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No. 37714

THE PRESIDENCY

No. 449 2 June 2014

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:

Act No. 26 of 2014: National Environmental Management: Waste Amendment Act, 2014

MOPRESIDENTE

No. 449 2 June 2014

Go itsisiwi fano gore Mopresidente o saennwe Molao o o latelang o o phasalediwang kitso ya botlhe fano:

No 26 wa 2014: Molao jwa Tikologo ya Bosetšhaba: Tlhabololo ya Molao wa Matlakala, 2014



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GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 30 May 2014)

ACT

To amend the National Environmental Management: Waste Act, 2008, so as to substitute and delete certain definitions; to exclude the department from the spheres of government that are required to compile integrated waste management plans; to require the MEC responsible for waste management to act in concurrence with the Minister when requesting certain persons to compile and submit industry waste management plans; to provide for the exclusion of the provincial department responsible for waste management from the requirement to compile an industry waste management plan; to establish a pricing strategy; to provide for the content and application of the pricing strategy; to establish the Waste Management Bureau; to provide for the determination of policy and the Minister’s oversight in relation to the Waste Management Bureau; to provide for the determination of policy and the Minister’s oversight in relation to the Waste Management Bureau; to provide for the objects, functions, funding, financial management, reporting and auditing, immovable property of the Waste Management Bureau; to provide for the employees of the Waste Management Bureau; to provide for the appointment and the functions of the Chief Executive Officer of the Waste Management Bureau; to prescribe certain matters in relation to the Waste Management Bureau; to provide for transitional provisions in respect of existing industry waste management plans and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 59 of 2008, as amended by Act 14 of 2013

1. Section 1 of the National Environmental Management: Waste Act, 2008, (Act No. 59 of 2008) (hereinafter referred to as the “principal Act”), as amended by the National Environmental Management Laws Amendment Act, 2014, is hereby amended—

- (a) by the deletion of the definition of “by-product”;
- (b) by the deletion of the definitions of “building and demolition waste”, “business waste”, “domestic waste”, “general waste”, “hazardous waste”, “inert waste”, “residue deposits” and “residue stockpiles” and the insertion of these definitions in Schedule 3;

TSHWAELO YA TLHALOSO KAKARETSO:

[] Mafoko a a gatisitsweng ka ditlhaka tse di kima tse di ka fa gare ga masakana a khutlonne a supa ditlogelo tse di leng teng mo melaong e tlhomilweng.

_____ Mafoko a a thaletsweng ka mola o o kitlaneng a supa ditsennngwa tse di leng teng mo melaong e tlhomilweng.

*(English text signed by the President)
(Assented to 30 May 2014)*

MOLAO

Go tlhabolola Bolaodi jwa Tikologo ya Bosetšhaba: Molao wa Matlakala, 2008, go ka fetola le go phimola ditlhaloso tse di rileng; go ntsha lefapha go maphata a puso a a tshwanetseng go rulaganya maano a taola ya matlakala a a kopaneng; go batla MEC yo o rweleng maikarabelo a taolo ya matlakala go dumallana le Tona fa a kopa batho ba ba rileng goka rulaganya le go neelana ka maano a taolo ya matlakala a intaseteri; go tlamela ka go se akarediwe ga lefapha la porofense le le rweleng maikarabelo a taolo ya matlakala mo go rulaganyeng leano la taolo ya matlakala la intaseteri; go tlhoma togamaano ya ditlhwathwa; go tlamela ka diteng le tiragatso ya togamaano ya ditlhwathwa; go tlhoma Biro ya Bolaodi jwa Matlakala; go tlamela ka go tsaya tshweetso ka pholisi le okamelolo ya Tona ka ga Biro ya Bolaodi jwa Matlakala; go thusa ka maitlhommo, mmereko, tlamelo ya matlole, tsamaiso ya ditšhelete, pegelo le go runa, dithoto tse di sa tsamaeng (tse di tsepameng) tsa Biro ya Bolaodi jwa Matlakala; go tlamela ka go thapa badiredi ba Biro ya Bolaodi jwa Matlakala; go tlamela ka go thapa le mmereko wa Mokhuduthamaga Mogolwane wa Biro ya Bolaodi jwa Matlakala; go kaela ka dintlha tse di rileng tse di amanang Biro ya Taolo ya Matlakala; go tlamela ka diketleetso tsa phetogo go latela maano a taolo ya matlakala a intaseteri ao a leng teng le go tlamela ka dintlha tse di tsamaisanang.

KA GO TSENGWA TIRISONG ke Palamente ya Rephaboliki ya Aforika Borwa, ka tsela e e latelang:—

Tlhabololo ya karolo 1 ya Molao 59 wa 2008, jaaka e tlhabolotswe ke Molao 14 wa 2013

1. Karolo 1 ya Bolaodi jwa Tikologo ya Bosetšhaba: Molao wa Matlakala le Leswe, 2008, (Molao wa 59 wa 2008) (go tloga fa o tla kaiwa e le “Molaomogolo”); jaaka o tlhabolotse ke Molao ya Karolo ya Tlhabololo ya Molao wa Bolaodi jwa Tikologo ya Bosetšhaba, 2014, o tlhabolotswe—

- (a) ka phimolo ya tlhaloso ya “le tswa kungweng”;
- (b) ka phimolo ya a ditlhaloso tsa “matlakala a meago le a go rutlulola”, “matlakala a kgwebo”, “matlakala a fa gae”, “matlakala ka kakaretso”, “matlakala a a nang le bothole”, “matlakala a sa fetogeng”, “masledi a manathwana” le “masaledi a didiriswa” le go tsenyiwa ga ditlhaloso tseno go Thulaganyo 3;

- (c) by the substitution for the definition of “Department” of the following definition:
“**‘Department’** means the Department [**of Environmental Affairs and Tourism**] responsible for environmental affairs;”;
- (d) by the insertion after the definition of “domestic waste” of the following definition:
“**‘employment practice’** has the meaning assigned to it in section 1 of the Public Service Act, 1994”;
- (e) by the substitution for the definition of “Minister” of the following definition:
“**‘Minister’** means the Minister [**of Environmental Affairs and Tourism**] responsible for environmental affairs;”;
- (f) by the substitution for the definition of “recovery” of the following definition:
“**‘recovery’** means the controlled extraction [**of a material**] or retrieval of [**energy,**] any substance, [**or**] material or object from waste [**to produce a product**];”;
- (g) by the substitution for the definition of “re-use” of the following definition:
“**‘re-use’** means to utilise the whole, a portion of or a specific part of any [articles] substance, material or object from the waste stream [**again**] for a similar or different purpose without changing the form or properties of such [the articles] substance, material or object;”;
- (h) by the insertion after the definition of “sustainable development” of the following definition:
“**‘the Bureau’** means the Waste Management Bureau established by section 34A;”;
- (i) by the substitution for the definition of “waste” of the following definition:
“**‘waste’** means—
(a) any substance, material or object, that is unwanted, rejected, abandoned, discarded or disposed of, or that is intended or required to be discarded or disposed of, by the holder of that substance, material or object, whether or not such substance, material or object can be re-used, recycled or recovered and includes all wastes as defined in Schedule 3 to this Act; or
(b) any other substance, material or object that is not included in Schedule 3 that may be defined as a waste by the Minister by notice in the *Gazette*,
but any waste or portion of waste, referred to in paragraphs (a) and (b), ceases to be a waste—
(i) once an application for its re-use, recycling or recovery has been approved or, after such approval, once it is, or has been re-used, recycled or recovered;
(ii) where approval is not required, once a waste is, or has been re-used, recycled or recovered;
(iii) where the Minister has, in terms of section 74, exempted any waste or a portion of waste generated by a particular process from the definition of waste; or
(iv) where the Minister has, in the prescribed manner, excluded any waste stream or a portion of a waste stream from the definition of waste.”

Amendment of section 4 of Act 59 of 2008

2. Section 4 of the principal Act is hereby amended by the deletion in subsection (1) of paragraph (d).

Amendment of section 11 of Act 59 of 2008

3. Section 11 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
“(1) The [**Department and the**] provincial departments responsible for waste management must prepare integrated waste management plans.”;
- (b) by the deletion of subsection (3);

- (c) ka phetolo ya tlhaloso ya “Lefapha” ya tlhaloso e e latelang:
 “**‘Lefapha’** le kaya Lefapha [**la Merero ya Tikologo le Bojanala**] le le nang le maikarabelo a merero ya tikologo;”;
- (d) ka go tsenyiwa tlhaloso e e latelang morago ga tlhaloso ya “matlakala a fa gae”:
 “tlhaloso ya **‘tiragatso ya thapo’** go karolo ya 1 ya Molao wa Ditirelo tsa Setšhaba’ 1994”;
- (e) ka phetolo ya tlhaloso ya “Tona” ya tlhaloso e e latelang:
 “**‘Tona’** e kaya Tona [**ya Merero ya Tikologo le Bojanala**] yo maikarabelo a gagwe e leng merero ya tikologo;”;
- (f) ka phetolo ya tlhaloso ya “somarela” ya tlhaloso e e latelang:
 “**‘somarela’** e kaya go ntshiwa go go laotsweng [**ga sedirisiwa**] kgotsa go somarela [**maatla,**] sengwe fela, [**kgotsa**] matheriale kgotsa sedirisiwa go tswa mo matlakaleng [**go tlhagisa kuno**];”;
- (g) ka phetolo ya tlhaloso ya “go dirisa gape” ya tlhaloso e e latelang:
 “**‘go dirisa gape’** go kaya go dirisa gotlhe, seripana kgotsa karolo e e rileng ya [**diatikele**] didiriswa, matheriale go tswa mo moedi wa matlakala [**gape**] ka maikemisetso a a tshwanang kgotsa a a farologaneng kwa ntle ga go fetola sebopego kgotsa melemo ya [**diatikele**] sengwe, matheriale kgotsa selwana;”;
- (h) Bokao bo bogwe bo bo emelang tlhaloso ya “tlhabololo ya leruri” ke bo bo latelang:
 “**‘biro’** e kaya Biroya Taolo ya Matlakala e e tlhomilweng ka karolo 34A;”;
- (i) ka phetolo ya tlhaloso ya “matlakala” ya tlhaloso e e latelang:
 “**‘Matlakala’** a kaya—
 (a) sengwe kgotsa matheriale o o sa batliweng, o o ganiwang, o o ikgatolositsweng, o latlhiweng o tshwanetseng o latlhiwe, ke mong wa ona, gore a kgona go dirisiwa gape kgotsa a somarelwa mme tsenyeletsa Thulaganyo 3 ya Molao ono; kgotsa
 (b) sengwe kgotsa matheriale o o sa tsenyiwang go Thulaganyo 3 se se tlhalositsweng e le matlakala go ya ka Tona ka kitsise mo *Gazette*, fela matlakala kgotsa manathwana a kailweng go ditema (a) le (b), a tlogella go nna matlakala—
 (c) a a tshwanetsweng go baakanngwa kgotsa a latlhiwe; kgotsa
 (i) fa kopo ya go dirisa gape kgotsa tshomarelo e setse e atlenegisitswe kgotsa, morago ga atlenegiso eo, fa e dirilwe, kgotsa e dirisitwe gape kgotsa somarelwa;
 (ii) mo atlenegiso e sa tlhokegeng, fa matlakala a setse a dirisitswe gape kgotsa somaretswe;”;
 (iii) fa Tona, go ya ka karolo 74, a beetse thoko matlakala kgotsa manathwana a matlakala ka tsela e e rileng go tlhalosiwa e le matlakala; kgotsa
 (iv) fa Tona, ka tsela e lolameng, a beetse thoko moedi wa matlakala kgotsa manathwana a moedi wa matlakala go tlhaloso ya matlakala.

Tlhabololo ya karolo 4 ya Molao 59 wa 2008

2. Karolo 4 ya Molaomogolo jaanong e tlhabololwa ka phimolo mo karolwaneng (1) ya tema (d).

Tlhabololo ya karolo 11 ya Molao 59 wa 2008

3. Karolo 11 ya Molaomogolo jaanong o tlhabololwa ka—

- (a) phetolo ka karolwana (1) ya karolwana e e latelang:
 “(1) [**Lefapha le**] mafapha a diporofense a a rweleng maikarabelo a taolo ya matlakala a tshwanetse go rulaganya dithulaganyo tse di tshwaraganeng tsa taolo ya matlakala.”;
- (b) tloso ya karolwana (3);

- (c) by the substitution in subsection (4)(a) for subparagraphs (i) and (ii) of the following subparagraphs:
 - “(i) submit its integrated waste management plan to the MEC for **[approval]** endorsement; and
 - (ii) include the **[approved]** endorsed integrated waste management plan in its integrated development plan contemplated in Chapter 5 of the Municipal Systems Act.”;
- (d) by the substitution for subsection (5) of the following subsection:
 - “(5) The **[Department and the]** provincial departments contemplated in subsection (1) must submit their integrated waste management plans to the Minister for **[approval]** endorsement.”;
- (e) by the substitution in subsection (7) for paragraph (a) of the following paragraph:
 - “(a) Before finalising an integrated waste management plan, **[the Department and]** every provincial department contemplated in subsection (1) must follow a consultative process in accordance with sections 72 and 73.”; and
- (f) by the deletion in subsection (7) of paragraph (b).

Amendment of section 12 of Act 59 of 2008

4. Section 12 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1)(b) for the words preceding subparagraph (i) of the following words:
 - “within the domain of the **[Department,]** provincial department or municipality, set out how that **[Department,]** provincial department or municipality intends—”;
 - (b) by the substitution in subsection (1) for paragraphs (c) and (d) of the following paragraphs:
 - “(c) within the domain of the **[Department or]** provincial department, set out how the **[Department or]** provincial department intends to identify the measures that are required and that are to be implemented to support municipalities to give effect to the objects of this Act;
 - (d) set out the priorities and objectives of the **[Department,]** provincial department or municipality in respect of waste management;”;
 - (c) by the substitution in subsection (1) for paragraph (f) of the following paragraph:
 - “(f) set out the approach of the **[Department,]** provincial department or municipality to the planning of any new facilities for disposal and decommissioning of existing waste disposal facilities;”;
 - (d) by the substitution in subsection (1) for paragraph (h) of the following paragraph:
 - “(h) describe how the **[Department,]** provincial department or municipality intends to give effect to its integrated waste management plan; and”;
 - (e) by the substitution for subsection (2) of the following subsection:
 - “(2) In the preparation of an integrated waste management plan the **[Department and]** provincial departments must give proper effect to the requirements contained in Chapter 5 of the Municipal Systems Act, insofar as such plan affects a municipality.”.

