

REPUBLIC OF SOUTH AFRICA

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

[B 13B—2012]

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

[B 13C—2012]

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AMENDMENTS AGREED TO

NATIONAL ENVIRONMENTAL MANAGEMENT LAWS FIRST AMENDMENT BILL

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CLAUSE 1

1. On page 3, in line 10, to omit “biodiversity” and to substitute “indigenous biological”.
2. On page 4, in line 19, after “Minister” to insert “as contemplated in section 87A(1) or (3)”.
3. On page 4, in line 20, after “MEC” to insert “as contemplated in section 87A(2) or (3)”.

CLAUSE 2

1. On page 4, in line 36, to omit “**51**” and to substitute “**2**”.

CLAUSE 10

1. On page 7, in line 4, after “publishing” to insert “, amending or repealing”.

CLAUSE 20

Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Insertion of section 87A in Act 10 of 2004

22. The following section is hereby inserted in the National Environmental Management: Biodiversity Act, 2004, after section 87:

“Issuing authority

87A. (1) The Minister is the issuing authority responsible for deciding an application for a permit for—

<p>(a) the carrying out of a restricted activity involving a specimen of a listed threatened or protected species—</p> <ul style="list-style-type: none"> (i) in a national protected area; (ii) that is a marine species; or (iii) applied for by an official, on behalf of— <ul style="list-style-type: none"> (aa) a provincial department or provincial organ of state responsible for the conservation of biodiversity in a province; (bb) a national protected area; (cc) the South African National Biodiversity Institute; <p>or</p>

- (dd) an organ of state in the national sphere of government;
 - (b) the import, export, re-export or introduction from the sea, of a specimen of a species listed in terms of the Convention on International Trade in Endangered Species of Wild Fauna and Flora—
 - (i) originating from a national protected area;
 - (ii) that is a marine species; or
 - (iii) applied for by an official, on behalf of—
 - (aa) a provincial department or provincial organ of state responsible for the conservation of biodiversity in a province;
 - (bb) a national protected area;
 - (cc) the South African National Biodiversity Institute; or
 - (dd) an organ of state in the national sphere of government;
 - (c) the carrying out of a restricted activity involving a specimen of an alien or a listed invasive species;
 - (d) the commercialisation phase of bioprospecting involving any indigenous biological resources; or
 - (e) the export of any indigenous biological resources from the Republic for the purpose of bioprospecting.
- (2) The MEC is the issuing authority responsible for deciding an application for any permit not listed in subsection (1).
- (3) Notwithstanding subsections (1) and (2), the Minister and the MEC may in writing agree that any application for a permit or a type of permit—
- (a) contemplated in subsection (1) may be decided by the MEC; or
 - (b) contemplated in subsection (2) may be decided by the Minister.”.

CLAUSE 30

1. On page 12, from line 36, to omit paragraph (l).

CLAUSE 36

1. On page 15, in line 11, to omit “section” and to substitute “item”.
2. On page 15, after line 12, to insert the following paragraph:
 - (c) by the insertion after item 87 of the following item:
 - “87A. Issuing authority”;
3. On page 15, in line 13, to omit “section” and to substitute “item”.
4. On page 15, in line 13, to omit “items” and to substitute “item”.
5. On page 15, in line 15, to omit “section” and to substitute “item”.
6. On page 15, in line 18, to omit “section” and to substitute “item”.

CLAUSE 38

1. On page 15, in line 49, to omit “and” and to substitute “[**and**] or”.

LONG TITLE

1. On page 2, in the thirteenth line, to omit “to revise the provisions of the Bioprospecting Fund;”.
2. On page 2, in the eighteenth line, after “for” to insert “the”.