



**NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL**

**NEDLAC REPORT ON  
THE CLIMATE CHANGE BILL, 2020**

**1. BACKGROUND**

- 1.1** The draft Climate Change Bill was published by the Department of Environmental Affairs, (now known as the Department Environment, Forestry and Fisheries) on the 8th June 2018 for public consultation for a period of 60 days. Subsequent to the publication of the Bill, the Department convened provincial workshops for stakeholder participation in all nine provinces and a number of bilateral engagements with business associations, non-governmental organizations, research institutions as well as sector departments in government were held.
- 1.2** Climate change requires coordinated action across the social, economic and environmental sectors and across sphere of government.
- 1.3** The Bill therefore is overarching, and creates the necessary framework to enable coordinated planning and action.
- 1.4** A presentation on the Bill was provided by Government at the Nedlac Trade and Industry Chamber meeting of the 14th November 2018. It was then agreed that a task team would be formed to engage on the draft Climate Change Bill.
- 1.5** The Task Team commenced engagements on 08 March 2019. However due to a number of concerns raised by Social Partners on the Bill, Social Partners held bilateral discussions in order to address those concerns.

**1.6** Following these meetings, Minister Creecy, Minister of the Environment, Forestry and Fisheries has requested (24 October 2019) that the engagements on this Bill be parked until Government has addressed some of the concerns raised by the Social Partners.

**1.7** Government subsequently tabled a revised Bill at Nedlac on 21 September 2020 for further engagements.

## **2. PROCESS AT NEDLAC**

**2.1** A NEDLAC engagement commenced on this version of the Bill as it was in line with the NEDLAC protocol. The Task Team comprised representatives of Organised Labour, Organised Business and Government. A list of task team members is attached as **Annexure 1**.

**2.2** The purpose of the task team was as follows:

2.2.1 To consider the proposed Climate Change Bill tabled by Government, and engage the contents thereof;

2.2.2 Undertake a line by line analysis of the revised Climate Change Bill, 2020 with a view to reaching consensus on the provisions thereof;

2.2.3 Develop a Nedlac Report for submission to all the relevant structures within Nedlac containing maximum areas of agreement, as well as areas of disagreement, where applicable. In this regard, a matrix is attached as **Annexure 2**.

**2.3** The task team met on the following dates:

08 March 2019

12 April 2019

24 May 2019

At this point that Bill was withdrawn by the Minister for revision.

21 September 2020 – the revised Bill was re-tabled at Nedlac

09 October 2020  
 16 October 2020  
 19 October 2020  
 26 October 2020  
 10 November 2020  
 24 November 2020  
 10 December 2020  
 22 December 2020 1-a-side task team

**2.4** The following formal submissions were provided by the Constituencies:

Government:	Government: The Climate Change Bill, 2020	Annexure 3
Government:	Socio-Economic Impact Assessment Systems Report (SEIAS) on Climate Change Bill, 13 December 2017 – on the first version of the Bill presented to Nedlac. Government will conduct a SEIAS on the revised Bill tabled in September 2020.	Annexure 4
Labour:	Air Quality Act	Annexure 5
Labour:	Further submission to the Bill, 2020	Annexure 6
Labour:	Science Identified gas	Annexure 7

**2.5** Proposed amendments to the Bill are indicated as follows:

**[\*text\*] = delete**                      \_\_\_\_\_ = **insert**

**3. AREAS OF AGREEMENT**

**3.1 PREAMBLE**

3.1.1 Constituencies agreed to the amendment to read: **AND WHEREAS** anticipated **[domestic]** impacts arising as a result of climate change have the potential to undermine **[many of the advances made in meeting]** achieving the Republic’s developmental goals

- 3.1.2 Business proposed new wording to read: **AND WHEREAS** responding to climate change raises unique challenges to effective governance as its impact transcends and challenges traditionally sectoral governance approaches, which **[challenges]** therefore requires a nationally driven, coordinated and cooperative legal and administrative response that acknowledges the **[centrality] significant role of provincial and municipal spheres, taking into account the Intergovernmental Relations Framework Act 13 of 2005.**
- 3.1.3 Government agreed to the deletion of “challenges” as it is a grammar issue. However, the use of “centrality” is to highlight the significant role of the provincial and municipal spheres because the impacts are on the ground where they have to play a critical role. Government would also like to keep “achieving”.
- 3.1.4 Government provided alternative text and proposed: **AND WHEREAS** responding to climate change raises unique challenges to effective governance as its impact transcends and challenges traditionally sectoral governance approaches, which **[challenges]** therefore requires a nationally driven, coordinated and cooperative legal and administrative response that acknowledges the **[centrality] significant role of provincial and municipal spheres, taking into account the Intergovernmental Relations Framework Act 13 of 2005.**
- 3.1.5 Consensus on the wording proposed.

## **3.2 CHAPTER 1: INTERPRETATION, OBJECTIVES AND APPLICATION**

### **3.2.1 Definition**

3.2.1.1 The following definitions were agreed to **without amendments:**

- a) **"adaptive capacity"**
- b) **“carbon tax”**
- c) **“Carbon Tax Act”**
- d) **"climate change"**

- e) **"Department"**
- f) **"direct greenhouse gas emissions"**
- g) **"Disaster Management Act"**
- h) **"district municipality"**
- i) **"ecosystem"**
- j) **"environment"**
- k) **"Gazette"**
- l) **"greenhouse gas"**
- m) **"indirect greenhouse gas emissions"**
- n) **"Intergovernmental Panel on Climate Change"**
- o) **"Intergovernmental Relations Framework Act"**
- p) **"Inter-Ministerial Committee on Climate Change"**
- q) **"mayor"**
- r) **"MEC"**
- s) **"metropolitan municipality"**
- t) **"Minister"**
- u) **"mitigation"**
- v) **"Municipal Forum on Climate Change"**
- w) **"National Climate Change Response White Paper"**
- x) **"national department"**
- y) **"Nationally Determined Contribution"**
- z) **"National Environmental Management Act"**
- aa) **"national greenhouse gas inventory"**
- bb) **"organ of state"**
- cc) **"Paris Agreement"**
- dd) **"prescribe"**
- ee) **"Presidential Climate Change Coordinating Commission"**
- ff) **"Provincial Forum on Climate Change"**
- gg) **"regulation"**
- hh) **"sector"**
- ii) **"sub-sector"**
- jj) **"sustainable development"**
- kk) **"this Act"**
- ll) **"United Nations Framework Convention on Climate Change"**
- mm) **"Vulnerability"**

3.2.1.2 The following definitions were **added** and agreed to:

- a) **“mitigation measures”**: Constituencies agreed to the new definition as inserted by Government to read: “mitigation measures” means a technology (a piece of equipment or a technique for performing a particular activity), process, or practice which, if employed, would reduce greenhouse gas emissions.
- b) **“mitigation plan”**: Constituencies agreed to the new definition as inserted by Government to read: “mitigation plan” means a plan contemplated in section 25(5)(a) of the Act, and that contains mitigation measures, prepared specifically for the mitigation of greenhouse gas emissions.
- c) **“person”**: Constituencies agreed to the new definition as presented by Government i.e. “person” means the definition of person as defined in the Interpretation Act 33 of 1957.
- a) **“sink”**: Constituencies agreed to the new definition as inserted by Business to read: “Sink” means any process, activity or mechanism which removes a greenhouse gas, an aerosol, or a precursor of a greenhouse gas from the atmosphere.

