

NORTH WEST PARKS AND TOURISM BOARD ACT, 1997 24/3/97

No 3 of 1997

ACT

To establish the North West Parks and Tourism Board, in order to develop and manage protected areas and to Promote and facilitate the development of tourism in the Province; and to provide for matters incidental thereto. (English text signed **by** the Premier on 24 March 1997)

BE IT ENACTED by the Premier and the Legislature of the Province of the North West as follows:-

1. Definitions

In this Act unless otherwise indicated:-

"Board" means the North West Parks and Tourism Board established under section 2 of this Act;

"board" means the board of directors of the North West Parks and Tourism Board,

appointed in terms of section 3 of this Act;

"Chief-executive Officer" means the Chief Executive Officer of the Board appointed in terms of section 11 of this Act;

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

*"Ecosystem "*means any self sustaining and self-regulating community of organisms and the interaction between such organisms with one another and with their environment;

"Management protected areas" means the ecological and security control measures required to achieve the conservation of bio-diversity as well as the provision of facilities and other infrastructure to facilitate sustainable economic use of resources and opportunities within the protected area;

"Province " means the Province of the North West as contemplated by the Constitution;

"Protected area " means an area declared by law as a protected area and in respect of which the Board has to perform certain functions, powers and duties in terms of this Act;

"*Responsible member*" means the member of the Executive Council of the Province, responsible for tourism and environmental affairs; and

" *this Act*" includes a regulation made thereunder.

2. Establishment and objectives of the North West Parks and Tourism Board

(1) There is hereby established the North West Parks and Tourism Board which shall under that name be a body corporate and, for the purpose of exercising and performing its powers, functions and duties under this Act, be capable in law of instituting or defending or opposing legal proceedings, of purchasing or otherwise acquiring and holding and alienating movable and immovable property, of entering into contracts and concluding agreements, and generally, of performing such other acts and doing such other things as bodies corporate may by law perform, subject to the provisions of this Act.

(2) The objects of the Board shall be -

(a) to ensure the establishment, development and efficient management of a network of formally -protected areas in order to conserve indigenous bio-diversity, representative samples of natural ecosystems and habitats of critically important or threatened species;

(b) to facilitate the development, co-ordination and promotion of tourism in the Province;

(c) · to encourage persons to visit the Province from elsewhere and to travel about within the Province;

(d) to encourage and promote the development and improvement of travel services and facilities to and within the Province, for which purpose the board may liaise with any department of the Province; and

(e) to encourage the inhabitants of the Province to travel about therein.

(3) From and after the commencement of this Act and subject to the provisions thereof, the Board shall be controlled and represented by the North West Parks and Tourism Board of Directors as hereinafter provided, and all acts of that board of directors shall be deemed to be the acts of the Board-

3. Composition of the North West Parks and Tourism Board of Directors, appointment of directors, and remunerations, etc. of directors of the Board.

(1) The responsible member shall:-

(a) from time to time determine the number of directors of the board, which number shall not be less than seven and not more than eleven, of whom one shall be the j, designated chairperson of the board by the responsible Member;

(b) appoint the said directors of the board for a period of three years; and

(c) appoint a Chief Executive Officer by virtue of being suitable in view of any professional, technical, administrative, special or other qualifications, expertise and experience, who shall be an ex officio member of the board of directors:

Provided that such determinations and appointment shall take place in accordance with the principles of transparency and consultation.

(2) The directors shall be appointed by the responsible Member in terms of subsection (1) by virtue of being suitable for membership in view of any professional, technical, administrative, special or other qualifications, expertise or experience and -

(a) at least one director shall have expertise and qualifications in conservation and protected area management; - _

(b) at least one director shall have expertise and qualifications in the tourism industry;

and -

(c) at least one director shall have expertise and qualifications in financial management.

(3) The responsible member may for each or any director of the Board hereinafter referred as an appointed director, appoint an alternate director, and for the purposes of the appointment of such alternate director, the considerations in paragraphs (a) and (b) of subsection (2) which are relevant to the appointment of the director of the board for whom he or she is an alternate, shall mutatis mutandis apply.

(4) The directors of the board and their alternate directors, shall be appointed by the responsible Member on such terms and conditions as he or she may determine.

(5) Directors of the board and their alternate directors, other than @y director in the full-time service of the State, shall, in connection with the performance of their functions and duties as members of the board, be paid such remuneration and allowance and be entitled to such perquisites as the responsible Member, in consultation with the Member of the Executive Council responsible for Finance and Provincial Expenditure, may from time to time determine (if any): Provided that a director shall be compensated on a basis as determined by the Board for all travelling and other expenses necessarily incurred in connection with the business of the Board and meetings of the board of directors.

(6) Whenever the director of the board in respect of whom a person has been appointed as an alternate director is for any reason unable to attend a meeting of the board or to exercise and perform his or her powers, functions and duties as a director of the board, such alternate director may in the place of the director for whom he or she is an alternate, attend such meeting of the board and thereat participate in the proceedings and voting and fully exercise and perform all the other powers, functions and duties of the director for whom he or she is an alternate: Provided that the person appointed as alternate member for the chairperson shall not at a meeting of the board at which the chairperson is absent, exercise or perform any powers, functions or duties pertaining to the office of chairperson.

(7) An appointed director or alternate director whose term of office has expired, shall be eligible for re-appointment.

(8) Notwithstanding the provisions of this section, a person shall be disqualified from being appointed or remaining as an appointed director of the board if-

(a) he or she is subject to a final order of court whereby his or her estate is sequestrated under the Insolvency Act, 1936(Act 24 of 1936), or if his or her estate is sequestrated in terms of the law of any other country of territory, or if he or she has assigned his or her estate for the benefits of his or her creditors;

(b) he or she is subject to an order of a competent court declaring him or her to be of unsound mind or mentally disordered or defective; or · he or she has been convicted of any offence under this Act or of any offence whatsoever, other than an offence which is regarded as a political offence, in respect of which he or she was sentenced to imprisonment without the option of a fine for a period of not less than six months, irrespective of whether such imprisonment was wholly or partially suspended or not, unless he or she has received a grant of amnesty or a free pardon, or unless the period of such imprisonment or suspension has expired at least ten years before the date of his or her appointment as a director of the board;

(d) if he or she is not resident in the Republic of South Africa. -

(9) An appointed director or alternate director of the Board shall vacate his or her office if-

(a) he or she is found guilty of misconduct;

(b) he or she is unfit for the duties of his or her office;

· he or she becomes subject to a permanent infirmity of mind or body which renders him or her incapable of discharging the duties of his or her office or discharging them properly;

(c) he or she becomes subject to any disqualifications referred to in subsection (8);

(d) he or she is absent from three consecutive ordinary meetings of the Board without its permission:

Provided that this subsection shall be exercised with due observance of established Labour Law principles.

