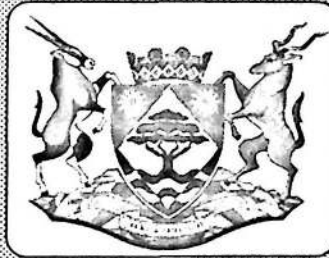


PROVINCE OF THE NORTHERN CAPE

PROFENSI YA KAPA-BOKONE



DIE PROVINSIE NOORD-KAAP

IPHONDO LOMNTLA-KAPA

EXTRAORDINARY • BUITENGEWONE

**Provincial Gazette
Kasete ya Profensi**

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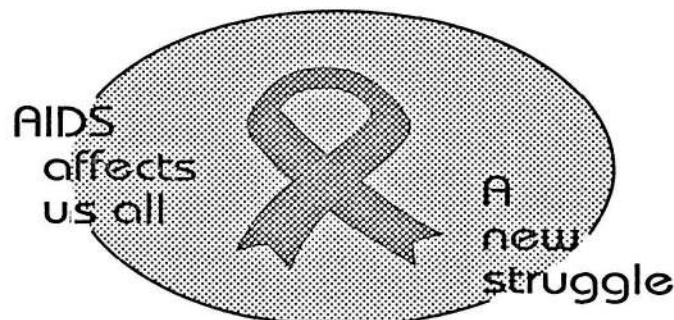
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Vol. 7

KIMBERLEY, 14 APRIL 2000

No. 455

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PREMIER'S NOTICES • PREMIERSKENNISGEWINGS

OFFICE OF THE PREMIER

No. 4

14 April 2000

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

No. 4 of 2000: Northern Cape Finance Management Supplementary Act, 2000.

ACT

To give effect to certain provisions of the Public Finance Management Act, 1999, as amended by the Public Finance Management Amendment Act, 1999, in the Province; to repeal the Provincial Exchequer Act, 1994 and to provide for matters in connection therewith.

(English text signed by the Premier)
(Assented to on 10 April 2000)

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

Definitions

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

“the Act” means the Public Finance Management Act, 1999 (Act No. 1 of 1999), as amended by the Public Finance Management Amendment Act, 1999 (Act No. 29 of 1999).

Direct charges

2. The following payments from the Provincial Revenue Fund are direct charges against the Provincial Revenue Fund:

- (e) transfer in terms of section 23(3)(a) of the Act;
- (f) payments in terms of section 24(1)(b) and (c) of the Act;
- (g) expenditure in terms of section 25(1) of the Act; and
- (h) any utilisation of savings in terms of section 43(1) of the Act.

Repeal of legislation

3. The Northern Cape Exchequer Act, 1994 (Act No. 1 of 1994) is hereby repealed.

Short title and commencement

4. This Act shall be called the Northern Cape Finance Management Supplementary Act, 2000, and shall take effect on 1 April 2000.

KANTOOR VAN DIE PREMIER

No. 4

14 April 2000

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

No. 4 van 2000: Noord-Kaapse Aanvullende Wet op Finansiële Bestuur, 2000.

WET

Om uitvoering te gee in die Provinsie van sekere bepalings van die Wet op Openbare Finansiële Bestuur, 1999, soos gewysig deur die Wysigingswet op Openbare Finansiële Bestuur, 1999; om die Provinsiale Skatkiswet, 1994, te herroep en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur Premier geteken)
(Goedgekeur op 10 April 2000)

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

Definisie

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

“die Wet” die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), soos gewysig deur die Wysigingswet op Openbare Finansiële Bestuur, 1999 (Wet No. 29 van 1999).

Regstreekse laste

2. Die volgende betalings uit die Provinsiale Inkomstefonds is regstreekse laste teen die Provinsiale Inkomstefonds:

- (e) oordragte in terme van artikel 23(3)(a) van die Wet;
- (f) betalings in terme van artikel 24(1)(b) en (c) van die Wet;
- (g) uitgawes in terme van artikel 25(1) van die Wet; en
- (h) enige aanwending van besparings in terme van artikel 43(1) van die Wet.

Herroeping van Wetgewing

3. Die Noord-Kaapse Skatkiswet, 1994 (Wet No. 1 van 1994) word hiermee herroep.

Kort titel en inwerkingtreding

4. Hierdie Wet heet die Noord-Kaapse Aanvullende Wet op Finansiële Bestuur, 2000, en sal op 1 April 2000 in werking tree.

OFFICE OF THE PREMIER

No. 5

14 April 2000

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

No. 5 of 2000: Northern Cape Provincial Finance Act, 2000.

