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STAATSKOERANT

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KANTOOR VAN DIE PRESIDENT

No. 2093. 7 Desember 1994

Hierby word bekend gemaak dat die President sy goedkeuring gegee het aan die onderstaande Wet, wat hierby ter algemene inligting gepubliseer word:

No. 52 van 1994: Wysigingswet op Omgewingsbewing, 1994.

OFFICE OF THE PRESIDENT

No. 2093. 7 December 1994

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

No. 52 of 1994: Environment Conservation Amendment Act, 1994.

Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

Tot wysiging van die Wet op Omgewingsbewaring, 1989, ten einde sekere woordomsrywings aan te pas; die Minister se bevoegdheid met betrekking tot die bepaling van beleid uit te brei; voorsiening te maak vir die aanstelling van verdere lede in die Komitee vir Omgewingskoördinerings; verwysings na verouderde bepalings en name te vervang; aan die Minister die bevoegdheid te verleen om regulasies met betrekking tot die toepassing en afdwinging van internasionale konvensies, verdrae en ooreenkomste uit te vaardig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 23 November 1994.)

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 73 van 1989, soos gewysig deur artikel 1 van Wet 98 van 1991, artikel 1 van Wet 79 van 1992 en artikel 1 van Wet 94 van 1993

1. Artikel 1 van die Wet op Omgewingsbewaring, 1989 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur die omskrywing van “Departement” deur die volgende omskrywing te vervang:
- “ ‘Departement’ die Departement van Omgewingsake en Toerisme;”;
- (b) deur die omskrywing van “Direkteur-generaal” deur die volgende omskrywing te vervang:
- “ ‘Direkteur-generaal’ die Direkteur-generaal: Omgewingsake en Toerisme;” en
- (c) deur die omskrywing van “Minister” deur die volgende omskrywing te vervang:
- “ ‘Minister’ die Minister van Omgewingsake en Toerisme;”.

Wysiging van artikel 2 van Wet 73 van 1989, soos gewysig deur artikel 2 van Wet 79 van 1992 en artikel 1 van Wet 189 van 1993

2. Artikel 2 van die Hoofwet word hierby gewysig— 20
 (a) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te
 vervang:
 “(d) die skepping en instandhouding **[en verbetering]** van **[omge-**
wings] aanvaarbare menslike leefomgewings **[wat bydra tot ’n**

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Environment Conservation Act, 1989, so as to adjust certain definitions; to extend the Minister's powers with regard to the determination of policy; to make provision for the appointment of additional members to the Committee for Environmental Co-ordination; to substitute references to obsolete provisions and names; to empower the Minister to make regulations relating to the application and enforcement of international conventions, treaties and agreements; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 23 November 1994.)

BE IT ENACTED by 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, section 1 of Act 79 of 1992 and section 1 of Act 94 of 1993

5 **1.** Section 1 of the Environment Conservation Act, 1989 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "Department" of the following definition:

10 " 'Department' means the Department of **[Environment]** Environmental Affairs and Tourism";

(b) by the substitution for the definition of "Director-General" of the following definition:

" 'Director-General' means the Director-General: **[Environment]** Environmental Affairs and Tourism"; and

15 (c) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of **[Environment]** Environmental Affairs and Tourism";.

20 **Amendment of section 2 of Act 73 of 1989, as amended by section 2 of Act 79 of 1992 and section 1 of Act 189 of 1993**

2. Section 2 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (d) of the following paragraph:

25 "(d) the establishment and maintenance **[and improvement]** of acceptable human living environments **[which contribute to a**

algemeen aanvaarbare lewenskwaliteit vir die inwoners van die Republiek van Suid-Afrika] in ooreenstemming met die omgewingswaardes en -behoeftes van gemeenskappe;”;

(b) deur die volgende paragrafe by subartikel (1) in te voeg:

- “(e) die bevordering van die doeltreffende bestuur van kultuurhulpbronne ten einde die beskerming en verantwoordelike gebruik daarvan te verseker; 5
- (f) die bevordering van omgewingsopvoeding ten einde ’n omgewingsgeletterde gemeenskap met ’n volhoubare leefwyse tot stand te bring; 10
- (g) die uitvoering en koördinering van geïntegreerde omgewingsmoniteringsprogramme;” en

(c) deur subartikel (1A) deur die volgende subartikel te vervang:

“(1A) Die Minister kan by die bepaling van die beleid kragtens subartikel (1), indien dit na die mening van die Minister die oogmerke in subartikel (1)(a), (b), (c), **[en]** (d), (e), (f) en (g) vermeld, sal bevorder, norme en standaarde bepaal waaraan voldoen moet word.”. 15

Wysiging van artikel 14 van Wet 73 van 1989, soos vervang deur artikel 5 van Wet 94 van 1993 20

3. Artikel 14 van die Hoofwet word hierby gewysig deur in subartikel (1) die volgende paragraaf by te voeg:

“(d) enige ander Direkteur-generaal van ’n Departement wat nie ingevolge paragraaf (c) ’n lid van die komitee is nie en wat, by kennisgewing in die *Staatskoerant*, as ’n lid van die komitee deur die Minister aangestel is, met die instemming van die Minister onder wie se portefeulje daardie Departement val.”. 25

Invoeging van artikel 27A in Wet 73 van 1989

4. Die volgende artikel word hierby in die Hoofwet ingevoeg na artikel 27:

“Regulasies met betrekking tot internasionale konvensies, verdrae en ooreenkomste 30

27A. Die Minister kan regulasies uitvaardig betreffende die toepassing van enige internasionale konvensie, verdrag of ooreenkoms met betrekking tot die beskerming van die omgewing wat ooreenkomstig artikel 231 van die Grondwet deel van die reg van die Republiek uitmaak.”. 35

Wysiging van artikel 28 van Wet 73 van 1989

5. Artikel 28 van die Hoofwet word gewysig deur paragraaf (c) te skrap.

Kort titel

6. Hierdie Wet heet die Wysigingswet op Omgewingsbewing, 1994. 40

generally acceptable quality of life for the inhabitants] in accordance with the environmental values and environmental needs of communities [of the Republic of South Africa];”;

(b) by the addition to subsection (1) of the following paragraphs:

5 “(e) the promotion of the effective management of cultural resources in order to ensure the protection and responsible use thereof;

(f) the promotion of environmental education in order to establish an environmentally literate community with a sustainable way of life;

10 (g) the execution and co-ordination of integrated environmental monitoring programmes;”; and

(c) by the substitution for subsection (1A) of the following subsection:

15 “(1A) The Minister may, in determining the policy under subsection (1), if in the opinion of the Minister it will further the objectives mentioned in subsection (1)(a), (b), (c), **[and]** (d), (e), (f) and (g), determine norms and standards to be complied with.”.

Amendment of section 14 of Act 73 of 1989, as substituted by section 5 of Act 94 of 1993

20 3. Section 14 of the principal Act is hereby amended by the addition to subsection (1) of the following paragraph:

25 “(d) any other Director-General of a Department who is not a member of the committee in terms of paragraph (c) and who has, by notice in the *Gazette*, been appointed as a member of the committee by the Minister with the concurrence of the Minister under whose portfolio that Department falls.”.

Insertion of section 27A in Act 73 of 1989

4. The following section is hereby inserted in the principal Act after section 27:

30 **“Regulations regarding international conventions, treaties and agreements**

35 **27A.** The Minister may make regulations concerning the application of any international convention, treaty or agreement relating to the protection of the environment which, in accordance with section 231 of the Constitution, forms part of the law of the Republic.”.

Amendment of section 28 of Act 73 of 1989

5. Section 28 of the principal Act is hereby amended by the deletion of paragraph (c).

Short title

40 6. This Act shall be called the Environment Conservation Amendment Act, 1994.