3.2.1.3 The following definitions were **amended** and agreed to:

- a) **“carbon budget”** means an assigned amount of greenhouse gas emissions [allowance] allocated to a person in terms of section 25 of this Act [20,] for [which] direct emissions arising from the operations of [a] that person over a defined time period;

- b) **"just transition"**: Constituencies agreed to the definition as amended by Government to read: **"just transition"** means a shift towards low carbon, climate resilient and ecologically sustainable economies and societies which contributes to the creation goals of decent work for all, social inclusion, and the eradication of poverty.
- c) **"national greenhouse gas emissions trajectory"**: Constituencies agreed to the definition as amended by Government to read: "national greenhouse gas emissions trajectory" means the national greenhouse gas emissions reduction [goal] objective represented by a quantitative description of the total allowable [against which the efficacy of] greenhouse gas emissions [reductions actions will be measured and evaluated] projected to be emitted during a specified period, in the Republic.
- d) **"policies and measures"**: Constituencies agreed to the definition as amended by Government to read: **"policies and measures"** means the manner in which **[the national departments]** an organ of state that exercises a power or performs a function in response to climate change through implementing planning instruments, policies and programmes that seek to mitigate emissions relating to the requirements stipulated by the United Nations Framework Convention on Climate Change, Paris Agreement and/or any other global climate change agreements under the United Nations Framework Convention on Climate Change. **[from the sector in line with the sectoral emissions target;]**
- e) **"Presidential Climate Change Coordinating Commission"** means **[a]** the commission established in terms of section 11 of this Act, responsible for

advisory support of climate change responses and a just transition to a low carbon economy;

- f) **"resilience"** Constituencies agreed to the definition as amended by Business to read: **"resilience"** means the **[capacity]** ability of social, economic, and **[environmental]** /or ecological systems to **[cope with a hazardous event or trend or]** absorb disturbances, **[responding of re-organising in ways that maintain their essential function, identity and structure, while also maintaining the capacity for adaptation, learning and transformation;]** while retaining the same basic structure and ways of functioning, the capacity for self-organisation and the capacity to adapt to stress and change.
- g) **"sectoral emissions targets:** Constituencies agreed to the definition as amended by Business to read: **"sectoral emissions targets"** means quantitative or qualitative goals, informed by sectoral policies and measures that may lead to greenhouse gas emission reductions for the sector or sub-sector over a defined time period as determined in terms of section 23 of this Act;
- h) **"synthetic greenhouse gas"** : Constituencies agreed to the definition as amended by Business to read: **"synthetic greenhouse gas"** means an artificial [man-made] greenhouse gas as declared by the Minister in terms of section 21 of this Act;
- i) **United Nations Framework Convention on Climate Change" or "UNFCCC"** means the United Nations Framework Convention on Climate Change adopted by the United Nations General Assembly in New York in 1992; and



### 3.2.2 **Clause 2: Objects of Act**

- 3.3.1.1 Constituencies agreed to Clause 2 (a) as amended by Business to read: provide for a coordinated and integrated response by the economy and society to climate change and its impacts **[by members of the public and all spheres of government]**, in accordance with the principles of cooperative governance;
- 3.3.1.2 Constituencies agreed to Clause 2 (b) (c) (e) and (f) as outlined in the Bill.
- 3.3.1.3 Constituencies agreed to new Clause 2 (d) as inserted by Business to read: (d) to ensure a just transition towards a low carbon economy and society considering national circumstances.
- 3.3.1.4 Constituencies agreed to Clause 2 (d) which was replaced by Business as a new (d) to change to (e) as proposed by Government: **[(d)](e)** give effect to the Republic's international commitments and obligations in relation to climate change; and
- 3.3.1.5 Constituencies agreed to Clause 2 **[(e)]** be replaced by (f) Protect and preserve the planet for the benefit of present and future generations.

### 3.3.2 **Clause 3: Principles**

- 3.3.2.1 Constituencies agreed with Clause 3 (a) – (i) and (k) (l) as outlined in the Bill.
- 3.3.2.2 Constituencies agreed to Clause 3 (a) as amended by Business to read: 'the national environmental management principles as set out in Section 2 of the National Environmental Management Act, as applicable in terms of this Act.
- 3.3.2.3 Constituencies agreed to Clause 3 (d) as amended by Business to read: to contribute to a just transition towards low carbon,

climate resilient and ecologically sustainable economies and societies which contributes to the creation of decent work for all, social inclusion, and the eradication of poverty.

3.3.2.4 Constituencies agreed to Clause 3 (f) as amended by Business and Labour to read: the need for decision-making to consider the special needs and circumstance of localities, economic sectors and people that are particularly vulnerable to the adverse effects of climate change, including vulnerable workers and groups such as women – especially poor and rural women – children, especially infants and child-headed families, the aged, the poor, the sick and the physically challenged;

3.3.2.5 Constituencies agreed to Clause 3 (g) as amended by Business to read: The need for a risk-averse and cautious approach **[which]** to be **[should be]** adopted, which takes into account the limits of current knowledge about causes and effects of climate change and the consequences of decisions and actions in relation thereto;

3.3.2.6 Constituencies agreed to Clause 3 (h) as amended to read: the need for climate change mitigation and adaptation responses to **[which should]** be informed by evolving climate change scientific knowledge and decisions which should be based on the best available science, evidence and information;

