

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN WEATHER SERVICE BILL

*(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill
published in Government Gazette No. 20979 of 17 March 2000) (The English text is the
official text of the Bill)*

(MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM)

[B 54—2000]

ISBN 0 621 29568 X

No. of copies printed 1 800

BILL

To establish a juristic person to be known as 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; to regulate its staff matters and financial affairs; and to provide for matters connected therewith.

B^E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

CONTENTS

Sections

CHAPTER 1 5

INTRODUCTION

1. Definitions

CHAPTER 2

SOUTH AFRICAN WEATHER SERVICE

2. Establishment of South African Weather Service 10
3. Objectives of Weather Service
4. Functions of Weather Service

CHAPTER 3

BOARD OF WEATHER SERVICE

5. Board of Weather Service and its composition 15
6. Removal
7. Vacancies
8. Remuneration
9. Meetings of Board
10. Committees of Board 20
11. Meteorological Advisory Committees

CHAPTER 4

MANAGEMENT OF WEATHER SERVICE

12. Chief Executive Officer

CHAPTER 5

STAFF OF WEATHER SERVICE

- 13. Staff and conditions of service
- 14. Pensions

CHAPTER 6

5

FINANCIAL MATTERS

- 15. Funds
- 16. Accounting Authority

CHAPTER 7

TRANSITIONAL PROVISIONS

10

- 17. Transfer of staff of Chief Directorate to Weather Service
- 18. Transfer of certain assets and liabilities to Weather Service

CHAPTER 8

REGULATORY CONTROL

- 19. Regulating Committee
- 20. Functions of Regulating Committee
- 21. Removal
- 22. Vacancies
- 23. Remuneration
- 24. Meetings of Regulating Committee

15

20

CHAPTER 9

GENERAL AND MISCELLANEOUS PROVISIONS

- 25. Intellectual property rights
- 26. Limitation of liability
- 27. Regulations
- 28. Rules of Board
- 29. Delegation of powers and assignment of duties
- 30. Repeal of Meteorology Act, 1988 (Bophuthatswana)
- 31. Short title and commencement

25

SCHEDULE 1

30

Public good services

SCHEDULE 2

Commercial services

CHAPTER 1

INTRODUCTION

35

Definitions

- 1. In this Act, unless the context indicates otherwise—
 - (i) “**advisory services**” means any climatological advice, and includes advice on weather outlooks, weather forecasts and weather warnings;

- (ii) “**Board**” means the Board contemplated in section 5;
- (iii) “**Chief Directorate**” means the Chief Directorate: Weather Bureau as a division of the Department as it existed immediately before the commencement of this Act;
- (iv) “**Chief Executive Officer**” means the Chief Executive Officer appointed in terms of section 12(1) and includes the interim Chief Executive Officer contemplated in section 17(6)(a); 5
- (v) “**commercial services**” means services specified in Schedule 2;
- (vi) “**Committee**” means any committee established under section 10;
- (vii) “**Department**” means the department responsible for the administration of this Act; 10
- (viii) “**financial year**” means a period which commences on 1 April in one year and ends on 31 March in the following year;
- (ix) “**meteorological service**” means—
 - (a) the collection, processing and provision of meteorological and climatological information, data and advisory services; 15
 - (b) the maintenance and development of weather-related instruments and computer programs;
 - (c) research with the aim—
 - (i) of improving products and the delivery of services; and 20
 - (ii) of reducing the impact of weather-related natural disasters; and
 - (d) the provision of meteorologically-related training in partnership with tertiary institutions;
- (x) “**Minister**” means the Minister responsible for the administration of this Act;
- (xi) “**public good services**” means services specified in Schedule 1; 25
- (xii) “**Regulating Committee**” means the Regulating Committee contemplated in section 19;
- (xiii) “**regulations**” means regulations made under section 27;
- (xiv) “**Weather Service**” means the South African Weather Service established by section 2; 30
- (xv) “**this Act**” includes the regulations.

CHAPTER 2

SOUTH AFRICAN WEATHER SERVICE

Establishment of South African Weather Service

2. (1) There is hereby established, as from a date fixed by the President by proclamation in the *Gazette*, a juristic person to be known as the South African Weather Service. 35

(2) The Weather Service acts through the Board.

