



forestry, fisheries
& the environment

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

BRIEFING BY THE DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT (DFFE) TO THE PORTFOLIO COMMITTEE ON FORESTRY,
FISHERIES AND THE ENVIRONMENT

CLIMATE CHANGE BILL [B 9—2022]

COMMENT AND RESPONSE REPORT ON THE PUBLIC HEARINGS (ORAL AND WRITTEN SUBMISSIONS) HELD FROM SEPTEMBER 2022 TO JULY
2023

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PART A (Oral and written comments **with recommended amendments** to the Bill)

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
<p>Clause 1 (Definitions)</p>	<ul style="list-style-type: none"> Sasol. 	<p>Sasol recommends the inclusion of the definition of "resilience" which is used repeatedly through the Bill. As per the previous version of the Bill the following definition can be used: "resilience" means the capacity of social, economic and environmental systems to cope with a hazardous event or trend or disturbance, responding or re-organising in ways that maintain their essential function, identity and structure, while also maintaining the capacity for adaptation, learning and transformation; (NCCAS).</p>	<p>The proposed amendment is supported.</p>	<p>Clause 1 is hereby amended by the insertion after the definition of "regulation" of the following definition: <u>"resilience" means the capacity of social, economic and environmental systems to cope with a hazardous event or trend or disturbance, responding or re-organising in ways that maintain their essential function, identity and structure, while also maintaining the capacity for adaptation, learning and transformation;"</u>.</p>
<p>Clause 7 (Policy Alignment)</p>	<ul style="list-style-type: none"> Centre for Environmental Rights 	<ul style="list-style-type: none"> The title of this section is "alignment of policies"; yet the content of the section only places an obligation to coordinate and harmonise "policies, plans, programmes and decisions ...". The provision should be amended to expressly provide for 	<ul style="list-style-type: none"> It is recommended that the word "laws" be added to clause 7(1). 	<p>Clause 7(1) is hereby substituted for the following clause: <u>"(1) Every organ of state that exercises a power or performs a function that is affected by climate change, or is entrusted with powers and duties aimed at the achievement, promotion and protection of a sustainable environment, must review and if necessary revise, amend, coordinate and harmonise their</u></p>

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		alignment. It should also include “laws” in the list.		<u>policies, laws, measures, programmes and decisions in order to—</u> <u>(a) ensure that the risks of climate change impacts and associated vulnerabilities are taken into consideration; and</u> <u>(b) give effect to the principles and objects set out in this Act.”.</u>
Clause 7 (Policy Alignment)	<ul style="list-style-type: none"> Centre for Environmental Rights 	<ul style="list-style-type: none"> In addition to organised labour, civil society and business being identified as being able to advise on climate change response, research organisations and communities should also be expressly identified. Community groupings are often more organic and informal than the ordinary use of the term ‘civil society’ suggests. In order to give effect to the principles and objects set out in this Act, organised labour, civil society, research organisations, communities and business may advise on the Republic’s climate change response, 	<ul style="list-style-type: none"> It is recommended that clause 7(2) of the Bill be revised to include all related stakeholders. 	<p>Clause 7(2) of the Bill is hereby substituted for the following clause: <u>“(2) In order to give effect to the principles and objects set out in this Act, organised labour, civil society, business and relevant stakeholders may advise on the Republic’s climate change response, the mitigation of climate change impacts and adaptation to the effects of climate change towards the attainment of the just transition to a climate resilient and low carbon economy and society.”</u></p>

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
Clause 10 (Establishment of the Presidential Climate Commission, PCC)	<ul style="list-style-type: none"> Bio Watch. Sekhukhune District: Fetakgomo Local Municipality, Vhembe District: Thulamela Local Municipality, Waterberg District: Bela-Bela Local Municipality. City of Johannesburg Metropolitan Municipality, City of Ekurhuleni Metropolitan Municipality, West Rand District: Merafong Municipality. Gert Sibande District: Govan Mbeki Local Municipality, Nkangala 	<ul style="list-style-type: none"> The Act should stipulate the period of appointment and renewal of the PCC members so that potential Commissioners can make the necessary commitment. The process of appointing the PCC should include an open and transparent mechanism for sectors to nominate and recall Commissioners to ensure that those appointed are trusted representatives of their sector. Clause 10 or 12(1) should specify that the appointment by the President as a Commissioner will be for a period not exceeding five years and may be renewed for a period not exceeding five years. Clause 10 does not provide clarity on who the PCC reports. In the current format, the President and his Commission report to the Minister of Forestry, Fisheries and the Environment. 	<ul style="list-style-type: none"> The proposed amendments are supported. It is recommended that the Commission be chaired by the President. The Commission must be established in terms of the Act. Legal status of the Commission must be clarified. In the short term (2-3 years after promulgation of the Act) the Commission will continue to exist in its current form and housed at NEDLAC. In this period the Department/Commission will finalise the modalities for establishment of the Commission as an independent entity in consultation with National Treasury. These modalities will include finalisation of the feasibility study and business case and related matters. The DG to obtain prior written consent for establishment of the Commission as an entity consistent with section 38(1)(m) of the PFMA. In the medium to long term (after 3 years and beyond) the Commission will be established as a PFMA compliant independent entity. 	Clause 10 of the Bill is hereby substituted for the following clause: <u>"10(1) The Presidential Climate Commission which exists when this Act takes effect continues to exist.</u> (2) The Minister must ensure that the continued existence of the Presidential Climate Commission is compliant with the Public Finance Management Act, 1999 (Act No. 1 of 1999) <u>(3) The Presidential Climate Commission once listed as an entity under the Public Finance Management Act, 1999 (Act No. 1 of 1999), has full legal capacity as a juristic person, is independent and impartial and is subject to the Constitution and the law.</u> <u>(4) The President must appoint not more than 30 members, who will serve as commissioners, comprising representatives, including but not limited to, government, organised labour, civil society and business, to advise on the Republic's climate change response, the mitigation of climate change impacts and adaptation to the effects of climate change towards the attainment of the just transition to a low-carbon and climate-resilient economy and society.</u>

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	District: Steve Tshwete Local Municipality, Ehlanzeni District: City of Mbombela Municipality • The Presidential Climate Commission.	• To enhance transparency, coordination and accountability, the Presidential Climate Commission should report to the National Climate Forum under Chapter 4 should be chaired by the Minister responsible for Environment. • 10. (1) The Presidential Climate Commission (hereinafter referred to as the “Commission”) which exists when this Act takes effect continues to exist. (2) The Commission has full legal capacity as a juristic person, is independent and impartial and is subject to the Constitution and the law.		<u>(5) the Government representatives must include relevant Ministers who must be co-opted as Commissioners.</u> <u>(6) The Commissioners must be appointed for a period of 5 years, renewable once for a further final period of 5 years.</u> <u>(7) The Presidential Climate Commission is chaired by the President.</u> <u>(8) The President must appoint a deputy chairperson.</u> <u>(9) In the absence of the chairperson, the deputy chairperson must perform all functions of the chairperson.</u> <u>(10) The Presidential Climate Commission may determine its own procedures to be followed at its meetings.”</u>
Clause 11 (Functions of the PCC)	• Dr Kenneth Kaunda District: Matlosana Local Municipality, Ngaka Modiri Molema District: Mahikeng Local Municipality. • The Presidential Climate Commission.	• There is unhappiness with the drive to discontinue coal-fired power stations in favour of green energy sources as that will have dire consequences in the coal value chain and its associated jobs. • The functions of the Commission should amongst others, be to facilitate consensus between social	• It is recommended that clause 11 of the Bill regarding the functions of the PCC be reviewed to add functions as suggested including advising on socio-economic issues related to the just transition.	Clause 11 of the Bill is hereby amended by – (a) the substitution for paragraph (c) of the following paragraph: <u>“(c) advise government on any socio-economic matter related to the just transition;”</u> and (b) <u>by the addition of subsection (2) after subsection (1):</u>

