

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
<p>CHAPTER 1: INTERPRETATION, OBJECTS AND APPLICATION PAGES: 1- 43 CHAPTER 2: POLICY ALIGNMENT AND INSTITUTIONAL ARRANGEMENTS PAGES:44 – 103 CHAPTER 3: CLIMATE CHANGE RESPONSE: PROVINCES AND MUNICIPALITIES PAGES: 103 – 139 CHAPTER 4 NATIONAL ADAPTATION TO IMPACTS OF CLIMATE CHANGE PAGES: 139 -194 Chapter 5: GREENHOUSE GAS EMISSIONS REMOVAL PAGES: 194 – 392 CHAPTER 6: GENERAL MATTERS AND TRANSITIONAL ARRANGEMENTS : PAGES: 392 – 499 ORAL SUBMISSION PAGES: 499 – 660 SUMMARY OF ORAL SUBMISSION PAGES: 499 -509</p>				
<p>CHAPTER 1: INTERPRETATION, OBJECTS AND APPLICATION Clause 1</p>	<p>While the Paris Agreement and its Nationally Determined Contributions are listed in the “Definitions” section of the Bill, there are no further references to these in the text of the Bill. There is no mention of long-term low-emissions development strategies (Article 4.19 of the Paris Agreement).</p>	<p>ACDI University of Cape Town</p>	<p>The preamble acknowledges the Paris Agreement as well as the Nationally Determined Contribution (NDC) and its variant, taking into account the changing nature and periods of regimes within the United Nations Framework Convention on Climate Change (UNFCC). As such, there is no need to amend the Bill if the UNFCC come up with a new regime. The long term low emission development strategies is part of the policies and measures that are in place covered by this</p>	

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			Framework Legislation. As such it is not singled out in the Bill.	
Clause 7(2)	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 mechanism or mechanisms should be transparent and inclusive	ACDI University of Cape Town	Chapter 2 of the Bill deals with institutional mechanism, inclusive of Presidential Climate Commission (PCC), Provincial Structure as well as Local Government Structures. The multi stakeholders are represented in the PCCC. The wording “relevant” stakeholder to be included to cover all the relevant stakeholders.	
General	The Act must provide a legal basis for dealing with Loss and Damage (L&D). The recent floods in KwaZulu-Natal have made all too real that L&D is here and now	ACDI University of Cape Town	The Loss and Damage issues are dealt with through the National Disaster Management Act. At current there is no information system agreed upon to deal and/or submit loss and damage in the international space.	

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General	The Act should provide for a transdisciplinary scientific body which will provide independent advice to policymakers, based on assessing the best available and latest science relevant to climate change policymaking in South Africa, including in relation to socio-economic development and addressing poverty and inequality.	ACDI University of Cape Town	PCC as an advisory body is empowered to establish scientific working groups, to ensure that their advice is based on science.	
Clause 31	In its current iteration, the Bill provides for very limited access to information.	ACDI University of Cape Town	The Bill has a dedicated provision relating to access to information (see clause 31). The department cannot contradict the existing laws pertaining to access to information, namely Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), and the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). The Bill cannot establish its own regime that contradicts the afore mentioned	
General	The Bill tasks many organs of state, including national, provincial and local government, with additional functions	ACDI University of Cape Town	The funding allocations are dealt with through the money Bills. The Bill provides the empowering legislation for	

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	related to climate change. There is no provision in the Bill to fund these additional activities.		spheres of government to undertake climate related planning and implementation. This provision could be used to motivate for further resourcing.	
General	There is no guidance in the Bill as to how South Africa should engage with the potential providers of international climate support, including finance, technology transfer and capacity-building	ACDI University of Cape Town	The funding allocations are dealt with through the money Bills. The Bill provides the empowering legislation for spheres of government to undertake climate related planning and implementation. This provision could be used to motivate for further resourcing. Guidance engagement with international funding are provided for through National Treasury.	
Clause 1	The definition of the Intergovernmental panel on climate change (IPCC) is missing. BUSA recommends adding these back from the NEDLAC signed off Bill text	BUSA	The IPCC concept is not used in the content of the Bill. It is only referenced once in one of the definitions. There is no need to define it is the Bill.	
Clause 2	To enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change will require financial	BUSA	The funding allocations are dealt with through the money	

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	resources. An objective of the Act should be to ensure that adequate financial resources are made available to achieve the desired outcomes		Bills. The Bill provides the empowering legislation for spheres of government to undertake climate related planning and implementation. This provision could be used to motivate for further resourcing.	
General	South Africa is experiencing a low growth path, with sub 2% growth expected in the medium term. This has a significant impact on employment, inequality and long-term sustainability. 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.	BUSA	The principle of ecological sustainable economies remain central to the Bill. The matter of sustained economic growth is implied and cannot be too explicit as this is a cross-cutting policy.	
Clause 3(f)	The need for decision-making to consider the special needs and circumstance of localities, economic sectors and people that are particularly vulnerable to the adverse effects of climate change, including vulnerable workers and groups such as women – especially poor and rural women – children, especially infants and child-headed families, the aged, the poor, the sick and the physically challenged;	BUSA	Circumstance of localities is inclusive of all the socio-economic elements of the surrounding. This is broad enough to take into consideration the vulnerable communities.	

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General	Has the regulatory impact assessment been conducted on this Act to assess the short term, medium- and long-term issues?	BUSA	Yes, a Socio Economic Impact Assessment Study (SEIAS) on the Bill was developed and approved by the Department of Planning Monitoring and Evaluation (DPME). Outline of required alignment have been developed.	
Clause 6	Does this imply that the Act prevails in fiscal related aspects of climate change? For instance, carbon taxes are part of the national climate change response but certainly the powers for taxes are assigned to the National Treasury, through the fiscal framework process. Similarly, energy governance is under a separate ambit, how would these conflicts be managed in reality, and will this Act still trump?	BUSA	The Bill once enacted will take precedence to all on climate change regulation. Work is being carried out to ensure alignment with other related legislation. However, the Bill will not regulate the allocation of resources.	
Clause 3	We therefore suggest the inclusion of an additional guiding principle: 'the need for an intersectoral approach to transform our food and agricultural systems using agroecological approaches to mitigate and be more resilient to climate change while ensuring the Right of all South Africans to adequate healthy and nutritious food and safe drinking water.	BIO WATCH	The approach in the Bill is of intersectoral nature on both mitigation and adaptation. On adaptation various sectors are empowered to develop strategies, whilst on mitigation the policies and measure are	

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			central towards the intersectoral manner.	
Clause 1	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 Definition:	Sasol	The definition of the term resilient is agreeable. Draft proposed definition to be finalised in consultation with the Office of the Chief State Law Advisor (OCSLA) and the Parliamentary Legal Advisor (OPLA)	
Clause 2	by revising 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;"	Green Peace Africa	Clause 2 already includes objectives that address the just transition, stabilising GHG emissions and protecting and preserving the planet for future generations.	
General	The Bill should seek to ensure that all commercial products in South Africa be subject to SABS grading measures and that they be mandated to display labels which clearly indicate their carbon usage, ecological impact and their sustainability profile.	TRAVERS ELE GOFF	This statement is acknowledged. However, this is beyond the scope of the Bill.	

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Clause 1	<p>greenhouse gas” means gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation;</p> <p>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>	Elizabeth Mame	The definition in the National Greenhouse Gas Emission (NGERs) was aligned to the Air Quality Act and it shall be revised once the Climate change Bill is enacted	
Preamble	Similarly, the reference to “national circumstances” in the preamble could be read to infer that as a developing country with potentially significant additional fossil fuel resources, we might be forgiven for intending to exploit them despite the scientifically established facts that doing so poses threats of a catastrophic nature, examples of which we are seeing in South Africa and many other countries.	Elizabeth Mame	The statement is acknowledged. However, the Common but Differentiated Responsibilities (CBDR) principles have been followed in the preamble. This is an international principle which clearly state the country will respond based on its capacity.	
Preamble	The preamble further emphasizes sustainable development and associated national goals. It is worth being reminded that 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.”	WESSA	The statement is acknowledged. However, the CBDR principles have been followed in the preamble. This is an international principle which clearly state the country will respond based on its capacity.	

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Clause 3	The principle of sustainable development, we propose, needs to be paired with the principle of collective stewardship, and with the goal of "improving the living conditions of all members of the global society as well as the natural world." We are, after all, part of the planet, not separate or apart from it. See Petra Kuenkel’s Stewarding Sustainability Transformations for more on this concept. It could be strongly and confidently argued that South Africa and many other countries have long strayed from the	WESSA	Although the definition of what national circumstances does not change, what constitutes national circumstances will change with time and hence to cater for this variability we do not recommend that what constitutes national	

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	<p>pathway of sustainable development by insufficiently heeding the climate warnings of the IPCC. As a result, millions of people of the current global generation are not having their needs met and it is unlikely that succeeding generations will be any better off as the wrecking effects of unmitigated climate change take their toll with fires, floods, droughts, famine and more. Before it is enacted it would be reassuring if the wording could be tightened up to reflect the inescapable urgency of the present climate crisis.</p>		<p>circumstances be included in the Bill.</p>	
<p>Clause 3(c)</p>	<p>The matter of “national circumstances” is raised several times in the Bill. It could be read in several ways. One is that we have as yet unexploited reserves of land-based and off-shore fossil fuels and should not have to preclude their utilization. Such an interpretation would show cognitive dissonance inconsistent with the stated purpose of the Bill to develop an “effective climate change response” and the principle described further on in the document, “the climate system should be protected for the benefit of present and future generations of mankind.” It is advisable that the concept of “national circumstances” not be left to vague interpretation and possibly be included in the list of definitions. Among the circumstances requiring close and corrective attention are the numerous pressures such as mining, exploration, agriculture, harbours and</p>	<p>WESSA</p>	<p>Although it is not defined, the national circumstance takes into account the socio, economic and environmental aspects of the country. This include the policies and relevant governance instruments.</p>	

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	<p>other developments that often negatively affect our freshwater, estuarine, terrestrial and marine environments (including our much-neglected economic exclusive zone (EEZ). The Bill could help commit South Africa to the global 30 by 30 target, that is 30% of our territory (land and oceans) protected by 2030. Such an objective would add considerably to a dedicated sustainable development target. Generally speaking, WESSA supports the principles listed on page 7 of the Bill especially with regards to:</p> <ul style="list-style-type: none"> • A just transition to a low carbon economy • Mitigation of the causes of climate change • A risk averse approach (avoiding exacerbation of the climate crisis and being guided by peer reviewed climate science) • Enhancement of public awareness and participation • Recognition of services provided by well-functioning ecosystems (many of these have been neglected over many decades as documented in national, provincial and local reports covering such decline. Restoration or at least functional rehabilitation, not just protection of degraded ecosystems is urged. • Integrated management – (though considering the very high variability of circumstances in the municipalities of South Africa, such integration would have to happen at that level in specific, technically demanding 			

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	ways for which there is probably insufficient capacity to deliver.)			
General	We are gravely concerned that South Africa's current and future energy supply in relation to climate change are not explicitly dealt with and we recommend that this connection is made clear.	WESSA	This is addressed by default in the Bill under Chapter 5.	
Clause 2	Greenpeace Africa has many specific concerns and comments about the Bill (many of which are recorded in this document) but the principal issues that it is concerned about, are summarised below. Our primary concerns are that the Bill does not include the objectives and plans necessary to make a just transition from a fossil fuel dependent, to an ecologically sustainable society;	Green Peace Africa	Clause 22 on SETS and clause 23 on the listing of GHGs and activities and clause 4 on carbon budgets make allowance for such plans while allowing the flexibility of other measures.	
Clause 2	Does not clearly and unequivocally establish the objective of eliminating GHG emissions and establish a balance between the rate of anthropogenic emissions of GHG and the rate at which ecological systems are able to absorb and sequester carbon;	Green Peace Africa	The objectives in the climate change Bill do already speak to reducing GHG emissions from anthropogenic activities and hence this speaks to mitigation.. In addition the objectives also address the need for adaptation.	
Clause 2	The Bill is insufficiently ambitious, and in particular does not refer to the international commitment to keeping average global temperature increase well below 2°C with a target of no more than 1.5°C;	Green Peace Africa	Inclusion of such a statement in the Bill is not relevant as clause 2(c) & (e) and clause 3(h) addresses this. Specific	

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			mention of the temperature targets is not necessary as the Bill already mentions alignment with international obligations.	
Clause 8, 9 & 10	The Bill does not establish institutional arrangements that are sufficiently powerful to drive the rapid societal changes necessary to address climate change effectively;	Green Peace Africa	The Bill sets up institutional arrangements at various levels of government to coordinate climate change response (clause 15). In addition to this, the climate change Bill gives the Minister the power to set up regulations that facilitate any further institutional arrangements that may be required, clause 26(1).	
General	The Bill does not include mechanisms to facilitate the financing of climate-related measures;	Green Peace Africa	This statement is acknowledged. However, this lies beyond the scope of the Bill.	
General	The Bill postpones many of the most important and contentious decisions (e.g. about the allocation of responsibilities within government) and envisages that the important implementation details will be included in regulations, other legislation and policy documents but does not provided sufficiently detailed principles and requirements to guide the drafting of those documents;	Green Peace Africa	Since this is a framework legislation, most of the implementation details of the Bill will be in the regulations. Regulations with will developed in accordance with the principles of the Bill and the	

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			<p>guidelines provided for specific regulations under the Bill. However, clauses 15, 16, 17 & 18 outline the responsibilities of the various sphere of governments, inclusive of national, sectors, provinces as well as municipalities.</p>	
General	<p>The Bill does not allow for key mitigation measures (i.e. carbon budgeting) to be implemented expeditiously;</p>	Green Peace Africa	<p>There is already a voluntary carbon budget system that is already being implemented. Hence, the promulgation of this Bill will immediately formalise the current budgets and will also mean that no delays in allocating more budgets will be incurred since there is a system that is already functioning. Clauses 21, 22, 23, 24, as well as 25 covers the mitigation focus area.</p>	
General	<p>The Bill does not impose any general duties to mitigate and adapt to climate change;</p>	Green Peace Africa	<p>Mitigation and adaptation are extensively covered in Bill.</p>	

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General	The Bill does not promote natural carbon sequestration and provide for the sustainable conservation and enhancement of carbon sinks.	Green Peace Africa	This statement is acknowledged. However, the Bill cannot be expected to mention specific mitigation interventions.	
General	While we applaud the recognition that addressing climate change effectively will require new development strategies, the term “framework” is legally imprecise and this section gives the impression that the environmentally sustainable development framework is intended to be a "catch-all" policy document that deals with all climate-change related issues, including those that should have been resolved during the process of preparing the Bill. We propose that this policy document be reconceptualised as a “National Transition Strategy” that sets out a national strategy for phasing out fossil fuels and the just transition to an ecologically sustainable society.	Green Peace Africa	This comment is in relation to a previous version of the Bill. However, this is adequately addressed in the current version.	
General	Since preparing a complex and wide-ranging strategy such as this is likely to take several years, we proposed that transitional provisions be included to allocate some of the responsibilities for the implementation of the Act immediately (see commentary on transitional provisions below). Institutions that have the necessary executive and administrative powers and are well-capacitated and funded will be necessary if the Act is to be implemented	Green Peace Africa	This comment is in relation to a previous version of the Bill.	

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	<p>effectively. Collectively these institutions must be able: 39.1. to determine and advise on “best available science” (which is fundamental to the implementation of the Act) and conduct or co-ordinate relevant research; 39.2. to solicit information and advice from a wide range of public and private sector entities and experts (for example to formulate the policies, plans and strategies referred to below, to establish the Sectoral Emissions Targets (SETs) referred to in section 12(1) and the carbon budgets referred to in section 13(4)); 39.3. to formulate and revise public sector policies, plans and strategies (including the national environmentally sustainable development framework referred to in section 6(1), the provincial and municipal climate change response implementation plans referred to in section 9(1); the national adaptation strategy referred to in section 10(2), the national greenhouse gas emissions trajectory referred to in section 11(1) and the plan to phase down or phase out synthetic greenhouse gasses referred to in section 14(1)); 39.4. to make information accessible to the public; 39.5. to provide technical assistance and financial support to organs of state in all three spheres of government which do not have the expertise, capacity or resources to fulfil their obligations under the Act (such as preparing and periodically updating the provincial and municipal climate</p>			

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	change needs and response assessment, and climate change response implementation plan referred to in section 9(1)); 39.6. to coordinate implementation of climate change policies, plans and programmes across government, including ensuring the co-ordination and harmonisation of policies, plans, programmes and decisions across all three spheres of government (section 7); 39.7. to monitor and evaluate performance and progress, including monitoring the implementation of SETs;6 and 39.8. to monitor and enforce compliance with the Act			
General	SA has an extremely carbon-intensive economy and is highly exposed to climate risk. These risks will impact marginalised, poor communities in SA worst. Africa is particularly vulnerable to climate change (this is true regarding both the physical impacts of climate change and regarding adaptation to its impacts) and has low adaptive capacity. SA is likely to warm at twice the global rate and will experience the impacts of global heating very acutely. ⁸ 8 https://justshare.org.za/wp-content/uploads/2021/05/210430-Comments-on-the-draft-NDC.pdf	JUST SHARE	This statement is noted.	
General	Despite these hard facts, SA's Integrated Resource Plan for electricity foresees adding at least 4,500 megawatts of new fossil fuel electricity; which is not only expensive and	JUST SHARE	This statement is noted.	

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	not required for energy security, but which will, if built, have massive GHG emissions, and multiple other negative impacts on human health and the environment.			
General	Rapid, extensive scaling up of renewable energy generation is the most cost-optimal energy pathway, presenting significant economic benefits and opportunities. This is not controversial, despite the outdated narratives peddled by many in government and business about fossil fuels being required for “development”, job creation, and “baseload” power.	JUST SHARE	This statement is noted.	
General	The Bill does not adequately address the responsibility of organs of state to consider climate response in decision-making.	Center for Environmental Rights	There are clear responsibilities on the roles and responsibility as well as expectation from the various spheres of society. However, clauses 15, 16, 17 & 18 outline the responsibilities of the various sphere of governments, inclusive of national, sectors, provinces as well as municipalities.	
General	Current science, risk identification and geo-political context of the climate crisis and climate response;	Center for Environmental Rights	This statement is acknowledged. This has been contextualise through the various instruments such as adaptation strategy and the	

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			Nationally Determined Contribution (NDC).	
Clause 3	Section 7 of the Constitution provides that “the state must respect, protect, promote and fulfil the rights in the Bill of Rights”. This Bill is a foundational mechanism for how the state will do this in respect of climate change. The Bill, and how it is implemented, must ensure an adequate climate response to avoid unjustifiably limiting these rights and risking more destruction and suffering.	Center for Environmental Rights	The Bill will be a specific environmental management Act (SEMA) implemented under National Environmental Management Act (NEMA). As such all the NEMA principles apply, including giving effect to the Constitution.	
Clause 3	Principles (Section 3) The climate crisis has largely been caused by an approach to the economy and development based on the idea that natural resources are indefinitely exploitable, abundant and able to recover. While there is increasing appreciation that this is not the case; our approach to economic development and service provision continues to rely on an extractives and industrial approach in all aspects of the economy and production. As a consequence, we are fast approaching the overshoot of several planetary boundaries, from which it will be impossible to recover. An example of such an approach is the continued disposal of sewage effluent mixed with industrial wastes to sea in KwaZulu-Natal, assuming that the ocean can dilute and absorb the pollutants.	Bio Watch South Africa: Biodiversity food Sovereignty agroecology Social justice	This statement is acknowledged.	

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Clause 2	<p>Objects of the Act (Section 2) In developing climate mitigation and adaptation plans there are bound to be conflicts of interest between sectors, private sector, and society at large, one area compared to another, etc. Another objective of this Act should be to put mechanisms in place to resolve these conflicts where these arise. Therefore, 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.’</p>	<p>Bio Watch South Africa: Biodiversity food Sovereignty agroecology Social justice</p>	<p>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 specific environmental management Act (SEMA), and like all other SEMA's the provisions of Chapter 4 of National Environmental Management Act (NEMA) (sections 17 to 22) will apply. There is no need to have a dedicated provision of conflict resolution in the Bill.</p>	
Clause 1	<p>The notion of a ‘just transition’ is central to much analysis and advocacy pertaining to climate change. This is reflected also in the Bill, from the Objectives onwards. For that reason it is crucial that the definition adequately capture all major dimensions of ‘justice’ and ‘equity’ that are relevant to national efforts to address climate change. That is not the case in the present version. The present definition used in the Bill is: “just transition” means a shift towards a low-carbon, climate-resilient economy and society and ecologically</p>	<p>Johannesburg Institute for Advanced Study, University of Johannesburg</p>	<p>The current definition adequately covers the elements proposed. The issue of equity is covered in the principles.</p>	

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	sustainable economies and societies which contribute toward the creation of decent work for all, social inclusion and the eradication of poverty;			
Clause 2	<p>It is our submission that society should be viewed as an integral whole, of which the economy is but one element (albeit an important and central element) which should be coordinated towards a more just and equitable environmental, societal, and economic response.</p> <p>The objects of the Act are to 2(a) “provide for a coordinated and integrated response by the economy and society”. The wording of this section suggests that the approach by the South African state to the economy will not change in any significant way. It suggests that the state will continue to view the economy, and its actors who are solely interested in pursuing maximum value extraction, as the shapers of society around whose interest the rest of society must be moulded.</p>	MACUA & WAMUA	The main objective to ensure coordinated response by the society at large and the economy to respond to climate change. This acknowledges the role played by the economy on climate change.	
Clause 2	It is our submission that any Bill that deliberately seeks to marginalise affected communities and deny them opportunities to participate in their own governance and to decide on their own developmental paths is inherently unjust. The second concern we have with section 2(a) is the way the Bill attempts to further exclude and marginalise affected communities, when it announces that	MACUA & WAMUA	Clause 2(b) categorically outlines the importance of effective management of the inevitable impacts of climate change which affects most vulnerable communities. It goes further in clause 2f to	

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	<p>the above objective would be coordinated “in accordance with the principles of cooperative governance”.</p> <p>Our reading of the clause suggests that the Bill sees a role only for the state in the process of coordination. As a consequence of this approach, the Bill will further entrench the historically unjust exclusion of affected communities.</p> <p>An alternative to the exclusionary and historically aligned path to inequality and environmental destruction can be phrased as follows:</p> <p>“provide for a coordinated and integrated response by all relevant stakeholders and affected parties in accordance with the Right to Free Prior and Informed Consent”</p>		<p>ensure protection of the current and future generation. Principle 3(f) provide specificity of the importance of protection the vulnerable communities inclusive of women and the poor, children and those who are sick and physically challenged.</p>	
Clause 2	<p>We have noted with great concern that the principles which will underpin the Climate Change Bill continues to frame affected communities as outside of the ambit of decision making and as mere subjects of the decisions that will be made by others.</p> <p>An example of the egregious and deliberate exclusion which this Bill seeks to advance and continue as a legacy from our colonial and apartheid past is clause 3(f) which states the following: “the need for decision-making to consider the special needs and circumstance of localities and people that are particularly vulnerable to the adverse effects of climate change”</p>	MACUA & WAMUA	<p>Most of the decision on planning tools and instruments have been subjected to public consultation. It through these public consultations that the public at large and the vulnerable communities will provides inputs for decision making process.</p>	

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	<p>It is our submission that it is exactly this type of paternalism which sat at the heart of the colonial and apartheid project, and which resulted in, not only deep inequality, but also devastating environmental destruction.</p> <p>It is furthermore our submission that decision making that affects marginalised communities and vulnerable groups, should be based on the principles of Free Prior and Informed Consent so that affected and impacted communities are able to make informed decisions about their well-being and the impacts on the environment. Any attempt to impose solutions on affected and impacted communities will lead to greater injustices and most likely to a continuation of the very same conditions that resulted in the current climate and social crises.</p>			
Preamble	<p>Specific concerns on the Bill, in respect of the Preamble, OHCHR recommends that the last paragraph be revised to refer to “sustainable development goals” (as opposed to “objectives”) and “national development objectives” (as opposed to “goals”) in line with common usage of these terms. OHCHR further recommends that the Portfolio Committee consider the insertion of the fundamental sustainable development principle of Leave No One Behind in this paragraph: “AND WHEREAS climate change policy needs to be implemented in the context of</p>	THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR	The physically challenged is addressing what was previously known as people with disability. There have been argument that the physically challenged are able to undertake some task therefore referencing them as disabilities was challenged.	

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	<p>sustainable development objectives goals and the achievement of national development goals objectives while ensuring that no one is left behind, it is desirable to develop a legal and institutional framework for the implementation of the Republic’s national climate change response, in order to address these matters....” In respect of the Objects of Act set out in clause 2, and in the light of the deleterious impact of climate change on various human rights, OHCHR recommends that the foundational principle of Leave No One Behind, as well as the protection of human rights, be acknowledged in this provision: “(d) to ensure a just transition towards a low carbon economy and society while ensuring that no one is left behind, and considering national circumstances; (e) give effect to the Republic’s international commitments and obligations in relation to climate change and human rights; and...” In respect of the Principles set out in clause 3, OHCHR recommends that a new sub-clause (a) be inserted to acknowledge the normative value of South Africa’s Constitution and international human rights standards in guiding the country’s response to climate change: “(a) The rights and values enshrined in the Constitution, and the regional and international human rights obligations of the Republic...” OHCHR moreover strongly recommends that the</p>		<p>This Bill is a Specific Environmental Management Act focusing on Climate Change and broader principles of the National Environmental Management Act will apply thus giving effect to section 24 of the Constitution.</p> <p>The principles upon which this Bill has been build gives effect to addressing the impacts of climate change on vulnerable society, thus mention some of the vulnerable groups which includes, women, children, the poor and physically challenged persons.</p> <p>The clause on the selection of commissioners to the Climate</p>	

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	<p>reference to “physically challenged” in clause 3(f) be replaced with a reference to “people with disabilities”, in line with internationally accepted terminology.</p> <p>Reference to “people with disabilities” recognizes that disability results from the interaction between persons with impairments and attitudinal barriers, such as stereotypes, stigma and prejudices, and environmental barriers¹¹ that hinder their full and effective participation in society on an equal basis with others. In respect of the composition of the Presidential Climate Commission (PCC) regulated in clause 12, OHCHR notes that the composition of the PCC is laudable in that it seeks to ensure meaningful participation of a diverse array of stakeholders. However, to guarantee meaningful representation, certain vulnerable groups that disproportionately suffer the negative impacts of climate change must be specifically included in the composition of the PCC. For example, Article 4(3) of the Convention on the Rights of Persons with Disabilities mandates the active involvement and close consultation of persons with disabilities and their representative organizations in all matters related to them.</p>		<p>Commission is being revised to ensure transparency and public participation in the nomination process. Furthermore, the Bill empowers the municipalities to establish the technical working group should they see a need.</p>	

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	<p>Furthermore, article 33(3) mandates the involvement and participation of civil society, in particular persons with disabilities and their representative organizations, in monitoring processes.</p> <p>As one of the groups most affected by climate change, persons with disabilities, through their representative organizations, must be actively included in shaping climate action. Their participation must be ensured across all phases of decision-making and in the planning, implementation and monitoring of strategies, awareness raising, resource allocation, research and data collection and disaggregation, to secure targeted climate action that responds to the lived experiences of persons with disabilities and strengthens their resilience against the adverse impacts of climate change.</p> <p>Likewise, local women and the Khoi-San should be involved to ensure effective decision-making that leaves no one behind, at all levels.¹⁴ The meaningful participation of women may be facilitated through the inclusion of, for example, the Department of Women, Youth and Persons with Disabilities; the Minister of Women within the Presidency; the Commission for Gender Equality; and the Environmental Programmes</p>			

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	<p>(EP) within the Department of Environmental Affairs (DEA).</p> <p>In addition, OHCHR recommends that the South African Human Rights Commission be included in the PCC, in the light of the negative impacts of climate change on human rights. Concerning the National Adaptation Strategy and Plan in clause 18(5), OHCHR recommends that to achieve enhanced action of adaptation, clause 18(5) of the Bill should include the following additional elements as provided under Article 14 of the Cancun Adaptation Framework: • Impact, vulnerability and adaptation assessments, including assessments of financial needs as well as economic, social and environmental evaluation of adaptation options; Building resilience of socio-economic and ecological systems, including through economic diversification and sustainable management of natural resources;</p> <p>• Measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at national, regional and international levels;</p>			

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	<p>• Strengthening data, information and knowledge systems, education and public awareness; • Improving climate-related research and systematic observation for climate data collection, archiving, analysis and modelling in order to provide decision makers with improved climate-related data and information. Additionally, adaptation plans and strategies should recognise the manner in which factors such as discrimination and disparities in education and health affect climate vulnerability, and should accordingly devote adequate resources to the realization of the economic, social and cultural rights of all persons, particularly those facing the greatest risk.</p> <p>In order to reflect the urgency of the climate crisis – and duly acknowledge the deleterious impacts of climate change on fundamental human rights – OHCHR suggests that timeframes be added to the provisions in clause 21 (National Greenhouse Gas Emissions Trajectory), clause 22 (Sectoral Emissions Targets), and clause 24 (Carbon Budgets). The inclusion of clear timeframes gives expression to the principle of accountability, which is central to a HRBA to development and climate change responses. In respect of clause 31 (Access to Information), OHCHR notes that</p>			

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	<p>the Promotion of Access to Information Act (PAIA) contains various Grounds for Refusal, that may hamper access to important information. Furthermore, OHCHR notes that the PAIA's public interest override provision sets a high threshold for disclosure. Given the crucial importance of South Africa's response to climate change for all people within the country, OHCHR recommends that this vital information be automatically and regularly disclosed in an accessible format, and not be subject to the request procedure provided for in the PAIA. 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.</p> <p>OHCHR notes that the Memorandum to the Bill acknowledges the financial implications of South Africa's response to climate change. However, the Bill is silent with regards to the source of funding and budget for the mitigation and adaptation plans. Climate finance is needed for mitigation, because large-scale investments are required to significantly reduce emissions. Climate finance is equally important for adaptation, as significant financial</p>			

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	<p>resources are needed to adapt to the adverse effects and reduce the impacts of a changing climate. A significant emphasis of the Paris Agreement relates to the provision and direction of financial flows to be aligned with pathways towards climate resilient development. This means that all financial actors, including financial institutions, corporations and governments, must align their decision-making frameworks, practices, and investments towards managing and adapting to climate change risks. Allocated resources must also be gender responsive. Coordination and collaboration with other departments such as the Department of Women, Youth and Persons with Disabilities in the planning stages will be important to ensure budgets are both gender responsive and inclusive in tackling the climate change crisis. Climate financing also responds to Sustainable Development Goal (SDG) 17 on Partnerships. OHCHR accordingly recommends that the Bill should clearly indicate the sources of funding for its implementation to eliminate delays in meaningful action.</p>			
	<p>Section 3 states: The interpretation and application of this Act must be guided by— ...(b) “the principle that the climate system should be protected for the benefit of present and future generations of humankind”.</p>	<p>Scientific Advisory Group on Emergencies (SAGE)</p>	<p>This Bill is Specific Environmental Management Act, as such the principles of the National Environmental Management Act will apply. This specific principle also gives</p>	

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	<p>We believe that focusing exclusively on humankind is anthropocentric. We recommend amending to: “...the principle that the climate system should be protected for the benefit of all life on earth, including present and future generations of humankind”.</p>		<p>effect to the sustainable development</p>	
	<p>Section 3(e) states: “the need for integrated management, in the context of climate change, which requires climate change considerations to be integrated into the making of decisions which may have a significant effect on the Republic’s ability to mitigate or which exacerbate its vulnerability to climate change.”</p> <p>While this provision speaks to decisions that may have a significant effect on the Republic’s ability to mitigate or exacerbate its vulnerability to climate change, we believe the Bill should also mandate climate change considerations to be integrated into the making of decisions which may have a significant effect on the Republic’s ability to meets its international obligations to reduce its greenhouse emissions.</p>	<p>Scientific Advisory Group on Emergencies (SAGE)</p>	<p>The statement is noted, indeed South Africa is party to the international efforts to address climate change and this is reflected both in the preamble and the objectives.</p>	
	<p>We recommend amending section 3(e) to read as follows:</p>	<p>Scientific Advisory Group on</p>	<p>The original principle is adequate. The objectives clearly state the intention to contribute to the global</p>	

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	<p>“3(e) the need for integrated management, in the context of climate change, which requires climate change considerations to be integrated into the making of decisions which may have a significant effect on the Republic’s ability to meet its international obligations to reduce its greenhouse emissions and its ability to mitigate or which exacerbate its vulnerability to climate change.”</p>	Emergencies (SAGE)	objectives of addressing climate change.	
	<p>2. Applicability</p> <p>In terms of applicability, section 4(2) of the draft Act states that the Act binds “all organs of the state”. There is no mention of non-state actors, which may be interpreted as the Act not being binding on non-state actors (such as the private sector). We recommend that the wording in section 4(2) be amended as follows: 4(2) This Act binds all organs of the state and any person that emits a greenhouse gas as designated by the Minister in terms of section 23(1), which causes or is likely to cause or exacerbate climate change by virtue of an activity listed in terms of section 23(2).</p>	Scientific Advisory Group on Emergencies (SAGE)	The non-state do not have the responsibility to develop the national legislation and policies. The focus of the clause is to make sure that those tasked with the responsibility to develop legislation and policies will be required to align with this Bill. The non-state actors are however governed by the Bill as well.	
Clause 2	The UNFCCC’s main aim is the stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic or human interferences with the climate system.	Western Cape Government	The objective of the Bill will indeed contribute to South Africa contribution to global	

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	The achievement of the aim of the UNFCCC should be promoted through the implementation of the Bill.		efforts to address climate change impacts.	
Clause 2	<p>A primary objective of the Bill must be to ensure the implementation of the NDC, within the framework provided by the Paris Agreement to which South Africa is a signatory.</p> <p>The Bill must recognise the key role played by the private sector and other non-state entities in implementing the NDC. The Paris Agreement specifically makes provision for this. It is suggested that the Bill recognises and possibly spells out the roles of non-state entities in achieving the objective</p>	Western Cape Government	The Bill ensures implementation of the National Determined Contribution and its variant captured in the preamble. Furthermore, the Bill will coordinate cooperation and regulation of climate change matters.	
Clause 1	<p>Definition for “adaptation”</p> <p>This definition is not aligned to the language of the Intergovernmental Panel on Climate Change (IPCC). The definition should take into account the IPCC definition: “The process of adjustment to actual or expected climate change and its effects. In human systems, adaptation seeks to moderate or avoid harm or exploit beneficial opportunities. In some natural systems, human intervention may facilitate adjustment to expected climate and its effects”.</p>	Western Cape Government	This definition is from the IPCC glossary.	
Clause 8 & 9	The effectiveness of Intergovernmental Relations (“IGR”) Forums nationally in realising their mandates to date is	Western Cape	The use of Intergovernmental Relations (“IGR”) Forums	

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	<p>questionable. The concern is that climate change would be added as an agenda item that may or may not get adequate attention, and competing priorities will always shift the long-term, indirect issues to the bottom of the list (which is the problem with global climate change response). There are no provisions to ensure that climate change is appropriately addressed in the IGR forums. Provide for reporting requirements to ensure accountability towards addressing climate change matters. Provide for reporting from municipal forums to provincial forums and from provincial forums to the national forum.</p>	Government	Forums will enable mainstreaming of climate change into those forums. This will empower the various forum to priorities climate change agenda.	
Clause 9	<p>It is unclear whether the Provincial Forum on Climate Change will be a sub-forum of the Premier's intergovernmental forum (section 16 of the Intergovernmental Relations Framework Act) or a forum reporting to the Premier's intergovernmental forum. The Bill stipulates that the Premier's intergovernmental forum also serves as a Provincial Forum on Climate Change. It also states that a "Provincial Forum on Climate Change may establish an intergovernmental technical support structure in terms of section 30 of the Intergovernmental Relations Framework Act" if needed.</p>	Western Cape Government	This is reference to the establishment of the technical structure should there be a need to support the Provincial Forum which is established by the Intergovernmental Framework Relation Act and empowered by the climate Bill to address climate change matters.	

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	<p>It should be clarified what the differences are between the two forums and how they relate to each other and their respective roles and responsibilities. It should also be clarified how these forums will operate. Consider being more specific on the roles and what is required from both forums or stipulate if the Provincial Forum on Climate Change is the Premier's intergovernmental forum.</p>			
<p>Clause 9</p>	<p>If the Premier's Intergovernmental Forum on Climate Change also serves as the Provincial Forum on Climate Change, there will be no representation from non-public sector players. It is recommended that a separate forum on climate change, or a sub-forum, or an intergovernmental technical support structure, must be established to provide a structured engagement platform for non-public sector players at provincial level.</p>	<p>Western Cape Government</p>	<p>The Bill is aligned to the Intergovernmental Relations Framework Act. In terms of this Act these forums are not the exclusive preserve of government structures or public sector players but include all interested stakeholders and non-public sector payers.</p>	
<p>Clause 9</p>	<p>The "technical support structure" is strongly biased towards government representation (and not business, labour and civil society involvement). It is recommended that the representation on the technical forum be expanded to include non-governmental stakeholders. Alternatively, provision</p>	<p>Western Cape Government</p>	<p>The province should consider key stakeholders when establishing the technical forum. By nature, technical forums are inclusive of key</p>	

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	should be made for the establishment of a separate advisory forum to allow for government and non-governmental stakeholder engagement.		stakeholders such as business, civil society etc.	
Clause 9	<p>It is recommended that climate change be elevated to political level in metropolitan municipalities and to allow metropolitan municipalities to participate in the provincial discussions. Unless there has been a discussion with metropolitan municipalities to the contrary, it would be useful to have cities contribute either individually or collectively outside of district municipal forums, given the impact that these urban areas have on both contributing and mitigating climate change. This addition would align clause 9(1) with the intent of clause 15(1).</p> <p>Suggest amending the clause to read as follows: “9(1) Every district intergovernmental forum, established in terms of section 24 of the Intergovernmental Relations Framework Act, and every metropolitan municipality, established as a category A municipality in terms of section 2 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), also serves as a Municipal Forum on Climate Change.</p>	Western Cape Government	The broad usage of the Municipal Forums are inclusive of the metropolitan municipalities.	
General	This submission is based on our concern that the Climate Change Bill has made no provision for developing a risk reduction, risk response and mitigating strategy against one of the significant threats of climate change, the	Working on Fire	The Bill addresses both the adaptation and mitigation components of the climate change. The adaptation	

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	<p>prevalence of extreme wildland fires and the subsequent damage it can cause. Kindly see below our submission and we would welcome an opportunity to make a formal submission to a Portfolio Committee Hearing on the Climate Change Bill, as and when the Public Hearings will be scheduled.</p>		<p>planning instruments at national, provincial as well municipalities will take into consideration the various risks, vulnerability and hazards which include amongst others the fires, floods. The hazards will differ from one province to the next and one municipality to the next.</p>	
<p>General</p>	<p>South Africa has not and will not be spared these impacts of climate change. The recent catastrophic and unprecedented flooding experienced in KwaZulu Natal has been widely attributed in part to the impact of climate change. The 5,000 fire fighters in the government funded Working on Fire programme have been called out on an increasing basis to “major fires” and increasing incidents of these fires taking place outside the traditional seasonal boundaries for fires in South Africa’s Winter vs Summer “fire seasons”. These developments are a clarion call for a concerted approach to mitigating this aspect of the negative impact of climate change. These are actions which should happen now.</p>	<p>Working on Fire</p>	<p>The Bill addresses both the adaptation and mitigation components of the climate change. The adaptation planning instruments at national, provincial as well municipalities will take into consideration the various risks, vulnerability and hazards which include amongst others the fires, floods. The hazards will differ from one province to the next and one municipality to the next.</p>	

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General	<p>The Climate change Bill should include specific provision for developing mitigation strategies and initiatives for addressing the negative impacts of climate change already evident. This should include more effective disaster management response, community preparedness, community education and communication.</p> <p>4.2 The threat posed by extreme wildland fires, which is expected to grow exponentially under the effects of climate change, should be addressed by legislation intended to mitigate the impact of climate change. Such legislative provisions should be aimed at addressing the institutional, mandate and resource basis of this aspect of South Africa's response to the threat of Wildland fires.</p> <p>4.3 The constraints on the fiscus would also point to a Public-Private-Partnership framework as the current WOF programme's aviation capacity is evidence of private sector investment and knowledge of this specialized area of wildland fire management.</p> <p>4.4 The current WOF Programme in fire awareness education can also be repurposed to play an effective role in community education around the broader issues arising from climate change.</p>	Working on Fire	The climate change needs, and response assessments required by the Bill will take into consideration the various hazard and ensure that the climate change response plans devise interventions to address the hazards. In particular, the fire hazard which has been prominent in some parts of the country, should be mitigated accordingly. These plans will be monitored for relevance and implementation.	

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General	COSATU welcomes the Application of the Bill. It is key that all spheres of government, from national to provincial to local and to SOEs are allocated clear responsibilities, tasks and timeframes. These must be binding and not voluntary.	COSATU	The Bill will indeed ensure that its provisions a biding and not voluntary.	
General	he Climate Change Bill is a welcome and long overdue intervention. It is badly needed if we are to tackle one of the greatest existential threats to humanity, the environment and the planet. It compels government at all levels and entities as well as business to put in place the necessary assessments, plans and strategies.	COSATU	The statement by COSATU is welcome in support of the clauses of the Bill.	
General	GBCSA supports the development of the climate change Bill and commends our leadership on the commitments made at the COP 26 event in November 2021. The adjusted climate change targets effectively commit our nation to aligning with global best practice associated with climate change.	Green Building Council South Africa (GBCSA)	The statement by GBCSA is noted as the Bill commit to integrated and coherence urgent response to the impact of climate change in South Africa.	
General	There is no climate crisis. Rising CO2 is not changing the climate in a dangerous way if it is changing it at all. CO2 is now at very low levels in the history of the Earth, and it would be good for the Earth if it increased. “Decarbonisation” is a very bad idea and should be rejected.	Andrew Kenny	Science, including the Intergovernmental Panel on Climate Change have proven that climate change does exist and measures are required to address the impacts associated with climate change.	

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General	We suggest that the Bill also highlights the importance of inter-related enabling legislation that promotes sustainable development (resources, biodiversity and habitat, productive natural resources, and sustainable energy) as this underpins climate change adaptation and mitigation efforts. B	The Banking Association South Africa	Clause 7 calls for organs of state that perform functions affected by climate change to revise, amend and harmonize their policies, measures and programme to give effect to this Bill.	
Clause 2	<p>Inclusion of human rights/children’s rights as an object and guiding principle or pillar of the Bill.</p> <p>We propose the addition of a specific provision on guaranteeing children’s rights as one of the objects of the proposed law given that every conceivable government act or omission will have a direct and indirect impact on children’s rights.</p>	Dullah Omar Institute	Clause 3(f) underscores the consideration of those vulnerable to the impacts of climate change which include rural women, children as well as child headed families. In this context, the consideration of children rights is being taken into account further noting that this is SEMA and will make proportional contribution towards achievement of section 24 of the Constitution.	
Clause 3	The Bill does include a solid set of principles that refer to “creation of decent work for all, social inclusion and the eradication of poverty” (section 3(d)), that decisions should be informed by science (section 3(h)) and, very critically, it adopts the polluter pays principle, which says those	The Foundation for Human Rights (FHR)	The interpretation and application of the Act will be guided by the principles. Therefore, the development of climate change instruments will	

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	responsible for causing adverse impacts must pay the costs of responding to adverse impacts and of mitigation (section 3(j)). However, the rest of the Bill doesn't refer back to this principle in any meaningful way		take into account all the principles such, they don't have to be directly referenced in the clauses.	
Preamble	In terms of Section 29. (2) (a) on Public Participation and as one of the local communities mentioned in Section 18. (4) (e) which happens to live in an area threatened by a rising sea level due to rising global temperatures, we, the Fish Hoek Valley Ratepayers and Residents Association (FHVRRA), agree that the Bill has admirable Overview and Preamble goals of a climate-resilient, low-carbon economy, but some practicalities need some circumspection.	Fish Hoek Valley Ratepayers and Residents Association (FHVRRA),	The Bill will ensure public participation in decision. This will allow the affected communities on the issue of climate change to provide inputs in the development of various instruments and interventions by all spheres of government.	
Clause 1	We suggest inclusion of a definition for "person", which is quoted in several key definitions provided in the Bill, such as "carbon budget", "direct greenhouse gas emissions", "indirect greenhouse gas emissions", and also in sections 20.1, 23.3.b, 24, among others. The use of this undefined term "person", especially with respect to carbon budget obligations, can be quite confusing to the general public	The South African Medical Association (SAMA)	The term "person" is already define in NEMA. This Bill will be a SEMA. There is no need to repeat the definition in the Bill.	
Clause 3	SAMA however underscores that it is not sufficient to merely 'take into consideration' the needs of the vulnerable— the vulnerable must be part of community engagement and must be involved in decision making. In addition to the above-spelled vulnerable groups, SAMA	The South African Medical Association (SAMA)	The comment is note. Indeed, the vulnerable will be engaged in the process of decision making on the climate change Bill. The provisions have been	

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	also draws attention to the unique vulnerability of people who become displaced and homeless due to climate related events and can temporarily become climate refugee		made to allow public participation in the development of the climate change planning instruments for both mitigation and adaptation.	
Clause 7	The mandate spelled out in this section, namely to ‘review and if necessary revise, amend, coordinate and harmonise their policies and measures, programmes and decisions..’ must include the role of the Health Minister in aligning all intra-ministry (health) policies to accommodate climate change. This can include, for example, attuning Disaster Response policies within the Health sector to climate related crises such as sudden floods which have proven to disrupt the delivery of essential health supplies and personnel.	The South African Medical Association (SAMA)	The health Ministry will be highly involved in developing measure to respond to the impact of climate change. The health Ministry is required by this Bill to develop the sectoral adaptation strategy focusing on health. As such, they are required to ensure alignment of policies and measures to give effect to this Bill.	
Clause 19	We urge the government to facilitate the active participation of health sector representatives in needs assessments as well as in the creation and implementation of climate change response plans at the local and national levels.	The South African Medical Association (SAMA)	The health Ministry will be highly involved in developing measure to respond to the impact of climate change. The health Ministry is required by this Bill to develop the sectoral adaptation strategy focusing on health. As such, they are required to ensure alignment of	

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			policies and measures to give effect to this Bill.	
CHAPTER: 2 POLICY ALIGNMENT AND INSTITUTIONAL ARRANGEMENTS Clause 10	Clause 10-17 Align this section of the Bill with the Presidential Climate Commission Charter.	BUSA	Indeed charter should align to the Climate Change Bill with particular focus on the functions of the PCC as an advisory body.	
Clause 14	"The Department is responsible for providing administrative and secretariat support services to the Commission." It is not clear which Department is referred to her, it ought to be explicit between Department of Fisheries Forestry and Environment and The Presidency. This ensures clarity for where to direct any queries should they arise.	SACAN	The Department of Forestry, Fisheries and the Environment as noted in the Bill (Section 1) is the responsible department. The Department is defined in the Bill.	
Clause 11	" Provide monitoring and evaluation of progress towards government's emissions reduction and adaptation goals" It is unclear from this statement what metrics will be used to monitor progress. This issue would be addressed if alignment with the Charter is undertaken.	SASOL	The Bill empowers the Minister to monitor and evaluate progress, refer to clause 27(1)(c), (d), 27(2)(b) which enjoins the Minister to develop regulations regarding monitoring and evaluation. Consider the amendments on	

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			the PCC function to ensure focus on the advisory only.	
Clause 12	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.	Bio Watch South Africa: Biodiversity food Sovereignty agroecology Social justice	The comment is acknowledged, suggested wording to be finalised with the OCSLA and OPLA is as follows: 12(1) The President must appoint representatives from civil society, business, government, organised labour and relevant stakeholders to serve on the Presidential Climate Commission for a period of 5 years renewable once for a further final period of 5 years. (2) Before making the appointments in terms of subsection (1), the President must- (a) by notice in the Gazette and in at least two nationally circulated newspapers invite nominations; (b) in such notice, specify a period within which nominations	

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			<p>must be submitted and stipulate the procedure to be adopted regarding such nominations;</p> <p>(c) ensure that members of the Commission broadly reflect the demographics and gender composition of the Republic;</p> <p>and</p> <p>(d) are appropriately qualified and have expertise in the socio-economic, environmental and broader sustainability field.</p>	
General	<p>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 participatory as well as representative nature of South African democracy was recognised by the Constitutional Court judgment of <i>Doctors for Life International v Speaker of the National Assembly and Others</i>, which concerned the duty of parliament to facilitate public involvement in law making.</p>	Applied Legal Studies	<p>The statement is acknowledged. This is SEMA and NEMA principles apply. This Bill further contribute to the implementation of section 24 (b).</p> <p>Participatory democracy is a form of government in which citizens participate individually and directly in political decisions and policies that affect their lives, rather than through</p>	

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	<p>15 The Environmental management principles in the National Environmental Management Act include the following: The participation of all interested and affected parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured' 'Decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognising all forms of knowledge, including traditional and ordinary knowledge' 17 24.The same considerations apply equally to questions of climate justice and of a just transition to a carbon neutral economy that meets the needs of the majority and not small elite. It is a critical that all law, policy-making, decision-making and implementation be driven by those most impacted. Groups particular impacted include: • Workers and communities in sectors rendered obsolete or impacted by the just transition (e.g. coal mining and energy generation) • Workers and communities in new green sectors • Workers and communities who bear the brunt of the lack of availability of free and reliable electricity • Communities most vulnerable to natural disasters as we tragically saw recently in Kwa-Zulu Natal; and • Women, youth, persons</p>		<p>elected representatives. The parliamentary public hearings is the platform given to citizens directly to express their views on how the climate change Bill can be improved to address their needs. To be specific, clauses 28 and 29 of the Bill detail the processes to be followed of public participation and consultation respectively.</p>	

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	<p>living with disability and other marginalised people in all the above groups who bear the greatest burden of climate change associated impacts 25. Given significant disparities in resources, education and access to expertise multipronged education, capacitation and resourcing strategies are required to enable meaningful participation. There is an especially stark imbalance between communities and fossil fuel companies with their array of specialists, public relations specialists and lawyers. 26. At the level of principle, the Bill shows a laudable understanding and acknowledgment of the above by the legislator.</p>			
Clause 11	<p>"advise government on the mitigation of climate change impacts, including through the reduction of emissions of greenhouse gases, and adapting to the effects of climate change" We understand the current structure of this paragraph to provide an opportunity to not clearly identify adaptation interventions and such propose the para read as follows: [advise government on the mitigation of and adaptation to climate change impacts, including through the reduction of emissions of greenhouse gases] In our view, this ensures adaptation is clearly identified as a priority equal to mitigation, extending directly into the functioning of the Presidential Climate Commission (PCC).</p>	SACAN	Comment noted and recommendation to be considered	

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	<p>CAIA is uncertain of the constitution of the PCC. Given the level of work being undertaken as well as the urgency of the work, it is imperative that a clear understanding be afforded to stakeholders of whether the Commission is constituency-based or whether it is not. The PCC has expressly stated to Commissioners that it is not constituency (Government, Labour, Business, Civil Society) based but is made up of persons (Commissioners) with diverse expertise in the field that are appointed by the President. However, this has been contradicted in media releases by the PCC and the Bill itself lays claim that the Commission is constituency based. This must be clarified in the Bill.</p>	<p>CAIA (Chemicals and Allied Industries Association)</p>	<p>The process of appointing the commissioners has been amended to ensure transparency and representation across the society. This will be open call for nomination as such meaning that it will not be constituency based.</p>	
<p>General</p>	<p>The section should also provide that the MCCC, on the advice of the Climate Change Authority, or of its own accord, may make recommendations to a Minister regarding the amendment or adoption of any policy, plan, programme, or legislation for which the Minister is responsible to align it with, or further the objects of the Act, and request that this be done by a specific date. If the Minister in question does not agree to take the action recommended, or if the MCCC has reason to believe that the Minister will fail to do so by the deadline, the MCCC</p>	<p>Green Peace Africa</p>	<p>This comment is in relation to a previous version of the Bill which contained the Ministerial Committee on Climate Change (MCCC).</p>	

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	should be empowered to table a recommendation with Cabinet to resolve the impasse.			
General	<p>The Bill establishes the Ministerial Committee on Climate Change (section 8(1)) and a Provincial Committee on Climate Change for each Province (section 8(9)), primarily in order to co-ordinate implementation of the Bill. It also provides that the Ministerial Committee on Climate Change (“MCCC”) may establish an advisory committee in terms of section 3A of NEMA (section 8(8) of the Bill). Apart from these bodies implementation will be undertaken by the DEA, the Presidency, other government departments (particularly those responsible for the functional areas listed in the Schedule to the Bill), provincial and local governments. Both the MCCC and the Provincial Committees on Climate Change (“PCCC”) are made up of representatives of different government departments and its primary role is to co-ordinate government climate-related activities. Most of the members of these committees will not be technical experts and will be from different departments and so it will be difficult for the committees to do much substantive work between meetings. Consequently, both the MCCC and the PCCCs will require support from bodies with a high degree of technical skill and the capacity to undertake research and to prepare reports for their consideration. We support</p>	Green Peace Africa	<p>This comment is in relation to a previous version of the Bill. The current version of the Bill does not include a Ministerial Committee on Climate Change. Additionally, this is already addressed in this version of the Bill through the Presidential Climate Commission.</p>	

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	<p>the recommendation by the Energy Research Centre at the University of Cape Town ("ERC") that the Act should establish a powerful statutory body (i.e. a Climate Change Authority) to ensure that the huge volume of work necessary to implement the Act and make the transition that will be necessary to eliminate the drivers of climate change, is done. We propose that the Climate Change Authority ("CCA"): 47.1. be accountable to the Presidency; 47.2. be staffed in part by government officials with the appropriate expertise seconded from their Departments; 47.3. function as the secretariat for the MCCC; and 47.4. administer the Climate Change Fund (discussed below).</p>			
General	<p>While we strongly support the objective of aligning policies, plans, programmes and decisions in all three spheres of government insofar as they concern climate change, section 7 of the Bill has been drafted in a manner that is too general, does not explain how harmonisation will take place, and despite the title, does not deal with the harmonisation of laws. This section must be amended to provide that every organ of state- and state-owned enterprise must review its written policies, plans, and programmes, and any legislation that it is empowered to amend, and must: 41.1. identify any inconsistencies or misalignment between the objectives, measures or provisions in those documents and any national</p>	Green Peace	This comment is in relation to a previous version of the Bill. The current Bill does not contain the MCCC.	

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	greenhouse gas emissions reduction objective or climate change adaptation objective, Sectoral Emissions Target for Sector Emissions Reduction Plan: 41.2. determine how those objectives, measures or provisions must be amended so that they are aligned with the objects of this Act and are consistent with the principles in section 3; and 41.3. must consult with the MCCC and the Climate Change Authority before making any such amendments			
General	The section should also provide that an organ of state- or state-owned enterprise may request technical or other support from the Climate Change Authority in order to achieve this alignment.	Green Peace	This comment is in relation to a previous version of the Bill. The current Bill does not contain the MCCC.	
General	The section should also provide that the MCCC, on the advice of the Climate Change Authority, or of its own accord, may make recommendations to a Minister regarding the amendment or adoption of any policy, plan, programme, or legislation for which the Minister is responsible to align it with, or further the objects of the Act, and request that this be done by a specific date. If the Minister in question does not agree to take the action recommended, or if the MCCC has reason to believe that the Minister will fail to do so by the deadline, the MCCC should be empowered to table a recommendation with Cabinet to resolve the impasse.	Green Peace	This comment is in relation to a previous version of the Bill. The current Bill does not contain the MCCC.	

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General	We support the recommendation by the ERC that the Minister establish a South African Panel on Climate Change to provide advice to the Climate Change Authority, organs of State (and particularly the Minister, the Presidency, the MCCC and the provincial CCCs) on the best available scientific information. Alternatively, these functions could be included within the Climate Change Authority but this would mean that the advice is likely to be seen as less independent.	Green Peace	The Presidential Climate Commission is informed by various stakeholders including the science community. The President has established Presidential Climate Commission (PCC) which is an independent, statutory, multistakeholder body established to oversee and facilitate a just and equitable transition towards a low-emissions and climate-resilient economy. The PCC advise on 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.	
General	The Bill does not require the establishment of any advisory body although it empowers the Minister to establish one. 52. The National Committee on Climate Change which was established to provide means for government to	Green Peace	This comment is in relation to a previous version of the Bill.	

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	engage with stakeholders from key sectors, should be established as a statutory advisory body which will enable the Minister, the MCCC and the Climate Change Authority to engage with key stakeholders on a regular basis			
Clause 10	The establishment of Presidential Climate Commission cannot be a discretionary power granted to the President, it must be made a mandatory requirement and legal instrument of this Bill given the grave consequences that this externality presents to our country.	Traverse Le GoFF	The climate change Bill establishes the Presidential Climate Commission. The amendments have been considered to include the word "must".	
General	The Bill is deficient in mainstreaming and prioritising climate response and sound climate governance across government; and	Traverse Le GoFF	The Bill facilitates mainstreaming of climate change into the spheres of government national, provincial, local governments as well organs of state. This mainstreaming is covered in clause 8,9, 10;15;16 &19.	
General	General comments on climate governance innovations and best practice mechanisms not included in the Bill as currently drafted;	Center for Environmental Rights	The Bill has strengthened institutional mechanism as well clear roles and responsibilities which enhances the governance arrangement for climate change response in the country.	

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Clause 3	The Bill does not adequately centre the Constitution and the Bill of Rights	Center for Environmental Rights	This Bill is a Specific Environmental Management Act under the National Environmental Management Act. The principles of NEMA do apply to this Bill and it gives effect to section 24 of the Constitution.	
General	The Bill does not adequately provide for a strong, suitably prioritised and well-coordinated climate response across government as a whole. The IPCC WG3 report identifies that “ministries of environment are often appointed as de facto agents of coordination, but have been hampered by their limited regulative authority and ability to engage in intra-governmental bargaining with ministries with larger budgets and political heft.” ⁷⁷ Climate change response cannot be relegated to being an issue that needs to compete with all others, leaving the Minister and the Department to struggle for co-operation and compliance with the provisions of the Bill.	Centre for Environmental Rights	The primary aim of the Bill is to ensure coordinated and integrated response across the spheres of government, economy and society as whole. Furthermore, institutional mechanism has been strengthened and empowered to consider climate change at national, provincial as well as local government level.	
General	We recommend that the Bill include the following prescriptions in order to facilitate the necessary mainstreaming and prioritisation of climate response across government:	Centre for Environmental Rights	The Bill already makes provisions for the mainstreaming and prioritisation of climate response across government as	

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			per Chapter 2, 3 and 4 of the Bill.	
Clause 7	Establishing an executive, non-political, inter-departmental body to oversee cross-sectoral implementation of applicable sections of the Bill. Please see paragraph 78 below for more details;	Centre for Environmental Rights	The Department is accountable to the Portfolio committee on the implementation of Bill. Furthermore, there Bill provide interval reporting to Cabinet on the synthesis of adaptation. Furthermore, Minister is empowered to develop to develop the National Greenhouse Gas Inventory Report.	
Clause 20(3)	Compelling the Minister to report to parliament bi-annually on progress made with implementing all key provisions in the Bill;	Centre for Environmental Rights	The Department is accountable to the Portfolio committee on the implementation of Bill. Furthermore, there Bill provide interval reporting to Cabinet on the synthesis of adaptation. Furthermore, Minister is empowered to develop to develop the National Greenhouse Gas Inventory Report. The Bill cant prescribe the interval of reporting to	

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			parliaments. Furthermore, clause 20 (2) empowers the Minister to determine the type of information and data required as well as the time frame by notice. Reporting on the climate change should provide adequate space for policy implementation in order to assess the impact of the interventions.	
General	Directing the Finance Minister and National Treasury to create a dedicated climate change component in, or supplement to, the national budget for climate change response related expenditure, including the implementation of the Act, as well as known costs of climate change impacts;	Centre Environmental Rights	The Bill already makes provisions for the mainstreaming and prioritisation of climate response across government as per Chapter 2 of the Bill. But the allocation of resources are being undertaken through Government Appropriation Act.	
Clause 8 & 9	We are also concerned that incorporating the climate change forums within the Premiers' intergovernmental forum, ⁸⁰ district intergovernmental forum, ⁸¹ respectively may not ensure that the stipulated climate change response actions are sufficiently prioritised. Either the	Centre Environmental Rights	The Bill already makes provisions for the mainstreaming and prioritisation of climate response across government as	

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	climate change forum meetings need to be held separately, or performance measures must be put in place to ensure that climate change matters are sufficiently focussed on		per Chapter 2 of the Bill. This empowering clause will foster consideration of climate change at the highest level in the provinces as well as district municipalities.	
General	Prescribing that province and municipalities isolate and identify climate response expenditure in terms of the Bill in budgets, funding requests, reports and financial accounts; and	Centre Environmental Rights	This is beyond the scope of the Bill as financial accountability is being carried out through PMFA and MFMA.	
General	We recommend the establishment of an Inter-departmental Committee on Climate Change to allow for coordination, monitoring and evaluation of measures, mechanisms and programmes created by the Bill, which require co-ordination across ministries and sectors. This committee must comprise: The Minister, and the Minister of Performance, Monitoring and Evaluation, who shall act as co-chairs; and the Directors-General of the departments listed in Schedules 1 and 2, as well as of the provinces.	Centre Environmental Rights	The system of clusters in government to process and address cross-sectoral issues will be adequate. This will include the FOSAD clusters, Cabinet Clusters as well as full climate change forums inclusive. Should there be a need to Inter-Ministerial such normally get established by Cabinet.	
Clause 10	We recommend the establishment of an independent body/panel of scientists and experts to make recommendations to government on decisions to be taken under this Act, to provide support to local and provincial	Centre Environmental Rights	The Presidential Climate Commission is empowered to provide advisory on climate change, both mitigation and	

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	<p>authorities, and, in particular, to continuously consider and review South Africa's vulnerability, adaptation, and mitigation potential and best practice based on the best available science and technologies.</p>		<p>adaptation, with further focus on the Just Transition scope. The commission can set up technical working groups that will constitute amongst other key stakeholders the scientific community to provide scientific based advisory.</p>	
<p>Clause 11</p>	<p>The Panel must produce assessments of the best available scientific information, ideally tracking, responding to and highlighting domestic applicability of the regularly released IPCC reports. These should then be submitted to the Minister to inform measures and updates to mechanisms provided for in the Bill.</p>	<p>Centre Environmental Rights</p>	<p>The above response refers.</p>	
<p>Clause 10 & 11</p>	<p>It is submitted that such a panel would be different in function and scope to the Presidential Climate Commission ("the Commission") provided for in the Bill, in that the panel's output and recommendations would be purely based on science, and free of the political and consensus-based output inherent in the recommendations emanating from the Commission.</p>	<p>Centre Environmental Rights</p>	<p>The commission is empowered to draw from the various scientific bodies and scientific literature in providing advisory as per their mandate.</p>	
<p>Clause 7</p>	<p>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</p>	<p>Centre Environmental Rights</p>	<p>The term 'harmonise' is synonymous with 'alignment'. However, it is recommended</p>	

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	expressly provide for alignment. It should also include “laws” in the list		that the terms 'laws' be included in the list in clause 7(1).	
Clause 10	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	Centre Environmental Rights	The definition of civil society encompasses communities. However, it is recommended that the wording “relevant stakeholders” be added to the list under clause 7(2).	
Clause 8	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 expertise is available to inform the response action referred to in section 8(3)(a).	Centre Environmental Rights	This empowering clause will enable the province to undertake the needs assessments and consider the functionality existing structure as part of the process to set up technical structures. Some provinces have existing structures and forums dealing with climate change matters, and this can be considered in line with this clause.	
Clause 9	A Municipal 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 Municipal Forum on Climate Change. and	Centre Environmental Rights	The same process motioned above will apply to the local government. This will ensure that there is no proliferation of the structures, but there will be	

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	must ensure that sufficient and relevant expertise is available to inform the response action referred to in section 8(3)(a)		a technical structure to satisfy the clause.	
Clause 10	Given the importance of the role played by the Commission, we submit that its appointment by the President must be mandatory and not discretionary	Centre Environmental Rights	The comment is acknowledged, suggested wording to be finalised with the OCSLA and OPLA is as follows: 12(1) The President must appoint representatives from civil society, business, government, organised labour and relevant stakeholders to serve on the Presidential Climate Commission for a period of 5 years renewable once for a further final period of 5 years. (2) Before making the appointments in terms of subsection (1), the President must- (a) by notice in the Gazette and in at least two nationally circulated newspapers invite nominations;	

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			(b) in such notice, specify a period within which nominations must be submitted and stipulate the procedure to be adopted regarding such nominations; (c) ensure that members of the Commission broadly reflect the demographics and gender composition of the Republic; and (d) are appropriately qualified and have expertise in the socio-economic, environmental and broader sustainability field.	
Clause 11	We submit that all of the functions in section 11 should be made subject to reporting to the President on request.	Centre Environmental Rights	Clause 13 outlines the reporting requirements of the PCC.	
Clause 10	The composition of the Presidential Climate Commission must— (a) broadly reflect the demographics and gender composition of the Republic, adequately ensure youth representation; and	Centre Environmental Rights	As a framework legislation the reflection of the demographics for the country will take into consideration – gender, youth amongst others. As such the provision is adequate.	

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Clause 13	The President may require the Presidential Climate Commission to provide a report on any advice it provided to government in terms of section 11[(b)].	Centre Environmental Rights	Clause 13 outlines the reporting requirements of the PCC	
Clause 15	Due to the technical nature of the climate response activities, and the reality that many local government organs of state are under-capacitated as it is, we submit that needs and response assessments and response implementation plans must be submitted to the Minister, who must evaluate them for effectiveness and any need for support.	Centre Environmental Rights	The climate change needs assessments and response assessments will be developed in consultation with the Department and there is no need to make it a legal obligation for submission to Minister. This could still be presented to the established structures.	

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15(c)	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.	Centre Environmental Rights	Climate change needs and response assessment should be made available. Clause 19 of the Bill talks to this issue, the Minister will make regulations which will address all related issues and implementation strategies. The amendments can be considered to include publishing of the climate change needs and response assessments.	
15(c)	Many of the subsections purporting to set out the detail and requirements for the assessments and implementation plans are vague and unclear. More specificity would assist municipalities and provinces to comply with their obligations and to conduct useful assessments and plans. It would also assist in holding municipalities and provinces accountable if their assessments and plans do not meet the requirements.	Centre Environmental Rights	Further criteria will be developed in the regulations and technical guidelines.	
	Consideration should be given to formalising the participation of organised business, labour and civil society at the various climate change forums.	BUSA	PCC has been established to ensure participation of these motioned stakeholders.	

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Clause 8 & 9	The assumption here is that such forums are adequately capacitated to address climate change issues. This is often not the case and there is a need for direct support to process to address this gap.	BUSA	The primary purpose is to elevate the issues of climate change into this forums chaired by the premiers. These forums are also empowered to establish technical teams as they deem necessary.	
Clause 15	Its commonly accepted that more than 80% of South African Municipalities are dysfunctional. With most failing to provide basic infrastructure service including managing potholes. It is thus not clear whether these municipalities can exercise this responsibility.	BUSA	The intentions is to empower the municipal forums to deal with climate change at their levels. The Bill could not however, solve all governance challenges associated with municipalities.	
Clause 10	The President may establish a Presidential Climate Commission and appoint not more than 30 members comprising representatives of 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. This text of the purpose of the PCC and what it should do must align with the PCC charter and the approved mandate.	BUSA	The charter should align with the clause in the Bill not another way round. Since the focus is advisory, maybe the M&E part should be deleted.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 11	<p>provide monitoring and evaluation of progress towards government’s emissions reduction and adaptation goals. Additional wording.</p> <p>There should be a requirement for transparency including public and potentially audited reporting. How often will their monitoring be reported on? What happens if no action is taken as agreed and reports indicate that mitigation and adaptation is ineffective? Are there any remedies or escalation processes provided for</p>	BUSA	This are operational questions which can be dealt with through regulations and/or technical guidance.	
Clause 13	<p>Nedlac consensus: “(1) The President may, at any time, request that the Presidential Climate Change Coordinating Commission report on matters relating to reducing emissions of greenhouse gases and adapting to the effects of climate change.”. This needs a review – what was the intention as it seems very loose. The intention of the two versions do not seem the same. Please note above comment on the need for provisions regarding transparency and public reporting. It is important to clarify the status of these reports. Related to this, what is the peer review process to ensure that the reports can withstand scrutiny from other parties? How would the report be processed within the governance systems?</p>	BUSA	The details about the reporting could be dealt with in the regulations, dealing with interval of reporting. Clause 13 empowers the president to receive and ask for reports from the PCC.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 10	The Act should stipulate the period of appointment and renewal of the PCC members so that potential Commissioners can make the necessary commitment	BIO WATCH	Comments noted. The Commissioners to be appointed for a period of 5 years renewable once for a further period of 5 years.	
Clause 10	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.		The proposal can be considered by calling for public nomination for the commissioners and have a panel to lead the selection process and make recommendations to the President. Refer to proposed revision of clause 12 above.	
Clause 1	Sasol recommends the inclusion of the definition of "person" which means the definition of person as defined in the Interpretation Act 33 of 1957	Sasol	The term person "Person" is defined in the NEMA. The Bill will be a SEMA under NEMA.	
	Sasol recommends the inclusion of a principle focused on financing the transition, which is costly in a developing country context	Sasol	It is recommended that there be alignment of the charter with the Bill. .	
Clause 10	Align this section of the Bill with the Presidential Climate Commission Charter.	Sasol	It is recommended that there be alignment of the Charter with the Bill.	
Clause 10	Align this section of the Bill with the Presidential Climate Commission Charter. page 11 of 17	Sasol	It is recommended that there be alignment of the Charter with the Bill..	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 8	The section on institutional arrangements is heartening as it empowers everyone to get involved in the climate response and, as such, is most welcome. In the clauses covering Provincial forums it is not clear how these will be made up. There should be well mandated civil society representation on them as climate change affects everyone, not only leadership.	WESSA	The structure and composition of Provincial Forums is governed by the Intergovernmental Relations Framework Act as indicated in S8(1) of the Bill. However, the provinces are at liberty to establish technical teams that could constitute key stakeholders.	
Clause 9	When it comes to Municipal Forums on Climate Change the wording appears to be vague and the arrangements uncommitted. There is no specific mention of civil society despite the injunction in clause 3 (k) under Principles, that there should be participation at all levels of society. As municipalities are the local areas where climate change impacts are most acutely experienced and are at the level of governance where civil society organises itself most through street and ward committees, ratepayers' associations, special interest groups and NPOs, it stands to reason that such climate forums should include such representatives.	WESSA	The structure and composition of both Provincial Forums and Municipal Forums are governed by the Intergovernmental Relations Framework Act as indicated in S8(1) of the Bill. However, similar to the provinces, the municipalities are at liberty to establish technical teams that could constitute key stakeholders.	
Clause 10	The commission should, in our view, be mandatory and, commendably, exists in separate form already as the Presidential Climate Commission. WESSA full endorses	WESSA	When the commission is established by law it becomes a	

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	<p>its aim: To mitigate the impact of climate change, urgent action is needed to reduce greenhouse gas emissions and improve climate resilience. This will require significant and unparalleled changes across all sectors of the economy. Importantly, the transition must be just and equitable, ensuring that the poorest and most vulnerable are supported and uplifted in the shift towards a more sustainable society. Time frames to make meaningful changes are generally too relaxed (in some cases missing) considering the existential importance of the issue of climate change impacts.</p>		<p>statutory body that will exist beyond political terms.</p>	
<p>Clause 15</p>	<p>In all instances it is recommended that adaptation planning show how mitigation and risk reduction are key features and how some actions can be both mitigatory and adaptive. It is good to see that Climate Change would be included in the budget of municipal Integrated Development Plans (IDPs) but few municipalities have shown determined willingness to do so meaningfully in the past or take up citizens' suggestions in this regard. Monitoring by a multistakeholder group including civil society will therefore be essential. The inclusion of a Greenhouse Gas Inventory with its alignment to international commitments and obligations, is welcome and looks like a useful monitoring tool.</p>	<p>WESSA</p>	<p>The Municipality will be expected to provide report that will be processed through the Municipal structure and the provincial structures. Furthermore, the Minister is empowered to request information that will contribute to the synthesis report.</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 15 (d)	15 (2)(1)(b) "analyse the nature and characteristics of the province or metropolitan or district municipality, as the case may be, and the particular and unique climate change needs and risks that arise as a result of such nature and characteristics;" This assessment must be done in an integrated way and should align/consider all environmental consequences and opportunities such as between air quality and climate change in alignment with principle (k) in this Bill.	SASOL	This is noted and the technical guidelines for the climate change needs assessment will provide further details on the risk metrics.	
Clause 15 (d)	15 (2)(1)(c) "identify and spatially map, within the sphere of operations of the province, district or metropolitan municipality, as the case may be, risks, vulnerabilities, areas, ecosystems and communities that will arise, or that are vulnerable to the impacts of climate change;" Amend to include broader environmental issues. Integration/alignment with air quality initiatives and objectives is important and supports principle (k) as included in this Bill.	SASOL	The current provision is sufficient as is since broader environmental issues are already included in the context of climate change adaptation. Technical guidelines for the climate change needs assessment will provide further details on the risk metrics	
General	The climate change response implementation plan should be reconceptualised and replaced with sections dealing with provincial transition plans ("PTPs") and with ("MTPs"). PTPs and MTPs should both describe how a provincial government, or a municipality proposes phasing out fossil fuels and make the transition to an ecologically healthy and viable society which emits less GHG than ecosystems	Green Peace Africa	The response plan will consider both Mitigation and adaptation elements. Furthermore, the clauses 7, 8 and 9 addresses the content of policies and measures to be developed.	

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	can absorb or sequesterate. The contents of a PTP should differ from that of a MTP in order to take account of the very different roles and responsibilities of provincial and local governments.			
Clause 15	Given the importance of provincial governments, and particularly municipalities in addressing climate change, chapter 3 should be expanded to define the roles of provincial governments and municipalities more clearly and to impose specific climate-related duties. For example, this section should be amended to impose a general duty on municipalities to take reasonable legislative and other measures: 59.1. to protect and enhance the resilience and adaptive capacity of local communities; 59.2. to reduce the emission of greenhouse gasses and the use of materials that are produced or manufactured in processes that involve the emission of large quantities of greenhouse gasses; 59.3. to reduce the use of fossil fuels, or energy generated by the combustion of fossil fuels, particularly in public transport; 59.4. to promote the efficient use of energy; 59.5. to promote the conservation of water resources (including by enhancing the recharge of aquifers) and the efficient use of water; 59.6. to maintain and enhance the carbon sequestration capacity of ecosystems and areas within the municipal area.	Green Peace Africa	This statement is acknowledged. However, this is addressed in clause15(2) sufficiently.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The Bill deals with adaptation in a single section (section 10) with 11 subsections. This should be subdivided into separate sections each dealing with a specific aspect of adaptation planning, namely: 60.1. the national adaptation strategy and objectives; 60.2. the content of the national adaptation strategy; 60.3. national adaptation scenarios; 60.4. climate change response implementation plans; and 60.5. synthesis reports on climate change adaptation	Green Peace Africa	This comment is in relation to a previous version of the Bill. However, it is worth noting that this is addressed in clauses 16-20 of the current version of the Bill.	
Clause 15	We propose that the provisions relation to adaptation be strengthened by: 61.1. imposing climate-related duties on municipalities and provincial governments to take measures to promote adaptation and climate resilience; (see Annex A commentary on section 8C and 8D); 61.2. creating a general duty of care enforceable by means of compliance notices, which could read, for example: "Every person must take reasonable measures to contribute to the adaptive capacity and climate resilience of any community of which they are a member" 61.3. creating a general duty to prevent reductions in the carbon sequestration capacity of carbon sinks (see discussion of duties of care); and 61.4. providing for provisional adaptation objectives (see Schedule 3) to expedite the implementation of adaptation measures.	Green Peace Africa	This statement is acknowledged. However, clauses 7, 8 and 9 addresses this.	

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Clause 7	<p>Whilst the Bill’s horizontal and vertical mechanisms for climate change governance appear comprehensive, Clause 7(1) is not clear how the policies will be aligned both vertically (from national to local levels) and horizontally (between national departments). The Bill does not set out the key mechanisms for alignment or coordination to be clearly identifiable for transparency and accountability in implementation. The challenge to implementation due to the fragmented nature of responsibility without clear mechanisms between different governance elements may create uncertainty on how policies may be jointly implemented and aligned. The LRC submits that regulatory and economic instruments to operationalise climate policy across different government departments must be included in the Bill to establish a clear relationship between different elements within the Bill for joint implementation and aligned across sectors.</p> <p>Clause 7(1) must extend to and apply to every department and organ of state as there is no single department or organ of state that is not or that will not be affected by climate change. The LRC submits that obligations ought not to be subject to one’s working relations and persuasion, in terms of asking sectors to consider climate change but rather on the law that compels each sector and</p>	Legal Resource Centre	<p>The Bill in clause 7 calls for every organ of state to ensure alignment of its policies on matters of climate change. This will ensure that organs of states are able to review, amend and align according. Furthermore, institutional mechanism have been established in chapter 2 at provincial, local and national level to ensure coherence of response to climate change.</p> <p>The presidential climate commission is empowered in its terms of reference to established technical bodies to ensure that the advice is scientifically informed. On the matter of transparency and</p>	

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	<p>level of government to respond effectively. Clause 7(2) provides for organised labour, civil society, and business to advise on the climate change response and mitigation and adaptation. The LRC submits that transparency supports equitable access to information – accordingly independent scientific bodies, technical practitioners and researchers that will provide the state with the best available and recent science on climate change responses required to address it must include mechanisms that enable all stakeholder to easily see key data that inform decisions affecting South Africa.</p>		<p>access to information the Department will be informed by Protection of Personal Information Act; Promotion of Access to Information Act as well as the Competition Act of 2002.The Bill will not establish parallel process that contradicts the aforementioned laws.</p>	
<p>Clause 8 & 9</p>	<p>The Bill envisions an extended role for municipalities in the combatting of climate change in South Africa. In particular, Clause 9 of the Bill makes provision for the district intergovernmental forum, established in terms of Section 24 of the Intergovernmental Relations Framework Act, to act as the Municipal Forum on Climate Change. The Municipal Forum on Climate Change has the responsibility of coordinating climate change response actions for those activities within its operational control, as well as provide a report on these action to the relevant Provincial Forum on Climate Change.</p>	<p>Legal Resource Centre</p>	<p>These clauses are empowering to the municipalities to take into consideration climate change planning into their system. The issue of capacity is noted, and the Department is in the process of developing a model capacity required for environmental response at the local level.</p>	

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	<p>In terms of the Intergovernmental Relations Framework Act, the district intergovernmental forum serves as a consultative forum for the district municipality and the local municipalities to discuss and consult each other on various matters in the district. The forum consists of the district and local municipality mayors or councillors.</p> <p>14.3. Clause 15 of the Bill foresee the mayor of a metropolitan or district municipality undertaking a climate change needs and response assessment for the municipality. The mayor must also assess the extent to which its constitutionally mandated functions are affected by climate change and formulate steps to address these effects in the performance of the municipality's functions. The assessment must amongst other things, be based on the best available science, evidence, and information, and must analyse the nature and characteristics of the municipality and its unique climate change needs and risks.</p> <p>Clause 15 also requires the development and implementation of a climate change response implementation plan. The plan must be informed by the climate change needs identified in the assessment and</p>			

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	<p>include measures or programmes relating to both adaptation and mitigation in line with the constitutional mandate of the municipality.</p> <p>While the LRC supports the notion that local government is an essential partner in the climate change response, we foresee multiple difficulties with this approach and the role that has been envisioned for municipalities. The concern is based on two considerations. Firstly, local government structures in South Africa lack the capacity to comply with its role in terms of the Bill, and secondly, local government is a contributor to the climate change crisis.</p> <p>The Constitution envisions a central role for local government. This includes the delivery of basic services to all South Africans to contribute to meaningful and sustainable improvements in the living standards of communities. The constitutional vision is that municipalities should act as sites of sustainable and meaningful improvement, and as the first link between the state and its citizenry. This is however not the reality for many municipalities in the country.</p>			

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	<p>Only 27 of the 257 municipalities in South Africa received a clean audit in 2019/2020, and the Auditor-General of South Africa found that in 2018/2019, 79% of municipalities had a financial health status that was either concerning or requiring urgent intervention. The financial distress that municipalities experience is in part driven by an unsustainable funding model for local government. The 1998 White Paper on Local Government envisioned that 73% of municipal finances will be derived from revenue collection – placing the burden on citizens. In reality, municipalities are collecting revenue far below this target, and research by the Public Affairs Research Institute suggests that local government is able to fund less than 50% of its operating expenditure from revenue collection, which results in a chronic budgetary shortfall.³⁵ The budgetary shortfalls, coupled with pervasive corruption, a lack of skills, and poor management at local government level, has created a melting pot for incompetence to thrive.</p> <p>This is particularly worrying, given the fact that the effects of climate change will be felt most accurately at local level. In particular, South Africa’s scarce water resources will be affected by the climate change crisis – exasperating existing water shortages. Water availability is adversely affected by environmental degradation and resource</p>			

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	<p>pollution, inefficient use of water, inappropriate allocation of water in ways that does not serve the public interest, and the attempted implementation of overly complex mechanisms for water resource governance.³⁶ Many municipalities are becoming increasingly poor at managing consumption, at metering, Billing and collecting, and enforcing compliance with water restrictions.³⁷ They are also ineffective in managing the water supply process, often contributing to the pollution of scarce water resources.</p> <p>The LRC and its clients have experienced the failures of local government first hand and have been involved in litigation that was aimed at compelling municipalities to comply with their constitutional and legislative obligations, particularly in relation to the environment. This litigation has been aimed at the failures of municipalities to properly manage the provision of basic services, such as sanitation and refuse collection. While the litigation revealed the institutional decay and incompetency at local government level, it also illustrated the extent to which municipalities themselves contribute to the pollution of the environment and water resources, which contributes to the climate change crisis.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 10	<p>3. Substantive submissions on specific sections of the Bill</p> <p>3.1 Institutional arrangements PepsiCo has noted the proposed institutional arrangements to manage the process of policy formulation and implementation at the different levels of government - including inter-governmental fora at both municipal and provincial government levels. We understand these fora will work alongside national government efforts, including the Presidential Climate Commission (PCC). PepsiCo commends the establishment of mechanisms that hold responsibility and bear accountability for the creation and implementation of climate change responses at all levels of government. We wish to reiterate our support to the government in this respect, and we are happy to be engaged and consulted as an industry partner that values our public sector stakeholders, especially at the municipal and provincial levels. We recognise the magnitude of the task ahead and wish to specifically commend the inclusion of opportunities for municipal and provincial fora to establish technical support structures.</p> <p>Our submission is that these technical structures be made mandatory rather than discretionary in the Bill to ensure that government receives the necessary technical support to ensure institutional capacity. 3.2 Greenhouse</p>	PEPSICO SUB SAHARAN AFRICA	The statement is noted. Making the technical structure discretionary will allow the district structure and provincial structures to determine the need and configuration of such technical structure. This can be addressed at the operational level.	