3.3.3 **Clause 4: Application of Act**

3.3.3.1 Constituencies agreed to Clause 4 (1) (a) (b) and (2) in its entirety.

3.3.4 **Clause 5: Application of National Environmental Management Act**

3.3.4.1 Constituencies agreed to Clause 5 (1) and (2) in its entirety.

3.3.5 **Clause 6: Conflict with other Legislation**

3.3.5.1 Constituencies agreed to Clause 6 in its entirety.

### **3.3 CHAPTER 2 POLICY ALIGNMENT AND INSTITUTIONAL ARRANGEMENTS**

#### **3.3.1 Clause 7: Alignment of Policies**

3.3.5.2 Constituencies agreed to Clause 7 (1) as amended by Business to read: Every organ of state that exercises a power or performs a function that is affected by climate change, or is entrusted with powers and duties aimed at the achievement, promotion and protection of a sustainable environment must review and if necessary revise, amend, coordinate and harmonise their policies and measures **[plans,]** programmes and decisions or **[decision-making processes,]** in order to -

3.3.5.3 Constituencies agreed to Clause 7 (1) (a) (b) as outlined in the Bill.

3.3.5.4 Constituencies agreed to delete Clause 7 (2) and it would become the new Clause 11 (2).

#### **3.3.2 Clause 8: Inter-ministerial Committee on Climate Change**

3.3.2.1. Constituencies agreed to Clause 8 (1) as outlined in the Bill.

3.3.2.2. Constituencies agreed to Clause 8 (2) (a) (b) (c) (d) as outlined in the Bill.

3.3.2.3. Constituencies agreed to Clause 8 (3) (4) and (5) as outlined in the Bill.

3.3.2.4. Constituencies agreed to Clause 8 (6) (a) as amended by Government to read: at least [six] three of the members identified in subsection 2 (a) to (c) [(d)]; and

3.3.2.5. Constituencies agreed to Clause 8 (6) (b) as outlined in the Bill.

3.3.2.6. Constituencies agreed to Clause 8 (7) (a) as amended by Government to read: a decision made at a meeting must be determined by [a majority of votes made] consensus by the members identified in subsection subsection 2 (a) to (d) who are present **[and voting]** provided that Ministers responsible for the functional area as affected by the decision must be present for the decision to be made; and

3.3.2.7. Constituencies agreed to Clause 8 (7) (b) as outlined in the Bill.

3.3.2.8. Constituencies agreed to Clause 8 (8) (a) as amended by Business to read: (a) coordinate efforts across all national departments responsible for the functions listed in Schedule 1 **[this Act]** and spheres of government towards an aligned and integrated transition to a climate resilient and low carbon economy and society, in accordance with—

3.3.2.1. Constituencies agreed to Clause 8 (8) (a) (i) (ii) (iii); (b) (9) and (10) as outlined in the Bill.

### 3.3.3 **Clause 9: Provincial Forums on Climate Change**

3.3.3.1 Constituencies agreed to Clause 9 (1) (2) (3) (a) (b) (i) (ii) (4) in its entirety.

### 3.3.4 **Clause 10: Municipal Forums on Climate Change**

3.3.4.1 Constituencies agreed to Clause 10 (1) (2) (3) (a) (b) (4) as outlined in the Bill.

3.3.4.2 Constituencies agreed to Clause 10 (3) (a) as amended to read: coordinate climate change response actions for those activities within the operational control of [in] the relevant municipality in accordance with this Act; and

### 3.3.5 **Clause 11: Presidential Climate Change Coordinating Commission**

- 3.3.5.1 Constituencies agreed to Clause 11 (1) as amended by Business to read: The Presidential Climate Change Coordinating Commission is hereby established for organised labour, civil society and business [may] to advise on South Africa's climate change response, the mitigation of climate change impacts and adaptation to the effects of climate change towards the attainment of the just transition to a climate resilient and low carbon economy and society.
- 3.3.5.2 Constituencies agreed to delete Clause (7) (2) and combine with 11 (1) as outlined above: **[In order to give effect to the principles and objects set out in this Act,]** organised labour, civil society and business may advise on South Africa's climate change response, the mitigation of climate change impacts and adaptation to the effects of climate change towards the attainment of the just transition to a climate resilient and low carbon economy and society.
- 3.3.5.3 Constituencies agreed to Clause 11 (2) (4) as outlined in the Bill.
- 3.3.5.4 Constituencies agreed to Clause 11 (3) as amended in alignment with the Terms of Reference for the Presidential Climate Change Coordinating Commission to read: The Presidential Climate Change Coordinating Commission will be chaired by the President's nominee and **[be supported by a dedicated secretariat established within the Department responsible for coordinating climate change responses.]** shall establish a full time Secretariat to support the day to day operations of the Commission. The establishment of the Secretariat will be the joint responsibility of the Departments of Planning, Monitoring and Evaluation and Environment, Forestry and Fisheries.
- 3.3.6 **Clause 12: Functions of the Presidential Climate Change Coordinating Commission**

3.3.6.1 Constituencies agreed to Clause 12 (1) (a) as amended to read:  
(a) advise **[government]** on South Africa's climate change response to ensure realisation of the vision for effective climate change response and the long-term just transition to a climate resilient and **low[er]** carbon economy and society **[in the context of sustainable development]**;

3.3.6.2 Constituencies agreed to Clause 12 (1) (b) as outlined in the Bill.

3.3.6.3 Constituencies agreed to Clause 12 (1) (c) as amended to read:  
provide **[independent monitoring and] evaluation of progress towards government's emissions reduction and adaptation goals.**

3.3.6.4 Government clarified that it would use the outcome reports in terms of climate change monitoring and evaluation to inform its advisory functions to government.

### 3.3.7 **Clause 13: Process of appointment**

3.3.7.1 Constituencies agreed to Clause 13 (1) and (2) in its entirety.

### 3.3.8 **Clause 14: Reporting to government**

3.3.8.1 Constituencies agreed to Clause 14 (1) in its entirety.

### 3.3.9 **Clause 15: Functions of the secretariat**

3.3.9.1 Constituencies agreed to Clause 15 (1) (a) (b) in its entirety.

## 3.4 **CHAPTER 3 CLIMATE CHANGE RESPONSE: PROVINCES AND MUNICIPALITIES**

3.4.1 Clause 16: Climate change response

- 3.4.1.1 Constituencies agreed to Clause 16 (1) (a) (b) (c) (d) (e) as outlined in the Bill.
- 3.4.1.2 Constituencies agreed to Clause 16 (2) (a) (b) (c) (d) (e) as outlined in the Bill.
- 3.4.1.3 Constituencies agreed to Clause 16 (3) (a) as outlined in the Bill.
- 3.4.1.4 Constituencies agreed to Clause 16 (3) (b) as amended by Business to read: include measures or programmes relating to both adaptation and mitigation in line with [the] their constitutional mandate; and
- 3.4.1.5 Constituencies agreed to Clause 16 (3) (c) as amended by Government to read: comply with any requirements as may be prescribed by the Minister inclusive of the relevant technical guideline.
- 3.4.1.6 Constituencies agreed to Clause 16 (4) (5) as outlined in the Bill.

