Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 728 13 February Februarie 2026 No. 54135

ISSN 1682-5845

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 7135 **13 February 2026**

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

CONSULTATION ON THE DRAFT CODE OF CONDUCT APPLICABLE TO ALL DESIGNATED ENVIRONMENTAL MANAGEMENT INSPECTORS AND ENVIRONMENTAL MINERAL AND PETROLEUM INSPECTORS

I, Willem Abraham Stephanus Aucamp, Minister of Forestry, Fisheries and the Environment, hereby, in terms of section 31E(3) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), give notice of my intention to make the Code of Conduct applicable to all designated environmental management inspectors and environmental mineral and petroleum inspectors, as set out in the Schedule hereto.

Members of the public are invited to submit written comments or inputs within 30 days from the date of publication of this Notice in the Government *Gazette*, or the publication of a newspaper notice, whichever occurs last. Should the 30-day comment period overlap with the period from 15 December 2025 to 5 January 2026, this period will be excluded from the reckoning of days. Comments may be submitted to any of the following addresses:

By post to: The Director-General
Department of Forestry, Fisheries and the Environment
Attention: Mr Mark Jardine
Private Bag X447
PRETORIA
0001

By hand at: Environment House
473 Steve Biko Road
ARCADIA
0083

By e-mail: mjardine@dffe.gov.za.

A hard copy of any document associated with this Notice may be requested from Mr Mark Jardine on Tel: 012 399-9497, or via email: mjardine@dffe.gov.za; or collected at Environment House, 473 Steve Biko Road, Arcadia, Pretoria. This Government Notice can be downloaded from the Department's website at https://www.dffe.gov.za/legislation/gazetted_notices.

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Any enquiries in connection with the Notice can be directed to Mr Mark Jardine at 012 399 9497 or by e-mail at mjardine@dffe.gov.za.

The Department of Forestry, Fisheries and the Environment comply with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto are collated into a comments and responses report which will be made available to the public as part of the consultation process. If a commenting party has any objection to his or her name, or the name of the represented company/organisation, being made publicly available in the comments and responses report, such objection should be highlighted in bold as part of the comments submitted in response to this government notice.

Comments or inputs received after the closing date may be disregarded.

MR WILLEM ABRAHAM STEPHANUS AUCAMP, MP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

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`SCHEDULE

DRAFT CODE OF CONDUCT APPLICABLE TO ALL DESIGNATED ENVIRONMENTAL MANAGEMENT INSPECTORS AND ENVIRONMENTAL MINERAL AND PETROLEUM INSPECTORS

1. Definitions

In this Schedule, any word or expression to which a meaning has been assigned in the National Environmental Management Act, 1998 (Act No. 107 of 1998) has that meaning, and unless the context indicates otherwise—

"Code"	means this Code of Conduct, applicable to all designated environmental management inspectors and environmental mineral and petroleum inspectors;
"Constitution"	means the Constitution of the Republic of South Africa, 1996;
"designating authority"	means— (a) the Minister; (b) the Minister responsible for water and sanitation; (c) the Minister responsible for mineral and petroleum resources; (d) an MEC; or (e) a person to whom the Minister, Minister responsible for mineral and petroleum resources, Minister responsible for water and sanitation or MEC's power under sections 31B, 31BA, 31BB or 31C of NEMA, respectively, has been duly delegated;
"EMI"	means a person designated as an environmental management inspector in terms of sections 31B, 31BA or 31C of NEMA;
"EMPI"	means a person designated as an environmental mineral and petroleum inspector in terms of section 31BB of NEMA;
"Inspectorate"	means the Environmental Management Inspectorate, a network of officials from national, provincial and local spheres of government, and other organs of state that exercise a regulatory function, designated to monitor compliance and enforce the provisions of NEMA, specific environmental management Acts, and where applicable, any provincial Act that substantively deals with environmental management;
"MINTECH WGIV representative"	means the person officially nominated to represent their specific government institution at MINTECH WGIV; and
"NEMA"	means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

2. Background

2.1 EMIs and EMPIs' primary duty is to give effect to the Constitutional right of the people of South Africa to an environment that is not harmful to their health or well-being, by monitoring and enforcing compliance with environmental legislation through, *inter alia*, conducting inspections and investigating any act or omission in respect of which there is a reasonable suspicion that such act or omission may constitute an offence, a breach of the relevant law, or a breach of a permit or other such authorisation.

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2.2 To enable EMIs and EMPIs to execute this duty, NEMA provides these officials with a wide range of legislative powers with which they can execute their compliance and enforcement functions. It is therefore of utmost importance that EMIs and EMPIs conduct themselves in a manner that complies with applicable Constitutional rights and values, as well as other laws, guidelines and standard operating procedures adopted by the Inspectorate from time to time.

3. Purpose

3.1 The purpose of the Code is to establish the standards of professional and ethical conduct that are expected from all employees designated as EMIs and EMPIs in all relevant national, provincial and local spheres of government and other organs of state that exercise a regulatory function.

