

THE PROVINCE OF THE NORTHERN CAPE
DIE PROVINSIE NOORD-KAAP

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

Selling price • Verkoopprys: **R1,50**
Other countries • Buitelands: **R1,95**

Vol. 3

KIMBERLEY, 14 FEBRUARY 1996
FEBRUARIE 1996

No. 131

OFFICE OF THE PREMIER

KANTOOR VAN DIE PREMIER

No. 7

14 February 1996

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

No. 1 of 1995: Northern Cape Adjustments Appropriation Act, 1995.

No. 7

14 Februarie 1996

Hierby word bekendgemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby vir algemene kennisname gepubliseer word:

No. 1 van 1995: Noord-Kaapse Aansuiweringsbegrotingswet, 1995.

ACT

To appropriate an additional amount of money for the requirements of the Province of the Northern Cape during the financial year ending on 31 March 1995.

(English text signed by the Premier)
(Assented to on 27 March 1995)

BE IT ENACTED by the Northern Cape Provincial Legislature, as follows:—

Appropriation of additional amounts of money for the requirements of the Province of the Northern Cape

1. Subject to the provisions of the Northern Cape Exchequer Act, 1994 (Act No. 1 of 1994), there are hereby appropriated out of the Northern Cape Revenue Fund for the requirements of the Provincial of the Northern Cape, in respect of the financial year ending 31 March 1995, as a charge to the Northern Cape Revenue Account, the additional amounts of money shown in the Schedule.

Short title

2. This Act shall be called the Northern Cape Adjustments Appropriation Act, 1995.

SCHEDULE

No.	Vote	Amount
	Title	
		R'000
1.	General provincial services.....	2 025
2.	Health services.....	315
3.	Road network provision and traffic administration.....	3 307
4.	Community development.....	12 971
5.	Agriculture.....	1
6.	Provincial Legislature.....	21 667
7.	Promoting the reconstruction and development programme.....	13 800
8.	Improvement of conditions of service.....	8 174
	Total.....	62 260

WET

Tot bewilliging van 'n addisionele bedrag geld vir die behoeftes van die provinsie Noord-Kaap in die boekjaar wat op 31 Maart 1995 eindig.

(Engelse teks deur die Premier geteken)
(Goedgekeur op 27 Maart 1995)

DAAR WORD BEPAAL deur die Noord-Kaapse Provinsiale Wetgewer, soos volg:—

Bewilliging van addisionele bedrae geld vir die behoeftes van die provinsie Noord-Kaap

1. Behoudens die bepalings van die Noord-Kaapse Skatskiswaet, 1994 (Wet No. 1 van 1994), word daar hierby uit die Noord-Kaapse Inkomstefonds vir die behoeftes van die provinsie van Noord-Kaap ten opsigte van die boekjaar wat op 31 Maart 1994 eindig, ten laste van die Noord-Kaapse Inkomsterekening, die addisionele bedrae geld in die Bylae uiteengesit, bewillig.

Kort titel

2. Hierdie Wet heet die Noord-Kaapse Aansuiweringsbegrotingswet, 1995.

BYLAE

No.	Begrotingspos	Bedrag
	Benaming	
		R'000
1.	Algemene provinsiale dienste	2 025
2.	Gesondheidsdienste	315
3.	Padnetwerkvoorsiening en verkeersadministrasie	3 307
4.	Gemeenskapsontwikkeling	12 971
5.	Landbou	1
6.	Provinsiale Wetgewer	21 667
7.	Bevordering van die heropbou en ontwikkelingsprogram	13 800
8.	Verbetering van diensvoorwaardes	8 174
	Totaal	62 260

OFFICE OF THE PREMIER

No. 8

14 February 1996

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

No. 2 of 1995: Northern Cape Appropriation Act, 1995.

ACT

To appropriate amounts of money for the requirements of the Province of the Northern Cape during the financial year ending 31 March 1996.

(English text signed by the Premier)
(Assented to on 21 June 1995)

BE IT ENACTED by the Northern Cape Provincial Legislature, as follows:—

Appropriation of moneys for requirements of the Province of the Northern Cape

1. Subject to the provisions of the Northern Cape Exchequer Act, 1994 (Act No. 1 of 1994), there are hereby appropriated out of the Provincial Revenue Fund for the requirements of the Province of the Northern Cape, during the financial year ending 31 March 1996, as a charge to the Provincial Revenue Account: Northern Cape, the amounts of money shown in column 1 of the Schedule.

Short title

2. This Act shall be called the Northern Cape Appropriation Act, 1995.

KANTOOR VAN DIE PREMIER

No. 8

14 Februarie 1996

Hierby word bekendgemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby vir algemene kennisname gepubliseer word:

No. 2 van 1995: Noord-Kaapse Begrotingswet, 1995.

WET

Tot bewilliging van bedrae geld vir die behoeftes van die provinsie Noord-Kaap gedurende die boekjaar wat op 31 Maart 1996 eindig.

*(Engelse teks deur die Premier geteken)
(Goedgekeur op 21 Junie 1995)*

DAAR WORD BEPAAL deur die Noord-Kaapse Provinsiale Wetgewer, soos volg:—

Bewilliging van bedrae geld vir behoeftes van die provinsie Noord-Kaap

1. Behoudens die bepalings van die Noord-Kaapse Skatkiwet, 1994 (Wet No. 1 van 1994), word daar hierby uit die Provinsiale Inkomste-fonds vir die behoeftes van die provinsie Noord-Kaap, gedurende die boekjaar wat op 31 Maart 1996 eindig, ten laste van die Provinsiale Inkomsterekening: Noord-Kaap, die bedrae geld uiteengesit in kolom 1 van die Bylae bewillig.

Kort titel

2. Hierdie Wet heet die Noord-Kaapse Begrotingswet, 1995.

SCHEDULE

(AS A CHARGE TO THE PROVINCIAL REVENUE ACCOUNT: NORTHERN CAPE)

No.	Vote	Column 1	Column 2
	Title		
		R	R
1.	Premier.....	9 128 000	
2.	Legislature.....	8 837 000	
3.	Provincial Service Commission	2 713 000	
4.	Promoting the Reconstruction and Development Programme (RDP).....	1 000	
5.	Education and Culture	686 734 000	
6.	Works	45 264 000	
7.	Economic Affairs, Trade and Industry.....	1 959 000	
8.	Recreation, Sport and Youth Affairs	1 959 000	
9.	Finance	4 583 000	
10.	Auxiliary Services	14 460 000	
11.	Improvement of Conditions of Service	1 000	
12.	Housing and Local Government:		
	Including—		
	Grants-in-aid:		
	Fire brigade services		682 000
13.	Health.....	266 828 000	
14.	Welfare.....	385 951 000	
15.	Transport, Roads and Traffic Control.....	140 190 000	
16.	Agriculture	37 759 000	
17.	Nature and Environmental Conservation.....	6 411 000	
18.	Safety and Security	1 259 000	
	Total.....	1 650 111 000	

BYLAE

(TEN LASTE VAN DIE PROVINSIALE INKOMSTEREKENING: NOORD-KAAP)

No.	Begrotingspos	Kolom 1	Kolom 2
	Titel		
		R	R
1.	Premier.....	9 128 000	
2.	Wetgewer.....	8 837 000	
3.	Provinsiale Dienskommissie.....	2 713 000	
4.	Bevordering van die Heropbou- en Ontwikkelingsprogram (HOP).....	1 000	
5.	Onderwys en Kultuur.....	686 734 000	
6.	Werke.....	45 264 000	
7.	Ekonomiese Sake, Handel en Nywerheid.....	1 959 000	
8.	Ontspanning, Sport en Jeugsake.....	1 959 000	
9.	Finansies.....	4 583 000	
10.	Ondersteunde Dienste.....	14 460 000	
11.	Verbetering van Diensvoorwaardes.....	1 000	
12.	Behuising en Plaaslike Regering:		
	Met inbegrip van —		
	Hulptoelae:		
	Brandweerdienste.....		682 000
13.	Gesondheid.....	266 828 000	
14.	Welsyn.....	385 951 000	
15.	Vervoer, Paaie en Verkeersbeheer.....	140 190 000	
16.	Landbou.....	37 759 000	
17.	Natuur- en Omgewingsbewaring.....	6 411 000	
18.	Veiligheid en Sekuriteit.....	1 259 000	
	Totaal.....	1 650 111 000	

OFFICE OF THE PREMIER

No. 9

14 February 1996

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

No. 3 of 1995: Northern Cape Provincial Public Protector Act, 1995.

