

REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE AMENDMENTS
TO
NATIONAL ENVIRONMENTAL
MANAGEMENT AMENDMENT
BILL**

[B 36B—2007]

*(As agreed to by the Select Committee on Environmental Affairs)
(National Council of Provinces)*

[B 36C—2007]

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AMENDMENTS AGREED TO**NATIONAL ENVIRONMENTAL MANAGEMENT AMENDMENT BILL**
[B 36B—2007]

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, subsection (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 3

1. On page 9, after line 52, to insert the following subsection:

(2A) The Minister of Minerals and Energy must be identified as the competent authority in terms of subsection (1) where the activity constitutes prospecting, mining, exploration, production or a related activity occurring within a prospecting, mining, exploration or production area

CLAUSE 6

1. On page 10, in line 38, after “Minister” to insert “, Minister of Minerals and Energy”.
2. On page 10, in line 40, to omit “one or more of the following, namely”.
3. 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.
3. On page 12, after line 55, to insert the following subsection:

(1A) Where environmental impact assessment has been identified as the environmental instrument to be utilised in informing an application for environmental authorisation, or where such application relates to prospecting, mining, exploration, production and related activities on a prospecting, mining, exploration or production area, the Minister, the Minister of Minerals and Energy, an MEC or identified competent authority must require the submission of an environmental management programme before considering an application for an environmental authorisation.
4. On page 16, in line 3, to omit the first “an” and to substitute “and”.

SCHEDULE

1. On page 19, after line 11, to insert the following item:

Amendment of section 24C of Act 107 of 1998

 2. Section 24C of the principal Act is hereby amended by the deletion of subsection (2A).
2. On page 19, in line 34, to omit “and” and to substitute “,”.
3. On page 19, in line 34, after “24F(1)(a)” to insert “and section 24G(1)”.
4. On page 19, in line 38, after “24N(1)” to insert “, (1A)”.