(10) The office of a director shall be deemed to have been vacated-

(a) upon the death of such director; or

(b) upon the expiration of his or her period of office; or

(c) upon receipt by the Board of his or her resignation as a director: Provided that he or she shall have given 30 days' notice, in writing, to the Board of his or her intention to resign; or

(d) if he or she is directly or indirectly concerned in any contract with the Board or shares in the profits of any contract with the Board: Provided that he or she shall not vacate his or her office if he or she has informed the Board of the nature and extent of his or her interest in such contract and he or she does not vote in respect of such contract or any matter arising therefrom.

(1) Where the office of any appointed director or alternate director becomes vacant, whether by virtue of his or her death or removal or resignation from office, the vacancy shall be filled as soon as may be reasonably practicable, by a suitable person appointed for that purpose . by the responsible Member mutatis mutandis in accordance with the provisions of subsection (3) and the member so appointed shall hold office for the unexpired period of his or her predecessor's term of office.

4. Chairperson and vice-chairperson of the Board of Directors

(1) The responsible member shall from the number of appointed members of the board, designate a chair- and vice-chairperson of the board.

(2) The chairperson shall subject to the provisions of this section, preside at the meetings of the board.

(3) The vice-chairperson of the board shall preside at the meeting of the board of directors and exercise and perform all the powers, functions and duties of the chairperson of the board whenever the office of chairperson is vacant or the chairperson is absent or suspended or incapacitated or refuses or fails to act, or is subject to the provisions of section I 0 , and whenever the offices of both chairperson and vice-chairperson are vacant or both the chairperson and vice-chairperson are absent, incapacitated or refuse or fail to act, or they are both subject to the said provisions, the remaining directors shall from the number of the appointed directors designate a person to preside at the particular meeting or meetings of the Board of directors and to exercise and perform all the powers, functions and duties of the chairperson, for as long as any such vacancy exists, or any of the aforementioned circumstances subsist.

(4) Where any question or dispute arises as to whether or not any incapacity is of a temporary or permanent nature or whether any cause is sufficient for invoking the provisions of . subsection(4), the matter in issue shall be determined by the decision of the majority of directors who are not alleged to be subject to any incapacity or circumstance contemplated by that subsection.

(5) Whenever it comes to the notice of the responsible Member that, in consequence of the existence of vacancies in the board or the absence, suspension or incapacity of its directors or any refusal or failure to act contemplated by subsection (3), the number of the remaining directors do not, pending the filling of such vacancies or the termination of any of the circumstances hereinbefore mentioned, form a quorum, the responsible Member shall appoint not less than such number of persons as are required to -form such a quorum, but not more than such number of persons as are equal to the difference between the full complement of the Board of directors during the period that such vacancies exist or such circumstances subsist, in order to enable the Board to exercise and perform its powers, functions and duties under this Act.

(6) Notwithstanding the provisions of subsection (3), the responsible Member may, if he or she deems it necessary, appoint any person to act as chairperson of the board in the circumstances contemplated by that subsection for as long as such circumstances subsist.

5. Acts, resolutions and proceedings of Board of directors not invalidated in certain circumstances.

(1) Subject to the provisions of section 7(1) and (2) and section 10, the acts, decisions, and proceedings of the Board shall not be rendered invalid or unlawful by reason only of any vacancy occurring therein, as contemplated by section 3, or of any defect or irregularity in the appointment of a member or by reason of the disqualification of any member of the board.

6. Meetings of the board of directors and notice of meetings.-

(1) The meetings of the board of directors shall be held on such dates and at such times and places as the board may by resolution determine, but at least once every two months: Provided that the first meeting of a newly constituted board shall be held on such date and at such time and place as the responsible Member may by written notice to all the

- members of the board of directors determine, which date shall not be later than twenty-one days (Saturdays, Sundays and public holidays excluded) after such constitution of the

- board of directors.

(2) The chairperson may at any time-call for an extraordinary meeting- of the board of

directors, if in his her opinion, it is justified by the circumstances prevailing and shall, upon having been presented with a requisition for the purpose signed by at least two members of the board, forthwith call for an extraordinary meeting of the board, and if the chairperson fails to call for such last mentioned meeting within seven days as from such presentation, such two members may, on the expiration of such seven days call for an extraordinary meeting.

(3) Notice of meetings of the board shall be given to all members thereof in such manner and form as the board may from time to time determine.

(4) The chairperson or my other person who, in terms of section 4 acts as chairperson, shall determine the procedure-at the meeting over which he or she presides.

7. Quorum and decisions of the board, and voting powers of chairperson.-

(1) At any meeting of the board the quorum shall be the majority of serving members.

(2) The decision of the majority of the directors of the board present at any meeting thereof, shall subject to the provisions of subsection (1), constitute a decision to be known as a resolution of the board: Provided that where the directors of the board present at any meeting thereof constitute a bare quorum a decision or resolution adopted at such meeting shall not be a decision or resolution of the board nor have any force or effect unless such decision or resolution was adopted unanimously by the directors so present.

(3) In the event of an equality of votes in regard to any matter put to the vote, the chairperson of the board or person acting as such in terms of section 4 shall have a casting vote in addition to his or her deliberate vote.

8. Procedure when the board of directors is not able to meet timeously in respect of urgent business.-

(1) Whenever any matter to be dealt with by the board is of such a nature that it requires the immediate and urgent decision of that board and the circumstances are such that it would not be possible for the board to meet timeously, then all the relevant documentation and memoranda setting out fully the matter to be dealt with shall be submitted to each member of the board for consideration, and any decision agreed upon by a simple majority of the total number of its members shall be regarded as the decision of the board in regard to such matter.

(2) A decision contemplated by subsection (1) shall be ratified by the board of directors at its next ensuing meeting and shall be recorded in the minutes of that meeting.

(3) (a) Any director of the board to whom a matter has been submitted in terms of subsection (1), shall be precluded from any participation in disposing of such matter in terms of that subsection if, in relation to such matter, he or she has any interest of any nature contemplated by paragraph (1) of (b) of section 10(1), and shall upon becoming aware of having such an interest, disclose his or her interest to the chairperson.

