

(22 September 2000 - to date)

**NATIONAL FORESTS ACT 84 OF 1998**

(Gazette No. 19408, Notice No. 1388 dated 30 October 1998)

**THE NATIONAL FORESTS ADVISORY COUNCIL:  
PROCEDURES AND CODE OF CONDUCT IN TERMS OF SECTION 37 OF THE NATIONAL FORESTS  
ACT**

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**NOTICE 3272 OF 2000**

By virtue of the powers vested in me by section 37 (1) (d) of the National Forests Act, 1998 (Act No. 84 of 1998), I, Ronald Kasrils, MP, in my capacity as Minister of Water Affairs and Forestry, have determined the code annexed hereto as the code of conduct for Council members of the National Forests Advisory Council.

**R. KASRILS**

**Minister of Water Affairs and Forestry**

8 Augustus 2000

**SCHEDULE**

**THE NATIONAL FORESTS ADVISORY COUNCIL:  
PROCEDURES AND CODE OF CONDUCT IN TERMS OF SECTION 37 OF THE NATIONAL FORESTS  
ACT**

**1. HOLDING OF MEETINGS**

- 1.1 The council must meet at least 4 times each year.
- 1.2 The dates for the meetings referred to in clause 1.1 must be decided at the first Council meeting each year.
- 1.3 A notice of each meeting, stipulating the date, time and place of the meeting, together with an agenda, must be distributed to each member at least 14 days prior to the meeting.
- 1.4 The Chairperson may call an extraordinary meeting is, through direct communication with all members, he or she is able to assure a quorum.
- 1.5 The Department must appoint a Council Secretary who performs the administrative work relating to the Council's meetings.

## **2. AGENDA**

- 2.1 Persons wishing to place items on the agenda must forward their suggestions to the chairperson a month before the next meeting.
- 2.2 Items requiring a recommendation from Council must, as far as possible, be supported by documents which provide information on the issue at hand and the nature of the decision or advise required.
- 2.3 The chairperson is responsible for preparing the agenda in consultation with the vice-chairperson.
- 2.4 The chairperson has the discretion not to accept an item for agenda, but must give reasons for any rejection at the request of the person proposing the Item.

## **3. QUORUM AND RELATED MATTERS**

- 3.1 Two- thirds of the members of the Council constitutes a quorum of the Council.
- 3.2 If two-thirds does not amount to a round number, the lesser round number nearest this constitutes a quorum of the Council.
- 3.3 Any person who is unable to attend a meeting must tender written apologies to the chairperson no less than 5 days before the meeting.
- 3.4 If the chairperson does not object to the absence of a member who has tendered an apology in terms of clause 3.3, the member will be deemed to have the leave of the chairperson as contemplated in section 35 (3) (d) of the National Forests Act.
- 3.5 The chairperson may cancel a Council meeting if a quorum is not available. Such a meeting stands adjourned until-
  - 3.5.1 a suitable alternative date decided on by the chairperson, or failing that,
  - 3.5.2 the next meeting date determined in terms of clause 1.2.

## **4. CHAIRPERSON'S DUTIES**

- 4.1 The Chairperson officiates at Council meetings except if he or she is unable to attend, in which case the Vice-Chairman will replace him or her.
- 4.2 The Chairperson must guide the meeting and ensure that:
  - 4.2.1 the meeting focuses on the contents of the agenda;

4.2.2 the Council conducts its business in the time available, while giving proper attention to its items of business;

4.2.3 each member wishing to address an item on the agenda has the opportunity to do so, and is properly heard;

4.2.4 there is clarity on issues discussed;

4.2.5 a proper conclusion is reached on each item and he or she must provide the wording that reflects the concluding view.

## **5. PROCEDURES AT MEETINGS**

5.1 Council business must be conducted in a language with which members are conversant.

5.2 Members must have a reasonable opportunity at meetings to gain clarity on each item. If a matter cannot be clarified satisfactorily it should be carried over to the next meeting.

5.3 Items may be clarified by a presentation on the relevant item by an expert on the topic on invitation from the chairperson.

5.4 Once an item is clear, each member should express his or her preferred position on an item and motivate it if he or she so wishes.

5.5 Having heard all views, the Chairperson should offer a summary of the views to the meeting, and invite a proposal for the position that the Council should adopt on the matter. Alternatively, he or she may propose such a position for consideration by the members.

5.6 If the Council is unanimous in its view on an item, the Chairperson should formulate the view verbally, have members ratify or amend the formulation and then have the view recorded for the minute.

5.7 If the Council is not unanimous on an item, he or she should formulate the different positions adopted by members and note the level of support for each position for the record of the meeting. The chairperson must convey all of this information to the Minister when advising him or her on such an item.