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	<p>gas emissions reduction targets 3.2.1 Section 24(4)(a) states: A person to whom a carbon budget has been allocated in terms of subsection (1) must prepare and submit to the Minister, for approval, a greenhouse gas mitigation plan. (b) A greenhouse gas mitigation plan must— (i) describe the mitigation measures that the person, to whom a carbon budget is allocated, proposes to implement in order to remain within the person’s allocated carbon budget; and (ii) comply with the content requirements of such plans as may be prescribed by the Minister in terms of section 27, including requirements pertaining to processes, procedures and reporting.</p> <p>PepsiCo is committed to reducing GHG emissions In January 2021, PepsiCo announced new goals in line with the latest science, more than doubling our science-based climate goal, targeting a reduction of GHG emissions across our value chain by more than 40% by 2030. Subsequently, we pledged to achieve net-zero emissions by 2040, one decade earlier than called for in the Paris Agreement. Specifically, PepsiCo intends to reduce scope 1 and 2 emissions in our operations by 75% and our indirect value chain emissions by 40% by 2030. Reaching these targets will enable the reduction of more than 26 million metric tons of GHG emissions, the</p>			

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	<p>equivalent of taking more than five million cars off the road for a full year. Our target aligns with the Business Ambition for the 1.5°C pledge, which PepsiCo signed in 2020, joining other leading companies committed to setting science-based emissions reduction targets that would limit global warming to 1.5°C above pre-industrial levels. Our strategy to achieve our 2030 emission reduction goal does not include the purchase of carbon offsets. We expect to achieve our 2040 net-zero goal with limited use of offsets. From a PepsiCo Sub Sharan Africa sustainability perspective, we're aligned with our PepsiCo global targets to reduce 75% by 2030.</p> <p>We trust that over the next few years there will be significant innovation, development (evolution) in technology and the availability of cleaner fuels in the country to help us reach our target. 3.2.2 Offences created by the Bill Section 32(1) of the Bill creates specific offences and designates penalties as follows: 32. (1) A person commits an offence if that person fails to prepare and submit a greenhouse gas mitigation plan to the Minister in terms of section 24(4). (2) A person convicted of an offence in terms of subsection (1) is liable to the penalties</p>			

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	contemplated in section 49B(2) of the National Environmental Management Act.			
Clause 10	<p>Ensure that the Bill contains the latest targets 2.4 Presidential Climate Commission The Bill refers to the possible establishment of a Presidential Climate Commission (PCC). This commission has been established and is conducting work of extreme significance. Recommendation • The Bill be changed to reflect the existence and current functioning of the PCC.</p> <p>2.5 Education It has been identified that Climate Change awareness and literacy is a significant issue in the South African population5. This requires that information regarding Climate Change, its impacts and the status of current processes and programmes be easily understood and readily available. Recommendations</p> <ul style="list-style-type: none"> • The Public Participation process approach be expanded to specifically include education and awareness campaigns as part of sectoral requirements. 	PEDAL POWER ASSOCIATION (PPA)	<p>The commission is yet to be established by this Bill, As such when the Bill becomes law it will be official established as a statutory body.</p> <p>The Department will work with the partners to enhance awareness and capacity building include working with the Department of education as necessary.</p> <p>Further, details on the compliance will be elaborated in the regulations, particularly envisaged regulations for the carbon budget.</p> <p>Mitigation is being given priority, currently there are voluntary</p>	

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	<p>The Department of Basic Education be included as a sector with the specific mandate of ensuring education of the youth regarding Climate Change impacts and mitigation and adaptation.</p> <p>2.6 Enforcement and compliance Given the urgency of the situation and the need to rapidly reduce emissions the Bill makes very little provision for offences and deterrence with the only penalties to be imposed through the National Environmental Management Act. Recommendation</p> <p>Immediate attention be given to appropriate GHG emission limits and suitable and appropriate deterrence measures.</p>		<p>carbon budget being implemented. Once the Bill becomes an Act, they will become obligatory.</p>	
<p>Clause 10</p>	<p>The CC Bill looks at the provincial and local level as well as the Presidential Climate Commission but gives no further details on co-operative governance and the cooperation between the government departments. The different roles and duties as well as how the respective departments are meant to implement the Bill could be more specific and written down in an additional clause. The Bill, the way it is written at the moment, gives too much power to the Minister and leaves very important decisions</p>	<p>PROJECT 90 BY 2030</p>	<p>The roles and responsibilities of the sector Departments, Provinces, Other organs of state as well local government in relation to the Bill have been outlined. Furthermore, the Bill contain a schedule on which outlines some of these sectors by function.</p>	

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	to one person without any visible oversight. We suggest that 1. the Bill contains more information on the role and duties of the Minister 2. the Bill outlines an obligation for the Minister to report regularly and comprehensively to Parliament on the progress made on all key aspects of the CC Bill.			
Clause 10	The Presidential Climate Commission is the key institution in South Africa's response to climate change therefore, the language in this clause needs to be strengthened. Replace "may" with "must". In addition, more details should be added on how and for how long Commissioners are selected and appointed. It should be ensured that the Commissioners selected are fully capacitated to represent their stakeholder groupings.	PROJECT 90 BY 2030	Comment noted, the word "may" will be changed to "may". The process of appointment of Commissioners to be revised. Commissioners to be appointed for a 5 year term renewable once for a further 5 year term.	
Clause 10	The currently described process for nominating representatives to the Presidential Commission on Climate Change does not include an option for stakeholder groupings to nominate and recommend appointees to the PCC. The current commissioners were appointed without any consultation, which we would recommend in future, as well as an independent appointment process. We also recommend to draft a list of criteria that Commissioners have to fulfil to get appointed to the Commission as well as a set timeframe for their time in office. The CC Bill states that the composition of the Commission must broadly	PROJECT 90 BY 2030	Comment noted, the word "may" will be changed to "may". The process of appointment of Commissioners to be revised. Commissioners to be appointed for a 5 year term renewable once for a further 5 year term.	

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	reflect the demographics of the Republic. This suggest that a greater representation of civil society and especially youth is needed on the Commission.			
Clause 7& 10,	Section 7.1 (alignment of policies): The mandate spelled out in this section, namely to ‘review and if necessary revise, amend, coordinate and harmonise their policies and measures, programmes and decisions..’ must include the role of the Health Minister in aligning all intra-ministry (health) policies to accommodate climate change. This can include, for example, attuning Disaster Response policies within the Health sector to climate related crises such as sudden floods which have proven to disrupt the delivery of essential health supplies and personnel. Most importantly, we highlight that this harmonisation of policies should not be confined within ministries (silo approach) but should cut across different ministries/sectors and also across state and non-state actors— which is the essence of the whole of government, whole of society approach and the health-in-all-policies approach (which is one of the mainstays of addressing social determinants of health). SAMA is pleased to note that the Presidential Health Compact tracks the indicator: “Percentage of government policies assessed through the DPME socioeconomic impact assessment system (SEIAS) which include addressing health aspects - under Health in All Policies”. Article 7.2	THE SOUTH AFRICAN MEDICAL ASSOCIATION	Health has been included in the schedule for the development of climate change adaptation strategies.	

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	<p>(advisory role): SAMA appreciates the inclusion of this important clause which allows 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 climate-resilient and low carbon economy and society”. We believe that a consultative approach entailing broad participation is imperative in adaptation and mitigation planning and implementation. SAMA is committed to participating actively, and avails itself to working collaboratively with the government to find the best climate change solutions for our country and the African region, and urges other healthcare stakeholders to do likewise.</p> <p>Section 10, 11 & 12 (Presidential Climate Commission): This Commission is already in existence. SAMA would be pleased to have representative members of the medical / health community in the Commission.</p> <p>Section 8 (Provincial and municipal forums): It is evident that while the causes of climate change are global, health impacts are inherently local—they happen where people live, work, learn, play and travel. We appreciate the Bill’s proposals for local-level planning and response. We fully support this arrangement, as grassroots structures and</p>		<p>The process of nominating the commissioners should be adjusted to allow public consultation.</p>	

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	communities are at the frontline, where climate change hits directly			
Clause 15	<p>Section 15 (wide stakeholder engagement): Section 15 of the proposed Bill charges provinces and municipalities (member of the executive council – MEC, and mayor) with the responsibility to undertake a climate change needs and response assessment for the province, metropolitan or district municipality, and to develop and implement a climate change response implementation plan.</p> <p>We think these are noble proposals. But we assert, firstly, that these critical processes must not be the sole assignment of government structures but must entail wide community consultation and participation at the local level— where climate change impacts hit hardest. Government must thoroughly engage residents of municipalities</p> <p>or geographical regions worst threatened by climate change-related activities, such as Mpumalanga.</p> <p>Secondly, we emphasize that health professionals need to be part of these processes. We urge the government to facilitate the active participation of health sector representatives in needs assessments as well as in the</p>	THE SOUTH AFRICAN MEDICAL ASSOCIATION	The comments are note, the municipalities and provinces will be required by law to develop the climate change response plans.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	creation and implementation of climate change response plans at the local and national levels.			
Clause 10	<p>6. Presidential Climate Commission: representation</p> <p>Section 10(1) of the draft Act empowers the President to establish a Presidential Climate Commission and appoint not more than 30 members comprising representatives of 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. Similarly, section 12 of the Bill empowers the President to appoint representatives from civil society, business, government and organised labour to serve on the Presidential Climate Commission for a period determined by the President.</p> <p>However, despite section 3(h) of the draft Act noting that climate change mitigation and adaptation responses need “to be informed by evolving climate change scientific knowledge and decisions which should be based on the best available science, evidence and information”, academia and the scientific community (who will be generating the said scientific evidence to inform</p>	Scientific Advisory Group on Emergencies (SAGE	The process of nominating the representative will be amended to allow call for the nominations. Furthermore, the commission is empowered to establish work group with technical and scientific inclined professional to support their work.	

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	<p>policymakers and decision-making), are not amongst the constituents / sectors explicitly listed as sectors / constituents the President may directly draw on, to serve on the Commission.</p> <p>To remedy this defect, we recommend that the academic and scientific communities should be explicitly listed as dedicated constituents / sectors who must have representation on the Presidential Climate Commission. The amended wording (and related provisions elsewhere on the Act) should read: "...representatives from science, academia, civil society, business, government, and organised labour to serve on the Presidential Climate Commission for a period determined by the President."</p>			
Clause 7	<p>3. Conflicts between laws</p> <p>The current wording in section 6 of the draft Bill states: "In the event of any conflict between a provision of this Act and other legislation specifically relating to climate change, this Act prevails." (emphasis in italics added)</p> <p>Given that climate change arguably represents the biggest threat to all life on earth and humankind,</p>	Scientific Advisory Group on Emergencies (SAGE)	The spirit of the Climate Change Bill taking precedence on matter of climate change is clearly captured.	

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	we believe the Climate Change Act should prevail over all legislation that directly or indirectly relates to climate change. We thus recommend omitting the word “specifically”.			
General	<p>Given the severity and far-reaching impacts currently experienced, together with the anticipated adverse impacts of climate change, broad public engagement is required on the Bill. Country-wide consultations should be conducted, particularly in areas where the impacts of industrial activities and / or climate change are being experienced, rural areas included.</p> <p>Preceding these consultations, notice thereof should be widely circulated via all forms of media, including social media, with communication on how the public can access relevant information. Additional targeted efforts are required to include marginalised or disadvantaged people, such as inter alia, women, the youth, and people with disabilities, in these consultations. Translators and sign-language interpreters must attend each consultation and every effort must be made to ensure that technical information is easily conveyed to be understood by all those attending the consultations. These consultations must be conducted with the aim of engagement, not just dissemination – so that voices are heard, and inputs are</p>	SOUTH AFRICAN HUMAN RIGHTS COMMISSION	The consultation of the Bill since its inception in 2018 was comprehensive and wide across the stakeholders. This entailed provincial workshops, publication in the government gazette as well as focused engagement with key groups. The Portfolio committee further conducted public hearings on the Climate Change Bill in all the nine provinces.	

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	closely considered for appropriate responses in the Bill, where necessary.			
General	<p>The Bill inadequately recognises the devastating impacts that climate change will have on the people of sub-Saharan Africa, particularly those that are already impoverished. While vulnerable groups of people are specifically referred to in the Principles of the Bill, the disproportionate impact on groups like women, rural dwellers, people with disabilities and the poor, requires specific mention in the preamble of the Bill and additional policy focus to ensure targeted interventions to assist such individuals and groups of people. The Bill should also take cognisance of the fact that some people have multiple vulnerabilities – such as Black women, living in rural or outlying areas of South Africa.</p> <p>The wording around vulnerability to the impacts of climate change is better articulated in South Africa’s National Climate Change Response White Paper, which states that: South Africa is extremely vulnerable and exposed to the impacts of climate change due to our socio-economic and environmental context. Climate variability, including the increased frequency and intensity of extreme weather events, will disproportionately affect the poor. South</p>	SOUTH AFRICAN HUMAN RIGHTS COMMISSION	The Bill acknowledges in its set of principles particularly 3(f) the focus on addressing the climate change to protect the vulnerable community which includes women, the poor as well as children.	

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	<p>Africa is already a water-stressed country, and we face future drying trends and weather variability with cycles of droughts and sudden excessive rains. We have to urgently strengthen the resilience of our society and economy to such climate change impacts and to develop and implement policies, measures, mechanisms and infrastructure that protect the most vulnerable.⁵</p>			
General	<p>One of the most significant difficulties facing civil society organisations and communities in the environmental field, is the lack of a human rights-based approach to development and planning. This is evidenced by the lack of access to information leading to a lack of transparency and a lack of adequate engagement with stakeholders. Of particular concern, are the poor levels of the voluntary disclosure of information, which should ordinarily be provided proactively in the public domain. The lack of transparency and access to information, limits the potential for community-based organisations and communities to engage in citizen-based monitoring, which is particularly important for accountability. In the South African context such controls and participation are especially important, given the high levels of corruption, extreme poverty, and inequality; less than optimum implementation and enforcement of laws; and</p>	SOUTH AFRICAN HUMAN RIGHTS COMMISSION	This Bill is a Specific Environmental Management Act, which will be implemented under NEMA giving effect to the section 24 of the Constitution.	

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	<p>dependency on extractive industries. Poor or limited information flows lend significantly to decreased transparency, and accountability, and increased violations to the environment, and the law.</p> <p>It is important to reiterate that because of the extent and severity of the impacts of climate change, engagement, access to information and transparency are essential, not just to the success of this Bill, but to the success of all climate change response, mitigation and adaptations strategies – nationally and globally.</p>			
Clause 10	<p>We applaud the establishment of the Presidential Climate Commission (PCC) and see the Commission as an important vehicle in driving the just transition in South Africa. We commend how, since its establishment, the PCC has been engaged with various constituencies to inform the work of the PCC and has developed a workable Just Transition Framework. We do want to highlight that the appointment process and terms of the commissioners needs to be made transparent. There needs to be a public consultative process to the appointment of the commissioners to ensure that we have the best representation and the best skilled people representing various constituencies in the Commission.</p>	Youth Policy Committee	The appointment process is been amended to allow for calls for nomination from the member of the public. This will enhance participation and transparency.	
Clause 10	Clause 10 provides for a “Presidential Climate Commission”. While the establishment of a Commission is	Western Cape	The role of the Presidential Climate Commission is clarified	

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	supported, as it can arguably function better than government’s institutional structures and processes, the role of the Commission compared to that of the Department of Forestry, Fisheries and the Environment (DFFE) must be clarified. Clarify the role of the Presidential Climate Commission compared to that of DFFE.	Government	as providing advisory to the country on matters relating to climate change response, as well envisioning the long term just transition to a low carbon climate resilient. Whilst the DFFE have the regulatory functions on climate change matters.	
Clause 10	Members of the “relevant scientific community” should also be included as members. In addition, consistent with representation at presidential level, it is recommended that provision also be made for advisory forums with non-governmental stakeholder involvement, at municipal and provincial level. The “relevant scientific community” should also be represented. The multi-stakeholder participation model should be provided for at provincial and municipal level too.	Western Cape Government	The process of nomination is being amended to allow for public nomination. In this context, the scientific community could be nominated to be part of the Commission.	
Clause 10	Consider whether the Presidential Climate Commission should also be responsible for representation on an international level and should ensure alignment between international practices and national practices.	Western Cape	This is an operational matter whereby the Presidential Climate Commission can participate in the International meeting from an exchange point of views. They participated in	

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	Consider including international representation and ensuring alignment to the functions of the Presidential Climate Commission.		the COP under the South African Pavilion.	
Clause 10	<p>The functions of the Presidential Climate Commission are not sufficient to address the needs of mainstreaming the Bill's objectives across sectors and government organs, and WWF has already made a recommendation regarding the provision of an additional implementation agency. In the last version of the draft Bill a Ministerial Committee on Climate Change was mandated with the implementation and mainstreaming of the Act, determination of areas requiring regulation, and monitoring and evaluation of the efficacy of the measures undertaken through the Bill.</p> <p>The PCC as mooted does not adequately reflect the implementation elements of the now-removed Ministerial Committee, and as such there is an implementation gap in the Bill. This needs to be filled either through re-introduction of a mandated implementation body, or by broadening the mandate of the PCC.</p> <p>Proposed amendment: "11. The functions of the Presidential Climate Commission are to— (a) advise on the Republic's climate change response to [conceive and] ensure realisation of the vision for effective</p>	WWF	The Presidential Climate Commission will take into account the scientific knowledge and are empowered to have technical working groups that will contribute to the science based advisory.	

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	<p>climate change response and the long-term just transition to a low-carbon [net-zero emissions] and climate-resilient economy and society;</p> <p>(b) advise government on the [rate and means of] mitigation of climate change impacts, including through the reduction of emissions of greenhouse gases, and adapting to the effects of climate change; and</p> <p>[(c) provide independent advice regarding detailed pathways to achieve a socially just, climate-resilient and low carbon economy and society, including the national GHG emissions trajectory, sectoral emissions targets and carbon budgets;</p> <p>(d) ensure that the best available scientific advice is mobilised to inform recommendations by the Commission on the key decision involved in the climate transition;</p> <p>(e) promote the uptake of clean and climate-resilient technologies and facilitate climate finance and investment to support the transition to a socially just, climate-resilient and low carbon economy and society;</p>			
Clause 10	<p>(f)](c) provide monitoring and evaluation of progress towards government’s emissions reduction and adaptation climate goals [and a just transition ;and</p> <p>(g) convene different sectors of society including organs of state to enable meaningful climate action and to realise</p>	WWF	The primary functions of the Presidential Climate Commission is advisory to government on climate change response and just transition.	

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	<p>the just transition process to a net-zero emissions and equitable economy.]” Should the guidance role considered above not be included in the role of the PCC, it is necessary to ensure that such guidance is provided by an independent scientific advisory body and Climate Change Authority as delineated in the “Issues by Topic” above.</p>		<p>Therefore, in undertaking the work, they will coordinate engagement across sphere of society. These operationally procedures can be captured in their standard operating procedure.</p>	
Clause 7	<p>Considering how far-reaching and interrelated the impacts of climate change are, impacting different sectors of society, the response to climate change thus requires unprecedented levels of cooperative governance and intergovernmental relations. However, unlike the previous version of the Bill in 2018, Chapter 2 of the current proposed Bill does not envision the establishment of any national climate change governing body.</p>	Section 27	<p>The Bill empowers the provincial structure, local structures under the Intergovernmental Relations Framework Act to coordinate climate change matters. Furthermore, the Cabinet will be appraised with the implementation of climate change response through adaptation synthesis report and amongst others consultation on the development of national greenhouse gas emission trajectory. Matters of climate change will be considered through the current government</p>	

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			governance structure of the cluster system.	
Clause 19	In view of the critical role played by local government in the adaptive response to climate change, we recommend that the Department of Cooperative Governance and Traditional Affairs be included in the list of functionaries under Schedule 2.	Section 27	This comment is noted and they will be included.	
Clause 10	In the same way that the Bill outlines the functions of the Presidential Climate Commission, we recommend that Chapter 2 be amended to include the duties and powers of the MCCC setting clear mandates, as well as those of the Provincial and Municipal Forums on Climate Change. ⁵⁵	Section 27	The Bill empowers the provincial structure, local structures under the Intergovernmental Relations Framework Act to coordinate climate change matters. Furthermore, the Cabinet will be appraised with the implementation of climate change response through adaptation synthesis report and amongst others consultation on the development of national greenhouse gas emission trajectory. Matters of climate change will be considered through the current government	

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			governance structure of the cluster system.	
Clause 10	We would propose the formation of a national departmental committee on climate change transition chaired by the Department and comprising at least the departments in para 24 that has four main functions - Aligning climate change and sector policies - Supporting departments and organs to manage their own transitions in line with the legislation - Serving as a clearing house for the science and supporting departments and organs to translate climate science into their sectors of responsibility.	Dullah Omar Institute	The Department have intergovernmental structure and the working group on climate change, that coordinate sector departments, entities as well as provincial departments on matters of climate change. To avoid proliferation of structures, this Working Group will continue to focus on the implementation of the Bill as well coordination of alignment of activities, strategies and instruments to address climate change.	
Clause 10	As a result, the current legal status of the Commission is a Presidential Advisory Body and not a statutory body established in terms of a specific Act of Parliament. However, the Agreement provides that the creation of the Commission as a statutory body should be accommodated in the Bill.	Presidential Climate Commission	The Bill is establishing the Presidential Climate Commission as a statutory body.	
Clause 10	Individual independence means the power of the Commission to appoint its functionaries and to deal with their security of tenure. The Commission should have the	Presidential Climate	The operational details of the PCC and its secretariat should be spelled out in the feasibility	

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	power to appoint its advisors, employees and/or experts if it is to fulfil its mandate independently and impartially as well as to safeguard its functionary’s independence and impartiality against outside interference by external parties. In other words, the Bill should clearly provide for the provisions governing appointment, tenure and removal of its functionaries.	Commission	study to be considered by Treasury when the provisions of the Bill are actualised.	
Clause 10	1. (1) The functions of the Commission include to— (a) build consensus between social partners on key decisions involved in climate transition; (b) convene and facilitate role players to take their own and collaborative action to advance a just transition to a low-carbon and climate-resilient economy; (c) provide independent advice regarding detailed pathways to achieve a socially just, climate-resilient and low carbon economy and society; (d) identify threats and opportunities to jobs and livelihoods and recommend measures to transition to the labour force of the future; (e) promote the uptake of clean and climate-resilient technologies and facilitate climate finance and investment to support the transition to a socially just, climate-resilient and low carbon economy and society; (f) ensure that the best available scientific advice is mobilised to inform recommendations by the Commission on the key decision involved in the climate transition; (g) develop and promote the development of climate change expertise and	Presidential Climate Commission	The PCC’s primary functions are to provide advisory to the republic on low-carbon and climate resilient economy and society within the context of just transition. Due to the crosscutting nature of the just transition, it is imperative to use NEDLAC as vehicle to establish social compacts which take into consideration the socio-economic, labour and environmental dimensions. The process of appointing the commissioners is being amended to allow for public participation on the nominations. The revised	

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	<p>technology in the State and social partners; (h) advise the Government of the Republic of South Africa and social partners about any matter relating to climate change response or the just transition generally; (i) 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; and (j) monitor and review progress towards climate goals and a just transition. 7 (2) The Commission shall for purposes of the performance of its functions— (a) acquire the necessary staff, whether by employment, secondment, appointment on contract or otherwise in accordance with employment practices that are fair, equitable and compatible with labour legislation; (b) enter into contracts; (c) acquire or dispose of any right in or to movable or immovable property, or hire or let any property; (d) accept donations or inheritance, including money; (e) insure itself against- (i) any loss, damage or risk; or (ii) any liability it or any of the commissioners may incur in the exercise of their powers and performance of their functions; (f) institute or defend any legal action; (g) publish the results of such activities carried out by the Commission or others commissioned by the Commission to carry out such activities; (i) liaise and exchange information, knowledge and expertise – including relevant traditional, indigenous and local knowledge – with the</p>		<p>amendments will also consider the time period for commissioners.</p>	

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	official bodies or authorities entrusted with the climate change response or just transition generally; (j) co-operate with educational or other bodies or research institutions on the climate change response research, just transition research or clean and climate-resilient technologies; (k) generally, carry out any other duty and exercise any other power not inconsistent with the Constitution and this Act.			
Clause 10	has been recommended by the National Assembly by a resolution adopted by a majority of the members of that Assembly; and (d) has been recommended by a Portfolio Committee responsible for environmental affairs of the National Assembly, from a list of nominated candidates submitted to the committee by the relevant government departments and state entities, organised business, organised labour and civil societies. (3) Government departments and state entities, organised business, organised labour and civil societies shall each nominate two (2) candidates for consideration by the Portfolio Committee responsible for environmental affairs of the National Assembly. (4) The President, or in his or her absence the Deputy Chairperson, is the chairperson of the Commission.	Presidential Climate Commission	It is recommended that PCC should report to President and/or Parliament through the Portfolio Committee. The issues of staff and remuneration can detailed into feasibility and costing of the structure. The Bill should provide a broader framework that establishes the PCC. Furthermore, the establishment of the sub-committee should be addressed as an operational matter.	
Chapter 3: Climate Change Response:	15 (2)(1)(b) "analyse the nature and characteristics of the province or metropolitan or district municipality, as the case may be, and the particular and unique climate	BUSA	The statement is noted. The assessments will take into consideration the socio-	

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<p>Provinces and Municipalities</p> <p>Clause 15 (d)</p>	<p>change needs and risks that arise as a result of such nature and characteristics;" This assessment must be done in an integrated way and should align/consider all environmental consequences and opportunities such as between air quality and climate change in alignment with principle (k) in this Bill.</p>		<p>economic and environmental elements.</p>	
<p>Clause 15 (d)</p>	<p>15 (2)(1)(c) "identify and spatially map, within the sphere of operations of the province, district or metropolitan municipality, as the case may be, risks, vulnerabilities, areas, ecosystems and communities that will arise, or that are vulnerable to the impacts of climate change;" Amend to include broader environmental issues. Integration/alignment with air quality initiatives and objectives is important and supports principle (k) as included in this Bill.</p>	<p>BUSA</p>	<p>The current provision is sufficient. The assessments on adaptation will take into consideration socio, economic and environmental elements.</p>	
<p>Clause 15</p>	<p>Chapter 3 of the Bill deals with climate change response by provinces and municipalities and requires MECs and mayors: to undertake a climate change needs assessment, to develop and implement a climate change response implementation plan based on that assessment, and to use the plan to inform development planning processes and instruments (section 9). These plans must include measures and programmes related to both adaptation and mitigation.</p>	<p>Green Peace</p>	<p>The climate change response plan will cover both mitigation and adaptation. Clause 15(1)d.</p>	

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Clause 15 &16	The Bill deals with adaptation in a single section (section 10) with 11 subsections. This should be subdivided into separate sections each dealing with a specific aspect of adaptation planning, namely: 60.1. the national adaptation strategy and objectives; 60.2. the content of the national adaptation strategy; 60.3. national adaptation scenarios; 60.4. climate change response implementation plans; and 60.5. synthesis reports on climate change adaptation	Traverse Le GoFF	The current version of the Bill covers in detail adaptation in chapter 3 and chapter 4.	
Clause 15 &16	We propose that the provisions relation to adaptation be strengthened by: 61.1. imposing climate-related duties on municipalities and provincial governments to take measures to promote adaptation and climate resilience; (see Annex A commentary on section 8C and 8D); 61.2. creating a general duty of care enforceable by means of compliance notices, which could read, for example: "Every person must take reasonable measures to contribute to the adaptive capacity and climate resilience of any community of which they are a member" 61.3. creating a general duty to prevent reductions in the carbon sequestration capacity of carbon sinks (see discussion of duties of care); and 61.4. providing for provisional adaptation objectives (see Schedule 3) to expedite the implementation of adaptation measures.	Green Peace	Chapter 3 of the current version empowers the Provincial and Local Governments to undertake adaptation planning. They are further required to report progress to enable synthesis and assessments of actions.	

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Clause 15	The Bill places a large burden on municipalities, provinces, sector departments, and the Minister, without making adequate provision for capacity-building and funding. Financial support, technology development, skills transfer, and capacity-building are key aspects of the Paris Agreement, yet these issues – which are crucial for the effective functioning of climate change mitigation and adaptation measures - are entirely absent from the Bill.	Center for Environmental Rights	The Bill makes empowering provisions for sectors, provinces and municipalities to undertake climate related planning. This will ensure that the resourcing for these activities can be planned for by the various sectors and can be motivated within respective treasuries for funding.	
Clause 15 &16	It is unclear how many municipalities, provinces, and sector departments, which are already struggling to fulfil obligations in relation to air quality, water, and waste management - for example - will have the necessary capacity and resources to carry out the obligations that will be imposed by the Act. The implementation of the planning and reporting obligations under the Bill will require considerable funds and skilled capacity – which many spheres of government do not have. The Bill must make provision for the coordination and provision of funds and support.	Center for Environmental Rights	DFFE supported the provinces and municipalities to undertake climate change response plans and strategies. Furthermore, the DFFE will continue mobilise support for the province and municipalities.	
Clause 15	We support the provision for climate needs and response assessments by all municipalities and provinces. However we emphasise the need for urgent provision to be made in the Bill for the capacitation, funding, support, and oversight	Center for Environmental Rights	DFFE supported the provinces and municipalities to undertake climate change response plans and strategies. Furthermore,	

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	of municipalities and provinces so that they can comply with these obligations.		the DFFE will continue mobilise support for the province and municipalities.	
Clause 15	The Bill should at least lay the foundation for the processes and mechanisms that would allow municipalities and provinces to access and manage funding and finances for their obligations under the Act. It should be aligned with the requirements of the Paris Agreement and legislation such as the Public Finance Management Act, 1999, Municipal Finance Management Act, 2003, and the Division of Revenue Act, 2017. Further, the Bill could provide that existing fiscal transfer mechanisms should, at a minimum, consider potential climate impacts of municipal infrastructure plans.		The application of resources will always follow treasury regulations through the Public Finance Management Act and the Municipal Finance Management Act. This Bill will not make prescription for amendments of the above instruments.	
Clause 15	The Bill should specifically require integration of municipal climate change response implementation plans in Spatial Development Frameworks (SDFs).		The Bill specifically requires integration of the climate change response as a component of , and in conjunction with provincial, metropolitan, or district municipal planning instruments.	
Clause 15	Due to the technical nature of the climate response activities, and the reality that many local government organs of state are under-capacitated as it is, we submit	Centre Environmental Rights	The Minister will have access to the needs and response plan. There will be technical	

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	that needs and response assessments and response implementation plans must be submitted to the Minister, who must evaluate them for effectiveness and any need for support.		guidelines to support the work, hence no need to make it a legal requirements for submission.	
Clause 15	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.	Centre Environmental Rights	The comments is noted and amendments considered.	
Clause 15	Many of the subsections purporting to set out the detail and requirements for the assessments and implementation plans are vague and unclear. More specificity would assist municipalities and provinces to comply with their obligations and to conduct useful assessments and plans. It would also assist in holding municipalities and provinces accountable if their assessments and plans do not meet the requirements.	Centre Environmental Rights	The regulations and technical guidelines will provide specific guidance to municipalities as part of the implementation of the legislation.	
Clause 15	c. review and, to the extent necessary, amend and publish the climate change needs and response assessment at least once every [five] two years;	Centre Environmental Rights	The five year interval allows for scientific assessments and implementation of the strategy to be undertaken in order to evaluate progress.	

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Clause 15	d. 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	Centre Environmental Rights	The comments is noted and amendments considered to include publish with the view to ensure access to the documents.	
Clause 15	e. review and, to the extent necessary, amend the climate change response implementation plan at least once every [five] two years	Centre Environmental Rights	The five year interval allows for scientific assessments and implementation of the strategy to be undertaken in order to evaluate progress.	
Clause 16	Clause 16: Adaptation objectives: It is recommended that the Minister should consult, at least with the Climate Commission before determining these objectives and indicators.	Centre Environmental Rights	Noted, the Presidential Climate Commission (PCC) will form part of the key climate change stakeholders.	
Clause 19	clause 19: Sector Adaptation Strategy and Plan: We propose that the Minister should be required to consult with the stakeholders in the sector before finalising a sector strategy and plan. Whilst clause 28 requires prior consultation in respect of subclauses 1(b) and (c), it should also apply to 19(a). Stakeholders should also be involved	Centre Environmental Rights	Noted, the Minister will indeed consult even during the review of the strategy.	

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	in the five-year review process of the Adaptation strategy and plan.			
General	Amend language to include alignment with broader environmental considerations. We believe that alignment between climate change and air quality requirements as each imposes obligations on an operator which can be achieved through an integrated mitigation plan. In other words, revision of the Minimum Emission Standards, which may impose stricter standards on operators to comply with, should be aligned with climate change objectives such that operators are able to achieve compliance in an integrated and holistic manner. In this way, cost effective approaches can be implemented.	SASOL	The Bill will be a SEMA and operate within the broader umbrella of the NEMA Act. Other SEMAs and air quality processes will remain independent of the Climate Change Bill.	
Clause 15	CAIA recognises that the Bill contains many provisions relating to requirements of Spheres of Government other than the national Department, especially in terms of mitigation and adaptation. Given the poor state of a majority of municipalities in the country, CAIA is concerned that the capacity for implementation of what is required does not exist to the extent that is required – both financially and from a human resource perspective. This	CAIA (Chemicals and Allied Industries Association)	The municipality have been supported to develop their adaptation response strategies. This work will be continued. The clauses call for the development of the climate change response plans which take into consideration mitigation.	

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	<p>concern is especially true from the perspective of adaptation and the need to increase resilience. CAIA has advocated for a more streamlined approach to be considered whereby duplication of extensive risk identification and adaptation planning is reduced to the minimum. In this way there should be more capacity available for implementation of the activities that are identified to be required. This matter is raised in the context of members operating at the local level and finding it extremely challenging to obtain what should be required as baseline services from the authority. There is a substantial question regarding how local authorities will be able to achieve any of these requirements when in many cases the most basic of services and fulfilling constitutional rights cannot be fulfilled. This needs to be seriously considered in the Bill.</p> <p>Regarding accountability, it is felt that stronger provisions are needed to drive implementation by the local authority not only from an adaptation perspective, but also from one of mitigation. Government – at all levels – is already to an extent, and will further be, required to comply with climate</p>			

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	<p>change related legislation. It is not clear how municipalities will be held to account if they do not implement the legislation as in many instances they are not, while the private sector is monitored and compliance enforcement activities undertaken.</p>			
<p>Clause 15</p>	<p>Conflation of climate change- and municipal infrastructure-related matters CAIA would like to see that the Bill addresses – at least in an overarching manner that is the intention of primary legislation – how the negative impacts of climate change (economic, social and environmental) will be separated from those of insufficient municipal service delivery and infrastructure provisioning. Flooding is a good example to illustrate this concern.</p> <p>In some parts where the risk has been identified, larger storms with increased precipitation in a certain time period (flooding) are expected. The adaptation response to increase resilience will perhaps be to increase the storm water system capacity in one way or another. If this is not</p>	<p>CAIA (Chemicals and Allied Industries Association)</p>	<p>The statement is noted that service delivery is very important. However, the Bill focuses on climate change and aimed and enhancing both adaptation and mitigation measures for the country.</p>	

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	<p>implemented, there may be devastating consequences. However, if the storm water system capacity was already crippled due to insufficient maintenance and/or investment for example, the negative impacts are likely to be even more pronounced. These negative outcomes that even result in loss of life are increasingly being attributed to climate change and GHG emissions. However, it must be recognised that some or most of the negative impact could have been avoided with appropriate municipal implementation. CAIA is not saying that there are no additional impacts expected due to climate change, but rather that increased municipal implementation of what is already required will make the challenges in terms of costs and accountability to all much easier to manage - resources will only be needed for the additional resilience required – not the additional resilience as well as that which should have been in place. As it is, the costing attempted by Government regarding the implementation of adaptation requirements is staggering – certainly not within South Africa’s affordability.</p>			

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Clause 15	<p>Integrated Development Plans (IDP) Section 16(5) of the Bill states: “(5) A metropolitan or district municipal climate change response implementation plan, contemplated in subsection (1)(d), must form a component of the relevant municipality’s integrated development plan adopted in terms of section 25 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).”. This provision is not considered sufficient and it is considered imperative that climate change takes more prominence in IDPs and becomes more central to how local government is managed (held accountable) to prevent serious and costly infrastructure damage in future.</p>	CAIA (Chemicals and Allied Industries Association)	The provision aimed at mainstreaming climate change into the planning process of the municipalities.	
Clause 15	The Bill only refers to only one national document to ensure alignment of provinces and municipalities needs and response assessments. This is also only related to climate change adaptation.	KZN EDTEA	The municipal needs and response assessments will include both adaptation and mitigation. The climate change response plans will also include mitigation and adaptation.	

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Clause 15	Inclusion of mitigation measures into a provincial implementation plan in line with constitutional mandates seems to be broad and open to different interpretations. This is complicated by the non-existence of some of such mandates within province in main sectors that contribute to GHG emissions like the Energy sector.	KZN EDTEA	The technical guidelines for the climate change response plan will provide further details on how the plan will integrate both mitigation and adaptation.	
Clause 15	Guidance on the process of approval and endorsement of a provincial climate change implementation plan once developed in necessary. This will assist to avoid delays in having such a document accepted and acknowledged by all relevant sectors within the province	KZN EDTEA	The climate change response plan will be endorsed through the provincial structures to ensure coherent implementation.	
Clause 15	The Bill only places requirements on district and metro municipalities and does not make mention of local municipalities. This appears as though local municipalities are completely excluded from any responsibility and yet they have mandates that are not catered for by districts, e.g. electricity supply.	KZN EDTEA	The approach of the district development plan will be central in climate change response.	
Clause 15	The LRC recommends the reform of the municipal fiscal framework to place less reliance on revenue collection as a source of income to fund local government operations. The current funding model is unsustainable and contributes to the lack of financial and institutional capacity	Legal Resource Centre	The reform of the fiscal framework for municipalities is beyond the scope of this Bill.	

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	<p>at local level. The climate change response at local level must also be combined with a concerted effort to ensure compliance with local government’s constitutional and legislative obligations in relation to the delivery of basic services.</p> <p>The LRC also recommends that designated funding be allocated to local government to support its role as envisioned in the Bill. This funding must be separate from existing revenue sources to ensure that the work of the district intergovernmental forum is effective.</p>			
Clause 15	<p>The Bill should incorporate principles of the United Nations Sendai Framework for Disaster Risk Reduction 2015-2030. The Sendai Framework states that: While the enabling coordinating role of governments remain essential, it is necessary to empower local authorities and local communities to reduce disaster risk, including through resources, incentives and decision-making responsibilities;</p> <p>Underlying disaster risk factors through disaster risk-informed public and private investments is more cost-</p>	Legal Resource Centre	The Bill will influence the legislation such as the National Disaster Management Act for incorporation of the climate change consideration. In essence the amended national disaster management Act takes into consideration climate change matters.	

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	<p>effective than primary reliance on post-disaster response and recovery;⁴⁵</p> <p>Strengthening of disaster risk governance is required. Disaster risk assessments should be mainstreamed into all sectors including urban planning, land degradation and informal housing. There should also be provisions relating to disaster preparedness and contingency policies, plans and programmes.</p> <p>Disaster risk management should be incorporated into post-disaster recovery and rehabilitation processes, facilitate the link between relief, rehabilitation and development and develop capacities that reduce disaster risk in the short, medium and long-term including through the development of land-use planning and structural standards improvement. Recovery schemes should be provided, including psychosocial support and mental health services.</p> <p>The LRC further recommends that risk is quantified and factored into national budgetary processes and that insurance-related instruments be strengthened to assist households, business, and government absorb the losses</p>			

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	<p>from disasters. Innovative public-private partnerships will be required to develop applicable insurance-related products. Pooling of risk by and between national governments contributes to reducing the fiscal and socio-economic consequences of disasters. The WHO Health Emergency and Disaster Risk Management framework should also be taken into account for intersectoral health operations during disasters.</p>			
<p>Clause 9 and 10</p>	<p>Public participation is not clearly stated or mentioned in terms of the provincial forums or municipal forums. Public participation is only limited to exercising of certain powers. Public participation should be incorporated in every aspect of the Bill due to it having an effect on every person. Therefore, local communities, grassroot organisations and the public should be included in the forums at provincial and municipal levels for there to be effective, transparent, accountable and coherent government as in Section 41 of the Constitution.</p> <p>In terms of Clause 10(1) a Presidential Climate Commission will be appointed by the President and include 30 members. Once again, no mention is made of grassroot organisations and communities who will face the harshest consequences of climate change. The number of seats in this Commission is also not advised on. This could</p>	<p>Legal Resource Centre</p>	<p>The clause on the selection of commissioners to the Climate Commission is being revised to ensure transparency and public participation in the nomination process. Furthermore, the Bill empowers the municipalities to establish the technical working group shou they see a need.</p>	

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	<p>lead to one civil society representation with business having the greatest number of seats. This needs to be corrected so there is equal representation. It is also advised that the President be referred candidates and not just able to elect members, which may be biased.</p>			
General	<p>The government has introduced programmes on climate-smart conservation practices in agriculture, but they hardly benefit poor communities, particularly women, youth and indigenous people. This is not surprising because policies including those on climate change are often designed top down. They do not recognize traditional knowledge of indigenous people and women who play a crucial role in the conservation of biodiversity. Women, indigenous people and the youth do not participate in decisions over land and natural resources – leading to alienation and involuntary expropriation. Violence against human rights defenders is on the increase.</p> <p>1. The youth are suffering from mental health impacts caused by a feeling of intergenerational environmental injustice. Local communities experience serious environmental, health and social impacts from mining projects while receiving limited to no benefits. Dispossession of land and natural resources is a</p>	OXFAM	<p>This Bill is a Specific Environmental Management Act focusing on Climate Change and broader principles of the National Environmental Management Act will apply thus giving effect to section 23 of the constitution.</p> <p>The principles upon which this Bill has been built gives effect to addressing the impacts of climate change on vulnerable society, thus mention some of the vulnerable groups which includes, women, children, the</p>	

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	<p>major human rights problem, especially indigenous communities.</p> <p>2. Whilst climate change will have the most profound impact on women, youth and indigenous populations, these key populations are the least recognized and represented in platforms aimed at addressing the scourge of climate change. Direct participation women, young people and indigenous people in the development of climate legislation, policy and processes will ensure that a human centric approach that is rights based is embraced at the earliest stages of its development for just, inclusive and equitable outcomes. A just energy transition is the cornerstone of such developments in South Africa which will ensure not only energy security, but also that a reduction in emissions that are responsible for ozone depletion which results in climate change and its devastating effects are cubed.</p> <p>3. Inclusive grassroots driven transition will ensure that communities and households where poverty, inequality and unemployment abound realise some positive spinoffs from this total restructure of the Post Covid 19 economy. This Climate Justice can only be achieved if the rights to Free Prior and Informed</p>		<p>poor and physically challenged persons.</p> <p>Furthermore, all the planning process are design to ensure compliance with public participation and consultations of all relevant stakeholders including the indigenous people and communities.</p>	

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	<p>Consent are respected for these generally marginalized groupings. As Oxfam South Africa, we have seen this in the various programme impact areas in South Africa from Women Power & Justice, Just Economies, to Just and Accountable Governance.</p> <p>4. In the years that we have delivered programmes in South Africa, we found that communities armed with capacity, knowledge and skills coupled with access to reliable, timely and credible information about how their government is able to meet their rights obligations were better able to chart their preferred path to development and pushed back against encroachment on their customary land by corporations and elites without their consent.</p> <p>5. In light of the foregoing, the Oxfam South Africa and partners submission will focus on the following:</p> <ul style="list-style-type: none"> a. Free Prior and Informed Consent b. Independent grievance resolution mechanisms c. Devolved climate finance mechanisms d. Gender equality and social inclusion (GESI) e. Service delivery 			

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	<ul style="list-style-type: none"> f. Loss and damage g. Workers' rights h. Investing in DRR and climate sustainable resilience i. Climate displacement j. The urban climate crisis <p>Free Prior and Informed Consent</p> <p>6. Free, Prior and Informed Consent is the principle that indigenous peoples and local communities must be adequately informed about projects in a timely manner and given the opportunity to approve (or reject) a project before operations begin. Whilst it can be argued that some level of mining and other big energy and other project will be critical in the response to climate change and the energy transition, one needs to consider whether this can be done without visiting harm in the community, the environment and the fiscus. Already evident is a commodity boom in response to the need to transition, but no satisfactory attempts to speak to benefit sharing, reducing conflict, contamination of water sources, air pollution, human rights violations, land grabs, influx of people, violence(</p>			

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	Gender Based Violence and the execution of human rights defenders), illicit financial flows and many ills that impact the social license to operate.			
General	<p>Climate Displacement</p> <p>The climate crisis is increasing the displacement of people. Displacement disrupts family, community, and cultural life, destroy livelihoods, and create unemployment. It interrupts education, causes, or aggravates health problems, reduces access to basic services; it makes difficult to claim property rights, generate and aggravate safety and security concerns, especially for women. The cascading effects of displacement on the life of a person and communities is shocking. The impacts of displacement, felt at individual, family, and community level spill over into the communities that host displaced people. The recent disaster in KZN has shown that Disaster displacement - if not properly managed and people are not assisted- can destabilize a local system, affecting all its aspects — economic, social, and environmental. An influx of displaced people can overwhelm the provision of basic services like health, water, sanitation, and electricity. In the long term, unequal access to an overburdened system can lead to an unequal society and to conflict.</p>	OXFAM	The Bill will ensure detailed planning systems on climate change matters across the sphere of society. This will happen at national level, provincial as well as local level of government. Furthermore, all key stakeholder business, civil society and academia will contribute proportionally towards addressing climate change.	

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	<p>The urban climate crisis</p> <p>The Bill does not shine sufficient light onto the impending urban climate crisis. Urbanization is increasing at a fast rate and it is an obliged trend, with profound economic, social and environmental consequences. No country has experienced significant development progress without a major shift of populations to cities (or semi-urban areas). Urbanization can be positive or negative depending on how urbanization is managed. If not well planned, leads to the destruction of the natural environment, the degradation of ecosystems and to social and human problems that could add risks and exposure to a variety of shocks and stresses while increasing the vulnerability of the people. This is particularly evident in poorly planned and under-served informal settlements, often located in hazard prone areas. Furthermore, different interconnected factors as the concentration of people make cities more unsecure and unsafe since any hazard/risks can quickly spread and easily affect a big number of vulnerable people. Rapid urbanization puts a huge pressure and demand for essential services such as water, food, jobs ...which associated with inadequate institutional capacity, weak governance and mismanagement further exacerbate the urban system crises. The failure of the</p>			

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	<p>Government to regulate building standards, to develop land-use planning strategies and guarantee access to basic services increase vulnerabilities and exposure to new climate urban crisis and long-term development challenges. The urban space is becoming a continuum of different risks: from everyday emergencies related to food insecurity, diseases, crimes, accidents, pollution and lack of access to basic services to other type of slow on-set threats resulting from the exposure of highly concentrated population and assets to climate hazards. Urban poor communities live in a permanent coping state which - compounded with other threats - can easily turn into “acute” complex emergencies from which people are unbale to recover.</p>			
Clause 7	<p>4. Alignment of policies Section 7 of the draft Act places a legal obligation on every organ of state to coordinate and harmonise their various policies, plans, programmes, decisions and decision-making processes relating to climate change, in order to ensure that the risks of climate change impacts and associated vulnerabilities are taken into consideration and give effect to the principles and objectives set out in the envisaged Act.</p>	Scientific Advisory Group on Emergencies (SAGE)	This reference to the organ of state is those empowered to develop the policies to ensure that there is alignment with the climate change policy.	

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	<p>In this regard, 7(1) states: “Every organ of state that exercises a power or performs a function that is affected by climate change...must review and if necessary revise, amend, coordinate and harmonise their policies and measures, programmes and decisions in order to...”</p> <p>We believe that section 7(1) should not just oblige organs of the state to note how they will be "affected by" climate change. Instead, the wording should be amended to oblige organs of the state to also consider how their powers and functions impact on climate change (and thus necessitating policy revision). As such, the wording in section 7(1) should be amended to read (suggested words in italics): “Every organ of state that exercises a power or performs a function that impacts on, or is affected by, climate change...must review and if necessary revise, amend, coordinate and harmonise their policies and measures, programmes and decisions...”.</p>			
Clause 15	5. Climate change response: provinces and municipalities	Scientific Advisory Group on	The department will continue to work with the local government to capacitate them and support	

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	<p>Chapter 3 of the draft Act mandates provincial MECs and mayors of metropolitan and district municipalities to undertake a climate change needs and response assessment for the geographic areas under their respective spheres of authority. The funding of such assessments is seemingly the responsibility of the respective provincial or local authority. However, compliance with the provisions contained in chapter 4 of the Act may be problematic given the financial and human resource constraints that most provincial and local governments face in South Africa. To support compliance, the Act should explicitly oblige the national sphere of government to fund such assessments.</p>	Emergencies (SAGE)	them technically in the development of the climate change response plans.	
Clause 15	<p>3.7. Capacitation of Local Government Local government is charged with the ensuring access to basic services at a local level, including environmental management. Local government plays an essential community-facing role in government but is beset with severe and myriad systemic challenges. According to the 2021 State of Local Government Report by the Department of Cooperative Governance and Traditional Affairs, 64 out of 278 municipalities across the country are dysfunctional, 111 are at medium risk, and only 16</p>	SOUTH AFRICAN HUMAN RIGHTS COMMISSION	The department will continue to work with the local government to capacitate them and support them technically in the development of the climate change response plans.	

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	<p>are stable.¹⁸ This dysfunction is rooted in poor governance, weak institutional capacity, poor financial management, corruption, and political instability.¹⁹ Local government is a key sphere for the realisation of the Bill and in the management and mitigation of and adaptation to climate change and will bear the greatest burden of the impacts of climate change. The recent devastation from flooding along the coast of KwaZulu-Natal and the Eastern Cape provinces, clearly illustrates the need for effective local government action. While it is imperative that local government be adequately capacitated (with financial and human resources), the Bill remains silent on this need. Greater emphasis on the role of local government is required in the Bill, including ways in which the State will capacitate local government, as a first responder, to deal with the impacts of climate change. In addition, municipalities must have individually developed climate change response strategies – which will aid with the identification of gaps in resources.</p>			
Clause 15	<p>Climate Change Mainstreaming According to the sixth IPCC report, “ministries of environment are often appointed as de facto agents of coordination but have been hampered by their limited</p>	SOUTH AFRICAN HUMAN RIGHTS	The Bill facilitate the mainstreaming of climate change in various sectors listed in schedule 1. It further calls for	

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	<p>regulative authority and ability to engage in intra-governmental bargaining with ministries with larger budgets and political heft.”²⁰ This clearly illustrates that climate change is not the responsibility of a single State department, sphere of government or sector. The Bill does not adequately deal with the mainstreaming of climate change to ensure a concise and coordinated response strategy.</p> <p>The Bill indicates that: Every organ of state must coordinate and harmonise the policies, plans, programmes and decisions of the national, provincial and local spheres of government that exercise functions that effect or are affected by climate change or are entrusted with powers and duties aimed at the achievement, promotion, and protection of a sustainable environment, in order to - (a) ensure that the risks of climate change impacts and associated vulnerabilities are taken into consideration; and (b) give effect to the national adaptation and mitigation objectives set out in this Act. However, the details of how this will be achieved is vague. The Commission therefore recommends that that climate change response strategies must be mainstreamed into</p>	COMMISSION	mainstreaming within the provincial and local government planning systems.	

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	<p>the strategic plans, annual performance plans and operational plans of all relevant State departments at all spheres of government. This will ensure that climate change strategies are not just perfunctory additions to department planning, but that it is part of the core work of the public sector and that resources are allocated to ensure the implementation of programmes and plans.</p>			
General	<p>Externalities The Bill refers to the socio-economic impacts of introducing sectoral emissions targets, and imposing carbon budgets but not the socio-economic impacts of not achieving net zero emissions. Externalities, which are side-effects imposed on a third-party, are not stated in the Bill. The Bill should make provision for the calculation of costs to the State and State departments including to inter alia the Departments of Health, Water and Sanitation, cooperative Governance and Traditional Affairs, and Human Settlements, of not limiting GHG emissions.</p> <p>According to the Worldwide Fund for Nature, "in an effort to correct market failure, so that producers and consumers make these side-effects part of the decision-making process, governments must encourage producers and</p>	SOUTH AFRICAN HUMAN RIGHTS COMMISSION	The operational matter around the technical work on pathways cost of both mitigation and adaptation do not need be included in the clauses. These pieces of work are ongoing.	

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	<p>consumers to internalise the true cost of a particular activity,”²¹ for example, through carbon taxation. In this case, the State must begin to evaluate the costs of not reducing GHG emissions to the State and the cost in terms of human lives.</p>			
<p>Clause 15 & 24</p>	<p>Chapter 3 deals with the responsibility of provinces and municipalities to deal with Climate Change Response. However, no such requirements are set for other organs of state such as Eskom (even though clause 4(2) specifically states that “this Act binds all organs of state” (own emphasis)). The Bill is vague on the atmospheric emissions associated with organs of state other than government departments and municipalities. E.g., Eskom is one of the main climate change and atmospheric emissions contributors in South Africa. While it is understood that Eskom fulfils a crucial role in supporting the economy of this country, it is also still reliant on outdated, highly polluting and unreliable coal burning technologies, that contribute enormously to climate change. Climate change can not only be selectively applied to certain sectors, while ignoring or using different standards to regulate others, as the cause of climate change has a global effect.</p>	<p>Western Cape Government</p>	<p>The Bill should be distinguish from the national NEM: Air Quality Act, which regulate air pollution. The Bill will focus on greenhouse gas emission and organs of state that have the emission profile that will require the application of carbon budget will be subjected to such.</p>	

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	<p>There must be proper planning for meaningful climate change. The Bill must:</p> <ul style="list-style-type: none"> (i) include clear empowering provisions to ensure that the atmospheric emissions standards for fossil fuel thermal power generation facilities and their associated facilities, such as fossil fuel mines and storage, etc., are regulated to international atmospheric emission standards. This will provide the context for reporting on and managing performance (including having to provide the rationale for not addressing such performance standards). (ii) Include enabling provisions to cater for the setting of practical targets across planning timeframes (i.e. 5 and 10 year targets); (iii) Ensure regular monitoring, recording, reporting, auditing of such facilities as an integral part of its regulation; and (iv) Ensure the determination of atmospheric emissions footprints – as a baseline for any climate change planning. 			

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Clause 15	<p>Climate change and the nature of the work set out in the Bill requires expertise. Most provincial government departments and municipalities do not have the required expertise. Therefore, in order for the Bill to be successfully implemented, adequate support (including capacitation) should be provided to provinces, departments and municipalities. This could be done in a similar manner to the support given in the development of Disaster Management Plans in collaboration and with support from respective Disaster Management Centres - in this case with support from respective departments and experts in the field.</p> <p>It is recommended that provision be made to include a support plan (capacity, grants and funding mechanisms which can be accessed to implement Climate Change programmes) for provinces, departments and municipalities to ensure that the Bill can be fully implemented.</p>	Western Cape Government	The department will continue to work with the provincial and local government in supporting the development of the various planning instruments as required by the Bill.	
General	The Bill should include an enabling provision for the development of Guidelines. It is recommended that the Bill includes an enabling provision for the development of Guidelines.	Western Cape Government	The government will develop the regulations as well as technical guidelines to enable full implementation of the Bill.	

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General	<p>The Bill speaks to enabling the response and transition for the economy and society. The climate change discourse has, for many years, spoken of the need to build 'adaptive capacity' in government, economies and societies. i.e. that the role should be on helping everyone to become part of the solution and to be responsible for building their own resilience and the resilience of the economy and society at large. The Bill does not appear to adequately cover how government will enable other, non-public sector players to partner in the building of a just transition to a low-carbon and climate resilient economy and society.</p> <p>It is suggested that the Bill states more clearly how government will enable other, non-public sector players to partner in the building of a just transition to a low-carbon and climate resilient economy and society. This will be required, amongst others, to agree on the timing of implementation and to overcome the resource constraints of implementing the country's climate change policy.</p>	Western Cape Government	This is a framework legislation, most of the implementation details will be provided in the regulations. There are various planning instruments in both adaptation and mitigation that will be central for the implementation of the Bill. This include adaptation strategy; sectoral adaptation strategies; provincial and local climate change response plans; carbon budget; sectoral emission targets. This instruments will form key component of the implementation of the Bill.	
Clause 15	The Bill needs clearer goals as to what level of integration of climate change response plans are required from municipalities in their Integrated Development Plans (IDPs) and Spatial Development Frameworks (SDFs).	Western Cape Government	The Bill provides the clause on integration and cannot provide the specificities. This will be outlined in the technical guidelines and regulations.	

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	It is recommended that the Bill outline clearer goals as to what level of integration of climate change response plans are required from municipalities in their IDPs and SDFs			
Clause 15	<p>The Bill puts the onus for undertaking a climate change needs and response assessment and for developing and implementing response implementation plan onto provinces, metropolitan municipalities and district municipalities. While some of these entities may be able to undertake the required work, many are likely to need extensive support to do so.</p> <p>The provision and/or facilitation of support by national government needs to be considered, both in the development of the climate change needs and response assessment and the response implementation plan. In addition, it is suggested that the resources (financial and human) required for the implementation of the response plans need to be addressed in some form, particularly where significant capital expenditure is required. The financing of mitigation and adaption work also needs to include consideration of alternative models of service delivery and financing, e.g. approaches to include the private sector.</p>	Western Cape Government	The review of PFMA and MFMA is outside the scope of the Bill. The ongoing technical support will be considered for both the provinces and municipalities when exercise their responsibilities.	

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	<p>It is also suggested that the PFMA, MFMA and other pieces of legislation (and the interpretation thereof) that potentially provide barriers to the implementation of climate change response actions at a national, provincial and municipal level be reviewed to enable, rather than prevent, effective implementation.</p>			
<p>Clause 15</p>	<p>All those critical instruments should be covered (e.g. Integrated Transport Plan, Air Quality Management Plan, Integrated Waste Management Plan, Water Services Development Plan, Disaster Management Chapter, Spatial Development Framework, page 13 of 25 etc.) It is suggested that the clause specify the planning instruments/mechanisms.</p> <p>The clause should be amended to read as follows: “...within two years of undertaking the climate change needs and response assessment contemplated in paragraph (a), develop and implement a climate change response implementation plan as a component of, and in conjunction with, provincial, metropolitan or district municipal integrated development plans, environmental management frameworks, spatial development frameworks, district development plans, joint district management approaches, and the concept of One Plan; and”.</p>			

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Clause 15	Second, despite wide differences from one province and municipality to another, there is a general lack of human, financial and technical capacity, knowledge, and skill in these agencies. Outside of the Department of Forestry, Fisheries and the Environment, officials have no experience with climate change specific roles. Yet the Bill empowers intergovernmental fora with discretionary power to establish technical support structures. This is inconsistent with the principles that the Bill espouses, which include that the response to climate change will be based on “best available science, evidence and information”. A technical support structure should be viewed as mandatory to guide those efforts	Section 27	The DFFE will continue to provide technical support and capacity building to provinces and municipalities towards the fulfilment of their requirements in the Bill.	
Clause 15	The GBCSA supports the entrenchment of climate change response plans into local development plans, however these need not act as barriers but rather indicators for sustainable development. These additionally need to remain adaptable and easily adjusted according to appropriate community and industry feedback alongside the best available science	GBCSA	Each district municipality will undertake climate change needs and response assessments to ensure that the local risks and hazards are identified and contextualised. Furthermore, the climate change response plans will	

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			contained tailored interventions to address local risks and hazards.	
Clause 15	<p>In a similar vein, we propose that the climate change needs and response assessment contemplated in chapter 3, clause 15 of the proposed law must require a determination of the impact of climate change on children’s rights in particular communities.</p> <p>We propose that at a minimum, departments and SOEs required to draft these plans must seek the input of the Department of Women, Youth and Persons with Disabilities</p>	Dullah Omar Institute	The development of the needs and response assessments as well as climate change response plans will be consultative and all key stakeholders inclusive of the Ministry of Youth and Persons with Disabilities will be consulted.	
<p>CHAPTER 4 NATIONAL ADAPTATION TO IMPACTS OF CLIMATE CHANGE</p> <p>Clause 16</p>	16 (1)(c) "a date by which the national adaptation objectives should be incorporated into all relevant national planning instruments, policies and programmes which address, or are affected by, the actual and potential impacts of climate change." We recommend that this should be changed to “must”.	SASOL	In Section 16 (1) "must" is already used.	
Clause 16	16 (2) "The Minister may, periodically, review and amend the national adaptation objectives contemplated in subsection (1)(a)." Expand clause to include specific	SASOL	The adaptation objectives will be done in tandem with adaptation scenarios that will	

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	criteria that would trigger this review. In this regard the “may” would be the correct verb to use so long as the specific criteria are detailed.		take into account available science, and consideration of the impacts of climate change. The adaptation objectives assume a long term period, as such this is an empowering clauses for the Minister.	
Clause 17	17 (2) (b) "include a systematic observation of the climate system and early warning systems;" Not clear what “systematic observation” refers to, perhaps a definition should be added to the list.	SASOL	It is recommended that the definition be provided	
Clause 17	17 (3) "The Minister may, periodically, review and amend the national adaptation scenarios contemplated in subsection (1)." Amend to include a time frame for a minimum review should specified criteria be triggered. We believe this must be more structured with time frames indicated.	SASOL	Most scenarios take a long-term projection which could be tween 10 to 30 years. In this context, Minister is empowered by the clause to take the into accounts evolving science enable her a decision to review the scenarios.	
Clause 18	18 (3) "The Minister may review and amend the National Adaptation Strategy and Plan at a five yearly interval to take into account— " While it is understood that a review might not always be needed, we also acknowledge that the climate change space is dynamic and that this will likely happen every five years.	SASOL	This statement is noted.	

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Clause 18	18 (4) (b) "reduce the risk and vulnerabilities to current and future climate scenarios;" Wording is not clear; suggest this be revised.	SASOL	Noted, it is recommended that we substitute "to" to be changed to "from".	
Clause 19	19 (1) (b) "within two years of the publication of the National Adaptation Strategy and Plan, develop and implement a Sector Adaptation Strategy and Plan which must be informed by the assessment undertaken in terms of paragraph (a)(i) and serve to implement the measures and mechanisms determined in terms of paragraph (a)(ii); and" Support the "must" here.	SASOL	It is indeed a "must".	
Clause 20	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 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	SASOL	It is recommended that NCCRWP must be replaced with "fulfilment of the objectives of the Bill." Please note that this also applicable to clause 20 in the Memorandum objects.	
	" National Adaptation Strategy – "The document referred to in this para is currently in draft format and is intended to run from 2017/18 until the 2027/28. This means that once this Bill comes into effect, the current draft of the National Adaptation Strategy will need to be updated requiring an update of the timelines as stated in the draft document. In	SACAN	The Cabinet has already approved the National Adaptation Strategy and Plan and hence there won't be a need to wait for two years after operation of the Act as it will	

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	<p>section 18, where the Bill refers to a plan, it also stipulates 2 years after the Bill comes into effect that the Minister must publish a National Adaptation Plan and Strategy. Considering an existing draft and the urgency for climate action, a reduction from 2 to 1 year must be pursued as a draft version presupposes that agreement was once reached with the various stakeholders and the document only seeks to be revised against an existing baseline. c) review and, to the extent necessary, amend the climate change needs and response assessment at least once every five years;</p> <p>(e) review and, to the extent necessary, amend the climate change response implementation plan at least once every five years.</p> <p>Both paragraphs do not consider the need for urgent action by a Minister. We understand that the time is concurrent with a political term and for the country to achieve its 2030 to 2050 climate commitments, incumbent Minister need to recognise the importance of meeting targets. A reduction of from 5 to 3 years will allow a Minister to be updated on the Adaptation target at the outset of their term and midway, allowing for action to be taken sooner if it's found that targets may be missed</p>		<p>already be in operation. However, the process of Developing a strategy is sequenced with the scientific work on the Scenarios. Given the complicated context of adaptation and the way the measuring of adaptation impacts takes longer periods to be able to observe the effectiveness of implemented actions, we recommend that the five year review period be retained.</p>	
	<p>"A Minister responsible for functions listed in Schedule 2, within five years of the publication of a Sector Adaptation</p>	SACAN	The timelines for the development Sectoral	

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	Strategy and Plan, and at five-yearly intervals, thereafter, submit reports to the Minister on the progress made in relation to the implementation of the relevant Sector Adaptation Strategy and Plan." Comments as per number 3 above		Adaptation Strategy and Plan is defined as within 2 years of the approval of the National Adaptation Strategy. So progress report will be undertaken on a five yearly interval.	
Clause 17	"The Minister may, periodically, review and amend the national adaptation scenarios contemplated in subsection (1)." Similar to the above comment, it is important that we provide tight timelines for when we want to achieve the objectives. The use of the term periodically leaves the matter of review to the Ministers discretion. The Bill is intended to be bigger than any single department, as the political figurehead changes overtime, policy certainty needs to clear to all incumbent Ministers.	SACAN	The scenario work will take into account the long-term view of between 15 years to over 30 years of projections. As such, a review of two years will not have effects to the planning process. The sequencing of the scenario, which is a scientific work the planning process remains integral part of evidence-based planning. This is an empowering clause for the Minister.	
Clause 20	"A Minister responsible for functions listed in Schedule 2, within five years of the publication of a Sector Adaptation Strategy and Plan, and at five-yearly intervals, thereafter, submit reports to the Minister on the progress made in relation to the implementation of the relevant Sector	SACAN	Measuring the impact of adaptation will require enough time for strategies to be implemented. Five year interval provide adequate time to	

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	Adaptation Strategy and Plan." Comments as per number 3 above		assess the impact of the interventions.	
Clause 17	Climate risk assessments and adaptation plans and strategies can profoundly affect the people, communities and businesses that they are intended to protect. Sound adaptation will in cases mean changes to infrastructure, human settlements, provision of essential services, spatial development, transport and the commercial and social landscape. It is therefore essential that the latest and evolving assessments and plans are easily publicly available so that people, communities and businesses can make appropriate choices and plans in response to intended and actual adaptation actions taken by state actors. Additionally, the very individuals and groupings who are ostensibly being protected often have important experience and knowledge about adaptation needs, and need to have access to this information in order to meaningfully contribute to assessment and risk management activities.	Centre for Environmental Rights	The scientific assessments and national, sectoral, provincial and local strategies are being made available through organization websites. Furthermore, the development of the strategies will follow a consultative process.	
Clause 17	We recommend that the Bill provide for a publicly accessible web-based information portal that provides regularly updated and well-structured data and information on all key aspects of climate response, including but not limited to the items referred to above. In Guatemala, much of the country's climate change information can be found	Centre for Environmental Rights	The National Climate Change Information Systems (NCCIS) which is a web-based information portal have been developed and provide updated	

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	<p>online, on a government website,⁶⁶ as all public and private entities are legally required to provide information directly related to climate change. Fiji's Climate Change Act⁶⁷ provides that "Within 12 months of the commencement of this section, the Director must develop a publicly accessible Information Platform online for the purpose of increasing the availability and accessibility of comprehensive data, information and government policies related to climate change. (2) The Director must maintain the Information Platform and ensure that it contains all data and policies relevant to this purpose".⁶⁸</p>		<p>information on both mitigation and adaptation .</p>	
	<p>16 (1) The Minister must, within [one year] six months of the coming into operation of this Act, determine by notice in the Gazette— adaptation objectives</p>	<p>Centre for Environmental Rights</p>	<p>The process of developing the objectives is sequenced with the scientific work on the scenarios. In this context the objectives should be informed by detailed research work on the scenarios.</p>	
	<p>2) The Minister [may] must, [periodically], review and, as necessary amend the national adaptation objectives contemplated in subsection (1)(a) at least once every two years.</p>	<p>Centre for Environmental Rights</p>	<p>The proposed change is noted and will be finalised in consultation with the OCSLA and the OPLA</p>	
	<p>17(1) The Minister must, within [one year] six months of the coming into operation of this Act, develop adaptation scenarios which anticipate the likely impacts of climate</p>	<p>Centre for Environmental Rights</p>	<p>The process of developing the objectives is sequenced with the scientific work on the</p>	

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	change in the Republic and associated vulnerabilities over the short, medium and longer term.		scenarios. In this context the objectives should be informed by detailed research work on the scenarios.	
Clause 17	e) The scenarios may designation by the Minister of a moratorium on development of particular geographic areas or locations, and of particular resources, if these are deemed to be important for climate change adaptation and resilience. In the event that such designations are made, they must be included in the national adaptation strategy and plan.	Centre for Environmental Rights	This is beyond the scope of the Bill to designate moratorium on the development. The planning processes outlined in the Bill are adequate.	
Clause 17	3) The Minister [may] must, [periodically], review and, as necessary amend the national adaptation scenarios contemplated in subsection (1)(a) at least once every two years	Centre for Environmental Rights	The scenario work will take into account the long-term view of between 15 years to over 30 years of projections. As such, a review of two years will not have effects to the planning process. The sequencing of the scenario, which is a scientific work the planning process remains integral part of evidence-based planning.	
Clause 16	The National Adaptation Strategy and Plan are envisaged to direct and influence the provincial, district and municipal needs as well as response assessments and response	Centre for Environmental Rights	The development of the strategy will undergo a consultative process. Both	

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	implementation plans as the case may be. The provinces and municipalities should also be consulted by the Minister when the National Adaptation Strategy and Plan is developed. Again, according the Minister and the Department, this work is already being undertaken.		provinces and municipalities will be consulted.	
General	(e) provide an integrated and coordinated approach to the management of adaptation measures in response to the impacts of climate change by organs of state in all spheres of government, and [where relevant it should] must also include non-governmental organisations, the private sector and local communities	Centre for Environmental Rights	Statement is acknowledged.	
General	(c) an assessment of the Republic's vulnerability to climate change and related risks at sectoral, cross-sectoral and geographic levels, including a consideration of relevant disaster risk assessments in terms of the Disaster Management Act; and an assessment of the ways in which the vulnerability and risks could be exacerbated by existing and planned infrastructure, industrial and/or other developments in the Republic	Centre for Environmental Rights	Statement is acknowledged.	
General	d) available adaptation response options to reduce identified vulnerabilities by building adaptive capacity and resilience, in the context of actual or anticipated social, economic and environmental costs – including declaring particular areas and/or resources to be excluded from any proposed development; and	Centre for Environmental Rights	Statement is acknowledged.	

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	In developing climate mitigation and adaptation plans there are bound to be conflicts of interest between sectors, private sector, and society at large, one area compared to another, etc. Another objective of this Act should be to put mechanisms in place to resolve these conflicts where these arise.	BIO WATCH	The various sectors will have specific role to play on both mitigation and adaptation. On adaptation they will develop sector adaptation strategies, whilst on mitigation it will be policy and measures	
Clause 18	It is therefore a concern that it will still take some time before the Bill is published as an Act and following the publication as an Act it will take another 2 years to develop and publish a National Adaptation Strategy and Plan, and another 2 years after that to develop Sector Adaptation Strategies and Plans and another 3 years after the publication of a national adaptation strategy and plan to develop and implement a climate change response implementation plan. This means that it will likely be at least 5 years before sectors can start implementing adaptation strategies. This is a very slow response to an urgent situation.	BIO WATCH	The development of the strategy is followed by detailed risk and vulnerability assessments. Most of the strategies have been developed and the Bill will give them legal status.	
Clause 20	What are the purposes of the National Climate Change Response White Paper that require data, information, documents, or samples? Either make these purposes clear in this paragraph or consider rephrasing: 'The	BIO WATCH	The detailed regulations will be developed to guide the reporting and synthesis report	

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	Minister may to the Minister that are reasonably required for collating, compiling and synthesising information that has bearing on the Republics climate change responsiveness.'		together with the technical guidelines will be developed.	
Clause 16	Clause 16: Adaptation objectives: It is recommended that the Minister should consult, at least with the Climate Commission before determining these objectives and indicators.	Agricultural Business Chamber (Agbiz)	The PCC will be amongst the key stakeholders to be consulted on the adaptation objectives.	
Clause 19	Clause 19: Sector Adaptation Strategy and Plan: We propose that the Minister should be required to consult with the stakeholders in the sector before finalising a sector strategy and plan. Whilst clause 28 requires prior consultation in respect of subclauses 1(b) and (c), it should also apply to 19(a). Stakeholders should also be involved in the five-year review process of the Adaptation strategy and plan.	Agricultural Business Chamber (Agbiz)	Development of the Adaptation strategy will be consultative as per chapter 6.	
Clause 17	2. Recommendation 1: Address the resource and capacity constraints to action the Bill	C40 member cities	The Bill empowers the Municipalities to undertake climate change responses. As such the financial provision for the climate change will be dealt	

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	<ul style="list-style-type: none"> ● Recommendation 2: Illustrate strong ambition and recognise the urgency of climate response by using the term carbon neutral, instead of low carbon ● Recommendation 3: Recognise the applicability of the Municipal Forums on Climate Change for metropolitan municipalities ● Recommendation 4: Strengthen the reporting structure between local government, provincial government and national government to ensure effective alignment and co-ordination across the three spheres ● Recommendation 5: Provide clarity on the responsibility, accountability and implementing structure at a national level ● Recommendation 6: Include local government representation in the Presidential Climate Commission ● Recommendation 7: Incorporate existing work done by metropolitan municipalities on climate action such as climate action plans, climate risk and vulnerability assessments and greenhouse gas (GHG) inventories 		<p>with through the PFMA and MFMA.</p> <p>Reporting will be undertaken through established structure. Furthermore, the Minister is empowered to call for submission of information for the synthesis report.</p> <p>The National Departments, Sector Department, Entities, Provincial government and local government are expected to develop plans and report on their implementation through the various structure. These reporting lines are clearly stipulated in the Bill.</p>	

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	<ul style="list-style-type: none"> ● Recommendation 8: Recognise the role of metropolitan municipalities in climate mitigation to enable scaling up these efforts ● Recommendation 9: Include reference to a platform for information sharing across all spheres of government, private sector, academia and civil society ● Recommendation 10: Support the integration of just transition into local plans, processes, and existing municipal structures ● Recommendation 11: Include and recognise the role of research institutions in responding to climate change 		<p>The ongoing work by all spheres of government is recognized.</p> <p>The National Climate Change Information System is central to collect and collate information from all role player. This platform is open for the public access to information.</p>	
Clause 18	<p>We suggest that the proposed 5-year review periods be shortened by at least 50% to avoid any lapse into complacency and inaction. It is commendable that there is an intention to keep a register of CO2e emitters with a view to censuring the source agencies. This would mean that South Africa's own main emissions body Eskom, would, in fairness, have to be treated in the same way without the sort of leniency hinted at in the language around reviews. We note with some concern that adaptation seems to get more attention in the Bill than mitigation and must point out that there are limits to the amount of adaptation that can</p>	WESSA	<p>The five-year review of strategies provide adequate time to assess progress and impacts of the adaptation intervention. It should be noted that the development of the strategy takes into consideration long term projections of climate change, as such the review should also be scientifically informed.</p>	

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	<p>be successfully implemented within the context of no or only partial abatement of CO2e emissions globally. Climate change impacts are likely to be moving targets as various feedback systems interact dynamically, so adaptation planning will need to build in non-linear and reflexive responses. Distinction is made between ordinary and synthetic greenhouse gases with some emphasis put on the latter even though, despite their potency, they account for around 2% of GHG globally. This should not distract decision makers from the bigger emissions picture and policy would do well to dictate a net rapid reduction in all such climate disrupting gaseous emissions</p>			
Clause 16	<p>16 (1)(c) "a date by which the national adaptation objectives should be incorporated into all relevant national planning instruments, policies and programmes which address, or are affected by, the actual and potential impacts of climate change." We recommend that this should be changed to "must".</p>	SASOL	In clause 16 (1) "must" is already used.	
Clause 16	<p>16 (2) "The Minister may, periodically, review and amend the national adaptation objectives contemplated in subsection (1)(a)." Expand clause to include specific criteria that would trigger this review. In this regard the "may" would be the correct verb to use so long as the specific criteria are detailed.</p>	SASOL	The word of 'may', in clause16(2) to be changed to must.	

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General	The science is complex and developing quickly, I strongly recommend that there be an independent body of scientists to provide objective advice for an informed and evolving response.	jacqueline wetselaar jacqueline.wetselaar@gmail.com	The Presidential Climate Commission is informed by various stakeholders including the science community. The President Cyril Ramaphosa has established Presidential Climate Commission (PCC) which is an independent, statutory, multistakeholder body established to oversee and facilitate a just and equitable transition towards a low-emissions and climate-resilient economy. The PCC advise on 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.	
General	The Bill contains several deadlines in relation to public policy and planning instruments, however these timeframes are too flexible. The prescribed time period for the publication of the National Adaptation Strategy Plan,	Green Peace	The timelines in the Bill provide space for the scientific work that will inform the planning in both adaptation and mitigation.	

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	and subsequent provincial, metropolitan or district municipality planning instruments, policies, and programmes, and main legal mechanisms for reducing GHG emissions (carbon budgets) will take a cumulative five years to implement. Taking into account considerable delays in the ratification of this Bill, and additional delays likely to be incurred due to carbon majors' influence in delaying the commencement of this system, South Africa and its citizens would be placed at a competitive and social disadvantage, relative to countries that prioritised a transition away from fossil fuels.			
General	The timeline which proposes subjecting the policies to review every five years needs to be re-evaluated. Considering the tight-timeline to avoid ecological collapse, it is essential that these documents are subjected to continuous evaluation, a significant amount of warming can occur within this five year period and necessary amendments need to be made to these policies where necessary	Green Peace	The timelines in the Bill provide space for the scientific work that will inform the planning in both adaptation and mitigation	
General	Regarding financial mechanisms, in addition to the recommendation proposed in GPAF's 2018 submission, GPAF urges the state to establish a Loss and Damage fund, which operates as a non-life and life insurer to: (i) provide compulsory remuneration for all victims of extreme weather events who suffer a property loss, forced removal,	Green Peace	This is better suited under the Disaster Management Act 57 of 2002.	

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	reallocation, injury or death as a result of extreme weather events or climate-induced shocks, and (ii) provide for weatherisation programmes for households at risk of climate shocks or burdened by energy poverty. The loss and damage fund could be financed by means of a carbon tax, treasury, international grants, compensation payments in respect of historic and unlawful emissions,			
	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 be better to rename it as the “Climate Stability Bill”.	Green Peace	The recommendation for the change of name is noted, however, the current name of the Bill shall be maintained.	
Clause 1	We also recommend that the Act include a definition of “ecologically sustainable society” to provide clarity regarding the long-term goal and the nature of the transition that is required. For example, the following definition could be included: “ecologically sustainable society” means a society that: can be sustained indefinitely without degrading the environment that it depends on, derives most of its energy from non-renewable sources, emits less carbon into the atmosphere than natural systems can absorb, upholds human rights and in which there is little social inequality;	Green Peace	The term is already adequately defined by means of the current definitions in the Bill.	

