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GOVERNMENT GAZETTE

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OFFICE OF THE PRESIDENT

No. 499. 23 April 1999

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

No. 17 of 1999: Military Veteran's Affairs Act, 1999.

KANTOOR VAN DIE PRESIDENT

No. 499. 23 April 1999

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

No. 17 van 1999: Wet op Aangeleenthede betreffende Militêre Veteranes, 1999.

(English text signed by the President.)
(Assented to 14 April 1999.)

ACT

To provide for the development of national standards regarding military veterans and their dependants, including their entitlements; for the President to be Patron-in-Chief of all military veterans; for relevant Cabinet Committees to perform certain functions for the purposes of this Act; for responsibilities of the Minister of Defence; for the establishment of an Advisory Board for Military Veterans' Affairs; for an Office for Military Veterans' Affairs; for the development, promotion and implementation of policy; and for matters incidental thereto.

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

PART I

DEFINITIONS, PRINCIPLES AND AUTHORITY OF PRESIDENT, CABINET COMMITTEES AND MINISTER

5

Definitions

1. In this Act, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Defence Act has the meaning so assigned to it and—

- (i) "Advisory Board" means the Advisory Board for Military Veterans' Affairs, established by section 5; (i) 10
- (ii) "approved development programme" means—
 - (a) in relation to a development programme which for the implementation thereof in terms of legislation or administration only involves the Department of Defence or recognised military veterans' organisations, a development programme approved by the Minister; 15
 - (b) in relation to any other development programme, any such development programme which has been approved by one or both of the Cabinet Committees; (iv)
- (iii) "Cabinet Committees" means the Cabinet Committees referred to in section 4(2); (vi) 20
- (iv) "Defence Act" means the Defence Act, 1957 (Act No. 44 of 1957); (xii)
- (v) "dependant", in relation to a military veteran, means a person—
 - (a) who is the spouse, widower, widow or child of the military veteran; or
 - (b) who is otherwise legally or factually dependent on the military veteran for support and maintenance; and 25
 - (c) who complies with the requirements and conditions which may be prescribed; (ii)
- (vi) "development programme", in relation to affairs relating to, and particularly, the entitlements of, military veterans envisaged in paragraph (e)(iv) of section 15, means any such programme which has, in terms of paragraph (e)(vi) of the said section been formulated by the Office in accordance with the provisions of this Act and the prescribed format and requirements; (x) 30
- (vii) "entitlement", in relation to a military veteran and his or her dependants, includes any pension, grant, allowance, subsidy, compensation, accommodation or retirement assistance, loan, insurance benefit, burial benefit, social 35

*(Engelse teks deur die President geteken.)
(Goedgekeur op 14 April 1999.)*

WET

Om voorsiening te maak vir die ontwikkeling van nasionale standaarde betreffende militêre veterane en hul afhanklikes, met inbegrip van hul voorregte; vir die President om die Hoofbeskermheer van alle militêre veterane te wees; vir betrokke Kabinetskomitees om sekere werksaamhede vir die doeleindes van hierdie Wet te verrig; vir verantwoordelikhede van die Minister van Verdediging; vir die instelling van 'n Adviesraad op Aangeleenthede betreffende Militêre Veterane; vir 'n Kantoor vir Aangeleenthede betreffende Militêre Veterane; vir die ontwikkeling, bevordering en implementering van beleid; en vir aangeleenthede wat daarmee in verband staan.

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

DEEL I

WOORDOMSKRYWING, BEGINSELS EN GESAG VAN PRESIDENT, KABINETSKOMITEES EN MINISTER

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan 'n betekenis in die Verdedigingswet geheg word, die betekenis aldus daaraan geheg en beteken—

- 10 (i) "Adviesraad" die Adviesraad op Aangeleenthede betreffende Militêre Veterane, ingestel by artikel 5; (i)
- (ii) "afhanklike", met betrekking tot 'n militêre veteraan, 'n persoon—
 - (a) wat die gade, wewenaar, weduwee of kind van die militêre veteraan is; of
 - 15 (b) wat andersins wettiglik of feitelik van die militêre veteraan vir bystand en onderhoud afhanklik is; en
 - (c) wat voldoen aan die vereistes en voorwaardes wat voorgeskryf word; (v)
- 20 (iii) "erkende organisasie van militêre veterane", organisasies of verenigings ingestel ten opsigte van militêre veterane in die privaatsektor en deur die Minister as wettiglik verteenwoordigend van die belange van militêre veterane erken; (xii)
- (iv) "goedgekeurde ontwikkelingsprogram"—
 - (a) met betrekking tot 'n ontwikkelingsprogram wat vir die implementering daarvan ingevolge wetgewing of administrasie slegs die Departement
 - 25 van Verdediging of erkende organisasies van militêre veterane betrek, 'n ontwikkelingsprogram deur die Minister goedgekeur;
 - (b) met betrekking tot enige ander ontwikkelingsprogram, enige sodanige ontwikkelingsprogram wat deur een of beide Kabinetskomitees goedgekeur is; (ii)
- 30 (v) "hierdie Wet" ook die regulasies; (xiv)
- (vi) "Kabinetskomitees" die Kabinetskomitees bedoel in artikel 4(2); (iii)
- (vii) "Kantoor" die Kantoor vir Aangeleenthede betreffende Militêre Veterane, ingestel by artikel 14(1); (x)
- (viii) "militêre veteraan" enige persoon wat—

assistance or other benefit which any such person is entitled to in law and any prescribed entitlement; (xiv)

