

Environmental Authorisations and Licences now publicly accessible

Environmental Law Bulletin

The Minister for the Department of Environmental Affairs ("DEA"), through the Minister of Justice and Correctional Services, has published a notice ("the Notice") in terms of section 15(2) of the Promotion of Access to Information Act 2 of 2000 ("PAIA"). This Notice sets out the category of documents that will now be automatically available to the public in terms of section 15(1)(a) of PAIA either for inspection or for copying.

The documents include the following:

- Environmental Authorisations issued in terms of the Environmental Impact Assessment Regulations established in terms of the National Environmental Management Act 107 of 1998;
- Permits issued in terms of the National Environmental Management: Biodiversity Act 10 of 2004;
- Licenses issued in terms of the National Environmental Management: Waste Act 59 of 2008;
- Atmospheric Emission Licences issued in terms of the National Environmental Management: Air Quality Act 39 of 2004; and
- General permits for boat based whale watching and white shark cage diving.

The Notice states that the release of the above documents will be subject to compliance with section 15(4) of PAIA which provides for certain portions of the requested document to be redacted, and where relevant, released in the same form it was published were published during the public participation process.

In terms of the Notice, anyone wishing to access the above documents (which include all relevant supporting documentation) can email the PAIA Administrator of the DEA to request access. Before the publication of the Notice, requests for the above documents required that a request in the prescribed form together with proof of payment of the prescribed fee, be submitted to the information officer of the DEA for consideration.

The impact associated with the Notice means that holders of the above documents may find their authorised activities and compliance with the conditions of their respective licences subject to greater scrutiny by the public. The request for the above documents is however subject to section 15(4) of PAIA.

The Department of Water and Sanitation ("DWS") already provides for the automatic access by the public to water use licences for inspection only. The access is however

Authors

Rakhee Bhoora

Johannesburg

Margo-Ann Palani

Johannesburg

Industries

Mining

Practice Areas

Environmental

Banking & Finance

subject to notification of the water use licence holder. On the basis of the Notice the DEA appears to be following the example of the DWS in allowing automatic access to licences and permits.

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