

## **Government Gazette**

**Vol. 417, No. 20979, 17 March 2000**

### **GENERAL NOTICE**

**Notice 1148 of 2000**

#### **DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM**

#### **PROPOSED DRAFT BILL ON THE SOUTH AFRICAN WEATHER BUREAU**

The Department of Environmental Affairs and Tourism hereby publishes the Draft Bill on the South African Weather Bureau for public information, discussion and comment.

Comments should be sent or Aaxed to: The Child Selector, South Amen Weather Bureau, Private Bag X097, Pretoria.

Fax number (012) 308 3127.

The closing date for comments is **14 April 2000**.

#### **DRAFT BILL ON THE SOUTH AFRICAN WEATHER BUREAU**

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 Bureau; and to provoke for incidental matters.

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

#### **ARRANGEMENT OF BILL**

##### *Sections*

#### **CHAPTER 1**

#### **SOUTH AFRICAN WEATHER BUREAU ESTABLISHMENT AND RELATED MATTERS**

1. Definitions
2. Establishment of the South African Weather Bureau
3. Objectives
4. Powers and duties of the Weather Bureau

#### **CHAPTER 2**

#### **THE BOARD OF THE WEATHER BUREAU**

5. The Board and its composition
6. Committees of the Board
7. Meteorological Advisory Committees

#### **CHAPTER 3**

#### **MANAGEMENT OF THE WEATHER BUREAU**

8. Chief Executive Officer
9. Accounting Officer
10. Executive Management Committee

#### **CHAPTER 4**

#### **STAFFING OF THE WEATHER BUREAU**

11. Personnel and service conditions
12. Pensions
13. Staff of the Chief Directorate: Weather Bureau

**CHAPTER 5  
FINANCIAL MATTERS**

14. Funds
15. Audit, annual report and financial report
16. Business and financial plan

**CHAPTER 6  
GENERAL AND MISCELLANEOUS PROVISIONS**

17. Intellectual property rights
18. Limitation of liability
19. Regulations
20. Rules by the Board
21. Delegation of powers and assignment of functions
22. Transitional and establishment provisions
23. Repeal of (Bophuthatswana) Meteorology Act, 1988
24. Short title and commencement

Schedule 1: The core service

Schedule 2: Transitional provisions

Schedule 3: Examples of additional services that are not regarded as part of the core service

---

**CHAPTER 1  
SOUTH AFRICAN WEATHER BUREAU ESTABLISHMENT AND RELATED MATTERS**

**1. Definitions:**

1. In this Act, unless inconsistent with the context:

**"Additional Services"** mean meteorological services which are not part of the core service, undertaken by the Weather Bureau on a cost recovery basis or on full commercial rates under contract or on agreement with the approval of the Board.

Apart from climatological advice, **"advisory services"** also include "weather outlooks, "weather forecasts" and "weather warnings" that point to advice on expected weather conditions in future.

**"Board"** means the Board appointed in terms of Section 5.

**"Chief Directorate"** means the Chief Directorate: Weather Bureau as a division of the Department of Environmental Affairs & Tourism before the commencement of this Act.

**"Chief Executive Officer"** means the executive official of the Weather Bureau appointed in terms of Section 8.

**"Committee"** means a committee established by virtue of Section 6 and 7.

**"Core service"** means the functions and services as defined in Schedule 1 of this Act.

**"Current Act"** also includes the regulations.

**"Department"** means the Department of Environmental Affairs & Tourism;

**"Executive Management Committee"** means the executive committee introduced in terms of Section 10.

**"Financial Year"** means the period from 1 April of a year to 31 March of the following year.

**"Member of Board"** means a member of the Board who is appointed in terms of Section 5(2).

**"Meteorological Service"** means the collection, processing and provision of meteorological and climatological information, data and advisory services, the maintenance and development of weather-related instruments and computer programmes, research with the aim to improve products and the delivering of services, research with the aim to reduce the impact of weather-related natural disasters and to provide a meteorological- related training in partnership with Tertiary Institutions.

**"Minister"** means the Minister of Environmental Affairs & Tourism or any Minister appointed by the President to be responsible for the South African Weather Bureau in terms of sections 91 (2) of the Constitution, 1996 (Act 108 of 1996).

**"Regulation"** means a regulation enacted by virtue of Section 19.

**"South African Weather Bureau" or "Weather Bureau"** means the weather service of South Africa established in terms of section 2 .

