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No. 37713

THE PRESIDENCY

No. 448 2 June 2014

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 25 of 2014: National Environmental Management Laws Amendment Act, 2014

DIE PRESIDENSIE

No. 448 2 Junie 2014

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

Wet No 25 van 2014: Wysigingwet op Nasionale Omgewingsbestuurswette, 2014



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit
 bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder dui invoegings in bestaande
 verordenings aan.

(Engelse teks deur die President geteken)
(Goedgekeur op 30 Mei 2014)

WET

Tot wysiging van die—

- **Wet op Nasionale Omgewingsbestuur, 1998**, ten einde sekere omskrywings te wysig en sekere woorde en uitdrukkings te omskryf; voorsiening te maak vir die hersiening van omgewingsbestuursinstrumente; voorsiening te maak vir minimum inligtingsvereistes wat in omgewingsbestuursinstrumente ingesluit moet word; voorsiening te maak vir die Minister verantwoordelik vir minerale hulpbronne, om die bevoegde owerheid vir omgewingsaangeleenthede te wees in soverre dit met prospektering, eksplorasië, myn of produksie van minerale en petroleumhulpbronne verband hou; die Minister te bemagtig om, onder sekere omstandighede, in stede van die Minister verantwoordelik vir minerale hulpbronne 'n omgewingsbesluit te neem in soverre dit verband hou met prospektering, eksplorasië, myn of produksie; die bepalings betreffende geïntegreerde omgewingsmagtigings duidelik te maak; die finansiële bepalings in die Wet te versterk; voorsiening te maak vir oorlegpleging met Staatsdepartemente; voorsiening te maak vir die bestuur van residu voorraadstapels en residu neerslae; die Direkteur-generaal van die Departement verantwoordelik vir minerale hulpbronne te bemagtig om artikel 28-opdragte uit te reik in soverre hulle verband hou met prospektering, eksplorasië, myn of produksie; die Minister verantwoordelik vir minerale hulpbronne te magtig om omgewingsinspekteurs vir minerale hulpbronne in die Departement verantwoordelik vir minerale hulpbronne aan te wys vir voldoeningsmonitering en -afdwinging van bepalings in soverre dit verband hou met prospektering, eksplorasië, myn of produksie; die Minister te magtig om omgewingsbestuursinspekteurs opdrag te gee om onder sekere omstandighede in die plek van inspekteurs vir minerale hulpbronne voldoeningsmonitering en afdwingingspligte te verrig; die provinsiale departementshoof te magtig om 'n werksaamheid wat kragtens hierdie Wet aan hom of haar toevertrou is, te deleger; voorsiening te maak vir die opskorting van 'n besluit by ontvangs van 'n appèl; voorsiening te maak vir appèlle teen opdragte; verder voorsiening te maak vir die Minister se bevoegdheid om regulasies uit te vaardig; voorsiening te maak vir oorlegpleging wanneer 'n Parlements-wet of regulasies wat 'n invloed op die Ooreenkoms het, gewysig word; voorsiening te maak vir die maatstawwe vir kondoneringsaansoeke in die geval van appèlle wat op prospektering, eksplorasië, myn of produksie betrekking het;
- **“National Environmental Management: Waste Act, 2008”**, ten einde sekere omskrywings in te voeg; die Minister te magtig om afvalbestuursaktiwiteite in vermelde geografiese gebiede te verbied of te beperk; die Minister verantwoordelik vir minerale hulpbronne te magtig om die lisensierings-

- licences in so far as it relates to prospecting, exploration, mining or production activities of mineral and petroleum resources; to empower the Minister responsible for mineral resources to delegate a function entrusted to him or her under this Act;
- National Environmental Management Amendment Act, 2008, so as to provide for transitional arrangements; to amend the commencement provisions; and to delete certain obsolete provisions; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 107 of 1998, as amended by section 1 of Act 56 of 2002, section 1 of Act 46 of 2003, section 1 of Act 8 of 2004, section 1 of Act 62 of 2008, section 4 of Act 14 of 2009 and section 1 of Act 30 of 2013

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1. Section 1 of the National Environmental Management Act, 1998, is hereby amended—

- (a) by the substitution for the definition of “applicant” of the following definition:
 - “**‘applicant’** means a person who has submitted[— 10
 - (a) **or who intends to submit an application for an environmental authorisation; or**
 - (b) **an application for an environmental authorisation simultaneously with his or her application for any right or permit in terms of the Mineral and Petroleum Resources Development Act, 2002]** an application for an environmental authorisation to the competent authority and has paid the prescribed fee;”;
- (b) by the deletion of the definition of “community”;
- (c) by the substitution for the definition of “environmental management inspector” of the following definition: 20
 - “**‘environmental management inspector’** means a person designated as an environmental management inspector in terms of section 31B, 31BA or 31C;”;
- (d) by the insertion after the definition of “environmental management programme” of the following definition: 25
 - “**‘environmental mineral resource inspector’** means a person designated as an environmental mineral resource inspector in terms of section 31BB;”;
- (e) by the deletion of the definition of “exploration area”;
- (f) by the insertion after the definition of “exploration area” of the following 30 definition:
 - “**‘financial provision’** means the insurance, bank guarantee, trust fund or cash that applicants for an environmental authorisation must provide in terms of this Act guaranteeing the availability of sufficient funds to undertake the— 35
 - (a) rehabilitation of the adverse environmental impacts of the listed or specified activities;
 - (b) rehabilitation of the impacts of the prospecting, exploration, mining or production activities, including the pumping and treatment of polluted or extraneous water; 40
 - (c) decommissioning and closure of the operations;
 - (d) remediation of latent or residual environmental impacts which become known in the future;
 - (e) removal of building structures and other objects; or
 - (f) remediation of any other negative environmental impacts;”;
- (g) by the deletion of the definition of “mining area”;
- (h) by the substitution for the definition of “Minister” of the following definition: 50
 - “**‘Minister’**[, in relation to all environmental matters except with regard to the implementation of environmental legislation, regulations, policies, strategies and guidelines relating to prospecting, mining, exploration, production and related activities on a prospecting, mining, exploration or production area,] means the Minister responsible for environmental matters;

owerheid te wees om afvalbestuurslisensies uit te reik in soverre dit verband hou met prospekter-, eksplorasi-, myn- of produksie-aktiwiteite van minerale en petroleumhulpbronne; die Minister verantwoordelik vir minerale hulpbronne te magtig om 'n werksaamheid wat kragtens hierdie Wet aan hom of haar toevertrou is, te delegeer;

- Wysigingswet op Nasionale Omgewingsbestuur, 2008, ten einde voorsiening te maak vir oorgangsbepalings; die inwerkingtredingsbepalings te wysig; en om sekere uitgediende bepalinge te skrap; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 107 van 1998, soos gewysig deur artikel 1 van Wet 56 van 2002, artikel 1 van Wet 46 van 2003, artikel 1 van Wet 8 van 2004, artikel 1 van Wet 62 van 2008, artikel 4 van Wet 14 van 2009 en artikel 1 van Wet 30 van 2013 5

1. Artikel 1 van die Wet op Nasionale Omgewingsbestuur, 1998, word hierby gewysig—

- (a) deur die omskrywing van “aansoeker” deur die volgende omskrywing te vervang: 10

“**‘aansoeker’** ’n persoon wat ’n aansoek om ’n omgewingsmagtiging[—

(a) voorgelê het of van voornemens is om dit voor te lê; of

(b) gelyktydig met sy of haar aansoek om ’n reg of permit ingevolge die **‘Mineral and Petroleum Resources Development Act, 2002’**, **voorgelê het;**] by die bevoegde owerheid ingedien het en die voorgeskrewe gelde betaal het;”;

- (b) deur die omskrywing van “eksplorasiëgebied” te skrap;

- (c) deur die volgende omskrywing na die omskrywing van “evaluering” in te voeg: 20

“**‘finansiële voorsorg’** die versekering, bankwaarborg, trustfonds of kontant wat aansoekers om ’n omgewingsmagtiging ingevolge hierdie Wet moet voorsien om die beskikbaarheid te waarborg van fondse om—

(a) rehabilitasie van die nadelige omgewingsinvloede van die gelyste of vermelde aktiwiteite te onderneem; 25

(b) rehabilitasie van die invloed van die prospektering-, eksplorasi-, myn- of produksieaktiwiteite, met inbegrip van die pomp en behandeling van besoedelde of vreemde water te onderneem;

(c) die bedrywigheede uit diens te stel en af te sluit;

(d) verborge of residu omgewingsinvloed wat in die toekoms bekend word, te herstel; 30

(e) boustrukture en ander voorwerpe te verwyder; of

(f) enige ander negatiewe omgewingsinvloed te herstel;”;

- (d) deur die omskrywing van “gemeenskap” te skrap;

- (e) deur die omskrywing van “Minister” deur die volgende omskrywing te vervang: 35

“**‘Minister’** [met betrekking tot alle omgewingsaangeleenthede behalwe met betrekking tot die implimentering van omgewingswetgewing, regulasies, beleid, strategieë en riglyne wat betrekking het op prospektering, myn, eksplorasi, produksie of verbandhoudende aktiwiteite op ’n prospekter-, myn-, eksplorasi- of produksie-area,] die Minister verantwoordelik vir omgewingsake;”;

- (f) deur die omskrywing van “Minister verantwoordelik vir minerale hulpbronne” te skrap;

- (g) deur die omskrywing van “myng gebied” te skrap; 45

- (h) deur die omskrywing van “omgewingsbestuursinspekteur” deur die volgende omskrywing te vervang:

“**‘omgewingsbestuursinspekteur’** ’n persoon wat ingevolge artikel 31B, 31BA of 31C as ’n omgewingsbestuursinspekteur aangewys is;”;

- (i) by the deletion of the definition of the “Minister responsible for mineral resources”; and
- (j) by the deletion of the definitions of “production area”, “prospecting area” and “Regional Mining Development and Environmental Committee”.

Amendment of section 24 of Act 107 of 1998, as substituted by section 2 of Act 8 of 2004, section 2 of Act 62 of 2008 and section 5 of Act 30 of 2013 5

2. Section 24 of the National Environmental Management Act, 1998, is hereby amended—

- (a) by the substitution in subsection (5)(b) for subparagraph (vi) of the following subparagraph: 10
 - “(vi) the management and control of residue stockpiles and deposits **[on a prospecting, mining, exploration or production area]**”; and
- (b) by the substitution in subsection (5) for paragraph (bA) of the following paragraph: 15
 - “(bA) laying down the procedure to be followed for the preparation, evaluation, **[and] adoption and review** of prescribed environmental management instruments, including— 20
 - (i) environmental management frameworks;
 - (ii) strategic environmental assessments;
 - (iii) environmental impact assessments;
 - (iv) environmental management programmes;
 - (v) environmental risk assessments;
 - (vi) environmental feasibility assessments;
 - (vii) norms or standards; 25
 - (viii) spatial development tools; **[or]**
 - (viiiA) minimum information requirements; or
 - (ix) any other relevant environmental management instrument that may be developed in time;”.

