

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

**NORTH-WEST
NOORD WES**

**PROVINCIAL GAZETTE
PROVINSIALEKOERANT**

Price R1,20

Prys R1,20

Vol. 1

12/08/1994

Nr. 24
No.

GENERAL NOTICE NO. 2

The Draft Bill hereunder is hereby published by the Parliamentary Committee on Finance, Economic Affairs and Agriculture for general information and comment from interested parties. Comment must reach the Committee before the end of three weeks from the date of issue of this Notice at the following address:

Attention : Mr Victor Diphoko
Private Bag X2018
MMABATHO
8681

Fax : (0140) 842675

BILL

To provide for the establishment of a Provincial Youth Commission the powers and functions of such Youth Commission appointment, tenure of office and the appointment of the staff of Youth Commission; and to provide for the incidental matters.

BILL

To provide for the establishment of a Provincial Youth Commission, the powers and functions of such Youth Commission, the appointment, tenure of office and the appointment of the staff of the Youth Commission; and to provide for incidental matters.

BE IT ENACTED by the Premier and the Legislature of the North West Province as follows:-

Definitions.

1. In this Act, unless inconsistent with the context -

"Commission" means the Provincial Youth Commission established by section 2;

"Constitution" means the Constitution of the Republic of South Africa, 1993;

"Province" means the Province of the North West; and

"Premier" means the Premier of the Province of the North West as contemplated by section 145(1) of the Constitution.

Establishment of Provincial Youth Commission.

- 2.(1) There is hereby established a Provincial Youth Commission which shall exercise and perform the powers, functions and duties prescribed by

this Act.

(2) The Commission shall, in respect of the exercise and performance of its powers, functions and duties, be accountable to the Provincial Legislature.

Composition of Provincial Youth Commission.

3.(1) The Commission shall consist of ten members appointed by the Premier, after consultation with the youth organisations in the Province, from the members of the Provincial Legislature and selected individuals, being -

- (a) the head of the Commission who shall act as Special Advisor to the Premier and be the chairperson of the Commission;
- (b) the deputy head of the Commission who shall act as and exercise and perform the powers, functions and duties of the chairperson when the office of the chairperson is vacant or the chairperson is incapacitated;
- (c) eight members who shall be nominated and may fill the following portfolios:
 - (i) Social Services;
 - (ii) Economic Activity;
 - (iii) Education and Training;
 - (iv) Juvenile Justice;
 - (v) Finance and Administration;
 - (vi) Research, Information and Publicity;
 - (vii) Rural/Agriculture; and
 - (viii) Recreation, Arts, Sports and Culture.

(2) Subject to the provisions of subsection (3), a member of the Commission shall hold office for a period commencing on the establishment

of the Commission, and terminate on the date upon which the five year term of the Provincial Legislature is dissolved as contemplated by section 128(2) of the Constitution.

(3) The term of office of any member may before the expiration thereof be terminated by the Commission (whereupon the member concerned shall be removed from office) -

- (a) on account of his misconduct;
- (b) on account of unfitness for the duties of his office;
- (c) on the ground of a permanent infirmity of mind or body which renders him incapable of discharging the duties of his office or discharging them properly.

(4) The office of a member shall become vacant -

- (a) when he dies;
- (b) when his term of office is terminated in terms of subsection (3);
- (c) if he is absent from three consecutive meetings of the Commission without the prior consent of the Commission or that of its chairman;
- (d) if he is a member by virtue of being a member of the Provincial Legislature and he ceases to be such a member.

(5) Any vacancy in the Commission shall be filled by the nomination of another member by the Premier in terms of this Act as soon as may be reasonably practicable after the occurrence of such vacancy, and any member so nominated shall remain in office for the unexpired portion of his predecessor's term of office.

(6) The members of the Commission, other than the members of the Commission who are members of the Provincial Legislature, shall be paid such remuneration as the Provincial Legislature may from time to time determine.

Powers and functions of Commission.