ACT

To provide for the establishment, appointment, powers and functions of a Provincial Public Protector for the Province of the Northern Cape, and matters incidental thereto.

(Afrikaans text signed by the Premier)
(Assented to on 27 March 1995)

BE IT ENACTED by the Provincial Legislature of the Northern Cape, as follows:—

Definitions

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

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

“Premier” means the Premier of the Province of the Northern Cape, acting in accordance with the Constitution; and

“Public Protector” means the Public Protector as contemplated in section 110 of the Constitution.

KANTOOR VAN DIE PREMIER

No. 9

14 Februarie 1996

Hierby word bekendgemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby vir algemene kennisname gepubliseer word:

No. 3 van 1995: Noord-Kaapse Wet op die Provinsiale Openbare Beskermer, 1995.

WET

Om voorsiening te maak vir die instelling, aanstelling, bevoegdhede en werksaamhede van 'n Provinsiale Openbare Beskermer vir die provinsie Noord-Kaap en vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Premier geteken)
(Goedgekeur op 27 Maart 1995)

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Noord-Kaap, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
“**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet 200 van 1993);
“**Openbare Beskermer**” die Openbare Beskermer soos bedoel in artikel 110 van die Grondwet; en
“**Premier**” die Premier van die provinsie Noord-Kaap, handelende ooreenkomstig die Grondwet.

Establishment and appointment

2. (1) There is hereby established the office of Provincial Public Protector for the Northern Cape.

(2) The Provincial Public Protector shall be appointed by the Premier in consultation with the Public Protector: Provided that such appointment shall be confirmed by resolution of a majority of at least two-thirds of all the members of the Provincial Legislature.

(3) The Provincial Public Protector shall be a South African citizen who is a fit and proper person to hold such office, and who—

- (a) is a Judge of the Supreme Court of South Africa; or
- (b) is qualified to be admitted as an advocate and has, for a cumulative period of at least five years after having so qualified—
 - (i) practised as an advocate or an attorney; or
 - (ii) lectured in law at a university; or
- (c) has specialised knowledge of, or experience for a period of at least five years in, the administration of justice, public administration or public finance.

(4) Unless the new constitutional text as contemplated in section 233(1) of the Constitution provides otherwise, the Provincial Public Protector shall hold office for a period of seven years.

(5) The remuneration and other terms and conditions of employment of the Provincial Public Protector shall be determined by the Premier, and such remuneration shall not be reduced, nor shall such terms and conditions be adversely altered, during his or her term of office.

(6) The Provincial Public Protector shall not perform remunerative work outside his or her official duties without the permission of the Premier.

(7) The Provincial Public Protector may be removed from office by the Premier, but only on the grounds of misbehaviour, incapacity or incompetence and upon receipt of an address from the Provincial Legislature requesting such removal.

(8) The Premier may, at the request of and in consultation with the Provincial Public Protector, appoint as Deputy Provincial Protector, in a full-time or part-time capacity, a person complying with the requirements of either subsection (3)(b) or (3)(c).

(9) Whenever the Provincial Public Protector is, for any reason, unable to perform the functions of his or her office, or while the appointment of a person to the office of Provincial Public Protector is pending, the Deputy Provincial Public Protector shall perform such functions.

(10) The remuneration and other terms and conditions of service of the Deputy Provincial Public Protector shall be determined by the Premier.

Instelling en aanstelling

2. (1) Daar word hierby die amp van Provinsiale Openbare Beskermmer vir die Noord-Kaap ingestel.

(2) Die Provinsiale Openbare Beskermmer word deur die Premier in oorleg met die Openbare Beskermmer aangestel: Met dien verstande dat sodanige aanstelling by besluit deur 'n meerderheid van minstens twee derdes van al die lede van die Provinsiale Wetgewer bekragtig moet word.

(3) Die Provinsiale Openbare Beskermmer moet 'n Suid-Afrikaanse burger wees wat 'n gepaste en geskikte persoon is om so 'n amp te beklee, en wat—

- (a) 'n Regter van die Hooggeregshof van Suid-Afrika is; of
- (b) gekwalifiseerd is om as 'n advokaat toegelaat te word en wat, vir 'n kumulatiewe tydperk van minstens vyf jaar nadat hy of sy aldus gekwalifiseer het—
 - (i) as 'n advokaat of prokureur gepraktiseer het; of
 - (ii) in die regte aan 'n universiteit gedoseer het; of
- (c) beskik oor gespesialiseerde kennis van, of ondervinding vir 'n tydperk van minstens vyf jaar in, die regspleging, publieke administrasie of staatsfinansies.

(4) Tensy die nuwe grondwetlike teks soos bedoel in artikel 233(1) van die Grondwet anders bepaal, beklee die Provinsiale Openbare Beskermmer sy of haar amp vir 'n tydperk van sewe jaar.

(5) Die besoldiging en ander bedinge en voorwaardes van diens van die Provinsiale Openbare Beskermmer word deur die Premier bepaal, en sodanige besoldiging word nie verminder en sodanige bedinge en voorwaardes word nie nadelig verander gedurende sy of haar ampstermyn nie.

(6) Die Provinsiale Openbare Beskermmer verrig nie besoldigende werk buite sy of haar ampspligte sonder die toestemming van die Premier nie.

(7) Die Provinsiale Openbare Beskermmer kan deur die Premier van sy of haar amp onthef word, maar slegs op grond van wangedrag, onvermoë of onbekwaamheid, en by ontvangs van 'n versoekskrif van die Provinsiale Wetgewer waarin sodanige ontheffing versoek word.

(8) Die Premier kan, op versoek van en in oorleg met die Provinsiale Openbare Beskermmer, 'n persoon as Adjunk-Provinsiale Openbare Beskermmer in 'n voltydse of deeltydse hoedanigheid aanstel wat voldoen aan die vereistes van of subartikel (3)(b) of (3)(c).

(9) Wanneer die Provinsiale Openbare Beskermmer om enige rede nie in staat is om sy of haar werksaamhede te verrig nie, of terwyl die aanstelling van iemand in die amp van Provinsiale Openbare Beskermmer hangende is, moet die Adjunk-Provinsiale Openbare Beskermmer sodanige werksaamhede verrig.

(10) Die besoldiging en ander bedinge en voorwaardes van indiensneming van die Adjunk Provinsiale Openbare Beskermmer word deur die Premier bepaal.

Independence and impartiality

3. (1) The Provincial Public Protector shall be independent and impartial and shall exercise and perform his or her powers and functions subject only to the Constitution and the law.

