



FREE STATE PROVINCE

PROVINCIAL GAZETTE

PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

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GENERAL NOTICE 1 OF 2002

PUBLICATION OF THE FREE STATE PRIVILEGES AND IMMUNITIES OF MUNICIPAL COUNCILLORS BILL, 2002

It is notified for general information and comment that the above-mentioned Bill is hereby published in terms of Rule 138 of the Rules and Orders of the Free State Legislature.

Any comments or remarks must be submitted to the Secretary: Free State Legislature, Private Bag X20561, Bloemfontein, 9300 to reach her not later than 22 April 2002.

E ROCKMAN
SECRETARY: FREE STATE LEGISLATURE

ALGEMENE KENNISGEWING 1 VAN 2002

PUBLIKASIE VAN DIE VRYSTAAT VOORREGTE EN IMMUNITEITE VAN RAADSLEDE WETSONTWERP, 2002

Dit word vir algemene kennisname en kommentaar bekendgemaak dat bostaande Wetsontwerp hierby gepubliseer word in terme van Reël 138 van die Reëls en Orders van die Vrystaatse Wetgewer.

Enige kommentaar of opmerkings moet gestuur word aan die Sekretaris: Vrystaatse Wetgewer, Privaatsak X20561, Bloemfontein, 9300 om haar nie later as 22 April 2002 te bereik nie.

E ROCKMAN
SEKRETARIS: VRYSTAATSE WETGEWER

BILL

To provide for privileges and immunities of municipal councillors; and for matters incidental thereto.

PREAMBLE

Whereas the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) and National Legislation provide for the enactment of legislation by Provinces which must provide for the freedom of speech of members of municipal councils, as well as the privileges and immunities in relation to civil and criminal liability, arrest, imprisonment or damages arising out of their acts as such members.

BE IT THEREFORE ENACTED by the Provincial Legislature of the Free State Province, as follows:-

Definitions

1. In this Act, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) has a similar meaning.

Privileges and immunities of councillors

2. Members of a municipal council –

- (a) have freedom of speech in municipal council meetings and in the meetings of its committees, subject to the relevant council's rules and orders as envisaged in section 160(6) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), in so far as such matters are in the public interest;
- (b) are not liable to civil or criminal proceeding, arrest, imprisonment or damages for –
 - (i) anything that they have said in, produced before or submitted to the council during a council meeting or any of its committees during a meeting of such a council or committee, which is in the public interest; or
 - (ii) anything revealed as a result of anything that they have said in, produced before or submitted to the council or any of its committees during a meeting of such a council or committee, which is in the public interest.

Short title

3. This Act is called the Free State Privileges and Immunities of Municipal Councillors Act, 2002.

WETSONTWERP

Voorsiening vir voorregte en immunitate van munisipale raadslede; en aangeleenthede wat daarmee verband hou.

AANHEF

Waarby daar deur die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996) en Nasionale Wetgewing voorsiening gemaak word vir die bepaling van wetgewing deur Provinsies wat moet voorsorg tref vir die vryheid van spraak van lede van munisipale rade, asook die voorregte en immunitate in verband met siviele en strafregtelike verrigtinge, inhegtenisneming, gevangesetting of skadevergoeding voortspruitend uit hul dade as sodanige lede.

DAAR WORD DUS BEPAAL deur die Provinsiale Wetgewer van die Provinsie Vrystaat, soos volg:-

Woordomsrywings

1. In hierdie Wet, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan 'n betekenis toegeskryf is in die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998) 'n soortelyke betekenis.

Voorregte en immunitate van raadslede

2. Lede van 'n munisipale raad -

- (a) het vryheid van spraak in munisipale raadsvergaderings en in die vergaderings van sy komitees, behoudens die betrokke raad se reëls en orders soos beoog in artikel 160(6) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), in soverre sodanige sake in openbare belang is;

- (b) is nie blootgestel nie aan siviele of strafregtelike verrigtinge, inhegtenisneming, gevangesetting of skadevergoeding weens -

- (i) enigiets wat hulle in of voor of aan die raad of enige van sy komitees gesê, blootgelê of voorgelê het gedurende 'n vergadering van sodanige raad of komitee, wat in openbare belang is; of

- (ii) enigiets wat aan die lig gebring is as gevolg van enigiets wat hulle in of voor of aan die raad of enige van sy komitees gesê, blootgelê of voorgelê het, gedurende 'n vergadering van sodanige raad of komitee, wat in openbare belang is.