Objectives of Weather Service

3. The objectives of the Weather Service are— 40
- (a) to provide public good and commercial services to all South Africans;
 - (b) to ensure the ongoing collection of meteorological data over South Africa and surrounding southern oceans for the use by current and future generations;
 - (c) to be the long-term custodian of a reliable national climatological record;
 - (d) as the national meteorological service of the Republic of South Africa, to fulfil the international obligations of the Government under the Convention of the World Meteorological Organization; 45
 - (e) as the Aviation Meteorological Authority, to fulfil the international obligations of the Government under the Convention of the International Civil Aviation Organization; and 50
 - (f) to fulfil such other weather-related international obligations as the Minister may direct.

Functions of Weather Service

4. (1) The Weather Service must—
 - (a) provide such meteorological services, including public good and commercial services, as are necessary to achieve its objectives;
 - (b) adhere to the intent of Resolution 40 of the Twelfth Congress of the World Meteorological Organization, and any other related resolutions regarding the internationally free and unrestricted exchange of meteorologically-related data and products; and
 - (c) perform any other function assigned to it by the Minister.
- (2) The Weather Service may, in order to achieve its objectives—
 - (a) co-operate or enter into agreements or contracts with any person, institution, government or administration;
 - (b) purchase or otherwise acquire, possess, hire, alienate, let, pledge or otherwise encumber property;
 - (c) with the approval of the Minister, granted with the concurrence of the Minister of Finance, raise money by way of loans from any lawful source, on such terms and conditions and against such security as may be agreed upon;
 - (d) with the approval of the Minister, establish or assist in establishing companies for the promotion of meteorological services or any related business purpose;
 - (e) charge fees for the provision of any commercial services;
 - (f) enter into an agreement with any other weather service to deliver services or be of assistance with the delivery of services outside the borders of South Africa; and
 - (g) enter into agreements with State departments for the delivery of services considered to be within the capacity of the Weather Service. These contract services are not deemed part of the public good services.
- (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.

CHAPTER 3

BOARD OF WEATHER SERVICE

30

Board of Weather Service and its composition

5. (1) The Board of the Weather Service consists of—
 - (a) the Chief Executive Officer by virtue of his or her office;
 - (b) the Director-General of the Department by virtue of his or her office; and
 - (c) no fewer than six and no more than eight other persons appointed on a part-time basis by the Minister, in accordance with subsection (3) and taking into account the provisions of subsection (2).
- (2) The members contemplated in subsection (1)(c)—
 - (a) must have proven expertise—
 - (i) to provide effective corporate governance and must be able to bring their special expertise and knowledge to bear on the strategy, enterprise and innovative ideas and business planning of the Weather Service; and
 - (ii) to develop policies for the Weather Service and to advise the Minister on matters relating to weather-related and climate-related research programmes, technological development, service delivery to clients, marketing of services, international co-operation and the application of meteorology in weather-sensitive industries; and
 - (b) are appointed in their personal capacities, but the Minister must ensure that the needs of the following stakeholders are taken into account when appointing the members of the Board:
 - (i) Water resource management;
 - (ii) agriculture;
 - (iii) subsistence farmers and disadvantaged communities;
 - (iv) the media, which may include radio, television and newspapers;
 - (v) disaster management;

- (vi) aviation industry;
- (vii) maritime industry;
- (viii) legal profession and insurance industry;
- (ix) any other weather sensitive industry or occupation; and
- (x) atmospheric science education and research community.

(3) Before appointing any person contemplated in subsection (1)(c) or section 19(2), the Minister must—

- (a) by notice in the *Gazette* and in at least two nationally circulated newspapers invite nominations; and
- (b) in such notice, specify a period within which nominations must be submitted and stipulate the procedure to be adopted regarding such nominations.

(4) The Minister must appoint one of the members of the Board as chairperson and another member of the Board as the deputy chairperson.

(5) Members of the Board contemplated in subsection (1)(c) are appointed for a period of three years and are eligible for re-appointment for another final term of three years.

(6) The Chief Executive Officer is a full-time member of the Board and is appointed for such period as the Board may determine at the time of appointment.

