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No. 10545

GOVERNMENT NOTICES

DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

No. 2625

12 December 1986

EXEMPTION IN TERMS OF SECTION 7 OF THE PHYSICAL PLANNING ACT, 1967 (ACT 88 OF 1967)

By virtue of the powers vested in me by section 7 of the Physical Planning Act, 1967, I, Jan Christiaan Heunis, Minister of Constitutional Development and Planning, hereby exempt—

- (i) brick making as referred to in section 6B (1) (a) of the Physical Planning Act, 1967, as well as abattoirs as referred to in section 10 of the Abattoir Industry Act, 1976 (Act 54 of 1976), from the provisions of section 2 (1) (e) of the said Physical Planning Act, 1967; and
- (ii) local authorities from the provisions of section 2 (1) (d) of the Physical Planning Act, 1967, in respect of the service industries mentioned in the Schedule hereto.

Signed at Pretoria this 7th day of November 1986.

J. C. HEUNIS,

Minister of Constitutional Development and Planning.

SCHEDULE

1. *Repair workshops pertaining to:*

- Boats, caravans and trailers.
- Electrical appliances.
- Lawnmowers.
- Air conditioners, blinds and roll-up doors.
- Auto electricians.
- Motor vehicles, motor-cycles and public garages.
- Radios, television sets and video machines.
- Computers and cash registers.
- Shoes and leatherwork.
- Tents and sails.
- Clutches, brakes, batteries, bearings and gearboxes.
- Jewellery.

137—1

GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN STAATKUNDIGE ONTWIKKELING EN BEPLANNING

No. 2625

12 Desember 1986

VRYSTELLING INGEVOLGE ARTIKEL 7 VAN DIE WET OP FISIESE BEPLANNING, 1967 (WET 88 VAN 1967)

Kragtens die bevoegdheid my verleen by artikel 7 van die Wet op Fisiese Beplanning, 1967, stel ek, Jan Christiaan Heunis, Minister van Staatkundige Ontwikkeling en Beplanning, hierby—

- (i) baksteenmakerye soos bedoel in artikel 6B (1) (a) van die Wet op Fisiese Beplanning, 1967, asook abattoirs soos bedoel in artikel 10 van die Wet op die Abattoirbedryf, 1976 (Wet 54 van 1976), vry van die bepalinge van artikel 2 (1) (e) van die voormelde Wet op Fisiese Beplanning, 1967; en
- (ii) plaaslike besture vry van die bepalinge van artikel 2 (1) (d) van die Wet op Fisiese Beplanning, 1967, met betrekking tot die diensnywerhede in die Bylae hiervan vermeld.

Geteken te Pretoria op hede die 7de dag van November 1986.

J. C. HEUNIS,

Minister van Staatkundige Ontwikkeling en Beplanning.

BYLAE

1. *Diensnywerhede wat bestaan uit herstelwerkswinkels vir:*

- Bote, karavane en sleepwaens.
- Elektriese toebehore.
- Grassnyers.
- Lugreëling, blindings, en oproldeure.
- Motorelektrisiëns.
- Motors, motorfieste, openbare garages.
- Radio's, televisiestelle en videobandmasjiene.
- Rekenaars, kasregisters en tikmasjiene.
- Skoene en leerwerk.
- Tente en seile.
- Batterye, remme, koppelaars, laers en ratkaste.
- Juweliersware.

10545—1

Artikel	Bevoegdheid	Aan wie oorgedra
166 (1).....	Om enigiemand skriftelik te magtig om vir die doeleindes in die artikel vermeld, enige grond te betree en daarop die handelinge bedoel in hierdie artikel te verrig	Assistent-direkteur: Direktooraat Wetsadministrasie. Seksie-ingenieur. Plaaslike Ingenieur. Streeksingenieur.
168A (1).....	Om die inligting waarna in hierdie artikel verwys word, op die wyse wat hy goedvind aan die publiek beskikbaar te stel	Hoofingenieur: Besproeiing en Ingenieursdienste. Direkteur: Waterbesoedelingsbeheer.
169A (1) (b).....	(i) Om by kennisgewing in die <i>Staatskoerant</i> 'n gebied te omskryf ten opsigte waarvan die bepalings van hierdie artikel van toepassing is (ii) Die verlening van goedkeuring onderworpe aan die voorwaardes daarin vermeld, vir die stigting of uitbreiding van 'n dorp bedoel in hierdie artikel	Nie oorgedra nie. Nie oorgedra nie.
174A (1).....	Die voorsiening of distribusie van water in grootmaat of die verlening van magtiging aan enige liggaam bedoel in hierdie artikel onderworpe aan die voorwaardes en bedinge in die magtiging vermeld, om water in grootmaat te voorsien of te distribueer onder die omstandighede bedoel in hierdie artikel	Adjunk-direkteur-generaal.
175.....	Die verlening van toestemming vir die onteiening kragtens enige wet bedoel in hierdie artikel, van regte op water deur die Suid-Afrikaanse Vervoerdienste	Nie oorgedra nie.
177.....	Die toepassing by kennisgewing in die <i>Staatskoerant</i> van artikels 63 (9) en (10) op 'n gebied in daardie kennisgewing omskryf	Nie oorgedra nie.

