
GENERAL NOTICE

NOTICE 278 OF 2011

SOUTH AFRICAN WEATHER SERVICE AMENDMENT BILL, 2011

The Minister of Water and Environmental Affairs hereby publishes the South African Weather Service Amendment Bill, 2011 in the Schedule hereto, for public comment.

Members of the public are invited to submit to the Minister, within 30 days of publication of the notice in the *Gazette*, written comments to the following addresses:

By post to: The Director-General: Environmental Affairs
 Attention: Mr Milton Ntwana
 Private Bag X447
 Pretoria, 0001

By fax to: (012) 320 7561, and by e-mail to mntwana@environment.gov.za

Hand delivered at: 315 Pretorius Street, Corner Pretorius and Van Der Walt Streets, Fedsure Forum Building, 2nd Floor, North Tower.

Any inquiries in connection with the South African Weather Service Amendment Bill, 2011 can be directed to Mr. Sibusiso Shabalala at (012) 310 3449.

Comments received after the closing date may not be considered.

SCHEDULE

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.

SOUTH AFRICAN WEATHER SERVICE AMENDMENT BILL

To amend the South African Weather Services Act, 2001, so as to insert certain definitions and to substitute others; to provide for further objectives and functions of Weather Service, to provide for composition, remuneration of the Board, to provide for its governance and staff conditions of service, to provide for offences and penalties, and to amend the schedules and to provide for matters connected therewith.

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

Amendment of section 1 of Act No 8 of 2001

1. Section 1 of the South African Weather Service Act, 2001 (hereinafter referred to as the principal Act), is hereby amended by —
 - (a) the deletion of all the Roman numerals wherever they occur in the numbering of the definitions;
 - (b) the substitution for the definition of "advisory services" of the following definition:

" **'advisory services'** means any climatological advice or advice on ambient air quality, and includes advice on weather outlooks, weather forecasts, [and] weather warnings, air pollution, concentrations of criteria pollutants in ambient air, emissions of pollutants to ambient air and air pollution warnings";
 - (c) the insertion after the definition of "advisory services" of the following definitions:

" **'air pollution'** has the meaning assigned to it in section 1 of the Air Quality Act; **'Air Quality Act'** means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004); **'air quality information services'**, means—

- (a) the collection, processing and provision of ambient air quality and atmospheric emission information, data and advisory services;
 - (b) the operation, maintenance and development of air quality-related instruments and computer programmes;
 - (c) research with the aim of—
 - (i) improving products and the delivery of services; and
 - (ii) reducing the impact of air pollution on health and well-being.
 - (d) the provision of air quality information management-related training in partnership with higher education institutions;
- 'ambient air' has the meaning assigned to it in section 1 of the Air Quality Act;
'atmospheric emission or emission' has the meaning assigned to it in section 1 of the Air Quality Act;";
- (d) the substitution for the definition of "Chief Executive Officer" of the following definition:
 " **'Chief Executive Officer'** means the Chief Executive Officer appointed in terms of section 13(1) **[and includes the interim Chief Executive Officer contemplated in section 18(6)]**;"
 - (e) the insertion after the definition of "financial year" of the following definition:
 " **'greenhouse gas'** has the meaning assigned to it in section 1 of the Air Quality Act;"
 - (f) the insertion after the definition of "Minister" of the following definitions:
 " **'NAAQMN'** means the National Ambient Air Quality Monitoring Network and refers to the network of air quality monitoring stations owned or operated by the Department of Environmental Affairs that provide data to the SAAQIS;
'national framework' means the national framework established in terms of section 7(1) of the Air Quality Act;
'ozone-depleting substance' has the meaning assigned to it in section 1 of the Air Quality Act;"
 - " **'pollution'** has the meaning assigned to it in section 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
'priority area' has the meaning assigned to it in section 1 of the Air Quality Act;"
 - (g) the insertion after the definition of "regulations" of the following definition:
 " **'SAAQIS'** means the South African Air Quality Information System and refers to electronic information management system established in accordance with the national framework;"

Amendment of section 2 of Act 8 of 2001

2. Section 2 of the principal Act is hereby amended by the addition of the following subsection:

"(3) The Weather Service may exercise the powers and must perform functions conferred upon or assigned to it by the Act."

