

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
NATIONAL RADIOACTIVE
WASTE MANAGEMENT
AGENCY BILL**

[B 41—2008]

*(As agreed to by the Portfolio Committee on Minerals and Energy
(National Assembly))
(The English text is the official text of the Bill)*

[B 41A—2008]

ISBN 978-1-77037-429-4

No. of copies printed 800

AMENDMENTS AGREED TO

NATIONAL RADIOACTIVE WASTE MANAGEMENT AGENCY BILL [B 41—2008]

COVER PAGE

1. On page 1, to omit “**MANAGEMENT AGENCY**”, and to substitute “**DISPOSAL INSTITUTE**”.

LONG TITLE

1. On page 2, from the first line, to omit “**Management Agency**”, and to substitute “**Disposal Institute**”.

ARRANGEMENT OF SECTIONS

1. On page 2, in line 10, to omit “**MANAGEMENT AGENCY**”, and to substitute “**DISPOSAL INSTITUTE**”.
2. On page 2, in line 11, to omit “Management Agency”, and to substitute “Disposal Institute”.
3. On page 2, in line 12, to omit “Agency”, and to substitute “Institute”.
4. On page 2, in line 13, to omit “Agency”, and to substitute “Institute”.
5. On page 2, in line 14, to omit “Ancillary powers of Agency”, and to substitute “Powers of Institute”.
6. On Page 2, in line 15, to omit “Agency”, and to substitute “Institute”.
7. On page 2, in line 16, to omit “membership”, and to substitute “directorship”.
8. On page 2, in line 18, to omit “members”, and to substitute “directors”.
9. On page 2, in line 19, to omit “members”, and to substitute “directors”.
10. On page 2, in line 24, to omit “Agency”, and to substitute “Institute”.
11. On page 2, in line 27, to omit “Agency”, and to substitute “Institute”.
12. On page 2, in line 28, to omit “Agency”, and to substitute “Institute”.
13. On page 2, in line 29, to omit “Agency”, and to substitute “Institute”.
14. On page 3, in line 8, to omit “Agency’s” and to substitute “Institute’s”.
15. On page 3, in line 10, to omit “Agency”, and to substitute “Institute”.

CLAUSE 1

1. On page 3, from line 19, to omit the definition of “**Agency**”.

2. On page 3, in line 21, after “**authorised**”, to insert “**waste disposal facility**”.
4. On page 3, in line 23, to omit “Agency”, and to substitute “Institute”.
5. On page 3, in line 29, to omit the definition of “**member**”, and to substitute the following definition:

“ **‘director’** means a director of the board;”.
6. On page 3, in line 31, to omit “Agency”, and to substitute “Institute”.
7. On page 3, after line 32, to insert the following definition:

“ **‘Institute’** means the National Radioactive Waste Disposal Institute established by section 3;”.

CLAUSE 3

1. On page 4, in line 5, to omit “**MANAGEMENT AGENCY**”, and to substitute “**DISPOSAL INSTITUTE**”.
2. On page 4, in line 6, to omit “**Management Agency**”, and to substitute “**Disposal Institute**”.
3. On page 4, in line 7, to omit “Management Agency”, and to substitute “Disposal Institute”.

CLAUSE 4

1. On page 4, in line 9, to omit “**Agency**”, and to substitute “**Institute**”.
2. On page 4, in line 10, to omit “Agency”, and to substitute “Institute”.

CLAUSE 5

1. On page 4, in line 11, to omit “**Duties of Agency**”, and to substitute “**Functions of Institute**”.
2. On page 4, in line 12, to omit “Agency”, and to substitute “Institute”.
3. On page 4, in line 15, to omit “management”, and to substitute “disposal”.
4. On page 4, in line 16, to omit “categories”, and to substitute “classes”.
5. On page 4, in line 19, after “regulatory”, to insert “health”.
6. On page 4, in line 19, after “safety”, to insert “environmental”.
7. On page 4, in line 24, after “related”, to insert “storage and”.
8. On page 4, in line 30, after “waste”, to insert “storage and disposal”.
9. On page 4, in line 34, to omit “any” and to substitute “the disposal of any ownerless”.
10. On page 4, in line 37, to omit “management”, and to substitute, “disposal”.