J. W. E. WILEY,
Minister van Waterwese.

No. 2631

12 December 1986

NOTICE IN TERMS OF SECTION 138A
OF THE WATER ACT, 1956

ESTABLISHMENT OF THE TRANS-CALEDON
TUNNEL AUTHORITY

By virtue of the power vested in me by section 138A of the Water Act, 1956 (Act 54 of 1956), and in execution of the provisions of the Treaty on the Lesotho Highlands Water Project between the Government of the Republic of South Africa and the Government of the Kingdom of Lesotho, signed on 24 October 1986, I, Jacob Albertus van Wyk, in my capacity as Deputy Minister of Water Affairs hereby establish the Trans-Caledon Tunnel Authority constituted and assigned with the object, duties and functions as set out in the Schedule hereto.

J. A. VAN WYK,
Deputy Minister of Water Affairs.

SCHEDULE

1. DEFINITIONS

In this Schedule unless inconsistent with the context—

- “Authority” means the Trans-Caledon Tunnel Authority, established by this notice;
- “Board” means the Board of Directors referred to in paragraph 2;
- “Department” means the Department of Water Affairs;
- “Director” means a member of the Board of Directors;
- “Joint Permanent Technical Commission” means the Commission established by paragraph (6) of Article 6 of the Treaty;
- “Parties” means the Government of the Republic of South Africa and the Government of the Kingdom of Lesotho;
- “Project” means the Lesotho Highlands Water Project as described in the Treaty; and
- “Treaty” means the Treaty on the Lesotho Highlands Water Project between the Government of the Republic of South Africa and the Government of the Kingdom of Lesotho signed on 24 October 1986.

No. 2631

12 Desember 1986

KENNISGEWING KRAGTENS ARTIKEL 138A
VAN DIE WATERWET, 1956

INSTELLING VAN DIE TRANS-CALEDON-
TONNELOWERHEID

Kragtens die bevoegdheid my verleen by artikel 138A van die Waterwet, 1956 (Wet 54 van 1956), en ter uitvoering van die bepalings van die Verdrag aangaande die Lesotho Hoogland Waterprojek tussen die Regering van die Republiek van Suid-Afrika en die Regering van die Koninkryk van Lesotho, geteken op 24 Oktober 1986, stel ek, Jacob Albertus van Wyk, in my hoedanigheid as Adjunk-Minister van Waterwese hierby die Trans-Caledon-tonnelowerheid in, saamgestel en beklee met die oogmerk, pligte en funksies soos in die Bylae hiertoe uiteengesit.

J. A. VAN WYK,
Adjunk-minister van Waterwese.

BYLAE

1. WOORDOMSKRYWINGS

Tensy uit die samehang anders blyk, beteken in hierdie Skedule—

- “Departement” die Departement van Waterwese;
- “Direkteur” ’n lid van die Raad van Direkteure;
- “Joint Permanent Technical Commission” die Kommissie wat by paragraaf (6) van Artikel 6 van die Verdrag ingestel is;
- “Owerheid” die Trans-Caledon-tonnelowerheid, ingestel deur hierdie kennisgewing;
- “Partye” die Regering van die Republiek van Suid-Afrika en die Regering van die Koninkryk van Lesotho;
- “Projek” die Lesotho Hoogland Waterprojek soos omskrywe in die Verdrag;
- “Raad” die Raad van Direkteure genoem in paragraaf 2; en
- “Verdrag” die Verdrag aangaande die Lesotho Hoogland Waterprojek tussen die Regering van die Republiek van Suid-Afrika en die Regering van die Koninkryk van Lesotho geteken op 24 Oktober 1986.

2. CONSTITUTION OF THE AUTHORITY

- (a) The affairs of the Authority shall be managed and controlled by a Board of Directors, which shall consist of seven members appointed by the Minister from persons having in his opinion the necessary managerial, technical and financial qualifications and experience.
- (b) The Minister shall designate one Director as chairman and one as vice-chairman of the Board for the period determined by him.
- (c) A Director shall hold office for the period determined by the Minister at the time of his appointment and may at any time be removed from office by the Minister if in his opinion there are sufficient reasons for doing so.
- (d) Any vacancy occurring on the Board shall be filled by the Minister in accordance with the provisions of subparagraphs (a), (b) and (c).
- (e) A Director shall be paid, out of the funds of the Authority, such remuneration as may be determined by the Minister from time to time.

3. OBJECT OF THE AUTHORITY

The object of the Authority is the implementation, operation and maintenance of the part of the Project situated in the Republic of South Africa in accordance with the provisions of the Treaty and the implementation, operation and maintenance of that part of the water conveyance system of the Project situated in the Kingdom of Lesotho, which may be entrusted to the Authority by the Parties to the Treaty in terms of paragraph (2) of Article 8 of the Treaty.

4. FUNCTIONING OF THE BOARD

- (a) The Board shall meet at the times and places determined by the chairman or, in his absence, by the vice-chairman.
- (b) The quorum for a meeting of the Board shall be three (3) members of whom one shall be the chairman or the vice-chairman.
- (c) The procedure at a meeting of the Board shall be determined by the chairman.
- (d) Decisions of the Board shall be made by a majority vote. In the case of an equality of votes, the chairman of that meeting shall have a casting vote in addition to his deliberative vote.