Amendment of section 3 of Act 8 of 2001

3. Section 3 of the principal Act is hereby amended by—

(a) the substitution in section 3 for paragraphs (a), (c), (d) and (h) of the following paragraphs, respectively:

- "(a) to maintain, extend and improve the quality of meteorological and ambient air quality information service for the benefit of all South Africans;
- (c) to ensure ongoing collection of meteorological and ambient air quality data over South Africa and surrounding southern oceans for the use by current and future generations;
- (d) to be the long term custodian of a reliable national climatological and ambient air quality record;
- (h) to fulfill such other weather or ambient air quality information-related international obligations as the Minister may direct; and";

(b) the deletion of the word "and" at the end of paragraph (g).

(c) the addition of the following paragraph:

"(i) to implement the ambient air quality information management provisions of the Air Quality Act and its National Framework as the custodian of the SAAQIS and the NAAQMN."

Amendment of section 4 of Act 8 of 2001

4. Section 4 of the principal Act is hereby amended by—

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

"(a) provide such meteorological and air quality information services, including public good services and commercial services, as are necessary to achieve its objectives, provided that it is in the interests of the Weather Service and the State.";

(b) the substitution for subsection (3) of the following subsection:

"(3) Only the Weather Service may issue severe weather-related warnings over South Africa in order to ensure that there is a single authoritative voice in this regard."

(c) the addition of the following subsection:

"(4) The Weather Service may issue air pollution-related warnings if it deems necessary."

Amendment of section 5 of Act 8 of 2001

5. Section 5 of the principal Act is hereby amended by—
- (a) the insertion after subparagraph (i) of subsection (2)(b) of the following subparagraph:
- "(iA) air quality management;"

Amendment of section 9 of Act 8 of 2001

6. Section 9 of the principal Act is hereby amended by the substitution for section 9 of the following section:

"(9) Any member of the Board, other than the Chief Executive Officer and the official contemplated in section 5(1)(b), must be paid [such] an amount of remuneration and allowances in accordance with a level of remuneration as the Minister, with the concurrence of the Minister of Finance, may determine."

Amendment of section 13 of Act 8 of 2001

7. The following sections are hereby substituted for section 13 of the principal Act:

"Chief Executive Officer

13 (1) The Board contemplated in section 5(1)(b) and (c), acting in concurrence with the Minister, must appoint a person as a Chief Executive Officer;

(2) The Chief Executive Officer—

(a) is appointed for a term not exceeding five years; and

(b) may be reappointed by the Board with the concurrence of the Minister, but only for one additional term not exceeding five years.

(3) The Board must invite applications for the post contemplated under subsection (1) by publishing advertisements in the media circulating nationally.

(4) A person appointed in the post advertised under subsection (2) must be a fit and proper person with appropriate qualifications and experience to carry out the functions of such a post.

(5) The Chief Executive Officer is employed subject to such terms and conditions of employment as the Board may determine in accordance with a policy approved by the Minister with the concurrence of the Cabinet member responsible for finance.

(6) The Chief Executive Officer is responsible for—

(a) the management of the Weather Service;

- (b) must perform such duties and may exercise such powers as the Board may delegate to him or her; and
- (c) must report to the Board on aspects of management, the performance of duties and the exercise of powers, at such times or intervals and in such manner, as the Board may determine.
- (7) The Chief Executive Officer is the accounting officer of the Weather Service.
- (8) The Board must enter into an annual performance agreement with the Chief Executive Officer at the beginning of the Financial Year.
- (9) The Chief Executive Officer is accountable to the Board.
- (10) The members of the Board may, in concurrence with the Minister, terminate the services of the Chief Executive Officer, as the case may be —
 - (a) for any sound and compelling reason;
 - (b) in accordance with fair labour practice; and
 - (c) in terms of his or her contract of employment.
- (11) (a) The Chairperson of the Board may—
 - (i) appoint another employee of the Weather Service; or
 - (ii) in the absence of a suitable employee, any other person, who in the opinion of the board has the necessary skills, knowledge and experience,
as acting Chief Executive Officer for a period not exceeding six months,
whenever—
 - (i) the Chief Executive Officer if for any reason absent or unable to perform his or her duties; or
 - (ii) there is a vacancy in the office of the Chief Executive Officer.
- (b) Whilst acting as Chief Executive Officer, such employee—
 - (i) has the powers and duties of the Chief Executive Officer; and
 - (ii) is employed subject to such terms and conditions of employment as the Chairperson may determine in accordance with the policy referred to in subsection (5)."