4. The Commission shall, in addition to the powers and functions assigned to it in terms of this Act or under any other law, be competent to -

- (a) formulate appropriate policies on matters affecting the youth in the Province;
- (b) make the necessary submissions through the Premier to the Provincial Legislature in regard to the policies of the youth in the Province;
- (c) do and commission research on the situation of the youth in the Province;
- (d) monitor Provincial Legislation and its impact on the youth;
- (e) convene interdepartmental meetings on specific issues facing the youth;
- (f) monitor the activities of departments that impact directly on the youth;
- (g) co-ordinate and ensure the implementation of specific programmes for the youth.

Financing of Commission.

5. The Commission shall be financed and be provided with a working capital out of moneys from time to time appropriated to the Commission by the Provincial Legislature.

Accountability of Commission.

6. The Commission shall be accountable to the Provincial Legislature through the office of the Premier.

Staff of Commission.

7. The Commission shall, in consultation with the Premier, appoint officers to assist the Commission in the performance of its functions and duties referred to in section 4.

Regulations.

8.(1) The Premier may, after consultation with the Commission, make regulations not inconsistent with the provisions of this Act in relation to -

- (a) the functions, powers and duties of members of the Commission referred to in section 3(1)(c);
- (b) the calling of meetings of the Commission, the procedure and quorum at such meetings;
- (c) generally, in regard to any matter which the Premier may consider necessary to prescribe or regulate in order to attain or further the objects of this Act, and the generality of this provision shall not be limited by the preceding paragraphs of this subsection.

Short title.

9. This Act shall be called the North West Youth Commission Act, 1994.

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GENERAL NOTICE NO. 3

The Draft Bill hereunder is hereby published by the Parliamentary Committee on Finance, Economic Affairs and Agriculture for general information and comment from interested parties. Comment must reach the Committee before the end of three weeks from the date of issue of this Notice at the following address:

Attention : Mr Victor Diphoko
Private Bag X2018
MMABATHO
8681

Fax : (0140) 842675

BILL

To provide for the establishment, the composition and the election of representatives of Provincial House of Traditional Leaders; to determine and regulate the privileges, immunities and powers of the House of Traditional Leaders; to prescribe the procedures applicable to exercise and perform its powers and functions and to provide for the incidental matters.

BILL

To provide for the establishment, the composition and the election of representatives of the Provincial House of Traditional Leaders; to determine and regulate the privileges, immunities and powers of the House of Traditional Leaders; to prescribe the procedures applicable to exercise and perform its powers and functions and to provide for incidental matters.

BE IT ENACTED by the Premier and the Legislature of the North-West Province, as follows:-

Definitions.

1. In this Act, unless it is inconsistent with the context thereof-

"chairman" means the chairman of the House and includes the vice-chairman as well as any member when such member is presiding at a meeting of the House or any committee thereof;

"kgosi" means the kgosi of a tribe as defined in the Traditional Authorities Act, 1978 (Act 23 of 1978);

"Constitution" means the Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993);

"Executive Council" means the Executive Council of the Province as

referred to in section 149 of the Constitution;

"House" means the House of Traditional Leaders established in terms of this Act;

"member" means a member of the House of Traditional Leaders;

"officer of the House" means the Secretary or any other person acting as an officer of the House under the orders of the chairman within the precincts of the House, and includes any member of the Provincial Police Force on duty within the precincts of the House;

"precincts of the House" means the chamber of the House, and includes, while the House is in sitting, any other premises provided for the purposes of the House;

"Premier" means the Premier of the Province elected as contemplated in section 145 of the Constitution and includes the Acting Premier referred to in section 148 of the said Constitution;

"Province" means the Province of the North-West and "provincial" similarly refers to the Province of North-West;

"region" means any region referred to in Schedule to this Act;

"Secretary" means the Secretary of the House and includes an assistant Secretary;

"stranger" means any person other than a member or an officer of the House, his representative, the Premier of the Province and any Member of the Provincial Legislature;

"traditional authority" means a tribal authority as defined in the Traditional Authorities Act, 1978 (Act 23 of 1978).

Establishment of Provincial House of Traditional Leaders.

2.(1) Subject to the Constitution there is hereby established a House of Traditional Leaders for the Province.

(2) For the purposes of this Act there is established in the Province the regions as mentioned in the Schedule to this Act.

