

EXTRAORDINARY



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HOUSE OF ASSEMBLY.

The following Bill, having been introduced into the House of Assembly, is published in accordance with Standing Order No. 164.

J. M. HUGO,
Clerk of the House of Assembly.

A.B. 68—'55: Senate Bill

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VOLKSRAAD.

Die volgende Wetsontwerp, ingedien in die Volksraad, word gepubliseer ingevolge artikel 164 van die Reglement van Orde.

J. M. HUGO,
Klerk van die Volksraad.

VW. 68—'55: Senaatwetsontwerp

BLADSY

3

BILL

To make provision for the dissolution and the constitution of the Senate, to amend the South Africa Act, 1909 and the South-West Africa Affairs Amendment Act, 1949, and to provide for matters incidental thereto.

(Introduced by the MINISTER OF THE INTERIOR.)

WHEREAS it is by section *twenty-five* of the South Africa Act, 1909, provided that Parliament may provide for the manner in which the Senate shall be constituted after the expiration of a period of ten years from the establishment of the Union:

AND WHEREAS provision is made in the said section *twenty-five* for the manner in which the Senate shall be constituted until Parliament otherwise provides:

AND WHEREAS it is expedient to make provision for the constitution of the Senate in a manner other than that provided for in the said section *twenty-five*:

AND WHEREAS it is expedient to make provision for matters incidental thereto:

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Dissolution
of the Senate.

1. Notwithstanding anything to the contrary contained in sections *twenty*, *twenty-four* and *twenty-five* of the South Africa Act, 1909, or any other law—

- (a) the Governor-General shall by proclamation in the *Gazette*, dissolve the Senate at any time before the thirty-first day of December, 1955; and
- (b) all the members of the Senate except those members of the Senate who were elected under the Representation of Natives Act, 1936 (Act No. 12 of 1936), but including those members who were elected or nominated under the South-West Africa Affairs Amendment Act, 1949 (Act No. 23 of 1949), shall, upon the dissolution of the Senate in terms of paragraph (a) of this section, vacate their seats,

and the Senate shall thereafter be constituted as provided in this Act.

Constitution
of the Senate.

2. (1) The Senate shall, subject to the provisions of the Representation of Natives Act, 1936, and of the South-West Africa Affairs Amendment Act, 1949, consist of—

- (a) sixteen senators nominated by the Governor-General; and
- (b) so many senators, but not less than eight, in the case of each province as are equal (to the nearest figure) to one-fifth of the number of the electoral divisions into which that province has at the last delimitation under the South Africa Act, 1909, for the election of members of the House of Assembly been divided, together with the electoral divisions into which that province has been so divided for the election of provincial councillors.

(2) The Senators referred to in paragraph (b) of sub-section (1) shall in the case of each province be elected jointly by the then sitting members of the House of Assembly and provincial councillors for that province other than the members elected under the Representation of Natives Act, 1936.

Nominated
senators.

3. (1) The senators nominated by the Governor-General in terms of paragraph (a) of sub-section (1) of section *two* shall, subject to the provisions of section *one* of the Senate Act, 1926 (Act No. 54 of 1926), hold their seats for five years.

(2) One-half of the senators so nominated shall be selected on the ground mainly of their thorough acquaintance by reason of their official experience or otherwise, with the reasonable wants and wishes of the coloured races in South Africa.

WETSONTWERP

Om voorsiening te maak vir die ontbinding en die samestelling van die Senaat, om die „Zuid-Afrika Wet, 1909”, en die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949, te wysig, en om vir daarmee in verband staande aangeleenthede voorsiening te maak.

(Ingedien deur die MINISTER VAN BINNELANDSE SAKE.)

