**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

# TUESDAY, 21 FEBRUARY 2023

**PROCEEDINGS OF HYBRID NATIONAL ASSEMBLY**

The House met at 14:00

House Chairperson Mr C T Frolick took the Chair and requested members to observe a moment of silence for prayer or meditation.

# ANNOUNCEMENT

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, before we proceed with today’s debate I wish to announce that the vacancies that occurred in the National Assembly owing to the resignations of Ms M M A Mfikoe, Mr M A Dirks, Ms M C Dikgale and Mr T B Munyai, had been filled with effect from 1 February 2023 by the nominations of Mr M P F Tau, Mr S Zikalala, Ms M L Ramokgopa and Mr P S Mashatile, respectively.

Lastly, the vacancies which occurred owing to the resignations of Mr M M Chabangu and Mr T M Langa had been filled by the

nominations of Ms M Makheseni and Mr A V Khoza, with effect from 2 February and 3 February 2023, respectively.

The members had made and subscribed the oath in the Speaker's office. We want to say welcome to the hon members for the remainder of this term of Parliament. The secretary will read the First Order of the Day.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT ON AGRICULTURAL PRODUCT STANDARDS AMENDMENT BILL

There was no debate.

*Sesotho:*

SEPHADI SE KA SEHLOOHONG SA MOKGA WA BONGATA: Ha ke lebohe

Modulasetulo mmoho le Ntlo ena. Ke sisinya hore tlaleho ena e amohelwe. Ke a leboha.

*English:*

Motion agreed to.

Report accordingly adopted.

# AGRICULTURAL PRODUCT STANDARDS AMENDMENT BILL

(Second Reading debate)

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL

DEVELOPMENT: House Chairperson, hon members, today we present to you for your consideration as this House the Agricultural Product Standards Amendment Bill. This amendment Bill has been necessitated by the gaps that we have identified in respect of the current legislation. Some of these gaps relate to management control systems which were not provided for in the current legislation as well as auditing. The Bill, as we are tabling it to you today, clarifies the concept of management control systems as well as providing for auditing of such production systems.

The concept of management control system deals with method of production and the accompanying labelling claims associated therewith. For instance, at times when people produce their goods, they will claim that such goods are produced in an organic manner whereas they have used some of the substances that are normally used on nonorganic production systems. It is therefore important that such claims should not be made. And it is for this reason that it has been deemed important to

have clarity on various management systems and possibility for such auditing so that when somebody claims that his or her goods are produced in a particular manner, that can actually be authenticated.

The current Act had to be reviewed to accommodate inspection and auditing methods, among other things, to ensure proper application and enforcement. It is our view that once this Bill is passed into law, it will strengthen our regulatory system. I therefore wish to thank the portfolio committee led by our chairperson, the hon Mandela, for working hard to ensure that this Bill can now be tabled in this House for your consideration. I thank you, Chairperson.

Mr Z M D MANDELA: Good afternoon, hon members and thank you, hon Chairperson. In an article titled, Leading the agricultural industry into the future by Seb Stoove, Thomas Seclow and Stefan Scott, the authors state:

Few industries feel the impact of today’s vuca world, which is volatility, uncertainty, complexity and ambiguity, as much as agriculture. From the immediate pressures farmers face in growing crops and meeting consumers’ changing tastes to the accelerated adoption of technology and long-term

concerns about environmental impact, leaders are grappling every day with incredibly complex questions in a rapidly evolving industry.

One of the areas of complexity that we face as a nascent democracy is that of our legislation. We have the responsibility to enact laws that enable transformation of our sector but at the same time we have the challenge of lawfare, that is enacting legislation that does not advance the national agenda and ties us up in an unending process of litigation, and draining limited and valuable resources.

Since the advent of democracy in 1994, this Parliament has enacted progressive pieces of legislation and amended many others enacted by the apartheid regime in order to ensure an alignment with the democratic principles and values of our Constitution.

One of these pieces of legislation is the Agricultural Product Standards Act enacted in 1990 and amended in 1998. The Act regulates the standards of agricultural products produced within our borders. The Act aims to promote and maintain the quality and safety of agricultural products and ensure fair trade practices. It covers a wide range of agricultural

products, including fruits, vegetables, grains and livestock, and establishes specific standards for their quality, packaging and labelling.

This Act plays an important role in ensuring the safety and quality of agricultural products in South Africa, but key legislative deficiencies necessitated its amendment, and these involved around management control systems, auditing and the setting of fees. Lack of clarity and consistency in these areas led to significant challenges in ensuring food safety, trade and market access which have significant implications for South Africa’s agricultural sector.

The quality standards envisaged by legislation before us goes a long way in bringing certainty and enhances our position in the international market. It’s positioned to get a bigger slice of the global agricultural market, estimated at

US$12 billion and growing to about US$18,8 billion by 2031.

In his state of the nation address, President Ramaphosa once again emphasised the critical role that the agricultural sector plays in addressing food security, reducing poverty, creating jobs, stimulating rural development and advancing the transformation of our economy.

The proposed amendments in the Bill before the House this afternoon will benefit the exporters, farmers and sellers by providing guarantees for claims such as organic and free-range products which can be authenticated. Our ordinary citizens will benefit from protection against misleading claims on products and getting value for their money, while the quality of products offered for sale will be enhanced.

The proposed changes will again strengthen South Africa’s food control system which could facilitate enhanced trade and market access necessary for the growth of our economy and the creation of job opportunities.

The importance of addressing the legislative deficiencies in the Agricultural Product Standards Act can’t be overstated as it is critical for ensuring food safety, promoting trade and enhancing market access in South Africa. By advancing these objectives, we can contribute to the success of our Economic Reconstruction and Recovery Plan, known as ERRP.

Provision on a cost recovery basis in the Bill seeks to allow assignees to recover their costs in order to ensure that their services are sustainable. These provisions aim to address the deficiencies in the current legislation and enhance the

regulation of agricultural products in South Africa. They promote transparency, consistency and sustainability in the regulation of agricultural products, which is critical for ensuring food safety and the promotion of trade.

The committee sees the proposed amendments as having a potential impact to make a meaningful contribution to the competitiveness and growth of our agricultural products market. This will be achieved as the proposed amendments seek to improve the quality of food produced and the promotion of organic food and beverages for the export market. As the committee, we note the importance of these amendments in advancing several elements related to agriculture and rural development, and further to help meet the objectives of our National Development Plan and the ERRP. As it relates to quality and safety, it will ensure that all agricultural products meet specific standards for quality packaging and labelling, and this will boost consumer confidence in South African agricultural products both for domestic and international markets. This can help open up new markets for South African agricultural products, thereby promoting economic growth and job creation.

By establishing standards for quality and labelling, the Bill will help prevent fraudulent and misleading practices which often harm consumers and legitimate producers. One of the pillars of the ERRP is investment in infrastructure-led economic development and this legislative amendment can support efforts to promote rural infrastructure such as roads, bridges and sanitation facilities, and further help promote the production of a high quality of agricultural products.

This will increase the economic viability of rural areas, thereby encouraging investment in infrastructure and other services.

One of the challenges still faced by our democratic society is the high levels of economic inequalities found within our society, with high levels of economic participation concentrated in the hands of a few players. Through this Bill, support for participation by black people in the economy can be enhanced and thereby help dismantle agricultural monopolies. Among many other initiatives, this can be achieved by targeted incentives and support for emerging farmers and help promote the growth of small-scale and subsistence farming, which is critical for rural poverty alleviation.

President Ramaphosa reminded us that:

A nation is defined by how its people meet the gravest of difficulties — whether they work together and confront their challenges as one, united by a common purpose, or whether they surrender to the problems before them.

Let this legislation be one such step towards overcoming the challenges we face as the agricultural sector. Perhaps then we can continue to pursue our journey to what the founding father of our democracy, President Nelson Rolihlahla Mandela described as:

Our daily deeds as ordinary South Africans must produce an actual South African reality that will reinforce humanity’s belief in justice, strengthen its confidence in the nobility of the human soul, and sustain all our hopes for a glorious life for all.

I thank you.

*Sepedi*:

Mna N P MASIPA: Dumela Modulasetulo, le Maloko kamoka a Palamente ...

