



Question Report				
Report generated time	11/10/2025 8:21			
Topic	Webinar	Actual Start Time		
Public Participation and the Law		11/7/2025 8:19		
Question	Asker Name	Answer	Answer Name	Answer Email
Question to Janet: Reference is made to written notice to 'valid land claimants' - at what point is it deemed a 'valid land claim'? Does	Louise-Mari Van Zyl	live answered	Orlinda Mafika	orlindamafika@gmail.com
Should the EIA notification specify the activities being applied for ?	Robyn Luyt	live answered	Orlinda Mafika	orlindamafika@gmail.com
How does the "extra days given" so if you say let the WULA comment be 75 days how will this impact on the departmental submission deadlines?	Rose Owen	live answered	Orlinda Mafika	orlindamafika@gmail.com
how do you undertake an extended PPP when the EIA timeframes are strict in terms of when reports are to be submitted?	Muhammad Essop	live answered	Orlinda Mafika	orlindamafika@gmail.com



Question Report				
Except for conducting public meetings/open days, what alternative methods do EAPs use to ensure persons unable to access written comments are provided with opportunity to record their comments?	Selma Nel	live answered	Orlinda Mafika	orlindamafika@gmail.com
In most cases in the EIA process wouldn't the aquatic specialist conduct the public participation process for WULA?	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com



Question Report				
Reference to 'reasonable alternative methods' in instances where there is possible disadvantages - is it reasonable to collaborate with specific stakeholder groups i.e. a Home Owners Association that represent members/beneficiaries and rely on their communication network to reach/communicate with potential disadvantaged stakeholders that are their members/beneficiaries? Example - if economic disadvantage or language restricts the participation of a home owner, but the HOA actively participates and attends meetings during the process etc, is it reasonable to expect the HOA to act as a conduit for information sharing/communications about issues/concerns for instance?	Louise-Mari Van Zyl	live answered	Orinda Mafika	orlindamafika@gmail.com



Question Report				
Hi Janice. In terms of the right to appeal, on behalf of an Organisation, does one have to prove that one has the mandate to submit the appeal in order for the appeal to be considered by the competent authority's appeal panel?	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com
may I&APs request copies of pre-application meetings with Authorities? Is it legally required to meet their request and share minutes?	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com
Are there any timelines on how long the PP for a WULA is valid? Especially if the WULA PPP is aligned with the NEMA PPP, but the WUL submission can be lengthy and is often only submitted much later on.	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com



Question Report				
'@Janet - Mr Morema referenced the term 'misuse' in one of his slides. Bare minimum on the one side of the spectrum of public participation, but also opportunity to 'misuse' a public participation process (especially given the very wide scope of 'reasonable' / 'fair' public participation' for private gain (other agenda's not necessarily the environmental aspects per se.	Louise-Mari Van Zyl	live answered	Orlinda Mafika	orlindamafika@gmail.com
Is there anything in the Regulations about the number of languages you need to publish all PPP in?	Nicolene Cloete (Hellstrom)	live answered	Orlinda Mafika	orlindamafika@gmail.com



Question Report				
When conducting a concurrent PPP for both the WULA and Basic Assessment processes, considering that the public participation timelines differ, is it permitted to specify separate comment period dates on the notices to suit each process?	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com
Well Part Amendments regulations requires Public Participation. So, a non-substantial amendment (Part 1) does not require it, but is regulatory required to re-advertise for Part 2 amendments.	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com
Thanks Janice - trying to line up days and ensure all deadlines etc are met and still giving adequate time for PP. Glad that there is the error and it is minimum days that is way better especially if you have a contentious project	Rose Owen	live answered	Orlinda Mafika	orlindamafika@gmail.com



Question Report				
in the case where the pp period is done and all comments that were received are responded to in a comments and responses table, and distributed to all commentees, and after this, a comment is received from an organ of state. Do I redo the CRT and distribute to all commentees or just respond to this organ of state as the CRT is already distributed based on the commenting period being done?	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com
Is there clarity in the legislation to confirm if the periods are calendar days or working days?	Lynn Whittington-Jones	live answered	Orlinda Mafika	orlindamafika@gmail.com
Notes on the additional time for PPP:	Tiisetso Margaret Phiri	live answered	Orlinda Mafika	orlindamafika@gmail.com
Notes on the additional time for PPP: The EIA regulations does allow additional 50-days, upon request by EAP to competent authority for such complex projects that requires it.	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com



