

HOMELANDS

SWAZILAND - GENERAL

1975

SEP - NOV - DEC

Swazi homeland plans revealed

119

John Patten,
Political Correspondent

The Minister of Bantu Administration, Mr M C Botha, today sketched the Government's development plans for the Swazi homeland, including the establishment of two key towns.

Addressing the Lowveld Regional Development Association at Barberton, the Minister disclosed that:

● The Swazi homeland could be divided geographically into two development regions, each with a main town round which development would be stimulated. The towns would be at Vlakbult and Chakastad.

● A new regional authority, in addition to the two already existing, would be established soon.

● Immediately afterwards, a Swazi territorial authority would be set up consisting of members of the three regional authorities as the first step in the direction of a self-governing territory.

● People in the Piet Retief area of the South-Eastern Transvaal would be allowed to go either to the Swazi homeland or into the kwaZulu homeland, depending on their national ties.

Mr Botha said the homeland was being consolidated round the wes-

tern border of Swaziland, because South Africa's Swazis had close ties with Swaziland.

The entire homeland would consist of a single block of 315 000 ha.

Departmental studies had shown that forestry would give a livelihood to many people in the homeland.

Because of this, it was decided that no existing plantations should be allowed to be lost.

The plantation would be administered and extended on an agency basis in the interim.

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First step to Swazi self-rule

CAPE TIMES

18/9/75

BARBERTON. — The Minister of Bantu Administration and Development and Bantu Education, Mr M C Botha, announced here yesterday that regional authority for the Swazi homeland would be established in the near future and immediately thereafter a territorial authority would be established.

Opening the annual congress of the Lowveld Regional Development Association, the Minister said the territorial authority would consist of members of the new regional authority and the two existing Swazi regional authorities, namely Nkomazi regional authority and Legogote-Nsikazi regional authority.

"This is the first step in the direction of a self-governing territory," the

Minister said. "The existing regional authorities have for years been demanding progress on the political level, but because of the fact that the most senior Swazi chiefs were still in the White areas, it was thought that it would be advisable that also these senior chiefs should be involved in the activities of the territorial authority. It is for this reason that the Swazi

national unit lags behind the other national units on the political level."

At present the Swazis occupy mainly two areas, namely the Nsikazi, consisting of 70 000 ha on the western border of the Kruger National Park between the Crocodile and Sabie rivers, and the Nkomazi to the north of Swaziland consisting of 137 000 ha.

Swazi-speaking people also live in the Piet Retief Bantu area and reserve No 16 at Ingwavuma near Makatini Flats.

It was envisaged that the inhabitants of the Piet Retief area could go to either the Swazi homeland or to Kwazulu, depending on their national ties.

Since the Swazi inhabitants of the Republic had very close ties with Swaziland it was felt that the neighbouring Nkomazi area should be retained and that the Nsikazi area should be deproclaimed because it formed a separate unit away from the rest of the homeland. The Nsikazi area was very densely populated and did not have a high development potential. Therefore the area gradually deteriorated as the population increased.

Compensating land for the Nsikazi area and the Piet Retief area was therefore being purchased, the Minister said.

The entire homeland for the Swazi nation in the Republic would consist of a single block of 315 000 ha.

Natal Mercury 18/9/75

Swazis to get a new authority

119

119

BARBERTON — A regional authority for the Swazi homeland would be established in the near future and a territorial authority would be established soon after, the Minister of Bantu Administration and Development and Bantu Education, Mr. M. C. Botha, announced here yesterday.

Opening the annual congress of the Lowveld Regional Development Association, the Minister said the territorial authority would consist of members of the new regional authority and the two existing Swazi regional authorities, namely Nkomazi Regional Authority and Legogote - Nsikazi regional authority.

"This is the first step in the direction of a self-governing territory," the Minister said.

"The existing regional authorities have for years been demanding progress on the political level, but because of the fact that the most senior Swazi chiefs were still in the White areas, it was thought that it would be advisable also these senior chiefs should be involved in the activities of the territorial authority. It is for this reason that the Swazi national unit lags behind the other national units on the political level."

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Swazi speaking people also live in the Piet Retief African area and Reserve No. 16 at Ingwavuma near Makatini Flats.

A large number of Swazis also lived in the White rural areas and it was thought that many of these people would also ultimately settle in the homeland as the

homeland developed economically, the Minister said.

According to the 1970 census 96 000 Swazis lived within the boundaries of the Lowveld Development Region. — (Sapa.)

ARG 45 22/9/75 (119)

SWAZI HOMELAND PLANS

The Argus Correspondent
PRETORIA. — The Minister of Bantu Administration, Mr M. C. Botha, has sketched the Government's development plans for the Swazi homeland, including the establishment of two key towns.

Addressing the Lowveld Regional Development Association in Barberton the Minister disclosed:

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● A new regional authority, in addition to the two already existing, would be established in the near future.

● Immediately afterwards, a Swazi territorial authority would be set up consisting of members of the three regional authorities. This would be the first step in the direction of a self-governing territory, and

● People in the Piet Re-tief area of the south-Eastern Transvaal would be allowed to go either to the Swazi homeland or into the KwaZulu homeland, depending on their national ties.

Mr Botha said the Swazi homeland was being consolidated round the western border of Swaziland, because South Africa's Swazis had close ties with Swaziland.

The entire homeland would consist of a single block of 315 000 ha. Departmental studies in the field of agriculture had shown that forestry would give a livelihood to a great number of people in the homeland.

Because of this, it was decided that no existing plantations should be allowed to be lost in the

newly-acquired area for the homeland. The plantation would be administered and extended on an agency basis until the future Swazi homeland Government could manage the forestry on its own.

In addition to the main towns, other towns would be built to cater for various needs.

One of the two main towns was expected to become the capital, which presupposed some industries establishing there. The homeland would be administered from there and a parliamentary complex would be built there.

Another Doornkop exodus under way

By PATRICK LAURENCE and STEVE KGAME

ABOUT 1 500 African families in the Transvaal are being moved from their homes under the Government's separate development policy.

Taking the average number per family at seven—the figure quoted by a Bantu Administration Department spokesman—this means about 10 500 people are involved, or more than the 1 400 families moved last year.

The Africans are nearly all Ndebeles. They are being removed further east from two centres, Doornkop near Middelburg, and Kromkrans. The families are being resettled on the trust farm of Valschfontein, near Groblersdal.

Doornkop is a "Black spot." Bapedi landowners were forcibly moved from it last year in the first phase of the operation. The present removal of Ndebele squatters is the second phase.

Kromkrans has been tentatively earmarked as a Swazi area. Removal of Ndebeles from there could be a sign that plans for a separate Swazi homeland are being speeded up.

Last week the Minister of Bantu Administration, Mr M. C. Botha, announced the formation of a Swazi regional authority as a first step towards a self-governing territory.



Mr Jan Mahlangu . . . he has nine children to house, and has been supplied with one tin hut.

The resettled Ndebeles are given iron huts and tents as temporary shelter. Building materials — sheets of iron, window frames and so on — are transported for them from their previous homes. They are given emergency rations of soup, milk and mealie meal on arrival.

Valschfontein is already the home of an existing

community. It has two primary schools, a clinic and tap water.

A common complaint among the settlers is that the men had to remain behind to keep their jobs.

Another complaint is that no provision was made for cooking.

Mr Jan Mahlangu, who has been housed in a hut with his wife and nine

children, said: "We who live in huts fear we will suffocate if we make a fire inside. Those in the tents fear they might catch fire."

The Ndebeles at Valschfontein will strengthen the hand of Chief David Mapoch, a semi-independent chief who has long championed the creation of an independent Ndebele homeland.

Swazis to get SA homeland

119

stov 23/11/78

The Government is to establish a territorial authority for the 490 000 Swazis within the country on December 1.

Swazi chiefs, headmen and other leaders from both tribal and urban areas will converge at Nkomazi in the Eastern Transvaal, for the ceremony.

A territorial authority for the Swazis means the tiny homeland is moving nearer to self-rule and may soon have a Legislative Assembly.

The Government now seems determined to launch the Swazis on the road to self-determination as quickly as possible.

Only last month, the third and last of the regional authorities — the Mlondozi regional authority — was formed.

Two other, the Nkomazi and Nzikazi regional authorities, have been in existence since 1973.

Chief Solomon Wessman

Nhlapo, chairman of the Mlondozi regional authority, said yesterday that the chairman of the territorial authority would be elected soon. Once elected, he is likely to become first chief Minister for the homeland.

Alive to the political implications involved, Swazis in and outside the homeland are organising themselves to fight for the homeland leadership.

Already, two parties — the Mpisikazi Swazi Council and the Swazi National

Council, both of them led by people from the Reef — have emerged.

The Mpisikazi Swazi Council, led by Mr R E Nhlapo from Soweto, has thrown its wake behind Chief Nhlapo, head of the Mlondozi regional authority, and wants him to become third chief minister.

This emerged from a meeting held at Ermelo Township yesterday. The other group is said to be led by Mr Lukhele of Pretoria.

STATEMENT BY THE HONOURABLE M.C. BOTHA, M.P., MINISTER OF
BANTU ADMINISTRATION AND DEVELOPMENT AND OF BANTU EDUCATION

The establishment of a Territorial Authority for the Swazi in the Republic is to be made known by Government Notice in the Gazette of 28 November 1975. Regulations governing the composition and administration of the Territorial Authority will also appear in the same Gazette.

The establishment of the Territorial Authority which was at the request of the three Swazi Regional Authorities represents the first major step in the constitutional development of the Swazi National Unit in the Republic.

This step has only now become possible in that, in terms of the 1973 consolidation decisions of Parliament, land has now become available in the districts of Barberton, Carolina and Ermelo for the settlement of a number of Senior Swazi Chiefs and their followers who were still resident in the White areas and could consequently not participate in a Swazi Territorial Authority.

Provision is made in the Gazette for the Swazi Territorial Authority to comprise of 21 persons appointed by the Regional Authorities concerned. At least nine members will be Chiefs. Provision is also made for an Executive Committee of four members headed by a Chief Executive Officers.

It is envisaged that the first meeting of the Territorial Authority at which the Chief Executive Officer, Members of the Executive Committee and the Chairman and Deputy Chairman will be elected, will be held early in 1976.

ISSUED BY THE DEPARTMENT OF INFORMATION
AT THE REQUEST OF
THE MINISTRY OF BANTU ADMINISTRATION AND
DEVELOPMENT AND OF BANTU EDUCATION

PRETORIA
25 NOVEMBER 1975

(119)

Four to head Swazi body

John Patten,

Political Correspondent

The Minister of Bantu Administration, Mr M C Botha, has announced that the Swazi Territorial Authority is to have 21 members, nine of whom will be chiefs.

The establishment of the authority, he said, would be announced on Friday in the Government Gazette together with regulations concerning the composition and administration of the authority.

In his announcement today, Mr Botha said the territorial authority would be headed for a four-member executive committee, one of whom would be the chief executive officer.

FIRST MEETING

The first meeting of the authority, at which the chief executive officer, executive members and the chairman and deputy chairman of the authority would be elected, would be held early next year.

Mr Botha said the territorial authority was being established at the request of the three Swazi regional authorities. This was the first major step in the constitutional development of the Swazi national unit in South Africa.

The step had become possible at this stage only because land had become available in the Barberton, Carolina and Ermelo districts for the settlement of a number of senior Swazi chiefs and their followers.

While living in White areas they could not participate in a territorial authority.

Pretoria achieves

119

Swazi 'miracle'

STAR 1/12/75

With the establishment today of a territorial authority for South Africa's almost half-million Swazis, Pretoria has achieved what might seem to be a miracle.

Swazi chiefs, without

whom establishment of the homeland in terms of the separate development policy would have been impossible, were scattered and living outside the territory in various areas in the Transvaal.

But the Government has succeeded in tracing and

bringing them back "home," making the concept of a Bantustan for the Swazis a reality.

However, the Swazi homeland still appears, even at a glance, a Bantustan with a difference.

It lacks the characteristic, well-established villages and chiefs' kraals of the existing homelands.

Most inhabitants live in small squatter-type settlements consisting of tiny mud huts and tin shacks—just like those of the people on the vast White farms bordering the territory.

The mud huts and tin shacks are scattered either in small clusters or singly near timber plantations, on farms, alongside roads and in rugged, open valleys.

TOWNSHIP

Kromdraai in the Steynsdorp area, south of Barberton, appears to be a largish village from a distance but turns out to be a new township of makeshift single tin shacks.

Kromdraai was recently established by the Government for Swazis removed from Doornkop in Middelburg, Transvaal. About 3 000 people are living there.

The entire Swazi homeland, with a population of 490 000 and three regional authorities, consists of 315 000 ha. It has a potential for forestry, crops, cattle and sheep farming. Coal mining is also a possibility.

119

HOMELAND FOR SWAZIS

ARGUS
4/12/75

The Argus Johannesburg
Correspondent

WITH the establishment this week of a territorial authority for South Africa's almost half-million Swazis, Pretoria achieved what for years might have seemed a miracle.

Swazi chiefs, without whom establishment of the homeland in terms of the separate development policy would have been impossible, were scattered and living in various areas in the Transvaal outside the territory.

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The mud huts and tin shacks are scattered either in small clusters or singly near timber plantations, on farms, alongside roads and within rugged open valleys.

Kromdraai in the Steynsdorp area, south of Barberton, appears more of a sizeable village at a distance but turns out to be a new township comprising makeshift single tin shacks.

Even the chief, Solomon Wessman Nhlapo, chairman of the Mlondozi Regional Authority, is housed in a cluster of rusted tin shacks.

His royal kraal, he said, was temporary and would be removed to Amsterdam, leaving behind those living at the new tin township.

Kromdraai was recently established by the Government for Swazis removed from Doornkop in Middelburg, Transvaal. About 3 000 people are living there.

The entire Swazi homeland, with a population of 490 000 and three regional authorities, consists of 315 000 ha. It has a potential for forestry, crop, cattle and sheep farming. Coal mining is a possibility, too.

Homelands

Swaziland - General

1976

May

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 18/5/76

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Compare your two lists of cir restricted negotiate with the your objective.

2. PLANNING THE PRESENTATION.

2.1 Constructing your plan:
 Two methods for plannin

VERTICAL PLAN

2.1.1 The Vertical Pla

- 1) Take a sheet of Jot down 20 to 30
- 2) Working on a 5 m think are the mos

- 3) What do these words say to you? What specifically do you want your audience to think and do at the end of your talk? Now, write the aim of your talk in one short sentence.

- 4) Write your aim at the top of a clean sheet of paper.

The Body

- 5) Leave about six lines for the introduction. Write your three main points down leaving a few lines in between each.
- 6) Go through your list of ideas again. Underline those points that support your three main points.
- 7) Write two sub points under each main point.
- 8) At this stage you should refer to books, interview specialists, check figures and statistics, find quotations, apt examples or demonstrations. Your talk should be an expression of your own ideas on the subject, backed by outside opinion.

Value of crop/pastoral/industrial production in homelands

103
 791 Mrs. H. SUZMAN asked the Minister of Bantu Administration and Development:

What was the total value of (a) crop, (b) pastoral and (c) industrial production in each of the homelands in 1973-74 and 1974-75, respectively.

The MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT:

Agriculture is a function that has been transferred to all the Homelands except in respect of the Swazi and the Ndebele. Particulars in respect of these two Homelands are furnished hereunder. Certain Homelands do not wish to furnish the required particulars and it is not deemed appropriate to disclose the Homelands domestic affairs against their will in the Parliament of the Republic of South Africa.

Gross value of crop production:

Swazi — R530 000.
 Ndebele — R27 000.

Gross value of pastoral production:

Swazi — R927 000.
 Ndebele — R42 000.

Industrial production:

(Only available as a contribution to the gross national income).

Swazi — R686 000.
 Ndebele — Nil.

Figures for 1974-75 are not available yet.

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Homeland
Swaziland - General

1977

MARCH - APRIL - JULY -

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Swazis protest at settlement plan

DOM 9/3/77

Staff Reporter

ABOUT 70 000 Swazi families, scattered over the Eastern Transvaal are to be resettled inside the newly established Swazi homeland, near Badplaas.

This was revealed yesterday by Mr David Lukhele who said most of the people to be resettled come from Kromkrans, Driefontein, Amersfoort and Vlakplaas. Some are 160 km away in Nelspruit and Lydenburg.

Mr Lukhele said a special session of the Swazi

Territorial Authority had been called. A document prepared by BAD was given to members and was rejected.

The document said there were 62 Trust farms which would be attached to the Swazi homeland but would remain the property of the Bantu Trust.

He added: "We are against the removal of our people from the land they have occupied for generations. We have made it quite clear to Pretoria that we want to administer land belonging to us."

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Swazi homeland refuses to sign land deal

RDM
30/4/77

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BARBERTON. — The Swazi Territorial Authority has reached deadlock with the South African Government over land and has decided to reject self-government indefinitely.

The Swazi Chief Executive Councillor, Chief J. M. Dlamini, announced this yesterday in Barberton.

He was interviewed at the Bantu Affairs Commissioner's office where he and his councillors were making a request to meet the Minister of Bantu Administration and Development, Mr M. C. Botha.

Chief Dlamini said a meeting with SA Government officials which was to have been held yesterday had been cancelled and authorisation of self-government for the homeland had been suspended indefinitely. A similar meeting in March also ended inconclusively.

POWERS

The reason for the breakdown of both meetings was his council's refusal to sign documents transferring land to the homeland because, he said, the land would have remained the property of the South African Bantu Trust. No other homeland had been asked to sign such documents.

"We have no legal rights to sign agreements because we are functioning under delegated powers by the central Government. We can only sign agreements when we are a sovereign body," he said.

The Chief Bantu Affairs Commissioner for the Northern Areas, Mr J. S. J. Pieterse, said the central Government had decided for the second time to suspend self-government for the homeland because the council had not been cooperative.

Swazi, situated on Swaziland's northern border and bounded by Mozambique in the east, was inaugurated as a territorial authority last April. — Sapa.

D.D. 24/7/77
Swazis to get self-government (119)

PRETORIA — The Swazi Territorial Authority will move into the first stage of self-government with the establishment of a legislative assembly, probably in October this year, following discussions here yesterday between the Minister of Bantu Administration, Mr M. C. Botha, and members of the authority's executive committee. —
SAPA

Swazi (119) homeland to get COM 22/7/77 assembly

Political Staff

THE Government intends establishing a legislative assembly for the Swazi homeland on October 1, it was announced yesterday.

The announcement came after talks this week between the Minister of Bantu Administration and Development, Mr M C Botha, and a member of the Swazi territorial executive, Mr E J Mabuza.

It is also proposed to consolidate the homeland —at present in two parts —into a single black area on the Swaziland border.

The plan involves a mass removal of Swazis from the Nsikazi area near Nelspruit.

It was this removal that recently led to the fall from office to the former territorial executive chairman, Chief D Dlamini.

According to the 1970 census 75% of South Africa's Swazis live in white areas. Eighty-two thousand live in the Swazi homeland while there are another 30 000 South African Swazis in other homelands.



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Vol. 147]

PRETORIA, 16 SEPTEMBER 1977

[No. 5742

PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 213, 1977

STREEKSOWERHEDE IN DIE GEBIED VAN DIE SWAZI - GEBIEDSOWERHEID. — TOEWYSING VAN HUL BEVOEGDHEDE, WERKSAAMHEDE EN PLIGTE AAN, EN DIE OORGAAN VAN HUL BATES, LASTE, REGTE EN VERPLIGTINGS OP DIE SWAZI-GEBIEDSOWERHEID

Kragtens die bevoegdheid my verleen by—

(i) artikel 7 (1) (g) van die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), wys ek hierby aan die Swazi-gebiedsowerheid toe, behoudens die bepalings van enige regulasies, toepaslike wetgewing en die opdragte van die Minister van Bantoe-administrasie en -ontwikkeling, die bevoegdheede, werksaamhede en pligte verleen aan streeksowerhede in die gebied van genoemde Swazi-gebiedsowerheid ingevolge die bepalings van subparagrafe (i) tot en met (vi) van artikel 5 (1) (b) van genoemde Wet op Bantoe-owerhede, 1951, en in die Bylae hiervan uiteengesit;

(2) artikel 25 van die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), verklaar ek hierby dat—

(a) ondanks andersluidende bepalings in enige ander wet vervat, al die bates, laste, regte en verpligtings van streeksowerhede in die gebied van die Swazi-gebiedsowerheid, behoudens sodanige voorwaardes as wat die Minister van Bantoe-administrasie en -ontwikkeling mag bepaal, op die Swazi-gebiedsowerheid oorgaan en vir hom bindend word; en

(b) alle roerende en onroerende eiendom van voornoemde streeksowerhede, sonder betaling van hereregte, oorgaan, sonder vordering, op die Swazi-gebiedsowerheid toe, behoudens enige vordering, wat teen opsigte van sodanige eiendomme aanspreekbaar is wettiglik raak.

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika op Lede die Vyftiende dag van die Maand September Sewe-en-sewentig.

N. Diederichs, Staatspresident

M. C. Botha, State President-in-Council

PROCLAMATIONS

by the State President of the Republic of South Africa

No. R. 213, 1977

REGIONAL AUTHORITIES IN THE AREA OF THE SWAZI TERRITORIAL AUTHORITY.— ASSIGNMENT OF THEIR POWERS, FUNCTIONS AND DUTIES TO, AND VESTING OF THEIR ASSETS, LIABILITIES, RIGHTS AND OBLIGATIONS IN THE SWAZI TERRITORIAL AUTHORITY

Under and by virtue of the powers vested in me—

(1) by section 7 (1) (g) of the Bantu Authorities Act, 1951 (Act 68 of 1951), I hereby assign to the Swazi Territorial Authority, subject to the provisions of any regulations, relevant law and to the directions of the Minister of Bantu Administration and Development, the powers, functions and duties vested in regional authorities in the area of the said Swazi Territorial Authority in terms of the provisions of subparagraphs (i) to (vi), inclusive, of section 5 (1) (b) of the said Bantu Authorities Act, 1951, and set forth in the Schedule hereto:

(2) by section 25 of the Bantu Administration Act, 1927 (Act 38 of 1927), I hereby declare that—

(a) notwithstanding anything to the contrary in any other law contained, all the assets, liabilities, rights and obligations of regional authorities in the area of the Swazi Territorial Authority shall, subject to such conditions as the Minister of Bantu Administration and Development may determine, vest in and become binding upon the Swazi Territorial Authority; and

(b) all property, movable and immovable, of the aforementioned regional authorities shall vest without payment of transfer duty, stamp duty or any other charge in the Swazi Territorial Authority, but subject always to any charge, obligation or trust existing in respect of or otherwise lawfully affecting such property.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Fifteenth day of April, One thousand Nine hundred and Seventy-seven.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

119



Sunday Inquirer 23/10/77

Racial row brews in

By PETER MANN

MINISTER UPSETS SWAZIS WITH REMARKS OVER IDENTITY

A ROW has developed between the Swazi and Gazankulu homelands, with the Swazis accusing the Chief Minister of Gazankulu of racialism and calling for an urgent cabinet meeting to discuss the issue.

The dispute has arisen over a meeting addressed by the Chief Minister of Gazankulu, Professor Hudson Ntsanwisi, earlier this month.

Mr David Lukhele, the Swazi homeland's Executive Councillor for Justice, said his people had been very upset by the content of Professor Ntsanwisi's address and the homeland had written to the Commissioner General for the Shangaans and the Swazis asking him to arrange a meeting between the two homelands to discuss the issue.

"He made racist remarks of the sort we do not expect from a learned academic like Professor Ntsanwisi," said Mr Lukhele.



Professor Hudson Ntsanwisi . . . remarks upset Swazis

"He called our people to meet in a white area on October 8 and in his address he told the Shangaans living in the Swazi homelands to remember they would always be different from the Swazis."

"He supported his argument with Biblical quotations and said Shangaans should ask for separate schools and should retain their identity."

"We are upset by this type of racialism. We have people from all tribal groups living here but we do not practise tribalism."

"There are Swazis living in Gazankulu — the Shangaan homeland — but we have not told them to ask for separate schools."

"The professor is a learned man, an academic, we do not expect this from him," said Mr Lukhele.

The Swazi homeland has asked for a meeting between the two homelands to be arranged to discuss the issue, but no date has yet been set.

Professor Ntsanwisi could not be contacted for comment on the issue.

One in the eye for homelands policy

By PETER MANN

CHIEF Johannes Dlamini, deposed head of the Swazi homeland was sworn back into office on Friday — on the order of a Supreme Court Judge.

His reinstatement is a major setback for the South African Government's homeland policy. Chief Dlamini was deposed after he refused to sign a controversial land agreement allowing for the removal of his tribe from their traditional lands.

After Chief Dlamini was deposed, the land agreement was signed by the new Executive Committee of the Swazi homeland.

But the Supreme Court ruling handed down last week also declared the controversial deal null and void.

However, in another surprise development this week, Mr E. J. Mabuza, an inspector of schools elected Chief Executive Officer of the homeland when the chief was deposed said he was still considering fighting the decision. He was awaiting a text of the judgment.

With the Bantu Administration and Development officials, the Authority compromised and agreed to the amended document.

But Chief Dlamini, refused to sign the agreement and the Authority reached deadlock on the issue and decided to remain a territorial authority for "the foreseeable future."

Early in May, Chief Dlamini called a meeting of the Swazi nation attended by between 4 000 and 5 000 people. It unanimously decided he should not sign the agreement.

According to the minutes of the meeting, Mr C. Zitha of Matsiulu proposed the agreement should be signed but "the nation ordered him to sit down."

According to Chief Dlamini the people were suspicious of land deals made with whites because "considerable evidence could be quoted as to how the Swazis lost their land under certain promises."

"No amount of pressure can persuade the Swazis today to sign any documents regarding land," says the memorandum. "Any person elected to any position who signed documents relating to land would be courting death."

But, at a territorial authority meeting on June 23, a motion of no-confidence in Chief Dlamini was proposed and passed.

He was deposed and a new executive committee and chief executive officer were elected who later signed the controversial land deal agreement.

COURT SAYS CHIEF CAN HAVE HIS JOB BACK

11a

20/11/77

Farms

Chief Dlamini, chief of the Nsikazi tribe, was deposed as Chief Executive Officer of the Territorial Authority by a motion of no-confidence passed in June this year.

Until then Chief Dlamini and the Territorial Authority had resisted attempts by the Department of Bantu Administration to conclude a land deal with the Swazi homeland which included the removal of the Nsikazi tribe from the Badplaas area to Swallows' Rest.

The land deal, which included the annexation of 62 farms to the Swazi homeland, was put to the Swazi Territorial Authority on March 1 this year and was rejected pending a detailed explanation of it.

During the meeting one authority member Mr. E. C. Mango, said one of the main objections to signing the deal was that members feared it might be construed as agreeing to the removal of the Nsikazi.

On March 18 the executive committee was invited to Pretoria to discuss the deal with the Minister of Bantu Administration, Mr M. C. Botha.

Meeting

According to a memorandum drawn up by Chief Dlamini, the Minister advised them he was not in a position to grant them legislative powers unless they returned to the Territorial Authority and reconsider their decision.

"It was obvious that this was now a condition of attaining legislative status by the Swazis," says Chief Dlamini in his memorandum.

At this time the area was still a territorial authority, although the move to legislative assembly status had already been announced, with the first meeting of the Kangwane Legislative Assembly scheduled for March 31.

On March 31 a special meeting of the Authority was held and after much pressure and argument

Chief Dlamini made an urgent application to the Supreme Court to have the motion of no-confidence set aside.

Void

In Pretoria this week Mr Justice van der Walt ruled the motion of no-confidence, the election of the new Executive Committee and the land agreement entered into with the Government to be null and void.

He also declared the office bearers at the time of the non-confidence motion to be the lawful office bearers of the Kangwane Legislative Assembly.

In the notice of meeting sent out by the Chief Bantu Affairs Commissioner no mention of a no-confidence motion was made, provision was made only for a discussion of the constitutional future of the Swazi people.

The order paper for the meeting included a discussion of the refusal of Chief Dlamini to sign the agreement, but according to a spokesman for Chief Dlamini, that matter was turned into a motion of non-confidence.

Although the Department of Bantu Administration argued that the motion was valid because the chief had the power to reject the motion at the time and did not do so, the court ruled that officials had not properly advised him of his powers in this respect.

Homeland

Swaziland - General

1978

March - July - Oct - Dec



STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

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PRETORIA, 7 MAART 1978
7 MARCH

No. 5910

PROKLAMASIE

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 50, 1978

WYSIGING VAN PROKLAMASIE R. 267 VAN 1975

Kragtens die bevoegdheid my verleen by artikel 17 van die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), gelees met artikel 25 van die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), en artikel 21 (1) van die Bantoe-trust en -grond Wet, 1936 (Wet 18 van 1936)—

(i) wysig ek hiermee Proklamasie R. 267, gedateer 28 November 1975, met ingang van 15 Februarie 1978 ooreenkomstig bygaande Bylae; en

(ii) verklaar ek hiermee dat enige verwysing in genoemde Proklamasie R. 267 van 1975 na die Swazi-gebiedsowerheid uitgelê word as 'n verwysing na die KaNgwane- Wetgewende Vergadering.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sesde dag van Maart Eenduisend Negehonderd Agt-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

C. P. MULDER.

BYLAE

Regulasie 7 van Deel 1 van Hoofstuk II word hierby gewysig deur die vervanging van die voorbehoudsbepaling daarvan deur die volgende:

“Met dien verstande dat die aanwysing van 'n lid van 'n stamowerheid as 'n lid van 'n streeksowerheid ingevolge Regulasie 13 (1) (c), nie teruggetrek mag word ingevolge die bepalings van Regulasie 14 nie, nòg mag sodanige lid se lidmaatskap van die spesifieke Stamowerheid opgeskort word, tensy 'n besluit tot dien effekte geneem is deur 'n behoorlik saamgestelde vergadering van sodanige Stamowerheid en nadat genoemde lid vooraf redelike geleentheid en genoegsame tyd gegun is om te antwoord op enige beskuldigings of beweringe teen hom gemaak: Met dien verstande voorts dat die aanwysing van 'n stamvertegenwoordiger as 'n lid van 'n streeksowerheid ingevolge

PROCLAMATION

by the State President of the Republic of South Africa

No. R. 50, 1978

AMENDMENT OF PROCLAMATION R. 267 OF 1975

Under and by virtue of the powers vested in me by section 17 of the Bantu Authorities Act, 1951 (Act 68 of 1951), read with section 25 of the Bantu Administration Act, 1927 (Act 38 of 1927), and section 21 (1) of the Bantu Trust and Land Act, 1936 (Act 18 of 1936)—

(i) I hereby amend Proclamation R. 267, dated 28 November 1975, with effect from 15 February 1978 in accordance with the accompanying Schedule; and

(ii) I hereby declare that any reference in the said Proclamation R. 267 of 1975 to the Swazi Territorial Authority shall be construed as a reference to the KaNgwane Legislative Assembly.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Sixth day of March, One thousand Nine hundred and Seventy-eight.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

C. P. MULDER.

SCHEDULE

Regulation 7 of Part 1 of Chapter II is hereby amended by the substitution for the proviso thereto of the following:

“Provided that the designation, in terms of Regulation 13 (1) (c), of a member of a tribal authority as a member of a regional authority may not be withdrawn in terms of the provisions of Regulation 14, nor may such member be deposed as a member of the particular Tribal Authority, unless a decision to this effect has been taken by a properly constituted meeting of the Tribal Authority concerned and after the said member has beforehand been given reasonable opportunity and sufficient time to reply to any accusations or allegations made against him: Provided further that the designation of a tribal representative as a member of a regional authority in terms of Regulation

**DEPARTEMENT VAN PLURALE BETREKKINGE
EN ONTWIKKELING**

No. R. 1540

28 Julie 1978

**KANGWANE-WET OP DIE BETALING EN VOOR-
REGTE VAN LEDE VAN DIE WETGEWENDE VER-
GADERING, 1978 (WET 2 VAN 1978)**

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die volgende Wet wat deur die KaNgwane-Wetgewende Vergadering aangeneem is en wat hierby vir algemene inligting gepubliseer word.