Composition of House.

3.(1) The House shall consist of thirty-four members being-

- (a) three dikgosi elected by the dikgosi of each tribe from their number in each of the regions referred to in the Schedule;
- (b) four persons by virtue of their expertise, experience and knowledge of indigenous law and custom of the people of the Province, appointed by the Executive Council.

(2)(a) The House shall function as such for a period commencing on its establishment or reconstitution, and terminate on the date upon which the five year term of the Provincial Legislature is dissolved as contemplated by section 128(2) of the Constitution.

(b) The House shall be reconstituted in accordance with the provisions of section (1) within thirty days from the date on which its term of office has been terminated in terms of subsection 2(a).

(3) The procedure to be followed to conduct an election referred to in

paragraph (a) of subsection (1) may be prescribed by the Premier from time to time.

(4) Notwithstanding the provisions of this section, a person shall be disqualified from being elected or remaining a member of the House if -

- (a) he is an unrehabilitated insolvent;
- (b) he is subject to an order of a competent court declaring him to be of unsound mind or mentally disordered or defective; or
- (c) he has been convicted of any offence under this Act or of any offence whatsoever in respect of which he was sentenced to imprisonment without the option of a fine for a period of six months, irrespective of whether such imprisonment was wholly or partly suspended or not, unless he has received a grant of amnesty or a free pardon, or unless the period of such imprisonment or suspension has expired at least ten years before the date of his election.

(5)(a) The term of office of any member may before the expiration thereof be terminated by the House in consultation with the Executive Council (whereupon the member concerned shall be removed from office) -

- (i) on account of his misconduct;
- (ii) on account of unfitness for the duties of his office;
- (iii) on the ground of a permanent infirmity of mind or body which renders him incapable of discharging the duties of his office or discharging them properly;
- (iv) if he is or has become disqualified in terms of subsection (4).

(b) A member may at any time resign from the House upon two months' written notice tendered to the Premier.

(6)(a) The office of a member shall become vacant -

- (i) when he dies;
- (ii) when his written resignation tendered to the Premier in terms of subsection (5)(b), becomes effective;
- (iii) when his term of office is terminated in terms of subsection (5)(a);
- (iv) if he is absent from three consecutive meetings of the House without the prior consent of the House or that of its chairman;
- (v) if he is a member by virtue of having been so elected in terms of section 3(1)(a), and he ceases to be a kgosi of a tribe;
- (vi) if he has been appointed in terms of section 3(1)(b) and the Executive Council has withdrawn his appointment.

(b) Any vacancy in the House shall be filled by the election of another member by the House in terms of this Act as soon as may be reasonably practicable after the occurrence of such vacancy, and any member so elected shall remain in office for the unexpired portion of his predecessor's term of office.

Executive committee.

4.(1) The members shall, within thirty days from the date of the establishment or reconstitution of the House as contemplated by subsection

(2)(a) of section 3, elect from their number -

- (a) one member as chairman of the House;
- (b) one member as vice-chairman of the House; and
- (c) five members to serve on the Executive Committee of the House.

(2) The members elected in terms of subsection (1) shall constitute the Executive Committee of the House and shall hold office for the same period

as the term of office of the House as contemplated by section 3(2)(a).

(3) The chairman may at any time designate any of the members of the Executive Committee to perform such duties in connection with any portfolio which are within the powers and functions of the House in terms of this Act.

(4) The Executive Committee or any member thereof may execute such powers and perform such duties and functions as may be delegated by the House during any time whenever the House is not in session.

(5) The Executive Committee and any member thereof who has executed any power or performed any function or duty contemplated by subsection (4), shall submit a report for ratification of any such action taken to the House at the next session of the House.

(6) If the seat of any member of the Executive Committee becomes vacant in terms of the provisions of this Act before the expiry of his period of office his seat shall, for the remainder of such period of office, be filled by another member in terms of this Act, as soon as may be reasonably practicable after the occurrence of such vacancy.

Sub-committees.

5. The House may appoint sub-committees from among the members and under the chairmanship of any member of the Executive committee to investigate any specific matter which is within the powers and functions of the House.