NADEMAAL dit by artikel vyf-en-twintig van die „Zuid-Afrika Wet, 1909”, bepaal word dat die Parlement bevoeg is om die wyse te reël waarop die Senaat na afloop van 'n tydperk van tien jaar vanaf die totstandkoming van die Unie 5 saamgestel word:

EN NADEMAAL in bedoelde artikel vyf-en-twintig voorsiening gemaak word vir die wyse waarop die Senaat saamgestel moet word tot tyd en wyl die Parlement anders bepaal:

10 EN NADEMAAL dit raadsaam is om voorsiening te maak vir die samestelling van die Senaat op 'n ander dan die in bedoelde artikel vyf-en-twintig bepaalde wyse:

EN NADEMAAL dit raadsaam is om vir daarmee in verband staande aangeleenthede voorsiening te maak:

15 **WORD DIT DERHALWE BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Ondanks andersluidende bepalings in artikels *twintig*, *Ontbinding vier-en-twintig* en *vyf-en-twintig* van die „Zuid-Afrika Wet, 1909”, of 'n ander wetsbepaling— van die Senaat.

20 (a) ontbind die Goewerneur-generaal die Senaat by proklamasie in die *Staatskoerant* te eniger tyd voor die een-en-dertigste dag van Desember 1955; en

25 (b) ontruim, by ontbinding van die Senaat ingevolge paragraaf (a) van hierdie artikel, al die lede van die Senaat hul setels behalwe daardie lede van die Senaat wat ingevolge die Naturelle-Verteenwoordigingswet, 1936 (Wet No. 12 van 1936), verkies is, maar met inbegrip van daardie lede wat ingevolge 30 die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949 (Wet No. 23 van 1949), verkies of benoem is,

en word die Senaat daarna volgens voorskrif van hierdie Wet saamgestel.

35 2. (1) Behoudens die bepalings van die Naturelle-Verteenwoordigings-Wet, 1936, en van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949, bestaan die Senaat uit— Samestelling van die Senaat.

(a) sestien senatore deur die Goewerneur-generaal benoem; en

40 (b) soveel senatore, maar minstens agt, in die geval van elke provinsie as wat (tot die naaste syfer) gelyk is aan een-vyfde van die gesamentlike aantal van die kiesafdelings waarin daardie provinsie by die jongste afbakening ingevolge die „Zuid-Afrika Wet, 1909”, vir die verkiesing van Volksraadslede ingedeel is, en die 45 kiesafdelings waarin daardie provinsie vir die verkiesing van provinsiale raadslede aldus ingedeel is.

(2) Die in paragraaf (b) van sub-artikel (1) bedoelde senatore word in die geval van elke provinsie deur die dan sittende Volksraadslede en provinsiale raadslede van daardie provinsie 50 (behalwe die lede wat kragtens die Naturelle-Verteenwoordigingswet, 1936, verkies is), gesamentlik gekies.

3. (1) Die senatore wat ingevolge paragraaf (a) van sub-artikel (1) van artikel twee deur die Goewerneur-generaal benoem word, beklee hul setels, behoudens die bepalings van 55 artikel een van die Senaat Wet, 1926 (Wet No. 54 van 1926), vir vyf jaar. Benoemde senatore.

(2) Die helfte van die aldus benoemde senatore word gekies op grond hoofsaaklik van hul grondige kennis, uit hoofde van hul amptelike ondervinding of andersins, van die redelike 60 behoeftes en wense van die gekleurde rasse in Suid-Afrika.

(3) If the seat of a senator so nominated becomes vacant, the Governor-General shall nominate another person to hold the seat until the completion of the period for which the person in whose stead he is nominated would have held the seat.

Elected senators.

4. (1) The senators elected under sub-section (2) of section 5 *two* shall hold their seats for five years unless the Senate be sooner dissolved.

(2) If the seat of an elected senator becomes vacant, the then sitting members of the House of Assembly and the provincial councillors for the province concerned (other than the members elected under the Representation of Natives Act, 1936), shall elect a person to hold the seat until the completion of the period for which the person in whose stead he is elected, would have held the seat.