5. FINANCIAL

- (a) The Authority shall establish comprehensive accounting and costing systems in accordance with the recommendations of financial management system consultants. Such systems shall be subject to periodical review.
- (b) The Authority shall establish effective and comprehensive management information systems including performance indicators, which shall be used to provide the information required for management decision making during the design, implementation, operation and maintenance of that part of the Project entrusted to the Authority.
- (c) The Authority shall, on the basis of the accounting and costing systems and procedures referred to in subparagraph (a), apportion all costs incurred by the Authority as costs attributable to the delivery of water to South Africa and costs attributable to the generation of hydro-electric power in the Kingdom of Lesotho as well as for developments envisaged by the provisions of paragraph (2) of Article 4 of the Treaty.

2. INSTELLING VAN DIE OWERHEID

- (a) Die sake van die Owerheid word bestuur en beheer deur 'n Raad van Direkteure wat uit sewe persone bestaan, aangestel deur die Minister uit persone wat na sy mening oor die nodige bestuurs-, tegniese en finansiële kwalifikasies en ervaring beskik.
- (b) Die Minister wys een Direkteur aan as voorsitter en een as ondervoorsitter van die Raad vir die tydperk deur hom bepaal.
- (c) 'n Direkteur beklee sy amp vir die tydperk deur die Minister tydens sy aanstelling bepaal en kan te eniger tyd uit sy amp ontslaan word deur die Minister indien daar na sy mening voldoende redes daarvoor bestaan.
- (d) Enige vakature wat op die Raad ontstaan, word deur die Minister ooreenkomstig subparagrafe (a), (b) en (c) gevul.
- (e) 'n Direkteur word uit fondse van die Owerheid dié vergoeding betaal wat die Minister van tyd tot tyd bepaal.

3. OOGMERK VAN DIE OWERHEID

Die oogmerk van die Owerheid is die uitvoering, bedryf en onderhoud van daardie gedeelte van die Projek wat binne die Republiek van Suid-Afrika geleë is ooreenkomstig die bepalings van die Verdrag en die uitvoering, bedryf en onderhoud van daardie gedeelte van die watervoerstel van die Projek wat in die Koninkryk van Lesotho geleë is en wat ingevolge paragraaf (2) van Artikel 8 van die Verdrag deur die Partye aan die Owerheid toevertrou kan word.

4. WERKING VAN DIE RAAD

- (a) Die raad kom byeen op die tye en plekke wat die voorsitter of, in sy afwesigheid, die ondervoorsitter bepaal.
- (b) Die kworum vir 'n vergadering van die Raad is drie (3) lede van wie een die voorsitter of ondervoorsitter moet wees.
- (c) Die prosedure by 'n vergadering van die Raad word deur die voorsitter bepaal.
- (d) Besluite van die Raad word by meerderheid van stemme geneem. By 'n staking van stemme het die voorsitter van daardie vergadering 'n beslissende stem bo en behalwe sy gewone stem.

5. FINANSIEEL

- (a) Die Owerheid stel in ooreenstemming met die aanbevelings van finansiële bestuursraadvigter omvattende rekenkundige en kostestelsels in. Sulke stelsels moet periodiek hersien word.
- (b) Die Owerheid stel doeltreffende en omvattende bestuursinligtingstelsels in met begrip van prestasie-aanwysers, wat gebruik word om die inligting te voorsien wat vereis word vir besluitneming deur bestuur gedurende die ontwerp, uitvoering, bedryf en onderhoud van daardie deel van die Projek wat aan die Owerheid toevertrou is.
- (c) Op die grondslag van die rekenkundige en kostestelsels en -prosedures wat in subparagraaf (a) genoem word, verdeel die Owerheid alle koste wat deur hom aangegaan word in koste toewysbaar aan die lewering van water aan Suid-Afrika en koste toewysbaar aan die opwekking van hidroëlektriese krag in die Koninkryk van Lesotho asook vir ontwikkelings wat in die bepalings van paragraaf (2) van Artikel 4 van die Verdrag beoog word.