Amendment of section 14 of Act 8 of 2001

8. Section 14 of the principal Act is hereby amended by—
(a) the substitution for subsection (1) of the following subsection:

“(1) [Subject to section 18, the] The Chief Executive Officer may, on such terms and conditions of service as may be determined by the Board and in accordance with the policy referred to in subsection (5), appoint or have such number of employees seconded to the Weather Service as are necessary, to enable the Weather Service to perform its functions.”.

Amendment of section 17 of Act 8 of 2001

9. Section 17 of the principal Act is hereby amended by—
(a) the substitution for subsection (1) of the following subsection:

“(1) [Despite the provisions of] In accordance with section 49(2)(a) of the Public Finance Management Act, 1999 (Act No. 1 of 1999) [Chief Executive Officer] the Board is the accounting [officer] authority of the Weather Service, and must comply with the provisions of the Public Finance Management Act, 1999.

Amendment of Chapter 7 of Act 8 of 2001

10. Chapter 7 of the principal Act is hereby amended by the deletion of section 18.

Insertion of section 27A in Act 8 of 2001

11. The following section is hereby inserted after section 27 of the principal Act:
“27A. Neither the Weather Service nor any other person acting on behalf of the Weather Service is liable for any damage or loss or injury caused by—
(a) the exercise of any power or the performance of any duty under this Act; or
(b) the failure to exercise any power or perform any function or duty under this Act,
unless the exercise of or failure to exercise the power or performance or failure to perform the duty was unlawful, negligent or in bad faith.”.

Insertion of section 28A in Act 8 of 2001

12. The following section is hereby inserted in the principal Act after section 28:

“28A Amendment of Schedule

“The Minister may by notice in the Gazette amend the Schedules to the Act.”.

Insertion of section 30A in Act 8 of 2001

13. The following section is hereby inserted in the principal Act after section 30:

"Offences and Penalties

"30A. (1) No person may —

- (a) issue a severe weather or air pollution-related warning without the necessary written permission from Weather Service;
- (b) supply false or misleading information about Weather Service; and
- (c) unlawfully and intentionally or negligently commit any act or omission which detrimentally affects or is likely to affect Weather Service.

(2) A person who contravenes any provisions of subsection (1) is guilty of an offence and is liable in the case of a first conviction, to a fine not exceeding R5 Million Rand, or imprisonment for a period not exceeding five years, and in the case of a second or subsequent conviction, to a fine not exceeding R10 million Rand or imprisonment for a period not exceeding ten years or in both instances to both a fine and such imprisonment.

(3) Notwithstanding anything to the contrary in any other law, a magistrate's court shall have the jurisdiction to impose any penalty prescribed by this Act."

Amendment of Section 30 of Act 8 of 2001

14. Section 30 of the principal Act is hereby amended by:

(a) the substitution for subsections (1), (2) and (6) of the following subsections, respectively:

"(1) The Board may delegate any power and assign any duty of the Board in writing to the chairperson of the Board, the Chief Executive Officer or an employee of the Weather Service.

(2) The Chief Executive Officer may in writing delegate any power and assign any duty conferred or imposed upon the Chief Executive Officer by or under this Act to an employee of the Weather Service, except powers delegated to the Chief Executive Officer under subsection(1).

(6) The Minister may delegate any power entrusted to him or her in terms of this Act to the chairperson, or the Chief Executive Officer except the powers contemplated in section 28."

Amendment of Schedule 1 to Act 8 of 2001

15. The Schedules contained in the Schedule to this Act are hereby substituted for the Schedules to the principal Act.

Short title and Commencement

16. This Act is called the South African Weather Service Amendment Act, 2011, and takes effect on a date fixed by the President by proclamation in the Gazette.

SCHEDULE 1

PUBLIC GOOD SERVICES

1. The gathering of meteorological and climatological observational data over South Africa and surrounding oceans, sufficient for the needs of the country and to comply with international obligations and in accordance with World Meteorological Organization standards, where practicable.
2. The carrying out of those international obligations agreed under World Meteorological Organization arrangements, including the international distribution of data and acting as Regional Telecommunications Hub and as Regional Specialised Meteorological Centre.
3. The provision of other meteorological services and the representation of Government in fulfilment of international obligations, where appropriate.
4. The provision of weather and climatic forecasting and warning services intended for the general benefit of the population and the safety of life and property.
5. The provision of daily rainfall and maximum and minimum temperatures data to the general public.
6. The custody of the National Climatological Databank.
7. The operation of a national meteorological telecommunication network and computer infrastructure necessary to provide public good services.
8. The maintenance of the National Meteorological Library.
9. The provision of advice to Government regarding meteorological and climatological matters.
10. The provision of meteorological and functional-related training in partnership with higher education institutions.
11. The conducting of research **[focussed]** focused on reducing the impact of weather-related natural disasters and on improving to the quality of the public good services.
12. The provision of meteorological support for aviation and maritime search and rescue activities in accordance with international obligations of the Government.
13. The provision of service for the benefit of subsistence farmers and fisheries.
14. The gathering of ambient air quality and atmospheric emission data over South Africa in compliance with paragraphs 5.2.1.3 and 5.2.1.4 of the National Framework.
15. The introduction of air pollution forecasting and warning services intended for the general benefit of the population's health and well-being.
16. The custody of the SAAQIS.
17. The operation of a national ambient air quality monitoring network.
18. The provision of advice to Government regarding ambient air quality matters."