Amendment of section 13 of Act 59 of 2008

5. Section 13 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
 - “(1) Annual performance reports on the implementation of the integrated waste management plans must, in the case of a provincial department, be submitted to the MEC for approval and to the Minister for endorsement.”;
 - (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
 - “The annual performance report that the **[Department or]** provincial department must submit in terms of subsection (1) must contain

- (c) phetolo mo tema (a) ya karolwana (4) ya ditemana (i) le (ii) tsa ditemana tse di latelang:
- “(i) neelana ka thulaganyo e e tshwaraganeng ya taolo ya matlakala go MEC gore a e **[rebole]** dumelele; le
- (ii) akaretse thulaganyo e e tshwaraganeng ya taolo ya matlakala e e **[rebotsweng]** dumeletsweng mo thulaganyong ya yona e e tshwaraganeng ya tlhabololo e e tlhalositsweng mo Kgaolo 5 ya Molao wa Dithulaganyo tsa Bomasepala.”;
- (d) phetolo ya karolwana (5) ya karolwana e e latelang:
- “(5) **[Lefapha le]** mafapha a diporofense a a tlhalositsweng mo karolwana (1) a tshwanetse go neelana ka dithulaganyo tsa ona tse di tshwaraganeng tsa taolo ya matlakala go Tona gore a di **[rebole]** dumelele.”;
- (e) phetolo ya karolwana (7) ya tema (a) ya tema e e latelang:
- “(a) Pele ga go konotelelwa thulaganyo e e tshwaraganeng ya taolo ya matlakala, **[Lefapha le]** lefapha lengwe le lengwe la porofense le le tlhalositsweng mo karolwana (1) le tshwanetse go latela tsweliso ya therisano go ya ka dikarolo 72 le 73 .”;
- (f) tloso ya karolwana (7) ya tema (b).

Tlhabololo ya karolo 12 ya Molao 59 wa 2008 20

4. Karolo 12 ya Molaomogolo jaanong e tlhabololwa ka—

- (a) phetolo ya mafoko mo tema (b) ya karolwana (1) e e tlang pele ga karolwana (i) ya mafoko a a latelang:
- “mo seralong sa **[Lefapha,]** lefapha la porofense kgotsa mmasepala, e tlhagisa gore **[Lefapha,]** lefapha la porofense kgotsa mmasepala oo o ikaelelang jang go—”;
- (b) fetola mo karolwana (1) ya ditema (c) le (d) ya ditema tse di latelang:
- “(c) mo seralong sa **[Lefapha kgotsa]** lefapha la porofense, di tlhagisa gore **[Lefapha kgotsa]** lefapha la porofense le ikaelela jang go supa ditekanyetso tse di tlhokegang le tse di tla dirisiwang go tshegetsa bomasepala go diragatsa maitlhommo a Molao o;
- (d) tlhagisa ditlapele le maitlhommo a **[Lefapha,]** lefapha la porofense kgotsa mmasepala ka ga taolo ya matlakala;”;
- (c) phetolo ya karolwana (1) ya tema (f) ya molao tema e e latelang:
- “(f) e tlhagisa moggwa wa **[Lefapha,]** lefapha la porofense kgotsa mmasepala wa thulaganyo ya ditheo dingwe le dingwe tse dintshwa tse di latlang le go ntsha ditheo tse di teng tse di latlang matlakala;”;
- (d) phetolo ya karolwana (1) ka tema (h) ya tema e e latelang:
- “(h) e tlhalosa gore **[Lefapha,]** lefapha la porofense kgotsa mmasepala o ikaelela jang go diragatsa thulaganyo e e tshwaraganeng ya taolo ya matlakala; le”;
- (e) phetolo ka karolwana (2) ya karolwana e e latelang:
- “(2) Mo thulaganyong ya thulaganyo e e tshwaraganeng ya taolo ya matlakala **[Lefapha le]** mafapha a diporofense a tshwanetse go neelana ka tiragatso e e siameng ya ditlhokego tse di mo Kgaolo 5 ya Molao wa Tsamaiso tsa Bomasepala, ka moo thulaganyo eo e amang mmasepala ka teng.”.

Tlhabololo ya karolo 13 ya Molao 59 wa 2008

5. Karolo 13 ya Molaomogolo jaanong e tlhabololwa ka—

- (a) phetolo ka karolwana (1) ya karolwana e e latelang:
- “(1) Dipegelo tsa ngwaga tsa tiragatso ka ga tiriso ya dithulaganyo tse di tshwaraganeng tsa taolo ya matlakala di tshwanetswe go neelwa MEC mo lefapheng la porofense gore a di rebole le kwa go Tona gore a di itse.”;
- (b) phetolo ya mafoko mo karolwana (2) e e tlang pele ga tema (a) ya mafoko a a latelang:
- “Pegelo ya ngwaga ya tiragatso e **[Lefapha kgotsa]** lefapha la porofense le tshwanetseng go e neela go ya ka karolwana (1) e tshwanetse go nna

information on the implementation of its integrated waste management plan, including information on—”.

Insertion of Chapter 3A in Act 59 of 2008

6. The following chapter is hereby inserted in the principal Act after Chapter 3:

“CHAPTER 3A

5

FINANCIAL PROVISIONS

Waste Management Charges

Pricing strategy for waste management charges

13A. (1) The Minister must, with the concurrence of the Minister of Finance, by notice in the *Gazette*, publish a pricing strategy, contemplated in subsection 13A(5)(b), to achieve the objectives of this Act in relation to waste management or any waste stream, within three months of the commencement of this Act. 10

(2) The pricing strategy is to contain the basis and a guiding methodology or methodologies for setting waste management charges, including for the funding of— 15

- (a) the implementation of industry waste management plans for those activities that generate specific waste streams;
- (b) the re-use, recycling or recovery of waste in previously disadvantaged communities; 20
- (c) the identification, further development and promotion of best practices in the minimisation, re-use, recycling and recovery of waste;
- (d) implementation of approved guidelines, norms and standards for the minimisation, re-use, recycling and recovery of waste;
- (e) the monitoring of the implementation and impact of industry waste management plans; 25
- (f) the creation and the monitoring of the impacts of incentives and disincentives for the minimisation, re-use, recycling and recovery of waste; or
- (g) the management of the disbursements of incentives for the minimisation, re-use, recycling and recovery of waste. 30

(3) The pricing strategy may differentiate—

- (a) in respect of different geographic areas, including on the basis of— 35
 - (i) socio-economic aspects within the area in question;
 - (ii) the physical attributes of each area; or
 - (iii) the demographic attributes of each area; or
- (b) in respect of different types of uses, including on the basis of:
 - (i) the manner in which the waste is generated or disposed of;
 - (ii) whether it is re-used, recycled or recovered; or
 - (iii) whether any previously disadvantaged group is impacted upon or derives any benefit therefrom. 40

(4) The pricing strategy may provide for a differential rate for waste management charges, including on the basis of—

- (a) the characteristics of the waste disposed of;
- (b) the volume of the waste disposed of; 45
- (c) the toxicity of the waste disposed of;
- (d) the nature and extent of the impact on the environment caused by the waste disposed of; or
- (e) the extent of approved deviation from prescribed waste standards or management practices. 50

(5) (a) Before setting a pricing strategy for waste management charges under subsection (1) the Minister must publish a notice in the *Gazette*—

le tshedimosetso ka ga tiriso ya yona ya thulaganyo e e tshwaraganeng ya taolo ya matlakala, go akaretsa tshedimosetso ka ga—”.

Go tsenngwa ga Kgaolo 3A mo Molaong wa 59 wa 2008

6. Kgaolo e latelang e tsentswe go Molaomogolo morago ga Kgaolo ya bo 3:

KGAOLO 3A

5

DITLAMELO TSA DITSHELETE

Dituelelo tsa bolaodi jwa matlakala

Togamaano ya ditlhwathwa ya dituelelo tsa bolaodi jwa matlakala

13A. (1) Tona o tshwanetse, ka tirisano mmogo le Tona ya Matlotlo, ka kitsiso mo *Gazette*, a phasalatse togamaano ya ditlhwathwa, le go akantsweng ka lona go karolwana 13A(5)(b), go fithelela maitlomo a Molao ono ka ga taolo ya matlakala kgotsa moedi mongwe wa matlakala, mo dikgweding tse tharo morago ga tshimologo ya Molao ono.

(2) Togamaano ya ditlhwathwa le tlile go nna le mokgwa kgotsa mekgwa ya kaelo ya go tlhoma dituelelo tsa bolaodi jwa matlakala, go tsenyeletsa tlanelo ya matlole ya—

- (a) go tsenyiwa tirisong ga maano a taolo ya matlakala ya intaseteri gore ditiragatso tse di tlišang metswedi e e rileng ya matlakala;
- (b) go dirisa gape, le go somarela matlakala kwa dikgaolong tsa baagi tse di neng di beetswe thoko mo malobeng;
- (c) go lemogiwa, tlhabololo e tšwelelang pele le tšweletsopele ya ditiragatso tse di manontlhotlho mo go fokotseng, go dirisa gape le go somarela matlakala;
- (d) go tsenya tirisong ga dikaelo tse di amogetsweng, tiragatso le maemo a go fokotsa, go dirisa gape le go somarela matlakala;
- (e) go baya leitlho tsenyotirisong le seabe sa maano a taola ya matlakala a intaseteri;
- (f) go tlhamiwa le go beiwa lelho ga seabe sa dithotloetso le ditlhoka thotloetso gore phokotso, go dirisa gape le go somarela matlakala; kgotsa
- (g) taolo ya go sa duelwe ga dithotloetso gore phokotso, go dirisa gape le go somarela matlakala.

(3) Togamaano ya ditlhwathwa le ka farologana—

- (a) go latela dikgaolo tse di farologaneng, go tsenyeletsa—
 - (i) dintlha tsa ikonomi ya loago tsa kgaolo e amegang;
 - (ii) dintlha tse di amang tebego ya lefelo lengwe le lengwe; kgotsa
 - (iii) dintlha tse di amang lotso la merafego ya ka lefelo ka lengwe; kgotsa
- (b) go latela mefuta e farologaneng ya tiriso, go tsenyeletsa:
 - (i) tsela eo matlakala a kokoanyiwang kgotsa a tsholliwang ka yona;
 - (ii) gore a dirisitswe gape kgotsa a somarelwe; kgotsa
 - (iii) gore a ditlhopha tse di sa ungwelwang mo malobeng di amegile kgotsa di a ungwelwa.

(4) Togamaano ya ditlhwathwa le ka tlanelo ka tlhwathwa e farologaneng gore dituelelo tsa bolaodi jwa matlakala, go tsenyeletsa—

- (a) dintlha tsa matlakala a a tshollotsweng;
- (b) matlakala ao a tshollotsweng;
- (c) bothole jwa matlakala a a tsholliwang;
- (d) tlhologo le masisi mo tikologong tseo di dirilwang ke matlakala ao a tshollotsweng; kgotsa
- (e) masisi a go tsholliwa go go letleletsweng go maemo a a katlene-gisitsweng a matlakala kgotsa ditiragatso tsa bolaodi.

(5) (a) Pele go tlhomiwa togamaano ya ditlhwathwa la/gore dijego/ditsego tsa taolo ya matlakala go karolwana (1) Tona o tshwanetse a phasalatse kitsiso mo *Gazette*—

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- (i) setting out the proposed pricing strategy;
 - (ii) inviting written comments to be submitted on the proposed strategy, specifying an address to which and a date before which the comments are to be submitted, which date may not be earlier than 60 days after publication of the notice; and
 - (iii) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the Minister considers to be appropriate; and
- (b) the Minister must consider all comments received on or before the date specified in the notice before publishing the final notice in the *Gazette*, within 30 days of the date contemplated in paragraph (5)(a)(ii).

Application of pricing strategy

13B. An Act of Parliament, to give effect to necessary elements of the pricing strategy contemplated in section 13A, is to be tabled in accordance with the provisions of section 77 of the Constitution, within 3 months of the publication of the pricing strategy contemplated in section 13A (5)(b) in the *Gazette*, including detail on—

- (a) the imposition of waste management charges;
- (b) the determination of waste management charges and the review of these waste management charges from time to time;
- (c) procedures for the collection through the national fiscal system; and
- (d) procedures for the appropriation and allocation of such funds referred to in paragraph (c) for the work of the Bureau and the implementation of any approved industry waste management plan for a specific waste stream as outlined in this Act.

Amendment of section 28 of Act 59 of 2008

7. Section 28 of the principal Act is hereby amended—
- (a) by the insertion after subsection (1) of the following subsection:

(1A) When exercising the power in terms of subsection (1), the Minister must consult every MEC of the province affected by the waste in question, or where the waste management activity is conducted, prior to taking a decision whether to approve the industry waste management plan or not.
 - (b) by the substitution for subsection (2) of the following subsection:

“(2) The MEC, with the concurrence of the Minister, may, in respect of any activity [**within the**] not contemplated in subsection (1) and which only affects that province concerned that results in the generation of waste, by written notice require a person, or by notice in the *Gazette* require a category of persons or an industry, that generates that waste to prepare and submit an industry waste management plan to the MEC for approval.”.
 - (c) by the deletion of subsection (3).
 - (d) by the substitution for subsections (6) and (7) of the following subsections:

“(6) The Minister or MEC, as the case may be, may give directions that an industry waste management plan must be prepared by an independent person [**for the**], consistent with sections 13A and 13B, at the cost of the person, category of persons or industry contemplated in subsection (1) or (2).”; and
 - (e) by the substitution in subsection (7) for paragraph (a) of the following paragraph:

“(a) A person, category of persons or industry contemplated in subsection (1) or (2) may elect to prepare, consistent with sections 13A and 13B, an industry waste management plan for approval in terms of this Part without being required to do so by the Minister or MEC.”.

- (i) go tlhagisa togamaano ya ditlhwatlhwa le le setseng le tshisintswa;
 (ii) go laletsa ditshwaelo tse di kwadilweng ka ga leano le le tshisintsweng gore di romelwe, le go itsisse ka ga aterese eo go romelwang go yona le letlha leo ditshwaelo di tshwanela go romelwa ka lona, letlha leo le sa tshwanelang go nna pele ga malatsi a le 60 morago ga phasalatso ya kitsiso; le
 (iii) go tsaya tsia gore ke dikgato tsefe tse di latelang, fa di le teng, tseo di leng maleba go ka dira gore diteng tsa kitsiso di ngoke batho ba ba nang le kगतlhego, le go tsaya dikgato tseo Tona a akanyang gore di maleba; le
 (b) gore Tona o tshwanetse a tseye tsia ditshwaelo tse di bonweng kaletlha kgotsa pele ga letlha leo le neng le kailwe mo kitsisong pele a phasalatsa kitsiso ya bofelo mo *Gazette*, malatsi a 30 a letlha leo le akantsweng mo temaneng ya (5)(a)(ii).