## **3.5 CHAPTER 4 NATIONAL ADAPTATION TO IMPACTS OF CLIMATE CHANGE**

### **3.5.1 Clause 17: Adaptation objectives**

- 3.5.1.1 Constituencies agreed to Clause 17 (1) (a) as amended by Business to read: national adaptation objectives which will guide the Republic's adaptation to climate change impacts, the development of resilience and **[ecologically]** sustainable development;
- 3.5.1.2 Constituencies agreed to Clause 17 (1) (b) (c) and (2) as outlined in the Bill.

### **3.5.2 Clause 18: Adaptation scenarios**

3.5.2.1 Constituencies agreed to Clause 18 (1) (2) (a) (b) (d) as outlined in the Bill.

3.5.2.2 Constituencies agreed to Clause 18 (2) (c) as amended by Business to read: include a consideration of the **[anticipated]** potential impacts of climate change on the environment of the Republic and associated vulnerabilities;

3.5.2.3 Constituencies agreed to Clause 18 (3) as outlined in the Bill.

### 3.5.3 **Clause 19: National Adaptation Strategy and Plan**

3.5.3.1 Constituencies agreed to Clause 19 (1) (2) (3) (a) (b) (c) (d) (4) (a) (b) (c) (d) (e) (5) (a) (c) (d) (e) as outlined in the Bill.

3.5.3.2 Constituencies agreed to 19 (3) as amended to read: The Minister may **[periodically]** review and amend the National Adaptation Strategy and **[amend it]** Plan at a five yearly interval to take into account—

3.5.3.3 Constituencies agreed to 19 (5) (b) as amended to read: a consideration of the Republic's **[current and future]** climate change scenarios as informed by the adaptation scenarios contemplated in section [13] 18 of this Act;

### 3.5.4 **Clause 20: Sector Adaptation Plans**

3.5.4.1 Constituencies agreed to Clause 20 (1) (a) (i) (ii) (b) (c) (i) (ii) (iii) (iv) and (2) as outlined in the Bill.

### 3.5.5 **Clause 21: Adaptation Information and Synthesis Adaptation Report**

3.5.5.1 Constituencies agreed to Clause 21 (1) as amended by Government to read: The Minister may by notice in the Gazette, or in writing, require any person to provide, within a reasonable time or on a regular basis, **[any]** data, information, documents, samples or materials to the Minister that are reasonably required



for the purposes of the adaptation component of the National Climate Change Response **[National Adaptation Response]** White paper.

3.5.5.2 Constituencies agreed to Clause 21 (2) as amended by Business to read: A notice under subsection (1) must indicate the manner and timeframes in which the information must be furnished and, if required, how the information must be verified.

3.5.5.3 Constituencies agreed to Clause 21 (3) as outlined in the Bill.

### 3.6 CHAPTER 5 GREENHOUSE GAS EMISSIONS AND REMOVALS

#### 3.6.1 **Clause 22: National greenhouse gas emissions trajectory**

3.6.1.1 Constituencies agreed to Clause 22 (1) (2) (a) (b) (c) (3) (4) (a) (b) (i) (ii) (iii) (iv) as outlined in the Bill.

3.6.1.2 Constituencies agreed to Clause 22 (4) (b) (v) as amended by Government to read: Constraints and opportunities to implementation of **[mechanisms]** policies and measures **[that may be contained in policies, planning instruments or programmes]**.

#### 3.6.2 **Clause 23: Sectoral Emissions Targets**

3.6.2.1 Constituencies agreed to Clause 23 (1) (2) as outlined in the Bill.

3.6.2.2 Constituencies agreed to Clause 23 (3) as amended to read: The Minister must, in consultation with the Inter-Ministerial Committee on Climate Change, determine by notice in the Gazette, the prescribed framework and the sectoral emissions targets **[Sectoral Emissions Targets]** for sectors and sub-sectors **[subsectors]** listed pursuant to subsections (1) and (2) **[in terms of the prescribed methodology]**.

- 3.6.2.3 Constituencies agreed to Clause 23 (4) (a) (b) as outlined in the Bill.
- 3.6.2.4 Constituencies agreed to Clause 23 (4) (c) as reworded by Government to read: include quantitative **[mitigation targets]** and qualitative goals that may lead to greenhouse gas emission reductions for the first five years, the subsequent five to [10] ten years, and the [10] ten to [15] fifteen -year period thereafter.
- 3.6.2.5 Constituencies agreed to Clause 23 (5) as outlined in the Bill.
- 3.6.2.6 Constituencies agreed to amended Clause 23 (5) (a) the socio-economic **[benefits]** impacts of introducing the **[Sectoral Emissions Targets]** sectoral emissions targets; and (b) as outlined in the Bill.
- 3.6.2.7 Constituencies agreed to Clause 23 (5) (b) as outlined in the Bill.
- 3.6.2.8 Constituencies agreed delete to Clause 23 (5) (c).
- 3.6.2.9 Constituencies agreed to Clause 23 (6) as amended to read: The Minister responsible for each sector or sub-sector for which **[Sectoral Emissions Targets]** sectoral emissions targets have been determined in accordance with subsection (3) must **[ensure that the greenhouse gas emissions for that sector or sub-sector, as the case may be, remain within the limits]** **[develop]** adopt policies and measures towards achievement of the sectoral emissions targets.
- 3.6.2.10 Constituencies agreed to Clause 23 (7) (a) (b) (c) (d) (e) (f) as outlined in the Bill.
- 3.6.2.11 Constituencies agreed to Clause 23 (8) as amended by Government to read: An amended **[Sectoral Emissions Target]** sectoral emissions target must contain quantitative and qualitative mitigation targets for the first five years, the subsequent five to **[10]** ten years and the **[10]** ten to **[15]** fifteen -year period thereafter.