*English*:

The Portfolio Committee on Agriculture, Land Reform and Rural Development had considered the Agricultural Product Standards Amendment Bill. The Bill is classified by the Joint Tagging Mechanism as section 76 Bill. The Bill was referred to the portfolio committee on 5 August 2021, after its introduction in the National Assembly. The object of the Bill is to amend the Agricultural Products Standards Act of 1990, so as to insert definitions and substitute others, provide for auditing of the product management control system, make provision for setting of tariffs by assignees on a cost recovery basis, make further provisions for the Minister to make regulations pertaining to audit and management control system and also provide for matters connected therewith.

Key areas of contention were the definition of assignee and sell, the clear difference between audit and inspection and the determination of fees and cost recovery. The Bill was first referred to the National Assembly in 2014, and since then it has made no progress. While the Bill was gathering dust during the corrupt ANC’s nine wasted years, the department made few attempts to implement new inspection services on grain and oil seeds which backfired big time. The Appeal Board received five applications against the notices. The ruling on the implementing of the inspection services on

grain and oil seeds was in favour of the industry. It noted that the implementation was unlawful and not procedurally fair. The Appeal Board ruled that the fees cannot be rationally linked to the capabilities that need to be exercised or the duties that need to be performed. Leaf Services was appointed in 2016, during the nine wasted years, as an assignee of the Department of Agriculture, Land Reform and Rural Development to render inspection services on behalf of the department.

During the public hearing questions were asked as to, why did the department officials cannot contract this services? To put this into context Agbiz argued that, and I quote:

None of the sectors required the introduction of inspection services by the Department of Agriculture, Land Reform and Rural Development and there is no evidence of complaints or transgressions submitted that justifies the inspection of stakeholders. The introduction of inspection services will lead to 13 000 inspections. Although it can be legally justified, it is not justifiable to add a layer of cost of about R74 million on the food value chain.

However, Agbiz made further inputs that Leaf Services can consider a volume-based approach to collect fees at the first point of sale using similar methods of levy collection by the National Agricultural Marketing Council, Namc. The Appeal Board recommended the director-general, DG, to consider additional regulations to ease appeals like this one where current arrangements are insufficient.

As I conclude, we need to deal with market concertation. While the DA recognises the importance of regulatory framework and its implementation, the corrupt ANC does not acknowledge these things. We know for a fact that they love cadre deployment and corruption. We know that for a fact. Corruption destroyed Eskom and gave us load shedding. The ANC government destroyed Onderstepoort Biological Products, OBP. We cannot receive vaccines from the Onderstepoort vaccines production centre. I can go on and on, Chair. The only solution that we have in this House is to vote the ANC out.

*IsiZulu:*

Phuma ANC! Phuma! Ngena DA!

*English*:

Thank you, House Chair.

Mr M K MONTWEDI: House Chair, the EFF is in support of the Agricultural Product Standards Amendment Bill, a section 76 Bill whose purpose is to designate minimum standards for agricultural products intended for sale in South Africa. While the Agricultural Product Standards Amendment Act of 1990 provided for the powers and inspection, grading and sampling for quality control, it did not provide for a concrete definition of management control over these processes. Over the years there has been issues relating to cost recovery and the setting of fees by assignees and have not been subjected to litigation. The outcome of the court processes indicated that there is a need for a clear and transparent process on determination of fees and that should be subjected to consultation process.

In the public participation proposes for proposing the Bill, a few things became apparent. The first relates to audit and inspection as well as the control management system. There is an overlap in inspection and audit, whilst the department argues that audit and inspections are separate controls with audit being a management control system. There is no clear definition of inspection and this might result in uncertain and misinterpretation. The Bill does not address these

concerns and we are in support of the clarification of the process.

Secondly, there is a concern relating to the regulation of the organic sector. It is a concern that we share to date. There is no public regulatory framework for the organic sector. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Order hon members! Hon members, let us give the speaker at the podium an opportunity to continue with the speech. May I also ask the Hon Hlengwa and others, those sitting on the front rows, to stop having your own discussions across the floor. I am going to ask you to leave the House. Continue, hon member.

Mr M K MONTWEDI: Secondly, there is a concern relating to the regulation of the organic sector. It is a concern we share that to date there is no public regulatory framework for the organic sector. What we have is a nonprofit organisation, NPO, an independent regulatory body for the organic sector in the name of the Participatory Guarantee Systems of South Africa, PGSSA.

During the deliberations one of the stakeholders asked, and I quote:

Would the PGS audit process by other members of the PGS group be considered functionally independent examination?

In response, as the department responded, and I quote:

It is not known or clear as to what is PGS is all about. Hence this question could not be answered. However, the definition as indicated in the amendment Bill sufficiently outlines what an audit is all about.

There is a serious lack of capacity to grasp the issues by officials in the department.

Thirdly, there is a concern relating to the inspection capacity within the department. The Consumer Goods Council of South Africa demonstrated to the committee that the inspection capacity of the department was lacking, including the job functions of individuals who were still in the department employed to conduct inspection services. It is well and good to amend the legislation but we are lacking the capacity to implement this legislation. There has to be an audit of all

skills requirements and existing capacity and the extent to which the current Bill is implemented.

Lastly, as the EFF we feel that there was a deliberate attempt to avoid including critical issues concerning the Agricultural Product Standards Amendment Bill with the department sidestepping those issues by simply suggesting that they will be addressed in the regulation. In overall, we support the Bill and call on the department to build on institutional capacity and institutional structures to ensure proper implementation of the Bill. Thank you, Chair.

Inkosi R N CEBEKHULU: Chairperson, the agriculture sector of South Africa and therefore, both the import and export of agricultural products and other related products play a major role in job creation and contribute to food security and the GDP. Positive developments in the quality and diversity of the sector necessitated the amendment of this Bill. The provision it makes for the clear and effective application of the management controls system, as well as the origin of products for quality control will result in further progressive and positive effects in the sector.

The holistic public consultation process which included national, provincial and local government departments and entities, commodities, associations, unions, sellers, wholesalers, exporters, importers and citizen, has resulted in an amendment that is ethical and thorough.

The amendment may further benefit exporters, farmers and sellers. It will authenticate claims on quality and processing. The robust food control system is foundational to creating an enabling environment for successful trade and access to markets. This amendment is about health, safety, delivering on promises and meeting expectations.

The sector can rebate a profit and reduce losses by meeting quality standards. Those that exceeded quality standards stood out above their competitors and furthered their potential for profit and consumer loyalty. For the South African consumer, these amendments further protect them from misleading claims. As a result, they can have greater certainty in the value of products that they purchase.

In conclusion, to ensure that the food security and quality assurance inspections services effectively implement the minor adjustment needed, the IFP will support the Bill. Thank you.

Ms T BREEDT: Hon House Chair, as the chair and many members have said, this Bill seeks to amend the Agricultural Product Standards Act of 1990, serve to insert definitions and substitute others, provide for auditing of a product for management control systems, make provisions for the setting of tariffs by assignees on a cost-recovery basis, make further provisions for the Minister to make regulations pertaining to audit and management control systems, and provide matters connected therewith.

The aim, in short, is to improve the Act, to allow for better controls. If this is what the Bill’s effect in practice will be, remains to be seen.

We must always beware against adding too much red tape and making it almost impossible to trade commodities.

*Afrikaans*:

Wat kommerwekkend was met hierdie wetsonwerp, soos met vele ander wetgewing, wat ons al deur hierdie departement gesien het, is die wetsontwerp afgerammel. Dit moes, na die komitee al daaraan begin werk het, onder andere, verwys word vir taalversorging en wysiging om dit eenvormig te maak. Die

komitee moes dus begin werk aan ’n dokument en wetsontwerp wat nog in proses was.

’n Wetsontwerp moet, alvorens dit na die komitee gaan, nie meer ooglopende foute hê nie. Dis tog beslis ’n basiese begrip. Dit laat ook vrae ontstaan oor die departement se manier van doen en of dit waarmee hierdie wetsontwerp die departement en die Minister spesifiek sal taak, wel ordentlik uitgevoer gaan word.

Daar is in die verlede al verskeie kere kommer uitgespreek oor wette wat nie spesifieke vereistes daarstel nie, maar wat net ruimte laat vir regulasies wat deur die Minister afgekondig moet word. Hierdie manier van doen deur die departement druis in teen demokrasie, die werking, die ware oorsigrol, asook, en meer spesifiek, die wetgewende prosesse van die Parlement.