Tsenyotirisong ya togamaano ya ditlhwatlhwa

- 13B.** Molao wa Palamente, yo o tsenyang tirisong dintlha tse di maleba tsa togamaano ya ditlhwatlhwa tse di akantsweng mo karolong 13A, o tlile go tsewa tsia go latela ditlamelo tsa karolo 77 tsa Molaotheo, mo dikgweding tse tharo tsa phasalatso ya togamaano ya ditlhwatlhwa le le akantsweng go karolo 13A(5)(b) mo *Gazette*, go tsenyeletsa dintlha ka ga—
 (a) go tsenyiwa tirisong ga dituelelo tsa bolaodi jwa matlakala;
 (b) go tlhomiwa ga dituelelo tsa bolaodi jwa matlakala le teboeswa ya dituelelo tsa bolaodi jwa matlakala tseno nako le nako;
 (c) melawana gore kgobokanyo ka tsamaiso ya bosetššhaba ya ikonomi; le
 (d) melawana gore kabelo le kabelano ya matlole a jalo ao a umakilweng go temana ya (c) gore tiro ya Biro le tsenyotirisong ya leano lengwe la taolo ya matlakala la intaseteri le le letleletsweng gore moedi wa matlakala o o tlhagisitsweng mo Molaong ono.

Tlhabololo ya karolo 28 ya Molao 59 wa 2008

7. Karolo 28 ya Molaomogolo e mamelelelwa—

- (a) ka go tsenyiwa ga karolwana e e latelang morago ga karolwana (1):
 (1A) Fa go diragatsiwa dithata go ya ka karolwana (1), Tona o tshwanetse a ikamaganya le MEC mongwe le mongwe wa porofense e amiwang ke matlakala a go lebanweng le ona, kgotsa koo go diriwang tiragatso ya taolo ya matlakala, pele a tsaya tshweetso ya letlelela leano la taolo ya matlakala la intaseteri kgotsa nyaa.
 (b) ko ga fetola karolwana (2) ya karolwana e e latelang:
 “(2) MEC, ka tumalano le Tona, a ka, go latela ka tiro nngwe le nngwe [e e mo] eo e sa akanyiwang go karolwana (1) e bile e e amang fela porofense e e lebileng gore dipholo tsa go diriwa ga matlakala, go ka nna ka kitsiso e e kwadilweng go ka tlhoka gore motho, kgotsa ka kitsiso go *Gazette* e tlhoke gore segongwana se se riling sa batho kgotsa intaseteri, eo e dirang matlakala ao go rulaganya le go romela leano la taolo ya matlakala la intaseteri go MEC gore a letlelele.”.
 (c) ka go phimola karolwana (3).
 (d) ka go fetola karolwana (6) le (7) tsa dikarolwana tse di latelang:
 “(6) Tona kgotsa MEC, gore go diragala eng/gore go tlhokega mang, a ka laela gore leano la taolo ya matlakala la intaseteri le rulaganyiwe ke motho yo ikemetseng [gore], go tsamaisana le karolo 13A le 13B, ka ditshenyegelo tsa motho oo, segongwana sa batho kgotsa intaseteri e e akantsweng go karolwana (1) kgotsa (2).”; le
 (e) ka go fetola go karolwana (7) gore temana (a) ya temana e e latelang:
 “(a) Motho, segongwana sa batho kgotsa intaseteri e e akantsweng go karolwana (1) kgotsa (2) ba ka tlhopho go rulaganya, go tsamaisana le di karolo 13A le 13B, leano la taolo ya matlakala la intaseteri gore le letlelele go ya ka Karolo eno ntle le go tlhokiwa go dira jalo ke Tona kgotsa MEC.”.

Amendment of section 29 of Act 59 of 2008

8. Section 29 of the principal Act is hereby amended—

- (a) by the deletion of subsection (2);
- (b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“When exercising a power under subsection (1) [**or (2)**], the Minister or MEC must consider whether—”; and
- (c) the substitution for subsections (5) and (6) of the following subsections:

“(5) [**Any**] An organ of state [**or provincial department**] contemplated in subsection (1) [**and (2), respectively**], may, by written notice, require any person to provide such information as may be necessary to prepare the industry waste management plan.

(6) An organ of state [**or provincial department**] contemplated in subsection (1) [**and (2), respectively**], must follow a consultative process in accordance with section 72 and 73, unless that plan is being prepared as a result of a person who was required to prepare that plan failing to do so, in which case section 31(2) applies.”.

Amendment of section 30 of Act 59 of 2008

9. Section 30 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) The Minister, in a notice contemplated in section 28(1) or 29(1), or the MEC, with the concurrence of the Minister, in a notice contemplated in section 28(2) [**or 29(2)**], must specify the information that must be included in the industry waste management plan.”.

Amendment of section 32 of Act 59 of 2008

10. Section 32 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The Minister, acting in terms of section 28(1) or 29(1), or the MEC acting in terms of section 28(2) [**or 29(2)**], may on receipt of an industry waste management plan—”;
- (b) by the substitution in subsection (1) for paragraph (d) of the following paragraph:

“(d) reject the plan with reasons if it does not comply with the requirements of a notice in terms of section 28(1) or (2) or 29(1) [**or (2)**], as the case may be, or if a consultation process in accordance with section 31 was not followed.”;
- (c) by the insertion after subsection (5) of the following subsection:

“(5A) The Minister or the MEC, as the case may be, must in accordance [to] with sections 72 and 73, follow such consultation process, as may be appropriate under the circumstances, before considering the industry waste management plan for approval in terms of section 28(1) or (2).”.
- (d) the substitution for subsection (7) of the following subsection:

“(7) An industry waste management plan that has been prepared by an organ of state [**or provincial department responsible for environmental affairs**] in terms of section 29 and that has been approved by the Minister or MEC, as the case may be, must be published in the relevant *Gazette*, together with an indication of when and how the plan must be implemented, if applicable.”.

Amendment of section 33 of Act 59 of 2008

11. Section 33 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) If the Minister or MEC rejects an industry waste management plan in terms of section 32 [**more than once**], or if any person who is required in terms of section 28(1) or (2) to prepare an industry waste management plan fails to do so, or if a

Tlhabololo ya karolo 29 ya Molao 59 wa 2008

8. Karolo 29 ya Molaomogolo jaanong e tlhabololwa ka—

(a) ka go phimola karolwana (2):

(b) ka go fetola mafoko a a tlangpele ga tema (a) ya karolwana (3) ya mafoko a a latelang: 5

“Fa go diragatsiwa dithata mo karolwana (1) [kgotsa (2)], Tona kgotsa MEC o tshwanetse go elatlhoko gore—”; le

(c) phetolo ya dikarolwana (5) le (6) ya dikarolwana tse di latelang:

“(5) Biro sengwe [le sengwe] sa puso [kgotsa lefapha la porofense] se se tlhalositsweng mo karolwana (1) [le (2)], se ka, ka kitsiso e e kwadilweng, batla motho mongwe le mongwe go tlamela tshedimosetso eo e e ka tlhokegang go rulaganya thulaganyo ya intaseteri ya taolo ya matlakala. 10

(6) Biro ya puso [kgotsa lefapha la porofense] se se tlhalositsweng mo karolwana (1) [le (2)], se tshwanetse go latela tswelotso ya therisano go ya ka karolo 72 le 73, kwa ntle ga gore thulaganyo eo e rulagannwa ka ntlha ya motho yo o neng a tlhokega go rulaganya thulaganyo eo a retelwa go dira jalo, fa go le jalo karolo 31(2) e a dira.”. 15

Tlhabololo ya karolo 30 ya Molao 59 wa 2008

9. Karolo 30 ya Molaomogolo jaanong e tlhabololwa ka phetolo ya karolwana (1) ya karolwana e e latelang: 20

“(1) Tona, mo kitsisong e e tlhalositsweng mo karolo 28(1) kgotsa 29(1), kgotsa MEC, ka tumalano le Tona, mo kitsisong e e tlhalositsweng mo karolo 28(2) [kgotsa 29(2)], o tshwanetse go totobatsa tshedimosetso e e tshwanetsweng go akarediwa mo thulaganyong ya intaseteri ya taolo ya matlakala.”. 25

Tlhabololo ya karolo 32 ya Molao 59 wa 2008

10. Karolo 32 ya Molaomogolo jaanong e tlhabololwa ka—

(a) phetolo ya mafoko a a tlangpele ga tema (a) ya karolwana (1) ya mafoko a a latelang:

“Tona, yo o dirang go ya ka karolo 28(1) kgotsa 29(1), kgotsa MEC yo o dirang go ya ka karolo 28(2) [kgotsa 29(2)], a ka, fa a fetsa go amogela thulaganyo ya bolaodi jwa matlakala—”; 30

(b) phetolo ya mafoko a a tlangpele ga tema (d) ya karolwana (1) ya mafoko a a latelang:

“(d) gana thulaganyo ka mabaka fa e sa ikamaganye le ditlhokego tsa kitsiso go ya ka karolo 28(1) kgotsa (2) kgotsa 29(1) [kgotsa (2)], go tla tswa fela gore ke efe, kgotsa fa tswelotso ya therisano go ya ka karolo 31 e ne e sa latelwa.”; 35

(c) go tsenyiwa morago ga karolwana (5) ya karolwana e e latelang:

“(5A) Tona kgotsa MEC, gore go diragala eng, o tshwanetse go ya ka karolo 72 le 73, a latele dikamaganyo tse di jalo, jaaka go le maleba go latela maemo, pele a tsaya tsia leano la taolo ya matlakala la intaseteri go le letlelela go ya ka karolo 28(1) or (2).” 40

(d) phetolo gore karolwana (7) ya karolwana e e latelang:

“(7) Leano la taolo ya matlakala la intaseterile le rulagantsweng ke lephata la puso [kgotsa lefapha la porofense le le nang le maikarabelo a merero ya tikologo] go ya ka karolo 29 e bile le setse le letleletswe ke Tona kgotsa MEC, gore go diragala eng, le tshwanetse le phasaladiwe mo Gazette e maleba, mmogo le temoso ya gore leano le tshwanetse le tsenyiwe tirisong leng e bile jang, fa go tlhokega.”. 45 50

Tlhabololo ya karolo 33 ya Molao 59 wa 2008

11. Karolo 33 ya Molaomogolo e mametlelelwa ke phetolo gore karolwana (1) ya karolwana e e latelang:

“(1) Fa Tona kgotsa MEC a gana leano la taolo ya matlakala la intaseteri go ya ka karolo 32 [go feta gangwe], kgotsa fa mongwe yo o tshwanetseng go rulaganya leano la taolo ya matlakala la intaseteri go ya ka karolo 28(1) kgotsa (2) a palelwa ke go dira 55

person fails to revise or amend a plan as required by the Minister or the MEC in terms of section 32(1) or section 17 of the National Environmental Management: Waste Amendment Act, 2014, the Minister or MEC, as the case may be, may by notice in writing and without any criminal proceedings being affected, specify the waste management measures that must be taken by that person **[to ensure that that person is not unduly advantaged by the failure to submit a plan].**” 5

Amendment of section 34 of Act 59 of 2008

12. Section 34 (1) of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) An industry waste management plan that has been required by the Minister in terms of section 28(1) or 29(1), or by the MEC in terms of section 28(2) **[or 29(2)]**, must be reviewed at intervals specified in the approval or at intervals specified by the Minister or MEC by notice in writing or in the relevant *Gazette*.” 10

Insertion of Part 7A in Act 59 of 2008

13. The following Part is hereby inserted in the principal Act after section 34: 15

“Part 7A

Waste Management Bureau

Establishment of Waste Management Bureau

34A. (1) An implementation Bureau dealing with waste management to be known as the “Waste Management Bureau” is hereby established, within the Department, as a juristic person. 20

(2) The Bureau must comply with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(3) In the event of absence of a functional Bureau or a Chief Executive Officer, the powers and duties of the Bureau revert to the Director-General of the Department contemplated in section 34G(1), who, in such a case, must exercise those powers and perform those duties until the Bureau is functional or a Chief Executive Officer is appointed. 25

Determination of policy

34B. (1) The Minister must, after consultation with the Bureau, determine and publish a policy within which the Bureau must exercise its powers and perform its functions. 30

(2) The Minister may, after consultation with the Bureau, amend, substitute or withdraw the policy determined in terms of subsection (1), and must publish the amended policy. 35

(3) The Minister must, 30 days before the final publication of any policy contemplated in subsections (1) and (2), table the policy in Parliament.

Minister’s supervisory powers

34C. (1) The Bureau must exercise its powers and perform its functions subject to the policy determined in terms of section 34B (1) or (2), the service level standards and norms contemplated in subsection (2)(b) and any directives issued by the Minister in terms of subsection 2(c). 40

(2) The Minister—

(a) must monitor the exercising of powers and performance of functions of the Bureau in terms of the policy determined in terms of section 34B(1) or (2); 45

(b) may set service level standards and norms for the Bureau in the execution of its powers and functions; or

jalo, kgotsa fa motho a palelwa ke go lebelela gape kgotsa go mametlelela leano jaaka Tona kgotsa MEC a tlhoka go ya ka karolo 32(1) kgotsa karolo 17 ya Bolaodi jwa Tikologo ya Bosetšhaba: Tlhabololo ya Molao wa Matlakala, 2014, Tona kgotsa MEC, gore go diragala eng, a ka kwala kitsiso e bile go sena dikgato tsa bosenyi tse di amegang, a ka tlhalosa dikgato tsa taolo ya matlakala tse di tshwanetseng di tsewe ke motho yoo [go netefatsa gore motho yoo ga a nne le tshiamelo a paletswe ke go romela leano].”.

Tlhabololo ya karolo 34 ya Molao 59 wa 2008

12. Karolo 34 ya Molaomogolo jaanong e tlhabololwa ka phetolo ka karolwana (1) ya karolwana e e latelang:

“(1) Thulaganyo ya intaseteri ya taolo ya matlakala e e batlilweng ke Tona go ya ka karolo 28(1) kgotsa 29(1), kgotsa ke MEC go ya ka karolo 28(2) [kgotsa 29(2)], e tshwanetswe go sekasekwa ka dikgaotso tse di totobaditsweng mo thebolong kgotsa ka dikgaotso tse di totobaditsweng ke Tona ka kitsiso e e kwadilweng kgotsa ka *Gazette* e e maleba.”.