Amendment of section 24C of Act 107 of 1998, as inserted by section 3 of Act 8 of 2004, substituted by section 3 of Act 62 of 2008 and amended by section 6 of Act 30 of 2013 30

3. Section 24C of the National Environmental Management Act, 1998, is hereby amended—

- (a) by the substitution for subsection (2A) of the following subsection: 35
 - “(2A) The Minister responsible for mineral resources must be identified as the competent authority in terms of subsection (1) where the listed or specified activity **[constitutes prospecting, mining, exploration, production or a related activity occurring within a prospecting, mining, exploration or production area]** is directly related to— 40
 - (a) prospecting or exploration of a mineral or petroleum resource; or
 - (b) extraction and primary processing of a mineral or petroleum resource.”; and
- (b) by the insertion after subsection (2B) of the following subsection: 45
 - “(2C) (a) Whenever a decision on an application for an environmental authorisation is not made within the time-frames applicable to that process, the applicant may apply to the Minister to facilitate the process of taking the decision by the Minister responsible for mineral resources, or where appropriate, to take the decision. 50
 - (b) The applicant must notify the Minister responsible for mineral resources in writing of the intention to exercise the option in paragraph (a) at least 30 days prior to the exercising of such option.
 - (c) The application contemplated in paragraph (a) must, at least, contain all the documents submitted to the Minister responsible

- (i) deur die volgende omskrywing na die omskrywing van “omgewings-implementeringsplan” in te voeg:
 “**‘omgewingsinspekteur vir minerale hulpbronne’** ’n persoon ingevolge artikel 31BB as ’n omgewingsinspekteur vir minerale hulpbronne aangewys;”; en 5
- (j) deur die omskrywings van “produksie-area”, “prospekteergebied” en “Streeksmynontwikkelings- en Omgewingskomitee” te skrap.

Wysiging van artikel 24 van Wet 107 van 1998, soos vervang deur artikel 2 van Wet 8 van 2004, artikel 2 van Wet 62 van 2008 en artikel 5 van Wet 30 van 2013

2. Artikel 24 van die Wet op Nasionale Omgewingsbestuur, 1998, word hierby 10 gewysig—

- (a) deur subparagraaf (vi) in subartikel (5)(b) deur die volgende subparagraaf te vervang:
 “(vi) die bestuur en beheer van residu voorraadstapels en neerslae [**op ’n prospekter-, myn-, eksplorasië- of produksie-area**];”; en 15
- (b) deur paragraaf (bA) in subartikel (5) deur die volgende paragraaf te vervang:
 “(bA) die prosedure neerlê wat gevolg moet word by die voorbereiding, evaluering [**en**] goedkeuring **en** hersiening van voorgeskrewe omgewingsbestuursinstrumente, met inbegrip van— 20
- (i) omgewingsbestuursraamwerke; 20
 - (ii) strategiese omgewingsbepalings;
 - (iii) omgewingsinvloedbepalings;
 - (iv) omgewingsbestuursprogramme;
 - (v) omgewingsrisikobepalings;
 - (vi) omgewingsuitvoerbaarheidsbepalings; 25
 - (vii) norme of standaarde;
 - (viii) ruimtelike ontwikkelingshulpmiddels; [**of**]
 - (viiiA) minimum inligtingsvereistes; of
 - (ix) enige ander tersaaklike omgewingsbestuursinstrument wat mettertyd ontwikkel word;”. 30

Wysiging van artikel 24C van Wet 107 van 1998, soos ingevoeg deur artikel 3 van Wet 8 van 2004, vervang deur artikel 3 van Wet 62 van 2008 en gewysig deur artikel 6 van Wet 30 van 2013

3. Artikel 24C van die Wet op Nasionale Omgewingsbestuur, 1998, word hierby 35 gewysig—

- (a) deur subartikel (2A) deur die volgende subartikel te vervang:
 “(2A) Die Minister verantwoordelik vir minerale hulpbronne word as die bevoegde gesag ingevolge subartikel (1) geïdentifiseer waar die gelyste of gespesifiseerde aktiwiteit [**prospektering, myn, eksplorasië, produksie of ’n verwante aktiwiteit**] daarstel [**wat in ’n prospekter-, myn-, eksplorasië- of produksie-area voorkom**] direk verband hou met— 40
- (a) prospektering of eksplorasië van ’n minerale of petroleumhulpbron; of
 - (b) uithaal en primêre verwerking van ’n minerale of petroleumhulpbron.”; en 45
- (b) deur die volgende subartikel na subartikel (2B) in te voeg:
 “(2C) (a) Wanneer ’n besluit oor ’n aansoek om ’n omgewingsmagtiging nie binne die tydsbestekke van toepassing op daardie proses geneem word nie, kan die aansoeker by die Minister aansoek doen om die proses van die neem van die besluit deur die Minister verantwoordelik vir minerale hulpbronne, te vergemaklik, of om waar gepas die besluit te neem. 50
- (b) Die aansoeker moet die Minister verantwoordelik vir minerale hulpbronne skriftelik verwittig van die voorneme om die opsie in paragraaf (a) uit te oefen, ten minste 30 dae voordat sodanige opsie uitgeoefen word. 55
 - (c) Die aansoek in paragraaf (a) beoog moet, ten minste, al die dokumente bevat wat aan die Minister verantwoordelik vir minerale

for mineral resources in order to enable the Minister to take a decision.

(d) Before taking a decision contemplated in paragraph (a), the Minister must request the Minister responsible for mineral resources to provide him or her with a report within a specified time period on the status and causes of delay in the application and whether the Minister will be able to take the decision within a specified time period.

(e) After having received the report referred to in paragraph (d) or in the event that no response or no satisfactory response or cooperation is received from the Minister responsible for mineral resources within the specified time period, the Minister must, where appropriate, take the decision or such other steps as the Minister may deem necessary, within a reasonable time period.

(f) The Minister must, simultaneously with the submission of the annual report contemplated in section 40(1)(d)(i) of the Public Finance Management Act, 1999 (Act No. 1 of 1999), submit a report to Parliament setting out the details regarding the exercise of the power referred to in subsection (e) during the previous financial year.”.

Amendment of section 24L of Act 107 of 1998, as inserted by section 8 of Act 62 of 2008

4. Section 24L of the National Environmental Management Act, 1998, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) A competent authority empowered under Chapter 5 to issue an environmental authorisation and any other authority empowered under a specific environmental management Act may agree to issue an integrated environmental authorisation.”; and

(b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“An intergrated environmental authorisation contemplated in subsection (1) [(b)] may be issued only if—”.

Amendment of section 24N of Act 107 of 1998, as inserted by section 8 of Act 62 of 2008

5. Section 24N of the National Environmental Management Act, 1998, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The Minister, the Minister responsible for mineral resources[,] or an MEC [or identified competent authority] may require the submission of an environmental management programme before considering an application for an environmental authorisation.”;

(b) by the substitution for subsection (1A) of the following subsection:

“(1A) Where an environmental impact assessment has been identified as the environmental instrument to be utilised [in informing] as the basis for a decision on an application for environmental authorisation, [or where such application relates to prospecting, mining, exploration or production and related activities on a prospecting, mining, exploration or production area,] the Minister, the Minister responsible for mineral resources[,] or an MEC [or identified competent authority] must require the submission of an environmental management programme before [considering] deciding an application for an environmental authorisation.”;

(c) by the substitution in subsection (3) for paragraph (b) of the following paragraph:

“(b) contain measures regulating responsibilities for any environmental damage, pollution, pumping and treatment of polluted or extraneous water or ecological degradation [as a result of prospecting or mining operations or related mining activities] which may occur inside and outside the boundaries of the [prospecting area or mining area] operations in question;”;

hulpbronne voorgelê is ten einde die Minister in staat te stel om 'n besluit te neem.

(d) Voordat 'n besluit in paragraaf (a) beoog geneem word, moet die Minister die Minister verantwoordelik vir minerale hulpbronne versoek om hom of haar binne 'n bepaalde tydperk te voorsien van 'n verslag oor die status en oorsake van vertraging in die aansoek en of die Minister die besluit binne 'n bepaalde tydperk sal kan neem.

(e) Na ontvangs van die verslag in paragraaf (d) bedoel of indien geen reaksie of geen bevredigende reaksie of samewerking binne die bepaalde tydperk van die Minister verantwoordelik vir minerale hulpbronne ontvang word nie, moet die Minister, waar gepas, die besluit neem of ander stappe doen wat die Minister nodig ag, binne 'n redelike tydperk.

(f) Die Minister moet, gelyktydig met die voorlegging van die jaarverslag beoog in artikel 40(1)(d)(i) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), 'n verslag aan die Parlement voorlê waarin die besonderhede aangaande die uitoefening van die bevoegdheid in subartikel (e) bedoel tydens die vorige boekjaar, uiteengesit word."

Wysiging van artikel 24L van Wet 107 van 1998, soos ingevoeg deur artikel 8 van Wet 62 van 2008

4. Artikel 24L van die Wet op Nasionale Omgewingsbestuur, 1998, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Bevoegde owerheid kragtens Hoofstuk 5 gemagtig om 'n omgewingsmagtiging uit te reik en enige ander owerheid kragtens 'n spesifieke omgewingsbestuurswet gemagtig kan ooreenkom om 'n geïntegreerde omgewingsmagtiging uit te reik.”; en

(b) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“ 'n Geïntegreerde omgewingsmagtiging beoog in subartikel (1)[(b)] mag slegs uitgereik word indien—”.