Removal

6. (1) A member of the Board may at any time be removed from office by the Minister on account of—

- (a) misconduct;
 - (b) inability to perform the duties of his or her office effectively;
 - (c) absence from three consecutive meetings of the Board without the prior permission of the Board, except on good cause shown; and
 - (d) election as a member of Parliament or a provincial legislature.
- (2) A member may not be removed from office except after due enquiry.

Vacancies

7. (1) A vacancy in the Board occurs if a member of the Board contemplated in section 5(1)(c)—

- (a) upon at least one month's written notice, tenders his or her resignation to the Minister;
- (b) is removed from office in terms of section 6; or
- (c) dies or becomes permanently incapable of doing his or her work.

(2) (a) When a vacancy in the Board has arisen as contemplated in subsection (1), the procedure contemplated in section 5 applies.

(b) Any member appointed under this section holds office for the rest of the period of the predecessor's term of office.

Remuneration

8. Any member of the Board, other than the Chief Executive Officer and the official contemplated in section 5(1)(b), must be paid such remuneration and allowances as the Minister, with the approval of the Minister of Finance, may determine.

Meetings of Board

9. (1) (a) The meetings of the Board must be held at least four times a year at such times and places as the Board may determine.

(b) The first meeting of the Board must be held at such time and place as the Minister determines.

(2) (a) In the absence of the chairperson, the deputy chairperson must perform all functions of the chairperson.

(b) The chairperson or the deputy chairperson, and failing him or her, a member of the Board elected by the members present, must preside at a meeting of the Board.

- (3) (a) The chairperson may at any time convene a special meeting of the Board which must be held at such time and place as the chairperson determines.
- (b) If at least two members of the Board request a special meeting in writing, the chairperson must convene such a meeting within two days after receiving the request.
- (c) If the chairperson fails to convene a special meeting within two days after receiving the request, the members concerned may convene a special meeting. 5
- (4) The Board may determine its own procedure but any decision of the Board must be taken by resolution of the majority of the members present at any meeting of the Board and, in the event of an equality of votes, the person presiding has a casting vote in addition to his or her deliberative vote. 10
- (5) Subject to the approval of the chairperson, any person may attend or take part, but may not vote, in a meeting of the Board.
- (6) A majority of the Board members forms a quorum at any meeting of the Board.
- (7) Despite the provisions of subsection (4), the Minister may set policy guidelines within which any Board decision must be taken. 15

Committees of Board

10. (1) (a) The Board may establish one or more committees which must perform such functions of the Board as the Board may determine.
- (b) A committee established under paragraph (a) performs the functions in question subject to the instructions of the Board. 20
- (c) The Board may at any time dissolve or reconstitute any committee established under paragraph (a).
- (2) (a) Each committee established under this section consists of such number of members of the Board and of the staff of the Weather Service as the Board may consider necessary. 25
- (b) If a committee consists of more than one member, the Board must designate a member of that committee to act as chairperson.

Meteorological advisory committees

11. The Board may establish such number of meteorological advisory committees on a national and regional basis as may be necessary, to advise it on the need for meteorological services in the region in question or of a specific interest group. 30

CHAPTER 4

MANAGEMENT OF WEATHER SERVICE

Chief Executive Officer

12. (1) The members of the Board contemplated in section 5(1)(b) and (c) must appoint a person as Chief Executive Officer on such conditions, including conditions relating to the payment of remuneration, allowances, subsidies and other benefits, as the members may determine in accordance with a system approved by the Minister with the approval the Minister of Finance. 35
- (2) The Chief Executive Officer is responsible for the management of the Weather Service and must report to the Board on any aspect of such management as often as may be required by the Board. 40
- (3) (a) Whenever the Chief Executive Officer is for any reason absent or unable to carry out his or her duties, or whenever there is a vacancy in the office of the Chief Executive Officer, the Board may, subject to such conditions and the payment of such remuneration and allowances as it may determine in the manner contemplated in subsection (1), appoint an employee of the Weather Service to act as the Chief Executive Officer during such absence or inability, for a period not exceeding six months. 45
- (b) The acting Chief Executive Officer has the same powers and duties as the Chief Executive Officer. 50

