



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

VOL. 354

KAAPSTAD, 2 DESEMBER 1994

No. 16124

CAPE TOWN, 2 DECEMBER 1994

KANTOOR VAN DIE PRESIDENT

No. 2076.

2 Desember 1994

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet, wat hierby ter algemene inligting gepubliseer word:

No. 30 van 1994: Wet op die Volkstaatraad, 1994.

OFFICE OF THE PRESIDENT

No. 2076.

2 December 1994

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:

No. 30 of 1994: Volkstaat Council Act, 1994.

WET

Om die Volkstaatraad beoog in artikel 184A van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), in te stel; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

NADEMAAL die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), die instelling van 'n Volkstaatraad magtig;

EN NADEMAAL die Parlement bevoeg is om bykomstige werksaamhede vir die Volkstaatraad en die procedures wat deur die Volkstaatraad gevvolg moet word by die uitvoering van sy werksaamhede voor te skryf;

EN NADEMAAL voorsiening gemaak moet word vir aangeleenthede wat met die instelling en werking van die Volkstaatraad in verband staan;

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 23 November 1994.)*

WORD DERHALWE BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Instelling van Volkstaatraad

1. Die Volkstaatraad beoog in artikel 184A van die Grondwet (en hieronder die Raad genoem), word hierby ingestel. 5

Bevoegdheid vir lidmaatskap van Raad

2. (1) Geen persoon is bevoeg om 'n lid van die Raad te word of te bly nie indien hy of sy—

- (a) nie 'n Suid-Afrikaanse burger is nie;
- (b) nie bevoeg is om in 'n verkiesing van lede van die Nasionale Vergadering te stem nie;
- (c) aan 'n misdryf in die Republiek of buite die Republiek, indien die optrede wat sodanige misdryf uitmaak 'n misdryf in die Republiek sou uitgemaak het, skuldig bevind is, en tot gevangenisstraf sonder die keuse van 'n boete gevonnis is, tensy hy of sy kwytskelding ontvang het;
- (d) 'n ongerehabiliteerde insolvent is; of
- (e) in sy of haar geestesvermoë gekrenk is en deur 'n bevoegde hof aldus verklaar is.

(2) By die toepassing van subartikel (1)(c) word 'n persoon geag nie aan 'n misdryf skuldig bevind te wees nie totdat die uitslag van 'n appèl teen die skuldigbevinding of vonnis bepaal is, of, indien geen appèl teen die skuldigbevinding of vonnis aangeteken is nie, die tydperk waarin so 'n appèl aangeteken mag word, verstryk het. 20

Ontruiming van amp en vul van vakatures in Raad

3. (1) 'n Lid van die Raad ontruim sy of haar amp indien hy of sy— 25

- (a) bedank;
- (b) die vertroue verloor van die lede van die Parlement beoog in artikel 184A(2) van die Grondwet;
- (c) van sy of haar amp deur die lede van die Parlement beoog in artikel 184A(2) van die Grondwet op versoek van die Raad op grond van wangedrag, onvermoë of onbekwaamheid onthef word; of
- (d) ophou om bevoeg te wees om 'n lid van die Raad te wees ingevolge artikel 2(1).

(2) Indien 'n lid van die Raad sy of haar amp ingevolge subartikel (1) ontruim

ACT

To establish the Volkstaat Council contemplated in section 184A of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993); and to provide for matters connected therewith.

WHEREAS the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), provides for the establishment of a Volkstaat Council;

AND WHEREAS Parliament is empowered to prescribe additional functions for the Volkstaat Council and the procedures to be followed by the Volkstaat Council in the performance of its functions;

AND WHEREAS provision is to be made for matters incidental to the establishment and functioning of the Volkstaat Council;

*(Afrikaans text signed by the President.)
(Assented to 23 November 1994.)*

NOW THEREFORE BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:

Establishment of Volkstaat Council

1. The Volkstaat Council contemplated in section 184A of the Constitution 5 (and hereinafter referred to as the Council), is hereby established.

Qualification for membership of Council

2. (1) No person shall become or remain a member of the Council if he or she—

- 10 (a)** is not a South African citizen;
- (b)** is not qualified in terms of section 6 of the Constitution to vote in an election of members of the National Assembly;
- (c)** has been convicted of an offence in the Republic, or outside the Republic if the conduct constituting such offence would have constituted an offence in the Republic, and sentenced to imprisonment without the option of a fine, unless he or she has received a pardon;
- 15 (d)** is an unrehabilitated insolvent; or
- (e)** is of unsound mind and has been so declared by a competent court.

(2) For the purposes of subsection (1)(c) no person shall be deemed to have been convicted of an offence until the result of any appeal against the conviction 20 or sentence has been determined or if no appeal against the conviction or sentence has been noted, the time for noting such an appeal has expired.

Vacation of office and filling of vacancies in Council

3. (1) A member of the Council shall vacate his or her office if he or she—

- (a)** resigns;
- (b)** loses the confidence of the members of Parliament contemplated in section 184A(2) of the Constitution;
- (c)** is removed from office by the members of Parliament contemplated in section 184A(2) of the Constitution at the request of the Council on the grounds of misbehaviour, incapacity or incompetence; or
- 30 (d)** ceases to be eligible to be a member of the Council in terms of section 2(1).