**GEBIED VAN DIE KANGWANE- WETGEWENDE
VERGADERING**

WET

om voorsiening te maak vir die betaling van salarisse en toelaes aan lede van die Wetgewende Vergadering en die betaling van 'n toelaes aan gevolmagtigdes van kapteins

WET 2 VAN 1978

WET

om voorsiening te maak vir die betaling van salarisse en toelaes aan lede van die Wetgewende Vergadering en die betaling van 'n toelaes aan gevolmagtigdes van kapteins.

Daar word deur die KaNgwane- Wetgewende Vergadering verorden:

Uitleg van uitdrukkings

1. In hierdie Wet, tensy uit die samehang anders blyk beteken "Grondwetproklamasie" die KaNgwane-grondwetproklamasie, 1977 (Proklamasie R. 214 van 1977) en het 'n woord of uitdrukking waaraan 'n betekenis in genoemde Grondwetproklamasie geheg word, die betekenis aldus daaraan geheg.

Salarisse van lede

2. Daar is betaalbaar—

(a) aan die Hoof-Uitvoerenderaadslid, 'n salaris van R10 500 per jaar;

(b) aan elke Uitvoerenderaadslid (behalwe die Hoof-Uitvoerenderaadslid), 'n salaris van R9 456 per jaar;

(c) aan die Voorsitter van die Wetgewende Vergadering, 'n salaris van R4 104 per jaar;

(d) aan die Ondervoorsitter van die Wetgewende Vergadering, 'n salaris van R3 780 per jaar;

(e) aan elke lid van die Wetgewende Vergadering [behalwe iemand in enige van die paragrawe (a) tot en met (d) bedoel], 'n salaris van R3 156 per jaar.

Nie-belashare toelaag

3. Daar is betaalbaar—

(a) aan die Hoof-Uitvoerenderaadslid, 'n nie-belashare toelaag van R1 260 per jaar;

(b) aan elke Uitvoerenderaadslid (behalwe die Hoof-Uitvoerenderaadslid), 'n nie-belashare toelaag van R948 per jaar.

**DEPARTMENT OF PLURAL RELATIONS AND
DEVELOPMENT**

No. R. 1540

28 July 1978

**KANGWANE PAYMENT AND PRIVILEGES OF
MEMBERS OF THE LEGISLATIVE ASSEMBLY
ACT, 1978 (ACT 2 OF 1978)**

It is hereby notified that the State President has approved of the following Act which was passed by the KaNgwane Legislative Assembly and which is hereby published for general information:

**AREA OF THE KANGWANE LEGISLATIVE
ASSEMBLY**

ACT

to provide for the payment of salaries and allowances to members of the Legislative Assembly and for the payment of an allowance to deputies of chiefs

ACT 2 OF 1978

ACT

to provide for the payment of salaries and allowances to members of the Legislative Assembly and for the payment of an allowance to deputies of chiefs.

Be it enacted by the KaNgwane Legislative Assembly:

Interpretation of terms

1. In this Act, unless the context otherwise indicates, "Constitution Proclamation" shall mean the KaNgwane Constitution Proclamation, 1977 (Proclamation R. 214 of 1977), and any word or expression to which a meaning has been assigned in the said Constitution Proclamation, has the meaning so assigned thereto.

Salaries of members

2. There shall be payable—

(a) to the Chief Executive Councillor, a salary of R10 500 per annum;

(b) to every Executive Councillor (other than the Chief Executive Councillor), a salary of R9 456 per annum;

(c) to the Chairman of the Legislative Assembly, a salary of R4 104 per annum;

(d) to the Deputy Chairman of the Legislative Assembly a salary of R3 780 per annum;

(e) to every member of the Legislative Assembly [other than a person referred to in any of the paragraphs (a) to (d) inclusive], a salary of R3 156 per annum.

Non-taxable

3. There shall be payable—

(a) to the Chief Executive Councillor, a non-taxable allowance of R1 260 per annum;

(b) to every Executive Councillor (other than the Chief Executive Councillor), a non-taxable allowance of R948 per annum.

Toelae van lede

4. (1) Benewens die salarisse en nie-belastbare toelae waarvoor in artikels 2 en 3 onderskeidelik voorsiening gemaak word, is daar, behoudens die bepalinge van subartikel (2) en artikel 5 uit gelde wat die Wetgewende Vergadering vir die doel bewillig, betaalbaar—

(a) aan elke lid van die Wetgewende Vergadering (behalwe 'n lid van die Uitvoerende Raad), onderworpe aan die voorwaardes wat die Voorsitter van die Wetgewende Vergadering bepaal—

(i) 'n sessietoelae van R10 per dag;

(ii) 'n vervoertoelae van 10c per kilometer ten opsigte van sy reis van sy tuiste na die setel van die Regering aan die begin van 'n sessie en die terugreis aan die einde van die sessie;

(b) aan elke lid van die Wetgewende Vergadering (behalwe 'n lid van die Uitvoerende Raad) —

(i) wat as lid van 'n regeringskommissie of -komitee (behalwe 'n sessiekomitee) aangestel is en wat in die vervulling van sy pligte as lid van die kommissie of komitee van sy gewone verblyfplek afwesig is; of

(ii) aan wie die Wetgewende Vergadering of Uitvoerende Raad 'n plig opgedra het en wat in die vervulling van die plig van sy gewone verblyfplek afwesig is, onderworpe aan die voorwaardes wat die Hoof-Uitvoerende Raadslid bepaal, 'n verblyftoelae en 'n vervoertoelae gelyk aan die in paragraaf (a) bedoelde sessietoelae en vervoertoelae onderskeidelik;

(c) aan elke lid van die Uitvoerende Raad, ten opsigte van sy afwesigheid in amptelike diens van die setel van die Regering, die verblyftoelae wat die Hoof-Uitvoerende Raadslid bepaal, maar in alle geval hoogstens R15 per dag van 24 uur, tensy die werklike verblyfkoste die bedrag van R15 per dag oorskry en die Hoof-Uitvoerende Raadslid die betaling van 'n bedrag gelyk aan die werklike verblyfkoste goedkeur.

(2) Die in subartikel (1) (a) (i) bedoelde sessietoelae word ten opsigte van elke dag gedurende 'n sessie van die eerste sittingsdag tot en met die laaste sittingsdag, betaal. Met dien verstande dat indien die Wetgewende Vergadering te eniger tyd gedurende die sessie vir 'n langer aaneenlopende tydperk as sewe dae verdaag, geen sodanige toelae ten opsigte van die verdagings tydperk betaal word nie, maar 'n bykomstige vervoertoelae ooreenkomstig subartikel (1) (a) (ii) betaal word.

Aftrakkings weens afwesigheid

5. Ten opsigte van elke dag waarop 'n lid van die Wetgewende Vergadering (behalwe 'n lid van die Uitvoerende Raad, die Voorsitter of Ondervoorsitter) versuim om 'n sitting van die Wetgewende Vergadering by te woon, word die bedrag van R10 afgetrek van die bedrag wat ingevolge die bepalinge van hierdie Wet aan hom betaalbaar is. Met dien verstande dat so 'n lid van aftrakkings weens sodanige versuim vrygestel word—

(a) ten opsigte van enige dag waarop hy as lid van 'n komitee van die Wetgewende Vergadering 'n vergadering van daardie komitee bywoon;

(b) wanneer sy afwesigheid te wyte is aan siekte of aan die dagvaarding of getuie-dagvaarding van 'n bevoegde hof (behalwe 'n dagvaarding om te verskyn op 'n kriminele aanklag waarop hy skuldig bevind word);

Allowances

4. (1) In addition to the salaries and non-taxable allowances provided for in sections 2 and 3 respectively, there shall, subject to the provisions of subsection (2) and section 5, be payable, out of moneys appropriated by the Legislative Assembly for that purpose—

(a) to every member of the Legislative Assembly (other than a member of the Executive Council), subject to such conditions as the Chairman of the Legislative Assembly may determine—

(i) a session allowance of R10 per day;

(ii) a transport allowance of 10c per kilometer in respect of his journey from his home to the seat of the Government at the beginning of any session and the return journey at the end of such session;

(b) to every member of the Legislative Assembly (other than a member of the Executive Council)—

(i) who has been appointed as a member of any government commission or committee (other than a sessional committee) and who is absent from his ordinary place of residence in the performance of his duties as a member of such commission or committee; or

(ii) to whom the Legislative Assembly or the Executive Council has assigned a duty and who is absent from his ordinary place of residence in the performance of such duty, subject to such conditions as the Chief Executive Councillor may determine, a subsistence allowance and a transport allowance equal to the session allowance and the transport allowance, respectively, referred to in paragraph (a);

(c) to every member of the Executive Council, in respect of his absence on official duty from the seat of the Government, such subsistence allowance as the Chief Executive Councillor may determine, but in any case not exceeding R15 per day of 24 hours, unless the actual subsistence expenses exceed the sum of R15 per day and the Chief Executive Councillor approves of the payment of an amount equal to such actual subsistence expenses.

(2) The session allowance referred to in subsection (1) (a) (i) shall be paid in respect of each day during any session, from the first sitting-day to the last sitting-day, inclusive: Provided that if the Legislative Assembly at any time during such session adjourns for a continuous period of more than seven days, no such allowance shall be paid in respect of the period of adjournment, but an additional transport allowance shall be paid in accordance with subsection (1) (a) (ii).

Deductions on account of absence

5. In respect of every day during which any member of the Legislative Assembly (other than a member of the Executive Council, the Chairman or Deputy Chairman) fails to attend a sitting of the Legislative Assembly, there shall be deducted the sum of R10 from the amount payable to him under the provisions of this Act: Provided that such member shall be exempted from deductions on account of such failure—

(a) in respect of any day on which he attends as a member of any committee of the Legislative Assembly, a meeting of that committee;

(b) when his absence is due to his illness or to the summons or subpoena of a competent court (except a summons to answer a criminal charge upon which he is convicted);

(c) wanneer sy afwesigheid veroorsaak word deur die dood of ernstige siekte van sy eggenote of 'n persoon met wie hy 'n gebruikelike verbinding aangegaan het of sy kind of ouer en sodanige afwesigheid verskoon word deur die Sessiekomitee oor Reglement van Orde en Interne Reëlins.

Metode van betaling van salarisse en nie-belasbare toelae

6. (1) Met inagneming van die verbeurde bedrae, as daar is, betaal die Direkteur van die Departement van Owerheidsake en Finansies aan elke lid van die Wetgewende Vergadering (behalwe 'n lid van die Uitvoerende Raad) in maandelikse paaimeute die salaris waarop so 'n lid kragtens hierdie Wet geregtig is en die eerste maand word gereken—

(a) in die geval van 'n lid wat kragtens artikel 2 van Bylae II van die Grondwetproklamasie aangestel is, van die dag waarop hy aldus aangewys is;

(b) in die geval van 'n lid wat ingevolge die bepalings van artikel 7 van Bylae II van die Grondwetproklamasie aangestel is, van die dag waarop hy aldus aangestel is;

(c) in die geval van die Voorsitter en Ondervoorsitter van die Wetgewende Vergadering, vanaf die datum van verkiesing tot hul amp.

(2) Die direkteur van die Departement van Owerheidsake en Finansies betaal aan die Hoof-Uitvoerende Raadslid in maandelikse paaimeute die salaris en nie-belasbare toelaag waarop hy kragtens hierdie Wet geregtig is, gereken van die dag waarop hy die in artikel 15 van Bylae II van die Grondwetproklamasie bedoelde eed afgelê en onderteken het, en die Direkteur van elke ander departement betaal aan die Uitvoerende Raadslid van die betrokke departement in maandelikse paaimeute die salaris en nie-belasbare toelaag waarop hy kragtens hierdie Wet geregtig is, gereken van die dag waarop hy die in artikel 15 van Bylae II van die Grondwetproklamasie bedoelde eed afgelê en onderteken het.

Salarisse en nie-belasbare toelae van lede maak vorderings uit teen Inkomstefonds

7. Die bedrag van die salarisse en nie-belasbare toelae wat kragtens hierdie Wet betaalbaar is, maak 'n jaarlikse vordering teen die Inkomstefonds van KaNgwane uit en die bepalings van hierdie artikel word geag 'n bewilling van elke sodanige bedrag te wees.

Benoeming van gevolmagtigde deur kaptein

8 'n Kaptein wat tot Hoof-Uitvoerende Raadslid verkies word of wat as Uitvoerende Raadslid aangestel word, kan 'n gevolmagtigde benoem om hom behulpsaam te wees met die verrigting van ampspligte verbonde aan sy kapteinskop, en aan sodanige gevolmagtigde word gedurende sy amps-termyu deur die Direkteur van die Departement van Owerheidsake en Finansies 'n toelae van hoogstens R600 per jaar betaal wat die Uitvoerende Raad bepaal.

Inwerkingtreding van sekere artikels

9. Artikels 2 en 3 word geag op 1 Januarie 1978 in werking te getree het en by die berekening van die salaris en nie-belasbare toelaag waarop 'n lid van die Wetgewende Vergadering kragtens bedoelde artikels geregtig is, word die salaris en nie-belasbare toelaag wat kragtens die bepalings van Proklamasie R. 216 van 1977 vanaf bedoelde datum aan 'n lid betaal is, teen sodanige salaris en nie-belasbare toelaag in berekening gebring.

Kort titel

10. Hierdie Wet heet die KaNgwane-Wet op die betaling en Voorregte van Lede van die Wetgewende Vergadering, 1978.

(c) when his absence is due to the death or serious illness of his wife or any person with whom he has contracted a customary union or his child or parent and such absence is condoned by the Sessional Committee on Rules of Procedure and Internal Arrangements.

Method of payment of salaries and non-taxable allowances

6. (1) Subject to the deductions incurred, if any, the Director of the Department of Authority Affairs and Finance shall pay to every member of the Legislative Assembly (other than a member of the Executive Council) the salary to which such member is entitled under this Act, in monthly instalments, the first month to be reckoned—

(a) in the case of a member appointed under section 2 of Schedule II of the Constitution Proclamation, from the day on which he was so appointed;

(b) in the case of a member appointed in terms of the provisions of section 7 of Schedule II of the Constitution Proclamation, from the day on which he was so appointed;

(c) in the case of the Chairman and Deputy Chairman of the Legislative Assembly, from the date of their election as such.

(2) The Director of the Department of Authority Affairs and Finance shall pay to the Chief Executive Councillor the salary and non-taxable allowance to which he is entitled under this Act, in monthly instalments, to be reckoned from the day on which he made and subscribed to the oath referred to in section 15 of Schedule II of the Constitution Proclamation and the Director of every other department shall pay to the Executive Councillor of the department concerned the salary to which he is entitled under this Act, in monthly instalments to be reckoned from the day on which he made and subscribed to the oath referred to in section 15 of Schedule II of the Constitution Proclamation.

Salaries and non-taxable allowances of members chargeable to Revenue Fund

7. The amount of the salaries payable under this Act shall be charged annually to the Revenue Fund of KaNgwane and the provisions of this section shall be deemed to be an appropriation of every such amount.

Nomination of deputy by chief

8. A chief who is elected as Chief Executive Councillor or is appointed as Executive Councillor may nominate a deputy to assist him in the performance of the official duties attached to his chieftainship, and such deputy shall during the period of his office be paid by the Director of the Department of Authority Affairs and Finance an allowance, not exceeding R600 per annum, to be determined by the Executive Council.

Commencement of certain sections

9. Sections 2 and 3 shall be deemed to have come into operation on 1 January 1978 and in calculating the salary and non-taxable allowance to which a member of the Legislative Assembly is entitled in terms of the said sections, the salary and non-taxable allowance which has been paid to any member in terms of the provisions of Proclamation R. 216 of 1977 from the said date, shall be set-off against such salary and non-taxable allowance.

Short title

10. This Act shall be called the KaNgwane Payment and Privileges of Members of the Legislative Assembly Act, 1978.

KANGWANE- WETGEWENDE VERGADERING.—
WYSIGING VAN PROKLAMASIE R. 214 VAN 1977

Kragtens die bevoegdheid my verleen by artikel 2 (3) van die Grondwet van die Bantoelelanslande, 1971 (Wet 21 van 1971), wysig ek hierby Proklamasie R. 214, gedateer 16 September 1977 ooreenkomstig die bygaande Bylae.

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Durban, op hede die Twaalfde dag van Julie Eenduisend Negehoenderd Agt-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-raad:

C. P. MULDER.

BYLAE

(i) Vervang subartikel (3) van artikel 2 van 'Bylae' II deur die volgende subartikel:

“(3) By die verstryking van die termyn van die Wetgewende Vergadering of by die ontbinding daarvan word die lede van die nuwe Wetgewende Vergadering aangestel soos bepaal in subartikel (2) op 'n datum deur die Staatspresident by Proklamasie in die *Staatskoerant* bepaal.”.

(ii) Vervang artikel 5 van Bylae II deur die volgende artikel:

“5. Die termyn van elke Wetgewende Vergadering is vyf jaar vanaf die datum van die eerste sittingsdag van die eerste gewone sessie van die Wetgewende Vergadering na die samestelling daarvan ingevolge artikel 2 van hierdie Proklamasie, welke sessie 'n aanvang moet neem binne drie maande na die samestelling van sodanige Wetgewende Vergadering: Met dien verstande dat die Staatspresident op versoek van die Uitvoerende Raad by Proklamasie in die *Staatskoerant* die Wetgewende Vergadering kan ontbind voordat genoemde tydperk van vyf jaar verstryk het.”.

KANGWANE LEGISLATIVE ASSEMBLY.—AMENDMENT OF PROCLAMATION R. 214 OF 1977

Under and by virtue of the powers vested in me by section 2 (3) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby amend Proclamation R. 214 dated 16 September 1977 in accordance with the accompanying Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Durban this Twelfth day of July, One thousand Nine hundred and Seventy-eight.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

C. P. MULDER.

SCHEDULE

(i) Substitute the following subsection for subsection (3) of section 2 of Schedule II:

“(3) On the expiration of the life of the Legislative Assembly or on the dissolution thereof the members of the new Legislative Assembly shall be appointed as provided for in subsection (2) on a date to be determined by the State President by Proclamation in the *Gazette*.”.

(ii) Substitute the following section for section 5 of Schedule II:

“5. The life of every Legislative Assembly shall be five years from the date of the first sitting day of the first ordinary session of the Legislative Assembly after the constitution thereof in terms of section 2 of this Proclamation, which session shall commence within three months after the constitution of such Legislative Assembly: Provided that the State President may at the request of the Executive Council dissolve the Legislative Assembly by proclamation in the *Gazette* before the expiration of the said period of five years.”.

(iii) Voeg die volgende paragraaf in na paragraaf (d) van artikel 6 van Bylae II:

"(e) indien sodanige lid nalaat om ten minste die helfte van die aantal sittingsdae van enige gewone sessie van die Wetgewende Vergadering by te woon sonder verstreking van redes aan die Voorsitter, voor die laaste sittingsdag van die besondere sessie, vir sy afwesigheid, wat aanvaarbaar is vir die Wetgewende Vergadering."

(iv) Vervang artikel 7 van Bylae II deur die volgende artikel:

"7. Indien die setel van 'n lid van die Wetgewende Vergadering ingevolge artikel 6 vakant raak, moet sodanige vakature aangevul word deur die aanstelling deur die betrokke streeksowerheid, behoudens die bepalinge van artikel 2 (2), van 'n lid vir die onverstrekte tydperk van die ampstermyn van sy voorganger: Met dien verstande dat die vakature nie aangevul word nie indien die termyn van die Wetgewende Vergadering binne drie maande van die ontstaan van sodanige vakature, verstryk."

(v) Vervang subartikel (2) van artikel 8 van Bylae II deur die volgende subartikel:

"(2) 'n Buitengewone sessie van die Wetgewende Vergadering kan te eniger tyd, en moet, indien die Minister dit gelas, deur die Uitvoerende Raad byeengeroep word, en, behoudens die voorbehoudsbepalinge tot hierdie subartikel, mag op sodanige buitengewone sessie slegs dié sake wat die Uitvoerende Raad goedkeur, voorgelê word aan en behandel word deur die Wetgewende Vergadering: Met dien verstande dat indien sodanige buitengewone sessie op las van die Minister byeengeroep word, slegs die sake wat die byeenoeping van die buitengewone sessie nodig gemaak het, bespreek word: Met dien verstande voorts dat die Wetgewende Vergadering by enige buitengewone sessie wat nie op las van die Minister byeengeroep is nie, deur 'n meerderheid van stemme kan besluit dat enige ander saak wat dringend en belangrik van aard is, by sodanige buitengewone sessie bespreek en behandel kan word."

(vi) Vervang subartikel (4) van artikel 18 van Bylae II deur die volgende subartikel:

"(4) Die Sekretaris van die Wetgewende Vergadering moet skriftelik minstens 30 dae voor 'n gewone sessie en minstens sewe dae voor 'n buitengewone sessie van die Wetgewende Vergadering die lede en die Kommissaris-generaal in kennis stel van die datum en tyd bepaal vir sodanige sessie en indien dit 'n buitengewone sessie is van die sake wat behandel moet word op sodanige buitengewone sessie: Met dien verstande dat genoemde tydperke van 30 dae en sewe dae, onderskeidelik, bereken word vanaf die datum waarop sodanige kennisgewings gepos is."

(vii) Vervang subartikel (1) van artikel 17 van Bylae II deur die volgende subartikel:

"(1) Behoudens andersluidende bepalinge in hierdie Proklamasie vervat—

(a) beklee die Hoof-Uitvoerenderaadslid sy amp vir die duur van die termyn van die Wetgewende Vergadering waardeur hy verkies is en totdat sy opvolger deur 'n nuwe Wetgewende Vergadering verkies is; en

(b) beklee 'n Uitvoerenderaadslid, uitgesonderd die Hoof-Uitvoerenderaadslid, sy amp vir die duur van die termyn van die Wetgewende Vergadering waardeur die Hoof-Uitvoerenderaadslid deur wie sodanige Uitvoerenderaadslid aangestel is, verkies is, en totdat sodanige Uitvoerenderaadslid se opvolger deur die nuwe Hoof-Uitvoerenderaadslid aangestel is."

(iii) Add the following paragraph after paragraph (d) of section 6 of Schedule II:

"(e) should such member fail to attend at least half the number of sitting days of any ordinary session of the Legislative Assembly without having furnished the Chairman prior to the last sitting day of the particular session with reasons for his absence which are acceptable to the Legislative Assembly."

(iv) Substitute the following section for section 7 of Schedule II:

"7. Should the seat of a member of the Legislative Assembly become vacant in terms of section 6, the vacancy shall be filled by the appointment by the regional authority concerned, subject to the provisions of section 2 (2), of a member for the unexpired period of office of his predecessor: Provided that the vacancy shall not be filled if the life of the Legislative Assembly shall expire within three months of such vacancy arising."

(v) Substitute the following subsection for subsection (2) of section 8 of Schedule II:

"(2) A special session of the Legislative Assembly may at any time, and shall, if the Minister so directs, be called by the Executive Council and, subject to the provisos to this subsection, at such special session only such matters as the Executive Council may approve, shall be laid before and dealt with by the Legislative Assembly: Provided that if such special session is called by direction of the Minister, only the matters necessitating the calling of the special session shall be discussed: Provided further that the Legislative Assembly may, at any special session not called by direction of the Minister, by majority vote decide that any other matter that is of an urgent and important nature may be discussed and dealt with at such special session."

(vi) Substitute the following subsection for subsection (4) of section 8 of Schedule II:

"(4) The Secretary of the Legislative Assembly shall in writing not less than 30 days prior to an ordinary session and not less than seven days prior to a special session of the Legislative Assembly inform the members and the Commissioner-general of the date and time fixed for such session and should it be a special session, of the matters to be dealt with at such special session: Provided that the said periods of 30 days and seven days respectively shall be calculated as from the date of posting of such notices."

(vii) Substitute the following subsection for subsection (1) of section 17 of Schedule II:

"(1) Save as is otherwise provided for in this Proclamation—

(a) the Chief Executive Councillor shall hold office for the duration of the life of the Legislative Assembly by which he was elected and until his successor is elected by a new Legislative Assembly; and

(b) an Executive Councillor, other than the Chief Executive Councillor, shall hold office for the duration of the life of the Legislative Assembly by which the Chief Executive Councillor by whom such Executive Councillor was appointed, was elected, and until such Executive Councillor's successor is appointed by the new Chief Executive Councillor."

No. R. 203, 1978

KANGWANE- WETGEWENDE VERGADERING.—
WYSIGING VAN PROKLAMASIE R. 214 VAN 1977

Kragtens die bevoegdheid my verleen by artikel 1 (2) van die Grondwet van die Bantoeuistande, 1971 (Wet 21 van 1971), wysig ek hierby Bylae I van Proklamasie R. 214 gedateer 16 September 1977 deur die invoeging van die volgende paragraaf na paragraaf (a):

“(aA) Die gebied van die Masoyi-stamowerheid, waarvan die instelling bekend gemaak is by Goewermentskennisgewing 1291 van 17 Augustus 1962.”.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Durban, op hede die Elfde dag van Julie Eenduisend Negehoenderd Aft-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

C. P. MULDER.

No. R. 204, 1978

WYSIGING VAN PROKLAMASIE R. 216 VAN
1977

Kragtens die bevoegdheid my verleen by artikel 25 van die Bantoadministrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21 van die Bantoeuist en -grond Wet, 1936 (Wet 18 van 1936), wysig ek hierby die Bylae van Proklamasie R. 216 gedateer 16 September 1977 ooreenkomstig die bygaande Bylae.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Durban, op hede die Twaalfde dag van Julie Eenduisend Negehoenderd Aft-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

C. P. MULDER.

BYLAE

(a) Vervang die opskrif van Deel I deur die volgende opskrif:

“KaNgwane- Wetgewende Vergadering.

Staking van die Betaling van Toelae aan Kapteins wat lede is van die Uitvoerende Raad van KaNgwane.”.

(b) Vervang regulasie 1 van Deel I deur die volgende:

“Indien ’n kaptein tot Hoof-Uitvoerenderraadslid verkies word of as Uitvoerenderraadslid aangestel word, word die betaling van enige toelae (behalwe ’n aftredingstoelae) wat ingevolge regulasie 24 van Proklamasie 110 van 1957, aan hom betaal word, van die dag waarop hy die in artikel 15 van Bylae II van die KaNgwanegrondwet-proklamasie, 1977 (Proklamasie R. 214 van 1977) bedoelde eed afgelê en onderteken het, gestaak.”.

(c) Herroep regulasies 2 tot 6, ingeslote, van Deel I.

No. R. 203, 1978

KANGWANE LEGISLATIVE ASSEMBLY.—AMEND-
MENT OF PROCLAMATION R. 214 OF 1977

Under and by virtue of the powers vested in me by section 1 (2) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby amend Schedule 1 to Proclamation R. 214 dated 16 September 1977 by the insertion of the following paragraph after paragraph (a):

“(aA) The area of the Masoyi Tribal Authority, the establishment of which was made known by Government Notice 1291 dated 17 August 1962.”.

Given under my Hand and the Seal of the Republic of South Africa at Durban this Eleventh day of July, One thousand Nine hundred and Seventy-eight.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

C. P. MULDER.

No. R. 204, 1978

AMENDMENT OF PROCLAMATION R. 216
OF 1977

Under and by virtue of the powers vested in me by section 25 of the Bantu Administration Act, 1927 (Act 38 of 1927), read with section 21 of the Bantu Trust and Land Act, 1936 (Act 18 of 1936), I hereby amend the Schedule to Proclamation R. 216 dated 16 September 1977 in accordance with the accompanying Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Durban this Twelfth day of July, One thousand Nine hundred and Seventy-eight.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

C. P. MULDER.

SCHEDULE

(a) Substitute the following heading for the heading of Part I:

“KaNgwane Legislative Assembly.

Cessation of the Payment of Stipendia to Chiefs who are members of the Executive Council of KaNgwane.”.

(b) Substitute the following for regulation 1 of Part I:

“If a chief is elected as Chief Executive Councillor or appointed as Executive Councillor, the payment of any allowance (other than a retiring allowance) which is paid to him in terms of regulation 24 of Proclamation 110 of 1957, shall cease from the day on which he made and subscribed to the oath referred to in section 15 of Schedule II to the KaNgwane Constitution Proclamation, 1977 (Proclamation R. 214 of 1977).”.

(c) Repeal regulations 2 to 6, inclusive, of Part I.



REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

STAATSKOERANT
 VAN DIE REPUBLIEK VAN SUID-AFRIKA

REGULATION GAZETTE No. 2681

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PRETORIA, 27 OCTOBER 1978
 OKTOBER

[No. 6195

PROCLAMATION

by the Acting State President of the Republic
 of South Africa

No. R. 274, 1978

**AMENDMENT OF THE SWAZI STAFF
 REGULATIONS, 1977**

Under and by virtue of the powers vested in me by section 25 (1) of the Black Administration Act, 1927 (Act 38 of 1927), read with section 21 (1) of the Development Trust and Land Act, 1936 (Act 18 of 1936), I hereby, with effect from 1 October 1977, amend the Swazi Staff Regulations, 1977, published under Government Notice R. 1815 of 9 September 1977, by the substitution for paragraph (a) of subregulation (2) of regulation C2 of the following paragraph:

“(a) a citizen of KaNgwane in terms of the provisions of the Black States Citizenship Act, 1970 (Act 26 of 1970), or, if he is not such a citizen, his appointment has been recommended by the Executive Council;”.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-sixth day of September, One thousand Nine hundred and Seventy-eight.