(b) Whenever a director of the board affected by the provisions of paragraph (a) of this subsection, has failed to comply with the provisions of that paragraph, any decision taken at the time of the non-compliance and regarded by subsection (1) as the decision of the board, shall be null and void, and such director shall be guilty of an offence and liable on conviction to the penalties prescribed in section 10(3).

9. Minutes of the board.-

(1) The board shall cause minutes to be prepared and keep to the proceedings of every meeting thereof and

cause copies of the minutes to be circulated to all the directors of the board, as well as to the responsible Member.

(2) Every minute prepared in terms of subsection (1), when signed at a subsequent meeting of the board by the person presiding at such meeting, shall, in the absence of proof of error therein, be deemed to be a true and correct record of the proceedings which it purports to minute, and shall at any proceedings in terms of this Act or before a court of law or any tribunal or Commission of inquiry, constitute prima facie evidence of the proceedings of the board and the matters it purports to minute.

10. Commercial and other interests of directors in matters dealt with by Board

(1) No director of the board shall be present at any meeting thereof or be present in the room in which such meeting is held, or in any way whatsoever take part in the proceedings of the board, during the course of the discussion of or voting on-

(a) any matter in which he or she has, directly or indirectly, either by himself or herself or through his or her spouse, partner or business associate or through any person related to him or her within the third degree of consanguinity or affinity, any commercial or pecuniary interest which is greater than that which he or she has a member of the general public;

(b) any intended or pending, legal arbitration or other proceedings to which the board is or may become a party and in which any such director has, directly or indirectly, either by himself or herself or through his or her spouse, partner or business associate or through any other person related to him or her within the third degree of consanguinity or affinity, any interest, whether as a party, witness or legal representative or otherwise.

(2) If at any stage during the course of any proceedings before the board, it appears that any director thereof has or may have an interest which may, in terms of subsection (1) preclude him or her from further participation in such proceedings -

(a) he or she shall forthwith and fully disclose the nature of his or her interest and leave the meeting, so as to enable the remaining member thereof who are present at the meeting in question to discuss the matter and to determine whether such member is so precluded-

(b) such disclosure and the decision taken by such remaining members in relation to such determination, shall be recorded in the minutes of such meeting.

(3) If any director of the board fails to disclose any interest as required by subsection (2) when the board turns to consider and deal with any matter affected by such interest, or if such director otherwise contravenes or fails to comply with the preceding provisions of this section, the proceedings of the board shall be null and void and such director shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or imprisonment for a period not exceeding three months, or to both such fine and such imprisonment, unless it is proved that such director did not know that he or she had such an interest.

11. Chief executive officer of the Board

(1) The responsible Member shall appoint - as Chief Executive Officer a person who-

(a) is suitable in view of his or her professional, technical, administrative, special or other qualifications, expertise or experience; and

(b) is not disqualified in terms of section 3(8) from becoming a member of the board,

and the Chief Executive Officer shall be, the accounting officer for the Board and, subject to the control of the board of directors, be the Chief Executive Officer of the Board: Provided that the procedure followed by the responsible Member in the appointment of the Chief Executive Officer shall be in accordance with the principles of transparency and consultation.

(2) The Chief Executive Officer shall be appointed for such period and on such terms and conditions as to services, as the responsible Member may determine: Provided that such terms and conditions relating to the remuneration, allowances and perquisites of the Chief

Executive Officer shall in each case be determined by the board in concurrence with the responsible Member after consultation with the member of the Executive Council responsible for Finance and Provincial Expenditure.

(3) The Chief Executive Officer shall not be present at any meeting of the board nor be present in the room in which such meeting is held nor in any other way take part in the proceedings of the board, in regard to any matter relating to the terms and conditions of service of, or the remuneration payable or to be paid to, or the appointment of the Chief Executive Officer or make representations in connection therewith.

(4) The board may by resolution delegate any of its powers, functions or duties in terms of this Act to the Chief Executive Officer, but shall not thereby be divested of any power or be relieved of any function or duty which it may have so delegated, and may revoke

or amend any such delegation and amend or withdraw any decision of the Chief

Executive Officer in terms of a delegation under this subsection.

(5) The Chief Executive Officer may on three months' written notice tendered to the board, resign from his or her office.

(6) The responsible Member may subject to the provisions of subsection (7) remove the Chief Executive Officer from office-

(a) on account of his or her misconduct;

(b) for unfitness for the duties of his or her **office**;

(c) on the ground of a permanent infirmity of mind or body which renders him or her incapable of discharging them properly; or

(d) on the ground that he or she is or has become subject to a disqualification referred to in section 3(8).

(7) (a) The responsible Member shall, if he or she is on reasonable grounds satisfied that

there may exist sufficient cause for the removal of the Chief Executive Officer from office in terms of subsection (6), after affording the Chief Executive Officer the opportunity to address him or her in this regard, and bearing in mind the provisions of section 33 of the Constitution, constitute a committee to enquire into or investigate whether such sufficient cause does indeed exist for the removal of the Chief

Executive Officer from office.

(b) The responsible Member may, whenever there is being undertaken any enquiry or investigation for the purpose of establishing whether or not there exists sufficient cause for the removal of the Chief Executive Officer from office in terms of subsection (6) as contemplated by subparagraph (a), suspend the Chief Executive Officer from his or her office pending the outcome of such an enquiry or investigation.

(8) Whenever the Chief Executive Officer is suspended in accordance with the provisions of subsection (7), he or she shall, in respect of the period of his or her suspension unless the responsible Member after consultation with the Board directs otherwise, not be entitled to any emoluments under this Act: Provided that-

(a) if the period of his or her suspension endures for longer than three months, the Board shall until such time as such suspension is terminated and the Chief Executive Officer is either removed from office under subsection 96) or restored to his or her office, pay to the Chief Executive Officer an amount equal to such portion of his or her basic salary as would have accrued to him or her in respect of the period in excess of such three-month period;

(b) if he or she is restored to his or her office, he or she shall in respect of the period of his or her suspension, and in addition to any amount paid or payable to him or her under paragraph(a) of this provision (if any), be paid all such emoluments as would have been payable to him or her under this Act had he or she not been so suspended.