CHAPTER 5

STAFF OF WEATHER SERVICE

Staff and conditions of service

13. (1) Subject to section 17, the Chief Executive Officer may, on such terms and conditions of service as may be determined by the Board, appoint or have such number of employees seconded to the Weather Service as are necessary, to enable the Weather Service to perform its functions. 5

(2) The Weather Service must out of its own funds pay to its employees such remuneration, allowances, subsidies and other benefits as the Board may determine in accordance with a system approved for that purpose by the Minister with the approval of the Minister of Finance. 10

(3) (a) The Chief Executive Officer may, on such conditions as the Board may determine and if the employee consents thereto, second the employee, either for a particular service or for a period of time, to the service of any department of the State, the government of any province or country outside the Republic. 15

(b) The employee's rights, privileges and benefits by virtue of his or her conditions of service as an employee of the Weather Service may not be adversely affected by the secondment.

(4) Every employee must enter into a service contract with the Weather Service.

(5) The Chief Executive Officer may when necessary, appoint persons under contract as consultants in accordance with the terms and conditions determined by the Board. 20

Pensions

14. (1) All employees shall have the choice to—

- (a) remain or become a member of the Government Employees Pension Fund;
- (b) elect dormant membership and to join any existing fund as a new member from a current date; or 25
- (c) withdraw from the Government Employees Pension Fund in accordance with the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996).

(2) The Weather Service may, under the Pension Fund Act, 1956 (Act No. 24 of 1956), establish a pension fund for its employees. 30

(3) For purposes of the Income Tax Act, 1962 (Act No. 58 of 1962), no change of employer must be regarded as having taken place when employment is taken up at the Weather Service by persons in terms of section 17, and the position of those persons in respect of the phasing-in of tax levied on benefits or advantages derived by reason of employment or the holding of any office as contemplated in Schedule 7 to the Income Tax Act, 1962 (Act No. 58 of 1962), must be regarded as remaining unchanged. 35

CHAPTER 6

FINANCIAL MATTERS

Funds 40

15. (1) The funds of the Weather Service consist of—

- (a) money appropriated by Parliament to enable the Weather Service to perform the public good services;
- (b) income derived from commercial services;
- (c) money raised by the Weather Service under section 4; 45
- (d) fees or royalties contemplated in subsection (4) paid to the Weather Service;
- (e) donations, user charges or contributions received by the Weather Service from any source;
- (f) interest on investments; and
- (g) income derived from any other source. 50

(2) The Weather Service must utilise its funds to defray expenses in connection with the performance of its functions.

(3) The Weather Service must utilise any donations or contributions contemplated in subsection (1) (e) for such purposes and in accordance with such conditions as may be specified by the donor or contributor concerned.

(4) The Chief Executive Officer may in respect of any work performed or services rendered by the Weather Service under this Act other than public good services, or for the use of the facilities of the Weather Service or rights resulting from any discoveries, inventions, computer programmes or improvements made by employees of the Weather Service charge such fees or make such other financial arrangements as the Board may deem fit.

Accounting Authority

16. (1) The Board is the accounting authority of the Weather Service, and must comply with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(2) The Weather Service must—

- (a) furnish the Minister with information which he or she may require concerning the activities and financial position of the Weather Service; and
- (b) submit to the Minister not later than five months after the end of each year, an annual report containing a balance sheet, a statement of income and expenditure certified by the Auditor-General and such other particulars as the Minister may require.

(3) The Minister must table the annual report in Parliament within 14 days of receipt thereof if Parliament is then sitting or, if Parliament is not then sitting, within 14 days after the commencement of the next sitting.

CHAPTER 7

TRANSITIONAL PROVISIONS

Transfer of staff of Chief Directorate

17. (1) Every person who is employed in the Chief Directorate immediately before the date fixed by the President in terms of section 2(1), is hereby seconded to the Weather Service for a period of two years as from that date.

(2) (a) A person seconded as contemplated in subsection (1) must, within such period of two years, make a choice whether or not to be transferred to the establishment of the Weather Service.

(b) A person who decides to be transferred as contemplated in paragraph (a) must be regarded as having been appointed in terms of section 13(1) subject to the Labour Relations Act, 1995 (Act No. 66 of 1995).

