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Northern Cape  
Provincial Legislature

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Date: 01 SEP 2008

The Chairperson  
National Council of Provinces  
Hon MJ Mahlangu

### NEGOTIATING MANDATE FOR THE NATIONAL ENVIRONMENTAL MANAGEMENT AMENDMENT BILL [B36B - 2007]

#### 1. INTRODUCTION

The Acting Chairperson of the Portfolio Committee on Economic Affairs & Tourism, Hon EM Sulliman, tabled the Committee's negotiating mandate on the *National Environmental Management Amendment Bill [B36B - 2007]* as adopted by the Portfolio Committee on 01 September 2008.

#### 2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the *National Environmental Management Amendment Bill [B36B - 2007]* to the Portfolio Committee on Economic Affairs & Tourism on 05 August 2008.
- 2.2 The Portfolio Committee received a briefing on the Bill on 14 August 2008 from Mr V Beukes from the National Department of Economic Affairs & Tourism.
- 2.3 Public Hearings on the Bill in Hondeklipbaai; Port Nolloth and Kuruman on 22 August 2008.
- 2.4 On 01 September 2008, the Portfolio Committee on Economic Affairs & Tourism deliberated and considered the *National Environmental Laws Amendment Bill [B36B - 2007]*.

#### 3. PUBLIC INPUTS ON THE BILL

##### 3.1 HONDEKLIPBAAI

- 3.1.1 Definition does not say anything about distance of setback area.

- 3.1.2 Coastal zone definition does not indicate where activities should start.
  - 3.1.3 No reference made to development of coastal zone in bill.
  - 3.1.4 No mention in bill to non-listed activities (group / individual) activities.
  - 3.1.5 Community cannot understand legislation (too technical) – difficult to make input.
  - 3.1.6 Does the law refer only to mining activities on land or does it have reference to diving activities in the sea as well.
  - 3.1.7 Community cannot understand English – bill should be in Afrikaans as well.
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- 3.1.8 The Community supported the bill.
- 3.2 PORT NOLLOTH**
- 3.2.1 More emphasis should be placed on educating learners on legislation to enable them to give more meaningful input at these public hearings.
  - 3.2.2 Although Government introduces legislation to help the poor, rich people normally benefit as they have the financial capacity to acquire such benefits at the expense of the poor. The Bill should therefore address the matter of previously disadvantaged people who want to enter the mining sector.
  - 3.2.3 Houses in mining areas should be permanent structures to benefit the communities that are being left behind.
  - 3.2.4 The monitoring of and the deposit charged for the rehabilitation programme should be reviewed annually based on the previous year's production.
  - 3.2.5 Eskom's proposed nuclear storage in the Namaqua-region should be investigated based on the long-term effects such storage may have on the inhabitants in the region.
  - 3.2.6 The application fees payable for mining rights should distinguish between small-scale miners and big companies like De Beers and Alexkor.
  - 3.2.7 The payment of royalties to the National Department of Mineral and Energy Affairs should be reviewed to benefit Provincial and Local Governments as well.
  - 3.2.8 The Bill should prioritize the funding of functions by National Government to alleviate Local Government's burden.
  - 3.2.9 There should be sufficient Consultation with local communities before mining activities begin.

- 3.2.10 Time frames should be set for the turnaround time for the issuing of record of decision on the application of the environmental impact process.
- 3.2.11 The Bill should ensure that people understand the difference between environmental protection and sustainable livelihood.
- 3.2.12 Mining companies should as a form of social responsibility be compelled to sponsor the deposit for small-scale miners' rehabilitation fees.
- 3.2.13 There should be sufficient consultation before a closing certificate is issued.
- 3.2.14 The Bill should address the issue of BEE in the Environmental sector.

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3.2.15 The Bill should be clear on how communities can benefit from the environment and natural resources like the sea.

### 3.3 KURUMAN

- 3.3.1 How long does an application for one to become a miner, take to be approved?
- 3.3.2 The Community raised a lot of issues around asbestos.

### 3.4 WRITTEN INPUTS

- 3.4.1 Written input was received from WESSA – Northern Cape Region (attached to negotiating mandate).

## 4. COMMITTEE INPUT ON THE BILL

- 4.1 The Committee was concerned about the exorbitant rehabilitation costs which small miners could not afford.
- 4.2 The Committee was concerned about the immense environmental damage caused in the Northern Cape Province by mining activities.
- 4.3 The Committee was concerned about the 'conflict' between the two departments in connection with the role that each should play in terms of the bill. (Dept of Environmental Affairs and the Department of Minerals and Energy).
- 4.4 The Department should investigate the possibility of cross-subsidisation to assist small miners with the deposit for rehabilitation fees.

## 5. LEGAL TECHNICAL INPUTS ON THE BILL

- 5.1 None

## 6. PORTFOLIO COMMITTEE POSITION ON THE BILL

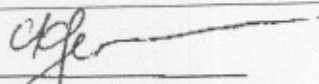
After due deliberation, the Portfolio Committee on Economic Affairs & Tourism supports the Bill with amendments.

**COMMITTEE ADOPTION OF THE BILL**

The Committee adopted this negotiating mandate duly signed by the Acting Chairperson of the Committee, Hon EM Sulliman.

The Committee recommends to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill with amendments.

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**HON C SEOPOSENGWE**  
Speaker