

**EASTERN CAPE PROVINCIAL LEGISLATURE**

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Date: 20 October 2008

**PORTFOLIO COMMITTEE ON ECONOMIC AFFAIRS AND ENVIROMENTAL AND
TOURISM**

***Report on Final Mandate on the National Environmental Management Amendment
Bill (B36B-2007)***

1. *Terms of reference*

The National Environmental Management Amendment Bill (B36B-2007), herein referred to as the Bill, was referred to the Portfolio Committee on Economic Affairs And Environmental and Tourism by the NCOP Business Committee for consideration in order to formulate a provincial mandate.


2. *Consideration of the Bill*

The Portfolio Committee met on 20 October 2008 and was briefed on the deliberations of the NCOP negotiating mandate meeting. The Committee agreed with the concerns and proposals for amendments raised by provinces as reflected in the minutes.

3. *Resolution*

The Committee resolved that the following final mandate be conferred:

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



HON. N KIVIËT
SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE

No. 22 - 2008 Fifth Session, Third Legislature

GAUTENG PROVINCIAL LEGISLATURE

RESOLUTION

Monday, 20 October 2008

I, the Speaker, Mr R M Mdakane, hereby table the following resolution in terms of Rule 38 (1)

That this House adopts:

the report of the Portfolio Committee on Agriculture, Conservation and Environment on the Final Voting Mandate of the following Section 76, Bill as recommended.

1 National Environmental Management Amendment Bill [B36B-2007]



PROPOSER: MR R M MDAKANE
SPEAKER



GAUTENG
LEGISLATURE

AGRICULTURE, CONSERVATION AND ENVIRONMENT PORTFOLIO COMMITTEE
FINAL VOTING MANDATE
OF THE NATIONAL ENVIRONMENTAL MANAGEMENT AMENDMENT BILL [B36B-2007]

(Section 76)

16 October 2008

1. INTRODUCTION

The Chairperson of the Agriculture, Conservation and Environment Portfolio Committee, Ms R Ndzuta, tables the Committee's Final Voting Mandate on National Environmental Management Amendment Bill [B36B-2007], a Section 76 Bill as follows:

2. PROCESS FOLLOWED

On Thursday, 16 October 2008, the Committee convened a meeting to deliberate and adopt the Final Voting Mandate on the National Environmental Management Amendment Bill [B36B-2007].

3. OBJECTS 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 or 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 of 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

- To effect certain textual alterations.
- To provide for matters connected therewith

4. SOCIO-ECONOMIC AND FINANCIAL IMPLICATIONS

The Committee notes that the insertion of certain definitions and substitution of others have minimal, if not none, socio-economic implications, but can have maximum constitutional implications as the bill is mainly on redesigning sentences and phrases. The memorandum on the objects of the National Management Amendment Bill, 2007 notes that there will be no financial implications for the Province.

5. COMMITTEE RECOMMENDATIONS

The Portfolio Committee supports, National Environmental Management Amendment Bill [B36B-2007] with no proposed amendments.

6. FINAL VOTING MANDATE ADOPTED BY COMMITTEE

In terms of Section 65 of the Constitution the Agriculture, Conservation and Environment Portfolio Committee recommends that, the House confer authority on the Gauteng Provincial Delegate/s to the NCOP to vote in favour of the National Environmental Management Amendment Bill [B36B-2007]

Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
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FINAL MANDATE OF THE WESTERN CAPE ON THE NATIONAL ENVIRONMENTAL
MANAGEMENT AMENDMENT BILL [B36B – 2007] (NCOP)

Final mandate of the Western Cape Provincial Parliament on the *National Environmental Management Amendment Bill [B36B – 2007]* (NCOP), as resolved by the Standing Committee on Community Development on 15 October 2008.

The Western Cape Provincial Parliament having considered the subject of the *National Environmental Management Amendment Bill: [B36B-2007]* (NCOP) referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP) begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill with the following amendments.