- (viii) "military veteran" means any person who—
- (a) either voluntarily or under conscription or call-up served as a member of—
 - (i) the Union Defence Forces or any military force of a country allied to the former Union Government during the Great War of 1914 to 1918, World War II being the war which commenced on 6 September 1939, or the hostilities in Korea from 1950 to 1953; or
 - (ii) the South African Defence Force or any defence force of a territory which prior to the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), enjoyed the status of an independent State in terms of a law of the Republic of South Africa; or
 - (iii) the South African National Defence Force, and has not been dishonourably discharged, is retired, or no longer serves in the South African National Defence Force and is a citizen of the Republic, and irrespective of whether any such service envisaged in subparagraph (i), (ii) or (iii) has been rendered in a permanent or in a part-time component or part-time capacity; or
 - (b) is a "war veteran" as defined in section 1 of the Social Assistance Act, 1992 (Act No. 59 of 1992); or
 - (c) served as a member of any non-statutory force as defined in section 1 of the Demobilisation Act, 1996 (Act No. 99 of 1996); or
 - (d) belongs to any other prescribed category of military veterans; (viii)
 - (ix) "Minister" means the Minister of Defence; (ix)
 - (x) "Office" means the Office for Military Veterans' Affairs, established by section 14(1); (vii)
 - (xi) "prescribed" means prescribed by regulation; (xiii)
 - (xii) "recognised military veterans' organisations" means organisations or associations established in respect of military veterans in the private sector and recognised by the Minister as lawfully representative of interests of military veterans; (iii)
 - (xiii) "regulation" means any regulation made under section 16; (xi)
 - (xiv) "this Act" includes the regulations. (v)

Construction of Act

2. The provisions of this Act must not be construed as entitling any person who is defined as a military veteran in this Act, or his or her dependants, to any entitlement provided for in any other existing law merely on the grounds of such definition.

Fundamental principles

3. For the purposes of this Act the following fundamental principles are recognised by the State as governing affairs relating to military veterans, namely that—

- (a) sacrifices made by military veterans in the service of or for their country or their role in the democratisation of South Africa are honoured;
- (b) compensation to which military veterans may be entitled for disablement constitutes reparation and is, despite any provision to the contrary contained in any law, not a welfare benefit;
- (c) in the event of a military veteran or category of military veterans being considered for possible aid by the State, which is non-contributory, subject to budgetary and infrastructure constraints, such military veterans must have been income- and means-tested and must, in the case of female veterans, have reached the age of 55 years and, in the case of male veterans, have reached the age of 60 years;

WET OP AANGELEENTHEDE BETREFFENDE
MILITÊRE VETERANE, 1999

Wet No. 17, 1999

- (a) of vrywillig of kragtens diensplig of opkommandering gedien het as lid—
- (i) van die Unie Verdedigingsmagte of enige militêre mag van 'n land geallieer aan die voormalige Unie Regering tydens die Groot Oorlog van 1914-1918, die Tweede Wêreldoorlog, synde die oorlog wat op 6 September 1939 begin het, of die vyandelikhede in Korea gedurende 1950-1953; of
- (ii) van die Suid-Afrikaanse Weermag of enige weermag van 'n gebied wat voor die inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), die status geniet het van 'n onafhanklike staat ingevolge 'n wet van die Republiek van Suid-Afrika; of
- (iii) van die Suid-Afrikaanse Nasionale Weermag, en nie oneerbaar ontslaan is nie, afgetree het, of nie langer in die Suid-Afrikaanse Nasionale Weermag dien nie en 'n burger van die Republiek is, en ongeag of sodanige diens beoog in subparagrafe (i), (ii) of (iii) gelewer is in 'n voltydse of in 'n deeltydse komponent of deeltydse hoedanigheid; of
- (b) 'n "oorlogsveteraan" is soos omskryf in artikel 1 van die Wet op Maatskaplike Bystand, 1992 (Wet No. 59 van 1992); of
- (c) as lid gedien het van enige nie-statutêre mag soos omskryf in die Wet op Demobilisasie, 1996 (Wet No. 99 van 1996); of
- (d) aan enige ander voorgeskrewe kategorie veterane behoort; (viii)
- (ix) "Minister" die Minister van Verdediging; (ix)
- (x) "ontwikkelingsprogram", met betrekking tot aangeleenthede betreffende militêre veterane en, in die besonder, die voorregte van militêre veterane beoog in paragraaf (e)(iv) van artikel 15, enige sodanige program wat, ingevolge paragraaf (e)(vi) van genoemde artikel, deur die Kantoor ooreenkomstig die bepalings van hierdie Wet en die voorgeskrewe formaat en vereistes opgestel is; (vi)
- (xi) "regulasie" enige regulasie kragtens artikel 16 uitgevaardig; (xiii)
- (xii) "Verdedigingswet" die Verdedigingswet, 1957 (Wet No. 44 van 1957); (iv)
- (xiii) "voorgeskryf" by regulasie voorgeskryf; (xi)
- (xiv) "voorreg", met betrekking tot 'n militêre veteraan en sy of haar afhanklikes, ook enige pensioen, toekenning, toelae, subsidie, vergoeding, akkommodasie- of uittredingsbystand, lening, versekeringsvoordeel, begrafnisvoordeel, sosiale bystand of ander voordeel waartoe enige sodanige persoon regtens geregtig is, en enige voorgeskrewe voorreg. (vii)