12. Officers, employees and other staff of the Board

(1) The staff establishment of the Board shall consist of such posts as the board of directors in consultation with the responsible Member may from time to time determine.

(2) The board may appoint such officers, employees and workmen, and engage the services of such experts or advisers in any profession, technique or science, for the Board as it may deem necessary in order to assist the Board in the due, proper and effective exercise, performance and execution of powers, functions, duties, projects and affairs of the Board; subject to the directions of the responsible Member (if any), and may--

(a) determine the terms and conditions of service of such officers, employees and workmen and work women;

(b) negotiate the purpose for and conditions subject to which the services of experts or advisers shall be engaged by the Board;

(c) on good cause shown, suspend or dismiss any such officer, employee or workman and work women;

(3) (a) The provisions of this section shall not be construed so as to preclude the board

from procuring, by way of agreement with the government of the Province, the

services of any officer of the Public Service on secondment to the Board in terms

of the Public Service Act, 1994. -

(b) Any officer of the Public Service seconded for service with the Board shall, in regard to the performance of his or her services with the Board, for all purposes in law be deemed to have been appointed under this section as an officer of the Board.

13. Powers of the board.-

(1) The board shall have the power to -

(a) co-operate or negotiate with any tribal, regional or local authority or other public authority or any body corporate or association or person, whether within the Province or elsewhere, or with the government of the Province or any other Provincial Government or National Government or the Government of any other country or territory, and to promote co-operation or negotiations with or- amongst any of such authorities or bodies corporate, associations and government, in regard to any matter calculated to promote (whether directly or indirectly) the achievement of objects of the Board as contemplated in section 2(2): Provided that the board shall not engage in any such co-operation or negotiations with any foreign government or any of the aforesaid institutions of a foreign country of territory without the prior approval of the responsible Member;

(b) establish or assist in the establishment of advisory committees on all matters regarding tourism on a provincial, -regional or local basis, and to co-ordinate the activities of, and give guidance and advice to, such committees, and to initiate and organise meetings, conferences for considering and dealing with matters falling within the purview of the objects, powers and functions of the board;

· (c) to inaugurate, plan, finance, co-ordinate, promote or carry out or to assist in the inauguration, planning, financing, co-ordination, promotion or carrying out of projects which are intended to benefit and develop the tourist industry and the environment in the Province;

(d) to engage in the systematic collection in the Province and elsewhere, of information relating to the tourist industry generally, and, in particular, to that of the Province, and to disseminate such information;

(e) to advertise and make known or otherwise promote the-tourist attractions of the Province in any manner it deems fit;

(f) to produce, publish, print and sell, and to circulate and distribute, with or without charge, travel or tourist books or guides, maps, posters, placards, brochures and bills and publications of any nature calculated to be useful to tourists and travellers within the Province, or otherwise calculated to promote the achievement of its objects, whether directly or indirectly;

(g) to produce and distribute, with or without charge, motion pictures, photographs or other pictorial material (including video material), and to sponsor, arrange or organise displays, broadcasts, telecasts, talks and public lectures, relating to the tourist industry within the Province;

(h) to engage jointly, or to otherwise co-operate, with any tribal, local or regional authority or other public authority or any person, association of persons, whether in the Province or elsewhere, or with the Government of the Province or any other Provincial Government or the National Government in the production, promotion, organisation or distribution of all or any of the publicity material and communications

referred to in paragraph (f) and (g);

(i) to apply its funds or moneys to the establishment of a reserve fund, or to invest any funds or moneys not immediately required for its affairs in any manner;

(g) for the performance of its activities to purchase, hire or lease or otherwise acquire land or buildings, to erect buildings on its land, to sell, let or otherwise dispose of or mortgage such land or buildings;

(k) to accept donations and to receive any moneys offered or due to it;

(l) to open banking accounts;

(m) to pay all expenses in connection with its establishment and administration;

(n) to purchase, hire, develop or hold or to subscribe to or otherwise acquire or take over movable property of any kind, including any shares, stocks, debentures and securities, or any interest in any business of or a mortgage over any property, and to let, sell or otherwise alienate it or pledge it or deal otherwise therewith;

(o) by legal process to cause any company, corporation or juristic person in which it

has any share or interest, to be liquidated or placed under judicial management and may for that purpose itself be appointed as liquidator or judicial manager, and to petition a competent court to sequester the estate of any of its debtors;

(p) to act, where necessary, to protect its investment, or otherwise to act as director, manager, trustee, curator, executor or administrator of any business, estate, trust, company, juristic person or persons or to

designate a person or persons to act for any such purpose on its behalf,

(q) to act as agent or representative in connection with any matter of whatsoever nature for or on behalf of a person in connection with all or any of its objects or itself to appoint agents or representatives in connection with any of its objects;

(r) to employ, remunerate, house, discharge or suspend officers and employees

required for its operations and to indemnify such officers and employees or dependants of such officers or employees in respect of any hann, damage or loss suffered by them in the course of the execution of their duties;

(s) to provide or give pension and sick benefits to any of its officers and employees;

(t) to acquire land by purchase, lease or otherwise, for the purpose of erecting thereon dwelling houses for persons in its employ, erect such dwelling-houses and enter into agreements with such persons for the letting or sale of such dwelling houses to such persons;

(u) make loans available to employees of the Board for the purchase by them of vehicles and equipment to be used by them in the exercise and performance of their powers, functions and duties;

(v) incur expenditure in respect of official entertainment by the board for the purposes of or in connection with advancing, promoting, or executing the affairs, operations and objects of the Board;

(w) insure the Board with any company or association against any loss, damage, risk, liability or accident whatsoever which it may suffer or incur: Provided that the maximum amount of the cover and benefits of any policy of insurance taken out by the Board in terms of this paragraph and the premiums or moneys payable in respect of such insurance, shall not exceed, the amounts as are from time to time approved by the responsible Member;

(x) subsidise, to such extent as may from time to time be determined by the responsible Member any contributions due by its officers and employees under

- any group medical scheme arranged or approved by the board;

(y) take out an insurance policy with any insurer providing insurance cover for the members of the board, and for the staff of the Board in respect- of injury, disablement or death which may occur or may be sustained by them in the exercise or performance of their powers, functions or duties as such members, officers of employees;

(z) establish or arrange, and administer and control, for the benefit of its officers and employees and, where appropriate, their dependants, a group insurance scheme, and a medical aid fund or scheme;

