

- (a) follow a public participation process in accordance with Part 5 of Chapter 6; and
 - (b) ensure that the estuarine management plan and the process by which it is developed are consistent with-
 - (i) the national estuarine management protocol; and
 - (ii) the national coastal management programme and with the applicable provincial coastal management programme and municipal coastal management programme referred to in Parts 1, 2 and 3 of Chapter 6;
(Section 34(1)(b)(ii) amended by section 23(a) of Act 36 of 2014)
 - (c) if applicable, ensure that relevant legislation is enacted to implement an estuarine management plan; and
(Section 34(1)(c) added by section 23(b) of Act 36 of 2014)
 - (d) submit an annual report to the Minister on the implementation of the estuarine management plan, the legislation and any other matter which the Minister may prescribe.
(Section 34(1)(d) added by section 23(b) of Act 36 of 2014)
- (2) An estuarine management plan may form an integral part of a provincial coastal management programme or a municipal coastal management programme.
 - (3) The report referred to in subsection (1)(d) must be tabled in Parliament annually.
(Section 34(3) added by section 23(c) of Act 36 of 2014)

CHAPTER 5 INSTITUTIONAL ARRANGEMENTS

Part 1 **National Coastal Committee**

35. Establishment and functions of National Coastal Committee

- (1) The Minister must by notice in the *Gazette* establish a National Coastal Committee and determine its powers.
- (2) The Department must provide administrative support to the National Coastal Committee.

- (3) The National Coastal Committee must promote integrated coastal management in the Republic and effective co-operative governance by co-ordinating the effective implementation of this Act and of the national coastal management programme, and in particular must -
- (a) promote integrated coastal management -
 - (i) within each sphere of government;
 - (ii) between different spheres of government; and
 - (iii) between organs of state and other parties concerned with coastal management;
 - (b) promote the integration of coastal management concerns and objectives into -
 - (i) those environmental implementation plans and environmental management plans referred to in Chapter 3 of the National Environmental Management Act to which they are relevant;
 - (ii) national, provincial and municipal development policies, plans and strategies;
 - (iii) other plans, programmes and policies of organs of state whose activities may create adverse effects on the coastal environment; and
 - (c) perform any function delegated to it.
- (4) The National Coastal Committee must report to the Minister annually on the matters in subsection (3) and that report must be tabled in Parliament.

(Section 35(4) added by section 24 of Act 36 of 2014)

36. Composition of National Coastal Committee

- (1) The Minister appoints the members of the National Coastal Committee.
- (1A) The Minister must designate an official from the Department as the Chairperson of the National Coastal Committee.

(Section 36(1A) inserted by section 25(a) of Act 36 of 2014)

- (2) The persons to be appointed in terms of subsections (1) and (1A) must, by virtue of the office that they hold or their expertise, be able to assist the National Coastal Committee in fulfilling its functions.

(Section 36(2) substituted by section 25(b) of Act 36 of 2014)

(2A) The Minister must appoint permanent members on the National Coastal Committee which must include but is not limited to—

- (a) a representative from each Provincial Coastal Committee;
- (b) representatives of national government departments which play a significant role in undertaking or regulating activities that may have an adverse effect on the coastal environment; and
- (c) one or more members representing the management authorities of coastal protected areas.

(Section 36(2A) inserted by section 25(c) of Act 36 of 2014)

(2B) The Committee may, when required invite other persons to participate in the National Coastal Committee which may include—

- (a) a representative of a national government department which is not a permanent member;
- (b) a representative of a municipality that is affected by issues under consideration by the National Coastal Committee;
- (c) persons with expertise in fields relevant to coastal management and coastal ecosystems; and
- (d) any other person who may assist the National Coastal Committee in fulfilling its functions.

(Section 36(2B) inserted by section 25(c) of Act 36 of 2014)

(3) The Minister may, on the basis of the criteria referred to in subsection (2), appoint -

- (a) an alternate member for any member of the National Coastal Committee; and
- (b) a replacement for any member who vacates his or her office.

(4)

(Section 36(4) deleted by section 25(d) of Act 36 of 2014)

37. Vacation of office and termination of membership

(1) A member of the National Coastal Committee vacates office if he or she tenders his or her resignation.

