



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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**Ref:02/1/5/2**

**MINISTER (ACTING)**

**QUESTION NO. 2953 FOR WRITTEN REPLY: NATIONAL ASSEMBLY**

A draft reply to **Mr Z R Xalisa (EFF)** to the above-mentioned question is enclosed for your consideration.

**MS NOSIPHO NGCABA  
DIRECTOR-GENERAL**

**DATE:**

**DRAFT REPLY APPROVED/AMENDED**

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

**DATE:**

**NATIONAL ASSEMBLY**

**(For written reply)**

**QUESTION NO. 2953 {NW3265E}**

**INTERNAL QUESTION PAPER NO. 33 of 2018**

**DATE OF PUBLICATION: 19 October 2018**

**Mr Z R Xalisa (EFF) to ask the Minister of Environmental Affairs:**

With reference to the reply to question 161, on 10 April 2018, what were the consequences in instances where conditions were contravened?

**2953. THE MINISTER OF ENVIRONMENTAL AFFAIRS REPLIES:**

The non-compliances that were reported in the response to Parliamentary Question 161, on 10 April 2018, were initially investigated by the Compliance team in the Department, and the matter was then referred to the Chief Directorate: Enforcement, around July 2018, to take enforcement action. An enforcement notice, as contemplated in section 31L of the National Environmental Management Act, has been prepared and is in the process of being reviewed, before it is issued. In order to undertake this process, the Department must comply with the provisions of the Promotion of Administrative Justice Act (PAJA), as well as sub-regulation 8(2) of the EMI regulations contained in GNR 480 of 31 May 2017, 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 the non-compliances have or have not been addressed and so forth, 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.

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