(3) The remuneration and other terms and conditions of service of any person transferred as contemplated in subsection (2) may not be less favourable than the remuneration, terms and conditions applicable to that person immediately before his or her transfer and he or she remains entitled to all rights, benefits and privileges to which he or she was entitled to immediately before that date, including—

- (a) membership of a pension fund;
- (b) membership of a medical aid scheme;
- (c) employer's contributions in connection with such membership including the contribution to the medical funds of retired personnel;
- (d) accrued pensionable service;
- (e) accrued leave benefits;
- (f) housing subsidies;
- (g) transport allowances and motor schemes; and
- (h) retirement at a specific age.

(4) Every person transferred as contemplated in subsection (2) remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately before his or her transfer.

(5) Any proceedings against such a person which were instituted immediately before his or her transfer, must be disposed of as if this Act had not been enacted.

(6) (a) The person who is the Chief Director of the Weather Bureau immediately before the date fixed by the President in terms of section 2(1), is hereby seconded to the Weather Service as the interim Chief Executive Officer of the Weather Service until a Chief Executive Officer is appointed in terms of section 12(1). 5

(b) Subsections (2) and (3) applies to the interim Chief Executive Officer with the changes required by the context.

Transfer of certain assets and liabilities to Weather Service

18. (1) On the date of commencement of this Act, all the assets, rights, liabilities and obligations which the Minister determines, pass to the Weather Service. 10

(2) (a) Such assets must include—

- (i) stock, equipment, instrumentation and furniture on the registers or records of the Chief Directorate;
- (ii) vehicles, aircraft, buildings and land allocated to the Chief Directorate; and 15
- (iii) the remainder of part 264 of Garsfontein 374 JR (Waterkloof Heights) Pretoria; and

(b) funds to lease and maintain buildings, office space and to pay for the provision of services on behalf of the Chief Directorate for the remainder of the financial year after the commencement of this Act. 20

(3) The Registrar of Deeds concerned must, on application by the Board and lodgement of the relevant title deeds, make such entries or endorsement in his or her registers or records and on the relevant title deeds as may be necessary in order to give effect to subsection (1).

(4) No fees may be charged in respect of any transfer contemplated in subsection (3). 25

(5) In addition to the provisions of subsection (2), the Minister may, with the concurrence of the Minister of Finance, transfer any movable property belonging to the State to the Weather Service to enable it to perform its powers and functions or to achieve any of its objectives.

CHAPTER 8 30

REGULATORY CONTROL

Regulating Committee

19. (1) (a) A committee, to be known as the Regulating Committee for Meteorological Services is hereby established.

(b) In this Chapter any reference to Committee means the Regulating Committee referred to in paragraph (a). 35

(2) The members of the Committee consist of five persons appointed on a part-time basis by the Minister of whom at least three are not officials of any State department.

(3) (a) The Minister must appoint one of the five members as the chairperson of the Committee. 40

(b) In the absence of the chairperson a member of the Committee elected by members present, must preside at a meeting of the Committee.

(4) Members of the Committee contemplated in subsection (1) are appointed in accordance with section 5(3) for a period of three years and are eligible for re-appointment for another final term of three years. 45

(5) The Committee must, after consultation with the Minister, determine the procedure to be followed in the performance of its functions.

(6) The Committee may, with the approval of the Minister, delegate duties related to the aviation industry to the regulating committee for aviation established under the Airports Company Act, 1993 (Act No. 44 of 1993). 50

Functions of Regulating Committee

20. (1) The Committee must—
- (a) set broad limits on prices of services and products of the Weather Service;
 - (b) determine the level of user charges to be applied to the aviation and maritime industries by the Weather Service and advise the Minister on the making of regulations in this regard; 5
 - (c) ensure that the Weather Service does not abuse its position, but in such a manner as not to place undue restrictions on the Weather Service's commercial activities and guarding the Weather Service against unfair competition from national and international private weather services; 10
 - (d) promote the safe, efficient, economical and profitable operation of the Weather Service;
 - (e) promote the reasonable interest and needs of clients and customers of the Weather Service;
 - (f) monitor service standards and, where necessary, issue instructions for improvement; and 15
 - (g) perform any other function assigned to it by the Minister.
- (2) The Committee must report before 30 June each year on the work of the Committee to the Minister, and the Minister must table the report in Parliament within 30 days after it is submitted to him or her. 20
- (3) All administrative work in connection with the performance of the functions of the Committee must be carried out by the department.

