

REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE AMENDMENTS
TO**

**NATIONAL ENVIRONMENT
LAWS AMENDMENT BILL**

[B 35—2007]

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

[B 35A—2007]

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AMENDMENTS AGREED TO
 NATIONAL ENVIRONMENT LAWS AMENDMENT BILL
 [B 35—2007]

CLAUSE 3

1. On page 3, after line 16, to insert the following paragraph:
 - (b) the National Water Act, 1998 (Act No. 36 of 1998);

NEW CLAUSES

1. That the following be new Clauses:

Insertion of section 31BA in Act 107 of 1998

4. The following section is hereby inserted in the National Environmental Management Act, 1998, after section 31B:

“Designation of environmental management inspectors by Minister of Water Affairs and Forestry

31BA. (1) The Minister of Water Affairs and Forestry may—

- (a) designate as an environmental management inspector, any staff member of—
 - (i) the Department of Water Affairs and Forestry; or
 - (ii) any other organ of state; and
- (b) at any time withdraw a designation made in terms of paragraph (a).

(2) A designation in terms of subsection (1)(a)(ii) may only be made by agreement between the Minister of Water Affairs and Forestry and the relevant organ of state.”.

Substitution of section 31D of Act 107 of 1998, as inserted by section 4 of Act 46 of 2003

5. The following section is hereby substituted for section 31D of the National Environmental Management Act, 1998:

“Mandates

31D. (1) When designating a person as an environmental management inspector, the Minister, the Minister of Water Affairs and Forestry or MEC, as the case may be, must, subject to subsection (2), determine whether the person concerned is designated for the enforcement of—

- (a) this Act;
- (b) a specific environmental management Act;
- (c) specific provisions of this Act or a specific environmental management Act;
- (d) this Act and all specific environmental management Acts; or
- (e) any combination of those Acts or provisions of those Acts.

(2) An MEC may designate a person as an environmental management inspector for the enforcement of only those provisions of this Act or any specific environmental management Act—

- (a) which are administered by the MEC or a provincial organ of state; or
- (b) in respect of which the MEC or a provincial organ of state exercises or performs assigned or delegated powers or duties.

(3) A person designated as an environmental management inspector may exercise any of the powers given to environmental management inspectors in terms of this Act that are necessary for the inspector's mandate in terms of subsection (1) and that may be specified by the Minister, the Minister of Water Affairs and Forestry or MEC by notice in writing to the inspector.”.

LONG TITLE

1. On page 2, in the sixth line of the long title, after “definitions;” to insert:
to authorise the Minister of Water Affairs and Forestry to designate persons as environmental management inspectors;

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