



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

---

Ref: 02/1/5/2

**MINISTER**

**QUESTION 138 FOR WRITTEN REPLY: NATIONAL COUNCIL OF PROVINCES**

A draft reply to Ms B V Mncube (ANC-Gauteng) to the above-mentioned question is enclosed for your consideration.

Mr Fundisile Mketeni  
DIRECTOR-GENERAL (ACTING)

DATE:

**DRAFT REPLY APPROVED/AMENDED**

MRS B E E MOLEWA, MP  
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

DATE:

**NATIONAL COUNCIL OF PROVINCES**

**(For written reply)**

**QUESTION NO. 138**

**INTERNAL QUESTION PAPER NO.11 of 2013 CW193E**

**DATE OF PUBLICATION: 03 May 2013**

**Ms B V Mncube (ANC-Gauteng) to ask the Minister of Water and Environmental Affairs:**

Whether she (a) is putting any measures in place and (b) will introduce legislation that will deal with environmental and water polluters in order to (i) stop the polluting of the environment, (ii) trace those who have done it, (iii) make them pay for the damage that has been done and (iv) rehabilitate the environment; if not, why not; if so, what are the relevant details?

**Ms B V Mncube (ANC-Gauteng)**

**SECRETARY TO PARLIAMENT**

**HANSARD**

**PAPERS OFFICE**

**PRESS**

## THE MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS ANSWERS:

- (a) Numerous measures are already in place to deal with environmental polluters. The work of the Environmental Management Inspectorate (EMI) (the Green Scorpions) specifically focuses on compliance and enforcement functions to address environmental pollution. Both administrative and/or criminal enforcement actions are taken in response to findings of non-compliance with the legal requirements and to address pollution and compel remediation of the environment. Proactive inspections are undertaken in relation to key sectors (for example: the ferro alloy, iron and steel sector; paper and pulp sector; hazardous waste sector; as well as refineries) that have the potential to cause pollution, as well as in relation to prioritised authorisations issued by the Department. Joint operations with the provinces are also undertaken through Working Group IV (which focus on environmental compliance and enforcement) to address certain activities that are resulting in environmental degradation.

In addition to the above, the Department has a focused training programme which includes the training of the environmental management inspectors as well as training of prosecutors (and awareness raising for magistrates) in relation to dealing with environmental cases, including those that involve pollution. There is ongoing liaison with the National Prosecuting Authority and the Asset Forfeiture Unit in relation to more effective investigation and prosecution of these offences to ensure that the responsible persons are punished and the environment is rehabilitated.

The Department, together with the provinces, has also recently embarked on a project to develop a comprehensive and effective National Environmental Compliance Monitoring and Enforcement Strategy for the EMI. The work that will be undertaken to develop the strategy will provide the Department, as well as the other institutions falling within the EMI, with an important tool that will provide a holistic view of the current environmental compliance and enforcement capability and needs as set out in the legislation; guidance on how we, as environmental authorities, can respond and ensure effective compliance and enforcement; and mechanism for prioritising future compliance and enforcement activities and setting national priorities.

(b) Apart from existing legislation, the National Environmental Management Act (NEMA) and suite of environmental legislation have been amended over the years and contain extremely effective provisions to effectively undertake enforcement action and to ensure that the inspectors and prosecutors have the required mechanisms to make the polluters pay for the damage done and rehabilitate the environment. Recent amendments to the NEMA, which are currently with the Portfolio Committee, also strengthen the Department's ability to take action against environmental polluters by amending section 24G and section 28 of the NEMA. It should also be noted that the Department is in the process of developing norms and standards in terms of the National Environmental Management: Waste Act (NEM: WA) and once these have been finalised (towards the end of 2013), it will bring into effect Part 8 of the NEM: WA which provides additional mechanisms to facilitate the remediation of contaminated land.

- (i) The measures aimed at stopping pollution of the environment are indicated above.
- (ii) The EMI's work involves identifying and prosecuting polluters as indicated above.
- (iii) Attempts are being made by the Department to ensure that polluters are required to pay for damage caused. This could take the form of administrative fines as well as criminal sanctions in the form of fines and / or, for example, the judgement recently granted under the Prevention of Organised Crime Act, Act 121 of 1998 (POCA), which has previously been used by South African conservation authorities to deprive offenders of the benefits obtained in many wildlife-related crimes.
- (iv) Rehabilitation is also an option open to the Department to ensure that illegal activities are dealt with and that the environment is protected.

---ooOoo---