Wysiging van artikel 24N van Wet 107 van 1998, soos ingevoeg deur artikel 8 van Wet 62 van 2008

5. Artikel 24N van die Wet op Nasionale Omgewingsbestuur, 1998, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister, die Minister verantwoordelik vir minerale hulpbronne[, of 'n LUR [of 'n **geïdentifiseerde bevoegde owerheid**]] kan die voorlegging van 'n omgewingsbestuursprogram vereis alvorens 'n aansoek vir 'n omgewingsmagtiging oorweeg sal word.”;

(b) deur subartikel (1A) deur die volgende subartikel te vervang:

“(1A) Waar 'n omgewingsimpakbepaling geïdentifiseer is as die omgewingsinstrument wat gebruik moet word [om] as grondslag van 'n besluit oor 'n aansoek om omgewingsmagtiging [toe te lig of waar sodanige aansoek betrekking het op prospektering, myn, eksplorasië, produksie en verbandhoudende aktiwiteite op 'n prospekter-, myn, eksplorasië- of produksie-area,] moet die Minister, die Minister verantwoordelik vir minerale hulpbronne[, of 'n LUR [of 'n **geïdentifiseerde bevoegde gesag**]] die voorlegging van 'n omgewingsbestuursprogram vereis alvorens 'n besluit oor 'n aansoek om 'n omgewingsmagtiging [oorweeg] geneem word.”;

(c) deur paragraaf (b) in subartikel (3) deur die volgende paragraaf te vervang:

“(b) maatreëls bevat wat verantwoordelikheid reguleer vir enige omgewingskade, besoedeling, pomp en behandeling van besoedelde of vreemde water of ekologiese agteruitgang [as gevolg van prospekter- of mynbedrywighede of verwante myn-aktiwiteite] wat binne of buite die grense van die betrokke [prospekter- of mynarea] bedrywighede mag voorkom; en”;

- (d) by the deletion of subsection (4);
- (e) by the substitution for subsections (5) and (6) of the following subsections:
 - “(5) The Minister, the Minister responsible for mineral resources[,] or an MEC **[or identified competent authority]** may call for additional information and may direct that the environmental management programme in question must be adjusted in such a way as the Minister, the Minister responsible for mineral resources or the MEC may require. 5
 - (6) The Minister, the Minister responsible for mineral resources[,] or an MEC **[or identified competent authority]** may at any time after he or she has approved an application for an environmental authorisation approve an amended environmental management programme.”; 10
- (f) by the substitution in subsection (7)(c) for subparagraph (ii) of the following subparagraph:
 - “(ii) as an integral part of the **[reconnaissance,]** prospecting or mining, exploration or production operation, unless the Minister responsible for mineral resources directs otherwise;” 15
- (g) by the substitution in subsection (7) for paragraph (f) of the following paragraph:
 - “(f) is responsible for any environmental damage, pollution, pumping and treatment of polluted or extraneous water or ecological degradation as a result of his or her **[prospecting or mining operations or related mining activities which may occur inside and outside the boundaries of the prospecting or mining area]** operations to which such right, [or] permit or environmental authorisation relates.”; and 20
- (h) by the addition of the following subsection:
 - “(8) Notwithstanding the Companies Act, 2008 (Act No. 71 of 2008), or the Close Corporations Act, 1984 (Act No. 69 of 1984), the directors of a company or members of a close corporation are jointly and severally liable for any negative impact on the environment, whether advertently or inadvertently caused by the company or close corporation which they represent, including damage, degradation or pollution.”. 25 30

Amendment of section 240 of Act 107 of 1998, as inserted by section 8 of Act 62 of 2008 and amended by section 11 and 26 of Act 30 of 2013

6. Section 240 of the National Environmental Management Act, 1998, is hereby amended— 35

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
 - “If the Minister, the Minister responsible for mineral resources[,] or an MEC **[or identified competent authority]** considers an application for an environmental authorisation, the Minister, Minister responsible for mineral resources[,] or MEC **[or competent authority]** must—”;
- (b) by the insertion in subsection (1)(b) of the following subparagraph after subparagraph (iii):
 - “(iiiA) the ability of the applicant to comply with the prescribed financial provision;”;
- (c) by the substitution for subsection (2) of the following subsection:
 - “(2) The Minister, the Minister responsible for mineral resources or an MEC **[or identified competent authority]** must consult with every State department that administers a law relating to a matter affecting the environment when **[he or she]** such Minister, Minister responsible for mineral resources or MEC considers an application for an environmental authorisation.”; 50

- (d) deur subartikel (4) te skrap;
- (e) deur subartikels (5) en (6) deur die volgende subartikels te vervang:
- “(5) Die Minister, die Minister verantwoordelik vir Minerale Hulpbronne[,] of ’n LUR [**of geïdentifiseerde bevoegde owerheid**] kan bykomende inligting aanvra en kan opdrag gee dat die betrokke omgewingsbestuursprogram aangepas word in die mate wat die Minister, die Minister verantwoordelik vir minerale hulpbronne of LUR vereis. 5
- (6) Die Minister, die Minister verantwoordelik vir minerale hulpbronne[,] of ’n LUR [**of geïdentifiseerde bevoegde owerheid**] kan te eniger tyd nadat hy of sy die aansoek om ’n omgewingsmagtiging goedgekeur het, ’n gewysigde omgewingsbestuursprogram goedkeur.”; 10
- (f) deur subparagraaf (ii) in subartikel (7)(c) deur die volgende subparagraaf te vervang:
- “(ii) as ’n integrale deel van die van die [**verkenning**]-, prospekteer- of myn-, eksplorasië- of produksiebedrywighede, tensy die Minister verantwoordelik vir minerale hulpbronne anders gelas;”; 15
- (g) deur in subartikel (7) paragraaf (f) deur die volgende paragraaf te vervang:
- “(f) is verantwoordelik vir enige omgewingskade, besoedeling, pomp en behandeling van besoedelde of vreemde water of ekologiese agteruitgang as gevolg van sy of haar [**prospekteer- of mynbedrywighede of verbandhoudende mynaktiwiteite wat binne of buite die grense van die prospekteer- of mynarea**] bedrywighede wat verband hou met daardie reg [**of**], permit of omgewingsmagtiging.”; en 20
- (h) deur die volgende subartikel by te voeg: 25
- “(8) Ondanks die Maatskappywet, 2008 (Wet No. 71 van 2008), of die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984), is die direkteure van ’n maatskappy of lede van ’n beslote korporasie gesamentlik en onderling aanspreeklik vir enige negatiewe invloed op die omgewing, hetsy opsetlik of onopsetlik deur die maatskappy of beslote korporasie wat hulle verteenwoordig veroorsaak, met inbegrip van skade, agteruitgang of besoedeling.”. 30

Wysiging van artikel 240 van Wet 107 van 1998, soos ingevoeg deur artikel 8 van Wet 62 van 2008 en gewysig deur artikel 11 en 26 van Wet 30 van 2013

6. Artikel 240 van die Wet op Nasionale Omgewingsbestuur, 1998, word hierby gewysig— 35
- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- “Indien die Minister, die Minister verantwoordelik vir minerale hulpbronne[,] of ’n LUR [**of geïdentifiseerde bevoegde owerheid**] ’n aansoek oorweeg vir omgewingsmagtiging moet die Minister, die Minister verantwoordelik vir minerale hulpbronne[,] of die LUR [**of bevoegde owerheid**]—”; 40
- (b) deur die volgende subparagraaf na subparagraaf (iii) in subartikel (1)(b) in te voeg: 45
- “(iiiA) die aansoeker se vermoë om aan die voorgeskrewe finansiële voorsorg te voldoen;”;
- (c) deur subartikel (2) deur die volgende subartikel te vervang: 50
- “(2) Die Minister, die Minister verantwoordelik vir minerale hulpbronne[,] of ’n LUR [**of geïdentifiseerde bevoegde owerheid**] moet met elke Staatsdepartement wat ’n wet administreer met betrekking tot ’n aangeleentheid wat ’n uitwerking op die omgewing het, oorleg pleeg wanneer [**hy of sy**] sodanige Minister, Minister verantwoordelik vir minerale hulpbronne of LUR ’n aansoek om ’n omgewingsmagtiging oorweeg.”; 55

- (d) by the insertion after subsection (2) of the following subsection:
“(2A) Where the matter relates to prospecting, exploration, mining or production, the request for comment contemplated in subsection (2), must be submitted by registered mail to the Director-General or provincial head of department of the State department contemplated in subsection (2).”;
- (e) by the substitution for subsection (3) of the following subsection:
“(3) A State department consulted in terms of subsection (2) must submit comment within **[40]** 30 days from the date on which the Minister, Minister responsible for mineral resources,] or MEC **[or]**, **[identified competent authority]** or environmental assessment practitioner requests such State department in writing to submit comment.”; and
- (f) by the deletion of subsections (4) and (5).

Amendment of section 24P of Act 107 of 1998, as inserted by section 8 of Act 62 of 2008

7. Section 24P of the National Environmental Management Act, 1998, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
“(1) An applicant for an environmental authorisation relating to prospecting, **[mining,]** exploration, mining or production **[or related activities on a prospecting, mining, exploration or production area]** must **[make provision for the prescribed financial provision]**, before the Minister responsible for mineral resources issues the environmental authorisation, comply with the prescribed financial provision for the rehabilitation, closure and ongoing post decommissioning management of negative environmental impacts.”;
- (b) by the substitution for subsection (3) of the following subsection:
“(3) Every holder must annually—
(a) assess his or her environmental liability in a prescribed manner and must increase his or her financial provision to the satisfaction of the Minister responsible for mineral resources; and
(b) submit an audit report to the Minister responsible for mineral resources on the adequacy of the financial provision from an independent auditor.”; and
- (c) by the substitution for subsection (5) of the following subsection:
“(5) The requirement to maintain and retain the financial provision contemplated in this section remains in force **[until the Minister of Minerals and Energy issues a certificate to such holder, but]** notwithstanding the issuing of a closure certificate by the Minister responsible for mineral resources in terms of the Mineral and Petroleum Resources Development Act, 2002 to the holder or owner concerned and the Minister responsible for mineral resources may retain such portion of the financial provision as may be required to rehabilitate the closed mining or prospecting operation in respect of latent, **[or]** residual or any other environmental impacts, including the pumping of polluted or extraneous water, for a prescribed period.”.

Amendment of section 24R of Act 107 of 1998, as inserted by section 8 of Act 62 of 2008

8. Section 24R of the National Environmental Management Act, 1998, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
“(1) Every holder, holder of an old order right and owner of works remain responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of polluted or extraneous water, the management and sustainable closure thereof **[until the Minister of mineral resources has issued a closure certificate]**

- (d) deur die volgende subartikel na subartikel (2) in te voeg
 “(2A) Waar die aangeleentheid met prospektering, eksplorاسie, myn of produksie verband hou, moet die versoek vir kommentaar in subartikel (2) beoog, per geregistreerde pos aan die Direkteur-Generaal of provinsiale departementshoof van die Staatsdepartement in subartikel (2) beoog, ingedien word.”; 5
- (e) deur subartikel (3) deur die volgende subartikel te vervang:
 “(3) ’n Staatsdepartement waarmee ingevolge subartikel (2) oorleg gepleeg is, moet sy kommentaar binne [40] 30 dae voorlê vanaf die datum waarop die Minister, Minister verantwoordelik vir minerale hulpbronne[,] of LUR [of geïdentifiseerde bevoegde owerheid], of omgewingsinvloedbepalingspraktisyn sodanige Staatsdepartement skriftelik versoek om kommentaar voor te lê.”; en 10
- (f) deur subartikels (4) en (5) te skrap.