3.6.2.12 Constituencies agreed to Clause 23 (9) as outlined in the Bill.

3.6.2.13 Constituencies agreed to Clause 23 (9) (a) as amended by Government to read: develop or amend the relevant sectoral and sub-sectoral **[strategic and planning instruments, policies, and programmes]** policies and measures for which that Minister is responsible **[to introduce mechanisms and measures for]** in terms of the achievement of the sectoral emissions target;

3.6.2.14 Constituencies agreed to Clause 23 (9) (b) as outlined in the Bill.

3.6.2.15 Constituencies agreed to Clause 23 (9) (c) and (d) as amended for consistency to read:

(c) implement the **[mechanisms]** policies and measures within the relevant sectors and sub-sectors; and

(d) monitor the effectiveness of implementing such **[mechanisms]** policies and measures in achieving the relevant **[Sectoral Emissions Targets]** sectoral emissions target.

3.6.2.16 Constituencies agreed to Clause 23 (10) (a) (b) and (c), with (a) and (c) as amended for consistency to read:

(a) within six months of the publication of the revised and amended **[Sectoral Emissions Targets]** sectoral emissions targets and to the extent required by such revision and amendment, revise and amend the **[mechanisms]** policies and measures provided for in subsection (9);

(c) ensure that the duly revised and amended **[mechanisms]** policies and measures are implemented and monitored for effectiveness.

3.6.2.17 Constituencies agreed to Clause 23 (11) and (12) as outlined in the Bill.

3.6.3 **Clause 24: Listed Greenhouse Gases and Activities**

3.6.3.1 Constituencies agreed to Clause 24 (1) (2) (3) (a) (c) (d) (e) as outlined in the Bill.

3.6.3.2 Constituencies agreed to Clause 24 (3) (b) as amended to read:

(b) must determine **[quantitative thresholds of]** [a] quantitative greenhouse gas emission[s] **[for each listed activity which will quantitative]** thresholds expressed in CO2 equivalent to identify persons to be **[used to determine applicability of]** assigned a carbon budget **[on a specific activity]** and submission of mitigation plans;

3.6.3.3 Constituencies agreed to Clause 24 (4) (a) as amended to read: must be expressed in carbon dioxide equivalents for carbon budgets and greenhouse gas mitigation plans and shall be applicable at company level based on operational control;

3.6.3.4 Constituencies agreed to the deletion of the entire Clause 24 (4) (c) as the threshold will be based on emissions. :[must be expressed as a function of activity for greenhouse gas emissions reporting and may be different for different activities, taking into account the significance of the contribution of these activities to total national greenhouse gas emissions as well as its completeness; and]

3.6.3.5 Constituencies agreed to Clause 24 (4) (d) and (5) (a) (b) (c) (d) as outlined in the Bill.

3.6.3.6 Constituencies agreed to Clause 24 (5) (e) as amended by Government to read: opportunities and constraints to implementation of policies **[mechanisms]** and measures **[that**

**may be]** contained in policies, planning instruments or programmes].

3.6.3.7 Constituencies agreed to Clause 24 (6) (a) (b) (c) and (d) as outlined in the Bill.

3.6.3.8 Constituencies agreed to Clause 24 (e) as amended by Government to read: making other changes to the particulars on the list such as applicability of greenhouse gases to certain activities, definition of activities; [or]

3.6.3.9 Constituencies agreed to delete Clause 24 (f).

#### 3.6.4 **Clause 25: Carbon budgets**

3.6.4.1 Constituencies agreed to Clause 25 (1) (2) (a) (b) (c) (d) (e) as outlined in the Bill with minor grammatical changes to (d) and (e) to accommodate the insertion of (f).

3.6.4.2 Constituencies agreed to the insertion of Clause 25 (2) (f) which reads: Progress on the implementation of the Mitigation Plans.

3.6.4.3 Constituencies agreed to Clause 25 (3) (4) (a) (b) and (5) (a) (b) (ii) as outlined in the Bill.

3.6.4.4 Constituencies agreed to Clause 25 (5) (b) (i) as amended to read: (i) describe the mitigation **[actions]** measures that the person to whom a carbon budget **[has been] is** allocated proposes to implement in order to **[ensure that person's compliance with the] [keep] remain within [a] the person's allocated carbon budget; and**

3.6.4.5 Constituencies agreed to the insertion of Clause 25 (5) (b) (iii) as proposed by Business to read: (iii) At the time when the carbon budget is assigned for the first mandatory carbon budget cycle, all approved pollution prevention plans shall be [converted] deemed to be Mitigation Plans under this Act.

- 3.6.4.6 Constituencies agreed to the proposed deletion of Clause 25 (6) (a) in its entirety: **[comply with the carbon budget and its conditions;]** and which was replaced with a new (a) implement the approved greenhouse gas mitigation plan;
- 3.6.4.7 Constituencies agreed to Clause 25 (6) (b) to read:  
b) monitor annual implementation of the greenhouse gas emissions mitigation plan in accordance with the prescribed methodology [contained in the approved greenhouse gas mitigation plan];
- 3.6.4.8 Constituencies agreed to Clause 25 (6) (c) amended to read: (c) evaluate progress **[towards]** on the allocated **[compliance with the]** carbon budget;
- 3.6.4.9 Constituencies agreed to Clause 25 (6) (d) annually report on the progress **[towards compliance]** against the allocated carbon budget to the Minister in the manner prescribed; and
- 3.6.4.10 Constituencies agreed to Clause 25 (6) (e) in the event that such reporting indicates that the person has failed, is failing or will fail to comply with the allocated carbon budget, provide a description of measures the person will implement in order to **[achieve compliance]** to remain within the allocated carbon budget.
- 3.6.4.11 Constituencies agreed to the deletion 25 (6) (f) in its entirety: **[differentiating amongst different activities in terms of setting an effective date.]**
- 3.6.4.12 Constituencies agreed to Clause 25 (7) (a) as amended by Business to read: The Minister must review a carbon budget allocated to a person in terms of subsection (1) at the end of the **[least every]** five-year carbon budget commitment period or upon request by a person subject to a carbon budget. **[years.]**

3.6.4.13 Constituencies agreed to Clause 25 (7) (b) as outlined in the Bill.

3.6.4.14 Constituencies agreed to the insertion of new Clause 25 (7) (c) proposed by Business to read: The factors listed in subsection 2 must be taken into consideration when a carbon budget is reviewed.

3.6.4.15 Constituencies agreed to Clause 25 (8) (a) as outlined in the Bill.

3.6.4.16 Constituencies agreed to Clause 25 (8) (b) as amended to read:  
If the national greenhouse gas inventory demonstrates an increase in national greenhouse gas emissions above the national **[greenhouse gas trajectory]** and international climate change mitigation **[goals]** commitments and obligations.