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Clause 15	With regard to adaptation, the Bill prescribes various steps to be taken by national, provincial and local government to assess climate change needs and then produce response plans. ⁴⁴ In the case of provincial and local government, the obligation to produce a climate change response implementation plan only becomes mandatory a full five years after the Climate Change Act comes into operation. ⁴⁵ When we consider the nature of potential near-term climate impacts for South Africa, many of which are already being experienced, we can see that the need to urgently implement climate change adaptation measures by the relevant organs of state is critically urgent. We therefore urge the Portfolio Committee to recommend shorter and more reasonable timeframes for a number of these mechanisms – not longer than one year post promulgation. In many instances – the adaptation objectives and response plans provided for in chapter 4 for example, should be required within at most 6 months from promulgation.	Centre for Environmental Rights	Most of these provinces and Districts have the plans in place which were supported by the DFFE. The Bill establish the process which takes into consideration the sequencing of the scientific work and national process which then informs the sectoral, provincial and districts. This sequencing will ensure alignment of the objectives and planning systems across the spheres government and society.	
Clause 15	The Bill fails to stipulate clear guiding principles for decision-making under the Bill, and does not directly provide for assessments of climate change impacts across all decision-making within and by organs of state. The principles laid out in section 3 of the Bill should be made binding on all organs of state and must apply to all	Centre for Environmental Rights	The Minister is empowered to develop guidelines on the climate needs and response assessments. This will be covered under chapter 6 on transitional matter. Detailed	

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	<p>decision-making on matters with climate impacts. While environmental impact assessments for certain listed activities under NEMA are now clearly required to take climate change impact assessments into account,⁸⁹ and it is hoped that the Department will urgently finalise, publish and implement the draft national guideline for climate impact assessments published in 2021,⁹⁰ this guideline is currently envisaged to be of limited application,⁹¹ and is only a guideline. The consideration of climate impacts needs to be applicable in all state decision-making about any matter that is impacted by climate change or potentially contributes to climate change.</p>		<p>guidelines will be developed on the assessments.</p>	
<p>Clause 15</p>	<p>(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 the [National Climate Change Response White Paper] implementation of the Act.</p>	<p>Centre for Environmental Rights</p>	<p>Noted and the recommendation to be considered.</p>	
<p>Clause 15</p>	<p>Although recognising the need for mainstreaming climate change response into sectoral plans and across multiple levels and actors, this needs to be driven by a strong oversight function which can align plans, policies and strategies, set and ensure standards and accountability,</p>	<p>ACDI University of Cape Town</p>	<p>Chapter 4, Minister is empowered to publish adaptation objectives to be integrated into sectoral adaptation plans to foster alignment. Furthermore, the</p>	

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	identify and co-ordinate cooperation, and streamline monitoring and reporting.		National Adaptation Strategy will provide guidance to all actors to align and integrate the plans. Furthermore, the actors will be required to submit the report to the Minister for synthesis	
Clause 18	We submit that section 18(3) – review of the National Adaptation Strategy and Plan – be included as a process subject to public participation.	ACDI University of Cape Town	the suggestion is accepted for the inclusion of section 18(3)	
Clause 29	29.(1) Before exercising a power in terms of section 15(1), 16(1), 16(2), 17(1), 17(2), 18(2), 18(3)19(1)(b), 19(1)(c), 20(1), 20(3), 21(1), 21(4), 22(1), 22(2), 22(3), 22(7), 22(9), 22(10), 23(1), 23(2), 23(5), 23(6), 25, or 27, the Minister, MEC or mayor must give notice of the proposed exercise of the relevant power—	ACDI University of Cape Town	the suggestion is accepted for the inclusion of section 18(3)	
Clause 29	(a). in the Gazette; and	ACDI University of Cape Town	It is regulated in terms of the Public Participation Guidelines in terms of NEMA	

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Clause 29	(b)in at least [one] two newspapers distributed nationally or, if the exercise of the power will affect only a specific area, in at least one newspaper distributed in that area.	ACDI University of Cape Town	It is regulated in terms of the Public Participation Guidelines in terms of NEMA	
Clause 29	(c) in local languages as well as in English	ACDI University of Cape Town	It is regulated in terms of the Public Participation Guidelines in terms of NEMA	
Clause 29	(a). in the Gazette; and	ACDI University of Cape Town	It is regulated in terms of the Public Participation Guidelines in terms of NEMA	
Clause 29	(b)in at least [one] two newspapers distributed nationally or, if the exercise of the power will affect only a specific area, in at least one newspaper distributed in that area.	ACDI University of Cape Town	It is regulated in terms of the Public Participation Guidelines in terms of NEMA	

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Clause 29	(c) in local languages as well as in English	ACDI University of Cape Town	It is regulated in terms of the Public Participation Guidelines in terms of NEMA	
General	8. The impacts of climate change are unevenly distributed on gender, race and class lines. Environmental racism is cruelly manifested with impacts are disproportionately felt within historically colonised societies whose land and natural resources were plundered by global north states and corporations whose fossil fuel-generated path of accumulation is responsible for the present climate crisis. In South Africa and the rest of sub-Saharan Africa, we are already seeing the catastrophic human impacts. One example is the recent floods in KwaZulu-Natal (“KZN”), which claimed the lives of an estimated 443 people with nearly 4000 left homeless. 2 Drought, famine and floods are becoming endemic features of life. These climate change impacts jeopardise the realisation of possibly all rights enshrined in the South African Constitution (and in international and regional law). These include, but are not limited to the right to life, dignity, socio-economic rights and, of course, the environmental right enshrined in Section 24. Section 24 imposes a duty on the state to: ‘b) to have the environment protected, for the benefit of	CALS Center of Applied Legal Studies	The statement is noted.	

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	<p>present and future generations, through reasonable legislative and other measures that - (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development</p>			
<p>Clause 15, 19, 21</p>	<p>1. The City of Cape Town ("the City") welcomes the much-needed Climate Change Bill ("the Bill"), and the discussions and dialogues encouraged by the Portfolio Committee on Environment, Forestry and Fisheries' invitation for comment. The City submits the following as comment.</p> <p>The City is committed to action on climate change and to evidence-based future planning for a more resilient City. The City has integrated climate change adaptation and mitigation, and resilience, into the new term of office Integrated Development Plan (2022-2027). This draws on the City of Cape Town Climate Change Strategy and Climate Change Action Plan (approved by Council in 2021).</p> <p>The biggest sources of greenhouse gas emissions for Cape Town are transport and household electricity use. The most significant thing that the National government can do to support climate action in Cape Town is to help</p>	<p>CITY OF CAPE Town</p>	<p>The Bill provides clear responsibilities for Municipalities as far as adaptation is concerned. The Municipalities will be required to develop climate change response plans which include mitigation elements.</p>	

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	<p>restore the functioning of passenger rail (thereby reducing the use of cars) and to enable a rapid increase in the uptake of renewable energy generation. One of the most significant things that the National government can do to support adaptation in Cape Town is to invest in the diversification of sources of bulk water supply for the metro. While the Bill is welcomed, there is much that the National government already has the power to do to support climate change adaptation and mitigation in metropolitan municipalities.</p> <p>Section 156 (4) of the Constitution requires that national and provincial government <u>must</u> assign matters (relating to part A of Schedule 4, or Part A of Schedule 5) to municipalities if that matter would be more effectively administered there and the municipality has the requisite capacity. Additionally, the other spheres are required to support the municipality to develop requisite capacity to take on the matter. This principle should be reflected in the Act, empowering municipalities that have the capacity, with the necessary financial support.</p>			

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General	<p>The Bill refers to "low carbon" throughout the document. However, "low carbon" is not defined in the document and, therefore, this language is too vague, and progress against this commitment cannot be measured. Additionally, the Paris Agreement requires signatories to work towards carbon neutrality, not only reduced emissions. Suggest replacing "low carbon" with "carbon-neutral" throughout the Bill.</p> <p>Resourcing of the required actions is not contemplated in the Bill. In order to address this budgetary gap, it is suggested that the department consider the establishment of a climate change adaptation grant fund that can be accessed by municipalities and establish a new "Working for Climate" programme, similar to the existing "Working for Water" and other similar programmes.</p> <p>The Bill includes a focus on greenhouse-gas-emission reductions as part of a mitigation response, but does not include sufficient focus on carbon sequestration, there is significant potential for carbon sequestration through biodiversity and ecosystem conservation and rehabilitation/restoration and this should be recognised in the Bill.</p>	CITY OF CAPE TOWN	<p>The is informed by the policy and carry the aspiration of transiting towards a "low carbon" with the targets being clearly articulated in the trajectory as well as the NDC.</p> <p>The Bill does not address the financial resource allocation which is the responsibility of Treasury. However, the clear roles and responsibilities will provide a basis upon which the various sectors will motivate for resourcing.</p>	

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Clause 16	The Bill does not reflect the urgency to respond to the climate crisis that is already being experienced as the most important adaptation measures that government is required to take only have to be implemented after the promulgation of the Act. This could still be years as it's dependent on when the promulgation takes place.	KZN EDTEA	The Bill set the process of establishing the planning tools of which some of them have been developed already. This instruments will have legal status to ensure full implementation.	
Clause 16	Climate change is a global challenge that burdens all of humanity, but not equally. Clause 3(f) of the Bill recognises the vulnerable groups in our country but is not clear how the majority of whom are women and encumbered disproportionately will be firmly on the agenda of climate change law, or how women – from different backgrounds – may participate in negotiations and the design and implementation of programmes. The Bill does not recognise that women are strained differentially by the effects of climate change or that women have and continue to serve as agents of mitigation and adaptation. For example, water scarcity, droughts, and soil erosion, not only disenfranchises farmers and landowners, but also undermines hygiene and sanitation, affecting maternal health, women's economic productivity, and girls' education. The LRC submits that it is important to recognize that the mere reference to women does not guarantee that	Legal Resource Centre	In contextualising the elements of vulnerability, women and all the vulnerable groups as defined in the United Nations, will be considered taking into account, the degree which natural, built and human systems are at risk of exposure to climate change impacts.	

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	<p>women’s experiences and leadership will be integrated into climate change policies and protocols. Women must also be able to lead and be heard at the national and municipal levels and be brought into the fore. Climate change is not only an environmental phenomenon but also a security, economic development, health and human rights imperative. In all three of these areas, women who according to the 2021, Statistics South Africa number approximately 51,1% (about 30,75 million) of the population – will bear severe gendered impacts of climate change without equal representation in decision-making or recognition in policy design.</p> <p>12.1.3. The LRC submits that despite women facing unique and sometimes disproportionate burdens of climate change,31 women also represent a wealth of indigenous knowledge, which can inform and influence solutions to address climate change to adapt their lives to survive and care for their dependents.</p> <p>The Bill must recognise the different, and similar, ways in which men and women experience the effects of climate change, and ensure that women’s voices are represented at national, provincial, and municipal negotiations to realise the transformative potential – whether in humanitarian, environmental, political, or</p>			

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	socioeconomic spheres – of climate change law and programmes.			
Clauses 15, 16,	Chapters 2, 3 and 4 of the Bill, appear to provide for a coordinated and integrated response by the state to climate change impacts and for the effective management of inevitable climate change impacts in that the Bill addresses institutional and coordination arrangements across the three spheres of government namely national, provincial, and local; highlights the need for the spheres of government and entities, sectors as well business to respond to challenges of climate change and policy alignment and institutional arrangements. The Bill places great responsibility on municipalities and provincial government to assess climate change needs and create climate response implementation plans to cover both adaptation and mitigation measures.	Legal Resource Centre	The empowering clause will empower the municipality and province assess impact at local and provincial level. The national department will assess impacts at national level and continue to support both the local and provincial departments in fulfilling their mandates.	
General	I. LACK OF URGENCY: The Bill as drafted in no way reflects the urgency of the climate crisis and its impacts on South Africans. The Bill includes unreasonably long-time frames for implementation of various provisions and/or omits time frames altogether.	Natural Justice	The sequencing of the time frames has been made to allow for alignment with between the national planning with the provincial planning for climate change response. This process	

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	<p>19. The climate crisis is already upon us, and South African citizens and communities are already being harmed by increases in frequency and severity of floods, drought, and high temperature, among other impacts. Hence, we strongly urge significantly shorter timeframes for all requirements in the act, including, inter alia, the promulgation of implementing regulations, carbon budgets, adaptation response plans.</p> <p>20. Examples include, inter alia: The Bill directs the Minister to allocate carbon budgets and sectoral emissions targets,6 as key elements to implement the country’s mitigation action but does not include any deadlines for their promulgation. We strongly urge that promulgation be required within one calendar year of the entry into force of the Bill: and ii. The Bill gives an unreasonably long 5-year period to the provincial and local government for promulgation of a climate change response implementation plan.</p> <p>In five years, the impacts of climate change, and the cost of adaptation, will be much greater. The Bill should stipulate promulgation of these key plans by provincial and local governments within one year of entry into force of the Bill. The Bill includes no timeframes for carbon budgets or</p>		<p>are preceded by scientific assessments of the risk and vulnerabilities.</p>	

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	<p>the GHG emission trajectory. The Bill should have set out a climate trajectory requiring certain climate responses and measures to be in place within set timeframes. There are several other critical provisions, such as setting carbon budgets and sectoral emissions targets, that have no deadlines attached to them, leading to concerns that meaningful action may be further delayed. The climate crisis is upon us, but the Bill does not yet reflect the urgency or severity of the situation.</p> <p>21. South Africa has ratified the United Nations Framework Convention on Climate Change (“UNFCCC”) and the Paris Agreement, which provide for meeting emission targets and carbon budgets within specified time periods. The Act must set urgent timeframes for South Africa to meet these deadlines for international climate obligations.</p>			
General	<p>The Bill does not affirmatively acknowledge the government’s fundamental obligation to safeguard South Africans’ constitutional rights.</p> <p>Climate change has devastating impacts on the realization of human and constitutional rights. The rights to life, dignity, access to food and water, and to an environment not harmful to health or well-being is guaranteed in the South African Constitution and Bill of Rights. The Bill</p>	Natural Justice	This Bill will be a Specific Environmental Management Act focusing on Climate Change and broader principles of the National Environmental Management Act will apply thus giving effect to section 24 of the Constitution.	

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	<p>should affirmatively recognize the government's responsibility to take strong action on climate change to protect the realization of these Constitutional Rights.</p>			
<p>Clause 15 &16</p>	<p>Since climate change affects men and women differently, women and girls are at particular risk of being left behind in development processes and responses to climate change. Crises exacerbate gender inequalities and the intersecting forms of discrimination that women often face, especially women living in poverty; indigenous women; women belonging to ethnic, racial, religious and sexual minorities; women with disabilities; women refugees and asylum seekers; internally displaced, stateless and migrant women; rural women; single women; adolescents; and older women.</p> <p>Due to gender inequalities that restrict women's access to land, food and water, housing, health care, credit and other necessary resources, women and girls are often less resilient or less able to adapt to the impact of climate change and related disasters. Women also face increased levels of Gender-Based Violence during and after disasters.</p>	<p>THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR</p>	<p>The principles upon which this Bill has been build gives effect to addressing the impacts of climate change on vulnerable society, thus mention some of the vulnerable groups which includes, women, children, the poor and physically challenged persons.</p>	

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	<p>The human rights of marginalized groups in situations of vulnerability - including people with disabilities, women, girls, children, indigenous people, people living in poverty, and migrants – are therefore at risk of disproportionate violations should climate change not be addressed. Furthermore, geography serves as an exclusionary factor, which means that people who reside in rural areas and who are subjected to multiple and intersecting forms of discrimination will have less resilience than wealthier persons will in urban centers. At the same time, if transitions are not “just”, human rights including the right to decent work¹⁰ may be infringed</p>			
Clause 15 & 16	<p>Thus, what is needed is an effective climate change response which requires preventative measures to mitigate the causes of climate change and to strengthen resilience through the adoption of adaptation measures, and we urge the DFFE to consider the following issues: . a) The Bill needs to lay out clear frameworks and alignment in terms of adaptation and mitigation/climate change response plans. b) The Bill requires the production of a greenhouse gas mitigation plan if designated to do so whilst the Bill is on route. c) The sections and schedules on the greenhouse gas mitigation are overly broad and do not create a clear enough framework for engagement. d) The Bill needs to list greenhouse gas activities as the</p>	PEPSICO SUB SAHARAN AFRICA	The provide clear actions and responsibilities for the development of both adaptation and mitigation planning instruments. It further makes provisions for the development of the synthesis report on the progress regarding the implementation of climate change response and assessments its impact from the adaptation point of view for cabinet approval. Furthermore,	

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	<p>definition is potentially very broad. e) Section 10 (1) of the Bill should reflect on the inclusion of the scientific and academic community. f) Sections 10 – “private sector” should be part of this Climate Commission (instead of the word “business”). g) Chapter 3 – there should be an integrated climate change dashboard with information that is linked to GIS, weather services and the national disaster management centre. There should be a command centre either at the Presidency or at DFFE to monitor climate change adaptation and impact across the Country, air quality etc. h) The current iteration of the Bill should emphasise the importance of international and regional cooperation amongst States. We propose that such a link be identified and elaborated on. South Africa is the entry point to Africa, and we anticipate that regions/other countries could likely emulate SA Legislation and Policies in future. The climate change challenge is one that is universal and requires a common stance and unified approach on the African Continent. For example, the Commonwealth Business Forum has a slogan stating – “Delivering a Common Future: Connecting, Innovating, Transforming” which actually fits well with the overarching objectives of the Bill. i) There is no apparent commitment to the green economy, which has a major role to play in terms of much-needed job creation through sustainability</p>		<p>the Bill makes provision of the design of the Greenhouse gases inventory to monitor emissions in the country.</p>	

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	and recycling initiatives which are necessary in a Country and Continent confronted with so much waste, poverty and unemployment. j) There must be discussion papers aimed at facilitating / fostering specific industry-wide deliberations on the various facets of the green economy and the intersectoral impact and response it necessitates.			
Clause 15 & 16	2 COMMENTS AND RECOMMENDATIONS General comments of an overarching nature are briefly set out below with specific comments included in the attached copy of the Bill. 2.1 Sense of Urgency Given the above whilst the Bill is welcomed nowhere in the process is it mentioned that there is a critical urgency required. This should be immediately addressed and a fast track approach be implemented so that the Act can be rapidly promulgated. This lack of urgency is reflected in the time frames proposed in the Bill which only requires certain actions to be taken once the Act comes into operation. For example: • Adaptation objectives are required to be developed within one year of the Act coming into operation; • The National Adaptation Strategy and Plan is only required within two years of the Act coming into operation; and • Provinces and metropolitan and district municipalities are only required to conduct a climate change needs and response assessment and then within another two years develop and implement a climate	POWER ASSOCIATION (PPA)	The five year interval and sequencing will allow the necessary scientific work on the scenario and projections to be undertaken. This will further allow the alignment of the national objectives, the national adaptation strategy by both the sectors, provincial and local government.	

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	<p>change response plan. All of these activities should already have been in place and some will, at best, only be formally required within 5 years at the Provincial/Metropolitan/District Municipality level. An additional concern is that, given the evolving situation and the changes that are rapidly occurring at the Climate Systems level, the strategies / plans have only to be reviewed every 5 years. Recommendations • Whilst it is recognised that some provinces and metropolises are proceeding with their processes all should be doing so immediately, and the Act should not delay this at all. • Reviews should be done on no more than a 2 year time horizon</p>			
Clause 16	<p>The National Adaptation Strategy and National Adaptation to Impacts of Climate Change and their minimum components, must include mention of the need for an assessment of the potential impacts of climate change on public health and the healthcare system in South Africa as one of the key vulnerabilities of the Republic.</p>	Scientific Advisory Group on Emergencies (SAGE)	Health as a theme and will be substantively covered in the adaptation strategy as well as the scenario work. Furthermore, the Sector department will be expected to develop a sector strategy.	
Clause 16	<p>8.1. As a fundamental pillar of economic and sustainable development, we propose that public health should be more widely recognised and reflected in the draft Climate Change Act.</p>	Scientific Advisory Group on Emergencies (SAGE)	The elements of health as a theme is integrated into the focus on human wellbeing. Health as a theme will be considered more substantively	

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	<p>We propose that section 3 be supplemented with an additional principle that focuses specifically on human health. The proposed additional principle can reflect as follows: 3. The interpretation and application of this Act must be guided by— ...(m) a recognition that climate change detrimentally impacts on human health and wellbeing, and that health is an essential platform for national and community capacity to adapt to climate change, as well as participate as productive citizens in the just transition processes.</p>		<p>into adaptation strategy, as well sectoral strategies.</p>	
<p>Clause 16</p>	<p>8.2. In terms of adaptation, the draft Act should indicate or give direction to the need for enhanced guidelines, standards and health impact assessments to protect health and ensure resilience of housing, settlements and other infrastructure in a scenario of increasing frequency and severity of extreme climate events within an increasingly volatile climate.</p>	<p>Scientific Advisory Group on Emergencies (SAGE)</p>	<p>Health is part of the sector which will have to develop the adaptation strategy. Efforts are ongoing to support health in the development of the adaptation strategy.</p>	
<p>Clause 16</p>	<p>8.3. With regards to Schedule 1 (Functions relevant to the development of Sectoral Emissions Targets), we believe that two government departments that have a critical support role to play in respect of the attainment of</p>	<p>Scientific Advisory Group on Emergencies (SAGE)</p>	<p>The sectors will implement the policies and measure under their legislative mandate to achieve the sectoral emission targets.</p>	

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	<p>sectoral emission target, have been omitted from the Schedule:</p> <p>Education: The Education sector (basic education and Higher Education) can play a powerful role in achieving climate change targets (for example, by virtue of raising public awareness and education around climate change, as well as in climate-related indicators related to health, work absenteeism, etc).</p> <p>Social Welfare and Development: Social Welfare and Development will likely be required to respond to the social implications of extreme climate events (for example, by providing social support to individuals, families and communities affected by extreme climate events, such as flooding, sandstorms, and tornados).</p>		<p>The Department will continue partnerships of the awareness and advocacy on climate change matters.</p>	
<p>Clause 15</p>	<p>Section 15 (wide stakeholder engagement): Section 15 of the proposed Bill charges provinces and municipalities (member of the executive council – MEC, and mayor) with the responsibility to undertake a climate change needs and response assessment for the province, metropolitan or district municipality, and to develop and implement a climate change response implementation plan.</p>	<p>THE SOUTH AFRICAN MEDICAL ASSOCIATION</p>	<p>The development of the climate change planning instrument at the local and provincial level should be carried out in a consultative approach.</p>	

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	<p>We think these are noble proposals. But we assert, firstly, that these critical processes must not be the sole assignment of government structures but must entail wide community consultation and participation at the local level— where climate change impacts hit hardest. Government must thoroughly engage residents of municipalities</p> <p>or geographical regions worst threatened by climate change-related activities, such as Mpumalanga.</p> <p>Secondly, we emphasize that health professionals need to be part of these processes. We urge the government to facilitate the active participation of health sector representatives in needs assessments as well as in the creation and implementation of climate change response plans at the local and national levels.</p>			
Clause 16	<p>Section 18.3.c (Best available evidence): SAMA applauds the recurrent allusion to “the best available science” in this section (sec 18.3.c) and many other sections of the Bill. The Intergovernmental Panel on Climate Change (IPCC) is the UN body responsible for periodic scientific assessments concerning climate change, its implications, and risks, and for proposing adaptation and mitigation strategies. The current and latest edition (sixth) of the IPCC report acknowledges</p>	THE SOUTH AFRICAN MEDICAL ASSOCIATION	The comments are noted. Indeed the development of the National Climate Change Adaptation Strategy was informed by specific work carried out both by the IPCC and national scientific bodies such as the CSIR. The is an ongoing work to support the	

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	<p>progress in scientific understanding of climate change¹¹. However, the IPCC report notes that climate change is extremely complex, and some aspects still have low or medium levels of evidence. The report nevertheless makes it plain that evidence of climate change as a threat to human well-being and planetary health is unequivocal and that ‘any further delay in concerted anticipatory global action on adaptation and mitigation will miss a brief and rapidly closing window of opportunity to secure a liveable and sustainable future for all’¹². We firmly support this bold assertion by the IPCC report.</p> <p>Section 18.1 (National adaptation strategy and Plan): Section 18.1 states that the Minister must, in consultation with the Ministers responsible for the functions listed in Schedule 2, develop and publish a National Adaptation Strategy and Plan by notice in the Gazette within two years of the coming into operation of this Act.</p> <p>SAMA notes that the National Climate Change Adaptation Strategy (NCCAS) was already released in 2020¹³. It is a ten-year plan that will be reviewed every five years. The Bill also requires that the Minister must, within two years of the publication of the National Adaptation Strategy and Plan, develop and implement a Sector Adaptation Strategy and Plan. We are encouraged that, for the health sector, the National Climate Change</p>		<p>development of the National Adaptation Strategy for the Health Sector.</p>	

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	<p>and Health Adaptation Plan (NCCHAP)14 has been in existence for a number of years now. However, we emphasize that thorough scrutiny is necessary to ensure an alignment of the NCCAS and NCCHAP with the proposed Bill. SAMA is pleased with these steps by our government and the fact that the NCCAS incorporates health considerations to a great extent. SAMA wishes to emphasize the critical importance of strengthening the resilience and adaptive capacity of our health system; hence the Minister of Health must actively engage in the adaptation processes and in the development of national adaptation objectives and adaptation scenarios contemplated in this chapter.</p> <p>Section 18.4e (Community inclusion): This section, in reference to implementing a coordinated approach to the management of adaptation measures, states that “where relevant it should also include non-governmental organisations, the private sector, and local communities”. SAMA argues that for a prickly subject like climate change, the inclusion of local communities in engagements should not be a matter of ‘where relevant’ but ALWAYS.</p>			

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General	<p>My name is Kyla Davis, I am a citizen of South Africa as well as a co-inhabitant of our shared planet Earth, the only home we have. I am writing to you today in two of my capacities.</p> <p>Firstly, I am writing to you as the founder and director of Well Worn Theatre Company, a small arts NGO based in Johannesburg. For the last decade, Well Worn has been at the forefront of environmental education through theatre in South Africa. Since 2007, we have been developing, performing and touring new and original plays and workshops with Climate Change as our theme. Our productions have so far been seen by over 40 000 children and young people across the country. In order to produce our productions, our team embarks on in-depth research processes in which we grapple with climate science and the topic in its various guises, in order to understand how best to communicate this burning issue to young South African audiences. Suffice to say, over the years, my team and I have become something of Climate Change experts, particularly in the area of communication.</p> <p>Throughout this time and at the end of every performance, I am continually left with the following question: 'are we doing enough?'</p>	Well Worn Theatre Company	The Climate Change Bill if enacted into law will empower government to regulate climate change related matters in the country. This will go a long way in addressing the climate change challenges faced by the country.	

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	<p>The question obviously applies to us as Climate Change communicators and educators: are we doing enough to share information and to educate young audiences about the rapidly increasing threat that Climate Change poses to our future? Are we doing enough to point people in the direction of alternative solutions to burning fossil fuels; in making suggestions for a greener and more sustainable way of living; in inspiring action around climate advocacy and behaviour change?</p> <p>We ask ourselves this question again and again and when we hear the answer which is: 'yes, but we can do more' then we go back to the drawing board and we start again. How can we make the next production better, clearer, stronger, more inspiring? And on we go.</p> <p>I now pose the same question to you, the Parliamentary Portfolio Committee on Environment, Forestry and Fisheries: When it comes to Climate Change, and this Bill, are you doing enough? I think you will find the honest answer is 'Yes, but we can do MUCH more'.</p> <p>The second hat I am wearing today, is that of Mother. I am the mother of a 6-year-old boy named Zeke. Despite greatly wanting a child for most of my life, it took me a long time to actually decide that I was willing to bring a child into this world. My biggest fear, when making this</p>			

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	<p>enormous life-decision, was Climate Change. Who am I, I thought, to bring an innocent into this world who, when he is an adult, will be facing some of the worst climate disasters humankind has ever faced? I am talking about floods, wildfires, extreme weather events, drought, food shortages, climate refugees, sea-level rises, loss of Biodiversity on a planetary scale, spread of deadly disease, etc. Some of these impacts we are seeing right now. I think even the most stubborn climate denialist, whether they believe that human activity is the cause of Climate Change or not, is by now able to see that these events are very real threats to our ability to survive on this planet.</p> <p>I am definitely NOT a Climate Denialist. I am very much a Climate Realist and Pragmatist. I also do strongly believe, after engaging with the science over several decades, that any unprecedented warming the Earth is currently experiencing is absolutely due to human activity. More specifically, I understand it to be driven by our incessant burning of fossil fuels which releases carbon and other Greenhouse Gasses into the atmosphere. This is a fact.</p> <p>I would like to know, then,</p>			

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	<p>a) What needs to be done, right now, in order to ensure a liveable future for my son and for the generations that come after him?</p> <p>b) How long do we have in which to do this action/s before we are past the point of no return with regards carbon emissions in our atmosphere that will lead to catastrophic climate change and ecological collapse? By what I have gathered, the answer to 'how long' is 'not long at all'. In fact, the time for decisive action with regards emissions reductions has long passed. Therefore, while I welcome wholeheartedly, as both Mother and Educator, the new Climate Change Bill, I would like to urge the portfolio committee to ensure that the Bill is as strong and as resilient as possible before being passed into law. With this in mind, I would like to make the following submissions:</p> <p>1. Access to information: Provision must be made for information regarding the Climate Change Bill to be provided to the South African Public in an easy-to-understand format that is comprehensive and is readily available. In particular, we need transparency and public access to information on the performance of big emitters of Greenhouse Gasses. We also need accessible information on Climate Mitigation and Adaptation plans from different sectors and municipalities. Without</p>			

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	information we cannot participate in the protection of our rights and livelihoods. Government should provide for a regularly updated web-based information platform that anyone can access in order to see these and other key pieces of information relating to the country's climate response and the Climate Change Bill.			
General	Deadlines for Action: The government should include hard deadlines on the determination of an emissions reduction trajectory, the assignment of carbon budgets and the completion of sectoral emission targets. Endless and ill-defined lead times on adaptation and climate response plans leaves people, communities and businesses at risk from climate change impacts. Given how we are already seeing REAL impacts from Climate Change i.e. droughts, food insecurity and floods, for example, Climate Adaptation should be on the top of the agenda for Government right now.	Well Worn Theatre Company	The timelines will enable alignment across the various spheres of society and government. The set time line will also create space for scientific research as well as the implementation of the plans prior to them being reviewed.	
General	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.	Western Cape Government	The principles captured in the Bill underscores the importance of gender mainstreaming thereby including women amongst the vulnerable groups.	

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	Consideration must be given to how gender mainstreaming has been facilitated in the Bill.			
Clause 15	If an assessment (clause 19(1)(a)(ii)) is going to specify adaptation measures, which form the basis for a Plan (clause 19(1)(b)), it is unclear why the processes are separated over two years as opposed to undertaking it simultaneously. Consider amending paragraph.	Western Cape Government	The assessments should precede the development of the planning. This will include a detailed	
Clause 16	This clause states as follows: "...every five years, review a Sector Adaptation Strategy...". The Bill must ensure consistency and alignment in terms of timeframes for reviewing the Sector and National Adaptation Strategy and Plans. Ensure consistency and alignment in terms of timeframes for reviewing the Sector and National Adaptation Strategy and Plans.	Western Cape Government	The timelines will enable the research to be undertake, and sufficient time to ensure national, provincial and local government alignments. Although, some of the research have been undertake, there will a need for focus need and response assessments at the provincial and local level. Furthermore, the scenario work should inform the development of the adaptation objectives.	

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Clause 16	<p>WWF strongly supports the principles, goals and means of implementation outlined in this section, and welcomes the changes to ensure that the establishment of adaptation objectives at a national and sectoral level are now mandatory.</p> <p>However, WWF has concerns about the timelines identified. As it stands, sectoral adaptation implementation will only happen five years after the enactment of the Bill. The IPCC's recent Working Group II report on Impacts, Adaptation and Vulnerability (IPCC, 2022a) highlights that in many cases we have already missed out on many feasible adaptation actions as a result of delays, and the longer we wait before embarking on such, the fewer adaptation options will be available and the less effective such adaptation will be. Of particular relevance is the diagram (Figure 1) from the IPCC report.</p> <p>South Africa has already undertaken significant research into adaptation needs at the municipal level (CSIR, 2019), biome level (DEA, 2016), and sectoral level (DEA, 2013), as well as strategies for ecosystem-based adaptation (DEA & SANBI, 2016; SANBI, 2017) and a national adaptation strategy (RSA, 2019). Consequently, WWF does not consider that a two-year period is necessary for the development of a National Adaptation Strategy and</p>	WWF	<p>The timelines will enable the research to be undertake, and sufficient time to ensure national, provincial and local government alignments. Although, some of the research have been undertake, there will a need for focus need and response assessments at the provincial and local level. Furthermore, the scenario work should inform the development of the adaptation objectives.</p>	

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	<p>Plan. Moreover, since sectoral adaptation strategy and planning can occur in parallel to the national process, both informing and drawing down from it and the extant texts, it should not be necessary to wait until two years after the envisaged National Adaptation Strategy and Plan is complete to derive such sectoral plans.</p> <p>WWF therefore recommends that the timelines for such activities be abbreviated to ensure that adaptation implementation is underway within a maximum of three years after the enactment of this Bill.</p>			
Schedule 1	<p>Despite the importance of the education sector and the dire effects climate change has on education, the Department of Basic Education is not included amongst the departments that are mandated to formulate a “Sector Adaptation Strategy and Plan”. It is of concern that in a context where education outcomes are threatened by the increasing occurrence of extreme weather events such as floods and rising temperatures, the Department of Basic Education is not included.</p> <p>Considering the importance of the basic education sector to human and societal development and the threat that climate change poses to children’s rights in accessing basic education, we recommend that Schedule 2 be amended to include the Department of Basic Education.</p>	SECTION2 7	The comment is noted and the Department of education will be included in the schedule to develop adaptation strategy.	

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General	Due to the gender, race and class inequality that persists in the country, climate change disproportionately affects women and girls who currently and will continue to experience greater risks, burdens, and impacts of climate change. However, the Climate Change Bill barely refers to the gendered nature of the impact of climate change and fails to include or specify strategies and mechanisms for gender responsive adaptation and mitigation and not exacerbate gender inequalities	SECTION27	The technical guidelines on the development of the adaptation strategy will provide more details on the framing of the strategy. However, in the principles, women and children are considered as the vulnerable groups to be considered in decision making.	
Clause 19	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.	Section 27	The Department of Basic Education will be listed in schedule 2	
Clause 19	The Department of Women, Youth and Persons with Disabilities has cautioned that weaknesses in gender mainstreaming across government departments prevent	Section 27	The technical guidelines on the development of the adaptation strategy will provide more	

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	<p>the State from addressing gender inequality in the country. In fact, in its 2019 submissions to the United Nations Framework Convention on Climate Change, South Africa acknowledged that the gendered dimensions of poverty and the social, economic, and political barriers will limit women’s resilience to the impacts of climate change and consequently, women will be most affected. However, to date, there has been relatively limited analysis of the gender dimensions of climate change at a very local level or downscaled data to adequately put protective measures in place. Nevertheless, the submission noted that efforts would be made to “integrate gender consideration into adaptation, mitigation, capacity-building action for climate empowerment, technology, finance policies, plans, and actions.”²⁶</p>		<p>details on the framing of the strategy. However, in the principles, women and children are considered as the vulnerable groups to be considered in decision-making.</p>	
General	<p>SECTION27 strongly recommends the inclusion of a climate funding framework to enable adequate allocation of financial resources to ensure that South Africa is equipped to mitigate and adapt to the risks and impacts of climate change. Moreover, we propose that the climate funding framework is robust and able to support the government departments in implementing policies, strategies, targets, and criteria in a gender sensitive manner that effectively responds and mitigates the impacts of climate change on the most vulnerable South</p>	Section 27	<p>The funding environmental sector work is not ring fenced. Furthermore, funding of some activities are beyond the fiscus, funded through the private sector as well as multilateral finance intuition. In this context, the Department in consultation with Treasury will explore the funding and/or resource</p>	

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	Africans who carry the burdens of limited state capacity. Without this, the Climate Change Bill will hamper the development of an effective climate change response in a context of cuts to social spending.		mobilisation strategy for climate change response in the country.	
General	In the South African context, coordination mechanisms without a clear authority have resulted in the misalignment of policy, especially in a culture where government departments operate in silos. As an attempt to help with policy coordination and implementation, the National Climate Change Response Policy gave explicit instructions for certain institutions to mainstream climate change considerations in their legislative frameworks and policy. For example, the National Disaster Management Council saw to it that the Disaster Management Act ⁴⁸ be amended to include climate change clauses, and while other key institutions have done so, policy coherence between departments remains a problem.	Section 27	The Bill is strengthening providing the Minister of DFFE the empowering provision under the adaptation component and mitigation component to ensure that climate change response instruments are developed and implemented. These instruments range from the adaptation strategy; carbon budget, as well as sectoral emission targets.	

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Clause 19	<p>However, we note that some sectors have already developed their adaptation plans and we advise this Committee to encourage other sectors to be proactive and begin the work as envisioned under section 19(1) of the Bill, even before the enactment of the Climate Change Act. The need for adaptation measures to be developed and implemented have never been more urgent and should be a top priority – as evident by the 2017 Knysna fires, the recurring droughts in the Eastern and Western Cape from 2018, the frequent floods in all nine provinces⁵⁷, particularly in parts of the Eastern Cape, Gauteng, and Kwa-Zulu Natal in 2019, 2021 and the recent floods in 2022.</p>	Section 27	<p>The Bill laid out the planning process and the current plans will indeed be under implementation. Furthermore, all instruments should be aligned from the development of the scenarios, adaptation objectives, climate change needs and response plans, sectoral plans as well as both provincial and municipal plans.</p>	
Clause 18	<p>Chapter 4 on adaptation reads as if processes are starting from scratch, even though significant work has already been done in many municipalities and departments in developing plans. This results in a lethargic response being further embedded within the Bill. Municipalities are given 3 years after the publication of the National Adaptation Strategy and Plan for an operationalised implementation plan (clause 15). At national level, sectors identified in Schedule 2 must conduct an assessment and produce sector plans within 2 years of publication of the National Adaptation Strategy and Plan (19.1).</p>	Foundation for Human Rights (FHR)	<p>The timelines will enable the research to be undertaken, and sufficient time to ensure national, provincial and local government alignments. Although, some of the research have been undertaken, there will be a need for focus and response assessments at the provincial and local level. Furthermore, the scenario work</p>	

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	<p>The Bill calls for national adaptation objectives and indicators (Clause 16) and national adaptation scenarios (Clause 17) within one year of coming into operation of the Act, and a National Adaptation Strategy and Plan (Clause 18) within two years of coming into operation of the Act. The Act itself may take more than a year to pass and come into operation. There is no clear relationship between the proposed National Adaptation Strategy and Plan and the existing National Climate Change Adaptation Strategy (NCCAS), which is already approved by Cabinet. If the latter is indeed the strategy referred to in Section 18, the procedures spelled out in these sections need a short cut. The Bill should recognise the existence of the current plan and work from there, hence it should rather call for the immediate implementation of that plan, with future revisions as contemplated in Section 18(3).</p>		<p>should inform the development of the adaptation objectives. The current strategies will be assessed in accordance with the technical guidelines and revised as necessary to ensure fulfilment of the Climate Change Bill.</p>	
Clause 19	<p>We urge the government to facilitate the active participation of health sector representatives in needs assessments as well as in the creation and implementation of climate change response plans at the local and national levels.</p>	The South African Medical Association (SAMA)	<p>The health Ministry will be highly involved in developing measure to respond to the impact of climate change. The health Ministry is required by this Bill to develop the sectoral adaptation strategy focusing on health. As such, they are required to ensure alignment of</p>	

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			policies and measures to give effect to this Bill.	
Clause 19	We are encouraged that, for the health sector, the National Climate Change and Health Adaptation Plan (NCCHAP) ¹⁴ has been in existence for a number of years now. However, we emphasize that thorough scrutiny is necessary to ensure an alignment of the NCCAS and NCCHAP with the proposed Bill.	The South African Medical Association (SAMA)	The health Ministry will be highly involved in developing measure to respond to the impact of climate change. The health Ministry is required by this Bill to develop the sectoral adaptation strategy focusing on health. As such, they are required to ensure alignment of policies and measures to give effect to this Bill.	
Clause 18	A National Climate Change Investment Adaptation Plan is currently being developed by DFFE together with the NDC Partnership and consultants. Interventions such as this National Climate Change Investment Adaptation Plan should be factored into the Bill at Chapter 4. The National Climate Change Investment Adaptation Plan should not be developed in isolation as the Adaptation Objectives (clause 16 of the Bill), Adaptation Scenarios (clause 17 of the Bill), climate change needs and response assessment (clause 15 of the Bill), the National Adaptation Strategy 8 and Plan (clause 18 of the Bill) and the Sector Adaptation Strategy and Plan which is based on the vulnerability	SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)	The time sequence aimed at allowing the alignment of planning instruments, from national, provincial, municipal and at sectoral levels. Therefore, the scenario work and inclusive of the adaptation goals will be guiding the comprehensive alignment of the instruments.	

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	assessment (clause 19 of the Bill) will likely influence how much funding is needed within the country for sponsoring adaptation. Strategies and plans must speak to each other. The Climate Change Bill should be used to scope a comprehensive and effective response to climate change – hence the development of strategies should not occur in silos and must be effective in its purpose.			
Clause 17	We appreciate that the Climate Change Bill (at clause 7 thereof), calls for the revision and alignment of existing policies and measures, programmes and decisions – by every organ of state with an interest in climate change and sustainable development – in order to ensure that risks of climate change impacts and associated vulnerabilities are taken into consideration and to give effect to principles and objectives of the Climate Change Act, once promulgated. From an EbA and EI perspective, the uptake of biodiversity considerations into municipal planning and decision-making is particularly encouraged – with an emphasis on strengthening biodiversity content in Integrated Development Plans (“IDPs”) and Spatial Development Frameworks (“SDFs”). Given the emphasis on urgent climate action, we recommend that the Climate Change Bill proposes suitable timeframes by when the revision of land use planning tools (such as IDPs and SDFs) is required. Currently, clause 7 of the Climate Change Bill	SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)	It is beyond the scope of the Bill prescribe the timelines for the revisions of the IDPs and SDFs. However, whilst respecting the municipal planning cycle, the place the requirements for the mainstreaming and integration of climate change into the planning systems.	

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	does not prescribe timeframes for the alignment of policies. Timeframes for the mandatory inclusion of climate change considerations into IDPs and SDFs should align with the normal review cycles prescribed in terms of the Local Government: Municipal Systems Act19 (“LG:MSA”), in respect of IDPs, and the Spatial Planning and Land Use Management Act20 (“SPLUMA”), in respect of SDFs			
Clause 17	The timeframes for setting and reviewing climate change needs and response assessments and climate change response implementation plans are disproportionate to the urgency of the climate crisis and the fast-pace at which the options to mitigate and adapt are evolving. Time is running short between today and when a tipping point might be reached beyond which a stable, hospitable climate is attainable, leading to catastrophic, irreversible climate impacts. The faster climate change mitigation and adaptation measures are implemented, the more effective and less costly they will be	Keilidh Clapperton	The time sequence aimed at allowing the alignment of planning instruments, from national, provincial, municipal and at sectoral levels. Therefore, the scenario work and inclusive of the adaptation goals will be guiding the comprehensive alignment of the instruments.	
General	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 climate change similarly has an adverse effect on queer	Ipas Africa Southern Region	The Bill covers the vulnerable groups which include women, children, youth and the poor. This is adequate and LGBTQI is also covered by this broad areas.	

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	persons. We recommend the replacement of the term 'physically challenged' to 'persons with disabilities' as a more inclusive term			
, General	The Bill also lacks clear mechanisms for accountability and implementation. While it outlines a framework for managing climate change, it does not specify how this framework will be implemented or how progress will be monitored and evaluated. This lack of clarity could hinder effective implementation and accountability for meeting climate targets. It is therefore recommended that this is addressed.	Ipas Africa Southern Region	Government will be accountable to Parliament on the overall implementation of the Bill.	
Chapter 5: Greenhouse Gas Emissions Removal Clause 18 & 21	While the Bill refers to the importance of ecosystems, it does not explicitly call for an ecosystems approach. An ecosystem approach is a “strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way” ³² . This, the LRC submits, is a serious omission.	JACUELIN E WETSELA AR	Noted. Carbon budget timelines and sectoral target are incorporated in Clause 24 (5), (6) and (7) of the Bill. (a) Noted, this will be considered and requires the Bill to be amended. (b) Noted, the timelines are sufficient to ensure that the necessary activities are carried out appropriately. (c) The South Africa's Low Emissions	

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	<p>12.2.2. The Marine Spatial Planning Act 16 of 2018 (“Marine Spatial Planning Act”) includes specific reference to an ecosystems approach in its listed principles. However, as has been noted from researchers involved in marine spatial planning in South Africa, the promotion of this approach has been seriously hampered by development decisions made under Operation Phakisa, as “South Africa’s national interest in growing its oceans economy is outpacing the development and application of robust tools to measure marine ecosystem condition”³³.</p> <p>12.2.3. The problem is that, despite the good intentions of the Marine Spatial Planning Act, these objectives are scuppered because parallel processes are proceeding that do not require an ecosystems approach. It is thus imperative that framework legislation that will cut across as many sectors as the Bill, must include explicit reference to these basic principles. If not, it is inevitable that these principles will be applied inconsistently across sectors. An ecosystems approach, for it to be successful, requires by its very nature that it must be applied consistently.</p>		<p>Development Strategy has an aspirational net zero target until 2050, and ongoing work on Pathways to 2050. In addition, Presidential Climate Commission is working on the Just Transition Framework also provides a lead plan to 2050. However, the comment falls beyond the scope of the Bill. (d) Noted, we also recommend that schedule 3 be updated to align with the updated NDC.</p>	

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	12.2.4. The LRC thus submits that the Principles in Clause 3 should include the text: “the advancement of an ecosystems approach”.			
Clause 32	The enforcement measures in the Bill are either weak or 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.	JACUELINE WETSELAAR	Noted, 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 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	

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			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.	
General	The main challenge of getting to net zero is not financial, but structural. In a study published in Nature this year the responsiveness of political institutions, as well as public perceptions, and the cost of mitigation, emerge as the most important factors in determining emission pathways. Together we can make a difference; this is our chance to leave a better world to our children.	JACQUELINE WETSELAAR	DFFE agrees strongly with this sentiment. In response, DFFE is undertaking a study to investigate the development pathways that will lend South Africa to a Net-Zero emissions pathways.	
General	The word, “energy” appears three times in the Bill and then with little context even though it is, in reality, inextricably linked with climate change and how we go about mitigating risks and complying with our international obligations.	WESSA	It should be noted that this Bill does not substitute the energy laws.	
General	The word, “renewable” does not appear. We suggest that before being enacted the Bill has a clause added to the preamble that acknowledges that South Africa is one of the 12 largest per capita emitters of CO2e gases and has, as a signatory to both the Paris agreement and the Sustainable Development goals, an obligation to the global community to reduce such emissions as soon as possible. This would pick up on and extend the significance of point	WESSA	It should be noted that this Bill does not substitute the energy laws.	

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	<p>two in the preamble which reminds readers, “And whereas anthropogenic climate change represents an urgent threat to human societies and the planet and requires an effective, progressive and incremental response ...,” especially as the impacts on food, health, biodiversity, ecosystems, coasts and infrastructure are highlighted in the Bill. The Bill speaks about the “Republic’s fair contribution to the global climate change response,” but this sort of language seems to suggest that a reasonable response of a country, like South Africa, could be to slow down its emissions reduction pathway if it perceives others not to be pulling their weight. Already the combined Paris commitments of all signatory countries are insufficient to limit global heating to 1.5 degrees C, so if there is further backsliding on the basis of perceived “fairness” issues we can expect the dire consequences to multiply even more. If this is a serious, governmental position its logic needs to be clearly explained in such a way that citizens can comprehend how a government could rate predicted climate change impacts as less severe than the effects of CO2e emissions reduction.</p>			

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Clause 27	<p>Lack of alignment between existing authorisations and the carbon budgets. It is recommended that the Bill include provision for carbon budgets to not retrospectively impact on the rights granted to a company through existing authorisations. The rights obtained by an authorisation should remain unaffected and not impaired through legislation unrelated to what is primarily being regulated thereunder. In addition, key government departments and mandates (including but not limited to the Department of Mineral Resources and Energy, the Department of Trade, Industry and Competition and National Treasury) must therefore be aligned to create an enabling policy and regulatory environment for decarbonising high emitting and other industrial sectors. Most notably, the existing policy environment is limited with a few policies and measures currently in place to effectively incentivise industries to decarbonise. Sasol is strongly of the view that particularly in the climate change policy environment, both positive and negative incentives are required to achieve the country's NDC and Just Transition imperatives. Case in point is the United States and Germany, both of which are considering or have implemented penalty mechanisms including carbon pricing, supported by subsidies, product premium mechanisms and rebates for economically unviable and immature technologies such as carbon</p>	WESSA	<p>The Minister is already empowered in clause 27(1)b (i) to make regulations in relation to climate change response including incentives and disincentives.</p> <p>Secondly, clause 22 (4) (c) requires policy sectors to include in their SETs both quantitative and qualitative emission reduction measures. The qualitative emission reduction measures generally includes measures such as standards, incentive schemes, etc.</p> <p>The Carbon tax accounting framework also considers a system of penalties and incentives to punish non-compliance or reward good behaviour.</p>	

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	<p>capture and storage and more expensive feedstocks such as green hydrogen. Incentives have the potential to benefit the country in the long term in the form of economic growth, job creation, downstream monetisation and localisation, to mention a few. Only negative or penal incentives such as carbon budgeting and taxes will not achieve the same potential for accelerated action and direct (re)investment opportunities in the economy. Incentives that should be considered include green funds, tax breaks (extension of existing ones such as Income Tax Act 12L and introduction of new ones) and subsidies. Sasol also acknowledges the vulnerable position of the country in relation to the imminent implementation of the European Union's Border Tax Adjustments starting in 2023. We appreciate that a carbon tax, higher than today's rate, would be warranted, as well as a tax penalty above the budget to drive the country towards meeting its 2030 NDC target. This further emphasises the requirement for a sound policy and regulatory framework/environment to enable the desired transition. It has been referenced by many research organisations including the Carbon Pricing Leadership Coalition (CPLC) that carbon taxes/pricing mechanisms are effective as part of a suite of incentives and disincentives (Ref: World Bank: "State and Trends of Carbon Pricing 2021" and "Carbon Pricing Dashboard",</p>			

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	<p>November 2021), particularly to support vulnerable, hard to abate sectors such the energy intensive ones. This is largely due to the fact that these same sectors need the time and supportive incentives to transition whilst supporting the economy. If the transition is not timed appropriately, whereby these sectors are scaled back whilst low carbon sectors are grown, it can cause serious and irreparable damage in the form of potential job losses, erosion of economic growth, balance of payment impacts and loss of key products in the economy, to name but a few. Sasol’s remark and proposal: The Bill does not adequately consider the benefits of incentives and other measures in driving the desired GHG reduction outcomes and is scant on providing an enabling provision for the development of these, save for the “may” make regulations on incentives in Chapter 6. We recommend the specific inclusion of an enabling provision for the development of both positive and negative incentives (integrated incentives framework) to accelerate decarbonisation across the value chain and grow low carbon sectors and products through a “must” requirement in the Bill, Chapter 6.</p>			

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	<p>Alignment of the Carbon Budget and the Carbon Tax We acknowledge the commitment from the Department of Environment, Forestry and Fisheries and National Treasury to align the carbon budget and carbon tax instruments. We are still awaiting clarity on the way the integrated carbon budget and tax system will be applied. This is viewed as urgent to provide certainty to the market, ensure the avoidance of double taxation and ultimately provide for the development of an efficient and economically effective integrated mitigation measure. Currently both instruments have been designed to achieve the objective of reducing the same ton of GHG emissions and if not effectively aligned before the implementation of the Bill (once enacted), companies such as us could be at risk of double penalties resulting in significantly reduced capital availability for the transition. Therefore, a fit for purpose policy and regulatory framework/environment, supportive of the NDC, aligned with the country's mitigation potential and economic circumstances, as well as industries' ability to act is required to support the required transition activities in a just manner. Sasol's remark and proposal: Lack of further clarity regarding the operationalisation of the integrated carbon budget and tax system and its alignment with an enabling policy and regulatory framework is a concern. Sasol submits that a</p>	WESSA	<p>Clause 27 (2) (a) (i) already states that the Minister "must" develop regulations for the determination, review, revision, amendment and cancellation of a carbon budget allocation, the content, implementation and operation of a greenhouse gas mitigation plan, and all matters related thereto". This confirms that the operationalisation of the carbon budget system is taken care of in the Bill through the call for development of carbon budget regulations.</p> <p>In order to deal with SASOL's comment on the need to clarify how the tax system and its alignment with the carbon budgeting system shall be achieved, we propose the addition of 27 (2) (a) (ii) that reads "The regulations contemplated in sub regulation</p>	

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	<p>fully integrated budget and tax system supported by a mix of incentives and measures that encourage mitigation and new low carbon sector development is critically needed. An enabling provision must be added to the Bill that ensures the development of a holistic integrated mitigation system and that an administrative penalty, without criminalisation, will apply if carbon budgets are exceeded, supported by both positive and negative incentives to be developed further in regulations</p>		<p>(i) shall also outline the enforcement mechanism to deal carbon-budget non-compliance using the carbon tax accounting framework.”</p> <p>Beyond the scope of Climate Change Bill, however, the National Carbon Budget & Mitigation Plans Regulations that will be developed will provide this clarity on the alignment between these two mitigation instruments.</p>	
Clause 22	<p>Sectoral emission targets In terms of maintaining regulatory certainty and the avoidance of double penalties, the Bill confirms that sectoral emission targets (SETs) will apply to government entities while carbon budgets will apply to companies. This is supported but it must also be ensured that related policies and measures developed and applied by government entities to meet a SET do not result in double or triple legal requirements as well as unexpected requirements for additional company level emission reductions over and above those set by carbon budgets. The development of positive and negative</p>	SASOL		

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	incentives must therefore be developed to encourage companies to meet their agreed carbon budgets. Sasol's remark and proposal: The Bill does not provide sufficient assurance that SETs will not negatively impact industry beyond the requirements set by the applicable carbon budget. Sasol recommends the inclusion in the Bill of an enabling provision that ensures SETs and associated policies and measures are developed to support achievement of carbon budgets held by companies within the relevant sectors.			
Clause 24	Amend language to include alignment with broader environmental considerations. We believe that alignment between climate change and air quality requirements as each imposes obligations on an operator which can be achieved through an integrated mitigation plan. In other words, revision of the Minimum Emission Standards, which may impose stricter standards on operators to comply with, should be aligned with climate change objectives such that operators are able to achieve compliance in an integrated and holistic manner. In this way, cost effective approaches can be implemented.	SASOL	The Carbon Budgeting system is a specific command and control measure that shall assist the country to meet its greenhouse gas emissions goals. Aspects such as air pollution benefits from carbon budget implementation can be recorded as co-benefits and that does not require to be legislated for as that might lead to over-prescription of legislation. The NEM: Air Quality Act exists to manage air pollution in the Republic.	

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Clause 21	21 (4) (b) "may periodically review the national greenhouse gas emissions trajectory when national circumstances require such a review, including when such requirement is demonstrated by" The criteria detailed in this Bill supporting this clause all individually and collectively provide page 13 of 17 circumstances require such a review, including when such requirement is demonstrated by sufficient proof of the need for a revision and therefore the verb should be reflected as a "must"	SASOL	<p>It is recommended that "may" is the appropriate term. Suggest to change clause 21 (4) (b) as follows:</p> <p>"may periodically review the national greenhouse gas emissions trajectory when national circumstances require such a review. Such national circumstances might be triggered by —</p> <ul style="list-style-type: none"> (ii) technological advances; (iii) the best available science, evidence or information; (iv) the Republic's international commitments and obligations; or (v) constraints and opportunities to implementation of policies and measures." 	

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Clause 21	Sectoral Emissions Targets: Sasol recommends the inclusion in this section of an enabling provision that ensures SETs and associated policies and measures are developed to support achievement of carbon budgets held by companies within the relevant sectors and add additional burden	SASOL	This will be considered in the legislative documents supporting the implementation of the climate change Bill through the SETS and the National Carbon Budgets and Mitigation Plans Regulations.	
Clause 22	22 (2) "The Minister may vary the list of sectors and subsectors that are subject to sectoral emissions targets." On what basis will the sectors be varied and done without prejudice. The "criteria" that will prompt such a change must be included, to ensure transparency and fairness.	SASOL	This will be considered in the legislative documents supporting the implementation of the climate change Bill through the SETS. Agreed that the criteria is not clear. We suggest that clause 22 (2) is amended as follows "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." Wording to be	

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			refined in consultation with the OCSLA and OPLA.	
Clause 22	"publish such amendment in the Gazette;" When the relevant sectoral and sub-sectoral policies are updated and gazetted – adequate timelines must be incorporated for consultation and review by stakeholders.	SASOL	Noted, the provisions for timelines are already provided in the gazetting process.	
Clause 22	"monitor the effectiveness of implementing such policies and measures in achieving the relevant sectoral emissions target." It must be recognised that there may be a delay between implementing a SET and tracking progress against the same SET. This should be recognised.	SASOL	This statement is acknowledged and recognised.	
Clause 22	"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 leading to targets not being met.	SASOL	Transitional arrangements are not required in this case as this is already recognised.	

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Clause 22	Lack of further clarity regarding the operationalisation of the integrated carbon budget and tax system and its alignment with an enabling policy and regulatory framework is a concern. Sasol submits that a fully page 14 of 17 integrated budget and tax system supported by a mix of incentives and measures that encourage mitigation and new low carbon sector development is critically needed. An enabling provision should be added to the Bill that ensures the development of a holistic integrated mitigation system, supported by both positive and negative incentives should be developed in regulations.	SASOL	This is beyond the scope of the Bill and would better addressed by regulations under the Carbon Tax Act and/or the National Carbon Budgets & Mitigation Plans Regulations.	
Clause 22	"When allocating carbon budgets, the Minister must take all relevant considerations into account, including, amongst others—" It is recommended that the Bill include specific criteria for allocating carbon budgets that considers mitigation potential, the ability to transition and the inability to transition at pace due to externalities outside of an emitter's control. Lack of alignment between existing authorisations and the carbon budgets. It is recommended that the Bill include provision for carbon budgets to not retrospectively impact on the rights granted to a company through existing authorisations. We believe the Minister must consider the implication on the objectives of the other environmental departments such an Air Quality and Water. It is entrenched as a principle of co-	SASOL	This will be considered in the legislative documents supporting the implementation of the National Carbon Budgets and Mitigation Plans Regulations.	

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	operative governance and supports integrated environmental management and sustainability. This also aligns with principle (k) of this Bill			
Clause 24	"A person to whom a carbon budget has been allocated may apply for a revision or cancellation of the budget under prescribed circumstances" The circumstances where this can be undertaken must be clearly articulated.	SASOL	This will be considered in the legislative documents supporting the implementation of the National Carbon Budgets and Mitigation Plans Regulations.	
Clause 24	"The Minister may by notice in the Gazette, or in writing identify a list of activities and thresholds for which measurements or estimations of greenhouse gas emissions and carbon sinks from stationary, mobile, fugitive, process, agriculture, land use and waste sources must be carried out." The wording previously proposed is supported: The Minister may by notice in the Gazette, or in writing; require any person undertaking an activity that is listed in terms of section 24(1) of this Act and whose total emissions are above the threshold determined in section 24(3)(b) of this Act, in the manner prescribed, to submit data annually to contribute to the Report.	SASOL	The current provision is sufficient for the intended purpose of furnishing information for the compilation of the National GHG Inventory and hence does not need to be linked to provisions relating to carbon budgets.	

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Clause 24	<p>the determination, review, revision, compliance with and enforcement of an allocated carbon budget, amendment and cancellation of a carbon budget allocation, the content, implementation and operation of a greenhouse gas mitigation plan, and all matters related thereto; and" Sasol submits that the Bill must indicate clearly that exceedance of a carbon budget results in an administrative penalty and not criminalisation. The following wording should be included in section 32 (1 bis): A person whose greenhouse gas emissions exceeds the quantity of greenhouse gas emissions prescribed by that person's allocated carbon budget, during the applicable period, will be subjected to a carbon tax on emissions above the carbon budget as provided for in the Carbon Tax Act, the modalities of which will be outlined in the carbon budget regulations. The imposition of an administrative penalty for exceedance of a carbon budget is supported. The Bill should reference an administrative penalty, without criminalisation, to enforce compliance with the carbon budget. Furthermore, effective alignment of the budget with the tax is proposed to ensure efficiency in the design, enable emission reductions and the avoidance of double taxation. Sasol supports a budget with the carbon tax applied only on emissions exceeding the budget. To be most effective a carbon tax within the budget should not</p>			

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	<p>apply. However, to date National Treasury has proposed both a carbon tax above the budget and a tax below the budget which is likely to be a significant financial requirement, especially if mitigation opportunity implementation is out of sync with the increase in the carbon tax rate. In addition, criminalising the exceedance of a carbon budget is not supported as GHG emissions cannot be equated to or be deemed as pollution because it is a differentiable activity. Within the context of climate change mitigation, technology maturity and availability, financial constraints, cost effectiveness of mitigation as compared to the carbon tax, global changes and directives from government could very well result in a need/choice made whereby a company exceeds the allocated budget. These circumstances are requisite when determining page 16 of 17 compliance mechanisms for carbon budgets. As a result, criminalisation cannot be applied in the instance of carbon budgets exceedance. Case in point is the recent Ukraine crisis whereby the EU needed to revert to utilising coal to avoid Russian gas. In addition, rising gas prices during winter also resulted coal being more heavily used in the EU. GHG emissions are a function of the structure and energy resources within a country and are not easily divorced without major changes occurring in the economy. Ultimately, energy security weighed heavily on short term</p>			

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	<p>climate imperatives and necessitated the adoption of unplanned measures in the EU. GHG emissions in and of itself are not pollutants in the same way as air quality pollutants. They are dependent on context and circumstance which might require unforeseen measures to be taken that could result in budgets being exceeded. Ergo criminalisation cannot be applied to carbon budgets.</p>			
<p>Clause 24</p>	<p>"When determining the sectoral emissions targets, the Minister must take all relevant considerations into account, including, amongst others— (a) the socio-economic impacts of introducing the sectoral emissions targets; and (b) the best available science, evidence, and information." We need to find other relevant consideration for the emissions targets. " (11) The Minister responsible for each sector and sub-sector for which sectoral emissions targets have been determined in terms of subsection (3), or for which revised and amended sectoral emissions targets have been determined in terms of subsection (7), must annually report to The Presidency on progress towards the achievement of the 35 relevant sectoral emissions targets." The sectors affected by the SETs span different provinces, thus affecting the jurisdictions of various Premiers, Mayors, MECs and EXCOs. The Bill also legislates the existence of fora at local and provincial levels that will provide coordination roles at respective</p>	<p>SASOL</p>	<p>We have existing reporting frameworks for SETS. The progress of the SETS implementation will be reported to the Minister (DFFE).</p>	

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	levels. Therefore, reporting must be done to these bodies and ultimately to either the Presidential Climate Commission or the Presidential Forum.			
Clause 23	"The Minister may review the lists published in terms of subsections (1) and (2) in line with the requirements of national and international mitigation goals for the purposes of determining whether such lists require revision and amendment, including when the need for such review is demonstrated by..." Once again, the urgency of climate action cannot be understated. This paragraph does not reflect any urgency in dealing with the issue over a protracted period. Review should take place at least once in a political term once published. Ministers responsible for communicating climate goals both nationally and internationally must be required to review the list to always ensure the country is moving towards the stated goals. Discretion could be exercised on the timeframe for communicating these to the relevant stakeholders and the Presidential forum. "(6) In the event that a review undertaken in terms of subsection (5) indicates the need for revision and amendment of one or both of the lists, the Minister may, by notice in the Gazette, revise and amend the relevant list" Consider revising the paragraph to read	SASOL	Noted. The review of the lists will happen by default due to our international obligations and hence this section does not need to be amended. Regarding the use of the word 'may' in clause 23(6) this word is the appropriate legal term.	

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	as follows: [In the event that a review undertaken in terms of subsection (5) indicates the need for revision and amendment of one or both of the lists, the Minister must, by notice in the Gazette, revise and amend the relevant list]			
Clause 24	An allocated carbon budget may be amended if the activity for which the carbon budget has been issued is transferred or acquired in part or fully and the affected person must request a reallocation of a carbon budget from the Minister in the prescribed manner." We understand this to provide a loophole for organisations that are "too big to fail" an escape clause. In an instance where a single organisation has or starts subsidiary businesses, each should be allocated its own budget however it should be considered that a single group organisation must have a budget that is cumulative for the "group"	SASOL	Noted, 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.	
	in at least one newspaper distributed nationally or, if the exercise of the power will affect only a specific area, in at least one newspaper distributed in that area" All government ministries have dedicated social media platforms that are used to communicate important messages with the electorate. Similarly, public participation must be expanded to include these platforms in conjunction with print media. Data from the US suggests that many are consuming information through digital	SASOL	This is noted, however, this is beyond the scope of the Climate Change Bill. This is better suited to be addressed under NEMA which is the overarching environmental legislation.	

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	<p>platforms, with traditional media in serious decline . This is in part due to COVID-19 but the rapid pace of technology advancement is another factor. Similarly, more South Africans are consuming important information via digital platforms, with some platforms showing up to 76% growth in their audiences with print media also in decline. As such, public participation as stated in the constitution and the public participation framework obliges authorities to involve communities. Communities are quickly moving to digital media and government public participation communications need to consider this too, however not to the exclusion of print media. 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.</p>		<p>We note the comments however the process is adequate as it is in line with PAJA as a minimum requirements for public participation and consultation.</p>	

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Schedule 3	The Republic's greenhouse gas emissions will— (a) peak in the period 2020 to 2025 in a range with a lower limit of 398 Megatonnes (109kg) (Mt) CO ₂ -eq and upper limits of 510 Mt CO ₂ -eq (b) plateau for up to 10 years after the peak within the range with a lower limit of 350 Mt CO ₂ -eq and an upper limit of 420 Mt CO ₂ -eq.; and (c) from 2036 onwards, decline in absolute terms to a range with a lower limit of 212 Mt CO ₂ -eq and an upper limit of 428 Mt CO ₂ -eq by 2050.	SASOL	Recommended the removal of the schedule. The process have been established by the Bill to develop the trajectory which will guide the emission reduction. Instead of writing out the targets in law which are likely to change, rather inscribe the process.	
Clause 24	the best available science, evidence and information." Suggest inclusion of a criteria for consideration of other environmental objectives especially air quality and that a more integrated approach be taken as per principle (k) in this Bill.	SASOL	Criteria for the determination of PAMs for SETS have been identified and detailed in the Cabinet approved SETS Framework and it covers this issue	
	"When allocating carbon budgets, the Minister must take all relevant considerations into account, including, amongst others—" It is recommended that the Bill include specific criteria for allocating carbon budgets that considers mitigation potential, the ability to transition and the inability to transition at pace due to externalities outside of an emitter's control. Lack of alignment between existing authorisations and the carbon budgets. It is recommended that the Bill include provision for carbon budgets to not retrospectively impact on the rights granted	SASOL	This will be considered in the legislative documents supporting the implementation of the National Carbon Budgets and Mitigation Plans Regulations. Transitional provisions to be considered and wording	

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	to a company through existing authorisations. We believe the Minister must consider the implication on the objectives of the other environmental departments such as Air Quality and Water. It is entrenched as a principle of co-operative governance and supports integrated environmental management and sustainability. This also aligns with principle (k) of this Bill		finalised in consultation with the OCSLA and OPLA.	
Clause 22	"A person to whom a carbon budget has been allocated may apply for a revision or cancellation of the budget under prescribed circumstances" The circumstances where this can be undertaken must be clearly articulated.	SASOL	This will be considered in the legislative documents supporting the implementation of the National Carbon Budgets and Mitigation Plans Regulations. More detail to be spelled out in the Regulations.	
Clause 24	the determination, review, revision, compliance with and enforcement of an allocated carbon budget, amendment and cancellation of a carbon budget allocation, the content, implementation and operation of a greenhouse gas mitigation plan, and all matters related thereto; and" Sasol submits that the Bill must indicate clearly that exceedance of a carbon budget results in an	SASOL	This will be considered in the legislative documents supporting the implementation of the National Carbon Budgets and Mitigation Plans Regulations. Regarding alignment this will be	

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	<p>administrative penalty and not criminalisation. The following wording should be included in section 32 (1 bis): A person whose greenhouse gas emissions exceeds the quantity of greenhouse gas emissions prescribed by that person's allocated carbon budget, during the applicable period, will be subjected to a carbon tax on emissions above the carbon budget as provided for in the Carbon Tax Act, the modalities of which will be outlined in the carbon budget regulations. The imposition of an administrative penalty for exceedance of a carbon budget is supported. The Bill should reference an administrative penalty, without criminalisation, to enforce compliance with the carbon budget. Furthermore, effective alignment of the budget with the tax is proposed to ensure efficiency in the design, enable emission reductions and the avoidance of double taxation. Sasol supports a budget with the carbon tax applied only on emissions exceeding the budget. To be most effective a carbon tax within the budget should not apply. However, to date National Treasury has proposed both a carbon tax above the budget and a tax below the budget which is likely to be a significant financial requirement, especially if mitigation opportunity implementation is out of sync with the increase in the carbon tax rate. In addition, criminalising the exceedance of a carbon budget is not supported as GHG emissions</p>		<p>considered in the supporting documents for the implementation of the relevant legislation.</p> <p>DFFE is developing an Administrative penalties Bill which will apply to NEMA and all the SEMAs</p>	

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	<p>cannot be equated to or be deemed as pollution because it is a differentiable activity. Within the context of climate change mitigation, technology maturity and availability, financial constraints, cost effectiveness of mitigation as compared to the carbon tax, global changes and directives from government could very well result in a need/choice made whereby a company exceeds the allocated budget. These circumstances are requisite when determining page 16 of 17 compliance mechanisms for carbon budgets. As a result, criminalisation cannot be applied in the instance of carbon budgets exceedance. Case in point is the recent Ukraine crisis whereby the EU needed to revert to utilising coal to avoid Russian gas. In addition, rising gas prices during winter also resulted coal being more heavily used in the EU. GHG emissions are a function of the structure and energy resources within a country and are not easily divorced without major changes occurring in the economy. Ultimately, energy security weighed heavily on short term climate imperatives and necessitated the adoption of unplanned measures in the EU. GHG emissions in and of itself are not pollutants in the same way as air quality pollutants. They are dependent on context and circumstance which might require unforeseen measures to be taken that could result in budgets being exceeded. Ergo criminalisation cannot be applied to carbon budgets.</p>			

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Clause 24	"in relation to the management of climate change response including incentives and disincentives to encourage a change in behaviour towards the generation of greenhouse gases amongst all sectors of society;" This is critically needed and should not fall within the purview of the "may" make regulations clause. This requirement should be moved to section 27 (2). Sasol submits that a fully integrated budget and tax system supported by a mix of incentives and measures that encourage mitigation and new low carbon sector development is critically needed. An enabling provision must be added to the Bill that ensures the development of a holistic integrated mitigation system, supported by both positive and negative incentives to be developed further in regulations.	SASOL	The Carbon Budgeting system is a command-and-control instrument that requires an assignment of GHG emissions limit to a company. In turn, the company must list the intervention/mitigation actions that it shall put forth to meet its GHG emissions allocation. Should there be any barriers to implement such measures, that should be reported as part of a progress report and the regulator must assess those circumstances.	
Clause 24	in relation to the management of climate change response including incentives and disincentives to encourage a change in behaviour towards the generation of greenhouse gases amongst all sectors of society;" This is critically needed and should not fall within the purview of the "may" make regulations clause. This requirement should be moved to section 27 (2). Sasol submits that a fully integrated budget and tax system supported by a mix of incentives and measures that encourage mitigation and new low carbon sector development is critically needed.	SASOL	This will be considered in the legislative documents supporting the implementation of the National Carbon Budgets and Mitigation Plans Regulations. Regarding alignment this will be considered in the supporting documents for the	

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	An enabling provision must be added to the Bill that ensures the development of a holistic integrated mitigation system, supported by both positive and negative incentives to be developed further in regulations.		implementation of the relevant legislation. This mandate should remain as “may” as it allows the Minister the space to regulate without this aspect being mandatory.	
Clause 22	When determining the sectoral emissions targets, the Minister must take all relevant considerations into account, including, amongst others— (a) the socio-economic impacts of introducing the sectoral emissions targets; and (b) the best available science, evidence, and information." We need to find other relevant consideration for the emissions targets. " (11) The Minister responsible for each sector and sub-sector for which sectoral emissions targets have been determined in terms of subsection (3), or for which revised and amended sectoral emissions targets have been determined in terms of subsection (7), must annually report to The Presidency on progress towards the achievement of the 35 relevant sectoral emissions targets." The sectors affected by the SETs span different provinces, thus affecting the jurisdictions of various Premiers, Mayors, MECs and EXCOs. The Bill also legislates the existence of fora at local and provincial levels that will provide coordination roles at respective	SACAN	We have existing reporting frameworks for SETS. The progress of the SETS implementation will be reported to the Minister (DFFE).	

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	levels. Therefore, reporting must be done to these bodies and ultimately to either the Presidential Climate Commission or the Presidential Forum.			
Clause 23	The Minister may review the lists published in terms of subsections (1) and (2) in line with the requirements of national and international mitigation goals for the purposes of determining whether such lists require revision and amendment, including when the need for such review is demonstrated by..." Once again, the urgency of climate action cannot be understated. This paragraph does not reflect any urgency in dealing with the issue over a protracted period. Review should take place at least once in a political term once published. Ministers responsible for communicating climate goals both nationally and internationally must be required to review the list to always ensure the country is moving towards the stated goals. Discretion could be exercised on the timeframe for communicating these to the relevant stakeholders and the Presidential forum. "(6) In the event that a review undertaken in terms of subsection (5) indicates the need for revision and amendment of one or both of the lists, the Minister may, by notice in the Gazette, revise and amend the relevant list" Consider revising the paragraph to read	SACAN	Noted. The review of the lists will happen by default due to our international obligations and hence this section does not need to be amended. Regarding the use of the word 'may' in clause 23(6) this word is the appropriate legal term.	

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	as follows: [In the event that a review undertaken in terms of subsection (5) indicates the need for revision and amendment of one or both of the lists, the Minister must, by notice in the Gazette, revise and amend the relevant list]			
Clause 32	in the event that such reporting indicates that the person has failed, is failing or will fail to comply with the allocated carbon budget, provide a description 5 of measures the person will implement in order to remain within the allocated carbon budget" Concurrent with the low carbon trajectory committed in South Africa's NDC, emission peak and plateau from 2020 to 2025. 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 disincentivises 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.	SACAN	Noted, 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.	
Clause 24	An allocated carbon budget may be amended if the activity for which the carbon budget has been issued is transferred or acquired in part or fully and the affected person must request a reallocation of a carbon budget from the Minister in the prescribed manner." We understand this to provide a loophole for organisations that are "too big to fail" an	SACAN	Noted, the enforcement measures of the carbon budgets will be covered by the National Carbon Budget and Mitigation Plans Regulations	

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	<p>escape clause. In an instance where a single organisation has or starts subsidiary businesses, each should be allocated its own budget however it should be considered that a single group organisation must have a budget that is cumulative for the “group”</p>		<p>that will be developed when the Bill is enacted into an Act.</p>	
<p>Clause 24</p>	<p>in at least one newspaper distributed nationally or, if the exercise of the power will affect only a specific area, in at least one newspaper distributed in that area” All government ministries have dedicated social media platforms that are used to communicate important messages with the electorate. Similarly, public participation must be expanded to include these platforms in conjunction with print media. Data from the US suggests that many are consuming information through digital platforms, with traditional media in serious decline . This is in part due to COVID-19 but the rapid pace of technology advancement is another factor. Similarly, more South Africans are consuming important information via digital platforms, with some platforms showing up to 76% growth in their audiences with print media also in decline. As such, public participation as stated in the constitution and the public participation framework obliges authorities to involve communities. Communities are quickly moving to digital media and government public participation communications need to consider this too, however not to</p>	<p>SACAN</p>	<p>This is prescribed by NEMA to ensure that there should publication on at least one newspaper. This does not stop the Department to use social media. The proposal in the Bill is consistent with PAJA.</p>	

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	<p>the exclusion of print media. 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.</p>			
<p>Clause 24</p>	<p>NO SINGLE MITIGATION SYSTEM ON THE TABLE FOR CONSIDERATION</p> <p>The situation that has arisen – being reported to be agreed by Government – is that there will be a Carbon Budget (CB) system implemented by the national DFFE, and a Carbon Tax (CT) system implemented by the National Treasury; both having the objective of driving the reduction of the emission of GHGs to the atmosphere. While this was debated over a number of years, it unfortunately seems to be a fait accompli.</p> <p>Although the CT policy and associated legislation is not the express subject of the Climate Change Bill, the matters are inextricably linked and therefore need to be considered holistically – specifically in terms of mitigation. Indeed, stakeholders have been calling for this holistic consideration by the two national Departments for a</p>	<p>CAIA (Chemicals and Allied Industries Association)</p>	<p>The comment is noted. The issue of alignment between the CB and CTax shall be addressed in the CB regulations. Secondly, Treasury has announced on possible reforms to the CTax legislation and is waiting for the CC Bill to be finalised in order to effect the alignment mechanism that CAIA has referred to which shall be characterised by a normal tax rate on emission below the carbon budget and a higher tax rate on emissions above a carbon budget.</p>	

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	<p>number of years. CAIA is not convinced this has yet fully materialised, although the “Government agreement” referred to above has been reported. Further to this agreement, it was stated that the CT will be imposed on GHG emissions that fall within the CB, and a higher rate of tax will apply to emissions that are in excess of the CB. CAIA will refer to this in further detail below, but at this point it should be noted that this is as far as any intergovernmental alignment has gone, in CAIA’s view.</p> <p>CAIA and others have been calling for integration to be proposed so that stakeholders likely to be regulated can assess the potential positive and/or negative impacts and provide well-considered input for further consideration and policy development by Government. Separate statements from the Departments (such as in the Minister of Finance’s 2022 Budget Speech) do not ease the discomfort being faced. While quantitative signals are provided with respect to the carbon price that could be faced, there is no formal proposal as how this will be applicable as the information on the CB and CT systems are still lacking (noted that there is now a reprieve in terms of time to implementation</p>		<p>All companies conducting GHG emitting activities in terms of the NGERs shall continue to be subjected to CTax legislation whether they have a CB or not.</p> <p>The proposed threshold of 30 000 tons CO₂ eq which is informed by accurate GHG emissions from the South African GHG emissions Reporting System (SAGERS) addressed both the issue of materiality and inclusivity.</p> <p>South Africa has communicated its Mitigation system clearly in its low emissions development strategy (LEDS) and three</p>	

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	<p>of the second phase of the CT). While a “scope” proposal has been released by the DFFE – listed GHG emissions greater than 30 000 tonnes carbon dioxide equivalents being the threshold for inclusion in the carbon budget system, the full impact of the mitigation system and any potential opportunities cannot be readily assessed by stakeholders. Please refer to the section on the Climate Change Bill where further concerns relating to the principle and technical explanation of the scope of carbon budgeting are raised (Scope of carbon budgeting and associated requirements).</p> <p>Additionally, the agreement regarding the CT applying on emissions within a CB excludes information on whether all emissions reported as a result of the National GHG Emissions Reporting Regulations (NGHGERRs) – but who are not subject to the CB system – will continue to be taxed as is the case currently. For example, an emitter of GHGs as a result of activity(ies) listed in the NGHERRs and above the set threshold for reporting – is liable to the CT even if the company’s emissions are below the CB threshold. The National Treasury sees this as</p>		important instruments SETs, CBs and CTax forms part of it)	

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	<p>implementing the Polluter Pays Principle, but it is not clear if this is going ahead as statements made have been unclear.</p> <p>CAIA would like to add other principled issues below, to demonstrate how integrated consideration is required. These matters, as well as others, will be raised in more detail in later sections of this submission. CAIA urges the PC in its deliberations to foster cooperative governance, implement a joint parliamentary committee as was done for the development of the Carbon Tax Act, and be driven by the imperatives of “SA Inc.” in terms of the rationalism and implementability of climate change legislation.</p> <ul style="list-style-type: none"> • No single mitigation system proposal on the table for stakeholders to consider what is required of them, to plan or to budget financially. • Materiality of inclusion in the CB system not motivated other than through “equity” principle. • Materiality of inclusion in the CT system unclear for certain emitters. • Stakeholders likely to be included in the scope may not have had opportunity to engage on policy 			

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	<p>development over the course of engagements regarding the CT and CB.</p> <p>Furthermore, additional aspects are raised but not delved into in detail in this submission, as it is recognised that many of these issues are outside of the ambit of the current discussions and Bill. However, they are also provided to highlight the need for integration when considering the policy of two mitigation systems being employed. CAIA is happy to provide more detail on these matters.</p> <ul style="list-style-type: none"> • No indication of the impact of phase 2 of the CT on the electricity price – the electricity generator can pass the tax through to the consumer who has no control over GHG emissions. <p>Offsets Although not a part of the Bill, the point must be made that a more flexible carbon offset environment could make mitigation of GHG emissions more effective. Instead of insisting that entities must pay a tax because it cannot access offsets due to the policy (regulations now), CAIA believes the offset policy should be further broadened to</p>		<p>It is true that the carbon offsets are not part of the Climate Change Bill and should be dealt with within the CTax accounting framework.</p>	

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	<p>allow any GHG emission that can be saved to be saved, no matter where or how. CAIA has submitted input on this matter to the National Treasury on several occasions, and repeatedly asked for engagements but has not seen sufficient policy change to make this difference and has not been invited to engage further (submission available on request). Creating a truly flexible carbon offsets space will result in the Polluter Pays Principle that is entrenched in the tax design more efficient than funding the fiscus that the National Treasury was not willing to ring-fence.</p>			
General	<p>Conflation of climate change- and air quality-related matters Over a number of years it was agreed that climate change and air quality related matters required different policy approaches and regulatory mechanisms/responses. For example, air quality is generally a local phenomenon that requires local interventions while climate change is a global phenomenon (although also requiring local interventions due to emissions and climatic generally being at point sources). The two issues should not be considered together and there should not be duplication of</p>	CAIA (Chemicals and Allied Industries Association)	The matters of air quality and climate change are being treated differently, hence the development of the Climate Change Bill. The air quality matters are being managed through the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).	