(3) Senators shall be elected by majority vote each voter having one non-transferable vote for each senator to be elected.

(4) If two or more persons who are at any election of senators candidates for the same seat, receive the same number of votes, a re-election of a senator for that seat shall be held forthwith according to that principle of proportional representation according to which each voter has one transferable vote, and if at such a re-election the said persons again receive the same number of votes, one of the said persons to be determined by the drawing of lots shall be deemed to have been elected as a senator for that seat.

(5) The Governor-General may make regulations in regard to the election of senators under this Act, including regulations in regard to the duties of returning officers in connection with such elections and in regard to the drawing of lots in the circumstances contemplated in sub-section (4).

Amendment of section 26 of the South Africa Act, 1909.

5. Section *twenty-six* of the South Africa Act, 1909, is hereby amended by the deletion of paragraph (e) thereof and of the words "and property situated within" wherever they occur.

Amendment of section 30 of the South Africa Act, 1909.

6. Section *thirty* of the South Africa Act, 1909, is hereby amended by the substitution for the word "twelve" of the word "fifteen".

Amendment of section 134 of the South Africa Act, 1909.

7. Section *one hundred and thirty-four* of the South Africa Act, 1909, is hereby amended by the deletion of the words "of senators and" and the words "or, in the case of the first election of the Senate, the Governor-in-Council of each of the Colonies".

Amendment of section 30 of Act 23 of 1949.

8. Section *thirty* of the South-West Africa Affairs Amendment Act, 1949, is hereby amended—

(a) by the substitution in sub-section (3) for the word "ten" of the word "five" and for the words "to be a senator, who shall also hold his seat for ten years" of the words "to hold the seat until the completion of the period for which the person in whose stead he is nominated, would have held the seat";

(b) by the substitution for paragraphs (b) and (c) of sub-section (4) of the following paragraphs:

"(b) Senators shall be elected by majority vote each voter having one non-transferable vote for every senator to be elected.

(c) If two or more persons who are at any election of senators candidates for the same seat, receive the same number of votes, a re-election of a senator for that seat shall be held forthwith according to that principle of proportional representation according to which each voter has one transferable vote, and if at such a re-election the said persons again receive the same number of votes, one of the said persons to be determined by the drawing of lots shall be deemed to have been elected as a senator for that seat.

(d) The Governor-General may make regulations in regard to the election of senators under this section, including regulations in regard to the duties of returning officers in connection with such elections and in regard to the drawing of lots in the circumstances contemplated in paragraph (c)."

(c) by the substitution in sub-section (5) for the word "ten" of the word "five".

(3) Indien die setel van 'n aldus benoemde senator oopval, benoem die Goewerneur-generaal iemand anders om die setel te beklee tot die verstryking van die tydperk waarvoor die persoon in wie se plek hy benoem word, die setel sou beklee het.

5 4. (1) Die kragtens sub-artikel (2) van artikel twee verkose senatore beklee hul setels vir vyf jaar tensy die Senaat eerder ontbind word. Verkose senatore.

(2) Indien die setel van 'n verkose senator oopval, kies die dan sittende Volksraadslede en provinsiale raadslede van die 10 betrokke provinsie (behalwe die lede wat kragtens die Naturelle-Verteenwoordigings-Wet, 1936, verkies is), iemand om die setel te beklee tot die verstryking van die tydperk waarvoor die persoon in wie se plek hy verkies word, die setel sou beklee het.

(3) Senatore word by meerderheidstem gekies en elke kieser 15 het een nie-oordraagbare stem vir elke senator wat verkies moet word.

(4) Indien twee of meer persone wat by 'n verkiesing van senatore kandidate vir dieselfde setel is, dieselfde aantal stemme ontvang, word 'n her-verkiesing van 'n senator vir bedoelde 20 setel onverwyld gehou volgens daardie beginsel van proporsionele verteenwoordiging waarvolgens iedere kieser een oordraagbare stem het, en indien bedoelde persone by so 'n her-verkiesing weer dieselfde aantal stemme ontvang, word een van bedoelde persone, wat bepaal word deur lootjies te trek, geag as 25 senator vir daardie setel verkies te wees.