- (d) The Authority shall, at least six months prior to the commencement of each phase of the Project and thereafter during the course of the implementation, operation and maintenance of such phase at least four months prior to the commencement of each financial year, separately, in respect of that part of the Project relating to the delivery of water to South Africa and in respect of that part of the Project relating to the generation of hydro-electric power in the Kingdom of Lesotho, compile—
- (i) a long term cost plan. Such plan shall differentiate between capital and operating costs and shall identify the total estimated expenditure for such phase and contain an analysis of such expenditure on an annual basis. Such plan shall further include an estimate of contingency costs on an annual basis covering the period of the long term cost plan;
 - (ii) a detailed cost plan covering the ensuing financial year. Such plan shall differentiate between capital and operating costs and shall identify the total estimated expenditure for such year and contain an analysis of such expenditure on a monthly basis. Such plan shall further include an estimate of contingency costs with regard to such financial year as well as each month covered;
 - (iii) a long term funding plan identifying the total funding for such phase by way of loans, credit facilities or other borrowings and shall provide an analysis thereof on an annual basis;
 - (iv) a short term funding plan for the ensuing financial year identifying the total funding for such year by way of loans, credit facilities or other borrowings and shall provide and analysis thereof on a monthly basis;
 - (v) a schedule of the repayment of all loans, credit facilities and other borrowings, covering the repayment of capital, interest and financing charges;
 - (vi) a long term cash flow forecast for such phase and shall provide an analysis of such cash flow on an annual basis. Such forecast shall inter alia identify any foreign exchange requirements; and
 - (vii) a detailed cash flow forecast for the ensuing financial year, and shall provide an analysis of such cash flow on a monthly basis. Such forecast shall inter alia identify any foreign exchange requirements.
- (e) The Authority shall compile, at regular intervals, reconciliation statements with regard to all long term plans, forecasts and schedules referred to in subparagraph (d) and shall update them to the extent necessitated by such reconciliation: Provided that such plans, forecasts or schedules shall further be reconciled and updated whenever an event or occurrence results in a significant variation thereof.
- (f) The Authority shall compile on a monthly basis reconciliation statements with regard to all short term plans and forecasts referred to in subparagraph (d) and shall account for any significant difference regarding any such plans or forecasts. Such plans and forecasts shall be updated on a monthly basis to the extent necessitated by such reconciliation.
- (d) Minstens ses maande voor die begin van elke fase van die Projek en daarna gedurende die uitvoering, bedryf en onderhoud van so 'n fase minstens vier maande voor die begin van die finansiële jaar stel die Owerheid op, apart vir daardie gedeelte van die Projek wat betrekking het op die lewering van water aan Suid-Afrika en vir daardie gedeelte van die Projek wat betrekking het op die opwekking van hidro-elektriese krag in die Koninkryk van Lesotho—
- (i) 'n langtermyn kosteplan. So 'n plan onderskei tussen kapitale en bedryfskoste en bepaal die totale geskatte uitgawes van so 'n fase en bevat 'n ontleding van sulke uitgawes op 'n jaarlikse grondslag. So 'n plan sluit verder 'n beraming van toevallige koste in op 'n jaarlikse grondslag wat die tydperk van die langtermyn kosteplan dek;
 - (ii) 'n gedetailleerde kosteplan wat die volgende finansiële jaar dek. So 'n plan onderskei tussen kapitale en bedryfskoste en bepaal die totale geskatte uitgawes vir die jaar en bevat 'n ontleding van sulke uitgawes op 'n maandeliks grondslag. So 'n plan sluit verder 'n beraming van toevallige koste in sowel met betrekking tot daardie finansiële jaar as elke maand wat gedek word;
 - (iii) 'n langtermyn funderingsplan wat die totale fundering vir so 'n fase bepaal by wyse van lenings, kredietfasiliteite of ander leenmiddels en 'n ontleding daarvan op 'n jaarlikse grondslag verskaf;
 - (iv) 'n korttermyn funderingsplan vir die volgende finansiële jaar met die totale fundering vir die jaar bepaal by wyse van lenings, kredietfasiliteite of ander leenmiddels en 'n ontleding daarvan op 'n maandelikse grondslag verskaf;
 - (v) 'n skedule vir die terugbetaling van alle lenings, kredietfasiliteite of ander leenmiddels wat die terugbetaling van kapitaal, rente en finansieringsheffings dek;
 - (vi) 'n langtermyn kontantvloeivooruitskatting vir so 'n fase en verskaf 'n ontleding van so 'n kontantvloei op 'n jaarlikse grondslag. So 'n vooruitskatting bepaal onder andere enige buitelandse valutabehoefes; en
 - (vii) 'n gedetailleerde kontantvloeivooruitskatting vir die volgende finansiële jaar en verskaf 'n ontleding van so 'n kontantvloei op 'n maandelikse grondslag. So 'n vooruitskatting bepaal onder andere enige buitelandse valutabehoefes.
- (e) Die Owerheid stel met gereelde tussenposes rekonsiliasiestate op met betrekking tot alle langtermyn planne, vooruitskattings en skedules in subparagraaf (d) genoem en bring hulle op datum na gelang so 'n rekonsiliasie dit nodig maak. Met dien verstande dat sulke planne, vooruitskattings of skedules verder gerekonsilieer en op datum gebring word telkens wanneer 'n voorval of gebeurtenis 'n betekenisvolle wysiging daarvan as gevolg het.
- (f) Die Owerheid stel op 'n maandelikse grondslag rekonsiliasiestate op met betrekking tot alle korttermyn planne en vooruitskattings in subparagraaf (d) genoem en hou rekening met enige betekenisvolle verskil ten opsigte van sulke planne of vooruitskattings. Sulke planne en vooruitskattings word op 'n maandelikse grondslag op datum gebring na gelang so 'n rekonsiliasie dit nodig maak.

(g) The Authority shall establish separate banking accounts for—

- (1) all amounts received from South Africa as cost related payments as provided for in Article 10 of the Treaty as well as all amounts drawn down on loans or other borrowings procured for the implementation, operation and maintenance of that part of the Project relating to the delivery of water to South Africa; and
- (2) all amounts received from Lesotho as cost related payments as provided for in Article 10 of the Treaty as well as all amounts drawn down on loans and other borrowings procured for the implementation, operation and maintenance of that part of the Project relating to the generation of hydro-electric power in the Kingdom of Lesotho or for the developments envisaged by the provisions of paragraph (2) of Article 4 of the Treaty.

