

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
WORLD HERITAGE CONVENTION
BILL**

[B 42-99]

*(As agreed to by the Portfolio Committee on Environmental Affairs and Tourism
(National Assembly))*

[B 42A-99]

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AMENDMENTS AGREED TO

WORLD HERITAGE CONVENTION BILL
[B 42–99]

PREAMBLE

1. On page 2, in the seventh line, to omit “Now”.

CONTENTS OF ACT

1. On page 2, in line 8, to omit “the”.
2. On page 3, in line 8, after “Powers” to insert “and duties”.
3. On page 3, in line 27, to omit “Land consolidation” and to substitute:

Transfer and alienation of movable or immovable property, and
consolidation of land

CLAUSE 1

1. On page 4, from line 39, to omit the definition of “State forest”.
2. On page 4, from line 41, to omit the definition of “State land”.
3. On page 4, from line 54, to omit the definition of “tourism”.

CLAUSE 4

1. On page 6, in lines 22 and 23, to omit “, assessed and evaluated”
2. On page 6, in line 32, after “procedures” to insert “and the principles of co-operative government”.
3. On page 6, in line 52, to omit “altogether”.
4. On page 6, in lines 52 and 53, to omit “minimised and remedied” and to substitute “mitigated”.
5. On page 6, in line 55, to omit “altogether”.
6. On page 6, in line 55, to omit “minimised and remedied” and to substitute “mitigated”.
7. On page 6, in line 58, to omit “altogether”.
8. On page 6, in line 58, to omit “minimised and remedied” and to substitute “mitigated”.
9. On page 6, in line 60, to omit “altogether”.
10. On page 7, in line 11, to omit “altogether”.
11. On page 7, in line 11, to omit “minimised and remedied” and to substitute “mitigated”.

12. On page 7, in line 16, to omit “sectarian” and to substitute:

purposes of threatening a culture based on equality and freedom or for party

CLAUSE 5

1. On page 7, in line 18, to omit “Department” and to substitute “Minister”.

CLAUSE 6

1. On page 7, in line 38, to omit “Department” and to substitute “Minister”.
2. On page 7, in line 38, to omit “identification and” and to substitute “procedure relating to the”.
3. On page 7, in line 41, to omit “prescribed” and to substitute “determined”.
4. On page 7, in line 41, to omit “may” and to substitute “must”.
5. On page 7; in lines 47 and 48, to omit “, upon recommendation of the Department, or, if it is in existence, the body referred to in subsection (2)”.
6. On page 7, in line 48, to omit “prescribe” and to substitute “determine”.

CLAUSE 7

1. On page 8, in lines 6, to omit “may” and to substitute “must”.
2. On page 8, in line 7, to omit “may” and to substitute “must”.
3. On page 8, after line 13, to insert:

(2) The consultation with interested parties referred to in subsection (1) must be in a manner that the Minister considers to be appropriate, including—

 - (a) calling on interested parties to participate in the public hearings referred to in subsection (1); and
 - (b) specifying particulars of the consultation process by notice in the *Gazette*, **in at least two nationally distributed newspapers, appropriate local newspapers and radio stations.**
4. On page 8, in line 14, to omit “notify”.
5. On page 8, in line 15, after “applicable” to insert “, notify”.
6. On page 8, in line 22, to omit “and”.
7. On page 8, in line 22, after “newspapers” to insert:

, appropriate local newspapers and radio stations

CLAUSE 9

1. On page 8, in line 36, to omit “, functions and jurisdiction”.

CLAUSE 12

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Disestablishment of Authority and revocation of powers

12. (1) An Authority referred to in section 9 must only be disestablished in terms of a resolution by Parliament,

(2) The Minister may, at any time, investigate the performance by an Authority of its powers and duties in terms of this Act, the Convention or the Operational Guidelines.

(3) As part of any such investigation, the Minister must afford the Authority the opportunity of refuting any allegations against it.

(4) If that investigation reveals that an Authority is not performing its functions properly, the Minister must submit a report to Parliament for consideration by the National Assembly and the National Council of Provinces.

(5) If the National Assembly and the National Council of Provinces pass a resolution amending, suspending, revoking or terminating the powers of such an Authority or disestablishing it, the Minister must give effect to such a resolution by notifying that Authority accordingly.

(6) Where an Authority is disestablished in terms of this section, the Minister must ensure that—

- (a) the assets of the Authority are protected; and
- (b) the resolutions of the National Assembly and the National Council of Provinces are published in the Gazette for public information.