**"Transfer Payment"** is that amount paid annually by the Government to the Weather Bureau for the provision of the core meteorological service.

## **2. Establishment of the South African Weather Bureau**

(1) There is established, as from a date fixed by the President of the Republic of South Africa by proclamation a juristic person to be known as the South African Weather Bureau.

## **3. Objectives**

- a. To provide a meteorological service to contribute to the safety of life and property and economic development of all South Africans by means of the preparation of weather and climate advice, information, weather forecasts and weather warnings.
- b. To ensure the ongoing collection and to be the long-term custodian of a reliable national climate record over South Africa and surrounding southern Oceans for the use by current and future generations.
- c. To fulfil the international obligations of the Government as the national meteorological service of the Republic of South Africa under the Convention of the World Meteorological Organization, and as the Aviation Meteorological Authority under the Convention of the International Civil Aviation Organization.
- d. To fulfil the Government's other weather related international obligations as directed by the Minister.

## **4. Powers and duties of the Weather Bureau**

(1) To achieve its objective, the Weather Bureau shall provide meteorological services to all South Africans. This will included Core Services as defined in Schedule 1 and Additional Services on business principles.

(2) The Weather Bureau shall adhere to the intent of Resolution 40 of the Twelfth Congress of the World Meteorological Organization and any other related resolutions regarding the international free and unrestricted exchange of meteorological-related data and products.

(3) The Weather Bureau shall have the power to levy the aviation industry of an appropriate portion of the en-route and landing charges to recover the costs of provision of aviation weather services.

(4) The Weather Bureau shall have the right to charge for the provision of Additional Services as well as for the cost of the provision of information obtained as part of the Core Service.

(5) Additional services to State departments such as the National Defence Force and Agriculture - which are often required on an ad hoc basis - should also be regarded as additional services.

(6) Any amendments of the contents or extent of the core service will be subjected to the adjustment of the transfer payment and the Weather Bureau may refuse to deliver services if it does not receive sufficient compensation. The manner in which the

amendments of the core service must be practised, is as follows:

- a. If a member or members of the public is of the opinion that there should be an expansion in the core services listed in Schedule 1 of this Act, the Weather Bureau may refer the request to the Minister for decision. If the Minister is of the opinion that the service justifies additional expense, then it must make provision in its budget for inclusion in the transfer payment.
- b. If a Government Department has a need for expansion of the existing core weaver service, then it must call for the funds from Treasury itself and arrange for the transfer of the funds to the Department of Environmental Affairs & Tourism for inclusion in the Transfer payment.

(7) In order to achieve its objectives the Weather Bureau may -

- a. make grants to persons or research institutions for research, research infrastructure and the development of human resources;
- b. co-operate or enter into agreements with any person, institution, government or administration;
- c. purchase or otherwise acquire or possess, hire, alienate, let, and pledge property;
- d. with the approval of the Minister, granted with the concurrence of the Minister of Finance, raise money by way of loans from any legal source, on such terms and conditions and against such security as may be agreed upon;
- e. with the approval of the Minister and under the recommendation of the Board, establish or assist in establishing companies or close corporations for the promotion of meteorological services, or related business purpose - ; and
- f. generally, do everything which is necessary to achieve its objectives.

(8) The Weather Bureau may be contracted by the Government on occasion for the delivery of particular services for which the Government considers the Weather Bureau capable. These contract services will not be seen as part of the core weather service.

(9) The Weather Bureau may be contracted by other weather services to deliver services or be of assistance with the delivery of services outside the borders of South Africa.

## **CHAPTER 2 THE BOARD OF THE WEATHER BUREAU**

### **5. The Board and its composition**

(1) The Board, appointed in terms of subsection (2), shall determine the policy and objectives of the Weather Bureau and must sign a Memorandum of Understanding with the Minister.

