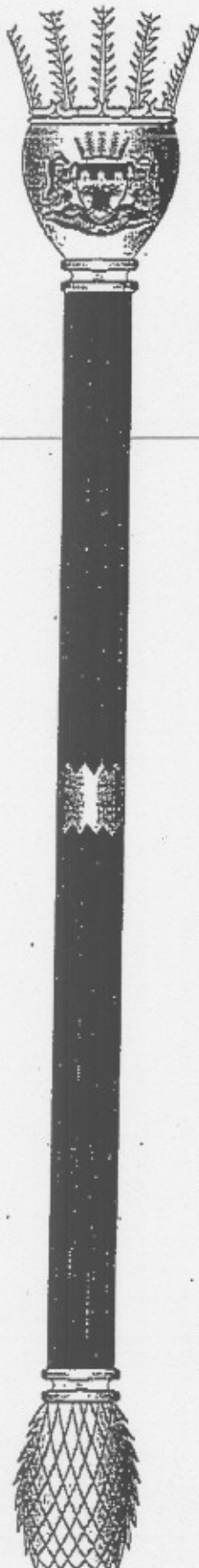


Limpopo Legislature

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

**NEGOTIATING MANDATE ON NATIONAL ENVIRONMENTAL
MANAGEMENT AMENDMENT BILL, 2007 [B36B-2007]**

1. INTRODUCTION

The National Council of Provinces referred the National Environmental Management Amendment Bill, 2007 [B36B-2007] to the Limpopo Legislature. Upon receipt by the Legislature, the Bill was referred to the Portfolio Committee on Economic Development, Environment and Tourism to make further inputs for consideration by the NCOP when negotiating the mandate.

2. PURPOSE OF THE BILL

To amend the National Environmental Management Act, 1998, so as to insert certain definitions and to substitute others; to further regulate environmental authorizations ; to empower the Minister of Minerals and Energy to implement environmental matters in terms of the National Environmental Management Act, 1998, in so far as it relates to prospecting, mining, exploration, production or related activities on a prospecting, mining, exploration, production area; to align environmental requirements in the Mineral and Petroleum Resources Development Act, 2002, with the National Environmental Management Act, 1998, by providing for the use of one environmental system and by providing for environmental management programmes, consultation with State departments, exemptions from certain provisions of the National Environmental Management Act, 1998, financial provision for the remediation of environmental damage, the management residue stockpiles and residue deposits, the recovering of cost in the event of urgent remedial measures and the issuing of closing certificates as it relates to the conditions of the environmental authorization ; and to effect certain textual alterations; and to provide for matters connected therewith.

3. CONSIDERATION OF THE BILL

The Committee met on 19 August 2008 to consider the Bill. NCOP Permanent Delegate, Hon. H. Matlanyane and Adv Vicky Beukes from the National Department of Environmental Affairs, briefed the Committee on the principle and

the provisions of the Bill. The Committee conducted a provincial public hearing on the Bill on 01 September 2008.

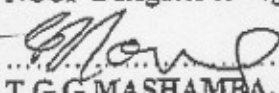
Having considered the Bill, the Committee would like to make the following submission:

- The Committee raised a concern on the fines proposed as compared to the nature and scope of the business it seeks to address.
- The Committee was concerned about the rehabilitation on the sites which were previously used as mines.
- The Committee questioned the rational of the 18 months transitional period of environmental authority between ministry of Energy affairs and Environmental affairs. The Committee raised this concern solely on the basis that if one Minister took decision and other Minister Veto such decision, this is likely to lead to conflict of interest.
- The Committee was also concerned about the manner in which permission granted by the Chiefs more so in mining sand from the rivers. Often a time all those who mine from the rivers do it haphazardly, to such an extent that many rivers are dongas in the province.
- There is a need for mobile quality pollution monitoring stations at mining areas.
- Licensing for land-fills should be fast-tracked.
- Green Scorpions should be visible in communities in terms of implementing environmental laws.
- There should be a sound relationship and cooperation amongst National Departments, Provincial Departments and Local Municipalities on issues of environmental management.
- The Bill should define the role of traditional leaders on environmental management.
- There is a need for risk assessment to be conducted before actual mining process takes place.
- There is need for campaigns and public education to empower communities on the environmental management issues.

4. RECOMMENDATIONS

The Committee, having considered the Bill, found that the Bill's enactment into law will address many problems that affect environmental management issues. The Committee supports the provisions of the Bill.

The Committee, having supported the provisions of the Bill recommends to the NCOP Delegates to negotiate in favor of the Bill.


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T.G.G MASHAMBA, MPL
COMMITTEE CHAIRPERSON

SALIENT DETAILS FROM MHLATHUZE's AR & FS (3)

	2007 R'000	2006 R'000	% Change
Revenue	130 275	144 412	-9.78%
Net surplus	24 066	18 687	28.78%
Operating Expenditure	97 199	110 644	-12.22%
PPE	245 606	208 925	17.55%
Current Assets	125 117	117 494	6.48%
Current Liabilities	76 396	85 807	-10.96%
Accumulated reserves	275 946	244 973	12.64%
Long term obligations	173 995	150 054	15.95%

REASON FOR LATE SUBMISSION OF BOTSHELO's AR & FS

- The former CEO & 3 senior managers, i.e. of finance, technical services & marketing / HR left BW in Nov & Dec 2007, without ensuring that the FS were ready for auditing
- Compilation of FS was then outsourced
- Auditing by Auditor General only resumed in March '08
- AR & FS submitted to DWAF on 29 July '08