Uitleg van Wet

2. Die bepalings van hierdie Wet word nie uitgelê nie as sou dit enige persoon wat in hierdie Wet as 'n militêre veteraan omskryf word, of sy of haar afhanklikes, geregtig maak op enige voorreg waarvoor voorsiening in enige ander bestaande wet gemaak word, bloot op grond van sodanige omskrywing.

Grondliggende beginsels

3. Vir die doeleindes van hierdie Wet word deur die Staat erken dat die volgende grondliggende beginsels aangeleenthede betreffende militêre veterane reël, naamlik dat—
- (a) eer bewys word vir die opofferinge gedoen deur militêre veterane in die diens van of vir hul land of hul rol by die demokratisering van Suid-Afrika;
- (b) vergoeding waarop militêre veterane geregtig mag wees vir ongeskiktheid geag word kompensasie te wees en, ondanks enige ander bepaling tot die teendeel in enige wet vervat, nie geag word 'n welsynsvoordeel te wees nie;
- (c) in die geval waar 'n militêre veteraan of kategorie militêre veterane oorweeg word vir moontlike bystand deur die Staat, wat nie-bydraend is, onderworpe aan begrotings- en infrastruktuurbeperkings, sodanige militêre veterane 'n inkomste- en middeletoets moes ondergaan het, en in die geval van vroulike veterane die ouderdom van 55 jaar bereik het en in die geval van manlike veterane die ouderdom van 60 jaar bereik het;

- (d) special consideration must be given that must benefit and relieve military veterans who suffer from any physical or mental disability arising from military service rendered by them;
- (e) disparities, inequalities or unfair discrimination as regards the entitlements of military veterans and their dependants, must be identified and, where possible, remedied; 5
- (f) all governmental entities involved with military veterans' affairs must co-operate with the Office to ensure the achievement of the objects of this Act, and, within their available resources, to take reasonable legislative and other measures to achieve the progressive realisation thereof; and 10
- (g) the State, or any State Department or State Agency, may not undertake, be committed, or obliged to provide State aid or any other assistance to any military veteran other than through the existing legislative and administrative channels.

Authority of President, Cabinet Committees and Minister 15

- 4. (1) The President is the Patron-in-Chief of all military veterans, subject to the provisions of the Constitution.
- (2) The President may designate Cabinet Committees to—
 - (a) exercise oversight over the implementation of this Act;
 - (b) consider proposals emanating from the Minister, after consultation with the other Ministers concerned with military veterans' affairs, with regard to policy, funding and budgetary implications in connection with such affairs; and 20
 - (c) promote the implementation of approved development programmes.
- (3) The Minister may take any necessary step to achieve the objects of this Act. 25

PART II

ADVISORY BOARD ON MILITARY VETERANS' AFFAIRS

Establishment of Advisory Board on Military Veterans' Affairs

- 5. An Advisory Board on Military Veterans' Affairs is established to attend to the interests of military veterans. 30

Composition of Advisory Board

- 6. The Advisory Board consists of—
 - (a) the Chairperson and members appointed in terms of section 7(1); and
 - (b) the Director of the Office.

Appointment of members of Advisory Board 35

- 7. (1) The Minister, after consultation with the Chief of the South African National Defence Force, must appoint—
 - (a) the Chairperson; and
 - (b) not fewer than two and not more than four members to serve on the Advisory Board. 40
- (2) The members referred to in subsection (1) must be appointed from persons nominated by recognised military veterans' organisations in accordance with the prescribed procedure.