SCHEDULE 2

COMMERCIAL SERVICES

1. The provision of specialised weather forecasting and climate information services.
2. The provision of services to the maritime industry that are not included in international obligations of the SOLAS Convention (Safety of Life at Sea).
3. The provision of aviation meteorological services.
4. Weather and climate related publications.

5. Meteorological consultations including advice to the legal and insurance industries.
6. Contracted weather and climate-related research.
7. Research to improve commercial services.
8. The dissemination of weather and climate information.
9. The manufacturing and selling of meteorological equipment to State departments and users from the private sector as well as the servicing, repairing and standardisation of equipment falling within the competence of the Weather Service.
10. The provision of specialised services to the media.
11. Commercial services provided on an ad hoc basis to State departments.
12. The provision of specialised air pollution forecasting or air quality information services.
13. The provision of services to the air quality management, air quality monitoring or the environmental consultancy industry.
14. Air quality and air quality information management-related publications.
15. Air quality consultations including advice to industries regulated in terms of the Air Quality Act or air quality management, air quality monitoring or the environmental consultancy industry.
16. Contracted air quality or air pollution-related research.
17. Contracted ambient air quality monitoring or modeling services.
18. The selling of air quality, atmospheric emission or meteorological information packages especially designed for use in air quality models."

**MEMORANDUM ON THE OBJECTS OF THE SOUTH AFRICAN WEATHER SERVICE
AMENDMENT BILL, 2011**

1. PURPOSE OF THE BILL

The South African Weather Service Amendment Bill, 2011 seeks to amend the South African Weather Service Act, 2001 (Act No 8 of 2001). The Amendment Bill provides for further objectives and functions for the South African Weather Service pertaining to the ambient air quality information service. The Amendment Bill aligns the provisions pertaining to the Weather Service Board with the Public Finance Management Act, 1999 and the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004). The Amendment Bill further creates various offences.

2. BACKGROUND

2.1 The purpose of the South African Weather Service Act, 2001 was to establish the South African Weather Service, to determine its objects, functions and method of work, to prescribe the manner in which it is to be managed and governed and to regulate its staff and financial matters. Over the years and through implementation some areas of the South African Weather Service Act, 2001 have been identified for review to ensure that the purpose and objectives of the Act are met in a more sustainable, effective and efficient manner and further, where appropriate are in compliance with corporate governance.

2.2 In order to meet the information requirements for good air quality governance and ensure full compliance with the National Environmental Management Air Quality Act, 2004, the Department together with the South African Weather Service have been developing the South African Air Quality Information System and the National Ambient Air Quality Monitoring Network since the promulgation of the National Environmental Management: Air Quality Act, 2004 in 2005. The former is an electronic web-based information system that has the stated objective of providing all stakeholders with easy access to all relevant information about air quality in South Africa and further provides different stakeholders with different useful on-line applications to support the effective and efficient management of air quality. Both these systems are in operation, but require a clear mandate and empowering clause to implement them efficiently and effectively.

- 2.3** Although the Department, in partnership with the South African Weather Service, has been developing the South African Air Quality Information System and the National Ambient Air Quality Monitoring Network since 2005, the only formal agreement for the Department and South African Weather Service relationship in this regard is a very broad Memorandum of Agreement. Thus, to ensure the sustainability of these systems as well as ensure that the South African Weather Service is provided with the necessary mandate and powers to implement these systems efficiently and effectively, both parties have agreed that an amendment to the South African Weather Service Act, 2001 is desirable.
- 2.4** The South African Weather Service Act, 2001 further provides for the meteorological services, including good services as are necessary to achieve its objectives. The South African Weather Service is a member of the World Meteorological Organisation and as such has a legal obligation to comply and implement Resolution 40 of the Twelfth Congress of the World Meteorological Organization. In this regard, it is necessary that in respect of severe weather-related warnings that only the South African Weather Service should be able to issue these warnings in order to ensure that there is only one authoritative voice.