ACT

To charge the Provincial Revenue Account with certain unauthorised expenditure and to authorise other expenditure and to provide for matters in connection therewith.

*(English text signed by the Premier)
(Assented to on 10 April 2000)*

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

Defraying of unauthorised expenditure from the Provincial Revenue Account for the financial year 1994/95

1. (1) The Provincial Revenue Account is hereby charged with the amount of R2 381 483,58 (two million three hundred and eighty-one thousand, four hundred and eighty-three rand and fifty-eight cents) to defray certain expenditure over and above the amounts appropriated for the services of the Province for the financial year which ended on 31 March 1995.

(2) The expenditure referred to in subsection (1) is set forth in Schedule 1 and is more fully described on page 8 paragraph 4 of the Report of the Auditor-General on the Accounts of the Provincial Administration of the Northern Cape for 1994/95 [PR 32/1996], which has been submitted to the Provincial Legislature and in the Report of Standing Committee on Public Accounts, 1998.

Defraying of unauthorised expenditure from the Provincial Revenue Account for the financial year 1995/96

2. (1) The Provincial Revenue Account is hereby charged with the amount of R138 312 657,88 (one hundred and thirty-eight million three hundred and twelve thousand, six hundred and fifty-seven rand and eighty-eight cents) to defray certain expenditure over and above the amounts appropriated for the services of the Province for the financial year which ended on 31 March 1996.

(2) The expenditure referred to in subsection (1) is set forth in Schedule 1 and is more fully described on page 7 paragraph 5(3) of the Report of the Auditor-General on the Accounts of the Provincial Administration of the Northern Cape for 1995/96 [PR 39/1997], which has been submitted to the Provincial Legislature and in the Report of Standing Committee on Public Accounts, 1998.

Defraying of unauthorised expenditure from the Provincial Revenue Account for the financial year 1996/97

3. (1) The Provincial Revenue Account is hereby charged with the amount of R42 660 539,89 (forty two million six hundred and sixty thousand, five hundred and thirty nine rand and eighty nine cents) to defray certain expenditure over and above the amounts appropriated for the services of the Province for the financial year which ended on 31 March 1997.

(2) The expenditure referred to in subsection 1, is set forth in Schedule 1 and is more fully described on pages 9 and 10 paragraphs 11(1)(b) and 11(4) of the Report of the Auditor-General on the Accounts of the Provincial Administration of the Northern Cape for 1996/97 (PR 82/1998), which has been submitted to the Provincial Legislature and in the Report of the Standing Committee on Public Accounts, 1999.

Authorising of expenditure

4. (1) The expenditure of R401 980,02 incurred by the Department of Works, and more fully described on page 7 paragraph 5 of the Report of the Auditor-General on the Accounts of the Provincial Administration of the Northern Cape for 1995/96 (PR 36/1997), which has been submitted to the Provincial Legislature and in the Report of the Standing Committee on Public Accounts, 1998, is hereby authorised.

(2) The expenditure of R372 021,74 incurred by the Department of Housing and Local Government, and more fully described on page 7 paragraph 5 of the Report of the Auditor-General on the Accounts of the Provincial Administration of the Northern Cape for 1995/96 (PR 39/1997), which has been submitted to the Provincial Legislature and in the Report of the Standing Committee on Public Accounts, 1998, is hereby authorised.

(3) The expenditure of R277 570,54 incurred by the Department of Housing and Local Government, and more fully described on page 10 paragraph 11(3) of the Report of the Auditor-General on the Accounts of the Provincial Administration of the Northern Cape for 1996/97 (PR 82/1998), which has been submitted to the Provincial Legislature and in the Report of the Standing Committee on Public Accounts, 1999, is hereby authorised.

Short title

5. (1) This Act shall be called the Northern Cape Province Finance Act, 2000.

SCHEDULE 1
(As a charge to the Provincial Revenue Fund)
(Sections 1 to 3)

Vote Number	Title of Vote and Financial Year	Amount R
Vote 12 (Previously Vote 3)	Road Network Provision and Traffic Administration—1994/95	2 381 483,58
Vote 11 (Previously Vote 14)	Welfare—1995/96	138 312 657,88
Vote 4	Education—1996/97	40 510 090,87
Vote 12	Transport Roads and Traffic Control—1996/97	2 150 449,02
TOTAL		183 354 681,35

**MEMORANDUM ON THE OBJECT OF THE NORTHERN CAPE PROVINCIAL
FINANCE BILL, 2000**

The object of the clauses 1 to 4 is to give effect to certain Resolutions of the Standing Committee on Public Accounts, namely that the unauthorised expenditure be authorised. Unauthorised expenditure of different years is dealt with separately and analysed according to each Vote.

