



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Ref: O2/1/5/2

NATIONAL ASSEMBLY

(For written reply)

QUESTION NO. 766 {NW968E}

INTERNAL QUESTION PAPER NO. 14 of 2020

DATE OF PUBLICATION: 08 May 2020

Ms H S Winkler (DA) to ask the Minister of Forestry, Fisheries and the Environment:

What intervention measures does her Department take whenever municipalities fail to adhere to air quality regulations?

766. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:

Accordingly, section 100 of the Constitution of the Republic of South Africa states:

(1) When a province cannot or does not fulfil an executive obligation in terms of the Constitution or legislation, the national executive may intervene by taking any appropriate steps to ensure fulfilment of that obligation, including—

(a) issuing a directive to the provincial executive, describing the extent of the failure to fulfil its obligations and stating any steps required to meet its obligations; and

(b) assuming responsibility for the relevant obligation in that province to the extent necessary to—

(i) maintain essential national standards or meet established minimum standards for the rendering of a service;

- (ii) maintain economic unity;*
- (iii) maintain national security; or*
- (iv) prevent that province from taking unreasonable action that is prejudicial to the interests of another province or to the country as a whole.*

In order to implement the above constitutional provisions, the Minister engages with the Member of the Executive Council, through the co-operative governance structure if MINMEC, to ensure that such a capacity is expected to fulfil its expected duties. In this case, these would be the requirements set out in section 11 of the National Environment Management: Air Quality Act (39) Of 2004.

Regards


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MS B D CREECY, MP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT
DATE: 20/5/2020