



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Ref:02/1/5/2

MINISTER

QUESTION NO. 278 FOR ORAL REPLY: NATIONAL COUNCIL OF PROVINCES

A draft reply to **Mr M M Chabangu (Free State: EFF)** to the above-mentioned question is enclosed for your consideration.

**MR ISHAAM ABADER
DIRECTOR-GENERAL (ACTING)**

DATE:

DRAFT REPLY APPROVED/AMENDED

**MR D A HANEKOM, MP
MINISTER OF ENVIRONMENTAL AFFAIRS (ACTING)**

DATE:

NATIONAL COUNCIL OF PROVINCES

(For oral reply)

QUESTION NO. 278 {CO611E}

INTERNAL QUESTION PAPER NO.13 of 2018

DATE OF PUBLICATION: 01 November 2018

Mr M M Chabangu (Free State: EFF) to ask the Minister of Environmental Affairs:

In respect of the number of contraventions on the conditions for Environmental Authorisation by the SA National Road Agency Limited (Sanral) (details furnished), (a) why has there been a lack of compliance and (b) what action is being taken to hold Sanral accountable in this regard?

278. THE MINISTER OF ENVIRONMENTAL AFFAIRS REPLIES:

(a)

At this stage it is unclear why there has been non-compliance to certain conditions of the environmental authorisation. The representations which South African National Road Agency (SANRAL) is allowed to submit in response to the pre-compliance notice recently issued should provide an indication on the reasons for the lack of compliance.

(b)

The non-compliances by SANRAL were initially investigated by the Compliance team in the Department and the matter was then referred to the Enforcement Chief Directorate to take enforcement action. An enforcement notice as contemplated in section 31L of the National Environmental Management Act has been prepared and recently issued to SANRAL. In order to undertake this process the Department must comply with the provisions of the Promotion of Administrative Justice Act ("PAJA") as well as subregulation 8(2) of the Environmental Management Inspectorate (EMI) Regulations by providing SANRAL with an opportunity to make representations in response to the allegations of non-compliance as well as the intended instructions, prior to moving forward with further enforcement action. The decision as to whether, and also what type of final enforcement action will be taken, is dependent on various factors such as the submissions that are made by SANRAL in response to the enforcement notice and whether or not the areas of non-compliance have been addressed.

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