

SC LAND  
18.03.14



**Committee Services**

**Negotiating Mandate**

Our reference: Chairperson of the Select Committee on Land and  
Ons verwysingTO: Environmental Affairs  
Tshupo ya rona:

NAME OF BILL: NATIONAL ENVIRONMENTAL MANAGEMENT:  
WASTE MANAGEMENT AMENDMENT BILL

NUMBER OF BILL: [B32B - 2013]

DATE OF DELIBERATION: 17 March 2014

**VOTE OF THE LEGISLATURE**

The Portfolio Committee on Public Works, Economic Development, Environmental Affairs and Tourism, as designated by the Free State Legislature:

Vote in favour of the Bill with the following amendments:-

1. The dumping site should be outside the residential area.
2. The proposed insertion of Part 7A in Act 59 of 2008 provides for the establishment of a Waste Management Bureau ("WMB"). There is much merit in the concept as it provides a specialised organisation to what the scope of the WMB will be. For example, to what extent will it directly control the operations of waste management plans? It is proposed that it will not have a Board, only a CEO reporting to the DG, which concentrates a very wide scope of policy - and decision - making in one person? The lack of clarity on the limits of authority of the Bureau and the apparent absence of accountability in the envisaged structure creates a level of uncertainty that would seriously discourage the very large scale investment needed by any organisation setting out to establish the kind of infrastructure required to manage a comprehensive IIWTMP.
3. Proposal for the retention of the Board as CEO will lack independency when appointed and reporting to DG.
4. The public support the Bill.



**ME Thobala**  
**Chairperson of Portfolio Committee on Public Works, Economic Development,**  
**Environmental Affairs and Tourism**  
**FREE STATE LEGISLATURE**  
17 March 2014





**EASTERN CAPE PROVINCIAL LEGISLATURE**

**OFFICE OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM**

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17 March 2014

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**NEGOTIATING MANDATE**

**To:** The Chairperson;  
Select Committee on Land and Environmental Affairs

**Name of Bill:** National Environmental Management: Waste Amendment Bill


**Number of Bill:** [B32B-2013]

**Date of Deliberation** 17 March 2014

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**1. Vote of the Legislature**

The province votes in favour of the Bill and mandates the Eastern Cape delegate to the NCOP to negotiate in favour of the Bill.

  
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HON X PAKATI (MPL)  
CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON ECONOMIC  
DEVELOPMENT, ENVIRONMENTAL AFFAIRS & TOURISM

17/03/2014  
DATE



Our reference:  
Ons verwysing:  
Tshupo ya rona:

**FREE STATE LEGISLATURE**

**PORTFOLIO COMMITTEE ON PUBLIC WORKS, ECONOMIC DEVELOPMENT,  
ENVIRONMENTAL AFFAIRS AND TOURISM**

**Negotiating Mandate**

TO: Chairperson of the Select Committee on Land and  
Environmental Affairs

NAME OF BILL: NATIONAL ENVIRONMENTAL MANAGEMENT WASTE  
AMENDMENT BILL

NUMBER OF BILL: [B32B - 2013]

DATE OF DELIBERATION: 17 March 2014

**VOTE OF THE LEGISLATURE**

The Portfolio Committee on Public Works, Economic Development, Environmental  
Affairs and Tourism, as designated by the Free State Legislature:

Vote in favour of the Bill with the following amendments:-

1. The Bill must use Sterkfontein dam for fishery to create jobs for people.
2. The Presidential Infrastructure Coordinating Commission must prioritise the infrastructure of the road and the maintenance thereof.
3. The Presidential Infrastructure Coordinating Commission should be extended to rural areas.
4. The Presidential Infrastructure Coordinating Commission should ensure that local infrastructure benefit local people.
5. The public support the Bill.