(2) The Provincial Public Protector, a Deputy Provincial Public Protector and the persons appointed under section 10(1) shall have the immunities and privileges assigned to them under this Law for the purpose of ensuring the independent and impartial exercise and performance of their powers and functions.

(3) No organ of state and no member of employee of an organ of state nor any other person shall interfere with the Provincial Public Protector, a Deputy Provincial Public Protector or a person appointed under section 10(1) in the exercise and performance of his or her powers and functions, and any person who wilfully so interferes shall be guilty of an offence.

(4) All organs of state shall accord such assistance as may be reasonably required for the protection of the independence, impartiality, dignity and effectiveness of the Provincial Public Protector in the exercise and performance of his or her powers and functions.

(5) The Provincial Public Protector, a Deputy Provincial Public Protector or any member of his or her staff shall not be liable in respect of anything done in good faith under any provision of this Act or the Constitution by the Provincial Public Protector, a Deputy Provincial Public Protector or any member of his or her staff, as the case may be.

Powers and functions

4. (1) The Provincial Public Protector shall be competent—

- (a) to investigate, on his or her own initiative or on receipt of a complaint, any alleged—
 - (i) maladministration in connection with the affairs of government at provincial level and local authority level;
 - (ii) abuse or unjustifiable exercise of power or unfair, capricious, discourteous or other improper conduct or undue delay by a person performing a public function;
 - (iii) improper or dishonest act or omission or corruption with respect to public money;
 - (iv) improper or unlawful enrichment, or receipt of any improper advantage, or promise of such enrichment or advantage, by a person as a result of an act or omission in the public administration or in connection with the affairs of government at provincial level or of a person performing a public function; or

Onafhanklikheid en onpartydigheid

3. (1) Die Provinsiale Openbare Beskermer is onafhanklik en onpartydig en oefen sy of haar bevoegdhede uit en verrig sy of haar werksaamhede onderworpe slegs aan die Grondwet en die reg.

(2) Die Provinsiale Openbare Beskermer, 'n Adjunk-Provinsiale Openbare Beskermer en die persone kragtens artikel 10(1) aangestel, het die immunitet en voorregte wat aan hulle by of kragtens hierdie Wet verleen word ten einde die onafhanklike en onpartydige uitoefening en verrigting van hul bevoegdhede en werksaamhede te verseker.

(3) Geen staatsorgaan en geen lid of werknemer van 'n staatsorgaan en geen ander persoon mag met die Provinsiale Openbare Beskermer, 'n Adjunk Provinsiale Openbare Beskermer of 'n persoon kragtens artikel 10(1) aangestel in die uitoefening en verrigting van sy of haar bevoegdhede en werksaamhede inmeng nie, en enige persoon wat opsetlik aldus inmeng, is aan 'n misdryf skuldig.

(4) Alle staatsorgane verleen die bystand wat redelikerwys vereis mag word vir die beskerming van die onafhanklikheid, onpartydigheid, waardigheid en doeltreffendheid van die Provinsiale Openbare Beskermer in die uitoefening en verrigting van sy of haar bevoegdhede en werksaamhede.

(5) Die Provinsiale Openbare Beskermer, 'n Adjunk-Provinsiale Openbare Beskermer of enige lid van sy of haar personeel is nie aanspreeklik vir enigiets wat te goeder trou kragtens enige bepaling van hierdie Wet op die Grondwet gedoen is deur die Provinsiale Openbare Beskermer, 'n Adjunk-Provinsiale Openbare Beskermer of enige lid van sy of haar personeel nie, na gelang van die geval.

Bevoegdhede en werksaamhede

4. (1) Die Provinsiale Openbare Beskermer is bevoeg om—

- (a) op eie inisiatief of by ontvangs van 'n klagte, ondersoek te doen na enige beweerde—
 - (i) wanadministrasie in verband met regeringsaangeleenthede op provinsiale vlak en plaaslike owerheidsvlak;
 - (ii) misbruik of ongeregverdigde uitoefening van mag of onbillike, wispelturige, onbeleefde of ander onbehoorlike optrede of onverskoonbare vertraging deur 'n persoon wat 'n openbare werksaamheid verrig;
 - (iii) onbehoorlike of oneerlike handeling of late of korrupsie ten opsigte van openbare fondse;
 - (iv) onbehoorlike of onregmatige verryking, of ontvangs van enige onbehoorlike voordeel, of belofte van sodanige verryking of voordeel, deur 'n persoon as gevolg van 'n handeling of late in die staatsadministrasie of in verband met regeringsaangeleenthede op provinsiale vlak of van 'n persoon wat 'n openbare werksaamheid verrig; of

- (v) act or omission by a person in the employ of government at provincial level, local authority level or a person performing a public function, which results in unlawful or improper prejudice to any other person;
- (b) to endeavour, in his or her sole discretion, to resolve any dispute or rectify any act or omission by—
 - (i) mediation, conciliation or negotiation;
 - (ii) advising, where necessary, any complainant regarding appropriate remedies; or
 - (iii) any other means that may be expedient in the circumstances; or
- (c) at any time prior to, during or after an investigation—
 - (i) if he or she is of the opinion that the facts disclose the commission of an offence by any person, to bring the matter to the notice of the relevant authority charged with prosecutions; or
 - (ii) if he or she deems it advisable, to refer any matter which has a bearing on an investigation, to the appropriate public body or authority affected by it, or to make an appropriate recommendation regarding the redress of the prejudice resulting therefrom, or to make any other appropriate recommendation he or she deems expedient to the relevant public body or authority.

(2) Nothing in subsection (1) shall be construed as empowering the Provincial Public Protector to investigate the performance of judicial functions by any court of law.

(3) (a) The Provincial Public Protector shall conduct an investigation under subsection (1) with due regard to the circumstances of each case, and shall for the purposes of such investigation in addition to such powers as prescribed by law but subject to the provisions of the Constitution and the law of privilege against self-incrimination, be competent to—

- (i) direct any person to appear before him or her to give evidence or to produce any document in his or her possession or under his or her control which, in the opinion of the Provincial Public Protector, has a bearing on the matter being inquired into, and to examine such person for that purpose; and
- (ii) enter, or authorise another person to enter, any building or premises and there to make such investigation or enquiry as he or she may deem necessary, and seize anything on those premises which in his or her opinion has a bearing on the purpose of the investigation.

