



## forestry, fisheries & the environment

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

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### NATIONAL ASSEMBLY

(For written reply)

QUESTION NO. 1008 {NW1255E}

INTERNAL QUESTION PAPER NO. 11 of 2022

DATE OF PUBLICATION: 18 March 2022

#### **Mr C Brink (DA) to ask the Minister of Forestry, Fisheries and the Environment:**

With reference to the environmental report by the City of Tshwane about informal recycling activities being undertaken on land belonging to the national Government on the banks of the Hennops River in Clubview, Centurion (details furnished), what measures, will her department take to ensure that environmental regulations are enforced in this matter?

#### **1008. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:**

The operation of informal recycling activities on the banks of the Hennops River in Clubview, Centurion falls under the functional areas (as set out in the schedule 4 and 5 of the Constitutions) of “*refuse removal, refuse dumps and solid waste disposal*”, “*control of public nuisances*” and “*cleansing*”. These are original constitutional powers and functions of municipalities. In addition, the Department of Water and Sanitation (DWS) also has the mandate to ensure that the Hennops River, being a freshwater resource, is protected under the National Water Act, 1998 (Act 36 of 1998) (NWA).

National Government and Provincial Governments must support and strengthen the capacity of municipalities to manage their own affairs, exercise their powers and perform their functions. In addition, they must also see to the effective performance by municipalities of their functions in respect of matters listed in Schedule 4 and Schedule 5 thereof, by regulating the exercise by municipalities of

their executive authority but cannot usurp the original constitutional powers of municipalities by performing the function itself, including the undertaking of environmental compliance and enforcement activities.

In fulfilment of this obligation to support and strengthen municipalities, it is noted that Environmental Management Inspectors (EMIs) from the Gauteng Department of Agriculture and Rural Development (GDARD) attended an inspection on the 08<sup>th</sup> of June 2021 and would have been responsible, together with the City of Tshwane, for implementing mechanisms provided for in the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA) to resolve this particular situation, more so if such activities impacted the environment. EMIs from the City of Tshwane are designated by the MEC of Gauteng in terms of an Implementation Protocol as provided for by the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005) (IGRF). It is therefore appropriate that GDARD is the primary government department to provide support to the City of Tshwane EMIs to enable them to execute their original constitutional functions, in other words, undertaking compliance and enforcement in this particular situation.

The Department of Forestry, Fisheries and Environment (DFFE) however commits to engaging with the GDARD in relation to this particular matter to ensure that the EMIs from GDARD assist the municipality, or alternatively institute the compliance and enforcement functions themselves.

GDARD's Environmental Management Inspectors (EMIs) conducted a site investigation on 22 March 2022. The preliminary findings include; the invasion of land by a group of undocumented immigrants, unlawful waste sorting and storage activities on the site that is very close to the Hennops river. GDARD is working with the City of Tshwane to address the non-compliances that have been noted. Accordingly, the DWS commits to supporting the City of Tshwane in enforcing their by-laws and where there is outright transgression of the National Water Act, Act no. 36 of 1998, the necessary enforcement actions will be taken by DWS against the land owner.

In order to ensure the sustainability of any compliance and enforcement intervention, it is necessary to provide facilities that are legally compliant for waste pickers to pursue their recycling activities in a safe and legally compliant manner. In order to facilitate this outcome, this particular matter will be used to elevate the profile of this emerging challenge with the relevant decision-makers within the different spheres of government.

**Regards**



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**MS B D CREECY, MP  
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

DATE: 31/3/2022