



NATIONAL ENVIRONMENTAL COMPLIANCE & ENFORCEMENT REPORT 2023/24



**forestry, fisheries
& the environment**

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



National Environmental Compliance & Enforcement Report 2023-24

2024

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FOREWORD

In a recent groundbreaking call to action, the International Criminal Court (ICC) was urged to confront environmental crimes head-on. This plea for justice comes from a diverse group of academics, lawyers, and activists worldwide, spotlighting a critical gap in the ICC's current mandate. In a joint comment, lawyers and scientists at the University of London's Institute of Commonwealth Studies, the Oxford Sustainable Law Programme and the International Nuremberg Principles Academy note that human activities leading to severe environmental harm usually also violate human rights. This, they argue, potentially qualifies as a crime such as genocide, crimes against humanity or war crimes.

The experts say charges could be levelled against politicians, corporate bosses and leaders of organised criminal gangs directly responsible for acts that destroy the environment such as widespread deforestation, chemical spills or oil pollution. Others who contribute to such activities, or do not do enough to stop them, could also be implicated – examples given include military commanders and the bosses of fossil fuel and mining companies.

The heart of their argument lies in the inadequacy of the Rome Statute—the ICC's foundational treaty—to address environmental devastation not only in times of war but also in peace. Despite the statute's singular nod to environmental protection within the context of war crimes, it is argued that its scope should be broadened. Since it was set up 22 years ago, the ICC has mostly ruled on cases of genocide and war crimes. The UN-backed court, based in The Hague, has long been criticised for its reluctance to investigate big environmental crimes. In one of the submissions to the ICC, it was noted that, *“environmental destruction is very often the driver, context, or consequence of mass crimes committed against civilian populations – crimes that in some cases amount to crimes against humanity”*.

The global need to highlight the close, interwoven relationship between environmental and socio-economic rights finds relevance in South Africa, which continues to experience a high incidence of non-compliance with environmental legislation, ranging from illegal trafficking and poaching of wildlife species to the pollution of the country's water resources, land and air by the release of harmful chemicals and waste. The broad scope of environmental contraventions is matched by the varied profile of offenders, from members of the public found littering, to municipalities managing non-functional wastewater treatment works, to sophisticated organised syndicates that operate on a trans-national basis.

Environmental contraventions pose a significant threat to the natural resource base of the country, which constitutes the foundation for human security as it provides households and communities with various ecosystems, goods, and services. Effective environmental compliance and enforcement, on the other hand, supports several chapters of the National Development Plan 2023 (NDP), including Chapter 5 by improving environmental sustainability and resilience, Chapter 3: Economy and Employment - improved compliance with environmental legislation

will protect the country's natural resources and ecosystems, which form the backbone for many formal and informal economies, and finally Chapter 11: Social Protection, by giving effect to the Constitutional right to an environment that is not harmful to health and well-being, through minimising non-compliant environmental behaviour and the resultant pollution and degradation, which threatens the food, water and health security of communities.

South Africa has also taken critical steps forward in recognising the seriousness of environmental crimes to be on par with other types of crimes. For example, on 10 May 2023, Cabinet approved the National Integrated Strategy to Combat Wildlife Trafficking (NISCWT), which is premised on the fact that wildlife trafficking is not purely a conservation and environmental management problem but constitutes a sophisticated form of serious transnational organised crime that is a threat to national security. In addition, our criminal courts have handed down significant sentences to persons convicted of environmental crimes, displaying due consideration of the gravity of these types of offences.

These, and other critical efforts of the Environmental Management Inspectorate can be found in this. the 2023/24 National Environmental Compliance and Enforcement Report, which highlights the collective efforts of compliance and enforcement officials from various national, provincial and local government departments and organs of state, accorded the responsibility to protect the environment for the benefit of present and future generations.



MS NOMFUNDO TSHABALALA

DIRECTOR-GENERAL OF FORESTRY, FISHERIES AND THE ENVIRONMENT

ACRONYMS

Key:	General
AEL	Atmospheric Emission Licence
AIS	Alien and Invasive Species
AoG	Admission of Guilt (also referred to as J534s)
BMA	Border Management Authority
BoWP	Barcode of Wildlife Programme
CEWG	Compliance and Enforcement Working Committee
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CN	Compliance Notice
CSS	Crime Scene Sampling
DG	Director-General
EA	Environmental Authorisation
EEFC	National Environmental Enforcement Fusion Centre
EMI	Environmental Management Inspector
EMPI	Environmental Mineral and Petroleum Inspector
FCO	Fisheries Control Officer
GEF	Global Environmental Facility
GG	Government Gazette
GN	Government Notice
HCRW	Health Care Risk Waste
iNCEIS	Integrated National Compliance and Enforcement Information system
INL	International Narcotics and Law Enforcement
IOSTT	Intelligence for Operations Sub-Task Team
IUU	illegal, unreported and unregulated
IWZ	Integrated Wildlife Zone
MOCPC	Marine and Ocean Crime Priority Committee
MES	Minimum Emission Standards
MPA	Marine Protected Area
NATJOINTS	National Joint Operational Intelligence Structure
NBIF	National Biodiversity Investigators Forum

NCF	National Environmental Compliance Form
NECER	National Environmental Compliance and Enforcement Report
NECES	National Environmental Compliance and Enforcement Strategy
NECEF	National Environmental Compliance and Enforcement Framework
NISCWT	National Integrated Strategy to Combat Wildlife Trafficking
NTC	National Targeting Centre
OCIMS IVT	Oceans and Coasts Information Management System Integrated Vessel Tracking
PCN	Pre-compliance Notice
PM	Particulate Matter
SAPS FSL SAU	South African Police Service Forensic Science Laboratory, Scientific Analysis Unit
SEMA	Specific Environmental Management Act
TOPS	Threatened or Protected Species
WGIV	Working Group 4
WML	Waste Management Licence
WUL	Water Use Licence
WWF	World Wide Fund for Nature

Key:	Institutions
DALRRD	National Department of Agriculture, Land Reform and Rural Development
DFFE	National Department of Forestry, Fisheries and the Environment
DoH	Department of Health
DMRE	Department of Minerals Resources and Energy
DWS	Department of Water and Sanitation
DEDEAT	Eastern Cape Department of Economic Development, Environmental Affairs and Tourism
ECPTA	Eastern Cape Parks and Tourism Agency
Ezemvelo	Ezemvelo KwaZulu-Natal Wildlife
DESTEA	Free State Department of Economic, Small Business Development, Tourism and Environmental Affairs
GDARDE	Gauteng Department of Agriculture, Rural Development and Environment
Isimangaliso	Isimangaliso Wetland Park Authority
DEDTEA	KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs
LEDET	Limpopo Department of Economic Development, Environment and Tourism
DARDLEA	Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs

Mpumalanga Parks	Mpumalanga Tourism and Parks Agency
DENC	Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform
DEDECT	North West Department of Economic Development, Environment, Conservation and Tourism
NPA	National Prosecuting Authority
North West Parks	North West Park and Tourism Board
SANBI	South African National Biodiversity Institute
SANParks	South African National Parks
SAPS	South African Police Service
DEADP	Western Cape Department of Environmental Affairs and Development Planning

Key	Legislation
CPA	Criminal Procedure Act 51 of 1977
ECA	Environment Conservation Act 73 of 1989
LEMA	Limpopo Environmental Management Act 7 of 2003
MLRA	Marine Living Resources Act 18 of 1998
NCNCA	Northern Cape Nature Conservation Act 9 of 2009
NEMA	National Environmental Management Act 107 of 1998
NEMLAA	National Environmental Management Laws Amendment Act 2 of 2022
NEM:AQA	National Environmental Management: Air Quality Act 39 of 2004
NEM:BA	National Environmental Management: Biodiversity Act 10 of 2004
NEM:ICMA	National Environmental Management: Integrated Coastal Management Act 24 of 2008
NEM:PAA	National Environmental Management: Protected Areas Act 57 of 2003
NEM:WA	National Environmental Management: Waste Act 59 of 2008
NWA	National Water Act 36 of 1998
PAJA	Promotion of Administrative Justice Act 3 of 2000
POCA	Prevention of Organised Crime Act 121 of 1998

GLOSSARY OF TERMS:

“Admission of guilt fines (J534)” means fines paid for less serious environmental offences in terms of Section 56 of the CPA. For the purposes of this report, admission of guilt fines are reported separately from convictions imposed through formal trial proceedings.

“Arrests by EMIs” indicates the number of individuals arrested/summoned to Court by EMIs for the purposes of criminal prosecution.

“Civil Court applications” means civil proceedings instituted in the High Court (e.g. interdict, declaratory order) by regulatory authorities, usually in circumstances where notices or directives are ignored, and/ or actual or imminent significant harm is being caused to the environment.

“Convictions” means convictions imposed by a Court, whether pursuant to a trial or a guilty plea. This excludes convictions by way of the payment of admission of guilt fines.

“Criminal dockets” means criminal dockets registered with the South African Police Service with an allocated CAS number.

“Enforcement action required” means that the environmental authority has decided that the nature of the non-compliance warrants the initiation of an enforcement action (criminal, civil or administrative).

“Environmental crime” is the violation of a common law or legislative obligation related to the environment which triggers a criminal sanction.

“Follow-up inspection” means inspections that are conducted subsequent to an initial inspection. This type of inspections is typically more focused on the progress that has been made in respect of non-compliant areas identified in the initial inspection.

“Green, Blue and Brown” refers to the compliance and enforcement activities taking place in the biodiversity and protected areas (green), integrated coastal management/freshwater resources (blue) and pollution, waste and EIA (brown) sub-sectors respectively.

“Initial inspection” means the initial compliance inspection of a particular facility/ person by EMIs. This type of baseline inspections may cover a broad range of environmental aspects (for example, air, water, waste) as is the case with the sector-based strategic compliance inspections.

“No. of non-compliances” means the total number of non-compliances related to environmental legislation, regulations, authorisations, licences and/or permits including conditions thereto identified by EMIs when conducting inspections.

“Non-compliance” refers to any breach of an environmental legislative obligation or permit/ licence/ authorisation condition, irrespective of whether or not such a breach constitutes a criminal offence.

“Notices/ directives issued” means administrative enforcement tools, such as compliance notices and directives that are issued in response to suspected non-compliance with environmental legislation. These tools instruct the offender to take corrective action (e.g. ceasing an activity, undertaking rehabilitation, submitting information). Failure to comply with such compliance notice/ directive is a criminal offence.

“Proactive inspections/ Routine Inspections” means inspections that are initiated by an EMI without being triggered by a specific complaint, but rather as part of the institution’s broader compliance strategy. These inspections assess compliance with legislative provisions as well as permit conditions.

“Reactive inspections” means inspections that are initiated in reaction to a specific report or complaint. In these circumstances, an EMI is required to conduct a site visit to verify the facts alleged in the complaint, and to assess the level of non-compliance.

“Reported incidents” means all incidents of suspected non-compliance with environmental obligations reported by institutions for the purposes of the NECER, irrespective of whether or not compliance and enforcement responses have been taken.

“Section 105A agreement” means a plea and sentence agreement entered into between an Accused and the State in terms of which the Accused admits guilt and the conditions of the conviction and sentence are set out and confirmed by the Court.

“S24G administrative fines” means fines paid by applicants who wish to obtain an *ex-post facto* environmental authorisation after having unlawfully commenced with a listed or specified activity in terms of S24F(1) of NEMA or after having unlawfully commenced, undertaken or conducted a waste management activity without a WML in contravention of section 20(b) of NEM:WA.

“Unlawful commencement of listed activity” means the commencement of identified or specified activities which may have a detrimental effect on the environment and require an environmental authorisation. It is a criminal offence to commence or undertake these activities without first obtaining such an authorisation.

“Warning letters” are written documents that afford an opportunity to an offender to comply without initiation of formal administrative, civil or criminal enforcement proceedings.

Note: for the purposes of the statistics represented in this report, “-” means that no statistics are available for this information field, whereas “0” means zero.

1. INTRODUCTION

The 23/24 financial year marks the 17th year in which DFFE has collaborated with its national, provincial and local counterparts to compile the National Environmental Compliance and Enforcement Report (NECER). This is a publication that aims to provide an overview of environmental compliance and enforcement activities undertaken by the various organs of State that comprise the Inspectorate over the period of a financial year.

The NECER is aimed at a broad spectrum of stakeholders, including a range of private, public and community-based institutions. In this respect, the report seeks to fulfil some of the information requirements of regulators, the regulated, the general public as well as other interested organisations. The report is designed to meet this objective by providing:

- the general public with an overview of the measures being taken by the environmental compliance and enforcement sector to give effect to section 24 of the Constitution;
- the community-based/ non-governmental organisations with information related to specific compliance and enforcement activities which impact the lives of communities;
- the national, provincial and local environmental authorities with an overall perspective of their compliance and enforcement performance, both in relation to previous financial years, as well as in relation to their counterparts; and
- a deterrent effect to would-be offenders who realise there are dire consequences for those who choose to flout environmental laws.

The NECER is divided into 14 chapters. It commences with a summary of the key findings of the report, followed by a section outlining the capacity and profile of the Environmental Management Inspectorate. An overall perspective of the national compliance and enforcement statistics is followed by a more detailed breakdown per institution/province. The subsequent legal chapters include recent environmental court cases as well as the legislative developments that came into effect in the past financial year. The report then turns to the key operational activities related to the brown, green and blue sub-sectors, and the collaborative efforts with stakeholder in planning and executing joint operations. This is followed by an outline of the environmental prosecutions that took place during the reporting period and the types of court sentences handed down.

The nature and scope of environmental complaints and incidents received through the national hotline is followed by a chapter detailing the capacity-building efforts for EMIs and other law enforcement authorities. The report concludes with a look ahead to plans for the 2024/25 financial year.

It should be noted that, while activities included in the NECER reflect work of environmental departments and conservation entities at a national, provincial and local authority level, it recognises the key support roles played “related” sectors, such as agriculture, forestry and

fisheries, mineral resources, labour, health as well as the criminal justice system. The report is also starting to increasingly reflect the compliance and enforcement activities of local authority EMIs. The statistics reflected in the NECER emanate directly from the input received from the respective environmental authorities, and no independent auditing or verification of this input is conducted by DFFE or any other third party.

In this regard, the NECER should be regarded as indicative (but not conclusive) of the general nature, scope and volume of activities undertaken by environmental and water affairs’ compliance and enforcement authorities in this reporting period. Despite these constraints, it is hoped that the NECER 2023/24 will continue to provide valuable information to its readers as it strives to highlight the critical work currently being undertaken by the environmental compliance and enforcement sector

KEY FINDINGS



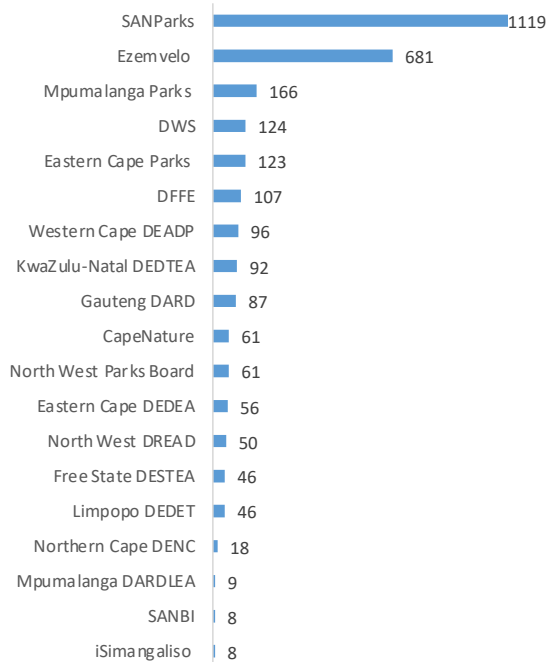
2. KEY FINDINGS

2.1 The Environmental Management Inspectorate

The Environmental Management Inspectorate (EMI)

Overview of EMI designations

National and Provincial designated EMI's per institution



5%

Increase in **total** number of EMI's on the National Register



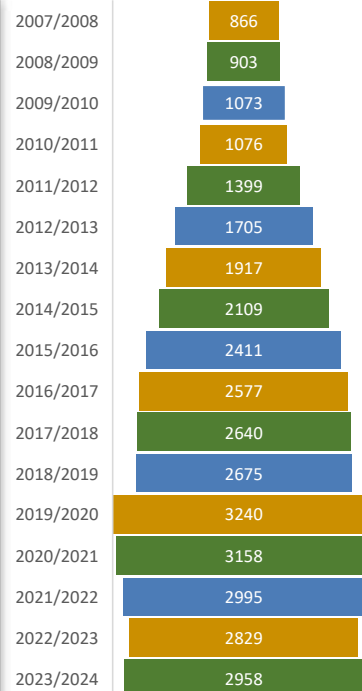
There has been a decrease in the number of Grade 5 EMI's

2200
2022/2023

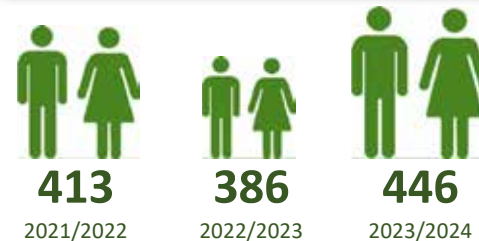
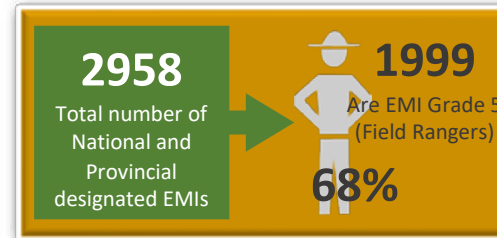
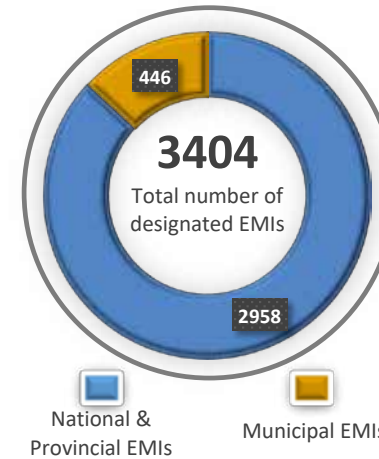


1999
2022/2023

Total number of designated National and Provincial EMI's as reflected over the last 17 years

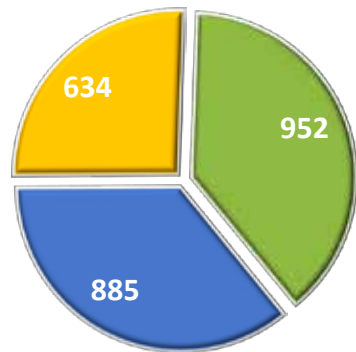


Total Number of EMI's

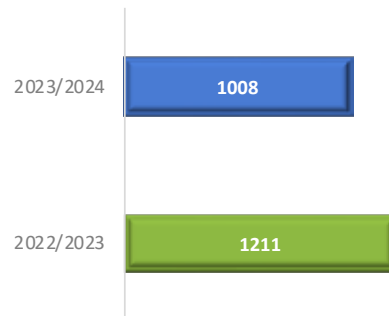


EMI's designated at local authority levels has increased over the past reporting year

Dockets Registered

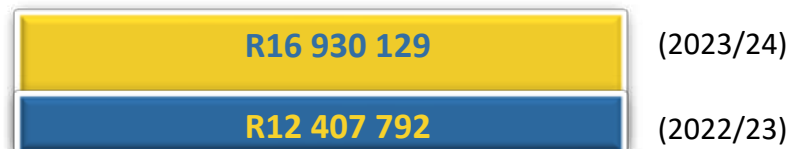


■ 2021/2022 ■ 2022/2023 ■ 2023/2024

Number of **Admission of Guilt Fines** Issued, slight decrease

Overall National Enforcement Statistics

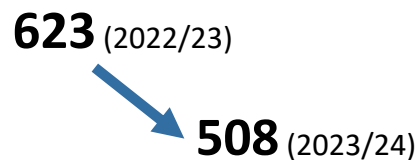
The total Rand amount of **section 24G** administrative fines paid **increased**



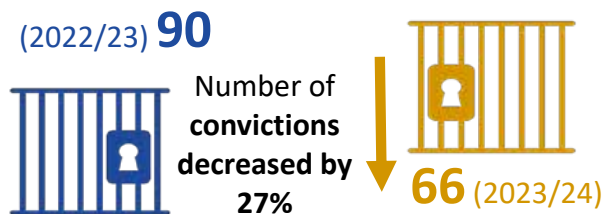
Number of Criminal dockets handed to the NPA, has decreased from 2022/23 to 2023/24



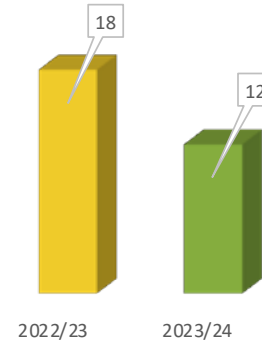
Total number of **Arrests** made by EMIs



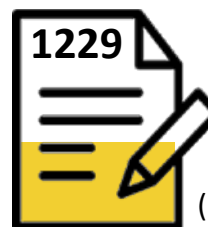
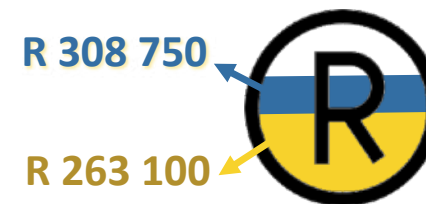
Number of **Acquittals** decreased from 1 (2022/23) to 0 (2023/24)



Plea and Sentencing agreements



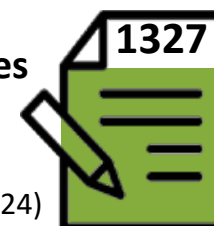
Total **value of admission of guilt fines paid** has decreased from 2022/23 to 2023/24



Number of **Administrative notices** issued **increased**

(2022/23)

(2023/24)





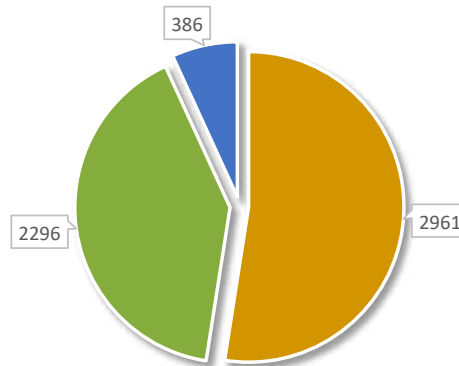
Number of **Facilities** that were inspected increased

4333 (2022/23)

5643 (2023/24)



Of the number facilities inspected, **52%** (2961) were waste and pollution, **41%** (2296) biodiversity and **7%** (386) oceans and coast related



5 643 inspections were initiated by the following triggers:



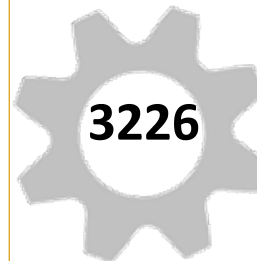
4128

There was a **15% increase** in the number of inspection reports finalised **compared** to the **2022/23 reporting year**



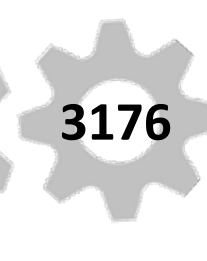
4740

Overall National Compliance Statistics



3226

2022/23



3176

2023/24

Total number of **proactive inspections** conducted, **decreased** from 2022/23 to 2023/24

Number of **Non-compliances** detected during inspections

2022-2023

2023-2024



5421



3530



2204 brown



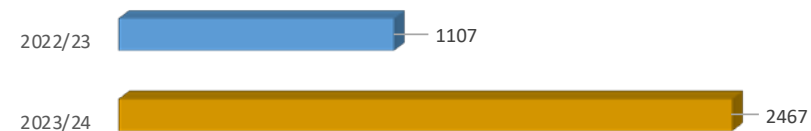
284 blue



1042 green

Number of **Non Compliances** detected represented per sector

Total number of **reactive inspections** conducted, showed a **122%** increase compared to previous year



The Environmental Management Inspectorate

- In total, there are **3404** EMIs designated across the country, comprising **2958** national and provincial EMIs and **446** municipal EMIs.
- There has been a **5%** increase in the total number of national and provincial EMIs from **2829** in 2022/23 to **2958** in 2023/24.
- Of the total of **2958** national and provincial EMIs, **1999 (68%)** are Grade 5 EMIs (Field Rangers employed at national and provincial parks authorities).
- There has been a decrease in the number of Grade 5 EMI Field Rangers from **2200** in 2022/23 to **1999** in 2023/24.
- There is a large variance in the EMI capacity of various departments/organs of state: SANParks (**1119**), Ezemvelo (**681**), MTPA (**166**), ECPTA& DWS have (**123**) each, DFFE (**107**), and Western Cape DEADP (**96**) have the most EMIs while Mpumalanga DARDLEA (**9**), Isimangaliso (**8**) and SANBI (**8**) have the least (the vast majority of EMIs in the large national and provincial parks authorities, such as SANParks, Ezemvelo and ECPTA are Grade 5 EMI Field Rangers).
- EMIs at the local authority level have increased from **386** in 2022/23 to **446** in 2023/24.

National Complaints and Incidents

- In 2023/24, the total number of complaints and section 30 incidents reported through the various reporting channels was **1479**, which indicates an increase of **3.8% (54)** from **1425** in 2022/23.
- DWS have reported a significant number of complaints reported and dealt with 215 in 2023/24, these complaints were reported in different modes of reporting including DWS hotline.
- There has been a fluctuation in the reporting of certain types of incidents, with a significant increase in reports on illegal and waste issues from **146** in 2022/23 to **228** in 2023/24 and also significant increase in illegal activities related complaints from **75** in 2022/23 to **159** in 2023/24, and reports of contraventions relating to alien and invasive species significantly increased from **101** in 2022/23 to **299** in 2023/24.
- The number of complaints and incidents referred to the various spheres of government increased from **894** in 2022/23 to **1018** in 2023/24 those falling within the mandate of DWS being **215** and DMR **46** in 2023/24. There has been general overall increased in complaints related to provincial and local authority mandates.

2.2 Overall National Compliance and Enforcement Statistics

2.3 Annual Compliance and Enforcement Highlights

Highest sentence of direct imprisonment without the option of a fine:

The State v Shadrack Matambo; Thabani Lusiko Sibanda and Sibusiso Leonard Khumalo ((KROONSTAD CAS 170/09/2022)

- Theft read with section 51(2) of Act 105 of 1977 – Theft of 50 cycads
- Contravening section 49(1)(a) of Immigration Act 13 of 2002

Accused 1: 10 Years direct imprisonment, 3 Months imprisonment suspended for 5 years (Illegal immigrant); Accused 2: 12 Years direct imprisonment

Accused 3: 8 Years direct imprisonment

Eastern Cape DEDEA

Highest sentence for a pollution and waste case:

State v Lekwa Local Municipality

- 7 counts relating to the failure to comply with conditions stipulated in the WML the unauthorised disposal of waste;
- the failure to comply with a compliance notice and directive.
- unlawfully conducting a water use, causing significant pollution to the environment and unlawfully and negligently disposing and distributing raw untreated sewage
- In terms of a plea and sentence agreement, the Municipality agreed to a fine of **R70 000 000** to be used to repair the non-functioning infrastructure over the next three years.

DARDLEA and DWS

Highest number of section 24G fines issued:

63 fines were issued and paid with a total sum of **R 3 978 129** being collected.

GDARDE

The highest number of enforcement notices issued:

241 enforcement notices issued mostly pertaining to illegal development and unlawful commencement of a listed waste management activity without a WML (NEM:WA)

KZN EDTEA

Highest number of admission of guilt fines issued:

659 were issued to the sum total of **R 83 900**.

Contraventions of NEM:PAA

SANParks



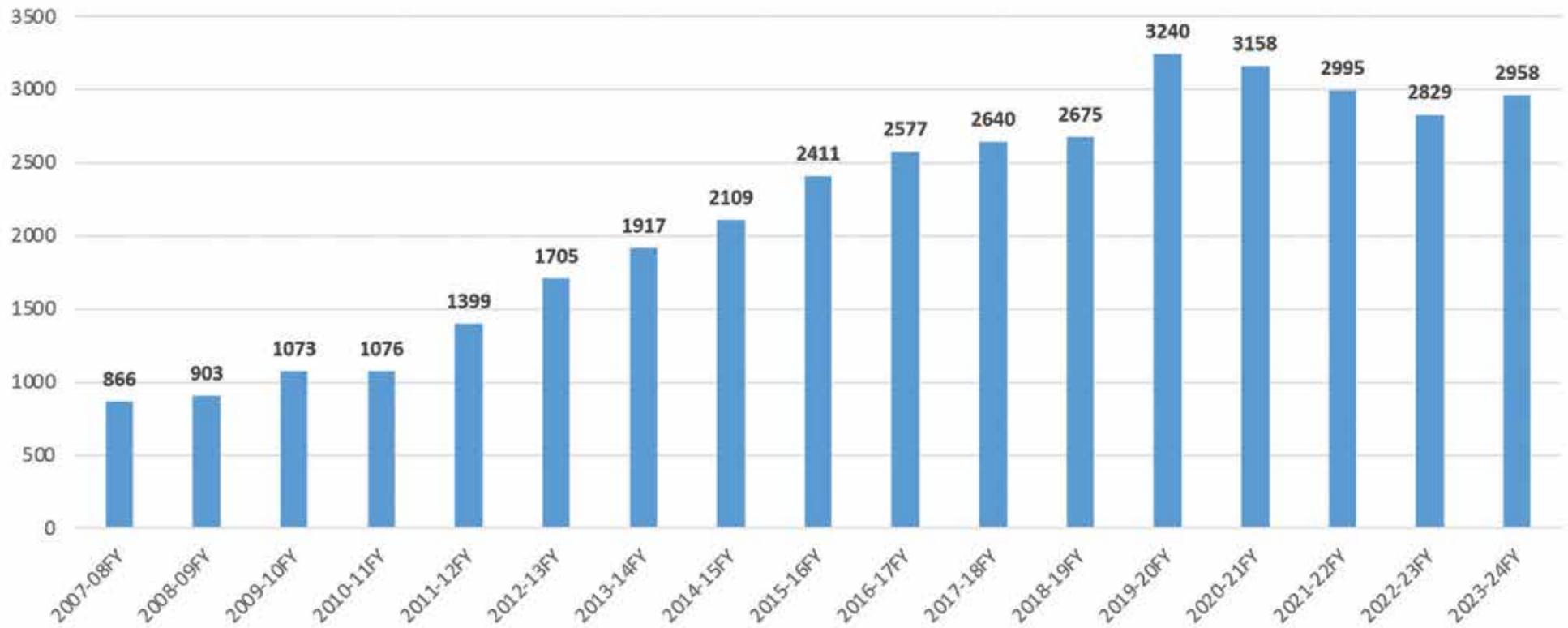
ENVIRONMENTAL MANAGEMENT INSPECTORS

3. ENVIRONMENTAL MANAGEMENT INSPECTORS

EMIs represent the environmental compliance and enforcement capacity in respect of NEMA and the SEMAs. There are, of course, officials appointed in terms of provincial legislation and local authority by-laws who also carry out environmental compliance and enforcement functions in terms of that legislation. In many instances, officials may carry both the EMI designation in terms of national environmental legislation; as well as a separate provincial or municipal designation in respect of ordinances or by-laws.