KANTOOR VAN DIE PREMIER

No. 5

14 April 2000

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

No. 5 van 2000: Noord-Kaapse Provinsiale Finansiewet, 2000.

WET

Om die Provinsiale Inkomsterekening met sekere ongemagtigde uitgawes te belas en ander uitgawes te magtig en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur Premier geteken)
(Goedgekeur op 10 April 2000)

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

Bestryding van ongemagtigde uitgawes uit Provinsiale Inkomsterekening vir boekjaar 1994/95

1. (1) Die Provinsiale Inkomsterekening word hierby belas met die bedrag van R2 381 483,58 (twee miljoen drie honderd een en tagtig duisend, vier honderd drie en tagtig rand agt en vyftig sent) ter bestryding van sekere uitgawes bo en behalwe die bedrae beskikbaar gestel vir die diens van die Provinsie vir die boekjaar wat op 31 Maart 1995 geëindig het.

(2) Die uitgawes in subartikel (1) bedoel, word uitgesit in Bylae 1 en word nader beskryf op bladsy 8 paragraaf 4 van die Verslag van die Ouditeur-generaal oor Rekenings van die Provinsiale Administrasie van die Noord-Kaap vir 1994/95 [PR 32/1996], wat aan die Provinsiale Wetgewer voorgelê is en in die Verslag van die Staande Komitee oor Openbare Rekenings, 1998.

Bestryding van ongemagtigde uitgawes uit Provinsiale Inkomsterekening vir boekjaar 1995/96

2. (1) Die Provinsiale Inkomsterekening word hierby belas met die bedrag van R138 312 657,88 (een honderd agt en dertig miljoen, drie honderd en twaalf duisend ses honderd sewe en vyftig rand agt en tagtig sent) ter bestryding van sekere uitgawes bo en behalwe die bedrae beskikbaar gestel vir die diens van die Provinsie vir die boekjaar wat op 31 Maart 1995 geëindig het.

(2) Die uitgawes in subartikel (1) bedoel, word uitgesit in Bylae 1 en word nader beskryf op bladsy 7 paragraaf 5 van die Verslag van die Ouditeur-generaal oor Rekenings van die Provinsiale Administrasie van die Noord-Kaap vir 1995/96 [PR 39/1997], wat aan die Provinsiale Wetgewer voorgelê is, en in die Verslag van die Staande Komitee oor Openbare Rekenings, 1998.

Bestryding van ongemagtigde uitgawes uit Provinsiale Inkomsterekening vir boekjaar 1996/97

3. (1) Die Provinsiale Inkomsterekening word hierby belas met die bedrag van R42 660 539,89 (twee en veertig miljoen ses honderd en sestig duisend vyf honderd en nege en dertig rand en nege en tagtig sent) ter bestryding van sekere uitgawes bo en behalwe die bedrae beskikbaar gestel vir die diens van die Provinsie vir die boekjaar wat op 31 Maart 1997 geëindig het.

(2) Die uitgawes in subartikel (1) bedoel, word uitgesit in Bylae 1 en word nader beskryf op bladsye 9 en 10 paragrafe 11(1)(b) en 11(4) van die Verslag van die Ouditeur-generaal oor Rekenings van die Provinsiale Administrasie van die Noord-Kaap vir 1996/97 [PR82/1998], wat aan die Provinsiale Wetgewer voorgelê is, en in die Verslag van die Staande Komitee oor Openbare Rekenings, 1999.

Magtiging van uitgawes

4. (1) Die uitgawes van R401 980,02 aangegaan deur die Departement van Werke en nader beskryf in paragraaf 5 op bladsy 7 van die Verslag van die Ouditeur-generaal oor die Rekenings van die Provinsiale Administrasie van die Noord-Kaap vir 1995/96 [PR 39/1997], wat aan die Provinsiale Wetgewer voorgelê is, en in die Verslag van die Staande Komitee oor Openbare Rekenings, 1998, word hierby gemagtig.

(2) Die uitgawe van R372 021,74 aangegaan deur die Departement van Behuising en Plaaslike Regering, en nader beskryf in paragraaf 5 op bladsy 7 van die Verslag van die Ouditeur-generaal oor die Rekenings van die Provinsiale Administrasie van die Noord-Kaap vir 1995/96 [PR 39/1997], wat aan die Provinsiale Wetgewer voorgelê is, en in die Verslag van die Staande Komitee oor Openbare Rekenings, 1998, word hierby gemagtig.