3.2 The Code provides the framework to guide the actions, conduct and demeanour of all EMIs and EMPIs in order to ensure that they do not conduct themselves in a manner that could jeopardise or bring the reputation or image of the Inspectorate into disrepute.

4. Values and principles

The following set of foundational values and principles underpins the Code. The Inspectorate must execute its functions in a manner that—

4.1 accords with the highest professional and ethical standards contained in this Code;

4.2 displays the utmost respect for the human rights of every person;

4.3 promotes the achievement of environmental justice as provided for in section 2 of NEMA;

4.4 adopts an approach that is firm, but fair, and does not discriminate against any person; and

4.5 is effective, efficient and adheres to the co-operative government requirements of Chapter 3 of the Constitution.

5. Application

5.1 The Code applies to all EMIs and EMPIs designated in terms of sections 31B, 31BA, 31BB and 31C of NEMA, and includes those employed on a permanent, probationary, temporary, full-time, part-time or any other basis.

5.2 The relevant designating authority must ensure that all officials are required to sign this Code upon receipt of their designation as EMIs and EMPIs, to confirm their acceptance of this Code as binding upon their designation and in respect of the performance of all functions as an EMI or EMPI.

5.3 This Code will apply to all EMIs and EMPIs at all times for as long as they are designated as EMIs or EMPIs.

5.4 In the event of any conflict between this Code and any other applicable prescript, including those specified in paragraph 6.4 below, this Code prevails if the conflict specifically concerns the execution of EMI or EMPI's duties.

6. Compliance with laws, policies, guidelines and standard operating procedures

EMIs and EMPIs must—

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6.1 commit to ensuring that they have a sound understanding of all laws, regulations, norms and standards, notices and policies applicable to the execution of their compliance and enforcement functions;

6.2 exercise the performance of their functions within the ambit of the Constitution and other relevant laws, regulations, norms and standards, policies, guidelines, instructions and standard operating procedures;

6.3 exercise their powers in compliance with the relevant grade and mandate specified in their designation letters;

6.4 in addition to compliance with this Code, conduct themselves in accordance with all applicable prescripts, including the Public Servants Code of Conduct (published in Government Notice No. R. 825 in *Government Gazette* No. 18065 of 10 June 1997), Schedule 2 to the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) Code of Conduct for municipal staff members, the Batho Pele Principles, and any other code of conduct as may be applicable within their employing organs of state.

7. Conduct towards the environment

EMIs and EMPIs must—

7.1 in the performance of their duties, carry out their work and conduct themselves in a manner that gives effect to section 24 of the Constitution and the principles contained in section 2 of NEMA; and

7.2 ensure that the environment is protected for the benefit of both present and future generations by monitoring and enforcing compliance with legislation that seeks to prevent pollution and ecological degradation, promote conservation, and secure ecologically sustainable development and the use of natural resources while promoting justifiable economic and social development.

8. Conduct towards the regulated community

EMIs and EMPIs must—

8.1 treat all private and public natural and juristic persons that comprise the regulated community objectively, consistently and impartially, taking due cognisance of their Constitutional rights, and in particular, their right to just administrative action in terms of section 33 of the Constitution;

8.2 exercise their compliance and enforcement functions within the ambit of the mandate, powers and duties accorded to them in terms of NEMA and other applicable legislation; and

8.3 in the execution of their daily duties, maintain a respectful, courteous and professional attitude when interacting with the regulated community.

9. Conduct towards the public

EMIs and EMPIs must—

9.1 execute their compliance and enforcement functions in a manner that advances the public interest;

9.2 adhere to the Batho Pele Principles of Consultation, which are Standards, Redress, Access, Courtesy, Information, Openness and Transparency and Value for Money, when interacting with the public; and

9.3 respond to queries, complaints and reports from members of the public in a courteous, effective and timely manner.

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10. Conduct towards the Inspectorate

EMIs and EMPIs must—

10.1 protect and uphold the integrity of the Inspectorate;

10.2 execute all lawful instructions issued by persons who are officially authorised to give them;

10.3 maintain a mutually respectful and collegial relationship with other EMIs and EMPIs, both within and outside of their employing institution;

10.4 deal fairly, professionally and equitably with other EMIs and EMPIs, irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language; and

10.5 not use their influence or abuse their authority when dealing with other EMIs and EMPIs.

11. Conduct towards other regulatory authorities

EMIs and EMPIs must—

11.1 act within the ambit of their Constitutionally allocated mandate and not encroach on the geographical, functional or institutional integrity of another sphere of government;

11.2 co-operate with other regulatory authorities in mutual trust and good faith by fostering friendly relations, assisting and supporting one another, informing one another of, and consulting one another on matters of common interest, co-ordinating their actions and legislation with one another, and adhering to agreed procedures; and

11.3 comply with the provisions of any memorandum of understanding, standard operating procedure or any other collaborative agreement concluded between the Inspectorate and any other regulatory authority.