WET OP AANGELEENTHEDE BETREFFENDE
MILITÊRE VETERANE, 1999

Wet No. 17, 1999

- (d) besondere oorweging geskenk moet word wat militêre veterane wat aan enige fisiese of geestesongeskiktheid ly wat ontstaan uit militêre diens deur hulle verrig, moet bevoordeel en ondersteun;
- 5 (e) verskille, ongelykhede en onbillike diskriminasie betreffende die voorregte van militêre veterane en hul afhanklikes, geïdentifiseer en waar moontlik reggestel moet word;
- (f) alle regeringsentiteite wat betrokke is by aangeleenthede betreffende militêre veterane moet saamwerk met die Kantoor om die bereiking van die oogmerke van hierdie Wet te verseker, en, binne beskikbare hulpbronne, redelike wetgewende en ander maatreëls moet tref om die progressiewe verwesenliking daarvan te bereik; en
- 10 (g) die Staat of enige Staatsdepartement of Staatsagentskap, nie Staatsbystand of enige ander hulp aan enige militêre veteraan mag onderneem, of daartoe verbind of verplig sal wees, anders as deur middel van die bestaande wetgewende en administratiewe kanale nie.
- 15

Gesag van President, Kabinetskomitees en Minister

4. (1) Die President is die Hoofbeskermheer van alle militêre veterane, behoudens die bepalings van die Grondwet.

(2) Die President kan Kabinetskomitees aanwys om—

- 20 (a) toesig uit te oefen oor die implementering van hierdie Wet;
- (b) aanbevelings afkomstig van die Minister na oorlegpleging met die ander Ministers betrokke by aangeleenthede betreffende militêre veterane te oorweeg, met betrekking tot beleid, befondsings- en begrotingsimplikasies in verband met sodanige aangeleenthede; en
- 25 (c) die implementering van goedgekeurde ontwikkelingsprogramme te bevorder.
- (3) Die Minister kan enige redelike stap doen om die oogmerke van hierdie Wet te bereik.

DEEL II**ADVIESRAAD OP AANGELEENTHEDE BETREFFENDE
MILITÊRE VETERANE**

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Instelling van Adviesraad op Aangeleenthede betreffende Militêre Veterane

5. 'n Adviesraad op Aangeleenthede betreffende Militêre Veterane word ingestel om na die belange van militêre veterane om te sien.

Samestelling van Adviesraad

35 6. Die Adviesraad bestaan uit—

- (a) die Voorsitter en lede aangestel ingevolge artikel 7(1); en
- (b) die Direkteur van die Kantoor.

Aanstelling van lede van Adviesraad

7. (1) Die Minister moet, na oorlegpleging met die Hoof van die Suid-Afrikaanse Nasionale Weermag—

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- (a) die Voorsitter; en
- (b) minstens twee en hoogstens vier lede om in die Adviesraad te dien, aanstel.

(2) Die lede bedoel in subartikel (1) word aangestel uit persone benoem deur erkende organisasies van militêre veterane ooreenkomstig die voorgeskrewe prosedure.

45

Remuneration and allowances of members of Advisory Board

8. (1) The members of the Advisory Board who are not in the full-time employment of the State, must be paid such remuneration and allowances as may be determined by the Minister in consultation with the Minister of Finance.

(2) The terms of employment, including the remuneration of a member of the Advisory Board, may not be adversely altered during the term of office. 5

Term of office

9. (1) The Chairperson serves in a full-time capacity.

(2) The other members of the Advisory Board serve in a part-time capacity.

(3) The Chairperson and other members of the Advisory Board will serve for a period not exceeding five years but are eligible for reappointment at the end of their term of office. 10

Removal from office

10. (1) The Minister may remove a member of the Advisory Board from office only on the grounds of misconduct, incapacity or incompetence. 15

(2) A decision to remove a member of the Advisory Board from office must be based on a finding of an independent tribunal appointed by the Minister.

(3) The Minister may suspend a member of the Advisory Board from office pending the finding of the tribunal referred to in subsection (2).

Resignation

11. (1) The Chairperson of the Advisory Board may resign by giving written notice of three months to the Minister but the Minister may, after consultation with the Chief of the National Defence Force, accept a shorter notice period.

(2) Other members of the Advisory Board may resign by giving written notice of three months to the Chairperson but the Chairperson may accept a shorter notice period. 25

Meetings of Advisory Board

12. (1) The first meeting of the Advisory Board must be held on such a date, time and place as the Chairperson may determine.

(2) All subsequent meetings must be held on such dates, times and places as the Chairperson may determine in consultation with the Advisory Board. 30

(3) The Advisory Board must determine the rules of procedure for the conduct of its business at its meetings.

(4) A decision of the majority of the members of the Advisory Board present and forming a quorum at a meeting is binding on the Advisory Board.