Question Report				
Can INFORM as a method only be sufficient for public participation?	Aluwani Cynthia Seshoka	live answered	Orlanda Mafika	orlindamafika@gmail.com
In an instance where the project area is located 30 km away from the community, how should PPP be approached?	Mulalo Mafunisa	live answered	Orlanda Mafika	orlindamafika@gmail.com
Now that the postal service is not longer effective, how to we address REGISTERED POST, where the only info available is a postal address	Judy Johnston	live answered	Orlanda Mafika	orlindamafika@gmail.com



Question Report				
How to we handle international boundary I&APs who do not have locus standii in SA? Eg. John is on the bank of the Orange River in Namibia, I have engaged him as an affected party taken all his issues into consideration and addressed it design and mitigation measures. He then once the decision is issued wants to appeal. I advised him that all his concerns were addressed. He is not an SA citizen therefore would need to apply to the relevant SA court to get permission to appeal the process. I did meaningfully consult and engage, but in the end these I&APs don't truely have locus standii on a shared water source given that there is a bilateral agreement between the countries on the allocation of water per country and what the mine is applying for is within the available resource	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com



Question Report				
How to we handle international boundary I&APs who do not have locus standii in SA? Eg. John is on the bank of the Orange River in Namibia, I have engaged him as an affected party taken all his issues into consideration and addressed it design and mitigation measures. He then once the decision is issued wants to appeal. I advised him that all his concerns were addressed. He is not an SA citizen therefore would need to apply to the relevant SA court to get permission to appeal the process. I did meaningfully consult and engage, but in the end these I&APs don't truely have locus standii on a shared water source given that there is a bilateral agreement between the countries on the allocation of water per country and what the mine is applying for is within the available resource	Anonymous Attendee	Answered this on the other side:--- > Interesting question - which requires some reading of recent or applicable case law. But on the face of it - s32 of NEMA does not afford legal standing based on nationality. It affords legal standing to "any person". Why would we consider his objections during the EIA but not allow him to appeal ??	Kuben Samie	kuben.samie@gmail.com



Question Report				
Good day,	Alexander Mabunga Msipa	live answered	Orlinda Mafika	orlindamafika@gmail.com



Question Report				
If a registered mail is the only contact method on record, to what extent are EAPs still legally required to send registered mail given widespread postal closures and returned registered mail not reaching the the I&APs, and what lawful and practical alternatives are acceptable?	Alexander Mabunga Msipa	The discretion lies with the EAP, based on the most practical alternative. The aim is to ensure that I&APs have been afforded an opportunity to have their say & that there is proof that affected landowners and other directly affected parties have been specifically notified of the process. With Landowners and other directly affected parties - the EAP will have to find some other method of making contact with these	Kuben Samie	kuben.samie@gmail.com



Question Report				
EAPs are required to notify adjacent landowners. The POPI act. We sued to be able to contact the relevant municipalities to obtain the addresses. Now the municipalities refuse to give us the required information. Can EAPASA not organise with the Municipalities that if we are registered EAPS the municipalities can provide us with the addresses required.	Janet Ebersohn	Surely an EAP can conduct a Deeds Search to get details of the landowner. If all else fails, EAPs can put out an advert calling for the landowners to come forward and register .	Kuben Samie	kuben.samie@gmail.com
We normally redact the personal information and just include the name surname and organisation/private. Also add a disclaimer saying that if IAPS register on the database they consent to their names being made public - is this sufficient?	Natalie Ritsch	live answered	Orlinda Mafika	orlindamafika@gmail.com
We have the same challenge. The deeds search does not normally provide contact info, tel numbers, emails etc	Natalie Ritsch	live answered	Orlinda Mafika	orlindamafika@gmail.com



Question Report				
I&AP INFO & Ai How should EAPs handle cases where an I&AP submits a request to be registered on the project database using only an organisational email address, without providing a name or any identifiable details? Similarly, if an appeal is submitted without a name, surname, or valid email, can such submissions be considered valid, especially in an era where AI-generated or automated emails are possible?	Alexander Mabunga Msipa	Anonymous I&AP registration (on the face of it) should be fine. Obviously, the focus should be on what issues that registered user is raising. With regards to Appeals, the validity of the appeal or the appellant is something which the MEC or Minister or Appeal Authority would need to consider. If you are a respondent and you don't have legitimate details of the Appellant -its not your fault ! :)	Kuben Samie	kuben.samie@gmail.com