(aa) train or provide or arrange training facilities for the officers and employees of the Board and all other persons employed or engaged in connection with the business and operations of the Board, and bear the study costs of officers or employees studying at any university or technical or other educational institution

(wherever situated) which is approved by the responsible Member, and may grant bursaries or study loan to any person for the purpose of research, study or further study in any field covered by the business or operations of the Board, at any such university or technical or education institution; and

(bb) to exercise any other power which the responsible Member may consider necessary for the attainment of its object and which the responsible Member may confer upon it by notice in the Provincial Gazette,

and may, generally, do anything not inconsistent with the provisions of this Act that is necessary for or conducive to the attainment of its objects and the exercise of its powers, whether or not it relates to any matter expressly mentioned in this section: Provided that, in respect of those powers of the board which relate to conditions of service and remuneration of persons referred to in paragraph (r) the board shall exercise it subject to the approval thereof by the responsible member in consultation with the Member of the Executive Council responsible for Finance and Provincial Expenditure: Provided further that the board shall, in respect of the procurement of goods or services, take due cognizance of the provisions of the North West Tender Board Act, 1994 (Act 1 of 1994).

14. Responsibility of Board viz a viz Protected Areas

(1) The Board-,

(a) shall control, manage and maintain protected areas within the Province as contemplated by section 32(4) so as to exercise supervision and control over the ecological management of protected areas, and to study wild animals and plant life;

(b) may acquire land for protected areas and establish protected areas and investigate new or additional areas for the establishment or extension of existing protected areas and shall co-ordinate the existing undertakings relating to protected areas contemplated in section 32(4); and

(c) may make recommendations to the Government of the Province as regards all matters connected with protected areas.

(2) The Board may within a protected area -

(a) construct or erect any such infrastructure and other works as it may consider necessary for the control, management or maintenance of protected areas;

(b) take such steps as will ensure the security of the animal and plant life in the protected area and appropriate ecological management in protected areas ;

(c) reserve areas as breeding places for animals or as nurseries for trees, shrubs, plants and flowers;

(d) make such charges as it may determine in connection with facilities offered;

(e) authorise any person to carry on any activity , subject to such conditions and upon payment of such charges as the Board may deem fit;

(3) The Board may grant exemption or partial exemption in respect of the payment of any or all of the charges determined under subsection (2) (a) of this section, or of fees payable in terms of any regulation made under subsection (4), to members of the Board, to any officer and any employee, and to any other person specified by it.

(4) The Board shall recommend regulations to ensure the effective management of protected areas to the responsible member, who shall promulgate such regulations in terms of this Act.

15. Standards to be observed by Board in relation to its functions and financial affairs.

(1) The Board shall, in the performance of its functions and the conduct of its business, undertakings, and affairs, at all times -

(a) act in such manner as, in its opinion, will best serve to promote the efficient control management and maintenance of protected areas, due regard being had to -

(1) the national interest as a whole;

(ii) the interests of nature and of ecological management of renewable wild natural resources within protected areas;

(iii) the interests of persons and bodies concerned with the maintenance and study of animal and plant life, and shall for that purpose liaise and consult with persons and bodies whose interests may be affected;

(b) strive to ensure that the expenditure incurred by it or charged to the revenue account in respect of any financial year does not exceed the income of the Board

for such year; and

-

(c) when performing its functions and duties in terms of this Act or rendering services in terms of this Act on behalf of or for any Department of State or any controller or manager of protected areas, keep the expenditure incurred by the Board in connection with its functions or duties or the costs and charges payable to the Board in respect of such services, as low as may be reasonably possible.

(2) The responsible Member may in writing issue to the Board such general directions in regard to the exercise and performance by the Board of its powers, functions and duties

in terms of or by virtue of this Act, as the responsible Member considers to be in the

national interest, due regard being had to the interests referred to in subparagraphs (ii) and (iii) of subsection (1)(a).

(3) The Board shall, in the exercise and performance of the powers, functions and duties referred to in subsection(2), comply with all such directions issued in terms of that subsection as may be relevant and appropriate in the circumstances of every particular case.

16. Prospecting and mining in protected area.-

No prospecting or mining of any nature shall be undertaken on any land included in a protected area. -

17. Powers of officers and employees to arrest, search and seize.-

(1) Any officer or employee designated by the Board, (which it is hereby empowered to do), shall in respect

of any offence committed within a protected area referred to in Section 33(4) of this Act, have the powers of arrest and detention conferred on a peace officer by Chapter 5 of the Criminal Procedure Act, 1977 (Act 51 of 1977), and may further, within a park, without a warrant arrest any person who is on reasonable grounds suspected-of having committed an offence in terms of this Act.

(2) Any officer designated by the Board may, within a park, without a warrant search any premises, place, vehicle, vessel, aircraft, tent or receptacle of whatever nature if it is on reasonable grounds suspected that there is at, in or on such premises, place, vehicle, vessel, aircraft, tent or receptacle any animal or article which may afford evidence of the commission of an offence in terms of this Act, and may seize any such animal or article wherever found.

18. Offence and penalties.-

(1) Subject to the provisions of subsections (2) and (3) of this section, any person who contravenes any provisions of this Act or any regulation referred to in section 31 will be liable, on conviction, to the penalties referred to in the aforesaid regulations.

(2) Any person, other than an officer or employee acting under the authority of the Board, who wilfully disturbs or kills any elephant or white rhinoceros, shall notwithstanding the provisions of subsection (1) of this section, be guilty of an offence and liable, in the case of a first conviction, to a fine not exceeding fifty thousand rand or imprisonment for a period not exceeding five years, or, in the case of a second or subsequent conviction, to such imprisonment without the option of a fine.

(3) Any person other than an officer or employee acting under the authority of the Board, who wilfully

disturb or kill any black -rhinoceros, shall notwithstanding the provisions of subsection (1) of this section, be guilty of an offence and liable, in the case of a first conviction, to a fine not exceeding one hundred thousand rand or imprisonment for a period not exceeding ten years, or, in the case of a second or subsequent conviction, to

imprisonment without the option of a fine not exceeding fifteen years.

(4) The responsible member may if he or she deems it fit amend the amount of the fines and/or the period of imprisonment referred to in this section by way of a notice in the Gazette.

19. Presumptions.-

(1) Whenever in any prosecution on account of an offence in terms of this Act it is alleged in the charge that the offence has been committed in connection with or in relation to any animal or plant of the species stated in the charge, it shall be presumed that such animal or plant was of that species until the contrary is proved.