Go tsenngwa ga Kgaolo 7A go Molao 59 wa 2008

13. Kgaolo e latelang e tsenyiwa mo Molaomogolong morago ga karolo 34:

“Kgaolo 7A

Biro ya Bolaodi jwa Matlakala

Go tlhomiwa ga Biro ya Bolaodi jwa Matlakala 20

34A. (1) Biro e e tsenyang tirisong e tshwaragana le taolo ya matlakala eo e tlleng go itsiwe e le “Biro ya Bolaodi jwa Matlakala” e tlhomilwe, mo Lefapheng, jaaka motho yo mo molaong.

(2) Biro e tshwanetse e latele ditlamelo tsa Molao wa Taolo ya Ditšhelete tsa Puso, 1999 (Molao wa 1 wa 1999).

(3) Ka nako eo go se nang Biro e e dirang kgotsa Mokhuduthamaga Mogolwane, dithata le tiro ya Biro di leba go Mokaedikakaretso wa Lefapha le le akantsweng go karolo 34G(1), yoo, mo maemong ao, o tshwanetse a dirise dithata tseo le go dira tiro eo go fitlhela Biro e dira kgotsa go thapiwa Mokhuduthamaga Mogolwane.

Tlhamo ya pholisi

34B. (1) Tona o tshwanetse, morago ga go ikamaganya le Biro, a tlhame le go phasalatsa pholisi eo Biro e tlleng go latela fa e dirisa dithata tsa yona le go dira tiro ya yona.

(2) Tona a ka nna, morago ga go ikamaganya le Biro, a mametlelela, fetola kgotsa gogela morago pholisi e e tlhamilweng go ya ka karolwana(1), e bile o tshwanetse a phasalatsa pholisi e e tlhabolotsweng.

(3) Tona o tshwanetse, malatsi a le 30 pele ga phasalatsa ya pholisi nngwe e e akantsweng go karolwana (1) le (2), a tthagise pholisi kwa Palamenteng.

Dithata tsa Tona tsa bookamedi

34C. (1) Biro e tshwanetse diragatse dithata tsa yona e bile e dire tiro ya yona go latela taolo ya pholisi go ya ka karolo 34B (1) kgotsa (2), maemo le melawana ya ditirelo e e akantsweng go karolwana (2)(b) le ditaello dingwe tse di tla ntshiwang ke Tona go ya ka karolwana 2(c).

(2) Tona—

(a) o tshwanetse a okamele tiragatso ya dithata le ditiro tsa Biro go latela taolo ya pholisi go ya ka karolo 34B(1) kgotsa (2);

(b) a ka tlhomela Biro maemo le melawana ya ditirelo fa e diragatsa dithata le ditiro tsa yona; kgotsa

- (c) must issue directives to the Bureau in the case of non compliance with the policy determined in terms of section 34B(1) or (2) or the service level standards and norms issued in terms of subsection 2(b), to ensure the effective and efficient functioning of the Bureau and for the achievement of the objectives of this Act.”

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Objects of Bureau

34D. The objects of the Bureau are to—

- (a) function as a specialist implementing agent within the Department in respect of matters delegated to the Bureau in terms of this Act;
- (b) promote and facilitate minimisation, re-use, recycling and recovery of waste;
- (c) manage the disbursement of incentives and funds derived from waste management charges contemplated in sections 13B and 34D for the minimisation, reuse, recycling, recovery, transport, storage, treatment and disposal of waste and the implementation of industry waste management plans;
- (d) monitor implementation of industry waste management plans and the impact of incentives and disincentives;
- (e) progressively build capacity within the Bureau to provide specialist support for the development and implementation of municipal waste management plans and capacity building programmes; and
- (f) support and advise on the development of waste management plans, tools, instruments, processes, systems, norms, standards and municipal waste management plans and capacity building programmes.

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Functions of Bureau

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34E. (1) The Bureau must—

- (a) implement the disbursement of incentives and funds derived from waste management charges contemplated in sections 13B and 34D;
- (b) identify and promote best practices in the minimisation, re-use, recycling or recovery of waste;
- (c) progressively build capacity of the Bureau to support municipalities in the development and implementation of integrated waste management plans and capacity building programmes;
- (d) support and advise on the development of industry waste management plans, integrated waste management plans and other tools, instruments, processes and systems, including specialist support for the development of norms or standards for the minimisation, re-use, recycling or recovery of waste and the building of municipal waste management capacity;
- (e) monitor the implementation of industry waste management plans;
- (f) monitor and evaluate the impact of incentives and disincentives; and
- (g) perform any other task or function that the Minister may assign or delegate to the Bureau in relation to the implementation of this Act.

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(2) The Bureau may—

- (a) invest any of its money, after having complied with section 34F(2); and
- (b) charge fees for services rendered, other than services rendered in terms of section 13A or to the Minister or the Department.

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Funding of Bureau

34F. (1) The funds of the Bureau consist of—

- (a) money derived and allocated from charges referred to in section 13B;
- (b) income derived by it for services rendered;
- (c) money appropriated by Parliament;
- (d) voluntary contributions, donations and bequests received consistent with the provisions of the regulations made in terms of section 76(1)(k) or (l) of the Public Finance Management Act, 1999; and

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- (c) o tshwanetse a neele Biro ditaelo ka nako eo e sa lateleng ditaelo tsa pholisi go ya ka karolo 34B(1) kgotsa (2) kgotsa maemo le melawana e e neetsweng go ya ka karolwana 2(b), go netefatsa Biro e e dirang tiro e manontlhotlho le phitlhelelo ya maitlhomong a Molao ono.”.

Maitlhomong a Biro

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34D. Maitlhomong a Biro ke go—

- (a) dira jaaka moemedi yo tsenyang tirisong ka boitseanape mo Lefapheng ka ga dintlha tse di romelwang go Biro go ya ka Molao ono;
- (b) tsewetsapele le go nolofatsa phokotso, go dirisa gape le go somarela ga matlakala;
- (c) tsamaisa go sa duelwe ga dithotloetso le matlole a a bonweng go tswa go dituelelo tsa bolaodi jwa matlakala tseo di akantsweng go karolo 13B le 34D gore phokotso, go dirisa gape, go somarela, go palamisa, go boloka, go tshola le go tsholola matlakala le tsenyotirisong ya maano a taolo ya matlakala a intaseteri;
- (d) lebelela tsenyotirisong ya maano a taolo ya matlakala a intaseteri le seabe sa dithotloetso le ditlhoko thotloetso;
- (e) gatelapele ka go dira gore go nne le bokgoni mo Birong go ka neelana ka tshegetso ya boitseanape gore tlhabololo le tsenyotirisong ya maano a taolo ya matlakala a bomasepala le mananeo a go aga bokgoni; le
- (f) tshegetsa le go eletsa mo tlhabololong ya maano a taolo ya matlakala, didiriswa, tsamaiso, maemo le maano a taolo ya matlakala a bomasepala le mananeo a go aga bokgoni.

Ditiro tsa Biro

34E. (1) Biro se tshwanetse e—

- (a) tsenyotirisong go sa duelwe ga dithotloetso le matlole a a bonweng go tswa go dituelelo tsa bolaodi jwa matlakala jaaka go akantswe go karolo 13B le 34D;
- (b) lemoge le lo tsewetsapele ditiragatso tse di manontlhotlho mo phokotsong, go dirisa gape kgotsa go somarela matlakala;
- (c) gatelepele ka go dira gore go nne le bokgoni mo Birong go tshegetsa bomasepala mo tlhabololong le tsenyotirisong ya maano a a kopaneng a taolo ya matlakala a bomasepala le mananeo a go aga bokgoni;
- (d) tshegetse le go eletsa mo tlhabololong ya maano a taolo ya matlakala; maano a a kopaneng a taolo ya matlakala le didiriswa tse dingwe, tsamaiso, go tsenyeletsa tshegetso ya boitseanape gore tlhabololo ya maemo gore phokotso, go dirisa gape kgotsa go somarela matlakala le go aga bokgoni jwa bomasepala jwa taolo ya matlakala;
- (e) lebelele tsenyotirisong ya maano a taolo ya matlakala a intaseteri;
- (f) lebelele le go tlhatlhoba seabe sa dithotloetso le disdithotloetso; le
- (g) dire tiro eo Tona a ka neelanang ka yona kgotsa a e romela go Biro go latela tsenyotirisong ya Molao ono.
- (2) Biro e ka—
- (a) beeletsa madi a yone, morago ga go dumallana le karolo 34F(2); le
- (b) go batla tuelo ya ditirelo tse di neelwang, ntle le ditirelo tse di welang go karolo 13A kgotsa go Tona kgotsa Lefapha.

Tlamelo ya Biro ka Matlole

34F. (1) Matlole a Biro a akaretsa—

- (a) madi a a bonweng go tswa go dijego tse di kailweng go karolo 13B;
- (b) lotseno la yona la ditirelo tse e di dirileng;
- (c) madi a abetsweng ke Palamente;
- (d) dikabelo tsa boithaopo, dikatso le boithaopo go latela ditlamelo tsa melao e e dirilweng go latela karolo 76(1)(k) kgotsa (l) ya Molao wa Taolo ya Ditšhelete tsa Setšhaba, 1999; le

(e) income derived from investments referred to in section 34E(2)(b).

(2) The Bureau must utilise its funds to defray expenses incurred in the performance of its functions.

(3) The Bureau must utilise the donations and contributions referred to in subsection (1)(d) in accordance with the conditions, if any, imposed by the donor or contributor concerned, but those conditions must be approved by the Minister, in concurrence with the Minister of Finance, and must not be inconsistent with the objects of the Bureau, provisions of this Act, regulations made in terms of section 76(1)(k) or (l) of the Public Finance Management Act, 1999, or any other law.

(4) The Chief Executive Officer must, with the concurrence of the Minister and the Minister of Finance—

(a) open an account in the name of the Bureau with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990); and

(b) deposit therein all money received in terms of subsection (1).

(5) The Chief Executive Officer is responsible and accountable to the Director-General of the Department as the accounting authority for all money received by the Bureau and the utilisation of that money.

Financial management

34G. (1) The Director-General of the Department is, for the purposes of the Public Finance Management Act, 1999 (Act No. 1 of 1999), the accounting authority and must cause full and proper books of account and all the necessary records in relation thereto to be kept.

(2) The Chief Executive Officer must ensure compliance with the Public Finance Management Act, 1999 (Act No. 1 of 1999), including ensuring that the Bureau's annual budgets, corporate plans, annual reports and audited financial statements are prepared and submitted.

Reporting and audit

34H. (1) The Bureau must in each financial year, on or before a date determined by the Public Finance Management Act, 1999 (Act No. 1 of 1999), submit an annual report on its activities and a statement of its income and estimated expenditure for the next financial year to the Minister through the Director-General for approval.

(2) Notwithstanding subsection (1), the Bureau must submit such additional reports as the Minister or the Director-General may require.

(3) The books, records of account and financial statements of the Bureau must be audited annually by the Auditor-General.

Immovable property

34I. (1) The Bureau may, with the approval of the Minister, acquire, hold or dispose of immovable property in the course of its business.

(2) The policy and procedure of the Bureau with regard to the acquisition and disposal of immovable property must be in accordance with the policies, regulations and practices of the public service.

Chief Executive Officer of Bureau

34J. (1) The Director-General of the Department must recruit and the Minister must approve the appointment of a suitably qualified and skilled person as the Chief Executive Officer of the Bureau in accordance with the Public Service Act, 1994, including its employment practices, but at a level of remuneration and employment service conditions as determined by the Minister, in concurrence with the Minister of Finance.

- (e) lotseno le le tswang mo dipeeletsong tse di kailweng mo karolo 34E(2)(b). 5
- (2) Biro e tshwanetse e dirise matlole a yone go ka duela ditshenyegelo tse di diragetseng fa e dira tiro ya yona.
- (3) Biro e tshwanetse e dirise dikatso le dikabelo tse di kailweng mo karolwaneng (1)(d) go ya ka dipeelo, fa di le teng, tse di beilweng ke moabi, fela dipeelo tseo di tshwanela di tlotlomatsiwe ke Tona, ka tirisanommogo le Tona ya Matlotlo, e bile ga di a tshwanela go thulana le maitlhommo a Biro, ditlamelo tsa Molao ono, melawana e e beilweng go ya ka karolo 76(1)(k) kgotsa (l) ya Molao wa Taolo ya Ditšhelete tsa Setšhaba, 1999, kgotsa molao o mongwe. 10
- (4) Mokhuduthamaga Mogolwane o tshwanetse, ka tumalano le Tona le Tona ya Matlotlo—
- (a) a bule akhaonto ka leina la Biro le setheo se se kwadisitsweng e le banka go ya ka Molao wa Dibanka, 1990 (Molao wa bo 94 wa 1990); le 15
- (b) a tsenye madi otlhe a a bonweng go ya ka karolwana (1).
- (5) Mokhuduthamaga Mogolwane o na le maikarabelo e bile o ikarabella go Morunikakaretso wa Lefapha jaaka bothathi bo bo ikarabellang jwa madi otlhe a a bonweng ke Biro le tiriso ya madi ao. 20

Taolo ya ditšhelete

- 34G.** (1) Morunikakaretso wa Lefapha ke, go ya ka maitlhommo a Molao wa Taolo ya Ditšhelete tsa Setšhaba, 1999 (Molao wa 1 wa 1999), bothati bo bo ikarabelelang e bile o tshwanetse a shole Gazette tse di felletseng tsa nnete tsa akhaonto le direkoto tsotslhe tse di tlhokegang go ka tsholiwa. 25
- (2) Mokhuduthamaga Mogolwane o tshwanetse a netefatse kobamelo ya Molao wa Taolo ya Ditšhelete tsa Setšhaba, 1999 (Molao wa 1 wa 1999), go tsenyeletsa go netefatsa gore ditekanetsokabo tsa Biro tsa ngwaga le ngwaga, maano a kgwebo, dipegelo tsa ngwaga le ngwaga le dikanego tsa ditšhelete tse di runilweng di a rulaganyiwa e bile di a romelwa. 30

Pegelo le go runa

- 34H.** (1) Ngwaga le ngwaga wa ditšhelete Biro e tshwanetse, ka letlha kgotsa pele ga letlha le le kailweng ke Molao wa Taolo ya Ditšhelete tsa Setšhaba, 1999 (Molao wa 1 wa 1999), e romele pegelo ya ngwaga le ngwaga ka ga tiro ya yona le dikanego tsa lotseno le ditshenyegelo tse di bonelwang pele tsa yona tsa ngwaga o latelang wa ditšhelete go Morunikakaretso go di atlenegisa. 35
- (2) Ntle le go ikgatolosa karolwana (1), Biro e tshwanetse e romele dipegelo tse di jalo tsa tlaleletso jaaka Tona kgotsa Morunikakaretso a di tlhoka. 40
- (3) Gazette, direkoto tsa akhaonto le dikanego tsa ditšhelete tsa Biro di tshwanetse di runiwe ngwaga le ngwaga ke Morunikakaretso.