Such accounts shall be established with the South African Reserve Bank or such other banking institution as approved, in respect of amounts referred to in (1), by the Minister of Finance and, in respect of amounts referred to in (2), by the Joint Permanent Technical Commission.

(h) The Authority shall, if necessary to meet foreign expenditure and subject to the approval of the South African Reserve Bank, established with banking institutions outside the territory of either Party separate banking accounts for all monies drawn down on loans and other borrowings obtained from outside such territories and procured for the implementation, operation and maintenance of that part of the Project—

- (a) relating to the delivery of water to South Africa; and
- (b) relating to the generation of hydro-electric power in the Kingdom of Lesotho or for the developments envisaged by the provisions of paragraph (2) of Article 4 of the Treaty.

(i) All monies held by the Authority in any banking account and not immediately required to effect any payment, shall be placed on deposit at market related interest rates.

(j) All interest accruing on monies in the accounts referred to in paragraphs (g) and (h) shall be utilized exclusively for the implementation, operation and maintenance of that part of the Project for which the monies bearing such interest shall have been obtained.

(k) The Authority shall take out insurance against all loss or damage from whatever cause and against all risks and public liabilities, which may arise in the course of implementing, operating and maintaining that part of the Project entrusted to the Authority, on the basis of normal commercial considerations.

(l) The Authority shall keep a register of all its assets.

(m) The financial year of the Authority shall end on the last day of March in each year.

(n) The chairman of the Board is the accounting officer charged with the responsibility of accounting for monies received and disbursements made by the Authority.

(o) The books and accounts of the Authority shall be subject to annual and independent external auditing by chartered accountants.

(g) Die Owerheid open aparte bankrekenings vir—

(1) alle bedrae wat van Suid-Afrika ontvang word as kosteverwante betalings soos in Artikel 10 van die Verdrag bepaal word, asook alle bedrae wat op lenings of ander leenmiddels opgeneem word wat vir die uitvoering, bedryf en onderhoud van daardie gedeelte van die Projek vir die lewering van water aan Suid-Afrika verkry is; en

(2) alle bedrae wat van Lesotho ontvang word as kosteverwante betalings soos in Artikel 10 van die Verdrag bepaal word, asook alle bedrae wat op lenings of ander leenmiddels opgeneem word wat vir die uitvoering, bedryf en onderhoud van daardie gedeelte van die projek vir die opwekking van hidroëlektriese krag in die Koninkryk van Lesotho of vir die ontwikkelings beoog in paragraaf (2) van Artikel 4 van die Verdrag verkry is.

Sulke rekenings moet by die Suid-Afrikaanse Reserwebank geopen word of by 'n ander bankinstelling wat, ten opsigte van bedrae genoem in (1), deur die Minister van Finansies en, ten opsigte van bedrae genoem in (2), deur die Joint Permanent Technical Commission goedgekeur word.

(h) Die Owerheid open, indien nodig ten einde buitelandse uitgawes te betaal en onderworpe aan die goedkeuring van die Suid-Afrikaanse Reserwebank, by bankinstellings buite die gebied van beide Partye aparte bankrekenings vir alle gelde opgeneem op lenings en ander leenmiddels wat van buite sulke gebiede verkry is vir die uitvoering, bedryf en onderhoud van daardie deel van die Projek—

(a) vir die lewering van water aan Suid-Afrika; en

(b) vir die opwekking van hidroëlektriese krag in die Koninkryk van Lesotho of vir die ontwikkelings beoog in paragraaf (2) van Artikel 4 van die Verdrag.

(i) Alle gelde wat deur die Owerheid in enige bankrekening gehou word en wat nie onmiddellik nodig is om enige betaling te maak nie, moet op deposito geplaas word teen markverwante rentekoerse.

(j) Alle rente wat oploop teen bedrae in die rekenings genoem in paragrawe (g) en (h) word uitsluitlik aangewend vir die uitvoering, bedryf en onderhoud van daardie gedeelte van die Projek waarvoor die rentedraende gelde verkry is.

(k) Die Owerheid neem versekering uit teen alle verlies of skade weens welke oorsaak ook al en teen alle risiko's en openbare aanspreeklikhede wat mag ontstaan in die loop van die uitvoering, bedryf en onderhoud van daardie gedeelte van die Projek wat aan die Owerheid toevertrou is, op die basis van gewone handelsoorwegings.

(l) Die Owerheid hou 'n register van al sy bates.

(m) Die finansiële jaar van die Owerheid eindig op die laaste dag van Maart in elke jaar.

(n) Die voorsitter van die Raad is die rekenpligtige beampete belas met die verantwoordelikheid om vir gelde ontvang en uitbetalings deur die Raad verantwoording te doen.

(o) Die boeke en rekenings van die Raad is onderhewig aan jaarlikse en onafhanklike eksterne ouditering deur geoktrooieerde rekenmeesters.

