



Briefing by the Department of Forestry, Fisheries and the Environment on proposed legislative amendments

Portfolio Committee on Forestry,
Fisheries and the Environment
31 August 2021



forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA



Content of the Presentation

- The National Environmental Management Laws Amendment Bill [B 14D–2017]
- National Forests Amendment Bill [B11B-2016]
- Climate Change Bill
- National Veld & Forest Fires Amendment Bill
- The Aquaculture Development Bill
- National Environmental Management: Biodiversity Bill



THE NATIONAL ENVIRONMENTAL MANAGEMENT LAWS AMENDMENT BILL [B14D–2017]

- The National Environmental Laws Amendment Bill [B14-2017] amends the National Environmental Management Act, 1998 (Act No. 17 of 1998) (NEMA) and the specific environmental management Acts (SEMAs), which deal with specific aspects of the environment, namely air quality management, biodiversity, coastal matters, protected areas and waste management.
- **The following Acts are amended:**
 - National Environmental Management Act, 1998 (Act No. 17 of 1998)
 - National Environmental Management: Air Quality, 2004 (Act No. 39 of 2004)
 - National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)
 - National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)
 - National Environmental Management: Protected Areas Act, (Act No. 57 of 2003)
 - National Environmental Management: Waste Act 2008, (Act No. 59 of 2008)
 - National Environmental Management Act, 2008



THE NATIONAL ENVIRONMENTAL MANAGEMENT LAWS AMENDMENT BILL [B14D–2017]

- The Bill was introduced to Parliament in May 2017; the D version of the Bill was passed by the National Assembly in November 2018.
- The Bill was presented in 2020 to a Joint meeting of the Select Committee on Land Reform, Environment, Mineral Resources and Energy.
- The Bill was consulted on, and the Select Committee is currently still considering and voting on the mandates received from the Provincial Legislatures, but it is clear that there will be amendments to the Bill. This process will be finalised on 24 August 2021, where after the E-List will be drafted and considered by the Select Committee.
- Once the Bill is passed by the NCOP, the Bill will be referred to the National Assembly to be considered. The National Assembly will either pass the Bill or refer it for mediation.



NATIONAL FORESTS AMENDMENT BILL [B11B-2016]

- The purpose of the National Forests Act, 1998 (Act No. 84 of 1998) (“the NFA”) is to promote sustainable management and development of forests and to provide for the protection of certain forests and trees.
- In summary the objects of the Amendment Bill are to:
 - provide clear definition of terms;
 - increase the promotion and enforcement of sustainable forest management;
 - increase measures to control and remedy deforestation;
 - provide for appeal procedures;
 - promote equity by inclusion of participation into the National Forests Advisory Council;
and
 - strengthen the Council by including vulnerable and previously disadvantaged groups (especially women and youth).



NATIONAL FORESTS AMENDMENT BILL [B11B-2016]

- Select Committee consulted on the Bill.
- The Select Committee considered and voted on the negotiating mandates received from the Provincial Legislatures on 1 June 2021 and 8 June 2021.
- The C List, containing the proposed amendments to the Bill, has already been prepared and will be discussed by the Committee on 31 August 2021. Once adopted, the D Bill will be finalised and adopted by the Select Committee and submitted to the National Council of Provinces (NCOP) to be passed.
- Once the Bill is passed by the NCOP, the Bill will be referred to the National Assembly to be considered. The National Assembly will either pass the Bill or refer it for mediation.



CLIMATE CHANGE BILL

- The Bill seeks to provide for an effective climate change response for the country and a long term, just transition to a climate resilient and low carbon economy and society in the context of sustainable development.
- The national climate change response includes mitigation and adaptation actions, which represents the Republic's fair contribution to the global climate change response.
- The Bill is currently being taken through the Cabinet processes.



NATIONAL VELD AND FOREST FIRES AMENDMENT BILL

- The Bill seeks to amend the National Veld and Forest Fire Act, 1998, so as to:
 - amend and insert certain definitions;
 - provide for the facilitation of the formation of fire protection associations by a municipality or a traditional council;
 - compel municipalities, State-owned enterprises, public entities or other organs of State, which own land to join the fire protection associations;
 - extend the powers of entry, search, seizure and arrest to peace officers and traditional leaders;
 - amend the title of the Act to National Veldfire Act; and
- The Bill will go through the Cabinet system in September



NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY BILL

- The National Environmental Management: Biodiversity Bill was commissioned to address the current complex, restrictive and inflexible regulatory system of the current Act, leading to the concern of over-regulation and excessive administrative requirements.
- The Biodiversity Bill provides more flexible, empowering provisions for conservation, management and compliance.
- The current Bill repeals the Act, but does not change the current national policy position or conservation principles, but enhances, improves and streamlines it.
- The Bill was ready to be introduced to Cabinet for approval for publication for public comment, but was withheld pending the Report of the High-Level Panel of Experts for the Review of Policies, Legislation and Practices on Matters of Elephant, Lion, Leopard and Rhinoceros Management, Breeding, Hunting, Trade and Handling and the finalisation of the White Paper on Conservation and Sustainable Use of Biodiversity.
- The Bill will probably only be ready for tabling in 2023.



Aquaculture Development Bill

The Bill seeks to:

- Create a conducive and enabling legislative environment for sustainable aquaculture development that is globally competitive.
- Coordinate the sustainable development of the aquaculture sector, both marine and freshwater subsectors throughout the country;
- Address the legislative gaps that are a hindrance to the development of the sector.

The status of the Bill:

- Temporarily withdrawn from Parliament to allow for further industry stakeholders consultations;
- Currently undergoing internal consultations;
- Industry stakeholders consultations to resume once internal consultations are finalised;
- The Department will possibly undertake the consultations again due to possible substantial amendments;
- The Bill will be reintroduced in Parliament during 2022/23 financial year.



Amendments to the Marine Living Resources Act

- Due to the Fishing Rights Allocation Process (FRAP) receiving priority this year, the Department will commence with the amendments to the Marine Living Resources Act in 2022.
- The Department will initiate the process with a concept document.
- Thereafter the Bill will be drafted and taken through the processes.
- It is foreseen that the Bill will be tabled late in 2023 or early 2024.



THANK YOU!

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Thank You



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