

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**NATIONAL ENVIRONMENTAL
MANAGEMENT: PROTECTED
AREAS AMENDMENT BILL**

[B 28—2013]

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

[B 28A—2013]

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AMENDMENTS AGREED TO

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS AMENDMENT BILL

[B 28—2013]

CLAUSE 2

1. On page 3, in line 14, after “for a” to insert “diverse and”.

CLAUSE 5

1. On page 3, in line 48, after “to”, to insert “conserve and”.
2. On page 3, in line 49, after “to”, to insert “conserve and”.
3. On page 4, in line 1, after “to”, to insert “conserve and”.
4. On page 4, in line 6, to omit “enhancing” and to substitute “enhance”.
5. On page 4, in line 7, to omit “or”.
6. On page 4, after line 7, to insert the following paragraph:

“(f) to protect and provide an appropriate environment for research and monitoring in order to achieve the objectives of this Act; or.”
7. On page 4, in line 8, to omit “may” and to substitute “is likely to”.
8. On page 4, from line 12, to omit the heading and to substitute:

“Withdrawal of declaration of, addition to, or exclusion from marine protected areas”

CLAUSE 6

1. On page 4, in line 22, after the second “the” to insert “conservation and”.

CLAUSE 7

1. On page 4, in line 30, after “20(1),” to insert “21,”

CLAUSE 10

1. On page 5, in line 6, to omit “paragraph” and to insert “paragraphs (aA) and”.
2. On page 5, in line 10, to omit “and”.
3. On page 5, from line 13, to omit paragraph (aB) and to substitute:

“(aB) may assign the management of a marine protected area only to a suitable national organ of state, but the powers referred to in section 48A(2) may not be so assigned; or”; and

4. On page 5, after line 15, to add the following paragraph:
- “(d) by the substitution in subsection (1) for paragraph (b) of the following paragraph:
 (b) may assign the management of a privately owned protected environment to a suitable person, organization or organ of state, provided that the owner and lawful occupier have requested or consented to such assignment, and the Minister has given the owner and lawful occupier notice in writing in terms of section 33.”

NEW CLAUSE

1. That the following be a new clause to follow clause 11:

Amendment of section 48 of Act 57 of 2003, as amended by section 18 of Act 31 of 2004

12. Section 48 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“Despite other legislation, no person may conduct commercial prospecting [or], mining, exploration, production or related activities—

CLAUSE 12

1. On page 5, in line 30, to omit paragraph (c) and to substitute:
(c) undertake any dredging or extraction of sand, rock, gravel or minerals unrelated to any activities referred to in section 48(1);
2. On page 5, in line 40, to omit “or”.
3. On page 5, in line 41, after “structure” to insert “; or”
4. On page 5, after line 41, to add the following paragraph:
(k) undertake mineral exploration, and production of petroleum and other fossil fuels.
5. On page 5, in line 42, after “subsection (1)” to insert “but subject to section 48(1),”.
6. On page 5, from line 47, to omit subsection (3) and to substitute:
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| <p>(3) Before exercising the power referred to in subsection (2), the Minister must—</p> <p>(a) consult with the Minister responsible for fisheries and the management authority that is responsible for managing the relevant marine protected area; and</p> <p>(b) ensure that the zoning achieves the objectives referred to in <u>section 2.</u></p> |
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CLAUSE 13

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

“(a) by the substitution for subsection (1) of the following subsection:
 ‘(1) The management authority of a national park, marine protected area, nature reserve or world heritage site may, in accordance with prescribed norms and standards, make rules for the proper administration of the area.’ ”;
2. On page 6, in line 8, to omit “and”.
3. On page 6, after line 8, to insert the following paragraphs:

“(c) by the deletion in subsection (2)(b) of the word “and”;
 (d) by the addition to subsection 2(c) of the expression “; and”;
 (e) by the addition to subsection (2) of the following paragraph:
 “(d) must be published in the *Gazette*.”
4. On page 6, from line 10, to omit subsection (3) and to substitute:

“(3) Rules made in terms of subsection (1) which apply to marine protected areas must be made in consultation with the Department.”

CLAUSE 15

1. On page 6, after line 39, to add the following paragraph:

(d) Any application for a permit or exemption lodged in terms of section 43 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), which has not been finalised when the National Environmental Management: Protected Areas Amendment Act, 2013, takes effect must, despite the repeal of section 43 of that Act by section 90(3), be dispensed with in terms of section 43 of the Marine Living Resources Act, 1998, and a decision taken in terms of section 43 must be deemed as a decision taken in terms of this Act.

CLAUSE 17

1. On page 7, from line 10, to omit “and comes into operation on a date determined by the President by proclamation in the *Gazette*” and to substitute:

“and comes into effect on the date of publication in the *Gazette* as contemplated in section 81 of the Constitution of the Republic of South Africa, 1996, or such earlier date as determined by Proclamation by the President in the *Gazette*.”