6. CHIEF EXECUTIVE

- (a) The Board shall appoint one of its members as Chief Executive who shall have appropriate qualifications and experience for such appointment.
- (b) The Chief Executive shall implement the policies laid down by the Board and shall in accordance with the provisions of the Treaty consult with and give his full co-operation to the Joint Permanent Technical Commission.
- (c) In carrying out his duties and in implementing the policies established by the Board the Chief Executive shall inter alia be responsible for—
 - (i) presenting proposals concerning the implementation, operation and maintenance of that part of the Project entrusted to the Authority and concerning the internal administration and procedures of the Authority to the Board and to the Joint Permanent Technical Commission for approval;
 - (ii) preparing and presenting to the Board and the Joint Permanent Technical Commission for approval the annual budget and proposals for borrowings of the Authority;
 - (iii) controlling the expenditure and borrowings of the Authority within limits set by the Board and ensuring that the costs incurred are accurately recorded and allocated to the appropriate cost centre;
 - (iv) providing the Board and the Joint Permanent Technical Commission with the information they require or request for the discharge of their duties;
 - (v) issuing all tender documents and signing all agreements, undertakings and contracts on behalf of the Authority;
 - (vi) appointing and terminating the appointment of all managerial, professional and administrative staff; and
 - (vii) such other duties as the Board may from time to time assign to such Chief Executive.
- (d) The Office of the Chief Executive shall act as the main channel of communication between the Authority and the Joint Permanent Technical Commission.
- (e) The Chief Executive shall give advance notification of at least five calendar days to the Joint Permanent Technical Commission of all management meetings and technical working meetings of the Authority other than meetings of the Board and shall provide copies of all relevant documents in good time.

7. CONTROL AND SUPERVISION BY THE JOINT PERMANENT TECHNICAL COMMISSION

- (a) To the extent as set out in this paragraph the Authority shall be subject to the control and supervision of the Joint Permanent Technical Commission established in terms of Article 9 of the Treaty.
- (b) In so far as the activities of the Authority may have an effect on the generation of hydro-electric power in the Kingdom of Lesotho such activities shall be subject to the monitoring and advisory powers of the Joint Permanent Technical Commission.
- (c) The Authority shall allow the Joint Permanent Technical Commission to subject to management audit all those aspects of the management, organization and accounts of the Authority relating to the generation of hydro-electric power in the Kingdom of Lesotho.

6. HOOFBEAMPTTE

- (a) Die Raad stel een van sy lede as Hoofbeampte aan wat oor die nodige kwalifikasies en ervaring vir die aanstelling beskik.
 - (b) Die Hoofbeampte voer die beleid uit wat deur die Raad bepaal word en ooreenkomstig die bepaling van die Verdrag raadpleeg hy en gee sy volle samewerking aan die Joint Permanent Technical Commission.
 - (c) By die uitvoering van sy pligte en van die beleid vasgestel deur die Raad, is die Hoofbeampte onder andere verantwoordelik vir—
 - (i) die voorlegging van voorstelle aangaande die uitvoering, bedryf en onderhoud van daardie gedeelte van die Projek wat aan die Owerheid toevertrou is en aangaande die interne administrasie en prosedures van die Owerheid aan die Raad en aan die Joint Permanent Technical Commission vir goedkeuring;
 - (ii) die voorbereiding en voorlegging aan die Raad en die Joint Permanent Technical Commission vir goedkeuring van die jaarlikse begroting en voorstelle vir lenings van die Owerheid;
 - (iii) die beheer oor uitgawes en lenings van die Owerheid binne perke vasgestel deur die Raad en om te verseker dat die aangeane koste noukeurig aangeteken en aan die toepaslike kostesentrum toegewys word;
 - (iv) die verskaffing aan die Raad en die Joint Permanent Technical Commission van die inligting wat hulle verlang of versoek vir die uitoefening van hulle pligte;
 - (v) die uitreiking van alle tenderdokumente en die ondertekening van alle ooreenkomste, ondernemings en kontrakte namens die Owerheid;
 - (vi) die aanstelling en afdanking van alle bestuurs-, professionele en administratiewe personeel; en
 - (vii) sulke ander pligte as wat die Raad van tyd tot tyd aan hom mag opdra.
 - (d) Die Kantoor van die Hoofbeampte is die hoofkommunikasiekanaal tussen die Owerheid en die Joint Permanent Technical Commission.
 - (e) Die Hoofbeampte moet minstens vyf kalenderdae kennis gee aan die Joint Permanent Technical Commission van alle bestuursvergaderings en tegniese werkskomiteevergaderings van die Owerheid behalwe Raadsvergaderings en moet afskrifte van alle toepaslike dokumente vroegetydig verskaf.
- 7. BEHEER EN TOESIG DEUR DIE JOINT PERMANENT TECHNICAL COMMISSION**
- (a) In die mate soos in hierdie paragraaf uiteengesit, is die Owerheid onderworpe aan die beheer en toesig van die Joint Permanent Technical Commission, ingestel ingevolge Artikel 9 van die Verdrag.
 - (b) In die mate dat die aktiwiteite van die Owerheid 'n uitwerking op die opwekking van hidroëlektriese krag in die Koninkryk van Lesotho mag hê, is sulke aktiwiteite onderworpe aan die monitor- en adviseerende bevoegdhede van die Joint Permanent Technical Commission.
 - (c) Die Owerheid moet die Joint Permanent Technical Commission toelaat om al daardie aspekte van die bestuur, organisasie en rekeninge van die Owerheid betreffende die opwekking van hidroëlektriese krag in die Koninkryk van Lesotho aan bestuursouditering te onderwerp.