M. VILJOEN, Acting State President.

By Order of the Acting State President-in-Council:

C. P. MULDER.

GOVERNMENT NOTICES

**DEPARTMENT OF AGRICULTURAL
 ECONOMICS AND MARKETING**

No. R. 2119

27 October 1978

REGULATIONS RELATING TO THE GRADING, PACKING AND MARKING OF PEACHES AND NECTARINES INTENDED FOR SALE IN CERTAIN AREAS OF THE REPUBLIC OF SOUTH AFRICA

The Minister of Agriculture has, under the powers vested in him by section 89 of the Marketing Act, 1968 (Act 59 of 1968), made the regulations set out in the Schedule hereto.

1825—A

PROKLAMASIE

van die Waarnemende Staatspresident van die
 Republiek van Suid-Afrika

No. R. 274, 1978

**WYSIGING VAN DIE SWAZI-PERSONEEL-
 REGULASIES, 1977**

Kragtens die bevoegdheid my verleen by artikel 25 (1) van die Swart-administrasie Wet, 1927 (Wet 38 van 1927), geles met artikel 21 (1) van die Ontwikkelings-trust en Grond Wet, 1936 (Wet 18 van 1936), wysig ek hierby, met ingang van 1 Oktober 1977, die Swazi-personeelregulasies, 1977, afgekondig by Goewerments-kennisgewing R. 1815 van 9 September 1977, deur paragraaf (a) van subregulasie (2) van regulasie C2 deur die volgende paragraaf te vervang:

“(a) 'n burger is van KaNgwane ingevolge die bepalinge van die Wet op Burgerskap van Swart State, 1970 (Wet 26 van 1970), of, indien hy nie so 'n burger is nie, die Uitvoerende Raad sy aanstelling aanbeveel het;”.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Ses-en-twintigste dag van September Eenduisend Negehonderd Agt-en-sewentig.

M. VILJOEN, Waarnemende Staatspresident.

Op las van die Waarnemende Staatspresident-in-rade:

C. P. MULDER.

GOEWERMENSKENNISGEWINGS

**DEPARTEMENT VAN LANDBOU-EKONOMIE
 EN -BEMARKING**

No. R. 2119

27 Oktober 1978

REGULASIES MET BETREKKING TOT DIE GRADERING, VERPAKKING EN MERK VAN PERSKES EN KAALPERSKES BESTEM VIR VERKOOP IN SEKERE GEBIEDE VAN DIE REPUBLIEK VAN SUID-AFRIKA

Die Minister van Landbou het, kragtens die bevoegdheid hom verleen by artikel 89 van die Bemerkingswet, 1968 (Wet 59 van 1968), die regulasies in die Bylae hiervan uiteengesit gemaak.

6195—1

ANNEXURE

Definitions

1. In these regulations, unless the context otherwise indicates—

(i) "Act" means the Black States Citizenship Act, 1970 (Act 26 of 1970);

(ii) "Commissioner" includes an Additional and an Assistant Commissioner and—

(a) in respect of KaNgwane, includes a magistrate, an additional and an assistant magistrate; and

(b) in respect of a district or area for which no Commissioner has been appointed, includes a magistrate or an additional or an assistant magistrate or an assistant magistrate having jurisdiction in that district or area;

(iii) "certificate" means a certificate of citizenship of KaNgwane;

(iv) "Councillor" means the member of the Executive Council to whom the control of the Department of Community Affairs has been assigned;

(v) "Director" means the officer assigned as administrative head of the Department of Community Affairs of the KaNgwane Government;

(vi) "Executive Council" means the Executive Council of KaNgwane;

(vii) "holder" means the person to whom a certificate has been issued in terms of regulation 5;

(viii) "responsible officer" means an officer whose function it is to receive or to consider applications for certificates;

(ix) "KaNgwane" means the area for which the KaNgwane Legislative Assembly was established by Proclamation R. 214 of 1977;

(x) "the KaNgwane Government" means the Government of KaNgwane.

Form of certificate

2. A certificate shall be in such form as the Executive Council may from time to time determine and shall indicate, *inter alia*—

(a) the name of the holder;

(b) the number of the certificate;

(c) that the holder is a citizen of KaNgwane;

(d) the emblem or coat of arms, if any, of the KaNgwane Government;

(e) the facsimile signature of the Councillor;

(f) a photograph of the holder.

Register of citizens

3. The Director shall maintain or cause to be maintained a register of the names and particulars of all persons to whom certificates have been issued.

Mutual arrangements with the Department of Plural Relations and Development

4. (1) Notwithstanding anything to the contrary contained in these regulations, the Councillor may make mutual arrangements with the Secretary for Plural Relations and Development for the processing of applications for certificates.

(2) Such arrangements may make provision, for *inter alia*—

(a) the printing and making available of application forms;

(b) the receipt of completed application forms;

(c) the transmission of completed application forms and certificates to given addresses;

AANHANGSEL

Woordomskrywing

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

(i) "Kommissaris" ook 'n addisionele en 'n assistent-kommissaris en—

(a) ten opsigte van KaNgwane, ook 'n magistraat, 'n addisionele en 'n assistent-magistraat; en

(b) ten opsigte van 'n distrik of gebied ten opsigte waarvan geen Kommissaris aangestel is nie, ook 'n landdros of 'n addisionele of 'n assistent-landdros met regsbevoegdheid in daardie distrik of gebied;

(ii) "KaNgwane" die gebied waarvoor die KaNgwane-Wetgewende Vergadering ingestel is by Proklamasie R. 214 van 1977;

(iii) "die KaNgwane-regering" die Regering van KaNgwane;

(iv) "Direkteur" die beampete aangewys as administratiewe hoof van die Departement van Gemeenskap-sake van die KaNgwane-regering;

(v) "houer" die persoon aan wie 'n sertifikaat kragtens regulasie 5 uitgereik is;

(vi) "Raadslid" die lid van die Uitvoerende Raad aan wie die beheer oor die Departement van Gemeenskap-sake opgedra is;

(vii) "sertifikaat" 'n sertifikaat van burgerskap van KaNgwane;

(viii) "Uitvoerende Raad" die Uitvoerende Raad van KaNgwane;

(ix) "verantwoordelike beampete" 'n beampete wie se funksie dit is om aansoeke om sertifikate te ontvang te oorweeg;

(x) "Wet" die Wet op Burgerskap van Swart State, 1970 (Wet 26 van 1970).

Vorm van sertifikaat

2. 'n Sertifikaat is in die vorm soos van tyd tot tyd deur die Uitvoerende Raad bepaal en toon onder andere—

(a) die naam van die houer;

(b) die nommer van die sertifikaat;

(c) dat die houer 'n burger van KaNgwane is;

(d) die embleem of wapen, as daar is, van die KaNgwane-regering;

(e) die facsimile-handtekening van die Raadslid;

(f) 'n foto van die houer.

Register van burgers

3. Die Direkteur hou 'n register by of laat 'n register byhou van die name en besonderhede van alle persone aan wie sertifikate uitgereik is.

Onderlinge reëlings met die Departement van Plurale Betrekkinge en Ontwikkeling

4. (1) Ondanks 'n andersluidende bepaling in hierdie regulasies vervat, kan die Raadslid onderlinge reëlings met die Sekretaris van Plurale Betrekkinge en Ontwikkeling tref vir die prosessering van aansoeke om sertifikate.

(2) Sodanige reëlings kan voorsiening maak vir, onder andere—

(a) die druk en beskikbaarstelling van aansoek-vorms;

(b) die ontvangs van ingevulde aansoekvorms;

(c) die deursending van ingevulde aansoekvorms en sertifikate na gegewe adresse;

(d) the making available of equipment for the purpose of the completion of application forms or for the production of certificates.

Issue of certificates

5. (1) A certificate shall be issued by the Councillor on behalf of the KaNgwane Government.

(2) If for any reason it would appear to be inexpedient, impracticable or impossible to issue, a certificate to a person who is alleged to be a citizen of KaNgwane, the responsible officer may, instead of a certificate, issue a document, substantially in the form set out in Part C of the First Schedule to these regulations, to such person and may request him to present himself at a future date and at a place indicated so that a certificate, if it has been issued to him, can be handed to him, or posted to him, as the case may be.

Application for certificate

6. (1) Except where the KaNgwane Government otherwise determines, application may be made—

(a) to the person nominated by the KaNgwane Government;

(b) in an urban area, to a representative nominated in terms of the provisions of section 4 of the Promotion of Black Self-government Act, 1959 (Act 46 of 1959);

(c) to a Commissioner.

(2) An application for a certificate shall be made on a form substantially the same as that set out in the First Schedule to these regulations.

Photographs

7. (1) Every application for a certificate shall be accompanied by two identical photographs of the applicant which shall comply with the following requirements:

(a) The outside measurements shall as far as is possible be as follows:

- (i) Height: 40 mm ($1\frac{1}{2}$ ");
- (ii) width: 30 mm ($1\frac{1}{8}$ ").

(b) Only the head and shoulders of the applicant shall be included in the photograph and the head in the final print shall not be less than 22 mm ($\frac{7}{8}$ ") or more than 25 mm (1") from the chin to the top of the hair.

(c) No silver grain shall be visible on the photographs.

(d) The face shall be a recognisable likeness of the applicant. For this purpose the whole of the face and both ears of the applicant shall be visible and the photograph shall be a recent one, taken without a hat or any other covering or ornament of any nature whatsoever. It shall also be without any temporary marks or colouring which may disguise his natural appearance or render identification from the photograph difficult. The photograph shall also not be damaged by holes, pencil or colouring-in marks, or in any other way.

(2) The responsible officer may reject the photographs submitted if, in his opinion, the said requirements have not been complied with or he regards them as unsuitable in other respects and the applicant shall then furnish other suitable photographs at his own expense.

(3) If a photograph is taken by a photographer who is in the employ of the KaNgwane Government or who is acting on behalf of the KaNgwane Government and who visits an area where the services of professional photographers are not readily available, a sum of 50c shall be payable for two prints of a photograph taken

(d) die beskikbaarstelling van toerusting vir die invul van aansoeke of vir die vervaardiging van sertifikate.

Uitreiking van sertifikate

5. (1) 'n Sertifikaat word deur die Raadslid ten behoeve van die KaNgwane-regering uitgereik.

(2) Indien dit om enige rede ondienstig, ondoenlik of onmoontlik blyk te wees om 'n sertifikaat uit te reik aan iemand wat beweer word 'n burger van KaNgwane te wees, kan die verantwoordelike beampte in stede van 'n sertifikaat, 'n dokument, wesentlik in die vorm soos uiteengesit in Deel C van die Eerste Bylae van hierdie regulasies, aan hom uitreik en kan hy hom versoek om hom op 'n toekomstige datum en op 'n plek aangedui, aan te meld sodat 'n sertifikaat, indien dit aan hom uitgereik is, aan hom oorhandig of gepos kan word, na gelang van die geval.

Aansoek om sertifikaat

6. (1) Behalwe waar die KaNgwane-regering anders bepaal, kan aansoek om 'n sertifikaat gedoen word—

(a) by 'n persoon deur die KaNgwane-regering benoem;

(b) in 'n stedelike gebied, by 'n verteenwoordiger benoem kragtens die bepalings van artikel 4 van die Wet op die Bevordering van Swart Selfbestuur, 1959 (Wet 46 van 1959);

(c) by 'n Kommissaris.

(2) Aansoek om 'n sertifikaat word gedoen op 'n vorm wat wesentlik dieselfde is as dié wat in die Eerste Bylae van hierdie regulasies uiteengesit word.

Foto's

7. (1) Elke aansoek om 'n sertifikaat moet vergesel gaan van twee identiese foto's van die applikant wat aan die volgende vereistes moet voldoen:

(a) Die buitenste afmetings moet sover doenlik as volg wees:

- (i) Hoogte: 40 mm ($1\frac{1}{2}$ ");
- (ii) breedte: 30 mm ($1\frac{1}{8}$ ").

(b) Slegs die kop en skouers van die applikant moet op die foto ingesluit wees en die kop in die finale afdruk moet nie kleiner as 22 mm ($\frac{7}{8}$ ") of groter as 25 mm (1") van die ken tot die bopunt van die hare wees nie.

(c) Geen silwerkorrel moet op die foto's sigbaar wees nie.

(d) Die gesig moet 'n herkenbare ewebeeld van die applikant wees. Vir dié doel moet die hele gesig en beide ore van die applikant sigbaar wees en moet dit 'n onlangse foto wees, geneem sonder 'n hoed of enige ander bedekking of tooisel van watter aard ookal. Ook moet dit sonder tydelike merke of kleur wees wat sy natuurlike voorkoms kan verbloem of uitkenning van die foto kan bemoeilik. Die foto mag ook nie deur gate, potlood- of inkleurmerke of op enige ander wyse geskend wees nie.

(2) Die verantwoordelike beampte kan die foto's wat verskaf is, verwerp indien dit na sy mening nie aan genoemde vereistes voldoen nie of indien hy dit in ander opsigte ongeskik ag en die applikant moet dan op eie koste ander geskikte foto's verskaf.

(3) As 'n foto geneem is deur 'n fotograaf wat in die diens van die KaNgwane-regering is of wat namens die KaNgwane-regering optree en wat 'n gebied besoek waar die dienste van professionele fotografe nie gereedlik beskikbaar is nie, is 'n bedrag van 50c betaalbaar vir twee afdrukke van 'n foto wat deur sodanige fotograaf

by such photographer, but should such prints be rejected by the responsible officer, the amount thus paid shall be repayable or another set of photographs shall, if possible, be taken.

(4) The Director may in his discretion grant approval for two identical photographs to be taken, the cost of which shall be borne by his Department, if he, on the recommendation of the responsible officer, is satisfied that—

(a) the person to whom the certificate is to be issued is indigent;

(b) that person has already supplied two identical photographs for the purpose of the certificate and that they have been lost or destroyed or damaged; or

(c) a photograph which has been taken by a photographer mentioned in subregulation (3) is no longer suitable for purposes of identification and that the holder thereof was unable to prevent the unsatisfactory condition thereof by reasonable means.

Death of holder of certificate

8. On the death of the holder of the certificate, the person who is in possession of the certificate shall immediately send it to the nearest Commissioner or to the Director.

Duplicate certificates and replacement certificates

9. (1) A person whose certificate has been lost or destroyed may apply for a duplicate of that certificate.

(2) A sum of R1, which does not include the cost of the photographs, for every duplicate certificate is payable by the person who applies therefor, but the Director may in his discretion grant exemption from the payment of this sum if he, as a result of the affidavit contained in the application or from other available information, is satisfied that the applicant for a duplicate certificate is indigent or that he could not by reasonable care have prevented the loss or destruction of the certificate.

(3) A person to whom a certificate which contains particulars that are incorrect has been issued may apply for a replacement certificate containing the correct particulars.

(4) A person who applies for a duplicate certificate or a replacement certificate shall *mutatis mutandis* follow the same procedure as is prescribed in these regulations for the issue of original certificates.

Unclaimed certificates

10. If the person who has applied for a certificate or a duplicate certificate fails or neglects to take possession of it within a period of six months after the certificate had been received at the office or at the place to which that person requested that it should be sent—

(a) the certificate may be disposed of in such manner as the Director may direct;

(b) the application shall be deemed to have lapsed; and

(c) the amount paid for the certificate and for any photograph which is attached to the certificate and which has been taken by a photographer mentioned in regulation 7 (3) shall be forfeited to the KaNgwane Government.

geneem is, maar indien sodanige afdrucke deur die verantwoordelike beampte verwerp word, is die bedrag aldus betaal, terugbetaalbaar of moet 'n ander stel foto's, indien moontlik, geneem word.

(4) Die Direkteur kan na goeddunke goedkeuring verleen vir die neem van twee identiese foto's waarvan die koste deur sy Departement gedra word, indien hy op aanbeveling van die verantwoordelike beampte daarvan oortuig is dat—

(a) die persoon aan wie 'n sertifikaat uitgereik staan te word, behoeftig is;

(b) daardie persoon reeds twee identiese foto's vir doeleindes van die sertifikaat verskaf het en dat dié weggeraak het of vernietig of beskadig is; of

(c) 'n foto wat geneem is deur 'n fotograaf in subregulsie (3) genoem, nie meer vir identifikasiedoel- eindes geskik is nie en dat die houer daarvan nie deur redelike voorsorg die swak toestand daarvan kon verhoed het nie.

Oorlyde van houer van sertifikaat

8. By die oorlyde van die houer van 'n sertifikaat moet die persoon wat in besit is van die sertifikaat, dit onverwyld deurstuur na die naaste Kommissaris of na die Direkteur.

Duplikaatsertifikate en vervangingsertifikate

9. (1) 'n Persoon wie se sertifikaat weggeraak het of vernietig is, kan aansoek doen om 'n duplikaat van daardie sertifikaat.

(2) Vir elke duplikaatsertifikaat is 'n bedrag van R1, wat nie die koste van die foto's insluit nie, betaalbaar deur die persoon wat daarom aansoek doen, maar die Direkteur kan na goeddunke van die betaling van hierdie bedrag afsien as hy as gevolg van die beëdigde verklaring wat in die aansoek vervat is, of van ander beskikbare inligting, daarvan oortuig is dat die applikant om 'n duplikaatsertifikaat behoeftig is of dat hy nie deur redelike voorsorg die verlies of vernietiging van die sertifikaat kon verhoed het nie.

(3) 'n Persoon aan wie 'n sertifikaat uitgereik is waarin besonderhede voorkom wat foutief is, kan aansoek doen om 'n vervangingsertifikaat waarop die juiste besonderhede voorkom.

(4) 'n Persoon wat aansoek doen om 'n duplikaatsertifikaat of 'n vervangingsertifikaat, volg dieselfde prosedure *mutatis mutandis* as wat in hierdie regulasies voorgeskryf word vir die uitreiking van oorspronklike sertifikate.

Onopgeëiste sertifikate

10. Indien die persoon wat om 'n sertifikaat of 'n duplikaat van 'n sertifikaat aansoek gedoen het, versuim of nalaat om dit in ontvangs te neem binne 'n tydperk van ses maande nadat die sertifikaat ontvang is in die kantoor of op die plek waarheen daardie persoon versoek het dat dit gestuur word—

(a) kan daar oor die sertifikaat beskik word op sodanige wyse as wat die Direkteur bepaal;

(b) word die aansoek geag te verval het; en

(c) word die bedrag wat betaal is vir die sertifikaat en vir enige foto wat aan die sertifikaat geheg is en wat geneem is deur 'n fotograaf genoem in regulasie 7 (3), aan die KaNgwane-regering verbeur.

Handing in of lost certificates

11. Any person who comes into possession of a certificate which has not been issued to him shall, except where the certificate has been handed to him for transmission to the person to whom it was originally issued, immediately deliver or send the certificate to the nearest police station or to the Commissioner or the Director with an indication of the circumstances under which he came into possession thereof.

Loss of citizenship

12. Where citizenship of KaNgwane is lost on any of the grounds mentioned in section 4 of the Act, the certificate shall be cancelled by the Director and a suitable entry made in the register of citizens.

Objections by citizen

13. (1) Any person whose application for a certificate has been refused may, within one month of being notified of such refusal, lodge an objection against such refusal with the Director.

(2) For the purposes of the objection in terms of sub-regulation (1) the Director may require that person to complete a form substantially the same as that set out in the Second Schedule to these regulations and he may obtain from that person such further information as he may deem necessary and he shall refer all this information to the Councillor who shall submit it to the Executive Council for consideration.

(3) The person who has lodged an objection against the refusal of his application shall as soon as possible be advised of the result of his objection.

Appeals to the Minister

14. (1) Any person mentioned in regulation 13 (2) may, within one month of the decision of the Executive Council in regard to his objection having been made known to him, appeal to the Minister against such decision. Such appeal shall be in the form of a written request to the Director that the original of the objection and of the documents which were furnished or evidence which was led in connection with the proceedings be submitted to the Minister.

(2) The Minister shall cause the person who has appealed and the Executive Council to be informed of the result of the appeal as soon as possible.

Surrender of certificates by persons who are on the point of leaving the Republic

15. Any police officer, passport control officer or officer in the service of the State or the KaNgwane Government who is satisfied that any person who is in possession of a certificate is on the point of leaving the Republic permanently may demand from such person that he surrenders to him any certificate which may have been issued to him and if such person should refuse or neglect to do so, such officer may confiscate such certificate, and shall dispose of it in such manner as the Director may determine.

Short title

16. These regulations shall, for all purposes, be called the KaNgwane Citizenship Regulations, 1978.

Inlewering van verlore sertifikate

11. Iemand wat in besit kom van 'n sertifikaat wat nie aan hom uitgereik is nie, moet, behalwe waar die sertifikaat aan hom oorhandig is vir deursending aan die persoon aan wie dit oorspronklik uitgereik is, die sertifikaat onverwyld aan die Kommissaris of die Direkteur aflewer of stuur of by die naaste Polisie-stasie aflewer of daaraan stuur met 'n aanduiding van die omstandighede waaronder hy in besit daarvan gekom het.

Verlies van burgerskap

12. Waar burgerskap verloor word vanweë die gronde vermeld in artikel 4 van die Wet, word die sertifikaat van daardie burgerskap deur die Direkteur gekanselleer en word paslike inskrywing in die register van burgers aangebring.

Besware deur burger

13. (1) Iemand wie se aansoek om 'n sertifikaat geweier is, kan, binne 'n maand nadat hy van sodanige weiering verwittig is, by die Direkteur beswaar teen sodanige weiering aanteken.

(2) Vir doeleindes van die beswaar ingevolge sub-regulasie (1) kan die Direkteur van daardie persoon vereis dat hy 'n vorm invul wesentlik soos uiteengesit in die Tweede Bylae van hierdie regulasies en kan hy sodanige verdere inligting van daardie persoon verkry as wat hy nodig ag en verwys hy hierdie inligting na die Raadslid, wat dit aan die Uitvoerende Raad voorlê vir oorweging.

(3) Die persoon wat beswaar aangeteken het teen die weiering van sy aansoek om 'n sertifikaat, moet so gou doenlik van die uitslag van sy beswaar verwittig word.

Appèlle na Minister

14. (1) Iemand vermeld in regulasie 13 (2) kan binne een maand nadat die beslissing van die Uitvoerende Raad ten opsigte van sy beswaar aan hom bekendgemaak is, teen daardie beslissing na die Minister appelleer. So 'n appèl moet in die vorm wees van 'n skriftelike versoek aan die Direkteur om die oorspronklike van die beswaar en van die dokumente wat verstrekkend is of getuienis wat in verband met die verrigtinge geleë is, aan die Minister voor te lê.

(2) Die Minister laat die persoon wat appelleer en die Uitvoerende Raad so gou doenlik van die uitslag van die appèl verwittig.

Teruggawe van sertifikate deur persone wat op die punt staan om die Republiek te verlaat

15. 'n Polisiebeampte, paspoortbeheerbeampte of beampte in diens van die Staat of die KaNgwane-regering wat daarvan oortuig is dat 'n persoon wat in besit van 'n sertifikaat is, op die punt staan om die Republiek permanent te verlaat, kan van daardie persoon vereis dat hy enige sertifikaat wat aan hom uitgereik is, aan hom teruggee en indien sodanige persoon sou weier of nalaat om dit te doen, kan sodanige beampte op daardie sertifikaat beslag lê en beskik hy daarop op die wyse deur die Direkteur bepaal.

Kort titel

16. Hierdie regulasies heet vir alle doeleindes die KaNgwane-burgerskapregulasies, 1978.

FIRST SCHEDULE

PART A

APPLICATION FOR A *CERTIFICATE/DUPLICATE CERTIFICATE OF CITIZENSHIP

To the Director of Community Affairs
KaNgwane Government Service
Private Bag X1004
Louw's Creek
1302

1. I hereby apply for the issue to me of a *certificate/duplicate certificate of citizenship of KaNgwane.

2. In support of my application I state—

(a) that my full name is: Surname.....
Names.....;

(b) that I was born in the Republic of South Africa;

(c) that I am not a prohibited immigrant in the Republic of South Africa;

(d) *that no certificate of citizenship has been issued to me by the Government of any other Black state/that the attached certificate No.
was issued to me by the Government of.....;

(e) that my identification number is.....;

(f) that I base my claim to citizenship on the following:

* (i) I was born in KaNgwane, namely at.....
on.....;

* (ii) I am domiciled in KaNgwane, namely resident at.....
from.....;

* (iii) I speak a language used by the population of KaNgwane, namely.....;

* (iv) I belong to a related language group which normally speaks a dialect of a language used by the population of KaNgwane, namely.....;

* (v) I am related to a member of the population of KaNgwane, namely.....;

* (vi) *I have associated myself with/I am as a result of my cultural background connected with a section of the population of KaNgwane, namely the.....
tribe under Chief.....

3. (In the case of an application for a duplicate certificate):

* (a) A Certificate of Citizenship No.....
was issued to me but it has been *lost/destroyd/stolen and I am furnishing details of such *loss, destruction or theft.....

* (b) The certificate which was issued to me and which I am handing in contains the following incorrect particulars and I should be glad to receive a certificate in replacement thereof but containing the correct particulars.....

4. I enclose two recent photographs of myself (head and shoulders only).

5. I request that the certificate *be posted to me/be made available to me at the following address.....

Place.....

Date..... Signature or mark of applicant

* Delete whichever is not applicable.

PART B

I am satisfied that the applicant is a citizen of KaNgwane.

.....
Councillor for Community Affairs
(or representative)

PART C

I hereby certify that.....
has applied for a certificate of citizenship for KaNgwane.

He should present himself on or after.....
at..... * to receive the certificate, if issued/the certificate will, if issued, be posted to him. (If a certificate is not issued the person who has applied therefor will be notified of such decision and

EERSTE BYLAE

DEEL A

AANSOEK OM *SERTIFIKAAT/DUPLIKAATSERTIFIKAAT VAN BURGERSKAP

Aan die Direkteur van
Gemeenskapsake
KaNgwane-Regeringsdiens
Privaatsak X1004
Louw's Creek
1302

1. Ek doen hierby aansoek om die uitreiking aan my van 'n *sertifikaat/duplikaatsertifikaat van burgerskap van KaNgwane.

2. Ter staving van my aansoek, meld ek—

(a) dat my volle name soos volg is: Van.....
Name.....;

(b) dat ek in die Republiek van Suid-Afrika gebore is;

(c) dat ek nie 'n verbode immigrant in die Republiek van Suid-Afrika is nie;

(d) *dat geen sertifikaat van burgerskap deur die owerheid van 'n ander Swart staat aan my uitgereik is nie/dat die aangehegte sertifikaat No.....
deur die Regering van.....
aan my uitgereik is;

(e) dat my identifikasienommer.....
is;

(f) dat ek my eis om burgerskap op die volgende baseer:

* (i) ek is in KaNgwane gebore, te wete te.....;

* (ii) ek is in KaNgwane gedomisileer, te wete, verblyf te
vanaf.....;

* (iii) ek praat 'n taal wat deur die bevolking van KaNgwane gebesig word, te wete.....;

* (iv) ek behoort tot 'n aanverwante taalgroep wat normaalweg 'n dialek van 'n taal besig wat deur die bevolking van KaNgwane gebesig word, te wete.....;

* (v) ek is verwant aan 'n lid van die bevolking van KaNgwane, te wete.....;

* (vi) *ek het myself vereenselwig met/ek is deur my kulturele agtergrond verbonde aan 'n deel van die bevolking van KaNgwane, te wete, die.....
-stam onder Kaptein.....

3. (In die geval van 'n aansoek om 'n duplikaatsertifikaat):

* (a) 'n Sertifikaat van Burgerskap No.....
is aan my uitgereik maar *dit het verlore geraak/is vernietig/is gesteel en ek gee besonderhede van sodanige *verlies, vernietiging of diefstal.....

* (b) Die sertifikaat wat aan my uitgereik is en wat ek inlewer, bevat die volgende foutiewe besonderhede en ek sal bly wees om 'n sertifikaat ter vervanging daarvan te kry maar met die juiste besonderhede daarop.....

4. Ek sluit twee onlangse foto's van myself (slegs kop en skouers) in.

5. Ek versoek dat die sertifikaat *aan my gepos/beskikbaar gestel word by die volgende adres.....

Plek.....

Datum..... Handtekening of merk van applikant =

* Skrap wat nie van toepassing is nie.

DEEL B

Ek is oortuig dat applikant 'n burger van KaNgwane is.

.....
Raadslid vir Gemeenskapsake
(of verteenwoordiger)

DEEL C

Hierby word gesertifiseer dat.....
aansoek gedoen het om 'n sertifikaat van burgerskap van KaNgwane.

Hy moet hom op of na..... te.....
aanneld om die sertifikaat, indien uitgereik, *af te haal/die sertifikaat sal, indien uitgereik, aan hom gepos word. (Indien 'n sertifikaat nie uitgereik word nie, sal die persoon wat daarom aansoek

the period of validity of this document will terminate on the date of notification thereof.)

Date stamp

.....
Signature of officer who received
the application

* Delete whichever is not applicable.

SECOND SCHEDULE

OBJECTION TO REFUSAL OF CITIZENSHIP CERTIFICATE

PART A

To the Director of Community Affairs
KaNgwane Government Service
Private Bag X1004
Louw's Creek
1302

In view of the fact that my application for a certificate of citizenship of KaNgwane has been refused, I hereby lodge an objection to such refusal and assert that I am, indeed, a citizen of KaNgwane and that I am entitled to a certificate of citizenship.

I base my claim to such citizenship on the following grounds

.....
In support of my claim I *enclose the following documents/
submit the following additional information.

Place.....

.....
Signature or mark of applicant

Date.....

PART B

DECISION OF THE EXECUTIVE COUNCIL

After having heard the objection of the applicant and after having examined the attached documents, the Executive Council is satisfied that the applicant *is/is not a citizen of KaNgwane.

Remarks.....

Place.....

.....
Director of Community Affairs

Date.....

* Delete whichever is not applicable.

gedoen het van sodanige beslissing in kennis gestel word en verval die geldigheidsduur van hierdie dokument op die datum van bekendmaking daarvan.)

