



## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

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### NATIONAL ASSEMBLY

(For written reply)

QUESTION NO. 1706 {NW1929E}

INTERNAL QUESTION PAPER NO. 13 OF 2025

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**Mr S P Mkhize (MK) to ask the Minister of Forestry, Fisheries and the Environment:**

Given the low municipal compliance rate with only 19% of sites compliant, (a) what oversight mechanisms are in place to ensure municipalities adhere to the National Environmental Management: Waste Act, Act 59 of 2008 regulations, (b) how does his department ensure that provinces and municipalities fulfil their obligations under the National Waste Management Strategy 2020 and (c) what penalties and/or corrective measures are in place for municipalities that fail to meet waste service delivery and compliance requirements?

### **1706. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:**

(a) The National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEM: WA), establishes a framework for oversight to ensure municipalities adhere to its regulations. Several mechanisms are in place, such as the following:

- **Institutional planning** through the development of Municipal Integrated Waste Management Plans approved by Municipal Council and endorsed by the relevant Member of the Executive Council (MEC).
- **Institutional reporting** on performance against the National Waste Management Strategy, Provincial and Local Integrated Waste Management Plans.

- **Designation of Waste Management Officers (WMOs):** NEM: WA mandates the designation of WMOs at the National, Provincial, and Municipal levels. These officers are responsible for coordinating waste management activities and ensuring compliance with NEM: WA. At the municipal level, WMOs monitor local waste management activities and report to provincial and national authorities, acting as a direct link for oversight.
- **Environmental Management Inspectors (EMIs):** Appointed under the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), EMIs have the authority to enforce compliance with NEM: WA. They conduct compliance inspections at municipal landfill sites and other waste management facilities in municipalities, investigate non-compliance, and can issue directives or institute enforcement actions if violations are detected.
- Regular and functional **Intergovernmental Relations structures** at administrative (Working Groups 8 and 4, as well as the Ministerial Technical Committee [MinTech]); and political level Minister and Executive Committee (MinMEC).

(b)

- The DFFE requires the municipalities to develop the Integrated Waste Management Plans (IWMPs) and report on progress in the implementation of the IWMPs. The provinces and municipalities must align their IWMPs with NWMS pillars and strategic objectives. These plans and annual performance reports are reviewed to track targets like waste diversion and recycling rates. Provinces serve as intermediaries, supporting municipalities while reporting nationally and fostering a structured accountability system. The DFFE also evaluates performance using data reported by registered municipal waste facilities on the South African Waste Information System (SAWIS) to identify the trends in waste management.
- The DFFE plays a pivotal role in ensuring that provinces and municipalities adhere to the National Waste Management Strategy (NWMS) 2020. Through the coordination of policy implementation and support, the DFFE provides technical support, capacity-building, training, and awareness programmes on waste minimisation. This results in improved service delivery and regulatory compliance. Additionally, the DFFE collaborates with provincial authorities and organisations like the South African Local Government Association (SALGA) to strengthen municipal capabilities.

- The DFFE implements programmes targeted at Provinces and/or Municipalities in need of waste management support (e.g. Recycling Enterprise Support Programme, Training of municipal officials on waste management, review of Municipal Infrastructure Grant policy, eWaste Collection and Recycling Campaign, etc.)
  - In addition, there are capacity building programmes in place within the DFFE, such as the training of municipal councillors and officials, especially the landfill operators, to operate landfill sites in accordance with waste management licences. The training of councillors assists with the allocation of the budget in their decision making so that municipal landfill sites are provided with the required tools of trade and yellow fleet and personnel such as landfill operators and 24-hour security. These interventions assist in addressing non-compliance due to limited or no budget to perform well in landfill site operation and management.
  - EMIs issue directives for non-compliance to the implementing agencies who are found to be in non-compliance.
  - There are also MinMECs, MinTech and Working Group 8 Meetings to engage on various matters as well as monitor and evaluate progress on the implementation of NEMWA and the National Waste Management Strategy 2020. Working Group 8 involves provincial WMOs and National Waste Management officials who discuss issues relating to the Waste Act and NWMS implementation.
  - The Working Group 8 matters are presented at MinTech, which is comprised of the Director Generals and the Heads of Departments of the Nine (9) Provincial Government Departments responsible for Environment, SALGA, the Department of Water and Sanitation, Department of Minerals and Petroleum; and Department of Performance Monitoring and Evaluation.
  - The matters from MinTech get presented at a Ministerial forum called MinMEC, where the Minister and the MECs of the nine (9) provinces receive reports and conduct further monitoring and oversight of the issues raised, including the performance of municipalities in these areas.
- (c) NEM: WA and related regulations make provisions for a range of non-compliances which constitute offences and attract penalties and corrective measures to tackle municipal shortcomings in waste service delivery and enforce compliance. The EMIs can issue compliance notices under NEMA to address issues like non-compliant landfills, with failure to act potentially leading to legal escalation, while serious offences—such as operating unlicensed facilities – carry fines up to R10 million or imprisonment for up to ten (10) years under Section 67 of NEM: WA.

Waste management licenses may be suspended or revoked if audits expose serious violations, and the "polluter pays" principle allows the Minister or MEC to mandate remediation and recover costs from negligent municipalities causing environmental damage, such as illegal dumping.

Regards



DR D T GEORGE, MP

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 4/4/2025