- (d) The Authority shall, except in respect of that part of the Project situated in the Republic of South Africa affecting only the delivery of water to South Africa, consult with the Joint Permanent Technical Commission on a continuous basis with regard to all aspects of the matters listed below and any decision of the Authority and any organ of the Authority, with regard to all aspects of such matters, shall require the approval of the Joint Permanent Technical Commission in order to take effect:
- (i) The appointment of external auditors for the Authority;
 - (ii) All budgets for the expenditure of or by the Authority including all cost plans, funding plans and cash flow forecasts and reconciliation statements relating to such plans and forecasts, as provided for in paragraph 5;
 - (iii) implementation plans for each phase of the Project;
 - (iv) annual as well as short term operation plans;
 - (v) annual maintenance plans;
 - (vi) the design of Project works, tender procedures and tender documents relating to the implementation, operation and maintenance of the Project;
 - (vii) the appointment of consultants and contractors for the implementation, operation and maintenance of the Project as well as the issuing of variation orders and the settlement of all claims;
 - (viii) the allocation of costs between the Parties in accordance with the provisions of Article 10 of the Treaty;
 - (ix) financing arrangements and loan agreements as well as all borrowings from whatever source for the purpose of the implementation of the Project;
 - (x) the appointment of professional and managerial staff of the Authority, other than the Chief Executive;
 - (xi) the establishment and review of comprehensive accounting, costing and management information systems provided for in paragraph 5;
 - (xii) the establishment of accounts with banking institutions;
 - (xiii) foreign exchange forward cover on loans, credit facilities or other borrowings; and
 - (xiv) the taking out of any insurance.
- (d) The Authority shall, with regard to any decision requiring the approval of the Joint Permanent Technical Commission, present such decision to the Joint Permanent Technical Commission for approval at the earliest practicable time in order to allow the fullest possible opportunity for adequate consideration.
- (e) Members of the Joint Permanent Technical Commission shall have the right to attend management meetings and technical working meetings of the Authority other than meetings of the Board.
- (f) Members of the Joint Permanent Technical Commission shall have all the necessary access rights required in the course of the implementation, operation and maintenance of the Project.
- (d) Behalwe ten opsigte van daardie gedeelte van die Projek geleë in die Republiek van Suid-Afrika wat slegs die lewering van water aan Suid-Afrika raak, raadpleeg die Owerheid die Joint Permanent Technical Commission deurlopend met betrekking tot alle aspekte rakende die aangeleenthede hieronder opgenoem en enige besluit van die Owerheid en van enige orgaan van die Owerheid ten opsigte van alle aspekte van sulke aangeleenthede het die goedkeuring van die Joint Permanent Technical Commission nodig om geldig te wees:
- (i) Die aanstelling van eksterne ouditeure vir die Owerheid;
 - (ii) alle begrotings vir die uitgawes van of deur die Owerheid met inbegrip van alle kosteplanne, funderingsplanne en kontantvloei-vooruitskattings en rekonsiliasiestate ten opsigte van sulke planne en vooruitskattings, soos in paragraaf 5 bepaal;
 - (iii) uitvoeringsplanne vir elke fase van die Projek;
 - (iv) jaarlikse en korttermyn bedryfsplanne;
 - (v) jaarlikse onderhoudsplanne;
 - (vi) die ontwerp van Projekwerke, tenderprosedures en tenderdokumente vir die uitvoering, bedryf en onderhoud van die Projek;
 - (vii) die aanstelling van raadgewers en kontrakteurs vir die uitvoering, bedryf en onderhoud van die Projek asook die uitreiking van wysigingsopdragte en die afhandeling van alle eise;
 - (viii) die toewysing van koste tussen die Partye ooreenkomstig die bepalings van artikel 10 van die Verdrag;
 - (ix) finansieringsreëlings en leningsooreenkomste asook alle lenings van welke oorsprong ook al vir doeleindes van uitvoering van die Projek;
 - (x) die aanstelling van professionele en bestuurspersoneel van die Owerheid, behalwe die Hoofbeampte;
 - (xi) die instelling en hersiening van omvattende rekening-, koste- en bestuursinligtingstelsels in paragraaf 5 bepaal;
 - (xii) die opening van rekenings by bankinstellings;
 - (xiii) vooruitdekking van buitelandse valuta vir lenings, kredietfasiliteite of ander leenmiddels; en
 - (xiv) die uitneem van enige versekering.
- (d) Die Owerheid lê in verband met enige besluit wat die goedkeuring van die Joint Permanent Technical Commission vereis so 'n besluit op die vroegste praktiese tydstip aan die Joint Permanent Technical Commission voor om die grootste moontlike geleentheid vir genoegsame oorweging moontlik te maak.
- (e) Lede van die Joint Permanent Technical Commission het die reg om bestuurs- en tegniese werkskomiteevergaderings van die Owerheid by te woon, behalwe Raadsvergaderings.
- (f) Lede van die Joint Permanent Technical Commission het al die nodige toegangsregte wat in die loop van die uitvoering, bedryf en onderhoud van die Projek nodig is.

- (g) The Authority shall provide the Joint Permanent Technical Commission with all information as and when required by such Commission, regarding all operational aspects of any phase of the Project implemented at that stage.
- (h) The Authority shall give its full co-operation to the Joint Permanent Technical Commission and shall give full effect to the applicable provisions of Article 9 of the Treaty.