Removal

21. (1) A member of the Committee may at any time be removed from the office by the Minister on account of— 25
- (a) misconduct;
 - (b) inability to perform the duties of his or her office effectively;
 - (c) absence from any meeting of the Committee without the prior permission of the chairperson, except on good cause shown; or
 - (d) election as a member of Parliament or a provincial legislature. 30
- (2) A member may not be removed from office except after due enquiry.

Vacancies

22. (1) A vacancy in the Committee occurs if a member—
- (a) upon at least one month's written notice, tenders his or her resignation to the Minister; 35
 - (b) is removed from office in terms of section 21; or
 - (c) dies or becomes permanently incapable of doing his or her work.
- (2) (a) When a vacancy in the Committee has arisen, the procedure contemplated in section 19(4) applies.
- (b) Any member appointed under this section holds office for the rest of the period of the predecessor's term of office. 40

Remuneration

23. Any member of the Committee, other than officials from State departments, must be paid by the Department such remuneration and allowances as the Minister, with the approval of the Minister of Finance, may determine. 45

Meetings of Regulating Committee

24. The Committee must meet at least once a year at such times and places as the Committee may determine, but the first meeting of the Committee must be held at such time and place as the chairperson determines.

CHAPTER 9

GENERAL AND MISCELLANEOUS PROVISIONS

Intellectual property rights

25. (1) The Weather Service retains the intellectual property rights on any data, meteorological and advisory services, computer programmes, inventions, discoveries and improvements generated by the Weather Service in the fulfilment of its functions. 5

(2) Any data, information, advisory services and meteorological services of the Weather Service provided to a client or customer may not be provided by that client or customer to a third party or be distributed without the written consent of the Chief Executive Officer. 10

(3) Any use of material by way of publication, including radio, television or other such medium, must acknowledge the Weather Service's contribution.

Limitation of liability

26. The Weather Service is not liable for any damage, loss or injury sustained or alleged to have been sustained by any person as a result of his or her reliance on inaccurate meteorological information provided by the Weather Service unless such damage, loss or injury arose as a direct result of the malicious or gross negligent provision of such information. 15

Regulations

27. The Minister may, after consultation with the Board, make regulations regarding— 20

- (a) the method and frequency of reports on Board meetings to be submitted to the Minister;
- (b) fees for the provision of aviation and maritime meteorological services;
- (c) changes to the public good service or commercial services; and 25
- (d) in general, any matter in respect of which it is necessary or expedient to make regulations in order to achieve the objectives of this Act.

Rules of Board

28. The Board may make rules, which are not in conflict with this Act or the regulations, for the proper management of the Weather Service and its interests. 30

Delegation of powers and assignment of duties

29. (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). 35

(3) Any delegation or assignment under subsection (1) or (2) may at any time be rescinded or amended by the Board or the Chief Executive Officer, as the case may be. 40

(4) The Board and the Chief Executive Officer are neither divested of any power or function delegated or assigned under subsection (1) or (2) nor absolved from their responsibilities, and may, subject to the provisions of subsection (5), amend or withdraw any decision made in the exercise of such delegated power or in the performance of a function so assigned. 45

(5) A decision made in the exercise of a power so delegated and in consequence of which a payment has been made or any right has been conferred upon any person, may not be amended or withdrawn without the consent of the beneficiary.

(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 27.

Repeal of Meteorology Act , 1988 (Bophuthatswana)

30. The (Bophuthatswana) Meteorology Act, 1988 (Act No. 18 of 1988), is hereby 5 repealed.

Short title and commencement

31. This Act is called the South African Weather Service Act, 2000, 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 basic climate advice 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 tertiary institutions.
11. The conducting of research focussed 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.

SCHEDULE 2**COMMERCIAL SERVICES**

1. The provision of specialised weather forecasting 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. Value-added climate information and 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.

MEMORANDUM ON OBJECTS OF THE SOUTH AFRICAN WEATHER SERVICE BILL, 2000

BACKGROUND OF BILL

1.1 The Bill seeks to provide for the rendering of a national meteorological service for the Republic of South Africa, and for this purpose to provide for the establishment of the South African Weather Service (“the Weather Service”).