(Section 37(1) substituted by section 26 of Act 36 of 2014)

(2) The Minister may terminate membership of a member of the National Coastal Committee where-

- (a) that member fails to perform the duties of a member as required in terms of this Act;

- (b) that member obstructs or impedes the National Coastal Committee in the performance of its functions in terms of this Act;
- (c) that member brings the National Coastal Committee into disrepute; or
- (d) such termination is in the interest of the public.

Part 2
Provincial lead agencies

38. Designation and functions of provincial lead agency

- (1) The Premier of each coastal province must, within two months of the commencement of this Act, designate a provincial organ of state to function as the lead agency for coastal management in the province and must ensure that there is at all times a lead agency for coastal management in the province which is responsible to the MEC.
- (2) Each provincial lead agency must, within the province -
 - (a) co-ordinate the implementation of the provincial coastal management programme referred to in Part 2 of Chapter 6;
 - (b) monitor coastal management in the province to ensure that it is undertaken in an integrated, effective and efficient manner and in accordance with the objects of this Act;
 - (c) monitor the state of the environment in the coastal zone and relevant trends affecting that environment, and identify provincial priority issues;
 - (d) co-ordinate the preparation of a provincial state of the coast report required by section 93(2);
 - (e) provide logistical and administrative support to the Provincial Coastal Committee established in accordance with section 39;
 - (f) review reports that relate to determinations and adjustments under Chapter 3 or that concern policies that may impact on the coastal zone;
 - (g) promote, in collaboration with other appropriate bodies and organisations, training, education and public awareness programmes relating to the protection, conservation and enhancement of the coastal environment and the sustainable use of coastal resources;
 - (h) take all reasonably practical measures to monitor compliance with, and to enforce, this Act, either alone or in co-operation with other enforcement agencies; and

- (i) perform any other functions assigned to it by the Minister or the MEC under this Act.
- (3) The Premier may assign any of the functions referred to in subsection (2) to any organ of state other than the lead agency in the province.

(Section 38(3) substituted by section 27 of Act 36 of 2014)

Part 3

Provincial Coastal Committees

39. Establishment and functions of Provincial Coastal Committees

- (1) Each MEC must within 12 months of the commencement of this Act establish a Provincial Coastal Committee for the province.
- (2) A Provincial Coastal Committee must -
 - (a) promote integrated coastal management in the province and the co-ordinated and effective implementation of this Act and the provincial coastal management programme;
 - (b) advise the MEC, the provincial lead agency and the National Coastal Committee on matters concerning coastal management in the province;
 - (c) advise the MEC on developing, finalising, reviewing and amending the provincial coastal management programme;
 - (d) promote a co-ordinated, inclusive and integrated approach to coastal management within the province by providing a forum for, and promoting, dialogue, co-operation and co-ordination between the key organs of state and other persons involved in coastal management in the province;
 - (e) promote the integration of coastal management concerns and objectives into the plans, programmes and policies of other organs of state whose activities may have caused or may cause adverse effects on the coastal environment; and
 - (f) perform any function delegated to it.

40. Composition of Provincial Coastal Committees

- (1) Subject to subsection (5), the MEC must determine the composition of the Provincial Coastal Committee, and in doing so must take account of the desirability of ensuring the representation on the Provincial Coastal Committee of organs of state and community groups or bodies which have a

material and direct interest in the conservation and management of the coast or the use of coastal resources including representatives of government who play a significant role in undertaking or regulating activities that may have an adverse impact on the coastal environment.

- (2) The MEC must -
 - (a) appoint persons to the Provincial Coastal Committee who by virtue of the office that they hold or their expertise are able to assist the Provincial Coastal Committee in fulfilling its functions; and
 - (b) when appointing persons in terms of paragraph (a), ensure that the Provincial Coastal Committee includes-
 - (i) persons with expertise in fields relevant to coastal management;
 - (ii) one or more members representing municipalities in the coastal zone;
 - (iii) one or more members representing community based and non-government organisations; and
 - (iv) one or more members representing scientific or coastal research institutes.
- (3) The MEC may, on the basis of the criteria referred to in subsections (1) and (2), appoint -
 - (a) an alternate member for any member of the Provincial Coastal Committee; and
 - (b) a replacement for any member who vacates his or her office.
- (4) The MEC must, with the consent of the MEC responsible for finance in the province, determine the rate of remuneration and the allowances payable to any member of the Provincial Coastal Committee who is not an employee of an organ of state.
- (5) The Director-General may appoint a member of the Department to participate as a non-voting member of a Provincial Coastal Committee and may appoint an alternate or replacement for any such member.