CLAUSE 1

1. On page 4, from line 10, to omit the second "environmental matters" and to substitute:
with regard to the implementation of environmental legislation, regulations, policies, strategies and guidelines.

CLAUSE 2

1. On page 7, after line 6, to insert the following subsection:

(4A) Where environmental impact assessment has been identified as the environmental instrument to be utilised in informing an application for environmental authorisation, section 24(4)(b) is applicable.

2. On page 7, in line 29, to omit "the procedures for".
3. On page 8, in line 33, after "potential" to insert "impacts or".
4. On page 8, in line 37, after "24(4)" to insert:

provided that such investigation, assessment and communication comply with the requirements of section 24(4) (a) and, where applicable, comply with section 24(4)(b).

CLAUSE 6

1. On page 10, in line 40, to omit "one or more of the following, namely".
2. On page 11, in line 14, after "(2)" to insert "(a) or (b)".

CLAUSE 8

1. On page 12, in line 4, after "not" to insert:

and provided that section 24(4)(a) and, where applicable, section 24(4)(b) are given effect to in such process.
2. On page 12, from line 28, to omit subsection 4 and to substitute:
 - (4) A competent authority empowered under Chapter 5 to issue an environmental authorisation may regard an authorisation in terms of any other legislation that meets all the requirements stipulated in section 24(4)(a) and, where applicable, section 24(4)(b) to be an environmental authorisation in terms of that Chapter.



S E BYNEVELDT
SPEAKER
16 OCTOBER 2008

Limpopo Legislature

OFFICE OF THE SECRETARY



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Ref. 13/7
Enquiries: NCOP Officer

MEMORANDUM

TO : THE HON. SPEAKER

FROM : NCOP LIAISON OFFICE

DATE : 16 OCTOBER 2008

SUBJECT : CONFERRAL OF FINAL MANDATE ON THE
ECONOMIC DEVELOPMENT, ENVIRONMENT AND
TOURISM ON NATIONAL ENVIRONMENTAL
MANAGEMENT AMENDMENT BILL, 2007 [B36B-2007]

The Honourable Speaker is kindly informed that the Portfolio Committee on Economic Development and Environment has submitted its Report on the aforementioned Bill which is due for Plenary.

The meeting of the Select Committee on Land and Environmental Affairs to consider provincial mandates is scheduled for Tuesday, 21 October 2008, at 10h00 in Cape Town and Provinces are expected to forward their mandates prior the date of the meeting.

Seeing that the aforementioned meeting is scheduled to take place before the Sitting of the House on the same day, we therefore kindly request the Hon. Speaker to sign the Resolution attached hereto so that it could be forwarded on time as requested. The same will be ratified by the House during the Sitting.

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[Signature]
 ADV. E.N LAMBANI
 SECRETARY: LIMPOPO LEGISLATURE

COMMENTS:

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[Signature]
 DR. T.S FARISANI
 SPEAKER: LIMPOPO LEGISLATURE

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Limpopo Legislature

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REPORT OF THE PORFOLIO COMMITTEE ON ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM 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

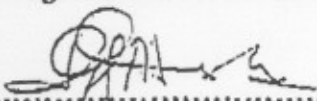
The Committee met on 19 August 2008 to consider the Bill. NCOP Permanent Delegate, Hon. H. Matlanyane and Adv Vicky Beukes from the National Department of Environmental Affairs, briefed the Committee on the principle and the provisions of the Bill. The Committee conducted a provincial public hearing

4. RECOMMENDATIONS

The Committee, having supported the provisions of the Bill and amendments made by the Select Committee on Land and Environmental Affairs during negotiation stage, recommends to the House to adopt the report, and that a final mandate be conferred to the NCOP Delegates to vote in favor of the Bill to pass into law.

5. CONCLUSION

In Conclusion, Hon. Speaker, I move that this report be adopted as the report of this august House. I move accordingly Honourable Speaker.



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**T.G.G MASHAMBA, MPL
COMMITTEE CHAIRPERSON**