(5) The quorum for any meeting of the Advisory Board must be fifty percent of the total members of the Advisory Board plus one. 35

(6) In the event of an equality of votes the Chairperson has a casting vote in addition to the deliberative vote.

(7) A member who has a personal or financial interest in any matter before the Advisory Board must disclose that interest and withdraw from the proceedings of the Advisory Board when that matter is considered. 40

Powers and duties of Advisory Board

13. (1) The Advisory Board is responsible to the Minister and must—

(a) perform duties and exercise powers granted to, or imposed on, it in terms of this Act; 45

(b) on its own initiative or at the request of the Minister, or of the Office, make recommendations to the Minister and furnish advice on all matters pertaining to military veterans and their dependants.

(2) The Advisory Board must, within 90 days after 31 March in every year, submit a report to the Minister on its activities and the activities of the Office, and the Minister must table it in Parliament. 50

Vergoeding en toelaes van lede van Adviesraad

8. (1) Die lede van die Adviesraad wat nie in volydse diens van die Staat is nie, moet die vergoeding en toelaes betaal word wat deur die Minister in oorleg met die Minister van Finansies bepaal word.

- 5 (2) Die diensvoorwaardes, met inbegrip van die vergoeding van 'n lid van die Adviesraad, mag nie gedurende die ampstermyn nadelig verander word nie.

Ampstermyn

9. (1) Die Voorsitter dien in 'n volydse hoedanigheid.

(2) Die ander lede van die Adviesraad dien in 'n deelydse hoedanigheid.

- 10 (3) Die Voorsitter en ander lede van die Adviesraad dien vir 'n tydperk van hoogstens vyf jaar maar is aan die einde van hul ampstermyn geskik vir heraanstelling.

Verwydering uit amp

10. (1) Die Minister kan enige lid van die Adviesraad slegs op grond van wangedrag, onbevoegdheid of onbekwaamheid uit sy of haar amp verwyder.

- 15 (2) 'n Besluit om 'n lid van die Adviesraad uit sy of haar amp te verwyder, moet op 'n bevinding van 'n onafhanklike tribunaal deur die Minister aangestel, gegrond wees.

(3) Die Minister kan 'n lid van die Adviesraad uit sy of haar amp skors hangende die bevinding van die tribunaal bedoel in subartikel (2).

Bedanking

- 20 11. (1) Die Voorsitter van die Adviesraad kan bedank deur skriftelike kennisgewing van drie maande aan die Minister te gee maar die Minister kan, na oorlegpleging met die Hoof van die Nasionale Weermag, 'n korter kennistydperk aanvaar.

(2) Ander lede van die Adviesraad kan bedank deur skriftelike kennisgewing van drie maande aan die Voorsitter te gee maar die Voorsitter kan 'n korter kennistydperk

- 25 aanvaar.

Vergaderings van Adviesraad

12. (1) Die eerste vergadering van die Adviesraad word gehou op die datum, tyd en plek wat die Voorsitter bepaal.

- (2) Alle daaropvolgende vergaderings word gehou op die datums, tye en plekke wat 30 die Voorsitter in oorleg met die Adviesraad bepaal.

(3) Die Adviesraad bepaal die prosedurereëls vir die afhandeling van sake by sy vergaderings.

(4) 'n Beslissing van die meerderheid van die lede van die Adviesraad wat aanwesig is en 'n kworum vir 'n vergadering uitmaak, is bindend op die Adviesraad.

- 35 (5) Die kworum by enige vergadering van die Adviesraad is vyftig persent van die totale getal lede van die Adviesraad plus een.

(6) In die geval van 'n staking van stemme beskik die Voorsitter oor 'n beslissende stem benewens sy of haar, beraadslagende stem.

- 40 (7) 'n Lid wat 'n persoonlike of geldelike belang by enige aangeleentheid voor die Adviesraad het, moet daardie belang verklaar en van die verrigtinge van die Adviesraad onttrek wanneer daardie aangeleentheid oorweeg word.

Bevoegdhede en pligte van Adviesraad

13. (1) Die Adviesraad is verantwoordelik aan die Minister en moet—

- 45 (a) die pligte uitvoer en bevoegdhede uitoefen wat aan die Adviesraad ingevolge hierdie Wet opgelê of verleen word;

(b) op eie inisiatief of op versoek van die Minister, of die Kantoor, aanbevelings aan die Minister doen en advies gee oor alle aangeleenthede betreffende militêre veterane en hul afhanklikes.

- 50 (2) Die Adviesraad moet binne 90 dae na 31 Maart in elke jaar 'n verslag oor sy aktiwiteite, en die aktiwiteite van die Kantoor, aan die Minister voorlê, en die Minister moet dit in die Parlement ter tafel lê.