8. OTHER REQUIREMENTS

- (a) All managerial and professional staff positions of the Authority shall be filled by personnel in possession of appropriate qualifications and experience for such appointments.
- (b) The Authority shall effect all necessary catchment conservation measures as well as all measures necessary to prevent pollution of the water to be delivered to South Africa and pollution caused by the adverse effects of the implementation of that part of the Project entrusted to the Authority.
- (c) The Authority shall monitor the quantity of water delivered to South Africa and, jointly with the Lesotho Highlands Development Authority, shall at the end of each calendar month take the measure of the quantity of water so delivered during that month, at the measuring point in the conveyance system connecting the tailpond dam of the hydro-electric power complex of the Project with the Designated Outlet Point: Provided that if the Lesotho Highlands Development Authority or the Authority should dispute such measurements the Joint Permanent Technical Commission shall resolve such dispute by determining the quantity of water which shall be deemed to have been delivered to South Africa.

- (g) Die Owerheid moet die Joint Permanent Technical Commission van alle inligting voorsien na gelang dit deur daardie liggaam verlang word betreffende alle bedryfsaspekte van enige fase van die Projek wat op daardie stadium uitgevoer is.
- (h) Die Owerheid gee volle samewerking aan die Joint Permanent Technical Commission en gee ten volle uitvoering aan die toepaslike bepalings van Artikel 9 van die Verdrag.

8. ANDER VEREISTES

- (a) Alle bestuurs- en professionele poste van die Owerheid word beklee deur personeel wat oor toepaslike kwalifikasies en ervaring beskik vir sulke aanstellings.
- (b) Die Owerheid pas alle noodsaaklike maatreëls toe vir die bewaring van opvanggebiede asook alle noodsaaklike maatreëls vir die voorkoming van besoedeling van water wat aan Suid-Afrika gelewer moet word en besoedeling wat veroorsaak word deur die nadelige uitwerking van die uitvoering van daardie gedeelte van die Projek wat aan die Owerheid toevertrou is.
- (c) Die Owerheid kontroleer die hoeveelheid water wat aan Suid-Afrika gelewer word en saam met die Lesotho Highlands Development Authority meet hy aan die einde van elke kalendermaand die hoeveelheid water wat aldus gedurende daardie maand gelewer is by die meetpunt in die vervoerstelsel wat die onderste dam van die hidroëlektriese kragkompleks van die Projek met die Aangewese Uitlaatpunt verbind: Met dien verstande dat indien die Lesotho Highlands Development Authority of die Owerheid so 'n meting betwis die Joint Permanent Technical Commission die geskil moet besleg deur die hoeveelheid water vas te stel wat geag word aan Suid-Afrika gelewer te gewees het.

No. 2632

12 December 1986

DELEGATION OF POWERS IN TERMS OF SECTION 13A OF THE VAAL RIVER DEVELOPMENT SCHEME ACT, 1934

Under and by virtue of the powers vested in me by section 13A of the Vaal River Development Scheme Act, 1934 (Act 38 of 1934), I, John Walter Edington Wiley, in my capacity as Minister of Water Affairs, hereby delegate the powers, fully described hereunder, to the incumbents and future incumbents of the undermentioned posts in the Department of Water Affairs.

A reference to the incumbent of a particular post, also includes the incumbent of a post senior to the said post in the functional line.

Government Notice 408 of 7 March 1986 is hereby withdrawn.

<i>Section</i>	<i>Powers</i>	<i>Delegated to whom</i>
6 (1).....	The issuing of a permit to any person which, subject to the terms and conditions specified in the permit, authorises that person to abstract a specified quantity of water from the limits of the works and— (i) to use it for domestic and stock-watering purposes on land specified in the permit, in accordance with guidelines determined by the Minister in advance; (ii) use it for any purpose on any land specified in the permit	Circle Engineer (Vaal River). Managing Engineer: Water Supply.
6 (2).....	The issuing of a permit to an owner of land riparian to the Vaal River or its tributaries within the limits of the works referred to in this subsection, authorising him to abstract from the said area in lieu of his reasonable share of the normal flow, a quantity of water calculated as provided for in this subsection	Managing Engineer: Water Supply.
6 (3).....	The issuing of a permit to an owner of land riparian to the storage area of the works constructed by the Rand Water Board authorising him to abstract a quantity of water as provided for in this subsection	Managing Engineer: Water Supply.

No. 2632

12 Desember 1986

OORDRAG VAN BEVOEGDHEDE KRAGTENS ARTIKEL 13A VAN DIE VAALRIVIER UITBREIDING-SKEMA WET, 1934

Kragtens die bevoegdheid my verleen by artikel 13A van die Vaalrivier Uitbreidingskema Wet, 1934 (Wet 38 van 1934), dra ek, John Walter Edington Wiley, in my hoedanigheid van Minister van Waterwese, hierby die bevoegdhede soos volledig hieronder beskryf, oor aan die bekleërs en toekomstige bekleërs van ondergenoemde poste in die Departement van Waterwese.

'n Verwysing na die bekleër van 'n besondere pos sluit ook in die bekleër van 'n pos senior aan die vermelde pos in die funksionele lyn.

Goewermentskennisgewing 408 van 7 Maart 1986 word hierby herroep.