- (v) handeling of late deur 'n persoon in diens van die regering op provinsiale vlak, plaaslike owerheidsvlak of 'n persoon wat 'n openbare werksaamheid verrig, wat onregmatige of onbehoorlike benadeling vir enige ander persoon tot gevolg het;
 - (b) in sy of haar uitsluitlike diskresie te poog om enige dispuut op te los of enige handeling of late reg te stel—
 - (i) deur bemiddeling, versoening of onderhandeling;
 - (ii) deur enige klaer of klaagster, waar nodig, aangaande toepaslike remedies te adviseer; of
 - (iii) op enige ander wyse wat onder die omstandighede geskik is; of
 - (c) te eniger tyd voor, gedurende of na 'n ondersoek—
 - (i) indien hy of sy van oordeel is dat die feite die pleeg van 'n misdryf deur enige persoon openbaar, die aangeleentheid onder die aandag te bring van die betrokke gesag wat met vervolging belas is; of
 - (ii) indien hy of sy dit raadsaam ag, 'n aangeleentheid wat op 'n ondersoek betrekking het, na die gepaste openbare liggaam of gesag wat daardeur geraak word, te verwys, of om 'n gepaste aanbeveling aangaande die herstel van die nadeel wat daaruit voortvloei te doen, of enige ander gepaste aanbeveling wat hy of sy doenlik ag aan die betrokke openbare liggaam of gesag te doen.
- (2) Niks in subartikel (1) word uitgelê as sou dit die Provinsiale Openbare Beskermer magtig om die verrigting van regsprekende werksaamhede deur enige geregshof te ondersoek nie.
- (3) (a) Die Provinsiale Openbare Beskermer doen 'n ondersoek kragtens subartikel (1) met behoorlike inagneming van die omstandighede van elke geval, en het vir die doeleindes van so 'n ondersoek benewens die bevoegdhede wat by wet voorgeskryf word, maar onderworpe aan die bepalinge van die Grondwet en die reg aangaande privilegie teen selfinkriminasie, die bevoegdheid om—
- (i) enige persoon te gelas om voor hom of haar te verskyn om getuienis te lewer of om enige dokument in sy of haar besit of onder sy of haar beheer voor te lê wat, na die oordeel van die Provinsiale Openbare Beskermer, betrekking het op die aangeleentheid wat ondersoek word, en om so 'n persoon vir daardie doel te ondervra; en
 - (ii) enige gebou of perseel te betree, of 'n ander persoon daartoe te magtig en om daar die ondersoek of navraag te doen wat hy of sy nodig ag, en beslag te lê op enige iets op daardie perseel wat na sy of haar mening op die doel van die ondersoek betrekking het.

(b) Such direction shall be by means of a subpoena containing particulars of the matter in connection with which the person subpoenaed is required to appear before the Provincial Public Protector and signed by the Provincial Public Protector and served on the person subpoenaed either by a registered letter sent through the post or by delivery by a person authorised thereto by the Provincial Public Protector.

(c) If the Provincial Public Protector considers it necessary to do so, he or she may require any person appearing as a witness before him or her in terms of subsection (1) to give evidence under oath or after having made an affirmation, and such person shall enjoy the same privilege as a witness testifying in a criminal proceeding before a division of the Supreme Court of South Africa.

(d) The Provincial Public Protector may administer an oath to, or accept an affirmation from, any such person.

(e) Any person appearing before the Provincial Public Protector by virtue of subsection (1) may be assisted at such investigation by an advocate of the Supreme Court of South Africa or any person duly admitted to practise as an attorney in any part of the Republic, and shall be entitled to peruse such documents referred to in section 5(2) as in the opinion of the Provincial Public Protector are necessary to enable such person to refresh his or her memory.

(f) If it appears to the Provincial Public Protector during the course of an investigation that any person is being implicated in the matter being inquired into, the Provincial Public Protector shall afford such person an opportunity to be heard in connection therewith by means of the giving of evidence, and such person or his or her legal representative shall be entitled, through the Provincial Public Protector, to question other witnesses determined by the Provincial Public Protector, who have appeared before the Provincial Public Protector in terms of this section.

(g) Any person who refuses or fails to comply with a direction under subsection (1), or who refuses to answer any question put to him or her under that subsection, or who gives to such question an answer which to his or her knowledge is false, or refuses to take the oath or to make an affirmation at the request of the Provincial Public Protector in terms of subsection (3) shall be guilty of an offence.

(4) The Provincial Public Protector may, if he or she decides to conduct an investigation in terms of this Act, at any time prior to or during such an investigation request any person in the service of the State or performing a public function to assist the Provincial Public Protector, under the supervision and control of the Provincial Public Protector, in the performance of his or her functions.

(5) The Provincial Public Protector or any member of his or her staff shall be competent, but not compellable, to answer questions in any proceedings in or before a court of law or any body or institution established by or under any law, in connection with any information which in the course of his or her investigation has come to his or her knowledge.

(b) Sodanige lasgewing geskied by wyse van 'n getuiedagvaardiging met besonderhede van die saak in verband waarmee die gedagvaarde persoon voor die Provinsiale Openbare Beskermer moet verskyn, onderteken deur die Provinsiale Openbare Beskermer en aan die gedagvaarde persoon beteken by wyse óf van geregistreerde pos óf deur aflewering deur 'n persoon deur die Provinsiale Openbare Beskermer daartoe gemagtig.

(c) Indien die Provinsiale Openbare Beskermer dit nodig ag, kan hy of sy vereis dat enige persoon wat ingevolge subartikel (1) as 'n getuie voor hom of haar verskyn, getuienis onder eed, of na die afneem van 'n bevestiging, aflê, en sodanige persoon geniet dieselfde voorregte as 'n getuie wat getuienis in 'n strafsak voor 'n afdeling van die Hooggeregshof van Suid-Afrika aflê.

(d) Die Provinsiale Openbare Beskermer kan van enige sodanige persoon 'n eed afneem of 'n bevestiging aanvaar.

(e) Enige persoon wat ingevolge subartikel (1) voor die Provinsiale Openbare Beskermer verskyn, kan by so 'n ondersoek bygestaan word deur 'n advokaat van die Hooggeregshof van Suid-Afrika of enige persoon behoorlik toegelaat om in enige deel van die Republiek as 'n prokureur te praktiseer, en is geregtig om dié dokumente te ondersoek waarna in artikel 5(2) verwys word, wat na die mening van die Provinsiale Openbare Beskermer nodig is om sodanige persoon se geheue te verfris.

(f) Indien dit gedurende 'n ondersoek vir die Provinsiale Openbare Beskermer voorkom dat 'n persoon betrek word in die aangeleentheid wat ondersoek word, moet die Provinsiale Openbare Beskermer sodanige persoon die geleentheid bied om in verband daarmee by wyse van die aflê van getuienis aangehoor te word, en sodanige persoon of sy of haar regsvertegenwoordiger is daarop geregtig om, deur die Provinsiale Openbare Beskermer, vrae te stel aan ander getuies soos bepaal deur die Provinsiale Openbare Beskermer, wat ingevolge hierdie artikel voor die Provinsiale Openbare Beskermer verskyn het.

(g) Enige persoon wat weier of nalaat om aan 'n subartikel (1)-lasgewing te voldoen of wat weier om enige vraag wat ingevolge daardie subartikel aan hom of haar gestel word te beantwoord, of wat op sodanige vraag 'n antwoord verstrek wetende dat dit vals is, of wat weier om op versoek van die Provinsiale Openbare Beskermer 'n eed of bevestiging ingevolge subartikel (3) af te lê, is aan 'n misdryf skuldig.

(4) Die Provinsiale Openbare Beskermer kan, indien hy of sy besluit om 'n ondersoek ingevolge hierdie Wet te doen, te eniger tyd voor of gedurende so 'n ondersoek enige persoon in die diens van die Staat of wat 'n openbare funksie verrig, versoek om onder die toesig en beheer van die Provinsiale Openbare Beskermer, die Provinsiale Openbare Beskermer behulpsaam te wees by die verrigting van sy of haar funksies.

(5) Die Provinsiale Openbare Beskermer of enige lid van sy of haar personeel is bevoeg, maar nie verplig nie, om in enige verrigtinge in of voor 'n geregshof of enige liggaam of instelling by of kragtens enige wet ingestel, vrae in verband met enige inligting wat in die loop van sy of haar ondersoek tot sy of haar kennis gekom het, te beantwoord.

(6) Recourse to, or the exercise or performance of any powers and functions of, the Provincial Public Protector shall not oust the jurisdiction of a court of law to hear any matter or cause whatsoever.

(7) The Provincial Public Protector shall within six months after his or her appointment and thereafter as soon as may be practicable after 31 December of each year submit to the Provincial Legislature a report on his or her activities.

