

**PEASTERN CAPE PROVINCIAL LEGISLATURE**

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Date: 26 January 2008

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

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**Report on Final Mandate on the National Environmental Laws Amendment Bill (B66B-2008)**

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**1. Terms of reference**

The National Environmental Laws Amendment Bill (B66B-2008), herein referred to as the Bill, was referred to the Portfolio Committee on Economic Affairs Environmental and Tourism by the NCOP Business Committee for consideration in order to formulate a provincial mandate.

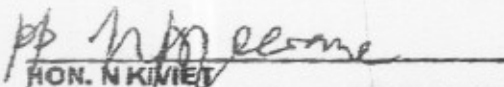
**2. Consideration of the Bill**

The Portfolio Committee met on 26 January 2009 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.
- The Committee stressed their concerns and reservations on the non consideration of their proposed amendments.
- 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.

  
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HON. N. KIMIE

**SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE**



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**Committee Service**

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Our reference:  
Ons verwysing:  
Tshupo ya rona:

## FREE STATE LEGISLATURE

## TOURISM, ENVIRONMENTAL AND ECONOMIC AFFAIRS COMMITTEE

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**Report on the voting mandate regarding National Environment Laws  
Amendment Bill [B66B-2008]**

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**1. Report on inter-provincial meeting**

- a) The Committee received a report on inter provincial negotiating meeting held 18 November 2008.


**2. Consideration**

The Portfolio Committee considered the report of the Selected Committee, and amendments agreed to on the Bill.

**3. Resolution**

The Committee resolved that:

- (a) Authority be conferred to the Free State Delegation, to vote for the adoption of the Bill as amended by the NCOP.



Mr. F. Matosa  
Speaker: Free State Legislature  
26 January 2009

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Private Bag / Privaatsak / Mokotja wa poso X20561 BLOEMFONTEIN 9300

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## Committee Service

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Date: 26 January 2009

Our reference:

Ons verwysing: The Chairperson  
Tshupo ya ronse: National Council of Provinces  
Cape Town

**RE: CONFERRAL OF FINAL MANDATE: NATIONAL ENVIRONMENTAL  
LAWS AMENDMENT BILL [B66B-2008]**

The Committee convened on 26 January 2009 to confer the final mandate on the above Bill. The Committee resolved to adopt the Bill as amended and confer authority on our permanent delegate to vote in favour of the Bill, but wish to sharply raise the following concerns:

1. The Department failed to respond to each Province's individual input for clarity as it is the normal practice but rather suggest that they drafted the amendments in response to the issues and concerns raised by all Provinces in their negotiating mandates.
2. The draft minutes at point 6 assert that "*Western Cape and Mpumalanga were the only two Provinces that made concrete amendments, conveying powers on its delegates to negotiate on its behalf.*" The Free State Committee made inputs as a result of extensive public hearings and conveyed powers on the permanent delegate to negotiate on its behalf. In the absence of concrete response to the Committee's inputs, it is our position that our inputs warrant consideration and the dignity of a formal response by the Department.
3. The Committee is further of the opinion that its inputs may not have been taken into consideration simply because they were not of a technical nature as it is the case with most inputs reflected in the draft minutes.

The Committee further request that the Department respond directly to each one of the inputs it made and further request that the Department respond as such in future for the sake of consistency.

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Trust you will find the above in order.



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**H.N. Nketh**  
**Chairperson: Tourism, Environment and**  
**Economic Affairs.**



**AGRICULTURE, CONSERVATION AND ENVIRONMENT PORTFOLIO COMMITTEE  
FINAL VOTING MANDATE  
OF THE NATIONAL ENVIRONMENTAL LAWS AMENDMENT BILL [B66B-2008]**

**(Section 76)**

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**20 January 2009**

**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 Laws Amendment Bill [B66B-2008], a Section 76 Bill as follows:

**2. PROCESS FOLLOWED**

On Tuesday, 20 January 2009, the Agriculture, Conservation and Environment Committee convened a meeting to deliberate and adopt the Final Voting Mandate on the National Environmental Management Amendment Bill [B66B-2008].

**3. OBJECTS OF THE BILL**

The bill seeks to amend the.