Datumstempel

.....
Handtekening van beampte wat
aansoek ontvang

* Skrap wat nie van toepassing is nie.

TWEEDE BYLAE

BESWAAR TEEN WEIERING VAN BURGERSKAPSERTIFIKAAT

DEEL A

Aan die Direkteur van Gemeenskapsake
KaNgwane-Regeringsdiens
Privaatsak X1004
Louws' Creek
1302

Aangesien my aansoek om 'n sertifikaat van burgerskap van KaNgwane geweier is, teken ek hierby beswaar teen sodanige weiering aan en beweer ek dat ek wel 'n burger is van KaNgwane en dat ek geregtig is op 'n sertifikaat van burgerskap.

Ek grond my aanspraak op sodanige burgerskap op die volgende feite.....

.....
Ter staving van my aanspraak *sluit ek die volgende dokumente in/verstrek ek die volgende bykomende inligting.....

Plek.....

.....
Handtekening of merk van
applikant

Datum.....

DEEL B

BESLISSING VAN DIE UITVOERENDE RAAD

Nadat die beswaar van die applikant aangehoor is en nadat die aangehegte dokumente bestudeer is, is die Uitvoerende Raad oortuig dat die applikant *'n burger van KaNgwane is/nie 'n burger van KaNgwane is nie.

Opmerkings.....

Plek.....

.....
Direkteur van Gemeenskapsake

Datum.....

* Skrap wat nie van toepassing is nie.

DEPARTMENT OF PLURAL RELATIONS
AND DEVELOPMENT

No. R. 2531

22 December 1978

The following Government Notice, issued by the Government of KaNgwane, is published for general information:

KANGWANE GOVERNMENT

KANGWANE GOVERNMENT NOTICE 1 OF 1978

DEPARTMENT OF AUTHORITY AFFAIRS AND FINANCE

INCLUSION OF THE AREA OF THE MASOYI TRIBAL AUTHORITY IN THE AREA OF THE LEGOGOTE NSIKAZI REGIONAL AUTHORITY

The Executive Council of KaNgwane has been pleased, under and by virtue of the powers vested in it by sections 2 (1) (b) and 3 (1) of the Black Authorities Act, 1951 (Act 68 of 1951), read with section 22 of the Black States Constitution Act, 1971 (Act 21 of 1971),

and item 30 of Schedule I of the said Black States Constitution Act, 1971 to—

(1) include the area of the Masoyi Tribal Authority, the establishment of which was made known by Government Notice 1291 of 1962, in the area of the Legogote Nsikazi Regional Authority, the establishment of which was made known by Government Notice 1826 of 1962; and

(2) increase the number of members of the said Legogote Nsikazi Regional Authority from 15 to 18.

Government Notice 1826 of 1962, as amended by Government Notice 1525 of 1971 and Government Notice R. 1587 of 1976, is hereby amended—

(a) by the substitution for paragraph (1) of the following paragraph:

“(1) in terms of paragraph (b) of section 2 (1) of the Black Authorities Act, 1951 (Act 68 of 1951), to establish a regional authority to be known as the Legogote Nsikazi Regional Authority in respect of the areas for which the following tribal authorities have been established:

- (a) Mpakeni Tribal Authority;
- (b) Gutshwa Tribal Authority;
- (c) Mbuyane Tribal Authority;
- (d) Mdhluli Tribal Authority;
- (e) Swazi-Msogwaba Tribal Authority; and
- (f) Masoyi Tribal Authority; and”;

(b) by the substitution in paragraph (2) for the word “fifteen” of the word “eighteen”.

(File F55/4/14)

DEPARTEMENT VAN PLURALE BETREK-
KINGE EN ONTWIKKELING

No. R. 2531

22 Desember 1978

Die volgende Goewermentskennisgewing, uitgereik deur die Regering van KaNgwane, word vir algemene inligting gepubliseer:

KANGWANE-REGERING

KANGWANE-GOEWERMENTSKENNISGEWING 1 VAN 1978

DEPARTEMENT VAN OWERHEIDSAKE EN FINANSIES

INSLUITING VAN DIE GEBIED VAN DIE MASOYI-AMOWERHEID IN DIE GEBIED VAN DIE LEGOGOTE NSIKAZISTREEKSOWERHEID

Dit het die Uitvoerende Raad van KaNgwane behaag om, kragtens die bevoegdheid hom verleen by artikels 2 (1) (b) en 3 (1) van die Wet op Swart Owerhede, 1951 (Wet 68 van 1951), gelees met artikel 22 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), en

item 30 van Bylae I van genoemde Grondwet van die Swart State, 1971, om—

(1) die gebied van die Masoyistamowerheid, waarvan die instelling by Goewermentskennisgewing 1291 van 1962 bekendgemaak is, in die gebied van die Legogote Nsikazistreeksowerheid, waarvan die instelling by Goewermentskennisgewing 1826 van 1962 bekendgemaak is, in te sluit; en

(2) die getal lede van genoemde Legogote Nsikazistreeksowerheid van 15 tot 18 te vermeerder.

Goewermentskennisgewing 1826 van 1962, soos gewysig deur Goewermentskennisgewing 1525 van 1971 en Goewermentskennisgewing R. 1587 van 1976, word hierby gewysig—

(a) deur paragraaf (1) deur die volgende paragraaf te vervang:

“(1) kragtens paragraaf (b) van artikel 2 (1) van die Wet op Swart Owerhede, 1951 (Wet 68 van 1951), ’n streeksowerheid wat bekend sal staan as die Legogote Nsikazistreeksowerheid in te stel ten opsigte van die gebiede waarvoor die volgende stamowerhede ingestel is:

- (a) Mpakenistamowerheid;
- (b) Gutshwastamowerheid;
- (c) Mbuyanestamowerheid;
- (d) Mdhlulistamowerheid;
- (e) Swazi-Msogwabastamowerheid; en
- (f) Masoyistamowerheid; en”;

(b) deur in paragraaf (2) die woord “vyftien” deur die woord “agtien” te vervang.

(Lêer F55/4/14)

‘DON’T KNOW WHAT THAT IS,’ Like brunette,
‘THAT’S DARK, ISN’T IT?’ Not altogether.
‘Factly, I am brunette, but madam, you should see
The rest of me: Palm of my hand, soles of my feet
Are a peroxide blonde. Friction, caused -
‘Foolishly madam - by sitting down, has turned
My bottom even black - One moment madam!’ - sending
Her receiver rearing on the thunderclap
About my ears - ‘Madam, I pleaded, ‘wouldn’t you
rather

‘HOW DARK?’ ... I had not misheard. ... ‘ARE YOU
Cigarette-holder pipped. Caught I was, foully.
Lipstick coated, long gold-rolled
Pressurized good-breeding. Voice, when it came,
Silence. Silenced transmission of
‘I hate a wasted journey - I am African;
But self-confession. ‘Madam, I warned,
Of premises. Nothing remained
Indifferent. The landlady swore she lived
The price seemed reasonable, location
Telephone Conversation

Homeland

Swaziland - General

1979

March - June - Aug - Nov



Hoe die geld bestee moet word

2. Die geld wat deur hierdie Wet beskikbaar gestel word, moet aangewend word vir die dienste in besonderhede in die Bylae vermeld en meer omstandig uiteengesit in die Begroting van Addisionele Uitgawes, soos aan die KaNgwane- Wetgewende Vergadering voorgelê en deur die KaNgwane- Wetgewende Vergadering goedgekeur, en vir geen ander doel nie.

Hoof-Uitvoerenderaadslid kan afwyking goedkeur

3. Met die goedkeuring van die Hoof-Uitvoerenderaadslid kan 'n besparing onder die een hoofindeling van 'n begrotingspos aangewend word tot dekking van uitgawes hoër as die gemagtigde bedrag onder 'n ander hoofindeling of van uitgawes onder 'n nuwe hoofindeling van dieselfde begrotingspos.

Kort titel

4. Hierdie Wet heet die KaNgwane-wet op die Addisionele Begroting, 1980.

BYLAE

No.	Begrotingspos benaming	Bedrag
		R
1.	Owerheidsake en Finansies.....	30 000
2.	Gemeenskapsake.....	165 800
3.	Werke.....	407 156
4.	Onderwys en Kultuur.....	459 959
5.	Landbou.....	265 600
Totaal.....		<u>R1 328 515</u>

How money to be applied

2. The money appropriated by this Act shall be applied to the services detailed in the Schedule, and more particularly specified in the Estimates of Additional Expenditure, as submitted to and approved by the KaNgwane Legislative Assembly, and to no other purpose.

Chief Executive Councillor may approve variation

3. With the approval of the Chief Executive Councillor a saving on any main division of a vote may be made available to meet excess expenditure on any other main division or expenditure on a new main division of the same vote.

Short title

4. This Act shall be called the KaNgwane Additional Appropriation Act, 1980.

SCHEDULE

No.	Vote designation	Amount
		R
1.	Authority Affairs and Finance.....	30 000
2.	Community Affairs.....	165 800
3.	Works.....	407 156
4.	Education and Culture.....	459 959
5.	Agriculture.....	265 600
Total.....		<u>R1 328 515</u>

EXAMINATION RESULTS IN FACULTY ARTS

YEAR : 1

STU13-9

15016 H.A./LL.B.

STUD NO	SURNAME	FIRST NAMES	COURSE
153982X	SIRACHAN	ANDREW KENNETH	105104
1565290	VISSEK	VIVIEN ELIZABETH	117101
153547Z	WAINÉ	VINGENI CHARLES	004101 102101 107101
156838R	ZACHEAR	SAMINÉ RUTH	004101
157915X	ZACKUN	JEFFREY	102101 107101

* TOTAL NUMBER OF STUDENTS 30

DEAN

1 3 5 7 9 11 13 15 17 19 21 23 25 27 29 31 33 35 37 39 41 43 45 47 49 51 53 55 57 59 61 63 65

No. R. 57, 1979

WYSIGING VAN DIE KANGWANE GRONDWET-
PROKLAMASIE, 1977 (PROKLAMASIE R. 214
VAN 1977)

Kragtens die bevoegdheid my verleen by artikel 2 (3) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), wysig ek hierby die KaNgwane Grondwetproklamasie, 1977 (Proklamasie R. 214 van 1977), met ingang van 1 April 1979, deur die woord "vier" waar dit in artikel 11 (1) voorkom deur die woord "vyf" te vervang.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Een-en-twintigste dag van Maart Eenduisend Negehonderd Nege-en-sewentig.

B. J. VORSTER, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

(Lêer R223/22)

No. R. 58, 1979

INSTELLING VAN DIE KANGWANE EKONO-
MIESE ONTWIKKELINGSKORPORASIE BEPERK

Kragtens die bevoegdheid my verleen by artikel 5 (1) en (3) van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Swart State, 1968 (Wet 46 van 1968), stel ek hierby met ingang van 1 April 1979, ten opsigte van daardie Swart gebiede wat deur die Swazi-volkseenheid bewoon word, 'n ontwikkelingskorporasie in wat bekend sal staan as die KaNgwane Ekonomiese Ontwikkelingskorporasie, Beperk.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Agt-en-twintigste dag van Maart Eenduisend Negehonderd Nege-en-sewentig.

B. J. VORSTER, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

No. R. 57, 1979

AMENDMENT OF THE KANGWANE CONSTI-
TUTION PROCLAMATION, 1977 (PROCLAMA-
TION R. 214 OF 1977)

Under and by virtue of the powers vested in me by section 2 (3) of the Black States Constitution Act, 1971 (Act 21 of 1971), I hereby amend the KaNgwane Constitution Proclamation, 1977 (Proclamation R. 214 of 1977), with effect from 1 April 1979, by the substitution for the word "four" where it appears in section 11 (1) of the word "five".

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-first day of March, One thousand Nine hundred and Seventy-nine.

B. J. VORSTER, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

(File R223/22)

No. R. 58, 1979

ESTABLISHMENT OF THE KANGWANE ECO-
NOMIC DEVELOPMENT CORPORATION LIM-
ITED

Under the powers vested in me by section 5 (1) and (3) of the Promotion of the Economic Development of Black States Act, 1968 (Act 46 of 1968), I hereby establish with effect from 1 April 1979, in respect of those Black areas occupied by the Swazi national unit, a development corporation to be known as the KaNgwane Economic Development Corporation, Limited.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-eighth day of March, One thousand Nine hundred and Seventy-nine.

B. J. VORSTER, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

**DEPARTEMENT VAN SAMEWERKING EN
ONTWIKKELING**

No. R. 651

28 Maart 1980

**KANGWANE- WETGEWENDE VERGADERING
WET 1 VAN 1980**

(ADDISIONELE BEGROTINGSWET)

Dit het die Staatspresident behaag om kragtens die bevoegdheid hom verleen by artikel 3 (2) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), sy goedkeuring te heg aan onderstaande Wet:

WET

Tot aanwending van 'n verdere som geld vir die dienste van die gebied van die KaNgwane- Wetgewende Vergadering vir die boekjaar wat op die 31ste dag van Maart 1980 eindig.

Daar word deur die KaNgwane- Wetgewende Vergadering verorden.

Inkomstefonds belas met somme geld soos uiteengesit in die Bylae

1. Die Inkomstefonds van die gebied van die KaNgwane- Wetgewende Vergadering word hierby belas met die somme geld wat nodig is vir die dienste van genoemde gebied vir die boekjaar wat op die 31ste dag van Maart 1980 eindig, soos uiteengesit in die Bylae, benewens die somme waarmee bedoelde Fonds deur die KaNgwane-wet op die Begroting, 1979 (Wet 2 van 1979), belas is.

**DEPARTMENT OF CO-OPERATION AND
DEVELOPMENT**

G 6 6 2 9 6

No. R. 651

28 March 1980

**KANGWANE LEGISLATIVE ASSEMBLY
ACT 1 OF 1980**

(APPROPRIATION ACT)

The State President has been pleased, under and by virtue of the powers vested in him by section 3 (2) of the Black States Constitution Act, 1971 (Act 21 of 1971), to approve the following Act:

ACT

To apply a further sum of money towards the services of the area of the KaNgwane Legislative Assembly for the financial year ending on the 31st day of March 1980

Be it enacted by the KaNgwane Legislative Assembly.

Revenue Fund charged with sums of money as shown in the Schedule

1. The Revenue Fund of the area of the KaNgwane Legislative Assembly is hereby charged with such sums of money as may be required for the services of the said area for the financial year ending on the 31st day of March 1980, as shown in the Schedule, in addition to the sums with which that Fund has been charged by the KaNgwane Appropriation Act, 1979 (Act 2 of 1979).

KANGWANE- WETGEWENDE VERGADERING
WET 1 VAN 1979

(ADDISIONELE BEGROTINGSWET)

Dit het die Staatspresident behaag om kragtens die bevoegdheid hom verleen by artikel 3 (2) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), sy goedkeuring te heg aan onderstaande Wet:

WET

Tot aanwending van 'n verdere som geld vir die dienste van die gebied van die KaNgwane- Wetgewende Vergadering vir die boekjaar wat op die een-en-dertigste dag van Maart 1979 eindig.

KANGWANE LEGISLATIVE ASSEMBLY
ACT 1 OF 1979

(ADDITIONAL APPROPRIATION ACT)

The State President has been pleased, under and by virtue of the powers vested in him by section 3 (2) of the Black States Constitution Act, 1971 (Act 21 of 1971), to approve the following Act:

ACT

To apply a further sum of money towards the Services of the Area of the KaNgwane Legislative Assembly for the financial year ending on the thirty-first day of March, 1979.

GG 6379

Daar word deur die KaNgwane- Wetgewende Vergadering verorden:

Inkomstefonds belas met somme geld soos uiteengesit in die Bylae

1. Die Inkomstefonds van die gebied van die KaNgwane- Wetgewende Vergadering word hierby belas met die somme geld wat nodig is vir die dienste van genoemde gebied vir die boekjaar wat op die een-en-dertigste dag van Maart 1979 eindig, soos uiteengesit in die Bylae, benewens die somme waarmee bedoelde Fonds deur die KaNgwane-wet op die Begroting, 1978 (Wet 1 van 1978), belas is.

Hoe die geld bestee moet word

2. Die geld wat deur hierdie Wet beskikbaar gestel word, moet aangewend word vir die dienste in besonderhede in die Bylae vermeld en meer omstandig uiteengesit in die Begroting van Addisionele Uitgawes, soos aan die KaNgwane- Wetgewende Vergadering voorgelê en deur die KaNgwane- Wetgewende Vergadering goedgekeur, en vir geen ander doel nie.

Hoof-Uitvoerenderaadslid kan afwyking goedkeur

3. Met die goedkeuring van die Hoof-Uitvoerenderaadslid kan 'n besparing onder die een hoofindeling van 'n begrotingspos aangewend word tot dekking van uitgawes bo die gemagtigde bedrag onder 'n ander hoofindeling of van uitgawes onder 'n nuwe hoofindeling van dieselfde begrotingspos.

Kort titel

4. Hierdie Wet heet die KaNgwane-wet op die Addisionele Begroting, 1979.

BYLAE

No.	Begrotingspos Benaming	Bedrag
2	Gemeenskapsake en Justisie.....	R 385 240
3	Werke.....	1 110 110
4	Onderwys en Kultuur.....	255 060
	Totaal.....R	1 750 410

Be it enacted by the KaNgwane Legislative Assembly:

Revenue Fund charged with sums of money as shown in the Schedule

1. The Revenue Fund of the area of the KaNgwane Legislative Assembly is hereby charged with such sums of money as may be required for the services of the said area for the financial year ending on the thirty-first day of March, 1979, as shown in the Schedule, in addition to the sums with which that Fund has been charged by the KaNgwane Appropriation Act, 1978 (Act 1 of 1978).

How money to be applied

2. The money appropriated by this Act shall be applied to the services detailed in the Schedule, and more particularly specified in the Estimates of Additional Expenditure, as submitted to and approved by the KaNgwane Legislative Assembly, and to no other purpose.

Chief Executive Councillor may approve variation

3. With the approval of the Chief Executive Councillor a saving on any main division of a vote may be made available to meet excess expenditure on any other main division or expenditure on a new main division of the same vote.

Short title

4. This Act shall be called the KaNgwane Additional Appropriation Act, 1979.

SCHEDULE

No.	Vote Designation	Amount
2	Community Affairs and Justice.....	R 385 240
3	Works.....	1 110 110
4	Education and Culture.....	255 060
	Total.....R	1 750 410

Control settlement, Vosloo urges

119
RD 4th
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KANYAMAZANE. — Although the Kangwane government had taken its first step along the road to constitutional development with limited funds because of adverse economic conditions, it had succeeded in maintaining existing services, the Deputy Minister of Plural Relations and Development, Dr Willie Vosloo, said in Kanyamazane yesterday.

Opening the second session of the second Kangwane Legislative Assembly, Dr Vosloo said the homeland had also managed to establish additional services for the Swazis, who had continued to migrate to the territory in large numbers.

"The Swazi people, who are clearly experiencing a national awakening, are still flocking to the territory in their thousands," he said.

"Although one has great appreciation of the fact that people want to come and settle in their national home, it is necessary to sound a warning that chiefs should not allow settlement to take place in an unregulated way."

Because it had not been possible to foresee that people would move to the territory in such numbers, services became inadequate and the highest degree of administrative skill was needed to prevent a collapse.

Dr Vosloo said work was already in progress on the drafting of a national plan for Kangwane.

"This will undoubtedly help attract new entrepreneurs to the territory and encourage the establishment of smaller industries needed to promote productivity and create a national income."

Dr Vosloo reported progress in agriculture "despite a critical shortage of experienced staff".

And by the end of last year, more than 74 000 pupils had been enrolled at schools — an increase of 22% on the previous year. — Sapa.

KANGWANE LEGISLATIVE ASSEMBLY

ACT 2 OF 1979
(APPROPRIATION ACT)

119

The State President has been pleased, under and by virtue of the powers vested in him by section 3 (2) of the Black States Constitution Act, 1971 (Act 21 of 1971), to approve the following Act.

ACT

To apply a sum of money towards the services of the area of the KaNgwane Legislative Assembly for the financial year ending on the 31st day of March 1980

Be it enacted by the KaNgwane Legislative Assembly.

Revenue Fund charged with sums of money as shown in column 1 of Schedule

1. The Revenue Fund of the area of the KaNgwane Legislative Assembly is hereby charged with such sums of money as may be required for the services of the said area for the financial year ending on the 31st day of March 1980 as shown in column 1 of the Schedule.

How money to be applied

2. The money appropriated by this Act shall be applied to the services detailed in the Schedule, and more particularly specified in the Estimates of Expenditure, as submitted to and approved by the KaNgwane Legislative Assembly, and to no other purpose.

Chief Executive may approve variation

3. With the approval of the Chief Executive Councillor, a saving on any main division of a vote may be made available to meet excess expenditure on any other main division or expenditure on a new main division of the same vote: Provided that the sums appearing in column 2 of the Schedule shall not be exceeded any savings thereon may with the approval of the Chief Executive Councillor, be made available to defray other expenditure for which insufficient provision was made under that vote.

Chief Executive Councillor may authorise excess of amounts appearing in column 2 of Schedule

4. Notwithstanding the provisions of section 3, the Chief Executive Councillor may grant approval that money in the Revenue Fund be made available during the financial year to defray expenditure in connection with an anticipated excess of amounts appearing in column 2 of the Schedule: Provided that the amount thus exceeded shall be submitted to the Legislative Assembly for appropriation at its next ensuing session.

Short title

5. This Act shall be called the KaNgwane Appropriation Act, 1979.

SCHEDULE

No.	Vote Designation	Column 1	Column 2
		R	R
1	Authority Affairs and Finance..	288 821	—
2	Community Affairs.....	3 177 065	—
3	Works.....	4 465 765	—
4	Education and Culture.....	5 709 765	—
5	Agriculture.....	2 329 765	—
6	Justice.....	200 465	—
	Total.....R	16 171 646	—

KANGWANE- WETGEWENDE VERGADERING

WET 2 VAN 1979
(BEGROTINGSWET)

Dit het die Staatspresident behaag om kragtens die bevoegdheid hom verleen by artikel 3 (2) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), sy goedkeuring te heg aan onderstaande Wet.

WET

Tot aanwending van 'n som geld vir die dienste van die gebied van die KaNgwane- Wetgewende Vergadering vir die boekjaar wat op die 31ste dag van Maart 1980 eindig

Daar word deur die KaNgwane- Wetgewende Vergadering verorden;

Inkomstefonds belas met somme geld soos uiteengesit in kolom 1 van die Bylae

1. Die Inkomstefonds van die gebied van die KaNgwane- Wetgewende Vergadering word hierby belas met die somme geld wat nodig is vir die dienste van genoemde gebied vir die boekjaar wat op die 31ste dag van Maart 1980 eindig, soos uiteengesit in kolom 1 van die Bylae.

Hoe die geld bestee moet word

2. Die geld wat deur hierdie Wet beskikbaar gestel word, moet aangewend word vir die dienste in besonderhede in die Bylae vermeld en meer omstandig uiteengesit in die Begroting van Uitgawes, soos aan die KaNgwane- Wetgewende Vergadering voorgelê en deur die KaNgwane- Wetgewende Vergadering goedgekeur, en vir geen ander doel nie.

Hoof-Uitvoerenderaadslid kan afwyking goedkeur

3. Met die goedkeuring van die Hoof-Uitvoerenderaadslid kan 'n besparing onder die een hoofindeling van 'n begrotingspos aangewend word tot dekking van uitgawes bo die gemagtigde bedrag onder 'n ander hoofindeling of van uitgawes onder 'n nuwe hoofindeling van dieselfde begrotingspos: Met dien verstande dat die somme wat in kolom 2 van die Bylae voorkom nie oorskry mag word nie en besparing daarop met die goedkeuring van die Hoof-Uitvoerenderaadslid, aangewend kan word ter bestryding van ander uitgawes waarvoor 'n onvoldoende bewilliging onder daardie begrotingspos gemaak is.

Hoof-Uitvoerenderaadslid kan oorskryding van bedrae soos uiteengesit in kolom 2 van die Bylae goedkeur

4. Ondanks die bepalinge van artikel 3 kan die Hoof-Uitvoerenderaadslid magtiging verleen dat geld in die Inkomstefonds gedurende die boekjaar aangewend word ter bestryding van uitgawes in verband met 'n verwagte oorskryding van bedrae wat in kolom 2 van die Bylae voorkom: Met dien verstande dat die bedrag aldus oorskry aan die Wetgewende Vergadering vir bewilliging tydens sy eersvolgende sitting voorgelê word.

Kort titel

5. Hierdie Wet heet die KaNgwane-wet op die Begroting, 1979.

BYLAE

No.	Begrotingspos Benaming	Kolom 1	Kolom 2
		R	R
1	Owerheidsake en Finansies.....	288 821	—
2	Gemeenskapsake.....	3 177 065	—
3	Werke.....	4 465 765	—
4	Onderwys en Kultuur.....	5 709 765	—
5	Landbou.....	2 329 765	—
6	Justisie.....	200 465	—
	Totaal.....R	16 171 646	—

DEPARTEMENT VAN SAMEWERKING EN
ONTWIKKELING

No. R. 1674

3 Augustus 1979

REGULASIES.—KANGWANE EKONOMIESE
ONTWIKKELINGSKORPORASIE BEPERK

Kragtens die bevoegdheid my verleen by artikel 26 van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Swart State, 1968 (Wet 46 van 1968), vaardig ek, Pieter Gerhardus Jacobus Koornhof, Minister van Samewerking en Ontwikkeling, hierby die regulasies vervat in die Bylae hiervan uit ten opsigte van die KaNgwane Ekonomiese Ontwikkelingskorporasie Beperk, ingestel by Proklamasie R. 58 van 1979.

P. G. J. KOORNHOF, Minister van Samewerking en Ontwikkeling.

BYLAE

Woordomskrywing

1. In hierdie regulasies, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Swart State, 1968 (Wet 46 van 1968), geheg is, die betekenis aldus daaraan geheg, en beteken—

“direkteur” ’n direkteur van die Korporasie ingevolge artikel 9 van die Wet aangestel;

DEPARTMENT OF CO-OPERATION AND
DEVELOPMENT

119

No. R. 1674

3 August 1979

REGULATIONS.—KANGWANE ECONOMIC
DEVELOPMENT CORPORATION LIMITED

Under and by virtue of the powers vested in me by section 26 of the Promotion of the Economic Development of Black States Act, 1968 (Act 46 of 1968), I, Pieter Gerhardus Jacobus Koornhof, Minister of Co-operation and Development, hereby make the regulations contained in the Schedule hereto in respect of the KaNgwane Economic Development Corporation Limited, established by Proclamation R. 58 of 1979.

P. G. J. KOORNHOF, Minister of Co-operation and Development.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Promotion of the Economic Development of Black States Act, 1968 (Act 46 of 1968), shall bear the meaning so assigned thereto, and—

“Act” means the Promotion of the Economic Development of Black States Act, 1968 (Act 46 of 1968);

GG 6608

"Korporasie" die KaNgwane Ekonomiese Ontwikkelingskorporasie Beperk, wat by Proklamasie R. 58 van 1979 ingestel is;

"ouditeur" die persoon wat ingevolge artikel 21 (2) van die Wet benoem is om die rekeninge van die Korporasie te ouditeer;

"Raad" die raad van direkteure van die Korporasie ingevolge artikel 9 van die Wet aangestel;

"sekretaris" die persoon deur die Raad aangestel om die pligte van sekretaris te vervul;

"Wet" die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Swart State, 1968 (Wet 46 van 1968).

Hoofkantoor

2. Die hoofkantoor van die Korporasie is in Witrivier geleë tot tyd en wyl die Minister na oorleg met die Korporasie anders bepaal.

Boekjaar

3. Die boekjaar van die Korporasie eindig op 31 Maart van elke jaar.

Aangeleenthede wat aan die Trustee vir beslissing voorgelê moet word

4. Die Raad lê die volgende aan die Trustee vir sy beslissing voor:

(a) Enige aangeleentheid waarvoor die Trustee moet beslis of wat hy moet goedkeur of bepaal, ingevolge die Wet;

(b) enige aangeleentheid wat die Raad aan die Trustee moet voorlê indien die Trustee dit ingevolge artikel 24 van die Wet vereis;

(c) enige aangeleentheid wat uit die toepassing van die Wet of hierdie regulasies of die uitoefening, deur die Raad, van sy bevoegdheede of die vervulling van sy pligte voortspruit en waarvan voorlegging aan die Trustee dienstig geag word.

Prosedure wat gevolg moet word om Trustee se beslissing te verkry

5. Enige aangeleentheid wat ingevolge regulasie 4 van die Trustee voorgelê word—

(a) moet aan die Minister voorgelê word, tensy die Minister anders bepaal;

(b) moet skriftelik voorgelê word;

(c) moet, indien dit nie 'n afskrif is nie van 'n besluit van die Raad of 'n uittreksel uit die notule van 'n vergadering van die Raad, behoorlik deur die voorsitter en die sekretaris gesertifiseer, vergesel gaan van 'n besluit van die Raad wat as sodanig gesertifiseer moet wees en wat 'n aanbeveling deur of die sienswyse van die Raad moet bevat; en

(d) moet, indien 'n direkteur dit verlang, vergesel gaan van 'n afsonderlike verslag deur sodanige direkteur: Met dien verstande dat die Minister kan gelas dat enige bepaalde aangeleentheid voorgelê moet word op 'n ander wyse wat hy goed ag.

Voorwaardes verbonde aan amp van direkteur

6. Die ampstermyn van die direkteure en van die voorsitter van die Raad en die besoldiging van 'n direkteur is soos deur die Trustee ingevolge artikel 13 van die Wet bepaal.

7. 'n Direkteur ontvang, volgens 'n grondslag deur die Raad bepaal, vergoeding vir alle reis- en ander koste noodsaaklikerwys aangegaan in verband met die sake van die Korporasie en die bywoning van vergaderings van die Raad.

"auditor" means the person appointed in terms of section 21 (2) of the Act to audit the accounts of the Corporation;

"Board" means the board of directors of the Corporation, appointed in terms of section 9 of the Act;

"Corporation" means the KaNgwane Economic Development Corporation Limited, established by Proclamation R. 58 of 1979;

"director" means a director of the Corporation, appointed in terms of section 9 of the Act;

"secretary" means the person appointed by the Board to perform the duties of secretary.

Head office

2. The head office of the Corporation shall be situated in Witrivier until such time as the Minister after consultation with the Corporation determines otherwise.