As at 31 March 2024, the national EMI Register (kept by DFFE in terms of Regulation 6(2) of the Regulations relating to Qualification Criteria, Training and Identification of, and Forms to be used by Environmental Management Inspectors (GN R480 in GG 40879 of 31 May 2017)) reflected a total of **3404** EMIs, comprising of **2958** from national and provincial authorities and **446** from municipalities. The annual capacity of EMIs is reflected in the table below.

Provincial and National EMIs designated in 2007 - 2024



Graph 1: National and Provincial EMIs capacity: 2007 - 2024

3.1 Environmental Management Inspectors per Institution

Institution Name	2021-22FY	2022-23FY	2023-24FY
National Authorities			
DFFE	138	114	107
iSimangaliso	8	8	8
SANParks	1258	1016	1119
DWS	79	124	124
SANBI	6	7	8
Provincial Environmental Authorities			
Eastern Cape DEDEA	39	43	56
Free State DESTEA	32	53	46
Gauteng DARDE	92	54	87
KwaZulu-Natal DEDTEA	65	106	92
Limpopo DEDET	55	50	46
Mpumalanga DARDLEA	8	8	9
Northern Cape DENC	27	26	18
North West DEDECT	32	54	50
Western Cape DEADP	88	98	96
Provincial Parks Authorities			
CapeNature	60	56	61
Eastern Cape Parks	245	111	123
Ezemvelo	661	661	681
Mpumalanga Parks	34	172	166
North West Parks Board	68	68	61
TOTAL	2995	2829	2958

Table 1: EMI Capacity per Institution: 2019-2022

3.2 Local Authority Environmental Management Inspectors

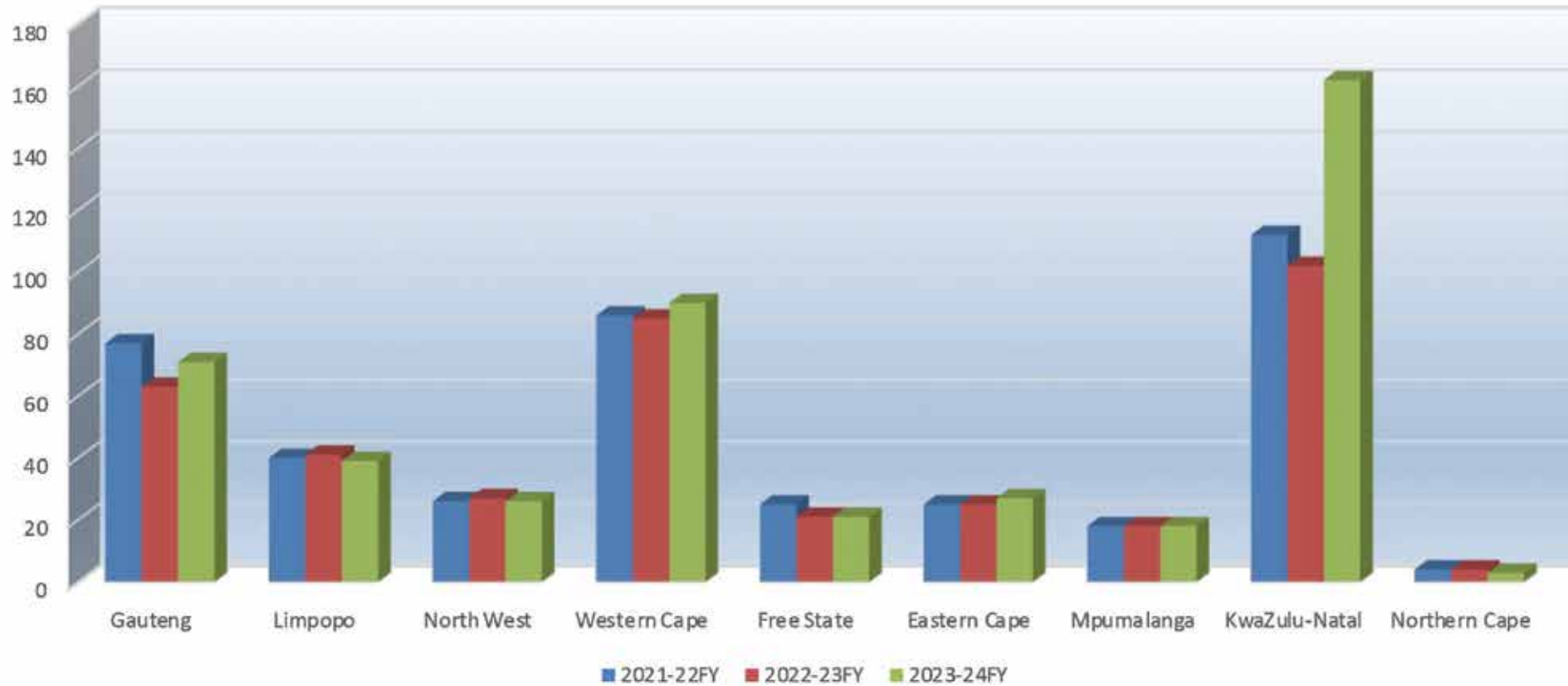
There has been a steady growth in the total number of EMIs at local authority level in the past 13 years since the commencement of the EMI local authority project. The addition of the local authority sphere of government to the capacity of the Inspectorate is aimed at capacitating local authorities, provide them with relevant mandate to enforce certain environmental issues (in terms of Schedules 4 and 5 of the Constitution) and with the legislative tools to do so. The financial year saw the local authority EMI capacity increase by **16%** from **386** in 2022/23 to **446** in 2023/24.

PROVINCE	2021-22FY	2022-23FY	2023-24FY
Gauteng	77	63	60
Limpopo	40	41	39
North West	26	27	26
Western Cape	86	85	90
Free State	25	21	21
Eastern Cape	25	25	27
Mpumalanga	18	18	18
KwaZulu-Natal	112	102	162
Northern Cape	4	4	3
TOTAL	413	386	446

Table 2: Local Authority EMI Capacity per province 2021 - 2024



Local Authority EMIs designated per province

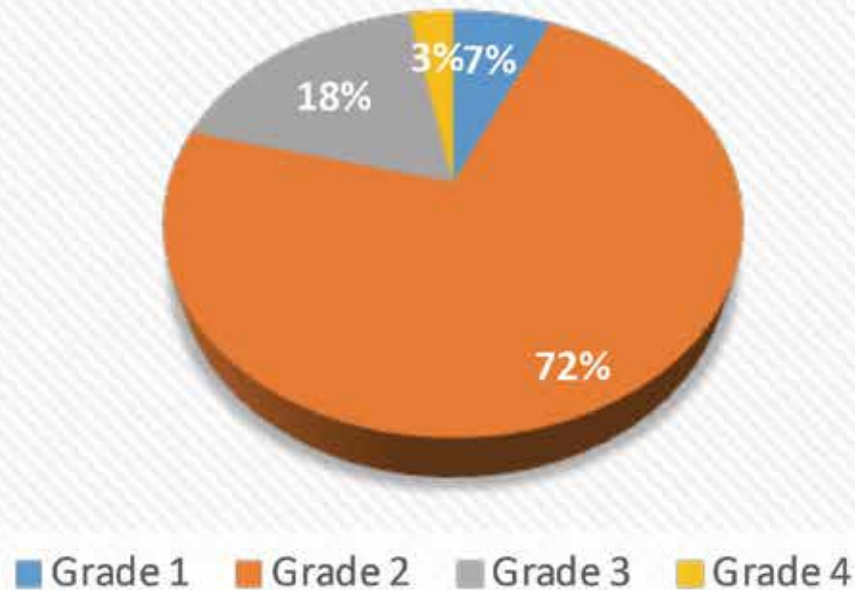


Graph 2: Local Authority EMI Capacity per province 2020 - 2023

3.3 Grades 1-4 Environmental Management Inspectors

EMIs are categorised according to various grades which reflect the compliance and enforcement powers bestowed on them in terms of Chapter 7 of NEMA. The grading system is intended to align the function of the EMI with the appropriate legislative powers. Grades 1, 2, 3 and 4 EMIs are located within all EMI Institutions and undertake compliance monitoring, and enforcement activities in the brown, green and blue sub-sectors.

Percentage distribution for Grade 1-4 EMIs



Graph 3: EMI Distribution per Grade (1-4)

3.4 Grade 5 Environmental Management Inspectors

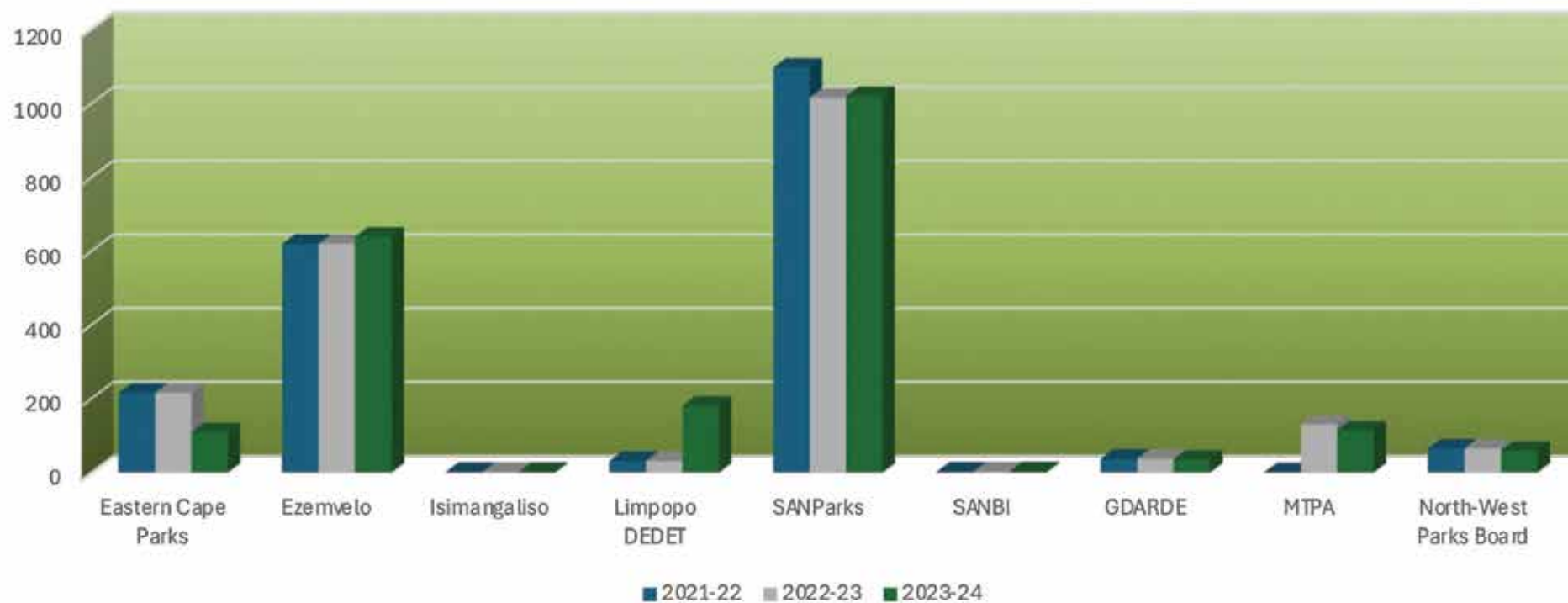
Grade 5 EMIs are appointed as “Field Rangers” to execute compliance and enforcement duties within various national and provincial protected areas. Accordingly, they are predominantly spread across those EMI institutions who are management authorities in respect of protected areas. Grade 5 EMIs play a critical role in monitoring activities within these protected areas by conducting routine patrols and forming key team members of various anti-poaching units. The number of Grade 5 designated EMIs has decreased from **2200** in 2022/23 to **1999** in 2023/24.

INSTITUTION	2021-22	2022-23	2023-24
Eastern Cape Parks	216	216	108
Ezemvelo	620	620	639
Isimangaliso	1	1	1
Limpopo DEDET	31	31	20
SANParks	1098	1016	1020
SANBI	2	2	3
GDARDE	37	37	35
MTPA	–	130	114
North-West Parks Board	65	65	59
TOTAL	2070	2200	1999

Table 3: Grade 5 EMI per Institution: 2020 – 2023



Grade 5 designated EMLs



Graph 3: Number of Grade 5 EMLs (Field Rangers) per institution: 2021 - 2024



OVERALL NATIONAL COMPLIANCE
AND ENFORCEMENT STATISTICS

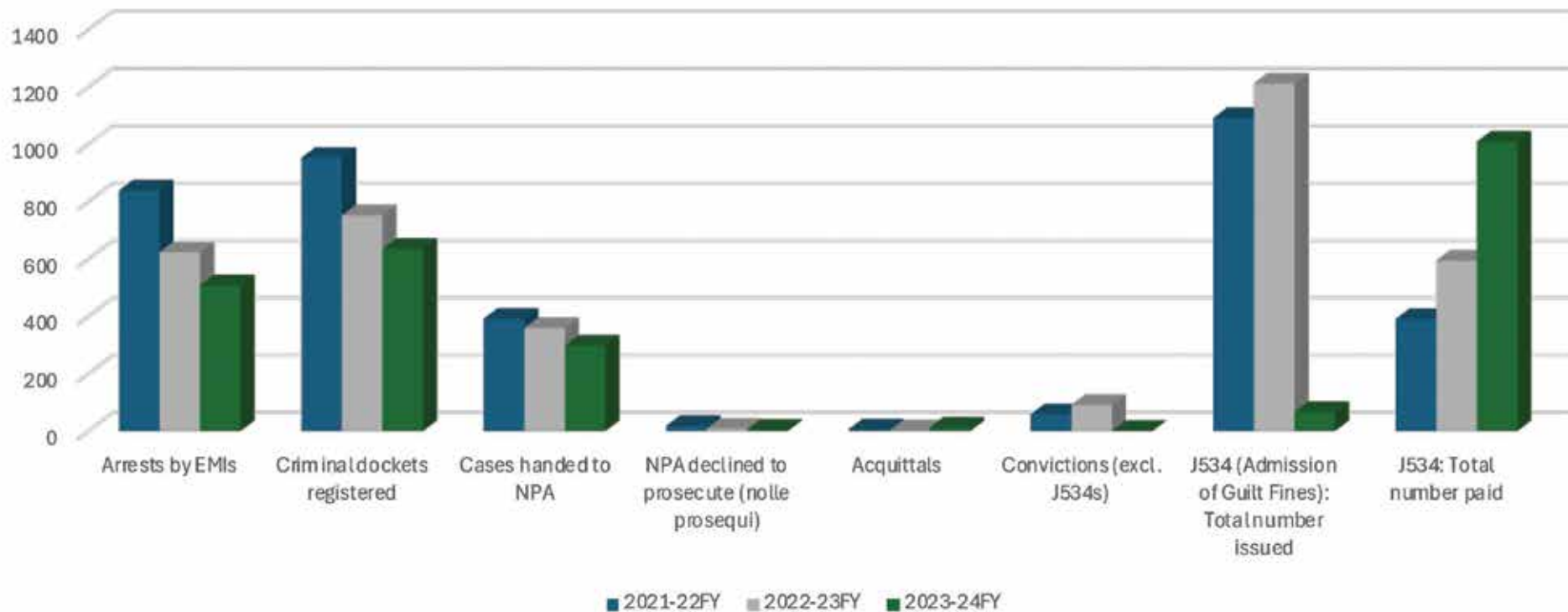
4. OVERALL NATIONAL COMPLIANCE AND ENFORCEMENT STATISTICS

4.1 Enforcement

	2021-22FY	2022-23FY	2023-24FY
Criminal Enforcement			
Arrests by EMIs	838	623	508
Criminal dockets registered	952	751	634
Cases handed to NPA	391	359	298
NPA declined to prosecute (<i>nolle prosequi</i>)	17	8	4
Section 105A agreements (plea bargains)	6	18	12
Acquittals	5	1	0
Convictions (excl. J534s)	58	90	66
J534 (Admission of Guilt Fines): Total number issued	1091	1211	1008
J534: Total number paid	390	593	550
J534: Total value of fines paid	R408 730	R 308 750	R 263 100
Administrative Enforcement and Civil Actions			
Warning letters issued	129	87	44
Pre-directives issued	338	255	131
Pre-compliance notices issued	646	679	881
Final directives issued	32	105	112
Final compliance notices issued	244	190	203
Civil Court applications launched	0	0	4
S24G administrative fines: Total value paid	R11 274 319	R12 407 792	R 16 930 129
S24G: Total number of fines paid	66	118	140

Table 4: Overall criminal and administrative enforcement actions: 2021-2024

Criminal Enforcement Statistics

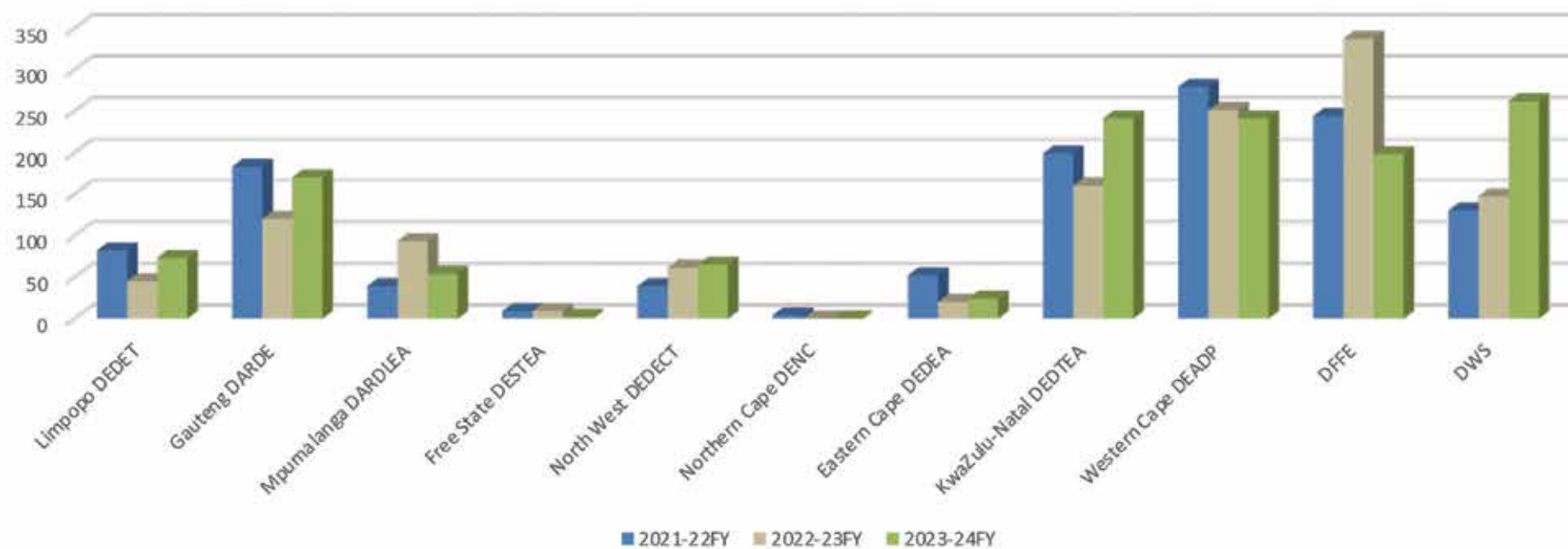


Graph 4: Overall Criminal Enforcement Statistics from 2021-24.

4.1.1 Use of administrative and criminal enforcement mechanisms

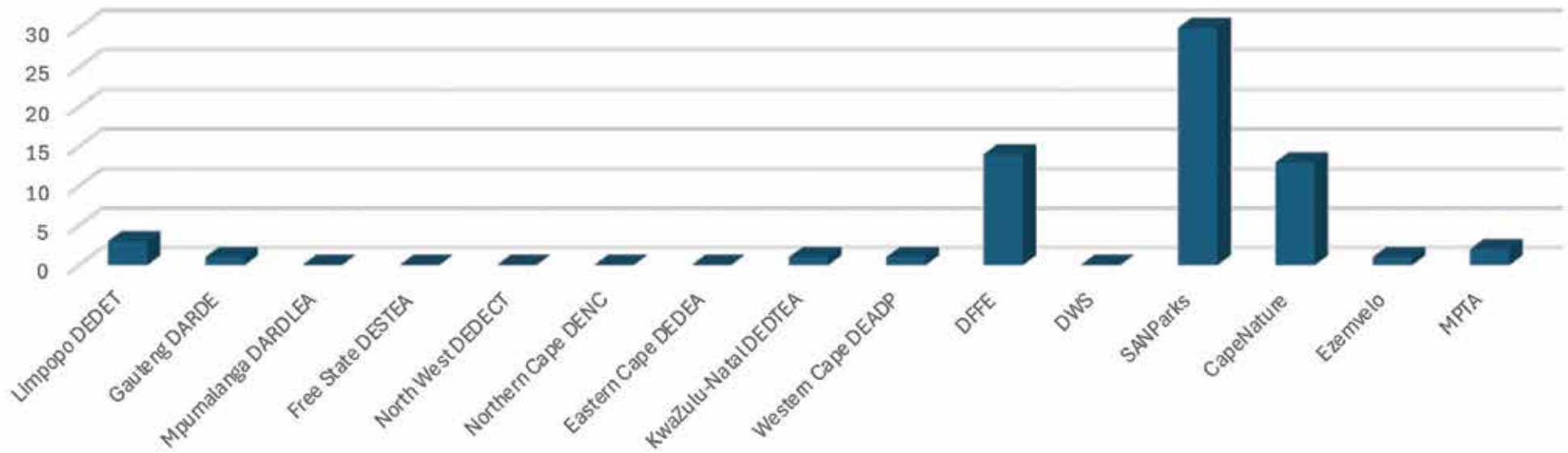
The following three graphs compare the use of enforcement notices and criminal enforcement mechanisms by each of the EMI Institutions. The comparison for the 2023/24 financial year reveals that the use of administrative enforcement notices (i.e. directives and other notices) remains the preferred tool for the authorities that deal with brown issues, with the KwaZulu-Natal EDTEA, Western Cape DEADP, DFFE, Gauteng DARDE, DWS and showing the highest numbers issued for this reporting period. In respect of the number of criminal convictions, SANParks recorded the highest number of convictions: 30 of 66 (**45%**) followed by the DFFE with 14 of 66 (**21%**) and Cape Nature which contributed **20%** (13 of 66 each).

Administrative Enforcement Notices Issued



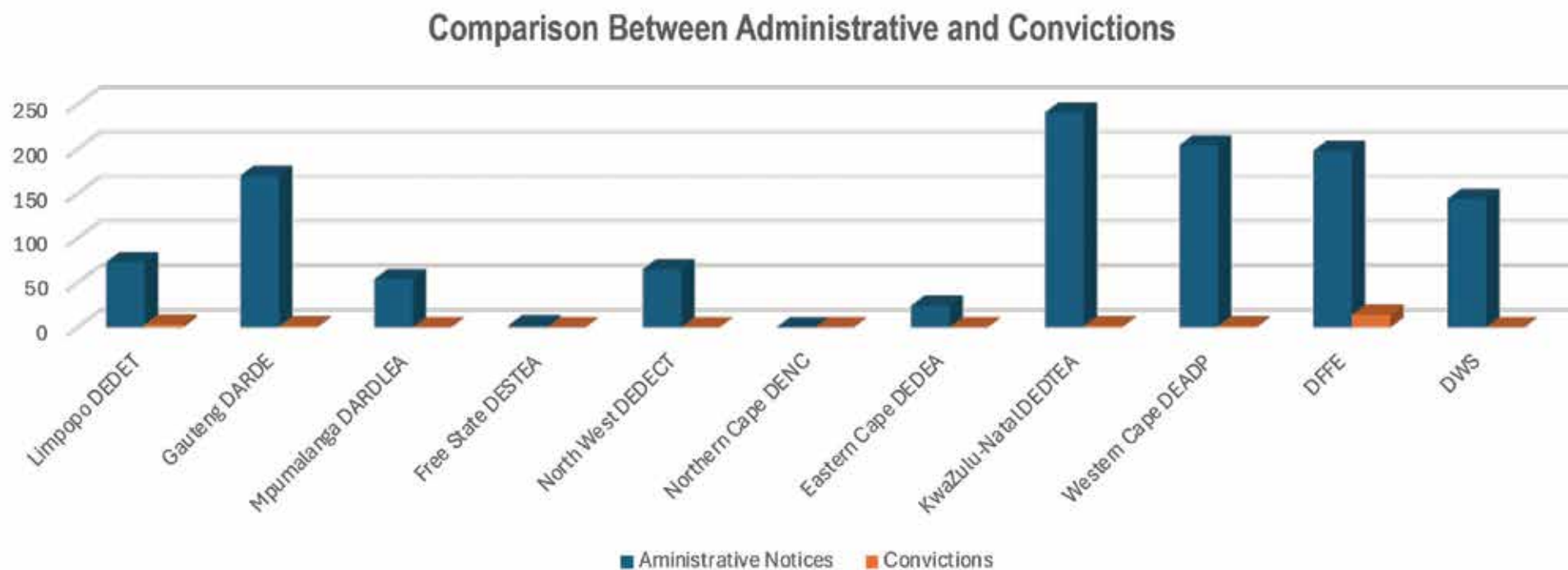
Graph 4: Number of enforcement notices issued per institution: 2021 - 2024

Convictions obtained comparisons



Graph 5: Number of convictions obtained per institution: 2022-2023





Graph 6: Convictions versus enforcement notices per EMI institutions

4.1.2. Most prevalent types of environmental crimes

The 2023/24 financial year continued to display a similar pattern in relation to the most prevalent types of environmental crimes being detected by the various EMI Institutions. For the brown sub-sector, the unlawful commencement of EIA listed activities continues to be the most common non-compliance, while in the green sub-sector, illegal hunting and illegal entry onto protected areas continues to be the predominant environmental crimes.



Province	Institution	Prevalent crimes	Number of incidents reported
National Institutions	DFFE	Illegal operations and possession of protected species: (NEMBA)	124
	DWS	unlawful water use/s i.e. engaging in unlawful water uses (NWA)	219
	iSimangaliso	Possession of protected species (NEM:PAA)	4
	SANParks	Illegal hunting of protected species in a national park (NEM: PAA)	450
Eastern Cape	Eastern Cape DEDEA	Unlawful commencement of listed activities (NEMA)	26
	Eastern Cape Parks	Illegal entry without the necessary permit (NEMA: PAA)	-
Free State	Free State DESTEA	Unlawful possession of wild species without necessary permit (FS Ordinance 08 of 1969)	28
Gauteng	Gauteng DARDE	Unlawful commencement of listed activities (NEMA)	205
Kwa-Zulu Natal	Ezemvelo	Illegal entry / Illegal hunting Prohibited activity (Ordinance 15 of 1974)	429
	KwaZulu-Natal DEDTEA	Unlawful commencement of listed activities (NEMA)	204
Limpopo	Limpopo DEDET	Picking indigenous plants and wood collection without a permit (LEMA)	57
Mpumalanga	Mpumalanga DARDLEA	Unlawful commencement of listed activities (NEMA)	103
	Mpumalanga Parks	Illegal hunting protected species and possession of game meat (Mpumalanga Nature Conservation Act 10 of 1998)	35
Northern Cape	Northern Cape DENC	Illegal entry for hunting purposes (NCNCA)	8
North West	North West DEDECT	Unlawful commencement of listed activities (NEMA)	55
	North West Parks	Illegal hunting of rhino (NEM:BA)	9
Western Cape	CapeNature	Illegal possession of protected species without a necessary permit and driving in restricted area (Western Cape Nature Conservation Ordinance 19 of 1974)	89
	Western Cape DEADP	Unlawful commencement of listed activities (NEMA and NEM:WA) and incidents related to pollution and waste degradation in terms of NEMA s28	214

Table 5: Most prevalent types of environmental crimes per province

4.2 Compliance Monitoring

Conducting compliance monitoring inspections to ascertain whether or not the regulated community is complying with the relevant legislative provisions, as well as with authorisations, licences and permits issued in terms of this legislation, play a critical role in ensuring continued compliance. Without effective compliance monitoring, non-compliance may go undetected and thus the necessary enforcement action in the case of non-compliance would, in many cases, not be pursued.

The following tables highlight blue, green and brown compliance inspections conducted during the 2023/24 financial year. It is important to note that a single facility may require a number of environmental authorisations, licences or permits. Compliance with each and every authorisation, licence and permit held by a facility, including with each condition thereof, must be ascertained. It is critical that this initial or baseline inspection is then followed up with further inspections so that any improvement or deterioration in the level of environmental compliance by that facility may be assessed.