3. OBJECTS OF AMENDMENT BILL

3.1 Clause 1: Amendment of section 1

This amendment contains a few new self-explanatory definitions. Of importance is the inclusion of the term "ambient air quality" in various definitions to increase the advisory services, as well as including definitions of "air quality information services", "the National Ambient Air Quality Monitoring Network and "the South African Air Quality Information System" which is in line with the present functions of the Weather Service. The amendment also seeks to define certain technical terms for clarity purposes.

3.2 Clause 2: Amendment of section 2

This amendment will provide the South African Weather Service with a legal mandate to carry out all the powers and functions assigned or conferred to it under the South African Weather Service Act, 2001 or any other Act of Parliament.

3.3 Clause 3: Amendment of section 3

This amendment will include the terms “ambient air quality information” and “air pollution” as a function of South African Weather Service and will also makes reference to the South African Air Quality Information System and the National Ambient Air Quality Monitoring Network. In this regard, this amendment institutionalises the South African Air Quality Information System and the National Ambient Air Quality Monitoring Network to the South African Weather Service objectives.

3.4 Clause 4: Amendment of section 4

This amendment will insert the South African Air Quality Information System and the National Ambient Air Quality Monitoring Network activities. In this regard, it makes reference to air quality information to be consistent in the Amendment Bill. This amendment will also recognise only the South African Weather Service to issue severe weather-related warnings over South Africa in order to ensure that there is a single authoritative voice. In addition, the South African Weather Service may issue air-pollution warnings if it deems necessary.

3.5 Clause 5: Amendment of section 5

This amendment will insert air quality management as one of the issues that the Minister should consider when appointing members of the Board of the South African Weather Service.

3.6 Clause 6: Amendment of section 9

This amendment will ensure the alignment of remuneration of the members of the Board in line with Public Finance Management Act, 1999.

3.7 Clause 7: Amendment of Section 13

This amendment will replace the Chapter 4 of the Act and will insert the procedure for appointment of the Chief Executive Officer, his or her qualifications for appointment, terms and conditions of appointment and method of remuneration. This amendment will also set out the functions of Chief Executive Officer as well as the grounds for the termination of his or her services. The amendment will further ensure the alignment with the Public Finance Management Act, 1999 by recognising the Chief Executive Officer as the accounting officer of the Weather Service. In addition, this amendment will also make provision for the appointment of an acting Chief Executive Officer and will also insert a new provision that the appointment of an acting Chief Executive Officer will not be limited to suitable senior employees of the South

African Weather Service, but will also include other persons who have the necessary skills, knowledge and experience.

3.8. Clause 8: Amendment of section 14

This amendment will rectify consequential changes as a result of the amendment to section 18 of the South African Weather Service Act, 2001, namely, transitional provisions providing for the transfer of staff from the former Chief Directorate Weather Bureau of the Department.

3.9. Clause 9: Amendment of section 17

This amendment will insert a paragraph recognising the Board of the South African Weather Service as the accounting authority. This insertion will ensure the alignment with the provisions of the Public Finance Management Act, 1999.

3.10. Clause 10: Deletion of section 18

This amendment will delete section 18 of the South African Weather Service Act, 2001, as this section was a transitional provision that is no longer applicable. Section 18 of the South African Weather Service Act, 2001 is transitional provisions providing for the transfer of staff from the former Chief Directorate Weather Bureau of the Department.

3.11. Clause 11: Insertion of section 27A

This amendment will insert a new section limiting the liability of the South African Weather Service under certain circumstances.

3.12. Clause 12: Insertion of Section 28A

The normal procedure relating to the amendment of the Act must be followed should the Minister wish to amend a Schedule to the Act. This can be time consuming when only minor amendments are to be made. This amendment will insert a new section allowing for the amendment of a Schedule to the Act by notice in the Gazette.

3.13. Clause 13: Insertion of section 30A

The South African Weather Service Act, 2001 makes no provision for offences. This amendment will insert a new section on offences and penalties. This amendment will, amongst others, make it an offence for any person to issue a severe weather or air pollution-related warning without a written permission from the South African Weather Service. The amendment

will further insert a fine and/or term of imprisonment in line with other environmental legislation (R5 million rand or imprisonment for a period not exceeding five years for a first offence). The magistrates' court will also be given jurisdiction to impose the penalty prescribed in this amendment.