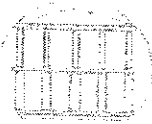


**ME Thobala**

**Chairperson of Portfolio Committee on Public Works, Economic Development,  
Environmental Affairs and Tourism**

**FREE STATE LEGISLATURE**

17 March 2014



## NEGOTIATING MANDATE

**TO:** HON AND QIKANI, MP  
CHAIRPERSON OF SELECT COMMITTEE ON LAND  
AND ENVIRONMENTAL AFFAIRS

**NAME OF BILL:** NATIONAL ENVIRONMENTAL  
MANAGEMENT: WASTE AMENDMENT  
BILL

**NUMBER OF BILL:** B32B – 2013

**DATE OF DELIBERATION:** FRIDAY, 14 MARCH 2014

**VOTE OF THE LEGISLATURE:**

The Portfolio Committee on Conservation and Environmental Affairs met today, Friday, the 14<sup>th</sup> of March 2014 to consider the **National Environmental Management: Waste Amendment Bill [B32B-2013]**.

The following comments and amendments were proposed and considered on the Bill and are attached hereto as Annexure A.

**The Committee agreed to mandate the KwaZulu-Natal delegation to National Council of Provinces to support the bill provided that the Proposed amendments and comments are considered and consolidated in the Bill.**

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HON A SINGH, MP  
CHAIRPERSON: PORTFOLIO COMMITTEE  
ON CONSERVATION AND ENVIRONMENTAL  
AFFAIRS

14/3/2014  
DATE

## **ANNEXURE A**

### **CONSERVATION AND ENVIRONMENTAL AFFAIRS PORTFOLIO COMMITTEE REPORT ON THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE AMENDMENT BILL [B32B-2013] IN TERMS OF RULE 229 OF THE STANDING RULES**

#### **INTRODUCTION**

In terms of section 42(4) of the Constitution, the National Council of Provinces represents provinces to ensure that provincial interests are taken into account in the national sphere of government by participating in the national legislative process. The National Environmental Management: Waste Amendment Bill [B32B-2013], which is a Section 76 Bill in terms of the Constitution, was referred to the Conservation and Environmental Affairs Portfolio Committee in terms of Rule 228(1). In turn, the Legislature was, in terms of section 118 of the Constitution, compelled to facilitate the public involvement in the legislative process of the legislature and its Committees.

#### **METHOD OF WORK**

The Committee subsequently had a briefing from the Department of Environmental Affairs in terms of Rule 229(1). Notwithstanding the limited time for public consultation process, one public hearing was held on 13 March at the Provincial Legislature in Pietermaritzburg. The people in attendance were municipal officials and conservationists who wanted clarity on the Bill as it impacted their operations. One written submission was received by the Committee and the attendees of the public hearing supported the Bill.

The proposed amendments are as follows—

1. (a) The proposed section 13B(c) in the Bill which envisages the passing of an Act in accordance with section 77 of the Constitution of South Africa, 1996 is viewed as unconstitutional and must be deleted.

(b) It is suggested that the purposive interpretation of section 77, a Money Bill is not required and the proposal supports this submission with the Northern Gauteng High Court's judgment in *Retail Motor Industry Organisation and another v The Minister of Environmental Affairs and Another* handed down on 21 November 2012, where Trutchen J, held that the Waste Act made sufficient provisions for the funding mechanisms of IIWTMP's and that a Money Bill was not required.

2. It is submitted that there will be lack of oversight on the proposed Waste Management Bureau in clause 13, as the Bureau will be headed by a Chief Executive Officer who will be reporting to the Director-General. The Bureau will not be headed by a Board and as such, it will not be having an independent control and oversight. It is therefore proposed that the Bureau must be independent and be headed by a Board.

## **CONCLUSION**

Having considered the fact that the Bill proposes amendments to certain provisions under National Environmental Management: Waste Act, 2008 which were identified through implementation of legislation, the Committee supports the Bill subject to the proposed amendment and confers authority on the provincial delegation to the NCOP to support the Bill with amendments. Negotiating mandate is attached as Annexure "A" of the report.



