



FREE STATE LEGISLATURE

PORTFOLIO COMMITTEE ON

Negotiating Mandate

TO: Chairperson of the Select Committee on Land Reform, Environment, Mineral Resources and Energy

NAME OF BILL: National Forests Amendment Bill

NUMBER OF BILL: [B11B – 2016]

DATE OF DELIBERATION: 09 October 2020


VOTE OF THE LEGISLATURE:

The Portfolio Committee on Agriculture, Rural, Economic Development, Small Business, Sport, Arts and Culture as designated by the Free State Legislature votes in favour of the Bill with the following amendments:

NATIONAL FOREST AMENDMENT BILL

CLAUSE	CONCERN/COMMENT/INPUT	RECOMMENDATIONS
Clause 1	Section 2: The meaning of "reasonable access" must be clarified.	Define "reasonable access" under the definition clause.
Clause 2	Section 2A: This clause creates a "Trusteeship of Nations Forestry Resources"	Clause ensuring that the interests of people practicing customs and traditions would not be hampered as recommended in the case of <i>Gongqose v Minister of Agriculture, Forestry and Fisheries 2018 5 SA 104</i>
Clause 4	Section 8: Refers to the word "Conservation" – there is no particular legislation defining what conservation is.	"Conservation" must be defined
Clause 7	Section 16: Consequential amendment is hereby required. Section 16(b) must therefore be amended to make sense.	The words [the Minister may request the registrar of deeds for the area to make an appropriate not] must be deleted from section 16(b) of the principal Act

Clause 8(b)	Section 17: This amendment allows for an executive decision to be taken in conflict with the PAJA due to the urgency of the decision. The committee believes that due diligence was applied in drafting of this matter.	If so, the Committee hereby request a copy of the legal opinion. If not, the committee requests the Department to reconsider this clause.
Clause 10	Section 34: The Bill is amended to ensure that young people and women are included in the National Forestry Advisory Council. However, the category of people with disability is not covered	The Committee recommends that People with disability must also be considered for inclusion in the council



HON. A RADEBE
CHAIRPERSON OF PORTFOLIO COMMITTEE OF
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