(3) Die uitgawe van R277 570,54 aangegaan deur die Departement van Behuising en Plaaslike Regering, en nader beskryf in paragraaf 11(3) op bladsy 10 van die Verslag van die Ouditeur-generaal oor die Rekenings van die Provinsiale Administrasie van die Noord-Kaap vir 1996/97 [PR 82/1998], wat aan die Provinsiale Wetgewer voorgelê is, en in die Verslag van die Staande Komitee oor Openbare Rekenings, 1999, word hierby gemagtig.

Kort titel

5. Hierdie Wet heet die Noord-Kaapse Provinsiale Finansiewet, 2000.

SKEDULE 1

(Ten laste van die Provinsiale Inkomste Rekening)

(Artikels 1 tot 3)

Begrotingspos nommer	Titel van Begrotingspos en boekjaar	Bedrag R
Begrotingspos 12 (Voorheen Begrotingspos 3)	Padnetwerkvoorsiening en Verkeersadministrasie—1994/95 ..	2 381 483,58
Begrotingspos 11 (Voorheen Begrotingspos 14)	Welsyn—1995/96.....	138 312 657,88
Begrotingspos 4	Onderwys en Kultuur—1996/97	40 510 090,87
Begrotingspos 12	Vervoer, Paaie en Verkeersbeheer—1996/97	2 150 449,02
TOTAAL		183 354 681,35

**MEMORANDUM OOR DIE OOGMERKE VAN DIE NOORD-KAAPSE
PROVINSIALE FINANSIE WETSONTWERP, 2000**

Die oogmerk van klousules 1 tot 4 is om uitvoering te gee aan sekere besluite van die Staande Komitee oor Openbare Rekenings, naamlik dat bepaalde ongemagtigde uitgawes gemagtig word. Ongemagtigde uitgawes wat in verskillende boekjaar ontstaan het, word afsonderlik gehanteer.

GENERAL NOTICE

NOTICE 20 OF 2000

PROVINCE OF THE NORTHERN CAPE

PUBLICATION OF THE NORTHERN CAPE DETERMINATION OF TYPES OF MUNICIPALITIES AND REGULATION OF PRIVILEGES AND IMMUNITIES OF COUNCIL MEMBERS BILL, 2000 [B7-2000]

It is notified for information and comment that the above-mentioned Bill is hereby published by the Northern Cape Provincial Legislature.

Any comments or remarks must be submitted to the Provincial Secretary, Northern Cape Legislature, Private Bag X5066, Kimberley, 8300, to reach him not later than **3 May 2000**.

A. L. KIMMIE

Acting Provincial Secretary: Northern Cape Legislature

MEMORANDUM ON THE OBJECTS OF THE NORTHERN CAPE DETERMINATION OF TYPES OF MUNICIPALITIES AND REGULATION OF PRIVILEGES AND IMMUNITIES OF COUNCIL MEMBERS BILL, 2000

National legislation enables Provinces to pass legislation that would empower them to determine the types of municipality that may be established for each category of municipality in their respective provinces. Such enabling Acts are the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996) and the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998). The latter Act further enables provincial legislatures to legislate on matters pertaining to the privilege and immunity of members of municipal councils.

Such provincial legislation must be enacted in accordance with the national framework.

PREAMBLE

The preamble to the Bill re-emphasises the specific legal provisions by virtue of which this provincial legislation is enacted as well as the fact that such legislation must be enacted in accordance with the national framework.

SECTION 1—DEFINITIONS

In view of the fact that this Bill is based on National Legislation which already defines most of the words, expressions and phrases used herein, it suffices to say that the meanings assigned to those words, expressions and phrases shall be applicable to this Bill. The National Legislation referred to in this instance is the Local Government: Municipal Structures Act, 1998.

SECTION 2

This section provides that the establishment of a municipality shall be the sole domain of the MEC for local government, who shall act in terms of the Local Government: Municipal Structures Act.

SECTION 3

This section sets out the different types of municipality that may be established in the province, under Category B Municipality.

SECTION 4

This section sets out the different types of municipalities that may be established under Category C Municipality.

SECTION 5 AND 6

The section defines the confines within which the MEC for Local Government is empowered to act in the exercise of his powers in establishing, re-establishing the types of municipality and amending or repealing notices for such establishments and re-establishments of municipality.

SECTION 7

The section sets out the circumstances under which members of a municipal council shall enjoy privileges and immunities regarding freedom of speech as well as civil and criminal liability.