Laying before Provincial Public Protector of certain matters

5. (1) If any person has reasonable grounds to suspect that an incident which may in terms of section 4(1)(a) be investigated by the Provincial Public Protector has occurred or is about to occur, he or she may lay the matter in question in accordance with the provisions of subsection (2) before the Provincial Public Protector, and after such matter has been so laid before the Provincial Public Protector, the Provincial Public Protector may take such steps in respect thereof as he or she is permitted to take in terms of the provisions of this Law.

(2) Any person proposing to lay a matter referred to in subsection (1) before the Provincial Public Protector shall—

(a) do so by means of an affidavit or affirmed declaration specifying—

- (i) the nature of the suspicion;
 - (ii) the grounds on which the suspicion is based; and
 - (iii) all other relevant information known to the declarant;
- or

(b) do so by such means as the Provincial Public Protector may determine with a view to making his or her office accessible to all persons wishing to lay a matter before him or her.

(3) The Provincial Public Protector may on reasonable grounds refuse to investigate a matter laid before him or her if the person ostensibly prejudiced in the matter has not yet exhausted his or her legal remedies in connection with such matter.

Procedure of investigations

6. (1) The procedure to be followed in conducting an investigation shall be determined by the Provincial Public Protector at his or her discretion with due regard to the circumstances of each case, and the Provincial Public Protector may in his or her discretion direct that any category of persons or all persons whose presence is, in his or her opinion, not necessary or desirable, need not be present at the proceedings during the investigation or any part thereof.

(6) 'n Beroep op, of die uitoefening of verrigting van enige bevoegd-hede en werksaamhede van, die Provinsiale Openbare Beskermer sluit nie die jurisdiksie van 'n geregshof uit om enige aangeleentheid of saak hoe-genaamd aan te hoor nie.

(7) Die Provinsiale Openbare Beskermer moet binne ses maande na sy of haar aanstelling en daarna so gou doenlik na 31 Desember van elke jaar 'n verslag van sy of haar bedrywighede aan die Provinsiale Wetgewer voorlê.

Aanhangigmaking van sekere aangeleenthede by Provinsiale Openbare Beskermer

5. (1) Indien enige persoon redelike gronde het om te vermoed dat 'n gebeurlikheid wat ingevolge artikel 4(1)(a) deur die Provinsiale Openbare Beskermer ondersoek kan word, plaasgevind het of op die punt staan om plaas te vind, kan hy of sy so 'n aangeleentheid in ooreenstemming met die bepalings van subartikel (2) by die Provinsiale Openbare Beskermer aanhangig maak, en nadat sodanige aangeleentheid by die Provinsiale Openbare Beskermer aanhangig gemaak is, kan die Provinsiale Openbare Beskermer dié stappe in verband daarmee doen waartoe hy of sy inge- volge die bepalings van hierdie Wet gemagtig is.

(2) Enige persoon wat van voorneme is om 'n saak waarna in sub- artikel (1) verwys word, by die Provinsiale Openbare Beskermer aanhangig te maak, moet—

- (a) dit doen by wyse van 'n beëdigde verklaring of 'n bevesti- gende verklaring waarin vermeld word—
 - (i) die aard van die vermoede;
 - (ii) die gronde waarop die vermoede gebaseer is; en
 - (iii) alle ander tersaaklike inligting aan die verklaarder bekend; of
- (b) dit doen op dié wyse wat die Provinsiale Openbare Besker- mer mag bepaal, met die oogmerk om sy of haar kantoor toeganklik te maak vir alle persone wat begerig is om 'n saak by hom of haar aanhangig te maak.

(3) Die Provinsiale Openbare Beskermer kan op redelike gronde weier om 'n aangeleentheid wat by hom of haar aanhangig gemaak is te ondersoek indien die persoon wat oënskynlik in die aangeleentheid bena- deel is, nog nie sy of haar regsmiddele in verband met die aangeleentheid uitgeput het nie.

Prosedure van ondersoeke

6. (1) Die prosedure wat by die hou van 'n ondersoek gevolg word, word deur die Provinsiale Openbare Beskermer na goeddunke bepaal, met volle inagneming van die omstandighede van elke saak, en die Provinsiale Openbare Beskermer kan na goeddunke gelas dat enige groep van per- sone of alle persone wie se teenwoordigheid na sy of haar mening nie nodig of wenslik is nie, nie teenwoordig hoef te wees by die verrigtinge gedurende 'n ondersoek of gedeelte daarvan nie.

(2) Notwithstanding anything to the contrary contained in any law no person shall, without the permission of the Provincial Public Protector, disclose to any other person the contents of any document in the possession of the Provincial Public Protector or of a member of his or her staff, or the record of any evidence given before the Provincial Public Protector during an investigation.

(3) Any person who contravenes subsection (2) shall be guilty of an offence.

Compensation regarding expenses

7. The Provincial Public Protector may, if he or she deems it advisable, with the concurrence of the Premier or any person authorised thereto by the Premier order that the expenses or a portion of the expenses incurred by any person in the course of or in connection with an investigation by the Provincial Public Protector be paid from provincial funds to that person.

Contempt of Provincial Public Protector

8. (1) No person shall in connection with an investigation do anything which, if done in connection with a court of law, would have constituted contempt of court; provided that the provisions of this subsection shall not prohibit discussion in Parliament or in the Provincial Legislature of any matter being investigated by the Provincial Public Protector.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Improper influencing of Provincial Public Protector

9. (1) No person shall do anything calculated to influence the Provincial Public Protector or a member of his or her staff improperly with regard to an investigation.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Staff and expenditure

10. (1) The Provincial Public Protector may appoint, on such terms and conditions of service as may be determined by law, after consultation with the Premier and the Provincial Service Commission, such persons as may be necessary for the discharge of the functions of the office of the Provincial Public Protector.

(2) Expenditure incidental to the exercise and performance of the powers and functions of the Provincial Public Protector in terms of this Law shall be defrayed from money appropriated by the Provincial Legislature.

(2) Ondanks enige andersluidende bepalings van enige wet mag geen persoon sonder die toestemming van die Provinsiale Openbare Beskermer aan enige ander persoon die inhoud van enige dokument in besit van die Provinsiale Openbare Beskermer of 'n lid van sy of haar personeel, of die oorkonde van getuienis wat gedurende 'n ondersoek voor die Provinsiale Openbare Beskermer afgelê is, bekend maak nie.

(3) Enige persoon wat subartikel (2) oortree, is aan 'n misdryf skuldig.

Vergoeding ten opsigte van uitgawes

7. Die Provinsiale Openbare Beskermer kan, indien hy of sy dit raadsaam ag, met die instemming van die Premier of enige persoon deur die Premier daartoe gemagtig, gelas dat die uitgawes of 'n gedeelte van die uitgawes aangegaan deur enige persoon in die loop van of in verband met 'n ondersoek, deur die Provinsiale Openbare Beskermer uit provinsiale fondse aan daardie persoon betaal word.

Minagting van die Provinsiale Openbare Beskermer

8. (1) Niemand mag in verband met 'n ondersoek iets doen nie wat, indien dit gedoen was in verband met 'n geregshof, minagting van die hof sou uitgemaak het: Met dien verstande dat die bepalings van hierdie subartikel nie die bespreking in die Parlement of in die Provinsiale Wetgewer van enige aangeleentheid wat deur die Provinsiale Openbare Beskermer ondersoek word, verbied nie.

(2) Enige persoon wat 'n bepaling van subartikel (1) oortree, is aan 'n misdryf skuldig.