Soos in die verlede gesien, kan die Minister bloot regulasies daarstel, waarby almal moet inval en waarby niemand insette gehad het nie. Dit is ’n gevaarlike terrein om op te beweeg en hierdie wetsontwerp is geen uitsondering nie.

Wat is dan die doel van ’n omslagtige Parlementêre proses, as die Minister sommer net regulasies daar kan stel? Dit is regulasies sonder die nodige rolspelers se insette en insig.

*English*:

During the process, we received a number on concerns by various stakeholders regarding the appointment of the assignees, the proposed audits, business inspections, as we have heard from my colleagues, as well as management control systems and how everything will work in practice, what their roles will be, etc. Much was also said about cost recovery, who pays for what and the uncertainty that surrounds it.

Once again, all of this is reliant on regulations, yet to be promulgated. We cannot just wait upon regulations and hope that issues are sufficiently addressed.

All in all, a Bill that seeks to improve the current circumstance is good. A Bill that seeks to only amend, so as to make provision for regulations is worrisome. And greater than all these is the question whether the department will be able to successfully implement any of these, so as to not make the current agriculture climate even more challenging for our

agricultural value chain. Because in the end, it is also our consumers that will suffer. I thank you.

Mr W M THRING: Hon House Chairperson, as we consider this Agricultural Product Standards Amendment Bill, the ACDP would like to draw our attention to the vast majority of the world’s poor who live in rural areas are dependent on agriculture for their subsistence and survival. It must be stated that in many parts of the world, including South Africa, women are dependent on subsistence farming to feed their families. They too wish to grow their agricultural base and hence, the controls and barriers to entry into this sector must be addressed.

This Bill is important in that it deals with control mechanisms over the sale and exports of certain important agricultural products, control over related products and for matters connected therewith. Essentially, the Bill was drafted to address the legality of the concepts of management control systems, which deal with the production method and its accompanying labelling claims and to strengthen the regulatory framework for agricultural production, as well as health and food safety of certain agricultural products.

The ACDP notes that often, the focus is on food security, which often focuses on quantity, at the expense of quality. The listeriosis outbreak highlighted the necessity to focus on the scientific determination of the quality of food and agricultural products, including food imported into the country.

The ACDP also notes that the main objective of the Bill is to strengthen, as I said earlier, regulatory frameworks for agricultural production, health and food safety and to make provision for auditing of management control systems and the production of active participation by affected stakeholders in the determination of fees.

In this regard, the ACDP supports the Agricultural Product Standards Amendment Bill. Thank you.

Mr A M SHAIK EMAM: Hon House Chairperson, allow me at the very outset to say that the NFP supports the amendment tabled here today. Indeed this Bill seeks to amend the Agricultural Product Standards Act of 1990 to provide for the auditing of a product for management control systems and to make provisions

... [Inaudible.] ... of errors.

Let me deviate a little bit, House Chairperson. I think this should be the first step in many, in fact, if we note that we have lost control in the country when it comes to food products, South Africa is fast becoming the diabetics capital of the world. I want to commend the Minister and this committee on this initiative which I think is long overdue.

We need control measures and need to audit to ensure that the products that are grown or produced are of high standards. Let us not forget that the international standards that have been set for products imported from Africa, particularly, are very high and we need to meet that. I think this will give us an opportunity to meet those standards, and it will enhance and boost the agricultural sector, particularly when we talk about exports.

Now, very importantly, I want to say something, and again I want to deviate. I hope the Minister and the chairperson ... [Inaudible.] ... South Africa is very rich in indigenous plants that are used for medicinal purposes all over the world. We ... [Inaudible.] ... which to a very large extent, we are not aware of. [Inaudible.] ... I hope I got the pronunciation correct, bought by European countries from South Africa.

I think what is important is to ensure that we have these oversight mechanisms, management and control of the system so that the safety of the consumers of the highest standard. The National Freedom Party will support this, and we hope that from this the Department of Health will also take an initiative and deal with the number of products that are manufactured in South Africa with no control measures in place. I thank you very much, House Chairperson.

Mr S M JAFTA: Hon House Chair, the main purpose of the Agricultural Product Standards Act of 1990 was to regulate and control the sale and export of certain agricultural products and other related products. The 1990 Act defined a ‘product’ as any commodity of vegetable or animal origin or produced from a substance of vegetable or animal origin. The current Bill does not tinker with this definition. What the Bill seeks to do is to change the sole power that the 1990 Act conferred to the Minister. This power included exercising control on the prohibition of prescribed products, including prescribing requirements in connection with packaging, marking or labelling of a product as well as prescribing standards regarding the quality or class or grade of any product.

The Minister also has the power under the current Act to prohibit the export from the Republic of a prescribed product to determine that such prohibition will only apply to the export of a prescribed product to a prescribed country or for a prescribed purpose. The current Bill envisages that these functions relating to a particular product will now be assigned by the Minister to other functionaries such as a body, institution, person or a board having a particular knowledge in respect of the product concerned as an assignee in respect of that product. We welcome this intervention, including the intervention to tighten processes in order to achieve envisioned quality control audit-proof and regulatory safeguards in respect of the prescribed products. The AIC supports the Bill. Thank you.

*Afrikaans*:

Mnr H C C KRÜGER: Agb Voorsitter, weereens ’n goue geleentheid om rompslomp te hervorm, maar helaas nog ’n aantasting in die donker deur die ANC. Dit is dalk nog verstaanbaar dat die onnodige rompslomp in 1990, toe die oorspronklike Wet onderteken is, kon insluip. Ons boere sukkel al jare met onnodige rompslomp en beleidsonsekerhied uit die geledere van die ANC-regering.

In 2023 is dit onaanvaarbaar dat regulasies, wat vir die landbougemeenskap voordeel moet inhou, steeds frusterend kan wees. Wat enige redelike Suid-Afrikaner se verstand te bowe gaan, is dat ’n regering, wat daagliks vir die gemeenskap ’n klomp snert oor die implimentering van vereenvoudige wetsontwerppraktyk verkoop, hierdie belangrike aspek oor die hoof sien.

Voedselverskaffing lei tot voedselsekerheid. Indien daar egter ’n hindernis tussenbeide tree, ly ons bevolking honger. ’n Honger nasie is ’n onproduktiewe nasie en die nagevolge hiervan het doodeenvoudig ’n negatiewe impak op ekonomiese groei.

Alhoewel die landbougemeenskap reken dat die wysigings in hierdie wetsontwerp in die regte rigting is, spreek dit ongelukkig nie die regulasiestruikelblokke aan, waarmee boere daagliks te doen kry nie.

Die DA neem kennis van die impakassessering wat deur die Departement van Beplanning, Monitering en Evaluering, gedoen is, maar met nader ondersoek blyk dit dat die inhoud van die verslag veel te wense oorlaat. Daar word geensins melding

gemaak van die impak wat die rompslomp, as gevolg van hierdie wetsontwerp, op die Suid-Afrikaanse gemeenskap sal hê nie.

In die Wes-Kaap, waar die DA regeer, is daar ’n Ease of Doing Business eenheid, wat struikelblokke, soos ervaar deur die boere, in ’n japtrap verwyder.

’n Belangrike struikelblok, wat in die toekoms, die ontwikkeling van onaanvaarbare vlakke van rompslomp gaan veroorsaak, is die magte wat deur die wetsontwerp aan die Minister verleen word. Dit flikker van rooi ligte en is verseker ’n risiko wat met ’n arendsoog doppehou moet word.

Die Amerikaanse Product Standards wetsontwerp poog onder andere, om die verkope, uitvoer en invoer van landnbouprodukte te reguleer. Alles goed en wel, maar ongelukkig plaas dienslewering van die munisipaliteite en staatsinstansies ’n demper op hierdie bedrywighede. Geen wetgewing in die wêreld sal die onbekwaamdheid van die ANC-regering kan oplos nie.

Baie dankie.

Ms M M E TLHAPE: Hon Chairperson, Ministers, Deputy Ministers, organised agricultural formations, hon members, farmers and South Africans in general, it is fact that agriculture is a

vast industry that continues to grow every year and thus farmers will always be faced with many challenges as they constantly strive to improve their yields.