3.14 Clause 14: Amendment of section 30

This amendment will allow for the delegation of certain powers and duties from the South African Weather Service Board to the Chairperson of the Board, Chief Executive Officer or an employee of the South African Weather Service. The amendment will further allow for the delegation of certain powers and duties from the Chief Executive Officer to an employee of the South African Weather Service. The Minister will also be allowed to delegate certain powers under the Act to the Chairperson of the South African Weather Service Board or Chief Executive Officer of the South African Weather Service.

3.15. Clause 15: Amendment of the Schedules to the Act

This amendment will amend certain items in Schedules 1 and 2 to the Act respectively by making reference to the South African Air Quality Information System and the National Ambient Air Quality Monitoring Network.

4. FINANCIAL IMPLICATIONS FOR THE STATE

The Department of Environmental Affairs budget for South African Weather Service will increase to include additional funds for the implementation of the proposed amendments relating to the South African Air Quality Information System and the National Ambient Air Quality Monitoring Network.

In this regard, a Business Case Study was undertaken to assess and analyse the financial implications to the South African Weather Service for the transfer of the South African Air Quality Information System and the National Ambient Air Quality Monitoring Network function. The Business Case Study produced the following outputs, namely:

- (a) *Output A: The South African Air Quality Information System and National Ambient Air Quality Monitoring Network 2010-20 Development, Expansion, Operation and Maintenance Vision* – the vision of the Department of Environmental Affairs and South African Weather Service in respect of the development, expansion, operation and maintenance of the South

African Air Quality Information System and its National Ambient Air Quality Monitoring Network for the period 2010/11 to 2019/20;

- (b) *Output B: South African Air Quality Information System and National Ambient Air Quality Monitoring Network 2010-20 Strategic Plan* – a description of the proposed development, expansion, operation and maintenance of the South African Air Quality Information System and its National Ambient Air Quality Monitoring Network for the period 2010/11 to 2019/20;
- (c) *Output C: The Business Case for South African Weather Service' Development, Expansion, Operation and Maintenance of the South African Air Quality Information System and the National Ambient Air Quality Monitoring Network* – a description of the business case for the proposed development, expansion, operation and maintenance of the South African Air Quality Information System and its National Ambient Air Quality Monitoring Network for the period 2010/11 to 2019/20;
- (d) *Output D: South African Air Quality Information System and National Ambient Air Quality Monitoring Network Organisation Development Plan* – a description of the organisational development requirements to efficiently and effectively develop, expand, operate and maintain the South African Air Quality Information System and its National Ambient Air Quality Monitoring Network for the period 2010/11 to 2019/20;
- (e) *Output E: Department of Environmental Affairs-South African Weather Service Memorandum of Understanding alignment audit* – A report of how Outputs A to D are aligned with the Department of Environmental Affairs-South African Weather Service Memorandum of Understanding with suggestions on possible amendments to ensure full alignment;
- (f) *Output F: 2010-11 South African Air Quality Information System and National Ambient Air Quality Monitoring Network Business Plan* – a business plan for the development, expansion, operation and maintenance of the South African Air Quality Information System and its National Ambient Air Quality Monitoring Network for the period 2010/11 financial year;
- (g) *Output G: South African Weather Service Act Amendment alignment audit* – A report of how Outputs A to D are aligned with the South African Weather Service Act Amendment with suggestions on possible amendments to ensure full alignment.

5. ORGANISATIONAL AND PERSONNEL IMPLICATIONS

The amendments do not create new structures within the Department of Environmental Affairs. The Department, in terms of the amendments, is transferring the South African Air Quality Information System and the National Ambient Air Quality Monitoring Network function to the South African Weather Service. In essence, the Department will monitor and support the South African Weather Service in the performance of the function. Accordingly, a new Air Quality Information Unit will be established at the South African Weather Service to implement the South African Air Quality Information System and the National Ambient Air Quality Monitoring Network function.

6. COMMUNICATION IMPLICATIONS

Appropriate communication measures will be implemented by the Government Communication and Information System.

7. PROVINCIAL IMPLICATIONS

None

8. CONSTITUTIONAL IMPLICATIONS

None

9. PARLIAMENTARY PROCEDURE

9.1 The State Law Advisers and the Department of Environmental Affairs are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

9.2 The State Law Advisers are of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or custom of traditional communities.