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	<p>requirements. For example, Business was successful in arguing that GHG emissions reporting should not be required as part of an Atmospheric Emissions Licence as this was regulating pollutants and not GHG emissions (not an air quality-related pollutant per se). CAIA had hoped that over the years there would be an increased appreciation for the distinction of these two matters but this does not appear to be the case. For example, carbon offsets policy does not allow projects outside of South Africa nor within the scope of emitting activities. This is not understood, along with the Minister’s request of the PCC to hold consultations regarding air quality-related matters. CAIA urges the Committee to make a statement in this regard so that the instruction is from the executive, to treat these matters separately. A further complication of conflating the matters is that communities that may be unaware of the need for distinction also conflate the matters and engagements that are held cannot focus on one or the other matter. This inhibits progress.</p>			

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Section 24	<p>Timing of domestic reporting It should be envisaged that upon enactment of the Bill there will be less than five years remaining for South Africa to implement what is necessary to achieve its latest international commitment.</p> <p>Several areas of the Bill refer to “every five years”, for example, for reports to be provided to the Minister to assess the country’s progress and determine the next five-year regime (both nationally and internationally). It is therefore considered essential that a general clause stipulates that where there is such a requirement that for the first implementation period it takes place by a certain date (as this can be predicted), and then every five years thereafter. This will effectively allow national internal alignment, as well as national information being available to make informed decisions and about international commitments that may need to be reported on and updated</p>	CAIA (Chemicals and Allied Industries Association)	South Africa will continue to honour international reporting. The five year review relates to carbon budget and adaptation reporting.	
Clause 24	<p>Scope of carbon budgeting and associated requirements The scope of inclusion in the CB system is now proposed to be much wider. CAIA’s attempts to determine the rationality of this new lower threshold has not been successful – apparently based on the information received</p>	CAIA (Chemicals and Allied Industries Association)	The new threshold of 30 000 tons of CO2 eq is not based on voluntary carbon budgets but based on the SAGERS reporting programme and	

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	<p>by the DFFE during the voluntary phase of the CB. In the same proposal, the Department cites criteria that must be met for inclusion in the scope – one being materiality. CAIA cannot see how such an emissions threshold meets this condition. Unfortunately, when approached, the DFFE’s response was that the level is considered material. No further basis was provided. CAIA has a number of concerns with this approach by Government:</p> <ul style="list-style-type: none"> i) voluntary implementation of the CB system “being tested” in good faith but has worked against some entities resulting in lack of appetite to participate in other voluntary projects; ii) not having a rational basis for inclusion – the emissions threshold being proposed is not considered “material” by CAIA; iii) some entities have already voluntarily mitigated (some over more than a decade); iv) some entities cannot mitigate GHG emissions; v) economic and consequential risks not being particularly investigated by Government or adequately quantifiable by those to be regulated – impacting investment; 		<p>therefore based on accurate data system.</p>	

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	<p>vi) entities thought to be excluded did not take part in consultations – now they are proposed to be included but have not been afforded the opportunity to input into the development of policy over the course of years.</p> <p>vii) proposal for the scope threshold to be placed on a company (irrespective of the number of relevant activities), but the Bill speaks of the threshold being applicable to persons and then to activities. Refer to 23(3)(b) and (c): “(b) must determine quantitative greenhouse gas emission thresholds expressed in carbon dioxide equivalent to identify persons to be assigned a carbon budget, in terms of section 24(1), and who are required, in terms of section 24(4), to submit greenhouse gas mitigation plans to the Minister; (c) must specify that the notice does not apply to listed activities which emit quantities of greenhouse gases below the quantitative greenhouse gas emission thresholds determined in terms of paragraph (b);”.</p>			

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Section 24	<ul style="list-style-type: none"> • The move to make it an act of law is welcomed. • However, compliance enforcement is lacking, the strengthening of SA commitment to reduce greenhouse gases is required so as the strengthening of municipalities in responding to climate change. The latter includes technical skills and budgets for municipalities and provinces to effectively respond to climate change. • There does not seem to be a mention of the need for budget to be made available for specific climate-related activities that might need to be undertaken by different spheres of government, for example setting up monitoring systems, undertaking greenhouse gas emissions inventories etc. This is happening in some municipalities, for example, but not in all. • Proposed amendment: - The Bill should include mention of the need for spheres of government to identify legislated requirements that are not 	eThekweni Metro-Environmental Planning and Climate Protection Department	The regulations will provide details on the compliance with the carbon budget. The budget will be allocated to key emitter. Detailed methodology will be developed. The carbon budget is not money rather allocated emission space.	

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	currently covered in their budgets, so that allocations can be made from a relevant part of the country's fiscus.			
General	South Africans have already begun to experience the impacts of climate change. It has claimed lives, displaced thousands, decimated the economy and will continue to claim jobs. Extreme weather events have already disrupted access to education and vital health services and threaten to derail our development outcomes, particularly equality, quality education and no poverty. The Bill is insufficiently ambitious, and in particular, does not refer to the politically endorsed, scientific consensus to limit global warming to 1.5°C. This is a glaring omission which makes allowance for carbon majors to prepare for temperature scenarios beyond 1.5°C.	GREEN PEACE AFRICA	This statement is acknowledged. However, inclusion of such a statement in the Bill is not relevant as clause 2(c) & (e) addresses this elements	
General	The Bill contains several deadlines in relation to public policy and planning instruments, however these timeframes are too flexible. The prescribed time period for the publication of the National Adaptation Strategy Plan, and subsequent provincial, metropolitan or district municipality planning instruments, policies, and programmes, and main legal mechanisms for reducing GHG emissions (carbon budgets) will take a cumulative	GREEN PEACE AFRICA	This view is noted, however, it is prudent that we consider that policy formulation takes time and allow time for implementation. In between the review there are reports to be collated with the view to assess progress.. It is also worth noting	

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	<p>five years to implement. Taking into account considerable delays in the ratification of this Bill, and additional delays likely to be incurred due to carbon majors' influence in delaying the commencement of this system, South Africa and its citizens would be placed at a competitive and social disadvantage, relative to countries that prioritised a transition away from fossil fuels.</p>		<p>that even though a considerable amount of time is allocated to developing the necessary policies and instruments, the Bill does allow for immediate action through the implementation of the carbon budget system as indicated under clause 24 read together with clause 23.</p>	
General	<p>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.</p>	GREEN PEACE AFRICA	<p>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)).</p>	

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General	<p>The timeline which proposes subjecting the policies to review every five years needs to be re-evaluated. Considering the tight-timeline to avoid ecological collapse, it is essential that these documents are subjected to continuous evaluation, a significant amount of warming can occur within this five year period and necessary amendments need to be made to these policies where necessary.</p>	GREEN PEACE AFRICA	<p>This view is acknowledged. It is important to consider the fact that the implementation of policy to reduce GHG emissions will likely show a lag in the initial phase. This is because once policy is implemented time is required for the effects of the policy to produce the desired results. Five year intervals will allow the impacts of the policies to be adequately realised. Having a shorter review cycle will result in premature conclusions regarding the potential of the policy to bear the desired emissions reductions.</p>	
Clause 25	<p>The proposed climate change response plans should be reconceptualised to include provincial transition plans and municipal transition plans, which clearly detail how the respective governments propose phasing out the use of fossil fuels towards ecologically healthy, low carbon societies.</p>	GREEN PEACE AFRICA	<p>Phasing out of certain substances or activities can be catered for in other clauses of the Bill, especially in areas where such decisions will be dealt with more effectively. For instance the phasing out of</p>	

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			fossil fuels, for example, is something that would be better addressed under the SETs clause (clause 22) or the Listing of GHGs and activities section (clause 23). Hence, the Bill already allows for this.	
Clause 29	Information Act 2 of 2000 (“PAIA”) and the Protection of Personal Information Act 4 of 2013 (“POPIA”), the provision does not adequately ensure transparency, considering that nature of public disclosures in South Africa. Key climate change reports, audit reports and emissions data remain inaccessible to the general public. The process of obtaining this information is time-consuming, arduous and often proves fruitless as both corporation and government departments often cite that GHG emission reductions are “commercially confidential”. This acts in direct opposition of the supreme court of appeals 2014 judgement in Company Secretary of Arcelormittal South Africa v Vaal Environmental Justice Alliance, in which Judge Mahomed Navasa stated: “Corporations operating within our borders... must be left in no doubt that, in relation to the environment ... there is no room for secrecy and that constitutional values will be enforced.” 8 As climate change is an issue that affects	GREEN PEACE AFRICA	The NCCRD and NCCIS already exists to provide climate change related information. The national GHG inventory is always published on DFFE's website. Further to this, regulations under PAIA and POPIA should be followed to access private information. Refer to clause 31 of the Bill relating to access to information.	

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	<p>every South African, Greenpeace Africa requests that the Bill make provision for the implementation of an easily accessible platform which features private and public information integral to addressing the climate crisis, and response measures being adopted. Full transparency is a crucial component of corporate and government accountability. The Act must provide for full, mandatory and swift disclosure of all reports, assessments, and records to achieve transparency and accountability in relation to carbon emissions (which affect the rights of everyone). The Act must provide for open access to real-time information relevant to climate change to avoid the delays associated with analysing and compiling the information. The National Greenhouse Gas Inventory has already been established under NEMA and should form part of this climate information system.</p>			
Schedule	<p>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</p>	GREEN PEACE AFRICA	<p>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</p>	

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	documents, strategies and plans which the Bill envisages are in place.		instance this regime requires the development and implementation of a GHG mitigation plan (clause24(4)).	
Clause 25	The timeline which proposes subjecting the policies to review every five years needs to be re-evaluated. Considering the tight-timeline to avoid ecological collapse, it is essential that these documents are subjected to continuous evaluation, a significant amount of warming can occur within this five year period and necessary amendments need to be made to these policies where necessary	GREEN PEACE AFRICA	This view is acknowledged. It is important to consider the fact that the implementation of policy to reduce GHG emissions will likely show a lag in the initial phase. This is because once policy is implemented time is required for the effects of the policy to produce the desired results. Five year intervals will allow the impacts of the policies to be adequately realised. Having a shorter review cycle will result in premature conclusions regarding the potential of the policy to bear the desired emissions reductions.	

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Clause 25	The proposed climate change response plans should be reconceptualised to include provincial transition plans and municipal transition plans, which clearly detail how the respective governments propose phasing out the use of fossil fuels towards ecologically healthy, low carbon societies.	GREEN PEACE AFRICA	Phasing out of certain substances or activities can be catered for in other sections of the Bill, especially in areas where such decisions will be dealt with more effectively. For instance the phasing out of fossil fuels, for example, is something that would be better addressed under the SETs section (clause22) or the Listing of GHGs and activities section (clause23). Hence the Bill already allows for this.	
Clause 32	Unless the Bill can enforce adequate consequences for emitters exceeding their carbon budget, they are unlikely to change their business model. The only criminal offence in the current Bill is the failure to prepare and submit a GHG mitigation plan to the Minister. None of the offences in the Bill are capable of being committed (or enforced) until carbon budgets have been allocated and compliance with them has been monitored. As discussed above, it will be many years before this occurs. The only criminal offence in the current Bill is the failure to prepare or submit a GHG mitigation plan. The Bill does not create penalties	GREEN PEACE AFRICA	Noted, 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.	

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	<p>for failing to implement the plan, nor for failure to report, monitor the effect of remedial action if the plan is not being adhered to, or for exceeding a carbon budget. Unless the Bill can provide penalties that are commensurate with the offences, it will be rendered useless and abused by emitters. It is of grave concern to GPAF that the provision in the 2018 draft of the Bill which made the exceedance of a carbon budget a criminal offence and would make the emitter liable to a higher carbon tax rate, has now been omitted in the current draft of the Bill. The Bill needs to reintroduce this provision. In order to maintain a deterrent effect, a supplementary penalty proportional to the amount of GHG emitted unlawfully must be imposed. The High-level Commission on Carbon Prices has proposed an effective carbon rate to be R292.55- R585.10 per MTCO₂-eq.10</p>			
General	<p>The Bill does not include mechanisms to facilitate the financing of climate-related measures;</p>	GREEN PEACE AFRICA	<p>This statement is acknowledged. However, this lies beyond the scope of the Bill.</p>	
Clause 22	<p>The Bill postpones many of the most important and contentious decisions (e.g. about the allocation of responsibilities within government) and envisages that the important implementation details will be included in regulations, other legislation and policy documents but</p>	GREEN PEACE AFRICA	<p>Regulations will be developed in accordance with the principles of the Bill and the guidelines provided for specific regulations under the Bill.</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	does not provided sufficiently detailed principles and requirements to guide the drafting of those documents;			
Clause 24	The Bill does not allow for key mitigation measures (i.e. carbon budgeting) to be implemented expeditiously;	GREEN PEACE AFRICA	There is already a voluntary carbon budget system that is already being implemented. Hence, the promulgation of this Act will immediately formalise the current budgets and will also mean that no delays in allocating more budgets will be incurred since there is a system that is already functioning.	
Clause 24	The Bill does not impose any general duties to mitigate and adapt to climate change;	GREEN PEACE AFRICA	Mitigation and adaptation are extensively covered in Bill.	
Clause 22	The Bill does not promote natural carbon sequestration and provide for the sustainable conservation and enhancement of carbon sinks	GREEN PEACE AFRICA	This statement is acknowledged. However, the Bill cannot be expected to mention specific mitigation interventions.	
Clause 24	The Bill does not address liability for historic emissions or apply the polluter pays principle;	GREEN PEACE AFRICA	The Carbon Tax Act has been in operation since 2019 with a Carbon Budget Allowance built into its tax accounting system	

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Clause 32	The Bill does not provide for effective enforcement; and 18.12. does not provide for penalties that are sufficient to deter major emitters. 19. The reasons for our concerns are discussed below together with proposed solutions. Annex A includes more detailed comments on how the Bill could be amended to address these concerns and strengthen the Bill.	GREEN PEACE AFRICA	The Carbon Tax Act already exists to apply the polluter pays principle.	
Clause 22	Climate change is one of many inter-related symptoms or consequences of ecologically unsustainable forms of civilisation. This means that it can only be successfully addressed if societies are reorganised so that they become ecologically sustainable (i.e. viable) and enable human beings to live harmoniously within Nature. Consequently, the primary focus of the Act must be on establishing appropriate public institutions and conferring the necessary legal powers, rights and duties to facilitate a rapid and just transition from a society that is heavily dependent on the combustion of fossil fuels to an ecologically sustainable society that emits less carbon into the atmosphere than natural systems can absorb. However, because of the imminent dangers posed by climate change, the Act must include measures: 20.1. to reduce emissions of greenhouse gasses (“GHGs”) as rapidly as possible; and 20.2. to make society as resilient as possible to the unavoidable effects of climate change.	GREEN PEACE AFRICA	The Bill already includes measures to reduce GHG emissions, primarily through SETs and carbon budgets. Measures to make a resilient society are included in the provisions for Climate Change Response and National Adaptation Strategy	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 21	The Bill requires the Environment Minister to gazette a national GHG emissions trajectory (section 11(1)) which will be used as the benchmark against which the efficacy of greenhouse gas emissions reduction actions will be measured (section 1). South Africa's "peak, plateau, decline" ("PPD") emissions reduction trajectory for the period 2025 to 2030) has been assessed to be "highly insufficient" as a contribution to meeting the Paris Agreement target of limiting the increase in the average global temperature to no more than 1.5°C. The Act must commit the State to taking whatever measures may be necessary to ensure that South Africa's contribution to meeting the goals established by the Paris Agreement (as amended or revised) are more than sufficient to enable global targets (and specifically the 1.5°C maximum target) to be met.	GREEN PEACE AFRICA	The Bill includes objectives and measures to ensure that GHG emissions are stabilised and that SA can meet its international commitments and obligations.	
Clause 1	We welcome the Bill's recognition of the importance of a just transition, and believe that this is a critical component. However, it is not enough to mention a just transition to a 'lower carbon economy'. Full implementation of the Paris Agreement requires South Africa to be committed to a fossil free economy. For the reasons explained above, the Bill should be amended: 29.1. by including a definition of "ecologically sustainable society" in section 1;	GREEN PEACE AFRICA	The term is already adequately defined by means of the current definitions in the Bill.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 23	Problematically, given its centrality to assigning carbon budgets in terms of section 24, there is no timeframe provided for the publication of the list of activities.		Noted, the publication of the list of activities will be covered by the National Carbon Budget and Mitigation Plans Regulations that will be developed when the Bill is enacted into an Act.	
Clause 24	When allocating carbon budgets, the Minister must, among other things, consider the alignment of the carbon budgets with the national GHG emissions trajectory. There is no timeframe for the trajectory to be determined in terms of section 21, despite the importance of this trajectory to the Bill's entire mitigation architecture. ⁹ 9 It is also extremely problematic that the interim trajectory is the outdated and wholly-inadequate 2015 Nationally Determined Contribution (NDC) "peak, plateau and decline" trajectory, rather than the 2021 updated NDC, which is much more ambitious (despite this, only the lower limit of the range (of CO2-eq) is consistent with South Africa's fair share of GHG emissions for a 1.5°C global pathway: https://cer.org.za/news/cabinets-more-ambitious-climate-target-a-step-in-right-direction).	JUST SHARE	<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> 	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 24	Penalty provisions 19. Carbon budgets and GHG mitigation plans In terms of section 23 of the Bill, the Minister of Environment, Forestry and Fisheries (“the Minister”) is required to publish (in the Gazette) a list of: a. GHGs which she “reasonably believes cause or are likely to cause or exacerbate climate change”, and b. activities which emit one or more of these GHGs and which she “reasonably believes cause or are likely to cause or exacerbate climate change” (“the list of activities”).	JUST SHARE	This statement has been acknowledged, the list will be consider when allocating carbon budget.	
Clause 24	Problematically, given its centrality to assigning carbon budgets in terms of section 24, there is no timeframe provided for the publication of the list of activities.	JUST SHARE	Submission is noted, timeframe to be considered, possibly 1 year. Wording to be finalised in consultation with the OCSLA and OPLA.	
Clause 24	In terms of section 24, a person to whom a carbon budget has been allocated, must prepare and submit to the Minister, for approval, a GHG mitigation plan; which must a. describe the mitigation measures that the person, to whom a carbon budget is allocated, proposes to implement in order to remain within their allocated carbon budget; and: b. comply with the content requirements of such plans as may be prescribed.	JUST SHARE	This statement is acknowledged. Aspect (a) of the comment is already addressed in clause 24 (4) b (i) and aspect (b) of the comment is already addressed in 27 (2) a (i).	

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Clause 24	<p>When allocating carbon budgets, the Minister must, among other things, consider the alignment of the carbon budgets with the national GHG emissions trajectory. There is no timeframe for the trajectory to be determined in terms of section 21, despite the importance of this trajectory to the Bill’s entire mitigation architecture.⁹ 9 It is also extremely problematic that the interim trajectory is the outdated and wholly-inadequate 2015 Nationally Determined Contribution (NDC) “peak, plateau and decline” trajectory, rather than the 2021 updated NDC, which is much more ambitious (despite this, only the lower limit of the range (of CO2-eq) is consistent with South Africa’s fair share of GHG emissions for a 1.5°C global pathway: https://cer.org.za/news/cabinets-more-ambitious-climate-target-a-step-in-right-direction).</p>	JUST SHARE	<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> 	
Clause 24	<p>In the event that such reporting indicates that the person has failed, is failing, or will fail to comply with the allocated carbon budget, the person must provide a description of measures they will implement in order to remain within the allocated carbon budget. But no provision has been made for how to address the situation where the person “has failed” to comply with the budget, and no penalty is attached to this failure.</p>	JUST SHARE	<p>Noted, 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.</p>	

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Clause 23	The list of activities must, among other things, determine quantitative GHG emission thresholds expressed in CO ₂ e to identify persons: a. to be assigned a carbon budget; and b. required to submit GHG mitigation plans to the Minister.	JUST SHARE	Noted, 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.	
Clause 24	Problematically, given its centrality to assigning carbon budgets in terms of section 24, there is no timeframe provided for the publication of the list of activities.	JUST SHARE	Submission is noted, timeframe to be considered, possibly 1 year. Wording to be finalised in consultation with the OCSLA and OPLA.	
Clause 24	In terms of section 24, a person to whom a carbon budget has been allocated, must prepare and submit to the Minister, for approval, a GHG mitigation plan; which must a. describe the mitigation measures that the person, to whom a carbon budget is allocated, proposes to implement in order to remain within their allocated carbon budget; and: b. comply with the content requirements of such plans as may be prescribed.	JUST SHARE	The details of compliance will be considered in the development of the Carbon Budgets and Mitigation Plans regulations.	
Clause 24	The Minister of Finance in the 2022 Budget Speech referenced a higher carbon tax rate on emissions exceeding the carbon budget, but this provision is not contained in the current version of the Bill. No public explanation has been provided for this omission. In this	JUST SHARE	The details of compliance will be considered in the development of the Carbon Budgets and Mitigation Plans regulations.	

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	regard, we note that, although “Carbon Tax Act” (CTA) is defined in the Bill, there is no reference to the CTA in the Bill			
Clause 24	Failure to comply with a carbon budget is an egregious contravention, with significant consequences for climate action. Currently there is no penalty attached to this failure and the Bill, as currently drafted, does not oblige the Minister to make regulations to provide any penalty for this failure. It is unacceptable to defer consequences of violating carbon budgets to potential future regulations that might be made by the Minister at an undetermined point in the future. This should be made an offence and clearly linked to the requirement to pay additional carbon tax on excess emissions. But this cannot be the only penalty provision for non-compliance with carbon budgets. Provision should also be clearly made for personal director liability and for authorisations to be revoked when there is non-compliance with a carbon budget.	JUST SHARE	Noted. This (offences and related penalties for exceeding of carbon budgets) will be considered in the development of the Carbon Budgets and Mitigation Plans regulations.	
Clause 24	In other words, the current Bill (like the 2021 Cabinet-approved version, but unlike the 2018 version) no longer contains specific provision for a failure to “implement” the plan - which appears to create the unacceptable result that simply submitting the plan is good enough to avoid committing an offence. Nor is any penalty attached to a failure to report, monitor or effect remedial action if there is	JUST SHARE	Comment noted. Current offences and penalties provision to be reviewed and wording to be finalised with the OCSLA and OPLA.	

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	non-compliance with the GHG mitigation plan. These failures should attract personal director liability and the potential revocation of licences			
Clause 32	Unless significant penalties are attached to this failure, persons to whom carbon budgets have been allocated will simply “budget” for the excess tax rate (if any) or other fine, and exceed their budgets. The costs of non-compliance have to exceed the benefits, in order to avoid the Bill being toothless. This problem is exacerbated by the provision made in the Bill for an emitter to apply for the carbon budget to be cancelled or revised “under prescribed circumstances” (section 24(7)(b)); especially since such circumstances are not prescribed in the Bill.	JUST SHARE	The prescribed criteria, for the revision and cancellation of budgets, will be included in the development of the Carbon Budget and Mitigation Plans regulations.	
Clause 24	Given that a meaningful carbon tax (and, it seems, mandatory carbon budgets) have been deferred until 2026, it is even more important that such violations be severely penalised. It is also unacceptable that the failure to implement a GHG mitigation plan is no longer an offence, nor does it attract any other penalty. It is clearly meaningless to penalise the failure to submit such plan, but not the failure to implement it. Penalties should also be introduced in the Bill; for example: for providing false and/or misleading information under the Bill; for failure to	JUST SHARE	<p>Comment noted. Current offences and penalties provision to be reviewed and wording to be finalised with the OCSLA and OPLA.</p> <p>Additionally offenses and related penalties will be included in the development of</p>	

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	comply with a SET (section 22); and for failure to comply with plans to phase out or phase down synthetic GHGs (section 25). These contraventions should also be listed as offences and/or be subject to administrative penalties, and the consequences of non-compliance must be significant.		the Carbon Budget and Mitigations Plans regulations.	
Clause 32	Offenders of the Bill are corporate entities, and substantial benefits can accrue to an offender who contravenes its provisions – and have, indeed, accrued to corporate entities who have never, to date, been penalised for their GHG emissions. Therefore, to serve as a sufficient deterrent, penalties should be much higher than those 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.	JUST SHARE	The Bill refers to NEMA for penalties hence any adjustment of these penalties lies beyond the scope of the Bill and must be addressed under NEMA. All the compliance mechanism for the Bill will come from NEMA.	
General	One of the most urgent and fundamental imperatives of the Bill is to ensure adequate GHG emission reductions within the necessary timeframes, to reduce danger to life, wellbeing, property and the economy. This can only happen if emitters (mostly companies) are required to reduce emissions. If there are inadequate consequences for failing to do so, in other words, if the Bill does not provide for cancellation of carbon budgets, ⁶⁹ or the making of criminal offences and levying of administrative	JUST SHARE	The issues of penalties for non-compliance with the carbon budget is being considered the amendments of the carbon tax Act. The principles of charging higher rate above the carbon budget allocation has been agreed upon.	

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	penalties, we are not going to see the necessary change happening quickly enough.			
Clause 24	The only criminal offence in the current Bill is the failure to prepare and submit a GHG mitigation plan to the Minister ⁷⁰ subject to penalties imposed in terms of s49B(2) of the National Environmental Management Act, 1998 (NEMA). The Bill does not contain any penalties for failing to implement such plan, nor for failing to report, monitor or effect remedial action if the plan is not being adhered to, or for exceeding a carbon budget. The lack of consequence for these failures effectively renders the Bill toothless to ensure compliance with mitigation plans and carbon budgets. These failures need to be criminal offences and must be made subject to administrative penalties.	JUST SHARE	The issues of penalties for non-compliance with the carbon budget is being considered the amendments of the carbon tax Act. The principles of charging higher rate above the carbon budget allocation has been agreed upon	
Clause 32	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;	JUST SHARE	The issues of penalties for non-compliance with the carbon budget is being considered the amendments of the carbon tax Act. The principles of charging higher rate above the carbon	

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	security for release of vehicles, vessels or aircraft; etc) are triggered. There is no basis for GHG emitters who violate this Bill 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.		budget allocation has been agreed upon	
Clause 24	This issue is exacerbated by the provisions of Section 24(7)(b) of the Bill, which allow for a person to whom a carbon budget has been allocated to apply for a revision or cancellation of such carbon budget. This provision must be removed as it makes the entire carbon budget system susceptible to weakening and ineffectiveness. It is also hugely problematic that there is no public participation prescribed for any of the provisions of section 24 (carbon budgets), in particular the revision or cancellation process, if this remains in the Bill.	JUST SHARE	The revision will take into consideration various factors inclusion the socio-economic will enable the Minister to make a decision. Detailed criteria for revision will be outlined in the regulations.	
Clause 24	Other offences that must also be included in the Bill include: providing false and/or misleading information under the Bill – this is critical to support the overall need for transparency and disclosure; failure to comply with a sectoral emissions target (section 22); and failure to comply with plans to phase out or phase down synthetic GHGs. These contraventions should also be listed as offences and subject to administrative penalties.	JUST SHARE	Comment noted. Current offences and penalties provision to be reviewed and wording to be finalised with the OCSLA and OPLA. This Bill will be a SEMA, NEMA penalties will also apply.	

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Clause 24	It is also unacceptable that no penalty is attached to exceeding a carbon budget. In other words, there is no longer a provision for exceeding a carbon budget to amount to a criminal offence (as per the 2018 version of the Bill) and/or to attract a higher carbon tax rate (as per the 2021 version). Instead, the Bill provides that the Minister <u>may</u> make regulations, inter alia, in relation to the management of climate change response, including the determination, review, revision, compliance with and enforcement of an allocated carbon budget, amendment and cancellation of a carbon budget allocation, the content, implementation and operation of a GHG mitigation plan, and all matters related thereto. Such regulations <u>may</u> provide that any person who contravenes them commits an offence and will be liable, upon conviction, to the penalties contemplated in section 49B(2) of the NEMA. In other words, such regulations, and their content, are discretionary.	JUST SHARE	Noted. This will be considered in the development of the Carbon Budgets and Mitigation Plans regulations. Comment noted. Current offences and penalties provision to be reviewed and wording to be finalised with the OCSLA and OPLA. This Bill will be a SEMA, NEMA penalties will also apply. This Bill falls with the ambit of SEMA therefore the penalties applicable in NEMA will apply.	
Clause 24	Unless significant penalties are attached to this failure, persons to whom carbon budgets have been allocated will simply “budget” for the excess tax rate (if any) or other fine, and exceed their budgets. The costs of non-compliance have to exceed the benefits, in order to avoid the Bill being toothless. This problem is exacerbated by the provision made in the Bill for an emitter to apply for the carbon	JUST SHARE	Noted. The Bill refers to NEMA for penalties hence any adjustment of these penalties lies beyond the scope of the Bill and must be addressed under NEMA. The prescribed criteria, for the revision and cancellation	

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	budget to be cancelled or revised “under prescribed circumstances” (section 24(7)(b)); especially since such circumstances are not prescribed in the Bill.		of budgets, will be included in the development of the Carbon Budget and Mitigation Plans regulations.	
Clause 24	Given that a meaningful carbon tax (and, it seems, mandatory carbon budgets) have been deferred until 2026, it is even more important that such violations be severely penalised. It is also unacceptable that the failure to implement a GHG mitigation plan is no longer an offence, nor does it attract any other penalty. It is clearly meaningless to penalise the failure to submit such plan, but not the failure to implement it. Penalties should also be introduced in the Bill; for example: for providing false and/or misleading information under the Bill; for failure to comply with a SET (section 22); and for failure to comply with plans to phase out or phase down synthetic GHGs (section 25). These contraventions should also be listed as offences and/or be subject to administrative penalties, and the consequences of non-compliance must be significant.	JUST SHARE	<p>Additionally offenses and related penalties will be included in the development of the Carbon Budget and Mitigations Plans regulations.</p> <p>Legal: The Admin Penalties Bill seeks to open up the limit of the admin fine.</p>	
Clause 24	Administrative penalties avoid many of the main constraints of criminal enforcement – including: the burden of proof, and the time and complexity inherent in securing a criminal conviction. We recommend that administrative penalties be introduced into the Bill. To the extent that	JUST SHARE	The DFFE is currently developing an Administrative Penalties Bill, which will apply to NEMA and all the SEMAs	

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	enabling legislation is required for this purpose, this should be prioritised.			
Clause 24	It is important to note that, in terms of South Africa's revised 2021 NDC commitments, and the above mentioned 2°C target, there is very limited carbon space for further emissions, if South Africa intends to comply with the 2 °C target, much less the 1.5°C. It is simply not an option for South Africa to use all of its fossil fuel reserves or to continue to burn fossil fuels for electricity, nor is it economically desirable, given the increased risks of such projects becoming stranded assets in light of the availability of cleaner and less harmful alternatives. There is a growing global shift towards leaving coal, oil and gas resources undeveloped and in the ground.	Centre for Environmental Rights	This statement is noted. South Africa is committed to reduce its GHG emissions in line with the revised NDC targets. A medium term goal for South Africa is that emissions will be within the range 398-510 Mt CO2 Eq in 2025 and in 2030 emissions will be within 350- 420 Mt CO2.	
Clause 24	Government needs to prioritise the most efficient, cost-effective, and feasible means to ensure rapid and significant emission reductions, and at the same time promote labour-intensive and localised opportunities to ensure a just transition to a low-carbon and climate resilient economy and society. We submit that measures for increased energy efficiency and energy demand management would be a low-hanging fruit in this regard. Such a forward-looking climate resilient approach to a just transition from fossil fuels would have additional co-benefits of alleviating energy poverty, reducing household	Centre for Environmental Rights	This statement is in line with the Low Emissions Development Strategy for 2050 and the Just-transition framework	

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	air pollution, job creation, and stimulating the small business sector.			
Clause 2	With the above context in mind, our primary and overarching concerns with the Bill – as outlined in more detail below – are that: The Bill does not adequately centre the Constitution and the Bill of Rights;	Centre for Environmental Rights	Section 24 of the Constitution has been well addressed throughout the Bill.	
General	The Bill exhibits a lack of urgency, with inadequate or absent timeframes;	Centre for Environmental Rights	Timeframes to be considered, wording to be finalised in consultation with the OCSL and OPLA.	
General	The Bill does not contain effective, suitably ambitious and clear emission reduction targets;	Centre for Environmental Rights	The targets are well articulated in the NDC.	
Clause 31	Transparency, disclosure and access to information are not adequately provided for;	Centre for Environmental Rights	This is adequately addressed in Section 31.	

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Clause 32	There is woefully insufficient provision for adequate emission reductions including penalties, offences, enforcement and compliance;	Centre for Environmental Rights	The penalties on the exceedance of the carbon budget could not be included into the Bill as it is yet to be reflected into the carbon budget tax. There are ongoing discussion for integration of further penalties in the carbon tax Act.	
General	Finland's Climate Change Act of 2015 sets as a binding target "that the total anthropogenic emissions of greenhouse gases into the atmosphere is reduced in Finland by at least 80 per cent by 2050 compared to 1990 levels."48	Centre for Environmental Rights	The statement is acknowledged however, South Africa has a framework on addressing climate as informed by the NDP vision 2030 and the National Climate Change Response Policy 2011 which articulated the measures that the country will embark on based on national priority and circumstances.	
General	Basing our trajectory on the 2015 NDC is not only unsafe in terms of climate mitigation action, but immediately places the Bill out of alignment with our international obligations as signatories of the Paris Agreement. To avoid confusion – the NDC and national emissions	Centre for Environmental Rights	<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</u> 	

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	trajectory should be aligned. At the very least – the trajectory should not be more lenient than the updated NDC. At the very least, South Africa’s emissions target in the NDC update of 2021 must be reflected in Schedule 3, as this is SA’s official emission target for 2025 and 2030.		<u>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>	
Clause 26	Our experience has shown that, given limited compliance monitoring capacity within government, civil society and non-governmental stakeholders are often compelled to monitor, raise awareness of and prosecute social and environmental harms such as pollution. GHG emissions and the impacts thereof are among the most dangerous threats we have faced, and yet information relating to carbon budgets, exemptions thereto, GHG mitigation plans and annual progress reports are not automatically required to be published or disclosed in the Bill. This is a harmful oversight and must be amended in the Bill.	Centre for Environmental Rights	The GHG inventory is accessible to the public as such reports will be made available to the public.	
Clause 26	We recommend that the Bill provide for a publicly accessible web-based information portal that provides regularly updated and well-structured data and information on all key aspects of climate response, including but not limited to the items referred to above. In Guatemala, much of the country’s climate change information can be found online, on a government website, ⁶⁶ as all public and	Centre for Environmental Rights	This is informed by the NCCRP which has provided for the setting up of the NCCIS. This is an online platform for monitoring and evaluation of climate change responses.	

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	<p>private entities are legally required to provide information directly related to climate change. Fiji's Climate Change Act⁶⁷ provides that "Within 12 months of the commencement of this section, the Director must develop a publicly accessible Information Platform online for the purpose of increasing the availability and accessibility of comprehensive data, information and government policies related to climate change. (2) The Director must maintain the Information Platform and ensure that it contains all data and policies relevant to this purpose".⁶⁸</p>			
<p>Clause 32</p>	<p>The need for administrative penalties is predicated on the fact that securing criminal sanctions is a complicated, time and resource-consuming process. Government's substantial resource constraints – both human and financial – have also seriously hindered criminal compliance and enforcement endeavours. Many officials lack the required capacity, skills and designation for effective compliance and enforcement. If an offence is detected and a decision made to prosecute, the prosecutor must prove the violator's guilt beyond reasonable doubt in criminal court. Administrative penalties avoid many of the main constraints of criminal enforcement – including: the burden of proof, and the time and complexity inherent in securing a criminal conviction and an over-burdened</p>	<p>Centre for Environmental Rights</p>	<p>The issues of penalties for non-compliance with the carbon budget is being considered the amendments of the carbon tax Act. The principles of charging higher rate above the carbon budget allocation has been agreed upon. The administrative penalties exist on the failure to submit the plans.</p>	

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	criminal justice system. They are, therefore, a crucial deterrent mechanism.			
Clause 23	We have reason to believe that the Minister and Department are also facing capacity and budget constraints, and this Bill places extensive obligations on the Minister, such as the approvals of GHG mitigation plans and deciding of all appeals of decisions taken under the Bill by delegated authorities. Furthermore, unless there is proper oversight, monitoring and funding for this we are concerned that many of these functions, duties and obligations will go unfulfilled, or simply be heavily delayed.	Centre for Environmental Rights	The department has an overall mandate to coordinate the overall implementation of the Bill. This is based on the Climate Change Response Policy and where there are constraints, the Bill has provided for resources to be allocated to enhance DFFE capacity to coordinate the overall implementation of the Bill.	
Clause 21	Section 21 subsection 3 of this Bill is shocking and extremely disappointing. The National Greenhouse Gas Trajectory cannot be based on an outdated and abandoned 2015 Nationally Determined Contribution (NDC). While the secretariat office of the Intergovernmental Panel on Climate Change sits with an updated 2021 NDC, South Africa's climate change law will be based on an old 2015 NDC that the country claims to	Justice Charter Movement	<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</u> 	

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	<p>have abandoned. This is not integrous, it is unbecoming of a country that seeks respect in the community of nations. This shows that unfortunately, the government has not appreciated the urgency of the climate crisis nor its detrimental impacts on our country as recently witnessed in the tragic floods that killed over 400 people in the province of KwaZulu-Natal</p>		<p><u>updated Nationally Determined Contribution serves as the trajectory.</u> <ul style="list-style-type: none"> • <u>Schedule 3 to be deleted</u> </p>	
General	<p>Even the 2021 NDC falls short of what is required to avoid overshoot of 1.5° above pre-industrial levels. According to the Global Annual to Decadal Climate Update released by the World Meteorological Organization, there is a 48% chance that global average temperatures will reach 1.5° within the next five years. Southern Africa is already warming at about twice the global rate of temperature increase which means within five years, the region will be living with an average temperature increase of 3-4°. South Africa is already experiencing catastrophic climate shocks with severe flooding events increasing in frequency and severity, extreme multiyear droughts, and high levels of evapotranspiration are making it hard to recharge the water table, rainfed agriculture is already in a precarious situation with unpredictable rainfall and livestock farmers, especially subsistence farmers, are giving up. Yet, our NDC does not reflect the seriousness of the challenge before us.</p>	Justice Charter Movement	<p>Comment noted, however it should be noted that South Africa's NDC represents that most possible ambition based on national circumstances</p>	

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Clause 24	We cannot accept ecocidal carbon budgets based on the 2015 NDC.	Justice Charter Movement	<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> 	
Clause 22	Ensure the specific inclusion and reference to Ecosystem-based Adaptation (EbA) and Ecosystem-based Mitigation (EbM) in the Climate Change Bill. The ambition of South Africa’s climate change response will be further enhanced by and will not succeed without restoring, protecting and maintaining nature through Ecosystem-based Adaptation and Mitigation approaches. EbA is a win-win solution that reduces GHG emissions	Conservation South Africa (CSA)	EbM is an approached to emissions reduction and therefore there is no need to regulate it. Instead it can be dealt with neatly in the process of determining SETs. That is because SETs rely on policies and measures of a given sector.	

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	<p>through Carbon sequestration (Ecosystem-based Mitigation) and builds resilience through provision of functioning ecosystem services whilst helping people to cope with the impacts of climate change, supporting local and rural economies and creating jobs. For example, spring rehabilitation support water services for rural areas that is linked to water infrastructure in the towns and jobs are created by for example employing people to clear alien vegetation and water monitors to ensure this service is maintained. Other examples are improved production for small scale farmers through stewardship and conservation agreements, that supports rangelands to be restored and incentivises farmers through improved access to markets and healthier livestock.</p> <p>The restoration of ecosystems through (EbA and EbM) can support job creation, enterprise development that can also support renewable energy developments. For example, rangelands, that are often degraded/overgrazed can be better managed through stewardship approaches in same areas that support solar or wind energy developments. Jobs can be created through the restoration and protection (stewardship) around the energy development.</p> <p>The role of Oceans in both mitigation and adaptation needs to be explicit in the Bill and supporting plans, and</p>		<p>The adoption of the EbM method needs to be influenced in the development of the Policies and Measures themselves.</p>	

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	<p>specific targets for the marine sector set for Blue Carbon sequestration.</p> <p>Well-functioning coastal ecosystems made of mangroves, seagrasses, and marshes (also known as blue carbon ecosystems) can protect communities from storm surges, saltwater intrusion and coastal erosion. Seagrasses store 18% of global oceanic carbon. Mangroves and salt marshes also play a valuable role in carbon sequestration. It is estimated that the soils in mangrove forests store approximately 6.4 Billion tonnes of carbon globally.</p>			
Clause 22	<p>Specific targets for both mitigation and adaptation need to be included to raise ambition towards net zero emissions by 2050, including specific targets for EbA and EbM as well as strong interim targets to help reach long-term goals.</p> <p>Through EbM, South Africa has a cost-effective mitigation potential totalling 73 million tonnes of carbon dioxide equivalents (Mt CO₂e) per year through 2030, with maximum emissions reductions of up to 109 Mt CO₂e per year. If integrated into our future NDC revisions, GHG reductions through EbM could assist South Africa in further raising its ambition level to be consistent with the goals of the Paris Agreement, specifically enabling a target of 344-414 Mt CO₂e emissions in 2030 or even more ambitious targets. To achieve this, it is critical to incorporate the Energy and Agriculture, Forestry and Other Land Use</p>	Conservation South Africa (CSA)	Specific targets for sectors, companies and functions shall be dealt with within the CBs and SETs.	

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	(AFOLU) sectors into EbM approaches within the NDC and the Climate Change Bill.			
General	<p>Ensuring the 2021 Nationally Determined Contribution (NDC) is referenced in terms of our emissions pathways and ambition enhanced for 2050.</p> <p>The Climate Action Tracker rates South Africa’s 2015 NDC as inadequate in reaching the Paris Agreement 2°C temperature limit. If most other countries followed this approach, we would be on a pathway to exceeding 3-4°C. The latest IPCC report explains the impacts that are already being felt due to increasing temperatures. Therefore, it is critical to enhance South Africa’s ambition to reducing our emissions by referring to the more ambitious (although still insufficient) 2021 NDC.</p> <p>Furthermore, climate finance is becoming a reality and we are dissecting some of the first major deals of its kind in South Africa such as the R130 Billion Just Energy Transition Partnership (announced after COP26) which aims to accelerate the</p>	Conservation South Africa (CSA)	<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> 	

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General	<p>Increase urgency and enhance timeframes for the implementation of adaptation and mitigation actions.</p> <p>We are concerned about the long timeframes assigned to adaptation actions in the Bill, particularly at the provincial and municipal level. For example, the Bill states that the National Adaptation Strategy and Plan needs to be published within two years of the Act coming into effect. Within one year of the publication of the National Adaptation Strategy and Plan, provincial and municipal needs and response assessments are called for by the Bill. Thereafter, two years are given to develop provincial and municipal Climate Change Response Implementation Plans. As a result of these long timeframes, it can take five years after the Act comes into effect before provincial and municipal climate change response plans are implemented and integrated into other policies. In reality the National Adaptation Strategy and Plan are already in place and gazetted and most municipalities have a climate change response plans. The Bill needs to reflect this and talk to immediate timeframes for implementation of the National Strategy and Plan and those response plans that are already in place and then can talk to shorter timeframes for those municipal/provincial pans that ned to be developed or revised. We also suggest a focus on</p>	Conservation South Africa (CSA)	Timeframes to be reconsidered and wording finalised in consultation with the OCSLA and OPLA.	

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	<p>updating of strategies every 5 years and plans every 1-2 years.</p> <p>We are also concerned about the long timeframes (and lack of timeframes) assigned to mitigation actions in the Bill. For example, the Minister must list sectors requiring Sectoral Emission Targets within one year of the Bill coming into effect. No timeframe is set for setting Sectoral Emission Targets (as well as determining the GHG Emission Trajectory- which in addition should align with the trajectory of the latest NDC). Furthermore, Sectoral Emission Targets only have to be implemented one year after they are set which should be a shorter timeframe.</p> <p>The Bill must please increase urgency for the implementation of mitigation and adaptation actions to help limit global temperature increases and reduce the impacts of climate change on South Africa's vulnerable people.</p>			
Clause 32	<p>Improving the compliance mechanisms for the Bill, allowing for offenses and penalties for inadequate actions by government, and private sector in both adaptation and mitigation (offences for failure to provide a GHG mitigation plan is currently the only action that has offences linked to it).</p>	Conservation South Africa (CSA)	<p>This aspect is excluded from this clause because it shall be dealt with in the CB regulations and the CTax, instead of NEMA penalty regime shall be used to enforce compliance w.r.t carbon budgets. This will be addressed via Carbon Budget regulations.</p>	

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Clause 32	Offence for providing false, misleading or incomplete information with regards to the provision of the Act. State generated information including the National GHG Inventory must be made available to the public.	Conservation South Africa (CSA)	The GHG Inventory is already made public. The 2020 GHG Inventory is available to the public via the DFFE website	
Clause 24	<p>Carbon budgets, the Carbon Tax and carbon offsets:</p> <p>a. The first draft of the Bill included a clause that stated that people exceeding the carbon budget will be subjected to a higher tax rate, but it was removed from the 2022 draft. The current Bill does not include any penalties for exceeding carbon budgets. We call for a clause to be added that states that exceeding the carbon budget is an offence that needs to be paid for in alignment with the Carbon Tax at a rate that is significant and that will give the regulator more power to compel emitters to stop exceeding their carbon budgets.</p> <p>b. From this year's budget speech and various other documents from National Treasury and DFFE, it is known that a higher carbon tax rate will be levied and go through the Carbon Tax Act which is administered by National Treasury. If persons exceed their carbon budget, they will pay a higher tax rate as a disincentive to emitting carbon. The Carbon Tax system needs to be made transparent to the public. It is unclear with whom the regulations for the Tax currently sit and this should be made clear in the Bill,</p>	Conservation South Africa (CSA)	<p>a) This aspect is excluded from this clause because it shall be dealt with in the CB regulations and the CTax, instead of NEMA penalty regime shall be used to enforce compliance w.r.t carbon budgets. This will be addressed via Carbon Budget regulations.</p> <p>(b) National Treasury shall communicate the reforms to the CTax legislation to accommodate the process of penalising exceedance of a carbon budget.</p> <p>(c) Taxation and money issues are the terrain of National Treasury (Money Bills). Timeframes to be considered</p>	

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	<p>in terms of DFFE role in regulating and Treasury reporting on how the funding is been allocated and spent. The timeframes for the start of the Tax also need to be made explicit, with urgency.</p> <p>c. There are currently no timeframes for assigning carbon budgets which needs to be included in the Bill.</p>		<p>and wording finalised in consultation with the OCSLA and OPLA.</p> <p>(d) Noted. The comment shall be shared with National Treasury.</p> <p>(e) Carbon Offsets form part of the Carbon Tax accounting framework and therefore are better dealt with in the CTax legislation.</p>	
Clause 24	<p>Carbon budget for hard to abate sector</p> <p>There is much uncertainty with regards to the carbon budget allocation process and hence the Bill must consider inclusion of parameters/criteria to direct consideration of appropriate methodologies. The current methodology to be used to allocate carbon budget is not confirmed at present. The developmental state of South Africa and equitable fair national contribution must be considered in the international context by allowing for differentiated commitments.</p> <p>For example, in the case of cement sector the current national green finance taxonomy included EU</p>	Cement & Concrete SA (CCSA)	Section 27(2) a (i) clearly states that the Minister should develop regulations to outline amongst others the methodological approach for allocation of Carbon Budgets. This approach is also outlines in the Carbon Budget allocation framework that Cabinet approved in 2021. Most of the issues raised in this comment shall be dealt with in the regulations.	

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	<p>benchmark standards. Many of the cement plants would be negatively impacted as benchmarks may be too ambitious to secure financial support for mitigation should these be referred to when allocating carbon budgets.</p> <p>Climate change Bill [B9-2002]: CCSA comments.</p> <p>It is thus recommended that reference should be made to the status of current EIA authorisations to ensure ease of financing to upgrade technology to support mitigation actions and to inform carbon budgets accordingly.</p> <p>The cement sector is recognised internationally as a hard to abate sector due the it being capital intensive, energy intensive and chemical stoichiometric intensive. National policy support is also required to ensure security of supply of alternate fuels and resources , allowances for the hard to abate cement sector, and incentives. Alternate fuels to positively influence global warming potential (GWP) must be recognised to facilitate replacing conventional fossil fuels.</p> <p>Furthermore cement is required to ensure job creation related to the national infrastructure development program. It is also important to note that concrete structures offer resilience to many adverse climate</p>			

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	<p>change impacts. It is to be further noted that the any carbon budget allocated may be influenced by externalities such as downstream blending operations etc and hence due consideration should be given to adjust carbon budgets accordingly. Thus the Bill must allow for carbon budget adjustments and Regulations promulgated accordingly.</p>			
Clause 24	<p>Regulations to take into account hard to abate sectors Due to the relationship between cement, concrete, and construction, the Bill must ensure that future Regulations must allow for deviations should higher carbon embedded cement be in greater demand by downstream blenders. The current cement producers are relying on on-site blending as a mitigation action.</p>	Cement & Concrete SA (CCSA)	The Carbon Budget regulations shall take into account specific circumstances that are faced by sectors in a manner that does not compromise the need for GHG emission reduction objectives for a given sector. The regulator needs to ensure that the carbon budget system is fair and robust.	
Clause 22	<p>Sectoral emission targets (SETs) for Organs of State The Bill in Schedule 1 requires allocation of sectoral emission targets to a wide range of functions. The Bill as a principle must consider financial implications for implementations to respond to potential</p>	Cement & Concrete SA (CCSA)	There is no intention of aligning the SETs with the carbon budgets as these two instruments are completely different in that:	

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	<p>impacts particularly for implementation by the different Organs of State to decarbonize their carbon allocations</p> <p>It is to be noted that the alignment of carbon allocation to SETs and Carbon budgets is not clear.</p> <p>Furthermore, the Bill provides timing of the finalising SETs after the allocation of carbon budgets. This may pose a risk to carbon budget already allocated to companies should additional requirements from sector Departments be imposed in informing their SETs.</p>		<p>(a) SETs focus on allocating targets as an outcome from sectoral policies and measures led by government</p> <p>(b) Carbon budget are emission allocations to industry manage their “direct emissions.</p> <p>SETs also have qualitative aspects (e.g. standards, incentives,, enabling policies) that can facilitate the transformation of an industrial sector/company such that it’s emissions profile is reduced. In this context, whatever, the resultant emissions profile of a company is, the Carbon Budget shall be set.</p>	
Clause 32	<p>Offenses and penalties, polluter pays principle, carbon tax regime, NEMA application</p> <ul style="list-style-type: none"> • Penalties: The Bill must ensure that there are no double penalties due to the emissions being governed 	Cement & Concrete SA (CCSA)	This will result in double penalization. The purpose of the mitigation plan is to support the carbon budget. If the carbon budget is not met, there	

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	<p>through different instruments such as carbon budgets, carbon tax and NEMA. The Bill should consider directing Regulations to be based on our national context and developmental state as risk-based approach per company may not necessarily address polluter pays in light of the large amounts of emissions from developed countries as well as our own energy related and transport sectors which are fossil based. Just transition must always be considered to inform when drafting Regulation. Climate change Bill [B9-2002]: CCSA comments.</p> <p>The costs associated with mitigation actions, cheap imports, carbon tax, etc must be carefully considered to ensure competitiveness as well as intent of the Bill to respond to climate change taking account just transition. Thus any approach to penalties must be carefully considered to ensure sustainable development in the country is not compromised.</p> <ul style="list-style-type: none"> • Polluter: Climate change is a global problem and due consideration must be considered as 		<p>is a process to penalise non-compliance using the carbon tax. Therefore, imposition of penalties with respect to mitigation plans should be related to administrative aspects such as preparation and submission of the plans.</p> <p>This aspect is excluded from this clause because it shall be dealt with in the CB regulations and the CTax, instead of NEMA penalty regime shall be used to enforce compliance w.r.t carbon budgets. This will be addressed via Carbon Budget regulations</p>	

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	<p>to what is meant by Polluter in the global vs local context. For example, emissions cannot be treated the same way for small emitters vs large emitters vs global emitters. Consequently carbon budgets and associated polluter pays principle should be informed accordingly taking note of regional and domestic circumstances in the context of sustainable development and just transition.</p> <ul style="list-style-type: none"> • Carbon tax: The carbon tax regime must recognise just transition, hard to abate sectors, access to carbon offsets, financial and technological feasibility ,our coal-based economy, etc when considering carbon budget allocation as well as carbon pricing. It is recommended that allowances for hard to abate sectors must be considered to allow transitioning to lower carbon materials. The current proposed approach on carbon tax would have major implications for the cement sector. • Sectoral emission targets (SETs) and Sectoral Adaptation Strategy / Plan: The Bill must clarify how non-compliance by sector Departments would be dealt with as there could be major consequential influence on future carbon budget allocation. Furthermore the Bill should ensure that sector SETs do 			

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	no impose additional requirements to the allocated carbon budgets			
General	Low Emission Development Strategy and Nationally Determined Contribution The Bill is silent on LEDS and NDC. It does not have empowering provisions for the development or amendments of the LEDS or the NDC. Unless if the LEDS and the NDC are not supposed to hold any statutory status.	Elizabeth Mame	The LEDS and the NDC shall be the outcomes from the development of the National GHG emissions Trajectory which is addressed by the Bill in section 21(1)	
Clause 24	Consider revising. Replace removal with management or reduction. GREENHOUSE GAS EMISSIONS MANAGEMENT OR GREENHOUSE GAS EMISSIONS AND REDUCTION	Elizabeth Mame	Removals in a scientific term derived by the IPCC and is used to describe the absorption of greenhouse gases by standing biological infrastructure.	
	(a) specify a national greenhouse gas emissions reduction objective represented by a quantitative description of the total amount of greenhouse gas emissions projected to be emitted during...	Elizabeth Mame	Even though the SETs amongst with other instruments such the carbon budgets and carbon tax are helping to ensure that the emissions profile are kept within the trajectory, it does not follow that they need to have the same timeline as the trajectory itself.	

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	If the sector targets in 22(4)(c) have stipulated timeframes, then the national trajectory should also have similar timeframes because the two are married by 22(4)(b).		The time horizon for the trajectory is much longer and the SETs time horizon is only 5 years and shall be reviewed when the trajectory is reviewed	
Clause 26	Currently there is no empowering provision for GHG Reporting Regulations. To avoid gaps, the Climate Change Act should have relevant empowering provisions for the development of GHG Reporting Regulations and clarify the adaptation of the current GHG Reporting Regulations.	Elizabeth Mame	That is not correct. Sections 26 (3)-(5) and section 34 (1) are dedicated to the need for developing the reporting regulations.	
Clause 24	<p>The Minister must make regulations— in relation to the management of climate change response, including—</p> <p>(i) the determination, review, revision, compliance with and enforcement of an allocated carbon budget, amendment and cancellation of a carbon budget allocation, the content, implementation and operation of a greenhouse gas mitigation plan, and all matters related thereto; and...</p> <p>Consider revising. The Minister must develop regulations</p>	Elizabeth Mame	The aspect of “must” is already addressed. “make” or “develop” is a matter of language reference and therefore does not introduce material changes to the regulations.	

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Clause 24	<p>The Minister must make regulations— in relation to the management of climate change response, including— (i) the determination, review, revision, compliance with and enforcement of an allocated carbon budget, amendment and cancellation of a carbon budget allocation, the content, implementation and operation of a greenhouse gas mitigation plan, and all matters related thereto; and</p> <p>This is vague and commits the Minister to several obligations which some are open to interpretation. Section 27(2) say the Minister MUST therefore (a) should also be specific otherwise the Minister will be in noncompliance and face litigation in future.</p>		This clause is making clear reference to the development of regulations for Carbon Budgets and Mitigation Plans. DFFE is already in the process of developing these regulations.	
	The notice relating to the Declaration of Greenhouse Gases as Priority Air Pollutants, ..., made in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), will serve as regulations and notices published in terms of this Act, as soon as this Act comes into operation and will remain in force and effect until they are amended,	Elizabeth Mame	Not clear what the proposal is.	

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	replaced or repealed in terms of this Act.			
Schedule	This is outdated. The current NDC is much tighter.	Elizabeth Mame	<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> 	
General	I have read the relevant portions of the Climate Change Bill in relation to the appropriate environmental-economic strategies to address the climate crisis, and would suggest several ways of improving these portions, consistent with two perspectives: ecological modernisation, and climate justice. Because the Bill does not explicitly address the “polluter pays” principles of the National Environmental Management Act, it fails to utilize the...	Department of Sociology, University of Johannesburg Auckland Park Kingsway Campus,	The Carbon Tax Act already exists to apply the polluter pays principle. The emitter shall pay a normal tax rate on emissions below its carbon budget and a higher tax rate on emissions above its carbon budget.	

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		corner Kingsway		
Clause 22	<p>Clause 22: Sectoral emissions targets: Sectoral Emission Targets will be vitally important for the AFOLU sector due to its structure. In sectors that are dominated by a number of identifiable, large entities, carbon budgets and the carbon tax will be the primary mechanism behind mitigation. However, the AFOLU sector comprises of tens of thousands of small and medium entities that collectively, given the nature of agriculture, contribute to South Africa’s GHG Emissions. To regulate the sector at a company basis will be discriminatory as the larger entities who exceed the threshold for GHG reporting, and may hence be subject to a carbon budget, only account for a portion of the industry. 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</p>	Agricultural Business Chamber (Agbiz)	<p>As outlined in the SETs framework approved by Cabinet in 2021, the SETs are to be developed using the objectives and targets of policies and measures under the custodianship of the relevant government sector/department. Therefore, the costing of SETs is implied in the implementation of already existing policies and measures.</p>	

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	<p>plans and trajectories of different sectors within the economy. As South Africa develops and moves from an emerging market economy towards a developed nation, the economic contribution of different sectors towards our total economy will not remain static. The SETS must likewise anticipate these changes and avoid a situation where the domestic and international competitiveness of an economic sector is artificially influenced by the carbon space allocated to that industry. Likewise, it is important to ensure a measure of equality and fairness between economic sectors when SETs are calculated. Not all economic sectors have the same inherent mitigation potential. Hence, substantive equality must be applied, namely to treat different sectors differently to even the playing field. This must be preferred over a system of formal equality where all sectors are treated the same irrespective of their mitigation potential. Regarding subsection 5 specifically– factors to be taken into account, it must be clear that there should be no cost burden on the sector or sub-sector when measures are put in place. Agriculture is one of the most significant employers in SA, yet often within very thin economic margins and under growing, almost unprecedented input cost pressure</p>			

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Clause 24	Clause 24: Carbon budgets: As mentioned above, some of the companies involved in the manufacture of agricultural inputs, storage and agro processing are likely to exceed the threshold for GHG reporting and be subjected to a Carbon Budget. In this regard we support the points raised by the Business constituency at Nedlac and repeated in BUSA's written input to the committee regarding the punitive nature of the current carbon budget structure. It is our understanding that the carbon budget concept, as developed internationally, was intended to incentivise companies to stay within an emissions plan negotiated with government. This is also reflected in the way in which companies voluntarily participated in the Carbon Budget pilots prior to the Bill being published.	Agricultural Business Chamber (Agbiz)	A technical analysis done by the DFFE from reducing the current 100 000 tone CO2eq threshold to 30 000 tons CO2eq clearly shows that the companies involved in agricultural activities are not captured in the CB eligibility net .	
Clause 24	The manner in which the Bill is written makes Carbon Budgets a punitive measure in the sense that a company remains liable for carbon tax at the general rate if they stay within their carbon budget but are punished by a punitive rate if they exceed it. A far more constructive approach would be to reward companies who stay within their budget by offering preferential rates. A. partnership approach is far more conducive to compliance than a punitive culture, and reflective of global best practice to incentivise companies. We propose that the cost burden imposed on the affected person and the industry that they	Agricultural Business Chamber (Agbiz)	Comment noted. The CB regulations shall deal with the issue of new entrants.	

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	<p>are involved in, should also be considered as a factor in subclause 2. The cost burden on individuals and small businesses of complying with this clause, can prove to be prohibitive. On a separate note, it is vital that the sum of an industry's approved carbon budgets do not add up to that sector's emission targets. The AFOLU sector in particular contains several, smaller companies who do not meet the threshold for a carbon budget to be allocated. However, their cumulative GHG emissions must be factored in. Likewise, the SETS & Carbon Budgets must make provision for new entrants into the market. If these instruments are based solely on a grandfathering approach, it will raise the barriers to entry and undermines competition in a given industry.</p>			
Clause 22	<p>Schedule 1 seems to confuse the concept of a 'function' with that of an economic 'sector'. Schedule 1 lists functions for which SETS need to be developed but the point of departure is incorrect as not all functions falling under government line ministries reflect an economic sector. For example, agriculture and forestry is listed separately from land reform and rural development because these may be different government line functions. However, there is no economic sector such as land reform or rural development. Land reform beneficiaries will likely form part of agriculture, forestry, mining or tourism depending on the land use.</p>	Agricultural Business Chamber (Agbiz)	Comment noted. The determination of SETs as outlined in the SETs framework approved by Cabinet is informed by the objectives and targets of Policies and Measures that are led by sector departments performing specific functions. Therefore sector departments whose functions are listed in Schedule	

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	<p>Similarly, there are no economic sectors such “Cooperative Governance” nor “Traditional Affairs”. There are traditional areas that practice agriculture, forestry or mining and “Cooperative Governance” will fall under infrastructure. The list should be critically reviewed to reflect only economic sectors and not the functions of government line functions. Schedule 2 should likewise be reviewed to remove duplications. It makes little sense for adaptation plans to be developed for land reform as the beneficiaries of land reform will fall under the plans developed for agriculture, forestry, tourism or mining depending on the land use.</p>		<p>1 are custodians of such PAMs. The precondition of considering PAMs for SETs is that they need to have direct (e.g. DMRE’s IRP) and/or indirect impacts (e.g. DTIC’s IPAP) on Greenhouse Gas emissions.</p>	
<p>Clause 21</p>	<p>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-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</p>	<p>Agricultural Business Chamber (Agbiz)</p>	<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> 	

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	<p>September 2021 which aims for the Republic's greenhouse gas emissions to a) Peak in the period 2021-2025 in a range with a lower limit of 398 Mt CO2-eq. and upper limits of 510 Mt CO2-eq. b) From 2026 to 2030 to reduce South Africa's annual GHG emissions to a range from 350-420 Mt CO2-eq. The upper limits of the NDC from 2021 will still result in global warming of 2 degrees on average, so even this is not an adequate response given that South Africa appears to be warming at twice the global average. The National greenhouse gas emissions trajectory that is published by the Minister to replace Schedule 3 after the Act comes into operation must consider more ambitious emissions reductions.</p>			
Clause 24	<p>Chapter 5 of the National Development Plan 2030, that was published in August 2012 ("NDP"), identifies the challenges posed in seeking to achieve the just transition and specific mention is made of the mining and minerals beneficiation sector⁵ in respect of its contribution to economic growth and employment within South Africa. The NDP recognises the need to take into account just transition mechanisms when it comes to setting carbon budgets⁶ and also recognises that achieving a just transition is only possible with international support⁷ and provides that the focus of a just transition should be on</p>	Mineral Council of South Africa	<p>On Comment 11: There is no intention of aligning the SETs with the carbon budgets as these two instruments are completely different in that: (a) SETs focus on allocating targets as an outcome from sectoral policies and measures led by government</p>	

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	<p>South Africa’s objectives of reducing poverty and inequality. Issues:</p> <p>In the lead up to COP 26 in 2021, like other signatories to the Paris Agreement, South Africa submitted its nationally determined contribution (“NDC”) that provides the range of South Africa’s planned greenhouse gas emissions over time to achieve alignment with the Paris Agreement. South Africa’s NDC is heavily caveated on the ability for this transition to be adequately financed by developed countries, consistent with Article 9 of the Paris Agreement. This recognises the fact that developed nations contributed considerably more towards the increased levels of greenhouse gases in the atmosphere. However, the OECD technical paper of October 2021 estimated that the climate finance required from developed countries would not hit its 2020 yearly target of USD100-Billion until 2023. The estimates are that developed nations have already made available USD79.8-Billion in climate finance as of 2019, so there is already some available funding. In this regard, it was announced at COP 26 that Germany, the United States, the United Kingdom and France had struck a deal worth over ZAR130-Billion with South Africa to allow South Africa to launch the Just Energy Transition</p>		<p>(b) Carbon budget are emission allocations to industry manage their “direct emissions. (a)(c) SETs also have qualitative aspects (e.g. standards, incentives, enabling policies) that can facilitate the transformation of an industrial sector/company such that it’s emissions profile is reduced. In this context, whatever, the resultant emissions profile of a company is, the Carbon Budget shall be set Comment 12: The SETs framework that was approved by Cabinet in 2021 which DFFE is using currently to determine SETs takes into account Just Transition consideration. Comment 14: Clause 22 (3) addressed issue of context by proposing that the Minister must develop a prescribed framework</p>	

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	<p>Partnership. The intention is to use this as a template on how to support just transitions around the globe. The COP26 Catalyst's Access to Finance and the work of the Task Force on Access to Climate Finance, established in 2021, are expected to ratchet up and focus the international climate finance efforts. Climate finance is a developing field and precisely how this will inform South Africa's ability to achieve a just transition is evolving.</p> <p>Although it is accepted that the specifics of the above-mentioned climate finance mechanisms are unfolding and are not yet settled in terms of their application in South Africa and in particular the mining and minerals beneficiation sector, just transition related considerations will be key to any determination of the sectoral emissions targets and the carbon budgets. How aggressive these targets and budgets are capable of being, on a sector-by-sector basis, will be informed by the reality of how developed South Africa's just transition mechanism is at the relevant time and what priority and weighting has been given to a particular sector taking into account its factual ability to transition and its contribution to the economy and employment. While it is acknowledged that precisely how South Africa will provide for such a just transition remains a work in progress, other jurisdictions, such as the EU,</p>		governing how SETs shall be determined. Consequently, this framework does exist already as cabinet approved in 2021	

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	<p>make detailed provision in their law for a Just Transition Mechanism, including a Just Transition Fund.⁹</p> <p>The Just Transition Report is the first of what is expected to be many forthcoming future policy papers on the just transition. The Just Transition Report provides that it is not a detailed implementation plan as this will follow later. In time it is expected that South Africa’s just transition will mature from policy statements into something more akin to a Just Transition Mechanism, including a Just Transition Fund, for the South African context. A just transition is not capable of being achieved without the required funding from the developed world through the Task Force on Access to Climate Finance and other measures to allow for this transition. The Just Transition Report is alive to this and identifies climate finance as an intervention that is required to support a just and equitable transition.</p> <p>Domestic finance will also be required in addition to international interventions so as to drive the just transition. In this regard, on 1 April 2022, South Africa’s first green finance taxonomy was published (“Green Finance Taxonomy”). This Green Finance Taxonomy makes express reference to a future transition taxonomy that is to be developed (“Transition Taxonomy”). This will allow</p>			

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	<p>identified sectors and industries to legitimately attract sustainable finance to the extent their activities are aligned with the technical and legal criteria to be specified in the Transition Taxonomy.</p> <p>This too will form part of the instruments that will inform the just transition in South Africa and will be complemented by the JSE’s Transition Segment that was created on 8 March 2022.¹⁰ The Green Finance Taxonomy provides that the transition taxonomy is to be developed under a follow-on project planned for March 2021 – August 2022 (the project is detailed in the ‘Expanding the South African Green Finance Taxonomy and embedding its use’ section of the Green Finance Taxonomy.) Technical specifications may be provided in the Transition Taxonomy on the acceptable relevant emissions of the identified transition industries and these permissible emissions will need to be taken into account when setting the sectoral emissions targets and the carbon budgets as part of the considerations that are relevant for a just transition.</p> <p>The Minerals Council is encouraged to see that the Minister must revise and amend the sectoral emissions targets, when the need for such revision and amendment is demonstrated by, among other things, “the agreed approach to the just transition”.¹¹ However, when setting</p>			

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	<p>the sectoral emissions targets for the first time, reference to the just transition is absent from the Bill, as it is not one of the considerations that the Minister is required to take into account.¹² Similarly, the just transition is not cited in express terms as a relevant consideration when the Minister determines the carbon budgets.</p> <p>The Bill lack detail on what constitute sectoral emissions targets and to what extent does these does not overlap with the Carbon Budget system. There is a risk of a possible duplication between the efforts required for companies to comply with carbon budget with the actions and measures that will be developed by sector departments responsible for Sectoral Emissions Targets.</p> <p>Given the submissions above, the Minerals Council believes that it is critical that the just transition is considered when setting the sectoral emissions targets as well as when the Minister determines the Carbon Budgets.</p> <p>.13. We have accordingly made proposed amendments to section 22 and section 24 of the Bill in Annexure “A” hereto so as to make it clear that the just transition be considered when setting these key commercial operating constraints.</p>			

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	<p>Those relevant proposed amendments in respect of the above-mentioned issue are set out below for convenience.</p> <p>.14. The Bill should provide further context that will set out more details on sectoral emissions targets. This is important in order for one to be able to draw a clear Recommended Actions:</p> <p>distinction between Sectoral Emission Target and the Carbon Budget in order to determine the interface and address any possible duplication of the two instruments.</p>					
Clause 24	<table border="0"> <tr> <td data-bbox="495 951 831 1380"> <p>Current text in the Bill Sectoral emissions targets 22(5) When determining the sectoral emissions targets, the Minister must take all relevant considerations into account, including, amongst others:]"</p> </td> <td data-bbox="831 951 1155 1380"> <p>Proposed text It is proposed that the just transition be referred to as a relevant consideration when deterring the sectoral emissions targets by including the following subparagraph (c) to immediately follow subparagraph (b): “(c) progress on the implementation of the transition.”</p> </td> </tr> </table>	<p>Current text in the Bill Sectoral emissions targets 22(5) When determining the sectoral emissions targets, the Minister must take all relevant considerations into account, including, amongst others:]"</p>	<p>Proposed text It is proposed that the just transition be referred to as a relevant consideration when deterring the sectoral emissions targets by including the following subparagraph (c) to immediately follow subparagraph (b): “(c) progress on the implementation of the transition.”</p>	Mineral Council of South Africa	<p>On 22(5) the proposal is supported</p> <p>On 24 (2) the proposal is not supported as the Carbon Budgets concern the emission release of a given company with declared operating considerations.</p>	
<p>Current text in the Bill Sectoral emissions targets 22(5) When determining the sectoral emissions targets, the Minister must take all relevant considerations into account, including, amongst others:]"</p>	<p>Proposed text It is proposed that the just transition be referred to as a relevant consideration when deterring the sectoral emissions targets by including the following subparagraph (c) to immediately follow subparagraph (b): “(c) progress on the implementation of the transition.”</p>					

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	<p>Carbon budgets 24(2) “When allocating carbon budgets, the Minister must take all relevant considerations into account, including, amongst others”</p> <p>It is proposed that the transition be referred to as a relevant consideration when deterring the carbon budgets by including the following subparagraph (g) to immediately follow subparagraph (f): “(g) progress on the implementation</p>			
<p>Clause 24</p>	<p>The Bill is silent as to whether carbon budgets will be calculated on a scope 1, 2 or 3 basis. While section 24(1) of the Bill indicates that a carbon budget will be allocated to a person that conducts an activity listed in terms of section 23(2), suggesting this may be only scope 1 emissions, this should be clarified.</p> <p>Main references: section 24 of the Bill</p>	<p>Mineral Council of South Africa</p>	<p>The carbon budget regulations shall clarify how scope 2 &3 shall be considered in the overall budgeting system. However, the Bill is very clear that the allocation of carbon budgets is planned for Scope 1 emissions only.</p>	
<p>Clause 24</p>	<p>.1. Section 24(1) of the Bill provides that: “(1) The Minister must allocate a carbon budget to any person that conducts an activity listed in terms of section 23(2).”</p> <ul style="list-style-type: none"> • .2. Section 24(2) of the Bill provides that: “(2) When allocating carbon budgets, the Minister must take all relevant considerations into account, including, amongst others— (a) the socio-economic impacts of imposing the 	<p>Mineral Council of South Africa</p>	<p>On comment 10: The carbon budget regulations shall clarify how scope 2 &3 shall be considered in the overall budgeting system. However, the Bill is very clear that the allocation of carbon budgets is</p>	

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	<p>carbon budget; (b) the best available science, evidence and information; (c) the best practicable environmental options available and alternatives that could be taken to mitigate the emission of greenhouse gases; (d) national strategic priorities; (e) the alignment of the carbon budgets with the national greenhouse gas emissions trajectory, noting that the cumulative amount of greenhouse gas emissions which the carbon budgets represent are not equivalent thereto; and (f) progress on the implementation of the greenhouse gas mitigation plans.”</p> <p>Relevant sections of the Bill:</p> <p>.1. Section 24(1) of the Bill provides that: “(1) The Minister must allocate a carbon budget to any person that conducts an activity listed in terms of section 23(2).”</p> <p>.2. Section 24(2) of the Bill provides that: “(2) When allocating carbon budgets, the Minister must take all relevant considerations into account, including, amongst others— (a) the socio-economic impacts of imposing the carbon budget; (b) the best available science, evidence and information; (c) the best practicable environmental options available and alternatives that could be taken to mitigate the emission of greenhouse gases; (d) national strategic priorities; (e) the alignment of the carbon budgets with the national greenhouse gas emissions trajectory, noting that the cumulative amount of greenhouse gas</p>		<p>planned for Scope 1 emissions only.</p> <p>Comment 12: Yes the carbon tax and the carbon budgets shall be based on scope 1 basis. Both the Climate Change Bill 24(1) and the carbon tax are very clear on this</p>	

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	<p>emissions which the carbon budgets represent are not equivalent thereto; and (f) progress on the implementation of the greenhouse gas mitigation plans.”</p> <p>.3. Section 24(3) of the Bill provides that: “(3) A carbon budget— (a) must have a duration of at least three successive five-year periods; and (b) must specify the maximum amount of greenhouse gas emissions that may be emitted during the first five-year period.”</p> <p>.4. Section 24(4) off the Bill provides “(a) A person to whom a carbon budget has been allocated in terms of subsection (1) must prepare and submit to the Minister, for approval, a greenhouse gas mitigation plan. (b) A greenhouse gas mitigation plan must— (i) describe the mitigation measures that the person, to whom a carbon budget is allocated, proposes to implement in order to remain within the person’s allocated carbon budget; and (ii) comply with the content requirements of such plans as may be prescribed by the Minister in terms of section 27, including requirements pertaining to processes, procedures and reporting.”</p> <p>.5. Section 24(5) off the Bill provides “(5) At the time when the carbon budget is assigned for the first mandatory carbon budget cycle, all approved pollution prevention plans as contemplated in section 29 of the National Environmental Management: Air Quality Act, 2004 (Act</p>			

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	<p>No. 39 of 2004), and the National Pollution Prevention Plans Regulations, 2017, published under Government Notice No. 712 of 21 July 2017, must be deemed to be greenhouse gas mitigation plans.”</p> <p>.6. Section 24(6) of the Bill provides “(6) A person to whom a carbon budget has been allocated must— (a) implement the approved greenhouse gas mitigation plan; (b) monitor annual implementation of the greenhouse gas mitigation plan in accordance with the prescribed methodology; (c) evaluate progress on the allocated carbon budget; (d) annually report on the progress against the allocated carbon budget to the Minister in the manner prescribed; and (e) in the event that such reporting indicates that the person has failed, is failing or will fail to comply with the allocated carbon budget, provide a description of measures the person will implement in order to remain within the allocated carbon budget.”</p> <p>.7. Section 24(7) of the Bill provides “(7) (a) The Minister must review a carbon budget allocated to a person in terms of subsection (1) at the end of the five-year carbon budget commitment period, or upon request by a person subject to a carbon budget. (b) A person to whom a carbon budget has been allocated may apply for a revision or cancellation of the budget under prescribed circumstances. (c) The</p>			

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	<p>factors listed in subsection (2) must be taken into consideration when a carbon budget is reviewed.”</p> <p>.8. Section 24(8) of the Bill provides “(8) The Minister must, within a reasonable time of the review provided for in subsection (7), revise a carbon budget— (a) to ensure that it always has a duration of at least three successive five-year periods; and (b) if the National Greenhouse Gas Inventory demonstrates an increase in national greenhouse gas emissions above the national and international climate change mitigation commitments and obligations.”</p> <ul style="list-style-type: none"> • Section 24(9) of the Bill provides “(9) An allocated carbon budget may be amended if the activity for which the carbon budget has been issued is transferred or acquired in part or fully and the affected person must request a reallocation of a carbon budget from the Minister in the prescribed manner.” • .10. The Bill is silent as to whether carbon budgets will be calculated on a scope 1, 2 or 3 basis. This is a significant aspect of detail that is missing. Clarity is therefore not provided to the market and it does not allow mining sector participants to plan and adapt accordingly. 			

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	<ul style="list-style-type: none"> • Mining entities that extract coal for example will have their own scope 1 and scope 2 emissions. If scope 3 emissions along the supply chain are included, they face a significantly different carbon budget profile. There is also a lack of clarity in the Bill on alignment with the carbon tax regime, which currently gets calculated based on scope 1 emissions. Although a punitive tax for exceedances of the carbon budgets no longer features in the Bill, it is understand this is still envisaged (potentially by way of regulation – in this regard, refer to section 27(2)(a)(i) of the Bill). <p>.12. If a punitive carbon tax is to be levied in terms of a tax regime that only takes into account scope 1 emissions, is the carbon budget regime also to be calculated on a scope 1 emissions basis? This is not clear from the Bill and makes it difficult for entities to scenario plan as required in terms of the Task Force on Climate-Related Financial Disclosures, making for difficulties in respect of mining sector participant disclosures. There are numerous uncertainties around, for example: how carbon budgets will apply.</p>			

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Clause 24	<p>13. It is unclear how the determination of carbon budgets will be done as the detail on the carbon budgets will be contained in regulations that the Minister is required to make in terms of section 27(2)(i) of the Bill. However, the Bill should provide whether the carbon budgets will be limited to scope 1 emissions.</p> <p>.14. We have accordingly made proposed amendments to section 24 of the Bill in Annexure "A" hereto. Those relevant proposed</p>	Mineral Council of South Africa	Yes the carbon tax and the carbon budgets shall be based on scope 1 basis. Both the Climate Change Bill 24(1) and the carbon tax are very clear on this.							
	<table border="0"> <tr> <td>Current text in the Bill</td> <td>Proposed text</td> </tr> <tr> <td>Greater detail on carbon budget calculations</td> <td></td> </tr> <tr> <td>To ensure greater clarity on the ambit of the carbon budgets, it is proposed that section 24 of the Bill expressly provide for whether the carbon budgets will be calculated on a scope 1,2 or 3 basis. So as to allow for alignment with the Carbon Tax, we have proposed wording that is set out alongside as a new subsection (10) to section 24 to immediately follow section 24(9) of the Bill.</td> <td>"(10) Carbon budgets shall be determined and calculated based on Scope 1 Emissions only and shall not include Scope 2 Emissions and Scope 3 Emissions."</td> </tr> </table>	Current text in the Bill	Proposed text	Greater detail on carbon budget calculations		To ensure greater clarity on the ambit of the carbon budgets, it is proposed that section 24 of the Bill expressly provide for whether the carbon budgets will be calculated on a scope 1,2 or 3 basis. So as to allow for alignment with the Carbon Tax, we have proposed wording that is set out alongside as a new subsection (10) to section 24 to immediately follow section 24(9) of the Bill.	"(10) Carbon budgets shall be determined and calculated based on Scope 1 Emissions only and shall not include Scope 2 Emissions and Scope 3 Emissions."	Mineral Council of South Africa	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	
Current text in the Bill	Proposed text									
Greater detail on carbon budget calculations										
To ensure greater clarity on the ambit of the carbon budgets, it is proposed that section 24 of the Bill expressly provide for whether the carbon budgets will be calculated on a scope 1,2 or 3 basis. So as to allow for alignment with the Carbon Tax, we have proposed wording that is set out alongside as a new subsection (10) to section 24 to immediately follow section 24(9) of the Bill.	"(10) Carbon budgets shall be determined and calculated based on Scope 1 Emissions only and shall not include Scope 2 Emissions and Scope 3 Emissions."									

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	<p>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) that</p>			
	<p>Clarity required where industries cross over multiple sectors listed in Schedule 1 and 2 of the Bill. Main references: Schedule 1 and Schedule 2 of the Bill.</p>	<p>Mineral Council of South Africa</p>	<p>Sectors are described in Schedule 1 and not by emissions from emitters, that is, in this case the mining industry. Therefore, whatever the</p>	

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	<p>.1. Schedule 1 of the Bill provides for the “Functions relevant to the development of Sectoral Emissions Targets”.</p> <p>.2. Schedule 2 of the Bill provides for the “National Departments and State-Owned Entities responsible for certain functions required to develop a Sector Adaptation Strategy and Plan”.</p> <ul style="list-style-type: none"> • .3. There may be instances where the Minerals Council’s members straddle various sectors (as listed in Schedule 1 and Schedule 2 of the Bill) and are therefore covered by multiple Sector Emissions Targets and Sector Adaptation Strategies and Plans. This may lead to unforeseen circumstances and there should be policy alignment on this at a national level. • .4. The Bill should clarify the position where industries straddle various sectors and Ministries and include conflict provisions. • .5. Oversight mechanisms (including consultation) should be put in place to ensure policy alignment at a national level to ensure that the various Sector Emissions Targets and Sector Adaptation Strategies and Plans do not conflict with one another. • 		<p>objectives and targets of those sectors are, as agreed with relevant stakeholders, shall inform the SETs.</p>	

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	<p>(2) The Minister must, by notice in the Gazette, publish a list of activities which emit one or more of the greenhouse gases listed in terms of subsection (1) and which the Minister reasonably believes cause or are likely to cause or exacerbate climate change.</p> <p>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?</p>	Mineral Council of South Africa	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.	
	<p>2) When allocating carbon budgets, the Minister must take all relevant considerations into account, including, amongst others—</p> <p>The Minister must be transparent in disclosing the principles, frameworks and methodologies used in the setting of carbon budgets in terms of Section 24 (2) of the Bill. It is recommended that the Bill includes a provision that the Minister must publish the information in this regard. In practice this will be a document similar to the Technical Guideline that companies need to use when reporting under the National GHG Reporting Regulations.</p>	Mineral Council of South Africa	The principles governing the allocation of carbon budgets is already available in the public domain through the Carbon Budget allocation framework that Cabinet approved. Furthermore, the Minister will publish Carbon Budget regulations for public comment once the CC Bill is enacted into law.	

