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PRESIDENT'S OFFICE

No. 1515.

4 October 1995

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

No. 51 of 1995: Water Amendment Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 1515.

4 Oktober 1995

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

No. 51 van 1995: Waterwysigingswet, 1995.

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 Water Act, 1956, so as to provide for the establishment of a National Water Advisory Council; to provide for the objects, constitution and powers of the council; and to provide for the termination of the term of office of a member of a water board; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 28 September 1995.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 54 of 1956, as amended by section 1 of Act 56 of 1961, section 57 of Act 28 of 1966, section 1 of Act 79 of 1967, section 1 of Act 36 of 1971, section 1 of Act 51 of 1979, section 1 of Act 92 of 1980, section 1 of Act 96 of 1984, section 1 of Act 68 of 1987, section 1 of Act 68 of 1990, section 1 of Act 92 of 1993 and section 5 of Act 32 of 1994 5

1. Section 1 of the Water Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of “area” of the following definition: 10

“ ‘council’ means the National Water Advisory Council established under section 3A; ”.

Insertion of Chapter IA in Act 54 of 1956

2. The following Chapter is hereby inserted in the principal Act after section 3:

“CHAPTER IA

NATIONAL WATER ADVISORY COUNCIL

Establishment of National Water Advisory Council

3A. The Minister may establish a body known as the National Water Advisory Council.

Object of council

3B. The object of the council is to advise the Minister on any matter relating to the conservation, development and management of water resources, including private water and subterranean water, the use of

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skrap-pings uit bestaande verordenings aan.

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

WET

Tot wysiging van die Waterwet, 1956, ten einde voorsiening te maak vir die instelling van 'n Nasionale Wateradviesraad; voorsiening te maak vir die oogmerke, samestelling en bevoegdhede van die raad; en voorsiening te maak vir die beëindiging van die ampstermyn van 'n lid van 'n waterraad; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 28 September 1995.)*

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

Wysiging van artikel 1 van Wet 54 van 1956, soos gewysig deur artikel 1 van Wet 56 van 1961, artikel 57 van Wet 28 van 1966, artikel 1 van Wet 79 van 1967, 5 artikel 1 van Wet 36 van 1971, artikel 1 van Wet 51 van 1979, artikel 1 van Wet 92 van 1980, artikel 1 van Wet 96 van 1984, artikel 1 van Wet 68 van 1987, artikel 1 van Wet 68 van 1990, artikel 1 van Wet 92 van 1993 en artikel 5 van Wet 32 van 1994

1. Artikel 1 van die Waterwet, 1956 (hieronder die Hoofwet genoem), word 10 hierby gewysig deur na die omskrywing van "private water" die volgende omskrywing in te voeg:

“ 'raad' die Nasionale Wateradviesraad ingestel kragtens artikel 3A;”.

Invoeging van Hoofstuk 1A in Wet 54 van 1956

2. Die volgende Hoofstuk word hierby in die Hoofwet na artikel 3 ingevoeg:

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“HOOFSTUK 1A

NASIONALE WATERADVIESRAAD

Instelling van Nasionale Wateradviesraad

3A. Die Minister kan 'n liggaam instel wat as die Nasionale Wateradviesraad bekend staan.

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Oogmerk van raad

3B. Die oogmerk van die raad is om die Minister te adviseer met betrekking tot enige aangeleentheid wat verband hou met die bewaring, ontwikkeling en bestuur van waterbronne, met inbegrip

any water for any purpose, including the use of sea water on land and water used for, or in connection with, the rendering of a water supply and sanitation service, the treatment and disposal of effluent, and any other water-related matter referred to the council by the Minister.

Constitution of council

3C. (1) The council shall consist of such number of members as the Minister may from time to time determine.

(2)(a) Whenever a member of the council has to be appointed, the Minister shall—

- (i) by notice in at least two national newspapers and as many local newspapers as the Minister may determine, invite all interested persons to submit to him or her, within the period mentioned in the notice, the names of persons who in the opinion of such interested persons are fit to be so appointed;
- (ii) establish a committee consisting of the number of persons which the Minister may determine, designate a chairperson for the committee and submit to the committee all the nominations received.

(b) The chairperson of the appropriate committee of the National Assembly and the chairperson of the corresponding committee of the Senate, or their delegates, shall be members of the committee referred to in paragraph (a)(ii).

(c) The committee referred to in paragraph (a)(ii) shall from the nominations submitted to it by the Minister, compile a short list of eligible candidates who have knowledge of any matter referred to in section 3B or who can make a contribution to the achievement of the objects of the council, and submit it to the Parliamentary committees referred to in paragraph (b).