(2) The Board shall be appointed by the Minister with the following composition:

- a. The Board shall consist of at least eight but not more than ten members with high integrity appointed by the Minister.
- b. The Board must collectively have proven expertise and competencies to provide effective corporate governance and to bring their special expertise and knowledge to bear on the strategy, enterprise and innovative ideas and business planning of the Weather Bureau. In addition the Board must collectively have proven expertise and competencies to advise the Minister and develop policies for the Weather Bureau on matters related to weather and climate related research programs, technological development, service delivery to clients, marketing of services, international co-operation and the application of meteorology in weather sensitive industries.
- c. The Chairperson of the Board shall be appointed by the Minister after consultation with the Board and should serve for five years.
- d. No delegation of accountability and responsibility should be allowed and the currently- appointed members of the Board should decide the size of the quorum.
- e. One position on the Board shall be reserved for a representative from the Department of Finance.
- f. The members referred to in subsection (2)(b) are 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;  
Agriculture Industry;  
Media - (Radio, TV, News Papers);  
Disaster Management;  
Aviation Industry;  
Maritime Industry;  
Legal and insurance industry;  
Other weather sensitive industries;  
Atmospheric science education and research community.

g. The Chief Executive Officer shall be a full member of the Board.

(3) Before appointing persons contemplated in subsection (2) the Minister must

- a. by notice in the Gazette, in at least two nationally distributed newspapers and in at least one appropriate local newspaper, 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) A member of the Board must vacate his or her office if -

- a. he or she resigns;
- b. the Minister terminates his or her period of office whenever sufficient reason exists for that;
- c. he or she is absent from three consecutive meetings of the Board without the permission of the chairperson; and
- d. he or she is in terms of the Electoral Act, 1993 (Act No. 202 of 1993), nominated as a candidate for election as a member of Parliament or a provincial legislature.

(5) The Minister may appoint, subject to subsections (3) and (4), any person to fill a vacancy which occurs with regard to a member appointed by him or her. This person must occupy his or her office the unexpired portion of the term of office of his or her predecessor.

(6) A member of the Board, other than the Chief Executive Officer or a person who is in the full-time employment of the State, must be appointed on such conditions of service and must receive such remuneration or allowances, or remuneration and allowances, as the Minister may, with the concurrence of the Minister of Finance, determine.

(7) The Chairperson or, in his or her absence, a member of the Board elected by the members present, must preside at a meeting of the Board.

(8) The Board meets at the times and places determined by itself. However, the first meeting of the Board must be held at a time and place determined by the chairperson.

(9) The chairperson may at any time convene a special meeting of the Board, and he or she must determine the time and place of the meeting.

(10) A 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.

(11) 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. Committees of the Board**

(1) The Board may nominate one or more committees which may, subject to the instructions of the Board, perform those functions of the Board which the Board may determine.

(2) A committee must consist of such number of members of the Board and of the staff of the Weather Bureau (if any) as the Board may consider necessary, and the Board may at any time dissolve or reconstitute the committee.

(3) If a committee consists of more than one member, the Board must designate a

member of that committee as chairperson thereof.

#### **(7). Meteorological Advisory Committees**

(1) The Board may appoint committees deemed necessary and on national and regional basis as Meteorological Advisory Committees founded to advise me Board and the Management of the Weather Bureau with respect to needs for meteorological services in specific regions or from specific interest groups.

### **CHAPTER 3 MANAGEMENT OF THE WEATHER BUREAU**

#### **(8). Chief Executive Officer**

(1) The Board must appoint a person under contract as Chief Executive Officer of me Weather Bureau.

(2) The Chief Executive Officer shall be responsible for the management of the Weather Bureau by virtue of this Act and he or she must report to the Board on those matters which the Board may require.

(3) The Chief Executive Officer his or her functions contemplated in subsection (2) in accordance with the policy and goals determined by the Board and subject to the control of the Board.

(4) Whenever the Chief Executive Officer is absent or unable to carry out his or her duties, or whenever there is a vacancy in the ounce of Chief Executive Officer, the Board may designate or appoint any person in the service of the Weather Bureau to act as the Chief Executive Officer. The acting Chief Executive Officer will have all the powers and perform all the duties of the Chief Executive Officer.

(5) The Chief Executive Officer shall be appointed on such conditions, including conditions relating to the payment of remuneration, allowances, subsidies and other benefits, as the Board may determine in accordance with a system approved from time to time by the Minister with the concurrence of the Minister of Finance.

(6) The Chief Executive Officer should be appointed by the Minister of Foreign Affairs as the Permanent Representative of South Africa with the World Meteorological Organization.

#### **9. Accounting Officer**

(1) The Chief Executive Officer is the accounting officer responsible for the accounting of all money received by the Weather Bureau, the utilisation thereof and the property of the Weather Bureau.