Powers and Functions of House.

6. Subject to the provisions of section 183 of the Constitution, the House shall have the power to -

(a) consider and comment on any Bill of the Provincial Legislature

pertaining to traditional authorities, indigenous law or such traditions and customs;

- (b) advise and make proposals to the Provincial Legislature, a member of the Executive Council or any department or institution in all matters pertaining to indigenous law, traditional authorities or the traditions and customs of traditional communities within the province and, without prejudice to the generality of the foregoing power, especially advise and make proposals in relation to matters in connection with -

- (i) the powers and functions referred to in section 4 of the Traditional Authorities Act, 1978 (Act 23 of 1978);
- (ii) the establishment and recognition of tribes and tribal authorities;
- (iii) the establishment and dissolution of Community Authorities;
- (iv) the appointment, recognition, deposition and discipline of traditional leaders;
- (v) the delegation and devolution of powers and functions to traditional authorities;
- (vi) the administration of justice within the areas of jurisdiction of traditional authorities;
- (vii) the remuneration and privileges of traditional leaders;
- (viii) the coordination of the developmental activities of Provincial government departments and institutions within the areas of jurisdiction of traditional authority;
- (ix) any other matter which may be referred to the House by the Premier or by the Provincial Legislature.

Rules of procedure.

7. Subject to the provisions of the Constitution and subject to the approval of the Premier, the House may make rules regulating the conduct of business and procedure in the House, including rules and orders regulating -

- (a) the time and place at which the House shall meet: Provided that there shall be at least two sessions of the House during the course of each calendar year;
- (b) the manner in which the views of the House shall be recorded and expressed.

House may transact business notwithstanding vacancies.

8. The House shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof including any vacancy not filled when the House is first constituted or is reconstituted at any time and any proceedings in the House shall be valid notwithstanding that some person who was not entitled to do so sat or voted in the House or otherwise took part in the proceedings.

Remuneration and privileges.

9. The remuneration and allowances of the chairman, the vice-chairman and members may be determined by the Executive Council in consultation with the House from time to time and shall be paid from monies appropriated by the Provincial Legislature.

Immunity from legal proceedings.

10. No civil or criminal proceedings may be instituted against any

member for words spoken before the House, or by reason of any matter or thing brought by him by motion or otherwise before the House.

Execution of process.

11. No process issued by any court in the exercise of its jurisdiction shall be served or executed within the precincts of the House while it is in session.

Freedom from arrest.

12. No member shall be liable to arrest -

- (a) for any civil debt whilst going to, attending or returning from any meeting of the House;
- (b) within the precincts of the House while it is in session, for any criminal offence, without the consent of the chairman.

Control of entry.

13.(1) No stranger shall be entitled of right to enter or to remain within the precincts of the building.

(2) The chairman may issue such orders as he may deem necessary for the regulation of the admittance of strangers to the precincts of the building.

(3) Copies of any order issued as contemplated in subsection (2) shall be authenticated by the Secretary and shall be exhibited in a conspicuous place within the precincts of the building.

(4) The chairman may at any time order any stranger to withdraw from the precincts of the building.

Offences relating to admittance.

14. Any person who -

- (a) being a stranger, enters or attempts to enter or refuses to withdraw from the precincts of the House in contravention of any order of the chairman;
- (b) being a stranger, fails or refuses to withdraw from the precincts of the House when ordered to withdraw therefrom by the chairman; or
- (c) being a stranger, contravenes any order made under the provisions of this Act,

shall be guilty of an offence and on conviction be liable to pay a fine not exceeding two-hundred rand.

Other offences.