Wysiging van artikel 24P van Wet 107 van 1998, soos ingevoeg deur artikel 8 van Wet 62 van 2008 15

7. Artikel 24P van die Wet op Nasionale Omgewingsbestuur, 1998, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) ’n Applikant om ’n omgewingsmagtiging betreffende prospektering, [myn,] eksplorاسie, myn of produksie [en verbandhoudende aktiwiteite op ’n prospekter-, myn-, eksplorاسie- of produksie-area], moet voldoen aan die voorgeskrewe finansiële voorsorg vir die rehabilitasie, afsluiting en voortgesette post-uitdienstelling bestuur van negatiewe omgewingsinvloede voordat die Minister verantwoordelik vir minerale hulpbronne die omgewingsmagtiging uitreik.”; 20 25
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
 “(3) Elke houer moet jaarliks—
 (a) sy of haar omgewingsaanspreeklikheid op ’n voorgeskrewe wyse bepaal en moet sy of haar finansiële voorsorg tot bevrediging van die Minister verantwoordelik vir minerale hulpbronne, vermeerder; en 30
 (b) ’n ouditverslag van ’n onafhanklike ouditeur aan die Minister verantwoordelik vir minerale hulpbronne voorlê oor die toereikendheid van die finansiële voorsorg.”; en 35
- (c) deur subartikel (5) deur die volgende subartikel te vervang:
 “(5) Die vereiste om die finansiële voorsorg beoog in hierdie artikel te onderhou en te behou bly van krag [totdat die Minister van Minerale en Energie ’n sertifikaat aan sodanige houer uitreik, maar] ondanks die uitreiking van ’n afsluitingsertifikaat deur die Minister verantwoordelik vir minerale hulpbronne ingevolge die ‘Mineral and Petroleum Resources Development Act, 2002’ aan die betrokke houer of eienaar en die Minister verantwoordelik vir minerale hulpbronne kan die deel van die finansiële voorsorg terughou wat benodig word om die geslote myn- of prospekterbedrywigheid ten opsigte van verskuilde [of], residuele of enige ander omgewingsimpakte te rehabiliteer, met inbegrip van die pomp van besoedelde of vreemde water, vir ’n voorgeskrewe tydperk.”. 40 45

Wysiging van artikel 24R van Wet 107 van 1998, soos ingevoeg deur artikel 8 van Wet 62 van 2008 50

8. Artikel 24R van die Wet op Nasionale Omgewingsbestuur, 1998, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) Elke houer, houer van ’n ou orde reg en eienaar van ’n bedryf bly verantwoordelik vir enige omgewingsverpligting, besoedeling en ekologiese agteruitgang, die pomp en behandeling van besoedelde of vreemde water, die bestuur en volhoubare afsluiting daarvan [totdat die Minister verantwoordelik vir minerale hulpbronne ’n afsluiting- 55

notwithstanding the issuing of a closure certificate by the Minister responsible for mineral resources in terms of the Mineral and Petroleum Resources Development Act, 2002, to the holder or owner concerned.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) When the Minister responsible for mineral resources issues a closure certificate, he or she must return such portion of the financial provision contemplated in section 24P as the Minister may deem appropriate to the holder concerned, but may retain a portion of such financial provision referred to in subsection (1) for any latent, [and or] residual or any other environmental impact [that may become known in the future], including the pumping of polluted or extraneous water, for a prescribed period after issuing a closure certificate.”.

Insertion of section 24S to Act 107 of 1998

9. The following section is hereby inserted in the National Environmental Management Act, 1998, after section 24R:

“Management of residue stockpiles and residue deposits

24S. Residue stockpiles and residue deposits must be deposited and managed in accordance with the provisions of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), on any site demarcated for that purpose in the environmental management plan or environmental management programme in question.”.

Amendment of section 28 of Act 107 of 1998, as amended by section 12 of Act 14 of 2009 and section 12 of Act 30 of 2013

10. Section 28 of the National Environmental Management Act, 1998, is hereby amended by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

“The Director-General, the Director-General of the department responsible for mineral resources or a provincial head of department may, after having given adequate opportunity to affected persons to inform him or her of their relevant interests, direct any person who is causing, has caused or may cause significant pollution or degradation of the environment to—”;

(b) by the substitution in subsection (5) for the words preceding paragraph (a) of the following words:

“The Director-General, the Director-General of the department responsible for mineral resources or a provincial head of department, when considering any measure or time period envisaged in subsection (4), must have regard to the following;”;

(c) by the substitution in subsection (8) for the words preceding paragraph (a) of the following words:

“Subject to subsection (9), the Director-General, the Director-General of the department responsible for mineral resources or provincial head of department may recover costs for reasonable remedial measures to be undertaken under subsection (7), before such measures are taken and all costs incurred as a result of acting under subsection (7), from any or all of the following persons—”;

(d) by the substitution for subsections (9) and (12) of the following subsections, respectively:

“(9) The Director-General, the Director-General of the department responsible for mineral resources or provincial head of department may in respect of the recovery of costs under subsection (8), claim proportionally from any other person who benefited from the measures undertaken under subsection (7).

(12) Any person may, after giving the Director-General, the Director-General of the department responsible for mineral resources or provincial head of department 30 days’ notice, apply to a competent court for an order directing the Director-General, the Director-General of the

sertifikaat] ondanks die uitreiking van 'n afsluitingsertifikaat deur die Minister verantwoordelik vir minerale hulpbronne ingevolge die 'Mineral and Petroleum Resources Development Act, 2002' aan die betrokke houer of eienaar [uitgereik het].”;

- (b) deur subartikel (2) deur die volgende subartikel te vervang: 5
- “(2) Wanneer die Minister verantwoordelik vir minerale hulpbronne 'n afsluitingsertifikaat uitreik, moet hy of sy die deel van die finansiële voorsorg beoog in artikel 24P aan die betrokke houer teruggee wat die Minister gepas ag, maar kan 'n gedeelte van sodanige finansiële voorsorg in subartikel (1) bedoel terughou vir enige verskuilde [of], residuele of enige ander omgewingsimpak [wat in die toekoms bekend mag raak], met inbegrip van die pomp van besoedelde of vreemde water, vir 'n voorgeskrewe tydperk nadat 'n afsluitingsertifikaat uitgereik is.”.

Invoeging van artikel 24S in Wet 107 van 1998

9. Die volgende artikel word hierby na artikel 24R in die Wet op Nasionale Omgewingsbestuur, 1998, ingevoeg: 15

“Bestuur van residu voorraadstapels en residu neerslae

24S. Residu voorraadstapels en residu neerslae moet ooreenkomstig die bepalings van die 'National Environmental Management: Waste Act, 2008' (Wet No. 59 van 2008), op enige terrein wat in die omgewingsbestuursplan of omgewingsbestuursprogram vir daardie doel afgebaken is, gestort en bestuur word.”.

Wysiging van artikel 28 van Wet 107 van 1998, soos gewysig deur artikel 12 van Wet 14 van 2009 en artikel 12 van Wet 30 van 2013

10. Artikel 28 van die Wet op Nasionale Omgewingsbestuur, 1998, word hierby gewysig deur in subartikel (4) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 25

“Die Direkteur-generaal, die Direkteur-generaal van die departement verantwoordelik vir minerale hulpbronne of 'n provinsiale departementshoof kan, nadat voldoende geleentheid aan persone wat geraak word, gegee is om hom of haar van hul betrokke belange in te lig, enige persoon wat beduidende besoedeling of agteruitgang van die omgewing veroorsaak, veroorsaak het of kan veroorsaak, gelas om—”;

- (b) deur in subartikel (5) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 35

“Die Direkteur-generaal, die Direkteur-generaal van die departement verantwoordelik vir minerale hulpbronne of 'n provinsiale departementshoof moet, wanneer 'n stap of tydperk beoog in subartikel (4) oorweeg word, die volgende in aanmerking neem;”;

- (c) deur in subartikel (8) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 40

“Behoudens subartikel (9), kan die Direkteur-generaal, die Direkteur-generaal van die departement verantwoordelik vir minerale hulpbronne of provinsiale departementshoof kosse vir redelike herstelstappe wat kragtens subartikel (7) gedoen staan te word, verhaal, voordat sodanige stappe gedoen word en alle kosse wat aangegaan is as gevolg van optrede kragtens subartikel (7) van of al die volgende persone—”;

- (d) deur subartikels (9) en (12) onderskeidelik deur die volgende subartikels te vervang: 45

“(9) Die Direkteur-generaal, die Direkteur-generaal van die departement verantwoordelik vir minerale hulpbronne of provinsiale departementshoof kan, met betrekking tot die verhaal van kosse kragtens subartikel (8), na verhouding eis van enige persoon wat deur die stappe wat kragtens subartikel (7) gedoen is, bevoordeel is.

(12) Enige persoon kan, nadat die Direkteur-generaal, die Direkteur-generaal van die departement verantwoordelik vir minerale hulpbronne of provinsiale departementshoof 30 dae kennis gegee is, by 'n bevoegde 55

department responsible for mineral resources or any provincial head of department to take any of the steps listed in subsection (4) if the Director-General, the Director-General of the department responsible for mineral resources or provincial head of department fails to inform such person in writing that he or she has directed a person contemplated in subsection (8) to take one of those steps, and the provisions of section 32(2) and (3) shall apply to such proceedings, with the necessary changes.”. 5

Insertion of section 31BB in Act 107 of 1998

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

“Designation of environmental mineral resource inspectors by Minister responsible for mineral resources

31BB. (1) The Minister responsible for mineral resources may—
(a) designate as an environmental mineral resource inspector, any staff member of the Department of Mineral Resources; and
(b) at any time withdraw a designation made in terms of paragraph (a).” 15

Amendment of section 31D of Act 107 of 1998, as substituted by section 5 of Act 44 of 2008 and amended by section 26 of Act 30 of 2013

12. Section 31D of the National Environmental Management Act, 1998, is hereby amended— 20

- (a) by the insertion after subsection 2 of the following subsection:
“(2A) The Minister responsible for mineral resources may designate a person as an environmental mineral resource inspector for the compliance monitoring and enforcement of the provisions of this Act or a specific environmental management Act in respect of which powers are conferred on him or her.” 25
- (b) by the substitution for subsection (3) of the following subsection:
“(3) A person designated as an environmental management inspector or environmental mineral resource 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] subsections (1) or 2A that may be specified by the Minister, the Minister responsible for water affairs, the Minister responsible for mineral resources or MEC by notice in writing to the environmental management inspector or environmental mineral resource inspector.”;
and 30 35
- (c) by the addition of the following subsections:
“(4) Despite the provisions in subsections (2A) and (3), the Minister may, with the concurrence of the Minister responsible for mineral resources, if the environmental mineral resource inspectors are unable or not adequately able to fulfill the compliance monitoring and enforcement functions, designate environmental management inspectors to implement these functions in terms of this Act or a specific environmental management Act in respect of which powers have been conferred on the Minister responsible for mineral resources. 40 45
 (5) In the event that a complainant alleges that a specific compliance monitoring and enforcement function relating to prospecting, exploration, mining and production has not been implemented or has been inadequately implemented, the complainant must submit, in writing, information substantiating such allegations to the Minister responsible for mineral resources. 50
 (6) In the event that the complainant is not satisfied with the response from the Minister responsible for mineral resources, the complainant 55

hof aansoek doen om 'n bevel wat die Direkteur-generaal, die Direkteur-generaal van die departement verantwoordelik vir minerale hulpbronne of enige provinsiale departementshoof opdrag gee om enige stappe te doen wat in subartikel (4) gelys word, indien die Direkteur-generaal, die Direkteur-generaal van die departement verantwoordelik vir minerale hulpbronne of provinsiale departementshoof versuim om sodanige persoon skriftelik in kennis te stel dat hy of sy die persoon beoog in subartikel (8) gelas het om een van daardie stappe te doen, en dan geld die bepalings van artikel 32(2) en (3), met die nodige veranderinge, op sodanige verrigtinge.”.