Onbehoorlike beïnvloeding van Provinsiale Openbare Beskermer

9. (1) Niemand mag enigiets doen wat daarop bereken is om die Provinsiale Openbare Beskermer of 'n lid van sy of haar personeel onbehoorlik te beïnvloed met betrekking tot 'n ondersoek nie.

(2) Enige persoon wat subartikel (1) oortree, is aan 'n misdryf skuldig.

Personeel en uitgawes

10. (1) Die Provinsiale Openbare Beskermer kan op die bedinge en voorwaardes van diens wat by of kragtens 'n wet bepaal word, na oorleg met die Premier en die Provinsiale Dienskommissie die persone aanstel wat nodig is om die werksaamhede van die kantoor van die Provinsiale Openbare Beskermer te verrig.

(2) Uitgawes in verband met die uitoefening en verrigting van die bevoegdhede en werksaamhede van die Provinsiale Openbare Beskermer ingevolge hierdie Wet word bestry uit geld wat deur die Provinsiale Wetgewer bewillig is.

Regulations

11. (1) The Premier may make regulations on any matter which he or she may regard necessary for the better achievement of the objects of this Law.

(2) Regulations made under subsection (1) may, for a contravention thereof, prescribe penalties not exceeding a fine of R2 000 or imprisonment for a period not exceeding six months.

Penalties

12. Any person convicted of an offence referred to in section 3(3), 4(3)(g), 6(3), 8(2) or 9(2) shall be liable to a fine not exceeding R40 000 or imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment.

Application of this Law

13. (1) The provisions of this Law shall not derogate from the provisions of any other law in so far as they relate to the powers and functions of the Public Protector, and the Provincial Public Protector shall exercise and perform his or her powers and functions in consultation with the Public Protector.

(2) The provisions of this Law shall not affect any investigation under, or the performance or exercise of any duty or power imposed or conferred by or under, any law.

Short title and commencement

14. This Law shall be called the Northern Cape Provincial Public Protector Law, 1994, and shall come into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

Regulasies

11. (1) Die Premier kan regulasies uitvaardig betreffende enige aangeleentheid wat hy of sy nodig ag vir die beter verrigting van die oogmerke van hierdie Wet.

(2) Regulasies uitgevaardig kragtens subartikel (1) kan vir die oortreding daarvan boetes voorskryf van hoogstens R2 000 of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Strawwe

12. Enige persoon wat skuldig bevind word aan 'n misdryf bedoel in artikel 3(3), 4(4)(g), 6(3), 8(2) of 9(2) is strafbaar met 'n boete van hoogstens R40 000 of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, of beide sodanige boete en sodanige gevangenisstraf.

Toepassing van hierdie Wet

13. (1) Die bepalings van hierdie Wet doen nie afbreuk aan die bepalings van enige ander wet vir sover dit op die bevoegdhede en werksaamhede van die Openbare Beskermer betrekking het nie, en die Provinsiale Openbare Beskermer oefen sy of haar bevoegdhede uit en verrig sy of haar werksaamhede in ooreenstemming met die Openbare Beskermer.

(2) Die bepalings van hierdie Wet raak nie enige ondersoek kragtens, of die verrigting of uitoefening van enige lid of bevoegdheid opgelê of verleen by of kragtens, die een of ander wet nie.

Kort titel en inwerkingtreding

14. Hierdie Wet heet die Noord-Kaapse Wet op die Provinsiale Openbare Beskermer, 1994, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

OFFICE OF THE PREMIER

No. 10

14 February 1996

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

No. 4 of 1995: Northern Cape Tender Board Amendment Act, 1995.

ACT

To amend the Northern Cape Tender Board Act, 1994, so as to amend the constitution of the Board; and to provide for matters incidental thereto.

(English text signed by the Premier)
(Assented to on 21 June 1995)

BE IT ENACTED by the Provincial Legislature of the Northern Cape, as follows:—

Amendment of section 3 of Act 2 of 1994**1. Section 3 of the Act is amended—**

- (a) by the substitution for subsection (1) of the following subsection:

“(1) The Board shall, subject to the provisions of subsection (1A), consist of not fewer than 12 and not more than 18 members to be appointed by the Executive Council, of whom four shall be officers or employees.”; and

- (b) by the insertion of the following subsection after subsection (1):

“(1A) A maximum of two officers or employees, who are not members of the Board, may, for purposes of the consideration of a specific issue, be co-opted by the

KANTOOR VAN DIE PREMIER

No. 10

14 Februarie 1996

Hierby word bekendgemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby vir algemene kennisname gepubliseer word:

No. 4 of 1995: Noord-Kaapse Wysigingswet op die Tenderraad, 1995.

WET

Tot wysiging van die Noord-Kaapse Wet op die Tenderraad, 1994, ten einde die samestelling van die Raad te wysig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Premier geteken)
(Goedgekeur op 21 Junie 1995)

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Noord-Kaap soos volg:—

Wysiging van artikel 3 van Wet 2 van 1994

1. Artikel 3 van die Wet word gewysig—

- (a) deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) Die Raad bestaan, behoudens die bepalings van subartikel (1A), uit minstens 12 en hoogstens 18 lede deur die Uitvoerende Raad aangestel, van wie vier beamptes of werknemers moet wees”; en

- (b) deur die invoeging van die volgende subartikel na subartikel (1):

“(1A) Hoogstens twee beamptes of werknemers wat nie lede van die Raad is nie, kan, vir doeleindes van die oorweging van 'n spesifieke aangeleentheid, as lede

Board as members thereof to attend, participate and vote a meeting of the Board: Provided that such co-opted members may only participate and vote in respect of the issue for which they have been co-opted."

Short title and commencement

2. This Act shall be called the Northern Cape Tender Board Amendment Act, 1995, and shall be deemed to have come into operation on 1 April 1995.

van die Raad gekoöpteer word om 'n vergadering daarvan by te woon, daaraan deel te neem en 'n stem uit te bring: Met dien verstande dat sodanige gekoöpteerde lede slegs kan deelneem en stem ten opsigte van die aangeleentheid waarvoor hulle gekoöpteer is."

Kort titel en inwerkingtreding

2. Hierdie Wet heet die Noord-Kaapse Wysigingswet op die Tenderaad, 1995, en word geag in werking te getree het op 1 April 1995.

Act No. 5, 1995

NORTHERN CAPE GROUP LIFE AND DISABILITY PLAN FOR
MEMBERS OF THE LEGISLATURE ACT, 1995

OFFICE OF THE PREMIER

No. 11

14 February 1996

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

No. 5 of 1995: Northern Cape Group Life and Disability Plan for Members of the Legislature Act, 1995.

ACT

To make provision for the participation of members of the Legislature in a Group Life and Disability Plan; to provide for certain payments to be made from the Provincial Revenue Fund; and to provide for matters incidental thereto.

(Afrikaans text signed by the Premier)
(Assented to on 21 June 1995)

BE IT ENACTED by the Provincial Legislature of the Province of Northern Cape, as follows:—

Definitions

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

“**Constitution**” means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

“**member**” means a member of the Legislature, including the Premier and a member of the Executive Council;

“**Premier**” means the Premier of the Province acting in terms of section 147(2) of the Constitution;

“**Provincial Revenue Fund**” means the Revenue Fund established for the Provincial in terms of section 159 of the Constitution;

KANTOOR VAN DIE PREMIER

No. 11

14 Februarie 1996

Hierby word bekendgemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby vir algemene kennisname gepubliseer word:

No. 5 of 1995: Noord-Kaapse Wet op 'n Groepslewens- en Ongeskiktheidsplan vir Lede van die Wetgewer, 1995.