- Atmospheric Pollution Prevention Act, 1965, so as to adjust the penalties provided for in the said act;
- Environment Conservation Act, 1989, so as to adjust the penalties provided for in the said act; and to remove the need to publish directions in the *Gazette*;
- National Environmental Management Act, 1998, so as to delete certain definitions; to provide for the establishment of for a or advisory committees; to make provision for increased powers of the courts; to remove the requirement that Environmental Management Inspectors must carry notices of designation with them; to extend the scope of routine inspections to the search of vehicles; and to regulate the jurisdiction of magistrate's courts in instances where the maximum fines have been increased
- National Environmental Management Protected Areas Act, 2003, so as to provide for increased measures of control over escaped animals; and to adjust the penalties provided for in the said Act,
- National Environmental Management Biodiversity Act, 2004, so as to provide for general surveillance monitoring; to provide further considerations for a



- biodiversity management plan to provide that an environment impact assessment must be obtained when genetically modified organisms are involved; to introduce notification requirements in the discovery phase of a bioprospecting project, to take into consideration knowledge of specific individuals when issuing specific bioprospecting permits, to allow the Director-General or a trustee to manage the Bioprospecting Fund; to allow for the renewal or amendment of a permit, to amend the regulations to allow for hunting; and to effect certain textual alterations;
- National Environmental Management: Air Quality Act, 2004, so as to provide for a processing fee to review a licence; and to include directors or senior managers in a juristic person for the criteria for a fit and proper person; and
  - To provide for matters connected therewith.

**4. SOCIO-ECONOMIC AND FINANCIAL IMPLICATIONS**

The Bill does not create further financial liabilities to the province

**5. COMMITTEE RECOMMENDATIONS**

The Agriculture, Conservation and Environment Portfolio Committee supports, the National Environmental Laws Amendment Bill [B66B-2008] 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 recommend that, the House confers authority on the Gauteng Provincial Delegate/s to the NCOP to vote in favour of the National Environmental Management Amendment Bill [B66B-2008]

No. 01 - 2009: Sixth Session, Third Legislature

## GAUTENG PROVINCIAL LEGISLATURE

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# RESOLUTION

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Friday, 23 January 2009

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 Environment Laws Amendment Bill (B66B-2008)

  
\_\_\_\_\_  
PROPOSER: MR R M MDAKANE  
SPEAKER



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ISISHAYAMTHETHO SAKWAZULU-NATAL

KWAZULU-NATAL WETGEWER

KWAZULU-NATAL PROVINCIAL LEGISLATURE

**TO: THE CHAIRPERSON,  
SELECT COMMITTEE ON LAND &  
ENVIRONMENTAL AFFAIRS**

**FINAL MANDATE**

**PROVINCE : KWAZULU-NATAL**  
**BILL : NATIONAL ENVIRONMENTAL LAWS  
AMENDMENT BILL  
[B66B – 2008]**

**PROVINCIAL PROCESS :**

Provincial Portfolio Committee/s : Agriculture & Conservation Portfolio  
Committee  
Portfolio Committee meeting date/s : Friday, the 23<sup>rd</sup> of JANUARY 2009  
Provincial NCOP meeting date/s : Monday, the 26<sup>th</sup> of JANUARY 2009  
Consultation : Parliamentary Legal Advisors, Special &  
Permanent Delegates

**MANDATE OF THE KWAZULU-NATAL PROVINCIAL LEGISLATURE:**

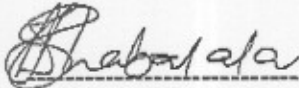
The Provincial Standing Committee on National Council of Provinces Matters met today, Monday, the 26<sup>th</sup> of JANUARY 2009, to consider their final mandate on the National Environmental Laws Amendment Bill [B66B-2008].

The Committee noted the agreed amendments in the unsigned draft minutes of



the Select Committee and that there was no amended Bill containing these amendments before the Committee. As such, the Committee unanimously agreed not to confer its final voting mandate until the Bill as amended in accordance with the agreed amendments is presented to the Committee.

**PROVINCIAL ENDORSEMENT**



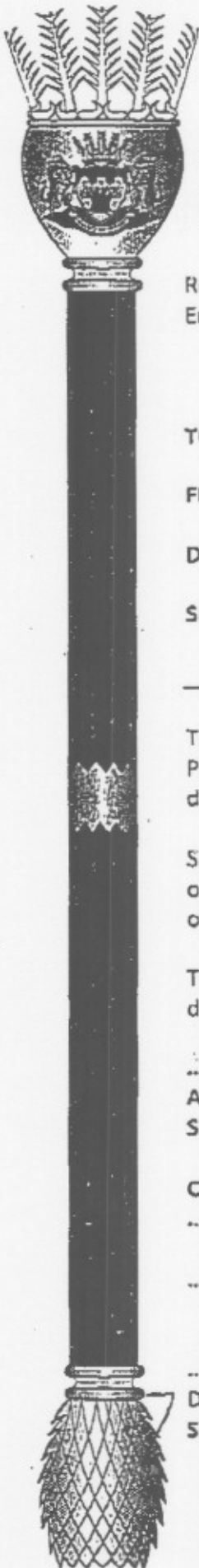
**Ms L F Shabalala**  
**CHAIRPERSON :**  
**KWAZULU-NATAL STANDING COMMITTEE ON**  
**NATIONAL COUNCIL OF PROVINCES MATTERS**

