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ALGEMENE KENNISGEWING

KENNISGEWING 364 VAN 1986

DEPARTEMENT VAN STAATKUNDIGE ONTWIKKELING EN BEPLANNING

WETSONTWERP OP DIE NASIONALE RAAD

Die volgende Wetsontwerp word hierby vir algemene inligting en kommentaar gepubliseer. Enige persoon, organisasie, instelling of belangegroep wat kommentaar op die wetsontwerp wil lewer of vertoë daaromtrent wil rig, moet dit asseblief nie later nie as 30 Junie 1986 aan die Direkteur-generaal: Staatskundige Ontwikkeling en Beplanning, Privaatsak X644, Pretoria, 0001, stuur.

WETSONTWERP

Om voorsiening te maak vir deelname aan die beplanning en voorbereiding van 'n nuwe grondwetlike bedeling; die verlening aan Swart Suid-Afrikaners van inspraak in regeringsprosesse, in die tussentyd; en die bevordering van gesonde verhoudings tussen, en die menswaardigheid, regte en vryhede van alle Suid-Afrikaners; vir die bereiking van gemelde doeleindes 'n Nasionale Raad in te stel; voorsiening te maak vir die samestelling, werksaamhede en funksionering van die Raad; en om vir bykomstige aangeleenthede voorsiening te maak.

*Ingedien deur die Minister van Staatskundige
Ontwikkeling en Beplanning*

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

Instelling van Raad

1. Daar word hierby 'n raad ingestel met die naam die Nasionale Raad (in hierdie Wet die Raad genoem), wat die werksaamhede verrig wat ingevolge hierdie Wet aan hom toegewys word.

GENERAL NOTICE

NOTICE 364 OF 1986

DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

NATIONAL COUNCIL BILL

The following Bill is hereby published for general information and comment. Any person, organisation, institution or interest group wishing to offer comment on the Bill or to make representations thereanent, should kindly submit it to the Director-General: Constitutional Development and Planning, Private Bag X644, Pretoria, 0001, not later than 30 June 1986.

BILL

To provide for participation in the planning and preparation of a new constitutional dispensation; the granting to Black South Africans of a voice in the processes of government, in the interim period; and the furtherance of sound relations among, and the human dignity, rights and freedoms of all South Africans; for the achievement of the said purposes to establish a National Council; to provide for the constitution, functions and functioning of the Council; and to provide for incidental matters.

*Introduced by the Minister of Constitutional
Development and Planning*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:

Establishment of Council

1. There is hereby established a council, to be called the National Council (in this Act referred to as the Council), which shall perform the functions assigned to it in terms of this Act.

Samestelling van Raad

2. (1) Die Raad bestaan uit die Staatspresident en die volgende persone deur hom aangestel, te wete—

- (a) die Hoofminister van elke selfregerende gebied of 'n lid van die betrokke Kabinet deur die Hoofminister aangewys;
- (b) 10 persone gekies uit benoemings gemaak deur organisasies, instellings en belangegroep ooreenkomstig die bepalinge van subartikel (2);
- (c) die Voorsitter van elke Ministersraad aangestel ingevolge artikel 21 (2) van die Grondwet, 1983;
- (d) hoogstens 10 ander persone wat na die oordeel van die Staatspresident in staat is om 'n wesenlike bydrae tot die bevordering van die Raad se werksaamhede te maak; en
- (e) sodanige ander lid of lede van die Kabinet vermeld in artikel 20 van die Grondwet, 1983, wat die Staatspresident van tyd tot tyd goedvind om in die Raad aan te stel.

(2) (a) Enige organisasie, instelling of belangegroep kan enige getal persone wat na sy oordeel verteenwoordigend is van Swart persone permanent woonagtig in die Republiek (uitgesonderd die selfregerende gebiede), vir aanstelling ingevolge subartikel (1) (b) benoem binne die tydperk en op die wyse wat die Staatspresident by kennisgewing in die *Staatskoerant* voorskryf.

(b) Indien geen benoemings binne die voorgeskrewe tydperk gemaak word nie of 'n onvoldoende getal benoemings gemaak word, moet die Staatspresident die getal persone in subartikel (1) (b) vermeld, of die getal persone wat nodig is om daardie getal te verkry, na gelang van die geval, aanstel wat na sy oordeel verteenwoordigend is van Swart persone wat permanent in die Republiek (uitgesonderd die selfregerende gebiede) woonagtig is.

(3) (a) 'n Lid aangestel ingevolge subartikel (1) (b) kan op versoek van die organisasie, instelling of belangegroep wat hom ingevolge subartikel (2) (a) benoem het, te eniger tyd deur die Staatspresident van sy amp onthef word.

(b) 'n Lid aangestel ingevolge subartikel (1) (d) kan te eniger tyd deur die Staatspresident van sy amp onthef word indien daar na sy oordeel gegronde redes bestaan om dit te doen.