Question Report				
A deeds search is also protected by POPI and a mailing address - especially if the property is vacant is not always available	Lauren Abrahams	live answered	Orlinda Mafika	orlindamafika@gmail.com
When an EA is issued, the EA notes that we need to provide the registered I&APs with...the name of holder, responsible person etc of holder...BUT then it also says: ' the contact details (postal and/or physical address, contcat..etc) of the decision maker and all the registered IAPS in the event that an appeal is lodged?	Natalie Ritsch	Not sure about this. The new appeal regs do not require an appellant to serve on all I&APs. That is the duty on the Applicant(Respondent) in terms of the regs. (and they already have the I&AP database). so I do not see the relevance or legality of that last provision/condition.	Kuben Samie	kuben.samie@gmail.com



Question Report				
Finding the correct contact details of authorities/ organs of state can be a nightmare - especially when the municipal websites or key websites are not working. Question to all, tips on obtaining the correct info? Are there databases online available to obtain contact details?	Anonymous Attendee	sometimes phoning an EAP-friend/colleague helps. which shows the importance of networking with your colleagues. EAPs should help one another :)	Kuben Samie	kuben.samie@gmail.com
We are struggling to obtain landowner information from Windeed and other sources especially for adjacent landowners that must be notified. Ito of POPI Act we cannot get access to any information, so how do we notify neighbours without their information?	Vanessa Marais	If its not a vacant site - can the EAP not visit the property/owners ?	Kuben Samie	kuben.samie@gmail.com



Question Report				
How do we manage international boundary I&APs who lack locus standi in South Africa? For example, John resides on the Namibian bank of the Orange River. I engaged him as an affected party, considered and addressed his concerns through design and mitigation measures. Post-decision, he wishes to appeal. I advised that his inputs were meaningfully incorporated, but as a non-SA citizen, he would need to apply to the relevant South African court for permission to appeal. While consultation was thorough, such I&APs do not hold true locus standi on a shared water source governed by bilateral agreements—especially where the mine’s application remains within the available allocated resource.	Anonymous Attendee	Interesting question - which requires some reading of recent or applicable case law. But on the face of it - s32 of NEMA does not afford legal standing based on nationality. It affords legal standing to "any person". Why would we consider his objections during the EIA but not allow him to appeal ??	Kuben Samie	kuben.samie@gmail.com



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According to the definition of "personal information" in POPI Act, (e) includes "personal opinions, views or preferences of the person". Reading that under S11(1) 'Personal information may only be processed if accroding to ... 2(a) written consent must be obtained.' Must an EAP then obtain written consent from the IAP to place their comments in the Comments & Responses Report even if their names are redacted?	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com
Hi Janice. For pre-app meeting (NEMA, AEL, WML, WULA, etc.), it is duty of the EAP to take minutes. You mentioned by authorities rarely prepare minutes. This is not 100% correct. CAs keep minutes for various internal and external meetings.	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com



Question Report				
what should one do if a member of the public comments on a project and in the same email makes defamatory comments about another community member.. should we include such comments or should we omit the defamatory parts?	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com
Regarding EAP details: For projects that are extreme	Njabulo Mzilikazi	live answered	Orlinda Mafika	orlindamafika@gmail.com
Is there clarity in the legislation to confirm if the periods are calendar days or working days?	Lynn Whittington-Jones	live answered	Orlinda Mafika	orlindamafika@gmail.com
That was an error, apologies	Njabulo Mzilikazi	live answered	Orlinda Mafika	orlindamafika@gmail.com
with regards to site notices the legislation states the minimum size of site notices, what is the maximum size a site notice may be ?	Anonymous Attendee	I don't think anyone is going to complain about a big notice !	Kuben Samie	kuben.samie@gmail.com



Question Report				
Adv. Kuben, the issue isn't about denying him the right to appeal—it's about his legal standing to challenge a South African legislated process as a Namibian citizen. My concern is that allowing him to submit an appeal and seek legal advice may create the impression that he can proceed to court in South Africa, when in fact, that would only be possible if an SA court grants him permission to do so. PS. I am just an EAP but read up about it. You being a legal person may shed some light on it.	Anonymous Attendee	we will have to research this. But it does not make sense - legal or otherwise - to allow him to participate in the EIA process (a legal process) and then claim he does not have legal standing to lodge an appeal. Being granted permission by a court to sue and legal standing are two different matters. If you lack legal standing - that is the end of the matter. You cannot bring an application to court to be afforded legal standing. it is	Kuben Samie	kuben.samie@gmail.com



