

**EASTERN CAPE PROVINCIAL LEGISLATURE**

Independence Avenue  
Private Bag X0051  
Bhisho  
5605

Tel: (040) 608 0287 / 079 695 0974  
Fax: (040) 636 4922  
Enquiries: A. Sigama  
Email: [asigama@ecleg.gov.za](mailto:asigama@ecleg.gov.za)

Date: 29 May 2008

**PORTFOLIO COMMITTEE ON ECONOMIC AFFAIRS, ENVIRONMENT AND TOURISM**

Negotiating mandate on the National Environmental Management: Waste Bill [B39B-2007]

**1. *Terms of reference***

The National Environmental Management: Waste Bill [B39B-2007], hereinafter referred to as the Bill, was referred to the Portfolio Committee on Economic Affairs, Environment and Tourism by the NCOP Business Committee for consideration.

**2. *Consideration of the Bill***

The Portfolio Committee was briefed on the content and effect of the Bill by the officials from Department of Environmental Affairs and Tourism (DEAT). The Committee also conducted public hearings on the Bill on 26 and 27 May 2008 and also received written submissions on the Bill (Attached hereto)



**3. *Negotiating mandate of the Committee***

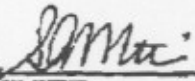
The Committee supports the spirit and purpose of the Bill but wishes to raise the following concerns:

- 3.1 The authority to issue licences for waste management activities must vest with municipalities.
- 3.2 The Bill must make provision for the publication in the *Gazette* of existing waste sites and for notice in the *Gazette* of new waste sites.
- 3.3 The Bill must be aligned with the National Health Act, Act 61 of 2003 in respect of "municipal health services" as defined in the National Health Act.
- 3.4 DEAT must make funds available to municipalities to finance awareness programmes, training, implementation of the objectives of the Bill and skills development programme to capacitate communities in waste recycling.
- 3.5 The Bill must make provision to regulate waste transfer stations.
- 3.6 The Bill must make a clear distinction between littering and dumping.
- 3.7 The Bill does not clearly address the roles and seniority of Waste Management Officers within the three spheres of government.
- 3.8 Management of cross boundary waste is not addressed in the Bill.

- 3.9 Disposal of glasses along beaches and on and along the roads must be criminalised.
- 3.10 Budgeting for the implementation of the Bill must be done in consultation of all spheres of government.
- 3.11 Fragmentation of legislations across various national departments, provincial departments and municipalities on related issues is a matter of concern.

**4. Resolution**

That the Permanent Delegate for the Province of the Eastern Cape be mandated to represent the Province at the meeting considering the final mandates and vote for the adoption of the Bill.

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**N. KIVIET**  
**SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE**



**Committee Services**

FREE STATE LEGISLATURE

Our reference:  
Ons verwysing:  
Tshupo ya rona:

**TOURISM, ENVIRONMENTAL AND ECONOMIC AFFAIRS COMMITTEE**

**Report on the provincial inputs regarding National Environmental Management: Waste Bill [B39B-2007]**

**1. Terms of Reference**

The **National Environment Management: Waste Bill [B39B – 2007]** has been referred to the **Tourism, Environmental and Economic Affairs Committee** by the **Speaker**.

**2. Briefing**

(1) On the 15 May 2008, Mr. N. Van Rooyen, NCOP Permanent delegate of the Free State briefed the Committee on the content of the Bill.

(2) Advocate Malakoane, Assistant Legal Advisor of the Free State Legislature briefed the Committee on the legal substance and effects of the Bill.

(3) The Committee held the Public Hearings on 23 and 24 May 2008 in three districts.

**5. Resolutions**

The Committee resolved that:

1. All Municipal By-laws should be aligned with the Bill once it is promulgated into an act of Parliament.

**Mr. P. Maloka: ACTING CHAIRPERSON**  
**TOURISM, ENVIRONMENTAL AND ECONOMIC AFFAIRS COMMITTEE**  
Free State Legislature  
29 May 2008

Tel.: (051) 407-1129 Fax: (051) 448-0880  
E.MAIL: SylvesterT@fsl.gov.za

Private Bag / Privaatsak Mokotla wa poso X20561 BLOEMFONTEIN 9300



**GAUTENG**  
**LEGISLATURE**

**AGRICULTURE, CONSERVATION AND ENVIRONMENT PORTFOLIO COMMITTEE**  
**NEGOTIATING MANDATE**  
**OF THE NATIONAL ENVIRONMENT MANAGEMENT: WASTE BILL**  
**[B39B-2007]**  
**(Section 76)**

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02 June 2008

**1. INTRODUCTION**

The Chairperson of the Agriculture, Conservation and Environment Portfolio Committee, Ms N Nkomo-Ralehoko, tables the Committee's Negotiating Mandate on National Environment Management: Waste Bill [B39B-2007], a Section 76 Bill