11. On page 4, in line 39, to omit “management”, and to substitute “disposal”.
12. On page 4, in line 40, to omit “management”, and to substitute “disposal”.

CLAUSE 6

1. On page 4, in line 46, to omit “Agency”, and to substitute “Institute”.
2. On page 4, in line 48, to omit “Agency”, and to substitute “Institute”.
3. On page 5, in line 2, to omit “Agency’s”, and to substitute “Institute’s”.
4. On page 5, in line 4, to omit “Agency”, and to substitute “Institute”.
5. On page 5, in line 11, to omit “Agency”, and to substitute “Institute”.
6. On page 5, in line 11, to omit “Agency’s”, and to substitute “Institute’s”.
7. On page 5, in line 14, to omit “Agency”, and to substitute “Institute”.
8. On page 5, in line 18, to omit “Agency’s”, and to substitute “Institute’s”.
9. On page 5, in line 24, to omit “Agency”, and to substitute “Institute”.
10. On page 5, in line 28, to omit “Agency”, and to substitute “Institute”.
11. On page 5, in line 30, to omit “Agency’s”, and to substitute “Institute’s”.
12. On page 5, in line 35, to omit “Agency’s”, and to substitute “Institute’s”.

CLAUSE 7

1. On page 5, in line 37, to omit “**Agency**”, and to substitute “**Institute**”.
2. On page 5, in line 38, to omit “There is hereby established a board, known as the board of the Agency.”, and to substitute the following:

“The Institute is governed and controlled, in accordance with this Act, by a board of directors.”.
3. On page 5, in line 48, after “Chief Executive Officer”, to insert “of the Institute”.
4. On page 5, in line 49, to omit “Agency”, and to substitute “Institute”.
5. On page 5, in line 50, to omit “Agency”, and to substitute “Institute”.
6. On page 5, in line 51, to omit “Agency”, and to substitute “Institute”.
7. On page 5, in line 52, to omit “Agency”, and to substitute “Institute”.
8. On page 5, in line 53, to omit “Agency”, and to substitute “Institute”.
9. On page 5, in line 54, to omit “members”, and to substitute “directors”.
10. On page 5, in line 56, to omit “members”, and to substitute “directors”.
11. On page 5, from line 57, to omit “qualifications, knowledge and experience in radioactive waste management”, and to substitute “qualifications and knowledge”.

12. On page 5, in line 59, to omit “members”, and to substitute “directors”.
13. On page 6, in line 6, to omit “member”, and to substitute “director”.
14. On page 6, in line 7, to omit “member”, and to substitute “director”.
15. On page 6, in line 7, to omit “member’s”, and to substitute “director’s”.
16. On page 6, in line 9, to omit “member”, and to substitute “director”.
17. On page 6, in line 16, after “contemplated”, to insert “in subsection (10)”.
18. On page 6, in line 20, to omit “Agency”, and to substitute “Institute”.
19. On page 6, in line 22, to omit “member”, and to substitute “director”.
20. On page 6, in line 25, to omit “member”, and to substitute “director”.
21. On page 6, in line 28, to omit “member”, and to substitute “director”.
22. On page 6, in line 29, to omit “member”, and to substitute “director”.
23. On page 6, in line 29, to omit “child”, and to substitute “family member”.

CLAUSE 8

1. On page 6, in line 31, to omit “membership”, and to substitute “directorship”.
2. On page 6, in line 32, to omit “member”, and to substitute “director”.
3. On page 6, in line 42, to omit “Agency”, and to substitute “Institute”.

CLAUSE 9

1. On page 6, in line 43, to omit “members”, and to substitute “directors”.
2. On page 6, in line 44, to omit “members”, and to substitute “directors”.
3. On page 6, in line 47, to omit “member”, and to substitute “director”.

