



Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni

Ref: 11/4/1/2/11

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON AGRICULTURE, ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING**

Tuesday, 25 August 2020 (at 09:00), Virtual Meeting via Microsoft Teams

PRESENT

Members

Democratic Alliance

America, D (Alternate)
Maseko, LM
Van Der Westhuizen, AP (Chairperson)

Apologies

Baartman, DM (DA)
Herron, BN (GOOD)

Absent

Marran, P (ANC)

The following persons were in attendance:

Department of Environmental Affairs and Development Planning

Mr A Mohamed	Chief Director: Environmental Governance, Policy Co-ordination and Enforcement
Mr P Hardcastle	Director: Planning and Policy Co-ordination
Ms Kayleen Marhota	Planning and Policy Co-ordination

Department of the Premier

Ms M Melim	State Law Advisor
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Western Cape Provincial Parliament Officials

Ms S Niekerk	Procedural Officer
Mr J Vermeulen	Senior Procedural Officer
Adv A le Roux	Senior Law Advisor

Adv R Maasdorp	Law Advisor
Mr T Abbas	Information Technology Software & Hardware Support Officer
Ms C Morris	Information Technology Assistant

1. Opening and welcome

The Chairperson opened the meeting and welcomed the members of the Committee, officials from the Provincial Department of Environmental Affairs and Development Planning as well as the officials from the Western Cape Provincial Parliament.

2. Discussion on submissions received in relation to the National Forests Amendment Bill [B 11B–2016] (NCOP) (NFA) and the National Environmental Management Laws Amendment Bill [B 14D–2017] (NCOP) (NEMLA) and the National Department of Environment, Forestry and Fisheries’ response thereto

The Chairperson informed the meeting that the National Department of Environment, Forestry and Fisheries did not comply with the due date of 21 August 2020, which was provided to the Committee by themselves, to respond in writing to the written submissions received on both amendment bills.

The Committee proceeded to a clause by clause discussion on the NFA and NEMLA bills, highlighting their concerns, reservations and uncertainty in respect of specific amendments as well as those of the stakeholders who submitted written comments. The Provincial Department of Environmental Affairs and Development Planning, the Legal Advisors of the Western Cape Provincial Parliament and the State Law Advisor provided assistance, as far as possible, to the Committee in the absence of the written response from the National Department of Environment, Forestry and Fisheries.

The Committee deliberated.

3. Resolutions/Actions

3.1 National Forests Amendment Bill

3.1.1 The Committee RESOLVED that it supports clause 1, clauses 3 to 5, clauses 7 to 14 and clauses 16 to 21.

3.1.2 The Committee RECOMMENDED that:

3.1.2.1 The word “long term” be inserted in clause 2, page 3, line 20, between the word “the’ and the word “benefit”;

3.1.2.2 Clause 6 makes reference to electronic and social media; and

3.1.2.3 Although the enabling provisions of appeals in respect of the insertion of clause 15 is accepted, the National Department should consider incorporating the detail as well as the timeframes of the appeals process in the regulations and not in the amendment bill.

3.1.3 The Committee REQUESTED that, in relation to clause 2A, Adv Maasdorp test the legal implications of the use of the word “trusteeship” as opposed to the use of the word “custodian” in order to:

3.1.3.1 Ascertain if the use of these terms are in fact interchangeable; and

3.1.3.2 Whether, in terms of the Constitution, this responsibility should not be assigned to provinces.

3.2 National Environmental Management Laws Amendment Bill

- 3.2.1 The Committee RESOLVED that it supports the Department of Environmental Affairs and Development's comments on the amendment bill and that the response of the National Department will be beneficial to future discussions.
- 3.2.2 The Committee RECOMMENDED that:
- 3.2.2.1 In clause 5, page 8, line 61, the word 'compile' be deleted;
- 3.2.2.2 In clause 5, page 8, line 61, the requirements to compile an environmental management programme be a separate requirement that is captured in a new and separate provision and not under point "EE" in terms of section 24G; and
- 3.2.2.3 In clause 5, page 8, line 62, the word "and" be deleted.
- 3.2.3 The Committee REQUESTED that:
- 3.2.3.1 In terms of clause 4, the Department of Environmental Affairs and Development Planning investigate if the words "subsection 3" should be inserted on page 7 in line 32 so that provinces are regarded as the competent authority;
- 3.2.3.2 In terms of clause 8, where the Department proposed that section 24P(3) be further amended to align with section 24P(8) in terms of the review of financial provision and where the Department further proposed that a new subclause be inserted that enables a review to take place, the Department informs the Committee where this is to be inserted in the amendment bill; and
- 3.2.3.3 In terms of the clause 30 proposed amendment to Section 34E, whereby a live specimen that has been seized may be placed in a suitable institution, the Department to consider drafting an amendment that will ensure that the specimen is kept alive until a suitable institution is found and only if unable to find a suitable institution, then the specimen may be disposed of.

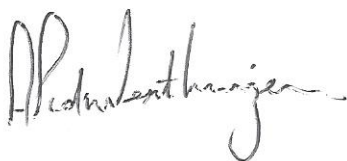
3. Consideration and adoption of Draft Committee Minutes

The Chairperson submitted the Draft Committee Minutes of 12 August 2020, which were considered and adopted.

The Chairperson informed the Committee that the Casidra Board of Directors proceeded with a disciplinary hearing against the Chief Executive Officer of Casidra, that the hearing has been concluded, that the Chief Executive Officer was dismissed on 17 July 2020 and that the Board has started the recruitment process to fill the vacancy.

The Chairperson further expressed his appreciation to the members and the officials for their contributions to the success of the meeting.

The meeting adjourned at 12:12.



MR AP VAN DER WESTHUIZEN, MPP

CHAIRPERSON: STANDING COMMITTEE ON AGRICULTURE, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Date:8 September 2020.....