Financial year

3. The financial year of the Corporation shall end on 31 March of each year.

Matters to be submitted to the Trustee for decision

4. The Board shall submit to the Trustee for decision—

(a) any matter which the Trustee is required in terms of the Act to decide upon, approve or determine;

(b) any matter which the Trustee may in terms of section 24 of the Act require the Board to submit to him;

(c) any matter arising from the operation of the Act or these regulations or the exercise by the Board of its powers or the performance of its duties which it is deemed expedient to submit to the Trustee.

Procedure to be followed to obtain the Trustee's decision

5. Any matter submitted to the Trustee in terms of regulation 4—

(a) shall be submitted to the Minister, unless the Minister determines otherwise;

(b) shall be in writing;

(c) shall, if it is not a copy of a resolution by the Board or an extract from the minutes of a meeting of the Board, duly certified by the chairman and the secretary, be accompanied by a resolution of the Board which shall be certified as such and which shall contain a recommendation by or the views of the Board; and

(d) shall, if any director so desires, be accompanied by a separate report by such director: Provided that the Minister may direct that any particular matter shall be submitted in such other manner as he may deem fit.

Conditions attaching to office of director

6. The period of office of the directors and of the chairman of the Board and the remuneration of a director shall be as determined by the Trustee in terms of section 13 of the Act.

7. A director shall be compensated on a basis as determined by the Board for all travelling and other expenses necessarily incurred in connection with the business of the Corporation and attendance at meetings of the Board.

7A. (1) Geen direkteur mag sonder die voorafverkreë goedkeuring van die Raad regstreeks of onregstreeks betrokke raak by 'n kontrak met die Korporasie, deel hê in die winste of verliese van enige kontrak met die Korporasie of op enige ander wyse 'n geldelike belang in die sake van die Korporasie verkry nie.

(2) Indien 'n direkteur se eggenote, sy vennoot, die vennoot van sy eggenote, sy werkgewer (behalwe die Regering van KaNgwane of die Staat) of die werkgewer van sy eggenote (behalwe die Regering van KaNgwane of die Staat) regstreeks of onregstreeks betrokke raak by 'n kontrak met die Korporasie, deel het in die winste of verliese van enige kontrak met die Korporasie of op enige ander wyse 'n geldelike belang verkry in die sake van die Korporasie, moet sodanige direkteur die aard en omvang van sodanige belang aan die Raad bekend maak.

8. Die amp van 'n direkteur word geag ontruim te wees—

(a) by die afsterwe van sodanige direkteur; of

(b) by verstryking van sy ampstermyn; of

(c) wanneer die Raad sy bedanking as direkteur ontvang, mits hy 30 dae skriftelike kennis aan die Raad gegee het van sy voorneme om te bedank en verder mits die Raad sodanige bedanking aanvaar; of

(d) indien hy vir 'n tydperk van ses agtereenvolgende maande versuim, sonder dat die Raad afwesighedsverlof toegestaan het, om die vergaderings van die Raad by te woon tensy hy in verband met die sake van die Korporasie afwesig is; of

(e) indien hy onderworpe is aan 'n hofbevel wat hom kranksinnig of geestesongesteld verklaar, of indien hy wettiglik kragtens die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), as geestesongesteld aangehou word; of

(f) indien hy deur 'n bevoegde hof insolvent verklaar word of van sy boedel afstand doen ten voordele van of 'n akkoord tref met sy krediteure; of

(g) indien hy versuim om te voldoen aan die bepalinge van regulasie 7A.

Bevoegdhede en pligte van direkteure

9. Die Raad is bevoeg om op 'n behoorlik gekonstitueerde vergadering, waarop 'n kworum teenwoordig is, al die of enige van die bevoegdhede en pligte ingevolge die Wet of hierdie regulasies uit te oefen en te vervul wat, of waarvan die uitoefening en vervulling, asdan by die Korporasie berus.

10. 'n Skriftelike besluit, deur al die direkteure onderteken, het dieselfde regs krag en geldigheid as 'n besluit geneem op 'n behoorlik belegde en gekonstitueerde vergadering van die Raad.

11. (1) Die Raad kan met die Ekonomiese Ontwikkelingskorporasie Beperk, ooreenkom dat voormelde korporasie amptenare en werknemers aan die Korporasie beskikbaar stel op die voorwaardes wat op personeel van die Ekonomiese Ontwikkelingskorporasie Beperk, van toepassing is.

(2) Die Raad kan van tyd tot tyd enige amptenaar of werknemer van die Korporasie of enige amptenaar of werknemer wat ingevolge subregulasie (1) aan die Korporasie beskikbaar gestel is, belas of beklee met pligte of bevoegdhede waarvan die vervulling of uitoefening na die Raad se mening wenslik of noodsaaklik is vir 'n bepaalde oogmerk of doel, en wel op die bedinge en voorwaardes en met die beperkings of voorbehoude wat die Raad dienstig ag, en kan al of enige van sodanige pligte of bevoegdhede uitbrei, verander of herroep.

7A. (1) No director may, directly or indirectly, become involved in any contract with the Corporation or share in the profits or losses of any contract with the Corporation or in any other manner obtain a financial interest in the business of the Corporation without the prior approval of the Board.

(2) If the spouse of a director, his partner, the partner of his spouse, his employer (except the Government of KaNgwane or the State) or the employer of his spouse (except the Government of KaNgwane or the State) directly or indirectly becomes involved in any contract with the Corporation or shares in the profits or losses of any contract with the Corporation or in any other manner obtains a financial interest in the business of the Corporation, such director shall disclose to the Board the nature and extent of such interest.

8. The office of a director shall be deemed to have been vacated—

(a) upon the death of such director; or

(b) upon the expiration of his period of office; or

(c) upon receipt by the Board of his resignation as a director, provided that he shall have given 30 days' notice, in writing, to the Board of his intention to resign and provided further that such resignation is accepted by the Board; or

(d) if for a period of six consecutive months he fails, without leave of absence having been granted by the Board, to attend the meetings of the Board unless he is absent in connection with the business of the Corporation; or

(e) if he is subject to an order of court declaring him to be of unsound mind or mentally ill or is lawfully detained as mentally ill under the Mental Health Act, 1973 (Act 18 of 1973); or

(f) if he is declared insolvent by a competent court of law or assigns his estate for the benefit of or compounds with his creditors; or

(g) if he fails to comply with the provisions of regulation 7A.

Powers and duties of directors

9. It shall be competent for the Board at a duly constituted meeting, at which a quorum is present, to exercise and perform all or any of the powers and duties under the Act or these regulations which for the time being are vested in or may be exercised or performed by the Corporation.

10. A resolution, in writing, signed by all the directors, shall have the same force and effect as a resolution adopted at a duly convened and constituted meeting of the Board.

11. (1) The Board may enter into an agreement with the Corporation for Economic Development, Limited, that the said corporation make available officers and employees to the Corporation on the conditions which apply to personnel of the Corporation for Economic Development, Limited.

(2) The Board may from time to time entrust to or confer upon any officer or employee of the Corporation or any officer or employee made available to the Corporation in terms of subregulation (1) such duties or powers as the Board may deem desirable or necessary to be exercised or performed for any particular object or purpose and upon such terms and conditions and with such restrictions or reservations as the Board may deem expedient, and may add to, vary or revoke all or any of such powers or duties.

12. (1) Die Raad kan na goedvinde 'n komitee aanstel wat bestaan uit sodanige direkteur of direkteure as wat hy aanwys, om namens die Korporasie die bevoegdhede uit te oefen of die pligte te vervul wat die Raad wenslik of dienstig ag.

(2) 'n Komitee wat ingevolge subregulasie (1) aangestel is, moet in die uitoefening van sy bevoegdhede of die vervulling van sy pligte die reëls, bedinge en voorwaardes wat die Raad van tyd tot tyd mag bepaal, nakom en hom daaraan hou en moet sy handelinge en verrigtinge notuleer op dieselfde wyse as wat van die Raad vereis word.

Kworum en prosedure op vergaderings van die Raad

13. Die vereiste kworum vir die verrigting van die sake van die Raad is 'n meerderheid van die dienende direkteure.

14. Sover doenlik word vergaderings van die Raad elke maand gehou, maar minstens ses vergaderings per jaar moet gehou word: Met dien verstande dat die voorsitter te eniger tyd op versoek van 'n direkteur 'n vergadering van die Raad moet belê.

15. Die voorsitter bepaal die tyd en plek vir die vergaderings en kan die Raad na goeëdunke vir die afhandeling van sake byeen roep, die vergaderings verdaag en andersins reël.

16. Minstens 10 dae kennis van die datum, tyd en plek van 'n vergadering van die Raad moet aan elke direkteur of plaasvervangende direkteur, na gelang van die geval, gegee word en sodanige kennisgewing moet beteken word op die wyse in regulasie 28 bepaal: Met dien verstande dat die voorsitter magtiging kan verleen tot kennisgewing van 'n korter tydperk wat hy mag vasstel ten opsigte van 'n vergadering wat hy as dringend beskou.

17. Die voorsitter neem die voorsitterstoel op alle vergaderings van die Raad in: Met dien verstande dat as die voorsitter op die datum en plek wat vir 'n vergadering bepaal is binne 10 minute na die vasgestelde tyd vir die aanvang van daardie vergadering nie teenwoordig is nie, die teenwoordigende direkteure een uit hulle geledere kan kies om vir daardie vergadering as voorsitter op te tree.

18. (1) Geen besluit van die Raad is bindend nie tensy dit by meerderheid van stemme aangeneem is.

(2) In die geval van 'n staking van stemme het die voorsitter 'n tweede of beslissende stem.

Hou van registers, rekords en rekeningboeke

19. Die Korporasie moet op sy hoofkantoor 'n register hou van direkteure en plaasvervangende direkteure, as daar is, waarin die volgende besonderhede ten opsigte van elke direkteur of plaasvervangende direkteur opgeteken moet word:

- (a) Sy volle naam;
- (b) die datum van sy aanstelling en die tydperk waarvoor hy aangestel is;
- (c) sy woon- en besigheidsadres waarvan die direkteur of plaasvervangende direkteur een as sy geregi-streerde adres moet aandui vir die betekening van kennisgewings ingevolge regulasie 28;
- (d) sy beroep;
- (e) ten opsigte van 'n plaasvervangende direkteur, die naam van die direkteur in wie se plek hy as direkteur optree; en
- (f) die datum waarop hy ophou om sy amp te beklee.

20. Elke direkteur wat op 'n vergadering van die Raad teenwoordig is, moet sy naam teken in 'n boek wat vir dié doel gehou word.

12. (1) The Board may, in its discretion, appoint a committee consisting of such director or directors as it may designate to exercise such powers or perform such duties on behalf of the Corporation as the Board may deem desirable or expedient.

(2) Any committee appointed in terms of subregulation (1) shall in the exercise of its powers or the performance of its duties conform and adhere to such rules, terms and conditions as the Board may from time to time determine and shall record its acts and proceedings in the same manner as is required of the Board.

Quorum and procedure at meetings of the Board

13. The quorum required for the transaction of the business of the Board shall be a majority of the serving directors.

14. As far as practicable meetings of the Board shall be held monthly, but not fewer than six meetings a year shall be held: Provided that the chairman shall at the request of any director at any time convene a meeting of the Board.

15. The chairman shall appoint the time and place of the meetings and may convene the Board for the dispatch of business, adjourn and otherwise regulate the meetings as he may deem fit.

16. At least 10 days' notice of the date, time and place of a meeting of the Board shall be given to each director or alternate director, as the case may be, and such notice shall be served in the manner provided for in regulation 28: Provided that the chairman may authorise a notice of such shorter period as he may determine in respect of a meeting deemed by him to be urgent.

17. The chairman shall preside at all meetings of the Board: Provided that if on the date and at the place appointed for a meeting the chairman is not present within 10 minutes after the time appointed for the commencement of that meeting, the directors then present may elect one of their number to act as chairman for that meeting.

18. (1) No resolution of the Board shall be binding unless it has been passed by a majority of votes.

(2) In the case of an equality of votes the chairman shall have a second or casting vote.

Keeping of registers, records and books of account

19. The Corporation shall keep, at its head office, a register of directors and alternate directors, if any, in which shall be recorded the following particulars in respect of each director or alternate director:

- (a) His full name;
- (b) the date of his appointment and the period for which he was appointed;
- (c) his residential and business addresses, one of which shall be indicated by such director or alternate director as his registered address for the purpose of the service of notices in terms of regulation 28;
- (d) his occupation;
- (e) in respect of an alternate director, the name of the director in whose place he acts as director; and
- (f) the date upon which he ceased to hold office.

20. Every director present at any meeting of the Board shall sign his name in a book which shall be kept for this purpose.

21. Die Raad moet skriftelike rekords laat hou in geskikte registers waarin die volgende besonderhede opgeteken moet word:

(a) Die name van direkteure teenwoordig op elke vergadering van die Raad en van elke komitee ingevolge regulasie 12 aangestel;

(b) alle aanstellings van amptenare en werknemers deur die Raad gedoen;

(c) alle opdragte of voorskrifte deur die Raad uitgereik; en

(d) alle besluite en verrigtinge op vergaderings van die Raad en komitees ingevolge regulasie 12 aangestel.

22. (1) Die Raad moet sodanige rekeningboeke laat hou as wat nodig is om 'n ware en juiste weergawe te bied van—

(a) die stand van sake, die transaksies en finansiële toestand van die Korporasie;

(b) die gelde ontvang en bestee deur die Korporasie; en

(c) die bates, kredits en laste van die Korporasie.

(2) Die boeke in subregulasie (1) genoem, moet in die hoofkantoor van die Korporasie gehou word en wel op 'n plek of plekke wat die Raad goed ag en lê ter insae vir die Minister of enige persoon behoorlik deur hom of deur die Raad daartoe gemagtig.

(3) Die Korporasie moet na oorlegpleging met die ouditeur voorskrifte uitreik oor die invordering, ontvangs, bank, bewaring, uitbetaling, versorging en beheer van gelde en oor die verkryging, bewaring, vervreemding en beheer van eiendom.

Amptelike seël en die gebruik daarvan

23. Daar moet 'n amptelike seël van die Korporasie wees waarop sy naam in leesbare letters in die amptelike tale van KaNgwane gegraveer moet wees.

24. Die gebruik van die amptelike seël is onderworpe aan die volgende voorskrifte:

(a) Dit mag nie op 'n dokument aangebring word nie tensy magtiging by besluit van die Raad daartoe verleen is;

(b) dit mag nie aldus aangebring word nie tensy dit geskied in teenwoordigheid van twee direkteure en die sekretaris of 'n ander persoon wat die Raad in sodanige besluit daartoe magtig;

(c) genoemde twee direkteure en die sekretaris of sodanige ander persoon moet, in mekaar se teenwoordigheid, elke dokument onderteken waarop die amptelike seël aldus aangebring word.

25. Elke dokument waarop die amptelike seël ooreenkomstig hierdie regulasies aangebring is, is bindend vir die Korporasie.

26. Die Raad moet behoorlike voorsiening maak vir die veilige bewaring van die amptelike seël.

Voorlegging aan die Trustee van balansstaat, staat van inkomste en uitgawe en verslag deur die Raad

27. Die balansstaat, staat van inkomste en uitgawe en die verslag deur die Raad wat ingevolge artikel 22 van die Wet aan die Trustee voorgelê moet word, moet deur twee direkteure en die sekretaris onderteken wees.

Betekening van kennisgewings

28. 'n Kennisgewing van die Korporasie of die Raad aan 'n direkteur, plaasvervangende direkteur of enige ander persoon moet deur die voorsitter of die sekretaris beteken word—

(a) deur hom persoonlik van die teks van die kennisgewing te verwittig; of

21. The Board shall cause written records to be kept in suitable registers in which the following particulars shall be recorded:

(a) The names of directors present at each meeting of the Board and of each committee appointed in terms of regulation 12;

(b) all appointments of officers and employees made by the Board;

(c) all directions or instructions given by the Board; and

(d) all resolutions and proceedings at meetings of the Board and committees appointed in terms of regulation 12.

22. (1) The Board shall cause such books of account to be kept as are necessary to give a true and correct record of—

(a) the state of affairs, the transactions and the financial position of the Corporation;

(b) the moneys received and expended by the Corporation; and

(c) the assets, credits and liabilities of the Corporation.

(2) The books referred to in subregulation (1) shall be kept in the head office of the Corporation and at such place or places as the Board may deem fit and shall be open for inspection by the Minister or any person duly authorised by him or by the Board.

(3) The Board shall after consultation with the auditor issue instructions in respect of the collection, receipt, banking, custody, payment, maintenance and control of moneys and of the acquisition, custody, disposal and control of property.

Official seal and the use thereof

23. There shall be an official seal of the Corporation upon which its name shall be engraved in legible characters in the official languages of KaNgwane.

24. The use of the official seal shall be subject to the following requirements:

(a) It shall not be affixed to any document except on the authority of a resolution of the Board;

(b) it shall not be so affixed except in the presence of two directors and the secretary or such other person as the Board may authorise thereto in such resolution;

(c) the said two directors and the secretary or such other person shall, in the presence of one another, sign every document to which the official seal is so affixed.

25. Every document to which the official seal has been affixed in terms of these regulations shall be binding on the Corporation.

26. The Board shall make suitable provision for the safekeeping of the official seal.

Submission to the Trustee of balance sheet, statement of income and expenditure and report by the Board

27. The balance sheet, statement of income and expenditure and the report by the Board submitted to the Trustee in terms of section 22 of the Act shall be signed by two directors and the secretary.

Service of notices

28. A notice of the Corporation or the Board to a director, alternate director or any other person shall be served by the chairman or the secretary—

(a) by informing him personally of the text of the notice; or

(b) deur die kennisgewing aan hom persoonlik te oorhandig; of

(c) deur 'n geregistreerde brief, met die kennisgewing daarin, behoorlik te adresseer en te frankeer en te pos aan—

(i) die direkteur of plaasvervangende direkteur by die geregistreerde adres deur hom vir dié doel ingevolge regulasie 19 (c) aangedui; en

(ii) enge ander persoon by sy jongsbekende adres.

29. 'n Kennisgewing wat per pos ooreenkomstig regulasie 28 (c) beteken word, word geag beteken te gewees het op die tydstip waarop die brief in die gewone loop van posaflewering afgelewer sou word.

Oorlegpleging met Regering van KaNgwane

30. Die Korporasie kan ten opsigte van die uitoefening van sy funksies in die gebied waarvoor hy ingestel is met die Regering van KaNgwane oorleg pleeg indien hy dit binne die bestek van sy werksaamhede nodig ag.

Tussentydse reëlings

31. Ondanks die bepalings van hierdie regulasies, kan die Minister die stappe doen wat hy nodig ag ten einde die eerste vergadering van die Raad te belê.

(b) by handing the notice to him personally; or
(c) by posting a registered letter, containing the notice and properly addressed and franked, to—

(i) the director or alternate director at the registered address indicated by him for this purpose in terms of regulation 19 (c); and

(ii) any other person at his last known address.

29. A notice served by post in terms of regulation 28 (c) shall be deemed to have been served at the time at which the letter would be delivered in the normal course of mail delivery.

Consultation with Government of KaNgwane

30. The Corporation may in respect of the execution of its functions in the area for which it was established consult with the Government of KaNgwane if it deems it necessary within the scope of its operations.

Interim arrangements

31. Notwithstanding the provisions of these regulations, the Minister may take such steps as he may deem necessary to convene the first meeting of the Board.

DEPARTEMENT VAN SAMEWERKING EN
ONTWIKKELING

No. 1765

17 Augustus 1979

KANGWANE-WET OP ONTWIKKELINGS-
BELASTING, 1979 (WET 4 VAN 1979)

Hierby word bekendgemaak dat die Staatspresident sy goedkeuring geheg het aan die volgende Wet wat deur die KaNgwane- Wetgewende Vergadering aangenem is en wat hierby vir algemene inligting gepubliseer word:

GEBIED VAN DIE KANGWANE- WETGEWENDE
VERGADERING

WET

Om 'n belasting op burgers van KaNgwane te hef

Daar word bepaal deur die KaNgwane- Wetgewende Vergadering, soos volg:

Woordomskrywing

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

“belasting” die KaNgwane Ontwikkelingsbelasting gehef by artikel 2;

“belastingjaar” 'n tydperk wat op die eerste dag van Januarie van 'n jaar begin en op die laaste dag van Desember van dieselfde jaar eindig;

“belastingpligtige” 'n manlike burger wat die ouderdom van 18 jaar bereik het;

“burger” 'n persoon wat ingevolge die bepaling van die Wet op Burgerskap van Swart State, 1970 (Wet 26 van 1970) 'n burger van KaNgwane is;

“Direkteur” die Direkteur van Owerheidsake en Finansies;

“Inkomstefonds” die Inkomstefonds ingestel by artikel 6 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971);

“KaNgwane” die gebied waarvoor die KaNgwane- Wetgewende Vergadering ingestel is en soos van tyd tot tyd gewysig;

“magistraat”—

(a) ten opsigte van 'n distrik binne KaNgwane, 'n magistraat, addisionele magistraat en assistent-magistraat aangestel kragtens artikel 8 van die Wet op Landdroshowe, 1944 (Wet 32 van 1944);

(b) ten opsigte van 'n distrik buite KaNgwane, 'n Kommissaris, Addisionele Kommissaris en Assistent-kommissaris aangestel kragtens artikel 2 (2) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927) en 'n Kommissaris, Addisionele Kommissaris en Assistent-kommissaris aangestel kragtens artikel 2 (2) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927) en 'n magistraat, addisionele magistraat en assistent-magistraat;

“ontvanger” 'n magistraat en enige persoon wat kragtens artikel 11 (1) (a) aangestel is om belasting in te vorder;

“Raadslid” die Uitvoerenderaadslid van Owerheidsake en Finansies.

DEPARTMENT OF CO-OPERATION AND
DEVELOPMENT

No. 1765

17 August 1979

KANGWANE DEVELOPMENT TAX ACT, 1979
(ACT 4 OF 1979)

It is hereby notified that the State President has approved of the following Act which was passed by the KaNgwane Legislative Assembly and which is hereby published for general information:

AREA OF THE KANGWANE LEGISLATIVE
ASSEMBLY

ACT

To levy a tax on citizens of KaNgwane

Be it enacted by the KaNgwane Legislative Assembly, as follows:

Definitions

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

“citizen” means any person who is a citizen of KaNgwane in terms of the provisions of the Black States Citizenship Act, 1970 (Act 26 of 1970);

“Councillor” means the Executive Councillor of Authority Affairs and Finance;

“Director” means the Director of Authority Affairs and Finance;

“KaNgwane” means the area for which the KaNgwane Legislative Assembly has been established as amended from time to time;

“magistrate” means—

(a) in respect of any district in KaNgwane, a magistrate, additional magistrate and assistant magistrate appointed in terms of section 8 of the Magistrates' Courts Act, 1944 (Act 32 of 1944);

(b) in respect of a district outside KaNgwane, a Commissioner, Additional Commissioner and Assistant Commissioner appointed in terms of section 2 (2) of the Black Administration Act, 1927 (Act 38 of 1927) and where there is no such Commissioner, the magistrate, additional magistrate and assistant magistrate;

“receiver” means any magistrate and any person appointed under section 11 (1) (a) to collect tax;

“Revenue Fund” means the Revenue Fund established by section 6 of the Black States Constitution Act, 1971 (Act 21 of 1971);

“tax” means the KaNgwane Development Tax levied by section 2;

“taxpayer” means any male citizen who has attained the age 18 years;

“tax year” means a period commencing on the first day of January of any year and ending on the last day of December of the same year.

Heffing van belasting

2. Daar word ten hate van die Inkomstefonds en ooreenkomstig die bepalings van hierdie Wet 'n belasting, bekend as die KaNgwane Ontwikkelingsbelasting, ten bedrae van R5 ten opsigte van elke belastingjaar deur elke belastingpligtige betaal met ingang van die belastingjaar wat op die eerste dag van Januarie 1980 begin.

Betaling van belasting

3. Behoudens die bepalings van hierdie Wet is die belasting by die kantoor van 'n ontvanger betaalbaar op of voor die eerste dag van Julie van die betrokke belastingjaar.

Uitstel vir betaling van belasting

4. 'n Ontvanger kan na goeë dunde aan 'n belastingpligtige by wyse van 'n uitstelsertifikaat en in die mate wat in sodanige uitstelsertifikaat vermeld word, uitstel verleen vir die betaling van belasting wat deur sodanige belastingpligtige ingevolge hierdie Wet verskuldig en betaalbaar is.

Vrystelling van belasting

5. (1) Behoudens die bepalings van subartikel (4), word 'n belastingpligtige vrystel van die betaling van belasting in die mate vermeld in 'n vrystellingsertifikaat wat kragtens hierdie artikel aan hom uitgereik is.

(2) 'n Ontvanger reik aan 'n belastingpligtige wat hom oortuig dat hy die ouderdom van 65 jaar bereik het, 'n sertifikaat uit wat sodanige belastingpligtige permanent vrystel van die betaling van belasting vanaf 'n datum in die sertifikaat vermeld.

(3) 'n Ontvanger kan aan 'n belastingpligtige 'n sertifikaat uitreik wat sodanige belastingpligtige vrystel van die betaling van belasting in die mate in die sertifikaat vermeld indien sodanige belastingpligtige hom oortuig—

(a) dat hy behoefte is en weens ouderdom, chroniese siekte of enige ander oorsaak buite sy beheer, verhinder word om genoeg te verdien om hom in staat te stel om sodanige belasting te betaal; of

(b) dat vanweë sy gereelde bywoning van 'n opvoedkundige inrigting wat by of kragtens enige wet ingestel of kragtens 'n wet na behore geregistreer of goedgekeur is, hy verhinder is om genoeg te verdien om hom in staat te stel om sodanige belasting te betaal.

(4) 'n Belastingpligtige wat ingevolge die bepalings van die Wet op Swart Belasting, 1969 (Wet 92 van 1969) vrystel is van die betaling van belasting deur hom ingevolge daardie Wet betaalbaar, is vrystel van die betaling van belasting deur hom betaalbaar ingevolge hierdie Wet in die mate vermeld in die vrystellingsertifikaat wat kragtens artikel 13 van bedoelde Wet op Swart Belasting, 1969 aan hom uitgereik is.

Intrekking van sertifikate

6. 'n Sertifikaat wat ingevolge artikel 4 of 5 uitgereik is, kan te eniger tyd deur 'n ontvanger ingetrek word indien hy oortuig is—

(a) dat dit bedrieglikerwys verkry is; of

(b) dat die belastingpligtige aan wie dit uitgereik is, nie meer op uitstal vir die betaling van belasting ingevolge artikel 4 of vrystelling van belasting ingevolge artikel 5, na gelang van die geval, geregtig is nie.

Levy of tax

2. There shall be paid for the benefit of the Revenue Fund and in accordance with the provisions of this Act a tax, known as the KaNgwane Development Tax, to the amount of R5 in respect of every tax year by every taxpayer with effect from the tax year commencing on the first day of January 1980.

Payment of tax

3. Subject to the provisions of this Act, the tax is payable at the office of any receiver on or before the first day of July of the tax year concerned.

Extension of time for payment of tax

4. A receiver may in his discretion grant to any taxpayer by way of a certificate of extension and to the extent mentioned in such certificate of extension, an extension of time for the payment of tax due and payable by such taxpayer in terms of this Act.

Exemption from tax

5. (1) Subject to the provisions of subsection (4), any taxpayer shall be exempted from payment of tax to the extent mentioned in a certificate of exemption issued to him under this section.

(2) Any receiver shall issue to any taxpayer who satisfies him that he has attained the age of 65 years, a certificate exempting such taxpayer permanently from payment of tax with effect from a date mentioned in the certificate.

(3) Any receiver may issue to any taxpayer a certificate exempting such taxpayer from payment of tax to the extent mentioned in the certificate if such taxpayer satisfies him—

(a) that he is indigent and is prevented by reason of age, chronic disease or any other cause beyond his control from earning sufficient to enable him to pay such tax; or

(b) that, in consequence of his regular attendance at an educational institution established by or under any law or duly registered or approved under any law, he has been precluded from earning sufficient to enable him to pay such tax.

(4) Any taxpayer who has been exempted in terms of the provisions of the Black Taxation Act, 1969 (Act 92 of 1969), from the payment of taxes payable by him in terms of that Act, is exempted from the payment of tax payable by him in terms of this Act to the extent mentioned in the certificate of exemption issued to him under section 13 of the said Black Taxation Act, 1969.

Cancellation of certificates

6. Any certificate issued under section 4 or 5 may at any time be cancelled by any receiver if he is satisfied—

(a) that it was obtained fraudulently; or

(b) that the taxpayer to whom it was issued is no longer entitled to extension of time for the payment of tax in terms of section 4 or exemption from tax in terms of section 5, as the case may be.

Vertoning van kwitansies en sertifikate

7. (1) 'n Ontvanger of 'n persoon of klas van persone skriftelik deur hom daartoe gemagtig of enige kaptein of hoofman aangestel of erken ingevolge die bepalings van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), kan te eniger tyd 'n burger wat vermoed word 'n belastingpligtige ingevolge hierdie Wet te wees of te gewees het, versoek om inligting met betrekking tot sy identiteit of belastingpligtigheid te verstrek of om 'n kwitansie ter staving van die betaling van belasting of 'n uitstelsertifikaat bedoel in artikel 4 of 'n vrystellingsertifikaat bedoel in artikel 5 te toon en kan sodanige kwitansie of sertifikaat ondersoek: Met dien verstande dat geen belastingpligtige wat 'n kwitansie of 'n sertifikaat wat kragtens hierdie Wet aan hom uitgereik is ten opsigte van belasting vir enige jaar toon, verplig is om enige sodanige kwitansie of sertifikaat ten opsigte van sodanige belasting vir 'n voorafgaande jaar te toon nie.

(2) 'n Persoon wat 'n versoek kragtens subartikel (1) tot 'n burger rig—

(a) besorg na insae en ondersoek enige dokument wat deur sodanige burger getoon is, aan hom terug; en

(b) kan sodanige burger sonder 'n lasbrief in hegtenis neem indien laasgenoemde versuim om aan sodanige versoek te voldoen of deur sodanige persoon vermoed word 'n misdryf ingevolge hierdie Wet te gepleeg het.

