

OFFICE OF THE PRESIDENT

No. 2093

7 December 1994

NO. 52 OF 1994: ENVIRONMENT CONSERVATION AMENDMENT ACT, 1994.

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

GENERAL EXPLANATORY NOTE:

** ** Words in bold type in square brackets indicate omissions from existing enactments.

<< >> Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Environment Conservation Act, 1989, so as to adjust certain definitions; to extend the Minister's powers with regard to the determination of policy; to make provision for the appointment of additional members to the Committee for Environmental Co-ordination; to substitute references to obsolete provisions and names; to empower the Minister to make regulations relating to the application and enforcement of international conventions, treaties and agreements; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 23 November 1994.)

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

Amendment of section 1 of Act 73 of 1989, as amended by section I of Act 98 of 1991, section 1 of Act 79 of 1992 and section 1 of Act 94 of 1993

1. Section 1 of the Environment Conservation Act, 1989 (hereinafter referred to as the principal Act), is hereby amended-

(a) by the substitution for the definition of "Department" of the following definition:

" 'Department' means the Department of **Environment** <<Environmental>> Affairs <<and Tourism>>;>>

(b) by the substitution for the definition of "Director-General" of the following definition:

" 'Director-General' means the Director-General: **Environment** <<Environmental>> Affairs <<and Tourism>>;"; and

(c) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of **Environment** <<Environmental>> Affairs <<and Tourism>>;".

Amendment of section 2 of Act 73 of 1989, as amended by section 2 of Act 79 of 1992 and section I of Act 189 of 1993

2. Section 2 of the principal Act is hereby amended-

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

"(d) the establishment and maintenance **and improvement** of acceptable human living environments **which contribute to a generally acceptable quality of life for the inhabitants** <<in

accordance with the environmental values and environmental needs of communities>> **of the Republic of South Africa**";

(b) by the addition to subsection (1) of the following paragraphs:

<<(e) the promotion of the effective management of cultural resources in order to ensure the protection and responsible use thereof;

(f) the promotion of environmental education in order to establish an environmentally literate community with a sustainable way of life;

(g) the execution and co-ordination of integrated environmental monitoring programmes>>; and

(c) by the substitution for subsection (1A) of the following subsection:

"(1A) The Minister may, in determining the policy under subsection (1), if in the opinion of the Minister it will further the objectives mentioned in subsection (1)(a), (b), (c), **and** (d), <<(e) (f) and (g)>>, determine norms and standards to be complied with."

Amendment of section 14 of Act 73 of 1989, as substituted by section 5 of Act 94 of 1993

3. Section 14 of the principal Act is hereby amended by the addition to subsection (1) of the following paragraph:

<<"(d) any other Director-General of a Department who is not a member of the committee in terms of paragraph (c) and who has, by notice in the Gazette, been appointed as a member of the committee by the Minister with the concurrence of the Minister under whose portfolio that Department falls.">>

Insertion of section 27A in Act 73 of 1989

4. The following section is hereby inserted in the principal Act after section 27:

"Regulations regarding international conventions, treaties and agreements

<<27A. The Minister may make regulations concerning the application of any international convention, treaty or agreement relating to the protection of the environment which, in accordance with section 231 of the Constitution, forms part of the law of the Republic.>> "

Amendment of section 28 of Act 73 of 1989

5. Section 28 of the principal Act is hereby amended by the deletion of paragraph (c).

Short title

6. This Act shall be called the Environment Conservation Amendment Act, 1994.