(2) If in any prosecution contemplated by subsection (2) it is alleged in the charge that the act which constitutes an offence in terms of this Act, has been committed within the boundaries of a park, such act shall be presumed to have been committed within the boundaries of that park, until the contrary is proved.

(3) In any prosecution contemplated by subsection (1). any record, book or document kept by an officer in the course of his or her duties shall on its production by any officer be prima

- facie proof of the facts recorded therein: Provided that the court in which any such record book or document is adduced in evidence, may in its discretion cause the person who made the entries therein, to be summoned to give oral evidence in the proceedings in question.

(4) If, in any prosecution of a person on account of an offence founded on a contravention of any section or regulation of this act, it is proved that in the park in question he or she-

(a) had in his or her possession or handled an animal, carcass of any animal or part of such carcass;

(b) was found with a dog or dogs running loose;

(c) set or constructed a trap; or

(d) removed any animal, any carcass of any animal or any part of such carcass out of from any trap,

he or she shall be presumed to have-

(I) killed that animal;

(ii) followed an animal or searched for an animal, with that dog or those dogs, with the intent to kill or capture such animal;

(iii) attempted to capture an animal with that trap; or

(iv) caught or killed that animal, respectively, in such park, until the contrary is proved.

(5) If, in any prosecution of such person on account of an offence founded on a contravention of any section or regulation of this Act, it is proved that in the park in question he or she had in his or her possession or handled--

(a) any egg or nest of any bird or fresh honey or any honeycomb;

(b) any tree or other plant or any part thereof, or

(c) the seed of any tree or other plant,

he or she shall be presumed to have--

(1) taken that egg or nest or to have taken that honey or honeycomb from a beehive;

(ii) cut or removed that tree or other plant or the relevant part thereof; or

(iii) removed that seed without permission of the Board or any **officer** or employee duly authorised thereto by the Board,

respectively, in that park, until the contrary is proved.

21. Limitation of liability and of period for instituting actions against Board, officers or employees.-

(1) Neither the Board nor any officer or employee shall in law be liable as against any person on account of an injury, damage or loss caused by any animal in a park and suffered by any person, if such injury, damages or loss can not be ascribed to the negligent or willful conduct of the Board or any officer or employee thereof;

(2) No action shall be brought against the Board or any officer or employee in respect of any act performed or thing done by it or him or her under this Act unless-the person intending to bring the action serve on the Board, within thirty days after the date upon which the cause of action arose, a written notice stating such cause, and commences such action within six months after the date upon which the cause of action arose.

22. Financing of Board, and guarantees in respect of certain loans to it.-

(1) The Board shall be financed and be provided with funds--

(a) such moneys as may from time to time be appropriated to the Board by the Legislature of the Province, together with such moneys which, upon the commencement of this Act, may from public funds be allocated to the Board by the responsible member in accordance with the provisions of the North West Exchequer Act, 1994;

(b) loans granted to the Board by the Government of the Province on such terms and conditions as the responsible member in concurrence with the member of the Executive Council responsible for Finance may from time to time determine in accordance with the Provisions of the North West Exchequer Act, 1994;

(c) loans raised or overdrafts obtained by the Board from any bank or financial institution registered in the Republic or elsewhere, in concurrence with the responsible member and in accordance with the North West Exchequer Act;

(d) loans negotiated by the Board with other states, or with international bodies, agencies, institutions or financiers, in concurrence -with the responsible member in so far as it is in accordance with the North West Exchequer Act, 1994;

(e) all fees, charges and moneys payable to the Board;

(f) the proceeds derived by the Board from the realisation of any of its assets: Provided that the Board shall not alienate any of its fixed property without the prior written authority of the responsible member;

(g) interest derived from the investment of moneys by the Board in terms of section 27 (a) or (b); and -

(h) donations and bequests to the Board accepted by it:

Provided that the acquisition of capital or funds abroad for the Board in terms of paragraph (c) or (d) of this subsection shall be subject to the prior written consent of the Government of the Province which shall act in accordance with the provisions of the Constitution and the North West Exchequer Act.

(2) The Member of the Executive Council responsible for Finance may, on behalf of the North West Government and upon such terms and conditions as he or she deems fit and in accordance with section 218 of the Constitution, 1996, guarantee the repayment of any loan raised or negotiated by the Board in terms of subsection (1) and the interest and any other charges payable in connection with such loan.

(3) Any agreement entered into in pursuance of the provisions of subsection (2), may be signed on behalf of the Provincial Government by any person authorised thereto in writing by the Member of the Executive Council responsible for Finance.

23. Banking account of Board.-

(1) The Board shall open and maintain with a commercial or other bank or other financial institution registered in the Republic, which bank or institution is the banker of the Province, an account in which shall be deposited, subject to the provisions of section 27, all moneys and income of the Board in terms of this Act and from which all payments by

- or on behalf of the Board shall be effected.

(2) All cheques and other negotiable instruments drawn on the Board shall be signed by two directors of the Board authorised thereto by resolution of the Board: Provided that in

respect of each office of the Board where cheques are issued on behalf of the Board, the

Board shall, by resolution, designate two officers stationed at such office, as signatories.

24. Revenue account of Board.-

(1) The Board shall have a revenue account for each financial year and shall credit such account with such moneys, contemplated by section 22, as constitute its income for such year, and debit such account with all moneys expended or owing by it during such year in the performance of its functions and in the everyday administration of its affairs and the normal course of its business and operations in terms of this Act, and shall, in so doing, make proper provision for--

(a) the depreciation or diminution in value of its assets;

(b) the payment of interest and other charges in respect of loans or overdrafts raised, obtained or negotiated by it in terms of section 22 (1) (b), C or (d);

(c) the redemption by the Board of loans to it or of overdrafts at a bank or financial institution referred to in section 22 (1) (c);

(d) the appropriation of moneys to the General Reserve Fund: Provided that--

(I) such appropriation shall only be made at the end of the financial year and only if the revenue account has a credit balance after having been debited with the other items of expenditure chargeable thereto in terms of

this subsection; and

(ii) the total amount of moneys appropriated to the said Fund shall not be such as to cause a debit balance to arise in the revenue account in- respect of the relevant financial year.