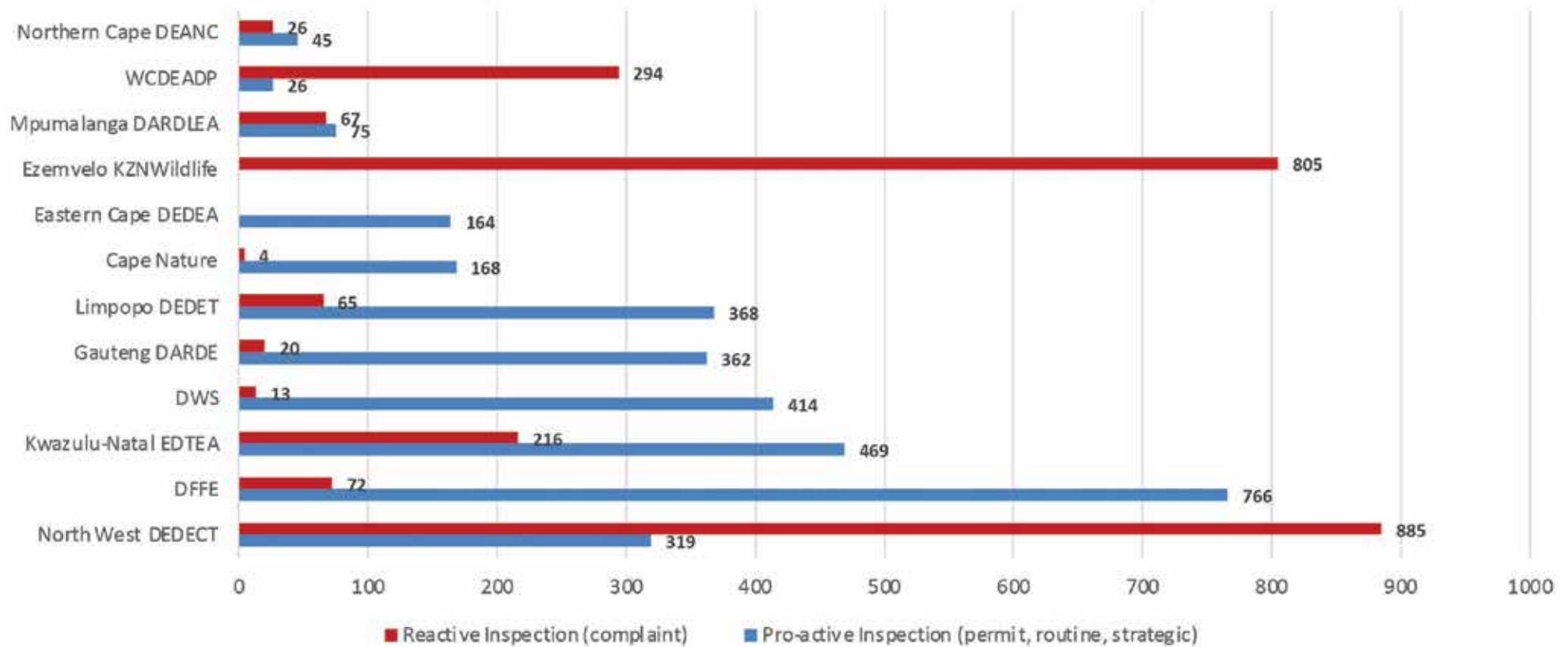
4.2.1 Compliance Inspections per Trigger

Institution	Pro-active Inspection (permit, routine, strategic)	Reactive Inspection (complaint)	Grand Total
North West DEDECT	319	885	1204
DFFE	766	72	838
Kwazulu-Natal EDTEA	469	216	685
DWS	414	13	427
Gauteng DARDE	362	20	382
Limpopo DEDET	368	65	433
Cape Nature	168	4	172
Eastern Cape DEDEA	164	–	164
Ezemvelo KZNWildlife	–	805	805
Mpumalanga DARDLEA	75	67	142
WCDEADP	26	294	320
Northern Cape DEANC	45	26	71
Grand Total	3176	2467	5643

Table 6: Types of Triggers for Compliance Inspections per Institution

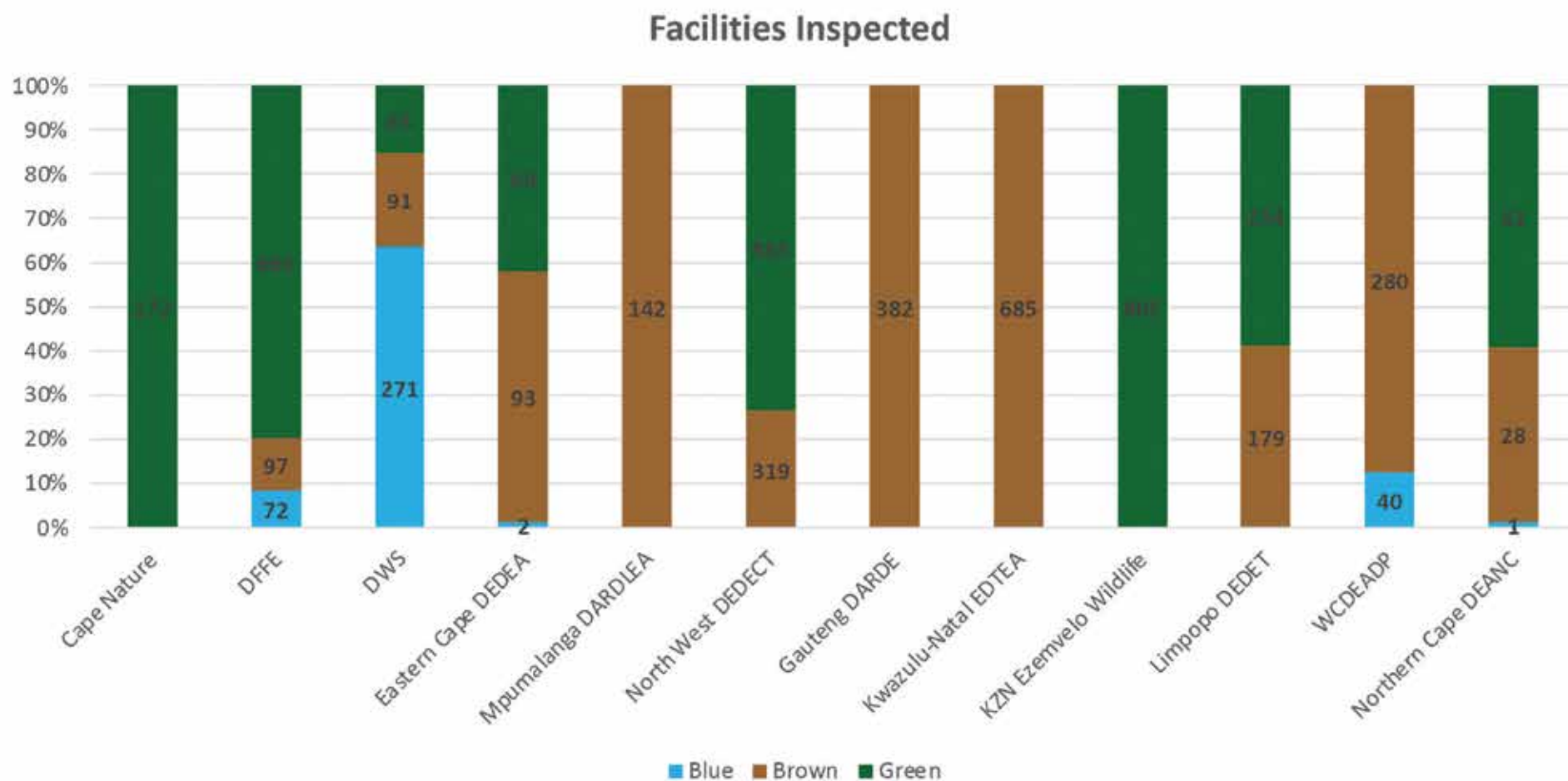


Source of trigger of inspection



Graph 7: Graphical representation on sources of trigger for conducted inspections.

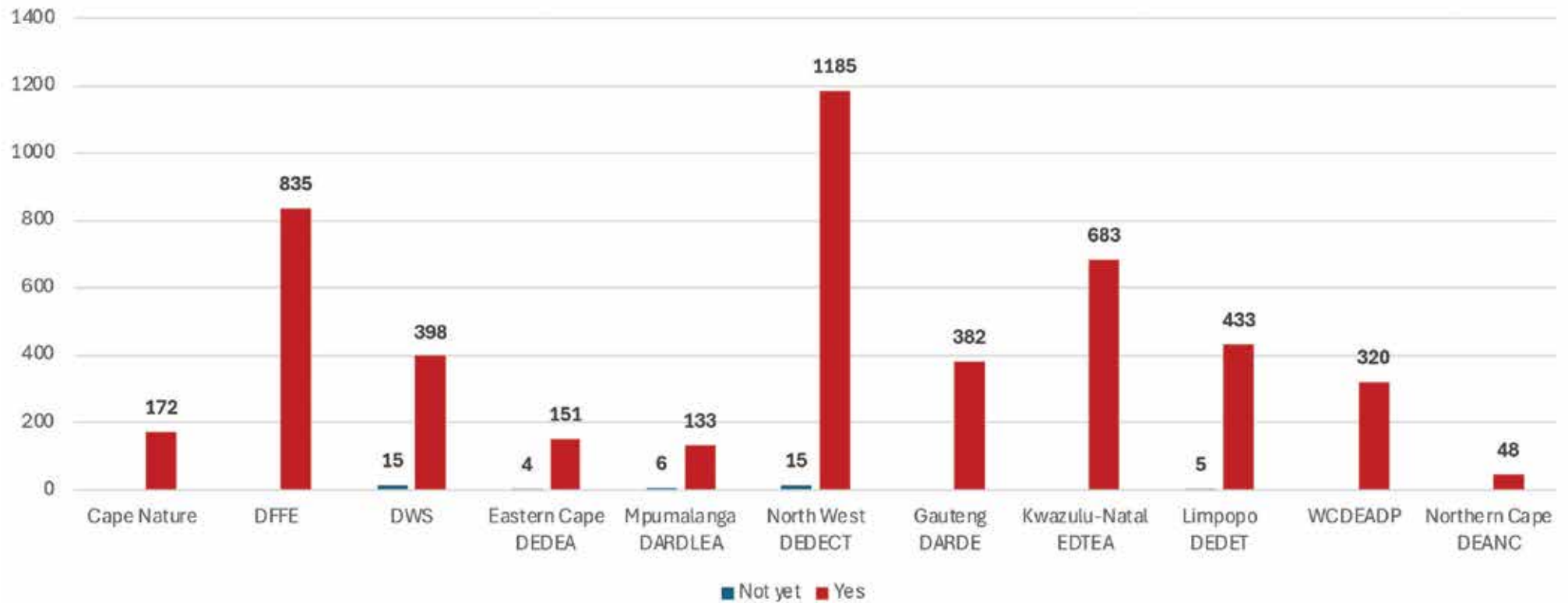
4.2.2 Compliance Inspections per sector, reports finalised and percentage of compliance achieved



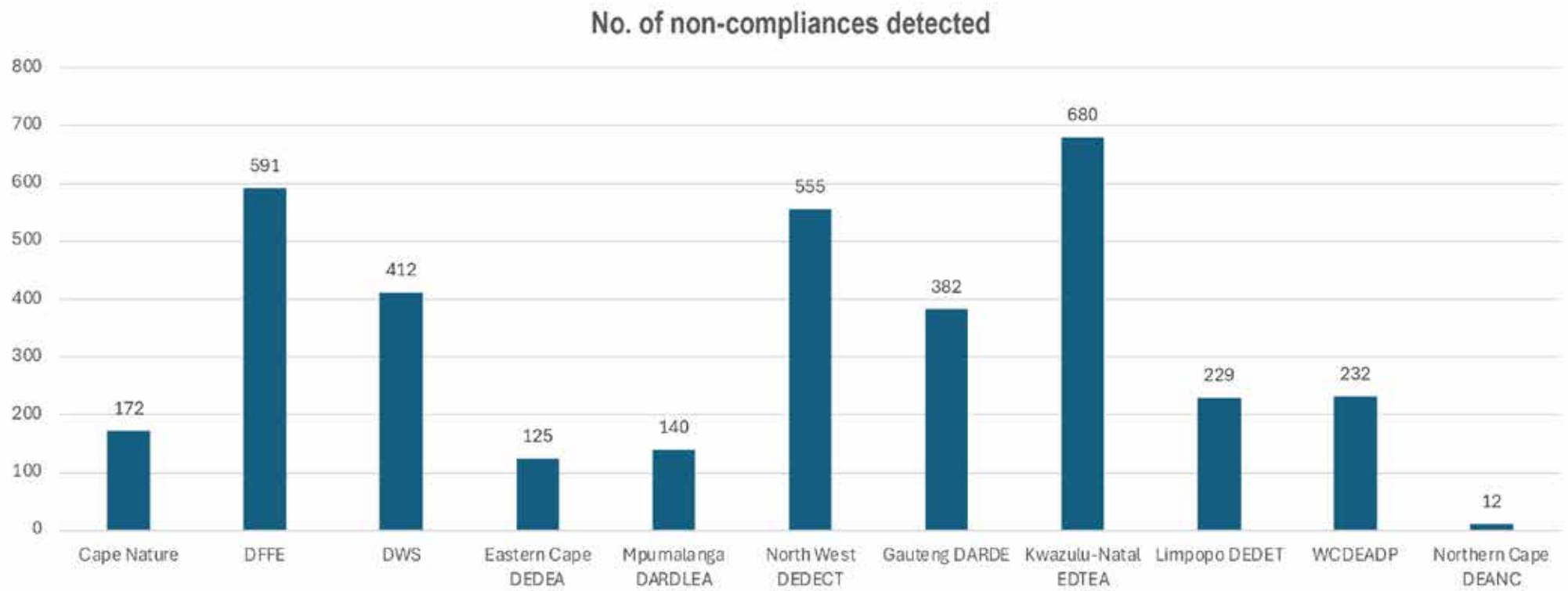
Graph 8: Graphical representation on percentage of facilities and sectors comparison for conducted inspections.



Finalised inspection reports



Graph 9: Graphical representation on inspection report finalised.



Graph 11: Representation of non-compliance detected during inspections





STATISTICS PER NATIONAL INSTITUTION/
PROVINCE

5. STATISTICS PER NATIONAL/ PROVINCE/ INSTITUTION

5.1 National Institutions

5.1.1 Department of Forestry, Fisheries and the Environment and Department of Water and Sanitation



**forestry, fisheries
& the environment**

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



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

	2021- 22FY	2022- 23FY	2023- 24FY	2021-22FY	2022-23FY	2023-24FY
DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT (BRANCH: REGULATORY COMPLIANCE AND SECTOR MONITORING)	DEPARTMENT OF WATER AND SANITATION					
CRIMINAL ENFORCEMENT	CRIMINAL ENFORCEMENT					
Arrests by EMIs	68	18	49	0	0	–
Criminal dockets registered	100	103	93	0	0	62
Cases handed to NPA	69	51	54	0	0	12
NPA declined to prosecute (nolle prosequi)	4	1	0	0	0	–
Section 105A agreements (plea bargains)	3	10	8	0	0	–
Acquittals	2	0	0	0	0	–
Convictions	12	35	14	0	0	–
J534s issued	42	46	7	21	21	–
J534s paid	R 56 000	R 114 000	R 5 000	0	0	–
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS						
Warning letters written	82	29	0	6	6	–
Pre-directives issued	86	63	32	116	104	–
Pre-compliance notices issued	129	219	134	0	0	204
Final directives issued	8	26	7	14	43	58
Final compliance notices issued	21	29	25	0	0	0
Civil Court applications launched	0	0	0	0	0	3
S24G administrative fines paid (total value / number)	–	R250 000.00	R0	–	–	–
	–	1	2	–	–	–

5.1.2 SANParks, Isimangaliso Wetland Authority, and SANBI



	SOUTH AFRICAN NATIONAL PARKS			ISIMANGALISO WETLAND PARK AUTHORITY			SANBI
	2021-22FY	2022-23FY	2023-24FY	2021-22FY	2022-23FY	2023-24FY	2023-24FY
CRIMINAL ENFORCEMENT							
Arrests by EMIs	145	75	27	16	8	6	–
Criminal dockets registered	356	202	71	30	12	3	–
Cases handed to NPA	68	85	27	23	5	3	–
NPA declined to prosecute (<i>nolle prosequi</i>)	0	0	0	0	0	0	–
Section 105A agreements (plea bargains)	2	0	0	0	0	0	–
Acquittals	2	0	0	0	0	0	–
Convictions	36	34	30	1	1	0	–
J534s issued	698	758	659	0	0	0	–
J534s paid (number)	135	306	316	0	0	0	–
J534s paid (value)	R 144 350	R 308 750	R83 900	R0	R0	R0	–
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS							
Warning letters written	–	–	–	0	4	1	–
Pre-directives issued	–	–	–	0	0	0	–
Pre-compliance notices issued	–	–	–	0	0	0	–
Final directives issued	–	–	–	0	0	0	–
Final compliance notices issued	–	–	–	0	0	0	–
Civil Court applications launched	–	–	–	0	0	0	–

5.2 Provincial Institutions and Parks

5.2.1 Western Cape



	DEPARTMENT OF ENVIRONMENTAL AFFAIRS & DEVELOPMENT PLANNING			CAPENATURE		
	2021-22FY	2022-23FY	2023-24FY	2021-22FY	2022-23FY	2023-24FY
CRIMINAL ENFORCEMENT						
Arrests by EMIs	0	0	0	184	145	134
Criminal dockets registered	10	8	9	82	80	50
Cases handed to NPA	10	6	9	67	60	38
NPA declined to prosecute (<i>nolli prosequi</i>)	0	0	3	4	2	0
Section 105A agreements (plea bargains)	0	1	1	0	1	0
Acquittals	0	0	0	0	0	0
Convictions	0	2	1	6	13	13
J534s issued	0	0	0	77	48	58
J534s paid (number)	0	0	0	23	19	8
J534s paid (value)	R0	R0	R0	R 44 350	R 30 700	R 14 150
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS						
Warning letters written	0	0	0	0	0	2
Pre directives issued	80	44	52	0	0	0
Pre-compliance issued	115	127	106	0	0	1
Final directives issued	60	9	14	0	0	0
Final compliance notices issued	20	71	69	0	0	0
Civil Court applications launched	0	0	0	0	0	0
S24G administrative fines paid (total value /number)	R 4 519 775	R 1 914 500	R 3 127 000	0	0	0
	24	21	34			

5.2.2 KwaZulu-Natal



	DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM & ENVIRONMENTAL AFFAIRS			EZEMVELO KZN WILDLIFE		
	2021-22FY	2022-23FY	2023-24FY	2021-22FY	2022-23FY	2023-24FY
CRIMINAL ENFORCEMENT						
Arrests by EMIs	0	0	0	193	163	128
Criminal dockets registered	5	9	6	127	100	120
Cases handed to NPA	3	13	6	-	-	2
NPA declined to prosecute (nolli prosequi)	0	1	0	-	-	0
Section 105A agreements (plea bargains)	0	1	1	-	-	0
Acquittals	0	0	0	-	-	0
Convictions	0	1	1	-	-	1
J534s issued	0	0	0	25	19	32
J534s paid (number)	0	0	0	18	18	27
J534 paid (value)	0	0	R0	R 26 150	R 38 280	R 45 180
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS						
Warning letters written	4	4	7	-	-	-
Pre-directives issued	36	29	25	-	-	-
Pre-compliance notices issued	115	91	163	-	-	-
Final directive issued	11	9	13	-	-	-
Final compliance notices issued	37	31	40	-	-	1
Civil Court applications launched	0	0	0	-	-	-
S24G administrative fine paid (total value/ number)	R 110 000	R 0	R 2 950 000	-	-	-
	2	0	7		-	-

5.2.3 Gauteng



GAUTENG DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT AND ENVIRONMENT	2021-22FY	2022-23FY	2023-24FY
CRIMINAL ENFORCEMENT			
Arrests by EMIs	13	34	34
Criminal dockets registered	17	30	32
Cases handed to NPA	34	44	41
NPA declined to prosecute (<i>nolle prosequi</i>)	4	1	0
Section 105A agreements (plea bargains)	0	1	1
Acquittals	0	0	0
Convictions	1	1	1
J534s issued	17	19	11
J534s paid (number)	15	17	11
J534s paid (value)	R 17 450	R 34 000	R16 500
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS			
Warning letters written	0	0	0
Pre-directives issued	6	4	6
Pre-compliance notices issued	131	82	121
Directives issued	2	0	7
Final compliance notices issued	44	34	36
Civil Court applications launched	0	0	0
S24G administrative fines paid (total value/ number)	R5 749 544	R9 599 291.93	R3 978 129
	21	85	63

5.2.4 Limpopo



LIMPOPO DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT AND CONSERVATION	2021-22FY	2022-23FY	2023-24FY
CRIMINAL ENFORCEMENT			
Arrests by EMIs	104	29	10
Criminal dockets registered	73	40	11
Cases handed to NPA	11	6	9
NPA declined to prosecute (<i>nolle prosequi</i>)	0	2	0
Section 105A agreements (plea bargains)	1	0	1
Acquittals	1	1	0
Convictions	0	0	3
J534s issued	149	160	155
J534s paid (number)	143	159	155
J534s paid (value)	R 85 430	R 89 860	R 46 870
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS			
Warning letters written	0	1	1
Pre-directives issued	3	1	6
Pre-compliance notices issued	62	37	52
Directives issued	0	0	1
Final compliance notices issued	17	7	9
Civil Court applications launched	0	0	0
S24G administrative fines paid (total value/ number)	-	-	R 3 775 000
	-	-	-

5.2.5 Eastern Cape



	DEPARTMENT OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AFFAIRS			EASTERN CAPE PARKS & TOURISM AGENCY		
	2021-22FY	2022-23FY	2023-24FY	2021-22FY	2022-23FY	2023-24FY
CRIMINAL ENFORCEMENT						
Arrests by EMLs	54	46	12	5	1	–
Criminal dockets registered	54	54	65	2	1	–
Cases handed to NPA	65	14	8	0	0	–
NPA declined to prosecute (<i>nolle prosequi</i>)	0	1	0	0	0	–
Section 105A agreements (plea bargains)	0	4	0	0	0	–
Acquittals	0	0	0	0	0	–
Convictions	0	3	0	1	0	–
J534s issued	0	2	17	15	24	–
J534s paid (number)	0	1	10	0	5	–
J534s paid (value)	R0	R2000	R 12 800	R0	R2 100	–
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS						
Warning letters written	26	38	27	–	–	–
Pre-directives issued	1	2	2	–	–	–
Pre-compliances issued	43	16	13	–	–	–
Final directives issued	2	0	0	–	–	–
Final compliance notices issued	6	2	9	–	–	–
Civil Court applications launched	0	0	0	–	–	–
S24G administrative fines paid (total value/ number)	–	–	–	–	–	–
	–	–	–			

5.2.6 Free State



DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM AND ENVIRONMENTAL AFFAIRS ¹	2021-22FY	2022-23FY	2023-24FY
CRIMINAL ENFORCEMENT			
Arrests by EMIs	0	0	0
Criminal dockets	2	0	6
Cases handed to NPA	2	0	6
NPA declined to prosecute (<i>nolle prosequi</i>)	0	0	0
Section 105A agreements (plea bargains)	0	0	0
Acquittals	0	0	0
Convictions	0	0	0
J534s issued	20	57	54
J534s paid (number)	12	28	11
J534s paid (value)	R 34 500	R 63 300	R 35 500
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS			
Warning letters written	0	0	0
Pre-directives issued	2	2	0
Pre-compliance notices issued	6	6	2
Directives issued	0	0	0
Final compliance notices issued	1	1	0
Civil Court applications launched	0	0	0
S24G administrative fines paid (total value / number)	0	0	–
	0	0	0

5.2.7 Mpumalanga



	MPUMALANGA DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, LAND & ENVIRONMENTAL AFFAIRS			MPUMALANGA TOURISM AND PARKS AGENCY		
	2021-22FY	2022-23FY	2023-24FY	2020-21FY	2021-22FY	2022-23FY
CRIMINAL ENFORCEMENT						
Arrests by EMIs	0	0	0	45	36	58
Criminal dockets registered	7	10	38	60	33	35
Cases handed to NPA	2	0	38	23	25	23
NPA declined to prosecute (<i>nolle prosequi</i>)	0	0	0	2	0	0
Section 105A agreements (plea bargains)	0	0	0	0	0	0
Acquittals	0	0	0	0	0	0
Convictions	0	0	0	1	0	2
J534s issued	0	0	0	0	0	0
J534s paid (number)	0	0	0	0	0	0
J534s paid (value)	R0	R0	R0	R0	R0	R0
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS						
Warning letters written	0	4	0	0	0	0
Pre-directives issued	7	9	4	0	0	0
Pre-compliances issued	13	64	47	0	0	0
Final directives issued	10	15	2	0	0	0
Final compliance notices issued	9	5	1	0	0	0
Civil Court applications launched	0	0	0	0	0	0
S24G administrative fines paid (total value/number)	R 895 000	R 644 000	–	0	0	0
	19	11	35			

5.2.8 Northern Cape



Department of
Environment and Nature Conservation
Northern Cape

DEPARTMENT OF ENVIRONMENT AND NATURE CONSERVATION	2021-22FY	2022-23FY	2023-24FY
CRIMINAL ENFORCEMENT			
Arrests by EMIs	10	-	5
Criminal dockets	11	-	2
Cases handed to NPA	8	-	2
NPA declined to prosecute (<i>nolle prosequi</i>)	3	-	0
Section 105A agreements (plea bargains)	0	-	0
Acquittals	0	-	0
Convictions	0	-	0
J534s issued	3	-	0
J534s paid (number)	1	-	0
J534s paid (value)	R 2 500	-	R0
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS			
Warning letters written	10	-	6
Pre-directives issued	0	-	0
Pre-compliance notices issued	0	-	0
Directives issued	0	-	0
Final compliance notices issued	4	-	0
Civil Court applications launched	0	-	0
S24G administrative fines paid (total amount/ number)	R0	-	0
	0	-	0

5.2.9 North West



	NORTH WEST DEPARTMENT: ECONOMIC DEVELOPMENT, ENVIRONMENT, CONSERVATION AND TOURISM			NORTH WEST PARKS AND TOURISM BOARD		
	2021-22FY	2022-23FY	2023-24FY	2021-22FY	2022-23FY	2023-24FY
CRIMINAL ENFORCEMENT						
Arrests by EMIs	0	67	37	1	1	8
Criminal dockets	1	71	20	15	6	11
Cases handed to NPA	0	49	12	2	1	8
NPA declined to prosecute (<i>nolle prosequi</i>)	0	0	0	0	0	1
Section 105A agreements (plea bargains)	0	0	0	0	0	0
Acquittals	0	0	0	0	0	0
Convictions	0	0	0	0	0	0
J534s issued	0	55	8	1	1	0
J534s paid (number)	0	30	5	1	1	0
J534s paid (value)	R0	R 43 750	R 3 200	R500	R0	R0
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS						
Warning letters written	1	1	1	–	–	–
Pre-directives issued	1	0	4	–	–	–
Pre-compliance notices issued	32	44	38	–	–	–
Directives issued	0	3	10	–	–	–
Final compliance notices issued	6	14	13	–	–	–
Civil Court applications launched	0	0	1	–	–	–
S24G administrative fines paid (total value / number)	–	–	R 3 100 000	–	–	–
	–	–	1	–	–	–



ENVIRONMENTAL JURISPRUDENCE

6. ENVIRONMENTAL JURISPRUDENCE

6.1 Criminal sentence aimed at instilling sense of responsibility in environmental offenders

State v Godana et al (RCC 67/2023): Regional Division of the Western Cape: Khayelitsha (delivered on 18/09/2023)

Facts:

4 young men were charged of contravening section 57(1) of NEM:BA read with the Marine TOPS Regulations (GN R477 of 30 May 2017) in that they were alleged to have killed a Cape Fur Seal without the requisite permit. The Cape Fur Seal is listed as an endangered marine species and faces imminent extinction. The accused pleaded guilty and were first time offenders.

Judgement:

The accused was sentenced to 6 years imprisonment, suspended for 5 years on the following conditions:

- They are not convicted of contravening section 57(1) of NEMBA read with the Marine TOPS Regulations (GN R477 of 30 May 2017);
- They must write an essay of 500 words on marine mammals including the topic on the importance of wildlife and how to preserve it by educating South Africans; and read a book called "Marine Mammals: A guide to whales, dolphins and seals of Southern African and Southern Oceans";
- The essay must be handed to the Clerk of the Court and posted on their Facebook profiles by certain dates;
- The accused must perform community service at any branch as directed by the South African Cruelty to Animals organisation for 18 months: 16 hours per month; and
- The accused must make a financial contribution of R2000 each to the South African Cruelty to Animals by depositing at least R200 per month in their bank account, proof of payment to be sent to the relevant individuals.

The magistrate provided a summary of the Cape Fur Seal's physiology, characteristics and legal status. He confirmed that all South Africans have a role to play in conservation of wildlife, including the protection of wildlife species from becoming extinct.

The Court confirmed that in relation to environmental offences, there is a general shift from emphasis on the protection of individual interests and punishment to the protection of public and societal interests, including wildlife. The Court considered these offences as public welfare offences concerned with the protection of societal interests. The predominant purpose of

NEMBA's provisions and offences related to protected species is to protect those species as a valuable resource to the public – contraventions must be taken seriously.

Deterrence must be a primary consideration in sentencing proceedings and penalties imposed must reflect the seriousness of the offences. One of the objectives of sentencing is to promote a sense of responsibility in offenders, and acknowledgement of the harm done to the victims or community. Sincere remorse noted by the accused could be regarded as a mitigative factor during sentencing, however, it was not evident in this case. The Court was not convinced that the Accused understand the true nature of the seriousness of their conduct.

The moral blameworthiness of the accused in committing the environmental offence is relevant and is implicit in applying the principle of proportionality – where moral blameworthiness increases, so too can the penalty increase. The accused, however, saw the seal as food and, as such, their moral blameworthiness is at the low end of the spectrum.

6.2 The admissibility of evidence obtained through invalid search warrants

Julian Brown, Eugene Victor and Brandon Craig Turner (Appellants) v the State (Respondent) (C.A & R 45/2020): High Court of South Africa: Eastern Cape: Mkhanda (delivered on 23 January 2024)

Facts:

The Appellants were charged with 11 counts for contraventions of the MLRA Regulations and the POCA (relating to abalone poaching and racketeering), the National Road Traffic Act 93 of 1996 and the obstruction of justice and fraud.

The State's case was based on the fact that the Appellants made a living by managing an enterprise engaged in the illegal fishing, collecting, keeping, controlling, processing, transportation and possession of abalone. They gave instructions to various employees to possess, transport, keep and process abalone in the execution of the business of the enterprise. The affairs were conducted through a total of 11 racketeering activities from 22 March 2015 to 30 September 2015.

The Appellants pleaded not guilty, denying involvement in any way. It was also alleged that none of the search warrants obtained were valid. This resulted in a trial within a trial during which evidence of various officials who were involved in the application for and execution of the search operations were heard.

The Court referred to the case of *NDPP v Van der Merwe* (2011), in which certain requirements of the contents of search warrants were set out: Statutory provisions relied upon, the identity of the searcher, the authority it confers upon the searcher, the identity of the person or premises to be searched, the article to be searched described with sufficient particularity, the name of the

suspected offender and the offence which triggered the criminal investigation. The trial Court found that the search warrants in respect of 4 of the racketeering activities were invalid due to a lack of compliance with the requirements set out in the Van der Merwe matter. The trial court did not make a pronouncement on the admissibility of the evidence obtained based on the invalid searches conducted, although it indicated that this could be raised after the State has stated its case, however, this never happened.

