Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 729 25 March Maart 2026 No. 54407

ISSN 1682-5845

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 7293 **25 March 2026**

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)
NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004)

DELEGATION OF POWERS AND DUTIES UNDER SECTION 42 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) TO ISSUE A DIRECTIVE IN TERMS OF SECTION 73(3) AND (4) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004) IN RESPECT OF LISTED INVASIVE SPECIES

I, Willem Abraham Stephanus Aucamp, Minister of Forestry, Fisheries and the Environment, hereby in terms of section 42(2A) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), publish the delegation of my powers and duties in terms of section 73(3) and (4) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) to the Minister responsible for Water and Sanitation. The delegation instrument is enclosed hereto.

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

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DELEGATION OF POWERS AND DUTIES

ISSUED BY

WILLEM ABRAHAM STEPHANUS AUCAMP

IN HIS CAPACITY AS MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

(HERE IN AFTER REFERRED TO AS "MINISTER")

DELEGATION OF POWERS AND DUTIES UNDER SECTION 42 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) TO ISSUE A DIRECTIVE IN TERMS OF SECTION 73(3) AND (4) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004) IN RESPECT OF LISTED INVASIVE SPECIES

1. AUTHORITY TO DELEGATE

1.1 The powers and duties contemplated in section 73 (3) and (4) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEM:BA) are vested in me, as the Minister of Forestry, Fisheries and the Environment.

1.2 In terms of section 42(1), read with sections 42(2), (2A) and (2B) of National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), I am empowered to delegate powers or duties vested in me in terms of NEMA or a specific environmental management Act to any organ of state, by agreement with that organ of state.

2. DELEGATION

2.1 I, Willem Abraham Stephanus Aucamp, Minister of Forestry, Fisheries and the Environment, hereby delegate, subject to paragraph 4 below, the powers and duties vested in me in relation to section 73(3) and (4) of the NEM: BA, to the Minister responsible for Water and Sanitation.

3. POWERS AND DUTIES DELEGATED

3.1 The powers and duties delegated are those vested in me in terms of:

POWER OR DUTY	DELEGATED TO
73. Duty of care relating to listed invasive species: "(3) A competent authority may, in writing, direct any person who has failed to comply with subsection (1) or (2), or who has contravened section 71(1), to take such steps- (a) as may be necessary to remedy any harm to biodiversity caused by- (i) the actions of that person; or (ii) the occurrence of the listed invasive species on land of which that person is the owner; and (b) as may be specified in the directive."	The Minister responsible for Water and Sanitation.
73. Duty of care relating to listed invasive species: "(4) If that person fails to comply with a directive issued in terms of subsection (3), a competent authority may- (a) implement the directive; and (b) recover all costs reasonably incurred by a competent authority in implementing the directive- (i) from that person; or	The Minister responsible for Water and Sanitation.

DELEGATION OF POWERS AND DUTIES UNDER SECTION 42 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) TO ISSUE A DIRECTIVE IN TERMS OF SECTION 73(3) AND (4) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004) IN RESPECT OF LISTED INVASIVE SPECIES

(ii) proportionally from that person and any other person who benefited from implementation of the directive.*	

4. CONDITIONS OF THE DELEGATION

4.1. This delegation —

(a) includes the power to sub-delegate the powers or duties mentioned in this delegation to a specific official or to the holder of a specific post in the Department of Water and Sanitation;

(b) does not prevent the exercise of the power or the performance of the duty by me; and

(b) may be withdrawn by me at any time.

4.2 I may confirm, vary or revoke any decision taken in consequence of this delegation or any sub-delegation of the powers and duties contemplated in this delegation, subject to any rights that may have accrued to a person as a result of the decision.

4.3 In terms of section 43(1) of NEMA, I will consider any appeal against a decision taken by any person acting in terms of the powers hereby delegated or sub-delegated in terms of section 73(3) and (4) of NEM: BA.

SIGNED at Cape Town on 21 January 2026

WILLEM ABRAHAM STEPHANUS AUCAMP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT
DATE: 21/01/2026

DELEGATION OF POWERS AND DUTIES UNDER SECTION 42 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) TO ISSUE A DIRECTIVE IN TERMS OF SECTION 73(3) AND (4) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004) IN RESPECT OF LISTED INVASIVE SPECIES

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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