(4) 'n Toevallige vakature in die Raad word gevul deur die aanstelling van 'n lid met inagneming van dieselfde vereistes as dié onderworpe waaraan die lid wie se amp vakant is, aangestel was.

(5) Geen besluit geneem deur die Raad of handeling op gesag van die Raad verrig, is ongeldig bloot vanweë 'n vakature in die Raad nie mits die besluit geneem is deur dié getal lede van die Raad wat vereis word kragtens reëls ingevolge artikel 6 (2) gemaak.

(6) Iemand is onbevoeg om as lid van die Raad aangestel te word, indien hy—

- (a) nie 'n Suid-Afrikaanse burger is en nie permanent in die Republiek woonagtig is nie;
- (b) 'n ongerehabiliteerde insolvent is; of
- (c) te eniger tyd skuldig bevind is aan 'n misdryf waarvoor hy gevonnis is tot gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van minstens 12 maande, tensy amnestie of algehele grasia aan hom toegestaan is, of tensy die tydperk van sodanige gevangenisstraf minstens vyf jaar voor die datum van sy aanstelling verstryk het.

Composition of Council

2. (1) The Council shall consist of the State President and the following persons appointed by him, namely—

- (a) the Chief Minister of each self-governing territory or a member of the Cabinet in question designated by the Chief Minister;
- (b) 10 persons selected from nominations which are made by organizations, institutions and interest groups in accordance with the provisions of subsection (2);
- (c) the Chairman of each Ministers' Council appointed in terms of section 21 (2) of the Constitution Act, 1983;
- (d) not more than 10 other persons who in the opinion of the State President are able to make a substantial contribution to the furthering of the functions of the Council; and
- (e) such other member or members of the Cabinet referred to in section 20 of the Constitution Act, 1983, as the State President may from time to time deem fit to appoint to the Council.

(2) (a) Any organization, institution or interest group may, within the period and in the manner prescribed by the State President by notice in the *Gazette*, nominate for appointment in terms of subsection (1) (b) any number of persons who in its opinion are representative of Black persons permanently resident in the Republic (excluding the self-governing territories).

(b) If no nominations are made within the prescribed period or an insufficient number of nominations are made, the State President shall appoint the number of persons mentioned in subsection (1) (b), or such number of persons as may be required to obtain that number, as the case may be, who, in his opinion, are representative of Black persons permanently resident in the Republic (excluding the self-governing territories).

(3) (a) A member appointed in terms of subsection (1) (b) may at the request of the organization, institution or interest group which nominated him in terms of subsection (2) (a), at any time be removed from office by the State President.

(b) A member appointed in terms of subsection (1) (d) may at any time be removed from office by the State President if he is of the opinion that there are sufficient reasons for doing so.

(4) A casual vacancy in the Council shall be filled by the appointment of a member having regard to the same requirements as those subject to which the member whose office is vacant was appointed.

(5) No decision taken by the Council or act done on the authority of the Council shall be invalid merely by reason of a vacancy on the Council provided the decision was taken by such number of members of the Council as may be required under section 6 (2).

(6) A person shall be disqualified to be appointed as a member of the Council if he—

- (a) is not a South African citizen and is not permanently resident in the Republic;
- (b) is an unrehabilitated insolvent; or
- (c) has at any time been convicted of any offence for which he has been sentenced to imprisonment without the option of a fine for a period of not less than 12 months, unless he has received a grant of amnesty or a free pardon or unless the period of such imprisonment expired at least five years before the date of his appointment.

(7) 'n Lid van die Raad ontruim sy amp as hy—

- (a) onderworpe raak aan 'n onbevoegdheid vermeld in subartikel (6);
- (b) as lid van die Raad bedank deur 'n skriftelike mededeling met dié strekking aan die Staatspresident voor te lê; of
- (c) kragtens subartikel (3) van sy amp onthef word.

(8) Aan 'n lid van die Raad wat nie in die heeltidse diens van die Staat is nie word die besoldiging en toelaes betaal wat die Staatspresident van tyd tot tyd in die algemeen of in 'n besondere geval bepaal.

Oogmerke van Raad

3. Die oogmerke van die Raad is om—

- (a) deelname te bied aan die beplanning en voorbereiding van 'n grondwetlike bedeling wat voorsiening maak vir die deelname van alle Suid-Afrikaanse burgers aan die regeringsprosesse;
- (b) Swart Suid-Afrikaanse burgers op tussentydse grondslag inspraak te verleen in die regeringsprosesse wat hul belange raak; en
- (c) gesonde verhoudings tussen, en die menswaardigheid, regte en vryhede van alle Suid-Afrikaanse burgers te bevorder.

Wersaamhede van Raad

4. Die Raad kan—

- (a) oorweging skenk aan alle aangeleenthede, met inbegrip van bestaande wette en voorgestelde wetgewing en alle stappe, gedoen of beoog deur die Uitvoerende Gesag van die Republiek, wat na die oordeel van die Raad van nasionale belang is;
- (b) aanbevelings aan die Regering doen oor enige aangeleentheid wat deur die Raad oorweeg is; en
- (c) ten einde die Raad se oogmerke te bereik enigiets doen wat hy vir daardie doel nodig ag.