The State was allowed to rely on the evidence obtained through the searches conducted on the authority of the invalid searches and, at the conclusion of the trial, the first Appellant was convicted and sentenced to 18 and 3 years imprisonment running concurrently; the second Appellant was convicted sentenced to 15, 3, 2 and 3 years of imprisonment running concurrently, and the third Appellant sentenced to 15 and 3 years of imprisonment running concurrently.

The Appellants then filed leave to appeal, arguing that the fact that the trial court did not make a pronouncement on the admissibility of the evidence obtained rendered the trial unfair. The State argued that the trial court did consider section 35(5) of the Constitution of the Republic of South Africa, 1996 ('the Constitution') and found that the searches did not impact any of the Appellants' right to a fair trial. The State also averred that the Appellants failed to show a causal connection between the unlawful searches and their constitutional right to a fair trial.

Judgement:

The appeal revolves around the need for a court to make a pronouncement on the admissibility of the evidence obtained through the search and seizure operations which were conducted on authority of invalid search warrants and, accordingly, unlawful in nature. It had to be determined whether the admission of this evidence would render the trial unfair or otherwise be detrimental to the administration of justice.

Section 35(5) of the Constitution requires the court to exclude evidence if its admission would render the trial unfair or detrimental to the administration of justice. The trial court only decided on the validity of the search warrants, but it did not test the evidence obtained as a result of these search and seizure operations against section 35(5). The trial court did not make a pronouncement on the admissibility of the evidence obtained and this rendered the trial unfair.

The Court accepted that even though evidence may have been obtained unconstitutionally, it would not necessarily render the trial unfair. However, in this case, the trial court did not make this determination – it blindly relied on the evidence obtained through the unlawful search operations in reaching a verdict of guilty and this was seen as an irregularity sufficient to render the trial unfair. The appeal was upheld; the convictions and sentences on several counts were set aside and replaced with a finding of not guilty.

6.3 The status of “pre-Constitution” environmental legislation and unfair discrimination based on geographical application

Zolani Dinwa (Appellant) v Director of Public Prosecutions et al (Respondents) (3176/2018): High Court of South Africa: Eastern Cape: Mthatha (delivered on 1 November 2023)

Facts:

The Environmental Conservation Decree 9 of 1992 ('the Decree') was enacted by the Military Council of Transkei and defines the protected coastal conservation area as the entire former Transkeian shoreline, starting from the high-water mark extending landward for a distance of 1000 metres. It effectively outlaws any unauthorised development within that area. The Appellant obtained consent from the local headman and residents in the area to acquire a vacant site within the coastal conservation area and was in the process of erecting a house on this site without the required permit, thus contravening section 39(2)(c) of the Decree. He was under the impression that, as he followed the required indigenous customary procedure to acquire the land, he did not need to adhere to the Decree.

After the Appellant commenced with construction activities, the SAPS, accompanied by law enforcement officers of the local Mbhashe Municipality, arrived at the site and arrested him and the builders, after which they were released on bail.

Court a quo:

The Appellant then launched an application initially only against the DPP, requesting, amongst others, that section 39(2)(c) of the Decree be declared unconstitutional and that the decision of the DPP to prosecute the applicant for the contravention of the decree be declared unlawful and set aside. The Appellant argued that the impugned provision discriminated unfairly against persons wishing to undertake developments within the affected area in the territory of the former Transkei – his conduct would not constitute a criminal offence in the rest of the country and he was exposed to a more onerous penalty than persons facing similar charges in the rest of the Republic.

The Court rejected the Appellant's challenges and dismissed the application. It found that there was a clear differentiation between persons who undertake developments within the affected area and those who undertake comparable developments within the rest of the Republic – the Appellant failed to prove that this differentiation amounted to unfair discrimination. He specifically failed to deal with the effect of the applicable national environmental legislation as compared to the provisions of the Decree. The Appellant then appealed this decision.

Arguments:

The Appellant argued that it was sufficient for him to show that he would not be liable to

prosecution if he were to perform the same conduct outside of the territory of the former Transkei. This is so because the affected area (coastal conservation area) in terms of the Decree is defined differently from the comparable protected area, coastal public property (CPP) in NEM:ICMA.

Developments within the coastal conservation area (which area falls outside CPP that only extends up to the high-water mark) are not criminalised in NEM:ICMA which, unlike the Decree, does not deal with property situated on the landward side of the high-water mark. There is thus even intra-provincial differentiation in the Eastern Cape province depending on whether persons undertake developments within the affected area in the territory of the former Transkei or not.

The Respondents argued that section 39(2)(c) does not differentiate between people who wish to effect developments within the coastal conservation area. The only differentiation is between developments within and outside of that area. Such differentiation bears a rational connection to the legitimate purpose of protecting the environment. The mere fact that the impugned provision only applies in a certain part of the country does not render it inconsistent with the Constitution.

Judgement (appeal):

The Decree is an old order law, but continued to apply post-1994 only in the territory of the former Transkei, subject to it being consistent with the Constitution of the Republic of South Africa, 1996 ('the Constitution'). Even the fact that other provisions of the Decree have been found unconstitutional by other courts does not invalidate the Decree as a whole.

The Court found that the differentiation is self-evidently rationally connected to the legitimate government purpose of providing protection of the environment within the coastal conservation area. The regulation of development and proscribing unauthorised developments without a permit within the affected area are undoubtedly necessary measures to protect the environment in the affected area. The aim of the differentiation is not to unfairly prejudice persons or categories of persons or to impair their fundamental human dignity.

Development on land, and especially within the coastal areas, is highly regulated in terms of the applicable spatial planning, land use management and zoning laws, no matter whether the land is unalienated State land or in private ownership. The Court also indicated that the Coastal Protection Zone ('CPZ') is defined in NEM:ICMA to overlap with the coastal conservation area as defined in the Decree (i.e. 1km landward from the high-water mark). NEM:ICMA even confirms in section 62 that all land use management legislation (regulating planning and the development of land) must be applied in relation to land which is situated within the CPZ. Accordingly, a similar regime applies in respect of comparable land within the rest of the Republic and the Transkei area.

The Court dismissed the application and confirmed that section 39(2)(c) is valid and binding; and that therefore the decision of the first Respondent to prosecute the appellant for a breach of that section, cannot be questioned.

6.4 The right of Competent Authorities to select development options which protect the environment

Industrial Zone (Pty) Ltd v MEC for Economic Development, Environment, Agriculture and Rural Affairs: Gauteng, HOD: GDARD (Respondents)(Case no. 7746/18): South Gauteng High Court: Johannesburg (delivered on 30 May 2023)

Facts:

The Applicant wished to develop two properties in the southeast of Johannesburg's inner city as a light industrial township. A highly polluted stream crossed both properties, which, in its unmanaged state, rendered much of both properties undevelopable.

Industrial Zone applied for an environmental authorisation (EA) seeking authorisation to divert the stream through a grass-lined channel that would run along edges of both properties. Implementing this proposal would allow the development of a much greater portion of the properties. Industrial Zone also supplemented this proposal with two alternatives, being to divert the stream in much the same way, but through a cement-lined canal; or to leave the stream as it is, build a bridge over it and develop what remains of the properties beyond a 30 metre buffer either side of the stream's path.

The Head of Department (HOD) granted the EA subject to the second alternative - that the stream remains on its present course, and that the properties be developed for light industrial purposes around it. The applicant was aggrieved by this decision and appealed in terms of section 43 NEMA to the MEC, contending that the HOD ought to have granted the EA subject to the stream diversion scheme that Industrial Zone had preferred in its application. They argued that the stream did not even flow in its original course – the development would rehabilitate the stream and enhance the environment. This appeal was dismissed largely on the basis that leaving the stream undisturbed was a perfectly legitimate choice available to the HOD and, if the stream is currently polluted, the landowner, being Industrial Zone, is under a duty to clean it up, whether or not the properties are developed.

Subsequently, Industrial Zone lodged a review application to the effect that the HOD and MEC's decisions are set aside under section 6 of the Promotion of Administrative Justice Act 3 of 2000 (PAJA), as these were unreasonable and irrational. The decisions have the effect of preventing the development, which in turn will prevent the rehabilitation of the stream – it will allow environmental degradation to continue. In response, the Respondents argued, firstly, that their decisions do not amount to administrative action, as Industrial Zone proposed the

alternatives in their application, thereby “making the decision themselves”, and were, in any case, both rational and reasonable.

Judgement:

The Court found that the HOD's decision to issue the EA, and the MEC's refusal on appeal to set the decision of the HOD aside, both constitute “administrative action” under PAJA. The Court found that the refusal of the HOD to authorise the diversion of the stream clearly affected Industrial Zone's property rights and had a direct external legal effect, in that the properties may not be developed by diverting the stream. An applicant for an EA retains the right to challenge the decision of a Competent Authority, and the inclusion of alternatives doesn't imply that the applicant is forced to accept any alternative as part of the EA.

The Court provided guidance in relation to the difference between an irrational decision and unreasonable decision: an irrational decision is one that lacks any connection to a lawful reason or purpose – one that is based on a brute preference; that is taken on a whim; or that is so tainted by bad reasons as to be unconnected to any good ones. An unreasonable decision is one which, while connected to the reasons given for it, to the information before the decision-maker, and to the power being exercised, is not one of the range of options reasonably available to the decision-maker on the facts before them, read in light of the applicable law and the purposes that law serves.

The Court found that the refusal to divert the stream was rationally connected to the lawful purpose of protecting the environment: The refusal to interfere with the environment by substantially reconfiguring a natural feature will rarely lack rational contact with NEMA's objects and purposes, unless inaction would cause nett environmental harm, or unless the decision not to interfere was tainted by motives or reasons that were irrelevant to those objects and purposes.

Furthermore, section 28 of NEMA places a duty of care on Industrial Zone as the landowner to take reasonable measures to remediate any environmental damage that has been done to the stream in the past. Industrial Zone cannot be willing to only discharge that duty if its preferred way of developing the site is facilitated. Even if the stream is currently polluted and degraded, the diversion of the stream is itself a drastic and substantial further interference with the stream's current state, which is an environmental impact in which, in itself, will lead to further degradation of the stream. The HOD and MEC chose to prevent the diversion of the stream and its associated environmental impact, even if that meant that the development would not yield the economic benefit Industrial Zone foretold.

The Court also found that the decisions were reasonable as the refusal to divert the stream is one of the paths open to a reasonable decision-maker. Competent Authorities are empowered to limit environmental impact of economic activity. The Court dismissed the application.

6.5 The requirement of rationality in environmental decision-making

Eloff Landgoed (Pty) Ltd (Applicant) v Minister of Forestry, Fisheries and the Environment et al (Respondents)(Case no. 21525/2020): High Court of South Africa: Gauteng (delivered on 19 June 2023)

Facts:

The third respondent, Eloff Mining, obtained an environmental authorisation (EA) to operate an open-cast coal mine on land adjacent to part of the Applicant's farm. The EA authorised the activities related to the first phase of what was eventually envisaged to be a much larger coal mining area. The applicant operates an extensive commercial farm and applied for the review and setting aside of the decision of the Mpumalanga Regional Manager: Mineral Regulation, to grant the EA, as well as the decision of the Minister responsible for environmental affairs to dismiss the internal appeal it lodged against the Regional Manager's decision. The applicant argued that these decisions were made irrationally, in that neither the Regional Manager nor the Minister could have been adequately informed of the consequences of their decisions.

As part of the EA application, a scoping report and environmental impact assessment (EIA) report had to be submitted. The EIA report must contain certain prescribed information, including a description of the impacts and risks identified during the EIA process – more specifically, “the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts can be reversed, may cause irreplaceable loss of resources, or can be avoided, managed or mitigated”. Decision makers have a duty to integrate environmental impact and social and economic interests, while taking into account the limitation on present knowledge about the consequences of an environmental decision.

The EIA report was based on several specialist reports, including an economic impact report and a social impact report. The economic impact report stated that there was no economic justification for granting the EA, as the mine seemed to be economically unfeasible, and the development would result in the permanent loss of highly productive agricultural land. The mine would only be economically feasible if it was expanded beyond the size for which the EA was granted, but this would also worsen the effect on the agricultural productivity of the land. The social impact report indicated that the mine cannot be justified, and that the EA is not recommended, based on the unacceptable and irreversible impact on agricultural productivity and food security. It concluded that the mined land will never return to the levels of agricultural production that it is presently capable of sustaining.

Based on these assessments, the Environmental Assessment Practitioner (EAP) responsible for compiling the EIA report concluded that the mine should not be authorised. In response to this negative conclusion, the applicant then formulated 6 conditions it would accept being placed in the EA if granted, including condition 1: that an agronomic assessment be conducted

to inform agricultural potential and options for farming on areas not affected. The EAP then amended the conclusion of the EIA report to read that the EAP was of the opinion that “the mine could be considered for an EA if all 6 conditions were adhered to.” The Regional Manager granted the EA and incorporated conditions 1, 2, 3, 5 and 6 into the EA.

The Applicant then lodged an appeal to the Minister, based on the fact that, amongst others, that condition 1 was inadequate in that it was incapable of mitigating the degradation of agricultural land. If mine construction can proceed prior to the agronomic assessment being done, simply assessing the impact on neighbouring land will do nothing to address the impact, unless the assessment is tied to a concrete plan of action. The Minister ultimately dismissed the appeal, assuming that the agronomic assessment was capable of being a meaningful mitigation measure.

The Applicant then approached this Court for relief, which had to determine whether the decisions of the Regional Manager and the Minister constituted lawful and rational assessments of the likely impact of the third respondent’s proposed activities.

Judgement:

Before an EA is granted, the NEMA requires that decision makers be able to assess the likely impact of activities to be authorised. In relation to the conditions, the Court found that conditions 2-6 are all aimed at ameliorating the impact of the activities.

Condition 1, however, is aimed at further assessment of the mine’s impact on agriculture and presupposes that the impact of the mine on surrounding agriculture has not been adequately captured in the EIA report. Accordingly, the Court found that neither the Regional Manager or the Minister “considered, assessed and evaluated” the “social, economic and environmental impacts” of authorising the development – their decisions were inappropriate. The inclusion of conditions within EAs is one of the ways in which NEMA gives effect to the precautionary principle mandated in section 2(4)(a)(vii), which is necessary as there are always limits on current knowledge around the consequences of decisions. Where a condition mandates further study of one of the impacts that had to be assessed prior to the granting of the EA, this is not consistent with the precautionary principle.

Condition 1 cannot serve the purpose ascribed to it – it is not a condition at all – it is a study consisting of vital material that must be considered prior to the issuance of the EA. Subsequently, the decisions of the Regional Manager and Minister were irrational as they were not rationally connected to the information before them, to the reasons for the decision or to the purpose of NEMA.

The grounds for review in terms of section 6(2)(f)(ii)(bb), (cc) and (dd) of the Promotion of Administrative Justice Act 3 of 2000 (PAJA) have been established. The Court reviewed and set aside the decision of the Regional Manager

to grant the EA, as well as the decision of the Minister to dismiss the appeal lodged against the issuance of the EA, based on the fact that both decisions were irrational and, accordingly, unlawful. The EA application was referred back for further consideration consistent with this judgment.

6.6 The listing of protected plant species and the role of expert evidence

State v Beukes and Steenkamp (Respondents)(CA & R 60/2022)/ State v Miggel (Respondent) (CA & R 70/2022), High Court of South Africa: Northern Cape (delivered on 9 June 2023)

Facts:

These are 2 matters that were brought on appeal. The Respondents were charged with contravening section 50 of the Northern Cape Nature Conservation Act 9 of 2009 (NCNCA), relating to the conducting of a restricted activity involving a protected plant without a permit.

In S v Beukes and Steenkamp, the accused pleaded guilty in terms of section 112(2) of the CPA in that they were unlawfully and intentionally dealing with protected plant species to the value of R99 740.00. The plants were identified as *Conophytum Pageae* and *Conophytum Pellucidum*. In aggravation of sentence, a commander from the Springbok Stock Theft and Endangered Species Unit explained that the international value of the plants is R459 600.00 and that the accused are part of a network operation with previous arrests in other cases.

The Magistrate expressed its misgivings with regard to the fact that the legislation does not specifically contain the names of these species – the State called an expert witness (a Botanist from SANParks and SANBI) who explained that both the species belong to a family Aizoaceae, which is locally known as the Vygie family. In terms of Schedule 2 of the NCNCA, all species belonging to this family are protected, and if one had to include the names of all species belonging to the broader families, the Schedules would be extremely long. Subsequently, the accused changed the plea to one of not guilty on the basis that there is no evidence that the plants were indeed protected under the NCNCA, and the Court eventually acquitted both accused in terms of section 174 of the CPA.

In S v Miggel the accused also pleaded guilty in terms of section 112(2) of the CPA for the possession of *Conophytum Globosum* to the value of R649 600.00 without a permit. There were multiple previous convictions of the accused. The Court, however, changed the plea to a not guilty plea after having read the NCNCA, relying on the principle of *nullum crimen sine lege* (the principle of legality, meaning that a person cannot face criminal punishment except for an act that was criminalised by law at the time when the act was committed) and the accused was acquitted. The Magistrate was not convinced that the plants the accused were charged for were included in the protected plants listed in the NCNCA.

Judgement (appeal):

The appeal Court had to determine, amongst others, whether the plant species *Conophytum Pageae*, *Conophytum Pellucidum* and *Conophytum Globosum* fall under the plant family *Aizoaceae* listed in the NCNCA and are thus protected, and whether it is a crime to conduct a restricted activity involving *Conophytum Pageae* and *Conophytum Pellucidum* plants without a permit. Is it sufficient that the schedules of the NCNCA refer to “all species” without specifically listing the names of all species that fall within the scope of a certain family?

The Court accepted the expert evidence led in *S v Beukes and Steenkamp* to the effect that the plant species *Conophytum Pageae*, *Conophytum Pellucidum* and *Conophytum Globosum* fall under the plant family *Aizoaceae* listed in the NCNCA and are thus protected. It was clear that a crime was committed even though the names of the plants were not expressly listed in the relevant schedule of the Act.

The courts of first instance were misdirected when they were not satisfied with the pleas entered into, while relying on the principle of legality. Section 50 of the NCNCA is clear and unambiguous on the conducted expected from an individual in relation to a specimen of a protected plant. “Protected plant” is defined in the Act as species listed as such in Schedule 2. The Court accepted the evidence of the expert witness in *S v Beukes and Steenkamp* confirming that the relevant *Conophytum* species belong to the listed family of *Aizoaceae*. The defence did not dispute this evidence and, therefore, the courts’ rejecting, or unjustifiably ignoring this expert evidence has no foundation.

It is unclear why the Magistrate in *S v Beukes and Steenkamp* remained in doubt after hearing the undisputed expert evidence on whether the accused were guilty of an offence as all the elements of the offence were admitted. The Court accepted that the accused knew that the plants were protected because of an awareness campaign that was conducted in the Namaqua area; and that they had admitted the wrongfulness of their conduct as part of their section 112(2) CPA statements. When acquitting the accused, the courts simply ignored the admissions made by the accused in their pleas in that they knew their actions were wrong.

The appeal succeeded in relation to both cases – the decision of the Magistrates to acquit the accused were set aside and the matters were remitted to the Magistrates who must reopen the trial proceedings against the accused and proceed with the further hearing thereof.



LEGISLATIVE DEVELOPMENTS



7. LEGISLATIVE DEVELOPMENTS

7.1 National Environmental Management Act 107 of 1998

7.1.1 Amendment Acts:

National Environmental Management Laws Amendment Act 2 of 2022.

7.1.2 Regulations and Notices:

- 4557: Norm for the Exclusion of Identified Activities Associated with the Development and Expansion of Battery Storage Facilities in Areas of Low or Medium Environmental Sensitivity.
- 4558: Norm for the Exclusion of the Development and Expansion of Solar Photovoltaic Facilities in Areas of Low or Medium Environmental Sensitivity.
- 4292: Extension of the Appointment of the Environmental Assessment Practitioners Association of South Africa as the Single Registration Authority in terms of Section 24H(3), read with 24H(6), of the Act, for a period of twenty-four (24) months.
- 4494: National Environmental Management Act, 1998 (Act No. 107 of 1998): Amendments to the Regulations laying down the procedure to be followed for the adoption of spatial tools or environmental management instruments.
- 4332: National Environmental Management Act (107/1998): Extension of the period for establishment of the Ministerial Task Team to identify and recommend voluntary exit options and pathways for the Captive Lion Industry by a further period of 3 months from 1 January 2024 to 31 March 2024.
- 4296: National Environmental Management Act (107/1998): Amendment of the transitional arrangements in the Financial Provisioning Regulations, 2015.
- 4143: National Environmental Management Act (107/1998): Amendment of certain requirements for an application for Environmental Authorisation for a Renewable Energy Facility.
- 3841: National Environmental Management Act (107/1998): Amendment to the transitional arrangements in the Financial Provisioning Regulation, 2015.
- 3717: National Environmental Management Act, 1998 (Act No. 107 of 1998): Amendment to the protocols for specialist assessment and minimum report content requirements for environmental impacts.
- 574 National Environmental Management Act (107/1998): Call for nominations to serve as members of the Appeal Panel in terms of section 43 of the Act (NEMA).
- 126: National Environment Management Act (107/1998): Extension of the period for establishment of the National Environmental Consultative and Advisory Forum period of 12 months from 18 August 2023 to 17 August 2024 – Proclamation.

- 3569: National Environmental Management Act (107/1998): The National Biodiversity Offset Guideline.
- 3440: National Environmental Management Act (107/1998): Extension of the time period for the call for registration of participants who would consider voluntary exit from the Captive Lion Industry.
- 3284: National Environmental Management Act (107/1998) and National Environmental Management: Biodiversity Act (10/2004): General notice calling for registration of participants who would consider voluntary exit from the Captive Lion Industry.
- 3536: National Environmental Management Act (107/1998): National Environmental Management: Biodiversity Act (10/2004): Extension of the period for Establishment of the Ministerial Task Team to identify and recommend voluntary exit options and Pathways for the Captive Lion Industry by a further period of 6 Months from 1 July 2023 to 31 December 2023.
- 3505: National Environmental Management Act (107/1998): Extension of the commencement date of the Regulations to domesticate the requirements of the Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade, 2023.
- 279: National Environmental Management Act (107/1998): Adoption of the Mpumalanga Biodiversity Sector Plan (MBSP).
- 3338: National Environmental Management Act, 1998: Publication of the notice for the commencement of the 2020-2024 Consolidated Environmental Implementation and Management Plan.

7.1.3 Draft Regulations and Notices.

- 4567: National Environmental Management Act (107/1998): Consultation on the proposed documents which represent the Methodology for Determining the Financial Provision required to be set aside for Reconnaissance, Prospecting, Exploration and Mining of Low-Risk Commodities as Identified in the proposed Amendment to the Financial Provisioning Regulations, 2015 published under Government Notice No. 2272 in Government Gazette No. 47112 on 11 July 2022.
- 4144: National Environmental Management Act (107/1998): Consultation on the Draft National Regulations for the Management of Mercury in South Africa.
- 3989: National Environmental Management Act (107/1998): Proposed amendments to the Regulations to Domesticate the Requirements of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.
- 3815: National Environmental Management Act, 1998 (Act No. 107 of 1998): Draft National Appeal Regulations, 2023.

- 3773: National Environmental Management Act (107/1998): Consultation on the intention to amend the Environmental Impact Assessment Regulations, Listing notice 1, Listing notice 2 and Listing notice 3 of the Environmental Impact Assessment Regulations, 2014 for activities identified in terms of section 24(2) and 24D of the Act.
- 3716: National Environmental Management Act, 1998 (Act No. 107 of 1998): Consultation on the intention to amend certain requirements for an application for environmental authorisation for renewable energy.
- 4277: National Environmental Management Act (107/1998): Consultation on the Proposed Adoption of the Sandveld Environmental Management Framework Standard, 2023 and the proposed exclusion of the activities related to the Clearance of Indigenous Vegetation in the Environmental Impact Assessment Regulations Listing Notices 1, 2 and 3.
- 3989: National Environmental Management Act (107/1998): Proposed amendments to the Regulations to Domesticated the Requirements of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.
- 3715: National Environmental Management Act, 1998 (Act No. 107 of 1998): Procedures to be followed on the assessment and minimum criteria for reporting on identified environmental themes.
- 4362: National Environmental Management Act (107/1998): Consultation on the Development and Adoption of the KwaZulu-Natal Provincial Watercourse Infrastructure Standard and Associated Excluded Activities and Proposed Exclusion of Activities from the Requirement to Obtain an Environmental Authorisation.

7.2 National Environmental Management: Air Quality Act 39 of 2004

7.2.1 Amendment Acts:

National Environmental Management Laws Amendment Act 2 of 2022.

7.2.2 Regulations and Notices

- 3393: National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004): Publication of the 8th National Greenhouse Gas Inventory Report for the Republic of South Africa.
- 3319: National Environmental Management Act: Air Quality Act (39/2004): Proposed Amendments to the notice declaring Temporary Asphalt Plants as Controlled Emitters and Establishing their Emission Standards, as published in Government Notice No. 201 in Government Gazette No. 37461 of 28 March 2014.
- 4493: Notice regarding Manual Registration of Data Providers, Reporting of Atmospheric

Emissions, and the Management of Atmospheric Emission Licenses, through a Manual Process while Transitional Arrangements are underway to establish New Systems, for the calendar years 2024 to 2026.

- 4248: Notice regarding Manual Registration of Data Providers and Reporting of Greenhouse Gas Emissions for the 2023/2024 & 2024/2025 Reporting Cycles.
- 4493: National Environmental Management: Air Quality Act (39/2004): Notice regarding manual registration of data providers, reporting of atmospheric emissions, and the management of atmospheric emission licenses, through a manual process while transitional arrangements are underway to establish New Systems, for the calendar years 2024 to 2026.
- 4475: National Environmental Management: Air Quality Act (39/2004): Draft National Dust Control Amendment Regulations for public comment.
- 4317: Publication of South Africa's 2021 Grid Emission Factors Report.

7.2.3 Draft Regulations and Notices

- 4475: National Environmental Management: Air Quality Act (39/2004): Draft National Dust Control Amendment Regulations for public comment.

7.3 National Environmental Management: Biodiversity Act 10 of 2004

7.3.1 Amendment Acts:

National Environmental Management Laws Amendment Act 2 of 2022

7.3.2 Regulations and Notices

- 3537: Publication of the White Paper on Conservation and Sustainable Use of South Africa's Biodiversity.
- 3887: Comments invited on the Draft Policy Position on the Conservation and Sustainable Use of Elephant, Lion, Leopard and Rhinoceros.
- 3889: Correction Notice: Comments invited on the Draft Policy Position on the Conservation and Sustainable Use of Elephant, Lion, Leopard and Rhinoceros.
- 3926: Publication of the Draft Notice Prohibiting Certain Activities Involving African Lion (*Panthera leo*) for Public Comment.
- 4517: National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004): Public notice for the National Vulture Multi-Species Biodiversity Management Plan (BMP).
- 4484: National Environmental Management Biodiversity Act (10/2004): Notice of intention to declare Erf 5159, Erf 3023 and Erf 3009, Bettys Bay as an extension to the Harold Porter National Botanical Garden.
- 4116: National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004):

Amendments to appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Cites).

- 4448: National Environmental Management: Biodiversity Act (10/2004): Comments invited on the reviewed National Biodiversity Economy Strategy.
- 4492: National Environmental Management: Biodiversity Act (10/2004): Comments invited on the draft National Biodiversity Economy Strategy.

7.3.3 Draft Regulations and Notices

- 4473: National Environmental Management: Biodiversity Act (10/2004): Consultation on Non-Detriment Findings for certain Species listed in terms of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
- 3963: National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004): Re-publication of the draft list of threatened or protected terrestrial species and freshwater species, restricted activities that are proposed to be prohibited, and restricted activities that are proposed to be exempted for public comment.
- 3962: National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004): Re-publication of the draft Regulations Pertaining to Listed Threatened or Protected Terrestrial Species and Freshwater Species for public comment.

7.4 National Environmental Management: Integrated Coastal Management Act 24 of 2008

7.4.1 Amendment Acts:

National Environmental Management Laws Amendment Act 2 of 2022

7.4.2 Regulations and notices

- 4527: National Environmental Management: Integrated Coastal Management Act (24/2008): Draft South African Water Quality Guidelines for Coastal Marine Waters – Volume 1: Natural Environment and Mariculture Use.
- a: Bergrivier Municipality: By-law Relating to the Berg River Estuary Usage Zones.
- 754: National Environmental Management Act: Integrated Coastal Management Act (Act No. 24 of 2008): Invitation to members of the public to submit written comments on the Draft Tyolomnqa Estuarine Management Plan.
- b: City of Cape Town: Draft Zandvlei Estuarine Management Plan.
- d: City of Cape Town: Applications for Coastal Waters Discharge Permits.
- 3668: National Environmental Management: Integrated Coastal Management Act (24/2008): Coastal Management Line for Garden Route National Park in terms of Section 25 (1)read

with Section 25 (5) (a).

- 51: Department of Environmental Affairs and Development Planning: Adoption of Western Cape Provincial Coastal Management Programme 2022–2027.

7.5 National Environmental Management: Protected Areas Act 57 of 2003

7.5.1 Amendment Acts:

National Environmental Management Laws Amendment Act 2 of 2022

7.5.2 Regulations and notices

- Declaration of land situated in the Western Cape Province as part of the existing Karoo National Park in terms of the Act - GN 4316/2024.
- Declaration of land situated in the Northern Cape Province as part of the existing Namaqua National Park in terms of the Act - GN 4315/2024.
- Declaration of land situated in the Northern Cape Province as part of the existing Mokala National Park in terms of the Act - GN 4314/2024.
- Declaration of land situated in the Eastern Cape Province as part of the existing Addo Elephant National Park in terms of the Act - GN 4313/2024.
- Declaration of land situated in the Western Cape Province as part of the existing Agulhas National Park in terms of the Act - GN 4312/2024.
- Declaration of land situated in the Limpopo Province as part of the existing Marakele National Park in terms of the Act - GN 4311/2024.

