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Negotiating Mandate

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National Environmental Management Amendment Bill [B36B-2007]

Report by the Northwest Portfolio Committee on Agriculture, Conservation
and Environment on Public Consultation on the National Environmental
Amendment Bill [B36B-2007]

02 September 2008

North West Provincial Legislature

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Brief Background

The North West permanent member to the NCOP responsible for this Committee Hon Moatse briefed the Portfolio Committee on the 14th August 2008. The Committee Briefing was attended amongst others by representatives of the provincial Department of Agriculture, Conservation and Environment.

Public Consultations

In keeping with the Constitutional prescripts as contained under section 118 (1) of the constitution of the Republic the Portfolio Committee called for public hearings to be held in all four regions of the province in the following venues and dates, Ganyesa, Traditional council hall, on the 18th of August 2008, Lichtenburg, Boikhutsa, 19 August 2008, Potchetsroom 20 August, and Rustenburg 21 August 2008. Public Notices were released through provincial and local newspapers, known stakeholders were invited.

Presentation of the Bill by facilitators (Summary)

The Amendments can be summarized as follows:

- In order to efficiency and effectiveness of environmental impact management system, main areas targeted in amendment are:
- Increased clarity through amendment of and additions to definitions of terminology (section 1 of NEMA)
- Provision for tools other than EIA
- Improved provisions for cooperative governance
- New provisions for integration and alignment of regulatory (authorization) processes
- Strengthening provisions to use spatial tools in environmental impact management
- New provisions for management, including exclusion, based on norms or standards. And provisions on the development or adoption of existing norms or standards

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Questions from the public

- How is this Bill Helping Communities
- Is this Bill going protect communities from illegal dumping by big companies
- Can you do a license and a permit at the same time
- Is there enough personnel in the department to help speed up the process of application
- Why was there entire act not scrapped given the many amendments that have to be done
- What tools is the amendment talking about
- What activities are referred to in chapter five
- Why don't we have the Bill in local languages

Responses to deliberations

- Exemptions and appeal process are stipulated in the bill
- All waste generators must be responsible for their actions, and the bill will help protect communities
- If a person wants a license they should approach the department and will be advised accordingly.
- Department would provide guidance to local authorities on how to deal with the changes
- The Bill gives us an opportunity to have one permit system-as opposed to the current fragmented environmental laws

Summary of inputs

- Communities requested that the bills must be available in local languages so as to enable them to read and make informed inputs.
- Bill must be specific in terms of categorizing fines, community members cannot be expected to pay the same amount as big companies
- Regulations must accompany the Bill
- The role of Municipalities must be specified in detail in the Bill

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- Municipalities should be allowed to appoint local permit officers so as not to delay development
- Bills should be translated into the language that local people use so that they could read.
- The penalty section should specify who will be fined what ordinary people can't be excepted to pay the Millions mentioned in the bill
- Municipalities need to be given specific environmental issues and ^{be} capacitated ~~be capacitated~~ to deal with them

Conclusion

This Constitute the committee's Mandate on the National Environmental Management Amendment Bill and direct that the North West Permanent delegate agitate for the Inclusion of these views in amendments by the National Council of Provinces

Submitted:

Hon B S TSHWANE

DEPUTY SPEAKER: NW PROVINCIAL LEGISLATURE