



Commission for Gender Equality
A society free from gender oppression and inequality

**SUBMISSION TO THE PORTFOLIO COMMITTEE OF ENVIRONMENTAL
AFFAIRS ON THE NATIONAL ENVIRONMENTAL MANAGEMENT LAWS
AMENDMENT BILL [B 14- 2017]**

19 APRIL 2018

Kamraj@cge.org.za



Commission for Gender Equality
A society free from gender oppression and inequality

1. INTRODUCTION

The Commission for Gender Equality (CGE) is a Chapter 9 Institution and in terms of the CGE Act 39 of 1996 as amended obliged, to evaluate any prospective legislation and to report thereon to any appropriate legislature. Accordingly, the CGE has evaluated the National Environmental Management Laws Amendment Bill [B 14 -2017] and we take pleasure in forwarding you our comments.

2. COMMENTS

2.1 CLAUSE 3

The CGE recommends an amendment to Clause 3 (c) by way of an insertion to read as follows :'

The insertion of a new sub – paragraph at paragraph at 3(c) which reads as follows :

(x) The proximity of communities to existing industrial activities that can pose potential health hazards.

(xi) The access of all communities in the area to all services and infrastructure such as access to water, access to educational facilities, agricultural land, health care facilities and transport.

2.2 CLAUSE 4

The CGE recommends and amendment to Clause 4 (e) by way of an insertion of the following words :

4 (e) (13) (i) Where any simultaneous activity as contemplated in paragraph (11) above is required then appropriate timeframes must be provided for compliance by the relevant authorising authority for each activity so as not to delay or prejudice the person requiring an environmental authorisation.



Commission for Gender Equality
A society free from gender oppression and inequality

2.3 CLAUSE 6

The CGE recommends an amendment to Clause 6 by way of an insertion of the following words at sub – clause (2) to read as follows :

The environmental programme must contain information that is prescribed by regulations which are relevant to any proposed management, mitigation of any undesirable consequences, protection of community interests, unfavourable environmental impacts and the protection of any right contemplated in the Bill of Rights. :

2.4 CLAUSES 8-10

These clauses are supported in their current form.

2.5 CLAUSE 11

The CGE proposes a deletion and the substitution of the following words at paragraph 11 (a) :

(a) The Director – General of the department responsible for mineral resources or a provincial head of department or a municipal manager of a relevant municipality must after giving adequate notice to any affected person or community direct any person who has caused, is causing or has the potential to cause any pollution, environmental degradation or health hazard including any other person on whom a duty of care applies , to :

(b)

2.6 CLAUSE 14

The CGE proposes an amendment by way of an insertion to paragraph 14 (b) that reads as follows :



Commission for Gender Equality
A society free from gender oppression and inequality

(3) The Minister may prescribe a code of conduct including a training programme which is necessary and appropriate for designated environmental management, and environmental mineral and petroleum inspectors.

2.7 CLAUSE 17

2.7.1 The CGE recommends an amendment to Clause 17 (a)(i) and 17 (b) (b) by way of an insertion of the following words to read as follows :

17(a) (i) “ question a person about any act or omission including a request to produce a document, certificate or authorisation that may constitute –

2.7.2 The CGE recommends an amendment to Clause 17 (b)(b) by way of a deletion and insertion of the following words to read as follows :

17 (b) (b) upon reasonable suspicion , issue a written notice to a person who refuses to answer a questions or produce any document, certificate or proof of any authorisation where such questions or request that was required in terms of that paragraph.

2.8 CLAUSE 42

The CGE recommends an amendment to Clause 42 by way of an insertion of a new sub - clause (4) that reads as follows :

(4) The education and support of affected or local communities to ensure that they participate in the control and eradication of any alien or invasive species as well as the protection of any biotic resource or species.



Commission for Gender Equality
A society free from gender oppression and inequality

2.9 CLAUSE 44

The CGE recommends an amendment to Clause 44 (a)(1) by way of an insertion of the following words to read as follows :

(a) (1) Before exercising a power, which in terms of a provision of this Act, must be exercised in accordance with this section and section 100, the Minister or MEC for Environmental Affairs must follow an appropriate and meaningful consultative process in the circumstances.

2.10 CLAUSE 45

The CGE recommends an amendment to Clause 45 by way of a deletion at sub – paragraph (d) (4) and the insertion of a new sub – paragraph (5) to read as follows :

The deletion of the following :

(d)(4) The Minister or MEC for Environmental Affairs must give due consideration to all representations or objections received or presented [**before exercising the power**]

And insertion of the following :

(5) The Minister or MEC for Environmental Affairs must give the relevant community feedback on how the issues raised in objections received or presented made before exercising the power.

2.11 CLAUSE 52

The CGE recommends and amendment to Clause 52 by way of an insertion of the following words at sub-paragraph (f) (e) to read as follows :

“hazardous waste” means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on the health of any biological species and the environment.



Commission for Gender Equality
A society free from gender oppression and inequality

2.12 CLAUSE 56

The CGE recommends an amendment to sub- clause 34l.(1) by way of an insertion of the following words at 34(l)(5) to read as follows :

(5) Appointments must be made in such a way that the Board is composed of a broad range of appropriate expertise in the field of waste management and an equitable gender representation .

3. CONCLUSION

The CGE welcomes the National Environmental Management Laws Amendment Bill [B 14-2017] and thanks the Portfolio Committee on Environmental Affairs for the opportunity to comment on the Bill [B 14 – 2017].

Commission for Gender Equality

19 April 2018