the Socio-economic Impact assessment; various risk assessments and other documents which provide the background and rationale for the proposed amendments. While I am of the view that not all of this information is strictly necessary to enable the public to comment, much of this information has already been sent to various organizations and individuals as per their request over the last few weeks."

The Department has not undertaken a socio economic impact assessment. Furthermore this assessment is not the tick box exercise her officials think it is. It is a detailed assessment that requires its own consultation process if it is to comply with [the guidelines that inform the preparation of these assessments](#). Moreover her department cannot prepare it. It must be undertaken independently by the [Department of Planning Monitoring and Evaluation \("DPME"\)](#). I have just looked at a recently completed SEIAS assessment and the prospects of DEA getting it right given their penchant for legal noncompliance is slim to non-existent.

It is also not sufficient to put up the old trout risk assessment or similar desk top exercises in self-justification for the other species that DEA wants to list as invasive. There are no rules that apply to the preparation of the risk and benefit assessments that are required in order to identify whether or not a species should be listed as invasive. However as Andrew Mather and I point out in an article that will be published in Flyfishing SA shortly, the present risk assessments do not come anywhere close to complying with what is necessary. They are shameful documents that DEA should be trying to forget rather than parading about as if they prove anything other than the inability of DEA officials to think outside the bubble of departmental prejudices. But I get ahead of myself.

Another in a long list of problems is the fact that NEMBA is a law that was enacted and is now been implemented and amended without a policy. This is one of the reasons why it is failing and why DEA has gotten away with playing fast and loose with the law for so long.

This point caught the attention of the Portfolio Committee when we presented to them last week.



You can listen to that presentation by clicking [here](#).

- The Consortium's presentation starts with Nigel Dorward at 23 to 25 minutes
- I follow from 26 to 55 minutes.
- Gert Dry follows at 56 to 1:16 minutes.
- Nigel Dorward finishes off from 1:17 to 1:32 minutes.
- You can listen to Guy Preston at 3:08 to 3:017.

The [Consortium's representations can be read by clicking here](#).

You can also read the PowerPoint presentation that Nigel and I gave by clicking [here](#).

Finally the whole issue has been nicely [summarised by Ed Herbst in this article](#) that appeared in politics web.