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	<p>In addition to considerations mentioned in points a - f below of Section 24(2), the following should also be considered:</p> <ul style="list-style-type: none"> - The practical limitations of the company's existing operations and installed plant. Certain plants have emission profiles that cannot be mitigated, and this needs to be brought into consideration. During the pilot phase of the carbon budgets, the DFFE based the budgets on historical emissions. This approach is not appropriate in the context of the severe damage the COVID lockdowns have done to the output of many companies. The carbon budget allocation process must consider the design specifications of the plant. - The company's plans for growth must be considered. If the carbon budget limit the growth of the company, it can limit the economic growth of the country. As an example, if a company mines certain minerals commodities for export, South Africa should not limit the emissions of the that mining 			
Clause 24	<p>c) the best practicable environmental options available and alternatives that could be taken to mitigate the emission of greenhouse gases;</p> <p>In light of difficulties experienced by companies in the allocation of CB it is recommended this section be</p>	Mineral Council of South Africa	Not clear what the difficulties are as CB have been allocated under the voluntary carbon budget regime and companies have, since 2020, benefitted	

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	<p>replaced by: “must be based on the availability of feasible mitigation technology; and must take into account any opportunities and constraints to implementation of policies and measures.” This is cause authorities allocating CBs tend to rely on the MPA and this also refer to “aspirational” technologies that cannot be immediately procured and implemented at times due to various reasons.</p>		<p>from the carbon budget allowance under the carbon tax.</p>	
	<p>f) progress on the implementation of the greenhouse gas mitigation plans.</p>	<p>Mineral Council of South Africa</p>	<p>Not sure what the recommendation is in this regard.</p>	
<p>Clause 24</p>	<p>(a) must have a duration of at least three successive five-year periods; and</p> <p>The principle of aligning with environmental authorisations conflict with the provisions of Section 24 (3)(a) that require carbon budgets to be valid for three five-year periods. It is important to note that existing plant operate because it has received environmental authorisation from government. Any retroactive revision of this environmental authorisation through the imposition of carbon budgets will be unlawful.</p>	<p>Mineral Council of South Africa</p>	<p>The EIA guidelines for climate change shall deal with the considerations for new entrance and associated allowable GHG emissions. The Carbon Budget regulations will guide the process for determination of allowable emission space to consider all new entrance.</p>	

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	<p>The same principle can be applied to new plant. When environmental authorisation is granted for new plant, it must specify the limits of allowable greenhouse gas emissions. Any retroactive reduction of those limits at some time in the future, for example, when the carbon budget is revised after a five year five-year period, cannot be considered fair or lawful.</p> <p>The carbon budget should include the option of using offsets against the budget. This is important allow companies the right to access least cost mitigation measures. There is no doubt that carbon budgets can impose a financial burden on companies. This financial burden has the potential to work against the objectives of government with respect to economic growth, job creation, and the Just Transition. The use of offsets in the carbon budget system will have 2 main outcomes:</p> <ul style="list-style-type: none"> • It will allow companies to achieve their budgets by accessing least cost mitigation options. This means that the required emission reduction can be achieved at lower cost to society as a whole than what would have been the case if companies are forced to do all mitigation options inside of their own operations. • The use of offsets can allow for the flow of funds to projects with high socio-economic benefit and large growth potential. 			

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Clause 24	<p>4) (a) A person to whom a carbon budget has been allocated in terms of sub- section (1) must prepare and submit to the Minister, for approval, a greenhouse gas mitigation plan.</p> <p>Nedlac text: “an administrative penalty.</p> <p>No timeframes are provided for when such greenhouse gas mitigation plan must be submitted. There is no reference to any other legislation that must be referred to for purposes of ascertaining the time period. If it is not desirable to fix a time period in the Act, then this must be regulated through notice in the Gazette</p>	Mineral Council of South Africa	Yes the intention is to gazette all the principles and modalities concerning the Carbon Budgets and Mitigation Plans through a set of regulations stipulated in clause 27(1) and 27 (2) of the Climate Change Bill.	
Clause 24	<p>5) At the time when the carbon budget is assigned for the first mandatory carbon budget cycle, all approved pollution prevention plans as contemplated in section 29 of the National Environmental Management: Air Quality Act, 2004</p>	Mineral Council of South Africa	The Carbon Budgeting system does not intend to restrict the operation of a company’s plant to levels below those specified in existing authorisation because Atmospheric Emission Licences do not set conditions	

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	<p>(Act No. 39 of 2004), and the National Pollution Prevention Plans Regulations, 2017, published under Government Notice No. 712 of 21 July 2017, must be deemed to be greenhouse gas mitigation plans</p> <p>Carbon Budgets need to be linked with the company's existing environmental authorisations. The Climate Change Bill must not empower the Minister to impose a carbon budget without considering existing environmental authorisations. The Minister must therefore consider all of the operation's existing environmental authorisations to ensure alignment. For example, if an operation has operating under an existing Air Emission Licence for a plant with a certain capacity, then the carbon budget must be aligned with the specifications of the granted Air Emissions Licence and may not restrict the operation of the company's plant to levels below those specified in the existing authorisation. "first mandatory carbon budget cycle" is not defined. See proposal re inserting a definition for carbon budget cycle. If definition is inserted, provision must be referenced to refer to the definition.</p> <p>If the approved pollution prevention plans contemplated in section 29 of the NEM: Air Quality Act and the National</p>		<p>for compliance against GHG emission allocations.</p>	

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	<p>Pollution Prevention Plans Regulation to greenhouse gas mitigation plans, are applicable for the first mandatory carbon budget cycle (which is understood to be the first 5 years of the overall 15 year period), it means that persons to whom a carbon budget has been allocated must have their own mitigation plans ready for implementation from year 6. If this is not the understanding, then it makes it even more important to provide a timeframe within which such plans must be submitted as contemplated in 24(4).</p>			
	<p>(7) (a) The Minister must review a carbon budget allocated to a person in terms of subsection (1) at the end of the five-year carbon budget commitment period, or upon request by a person subject to a carbon budget.</p> <p>Consistency: replace commitment with cycle</p>	<p>Mineral Council of South Africa</p>	<p>The word “commitment period” has a specific meaning in that it communicates the period for which a company shall commit to meeting its GHG emissions allocation.</p>	
<p>Clause 24</p>	<p>A person to whom a carbon budget has been allocated may apply for a revision or cancellation of the budget under prescribed circumstances</p> <p>Insert carbon before budget</p>	<p>Mineral Council of South Africa</p>	<p>Agree with the proposal. The sentence shall be changes as follows “A person to whom a carbon budget has been allocated may apply for a revision or cancellation of the</p>	

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			carbon budget under prescribed circumstances”	
Clause 26	<p>b) if the National Greenhouse Gas Inventory demonstrates an increase in national greenhouse gas emissions above the national and international climate change mitigation commitments and obligations.</p> <p>Please amend to read “National Greenhouse Gas Inventory demonstrates an increase or decrease in</p>	Mineral Council of South Africa	Propose to change as follows: “if the National Greenhouse Gas Inventory demonstrates an increase in national greenhouse gas emissions profile above the national and international climate change mitigation commitments and obligations	
Clause 21	<p>Section 21 gives a trajectory for the greenhouse gas emissions to peak by 2025 at 614 Megatonnes (Mt) CO₂, plateau for ten years and decline to at least 428 Mt (up to 212 Mt) by 2050. This is not in line with the Paris Agreement which requires a much steeper decline in order to mitigate the global temperature rise beyond 1.5 degrees. The Net Zero Coalition and Intergovernmental Panel on Climate Change (IPCC) special report recommends that a cut of 45% is needed by 2030 and net 0 should be reached by 2050.</p> <p>In a 2020 report, South Africa’s Low Emission Development Strategy 2050 states that in 2015, South Africa’s greenhouse gas emissions were 512 Mt so a 45% reduction by 2030 would put us at 281,6 Mt</p>	Natasha Slabbert	<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> 	

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	<p>which is well below the current trajectory. The trajectory put together by the minister should call for a much harsher decline in greenhouse gas emissions over the next ten years in order for South Africa to meet the global standard of 45% reduction in emissions with net zero by 2050.</p>			
<p>Clause 23 & 24</p>	<p>Section 23 and 24 set out the minister's need to form a list of greenhouse gas emitting activities, the sectors involved in those activities as well as a Carbon Budget for persons involved in these activities. The Carbon Budget made allowed to persons involved in greenhouse gas emitting activities should be made public through the Gazette to ensure that the public can also hold these persons accountable to their Carbon Budget. Furthermore the revision of the Carbon Budget should be at the end of three (3) years instead of five (5) years in order to align South Africa with the 45% reduction in greenhouse gas emissions within the next ten years.</p>	<p>Natasha Slabbert</p>	<p>The carbon budget allocations to companies shall be made public.</p> <p>A 3 year commitment period is too short to implement carbon budgets as some mitigation measures require a minimum of two year to observe significant improvements in emission reductions. The carbon budgets, even though allocated for a 5-year period, shall be accounted for on an annual basis</p>	

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General	<p>General Change Requests Any reviews, amendments and reports should be done once every three (3) years instead of every five (5). This is due to the increased extremity and rapid change of Climate Change that has happened in the last ten years; as well as the requirement for a 45% reduction in greenhouse gas emissions by 2030. Referencing Sections: Climate Change Response – Section 15.1e National Adaptation Strategy and Plan – Section 18.3 Sector Adaptation Strategy and Plan – Section 19.1c & Section 19.2 National Greenhouse Gas Emissions Trajectory – Section 21.4a Sectoral Emissions Targets – Section 22.7 & Section 22.8 It would be prodigious for the Government sectors named in Schedule 2 and Schedule 3 take the lead in mitigating the climate disaster by:</p> <ul style="list-style-type: none"> ▫ ensuring that all ministers complete a mandatory, comprehensive module on climate change and ecological disaster; ▫ developing a plan to reduce to carbon neutral all of their buildings and operations, vehicle fleets, aircraft and vessels; 	Natasha Slabbert	The comment is noted.	

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	<p>¶ clearly and measurably instituting benchmarks by which progress toward these goals can be measured with reports to be tabled on a 3 year basis. It is only through education of the people in working towards this end that we will be able to mitigate the imminent climate disaster.</p> <p>Further to the above suggestions in regards to the Bill, there are several issues which are close in scope of climate change mitigation which should also receive attention.</p> <p>Department of Education: It would be recommended that the Department of Education include up to date, science based Climate Change information into the CAPS curriculum. It is important to ensure that the youth of South Africa are educated around the dangers of climate change, ensuring that the mistakes of the past are not repeated.</p> <p>Department of Trade, Industry and Competition: It would be recommend that the Department of Trade ensure that:</p> <p>¶ all products produced in South Africa, for South African consumption be subject to South African Bureau of Standards (SABS) grading measures which clearly indicate the carbon usage,</p>			

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	<p>ecological impact and sustainability profile of the product; ¶ company directors be held personally liable both for violating their prescribed carbon emissions budget and also for not reducing their carbon emissions meaningfully; major South African corporations all be required to appoint a sustainability officer and have a sustainability plan which must be reviewed annually, lay out clear benchmarks for measuring progress, penalties for not meeting those benchmarks and lay out in clear terms how they will achieve zero emissions by 2050. The concerns that I have outlined above are not just my own, I have spoken extensively with community members, family members and friends on this subject and we all agree that South Africa, as a country and as the economic leaders of Africa, should be putting our best foot forward and “leading the charge” when it comes to combating climate change. We should be showing the rest of Africa that committing to a better tomorrow for our youth does not have to come at the cost of the country’s people. Working together to find sustainable, fair and just transition to greener energy should be the</p>			

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	<p>governments top priority, the future of our country and our people depend on you.</p> <p>I thank the committee for taking the time to read through this letter and hope that the arguments set forth in it can be taken into consideration when working through this important legislation.</p>			
<p>Clause 24</p>	<p>II. EMISSION REDUCTION LIMITS</p> <p>22. The Bill does not set critical and ambitious emission reduction targets</p> <p>23. The Climate Change Act will not be effective unless it includes ambitious emissions reduction targets for 2030 and mid-century. The Bill makes no reference to the Paris Agreement target of keeping the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 °C above pre-industrial levels.⁸</p> <p>24. The Bill requires the Minister to set the national GHG emissions trajectory and to determine a GHG emission threshold but does not provide a timeframe at all. Equally confounding, we don't understand why the interim trajectory contained in Schedule 3 of the Bill appears to be</p>	<p>Alois Mugadza Programme Officer Email:Alois@naturaljustice.org</p>	<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> • Comment 23. See response to comment 22 above. The updated NDC is compatible with both the 1.5 and 2oC temperature goals. 	

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	<p>drawn from South Africa’s 2015 NDCs emission trajectory rather than South Africa’s more updated 2021 NDCs.</p> <p>25. Given the scientific consensus on the urgency of reducing global GHG emissions 45% by 2030 the Bill should require the Minister to promulgate ambitious 2030 GHG emissions reduction targets. Without interim targets, there is a significant risk that action on emissions reductions will be postponed to a year closer to mid-century, at which time the climate crisis will be even more devastating for South Africans and the cost of mitigation and adaptation will have risen dramatically. We must not burden our children and grandchildren with a worsening climate crisis and budget-busting climate mitigation and adaptation costs.</p> <p>26. While government officials claim that South Africa is working toward “net-zero” emissions, the Bill fails to indicate a concrete plan of action to achieve this goal. In addition, there is a need to provide more information on the climate planning stages South Africa will take. There is</p>		<p>Comment 24. See response to comment 22 above.</p> <p>Comment 26: Clause 21 is provided to address the issue of Net-Zero through the development of a National GHG emissions Trajectory for the country.</p> <p>Comment 27: See response to comment 22 and 26 above.</p> <p>Comment 28: All Greenhouse Gases are identified based on scientific grounds However, it does not follow that all Greenhouse gases needs to be managed as they may not occur in a country. The listing of</p>	

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	<p>also a need to make policies and regulations that have set out and clear timeframes, and the actions that need to happen.</p> <p>27. The Bill does not have a set of targets which are based on the latest and available science. The Bill does not set out ambitious sound targets, further it does not have long-term plans and interim targets. It also has no targets for the Minister on how and when certain obligations need to be filled and finished. There are also no net-zero targets that have been afforded in this Climate Change Bill.</p> <p>28. With regards to the provision dealing with the listed greenhouse gas and activities (section 23(1)), this section is problematic in that it supports the publication of listed greenhouse gas activities by the Minister based on his/her own "reasonable" beliefs. The Minister's belief should not be left to subjective criteria to be determined by the Minister but should rather be supported by the latest climate change science which objectively quantifies which greenhouse gasses and which activities exacerbate climate change.</p> <p>29. With regards to section 23(2), the current text should extend its scope to not only consider the publication of</p>		<p>GHGs is not driven by scientific consideration as this is a precondition. It is rather informed by whether such as GHG occurs in the jurisdiction or not (e.g. NF3).</p> <p>Comment 29. Listed activities in terms of industries/private sector shall be addressed in the Carbon Budget regulations that are stipulated in clause 27(2)</p>	

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	<p>listed activities that emit greenhouse gasses, but also address and include sectors/industries and private companies which through their conduct emit greenhouse gasses to secure transparency and adequate oversight and accountability</p>			
<p>Clause 31</p>	<p>IV. TRANSPARENCY AND ACCESS TO INFORMATION</p> <p>33. 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) and must be amended to provide for automatic public access to all climate change information and records provided for in the Bill. The Bill should make express provision for data and reports generated under provisions of the Bill to be available online upon request.</p> <p>35. To fulfil the Constitutional requirement, the Bill should authorize the creation of a web-based climate change information portal that makes publicly available all information on climate change impacts and responses including, inter alia, all government plans, programs, reports, international commitments, laws, regulation, and guidance. Other countries have already done this. For</p>	<p>Alois Mugadza Programme Officer Email:Alois@naturaljustice.org Alois Mugadza Programme Officer Email:Alois@naturaljustice.org</p>	<p>Comment 33 and 35: The Bill does address the issue of access to information and makes reference to the applicable legislation that concern the subject. It needs to also make reference to the Competition Act. We need a subsection under clause 31 that says that the Minister shall develop a web-based platform for dissemination of information taking into account the need to comply with the legislation stipulated in clause 31</p>	

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	<p>example, the Kenya Climate Change Knowledge Portal (KCCKP)⁹ is a one stop repository of climate change information in Kenya. The Kenyan Climate Change Directorate (CCD), the lead agency of the government on national climate change plans and actions serves as the national knowledge and information management centre for collating, verifying, refining, and disseminating knowledge and information on climate change.</p> <p>36. Section 31 concerns the right of access to information and states that information must be provided subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), and the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). The Bill does not make it clear how information will be shared in the arms of the government or communities. Information related to greenhouse gas mitigation and climate adaptation be freely available to all interested communities, organisations, and individuals.</p> <p>37. Especially considering the complex nature of climate change, the Bill must ensure that the information provided is easily accessible and conveyed in a language, manner, and medium that makes the information understandable and usable for all South Africans, including speakers of all</p>			

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	<p>languages, as well those who cannot read. In South Africa every citizen has a right to be informed when a decision is to be taken that affects them or their rights; the Bill must include specific provisions to guarantee the realisation of this right to information.</p> <p>38. The Bill does not state any procedure or processes that can be used to access information. The access to information in the field of climate change is of fundamental importance since this information can be used to read rainfall, droughts and other natural disasters caused by climate change (also adaptation strategies). The Bill should have done more to create an institute or server with climate information that can be accessed by individuals/communities or companies. The Climate Change Bill currently does not provide for adequate transparency and access to information.</p> <p>39. There is a need for an independent scientific committee that focuses on climate change and liaises with the National Treasury for funding. This independent scientific body needs to provide the government with the best available and latest science on climate change and the responses required to address it. Many of the targets and responses of this Bill are political in nature and do not</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>conform to the findings and dictates of current climate science. It is important that the Bill requires decision-makers to stay abreast of the ever-evolving scientific knowledge in this field and to ensure that all decisions made pursuant to this legislation and corresponding regulations are grounded in the best available climate science. The Bill must also explicitly incorporate the precautionary principle, which requires decisionmakers to adopt a cautious and risk-averse approach to decision-making and which dictates that lack of scientific certainty does not absolve government officials from their duty to act against climate change.</p> <p>40. The National Treasury must also play a significant role in funding most of the mitigation and adaptation programmes. It is also vital that the National Treasury provides for oversight to reduce corruption and misuse of funds.</p>			
Clause 22	<p>VI. FOREST PROTECTION AND RESTORATION</p> <p>48. The Bill does not recognize forest protection and restoration as a nature-based solution to climate change</p> <p>49. Forests sequesterate about 25% of the carbon from the atmosphere. They play a huge part in reducing carbon</p>	Alois Mugadza Programme Officer Email:Alois@naturaljustice.org	On Comment 48: The Bill shall deal with forest management, afforestation and reforestation within the SETs framework as evidenced by the Cabinet-approved SETs framework.	

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	emissions. The Paris Agreement, Article 5, has recognized that forests play a huge part in mitigation and adaptation strategies. Forests also play a protective service in reducing floods and protecting the fertile soil. However, the Bill does not affirmatively recognize this nature-based solution to climate change. The Bill should be amended to include reference to nature-based solutions to climate change as effective, low-cost climate mitigation and adaptation measures.			
Clause 26	<p>III. NATIONAL GHG INVENTORY</p> <p>80. Section 26 provides for the development of the National Greenhouse Gas Inventory and the compilation of the National Greenhouse Inventory Report on an annual basis. There is a need to clarify what is intended by this provision, and the mechanisms which will give effect to it.</p>	Alois Mugadza Programme Officer Email:Alois@naturaljustice.org	Section 26(1) answers this question transparently in that it requires the Minister to establish institutional arrangements for data collection to inform the GHG inventory.	
Clause 24	<p>V. CARBON BUDGETS</p> <p>81. Section 24 requires the Minister to allocate a carbon budget to every person undertaking a listed activity. However, there are no parameters for a national carbon budget within which section 24 budgets will be determined. This national carbon budget must recognize priority sectors for mitigation and adaptation, putting in place</p>	Alois Mugadza Programme Officer Email:Alois@naturaljustice.org	Specifics and modalities for allocation of carbon budgets shall be addressed in the CB regulations. The CC Bill has adequately highlighted the principles that SETs parameters to be considered in the CB regulations to be developed.	

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	<p>measurable plans for emissions reductions and improvement of adaptation strategies. 82. Furthermore, given the increasing likelihood of more frequent and more catastrophic climate change impacts (e.g., recent torrential rain and flood impacts in KwaZulu-Natal, and the ongoing drought in the Eastern Cape), section 24 must provide for the allocation of carbon budgets that are cognizant and in keeping with a climate fair share of the total amount of available carbon allocations locally and globally. 83. The duration of carbon budgets should be decreased from five to three years, to accelerate efforts to reduce emissions.</p>			
Clause 21	<p>6. Reliance on outdated 2015 Nationally Determined Contributions under the UNFCCC whereas South Africa’s Cabinet last year significantly increased these targets under the country’s climate action plan.</p> <p>Recommendation</p> <p>Greater ambition is necessary according to the scientific consensus. According to the findings of a Climate Equity Reference Project [1], South Africa’s fair share is: 274 to 352Mt CO2-eq for a 1,5°C pathway; and [1] https://cer.org.za/wpcontent/uploads/2021/05/NDC-vs-fair-share-memov04-corrected-version.pdf</p>	Climate Energy & Health Special Interest Group (PHASA),	<ul style="list-style-type: none"> • It is recommended that following amendment to section 21 (3) be effected “(3) <u>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> 	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 32	<p>7. Unclear provisions for compliance and enforcement, potentially making the Bill ineffective.</p> <p>Recommendation</p> <p>It is generally common cause that we have good laws in South Africa, however poor implementation of these laws is our shortcoming. One of the most urgent aims of the Bill is to ensure adequate GHG emissions reduction within the necessary timeframes to mitigate climate risks. Currently the only offence in the Bill is the failure to prepare and submit a GHG mitigation plan to the Minister. The Bill must therefore include penalties for failing to implement climate reduction plans, for failing to report, monitor or effect remedial action if the plan is not being adhered to or if a sector is exceeding a carbon budget. Similarly these failures need to be made offences and/or be made subject to administrative penalties. Especially important is the provision that the exceedance of a carbon budget must be made a criminal offence especially for large single emitters such as SASOL, Arcelormittal and Eskom who make up our largest emitters.</p>	Climate Energy & Health Special Interest Group (PHASA),	This aspect is excluded from this clause because it shall be dealt with in the CB regulations and the CTax, instead of NEMA penalty regime shall be used to enforce compliance w.r.t carbon budgets. This will be addressed via Carbon Budget regulations	
Clause 24	8. Critical mitigation measures such as determining an emissions trajectory and allocating carbon budgets and establishing sectoral emission targets have no deadlines.	Climate Energy & Health	Timelines to be considered and wording to be finalised in	

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	<p>Recommendation</p> <p>The Climate Act will not be effective unless there is absolute certainty on what the carbon reduction goal is. Our obligation must be in line with the Paris Agreement goal of holding the increase in the global average temperature to well below 2 °C above preindustrial levels and to pursue efforts to limit the temperature increase to 1.5 °C above pre-industrial levels.</p>	<p>Special Interest Group (PHASA),</p>	<p>consultation with the OCSLA and OPLA.</p>	
<p>General</p>	<p>The latest IPCC Assessment Report (AR6) from working group 3 (WG3) on Mitigation of Climate Change suggests that, in order to limit warming to around 1.5°C, global greenhouse gas emissions need to peak before 2025 at the latest (the same timeframe you might expect a bank card to expire and need replacement), and be reduced by 43% by 2030; while also reducing methane by about a third. Even if these very ambitious reductions are achieved, the 1.5°C temperature threshold is likely to be exceeded, but with some potential to return to below it again by the end of the century. Even if we take the less ambitious goal of limiting warming to around 2°C, global greenhouse gas emissions need to peak before 2025 at the latest, and be reduced by a quarter by 2030.</p>	<p>Climate Energy & Health Special Interest Group (PHASA),</p>	<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> 	

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	<p>Recommendation</p> <p>The ambition of the Climate Act must be in line with the recommendations of the latest scientific evidence. This ambition must be reflected in the time scales for implementation, and the extent of ambition required. The IPCC Assessment Report (AR6) from working group 3 (WG3) on Mitigation of Climate Change can act as a reference point.</p>			
General	<p>There is an urgent need to mitigate emissions. According to the IPCC's sixth assessment report, emissions have to be reduced by 45% in 2030. 2 The current chapter 5 does not show the urgency that is needed. We need clear timeframes and deadlines as well as safe and scientifically sound targets for the national GHG emission trajectory. Long term and interim emission targets have to be formulated (the trajectory should include a net zero target by 2050 and work towards a 45% emission reduction target by 2030) and the Minister must determine those not only in consultation with cabinet but with advise from an independent scientific body. Until the trajectory is determined decision makers should stick to the GHG emission trajectory outlined in the updated NDC and take out schedule 3 that is currently part of the Bill.</p>	Climate Energy & Health Special Interest Group (PHASA),	<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> 	

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General	Science is clear about the list of greenhouse gases that cause or exacerbate climate change and therefore, this list should be clearly outlined in the CC Bill.	Climate Energy & Health Special Interest Group (PHASA),	The issue is not the science but more about applicability of the gases that the IPCC has identified. For example, Short-lived climate forces (SLCFs) have been identified as GHGs by the IPCC but the IPCC has not yet developed methodological guidance for the estimation of short-lived climate forces (e.g. black carbon). Therefore, at the point when the IPCC has developed guidance, the Minister shall be in a position to gazette a list of SLCFs as GHGs in the future.	
Clause 24	Clear timeframes are needed for the development of carbon budgets.	Climate Energy & Health Special Interest Group (PHASA),	A 2-3 year period after promulgations should be adequate. Wording to be finalised in consultation with the OCSLA and OPLA.	

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Clause 24	The livestock sector contributes to at least 14.5% of all greenhouse gases (GHGs), with a more recent estimation of close to 20% of total emissions.	ProVeg South Africa	The comment is noted. There is an observed decline in livestock related emissions though, due to a decline in livestock population.	
Clause 22	Set clear agricultural sectoral emission targets with associated timelines.	ProVeg South Africa	Yes the targets for the Agricultural sector shall be set through the SETs stipulated in section 23 of the Bill.	
Clause 22	Make recommendations on standardised methods for reporting GHS emissions within the agricultural sector.	ProVeg South Africa	These are already addressed in the National Greenhouse Gas Emissions Reporting Regulations.	
Clause 22	Create an offence for excessive emissions within all sectors.	ProVeg South Africa	This shall be dealt with in the Carbon Budget regulations stipulated in section 27(2)a(i).	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 22	Align climate and agricultural policies, recognizing the impact of food systems on GHG emissions and climate change-linked extreme weather events.	ProVeg South Africa	Yes the targets for the Agricultural sector shall be set through the SETs stipulated in section 23 of the Bill. The SETs are to be informed by the policies and measures of the relevant policy sector (e.g. agriculture in this case) as highlighted in section 23(4)(a) of the CC Bill.	
General	5. 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 reducing meat consumption.	ProVeg South Africa	The comment is noted. This is something that the Dept of agriculture should champion as it is the custodian of agriculture and food related policies.	
General	6. Continue fostering and supporting sustainable food innovations by including cellular agriculture as a smart agricultural practice. The IPCC AR6 report points out that “clean meat” (also known as cultivated or cultured meat) should mitigate significant emissions in the future. Such technology could lead to a substantial reduction in land use for pastures, and crop-based animal feeds.	ProVeg South Africa	Noted.	

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General	7. 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.	ProVeg South Africa	Noted, the comment shall be shared with the Agriculture Department.	
	8. In SA, lobbying by fossil fuel interests, including the Minerals Council, the Industry Task Team on Climate Change, Business Unity South Africa, and Sasol, has resulted in the extension of the first phase of the carbon tax - which makes provision for companies to receive 60%-95% tax allowances such as rebates or exemptions - until 2026. This, in circumstances where South Africa's climate risk is severe, and a meaningful carbon tax is widely acknowledged as an essential tool to reduce greenhouse gas (GHG) emissions. It appears from the Nedlac report on the Bill that business pushback and lobbying has weakened the Bill.	JUST SHARE	The Bill has not been weakened by the Nedlac discussions. The outcome of the Nedlac discussions was that the Carbon Budgets and Carbon tax should work in tandem to effectively manage GHG emissions from industry, a sentiment that was shared by all constituencies that were involved in the deliberations.	
Clause 24	9. The Intergovernmental Panel on Climate Change (IPCC), in 2021 and 2022, released the three working groups' contributions to the Sixth Assessment Report.4 Bearing in mind that many	JUST SHARE	The IPCC reports provided the scientific literature that will continue to inform the planning instruments to address climate change.	

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	<p>scientists regard the IPCC reports as conservative and cautious, the three working group reports have made clear that:</p> <p>a. with half of the global population already “highly vulnerable” to the climate crisis, the dire impacts of climate change will affect every place on Earth. These impacts will include: rising sea levels, heatwaves, droughts, and floods. Mass die-offs of species are underway and key ecosystems are losing their ability to absorb carbon dioxide (CO₂), turning them from carbon sinks into carbon sources;</p> <p>b. many of the unprecedented changes to the climate are rapidly becoming “irreversible”;</p> <p>c. limiting global warming to 1.5°C requires “rapid and deep and in most cases immediate” cuts to carbon emissions in all sectors;</p> <p>d. countries are failing to take the necessary actions to limit global heating: overshooting 1.5°C - the internationally-agreed goal for avoiding climate catastrophe - is now “almost inevitable”; and</p> <p>e. as things stand, temperatures could rise by as much as 3°C.</p>			

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Clause 24	<p>The list of activities must, among other things, determine quantitative GHG emission thresholds expressed in CO₂eq to identify persons:</p> <p>a. to be assigned a carbon budget; and b. required to submit GHG mitigation plans to the Minister.</p>	JUST SHARE	Noted	
Clause 24	<p>Problematically, given its centrality to assigning carbon budgets in terms of section 24, there is no timeframe provided for the publication of the list of activities.</p>	JUST SHARE	A 2-3 years' timeframe after promulgation of the Bill will be considered. Wording to be finalised in consultation with the OCSLA and OPLA.	
Clause 24	<p>In terms of section 24, a person to whom a carbon budget has been allocated, must prepare and submit to the Minister, for approval, a GHG mitigation plan; which must:</p> <p>a. describe the mitigation measures that the person, to whom a carbon budget is allocated, proposes to implement in order to remain within their allocated carbon budget; and b. comply with the content requirements of such plans as may be prescribed.</p>	JUST SHARE	Noted	

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Clause 24	When allocating carbon budgets, the Minister must, among other things, consider the alignment of the carbon budgets with the national GHG emissions trajectory. There is no timeframe for the trajectory to be determined in terms of section 21, despite the importance of this trajectory to the Bill's entire mitigation architecture. ⁹	JUST SHARE	A 2-3 years' timeframe after promulgation of the Bill will be considered. Wording to be finalised in consultation with the OCSLA and OPLA.	
Clause 24	In the event that such reporting indicates that the person has failed, is failing, or will fail to comply with the allocated carbon budget, the person must provide a description of measures they will implement in order to remain within the allocated carbon budget. But no provision has been made for how to address the situation where the person "has failed" to comply with the budget, and no penalty is attached to this failure.	JUST SHARE	The comment is noted. The issue of alignment between the CB and CTax shall be addressed in the CB regulations. Secondly, Treasury has announced on possible reforms to the Ctax legislation and is waiting for the CC Bill to be finalised in order to effect the alignment mechanism that CAIA has referred to which shall be characterised by a normal tax rate on emission	

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			below the carbon budget and a higher tax rate on emissions above a carbon budget.	
Clause 24	In other words, the current Bill (like the 2021 Cabinet-approved version, but unlike the 2018 version) no longer contains specific provision for a failure to “implement” the plan - which appears to create the unacceptable result that simply submitting the plan is good enough to avoid committing an offence. Nor is any penalty attached to a failure to report, monitor or effect remedial action if there is non-compliance with the GHG mitigation plan. These failures should attract personal director liability and the potential revocation of licences.	JUST SHARE	This will result in double penalization. The purpose of the mitigation plan is to support the carbon budget. If the carbon budget is not met, there is a process to penalise non-compliance using the carbon tax. Therefore, imposition of penalties with respect to mitigation plans should be related to administrative aspects such as preparation and submission of the plans.	
Clause 24	32. It is also unacceptable that no penalty is attached to exceeding a carbon budget. In other words, there is no longer a provision for exceeding a carbon budget to amount to a criminal offence (as per the 2018 version of the Bill) and/or to attract a higher carbon tax rate (as per the 2021 version). Instead, the Bill provides that the Minister may make regulations, inter alia, in relation to the	JUST SHARE	This aspect is excluded from this clause because it is shall be dealt with in the CB regulations and the CTax, instead of NEMA penalty regime shall be used to enforce compliance w.r.t carbon	

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	management of climate change response, including the determination, review, revision, compliance with and enforcement of an allocated carbon budget, amendment and cancellation of a carbon budget allocation, the content, implementation and operation of a GHG mitigation plan, and all matters related thereto. Such regulations may provide that any person who contravenes them commits an offence and will be liable, upon conviction, to the penalties contemplated in section 49B(2) of the NEMA. In other words, such regulations, and their content, are discretionary.		budgets. This will be addressed via Carbon Budget regulations.	
Clause 24	The Minister of Finance in the 2022 Budget Speech referenced a higher carbon tax rate on emissions exceeding the carbon budget, but this provision is not contained in the current version of the Bill. No public explanation has been provided for this omission. In this regard, we note that, although “Carbon Tax Act” (CTA) is defined in the Bill, there is no reference to the CTA in the Bill.	JUST SHARE	This aspect is excluded from this clause because it shall be dealt with in the CB regulations and the CTax, instead of NEMA penalty regime shall be used to enforce compliance w.r.t carbon budgets. This will be addressed via Carbon Budget regulations	

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Clause 24	<p>34. Corporate pushback and lobbying has resulted in the first phase of the carbon tax being extended by three years for the period 1 January 2023 to 31 December 2025. This also has implications for the carbon budgets to be issued in terms of the Bill – although the Department has given contradictory information on this, it appears that the mandatory carbon budgets will now also be postponed till 2026. In other words, there will be more than three-and-a-half more years of emissions that will attract barely any carbon tax. This despite the demands of climate science for global emissions to be halved in the next seven-and-a-half years, and the evidence that carbon pricing has substantial benefits – beyond emissions reduction.¹⁰</p>	JUST SHARE	<p>I think the member of the public is not aware of the fact that DFFE is already in the process of allocating Mandatory Carbon Budgets guided by the Carbon Budget allocation framework approved by Cabinet in 2021. Therefore, the only delay in formalising mandatory carbon budgets shall be the enactment of the CC Bill and its associated CB regulations.</p>	
Clause 24	<p>35. One of the most pernicious arguments that anti-climate lobby groups use to delay implementation of climate regulation is the claimed need for alignment between the carbon tax, carbon budgets, and sectoral emissions targets (SETs). However, there is simply no reason why this need be the case: a carbon tax should be implemented, while the carbon budgets and SETs are being determined.</p> <p>36. Failure to comply with a carbon budget is an egregious contravention, with significant consequences for climate</p>	JUST SHARE	<p>This aspect is excluded from this clause because it shall be dealt with in the CB regulations and the Ctax, instead of NEMA penalty regime shall be used to enforce compliance w.r.t carbon budgets. This will be addressed via Carbon Budget regulations.</p>	

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	<p>action. Currently there is no penalty attached to this failure and the Bill, as currently drafted, does not oblige the Minister to make regulations to provide any penalty for this failure. It is unacceptable to defer consequences of violating carbon budgets to potential future regulations that might be made by the Minister at an undetermined point in the future. This should be made an offence and clearly linked to the requirement to pay additional carbon tax on excess emissions. But this cannot be the only penalty provision for non-compliance with carbon budgets. Provision should also be clearly made for personal director liability and for authorisations to be revoked when there is non-compliance with a carbon budget.</p>			
	<p>37. Unless significant penalties are attached to this failure, persons to whom carbon budgets have been allocated will simply “budget” for the excess tax rate (if any) or other fine, and exceed their budgets. The costs of non-compliance have to exceed the benefits, in order to avoid the Bill being toothless. This problem is exacerbated by the provision made in the Bill for an emitter to apply for the carbon budget to be cancelled or revised “under prescribed circumstances” (section 24(7)(b)); especially since such circumstances are not prescribed in the Bill.</p>	JUST SHARE	<p>This aspect is excluded from this clause because it shall be dealt with in the CB regulations and the CTax, instead of NEMA penalty regime shall be used to enforce compliance w.r.t carbon budgets. This will be addressed via Carbon Budget regulations</p>	

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Clause 24	<p>38. Given that a meaningful carbon tax (and, it seems, mandatory carbon budgets) have been deferred until 2026, it is even more important that such violations be severely penalised. It is also unacceptable that the failure to implement a GHG mitigation plan is no longer an offence, nor does it attract any other penalty. It is clearly meaningless to penalise the failure to submit such plan, but not the failure to implement it. Penalties should also be introduced in the Bill; for example: for providing false and/or misleading information under the Bill; for failure to comply with a SET (section 22); and for failure to comply with plans to phase out or phase down synthetic GHGs (section 25). These contraventions should also be listed as offences and/or be subject to administrative penalties, and the consequences of non-compliance must be significant.</p>	JUST SHARE	<p>This aspect is excluded from this clause because it shall be dealt with in the CB regulations and the CTax, instead of NEMA penalty regime shall be used to enforce compliance w.r.t carbon budgets. This will be addressed via Carbon Budget regulations</p>	

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Clause 21	<p>We are environmental educators in our local schools and in other areas. Due to lack of funding and valuable resources such as transport, feeding scheme, equipment, it makes it very difficult for us to educate and reach all the schools. Hence these kids are coming from poor families.</p> <p>We would like the government to fund environmental education in all the schools.</p> <p>They should make is possible for the local community environmental educators to spread the word and make a difference in our communities about the importance of our environment.</p>	SOUTH AFRICAN HUMAN RIGHTS COMMISSION	<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> 	
Clause 24	<p>SAMA commends the government for being a signatory to various international climate change instruments and obligations, including the Paris Agreement. We however raise serious concern on the coal dependence of the South African economy. South Africa’s greenhouse gas emissions continue to rise. We agree with other stakeholders that the country’s emission reduction targets remain too weak. The national greenhouse gas emissions trajectory needs to be stringent enough.</p> <p>South Africa’s NDC notes South Africa’s commitment, in the country’s long-term Low Emissions Development Strategy (LEDS), communicated voluntarily under Article 4.19 of the Paris Agreement “to ultimately moving towards</p>	THE SOUTH AFRICAN MEDICAL ASSOCIATION	<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> 	

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	<p>a goal of net-zero carbon emissions by 2050, which will require various interventions to reduce greenhouse gas emissions”. Section 21.1 of the Bill states that the Minister must, in consultation with Cabinet, by notice in the Gazette determine a national greenhouse gas emissions trajectory for the Republic. SAMA is concerned by section 21.3 of the Bill, which states that “until such time as the Minister publishes the national greenhouse gas emissions trajectory in terms of subsection (1), the trajectory in Schedule 3 serves as the national greenhouse gas emissions trajectory for the Republic”. SAMA agrees with other stakeholders¹⁵ in the observation that the schedule 3 targets in the Bill are outdated and not in keeping with global imperatives and the country’s above-stated commitment to net zero by 2050. The targets in Schedule 3 must be revised and amendments made to the Bill.</p>			
Clause 24	<p>We believe that determining a national greenhouse gas emission trajectory for the country is an important starting point in monitoring and regulating greenhouse gas emissions but is also an important exercise in assessing how well interventions to manage and reduce greenhouse gas emissions are going. As such, we believe that a deadline is appropriate for this activity. We propose that the minister must determine a national greenhouse gas</p>	Youth Policy Committee	Issue of timelines is noted and to be addressed. Wording to be finalised in consultation with the OCSLA and OPLA.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	emission trajectory for South Africa within 5 years of the operation of the Act.			
Clause 23	Identifying and listing the greenhouse gas emissions that are likely to exacerbate climate change in South Africa is an important activity in inspiring urgent action. It is important for the list to be made accessible for all. We also believe that most of the science is already known as to which greenhouse gases are likely to exacerbate climate change in South Africa. As such, we urge the government to identify and publish a list of the greenhouse gases within 2 years of the operation of the Act to ensure its effective and expeditious implementation.	Youth Policy Committee	All Greenhouse Gases are identified based on scientific grounds, However, it does not follow that all Greenhouse gases needs to be managed as they may not occur in a country. The listing of GHGs is not driven by scientific consideration as this is a precondition. It is rather informed by whether such as GHG occurs in the jurisdiction or not (e.g. NF3).	
Clause 24	We welcome the allocation of adequate carbon budgeting to limit greenhouse gas emissions, however we believe that paragraph 24.1 should be more inclusive of the real big polluters. We propose that the paragraph reads as follows: “The Minister must allocate a carbon budget to any person, business, organisation, and any other big polluting entity that conducts an activity listed in terms of section 23(2).”	Youth Policy Committee	Timelines to be considered wording to be finalised in consultation with the OCSLA and OPLA.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>We would also like to appeal to the government to include information on when carbon budgeting will come into effect. We urge the government to consider carbon budgeting to come into effect within a year of the operation of this Act.</p>	<p>Youth Policy Committee</p>	<p>Timelines to be considered and wording finalised in consultation with the OCSLA and OPLA.</p>	
<p>General</p>	<p>Net Zero by 2050: The inclusion of the 2015 NDC as an interim emissions trajectory is not acceptable. This trajectory puts us on a very dangerous path of an up to 4°C global temperature increase (up to 8°C for South Africa). If this is included, it will also lead to South Africa being seen globally as unambitious, compromising our ability to access climate finance and international support for our climate response. There should be a target of net zero by 2050 included in the Bill, including interim targets starting from the 2021 NDC emissions trajectory and that are progressively more ambitious. There also needs to be a clear definition of net zero and an understanding of conditions for its application. For example carbon capture and/or unproven offset technologies should not be relied upon by the fossil fuel sector where carbon free alternatives exist. There should be an independent body of scientists and climate experts to provide objective advice based on scientific knowledge to inform climate response.</p>	<p>Well Worn Theatre Company</p>	<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> 	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 24	Carbon Budget: Emitting carbon emissions in excess of any set carbon budget should be made an offence. Large emitters who are negligent and who exceed their carbon budgets should be subject to harsh penalties and be prohibited from doing so in the future. Providing false, misleading or incomplete information in terms of advertising carbon emissions by large emitters, should also be an offence with prohibitive penalties attached.	Well Worn Theatre Company	This will result in double penalization. The purpose of the mitigation plan is to support the carbon budget. If the carbon budget is not met, there is a process to penalise non-compliance using the carbon tax. Therefore, imposition of penalties with respect to mitigation plans should be related to administrative aspects such as preparation and submission of the plans	
Clause 24	Leading by Example: State entities should be strengthened and encouraged to ensure that decision-makers comply with sectoral emissions targets and carbon budgets. Each Ministry Office should have a dedicated 'Climate Change' office, which is responsible for climate response, to ensure accountability and climate leadership. The Minister and Department of Forestry, Fisheries and Environment must be adequately empowered to coordinate, issue guidelines and monitor and evaluate the climate response measures and actions of other state entities. State entities and para-statals should be required to report regularly and comprehensively to Parliament on	Well Worn Theatre Company	The comment is noted and shall be communicated with the relevant Ministries as it is their prerogative to define how their structures for climate change implementation are to be formed.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>progress made with all key aspects in the Bill. National Treasury should specifically report on climate change related financial matters in every Budget Speech. Provincial and local government risk assessments and climate response plans must be</p>			
<p>Clause 24</p>	<p>The clauses dealing with emissions inventory and reporting are inadequate. It is suggested that the emissions inventory and reporting be dealt with more comprehensively.</p>	<p>Western Cape Government</p>	<p>It is not clear from the comment what aspects are missing in the provision on GHG inventories and reporting. Also note that the reporting regulations contains detailed aspects for consideration.</p>	
<p>Clause 24</p>	<p>The Bill does not require the publication of or disclosure of carbon budgets, greenhouse gas mitigation plans, and annual reports on compliance with carbon budgets. Since greenhouse gas emissions and their management affects us all, it is suggested that publication of or disclosure of carbon budgets, greenhouse gas mitigation plans, and annual reports on compliance with carbon budgets must be publicly accessible. This will ensure transparency and accountability principles.</p>	<p>Western Cape Government</p>	<p>The issue if access to information is already addressed on clause 31. What clause 31 is missing at the moment is consideration for the Competition act as well as a need for a web-based system for dissemination of climate change related information. (please note that The National Climate Change Information System (NCCIS) already exists</p>	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			and shall be used to add more climate related information that is referenced in the CC Bill)	
Clause 21	There are no timeframes proposed for the national greenhouse gas emissions trajectory. This should ideally be done at the same time as the commencement of the Bill, if enacted, or within a short set period after promulgation. Amend accordingly.	Western Cape Government	Timeframes to be considered and wording finalised in consultation with the OCSLA and OPLA.	
Clause 24	The wording is vague and can be subjectively interpreted. Suggest the following wording: “be informed by relevant evidence-based and up to date information	Western Cape Government	The proposal is supported	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 21	<p>Schedule 3, the Peak, Plateau and Decline trajectory, was based upon modelling work done as part of the Long Term Mitigation Scenarios project approximately 12 years ago. This is very outdated given the urgency to respond to the climate crisis. A revised trajectory is needed as it would inform sectoral emissions targets, carbon budgets and the greenhouse gas inventory going forward. The anticipated change / trajectory update would require more stringent measures and more urgent implementation of instruments to curb emissions. While this could have a disastrous effect due to the carbon tax that Eskom/Sasol and other big emitters would need to pay and which would add to their debt or increase the price of electricity/fuels beyond what businesses could manage, it could provide an opportunity for a faster adoption of efficient and renewable energy technologies and practices (in turn providing more energy security) whilst positioning products and companies favourably to compete in export markets that have introduced carbon barriers.</p> <p>It is suggested that a more regular review at least every five years, with periodic reviews as required, is undertaken given the urgency to respond to the climate crisis. While the trade-offs need to be better understood to inform decision making, implementation needs to be fast-tracked.</p>	Western Cape Government	<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> 	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 24	Inconsistent wording: “Ministers responsible for each” vs “Ministers responsible for the administration...”. Ensure consistency.	Western Cape Government	Noted, wording to be revised as suggested and finalised in consultation with the OCSLA and OPLA.	
Clause 24	The list of greenhouse gas emitting sectors and sub-sectors will be listed by the Minister (clauses 22(1) and 22(2)). It is not clear whether Ministers responsible for each sector will participate in this decision by the Minister (clause 22(3) only applies to the framework and targets, not the sectors and sub-sectors). In the agriculture sector (if this sector is identified under clause 22(1)), there are strong reasons to use sub-sectors for the actions outlined in clause 22. Failure to do so could have negative consequences for the sector. Establish more clearly who will participate in the identification of the greenhouse gas emitting sectors / sub-sectors, and what method of appeal would be available to sectoral role players.	Western Cape Government	All Greenhouse Gases are identified based on scientific grounds. However, it does not follow that all Greenhouse gases need to be managed as they may not occur in a country. The listing of GHGs is not driven by scientific consideration as this is a precondition. It is rather informed by whether such as GHG occurs in the jurisdiction or not (e.g. NF3). The process therefore is such that the Minister will publish a notice through Government Gazette for the general public to engage on the subject.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>In order for the “sectoral emissions target” to be meaningful, it has to be aligned with an up-to-date emissions trajectory, which the Peak-Plateau-Dcline is not. Amend accordingly.</p>	Western Cape Government	Comment is noted and will be considered.	
Clause 21& 22	<p>There is some confusion about the difference between the sector emission targets and the carbon budget approach and how they work together and who is responsible for what. There is a need for greater clarity on the different functions. It is suggested that extensive consultation be undertaken with the private sector and relevant sectoral departments to ensure buy-in to, setting of, and effective implementation of the sectoral emissions targets.</p>	Western Cape Government	There is confusion. Clause 22(1) is dealing with the listing of sectors and sub-sectors that are to be subjected to SETs and not the linkage of the SETs to the national GHG emissions Trajectory	
Clause 22	<p>It is not clear to what extent there has been consultation with the private sector and relevant sectoral departments on the sectoral emissions targets. It could be argued that without the Bill in place, the sector would not necessarily respond to meet sectoral targets and may be using the opportunity to avoid higher costs of compliance. Additionally, the likelihood that the sector targets may not be fairly distributed in the sector would probably also arise. Given that other Ministers would be responsible for</p>	Western Cape Government	The determination of SETs as outlined in the SETs framework approved by Cabinet is informed by the objectives and targets of Policies and Measures that are led by sector departments performing specific functions. Therefore sector departments whose	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>implementing the sectoral targets, the clause may not achieve the intended outcome if these Ministers are not in agreement. Chief amongst these would be Ministers of Mineral Resources and Energy and DTIC (covering the sectors that account for the highest emissions targets based on current emissions inventory). It should also be noted that DMRE and DTIC policy may not be aligned with the trajectory – e.g. the gas focus of the DMRE.</p>		<p>functions are listed in Schedule 1 are custodians of such PAMs. The precondition of considering PAMs for SETs is that they need to have direct (e.g. DMRE’s IRP) and/or indirect impacts (e.g. DTIC’s IPAP) on Greenhouse Gas emissions.</p> <p>There is no intention of aligning the SETs with the carbon budgets as these two instruments are completely different in that:</p> <p>(a) SETs focus on allocating targets as an outcome from sectoral policies and measures led by government</p> <p>(b) Carbon budget are emission allocations to industry manage their “direct emissions.</p> <p>(a)(c) SETs also have qualitative aspects (e.g. standards, incentives,, enabling</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			policies) that can facilitate the transformation of an industrial sector/company such that it's emissions profile is reduced. In this context, whatever, the resultant emissions profile of a company is, the Carbon Budget shall be set.	
Clause 22	The sub-clause lacks important detail. It must be stated explicitly when the sectoral emissions targets will be determined, and this must be linked to the new greenhouse gas emissions trajectory, not the existing Peak-Plateau-Decline. It should be noted that this has implications for the timing of the sector targets.	Western Cape Government	Timelines to be considered and wording to be finalised in consultation with the OCSLA and OPLA.. Clause 22(4) 4 (b) does exactly what is being asked (i.e. linking the SETs to the national GHG emissions Trajectory)	
Clause 22	It is not clear what the difference is between this paragraph, clause 22(6), clause 22(9) and clause 22(10). Clarify and ensure that there is no duplication.	Western Cape Government	Clause 22 (6) outlines explicitly that Policies and Measures shall be used to inform the determination of SETs. Clause 22(9) and 22(10) are referring to the subsequent review process which according to the Bill should happen every 5 years. At the beginning (which is in	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			relation to Clause 22(6)) there is no review as the SETs would have been developed for the first time.	
Clause 22	The wording in this clause needs to be clarified – it is unclear whether this refers to five-year increments. Clarify.	Western Cape Government	Noted, the language shall be improved	
Clause 22	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.	Western Cape Government	The SETs once developed shall be published for public comment and that process will also for all societal actors to engage on the SETs.	
Clause 22	No provision is made for a review in less than five years. Add “at least” before “every five”.	Western Cape Government	That is because, the SETs must be locked to a pre-determined commitment period (5-years in this case). Therefore reviews have to be done after the end of the commitment period.	
Clause 22	Incorrect wording. Delete “the”.	Western Cape Government	Recommendation supported	

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Clause 24	It is unclear whether this is referring to five-year increments. Clarify.	Western Cape Government	Noted, the text shall be refined accordingly.	
Clause 22	Given that it took nine years for the Integrated Resource Plan 2010 (IRP2010) to be updated to the IRP2019 and that the country still doesn't have an updated Integrated Energy Plan (IEP) after an even longer period, it is unlikely that the electricity/energy sector policies and measures could be implemented within a year. Also given government budget and programme implementation cycles, the one-year window would appear far too short. It is unlikely that DMRE could do this given its current capacity, even if it was inclined to comply. The clause should be amended, in consultation with the relevant sector departments and industry, to provide more realistic timelines.	Western Cape Government	Noted, the text shall be refined accordingly.	
Clause 22	It is recommended that these reports become publicly available. Also, no penalties are provided for non-compliance to sectoral emissions targets. Amend accordingly.	Western Cape Government	This shall be dictated by the objectives and targets of the relevant Policies and Measures.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 22	<p>It is recommended that these reports become publicly available.</p> <p>Also, no penalties are provided for non-compliance to sectoral emissions targets.</p> <p>Amend accordingly.</p>	Western Cape Government	<p>Yes, this is correct because once the Presidency receives the reports, it shall pass them on to DFFE to analysis and progress report preparation, which shall be made publicly available.</p>	
Clause 23	<p>Sub-clause (11) refers to The Presidency (which should be the Presidency), whilst (12) refers to the Minister.</p> <p>Ensure alignment.</p>	Western Cape Government	<p>Yes the listing is meant to nullify the existing declaration.</p> <p>All Greenhouse Gases are identified based on scientific grounds. However, it does not follow that all Greenhouse gases needs to be managed as they may not occur in a country. The listing of GHGs is not driven by scientific consideration as this is a precondition. It is rather informed by whether such as GHG occurs in the jurisdiction or not (e.g. NF3).</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	It should be ensured that this publication replaces the declaration of greenhouse gas priority pollutants promulgated under the National Environmental Management: Air Quality Act, 2004. It should be noted that the list of greenhouse gases should be determined by science and not arbitrarily by the Minister. Amend accordingly.	Western Cape Government		
General	This may impose stringent requirements on certain industries like Sasol and Eskom and may result in increased costs to comply. It is suggested that due consultation is undertaken to address the matter, but that, in the interest of the climate crisis, decision-making should be expedited.	Western Cape Government	Since Eskom and SASOL constitutes about approximately 55% of the total national emissions, whatever metric is used to determine companies to be subject to a carbon budget, these two entities shall always fall within the CB net.	
Clause 24	Word missing. Add "the" before "implementation".	Western Cape Government	Noted, we shall consider.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	There should be an obligation on the Minister. Replace “may” with “must”.	Western Cape Government	Noted replacement of the wording to be finalised in consultation with the OCSLA and OPLA	
Clause 24	Annual reports on carbon budgets should be independently verified. Amend accordingly.	Western Cape Government	Yes, they will be at the beginning, midway and at the end of the commitment period. This shall be stipulated in the CB regulations.	
Clause 24	It is unclear to what extent industry and relevant sector departments have been consulted on this clause. Additionally, no timeframes are provided for the clause and sub-clauses as to when the carbon budgets must be allocated, mitigation actions implemented etc., which would impact the efficacy of the clause. It is recommended that as far as possible the carbon budgets should be allocated in a consultative manner to ensure effective implementation. A critical part of this will be the inclusion of how carbon budgets will be enforced and what support may be made available for remedial actions. For example, if a cement manufacturer does not have sufficient revenue/budget (due to tight margins) to be able to meet the target, could support funding be made	Western Cape Government	Sector Departments where engaged in Working Group 10 (Climate Change working group) and Industry was engaged in numerous engagements including at Nedlac. Rules and modalities for allocation and progress reporting for carbon budgets shall be dealt with the CB regulations	

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	available to assist in retrofitting the plant so that the company can comply?			
Clause 24	Superfluous wording. Delete “amongst others”.	Western Cape Government	Noted, comment accepted.	
Clause 21	In order for the carbon budgets to be meaningful, it has to be aligned with an up-to-date emissions trajectory, which the Peak-Plateau-Decline is not. Amend accordingly.	Western Cape Government	<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> 	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 24	<p>While the clause is supported, there is concern that the Bill could result in a reporting burden on a person to whom a carbon budget has been allocated.</p> <p>To ease the reporting burden, it is suggested that the department develop appropriate guidelines to clarify the reporting parameters of the mitigation plan. Additionally, the Department should develop a one-stop shop on-line system that can be used by such a person to submit the greenhouse gas-related data and information. It is further suggested that a better understanding of the financial support requirements of the private sector could enable DFFE to aggregate the financial support required and look to international climate funding to assist.</p>	Western Cape Government	<p>The guidelines shall be developed along with the CB/Mitigation plan regulations.</p> <p>The system for reporting CB and Mitigation Plans has already been developed through the South African Greenhouse Gas Emissions Reporting System (SAGERS).</p>	
Clause 24	<p>The Minister must approve greenhouse gas mitigation plans, however, there is no timeframe indicated for this approval.</p> <p>Suggest including a timeframe for approval to ensure that plans proceed without undue delay.</p>	Western Cape Government	Timeframes to be reconsidered and wording to be finalised in consultation with the OCSLA and OPLA.	
Clause 22	<p>This annual report must be made available to the public. Amend accordingly.</p>	Western Cape Government	This shall be dealt with in a new sub-section under Clause 31.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 24	It is unclear what measures are in place to address or avoid non-compliance in this regard. Clarify.	Western Cape Government	This will result in double penalization. The purpose of the mitigation plan is to support the carbon budget. If the carbon budget is not met, there is a process to penalise non-compliance using the carbon tax. Therefore, imposition of penalties with respect to mitigation plans should be related to administrative aspects such as preparation and submission of the plans	
Clause 24	In view of the rest of clause 24, the obligation to comply with a carbon budget is considered to be weak. This obligation must thus be strengthened. Amend accordingly.	Western Cape Government	This is a different issue altogether. It deals with circumstances that require the company to review its carbon budget (e.g. decommissioning of some of its activities)	
Clause 24	The revision or cancellation of a carbon budget is provided for under certain circumstances, however, these circumstances are not stated clearly. There is a need to include specifics around the process that needs to be followed to revise or cancel a carbon budget and when this can be done. The current wording doesn't define when and	Western Cape Government	The specifics shall be dealt with in the Carbon Budget regulations.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>how this revision or cancellation should happen and without this in place, it could be done on a whim or if the minister feels that the motivation from the company is "strong" enough. Suggest that the prescribed circumstances be made clear to avoid abuse of power by both greenhouse gas polluters and the Minister.</p>			
Clause 24	<p>It is unclear whether this should also be within a reasonable time of review, or irrespective of the review. Clarify.</p>	Western Cape Government	The specifics shall be dealt with in the Carbon Budget regulations.	
Clause 24	<p>Reference is made to a "reasonable time"; however, this is too vague. Suggest that a timeframe be provided.</p>	Western Cape Government	<p>Noted, However, this also depends on whether the company in question responds on time to any follow up questions that the Minister would have raised on the issue. Wording to be finalised in consultation with the OCSLA and OPLA.</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 24	It is unclear who the “affected person” refers to. Clarify.	Western Cape Government	Clause 24(8) does not refer to an “affected person”	
Clause 25	While the phase-down and phase-out of synthetic greenhouse gas emissions are supported, the clause does not provide the required timeframes. To provide certainty to businesses, such timeframes should be specified to ensure that businesses are ready and prepared for the phase-down and phase-out plan.	Western Cape Government	The issue of timeframes is correct but is addressed in clause 25(1)d.	
Clause 25	As indicated above regarding the definitions for “greenhouse gas” and “synthetic greenhouse gas”, clarification is required. It is unclear whether this refers to the production, trade and use of synthetic greenhouse gases, or whether it includes emissions resulting from the use of synthetic chemicals and fuels. Some greenhouse gases emitted by agriculture (e.g. N ₂ O) have both natural (livestock manure, fires) and synthetic (mineral fertilizer) origins. Clarify.	Western Cape Government	The declaration does not concern the type of activity that synthetic greenhouse gases are involved but rather on the “nature” of greenhouse gases that behave as synthetic greenhouse gases.	

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Clause 25	In order to minimise possible confusion, rather duplicate clause 23(3)(b) here, with the necessary changes. Amend accordingly.	Western Cape Government	Agreed, this shall be outlined in the gazette establishing Institutional arrangements.	
Clause 25	Institutional arrangements must have clear roles for the private sector and all spheres of government, in order to promote the alignment of reporting processes. The institutional arrangement should also ensure that data collected is publicly available. Amend accordingly.	Western Cape Government	Clause 26(3) is already addressed through the existing national GHG reporting regulations (NGERS).	
Clause 24	There should be a means to recognise the contributions made towards sustainable development by those using cleaner production technologies, especially in the consideration of the carbon budgets. This may allow for the offsetting of carbon emissions with carbon emission reductions. Carbon emission reductions must be considered during the determination of carbon budgets.	Western Cape Government	Example of this is where cement companies use organic sources of energy instead of fossil-based fuels. That has a positive impact of the carbon budget allocation. Consideration for alternative and sustainable materials is therefore considered in the methodology for carbon budget allocation.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 24	<p>Thresholds should only be applied where sufficiently accurate and tested/verified measurement methods are available for the estimations of greenhouse gas emissions and carbon sinks.</p> <p>Measurement challenges and data reliability need to be considered.</p>	Western Cape Government	<p>We agree. The NGRS and their associated thresholds are linked to activities whereby the IPCC has provided methodological guidance. DFFE has published the Methodological Guidelines for Quantification of Greenhouse Gas emissions</p>	
Clause 24	<p>Suggest that the term “must” be replaced with “may”, if it is not certain that all thresholds can be expressed as a function of activity.</p> <p>Amend accordingly.</p>	Western Cape Government	<p>The Clause is very explicit in that all thresholds must be expressed as a function of activity for a given emission source. However, the quantum and unit shall vary depending on the nature of the activity in question</p>	
Clause 24	<p>The clause only covers the carbon budgets element of the Bill. The clause also speaks to ‘the person to whom...’, and not to the relevant industry, which may become a challenge as the scope of those covered by carbon budgets is extended to companies beyond the largest emitters.</p> <p>It is suggested that the clause is extended to cover all relevant clauses e.g. clauses 23 (Listed greenhouse gases</p>	Western Cape Government	<p>The CC Bill is a SEMA and there will follow the principles of NEMA in terms of what is considered appropriate and fair engagement on all these processes. Therefore there is no need to duplicate the</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	and activities), 25 (Phase-down and phase-out of synthetic greenhouse gas emissions and declaration), and 26 (National Greenhouse Gas Inventory). It is further suggested that a clause be added to include consultation with industry for clause 22: Sectoral emissions targets.		engagement processes that are spelt out in NEMA.	
Schedule	The information in (a) is be outdated (reference to 2020) (see also comment above). Add updated information.	Western Cape Government	<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> 	
Clause 24	The Bill fails to expressly set out South Africa’s obligation to prepare and submit NDC’s and that subsequent NDC need to show progression. It is therefore submitted that a provision be included specifically setting out South Africa’s commitments in terms of its NDC and that reference not only be made to it in the preamble of the Bill. There is a need for urgent climate action however given the delay in implementation of the Bill, coupled with the time frames	Legal Resource Centre	The preparation and submission of an Nationally Determined Contribution is informed by an international obligation and is already committed in terms of South Africa’s ratification of the Paris	

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	<p>allocated to the Minister and various departments with taking adaptive and mitigation measures, it is highly likely that South Africa will not achieve its NDCs adaptation and mitigation goals for the period 2020-2030.</p> <p>The mitigation measures in place include determining the GHG emissions trajectory and setting sectoral emissions targets for GHG emitting sectors and sub-sectors that needs to be consistent with the GHG emissions trajectory. The Bill in Clause 22(3) further compels; “The Minister must, in consultation with the Ministers responsible for each sector and sub-sector listed in terms of subsections (1) and (2), determine by notice in the Gazette the prescribed framework and the sectoral emissions targets for sectors and sub-sectors.” The Bill in Clause 22(6) states that “The Minister responsible for each sector or sub-sector for which sectoral emissions targets have been determined, in accordance with subsection (3), must adopt policies and measures towards the achievement of the sectoral emissions targets”. The budget allocation around climate change adaptation and mitigation must be addressed to ensure that there is adequate funding allocated to meet the onerous capacity requirements.</p>		<p>Agreement and need not to be duplicated in the climate Bill. The Bill in its clause 21 (1) also commits South Africa to the development of a National GHG emissions trajectory which should inform the Nationally Determined Contribution the low emissions development strategy. The Bill further recognises the country’s role towards the global commitment to address matters of climate change.</p>	

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Clause 21	<p>Section 21 gives a trajectory for the greenhouse gas emissions to peak by 2025 at 614 Megatonnes (Mt) CO₂, plateau for ten years and decline to at least 428 Mt (up to 212 Mt) by 2050. This is not in line with the Paris Agreement which requires a much steeper decline in order to mitigate the global temperature rise beyond 1.5 degrees. The Net Zero Coalition and Intergovernmental Panel on Climate Change (IPCC) special report recommends that a cut of 45% is needed by 2030 and net 0 should be reached by 2050.</p> <p>In a 2020 report, South Africa's Low Emission Development Strategy 2050 states that in 2015, South Africa's greenhouse gas emissions were 512 Mt so a 45% reduction by 2030 would put us at 281,6 Mt</p>	Natasha Slabbert	<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> 	

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	<p>which is well below the current trajectory. The trajectory put together by the minister should call for a much harsher decline in greenhouse gas emissions over the next ten years in order for South Africa to meet the global standard of 45% reduction in emissions with net zero by 2050.</p> <p>Section 23 and 24 set out the minister’s need to form a list of greenhouse gas emitting activities, the sectors involved in those activities as well as a Carbon Budget for persons involved in these activities.</p> <p>The Carbon Budget made allowed to persons involved in greenhouse gas emitting activities should be made public through the Gazette to ensure that the public can also hold these persons accountable to their Carbon Budget. Furthermore the revision of the Carbon Budget should be at the end of three (3) years instead of five (5) years in order to align South Africa with the 45% reduction in greenhouse gas emissions within the next ten years.</p>		<p>The carbon budget allocations to companies shall be made public.</p> <p>A 3 year commitment period is too short to implement carbon budgets as some mitigation measures require a minimum of two year to observe significant improvements in emission reductions. The carbon budgets, even though allocated for a 5-year period, shall be accounted for on an annual basis</p>	

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Section 24	<p>It is important that the reports the various departments make as a result of the Bill need to be fully transparent and made available to the public. Also, all the information or reports provided by the Presidential Climate Commission to the President must be publicly available.</p> <p>The carbon trajectory must be much steeper than outlined by the Bill otherwise South Africa won't be able to reach the commitment that we made with the Paris Climate Agreement. The IPCC reports have outlined that we need to cut carbon emissions by 45% by 2030 if we are to have any hope of reaching net zero by 2050.</p> <p>Carbon Budget</p> <p>The Carbon Budget for persons involved with greenhouse gas emitting activities should made publicly available, otherwise we have no way of holding them accountable to that budget. The full list of greenhouse gas emitting activities, and the sectors involved in those activities must also be made publicly available The climate crisis is too urgent for reports and reviews to be done every five years. Every year our timeline gets shorter, we should perform</p>	Natasha Slabbert		

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	<p>these reports at least once every three years, otherwise the measures we would have to take for any corrective actions would just be that much more extreme We can't just do things blindly. The ministers involved with the action phase of the Bill have to listen to independent scientists and engage with the experts so that we can ensure a timely response to the crisis. The longer we make decisions based on bad data on political reasoning the harder it is going to be to avoid a drastic outcome</p> <p>Just Transition</p> <p>We need to have a Just Transition to sustainable energy systems and ensure that the people of South Africa most affected by the transition will not be left behind. The workers and communities who rely on these greenhouse gas emitting industries should be given training on the new systems that will be put in place to replace the old fossil fuel industries.</p> <p>We need to preserve the communities who have come to rely on them, in the short term by training, and in the long term by preventing a worsening of the climate crisis, which will have the greatest effect on the poorest of us. The decommissioning and rehabilitation of land that has been</p>			

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	<p>ravaged by fossil fuel developments should be given priority. Exceeding ones carbon budget should be clearly outlined as a punishable offence. We can't just let things like that slide, or we will never find our way out of this crisis. Publishing false or misleading information on the matter of ones emissions should also be a punishable offence. South African corporations and their directors must be held responsible should then violate their prescribed carbon emissions budget and for not reducing their carbon emissions meaningfully. This should entail stiff criminal penalties and financial fines. The should also appoint a sustainability officer and have a sustainability plan, reviewed annually, that clearly lays out benchmarks for measuring their progress to achieve zero emissions by 2050.</p> <p>Penalties</p> <p>The corporations must be held accountable to that plan with financial penalties should they fail to reach their goals. All products produced in South Africa should be subject to South African Bureau of Standards (SABS) grading measures which clearly indicates their carbon usage, ecological impact and their sustainability profile.</p>			

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	<p>Education</p> <p>The educational curriculum in South Africa should be adjusted to incorporate a module in each year of learning on Earth Sciences and climate change and ecological breakdown. All Members of Parliament should be compelled to complete a mandatory comprehensive module on climate change and ecological breakdown in the first 12-months of arriving in office; and any who fail to do so be suspended forthwith from their duties without pay until they have made themselves compliant with this mandate. The government should be leading the way in this endeavour by setting out to decarbonise all of its buildings and operations, its vehicle fleets, aircraft and vessels and to clearly and measurably institute benchmarks by which progress toward this goal can be measured with reports to be tabled on a 3-year basis by the Minister of Finance. I thank the committee for taking the time to read through this letter and hope that the arguments set forth in it can be taken into consideration when working through this important legislation.</p>			

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Clause 21	There is an urgent need to mitigate emissions. According to the IPCC's sixth assessment report, emissions have to be reduced by 45% in 2030. 2 The current chapter 5 does not show the urgency that is needed. We need clear timeframes and deadlines as well as safe and scientifically sound targets for the national GHG emission trajectory. Long term and interim emission targets have to be formulated (the trajectory should include a net zero target by 2050 and work towards a 45% emission reduction target by 2030) and the Minister must determine those not only in consultation with cabinet but with advise from an independent scientific body. Until the trajectory is determined decision makers should stick to the GHG emission trajectory outlined in the updated NDC and take out schedule 3 that is currently part of the Bill.	PROJECT 90 BY 2030	<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> 	
Clause 24	Science is clear about the list of greenhouse gases that cause or exacerbate climate change and therefore, this list should be clearly outlined in the CC Bill.	PROJECT 90 BY 2030	The issue is not the science but more about applicability of the gases that the IPCC has identified.	
Clause 24	Clear timeframes are needed for the development of carbon budgets.	PROJECT 90 BY 2030		

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Clause 24	<p>7. Compliance and enforcement</p> <p>Section 24(4)(a) mandates a person to whom a carbon budget has been allocated to prepare and submit to the Minister, for approval, a greenhouse gas mitigation plan. Section 24(4)(e) stipulates that in the event that such reporting indicates that the person “has failed, is failing or will fail to comply with the allocated carbon budget,” the Minister must “provide a description of measures the person will implement in order to remain within the allocated carbon budget.” This provision is vague, represents an inadequate disincentive to yield a change in behaviour towards the generation of greenhouse gases, and could inadvertently foster a culture of non-compliance.</p> <p>Section 32(1) of the draft Act stipulates that a person commits an offence if that person “fails to prepare and submit a greenhouse gas mitigation plan to the Minister in terms of section 24(4).”</p>	Scientific Advisory Group on Emergencies (SAGE)	In the event that a carbon budget is not met, there shall be penalties to be imposed using the Carbon Tax as an enforcing instrument. The provision stipulated in clause 24 (6) e recognises that the mitigation plan is an instrument to enforce the carbon budget and also that the regulator (DFFE) has a responsibility to ensure that the company keeps within its CB instead of waiting until the end of the commitment period to make the compliance assessment.	

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Clause 24	<p>However, the draft Act stipulates no consequences for failing to adhere to the submitted plan.</p> <p>In the interests of accountability and to foster a culture of compliance in respect of the Act, we believe that a failure to comply with a greenhouse risk mitigation plan must be declared an offence in terms of section 32(1) of the Act.</p> <p>Alternatively, non-compliance with a greenhouse risk mitigation plan should be subject to a dedicated regulation in terms of section 27(3) of the Act, which stipulates that a “regulation made in terms of this Act may provide that any person who contravenes or fails to comply with a provision thereof commits an offence and will be liable, upon conviction, to the penalties contemplated in section 49B(2) of the National Environmental Management Act.”</p>		<p>This will result in double penalization. The purpose of the mitigation plan is to support the carbon budget. If the carbon budget is not met, there is a process to penalise non-compliance using the carbon tax. Therefore, imposition of penalties with respect to mitigation plans should be related to administrative aspects such as preparation and submission of the plans.</p>	
Clause 21	<p>SAMA commends the government for being a signatory to various international climate change instruments and obligations, including the Paris Agreement. We however raise serious concern on the coal dependence of the South African economy. South Africa’s greenhouse gas emissions continue to rise. We agree with other stakeholders that the country’s emission reduction targets remain too weak. The national greenhouse gas emissions trajectory needs to be stringent enough.</p>	THE SOUTH AFRICAN MEDICAL ASSOCIATION	<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</u> 	

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	<p>South Africa’s NDC notes South Africa’s commitment, in the country’s long-term Low Emissions Development Strategy (LEDS), communicated voluntarily under Article 4.19 of the Paris Agreement “to ultimately moving towards a goal of net-zero carbon emissions by 2050, which will require various interventions to reduce greenhouse gas emissions”. Section 21.1 of the Bill states that the Minister must, in consultation with Cabinet, by notice in the Gazette determine a national greenhouse gas emissions trajectory for the Republic. SAMA is concerned by section 21.3 of the Bill, which states that “until such time as the Minister publishes the national greenhouse gas emissions trajectory in terms of subsection (1), the trajectory in Schedule 3 serves as the national greenhouse gas emissions trajectory for the Republic”. SAMA agrees with other stakeholders¹⁵ in the observation that the schedule 3 targets in the Bill are outdated and not in keeping with global imperatives and the country’s above-stated commitment to net zero by 2050. The targets in Schedule 3 must be revised and amendments made to the Bill.</p>		<p><u>Determined Contribution serves as the trajectory.</u> <ul style="list-style-type: none"> • <u>Schedule 3 to be deleted</u> </p>	
Clause 24	<p>Deadlines for Action: The government should include hard deadlines on the determination of an emissions reduction trajectory, the assignment of carbon budgets and the completion of sectoral emission targets. Endless and ill-</p>	Well Worn Theatre Company	Recommend to put a time frame of 3 year.	

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	<p>defined lead times on adaptation and climate response plans leaves people, communities and businesses at risk from climate change impacts. Given how we are already seeing REAL impacts from Climate Change i.e. droughts, food insecurity and floods, for example, Climate Adaptation should be on the top of the agenda for Government right now.</p>			
<p>Clause 24</p>	<p>Net Zero by 2050: The inclusion of the 2015 NDC as an interim emissions trajectory is not acceptable. This trajectory puts us on a very dangerous path of an up to 4°C global temperature increase (up to 8°C for South Africa). If this is included, it will also lead to South Africa being seen globally as unambitious, compromising our ability to access climate finance and international support for our climate response. There should be a target of net zero by 2050 included in the Bill, including interim targets starting from the 2021 NDC emissions trajectory and that are progressively more ambitious. There also needs to be a clear definition of net zero and an understanding of conditions for its application. For example carbon capture and/or unproven offset technologies should not be relied upon by the fossil fuel sector where carbon free alternatives exist. There should be an independent body</p>	<p>Well Worn Theatre Company</p>	<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> 	

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	of scientists and climate experts to provide objective advice based on scientific knowledge to inform climate response.			
Clause 24	Carbon Budget: Emitting carbon emissions in excess of any set carbon budget should be made an offence. Large emitters who are negligent and who exceed their carbon budgets should be subject to harsh penalties and be prohibited from doing so in the future. Providing false, misleading or incomplete information in terms of advertising carbon emissions by large emitters, should also be an offence with prohibitive penalties attached.	Well Worn Theatre Company	This will result in double penalization. The purpose of the mitigation plan is to support the carbon budget. If the carbon budget is not met, there is a process to penalise non-compliance using the carbon tax. Therefore, imposition of penalties with respect to mitigation plans should be related to administrative aspects such as preparation and submission of the plans	
Clause 24	Leading by Example: State entities should be strengthened and encouraged to ensure that decision-makers comply with sectoral emissions targets and carbon budgets. Each Ministry Office should have a dedicated 'Climate Change' office, which is responsible for climate response, to ensure accountability and climate leadership. The Minister and Department of Forestry, Fisheries and	Well Worn Theatre Company	The comment is noted and shall be communicated with the relevant Ministries as it is their prerogative to define how their structures for climate change implementation are to be formed.	