3.6.4.17 Constituencies agreed to delete Clause 25 (9) (a) as proposed and to replace with a revised (9)(a) : **[If ownership of a greenhouse gas emitting activity for which a carbon budget issued is transferred, the person to whom the carbon budget was allocated may, with the permission of the Minister, transfer the carbon budget to the new owner of the greenhouse gas emitting activity.]** (9)(a) An allocated carbon budget may be amended if the activity for which the carbon budget has been issued is transferred or acquired in part or fully, and the affected person must request a reallocation of a carbon budget from the Minister in the prescribed manner.

3.6.4.18 Constituencies agreed to delete 25 (9) (b) (c) (d) (e) (f) in entirety.

### 3.6.5 **Clause 26: Phase down and phase out of synthetic greenhouse gas emissions and declaration**

3.6.5.1 Constituencies agreed to Clause 26 (1) as amended to read: 26.  
(1) The Minister in consultation with **[the]** relevant Ministers

**[responsible for energy and the Minister responsible for trade and industry]** must, by notice in the *Gazette*—

- 3.6.5.2 Constituencies agreed to Clause 26 (1) (a) (b) as outlined in the Bill.
- 3.6.5.3 Constituencies agreed to the deletion of Clause 26 (1) (c) (d) in its entirety as they have been highlighted elsewhere in the Bill.
- 3.6.5.4 Constituencies agreed to Clause 26 (1) (e) and (f) as outlined in the Bill, and to renumber these provision (c) and (d) respectively to accommodate the previous deletions.
- 3.6.5.5 Constituencies agreed to Clause 26 (2) as amended to read: (2) The Minister, in consultation with **[the Minister responsible for energy, the Minister responsible for trade and industry]** relevant Ministers and any affected party, must-
- 3.6.5.6 Constituencies agreed to Clause 26 (2) (a) (b) and (3) (a) (b) as outlined in the Bill.
- 3.6.5.7 Constituencies agreed to the deletion of 26 (3) (c) (d) in its entirety as thresholds and timeframes are already addressed in 26 (1).
- 3.6.5.8 Constituencies agreed to Clause 26 (3) (e) and (4) as outlined in the Bill.

### 3.6.6 **Clause 27: National Greenhouse Gas Inventory**

- 3.6.6.1 Constituencies agreed to Clause 27 (1) (2) (a) as outlined in the Bill.
- 3.6.6.2 Constituencies agreed to Clause 27 (2) (b) as amended to read:  
(b) compare actual greenhouse gas emissions against the national greenhouse gas emissions trajectory and national and



international climate change mitigation **[goal] commitments and obligations.**

3.6.6.3 Constituencies agreed to Clause 27 (3) as amended to read: The Minister may by notice in the Gazette, or in writing **[require any person undertaking an activity that is listed in terms of section 24(1) of this Act and whose total emissions are above the threshold determined in section 24(3)(b) of this Act, in the manner prescribed, to submit data annually to the to contribute to the Report] –**

3.6.6.4 Constituencies agreed to the insertion of new Clause 27 (3) (a) to read: identify a list of activities and thresholds for which measurements or estimations of greenhouse gas emissions and/or sinks from stationary, mobile, fugitive, process, agriculture, land use, and waste sources must be carried out; and

3.6.6.5 Constituencies agreed to the insertion of new Clause 27 (3) (b) to read: The thresholds stipulated in 3(a) must be expressed as a function of activity for greenhouse gas emissions reporting and may be different for different activities, taking into account the significance of the contribution of these activities to total national greenhouse gas emissions as well as its completeness.

3.6.6.6 Constituencies agreed to Clause 27 (4) as outlined in the Bill.

### 3.6.7 **Clause 28: Regulations**

3.6.7.1 Constituencies agreed to Clause 28 (1) (a) (b) as outlined in the Bill.

3.6.7.2 Constituencies agreed to delete Clause 28 (1) (b) (i) and (ii) in entirety.

- 3.6.7.3 Constituencies agreed to Clause 28 (1) (b) (iii) as outlined in the Bill. This will become (i) with the deletion of the previous sub-clauses.
- 3.6.7.4 Constituencies agreed to new Clause 28 (1) (c) as inserted to read: that will promote effective monitoring, evaluation and assessment of national progress in relation to climate change mitigation and adaptation matters, including—
- 3.6.7.5 Constituencies agreed to new Clause 28 (1) (c) (i) as inserted to read: in relation to the progress made by national departments, provinces and municipalities with the development and implementation of Sector Adaptation Plans, climate change needs and response assessments and climate change response implementation plans;
- 3.6.7.6 Constituencies agreed to new Clause 28 (1) (c) (ii) as inserted to read: in relation to the performance of the departments responsible for functions contemplated in Schedule 2 to this Act, provinces, and municipalities in respect of the national adaptation objectives; and
- 3.6.7.7 Constituencies agreed to new Clause 28 (c) (iii) as inserted to read: in relation to the consequences for the failure of the departments responsible for the functions listed in Schedule 2 to this Act, provinces and municipalities to report in the prescribed manner.
- 3.6.7.8 Constituencies agreed to new Clause 28 (1) (d) as inserted to read: that will promote the effective monitoring, evaluation and assessment of national progress in relation to climate change matters and climate change data and information, including—
- 3.6.7.9 Constituencies agreed to new Clause 28 (1) (d) (i) as inserted to read: information necessary to determine climate change vulnerability and to foster resilience; and

- 3.6.7.10 Constituencies agreed to new Clause 28 (1) (e) in relation to the administration and operation of any committee established in terms of this Act to ensure the achievement of its purpose, functions and responsibilities;
- 3.6.7.11 Constituencies agreed to new Clause 28 (1) (f) A regulation made in terms of this Act may provide that any person who contravenes or fails to comply with a provision thereof will be liable to the penalties contemplated in section 49B(2) of the National Environmental Management Act
- 3.6.7.12 Constituencies agreed to new Clause 28 (2) to read: The Minister must make regulations—
- 3.6.7.13 Constituencies agreed to new Clause 28 (2) (a) as inserted to read: in relation to the management of climate change response including—
- 3.6.7.14 Constituencies agreed to new Clause 28 (2) (a) (i) as inserted to read: the determination, review, revision and amendment and cancellation of a carbon budget allocation, the content, implementation and operation of a greenhouse gas mitigation plan, and all matters related thereto;
- 3.6.7.15 Constituencies agreed to new Clause 28 (2) (a) (ii) as inserted to read: the phasing down or phasing out of synthetic greenhouse gases, including the development of timeframes, inventories and mechanisms for reporting; and
- 3.6.7.16 Constituencies agreed to new Clause 28 (2) (b) as inserted to read: that will promote the effective monitoring, evaluation and assessment of national progress in relation to climate change matters and climate change data and information, including—
- 3.6.7.17 Constituencies agreed to new Clause 28 (2) (b) (i) as inserted to read: information relating to direct and indirect greenhouse gas emissions, including for the purposes of planning, analysis and

monitoring and the compilation of the National Greenhouse Gas Inventory; and to inform how the Republic may comply with any international obligations;

3.6.7.18 Constituencies agreed to new Clause 28 (2) (c) by Business as inserted to read: in relation to any other matter which the Minister must prescribe in terms of this Act.