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		<p>partners on key decisions involved in climate transition through an inclusive, transparent, action-oriented process informed by science;</p> <ul style="list-style-type: none"> • (b) recommend to the Government of the Republic of South Africa pathways to achieve a socially just, climate-resilient and low carbon economy and society by 2050; • (c) identify threats and opportunities to jobs and livelihoods and recommend measures to transition to the labour force of the future. 		<p><u>“(2) The Presidential Climate Commission may establish committees to assist it in the performance of its functions and may delegate or assign such functions to such committees.”</u></p>
<p>Clause 12 (Appointment process)</p>	<ul style="list-style-type: none"> • Bio Watch. • Sekhukhune District: Fetakgomo Local Municipality, Vhembe District: Thulamela Local Municipality, Waterberg District: Bela-Bela Local Municipality. 	<ul style="list-style-type: none"> • Process of appointment Section 12 (1) The process of appointing the PCC should include an open and transparent mechanism for sectors to nominate and recall Commissioners to ensure that those appointed are trusted representatives of their sector. • 12. (1) The Commission shall be supported by up to 24 commissioners appointed by the President from 	<ul style="list-style-type: none"> • It is recommended that the clauses relating to the Commission be reviewed to provide for transparency, remove discretion and improve on the functions of the Commission. 	<p><u>Clause 12 of the Bill is hereby amended by –</u></p> <p><u>(a) the substitution for subsection (1) of the following subsection:</u></p> <p><u>“(1) Before appointing the Commissioners in terms of section 10(4), the President must-</u></p> <p><u>(a) by notice in the Gazette and in at least two nationally circulated newspapers invite nominations;</u></p> <p><u>(b) in such notice, specify the period within which nominations must be</u></p>

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	<ul style="list-style-type: none"> The Presidential Climate Commission. 	<p>representatives of government departments and state entities, organised business, organised labour and civil society in accordance with the provisions of this section.</p> <ul style="list-style-type: none"> (2) The role of a Commissioner is to provide strategic and technical advice to the Commission. (3) No person shall be appointed as a commissioner unless he or she— (a) is a South African citizen. 		<p>submitted and stipulate the procedure to be adopted regarding such nominations:</p> <p><u>(b) by the addition of subsection (3) and (4) after subsection (2):</u></p> <p><u>(3) The role of a Commissioner is to provide advice to the Presidential Climate Commission on the Republic's climate change response, the mitigation of climate change impacts and adaptation to the effects of climate change towards the attainment of the just transition to a low-carbon and climate-resilient economy and society.</u></p> <p><u>(4) No person shall be appointed as a commissioner, unless he or she— (a) is a South African citizen.”.</u></p> <p><u>(5) Commissioners who are not in the employment of the State are eligible for remuneration.</u></p> <p><u>(6) The remuneration of Commissioners must be determined by the Minister in consultation with the Minister of Finance.</u></p>
New Clause 12A (Appointment of the Executive Director)	<ul style="list-style-type: none"> Presidential Climate Commission 	<ul style="list-style-type: none"> The Bill must be amended and provide for the appointment of an Executive Director. The Executive Director will be the head of the administration who must perform the 	<ul style="list-style-type: none"> The proposed amendment is supported. 	<p><u>The Bill is hereby amended by the insertion of the following new clause after clause 12:</u></p> <p><u>“Appointment of Executive Director</u></p> <p><u>XX. (1) The Minister must appoint a person with appropriate qualifications,</u></p>

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		functions of office in accordance with this Act.		<p><u>experience and expertise as the Executive Director of the Commission following a competitive recruitment process.</u></p> <p><u>(2) The Executive Director is the accounting authority who must perform the functions of office in accordance with this Act.</u></p> <p><u>(3) A person appointed as Executive Director holds office —</u></p> <p><u>(a) for an agreed term not exceeding five (5) years, but which is renewable for one further period of no longer than five (5) years; and</u></p> <p><u>(b) on terms and conditions determined by the Minister, which must include salary, allowances, benefits and performance standards, after taking into consideration the recommendation of the Minister of Finance.”.</u></p>
New Clause 12B (Financial Administration)	<ul style="list-style-type: none"> • Presidential Climate Commission 	<ul style="list-style-type: none"> • The Bill must be amended and provide for financial administration of the Commission including the source of funds and compliance with the Public Finance Management Act, 1999 (Act No. 1 of 1999) the PFMA. 	<ul style="list-style-type: none"> • The proposed amendment is supported. 	<p><u>The Bill is hereby amended by the insertion of the following new clause after clause 12:</u></p> <p><u>“Financial administration</u></p> <p><u>XX. (1) The Commission must comply with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999) for financial reporting and accountability purposes.</u></p>

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				<p><u>(2) The Commission must be funded from moneys—</u> <u>(a) appropriated by Parliament for that purpose to departmental vote in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999); and</u> <u>(b) received by way of grant, donation or inheritance from any of the social partners or any source, whether inside or outside the country, in accordance with a fundraising strategy to be adopted by the Commission from time to time.</u> <u>(3) Monies appropriated by Parliament for this purpose—</u> <u>(a) constitute earmarked funds on the Minister’s departmental vote; and</u> <u>(b) may not be used by the Commission for any other purpose, without the approval of Parliament.</u> <u>(4) The fundraising strategy contemplated in subsection (2)(b) shall provide that such funding, amongst others:</u> <u>(a) must be unconditional other than that it will be used towards fulfilment of the functions of the Commission;</u> <u>(b) will not result in a conflict of interests for the Commission or any commissioner;</u></p>

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				<p><u>(c) must be disclosed in full in accordance with this Act and any applicable legislation.</u></p> <p><u>(5) All grants, donations or inheritances shall be disclosed in the annual report of the Commission, and all material grants, donations or inheritance must be itemised.</u></p>
<p>Clause 13 (Reporting PCC) by</p>	<ul style="list-style-type: none"> • Sekhukhune District: Fetakgomo Local Municipality, Vhembe District: Thulamela Local Municipality, Waterberg District: Bela-Bela Local Municipality. • The Presidential Climate Commission. 	<ul style="list-style-type: none"> • Clause 13 should read as “<i>The Presidential Climate Commission must provide a report on any report it provided to the government in terms of section 11(b)</i>”. • “<i>The President may require the PCC to provide a report</i>” The proposed amendment is to change “May” to “must”. • The accountability and reporting requirements must be strengthened to include submission of annual reports to the Minister on activities and functions of the Commission. Also make provision for submission of these reports and financial statements by the Minister to Parliament. 	<ul style="list-style-type: none"> • It is recommended that the clauses relating to reporting by the Commission be reviewed to provide for transparency, remove discretion and ensure accountability to the Minister and Parliament. 	<p>Clause 13 of the Bill is hereby amended by the substitution for clause 13 of the following clause:</p> <p><u>(1) The Commission must annually submit a report to the Minister on its activities and the performance of its functions, including the implementation of its approved Strategic Plan.</u></p> <p><u>(2) In addition, the Commission must annually, within six (6) months after the end of each financial year, submit to the Minister—</u></p> <p><u>(a) the report on the overall control of the Commission’s administration; and</u></p> <p><u>(b) the report, the financial statements and the audit report on those statements.</u></p> <p><u>(3) The Commission must furnish the Minister with such additional information and particulars as the Minister may from time to time in writing require in</u></p>

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				<p><u>connection with the activities or functions of the Commission.</u></p> <p><u>(4) If the Commission fails to comply with subsection (1) and (2), the Commission must promptly submit a written explanation setting out the reasons for the delay to the Minister.</u></p> <p><u>(5) The Minister must table in the National Assembly the reports submitted in terms of subsection (1) and (2)—</u></p> <p><u>(a) within 15 business days after receiving the reports from the Commission; or</u></p> <p><u>(b) if the National Assembly is not then sitting, within 15 business days after the commencement of the next sitting.</u></p> <p><u>(6) The President may require the Commission to provide a report on any advice and guidance it provides to government in terms of section 11.</u></p> <p><u>(7) The reports of the Presidential Climate Commission must be made available to the public by publication on the Commission’s website.”.</u></p>
<p>Clause 14 (Administrative and secretariat support)</p>	<ul style="list-style-type: none"> • Presidential Climate Commission 	<ul style="list-style-type: none"> • The Presidential Climate Commission to have its own Secretariat. • Clause 10 (4) of the Bill which provides that the Department 	<ul style="list-style-type: none"> • The proposed amendment is supported. The Commission to have its own secretariat under the leadership of the Executive Director. 	<p>Clause 14 of the Bill is hereby substituted for the following clause.</p> <p><u>14. (1) The Executive Director must appoint the secretariat of the</u></p>