(3) Daar word met 'n belastingpligtige wat kragtens subartikel (2) in hegtenis geneem is, gehandel ooreenkomstig die bepalings van artikel 50 van die Strafproseswet, 1977 (Wet 51 van 1977), of hy word vrygelaat—

(a) indien 'n vrystelling- of uitstelsertifikaat ten opsigte van die belasting wat blyk agterstallig te wees, aan hom uitgereik word;

(b) indien hy tot bevrediging van die persoon wat hom in hegtenis geneem het, sekerheid stel vir die betaling van die belasting wat blyk agterstallig te wees;

(c) indien die agterstallige belasting ten volle betaal word; of

(d) indien hy na sy inhegtenisneming aan die persoon wat hom in hegtenis geneem het, dokumente toon wat voor sy inhegtenisneming kragtens hierdie Wet aan hom uitgereik is waaruit dit blyk dat die belasting ten volle betaal is of dat uitstel of vrystelling van die betaling van belasting aan hom verleen is.

Verhaal van agterstallige belasting

8. (1) 'n Bedrag van belasting wat ingevolge hierdie Wet agterstallig is, is 'n skuld aan die Regering van KaNgwane en kan op die wyse uiteengesit in subartikel (2) verhaal word.

(2) Wanneer 'n bedrag van belasting wat ingevolge hierdie Wet deur 'n belastingpligtige betaalbaar is, agterstallig is, kan die magistraat van die distrik waarin sodanige belastingpligtige woon, met die doel om sodanige bedrag te verhaal, 'n lasbrief vir eksekusie teen die roerende goed van sodanige belastingpligtige uitreik en daarna word sodanige lasbrief deur 'n persoon deur die magistraat aangestel ten uitvoer gelê asof dit ingevolge 'n vonnis van 'n magistraatshof uitgereik is, behalwe dat dit nie nodig is dat 'n afskrif van sodanige lasbrief aan sodanige belastingpligtige beteken word nie.

Production of receipts and certificates

7. (1) Any receiver or any person or class of persons authorized thereto in writing by him or any chief or headman appointed or recognized in terms of the provisions of the Black Administration Act, 1927 (Act 38 of 1927), may at any time request any citizen who is suspected to be or to have been a taxpayer in terms of this Act to furnish information as to his identity or liability for tax or to produce a receipt in proof of payment of tax or a certificate or extension referred to in section 4 or a certificate of exemption referred to in section 5 and may examine such receipt or certificate: Provided that no taxpayer who produces any receipt or certificate issued to him under this Act in respect of tax for any year, shall be required to produce any such receipt or certificate in respect of tax for any preceding year.

(2) Any person making a request to any citizen under subsection (1)—

(a) shall after inspection and examination return any document produced by such citizen to him; and

(b) may arrest such citizen without a warrant if the latter fails to comply with such request or is suspected by such person of having committed an offence in terms of this Act.

(3) Any taxpayer arrested under subsection (2) shall be dealt with in accordance with the provisions of section 50 of the Criminal Procedure Act, 1977 (Act 51 of 1977), or shall be released—

(a) if a certificate of exemption or extension in respect of the tax which appears to be in arrear is issued to him;

(b) if he furnishes security to the satisfaction of the person who arrested him for payment of the tax which appears to be in arrear;

(c) if the arrear tax is paid in full; or

(d) if, after his arrest, he produces to the person who arrested him documents issued to him under this Act before his arrest from which it appears that the tax has been paid in full or that extension of time or exemption from payment of tax has been granted to him.

Recovery of arrear tax

8. (1) Any amount of tax which is in arrear in terms of this Act, shall be a debt due to the Government of KaNgwane and may be recovered in the manner set forth in subsection (2).

(2) Whenever any amount of tax which is payable by any taxpayer in terms of this Act is in arrear, the magistrate of the district in which such taxpayer resides may, for the purpose of recovering such amount, issue a warrant of execution against the movable property of such taxpayer, and thereafter such warrant shall be executed by a person appointed by such magistrate as if it were issued pursuant to a judgment of a magistrate's court, except that it shall not be necessary to serve a copy of such warrant upon such taxpayer.

(3) Indien 'n belastingpligtige nie aan die persoon wat 'n lasbrief, uitgereik kragtens subartikel (2), ten uitvoer lê, die bedrag van die agterstallige belasting tesame met die koste ten opsigte van die tenuitvoerlegging, op aanvraag betaal nie, of nie aan sodanige persoon voldoende roerende goed uitwys vir die verhaal van sodanige bedrag en sodanige koste nie, kan sodanige persoon sodanige belastingpligtige sonder lasbrief in hegtenis neem, en daarna word daar met sodanige belastingpligtige ooreenkomstig die bepalings van artikel 7 (3) gehandel.

(4) Die gelde en koste voorgeskryf kragtens artikel 45 (1) (h) van die Wet op Swart Belasting, 1969 (Wet 92 van 1969), ten opsigte van die tenuitvoerlegging van 'n lasbrief kragtens daardie Wet uitgereik, is die gelde en koste betaalbaar ten opsigte van die tenuitvoerlegging van 'n lasbrief kragtens subartikel (2) uitgereik.

Toewysing van betalings

9. Indien 'n belastingpligtige 'n bedrag vir die betaling van belasting ten opsigte van enige besondere belastingjaar aanbied, en sodanige belastingpligtige enige bedrag van belasting ten opsigte van 'n vorige belastingjaar skuld, word die bedrag aldus aangebied, aangewend ter vereffening van die belasting wat die langste agterstallig is.

Terugbetalings

10. Indien die Direkteur oortuig is dat 'n bedrag wat deur 'n belastingpligtige ingevolge hierdie Wet betaal is, die bedrag van belasting wat ingevolge hierdie Wet vereskuldig of agterstallig is, oorskry, betaal hy die balans aan sodanige belastingpligtige terug.

Administrasie

11. (1) Die Direkteur is verantwoordelik vir die invordering van belasting en kan—

(a) enige persoon of liggaam as ontvanger aanstel om belasting namens hom in te vorder: Met dien verstande dat 'n magistraat geag word so aangestel te wees;

(b) enige van sy bevoegdhede kragtens hierdie Wet delegeer aan enige beampte, hetsy toegewese of andersins, in die Regeringsdiens van KaNgwane of die regeringsdiens van enige ander Swart staat of aan enige beampte in die Staatsdiens van die Republiek;

(c) voorskrifte met betrekking tot die invordering van belasting aan ontvangers uitreik;

(d) die vorm van kwitansies en sertifikate wat kragtens die bepalings van hierdie Wet uitgereik word, voorskryf.

(2) Die Raadslid kan uit gelde wat die Wetgewende Vergadering vir die doel bewillig, aan 'n ontvanger wat nie 'n beampte, hetsy toegewese of andersins, in die Regeringsdiens van KaNgwane of in die regeringsdiens van enige ander Swart staat is nie of nie 'n beampte in die Staatsdiens van die Republiek is nie, vir dienste gelewer in verband met die invordering van belasting, die vergoeding of toelaes betaal wat die Raadslid bepaal.

Vermoedens

12. Indien by verrigtinge ingevolge hierdie Wet, die vraag ontstaan—

(a) of 'n persoon 'n belastingpligtige is aldan nie, word daar vermoed totdat die teendeel bewys word, dat sodanige persoon 'n belastingpligtige is;

(3) If any taxpayer does not pay on demand to the person executing a warrant issued under subsection (2), the amount of the arrear tax, together with the costs in respect of the execution, or does not point out to such person sufficient movable property for the recovery of such amount and such costs, such person may arrest such taxpayer without warrant, and thereupon such taxpayer shall be dealt with in accordance with the provisions of section 7 (3).

(4) The fees and costs prescribed under section 45 (1) (h) of the Black Taxation Act, 1969 (Act 92 of 1969), in respect of the execution of a warrant issued under that Act, shall be the fees and costs payable in respect of the execution of a warrant issued under subsection (2).

Allocation of payments

9. If any taxpayer tenders any amount in payment of tax in respect of any particular tax year, and such taxpayer owes any amount of tax in respect of any previous tax year, the amount so tendered shall be applied to the discharge of the tax which is longest in arrear.

Refunds

10. If the Director is satisfied that any amount paid by any taxpayer in terms of this Act is in excess of the amount of tax due or in arrear in terms of this Act, he shall refund the balance to such taxpayer.

Administration

11. (1) The Director shall be responsible for the collection of tax and may—

(a) appoint any person or body as receiver to collect tax on his behalf: Provided that any magistrate shall be deemed to be so appointed;

(b) delegate any of his powers under this Act to any officer, whether seconded or not, in the Government Service of KaNgwane or in the government service of any other Black state or to any officer in the Public Service of the Republic;

(c) issue instructions to receivers in relation to the collection of tax;

(d) prescribe the form of receipts and certificates issued in terms of the provisions of this Act.

(2) The Councillor may, out of moneys voted by the Legislative Assembly for the purpose, pay to any receiver who is not an officer, whether seconded or not, in the Government Service of KaNgwane or in the government service of any other Black state or not an officer in the Public Service of the Republic, for services rendered in connection with the collection of tax, such remuneration or allowances as the Councillor may determine.

Presumptions

12. If in any proceedings under this Act, the question arises—

(a) whether or not any person is a taxpayer, it shall be presumed, until the contrary is proved, that such person is a taxpayer;

(b) of die belasting deur 'n persoon betaalbaar is of agterstallig is, al dan nie, word daar vermoed totdat die teendeel bewys word, dat die belasting deur sodanige persoon betaalbaar is of dat dit agterstallig is, na gelang van die geval;

(c) met betrekking tot die ouderdom van 'n persoon, word daar vermoed totdat die teendeel bewys word, dat sy ouderdom dié is soos deur die voorsittende beampte by sodanige verrigtinge geskat is volgens sodanige persoon se voorkoms of volgens inligting wat beskikbaar is.

Misdrywe en strawwe

13. (1) 'n Persoon wat—

(a) 'n belastingpligtige is en wat versuim om die belasting wat ingevolge hierdie Wet deur hom betaalbaar is op of voor die laaste dag toegelaat vir die betaling van sodanige belasting te betaal;

(b) versuim om te voldoen aan 'n versoek wat kragtens artikel 7 (1) gerig is;

(c) valse inligting verstrek by voldoening aan 'n versoek wat kragtens artikel 7 (1) gerig is;

(d) versuim om 'n dokument aan 'n belastingpligtige terug te besorg soos by artikel 7 (2) (a) vereis;

(e) 'n belastingpligtige onwettiglik die besit van 'n kwitansie of sertifikaat wat kragtens hierdie Wet aan hom uitgereik is, ontnem;

(f) toelaat dat 'n kwitansie of sertifikaat wat kragtens hierdie Wet aan hom uitgereik is en in sy besit is, in die besit van 'n ander persoon kom met die bedoeling dat dit vir 'n bedrieglike oogmerk gebruik word;

(g) valslik voordoen of voorgee dat 'n kwitansie of sertifikaat wat kragtens hierdie Wet aan 'n ander persoon uitgereik is en in sy besit is, aan hom uitgereik is;

(h) teeny by die die bedoeling het om te bedrieg of te vals te doen, of om 'n kwitansie of sertifikaat wat kragtens hierdie Wet aan 'n ander persoon uitgereik is en in sy besit is, te gebruik of te versprei;

(i) 'n kwitansie of sertifikaat wat vir die doeleindes van hierdie Wet gebruik word, vervals of uitgee wetende dat dit vals is;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R100 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(2) Indien 'n belastingpligtige aan 'n oortreding van subartikel (1) (a) skuldig bevind is weens wanbetaling van belasting betaalbaar deur hom ten opsigte van enige besondere belastingjaar, word sodanige belastingpligtige nie weer weens sodanige wanbetaling aangekla nie: Met dien verstande dat die skuld van sodanige belastingpligtige aan die Regering van KaNgwane ten opsigte van sodanige belasting nie uitgewis word nie.

Toepassing van hierdie Wet buite KaNgwane

14. Hierdie Wet is van toepassing ook op burgers wat buite KaNgwane is of woon, mits hulle binne die Republiek is of woon.

Kort titel en datum van inwerkingtreding

15. Hierdie Wet heet die KaNgwane-Wet op Ontwikkelingsbelasting, 1979, en tree in werking op 1 Januarie 1980.

(b) whether or not the tax is payable by any person or is in arrear, it shall be presumed, until the contrary is proved, that the tax is payable by such person or that it is in arrear, as the case may be;

(c) as to the age of any person, his age shall, until the contrary is proved, be presumed to be the age estimated by the officer presiding at such proceedings from such person's appearance or from any information which may be available.

Offences and penalties

13. (1) Any person who—

(a) is a taxpayer and who fails to pay the tax payable by him in terms of this Act on or before the last day permitted for the payment of such tax;

(b) fails to comply with a request made under section 7 (1);

(c) furnishes false information in complying with a request made under section 7 (1);

(d) fails to return to any taxpayer any document as required by section 7 (2) (a);

(e) unlawfully deprives any taxpayer of the possession of any receipt or certificate issued to him under this Act;

(f) permits any receipt or certificate issued to him under this Act, which is in his possession, to come into the possession of any other person with intent that it be used for any fraudulent purpose;

(g) falsely pretends or gives out that any receipt or certificate issued to any other person under this Act, which is in his possession, has been issued to him;

(h) unless he has no intention to defraud, alters, defaces, destroys or damages any receipt or certificate issued under this Act or

(i) forges or utters, knowing it to be forged, any receipt or certificate used for the purposes of this Act;

shall be guilty of an offence and on conviction liable to a fine not exceeding R100 or to imprisonment for a period not exceeding three months.

(2) If any taxpayer has been convicted of a contravention of subsection (1) (a) for non-payment of tax payable by him in respect of any particular tax year, such taxpayer shall not be charged again for such non-payment: Provided that the debt of such taxpayer to the Government of KaNgwane in respect of the said tax shall not be extinguished.

Application of this Act outside KaNgwane

14. This Act shall also apply to citizens who are or reside outside KaNgwane, provided they are or reside within the Republic.

Short title and date of commencement

15. This Act shall be called the KaNgwane Development Tax Act, 1979, and shall come into operation on 1 January 1980.

No. 1766

17 Augustus 1979

KANGWANE-WET OP DIE BETALING EN VOORREGTE VAN LEDE VAN DIE WETGEWENDE VERGADERING, 1979 (WET 2 VAN 1979)

Hierby word bekendgemaak dat die Staatspresident sy goedkeuring geheg het aan die volgende Wet wat deur die KaNgwane- Wetgewende Vergadering aangenem is en wat hierby vir algemene inligting gepubliseer word:

GEBIED VAN DIE KANGWANE- WETGEWENDE VERGADERING

WET

Tot wysiging van die KaNgwane-Wet op die Betaling en Voorregte van Lede van die Wetgewende Vergadering, 1978, ten einde voorsiening te maak vir verhoogde salarisse aan lede van die Uitvoerende Raad

Daar word deur die KaNgwane- Wetgewende Vergadering verorden:

Wysiging van artikel 2 van Wet 2 van 1978

1. Artikel 2 van die KaNgwane-Wet op die Betaling en Voorregte van Lede van die Wetgewende Vergadering, 1978, word hierby gewysig—

(a) deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) aan die Hoof-Uitvoerende Raadslid, 'n salaris van R14 511 per jaar;” en

(b) deur paragraaf (b) deur die volgende paragraaf te vervang:

“(b) aan elke Uitvoerende Raadslid (behalwe die Hoof-Uitvoerende Raadslid), 'n salaris van R13 287 per jaar.”

Kort-titel en inwerkingtreding

2. Hierdie Wet heet die KaNgwane-Wysigings Wet op die Betaling en Voorregte van Lede van die Wetgewende Vergadering, 1979, en word geag op 1 Januarie 1978 in werking te getree het.

No. 1767

17 Augustus 1979

KANGWANE-WET OP DIE REGERINGSDIENS, 1979 (WET 3 VAN 1979)

Hierby word bekendgemaak dat die Staatspresident sy goedkeuring geheg het aan die volgende Wet wat deur die KaNgwane- Wetgewende Vergadering aangenem is en wat hierby vir algemene inligting gepubliseer word:

GEBIED VAN DIE KANGWANE- WETGEWENDE VERGADERING

WET

Tot reëling van die aanstelling, diensvoorwaardes, dienstermyn, dissipline, aftrede, afdanking en ontslag van lede van die Regeringsdiens en ander aangeleenthede wat daarmee in verband staan

No. 1766

17 August 1979

KANGWANE PAYMENT AND PRIVILEGES OF MEMBERS OF THE LEGISLATIVE ASSEMBLY ACT, 1979 (ACT 2 OF 1979)

It is hereby notified that the State President has approved of the following Act which was passed by the KaNgwane Legislative Assembly and which is hereby published for general information:

AREA OF THE KANGWANE LEGISLATIVE ASSEMBLY

ACT

To amend the KaNgwane Payment and Privileges of Members of the Legislative Assembly Act, 1978, in order to provide for increased salaries to members of the Executive Council

Be it enacted by the KaNgwane Legislative Assembly:

Amend section 2 of Act 2 of 1978

1. Section 2 of the KaNgwane Payment and Privileges of Members of the Legislative Assembly Act, 1978, is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

“(a) to the Chief Executive Councillor, a salary of R14 511 per annum”; and

(b) by the substitution for paragraph (b) of the following paragraph:

“(b) to every Executive Councillor (other than the Chief Executive Councillor), a salary of R13 287 per annum”.

Short title and commencement

2. This Act shall be called the KaNgwane Payment and Privileges of Members of the Legislative Assembly Amendment Act, 1979 and shall be deemed to have come into operation on 1 January 1978.

No. 1767

17 August 1979

KANGWANE PUBLIC SERVICE ACT, 1979 (ACT 3 OF 1979)

It is hereby notified that the State President has approved of the following Act which was passed by the KaNgwane Legislative Assembly and which is hereby published for general information:

AREA OF THE KANGWANE LEGISLATIVE ASSEMBLY

ACT

To regulate the appointment, conditions of employment, tenure of office, discipline, retirement and discharge of members of the Public Service and other incidental matters

Daar word bepaal deur die Wetgewende Vergadering van KaNgwane, soos volg:

HOOFSTUK 1 INLEIDENDE BEPALINGS

Woordoms krywing

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

“beampste” ’n persoon wat vas aangestel is, al is die aanstelling op proef, in ’n pos bedoel in artikel 3 (1) (a) en (b) en ook ’n persoon bedoel in artikel 3 (1) (c) en artikel 3 (2) (b) wat ’n voorgeskrewe pos beklee het wat as ’n nie-voorgeskrewe pos herklassifiseer is;

“burger” ’n persoon wat kragtens die Wet op Burgerskap van Swart State, 1970 (Wet 26 van 1970), ’n burger is van KaNgwane;

“departement” ’n departement, subdepartement of kantoor van die Regeringsdiens ingestel kragtens artikel 5 (2) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971);

“departementshoof” of enige variasie daarvan, die beampste of toegewese beampste wat ’n pos met die benaming Direkteur van ’n departement op die vaste diensstaat beklee of daarin waarneem;

“hoof van kantoor” die hoof van ’n kantoor, tak, afdeling, afdeling of werkplek en ook ’n departementshoof;

“Inkomstefonds” die Inkomstefonds van KaNgwane, ingestel kragtens artikel 6 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971);

“kalendermaand” ’n tydperk wat strek van ’n dag van ’n maand tot en met die dag wat die dag voorafgaan wat numeriek ooreenstem met daardie dag in die volgende maand;

“KaNgwane” die gebied waarvoor die Wetgewende Vergadering van KaNgwane ingestel is;

“Kommissie” die Regeringsdienskommissie bedoel in artikel 4 van hierdie Wet;

“maand” ’n tydperk wat van die eerste tot en met die laaste dag van enige een van die 12 maande van die jaar strek;

“nie-voorgeskrewe pos” ’n pos as sodanig geklassifiseer kragtens artikel 3 (2);

“pensioenleef tyd” die leeftyd waarop ’n beampste kragtens artikel 15 (1) die reg het om uit die Regeringsdiens af te tree en daaruit afgedank moet word;

“Raadslid” met betrekking tot ’n beampste of werknemer of persoon wat in diens is of was of wat in diens geneem gaan word, die Raadslid wat verantwoordelik is vir die departement waarin die beampste, werknemer of persoon in diens is of laas in diens was of in diens geneem gaan word, en met betrekking tot ’n beampste of werknemer of sodanige ander persoon wat in diens is of was of geneem gaan word in die kantoor van die Kommissie, die Raadslid vir die Departement van Owerheidsake en Finansies;

“Regering” die Regering van KaNgwane;

“Regering van die Republiek” die Regering van die Republiek van Suid-Afrika en ook ’n provinsiale administrasie, maar nie ook die Spoorwegadministrasie nie;

“Regeringsdiens” die Regeringsdiens bedoel in artikel 3;

“regulasie” ’n regulasie kragtens artikel 26 van hierdie Wet uitgevaardig;

“skaal” met betrekking tot salaris, ook salaris teen ’n vaste bedrag;

Be it enacted by the KaNgwane Legislative Assembly, as follows:

CHAPTER 1 PRELIMINARY PROVISIONS

Definitions

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

“allocated officer” means an officer of the Public Service of the Republic designated in terms of section 5 (4) of the Black States Constitution Act, 1971 (Act 21 of 1971), to assist the Executive Council;

“calendar month” means a period extending from a day in any month to the day preceding the day corresponding numerically, to that day in the following month, both days inclusive;

“citizen” means any person who in terms of the Black States Citizenship Act, 1970 (Act 26 of 1970), is a citizen of KaNgwane;

“Commission” means the Public Service Commission referred to in section 4 of this Act;

“Councillor” in relation to an officer or employee or person who is or has been employed or is to be employed means the Councillor responsible for the department in which such officer employee or person is or was last employed or is to be employed, and in relation to an officer or employee or such other person who is or has been or is to be employed in the office of the Commission means the Councillor for the Department of Authority Affairs and Finance;

“department” means a department, subdepartment or office of the Public Service established in terms of section 5 (2) of the Black States Constitution Act, 1971 (Act 21 of 1971);

“employee” means a person referred to in section 3 (1) (d);

“Executive Council” means the Executive Council constituted in terms of section 5 (1) of the Black States Constitution Act, 1971 (Act 21 of 1971);

“fixed establishment” means the posts created for the normal and regular requirements of a department;

“Government” means the Government of KaNgwane;

“Government of the Republic” means the Government of the Republic of South Africa and includes any provincial administration but does not include the Railway Administration;

“head of department” or any variation thereof, means the officer or allocated officer holding or acting in a post on the fixed establishment and designated Director of a department;

“head of office” means the head of an office, branch, institution, division or place of work and includes the head of a department;

“KaNgwane” means the area for which the KaNgwane Legislative Assembly has been established;

“month” means a period extending from the first to the last day, both days inclusive, of any one of the 12 months of the year;

“non-prescribed post” means a post classified as such in terms of section 3 (2);

“officer” means a person who has been appointed permanently, notwithstanding that such appointment may be on probation, to a post referred to in section 3 (1) (a) and (b), and includes a person referred to in section 3 (1) (c) and section 3 (2) (b) who occupied a prescribed post that has been reclassified as a non-prescribed post;

“pensionable age” means the age at which, in terms of section 15 (1), an officer shall have the right to retire and shall be discharged from the Public Service;

"toegewese beampte" 'n beampte van die Staatsdiens van die Republiek wat kragtens artikel 5 (4) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), aangewys is om die Uitvoerende Raad by te staan;

"Uitvoerende Raad" Die Uitvoerende Raad saamgestel kragtens artikel 5 (1) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971);

"vaste diensstaat" die poste geskep vir die normale of gereelde vereiste van 'n departement;

"voorgeskrewe apparaat" enige apparaat (deur die Uitvoerende Raadslid vir Owerheidsake en Finansies, op aanbeveling van die Kommissie, by kennisgewing in die *Staatskoerant* voorgeskryf) deur middel waarvan die asem van 'n persoon getoets of ontleed word om te bepaal of die alkoholinhoud van die bloed van die bedoelde persoon 'n gegewe perk oorskry al dan nie;

"voorgeskrewe pos" 'n pos as sodanig geklassifiseer kragtens artikel 3 (2);

"werknemer" 'n persoon in artikel 3 (1) (d) bedoel.

(2) Waar daar in hierdie Wet in verband met 'n beampte van 'n verlaging van 'n salarisskaal melding gemaak word, word dit so uitgelê dat dit die toepassing van 'n salarisskaal insluit wat laer is as die skaal wat lewore toegepas is wat betref die maksimum of minimum van die skaal, of die tempo van vordering in die skaal en so 'n vermelding van 'n verlaging in graad of dat 'n graad laer is as 'n ander graad, word in 'n ooreenstemmende sin uitgelê.

Toepassing van Wet

2. Behalwe waar dit uit die samehang anders blyk, is die bepalinge van hierdie Wet van toepassing op of ten opsigte van alle beamptes en werknemers in die Regeringsdiens. Met dien verstande dat indien enige bepaling van hierdie Wet in stryd is met 'n bepaling van enige ander wet wat die aanstelling, diensvoorwaardes, dienstermyn, dissipline, aftrede, afdanking en ontslag van enige bepaalde persoon of groep persone in die Regeringsdiens reël, die bepalinge van sodanige ander wet ten opsigte van sodanige persoon of groep persone sal geld.

HOOFTUK 2

ORGANISASIE EN ADMINISTRASIE

Die Regeringsdiens

3. (1) Die Regeringsdiens bestaan uit persone, uitgesonderd die lede van die Wetgewende Vergadering, Raadslede en lede van die Kommissie—

(a) wat voorgeskrewe poste op die vaste diensstaat beklee;

(b) wat ander poste op die vaste diensstaat beklee as die poste in paragraaf (a) genoem;

(c) wat, nadat hulle opgehou het om poste op die vaste diensstaat in paragraaf (a) vermeld, te beklee en wat nie uit diens getree het of ontslaan is nie, bykomend by die vaste diensstaat in diens gehou word kragtens 'n aanbeveling gedoen ingevolge artikel 6 (2) (e), of wat geag word 'n voorgeskrewe pos te bly beklee onder die omstandighede in die voorbehoudsbepalinge van subartikel (2) (b) bedoel; of

(d) wat tydelik of onder 'n spesiale kontrak in 'n departement, hetsy in 'n voltydse of deeltydse hoedanigheid, bykomend by die vaste diensstaat, in diens gehou word ooreenkomstig 'n aanbeveling gedoen kragtens artikel 6 (2) (d).

"prescribed apparatus" means any apparatus (prescribed by the Executive Councillor for Authority Affairs and Finance, on the recommendation of the Commission, by notice in the *Government Gazette*) by means of which the breath of any person is tested or analysed in order to determine whether or not the alcohol content of the blood of such person exceeds a given limit;

"prescribed post" means a post classified as such in terms of section 3 (2);

"public service" means the Public Service referred to in section 3;

"regulation" means a regulation made in terms of section 26 of this Act;

"Revenue Fund" means the Revenue Fund of KaNgwane, established in terms of section 6 of the Black States Constitution Act, 1971 (Act 21 of 1971);

"scale" in relation to salary, includes salary at a fixed rate.

(2) Where in this Act reference is made in relation to an officer to a reduction in a scale of salary, the reference shall be construed as including the application of a scale of salary which is lower than the scale previously applied as regards the maximum or minimum of the scale or the rate of progression in the scale, and any such reference to a reduction in grade or to a grade being lower than any other grade shall be correspondingly construed.

Application of Act

2. Save as the context otherwise indicates, the provisions of this Act shall apply to or in respect of all officers and employees of the Public Service: Provided that if any provision of this Act is in conflict with a provision of any other law governing the appointment, conditions of employment, tenure of office, discipline, retirement and discharge any specified person or group of persons in the Public Service, the provisions of such other law shall apply in respect of such person or group of persons.

CHAPTER 2

ORGANISATION AND ADMINISTRATION

The Public Service

3. (1) The Public Service shall consist of persons other than members of the Legislative Assembly, Councillors and members of the Commission—

(a) who hold prescribed posts on the fixed establishment;

(b) who hold posts on the fixed establishment other than posts referred to in paragraph (a);

(c) who, having ceased to hold posts on the fixed establishment referred to in paragraph (a), and not having retired or having been discharged are employed additional to the fixed establishment in accordance with a recommendation made in terms of section 6 (2) (e), or who are deemed to continue to hold prescribed posts in the circumstances contemplated by the proviso to subsection (2) (b); or

(d) who are employed temporarily or under a special contract in a department, whether in a full-time or part-time capacity, additional to the fixed establishment in accordance with a recommendation made in terms of section 6 (2) (d).

(2) Die Kommissie het die bevoegdheid om te gelas dat—

(a) enige pos op die vaste diensstaat as 'n voorgeskrewe of nie-voorgeskrewe pos geklassifiseer word; en

(b) enige voorgeskrewe pos, as 'n nie-voorgeskrewe pos herklassifiseer word of enige nie-voorgeskrewe pos as 'n voorgeskrewe pos herklassifiseer word: Met dien verstande dat geen lasgewing kragtens hierdie paragraaf 'n beampte of werknemer verlof of ander voorreg of reg wat sy bekleding van 'n voorgeskrewe of 'n nie-voorgeskrewe pos meegebring het, mag ontnem nie.

Aanstelling, besoldiging en ampstermyn van Regeringsdienskommissie

4. (1) In ooreenstemming met die bepalings van artikel 16 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), is daar 'n kommissie bekend as die Regeringsdienskommissie, met die bevoegdhede, werksaamhede en pligte wat by hierdie Wet of enige ander wetsbepaling voorgeskryf word.

(2) (a) Die Kommissie bestaan uit drie lede wat nie lede van die Wetgewende Vergadering is nie en wat deur die Uitvoerende Raad aangestel word.

(b) Die Uitvoerende Raad wys een lid as voorsitter en een lid as ondervoorsitter van die Kommissie aan.

(3) Behoudens die bepalings van subartikels (8), (9), (10) en (11), beklee 'n lid van die Kommissie sy amp vir 'n tydperk van drie jaar en kan hy by die verstryking van sy ampstyd heraan gestel word: Met dien verstande dat 'n lid van die Kommissie wat behoorlik as 'n kandidaat vir verkiesing tot lid van die Wetgewende Vergadering genomineer is, sy amp as lid van die Kommissie met ingang van die datum waarop hy aldus genomineer is, neerlê.

(4) Die Uitvoerende Raad stel die salarisse en diensvoorwaardes van lede van die Kommissie vas: Met dien verstande dat die salaris van 'n lid nie gedurende sy ampstermyn verminder mag word nie, behalwe by 'n wet van die Wetgewende Vergadering.

(5) 'n Lid van die Kommissie mag nie sonder die toestemming van die Uitvoerende Raad besoldigde werk buite sy ampspligte verrig of hom verbind om dit te verrig nie of hom aktief met die politiek bemoei nie.