PART III**OFFICE FOR MILITARY VETERANS' AFFAIRS****Establishment of Office for Military Veterans' Affairs**

14. (1) An Office for Military Veterans' Affairs is established in the Department of Defence and it must perform duties and exercise powers granted to, or imposed on, it in terms of this Act. 5

(2) The Secretary for Defence is the accounting officer of the Office.

Powers and duties of Office for Military Veterans' Affairs**15. The Office—**

- (a) must be managed by a Director of Military Veterans' Affairs who must— 10
 - (i) be appointed by the Secretary for Defence in consultation with the Minister; and
 - (ii) perform the duties as secretary of the Advisory Board;
- (b) must provide the required services and infrastructure to the Advisory Board and must act on the recommendation and advice of the Advisory Board; 15
- (c) must investigate any—
 - (i) submission, inquiry or complaint received from any individual military veteran or his or her dependant; or
 - (ii) such submission, inquiry or complaint relating to military veterans' entitlements or those of their dependants submitted to the Office by the Minister or the Advisory Board; 20
- (d) must provide—
 - (i) the Minister, the Advisory Board or any such individual with a full report and recommendations; and
 - (ii) such individual with appropriate advice or assistance as may be required; 25
- (e) must—
 - (i) review, develop and co-ordinate policy regarding military veterans' affairs;
 - (ii) report to the Minister on the monitoring of the execution of approved military veterans' policies by State departments and provincial executive authorities, and the rendering of inputs for required corrective action; 30
 - (iii) research, define, investigate, evaluate and promote military veterans' affairs on an integrated basis;
 - (iv) identify legislative or administrative disparities, inequalities or unfair discrimination regarding the entitlements and the needs of military veterans and their dependants in order to rectify such disparities, inequalities or unfair discrimination; 35
 - (v) review existing legislation with a view to making new policy and promoting a consolidation of such legislation in order to provide for an integrated regulation of affairs of military veterans and their dependants; 40
 - (vi) formulate development programmes and submit proposals and recommendations to the relevant State departments and provincial executive authorities in connection with the development of military veterans' affairs;
- (f) must consult the Department of Defence, and other State departments and provincial executive authorities, and all other persons, organisations or institutions who or which are concerned with military veterans' affairs, to achieve the objects of this Act; 45
- (g) must, as soon as practicable after the date of commencement of this Act,

WET OP AANGELEENTHEDE BETREFFENDE
MILITÊRE VETERANE, 1999

Wet No. 17, 1999

DEEL III

KANTOOR VIR AANGELEENTHEDE BETREFFENDE
MILITÊRE VETERANE

Instelling van Kantoor vir Aangeleenthede betreffende Militêre Veterane

- 5 **14.** (1) 'n Kantoor vir Aangeleenthede betreffende Militêre Veterane word in die Departement van Verdediging ingestel en moet die pligte uitvoer en bevoegdhede uitoefen wat ingevolge hierdie Wet daaraan opgelê of verleen word.
- (2) Die Sekretaris van Verdediging is die rekenpligtige beampte van die Kantoor.

10 **Bevoegdhede en pligte van Kantoor vir Aangeleenthede betreffende Militêre Veterane**

- 15 **15.** (1) Die Kantoor—
- (a) word deur 'n Direkteur van Aangeleenthede betreffende Militêre Veterane bestuur wat—
- (i) deur die Sekretaris van Verdediging in oorleg met die Minister aangestel word; en
- (ii) die pligte as Sekretaris van die Adviesraad verrig;
- (b) is verantwoordelik om die vereiste dienste en infrastruktuur aan die Adviesraad te lewer, en moet op die Adviesraad se aanbevelings en advies handel;
- 20 (c) moet—
- (i) enige voorlegging, navraag of klagte van enige individuele militêre veteraan of sy of haar afhanklike ontvang; of
- (ii) enige sodanige voorlegging, navraag of klagte met betrekking tot voorregte van militêre veterane of van hul afhanklikes voorlê aan die Kantoor deur die Minister of Adviesraad,
- 25 onderzoek;
- (d) moet—
- (i) die Minister, die Adviesraad of enige sodanige individu van 'n volledige verslag en aanbevelings voorsien; en
- (ii) sodanige individu van toepaslike advies of bystand soos vereis, voorsien;
- 30 (e) moet—
- (i) beleid met betrekking tot aangeleenthede betreffende militêre veterane hersien, ontwikkel en koördineer;
- (ii) verslag doen aan die Minister oor die monitering van die uitvoering van goedgekeurde beleid oor militêre veterane deur Staatsdepartemente en provinsiale uitvoerende owerhede, en die lewering van insette vir vereiste regstellende optrede;
- 35 (iii) aangeleenthede betreffende militêre veterane op 'n geïntegreerde grondslag navors, omskryf, ondersoek, evalueer en bevorder;
- 40 (iv) wetgewende of administratiewe verskille, ongelykhede of onbillike diskriminasie met betrekking tot die voorregte en die behoeftes van militêre veterane en hul afhanklikes identifiseer ten einde sodanige verskille, ongelykhede of onbillike diskriminasie reg te stel;
- 45 (v) bestaande wetgewing hersien met die oog op die formulering van nuwe beleid en die konsolidasie van sodanige wetgewing bevorder ten einde voorsiening te maak vir 'n geïntegreerde regulering van aangeleenthede betreffende militêre veterane en hul afhanklikes;
- (vi) ontwikkelingsprogramme formuleer en voorstelle en aanbevelings voorlê aan die betrokke Staatsdepartemente en provinsiale uitvoerende owerhede in verband met die ontwikkeling van aangeleenthede betreffende militêre veterane;
- 50 (f) moet, om die oogmerke van hierdie Wet te bereik, met die Departement van Verdediging, en ander Staatsdepartemente en provinsiale uitvoerende owerhede, en alle ander persone, organisasies of instellings wat betrokke is by aangeleenthede betreffende militêre veterane, oorleg pleeg;
- 55 (g) moet, so gou doenlik na die datum van inwerkingtreding van hierdie Wet, 'n

