



Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni

Ref: 11/4/1/2/11

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON AGRICULTURE, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT
PLANNING**

Tuesday, 14 September 2021 (at 13:00), Virtual Meeting via Microsoft Teams

PRESENT

Members

Democratic Alliance

Baartman, DM
Maseko, LM
Van Der Westhuizen, AP (Chairperson)

African National Congress

Marran, P

Apologies

Herron, BN, Member - GOOD
Marais, PJ, Member - FF PLUS
Bredell, A, Minister of Local Government, Environmental Affairs and Development Planning
Van Zyl, P, Head of Department – Environmental Affairs and Development Planning

The following persons were in attendance:

Department of Environmental Affairs and Development Planning

Ms K Shippey, Chief Director - Environmental Sustainability
Ms M Laros, Director - Biodiversity and Coastal Management

CapeNature

Ms C Birss, Executive Director - Biodiversity Conservation
Mr B Barnes, General Manager
Mr D Hignett, Capability Manager

South African Local Government Association

Mr L Njamela, Advisor - Intergovernmental Relations and Strategic

Department of the Premier: Legal Services

Mr L van der Schyff, State Law Advisor

WCPP Officials

Mr J Vermeulen, Senior Procedural Officer
Ms S Niekerk, Procedural Officer
Ms N Mshumpela, Committee Assistant
Adv R Maasdorp, Legal Advisor
Ms C Morris, Information Technology Assistant
Mr S Hassan, Information Technology Assistant

1. Opening and welcome

The Chairperson opened the meeting, welcomed the members of the Committee and the officials.

2. Further discussion on submissions received in respect of the Western Cape Biodiversity Bill [B 2–2021]

The Department of Environmental Affairs and Development Planning continued its presentation to the Committee on the detailed Matrix which included the comments received from the National Department of Forestry, Fisheries and the Environment.

The Chairperson requested the Procedural Officer to read into record the submission received from Mr Louis Steenkamp.

The Committee deliberated and raised the following concerns and proposals to which the Department was requested to respond in writing and to present their response at the next meeting on the Bill.

2.1 Concerns

2.1.1 Definition: “well-being”

Well-being is not limited to animals as the term is used in clause 2(d) with reference to human well-being.

Proposal: To consider inserting a qualification to the definition so that reference is made to animals unless the context indicates otherwise.

2.1.2 Clause 16: Chairperson of the Board

In clause 16(3)(b) it appeared that the Vice-Chairperson’s position is limited in that only the Chairperson can call for a meeting of the Board if the majority of the members request him or her to call for such a meeting. In relation to the Board remaining functional, the concern was that the Bill is unclear as to who will be mandated to call a meeting if the Chairperson resigns and there is a vacancy of a Vice-Chairperson.

Proposal: To consider inserting an additional clause 4 to read as follows:
“The Vice-Chairperson will act as Chairperson in the absence of the Chairperson or when requested by the Chairperson to do so or if the Chairperson is unable to fulfil his or her duties”.

Proposal: To consider including a clause where the Chief Executive Officer may call for a Board meeting in the case where there is no Chairperson or Vice Chairperson as follows:
“If there is no Chairperson, Vice-Chairperson or Acting Chairperson for a period of four weeks, the Chief Executive Officer may call a Board meeting”.

2.1.3 Clause 63: Routine Inspections

If the only intention of clause 63(1) is to inspect, then the current wording of the clause raises concerns regarding the infringement of rights in a routine inspection.

In this regard, the Bill appears silent on the consequences and remedies for any abuse of power or infringement of rights by Nature Conservation Officers or Rangers or other Enforcement Officials in terms of the rights granted under this clause.

Proposal: The Western Cape Legal Advisor advised that if the objective of clause 63(1) is for Nature Conservation Officers to inspect for the purpose of ascertaining compliance, the words “...search and..” should be deleted.

2.1.4 Clause 71: Administrative Penalties

This clause does not make provision for admission of guilt or spot fines and the reviewing of penalties on a regular basis.

Proposal: To consider inserting these provisions into the Bill.

3. General

The Chairperson encouraged Members to raise any concerns that they may have with the Western Cape Provincial Parliament’s Legal Advisor. The Chairperson further informed the Committee that, as the Western Cape Provincial Parliament is entering a constituency period, the Bill should not be delayed and should be finalised before the December recess period.

To this end the Chairperson suggested that additional meetings be scheduled after the Local Government Elections and the Constituency period where there are meeting slots available on the Parliamentary Programme and that this may necessitate meetings to be scheduled on Mondays and/or after working hours. The Department of Environmental Affairs and Development Planning indicated that they will avail themselves as per the Committee’s schedule. Agreed to.

4. Consideration and adoption of Draft Committee Minutes

The Chairperson submitted the Draft Committee Minutes of 24 and 31 August 2021 which were considered and adopted.

5. Consideration and adoption of Draft Committee Report on oversight visit to Elsenburg on 8 June 2021

The Chairperson submitted the Draft Committee Report which was considered and adopted.

The Chairperson expressed his appreciation to the members and officials for their contribution to the success of the meeting.

The meeting adjourned at 15:43.



MR AP VAN DER WESTHUIZEN, MPP
CHAIRPERSON: STANDING COMMITTEE ON AGRICULTURE, ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING

Date:4 November 2021.....