(5) Die Goewerneur-generaal kan regulasies uitvaardig betreffende verkiesings van senatore ingevolge hierdie Wet, met inbegrip van regulasies betreffende die pligte van kiesbeampies in verband met sulke verkiesings en betreffende die trek van 30 lootjies in die in sub-artikel (4) beoogde omstandighede.

5. Artikel *ses-en-twintig* van die „Zuid-Afrika Wet, 1909”, word hiermee gewysig deur paragraaf (e) daarvan en die woorde „en eigendom gelegen binnen” waar hulle ookal voorkom, te skrap. Wysiging van artikel 26 van die „Zuid-Afrika Wet, 1909”.

35 6. Artikel *dertig* van die „Zuid-Afrika Wet, 1909”, word hiermee gewysig deur die woord „twaalf” te vervang deur die woord „vijftien”. Wysiging van artikel 30 van die „Zuid-Afrika Wet, 1909”.

7. Artikel *honderd vier-en-dertig* van die „Zuid-Afrika Wet, 1909”, word hiermee gewysig deur die woorde „senatoren en” en 40 die woorde „of in geval van de eerste verkiezing van de Senaat de Goewerneur-in-Rade van ieder Kolonie” te skrap. Wysiging van artikel 134 van die „Zuid-Afrika Wet, 1909”.

8. Artikel *dertig* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949, word hiermee gewysig— Wysiging van artikel 30 van Wet 23 van 1949.

45 (a) deur in sub-artikel (3) die woord „tien” deur die woord „vyf” en die woorde „tot senator, wat ook sy setel vir tien jaar beklee” deur die woorde „om die setel te beklee tot die verstryking van die tydperk waarvoor die persoon in wie se plek hy benoem word, die setel sou beklee het” te vervang;

50 (b) deur paragrafe (b) en (c) van sub-artikel (4) deur die volgende paragrafe te vervang:

„(b) Senatore word by meerderheidstem gekies en elke kieser het een nie-oordraagbare stem vir elke senator wat verkies moet word.

55 (c) Indien twee of meer persone wat by 'n verkiesing van senatore kandidate vir dieselfde setel is, dieselfde aantal stemme ontvang, word 'n her-verkiesing van 'n senator vir bedoelde setel onverwyld gehou volgens daardie beginsel van proporsionele verteenwoordiging waarvolgens iedere kieser een oordraagbare stem het, en indien bedoelde persone by so 'n her-verkiesing weer dieselfde aantal stemme ontvang, word een van bedoelde persone, wat bepaal word deur lootjies te trek, geag as senator vir daardie setel verkies te wees. 60

65 (d) Die Goewerneur-generaal kan regulasies uitvaardig betreffende verkiesings van senatore ingevolge hierdie artikel, met inbegrip van regulasies betreffende die pligte van kiesbeampies in verband met sulke verkiesings en betreffende die trek van lootjies in die in paragraaf (c) beoogde omstandighede.”; 70

(e) deur in sub-artikel (5) die woord „tien” deur die woord 75 „vyf” te vervang.

Other laws
providing for
additional
senators not
derogated from.

9. Nothing in this Act contained shall derogate from the provisions of any law in which provision is made for the election or nomination of additional senators.

Short title.

10. This Act shall be called the Senate Act, 1955.

9. Geen bepaling van hierdie Wet doen afbreuk aan enige wetsbepaling waarin vir die verkiesing of benoeming van addisionele senatore voorsiening gemaak word nie.

Geen afbreuk word gedoen aan ander wetsbepalings wat vir addisionele senatore voorsiening maak nie.

10. Hierdie Wet heet die Senaatwet, 1955.

Kort titel.