

REPUBLIC OF SOUTH AFRICA

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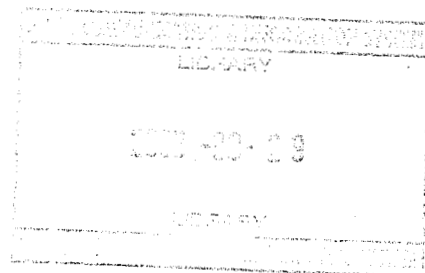
**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
ENVIRONMENT  
CONSERVATION AMENDMENT  
BILL**

[B 45—2003]

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*(As agreed to by the Portfolio Committee on Environmental Affairs and Tourism  
(National Assembly))*

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[B 45A—2003]

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**AMENDMENTS AGREED TO**  
**ENVIRONMENT CONSERVATION AMENDMENT BILL**  
**[B 45 — 2003]**

CLAUSE 1

1. On page 2, in line 3, to omit "Amendment" and to substitute "Substitution".
2. On page 2, in line 9, to omit "this section" and to substitute "subsections (1) to (9)".
3. On page 2, after line 21, to insert:

- (6) The issuing of a waste disposal site permit is subject to—
- (a) the concurrence of the Minister of Water Affairs and Forestry; and
  - (b) the inclusion therein of the conditions contained in a Record of Decision issued by the Minister of Water Affairs and Forestry regarding any measures that the Minister of Water Affairs and Forestry considers necessary to protect a water resource as defined in the National Water Act, 1998 (Act No. 36 of 1998).
  - (c) In the event of concurrence or conditions not being obtained as contemplated in paragraphs (a) and (b) within a reasonable period of time the matter shall be referred to the Fair Decision Making and Conflict Management provisions contained in Chapter 4, sections 17 to 22, of the National Environmental Management Act, 1998 (Act No. 107 of 1998), by the Minister of Environmental Affairs and Tourism.

CLAUSE 3

1. On page 3, in line 22, after "24B" to insert "and 24C".
2. On page 3, in line 23, to omit "section is" and to substitute "sections are".
3. On page 3, after line 27 to insert:

**"Procedure for making regulations"**

**24C. (1) Before making a regulation under section 24(l) or 24B, the Minister must—**

- (a) publish a notice in the *Gazette*—
    - (i) setting out the draft regulations;
    - (ii) inviting written comments to be submitted on the proposed regulations within a period specified in the notice; and
  - (b) consider all comments received in response to that notice.
- (2) The Minister must, within 30 days after promulgation and publishing regulations under section 24(l) or 24B, table the regulations in the National Assembly and the National Council of Provinces, and if Parliament is then not in session, within 30 days after the beginning of the next ensuing session of Parliament.

- (3) In considering the regulations—
- (a) tabled in the National Assembly, a committee of the National Assembly must consider and report to the National Assembly;
  - (b) tabled in the National Council of Provinces, a committee of the National Council of Provinces must consider and report to the National Council of Provinces,
- as to whether the regulations—
- (i) are consistent with the purposes of this Act;
  - (ii) are within the powers conferred by this Act;
  - (iii) are consistent with the Constitution;
  - (iv) create offences and prescribed penalties for such offences that are appropriate and acceptable.
- (4) The National Council of Provinces may by resolution reject the regulations within 30 days after they have been tabled in the National Council of Provinces and such rejection must be referred to the National Assembly for consideration.
- (5) The National Assembly, after considering any rejection of the said regulations by the National Council of Provinces, may by resolution within 60 days after they have been tabled, disapprove of the regulations, and may suspend its disapproval for any period and on any conditions to allow the Minister to correct the defect.
- (6) Any regulation made under section 24(l) or 24B will not be subject to the publication for comment requirements contained in section 32 of the Act.”.

#### CLAUSE 4

1. On page 3, in line 28, after “title” to insert “and commencement”.
2. On page 3, after line 29, to add:
  - (2) Section 1 comes into effect on a date determined by the President by proclamation in the *Gazette*.