WET

Om voorsiening te maak dat lede van die Wetgewer kan deelneem aan 'n Groepslewens- en Ongeskiktheidsplan; om voorsiening te maak vir sekere betalings vanuit die Provinsiale Inkomstefonds; en om voorsiening te maak vir verbandhoudende aangeleenthede.

(Afrikaanse teks deur die Premier geteken)
(Goedgekeur op 21 Junie 1995)

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Noord-Kaap, soos volg:—

Woordomsrywings

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

“**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);

“**lid**” 'n lid van die Wetgewer, ook die Premier en 'n lid van die Uitvoerende Raad;

“**Premier**” die Premier van die Provinsie handelende ingevolge artikel 147(2) van die Grondwet;

“**Provinsiale Inkomstefonds**” die Inkomstefonds tot stand gebring vir die Provinsie ingevolge artikel 159 van die Grondwet;

Act No. 5, 1995

NORTHERN CAPE GROUP LIFE AND DISABILITY PLAN FOR
MEMBERS OF THE LEGISLATURE ACT, 1995

"salary" means the basic salary, excluding any allowances or state contributions to benefits, payable to a member of the Legislature by virtue of the provisions of the Northern Cape Payment of Members of the Provincial Legislature Act, 1994 (Act No. 5 of 1994);

"Scheme" means a Group Life and Disability Plan as envisaged in section 2(1); and

"Secretary" means the Secretary or provisional Secretary of the Legislature appointed in terms of section 143 of the Constitution.

Participation in Scheme

2. (1) The Premier is authorised to take all actions which are necessary, required by law, or deemed reasonably expedient in order to arrange for the participation of members in a Group Life and Disability Plan underwritten by a registered insurance company, and to negotiate any amendments to a Scheme during the currency thereof or to cancel the participation of the members in a Scheme.

(2) The rules and conditions of a Scheme shall be in accordance with the Policy Document issued by the underwriter from time to time and to which document the Premier shall agree under subsection (1).

Membership of a Scheme

3. All members shall participate in a Scheme.

Deductions from salary

4. (1) The Secretary is authorised to deduct from the payments of a member the amounts payable by him or her to an underwriter in terms of the conditions of a Scheme.

(2) The deductions referred to in subsection (1) shall include any required additional payment in cases where a member voluntarily elects to include spouses death cover in respect of his or her spouse into a Scheme.

Charge to Provincial Revenue Fund

5. The amounts payable by the State in terms of the conditions of a Scheme, which may not amount to more than 7,5% of the salary of a member, shall be duly appropriated and charged annually to the Provincial Revenue Fund.

Short title and commencement

6. This Act shall be called the Northern Cape Group Life and disability Plan for Members of the Legislature Act, 1995, and shall be deemed to have come into operation on 1 May 1995.

“salaris” die basiese salaris, enige toelae of staatsbydrae ten opsigte van voordele uitgesluit, betaalbaar aan 'n lid van die Wetgewer uit hoofde van die bepalings van die Noord-Kaapse Wet op die Betaling van Lede van die Provinsiale Wetgewer, 1994 (Wet No. 5 van 1994);

“Sekretaris” die Sekretaris of voorlopige Sekretaris van die Wetgewer aangestel ingevolge artikel 143 van die Grondwet; en

“Skema” 'n Groepslewens- en Ongeskiktheidsplan soos voorsien word in artikel 2(1).

Deelname aan Skema

2. (1) Die Premier word gemagtig om enige handeling te verrig wat noodsaaklik is, regtens vereis word of redelikerwys nodig mag wees om te reël vir die deelname van lede aan 'n Groepslewens- en Ongeskiktheidsplan wat deur 'n geregistreerde versekeringsmaatskappy onderskryf is en om enige wysigings aan 'n Skema te beding tydens die loop daarvan of om deelname van lede aan 'n Skema te beëindig.

(2) Die reëls en voorwaardes van 'n Skema is in ooreenstemming met die Polisdokument wat van tyd tot tyd deur die versekeraar uitgereik word, en waartoe die Premier ingestem het ingevolge subartikel (1).

Lidmaatskap van 'n Skema

3. Alle lede sal deelneem aan 'n Skema.

Aftrekkings van salaris

4. (1) Die Sekretaris is gemagtig om van die salaris van 'n lid bedrae deur hom of haar aan 'n versekeraar verskuldig ooreenkomstig die voorwaardes van 'n Skema, af te trek.

(2) Die aftrekkings waarna in subartikel (1) verwys word, sluit enige vereiste bykomende betaling in, in geval waar 'n lid vrywillig kies om sy of haar eggenoot in 'n Skema wat eggenoot-dekking in geval van dood verleen, in te sluit.

Eis teen Provinsiale Inkomstefonds

5. Die bedrae wat in terme van die voorwaardes van 'n Skema deur die Staat betaalbaar is, en wat nie meer as 7,5% van die salaris van 'n lid mag beloop nie, word behoorlik jaarliks bewillig en vorm 'n las teen die Provinsiale Inkomstefonds.

Kort titel en inwerkingtreding

6. Hierdie Wet heet die Noord-Kaapse Wet op 'n Groepslewens- en Ongeskiktheidsplan vir Lede van die Wetgewer, 1995, en word geag in werking te getree het op 1 Mei 1995.

Act No. 6, 1995

NORTHERN CAPE PROVINCIAL LEGISLATURE SERVICE ACT, 1995

OFFICE OF THE PREMIER

No. 12

14 February 1996

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

No. 6 of 1995: Northern Cape Provincial Legislature Service Act, 1995.

ACT

To provide for the appointment and the conditions of service of the Secretary and staff employed in the service of the Legislature.

(English text signed by the Premier)
(Assented to on 21 June 1995)

BE IT ENACTED by the Provincial Legislature of the Northern Cape Province, as follows:—

Definitions

1. In this Act and in any rules made in terms hereof, unless the context otherwise indicates—

“Constitution” means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

“Legislature” means the Legislature of the Northern Cape Province as contemplated in section 125 of the Constitution;

“Secretary” means the Secretary or provisional Secretary of the Legislature appointed as contemplated in section 143 of the Constitution;

“Speaker” means the Speaker of the Legislature elected as contemplated in section 131 of the Constitution;

“staff” means the staff of the Legislature referred to in section 3;

KANTOOR VAN DIE PREMIER

No. 12

14 Februarie 1996

Hierby word bekendgemaak dat die Premier die onderstaande Wet bekragtig het, hierby vir algemene kennisname gepubliseer word:

No. 6 van 1995: Noord-Kaapse Provinsiale Wetgewer Diens Wet, 1995.

WET

Om voorsiening te maak vir die aanstelling en diensvoorwaardes van die Sekretaris en personeel in diens van die Wetgewer.

(Engelse teks deur die Premier geteken)
(Goedgekeur op 21 Junie 1995)

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Noord-Kaap, soos volg:—

Woordomskrywings

1. In hierdie Wet en in enige reëls in terme daarvan uitgereik, tensy uit die samehang anders blyk, beteken—

“**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);

“**Wetgewer**” die Wetgewer van die Noord-Kaap-provinsie waarna verwys in artikel 125 van die Grondwet;

“**personeel**” die personeel van die Wetgewer waarna verwys word in artikel 3;

“**Sekretaris**” die Sekretaris of tussentydse Sekretaris van die Wetgewer aangestel ingevolge artikel 143 van die Grondwet;

“**Speaker**” die Speaker van die Wetgewer wat verkies is soos voorsien word in artikel 131 van die Grondwet;

"Executive Council" means the Executive Council of the Northern Cape Province as referred to in section 149 of the Constitution;

"Treasury" means the Treasury as defined in section (1) of the Northern Cape Exchequer Act, 1994 (Act No. 1 of 1994).