(2) If a member of the Council vacates his or her office in terms of subsection

of te sterwe kom, word die vakature wat so ontstaan, gevul deur 'n persoon verkies op die wyse beoog in artikel 184A(2) van die Grondwet.

Besoldiging en toelaes van lede van Raad

4. (1) Daar word uit gelde wat deur die Parlement vir hierdie doel bewillig word aan lede van die Raad die besoldiging en toelaes betaal wat die Minister vir Proviniale Sake en Staatkundige Ontwikkeling in oorleg met die Minister van Finansies bepaal.

(2) Die President bepaal, na oorleg met die Raad, watter lede voltydse lede sal wees.

Persone en liggome om bystand aan Raad te verleen

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5. (1) (a) Die Raad kan, met die instemming van die Direkteur-generaal van die Departement van Staatkundige Ontwikkeling en behoudens die bedinge en voorwaardes wat in oorleg met die Minister vir die Staatsdiens en Administrasie en die Staatsdienskommissie bepaal is, 'n sekretaris en die ander personeel aanstel wat nodig is vir die doeltreffende verrigting van sy werksaamhede.

(b) Persone aangestel kragtens paragraaf (a) word uit en ten laste van die Nasionale Inkomstefonds besoldig uit gelde wat deur die Parlement vir daardie doel bewillig word.

(2) Die Raad kan met die instemming van die Direkteur-generaal van die Departement van Staatkundige Ontwikkeling in oorleg met die Minister van Finansies, op 'n tydelike grondslag of vir 'n bepaalde aangeleentheid, 'n persoon aanstel met spesiale kundigheid, of die samewerking verkry van enige liggam, en die besoldiging van sodanige persoon of liggam bepaal, met inbegrip van die terugbetaling van reis-, verblyf- en ander uitgawes.

Prosedures en bykomstige werksaamhede van Raad

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6. (1) Die Raad moet gedurende die verrigting van sy werksaamhede bedoel in artikel 184B(1)(a) en (b) van die Grondwet en alvorens hy 'n voorlegging soos beoog in artikel 184B(1)(c) van die Grondwet doen, sover moontlik met alle belanghebbende persone, partye, liggome of instellings oorleg pleeg en moet, in sy voorleggings soos beoog in vermelde artikel 184B(1)(c) van die Grondwet, melding maak van enige besware wat geopper is of advies wat gedurende die vermelde oorlegplegingsproses gegee is, en moet die Raad se kommentaar daarop uiteensit.

(2) Die Raad is bevoeg om die komitees in te stel wat die Raad dienstig ag vir doeleindes van skakeling of koördinering met enige ander liggam, instelling of persoon.

Duur van Wet

7. (1) Hierdie Wet verval op 'n datum deur die President, na oorleg met die Raad, by proklamasie in die *Staatskoerant* bepaal.

(2) Die Raad word op die datum bedoel in subartikel (1) ontbind.

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Kort titel en inwerkingtreding

8. Hierdie Wet heet die Wet op die Volkstaatraad, 1994, en word geag op 26 Mei 1994 in werking te getree het.

(1) or dies, the vacancy thus arising shall be filled by a person elected in the manner contemplated in section 184A(2) of the Constitution.

Remuneration and allowances of members of Council

4. (1) There shall be paid from monies appropriated by Parliament for this purpose to members of the Council such remuneration and allowances as the Minister for Provincial Affairs and Constitutional Development in consultation with the Minister of Finance may determine.

(2) The President shall, after consultation with the Council, determine which members shall be full-time members.

10 Persons and bodies to assist Council

5. (1) (a) The Council may, with the approval of the Director-General of the Department of Constitutional Development and subject to the terms and conditions determined in consultation with the Minister for the Public Service and Administration and the Public Service Commission, appoint a secretary and such other staff as may be necessary for the efficient performance of its functions.

(b) Persons appointed under paragraph (a) shall be remunerated from and as a charge against the National Revenue Fund from monies appropriated by Parliament for that purpose.

20 (2) The Council may with the approval of the Director-General of the Department of Constitutional Development in consultation with the Minister of Finance, on a temporary basis or for a particular matter employ any person with special knowledge, or obtain the co-operation of any body, and fix the remuneration, including reimbursement for travelling, subsistence and other expenses, of such person or body.

Procedures and additional functions of Council

6. (1) The Council shall, in the performance of its functions referred to in section 184B(1)(a) and (b) of the Constitution and before making any submission as contemplated in section 184B(1)(c) of the Constitution, as far as possible consult with all interested persons, parties, bodies or institutions, and shall, in its submissions as contemplated in the said section 184B(1)(c) of the Constitution, mention any objections raised or advices given during the said process of consultation, and set out the Council's comments thereon.

(2) The Council shall be competent to establish such committees as it deems expedient for the purpose of liaising or co-ordinating with any other body, institution or person.

Duration of Act

7. (1) This Act shall lapse on a date fixed by the President, after consultation with the Council, by proclamation in the *Gazette*.

40 (2) The Council shall be dissolved on the date referred to in subsection (1).

Short title and commencement

8. This Act shall be called the Volkstaat Council Act, 1994, and shall be deemed to have come into operation on 26 May 1994.