(2) Whenever at the end of any financial year there is in the revenue account--

(a) a surplus of income over expenditure after moneys have been appropriated to the General Reserve Fund (if any), such surplus shall be carried forward as a credit balance in the revenue account for the next ensuing financial year;

(b) a deficit in that the expenditure of the Board exceeds its income, moneys shall be transferred from the General Reserve Fund to meet such deficit or, where there are no or insufficient moneys in the General Reserve Fund, the deficit existing in the revenue account for such financial year shall be carried forward as a debit balance in the revenue account for the next ensuing financial year.

(3) Where the provisions of subsection (2) (b) require a deficit to be carried forward as a debit balance, the responsible member shall, where moneys have been appropriated by the Legislature for that purpose, either fully meet such deficit or reduce the deficit which is to be carried forward as a debit balance in the revenue account, as may be dictated by the circumstances.

(4) The moneys paid out, by the responsible member in terms of subsection (3), shall for all purposes in law

be regarded as a loan made to the Board by the State on such terms and conditions, and repayable by the Board over such period, as the responsible member in concurrence with the responsible member of the Executive Council responsible for Finance may in writing determine.

(5) For the purposes of subsection (2)-- - -

(a) the word "income" includes a credit balance in the revenue account; and

(b) the word "expenditure" includes a debit balance in the revenue account, brought forward from the revenue account for the preceding financial year.

25. General Reserve Fund.-

(1) The Board shall establish a General Reserve Fund which shall from time to time be credited with such portions of the surplus of the income of the Board over its expenditure at the end of the financial year, as the Board may by special resolution determine subject to the provisions of Section 24.

(2) The moneys in the General Reserve Fund may be utilised for--

(a) meeting contingencies and for meeting extraordinary expenditure or unexpected losses or damage suffered by the Board in any financial year;

(b) making good any deficit arising in the revenue account at the end of any financial year due to the expenditure (including any debit balance brought forward in the revenue account from the previous financial year) exceeding the income (including any credit balance so brought forward): Provided that such a deficit shall not be made good from the General Reserve Fund in so far as such deficit is, in the circumstances

determined by the responsible member, defrayed by the Government of the Province from moneys specially appropriated by the Legislature for that purpose;

(c) appropriations to the Capital Development Fund contemplated by section 26, but only in so far as there may be moneys available for that purpose after having made

provision for the purposes of paragraphs (a) and (b) of this subsection.

(3) In administering and managing the General Reserve Fund the Board shall, subject to the provisions of this Act, comply with such written directions as the responsible member may from time to time in relation to the administration and management of that Fund deem fit.

(4) The moneys of the General Reserve Fund shall not without the responsible member's written authority be utilised to such extent that the balance of the moneys standing to the credit of that Fund is at any time less than such amount as the responsible member may from time to time in writing determine, except if and in so far as may be necessary for the purpose of making good a deficit as contemplated by subsection (2) (b).

26. Capital Development Fund.-

(1) The Board may establish a Capital Development Fund which shall be credited with such moneys as may from time to time be appropriated to that Fund in terms of section 25 (2)

(c).

(2) The moneys in the Capital Development Fund may be utilised for--

(a) the betterment or improvement of the movable and immovable property of the Board and for the acquisition of further movable and immovable property for the Board; and-

(b) writing off and replacing any assets which depreciate annually or have become worn-out or obsolete in the ordinary course of the business or operations of the Board.

(3) The Tender Board established in terms of Tender Board Act 3 of 1994 must be utilised in executing subsection 2.

27. Investment of moneys.-

The moneys constituting the funds of the Board in terms of section 22 (1) and which are not immediately required to meet the current expenditure of the Board may be invested on call at any bank or other financial institution registered in the Republic and approved in writing by the responsible member in concurrence with the responsible member of

Finance. -

28. Financial accountability of Board, and provisions relating to audit and annual report.-

(1) The Board shall, in respect of every financial year, cause proper books and records of account to be kept in accordance with established accounting practice, principles and procedure, of--

(a) all the moneys received by the Board within the contemplation of section 22 (1);

(b) all moneys deposited in and payments made from the account contemplated by section 23;

(c) moneys of the Board invested or deposited in terms of section 27;

(d) all movable and immovable property and other assets held by the Board, and every loan raised or overdraft obtained by or for the Board, and the capital amount outstanding on each such loan or overdraft;

(e) costs incurred or moneys expended or owing by the Board in connection with the exercise and performance of its powers, functions and duties under this Act;

(f) the interest paid and/or payable by the Board in respect of every loan or overdraft

referred to in paragraph (d);

(g) the moneys appropriated to the General Reserve Fund and to the Capital Development Fund referred to in section 26, the amounts utilised from each such Fund and the purposes for which such amounts were utilised; and

(h) the interest received and/or accrued on moneys invested or deposited in terms of Section 27,

and the Board shall, within three months as from the end of each financial year, or such longer period as the head of the Provincial Department of Finance and Economic Affairs may allow, submit the said books and records of account together with the financial statements of the Board in respect of such year, comprising an income and expenditure statement and a balance sheet, to be audited in accordance with the provisions of subsection (2).

(2) The books and records of account and financial statements of the Board contemplated by subsection (1), shall be fully audited annually by the Provincial Auditor, at the conclusion of which audit he or she shall furnish his or her report to the Board: Provided that such audit shall be completed not later than six months after the conclusion of the financial year.

(3) The Chief Executive Officer shall as soon as may be reasonably practicable after the end of each financial year, prepare a report in respect of such financial year in regard to the exercise and performance by the Board and the Chief Executive Officer of the powers, functions and duties conferred and imposed upon it and upon him or her by or - in terms of this Act, and in regard to the execution and attainment of the programmes, projects and priorities of the Board, and regarding the business, operations and undertakings and any activities and achievements of the Board for the purposes of ensuring the proper execution of this Act and attaining its objects.

(4) The Board shall, not later than thirty days after receipt of the auditor's report referred to in subsection (2), submit a copy of the audited financial statements of the Board, together with such report and the report

referred to in subsection (3), to the responsible Member who shall, within fourteen days after receipt thereof, lay it on the table in the Provincial Legislature, if the Legislature is then in session, or, if it is not then in session, within fourteen days after the commencement of its next ensuing session.

29. Execution of documents of Board.-

(1) Subject to- the provisions of section 23 (2) and subsection (2) of this section, every contract, agreement, authority or approval and any other document or instrument, shall have been duly executed for or on behalf of the Board where it complies with the provisions of this Act in all other respects and has been signed by the Chief Executive Officer, or, if he or she is not available, by the chairperson of the Board, or, if both the Chief Executive Officer and such chairperson are not available or-where any resolution of the Board so requires, by any other member generally or specifically authorised for that purpose by resolution of the Board.

