

GAUTENG DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT AND ENVIRONMENT

PRESENTATION TO PORTFOLIO COMMITTEE ON GDARDE VIEWS ON DRAFT BILL: NVFFA BILL 18 May 2023



GAUTENG
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

GGT2030
GROWING GAUTENG TOGETHER

- DFFE** **Department of Environment, Forestry and Fisheries**
- MEC** **Member of Executive Council**
- NCOP** **National Council of Provinces**
- NVFFA Bill** **National Veld and Forest Fires Amendment Bill**

2 BILLS

- NVFFA Bill [B24B-2021] aiming to amend the National Veld and Forest Fire Act 101 of 1998 (“the Principal Act”)
- The Bill **has** been tagged as Section 76 Bills affecting provinces
- Hence referred by NCOP to the 9 provincial legislatures for provincial inputs

- NVFFA: DFFE

NVFFA BILL: HISTORY

- **First published in March 2015 for public comments.**
- **Public consultations conducted by Department in all nine provinces in May 2015.**
- **All inputs consolidated into final report.**
- **Report plus proposed Bill presented to NEDLAC in July 2015.**
- **July 2017: Bill tabled in Parliament.**
- **August 2017, during Portfolio Committee public hearings, some raised concerns that they were not adequately consulted.**
- **Portfolio Committee recommended Minister to withdraw the Bill and re-consult.**

NVFFA BILL: HISTORY (CTD)

- The Minister duly withdrew the Bill in November 2017.
- 2018: further opportunity for comment – inputs consolidated into final report.
- Bill certified by SLA, plus SEIA by DPME, in February 2021.
- Cabinet approved introduction of Bill to Parliament on 29 September 2021.
- Bill tabled in Parliament on 28 October 2021 and referred to the Portfolio Committee.
- DFFE made several presentations on the Bill. Public hearings were held from 27 May 2022 - 23 October 2022, in all provinces, with three hearings per province. DFFE and other relevant institutions responded to the submissions.
- The Portfolio Committee deliberated and adopted the Bill on 30 January 2023 and referred the Bill to the National Assembly, which adopted the amendments on 20 February 2023 and referred it to the NCOP.

NVFFA BILL: PROBLEM STATEMENT

Problems identified:

- **Challenges with interpretation of some terms in the Principal Act**
- **The above leads to implementation challenges**
- **Inadequate cooperative governance arrangements**
- **No provision for an appeal process in the Principal Act**

OBJECTIVES OF NVFFA BILL

Aims to amend the Principal Act of 1998 as follows:

- **Improve administration of Principal Act**
- **Provide technical enhancements**
- **Align with Constitution**
- **Ensure Principal Act is responsive and relevant in combatting veld and forest fires**

THE NVFFA BILL AND GOVERNMENT'S STRAT PRIORITIES

NVFFA Bill and the strategic priorities of Transformation, Job Opportunities and Food Security.

- Transformation

- Through the provision for an appeal process against a decision taken under delegated powers and duties.
- Establishment of Fire Protection Associations (FPAs) promoting involvement of Traditional Leaders and inclusion of women and youth in decision-making.

- Job Creation

- Formation of FPAs gives rise to job creation as provided in Chapter 2 of Principal Act.
- Job opportunities in the Expanded Public Works Programme (EPWP) through the Working on Fire Programme.

- Food Security

- Prevention and mitigation of risk of veld fires contribute to food security through increased compliance and enforcement.

GDARDE'S TAKE ON NVFFA BILL AMENDMENTS

The GDARDE is in support of the proposed amendments:

- **The problems identified as referred to in a previous slide were addressed**
- **Administration of Principal Act will be improved**
- **Technical enhancements provided**
- **Better aligned with Constitution**
- **Act is more responsive and relevant in combatting veld and forest fires**
- **It is aligned with Government's Strategic Priorities**

APSA BILL: PROBLEM STATEMENT

- Various deficiencies in the Act which necessitated the amendments were identified.
- A key deficiency the definition of “management control” system, which covered all management systems pertaining to inspection, auditing and production practices.
- Was found to not have been correctly captured in order to fully address what was intended.
- This came to light when the Organic Regulations were developed, which were eventually found to be *ultra vires* (beyond the scope of the Act).

OBJECTIVES OF APSA BILL

The Bill seeks to amend the Agricultural Product Standards Act, 1990, so as to:

- insert definitions and substitute others;
- provide for auditing of a product for management control systems;
- make provision for the setting of tariffs by assignees on a cost-recovery basis;
- make further provisions for the Minister to make regulations pertaining to audit and management control systems; and to provide for matters connected therewith.

GDARD's TAKE ON APSA BILL AMENDMENTS

The GDARDE is in support of the proposed amendments;

- Exporters, farmers and sellers may benefit from guarantees that may come with claims such as “organic”, “free range”, amongst others, that may be authenticated.
- Consumers will also benefit from being protected against misleading claims and thereby getting value for their money.
- Quality of products offered for sale will also be enhanced.
- South Africa may have a strengthened food control system because of the anticipated proposed changes which will serve as a good base for facilitation of trade and market access.

THANK YOU