Voorsitter van Raad

5. (1) Die Staatspresident sit voor op 'n vergadering van die Raad of indien die Staatspresident om die een of ander rede nie in staat is om aldus voor te sit nie, sit die lid van die Raad wat deur die Staatspresident aangewys word op die betrokke vergadering voor.

(2) Indien die Staatspresident nie 'n lid kragtens subartikel (1) aangewys het nie, of die lid deur hom aangewys nie in staat is om by 'n vergadering van die Raad voor te sit nie, kies die aanwesige lede iemand uit hul geledere om op daardie vergadering voor te sit.

Vergaderings van Raad

6. (1) Die Raad vergader op die tye en plekke wat die Staatspresident bepaal.

(2) Die Raad kan reëls maak betreffende die hou van en die prosedure op vergaderings van die Raad en die verrigting van die Raad se wersaamhede.

Komitees van Raad

7. (1) Die Raad kan komitees aanstel wat uit lede van die Raad of uit sodanige lede sowel as ander persone kan bestaan om hom oor enige aangeleentheid wat met sy wersaamhede in verband staan van advies te dien.

(2) Aan 'n lid van 'n komitee wat nie in die heeltidse diens van die Staat is nie en nie 'n lid van die Raad is nie, word die toelaes betaal wat die Staatspresident van tyd tot tyd in die algemeen of in 'n besondere geval bepaal.

(7) A member of the Council shall vacate his office if he—

- (a) becomes subject to a disqualification mentioned in subsection (6);
- (b) resigns as a member of the Council by submitting to the State President a written communication to that effect; or
- (c) is removed from office under subsection (3).

(8) A member of the Council who is not in the full-time employment of the State shall be paid such remuneration and allowances as may be determined by the State President from time to time generally or in any particular case.

Objectives of Council

3. The objectives of the Council are to—

- (a) offer participation in the planning and preparation of a constitutional dispensation which provides for the participation of all South African citizens in the processes of government;
- (b) grant to Black South African citizens on an interim basis a voice in the processes of government which affect their interests; and
- (c) further sound relations among, and the human dignity, rights and freedoms of all South African citizens.

Functions of Council

4. The Council may—

- (a) consider all matters, including existing laws and proposed legislation, and all steps, taken or contemplated by the Executive Authority of the Republic, which in the opinion of the Council is of national interest;
- (b) make recommendations to the Government on any matter which has been considered by the Council; and
- (c) in order to achieve the Council's objectives, do anything which it may deem necessary for that purpose.

Chairman of Council

5. (1) The State President shall preside at a meeting of the Council and if the State President is for any reason unable so to preside, such member of the Council as may be designated by the State President shall preside at the meeting in question.

(2) If the State President has not designated a member under subsection (1), or the member designated by him is unable to preside at a meeting of the Council, the members present shall elect one of their number to preside at that meeting.

Meetings of Council

6. (1) The Council shall meet at such times and places as may be determined by the State President.

(2) The Council may make rules relating to the conduct of and procedure at meetings of the Council and the performance of the Council's functions.

Committees of Council

7. (1) The Council may appoint committees consisting of members of the Council or of such members as well as other persons, to advise it on any matter connected with its functions.

(2) A member of a committee who is not in the full-time employment of the State and who is not a member of the Council, shall be paid such allowances as may be determined by the State President from time to time generally or in any particular case.

Woordomskrywing

8. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

“Grondwet, 1983” die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet 110 van 1983);

“Hoofminister” die Hoofminister van ’n selfregerende gebied bedoel in ’n proklamasie uitgevaardig ingevolge artikel 2 van die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971);

“selfregerende gebiede” al die gebiede wat ingevolge artikel 26 van die Grondwet van die Nasionale State, 1971 tot selfregerende gebiede verklaar is.

Kort titel en inwerkingtreding

9. Hierdie Wet heet die Wet op die Nasionale Raad, 1986, en tree in werking op ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Definitions

8. In this Act, unless the context indicates otherwise—

“Chief Minister” means the Chief Minister of a self-governing territory referred to in a proclamation issued in terms of section 2 of the National States Constitution Act, 1971 (Act 21 of 1971);

“Constitution Act, 1983” means the Republic of South Africa Constitution Act, 1983 (Act 110 of 1983);

“self-governing territories” means all territories which have in terms of section 26 of the National States Constitution Act, 1971, been declared to be self-governing territories.

Short title and commencement

9. This Act shall be called the National Council Act, 1986, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

INHOUD

No.	Bladsy No.	Staats- koerant No.
ALGEMENE KENNISGEWING		
Staatkundige Ontwikkeling en Beplanning, Departement van Algemene Kennisgewing		
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