- conduct a survey of State-controlled and privately administered schemes or programmes dealing with any aspect of the affairs of military veterans;
- (h) must collect data and information regarding all existing entitlements of military veterans and their dependants, and establish a data base on military veterans and military veterans' affairs, which must be updated regularly; 5
 - (i) must include, in any such data base, information collected and compiled as provided for in paragraph (h), and data regarding persons qualifying as military veterans or dependants;
 - (j) must compile data of ascertained disparities, inequalities or unfair discrimination regarding the entitlements and needs of military veterans and their dependants which require rectification on a group or individual basis, whether by legislative provision or otherwise; 10
 - (k) must, as soon as practicable after the date mentioned in paragraph (g), compile a priority list of the prescribed development programmes, proposals or recommendations, to be dealt with in the interest of military veterans and their dependants; 15
 - (l) must submit development programmes to the Minister—
 - (i) for submission to Cabinet Committees for their approval; or
 - (ii) for his or her approval,
 and must publish all approved development programmes in the *Gazette* for public notification, whereupon such programmes become binding on all persons and bodies to which they refer and must be implemented according to their terms; 20
 - (m) may forward proposals or recommendations in connection with any aspect of affairs relating to military veterans and their dependants to the Minister or the Advisory Board, or any other person or body, for purposes of obtaining advice, guidance, direction or endorsement; 25
 - (n) may make inputs, through the Department of Defence, in respect of policy and budgets of State and provincial administrations relating to military veterans' affairs; 30
 - (o) may negotiate with State departments, provincial executive authorities and non-governmental organisations to act as agents for the Department of Defence to carry out duties regarding military veterans; and
 - (p) may exercise any power and perform any duty as may be prescribed. 35

PART IV

35

MISCELLANEOUS

Regulations

16. (1) The Minister may, subject to the provisions of this Act, make regulations relating to—

- (a) any matter required or permitted to be prescribed by or in terms of any provision of this Act; 40
- (b) appeals or reviews, in cases where no express provision is made therefor in any other law, including the composition of a body or bodies to conduct such appeals or reviews, and administrative procedures and infrastructure regarding the conduct of such appeals or reviews; 45
- (c) the remuneration, allowances and other terms and conditions of employment and service benefits of any member of the Advisory Board in respect of services rendered, whether on a part-time or a full-time basis, in consultation with the Minister of Finance after having considered recommendations by the Secretary for Defence in that regard; 50
- (d) generally, any other matter which is necessary to be prescribed for the better achievement of the objects of this Act, the generality of this provision not being limited by the particular provisions of any other paragraph of this subsection.

(2) Different regulations may be made regarding different persons or bodies or different categories of persons or bodies, if such differential treatment does not amount to unfair discrimination. 55