Monday, the 23<sup>rd</sup> of JANUARY 2009

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**DATE**

# Limpopo Legislature

## OFFICE OF THE SECRETARY



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**Postal Address:**

Private Bag X9309  
Polokwane  
0700

Ref.: 13/7

Enquiries: NCOP Officer

### MEMORANDUM

**TO :** THE HON. SPEAKER

**FROM :** NCOP LIAISON OFFICE

**DATE :** 26 JANUARY 2009

**SUBJECT :** CONFERRAL OF FINAL MANDATE ON THE NATIONAL ENVIRONMENT LAWS AMENDMENT BILL, 2008 [B66B-2008]

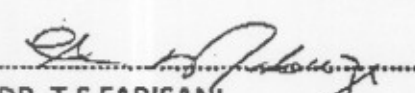
The Hon. Speaker is kindly informed that the aforementioned Bill which was referred to the Portfolio Committee on Economic Development, Environment and Tourism for consideration is due for plenary on Tuesday, 27 January 2009, at 10h00.

Since the House is on recess, it is hereby requested that the Hon. Speaker confers the mandate on its behalf on the Province's delegation in the National Council of Provinces to vote in favour of the Bill to pass into law. The mandate is attached hereto for signing.

The Report of the Portfolio Committee also attached herewith, will be tabled in the House during its Sitting for ratification.

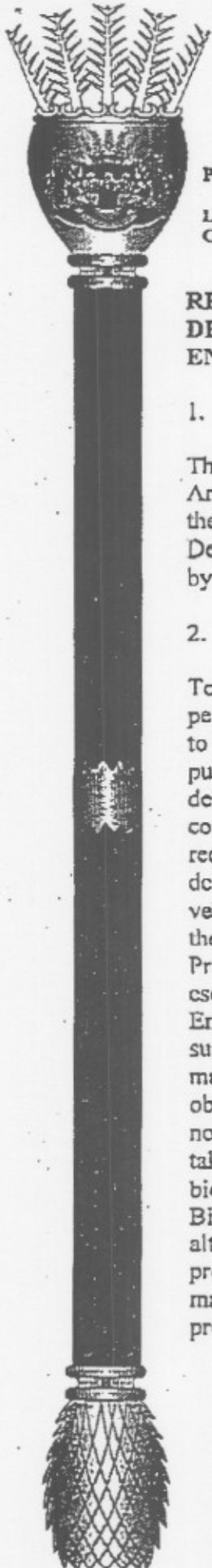
  
ADV. E.N LAMBANI  
SECRETARY: LIMPOPO LEGISLATURE

COMMENTS:

  
DR. T.S FARISANI  
SPEAKER: LIMPOPO LEGISLATURE

# Limpopo Legislature

## OFFICE OF THE SECRETARY



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### REPORT OF THE PORTFOLIO COMMITTEE ON ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM ON NATIONAL ENVIRONMENT LAWS AMENDMENT BILL, 2008 [B66B-2008]

#### 1. INTRODUCTION

The National Council of Provinces referred the National Environment Laws Amendment Bill, 2008 [B66B-2008] 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 Atmospheric Pollution Prevention Act, 1965, so as to adjust the penalties provided for in the said Act; Environment Conservation Act, 1989, so as to adjust the penalties provided for in the said Act; and to remove the need to publish directions in the Gazette; National Environmental Act, 1998, so as to delete certain definitions; to provide for the establishment of fora or advisory committees; to make provision for increased powers of the courts; to remove the requirement that Environmental Management Inspectors must carry notices of designation with them; to extend the scope of routine inspections to the search of vehicles; and to regulate the jurisdiction of magistrate's courts in instances where the maximum fines have been increased; National Environmental Management : Protected Areas Act, 2003 , so as to provide for increased measures of control over escaped animals; and to adjust the penalties provided for in the said Act; National Environmental Management : Biodiversity Act, 2004, so as to provide for general surveillance monitoring; to provide further considerations for a biodiversity management plan; to provide that an environment impact assessment must be obtained when genetically modified organisms are involved; to introduce notification requirements in the discovery phase of a bioprospecting project; to take into consideration knowledge of specific individuals when issuing specific bioprospecting permits; to allow the Director-General or a trustee to manage the Bioprospecting Fund; to allow for hunting; and to effect certain textual alterations; National Environmental Management : Air Quality Act, 2004, so as to provide for a processing fee to review a license; and to include directors or senior managers in a juristic person for the criteria for a fit and proper person; and to provide for matters connected therewith.

### 3. CONSIDERATION OF THE BILL

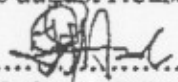
The Committee met on 17 October 2008 to consider the Bill. NCOP Permanent Delegate, Hon. H. Matlanyane and Vicky Beukes from National Department Environmental Affairs briefed the Committee on the principle and the provisions of the Bill.

### 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 favour 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**