

PRESIDENT'S OFFICE

No. 1515.  
4 October 1995

NO. 51 OF 1995: WATER AMENDMENT ACT, 1995.

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

GENERAL EXPLANATORY NOTE:

\*\*        \*\*        Words between asterisks indicate omissions from existing enactments.

<<       >>        Words between pointed brackets 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 I of Act 51 of 1979, section 1 of Act 92 of 1980, section I of Act 96 of 1984, section 1 of Act 68 of 1987, section I of Act 68 of 1990, section 1 of Act 92 of 1993 and section 5 of Act 32 of 1994

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:

<<"'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 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 affluent, 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.

(b) If the chairperson as well as all the vice-chairpersons are absent from any meeting, the members present shall elect one from among their number to preside at the meeting.

(4) (a) The Minister shall regularly report on the activities of the council to the Parliamentary committees referred to in section 3C(2) (b) requesting such a report.

(b) The Minister shall on receipt submit the advice of the council to the Parliamentary committees referred to in section 3C(2) (b) for their consideration and comment within one month, prior to acting on that advice.

#### Committees of council

3F. (1) (a) The council may, with the approval of the Minister, from among its number, elect an executive committee, consisting of such number of members as the Minister may from time to time determine.

(b) The chairperson of the council shall be the chairperson of the executive committee.

(c) The executive committee shall perform such functions as the council, with the approval of the Minister, may from time to time determine.

(2) (a) The council may, with the approval of the Minister, establish subcommittees, consisting of such persons as may be determined by the council, in order to assist the council in the performance of its functions and with the co-ordination of the provinces.

(b) The council shall designate a member of a subcommittee as the chairperson of that subcommittee.

#### Allowances of members of council and committees

3G. A member of the council, and a member of a committee of the council, who is not in the full-time employment of the State, shall be paid from moneys appropriated by Parliament for this purpose, such allowances as the Minister, with the concurrence of the Minister of Finance, may determine either in general or in any particular case.

#### Staff of council

3H. The Director-General shall designate, subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as many officers and employees of the department as may be necessary to assist the council and any committee thereof in the performance of the administrative work of the council or of such committee.>>".

Amendment of section 109 of Act 54 of 1956, as amended by section 10 of Act 36 of 1971, section 11 of Act 45 of 1972, section 2 of Act 58 of 1974, section 3 of Act 27 of 1976 and section 42 of Act 96 of 1984

3. Section 109 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) <<(a)>> A person shall be disqualified from being appointed to \*\*or remaining a member of\*\* a water board if he <<or she>> has been convicted of an offence and sentenced to imprisonment without the option of a fine, or if he <<or she>> is insolvent or of unsound mind \*\*or has without the consent of the board absented himself from three consecutive meetings thereof\*\*.

<<(b) 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 a water board if there is sufficient reason for doing so.>>".

Short title

4. This Act shall be called the Water Amendment Act, 1995.