Innovation, therefore, is important in today's marketplace and for the continued success of the agricultural industry. It is no secret there is a constant exploration of new technologies to increase effective agricultural products that meet the farmer's expectations and the consumers’ forever-changing food preferences and tastes.

For example, now lately, a majority of people prefer to eat organic food, free-range chickens, and the rest. As indicated by my fellow members, the Agricultural Product Standards Amendment Bill, therefore, aims to strengthen the regulatory framework for agricultural production as well as the health and food safety of certain agricultural products. Such a regulatory framework promotes food safety and creates an enabling environment for increased and sustainable production. The concept we are talking about here today of management control system deals with methods of production and the accompanying labelling claims associated therewith. The current Act had to be reviewed to accommodate different inspection and audit methods.

Amongst other things, ensure proper application and enforcement of the Act. No, there cannot be nine wasted years, hon Masipa. This is not a new Act. We are amending an Act here, a primary Act that is currently under implementation.

The has never been a gap. We are just inserting definitions; we are clarifying concepts. We are putting more assignees for efficiency. So there's no issue. Now, the issue of the capacity of the department is neither here nor there because the current primary Act is under implementation.

So this Bill seeks only to deal with certain definitions as they have alluded to. As the ANC, we are of the firm view and support that the regulations for agricultural products are necessary to ensure that, one, all products are safe for human consumption and must undergo rigorous testing and quality control procedures before being sold. Two, all products must be labelled correctly. This includes the necessary information about the ingredients, storage, and expiry date. Three, all products need to be packaged safely and securely to ensure that the product will not be damaged during transportation and will reach the customer in perfect condition. Meaningful public participation is significant and is a crucial element in the legislation-making process. This process is important not only in that it gives meaning to provisions of the Freedom

Charter that the people shall govern, but it ensures that proposed legislation is grounded in the needs and concerns of the people it will affect.

In the case of the Agricultural Product Standards Amendment Bill, the provisions for public participation, including written and oral submissions from the public and public hearings, helped to ensure that the proposed amendments were inclusive. All stakeholders, including farmers, exporters and consumers, were given a voice in this legislation-making process. Concerns by the public during the hearings were varying. Some of the key critical issues raised included the need for social compacting in consultations with different stakeholders.

The provisions of the Amendment Bill make provision for the inclusion of previously disadvantaged persons through the socioeconomic impact assessment systems and the need for the clarification of definitions related to the amendment.

Additionally, stakeholders recommended that fees be calculated on a cost-recovery basis and that an audit is conducted to determine the inspection capacity of the department. As the ANC, we have noted all the concerns raised by the stakeholders and they did not differ in material terms nor disagreed with

the proposed amendments, as pertinent issues included a quality management control system and the possibility for the expansion of agricultural products. A number of stakeholders had expressed support for this Amendment Bill, and some made recommendations relating to that clarification of definitions, and we want to thank all the hon members that have supported this Bill today.

As members of the ANC exercising legislative oversight of the government, we are satisfied with all the responses made during the public hearings. On the social compact, the President of the Republic of South Africa His Excellency, Cyril Ramaphosa, reminded us in his state of the nation address earlier on 9 February, “an intention to forge a comprehensive social impact that will join all social partners in a common programme to rebuild our economy and enable higher growth is important.” We take acknowledgement of the significant role that social compact can play in advancing the objectives of the Agricultural Product Standards Amendment Bill by bringing together all the stakeholders involved in agriculture and creating a common vision for the sector.

This will involve collaborative efforts to develop and implement policies and strategies that promote growth and

development in this sector. It also addresses the challenges faced by women and rural small-scale farmers throughout the country. Through dialogue, consultation and partnerships, a social compact can be established to ensure that all voices are heard, concerns addressed and a consensus is built on their way forward. This Bill has got an economic impact also. The South African inspection systems are recognised as equivalent to that of the African Union, AU, inspection bodies.

This recognition is crucial and has been possible through the Perishable Products Export Control Board, PPECB. For South African perishable products industries to be enabled to be exported to European markets, is because of their high-quality standards. So this Bill will strengthen the Minister to regulate other related components within this sector for the economic benefit and reputation of our country's agricultural product, which in turn will continue to expand markets for our farmers because companies will ensure that their products are of the highest quality and meet all consumer expectations as well as export market standards.

For our women, hon Thring, women empowerment is a crucial aspect that needs to be considered in the formulation of any

legislation. The Agricultural Development Strategic Plan launched in 2019 as a comprehensive plan aimed at transforming the country's agricultural sector by increasing productivity, creating jobs, reducing poverty, and promoting food security with key areas of intervention focused on land reform, also addresses the issues of women. We are of the view, as the ANC, this Amendment Bill, through the appointment of assignees, the clarification of the role of assignees, cost-recovery fees and tariffs that will be publicised and gazetted when the time comes, will also benefit the women of South Africa.

In conclusion, the overall proposed Agricultural Product Standards Amendment Bill is expected to have a positive impact on farmers, consumers and the broader economy. The introduction of new standards for agricultural products will improve the quality of products, increase consumer confidence, and create new economic opportunities. However, it is important to ensure that the implementation of the Bill is accompanied, hon Minister, by appropriate training and support for the farmers and other stakeholders, to ensure that they can comply with the new standards and regulations. I thank you.

*IsiZulu*:

UNGQONGQOSHE WEZOLIMO, UKUTHUTHUKISWA KOMHLABA NOKUTHUTHUKISWA

KWEZINDAWO ZASEMAKHAYA: Mphathisihlalo obekekile, malungu onke aseNdlini, ngiyabonga ngakhokonke kwababambe iqhaza ngokukuthi bakhulume kule ngxoxo mpikiswano ngalo Mthetho esiwuchibiyelayo. Ngifuna ukugcizelela ukuthi lo Mthetho siyawuchibiyela, Baba u-Masipa, uMthetho wango-1960 lo, ohlengahlengisa ukuthi esikutshalayo nesikudlayo kusezingeni eliyilo na, oshoyo futhi ukuthi uma sithengisa emazweni angaphandle kanye futhi nangaphakathi ezweni laseNingizimu Afrika ngabe lokhu kudla kuphephile yini.

Kodwa kubonakele ekuhambeni kwesikhathi ukuthi lo Mthetho uyadinga ukuchitshiyelwa ukuze siqinise amandla kanye nanokuthi sazi ukuthi labo bantu okuyibona abasilekelelayo njengoHulumeni abanolwazi ngezinto esizikhiqizayo ngabe banamandla aneleyo na. Yilokho esikwenzayo. Manje ngiyezwa ukuthi wena usuyapolitika usukhuluma ngezokuvota. Angazi singenaphi okwamanje. Siya okhethweni kulo nyaka ozayo. Sizoba nalo ithuba lokuthi sikhankase. Okwesibili, uma sikhala ngokuthi uMthetho ngabe waphasiswa ngonyaka othize awuphasiswanga, amalungu e-DA ayeyingxenye lekomidi elibhekene nomsebenzi othile, sesingabuzo kubo bonke ukuthi kwakwenzenjani singabe sesibheka kuKhongolose kuphela engathi iwona wodwa ohlala ekomidini kanti sonke siyahlala kuleli

komidi. Uma ukuthi kufanele sibeke isincomo, masincome nje kahle. Umangabe sifuna ukugxeka, masigxeke wonke amalungu, hhayi awodwa kuphela.

Ngiyathanda futhi ukusho ukuthi lo Mthetho uzosisiza ukuthi uma sikhiqiza sikhiqize ngendlela eyiyo. Singathi uma sikhiqiza bese sithi uma sesibhala laphaya kulokhu esikukhiqizile kuyilolu hlobo kanti akuyilo njengoba siyazi abanye abantu baye bathi inkukhu engiyikhiqizayo umleqwa, ayidli nje okunye ukudla, yile egijima ngaphandle kanti umuntu ufike ayidlise izikhuthazi zokukhulisa lezi esizidlisa olamthuthu bese ayigijimisa iviki nje ngaphandle abesethi umleqwa loyo.

Yilokho esizama ukuxazulula. Asingabhali into ekungesiyo kulokho kudla esikudlayo kanti futhi izosisiza ukuvikela abantu abadlayo ukuthi bazi ukuthi lokho abakudlayo bekuyikho yini lokhu okushiwoyo, yiloko nje esikwenzayo, Baba u-Masipa. Lokhu okunye nje impela cha, sekuyindaba yakusasa, hhayi eyanamhlanje. Mangibonge kakhulu, Malungu ePhalamende ngokuthi nisixhase.