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**Hon. A SINGH- MPL**

**CHAIRPERSON: CONSERVATION AND ENVIRONMENTAL AFFAIRS  
PORTFOLIO COMMITTEE**



## Office of the Chairperson

Portfolio Committee on Agriculture, Rural Development and Land Administration; Economic Development, Environment and Tourism

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Tel. No: 013 766 1037/1402

### NEGOTIATING MANDATE

**To** : The Chairperson: Select Committee on Land and Environmental Affairs

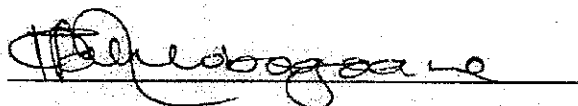
**Name of the Bill** : National Environmental Management: Waste Amendment Bill

**Number of the Bill** : [B32B - 2013]

**Date of Deliberation** : 14 March 2014

**Vote of the Legislature** :

The Portfolio Committee on Agriculture, Rural Development and Land Administration; Economic Development, Environment and Tourism (the Committee) supports the objects of the National Environmental Management: Waste Amendment [B32B - 2013]. There are no proposed amendments. The Committee confers on the permanent delegate representing the Province of Mpumalanga in the National Council of Provinces, the mandate to **negotiate in favour of the Bill**.

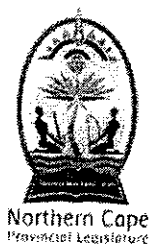


14.03.2014

HON RC MAHLOBOGOANE (MPL)

DATE

CHAIRPERSON: PORTFOLIO COMMITTEE ON  
AGRICULTURE, RURAL DEVELOPMENT AND LAND ADMINISTRATION;  
ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM



**PORTFOLIO COMMITTEE ON  
AGRICULTURE, LAND REFORMED,  
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Hon MP AND Qikani (Ms)  
Chairperson: PC on Land and Environmental Affairs


**NEGOTIATING MANDATE**

Name of the Bill: **National Environmental Management: Waste Amendment Bill**

Number of the Bill: **B32B – 2013**

Date of deliberation: **Thursday, 13 March 2014**

Vote of the Legislature: **The legislature votes in favour of the Bill**

  
Signature:  
Chairperson

2014 -03- 13  
Date:



Northern Cape  
Provincial Legislature

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Tel: (053) 839 8206

Reference: 16.7.1.1

Enquiries: jmohlakoana

## NEGOTIATING MANDATE FOR NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE AMENDMENT BILL [B32B-2013]

### (Section 76 Bill)

#### 1. INTRODUCTION

The Chairperson of the Portfolio Committee on Agriculture, Land Reform, Rural Development, Environment & Nature Conservations, Hon NJ Galela, tables the Committee's negotiating mandate on the *National Environmental Management: Waste Amendment Bill* [B32B-2013] as adopted by the Portfolio Committee on **13 March 2014**.

#### 2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the *National Environmental Management: Waste Amendment Bill* [B32B-2013] to the Portfolio Committee on Agriculture, Land Reform, Rural Development, Environment & Nature Conservations on **27 February 2014**.
- 2.2 On **06 March 2014**, the Portfolio Committee on Agriculture, Land Reform, Rural Development, Environment & Nature Conservations received a briefing on the Bill from the NCOP Permanent Delegate, Hon G Mokgoro and Officials from National Department of Environmental Affairs.
- 2.3 The Portfolio Committee resolved at the meeting of **06 March 2014** to hold public hearing on the referred Bill in Pixley Ka Seme Region (Douglas), to solicit the views of communities and stakeholders with regard to the *National Environmental Management: Waste Amendment Bill* [B32B-2013]
- 2.4 The public hearing was held on **11 March 2014**, as per Committee resolution and both written and oral submissions were called for. The stakeholders engaged with the Members of the Provincial Legislature in respect of the Bill.

On **13 March 2014**, the Portfolio Committee on Agriculture, Land Reform, Rural Development, Environment & Nature Conservations deliberated and considered the *National Environmental Management: Waste Amendment Bill* [B32B-2013]

#### 3. STAKEHOLDERS' INPUTS ON THE BILL

No Inputs received.

#### 4. STAKEHOLDERS' POSITION ON THE BILL

The stakeholders voted in favour of the bill.

5. COMMITTEE INPUTS ON THE BILL

None.

6. PORTFOLIO COMMITTEE POSITION ON THE BILL

After due deliberation, the Portfolio Committee on Agriculture, Land Reform, Rural Development, Environment & Nature Conservations **supports** the Bill.

7. COMMITTEE ADOPTION OF THE BILL

The Committee adopted this negotiating mandate duly signed by the Chairperson of the Committee.

The Committee recommends to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to **support** the Bill taking note that there were no comments and recommendations raised by the Committee.



MON NJ GALELA  
Chairperson

Date: 2014-03-13