WET OP AANGELEENTHEDE BETREFFENDE
MILITÊRE VETERANE, 1999

Wet No. 17, 1999

- oorsig onderneem van Staatsbeheerde en privaat geadministreerde skemas of programme wat handel oor enige aspek van aangeleentheid betreffende militêre veterane;
- 5 (h) moet data en inligting versamel met betrekking tot alle bestaande voorregte van militêre veterane en hul afhanklikes, en moet 'n databasis opstel oor militêre veterane en aangeleentheid betreffende militêre veterane, wat gereeld opgedateer moet word;
- 10 (i) moet in sodanige databasis inligting wat versamel en saamgestel is soos bepaal in paragraaf (h) en inligting met betrekking tot persone wat as militêre veterane of afhanklikes kwalifiseer, insluit;
- (j) moet data saamstel van vasgestelde verskille, ongelykhede en onbillike diskriminasie met betrekking tot voorregte en behoeftes van militêre veterane en hul afhanklikes wat regstelling vereis op 'n groeps- of individuele grondslag, hetsy by wyse van wetgewende voorsiening of andersins;
- 15 (k) moet so gou doenlik na die datum vermeld in paragraaf (g), 'n prioriteitslys saamstel van die voorgeskrewe ontwikkelingsprogramme, voorstelle of aanbevelings, waarmee in die belang van militêre veterane en hul afhanklikes gehandel te word;
- 20 (l) moet ontwikkelingsprogramme aan die Minister voorlê—
(i) vir voorlegging aan die Kabinetskomitees vir hul goedkeuring; of
(ii) vir sy of haar goedkeuring,
en moet alle goedgekeurde ontwikkelingsprogramme laat publiseer in die *Staatskoerant* vir openbare bekendmaking, waarna sodanige programme bindend word op alle persone en liggame waarna hulle verwys en geïmplementeer word ooreenkomstig die bepalings daarvan;
- 25 (m) kan voorstelle of aanbevelings in verband met enige aspek van aangeleentheid met betrekking tot militêre veterane en hul afhanklikes deurstuur na die Minister of die Adviesraad, of enige ander persoon of liggaam, vir doeleindes van verkryging van advies, leiding, rigting of onderskrywing;
- 30 (n) kan, deur die Departement van Verdediging, insette lewer ten opsigte van beleid en begrotings van Staats- en provinsiale administrasies met betrekking tot aangeleentheid betreffende militêre veterane;
- (o) kan met Staatsdepartemente, provinsiale uitvoerende owerhede en neregteringsorganisasies onderhandel om as agente op te tree vir die Departement van Verdediging om pligte uit te voer met betrekking tot militêre veterane; en
- 35 (p) kan enige bevoegdheid uitoefen en enige plig uitvoer wat voorgeskryf word.

DEEL IV

ALGEMEEN

40 Regulasies

16. (1) Die Minister kan, behoudens die bepalings van hierdie Wet, regulasies uitvaardig met betrekking tot—
- (a) enige aangeleentheid wat by of ingevolge enige bepaling van hierdie Wet voorgeskryf moet of kan word;
- 45 (b) appêlle of hersienings, in gevalle waar geen uitdruklike bepaling daarvoor in enige ander wet gemaak word nie, met inbegrip van die samestelling van 'n liggaam of liggame om sodanige appêlle of hersienings te hanteer, en administratiewe prosedures en infrastruktuur met betrekking tot die hantering van sodanige appêlle en hersienings;
- 50 (c) die vergoeding, toelaes en ander bepalings en diensvoorwaardes en diensvoordele van enige lid van die Adviesraad ten opsigte van dienste gelewer, hetsy op 'n voltydse of 'n deeltydse grondslag, in oorleg met die Minister van Finansies na oorweging van aanbevelings van die Sekretaris vir Verdediging in daardie verband;
- 55 (d) in die algemeen, enige ander aangeleentheid wat nodig is om voorgeskryf te word ten einde die oogmerke van hierdie Wet beter te bereik, terwyl die algemeenheid van hierdie bepaling nie deur die besondere bepalings van enige ander paragraaf van hierdie subartikel beperk word nie.
- (2) Verskillende regulasies kan uitgevaardig word met betrekking tot verskillende
60 persone of liggame of verskillende kategorieë persone of liggame, mits sodanige differensiële behandeling nie onbillike diskriminasie uitmaak nie.

Regulations made under any law

17. The Minister and the Advisory Board must be consulted when a regulation relating to a matter exclusively affecting the rights or entitlements of military veterans or their dependants is made under any law.

Funding

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18. The costs and expenses connected with the administration and implementation of this Act must be defrayed from moneys appropriated by Parliament to the Department of Defence for that purpose.

Short title and commencement

19. This Act is called the Military Veterans' Affairs Act, 1999, and comes into 10 operation on a date determined by the President by proclamation in the *Gazette*.

WET OP AANGELEENTHEDE BETREFFENDE
MILITÊRE VETERANE, 1999

Wet No. 17, 1999

Regulasies uitgevaardig kragtens enige wet

17. Die Minister en die Adviesraad moet geraadpleeg word wanneer 'n regulasie met betrekking tot 'n aangeleentheid wat uitsluitlik die regte of voorregte van militêre veterane of hul afhanklikes raak, kragtens enige wet uitgevaardig word.

5 Befondsing

18. Die kostes en uitgawes in verband met die administrasie en implementering van hierdie Wet word bestry uit fondse wat deur die Parlement aan die Departement van Verdediging vir daardie doel bewillig word.

Kort titel en inwerkingtreding

- 10 19. Hierdie Wet heet die Wet op Aangeleenthede betreffende Militêre Veterane, 1999, en tree in werking op 'n datum bepaal deur die President by proklamasie in die *Staatskoerant*.