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		is the Secretariat must be revised accordingly.		<u>Presidential Climate Commission in consultation with National Treasury.</u> <u>(2) The secretariat is responsible for the management of the administrative affairs of the Presidential Climate Commission, the preparation of meetings and the running of the day-to-day operations, communications and research of the Presidential Climate Commission.</u>
Clause 15 (e) and (f)	<ul style="list-style-type: none"> Centre Environmental Rights 	<ul style="list-style-type: none"> c. review and, to the extent necessary, amend and publish the climate change needs and response assessment at least once every [five] two years; within two years of undertaking the climate change needs and response assessment contemplated in paragraph (a), develop [and] implement and publish a climate change response implementation plan as a component of, and in conjunction with, provincial, metropolitan or district municipal planning instruments, policies and programmes; and 	<ul style="list-style-type: none"> Only the insertion of publish is supported. This can be on the website of the organisations. In respect of reduced timeframes, the words “at least” are used to indicate that the timeframes can be more or less. Only the insertion of publish is supported. The proposed amendment relating to reduced timeframes is not supported. 	<p>Paragraphs (c),(d) and (e) of clause 15(1) for the Bill are hereby substituted of the following paragraphs: <u>“at least within one year of the publication of the National Adaptation Strategy and Plan contemplated in section 18, undertake a climate change needs and response assessment for the province, metropolitan or district municipality, as the case may be;</u> <u>(c) review and, to the extent necessary, amend and publish the climate change needs and response assessment at least once every five years;</u> <u>(d) at least within two years of undertaking the climate change needs and response assessment contemplated in paragraph (a), develop, implement and publish a climate change response implementation plan as a component of, and in conjunction with,</u></p>

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				<u>provincial, metropolitan or district municipal planning instruments, policies and programmes; and</u> <u>(e) review and, to the extent necessary, amend and publish the climate change response implementation plan at least once every five years.”.</u>
Clause 16 (Adaptation objectives)	• Alfred Nzo DM, Buffalo City Municipality & Sunday River Valley Local Municipality	• In clause 16(2), “ <i>may</i> ” should be replaced with <i>must</i> .	• The proposed amendment is supported.	Clause 16 (2) of the Bill is hereby substituted for the following clause; “(2) The Minister [may] <u>must</u> , periodically, review and amend the national adaptation objectives contemplated in subsection (1)(a).”.
Clause 17 (Adaptation scenarios)	• Alfred Nzo DM, Buffalo City Municipality & Sunday River Valley Local Municipality	• In clause 17(3), “ <i>may</i> ” should be replaced with <i>must</i> .	• The proposed amendment is supported.	Clause 17(3) of the Bill is hereby substituted for the following clause; “(3) The Minister [may] <u>must</u> , periodically, review and amend the national adaptation scenarios contemplated in subsection (1).”.
Clause 18 (Adaptations Strategy & Plan)	• iLembe District: KwaDukuza Local Municipality, UMgungundlovu District: Msunduzi Local Municipality, eThekweni Metro Municipality.	• Clause 18(3) must make reviewing National Adaptation Strategy and Plans mandatory, with reduced review intervals such as every two or three years. The timeframes in the Bill are too long and do not consider the urgency	• The proposal for the change of the word “ <i>may</i> ” to “ <i>must</i> ” is supported. • The proposed change relating to reduced timeframes is not supported.	Clause 18(3) of the Bill is hereby substituted for the following clause; “(3) The Minister [may] <u>must</u> review and amend the National Adaptation Strategy and Plan at least five-yearly interval to take into account— (a) monitoring and evaluation results; (b) technological advances; (c) the best available science, evidence or information; or

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				(d) the Republic's international commitments and obligations.”.
	<ul style="list-style-type: none"> Centre for Environmental Rights 	<ul style="list-style-type: none"> The Bill does not make provision for the climate change needs and response assessments or the response implementation plans to be made to be made publicly available; this must be addressed. 	<ul style="list-style-type: none"> Proposed amendment supported. Timeframes to be retained. 	<p>Clause 19 (1) of the Bill is hereby substituted for the following clause: “A Minister responsible for functions listed in Schedule 2 must— (a) <u>at least</u> within one year of the publication of the National Adaptation Strategy and Plan, and in alignment with such National Adaptation Strategy and Plan, <u>conduct and publish</u> an assessment of the functions under the Minister's operational control which— (i) identifies and spatially maps risks and vulnerabilities, areas, ecosystems and communities that will arise and that are vulnerable to the impacts of climate change; and (ii) determines measures and mechanisms to manage and implement the required adaptation response;”.</p>
<p>Clause 20 (Adaptation information and Synthesis Report Adaptation Report)</p>	<ul style="list-style-type: none"> Sasol 	<ul style="list-style-type: none"> 20 (1) "The Minister may by notice in the Gazette, or in writing, require any person to provide, within a reasonable time or on a regular basis, data, information, documents, samples or materials to the Minister that are reasonably required for the purposes of 	<ul style="list-style-type: none"> The proposed amendment is supported. It is recommended that NCCRWP must be replaced with "fulfilment of the objectives of the Bill." 	<p>Clause 20(1) of the Bill is hereby substituted for the following clause; <u>"20. (1) The Minister may by notice in the Gazette, or in writing, require any person to provide, within a reasonable time or on a regular basis, data, information, documents, samples or materials to the Minister that are reasonably required for the purposes of fulfilment of the objectives of this Act;”.</u></p>

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		<p>the National Climate Change Response White Paper." It is unclear as to what requirement is referred to when referencing the National Climate Change Response White Paper. A redrafting of this clause is required</p>		
<p>Clause 21 (Trajectory)</p>	<ul style="list-style-type: none"> • Agricultural Business Chamber (Agbiz) 	<ul style="list-style-type: none"> • Clause 21 (3) This clause provides that until such time as a national GHG emissions trajectory is published by the Minister, that the trajectory described in Schedule 3 of the document will serve as the National GHG emissions trajectory. However, the current Schedule 3 describes South Africa's Nationally Determined Contribution under the Paris Agreement (NDC) from 2015, instead of South Africa's updated NDC of September 2021. This is totally unacceptable as this provides for an inadequate 'required by science' response to emissions reductions, equating to an average 4- 	<ul style="list-style-type: none"> • It is recommended that following amendment to section 21 (3) be effected "<u>(3) Until such time as the Minister publishes the national greenhouse gas emissions trajectory in terms of subsection (1), the latest updated Nationally Determined Contribution serves as the trajectory.</u> • <u>Schedule 3 to be deleted</u> 	<p>Clause 21(3) of the Bill is hereby substituted for the following clause: <u>"(3) Until such time as the Minister publishes the national greenhouse gas emissions trajectory in terms of subsection (1), the latest updated Nationally Determined Contribution serves as the trajectory.</u></p>

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		<p>degree Celsius increase in global temperatures. At the very least Schedule 3 in the Act must be replaced by South Africa's updated NDC from September 2021.</p>		
Clause 21	<ul style="list-style-type: none"> Western Cape 	<ul style="list-style-type: none"> Clause 21(2)b The wording is vague and can be subjectively interpreted. Suggest the following wording: "be informed by relevant evidence-based and up to date information." 	<ul style="list-style-type: none"> The proposed text is supported. 	<p>Clause 21(2)(b) is hereby substituted: (b) be informed by relevant evidence-based and latest information regarding the total current and projected amounts of greenhouse gas emissions in the Republic."</p>
Clause 22	<ul style="list-style-type: none"> UCT-ACDI 	<ul style="list-style-type: none"> 22(1 and 2) – this addition ensures that SETs are allocated to all major emitting sectors 	<ul style="list-style-type: none"> Proposed text is supported. 	<p>Clause 22(2) of the Bill is hereby substituted for the following clause:</p> <p>"22. (1) The Minister must, within one year of the coming into operation of this Act, by notice in the Gazette, list the greenhouse gas emitting sectors and sub-sectors that are subject to sectoral emissions targets. This list must appropriately reflect the greenhouse gas emissions profile of the Republic.</p> <p>(2) The Minister may vary the list of sectors and sub-sectors that are subject to sectoral emissions targets, guided by <u>the national emission profile as contained in the latest national</u></p>

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				<u>Greenhouse Gas Inventory and performance against domestic and international commitments.”</u>
Clause 22	<ul style="list-style-type: none"> • Agricultural Business Chamber (Agbiz) • Western Cape Government 	<ul style="list-style-type: none"> • Document reminder: Presidential Commitment meeting - 6 July 2023 • Sectoral Emission Targets (SETs) and the plans, policies and measures put in place by government to promote the achievement of SETS will therefore play a significant role to reduce the overall emissions of the sector. It is consequently also vital that the sector is consulted to support development of the plans, policies and measures of government. When SETS are calculated, the Department should consider the feasible expansion plans and trajectories of different sectors within the economy. 	<ul style="list-style-type: none"> • The submission is noted, and it is agreed that the criteria is not clear. 	<p>Clause 22(2) of the Bill is hereby substituted for the following clause: <u>(2) the Minister may vary the list of sectors and sub-sectors that are subject to sectoral emissions targets, guided by the national emission profile as contained in the latest national Greenhouse Gas Inventory and performance against domestic and international commitments.”</u></p>
Clause 23	<ul style="list-style-type: none"> • UCT-ACDI 	<ul style="list-style-type: none"> • 23(2) – The second half of the sentence is unnecessary and confusing, since this is already achieved in (1) 	<ul style="list-style-type: none"> • Agree, second half of the sentence must be removed. 	<p>Clause 23(2) of the Bill is hereby substituted for the following clause: <u>“(2) The Minister must, by notice in the Gazette, publish a list of activities, which emit or has the potential to emit one or</u></p>