12. EMI/EMPI personal conduct

EMIs and EMPIs must—

12.1 behave and dress in a professional manner that enhances the reputation of the Inspectorate;

12.2 maintain and develop their own professional competence;

12.3 perform their compliance and enforcement functions with honesty, integrity, diligence and responsibility; and in accordance with the values and principles set out in this Code;

12.4 not knowingly be part of any illegal activity or engage in any act that may bring the Inspectorate into disrepute;

12.5 not make any false or misleading representations or engage in deceptive or unconscionable conduct in relation to the execution of their functions;

12.6 act responsibly as far as the consumption of alcoholic beverages or any other substance with an intoxicating effect and not make use of any such beverage or substance while performing their official duties, except medication prescribed for them by a health professional;

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12.7 only use force in exceptional circumstances, and to such an extent that may be reasonably necessary and proportional in the circumstances, and in accordance with all relevant legislative requirements. When executing an arrest, deadly force may only be used if the suspect poses a threat of serious violence to the arrestor or any other person, or the suspect is suspected on reasonable grounds of having committed a crime involving the infliction or threatened infliction of serious bodily harm; and there are no other reasonable means of effecting the arrest, whether at that time or later;

12.8 only use their designation as an EMI or EMPI in relation to the execution of official compliance and enforcement functions and powers;

12.9 not give preferential treatment to any member of the regulated community or member of public and avoid situations that raise the suspicion of preferential treatment; and

12.10 when using EMI or EMPI uniform or equipment, act in a manner that recognizes the value of, and enhances the positive image created by, the wearing of a distinctive and recognizable uniform and marked equipment.

13. Conflict of interest

EMIs and EMPIs must—

13.1 declare and disclose any financial, personal or other interest in any matter that is related to the execution of their compliance and enforcement functions, which could compromise, or appear to compromise their professional judgement, objectivity or independence;

13.2 not initiate or accept any offer of employment while they are in a position to influence a decision in respect of compliance and enforcement powers and functions related to that person or organisation;

13.3 not use any information gained through the execution of their official duties for personal gain;

13.4 be honest and accountable in dealing with allocated budgets and use official property and other resources effectively, efficiently, and only for authorized purposes;

13.5 not, without the required approval, undertake remunerative work outside of his or her official duties or use office equipment for such work;

13.6 guard against activities or relationships which may create a conflict of interest in the performance of their duties; and

13.7 not permit themselves to be exploited in any manner.

14. Acceptance of gifts, hospitality and services

EMIs and EMPIs must not solicit, either directly or indirectly, gifts, hospitality, services or employment, etc., related to the execution of their compliance and enforcement functions and powers for personal use, gain or benefit. The offer of any unsolicited gifts must be declined and the EMI's or EMPI's supervisor must be notified immediately.

15. Reporting of unprofessional, illegal or unethical conduct

EMIs and EMPIs must—

15.1 report to the appropriate authorities any act or omission which constitutes an offence in terms of NEMA, a specific environmental management Act, or a provincial Act that substantively deals with environmental management, and any act of fraud, corruption, nepotism or maladministration related to offences in terms of NEMA, a specific environmental management Act, or a provincial Act that substantively deals with

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environmental management, as soon as reasonably possible after the EMI or EMPI has obtained knowledge thereof; and

15.2 report to his/her supervisor, any act or omission of a colleague, which she or he considers to be unsafe, illegal, unethical or in conflict with the provisions of this Code.

16. Confidentiality

An EMI and EMPI must not disclose information about any other person if that information was acquired while exercising or performing any power or duty in terms of NEMA, a specific environmental management Act, or a provincial Act that substantively deals with environmental management, except if that information is disclosed in terms of any of the exceptions referred to in terms of section 31Q of NEMA.

17. Reporting/Record keeping

EMIs and EMPIs must—

17.1 report their findings in an objective and transparent manner;

17.2 not knowingly understate or overstate the significance of any non-compliance that has been detected; and

17.3 maintain clear and accurate records of their compliance and enforcement activities in an accessible and secure manner.

18. Contravention of the Code of Conduct

18.1 A contravention of any provision of this Code constitutes a ground of misconduct that must be included in any internal disciplinary process that the EMI or EMPI may be subjected to;

18.2 Where the allegation involves a serious breach of the Code, namely non-compliance with clauses 12.4, 12.5, 12.6, 12.7, 13.1, 13.3, 13.6, 14 or 15.1, the MINTECH WGIV representative must recommend to the relevant designating authority that the EMI's or EMPI's designation be suspended pending the outcome of the internal disciplinary process; and

18.3 The designating authority may withdraw the designation of an EMI or EMPI where an EMI or EMPI is found guilty of misconduct or the EMI or EMPI has been convicted of a serious criminal offence, including those offences listed in Schedules 1 or 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), the Prevention and Combatting of Corrupt Activities Act, 2004 (Act No. 12 of 2004) or any criminal offence in terms of environmental legislation.

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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

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