Invoeging van artikel 31BB in Wet 107 van 1998

11. Die volgende artikel word hierby na artikel 31BA in die Wet op Nasionale Omgewingsbestuur ingevoeg:

“Aanwysing van omgewingsinspekteurs vir minerale hulpbronne deur Minister verantwoordelik vir minerale hulpbronne

31BB. (1) Die Minister verantwoordelik vir minerale hulpbronne kan—
 (a) enige personeel van die Departement van Minerale Hulpbronne as 'n omgewingsinspekteur vir minerale hulpbronne aanwys; en
 (b) 'n aanwysing ingevolge paragraaf (a) gemaak te eniger tyd intrek.”.

Wysiging van artikel 31D van Wet 107 van 1998, soos vervang deur artikel 5 van Wet 44 van 2008 en gewysig deur artikel 26 van Wet 30 van 2013

12. Artikel 31D van die Wet op Nasionale Omgewingsbestuur, 1998, word hierby gewysig—

- (a) deur die volgende subartikel na subartikel (2) in te voeg:
 “(2A) Die Minister verantwoordelik vir minerale hulpbronne kan 'n persoon aanwys as 'n omgewingsinspekteur vir minerale hulpbronne vir voldoeningsmonitering en afdwinging van bepalings van hierdie Wet of 'n spesifieke omgewingsbestuurswet ten opsigte waarvan bevoegdheids aan hom of haar verleen word.”;
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
 “(3) 'n Persoon wat as omgewingsbestuursinspekteur of omgewingsinspekteur vir minerale hulpbronne aangewys is, kan enige van die bevoegdheids uitoefen wat ingevolge hierdie Wet aan omgewingsbestuursinspekteurs verleen word wat nodig is vir die inspekteur se mandaat ingevolge [subartikel] subartikels (1) of 2A, en soos by skriftelike kennisgewing deur die Minister, die Minister verantwoordelik vir waterwese, die Minister verantwoordelik vir minerale hulpbronne of LUR aan die [inspekteur] omgewingsbestuursinspekteur of omgewingsinspekteur vir minerale hulpbronne gespesifiseer word.”; en
- (c) deur die volgende subartikels by te voeg:
 “(4) Ondanks die bepalings in subartikels (2A) en (3), kan die Minister, met die instemming van die Minister verantwoordelik vir minerale hulpbronne, indien die omgewingsinspekteurs vir minerale hulpbronne nie die werksaamheids vir voldoeningsmonitering en -afdwinging kan vervul of genoegsaam kan vervul nie, omgewingsbestuursinspekteurs aanwys om hierdie werksaamheids in werking te stel ingevolge hierdie Wet of 'n spesifieke omgewingsbestuurswet ten opsigte waarvan bevoegdheids aan die Minister verantwoordelik vir minerale hulpbronne verleen is.
 (5) Indien 'n klaer beweer dat 'n bepaalde werksaamheids vir voldoeningsmonitering en -afdwinging wat met prospektering, eksplorasië, myn en produksie verband hou, nie in werking gestel is nie of onvoldoende in werking gestel is, moet die klaer inligting wat die bewerings staaf skriftelik aan die Minister verantwoordelik vir minerale hulpbronne voorlê.
 (6) Indien die klaer nie tevrede is met die Minister verantwoordelik vir minerale hulpbronne se antwoord nie, kan die klaer die inligting tesame

may submit, in writing, such information to the Minister with substantiating documentation, including details of the engagement with the Minister responsible for mineral resources.

(7) On receipt of such information referred to in subsection (6), the Minister must consult with the Minister responsible for mineral resources on his or her response to the complainant.

(8) Subsequent to subsection (7), the Minister may, in concurrence with the Minister responsible for mineral resources, within a reasonable period of time and where appropriate—

(a) assist or support the Minister responsible for mineral resources to fulfill his or her compliance monitoring and enforcement obligations under this Act; or

(b) direct the environmental management inspectors as contemplated in subsection (4) to undertake the compliance monitoring and enforcement functions.

(9) The Minister must inform the complainant of steps taken in response to the complaint.”.

Amendment of section 42A of Act 107 of 1998, as inserted by section 10 of Act 46 of 2003

13. Section 42A is hereby amended by the addition of the following subsection:

“(5) A provincial head of department may delegate a power or duty vested in him or her or delegated to him or her by the MEC in terms of this Act or a specific environmental management Act to the holder of an office in the department.

(6) The delegation in subsection (5)—

(a) must be in writing;

(b) may be made subject to conditions; and

(c) may be withdrawn by the provincial head of department.”.

Amendment of section 43 of Act 107 of 1998, as substituted by section 4 of Act 8 of 2004 and section 10 of Act 62 of 2008

14. Section 43 of the National Environmental Management Act, 1998, is hereby amended—

(a) by the substitution for subsections (1A), (4) and (7) of the following subsections, respectively:

“(1A) Any person may appeal to the Minister against a decision made in terms of this Act or any specific environmental management Act by the Minister responsible for mineral resources or any person acting under his or her delegated authority.

(4) An appeal under subsection (1), (1A)[, (1B)] or (2) must be noted and must be dealt with in the manner prescribed and upon payment of a prescribed fee.

(7) An appeal under this section [does not] suspends an environmental authorisation[or], exemption, directive, or any other decision made in terms of this Act or any other specific environmental management Act, or any provision or condition attached thereto, [, or any directive, unless the Minister or an MEC directs otherwise].”;

(b) by the deletion of subsection (1B); and

(c) by the addition of the following subsections:

“(8) A person who receives a directive in terms of section 28(4) may lodge an appeal against the decision made by the Director-General, the Director-General of the department responsible for mineral resources, or the provincial head of the department to the Minister, the Minister responsible for mineral resources or the MEC, as the case may be, within 30 days of receipt of the directive, or within such longer period as the Minister, the Minister responsible for mineral resources or MEC may determine.

(9) Notwithstanding subsection (7) and pending the finalisation of the appeal, the Minister, the Minister responsible for mineral resources or

met stawende dokumentasie, skriftelik aan die Minister voorlê, met inbegrip van besonderhede van die interaksie met die Minister verantwoordelik vir minerale hulpbronne.

(7) By ontvangs van die inligting in subartikel (6) bedoel, moet die Minister met die Minister verantwoordelik vir minerale hulpbronne oorleg pleeg oor sy of haar antwoord aan die klaer.

(8) Na subartikel (7) kan die Minister, in oorleg met die Minister vir minerale hulpbronne, in 'n redelike tydperk en waar gepas—

(a) die Minister verantwoordelik vir minerale hulpbronne bystaan of ondersteun in die vervulling van sy of haar verpligtinge aangaande voldoeningsmonitering en -afdwinging kragtens hierdie Wet; of

(b) die omgewingsbestuursinspekteurs soos in subartikel (4) beoog, opdrag gee om die werksaamhede vir voldoeningsmonitering en -afdwinging te verrig.

(9) Die Minister moet die klaer inlig van stappe wat in reaksie op die klagte gedoen is.”

Wysiging van artikel 42A van Wet 107 van 1998, soos ingevoeg deur artikel 10 van Wet 46 van 2003

13. Artikel 42A word hierby gewysig deur die volgende subartikel by te voeg:

“(5) 'n Provinsiale departementshoof kan 'n bevoegdheid of plig wat ingevolge hierdie Wet of 'n spesifieke omgewingsbestuurswet deur die LUR aan hom of haar verleen is of deur die LUR aan hom of haar gedelegeer is, aan 'n ampsdraer in die departement deleger.

(6) Die delegering in subartikel (5)—

(a) moet skriftelik wees;

(b) kan aan voorwaardes onderwerp word; en

(c) kan deur die provinsiale departementshoof ingetrek word.”

Wysiging van artikel 43 van Wet 107 van 1998, soos vervang deur artikel 4 van Wet 8 van 2004 en artikel 10 van Wet 62 van 2008

14. Artikel 43 van die Wet op Nasionale Omgewingsbestuur, 1998, word hierby gewysig—

(a) deur subartikels (1A), (4) en (7) onderskeidelik deur die volgende subartikels te vervang:

“(1A) Enige persoon kan by die Minister appèl aanteken teen 'n besluit geneem ingevolge hierdie wet of enige spesifieke omgewingsbestuurswet geneem deur die Minister verantwoordelik vir minerale hulpbronne of enige persoon wat kragtens sy of haar gedelegeerde magtiging handel.

(4) 'n Appèl kragtens subartikel (1), (1A)[, (1B)] of (2) moet aangeteken word en moet gehanteer word op die voorgeskrewe wyse en by betaling van voorgeskrewe gelde.

(7) 'n Appèl kragtens hierdie artikel skort [**nie**] 'n omgewingsmagtiging [**of**], vrystelling, opdrag, of enige ander besluit ingevolge hierdie Wet op enige ander bepaalde omgewingsbestuurswet geneem, of enige bepalinge of voorwaardes daaraan geheg[, of enige opdrag, op **nie, tensy die Minister of 'n LUR anders gelas], op**.”;

(b) deur subartikel (1B) te skrap; en

(c) deur die volgende subartikels by te voeg:

“(8) 'n Persoon wat 'n opdrag ingevolge artikel 28(4) ontvang kan 'n appèl aanteken teen die besluit geneem deur die Direkteur-generaal, die Direkteur-generaal van die departement verantwoordelik vir minerale hulpbronne, of die provinsiale departementshoof by die Minister, die Minister verantwoordelik vir minerale hulpbronne of die LUR, na gelang van die geval, binne 30 dae vanaf ontvangs van die opdrag, of binne sodanige langer tydperk wat die Minister, die Minister verantwoordelik vir minerale hulpbronne of LUR bepaal.

