

120905
pcwater

PORTFOLIO COMMITTEE PUBLIC HEARINGS: LIST OF ISSUES TO BE ADDRESSED BY THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS [14, 21, 22 and 28 AUGUST 2012]

Issue	Progress
1. NEMA: Use of "state" and "organ of state" in Act and in Bill – intention.	Follow up with OCSLA and avail opinions to members.
2. Legal opinion about the necessity of prior consultation on the Bill with the Traditional Leaders.	Follow up with OCSLA & Parliamentary Lawyers.
3. NEMLA: Should "human health be limited" in clause 15 (insertion in section 44 of NEMA)?	Submitted
4. Sections 24G and 28 require case studies from DEA.	Submitted
5. Why do Environmental Management Plans and Environmental Implementation Plans not be required from municipalities?	Pending.
6. Strengthening penalties under NEMBA – what are other countries doing?	Submitted
7. NEMBA: Reasoning behind imposing national requirements when there are existing provincial provisions.	Submitted
8. Speech delivered by Minister Komaggas in Northern Cape on the 27 July 2012.	Already submitted to the PC.
9. The list of possible amendments that the Committee identified for inclusion in NEMLA during the discussions of the National Waste Management Strategy.	Already submitted to the PC.
10. National Environmental Management Amendment Act, 2008 and Mineral and Petroleum Resources Amendment Act, 2008 (Proclamation) (Provide a short memo on the coming into effect of the current provisions pertaining to mining in NEMA).	Submitted
11. Legislative programme for the next financial year. (PC wanted to see what other amendments are under consideration.)	Pending
12. Proposed amendments highlighted during the public hearings (Table of	Submitted

Comments and Response).	
13. Bioprospecting Trust Fund – BABS Regulations and example of MTA.	Submitted
14. The Constitutionality of Clause 5(c). (Short submission to accompany opinion of counsel and the CSLA certification)	Submitted
15. Rand Water requested powers to issue section 28 directives. They claimed that they approve development. PC requested them to indicate to them that in terms of what instrument they have the powers to approve development. Short submission to be provided by Rand Water.	