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
				<u>more of the greenhouse gases listed in terms of subsection (1)."</u>
Clause 22	<ul style="list-style-type: none"> • Agricultural Business Chamber (Agbiz) • Western Cape Government 	<ul style="list-style-type: none"> • Clause 22 (4)(b) One assumes that the cumulative sectoral GHG emissions are not equivalent to the national GHG emissions trajectory because not all emissions are included in the sectoral targets. However, this should be clarified, and the clause should say that cumulative sectoral emissions are not equivalent but should never exceed the targets in the national greenhouse gas emissions trajectory. Due to the national importance of reducing emissions, the progress on implementing sectoral emissions targets should be public information. Add a clause (13) to this section: (13) Synthesized Reports provided to Cabinet in terms of subsection (12) must be made available to the public on a national public climate change web portal. 	<ul style="list-style-type: none"> • The SETs are actually meant to accumulate emission reductions and not emissions. Therefore, the cumulative emission reduction outcomes from the implementation of SETs should ensure that the National Emissions Profile based on the latest GHG inventory remain within the National GHG emissions Trajectory. 	<p>Clause 22(4)(b) of the Bill is hereby substituted for the following clause: <u>"(b) be aligned with the national greenhouse gas emissions trajectory, noting that the cumulative amount of greenhouse gas emission reductions which the sectoral emissions targets represent, ensures that the national greenhouse gas emissions profile are kept within the national greenhouse gas emissions Trajectory;"</u>.</p>

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
Clause 24	<ul style="list-style-type: none"> Centre for Applied Legal Studies (CALS) 	<ul style="list-style-type: none"> Clause 24 (7) (b), the Act should give some guidance as to what 'prescribed circumstances' may include so that this clause doesn't provide another loophole to avoid emissions reduction. 	<ul style="list-style-type: none"> The submission is supported. Clause 24(7)(b) to be reviewed. 	<p>Clause 24(7)(b) of the Bill is hereby substituted for the following clause: <u>"(b) A person to whom a carbon budget has been allocated may apply for a revision or cancellation of the carbon budget under circumstances to be prescribed in the regulations contemplated in section 27 (2) (a) (i)."</u></p>
Clause 27 (Regulations)	<ul style="list-style-type: none"> Presidential Climate Commission. 	<ul style="list-style-type: none"> Empower the Minister to make regulations relating to the administration and functioning of the Commission. 	<ul style="list-style-type: none"> The proposed amendment is supported. 	<p>Clause 27(1)(e) of the Bill is hereby substituted for the following clause: <u>"(e) in relation to the administration and operation of any committee or commission established in terms of this Act, to ensure the achievement of its purpose, functions and responsibilities."</u></p>
Clause 32 (Offences and Penalties)	<ul style="list-style-type: none"> The United Nations High Commissioner For Human Rights (OHCHR) Jacqueline Wetselaar SACAN Climate Energy & Health Special Interest Group (PHASA), WESSA 	<ul style="list-style-type: none"> In respect of the Offences and Penalties set out in clause 32, OHCHR recommends that stronger penalties be imposed for non-compliance with critical provisions such as those pertaining to carbon budgets. Strong penalties will help deter non-compliance, while giving expression to the HRBA principle of accountability. The enforcement measures in the Bill are either weak or 	<ul style="list-style-type: none"> The proposal to improve clause 32 is supported. Offences related to failure to provide information and data or providing false and misleading information to be added. However, the enforcement measures of the carbon budgets will be covered by the National Carbon Budget and Mitigation Plans Regulations that will be developed when the Bill is enacted into an Act. Also note that in adjudging compliance against carbon budget allocations, the regulatory framework needs to avoid double 	<p>Clause 32 of the Bill is hereby substituted for the following clause: <u>"32. (1) A person commits an offence if that person —</u> <u>(a) fails to provide data, information, documents, samples or materials to the Minister in terms of section 20(1);</u> <u>(b) Provides false and misleading data, information, documents, samples or materials to the Minister in terms of section 20(1);</u> <u>(a) fails to prepare and submit a greenhouse gas mitigation plan to the Minister in terms of section 24(4);</u></p>

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
	<ul style="list-style-type: none"> • Scientific Advisory Group on Emergencies (SAGE) • SASOL • Traverse Le Goff • Foundation for Human Rights (FHR) • World Wildlife Fund (WWF) • Conservation South Africa (CSA) • Centre for Environmental Rights. • Green Peace Africa • Just Share 	<p>entirely absent. Given the urgency, I require that exceeding carbon budgets, either through negligence or by design, be a criminal offence. It is not sufficient to encourage emitters through financial penalties. The effects of climate change are already affecting people's lives and livelihoods and strong measures are needed.</p> <ul style="list-style-type: none"> • If the report of a person's carbon budget is failing or has failed, they should also be liable to a penalty for non-compliance in addition to the measures stated in the Bill. This disincentives a person to settle to prolong their ability to keep within the prescribed budgets. This ought to also have a ratchet-up mechanism for continued non-compliance that results in action taken against the person by the relevant authority. • To serve as a sufficient deterrent, penalties should be much higher than those 	<p>penalization. Therefore, National Treasury will outline in the Carbon Tax legislation the carbon tax accounting mechanism that shall be used to penalise non-compliance against carbon budgets. Research work done by DFFE and NT clearly shows that the carbon Budgeting and the carbon tax systems have to work in an integrated way in order to enforce the compliance with respect to Carbon Budgets.</p> <ul style="list-style-type: none"> • The Department is developing an Administrative Penalties Bill which will apply to NEMA and all the SEMA's. 	<p>(b) <u>fails to comply with section 24(6)(a) and (b);</u> (c) <u>fails to comply with or contravenes the notice of the Minister in terms of section 25(1); and</u> (d) <u>fails to comply with the measures contemplated in section 25(3)(b).</u> (2) <u>A person convicted of an offence in terms of subsection (1) is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment."</u></p>

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		<p>currently contemplated in the Bill. For instance, they could be linked to a meaningful percentage of the activity's commercial value; such as a percentage of annual turnover or exports. In addition, as has been set out above, more violations must be identified as subject to penalties.</p> <ul style="list-style-type: none"> Without criminal offences in the Bill, none of the provisions in NEMA's section 34 (awards of damages; liability of directors, managers, agents and employees; recovery of costs of investigation and prosecution; or the key investigation and enforcement provisions in NEMA's section 34A to H (award of part of fine recovered to informant; cancellation of permits; forfeiture of items; security for release of vehicles, vessels or aircraft; etc) are triggered. There is no basis for GHG emitters who violate this Bill 		

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		to be treated differently from companies and individuals who violate other specific environmental management Acts – if anything, given what is at stake, the consequences should be more severe.		
Schedule 2	<ul style="list-style-type: none"> Section 27 	<ul style="list-style-type: none"> Section 19 of the Bill mandates seventeen sectors to formulate a “Sector Adaptation Strategy and Plan”. These sectors are listed in Schedule 2 of the Bill and include Health, Human Settlements and Transport, but concerningly, the Basic Education sector does not form part of the sectors required to formulate an adaptation strategy and plan. 	<ul style="list-style-type: none"> The Department of Basic Education will be listed in schedule 2 	Include the following functional areas; Education Tourism
Schedule 3	<ul style="list-style-type: none"> Agricultural Business Chamber (Agbiz) 	<ul style="list-style-type: none"> Clause 21 (3) This clause provides that until such time as a national GHG emissions trajectory is published by the Minister, that the trajectory described in Schedule 3 of the document will serve as the National GHG emissions trajectory. However, the current Schedule 3 describes South Africa’s Nationally Determined Contribution 	<ul style="list-style-type: none"> It is recommended that following amendment to section 21 (3) be effected <u>“(3) Until such time as the Minister publishes the national greenhouse gas emissions trajectory in terms of subsection (1), the latest updated Nationally Determined Contribution serves as the trajectory.</u> 	Schedule 3 of the Bill is hereby deleted. The latest updated Nationally Determined Contribution will serve as the trajectory.