CLAUSE 13

1. On page 9, from line 35, to omit paragraphs (g) and (h) and to substitute:

(g) enter into agreements, subject to section 217 of the Constitution, with any person for the provision of goods and services, including the performance of powers and duties of the Authority, but the Minister may prescribe the procedure to be adopted in procuring and negotiating such agreements, or in any particular matter determine that an agreement requires his or her prior written approval;

2. On page 9, in line 46, to omit the second “or” and to substitute “and”.
3. On page 9, in line 47, to omit “immediately”.
4. On page 9, in line 48, after “functions” to insert:

, but such movable and immovable property, as listed in the nomination file for the World Heritage Site, may not be alienated, leased or encumbered without the prior written approval of the Minister;

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CLAUSE 14

1. On page 11, in line 5, to omit “substantial”.

CLAUSE 15

- 1 On page 11, in line 22, after “Powers” to insert “and duties”.

CLAUSE 17

1. On page 12, in line 11, after “must” to insert:
, with the concurrence of the Minister of Finance,

CLAUSE 21

1. On page 2, in line 39, after the second “and”to insert “with”,
2. On page 2, after line 46, to add:
(e) existing planning and development plans of an existing organ of state referred to in section 8.

CLAUSE 23

3. On page 13, after line 23, to add:
(iv) alienation, lease or encumbrance of movable and immovable property referred to in section 13(j) in accordance with this Act, if applicable.

CLAUSE 24

1. On page 13, after line 47, to add:
“(7) The Minister may, after consultation in terms of subsection (4), approve the existing planning and development plans of an existing organ of state referred to in section 8, as the integrated management plan for purposes of this chapter, if the Minister is satisfied that such plans comply materially with this chapter.

CLAUSE 30

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Transfer and alienation of movable *or* immovable property, and consolidation of land

30. (1) The Minister may, with the concurrence of the Minister of Finance, transfer any movable or immovable property belonging to the State to an Authority to enable it to perform its powers and duties or to achieve any of its objects.

(2) Immovable property transferred to an Authority in terms of subsection (1), may not, without the prior written approval of the Minister, granted with the concurrence of the Minister of Finance, be alienated, leased or encumbered.

(3) The Minister may—

(a) subject to section 40 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), consolidate land of which the State is the owner and forming part or potentially forming part of a World Heritage Site;

(b) subject to section 65 of the Deeds Registries Act, 1937, register by notarial deed, entered into between the State and an owner or owners, a condition over land forming part or potentially forming part of a World Heritage Site to the effect that such land may not be separately alienated, leased or encumbered without the prior written consent of the Minister, and the said notarial deed may be accompanied by a sketch plan of such land.

(4) The Minister must before giving written consent in terms of subsection (3), consult with all relevant parties, including the relevant—

(a) land owners;

(b) mortgage holders; and

(c) cultural, nature conservation, heritage and similar public interest bodies with an interest in the area affected by the proposed action.

(5) A registrar defined in section 102 of the Deeds Registries Act, 1937, must, upon submission to him or her of a certificate by the Minister that land has been transferred to an Authority in terms of this section, make such entries and endorsements as he or she may deem necessary in or on any relevant register or other document in his or her office or laid before him or her, in order to register such land in the name of the Authority, and no stamp duty, office or other fee is payable in respect of such registration.

(6) If an Authority is disestablished in terms of section 12, and without derogating from the generality of section 12(4)(u), a registrar must, upon submission to him or her of a certificate by the Minister that land transferred to an Authority in terms of subsection (5) has been transferred back from such Authority to the State, make such entries and endorsements as he or she may deem necessary in or on any relevant register or other document in his or her office or laid before him or her, in order to register such land in the name of the State, and no stamp duty, office or other fee is payable in respect of such registration.

CLAUSE 32

1. On page 15, in line 37, to omit subparagraph.(i),
2. On page 15, in line 43, to omit paragraph (i).

CLAUSE 33

1. On page 15, in line 49, to omit all the words from “Minister” up to and including “Finance” in line 51 and to substitute:

Cabinet and, if applicable, the relevant MEC

CLAUSE 34

1. On page 16, in line 3, after “fund” to insert:

with the approval of the Minister and with the concurrence of the Minister of Finance and the relevant MEC

CLAUSE 41

1. On page 17, after line 38, to add:

(c) details of agreements entered into by the Authority in terms of section 13(g) and (j).

LONG TITLE

1. On page 2, in the sixth line, to omit “, functions”.