(9) Ondanks subartikel (7) en hangende die afhandeling van die appèl, kan die Minister, die Minister verantwoordelik vir minerale hulpbronne

MEC, as the case may be, may direct that any part or provision of the directive not be suspended, but only strictly in exceptional circumstances where there is an imminent threat to human health or the environment.

(10) A person who receives a directive and who wishes to lodge an appeal in terms of subsection (8) may make representations to the Minister, the Minister responsible for mineral resources or MEC, as the case may be, to suspend the operation of the directive or any part of the directive pending the finalisation of the appeal.

(11) After considering the appeal lodged in terms of subsection (8) and any other relevant information, the Minister, the Minister responsible for mineral resources or MEC, as the case may be—

(a) may confirm, modify or cancel a directive or any part of a directive; and

(b) may specify the period within which the person who received the directive must comply with any part of the directive that is confirmed or modified.”.

Amendment of section 44 of Act 107 of 1998, as amended by section 2 of Act 52 of 2002 and section 21 of Act 30 of 2013

15. Section 44 of the National Environmental Management Act, 1998, is hereby amended—

(a) by deletion of the word “and” at the end of paragraph “(aD)” and the insertion after that paragraph of the following paragraphs:

“(aE) on the assessment and determination of environmental liability;

(aF) auditing and reporting of environmental liability;

(aG) the amendment of the financial provision; and

(aH) any other matter necessary to facilitate the implementation of the financial provision.”; and

(b) by the insertion after subsection (1B) of the following subsection:

“(1C) Regulations made in terms of this Act or any other Act of Parliament that may have the effect of amending the provisions of the Agreement referred to in section 50A must be made by the Minister in concurrence with the Minister responsible for mineral resources and the Minister responsible for water affairs.”.

Insertion of section 47CA and 47CB in Act 107 of 1998

16. The following sections are hereby inserted in the National Environmental Management Act, 1998, after section 47C:

“Extension of time periods applicable to appeals relating to prospecting, exploration, mining or production

47CA. The Minister responsible for mineral resources in respect of a decision that relates to prospecting, exploration, mining or production in terms of this Act or any specific environmental management Act may only in exceptional circumstances extend or condone a failure by a person to comply with a time period in terms of this Act or a specific environmental management Act, except a time period which binds the Minister responsible for mineral resources.

Condonation of time periods applicable to appeals relating to prospecting, exploration, mining or production

47CB. (1) The Minister may only in exceptional circumstances extend or condone a failure by a person to comply with a time period applicable to an appeal contemplated in section 43(1A), except for a time period which binds the Minister.

(2) The Minister may not accept an application for condonation to submit an appeal contemplated in section 43(1A) after 30 days has lapsed from the

of LUR, na gelang van die geval, opdrag gee dat enige deel of bepaling van die opdrag nie opgeskort word nie, maar slegs in buitengewone omstandighede waar daar 'n onmiddellike bedreiging vir menslike gesondheid of die omgewing is.

(10) 'n Persoon wat 'n opdrag ontvang en wat 'n appèl ingevolge subartikel (8) wil aanteken kan verhoë aan die Minister, die Minister verantwoordelik vir minerale hulpbronne of LUR, na gelang van die geval, rig om die werking van die opdrag of enige deel van die opdrag op te skort hangende die afhandeling van die appèl. 5

(11) Na oorweging van die appèl ingevolge subartikel (8) aangeteken en enige ander tersaaklike inligting, kan die Minister, die Minister verantwoordelik vir minerale hulpbronne of LUR, na gelang van die geval— 10

(a) 'n opdrag of enige deel van 'n opdrag bevestig, verander of intrek; en 15

(b) die tydperk spesifiseer waarbinne die persoon wat die opdrag ontvang het, aan enige deel van die opdrag moet voldoen wat bevestig of verander is." 15

Wysiging van artikel 44 van Wet 107 van 1998, soos gewysig deur artikel 2 van Wet 52 van 2002 en artikel 21 van Wet 30 van 2013 20

15. Artikel 44 van die Wet op Nasionale Omgewingsbestuur, 1998, word hierby gewysig—

(a) deur die woord "en" aan die einde van paragraaf "(aD)" te skrap en die volgende paragrawe na daardie paragraaf in te voeg:

"(aE) oor die bepaling en vasstelling van omgewingsaanspreeklikheid; 25

(aF) ouditering en rapportering van omgewingsaanspreeklikheid;

(aG) die wysiging van die finansiële voorsorg; en

(aH) enige ander aangeleentheid wat nodig is om die inwerkingstelling van die finansiële voorsorg te vergemaklik."; en

(b) deur die volgende subartikel na subartikel (1B) in te voeg: 30

"(1C) Regulasies uitgevaardig ingevolge hierdie Wet of enige ander Parlementswet wat die uitwerking kan hê dat dit die bepalings van die Ooreenkoms in artikel 50A bedoel wysig, moet deur die Minister in oorleg met die Minister verantwoordelik vir minerale hulpbronne en die Minister verantwoordelik vir waterwese uitgevaardig word." 35

Invoeging van artikel 47CA en 47CB in Wet 107 van 1998

16. Die volgende artikels word hierby na artikel 47C in die Wet op Nasionale Omgewingsbestuur, 1998, ingevoeg:

"Verlenging van tydperke van toepassing op appèlle in verband met prospektering, eksplorاسie, myn of produksie 40

47CA. Die Minister verantwoordelik vir minerale hulpbronne ten opsigte van 'n besluit in verband met prospektering, eksplorاسie, myn of produksie ingevolge hierdie wet of enige spesifieke omgewingsbestuurswet kan slegs onder buitengewone omstandighede 'n versuim deur 'n persoon om aan 'n tydperk ingevolge hierdie Wet of 'n spesifieke omgewingsbestuurswet te voldoen, verleng of verskoon, behalwe 'n tydperk wat die Minister verantwoordelik vir minerale hulpbronne bind. 45

Kondonasie van tydperke van toepassing op appèlle in verband met prospektering, eksplorاسie, myn of produksie

47CB. (1) Die Minister kan slegs onder buitengewone omstandighede 'n versuim deur 'n persoon om aan 'n tydperk van toepassing op 'n appèl in artikel 43(1A) beoog te voldoen, verleng of verskoon, behalwe 'n tydperk wat die Minister bind. 50

(2) Die Minister kan nie 'n aansoek om verskoning om 'n appèl beoog in artikel 43(1A) beoog in te handig nadat 30 dae verstryk het sedert die datum 55

date of the decision by the Minister responsible for mineral resources or any person acting under his or her delegated authority.

(3) When considering an extension or condonation the Minister must consider the following factors:

- (a) The degree of lateness;
- (b) a detailed explanation of the reasons for the lateness;
- (c) whether and to what extent that person or the Minister responsible for mineral resources will suffer prejudice if the time period is extended or failure to comply with a time period is condoned; and
- (d) a detailed explanation of the merits of the application for extension or condonation.

(4) The time period may only be condoned for a maximum period equal to the time period allowed for the action for which condonation is sought in terms of this Act.”.

Insertion of section 50A in Act 107 of 1998

17. The following section is hereby inserted in the National Environmental Management Act, 1998, after section 50:

“Future amendments in respect of environmental matters in so far as it relates to the Agreement

50A. (1) (a) Any proposed amendments to the provisions relating to prospecting, exploration, mining or production in this Act, the National Environmental Management Amendment Act, 2008 (Act No. 62 of 2008), a specific environmental management Act or any other Act of Parliament that may have the effect of amending the provisions of the Agreement, must be subject to concurrence between the Minister, the Minister responsible for water affairs and the Minister responsible for mineral resources.

(b) Any intervention contemplated in paragraph (a) that may lead to the amendment of the provisions of the Agreement must be tabled in Parliament prior to any steps being taken to effect those changes, and Parliament may express its view on the proposed amendment of the Agreement.

(2) Agreement for the purpose of subsection (1) means the Agreement reached between the the Minister, the Minister responsible for water affairs and the Minister responsible for mineral resources titled **One Environmental System** for the country with respect to mining, which entails—

- (a) that all environment related aspects would be regulated through one environmental system which is the principal Act and that all environmental provisions would be repealed from the Mineral and Petroleum Resources Development Act, 2002;
- (b) that the Minister sets the regulatory framework and norms and standards, and that the Minister responsible for Mineral Resources will implement the provisions of the principal Act and the subordinate legislation as far as it relates to prospecting, exploration, mining or operations;
- (c) that the Minister responsible for Mineral Resources will issue environmental authorisations in terms of the principal Act for prospecting, exploration, mining or operations, and that the Minister will be the appeal authority for these authorisations; and
- (d) that the Minister, the Minister responsible for Mineral Resources and the Minister responsible for Water Affairs agree on fixed time-frames for the consideration and issuing of the authorisations in their respective legislation and agree to synchronise the time frames.”.

van die beslissing deur die Minister verantwoordelik vir minerale hulpbronne of enige persoon wat kragtens sy of haar gedelegeerde gesag handel, aanvaar nie.

(3) By die oorweging van 'n verlenging of kondonاسie moet die Minister die volgende faktore oorweeg:

(a) Die graad van laatheid;

(b) 'n uitvoerige verduideliking van die redes vir die laatheid;

(c) of en tot watter mate daardie persoon of die Minister verantwoordelik vir minerale hulpbronne benadeel sal word indien die tydperk verleng word of indien versuim om aan 'n tydperk te voldoen, gekondoneer word; en

(d) 'n uitvoerige verduideliking van die meriete van die aansoek om verlenging of kondonاسie.

(4) Die tydperk kan slegs gekondoneer word vir 'n maksimum tydperk gelyk aan die tydperk wat vir die aksie toegelaat is waarvoor kondonاسie ingevolge hierdie Wet verlang word."

Invoeging van artikel 50A in Wet 107 van 1998

17. Die volgende artikel word hierby in die Wet op Nasionale Omgewingsbestuur, 1998, na artikel 50 ingevoeg:

"Toekomstige wysigings ten opsigte van omgewingsaangeleenthede in soverre dit met Ooreenkoms verband hou

50A. (1) (a) Enige voorgestelde wysigings ten opsigte van die bepalings met betrekking tot prospektering, eksplorاسie, myn of produksie in hierdie Wet, die Wysigingwet op Nasionale Omgewingsbestuur, 2008 (Wet No. 62 van 2008), 'n spesifieke omgewingsbestuurswet of enige ander Parlements-wet wat die uitwerking kan hê dat dit die bepalings van die Ooreenkoms wysig, moet onderhewig wees aan ooreenstemming tussen die Minister, die Minister verantwoordelik vir waterwese en die Minister verantwoordelik vir minerale hulpbronne.

(b) Enige ingryping in paragraaf (a) beoog wat tot wysiging van die bepalings van die Ooreenkoms kan lei, moet in die Parlement ter tafel gelê word voordat enige stappe gedoen word om daardie veranderinge aan te bring, en die Parlement kan sy mening oor die voorgestelde wysiging van die Ooreenkoms uitspreek.