7.5.3 Draft Regulations and Notices

- 2164: National Environmental Management: Protected Areas Act (57/2003): Consultation on the intention to declare certain properties situated in Northern Cape Province to be part of the existing Tankwa Karoo National Park in terms of the Act
- 2166: National Environmental Management: Protected Areas Act (57/2003): Consultation on the intention to declare certain land situated in the Eastern Cape Province and Western Cape Province to be part of the existing Mountain Zebra-Camdeboo Protected Environment in terms of the Act
- 2165: National Environmental Management: Protected Areas Act (57/2003): Consultation on the intention to declare certain properties situated in Western Cape Province to be part of the existing Garden Route National Park in terms of the Act
- 3577: National Environmental Management: Protected Areas Act, 2003: Consultation on the Draft Amendments to the regulations for the management of the Aliwal Shoal Marine Protected Area

- 3576: National Environmental Management: Protected Areas Act (Act No. 57 of 2003): Consultation on the intention to declare certain property to be part of Karoo National Park
- 3574: National Environmental Management: Protected Areas Act (Act No. 57 of 2003): Consultation on the intention to declare certain properties to be part of Mokala National Park
- 3575: National Environmental Management: Protected Areas Act (Act No. 57 of 2003): Consultation on the intention to declare certain properties to be part of Namaqua National Park
- 3573: National Environmental Management: Protected Areas Act (Act No. 57 of 2003): Consultation on the intention to declare certain properties to be part of Marakele National Park
- 3572: National Environmental Management: Protected Areas Act (Act No. 57 of 2003): Consultation on the intention to declare certain properties to be part of Agulhas National Park
- 3571: National Environmental Management: Protected Areas Act (Act No. 57 of 2003): Consultation on the intention to declare certain properties to be part of Addo Elephant National Park
- 4171: National Environmental Management: Waste Act (59/2008): Notice of extension of commenting period on the proposed amendments to the Regulations regarding the Control of the Import or Export of Waste
- 4138: National Environmental Management: Waste Act (59/2008): Notice of extension of commenting period on the draft Strategy for reducing food losses and waste
- 3968: National Environmental Management: Waste Act (59/2008): Determination of the licensing authority for the different classes of landfills
- 3952: National Environmental Management: Waste Act (59/2008): Consultation on the Draft Amendments to the Waste Tyre Regulations, 2017
- 3951: National Environmental Management: Waste Act (59/2008): Consultation on the Draft Section 29 Industry Waste Tyre Management Plan
- 3928: National Environmental Management: Waste Act (59/2008): Consultation on the proposed amendments to the Regulations regarding the control of the Import or Export of Waste
- 3888: National Environmental Management: Waste Act (59/2008): Consultation on the draft strategy for Reducing Food Losses and Waste in terms of section 72 and 73 of the Act
- 3663: National Environmental Management: Waste Act (59/2008): Notice of intention to take a decision on applications for the exclusion of a waste stream or a portion of such a waste stream for beneficial use, from the definition of waste
- 3604: National Environmental Management: Waste Act (59/2008): Packaging guideline: Recyclability by Design for packaging and paper in South Africa

7.6 National Environmental Management: Waste Act 59 of 2008

7.6.1 Amendment Acts:

National Environmental Management Laws Amendment Act 2 of 2022.

7.6.2 Notices and Regulations

- 4583: National Environmental Management: Waste Act (59/2008): National Household Hazardous Waste Management Strategy.
- 4541: National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) NEMWA: Amendments to the Waste Tyre Regulations, 2017.
- 4542: National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008): Industry Waste Tyre Management Plan
- 251: Environmental Impact Management Services (Pty) Ltd (EIMS): Notification regarding opportunity to participate in Environmental Authorisation application process for the proposed Kelvin Power Station Combined Cycle Gas Turbine Plant, in the Ekurhuleni Metropolitan Municipality, Gauteng Province, South Africa
- 4361: National Environmental Management: Waste Act (59/2008): Intention to amend the List of Waste Management Activities that have, or may have, a detrimental effect on the environment
- 4308: National Environmental Management: Waste Act (59/2008): Draft Guideline and Toolkit for the Determination of Extended Producer Responsibility Fees

7.6.3 Draft Regulations and Notices

- 4171: National Environmental Management: Waste Act (59/2008): Notice of extension of commenting period on the proposed amendments to the Regulations regarding the Control of the Import or Export of Waste
- 3952: National Environmental Management: Waste Act (59/2008): Consultation on the Draft Amendments to the Waste Tyre Regulations, 2017
- 3388: National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) NEMWA: Proposed amendments to the Regulations and notices regarding extended producer responsibility, 2020.
- 3335: National Environmental Management: Waste Act (59/2008): Notice of extension of commenting period on the proposed amendments to the Waste Classification and Management Regulations, 2013, the National Norms and Standards for the Assessment of Waste for Landfill Disposal, 2013, and the National Norms and Standards for Disposal of Waste to Landfill, 2013.

- Consultation on the Draft Amendments to the Waste Tyre Regulations, 2017 – GN 2956/23
- Consultation on the draft Household Hazardous Waste Management Strategy - GN 2987/2023
- Consultation on the draft section 29 Industry Waste Management Plan for Tyres – GN 2852/22
- Consultation on the intention to take a decision on applications for the exclusion of a waste stream or a portion of such a waste stream for beneficial use from the definition of waste – GN 2106/22



INDUSTRIAL COMPLIANCE AND ENFORCEMENT



8. INDUSTRIAL COMPLIANCE AND ENFORCEMENT

8.1 Pro-active Strategic Compliance Inspections & related Enforcement Action

The information contained in the table below describes the actions taken by the Environmental Management Inspectorate within various industrial sectors. This work forms part of a continuous monitoring and evaluation program which was initiated in 2006 when the Environmental Management Inspectorate was formed. It is furthermore important to note, that undertaking compliance and enforcement within this space requires a significant amount of planning and coordination since the regulatory function in respect of the different environmental media which is impacted by these facilities is spread across all spheres of government, which are represented by many different regulatory authorities.

Given the ongoing nature of the compliance and enforcement functions relating to these industrial sectors, the details of facilities which were mentioned in the previous NECER may feature in the table below. Notwithstanding the above, improvements are progressively being made over time.

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references
FERRO-ALLOY, IRON AND STEEL		
Tronox KZN Sands CPC Smelter, KwaZulu-Natal	A PCN was issued dated the 2 nd of November 2020. Representations and an action plan were submitted on the 3 rd of December 2020. The action plan was approved on the 28 th of May 2021 and the progress concerning the performance of this aspect is monitored monthly. Continuous progress reports are submitted.	Page 51 of NECER 2019-2020 Page 48 of NECER 2020-2021 Page 50 of NECER 2021-2022 Page 50 of NECER of 2022-2023
Bushveld Vanchem (Pty) Ltd, Witbank Mpumalanga	A joint compliance monitoring inspection was conducted at this facility on 28 April 2021 by EMIs from the DFFE, DARDLEA and Nkangala District Municipality. The following were found: <ul style="list-style-type: none">• Non-compliances to conditions of the AEL and the WML;	Page 13 of NECER 2007-2008; Page 27 of NECER 2008-2009; and Page 14 of NECER 2014-15 Page 51 of NECER 2021-2022 Page 51 of NECER 2022-2023

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references
Bushveld Vanchem (Pty) Ltd, Witbank Mpumalanga	<ul style="list-style-type: none"> • Non-compliances with the AEL including exceedances of the maximum emission rates; and • Groundwater quality exceeding stipulated limits. <p>A notice of intention to issue a compliance notice dated the 20th of August 2021 was issued to the facility. Representations were submitted during March 2022. Certain concerns in relation to the representations were raised with the facility, additional representations were submitted. Upon review thereof many concerns have been addressed and others are still in the process of being addressed. This will be monitored and the department will decide how to proceed.</p>	
Samancor Ferrometals, Mpumalanga Province	<p>A joint follow-up compliance inspection was conducted at the facility on 30 May 2022. During the said compliance inspection the following non-compliances were noted:</p> <ul style="list-style-type: none"> • Non-compliance to conditions of the AEL, WML and the WUL • Non-compliance with the provisions of Section 22 of the NEM: AQA by illegally conducting a listed activity in terms of Section 21 Notice (GN 893 of 22 November 2013), Subcategory 4.1: Drying and Calcining. Though the facility has an existing AEL but the pre-heating of feed material is not part of the said AEL. 	Page 48 of NECER 2013-14. Page 47 of NECER 2014-15

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references	Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references
	<ul style="list-style-type: none"> • Non-compliance with section 22 read with 21(a) of the NWA by abstracting water from borehole and from Mine Decant even though this water use activity is not part of the existing WUL • Non-compliance with the duty of care provisions of the NEMA and NEM:WA which related to the following: <ul style="list-style-type: none"> ◦ Excessive particulate matter (PM) emissions from the furnace stacks which exceed the minimum emission standards (MES) in the AEL ◦ Excessive fugitive dust emanating from Furnaces and Batching Plant also resulting in dust-fall exceeding the dust-fall rates limit in the National Dust Control Regulations ◦ Unlined and highly silted pollution control dams and associated activities which were in poor state of maintenance ◦ Lack of and insufficient remedial actions at the three Historic Slimes Dams, Northern Slimes Dam and at Slag Dump which have groundwater pollution plume ◦ Discharging of polluted water into unlined Clean Water Trench ◦ Contravention of the Waste Classification and Management Regulations <p>A notice of intention to issue a compliance notice was issued on the 5th of December 2022 for the following non-compliances:</p> <ul style="list-style-type: none"> • Commencement of activities without an AEL • Commencement of activities without a WUL • Non-compliance to conditions of AEL • Non-compliance to conditions of WML 			<ul style="list-style-type: none"> • Non-compliance to conditions of WUL; and • Managing waste in a manner which may cause harm to the environment. <p>Representations were made on the 31st of January 2023. Based on the representations received, the Department issued two (2) Compliance Notices on the 04th of April 2024 and the 21st of May 2024 for the following non-compliances:</p> <ul style="list-style-type: none"> • Non-compliance to conditions of AEL • Non-compliance to conditions of WML; and • Non-compliance to conditions of WUL <p>Representations are currently being received and reviewed.</p>	
			South32 Richards Bay: Hillside	<p>Compliance inspection was conducted at the facility on 11 April 2022. The following findings were made during the said inspection:</p> <ul style="list-style-type: none"> • No-compliance to the conditions of the AEL dated 03 December 2018 and reference No: KNUT003/AEL0009/2 which included: <ul style="list-style-type: none"> ◦ Sulphur dioxide and PM emissions exceeding the minimum emission standards (MES) in the AEL at the Boiler 1 to 5 during the period of 2021 ◦ Coal used at the Boilers was found to be having higher ash and sulphur content than the regulated limit in the AEL • Non-compliance with the provisions of Section 22 of the NEM: AQA by illegally conducting a listed activities in terms of Section 21 Notice (GN 893 of 22 November 2013): <ul style="list-style-type: none"> ◦ Heating of molten aluminium using Sasol Gas at Casthouse without an AEL, Subcategory 4.2: Description: The 	Page 52 of NECER 2022-2023

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references	Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references
South32 Richards Bay: Hillside	<ul style="list-style-type: none">Combustion Installations not used for Primarily for steam raising and electricity generation (except drying).A notice of intention was issued on the 5th of December 2022An extension to submit representations was received on the 6th of December 2022;An extension was granted and representations were made on the 30th of January 2023;Supplementary representations were made dated the 28th of March 2023;This is being reviewed and a decision on the way forward will be made soon.		ArcelorMittal Vanderbijlpark, Gauteng	<p>A follow-up inspection was conducted by EMIs from the DFFE, GDARDE, Sedibeng District Municipality and Emfuleni Local Municipality at the facility on 22 to 23 August 2023. The non-compliances found on site includes the following:</p> <ul style="list-style-type: none">Non-compliances to conditions of the WML and AELExceedances of AEL limits for sulphur dioxide at the kilns and nitrogen oxide at the boilersExcessive fugitive emissions from the coke batteries and the blast furnace.Disposal of waste at a site not authorised for disposal of such wasteInadequate storm water management system to reticulate possibly contaminated storm water from the plants to the environmentPolluted water/leachate at the unlined Dam 1 to 4 also causing groundwater pollutionelevated levels of organic pollutants such as phenols, benzene, toluene, xylene, ethylbenzene at some boreholes around the dams. <p>A PCN, detailing the findings of the compliance inspection, was signed on the 21st of May 2024 and thereafter issued to the facility. The notice afforded the facility a period of thirty (30) calendar days from the date of receipt of the PCN, to make representations to the contents thereof.</p> <p>The facility is still within the allocated time-period, and the Department is awaiting the representations.</p>	<p>Page 13 of NECER 2007-2008 Page 25 of NECER 2008-2009 Pages 45– 46 of NECER 2010-2011</p> <p>Page 43 of NECER 2011-2012</p> <p>Page 43 of NECER 2012-2013 Page 44 of NECER 2013-2014 Page 44 of NECER 2014-2015 Page 44 of NECER 2015-2016</p> <p>Page 53 of NECER 2016-2017 Page 47 of NECER 2017-2018</p> <p>Page 48 of NECER 2018-2019 Page 50 of NECER 2019-2020 Page 48 of NECER 2020-2021</p>
Scaw Metals, Gauteng	<p>A joint inspection was conducted by EMIs from DFFE, GDARDE and Ekurhuleni Metropolitan Municipality on 20 April 2023. The facility was found to be mostly compliant with the authorisations issued to them, however the following non-compliances were also noted:</p> <ul style="list-style-type: none">Excessive dust emitted from the Scrap Processing Department.Failure to comply with duty in respect of waste management for waste handling at the Scrap Processing Department <p>Elevated levels of electrical conductivity, total dissolved solids, sodium and chlorides in boreholes downstream of the waste disposal sites.</p> <p>The findings are being reviewed and a decision on the way forward will be made soon.</p>	<p>Page 52 of NECER 2016-2017 Page 26 of NECER 2008-2009 Page 43 of NECER 2010-2011</p>			

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references	Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references
POWER GENERATION					
Eskom Grootvlei	<p>A site inspection was conducted by EMIs from DFFE, as well as DARDLEA and Gert Sibande District Municipality on the 25th and 26th of May 2021.</p> <p>An administrative notice was processed to address the following alleged non compliances:</p> <ul style="list-style-type: none"> • Non-compliance to conditions in the WML for the Asbestos Sites dated 11 March 2009 and referenced as 2/9/11/P97; • Managing waste in a manner which may cause harm to the environment which is considered to be prohibited under NEM: WA; • Unlawful and intentional or negligent commission or omission of an act which has the potential to cause significant pollution or degradation of the environment or is likely to cause significant pollution or degradation of the environment; and • Unlawful and intentional or negligent commission or omission of any act which has the potential to detrimentally affect or is likely to detrimentally affect the environment; <p>A conditional close out letter was issued, since the majority of the non-compliances were addressed.</p>			<p>Non-compliances to conditions of the AEL, WML, EAs and WUL</p> <ul style="list-style-type: none"> • Failure to comply with duty in respect of waste management as a result of spillages of waste, poor waste management practices and improper waste storage. • Capacity of dirty water dams compromised by sediments, leading to contaminated water overflowing to the environment. • Use of contaminated water with elevated levels of some contaminants for dust suppression. • Excessive dust from the ash dump. <p>The report was issued to the facility and a response was received on the 22nd of March 2022. The matter was referred for further enforcement action since many of the non-compliances remain unresolved.</p> <p>A pre-compliance notice was issued on the 22nd of June 2022. This Notice related to the following:</p> <ul style="list-style-type: none"> • Non-compliance to conditions in the AE) • Non-compliance to conditions in the EA • Non-compliance to conditions in the Integrated Environmental Authorisation • Non-compliance to conditions in the WUL • Commencement of activities without an EA • Managing waste in a manner which may cause harm to the environment which is considered to be prohibited under the NEM:WA • Potential pollution or degradation of the environment 	
Eskom Kusile Power Station, Mpumalanga	<p>The site inspection was conducted by EMIs from the DFFE, as well as from DARDLEA, DWS and Nkangala District Municipality on the 17th and 18th of August 2021 at the Eskom Kusile Power Station in Mpumalanga Province.</p> <p>The following issues were identified:</p>				

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references	Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references
Eskom Kusile Power Station, Mpumalanga	<p>Representations were made on the 20th of July 2022 and a follow-up inspection was conducted on the 29th of November 2022.</p> <p>Based on the observations as well as the Action Plan that was submitted by Kusile, a final Compliance Notice dated 26th of January 2023, was issued.</p> <p>Kusile requested a variation to certain timeframes contained in the Notice and was issued with a decision on the 24th of April 2023.</p> <p>Kusile was issued with a second and third variation on the 31st of May 2023 and 04th of September 2023 respectively. A second Compliance Notice was issued on the 31st of May 2023. Representations have been forthcoming and the Department is reviewing these as they come in.</p> <p>A joint site inspection was conducted by EMIs from this Department, as well as from DARDLEA and Nkangala District Municipality on 26 to 27 October 2021 and the following issues were identified:</p> <ul style="list-style-type: none"> • Non-compliances to conditions of the AEL. • Failure to comply with duty of care as a result of PM emissions frequently exceeding the MES; Unlined Old Ash Dam and associated Ash Water Return Dams containing contaminated water; and frequent overflows and/or effluent discharge from the wastewater containing facilities to the receiving environment. • Failure to comply with duty in respect of waste management due to disposal of hazardous waste like oil contaminated sediments on unlined ash dams; storage of hazardous waste in areas not adequately roofed. 		Eskom Matla Power Station, Mpumalanga	<p>The facility was provided with an opportunity to update the department in relation to upgrades / improvements which the facility undertook to implement. Information was provided and is being reviewed. An update on the implementation of the facility's action plan was submitted in June 2023 and is being reviewed and monitored.</p>	Page 53 of NECER 2021-2022
			Eskom Matimba Power Station, Limpopo	<p>An inspection conducted on 5 May 2023 at the waste disposal sites of the facility revealed the following non-compliances:</p> <ul style="list-style-type: none"> • Non-compliances to condition of the WMLs including failure to provide evidence that Interested and Affected Parties were notified of the authorisations; failure to conduct internal and external audits, etc. • Failure to comply with duty in respect of waste management including storage of hazardous waste on unlined areas and manifests for disposal of Type 0 waste not provided. • Groundwater monitoring results around the Waste Rock Dump showing elevated levels of sodium, chlorides, calcium and total dissolved solids. <p>No enforcement action was undertaken yet, and follow-up inspection will be undertaken.</p>	<p>Page 24 of NECER 2009-2010</p> <p>Page 49 of NECER 2011-2012</p> <p>Page 48 of NECER 2012-2013</p> <p>Page 49 of NECER 2013-2014</p> <p>Page 55 of NECER 2016-2017</p>
LANDFILLS					
			Averda/ EnviroServ Vissershok Landfill Site, Cape Town Western Cape	<p>A compliance monitoring inspection was conducted at this facility on 29 November 2021. The following issues were found:</p> <ul style="list-style-type: none"> • Non-compliances to conditions of the WML • Failure to comply with duty in respect of waste management due to improper storage of waste and windblown waste scattered around the site. 	Page 55 of NECER 2022-2023

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references	Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references
	The findings of the inspections were sent to the facility, representations have been submitted which will be reviewed after which a decision on how to proceed will be made.		Dolphin Coast Landfill Management, KwaDukuza KwaZulu-Natal	<p>The Department will continue to monitor the facility to ensure that the non-compliances [identified] are adequately addressed.</p> <p>Notwithstanding the above, the matter will remain open [and in the enforcement process] until the Department is satisfied that all non-compliances have been/are being adequately addressed, and that environmental laws and being complied with.</p>	
EnviroServ Aloes Landfill Site, Port Elizabeth Eastern Cape	<p>A PCN was issued on the 20th of June 2022. This notice related to the following:</p> <ul style="list-style-type: none"> • Non-compliance to conditions in the Waste Management Licence (WML) • Non-compliance to Dust Control Regulations. <p>Representations were made on the 11th of July 2022. Enforcement to determine the way forward.</p>	<p>Page 52 of NECER 2017-2018.</p> <p>Page 54 of NECER 2021-2022</p> <p>Page 55 of NECER 2022-2023</p>	HEALTH CARE RISK WASTE TREATMENT		
Dolphin Coast Landfill Management, KwaDukuza KwaZulu-Natal	<p>Considering the findings of the compliance inspection conducted during the 2022/2023 Financial Year, the Department decided to initiate an administrative enforcement process against the facility.</p> <p>A PCN, detailing the findings of the compliance inspection, was signed on the 07th of August 2023 and thereafter issued to the facility. The notice afforded the facility a period of thirty (30) calendar days from receipt of the PCN, to make representations to the contents thereof.</p> <p>The facility then provided the Department with its representations, which was done within the allocated time-period.</p> <p>Following a review of the representations and information provided, the Department noted that certain non-compliances had been adequately addressed, however there were others which are in still in the process of being adequately addressed. Information provided included measures to ensure continuous and sustainable compliance with environmental laws, which includes the mitigation/reduction and / or prevention of odours.</p>	<p>Page 52 of the NECER 2017-18; and</p> <p>Page 56 of the NECER 2022-2023.</p>	Enerwaste Solutions, Gauteng	<p>The following were observed during an inspection conducted at the facility on 18 June 2020:</p> <ul style="list-style-type: none"> • Non-compliances to conditions of the WML including Emergency Preparedness and Risk Mitigation Plan; • Untreated waste like sharps, infectious waste and pharmaceutical waste inside plastic bags and some unpackaged waste piled inside the warehouse despite the facility being shut down since September 2019; • Operation of an incinerator for treatment of HCRW without an AEL; • Documents to demonstrate compliance like waste assessment and waste classification reports for waste residue (ash); records of incoming waste, source, type of waste and date on which waste is received was not provided upon request. • The matter is closed in relation to administrative enforcement action and the facility was criminally convicted. 	

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references	Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references
Ecocycle, Free State	<p>An inspection was conducted at the facility on 21 January 2021 and the following were found:</p> <ul style="list-style-type: none"> • Contraventions of the requirements of the Norms and Standards for Storage of Waste including Inadequate notices regarding hazards associated with the site; employees not trained to handle hazardous and infectious waste; external audits not conducted; • Failure to comply with duty in respect of waste management including storage of waste including longer than stipulated timeframes on site leading to odours; inadequate measures for storage and handling of isolation waste; anatomical waste stored in refrigerators not meeting specified storage temperatures. <p>The facility ceased with all operations subsequent to the issuance of a PCN. A site verification inspection is required to be done in the 2023/2024 financial year prior approval of the close-out letter</p> <p>This inspection was not done due to Cost Containment measures. A request will be done to Free State Provincial Department to assist with verification .</p>		Gledhow Sugar	<ul style="list-style-type: none"> • Excessive continuous dust-fallout rates exceeding the limits for residential and non-residential as contained in the National Dust Control Regulations; • Non-compliance with the provisions of Section 20 of the NEM: WA by illegally conducting a Waste Management Activity which involve constructing ash settling ponds at the Ash Dump without a WML; • Contravening duty of care provisions of the NEMA and NEM: WA which related to the unlined Coal Storage Area; unlined Ash Settling Ponds; unlined burnt limestone storage area and spillages of various waste streams around the site <p>The facility was issued with a Pre-Compliance Notice on the 03rd of April 2023 and received a response on the 26th of April 2023. Based on the information received, a Compliance Notice on the 19th of June 2023. An actin plan was submitted on the 29th of August 2023. A second PCN was issued on the 18th of October 2023. The facility is currently under business rescue and the Department is monitoring activities. A decision will be made once the facility has been acquired.</p>	
SUGAR MILLS			PULP AND PAPER		
Gledhow Sugar	<p>Compliance inspection was conducted at the facility on 26 October 2022. The following findings were made during the said inspection:</p> <ul style="list-style-type: none"> • No-compliance to the conditions of the Atmospheric Emission ash and sulphur content in the coal used at the boilers exceeding the limits; • SO₂ and PM emissions exceeding the minimum emission standards (MES) at the Boilers; 		Mondi South Africa (Pty) Ltd, Richards Bay Mill	<p>A compliance inspection was conducted on 26 July 2022. The following non-compliances were noted during inspection:</p> <ul style="list-style-type: none"> • Non-compliances to conditions of the AEL, EA; • Contravening the provisions of Section 22 of the NEM: AQA by illegally conducting a listed activities in terms of Section 21 Notice (GN 893 of 22 November 2013): 	Page 47 of the 2012-13 NECER

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references	Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references
Mondi South Africa (Pty) Ltd, Richards Bay Mill	<ul style="list-style-type: none"> • Contravening section 22 read with 21(g) of the NWA by disposing wastewater or effluent at the two (2) Effluent Emergency Dams without a WUL • Contravening duty of care provisions of the NEMA and NEM:WA including: <ul style="list-style-type: none"> ◦ Poor effluent management which may be related to blocked storm water drains; excessive water or effluent ponding at the Dregs and Grits storage area and poor maintenance of stormwater drains within the Mill and suspicious discharge of what appears to be process water into storm water drains; ◦ Heavy fuel storage tank stored on an unbunded and unlined area; ◦ Possible groundwater Pollution at the Landfill Site; excessive leachate generation which may be due to- disposal of waste classified as hazardous with extremely high moisture content and overflowing to the nearby wetland; poor management of leachate, and poor disposal of waste at Mondi Landfill and lack of cut-off tranches or drain around at the Landfill Site; ◦ Lack of classification and assessment of certain waste streams being disposed at the Mondi Landfill Site and at DCLM. • Groundwater pollution at ETP which may be due to -: Suspected effluent leakages at Sothern Primary Clarifiers of ETP, poor storage of various waste streams within ETP Area, grass growing from the liner of Eastern Emergency Dam, and effluent pipes not placed within drains/channel around Sothern Primary Clarifier of the ETP; 			<ul style="list-style-type: none"> • Rubble and other waste streams stored on unlined surface at the open area behind Bleach Plant; • Coal stored beyond the concrete base on unlined surface and also blocking the storm water drain; ◦ Lime mud stored on unlined surface next to the Lime Kilns; ◦ Biocide and deform storage tanks at the Clay Calcination Plant within the Paper Machine have insufficient bund; <p>He facility was issued with a notice of intention to issue a compliance notice dated 10 January 2023. Representations in response thereto have been submitted and the department will decide how to proceed.</p>	
			Sappi Stanger Mill, Kwa Zulu Natal	<p>Compliance inspection was conducted at the facility on 25 May 2023. The following non-compliances were found during the inspection:</p> <ul style="list-style-type: none"> • Non-compliances to condition of the AEL, WUL • Excessive dust emissions around the site • particulate matter emissions from the boilers exceeded the small boilers standards for Controlled Emitters • unlined dam infested with alien vegetation. • frequent discharge of effluent with E. Coli levels exceeding the WUL limits into Ntshaweni River • records of waste generated are not accurate and not kept up to date. • failure to comply with duty in respect of waste management in relation to operation of waste storage areas within design capacity. 	

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references
	The facility was issued with a PCN on the 21st of November 2023 and representations were received on the 12th of January 2024. Based on the response received, a Compliance Notice was issued on the 04 th of April 2024. Representations are being received within the timeframes specified and the Department is currently reviewing them as they come through.	
FERTILIZER AND ACID GENERATION		
Foskor Richards Bay	<p>Compliance inspection was conducted at the facility on 12 April 2022. This inspection was triggered by the alleged incident of gas leak in February 2022 and only focused on air quality management. The following findings were made during the said inspection:</p> <ul style="list-style-type: none"> • No-compliance to the conditions of the AEL which among others included significant gas leaks from a number of areas within Sulphuric Acid Plant; • Contravening the National Dust Control Regulations; • Contraventions of the duty of care provisions of the NEMA and NEM:WA which related to the following: <ul style="list-style-type: none"> ◦ Excessive SO₂ emissions negatively impacting on the ambient air; ◦ Insufficient bunding and/or lack of bunding at the Sulphuric Acid Plant A. <p>Considering the findings of the compliance inspection conducted during the 2022/2023 Financial Year, the Department decided to initiate an administrative enforcement process against the facility.</p>	<p>Page 52 of NECER 2011-2012;</p> <p>Page 50 of NECER 2012-2013;</p> <p>Page 42 of NECER 2013-2014; and</p> <p>Page 54 of the NECER 2019-20</p>

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references
	<p>A PCN, detailing the findings of the compliance inspection was issued to the facility. The notice afforded the facility with an opportunity to make representations to the contents thereof. The facility provided the Department with a response. Following a review of the response, the Department identified that additional information was required, and a letter requesting the additional information was issued to the facility.</p> <p>Additional information has been provided by the facility, and the Department is currently monitoring the progress to the commitments made, and response provided.</p>	
SMELTERS AND REFINERIES		
Glencore Merafe Venture Operations: Rustenburg Smelter	<p>In light of all the medium- and long-term projects, and measures being implemented to address the non-compliances identified during the compliance inspection, the Department requested a further status update on the 19th of September 2024, for all associated projects and measures.</p> <p>Following a review of the information provided the Department identified that the facility is adhering to the commitments made, and the non-compliances are being addressed.</p> <p>The Department will continue to monitor the facility to ensure that the non-compliances are adequately addressed.</p> <p>Notwithstanding the above, the matter will remain open [and in the enforcement process] until the Department is satisfied that all non-compliances have been/are being adequately addressed, and that environmental laws and being complied with.</p>	Page 59 & 60 of the NECER 2022-2023.

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Previous NECER references
REFINERIES (PETROCHEMICALS)		
Natref Refinery, Free State	<p>Compliance inspection was conducted at the facility on 26 and 27 October 2023 and the following non-compliances were found:</p> <ul style="list-style-type: none"> • Failure to provide records to demonstrate compliance with conditions of the AEL. • Inadequate measures to prevent potential surface and groundwater pollution from unlined and improperly managed waste storage areas. <p>The facility was issued with Warning Letter on 31 January 2024 and was given a chance to respond to the identified non-compliances. The requested information was provided to the Department on 31 March 2024. The Department is in the process of reviewing the information provided whereafter a decision on further action to be taken will be made.</p>	

8.2 Municipal Landfill Sites Compliance

The EMI's continued with a project to monitor compliance status of municipal landfill sites. Through this project, a total of 357 sites have been monitored for compliance against the WMLs and applicable environmental legislation over the period of 5 years. Monitoring included baseline inspections as well as follow-up on Action Plans and commitments made in response to enforcement action. Despite the interventions made thus far, the status of compliance has not improved with only 19% (67) of the 357 inspected sites found to be compliant. The figure below depicts the levels of compliance of the inspected sites per province:

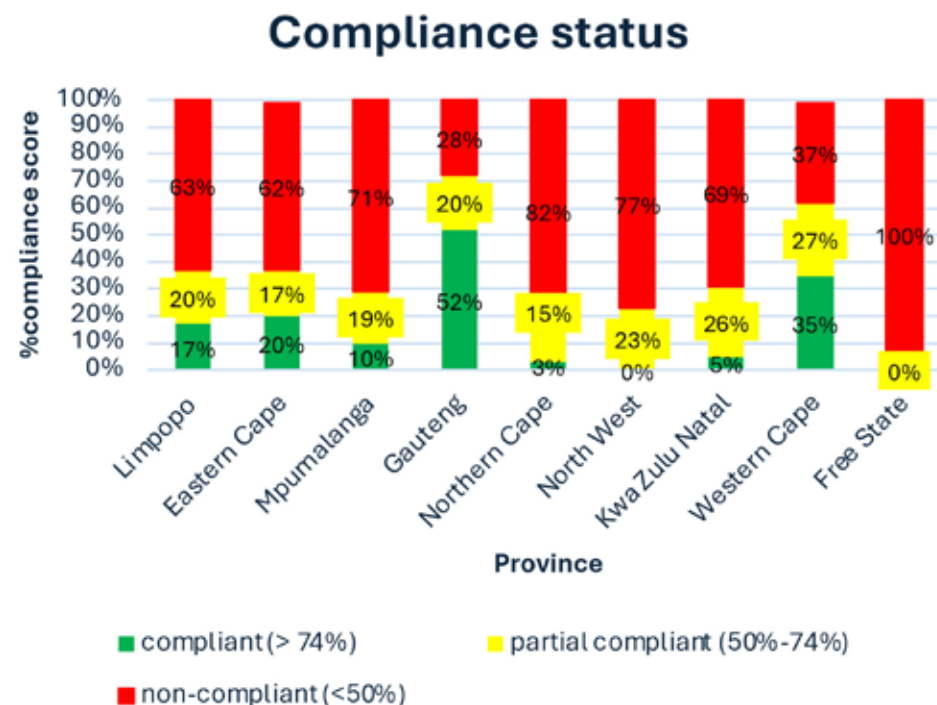


Figure 1: Compliance status of inspected sites per province

Lack of resources i.e. finances; human and equipment are some of the main contributing factors to the non-compliances. Most of the sites are operated as dumping sites without proper access control, and waste is disposed of haphazardly without covering and compacting.