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	<p>Environment must be adequately empowered to coordinate, issue guidelines and monitor and evaluate the climate response measures and actions of other state entities. State entities and para-statals should be required to report regularly and comprehensively to Parliament on progress made with all key aspects in the Bill. National Treasury should specifically report on climate change related financial matters in every Budget Speech. Provincial and local government risk assessments and climate response plans must be</p>			
<p>Clause 24</p>	<p>Compliance and enforcement</p> <p>Section 24(4)(a) mandates a person to whom a carbon budget has been allocated to prepare and submit to the Minister, for approval, a greenhouse gas mitigation plan. Section 24(4)(e) stipulates that in the event that such reporting indicates that the person “has failed, is failing or will fail to comply with the allocated carbon budget,” the Minister must “provide a description of measures the person will implement in order to remain within the allocated carbon budget.” This provision is vague, represents an inadequate disincentive to yield a change in behaviour towards the generation of greenhouse</p>	<p>Scientific Advisory Group on Emergencies (SAGE)</p>	<p>In the event that a carbon budget is not met, there shall be penalties to be imposed using the Carbon Tax as an enforcing instrument. The provision stipulated in 24 (6) e recognises that the mitigation plan is an instrument to enforce the carbon budget and also that the regulator (DFFE) has a responsibility to ensure that the company keeps within its CB instead of waiting until the end of the commitment period to</p>	

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	<p>gases, and could inadvertently foster a culture of non-compliance.</p> <p>Section 32(1) of the draft Act stipulates that a person commits an offence if that person “fails to prepare and submit a greenhouse gas mitigation plan to the Minister in terms of section 24(4).”</p>		<p>make the compliance assessment.</p>	
<p>Section 24</p>	<p>However, the draft Act stipulates no consequences for failing to adhere to the submitted plan.</p> <p>In the interests of accountability and to foster a culture of compliance in respect of the Act, we believe that a failure to comply with a greenhouse risk mitigation plan must be declared an offence in terms of section 32(1) of the Act.</p> <p>Alternatively, non-compliance with a greenhouse risk mitigation plan should be subject to a dedicated regulation in terms of section 27(3) of the Act, which stipulates that a “regulation made in terms of this Act may provide that any person who contravenes or fails to comply with a provision thereof commits an offence and will be liable, upon conviction, to the penalties contemplated in section 49B(2) of the National Environmental Management Act.”</p>	<p>Scientific Advisory Group on Emergencies (SAGE)</p>	<p>This will result in double penalization. The purpose of the mitigation plan is to support the carbon budget. If the carbon budget is not met, there is a process to penalise non-compliance using the carbon tax. Therefore, imposition of penalties with respect to mitigation plans should be related to administrative aspects such as preparation and submission of the plans.</p>	

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Section 24	<p><u>General Comments and Recommendations</u></p> <p>The Bill in general does not provide clear timeframes and deadlines for implementation. For example, the establishment of a national greenhouse gas emissions trajectory, sectoral emissions targets, carbon budget thresholds and reporting on carbon budgets and mitigation plans have all been stipulated without prescribed deadlines for implementation. Lack of such deadlines weakens accountability for implementation and creates uncertainty among private sector and civil society partners. The lack of prescribed timeframes for the establishment of carbon budget thresholds, as well as reporting on mitigation plans, inhibits the private sector's ability to properly plan and adjust their business operations.</p> <p>The Bill should be clearer around the principle of transparency. For example, the Bill does not stipulate that the National Greenhouse Gas Inventory will be made publicly available. It is important that the private sector and civil society has access to information on progress toward implementing the Bill so that all members of</p>	South African Institute of International Affairs	<p>Access to information is being managed through PAIA and POPI, as such the Bill cannot develop a parallel regime. Furthermore, Bill should not contradict the Competition Act, particularly when it comes to data relating to companies.</p> <p>The me framework for the allocation of the carbon budget as well the regulations on carbon budget allocation and compliance will be made available.</p>	

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	<p>society are adequately informed on all elements regarding the Bill.</p> <p>The Bill should describe how government intends to support the private sector to implement the Bill, and in particular carbon budget thresholds and mitigation plans. Methodologies for formulating, as well as monitoring, mitigation plans need to be made freely available to the private sector to ensure effective and consistent implementation across sectors.</p> <p>The interim emissions trajectory stipulated in this Bill is based on South Africa’s 2015 Intended Nationally Determined Contribution (INDC). These trajectories have since been updated to more ambitious targets in South Africa’s 2021 Nationally Determined Contribution (NDC). It is important that these trajectories are the same, to ensure a consistent climate policy framework and governance structure for the country. It is also important that this more ambitious trajectory is used in the Bill to support international partnerships towards supporting South Africa’s climate response, including the Just Energy Transition Partnership.</p>		<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> 	

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	<p>SAMA commends the government for being a signatory to various international climate change instruments and obligations, including the Paris Agreement. We however raise serious concern on the coal dependence of the South African economy. South Africa’s greenhouse gas emissions continue to rise. We agree with other stakeholders that the country’s emission reduction targets remain too weak. The national greenhouse gas emissions trajectory needs to be stringent enough. South Africa’s NDC notes South Africa’s commitment, in the country’s long-term Low Emissions Development Strategy (LEDS), communicated voluntarily under Article 4.19 of the Paris Agreement “to ultimately moving towards a goal of net-zero carbon emissions by 2050, which will require various interventions to reduce greenhouse gas emissions”. Section 21.1 of the Bill states that the Minister must, in consultation with Cabinet, by notice in the Gazette determine a national greenhouse gas emissions trajectory for the Republic. SAMA is concerned by section 21.3 of the Bill, which states that “until such time as the Minister publishes the national greenhouse gas emissions trajectory in terms of subsection (1), the trajectory in Schedule 3 serves as the national greenhouse gas emissions trajectory for the Republic”. SAMA agrees with other stakeholders¹⁵ in the observation that the schedule</p>	<p>THE SOUTH AFRICAN MEDICAL ASSOCIATION</p>	<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> 	

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	3 targets in the Bill are outdated and not in keeping with global imperatives and the country's above-stated commitment to net zero by 2050. The targets in Schedule 3 must be revised and amendments made to the Bill.			
Clause 22	<p>Proposed amendment: "22. (3) The Minister must, in [after] consultation with the Ministers responsible for each sector and sub-sector listed in terms of subsections (1) and (2), determine by notice in the Gazette the prescribed framework and the sectoral emissions targets for sectors and sub-sectors." It is essential that the Bill does not require consensus between all sector and sub-sector Ministers, or this legislation will not be implementable. WWF recommends therefore that the Bill require consultation with such Ministers, and consideration of their inputs, but that the determination must nevertheless reside entirely at the discretion of the Minister. This is a core element and purpose of the Bill to ensure cross-sectoral implementation. Proposed amendment: "22. (4) (b) be aligned with the national greenhouse gas emissions trajectory, noting that the [trajectory must also</p>	Working on Fire	<p>On clause 22(3) the proposal cannot be accepted as the process of determining the SETs is a government collective effort and not just the responsibility of the Minister.</p> <p>On clause 22(4) This is implied in the word "aligned" and because the SA's targets are expressed in absolute terms and not against a baseline which implies that the set-asides proposed are already implied in the national Trajectory.</p> <p>On the proposed changes to clause 22(5)(a), socio-</p>	

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	<p>include set-asides for sectors not addressed as well as the] cumulative amount of greenhouse gas emissions which the sectoral emissions targets represent are not equivalent thereto ; and Whilst technically correct, the current configuration merely specifies that the total of the sectoral targets does not align with the National GHG trajectory. In reality, it is necessary for the Minister to consider all sectoral emissions, and for those not governed by the regulations, an amount equivalent to the most recent GHG Inventory assessment of sectoral emissions must be considered. This ensures that the total of all sectoral emissions will fall within the projected GHG emissions trajectory. Proposed amendment: “22. (5) When determining the sectoral emissions targets, the Minister must take all relevant considerations into account, including, amongst others— (a) the socio-economic impacts of introducing the sectoral emissions targets [compared to the baseline situation including externality costs]; and (b) the best available science, evidence and information.]; and (c) the necessity and urgency of attaining national greenhouse gas reduction targets in a timely manner.]”</p>		<p>economic impacts already accounts for externality costs</p> <p>On the proposed changes new 22 (5)(c), it is a re-emphasis of clause 22(4)(b) and therefore not necessary.</p> <p>On the proposed 22(13) Supported.</p>	

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	<p>WWF reiterates that consideration of costs cannot be undertaken without considering the externality costs borne by society. In the baseline case for fossil fuels, such externalities are high, relating to human health, long-term climate impacts, water availability and concomitant food, trade and developmental impacts. Such full-cost accounting is necessary because society and nature carry these costs, even as they are not shown in the balance sheet of the relevant business interests. Moreover, the pace of reduction, whilst more costly for more rapid transitions, must also consider the cost of failing to transition. Only through such an approach can the real opportunities for developmental gains be unlocked.</p> <p>Proposed addition: “[22. (13) The minister responsible for each sector and sub-sector for which sectoral emissions targets have been determined in subsection (3) shall meet [biannually] with the Minister to review the implementation of relevant actions undertaken to achieve relevant sectoral emissions targets]”</p> <p>WWF suggests regular (possibly biannual) bilateral meetings between the Minister and the Minister responsible for each sector and sub-sector to review progress. This has proven very effective in other</p>			

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	countries that have implemented such climate change Bills, such as the UK.			
Clause 24	<p>Proposed amendment: 24. (2) (e) the alignment of the carbon budgets with the national greenhouse gas emissions trajectory, noting that the cumulative amount of greenhouse gas emissions which the carbon budgets represent are not equivalent thereto [must be lower than the trajectory to ensure scope for new entrants into the sectors and for person and activities not included in the budgeting process]; and” Again, it is necessary to be explicit about the need to assign budgets within the bounds of the remaining national GHG emission trajectory by bearing in mind all emissions that fall outside of the budgeting process. Comment (Section 24. (7) (b), line 11): It is essential to specify the “prescribed circumstances” under which a person may apply for a revision or cancellation of the allocated budget. If all assigned persons apply regularly for revisions of budgets, even where circumstances may have changed, the regulatory overhead will be prohibitive, and will undermine the implementation of the budgeting process.</p>	Working on Fire	<p>The proposed text for clause 24(2)(e) are principles that are inherent in the process of developing CB (e.g. treatment of new entrants) and therefore shall be dealt with in the CB regulations. The CB shall have its own contribution to the trajectory and the new entrants shall be considered within that contribution and not against the trajectory itself.</p> <p>On 27(7) (b) – those shall be dealt with in the regulations for CB/mitigation plans.</p> <p>Treatment of energy sources, their phase in and phase out is an energy policy issue that</p>	

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	<p>WWF suggested in our submission to the 2018 draft Bill that a separate section on the phase-down and phase out of fossil fuels by included, much like that for the Kigali Amendment below. Failure to address the removal of fossil fuels (particularly coal and coal-based synfuels, but also oil and gas) will in effect be a failure to address climate change, and is the central issue at hand for mitigation.</p> <p>Proposed text for an additional Section [Phase-down and phase-out of synthetic greenhouse gas emissions and declaration (1) The Minister, in consultation with the Ministers responsible for energy, mineral resources and economic development, and any affected party must— (a) develop a plan to phase down the use of coal for electricity generation and synfuel production (b) review and update the plan contemplated in paragraph (a) every five years (2) A plan developed in accordance with subsection 1(a) must address the following minimum considerations— (a) measures that facilitate the phase down of the use of coal; (b) timeframes for phasing down the use of coal; (c) provisions for ensuring energy security based on renewable energy sources; and</p>		<p>should be discussed in the context of energy policy instruments administered by DMRE. This proposed text therefore is beyond the scope of the Climate Bill.</p>	

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	(d) social protection for workers along the coal value chain.]			
	<p>The GBCSA supports the adjustment to the NDC and the GHG targets committed at the COP 26; however further investigation and feedback is required on the robustness of the data used to inform such contributions. While we recognise data collection around GHG emissions is complex, there needs to be better guidance on how and where data can be collated and contributed in order to build better benchmarks for each sector. There is a growing pool of scope 1-3 emissions data being supported by global sustainability reporting requirements that can and should be used to inform solid and up to date benchmarks.</p> <p>Additionally, there needs to be more clarity on applicable guidance and protocol of collecting data in order to create better accuracy. 5. The GBCSA supports the setting of an emissions trajectory for our nation and supports the rough targets stated in the Bill; however, clarity is required on the timing and deadline for the emissions trajectory. 6. The GBCSA supports the Bill's commitment for the allocation</p>	GBCSA		

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	<p>of carbon budgets, however clarity is required on the timing and deadline for such allocation. 7. The GBCSA supports the Bill's commitment to set emission targets for each sector, however clarity on timing and deadlines are required</p> <p>South Africa's emissions target in Schedule 3 should be the same as those in the NDC update of 2021, as this is SA's official emission target for 2025 and 2030.</p>		<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 to be deleted 	
Clause 21	<p>Section 21(1) compels the Minister to publish an emissions trajectory. This offers an opportunity to align emissions to South Africa's fair share rather than the elevated targets in the 2015 or the 2021 updated NDC.</p>	Foundation for Human Rights (FHR)	<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> 	

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			<ul style="list-style-type: none"> • <u>Schedule 3 to be deleted</u> 	
Clause 22	<p>We therefore suggest specific sub-sector GHG targets for the livestock sector to ensure that emissions from animal agriculture does not increase. Belize, Burundi, Cuba, Kyrgyzstan, Liberia, Mongolia, New Zealand and South Sudan are some of the countries that include GHG targets for livestock in their NDCs. Carbon budgets for livestock operations should not be skewed by carbon “offsets” and not incentivise trades of carbon removal credits.</p>	FOUR PAWS	<p>The sectoral emission targets will be allocated to a sector and the sector will use all their policies and measures to achieve the targets.</p>	
Clause 21	<p>We request that: • The Bill should contain strong emission reduction targets that are based on the best available and latest science to ensure that we stay within 1.5 °C of global warming, by: o assigning carbon budgets to emitters (how much companies and entities are allowed to emit in terms of GHGs) o assigning Sectoral Emissions Targets (how much each sector – such as energy, agriculture, transport – is allowed to emit). • There should be a long-term target of net zero by 2050 included in the Bill. There also needs to be a clear definition of net-zero and an understanding of the conditions for its application. • Require progress</p>	Southern African Faith Communities Environment Institute	<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> 	

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	reports on the performance of emitters regarding GHG emissions reduction responsibilities.			
Clause 24	<p>These emission trajectories are based on South Africa’s 2015 Intended Nationally Determined Contribution (NDC) submitted to the United Nations Framework Convention on Climate Change (UNFCCC). South Africa has since updated its NDC, as well as its emissions trajectory and submitted this to the UNFCCC in 2021. For example, the Bill states that for the period 2020-2025 emissions will peak with a lower limit of 398 Megatonnes (109kg) (Mt) CO₂-eq and upper limits of 583 Mt CO₂-eq and 614 Mt CO₂-eq for 2020 and 2025, respectively. South Africa’s 2021 NDC however, gives much more ambitious targets stating that annual GHG emissions will be in a range from 398-510 Mt CO₂-eq for the period 2020-2025. The upper range is thus significantly lower than that stated in the Bill. This is problematic and causes inconsistencies in South Africa’s climate change policy landscape. These targets should be adjusted to reflect the emissions trajectory stated in the 2021 NDC, which reflects a much more ambitious emissions trajectory.</p>	South African Institute of International Affairs	<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> 	

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Clause 24	<p>No timelines/ deadlines are provided for the implementation of carbon budgets. This is problematic for two reasons:</p> <ol style="list-style-type: none"> 1. Urgency of the climate crises and the need for carbon budgets is not emphasized. The lack of deadlines for carbon budget implementation weakens accountability for implementation. <p>Without a deadline for carbon budget implementation, the private sector does not have a specified timeframe within which they should adjust their business operations and draft a mitigation plan. Sufficient time needs to be given to the private sector to plan for implementation of the carbon budget and this needs to be specified up front.</p>	South African Institute of International Affairs		
CHAPTER 6: GENERAL MATTERS AND TRANSITIONAL MATTER	Climate Change is already affecting millions of people in this country. It will affect every one of us. It will have more impact on the youth who will have to live in the world we leave to them. It will also have more impact on the poorer people in our country, those least able to adapt to it. I strongly suggest that your team engage in meaningful public participation with a particular focus on the gathering feedback from these groups.	JACUELINE WETSELAR	Noted, the Bill incorporates meaning public participation in clause 29	

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Clause 31	Because of the nature and impact of Climate Change, I request that the Bill go further than the processes provided for by PAIA and POPIA in terms of access to information. For example, we cannot put the commercial interests of any entity above the needs of either the state or its people. My request is that all climate change related data, but in particular data related to emitters, be readily accessible and easy to understand. In addition, we need clear and accessible information on the adaption strategies proposed by all levels of the state, so that people can make informed choices regarding their lives and livelihoods.	WESSA	Noted. However, the GHG reporting regulations guides the process of data accessibility and dissemination based on the process of PAIA and POPIA and in adherence with the provisions of the Competition Act.. The Bill must adhere to the legal framework with regards to private information	
Clause 32	Legal penalties The Bill is proposed as a Specific Environmental Management Act (SEMA) under the National Environmental Management Act (NEMA). Sasol supports that the Bill is enacted as a SEMA. However, the following should be expressly considered and addressed in the Bill to avoid ambiguity regarding the application of NEMA's principles in the context of the Bill: • The exceedance of a carbon budget should not equate to/be viewed or be deemed as pollution for the purposes of applying Section 28 of NEMA. This is a differentiable activity and should be expressly defined and managed as such. Consequently, we support the view an administrative penalty without criminalisation in the event that a budget is exceeded albeit also supported by positive incentives in	WESSA	See response above in terms of the carbon tax shall be used to enforce the Carbon Budget. Beyond the scope of Climate Change Bill, however, this will be tabled for consideration when the National Carbon Budget & Mitigation Plans Regulations are developed.	

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	<p>the form of an integrated mitigation system. Within the context of climate change mitigation, recognition must be given to technology maturity and availability which might be constrained, or global changes resulting in delays to implementation of technologies and therefore exceedances of budgets can occur. Given the nature of climate change management which is directly tied to the structure of the economy and the availability of energy sources, the Bill cannot equate exceedance of a carbon budget to environmental pollution if options to meet the budget are not available and the choice to exceed a budget has to be made. • Offences and penalties governing the enforcement of the Bill, including the exceedance of carbon budgets should be detailed separately as was included in the 2021 version of the Bill and should not default to the provisions in NEMA. For reasons explained above, the argument is maintained that exceedance of a carbon budget cannot be legitimately regulated as an offence, subject to criminal enforcement, but rather as an activity subject to the imposition of an administrative penalty. Sasol's remark and proposal: Exceedance of a carbon budget cannot be viewed and managed similar to local pollution issues which may constitute a criminal offence subject to criminal enforcement. Sasol submits that the Bill should recognise</p>			

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	an administrative penalty without criminalisation, should a carbon budget be exceeded. This is supported by the arguments raised above regarding mitigation potential, technology availability, maturity of technology solutions and the necessity for the imposition of both negative and positive incentives to enable the meeting of reduction objectives.			
Clause 27	the best available science, evidence and information." Suggest inclusion of a criteria for consideration of other environmental objectives especially air quality and that a more integrated approach be taken as per principle (k) in this Bill.	SASOL	Criteria for the determination of PAMs for SETS have been identified and detailed in the Cabinet approved SETS Framework and it covers this issue.	
Clause 27	"in relation to the management of climate change response including incentives and disincentives to encourage a change in behaviour towards the generation of greenhouse gases amongst all sectors of society;" This is critically needed and should not fall within the purview of the "may" make regulations clause. This requirement should be moved to section 27 (2). Sasol submits that a fully integrated budget and tax system supported by a mix of incentives and measures that encourage mitigation and new low carbon sector development is critically needed. An enabling provision must be added to the Bill that ensures the development of a holistic integrated mitigation	SASOL	This will be considered in the legislative documents supporting the implementation of the National Carbon Budgets and Mitigation Plans Regulations. Regarding alignment this will be considered in the supporting documents for the implementation of the relevant legislation.	

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	system, supported by both positive and negative incentives to be developed further in regulations.			
Clause 32	"A person convicted of an offence in terms of subsection (1) is liable to the penalties contemplated in section 49B (2) of the National Environmental Management Act." In the case of exceedance of carbon budgets NEMA cannot apply based on arguments made above. In this regard an administrative penalty, without criminalisation should apply.	GREEN PEACE AFRICA	This will be considered in the legislative documents supporting the implementation of the National Carbon Budgets and Mitigation Plans Regulations.	
Clause 31	Information Act 2 of 2000 ("PAIA") and the Protection of Personal Information Act 4 of 2013 ("POPIA"), the provision does not adequately ensure transparency, considering that nature of public disclosures in South Africa. Key climate change reports, audit reports and emissions data remain inaccessible to the general public. The process of obtaining this information is time-consuming, arduous and often proves fruitless as both corporation and government departments often cite that GHG emission reductions are "commercially confidential". This acts in direct opposition of the supreme court of appeals 2014 judgement in Company Secretary of Arcelormittal South Africa v Vaal Environmental Justice	GREEN PEACE AFRICA	The NCCRD and NCCIS already exists to provide climate change related information. The national GHG inventory is always published on DFFE's website. Further to this, regulations under PAIA and POPIA should be followed to access private information.	

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	<p>Alliance, in which Judge Mahomed Navasa stated: “Corporations operating within our borders... must be left in no doubt that, in relation to the environment ... there is no room for secrecy and that constitutional values will be enforced.” 8 As climate change is an issue that affects every South African, Greenpeace Africa requests that the Bill make provision for the implementation of an easily accessible platform which features private and public information integral to addressing the climate crisis, and response measures being adopted. Full transparency is a crucial component of corporate and government accountability. The Act must provide for full, mandatory and swift disclosure of all reports, assessments, and records to achieve transparency and accountability in relation to carbon emissions (which affect the rights of everyone). The Act must provide for open access to real-time information relevant to climate change to avoid the delays associated with analysing and compiling the information. The National Greenhouse Gas Inventory has already been established under NEMA and should form part of this climate information system.</p>			

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Clause 31	To avoid climate change being relegated to issues that are perceived to be of greater importance, the government needs to undertake an information campaign to ensure decision-makers across all spheres of government are capacitated with climate science, and have a comprehensive overview of the risk it poses to their operations. Further, the government must implement an information campaign to educate the public about the impact of climate change and adaptation measures that could improve their resilience against the extreme weather events that threaten to destabilise their lives. This must also include a comprehensive integration of climate science into the national curriculum. ⁹ There need to be massive efforts to empower the youth and communities to become champions for social justice in their respective communities. At present this is a function undertaken solely by the civil society, which endures hostility for these efforts.	GREEN PEACE AFRICA	Provisions to revise the national curriculum cannot be included in the CCB and are better suited with the relevant legislation regarding education. It should also be noted the DFFE already has measures and teams in place that currently educate the public on these issues.	
Clause 32	NEMA Schedule 3, part (a) must be amended by the inclusion of the offences in the Bill so that the additional enforcement powers provided for in NEMA (e.g. the power to increase fines by an amount equivalent to the monetary advantage which the convicted person sought to obtain by the commission of the offence) can be used to enforce the Act. We strongly recommend that the Bill be amended in	GREEN PEACE AFRICA	Noted. The Bill refers to NEMA for penalties hence any adjustment of these penalties lies beyond the scope of the Bill and must be addressed under NEMA.	

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	line with the above comments. We trust that the Portfolio Committee will give due consideration to our comments and take the necessary steps to ensure that an appropriately-amended Bill is finalised and promulgated as soon as possible, given the urgency of the matter. We welcome the opportunity to present these submissions to the Portfolio Committee in due course. Please do not hesitate to contact us should you have any questions or require additional information.			
General	Greenpeace Africa has many specific concerns and comments about the Bill (many of which are recorded in this document) but the principal issues that it is concerned about, are summarised below. 18. Our primary concerns are that the Bill: 18.1. does not include the objectives and plans necessary to make a just transition from a fossil fuel dependent, to an ecologically sustainable society;	GREEN PEACE AFRICA	Clause22 on SETS, clause 23 on the listing of GHGs and activities and clause 24 on carbon budgets make allowance for such plans while allowing the flexibility of other like measures.	
General	18.2. does not clearly and unequivocally establish the objective of eliminating GHG emissions and establish a balance between the rate of anthropogenic emissions of GHG and the rate at which ecological systems are able to absorb and sequester carbon;	GREEN PEACE AFRICA	The objectives in the CCB do already speak to reducing GHG emissions from anthropogenic activities and hence this speaks to mitigation.. In addition the objectives also address the need for adaptation.	

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General	18.3. is insufficiently ambitious, and in particular does not refer to the international commitment to keeping average global temperature increase well below 2°C with a target of no more than 1.5°C;	GREEN PEACE AFRICA	Inclusion of such a statement in the Bill is not relevant as clause 2(c) & (e) and S3(h) addresses this. Specific mention of the temperature targets is not necessary as the Bill already mentions alignment with international obligations.	
Clause 24	The provisions relating to carbon budgets (section 13) must be amended to provide that: 66.1. the Climate Change Authority, on the basis of the information provided to it by the South African Panel on Climate Change, must make recommendations to the Minister with regard to the carbon budgets that should be allocated to each person (including state owned enterprises) whose emissions exceed the greenhouse gas emissions threshold; 66.2. in determining the carbon budget to be allocated to a person, the Climate Change Authority may take account of the amount of greenhouse gas that that person or their predecessors in title have emitted in the past, or to the rate of such emissions, but carbon budgets must not simply be allocated in proportion to historic emissions (i.e. the principle of "grandfathering" must not be applied); and the Minister must reduce carbon budget allocations if the	GREEN PEACE AFRICA	The specification of thresholds in clause 23(4)(a) does not make distinction between private and public "persons" that have operational control over activities that meets the CB threshold. Therefore the issue raised is inherently addressed in clause 23(4)(a).	

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	national greenhouse gas emissions reduction trajectory is being exceeded (subsection 13(6)).			
Clause 25	The section dealing with synthetic greenhouse gas emissions (section 14) must be amended to make it clear that these must be phased out (i.e. phasing down is an interim measure and not an alternative option). As proposed by the ERC, additional provisions must be inserted to ensure that the targets are consistent with the Kigali Amendment ¹¹ and are adopted urgently.	GREEN PEACE AFRICA	This comment is in relation to a previous version of the Bill. However, it is worth noting that this is addressed in clause 25 of the current version of the Bill	
Clause 31	The following steps must be taken before the proposed emission reduction obligations become enforceable. 68.1. The Department of Environmental Affairs (“DEA”) prepares a draft “National Greenhouse Gas Emissions Trajectory” (“the Emissions Reduction Trajectory”) – presumably in consultation with the Ministerial Committee on Climate Change (although the Bill does not specify this). 68.2. The Minister of Environmental Affairs (“Environment Minister”) then consults with all affected Ministers and MECs and undertakes a public consultation process which involves publication of the draft and may involve public hearings (see sections 11(1) and (4) as read with sections 16 and 17). 68.3. The Environment Minister, in consultation with the MCCC, finalises the Emissions Reduction Trajectory and publishes it in the Government	GREEN PEACE AFRICA	This comment is in relation to a previous version of the Bill. However, this is addressed in clause 24 of the current version of the Bill.	

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	<p>Gazette (section 11(1)). It is important to note that the Bill does not prescribe any deadline by which this vital first step must be completed. 68.4. The DEA prepares draft GHG emission thresholds (persons whose emissions exceed these thresholds will be allocated a carbon budget). 68.5. The Environment Minister then follows a consultative process (section 13(3)) before finalising the emission thresholds and publishing them in the Gazette (section 13(1)). Presumably the DEA could use the National Greenhouse Gas Inventory (the “GHG Inventory”) to identify which parties emitted more than these thresholds, but if not the Environment Minister would need to simultaneously publish a notice requiring those parties to register. 68.6. The DEA prepares draft regulations specifying the requirements, process and procedures to be followed when preparing and implementing greenhouse gas mitigation plans (“GHG MPs”). (This could be done at the same time as step Error! Reference source not found. above and it is not clear whether these would be substantially different from pollution prevention plans that must be prepared under the National Pollution Prevention Plans Regulations, 2017 which commenced on 21 July 2017.) 68.7. The Environment Minister follows a consultative process before finalising the GHG MP Regulations and publishing them in the Gazette (section</p>			

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	<p>13(8)). (This could be done at the same time as step 68.5 above.) The DEA prepares draft carbon budgets for each party whose emissions exceed the thresholds and invites the party in question to make representations before the carbon budget is finally determined. The Bill does not specify if those carbon budgets must be made public. 68.9. The Environment Minister publishes a Notice in the Gazette requiring every person to whom a carbon budget has been allocated to submit a GHG MP for approval by a specific date (section 13(7)). 68.10. The Minister considers and decides all applications for extensions of the time frames within which the carbon budgets must be complied with. 68.11. The Environment Minister may also have to deal with any litigation seeking to review and set aside the determination of specific carbon budgets or of applications for extensions. Any such litigation could delay the process for years. 68.12. Each GHG MP is considered and is either approved or referred back for amendment before being approved. 68.13. Each person with an approved GHG MP must then implement it and submit annual reports.</p>			
Clause 24	<p>The Bill does not reflect the vital importance of responding as quickly as possible. Although the preamble to the Bill refers to the need for an urgent response, and the Bill contains several deadlines in relation to public policy and planning instruments,¹² the implementation of the main</p>	GREEN PEACE AFRICA	<p>A voluntary carbon budget regime is already in place. Hence, implementing this regime on a larger scale will not take a lot of time to implement.</p>	

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	<p>legal mechanism for reducing GHG emissions (carbon budgets) will take at least five years to implement. In fact, as explained above, it is likely to take much longer because major emitters will have ample opportunities to delay the commencement of the system. In the interim large volumes of GHGs will be emitted which will make it much more difficult to achieve the objects of the Bill and will necessitate the imposition far harsher measures. 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.</p>			
Clause 34	<p>As set out in more detail in Annex A to this document, we proposed that the Act include transitional provisions: to provisionally assign and delineate some responsibilities for the implementation of the Act until the Minister does so as envisaged in section 6(2) of the Bill; 72.2. to establish provisional national adaptation objectives and the indicators for measuring progress, until the Minister does so as contemplated in section 10(1); 72.3. to establish provisional national greenhouse gas emissions reduction objectives until the Minister establishes the national</p>	GREEN PEACE AFRICA	<p>This comment is in relation to a previous version of the Bill. Additionally there are legislation that currently govern voluntary carbon budgets.</p>	

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	greenhouse gas emissions trajectory as contemplated in section 11(1); and 72.4. to establish the thresholds set out in the List of Activities for which GHG Emissions must be reported to the Competent Authority which is Annexure 1 to the National Greenhouse Gas Emissions Reporting Regulations, 2017, as the greenhouse gas emissions thresholds for the purposes of determining persons that will be allocated a carbon budget, until the Minister determines those thresholds as contemplated in section 13(1).			
Clause 24	The Bill does not impose any general duties that require everyone to take measures to address climate change. It is particularly important to do so in order to begin the process of galvanising society as a whole to take urgent action. We proposed that the Act include climate-related duties of care (explained below). The Bill does not provide a means of implementing the polluter pays principle by requiring those that have emitted significant quantities of GHG to pay compensation (which should be paid into the Climate Fund). The Bill does not include specific provisions to facilitate compliance monitoring and enforcement which are vital if legislation is to be effective. We propose that the Bill be amended to include provisions that make it easier for both the State and private parties to obtain compensation from major emitters and persons who	GREEN PEACE AFRICA	This goes beyond the CCB and is addressed in the Carbon Tax Act.	

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	degrade ecosystems. Provisions dealing with liability to pay compensation could also be used a basis for requiring coal mining and exporting companies to contribute to the Climate Fund.			
General	The duty of care provisions should be supplemented by: 87.1. new provisions that empower an environmental management inspector to use compliance notices to enforce the duties of care (see Annex A – commentary on compliance notices); and 87.2. specific presumptions in a new section dealing with presumptions (see commentary on section 21 in Annex A which includes proposed wording with regard to what will be deemed to be a “significant” emission or reduction in carbon sequestration capacity).	GREEN PEACE AFRICA	This is better suited under NEMA. Since this is SEMA compliance are outlined in the NEMA will apply.	
Clause 32	The only offences provided for in the Bill concern a failure to submit and implement a greenhouse gas mitigation plan (GHGMP) and emitting more GHGs in a period than permitted in the carbon budget allocated to the person in question (section 19(1)). None of the offences in the Bill are capable of being committed (or enforced) until carbon budgets have been allocated and compliance with them has been monitored. As discussed above, it will be many years before this occurs. The maximum penalties for committing these offences are inadequate and are not commensurate with the gravity of the offences. (Section	GREEN PEACE AFRICA	This goes beyond the scope of the Bill. However, please note that the Carbon Tax Act penalises	

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	<p>19(2) provides that for a first conviction the maximum sanction is R5 million or five years imprisonment, or both.) Consequently they will not deter major emitters from exceeding their carbon budgets. 102.In order to maintain a deterrent effect, a supplementary penalty proportional to the amount of GHG emitted unlawfully, much be imposed. We note that the ERC has proposed that this penalty should be a minimum of R120 per MTCO2-eq.</p>			
Clause 32	<p>Below, after a brief introduction, we make submissions on the Bill's compliance and enforcement provisions. 5. In short, to have any prospect of fulfilling its intended objects, the Bill must identify additional violations and provide for more – and more significant – penalties for non-compliance. Introduction 6. The Bill's compliance and enforcement provisions are wholly inadequate to achieve its stated objects. The Bill provides for only a single criminal offence and contains very limited provision to hold emitters accountable. Provision must be made for additional violations (both criminal offences and administrative penalties), significantly higher fines, and much less leniency and other opportunities to delay compliance. As set out in the LAC's submissions, numerous important provisions contain no timeframes at all; and/or defer any consequences for non-compliance to future potential regulations. This is enormously</p>	JUST SHARE	Noted, the enforcement measures will be considered in supporting regulations for the implementation of the Act.	

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	problematic and bears no relation to the urgency with which meaningful climate action must be taken to limit the worst impacts of the climate crisis, and to adapt to those impacts that are already faced by people in South Africa (SA). These impacts will only get more severe unless emissions are drastically curbed			
Clause 32	40. Administrative penalties avoid many of the main constraints of criminal enforcement – including: the burden of proof, and the time and complexity inherent in securing a criminal conviction. We recommend that administrative penalties be introduced into the Bill. To the extent that enabling legislation is required for this purpose, this should be prioritised.	JUST SHARE	The penalties will apply as part of NEMA compliance.	
Clause 32	57. Of utmost concern to us is that there is no penalty (criminal or administrative) for exceeding a carbon budget. ⁷¹ The carbon budget is possibly the clearest and strongest mechanism in the Bill for ensuring emission reductions by individual emitters. The 2018 version of the Bill made the exceedance of a carbon budget a criminal offence. This was omitted in the 2021 version of the Bill approved by Cabinet, and that version provided that exceedance of a carbon budget would cause the emitter to become liable to a higher carbon tax rate. This too has been omitted in the current Bill.	Centre for Environmental Right	The issues of penalties for non-compliance with the carbon budget is being considered the amendments of the carbon tax Act. The principles of charging higher rate above the carbon budget allocation has been agreed upon	

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Clause 32	<p>58. The Minister of Finance in the 2022 Budget Speech referenced a higher carbon tax rate on emissions exceeding the carbon budget, but this provision is not contained in the current version of the Bill. Minister Creecy has also verbally indicated that this mechanism would be coming into being via regulations to be made, but the entire proposed system has not been made available for public scrutiny. We are concerned that the system will be fragmented, ineffective and inefficient in that it straddles at least two separate ministries, different acts, and is reliant on regulations still to be made, leaving too much of an important legislative regime in the hands of the Minister. We are in principle supportive of a higher carbon tax rate for excessive emissions as one form of incentive to adhere to carbon budgets, provided that the mechanism meets the expanded principles of this Bill, but this measure is highly inadequate as the sole compliance mechanism,⁷² particularly where the carbon tax is not high enough to disincentivise violations and/or compensate for the harm caused (in other words, where it is cheaper for companies to pay the higher tax than it is to reduce its GHG emissions). In this regard we need to point out that the social cost of carbon (used as a calculator to measure the cost of climate change on the economy) has been found to be as high as \$3000 per tonne.⁷³ In any event, we</p>	Centre for Environmental Right	The issues of penalties for non-compliance with the carbon budget is being considered the amendments of the carbon tax Act. The principles of charging higher rate above the carbon budget allocation has been agreed upon.	

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	contend that the higher carbon tax mechanism must be expressly provided for in the Bill.			
Clause 32	59. Provision also needs to be made for a broader range of penalties including revoking of the licence to operate – where emitters exceed carbon budgets and or fail to adhere to mitigation plans – and personal liability for directors of emitting companies. ⁷⁴	Centre for Environmental Right	The issues of penalties for non-compliance with the carbon budget is being considered the amendments of the carbon tax Act. The principles of charging higher rate above the carbon budget allocation has been agreed upon.	
Clause 32	60. We are concerned at the possibility for carbon offsetting to be used as a mechanism to escape liability for an emitter’s exceedance of its carbon budget. Carbon offsetting is a practice of investing in or undertaking activities which theoretically reduce the amount of carbon in the atmosphere – for example planting trees – to counter GHG emissions. The concept is fraught with difficulties and controversies ⁷⁵ and there is considerable doubt as to its effectiveness in contributing to overall mitigation. It is beyond the scope of this submission to expand on the problems, but at the very least the Bill must ensure that emitters are prohibited from using carbon offsetting to be measured against any exceedance of the carbon budget allocated to them.	Centre for Environmental Right	The issues of penalties for non-compliance with the carbon budget is being considered the amendments of the carbon tax Act. The principles of charging higher rate above the carbon budget allocation has been agreed upon.	

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Clause 32	Of utmost concern to us is that there is no penalty (criminal or administrative) for exceeding a carbon budget. ⁷¹ The carbon budget is possibly the clearest and strongest mechanism in the Bill for ensuring emission reductions by individual emitters. The 2018 version of the Bill made the exceedance of a carbon budget a criminal offence. This was omitted in the 2021 version of the Bill approved by Cabinet, and that version provided that exceedance of a carbon budget would cause the emitter to become liable to a higher carbon tax rate. This too has been omitted in the current Bill.	Centre for Environmental Right	The issues of penalties for non-compliance with the carbon budget is being considered the amendments of the carbon tax Act. The principles of charging higher rate above the carbon budget allocation has been agreed upon.	
Clause 32	61. We recognise that the Bill provides that the Minister must make regulations in relation to the determination, review, revision, compliance with, and enforcement of, an allocated carbon budget, amendment and cancellation of a carbon budget allocation, the content, implementation and operation of a GHG mitigation plan, and all matters related thereto. Such regulations may provide that any person who contravenes them commits an offence and will be liable, upon conviction, to the penalties contemplated in section 49B(2) of the NEMA. However there are no timeframes set for the making of such regulations, again betraying the urgency of the necessary climate response and placing the Bill's mechanisms at risk of being ineffective for a long time after promulgation. Additionally	Centre for Environmental Right	The issues of penalties for non-compliance with the carbon budget is being considered the amendments of the carbon tax Act. The principles of charging higher rate above the carbon budget allocation has been agreed upon.	

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	the use of the word “may” in this instance is unacceptable in that it potentially creates a discretion which will further exacerbate the ineffectiveness of the Bill.			
Clause 32	62. Given the serious and fundamentally harmful nature of exceeding an allocated carbon budget, such exceedance must be made an offence and/or subject to administrative penalties. A meaningful carbon tax (and, it seems, mandatory carbon budgets) have been deferred until 2026, making it even more important that such violations be severely penalised to ensure prompt emissions reduction action. Without these offences and penalties, the Bill will enable a situation where emitters may choose to exceed their carbon budget, accept the higher carbon tax rate, and be subject to no further action which prohibits the harmful activity.	Centre for Environmental Right	The issues of penalties for non-compliance with the carbon budget is being considered the amendments of the carbon tax Act. The principles of charging higher rate above the carbon budget allocation has been agreed upon.	
Clause 31	31. Information provided to the Minister or the Department, as well as all information generated by the Minister of the Department, in terms of this Act must be [made available by the Minister subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), and the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).] publicly accessible at all reasonable times, including but not limited to: allocated carbon budgets, and any exemptions thereto;	Centre for Environmental Right	Clause 32 is adequate. (Note, the department needs to be in adherence with the Competition Act, 1998 (Act No. 89 of 1998),however the nature of information requested should be ascertained or tested against the requirements of PAIA and PAJA.	

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Clause 31 & 32	greenhouse gas mitigation plans, and remedial plans where greenhouse gas mitigation plans are not being achieved; along with reporting against such plans; municipal and provincial needs and response assessments and climate change response plans; along with any reporting against such assessments and plans; all of the information relating to and contained in the National Greenhouse Gas Inventory; all reports provided for in this Act;	Centre for Environmental Right	Clause 32 is adequate. (Note, the department needs to be in adherence with the Competition Act, 1998 (Act No., however the nature of information requested should be ascertained or tested against the requirements of PAIA and PAJA.	
Clause 25	164.5. A plan to phase down/phase out the use of synthetic GHGs cannot be a one-size fits-all approach because there are distinct classes of synthetic GHG uses in South Africa and different solutions to minimising the climate impacts of synthetic GHG uses for these different classes. These classes would be the use of synthetic GHGs in, for example: domestic refrigeration; commercial refrigeration; transport refrigeration; industrial refrigeration; room air conditioning; and heat pumps. The best solutions to minimise the climate impacts of synthetic GHG uses will depend on factors such as: public safety, technological complexity, and economies of scale that are unique to each class of use. Therefore, identification of the predominant classes of synthetic GHG uses in South Africa, and separate inventories for each class of synthetic	Centre for Environmental Right	Noted, this is a implementation, but the Bill creates a legal framework to phaseout and phasedown synthetic GHG emissions. This is an implementation issue.	

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	GHGs, must be a minimum consideration for the plan to phase down/phase out the use of synthetic GHGs.			
General	Consideration must also be given to the role of minimum energy performance standards. Synthetic GHGs are used in a variety of appliances of varying energy efficiencies. Since indirect GHG emissions depend on the energy efficiency of appliances, the climate impact of synthetic GHG uses will depend substantially on energy efficiency performance standards that South Africa enacts for such appliances. Energy efficiency is a key component of the Kigali Amendment. South Africa has adopted some minimum energy performance standards that can be the basis for advances in minimising the climate impacts of the use of synthetic GHGs. Improving minimum energy performance standards must be a minimum consideration for the plan to phase down/phase out the use of synthetic GHGs." (stored).	Centre for Environmental Right	Noted, this is a implementation, but the Bill creates a legal framework to phaseout and phasedown synthetic GHG emissions. This is an implementation issue. This also goes beyond the scope of the Bill.	
Clause 32	Offences and penalties A person commits an offence if:	Centre for Environmental Right	Noted, this is a implementation, but the Bill creates a legal framework to phaseout and phasedown synthetic GHG emissions. This is an	

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			implementation issue. This also goes beyond the scope of the Bill.	
	that person fails to prepare and submit a greenhouse gas mitigation plan to the Minister in terms of section 24(4);	Centre for Environmental Right	This aspect is excluded from this clause because it shall be dealt with in the CB regulations and the CTax, instead of NEMA penalty regime shall be used to enforce compliance w.r.t carbon budgets	
Clause 32	that person fails to adhere to, achieve, monitor or report against a greenhouse gas mitigation plan approved in terms of section 24(2);	Centre for Environmental Right	This will be addressed via Carbon Budget regulations	
Clause 32	2) A person convicted of an offence in terms of subsection (1) is liable to the penalties contemplated in section 49B(2) of the National Environmental Management Act, and to a prescribed administrative penalty.	Centre for Environmental Right	The Bill is promulgated under the umbrella framework of NEMA and the penalties should be aligned. The Administrative Penalties Bill is not an Act yet. The word “prescribed” is defined to mean “prescribed” by regulation (See clause 1), unless the context indicates otherwise.	

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Clause 32	Notwithstanding subsection (2) above, where the carbon budget as allocated to a person for any period under review is exceeded, that person will be subject to the highest rate of carbon tax under the Carbon Tax Act, 2019.	Centre for Environmental Right	It is not possible to refer to the Carbon Tax Act as it needs the CC Bill to be enacted first	
Clause 32) A person convicted of an offence in terms of subsection (1) is liable to the penalties contemplated in section 49B(2) of the National Environmental Management Act, and to a prescribed administrative penalty.		The Bill is promulgated under NEMA and the penalties must be aligned. DFFE is developing an Administrative Penalties Bill which will apply to NEMA and all the SEMA's.	
Clause 29	<p>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 and the fact is that the majority of South Africans do not use newspapers as their primary source of information. We believe the days of publishing government intent on the classifieds page of a newspaper are in the past. 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> <p>14. Section 29 subsection 3 of this Bill is insufficient for public participation. There is no responsibility on the part</p>	Justice Charter Movement	Comment noted, the Bill is being subjected to the public hearing processes where inputs from the grassroots citizens are solicited and incorporated.	

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	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. Even worse is the fact that the Bill says in 'appropriate circumstances' the Minister, MEC or Mayor may allow interested parties to make oral submissions and objections. This then beggars the question, in what circumstance is public participation inappropriate in a democracy?			
General	There is a lack of research on the effects of co-exposures of non-ionizing radiation and other pollutants, for example radon, light pollution, and air pollution.	EMFSA	As and when bodies such as SABSTA of the UNFCCC and the IPCC produce guidance on how such natural phenomenon should be taken into account, regulations shall be developed to account for their effects.	
General	The Bill should incorporate interdisciplinary science: Electromagnetic / sub-molecular medical science treatments can be implemented in an economically affordable and sustainable manner within the Climate Change Framework. The number of EMF and Climate Change related complaints received by various	EMFSA	Advancements in science need not be regulated through a climate change Bill. Instead, advocacy for its development should be considered through Science and Innovation policy measures.	

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	<p>government departments has been increasing over time. In the past, these have not been handled optimally, but there is now a general consensus to strive toward cooperative solutions and synergy. One of the proposed means employed is to increase both technical and non-technical communication strategies.</p> <p>Magnetic field drop zone: NASA has been observing an unusually large weak spot in the Earth's magnetic field called the South Atlantic Anomaly, or SAA. Initially, over South America, it is migrating and extending over Southern Africa. Particle radiation in this SAA region can knock out onboard computers and interfere with the data collection of satellites that pass through it. Research groups must take into account current observations and model the behaviour of the SAA in order to monitor and predict future changes. This will help prepare for future challenges to satellites, humans, and agriculture affected by the SAA. It is not only the magnetic field drop that is of</p>			

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	<p>importance but solar photon levels as well. The Bill should address the unique vulnerabilities to the unique diversity of the South African public - priority should be given to Mitochondrial DNA (mtDNA), and the role of coupled and uncoupled haplotype groups. What works in the rest of the world might not work for South Africa.</p>			
General	<p>Mobile Telecommunications Industry The Bill should include and ensure that carbon emissions by the technologies used by the mobile telecommunications industry in South Africa be captured, quantified and easily accessible to the public. A pathway that emissions will be reduced over a period of time should be clearly indicated. There is concern in South Africa as in the rest of the world of the impact of 5G on climate change and it would be reassuring to know that these concerns are being addressed. It would assist in countering 5G conspiracy theories.</p>	EMFSA	Yes they do report and their emissions are insignificant.	
Clause 22	<p>Dep of energy's role The Bill should address concerns about renewable energy:</p>	EMFSA	The SETs stipulated in section 22 of this Bill do consider the adoption of renewable energies.	

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	<p>Utilities SMART meters: Similar to both FR and NL, in SA some members of the public, and municipal pilot projects have submitted complaints about SMART meter installations. One of the main complaints surrounds RF emissions. Both in FR, and the NLS some members of the public have been granted the “old” or digital meter system over the newer SMART meters. In the SA High Court 2017, it was suggested the primary setting default to ethernet (hardwire) for utility SMART meters. This brings about advantages synergistic with other promoted services, i.e. increased data security, faster-broadband infrastructure, and reduced RF spurious emissions. However, according to USA court case reviews, there may still be an issue of voltage transients. If this is still the case it can have detrimental effects on electronics and or sensitive medical or scientific research equipment.</p>			

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General	<p>Energy transmission: Similar to Germany, with increasing electrical energy demands and services the generation and transmission of power is requiring increasing proximity between the generating source, transmission line, and the population. This is also evident with the expansion of renewable energy and the upgrading of existing infrastructure. There is general consensus that additional precautionary and safety measures are required when erecting or significantly altering low-frequency installations and direct current installations. Possibilities must be exhausted to minimize the EM and EMF generated by the respective installation using state-of-the-art processes taking into account the circumstances within the respective installers' sphere of influence.</p> <p>3 Installations of low-frequency electricity transmission infrastructure (with a frequency of 50 Hz and a rated voltage of 220 Kilovolt and more) which are being erected in new areas are not allowed to be erected over buildings or parts of buildings intended for the</p>	EMFSA	The comment is noted. This should be addressed in the Industrial Policy for the Vehicle Manufacturing Sector.	

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	long-term occupation of humans. Recent advances in technology, unified with the requirements of the state promise substantial reductions in project CAPEX and ongoing operating costs.			
General	Electric vehicles (EV): EVs require an expanded and accelerated rollout of necessary infrastructure. After reviewing the positive and negative concerns raised in the literature, there seems to be an emerging consensus that EVs design can be modified with minimal effort to address negative factors. In the context of the RSA, the opportunity to export EVs into the AU presents a number of economic opportunities. At the same time, it presents an opportunity to address environmental concerns related to EVs. EV's are here to stay and the field must be addressed.	EMFSA	This is an energy policy and industrial policy matter in terms of design specification that falls outside the scope of this Bill.	
General	The Bill should incorporate the effect of renewable energy products on wildlife: Wind power: eagles, bats etc. Marine life: powerships, gas exploration, underwater cables etc. As well as how fishing communities will be affected.	EMFSA	DFFE is developing EIA guidelines for climate change considerations and aspects such as these including bird strikes from wind turbines shall be considered.	

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Section 22 &24	<p>The Bill does not address the root causes of climate change. The Bill seeks to reduce GHG emissions which is of vital importance because GHG emissions since the start of the industrial revolution is the main immediate cause of global warming. However, the warming planet is a symptom of deeper systemic issues and climate change response measures will only be successful if they eliminate the forces that continue to drive the expansion and continuation of activities that cause climate change. These deeper root causes include governments making economic growth their top priority, and the private sector prioritising profit maximisation.</p> <p>4.4. The Bill must provide for far more mitigation measures than reducing greenhouse gas (GHG) emissions. The Bill provides for a wide-range of policies, plans and other measures to adapt to climate change. However, as a consequence of framing the problem as excessive GHG emissions, rather than examining what is causing society to increase those emissions and degrade the ecosystems that maintain climate stability, the mitigation measures envisaged by the Bill are almost exclusively confined to reducing GHG emissions (Chapter 5). The Bill must be amended to require the taking of measures to restore the carbon-sequestration capacity of indigenous ecosystems</p>	EMS Foundation and the Wild Law Institute	The Bill actually deals with this through the development of SETs in section 22. The SETs are to be informed by policies and measures.	

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	<p>and agricultural land, and to address the forces driving the continuation of activities that exacerbate the climate crisis, including subsidies and the adoption of plans and the authorisation of projects that exacerbate climate change.</p> <p>4.5. The Bill does not impose clear, legally binding duties on the State and other parties to take urgent measures to avoid exacerbating climate change and to take measures to respond to the climate crisis. The Bill focuses on requiring organs of state to prepare plans to adapt to climate change and reduce greenhouse gas (GHG) emissions, and to co-ordinate their responses. This will involve setting goals, and carbon budgets, and monitoring and evaluating progress towards attaining them. However, it does not compel the State to prevent the commencement of activities that exacerbate climate change, to phase out existing activities that do so, to cease providing incentives to activities that exacerbate climate change or to prioritise the protection of fundamental human rights over the promotion of economic growth.</p> <p>4.6. The Bill addresses climate changes primarily as a technical issue which must be managed to reduce adverse impacts give insufficient attention to the implications for human rights (or the rights of Nature). The adverse</p>			

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	<p>impacts of climate change will make it increasingly difficult to uphold the fundamental human rights set out in the Constitution, including the rights to food, an environment not harmful to health, or wellbeing, access to water and sanitation and life. The Constitution does not give parties in either the public or private sectors the right to prioritise economic growth or maximise profits, nor does it impose a duty to do so. Consequently the rights in the Bill of Rights must take precedence over those economic goals.</p>			
<p>Clause 23</p>	<p>Clause 23: Listed greenhouse gasses and activities: The requirement that the decision to list a particular gas or activity should be based on scientific evidence should be included in this clause</p>	<p>Agricultural Business Chamber (Agbiz)</p>	<p>All Greenhouse Gases are identified based on scientific grounds However, it does not follow that all Greenhouse gases needs to be managed as they may not occur in a country. The listing of GHGs is not driven by scientific consideration as this is a precondition. It is rather informed by whether such as GHG occurs in the jurisdiction or not (e.g. NF3).</p>	

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Clause 21	21(5-6) – we have added a provision to establish a national GHG emissions budget, as above, consisting of five-year GHG emissions budgets derived from the national GHG emissions trajectory; 21(6) provides for the Minister to ensure that additional mitigation measures are implemented.	UCT-ACDI	Our nationally determined contribution (NDC) is not expressed as percentage reduction against a baseline or base year, but rather expressed in absolute emission terms. Therefore, that signals a clear carbon budget. What is left to do is to (a) allocate such a budget to all the relevant sectors using SETs and carbon budgets and (b) allow for a space within the carbon budget for new entrance.	
Clause 21	21(2)a – specify the period of years to be covered by the national greenhouse gas trajectory	UCT-ACDI	This should be kept flexible due uncertainty on how future iteration of the trajectory might handle this issue especially considering possible shifts in global temperature goals	
Clause 21	21(2)c – we have added a specific reference to the Paris Agreement and South Africa’s NDC to include the international legal context for mitigation; this INCLUDES the principle that countries’ NDCs must be “fair and ambitious”	UCT-ACDI	This is rather a rigid approach and will mean having to amend the act every time a new global climate treaty is adopted. The Bill instead should use general	

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			language that speaks to international obligations.	
Clause 22	<p>“22. (4) (b) be aligned with the national greenhouse gas emissions trajectory, noting that the [trajectory must also include set-asides for sectors not addressed as well as the] cumulative amount of greenhouse gas emissions which the sectoral emissions targets represent are not equivalent thereto ; and</p> <p>Whilst technically correct, the current configuration merely specifies that the total of the sectoral targets does not align with the National GHG trajectory. In reality, it is necessary for the Minister to consider all sectoral emissions, and for those not governed by the regulations, an amount equivalent to the most recent GHG Inventory assessment of sectoral emissions must be considered. This ensures that the total of all sectoral emissions will fall within the projected GHG emissions trajectory”</p>	WWF	This is implied in the word “aligned” and because the SA’s targets are expressed in absolute terms and not against a baseline which implies that the set-asides proposed are already implied in the national Trajectory.	
Clause 22	The list of greenhouse gas emitting sectors and sub-sectors will be listed by the Minister (clauses 22(1) and 22(2)). It is not clear whether Ministers responsible for each sector will participate in this decision by the Minister (clause 22(3) only applies to the framework and targets,	WWF	This is implied in the word “aligned” and because the SA’s targets are expressed in absolute terms and not against a baseline which implies that	

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	not the sectors and sub-sectors). In the agriculture sector (if this sector is identified under clause 22(1)), there are strong reasons to use sub-sectors for the actions outlined in clause 22. Failure to do so could have negative consequences for the sector. Establish more clearly who will participate in the identification of the greenhouse gas emitting sectors / sub-sectors, and what method of appeal would be available to sectoral role players		the set-asides proposed are already implied in the national Trajectory.	
Clause 22	The list of greenhouse gas emitting sectors and sub-sectors will be listed by the Minister (clauses 22(1) and 22(2)). It is not clear whether Ministers responsible for each sector will participate in this decision by the Minister (clause 22(3) only applies to the framework and targets, not the sectors and sub-sectors). In the agriculture sector (if this sector is identified under clause 22(1)), there are strong reasons to use sub-sectors for the actions outlined in clause 22. Failure to do so could have negative consequences for the sector. Establish more clearly who will participate in the identification of the greenhouse gas emitting sectors / sub-sectors, and what method of appeal would be available to sectoral role players	Western Cape	<p>All Greenhouse Gases are identified based on scientific grounds. However, it does not follow that all Greenhouse gases needs to be managed as they may not occur in a country. The listing of GHGs is not driven by scientific consideration as this is a precondition. It is rather informed by whether such as GHG occurs in the jurisdiction or not (e.g. NF3).</p> <p>The process therefore is such that the Minister will publish a notice through Government</p>	

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			Gazette for the general public to engage on the subject.	
Clause 22	Clause 22(7). No provision is made for a review in less than five years. Add “at least” before “every five”.	Western Cape	That is because, the SETs must be locked to a pre-determined commitment period (5-years in this case). Therefore reviews have to be done after the end of the commitment period	
Clause 22	The Bill lack detail on what constitute sectoral emissions targets and to what extent does these does not overlap with the Carbon Budget system. There is a risk of a possible duplication between the efforts required for companies to comply with carbon budget with the actions and measures that will be developed by sector departments responsible for Sectoral Emissions Targets	Western Cape	<p>There is no intention of aligning the SETs with the carbon budgets as these two instruments are completely different in that:</p> <p>(a) SETs focus on allocating targets as an outcome from sectoral policies and measures led by government</p> <p>(b) Carbon budget are emission allocations to industry manage their “direct emissions.</p>	

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			(a)(c) SETs also have qualitative aspects (e.g. standards, incentives, enabling policies) that can facilitate the transformation of an industrial sector/company such that it's emissions profile is reduced. In this context, whatever, the resultant emissions profile of a company is, the Carbon Budget shall be set.	
Clause 24	24. (2) (e) the alignment of the carbon budgets with the national greenhouse gas emissions trajectory, noting that the cumulative amount of greenhouse gas emissions which the carbon budgets represent are not equivalent thereto [must be lower than the trajectory to ensure scope for new entrants into the sectors and for person and activities not included in the budgeting process]; and”	Western Cape	The proposed text for 24(2)e are principles that are inherent in the process of developing CB (e.g. treatment of new entrants) and therefore shall be dealt with in the CB regulations. The CB shall have its own contribution to the trajectory and the new entrants shall be considered within that contribution and not against the trajectory itself.	

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Clause 24	The Bill is silent as to whether carbon budgets will be calculated on a scope 1, 2 or 3 basis. While section 24(1) of the Bill indicates that a carbon budget will be allocated to a person that conducts an activity listed in terms of section 23(2), suggesting this may be only scope 1 emissions, this should be clarified.	Mineral Council	The carbon budget regulations shall clarify how scope 2 &3 shall be considered in the overall budgeting system. However, the Bill is very clear that the allocation of carbon budgets is planned for Scope 1 emissions only.	
Clause 24	CAIA and others have been calling for integration to be proposed so that stakeholders likely to be regulated can assess the potential positive and/or negative impacts and provide well-considered input for further consideration and policy development by Government. Separate statements from the Departments (such as in the Minister of Finance’s 2022 Budget Speech) do not ease the discomfort being faced. While quantitative signals are provided with respect to the carbon price that could be faced, there is no formal proposal as how this will be applicable as the information on the CB and CT systems are still lacking (noted that there is now a reprieve in terms of time to implementation of the second phase of the CT). While a “scope” proposal has been released by the DFFE – listed GHG emissions greater than 30 000 tonnes carbon dioxide equivalents being the threshold for inclusion in the carbon budget system, the full impact of the mitigation system and any	CAIA	The proposed threshold of 30 000 tons CO2 eq which is informed by accurate GHG emissions from the South African GHG emissions Reporting System (SAGERS) addressed both the issue of materiality and inclusivity.	

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	potential opportunities cannot be readily assessed by stakeholders. Please refer to the section on the Climate Change Bill where further concerns relating to the principle and technical explanation of the scope of carbon budgeting are raised (Scope of carbon budgeting and associated requirements).			
Clause 10	The provision that commissioners are appointed by the President as indicated in Clause 10(2) does not comply with good governance as it should be structured in a manner that allows for greater transparency and a more open process.	National Planning Commission	The process has been amended to include the transparent process.	
General	Can the Bill be more tighter in its emphasis on the requirement for local government to put budgets in place for climate change related activities, such as prescribing the minimum and equitable percentage of budget that should go towards climate change related service delivery that is relative to each area based on their historic exposure to climate change.	National Planning Commission	<p>The clauses in the Bill maybe use for motivation for further resourcing, without necessarily tempering with the relevant legislations for appropriation.</p> <p>DFFE will continue to provide technical support to local government on the development of instruments required by the Bill.</p>	

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	<p>In addition to financial resources to implement the Act, municipalities require support in terms of access to relevant information in order to implement the provisions.</p>			
General	<p>The Bill fails to expressly set out South Africa’s obligation to prepare and submit NDC’s and that subsequent NDC need to show progression. It is therefore submitted that a provision be included specifically setting out South Africa’s commitments in terms of its NDC and that reference not only be made to it in the preamble of the Bill. There is a need for urgent climate action however given the delay in implementation of the Bill, coupled with the time frames allocated to the Minister and various departments with taking adaptive and mitigation measures, it is highly likely that South Africa will not achieve its NDCs adaptation and mitigation goals for the period 2020-2030.</p> <p>The mitigation measures in place include determining the GHG emissions trajectory and setting sectoral emissions targets for GHG emitting sectors and sub-sectors that needs to be consistent with the GHG emissions trajectory. The Bill in Clause 22(3) further compels; “The Minister must, in consultation with the Ministers responsible for</p>	Legal Resource Centre	<p>The preparation and submission of an NDC is informed by an international obligation and is already committed in terms of South Africa’s ratification of the Paris Agreement and need not to be duplicated in the climate Bill. The Bill in its clause 21(1) also commits South Africa to the development of a National GHG emissions trajectory which should inform the NDC, the low emissions development strategy.</p>	

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	<p>each sector and sub-sector listed in terms of subsections (1) and (2), determine by notice in the Gazette the prescribed framework and the sectoral emissions targets for sectors and sub-sectors.” The Bill in Clause 22(6) states that “The Minister responsible for each sector or sub-sector for which sectoral emissions targets have been determined, in accordance with subsection (3), must adopt policies and measures towards the achievement of the sectoral emissions targets”. The budget allocation around climate change adaptation and mitigation must be addressed to ensure that there is adequate funding allocated to meet the onerous capacity requirements.</p> <p>8.1.6.3. The Bill fails to adequately address training and education as required by the Paris Agreement, on the impacts of climate change. The Bill needs to be amended to include this aspect and address the way it seeks to empower communities to actively participate in public participation processes, where they are interested and affected by climate change.</p>			

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General	<p>There should be no exploration for new oil and gas resources.</p> <p>9.10.9.2. There should be no new investment in the development of oil and gas reserves beyond that which had already been sanctioned by January of 2020.</p> <p>9.10.9.3. There should be no new infrastructure for production, refining and transport and use of oil and gas (including power plants) that produce emissions exceeding the carbon budget aligned with the 1.5°C threshold.</p> <p>9.10.9.4. Equity and justice must be at the heart of all efforts to fight climate change.</p> <p>9.10.9.5. Governments, decision-makers, community, and private landowners must avoid the development and operation of oil and gas activities that might have negative impacts on sacred sites or territories, or Indigenous and Community Conserved Areas.</p>	Legal Resource Centre	In principle, these are energy policy issues that should be ventilated in the policy processes that DMRE shall be conducting in this regard.	

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	9.10.9.6. The rules for, and rights of, Indigenous Peoples, should be respected in planning the transition away from oil and gas.			
General	<p>The LRC welcomes that the Constitutional right to a healthy environment recognised in the Preamble and the polluter pays principle in Clause 3(j) of the Bill. However, recognition of this right is not enough without implementation and protection of these rights.</p> <p>11.2. The polluter pays principle is also recognised in the NEMA in Section 2(p).</p> <p>11.3. However, this principle in terms of abandoned mines has not been forthcoming. The principles set out in NEMA equally apply to the MPRDA in terms of Section 37 which advises that NEMA will serve as a guideline for the interpretation, administration, and implementation of the environmental requirements of the MPRDA.</p> <p>11.4. In terms of a right to a healthy environment and implementation of the polluter pays principle, as recently as 31 March 2022, it was recognised by the auditor general in a media release²² that the DMRE needs to increase its</p>	Legal Resource Centre	SETs include a policy measure that will deal with rehabilitation of mines and in particular coal mines because of the point raised in 11.12 on emission levels.	

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	<p>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 unrehabilitated mine within a set time frame”²⁴.</p> <p>11.5. The LRC has had first-hand experience of this through its litigation regarding an abandoned mine. On 31 May 2019, the LRC issued an application which</p> <p>sought relief against the DMRE, the Department of Human Settlement; Water and Sanitation, the Mogale City Local Municipality and the Department of Trade and Industry.</p> <p>11.6. The application is primarily to compel the relevant government departments to hold the Mintails group of companies liable for rehabilitation costs which are</p>			

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	<p>estimated to be approximately R460 000 000.00. As the companies within the Mintails group have commenced with liquidation applications, the result is that the Mintails Group escapes liability for the rehabilitation costs. In terms of the MPRDA, should a company who owes rehabilitation costs liquidate then the liability will fall to the state and more specifically burden the taxpayers with further debts.</p> <p>11.7. This matter is currently still in litigation. However, what can be highlighted in this case is that the polluter did not pay, and the departments required to implement compliance, have failed. Further the price of this pollution has been carried by local communities and the environment.</p> <p>11.8. This case is not unique with over 6100 abandoned mines being prevalent in South Africa.</p> <p>11.9. Whilst poor management and lack of political will have contributed to South Africa's legacy of greenhouse gas emitting abandoned mines, a lack of finances is a contributing factor. Although R49bn is required to rehabilitate South Africa's abandoned mines, the DMRE</p>			

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	<p>has only been allocating R120m annually for this purpose.²⁵</p> <p>11.10. Abandoned mines are not only an issue regarding lack of rehabilitation but also in terms of causing emissions which will add to the climate change issue.</p> <p>11.11. A 19-month data investigation of mine closures indicated that between at least 2011 and 2017, no large coal mines operating in South Africa were granted closure. This means the mines have not been rehabilitated and are simply abandoned, leaving a legacy of local and global pollution.²⁶</p> <p>11.12. The country's operating and abandoned coal mines release greenhouse gases with a global warming effect equivalent to up to 4.3-million tonnes of carbon dioxide a year. That roughly equates to consuming 10-million barrels of oil.²⁷</p>			

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	<p>11.13. In addition to carbon dioxide, abandoned coal mines can emit methane for decades.²⁸ Methane has 25 times the global warming potency of carbon dioxide.²⁹</p> <p>11.14. The Auditor-General has found that the DMRE has been mismanaging its responsibilities for the rehabilitation of the derelict and ownerless mines.</p>			
Clause 22	<p>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.</p> <p>11.15.2. To alleviate the South African taxpayer from being held responsible to pay for the rehabilitation of greenhouse emitting abandoned mines, a mechanism needs to be put in place so that those who operated mines which are now abandoned are held responsible for the contribution those</p>	Legal Resource Centre	The issue of abandoned mines is noted and DFFE is currently engaging with DMRE to ensure that the SETs include a policy measure that will deal with rehabilitation of mines and in particular coal mines because of the point raised in 11.12 on emission levels.	

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	<p>mines are now making to climate change or that the DMRE is compelled to rectify the situation.</p> <p>11.15.3. The polluter pays principle should be reinforced with mechanisms to allow for a party to be held liable should they not comply with their greenhouse gas mitigation plan. Further locus standi should be provided for considering the Constitution to any party in terms of Section 38 which reads that “anyone listed in this section has the right to approach a competent court, alleging that a right in the Bill of rights has been infringed or threatened, and the court may grant appropriate relief”. The enforcement of this Bill should allow for state as well as private persons to be held liable by any person as everyone has a right to a healthy environment.</p>			
	<p>The Carbon Tax Act should be cited in carbon budgets. It should further state that the persons who pay Carbon Tax are not entitled to increase its prices of goods and services that are supplied. The Tax and budgets should be paid from the entities profits and not indirectly paid by the</p>	<p>Legal Resource Centre</p>	<p>Yes the Carbon Tax shall be cited in the Carbon Budget regulations with respect to penalisation of non-compliance with allocated emissions over a 5 year commitment period.</p> <p>The issue of price inflation and pass-through should be</p>	

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	<p>consumer, who can be the poorest of the poor. In example, should a producer of bread need to pay carbon tax, this should not trickle down to the communities who purchase this bread. This will only result in the poorer become poorer and the polluters of omissions not paying for the carbon omissions.</p>		<p>addressed directly to National Treasury as it is a Tax issue.</p>	
<p>General</p>	<p>17.2.2. This would also impact on communities right to food as in the Constitution as it would be inaccessible due to not being affordable.</p> <p>17.2.3. Further it should be stated that should a person, due to carbon budgets, need to use alternative methods to continue activities, that this costs should not be felt by the consumers of these goods and services.</p> <p>17.2.4. The taxing of the poor for the carbon tax and budgets of a person, would be in conflict with the idea and definition of just transition (as discussed above) which states that it is a “shift towards a low-carbon, climate-resilient economy and society and ecologically sustainable economies and societies which contribute toward the creation of decent work for all, social inclusion and the</p>	<p>Legal Resource Centre</p>	<p>Comment 17.2.3 goes beyond the mandate of DFFE and that of the climate change Bill specifically.</p> <p>Comment 17.2.4 should be addressed to National treasury.</p>	

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	eradication of poverty”. By taxing the poor indirectly, the eradication of poverty will not be possible.			
General	<p>The CBD Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities Relevant to the Conservation and Sustainable Use of Biological Diversity highlights the importance of indigenous and local custodianship, and recognizes the holistic interconnectedness of humanity with ecosystems that is embedded in their customary rules</p> <p>as well as cultures, spiritual beliefs and customary practices (including linguistic diversity), and recognises these as key to the conservation and sustainable use of biodiversity.</p> <p>8.2.3.4. The Bill, in its current form specify that decisions be based on “the best available science, evidence and information” (Clause 3(h)). The importance of indigenous and local knowledge and experience is omitted. Given South Africa’s international obligations and the growing</p>	Legal Resource Centre	The comments are noted, however, the Bill cannot encroach into the Convection on Biodiversity as it addresses matter of climate change which falls under the United Nations Framework Convention on Climate Change	

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	international recognition of the importance of taking local knowledge into account when assessing climate change impacts, it is submitted that the clause should be amended to read: “the best available science, evidence and information, including local and indigenous knowledge”.			
Clause 24	<p>Most of the detail on the carbon budgets will be contained in regulations that the Minister is required to make in terms of section 27(2)(a)(i) of the Bill.</p> <ul style="list-style-type: none"> • However, as there are insufficient parameters for these regulations in the Bill, the Minister is afforded significant discretion when developing such regulations. <p>Main references: section 27(2)(a)(i) of the Bill</p> <p>.1. Section 27(2)(a)(i) of the Bill provides “(2) The Minister must make regulations— (a) in relation to the management of climate change response, including— (i) the determination, review, revision, compliance with and enforcement of an allocated carbon budget, amendment and cancellation of a carbon budget allocation, the content, implementation and operation of a greenhouse gas mitigation plan, and all matters related thereto;...”</p>	Mineral Council of South Africa	Sections 24(2), 24(3) and 27(2)a(i) outlines the key parameters to be considered in the regulations. It is therefore our view that the CC Bill contains sufficient guidance on what should be considered in the CB regulations.	

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	<ul style="list-style-type: none"> .2. Most of the detail on the carbon budgets will be contained in regulations that the Minister is required to make in terms of section 27(2)(a)(i) of the Bill. 			
Clause 27	<p>Penalties included in the Bill to enforce carbon budgets may give rise to severe economic consequences, such as premature mine shut down.</p> <ul style="list-style-type: none"> Furthermore, sanction of the same offences in both the Bill and the Carbon Tax Act will give rise to a double penalty and a resultant double jeopardy risk. <p>Main references: section 27 of the Bill</p> <p>1. Section 27(2) of the Bill states that the Minister must make regulations in relation to the management of climate change response, including the determination, review, revision, compliance with and enforcement of an allocated carbon budget.</p> <p>.2. Section 27(3) of the Bill states that a regulation made in terms of this Act may provide that any person who contravenes or fails to comply with a provision thereof commits an offence and will be liable, upon conviction, to the penalties contemplated in section 49B (2) of the National Environmental Management Act. .3. The DFFE</p>	Mineral Council of South Africa	The comment is noted. The issue of alignment between the CB and CTax shall be addressed in the CB regulations. Secondly, Treasury has announced on possible reforms to the CTax legislation and is waiting for the CC Bill to be finalised in order to effect the alignment mechanism to which non-compliance shall be characterised by a normal tax rate on emission below the carbon budget and a higher tax rate on emissions above a carbon budget	

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	<p>has, in a series of engagements, made it clear that it intends to include further penalty clauses in regulations promulgated in terms of section 27 of the Bill to ensure the enforcement of approved carbon budgets.</p> <p>.4. Furthermore, although no amendments have been made to the Carbon Tax Act No. 15 of 2019 (“Carbon Tax Act”) as regards a penalty for exceeding the carbon budget, these amendments are apparently imminent and were alluded to in the Budget Speech 2022, as well as during various engagements with National Treasury and the DFFE. In this regard, it is apparent that the intention is to introduce a higher, punitive rate of carbon tax for emissions which exceed the carbon budget. This will constitute a further penalty, in addition to those already contained in the Bill and / or NEMA.</p> <p>.5. The introduction of the carbon budgets in conjunction with the carbon tax, levied in terms of the Carbon Tax Act, raises concerns with respect to resultant economic harm, non-conformity with aspects of the rule of law, and a lack of compliance with accepted legal principles.</p> <ul style="list-style-type: none"> • .6. In a report commissioned for the DFFE15, eight core principles to be considered when determining the best carbon pricing mechanism are listed. Two of these include “cost-effectiveness” and “sensitivity to international competition.” The former requires that the chosen interface 			

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	<p>options should minimise the additional costs that society faces as a whole in order to reduce emissions. The latter requires that the chosen interface option should not unduly disadvantage South African firms competing with firms based overseas and not subject to the same intensity of emissions reduction regulatory effort.</p> <p>.7. Similarly, the National Climate Change Response White Paper contains a series of six factors that are intended to guide the overall approach to our climate change response. These include recognition that climate change policy should also be developmental such that it has inter alia significant economic growth, job creation, and poverty alleviation benefits, and that policy should be balanced and cost effective. Moreover, the 2010 Carbon Tax discussion paper by National Treasury identifies seven issues which must be carefully addressed in climate change mitigation policies, including that distributional and competitiveness issues should be taken into account. It is apparent, therefore, that the economic impact and consequence of the implementation of the carbon budgets in tandem with the carbon tax is a crucial concern, and which requires significant consideration.</p> <p>.8. Carbon budgets impose direct limitations and place substantial compliance obligations on private sector</p>			

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	<p>entities, such as mining companies, as in order to abide by the limitations and comply with these obligations, these entities will be required to either scale down their activities and limit production capacity, or to introduce alternative sources of energy for production.</p> <p>.9. Should the entity elect to limit production capacity, it will encounter immense challenges since a mining entity will typically have concluded, and previously implemented, a production plan to ensure that it has sufficient installed capacity to meet the production levels for which it is permitted by its existing authorisations or licenses. Introducing thresholds which result in punitive carbon taxes on the mining entity's greenhouse gas emissions which exceed those thresholds will thus prevent it from operating at this maximum allowed capacity. The same will occur by virtue of a financial penalty in the Bill and / or NEMA as regards the exceedance of the carbon budget. Ultimately, this forced downscale of operations could limit the mine's production to a point where it cannot mine optimally, rendering it economically unfeasible to continue and thereby reducing the life of mine. This is a specifically prominent risk for marginal mines, and significantly reduces their viability.</p>			

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	<p>.10. Alternatively, the company can choose to invest in alternative sources of energy for production. While this option is likely the most feasible in the long run, the proposed Bill read with the Carbon Tax Act gives no regard to the upfront capital cost of cutting carbon emissions. Furthermore, there is both a size and timing element to mitigation actions and related investments. If companies put planned investment on hold in favour of future investment in cleaner technologies or facilities, a real cost to the economy will arise as the additional output resulting from the investment is foregone during the period for which the investment is delayed. Moreover, it is understood that these mitigation mechanisms will require the entity to appoint and train additional professionals in the form of inter alia energy engineers, carbon managers, monitoring specialists, statisticians and other skilled professionals to enable them to undertake monitoring and reporting activities linked to the carbon budget, and to operate and monitor the newly introduced energy system. As a result, the entity's input costs of production will increase in both the short and long term, and will therefore affect the company's profit margins. This, coupled with an exponentially increasing carbon tax rate, poses a threat to</p>			

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	<p>the economic sustainability of a mining company, and may also result in mine and production closure.</p> <p>.11. In this regard, it is apparent that to remain within its allocated budget, a mining entity will be required to incur higher expenses, suffer a lower gross income due to reduced production, and still be subject to a rapidly increasing carbon tax. Furthermore, those taxpayers that are unable to produce within their budgets may be further subject to a penalty in terms of the Bill / NEMA, as well as the punitive tax rate of R640/tCO_{2e}</p> <p>Cumulatively, this places immense economic pressure on such mining entities, who face a real risk of premature shutdown as a consequence.</p> <p>.12. The socio-economic implications of the introduction of financial penalties in the Bill and / or NEMA, as well as the potential punitive carbon tax, are of significant concern as premature mine closure could result in vast unemployment and a decrease in the mining industry's contribution to the economy. This would be particularly problematic since in the 2020 fiscal year, the mining industry employed 451,427 people, contributed R27,2 Billion to tax revenue and contributed R372,9 Billion to South Africa's gross domestic product ("GDP").¹⁶ It is also important to</p>			

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	<p>consider the impact of the premature closure of a mine on the local economy within which the mine is situated, and in particular the impact that this could have on local unemployment, purchasing power within the local economy and the socio-economic conditions of the surrounding community which is significantly supported by the mine. Ultimately, therefore, premature mine closure will affect the poorest and most disadvantaged in society, violating the concept of a “just transition” as referred to above and which requires “creation of decent work for all, social inclusion and the eradication of poverty”.</p> <p>.13. Given that there are less onerous manners to address the objective of emissions reduction and compliance, the simultaneous imposition of both a carbon budget and a carbon tax is disproportionate and is synonymous with the idiom of "using a sledgehammer to crack a nut".¹⁷ It cannot therefore be said that it is reasonable that a company be forced to shut down, which is the ultimate punishment, as a result of carbon production. It is also prejudicial to the entity’s employees and the economy, who are innocent bystanders. It is submitted, therefore, that the implementation of the proposal as it stands cannot be considered “proportional” and the “punishment” most certainly does not “fit the crime”. To this end, the</p>			

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	<p>introduction of the carbon tax at both the normal and punitive rates, in tandem with the carbon budget and in the manner proposed, is hugely disproportionate.</p> <p>.14. To this end, the imposition of a punitive tax, separately or in combination with a penalty in terms of the Bill / NEMA for exceeding the allocated carbon budget, will act as a punishment instead of a deterrent, rendering the tax irrational on the basis that it does not correspond with its deterrence objectives. Section 1(c) of the Constitution of the Republic of South Africa, 1996 (“Constitution”) imposes a rule-based order on society and on the State, meaning that the State cannot enact irrational legislation.</p> <p>.15. Moreover, it is apparent that the Bill is equipped to penalise those who exceed their respective carbon budgets without recourse to the Carbon Tax Act by virtue of section 27(3) of the Act. This section provides that a regulation made in terms of the Act may stipulate that any person who contravenes or fails to comply with a provision thereof commits an offence and will be liable, upon conviction, to the penalties contemplated in section 49B(2) of NEMA. Section 49B(2) of NEMA provides that a person convicted of an offence in terms of section 49A(1)(i), (j) or (k) is liable to a fine not exceeding R5 million or to</p>			

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	<p>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.</p> <p>.16. Therefore, where the Minister makes regulations which render the failure to comply with an allocated carbon budget an offence, the introduction of a punitive carbon tax would be redundant, unnecessarily onerous and give rise to a double penalty. Section 35(3)(m) of the Constitution prohibits the State from trying a person for an offence in respect of an act or omission for which that person has previously been either acquitted or convicted. This is known as the principle of “double jeopardy” and prevents the same act from being punished twice.</p> <p>.17. To this end, the State can either penalise an entity for exceeding its approved carbon budget in terms of the Bill and / or NEMA, or it can impose a punitive tax, but it cannot do both without violating this quintessential constitutional principle. Hence, the introduction of the carbon tax at the punitive rate, in conjunction with the carbon budget and penalties contained in the Bill / NEMA, is unlawful.</p>			

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	<p>.18. Given the above discussion, the State is prohibited from introducing penalties, in any form, which will result in such dire consequences, and specifically those which give rise to a double penalty. As such, the Bill should consider treating the budget as an absolute threshold of tax-free emissions, with an absolute tax-free allowance. In conjunction with this proposal, entities subject to a carbon budget should be equipped with tax incentives and deductions to shelter them from the harsh economic realities inflicted by the compulsory investment into alternative sources of energy for production.</p>			
<p>Clause 32</p>	<p>32. (1) A person commits an offence if that person fails to prepare and submit a greenhouse gas mitigation plan to the Minister in terms of section 24(4). . A person commits an offence if that— person fails to prepare and submit a greenhouse gas mitigation plan for the Minister’s approval;”</p> <p>In this clause, implementation is left out but included below under (2). (“non-implementation” As the failure of preparing and submitting a mitigation plan is an offence, it is imperative that a time period within such plan must be submitted as contemplated in 24(4) must be fixed.</p>	<p>Mineral Council of South Africa</p>	<p>Specifics on timing shall be addressed in the CB/Mitigation plan regulations.</p>	

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Clause 32	<p>2) A person convicted of an offence in terms of subsection (1) is liable to the penalties contemplated in section 49B (2) of the National Environmental Management Act.</p> <p>1st of all there is a change from NEDLAC document in requiring a higher tax A legal opinion should be sought to ascertain the relevance of carbon budget regulations which is terms of the Climate Change prescribing the modalities of setting out a higher car Given the higher tax rates envisaged in the future as set out in the countries budget delivered on the 23rd of February, Minerals Council is of the view that that requiring a higher tax for GHG emissions above the budget is punitive and double taxation. This view is held because for one to stay below the budget</p>	Mineral Council of South Africa	Yes this text was removed from the CC Bill as it refers to provisions that do not exist in the CTax legislation. Therefore, this shall be addressed in the CB regulations.	
Schedule 1	<p>Functions relevant to the development of Sectoral Emissions Targets Nedlac text: "Functions Relevant to the Inter-Ministerial Committee on Climate Change</p>	Mineral Council of South Africa	Schedule 1 has been amended post Nedlac to provide clarity on which functional/sectoral areas require SETs.	

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Clause 21	<p>a) peak in the period 2020 to 2025 in a range with a lower limit of 398 Megatonnes (109kg) (Mt) CO₂-eq and upper limits of 583 Mt CO₂-eq and 614 Mt CO₂-eq for 2020 and 2025, respectively;</p> <p>(a) peak in the period 2020 to 2025 in a range with a lower limit of 398 Megatonnes (109kg) (Mt) CO₂-eq and upper limits of 583 Mt CO₂- actual trajectory rather just refer to the trajectory reflected in the latest NDC to avoid a situation whereby the act will have to updated as and when the trajectory changes. Various scenarios could exist that would alter SA emissions significantly i.e. accelerated decarbonization which could drastically reduce the emissions or rapid economic growth and manufacturing activities which lead significant alteration of the trajectory.</p>	Mineral Council of South Africa	We propose the following amendment to section 21 (3) "Until such time as the Minister publishes the national greenhouse gas emissions trajectory in terms of subsection (1), the trajectory in Schedule 3 is replaced by the updated Nationally Determined Contribution submitted to the UNFCCC on 2021.	