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		under the Paris Agreement (NDC) from 2015, instead of South Africa's updated NDC of September 2021. This is totally unacceptable as this provides for an inadequate 'required by science' response to emissions reductions, equating to an average 4-degree Celsius increase in global temperatures. At the very least Schedule 3 in the Act must be replaced by South Africa's updated NDC from September 2021.		

PART B (Oral and written comments with **no recommended amendments** to the Bill)

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
Clause 1	<ul style="list-style-type: none"> • Business Unity South Africa (BUSA) • Sasol • Elizabeth Mame • WESSA • Centre Environmental Rights • Green Peace 	<ul style="list-style-type: none"> • The definition of the "Intergovernmental panel on climate change" (IPCC) is missing. 	<ul style="list-style-type: none"> • The IPCC is only mentioned once in the definition of the term "sub-sector". It is not mentioned in the content of the Bill and therefore it is not necessary to define it in the Bill. 	<ul style="list-style-type: none"> • No proposed amendment
		<ul style="list-style-type: none"> • "Green House Gas" means gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and 	<ul style="list-style-type: none"> • The definition in the NGERs was aligned to the Air Quality Act and it shall be revised once the Climate change Bill is enacted 	<ul style="list-style-type: none"> • No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
	<ul style="list-style-type: none"> The Presidential Climate Commission 	<p>re-emit infrared radiation; This is slightly different from the definition in the Air Quality Act and the GHG Reporting Regulations. Consider revising or aligning all definitions with the Bill.</p>		
		<ul style="list-style-type: none"> The definition of sustainable development is, according to UNESCO and alluded to in the first paragraph of the preamble, is: “development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.” 	<ul style="list-style-type: none"> The Bill will be a SEMA and thus read and interpreted with NEMA. The word “sustainable development” is already defined in NEMA. It is not necessary to repeat it in the Bill. 	<ul style="list-style-type: none"> No proposed amendment
		<ul style="list-style-type: none"> It is advisable that the concept of “national circumstances” not be left to vague interpretation and possibly be included in the list of definitions. 	<ul style="list-style-type: none"> Although it is not defined, the national circumstance takes into account the socio, economic and environmental aspects of the country. This includes the policies and relevant governance instruments. 	<ul style="list-style-type: none"> No proposed amendment
		<ul style="list-style-type: none"> In addition to organised labour, civil society and business being identified as being able to advise on climate change response, research organisations and communities 	<ul style="list-style-type: none"> Amendments will be effected in the relevant provisions that reference civil society to broaden same to all relevant stakeholders. 	<ul style="list-style-type: none"> No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		should also be expressly identified.		
		<ul style="list-style-type: none"> • Sasol recommends the inclusion of the definition of “person” which means the definition of person as defined in the Interpretation Act 33 of 1957 	<ul style="list-style-type: none"> • The Bill will be a SEMA and thus read and interpreted with NEMA. The word “person” is already defined in NEMA. It is not necessary to repeat it in the Bill. 	<ul style="list-style-type: none"> • No proposed amendment
		<ul style="list-style-type: none"> • Proposed definitions of Scope 1, 2 and 3 Emissions are set out below: “Scope 1 Emissions” means all direct emissions from a relevant party or under that relevant party’s control, including onsite fuel combustion and emissions from chemical production in owned or controlled process equipment, refrigerant losses and company vehicles. “Scope 2 Emissions” means all indirect emissions from electricity purchased and used by a relevant party where the emissions occur at sources owned or controlled by another entity. “Scope 3 Emissions” means all indirect emissions (other than Scope 2 Emissions). 	<ul style="list-style-type: none"> • The proposed text is rather restrictive and will not allow for flexibility in the future should scope 2 emissions be considered for carbon budget considerations. 	<ul style="list-style-type: none"> • No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		<ul style="list-style-type: none"> • Clause 1 is hereby amended by addition after the definition of “sectoral emission targets” of the following definition “social partners”: • <u>‘social partners’ ‘social partners’ means all stakeholders affected by climate change and the just transition”.</u> • Clarity is requested regarding the definition of “listed activities” in terms of clause 23 (Listed GHGs and activities), 24 (Carbon Budgets) and 26 (National GHG Inventory) of the Bill. Are the respective listed activities aligned with the activities that are listed in Schedule 2 of the Carbon Tax Act 15 of 2019? If the listed activities do not align, have the possible gap consequences been considered? 	<ul style="list-style-type: none"> • The proposal is not supported, this term is not used in the content of the Bill. • Listed activities for SETs are highlighted in Schedule 1. Listed activities for Carbon Budgets shall be listed in the Carbon Budget regulations and listed activities for in terms of section 26(3) are those found in the National GHG Reporting Regulations. 	<ul style="list-style-type: none"> • No proposed amendments. • No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
Clause 2	<ul style="list-style-type: none"> Green Peace Bio Watch South Africa: Biodiversity food Sovereignty agroecology Social justice 	<ul style="list-style-type: none"> Revise section 2 (Objects of Act) so that it begins with the principal object of transforming to an ecologically sustainable society, for example by inserting the following: “(a) to facilitate a rapid and just transition to an ecologically sustainable society that emits less carbon into the atmosphere than natural systems can absorb;” 	<ul style="list-style-type: none"> Clause 2 of the Bill already includes objectives that address the just transition, stabilising GHG emissions and protecting and preserving the planet for future generations. 	<ul style="list-style-type: none"> No proposed amendment
		<ul style="list-style-type: none"> Add an objective: ‘Outline conflict resolution mechanisms to ensure that the objectives and principles of this Act are realised in support of a just transition that enables a good life for all South Africans, in the context of climate resilient and zero-emissions development.’ 	<ul style="list-style-type: none"> The primary objective of the Bill is to address climate change and foster coherence of approach across the spheres of society. This Bill will be a SEMA, and like all other SEMA’s the provisions of Chapter 4 of NEMA (sections 17 to 22) will apply. There is no need to have a dedicated provision of conflict resolution in the Bill. 	<ul style="list-style-type: none"> No proposed amendment
Clause 3	<ul style="list-style-type: none"> BUSA Centre for Applied Legal Studies (CALS). Centre for Environmental Rights. 	<ul style="list-style-type: none"> It is important that the need for sustainable economic growth is incorporated in the principles as a key part of the just transition. Related to this, the conversation must also focus on supporting South Africa's long-term competitiveness. 	<ul style="list-style-type: none"> The principle of ecological sustainable economies remains central to the Bill. The matter of sustained economic growth is implied and cannot be too explicit as this is a cross-cutting policy. 	<ul style="list-style-type: none"> No proposed amendment

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		<ul style="list-style-type: none"> • The principle of participatory democracy more broadly and in the context of environmental management is established in international and domestic law. It however remains a struggle for the majority of workers, communities, women and other oppressed groups to convert tick-box exercises into real influence over decisions that affect them. • The Bill does not adequately centre the Constitution and the Bill of Rights. • The principles laid out in section 3 of the Bill should be made binding on all organs of state and must apply to all decision-making on matters with climate impacts. 	<ul style="list-style-type: none"> • The statement is acknowledged. The Bill will be a SEMA and NEMA principles apply. Section 24 of the Constitution also applies. • Clause 4(2) clearly states that the Bill binds all organs of State. 	
Clauses 4,5 and 6	<ul style="list-style-type: none"> • No comments 	<ul style="list-style-type: none"> • No comments 	<ul style="list-style-type: none"> • No comments 	<ul style="list-style-type: none"> • No proposed amendments
Clause 7	<ul style="list-style-type: none"> • ACDI University of Cape Town 	<ul style="list-style-type: none"> • It is proposed in section 7(2) that organised labour, civil society and business “may advise on the Republic’s climate change response”. There is no institutional mechanism for this in the Bill. This should be remedied, and such a 	<ul style="list-style-type: none"> • Chapter 2 of the Bill deals with institutional mechanism, inclusive of Presidential Climate Commission (the PCC), Provincial Structures as well as Local Government Structures. These multi stakeholders are represented in the PCC. 	<ul style="list-style-type: none"> • No proposed amendments