Dithoto tse di tsepameng

- 34I.** (1) Biro e ka nna, ka katlenegiso ya Tona, ya bona, tshola kgotsa rulaganya dithoto tse di tsepameng fa e ntse e dira tiro ya yona. 45
- (2) Pholisi le tsamaiso ya Biro ka ga go tshola le go rulaganya dithoto tse di tsepameng di tshwanetse di tsamaisane le dipholisi, melao le ditiro tsa ditirelo tsa setshaba.

Mokhuduthamaga Mogolwane wa Biro

- 34J.** (1) Mokaedikakaretso wa lefapha o tshwanetse a thape mme Tona o tshwanetse a atlenegise thapo ya motho yo o nang le dithoto le bokgoni jo bo maleba go nna Mokhuduthamaga Mogolwane wa Biro go ya ka Molao wa Ditirelo tsa Setšhaba, 1994, go tsenyeletsa tiro ya gagwe, fela ka maemo a tuelo le ditirelo tsa thapo tse di kaiwang ke Tona, ka tumalano le Tona ya Matlotlo. 50 55

(2) The appointment of the Chief Executive Officer must follow a transparent and competitive recruitment and selection process, in accordance with the Public Service Act, 1994.

(3) The Chief Executive Officer must be appointed for a term not exceeding five years subject to subsection (1).

(4) The Chief Executive Officer must enter into a written performance agreement with the Minister within three months of taking up the post as Chief Executive Officer.

(5) The Director-General of the Department, with the approval of the Minister, may terminate the Chief Executive Officer's employment in accordance with the Public Service Act, 1994.

(6) The Chief Executive Officer may not serve for more than two consecutive terms, unless otherwise stipulated by the Minister, after consultation with the Minister of Finance.

Functions of Chief Executive Officer

34K. (1) The Chief Executive Officer is responsible for—

- (a) the management of the operations of the Bureau, subject to the direction of the Director-General of the Department;
- (b) the compilation of a business and financial plan and reports in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999), for approval by the Director-General of the Department and the Minister;
- (c) the appointment of members of staff;
- (d) control of, and maintenance of discipline over, members of staff of the Bureau; and
- (e) any other function provided for in this Act.

(2) The Chief Executive Officer is accountable to the Director-General of the Department and must report to him or her on the activities of the Bureau.

(3) The Chief Executive Officer must ensure that the Bureau complies with all relevant provisions of applicable public service policy, regulations and legislation.

(4) If the Chief Executive Officer is for any reason unable to perform any of his or her functions, the Director-General of the Department must, in writing, appoint another person as Acting Chief Executive Officer until the Chief Executive Officer is able to resume those functions, but not for a period longer than six months, except under circumstances where the absence of the Chief Executive Officer is due to a disciplinary matter.

(5) The Chief Executive Officer may, in writing and on such conditions as he or she may determine, delegate any power or duty of the Chief Executive Officer to a senior member of the Bureau, unless the Director-General of the Department or Minister prohibits a specific delegation.

(6) A delegation made under subsection (4) does not—

- (a) divest the Chief Executive Officer of the accountability concerning the performance of the function in question; or
- (b) prohibit the performance of the function in question by the Chief Executive Officer.

(7) A delegation made under subsection (4) may be repealed, withdrawn or amended, but the repeal, withdrawal or amendment does not affect any right which may have accrued to a person as a result of the function performed before the delegation was repealed, withdrawn or amended.

Employees of Bureau

34L. (1) Subject to subsection (2), the Chief Executive Officer—

- (a) must appoint such number of employees, within allocated resources available for that purpose, or receive on secondment such number of persons provided to enable the Bureau to perform its functions;
- (b) is responsible for the administrative control of the Bureau and for the discipline of the employees and persons contemplated in paragraph (a); and
- (c) must ensure compliance with applicable public service and labour legislation.

(2) Thapo ya go thapiwa ga Mokhuduthamaga Mogolwane go tshwanetse go dirilwe ka tsela e e se nang bofitlha e bile e gaisanelwe ka tolamo, go ya ka Molao wa Ditirelo tsa Setšhaba, 1994.

(3) Mokhuduthamaga Mogolwane o tshwanetse a thapiwe kotare e e sa feteng dingwaga di le tlhano jaaka e tlhagelela go karolwana (1). 5

(4) Mokhuduthamaga Mogolwane o tshwanetse a saene tumallano ya tiro go tswa go Tona mo dikgweding tse tharo morago ga go nna Mokhuduthamaga Mogolwane.

(5) Mokaedikakaretso wa Lefapha, ka katlenegiso ya Tona, a ka fedisa thapo ya Mokhuduthamaga Mogolwane go ya ka Molao wa Ditirelo tsa Setšhaba, 1994. 10

(6) Mokhuduthamaga Mogolwane ga tshwanela go ka dira dikotara di feta tse pedi, ntle le fa Tona buile sengwe, morago ga go ikamaganya le Tona ya Matlotlo.

Tiro ya Mokhuduthamaga Mogolwane

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34K. (1) Maikarabelo a Mokhuduthamaga Mogolwane ke—

(a) go tsamaisa mmereko wa Biro, go latela kaelo ya Morunikakaretso wa Lefapha;

(b) go rulaganya leano la kgwebo le la ditšhelete le dipegelo go ya ka Molao wa Tsamaiso ya Ditšhelete tsa Setšhaba, 1999 (Molao wa 1 wa 1999), go atlenegisiwa ke Mokaedikakaretso wa Lefapha le Tona; 20

(c) go thapa badiredi;

(d) go laola le go dira gore badiredi ba Biro ban ne le kgalemelo; le

(e) mmereko mongwe o o tlametsweng ke Molao ono. 25

(2) Mokhuduthamaga Mogolwane o ikarabella go Mokaedikakaretso wa Lefapha e bile o tshwanetse a mo begele ka ga mmereko wa Biro.

(3) Mokhuduthamaga Mogolwane o tshwanetse a netefatse gore Biro e obamela ditlamelo tsotlhe tsa pholisi ya ditirelo tsa setshaba, melawana le melao.

(4) Fa Mokhuduthamaga Mogolwane a sa kgone go dira tiro ya gagwe go latela mabaka, Mokaedikakaretso wa Lefapha o tshwanetse, ka go kwala, a thape motho yo mongwe go nna Mokhuduthamaga Mogolwane wa Namaosatshwere go fitlhela Mokhuduthamaga Mogolwane a kgona go tswelela ka tiro ya gagwe, fela e seng nako e fetang dikgwedi di le thataro, ntle le fa e le gore go sa nneng teng ga Mokhuduthamaga Mogolwane ke ka ntata ya ntlha e tlhokang kgalemo. 30

(5) Mokhuduthamaga Mogolwane a ka nna, ka go kwala le ka ga maemo ao a ka a kayang, a neela leloko legolwane la Biro dithata kgotsa mmereko wa Mokhuduthamaga Mogolwane, ntle le fa Mokaedikakaretso wa Lefapha kgotsa Tona a thibela neelanoe jalo. 40

(6) Kemedi e e diriwang go ya ka karolwana (4) ga e—

(a) e tseye maikarabelo a Mokhuduthamaga Mogolwane a go dira tiro ya gagwe; kgotsa

(b) e thibele Mokhuduthamaga Mogolwane go dira tiro ya gagwe.

(7) Kemedi e e diriwang go ya ka karolwana (4) e ka nna ya tloswa, gogelwa morago kgotsa mametlelelwa, fela tloso, kgogelo morago le tlhabololo ga e ame tshwanelo e motho a e boning ka ntata ya go dira tiro pele kemedi e tloswa, gogelwa morago kgotsa mametlelelwa. 45

Badiri ba Biro

34L. (1) Go ya ka karolwana (2), Mokhuduthamaga—

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(a) o tshwanetse a thape palo ya badiri, go latela didiriswa tse di leng teng go ka dira tiro eo, kgotsa a amogela ka tumelo palo eo ya batho jaaka e tlhokega go kgonisa Biro go dira ditiro tsa yona;

(b) o rwele maikarabelo a taolo ya tsamaiso ya Biro le maitsholo a badiri le batho ba ba kailweng mo tema (a); le 55

(c) go netefatsa kobamelo ya ditirelo tsa setshaba le ya peomolao ya badiri.

(2) The employees referred to in subsection (1) must at least have the following specialist expertise:

- (a) resource economics;
- (b) financial accounting;
- (c) financial management;
- (d) process chemistry or engineering; and
- (e) technical expert knowledge in the waste and environmental resource management fields.

(3) The provisions relating to employment practice contained in the Public Service Act, 1994, the regulations, determinations, deemed determinations contemplated in section 5 (6) of that Act and directives made in terms of that Act apply, except with regard to consideration of scales of remuneration and employment conditions service of the staff referred to in subsection (3).

(4) The Minister must determine, in concurrence with the Minister of Finance, the organisational structure and the scale of remuneration for employees referred to in paragraphs (a) to (e) of subsection (3), which may be different from those of the public service.

(5) A person employed by the Bureau may become a member of the Government Employees' Pension Fund mentioned in section 2 of the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996), and is entitled to pension and retirement benefits as if that person were in service in a post classified in a division of the public service.

(6) The Bureau may utilise persons seconded from or transferred from the public service in accordance with the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994)."

Insertion of section 69A in Act 59 of 2008

14. The following section is hereby inserted in the principal Act after section 69:

“Regulations for Bureau

69A. The Minister must make regulations regarding—

- (a) any matter required or to be prescribed in terms of Part 7A;
- (b) the setting or determination of service fees by the Bureau, other than those referred to in section 13B;
- (c) the circumstances under which service fees can be charged;
- (d) the manner in which the Bureau will receive and disburse funds referred to in section 34F(1); or
- (e) any other matter in relation to the Bureau that is necessary to be prescribed for the proper implementation of this Act.”

Repeal of section 78 of Act 59 of 2008

15. Section 78 of the principal Act is hereby repealed.

Amendment of Table of Contents of Act 59 of 2008

16. The Table of Contents of the principal Act is hereby amended—

- (a) by the insertion after item 13 of the following items:

*“Chapter 3A
Financial Provisions
Waste Management Charges*

13A. Pricing Strategy for Waste Management Charges

13B. Application of Pricing strategy

- (b) by the insertion after item 34 of the following items:

(2) Badiri ba ba kailweng go karolwana (1) ba tshwanetse ba nne le boitseanape jo bo latelang:

(a) didiriswa tsa ikonomi;

(b) ditšhelete;

(c) bolaodi jwa ditšhelete;

(d) tsamaiso ya khemistri; le

(e) kitso ya boitseanape ya setegeniki mo maphateng a taolo ya didiriswa tsa matlakala le tsa tikologo.

(3) Ditlamelo tse di tsamaisanang le tiragatso ya thapo tse di leng go Molao wa Ditirelo tsa Setšhaba, 1994, melawana, dikaelo, ditlhaloso tse di kailweng go karolo 5 (6) ya Molao oo le ditaello tse di dirilweng go ya ka Molao oo di maleba, ntle le fa go lebiwa dituelo le ditirelo tsa thapo tsa madiri ba ba kailweng go karolwana (3).

(4) Tona o tshwanetse a kaye, ka tumalano le Tona ya Matlotlo, sebopego sa setheo le dituelo tsa badiri ba ba kailweng go ditema (a) go ya go (e) tsa karolwana (3), tseo di ka farologanang le tsa ditirelo tsa setshaba.

(5) Motho yo thapiwang ke Biro e ka nna leloko la Leltole la Phensene la Badiri ba Puso le le umakilweng go karolo 2 ya Molao wa Phensene ya Badiri ba Puso, 1996 (Kitsiso semmuso wa bo 21 ya 1996), mme o tshwanelwa ke go nna le tshiamelo ya phensene le ya go latlhela seditse ekeke motho yoo o ne a le mo tselong ya phatlhatiro e e tlhalosiwang e le mo maemong a ditirelo tsa setshaba.

(6) Biro e ka dirisa batho ba ba tlhagisitsweng kgotsa ba rometswe go tswa ka ditirelong tsa setshaba go ya ka ditlamelo tsa Molao wa Ditirelo tsa Setšhaba, 1994 (Kitsiso semmuso ya bo 103 ya 1994).”.

Go tsenngwa ga karolo 69A mo Molao 59 wa 2008

14. Karolo e e latelang jaanong e tsentswe mo Molaongmogolo morago ga karolo 69:

“Melawana ya Biro

69A. Tona o tshwanetse a dire melawana malebana le—

(a) ntlha nngwe e e tlhokegang kgotsa e e tlileng go etleetsiwa go ya ka Kgaolo 7A;

(b) go baya kgotsa go kaya dituelo tsa ditirelo tsa Biro, ntle le tseo di kailweng go karolo 13B;

(c) mabaka ao a dirang gore go batliwe dituelo tsa ditirelo;

(d) mokgwa oo Biro e tlileng go amogela le go kgaoganya matlole a a kailweng go karolo 34F(1); kgotsa

(e) ntlha nngwe fela e e tsamaisanang le Biro e e tlhokang go etleetsiwa gore e tsenyiwe tirisong ka tolamo mo Molaong ono.”.

Phimolo ya karolo 78 ya Molao 59 wa 2008

15. Karolo 78 ya Molaomogolo jaanong e phimotswe.

Tlhabololo ya Lenane la Diteng la Molao 59 wa 2008

16. Lenane la Diteng la Molaomogolo jaanong le tlhabolotswe—

(a) ka go tsenya morago ga ntlha ya bo 13 ya dintlha tse di latelang:

“Kgaolo 3A

Ditlamelo tsa Ditšhelete

Ditsego tsa Taolo ya Matlakala

13A. Togamaano ya ditlhwatlhwa gore Dituelelo tsa bolaodi jwa matlakala

13B. Tiriso ya Togamaano ya ditlhwatlhwa

(b) ka go tsenya morago ga ntlha ya bo 34 ya dintlha tse di latelang:

*“Part 7A
Waste Management Bureau*

- 34A.** Establishment of Waste Management Bureau
 - 34B.** Determination of policy
 - 34C.** Minister’s supervisory powers
 - 34D.** Objects of Bureau
 - 34E.** Functions of Bureau
 - 34F.** Funding of Bureau
 - 34G.** Financial Management
 - 34H.** Reporting and Auditing
 - 34I.** Immovable property
 - 34J.** Chief Executive Officer of Bureau
 - 34K.** Functions of the Chief Executive Officer
 - 34L.** Employees of Bureau”;
- (c) by the insertion after item 69 of the following item: 15
 “69A. Regulations for Bureau”; and
- (d) by the addition of the following item under Schedules: 15
 “3. Defined Wastes”.