CLAUSE 10

1. On page 6, in line 48, to omit “board members”, and to substitute “directors of board”.
2. On page 6, in line 50, to omit “”, after consultation with the board,”.
3. On page 6, in line 50, to omit “member”, and to substitute “director”.
4. On page 6, in line 51, to omit “member”, and to substitute “director”.
5. On page 7, in line 4, to omit “member”, and to substitute “director”.
6. On page 7, in line 5, to omit “(8)”.
7. On page 7, in line 7, to omit “member”, and to substitute “director”.

CLAUSE 11

1. On page 7, in line 8, to omit “members”, and to substitute “directors”.
2. On page 7, in line 9, to omit “member”, and to substitute “director”.

CLAUSE 12

1. On page 7, in line 20, to omit “members”, and to substitute “directors”.
2. On page 7, in line 22, to omit “members”, and to substitute “directors”.
3. On page 7, in line 23, to omit “members”, and to substitute “directors”.
4. On page 7, in line 30, to omit “member”, and to substitute “director”.
5. On page 7, in line 32 to omit “members”, and to substitute “directors”.
6. On page 7, in line 38, to omit “member”, and to substitute “director”.

CLAUSE 13

1. On page 7, in line 41, to omit “members”, and to substitute “directors”.

CLAUSE 14

1. On page 7, in line 50, to omit the second “members”, and to substitute “directors”.
2. On page 7, in line 51, to omit “Agency”, and to substitute “Institute”.
3. On page 7, in line 52, to omit “Agency”, and to substitute “Institute”.

CLAUSE 16

1. On page 8, in line 30, to omit “Agency”, and to substitute “Institute”.
2. On page 8, in line 32, to omit “Agency”, and to substitute “Institute”.
3. On page 8, from 33, to omit “subclause (2)”.
4. On page 8, in line 36, to omit “(8)”.
5. On page 8, from line 38, to omit “, but may not serve more than two consecutive terms”.
6. On page 8, in line 41, after “may” to insert “at any time”.
7. On page 8, in line 49, to omit “Agency”, and to substitute “Institute”.
8. On page 8, in line 51, after “executive officer”, to insert “, or, as the case may be, the vacancy is filled by the Minister through the appointment of a chief executive officer under subsection (1)”.
9. On page 8, in line 52, to omit “may”.

CLAUSE 17

1. On page 9, in line 3, to omit “Agency”, and to substitute “Institute”.
2. On page 9, in line 6, to omit “Agency”, and to substitute “Institute”.
3. On page 9, in line 7, to omit “Agency”, and to substitute “Institute”.
4. On page 9, in line 9, to omit “Agency”, and to substitute “Institute”.
5. On page 9, in line 14, to omit “Board”, and to substitute “Institute”.
6. On page 9, in line 15, to omit “Agency”, and to substitute “Institute”.

CLAUSE 18

1. On page 9, in line 22, to omit “Agency”, and to substitute “Institute”.

CLAUSE 19

1. On page 9, in line 25, to omit “Agency”, and to substitute “Institute”.
2. On page 9, in line 26, to omit “Agency”, and to substitute “Institute”.
3. On page 9, in line 29, to omit “Agency”, and to substitute “Institute”.
4. On page 9, in line 30, to omit “Agency’s”, and to substitute “Institute’s”.
5. On page 9, in line 31, to omit “Agency’s”, and to substitute “Institute’s”.
6. On page 9, in line 37, to omit “Agency”, and to substitute “Institute”.
7. On page 9, in line 40, to omit “Agency”, and to substitute “Institute”.

CLAUSE 20

1. On page 9, in line 44, to omit “**Agency**”, and to substitute “**Institute**”.
2. On page 9, in line 45, to omit “Agency”, and to substitute “Institute”.
3. On page 9, in line 47, to omit “Agency”, and to substitute “Institute”.
4. On page 9, in line 48, to omit “Agency’s”, and to substitute “Institute’s”.

CLAUSE 21

1. On page 9, in line 51, to omit “**Agency**”, and to substitute “**Institute**”.
2. On page 9, in line 52, to omit “Agency”, and to substitute “Institute”.
3. On page 9, after line 52, to insert, “(a) money received from waste generators on a cost recovery basis for services rendered in terms of this Act;”.
4. On page 10, before line 1, to insert, “(c) money transferred to the Institute from the Radioactive Waste Management Fund that must be established by an Act of Parliament;”.
5. On page 10, in line 3, to omit “Agency”, and to substitute “Institute”.

