

Strategic Environmental Legal Considerations for the Board



Date: 25 February 2009
Venue: Hackle Brooke Estate Craighall, Randburg
Course Price : R3000.00 3rd person pays half Price

Course Time: 8.30 am to 4.30 pm Refreshment and Lunch Breaks included

This one day programme provides an overview of key environmental legal considerations impacting on corporate activities, corporate legal risk and decision making at board level. Important developments in waste management, EIA and Air Quality Law will be highlighted. Climate Change challenges and opportunities will be presented at an executive level.

SESSION 1 ENVIRONMENTAL LEGAL FRAMEWORK

- Overview of the South African environmental legal framework
- Outline of the principal environmental legislation relevant to corporate activities.
- Compliance challenges in the South African context – legal uncertainty, authorisation and process delays, fragmented and changing legislation
- Key recent and pending developments in environmental law.

SESSION 3 ENVIRONMENTAL LEGAL RISK MANAGEMENT

- Environmental litigation and case law studies - lessons learnt
- Corporate management of environmental legal risk – tools, procedures and protocols to reduce risks
- Environmental Corporate Governance

SESSION 4 ENVIRONMENTAL IMPACT ASSESSMENT

- The legal requirements
- The risks of non-compliance
- Practical problems with the implementation of the EIA regulations
- Strategic planning for EIA
- Innovative and correct process related advice

SESSION 2 ENVIRONMENTAL LEGAL COMPLIANCE AND RISK

- Specific instances of criminal liability and penalties for statutory non-compliance.
- Administrative and other mechanisms (such as compliance notices and directives) available to authorities and the risks posed to companies.
- Areas of personal liability of directors, managers, agents and employees of companies.
- “Fit and Proper Person” criteria in environmental law – corporate and personal implications.
- The enforcement inspectorate “Green Scorpions” - powers, duties, information gathering and risks to a company.
- Reputational considerations associated with non-compliance.
- Upstream and downstream service providers – risks of noncompliance

SESSION 5 AIR QUALITY

- The NEM: Air Quality Act: status of implementation.
- Implications of the Air Quality Act for emitting industries and, in particular, holders of Registration Certificates in terms of the Atmospheric Pollution Prevention Act of 1965.
- Consequences of non-compliance with the Air Quality Act and timeframes for compliance.

SESSION 6 CLIMATE CHANGE

- Framing the climate change challenge for industry.
- Opportunities and interventions for industry in seeking to respond to the challenge.
- Policy and regulatory developments and future prospects for South Africa’s response to climate change.

BY THE END OF THE SESSION, DELEGATES WILL BE ABLE TO

- appraise their company’s own governance processes and identify opportunities for improvement
- have a basis to check their environmental compliance and risk management mechanisms
- assess the information currently presented to the Board and initiate improvements

WHO SHOULD ATTEND?

- Executive and Non-Executive Directors
- Prospective appointees to Board positions
- Company secretaries
- Environmental Managers

Know your Facilitators:
IMBEWU Sustainability Legal Specialists (Pty) Ltd
(www.imbewu.co.za)



Michael Vermaak holds a BSc (Honours) degree in plant sciences and geography and an LLB degree and has specialised in environmental law for over ten years (he is currently a Senior Environmental Legal Consultant at IMBEWU Sustainability Legal Specialists (Pty) Ltd and a Consultant at Warburton Attorneys). Michael has also had direct exposure to environmental consulting. This background reinforces his particular interest in the practical “on-the-ground” application and implications of environmental law and the challenges of achieving and sustaining compliance in the highly fragmented and dynamic South African environmental legal regime. His interests are reflected in his focus on environmental legal compliance evaluations (“audits”) and risk assessments, having undertaken such evaluations at a very wide range of industrial and mining operations throughout South Africa. Other key areas of interest include environmental permitting, licensing and authorisation processes, strategising for multiple authorisation processes for large-scale projects and the alignment and streamlining of process and public participation requirements. Michael has also presented training courses and presentations on a range of environmental legal issues.



Catherine Warburton BA LLB practised as an attorney at Moolmans Attorneys Inc, concentrating on environmental legal issues for two and a half years before joining the Anglo American Group as an environmental legal counsel until the end of 2000. Thereafter she established IMBEWU Sustainability Legal Specialists (Pty) Ltd. She has acted as the Managing Director of IMBEWU for eight years. (See IMBEWU’s Company Profile on www.imbewu.co.za for information on the company team and activities.) She has more than eleven years of practical experience in the relatively new field of environmental law in South Africa. Her experience has been mainly developed across a broad spectrum of large industrial and mining concerns in a number of countries. She has also assisted NGO groups and government with legal advice and has provided input into governmental policy development in South Africa. Catherine has been involved in the environmental legal aspects of the Gautrain Rapid Rail Link Project as specialist advisor since 2002 and has advised on a number of development projects and climate and energy related projects. She completed a two and a half year international sustainable development training programme in 2001 entitled LEAD i.e. Leadership for the Environment and Development. Catherine has developed specific expertise in the area of climate change. Catherine is also the Managing Partner of Warburton Attorneys (www.warburtons.co.za) and serves on the Law Society’s Environmental Law Committee.



Andrew Gilder BA LLB LLM (Marine & Enviro Law), is an admitted attorney and practises through Warburton Attorneys. Andrew is also a Director of IMBEWU Sustainability Legal Specialists (Pty) Ltd and drives its Climate Change and Clean Development Mechanism (CDM) Specialist Consultancy Unit. Andrew has drafted or co-drafted various academic papers, including on the interaction of the international and South African climate change legal regimes which have been published, both locally and internationally. He is a regular speaker on a wide range of issues related to the climate change international legal regime.

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