**2. PROCESS FOLLOWED**

The Speaker formally referred the National Environment Management Waste Bill [B39B-2007], a Section 76 Bill to the Agriculture, Conservation and Environment Portfolio Committee for consideration and report in terms of Rule 232 (1) on Monday 17 March 2008. The Chairperson, Ms N Nkomo-Ralehoko, tables the Negotiating Mandate on the above-mentioned Bill as follows

The Committee Researcher presented to the Committee an analysis on the National Environment Management: Waste Bill [B39B-2007] on the Environment, Economic, Social and Financial Implications in the province on the 12<sup>th</sup> May 2008 followed by a briefing on the content of the Bill by the NCOP Permanent Delegate, Member Abram Mzizi on the 16<sup>th</sup> May 2007. Furthermore, the Department of Agriculture, Conservation and Environment made its submission on the Bill during a Committee meeting on, 16<sup>th</sup> May 2008.

In keeping with Legislature's constitutional mandate of promoting and facilitating public participation in the law making process, the Portfolio Committee invited stakeholders from Environmental Organisation, Local Municipalities, Ground Works, FEMOK, EIMS, Arcelor Mittal, Ground works, GNTA, Uhuru Environmental, Recycle Now, Planner Bee Plant Care and ANC Women's League to a Public Hearing on the referred Bill at Gauteng Legislature, Johannesburg on Monday, 19 May 2008.



The Committee deliberated on the Bill and adopted the negotiating mandate on National Environment Management Waste Bill [B39B-2007] Section 76 Bill on Monday, 02 June 2008.

### 3. OBJECTS OF THE BILL

- The objects of the act as listed in chapter 1 section 2 are
  - To protect health, well being and the environment by providing reasonable measures for
    - i. Minimising the consumption of natural resources,
    - ii. Avoiding and minimising the generation of waste,
    - iii. Reducing, re-using, recycling and recovering waste,
    - iv. Treating and safely disposing of waste as a last resort,
    - v. Preventing pollution and ecological degradation,
    - vi. Securing ecologically sustainable development while promoting justifiable economic and social development;
    - vii. Remediating land where contamination presents, or may present, a significant risk of harm to health or the environment, and
    - viii. Achieving integrated waste management reporting and planning
  - To ensure that people are aware of the impact of waste on their health, well-being and the environment
  - To provide for compliance with the measures set out in paragraph (a); and
  - Generally, to give effect to section 24 of the Constitution in order to secure an environment that is not harmful to health and well-being

### 4. OVERVIEW OF PUBLIC HEARING & WRITTEN SUBMISSIONS

The stakeholders' verbal submissions/inputs are summarised as follows:

- The waste Bill fails to cover the following adequately:
  - Salvaging of waste (role's & protection)
  - Polokwane Declaration: waste reduction, zero waste, and recycling
  - Need Clear timeframes for delivery!
  - Health care waste needs to be dealt with separately
  - Mining dumps needs to be addressed in this Bill.
  - The disposal of abattoir waste has posed a serious threat to the environment, as it is mostly buried, resulting in serious groundwater and soil pollution.
  - Waste management must be incorporated into school curricula.

The official Ms Dee Fischer from the Department of Environmental Affairs and Tourism, responded to the stakeholders that all the concerns mentioned above are covered in the Bill

### Conclusion

- The Bill's emphasis on waste minimisation and recycling gives an opportunity for formalised jobs in the waste industry and therefore supports the continued implementation of the Growth and Development Strategy

- The Bill supports the Gauteng Integrated Waste Management Policy objectives
- The Bill addresses waste management challenges in the province
- The Bill is in line with the Gauteng Strategy for Sustainable Development

The implementation and enforcement of the Bill, once enacted, will protect the right of all persons to an environment that is not harmful to the health and well-being

## 5. IMPLICATIONS OF THE BILL FOR THE IN PROVINCE

### 5.1. ENVIRONMENTAL IMPLICATIONS

- The bill is specifically on environmental management focusing on the waste, which automatically implies that the bill is targeting waste minimisation by promoting avoidance, recovery, re-use and recycling, and using disposal of waste as a last resort.
- Unless the bill is misread or inadequately implemented by the people that it applies to (i.e. anyone who imports, generates, stores, accumulates, transports, treats or disposes of waste), it is clear that the bill is intended to heighten the usage of environmental friendly products
- It should be noted that the shift to also look at the other measures of dealing with waste shows that waste to one is therefore not waste to another

### 5.2. ECONOMIC IMPLICATIONS

- It is understood that the previous regimes focused mainly on the disposal of waste
- Contemporarily, the government and particularly this bill is also looking both at the upstream and downstream effects of the waste
- It is therefore clear that the bill stands to either be welcomed by those who value the integrity of environment, or remain controversial particularly to the upstream sectors, i.e. those who produce and generate any material that are considered and end up being waste at the downstream level.
- The enforcement and compliance by the companies and industries that produce and generate 'waste' could, unintentional harm the core businesses of some businesses, which at the end of the day could also cripple the operation of local economy.
- However, it is stipulated in the bill and section 24 of the Constitution that, amongst other objectives, the aim is to secure ecologically sustainable development while promoting justifiable economic and social development.
- Promoting recovery, re-use and recycling on its own shows there would be generation of employments in this sectors.