Question Report				
In instances where an Interested and Affected Party (I&AP) refuses or declines to provide their contact details (such as an email address) for purposes of being informed about a proposed project, how can the Environmental Assessment Practitioner (EAP) demonstrate that reasonable effort was made to inform the I&AP, in compliance with the public participation requirements of the IWUL or EIA process	Phangisile Mthimunya	live answered	Orlinda Mafika	orlindamafika@gmail.com
Great session. Thanks to all involved. Until the next one. Ciao, I have another meeting at 12.	Percy Langa	live answered	Orlinda Mafika	orlindamafika@gmail.com



Question Report				
To Ilse, on larger scale project, would appointing a Community Liaison Officer (CLO) at the same time as the social consultant be of worth for continuity going from planning phase to construction phase? In your experience, what does the engagement between the CLO and social consultant entail?	Dirk Pretorius	I think it is definitely worth it, but it depends on how soon the construction will start after the EIA process. There is often a time lag. I have worked on projects where the ECO was introduced at the last public meetings, and it worked extremely well. The community then had a face and a name of someone they could interact with. It also depends on what the duties of the CLO are, as it differs. Sometimes the CLO is a	Ilse Aucamp	ilse@equispectives.co.za



Question Report				
The outcome of successful PP and community engagement is moving stakeholders from resistance to a resource	Andrew Barker	Agree!	Ilse Aucamp	ilse@equispectives.co.za



Question Report				
how do you navigate cultural protocols that might be at odds with gender equality?	Natalie Way-Jones PIEMA	it is a tough one. I usually start with following the cultural protocols. Once it has been observed, I ask if I can have separate meetings with women and men. I explain why I want to talk to them - they have different perspectives and roles and tasks in society. I do the same to ask if I can speak to elderly/child headed households. I know there are risks as well, with gate keepers and who you get access to, but	Ilse Aucamp	ilse@equispectives.co.za



Question Report				
In instances where the Competent Authority requires that Organs of State with jurisdiction over the area in which the proposed project is to be implemented be consulted for comment, and those Organs of State fail to provide a response within the stipulated 30-day commenting period, what further actions may the Environmental Assessment Practitioner (EAP) take to demonstrate compliance with the consultation requirements of the EIA or IWUL process, beyond submitting evidence of correspondence (e.g., emails and letters) and an affidavit confirming that reasonable efforts were made to obtain such comments?	Phangisile Mthimunya	live answered	Orlinda Mafika	orlindamafika@gmail.com



Question Report				
To Ilse, how do you build trust with communities when they think you are from the government. They are usually hesitant to speak to anyone coming in from the outside. What do you do to build their trust? In order to obtain the information you need?	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com
Where does petitions fit into public participation? People signing a petition technically does not indicate that they want to be included in the i&ap database, how do we include them?	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com
We are dealing with an old EMP submitted before 2002 and we are requested to update the EMP to meet the minimum requirements of NEMA and EIA Regulations, so do we need to reconduct public participation or we submit the updated EMP as it is without PPP?	Mulalo Mafunisa	live answered	Orlinda Mafika	orlindamafika@gmail.com



Question Report				
NEMA does not specify the format of meetings, and in some cases we do Open days...vs Public meetings. Some IAPs will come to an open day...and start sitting down expecting a presentation. That can also be a challenge. More a statement than question	Natalie Ritsch	live answered	Orlinda Mafika	orlindamafika@gmail.com
If no I&APs respond following valid site, media and written notices — no further attempts to consult are required. The duty under NEMA is to take reasonable steps to notify, not to ensure participation occurs. Do you agree, Kuben?	Pieter De Lange	live answered	Orlinda Mafika	orlindamafika@gmail.com
To either of the speakers: How do we determine legitimate representation in communities where traditional leadership, political structures, and social movements overlap, or even compete for authority?	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com



Question Report				
We have also had an issue recently where a detailed engagement process was undertaken, and the community via a specific organisation was told to STAY AWAY...and so much mis-information was distributed. Project team in attendance, presenting to 4-5 people :(such a waste of time and resources.	Natalie Ritsch	live answered	Orlinda Mafika	orlindamafika@gmail.com
Regarding the read receipt - in Outlook, it is an "option" by the recipient to indicate that he/she had read the e-mail is optional from their side, even if you selected the option on your e-mail notification. What is more important, and can be provided as proof, is the delivery receipt	Anonymous Attendee	live answered	Orlinda Mafika	orlindamafika@gmail.com
How can I get access to this recording for future reference? it was very informative!	Mbali Tshabalala			