Secretary to the Legislature

2. (1) There shall be a Secretary to the Legislature who shall be a person appointed in terms of section 143(2) of the Constitution.

(2) The Secretary may be removed from the office only in accordance with a resolution adopted by the Legislature.

(3) The Secretary shall, subject to the overall direction of the Speaker and the provisions of the Northern Cape Exchequer Act, 1994 (Act No. 1 of 1994), be responsible for the administration of the Legislature and shall be the Accounting Officer for the Legislature charged with the collection, receipt, custody and payment of moneys for the services of the Legislature, for the receipt, custody and control of property acquired for the administration of the Legislature, and for the keeping of proper accounts in respect of such moneys and property.

(4) If, and for as long as the Secretary is, for any reason, absent or unable to perform the duties of the office, an Acting Deputy Secretary shall perform the duties and exercise the powers of the Secretary.

Staff of the Legislature

3. There shall be appointed by the Executive Council after consultation with the Speaker, a staff for the Legislature consisting of such persons as are necessary to provide services for the proper functioning of the Legislature.

Conditions of service of the Secretary and staff

4. (1) The Speaker shall in consultation with Members of the Executive Council for Finance make, and may from time to time vary rules providing for the conditions of service of the Secretary and the staff.

(2) Without derogating from the generality of subsection (1), the rules made in terms thereof may make provision for—

(a) the appointment and termination of the appointment of staff;

(b) the retirement of the Secretary and staff;

“**Tesourie**” die Tesourie soos omskryf in artikel 1 van die Noord-Kaapse Skatkiswet, 1994 (Wet No. 1 van 1994);

“**Uitvoerende Raad**” die Uitvoerende Raad van die Noord-Kaap-provinsie waarna verwys word in artikel 149 van die Grondwet of enige lid daarvan wat by resoluëie aangewys is om ingevolge hierdie Wet te handel.

Sekretaris van die Wetgewer

2. (1) 'n Persoon word as Sekretaris vir die Wetgewer aangestel kragtens artikel 143(2) van die Grondwet.

(2) Die Sekretaris kan slegs uit die amp ontslaan word by wyse van 'n besluit geneem deur die Wetgewer.

(3) Die Sekretaris is algeheel onderworpe aan die voorskrifte van die Speaker en die bepalings van die Noord-Kaapse Skatkiswet, 1994 (Wet No. 1 van 1994), verantwoordelik vir die administrasie van die Wetgewer, en is ook die rekenpligtige beampte wat met die invordering, ontvangs, bewaring en betaling van gelde vir die dienste van die Wetgewer, sowel as die ontvangs, bewaring en kontrole van eiendom wat bekom is vir die administrasie van die Wetgewer en met die byhou van behoorlike rekeninge ten opsigte van sodanige gelde en eiendom belas is.

(4) Indien, en vir solank as die Sekretaris vir enige rede afwesig of onbekwaam is om die pligte met betrekking tot die amp uit te voer, oefen 'n Waarnemende Adjunk-Sekretaris die pligte en bevoeghede van Sekretaris uit.

Personeel van die Wetgewer

3. (1) Die Uitvoerende Raad stel, na oorlegpleging met die Speaker, 'n personeelkorps aan bestaande uit sodanige persone wat nodig is om dienste vir die behoorlike funksionering van die Wetgewer te lewer.

(2) Aanstellings ingevolge subartikel (1) kan net gemaak word nadat die Tesourie goedkeuring verleen het vir die uitgawes wat daarmee in verband staan.

Diensvoorwaardes van toepassing op die Sekretaris en personeel

4. (1) Die Speaker maak, in oorlegpleging met die Lid van die Uitvoerende Raad vir Finansies, reëls, en kan dit van tyd tot tyd aanpas, om voorsiening te maak vir die diensvoorwaardes van die Sekretaris en personeel.

(2) Sonder om afbreuk te doen aan die algemene strekking van subartikel (1) kan die reëls gemaak in terme daarvan voorsiening maak vir—

- (a) die aanstelling en diensbeëindiging van personeel;
- (b) die aftrede van die Sekretaris en personeel;

- (c) the salaries, allowances, bonuses and other monetary remuneration of the Secretary and staff;
- (d) medical aid benefits to be arranged for the Secretary and staff;
- (e) the establishment of, or participation in a fund or funds providing for benefits upon the retirement of the Secretary and staff and for their dependants upon their death before or after retirement;
- (f) a code of conduct and the disciplinary procedure to be applicable to the Secretary and staff;
- (g) arrangements for collective bargaining and other labour relations matters in respect of the employment and conditions of service of the staff;
- (h) all other matters necessary for the creation and maintenance of an appropriate and effective administration in the service of the Legislature.

Expenditure

5. Persons appointed in terms of this Act shall be remunerated out of and as a charge to the Revenue Fund of the Province.

Short title

6. This Act shall be called the Northern Cape Provincial Legislature Service Act, 1995.

- (c) die salarisse, toelae, bonusse en ander geldelike vergoeding van die Sekretaris en personeel;
- (d) die mediese hulp-voordele wat vir die Sekretaris en personeel gereël kan word;
- (e) die skepping van, of deelname aan 'n fonds of fondse wat voorsiening maak vir uitkering by aftrede van die Sekretaris en personeel en vir hul afhanklikes by hul afsterwe voor of na aftrede;
- (f) 'n gedragskode en die dissiplinêre prosedures van toepassing op die Sekretaris en personeel;
- (g) die reëling van kollektiewe bedinging en ander arbeidsaangeleenthede met betrekking tot die aanstelling en diensvoorwaardes van die personeel;
- (h) enige ander aangeleentheid noodsaaklik vir die skepping en handhawing van 'n doelmatige en effektiewe administrasie in diens van die Wetgewer.

Uitgawes

5. Persone aangestel in terme van hierdie Wet word besoldig uit en as 'n las teen die Inkomstefonds van die Provinsie.

Kort titel

6. Hierdie Wet heet die Noord-Kaapse Wet op die Provinsiale Wetgewerdienste, 1995.

CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
PREMIER'S NOTICES • PREMIERSKENNISGEWINGS			
7	Northern Cape Adjustments Appropriation Act (1/1995): For general information	1	131
7	Noord-Kaapse Aansuiweringsbegrotingswet (1/1995): Vir algemene kennisname	1	131
8	Northern Cape Appropriation Act (2/1995): For general information	4	131
8	Noord-Kaapse Begrotingswet (2/1995): Vir algemene kennisname	5	131
9	Northern Cape Provincial Public Protector Act (3/1995): For general information	8	131
9	Noord-Kaapse Wet op die Provinsiale Openbare Beskermer (3/1995): Vir algemene kennisname	9	131
10	Northern Cape Tender Board Amendment Act (4/1995): For general information	24	131
10	Noord-Kaapse Wysigingswet op die Tenderraad (4/1995): Vir algemene kennisname	25	131
11	Northern Cape Group Life and Disability Plan for Members of the Legislature Act (5/1995): For general information	28	131
11	Noord-Kaapse Wet op 'n Groepsleuens- en Ongeskiktheidsplan vir Lede van die Wetgewer (5/1995): Vir algemene kennisname	29	131
12	Northern Cape Provincial Legislature Service Act (6/1995): For general information	32	131
12	Noord-Kaapse Provinsiale Wetgewer Diens Wet (6/1995): Vir algemene kennisname	33	131