To date, a total of 52 criminal cases have been opened against municipalities for non-compliant landfill sites. 8 cases have been concluded through Plea Bargain Agreements in terms 105A of the CPA for the following landfill sites:

Eastern Cape:

- Maizefield /Aliwal North Landfill site in Walter Sisulu Local Municipality
- Cradock Landfill site in Nxuba Ye Themba Local Municipality

Mpumalanga:

- Lydenburg Landfill site in Thaba Chweu Municipality
- Standerton Landfill site in Lekwa Local Municipality

- Bethal/eMzinoni; Leslie/Leandra and Kinross Landfill sites in Govan Mbeki Local Municipality

Free State

- Odendaalsrus landfill site in Matjhabeng Local Municipality

The EMLs will continuously monitor the sites and follow-up on implementation of the corrective action plans. Furthermore, necessary enforcement action will be taken to ensure compliance to regulatory requirements.



8.3 Compliance with Interim Postponement Limits and Progress on Implementation of Compliance Roadmaps

NEMAQA sets out the legal framework for postponing compliance timeframes for minimum emission standards (MES). New plants must comply with emission standards immediately, while existing plants had deadlines of 01 April 2015 for existing standards and 01 April 2020 for new standards. The Act allows existing plants to apply for postponements to comply with

the MES, and several facilities were granted postponements to comply with the MES by the National Air Quality Officer (NAQO). Facilities with approved postponements have committed to implementing projects to meet MES by 2025, unless they are scheduled for decommissioning by 2030. Progress on these commitments/compliance roadmaps is reported quarterly to the NAQO.

Compliance with the postponed emission limits is monitored through AELs by licensing authorities, mainly District Municipalities. EMLs from the DFFE together with various Licensing Authorities conducted joint compliance monitoring inspections in 8 facilities granted postponements. These inspections assessed compliance with AELs, compliance roadmaps, and emission reduction strategies.

The inspections revealed a varied level of adherence to interim postponement limits and progress in implementing compliance roadmaps across different industries. Facilities such as Natref Refinery, Tongaat Hulett Maidstone Mill, Tongaat Hulett Sugar Amatikulu Mill, Ardagh Germiston, and Isanti Glass were compliant with interim postponement limits and had either completed or were making good progress with their compliance roadmaps.

In contrast, PPC De Hoek and Hulamini Richards Bay faced non-compliance issues, including exceeding emission limits and delays in implementing required technologies or studies. Specifically, PPC De Hoek exceeded the NO_x interim limit at Kiln 5 and exceeded the MES for SO_2 and TOC at Kilns 5 and 6. Hulamini frequently exceeded HF limits (interim and the MES).

PPC Dwaalboom, while compliant with interim limits, had not started key installations necessary for long-term compliance. PPC Riebeeck West, due for decommissioning and having been granted a suspension decision, recorded some emission limit exceedances for PM and SO_2 at Kiln 1. This situation highlights the varying degrees of commitment and capability among industries in meeting environmental regulations and implementing necessary changes to reduce emissions.





**BIODIVERSITY/ PROTECTED AREAS
COMPLIANCE AND ENFORCEMENT**

9. BIODIVERSITY/ PROTECTED AREAS COMPLIANCE AND ENFORCEMENT

9.1 Rhinoceros poaching statistics

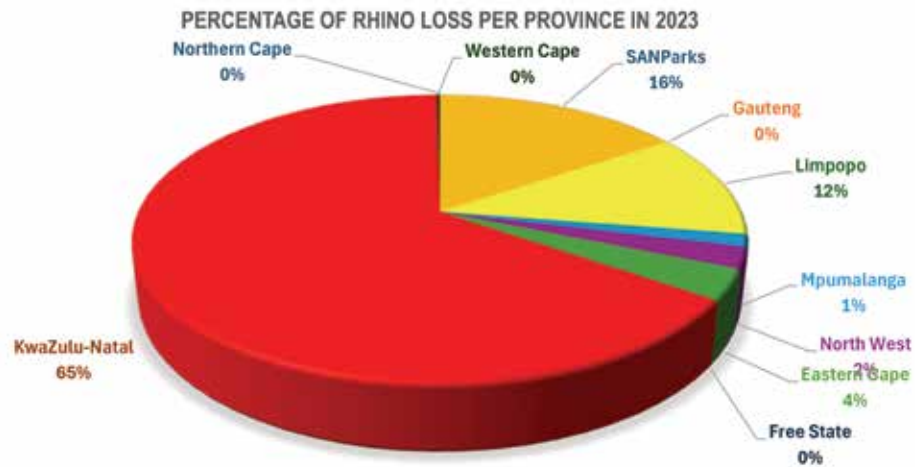
Numbers of rhinos poached in South Africa per annum: 2000 - 2023

Total number of Rhinos poached in South Africa from 2000 to 2023



South Africa	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
SANParks	0	4	20	14	7	10	17	10	36	50	146	258	428	609	828	826	662	504	422	328	247	209	124	78	5837
Gauteng	0	0	0	0	0	0	0	0	0	7	15	9	1	8	5	2	6	4	2	5	2	2	2	0	70
Limpopo	0	0	0	0	0	0	0	0	23	16	52	74	59	114	110	91	90	79	40	45	18	38	25	59	933
Mpumalanga	0	0	0	0	0	0	2	3	2	6	17	31	28	92	83	67	32	49	51	34	13	39	21	7	577
North West	0	0	0	0	0	2	0	0	7	10	57	21	77	87	65	46	56	96	65	32	19	32	24	12	708
Eastern Cape	0	0	0	0	0	0	0	0	1	3	4	11	7	5	15	14	17	12	19	2	0	0	0	17	127
Free State	0	0	0	0	0	0	0	0	0	2	3	4	0	4	4	10	17	38	16	11	1	24	4	0	138
KwaZulu-Natal	7	2	5	8	3	1	5	0	14	28	38	34	66	85	99	116	162	222	142	133	93	102	244	325	1934
Western Cape	0	0	0	0	0	0	0	0	0	0	0	6	2	0	1	1	0	0	0	0	0	4	0	1	15
Northern Cape	0	0	0	0	0	0	0	0	0	0	1	0	0	0	5	2	12	24	12	4	1	1	4	0	66
Total	7	6	25	22	10	13	24	13	83	122	333	448	668	1004	1215	1175	1054	1028	769	594	394	451	448	499	10405

Percentage of rhinos poached per province in 2023



9.2 Seals Joint Operation

Feeding and attracting of seals has been a continuous challenge in the Hout Bay harbour and has since had several complains of seals biting tourists and bad treatment of seals by those conducting restricted activities. Feeding and attracting of seals is restricted activity prohibited in terms of Section 57(2) of NEM:BA.

Feeding and attracting can only be done for scientific, management, conservation, and rehabilitation purposes. It has been reported via DFFE hotline that humans are feeding and attracting seals at Hout Bay for recreational and commercial purposes. Further to the report, seals are being abused through beating to get their control/attention.

A joint operation with DFFE EMIs and FCOs, City of Cape Town officials and Hout Bay SAPS from 04 December 2023 to 26 March 2024, with the objective of identifying and gathering evidence of individuals feeding and attracting seals, determining enforcement actions to take against individuals involved, curbing the feeding and attracting of seals, and arresting individuals involved.

The operation yielded the following outcomes:

- The identification of seal feeders and their mode of conducting prohibited activities of attracting, feeding, and harassing of seals at Houtbay harbour.
- EMIs intervened to educate minors (14 and 15 years respectively) who were found conducting prohibited activities of attracting, feeding, and harassing of seals at Houtbay harbour.
- Five (05) dockets opened and registered at Houtbay SAPS as per following CAS numbers: (CAS102/12/2023, 154/01/2024, CAS159/01/2024, CAS202/01/2024 and CAS118/02/2024)
- Six (06) Suspects detained at Houtbay SAPS and all out on bail.
- All 5 cases are on trial stage at Wynberg Magistrate court.
- Joint VCPs with Hout Bay SAPS and City Law Enforcement on 26 January 2024



9.3 Big Cats Joint Inspection project

The goal of the project is to ensure compliance by the big cats breeding sector with the provisions of NEMBA and its Regulations as well as applicable Provincial Nature Conservation Ordinances. These will be done through conducting joint compliance inspections at captive breeding farms.

In 2023/24 financial year, DFFE coordinated and conducted the inspections with the provincial

authorities of the big cats captive breeding facilities in North West and Limpopo provinces. 136 farms inspection were conducted jointly, both in North West and Limpopo provinces. The outcomes of these inspections a general increase in compliance by the captive breeding industry.



9.4 Compliance and Enforcement Operations: Alien and Invasive Species

There are an estimated 3 511 alien species in South Africa of which 560 species have been listed as invasive. Major environmental impacts are caused by at least 107 of these species, of which 80 are plants. One of the main pathways of the spread of invasive species is through sales of invasive species from nurseries.

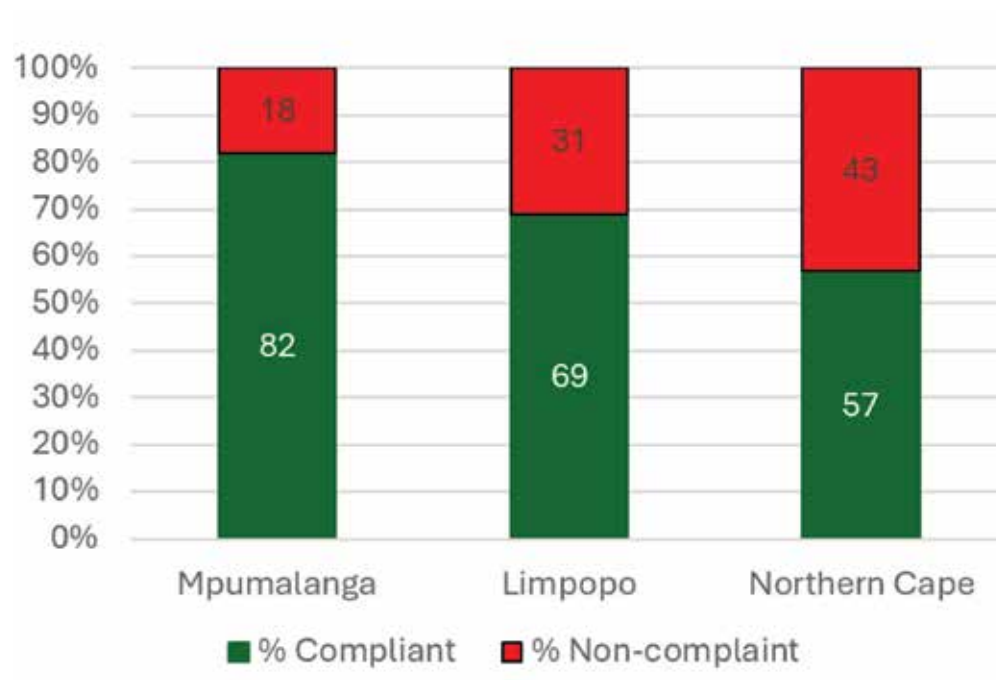
Research on wildlife ranches has highlighted the opportunities for introduction of alien and invasive species these ranches create. These ranches include ecotourism and trophy hunting properties, and so introduction pathway prominence for the related pathways, hunting and conservation, is 'Major'. Two alien taxa [Kobus leche (lechwe), including various subspecies, and Dama dama (common fallow deer)] are the most common alien and invasive mammal species found on game ranches, and have potential to spread pests and diseases to native species.

Joint compliance and enforcement alien and invasive species operations in the 2023/24 financial year focused on nurseries and game farms. The operations were well supported by compliance and enforcement officials from the relevant provincial departments namely the MTPA, DENC, DALRRD and LEDET.

Game farms operations took place in the Nkangala district and the area surrounding Kimberley, respectively based in the Mpumalanga and Northern Cape Provinces while in the Limpopo Province the focus of the operation was on nurseries and included nurseries from the Waterberg, Mopani, Sekhukhune and Capricorn districts.

On average, 69% of game farms and nurseries inspected were compliant to the Alien and Invasive Species provisions in the National Environmental Management Biodiversity Act, 2004.

The Nkangala District Municipality is one of the three districts in the Mpumalanga province, making up 22% of its geographical area and is comprised of six local municipalities. The Nkangala district hosts more than 200 game farms. The game farms inspected in Mpumalanga demonstrated the highest level of compliance (82%) whilst the game farms in the Northern Cape in the vicinity of Kimberley were found to have the lowest level of compliance (57%). Non-compliances detected in the Mpumalanga Province related to the buying, translocation and possession of lechwe without authorisation. In the Northern Cape non-compliances related to possession of invasive species without authorisation or failing to control listed invasive species. More operations and awareness raising need to take place in the Northern Cape Province to improve the level of voluntary compliance.



Compliance percentage recorded per province

Nurseries in the Limpopo Province seemed to be at the national average of 69% compliance. The highest level of non-compliance was recorded in the Sekhukhune district where all the facilities inspected were found to be non-compliant, with category 1a species (*Furcraea foetida* (Mauritius hemp)) specimens offered for sale to the public. In the Vhembe district 55% of nurseries were non-compliant. More awareness raising with nurseries in the Sekhukhune and Vhembe districts are needed.



Furcraea foetida



Environmental Management Inspectors from the Northern Cape DAEARDLR and the DFFE during the Northern Cape AIS operation (March 2024).



In 2024/25 joint compliance and enforcement operations on AIS will be undertaken in strategic water source areas that are highly infested with invasive species to ensure these areas are cleared to maximize water availability and runoff to dams as the favourable La Niña weather system with higher rainfall is expected to return to South Africa.



OCEANS AND COAST COMPLIANCE AND ENFORCEMENT



10. OCEANS AND COAST COMPLIANCE AND ENFORCEMENT

In the 2023/2024 financial year the oceans and coastal compliance and enforcement sector focused its efforts on a number of illegal activities having a detrimental impact on the coastal environment, including coastal pollution, illegal structures/encroachment, off-road vehicle driving, illegal access points and feeding of marine species.

In order to supplement these operational activities, EMIs operating in this sector also participated in proactive measures to educate and raise awareness amongst communities on the importance of compliance with the laws that regulate the coastal zones. These initiatives are aimed not only at decreasing the incidents of non-compliance, but also encouraging members of the public to report non-compliances to the relevant authorities.

10.1 Ocean and Marine Crime Priority Committee (Initiative 5): Enhanced and Coordinated Compliance and Enforcement

Initiative 5 of Operation Phakisa (Oceans Economy), which is the integrated and co-ordinated compliance and enforcement programme, has been operating for the last 7 years and has been very effective in dealing with crime in the oceans and coastal environment. The successful practical implementation of this programme, which has managed to raise the profile and importance of the work in this area, is undoubtedly as a result of the leadership role which the Department provides. The NATJOINTS has recognised this initiative as a priority committee which is co-chaired by the Department (CD: Sector Enforcement) and the SAPS.

Illegal harvesting of Marine Resources

The following challenges were identified and planning of operations have been in line with the illicit harvesting of Abalone and Rock Lobster that continues unabatedly along the Western Cape (WC), Eastern Cape (EC) and KZN sea borderline. Poaching activities that happen both from shore and boat continues, with vessels being launched from controlled slipways and uncontrolled slips along the seaboard. Intelligence is provided on Hotspots along the four coastal provinces seaboard. Following are the results of enforcement interventions within the four coastal provinces:

Phakisa operations were conducted in all four Provinces with the Operational Approach to monitor compliance, identify transgressions, and conduct operations to mitigate transgressions and promote the approach of integrated and multi-disciplinary enforcement within this environment.

Operations focused on the mitigation of illegal harvesting of marine resources, environmental and Marine Protected Areas (MPA's) infringements, contraventions of maritime safety legislation, illicit economy, illegal, unreported, and unregulated (IUU) fishing, and to a certain extent the disruption of some narcotics routes. Joint operations were planned and executed in

all four coastal provinces as follows:

Western Cape – 16

Eastern Cape – 11

Northern Cape – 8

KwaZulu-Natal – 8

Total number of Joint operation planned and executed = 43

Noteworthy outcomes of the joint operations:

In the Port of Cape Town, copper cables for navigation lights located along the open field near the South African Container Depot (SACD) are being targeted and are stolen

- R 5000 worth of abandoned copper cables were found in the vicinity of Voorbaai near the Port of Mossel Bay, this means the same is happening in and around Mossel Bay
- Port operations conducted in Saldanha harbour resulted in the arrest of a number of suspects with stolen items, including copper piping and electrical cables valued at over R17 000 in their possession
- Illicit mining activities continue in the Kleinsee area in Northern Cape (NC), Coffee Bay, Mkhambathi, Xholobeni, Lusikisiki, Port St Johns, Lubanzi, Willowvale areas/regions of the EC and both the Southern and Northern coastline of KZN.
- Mining operations are causing long-term damage to these sensitive coastal regions. The remoteness of some sites creates operational challenges to operational security and this is exacerbated by information leaks from within government to Traditional Leadership in some areas.

Eastern and Northern Cape Operations:

During the financial year of 2023/ 2024, Initiative 5 of Phakisa Operations were planned and executed in the Eastern Cape and Northern Cape. The focus areas were identified according to the information supplied to the Operational members. During the reporting period, confiscations to the value of R108 902 006,00 were affected. Of this total figure, R71 119 436,00 accounted for the confiscation of abalone while R 3 923 800,00 worth of equipment and vehicles/vessels were confiscated, removing the tools utilized in the commission of illegal activities, Narcotics worth R 1 497 042,00

Operation was planned and executed in order to direct a strong message to off road vehicle users and polluters who do not comply with NEMA. To ensure that the regulated communities always abide by the regulations, laws and other requirements relevant to the environment. CEWG engaged in continuous efforts to enhance the safety and quality of the environmental by

so doing promoting sustainable development. From the year 2023/2024, DFFE have erected bollards in Coffee Bay and Lubanzi beach to prevent the sand miners from illegal sand mining activities. Through the Initiative we have built a strong relationship both community members and local Traditional Leaders who are effective in helping to ensure environmental protection.



Figure 1: Showing abalone confiscated in Gqeberha and Jeffreys Bay, Eastern Cape (Humansdorp & Walmer)

Community Engagements: Operation Phakisa: Initiative 5 is about enhancing and coordinating compliance and enforcement, the involvement of all stakeholders in ensuring sustainable use of marine and coastal resources is vital and it is therefore imperative that traditional leaders are capacitated to play their role in this initiative. The CEWG have embarked on continuous engagements with Traditional Leaders and communities to educate them about the environmental laws and requirements from those that have plans to start developments along the coast. Through the partnership formed with Traditional Leaders and Communities, the DFFE is now receiving complaints and concerns about environmental transgression. Through this initiative and working relations amongst stakeholders and communities, one of the rural coastal communities has been issued with a sandmining permit at Qatywa in Elliotdale.



Figure 2: Showing issuing of a sand mining permit (Qatywa A/A), Elliotdale



Figure 3: Showing community engagement regarding illegal sand mining at Tenza Administrative Area

Illegal Sandmining:

Both the Eastern Cape provinces are known for mining of sand within the coastal area using trucks and bakkies, and this is commonly practised by local people, mostly taxi owners and even officials from certain Departments and Municipalities. To stop this kind of an activity, the DFFE erected 44 bollards at Coffee Bay, Nenga and placed big stones at Kob Inn prohibiting public from using any vehicles within the coastal area unless in possession of a permit as per the 2014 Regulations under the NEM: ICMA. Joint operations that were conducted with role players included eradication of illegal sandmining. These operations are supported by all stakeholders involved and conducted in the presence of the Department of Mineral Resources.



Figure 4: Showing truck mining sand within the coastal area and Bollards erected by the DFFE at Coffee Bay Beach

Coastal Pollution:

Specific emphasis have been placed on pollution that results from failing infrastructure like Waste Water Treatment Works (WWTW), pump stations and storm water outlets that are used to connect sewage illegally and end up discharged into coastal waters. Failing infrastructure and harsh weather conditions resulted in most of sewage spills that the Department had dealt with both through administrative and criminal enforcement. There have been incidents of dumping of waste along the coast that had led to administrative notices served to perpetrators, in this case it was Municipalities. A total of eighteen (18) notices served during the 2023/2024 financial year were Coastal Protection Notices issued in terms of section 59 of the Integrated Coastal Management Act.

Conclusion:

Initiative 5 of Phakisa highlights government's commitment to enhancing the blue ocean economy, enforcing maritime and marine legislation, and mitigating marine related crime in the maritime zones. The results from the operations are indicative of the commitment by members of the participating departments to establishing a secure maritime environment that will be appreciated by future generations.

This Initiative has proven that an integrated coordinated approach to Maritime Compliance and Enforcement is possible, effective and has a positive impact on the environment and

public opinion. The presence of an integrated law enforcement component allows for a broad spectrum of risks threats to be identified and mitigated.

A possible contributing factor to the success of the Initiative 5, is the expansion of the Phakisa ICC and enforcement decision making processes, to include departmental information from the non-traditional ICC members such as the Revenue Service, Fisheries and Environment. This has allowed subject matter expert information contributing to the planning and execution of the operational approach.





**PROSECUTION OF ENVIRONMENTAL
OFFENCES IN 2023/24**

11. PROSECUTION OF ENVIRONMENTAL OFFENCES IN 2023/24

The following Chapter provides examples of environmental prosecutions successfully obtained in the 2023/24 period in relation to offences committed in terms of legislation regulating pollution, waste and impact assessment, biodiversity, conservation, marine and coastal matters.

11.1 Pollution and Waste

S v Gavin Brasher and 7 others (Welkom CAS 587/11/2009) (Finalised:22 November)	
Province	Free State
Description	<p>In October 2009, DFFE received information regarding a medical waste company that was burying health care risk waste illegally in Welkom in the Free State area. DFFE applied for search warrant in 4 provinces to investigate and search the premises of the company and the private transport company that they employed. On 27 November 2009, medical waste was found illegally buried at the premises of a brick manufacturing business in Welkom in the Free State. After the first discovery of waste other search and seizure operations followed which led to the discovery of health care risk waste being buried at other premises as well. Clean up of the 4 sites took place during which 18 000 tons of medical waste was uncovered and disposed of in an authorized manner, which cost the company approximately R54 million.</p> <p>Accused 5 in the matter concluded a verbal agreement with the deceased CEO of the waste company to collect and transport the health care risk waste from their depots in other provinces to the sites in Welkom. He was also employed by Accused 1-4 and acted as the manager of these companies.</p>
Charges	<ul style="list-style-type: none"> • 4 counts of contravening section 20(b) read with section 67(1)(a) of NEM:WA • 4 counts of contravening section 16(1)(c) read with section 67(1)(a) & 68(1) of NEM:WA • 4 counts of contravening section 16(1)(e) read with section 67(1)(a) & 68(1) of NEM:WA • 4 counts of contravening section 26(1)(a) read with section 67(1)(a) & 68(1) of NEM:WA • 4 counts of contravening section 67(2)(c) of NEM:WA • 4 counts of contravening section 8(1) read with sections 1, 8(2), 38(1)(a) of the Occupational Health and Safety Act 85 of 1993 read with section 67(1)(a) & 68(1) of NEM:WA

S v Gavin Brasher and 7 others (Welkom CAS 587/11/2009) (Finalised:22 November)	
Province	Free State
Judgement/ Sentence	<p>The accused pleaded guilty in terms of Section 105A of the CPA and was sentenced as follow:</p> <p><u>Accused 1-4</u> was sentenced to R1 000 000 fine or 5 years imprisonment of which R 900 000 and the 5 years imprisonment was suspended for 5 years on condition that the accused pay a R100 000 fine.</p> <p><u>Accused 6, 7 & 8:</u> each of the accused sentenced to R1 000 000 fine or 5 years imprisonment of which R 980 000 and the 5 years imprisonment was suspended for 5 years on condition that the accused pay a R20 000 fine.</p>

State v Dihlabeng Local Municipality (Finalised 11/12/2023)	
Province	Free State
Description	The Dihlabeng Local Municipality was a holder of waste at the Morelig Transfer Station in Bethlehem. The municipality failed to remove waste from the transfer station to the landfill site timeously and as a result of this delay, pollution further pollution took place that endangered the health and the environment and also caused a nuisance through odour and visible impacts.
Charges	Contravening Section 16(1)(d) read with section 67(1)(a) of the NEM:WA
Judgement/ Sentence	The Municipality was sentenced to a fine of R5 000 000 of which R2 000 000 was suspended for 5 years on conditions.

State v Matjabeng Local Municipality	
Province	Free State
Description	The Matjabeng Waste Disposal Site situated on the farms Hesters Rust 224 and Kalkkuil 153 in the district of Odendaalsrus in the Regional Division of the Free State is under the management of the Matjabeng Local Municipality. Matjabeng Local Municipality was issued with a waste disposal permit in terms of the ECA. A compliance notice was issued to the municipality in relation to its failure to properly manage the waste disposal facility, thereby leading to significant pollution and degradation to the environment. The municipality failed to comply with the Compliance Notice.

State v Matjabeng Local Municipality

Province	Free State
Charges	Contravention of section 49A(1)(e) read with section 1, 2 31 L, 31 N, 49B (1) of NEMA Contravention of section 31 L read with section 49(1)(k) of the NEMA
Judgement/ Sentence	Count 1 and 2 are taken together for the purpose of sentence and the Accused is fined to a fine of R1 000 000 wholly suspended for a period of 5 years on conditions

State v Lekwa Local Municipality

Province	Mpumalanga
Description	<p>The initial criminal investigation started in 2015 triggered by complaints from members of the community and a farmer who is a neighbour to Standerton/ Lekwa Municipal Landfill site</p> <p>The first landfill site investigation revealed that the Lekwa Local Municipality was in non-compliance with their Waste Management Licence (WML). In 2015/16, focus was moved to the Lekwa Local Municipality's Waste Water Treatment Works (WWTW) when a multi-disciplinary site visit was undertaken in Standerton, where it was found that the WWTW was almost permanently operating below 50 % functionality and had been bypassing the chlorine plant for years.</p>
Charges	7 counts relating to the failure to comply with conditions stipulated in the WML the unauthorised disposal of waste, the failure to comply with a compliance notice and directive, unlawfully conducting a water use, causing significant pollution to the environment and unlawfully and negligently disposing and distributing raw untreated sewage
Judgement/ Sentence	In terms of a plea and sentence agreement, the Municipality agreed to a fine of R70 000 000 to be used to repair the non-functioning infrastructure over the next three years, together with regular reporting to DARDLEA and DWS on progress made

State v Sappi Saiccor (Pty) Ltd (Finalised 14 April 2023)

Province	KwaZulu- Natal
Description	On the 2 & 3 September 2014, officials from DFFE conducted a site visit at the SAPPI Saiccor (Pty) Ltd facility in Umkomaas and found non-compliances regarding their AELs and Waste issues. Based on this information a search and seizure was conducted at the facility on the 8 September 2015 where officials from the eThekweni Municipality and DFFE found non-compliances with the AELs and some issues regarding waste on the site.
Charges	38 counts relating to non-compliances with the conditions of their AEL. Contravention of Section 51(1)(e) read with sections 1 and 52 of the NEM:AQA.
Judgement/ Sentence	In terms of a Section 105A plea and sentence agreement, counts 30-48 and counts 65-85 were taken together for the purpose of sentencing and Sappi Saiccor (Pty) Ltd was sentenced to a fine of R 8 000 000 wholly suspended on condition that the accused pay the eThekweni Municipality R5 000 000 and the Recovery Account R3 000 000, within 21 working days of the date of the imposition of the sentence. The accused also undertook to spend R173 500 000 towards the initiated environmental improvement projects and will commit towards the "Greening the Future" and biomass beneficiation projects. These projects are aimed at contributing to enhancement projects in the communities which surround its mill.

State v Inter-Waste (Pty) Ltd

Province	Gauteng
Description	Inter-Waste (Pty)Ltd was issued with a WML to operate a landfill on 25 November 2011. One of the conditions of the WML was that the licence must be renewed within a period of 4 years from the date of issue. Inter-Waste was only allowed to dispose of waste up until 25 November 2015, however, it continued its operations until 22 November 2018 without a valid licence.
Charges	Contravention of Section 20(b) read with section 67(1) (a) of the NEM:WA, read with GN 921 of 29 November 2013, Category B, activity (8) – No person may commence, undertake or conduct a waste management activity, except in accordance with a waste management license issued – The disposal of general waste to land covering an area in excess of 200m2 with a total capacity exceeding 25 000 tons.
Judgement/ Sentence	In terms of a plea and sentence agreement, the Inter-Waste (Pty) agreed to a fine of R5 000 000, which is wholly suspended for 5 years on strict conditions. In terms of Section 34(3)(b) of NEMA, the court also ordered a supplementary payment of R3 500 000.