(2) By die toepassing van subartikel (1), beteken Ooreenkoms die Ooreenkoms tussen die Minister, Minister verantwoordelik vir waterwese en die Minister verantwoordelik vir minerale hulpbronne getiteld **One Environmental System** vir die land met betrekking tot mynbou, wat behels—

(a) dat alle omgewingsverwante aspekte deur een omgewingstelsel gereguleer sal word wat die Hoofwet is en dat alle omgewingsbepalings in die 'Mineral and Petroleum Resources Development Act, 2002' herroep sal word;

(b) dat die Minister die reguleringsraamwerk en norme en standarde stel, en dat die Minister verantwoordelik vir minerale hulpbronne die bepalings van die Hoofwet en die ondergeskikte wetgewing in soverre dit met prospektering, eksplorاسie, myn of bedrywighede verband hou, in werking sal stel;

(c) dat die Minister verantwoordelik vir minerale hulpbronne omgewingsmagtigings ingevolge die Hoofwet sal uitreik vir prospektering, eksplorاسie, myn of bedrywighede en dat die Minister die appèlowerheid vir hierdie magtigings sal wees; en

(d) dat die Minister, die Minister verantwoordelik vir minerale hulpbronne en die Minister verantwoordelik vir waterwese ooreenkom op vasgestelde tydsbestekke vir die oorweging en uitreiking van die magtigings in hul onderskeie wetgewing en ooreenkom om die tydsbestekke te sinkroniseer."

Amendment of section 1 of Act 59 of 2008

18. Section 1 of the National Environmental Management: Waste Act, 2008 is hereby amended—

- (a) by the insertion after the definition of “MEC” of the following definition:
“**‘Mineral and Petroleum Resources Development Act, 2002’** means the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);”; and
- (b) by the insertion after the definition “recycle” of the following definitions:
“**‘residue deposit’** has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002; ‘**residue stock pile’** has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002;”.

Amendment of section 4 of Act 59 of 2008

19. Section 4 of the National Environmental Management: Waste Act, 2008 is hereby amended by the deletion in subsection (1) of paragraph (b). 15

Insertion of section 20A in Act 59 of 2008

20. The following section is hereby inserted in the National Environmental Management: Waste Act, 2008 after section 20:

“Prohibited or restricted activities in specified geographical areas

20A. (1) Despite section 19 and in accordance with the risk averse and cautious approach contemplated in section 2(4)(a)(vii) of the National Environmental Management Act, 1998, the Minister may by notice in the *Gazette* prohibit or restrict the granting of a waste management licence by the licensing authority for a listed activity in a specified geographical area for such period and on such terms and conditions as the Minister may determine, if it is necessary in order to ensure protection of the environment, conservation of resources, sustainable development or human health and well-being. 20 25

(2) A prohibition or restriction contemplated in subsection (1) does not affect the undertaking of activities authorised by means of a waste management licence prior to the prohibition becoming effective. 30

(3) Where the prohibition or restriction affects the exercise of a power that the MEC has in terms of this Act, the prohibition or restriction contemplated in subsection (1) may be published in the *Gazette* after consulting the MEC affected by the prohibition or restriction notice. 35

(4) The Minister may by notice in the *Gazette*—

(a) lift a prohibition or restriction made in terms of subsection (1) if the circumstances which caused the Minister to prohibit or restrict no longer exist; or

(b) amend any period, term or condition applicable to any prohibition or restriction made in terms of subsection (1) if the circumstances which caused the Minister to prohibit or restrict have changed. 40

(5) Before acting in terms of subsection (1), the Minister must—

(a) consult all Cabinet members whose areas of responsibility will be affected by the exercise of the power; 45

(b) consult the MEC that will be affected by the exercise of the power; and

(c) publish a notice in the *Gazette* inviting members of the public to submit to the Minister, within 30 days of publication of the notice in the *Gazette*, written representations on the proposed prohibition or restriction.”. 50

Tlhabololo ya karolo 1 ya Molao 59 wa 2008

18. Karolo 1 ya Taolo ya Bosetshaba ya Tikologo: Molao wa Matlakala, wa 2008, jaanong o a tlhabololwa—

- (a) ka go tsenya morago ga tlhaloso ya “MEC” ya tlhaloso e e latelang: 5
“‘Molao wa Tlhabololo ya Didirisiwa tsa Diminerale le Peteroliamo, 2002’ o kaya Molao wa Tlhabololo ya Diminerale le Peteroliamo, wa 2002 (Molao wa No. 28 wa 2002);”; le
- (b) ka go tsenya morago ga tlhaloso “go dirisa gape” ya ditlhaloso tse di latelang: 10
“‘go latlha masaledi’ e neelwe bokao mo karolo 1 ya Molao wa Tlhabololo ya Didirisiwa tsa Diminerale le Peteroliamo, wa 2002; ‘kokoanyo ya masaledi’ e neilwe bokao mo karolo 1 ya Molao wa Tlhabololo ya Didirisiwa tsa Diminerale le Peteroliamo, wa 2002;”.

Tlhabololo ya karolo 4 ya Molao 59 wa 2008

19. Karolo 4 ya Taolo ya Bosetshaba ya Tikologo: Molao wa Matlakala, wa 2008, jaanong o tlhabololwa, ka tloso mo karolwaneng (1) ya tema (b). 15

Go tsenya karolo 20A mo Molaong 59 wa 2008.

20. Karolo e e latelang jaanong e tsentswe mo Taolong ya Bosetshaba ya Tikologo: Molao wa Matlakala, wa 2008, morago ga karolo 20:

“Ditiro tse di thibetsweng kgotsa tse di laotsweng mo mafelong a a totobaditsweng” 20

20A. (1) Le mororo karolo 19 le go ya ka thibelo ya kotsi le go diriwa ka kelotlhoko tse di tlhalositsweng mo karolong 2(4)(a)(vii) ya Molao wa Bosetshaba wa Taolo ya Tikologo, wa 1998, Tona a ka thibela kgotsa a laola go neelana ka laesense ya taolo ya matlakala ka go letlelela tumelelo ka tiro e ekailweng mo lefelong le le totobaditsweng ka lobaka leo le ka dipeelo le mabaka ao jaaka Tona a ka tlhomamisa ka kitsiso mo Bukeng, fa go le bothokwa go netefatsa tshireletso ya tikologo, tshomarelo ya didirisiwa, tlhabololo e e tswelatang kgotsa boitekanelo jwa batho kgotsa tshiamo. 25

(2) Thibelo kgotsa taolo e e tlhalositsweng mo karolwaneng (1) ga e ame tiragatso ya ditiro tse di dumeletsweng ka laesense ya taolo ya matlakala pele ga thibelo e diragadiwa. 30

(3) Mo thibelo kgotsa taolo e amang tiragatso ya thata e MEC e nang le yona teng go ya ka Molao o, thibelo kgotsa taolo e e tlhalositsweng mo karolwaneng (1) e ka phasaladiwa mo Bukeng morago ga go rerisana le MEC yo o amilweng ke kitsiso ya thibelo kgotsa taolo. 35

(4) Tona a ka ka kitsiso mo Bukeng—

(a) tlosa thibelo kgotsa taolo e e dirilweng go ya ka karolwana (1) fa mabaka a a dirileng gore Tona a thibele kgotsa a laole a sa tlhola a le teng; kgotsa 40

(b) tlhabolola lobaka lengwe le lengwe, peelo kgotsa lebaka le le leng teng mo thibelong nngwe le nngwe kgotsa mo taolong e e dirilweng go ya ka karolwana (1), fa mabaka a a dirileng gore Tona a thibele kgotsa a laole a fetogile. 45

(5) Pele a tsaya dikgato go ya ka karolwana (1), Tona o tshwanetse go—

(a) rerisana le ditokololo tsotlhe tsa Kabinete tse mafelo a tsona a maikarabelo a tla amiwang ke tiragatso ya thata; 45

(b) rerisana le MEC yo o tla amiwang ke tiragatso ya thata; le

(c) phasalatsa kitsiso mo Bukeng a laletsa ditokololo tsa setshaba go neela Tona ditlhagiso tse di kwadilweng ka ga thibelo kgotsa taolo e e tshitshintsweng mo malatsing a le 30 a phasalatso ya kitsiso mo Bukeng.”. 50

Amendment of section 43 of Act 59 of 2008

21. Section 43 of the National Environmental Management: Waste Act, 2008 is hereby amended by the insertion after subsection (1) of the following subsections:

- “(1A) The Minister responsible for mineral resources is the licensing authority where the waste management activity is, or is directly related to—
- (a) prospecting or exploration of a mineral or petroleum resource;
 - (b) extraction and primary processing of a mineral or petroleum resource; or
 - (c) residue deposits and residue stockpiles from a prospecting, mining, exploration or production operation.
- (1B) The Minister responsible for mineral resources is responsible for the implementation of the provisions that relate to matters referred to in subsection (1A).”.

Insertion of section 43A in Act 59 of 2008

22. The following section is hereby inserted in the National Environmental Management: Waste Act, 2008 after section 43:

“Residue stockpiles and residue deposits

- 43A.** (1) Residue stockpiles and residue deposits must be managed in the prescribed manner on any site demarcated for that purpose in the environmental management plan or environmental management programme for that prospecting, mining, exploration or production operation.
- (2) No person may temporarily or permanently deposit any residue stockpile or residue deposit on any site other than on a site contemplated in subsection (1).”.

Amendment of section 67 of Act 59 of 2008

23. Section 67 of the National Environmental Management: Waste Act, 2008, is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

- “(a) contravenes or fails to comply with a provision of section 15, 16(1)(c), (d), (e) or (f), 20, 26(1), 43A, or any order under section 38(2) or (3) or a notice under section 17(2) or 18(1);”.

Amendment of section 69 of Act 59 of 2008

24. Section 69 of the National Environmental Management: Waste Act, 2008, is hereby amended by the insertion in subsection (1) after paragraph (i) of the following paragraph:

- “(iA) the management and control of residue stockpiles and residue deposits from a prospecting, mining, exploration or production operation.”.

