



**KWAZULU-NATAL**  
PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA



# **KZN ORAL REPRESENTATION ON CLIMATE CHANGE BILL**

**28 OCTOBER 2022**

**PRESENTATION TO THE PORTFOLIO COMMITTEE ON ENVIRONMENT**

# PURPOSE

To make an oral presentation of KZN's comments on the Climate Change Bill after the consultation session by the Department of Forestry, Fisheries and Environment



## Chapter 3, section 15, Section 15 as a whole.

The bill only refers to only one national document to ensure alignment of provinces and municipalities needs and response assessments. This is also only related to climate change adaptation.

The bill needs to be specific on the mitigation related needs and response assessments as well. A clear reference to the national document to act as a guide to provinces and municipalities in terms of mitigation work has to be specifically identified.



## Chapter 3, section 15; Sub-section (3)(b)

Inclusion of mitigation measures into a provincial implementation plan in line with constitutional mandates seems to be broad and open to different interpretations. This is complicated by the non-existence of some of such mandates within province in main sectors that contribute to GHG emissions like the Energy sector.

Clarity should be given in terms of the sectors forming large part of mitigation work at all levels of government yet constitutional mandates only limited to national.



## Chapter 3, section 15; Sub-section (4)

To say a climate change implementation plan for the province **must form** a component of a province's environmental implementation plan may be open to different interpretations. In some cases, the non-existence of an approved province's environmental implementation plan may be the cause for stalling development of a climate change implementation plan.

Need for clarity that the development of a climate change implementation plan should not depend on the existence of an environmental implementation plan in the province. It is suggested that emphasis should be placed on the need for mainstreaming climate change responses in all sector plans including the environment sector in the province. Climate change responses have become an urgent matter and hence development of a related implementation plan should never be exposed to conditions that may lead to delay in having such a plan being in place.



## Chapter 3, section 15 Sub-section (4)

Guidance on the process of approval and endorsement of a provincial climate change implementation plan once developed in necessary. This will assist to avoid delays in having such a document accepted and acknowledged by all relevant sectors within the province.

The provincial forums on climate change as contemplated in section (8) of chapter 2 may be the right structure to expedite process of approval and endorsement of implementation plans. In addition to responsibilities identified in sub-section (3) of section (8) of chapter 2, the endorsement and approval of a provincial climate change implementation plan should be added. This is a multi-stakeholder and intergovernmental suitable structure to endorse such a plan in our view.



## Section 15, Sub-section 1

The Bill only places requirements on district and metro municipalities and does not make mention of local municipalities. This appears as though local municipalities are completely excluded from any responsibility and yet they have mandates that are not catered for by districts, e.g. electricity supply.

Clarity must be provided in terms of the role of all categories of local governments and how municipalities that lack capacity and resources to plan for and implement climate change responses must be supported. Having an Act that formally mandates local government may be a mechanism to unlock the required resources.



## Chapter 4, Section 16 & 17

The Bill does not reflect the urgency to respond to the climate crisis that is already being experienced as the most important adaptation measures that government is required to take only have to be implemented after the promulgation of the Act. This could still be years as it's dependent on when the promulgation takes place. The Bill needs to provide for the kind of emergency response that government needs to be gearing up for by giving clear timeframes by which various plans need to be implemented.

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## Chapter 5, Whole chapter

The role of the provinces and municipalities is not clarified with regards to Greenhouse Gas emissions and removal. Even though provinces and municipalities play no role in terms of international reporting of GHG emissions however domestically there is a need for guidance in terms of the role that these tiers of government play. This will assist to avoid confusion and to set boundaries.

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# Recommendation

It is recommended that the Portfolio COmmittee:

- Notes the oral presentation from KZN department of Environmental Affairs



# THANK YOU

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