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		mechanism or mechanisms should be transparent and inclusive.		
Clauses 8 and 9	<ul style="list-style-type: none"> • Sekhukhune District: Fetakgomo Local Municipality, Vhembe District: Thulamela Local Municipality, Waterberg District: Bela-Bela Local Municipality. • iLembe District: KwaDukuza Local Municipality, UMgungundlovu District: Msunduzi Local Municipality, eThekwini Metro Municipality. 	<ul style="list-style-type: none"> • Clauses 8 and 9 should have a provision for the membership of a representative from traditional leaders (a representative from the provincial houses of traditional leaders) and the religious fraternity (a representative from the Provincial Interfaith Council of South Africa). 	<ul style="list-style-type: none"> • Participation in the intergovernmental forums and support structures established in terms of the Intergovernmental Relations Framework Act, 2005 to which the Bill is aligned is not limited to organs of State but is open to any person with an interest (refer to, amongst others, section 25(3) and 30(1)(b) of this Act). • The composition and structure of these forums is regulated by the Intergovernmental Relations Framework Act, 2005. 	<ul style="list-style-type: none"> • No proposed amendments

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
	<ul style="list-style-type: none"> City of Johannesburg Metropolitan Municipality, City of Ekurhuleni Metropolitan Municipality, West Rand District: Merafong Municipality. Alfred Nzo DM, Buffalo City Municipality & Sunday River Valley Local Municipality. Dr Kenneth Kaunda District: Matlosana Local Municipality, Ngaka Modiri Molema District: Mahikeng Local Municipality. Fezile Dabi District: Ngwathe Local Municipality, Lejweleputswa District: Matjhabeng Local Municipality, Metropolitan Municipality: Mangaung. Centre for Environmental Rights WESSA 	<ul style="list-style-type: none"> Clause 9 of the Bill should be reconsidered because municipalities in the district cannot enforce current legislation, and the Climate Change Act will also not get enforced. The current structures and officials are ineffective in curbing air and water pollution and do not attend crucial meetings. In instances where the Bill mentions 'may' in clauses 8 and 9, it should be changed to 'must'. A Provincial Forum on Climate Change [may] must establish an intergovernmental technical support structure in terms of section 30 of the Intergovernmental Relations Framework Act if there is a need for formal technical support to the Provincial Forum on Climate Change and must ensure that sufficient and relevant 	<ul style="list-style-type: none"> The Bill once enacted into law will become a specific environmental management Act (NEMA). All the enforcement powers in terms of NEMA will apply. The dedicated Environmental Enforcement Inspectorate within the Department will be deployed to enforce compliance. The inspectorate already collaborates with provincial inspectors to implement NEMA and SEMA's. In clauses 8 and 9, we are aligning with the Intergovernmental Relations Framework Act (IGRFA). This Act uses the word "may". We cannot change the IGRFA through the Bill. Noted. 	<ul style="list-style-type: none"> No proposed amendments No proposed amendments.

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		<p>expertise is available to inform the response action referred to in section 8(3)(a).</p> <ul style="list-style-type: none"> Government to ensure that established forums are supported, capacitated and functional. 		
		<ul style="list-style-type: none"> Concerned that incorporating the climate change forums within the Premiers' intergovernmental forum, district intergovernmental forum, respectively may not ensure that the stipulated climate change response actions are sufficiently prioritised. 	<ul style="list-style-type: none"> The Bill already makes provisions for the mainstreaming and prioritisation of climate response across government as per Chapter 2 of the Bill. 	<ul style="list-style-type: none"> No proposed amendment.
Clauses 10 to 15	<ul style="list-style-type: none"> Comments on Clauses 10 to 15 have led to revision of these respective clauses, the proposed amendment wording is provided in PART A of this presentation. 	<ul style="list-style-type: none"> Comments on Clauses 10 to 15 have led to revision of these respective clauses, the proposed amendment wording is provided in PART A of this presentation. 	<ul style="list-style-type: none"> Comments on Clauses 10 to 15 have led to revision of these respective clauses, the proposed amendment wording is provided in PART A of this presentation. 	<ul style="list-style-type: none"> Comments on Clauses 10 to 15 have led to revision of these respective clauses, the proposed amendment wording is provided in PART A of this presentation.
Clause 16 to 26	<ul style="list-style-type: none"> Comments on Clauses 16 to 26 have led to revision of these respective clauses, the proposed amendment 	<ul style="list-style-type: none"> Comments on Clauses 10 to 15 have led to revision of these respective clauses, the proposed amendment wording 	<ul style="list-style-type: none"> Comments on Clauses 10 to 15 have led to revision of these respective clauses, the proposed amendment wording is 	<ul style="list-style-type: none"> Comments on Clauses 10 to 15 have led to revision of these respective clauses, the proposed amendment wording is provided in PART A of this presentation.

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
	wording is provided in PART A of this presentation.	is provided in PART A of this presentation.	provided in PART A of this presentation.	
Clause 27	• KwaZulu Natal oral submission	• Clause 27(1)(b) should 'rebates' to encourage green energy installations.	• Rebates are inherently included in the definition of incentives which is already addressed in the quoted provision.	• No proposed amendment
		• After clause 27, there should be a clause that will speak to the monitoring, enforcement and reporting of compliance or non-compliance with the regulations	• This aspect is already addressed in clause 27(3)	• No proposed amendment.
Clause 28	• Fezile Dabi District: Ngwathe Local Municipality, Lejweleputswa District: Matjhabeng Local Municipality, Metropolitan Municipality: Mangaung.	• The Bill should have a provision under clause 28 that will make a consultation with community forums or local structures compulsory before finalising regulations. This function can be delegated to the province or district. • Clause 28 needs to include a provision that mandates seeking public input before approving projects by municipalities, to prevent approval of potentially harmful projects.	• Clause 28 already provides for compulsory consultation by the Minister, responsible MEC and Mayor when making administrative decisions in terms of the Bill (including making regulations). This is consistent with the provisions of PAJA, NEMA and all other SEMA's.	• No proposed amendment
Clause 29	• Sasol	• All government ministries have dedicated social media platforms that are used to	• Submission is noted, the current clause is consistent with PAJA, NEMA and all other SEMA's. In	• No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
	<ul style="list-style-type: none"> Justice Charter Movement 	<p>communicate important messages with the electorate. Similarly, public participation must be expanded to include these platforms in conjunction with print media.</p> <ul style="list-style-type: none"> Suggest text revision; In at least one newspaper distributed nationally [digital media platform incl. radio and internet] or, if the exercise of the power will affect only a specific area, in at least one newspaper [digital media platform incl. radio and internet] distributed in that area. Public participation is insufficient. It is not enough to publish the intent to exercise power in this Bill in a national gazette or a nationally or locally distributed newspaper. The national gazette is rarely visited by the majority of citizens. The Minister, MEC or mayor must publish their intent to exercise a power in this Bill in national or local media and on all relevant social media platforms. 	<p>terms of the Interpretation Act, government decisions must be communicated by Notice in the Gazette. The Department currently uses these alternative platforms including the Departmental website. This practice will continue to complement the formalised process without a need for legislative amendments.</p> <ul style="list-style-type: none"> Submission is noted, the current clause is consistent with PAJA, NEMA and all other SEMA's. In terms of the Interpretation Act, government decisions must be communicated by Notice in the Gazette. The Department currently uses these alternative platforms including the Departmental website. This practice will continue to complement the formalised 	<ul style="list-style-type: none"> No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		<ul style="list-style-type: none"> There is no responsibility on the part of the Minister, MEC or mayor to respond to an objection to the exercise of a power emanating from this Bill. This means that public concern can simply be ignored, and public objections overlooked. What is 'appropriate circumstances' the Minister, MEC or Mayor may allow interested parties to make oral submissions and objections? 	<p>process without a need for legislative amendments.</p> <ul style="list-style-type: none"> The Minister is obliged to consider public comments and objections. A Comments and Response report is developed for all published Notices and is a public document. The public has a right to take the decision on review if comments and or objections are not considered. Appropriate circumstances are dependent on the nature of the issues to be decided and availability of resources. 	<ul style="list-style-type: none"> No proposed amendment
Clause 30	<ul style="list-style-type: none"> No comment 	<ul style="list-style-type: none"> No comment 	<ul style="list-style-type: none"> No comment 	<ul style="list-style-type: none"> No proposed amendment
Clause 31	<ul style="list-style-type: none"> Dr Kenneth Kaunda District: Matlosana Local Municipality, Ngaka Modiri Molema District: Mahikeng Local Municipality. Gert Sibande District: Govan Mbeki Local Municipality, Nkangala District: Steve Tshwete Local Municipality, Ehlanzeni District: City of Mbombela Municipality. 	<ul style="list-style-type: none"> This clause of the Bill should be rephrased to ease information access, transparency and accountability. The Bill is weak or silent on fundamental transparency and access to information on climate change 34. The Bill as currently drafted undermines South Africa's Constitutional right to access to information (§ 32) 	<ul style="list-style-type: none"> The submission is noted. This clause is consistent with the requirements of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) (PAJA). It is also consistent with the requirements on NEMA, and all the SEMAs (NEM:BA), (NEM:WA). Further to this, regulations under PAIA and POPIA should be followed to access private information. 	<ul style="list-style-type: none"> No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
	<ul style="list-style-type: none"> • Alois Mugadza Programme Officer, naturaljustice.org 			
Clause 33	<ul style="list-style-type: none"> • Western Cape Government 	<ul style="list-style-type: none"> • Clause 33 should have a subsection to empower the Minister or MEC not to consider an appeal from a person that has outstanding carbon tax payments • It is unclear whether sectoral role players (especially the private sector and affected persons/entities) will be able to give inputs, or to appeal the determination of sectoral / sub-sectoral emissions targets. Clarify. 	<ul style="list-style-type: none"> • Carbon tax and its payment is an emissions “accounting” issue, and the Carbon Tax Act already deals with transgressions and non-compliance with respect to carbon tax administrative and performance procedures. • The SETs once developed shall be published for public comment and that process will also for all societal actors to engage on the SETs. • Appeals will be processed in terms of section 43(4) of NEMA. 	<ul style="list-style-type: none"> • No proposed amendment • No proposed amendment.
Clause 34	<ul style="list-style-type: none"> • Sasol • Green Peace 	<ul style="list-style-type: none"> • “Ensure that the duly revised and amended policies and measures are implemented and monitored for effectiveness.” Suggest the inclusion of a transitional arrangement that recognises that substantive revision of sector implementation plans may require re-work and result in execution delays possibly 	<ul style="list-style-type: none"> • Transitional arrangements are not required in this case as this is already recognised. 	<ul style="list-style-type: none"> • No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		<p>leading to targets not being met.</p> <ul style="list-style-type: none"> • The Bill needs to stress the urgency of the climate crisis; there is existing work that has been drafted and should be implemented well within a year of the ratification of the Bill. Implementation can be expedited by including transitional provisions (partially in the sections of the Act that deal with transitional provisions and partially in Schedules to the Act) that serve as interim policy positions or decisions that can guide implementation until the comprehensive policy documents, strategies and plans which the Bill envisages are in place. 	<ul style="list-style-type: none"> • This view is acknowledged. It is worth noting here that a voluntary carbon budget system and pollution prevention plan system has been ongoing for some time now. Hence, immediate action will be taken through the implementation of the carbon budget regime. For instance, this regime requires the development and implementation of a GHG mitigation plan (Clause 24(4)). 	<ul style="list-style-type: none"> • No proposed amendment
Clause 35	<ul style="list-style-type: none"> • Green Peace 	<ul style="list-style-type: none"> • The Act should focus on an inspiring vision of transforming society for the better in a way that will simultaneously reduce the threats posed by climate change and make communities more resilient to its inevitable impacts. Consequently, it may 	<ul style="list-style-type: none"> • Submission not supported. It is recommended that the current name of the Bill be retained 	<ul style="list-style-type: none"> • No proposed amendment.