3.6.7.19 Constituencies agreed to delete provision: **[(i) the phasing down or phasing out of synthetic greenhouse gases, including the development of timeframes, inventories and mechanisms for reporting; and]**

3.6.7.20 Constituencies agreed to delete provision: **[(c) that will promote effective monitoring, evaluation and assessment of national progress in relation to climate change mitigation and adaptation matters, including—]**

3.6.7.21 Constituencies agreed to delete provision: **[(i) in relation to the progress made by national departments, provinces and municipalities with the development and implementation of Sector Adaptation Plans, climate change needs and response assessments and climate change response implementation plans;]**

3.6.7.22 Constituencies agreed to delete provision: **[(iii) in relation to the consequences for the failure of the functions listed in Schedule 2 to this Act, provinces and municipalities to report in the prescribed manner; and]**

3.6.7.23 Constituencies agreed to delete provision: **[(d) that will promote the effective monitoring, evaluation and assessment of national progress in relation to climate change matters and climate change data and information, including—]**

3.6.7.24 Constituencies agreed to delete provision: **[d(i) information relating to direct and indirect greenhouse gas emissions, including for the purposes of planning, analysis and monitoring and the compilation of the National Greenhouse Gas Inventory; and to inform how the Republic may comply with any international obligations;]**

3.6.7.25 Constituencies agreed to delete provision: **[d (ii) information necessary to determine climate change vulnerability and to foster resilience; and]; as well as [e] in relation to the administration and operation of any institution established in terms of this Act to ensure the achievement of its purpose, functions and responsibilities; and]; as well as**

3.6.7.26 Constituencies agreed to provision 28(1)(f) as presented in the Bill.

3.6.7.27 Constituencies agreed to amend Clause 28(2) to read: (2) A regulation made in terms of this Act may provide that any person who contravenes or fails to comply with a provision thereof will be liable to the penalties contemplated in section 49B(2) of the National Environmental Management Act. [is guilty of an offence and liable, in the case of a first conviction, to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and, in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.]

### 3.6.8 **Clause 29: Consultation**

3.6.8.1 Constituencies agreed to Clause 29 (1) as amended to read: Before exercising a power in terms of section **[11]16 (1), [12(1) and] 17, 18, 19(2), 19(3) [13(1); 13(2); 14(2); 15] 20 (1)(b), [15] 20 (1)(c), [16] 21(1), 21(3), 22(1), 22(4), 23 (1), [17] 23 (2), 23(3),**

23(7), 23(9), 23(10), 24(1), [17(4), 18] 24(2), 24(5), 24(6) 25(1);[18(2), 18(3), 18(7), 18(9), 18(10), 19(1), 19(4); 21 (1)], 25(2), 25(7), 25(8), 25(9), 26, 27(3), or 28 of this Act, the Minister, MEC or [Mayor] mayor must follow such consultative processes as may be appropriate in the circumstances.

3.6.8.2 Constituencies agreed to Clause 29 (2) (a) and (b) as outlined in the Bill.

3.6.8.3 Constituencies agreed to delete Clause 29 (2) (c) as outlined in the Bill.

3.6.8.4 Constituencies agreed to Clause 29 (3) (a) and (b) as outlined in the Bill. Constituencies agreed to a new Clause 29. (3) In respect of the carbon budgets issued in terms of section 25 (1) of this Act, the Minister must follow a fair procedure prior to the issue of the carbon budget including consultation with the person to whom a carbon budget is allocated.

3.6.8.5 Constituencies agreed to Clause 29 (a) (b) (3) (a) (b) as outlined in the Bill.

### 3.6.9 **Clause 30: Public participation**

3.6.9.1 Constituencies agreed to Clause 30 (1) as amended to read:  
Before exercising a power in terms of section 30. (1)  
Before exercising a power in terms of section **[11(1); 12(1) and (2); 13(1); 13(2); 14(2); 15(1)(b); 15(1)(c);] 16(1); 17(1), 17(2),[4]]]; 18(1), 18(2),[18(3); 18(7); 18(9); 18(10), 19(4); 19(2), 19(3), 20(1)(b), 20(1)(c), 21(1), 21(3), 22(1), 22(4), 23(1), 23(2), 23(3), 23(7), 23(9), 23(10), 24(1), 24(2), 24(5), 24(6), [25(1), 25(2)], 26 or [23] 28 of this Act, the Minister, MEC or [Mayor] mayor must give notice of the proposed exercise of the relevant power—**

3.6.9.2 Constituencies agreed to Clause 30 (1) (a) and (b) as outlined in the Bill.

3.6.9.3 Constituencies agreed to Clause 30 (2) (a) and (b) as outlined in the Bill.

3.6.9.4 Constituencies agreed to Clause 30 (4) and (5) as outlined in the Bill.

**3.6.10 Clause 31: Delegation**

3.6.10.1 Constituencies agreed to Clause 31 (1) as amended by Business to read: The Minister may delegate a power or duty vested in him or her, except section 28, in terms of this Act in accordance with section 42 of the National Environmental Management Act.

3.6.10.2 Constituencies agreed to Clause 31 (2) as outlined in the Bill.

**3.6.11 Clause 32: Access to information**

3.6.11.1 Constituencies agreed to Clause 32 as amended by Business to read: 32. Information provided to the Minister or the Department in terms of this Act must be made available by the Minister subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) and Protection of Personal Information Act, (Act No 4 of 2013).

**3.6.12 Clause 33: Offences, contraventions and penalties**

3.6.12.1 Constituencies agreed to Clause 33 (1) (a) as outlined in the Bill.

3.6.12.2 Constituencies agreed to combine 33 (1)(b) and (c) into a new Clause 33 (2) as inserted by Business to read:

33 (2) a person[’s] whose greenhouse gas emissions exceed the maximum quantity of greenhouse gas emissions prescribed by that person’s allocated carbon budget, during the applicable period, will be subjected to an administrative penalty as

provided for in the Carbon Tax Act of 2019 the modalities of which will be outlined in the carbon budget regulations.

