

REPUBLIC OF SOUTH AFRICA

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# **SOUTH AFRICAN WEATHER SERVICE BILL**

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*(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)*

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(MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM)

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# 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:—

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**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

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#### 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;