15. Any person who -

- (a) offers to any member or officer of the House any bribe in order to influence such member or officer, as the case may be, in his conduct as such member or officer, or offers to any member or officer of the House any fee, compensation, gift or reward for or in respect of the promotion of or in opposition to any Bill or matter submitted to or intended to be submitted to the House;
- (b) assaults, molests, insults, resists or obstruct any member of the House coming to, being within, or going from the precincts of the building or endeavours to compel any such member by force, insult or menace to declare himself in favour of or against any proposition or matter pending in or expected to be brought before the House;
- (c) assaults, molests, insults, resists or obstruct any officer in the execution of his duties;

- (d) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the House while it is in session;
 - (e) utters or publishes any false or scandalous defamatory matter concerning the House or upon any member or officer in his capacity as such member or officer;
 - (f) attempts, directly or indirectly, by fraud, or by threats or intimidation of any kind, to influence any member in his vote, opinion, judgment or action, upon any question arising in the House, or to induce him to absent himself from any sitting of the House; or
 - (g) threatens, assaults or insults any member or officer of the House on account of his conduct as such member or officer,
- shall be guilty of an offence and, on conviction be liable to pay a fine not exceeding five thousand rand or to undergo imprisonment not exceeding twelve months.

Acceptance of bribes by members.

Any member who accepts or agrees to accept or obtains or attempts to obtain for himself or for any other person any bribe, fee, compensation, reward or benefit of any kind for speaking, voting or acting as such member, or from refraining from so speaking, voting or acting, or on account of his having so spoken, voted or acted, or having so refrained, shall be guilty of an offence and shall, on conviction be liable to pay a fine not exceeding one-thousand rand or to undergo imprisonment not exceeding twelve months.

Printing or publishing of minutes or messages without authority prohibited.

17. Any person who -

- (a) wilfully and unlawfully and without the authority of the House or the chairman prints or publishes or causes to be printed or published any copy of any minute, report, decision or message of the House without the express authority of the House or the chairman; or
- (b) presents any print or publication as referred to in paragraph (a) as having been printed or published on the authority of the House or the chairman, well knowing that it has not been so printed or published,

shall be guilty of an offence and, on conviction be liable to pay a fine not exceeding five thousand rand or to undergo imprisonment not exceeding twelve months.

Proof of authority for publication.

18. In any court of law, the production of a certificate under the hand of the chairman together with an affidavit which verifies the authenticity of such certificate, shall be sufficient evidence of the fact that any print or publication referred to in section 17 has or has not been printed or published under the authority of the House or the chairman.

Chairman may order words out of order.

19.(1) If the chairman under the provisions of the Rules of Procedure of the House, rules that any words used or uttered in any debate in the House to be out of order, the chairman may order that such words, or any words out of which they arose or arising out of them, shall not be published in

any manner;

(2) Any person who publishes or prints any words which are the subject of any order made in terms of subsection (1), shall be guilty of an offence and, on conviction be liable to pay a fine not exceeding four-hundred rand or to undergo imprisonment not exceeding four months.

Secretary and staff.

21.(1) The Executive Council may appoint such person who holds office in the Public Service as Secretary of the House and may assign such staff as it may deem necessary to assist the Secretary in the performance of his duties.

(2) Any officer appointed in terms of subsection (1) shall be deemed to be an officer of the House.

Short title.

21. This Act shall be called the House of Traditional Leaders for the Province of the North West Act, 1994.

SCHEDULE

REGIONS ESTABLISHED IN TERMS OF SECTION 2(2).

- (a) Bafokeng, consisting of the following districts -
Bafokeng, Koster, Rustenburg 1[8], Rustenburg 2[9], Ventersdorp,
Potchefstroom and Klerksdorp;
- (b) Mankwe, consisting of the district of Mankwe;
- (c) Taung, consisting of the following districts -
Taung, Bloemhof, Christiana, Schweizer-Reneke and Wolmaranstad;
- (d) Odi, consisting of the following districts -
Odi, Brits [1] and Pretoria [7];
- (e) Ditsobotla, consisting of the following districts -
Ditsobotla, Coligny, Delareyville [2] and Lichtenburg [4];
- (f) Kudumane, consisting of the following districts -
Kudumane, Ganyesa, Kuruman [3] and Vryburg [1];
- (g) Lehurutshe, consisting of the district of Lehurutshe;
- (h) Madikwe, consisting of the following districts -
Madikwe, Marico 1[6], Marico 2 and Swartruggens [10];

- (i) Moretele, consisting of the following districts -
Moretele and Warmbad [12];

- (j) Molopo, consisting of the following districts -
Molopo and Mafikeng [5].