(2) (a) The accounting officer may -

- i. delegate to an employee of the Weather Bureau a power conferred upon the accounting officer by or under{this Act; or
- ii. authorise such employee to perform a duty assigned by or conferred under this Act to the accounting officer.

b. Any delegation or authorisation under paragraph (a) does not prohibit the exercise of the power in question or the performance of the duty in question by the accounting officer himself or herself.

(3) The accounting officer and the Board shall comply with the provisions of the Public Finance Management Act 1999 (Act No. 91 of 1999).

#### **10. Executive Management Committee**

(1) The executive management committee of the Weather Bureau must consist of:

1. The Chief Executive Officer as chairperson
2. The heads of divisions; and, if necessary

3. any other member of the staff nominated by the Chief Executive Officer.

(2) The executive management committee is responsible for the management of the affairs of the Weather Bureau in accordance with the objectives, policy and instructions of the Board.

#### **CHAPTER 4 STAFFING OF THE WEATHER BUREAU**

##### **11. Personnel and service conditions**

(1) Subject to subsection (2) the Chief Executive Officer may on such conditions as may be determined by the Board, appoint such employees, or receive on secondment such persons as are necessary to enable the Weather Bureau to perform its functions.

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

(3) (a) The Board may, with the consent of an employee, on such conditions as the Board may determine, second the employee either for a particular service or for a period of time to the service of a department of State, the government of any province territory or country, or a person in or outside the Republic.

b. That employee's rights, privileges and benefits by virtue of his or her conditions of service of the Weather Bureau may not adversely be affected by the secondment.

(4) Each employee shall conclude a service contract with the Weather Bureau which will be purely a matter between him or her and the Weather Bureau.

##### **12. Pensions**

1. All employees shall have the choice to remain or to become a member of the Government Employees Pension Fund.
2. The Weather Bureau may, under the Pension Funds Act, 1956 (Act No. 24 of 1956), establish any other pension fund for its employees.
3. The amount a person in the service of the Weather Bureau is entitled to receive from a pension fund contemplated in subsection (2) on the date on which he or she becomes a member thereof, may not be less than the amount which he or she was entitled to receive as a member of any pension fund immediately before joining the new pension fund.

##### **13. Staff of the Chief Director: Weather Bureau**

Schedule 2 to this Act applies to all employees of the Chief Directorate: Weather Bureau to be transferred or seconded to the Weather Bureau as contemplated in this Schedule.

#### **CHAPTER 5 FINANCIAL MATTERS**

##### **14. Funds**

(1) The funds of the Weather Bureau shall consist of-

- a. money appropriated by Parliament to enable the Weather Bureau to perform the Core Service;
- b. income derived by the provisions of Additional Services defined in Sections 1 and 4(1) and of which examples are given in Schedule 3;
- c. money raised by the Weather Service in terms of Section 4;
- d. fees or royalties contemplated in subsection 4 paid to the Weather Bureau;
- e. donations, levies or contributions received by the Weather Bureau from any person, institution, government or administration, or money received from any other source;
- f. loans granted in terms of subsection (5);
- g. interest on investments; and
- h. income derived from any other source.

(2) The Chief Executive Officer shall utilise all funds of the Weather Bureau for defraying expenses in connection with the performance of its functions.

(3) The Chief Executive Officer shall utilise any donations or contributions contemplated in subsection (1) (e) for such purposes and in accordance with such conditions, if any, as may be specified by the donor or contributor in question.

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

(5) The Weather Bureau may with the approval of the Minister of Finance raise money by way of loans.

(6) The Department of Environmental Affairs & Tourism or any other Department as determined by the President of South Africa, will be the channel through which the transfer payment be awarded to the Weather Bureau to deliver the core service described in Schedule 1 of the Act.

(7) The Board may, if there arise on occasion a need for special capital expenses, where the interests of the country could be affected, and the Weather Bureau is not able to cover such expenses from own sources, approach the Minister to take the proposed need to the Cabinet. Such amounts as related hereto may be allocated by the Minister as additional transfer payment.

(8) The Weather Bureau is not taxable. After recovering of costs all surpluses will be used for improving the infrastructure and general service delivery.

(9) As a parastatal institution the Weather Bureau will be exempted from super- and import taxes to the extent that government departments are exempted of the said taxes.

#### **15. Audit, annual report and financial report**

(1) The Auditor-General must audit the financial statements of the Weather Bureau.

