

PUBLIC HEARINGS ON THE NATIONAL ENVIRONMENTAL MANAGEMENT LAWS AMENDMENT BILL

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Centre for Environmental Rights
Advancing Environmental Rights in South Africa

The Centre for Environmental Rights

- Non-profit company & law clinic based in CT.
- Activist lawyers who help communities and civil society organisations in South Africa realise our Constitutional right to a healthy environment by advocating and litigating for environmental justice.



Section 24G

- Continue to see section 24G abused – cheaper, easier alternative to the proper licencing procedure.
- NEMLAB seeks to amend section 24G to allow for a person who has subsequently taken ownership of land on which unlawful commencement occurred to legalise the development, and also extends application to a waste management licence.
- No specific objection in relation to proposed amendment, but continued objection to 24G – and specifically to the way that the process is interpreted and implemented.

Suspension or withdrawal of environmental authorisations

- No provision in NEMA or EIA Regulations anymore allowing for suspension or withdrawal of EA where non-compliance with conditions (EIA Regs only allow for withdrawal if obtained through fraud).
- Motivation to omit not clear given indispensable value for CME – deterrent effect.
- MPRDA has such a provision in relation to mining rights. Also similar provisions in NEMWA and NEMBA.
- Need to reinstate this important clause.

Financial provision

- Annual assessments of financial provision have the potential to be a superficial tick box exercise – Recommendation for assessments to be aligned with the timing of the submission of audit reports – three yearly
- Inclusion of civil society in the assessment of financial provision
- Recommendation for the Minister of Water and Sanitation to be allowed access to the financial provision for the rehabilitation of impacts on water resources

Waste Act: contaminated land provisions

- No timeframes for conducting a site assessment report or for decisions by Minister/MEC – we recommend 90 days
- Incorrect interpretation and implementation in relation to notification of investigation areas
- Definition of “contaminated” ambiguous and inappropriate – no mention of risks to human health
- National Contaminated Land Register must be publicly available and must remain a register of investigation areas (we object to NEMLAB’s proposed amendment for the register to only reflect contaminated land)

Air Quality Act: power to suspend & revoke AELs

- Licensing authority must have the express power to suspend and revoke an AEL in circumstances where:
 - he/she is of the opinion that the licence holder has contravened a provision of AQA or a condition of the AEL; and
 - such contravention may have, or is having, a significant effect on health or the environment.
- Similar powers under the Waste Act

Thank you!

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