



NATIONAL FORESTS AMENDMENT BILL

**BRIEFING PORTFOLIO COMMITTEE ON ENVIRONMENT,
FORESTRY AND FISHERIES
ON THE CONSIDERATION OF THE NATIONAL FORESTS
AMENDMENT BILL AS D VERSION.**



**forestry, fisheries
& the environment**

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



PRESENTATION LAYOUT

- Acronyms.
- Purpose of the presentation.
- Introduction.
- Processing of the Amendment Bill by the NCOP.
- Status of the proposed amendments.
- Recommendations.

ACRONYMS

- **Act:** National Forests Act, 1998 (Act No. 84 of 1998).
- **Amendment Bill:** National Forests Amendment Bill (B11D — 2016).
- **Department:** Department of Forestry, Fisheries and the Environment.
- **NA:** National Assembly.
- **NCOP:** National Council of Provinces.
- **OCSLA:** Office of the Chief State Law Advisor.
- **Portfolio Committee:** Portfolio Committee on Environment, Forestry and Fisheries.
- **SPLA:** State Parliamentary Legal Advisors.
- **Select Committee:** Select Committee on Land Reform, Environment, Minerals and Energy.

PURPOSE

- To brief the Portfolio Committee on Forestry, Fisheries and the Environment on the National Forests Amendment Bill (D version).



INTRODUCTION

- The National Forests Act, 1998 (Act No. 84 of 1998) (the Act) was promulgated to promote sustainable management and development of forests and provide for the protection of certain forests and trees. The National Forests Amendment Bill (B11D—2016) (Amendment Bill) seeks to amend the Act in order to, amongst others:
 - ✓ 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 in the National Forests Advisory Council of vulnerable and previously disadvantaged groups (especially women and youth).
- In August 2018, the National Assembly (NA) passed the Amendment Bill with Amendments and referred it to the National Council of Provinces (NCOP) for concurrence.
- At the beginning of 2019, the NCOP through its Select Committee on Land Reform, Environment, Mineral Resources and Energy (Select Committee) sought public comments on the Amendment Bill.
- The Amendment Bill lapsed at the end of the 5th Parliament but was revived by the NCOP in October 2019.



PROCESSING OF THE BILL BY THE NCOP

- The Select Committee conducted virtual public hearings from 02 June -06 October 2020 on the Amendment Bill in the Provincial Legislatures.
- Following the public hearings, the Provincial Legislatures between 1-8 June 2021 provided their provincial mandates to the Select Committee for debate and passing.
- In June 2021, the Select Committee held negotiating mandate meetings where the Department was available to provide its input so as to assist the Select Committee in processing the negotiating mandates.
- On 7 September 2021, the Office of the Chief State Law Advisors (OCSLA) and the State Parliamentary Legal Advisors (SPLA) in consultation with the Department developed a draft C List of amendments as voted for by the Select Committee. The C List was deliberated on, voted and passed by the Select Committee.
- On 16 November 2021, Members of the Select Committee deliberated and voted on the proposed amendments, clause by clause. Select Committee Secretariat produced a report (ATC151) of the negotiating mandates meetings.

PROCESSING OF THE BILL BY THE NCOP

- On 17 November 2021, the Select Committee deliberated on and passed the D List which was referred to the NCOP for deliberations and passing.
- On 14 December 2021, the NCOP debated and passed the D Version of the Bill and referred it to the NA for concurrence.



STATUS OF THE PROPOSED AMENDMENTS

PROPOSED AMENDMENT	AMENDMENT EMANATING FROM THE MANDATE OF THE NCOP	FINAL AMENDMENT
New proposal	<p>Insertion after the definition of ‘Department’ of the following definition:</p> <p>“destruction of natural forest’ means any action where one or more trees in a natural forest is felled or caused to die, or the undergrowth removed, for the purpose of land use or resource use;”.</p>	<ul style="list-style-type: none"> Proposal accepted by the Department, adopted by the Select Committee and passed by the NCOP.
New proposal	<p>Insertion after the definition of ‘natural forest’ of the following definition:</p> <p>‘new land use’ means any human activity leading to the use of land which would require the removal of natural forest, which is not restricted to land uses requiring land use approval, zoning or rezoning;”.</p>	<ul style="list-style-type: none"> Proposal accepted by the Department, adopted by the Select Committee and passed by the NCOP.



STATUS OF THE PROPOSED AMENDMENTS

PROPOSED AMENDMENT	AMENDMENT EMENATING FROM THE MANDATE OF THE NCOP	FINAL AMENDMENT
substitution in subsection (1) for the definition of “woodland”.	<p>“woodland’ means—</p> <p>(a) a group of indigenous trees which are not natural forest but whose crowns cover at least 5% of the area they occupy, and which may, in a degraded state have a crown cover of less than 5%; or</p> <p>(b) <u>any vegetation type declared by the Minister to be a woodland by notice in the <i>Gazette</i>.</u>”.</p>	Proposal of the addition of <u>any vegetation type declared by the Minister to be a woodland by notice in the <i>Gazette</i> accepted by the Department, adopted by the Select Committee and passed by the NCOP.</u>



STATUS OF THE PROPOSED AMENDMENTS

PROPOSED AMENDMENT	AMENDMENT EMENATING FROM THE MANDATE OF THE NCOP	FINAL AMENDMENT
<p>The original clause 7 does not appear on the D Bill. If you recall the original clause 7 in the B Bill of 2016 was amending section 16(1)(b) by inserting the wording <u>“or a State Forest or a part of it”</u> and reference to section <u>18(1)</u>.</p>	<p>Rejection of clause 7 by the NCOP: during the Select Committee proceedings there was an additional proposal from the provinces to delete section 16(1)(b) in so far as it requires the Minister to request the registrar of deeds to make an appropriate note.</p> <p>The non-appearance of clause 7 in the D Bill means that section 16(1)(b) remains as it currently is in the principal Act without any amendments.</p>	<ul style="list-style-type: none"> Clause rejected. Rejection of clause 7 adopted by the Select Committee and passed by the NCOP.



STATUS OF THE PROPOSED AMENDMENTS

PROPOSED AMENDMENT	AMENDMENT EMENATING FROM THE MANDATE OF THE NCOP	FINAL AMENDMENT
<p>Section 23 of the principal Act is hereby amended by the addition of the following subsection:</p> <p>“(4) No person may engage in any prospecting or mining activity in a State forest except in terms of—</p> <p>(a) an existing lease agreement or any other valid contract; or</p> <p>(b) applicable legislation.”.</p>	<p>No person may engage in any prospecting or mining activity in a State forest, except in terms of an existing lease agreement <u>to mine gravel or sand for road maintenance.</u>”</p>	<ul style="list-style-type: none"> Proposal accepted by the Department, adopted by the Select Committee and passed by the NCOP.



STATUS OF THE PROPOSED AMENDMENTS

PROPOSED AMENDMENT	AMENDMENT EMENATING FROM THE MANDATE OF THE NCOP	FINAL AMENDMENT
<p>Section 34 of the principal Act is hereby amended—</p> <p>(a) by the substitution in subsection (2) for the full stop at the end of paragraph (i) of a semi-colon; and</p> <p>(b) by the addition in subsection (2) of the following paragraph:</p> <p>“(j) youths and women.”.</p>	<p>“(j) youth, women and <u>persons with disabilities</u>.”.</p>	<ul style="list-style-type: none"> Proposal accepted by the Department, adopted by the Select Committee and passed by the NCOP.



RECOMMENDATION

It is recommended that Portfolio Committee take note of:

- Update for consideration of the National Forests Amendment Bill as D version.



THANK YOU!

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Thank You

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