(2) The Weather Bureau must -

- a. furnish to the Minister information which he or she may require in connection with the activities and financial position of the Weather Bureau; and
- b. submit to the Minister 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 in an ordinary session or, if Parliament is not in an ordinary session, within 14 days after the commencement of its following ordinary session.

#### **16. Business and financial plan**

(1) The Board-

- a. shall in each financial year, at a time determined by the Minister, submit a draft Memorandum of Understanding to be signed with the Minister. This Memorandum should include a detailed business and financial plan regarding the next three financial years as well as a detailed list of the products and services to be performed by the Weather Bureau as part of its Core Service.
- b. may at any stage in any financial year submit supplementary statements of the Weather Bureau's estimated expenditure for that financial year, to the Minister for his or her approval, to be granted with the concurrence of the Minister of Finance.

### **CHAPTER 6 GENERAL AND MISCELLANEOUS PROVISIONS**

#### **17. Intellectual property rights**



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

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

## **18. Limitation of liability**

The Weather Bureau shall not be liable for any damage, loss or injury sustained or alleged to have been sustained by a consumer or any other person as a result of his/her reliance on inaccurate meteorological information provided by the Weather Bureau unless it is proved that such damage, loss or injury arose as a direct result of the malicious or grossly negligent provision of such information.

## **19. Regulations**

The Minister may, after consultation with the Board, make regulations regarding -

- a. the filling of casual vacancies on the Board and the appointment of persons to act for absent members;
- b. the method and frequency of reports on Board meetings to be submitted to the Minister;
- c. the right to levy charges for the provision of aviation and marine meteorological services; and
- d. in general, any matter of which the Minister deems it necessary or expedient to make regulations in order to achieve the objectives of this Act.

## **20. Rules by the Board**

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

## **21. Delegation of powers and assignment of functions**

(1) The Board may, subject to the conditions and restrictions determined by the Board, delegate in writing any power and assign any functions of the Board to the chairperson of the Board, or the Chief Executive Officer or any other employee of, or holder of an office with the Weather Bureau.

(2) The Chief Executive Officer may in writing delegate any power and assign any functions which are according to this Act extended to the Chief Executive Officer, to an employee or holder of an office in the Weather Bureau, except powers delegated to the Chief Executive Officer according to sub-Section (1).

(3) Any delegation or assignment under subsection (1) or (2) may be made subject to such conditions and restrictions as may be determined by the Board or by the Chief Executive Officer, as the case may be, and may be rescinded or amended by the Board or the Chief Executive Officer, as the case may be.

(4) The Board and the Chief Executive Officer shall not be divested of any power or function delegated or assigned under subsection (1) or (2) by it or him or her, 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.

(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, shall not be amended or withdrawn.

(6) Where a power or function is delegated or assigned under subsection (1) or (2) to the holder of an office, such power or function shall be deemed to have been delegated or assigned to the serving holder of such office or to any person acting on his or her behalf.

(7) The Minister may delegate a capability extended to him or her with this Act, except the powers meant in Section 19.

## 22. Transitional and establishment provisions

The transitional and establishment provisions will be realised according to Schedule 2.

## 23. Repeal of (Bophuthatswana) Meteorology Act, 1988

The Bophuthatswana) Meteorology Act, 1988 (Act 18 of 1988) is hereby repealed.

## 24. Short title and commencement

This Act is called the Act on the South African Weather Bureau, 2000 and takes effect on a date fixed by the President of the Republic of South Africa by proclamation in the Gazette.

---

### SCHEDULE 1 THE CORE SERVICE

The Weather Bureau must -

- (1) gather meteorological and climatological observational data over South Africa and surrounding oceans sufficient for the needs of the country and international obligations and in accordance where practicable with World Meteorological Organization standards;
- (2) carry out those international obligations agreed under World Meteorological Organization arrangements, including the international distribution of data, acting as a Regional Telecommunications Hub, and as a Regional Specialised Meteorological Centre;
- (3) provide other meteorological services and represent the Government as appropriate in fulfilment of international obligations;
- (4) provide weather and climate forecasting and warnings services intended for the general benefit of the population and to contribute to the safety of life and property;
- (5) provide climatological information services for the general benefit of the population;
- (6) be the custodian of the National Climatological Databank and make raw climate data available,
- (7) operate a national meteorological telecommunication network and computer infrastructure necessary to provide the Core Service;
- (8) maintain the National Meteorological Library;
- (9) provide advice to Government regarding meteorological and climatological matters;
- (10) in partnership with tertiary institutions, provide meteorological and functional-related training; and
- (11) conduct research focussed on reducing the impact of weather-related natural disasters and in support of improvements to the quality of the Core Service.