5.8 If the Council is unable to give advice to the Minister on any item then this should be recorded for the notice of the Minister, together with the reasons why it is unable to do so.

5.9 The Council must consult with the Minister before making any public statement.

## **6. RECORDS OF THE COUNCIL**

6.1 The records of the Council consist of the following documents, amongst others:

6.1.1 the documents accompanying any notice of a meeting;

6.1.2 the minutes of meetings;

6.1.3 documents containing advise to the Minister;

6.1.4 public statements of the Council; and

6.1.5 Its annual report, budget and financial statements.

6.2 The records must be securely stored by the Department.

6.3 Minutes of meetings must be-

6.3.1 compiled in draft within 7 days of a meeting;

6.3.2 reviewed and amended by the chairperson within a further 7 days; and

6.3.3 amended and distributed to members within a further 7 days.

6.4 The Council may amend the minutes of any meeting at the next meeting.

## **7. ADVICE TO THE MINISTER**

7.1 The Council provides advice to the Minister-

7.1.1 in terms of the statutory requirements for advice from the Council or the permanent committees of the Council;

7.1.2 on items where the Minister has requested advice; and

7.1.3 on items identified through the initiative of the Council.

7.2 For each item of advice the Council must record in the minute-

7.2.1 the considerations that have formed its view;

7.2.2 its advice and

7.2.3 the implications of its advice for government and the public interest.

7.3 The Council must decide whether it wishes the written advice to the Minister to be supported with a briefing by the chairperson or the vice-chairperson or both.

7.4 Should the Minister reject the Council's advice, he or she must give reasons for doing so.

## **8. PERMANENT COMMITTEES**

8.1 The permanent committees are those referred to in section 36 (3) of the National Forests Act.

8.2 The chairperson and vice-chairperson of each permanent committee must be members of the Council.

8.3 The permanent committees must follow the same procedures in relation to their proceedings as those pertaining to the Council In this document, unless the nature of their duties requires them to proceed differently.

8.4 The permanent committees must report to the Council at Its meetings on all of their activities.

## **9. OTHER COMMITTEES**

9.1 When appointing any other committee in terms of section 36 (8) of the National Forests Act, the Council must stipulate-

9.1.1 its terms of reference;

9.1.2 its membership;

9.1.3 who will chair it and

9.1.4 Its life-span.

9.2 The chairpersons of such committees must be members of Council.

## **10. DEPARTURES FROM PROCEDURES**

The Council may authorise a departure from the procedures set out in this document for good reason.

## **11. CODE OF CONDUCT FOR MEMBERS OF THE NATIONAL FORESTS ADVISORY COUNCIL AND ITS COMMITTEES**

- 11.1 In developing their opinions, members should consider carefully-
  - 11.1.1 the principles of sustainable forest management in the National Forests Act;
  - 11.1.2 the statutory duties of the Council and its committees In terms of the National Forests Act;
  - 11.1.3 relevant criteria and indicators that have been developed;
  - 11.1.4 the policy of the Department as published in various public documents;
  - 11.1.5 other relevant laws and policy documents;
  - 11.1.6 the goals which the Council has set itself and
  - 11.1.7 the public interest.
- 11.2 Members may only represent the Council when mandated to do so.
- 11.3 When representing the Council, members must express the views of the Council in accordance with their mandate.
- 11.4 Members must not use confidential information gathered as members of the Council to promote their own interests or the interests of any other party.
- 11.5 When members have conflicts of interest in respect of items on the agenda, they must recuse themselves from that part of the meeting.
- 11.6 In dealing with financial matters related to their services to the Council, members must behave with complete honesty.
- 11.7 Members must provide suitable documentary proof as required by the Department in respect of any expenditure on Council business sought to be recovered.
- 11.8 Members provide their time for full Council meetings as a public service. Members are not remunerated for the time spent in attending full Council meetings, nor in preparation for such meetings.
- 11.9 Members may be remunerated when called upon to fulfil tasks and duties beyond the preparing for and attending full Council meetings, subject to compliance with section 35 (4) and (5) of the National Forests Act.

11.10 Members may not be absent from a meeting, except for good reason and with the leave of the chairperson in terms of section 35 (3) (d) of the National Forests Act.

## **12. INTERPRETATION**

12.1 In this document-

12.1.1 "Department" means the National Department of Water Affairs and Forestry;

12.1.2 "Minister" means the National Minister of Water Affairs and Forestry;

12.1.3 "National Forests Act" means the National Forests Act, No. 84 of 1998.

12.2 Other words used in this document which are defined in section 2 of the National Forests Act, No. 84 of 1998, have the meaning ascribed to them in those definitions.