### 5.3 SOCIAL IMPLICATIONS

- For the consultation purpose and to validate the bill, the process requires public comment, and the public participation should be facilitated through multiple stakeholder workshops at all levels of government, particularly at the local sphere. This would sustain and strengthen the choices that the stakeholders have in decision making and influence the policy process
- A large number of households in poverty pockets areas occupy and rely heavily on recycling some of dumped materials (and in some instance, food) to sustain their livelihoods, which means closure of some of dumping sites would deny them chances of increasing their livelihood choices.

- It should be noted that the projects that are relating to waste management are linked to the projects that meet other pressing social needs, including fighting poverty and job creation through, amongst others, waste recycling projects.
- The closure could also lead to drastic re-establishment, relocation and encroachment of informal settlements to other compromising areas. This could lead to displacement and dislocation of various human settlements, which could also lead and increase discomfort and disintegration of households.
- However, it should be noted that the increased waste problem is attributed to population growth, which is fuelled by the large influx of people into the economic hub, Gauteng Province.
- On the other side of coin, the increase in waste disposal or dumping is largely a problem in the informal settlements and rural areas due to the inaccessibility to domestic waste collection services. This situation clearly has a significant negative effect on human health and worse on the environment.
- It is evident in the bill that the illegal dumping is to be criminalised, which means the perceptions of the people on waste in communities is to be affected.
- It is therefore obvious that the restoration of the integrity of all affected areas would improve the quality of life for all people.

#### 5.4 FINICIAL IMPLICATIONS

- The report on landfill sites shows that there is continuous increase of legal and illegal landfill sites due to increase number of population rate in the country, which results increase in quantity of waste production.
- It should be noted that 629 of the country's 1 321 landfill sites are unauthorized and 58 of these are hazardous waste.
- Particularly in province like Gauteng, there is short of landfill space and waste management is placing a drain on the finances of local government. It should be noted that the problem mainly existed in the local level, however, it is leveled that within the municipal infrastructure grants system, waste has an average of 5 percent budget allocation, which clearly shows that it is not adequate to address the waste challenges in the country.
- To address all these challenges requires large injection of funds from national, provincial and local treasury to finance and capacitate the people in charge of waste management, particularly peace officers - the environmental management inspectors.
- It should be noted that the GDACE has begun a process towards the development of general waste-management plan, which shows that the recently established inspectorate directorate has to be capacitated financially. On the same light, it is reported that the aim of the general waste minimisation plan was to investigate and develop technological options, amongst other key issues, which shows any measures that need to be adopted and carried out would require substantial amount of money.
- The drafting of strategy in provinces and local government as mandated in the bill would also tackle the waste that would be generated through out the preparations for the 2010 soccer world cup event.
- It is therefore evident that the government has to investigate the total future costs of enforcing compliance.

#### Provinces (as estimated by DEAT)

##### Additional personnel for planning, administration and compliance and enforcement

- Average cost: R1.6 million for 1st year

##### *The Department may require additional capacity to implement the Act*

- Average cost: R1.3 million for 2nd year to 10th year
- Other organs of state:
- 1.9 million from 1st year to 10th year



**Municipalities:**

Additional personnel, planning, administration and compliance and enforcement

- Average cost per municipality 0.3 million for 1st year per municipality
- Average cost per municipality 0.3 million for 2nd year – 10th year per municipality
- Additional infrastructure and related operational and management cost for recycling facilities and systems: 0.5 for 1st year and 1.2 million for 2nd and 3rd year with decreasing amounts to the 10th year

**6. COMMITTEE RECOMMENDATIONS**

The Portfolio Committee supports, with no proposed amendments, the Bill as passed by the National Assembly and transmitted to the NCOP for concurrence.

**7. NEGOTIATING POSITION ADOPTED BY COMMITTEE**

The Agriculture, Conservation and Environment Portfolio Committee support the principle and details of the National Environment Management Waste Bill [B39B-2007].



Norhantu Nkomo-Ralehoko  
Chairperson: Agriculture, Conservation and Environment Portfolio Committee