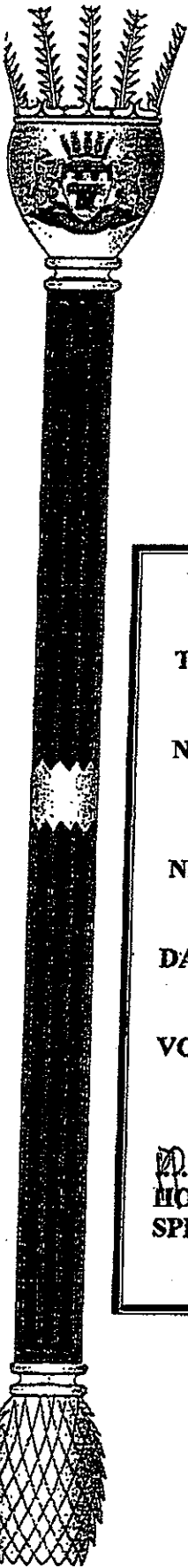


# Limpopo Legislature

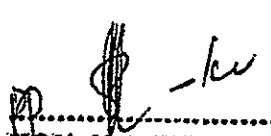
## OFFICE OF THE SPEAKER



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0700

### FINAL MANDATE

<b>TO</b>	:	THE CHAIRPERSON - NCOP
<b>NAME OF BILL</b>	:	NATIONAL ENVIRONMENTAL LAWS FIRST AMENDMENT BILL
<b>NUMBER OF THE BIL</b>	:	[B13B - 2012]
<b>DATE OF DELIBERATION</b>	:	30 APRIL 2013
<b>VOTE OF THE LEGISLATURE</b>	:	THE NCOP DELEGATES TO VOTE IN FAVOUR OF THE BILL WITH AMENDMENTS
 ..... <b>HON. K.A. PHALA</b> <b>SPEAKER: LIMPOPO LEGISLATURE</b>		<u>30/04/13</u> ..... <b>DATE</b>

**REPORT OF THE PORTFOLIO COMMITTEE ON ECONOMIC  
DEVELOPMENT, ENVIRONMENT AND TOURISM ON THE  
NATIONAL ENVIRONMENTAL MANAGEMENT LAWS FIRST  
AMENDMENT BILL [B 13B -2012]**

**1. INTRODUCTION**

The National Environmental Management Laws First Amendment Bill [B 13B-2012] was referred to the Legislature by the NCOP. The Legislature referred it to the Portfolio Committee on Economic Development, Environment and Tourism for consideration; confer a negotiating mandate to the NCOP and to refer to the House for the conferral of the final mandate to NCOP. The Committee considered the Bill and therefore report as follows:

**2. PURPOSE OF THE BILL**

The purpose of the Bill is to amend certain provisions under the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), the National Environment Management Laws Amendment Act, 2009 (Act No. 14 of 2009) and the National Environment Management Laws Amendment Act, 2009 (Act No. 15 of 2009).

**3. CONSIDERATION OF THE BILL**

The Portfolio Committee on Economic Development, Environment and Tourism was briefed on the principle and provisions of the Bill by the NCOP Permanent Delegate during a Committee meeting held on 07 March 2013. The Committee conducted public hearings on 18 March 2013 in Mopani and Vhembe Districts, on 19 March 2013 in Sekhukhune and Waterberg Districts and on 20 March 2013 in Capricorn Districts.

#### 4. INPUTS BY THE PORTFOLIO COMMITTEE

- The Portfolio Committee on Economic Development, Environment and Tourism proposed that an urgent meeting with the National Portfolio Committee on Environmental Affairs concerning certain issues peculiar to Limpopo.
- Amongst other issues as areas of concern are:
  - Economic empowerment of Local communities;
  - Transfer and management of funds from the trust fund;
  - Permit system;
  - Stakeholder Management and etc.

#### 5. INPUTS BY STAKEHOLDERS IN THE PUBLIC HEARING

The stakeholders made the following inputs:

- Communities should be educated on bio-prospecting so that they reap the benefits and do not easily fall prey of unscrupulous investors who do not plough back to the communities from which they prospect.
- There are herbs that could be identified to generate income for the local communities and therefore it was proposed that an indigenous pharmacy be established.
- The digging of *Lewane* plant in Sekhukhune District should be regulated.
- The issuing of permits should be done in consultation with Tribal Offices.
- The Bill should encourage projects with a focal point on nature conservation, re-greening or mitigating the impact of de-forestation for the benefit of environment and sustainable development.
- Environmental inspectors are not properly trained on the application of Environmental Laws and therefore there is a need to provide intensive training.

- A list of endangered and unprotected species must always be gazetted for public knowledge so that communities are able to cooperate, from an informed perspective, with law enforcement agencies to identify poachers and related criminals.
- Since environmental management has numerous challenges as the Bill indicates, there must be special courts created to deal specifically with environmentally related crimes, e.g. poaching, crimes around bio-prospecting and endangered species, etc.
- The proposed amendments provide for the declaration of emergency intervention for control and eradication of alien species or listed invasive species that are a threat to the ecosystem. Although emergency intervention is necessary to deal with such species, it is equally necessary that these species are not eradicated but rather controlled for the sake of future generations.
- Civil society organizations that are active in the environmental sector should be identified and regularly consulted beyond public hearings as the issues raised in the Bill affect their interests as well.
- While the Minister should be empowered, in terms of the proposed amendments, to, among others, develop regulations on a system for the registration and recognition of institutions, such as ranching operations, nurseries, captive breeding operations and other facilities, it is equally important that these institutions appoint qualified professionals and are continuously supported.
- The Bill should outline the structures which will be eligible for accessing funds from the trust fund.
- Government should allocate Traditional Healers farms that they can use to grow their herbs to prevent them from digging and cutting anywhere and everywhere. Furthermore, build a centre in the Province where herbs can be sold.
- Limpopo is rich with herbs and they should not be taken out of the Province without benefiting its citizens.
- Research should be conducted to establish if *mothoantsou* is poisonous as it has grown in large numbers and is all over.
- Request that issuing of licenses should be nearer to the people.

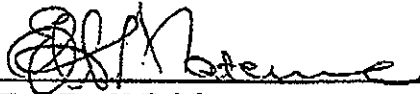
- Campaign for clean environment using dust bins and pits recycling projects at schools should be promoted.
- The relationship between the Traditional Healers Act 22 of 2007 and NEMA should be defined in detail to avoid confusion.
- It is proposed that storage or a camp for herbs where traditional leaders can buy be created to avoid movement of traditional healers digging herbs and cutting plants individually.
- Lack of professional hunters and outfitter amongst the black communities has been cited as a major challenge which requires intervention.
- It is proposed that environmental education be given to learners in school as part of the curriculum.
- Programmes on fish farming should be conducted.
- Many farms are dominated by majority of herbs which can be used by traditional healers but they cannot be accessed as those farms are secured areas belonging to private individuals.
- People who dig sand for business purposes should also have permits to do that as their activities result in soil erosion.
- People should be encouraged to establish income generating projects within the Environmental sector with the aim of fighting poverty.
- When an offense has occurred, a line should be drawn on whether a fine is issued or an offender is imprisoned. Fines should be clearly stipulated to avoid confusion.

## 6. CONCLUSION

Having considered and supported the Bill, the Committee recommends to the House to confer a final mandate to the NCOP delegates to vote in favour of the bill with amendments.

I hereby move that this report be adopted as a report of the House.

I move accordingly.



Hon. Dr. H.E. Mateme

**CHAIRPERSON: PORTFOLIO COMMITTEE ON  
ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM**

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