Debate concluded.

Bill read the second time.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON FORESTRY, FISHERIES AND ENVIRONMENT ON NATIONAL VELD AND FOREST FIRE AMENDMENT BILL

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY moved: That the Report be adopted.

Motion agreed to.

Report accordingly adopted.

# NATIONAL VELD AND FOREST FIRE AMENDMENT BILL

(Second Reading debate)

The DEPUTY MINISTER OF FORESTRY, FISHERIES AND ENVIRONMENT:

Good afternoon to all hon members, hone members, I want to dedicate this Amendment Bill to many brave South Africans who spend endless hours fighting veld fires, sometimes under very

difficult conditions to protect property, lives, livelihoods and the environment. They are the true heroes indeed.

The purpose of the Act is to prevent and combat ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Deputy Minister, just a moment, order, hon members, especially from the ANC on my right hand side. It is not very good to disrupt your own member. We want to listen to what the Deputy Minister has to say. Please continue, hon Deputy Minister.

The DEPUTY MINISTER OF FORESTRY, FISHERIES AND ENVIRONMENT:

... The Amendment Bill before you establishes structures in the public sector and at community level that will work together to mitigate veld fires, risks, and promote effective compliance and law enforcement.

After lengthy deliberations and public comments, a number of areas have to be amended so that we can manage the escalation of fire incidents in the Republic of South Africa. I will just mention a few, House Chair.

The definition of veld fires is further strengthened to remove ambiguity by referring to all vegetation types that occur

outside the city or town. Due to the expansion of cities and towns, the interface between the veld and the rural-urban interface is critical. The definition has now been expanded to ensure that this vulnerable area is also included. In so doing, we will now be able to protect citizens living on the urban interface. Based on the amendment of the definition of veld fires, the name of the National Veld and Forest Fire Act has, by necessity, been changed to the National Veld Fire Act.

Fire Protection Associations are institutions that plays a crucial role in preventing and combating veld fires. These associations are formed by landowners and are vulnerable associations registered under the Ministry of Forestry, Fisheries and Environment.

The amendments allow for traditional leaders and municipalities to establish Fire Protection Associations, FPAs, in their areas of jurisdiction, thus increasing their ability to enforce the provision of this law. The amendments have been strengthened to make it compulsory for those state- owned entities, SOEs, which own land, including municipalities, to join FPAs within one year after the commencement of the amendments. This will ensure that all the affected SOEs play an important role in the prevention of and

combating veld fires throughout South Africa, as we know that currently, we have to transport firefighters from one province to another, because of the fact that most municipalities and SOEs are not part of the FPAs. The amendments also recognise traditional leadership and their role in preventing and combating veld fires by giving these authorities the power to enforce the law.

Lastly, we are now in the fire season, and the winter rainfall regions of the country, with February and March being traditionally the period of high incidents of fires. I urge you all to exercise caution, and remember, do not start a fire you cannot control.

As I conclude, let me take this opportunity and thank our former chairperson of the portfolio committee, Ms Faith Muthambi, who drove this process until her last day when she left Parliament. Thank you very much to the Members of Parliament. I know that all members of the portfolio committee will agree with the Deputy Minister. I thank you very much.

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you, Minister. Hon April at the back, can you take your seat, please.

Mr P M P MODISE: Hon Chairperson, greetings to the Chief Whip of the Majority Party, to all the Ministers and Deputy Ministers, in particular Minister Creecy and Deputy Minister Sotyu, hon members, ladies and gentlemen, fellow South Africans. The National Veld and Forest Fire Amendment Bill, under consideration by this House was introduced to Parliament during the Fifth Parliament in November 2016.

The former Portfolio Committee on Agriculture, Forestry and Fisheries began processing the Bill in August 2017, but was displeased with the content and quality of the Bill, and thereby proposed that the department should consider reworking on it and consult with other spheres of government including the National Treasury, Co-operative Governance and Traditional Affairs, Cogta, and South African Local Government Association, Salga. And thereafter re-introduce it back to Parliament. This Bill was withdrawn in November 2017, as per rule 334 of the Rules of the National Assembly. Subsequently, a reworked version was reintroduced on the 13th of December 2021 and tagged as section 75 by the Joint Tagging Mechanism of Parliament.

The fundamental gaps identified from the Principal Act included the inadequate definitions, the voluntary

participation in fire protection prevention by organs of state, the weak co-operative governance, the non-alignment of certain provisions of the Principal Act with the Constitution of the Republic of South Africa, and other recent amendments of the legislation.

The committee received nine written submissions at the close of the advert of written comments in March 2002. We then commenced 27 public hearings across nine provinces of the country from 27 May 2022, and interfaced with about 5100 community members and 550 speakers who made inputs. Additional to this statistics and amendments was the overwhelming support received from oral submissions for consideration when the Department of Environment, Forestry and Fisheries wrote the regulations.

The forest and veld fires have a direct impact on section 24 of the South African Constitution, which gives every citizen a right to a healthy and protected environment. Fires caused pollutions, they threaten endangered species, they result in harmful emissions and habitat destruction. They cost lives, endanger livelihoods and they reverse economic development.

Some economic sectors are more vulnerable to fires that occur in the veld, in the mountains and in the forested areas. One

such sector is the agricultural sector where fire can drive up food prices, where fires can increase unemployment and food insecurity.

In 2019 only, there were up to 42 700 fires that were reported. In 2020, the number increased to 63 300 reported incidents. These figures do not include unreported fires. In 2020, the economic losses stood at about R23 billion with 586 people losing their lives. The causes of these fires differ from reckless motorists who throw burning cigarette out of their windows. They include service delivery protests, and the sparks from some of the Eskom power lines. A single cause of fire can affect sectors such as housing, transport, agriculture, the electricity supply, and so on. Research confirms that climate change is set to worsen fire incidents in future. Therefore, the need for the country to enhance preparedness and capacity to prevent and manage forest and veld fires through co-ordinated implementation, and of associated legislation is therefore imminent.

It is believed that by addressing the identified weaknesses, the Bill will make a significant contribution transformation to job security and to food security. The transformation component will be achieved through reforms of powers and

duties of delegated authorities by empowering peace officers and traditional leaders to implement parts of this act.

On the jobs front, women and youth will get firefighting and fire protection skills from management services, although majority of the people of South Africa argued that this should not be seen as a job creating scheme, it should be approved on the basis that it responds to the protection of the environment. This will bring the fire brigade services closer to the communities where they live. The formation of Fire Protection Association, including traditional authorities will enhance the country’s capacity to managing fires. We need to expand the fire protection services in a co-ordinated way. And this will need a dedicated funding. It will enhance the skills and equitable and efficient use of resources for the benefit of all the citizens.

Food security will be enhanced through the prevention and mitigation of the risk of veld fires through the establishment of firebreaks. In this breath, we encourage all the South African farmers and everybody who takes keen interest in veld fires to assist government in establishing firebreaks.

This committee is thus satisfied with the progress that has been made in the amendment of this Bill, to this end. The committee has certainly responded to all the matters that arose from all the people that we have engaged with.

Through this vigorous public consultation and participation that we undertook, we have listened and incorporated the views of the people of South Africa and have ensured that their aspirations find expression in this piece of legislation. We have noted the conflicting interests of variety of stakeholders. We have noted matters that relate to compliance or lack thereof. A significant cognizance was given to the link between this piece of legislation and the National Environmental Management Act, the National Conservation of Agricultural Resources Act, the National Disaster Management Act, the National Environmental Management Biodiversity Act, and the National Environmental Management Protected Areas Act.

In the final analysis, Chairperson, we envisage sustainable management and development in the use of veld fires. This Bill will now promote the maximum participation of all stakeholders and interested parties and protection of wetlands and the regulation and control of soil erosion. The critical and effective use to transform the fire management landscape to

promote diverse participation while promoting economic losses from the amendments from the Principal Act, it is therefore of essence. It is therefore within this context, that we appreciate all the efforts of our preceding committee, all the current members of the Portfolio Committee of Forestry Fisheries and Environment. We look forward to the co-operation by all entities and stakeholders in the implementation of this piece of legislation, the empowerment of the Fire Protection Association, more awareness programmes, and maximum compliance by all organs of the state and stakeholders for the benefit of the current and future generations.