(2) The Chief Executive Officer may, in his or her discretion but subject to the provisions of this Act, execute or prepare, and sign, any such notice, document or instrument as may be necessary or expedient for the everyday administration and affairs of the Board.

30. Performance audit

(1) The Board shall, in relation to its objectives, functions, duties and responsibilities; -

(a) develop - strategic and action plans with specific objectives, targets and performance criteria, which shall be approved by the responsible member, which plans-

-

(I) shall be subject to a progress report submitted to the responsible member at least quarterly;

(ii) are to be reviewed and adjusted by the Board annually, and submitted to the responsible member for ratification; and

(iii) the progress in respect of the approved plans are subject to independent evaluation and audit, if and when the responsible Member so desire.

(b) - regarding ecological management protected areas and the development and administration of protected areas formulate policy objectives, procedures and guidelines whether for each protected area specifically, or for protected areas generally, or both, and cause such policy objectives and guidelines to be embodied in documents or manuals which shall be approved by the responsible member.

(2) The documents or manuals referred to in subsection (1) shall include; -

(a) a long-term plan for the appropriate ecological management of each protected area;

(b) a long-term development plan for each protected area.

(c) · a long-term visitor management plan for each protected area

31. Regulations.- -

The responsible Member may, after consultation with the board, make regulations not inconsistent with the provisions of this Act, in relation to-

(a) any matter which shall or may be prescribed in terms of this Act;

(b) any matter necessary to be prescribed for the purposes of the due and effective administration and execution of this Act and of ensuring that its objects are attained;

(c) any matter relating to the exercise and performance of the powers, functions and duties of the board in terms of section 13;

(d) the keeping of register records and books of account by the board;

(e) the official seal of the board;

(f) such other matters as are necessary or useful to be prescribed for the attaining of the objects of this Act, the generality of this provision not being limited by the provision of the preceding paragraphs;

(g) in relation to the procedure to be followed and steps to be taken by the board for the purpose of obtaining the responsible Members' approval or consent in cases where the board is required by this Act to obtain such approval or consent.

32. Vesting and devolution of certain rights, obligations, duties etc. and transitional provisions.-

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(1) (a) As from the date of commencement of this Act all transactions, agreements, contracts, proceedings, matters, acts or things which, after the date of commencement of this act but prior to the date of promulgation thereof in the Gazette, were concluded, brought, performed, or done in pursuit or furtherance of the objects of the Board or the carrying on of its business and operations in accordance with the provisions of a repealed law, shall be deemed to have been lawfully concluded, brought, performed or done in accordance with the provisions of this Act.

(b) The Board of Directors appointed in tern of the North West Tourism Council Act, 1995(Act 7 of 1995) shall continue to be the Board of Directors of that Council until such time as the responsible Member appoints a Board of Directors in terms of section 3 of this Act, in which event the first mentioned Board shall, notwithstanding any provision in any law to the contrary be dissolved from the date of the appointment of the new Board.

C)

(c) The North West Tourism Council established in terms of section 2 of the North West Tourism Council Act, is here-by abolished.

(d) The Parks and Tourism Board shall for all purposed in law be the legal successor to all property and other assets (whether movable or immovable), rights interests, privileges, liabilities and obligations of the said Council referred to in paragraph C as from the date immediately preceding abolition in terms of paragraph C of this section.

(e) All persons who, immediately prior to the commencement of this section, are officers and employees in the service of the Council referred to in paragraph 0 in accordance with the provisions of the North West Tourism Council Act, 1995 shall, notwithstanding the repeal of the said Act, be transferred to the service of the Board, established in terms of this Act and thereupon shall for all purposes in law be deemed to be officers or employees (as the case may be) appointed in the service of Board under section 13 of this Act.

(f) the terms and conditions of service regarding the tenure, remuneration allowances,

perquisites, leave, pension and any other benefits of any officer of employee transferred to the service of the Board under subsection (1) shall be subject to the processes and provisions stipulated by the Labour Relations Act.

(g) Any reference in any law, register, license, notice, report, deed, contract, agreement, or any other document, to the North West Tourism Council, however expressed shall, unless obviously inappropriate, be construed as a reference to the

Board established by section 2 of this Act. -

(h) The Board of Directors appointed in terms of section 3 of this Act, shall from the date of coming into effect of this Act, exercise the powers, functions and duties previously exercised by the North West Tourism Council under the North West Tourism Council Act, 1995, and any reference in that Act to that Council shall be construed as a reference to the Board.

(2) The responsible Member may by notice in the Government Gazette approve the transfer, absorption or appointment of staff from any institution or organisation to, in or at the Board, where such transfer, absorption or appointment is part of a rationalisation process whereby the Board legally succeeds such institution or organisation.

(3) The provisions of sub-section (1) of this section shall mutatis mutandis apply in respect of a legal succession contemplated by subsection (2).

(4) The North West Parks and Tourism Board shall, in addition to any protected areas proclaimed after coming into effect of this Act, be responsible for and have the power provided for by this Act, in respect of protected areas proclaimed or declared in term of -

- (a) the Bophuthatswana Nature Conservation Act, 1973 (Act 3 of 1973);
- (b) the Transvaal Nature Conservation Ordinance, 1983 (Ord. No 12 of 1983);
- (c) the Cape Nature Conservation Ordinance, 1974 (Ord. No 19 of 1974);
- (d) the Cape Problem Animal Control Ordinance, 1957 (Ord. No. 26 of 1957); and
- (e) any other law which may from time be assigned to the Province.

(5) In the event of a law being assigned to the Province in terms of the Constitution, and that law being designated to the responsible Member for the administration thereof, the responsible member may-

- (a) by notice in the Gazette, repeal or amend such law;

(b) provide for any matter consequential to such repeal or amendment, including, but not conclusive to any matter contemplated or provided for by this Act;

if the law so assigned, deals with a matter which resorts under this Act.

33. Short Title

This Act shall be called the North West Parks and Tourism Board Act, 1997, and shall come into operation on a date as may be determined by the responsible member by notice in the Gazette: Provided that the responsible member may determine different dates for the coming into effect for different sections of the Act: Provided further that the

responsible member may determine a date of coming into effect retrospectively under this section.