3.6.12.3 Constituencies agreed to new Clause 33 (3) as amended to read:

33 (3) A person convicted of an offence in terms of subsection [subsections] (1)(a), [(b) or (c)] is liable to **[a penalty]** the penalties contemplated in section 49B(2) of the National Environmental Management Act. **[the case of a first conviction, of a fine not exceeding R5 million or imprisonment for a period not exceeding five years, or of both such fine and such imprisonment, and in the case of a second or subsequent conviction, of a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years, or of both such fine and such imprisonment.]**

3.6.12.4 Constituencies agreed to Clause 33 (4) as amended to read: A person who contravenes **[convicted on an offense]** in terms of Section 33 (2) (a) is liable to the penalties, of which the modalities will be outlined in the carbon budget regulations.

3.6.12.5 Constituencies agreed to Clause 33 (5) as amended by Business to read: A person **[convicted]** contravenes in terms [with an offense in terms] of Section 33 (2) (b) will be subjected to an administrative penalty as provided for in the Carbon Tax Act of 2019.

### 3.6.13 **Clause 34: Appeals**

3.6.13.1 Constituencies agreed to Clause 34 (1) (2) in its entirety.

3.6.13.2 Business' agreement to Clause 34 (1) is based on the understanding that it does not trigger a suspension of operational activities when an appeal is in process.

### 3.6.14 **Clause 35: Savings and transitional provisions**



3.6.14.1 Constituencies agreed to Clause 35 as outlined in the Bill.

3.6.15 **Clause 36: Short title and commencement**

3.6.15.1 Constituencies agreed to Clause 36 (1) (2) in its entirety.

3.6.16 **Schedules**

3.6.16.1 Constituencies agreed to Schedule 1 as amended to read:

**Schedule 1**

**Functions Relevant to the Inter-Ministerial Committee on Climate Change**

Agriculture;

Forestry;

Fisheries;

Cooperative Governance and Traditional Affairs;

Economic Development;

Energy;

Environment;

Health;

Human Settlements;

Mineral Resources;

National Treasury;

Public Enterprises;

Public Works;

Rural Development and Land Reform;

Science and Technology;

Trade and Industry;

Transport; and

Water Affairs and Sanitation.

3.6.16.2 Constituencies agreed to Schedule 2 as amended to read:

**Functions required to develop a Sector Adaptation Plan**

Agriculture;

Disaster Risk Reduction

Forestry;  
Fisheries;  
Energy;  
Environment;  
Health;  
Human Settlements;  
Public Enterprises; (the relevant State-Owned Entities)  
Rural Development;  
Science and Technology;  
Transport;  
Water; and

3.6.16.3 Constituencies agreed to Schedule 3 as outlined in the Bill.

#### 4. AREAS DISAGREEMENT

##### 4.1. Clause 1: Definitions

- 4.1.1. Business proposed that the “**adaptation**” definition should read: "adaptation" means the process of adjustment [**in natural or human systems in response**] to actual or expected climate and its effects. In human systems, adaptation seeks to moderate or avoid harm or exploit beneficial opportunities. In some natural systems, human intervention may facilitate adjustment to expected climate and its effects;
- 4.1.2. Labour indicated that the definition does not talk to how industries would adapt. Labour then proposed that the definition should make reference to economic adaptation for industries.
- 4.1.3. Government agreed with Business’ proposed definition. However, they disagreed with Labour as they need to be consistent with UNFCCC. Government clarified that it is a scientific explanation on projections of likely climate changes and anticipated effects thereof. There is no scientific definition for adaptation that is tailored to a certain sector of society. It will be creating a new definition within the discipline of Climate

Change. These are standard definition that are used even in the international commitment.

4.1.4. Labour disagreed with the definition as presented.

4.1.5. Area of disagreement.

#### **4.2. Clause 3: Principles**

4.2.1. Business disagreed with Clause 3(j) as it was of the view that this Principle duplicates the polluter pays principle in section 2(4)(p) of the NEMA Principles. This principle will apply within the context of the climate system globally and therefore on an inter-governmental level as opposed to a local level. On a local (South African) level, the NEMA principle adequately caters for the inclusion of the polluter pays principle in administrative decision making.

4.2.2. Labour agreed to the wording as presented by Government.

4.2.3. Government commented that the NEMA principles came into being in 1998 and climate change issues were not well developed. The principles in this Bill close some of the gaps identified.

4.2.4. Area of disagreement.

#### **4.3. Clause 8: Inter-Ministerial Committee on Climate Change**

4.3.1. Business proposed wording for 8(6) to read as follows: The Inter-Ministerial Committee on Climate Change (IMCCC) must meet at least quarterly.

4.3.2. Labour supported the proposed wording from Business, as there is a need for a wording that will ensure that the meetings do take place.

4.3.3. Government noted the proposed wording from Business. However, Government disagreed with the proposal as it was of the view that the IMCCC needed the leeway to develop its own clear work programme.

4.3.4. Area of disagreement.

**4.4. Clause 24: Listed Greenhouse Gases and Activities**

4.4.1. Business proposed alternative wording for clause 24(4)(b) namely: (b) must be based on the [availability of] ability to implement feasible mitigation technology;

4.4.2. Labour agreed to the wording as was presented by Government.

4.4.3. Government disagreed with Business' proposal as it would lead to unintended consequences.

4.4.4. Area of disagreement.

**5. CONCLUSION**

5.1. This report, therefore, concludes considerations at NEDLAC on the Climate Change Bill. The Report is submitted to the relevant Ministers in terms of Section 8 of the Nedlac Act. No 35 of 1994.

5.2. It is acknowledged that the Nedlac Constituencies may continue to advocate their views in the public consultation and other structured processes with due regard to the Report.

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**ANNEXURE 1: NEDLAC CLIMATE CHANGE TASK TEAM MEMBERS**

<b>BUSINESS:</b>	<b><u>LABOUR</u></b>	<b><u>GOVERNMENT</u></b>
J. Morris	M. Parks (lead)	F. Adams
S. Harrington (lead)	L. Mulaisi	T. Ramaru (lead)
S. Mudau	L. Moni	F. Adams
L. Khumalo	M Lepaku	A. Gilbert
G. Malherbe		B. Mohlala
D. Rama		J. Witi
J. Yawitch		O. Chauke
T. Boshof		T. Khumalo
A. Tshifularo		M. Makwarela
K. Baart		
S. Spanig		