All of us have a duty to promote, protect, and to preserve our natural resources, including biodiversity and wildlife, as well as ensuring healthy living environment for all South Africans. We need to protect the air. We need to avoid water pollution. We need to use the land sustainably. We need to manage waste and protect endangered species. We therefore, recommend that the National Assembly adopts the second reading of the National Veld and Forest Fire Amendment Bill.

*Setswana*:

Ka go re yalo, re a leboga.

*English*:

Thank you very much.

Ms A M M WEBER: South Africa is ridden by high levels of poverty, unemployment and inequality. Food availability and the high cost of food have become critical issues**.** We have extreme water scarcity in many areas and due to the lack of management we are losing many natural resources like land, soil, vegetation and water. These resources should provide food through agriculture and job creation but uncontrollable veld fires destroy land and communities are left devastated by the loss of livestock, lives and equipment, and they do not have the financial resources to get back on their feet.

The amendments in the National Veld and Forest Fire Amendment Bill will contribute greatly in terms of the prevention, management and control of veld fires. We must ask though whether we are doing enough to uplift and assist upcoming farmers, small-scale farmers and rural farmers by closing the gap of inequality or does it still leave them out in the cold? The Fire Protection Associations, FPAs, are extremely effective, and though not governmental associations**,** they truly fight, manage, prevent and control veld fires

successfully. I would like to commend all landowners and FPAs involved for their great work done.

According to law, all landowners must belong to FPAs and abide by their constitution. This includes municipalities.

Currently, many municipalities choose not to take up their responsibility of being part of the prevention and control of veld fires. Many small towns do not have fire brigades anymore, and if they do, they are greatly underresourced and cannot assist in veld fires. If they try to assist, the distances are so far and their response time too slow that at their arrival, the destruction caused by the fire has already been done.

How does this assist rural farmers? What more can be done to enforce and ensure that municipalities will take up their responsibility? The equipment, training and resources that the FPA is responsible for is very expensive. Therefore, there is a membership fee to try to cover most of the costs. Many beneficiaries and rural farmers**,** as expected by the law**,** cannot join the FPA for protection as they cannot afford the membership fees. However**,** the scapegoat is ... the Department of Forestry, Fisheries and Environment is aware of the cost of firebreaks**.** However**,** the National Veld and Forest Fire Act

101 of 1998 makes provision for firebreaks aa a preventative measure to stop the spread of veld fires, thus reducing the risk of damage to property, livestock, agricultural land and, in the unlikely event, the death of the country’s citizens.

Does this quotation of the law assist rural farmers on how to be able to get firebreaks? The answer is no. The law says, you must. Therefore, if you can’t, then sorry**.** Most of the time, the FPA assists in combatting fires on these rural farms, but cannot allow maintenance ... this practice as many resources are limited. Training and education should be done by the FPA. So, how will our rural farmers become effective if they do not have access to training and education provisions? The government says that they want to empower, uplift and equip rural farmers, and narrow the gap of inequality. I do not think that the Bill assists in that.

Hopefully, many of the contributions of rural farmers at the public hearings regarding assistance will be addressed in the regulations that the department is busy with ... [Inaudible.] [Time expired.]

Mr M N PAULSEN: Thank you very much, Chairperson. The EFF supports the National Veld and Forest Fire Amendment Bill.

The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon members.

Mr M N PAULSEN: Okay, let me see how I can spoil your joy. We do so because the Bill seeks to put measures in place to prevent veld and forest fires. We support the formation of FPAs by owners and those responsible for the management of forests. However, we reject with contempt any intent that this Bill may have to criminalise communities living adjacent to forests. Owners and those managing forests must remain primarily responsible for the forests and for putting fire prevention measures in place in these forests.

The amendment that now requires municipalities or traditional authorities to establish FPAs must not be seen to be shifting the ultimate management of forests from those whose statutory responsibility is to manage these forests. This must also not be seen as giving landowners undue powers to chase people away from the forests. People have been utilising those forests for generations. The duty to protect forests from fires must never be seen as a licence to exclude.

One of the shortcomings of the National Veld and Forest Fire Act 101 of 1998 is that it defined neither veld nor veld fire. It is therefore important to note that the definition of veld

fire is being extended in the Bill. The National Veld and Forest Fire Amendment Bill aims to provide more meaning to the term veld fire by proposing the following definition: Any vegetation fire that occurs outside a city, town, its adjoining industrial or residential area.

If we are to be honest, this government has failed to promote the sustainable management and development of forests for the benefit of all. Instead**,** it is only for a privileged few. The

ANC is incapable of implementing any decent policy that could

address black poverty. The overall purpose of the National Veld and Forest Fire Act is to prevent and combat veld, forest and mountain fires throughout the Republic.

We are in favour of the amendment to the Act, but we have no illusion about the ANC’s ability to implement the Act. South Africa is burning and the only way voters can rescue it is to ensure that the ANC is given a bloody nose in the

2024 elections.

Satellite imaging reported 8 920 fire alerts between

28 February 2022 and 20 February 2023 alone. This is unusually high when compared to previous years, going as far back as 2012. Over 20 years, from 2001 to 2021, South Africa lost

116 000 hectares of tree cover due to fires. The year with the most tree cover loss due to fires during this period was 2017, with 21 000 hectares lost to fires, which accounts for 22% of all tree cover loss for that year.

To deal with this requires more than just legislation. It requires institutional structure to prevent and manage those fires. The FPAs, proposed by the Bill, even in communal areas if properly managed, could plug the institutional gap in the prevention and management of fires. As I have said, we support the Bill.

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you, hon member. Hon Minister Gungubele, it seems to me that you are having difficulty deciding which way you want to go. So, you have chosen the safer option now by leaving. Thank you. The next speaker is the hon Singh.

Mr N SINGH: Hon House Chairperson and hon members, the sun must have risen in the West today. There are two pieces of legislation that are supported by the EFF. It is quite historic. However, then came the sting in the tail by hon Paulsen. I was waiting for it and then it came.

Anyway, this is a piece of legislation that needs to be supported. We as the IFP have some concerns and I think that members of the public also expressed those concerns. Even in the portfolio committee, we realised that this Bill takes us forward. It’s a step in the right direction. However, moving forward there are a number of issues, Deputy Minister and Minister, which we will have to address through regulations and other means.

In recent years, South Africa has experienced an alarming increase in the frequency and intensity of forest and veld fires**,** fuelled by a combination of climate change, land use practices, unplanned informal settlement developments, as well as population growth. These fires have caused widespread ecological damage, and it has placed human lives and property at risk. According to several experts, the changing climate patterns in the country have altered the fire regime, and we are advised that we should expect longer and more severe fire seasons to become the norm instead of the exception.

Furthermore, land use practices such as burning for agricultural purposes and the fragmentation of habitats have increased the susceptibility of ecosystems to fire.

As other colleagues have said, addressing this growing challenge requires a co-ordinated approach from all stakeholders, including government agencies, private landowners and communities, to implement effective fire management strategies prioritising biodiversity, conservation and human safety.

In supporting this Bill as I have said, and in saying that it’s a step in the right direction, we need to address the issue of the lack of clarity on the role and responsibilities of stakeholders. We also need to ensure that communities are empowered to participate in these associations and have the capacity to do what is required of them. Also, we need to address the issue of climate change impacts because we believe that the Bill does not include sufficient steps to address the impacts of climate change on veld fires, such as more prolonged and more severe fire seasons. This will undoubtedly undermine the resilience of ecosystems and increase the risk of fire-related disasters.

We need to ensure that penalties for noncompliance are strictly enforced. We also need to ensure that local government sets aside adequate resources to be able to support

communities in the case of fires, and also have the necessary infrastructure such as fire engines and fire hydrants, etc.

One of the issues that I picked up when I was at a public hearing was that of Working on Fire, WOF, an Expanded Public Works Programme, EPWP ***...*** Some of its members came before us

as a committee and indicated that when there is a fire, they cannot intervene**.** Even if they see a house or something else

on fire, they cannot intervene because their terms and conditions of employment do not allow them to intervene. If

they get hurt or injured due to fire, they don’t have any cover.