Transitional provisions in respect of any existing industry waste management plan 20

17. (1) Existing industry waste management plans approved prior to commencement of this Act are subject to the provisions of this Act, the pricing strategy for waste management charges referred to in section 13A and subsequent waste charge provisions and procedures of the Act referred to in section 13B. 25

(2) A person, a category of persons or industry that operates in terms of an approved industry waste management plan at the time of the coming into operation of this Act, must align the plan with the provisions of this Act and the strategy referred to in 13A, and this alignment must take place after the publication of the strategy and before the commencement of the Act contemplated in section 13B. 30

(3) A person, a category of persons or industry referred to in subsection (2) must, within 60 calendar days after the publication of the strategy, submit an initial draft aligned plan for review to the Minister or MEC, as the case may be, which must include specification of how the plan will transition to the system of waste charges outlined in the strategy contemplated in section 13A and which will subsequently be enacted in terms of section 13B. 35

(4) On receipt of the draft aligned plan referred to in subsection (3) by the Minister or MEC, he or she may review the proposed alignments and either accept or refer the proposed alignments back for further revision before acceptance. 40

(5) The process outlined in subsections (3) and (4) must be completed prior to the commencement of the Act contemplated in section 13B but the finalisation of these processes shall not delay the commencement of the Act contemplated in section 13B. 45

(6) A transitional period of 180 calendar days from the commencement of the Act referred to in section 13B is hereby provided for to enable transitional steps detailed in subsections (7) to (12).

(7) Within 60 calendar days from the commencement date of the Act referred to in section 13B, a person, a category of persons or industry referred to in subsection (2), must amend the existing approved industry waste management plan in accordance with the provisions of this Act and the Act contemplated in section 13B, including measures to comply with the system of waste charges outlined in section 13B paragraphs (a) to (c) within the stipulated time frames, and submit the amended plan for consideration to the Minister or MEC, as the case may be. 55

(8) If a person, category of persons or industry fails to submit the amended industry waste management plan for consideration within the time period stipulated in subsection (7), the plan shall lapse after 30 60

“Karolo 7A

Biro ya Bolaodi jwa Matlakala

- 34A. Tlhommo ya Biro ya Bolaodi jwa Matlakala;
 34B. Kaelo ya pholisi;
 34C. Dithata tsa Tona tsa Tlhokomelo;
 34D. Maitlhommo a Biro;
 34E. Tiro ya Biro;
 34F. Tlamelo ya Matlole ya Biro;
 34G. Botsamaisi jwa Ditšhelete;
 34H. Pegelo le go Runa;
 34I. Dithoto tse di Tsepameng;
 34J. Mokhuduthamaga Mogolwane wa Biro;
 34K. Tiro ya Mokhuduthamaga Mogolwane;
 34L. Badiri ba Biro”;
- (c) ka go tsenya morago ga ntlha 69 ya ntlha e e latelang: 15
 “69A. Melawana ya Biro”; le
- (d) ka go ntlha e e latelang ka fa tlasega Dithulaganyo:
 “3. Matlakala a a tlhalositsweng”.

Titlamelo tse di fetogang go latela leano la taolo ya matlakala la intaseteri le le leng teng

17. (1) Maano a taolo ya matlakala a intaseteri a a leng teng ao a atlenegisitsweng pele go tshimologo ya Molao ono a bofiwa ke ditlamelo tsa Molao ono, togamaano ya ditlhwatlhwa la dituelelo tsa bolaodi jwa matlakala tse di kailweng go karolo 13A le ditlamelo tsa dijego tsa matlakala le melawana ya Molao e e kailweng go karolo 13B.

(2) Motho, segongwana sa batho kgotsa intaseteri eo e dirang go ya ka leano la taolo ya matlakala la intaseteri le le atlenegisitsweng ka nako eo Molao ono o simololang go dira, ba tshwanela go amaganya leano le ditlamelo tsa Molao ono le leano le le kailweng go 13A, e bile ikamaganyo eno e tshwanetse e firagale morago ga phasalatso ya leano le pele go tshimologo ya Molao o kailweng go karolo 13B.

(3) Motho, segongwana sa batho kgotsa intaseteri ba ba kailweng go karolwana (2) ba tshwanetse, mo malatsing a le 60 morago ga phasalatso ya leano, go romela leano kakangwa le le ikamaganyang go lebiwasesa ke Tona kgotsa MEC, gore go diragala eng, eo e tshwanetseng e tsenyeletse totobatso ya gore leano le tlile go thusa go fetola tsamaiso ya dijego tsa matlakalatse di tlhalositsweng mo leanong le le kailweng go karolo 13A eo e tlileng go tsenyiwa go ya ka karolo 13B.

(4) Fa go amogelwa leano kakangwa le le ikamaganyang le le kailweng go karolwana (3) ke Tona kgotsa MEC, o tshwanetse a lebesesa ikamaganyo e e tshisintsweng e bile a dumele kgotsa a busetse morago ditshisinyo tsa ikamaganyo go ka buisiwa go feta pele le ka amogelwa.

(5) Tsamaiso e e tlhalositsweng go karolwana (3) le (4) e tshwanetse e fetsiwe pele go tshimologo ya Molao o o kailweng go karolo 13B fela konosetso ya ditsamaiso ga ya tshwanela go tshwarella tshimologo ya Molao o kailweng go karolo 13B.

(6) Nako ya diphetogo tsa malatsi a le 180 go tloga go tshimologo ya Molao o kailweng go karolo 13B o tlamelwa go ka letlelela dikgato tsa diphetogo tse di tlhalositsweng go karolwana (7) go ya go (12).

(7) Mo malatsing a le 60 morago ga tshimologo ya Molao o kailweng go karolo 13B, motho, segongwana sa batho kgotsa intaseteri e e kailweng go karolwana (2), ba tshwanetse ba mametlelele leano la taolo ya matlakala la intaseteri le le leng teng go ya ka ditlamelo tsa Molao ono le Molao o kwailweng go karolo 13B, go tsenyeletsa dikgato tsa go obamela tsamaiso ya dijego tsa matlakala tse di tlhalositsweng go karolo 13B ditema (a) go ya go (c) mo nakong e beilweng, le go romela leano le le tlhabolotsweng go ka tsewa tsia ke Tona kgotsa MEC.

(8) Fa motho, segongwana sa batho kgotsa intaseteri ba palelwa ke go romela leano la taolo ya matlakala la intaseteri go ka tsewa tsia mo nakong e kailweng go karolwana (7), leano le tshwanela go fela morago ga malatsi

calendar days and members of such plan must, as of this date, comply with the waste charge provisions and procedures outlined in the Act contemplated in section 13B.

(9) On receipt of the amendments referred to in subsection (7) by the Minister or MEC, he or she must, within 60 calendar days, consider the amendments in terms of the provisions of this Act and the Act contemplated in section 13B and either accept, refer the amendments back for further revision or reject the amendments.

(10) If the amendments are referred back or rejected, the person referred to in subsection (2) may amend the plan and re-submit the plan within 30 calendar days, for further consideration by the Minister or MEC in terms of sections 28 and 29.

(11) On receipt of the re-submitted amendments, referred to in subsection (10), by the Minister or MEC, he or she must, within 30 calendar days, consider the amendments in terms of the provisions of this Act and the Act referred to in section 13B and either approve or not approve the amendments.

(12) If the Minister or MEC does not approve the amendments to the plan referred to in subsection (11) the plan shall lapse after 30 calendar days, and members of such plan must, as of this date, comply with the waste management charge provisions and procedures outlined in the Act referred to in section 13B and the plan must wind up its affairs in accordance with applicable laws.”.

Insertion of Schedule 3 in Act 59 of 2008

18. Schedule 3 is hereby inserted after Schedule 2:

“SCHEDULE 3: DEFINED WASTES

CATEGORY A: Hazardous Waste

“**hazardous waste**” means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment and includes hazardous substances, materials or objects within business waste, residue deposits and residue stockpiles as outlined below:

“**business waste**” means waste that emanates from premises that are used wholly or mainly for commercial, retail, wholesale, entertainment or government administration purposes, which include:

1. Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing	(a) hazardous portion of wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing
2. Wastes from wood processing and the production of panels and furniture, pulp, paper and cardboard	(a) hazardous portion of wastes from wood processing and the production of panels and furniture (b) hazardous portion of wastes from wood preservation (c) hazardous portion of wastes from pulp, paper and cardboard production and processing
3. Wastes from the leather, fur and textile industries	(a) hazardous portion of wastes from the leather and fur industry (b) hazardous portion of wastes from the textile industry
4. Wastes from petroleum refining, natural gas purification and pyrolytic treatment of coal	(a) wastes from petroleum refining (b) wastes from the pyrolytic treatment of coal (c) wastes from natural gas purification and transportation

a 30 mme maloko a lean oleo a tshwanetse, go tloga ka letlha leno, go obamela fitlamelo le tsamaiso ya dijego tse di tlhalositsweng mo Molaong o o kailweng go karolo 13B.

(9) Fa go amogelwa ditlhabololo tse di kailweng go karolwana (7) ke Tona kgotsa MEC, o tshwanetse, mo malatsing a 60, go tsaya tsia ditlhabololo go ya ka ditlamelo tsa Molao ono le Molao o kailweng go karolo 13B mme a dumele, a busetse morago ditlhabololo go buisiwa go ya feta kgotsa a ganetse ditlhabololo. 5

(10) Fa ditlhabololo di busetswa morago kgotsa di ganiwa, motho yo kailweng go karolwana (2) a ka nna a mametlelela leano le go romela-gape leano mo malatsing a 30, go ka tsewa tsia go ya pele ke Tona kgotsa MEC go ya dikarolo 28 le 29. 10

(11) Fa go amogelwa ditlhabololo tse di rometsweng-gape, jaaka go kailwe go karolwana (10), ke Tona kgotsa MEC, o tshwanetse, mo malatsing a le 30, go tsaya tsia ditlhabololo go ya ka ditlamelo tsa Molao ono le Molao o o kailweng go karolo 13B mme a dumele kgotsa a ganetse ditlhabololo. 15

(12) Fa Tona kgotsa MEC a sa dumele ditlhabololo tsa leano le le kailweng go karolwana (11) leano le tshwanetse le fele morago ga malatsi a 30, mme maloko a leano leo ba tshwanetse, go tloga ka letlha leno, ba obamele ditlamelo tsa dituelelo tsa bolaodi jwa matlakala le ditsamaiso tse di tlhalositsweng mo Molaong o o kailweng go karolo 13B mme leano le tshwanetse le tlatlose merero ya yona go ya ka melao e maleba.”. 20

Tsenyo ya Thulaganyo 3 mo Molao 59 wa 2008

18. Thulaganyo 3 e tsenyiwa morago ga Thulaganyo 2: 25

“THULAGANYO 3: MATLAKALA A A TLHALOSITSWENG

SETLHOPHA A: Matlakala a a Botlhole

“matlakala a a nang le botlhole” go kaya matlakala a a nang le dielemente tsa tlhologo kgotsa tse e seng tsa tlhologo, kgotsa didiriswa tse di ka amang maemo a boitekanelo le a tikologo mo go maswe ka ntsha ya popego ya tsona e e botlhole, le tse di akaretsang didiriswa tsotlhe tse di botlhole tse di fitlhelwang mo matlakaleng a kgwebo, manathwana a setseng jaaka a tlhalosiwa fa tlase: 30

“matlakala a kgwebo” go kaya matlakala a a tswang kwa meagong e e dirisetwang thekiso, itapoloso kgotsa tsamaiso ya puso, go tsenyeletsa: 35

1. Matlakala go tswa go temothio, dikgwa, go tsoma le go thaisa ditlhapi, go rulaganya le go apea dijo	(a) manathwana a botlhole a matlakala go tswa go temothio, masalela a kwa mawatleng, dikgwa, go tsoma le go thaisa ditlhapi	40
2. Matlakala go tswa go go rulaganya logong le kuno fenitshara, pampiri le khateboto.	(a) manathwana a botlhole a matlakala a go tswa go go rulaganya logong le kuno ya fenitshara	45
	(b) manathwana a botlhole a matlakala a tlhokomelo ya logong	50
	(c) manathwana a botlhole a matlakala go tswa go kuno le go rulaganya dipampiri le dikhatebokoso	55
3. Matlakala go tswa go intaseteri ya matlalo, boboa le diaparo	(a) manathwana a botlhole a matlakala go tswa go intaseteri ya matlalo le boboa	60
	(b) manathwana a botlhole a matlakala go tswa go intaseteri ya diaparo	65
4. Matlakala go tswa go go tlhotlhiwa ga lookwane, phepafatso ya gase ya tlhologo le tlhokomelo ya malatlha	(a) matlakala go tswa go go tlhotlha lookwane	60
	(b) matlakala go tswa go tlhokomelo ya malatlha	65
	(c) matlakala go tswa go phepafatso ya gase ya tlhologo le go e tsamaisa	65

5. Wastes from inorganic chemical processes	(a) wastes from the manufacture, formulation, supply and use (MFSU) of acids	
	(b) wastes from the MFSU of bases	
	(c) wastes from the MFSU of salts and their solutions and metallic oxides	5
	(d) metal-containing wastes	
	(e) wastes from the MFSU of sulphur chemicals, sulphur chemical processes and desulphurisation processes	10
	(f) wastes from the MFSU of halogens and halogen chemical processes	
	(g) wastes from the MFSU of silicon and silicon derivatives	15
	(h) wastes from the MFSU of phosphorous chemicals and phosphorous chemical processes	
	(i) wastes from the MFSU of nitrogen chemicals, nitrogen chemical processes and fertiliser manufacture	20
	(j) wastes from the manufacture of inorganic pigments	
	(k) other wastes from inorganic chemical processes	25
6. Wastes from organic chemical processes	(a) wastes from the manufacture, formulation, supply and use (MFSU) of basic organic chemicals	
	(b) wastes from the MFSU of plastics, synthetic rubber and man-made fibres	30
	(c) wastes from the MFSU of organic dyes and pigments	
	(d) wastes from the MFSU of organic plant protection products, wood preserving agents and other biocides	35
	(e) wastes from the MFSU of pharmaceuticals	
	(f) wastes from the MFSU of fats, grease, soaps, detergents, disinfectants and cosmetics	40
	(g) other wastes from the MFSU of fine chemicals and chemical products	
7. Wastes from thermal processes	(a) hazardous portion of wastes from power stations and other combustion plants	45
	(b) hazardous portion of wastes from the iron and steel industry	
	(c) wastes from aluminium thermal metallurgy	
	(d) wastes from lead thermal metallurgy	
	(e) wastes from zinc thermal metallurgy	50
	(f) wastes from copper thermal metallurgy	
	(g) wastes from silver, gold and platinum thermal metallurgy	
	(h) wastes from other non-ferrous thermal metallurgy	55
	(i) hazardous portion of wastes from casting of ferrous pieces	
	(j) hazardous portion of wastes from casting of non-ferrous pieces	60
	(k) hazardous portion of wastes from manufacture of glass and glass products	