State v ClinX Waste Management CC - (Finalised 25 May 2023)

Province	Gauteng
Description	<p>On the 15 October 2014, a baseline inspection was conducted at the premises of the accused in Wadeville by officials from the DFFE, GDARDE and Ekurhuleni municipality. They detected various non-compliances with the conditions of AEL and WMLs. Administrative enforcement was undertaken by DFFE in the form of a PCN that was issued to the accused on the 15 July 2016; and a follow up inspection was conducted on the 15 November 2016 in order to assess compliance therewith.</p> <p>Based on the continued non-compliances observed, DFFE issued a final CN to the accused on 07 February 2018. The accused asked for an extension in supplying proof of compliance to DFFE, however, this was never submitted and the accused accepted pesticides / insecticides and treated it on site, for which they did not have authorisation.</p>
Charges	<p>2 counts of Contravening section 67(1)(h) of NEMWA - Failed to comply with the conditions of a Waste Management License</p> <p>1 count of contravening section 51(3) of NEMAQA – Emission of air pollutants at concentrations above the emission limits, specified in the AEL</p> <p>1 count of contravening section 49A (1) (k) of NEMA. – Failure to comply with a Compliance Notice</p>
Judgement/ Sentence	In terms of a Section 105A plea and sentence agreement, all the counts were taken together for the purpose of sentencing and the accused was sentenced to a fine of R400 000 of which half was suspended for 5 years on condition that accused is not found guilty of abovementioned sections of the legislation, during the period of suspension, and that accused pay R 200 000 over to the Ekurhuleni Municipality to upgrade and maintain their air quality monitoring stations in the municipal district.

State v Enerwaste Solutions (Pty) Ltd

Province	Gauteng
Description	Enerwaste Solutions (Pty) Ltd operated a plant where it stored and treated Health Care Risk Waste. The treatment of such waste required an AEL, which was not in place. Enerwaste was issued with a WML, but also did not comply with the conditions thereof. A Compliance Notice was issued, but the said company did not comply with the instructions thereof.

State v Enerwaste Solutions (Pty) Ltd

Province	Gauteng
Charges	<ul style="list-style-type: none"> • Contravening Section 22, read with section 51(1)(a) of the NEM:AQA • Contravening Section 67(1)(h) of the NEM:WA • Contravening Section 49A(1)(k) of the NEMA
Judgement/ Sentence	Enerwaste Solutions (Pty) Ltd was sentenced to a fine of R500 000 of which R400 000 was suspended for 5 years on conditions

State v Goldee Tracing (Finalized on 13 March 2024)

Province	Mpumalanga
Description	During an operation between the SAPS and other relevant stakeholders it was established that different companies and their directors were contravening Sec 49A (1) (e) of NEMA by means of the storage of coal. This resulted in the issuing of Compliance Notices with which the accused did not comply.
Charges	<p>1 count of contravening section 49A (1) (k) of NEMA. – Failure to comply with a Compliance Notice</p> <p>1 count of contravening section 49A (1) (e) of NEMA.</p>
Judgement/ Sentence	The case was finalized with a Section 105 Plea agreement. The company pleaded guilty with a R 100 000 fine of which R 70 000 was suspended for a period of 5 years and R 30 000 were paid by the accused.

State v Breezen Boedery (Pty) Ltd (Finalised 14 July 2023)

Province	Limpopo
Description	The accused constructed earth-filled structures across the Limpopo River, which impeded the flow of water downstream of the pump station in the Farm Manchester by accused 1. It was further alleged that the purpose of the infilling was to develop a permanent dam/weir to secure as much water as possible for the accused no1's ever-expanding operations, to the detriment of downstream users. The Limpopo River is the river that borders South Africa and Botswana in Stockpoort, Lephalale.
Charges	<ul style="list-style-type: none"> • 2 counts of contravening section 49A (1) (a) of NEMA-Conducting Listed Activities without an EA • 1 count of contravening section 49A (1) (f) of NEMA- Commit an act, which detrimentally affected the environment.

State v Breezen Boedery (Pty) Ltd (Finalised 14 July 2023)

Province	Limpopo
Judgement/ Sentence	The accused was found guilty in terms of Section 105A Plea Agreement on count 1,2 and 5 and was sentence to a fine of R200 000 wholly suspended to a period of 5 years with certain conditions. In addition, the accused must pay for the investigation costs for R50 000._

State v Southern Sun Hotel and Leisure (Finalized on 21 September 2023)

Province	Limpopo
Description	A complaint was received from a member public regarding the expansion of a hotel without the necessary authorisation and as a result, the hotel could not handle the amount of sewage generated, resulting in overflow into the environment and Kruger National Park.
Charges	<ul style="list-style-type: none"> • 2 counts of Contravening section 67 and section16 of NEMWA - Failed to treat and dispose of waste in an environmentally sound manner • 1 count of contravening section 1 count of contravening section 151 (i) of the NWA – unlawfully and intentionally or negligently commit any act or omission which detrimentally affects or is likely to affect a water resource • 1 count of contravening section 49A(1) (e) of NEMA
Judgement/ Sentence	2 accused were found guilty, the hotel as an entity was fined R 3 000 000. The director of the hotel was sentenced in her personal capacity to R 5 000 000 or 5 years imprisonment of which R 3 000 000 or 3 years imprisonment was suspended for 5 years on condition that she is not convicted of a similar offence during the period of suspension.

State v Esias Engelbertus Klein

Province	Western Cape
Description	Asbestos Rehabilitation and Removals (Pty)Ltd ("ARAR") with Esias Engelbertus Klein as Director, entered into a lease agreement to occupy a premises situated at 3 Distillery Street Paarl. The accused/lessee was involved in asbestos projects, which included the storage of asbestos waste at this address. Rental payments fell into arrears and a court granted an eviction order against ARAR. On entering the said premises, the owner/lessor of the premises found that a substantial amount of asbestos waste was disposed of on the premises, which he had to dispose of.

State v Esias Engelbertus Klein

Province	Western Cape
Charges	<p>Contravention of section 20(b), read with section 67(1)(a) of the NEM:WA</p> <p>Contravention of section 16(1)(c) read with section 67(1)(a) of the NEM:WA</p>
Judgement/ Sentence	<p>Both counts were taken together for the purpose of sentencing. The accused was sentenced to 5 years imprisonment which was wholly suspended for 5 years on conditions.</p> <p>Esias Klein also had to pay R60 000 for the removal of the asbestos to the property owner.</p>

State v Mike de Kock

Province	Western Cape
Description	The State was able to prove beyond reasonable doubt that the accused illegally cleared and ploughed an area of 25 Hectares without the requisite environmental authorisation The area which was cleared had been covered in pristine Eastern Ruens Shale Renosterveld (ERSR) which is classified as critically endangered and has less than 6 percent of its original extent which remains today This was done through the testimony of botanical experts, land surveyors from the Department of Rural Development and Land Reform and the thorough investigation by the Department's EMIs
Charges	Mr de Kock, a farmer from the Overberg region, was convicted on 1 of the 3 counts, He was accused of illegally clearing more than 300 square meters of a critically endangered ecosystem, Eastern Ruens Shale Renosterveld (ERSR).
Judgement/ Sentence	Mr de Kock was sentenced to a fine of R 400 000 or 3-years imprisonment. While the fine was suspended for a period of 5 years on condition that he is not convicted of a similar offence, Mr de Kock was ordered to pay an additional amount of R 100 000 to the DEADP to aid in the investigation and enforcement of similar environmental crimes within the Western Cape.

11.2 Biodiversity and Conservation

S v Andries Melusi Mkhabela; 2. Solomon Mahlaule; Johannes Maluleke and Daniel Bqaq (KAGISANONG CAS 318/09/2023) (Finalised 8/04/2024)

Province	Free State
Description	The accused pleaded guilty in terms of Section 112 of the CPA on a charge of conspiring to hunt rhino in the Free State Province. Accused 3 pleaded guilty on the possession of the illegal firearm and ammunition. On 24 September 2023, the four accused were travelling in a Silver Audi A4 on the N6 when SAPS intercepted their vehicle. During the search the police seized a .458 Calibre Hunting Rifle of which the serial number was obliterated. In addition, 9 x .458 rounds of ammunition; one silencer; rolls of tinfoil; a cooler-box and three hunting knives were seized from the vehicle. The State called the testimony of an expert witness relating to organised rhino poaching.
Charges	On the 7th of February 2024 the accused pleaded guilty on one count of contravening section 18(2) of the Riotous Assemblies Act 56 of 1959 – Conspiracy to contravene section 57(1) if NEM:BA. Accused 3 pleaded guilty on contravening Section 4(1)(f) (iv) of the Firearms Control Act 60 of 2000 for possession of a firearm of which the serial number has been obliterated and possession of ammunition on contravention of Section 90 of Act 60 of 2000.
Judgement/ Sentence	Accused 1 – 4 was sentence to 5 years direct imprisonment on the conspiracy to hunt rhino Accused 3 was sentenced to 5 years direct imprisonment for possession of the firearm and ammunition. The Silver Audi A4 to the value of R100 000,00 which was used as an instrumentality to the offence was forfeited to the State in terms of Chapter 6 of POCA 121 of 1998.

S v Shadrack Matambo; Thabani Lusiko Sibanda and Sibusiso Leonard Khumalo ((KROONSTAD CAS 170/09/2022) (Finalised 21/09/2023)

Province	Free State
Description	The accused pleaded guilty on a charge of Theft read with the provisions of section 51(2) Part 11 of Schedule 2 of The Criminal Law Amendment Act 105 of 1997; for illegally removing 50 cycads of the <i>Encephelartos Horridus</i> species from a privately owned farm in Eastern Cape. In addition Accused 3 is wanted on a J50 warrant on an Organised Crime Prosecution emanating from the Eastern Cape. Accused will be added to the charges there.
Charges	Theft read with section 51(2) of Act 105 of 1977 – Theft of 50 cycads Contravening section 49(1)(a) of Immigration Act 13 of 2002

S v Shadrack Matambo; Thabani Lusiko Sibanda and Sibusiso Leonard Khumalo ((KROONSTAD CAS 170/09/2022) (Finalised 21/09/2023)

Province	Free State
Judgement/ Sentence	Accused 1: 10 Years direct imprisonment, 3 Months imprisonment suspended for 5 years (Illegal immigrant) Accused 2: 12 Years direct imprisonment Accused 3: 8 Years direct imprisonment

S v Chere Motaba

Province	Free State
Description	The accused was found in possession of elephant foot plants; a Baboon Skull and protected plants of the <i>Helichrysum</i> species.
Charges	<ul style="list-style-type: none"> • Contravening section 57(1) of NEM:BA • Contravening regulation 16(1)(b) of CITES Regulations
Judgement/ Sentence	The accused pleaded guilty in terms of Section 112 and was sentenced to a fine of R60 000 or 1 year imprisonment suspended for 5 years.

S v Stanford Hatidani (Kuruman Regional Court) (finalised November 2023)

Province	Northern Cape
Description	On 14 June 2022, the State's first witness, an ambulance driver, out of concern, stopped at a bakkie and a truck standing next to the N14-road between Kuruman and Kathu. On enquiring whether everything was okay, he became suspicious when he saw plants being loaded from the bakkie to the truck and alerted the Kuruman neighbourhood watch and the SAPS. On entering Kuruman, both the bakkie and truck was pulled-over by the neighbourhood watch and the SAPS. On further investigation a total amount of 2850 endangered and protected plants were found, which included 5 different species with a combined international value of R9 878 000
Charges	3 counts of Restricted Activities Involving Specially Protected Species, Protected Species and Indigenous Species in terms of the Northern Cape Nature Conservation Act 9 of 2009.
Judgement/ Sentence	10 years direct imprisonment

S v Beukes and Steenkamp (Springbok Regional Court) (finalised December 2023)

Province	Northern Cape
Description	<p>On 1 December 2020, a SAPS member received a Whatsapp message from a person who wanted to sell protected plants, sending pictures of these plants in nature as well as those already harvested. On 3 December 2020, an application was made for a Section 252A operation and on 4 December 2020 authority to conduct such operation was granted. The accused continued to inform the SAPS member of the type of protected plants he was able to supply and an agreement reached on the price. The transaction would take place on 20 December 2020, 40 kilometres from Springbok on the N7.</p> <p>An operational team was put together and an agent was used to conduct the deal. On the agreed date, the 2 accused was picked up by the agent in Spoegrivier where they reside. They had the plants in their possession and they were placed in the vehicle. As per arrangement the agent stopped the bakkie along the way indicating that he was going to fetch the money. He then locked the doors of the bakkie with both the accused inside, after which they were accused was arrested and charged with contravening section 50 of the NCNCA 9 of 2009.</p>
Charges	Section 50 of the Northern Cape Nature Conservation Act 9 of 2009
Judgement/ Sentence	8 years direct imprisonment of which 2 years was suspended. The 2 years were suspended for a period of 5 years on condition that the accused is not convicted of contravening Section 50 of the NCNCA 9 of 2009 within the period of suspension.

S v Gerald and Elisha van der Westhuizen - OR Tambo International Airport CAS 93/07/2023

Province	Gauteng
Description	Analyses done on a digital device by the DFFE Fusion Centre revealed that the accused was the person who illegally sent wild caught CITES listed reptiles (Sungazers) to Germany and Mexico for the illegal pet trade. The payment for these reptiles was deposited into his wife's bank account via a payment platform.
Charges	<p>Accused 1</p> <p>Count 1,2,& 3 export/sale of a listed species without a valid CITES permit</p> <p>Count 4 conducting a restricted activity involving TOPs species without a permit (transporting & possession)</p> <p>Count 9 making false declarations in terms of the Customs and Excise Act, Act 91 of 1964.</p>

S v Gerald and Elisha van der Westhuizen - OR Tambo International Airport CAS 93/07/2023

Province	Gauteng
Judgement/ Sentence	<p>Accused 2</p> <p>One count in terms of section 4(b) and three counts of Section 6 of the Prevention of Organised Crime Act, No. 121 Of 1998 (Money Laundering)</p> <p>Accused 1 - sentenced to a fine of R1 000 000 of which half of the said amount is suspended for a period of 5 years.</p> <p>Accused 2 - Is sentenced to 5 years imprisonment of which the time is wholly suspended because of her personal circumstances.</p>

S v GF Fourie

Province	Gauteng
Description	<p>The accused was employed by a company specializing in the export of fauna. During an inspection of the consignment bound for Qatar it was found that the accused endeavoured to export live birds in contravention of CITES because he did not have the required State veterinary health certificates.</p> <p>It was found that he added one Malecon and Palm cockatoo, 8 Yellow Napped Amazon parrots; 1 Marmoset and Capuchin Monkeys listed on Appendix I and II, to the consignment which was not authorised by the permit.</p>
Charges	6 counts contravening the CITES regulation
Judgement/ Sentence	<p>5 years imprisonment suspended on condition that he pays R 85 000 to DFFE.</p> <p>He was disqualified from applying for permits relating to CITES listed species for 5 years (Sec 34C of NEMA);</p> <p>The whole consignment to the value of R 645 000 was forfeited.</p>

S v Tapfumanyei & Hondo (CULLINAN CAS 111/09/2020)

Province	Gauteng
Description	On 18 September 2020 the police received information that the accused wanted to sell a pangolin. The Cullinan Stock Theft Endangered Species Unit, K9 Unit conducted an Ad Hoc police operation in terms of section 252A of the CPA at Ellis Filing station near Cullinan. On the date in question both accused proceeded to the said filling station to finalize the transaction. Both accused were arrested trying to sell the pangolin to an undercover agent.

S v Tapfumanyei & Hondo (CULLINAN CAS 111/09/2020)

Province	Gauteng
	The pangolin died before the transaction was finalised. One dead pangolin was found in the car which was driven by accused 2.
Charges	<ul style="list-style-type: none"> Contravening section 57(1) read with sections 1, 4, 6, 8, 56, 87, 87A, 88, 90, 92, 93, 97, 98, 101(1)(a), 102 and Chapter 7 of NEM:BA, read together with the TOPs Regulations and lists. Contravening the provisions of Section 49(1)(a) of the Immigration Amendment Act 17 of 2002 as amended; Contravention of Section 2(1) of the Animals Protection Act 71 of 1962;
Judgement/ Sentence	<p><u>Count 1:</u> Both accused were sentenced to 10 years' imprisonment of which 2 years' imprisonment is suspended for 5 years on condition that the accused are not found guilty of possession or transporting a protected species during the period of suspension.</p> <p><u>Count 2:</u> Accused 1 was sentenced to 12 Months imprisonment.</p> <p><u>Count 3:</u> Both accused were sentenced to 4 years' imprisonment.</p>

S v Barend Floris (Johan) Coetzee and Xander Aylward - Kameeldrift CAS 34/02/2023

Province	Gauteng
Description	<p>On the afternoon of 08 February 2023, a parcel was handed in at the PostNet Derdepark, Pretoria, by Xander Aylward (accused 2). The box was to be sent to an address in KwaZulu-Natal. On the same afternoon, staff members at the PostNet heard some movement from inside the box and opened it for an inspection. It was discovered that the box contained live reptiles.</p> <p>EMIs arrived on scene and arrested accused 1 and 2 who had returned to the Postnet trying to get the animals back after realising they were discovered. A search of their residential property of the accused were done in terms of Section 22 of the CPA and numerous other live reptiles were found and seized.</p>
Charges	<ul style="list-style-type: none"> Count 1: Contravention of Section 57 (1) of NEM:BA - restricted activity (possession) involving listed threatened or protected species without a permit.

S v Barend Floris (Johan) Coetzee and Xander Aylward - Kameeldrift CAS 34/02/2023

Province	Gauteng
	<ul style="list-style-type: none"> Count 2: Contravention of Section 39(1) of the Nature Conservation Ordinance, 12 Of 1983 - keeping or conveyance of live game Count 3: Contravention Of Section 43(1) Of the Nature Conservation Ordinance, 12 Of 1983 - prohibited acts with certain live wild animals
Judgement/ Sentence	<p>3 years imprisonment, which is wholly suspended for 5 years on the following conditions:</p> <ul style="list-style-type: none"> 18 months correctional supervision: has to present themselves to Zonderwater correctional facility for 16 hours community service each month. The accused is placed under house arrest for the full duration of the correctional supervision and may not leave their residential address except from Mondays to Fridays during working hours from 06h30 until 16h30.

The State v Pieter Visser

Province	North West
Description	On 05 th April 2022, a site inspection was conducted at farm Berendina Portion 1 HO 30, situated in Christiana, North West, owned by Mr P.A Visser. During an inspection the following species were observed: Nyala, Roan Antelope, Fallow deer, Lechwe, Scimitar- horned Oryx. The farm owner failed to provide permits for the said species and admitted to have introduced the species without a permit.
Charges	Section 1, 4, 6, 8, 56, 57, 87, 87A, 88, 90, 92, 97, 98, 101(1), 102, 103, 104, 105B of the NEM:BA read with Government Notice R1003 in Government Gazette 43726 of 18 September 2020 (listing of alien and invasive species, as amended) and further read with sections 90, 92(1)(f), 250 and 336 of the Criminal Procedure Act 51 of 1977 and further read with the provisions of the Adjustment of Fines Act 101 of 1991.
Judgement/ Sentence	The accused submitted a representation in court and it was considered by the EMIs and NPA, an agreement was reached to settle the matter through the application of Alternative Dispute. The accused was required to sign a Mediation Agreement, proposing that the Accused pay the following amounts into the suspense account of the Department which funds will be used for furthering the compliance and enforcement work of Environmental Management Inspectorate (EMIs): In respect of Count 1 R30 000; Count 2 R20 000; and Count 3 R15 000.

The State v Pieter Visser

Province	North West
	That the Accused submit a permit application related to all listed invasive species in his possession to the Department within five (5) working days from the date of finalisation and signature of the mediation agreement.

11.3 Oceans and Marine**The State v Prins Willem Fishing (Pty) Ltd**

Province	Eastern Cape
Description	<p>On 21 April 2019 and inside the Amathole Marine Protected Area (MPA) which is situated in the regional division of the Eastern Cape, the accused conducted fishing activities in a fishing vessel, the Prins Willem 1 ("the Vessel") within the Amathole MPA without a permit.</p> <p>The accused failed to record catches retained onboard the Vessel by species in live weight kilograms for each fishing operation, failed to comply with the lawful instruction of a Fishery Control Officer (FCO) not to complete the Vessel's blank catch logbook until the inspection of the Vessel had been completed; and failed to activate and/or ensure the Vessel Monitoring System (VMS) was active onboard the Vessel whilst it had fishing gear onboard.</p>
Charges	<ul style="list-style-type: none"> Count 1: Contravening Regulation 75 of the MLRA Count 2: Contravening Regulation 79(2) of the MLRA Count 3: Contravening Section 56(5)(d) of the MLRA Count 4: Contravening Regulation 3(3) of the MLRA
Judgement/ Sentence	<p>The four counts are taken together for purposes of sentencing; and</p> <ul style="list-style-type: none"> The accused is sentenced to a fine of R500 000 of which the amount of R350 000 is suspended for a period of 5 years on the condition that the accused is not again convicted of a contravention of Regulation 75 or 79(2) of the Marine Living Resources Regulations, or Section 56(2) of the MLRA, or Regulation 3(3) as issued in terms of Section 43 of the NEM:PAA, committed during the period of suspension; The fine is payable to the DFFE The security amount of R250 000 paid by the accused to the DFFE on 7 May 2019 is forfeited to the State in terms of Section 68(1) of MLRA.

S v Baadjies and 4 others

Province	Western Cape
Description	<p>Numerous complaints were received regarding corrupt activities involving officials, accused 1 to 5, from the former Department of Agriculture Fisheries and Forestry (DAFF). Subsequently, a project was registered. On 42 occasions, section 252A operations was conducted over a 4-month period, which led to the arrest of the accused.</p> <p>The officials sold abalone seized by law enforcement agencies to known abalone smugglers, who have been convicted previously, or rendered assistance to the smugglers in that they did not arrest the divers linked to these smugglers and by provided them with law enforcement operational information. The smugglers would hereafter pay them a gratification in cash, which was divided amongst the accused, for their assistance and participation. The State inserted an agent to conduct undercover operations.</p>
Charges	All the accused were convicted on charges of managing (section 2(1)(f)) and participating in the affairs of an enterprise (section 2(1)(e)), corruption, abalone-related charges, defeating the administration of justice and standalone money laundering in terms of section 6 of Prevention of Organised Crime Act 121 of 1998.
Judgement/ Sentence	The accused were sentenced as follows: Accused 1, 2 and 3: 10 years direct imprisonment of which 3 years imprisonment was suspended. Accused 4 and 5: 10 years direct imprisonment of which 6 years imprisonment was suspended.

State v Timothy Buckley

Province	Western Cape
Description	The accused were found at Robben Island where he attempted to harvest abalone
Charges	<ul style="list-style-type: none"> Contravening Regulation 8(1) of the Regulations for the Management of the Robben Island Marine Protected Area promulgated under Government Notice GN R 794 and published in Government Gazette 42479 of 23 May 2019 Contravening Regulation 9(6) of the Regulations for the management of the Robben Island Marine Protected Area promulgated under Government Notice GN R 794 and published in Government Gazette 42479 of 23 May 2019 Contravening Regulation 3(2) of the Regulations for the Protection of Wild Abalone Regulations promulgated under Government Notice R62 and published in Government Gazette 30716 of 1 February 2008 Contravening Section 46(1), read with section 89(1) and section 1 of NEM:PAA

State v Timothy Buckley

Province	Western Cape
Judgement/ Sentence	<p>Count 1 - The accused was sentenced to a period of 3 years' imprisonment which is wholly suspended for 5 years, on conditions</p> <p>Count 2 - The accused is sentenced to a period of 3 years imprisonment which is wholly suspended for 5 years on conditions</p> <p>Count 3 - The accused is sentenced to a period of 2 years imprisonment which is wholly suspended for a period of 5 years, on conditions</p> <p>Count 4 - The accused is sentenced to a period of 3 years imprisonment which is wholly suspended for a period of 5 years on conditions</p>

State v Oscar Carelse, Gareth Shemba and Antonio Boo

Province	Western Cape
Description	The accused were found at Robben Island where they attempted to harvest abalone
Charges	<ul style="list-style-type: none"> • Contravening Regulation 8(1) of the Regulations for the Management of the Robben Island Marine Protected Area promulgated under Government Notice GN R 794 and published in Government Gazette 42479 of 23 May 2019 • Contravening Regulation 3(2) of the Regulations for the Protection of Wild Abalone Regulations promulgated under Government Notice R62 and published in Government Gazette 30716 of 1 February 2008
Judgement/ Sentence	<p>Count 1 - The accused is sentenced to a period of 3 years' imprisonment which is wholly suspended for 5 years on conditions</p> <p>Count 2 - The accused is sentenced to a period of 2 years imprisonment which is wholly suspended for 5 years on conditions</p> <p>Count 3 - The accused is sentenced to a period of 2 years imprisonment which is wholly suspended for a period of 5 years on conditions</p>

State v Clinton Petersen and 5 others

Province	Western Cape
Description	The accused were found at Robben Island where they attempted to harvest abalone

State v Clinton Petersen and 5 others

Province	Western Cape
Charges	<ul style="list-style-type: none"> • Contravening Regulation 8(1) of the Regulations for the management of the Robben Island Marine Protected Area promulgated under Government Notice GN R 794 and published in Government Gazette 42479 of 23 May 2019 • Contravening Regulation 3(2) of the Regulations for the Protection of Wild Abalone Regulations promulgated under Government Notice R62 and published in Government Gazette 30716 of 1 February 2008 • Contravening Regulation 3(1) of the Regulations for the Protection of Wild Abalone Regulations promulgated under Government Notice R62 and published in Government Gazette 30716 of 1 February 2008 • Contravening Section 46(1) of the National Environmental Management: Protected Areas Act, Act 57 of 2003
Judgement/ Sentence	<ul style="list-style-type: none"> • All counts are taken together for purposes of sentence. • The accused is sentenced to a fine of R100 000 or 12 months imprisonment for each accused. • A further 12 months direct imprisonment which is suspended for a period of 5 years on condition that they are not convicted and sentenced for Regulation 8(1) of the Regulations for the management of the Robben Island Marine Protected Area promulgated under Government Notice GN R 794 and published in Government Gazette 42479 of 23 May 2019 and Regulation 3(1) and 3(2) of the Regulations for the Protection of Wild Abalone Regulations promulgated under Government Notice R62 and published in Government Gazette 30716 of 1 February 2008 and Section 46(1) of the National Environmental Management: Protected Areas Act, Act 57 of 2003

State v Henrico da Silva

Province	Western Cape
Description	The accused were found at Robben Island where they attempted to harvest abalone
Charges	<ul style="list-style-type: none"> • Contravening Regulation 6 of the Regulations for the management of the Robben Island Marine Protected Area promulgated under Government Notice GN R 794 and published in Government Gazette 42479 of 23 May 2019

State v Henrico da Silva	
Province	Western Cape
	<ul style="list-style-type: none"> • Contravening Regulation 3(2) of the Regulations for the Protection of Wild Abalone Regulations promulgated under Government Notice R62 and published in Government Gazette 30716 of 1 February 2008 • Contravening Section 46(1) of the National Environmental Management: Protected Areas Act, Act 57 of 2003
Judgement/ Sentence	<p>Count 1 - The accused is sentenced to a period of 3 years' imprisonment which is wholly suspended for 5 years on conditions.</p> <p>Count 2 - The accused is sentenced to a period of 2 years imprisonment which is wholly suspended for a period of 3 years on conditions.</p> <p>Count 5 - The accused is sentenced to a period of 2 years imprisonment which is wholly suspended for a period of 3 years on conditions</p>

S v R Ngulube. Tom Burke CAS 8/10/23	
Province	Limpopo
Description	The accused arrived at a border post between RSA and Botswana. He was driving a truck with false registration plates. Upon investigation a hidden compartment was found underneath the truck. In this compartment 1358 Kg of dried abalone to the value of approximately R8 million was found hidden in 135 potato bags.
Charges	Possession of abalone, entering RSA without a valid passport, driving with false number plates, facilitating money laundering by disguising the proceeds of crime (abalone) and the export of abalone without a permit.
Judgement/ Sentence	16 years on the predicate offences and 10 years on the money laundering charge – the effective sentence – 10 years direct imprisonment.

The State v Sea Harvest (Pty) Ltd	
Province	Western Cape
Description	On 30 May 2022, EMIs from DFFE conducted a routine inspection at Sea harvest warehouse/cold storeroom, Cape Town Harbour. During the site inspection, they asked the facility manager whether they are dealing in sharks' species and if they were currently keeping and/or storing shark species.

The State v Sea Harvest (Pty) Ltd	
Province	Western Cape
	<p>It is alleged that, the manager at first, refused to confirm that the facility was keeping shark species and when asked for the second time, he then confirmed that there are some sharks in the cold room.</p> <p>A consignment of what appeared to be Macko shark and six plastic bags full of shark fins was presented with the impression that it was the only items currently stored. After the inspection, documents were requested including permits to confirm the legal acquisition. The documents presented was a permit issued to Sea Harvest to operate a fish processing establishment dated 04 January 2022. The permit is valid until 31 December 2022. The fish species authorised by the permit is: Hake and by-catch (Snoek, Maasbanker, Kingklip, Buttersnoek, John dory, Jacopever, Panga, Mackerel, Monk, Squid, Gunrad, Mullet, Octopus, St Joseph). This permit excludes Shark, Tuna, and Oil fish.</p> <p>A second permit was issued to Sea Harvest that was valid from 19 May 2021 to 31 December 2021 to operate as a fish processing establishment. This permit excludes Shark, Tuna, and Oil fish.</p> <p>A follow-up inspection was conducted on 01 June 2022 at Sea Harvest where they declared the stockpile of Sharks, Tuna and oil fish kept in their storeroom without a permit authorising them to operate as a fish processing establishment. The following stockpile was recorded based on the current record as per 01 June 2022: Blue shark: 40122 kg; Macko shark 13654 kg; Yellowfin tuna 5762 kg; Big eye tuna 16538 kg; Blue fin tuna 4051 kg; Oil fish 1873 kg; Shark fins 7691 kg</p> <p>According to Sea Harvest, these species were kept on behalf of third parties such as Azanian Fishing Company (Pty) Ltd; Premier Fishing SA (Pty) Ltd; Seawin Sapphire Fishing (Pty) Ltd; Extra Dimensions 70 (Pty) Ltd; Sailors Joy Fishing (Pty) Ltd and Breakwater Products (Pty) Ltd and all had valid permits, therefore, the species were legally acquired.</p>

The State v Sea Harvest (Pty) Ltd	
Province	Western Cape
Charges	<ul style="list-style-type: none">• Contravention of Section 13 (1) of the Marine Living Resources Act, Act 18 of 1998, read with Section 18(1), Chapter 2, 3 and section 58(1)(a)(i)(b) of the said Act, and with Section 250 of the Criminal Procedure Act, Act 51 of 1977• No person shall exercise any right granted in terms of section 18 or perform any other activity in terms of this Act unless a permit has been issued by the Minister to such person to exercise that right or perform that activity.• No person shall undertake commercial fishing or subsistence fishing, engage in mariculture or operate a fish processing establishment unless a right to undertake or engage in such an activity or to operate such an establishment has been granted to such a person by the Minister.
Judgement/ Sentence	The matter was finalised through an Alternative Dispute Resolution and the company paid an amount of R200 000 paid into the DFFE's suspense account to contribute in the work of EMIs.