(6) (a) Gedurende die afwesigheid van die voorsitter van die Kommissie, om watter rede ook al, of as daar geen voorsitter is nie, moet die ondervoorsitter as voorsitter van die Kommissie optree.

(b) Gedurende die afwesigheid van enige een of meer as een van die drie lede van die Kommissie kan die Uitvoerende Raad 'n persoon of persone aanstel om waar te neem in die plek van sodanige afwesige lid of lede.

(c) Gedurende die afwesigheid van beide die voorsitter en ondervoorsitter van die Kommissie kan die Uitvoerende Raad 'n lid of waarnemende lid aanstel om op te tree as voorsitter van die Kommissie.

(7) 'n Lid van die Kommissie mag nie in sy amp geskors of daarvan onthef word nie, behalwe ooreenkomstig die bepalings van subartikels (8), (9) en (10).

(8) (a) Die Uitvoerende Raad kan 'n lid van die Kommissie in sy amp skors en, behoudens die bepalings van hierdie subartikel hom daarvan onthef—

(i) weens wangedrag;

(ii) weens ongeschiktheid vir sy ampspligte of onvermoë om hulle op bekwame wyse uit te voer; of

(2) It shall be competent for the Commission to direct that—

(a) any post on the fixed establishment be classified as a prescribed post or as a non-prescribed post; and

(b) any prescribed post be reclassified as a non-prescribed post or any non-prescribed post be reclassified as a prescribed post: Provided that no direction under this paragraph shall deprive an officer or employee of any leave or other privilege or right which flowed from the occupancy by him of a prescribed or non-prescribed post.

Appointment, remuneration and tenure of office of Public Service Commission

4. (1) In accordance with the provisions of section 16 of the Black States Constitution Act, 1971 (Act 21 of 1971), there shall be a commission known as the Public Service Commission with such powers, functions and duties as are prescribed in this Act or in any other law.

(2) (a) The Commission shall consist of three members, not being members of the Legislative Assembly, to be appointed by the Executive Council.

(b) The Executive Council shall designate one member as chairman and one member as vice-chairman of the Commission.

(3) Subject to the provisions of subsections (8), (9), (10) and (11), a member of the Commission shall hold office for a period of three years, and shall be eligible for re-appointment on the expiry of his period of office: Provided that a member of the Commission who has duly been nominated for election as a member of the Legislative Assembly shall relinquish his office as member of the Commission with effect from the date on which he was so nominated.

(4) The Executive Council shall determine the salaries and conditions of service of members of the Commission: Provided that the salary of a member shall not be reduced during his tenure of office, except by an act of the Legislative Assembly.

(5) A member of the Commission shall not without the permission of the Executive Council perform or engage himself to perform any remunerative work outside the duties of his office or actively engage in politics.

(6) (a) During the absence of the chairman of the Commission for any reason whatsoever, or where there is no chairman, the vice-chairman shall act as chairman.

(b) During the absence of any one or more than one of the three members of the Commission the Executive Council may appoint a person or persons to act in the place of such absent person or persons.

(c) During the absence of both the chairman and vice-chairman the Executive Council may appoint a member or an acting member to act as chairman.

(7) A member of the Commission shall not be suspended or removed from the office except in accordance with the provisions of subsections (8), (9) and (10).

(8) (a) The Executive Council may suspend a member of the Commission from office and subject to the provisions of this subsection, remove him from office—

(i) for misconduct;

(ii) for unfitness for the duties of his office or incapacity to carry them out efficiently; or

(iii) as, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontheffing van sy amp doeltreffendheid of besuiniging sal bevorder.

(b) Elke skorsing van 'n lid van die Kommissie en die rede daarvoor moet aan die Wetgewende Vergadering binne 14 dae na die skorsing meegedeel word as die Wetgewende Vergadering dan sit of as die Wetgewende Vergadering nie dan sit nie, binne 14 dae na die aanvang van sy eersvolgende sessie.

(c) As aan die Uitvoerende Raad, binne 21 dae vanaf die datum waarop genoemde skorsing en die rede daarvoor aldus aan die Wetgewende Vergadering meegedeel is, 'n adres van die Wetgewende Vergadering voorgelê word, waarin versoek word dat die lid van sy amp onthef word en waarin die rede vir die ontheffing genoem word, kan die Uitvoerende Raad hom diensooreenkomstig onthef.

(d) As geen sodanige adres binne die tydperk in paragraaf (c) genoem aan die Uitvoerende Raad voorgelê word nie, moet die lid in sy amp herstel word.

(9) As 'n lid van die Kommissie 'n blywende verstandelike of liggaamlike swakheid opdoen wat hom ongeklik maak vir die behoorlike vervulling van sy amppligte, kan die Uitvoerende Raad—

(a) hom toelaat om sy amp neer te lê; of

(b) hom, behoudens die bepalings van subartikel (8), van sy amp op grond van onvermoë onthef.

(10) 'n Lid van die Kommissie moet minstens 35 jaar oud wees en aftree wanneer hy die leeftyd van 65 jaar bereik.

(11) As 'n beampte in die Regeringsdiens aangestel word om lid van die Kommissie te wees, moet hy uit sy betrekking in die Regeringsdiens bedank, en in die geval is hy geregtig op die pensioen waarop hy geregtig sou gewees het as hy weens die afskaffing van sy pos uit die Regeringsdiens ontslaan was.

Uitoefening en delegasie van die Kommissie se bevoegdhede en werksaamhede

5. (1) Behoudens die bepalings van subartikel (2), word 'n aanbeveling of lasgewing wat deur minstens twee lede van die Kommissie gegee is by die toepassing van hierdie Wet of enige ander wetsbepaling geag 'n aanbeveling of lasgewing te wees wat deur die Kommissie gegee is.

(2) Behoudens die bepalings van subartikel (3) kan enige bevoegdheid wat verleen of werksaamheid wat opgedra is aan die Kommissie by hierdie Wet of enige ander wetsbepaling (uitgesonderd die delegasiebevoegdheid wat hierby verleen word), met die instemming van die Kommissie uitgeoefen of verrig word—

(a) deur 'n lid van die Kommissie ingevolge 'n algemene en spesiale delegasie van die Kommissie; of

(b) deur 'n beampte of toegewese beampte in diens in die kantoor van die Kommissie.

(3) Die Kommissie mag nie die bevoegdhede aan hom verleen by artikel 6 (2) (a), (g) en (n) of by artikel 15 (2), 15 (3), 15 (4) (a) tot en met (e), 15 (5) en 15 (7) of Hoofstuk 4 van hierdie Wet deleger nie.

(4) Die Kommissie kan enige persoon magtig om 'n ondersoek in te stel na enige aangeleentheid waarvoor hy kragtens hierdie Wet of enige ander wetsbepaling die bevoegdheid het om 'n aanbeveling te doen of 'n lasgewing te gee.

(5) Enige delegasie of magtiging deur die Kommissie kragtens hierdie artikel verleen, kan te eniger tyd deur die Kommissie gewysig of ingetrek word.

(iii) if for reasons other than his own unfitness or incapacity his removal from office will promote efficiency or economy.

(b) Every suspension of a member of the Commission and the reason therefor shall be communicated to the Legislative Assembly within 14 days of the suspension, if the Legislative Assembly is then in session, or, if the Legislative Assembly is not then in session, within 14 days of the commencement of its next session.

(c) If, within 21 days of the date on which the said suspension and the reason therefor have been so communicated to the Legislative Assembly, an address of the Legislative Assembly is presented to the Executive Council requesting the removal of the member from office and stating the reason for such removal the Executive Council may remove him accordingly.

(d) If no such address is presented to the Executive Council within the period referred to in paragraph (c), the member shall be re-instated in office.

(9) If a member of the Commission becomes afflicted with a permanent infirmity of mind or body which disables him from the proper discharge of the duties of his office, the Executive Council may—

(a) allow him to vacate his office; or

(b) subject to the provisions of subsection (8), remove him from office on the ground of incapacity.

(10) A member of the Commission shall be at least 35 years of age and shall retire when he reaches the age of 65 years.

(11) If an officer in the Public Service is appointed a member of the Commission he shall resign his post in the Public Service, in which case he shall be entitled to the pension to which he would have been entitled had he been discharged from the Public Service owing to the abolition of his post.

Exercise and delegation of powers and functions of the Commission

5. (1) Subject to the provisions of subsection (2), a recommendation or direction given by not less than two members of the Commission shall be deemed for the purposes of this Act or any other law to be a recommendation or direction given by the Commission.

(2) Subject to the provisions of subsection (3), any power conferred upon or function entrusted to the Commission by this Act or any other law (except the power of delegation conferred hereby), may, with the concurrence of the Commission, be exercised or performed—

(a) by any member or members of the Commission under a general or special delegation from the Commission; or

(b) by any officer or allocated officer employed in the office of the Commission.

(3) The Commission shall not delegate the powers conferred upon it by section 6 (2) (a), (g) and (n) or by section 15 (2), 15 (3), 15 (4) (a) to (e) inclusive, 15 (5) and 15 (7) or Chapter 4 of this Act.

(4) The Commission may authorise any person to conduct an inquiry into any matter upon which in terms of this Act or of any other law it is competent for the Commission to make a recommendation or give a direction.

(5) Any delegation or authorisation made or given by the Commission under this section may at any time be amended or revoked by the Commission.

Bevoegdheid, werksaamhede en pligte van die Kommissie

6. (1) Die Kommissie het die bevoegdheid—

(a) om die werksaamhede aan hom opgedra en die pligte aan hom toevertrou by hierdie Wet of by of kragtens enige ander wet, te verrig en uit te voer; en

(b) om aanbevelings te doen of lasgewings te gee oor alle aangeleenthede waarvoor daar nie uitdruklik in hierdie Wet of enige ander wet voorsiening gemaak is nie maar wat nie daarmee strydig is nie, met betrekking tot of voortspuitende uit die indiensneming van en die diensvoorwaardes in die algemeen van beamptes en werknemers.

(2) Die Kommissie moet—

(a) aanbevelings doen aangaande die skepping of afskaffing van departemente, subdepartemente, takke of kantore, die oordrag van werksaamhede van een departement aan 'n ander of van 'n departement aan 'n ander liggaam of van 'n ander liggaam aan 'n departement;

(b) aanbevelings doen aangaande die beheer, organisasie en herreëling van departemente, subdepartemente, takke of kantore;

(c) aanbevelings doen aangaande die getal, gradering, hergradering en omskepping van poste op die vaste diensstaat;

(d) aanbevelings doen aangaande die getal persone wat tydelik of onder 'n spesiale kontrak, hetsy in 'n voltydse of 'n deeltydse hoedanigheid, in diens geneem moet word—

(i) teen poste op die vaste diensstaat, wat nie permanent gevul is nie; of

(ii) bykomend by die vaste diensstaat, hetsy weens die afwesigheid of siekte van die bekleër van 'n pos, of wanneer dit nodig is om personeel te verskat vir die verrigting van 'n klas werk waarvoor personeel nie onder gewone omstandighede op 'n permanente basis aangehou word nie, of wanneer dit om enige ander rede nodig is om die personeel van 'n departement tydelik te vergroot;

(e) wanneer hy dit nodig ag 'n aanbeveling doen vir die indiensneming van 'n beampte bykomend by die vaste diensstaat of in 'n pos wat hoër of laer as sy eie graad gradeer is;

(f) aanbevelings doen vir die bewerkstelling van besuiniging en die bevordering van doeltreffendheid in die bestuur en funksionering van departemente, subdepartemente, takke en kantore deur—

(i) verbeterde organisasie, prosedure en metodes;

(ii) verbeterde toesig;

(iii) vereenvoudiging van werk en die uitskakeling van onnodige werk;

(iv) koördinasie van werk; en

(v) beperking van die getal beamptes en werknemers van departemente, subdepartemente, takke en kantore en die aanwending van die dienste van beamptes en werknemers op die voordeligste wyse;

(g) aanbevelings doen aangaande die skale van salarisse, lone en toelae van al die verskillende klasse en grade van beamptes en werknemers;

(h) wanneer dit nodig is om 'n aanstelling of bevordering te doen in of tot 'n voorgeskrewe pos op die vaste diensstaat hetsy dit nodig is weens die feit dat die pos vakant of hergradeer of omskep is, 'n aanbeveling doen aangaande die persoon wat aangestel of bevorder moet word;

Powers, functions and duties of the Commission

6. (1) The Commission shall have the power—

(a) to perform the functions entrusted to and to carry out the duties imposed upon it by this Act or by or under any other law; and

(b) to make recommendations or give directions on all matters not specifically provided for in this Act or any other law, but not inconsistent therewith, relating to or arising out of the employment of and the conditions or service generally of officers and employees.

(2) The Commission shall—

(a) make recommendations as to the creation or abolition of departments, subdepartments, branches or offices, the transfer of functions from one department to another or from a department to any other body or from any other body to a department;

(b) make recommendations as to the control, organisation and readjustment of departments, subdepartments, branches or offices;

(c) make recommendations on the number, grading, regarding and conversion of posts on the fixed establishment;

(d) make recommendations as to the number of persons to be employed temporarily or under a special contract, whether in a full-time or a part-time capacity—

(i) against posts on the fixed establishment which are not permanently filled; or

(ii) in addition to the fixed establishment, either by reason of the absence or illness of the incumbent of any post, or when it is necessary to provide staff for the performance of a class of work for which staff is not ordinarily maintained on a permanent basis, or when it is necessary for any other reason to increase temporarily the staff of any department;

(e) whenever it considers it necessary, make a recommendation for the employment of an officer additional to the fixed establishment, or in a post graded lower or higher than his own grade;

(f) make recommendations for effecting economy and promoting efficiency in the management and working of departments, subdepartments, branches, and offices by—

(i) improved organisation, procedure and methods;

(ii) improved supervision;

(iii) simplification of work and the elimination of unnecessary work;

(iv) co-ordination of work; and

(v) limitation of the number of officers and employees of departments, subdepartments, branches and offices and the utilisation of the services of officers and employees to the best advantage;

(g) make recommendations as to the scales of salaries, wages and allowances of all the various classes and grades of officers and employees;

(h) whenever it is necessary to make any appointment or promotion to a prescribed post on the fixed establishment, whether such necessity arises from the fact that the post is vacant or has been regarded or converted, make a recommendation as to the person to be appointed or promoted;

(i) aantekening hou van beamptes wat in voorgeskrewe poste in diens geneem is;

(j) ondersoek instel na griewe van beamptes en, behoudens die bepalings van hierdie Wet, die aanbevelings daarvoor doen wat hy goeë dink;

(k) lasgewings gee aangaande die leeftyds-, opvoedkundige, taal- en ander kwalifikasies wat persone moet besit by aanstelling in, oorpasing na of bevordering in die Regeringsdiens, waar die kwalifikasies nie by of kragtens hierdie Wet of enige ander wet voorgeskryf is nie;

(l) waar hy dit nodig ag, eksamens afneem of laat afneem in vakke, insluitende tale, soos hy gelas, of soos voorgeskryf as 'n kwalifikasie wat persone by aanstelling in, oorpasing na of bevordering in die Regeringsdiens moet besit;

(m) dié ander bevoegdhede uitoefen, dié ander werksaamhede verrig en dié ander pligte uitvoer wat nie met hierdie Wet strydig is nie en wat die Uitvoerende Raad aan hom opgedra of hom opgelê het;

(n) aanbevelings doen by die Uitvoerende Raad vir die uitvaardiging of wysiging van regulasies in artikel 26 van hierdie Wet bedoel;

(o) so spoedig doenlik na die 31ste dag van Desember van elke jaar 'n verslag opstel oor aangeleenthede wat die Kommissie gedurende die vorige jaar behandel het, asook spesiale verslae wat die Kommissie van tyd tot tyd wenslik ag.

(3) Die Kommissie kan, behoudens die bepalings van enige regulasies ingevolge hierdie Wet uitgevaardig erkenning aan personeelverenigings wat beamptes, soos omskryf in artikel 1 van hierdie Wet verteenwoordig, verleen.

(4) Die Uitvoerende Raad kan die bevoegdhede, werksaamhede en pligte wat by enige wet aan hom en/of 'n Raadslid verleen, opgedra of opgelê is ten opsigte van die aanstelling, gradering, bevordering, aftreding, dissipline, diensure, verlof en, in die algemeen, diensvoorwaardes van persone in diens van rade, dergelyke instellings en ander instellings wat hul fondse geheel of gedeeltelik uit die Inkomstefonds verkry, aan die Kommissie deleger.

Uitvoering van aanbevelings van die Kommissie

7. (1) Elke aanbeveling wat deur die Kommissie ooreenkomstig hierdie Wet gedoen word, en wat op 'n bepaalde persoon betrekking het—

(a) kan, behoudens die bepalings van subartikel (2), voordat dit uitgevoer is, deur die Kommissie teruggetrek of gewysig word of deur die Uitvoerende Raad verwerp of gewysig word te eniger tyd binne 'n tydperk van ses kalendermaande na die datum waarop dit deur die Kommissie gedoen is of binne 'n tydperk van ses kalendermaande na die datum waarop dit deur die Kommissie gewysig is: Met dien verstande dat die Kommissie nie 'n aanbeveling wat deur die Uitvoerende Raad gewysig is, mag intrek of wysig nie;

(b) word, behoudens die bepalings van subartikel (2), as dit deur die Uitvoerende Raad gewysig is, onverwyld deur die Raadslid, soos aldus gewysig uitgevoer;

(c) word, behoudens die bepalings van subartikel (2), as die Uitvoerende Raad geweier het om dit te wysig of te verwerp, onverwyld deur die Raadslid soos deur die Kommissie gedoen of gewysig uitgevoer;

(i) keep a record of officers employed in prescribed posts;

(j) inquire into the grievances of officers and, subject to the provisions of this Act, make such recommendations thereon as it may deem fit;

(k) give directions regarding the age, educational, language and other qualifications to be possessed by persons on appointment, transfer or promotion to or in the Public Service, where such qualifications are not prescribed by or under this Act or any other law;

(l) where it deems it necessary, conduct examinations or cause examinations to be conducted in such subjects including languages, as it may direct or as may be prescribed as a qualification to be possessed by persons on appointment, transfer or promotion to or in the Public Service;

(m) exercise such other powers, perform such other functions, and carry out such other duties, not repugnant to this Act, as may be entrusted to or conferred upon it by the Executive Council;

(n) make recommendations to the Executive Council for the promulgation or amendment of regulations referred to in section 26 of this Act;

(o) as soon as practicable after the 31st day of December of each year compile a report on the matters dealt with by the Commission during the previous year, as well as special reports which the Commission may deem expedient from time to time.

(3) The Commission may, subject to the provisions of any regulations made in terms of this Act, grant recognition to staff associations representing officers as defined in section 1 of this Act.

(4) The Executive Council may delegate to the commission the powers, functions and duties as are by any law granted or entrusted to or imposed upon the Executive Council and/or a Councillor in connection with the appointment, grading, promotion, retirement, discipline, hours of attendance, leave and conditions of service in general, of persons in the employment of councils, similar institutions and other establishments which obtain their funds from the Revenue Fund, wholly or in part.

Implementation of recommendations of the Commission

7. (1) Subject to the provisions of subsection (2) every recommendation made by the Commission in accordance with this Act and relating to a particular person—

(a) may be withdrawn or varied by the Commission or may be rejected or varied by the Executive Council before it has been implemented, at any time within a period of six calendar months of the date upon which it was made by the Commission or within a period of six calendar months of the date upon which it was varied by the Commission: Provided that it shall not be competent for the Commission to withdraw or vary any recommendation which has been varied by the Executive Council;

(b) shall, if the Executive Council has varied it, forthwith be implemented by the Councillor as so varied;

(d) word, behoudens die bepalinge van subartikel (2), as genoemde tydperk verstryk het en dit nie uitgevoer of deur die Kommissie teruggetrek of deur die Uitvoerende Raad verwerp of gewysig is nie, onverwyld deur die Raadslid soos deur die Kommissie gedoen of gewysig, uitgevoer.

(2) Elke aanbeveling van die Kommissie aangaande—

(a) die getal gradering, hergradering, en omskeping van poste op die vaste diensstaat;

(b) die indiensneming en indienshouding van beamptes en werknemers bykomend by die vaste diensstaat of teen poste wat laer of hoër gegradeer is as hulle eie gradering;

(c) die skale van salarisse, lone, en toelaes van beamptes en werknemers;

(d) die betaling aan beamptes en werknemers of aan klasse beamptes of werknemers van salarisse teen hoër bedrae as die minimums van skale wat op hulle poste by aanstelling, oorpasing of bevordering van toepassing is;

(e) die spesiale vordering van beamptes en werknemers of van klasse beamptes of werknemers binne die salarisskale wat op hulle poste van toepassing is of die betalings aan hulle van salarisse ooreenkomstig hoër skale;

(f) die betaling aan beamptes en werknemers van ekstra besoldiging vir die verrigting van oortyd-diens;

(g) die bedrae aan bonusse, toekennings, gratifikasies, honorariums en enige ander ekstra betalings wat aan beamptes en werknemers gedoen moet word;

(h) die toekenning van beurse en hulptoelaes vir studie- en navorsingsdoeleindes;

(i) die diensvoorwaardes, in die algemeen, van beamptes en werknemers;

en al die aanbevelings gedoen kragtens artikel 6 (2) (n) wat uitgawes deur die Inkomstefonds meebring, word aan die Direkteur van Owerheidsake en Finansies meegedeel en nie uitgevoer nie, tensy die Direkteur sodanige uitgawes goedgekeur het.

(3) Waar 'n aanbeveling van die Kommissie deur die Uitvoerende Raad verwerp of gewysig is, handel die Raadslid in die aangeleentheid in verband waarmee die aanbeveling gedoen is, ooreenkomstig enige magtiging deur die Uitvoerende Raad verleen of ooreenkomstig die aanbeveling van die Kommissie, soos aldus gewysig, sonder om 'n verdere aanbeveling van die Kommissie te verkry.

(4) Vir die toepassing van die bepalinge van subartikels (1) en (3) betreffende die verwerping of wysiging deur die Uitvoerende Raad van 'n aanbeveling van die Kommissie word 'n weiering deur of 'n versuim van die Kommissie om 'n aanbeveling te doen, geag 'n aanbeveling van die Kommissie te wees.

(5) Geen aansoek om die verwerping of wysiging van 'n aanbeveling word by die Uitvoerende Raad gedoen nie, tensy die Raadslid aan die Kommissie minstens 14 dae kennis gegee het van sy voorneme om aldus aansoek te doen en sodanige kennisgewing moet die gronde uiteensit waarop die Raadslid van voorneme is om die aansoek te baseer.

(6) Vir die toepassing van hierdie Wet of enige ander wet word 'n aanbeveling geag—

(a) gedoen te gewees het op die datum van die skriftelike mededeling waarin sodanige aanbeveling oorgedra word; en

(c) shall, if the Executive Council has refused to vary or reject it, forthwith be implemented by the Councillor as made or varied by the Commission;

(d) shall, if the said period has expired, and it has not been implemented or withdrawn by the Commission or rejected or varied by the Executive Council, forthwith be implemented by the Councillor as made or varied by the Commission.

(2) Every recommendation of the Commission on—

(a) the number, grading, regrading and conversion of posts on the fixed establishment;

(b) the employment and continued employment of officers and employees, additional to the fixed establishment or against posts graded higher or lower than their own grading;

(c) the scales of salaries, wages, and allowances of officers and employees;

(d) the payment to officers and employees or to classes of officers or employees of salaries at higher rates than the minima of the scales applicable to their posts on appointment, transfer or promotion;

(e) the special advancement of officers and employees or of classes of officers or employees within the scales of salary applicable to their posts or the payment to them of salaries in accordance with higher scales;

(f) the payment to officers and employees of extra remuneration for the performance of overtime duties;

(g) the amounts of bonuses, awards, gratuities, honoraria and any other extra payments to be made to officers and employees;

(h) the grant of bursaries and grants-in-aid for purposes of study and research;

(i) the conditions of service generally of officers and employees;

and every recommendation made in terms of section (2) (n) involving expenditure from the Revenue Fund shall be communicated to the Director of Authority Affairs and Finance and shall not be implemented unless the Director has approved the expenditure involved.

(3) Where a recommendation of the Commission has been rejected or varied by the Executive Council, the Councillor shall act in the matter in connection with which the recommendation was made, in accordance with any authority granted by the Executive Council or in accordance with the recommendation of the Commission as so varied, without obtaining a further recommendation of the Commission.

(4) For the purposes of the provisions of subsection (1) and (3), relating to the rejection or variation by the Executive Council of a recommendation of the Commission, any refusal or failure by the Commission to make a recommendation shall be deemed to be a recommendation of the Commission.

(5) No application for the rejection or variation of a recommendation shall be made to the Executive Council unless the Councillor has given the Commission at least 14 days notice of its intention so to apply and such notice shall set forth the grounds upon which the Councillor intends basing the application.

(6) For the application of this Act or any other law a recommendation shall be deemed—

(a) to have been made on the date of the written communication conveying such recommendation; and

(b) as dit op 'n bepaalde persoon betrekking het, deur die Raadslid uitgevoer te gewees het op die datum van die skriftelike mededeling aan daardie persoon dat die Raadslid sodanige aanbeveling goedgekeur het.

(7) As die Uitvoerende Raad nie in staat of nie bereid is om 'n aanbeveling van die Kommissie wat ooreenkomstig hierdie Wet gedoen is, aan te neem nie, of dit verwerp of wysig, moet die Kommissie die aangeleentheid, hetsy deur middel van 'n spesiale verslag of in sy jaarverslag volledig aan die Wetgewende Vergadering rapporteer.

Delegasie van bevoegdheid en werksaamhede

8. (1) (a) Enige bevoegdheid verleen aan 'n Raadslid by hierdie Wet kan, met die instemming van die Raadslid uitgevoer of uitgeoefen word—

- (i) deur enige toegewese beampte; of
- (ii) deur enige beampte.

(b) 'n Raadslid mag nie die werksaamhede by artikel 7 (1) aan hom opgedra deleger nie.

(2) (a) Enige bevoegdheid wat kragtens hierdie Wet aan 'n departementshoof verleen is, kan deur hom aan 'n ander beampte of toegewese beampte, gedeleger word op voorwaardes wat hy bepaal.

(b) 'n Departementshoof kan 'n delegasie wat kragtens hierdie artikel verleen is te eniger tyd terugtrek.

Die Kommissie kan departemente inspekteer en het insae in amptelike dokumente

9. Die Kommissie het die bevoegdheid om, vergesel van die Sekretaris van die Kommissie, enige departement te inspekteer, en moet insae gegee word in amptelike dokumente en stukke en moet voorsien word van alle inligting deur hoofde van departemente en ander beamptes en werknemers, wat na sy mening noodig is vir die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte kragtens hierdie Wet of kragtens enige ander wet.

Personaal van die Kommissie, inspeksie van departemente en byeenroeping van Kommissie

10. (1) Daar word met inagneming van die bepalings van hierdie Wet 'n sekretaris vir die Kommissie en die aantal ander beamptes en werknemers aangestel as wat van tyd tot tyd nodig is om die Kommissie in staat te stel om op doeltreffende wyse sy bevoegdhede uit te oefen, sy werksaamhede te verrig en sy pligte uit te voer.

(2) Die Sekretaris in subartikel (1) bedoel, moet die opdragte nakom en die pligte uitvoer wat die Kommissie van tyd tot tyd aan hom gegee of hom opgelê het.

(3) Die Kommissie kan enige persoon magtig om die inspeksie van departemente namens die Kommissie uit te voer en enige persoon aldus gemagtig, het die bevoegdhede wat by artikel 9 aan die Kommissie verleen is.

(4) Die Sekretaris in subartikel (1) bedoel of 'n beampte of toegewese beampte deur hom daartoe gemaagtig, moet die Kommissie, na oorlegpleging met die voorsitter of waarnemende voorsitter byeenroep: Met dien verstande dat niks die voorsitter of waarnemende voorsitter van die Kommissie sal belet om 'n vergadering van die Kommissie te eniger tyd te belê nie. Met dien verstande voorts dat die Kommissie althans een keer per maand moet vergader.

(b) if it relates to a particular person, to have been implemented by the Councillor on the date of the written communication to such person stating that the Councillor has approved such recommendation.

(7) If the Executive Council is unable or not prepared to accept a recommendation by the Commission in accordance with this Act, or rejects or varies it, the Commission shall report the matter fully to the Legislative Assembly, either by means of a special report or in its annual report.

Delegation of powers and functions

8. (1) (a) Any power conferred upon a Councillor by this Act may, with the concurrence of the Councillor, be exercised or carried out—

- (i) by any allocated officer; or
- (ii) by any officer.

(b) A Councillor shall not delegate the functions conferred upon him by section 7 (1).

(2) (a) Any power conferred upon a head of department by this Act may be delegated by him to another officer or allocated officer, on conditions determined by him.

(b) A head of department may at any time withdraw a delegation granted in terms of this section.

The Commission may inspect departments and has access to official documents

9. The Commission accompanied by the secretary of the Commission shall have the power to inspect any department and shall be given access to official documents and records, and shall be furnished with all such information by heads of departments and other officers and employees as in its opinion may be necessary for the exercise of its powers, the performance of its functions and the carrying out of its duties under this Act or under any other law.

Staff of the Commission, inspection of departments and convening of the Commission

10. (1) There shall be appointed subject to the provisions of this Act, a secretary to the Commission and so many other officers and employees as may from time to time be necessary to enable the Commission effectually to exercise its powers, to perform its functions and to carry out its duties.

(2) The Secretary referred to in subsection (1) shall observe such directions and carry out such duties as may from time to time be given to or imposed upon him by the Commission.

(3) The Commission may authorise any person to carry out an inspection of departments on behalf of the Commission and any person so authorised shall have the powers conferred upon the Commission by section 9.

(4) The secretary referred to in subsection (1) or an officer or an allocated officer authorised by him shall, after consultation with the chairman or acting chairman convene the Commission: Provided that nothing shall prevent the chairman or acting chairman of the Commission from convening a meeting of the Commission at any time: Provided further that the Commission shall meet at least once a month.

(5) Die Sekretaris in subartikel (1) bedoel of 'n beampte of toegewese beampte wat deur hom daartoe gemagtig is, moet alle vergaderings van die Kommissie bywoon.