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		be better to rename it as the “Climate Stability Bill” .		

PART C Comments related to other stakeholders (Other Departments, Municipalities, and Parliament).

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
<ul style="list-style-type: none"> • Municipalities/SALGA/COGTA related input 	<ul style="list-style-type: none"> • Alfred Nzo DM, Buffalo City Municipality & Sunday River Valley Local Municipality • All provinces. 	<ul style="list-style-type: none"> • The province and municipalities should improve road conditions to improve economic opportunities and access to emergency services that may be needed during climate disasters. 	<ul style="list-style-type: none"> • The submission is noted. This will be directed to the relevant Municipalities, COGTA and SALGA to address. 	No proposed amendment
		<ul style="list-style-type: none"> • The Department and municipality should enforce environmental legislation such as heavy sanctions on those who dump illegally or violate air quality standards. 	<ul style="list-style-type: none"> • The submission is noted. This will be directed to the relevant Municipalities, COGTA and SALGA to address. 	No proposed amendment
		<ul style="list-style-type: none"> • To address the issues of substance abuse and crime among young people, as well as to promote job creation and enhance recycling efforts, municipalities should initiate targeted programmes. 	<ul style="list-style-type: none"> • The submission is noted. This will be directed to the relevant Municipalities, COGTA and SALGA to address. 	No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		<ul style="list-style-type: none"> The Department and municipality should either recruit and deploy environmental officers to problem areas or empower local environmental forums to coordinate programmes that will combat or eliminate pollution, in particular, diaper disposal. 	<ul style="list-style-type: none"> The submission is noted. This will be directed to the relevant Municipalities, COGTA and SALGA to address. 	No proposed amendment
		<ul style="list-style-type: none"> The existing EPWP jobs under Environmental Programmes should be expanded to create more opportunities for people to reduce and reduce environmental degradation. 	<ul style="list-style-type: none"> The submission is noted. This will be directed to the relevant Municipalities, COGTA and SALGA to address. 	No proposed amendment
		<ul style="list-style-type: none"> The lack of refuse collection services and a landfill site contributes to the dispersion of waste or uncontrolled burning of waste and fumes. 	<ul style="list-style-type: none"> The submission is noted. This will be directed to the relevant Municipalities, COGTA and SALGA to address. 	No proposed amendment
		<ul style="list-style-type: none"> The province is experiencing climate-driven veld fires, yet there is still a poor response plan, and emergency services do not reach desperate people on time. 	<ul style="list-style-type: none"> The submission is noted. This will be directed to the relevant Municipalities and COGTA to address. Notably, Parliament is finalising amendments to the National Veld and Forests Fires Act, 1998. The amendments are intended to 	No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
			strengthen the construct of the Act. The Amendment Act provide, amongst others, for compulsory establishment or joining of Fire Protection Associations by municipalities and Traditional Councils. It empowers Transitional Leaders to enforce the provisions of the Act.	
		<ul style="list-style-type: none"> • Key provincial stakeholders such as FPAs get ignored when pleading for the declaration of a disaster in terms of the Disaster Management Act No. 57 of 2002 and Government does not assist affected farmers 	<ul style="list-style-type: none"> • The submission is noted. This will be directed to the relevant Municipalities and COGTA to address 	No proposed amendment
		<ul style="list-style-type: none"> • There is generally poor waste management in townships and informal settlements by municipalities, thus forcing residents to burn uncollected waste. 	<ul style="list-style-type: none"> • The submission is noted. This will be directed to the relevant Municipalities, COGTA and SALGA to address. 	No proposed amendment
		<ul style="list-style-type: none"> • Municipalities should implement by-laws to stop land invasions that often result in land, air and water pollution. 	<ul style="list-style-type: none"> • The submission is noted. This will be directed to the relevant Municipalities, COGTA and SALGA to address. 	No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		<ul style="list-style-type: none"> The Bill should have a clause to provide for immediate intervention in the case of a climate-related disaster to circumvent the slow and ineffective interventions under the Disaster Management Act No. 57 of 2002. 	<ul style="list-style-type: none"> The submission is noted. This maybe a role for COGTA – the department is listed as one of the relevant departments in the Bill to address climate change. 	
<ul style="list-style-type: none"> Department of Mineral Resources and Energy (DMRE) related input 	<ul style="list-style-type: none"> Legal Resources Centre. Centre for Environmental Rights. Free State Province. Gauteng Province. 	<ul style="list-style-type: none"> The DMRE needs to increase its rehabilitation of abandoned mines due to the risk they cause to health, safety and the environment of communities. It further stated that the government needs to improve its rehabilitation as it negatively affected local communities and the environment²³. It must be highlighted that an audit was conducted in 2009 which stated the same issues. The DMRE at present is managing 6100 mines with the auditor general advising that the “department’s management was ineffective and did not address the environmental, social and health impact of 	<ul style="list-style-type: none"> The submission is noted. This will be directed to the DMRE to address. 	No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		unrehabilitated mine within a set time frame"24.		