*Explanatory note:*

*The basic amount payable for the core weather service will initially be based on the following:*

1. *The approved 2000/2001 budgeted amount of the Chief Directorate: Weather Bureau.*
2. *Accommodation rent for buildings and offices that are occupied by the Chief Directorate: Weather Bureau.*
3. *Rent payable for official office accommodation of the Chief Directorate: Weather Bureau.*
4. *Funds budgeted for defraying assessment rate, water, lights and other municipal or local government levies.*
5. *Any amount which levied in the form of rent with respect to the occupation of buildings and property currency managed by the Department of Public Works, by the Weather Bureau.*

## SCHEDULE 2 TRANSITIONAL PROVISIONS

### 1. Staff of the Chief Directorate Weather Bureau

(1) (a) Every person who was in the service of the Chief Directorate immediately before the commencement of this Act will be seconded [for two years] to the service of the Weather Bureau as from the commencement of this Act.

b. All such seconded personnel shall have, any time in the two years, the choice to be transferred to the establishment of the Weather Bureau. Every person so transferred must be regarded as being appointed in terms of section 11(1).

(2) The remuneration and other terms and conditions of service of any person transferred as contemplated in subsection (1) may not be less favourable than the remuneration, terms and conditions applicable to that person immediately before his 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 contributions in connection with such membership;
- d. accrued pensionable service;
- e. accrued leave benefits;
- f. housing subsidies;
- g. transport allowances and motor schemes; and
- h. retirement at a specific age.

(3) (a) Every person transferred as contemplated in sub-item (1) remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately before the commencement of this Act or of his or her transfer.

b. Any proceeding against such a person which were instituted immediately before the commencement of this Act, must be disposed of as if this Act had not been enacted.

(4) (a) The person who was the Chief Director of the Weather Bureau immediately before the commencement of this Act must be transferred to the service of the Weather Bureau as the interim Chief Executive Officer until a Chief Executive Officer is appointed in terms of section 8 (1).

b. Sub-item (3) is also applicable to the interim Chief Executive Officer with change required by the context.

### 2. Palming of certain assets and liabilities to the Weather Bureau

On the date of commencement of this Act, all the assets, contracts, rights, liabilities and obligations of the Government in the existing Chief Directorate: Weather Bureau, which the Minister determines, are transferred to the Weather Bureau, which is established through this Act. Assets include all stock, equipment, instrumentation and furniture the registers or records of the Chief Directorate, plus all vehicles, instrumentation, aircraft, buildings and land allocated to the Chief Directorate, funds to lease and maintain buildings and office space, funds to pay for the provision of service on behalf of the Chief Directorate, and funds on the budget of the Chief Directorate.

---

## SCHEDULE 3 EXAMPLES OF ADDITIONAL SERVICES THAT ARE NOT REGARDED AS PART OF THE CORE SERVICE.

(1) The provision of specialised weather forecasting services to specific clients.

(2) The provision of services to the maritime industry that is not included in international obligations of the SOLAS Convention (Safety of Life at Sea).

- (3) The provision of aviation meteorological services that can be charged for according to guidelines of ICAO (International Civil Aviation Organization).
- (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 to individuals and specific clients (e.g. fax on demand service, telephone answering service Internet and other computer information services).
- (9) The manufacturing and selling of meteorological equipment to government departments and users from the private sector.
- (10) The provision of specific services to the media.
- (11) Additional services to State departments such as the National Defence Force and Agriculture - which are often required on an *ad hoc* basis.

---

## **MEMORANDUM OF OBJECTS OF THE DRAFT BILL ON THE SOUTH AFRICAN WEATHER BUREAU, 2000**

### **1. GENERAL BACKGROUND AND OVERVIEW**

1.1 The White Paper on Science and Technology, of September 1996, proposed a fundamental investigation into the governance management structures of government-funded science and technology performing institutions. The aim of this System-Wide Review, which included the Weather Bureau, was to establish how these institutions could be restructured or reconfigured to meet broad national goals.

1.2 In October 1998, Cabinet accepted the recommendations of the System-Wide Review and approved that consideration be given to the South African Weather Bureau to become a statutory body operating within a parastatal environment.

