

Government Gazette 14926

STATE PRESIDENT'S OFFICE

No. 1166.

7 July 1993

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:-

No. 94 of 1993: Environment Conservation Amendment Act, 1993.

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

ACT

To amend the Environment Conservation Act, 1989, so as to substitute a new committee for the Committee for Environmental Management; to assign to or impose upon the new committee certain powers, functions and duties; to provide for the election of an executive committee and the appointment of subcommittees by such new committee; to provide for the payment of allowances to certain members of such subcommittees and to persons co-opted onto such new committee; to regulate the meetings and decisions of the new committee; and to substitute a certain obsolete expression; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)

(Assented to 23 June 1993.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:-

Amendment of section 1 of Act 73 of 1989, as amended by section 1 of Act 98 of 1991 and section 1 of Act 79 of 1992

1. Section 1 of the Environment Conservation Act, 1989 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "committee" of the following definition:

" 'committee' means the Committee for Environmental **Management** *Co-ordination* established by section 12;".

Amendment of heading to Part II of Act 73 of 1989

2. The following heading is hereby substituted for the heading to Part II of the principal Act:

"COUNCIL FOR THE ENVIRONMENT, COMMITTEE FOR ENVIRONMENTAL MANAGEMENT CO-ORDINATION AND BOARD OF INVESTIGATION".

Substitution of section 12 of Act 73 of 1989

3. The following section is hereby substituted for section 12 of the principal Act:

"Establishment of Committee for Environmental Co-ordination

12. There is hereby established a committee called the Committee for Environmental **Management Co-ordination**".

Substitution of section 13 of Act 73 of 1989, as amended by section 5 of Act 79 of 1992

4. The following section is hereby substituted for section 13 of the principal Act:

"Powers, functions and duties of committee

13. (1) *The committee may, in accordance with the policy referred to in section 2-*

(a) co-ordinate actions which are taken by departments and which may have a material influence on the protection and utilization of the environment;

(b) in the manner it deems fit, promote co-operation between departments which are concerned with matters which may have a material influence on the protection and utilization of the environment;

(c) draw up reports or have reports drawn up in respect of any matter contemplated in paragraphs (a) and (b);

(d) advise departments which are concerned with matters affecting the environment with a view to pursuing common objectives in respect of the protection and utilization of the environment;

(e) investigate the state of the environment or cause it to be investigated and shall biennially in the manner it deems fit, in

writing report to the Minister thereon.

(2) For the purposes of this section, 'departments' means departments referred to in section 6(1) of the Public Service Act, 1984 (Act No. 111 of 1984)."

Substitution of section 14 of Act 73 of 1989, as amended by section 6 of Act 79 of 1992

5. The following section is hereby substituted for section 14 of the principal Act:

"Constitution of committee

14. (1) *The committee shall consist of-*

(a) the Director-General, who shall act as chairman;

(b) the Deputy-Director-General of the Department referred to in subsection (3);

(c) (i) the Director-General: Water Affairs and Forestry;

(ii) the Director-General: Mineral and Energy Affairs;

(iii) the Director-General: Transport;

(iv) the Director-General: Agriculture;

(v) the Director-General: National Health and Population Development;

(vi) the Director-General: Foreign Affairs;

(vii) the Director-General: Regional and Land Affairs;

(viii) the Director-General: Education and Training;

(ix) the Director-General: National Education;

(x) the Director-General: Local Government and National Housing;

(xi) the Director-General: Trade and Industry;

(xii) the Director-General: Provincial Administration of the Cape of Good Hope;

(xiii) the Director-General: Provincial Administration of Natal;

(xiv) the Director-General: Provincial Administration of the Orange Free State;

(xv) the Director-General: Provincial Administration of the Transvaal; and

(xvi) the Chief of the South African Defence Force.

(2) Every member of the committee referred to in subsection (1)(c) shall appoint an alternate member from his department, and any alternate member so appointed shall act in place of the member in respect of whom he has been appointed as alternate member, during such member's absence or inability to act as a member of the committee: Provided that an alternate member shall not hold a rank lower than that of Chief Director.

(3) When the chairman is absent the Deputy-Director-General of the Department who is designated by the Director-General as deputy chairman, shall act as chairman, and when both the chairman and the deputy chairman are absent, the members present shall from their number elect a person to preside at that meeting.

(4) The committee may co-opt persons who are involved in environmental affairs at national level and who in the opinion of the committee can make a contribution to the activities of the committee."

Insertion of sections 14A, 14B and 14C in Act 73 of 1989

6. The following sections are hereby inserted in the principal Act after section 14:

"Executive committee and subcommittees of committee

14A. (1) (a) The committee may from its number elect an executive committee consisting of such number of members as the committee may determine.

(b) The chairman of the committee shall be the chairman of the executive committee.

(c) The executive committee shall perform such functions as the committee may determine.

(2) (a) The committee may appoint subcommittees consisting of such persons as the committee may determine, to assist the committee in the performance of its functions.

(b) The committee shall designate a member of a subcommittee as chairman of such subcommittee.

Allowances to members of subcommittees and persons co-opted

14B. A member of a subcommittee and a person co-opted in terms of section 14(4) who is not in the full-time employment of the State may be paid from money appropriated by Parliament for that purpose such remuneration and allowances as the Minister may, with the concurrence of the Minister of State Expenditure, determine either in general or in any particular case.

Meetings and decisions of committee

14C. (1) The committee shall meet as often as may be necessary.

(2) At a meeting of the committee a quorum shall consist of 10 members, who need not include the chairman.

(3) The committee shall decide on any matter by a majority of votes cast at a meeting by the members present.

(4) In the event of an equality of votes on any matter considered by the committee at a meeting, the chairman shall have a casting vote in addition to his deliberative vote.

(5) Every member present at a meeting shall cast his vote on every matter considered at the meeting.

(6) (a) The first meeting of the committee shall be held at a time and place determined by the chairman, and subsequent meetings at times and places determined by the committee.

(b) Subject to the provisions of this Act, the committee shall determine its own procedures and put them to writing.

(c) At a meeting of the committee the procedure so determined shall be followed: Provided that until a procedure has been so determined, the procedure determined by the chairman shall be followed."

Amendment of section 18 of Act 73 of 1989, as amended by section 7 of Act 79 of 1992

7. Section 18 of the principal Act is hereby amended by the deletion of paragraph (c) of subsection (2).

Substitution of certain expression

8. The principal Act is hereby amended by the substitution for the expression "Minister of Finance", wherever it occurs, of the expression "Minister of State Expenditure".

Short title

9. This Act shall be called the Environment Conservation Amendment Act, 1993.