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		<ul style="list-style-type: none"> • Due to the DMRE being a contributor to climate change through mismanagement of abandoned mines and granting of mining rights for fossil fuels, this should be mentioned in the Bill. The issues of abandoned mines are one that should be specifically mentioned due to its potential contribution to climate change. The impact of mining and exploration in South Africa should also be mentioned as a climate change factor. 		
		<ul style="list-style-type: none"> • The uncontrolled sand mining along riverbanks is contributing to risks and degradation of surrounding tree cover and vegetation. 	<ul style="list-style-type: none"> • The submission is noted. This will be directed to the DMRE to address. 	No proposed amendment
<ul style="list-style-type: none"> • Department of Agriculture Land Reform and Rural Development (DALRRD) related input 	<ul style="list-style-type: none"> • ProVeg South Africa. • Limpopo Province 	<ul style="list-style-type: none"> • Identify the shift toward plant-rich food production and consumption as a valid and effective climate change mitigation solution, included in climate change communication, education, and awareness to drive behavioural change by 	<ul style="list-style-type: none"> • The submission is noted. This will be directed to the DALRRD to address. 	No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		reducing meat consumption.		
		<ul style="list-style-type: none"> • Ensure a just transition in the livestock sector by acknowledging that the shift from industrial animal farming must be underpinned by appropriate policy and regulation, especially directing a shift in funding and subsidies to help farmers transition. 	The submission is noted. This will be directed to the DALRRD to address.	No proposed amendment
		<ul style="list-style-type: none"> • The Department of Agriculture hinders agriculture growth by not providing land, support, or giving allocated funds to farmers. 	<ul style="list-style-type: none"> • The submission is noted. This will be directed to the DALRRD to address. 	No proposed amendment
		<ul style="list-style-type: none"> • The Department of Agriculture together with DFFE should support farmers to transition to sustainable farming practices that contribute less to greenhouse gases. • The Department of Agriculture should facilitate working relations between traditional healers and 	<ul style="list-style-type: none"> • The submission is noted. This will be directed to the DALRRD to address. 	No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		<p>farmers to aid the collection of medicinal plants.</p> <ul style="list-style-type: none"> Game reserves are taking up agricultural land that contributed to food security and livelihoods. There needs to be a balance of land-use approaches to also cater for medicinal and food needs. 		
		<ul style="list-style-type: none"> There is a general lack of capital support for emerging farmers and traditional leaders and local municipalities stifle farming development by withholding land that has agricultural potential. There should be an efficient and transparent mechanism for accessing land that is lying fallow. 	<ul style="list-style-type: none"> The submission is noted. This will be directed to the DALRRD to address. 	No proposed amendment
		<ul style="list-style-type: none"> The Department of Agriculture, Land Reform and Rural Development should develop climate support programmes to help farms affected by climate change, such as restoring agricultural land affected by landslides, erosion, flooding, etc. to improve soil, plant, and 	<ul style="list-style-type: none"> The submission is noted. This will be directed to the DALRRD to address. 	No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		animal health and general resilience to climate change.		
<ul style="list-style-type: none"> • DFFE related input 	<ul style="list-style-type: none"> • Western Cape Government • Ipas Africa Southern Region • All provinces. 	<ul style="list-style-type: none"> • The WCG supports and promotes gender mainstreaming into environmental decision making, planning and policy development, and supports moving towards improving gender equality and mainstreaming within the environmental sector. It is unclear how gender considerations influenced the development of this Bill. Consideration must be given to how gender mainstreaming has been facilitated in the Bill. 	<ul style="list-style-type: none"> • The submission is noted. The principles captured in the Bill underscores the importance of gender mainstreaming thereby including women amongst the vulnerable groups. 	No proposed amendment
		<ul style="list-style-type: none"> • We commend the recognition of the disproportionate effect that climate induced disasters have on vulnerable groups such as women, children etc. In furthering inclusion, we recommend that this groups listed in the section include Lesbian, Gay, Bisexual, Queer and Intersex persons (LGBTQI+) persons. As has been established by literature 	<ul style="list-style-type: none"> • The submission is noted. The principles captured in the Bill underscores the importance of gender mainstreaming thereby including women amongst the vulnerable groups. 	No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		<p>climate change similarly has an adverse effect on queer persons. We recommend the replacement of the term 'physically challenged' to 'persons with disabilities' as a more inclusive term.</p>		
		<ul style="list-style-type: none"> • The Department should work with the Department of Science and Innovation, the Department of Basic Education and community-based organisations to improve awareness of climate change, and proactive steps to mitigate against the impacts of climate change or strengthen climate resilience. 	<ul style="list-style-type: none"> • Submission is noted, the Department will engage all relevant departments at national, provincial and local level to create awareness. 	No proposed amendment
		<ul style="list-style-type: none"> • There should be awareness programmes to encourage the planting of indigenous trees as well as reducing 'temporary unplanted areas' in forestry land. • The Department should prioritize and expand tree-planting initiatives nationwide to effectively contribute to climate adaptation and mitigation. 	<ul style="list-style-type: none"> • The submission is noted. The Department is implementing the National Forests Act, 1998 through the Branch: Forestry Management. This Act regulates trees, and the Department has a programme on planting of trees. 	No proposed amendment

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		<ul style="list-style-type: none"> The Department and the municipality should promote the planting of spekboom trees as a means of restoring ecosystems and increasing the country's carbon sink capacity. 	<ul style="list-style-type: none"> The submission is noted. The Department is implementing the National Forests Act, 1998 through the Branch: Forestry Management. This Act regulates trees, and the Department has a programme on planting of trees. 	No proposed amendment
<ul style="list-style-type: none"> Parliament related input 	<ul style="list-style-type: none"> MACUA/WAMUA Western Cape Government. All nine Provinces. 	<ul style="list-style-type: none"> Request that elements of Free Prior and Informed Consent be built into the Bill to ensure that extensive, effective public participation hearings are held during the law-making process and beyond. Traditional leaders are key stakeholders on lands that are and will be affected by climate change and thus should be central in climate change consultations. The Bill must be referred to the National House of National Leadership. 	<ul style="list-style-type: none"> Submission is noted, Parliament to respond. The OCSLA was responsible for certification of the Bill. Their certification opinion concluded that it is not necessary to refer the Bill to the National House of Traditional and Khoi-San Leaders in terms of section 39(1)(a)(i) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), as it does not contain any provisions which directly affect traditional or Khoi-San communities or provisions 	No proposed amendment.

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
			which pertain to customary law or customs of traditional or Khoi-San communities. The Bill was tagged and processed by Parliament as such.	
		<ul style="list-style-type: none"> • Copies of the Bill were received late and there was insufficient time to thoroughly engage with the contents. In the future, copies should be sent to municipalities and local forums followed by departmental workshops on the Bill and practical plans. 	<ul style="list-style-type: none"> • Submission is noted, Parliament to respond. 	No proposed amendment.
		<ul style="list-style-type: none"> • There was poor mobilisation, organisation and general communication about the public hearing, thus affecting attendance. 	<ul style="list-style-type: none"> • Submission is noted, Parliament to respond. 	No proposed amendment.
		<ul style="list-style-type: none"> • The Bill is technical and difficult to understand. There should be workshops on the Bill before technical input can be sought from ordinary members of society. 	<ul style="list-style-type: none"> • Submission is noted, Parliament to respond. 	No proposed amendment.
		<ul style="list-style-type: none"> • Some attendees raised a concern that copies of the Bill were only availed to them at the venue, therefore they did not have adequate time to 	<ul style="list-style-type: none"> • Submission is noted, Parliament to respond. 	No proposed amendment.

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		familiarise themselves with the content of the Bill.		
		<ul style="list-style-type: none"> The consultations are not inclusive as people with disabilities were left out as there was no braille copy of the Bill. 	<ul style="list-style-type: none"> Submission is noted, Parliament to respond. 	No proposed amendment.
		<ul style="list-style-type: none"> Copies of the Bill were not available in Afrikaans and hindered meaningful comprehension and input from the predominantly Afrikaans-speaking community. 	<ul style="list-style-type: none"> Submission is noted, Parliament to respond. 	No proposed amendment.
		<ul style="list-style-type: none"> The hearings should be held widely across the country so that all communities, especially the marginalised and vulnerable have a voice and are heard. Notice of the public hearing must be shared well in advance and the venues where the hearing will be held must be accessible to rural communities. Arrangements must be made to ensure that financial support is provided to civil society groups to arrange transport for 	<ul style="list-style-type: none"> Submission is noted, Parliament to respond. 	No proposed amendment.

CLAUSE OF THE BILL	STAKEHOLDER	ORAL & WRITTEN STAKEHOLDER COMMENTS	DFFE RESPONSE	PROPOSED AMENDMENT
		marginalised communities to attend the hearings.		