Insertion of section 79A in Act 59 of 2008

25. The following section is hereby inserted in the National Environmental Management: Waste Act, 2008 after section 79:

“Delegation by Minister responsible for mineral resources

- 79A.** (1) The Minister responsible for mineral resources may delegate a function entrusted to him or her in terms of this Act to—
- (a) the Director-General of the Department responsible for mineral resources; or

Tlhabololo ya karolo 43 ya Molao 59 wa 2008

21. Karolo 43 ya Taolo ya Bosetshaba ya Tikologo: Molao wa Matlakala, wa 2008, jaanong o tlhabololwa ka tsenyo morago ga karolwana (1) ya dikarolwana tse di latelang:

- “(1A) Tona yo o rweleng maikarabelo a didirisiwa tsa diminerale ke bothati jo bo dumelelang kwa tiro ya taolo ya matlakala e, kgotsa e amanang ka tlhamalalo le—
- (a) go batla kgotsa go utulola sediriwa sa diminerale kgotsa peteroliamo;
 - (b) go ntsha le tswेतso e e botlhokwa ya sedirisiwa sa minerale kgotsa peteroliamo; kgotsa
 - (c) go latlha masaledi le kokoanyo ya masaledi go tswa mo tirong ya go batla, epa, utulola kgotsa tlhagiso.
- (1B) Tona yo o rweleng maikarabelo a didirisiwa tsa diminerale o rwele maikarabelo a tiriso ya ditlamelo tse di amanang le dintlha tse di kailweng mo karolwaneng (1A).”.

Tsenyo ya karolo 43A mo Molao 59 wa 2008

22. Karolo e e latelang jaanong e tsentswe mo Taolong ya Bosetshaba ya Tikologo: Molao wa Matlakala, wa 2008 morago ga karolo 43:

“Kokoanyo ya masaledi le go latlha matlakala

- 43A.** (1) Kokoanyo ya Masaledi le go latlha masaledi di tshwanetse go laolwa ka mokgwa o o beilweng mo lefelong lengwe le lengwe le le tshwailweng ka maikemisetso ao mo thulaganyong ya taolo ya tikologo kgotsa mo lenaaneng la taolo ya tikologo mo tirong eo ya go batla, epa, utulola kgotsa tlhagiso.
- (2) Ga go motho yo o latlhang nakwana kgotsa leruri kokoanyo nngwe le nngwe ya masaledi kgotsa matlakala a masaledi mo lefelong lengwe le lengwe kwa ntle ga mo lefelong le le tlhalositsweng mo karolwaneng (1).”.

Tlhabololo ya karolo 67 ya Molao 59 wa 2008

23. Karolo 67 ya Taolo ya Bosetshaba ya Tikologo: Molao wa Matlakala, wa 2008, jaanong o tlhabolotswe ka phetolo mo karolwaneng (1) ya tema (a) ya tema e e latelang:

“(a) tloang kgotsa retelelwang ke go obamela ditlamelo tsa karolo 15, 16(1)(c), (d), (e) kgotsa (f), 20, 26(1), 43A, kgotsa taolo nngwe le nngwe e e mo karolong 38(2) kgotsa (3) kgotsa kitsiso e e mo karolong 17 (2) kgotsa 18(1);”.

Tlhabololo ya karolo 69 ya Molao 59 wa 2008

24. Karolo 69 ya Taolo ya Bosetshaba ya Tikologo: Molao wa Matlakala, wa 2008, jaanong o tlhabololwa ka go tsenya mo karolwaneng (1) morago ga tema (i) ya tema e e latelang:

- “(iA) tsamaiso le taolo ya kokoanyo ya masaledi le masaledi a matlakala go tswa mo tirong ya go batla, epa, utulola, kgotsa tlhagiso.”.

Tsenyo ya karolo 79A ya Molao 59 wa 2008

25. Karolo e e latelang jaanong e tsentswe mo Taolong ya Bosetshaba ya Tikologo: Molao wa Matlakala, wa 2008, morago ga karolo 79:

“Thomeletso ka Tona yo o rweleng maikarabelo a didirisiwa tsa diminerale

- 79A.** (1) Tona yo o rweleng maikarabelo a didirisiwa tsa diminerale a ka romeletsa tiro e a e neilweng go ya ka Molao o go—
- (a) Mokaedikakaretso wa Lefapha yo o rweleng maikarabelo a didirisiwa tsa diminerale; kgotsa

- (b) the holder of a specific post in the Department responsible for mineral resources who is not below the rank of director or its equivalent.
- (2) A delegation in terms of subsection (1)—
- (a) must be in writing;
- (b) may be made subject to any condition;
- (c) may be withdrawn by the Minister responsible for mineral resources.”.

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Amendment of section 12 of Act 62 of 2008

26. Section 12 of the National Environmental Management Amendment Act, 2008, is hereby amended by the addition of the following subsections:

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“(6) Any appeal lodged in terms of section 96 of the Mineral and Petroleum Resources Development Act, 2002, against a decision in respect of environmental aspects, that is pending on the date referred to in section 14(2)(b) of the National Environmental Management Amendment Act, 2008 must be dealt with in terms of the Mineral and Petroleum Resources Development Act, 2002.

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(7) An application for a right or permit in relation to prospecting, exploration, mining or production in terms of the Mineral and Petroleum Resources Development Act, 2002 that is pending on the date referred to in section 14(2)(b) of the National Environmental Management Amendment Act, 2008, must be dispensed of in terms of that Act as if that Act had not been amended.”.

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Repeal of section 13 of Act 62 of 2008

27. Section 13 of the National Environmental Management Amendment Act, 2008, is hereby repealed.

Amendment of section 14 of Act 62 of 2008

28. Section 14 of the National Environmental Management Act, 2008 is hereby amended by the deletion of subsection (2) one day immediately before the commencement of this Act.

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Repeal of Schedule to Act 62 of 2008

29. Schedule to the National Environmental Management Amendment Act, 2008 is hereby repealed.

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Amendment of Arrangements of Sections of Act 107 of 1998

30. The Arrangements of Sections of the National Environmental Management Act, 1998 is hereby amended—

- (a) by the insertion after item 31BA of the following item:
 “**31BB.** Designation of environmental mineral resource inspectors by Minister of Mineral Resources”;
- (b) by the insertion after item 24P of the following item:
 “**24P.** Management of residue stockpiles and residue deposits”;
- (c) by the insertion after item 47C of the following items:
 “**47CA.** Extension of time periods applicable to appeals relating to prospecting, exploration, mining or production”;
 “**47CB.** Condonation of time periods applicable to appeals relating to prospecting, exploration, mining or production; and”;
- (d) by the insertion after item 50 of the following item:
 “**50A.** Future amendments in respect of environmental matters in so far as it relates to the Agreement”.

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- (b) motshodi wa tiro e e totobetseng mo lefapheng yo o rweleng maikarabelo a didirisiwa tsa diminerale yo o seng kwa tlase ga maemo a mokaedi kgotsa maemo a a lekanang le ona.
- (2) Thomeletso go ya ka karolwana (1)—
- (a) e tshwanetse go kwadiwa;
- (b) e ka diriwa go ya ka— lebaka lengwe le lengwe;
- (c) e ka busediwa morago ke Tona yo o rweleng maikarabelo a didirisiwa tsa diminerale.”.

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Wysiging van artikel 12 van Wet 62 van 2008

26. Artikel 12 van die Wysigingswet op Nasionale Omgewingsbestuur, 2008, word hierby gewysig deur die volgende subartikels by te voeg: 10

“(6) Enige appèl ingevolge artikel 96 van die ‘Mineral and Petroleum Resources Development Act, 2002’ (Wet No. 28 van 2002), teen ’n besluit ten opsigte van omgewingsaspekte aangeteken, wat op die datum bedoel in artikel 14(2)(b) van die Wysigingswet op Nasionale Omgewingsbestuur, 2008, bedoel hangende is, moet ingevolge die ‘Mineral and Petroleum Resources Development Act, 2002’, hanteer word. 15

(7) ’n Aansoek om ’n reg of permit in verband met prospektering, eksplorاسie, myn of produksie ingevolge die ‘Mineral and Petroleum Resources Development Act, 2002’, wat op die datum bedoel in artikel 14(2)(b) van die Wysigingswet op Nasionale Omgewingsbestuur, 2008, bedoel hangende is, moet ingevolge daardie Wet afgehandel word asof daardie Wet nie gewysig is nie.”. 20

Herroeping van artikel 13 van Wet 62 van 2008

27. Artikel 13 van die Wysigingswet op Nasionale Omgewingsbestuur, 2008, word hierby herroep. 25

Wysiging van artikel 14 van Wet 62 van 2008

28. Artikel 14 van die Wet op Nasionale Omgewingsbestuur, 2008, word hierby gewysig deur subartikel (2) te skrap een dag onmiddellik voor die inwerkingtreding van hierdie Wet.

Herroeping van Bylae tot Wet 62 van 2008

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29. Bylae tot die Wysigingswet op Nasionale Omgewingsbestuur, 2008, word hierby herroep.

Wysiging van Indeling van artikels van Wet 107 van 1998

30. Die Indeling van Artikels van die Wet op Nasionale Omgewingsbestuur, 1998, word hierby gewysig— 35

- (a) deur die volgende item na item 31BA in te voeg:
“31BB. Aanwysing van omgewingsinspekteurs vir minerale hulpbronne deur Minister verantwoordelik vir minerale hulpbronne”;
- (b) deur die volgende item na item 24R in te voeg:
“24S. Bestuur van residu voorraadstapels en residu neerslae”; 40
- (c) deur die volgende items na item 47C in te voeg:
“47CA. Verlenging van tydperke van toepassing op appèlle in verband met prospektering, eksplorاسie, myn of produksie
47CB. Kondonاسie van tydperke van toepassing op appèlle in verband met prospektering, eksplorاسie, myn of produksie”; en 45
- (d) deur die volgende item na item 50 in te voeg:
“50A. Toekomstige wysigings ten opsigte van omgewingsaan-geleenthede in soverre dit met Ooreenkoms verband hou.”.

Amendment of Table of Contents of Act 59 of 2008

31. The Table of Contents of the National Environmental Management: Waste Act, 2008 is hereby amended—

(a) by the insertion after item 20 of the following item:

“20A. Prohibited or restricted activities in specified geographical areas”; and 5

(b) by the insertion after item 79 of the following item:

“79A. Delegation by Minister responsible for mineral resources”.

Short title and commencement

32. This Act is called the National Environmental Management Laws Amendment Act, 2014, and comes into effect three months from the date of publication of this Act by the President in the *Gazette* in terms of section 81 of the Constitution. 10

Tlhabololo ya Lenane la Diteng ya Molao 59 wa 2008

31. Thulaganyo ya Diteng ya Taolo ya Bosetshaba: Molao wa Matlakala, wa 2008 jaanong e tlhabolotswe—

(a) ka tsenyo morago ga ntlhana 20 ya ntlhana e e latelang:

“20A. Ditiro tse di thibetsweng kgotsa tse di ganetsweng mo mafelong a a totobaditsweng”; le 5

(b) ka tsenyo morago ga ntlhana 79 ya ntlhana e e latelang:

“79A. Thomeletso ka Tona yo o rweleng maikarabelo a didirisiwa tsa diminerale”.

Kort titel en inwerkingtreeding

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32. Hierdie Wet heet die Wysigingswet op Nasionale Omgewingsbestuur, 2014, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal ingevolge artikel 81 van die Grondwet.