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Schedule 4	<p>Extent of amendment or repeal Title Yea Amendment of laws: Section 34 Act no.</p> <p align="center">National Environmental 199 Management Act 8</p> <p>23. The National Environmental Management Act is hereby amended by the addition in section 1 to the definition of “specified environmental management Act” of the following paragraph: “(i) the Climate Change Act, 2022”</p>	Mineral Council of South Africa	<p>Amendment of laws: Section 34r Act no. 107</p> <p align="center">National Environmental Management Act 199 8</p> <p>23. The National Environmental Management Act is hereby amended by the addition in section 1 to the definition of “specified environmental management Act” of the following paragraph: “(i) the Climate Change Act, 2022”</p>	<p>Extent of amendment or repeal</p>
Clause 32	VII. SANCTIONS AND PENALTIES		Comment 50-52: The comment is noted. The issue of alignment	

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	<p>50. The Bill does not include sufficient penalties to ensure compliance with emissions reduction requirements.</p> <p>51. The Bill lacks adequate compliance and enforcement provisions (section 32). The Bill should include stronger enforcement and compliance measures to deter companies and individuals from shirking their emissions reduction obligations. The Bill provides for only a single offence, for the failure to prepare and submit a GHG mitigation plan to the Minister;10 and does not provide any penalties for failing to implement such plan, nor for exceeding an allocated carbon budget.</p> <p>52. It is critical that the Bill include strong measures to encourage compliance. Penalties could include a higher carbon tax on emissions exceeding the allocated carbon budget, or withdrawal of operating licenses and permits, and personal liability for corporate officers, among other measures which should be listed in this Bill.</p> <p>53. Additionally, all entities and persons who exceed their allocated carbon budget should suffer reputational risk via the publishing on a public website of their failure to adequately reduce emissions. And the Bill should reference the Companies Act No. 71 of 2008 and require</p>		<p>between the CB and Ctax shall be addressed in the CB regulations. Secondly, Treasury has announced on possible reforms to the Ctax legislation and is waiting for the CC Bill to be finalised in order to effect the alignment mechanism that CAIA has referred to which shall be characterised by a normal tax rate on emission below the carbon budget and a higher tax rate on emissions above a carbon budget.</p> <p>Comment 53: This is noted and can be accommodated in the CB regulations.</p>	

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	<p>financial disclosures to further leverage private sector climate action.</p> <p>54. Whilst there are several other sanctions, such as criminal and administrative sanctions, in other laws that can be used to deter environmental degradation, they are not stringent enough. There is a need for the Bill to introduce other innovative sanctions and corporate social responsibility strategies to reduce emissions in South Africa. The Bill lacks adequate compliance and enforcement provisions. 55. Section 32 provides for the offences and penalties under the envisaged Act. The Act must do more to introduce innovative stringent sanctions that will deter companies and individuals from generating excessive carbon emissions and incentivise them to meet their targets. In addition, false or misleading information on emissions should carry a heavy sanction. 56. All provisions in previous drafts linking non-compliance with the obligation to pay a higher carbon tax have been removed in the draft introduced in Parliament – deferring consequences of violations to regulations to be made by the Minister at an undetermined point in the future. There is a need for a meaningful deterrence for non-compliance and excessive GHG emissions so that big emitters will take the necessary action.</p>			

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	<p>. While government officials claim that South Africa is working toward “net-zero” emissions, the Bill fails to indicate a concrete plan of action to achieve this goal. In addition, there is a need to provide more information on the climate planning stages South Africa will take. There is also a need to make policies and regulations that have set out and clear timeframes, and the actions that need to happen</p>	<p>Alois Mugadza Programme Officer Email:Alois@naturaljustice.org</p>	<p>Clause 21 is provided to address the issue of Net-Zero through the development of a National GHG emissions Trajectory for the country.</p>	
<p>Clause 32</p>	<p>7. Compliance and enforcement</p> <p>Section 24(4)(a) mandates a person to whom a carbon budget has been allocated to prepare and submit to the Minister, for approval, a greenhouse gas mitigation plan. Section 24(4)(e) stipulates that in the event that such reporting indicates that the person “has failed, is failing or will fail to comply with the allocated carbon budget,” the Minister must “provide a description of measures the person will implement in order to remain within the allocated carbon budget.” This provision is vague, represents an inadequate disincentive to yield a change in behaviour towards the generation of greenhouse gases, and could inadvertently foster a culture of non-compliance.</p>	<p>Scientific Advisory Group on Emergencies (SAGE)</p>	<p>In the event that a carbon budget is not met, there shall be penalties to be imposed using the Carbon Tax as an enforcing instrument. The provision stipulated in 24 (6) e recognises that the mitigation plan is an instrument to enforce the carbon budget and also that the regulator (DFFE) has a responsibility to ensure that the company keeps within its CB instead of waiting until the end of the commitment period to make the compliance assessment.</p>	

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	Section 32(1) of the draft Act stipulates that a person commits an offence if that person “fails to prepare and submit a greenhouse gas mitigation plan to the Minister in terms of section 24(4).”			
Clause 32	<p>However, the draft Act stipulates no consequences for failing to adhere to the submitted plan.</p> <p>In the interests of accountability and to foster a culture of compliance in respect of the Act, we believe that a failure to comply with a greenhouse risk mitigation plan must be declared an offence in terms of section 32(1) of the Act.</p> <p>Alternatively, non-compliance with a greenhouse risk mitigation plan should be subject to a dedicated regulation in terms of section 27(3) of the Act, which stipulates that a “regulation made in terms of this Act may provide that any person who contravenes or fails to comply with a provision thereof commits an offence and will be liable, upon conviction, to the penalties contemplated in section 49B(2) of the National Environmental Management Act.”</p>	Scientific Advisory Group on Emergencies (SAGE)	This will result in double penalization. The purpose of the mitigation plan is to support the carbon budget. If the carbon budget is not met, there is a process to penalise non-compliance using the carbon tax. Therefore, imposition of penalties with respect to mitigation plans should be related to administrative aspects such as preparation and submission of the plans.	
Clause 32	<p>.6. Penalties and Offsets</p> <p>The provision for penalties in extremely limited in the Bill. According to section 32 of the Bill, a penalty is applicable when a “person commits an offence if that person fails to prepare and submit a greenhouse gas mitigation plan to</p>	Scientific Advisory Group on Emergencies (SAGE)	This aspect is excluded from this clause because it shall be dealt with in the CB regulations and the CTax, instead of NEMA penalty regime shall be used to	

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	<p>the Minister in terms of section 24(4).” Given the trend of non-state actors to violate regulations, there is a clear and convincing need for a broader range of penalties, including the option for the relevant Minister to revoke an operating licence if an emitter exceeds carbon budgets and/or fails to adhere to mitigation plans.</p> <p>Simply stated, one of the main objectives of the Bill is to reduce national GHG emissions. This is an urgent imperative according to the country’s commitments with the Paris Agreement and the survival of the human species. This can only be achieved if emitters are required by law to reduce their emissions and if there are consequences for a failure to do so. In the absence of such penalties there is no incentive to adhere to regulations – and the urgent and necessary GHG emission reductions will not be achieved.</p> <p>In relation to carbon offsetting, the United Nations states that:</p> <p>Although carbon offsets are often presented as emissions reductions, they do not actually reduce emissions. At best, they move reductions to where it is cheapest to make them, which normally means a shift from Northern to Southern countries. Greenhouse gas emissions continue to be made at one location on the assumption that an equivalent savings will happen elsewhere.¹⁶</p>		<p>enforce compliance w.r.t carbon budgets. This will be addressed via Carbon Budget regulations</p> <p>Carbon offsets forms part of the Carbon Tax accounting framework and therefore falls outside the scope of this Climate Bill.</p>	

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	<p>Additionally, the UNEP states that, “carbon offset projects will never be able to curb the emissions growth, while reducing overall emissions, if coal power stations continue to be built and petrol cars continue to be bought, and our growing global population continues to consume as it does today.”¹⁷ As such, carbon offsetting should not be considered a solution, but rather one small strategy in an arsenal of solutions to the global emissions problem. The Commission warns against over-reliance on carbon offsetting as a tool for reducing emissions, given its limited capacity to achieve this.</p>			
Clause 32	<p>A person convicted of an offence in terms of subsection (1) is liable to the penalties contemplated in section 49B (2) of the National Environmental Management Act." In the case of exceedance of carbon budgets NEMA cannot apply based on arguments made above. In this regard an administrative penalty, without criminalisation should apply.</p>	SASOL	<p>This will be considered in the legislative documents supporting the implementation of the National Carbon Budgets and Mitigation Plans Regulations.</p> <p>The DFFE is developing the Administrative Penalties Bill, which will apply to NEMA and all the SEMA's</p>	

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Clause 32	The Bill should mandate that company directors can be held personally liable both for the failure of the corporations they lead to meaningfully decarbonise and for violating their prescribed carbon emissions budget. This should entail stiff criminal penalties and financial fines.	TRAVERS ELE GOFF	<p>Noted. This (offenses and related penalties for exceeding of carbon budgets) will be considered in the development of the Carbon Budgets and Mitigation Plans regulations.</p> <p>This is regulated by the Companies Act. S76 of The Companies Act codifies directors and prescribed officer's fiduciary duties towards the companies (fiduciary relationship) and its stakeholders.</p> <p>Furthermore, these fiduciary duties aim to keep directors of the company accountable for their actions and ensures the King IV Corporate Governance principles of accountability and transparency. The Act further states that should a director not</p>	

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			<p>fulfil their responsibilities and duties towards the company, that the company and under certain circumstances the shareholders can hold them liable for their actions, as provided for in s218 of The Act. Accordingly, a company's directors must meet or fulfil their fiduciary duties and responsibilities. Creditors wanted to find a way in which they can hold directors of the company liable for their actions, the common law developed the doctrine of "piercing the corporate veil" which was further developed and codified in terms of s20 of The Act.</p> <p>Piercing the corporate veil denotes to the situation where the courts ignore the limited liability of directors and shareholders under the cloak of</p>	

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			<p>the protection of the company being a juristic and separate legal person and hold the directors or shareholders personally liable for the company's debts or actions. When the corporate veil is pierced, the protection afforded to the directors and shareholders in removed and the substance of the company is examined rather the form in which it is cast.</p>	
Clause 31	<p>The Bill must mandate that the Minister be compelled by law to release all data collected related to the enforcement of this Bill on an annual basis. This should include but not be limited to emissions and sectoral carbon data along with that of worst polluters, and relevant data collected by government related to the enforcement of the Climate Change Bill. The Minister must be legally compelled to table annual reports in a coherent manner of the progress made on decarbonising the South African economy, the progress of mitigation and adaptation programs, and it must be accompanied by a list of corporations and</p>	TRAVERS E LE GOFF	<p>Noted. However, the GHG reporting regulations guides based on the process of PAIA and POPIA as well as the competition Act. The Bill must adhere to the legal framework with regards to private information.</p>	

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	<p>individuals of significance who are not complying or in breach of their obligations to comply with the law.</p>			
<p>General</p>	<p>Public participation process: We demand the just transition that prioritizes the most vulnerable people and indigenous, establishes reparations and remediations led by and for indigenous people of colour and poor communities for years of environmental injustices, establishes legal rights for ecosystems to thrive and regenerate in perpetually, and repairs the effects of ongoing ecocide to prevent extinction of human and all species, in order to maintain a reliable, and just planet for all.</p> <p>Public participation is necessary as this Bill will affect everyone and it is important to have many diverse views and voices being heard.</p> <p>2.Access to information and transparency: •People need access to information to understand what progress is being made, and make choices.</p>	<p>Enviro Group</p>	<p>The comments are noted. Indeed the Bill was consulted widely and there are cluses that underscores public participation and consultation. PAIA will continue to provide the overall law on information access.</p>	

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	<p>3. Co-operative governance DFFE to sufficiently empowered to issue guidelines and M&E. All government approach (Mainstreaming)</p> <p>4. Urgency, Timeframes & deadlines: An urgent need to reduce emissions, Bill has xxx time frames & deadlines for adaptation.</p>		DFFE will indeed issue guidelines for reporting. The timelines in the Bill are structured in a matter that will allow planning; implementation and reporting.	
67 on the Memorandum of Objects.	<p>The Memorandum on the Objects of the Bill states that ‘the State Law Advisers are of the opinion 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 as it does not contain any provisions which directly affect traditional or Khoi-San communities or provisions which pertain to customary law or customs of traditional or Khoi-San communities.</p> <p>18.2. The LRC submits that the Bill directly impacts on customary law and customs of traditional or Khoi-San communities as these communities are the most likely to be impacted by catastrophic impacts of climate change. According to the United Nations Permanent Forum on Indigenous Issues, indigenous people are among the first to face the</p>	Legal Resource Centre		

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	<p>direct consequences of climate change, owing to their dependence upon and close relationship with the environment and its resources. Climate change-induced disasters, such as floods and droughts, contribute to degradation of ecosystems and affect agricultural, pastoral, and fishery activities, which undermines food security. Effective participation of indigenous communities is crucial to the development of mitigation measures to ensure that such measures do not negatively affect vulnerable communities</p>			
Clause 29	<p>In line with our concerns expressed above, the Bill only allows for a veneer of public participation which substantively amounts to little more than sharing information about decisions that have already been taken on behalf of the marginalised and excluded.</p> <p>If the intention of this Bill is to facilitate a JUST TRANSITION, then it fails to provide for a just and equitable process for communities who are impacted by the extractive and emission processes.</p> <p>Any public consultation that does not allow affected and impacted communities to enjoy the full legal right of Free Prior and Informed Consent, and which instead reduces them to subjects who will be told what has been decided on their behalf, is fundamentally unjust and does not</p>	MACUA & WAMUA	The public participation allow the members of public to provide inputs and to an extend written representation on or objections to the proposed exercise of power.	

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	<p>provide a pathway out of the destructive patterns of the past.</p> <p>Accordingly, we propose a strengthening of the Public Participation element to include:</p> <ol style="list-style-type: none"> 1. Decisions affecting communities must be based on principles of self-determination. It is the collective right of indigenous peoples to negotiate the terms of externally imposed policies, programs, and projects that directly affect their livelihoods and well-being. 2. Public participation should be a form of decision making that enables a community to say “yes” or “no” to a proposed project or intervention. 3. Public Participation should ensure that consent is given freely, by people fully informed of the consequences, prior to any decision being made, and according to their own decision making processes. 4. Public Participation should be a part of a consultation process that allows people to provide input into how their natural resources are managed. <p>The Bill proposes that ‘any information that is provided to government must be made available to the public subject to the Promotion of Access to Information Act (PAIA) and the Protection of Personal Information Act (POPIA)’. Our concern in this regard is that the framing of the clause does</p>			

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	<p>not allow effective implementation. PAIA and POPIA have legal grounds to refuse providing information such as on commercial grounds.</p> <p>It is our experience, having engaged multiple corporate entities on environmental and socio-economic concerns, that entities who do not wish to share information that communities need to protect their rights, often abuse this privilege.</p> <p>Moreover, the required procedure by PAIA and POPIA to obtain information is time consuming and costly, for those seeking information and is even more so for marginalised and affected communities.</p> <p>Lastly, the clause is too vague. The words used in this clause may be understood that the availability of the information to the general public is at the discretion of those who hold power over the decision-making processes, leaving vulnerable and affected communities at the mercy of those who make decisions on their behalf.</p> <p>This is eminently unjust and in the light of the Bills attempt to guide a JUST TRANSITION, the clause is an anachronistic throwback to the past injustices perpetrated on affected communities.</p> <p>It is our submission that all information relevant to affected and impacted communities must be available to them as an indubitable right.</p>			

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Clause 29	<p>Climate Justice affects everyone, and the Climate Change Bill will have a great impact on how South Africa responds to climate change. In a country such as South Africa, which has suffered the indignity and exclusion of Colonialism and Apartheid, it is of utmost importance that meaningful public participation be incorporated into the developmental paradigm of the Climate Change Bill if the Bill is to advance its aims of a Just transition.</p> <p>We 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.</p> <p>Request 2: 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 marginalised communities to attend the hearings.</p> <p>Request 3: The youth are generally neglected in the law-making process. Women and the youth are most vulnerable to the</p>	MACUA & WAMUA	The climate change Bill public hearings have been conducted across the country, with the advance team of parliament providing information well in advance.	

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	<p>impacts of climate change and the youth and women should be prioritised and their interests incorporated into the Bill</p> <p>Request 4: Information must be easily accessible to the public, in a language that is clear and easily understood by everyone. This right should be clearly set out in the Bill.</p> <p>Request 5: Regarding the “no timeline” for provisions such as compelling the Minister to set a timeframe for emissions trajectory, ought to be amended. We urge lawmakers to include timeframes on the determination of the reduction pathway that manages Greenhouse Gases emissions.</p>			
Section 29	<p>3.3 Public Participation Section 29 of the Bill lays out the process for public consultation that a minister, MEC or mayor must follow before exercising the powers allocated to them in terms of certain sections under the Bill. While PepsiCo commends these avenues of public engagement, given the complexity, significance and urgency of both the Bill and the climate-related threats it seeks to surmount, we believe that the Bill can and should support greater public participation beyond those sections listed in Section 29(1). We especially call on public consultation opportunities for the allocation of carbon budgets as set out in terms of Section 24 of the</p>	PEPSICO SUB SAHARAN AFRICA	Consultations on the development of the framework for the allocation of the carbon budget will be undertaken. However, the allocation will have to be undertaken in a manner it does not violate the Competition Act.	

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	<p>Bill. Moreover, we note the Bill does not create an opportunity for public consultation in terms of Section 72(2) - a provision permitting the relevant Minister to make regulations relating to climate change response management. We urge the Committee to consider the inclusion of public participation avenues for Section 72(2). PepsiCo commends the inclusion of public participation provisions pertaining to the National Adaptation Strategy and Plan, including the adaptation and objectives scenarios as described in Sections 17 (1) and (2), and Section 18(2), and we express our willingness to be engaged and share our insights and best practice experience. In addition to our call for greater consultation on key provisions in the Bill, PepsiCo supports and encourages dedicated efforts to facilitate public awareness, education and understanding across all sections of South African society - and in particular for economically marginalised and vulnerable communities. PepsiCo is deeply aware that it is these communities whose lives and livelihoods are disproportionately affected by the climate change impacts.</p> <ul style="list-style-type: none"> ● PepsiCo's commitment to climate change policy advocacy PepsiCo has an extensive public record of supporting climate policy through membership in the U.S. 			

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	<p>Climate Action Partnership, by signing the American Business Act on Climate Pledge, signing the We Are Still In a declaration in support of the Paris Agreement, becoming a founding member of the U.S. Climate Leadership Council, and recently endorsing the World Economic Forum’s Alliance of CEO Climate Leaders statement on climate policy, the We Mean Business climate action letter to the G20, and the Glasgow Is Our Business statement in support of COP26, among other actions. 4. Proposed taxes PepsiCo welcomes greater clarity on sections 24 and 26 on the National Greenhouse Gas Inventory and the fees attached to emitters. Specifically on the question of whether taxes be increased, or if the proposal refers to an additional tax (which is not Environmental Packaging Regulations) on top of the carbon tax which is the main mechanism to ensure SA will lower greenhouse emissions. According to the Budget 2022:</p> <ul style="list-style-type: none"> ● The carbon tax rate has increased from R134 to R144, effective from 1 January 2022. ● As required by legislation, the carbon fuel levy has increased by 1c to 9c per litre for petrol, and 10c per litre for diesel, from 6 April 2022 			

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	<ul style="list-style-type: none"> . ● The first phase of the carbon tax, with substantial allowances and electricity price neutrality, will be extended to 31 December 2025. ● In line with SA's commitments at COP26, the carbon tax rate will be progressively increased every year to reach \$20 per tonne. ● In the second phase, from 2026 onwards, the carbon tax rate will have larger annual increases to reach at least \$30 by 2030, and the allowances will rapidly fall away The Minister of Finance urged all companies that have not already done so, to develop plans to progressively reduce their emissions over the next 10 years, otherwise they will face these steep taxes. ● Exporters will also face overseas border taxes for carbon-intensive goods such as iron and steel, which will reduce their competitiveness. PepsiCo understands that tax is an investment to the future and should not be seen as an inhibitor. However, the layers of taxes on companies should be reviewed as it has implications on jobs and also access to already cash strapped and non-saving citizens/consumers. PepsiCo urges an approach by 			

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	<p>government that enables an increase in economic activity and the increase in our tax base (i.e. number of taxpayers) – instead of increasing taxes to an already strained tax base in a severely constrained economy. 5. Conclusion At PepsiCo, we take our responsibility to play a meaningful role in reducing climate change impacts on both the environment and society seriously. We understand that no single party or entity bears responsibility for reducing the impact of climate change and a cohesive plan of action that brings together all sections of society is necessary. In line with this ethos, PepsiCo has adopted and implemented measures that give effect to our commitments in this regard across the globe. We are therefore grateful to form part of this important conversation in South Africa, as the country begins this journey of crafting an effective and robust legislative route to support climate change response implementation at all levels of government. In the main, our submission is to contribute to this journey, as we have done in other markets, and position ourselves as a committed industry partner. We strongly believe that we can meaningfully play this role through greater consultation and participation on this and future iterations of this Bill, and proposed regulations, policies, strategies, plans and structures that may emanate from this Bill. We wish to reiterate our interest in participating in the public</p>			

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	hearings on this Bill, and we remain available to all stakeholders involved in the crafting and implementation of this Bill to share our insights, experience and lessons learned from other markets. Please do not hesitate to contact me should you have any questions or require any further information.			
General	<p>Penalties</p> <p>The corporations must be held accountable to that plan with financial penalties should they fail to reach their goals. All products produced in South Africa should be subject to South African Bureau of Standards (SABS) grading measures which clearly indicates their carbon usage, ecological impact and their sustainability profile.</p>	Pieter Christiaan Slabbert	Noted. This (offenses and related penalties for exceeding of carbon budgets) will be considered in the development of the Carbon Budgets and Mitigation Plans regulations.	
General	We as Retrade Project need this Bill to specify waste as key were of fighting climate change.	Retrade Projects	The specific law that govern waste management is in place.	

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General	Private business are need to be mandate to recycle and promote circular economy. We want stricter penalties to be post to no compliant business. That money can be link to informal waste collection Environmental education.		The specific law that govern waste management is in place	
Clause 29	<p>The Bill in many clauses lacks defined timelines. This is likely due to the lead Department / Minister not reaching agreement on implementation requirements with key stakeholders, such as the private sector, but places the Bill at risk of being toothless, which would undermine the object of the Bill from being achieved. See for example clauses 7(2), 9(3)(b), 25(1), 26(1), and 24(4)(a).</p> <p>It is suggested that further consultation be undertaken with key stakeholders towards reaching agreement on outcomes required, roles and responsibilities, sequencing and phasing of actions and requirements and support mechanisms for implementation, amongst others. It is also suggested that the National Minister promotes an industry-led approach to propose solutions to the above as a means towards enabling more effective implementation of the Bill. This would assist in setting and defining timelines that would be palatable by all parties and which could then be included in the Bill. Relevant clauses should indicate when an action should take place and/or how often</p>	Western Cape Government	The various timelines in the Bill in relation to the development of the climate change adaptation strategy, scenario work as well provincial and local government planning process enables alignment of the instruments across the spheres of government. Furthermore, the timelines on the review, takes into consideration the time required to make meaningful implementation of the climate change response plans.	

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Clause 29	We recommend that the provision on the access to information be amended to include the principle of transparency and mechanisms to easily access information, such as the designation of an information repository	Section 27	Noted. However, the GHG reporting regulations guides based on the process of PAIA and POPIA as well as the Competition Act. The Bill must adhere to the legal framework with regards to private information.	
Clause 19	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.	Section 27	The Department of Basic Education will be listed in schedule 2	
Clause 19	The Department of Women, Youth and Persons with Disabilities has cautioned that weaknesses in gender mainstreaming across government departments prevent the State from addressing gender inequality in the country. In fact, in its 2019 submissions to the United Nations Framework Convention on Climate Change, South Africa	Section 27	The women, youth and disability persons will be categorise as vulnerable communities which undertaking the assessments and developing the response plans.	

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	<p>acknowledged that the gendered dimensions of poverty and the social, economic, and political barriers will limit women’s resilience to the impacts of climate change and consequently, women will be most affected. However, to date, there has been relatively limited analysis of the gender dimensions of climate change at a very local level or downscaled data to adequately put protective measures in place. Nevertheless, the submission noted that efforts would be made to “integrate gender consideration into adaptation, mitigation, capacity-building action for climate empowerment, technology, finance policies, plans, and actions.”²⁶</p>			
Clause 29	<p>Mitigating this extreme risk will require a whole-of-society approach. Policy decisions will need to be informed by the experiences of those impacted personally by climate change, together with research by scientists and other academics, industry leaders, civil society, and more. The Bill recognises this in section 29, which applies public participation requirements to various aspects of the policy framework development and implementation phases. This is to be commended.</p>	amaBhungane Centre for Investigative Journalism	The Bill strive to ensure public participation in decision making and design of climate change response instruments. This will enable public inputs in the decision making on climate change matters in both mitigation and adaptation.	

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Clause 29	However, meaningful public participation cannot occur without a free flow of relevant information between regulators and policy makers and the public. The proposed section 29(2)(b) is insufficient to meet this need. This is because that section gives the Minister, MEC or mayor the discretion to determine what information is “sufficient information to enable members of the public to submit meaningful representations or objections”. Should they exercise this discretion wrongly such as by omitting relevant information (whether inadvertently or wilfully), there is no recourse for members of the public, especially as they will not know what information has been omitted.	amaBhungane Centre for Investigative Journalism	The Bill strive to ensure public participation in decision making and design of climate change response instruments. This will enable public inputs in the decision making on climate change matters in both mitigation and adaptation.	
Clause 29	What form should transparency take in relation to climate change? We submit that the proposed section 31, which requires access to information relating to matters contained in the Bill to be provided in terms of the Promotion of Access to Information Act, 2000 (PAIA) subject to the Promotion of Personal Information Act, 2013 (POPIA), is insufficient. This is especially the case due to the exceptional nature of the issue of climate change as described above. There are two main concerns with the proposed section 31: first, relying on individual information requests in terms of PAIA is not conducive to the free flow of information, and secondly, the requiring the provision of	amaBhungane Centre for Investigative Journalism	The Bill cannot establish a different legal regime of access to information that is contradictory to Promotion of Access to Information Act, 2000 (PAIA) and Promotion of Personal Information Act, 2013 (POPIA). Furthermore, in managing access to information, the government will have to be compliant with the Competition Act, particularly	

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	information to be subject to POPIA introduces potential blockages for access to vital information.		when dealing with data from business.	
Clause 29	31. Access to information 31. (1) Information provided to any organ of state, including but not limited to the Minister, the Department, MECs, metropolitan municipalities, and district municipalities in terms of this Act must be made accessible to the public – 8 https://www.michalsons.com/blog/what-is-personal-information/1397 . 8 (a) Within 10 days of receipt of such information by publication through proactive disclosure mechanisms without any requirement for request, including but not limited to (i) in electronic format contained in publicly accessible online databases, (ii) in electronic format contained on information storage media such as portable data drives accessible at the offices of the organ of state, and (iii) inspection and/or copying of physically printed records accessible at the offices of the organ of state, where the production of such physically printed records is practically feasible having regard to cost and storage thereof; and (b) by the organ of state subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000). (2) If provided in electronic format, such information must be provided in a file type that is readable, replicable and transferable. (3) The organ of state may charge a nominal fee determined by the Minister	amaBhungane Centre for Investigative Journalism	The Bill cannot establish a different legal regime of access to information that is contradictory to Promotion of Access to Information Act, 2000 (PAIA) and Promotion of Personal Information Act, 2013 (POPIA). Furthermore, in managing access to information, the government will have to be compliant with the Competition Act, particularly when dealing with data from business.	

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	for providing information as described in section 31(1)(ii) above as well as copying of records as described in section 31(1)(iii).			
Clause 29	One of the principles listed in section 3 includes “promotion of participation and action at all levels”. However, this is limited in its expression in the Bill itself. Section 7(2) states that “organised labour, civil society and business may advise on the Republic’s climate change response” [italics added]. This is not followed up with mechanisms to ensure participation, and it makes participation optional.	Foundation for Human Rights (FHR)	The Presidential Climate Commission serve as the mechanism to enable participation of various representative and commissioners from differs spheres of society to participate and provide advisory.	
Clause 32	Section 27(2)a(i) says regulations must be developed on compliance and enforcement of carbon budgets, but there is nothing about sanctions for failure to implement. Section 32.2 penalises failure to provide an emissions plan by referring to penalties as contemplated in the National Environmental Management Act (NEMA, as amended) in section 49B(2). This carries a maximum penalty of R10 million which is inadequate to control corporations with annual profits in the Billions. The NEMA penalty is inadequate to cover other offences such as failure to comply, or exceeding carbon budgets. For a company such as Eskom, this penalty would equate to an annual fine equal to 0.005% of 2021 revenue, no matter how far	Foundation for Human Rights (FHR)	The principles of higher tax as penalty mechanism has been agreed upon between Treasury and DFFE, however, it could not be referenced in the Bill because is yet to be scribed in the Carbon Tax Act. The ongoing amendments of the Carbon Tax will take into consideration the higher tax rate.	

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	over its emissions budget it goes ³³ . Additional offences need to be included in the Bill, and stronger penalties are needed for contraventions, including significant and escalating fines and revoking licences to operate.			
Clause	Stringent and strictly enforced penalties for failing to comply with the provisions of the Bill, for example in failing to meet assessment or implementation deadlines or to remain within stipulated carbon budgets, must be defined and enacted. The time available to us in which to effectively reduce greenhouse gas emissions and develop adaptation measures is limited in the extreme and the Bill must, therefore, provide for adequate compliance and enforcement provisions in order to mitigate against socially, economically, ecologically and morally costly delays.	Keilidh Clapperton	The regulations will address the enforcement of the penalties. Furthermore, the compliance mechanism under NEMA will apply.	
Information campaign and Awareness				
General	To avoid climate change being relegated to issues that are perceived to be of greater importance, the government needs to undertake an information campaign to ensure decision-makers across all spheres of government are capacitated with climate science, and have a comprehensive overview of the risk it poses to their	Green Peace Africa	The NCCRD and NCCIS already exists to provide climate change related information. The national GHG inventory is always published on DFFE's website. Further to this,	

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	<p>operations. Further, the government must implement an information campaign to educate the public about the impact of climate change and adaptation measures that could improve their resilience against the extreme weather events that threaten to destabilise their lives. This must also include a comprehensive integration of climate science into the national curriculum.⁹ There need to be massive efforts to empower the youth and communities to become champions for social justice in their respective communities. At present this is a function undertaken solely by the civil society, which endures hostility for these efforts.</p>		<p>regulations under PAIA and POPIA should be followed to access private information. However, at an operational level the Department should enhance awareness and information dissemination on climate change.</p>	
General	<p>Despite increasing awareness of the urgency of taking climate action, the global policy response to climate risk has been weak and inadequate. Global emissions continue to rise. Sophisticated climate lobbying and extensive greenwashing have been integral in delaying and obfuscating meaningful climate action. A key reason for government climate inaction has been the unprecedented lobbying activity - by the fossil fuel industry and associated industry associations - to weaken, delay and oppose climate-related regulation.² In many instances, this manifests itself in “high-level public positions of support for the Paris goals, but closed-door undermining of climate action”.³ 2</p>	JUST SHARE	<p>The department will continue to work with relevant partners to improve and enhance advocacy and awareness on climate change.</p>	

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	https://influencemap.org/climate-lobbying https://www.unpri.org/pri-blog/time-must-be-called-on-negative-climate-lobbying/8259.article	3		
General	The Bill fails to adequately address training and education as required by the Paris Agreement, on the impacts of climate change. The Bill needs to be amended to include this aspect and address the way it seeks to empower communities to actively participate in public participation processes, where they are interested and affected by climate change.	Legal Resource Centre	The department will continue to work with relevant partners to improve and enhance advocacy and awareness on climate change.	
General	<p>Education</p> <p>The educational curriculum in South Africa should be adjusted to incorporate a module in each year of learning on Earth Sciences and climate change and ecological breakdown. All Members of Parliament should be compelled to complete a mandatory comprehensive module on climate change and ecological breakdown in the first 12-months of arriving in office; and any who fail to do so be suspended forthwith from their duties without pay until they have made themselves compliant with this mandate. The government should be leading the way in</p>	Pieter Christiaan Slabbert	The department will continue to work with relevant partners to improve and enhance advocacy and awareness on climate change.	

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	<p>this endeavour by setting out to decarbonise all of its buildings and operations, its vehicle fleets, aircraft and vessels and to clearly and measurably institute benchmarks by which progress toward this goal can be measured with reports to be tabled on a 3-year basis by the Minister of Finance. I thank the committee for taking the time to read through this letter and hope that the arguments set forth in it can be taken into consideration when working through this important legislation.</p>			
<p>Clause 29</p>	<p>We welcome that the CC Bill includes clause 29. We would like to remind the Portfolio Committee when looking at this clause that meaningful public participation can't happen without educating the public before they can submit objections or comments and that resources for this need to be factored into the timeline of the process. The consultation of youth and climate change affected communities should be a specific focus of each public participation process</p>	<p>PROJECT 90 BY 2030</p>	<p>The department will continue to work with relevant partners to improve and enhance advocacy and awareness on climate change.</p>	
<p>Clause 29</p>	<p>We have concerns about the transparency of the CC Bill. It includes a very narrow concession to provide information. PAIA and POPIA have defences against providing information.</p> <p>Climate change is a threat to all South African's hence, all information on impacts, emissions and progress on</p>	<p>PROJECT 90 BY 2030</p>	<p>The department will continue to work with relevant partners to improve and enhance advocacy and awareness on climate change.</p>	

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	reducing emissions, adaptation plans and finances should be made available.			
General	We would like the government to fund environmental education in all the schools. They should make is possible for the local community environmental educators to spread the word and make a difference in our communities about the importance of our environment.	Swartkops Conservancy	The environmental education is integrated into subjects such as Geography, at schools. However, the Department will continue awareness and advocacy on environmental education.	
Schedule	This schedule reflects an earlier iteration of South Africa’s National GHG Trajectory, and must be replaced with the version put forward in the revised NDC for Cop 26 (RSA, 2021).	World Wildlife Fund (WWF)	We propose the following amendment to clause 21 (3) “Until such time as the Minister publishes the national greenhouse gas emissions trajectory in terms of subsection (1), the trajectory in Schedule 3 is replaced by the updated Nationally Determined Contribution submitted to the UNFCCC on 2021.”	

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Clause 27	<p>Proposed amendment: “27. (3) A regulation made in terms of this Act may provide that any person who contravenes or fails to comply with a provision thereof commits an offence and will be liable, upon conviction, to the penalties contemplated in section 49B(2) of the National Environmental Management Act [or otherwise to additional or alternative penalties as laid determined by the Minister in the relevant regulation].”</p> <p>WWF notes with disappointment that the criminal convictions outlined in the 2018 draft version of the Bill has been removed, and that the sole course of penalties is 49B(2) of NEMA. Whilst this provision may be adequate for some cases, it should be noted that non-compliance of carbon budgets for persons such as SASOL or other heavy emitters can significantly undermine the achievement of national mitigation goals. Moreover, given the scale of operations for such persons, a maximum fine of R10 million is well within a daily operational budget, and poses no significant deterrent. WWF therefore supports calls from other elements of civil society to provide for administrative penalties linked to turnover.</p>	World Wildlife Fund (WWF)	The regulations will address in details the exceedance of the carbon budget. The work is ongoing to consider high rate penalties within the carbon tax and once completed will be referenced in the regulations.	

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Clause 32	<p>Proposed amendment: “32. (1) A person commits an offence if that person fails to prepare and submit a greenhouse gas mitigation plan to the Minister in terms of section 24(4). (2) [A person commits an offence if that person fails to limit emissions to the budget as allocated in terms of section 24(1).] [[3)]A person convicted of an offence in terms of subsection (1) [or (2)] is liable to the penalties contemplated in section 49B(2) of the National Environmental Management Act[, and additional penalties as set out in the regulations by the Minister]. WWF reiterates that in many cases the provisions of Section 49B(2) of the National Environmental Management Act are inadequate to act as a deterrent. It is therefore incumbent on the Minister to determine such penalties as turnover-linked administrative fines or adequate equivalents to ensure the implementation of compliance in carbon budgets. WWF also reiterates most strongly our position that South Africa should not interface carbon tax and carbon budgets as they are two separate instruments which will operate differently in parallel to reduce emissions in the economy. The tax re-orientates the whole economy whereas budgets are used to manage individual businesses’ emissions</p>	World Wildlife Fund (WWF)	The regulations will address in details the exceedance of the carbon budget. The work is ongoing to consider high rate penalties within the carbon tax and once completed will be referenced in the regulations.	

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	directly. Carbon budget entities must be taxed on all emissions above the mandatory threshold, not just those in excess of their budget, for which a separate penalty should be due.			
General	The Bill should address the South Atlantic Anomaly (ionizing and non-ionizing radiation) including light pollution and its effects on CC	Dave & Wilma Miles	The submission on the SAA is noted. National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) applies. The Act provides for the protection and enhancement of the quality of air in the Republic and the prevention of air pollution and ecological degradation.	
General	The Bill should address/include interdisciplinary science (the unique vulnerabilities of the MtDNA and haplotype groups	Dave & Wilma Miles	The submission is noted. The Bill provides high level framework that will be followed by regulations with its own process inclusive of public participation.	

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General	Inaction and lack of coordination (actions, pathways, timelines & clear deadlines)	WPFSA	The submission is noted. The process of developing regulations and guidelines will further clarify timelines and deadlines.	
General	Weak provisions for compliance and enforcement	SAOSO & Unpoison	The submission is noted. There are chapters dealing with non-compliance, penalties and appeals. The process of regulations and guidelines will in much more detail address the issue of enforcement.	
General	Deadlines/timelines on critical mitigation measures	SAOSO & Unpoison	The submission is noted. The process of regulations and guidelines will in much more detail address the issue of enforcement.	
Chapter 2, clause 10	There's a concern that the voice of existing business in the PCC could be too powerful in the body, resisting change which is not in their vested interests. More scientists are needed in the commission to keep stakeholders fully aware of the dire situation the country is facing	Judy Scott-Goldman	The submission is noted. The PCC through their structure and functions have a balanced representation of business, civil society and labour.	

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Summary of the Dear South Africa Submission				
General	General mistrust of the government to implement CC Bill in an equitable manner	Dear SA	The Bill could enable the public to hold government accountable as the provision will be made public. This could in future re-establish the trust.	
General	Recycling incentivisation needs to be emphasized in the Bill	Dear SA	The submission is noted.	
General	Carbon tax – the need to know what it is and how that feature in the Bill	Dear SA	The submission is noted. The process of the carbon taxation is exclusive to the Bill and will be passed through a different process from the carbon budgets that have been included in the Bill. However, there is an alignment process between the carbon tax and climate Bill.	
General	Non-compliance by big emitting companies should severely punished	Dear SA	The submission is noted. There is a process outlined in the Bill to deal with non-compliance and further development of this process will be seen through	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			regulations and guideline development phase.	
General	<p>This Bill is far too vague, and puts all the emphasis on planning and talking rather than implementation. There need to be explicit standards and criteria in place, for both strategies and what gets approved and by who. The Bill needs to include creating a task force with specialists and advisors to make sure that the correct decisions are made and enforced. This should be a ministry of its own, as well as a body that regulates all other ministries. This is an emergency and needs to be treated as such.</p>	Dear SA	The Bill provide clear provision of the establishment of various mechanism and tools to implement climate change interventions at national, provincial and local level.	
Chapter 3	Five-year intervals on the review of needs assessment and strategies need to be two years, with set goals in between	Dear SA	The five year interval will enable implementation and monitoring of the impacts.	
Chapter 5	The Bill needs to be very specific about ending national-scale relationships with GHG-emitting culprits that have locked us in as citizens against our will into emitting greenhouse gases, think Eskom, our continual national	Dear SA	The submission is noted.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	obstruction of renewable energy investment, and our national non-commitment to end single-use plastic. As well as ending ties and reversing contracts with profoundly damaging foreign activities like fracking. Any politician or ministry who has ties or contracts with these kind of culprits needs to cut them or face severe punishment. While ensuring and investing in continued national and global devastation and frankly, human rights violations, through allowing such activities, any kind of action plan is completely disingenuous.			
General	The Bill is broad in intent, but low on details. Implementation targets and plans for their achievement must be put in place. There is the threat of tight controls on individual citizens while overall the climate change targets are unlikely to be met in time to prevent more climate crisis in the country.	Dear SA	This is framework legislation and the various regulations will be developed to provide more details.	
General	The language used to explain the Bill is as good as addressing the elite not the normal citizens of the country. It is a language that is easily manipulated to suite the appetite of the oligarchy of South Africa. Could these drafts be citizen friendly by simply telling the people clean your space. Pick up the rubbish in the form of papers in one's yard and place them in the bin. Let there be clean water for people to clean-up themselves, homes, surroundings and keep on maintaining the space one is in. Basic	Dear SA	The submission is noted.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>education will influence the environment to be taken care of. Rivers will not be polluted because from the homes each person will conscientiously have been indoctrinated with the goodness of clean energy. Companies which profit on promoting ignorance of the citizens, will be quickly exposed. Laws of the country which this group is working hard on making them useful for the benefit of all, will be easily visualised and understood by the citizens.</p> <p>My contribution is that there is too much international comparison instead of learning who South African is, what is South African's weak and strong points. Lastly South African does not want to be compared, the South African wants to be in par with the best of the world through the South African seeing eye</p>			
ORAL SUBMISSION				
SUMMARY OF ISSUES				

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Title	The title of the Bill should be referred to as the Greenhouse Gas Bill because it focuses on greenhouse gas emissions, rather than climate change adaptation and mitigations.	Summary	The Bill covers in detailed both the components of climate change mitigation and adaptation hence it is called climate change Bill.	
9	The Bill should include a specific clause to ensure the effective implementation of Clause 3(f), with a focus on promoting women's participation in the proposed forums or Presidential Climate Commission. An amendment to Clause 3(f) is necessary to incorporate farm-dwellers and their needs. Special programmes should be designed to include them, focusing on building climate resilience in their communities. The Bill should ensure comprehensive provisions for the implementation of Clause 3f, especially in poor communitiess.	Summary	The process of appointing commissioners have been revised to enable public participation through a nomination process.	
9	Clause 9 of the Bill should be reconsidered because municipalities do not or cannot enforce current legislation, and the Climate Change Act will also not get enforced. Clause 9 should include a mandatory public reporting requirement to hold municipalities accountable and address their disregard for public sentiments.	Summary	The enforcement mechanisms of the climate bill will be done through NEMA. At the local level the focus is on mainstreaming of climate change into planning processes.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
9	<p>Committees. These forums should be supported to coordinate local responses to climate change.</p> <p>Clause 9 should empower local municipalities to develop Local Climate Adaptation Strategies and Plans that are aligned with the National Adaptation Strategy and Plan, and the support that will be provided to this local structure to coordinate local responses.</p>	Summary	The approach to the adaptation planning in the Bill is to ensure that there is alignment from national, provincial and local government.	
10	<p>The Climate Commission should be a stand-alone body or Chapter 9 institution and empowered to operate independently. The President should not be part of it, rather the Commission should report to the Presidency and Parliament.</p> <p>Clause 10 does not provide clarity on who the PCC reports to. In the current format, the President and his Commission are funded by DFFE and report to the Minister of Forestry, Fisheries and the Environment.</p> <p>Clause 10(1) should read as "The President must establish ... " instead of "The President may establish".</p> <p>Clause 10(1) should not include businesspeople because they are the main contributors to the climate change problems that the country and the world are facing</p>	Summary	The commission will be independent with the Executive Director assuming the accounting officer on administrative matter. It will report like any entity in the government system. This must have been considered in the revision.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
10	Clause 10 should ring-fence a certain number of Commissioner posts to accommodate traditional leaders (from the national houses of traditional leaders), community trust, traditional health practitioners and representatives of local government.	Summary	The positions of commissioners will not ringfenced since the process of nomination will be done with public participation.	
15	Clause 15 should prescribe certain climate change adaptation measures that should be standard across all municipalities to improve resilience to climate impacts such as stormwater management. Clause 15(1) should be amended to include local municipalities as they are the ones that are accessible and responsive to local community matters, not the district and province	Summary	The Department will develop the technical guidelines to ensure that the development of the climate change response are standardized.	
18	Clause 18(3) should have a provision to compel the custodian of the Disaster Management Act No. 57 of 2002 to act within 24 or 48 hours because need an immediate response.	Summary	The Disaster Management Act have been amended to include climate consideration in the planning processes.	
18	Clause 18(3) should make reviewing the National Adaptation Strategy and Plans mandatory, with reduced review intervals such as every two or three years review to encourage constant monitoring and implementation. The timeframes in the Bill	Summary	The Minister will review the National Adaptation Strategy at least every five years. This is an empowering clause. The Minister is empowered to collect and collate information for	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>are too long and do not consider the urgency of the climate crisis.</p> <p>Amend clause 18(4)(e) of the Bill to compel Ministers to coordinate adaptation measures of their portfolios and regularly report efforts to address climate change.</p> <p>The provision should ensure that there is alignment in policy positions and plans in all three tiers of government.</p>		<p>synthesis reporting on progress made on adaptation.</p>	
21	<p>Clause 21 should mandate that every local municipality must maintain and report data from at least one functional weather station and air quality monitoring station, while each metropolitan municipality should have at least three air quality monitoring stations.</p> <p>The clause should compel the Department to invest in air quality monitoring infrastructure instead of relying on the industry to monitor itself. The data from monitoring stations should be publicly available, instead of requesting it via the Promotion of Access to Information Act (PAIA) No. 2 of 2000, which does not guarantee the disclosure of pollution information.</p>	Summary	<p>Section 8 of the <i>National Environmental Management, Air Quality Act, 2004 (Act 39 of 2004)</i> , together with the <i>Nation Framework for Air Quality Management in the Republic of South Africa</i> sets the requirements for monitoring of ambient air quality by all spheres of government, including municipalities and hence there is no need for the Bill to stipulate these requirements.</p>	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			<p>Additionally, air quality information can be accessed by the public freely on South African Air Quality Information System (SAAQIS) and can be accessed on the web on https://saaqis.environment.gov.za or SAAQIS application which can be downloaded through the Android and IOS platforms.</p>	
21	<p>Clause 21(1) should provide a timeframe, while the timeframe in clause 21(4) should be reduced to biennially or triennially to encourage implementation instead of five years</p>	Summary	<p>The reviews should be done over a long period (minimum 5 year period is a global standard as observed with the NDCs). That is because the mitigation instruments that supports the trajectory needs to be committed over a long period (again minimum of 5 years). The instruments themselves, e.g. carbon budgets and SETs shall be monitored on an annual basis as can be observed from the provision in clause 22(11)</p>	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			for SETs and clause 24(6)d for carbon budgets.	
23	Clause 23 should have a provision to compel the Minister to ensure that all air quality monitoring stations are functional and do not exceed a month without reporting pollutants and critical greenhouse gases	Summary	<p>Section 8 of the <i>National Environmental Management, Air Quality Act, 2004 (Act 39 of 2004)</i>, together with the <i>Nation Framework for Air Quality Management in the Republic of South Africa</i> sets the requirements for monitoring of ambient air quality by all spheres of government, including municipalities and hence there is no need for the Bill to stipulate these requirements.</p> <p>Additionally, air quality information can be accessed by the public freely on South African Air Quality Information System (SAAQIS) and can be</p>	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			accessed on the web on https://saaqis.environment.gov.za or SAAQIS application which can be downloaded through the Android and IOS platforms.	
Chapter 5	Chapter 5 needs a clause to prevent DFFE from continuously granting Eskom and Sasol extensions or exemptions from compliance with emission standards.	Summary	While postponement of compliance with minimum emission standards is provided for in legislation, the <i>National Environmental Management, Air Quality Act</i> provides time frames associated with such postponements. As a result, there is no need for the Bill to contain such a clause.	
24	Clause 24 should be amended to empower the Minister to allocate provincial carbon budgets to MECs, who can further allocate to districts. The carbon budget in clause 24 should be given to a juristic person as a reference to any	Summary	All SEMA derived using the principles of NEMA are subject to NEMA consultation processes. Therefore the processes defined in Clause 24 are subject to NEMA consultation processes. This taking into account PAIA, PAJA, Competition Act and other relevant legislation.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
24	Clause 24 should be amended to empower the Minister to allocate provincial carbon budgets to MECs, who can further allocate to districts. The carbon budget in clause 24 should be given to a juristic person as a reference to any person could be misconstrued to mean a natural person.	Summary	The Carbon Budgets are actually allocated to companies and therefore do not require further allocation. The definition of a person in the context of clause 24 and elsewhere in the draft climate change bill is defined in terms of the Interpretation Act	
25	Clause 25 advocates for phasing out or phasing down, but does not put the responsibility of preventing job losses. The phasing out or down transitions should specify circumstances under which they can be implemented.	Summary	Clause 25 deals with command and control instruments for managing greenhouse gas emissions and in particular “synthetic Greenhouse Gases” which are controlled by under the Montreux protocol on Ozone Depleting Substances. The Kigali amendment of the Montreux Protocol, in particular presents a carefully considered process for phase down and phase out of synthetic greenhouse gas emissions to deal specifically with all the issues raised in the comment	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			including alternatives to synthetic greenhouse gas emissions. These aspects are to be considered in the plan contemplated in clause 25(2)a of the draft Climate Change Bill.	
31	The Bill should prioritise transparency by making the National Greenhouse Gas Inventory and other relevant information publicly available. Regular progress updates and comprehensive information should be accessible to the private sector and civil society to keep them well informed about the Bill's implementation. Clause 31 should allow the Minister to publish information about the Bill without requiring to make request by PAIA.	Summary	Most of the plans and report on the climate change are publicly available through the National Climate Change Information System.	
32	The DMRE, DFFE and municipalities have not been enforcing mining licences and air quality conditions and a culture of non-compliance has been established. The Bill should have a clause that will enable sanctions against individuals or accounting officers responsible for enforcement of environmental legislation.	Summary	There is existing legislation that governs how officials or accounting officers across government departments and spheres of government execute their duties and responsibilities. Hence there is no need for the Bill to contain such a clause.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
32	<p>Clause 32 should provide a framework for calculating the amount of administrative penalty in line with the sectoral emission targets or carbon budget. Under clause 32, the Bill should jointly hold the mining, energy and petrochemical companies responsible for the environmental and health damages, the associated burden of respiratory diseases, and the costs of remedying the situation. Modalities for corrective action will then be outlined in regulations.</p> <p>Clause 32 should list providing false information as an offence with clear individual and company penalties.</p> <p>Clause 32 needs a provision to enable for the establishment of a framework for sanctions, the associated process and appeals.</p> <p>The DMRE, DFFE and municipalities have not been enforcing mining licences and air quality conditions and a culture of non-compliance has been established. The Bill should have a clause that will enable sanctions against individuals or accounting officers responsible for enforcement of environmental legislation.</p>	Summary	The administrative penalties have been included in the bill for consideration.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Eastern Cape Province: Alfred Nzo DM, Buffalo City Municipality & Sunday River Valley Local Municipality				
Clauses 8 and 9	These clauses should have a provision for the membership of a representative from the business community. Clause 9 should be explicit that business and civil society will be part of those forums and specify their roles. Empower local municipalities to develop climate adaptation strategies and the support that will be provided to this local structure to coordinate local responses.	Eastern Cape	<p>Chapter 2 of Intergovernmental Relations Framework Act, 2005 to be followed in Clause 8 & 9. This addresses the flow of reporting and responsibilities from local to national government and President's Coordinating Council. The Act makes provision for Local Municipal forums and technical committees should the need arise. Communities/academia/CSOs can participate in these committees.</p> <p>Clause 15 (2)(e) to be followed when undertaking needs and response assessments. That includes how and which sectors to be identified for needs and response assessment.</p>	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 9	This clause should be amended to explicitly include local municipalities and enable the formation of Working Committees.	Eastern Cape	Chapter 2 of Intergovernmental Relations Framework Act, 2005 to be followed for this clause. The Act makes provision for Local Municipal forums and technical committees should the need arise.	
Clauses 8, 9, 10, 13, 15 etc.	In instances where the Bill mentions 'may', it should be changed to 'must'	Eastern Cape	The submission is noted, Changes from "may" to "must" will be effected where feasible taking into account the context of each clause of the Bill, in consultation with the Office of the Chief State Law Advisor (OCSLA) and the Office of the Parliamentary Legal Advisor (OPLA)	
Clauses 8 and 9	should be clear on the responsibility of the Government to ensure that established forums are supported, capacitated and functional. That will eliminate the collapse and dysfunctional state of many community-based forums.	Eastern Cape	INTERGOVERNMENTAL RELATIONS FRAMEWORK ACT, 2005 to be followed for this clause.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 9 of the Bill	excludes rural communities that rely on traditional leaders as opposed to municipalities. Traditional and religious leaders should be included in clause 9 as they play an active role in helping rural communities.	Eastern Cape	Participation in the intergovernmental forums and support structures established in terms of the Intergovernmental Relations Framework Act, 2005 to which the Bill is aligned in 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) Additionally, during the Bill public hearings traditional and religious leadership submissions were recorded and duly noted.	
Clauses 8, 9 and 10	These clauses are focused on urban areas and make no consideration for rural communities.	Eastern Cape	Participation in the intergovernmental forums and support structures established in terms of the Intergovernmental Relations Framework Act, 2005 to which the Bill is aligned in not limited to organs of State but is open to any person with an interest	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			(refer to, amongst others, section 25(3) and 30(1)(b) of this Act) Additionally, during the Bill public hearings traditional and religious leadership submissions were recorded and duly noted.	
Clause 18	These should make a provision to enable prompt response by the Government when there is a climate disaster to help communities to recover or restart their lives, such as the provision of temporary housing or reconnection of roads. A provision should be added to Clause 18 to provide a conditional grant for local municipalities affected by climate disasters to assist with their recovery efforts.	Eastern Cape	Provision to enable response will be addressed when the process of developing guidelines and regulations kicks in with a bit more detail on the “how”. This is another process with its own guiding processes and procedures including consultations.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 24	Should create a platform or forum where businesses or civil society can negotiate or lobby on the allocation of the carbon budget. Clause 24 should specify that the carbon budget application and allocation process will be transparent. Decisions on allocations should be publicly available. This clause should be amended to empower the Minister to allocate carbon budgets to businesses.	Eastern Cape	Firstly, Government will engage broader society on the regulations, guidelines and verification processes for carbon budgets and mitigation plans. The principles and procedures contained in the regulatory instruments shall form the basis for allocation of carbon budgets. Similar to other jurisdiction that allocate emission limits to companies, the process for allocating such limits happens between the regulator (DFFE in this case) and the regulated (industry large emitters). The outcomes (allocated carbon budgets) shall be publicly available.	
Clause 13	This clause should read as “The Presidential Climate Commission must provide a report on any report it provided to the government in terms of section 11(b)”. In clause 16(2), “may” should be replaced with must.	Eastern Cape	Submission is noted, It is recommended that clause 13 be revised accordingly, “may” to be changed to “must”. Reporting and	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			availability/accessibility of the reports are now addressed in the Bill	
Clause 15	The review interval of five years as proposed in clause 15 should be reduced.	Eastern Cape	The timelines will allow implementation and impact on ground for further review.	
General	The Bill should have a clause that will deal with Climate Finance. Within that clause, there should be a provision enabling ordinary citizens or businesses to gain access to or support from the climate fund or finance. The clause should make a provision for compensation of people or businesses that suffered from climate disasters or have the right to claim from a climate adaptation and recovery fund.	Eastern Cape	The comment on climate finance is noted. However, Provision to enable climate finance and access thereof will be addressed when the process of developing guidelines and regulations kicks in with a bit more detail on the “how”. It should be noted that this is another process with its own guiding processes and procedures including consultations.	
Clause 32	should specify minimum sanctions that are specific to non-compliance with emission limits.	Eastern Cape	Noted. Sanctions will be addressed in detail when the process of developing guidelines and regulations kicks in with a bit more detail on the “how”. These will also be	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			publicized. This is another process with its own guiding processes and procedures including consultations.	
General	The concern with the Bill is that it will be part of many legislation passed by Parliament that are never implemented.	Eastern Cape	The comment is noted, but work is and has already been conducted on climate change in the country even ahead of the Bill. The policy and legislative framework through the NCCRP (2011), the NCCAS (National Climate Change Adaptation Strategy) and many others like sector work for both mitigation and adaptation have been implemented. Although more can be done, and the passing of this Bill is but one of the many ways climate actions can be implemented.	
General	The consultations are not inclusive as people with disabilities were left out as there was no braille copy of the Bill.	Eastern Cape	The Bill was consulted to even the most vulnerable society in the townships and villages.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	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.	Eastern Cape	Noted. Although during the Bill public hearings traditional and religious leadership submissions were recorded and duly noted.	
General	Speakers are of the view that the Bill should be referred to the National House of Traditional and Khoi-San Leaders because that is where the most vulnerable citizens are from and more adaptation work needs to be done.	Eastern Cape	Submission not supported. 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 which pertain to customary law or customs of traditional or Khoi-San communities. The Bill was	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			<p>tagged and processed by Parliament as such.</p> <p>Additionally, during the Bill public hearings traditional and religious leadership submissions were recorded and duly noted.</p>	
General	Teachers and school children should be involved in climate change awareness programmes that advance environmental protection, climate change mitigation and adaptation, and pollution prevention.	Eastern Cape	The submission is noted. The DFFE will continue to implement capacity building which involve participation of teachers to learn more about climate change.	
General	The school curriculum should have specific content that advances knowledge on climate change and responses such as adaptation.	Eastern Cape	The submission is noted. This work is undertaken by the Department through the Branch: Forestry Management.	
General	There should be appointments and training of people at the municipal level to conduct climate change awareness, pollution prevention and climate adaptation programmes in villages, schools and other locations.	Eastern Cape	The submission is noted.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	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.	Eastern Cape	The submission is noted. This will be directed to the relevant Municipalities to address.	
North West Province: Dr Kenneth Kaunda District: Matlosana Local Municipality, Ngaka Modiri Molema District: Mahikeng Local Municipality.				
General	The Bill should specify in a clause that there will be public awareness and capacitation towards the implementation when signed into law	North West	Awareness and education challenges can be addressed when the process of developing guidelines and regulations kicks in with a bit more detail on the “how”. It should be noted that this is another process with its own guiding processes and procedures including consultations. Nevertheless, it remains important and central to the climate change theme	
General	The Bill should have a clause that will recognise and incorporate the Indigenous Knowledge Systems (IKS) in combating and adapting to the realities of climate change	North West	The submission is noted. IKS can be formalized when the process of developing guidelines and regulations kicks in with a bit more detail on the	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			<p>“how”. It should be noted that this is another process with its own guiding processes and procedures including consultations. This process has already been part of the development of climate change interventions on the ground.</p> <p>It should be noted that the principal legislation that regulates Indigenous Knowledge and related protections was set aside by the Constitutional Court due to lack of consultation by Parliament. The Protection, Promotion, Development and Management of Indigenous Knowledge Act, 2019 (Act No. 6 of 2019). The Parliamentary legal advisors are studying the judgment.</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The inclusion of a clause in the Bill is necessary to enable compensation or claims for carbon emissions by industries. Additionally, real-time monitoring and baseline study on emissions is essential to ensure accurate calculations for appropriate compensations as was the asbestos case.	North West	The submission is noted. However, the process of developing guidelines and regulations kicks in with a bit more detail on the “how”. It should be noted that this is another process with its own guiding processes and procedures including consultations. Additionally, the process of compensation, penalization and/or claims associated falls within the carbon tax accounting framework and therefore shall not be dealt with in the climate change legislation.	
Clause 9	A provision should be added on or after clause 9 to establish Community Forums that will help coordinate local climate responses and monitor the implementation of adaptation and mitigation strategies aimed at combating the impact of climate change in local communities.	North West	Participation in the intergovernmental forums and support structures established in terms of the Intergovernmental Relations Framework Act, 2005 to which the Bill is aligned in not limited to organs of State but is open to	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			any person with an interest (refer to, amongst others, section 25(3) and 30(1)(b) of this Act)	
Clause 31	This clause of the Bill should be rephrased to ease information access, transparency and accountability.	North West	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) etc.	
Clause 32	This should be explicit on the categories of offences and associated penalties to serve as a deterrent to polluters.	North West	The submission is noted. There are provisions on the Bill in chapter 6 on penalties and offences. However, the process of developing guidelines and regulations kicks in with a bit more detail on the "how". It should be noted that this is another process with its own guiding processes and	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			procedures including consultations.	
General	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.	North West	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.	
General	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.	North West	The submission is noted. This is a query for the Parliament of RSA.	
General	There was poor mobilisation, organisation and general communication about the public hearing, thus affecting attendance.	North West	The submission is noted. This is a query for the Parliament of RSA.	
General	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.	North West	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 strengthen the	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			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.	
General	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	North West	The submission is noted. This will be directed to the relevant Municipalities and COGTA to address	
General	Municipalities (local and district) do not have sufficient resources to ensure swift climate disaster response, and budgets are limited while disaster incidences are projected to increase, particularly those driven by floods and droughts.	North West	The submission is noted. Climate change is and has been an unfunded mandate for Municipalities hence the signing into place of this legal framework to pave a way for resources to ensure swift response	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	To address climate adaptation, pollution prevention, and the mitigation of climate disasters, climate change awareness programmes ought to be integrated into the school curriculum.	North West	The submission is noted.	
General	Community-based awareness programmes driven by youth should be established to promote climate preparedness, pollution prevention and disaster mitigation	North West	The submission is noted.	
General	There should be awareness programmes to encourage the planting of indigenous trees as well as reducing 'temporary unplanted areas' in forestry land	North West	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.	
General	Public awareness is needed to ensure that society does not burn during service delivery protests.	North West	The submission is noted.	
General	Traditional councils should be consulted and trained before the rolling out of climate adaptation plans to the general public.	North West	The submission is noted.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The Municipality should implement water conservation measures and promote water-saving practices, including looking after local rivers.	North West	The submission is noted. This will be directed to the relevant Municipalities to address.	
General	Stakeholders should work together to plan for and assess risks related to climate change such as fire, floods, and drought. They should also collaborate to minimize their impact by utilizing available resources.	North West	The submission is noted. Processes such as co-creation are gaining momentum by different stakeholders (government, private, CSOs) in the development of climate responses in communities. The District Development Model also promotes co-development and total avoidance of silos.	
General	The government needs to create more visible programmes to promote agriculture, including the provision of support packages.	North West	The submission is noted. This will be directed to the relevant Department to address.	
General	The Department of Agriculture hinders agriculture growth by not providing land, support, or giving allocated funds to farmers.	North West	The submission is noted. This will be directed to the relevant Department to address.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Free State Province: Fezile Dabi District: Ngwathe Local Municipality, Lejweleputswa District: Matjhabeng Local Municipality, Metropolitan Municipality: Mangaung.				
Chapter 2	Under Chapter 2, add a clause that will establish a National Forum on climate change to facilitate collaboration, knowledge sharing, and coordination between different stakeholders or different forums.	Free State	<p>Chapter 2 of Intergovernmental Relations Framework Act, 2005 to be followed for this clause. The Act makes provision for Local Municipal forums and technical committees should there need arise. Communities/academia/ CSOs can participate in these committees.</p> <p>Participation in the intergovernmental forums and support structures established in terms of the Intergovernmental Relations Framework Act, 2005 to which the Bill is aligned in not limited to organs of State but is open to any person with an interest (refer to, amongst others,</p>	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			section 25(3) and 30(1)(b) of this Act.	
Chapter 2 or clause 9	On or after Clause 9, add a new clause that will provide for the establishment of a local municipality climate forum. This forum will focus on enabling tailored approaches to address climate change impacts at local levels based on unique vulnerabilities.	Free State	<p>Chapter 2 of Intergovernmental Relations Framework Act, 2005 to be followed for this clause. The Act makes provision for Local Municipal forums and technical committees should there need arise. Communities/academia/ CSOs can participate in these committees.</p> <p>Participation in the intergovernmental forums and support structures established in terms of the Intergovernmental Relations Framework Act, 2005 to which the Bill is aligned in not limited to organs of State but is open to any person with an interest (refer to, amongst others,</p>	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			section 25(3) and 30(1)(b) of this Act)	
Clause 15 (1)	Clause 15(1) should be amended to include local municipalities as they are the ones that are accessible and responsive to local community matters, not the district and province.	Free State	<p>Chapter 2 of Intergovernmental Relations Framework Act, 2005 to be followed for this clause. The Act makes provision for Local Municipal forums and technical committees should there need arise. Communities/academia/ CSOs can participate in these committees.</p> <p>Participation in the intergovernmental forums and support structures established in terms of the Intergovernmental Relations Framework Act, 2005 to which the Bill is aligned in not limited to organs of State but is open to any person with an interest (refer to, amongst others,</p>	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			section 25(3) and 30(1)(b) of this Act	
Chapter 4	Under Chapter 4, add a clause that will provide for the creation of Provincial and Local Adaptation Strategies. add a clause that will necessitate the alignment of provincial and local adaptation strategies with national objectives and provide the necessary support for their effective implementation.	Free State	Chapter 2 of Intergovernmental Relations Framework Act to be followed. This addresses the flow of reporting and responsibilities from local to national government and President's Coordinating Council. Clause 15(2)(e) to be followed when undertaking needs and response assessments. That includes how and which sectors to be identified for needs and response assessment	
Chapter 4	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.	Free State	The submission is noted. It is recommended that the Commission be chaired by a Minister in the Presidency and report to the President.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The Bill should grant provinces additional enforcement power to enable the effective implementation of climate change measures within their jurisdictions.	Free State	The submission is noted. 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.	
General	The Bill should include a section dedicated to funding climate action and providing resources and support for implementation, taking into account the challenges faced by provinces and municipalities.	Free State	The comment on climate finance is noted. However, provision to enable climate finance and access thereof will be addressed when the process of developing guidelines and regulations kicks in with a bit more detail on the "how". It should be noted that this is	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			another process with its own guiding processes and procedures including consultations. Also, a resource mobilization strategy for the NCCAS exists to guide areas for climate financing to be prioritized.	
Schedule 3	Schedule 3 of the Bill should be updated and rely on the most up-to-date scientific knowledge when setting targets and timelines to ensure alignment with international commitments such as the Paris Agreement.	Free State	The submission is noted.	
Chapter 5	The Bill should include a provision for establishing a Climate Fund to address resource and personnel shortages for monitoring emissions, as stated in Chapter 5. This will ensure effective monitoring and compliance.	Free State	A resource mobilization strategy for the NCCAS exists to guide areas for climate financing to be prioritized in South Africa. However, Provision to enable climate finance and access thereof will be addressed when the process of developing guidelines and regulations kicks in with a bit more detail on the “how”. It should be noted that this is another process with its	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			<p>own guiding processes and procedures including consultations.</p> <p>In addition, chapter 5 deals with the use of command and control instruments for management and reduction of greenhouse gas emissions in the republic. Market-based instruments such as the creation of a climate fund falls outside DFFE's mandate. This is a proposal that shall be shared with National Treasury.</p>	
Clause 18 (1)	Assign specific leaders the responsibility for coordination and integration in addressing climate change in clause 18(4)(e) of the Bill. The provision should ensure that there is alignment in policy positions and plans in all three tiers of government.	Free State	The submission is noted. This is provided for in the Intergovernmental Relations Framework Act of 2005. This addresses the flow of reporting and responsibilities from local to national government and President's Coordinating Council.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			Additionally Chapter 2 clause 7 of the Bill already provides for policy alignment.	
Clause 28	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.	Free State	The submission is noted, 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.	
General	The drive to a greener economy should have a clause to protect women and their livelihoods, particularly in rural areas and there should be indicators that are monitored.	Free State	The submission is noted. The Bill cannot be isolated and read separately from other constitutional documents which states clearly the role of woman, youth and people living with disabilities in society.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 32	Clause 32 needs strengthening to sanction emitters that significantly affect women and contribute to climate impacts.	Free State	The submission is noted. Sanctions will be addressed in detail when the process of developing guidelines and regulations kicks in with a bit more detail on the “how”. These will also be publicized. This is another process with its own guiding processes and procedures including consultations	
General	Establish partnerships with the Department of Human Settlements and municipalities for better management of informal settlements and land use patterns.	Free State	The submission is noted.	
General	The Department should involve communities in the drafting of legislation from the start.	Free State	The submission is noted.	
General	The Department, as a coordinator of the country’s climate action, should ensure that all affected departments have scalable transition projects such as the gradual transition from fossil-fuel cars to electric cars and trains, and allocate resources for scalable pilot projects.	Free State	Yes indeed, this involves the identification of additional policies and measures that will stimulate the introduction of such transitions. This will be dealt with through the adoption of Sectoral Emissions Targets	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			(SETs) as stipulated in clause 22(1) of the Climate Change Bill.	
General	Instead of transitioning to green energy, invest in improving the use of coal to minimise pollution, considering the limitations in most parts of the country.	Free State	The submission is noted.	
General	The Department should prioritize and expand tree-planting initiatives nationwide to effectively contribute to climate adaptation and mitigation.	Free State	Yes, this is indeed accounted for in the determination of SETs for the Environmental Sector. Additionally the Department implements the National Forest Act, 1998 which regulates trees. The Department has a tree planting programme which is implemented through the Branch: Forestry Management.	
General	There should be regular awareness programmes targeting school children and general members of society on the impacts of climate change, adaptation, mitigation and support to recover from climate disasters, particularly in rural communities.	Free State	The submission is noted.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The departmental awareness programmes should include indigenous knowledge and religious and cultural practices to mitigation of climate change or disasters.	Free State	The submission is noted.	
General	The DFFE and DMRE should take immediate action to enforce the rehabilitation of the over 6000 abandoned mines in the country.	Free State	The submission is noted. This will be directed to the relevant Department to address.	
General	The Department should enforce the Air Quality Act and sever the cosy relations between the government and polluting companies to improve the likelihood of achieving the objectives set out in the Climate Change Bill and decrease the prevalence of pollution-related respiratory illnesses.	Free State	The submission is noted. The Department has an Environmental Management Inspectorate that is responsible for enforcing NEMA, the NEM: Air Quality Act and all the other SEMA's. This dedicated capacity will also be responsible for enforcing compliance with this Act.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Western Cape Province: Central Karoo District: Beaufort West Local Municipality, Garden Route District: Knysna Local Municipality.				
General	The Bill should create a clear requirement for policy harmonisation and cooperation between the Minister of Forestry, Fisheries and the Environment and the Minister of Minerals Resources and Energy processing of the Bill and subsequent implementation.	Western Cape Province	The submission is noted. Chapter 3 of this Bill already provides for policy alignment amongst all government departments at national, provincial and local level.	
General	The Bill should have a provision to support small businesses to mitigate climate change, funding requirements, emissions reduction, and recovery after exposure to extreme weather events.	Western Cape Province	The submission is noted. This can be further explored in the development of guidelines and regulations.	
General	The Bill should have a provision to ensure support for youth programmes in climate change and sustainable development.	Western Cape Province	The submission is noted. his can be further explored in the development of guidelines and regulations.	
General	The Bill should enable sectoral measures to effectively reduce emissions from the transport sector on roads, thereby addressing the environmental impact of transportation.	Western Cape Province	The submission is noted. Chapter 5 speaks to Sectoral Emission Targets and carbon budget allocations to try and	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			effectively reduce this emissions.	
General	Create opportunities for job creation and training, particularly in the context of climate change mitigation and adaptation.	Western Cape Province		
General	The Bill should have a provision to recognise and involve traditional communities and leaders, incorporating their generational knowledge and supporting their traditional ways of combating climate change and building resilience or incorporating their customary law and knowledge into climate change strategies.	Western Cape Province	Noted. IKS can be formalized when the process of developing guidelines and regulations kicks in with a bit more detail on the “how”. It should be noted that this is another process with its own guiding processes and procedures including consultations. Traditional leadership views have been solicited and documented during the public hearings. It should be noted that the principal legislation that regulates Indigenous Knowledge and related	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			<p>protections was set aside by the Constitutional Court due to lack of consultation by Parliament. The Protection, Promotion, Development and Management of Indigenous Knowledge, 2016 (Act No. 6 of 2019). The Parliamentary legal advisors are studying the judgment.</p>	
General	<p>The Bill should provide clear explanations and implications of legal notes, such as explanatory note 6.7, to ensure understanding and transparency.</p>	Western Cape Province	<p>The submission is noted. In respect of paragraph 6.7 of the memorandum of Objects, 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</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			or Khoi-San communities or provisions which pertain to customary law or customs of traditional or Khoi-San communities. The Bill was tagged and processed by Parliament as such.	
General	The Bill should have a clause for the establishment of a trust where emitters will pay a portion of their fines to support affected communities, recognising the impact these companies have on people's lives.	Western Cape Province	The submission is noted. This can be explored as an innovative mechanism during guideline and regulations for the law.	
General	Enhance community awareness on climate change through collaborations with community-based organisations and schools.	Western Cape Province	The submission is noted.	
General	Community awareness programmes should ensure clear benefits from the Bill and allocate funds from international sources transparently.	Western Cape Province	The submission is noted.	
General	Copies of the Bill were not available in Afrikaans and hindered meaningful comprehension and input from the predominantly Afrikaans-speaking community.	Western Cape Province	The submission is noted. This is a query for the Parliament of RSA.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	There should be specific programmes to engage and involve youth in climate and legislative processes at local level, ensuring they receive adequate information on climate change and related policies.	Western Cape Province	The submission is noted.	
General	The meeting invitation was not adequately and widely communicated, resulting in some community members who could have provided valuable input being unaware of the public hearing.	Western Cape Province	The submission is noted. This is a query for the Parliament of RSA.	
General	Communities lack information and awareness on climate change, emphasizing the responsibility of municipalities to communicate and educate the public.	Western Cape Province	The submission is noted. This will be directed to the relevant Municipalities to address.	
General	More policy alignment and efforts are needed among municipalities, province and national government regarding awareness and disaster management.	Western Cape Province	The submission is noted. In Chapter 3, clause 7 the Bill already provides for policy alignment at national, provincial and local level.	
Limpopo Province: Sekhukhune District: Fetakgomo Local Municipality, Vhembe District: Thulamela Local Municipality, Waterberg District: Bela-Bela Local Municipality.				

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 8 and 9	<p>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). Clause 9 should be amended to explicitly include local municipalities and the support that will be provided to this local structure to coordinate local responses.</p> <p>Clause 9 should have a provision for the establishment of a climate change forum at a local municipality level that will include traditional leaders. The provision should be expanded to include climate change response forums at the ward level.</p> <p>Clause 9 should empower local municipalities to develop climate adaptation strategies and the support that will be provided to this local structure to coordinate local responses.</p> <p>Clauses 8, 9 and 10 should provide clear qualifying criteria and create an open and transparent appointment process to eliminate the appointment of incompetent people.</p>	Limpopo Province	<p>Chapter 2 of INTERGOVERNMENTAL RELATIONS FRAMEWORK ACT, 2005 to be followed in Clause 8 & 9</p> <p>District Municipal approach to be followed.</p> <p>Clause 15(2)(e) to be followed when undertaking needs and response assessments. That includes how and which sectors to be identified for needs and response assessment.</p> <p>Participation in the intergovernmental forums and support structures established in terms of the Intergovernmental Relations Framework Act, 2005 to which the Bill is aligned in not limited to organs of State but is open to any person with an interest (refer to, amongst others,</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>The proposed institutional arrangements in Chapter 2 of the Bill are not aligned with the District Development Model (DDM). For example, under the DDM, all three spheres of government coordinate and integrate development plans and budgets and mobilise the capacity and resources of government and civil society, including business, labour and community, in pursuit of inclusive growth and job creation. On the contrary, the Bill separates all three spheres to plan and implement in isolation.</p> <p>Clauses 8 and 9 should allow flexibility on membership to these forums, but there should be specific limits on the number and clearly defined skills or capacity requirements.</p> <p>Clauses 8 and 9 should have a seat for the tourism sector as in some districts it plays a crucial economic development role.</p>		<p>section 25(3) and 30(1)(b) of this Act)</p> <p>The submission is noted, 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>	
Clause 10	<p>Clauses 8, 9 and 10 should provide clear qualifying criteria and create an open and transparent appointment process to eliminate the appointment of incompetent people.</p> <p>Clause 10(1) should read as “The President must establish...” instead of “The President may establish”.</p>	Limpopo Province	<p>The submission is noted, 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>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Clause 10(1) should not include business people because they are the main contributors to the climate change problems that the country and the world are facing. The presence of business representatives will derail enforcement and compliance with climate change mitigation plans.</p> <p>Clause 10(2) should have a phrase that specifies that the appointment of Commissioners will be transparent following an invitation for applications or nominations that will be followed by public interviews, similar to those conducted for judges or other commissioners.</p> <p>Clause 10 should ring-fence a certain number of Commissioner posts to accommodate traditional leaders (from the national houses of traditional leaders), community trust, traditional health practitioners and representatives of local government.</p> <p>Clause 10 should have a clause that will allow Parliament to set up an Ad Hoc Committee to process the applications or nominations of Commissioners, where the President can be Chairperson.</p>		<p>Submission noted, it is recommended that, in this instance, “may” be changed to must</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Clause 10 should be amended to reduce the number from 30 to be in line with other Commissions that have less than 15 commissioners.</p> <p>There is no need of establishing the Presidential Climate Commission (PCC) as contemplated in clauses 10 and 11 because it will be a financial burden to the taxpayers, as the work is already done by various departments.</p> <p>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.</p>		<p>The submission is noted, 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>	
Clause 11	<p>Under clause 11, the recommendations of the PCC should be binding to ensure that government implement them, otherwise, they will be ignored.</p>	Limpopo Province	<p>The submission is noted.</p>	
Clause 12	<p>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.</p>	Limpopo Province	<p>The submission is noted, It is recommended that the clauses relating to the Commission be reviewed to provide for transparency, remove</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>As proposed in Clause 12, the PCC would consist of representatives from various sectors. However, the PCC has already been established before the adoption of regulations. Once the Bill is enacted, will the existing PCC be dissolved?</p> <p>The PCC envisaged in Clause 12 should have a seat for the energy and metallurgy sector since they are the primary contributors to the country's greenhouse gas emissions.</p> <p>The South African Local Government Association (SALGA) would like to have a seat in the PCC proposed in clause 12 to be able to advance the interests of local government stakeholders.</p> <p>Clause 13 should read as "The Presidential Climate Commission must provide a report on any report it provided to the government in terms of section 11(b)".</p>		<p>discretion and improve on the functions of the Commission.</p> <p>The submission is noted, the existing PCC will not be dissolved.</p> <p>"The President may require the PCC to provide a report" The proposed amendment is to change "May" to "must"</p>	
Clause 15	After clause 15(5), there should be a subsection with a provision to empower local municipalities to deal with disasters because district municipalities are far and often inaccessible or too slow to respond during disasters.	Limpopo Province	<p>The District Response Approach will be followed</p> <p>Section 15(2)(e) to be followed when undertaking needs and</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>After clause 15(5), there should be a provision to compel or empower municipalities to develop climate change responses and include them in their Integrated Development Plan (IDP). If local municipalities are not included, they will not have the new mandate funded or catered for in their plans.</p> <p>After clause 15(5), there should be a provision for the Minister to equip traditional councils to develop and implement or coordinate a climate change response implementation plan. The addition of traditional councils should be explicit in the Bill because they are always present when help is needed.</p>		<p>response assessments. That includes how and which sectors to be identified for needs and response assessment.</p> <p>The amended Disaster Management Act makes a provision for Disaster Management Plans to have climate analysis as part of the assessment</p>	
Clause 17	Clause 17 should have a provision that will enable the Minister to allocate resources to vulnerable municipalities and they get prioritised in being aided to implement adaptation strategies and plans.	Limpopo Province	Clause 15(2)(e) to be followed when undertaking needs and response assessments. That includes how and which sectors to be identified for needs and response assessment.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 18	<p>Clause 18 should have a subsection to compel the custodians of the Disaster Management Act No. 57 of 2002 to act within 24 hours because disasters need an immediate response.</p> <p>Clause 18 should be amended to reflect annual or biennial reviews to encourage constant monitoring and implementation of the National Adaptation Strategy and Plan.</p>	Limpopo Province	<p>Clause 15(2)(e) to be followed when undertaking needs and response assessments. That includes how and which sectors to be identified for needs and response assessment.</p> <p>Climate Change Adaptation Response or Resilience building is greatly interlinked to development. Some of the responses may take a longer period to be quantified. The biennial review might not yield tangible results.</p>	
Clause 25	<ul style="list-style-type: none"> Clause 25 advocates for phasing out or phasing down, but does not put the responsibility of preventing job losses. The phasing out or down transitions should specify circumstances under which they can be implemented. 	Limpopo Province	<p>Clause 25 deals with command and control instruments for managing greenhouse gas emissions and in particular “synthetic Greenhouse Gases” which are controlled by under the Montreux protocol on Ozone Depleting Substances. The Kigali amendment of the</p>	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			Montreux Protocol, in particular presents a carefully considered process for phase down and phase out of synthetic greenhouse gas emissions to deal specifically with all the issues raised in the comment including alternatives to synthetic greenhouse gas emissions. These aspects are to be considered in the plan contemplated in clause 25(2)a of the draft Climate Change Bill.	
Clause 32	<ul style="list-style-type: none"> • Clause 32 should specify penalties for exceeding or violating emission limits, instead of focussing on penalties for not submitting a report. The penalties should be considerable enough to drive change that aligns with our NDCs and not end up like the plastic levy that fails to reduce plastic pollution. • Clause 32 should list providing false information as an offence with clear individual and company penalties. • Under clause 32, the Bill should jointly hold the mining, energy and petrochemical companies responsible for the environmental and health damages, the associated burden 	Limpopo Province	This will result in double penalization. The purpose of the mitigation plan is to support the carbon budget. If the carbon budget is not met, there is a process to penalise non-compliance using the carbon tax. Therefore, imposition of penalties with respect to mitigation plans should be related to administrative	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>of respiratory diseases, and the costs of remedying the situation. Modalities for corrective action will then be outlined in regulations.</p>		<p>aspects such as preparation and submission of the plans;</p> <p>Provision of false information with respect to mitigation plans shall be dealt with in the Carbon Budgets/Mitigation plan regulations as they will highlight which areas such information shall be relevant.</p> <p>Issues related to mortalities and morbidities related to air pollution releases are dealt with under air quality management.</p>	
<p>Clause 32</p>	<ul style="list-style-type: none"> • Clause 32 of the Act needs to be broadened to focus on penalties for exceeding or violating emission limits • Clause 32 should provide a framework for calculating the amount of administrative penalty in line with the sectoral emission targets or carbon budget. The formula should factor in the history of non-compliance, experienced or potential adverse impacts (short and long-term), evidence on actions taken to stop and fix the noncompliance, socio-economic impacts, etc.). 	<p>Limpopo Province</p>	<p>The submission is noted. Regulations to be developed to effect the sections.</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<ul style="list-style-type: none"> • Clause 32 needs to mention clear sanctions for offenders, including the associated process and appeals. 			
Clause 33	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	Limpopo Province	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	
General	<p>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.</p> <p>Speakers are of the view that the Bill should be referred to the National House of Traditional and Khoi-San Leaders because that is where the most vulnerable citizens are from and more adaptation work needs to be done.</p> <p>There is a need for further consultations on whether this is the best time to discuss the Bill and cut emissions or delay discussions on the Bill and get the power system</p>	Limpopo Province	<p>The submission is noted, traditional leaders attended the public hearing and their inputs were dully noted and considered.</p> <p>The OCSLA was responsible for certification of the Bill. Their</p>	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>operational and stable again. It seems contradictory to attempt to cut emissions from the energy sector when the country is struggling to produce the required energy from coal, as that will make load-shedding permanent.</p> <p>The Bill and its content still need to reach more people and traditional leaders in villages as many are not aware of the legislation.</p> <p>The Bill should be referred to the National House of Traditional and Khoisan leaders because the Bill overlaps customs on fire management. Communities need to be workshopped on the Bill and its regulations in the local language that will focus on practical solutions or approaches.</p>		<p>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 which pertain to customary law or customs of traditional or Khoi-San communities.</p> <p>The Bill was tagged and processed by Parliament as such.</p>	
General	Teachers and school children should be involved in climate change awareness programmes that advance environmental protection, climate change mitigation and adaptation.	Limpopo Province	Submission is noted.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>There should be appointments and training of people, particularly youth, to conduct climate change awareness, pollution prevention and climate adaptation programmes in villages, schools and other locations.</p> <p>The Department should work with community-based organisations and Ward Committees to improve awareness of climate change and pollution prevention.</p> <p>Traditional councils should be capacitated to conduct climate change awareness programmes in their villages.</p> <p>The DFFE should produce flyers that will serve as guidelines for climate preparedness at the household level.</p> <p>The Department should reinstate the ranger programme and fund it to ensure compliance with environmental legislation/regulations, improve awareness, improve skills and create jobs.</p> <p>There should be climate change awareness programmes targeting children at schools.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Youths and people living with disabilities should be given stipends to drive climate change awareness and preparedness in communities.</p> <p>The Department should bring back the ranger programme and set aside enough funds to encourage adherence to environmental laws, raise environmental awareness, and improve the visibility of the Department or accessibility.</p> <p>The Expanded Public Works Programme (EPWP) does not seem to be effective in cleaning the environment since community members continue to litter. The programme could be used to spread the anti-pollution message in communities.</p> <p>The DFFE is not visible and communities are not aware of their programmes and how to access their services. The DFFE should have environmental awareness campaigns in communities.</p> <p>Villages, which are sometimes overlooked in favour of towns and cities, should be included in climate education or awareness efforts.</p> <p>Environmental awareness programs should involve locals, including Ward Committees and traditional leaders,</p>			

