



# RAND WATER

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TM

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Per e-mail: [tmadubela@parliament.gov.za](mailto:tmadubela@parliament.gov.za)

Chairperson of the Parliamentary Committee  
Water and Environmental Affairs Committee Section  
Parliament of the Republic of South Africa  
CAPE TOWN  
8000

**ATTENTION: Ms Tyhileka P. Madubela**

**RE: COMMENTS: NATIONAL ENVIRONMENT MANAGEMENT LAWS  
AMENDMENT BILL NO. 13 OF 2012 (The Bill)**

We refer to the above matter and Rand Water thanks you for the opportunity to make comments on the amendments suggested in the National Environment Management Act 107 of 1998 (NEMA).

## 1. AMENDMENT OF SECTION 11 OF NEMA

- 1.1 Section 11 (1) and (2) amendments increase the time frames for preparation of environmental implementation plans by national and provincial departments. The time frame is increased from 1 year to 5 years within the promulgation of the NEMA as amended and at intervals of not more than 5 years thereafter. The reasoning for amending section 11 of NEMA is to align the preparation of environmental plans to the term of office of government, thereby enabling the new government to implement its priorities.

- 1.2 The amendment of section 11 (1) and (2) of NEMA is not aligned to section 11 (4) of NEMA. Section 11 (4) impliedly requires organs of state to submit environmental plans within one year of the promulgation of NEMA as amended and every four years thereafter.
- 1.3 Rand Water suggests that the time period required for organs of state to submit environmental plans must also be increased to 5 years after promulgation of the amended version of the NEMA and at the interval of not more than 5 years thereafter. This will align with the time period required of the organs of state's Executive Authority.

## 2. **AMENDMENT OF SECTION 28 OF NEMA**

- 2.1 Section 28 amendments included an administrative head of any relevant organ of state as one of the identified individuals that can enforce compliance and direct any person to desist from continuing or undertaking an activity that pollutes or degrade the environment.
- 2.2 The word "relevant organ of state" may present ambiguity in that it could mean organs of state whose primary duty is the management of natural resources, on the other hand it might impliedly include organs of state that indirectly manage the natural resources like Rand Water. It must be defined so that it is clear that even organs of state that indirectly manage the natural resources like water, are considered as relevant organs of state.

### **Conclusion**

We hope our comments will be considered because they will bring certainty and alignment in legislation.

Yours faithfully



**NSN Sithole**  
**Group Governance Executive**  
**Rand Water**