5. Matlakala go tswa go dikhemikhale tse e seng tsa tlholego	(a) matlakala go tswa go tlhagiso, go kapanya, go romela le go dirisa diesetse tsa (MFSU)	
	(b) matlakala go tswa go MFSU	
	(c) matlakala go tswa go matswai a MFSU le ditharabololo tsa tsona le	5
	(d) matlakala a a nang le ditshipi	
	(e) matlakala go tswa go dikhemikhale tsa salfa tsa MFSU, tsamaiso ya khemikhale ya salfa le ya go tlosa salfa	10
	(f) matlakala go tswa go halojens le dikhemikhale tsa halojens tsa MSFU	
	(g) matlakala go tswa go disilikhono tsa MSFU	
	(h) matlakala go tswa go dikhemikhale tsa fosforas tsa MSFU	15
	(i) matlakala go tswa go dikhemikhale tsa naetrojene le bodirelo ba dipeo ba MSFU	
	(j) matlakala go tswa go bodirelo ba phikmente tse e seng tsa tlholego	20
	(k) matlakala a mangwe go tswa go dikhemikhale tse e seng tsa tlholego	
6. Matlakala go tswa go dikhemikhale tsa tlholego	(a) matlakala go tswa go bodirelo, popo, neelano le tiriso ya dikhemikhale tsa tlholego (MSFU)	25
	(b) matlakala go tswa go dipolastiki, rabara le difaeba tse di itiretsweng tsa MFSU	
	(c) matlakala go tswa go didae le phikmente tsa tlholego tsa MFSU	30
	(d) matlakala go tswa go tshireletso ya dijalo tsa tlholego, kemedi e somarelang logong le dibiosaete tse dingwe tsa MFSU	
	(e) matlakala go tswa go MFSU tsa dikhemisi	35
	(f) matlakala go tswa go mafura, khriši, sesepa tsa MFSU	
	(g) matlakala a mangwe go tswa godikhemikhale tsa MFSU	40
7. Matlakala go tswa go tsamaiso ya <i>thermal</i>	(a) manathwana a matlakala a a botlhole go tswa kwa diteiseneng tsa motlakase	
	(b) manathwana a matlakala a a botlhole go tswa kwa intasetering ya ditshipi	
	(c) matlakala go tswa go alominiamo	45
	(d) matlakala go tswa go <i>lead thermal</i>	
	(e) matlakala go tswa go sinki	
	(f) matlakala go tswa go koporo	
	(g) matlakala go tswa go selefera, gauta le polatinamo	50
	(h) matlakala go tswa go <i>non-ferrous</i> tse dingwe	
	(i) manathwana a matlakala a a botlhole go tswa kwa tlhagisong ya dikarolo tsa <i>ferrous</i>	55
	(j) manathwana a matlakala a a botlhole go tswa kwa tlhagisong ya dikarolo tse e seng tsa <i>ferrous</i>	
	(k) manathwana a matlakala a a botlhole go tswa kwa bodirelong jwa galase le tlhagiso ya galase	60

	(l) hazardous portion of wastes from manufacture of ceramic goods, bricks, tiles and construction products	
	(m) hazardous portion of wastes from manufacture of cement, lime and plaster and articles and products made from them	5
8. Waste from the photographic industry	(a) hazardous portion of waste from the photographic industry	
9. Wastes from the manufacture, formulation, supply and use (MFSU) of coatings (paints, varnishes and vitreous enamels), adhesives, sealants and printing inks	(a) wastes from MFSU and removal of paint and varnish	10
	(b) wastes from MFSU of other coatings (including ceramic materials)	
	(c) wastes from MFSU of printing inks	
	(d) wastes from MFSU of adhesives and sealants (including waterproofing products)	15
10. Wastes from chemical surface treatment and coating of metals and other materials; non-ferrous hydrometallurgy	(a) wastes from chemical surface treatment and coating of metals and other materials (for example galvanic processes, zinc coating processes, pickling processes, etching, phosphating, alkaline degreasing, anodising)	20
	(b) wastes from non-ferrous hydrometallurgical processes	
	(c) wastes from sludges and solids from tempering processes	25
	(d) wastes from hot galvanising processes	
11. Wastes from shaping and physical and mechanical surface treatment of metals and plastics	(a) hazardous portion of wastes from shaping and physical and mechanical surface treatment of metals and plastics	30
	(b) wastes from water and steam degreasing processes	
12. Oil wastes and wastes of liquid fuels (except edible oils)	(a) waste hydraulic oils	
	(b) waste engine, gear and lubricating oils	35
	(c) waste insulating and heat transmission oils	
	(d) oil/water separator contents	
	(e) wastes of liquid fuels	40
	(f) hazardous portion of other oil wastes	
13. Waste organic solvents, refrigerants and propellants	(a) waste organic solvents, refrigerants and foam/aerosol propellants	
14. Other wastes not specified in the list	(a) hazardous portion of wastes from end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance	45
	(b) hazardous portion of wastes from electrical and electronic equipment	50
	(c) hazardous portion of wastes from off-specification batches and unused products	
	(d) wastes from discarded gases in pressure containers and discarded chemicals	55

	(l) manathwana a matlakala a a botlhole go tswa kwa bodirelong ditlhagiso tsa seramiki, ditene, dithaele le dilo tse di agang	
	(m) manathwana a matlakala a a botlhole go tswa kwa bodirelong jwa samente, laeme le polastara le diatikele tse di dirilweng ka tsone	5
8. Matlakala go tswa kwa intasetering ya ditshwantsho	(a) manathwana a botlhole go tswa kwa intasetering ya ditshwantsho	10
9. Matlakala go tswa go bodirelo, popo, neelano le tiriso ya dikhouu (<i>dipente</i>) (MSFU)	(a) matlakala go tswa kwa MSFU le go tlosa pente	
	(b) matlakala go tswa kwa MSFU a dikhouu tse dingwe (go tsenyeletsa seramiki)	
	(c) matlakala go tswa kwa MSFU a dienke tsa go printa	15
	(d) matlakala go tswa kwa MSFU a dikgomaretsi (go tsenyeletsa dilo tsa go thibela metsi)	
10. Matlakala go tswa go dikhemikhale tsa go tlhokomela le go pentiwa ga ditshipi le matheriale e mengwe ka <i>hydrometallurgy</i>	(a) matlakala go tswa go dikhemikhale tsa go tlhokomela le ditshipi tse pentang le matheriale e mengwe (sekai tiriso ya galbaniki, go penta sinki)	20
	(b) matlakala go tswa go <i>non-ferrrous hydrometallurgical</i>	25
	(c) matlakala go tswa go tswa go seretse le digase tse di tiileng	
	(d) matlakala go tswa go sinki e bollo e kwagetseng tshipi	
11. Matlakala go tswa go popo le tlhokomelo ya ditshipi le dipolasitiki	(a) manathwana a a botlhole a matlakala go tswa go popo le tlhokomelo ya ditshipi le dipolasitiki	30
	(b) matlakala go tswa go metsi le mosi wa oli	
12. Matlakala a oli le matlakala a lookwane	(a) matlakala a dioli tse di tswang mo mochining	35
	(b) matlakala a dioli tsa enjene, gere le tse di tshasang	
	(c) matlakala a dioli tse di sireletsang kgatlhanong le bollo	40
	(d) diteng tse di kgaoganyang oli/metsi	
	(e) matlakala a lookwane	
	(f) manathwana aa botlhole a matlakala a mangwe a dioli	45
13. Matlakala a didiriswa tsa tlhologo, ditsidifatsi le digase tse di tsamaisang diteng	(a) Matlakala a didiriswa tsa tlhologo, ditsidifatsi le digase tse di tsamaisang diteng	45
14. Matlakala a mangwe a a sa tlhagisiwang mo lenaaneng	(a) manathwana a a botlhole a matlakala a dikoloi tse di felang go tswa go mefuta e farologaneng ya dipalangwa (go tsenyeletsa metshini e e seng ya tsela) le matlakala a go tlhatlhamolola dikoloi tse di felang le tlhokomelo ya dikoloi	50
	(b) manathwana a a botlhole a matlakala go tswa go didiriswa tsa motlakase	55
	(c) manathwana a a botlhole a matlakala go tswa go ditlhopho tse di sa fitlhelelang maemo le dithoto tse di sa dirisiwang	
	(d) matlakala go tswa go digase tse di ntshitsweng go dikhontheinara tsa kgatelelo le dikhemikhale tse di ntshitsweng	60

	(e) wastes from discarded batteries and accumulators	
	(f) wastes from transport tank, storage tank and barrel cleaning	5
	(g) spent catalysts wastes	
	(h) oxidising substances wastes	
	(i) aqueous liquid wastes destined for off-site treatment	10
	(j) waste linings and refractories	
15. Construction wastes	(a) wastes from bituminous mixtures, coal tar and tarred products	
	(b) discarded metals (including their alloys)	15
	(c) waste soil (including excavated soil from contaminated sites), stones and dredging spoil	
	(d) wastes from insulation materials and asbestos-containing construction materials	20
	(e) wastes from gypsum-based construction material	
	(f) wastes from other construction and demolition [wastes]	25
16. Wastes from human or animal health care and/or related research (except kitchen and restaurant wastes not arising from immediate health care)	(a) wastes from natal care, diagnosis, treatment or prevention of disease in humans	30
	(b) wastes from research, diagnosis, treatment or prevention of disease involving animals	
17. Wastes from waste management facilities	(a) hazardous portion of wastes from incineration or pyrolysis of waste	35
	(b) hazardous portion of wastes from physico/chemical treatments of waste	
	(c) hazardous portion of stabilised/solidified wastes	40
	(d) hazardous portion of wastes from aerobic treatment of solid wastes	
	(e) hazardous portion of wastes from anaerobic treatment of waste	45
	(f) landfill leachate wastes	
	(g) wastes from shredding of metal-containing wastes	
	(h) wastes from oil regeneration	
	(i) wastes from soil remediation	

“**residue deposits**” means any residue stockpile remaining at the termination, cancellation or expiry of a prospecting right, mining right, mining permit, exploration right or production right;

“**residue stockpile**” means any debris, discard, tailings, slimes, screening, slurry, waste rock, foundry sand, mineral processing plant waste, ash or any other product derived from or incidental to a mining operation and which is stockpiled, stored or accumulated within the mining area for potential re-use, or which is disposed of, by the holder of a mining right, mining permit or, production right or an old order right, including historic mines and dumps created before the implementation of this Act. [**and**]

	(e) matlakala go tswa go dibetri le dikhomputara tse di ntshitsweng	
	(f) matlakala go tswa go ditanka tsa dipalangwa, ditanka tse di bolokang le dibarele tse di phepafatsang	5
	(g) matlakala a dikhemikhale tse di setseng di dirisitswe	
	(h) matlakala a didiriswa tse phepafatsang	
	(i) matlakala a metsi a dirisetwang go tlhokomela didiriswa	10
	(j) dikwagelo tsa matlakala	
15. Matlakala a kwa go agiwang	(a) matlakala a metswako e dirang sekontiri, sekontiri sa malatlha le dithoto tse di tshetsweng sekontiri	15
	(b) ditshipi tse di ntshitsweng	
	(c) mmu wa matlakala (go tsenyeletsa mmu o epilweng kwa mafelong a kgotleletseng), matlapa le seretse se se epolotsweng	20
	(d) matlakala go tswa go matheriale o sireletsang le asbestos e e nang le matheriale o agang	
	(e) matlakala go tswa go minerale o mosweu o le bonolo o e leng matheriale o agang	25
	(f) matlakala go tswa felo gongwe ko go agiwang le ko go rutlololwang [matlakala]	
16. Matlakala go tswa mo itekanelong ya batho kgotsa diphologolo (ntle le matlakala a kitshini le mafelo a go jella ao a sa tsweng mo itekanelong)	(a) matlakala a kwa pegelegong, go lwala, kalafi kgotsa thibelo ya malwetsi mo bathong	30
	(b) matlakala go tswa kwa ditlhotlhomisong, go lwala, kalafi kgotsa thibelo ya malwetsi mo diphologolong	
17. Matlakala go tswa kwa mafelong a bolaodi jwa matlakala	(a) manathwana a a botlhole a matlakala go tswa go go fisiwa ga dijalo	35
	(b) manathwana a a botlhole a matlakala go tswa go dikhemikhale tse di alafang kgatthanong le matlakala	
	(c) manathwana a a botlhole a matlakala a a sa fetogeng/tsepameng	40
	(d) manathwana a a botlhole a matlakala go tswa go kalafo ya go tlhoka mowa	
	(e) manathwana a a botlhole a matlakala go tswa go kalafo ya go sa tlhoke mowa	45
	(f) matlakala a a epetsweng ka fa tlase ga lefatshe	
	(g) matlakala go tswa go go segiwa ga tshipi e e nang le matlakala	50
	(h) matlakala go tswa go go diriwa ga oli	
	(i) matlakala go tswa go tlhokomelo ya mmu	

“masaledi a manathwana” ke manathwana a a salang fa ditshwanelo tsa go rafa, tsa moepo, tetla ya moepo, tsa dikuno, di fela kgotsa di kgaoliwa. 55

“masaledi a didiriswa” ke didiriswa tsothe tsa meepo tse di bolokiwang fa moepo o tswalwa mme go nna le kakanyo ya gore o tla boela o buliwa gape kgotsa tse di latlhlweng ke motho yo o nang le tshwanelo ya moepo, tetla ya moepo kgotsa, tshwanelo ya kuno, go tsenyeletsa hisetori ya meepo le dikwari tse di tlhamilweng pele tsenyotirisong ya Molao ono. [le] 60

Residue deposits and residue stockpiles include:

1) Wastes resulting from exploration, mining, quarrying, and physical and chemical treatment of minerals	(a) wastes from mineral excavation	5
	(b) wastes from physical and chemical processing of metalliferous minerals	
	(c) wastes from physical and chemical processing of non-metalliferous minerals	
	(d) wastes from drilling muds and other drilling operations [wastes]	

CATEGORY B: General Waste

<p>“general waste” means waste that does not pose an immediate hazard or threat to health or to the environment, and includes—</p> <p>(a) domestic waste;</p> <p>(b) building and demolition waste;</p> <p>(c) business waste;</p> <p>(d) inert waste; or</p> <p>(e) any waste classified as non-hazardous waste in terms of the regulations made under section 69,</p> <p>and includes non-hazardous substances, materials or objects within business, domestic, inert, building and demolition wastes as outlined below:</p>	15
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“business waste” means waste that emanates from premises that are used wholly or mainly for commercial, retail, wholesale, entertainment or government administration purposes, which include:

1. Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing	(a) wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing not otherwise specified in Category A	35	
	(b) wastes from the preparation and processing of meat, fish and other foods of animal origin		
	(c) wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses preparation and fermentation		40
	(d) wastes from sugar processing		
	(e) wastes from the dairy products industry		
	(f) wastes from the baking and confectionery industry		45
	(g) wastes from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa)		
2. Wastes from wood processing and the production of panels and furniture, pulp, paper and cardboard	(a) wastes from wood processing and the production of panels and furniture not otherwise specified in Category A	50	
	(b) wastes from wood preservation not otherwise specified in Category A		
	(c) wastes from pulp, paper and cardboard production and processing not otherwise specified in Category A	55	

Masaledi a manathwana le masaledi a didiriswa a tsenyeletsa:

1. Matlakala a a diriwang ke go senkiwa ga dimenerale, go rafa, go epololwa ga matlapa, le kalafo ya diminerale ka dikhemikhale	(a) matlakala go tswa go go epololwa ga dimenerale	5
	(b) matlakala go tswa go dikhemikhale tse di mekamekanang le diminerale tsa tshipi	
	(c) matlakala go tswa go dikhemikhale tse di mekamekanang le diminerale tse e seng tsa tshipi	10
	(d) matlakala go tswa go phuniwa mo seretseng le ditiragatso tse dingwe tsa go phunya lefatshe [matlakala]	

SETLHOPHA B: Matlakala a Kakaretso

<p>“matlakala a kakaretso” ke matlakala a a sa tshosetseng ka botlhole ka bonako kgotsa tshosetso go itekanelo kgotsa mo tikologong, mme a tsenyeletsa—</p> <p>(a) matlakala a fa gae;</p> <p>(b) matlakala a meago le a go rutlolola;</p> <p>(c) matlakala a kgwebo;</p> <p>(d) matlakala a sa fetogeng; kgotsa</p> <p>(e) matlakala mangwe fela a a kaiwang a se na botlhole go ya ka melao e e dirilweng go karolo 69,</p> <p>ebile a tsenyeletsa didiriswa tse di se nang botlhole, didiriswa tse di leng mo kgwebong, matlakala a fa gae, a sa fetogeng, a meago le a go rutlololwa a tlhalosiwa fa tlase:</p>	15
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“matlakala a kgwebo” go kaya matlakala a a tswang kwa meagong e e dirisetwang thekiso, itapoloso kgotsa tsamaiso ya puso, go tsenyeletsa:

1. Matlakala go tswa go temothio, dikgwa, go tsoma le go thaisa ditlhapi, go rulaganya le go apea dijo	(a) manathwana a botlhole a matlakala go tswa go temothio, masalela a kwa mawatleng, dikgwa, go tsoma le go thaisa ditlhapi tse di sa tlhalosiwang sentle go Setlhopha A	35
	(b) matlakala go tswa go go rulaganya le go apea nama, tlhapi le dijo tse dingwe tse e leng tsa diphologolo	40
	(c) matlakala go tswa go maungo, merogo, disiriele, dioli, <i>coacoa</i> , kofi, tee le go rulaganya le go dira motsoko; kuno e somarelang; mmela le kuno ya go goga mmela, go rulaganya sukiri le pelô	45
	(d) matlakala go tswa go go diriwa ga sukiri	50
	(e) matlakala go tswa kwa dikunong tsalephata la maswi	
	(f) matlakala go tswa kwa intasetering ya go baka le dimonamone	
	(g) matlakala go tswa kwa dikunong tsa dino tse di nang le bojalea le tse di se nang bojalwa (ntle le kofi, tee le <i>coacoa</i>)	
2. Matlakala go tswa go go rulaganya logong le kuno fenitshara, pampiri le khateboto.	(a) matlakala go tswa go go rulaganya logong le kuno ya fenitshara tse di sa tlhalosiwang sentle go Setlhopho A	55
	(b) matlakala go tswa go tlhokomelo ya logong go go sa tlhalosiwang sentle go Setlhopha A	60
	(c) matlakala go tswa go kuno le go rulaganya dipampiri le dikhatebokoso tse di sa tlhalosiwang sentle go Setlhopha A	

3. Wastes from the leather, fur and textile industries	(a) wastes from the leather and fur industry not otherwise specified in Category A	5
	(b) wastes from the textile industry not otherwise specified in Category A	
4. Wastes from thermal processes	(a) wastes from power stations and other combustion plants not otherwise specified in Category A	10
	(b) wastes from the iron and steel industry not otherwise specified in Category A	
	(c) wastes from casting of ferrous pieces not otherwise specified in Category A	
	(d) wastes from casting of non-ferrous pieces not otherwise specified in Category A	
	(e) wastes from manufacture of glass and glass products not otherwise specified in Category A	
	(f) wastes from manufacture of ceramic goods, bricks, tiles and construction products not otherwise specified in Category A	15
	(g) wastes from manufacture of cement, lime and plaster and articles and products made from them not otherwise specified in Category A	20
5. Waste from the photographic industry	(a) waste from the photographic industry not otherwise specified in Category A	25
6. Wastes from shaping and physical and mechanical surface treatment of metals and plastics	(a) wastes from shaping and physical and mechanical surface treatment of metals and plastics not otherwise specified in Category A	30
7. Oil wastes and wastes of liquid fuels	(a) oil wastes not otherwise specified in Category A	
8. Other wastes not specified in the list	(a) wastes from end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance not otherwise specified in Category A	35
	(b) wastes from electrical and electronic equipment not otherwise specified in Category A	40
	(c) wastes from off-specification batches and unused products not otherwise specified in Category A	
9. Food wastes	(a) waste from kitchen and restaurant facilities	45
10. Wastes from waste management facilities	(a) wastes from incineration or pyrolysis of waste not otherwise specified in Category A	50
	(b) wastes from aerobic treatment of solid wastes not otherwise specified in Category A	
	(c) wastes from anaerobic treatment of waste not otherwise specified in Category A	

3. Matlakala go tswa go intaseteri ya matlalo, boboa le diaparo	(a) matlakala go tswa go intaseteri ya matlalo le boboa tse di sa tthalosiwang sentle go Setlhopha A	5
	(b) matlakala go tswa go intaseteri ya diaparo go go sa tthalosiwang sentle go Setlhopha A	
4. Matlakala go tswa go tsamaiso ya thermal	(a) matlakala go tswa kwa diteiseneng tsa motlakase tse di sa tthalosiwang sentle go Setlhopha A	10 15 20 25
	(b) matlakala go tswa kwa intasetering ya ditshipi tse di sa tthalosiwang sentle go Setlhopha A	
	(c) matlakala go tswa kwa tlhagisong ya dikarolo tsa <i>ferrous</i> go go sa tthalosiwang sentle go Setlhopha A	
	(d) matlakala go tswa kwa tlhagisong ya <i>non-ferrous</i> go go sa tthalosiwang sentle go Setlhopha A	
	(e) matlakala go tswa go bodirelo jwa galase le didiriswa tsa galase tse di sa tthalosiwang sentle go Setlhopha A	
	(f) matlakala go tswa kwa bodirelong ditlhagiso tsa seramiki, ditene, dithaele le dilo tse di agang tse di sa tthalosiwang go Setlhopha A	
	(g) matlakala go tswa kwa bodirelong jwa samente, laeme le polastara le diatikele tse di dirilweng ka tsone tse di sa tthalosiwang sentle go Setlhopha A	
5. Matlakala go tswa kwa intasetering ya ditshwantsho	(a) matlakala go tswa kwa intasetering ya ditshwantsho go go sa tthalosiwang sentle go Setlhopha A	30
6. Matlakala go tswa go popo le tlhokomelo ya ditshipi le dipolasitiki	(a) matlakala go tswa go popo le tlhokomelo ya ditshipi le dipolasitiki tse di sa tthalosiwang sentle go Setlhopha A	35
7. Matlakala a oli le matlakala a lookwane	(a) matlakala a oli a a sa tthalosiwang sentle go Setlhopha A	
8. Matlakala a mangwe a a sa tlhagisiwang mo lenaaneng	(a) matlakala go tswa go dikoloi tse di felang go tswa go mefuta e farologaneng ya dipalangwa (go tsenyeletsa metshini e e seng ya tselo) le matlakala a go tlhatlhamolola dikoloi tse di felang le tlhokomelo ya dikoloi tse di sa tthalosiwang go Setlhopha A	40
	(b) matlakala go tswa go didiriswa tsa motlakase tse di sa tthalosiwang sentle go Setlhopha A	45
	(c) matlakala go tswa go ditlhopha tse di sa fitlhelelang maemo le dithoto tse di sa dirisiwang mme di sa tthalosiwa sentle go Setlhopha A	
9. Matlakala a dijo	(a) matlakala go tswa kitshining le mafelo a go jela	50
10. Matlakala go tswa kwa mafelong a bolaodi jwa matlakala	(a) matlakala go tswa go go fisiwa ga dijalo go go sa tthalosiwang sentle go Setlhopha A	55 60
	(b) matlakala go tswa go kalafo ya go tlhoka mowa go go sa tthalosiwang sentle go Setlhopha A	
	(c) matlakala go tswa go kalafo ya go sa tlhoke mowa go go sa tthalosiwang sentle go Setlhopha A	

	(d) wastes from shredding of metal-containing wastes not otherwise specified in Category A	
	(e) wastes from the mechanical treatment of waste not otherwise specified in Category A (for example sorting, crushing, compacting, pelletising) not otherwise specified	5

“building and demolition waste” means waste, excluding hazardous waste, produced during the construction, alteration, repair or demolition of any structure, and includes rubble, earth, rock and wood displaced during that construction, alteration, repair or demolition, which include: 10

11. Building and demolition wastes	(a) discarded concrete, bricks, tiles and ceramics	
	(b) discarded wood, glass and plastic	
	(c) discarded metals	15
	(d) discarded soil, stones and dredging spoil	
	(e) Other discarded building and demolition wastes	20

“domestic waste” means waste, excluding hazardous waste, that emanates from premises that are used wholly or mainly for residential, educational, health care, sport or recreation purposes, which include: 20

12. Domestic wastes	(a) garden and park wastes	25
	(b) municipal waste	
	(c) food waste	

“inert waste” means waste that—

- (a) does not undergo any significant physical, chemical or biological transformation after disposal; 30
- (b) does not burn, react physically or chemically biodegrade or otherwise adversely affect any other matter or environment with which it may come into contact; and
- (c) does not impact negatively on the environment, because of its pollutant content and because the toxicity of its leachate is insignificant; and which include: 35

13. Inert waste	(a) discarded concrete, bricks, tiles and ceramics	
	(b) discarded glass	40
	(c) discarded soil, stones and dredging spoil	

Short title and commencement

19. (1) This Act is called the National Environmental Management: Waste Amendment Act, 2014, and comes into operation on the date of publication of this Act by the President in the *Gazette* in terms of section 81 of the Constitution of the Republic of South Africa, 1996. 45

	(d) matlakala go tswa go go segiwa ga tshipi e e nang le matlakala go go sa tlhalosiwang sentle go Setlhophha A	
	(e) matlakala go tswa go tlhokomelo ya metshini ya matlakala go go sa tlhalosiwang sentle go Setlhophha A (sekai go rulaganya, go thubakaka, go pepetla) go go sa tlhalosiwang sentle	5

“matlakala a meago le a go rutlolola” a kaya matlakala, go sa tsenyeletse matlakala a a botlhole, a a tlhagisiwang fa go agiwa, fa go ntshwafatsiwa, baakanya kgotsa rutlolola sebopego sengwe le sengwe, mme a tsenyeletsa dipota, lefatshe, maje le logong tse di sa dulang sentle fa go agiwa, ntshwafatsiwa, baakanya kgotsa rutlolola, go tsenyeletsa:

11. Matlakala a meago le a go rutlolola	(a) konkreiti, ditena, dithaele le diseramiki tse di ntshitsweng	15
	(b) logong, galase le polasitiki tse di ntshitsweng	
	(c) ditshipi tse di ntshitsweng	20
	(d) mmu, matlapa le seretse se se epolotsweng tse di ntshitsweng	
	(e) matlakala a mangwea a ntshitsweng a meago le a go rutlolola	

“matlakala a fa gae” a kaya matlakala, go sa tsenyeletse matlakala a a botlhole, a a tlhagisiwang ke meago ya go dula, ya thuto, ya kookelo, metshameko le boitapoloso, go tsenyeletsa:

12. Matlakala a fa gae	(a) matlakala a tshimo le a paka	30
	(b) matlakala a masepala	
	(c) matlakala a dijo	

“matlakala a sa fetogeng” a kaya matlakala a—

(a) sa fetogeng gotlhelele kgatthanong le dikhemikhale fa a tsholliwa; 35

(b) sa seng, a sa tsibogeleng se se lebaneng le onakgotsa ntlha nngwe ya tikologo e e kopanang le ona; e bile

(c) ga a nne seabe se se bosula mo tikologong, ka ntata ya diteng tsa yona tsa go kgotlelela le gore botlhole ba ona ga bo botlhokwa; go tsenyeletsa:

13. Matlakala a sa fetogeng	(a) konkreiti, ditena, dithaele le diseramiki tse di ntshitsweng	40
	(b) digalase tse di ntshitsweng	
	(c) mmu, matlapa le seretse se se epolotsweng tse di ntshitsweng	45

Setlhogo se se khutshwane le tshimologo

19. (1) Molao ono o bidiwa Bolaodi jwa Tikologo ya Bosetšhaba: Tlhabololo ya Molao wa Matlakala, 2014, mme o tlike go tsena tirisong ka letlha la phasalatso ya Molao ono ka Moporesitente mo *Gazette* go ya ka karolo 81 ya Molaotheo wa Rephaboliki ya Aforika Borwa, 1996. 50

