



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, 8 September 2020 (at 09:00), Virtual Meeting via Microsoft Teams*

**PRESENT**

**Members**

**Democratic Alliance**

Baartman, DM  
Maseko, LM  
Van Der Westhuizen, AP (Chairperson)

**African National Congress**

Smith, D

**Apologies**

Herron, BN (GOOD)  
Marran, P (ANC)

**The following persons were in attendance:**

**Department of Environmental Affairs and Development Planning**

Mr P Hardcastle                      Director: Planning and Policy Co-ordination  
Ms A Rossouw                         Directorate: Planning and Policy Co-ordination

**Department of the Premier**

Ms M Melim                            State Law Advisor

**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
Mr S Hassam	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. Further deliberation on the National Environmental Management Laws Amendment Bill [B 14D–2017] (NCOP)**

The Chairperson informed the meeting that the National Department of Environment, Forestry and Fisheries had responded in writing to the written submissions received on the National Environmental Management Amendment Bill (NEMLA) and the National Forests Amendment Bill. The Chairperson further informed the meeting that the Committee will continue its discussion on the NEMLA bill from clause 33 as it had already discussed clauses 1 to 32 in a previous meeting.

The Committee proceeded to a clause by clause discussion on the NEMLA bill, highlighting their concerns, reservations and uncertainty in respect of specific amendments. The Provincial Department of Environmental Affairs and Development Planning provided assistance and guidance to the Committee.

The Committee deliberated.

## **3. Resolutions/Actions**

- 3.2.1 The Committee REQUESTED that the Department of Environmental Affairs and Development Planning, after considering the National Department's response to the following clauses and sections, provides it with the appropriate wording for possible amendments to proposals made as well as an indication of the place in the NEMLA bill where these amendments are to be inserted:
- 3.2.1.1 Clauses 34 and 35 that seeks to amend section 43 of the National Environmental Management Act, 1998 (Act 107 of 1998);
  - 3.2.1.2 Clause 53(c) that seeks to amend section 36(2A) of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) – The comment submitted by the South African Local Government Association must be taken into account here;
  - 3.2.1.3 Proposed amendment by the Department to section 37 of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004); and
  - 3.2.1.4 Clause 62, proposed new section 34J(3)(a) in the National Environmental Management: Waste Act, 2008 (Act 59 of 2008), with specific reference to page 33, line 35, of the NEMLA bill to allow for a remedy where the Minister does not appoint a Chairperson straightaway.

- 3.2.2 The Committee further REQUESTED that, where the National Department has proposed an amendment to a concern raised by the Department of Environmental Affairs and Development Planning and other stakeholders, the provincial Department scrutinises the proposed amendment and inform the Committee if they are satisfied with it. This relates to the following clauses and sections:
- 3.2.2.1 Clause 41 that seeks to amend section 1 of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004);
  - 3.2.2.2 Clause 49(b) that seeks to amend section 99 (2) of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004);
  - 3.2.2.3 Proposed amendment by the Department to section 56 of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008); and
  - 3.2.2.4 Clause 82 that seeks to amend section 12 of the National Environmental Management Amendment Act, 2008 (Act 62 of 2008).
- 3.2.3 The Committee RESOLVED that:
- 3.2.3.1 It supports the National Department's response relative to the amendment of clause 35 that seeks to amend section 49A(1)(p) of the National Environmental Management Act, 1998 (Act 107 of 1998);
  - 3.2.3.2 It supports the National Department's response relative to the amendment of clause 49(b) that seeks to amend section 99(2) of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2007);
  - 3.3.3.3 It supports the provincial Department's proposal to include a new section, section 12A, and its proposal to amend section 22f in the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004);
  - 3.3.3.4 In clause 51 that seeks to amend section 13 of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), page 27, line 20, the word "must" must be retained.
  - 3.3.3.5 In clause 52 that seeks to amend section 22A of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), page 28, line 23, the words "or found not guilty after prosecution" are deleted;
  - 3.3.3.6 In clause 53(a) that seeks to amend section 36 of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), page 28, lines 49 and 50, the words "and the relevant municipalities agreed thereto in writing" are deleted;
  - 3.3.3.7 It supports the provincial Department's proposal to amend sections 41(3), 44 and 46 of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004);
  - 3.3.3.8 In clause 65 that seeks to amend section 37 of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008), page 37, line 38, after the word "area", the words "within a specified time" be inserted and
  - 3.3.3.9 It supports the repeal of Schedule 3 in the National Environmental Management: Waste Act, 2008 (Act 59 of 2008). However, reference is still made to schedule 3, for example, in section 58J of the Waste Act. It is proposed that all consequential amendments are checked for and effected.

#### **4. Consideration and adoption of Draft Committee Minutes**

The Chairperson submitted the Draft Committee Minutes of 25 August 2020, which were considered and adopted.

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 12:20.



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**MR AP VAN DER WESTHUIZEN, MPP**  
**CHAIRPERSON: STANDING COMMITTEE ON AGRICULTURE, ENVIRONMENTAL AFFAIRS AND**  
**DEVELOPMENT PLANNING**

Date: .....13 October 2020.....