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	instead of being implemented through a top-down approach.			
Mpumalanga Province: Gert Sibande District: Govan Mbeki Local Municipality, Nkangala District: Steve Tshwete Local Municipality, Ehlanzeni District: City of Mbombela Municipality.				
General	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.	Mpumalanga Province	Submission is noted. Parliament held pre-planning meetings with the relevant communities before the public hearings to sensitize communities of the content of the Bill.	
General	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 familiarise themselves with the content of the Bill.	Mpumalanga Province	Submission is noted, the submission is for Parliament to respond.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The consultations are not meaningful because the Committee expects communities to make input on a technical Bill they know or understand very little about.	Mpumalanga Province	Submission is noted. Parliament held pre-planning meetings with the relevant communities before the public hearings to sensitize communities of the content of the Bill.	
General	Invitations to the meetings need to be shared timeously with all stakeholders, including local environmental NGOs and formations that represent people living with disabilities.	Mpumalanga Province	Submission is noted, Parliament to respond.	
General	Invitations to the meetings need to be shared timeously with all stakeholders, including local environmental NGOs and formations that represent people living with disabilities.	Mpumalanga Province	Submission is noted, Parliament to respond.	
General	The title of the Bill should be referred to as the Greenhouse Gas Bill because it focuses on greenhouse gas emissions, rather than climate change adaptation and mitigations.	Mpumalanga Province	Submission is noted but not supported.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 9	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.	Mpumalanga Province	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.	
N/A	The Bill assigns too much power to the Minister, MEC and Mayors, yet these individuals are responsible for the high levels of pollution in the Highveld Priority Area. The Bill should assign the climate change decision-making process to a group that has equal voting power.	Mpumalanga Province	The submission is noted.	
N/A	The DMRE, DFFE and municipalities have not been enforcing mining licences and air quality conditions and a culture of non-compliance has been established. How and which part of the Bill will change the status quo?	Mpumalanga Province	The Bill once enacted into law will become a specific environmental management Act (SEMA). All the	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			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.	
Clause 9	Municipalities are not accountable to communities and often ignore public sentiments. How will Clause 9 make municipalities accountable for the conferred responsibilities?	Mpumalanga Province	Submission is noted, Intergovernmental relations processes, including the Mintech and Minmec processes should be invoked to address responsiveness of the relevant municipalities.	
Clause 31	Clause 31 should empower the Minister to publish information relating to the Bill on a web portal without being compelled or requested through the PAIA.	Mpumalanga Province	Clauses 28 and 29 provide for the consultation and public participation processes in line with PAJA, NEMA and SEMAs	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
N/A	The Bill advocates for Just Transition but does not promote transparency to ensure that society is not left behind during the Just Transition period. For example, there is secrecy around the closure of coal power stations and how Government caters for contractors in the coal value chain, and the planned and funded alternative energy sources to replace coal power stations. The Bill should have a clause that compels the Minister and the Presidential Climate Commission to regularly update the nation on the transition, particularly affected communities.	Mpumalanga Province	The PCC has developed the Just Transition Framework which is founded on the three pillars of just transition. The distributive, restorative and the procedural justice pillars. It will also monitor and evaluate the implementation of just transition measures linked to this pillars and will transparently publish reports in this regard. The framework for this shall be dealt with through the inclusion of a clause requiring the PCC to develop periodic just Transition framework and report on an annual basis.	
Chapter 6	Under Chapter 6, the Bill should have a clause to compel the Minister, MEC or Mayors to conduct regular public information or awareness sessions on climate change impacts, and adaptation and mitigation plans and programmes. The regulations will then prescribe the mode and frequency of such sessions.	Mpumalanga Province	The submission is noted.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clauses 8, 9 and 10	Clauses 8, 9 and 10 do not provide clarity on how ordinary members of society can participate in the Forums or PCC. There should be a clear and transparent mechanism for participating in these structures or objecting to the participation of certain candidates.	Mpumalanga Province	Participation in the intergovernmental forums and support structures established in terms of the Intergovernmental Relations Framework Act, 2005 to which the Bill is aligned in 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)	
Clause 9	The mandate of municipal forums in clause 9 should be extended to combat land and water pollution.	Mpumalanga Province	The submission is noted.	
Clause 10	Clause 10 does not provide clarity on who the PCC reports to. In the current format, the President and his Commission report to the Minister of Forestry, Fisheries and the Environment.	Mpumalanga Province	The submission is noted, the PCC reports to the President in terms of clause 13 of the Bill.	
	The Bill is silent on who will be responsible for supporting the jobs that will be lost by contractors and associated economic activities.	Mpumalanga Province	The submission is noted, it is recommended that the functions of the PCC include advice on the socio-economic issues related to the just transition.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 16	In Clause 16, there must be an insertion to compel the Minister or MEC to conduct public awareness campaigns as envisaged in Clause 3(k) at a defined interval.	Mpumalanga Province	The submission is noted.	
Clause 25	Clause 25 advocates for phasing out or phasing down, but does not put the responsibility of preventing job losses. The phasing out or down transitions should specify circumstances under which they can be implemented.	Mpumalanga Province	See response above on this issue	
Clause 32	<p>Clause 32 should specify penalties for exceeding or violating emission limits, instead of focussing on penalties for not submitting a report. The penalties should be considerable enough to drive change that aligns with our NDCs and not end up like the plastic levy that fails to reduce plastic pollution.</p> <p>Clause 32 should list providing false information as an offence with clear individual and company penalties.</p> <p>Under clause 32, the Bill should jointly hold the mining, energy and petrochemical companies responsible for the environmental and health damages, the associated burden of respiratory diseases, and the costs of remedying</p>	Mpumalanga Province		

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	the situation. Modalities for corrective action will then be outlined in regulations.			
General	The Bill needs to have a section titled "Climate Finance" that will govern fundraising, collection of non-compliance penalties and allocation of resources to all spheres of government, including accountability for the allocated financial resources. The Bill will not be implemented at the municipal level without a clearly defined framework of financing adaptation or mitigation plans	Mpumalanga Province		
General	The outdated 2015 NDC is used in the Bill rather than the 2021 NDC. The Bill's Schedule 3 should be revised and updated accordingly.	Mpumalanga Province	The submission is noted.	
General	The Bill is silent on harmonising disaster funds and climate finance for the benefit of communities.	Mpumalanga Province	The submission is noted.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	There should be clarity on clause 15 on whether the DFFE will capacitate all 226 local municipalities and provide implementation resources for the National Adaptation Strategy and Plan.	Mpumalanga Province	The submission is noted.	
General	The Bill should specify the funding model for the PCC that will ensure transparency and accountability.	Mpumalanga Province		
General	There should be a clause to formally recognise traditional leaders and empower them to determine wood harvesting rules to combat deforestation, including meeting sanctions against errant wood harvesters.	Mpumalanga Province	The submission is noted, this aspect is covered under the national Forest Act, 1998.	
General	The Bill should have a clause that will ensure that a representative from the house of traditional leaders is part of the municipal and provincial forums, as well as the PCC.	Mpumalanga Province	Participation in the intergovernmental forums and support structures established in terms of the Intergovernmental Relations Framework Act, 2005 to which the Bill is aligned in 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)	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The Bill should have a Funding clause to help the house of traditional leaders to implement climate adaptation or mitigation programmes, including the protection or development of forests to be game reserves and create jobs.	Mpumalanga Province	The submission is noted.	
General	During the meeting, attendees expressed their concern that they had only received copies of the Bill upon arrival and therefore did not have enough time to thoroughly review its contents. They requested more time to familiarize themselves with the Bill and receive training on its content.	Mpumalanga Province	The submission is noted, Parliament to respond.	
General	The Department of Forestry, Fisheries and the Environment, along with the National House, Provincial House and District House of Traditional Leaders, should collaborate to ensure that all traditional councils are either informed or trained on the Bill.	Mpumalanga Province	The submission is noted.	
General	Most local municipalities cannot account for or manage their budgets or deliver basic services, and the climate change adaptation responsibility may go unimplemented. Does the Department have the resources for the implementation of the National Adaptation Strategy and Plan in all 226 local municipalities?	Mpumalanga Province	The submission is noted, Parliament to respond.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The Department of Forestry, Fisheries and the Environment, along with the National House, Provincial House and District House of Traditional Leaders, should collaborate to ensure that all traditional councils are either informed or trained on the Bill.	Mpumalanga Province	The submission is noted.	
General	Most local municipalities cannot account for or manage their budgets or deliver basic services, and the climate change adaptation responsibility may go unimplemented. Does the Department have the resources for the implementation of the National Adaptation Strategy and Plan in all 226 local municipalities?	Mpumalanga Province	The submission is noted, The Department is supporting and will continue to support municipalities on matters related to the Bill.	
General	South Africa should not rush to decommission coal power stations until the country can generate the same amount of energy from renewable resources.	Mpumalanga Province	The submission is noted.	
General	The Department should intensify the planting of trees in the country to serve as a tool for climate adaptation and mitigation.	Mpumalanga Province	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.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	There should be awareness programmes targeting school children and general members of society on the impacts of climate change, adaptation, mitigation and support to recover from climate disasters, particularly in rural communities.	Mpumalanga Province	The Department will work with partners to continue awareness on climate change matters.	
Northern Cape: John Taolo Gaetsewe District: Gasegonyana Local Municipality, ZF Mgcawu District: Dawid Kruiper Local Municipality, Francis Baard District: Sol Plaaaitjie Local Municipality.				
Clauses 8 and 9	<p>Amend Clause 9 to include the provision for a standing alternative to the mayor who can attend forum meetings in their absence. Additionally, the Bill should clearly state that the mayor is responsible for appointing a person to oversee climate change matters.</p> <p>Clauses 8 and 9 should clearly specify the role of each stakeholder to avoid having bloated and dysfunctional forums.</p>	Northern Cape	<p>Chapter 2 of INTERGOVERNMENTAL RELATIONS FRAMEWORK ACT, 2005 to be followed in Clause 8 & 9</p> <p>District Municipal approach to be followed.</p> <p>Clause 15 (2)(e) to be followed when undertaking needs and response assessments. That includes how and which sectors to be identified for needs and response assessment.</p>	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
			Participation in the intergovernmental forums and support structures established in terms of the Intergovernmental Relations Framework Act, 2005 to which the Bill is aligned in 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)	
Clause 32	<ul style="list-style-type: none"> • Clause 32 should specify the enforcement of stiff penalties that will serve as a deterrent or encourage the transition to sustainable practices. The sanctions provided for in the National Environmental management Act are not suitable and might encourage non-compliance. • Clause 32 lacks details concerning the sanctions or penalties against companies that produce greenhouse gas emissions. • Clause 32 should have alternative penalties or sanctions instead of solely being financial. 	Northern Cape	See response above with regards to this issue.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	<p>The Bill should include a provision for the creation of a climate fund that supports the recovery of those affected by climate impacts.</p> <p>The Bill should recognise and include indigenous knowledge, allowing communities to apply their preferred climate strategies.</p> <p>The Bill is not clear concerning the financial implications of the State towards its efforts to combat the impact of climate change. The Bill should have a clause to provide for financing of activities such as adaptation and mitigation and preparedness.</p> <p>The Bill should be strengthened to make climate awareness or campaigns compulsory, including mitigation, adaptation and recovery measures. Youths should be the primary beneficiaries of such programmes.</p>	Northern Cape		
General	<p>The Department should conduct workshops on the Bill in communities to enhance understanding before inputs can be sought.</p> <p>There was poor mobilisation and general lack of information about the meeting in the community thus impeding maximum awareness and participation.</p>	Northern Cape	The submission is noted.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Copies of the Bill were received in the meeting and there was insufficient time to thoroughly engage with the contents and provide informed input.</p> <p>The Bill was not provided in Afrikaans, which hindered meaningful comprehension and input from the predominantly Afrikaans-speaking community.</p> <p>The local government should engage in discussions with the community about the Bill, followed by consultations at the provincial level before reaching the national level. Parliament should consult communities as the final stakeholder, rather than being the first.</p> <p>The community should be given the opportunity to participate in workshops and consultations prior to being expected to provide inputs.</p>			
General	<p>The school curriculum should be strong on climate change to ensure that learners are equipped at the young age for environmental care and sustainable use.</p> <p>Implement comprehensive government campaigns and awareness programmes on climate change and environmental protection that involve schools and local formations.</p>	Northern Cape		

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>The municipality should be supported to run programmes to educate residents about their contribution to climate change and encourage sustainable practices.</p> <p>Increase state intervention and support for informal settlements disproportionately affected by climate change.</p> <p>Teachers and school children should be involved in climate change awareness programmes that advance environmental protection, climate change mitigation and adaptation, and pollution prevention.</p> <p>The school curriculum should have specific content that advances knowledge on climate change and responses such as adaptation.</p> <p>As part of climate adaptation, the Department should upscale the planting of indigenous trees.</p> <p>There should be appointments and training of people at the municipal level to conduct climate change awareness, separation at source and climate adaptation programmes.</p>			

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>The municipality and the Department should collaborate with civil society organisations to conduct ongoing environmental awareness campaigns that focus on climate change and climate disaster preparedness in communities.</p> <p>Communities should be provided with clear guidelines to minimise the impacts of climate change and recover effectively.</p> <p>A national programme for planting spekboom trees should be implemented due to their carbon sink and medicinal properties.</p>			
<p>KWAZULU NATAL PROVINCE iLembe District: KwaDukuza Local Municipality, UMgungundlovu District: Msunduzi Local Municipality, eThekweni Metro Municipality.</p>				
Clause 8 and 9	<p>Clause 9 should be amended to explicitly include local municipalities and the support that will be provided to this local structure to coordinate local responses.</p> <p>After clause 9, there should be a provision that prohibits local municipalities or traditional authorities from allocating or permitting the construction of residential structures in vulnerable or hazardous environments, such as those located in proximity to wetlands, rivers, or mountains.</p>	KwaZulu Natal	<p>Chapter 2 of INTERGOVERNMENTAL RELATIONS FRAMEWORK ACT, 2005 to be followed in Clause 8 & 9</p> <p>The District Approach will be utilised.</p>	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Following Clause 9, a provision should be included to acknowledge local municipalities and grant them authority to establish climate change forums at the local level.</p> <p>Chapter 2 of the Bill proposes the establishment of Provincial and Municipal Climate Change Forums. The current experience is that forums have proven to be a failure. What is the Department planning to do differently that has not been done to get forums functional and effective?</p> <p>The Bill should update schedule 3 to be in line with the country's latest Nationally Determined Contributions.</p> <p>Clause 9 is most likely to be a failure because most municipalities are dysfunctional and will not be able to execute the additional mandate from this Bill.</p>		<p>Regulations will be developed to effect sections of Chapter 3</p>	
Clause 15	<p>Clause 15 should prescribe certain climate change adaptation measures that should be standard across all municipalities to improve resilience to climate impacts such as stormwater management.</p>	KwaZulu Natal	<p>A guiding framework will be developed. The NRVF is also available to provide such guidance.</p>	

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Clause 17	<p>Clause 17 should have a provision that will enable the Minister to allocate resources to vulnerable municipalities and they get prioritised in being aided to implement adaptation strategies and plans.</p> <p>Clause 17(2)(a) should add 'indigenous knowledge'.</p>	KwaZulu Natal	Resource allocation is managed through the appropriation Act by Treasury.	
Clause (3)	Clause 18(3) should 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 of the climate crisis.	KwaZulu Natal	Building resilience to the impacts of climate change is an integral part of development. Quantifying the response measures may not be as quick as anticipated at times, so shorter timeframes are likely not to reveal a true status of reduced vulnerability.	
Chapter 5	<ul style="list-style-type: none"> Under Chapter 5, the Bill should compel every household to have at least two trees – a shade tree and a fruit tree. Chapter 5 fails to take advantage of a crucial opportunity to decrease household greenhouse gas emissions by solely concentrating on significant emitting corporations and industries. There should be a provision for households and individuals. 	KwaZulu Natal	<p>Noted and the issue of planting trees is a Forestry Policy and shall be shared with Forestry colleagues to consider in their forestry related policy instruments</p> <p>Treatment and management of greenhouse gas emissions shall</p>	

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	<p>The role of the provinces and municipalities is not clarified with regards to Greenhouse Gas emissions and removal.</p>		<p>be dealt with through the Sectoral Emission Targets which are already covered in Clause 22.</p> <p>The climate change response plans stipulated in clause 15(3) are meant to clarify the role of provinces and municipalities in particular with regards to the needs assessment stipulated in clause 15(1)(a) which should address both mitigation and adaptation issues.</p>	
<p>Clause 21</p>	<p>Clause 21(4) should prescribe that evaluation and reviews should be done annually instead of five years.</p> <p>Clause 21 should prescribe that each local municipality should have at least one functional and reporting weather station and air quality monitoring station.</p>	<p>KwaZulu Natal</p>	<p>The reviews should be done over a long period (minimum 5 year period is a global standard as observed with the NDCs). That is because the mitigation instruments that supports the trajectory needs to be</p>	

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	Clause 21(1) should provide a timeframe, while the timeframe in clause 21(4) should be reduced to encourage implementation.		committed over a long period (again minimum of 5 years). The instruments themselves, e.g. carbon budgets and SETs shall be monitored on an annual basis as can be observed from the provision in clause 22(11) for SETs and clause 24(6)d for carbon budgets.	
Clause 23	Clause 23 should have a provision to compel the Minister to ensure that all air quality monitoring stations are functional and do not exceed a month without reporting pollutants and critical greenhouse gases.	KwaZulu Natal	This is noted and more relevant for the Air Quality Act.	
Clause 24	The carbon budget in clause 24 should be given to companies, not people	KwaZulu Natal	Clause 24 is allocated to anyone who undertakes the activities that emits GHG's listed in Clause 23.	
Clause 27	Clause 27(1)(b) should 'rebates' to encourage green energy installations.	KwaZulu Natal	Rebates are inherently included in the definition of Incentives which is already addressed in the quoted provision.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Proposed new Clause 28	<p>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.</p> <p>Clause 28 needs to include a provision that mandates seeking public input before approving projects by municipalities, to prevent approval of potentially harmful projects.</p>	KwaZulu Natal		
Clause 31	Clause 31 should provide for a publicly available emission dashboard on emitters to foster transparency and accountability.	KwaZulu Natal	See previous comment on this issue	
Clause 32	<ul style="list-style-type: none"> • Clause 32 should prioritise punishing non-compliance with emission targets. It must specify a minimum time frame for arrests and stipulate deterrent-effective fines. • Clause 32 does not discourage greenhouse gas emissions, nor does it assist the country in achieving its nationally determined objectives. Rather than restricting penalties to report submission, industries exceeding emission limits should face stronger penalties as a means to decrease greenhouse gas emissions. • In light of the extensive unemployment and poverty present in the country, Clause 32 ought to take into 	KwaZulu Natal	This aspect is excluded from this clause because it shall be dealt with in the CB regulations and the CTax, instead of NEMA penalty regime shall be used to enforce compliance w.r.t carbon budgets. This will be addressed via Carbon Budget regulations	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>account the potential impact of penalties on investment and economic growth.</p> <ul style="list-style-type: none"> • Instead of only penalising companies for not submitting reports, Clause 32 should impose stronger penalties on industries that exceed emission limits to effectively reduce greenhouse gas emissions. This approach would be more effective in discouraging such emissions and aligning with the country's nationally determined objectives. • Clause 32 should provide for penalties and fines, such as imprisonment, and revoking of permits or licences and fines. 			
General	<p>The Bill should have a clause that will promote indigenous or traditional knowledge on climate change adaptations, instead of solely relying on Western knowledge.</p> <p>The Bill should make it compulsory that community forums or equivalent structures should be part of the mining rights application process and have a voting power to approve or disapprove applications that may result in environmental and heal deterioration.</p> <p>The Bill is silent on how its implementation will be financed or the personnel and infrastructure that will be required. There should be a clause in Chapter 6 that will address</p>	KwaZulu Natal	The Bill will take into consideration IKS when the various processes are being undertaken. Furthermore, the resource allocation and human resource capacity are operational matters. And can be addressed at strategic level.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>resources that will be required to implement the Climate Change Bill once signed into law.</p> <p>The Bill fails to offer remedies for individuals and communities currently experiencing the effects of climate change.</p> <p>There is no need for new environmental legislation, instead, clauses should be added to existing legislation and enforced. The current emission levels will not be changed by new legislation but by enforcement, which does not exist.</p> <p>The insufficient monitoring and enforcement of current legislation raise concerns regarding the acquisition of resources for the new mandate at the local government level.</p> <p>Employment opportunities should be created for the implementation of the legislation or expansion of human resources to inspect, analyse data, service monitoring equipment and enforce the existing and this new legislation.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>These are the needed investments toward effectively reporting, monitoring and prosecuting or sanctioning non-compliant companies, and individuals.</p> <p>Training opportunities should prioritise locals instead of being dominated by outsiders, and the application opportunities should be open and transparent.</p> <p>The Bill should make a provision for various forms of climate disaster support, including psychological support and compensations to aid disaster recovery.</p> <p>Animals also suffer from the impacts of climate change, and the Bill should have a provision to support their survival chances and general well-being. For example, thunder and lightning cause pets severe trauma.</p>			
General	<p>The Bill is complex and challenging to comprehend. Before asking regular citizens for technical feedback, there should be workshops on the Bill.</p> <p>The Bill and its consequences need to be disseminated to a wider audience, including traditional leaders, as numerous individuals in rural areas are not knowledgeable about the law.</p>	KwaZulu Natal	Further Awareness raising programmes to be planned and implemented.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Workshops on the Bill and its regulations, with a focus on practical solutions and strategies, should be conducted in the local language to encourage community participation.</p> <p>The Committee needs to conduct further public hearings after communities are workshopped on the Bill.</p> <p>The Department should conduct consultations with rural communities since their consultations only focussed on cities.</p> <p>The Department and municipality need to improve communication and consultations with rural communities that are side-lined in climate discussions and associated implications.</p> <p>Future meetings should be communicated timeously and the Department should present practical plans and accountability channels.</p> <p>More consultations are required on the Bill, however, there should be clarity on funding of the legislation, timeframes, programmes, and integration with existing plans or programmes.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>To aid regular citizens in providing technical input, the Department should organize workshops on the Bill since it is complicated and challenging to comprehend.</p> <p>To promote community participation, workshops on the Bill should be held in the local language, focusing on practical solutions and strategies, followed by public hearings conducted by the Committee.</p> <p>Before being required to express approval or disapproval, communities should have enough time to consider and deliberate on the implications and intentions of the Bill.</p> <p>The consultations are deemed ineffective since they fail to provide solutions to communities that are already suffering from the consequences of climate change.</p> <p>Traditional healers are requesting to be included in government decision-making processes and consultations, particularly those related to the closure of access to shorelines, as their traditional healing practices require access to these areas.</p> <p>Rural communities get very little information and services on climate change, yet they are the most vulnerable groups.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The Department should ban the unnecessary practice of sugarcane burning, which produces greenhouse gases and particulate matter that increase the risk of cardiovascular disease, and lung cancer, and worsen chronic conditions like asthma upon inhalation.	KwaZulu Natal	The statement is noted and will be taken into consideration.	
General	<p>To enhance awareness about climate change and pollution prevention, programmes aimed at children and youth should be implemented. Training can be provided to individuals above the age of 35 to conduct these programmes.</p> <p>The training and awareness programmes should be accessible to all members of society and presented in a way that makes it easy for those who missed a climate change awareness or training session to be trained by the next person.</p> <p>The Department should help NGOs with funding to conduct climate change awareness and pollution mitigation programmes.</p> <p>Clear penalties for unlawful waste disposal must be part of climate change education initiatives or advocacy efforts, as a means of discouraging individuals from contributing to environmental degradation.</p>	KwaZulu Natal	The Department will continue to raise awareness with relevant partners.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>There should be climate change awareness programmes targeting children through incorporation in the curriculum to cover environmental protection, climate disaster mitigation, deforestation and planting of indigenous trees and vegetation.</p> <p>Non-governmental organisations possess the expertise and are willing to conduct climate change and pollution awareness programmes, but they require financial support. The Department and municipalities should support them as they are helping in executing DFFE’s mandate.</p> <p>Special training or awareness is needed for people living in informal settlements on ways to prevent pollution and encourage recycling, as well as the provision of appropriate waste management infrastructure.</p> <p>There needs to be more effort in raising awareness on the handling of braziers during the winter season to minimise fires that lead to pollution and loss of lives.</p> <p>The Department should bring back the ranger programme and set aside enough funds to encourage adherence to</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>environmental laws or enforcement, raise environmental awareness, and improve the visibility or accessibility of the Department.</p> <p>The Department should use students or graduates to drive environmental awareness campaigns or programmes.</p> <p>The Department should reinstate national arbour week where reforestation and afforestation can be promoted. There should be ongoing tree-planting programmes that involve non-governmental organisations, schools and other formations such as religious institutions.</p> <p>To promote environmental awareness among children, the curriculum should include related topics and hands-on projects such as clean-ups and tree planting.</p> <p>There should be special training or awareness for people living in informal settlements on waste management and municipalities should also provide them with refuse collection services.</p> <p>To enhance awareness about climate change and pollution prevention, programmes aimed at children and youth should be implemented. Training can be provided to</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>individuals above the age of 35 to conduct these programmes.</p> <p>The training and awareness programmes should be accessible to all members of society and presented in a way that makes it easy for those who missed a climate change awareness or training session to be trained by the next person.</p> <p>The Department should help NGOs with funding to conduct climate change awareness and pollution mitigation programmes.</p> <p>Clear penalties for unlawful waste disposal must be part of climate change education initiatives or advocacy efforts, as a means of discouraging individuals from contributing to environmental degradation.</p>			
N/A	<p>The mining and petrochemical companies disregard the National Water Act (Act No. 36 of 1998) by discharging liquid effluents into nearby water bodies without any intervention from the municipality or province.</p> <p>Coal washing, which aims to enhance the quality and purity of coal, results in the contamination of local water bodies, including groundwater. Unfortunately, the</p>		This matter will be raised at the working group level and discussed with relevant sector Departments.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>government fails to take measures to alleviate water pollution, which affects livestock, vegetation, and aquatic animals.</p> <p>Households get supplied with piped contaminated water and the municipality does nothing to improve the water quality.</p> <p>Water treatment plants need to be established in rural communities so that they can use the available water.</p> <p>Petrochemical companies discharge liquid effluents into nearby water bodies without any intervention from the municipality or province and have direct impacts on the livelihoods of fishers.</p> <p>Coal washing, which aims to enhance the quality and purity of coal, results in the contamination of local water bodies, including groundwater. Unfortunately, the government fails to take measures to alleviate water pollution, which affects livestock, vegetation, and aquatic animals.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Households get supplied with piped contaminated water and the municipality does nothing to improve the water quality.</p> <p>Water treatment plants need to be established in rural communities so that they can use the available water. Residents are forced to spend money on purchasing water due to the supply of contaminated tap water, despite already paying for municipal services that should provide safe drinking water.</p>			
General	<p>The mining and petrochemical companies disregard the National Water Act (Act No. 36 of 1998) by discharging liquid effluents into nearby water bodies without any intervention from the municipality or province.</p> <p>Coal washing, which aims to enhance the quality and purity of coal, results in the contamination of local water bodies, including groundwater. Unfortunately, the government fails to take measures to alleviate water pollution, which affects livestock, vegetation, and aquatic animals.</p> <p>Households get supplied with piped contaminated water and the municipality does nothing to improve the water quality.</p>	KwaZulu Natal	This will be discussed with relevant sector Departments.	

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	<p>Water treatment plants need to be established in rural communities so that they can use the available water.</p> <p>Petrochemical companies discharge liquid effluents into nearby water bodies without any intervention from the municipality or province and have direct impacts on the livelihoods of fishers.</p> <p>Coal washing, which aims to enhance the quality and purity of coal, results in the contamination of local water bodies, including groundwater. Unfortunately, the government fails to take measures to alleviate water pollution, which affects livestock, vegetation, and aquatic animals.</p> <p>Households get supplied with piped contaminated water and the municipality does nothing to improve the water quality.</p> <p>Water treatment plants need to be established in rural communities so that they can use the available water. Residents are forced to spend money on purchasing water due to the supply of contaminated tap water, despite</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	already paying for municipal services that should provide safe drinking water.			
Gauteng Province: City of Johannesburg Metropolitan Municipality, City of Ekurhuleni Metropolitan Municipality, West Rand District: Merafong Municipality.				
Clause 8 and 9	<p>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.</p> <p>The Bill assigns too much power to the Minister, MEC and Mayors, yet these individuals are responsible for the high levels of pollution in the Highveld Priority Area. The Bill should assign the climate change decision-making process to a group that has equal voting power.</p> <p>The DMRE, DFFE and municipalities have not been enforcing mining licences and air quality conditions and a culture of non-compliance has been established. How and which part of the Bill will change the status quo?</p>	Gauteng	<p>Chapter 2 of INTERGOVERNMENTAL RELATIONS FRAMEWORK ACT, 2005 to be followed in Clause 8 & 9</p> <p>The District Approach will be utilised.</p> <p>Regulations will be developed to effect sections of Chapter 3</p> <p>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</p>	

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	<p>Municipalities are not accountable to communities and often ignore public sentiments. How will Clause 9 make municipalities accountable for the conferred responsibilities?</p> <p>The mandate of municipal forums in clause 9 should be extended to combat land and water pollution.</p> <p>Under Chapter 2 of the Bill, there should be a recognition of Community Forums on Climate Change to coordinate at the community level since some municipalities are dysfunctional.</p>		<p>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.</p>	
Clause 10	<p>Clauses 8, 9 and 10 do not provide clarity on how ordinary members of society can participate in the Forums or PCC. There should be a clear and transparent mechanism for participating in these structures or objecting to the participation of certain candidates.</p> <p>Clause 10 does not provide clarity on who the PCC reports to. In the current format, the President and his Commission report to the Minister of Forestry, Fisheries and the Environment.</p>	Gauteng	<p>Participation in the intergovernmental forums and support structures established in terms of the Intergovernmental Relations Framework Act, 2005 to which the Bill is aligned in 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)</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 11	The Bill should specify the funding model for the PCC that will ensure transparency and accountability.	Gauteng	The submission is noted, the clauses related to the PCC to be reviewed and clarified to provide transparency and regulatory certainty	
Clause 12	<p>Clause 12 should have a section that stipulates the term of appointment as Commissioners, such as three or five years, instead of leaving it open-ended.</p> <p>Clause 12 should specify the transparent appointment process to be followed for Commissioners, such as a call for nomination, selection, interviews by a panel, and recommendations to the President.</p> <p>Clause 12 should also prescribe limits such as the number of terms that a commissioner may serve, such as that a member of the Commission whose term has expired, may be reappointed for one additional term.</p>	Gauteng	The section has been amended to make the process more transparent and participatory.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 15	<p>There should be clarity on clause 15 on whether the DFFE will capacitate all 226 local municipalities and provide implementation resources for the National Adaptation Strategy and Plan.</p> <p>Most local municipalities cannot account for or manage their budgets or deliver basic services, and the climate change adaptation responsibility may go unimplemented. Does the Department have the resources for the implementation of the National Adaptation Strategy and Plan in all 226 local municipalities?</p>	Gauteng	The submission is noted. The Departments supports and will continue to support municipalities on all matters related to the Bill.	
Clause 31	<p>Clause 31 should empower the Minister to publish information relating to the Bill on a web portal without being compelled or requested through the PAIA. Businesses should be required to explain if they want to withhold emissions information.</p> <p>Clause 31 should empower the Minister to set up a public dashboard on emissions and implementation progress that should be reviewed annually or biennially.</p>	Gauteng	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) etc.	

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Clause 32	<p>In its current form, the Bill will not achieve its greenhouse gas (GHG) emission reduction because there are no sanctions for non-compliance with emission targets.</p> <p>Clause 32 should spell out the variety of sanctions, including the suspension of operating permits or licences, imprisonment, fines, etc.</p> <p>Amend clause 32 of the Bill to make hefty penalties for repeat offences or lack of progress in the reduction of emissions. The penalties should take into account potential losses.</p> <p>Clause 32 should add a liability clause to enable affected workers or communities to institute claims against companies that may cause health or environmental damages.</p> <p>Clause 32 should make non-compliance with emissions limits a criminal offence and listed as a pollution crime.</p> <p>Clause 32 of the Bill should add deterrent penalties for repeat offences or lack of progress in the reduction of emissions.</p>	Gauteng	<p>This aspect is excluded from this clause because it shall be dealt with in the CB regulations and the CTax, instead of NEMA penalty regime shall be used to enforce compliance w.r.t carbon budgets. This will be addressed via Carbon Budget regulations.</p> <p>The Climate Change Bill is meant to regulate and manage GHG emissions. The issue of health impacts associated with air pollution is dealt with under air quality management.</p> <p>See response above</p> <p>See response above See response above</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	Clause 32 should specify more offences and associated penalties.			
Schedule 3	<p>The Bill relies on the outdated 2015 Nationally Determined Contribution (NDC) that the country had adopted as climate action, instead of the 2021 NDC as reflected in Schedule 3 of the Bill. This Schedule of the Bill needs to be updated.</p> <p>The Bill is silent on who will be responsible for supporting the jobs that will be lost by contractors and associated economic activities.</p> <p>The Bill needs to have a section titled “Climate Finance” that will govern fundraising, collection of non-compliance penalties and allocation of resources to all spheres of government, including accountability for the allocated financial resources. The Bill will not be implemented at the municipal level without a clearly defined framework of financing adaptation or mitigation plans.</p> <p>Under clause 32, the Bill should jointly hold the mining, energy and petrochemical companies responsible for the environmental and health damages, the associated burden of respiratory diseases, and the costs of remedying</p>	Gauteng	<p>Alignment to be ensured. The 2021 Updated NDC to be used as guidance.</p> <p>Bill Implementation mechanisms to be developed.</p> <p>Access to funding mechanisms and delegation of some of the responsibilities (Clause 30 allows for Minister and MEC to delegation certain functions)</p> <p>Just Transition Framework and JRSP provides guidance to the transition.</p>	

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	<p>the situation. Modalities for corrective action will then be outlined in regulations.</p> <p>The Bill should have a clause that will require community input on mining or petrochemical licences that can have deleterious emissions to the health and well-being of communities.</p> <p>The outdated 2015 NDC is used in the Bill rather than the 2021 NDC. The Bill's Schedule 3 should be revised and updated accordingly.</p> <p>The Bill is silent on harmonising disaster funds and climate finance for the benefit of communities.</p> <p>The Bill is not clear how households will be assisted to avoid climate disasters, as it focuses on the tiers of government and bid polluting companies.</p> <p>There should be a clause to formally recognise traditional leaders and empower them to determine wood harvesting rules to combat deforestation, including meeting sanctions against errant wood harvesters.</p>			

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	<p>The Bill should have a clause that will ensure that a representative from the house of traditional leaders is part of the municipal and provincial forums, as well as the PCC.</p> <p>The Bill should have a Funding clause to help the house of traditional leaders to implement climate adaptation or mitigation programmes, including the protection or development of forests to be game reserves and create jobs.</p> <p>The Bill needs to have a 'Funding' section that will enable the allocation of grants or resources to qualifying NGOs to advance climate change adaptation awareness or programmes at a municipal level, particularly where municipalities are dysfunctional.</p> <p>The Bill is silent on who will be responsible for financing the sustenance or livelihood of people who are going to lose jobs due to the Just Transition. There should be a special mention of a Fund or Grant that will enable Just Transition that can be overseen by the PCC under the supervision of DFFE and DMRE.</p>			

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	<p>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.</p> <p>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 familiarise themselves with the content of the Bill.</p> <p>The consultations are not meaningful because the Committee expects communities to make input on a technical Bill they know or understand very little about.</p> <p>Invitations to the meetings need to be shared timeously with all stakeholders, including local environmental NGOs and formations that represent people living with disabilities.</p> <p>The Department of Forestry, Fisheries and the Environment should work together with the National House, Provincial House and District House of Traditional Leaders to ensure that all traditional councils are either briefed or workshopped on the Bill.</p>	Gauteng	Further Awareness raising and consultation programmes to be planned and implemented.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>The short notice of the Committee’s visit inadvertently excluded traditional leaders, NGOs and ordinary citizens in the municipality. There should be a workshop conducted on the Bill before input can be sought.</p> <p>Parliament should bear in mind that traditional leaders may not be legally capacitated to understand the technical aspects of the Bill, therefore the consultations should be structured in some form of a workshop.</p> <p>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 familiarise themselves with the content of the Bill.</p> <p>During the meeting, attendees expressed their concern that they had only received copies of the Bill upon arrival and therefore did not have enough time to thoroughly review its contents. They requested more time to familiarize themselves with the Bill and receive training on its content.</p> <p>The Department of Forestry, Fisheries and the Environment, along with the National House, Provincial</p>			

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	<p>House and District House of Traditional Leaders, should collaborate to ensure that all traditional councils are either informed or trained on the Bill.</p> <p>Due to the sudden announcement of the Committee’s visit, traditional leaders, NGOs, and ordinary citizens in the municipality were not included. A workshop on the Bill should be held before seeking input from these groups.</p>			
General	<p>South Africa should not rush to decommission coal power stations until the country can generate the same amount of energy from renewable resources.</p> <p>The Western-sponsored transition is dishonest because European countries are pushing South Africa to close coal power stations, yet they have increased coal imports to supply their coal power stations.</p> <p>The emissions from trucks can be avoided by recommissioning the railway line for cargo and goods.</p> <p>The Department should intensify the planting of trees in the country to serve as a tool for climate adaptation and mitigation.</p>	Gauteng	The statement is noted.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>There should be a transparent way of accounting for greening budgets, planted trees and localities and monitoring of cumulative effect.</p> <p>Traditional councils should encourage new residents in their jurisdiction land to plant trees.</p> <p>The Department should advocate for favourable conditions that will encourage the affordable import of electric cars to stimulate the electric car demand or encourage local manufacturing or assembly.</p>			
General	<p>The Department should conduct awareness programmes on climate change impacts, adaptation, mitigation and support from the government to communities and households.</p> <p>The Department should conduct awareness programmes that equally promote religious and cultural practices to mitigation of climate change or disasters.</p> <p>The Department should conduct awareness programmes on climate change impacts, and mitigation and adaptation programmes that will equip communities to avoid climate disasters.</p>	Gauteng	The Department will continue with the capacity building programs and awareness on climate change.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>The departmental awareness programmes should include indigenous knowledge and religious and cultural practices to mitigation of climate change or disasters.</p> <p>There should be awareness programmes targeting school children and general members of society on the impacts of climate change, adaptation, mitigation and support to recover from climate disasters, particularly in rural communities.</p>			
General	<p>The National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) is not enforced because monitoring stations are not operational and emission data is allegedly doctored by municipal officials to appear as compliant.</p> <p>Sasol and government protect each other at the expense of ordinary community members who continue to suffer respiratory illness without intervention from any government department.</p> <p>An independent entity needs to be responsible for monitoring water, soil and air quality and enforcement of legislation due to high levels of corruption among government officials.</p>	Gauteng	This falls within the ambit of the national air quality management Act which is fully implemented.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>No enforcement on the operations of FFS Refiners (Pty) Ltd which is emitting carcinogenic benzene in copious amounts into the atmosphere.</p> <p>There is a need for government to invest in air quality monitoring infrastructure instead of relying on the industry to monitor itself.</p> <p>The data from monitoring stations should be publicly available, instead of requesting it via the Promotion of Access to Information Act 2 of 2000, which does not guarantee the disclosure of pollution information.</p> <p>The Departments of Health, Mineral Resources and Energy, Forestry, Fisheries and the Environment should work together to ensure enforcement and compliance with the Air Quality Act to reduce the impacts of air pollution and associated respiratory diseases in the communities around mining and oil refining operations.</p> <p>There should be ring-fenced funds (such as from the carbon tax) directed to carrying the costs associated with the burden of respiratory diseases such as unemployment and loss of future income.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Sasol employees are exposed to high emissions that often result in them failing fitness tests and being laid off. This cycle continues to reproduce respiratory diseases and unemployment.</p> <p>The unmanaged pollution from the mines makes people get respiratory illnesses and fail their medical tests – thus can't get jobs in mines.</p> <p>The Air Quality Act is not enforced because of cosy relations between the government and polluting companies. So, there is no guarantee that the Climate Change Bill will be enforced after being signed into law.</p> <p>Poor ambient air quality in the Highveld Priority Area is reported as compliant among polluters. In contrast, hospital admissions for respiratory illnesses are on the increase and the government does not review the compliance records or set standards.</p> <p>There should be a workshop on the Air Quality Act to empower communities that are exposed to air pollution on their rights and recourse.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>The Committee should bring other Departments such as the Mineral Resources and Energy because their abandoned mines contribute to pollution of the air and water bodies.</p> <p>The unmanaged pollution from the mines makes people get respiratory illnesses and fail their medical tests – thus can't get jobs in mines.</p> <p>Companies not complying with the rehabilitation of disused mines as required by law and the DMRE and DFFE not doing enough to compel mine owners to comply.</p>			
General	<p>Pollution from mining and petrochemical industries is contributing to impairments such as blindness and respiratory complications that increase the number of people living with disabilities. Therefore, there should be more schools for people living with disabilities and support centres.</p> <p>There is no tyre recycling in Verena (near Witbank in Mpumalanga), instead, the collected tyres are burnt.</p> <p>Farmers need support through the provision of feeds and fodder during winter and when grazing land has been burnt.</p>	Gauteng	The Department will make follow up on the issues raised and provide information on how they are being addressed.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Municipalities should implement by-laws to stop land invasions that often result in land, air and water pollution.</p> <p>There needs to be a rough stance on illegal land occupation, particularly on water and sewer lines.</p> <p>The municipality should create a dedicated site where waste can be burnt in a controlled environment.</p> <p>The Department and municipality should work together to develop the waste economy through structured and funded programmes that will create and sustain jobs.</p> <p>The municipality should ensure that refuse collection is done on schedule to prevent the spread of litter.</p>			
General	<p>Trucks are damaging the road infrastructure and Government should speed up the process of moving mining products back to the railway lines.</p> <p>Mining companies are not held responsible for damaging roads.</p> <p>Trucks are damaging the road infrastructure and the DMRE does not hold companies responsible for fixing the roads or mitigating the spread of dust from the</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>transportation of goods. Complaints are registered with DMRE and are not responded to.</p> <p>The Department of transport should speed up the process of moving mining products back to the railway lines.</p>			
General	<p>Councillors are not always available or helpful due to a lack of awareness or knowledge on how to access disaster funds to aid recovery or compensation.</p> <p>Councillors are equally uninformed about the Climate Change Bill and what it seeks to achieve. The Department should have workshop sessions in municipalities to capacitate councillors on the Bill and climate change, in general.</p> <p>Councillors should be capacitated to better serve their constituencies in times of emergencies, such as getting emergency services.</p>			
General	<p>The Just Transition is portrayed as a sustainable solution to poverty, unemployment and inequalities, yet the truth is that the number of permanent jobs from the coal-based energy generation value chain far exceeds the number of renewable energy jobs that are temporary.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>There is no clarity on when the new jobs from closing mines and power stations will be created, as well as the retaining or reskilling of coal workers. There should be a mechanism to prioritise current and former coal workers or contractors.</p> <p>The coal value chain supports many informal businesses that are not mentioned anywhere, including how they will be supported to survive.</p> <p>Cash-for-jobs corruption is prevalent at the municipal level. How is the Bill going to ensure people who worked coal-related jobs are prioritised in a transparent and open process when the new green jobs become available?</p>			
General	<p>The Just Transition is portrayed as a sustainable solution to poverty, unemployment and inequalities, yet the truth is that the number of permanent jobs from the coal-based energy generation value chain far exceeds the number of renewable energy jobs that are temporary.</p> <p>There is no clarity on when the new jobs from closing mines and power stations will be created, as well as the retaining or reskilling of coal workers. There should be a mechanism to prioritise current and former coal workers or contractors.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>The coal value chain supports many informal businesses that are not mentioned anywhere, including how they will be supported to survive.</p> <p>Cash-for-jobs corruption is prevalent at the municipal level. How is the Bill going to ensure people who worked coal-related jobs are prioritised in a transparent and open process when the new green jobs become available?</p>			
SERVICE DELIVERY				
Eastern Cape Province: Alfred Nzo DM, Buffalo City Municipality & Sunday River Valley Local Municipality				
General	The province and municipalities should improve road conditions to improve economic opportunities and access to emergency services that may be needed during climate disasters.	Eastern Cape	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns.	
General	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.	Eastern Cape	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns...	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The creation of sports and wellness facilities by the municipality would lead to job opportunities, and improve the wellbeing of the community.	Eastern Cape	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns..	
General	The existing EPWP jobs under Environmental Programmes should be expanded to create more opportunities for people to reduce and reduce environmental degradation.	Eastern Cape	The submission is noted and is being considered by the Environmental Proqramme noting that the programme has a national footprint.	
General	The road construction in the Matatiele area fails to consider the significance of the drainage system, resulting in flooding and disasters during heavy rainfall.	Eastern Cape	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns..	
General	Districts and local municipalities are not supportive of communities during environmental disasters.	Eastern Cape	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The infrastructure damages that were caused by climate disasters are not budgeted for and thus are not repaired or replaced.	Eastern Cape	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns..	
General	Households that lose their homes to environmental disasters have no one to support them or aid in recovery.	Eastern Cape	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns..	
General	The collapsed working relations between government and traditional leaders have resulted in the establishment of human settlements in unsuitable land or prone to climate elements such as flooding.	Eastern Cape	The submission is noted. This will be directed to the relevant Municipalities and COGTA to address.	
General	The government needs to intervene as some economic activities such as fishing can only be undertaken inside private land, and the land owner restricts access.	Eastern Cape	The submission is noted. This will be directed to the relevant Departments like Agriculture and certain units within DFFE to address.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The lack of refuse collection services and a landfill site contributes to the dispersion of waste or uncontrolled burning of waste and fumes.	Eastern Cape	The submission is noted. This will be directed to the relevant Municipalities to address.	
General	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.	Eastern Cape	The submission is noted. This will be directed to the relevant Municipalities to address.	
General	The Department and municipality should enforce environmental legislation such as heavy sanctions on those who dump illegally or violate air quality standards.	Eastern Cape	The submission is noted. This will be directed to the relevant Municipalities to address enforcement and develop relevant by-laws.	
General	To guarantee that restroom facilities are accessible during the distribution of social grants, the Alfred Nzo District Municipality should collaborate with local municipalities.	Eastern Cape	The submission is noted. This will be directed to the relevant Municipalities to address.	
North West Province: Dr Kenneth Kaunda District: Matlosana Local Municipality, Ngaka Modiri Molema District: Mahikeng Local Municipality.				

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The municipality should improve the purification of wastewater so that it can be reused for drinking purposes	North West Province	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns..	
General	There are no resources and funding towards drug abuse prevention and rehabilitation programmes, including community-based initiatives, treatment centres, and research on effective interventions.	North West Province	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns..	
General	Law enforcement efforts need to target and dismantle drug trafficking networks and gang activities through coordinated efforts between different agencies and departments.	North West Province	The submission is noted This will be directed to the relevant Municipalities to address.	
General	There is generally poor waste management in townships and informal settlements by municipalities, thus forcing residents to burn uncollected waste.	North West Province	The submission is noted. This will be directed to the relevant Municipalities to address.	
General	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.	North West Province	Noted. The PCC through the JUST ENERGY TRANSITION FRAMEWORK and other relevant to their portfolio of work are working on addressing this challenge. They are tasked to	

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			<p>advise the President on decision-making for such a matter as this.</p> <p>Additionally, the issue of the mix of energy sources for electricity generation remains an energy policy issue that falls beyond the mandate of DFFE and better handled in the Integrated Resource Plan development process led by the Department of Mineral Resources and Energy (DMRE)</p> <p>It is recommended that clause 11 of the Bill regarding the functions of the PCC be reviewed to add advising on socio-economic issues related to the just transition.</p>	
General	South Africa's energy direction should be driven locally rather than being dictated to by the Western countries that are still using coal for their energy security	North West Province	The submission is noted. The PCC through the JUST ENERGY TRANSITION FRAMEWORK and other relevant to their portfolio of work	

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			<p>are working on addressing this challenge. They are tasked to advise the President on decision-making for such a matter as this.</p> <p>It is recommended that clause 11 of the Bill regarding the functions of the PCC be reviewed to add advising on socio-economic issues related to the just transition.</p>	
General	The ongoing load-shedding is pushing communities to use coal and wood for domestic energy needs, thus contributing to carbon emissions.	North West Province	The submission is noted.	
General	The municipality and the Department should work together to create learnerships or jobs for fire and climate awareness, and enforcement of environmental laws and bylaws.	North West Province	The submission is noted.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The government-funded training programmes should be linked to employment opportunities, instead of producing trained youths that are not employable or linked to entrepreneurship opportunities.	North West Province	The submission is noted.	
Free State Province: Fezile Dabi District: Ngwathe Local Municipality, Lejweleputswa District: Matjhabeng Local Municipality, Metropolitan Municipality: Mangaung.				
General	Eskom should take measures to address intermittent supply caused by illegal electricity connections (Izinyoka) and load shedding to mitigate the negative impacts on the health and well-being of citizens, particularly in colder regions.	Free State Province	The submission is noted.	
General	The government should implement stricter measures to control the theft and sale of stolen electricity cables, ensuring a more reliable electricity supply.	Free State Province	The submission is noted.	
General	Electrification of informal settlements and consistent electricity supply would address air pollution from the use of braziers.	Free State Province	The submission is noted.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The municipality should improve stormwater management and infrastructure maintenance to prevent leaks and environmental damage.	Free State Province	The submission is noted. This will be directed to the relevant Municipalities to address.	
General	There should be a clear plan to invest in renewable energy to reduce pollution from coal burning and address electricity shortages.	Free State Province	The submission is noted. The PCC through the JUST ENERGY TRANSITION FRAMEWORK and other relevant to their portfolio of work are working on addressing this challenge. They are tasked to advise the President on decision-making for such a matter as this.	
Western Cape Province: Central Karoo District: Beaufort West Local Municipality, Garden Route District: Knysna Local Municipality				
General	To address water scarcity in the area the municipality should supported to procure water trucks and provide Jojo tanks to villages.	Western Cape	The submission is noted. This will be directed to the relevant Municipalities to address.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	Heavy rains lead to rivers filling up, causing poor road conditions and a lack of bridges in new settlements. This hampers school attendance during rainy months when roads are washed away or flooded.	Western Cape	The submission is noted. This will be directed to the relevant Municipalities and COGTA to address.	
General	Parts of Municipality are not adequately serviced when they need emergency services such as medical and rescue services. For climate responses, emergency services should be responsive and reach farming communities.	Western Cape	The submission is noted. This will be directed to the relevant Municipalities to address.	
General	The Department and municipality should support business ideas that seek to scale the production and planting of spekboom and explore its potential for covering vast areas of land to increase carbon sequestration throughout the country.	Western Cape	The submission is noted.	
General	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.	Western Cape	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.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Limpopo Province: Sekhukhune District: Fetakgomo Local Municipality, Vhembe District: Thulamela Local Municipality, Waterberg District: Bela-Bela Local Municipality				
General	<p>The KwaZulu-Natal floods resulted in the declaration of the State of Disaster, yet there is nothing meaningful that has come out to help affected communities and needed infrastructure. There should be clear disaster support as the country will be facing more natural disasters, and citizens need to know whether there will be disaster support or not.</p> <p>Climate change-driven fires are increasing in the area and communities need to be provided with fire beaters, and Government should recruit and train firefighters to build municipal capacity to service townships and villages.</p> <p>Districts and local municipalities are not supportive of communities during environmental disasters.</p> <p>The infrastructure damages that were caused by climate disasters are not budgeted for and thus are not repaired or replaced.</p> <p>Households that lose their homes to environmental disasters have no one to support them or aid in recovery.</p>	Limpopo Province	The submission is noted, some aspects to be referred to the relevant municipalities.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	<p>Illegal dumping and land/water pollution are caused by the irregular refuse collection, inadequate trash bins, and a lack of sanctions against polluters.</p> <p>Illegal sand mining of silica soil and its storage results in the emission of toxic gases that locals and livestock are exposed to. These illegal operations happen on municipal land and they are not stopped.</p> <p>The DFFE, provincial and municipalities do not conduct environmental inspections and there are no sanctions, hence there is a high level of environmental pollution.</p> <p>Municipalities should start programmes to encourage recycling by setting up recycling facilities to create employment and a cleaner environment. The opportunities and services should equally service both urban and rural communities.</p> <p>Burning of vegetation in compliance with veld fire management plans results in pollution and respiratory difficulties. However, burning is part of maintaining fire breaks before a fire season. The Department of Agriculture, DFFE and communities should find a way of</p>		<p>The Department is working with the provinces and municipalities to address the issue of waste management.</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>burning when wind direction is blowing away from residential areas.</p> <p>Poor pollution awareness, mismanaged landfill sites, irregular refuse collection, and insufficient rubbish bins contribute to illegal dumping and land/water pollution.</p> <p>Household rubbish bins should be allocated and collected regularly in villages and townships, similar to towns to reduce pollution.</p> <p>The Department and municipalities should start programmes to encourage separation at source and encourage recycling by setting up recycling facilities to create employment and a cleaner environment.</p> <p>Burning needs to be controlled because the burning of bushes contributes to erosion and air pollution.</p> <p>A platform for reporting illegal dumping should be established by the DFFE or municipalities, and it should be accompanied by deterrent measures such as fines or other sanctions.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Communities in the vicinity of farms that burn vegetation as part of veld fire control are affected by air pollution and respiratory issues as a result of these fumes.</p> <p>More managed landfill sites are needed because where landfill sites exist, they are poorly managed and result in the dispersion of waste and uncontrolled burning and fumes.</p> <p>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.</p> <p>The DFFE should be promoting alternative solutions to move the nation away from coal-based energy to green energy, even if it includes subsidies.</p> <p>To reduce transport-related pollution, there should be the reinstatement of public transport such as busses and railway services.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	<p>The province and municipalities should improve road conditions and pave sidewalks.</p> <p>The municipality should mobilise funds to construct or resurface roads and bridges to enhance local economic development and access to services.</p> <p>During heavy rains, roads get flooded due to poor construction and the lack of water drainage, resulting in water pooling or flooding homes.</p> <p>The province and municipalities should improve road conditions to improve access to ambulances, health care facilities, schools and other emergency services that may be needed during climate disasters.</p> <p>The roads should be widened to enable cars to pass each other without endangering the lives of pedestrians. Municipalities should construct sidewalks.</p> <p>During summer rains, the bad roads and lack of bridges contribute to poor school attendance as roads become undrivable. The municipality should mobilise funds to construct roads and bridges.</p>	Limpopo Province	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Poorly constructed roads create a hazard to motorists and are linked to poor workmanship that is linked to the awarding of tenders.</p>			
General	<p>The establishment of informal settlements on ecologically sensitive lands, like wetlands contributes significantly to the flooding of housing units and pollution.</p> <p>When informal dwellings are flooded, councillors are not responsive or keen to help residents rebuild their lives.</p> <p>Housing on ecologically sensitive lands, like wetlands and mountains, is increasing. Traditional leaders' actions, such as allocating plots in unsuitable areas or allowing land invasions, contribute to this issue. This results in deforestation and environmental damage in forested or mountainous regions.</p> <p>There should be a support scheme to help homeowners in villages to reconstruct their homes after being destroyed in a climate disaster.</p> <p>The provided RDP houses should be of good quality and decent sizes.</p>	Limpopo Province		

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	<p>The Council for Scientific and Industrial Research (CSIR) and the South African National Biodiversity Institute should work to protect and enhance the indigenous plant and animal species that are key to traditional healing treatments and controlling insects, such as chameleons. These resources are depleting rapidly, and various measures must be taken to ensure their survival in the face of climate change.</p> <p>Planting more trees is necessary for the Department and municipalities to help the country remove CO₂ from the atmosphere and improve flood resilience.</p> <p>Alien invasive plants should not be planted because they consume a lot of water.</p>	Limpopo Province		
General	<p>The municipality's responsiveness is typically poor, and there is a need for a mechanism to enforce specific time frames for their responses.</p> <p>Councillors and mayors do not attend traditional council meetings or send a representative when far-reaching issues are discussed.</p>	Limpopo Province	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	<p>The unavailability of water impedes the development of the agricultural and metallurgical processing sectors. These sectors also contribute to the pollution of water where they exist. There should be safeguards by DFFE and local municipalities to prevent contamination of the scarce water resources in the Musina-Makhado special economic zone.</p> <p>Government should consistently supply trucked water and Jojo tanks while working on delivering piped water.</p> <p>The obstruction of waterways or rivers through the construction of dams results in water shortage in villages downstream.</p>	Limpopo Province	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns.	
General	<p>The ongoing electricity price hikes, load shedding and load reduction is contributing to people switching to the collection of firewood and associated emissions and fire risks.</p> <p>More solar plants need to be established to aid the generation of electricity and create employment in the process. The DFFE together with the Department of Minerals and Resources should ensure that electricity prices are reduced as more solar plants are set up.</p>	Limpopo Province		

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Government should advance programmes that will help women, in particular, to transition to green energy as the burden associated with the lack of access to sustainable energy and its impact weighs more on women and girls.</p> <p>The lack of electricity in certain communities leads to the burning of wood or blankets, triggering emissions and respiratory issues.</p> <p>The intermittent electricity supply affects pumps from water treatment plants thus resulting in increasing stench from public toilets.</p> <p>In some locations, electricity cuts happen without notice and hamper economic activities that need electricity.</p> <p>The Department and the Presidency should fast-track renewable energy solutions such as the installation of solar panels, and should partly be funded through external funds sourced under the Climate Funds.</p> <p>Solar panels should not be imported, instead, should be produced and installed locally to enhance employment and local skills.</p>			

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>The absence of electricity access in certain rural communities leads to household emissions resulting from the combustion of wood or coal.</p> <p>The ongoing electricity price hikes, load shedding and load reduction is contributing to people switching to the collection of firewood and associated fire risks.</p> <p>The lack of electrification in some rural communities continues to contribute to household emissions from the burning of wood or coal. There should be a subsidy to drive the installation of solar energy to encourage green energy installations.</p>			
General	<p>The Department of Agriculture together with DFFE should support farmers to transition to sustainable farming practices that contribute less to greenhouse gases.</p> <p>The Department of Agriculture should facilitate working relations between traditional healers and farmers to aid the collection of medicinal plants.</p> <p>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.</p>	Limpopo Province		

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>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.</p>			
General	<p>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.</p> <p>Unemployed people who are above 35 find it difficult to find jobs as mines only prioritise the employment of people between the ages of 18 and 34.</p> <p>It is incumbent upon traditional leaders to promote fair economic development and employment opportunities within their communities.</p>	Limpopo Province		
General	<p>The uncontrolled sand mining along riverbanks is contributing to risks and degradation of surrounding tree cover and vegetation.</p> <p>Local authorities are not doing enough to curb deforestation that contributes to erosion and silt accumulation in the Nandoni dam.</p>	Limpopo Province	This matter will be referred to relevant sector Department.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>The Department should reinstate the ranger programme and fund it to ensure compliance with environmental legislation/regulations, reverse environmental degradation (illegal hunting, cutting of wet trees, sand mining, etc.), improve awareness, improve skills and create jobs.</p> <p>Traditional leaders should be granted the historical authority to declare and enforce traditional ways of environmental conservation.</p> <p>Foreigners and mining companies are among the major contributors to environmental degradation, and government needs to sanction them accordingly.</p>			
General	The municipality should have a dedicated area where entrepreneurs such as skilled artisans can work, instead of working from residential areas.	Limpopo Province	The statement is noted.	
General	Public transport does not accommodate people living with disabilities, and they are often made to pay the extra fare to accommodate their wheelchairs.	Limpopo Province	This issues will be referred to relevant sector Department.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Public roads often lack maintained sidewalks or are not constructed to cater for people living with disabilities, thus reducing their mobility, even when they have wheelchairs.</p> <p>Public venues and some shopping centres do not consider the needs of people living with disabilities as they lack ramps or are simply unfriendly to blind people.</p> <p>People living with disabilities are often overlooked for jobs, even when they are qualified.</p>			
General	<p>The country's borders are porous and poorly patrolled, thus resulting in the influx of immigrants that are linked to drug peddling in communities.</p> <p>Illegal immigrants are at the forefront of environmental degradation through sand mining and deforestation.</p>	Limpopo Province	Noted and will share the comments with relevant authorities.	
Mpumalanga Province: Gert Sibande District: Govan Mbeki Local Municipality, Nkangala District: Steve Tshwete Local Municipality, Ehlanzeni District: City of Mbombela Municipality				
General	The Department and municipality should work together to develop the waste economy through structured and funded programmes that will create and sustain jobs.	Limpopo Province	The submission is noted.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	The municipality should ensure that refuse collection is done on schedule to prevent the spread of litter.	Limpopo Province	The submission is noted and will be forwarded to the relevant Municipality.	
General	Farmers need support through the provision of feeds and fodder during winter and when grazing land has been burnt.	Limpopo Province	The submission is noted, submission to be referred to the relevant Department.	
General	Municipalities should implement by-laws to stop land invasions that often result in land, air and water pollution.	Limpopo Province	The submission is noted, relevant Municipality to respond.	
General	The supplied municipal water is highly contaminated and is not fit for human consumption.	Limpopo Province	The submission is noted, relevant Municipality of SALGA to respond.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	Councillors should be capacitated to better serve their constituencies in times of emergencies, such as getting emergency services.	Limpopo Province	The submission is noted, relevant Municipality of SALGA to respond.	
General	Trucks are damaging the road infrastructure and the DMRE does not hold companies responsible for fixing the roads or mitigating the spread of dust from the transportation of goods. Complaints are registered with DMRE and are not responded to.	Limpopo Province	The submission is noted, the DMRE to respond.	
General	The municipality should create a dedicated site where waste can be burnt in a controlled environment.	Limpopo Province	The submission is noted, relevant Municipality of SALGA to respond.	
Northern Cape: John Taolo Gaetsewe District: Gasegonyana Local Municipality, ZF Mgcawu District: Dawid Kruiper Local Municipality, Francis Baard District: Sol Plaaaitjie Local Municipality.				
General	Districts and local municipalities are not supportive of communities during environmental disasters such as floods and droughts. There should be a clear plan to prevent the recurrence of the climate disasters seen in KwaZulu-Natal province.	Northern Cape	The submission is noted. COGTA and SALGA to respond.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	<p>The Department and municipality should invest the establishment of communal skips and designated dumping sites in the municipality to address waste management issues.</p> <p>Allocate resources and improve infrastructure (recycling facilities, collection trucks, fencing of landfill sites, etc.) to ensure effective waste collection and disposal, especially in informal settlements.</p> <p>Waste management infrastructure should equally service communities in urban, informal settlements.</p> <p>The municipality should prioritise proper landfill management and regular refuse collection to address waste-related issues.</p> <p>Supporting and promoting the circular economy should be a key focus for the municipality.</p> <p>Adequate provision of rubbish bins or skips is essential to prevent illegal dumping and burning of waste and maintain a clean environment.</p>	Northern Cape	The submission is noted.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>The municipality needs to implement its waste management policy and enforce applicable legislation to curb illegal dumping and pollution.</p> <p>The lack of refuse collection services and a scarcity of landfill sites contribute to illegal dumping, the dispersion of waste and uncontrolled burning of waste.</p> <p>The municipality needs to enhance pollution awareness, effectively manage the existing landfill sites, and maintain a regular refuse collection.</p> <p>The Department and municipality should work together to establish a nearby recycling plant to process collected recyclables.</p> <p>Additionally, they should enhance incentives and support for the circular economy.</p> <p>The manufacturers of bottles and other recyclable materials should take responsibility for litter associated with their products and increase payments for every returned or recycled product.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>To centralise waste disposal and deter illegal waste dumping and burning, the municipality should offer skips.</p> <p>The municipality should relocate the current landfill sites because there are too closer to residential areas.</p>			
General	<p>Heavy rains cause rivers to fill up, impacting school attendance due to the lack of roads and bridges in new settlements and poor road condition.</p> <p>The lack of transportation for children forces them to walk through bushes, which puts them at risk of incidents like rape.</p> <p>The roads in the area are in a state of poor maintenance, which negatively impacts vehicles. It is suggested that employing youths to pave the roads would be a beneficial solution.</p>	Northern Cape	The Bill will empower districts to develop climate change response that are tailored to local circumstances.	
General	The lack of electricity and cold weather is forcing residents to cut trees for cooking and energy needs, while reducing the earth's capacity to clean the atmosphere.	Northern Cape	The Bill will empower districts to develop climate change response that are tailored to local circumstances.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
KWAZULU NATAL: ILEMBE DISTRICT: KWADUKUZA LOCAL MUNICIPALITY, UMGUNGUNDLOVU DISTRICT: MSUNDUZI LOCAL MUNICIPALITY, ETHEKWINI METRO MUNICIPALITY				
General	<p>Most rural, township communities and informal settlements are more vulnerable to climate disasters and do not have the means to mitigate climate disasters and the government does not assist to increase preparedness, reduce impacts, and support a resilient recovery.</p> <p>The Department and municipalities should invest in early warning systems that can save lives, and infrastructure and deliver benefits that exceed their cost. There should be structured community training and awareness programmes on responding to early warnings.</p> <p>Dietary change, such as reducing meat consumption and adopting sustainable agriculture practices, can play a significant role in mitigating the effects of climate change by reducing greenhouse gas emissions, deforestation, and land use change associated with food production.</p> <p>The Municipality should focus on delivering basic services instead of making unrealistic promises.</p> <p>Municipalities should establish permanent disaster shelters and improve their responses with other</p>	Northern Cape	The Bill will empower districts to develop climate change response that are tailored to local circumstances.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>government agencies or departments as a proactive measure to prepare for the expected increase in climate disasters.</p> <p>The municipality should maintain stormwater drains, and sidewalks and cut overgrown vegetation and be responsive to requests for these services.</p> <p>Districts and local municipalities are not supportive of communities during environmental disasters.</p> <p>The infrastructure damages that were caused by climate disasters are not budgeted for and thus are not repaired or replaced.</p> <p>There is no evidence that emergency services are prepared should there be another climate disaster in the municipality as most road infrastructure has not been rebuilt.</p> <p>Households that lose their homes to environmental disasters have no one to support them or aid in recovery.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	<p>Due to the non-availability of emission data and non-operational or lack of monitoring stations, the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) is not being enforced.</p> <p>The petrochemical companies, factories, waste management companies and government mutually protect each other, disregarding the well-being of ordinary community members who suffer from respiratory illnesses, with no intervention from any government department.</p> <p>Due to the high levels of corruption or incompetence among government officials, an independent body should be responsible for monitoring water, soil, and air quality as well as enforcing legislation. Enforcement should happen without fear, corruption or favour.</p> <p>There should be compensation for environmental and health damages that are suffered by citizens due to non-compliance by operators.</p> <p>There is a lack of air quality monitoring stations in certain areas of the Metro, and some of the existing stations either do not transmit emissions data or are non-operational. As a result, the Air Quality Act cannot be enforced.</p>	Northern Cape	The GHG inventory and the Air Quality monitoring is accessible to the public to access data and information on air quality management.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Environmental and health degradation are facilitated due to the government's lack of enforcement of the Air Quality Act against polluters like waste management, sugar, wood fibre and petrochemical companies.</p> <p>To avoid corruption or incompetence among government officials, an independent body should monitor and enforce legislation on water, soil, and air quality without bias or fear.</p> <p>To decrease the concentration of carbon emissions in the city, the government should establish new Special Economic Zones and relocate industries that pollute the air and water from residential areas.</p> <p>There should be compensation for environmental and health damages that are suffered by citizens due to non-compliance by operators.</p> <p>The sugarcane industry adds to greenhouse gases and particulate matter that contribute to cardiovascular disease, eye diseases and lung cancer, and aggravate chronic respiratory conditions like asthma.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	<p>Illegal dumping and land/water pollution are caused by irregular refuse collection, inadequate trash bins, and a lack of sanctions against polluters.</p> <p>The DFFE, provincial government and municipalities do not conduct environmental inspections and there are no sanctions, hence there is a high level of environmental pollution.</p> <p>Municipalities must initiate initiatives that promote recycling by establishing recycling centres that generate employment opportunities and foster a cleaner environment by collecting refuse regularly to prevent the burning of accumulated waste. These programmes and services should be equally accessible to both urban and rural communities.</p> <p>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.</p>	Northern Cape	The Department is working with the municipalities and province to address the issue of waste management.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>The reintroduction of public transportation, such as buses and railways, is necessary to mitigate pollution caused by transportation.</p> <p>Special efforts are needed to improve air quality by adopting technologies that mitigate the emission of toxic gases from landfill sites, as experienced in Msunduzi Municipality.</p> <p>There needs to be a known protocol for reporting illegal dumping and communities should have a managed landfill site.</p> <p>The landfill site in Cato Manor has exceeded its limits and has become a threat to the surrounding community.</p> <p>Landfill sites and sewer plants that are located in residential areas should be relocated to remote areas, and the land be repurposed.</p> <p>More managed landfill sites are needed because where landfill sites exist, they are poorly managed and result in the dispersion of waste and uncontrolled burning, fumes and nuisance odours.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>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.</p> <p>The municipality should provide waste management services in townships and villages similar to those in urban areas.</p>			
General	<p>Reintroducing public transportation like buses and railways is crucial in reducing pollution caused by transportation, as public trains and freight rail currently have the lowest carbon footprint compared to other surface transportation modes.</p> <p>Fossil fuel trucks should gradually be phased in favour of electric heavy-duty trucks or trains.</p>	Northern Cape	The issue will be raised with the Department of Transport for further consideration.	
General	<p>Building dams would not only assist farmers during dry seasons but also address the critical requirement for quality water services in rural communities.</p> <p>Petrochemical companies discharge liquid effluents into nearby water bodies without any intervention from the municipality or province and have direct impacts on the livelihoods of fishers.</p>	Northern Cape	The Department will raise these issues in the working group comprised of representatives of sector Department for further consideration.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Coal washing, which aims to enhance the quality and purity of coal, results in the contamination of local water bodies, including groundwater. Unfortunately, the government fails to take measures to alleviate water pollution, which affects livestock, vegetation, and aquatic animals.</p> <p>Households get supplied with piped contaminated water and the municipality does nothing to improve the water quality.</p> <p>Water treatment plants need to be established in rural communities so that they can use the available water.</p> <p>Residents are forced to spend money on purchasing water due to the supply of contaminated tap water, despite already paying for municipal services that should provide safe drinking water.</p>			
General	The Department of Agriculture, Land Reform and Rural Development should work with municipalities to identify and secure land that can be used for human settlements and relocate people living in environmentally sensitive areas.	Northern Cape	The Department works in collaboration with the Department of Agriculture, Land Reform and Rural Development to promote climate smart agriculture. Furthermore, the	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Farmers need support through the provision of feeds, seeds and fodder when crops or grazing land is affected by excessive rainfall.</p> <p>The beneficiaries of land reform have not received adequate assistance to establish employment opportunities on the farms they've been granted.</p> <p>The substandard living and working conditions on farms have yet to be tackled, and Parliament must take measures to address these concerns.</p> <p>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 animal health and general resilience to climate change.</p> <p>The Department of Agriculture ought to launch promotional initiatives aimed at promoting goat farming as a suitable and climate-resilient option due to the animal's exceptional resistance to high temperatures and drought, capacity to thrive on limited pastures, and superior disease resilience.</p>		<p>department will raise the issues with that department for further consideration.</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>The DFFE and Agriculture should work together to eradicate the Parthenium hysterophorus in Zululand where the invasive weed is causing respiratory and skin problems to humans while overtaking grazing land for livestock and reducing crop yields and biodiversity.</p> <p>Farmers need support through the provision of feeds, seeds and fodder when crops or grazing land is affected by excessive rainfall.</p> <p>Smallholder farmers do not receive sufficient support to create job opportunities and alleviate food insecurity.</p> <p>The substandard living and working conditions on farms have yet to be tackled, and Parliament must take measures to address these concerns.</p> <p>The unavailability of urban land is the driver of informal settlements in ecologically sensitive landscapes with geological hazards. The departments of Human Settlements, Agriculture, Land Reform and Rural Development and local municipalities should work together to identify land parcels that can be used to relocate informal settlements in high-risk areas.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>The Department of Agriculture should create climate support programmes to restore agricultural land and farming affected by climate change.</p>			
<p>General</p>	<p>The presenters voiced their frustration with the government's age limit of 35, highlighting that individuals above this age often struggle to secure employment or funding.</p> <p>In areas where unemployment rates are high, the Bill must include funding that can be used to generate local employment opportunities.</p> <p>Priority should be given to individuals over the age of 35 during the implementation of the Bill.</p> <p>More people need to be hired to attend to emergency calls and emails at the municipality as phone calls go unanswered or emails never get replied to.</p> <p>There are high levels of illiteracy in the communities due to youth dropping out of school, which contributes to high unemployment.</p>	<p>Northern Cape</p>	<p>The concerns around unemployment have been noted and these issue will also be raised at appropriate forums.</p>	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>Access to skills development opportunities is limited and Parliament should intervene.</p> <p>The Department should work with agriculture colleges such as Cedara College of Agriculture to develop forestry programmes to build human resource capacity in the country.</p> <p>The Department should provide forestry graduates with skills development opportunities by assigning them to reforestation projects.</p> <p>The government's age limit of 35 should be scrapped because individuals above this age often struggle to secure employment or funding. Alternatively, there should be dedicated jobs for this age group.</p> <p>There should be a certainty that jobs will not be lost during the proposed Just Transition as the country already experience high levels of unemployment.</p> <p>The Department should create employment through tree-planting initiatives that prioritise indigenous trees and vegetation.</p>			

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
General	<p>Disused mines contribute to pollution and the government is not holding mining rights holders liable for lack of rehabilitation or closures of quarries.</p> <p>There should be compensation for community members when non-compliance penalties are paid by mining companies or factories.</p> <p>When there are plans for mining operations, communities must be involved and Environmental Impact Assessment reports should be presented to communities so that they can make informed decisions on whether to endorse or reject a proposed mining operation.</p>	Northern Cape		
General	<p>The effects of climate change, such as offshore fish migration, high operational costs, restrictive legislation, and biased law enforcement, are making fishing an unsustainable means of livelihood.</p> <p>The growth potential of subsistence fishers in the fishing industry is hampered by their exclusion from fishing rights allocations and bag limits, as well as the expansion of marine protected areas. However, it is important to note that declining fish stocks and other issues within the</p>	Northern Cape		

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
	<p>industry are caused by trawlers rather than subsistence fishers.</p> <p>High inshore or coastal pollution and contamination of fishing grounds impede small-scale and subsistence fishing.</p>			
General	The Department, Disaster Management Centre, District and Local Municipalities should find a way to address the lack of early warning systems, coordination of plans, disaster preparedness and timeous responses to environmental disasters.	Northern Cape	The National Disaster Management Centre in collaboration with various key sectors inclusive South African Weather Service to ensure early warning are disseminate across the country. The Department is also working with SAWS to ensure that early warning system are disseminated.	
General	<p>Police service is poor in townships and villages, and is only responsive to the residents in towns and cities.</p> <p>The limited police service is not equipped to deliver the required service, as it is often impeded by understaffing, few or broken vehicles, high vacancies, etc.</p> <p>Police service is being usurped by private security companies, that often abuse or overstep their powers.</p>	Northern Cape	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns.	

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SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Gauteng Province : City of Johannesburg Metropolitan Municipality, City of Ekurhuleni Metropolitan Municipality, West Rand District: Merafong Municipality.				
General	The water infrastructure that supports townships is dated, deteriorated, and overburdened, which leads to frequent disruptions in services. Therefore, it requires prompt upgrading to cope with the escalating demand and be climate resilient.	Gauteng	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns.	
General	South Africa should slow down on carbon emission reduction and focus on industrialisation to create jobs and diversify the economy. It should be developed countries that must reduce emissions because they are the major contributors to emissions.	Gauteng	The primary purpose of the climate change Bill is to address the issues of climate change.	
General	Along with waste recovery, collection, sorting, and recycling, there should be more assistance and incentives for waste pickers to improve their livelihoods. Additionally, it is essential to build more buy-back or recycling facilities across the province.	Gauteng	The Department is working with the municipalities and province to address the issue of waste management.	
General	The Municipality should put aside some funds to prevent the desecration of graves, clear litter and improve the general state of gravesites. Perhaps a ban or restriction on artificial flowers.	Gauteng	The submission is noted. The relevant municipalities officials were in attendance and took note of the concerns.	

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT COMMENTS AND REPOSES ON THE CLIMATE BILL

SECTION/CLAUSES	COMMENTS	ORGANIZATION/ PROVINCE / INDIVIDUALS	DFFE RESPONSES	PROPOSED AMENDMENT
Clause 1	<ul style="list-style-type: none"> Review and revise the definition of 'Presidential Climate Commission' 'Commission' means the Presidential Climate Commission referred to in section 10; Add a new definition of 'social partners' social partners' means all stakeholders affected by climate change and the just transition. Add a new definition of "commissioner"" commissioner' means a member of the Commission appointed in terms of section 13 Add new definition of board' means the board referred to in section 14 	Presidential Climate Commission	Submissions are not supported. The Commission is already defined in the Bill; the definitions of the terms "board" and "social partners" are not used in the content of the Bill.	
Clause 10	<ul style="list-style-type: none"> Establishment and status of Commission 10. (1) The Presidential Climate Commission (hereinafter referred to as the "Commission") which exists when this Act takes effect continues to exist. The Commission has full legal capacity as a juristic person, is independent and impartial and is subject to the Constitution and the law. 	'Presidential Climate Commission	Proposed amendment not supported. The Commission to remain a Presidential Commission with an advisory role.	
Clause 11	<p>Objects and functions of Commission</p> <p>11. The objects of the Commission are to advise government and social partners on the transition to a</p>	'Presidential Climate Commission	Proposed amendments not supported, the Commission to play an advisory role.	

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	<p>socially just, climate-resilient and low carbon economy and society.</p> <p>11. (1) The functions of the Commission are to —</p> <p>(a) facilitate consensus between social partners on key decisions involved in climate transition through an inclusive, transparent, action-oriented process informed by science;</p> <p>(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;</p> <p>(c) identify threats and opportunities to jobs and livelihoods and recommend measures to transition to the labour force of the future;</p> <p>(d) propose measures to promote the uptake of clean and climate-resilient technologies and scale up climate finance and investment to support the climate transition;</p> <p>(e) guide the Government of the Republic of South Africa and social partners about any matter relating to climate change response or the just transition generally; and</p> <p>(f) monitor and review progress towards climate goals and a just transition.</p>			

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Clause 12	<p>Powers of Commission</p> <p>12. The powers of the Commission shall be –</p> <p>(a) subject to this Act, to exercise those powers and perform those functions as are necessary to realise the objectives of the Commission as stated in section 11;</p> <p>(b) to agree to the charter of the Commission and amend it from time to time subject to the provisions of this Act;</p> <p>(c) to establish committees to assist it in the performance of its functions and to delegate or assign such functions as it deems appropriate to such committees; and</p> <p>(d) to conduct enquiries in the performance of its functions and the exercise of its powers.</p>	Presidential Climate Commission	Proposal for the Commission to establish Committees is supported.	
New clause 12A	<p>Appointment of Executive Director</p> <p>14. (1) The Minister shall appoint a person with appropriate qualifications, experience and expertise as the Executive Director of the Commission following a competitive recruitment process.</p> <p>(2) The Executive Director is the head of the administration who must perform the functions of office in accordance with this Act under the oversight and direction of the Commission.</p>	Presidential Climate Commission	Proposed amendments supported.	

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	<p>(3) The Executive Director must exercise the responsibilities, duties and powers of office subject to the directions of the Commission.</p> <p>(4) A person appointed as Executive Director holds office —</p> <p>(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</p> <p>(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.</p> <p>(5) A person appointed as Executive Director—</p> <p>(a) must perform the functions of office full-time; and</p> <p>(b) may not perform any other remunerative work.</p> <p>(6) The Executive Director is the accounting authority for the Commission, and as such is responsible for—</p> <p>(a) all income and expenditure of the Commission;</p> <p>(b) all assets, and the discharge of all liabilities of the Commission; and</p> <p>(c) the proper and diligent implementation of the Public Finance Management Act, 1999 (Act No. 1 of 1999), with respect to the Commission.</p>			

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New Clause 12B	<p>Financial administration</p> <p>15. (1) The Commission will comply with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999) for financial reporting and accountability purposes.</p> <p>(2) The Commission will be funded from moneys—</p> <p>(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</p> <p>(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.</p> <p>(3) Monies appropriated by Parliament for this purpose—</p> <p>(a) constitute earmarked funds on the Minister’s departmental vote; and</p> <p>(b) may not be used by the Commission for any other purpose, without the approval of Parliament.</p> <p>(4) The fundraising strategy contemplated in subsection (2)(b) shall provide that such funding, amongst others:</p> <p>(a) must be unconditional other than that it will be used towards fulfilment of the functions of the Commission;</p> <p>(b) will not result in a conflict of interests for the Commission or any commissioner;</p>	Presidential Climate Commission	Proposed amendments supported	

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	<p>(c) must be disclosed in full in accordance with this Act and any applicable legislation.</p> <p>(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.</p>			
Clause 13	<p>(2) The role of a Commissioner is to provide strategic and technical advice to the Commission.</p> <p>(3) No person shall be appointed as a commissioner unless he or she—</p> <p>(a) is a South African citizen;</p>	Presidential Climate Commission	Proposed amendments supported	
Reporting	<p>Accountability and reporting</p> <p>16. (1) The Commission is accountable to the Minister.</p> <p>(2) The Commission will annually submit a report to the Minister on its activities and the performance of its functions, including the implementation of its approved Strategic Plan.</p> <p>(3) In addition, the Commission will annually, within six (6) months after the end of each financial year, submit to the Minister—</p> <p>(a) the report on the overall control of the Commission’s administration; and</p> <p>(b) the report, the financial statements and the audit report on those statements.</p>	Presidential Climate Commission	Proposed amendments are supported	

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	<p>(4) The Commission shall furnish the Minister with such additional information and particulars as the Minister may from time to time in writing require in connection with the activities or functions of the Commission.</p> <p>(5) If the Commission fails to comply with subsection (2) and (3), the Commission will promptly submit a written explanation setting out the reasons for the delay to the Minister.</p> <p>(6) The Minister must table in the National Assembly the reports submitted in terms of subsection (2) and (3)—</p> <p>(a) within 15 business days after receiving the reports from the Commission; or</p> <p>(b) if the National Assembly is not then sitting, within 15 business days after the commencement of the next sitting.</p> <p>(7) The President may require the Commission to provide a report on any advice and guidance it provides to government in terms of section 11.</p>			
Delegation of powers and duties	<p>Delegation of powers and duties</p> <p>17. (1) The Minister may delegate to the Executive Director any power conferred upon the Minister by or under this Act, on such conditions as Minister may determine.</p> <p>(2) The Executive Director may delegate to a member of the staff of the Commission any power conferred upon the Executive Director by or under this Act.</p>	Presidential Climate Commission	Proposed amendments not supported. Delegations are already addressed in the Bill.	

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	(3) Any delegation under subsection (1) or (2) does not prohibit the exercise of the power or performance of the duty in question by the Minister or the Executive Director, as the case may be.			
Regulations	<p>Regulations</p> <p>18. (1) The Minister may, after the Commission has made a recommendation, make regulations to support the Commission in performing its functions as provided for in section 11.</p>	Presidential Climate Commission	The proposed amendment is supported.	