Kort titel

3. Hierdie Wet heet die Vrystaat Voorregte en Immunitate van Raadslede Wet, 2002.

MEMORANDUM

Section 161 of the Constitution determines that provincial legislation within the framework of national legislation may provide for privileges and immunities of municipal councils and their members. The Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) was enacted and it lays down certain minimum criteria for provincial legislation to adhere to when provincial legislation is enacted in relation to privileges and immunities.

Clause 1

This clause determines that words will have the same definition as in the Local Government: Municipal Structures Act, 1998.

Clause 2

Clause 2 regulates freedom of speech at municipal council meetings and committee meetings, as well as the immunities with regard to certain issues relating to a municipal council, for example a member of a council is not liable to civil or criminal proceedings for anything he or she said in the council meeting, which is in the public interest.

Clause 3

This clause gives the short title.

MEMORANDUM

Artikel 161 van die Grondwet bepaal dat provinsiale wetgewing binne die raamwerk van nasionale wetgewing voorsiening kan maak vir voorregte en immuniteite van munisipale rade en hul lede. Die Plaaslike Regering: Munisipale Strukture Wet, 1998 (Wet No. 117 van 1998) is afgekondig en dit maak voorsiening vir sekere minimum kriteria waaraan provinsiale wetgewing moet voldoen wanneer provinsiale wetgewing in verband met voorregte en immuniteite afgekondig word.

Klousule 1

Hierdie klousule bepaal dat woorde dieselfde woordskrywings sal hê as in die Plaaslike Regering: Munisipale Strukture Wet, 1998.

Klousule 2

Klousule 2 reguleer die vryheid van spraak tydens munisipale raadsvergaderings en komiteevergaderings, sowel as die immuniteite met betrekking tot sekere aspekte wat verband hou met 'n munisipale raad, byvoorbeeld 'n lid van 'n raad is nie blootgestel nie aan siviele of strafregtelike verrigtinge weens enigiets wat hy of sy in 'n munisipale raadsvergadering gesê het, wat in openbare belang is.

Klousule 3

Hierdie klousule gee die kort titel.

PROVINCIAL GAZETTE

(Published every Friday)

All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein. Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied. If copies of the Provincial Gazette are required, R4,70 must be sent for each copy.

Subscription Rates (payable in advance)

The subscription fee for the Provincial Gazette (including all Extraordinary Provincial Gazettes) are as follows:

Half-yearly (post free)	R 122,50
Yearly (post free)	R 245,00
Price per single copy (post free)	R 4,70

Stamps are not accepted

Closing time for acceptance of copy

All advertisements must reach the Officer in Charge of the Provincial Gazette **not later than 12:00, seven working days** prior to the publication of the Gazette. Advertisements received after that time will be held over for publication in the issue of the following week, or if desired by the advertiser, will be inserted in the current issue as a "Late Advertisement". In such case the advertisement must be delivered to the Officer in Charge **not later than 10:30 on the Thursday** of the week preceding the publication of the Gazette and double rate will be charged for that advertisement.

A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.

Advertisement Rates

Notices required by Law to be inserted in the Provincial Gazette: R2,00 per centimeter or portion thereof, single column.

Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300.

Printed and published by the Free State Provincial Administration

PROVINSIALE KOERANT

(Verskyn elke Vrydag)

Alle korrespondensie, advertensies, ens. moet aan die Beampte Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, geadresseer word. Gratis eksemplare van die Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie. Indien eksemplare van die Provinsiale Koerant verlang word, moet R4,70 vir elke eksemplaar gestuur word.

Intekengeld (voortuitbetaalbaar)

Die intekengeld vir die Provinsiale Koerant (insluitend alle Buitengewone Provinsiale Koerante) is soos volg:

Halfjaarliks (posvry)	R122,50
Jaarliks (posvry)	R 245,00
Prys per los eksemplaar (posvry).....	R 4,70

Seëls word nie aanvaar nie.

Sluitingstyd vir die Aanneem van Kopie

Alle advertensies moet die Beampte Belas met die Provinsiale Koerant bereik nie later **nie as 12:00 sewe werksdae** voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beampte oorhandig word **nie later nie as 10:30 op die Donderdag** van die week voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.

'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.

Advertensietariewe

Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: R2,00 per sentimeter of deel daarvan, enkelkolom.

Advertensiegelde is voortuitbetaalbaar aan die Beampte belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300.

Gedruk en uitgegee deur die Vrystaatse Provinsiale Administrasie