1.3 The Bill calls for the establishment of a juristic statutory body in a parastatal environment to be known as the South African Weather Bureau. The objectives of the new statutory Weather Bureau will be:

1.3.1 To provide a meteorological service to contribute to the safety of life and property and economic development of all South Africans by means of the preparation of weather and climate advice, information, weather forecasts and weather warnings.

1.3.2 To ensure the ongoing collection and to be the long-term custodian of a reliable national climate record over South Africa and surrounding southern Oceans for the use by current and future generations.

1.3.3 To fulfil the international obligations of the Government as the national meteorological service of the Republic of South Africa under the Convention of the World Meteorological Organization, and as the Aviation Meteorological Authority under the Convention of the International Civil Aviation Organization.

1.3.4 To fulfil the Government's other weather-related international obligations as directed by the Minister.

1.4 In particular, the Bill will define a Core Service which the Weather Bureau will have to provide to the general public with the State as its customer and paid for by the State by way of a transfer payment through the Department of Environmental Affairs and Tourism. The new Weather Bureau shall have the right to charge for the provision of all other additional meteorological services as well as for the cost of the provision of information obtained as part of the Core Service. The charging could be either on a cost recovery basis or on full commercial rates.

1.5 In addition the Bill gives the Weather Bureau the power to levy the aviation and maritime industries with appropriate portions of the en-route, landing and mooring charges to recover the costs of provision of aviation and maritime weather services.

## **2. CONTENT OF THE DRAFT BILL**

2.1 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 Bureau; and to provide for incidental matters.

2.2 In Chapter 1, following the customary definitions clause, the Bill calls for the establishment of the South African Weather Bureau with its objectives and powers and duties. The most important powers given to the new Weather Bureau in the Bill is the right to levy the aviation industry of an appropriate portion of the en-route and landing charges to recover the costs of provision of aviation weather services and the right to charge for the provision of all non core services as well as for the cost of the provision of information obtained as part of the Core Services. provisions such as its composition, conditions for appointment and meetings. 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 and innovative ideas and business-planning of the Weather Bureau. In addition the Board must collectively have proven expertise and competencies to advise the Minister and develop policies for the Weather Bureau on matters related to weather 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. 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
- Agriculture Industry
- Media - (Radio, TV, News Papers)
- Disaster Management
- Aviation Industry
- Maritime Industry
- Legal and insurance industry
- Other weather sensitive industries
- Atmospheric science education and research community

2.4 Chapter 3 discusses the management of the new Weather Bureau and the appointment of the Chief Executive and Accounting Officer.. The personnel and service conditions are addressed in Chapter 4.

2.5 Chapter 5 deals with the financial matters of the new Weather Bureau and defines the powers and duties of the new Weather Bureau and its Chief Executive Officer. In particular it calls for the establishment of a Weather Bureau Fund consisting of *inter alia*

- 2.5.1 money appropriated by Parliament to enable the Weather Bureau to perform the Core Service;

- 2.5.2 income derived by the provision of Additional Services;

- 2.5.3 donations, levies or contributions received by the Weather Bureau from any person, institution, government or administration, or money received from any other source.

2.6 Chapter 6 deals with general and miscellaneous provisions such as intellectual property rights, limitation of liability, regulations, rules by the Board, delegation of powers and assignment of functions and the repeal of the Bophuthatswana Meteorology Act, 1988. However, the most important issue in this chapter is the transitional and establishment provisions.

2.7 Schedule 1 of the Bill defines the Core Service of the Weather Bureau while examples of additional services that are not regarded as part of the Core Service are given in Schedule 3.

## **3. EFFECT ON OTHER ORGANS OF STATE**

3.1 The new Weather Bureau shall have the right to charge for the provision of all other additional meteorological services as well as for the cost of the provision of information obtained as part of the

Core service. The charging could be either on a cost recovery basis or on full commercial rates. In addition, the Bill gives the Weather Bureau the power to levy the aviation and maritime industries with appropriate portions of the en-route, landing and mooring charges to recover the costs of provision of aviation and maritime weather services.

#### **OTHER DEPARTMENTS/BODIES CONSULTED**

The following departments are currently being consulted:

- National Department of Agriculture;
- Department of Arts, Culture, Science and Technology;
- Department of Finance;
- Department of Foreign Affairs;
- Office for 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;
- Provincial Departments of Agriculture.

In addition the following parastatal institutions are being 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;
- SABC.