NATIONAL ENVIRONMENTAL, COMPLAINTS & EMERGENCY INCIDENTS

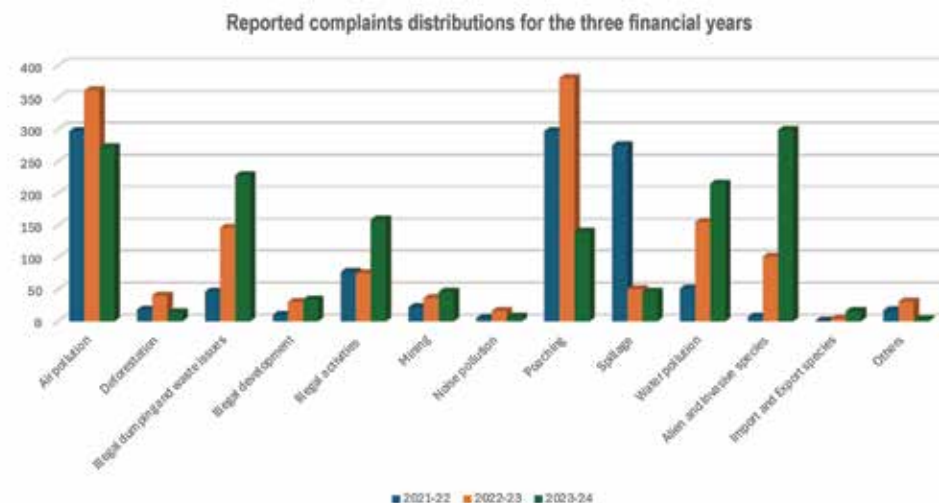
12. NATIONAL ENVIRONMENTAL COMPLAINTS AND EMERGENCY INCIDENTS

DFFE continued to collect statistics on environmental complaints received through the Environmental Crimes and Incidents Hotline from the Minister and Director-General's office, as well as complaints received directly from other organs of State and the public. The Hotline serves as the main point of entry for complaints on environmental crimes and incidents. However, complaints reported directly to provinces, local authorities or other EMI Institutions are not received through the Hotline. There has been an increase in the overall number of incidents and complaints reported from **1425** in 2022/23 to **1479** in 2023/24 financial years. Reports of poaching, air pollution, water pollution, illegal dumping and waste issues, alien and invasive species and spillages have recorded an increase with illegal activities (based on the initial complaint, these activities appear to be completely unpermitted /unlicensed) showing decreases. Water pollution include the complaints reported DWS and DFFE hotlines.

12.1 Hotline complaints per category

Nature of Complaint	Financial Years			
	2021-22	2022-23	2023-24	Totals
Air pollution	297	361	272	930
Deforestation	18	40	14	72
Illegal dumping and waste issues	46	146	228	420
Illegal development	10	30	34	74
Illegal activities	77	75	159	311
Mining	22	36	46	104
Noise pollution	5	16	7	28
Poaching	297	380	140	817
Spillage	275	50	46	371
Water pollution	51	155	215	421
Alien and Invasive species	7	101	299	407
Import and Export species	1	4	16	21
Others	17	31	3	51
Total	1123	1425	1479	4027

Table 13: Number and classification of complaints: 2020 - 2024



Graph 8: Graphical representation on the nature of complaints received

12.2 Referral of hotline complaints to responsible organs of State

Financial Year	INSTITUTION REFERRED TO					Total
	DFFE	DWS	DMR	LOCAL GOVERNMENT	PROVINCES	
2021-2022	502	51	22	236	312	1123
2022-2023	569	155	36	318	347	1425
2023-2024	461	215	46	370	387	1479
Total	1532	421	104	924	1046	4027

Table 14: Number of DFFE referred complaints and incidents



**ENVIRONMENTAL COMPLIANCE AND
ENFORCEMENT CAPACITY BUILDING**

13. ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT CAPACITY BUILDING 2021-2022

The 2023-2024 reporting year was again a busy period in so far environmental compliance and enforcement capacity development not only for EMIs but relevant stakeholders alike. The following serves as an overview of the courses that were presented by DFFE.

EMI Basic Training: Courses (May and October 2023 as well as February 2024)

Unlike previous years, three EMI Basic Training courses were presented during the period 2023-2024. The main reason for the additional third course, was as a result of an increased number of officials from Fisheries as well as Water and Sanitation requiring EMI designation, in addition to the normal provincial and local authority demand.

Due to continuous monitoring and evaluation, the EMI Basic Training course is constantly evolving, not only as it relates to the distance learning component but also in respect of course assessments and content changes as a result of legislative amendments.

Each of the basic training courses started with a 6-week eLearning component which consists out of 18 topic specific courses, each with its own assessment that requires completion. The overall combined average for all 18 assessments contributing 15% towards the final individual mark for each attendee.

The content of the eLearning also forms the basis for class based written tests which is undertaken during the first week of the in-person contact session. One of the amendments to the course was the increase in weight of the in class written tests, which were increased from 15% to 30% as it required officials to study material made available on the eLearning platform.

The 6-week distance learning component is then followed by a 3 week contact session, which is structured to cover environmental legislation during week 1, followed by compliance inspections and administrative enforcement during week 2, and ending with criminal investigations and court procedures in week 3.

There is a total of 12 separate individual assessments to be completed during this period and an official requires a final result of 50% or above to successfully complete the course and become eligible for EMI designation.

The overview for the three courses were as follows:

A. The May 2023 course was presented in Pretoria Gauteng

- There were 54 officials in attendance – including 10 repeaters from previous courses;
- Representing 15 (National and Provincial EMI Institutions) and 8 (Local authorities) organs of State;



EMI basic Training course held May 2023 in Pretoria

B. EMI Basic Training Class for May 2022 in Cape Town



EMI Basic Training course held October 2023 in Cape Town**C. The third February to March 2024 course was also presented in Cape Town, Western-Cape**

- There were 46 officials in attendance
- Representing 10 (National and Provincial EMI Institutions) and 5 (Local authorities) organs of State

**EMI Basic Training course held in Feb/March 2024 in Cape Town****EMI Basic Training: Grade 5 Train the Trainer Course April 2023**

Field Rangers employed by National and Provincial EMI institutions make up more than two thirds of the Environmental Management Inspectorate. For a field ranger to be eligible for EMI designation, they need to attend and successfully complete the EMI Grade 5 Basic Training course approved by the Director General of DFFE.

Within the Inspectorate there are 5 different grades of EMI, each with its own set of powers and duties. In most instances field rangers require the set of powers and duties specifically assigned to a Grade 5 EMI. This Basic Training course curriculum for Grade 5 EMIs has been developed with the aim to be presented by EMI Grade 2 officials within each institution that employs field rangers. In order to ensure consistency amongst these institutions, an EMI Grade 5 Train-the-Trainer course guideline document together with curriculum was developed and adopted by all relevant EMI institutions.

Capacity development is resource-intensive, and repeat training to the same individual needs to be avoided where possible. For this reason it is essential for each institution to deliver the same training at the same standard as to ensure that, should an official seek employment with another institution, based on their results, they would be eligible for EMI Grade 5 designation without being required to repeat the Grade 5 Basic Training programme.

Based on this premise, the DESTEA requested DFFE to assist the Free State EMI team with an EMI Grade 5 Train the Trainer course before they started rolling out the training to their own field rangers.

Topics covered included:

- NEMA in so far mandate, functions, duties and powers of a Grade 5 EMI.
- SEMAs in so far applicable to a Grade 5 EMI, namely NEM:PAA NEM:BA
- TheCPA in so far chapters 2, 5, 7 and 8 which are applicable to the Grade 5 EMI.
- Additional training material included the use of EMI pocketbook, arrest, search and seizure procedures, crime scene and exhibit management, statement writing, admission of guilt fines as well as court procedures and testifying.



EMI Grade 5 Train the Trainer training for FreeState

EMI Specialised Training: The EMI as Investigator, Criminal Docket Management Training Courses (June, August 2023 and February 2024)

The ability of the EMI to undertake criminal investigations and compile a criminal docket is of fundamental importance, and the need for training to develop this capability has become essential.

The current EMI SAPS SOP, signed 2012, acknowledges the mandate, functions, duties and powers of the EMI and amongst others, addresses the principle that EMIs should where possible carry out criminal investigations independently of the SAPS in relation to pure environmental crimes.

During the reporting period a total of 3 courses, presented by external and internal topic experts were delivered for EMIs from across South Africa. Each of the courses accommodated 30 investigators per course and was made possible as a result of a DFFE – UNODC (United Nations Office on Drugs and Crime) – INL funded project. The project also covered costs relating to conference venue as well as attendee travel and accommodation as well as printing of learning material.

The development of an advanced course to address the capacity needs expressed by EMIs with the mandate to undertake criminal investigations (linked to powers contained in the Criminal Procedure Act Chapters 2, 5, 7 & 8) required extensive expert involvement. The biggest challenge in developing a course of this nature was to address three main areas of focus, these being:

- Undertaking a criminal investigation;
- Adhering to criminal procedure and law of evidence; and
- Following meticulous administrative procedures in order for the case to be placed forward for prosecution.

Two manuals formed the basis for the course :

- The EMI Green Docket Management trainee manual, containing references, definitions and step by step procedures on the administrative duties linked to the registration and management of a docket;
- The EMI Investigative Tools manual, explaining certain key procedures and capabilities available to an investigating officer (IO).

The 2 week in-person practical course covered topics such as, the EMI mandate linked to the EMI green case docket, DFFE Standard Operating Procedure (SOP) on criminal case docket management, overview of completion of all fields of a case docket, docket registration together with forms attached thereto, completion of investigation diary, procedures linked to

arrest, warrantless search, and seizure of exhibits; Crime scene management; Search and seizure of evidence and chain of Custody - Practical exercise; A1 Statement, entries into SAPS Occurrence Book and SAPS Exhibit Register 13; Crime Scene and photograph album; Warning Statement, admissions, confessions and completing required forms, including registration on Crime Administration System (CAS), fingerprints, and buccal swabs at Community Service Center (CSC);

Section 205 of the CPA and pointing out and Bail including an affidavit to oppose; Corruption and charges relating thereto; Application CPA and Cybercrime Act (CCA warrants; Letters of request; Completion and processes linked to SAPS 13; SAPS 69 and closure of the case docket.



EMI as investigator Docket Management training 1st course June 2023



EMI as investigator Docket Management training 2nd course August 2023



EMI as investigator Docket Management training 3rd course February 2024

As part of the long-term vision, the course was filmed in full in order to create short topic related information pieces which will not only serve as review for those who have already attended course, but also use to support related eLearning short courses where certain principles needs to be explained.

This has been a project running over many years, and to see it coming to a realisation was extremely uplifting. It is critical to extend our gratitude and appreciation not only to INL as the funder, but also the staff from UNODC which includes, the regional coordinator for Southern Africa Chijioke Ononiwu, as well as programme and administrative assistant Tshifhiwa Mukumela. Topics experts - Adv Kevin Pretorius, Adv Gert Nel, Col Thinus Kruger, Mark Dyson and Johan Vermeulen.

EMI Specialised Training: Wetland delineation and protection courses (September 2023)

Based on consistent demand, the DFFE again hosted 2 Wetland delineation and protection courses in Howick KZN. There were 31 EMIs from across South Africa per course.

As with previous courses, the focus was on the legal definition and standing of wetlands, wetland delineation, the critical importance of wetland processes as well as how mismanagement becomes not only financially costly, but also has an impact of health and safety of communities, not to mention the impact thereof on water security.

The DFFE in-house wetland expert, Dr Piet-Louis Grundling, was the main presenter who brought with him specialists in the form of Dr Mark Graham from Groundtruth specializing in river health, Mr Craig Cowden also from Groundtruth specializing in wetland delineation and rehabilitation and Mr Pieter Botha from EWT, specializing in agricultural natural resources and carbon management.

The course has been structured to cover both theoretical and practical work on a 50/50% time allocation. This required that attendees to undertake daily field excursions while also working on group case scenarios which they needed to present on, on the final day. This required a number of private properties had to be accessed during the course and for this we extend our heartfelt appreciation to Amanda, Jessica and Anthony for providing permission and assisting in obtaining landowner permission for us to enter properties and “engage” with different wetlands.

The two courses were again extremely well received and a special thank you goes out to the EMIs whom attended and stayed positive and interactive throughout the long hours of the course.



Attendees at the 1st Wetland course presented in Howick KZN



Attendees at the 2nd Wetland course presented in Howick KZN

EMI Specialised Training: Self Defence Training Courses (November and December 2023)

In the daily life of an environmental compliance and enforcement EMI it is essential to know the basics of self-defence skills, as to ensure that you prepare yourself for unforeseen and possibly terrifying events. It is important for EMIs to be able to protect themselves in a legal manner against possible threats. For this reason two 3 day physically demanding self-defence training courses were hosted for 60 EMIs. The first group of 28 EMIs during November 2023 and the second group of 32 EMIs during December 2023.

Both training sessions comprised of both theoretical and practical training which also included dedicated practise assessed periods.

The training focused on equipping EMIs with knowledge and skills to help prevent and respond to threats of assault as well as providing strategies that can help minimize risk and respond appropriately. The training covered the following aspects:

- Preventative measures to avoid and discourage attacks,
- Situational awareness to be able to recognize dangerous behaviours and situations,
- Basic self-defence techniques adapted to different contexts.

With everybody encouraged to actively participate and ask questions during the training.

The following techniques were demonstrated to the participants:

- Basic combative Techniques & Anti-Hijacking,
- Defence against Grabs, Holds and chokes, Knife/Firearm threats and attacks,
- Anti Rape and ground fighting.

Important safety tips:

Prevention is the best self-defence: Attackers are looking for unsuspecting, vulnerable targets. So be sure to follow general safety tips like being aware of your surroundings.

Get Loud and Push Back: As soon as the attacker touches you or it's clear that escape isn't possible, be loud and push back as this signals for help and let the attacker know that you're not an easy target.

Remember the Most Effective Body Parts to Hit: You must do everything you can to conserve as much energy as possible to inflict injury so you can get away, aim for sensitive parts of the body: the eyes, nose, ears, neck, groin, knee, and legs.

After both courses EMIs were left bruised but empowered and felt more prepared and confident in their ability to defend themselves physically, where necessary.



EMIs that attended the 1st self defence 3 day training course November 2023



EMIs that attended the 2nd self-defence 3-day training course December 2023

EMI Specialised Training: SABOLD / BOLD database linked to Species Identification Kit Training Courses (May, June 2023 and February 2024)

During the reporting period a total of 103 EMIs were trained as part of 3 different courses presented by DFFE. The course focussed on:

- BOLD and SABOLD together with,
- Proper use of SIK (Species Identification Kits)

Two of the courses were delivered in-person while the third was presented virtually in order to reach those not able to travel. The course was co-presented by topic expert Dr Monica Mwale from SANBI.

SABOLD (South African Barcode of Life Data System) is a cloud-based data storage and analysis platform, supporting DNA-based species identification in South Africa.

One of the elements of a crime associated with a biodiversity investigation is proper species identification (beyond a reasonable doubt), as the relevant regulated / illegal activity is directly linked to the legislative protection and or listing of such a species. This process of identification is more not a simple process, leading to many cases not being finalised due to lack of evidence. This is more clearly understood when looking at where the physical evidence is of such a nature (derivatives / parts thereof) where visual species identification is simply not possible.

With the development of science a process known as DNA barcoding (sequencing) has become the most speedy, scientifically trusted and cost effective manner of identifying any species. Through this method, unknown DNA samples are identified against samples already collected from known specimens and stored on a reference library. South Africa has been running with a program known as BoWP (Barcode of Wildlife Program) which has over a number of years collected samples from a range of regulated (and closely lookalike) species in order to determine the unique DNA barcode / sequence for that species.

Through a collaboration with BOLD (Barcode of Life Data Systems) the DFFE as part of the GEF 7 funded project is in the process of developing SABOLD, which aims at housing the DNA sequence results which were taken following chain of custody principles in order to be admissible as part of a criminal trial.

Linked to this component of the training, EMIs were also introduced and trained in the use of the newly developed and adopted SIK (Species Identification Kit) to be used by investigators when processing Biodiversity related crime scenes.



Introduction to the Species Identification Kit video produced by SANBI officials linked to forensic crime laboratory

External Role-players: Border Management Agency (BMA) officers trained on Environmental Crimes detection at Ports (April 2023)

Since 1994, South Africa has been using a multi-agency approach in its border management agenda. Unfortunately, the multi-agency approach was not wholly effective in addressing the national security threats and challenges that prevail in the border environment. In light of this, the South African Cabinet took a decision in June 2013 to establish a Border Management Authority (BMA) in the country premised on a new policy paradigm of integrated border management.

The Authority is responsible for the execution of frontline border law enforcement functions related to, inter alia, port health; immigration control; access control; biosecurity; food safety and phyto-sanitary control; land border infrastructure development and maintenance; and border information and risk management. The BMA was formally established as a Schedule 3A Public Entity on 1 April 2023. (Extract from <https://bma.gov.za/about-us/>)

The DFFE was invited (as part of an ongoing collaboration) to train some newly designated BMA officials on the detection, handling and initial processing of illicit trade in biodiversity commodities at South Africa's ports of entry and exits. This opportunity was welcomed and resulted in an interactive theoretical and practical training session where 23 Border Guards were present.

The content of the training focussed on some key topics which would afford a Border Guard the confidence to react, and properly deal with detections.

The topics that were covered included amongst others:

- Overview of relevant environmental legislation, which included NEMA, NEMBA as well as TOPS and CITES regulations.
- Properly identifying and interpreting relevant associated permits for the internal movement (import and export) of listed species.
- Development of reasonable suspicion linked to the offence of illicit international biodiversity trade.
- Duties of a first responder to a crime scene as well as identification of items of evidential value and that will support further criminal investigation.
- The writing of affidavits linked to the detection of illicitly traded species and specimens.
- As well as practical hands-on identification of specimens and derivatives of regulated species. As session that was particularly well received due to the variety of products that were circulated and handled.

As part of the training, officials were also handed high quality photographic based reference manuals, as it relates to the detection and handling of illicit wildlife specimens, as well as first responder duties at ports of entry and exit.



Border Management Agency BMA officers training 2023

External Role-players: SARS training on Environmental Crimes detection at Ports (July 2023)

DFFE collaborates with various key role-players nationally by deploying capacity development initiatives to increase their awareness on environmental crimes. These interventions are part of DFFE's approach to strengthen the compliance and enforcement program of work in ensuring compliance with the environmental law.

The DFFE in collaboration with South African Reserve Service (SARS) Institute of Learning hosted the Detection and Handling of Illicit Environmental Commodities (Wildlife Specimens, Chemicals and Waste) Training in Gauteng. The training was aimed at capacitating SARS Customs officers which are based at the Ports of Entry in the proper identification, handling and handover of illicit environmental commodities when moved/traded across South African borders. The training programme covered topics relating to the transboundary movement of environmental commodities and these include animals and plants (and their derivatives), waste

and harmful chemicals such as ozone-depleting substance and polychlorinated biphenyls that are subject to illicit transboundary movement. The participants had to complete the Pre & Post-Course assessments to evaluate and benchmark their knowledge of environmental commodities and understanding of essential environmental concepts.

The following topics were presented:

- Environmental legislative framework
- Biodiversity commodities and Crime scene management
- Regulating the international trade and or movement of CITES listed species
- Ozone Depleting Substances
- Polychlorinated biphenyls and persistent organic pollutants
- Waste and Asbestos
- Formal documentation and Procedures



DFFE SARS CUSTOMS commodities and handling training in Pretoria

External Role-players: Advanced training for prosecutors on prosecution of Biodiversity crime (November 2023)

In efforts to combat and prevent wildlife and forest crime, WLFC and the UNODC is working to support Member States to address these challenges from a criminal justice perspective. The UNODC has provided support 'from the crime scene to court', and prosecutors play a key role in this process, helping to obtain more successful court cases at national level, as well as promoting legal assistance amongst countries to ensure cooperation against transnational organized criminal groups.

The NPA of South Africa generally becomes involved in biodiversity criminal cases when the SAPS or the EMIs hand over the case docket to the prosecutor for a decision on whether or not to proceed with prosecution. The NPA has the responsibility of deciding whether the SAPS or the EMIs have adequately investigated the case and presented enough evidence for the case to be heard in court. The NPA identified the need to capacitate and upskill an identified group of prosecutors, who prosecute biodiversity and more especially transnational organized crime cases in the key areas of South Africa where most of these crimes occur. These are the so-called hotspot areas.

This training intervention was presented to prosecutors from the biodiversity hotspot crime areas in South Africa, and presented over a period of five days. This training need was fulfilled by the UNODC and a team of qualified and experienced ex-prosecutors and wildlife crime investigators who developed a specialized advanced curriculum to enhance these prosecutors' skills and knowledge.

The participants were sent pre-training reading material and a scenario to prepare and were expected to give feedback during the practical part of the training. A pre-training questionnaire was used to test the participants' pre-training knowledge on the various topics to be covered in the five days.

The objective of the advanced training was to upskill the participants, who were more experienced high court and regional court prosecutors and who prosecute more complicated and high-profile biodiversity criminal cases in the identified biodiversity crime hotspots in South Africa. There were 18 participants from, amongst others, Cape Peninsula, Kwa-Zulu Natal, Gauteng, Limpopo, and Mpumalanga.

The curriculum for this advanced course, consisting of the participant manual, course presentations, practical sessions and guest speakers, was developed in accordance with the NPA training requirements and specific requests from the NPA.

The subjects and topics developed and covered by the UNODC expert consultants include the South African biodiversity legislation framework, both national and provincial. The mandate of the EMIs and how prosecutors need to work together with EMIs and the SAPS were also

discussed. Further topics included the Cybercrime Act and the requirements for search and seizure, the Prevention of Organized Crime Act, money laundering and corruption to name but a few. Very importantly, a balance in the training had to be struck between the terrestrial and marine biodiversity crimes. Other topics included non-human DNA repository SA Bold, as part of the Barcode of Wildlife. Digital forensics and related evidence, together with expert analysis and associated testimony.

The practical application of knowledge was stressed throughout the training through a series of interactive case scenarios provided to the prosecutors. These practical exercises for covering both terrestrial and marine aspects provided great insight into the learning of the participants.



Prosecutors received training as part of DFFE NPA UNODC Wildlife Trafficking Course in Gauteng

External Role-players: Judicial Colloquium on Wildlife Trafficking (October 2023)

The South African Judicial Education Institute (SAJEI) in partnership with the United States Agency for International Development (USAID) Vuka. Now Program, the Mozambican Legal and Judicial Training Centre (CFJJ) and the World Wide Fund for Nature South Africa (WWF) hosted a Colloquium on Wildlife Trafficking for Mozambique and South Africa Judiciary during October 2023, Pretoria, South Africa.

The objectives of the colloquium were as follows:

- To map the nature and extent of Wildlife Trafficking in Mozambique and South Africa.
- To share cross-border judicial training initiatives on Wildlife Trafficking to determine progress since the 2019 Colloquium held in Johannesburg.
- To highlight and discuss case law on Wildlife Trafficking.
- To take note of applicable legislative instruments to Wildlife Trafficking.

The conference was attended by several judiciary delegates from Mozambique and South Africa. The delegation consisted of judges, magistrates and prosecutors who deliberated on a number of critical wildlife trafficking matters and its related challenges. This high-level engagement was crucial for the exchange of information between the two countries, and the sharing of legal resources, strategies, and lessons learned in addressing challenges when adjudicating wildlife trafficking cases.

As part of the ongoing strategic capacity development initiatives, the DFFE participated in the colloquium where informative presentations were delivered by the DFFE and SANParks presenters. The following presentations were delivered:

- Nature and Extent of Illegal Wildlife Trafficking in South Africa by Ms Frances Craigie (DFFE);
- Status of Poaching and Illegal Wildlife Trafficking: Ranger's Perspective by Nicholus Funda (SANParks);
- Overview of applicable legislation: South Africa by Mr Oupa Chauke (DFFE).

In support of DFFE's participation in the conference, an exhibition of both indigenous and exotic species, namely TOPS and CITES regulated commodities, was set up to capacitate delegates on the identification of such commodities and their associated legal requirements.

The exhibition stand was visited by delegates who were eager to know more about the displayed commodities, their uses, identification, and handling of such commodities as well as applicable legislation.



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14. WHAT IS AHEAD FOR 2024-25?

The cleanup of the 30-year-old Thor Chemicals mercury waste saga will be completed by October 2024 in the pollution and waste sub-sector. This case has drawn significant attention from academics, the media, and others concerned with the government's ability to handle complex pollution cases.

The cleanup operation began during the peak of the COVID-19 pandemic and required importing most of the necessary materials and equipment. Numerous challenges were overcome during the process of moving the waste from Cato Ridge, KwaZulu-Natal to Berne, Switzerland for treatment, and finally to salt mines in Germany for disposal. A team of officials from local, provincial, and national government levels ensured worker safety and security and managed the complex permissions required for both local and international lawful transboundary movement of the waste. The Jagersfontein cleanup also demonstrates the expertise gained by Environmental Management Inspectors in managing major pollution events. It is anticipated that in the next year, a more significant volume of spilled material will be cleared, increasing the rehabilitated areas to well over 120 hectares.

The significance of both these projects is rooted in the "polluter pays principle," which also incorporates the "cradle to grave" philosophy operational in the waste sector. Joint initiatives with provincial authorities, continuing into next year, include an initiative to secure compliance with the newly promulgated Extended Producer Responsibility Regulations and an ongoing effort to improve the compliance profile of general landfill sites.

In May 2023, the Cabinet approved the implementation of the National Integrated Strategy to Combat Wildlife Trafficking (NISCWT). The goal of the NISCWT is to establish a well-resourced, integrated, and multidisciplinary law enforcement approach to disrupt the illegal wildlife trafficking chain in South Africa and beyond. This involves gaining commitment from all government departments, directing law enforcement efforts, and mobilizing society to address the threat of wildlife trafficking to national security and biodiversity. The NATJOINTS National Priority Committee to Combat Wildlife Trafficking coordinates the implementation of the plan by all stakeholders, and it will be a priority area for all related role-players in 2024/25.

The work of the Rhino Anti-Poaching (RAP) Sub-Committee, directed from the 2016 Rhino Lab Action Plan, has evolved into the Integrated Wildlife Zones (IWZ) project. The seven existing IWZs were established based on partnerships and relationships between the private sector, national and provincial conservation authorities (PCAs), state law enforcement agencies, and, in some cases, civil society. These zones are defined by two key criteria: nationally important rhino populations (with the objective now expanded to include other endangered wildlife populations in these areas), and the zones include a national park, a provincial reserve, and private reserves.

The RAP conducted a planning workshop to review the IWZ program's implementation and to plan how to strengthen alignment between all parties involved, as well as to clarify the strategic objectives, roles, and responsibilities. This exercise resulted in the drafting of a strategic framework outlining the IWZ program's shared goals and objectives for the period 2024-2029, aligning them with the NISCWT.

In the 2024/25 period, there will be a continued focus on assessing the compliance levels of facilities involved in captive breeding of big cats and other large predators such as lions, tigers, leopards, and cheetahs. These joint inspections will be carried out through collaboration between the national Department and its provincial conservation counterparts. The outcomes will help in implementing the recommendations of the Ministerial Task Team on captive-bred lions. The final assessment of the industry will provide the Environmental Management Inspectorate with baseline information on the number of farms involved in captive breeding, the number of animals kept in each facility, as well as the overall compliance status of the industry.

The Compliance and Enforcement Working Group (CEWG) under Phakisa Initiative 5 plays a key role in enforcing laws and regulations in oceans and coastal areas. The group has finalized its 2024/2025 Workplan with specific targets related to operational focus and identified risks. The CEWG addresses criminal activities in the marine and coastal environment and gathers information on operations, confiscations, and successes.

There have been various illegal activities in the maritime zones of the Eastern Cape's Wild Coast, causing significant damage to the coastal environment. In response, the Wild Coast Illegal Development Task Team (WCIDTT) was revived at the instruction of the Minister of the Department of Forestry, Fisheries, and the Environment (DFFE). The WCIDTT's objective is to involve all affected stakeholders in the Eastern Cape in finding solutions to the identified threats to the Wild Coast's coastal environments. The specific objectives of the WCIDTT are outlined in its Terms of Reference (ToRs) and include:

- Coordinating law enforcement activities related to illegal development along the Wild Coast among relevant government departments.
- Managing activities and projects related to illegal coastal development.
- Providing a platform for communication between senior management from all key government departments involved in coastal development and law enforcement within the Wild Coast region.
- Addressing operational challenges escalated to the Task Team through regional operational task teams.
- Reporting to the Eastern Cape Member of the Executive Council (MEC) and Minister of DFFE on the status of all unlawful development matters along the Wild Coast.

To ensure that the WCIDTT receives support from the CEWG for executing operations within

the Wild Coast, it has been decided that the WCIDTT will report to the CEWG quarterly to provide feedback on operations and new challenges that require attention. Due to financial constraints, the budget allocated for the CEWG has been reduced by more than 50%. The focus will be on utilizing technology, specifically the Fusion Centre, Oceans and Coastal Information Management System (OCIMS), and Vessel Monitoring Systems (VMS) within DFFE to identify threats, analyse criminal trends, and monitor oceans and coastal environments. This will help prioritize the deployment of limited resources to areas where illegal activities are observed.

The CEWG also aims to work closely with coastal communities and Traditional Leaders to involve them in monitoring the oceans and coastal environment.

In 2024/2025, there will be a continued focus on providing both basic and advanced/specialized training courses for Environmental Management Inspectors (EMIs). The E-learning platform will play a key role in developing the necessary compliance and enforcement skills of these officials. It will also be improved to serve as a user-friendly central information hub accessible to all EMIs. Efforts will be intensified to facilitate the widespread implementation of the EMI Case Administration System (e-CAS) through continued training, as well as addressing the key challenges experienced by e-CAS users that may hinder the smooth transition to this information system. Additionally, the Inspectorate will begin the first year of implementing the National Environmental Compliance and Enforcement Framework (NECEF), a common roadmap for all State organs to enhance their compliance and enforcement performance over the next five years.

The 10th Environmental Compliance and Enforcement Lekgotla (ECEL) will be held in KwaZulu-Natal, bringing together a diverse set of stakeholders from governmental and non-governmental sectors to discuss common topics of interest, build capacity, make recommendations, and develop strategies to address the challenges in the environmental compliance and enforcement sector.



NOTES

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