(d) The Parliamentary committees referred to in paragraph (b) shall, within one month after receipt of the nominations from the Minister, and in consultation with each other, make a recommendation to the Minister as to which candidate should be appointed to the council.

(e) A member of the council shall be appointed by the Minister after due consideration of the recommendation made to him or her in terms of paragraph (d).

Term of office of members of council

3D. (1) A member of the council shall hold office for such period, but not exceeding three years, as the Minister may determine at the time of his or her appointment as a member.

(2) The Minister may, after consultation with the Parliamentary committees referred to in section 3C(2)(b), at any time terminate the term of office of a member of the council if there is sufficient reason for doing so.

Meetings of council, records to be kept and submission of advice to Minister

3E. (1) The Minister shall determine—

- (a) the manner of the calling of, the quorum for, and the procedure at, meetings of the council; and
- (b) what records shall be kept by the council and the manner in which the advice of the council shall be submitted to the Minister.

(2) The Minister shall designate one member of the council as the chairperson and not more than three members as the vice-chairpersons.

(3) (a) If the chairperson of the council is absent from any meeting of the council, the members present shall elect one of the vice-chairpersons to preside at the meeting.

5 van private water en ondergrondse water, die gebruik van enige water vir enige doel, met inbegrip van die seewater wat op land gebruik word op land en water wat gebruik word vir, of in verband met, die lewering van 'n waterverskaffings- en sanitasiediens, die behandeling van en beskikking oor uitvloeisel, en enige ander waterverwante aangeleentheid wat deur die Minister na die raad verwys is.

Samestelling van raad

10 3C. (1) Die raad bestaan uit die getal lede wat die Minister van tyd tot tyd bepaal.

(2)(a) Wanneer 'n lid van die raad aangestel moet word, moet die Minister—

15 (i) by kennisgewing in minstens twee nasionale koerante en soveel plaaslike koerante wat die Minister bepaal, alle belanghebbende persone uitnooi om aan hom of haar, binne die tydperk vermeld in die kennisgewing, die name van persone voor te lê wat na die mening van daardie belanghebbende persone geskik is om aldus aangestel te word;

20 (ii) 'n komitee instel bestaande uit die getal persone wat die Minister bepaal, 'n voorsitter vir die komitee aanwys en al die nominasies wat ontvang is, aan die komitee voorlê.

25 (b) Die voorsitter van die aangewese komitee van die Nasionale Vergadering en die voorsitter van die ooreenstemmende komitee van die Senaat, of hulle afgevaardigdes, moet lede wees van die komitee bedoel in paragraaf (a)(ii)

30 (c) Die komitee bedoel in paragraaf (a)(ii), moet 'n kortlys opstel van benoembare kandidate wat oor kundigheid beskik met betrekking tot 'n aangeleentheid bedoel in artikel 3B of wat 'n bydrae tot die uitvoering van die oogmerke van die raad kan lewer, en dit voorlê aan die Parlementêre komitees bedoel in paragraaf (b).

(d) Die Parlementêre komitees bedoel in paragraaf (b) moet, binne een kalendermaand na ontvangs van die nominasies vanaf die Minister, en in oorleg met mekaar, 'n aanbeveling aan die Minister doen oor watter kandidaat in die raad aangestel behoort te word.

35 (e) 'n Lid van die raad word deur die Minister aangestel na behoorlike oorweging van die aanbeveling wat ingevolge paragraaf (d) aan hom of haar gedoen is.

Ampstermyn van lede van raad

40 3D. (1) 'n Lid van die raad beklee die amp vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van sy of haar aanstelling as lid bepaal.

(2) Die Minister kan te eniger tyd, na oorleg met die Parlementêre komitees bedoel in artikel 3C(2)(b), die ampstermyn van 'n lid van die raad beëindig indien daar voldoende rede is om dit te doen.

45 Vergaderings van raad, aantekeninge wat gehou moet word en voorlegging van advies aan Minister

3E. (1) Die Minister bepaal—

50 (a) die wyse van byeenroeping van, die kworum vir, en die procedure op, vergaderings van die raad; en

(b) watter aantekeninge deur die raad gehou moet word en die wyse waarop die raad se advies aan die Minister voorgelê moet word.

(2) Die Minister wys een van die lede van die raad as die voorsitter en hoogstens drie lede as die ondervoorsitters aan.

55 (3) (a) Indien die voorsitter van die raad afwesig is van 'n vergadering van die raad, kies die aanwesige lede een van die ondervoorsitters om by die vergadering voor te sit.

