

OFFICE OF THE PRESIDENT

No. 2076

2 December 1994

NO. 30 OF 1994: VOLKSTAAT COUNCIL ACT, 1994.

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

ACT

To establish the Volkstaat Council contemplated in section 184A of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993); and to provide for matters connected therewith.

WHEREAS the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), provides for the establishment of a Volkstaat Council;

AND WHEREAS Parliament is empowered to prescribe additional functions for the Volkstaat Council and the procedures to be followed by the Volkstaat Council in the performance of its functions;

AND WHEREAS provision is to be made for matters incidental to the establishment and functioning of the Volkstaat Council;

(Afrikaans text signed by the President.)

(Assented to 23 November 1994.)

NOW THEREFORE BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Establishment of Volkstaat Council

1. The Volkstaat Council contemplated in section 184A of the Constitution (and hereinafter referred to as the Council), is hereby established.

Qualification for membership of Council

2. (1) No person shall become or remain a member of the Council if he or she-

(a) is not a South African citizen;

(b) is not qualified in terms of section 6 of the Constitution to vote in an election of members of the National Assembly;

(c) has been convicted of an offence in the Republic, or outside the Republic if the conduct constituting such offence would have constituted an offence in the Republic, and sentenced to imprisonment without the option of a fine, unless he or she has received a pardon;

(d) is an unrehabilitated insolvent; or

(e) is of unsound mind and has been so declared by a competent court.

(2) For the purposes of subsection (1)(c) no person shall be deemed to have been convicted of an offence until the result of any appeal against the conviction or sentence has been determined or if no appeal against the conviction or sentence has been noted, the time for noting such an appeal has expired.

Vacation of office and filling of vacancies in Council

3. (1) A member of the Council shall vacate his or her office if he or she-

(a) resigns;

(b) loses the confidence of the members of Parliament contemplated in section 184A(2) of the Constitution;

(c) is removed from office by the members of Parliament contemplated in section 184A(2) of the Constitution at the request of the Council on the grounds of misbehaviour, incapacity or incompetence; or

(d) ceases to be eligible to be a member of the Council in terms of section 2(1). (2) If a member of the Council vacates his or her office in terms of subsection

(1) or dies, the vacancy thus arising shall be filled by a person elected in the manner contemplated in section 184A(2) of the Constitution.

Remuneration and allowances of members of Council

4. (1) There shall be paid from monies appropriated by Parliament for this purpose to members of the Council such remuneration and allowances as the Minister for Provincial Affairs and Constitutional Development in consultation with the Minister of Finance may determine.

(2) The President shall, after consultation with the Council, determine which members shall be full-time members.

Persons and bodies to assist Council

5. (1) (a) The Council may, with the approval of the Director-General of the Department of Constitutional Development and subject to the terms and conditions determined in consultation with the Minister for the Public Service and Administration and the Public Service Commission, appoint a secretary and such other staff as may be necessary for the efficient performance of its functions.

(b) Persons appointed under paragraph (a) shall be remunerated from and as a charge against the National Revenue Fund from monies appropriated by Parliament for that purpose.

(2) The Council may with the approval of the Director-General of the Department of Constitutional Development in consultation with the Minister of Finance, on a temporary basis or for a particular matter employ any person with special knowledge, or obtain the co-operation of any body, and fix the remuneration, including reimbursement for travelling, subsistence and other expenses, of such person or body.

Procedures and additional functions of Council

6. (1) The Council shall, in the performance of its functions referred to in section 184B(1)(a) and (b) of the Constitution and before making any submission as contemplated in section 184B(1)(c) of the Constitution, as far as possible consult with all interested persons, parties, bodies or institutions, and shall, in its submissions as contemplated in the said section 184B(1)(c) of the Constitution, mention any objections raised or advices given during the said process of consultation, and set out the Council's comments thereon.

(2) The Council shall be competent to establish such committees as it deems expedient for the purpose of liaising or coordinating with any other body, institution or person.

Duration of Act

7. (1) This Act shall lapse on a date fixed by the President, after consultation with the Council, by proclamation in the Gazette.

(2) The Council shall be dissolved on the date referred to in subsection (1).

Short title and commencement

8. This Act shall be called the Volkstaat Council Act, 1994, and shall be deemed to have come into operation on 26 May 1994.