6. On page 10, in line 5, to omit “Agency”, and to substitute “Institute”.
7. On page 10, in line 7, to omit “Agency”, and to substitute “Institute”.
8. On page 10, in line 10, to omit “Agency”, and to substitute “Institute”.
9. On page 10, in line 13, to omit “Agency”, and to substitute “Institute”.
10. On page 10, in line 19, to omit “Agency”, and to substitute “Institute”.
11. On page 10, in line 21, to omit “Agency”, and to substitute “Institute”.
12. On page 10, in line 22, to omit “Agency”, and to substitute “Institute”.

CLAUSE 22

1. On page 10, in line 25, to omit “Agency”, and to substitute “Institute”.
2. On page 10, in line 28, to omit “Agency may only”, and to substitute “Institute may”.

CLAUSE 23

1. On page 10, in line 32, to omit “wishing”, and to substitute “who has to”.

CLAUSE 24

1. On page 10, in line 49, to omit “a” and to substitute “an existing”.

CLAUSE 25

1. On page 11, in line 4, after “authorised”, to insert “waste”.
2. On page 11, in line 7, to omit “in accordance with the national regulatory framework”.
3. On page 11, in line 8, to omit “disposal of”.
4. On page 11, from line 10, to omit “management”, and to substitute “disposal”.
5. On page 11, in line 12, to omit “Agency”, and to substitute “Institute”.
6. On page 11, in line 14, to omit “must”.
7. On page 10, in line 16, to omit “Agency”, and to substitute “Institute”.
8. On page 10, in line 17, to omit “must”, and to substitute “shall”.
9. On page 10, in line 17, to omit “Agency”, and to substitute “Institute”.

CLAUSE 26

1. On page 11, in line 20, to omit “**Agency’s**”, and to substitute “**Institute’s**”.
2. On page 11, in line 23, to omit “Agency”, and to substitute “Institute”.

3. On page 11, in line 26, to omit “Agency”, and to substitute “Institute”.
4. On page 11, in line 31, to omit “Agency”, and to substitute “Institute”.
5. On page 11, in line 33, to omit “Agency”, and to substitute “Institute”.
6. On page 11, in line 33, to omit “Agency’s”, and to substitute “Institute’s”.
7. On page 11, in line 52, to omit “Agency”, and to substitute “Institute”.
8. On page 11, in line 55, to omit “Agency”, and to substitute “Institute”.

CLAUSE 27

1. On page 12, in line 3, to omit “Agency”, and to substitute “Institute”.
2. On page 12, in line 4, to omit “Agency”, and to substitute “Institute”.

CLAUSE 28

1. On page 12, from line 24, to omit, “by regulation”.

CLAUSE 29

1. On page 12, in line 38, after “be”, to insert, “or must be prescribed”.

CLAUSE 30

1. On page 13, in line 2, to omit “Agency”, and to substitute “Institute”.
2. On page 13, in line 16, to omit “Agency”, and to substitute “Institute.”
3. On page 13, in line 19, to omit “Agency”, and to substitute “Institute”.
4. On page 13, in line 20, to omit “All”, and to substitute “Despite the provisions of subsection (1)(a),”.
5. On page 13, in line 22, to omit “must be carried out as if they were contracts of the Agency”, and to substitute “will become null and void 30 days after the specified date where after the acceptance of radioactive waste will be subject to the provisions of sections 23, 24, and 25 of this Act.”.
6. On page 13, after line 22, to insert the following:

“(8) Despite the provisions of subsection (1)(a), the South African Nuclear Energy Corporation must continue to maintain the nuclear installation licence of the Vaalputs National Radioactive Waste Disposal Facility by providing where necessary services to the Institute using the existing government budget allocations until such time as the Institute is in a position to take over the functions to the satisfaction of the National Nuclear Regulator.”.

CLAUSE 31

1. On page 13, in line 26, to omit “Management Agency”, and to substitute “Disposal Institute”.