Now, I think that we’ve got to address this anomaly because here are people with some form of training but who have to

stand by and watch a house burning when they could really go in there and do something. ... is an area that we need ...

However**,** we support the Bill and we hope that it will take us

forward in mitigating the risk of the fires that we have in the country. Thank you.

Ms T BREEDT: Hon House Chair, in 2010 South Africa had

3,97 million hectares of natural forest, extending over 4,3 of

its land area. In 2021 it lost 23,9 kilo hectare of natural forest, equivalent to 9 megatons of CO2 emissions.

Wildfires occur regularly in South Africa and often cause significant damage. The main reasons for recurring wildfires are that we have climates with dry seasons, natural vegetation that produces sufficient fuel and people who light fires that they should not.

Much of the natural vegetation requires fires to maintain the ecosystems in good condition and at the same time fires are a threat to human lives, livelihoods and possessions.

This tension, fires are necessary but fires are a hazard, is behind the approach taken to wildland fires in South African policy and legislation. This is why the legislation promotes the formation of Fire Protection Associations, partnerships between fire management authorities, land owners and lessees, to manage fires and prevent forest fires.

As previously stated, the objectives of this Bill is to amend the National Veld and Forest Fire Act of 1998: to provide for the facilitation of the formation of Fire Protection Associations by a municipality or a traditional council; to

compel a municipality, state-owned enterprise, public entity or other organs of the state that own land to join the fire protection associations; to extend the powers of entry, search, seizure and arrest to peace officers and traditional leaders.

The committee can be seen in this report as having done their due diligence. It is commendable that the committee were willing to go beyond the initial scope of the Bill to address real issues that needs to be addressed by the Bill.

What needs to be noted is that this is a tendency that we are seeing across the board in committees; committees feeling the scope of amendments is not wide enough and needs to be expanded.

*Afrikaans*:

Wanneer ’n departement ’n wetsontwerp daarstel, moet hy alles in sy vermoë gedoen het om dit so effektief, doeltreffend en volledig as moontlik te wysig. Met die aantal komitees, soos hierdie een, wat addisionele wysigings wil voorstel, dui dit op die vraag op wetgewing, wat meer sorgvuldig deur departemente hanteer moet word. Dit dui daarop dat wette verouderd is en dat daar werklike behoefte aan die hernuwing

van wette is, om dit meer vaartbelyn met die huidige omstandighede te maak.

Aangesien die komitee nie verdere wysigings buite die raamwerk van die wetsontwerp mag voorgestel het nie, is hierdie komitee nou genoodsaak om te vertrou dat verdere wysigings wat hulle wil maak in regulasies daargestel sal word. Hierdie is nie ’n gesonde manier van besigheid doen nie. Dit skep ruimte vir ondeurdagte regulasies, wat sonder die nodige insette van rolspelers kan geskied. Verder sal slegs tyd leer of hierdie wysigings werklik in praktyk sal werk, al dan nie.

*English*:

What can be said, in conclusion, however, is that we need Bills that address changing circumstances and promote better co-operation to ensure we do not face the detrimental effect veld fires can have on our ecosystems, our livelihoods and our agricultural products as seen in recent years.

The FF Plus will support this Bill. I thank you.

Mr W M THRING: Hon House Chairperson, the ACDP welcomes the amendments made to the National Veld and Forest Fire Amendment

Bill by the Portfolio Committee on Forestry, Fisheries and Environment.

Fire has major risks in South Africa for both residents and businesses alike, can lead to the loss of lives, livelihoods, damage or loss to property.

Each year tens of thousands of South Africans are affected by fires, whether deliberately or inadvertently started in our parks, forests, mountains, farms or the veld.

This has a negative multiplier effect on our economy, including tourism. It destroys businesses and renders many thousands of our citizens, particularly the vulnerable amongst us, homeless.

The ACDP agrees with the committee that more support is needed to prevent and combat fires.

Hon Chairperson, the ACDP purports that a great need exists to better educate South Africans, particularly the vulnerable living amongst us, on basic fire safety, alternatives to cooking on open fires as well as how to properly put out fires and also the safe use and storage of gas.

The ACDP in supporting this National Veld and Fire Amendment Bill cautions that the positive recommendations contained herein should not be relegated to what is known as File 13; like the many positive policies and regulations which remain unenforced. I thank you.

Mr A M SHAK EMAM: Chairperson, the NFP notes and supports the amendment tabled here today.

Veld fires appear to be on an increase. This particular sector, particularly the forestry sector remains, to a very large extent, untransformed.

However, let us be mindful of the fact that many communities, like those in Tsitsikamma, rely entirely on forestry for survival. So, when there is a fire it means that these communities have no employment whatsoever and go hungry.

The cause of forest or veld fires, various factors, arson, negligence, global warming, extensive heat that we have currently, but I think what aggravates the situation is the lack of resources and timeous response by the local authorities. And that’s why the communities, that particularly work there, are vulnerable at that point in time, and like I

think the previous speakers have said, they cannot act because of restrictions and regulations. However, the end result is if there’s anyone that suffers here, it is the communities, as a result of this.

I think this amendment, to a very large extend, will assist in ensuring that there is a buy-in by the local authorities, traditional leaders and things, who, to a very large extend, have been neglecting that.

And you find, Chairperson, that many of our fire fighters are leaving the country, they are being recruited by other countries. Perhaps we need to ensure to maintain these skills at Technical and Vocational Education and Training, Tvet college level that this curriculum must part of them so that we can attract more and more of, particularly, unemployed and the younger generation to firefighting because this firefighting is here to stay. You can see the escalation in fires all over the country.

So, the NFP will support this amendment and we thank the department for introducing this. Thank you.

Mr D W BRYANT: House Chairperson, every year across South Africa large tracks of our natural environments are destroyed by rampant veld fires.

It’s now an undeniable fact that climate change has increased in intensity and the frequency of wild fires and has put in more people, plants and animals at risk.

Sometimes these fires spread from natural environments into build up areas and cause further damages as were seen in 2021 when parts of the University of Cape Town, UCT, were destroyed by the devastating blaze that originally began on Table Mountain.

The United Nations, UN, Environment Programmes recently noted record breaking increases in wild fires across the world, even in the arctic. And the UN has warned that as global temperatures rise, it increases the risk of wild fires, which in turn can actually speed up the rate of climate change.

The UN Environment Programmes report, which included contributions from scientists across the world, including from the University of Cape Town and Wits, makes it clear that governments have an urgent responsibility to take immediate

steps to improve fire safety management, which the UN Environment Programmes prefers to as the fire-ready formula.

To quote directly from the UN’s report:

Fire is changing because we are changing the conditions in which it occurs. Wild fires that burn for weeks and may affect millions of people over thousands of square kilometres present a challenge that, right now, we are not prepared for, anthropogenic climate change, land use change and poor land and forest management mean that wild fires are more often encountering the fuel and weather conditions conducive to becoming destructive. Wild fires are burning longer and hotter in places that they have always occurred and are flaring up in unexpected places too.

The UN recommends that co-operation and coordination must be improved between international and regional organisations, national and sub-national governments, and fire knowledge and fire management organisations. By doing this, governments can achieve the central goal of improving the overall management of fires and simultaneously empowering our communities.

Whilst this Veld and Fire Amendment Bill is a step in the right direction, the DA supports the amendments.

The key stumbling block continues to be the ongoing decay of municipal governments across South Africa. It’s a sad reality that fire services in many of our once proud municipalities have fallen apart due to incompetence, corruption and neglect, much of which is the direct result of the failed system of cadre deployment.

The public’s inputs received on the Bill have consistently shown that many of South Africa’s municipalities are

under-resourced, in terms of fire preparedness, and cannot be relied on to deal with veld fires.

The brave community fire protections organisations are probably left to deal with rampant veld fires on their own, with little to no assistance from local municipalities or government in general. ANC’s induced loadshedding is making their job even more difficult.

The proposed amendment compelling municipalities to join Faith-Based Organisations, FBOs, should be welcomed. But this

must be properly monitored and Mayors and municipal managers who fail to play their part must be held to account.

If this government is really serious about protecting South Africa from the devastating impacts of rampant veld fires, it must also ensure that local fire services have all the tools they need. We cannot continue with the scenario where we have one fire engine servicing an entire rural district while the local politicians drive around in fancy cars. Unfortunately, this is the reality in many parts of South Africa.

