

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
MARINE SPATIAL PLANNING
BILL**

[B 9—2017]

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

[B 9A—2017]

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AMENDMENTS AGREED TO

MARINE SPATIAL PLANNING BILL

[B 9—2017]

CLAUSE 1

1. On page 3, after line 6, to insert the following definition:

“ **“marine area”** means a bio-geographic area that will serve as a planning unit for a marine area plan;”.
2. On page 3, in line 7, after the first “a” to omit “bio-geographic” and to substitute “plan developed within a”.
3. On page 3, from line 7, to omit “that will serve as a planning unit which is developed”.
4. On page 3, after line 22, to insert the following definition:

“ **“organ of state”** means an organ of state as defined in section 239 of the Constitution;”
5. On page 3, from line 24, to omit the definition of “**organ of state**”.

CLAUSE 2

1. On page 3, after line 48, to insert:

“(c) conserve the ocean for present and future generations;”.
2. On page 3, in line 49, to omit “(c) facilitate good ocean governance;” and to substitute “(d) facilitate responsible use of the ocean;”.
3. On page 3, in line 50, to omit “(d)” and to substitute “(e)”.
4. On page 3, in line 53, to omit “(e)” and to substitute “(f)”.

CLAUSE 3

1. On page 3, in line 55, after “3.” to insert “(1)”.
2. On page 3, after line 56, to insert:

“(2) Any right, permit, permission, licence or any other authorisation issued in terms of any other law must be consistent with the approved marine area plans.”.

CLAUSE 5

1. On page 4, in line 5, after “planning” to insert “and should be applied and considered having regard to the precautionary approach”.
2. On page 4, in line 9, after “responsible” to omit “ocean governance” and to substitute “use of the ocean through consultation and cooperation”.

3. On page 4, in line 10, after “the” to omit “promotion” and to substitute “advancement”.
4. On page 4, in line 16, after “(f)” to omit “a precautionary approach” and to substitute “the principle of spatial resilience and flexibility”.
5. On page 4, in line 21, after “whereby” to omit “—”.
6. On page 4, in line 22, to omit “(i)”.
7. On page 4, in line 23, after the semi-colon to omit “and”.
8. On page 4 in line 24, to omit “(ii) the principle of spatial resilience and flexibility;”.
9. On page 4, in line 25, after “administration” to insert “, coherent and holistic planning and management”.
10. On page 4, in line 29, after “possible,” to omit “subsection (1)(i) must be applied” and to substitute “the principles in subsection (1) must be applied to resolve such conflict”.

CLAUSE 8

1. On page 5, in line 8, to omit “and”.
2. On page 5, after line 8, to insert:

“(e) representative organisations of affected persons and institutions; and”.
3. On page 5, in line 9, before “the” to omit “(e)” and to substitute “(f)”.

CLAUSE 9

1. On page 5, in line 15, after “(1)” to insert “(a)”.
2. On page 5, in line 18, after “evaluation,” to insert “public enterprises,”.
3. On page 5, after line 19, to insert:

“(b) The official nominated from the department responsible for environmental affairs, must be the chairperson and convener of the National Working Group.”
4. On page 5, from line 29, after “uses” to omit “within specific ocean planning areas”.
5. On page 5, in line 46, after “the” to omit “plan” and to substitute “marine area plans”.
6. On page 5, in line 50, after “report” to insert “contemplated in subsection (3)(a) which must be”.
7. On page 5, from line 50, to omit “and the Ministerial Committee”.
8. On page 5, in line 54, after “detailing” to insert “transitional provisions aimed at enabling the implementation of marine area plans within a reasonable period of time and”.

9. On page 5, after line 58, to insert:

“(4) The recommendation contemplated in subsection (3) must be made by consensus, and where no consensus is reached, all the proposed options must be presented in the report.”.
10. On page 5, in line 59, to omit “(4)” and to substitute “(5)”.

CLAUSE 10

1. On page 6, in line 5, after “evaluation,” to insert “public enterprises,”.
2. On page 6, from line 9, after “Director-General”, to omit “and the Director-General responsible for planning, monitoring and evaluation are co-chairpersons” and to substitute “is the chairperson and convener”.
3. On page 6, in line 10, after “Committee”, to insert “and in his or her absence, the Director-General responsible for planning, monitoring and evaluation must act as the chairperson of the Directors-General Committee”.
4. On page 6, in line 11, to omit “six” and to substitute “five”.
5. On page 6, in line 15, after “Director-General” to omit “responsible for planning, monitoring and evaluation”.
6. On page 6, in line 16, after the second “vote” to insert “and all the proposed options must be presented to the Ministerial Committee for a final decision”.
7. On page 6, in line 18, after “Committee” to insert “, which alternate may not be a member of the National Working Group and may not be lower than the rank of Deputy Director-General”.
8. On page 6, in line 29, after “Group” to omit “with specific instructions for consideration” and to substitute “for reconsideration, with specific instructions”.

CLAUSE 11

1. On page 6, in line 33, after “evaluation,” to insert “public enterprises,”.
2. On page 6, from line 36, after the first “Minister” to omit “and the Minister responsible for planning, monitoring and evaluation are co-chairpersons” and to substitute “is the chairperson”.
3. On page 6, in line 37, after “Committee” to insert “and in his or her absence, the Minister responsible for planning, monitoring and evaluation must act as the chairperson of the Ministerial Committee”.
4. On page 6, in line 38, to omit “six” and to substitute “five”.
5. On page 6, in line 42, after “Minister” to omit “responsible for planning, monitoring and evaluation”.
6. On page 6, in line 44, after “(6)” to omit “Subject to subsection (6), the” and to substitute “The”.

CLAUSE 12

1. On page 7, from line 2, to omit clause 12 and to substitute the following clause:

“**12.** (1) Any marine spatial framework and marine area plans that have been approved by the Ministerial Committee, must be—

- (a) tabled by the Minister, in Parliament for consideration by the relevant Parliamentary Committee, if Parliament is in session; or
- (b) submitted to the Speaker of Parliament for consideration of the relevant Parliamentary Committee, if Parliament is not in session.

(2) Two months after the marine spatial framework and marine area plans have been tabled in Parliament or submitted to the Speaker of Parliament as contemplated in subsection (1), the Minister must publish—

- (a) the marine spatial planning framework and those parts of the marine area plans which can be published, by notice in the *Gazette*; and
- (b) those parts of the marine area plans which cannot be published by notice in the *Gazette*, on an appropriate electronic platform.”

CLAUSE 13

1. On page 7, after line 18, to insert:

“(c) the manner and form of consultation as contemplated in section 8(1);”

2. On page 7, in line 19, before “anything” to omit “(c)” and to substitute “(d)”.
3. On page 7, in line 20, before “any” to omit “(d)” and to substitute “(e)”.