SECTION 8

The section gives the title of the Act (when it is eventually passed) as well as date when it shall come into operation.

BILL

To provide for the determination of the different types of municipalities that may be established for each category of municipality in the Province of the Northern Cape; to regulate the privileges and immunities of members of municipal councils; and to provide for incidental matters thereto.

PREAMBLE

Whereas section 155(1) of the Constitution defines the different categories of municipalities that may be established;

And whereas section 155(2) of the Constitution requires national legislation to define the different types of municipalities that may be established within each category of municipality;

And whereas Part 2 of Chapter 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), in compliance with section 155(2) of the Constitution, has defined the different types of municipalities that may be established within each category of municipality;

And whereas section 155(5) of the Constitution requires provincial legislation to determine which of the defined types of municipalities may be established in the province;

And whereas section 161 of the Constitution, 1996, requires provincial legislation within the framework of national legislation to provide for privileges and immunities of Municipal Councils and their members;

And whereas section 28(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), provides for such national framework legislation in respect of privileges and immunities of Municipal Councils and their members within which a provincial legislature must legislate;

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

Definitions

1. In this Act, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), shall have a similar meaning, and—

“**category**”, in relation to municipalities, means a category A, B or C municipality as defined in section 155(1) of the Constitution;

“**collective executive system**”, means a system of municipal government which allows for the exercise of executive authority through an executive committee in which the executive leadership of the municipality is collectively vested;

“**mayoral executive system**”, means a system of municipal government which allows for the exercise of executive authority through an executive mayor in whom the executive leadership of the municipality is vested and who is assisted by a mayoral committee;

“**ward participatory system**”, means a system of municipal government which allows for matters of local concern to wards to be dealt with by committees established for wards.

MEC to establish municipalities

2. (1) The MEC for Local Government, by notice in the *Provincial Gazette* must establish a municipality in each municipal area which the Demarcation Board demarcates in the province in terms of the Local Government: Municipal Demarcation Act (Act No. 27 of 1998).

(2) The establishment of a municipality—

- (a) must be consistent with the provisions of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); and
- (b) takes effect at the commencement of the first election of the council of that municipality.

Category B municipalities

3. The following types of Category B municipalities may be established in the province

- (a) a municipality with a collective executive system;
- (b) a municipality with a collective executive system combined with a ward participatory system;
- (c) a municipality with a mayoral executive system;
- (d) a municipality with a mayoral executive system combined with a ward participatory system;
- (e) a municipality with a plenary executive system; and

- (f) a municipality with a plenary executive system combined with a ward participatory system.

Category C municipalities

4. The following types of Category C municipalities may be established in the province:

- (a) a municipality with a collective executive system;
- (b) a municipality with a mayoral executive system; and
- (c) a municipality with a plenary executive system.

Provincial Government bound by this Act

5. This Act binds the MEC responsible for Local Government when—

- (a) determining the type of a municipality to be established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- (b) changing the municipality from one type to another in terms of section 16 of that Act; or
- (c) amending or replacing an establishment notice in terms of section 17 of that Act.

6. The MEC responsible for Local Government, by notice in the *Provincial Gazette*, may make provision for transitional measures to facilitate the disestablishment of an existing municipality and the establishment of a new municipality.

Privileges and immunities of council members

7. Members of a municipal council shall—

- (a) have freedom of speech in a municipal council and in its committees, subject to the relevant council's rules and orders as envisaged in section 160(6) of the Constitution;
- (b) not be liable to civil or criminal proceedings, arrest, imprisonment or damages for—
 - (i) anything that they have said in, produced before or submitted to the council or any of its committees; or
 - (ii) anything revealed as a result of anything that they have said in, produced before or submitted to the council or any of its committees.

Short title and commencement

8. This Act shall be called the Northern Cape Determination of Types of Municipalities and Regulation of Privileges and Immunities of Council Members Act, 2000, and shall take effect on a date determined by the Premier by proclamation in the *Provincial Gazette*.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001. Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515
Also available at the Provincial Legislature: Northern Cape, Private Bag X5066, Provincial Building, Chapel Street, Kimberley, 8300.

Tel. (direct line): (053) 830-9041 or (053) 830-9222. Fax: (053) 833-1605

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001. Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515
Ook verkrygbaar by die Provinsiale Wetgewer: Noord-Kaap, Privaat Sak X5066, Provinsiale Gebou, Chapelstraat, Kimberley, 8300.

Tel. (direkte lyn): (053) 830-9041 or (053) 830-9222. Faks: (053) 833-1605