Whilst proactive and forward-thinking governments, such as the DA-led City of Cape Town and Western Cape, continue to maintain and reinvest in its firefighting infrastructure, many parts of the rest of South Africa have to make due with old vehicles, broken equipment and poorly trained staff. If it were not for the work of groups like Working on Fire and others, the situation would be even worse in many of these areas. And I would like to personally thank Working on Fire for their ongoing work in the most difficult of circumstances.

The bottom line is that if the requisite resources are not rolled out urgently, these amendments will be meaningless. Our

natural environment will remain at risk from the impacts climate change and sadly, many more people will die.

South Africans can be rest assured, however, that where we govern, the DA will continue to prioritise and implement the important legislations, such as this legislation, that keeps us safe and protects our fragile environment.

The DA supports the Bill. Thank you very much.

Ms T V B MCHUNU: Thank you hon Chair and greetings to hon Ministers, Deputy Ministers and hon members. Hon Chair, please allow me to speak before this esteemed House on the proposed amendments to the National Veld and Forest Fire Act of 1998.

This amendment seeks to enhance the existing provision of the Act, promoting greater co-operation between stakeholders, strengthening and enforcement mechanisms and focusing on the prevention and management of veld fires in South Africa.

Veld and forest fires are a significant threat to our environment, wildlife and communities. Every year, these fires cause significant damage, destroying hectares of land and placing the livelihoods of people at risk. The proposed

amendment to the Act seeks to address these risks and promote greater co-operation and collaboration between stakeholders.

One of the key changes proposed in the amendment is the facilitation of the formation of fire protection associations, FPAs by municipalities and traditional councils. These associations will be responsible for co-ordinating fire prevention and management activities within their respective areas of jurisdiction. This provision is essential as it recognises the importance of respective communication and co- operation between stakeholders including land owners, government entities and emergency services.

Fire protection associations, FPAs is important in managing forest and fire and fell fires, but there are some concerns to address. Funding and capacity issues, lack of co-operation from some land owners, difficult access to remote areas, limited areal support and legal challenges are some of the challenges that are hindering the effective fire management.

It’s important to address these concerns to ensure that FPAs can reduce the risk of significant damage and loss. Fire protection associations will promote information sharing awareness and cooperation to prevent and manage fires.

Another significant change proposed in the amendment is the requirement that a municipality, state-owned enterprise, public entity or other organ of state that owns land must join the Fire Protection Association. This provision is intended to ensure that all stakeholders take responsibility for fire prevention and management, working together to mitigate the risks associated with veld and forest fires. The participation of government entities and state-owned enterprises is crucial as they often own large tracts of land that are at risk of fires. By joining the Fire Protection Association, they will be able to contribute to fire prevention and management efforts, sharing resources and expertise with other stakeholders.

Hon Chairperson, we have noted that SA Local Government Association, Salga is advocating for standardisation of the existence of disaster management, fire services and emergency services, business units with adequate financial resources and infrastructure and the establishment of the professional standards in the practice of disaster risk management sector. We think this is a welcomed move as it will help ensure the implementation of the legislation on veld and forest fire.

The success of the proposed amendment will depend on its effective implementation. To ensure that amendment is effective, we must invest in training and capacity building for all stakeholders, including government entities, traditional leaders and community members. We must also develop robust monitoring and evaluation mechanisms to assess the effectiveness of fire prevention and management efforts and make adjustments where necessary.

Preventing and managing field and forest fires requires collective effort. All stakeholders must work together to mitigate the risks and ensure that our environment, wildlife and communities are protected. These includes individuals, communities, government entities, land owners and emergency services. One of the most critical aspects of preventing and managing veld and forest fires is education. By raising awareness about the risk associated with fires, individuals and communities can take proactive steps to prevent fires from starting in the first place. These include simple measures such as not leaving camp fires unattended and disposing of cigarette butts properly.

Communities can also create fire breaks clearing vegetation that could fuel fire. In addition to education, there must be

co-ordinated effort to manage fires effectively. This includes early detection, quick response and effective suppression of fire. The Fire Protection Association established under the proposed amendment will play a crucial role in this regard, working together to coordinate fire prevention and management activities.

The proposed amendment also recognises the importance of incorporating traditional knowledge into fire management efforts. Traditional leaders have a deep understanding of their communities and their environments, and can provide valuable insights into the risks associated with fire. By giving them the power to enforce fire prevention and management measures, we can ensure that the local knowledge is incorporated into fire management efforts. On the economic front the implementation of the National Veld and Forest Fire Amendment Bill is expected to offer several economic benefits.

Firstly, it will create jobs in the fire management sector including firefighting prevention and mitigating activities. Secondly, it will reduce the economic losses caused by veld and forest fires such as damage to property, loss of livestock and destruction of infrastructure. Thirdly, it will support the development of small and medium-sized enterprises that

specialise in fire management products and services such as fire retardant chemicals and fire detection of ... [Inaudible.]

Fourthly, it will promote the sustainable use of natural resources including timber and nontimber forest products by reducing the risk of wild fires. Finally, it will improve the over resilience of ecosystems and communities to fire hazards which is essential for maintaining economic activities. is essential for maintaining economic activities that depend on natural resources as agriculture, tourism and mining. As we move forward, we must remember that the risks associated with veld and forest fires are not limited to a particular group or area. Everyone is affected by these fires from the local communities to the economy of our country as a whole.

Therefore, it is important that we all work together to mitigate these risks and ensure that our environment, wildlife and communities are protected. I am sure hon Chairperson that the hon Bryant as he is referring to the local government that is not responsive, Tshwane is also included there as part of that local government. Yes, we agree that there are problems with local government in some areas, but they are also included. But also we wish to emphasise that, these amendments

are empowering municipalities. They are giving them powers to act wherever it is necessary, so that that we can have positive impacts when it comes to the control of the veld and forest fires. Thank you Chairperson.

The DEPUTY MINISTER OF FORESTRY, FISHERIES AND ENVIRONMENT:

Thank you very much Chairperson. Thank you very much for the support from members of the portfolio committee from all parties.

*IsiXhosa*:

Ndikuxelele Sihlalo ukuba iza kuxhaswa le yam into.

*English*:

You must understand Chairperson that ...

*IsiXhosa*:

... xa umlilo uvutha awunawo amehlo. Awuthi andingeni apha kuba kukulo-ANC ndiza kungena kuloIFP, ayisebenzi kanjalo. Umlilo ungena yonke indawo.

*English*:

So it’s very important that we get support ...

*IsiXhosa*:

... kuba sisebenza kunye nee ...

*English*:

... members of the portfolio committee in the portfolio committee. I am even surprised that I hear other members saying some other things that were never said in the portfolio committee. Fortunately for myself and the Minister, we are almost 100% members of the portfolio committee.

Hon Shaik Emam, thank you very much for raising the issue of the firefighters. It reminds me that two days ago, I had a discussion with my Deputy Director-General, Dr Mkhize responsible for the environmental programmes, where then we were discussing the issue of the firefighters, because you don’t want to lose that skill. It took us time and money to train them. Therefore, it’s not a nice thing that we have to lose them.

Thank you very much for the support from all the parties. I want to assure the leaders of the portfolio committees, your members do participate 100% in the committee, especially yourself hon Bryant. I know that you and yourself hon Webber, you keep us on our toes. But, thank you very much because

we’ve been walking this road from day one up to the last day. Thank you very much for that support. I thank you very much.

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you hon Deputy Minister. That concludes the debate. Are there any objections that the National Veld and Forest Fire Amendment Bill being read for a second time? Are there any objections? No objections.

Agreed to.

Bill read a second time.

The HOUSE CHAIRPERSON (Mr C T Frolick): The Bill will be sent to the National Council of Provinces for concurrence. Hon members, upon the adjournment of the House ... [Interjections.]

Ms E N NTLANGWINI: House Chair, on a point of order.

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes, hon member.

Ms E N NTLANGWINI: I forgot something House Chair on the previous order. Can I correct it?

The HOUSE CHAIRPERSON (Mr C T Frolick): No, we have passed the order. Hon members, order! Upon the adjournment of the House, I request members to stand and to wait for the Chair and the Mace to leave the Chamber.

The House adjourned at 15:50.