41. Vacation of office and termination of membership

- (1) A member of a Provincial Coastal Committee vacates office if he or she -
 - (a) becomes impaired to the extent that he or she is unable to carry out his or her duties as a member of the Provincial Coastal Committee;

- (b) ceases to hold any office necessary for his or her appointment to the Provincial Coastal Committee; or
 - (c) tenders his or her resignation and the MEC accepts it.
- (2) The MEC may terminate membership of the member of the Provincial Coastal Committee where -
- (a) he or she fails to perform the duties of a member as required in terms of this Act;
 - (b) he or she obstructs or impedes the Provincial Coastal Committee in the performance of its functions in terms of this Act;
 - (c) he or she brings the Provincial Coastal Committee into disrepute; or
 - (d) such termination is in the interest of the public.

Part 4

Municipal Coastal Committees

42. Establishment and functions of municipal coastal committees

- (1) Each metropolitan municipality and each district municipality that has jurisdiction over any part of the coastal zone may establish a coastal committee for the municipality and, subject to subsection (4), determine its powers.
- (2) Any local municipality that has jurisdiction over any part of the coastal zone may establish a coastal committee for the municipality and, subject to subsection (4), determine its powers, which may include the power to establish local subcommittees of the municipal coastal committee.
- (3) A municipal coastal committee contemplated in subsections (1) and (2) may include -
 - (a) persons with expertise in fields relevant to coastal management; and
 - (b) representatives of the management authorities of coastal protected areas or special management areas within the municipality; and
 - (c) representatives of communities or organisations with a particular interest in contributing to effective coastal management, such as port authorities, organs of state, persons whose livelihoods or businesses rely on the use of coastal resources, environmental interest groups and research organisations.
- (4) A municipal coastal committee contemplated in subsections (1) and (2) may -

- (a) promote integrated coastal management in the municipality and the co-ordinated and effective implementation of this Act and the municipal coastal management programme;
- (b) advise the municipal manager, the municipal council and the provincial coastal committee on matters concerning coastal management within the area of jurisdiction of the municipal coastal committee;
- (c) advise the municipality on developing, finalising, reviewing and amending the municipal coastal management programme;
- (d) promote a co-ordinated, inclusive and integrated approach to coastal management within the municipality by providing a forum for, and promoting, dialogue, co-operation and co-ordination between the key organs of state and other persons involved in coastal management within its area of jurisdiction;
- (e) promote the integration of coastal management concerns and objectives into the municipality's integrated development plan and spatial development framework and into other municipal plans, programmes and policies that affect the coastal environment; and
- (f) perform any coastal governance function delegated to it.

Part 5

Voluntary Coastal Officers

43. Voluntary coastal officers

- (1) The MEC of a coastal province may appoint any member of the public who has appropriate expertise as a voluntary coastal officer.
- (2) A voluntary coastal officer must exercise the powers and perform the duties assigned to him or her by the MEC in a manner that conserves and protects coastal public property.
- (3) The MEC must -
 - (a) prescribe the powers and duties of voluntary coastal officers;
 - (b) clearly define the responsibilities and duties of each voluntary coastal officer in his or her letter of appointment; and
 - (c) issue each voluntary coastal officer with an identity card that confirms his or her appointment.

- (4) A voluntary coastal officer who is exercising powers or performing functions in terms of this Act must produce his or her identity card at the request of a member of the public.

CHAPTER 6 COASTAL MANAGEMENT

Part 1

National coastal management programme

44. Preparation and adoption of national coastal management programme

- (1) The Minister -
- (a) must within four years after this Act takes effect, prepare and adopt a national coastal management programme for managing the coastal zone;
 - (b) must review the programme at least once every five years; and
 - (c) may, when necessary, amend the programme.
- (2) Before adopting a programme contemplated in subsection (1)(a), the Minister must by notice in the *Gazette* invite members of the public to submit to the Minister, within 30 days of such notice, written representations on or objections to the programme.
- (3) The Minister must, within 60 days of the adoption of the national coastal management programme or of any substantial amendment to it-
- (a) give notice to the public -
 - (i) of the adoption of the programme; and
 - (ii) that copies of, or extracts from, the programme are available for public inspection at specified places; and
 - (b) publicise a summary of the programme.

45. Contents of national coastal management programme

- (1) The national coastal management programme must-
- (a) be a policy directive on integrated coastal management; and