1.2 The objects of the Bill are to—

1.2.1 provide a meteorological service which will promote the safety of life, property and economic development of all South Africans by means of the preparation of weather and climate advice, information, weather forecasts and weather warnings;

1.2.2 ensure the ongoing collection and to be the long-term custodian of a reliable national climate record of South Africa and the surrounding southern ocean for the use by current and future generations;

1.2.3 fulfil the Government’s weather-related international obligations.

1.3 The Bill defines public good services which the Weather Service will provide to the general public. It will in addition charge for all other commercial services either on a cost recovery basis or on full commercial rates.

CONTENTS OF BILL

2.1 Chapter 1 deals with the definitions and Chapter 2 provides for the establishment of the South African Weather Service and outlines its objectives, powers and duties. The Weather Service is also given the right to charge fees for the provision of any commercial services.

2.2 Chapter 3 provides for members of the Board of the Weather Service and deals with provisions such as its composition, conditions for appointment and meetings of the Board. The Board must collectively have proven expertise and competencies to provide effective corporate governance and to bring its special expertise and knowledge to bear on the strategy, enterprise, innovative ideas and business-planning of the Weather Service. In addition the Board must be competent to advise the Minister and develop policies for the Weather Service on matters related to weather and climate-related research programmes, technological development, service delivery to clients, marketing of services, international cooperation and the application of meteorology in weather sensitive industries. The members of the Board should be appointed in their personal capacities, but the Minister must ensure that the needs of the following industries are taken into account in appointing the Board:

- Water resource management industry;
- Agriculture industry;
- Media, which may include radio, television and newspapers;
- Disaster management;
- Aviation industry;
- Maritime industry;
- Legal profession and insurance industry;
- Any other weather sensitive industries; and
- Atmospheric science education and research community.

2.3 Chapter 4 deals with the management of the Weather Service and the appointment of the Chief Executive Officer. The personnel and service conditions are addressed in Chapter 5 with the Weather Service empowered to establish its pension fund.

2.4 Chapter 6 deals with the financial matters of the Weather Service which consists *inter alia* of—

2.4.1 money appropriated by Parliament to enable the Weather Service to perform its public good services;

2.4.2 income derived from the provision of commercial services;

2.4.3 donations, levies or contributions received from any person, institution, government or administration; or

2.4.4 money received from any other source.

2.5 Chapter 7 provides for transitional provisions such as transfer of staff and passing of certain assets and liabilities to the Weather Service.

2.6 Chapter 8 provides for the establishment of the Regulating Committee, and for its functions, composition and conditions of service.

2.7 Chapter 9 contains general and miscellaneous provisions relating to intellectual property rights, limitation of liability, regulations, rules of Board, delegation of powers, assignment of duties and the repeal of Bophuthatswana Meteorology Act, 1988 (Act No. 18 of 1988).

2.8 Schedule 1 of the Bill defines the public good services of the Weather Service while commercial services which are not regarded as part of the public good services are given in Schedule 2.

CONSULTATION

3.1 The following departments were consulted:

National Department of Agriculture;
 Department of Arts, Culture, Science and Technology;
 Department of Finance;
 Department of Foreign Affairs;
 Office of Public Enterprises;
 Department of Provincial and Local Government;
 Public Service Commission;
 Department of Public Service and Administration;
 Department of Public Works;
 South African Revenue Service;
 Department of State Expenditure;
 Department of Trade and Industry;
 Department of Transport;
 Department of Water Affairs and Forestry; and
 Provincial Departments of Agriculture.

3.2 The following parastatal institutions were also consulted:

Council for Geoscience;
 CSIR;
 Water Research Commission;
 Agricultural Research Council;
 National Research Foundation;
 Air Traffic and Navigation Services;
 Airports Company South Africa;
 Civil Aviation Authority;
 Marine Safety Organisation;
 ESKOM;
 South African Airways; and
 SABC.

FINANCIAL IMPLICATIONS FOR THE STATE

4. The Bill has financial implications for the State in so far as there will be establishing costs during the first three years.

PARLIAMENTARY PROCEDURE

5. The State Law Advisers and the Department of Environmental Affairs and Tourism 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.