HOOFSUK 3

AANSTELLINGS, BEVORDERINGS, OORPLASINGS, AFTREDINGS, AFDANKINGS EN ONTSLAG

Deur wie aanstellings en bevorderings gedoen word

11. Ondanks die bepalings van enige wet wat voor die inwerkingtreding van hierdie Wet aangeneem is en sonder om afbreuk te doen aan die werksaamhede wat deur die Kommissie kragtens hierdie Wet verrig moet word, word die aanstelling of bevordering van enige persoon in die Regeringsdiens deur die Raadslid gedoen.

Voorwaardes vir die vulling van poste

12. (1) Behoudens die bepalings van hierdie artikel en artikel 13, word aanstellings, oorplasinge en bevorderings in die Regeringsdiens gedoen op die wyse en onder die voorwaardes deur die Kommissie gelas of aanbeveel, insluitende die besit van kennis van amptelike tale, tale wat kragtens artikel 108 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961), as addisionele amptelike tale van KaNgwane erken is, of ander tale.

(2) Niemand word vas aangestel, of oorgeplaas en vas aangestel, hetsy op proef al dan nie, in enige pos op die vaste diensstaat van die Regeringsdiens nie, tensy so iemand—

(a) 'n burger is of, indien hy nie so 'n burger is nie, die Uitvoerende Raad sy aanstelling aanbeveel het;

(b) van goeie karakter is; en

(c) na die mening van die Kommissie vry van enige verstandelike of liggaamlike gebrek, siekte of swakheid is, wat waarskynlik die behoorlike uitvoering van sy pligte sal belemmer, of sy aftreding uit die Regeringsdiens voordat hy die pensioenleeftyd bereik, nodig sal maak en die Kommissie aldus verklaar het:

Met dien verstande dat 'n persoon aldus op proef aangestel kan word, ondanks die bepalings van paragraaf (c) as die Kommissie die verklaring daarin bedoel, agterweë hou en as 'n voorwaarde van die aanstelling aanbeveel dat dit bekragtig kan word slegs nadat die Kommissie sodanige verklaring uitgereik het.

(3) By die vulling van 'n pos in die Regeringsdiens moet daar behoorlik rekening gehou word met die kwalifikasies, betreklike verdienstelikheid, bekwaamheid en geskiktheid van die persone wat vir bevordering, oorplasing of aanstelling in aanmerking kom.

(4) Vir die vulling van 'n voorgeskrewe pos op die vaste diensstaat moet die Kommissie, behoudens die bepalings van subartikel (3), of—

(a) die oorplasing of bevordering van 'n beampte aanbeveel; of

(b) as die pos nie op bevredigende wyse deur sodanige oorplasing of bevordering gevul kan word nie, die aanstelling van 'n persoon wat nie 'n beampte is nie aanbeveel;

Met dien verstande dat binne een kalendermaand na die aanvang van elke gewone sessie van die Wetgewende Vergadering, die Raadslid van die Departement

(5) The secretary referred to in subsection (1) or an officer or an allocated officer authorised by him shall attend all meetings of the Commission.

CHAPTER 3

APPOINTMENTS, PROMOTIONS, TRANSFERS, RETIREMENTS AND DISCHARGES

By whom appointments and promotions are made

11. Notwithstanding the provisions of any law passed before the commencement of this Act and without derogation from the functions to be performed by the Commission under this Act, the appointment or promotion of any person in the Public Service shall be made by the Councillor.

Conditions for the filling of posts

12. (1) Subject to the provisions of this section and of section 13, appointments, transfers and promotions in the Public Service shall be made in such manner and subject to such conditions as the Commission may direct or recommend, including the possession of knowledge of the official languages, languages which are recognised in terms of section 108 of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961) as additional official languages for KaNgwane or other languages.

(2) No person shall be appointed permanently, or be transferred and appointed permanently, whether on probation or not, to any post on the fixed establishment of the Public Service unless such person is—

(a) a citizen or, if he is not such a citizen, his appointment has been recommended by the Executive Council;

(b) of good character; and

(c) in the opinion of the Commission, free from any mental or physical defect, disease or infirmity which would be likely to interfere with the proper carrying out of his duties or to render necessary his retirement from the Public Service before reaching the pensionable age and the Commission has so declared;

Provided that a person may be so appointed on probation, notwithstanding the provisions of paragraph (c), if the Commission withholds the declaration referred to therein and recommends as a condition of the appointment, that it may be confirmed only after the Commission has issued such declaration.

(3) In the filling of any post in the Public Service due regard shall be had to the qualifications, relative merit, efficiency and suitability of the persons who are eligible for promotion, transfer or appointment.

(4) For the filling of any prescribed post on the fixed establishment the Commission shall, subject to the provisions of subsection (3), recommend either—

(a) the transfer or promotion of an officer; or

(b) if the post cannot be satisfactorily filled by such transfer or promotion, the appointment of a person who is not an officer;

Provided that within one calendar month from the commencement of each ordinary session of the Legislative Assembly the Councillor for Department of

van Owerheidsake en Finansies in die Wetgewende Vergadering 'n opgawe ter tafel moet lê waarin opgege word—

- (a) die naam van elke persoon wat sedert die aanvang van die vorige gewone sessie van die Wetgewende Vergadering in 'n pos hoër as 'n toetredingsrang aangestel is en wat onmiddellik voor sodanige aanstelling nie 'n beampte was nie;
- (b) die pos waarin daardie persoon aangestel is;
- (c) die salarisskaal aan daardie pos verbonde; en
- (d) die spesiale kwalifikasies van daardie persoon vir die pos en die spesiale redes vir sy aanstelling.

Aanstellings, oorplasinge en bevorderings op proef

13. (1) Aanstelling in, oorplasinge na en bevorderings tot poste op die vaste diensstaat geskied op proef as—

- (a) in die geval van voorgeskrewe poste, die Kommissie aldus aanbeveel; of
- (b) in die geval van nie-voorgeskrewe poste, die persoon wat die bevoegdheid het om aanstellings, oorplasinge en bevorderings goed te keur, magtiging daartoe verleen.

(2) Die proeftyd aldus aanbeveel of waartoe magtiging aldus verleen is, is minstens 12 kalendermaande. Met dien verstande dat as 'n beampte wat diens op proef doen, oorgeplaas word na of bevorder word tot 'n ander pos, 'n korter dienstyd op proef in die nuwe pos aanbeveel kan word of magtiging daartoe verleen kan word wat, saam met die proeftyd in diens in die vorige pos, minstens 12 kalendermaande is: Met dien verstande voorts dat die proeftyd van 'n beampte verleng word met die getal dae verlof wat hy gedurende die proeftyd of enige verlenging daarvan geneem het.

(3) As die hoof van die kantoor, tak, subdepartement of department sertifiseer dat gedurende die proeftyd, of verlengde proeftyd, die betrokke beampte ywerig en sy gedrag deurgaans bevredigend was en dat hy in alle opsigte geskik is vir die pos wat hy beklee, kan die Raadslid, as die beampte voldoen het aan al die voorwaardes waaraan sy aanstelling oorplasing of bevordering onderhewig was, die aanstelling, oorplasing of bevordering bekragtig, maar as die aanstelling, oorplasing of bevordering op proef nie aldus bekragtig word nie—

- (a) moet die departementshoof in die geval van 'n beampte wat 'n voorgeskrewe pos beklee die redes vir die nie-bekragtiging aan die Kommissie rapporteer wat behoudens die bepalinge van subartikel (5) 'n aanbeveling wat hy goeddink oor die aangeleentheid kan doen; of
- (b) kan die Raadslid die proeftyd verleng of optree soos in subartikel (4) as die beampte 'n nie-voorgeskrewe pos beklee.

(4) Ondanks andersluidende bepalinge in subartikel (2) of in Hoofstuk 4 vervat, maar behoudens die bepaling van subartikel (5), kan 'n beampte wat op proef in diens is, deur die Raadslid uit die Regeringsdiens ontslaan word, hetsy gedurende of by of na die verstryking van die proeftyd—

- (a) deur een maand kennis te gee; of
- (b) onverwyld as sy gedrag onbevredigend is:

Met dien verstande dat voordat 'n beampte wat 'n voorgeskrewe pos beklee aldus ontslaan word, die Kommissie eers 'n aanbeveling gedoen het.

Authority Affairs and Finance shall lay upon the Table of the Legislative Assembly a return showing—

- (a) the name of every person who has, since the commencement of the preceding ordinary session of the Legislative Assembly, been appointed to a post higher than an entry grade and who was, immediately prior to such appointment not an officer;
- (b) the post to which such person has been appointed;
- (c) the salary scale attached to such post; and
- (d) the special qualifications of such person for the post and the special reasons for his appointment.

Appointments, transfers and promotions on probation

13. (1) Appointments, transfers or promotions to posts on the fixed establishment shall be made on probation if—

- (a) in the case of prescribed posts the Commission recommends accordingly; or
- (b) in the case of non-prescribed posts, the person holding power to approve appointments, transfers and promotions therein, so authorises.

(2) The period of probation so recommended or authorised shall not be less than 12 calendar months: Provided that if an officer who is serving on probation is transferred or promoted to any other post, a lesser period of service on probation in the new post may be recommended or authorised, which, together with the period of probation served in the former post, shall total at least 12 calendar months: Provided further that the probationary period of an officer shall be extended by the number of days leave taken by him during the period of probation or any extension thereof.

(3) If the head of the office, branch, subdepartment or department certifies that during the period of probation or extended period of probation the officer concerned has been diligent and his conduct uniformly satisfactory and that he is in all respect suitable for the post which he holds, the Councillor may, if the officer has complied with all the conditions to which his appointment, transfer or promotion was subject, confirm the appointment, transfer or promotion but if the probationary appointment, transfer or promotion is not so confirmed—

- (a) the head of department shall, in the case of an officer holding a prescribed post, report the reasons for the non-confirmation to the Commission which, subject to the provisions of subsection (5) make such recommendation in the matter as it may deem fit; or
- (b) the Councillor may extend the period of probation or act as is provided in subsection (4) if the officer holds a non-prescribed post.

(4) Notwithstanding anything to the contrary in subsection (2) or in Chapter 4 contained, but subject to the provisions of subsection (5), an officer who is serving on probation may be discharged from the Public Service by the Councillor either during or at or after the expiry of the period of probation—

- (a) by giving one month's notice; or
- (b) forthwith, if his conduct is unsatisfactory:

Provided that before an officer holding a prescribed post is so discharged the Commission shall first have made a recommendation.

(5) Ondanks anderstuidende bepalings in artikel 14 en 23 keer 'n persoon wat onmiddellik voor sy oorplasing of bevordering op proef 'n beamppte was, maar wat nie 'n beamppte op proef was nie, terug na die pos wat hy tevore beklee het, of na 'n pos van gelykegrading, en na die salaris wat hy in sy vorige pos sou bereik het, as sy oorplasing of bevordering op proef nie bekragtig word nie: Met dien verstande dat in die geval van 'n beamppte wat 'n voorgeskrewe pos beklee, die Kommissie eers 'n aanbeveling moet doen.

Oorplasing en sekondering van beamptes en werknemers

14. (1) Behoudens die bepalings van hierdie Wet kan elke beamppte en werknemer, wanneer die openbare belang dit vereis, oorgeplaas word uit die pos of betrekking wat hy beklee na enige ander pos of betrekking in dieselfde of in enige ander departement hetsy sodanige pos of betrekking van 'n laer of hoër graad is al dan nie: Met dien verstande dat—

(a) by oorplasing 'n beamppte of werknemer se salarisskaal nie sonder sy toestemming verlaag mag word nie, behalwe in ooreenstemming met die bepalings van Hoofstuk 4;

(b) 'n beamppte wat oorgeplaas is na of in diens is in 'n pos van laer of hoër graad as sy eie graad sonder 'n verandering in sy salarisskaal, deur die Kommissie aanbeveel moet word vir oorplasing na 'n pos waarby sy salarisskaal pas sodra 'n geskikte vakature ontstaan;

(c) 'n beamppte of werknemer wat oorgeplaas is na of in diens is in 'n pos wat hoër as sy eie graad gegradeer is of wat hergradeer is na, of omskep is in 'n pos van 'n hoër graad as sy eie graad, nie uit hoofde alleen van sodanige oorplasing of diens op die hoër salarisskaal of salaris wat op die pos van toepassing is, geregtig is nie.

(2) Die oorplasing van 'n beamppte of werknemer uit een pos of betrekking na 'n ander pos of betrekking kan, behoudens die bepalings van subartikel (3), geskied op gesag van die Raadslid: Met dien verstande dat sodanige oorplasing van een departement na 'n ander nie mag geskied nie behalwe op gesag van die Raadslid wat verantwoordelik is vir elk van die twee betrokke departemente: Met dien verstande voorts dat die bepalings van hierdie subartikel nie die Kommissie belet om die oorplasing van 'n beamppte of werknemer uit 'n voorgeskrewe pos op die vaste diensstaat na 'n ander voorgeskrewe pos op die vaste diensstaat aan te beveel nie.

(3) 'n Beamppte mag nie uit een pos oorgeplaas word na 'n ander pos wat van 'n hoër of laer graad as sy eie graad is of 'n ander benaming het nie, tensy die Kommissie die oorplasing aanbeveel het, maar hierdie subartikel is nie van toepassing nie as elkeen van die twee poste 'n nie-voorgeskrewe pos is.

(4) 'n Beamppte of werknemer kan met sy eie toestemming en op aanbeveling van die Kommissie op sodanige voorwaardes (benewens die by of kragtens enige wet voorgeskryf) as wat die Kommissie in oorleg met die Direkteur van Owerheidsake en Finansies bepaal of vir 'n bepaalde diens of vir 'n tydperk, na die diens van die Regering van die Republiek of die regering van 'n gebied waarvoor 'n Wetgewende Vergadering kragtens die Grondwet van die Swart State, 1971 (Wet 21 van 1971) ingestel is, of van 'n raad, inrigting of liggaam ingestel by of kragtens enige wet, of van enige ander liggaam of persoon, gesecondeer word en terwyl sodanige beamppte of werknemer aldus gesecondeer is bly hy onderworpe aan die wette wat op beamptes in die Regeringsdiens van toepassing is.

(5) Notwithstanding anything contained in sections 14 and 23 a person who immediately prior to his transfer or promotion on probation was an officer not being a probationary officer, shall revert to the post formerly held by him or to a post of equivalent grading, and to the salary he would have attained in his former post, if his probationary transfer or promotion be not confirmed: Provided that in the case of an officer holding a prescribed post the Commission shall first have made a recommendation.

Transfer and secondment of officers and employees

14. (1) Subject to the provisions of this Act, every officer and employee shall, whenever the public interest so requires, be liable to be transferred from the post or appointment held by him to any other post or appointment in the same or any other department, whether or not such post or appointment is of a lower or higher grade: Provided that—

(a) upon transfer an officer or employee shall not suffer any reduction in his salary scale without his consent except in accordance with the provisions of Chapter 4;

(b) an officer who has been transferred to or is employed in a post of lower or higher grade than his own grade without a change in his salary scale, shall be recommended by the Commission for transfer to a post to which his salary scale is appropriate as soon as a suitable vacancy occurs;

(c) an officer or employee who has been transferred to or is employed in a post which is graded higher than his own grade or which is regraded or converted to a post of a grade higher than his own grade, shall not by reason only of such transfer or employment be entitled to the higher scale or salary applicable to the post.

(2) The transfer of an officer or employee from one post or appointment to some other post or appointment may, subject to the provisions of subsection (3) be made on the authority of the Councillor: Provided that such transfer from one department to another shall not be made except on the authority of the Councillor responsible for each of the two departments concerned: Provided further that the provisions of this subsection shall not preclude the Commission from recommending the transfer of any officer or employee from a prescribed post on the fixed establishment to any other prescribed post on the fixed establishment.

(3) An officer shall not be transferred from one post to some other post which is of a higher or lower grade than his own grade or bears a different designation, unless the Commission has recommended the transfer, but this subsection shall not apply if each of the two posts is a non-prescribed post.

(4) An officer or employee may, with his own consent, and on the recommendation of the Commission upon such conditions (in addition to those prescribed by or under any law) as may be determined by it in consultation with the Director of Authority Affairs and Finance, be seconded either for a particular service or for a period of time, to the service of the Government of the Republic or the Government of an area for which a Legislative Assembly has been established in terms of the Black States Constitution Act, 1971 (Act 21 of 1971), or of any board, institution or body established by or under any law, or of any other body or person, and such officer or employee while so seconded shall remain subject to the laws governing officers in the Public Service.

(5) 'n Burger wat 'n beampte of werknemer van die Staatsdiens van die Republiek is of wat in diens van die Regering van die Republiek is of wat 'n beampte of werknemer in diens van 'n Swart staat is, kan oorgeplaas word in die Regeringsdiens op die voorwaardes wat die Kommissie aanbeveel in oorleg met die Direkteur van Owerheidsake en Finansies nadat 'n ooreenkoms oor sodanige oorplasing met die Regering van die Republiek of die Regering van die betrokke Swart staat bereik is.

Afstreding, afdanking en ontslag van beamptes

15. (1) (a) Behoudens die bepalings van subartikels (2) en (3) en enige wet betreffende pensioenregte van beamptes, het 'n beampte die reg om uit die Regeringsdiens af te tree wanneer hy die leeftyd van 60 jaar bereik en tree hy aldus af wanneer hy gemelde leeftyd bereik indien daardie dag op die eerste dag van 'n maand is of, indien daardie dag 'n latere dag is op die eerste dag van die maand onmiddellik na die maand waarin hy die leeftyd van 60 jaar bereik het.

(b) 'n Beampte wat uit die Staatsdiens van die Republiek na die Regeringsdiens oorgeplaas word sonder 'n onderbreking in diens, het die reg om af te tree met ingang van die datum bepaal by artikel 14 van die Staatsdienswet, 1957 (Wet 54 van 1957), asof hy 'n beampte van die Staatsdiens van die Republiek gebly het.

(2) As dit in die openbare belang is om 'n beampte in sy pos in diens te hou na die leeftyd waarop hy ooreenkomstig subartikel (1) moet aftree, kan hy aldus van tyd tot tyd op aanbeveling van die Kommissie en met goedkeuring van die Raadslid vir verdere tydperke in diens gehou word wat, behalwe met die goedkeuring van die Wetgewende Vergadering altesaam nie twee jaar te bowe mag gaan nie.

(3) (a) 'n Beampte (uitgesonderd 'n beampte genoem in subartikel (5) wat die leeftyd van 55 jaar bereik het) kan in elke geval behoudens die aanbeveling van die Kommissie, uit die Regeringsdiens afgedank word.

(b) 'n Beampte wat uit die Staatsdiens van die Republiek oorgeplaas is na die Regeringsdiens sonder 'n onderbreking van diens, kan, op aanbeveling van die Kommissie, afgedank word met ingang van die datum bepaal in artikel 14 (5) van die Staatsdienswet, 1957 (Wet 54 van 1957), gelees met artikel 6 van die Regeringsdienspensioenwet, 1965 (Wet 62 van 1965), asof hy 'n beampte van die Staatsdiens van die Republiek gebly het.

(4) Elke beampte kan uit die Regeringsdiens ontsien word—

(a) weens voortdurende swak gesondheid;

(b) weens die afskaffing van sy pos of vermindering of reorganisasie of herreëling van departemente of kantore;

(c) as, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag, doeltreffendheid of besuiniging in die departement of kantoor waarin hy in diens is, sal bevorder;

(d) weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;

(e) weens wangedrag; of

(f) as, in die geval van 'n beampte wat op proef aangestel is, sy aanstelling nie bekragtig word nie.

(5) A citizen who is an officer or employee of the Public Service of the Republic or is employed by the Government of the Republic or is an officer or employee employed by a Black State, may be transferred to the Public Service on conditions recommended by the Commission in consultation with the Director of Authority Affairs and Finance, after an agreement regarding such transfer has been reached with the Government of the Republic or the Government of the Black State concerned.

Retirement and discharge of officers

15. (1) (a) Subject to the provisions of subsections (2) and (3) and any law governing the pension rights of officers an officer shall have the right to retire from the Public Service on attaining the age of 60 years and shall be so retired on reaching the said age if that day is the first day of a month or if that day is any later day, on the first of the month immediately following the month in which he attains the age of 60 years.

(b) An officer who has been transferred from the Public Service of the Republic to the Public Service without a break in service, shall have the right to be retired with effect from the date determined by section 14 of the Public Service Act, 1957 (Act 54 of 1957), as if he had remained an officer of the Public Service of the Republic.

(2) If it is in the public interest to retain an officer in his post beyond the age at which in accordance with subsection (1) he shall be retired, he may be so retained from time to time on the recommendation of the Commission and the approval of the Councillor for further periods which shall not, except with the approval of the Legislative Assembly, exceed in the aggregate two years.

(3) (a) An officer (except an officer referred to in subsection (5) who has reached the age of 55 years may, subject in every case to the recommendation of the Commission, be retired from the Public Service.

(b) An officer who has been transferred from the Public Service of the Republic to the Public Service without a break in service, may be retired on recommendation of the Commission with effect from the date determined in section 14 (5) of the Public Service Act, 1957 (Act 54 of 1957) read with section 6 of the Government Service Pensions Act, 1965 (Act 62 of 1965), as if he had remained an officer of the Public Service of the Republic.

(4) Every officer shall be liable to be discharged from the Public Service—

(a) on account of continued ill-health;

(b) owing to the abolition of his post or any reduction in or re-organisation or re-adjustment of departments or offices;

(c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the department or office in which he is employed;

(d) on account of unfitness for his duties, or incapacity to carry them out efficiently;

(e) on account of misconduct;

(f) if, in the case of an officer appointed on probation his appointment is not confirmed.

(5) 'n Beampte wat sonder verlof van die departementshoof of die hoof van sy kantoor vir 'n tydperk van meer as een kalendermaand van sy ampspligte wegbly, word geag uit die Regeringsdiens weens wan-gedrag ontslaan te gewees het met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was: Met dien verstande dat as sodanige beampte ander werk aanvaar, hy geag word ontslaan te gewees het soos voormeld nieteenstaande dat genoemde tydperk nog nie verstryk het nie: Met dien verstande voorts dat as sodanige beampte hom te eniger tyd na die verstryking van sodanige tydperk vir diens aanmeld, die Kommissie, ondanks andersluidende wetsbepalings kan aanbeveel dat hy in die Regeringsdiens in sy vorige of enige ander pos of betrekking herstel word op die voorwaardes wat die Kommissie aanbeveel, en in so 'n geval word die tydperk van sy afwesigheid van sy ampspligte, geag afwesigheid met vakansieverlof sonder besoldiging of verlof op die ander voorwaardes wat die Kommissie aanbeveel, te wees.

(6) Die dienste van 'n beampte wat 'n nie-voorgeskrewe pos op die vaste diensstaat beklee, kan ondanks die afwesigheid van enige rede vir ontslag ooreenkomstig subartikel (4), beëindig word na minstens een maand skriftelike kennisgewing: Met dien verstande dat, in die geval van 'n beampte met 10 jaar of langer ononderbroke diens, die Kommissie eers die beëindiging van sy dienste moet aanbeveel.

(7) Die bevoegdheid om 'n beampte of werknemer te ontslaan berus by die Raadslid: Met dien verstande dat in die geval van 'n beampte wat 'n voorgeskrewe pos beklee die Kommissie eers sy ontslag moet aanbeveel.

HOOFSTUK 4

ONBEKWAAMHEID EN WANGEDRAG

Onbekwame beamptes

16. (1) As 'n departementshoof aan die Raadslid verslag doen dat 'n beampte wat 'n voorgeskrewe pos in sy departement beklee, na sy mening ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, stel die Raadslid 'n beampte of 'n toegewese beampte aan om ondersoek na die inhoud van daardie verslag in te stel, en as enige sodanige verslag aan 'n departementshoof gedoen word deur 'n beampte of 'n toegewese beampte wat ingevolge artikel 10 (3) gemagtig is om departemente te inspekteer, stuur genoemde departementshoof dit binne een kalendermaand na die datum waarop hy dit ontvang het deur na die Raadslid wat 'n beampte of toegewese beampte moet aanstel om ondersoek na die inhoud van daardie verslag in te stel.

(2) Die beampte of toegewese beampte wat die ondersoek moet instel, stel, in oorleg met die departementshoof, die tyd en die plek van die ondersoek vas en die departementshoof gee aan die betrokke beampte redelike skriftelike kennis van die tyd en plek aldus vasgestel en verstrek aan hom 'n skriftelike uiteensetting van die redes op grond waarvan beweer word dat hy ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie.

(3) Die departementshoof kan enige persoon magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter staving van die bewerings in subartikel (2) bedoel, aan te voer en om enige persoon wat getuienis afgelê het om daardie bewerings te weerlê, te kruisvra.

(5) An officer who absents himself from his official duties without the permission of the head of his department or the head of his office for a period exceeding one calendar month, shall be deemed to have been discharged from the Public Service on account of misconduct with effect from the date immediately succeeding his last day of attendance at his place of duty: Provided that if such officer assumes other employment he shall be deemed to have been discharged as aforesaid notwithstanding that the said period has not expired: Provided further that if such officer reports for duty at any time after the expiry of the said period the Commission may, notwithstanding anything to the contrary contained in this Act or any other law, recommend that he be reinstated in the Public Service in his former or any other post or appointment, on such conditions as the Commission may recommend, in which event the period of his absence from official duty shall be deemed to have been absence on vacation leave without pay or leave on such other conditions as the Commission may recommend.

(6) The services of an officer who occupies a non-prescribed post on the fixed establishment may, notwithstanding the absence of any cause of discharge under subsection (4), be terminated by the giving of not less than one month's notice in writing: Provided that in the case of an officer with 10 years continuous service or longer, the Commission shall first make a recommendation for his discharge.

(7) The power of discharge of an officer or employee is vested in the Councillor: Provided that in the case of an officer who occupies a prescribed post the Commission shall first make a recommendation for his discharge.

CHAPTER 4

INEFFICIENCY AND MISCONDUCT

Inefficient officers

16. (1) If a head of a department reports to the Councillor that any officer who occupies a prescribed post in his department is, in his opinion, unfit for his duties or incapable of carrying them out efficiently, the Councillor shall appoint an officer or an allocated officer to inquire into the subject matter of that report, and if any such report is made to a head of department by an officer or an allocated officer, who is authorised to inspect departments in terms of section 10 (3), the said head of department shall within one calendar month of the date on which he received it, transmit it to the Councillor who shall appoint an officer or an allocated officer to inquire into the subject matter of that report.

(2) The officer or allocated officer who is to hold the inquiry shall, in consultation with the head of department, fix the time and place of the enquiry and the head of department shall give the officer concerned reasonable notice in writing of the time and place so fixed and shall furnish him with a written statement of the grounds on which it is alleged that he is unfit for his duties or incapable of carrying them out efficiently.

(3) The head of department may authorise any person to attend the inquiry and to adduce evidence and arguments in support of the allegation referred to in subsection (2) and to cross-examine any person who has given evidence to rebut those allegations.

(4) (a) By die ondersoek het die betrokke beampte die reg om teenwoordig te wees en aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat as getuie opgeroep is ter staving van die bewerings in subartikel (2) bedoel, te kruisvra om insae te hê in alle dokumente wat as getuienis voorgelê is, om self getuienis af te lê en om enige ander persoon as getuie op te roep.

(b) Die beampte of toegewese beampte wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgele word.

(c) Die versuim van die betrokke beampte om by die ondersoek teenwoordig te wees, hetsy persoonlik of deur 'n verteenwoordiger, maak die verrigtings nie ongeldig nie.

(5) Na afloop van die ondersoek moet die beampte of toegewese beampte wat dit instel, bevind of die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, die betrokke beampte van sy bevinding verwittig en oor die uitslag van die ondersoek aan die Raadslid verslag doen.

(6) As die beampte of toegewese beampte wat die ondersoek ingestel het, bevind het dat die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, kan die betrokke beampte binne 14 dae na die datum waarop hy van die bevinding verwittig is, by die Kommissie daarteen appelleer deur aan die beampte of toegewese beampte wat die ondersoek ingestel het, skriftelik kennis van appèl te gee, waarin hy volledig die gronde waarop die appèl gebaseer word, moet uiteensit.

(7) As die beampte of toegewese beampte wat die ondersoek ingestel het, bevind het dat die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, moet hy die notule van die verrigtings by die ondersoek en alle dokumentêre getuienis wat aldaar toegelaat is, 'n skriftelike uiteensetting van sy bevinding en sy redes daarvoor en enige opmerkings oor die saak wat hy wens te maak, aan die Kommissie stuur en as kennis van appèl ooreenkomstig die bepalings van subartikel (6) gegee is, moet hy saam met die notule die kennisgewing en gronde van appèl aanstuur en aan die betrokke beampte 'n afskrif van die redes vir sy bevinding verstrek.

(8) As die betrokke beampte binne sewe dae na die datum waarop hy 'n afskrif van die redes vir die bevinding ontvang het, by die Kommissie om 'n afskrif van die notule van die verrigtings by die ondersoek aansoek doen, moet die Kommissie sodanige afskrif aan hom verstrek.

(9) Die betrokke beampte kan binne 14 dae na die datum waarop hy die afskrif van die notule van die verrigtings ontvang het, of as hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne 21 dae na die datum waarop hy die afskrif van die redes vir die bevinding ontvang het, aan die Kommissie skriftelike vertoë, in viervoud, ter staving van sy appèl voorlê.

(10) Die Kommissie stuur 'n afskrif van die notule en dokumente in subartikel (7) bedoel en 'n afskrif van die vertoë in subartikel (9) bedoel aan die departementshoof.

(11) Die departementshoof kan binne 14 dae na die datum waarop hy die afskrifte in subartikel (10) bedoel, ontvang het, vertoë wat hy wens voor te lê ter staving van die bevinding waarteen die appèl aangeteken is, in viervoud tot die Kommissie rig en die Kommissie moet 'n afskrif van sodanige vertoë aan die betrokke beampte verstrek.

(4) (a) At the inquiry the officer concerned shall have the right to be present and to be heard either personally or through a representative, to cross-examine any person called as a witness in support of the allegations referred to in subsection (2), to inspect any documents produced in evidence, to give evidence himself and to call any other person as a witness.

(b) The officer or allocated officer holding the inquiry shall keep a record of the proceedings at the inquiry and of all evidence given thereat.

(c) The failure of the officer concerned to attend the inquiry, either personally or by a representative, shall not invalidate the proceedings.

(5) At the conclusion of the inquiry the officer or allocated officer holding it shall find whether or not the officer concerned is unfit for his duties or incapable of carrying them out efficiently, shall inform the officer concerned of his finding and shall report the result of the inquiry to the Councillor.

(6) If the officer or allocated officer who held the inquiry has found that the officer concerned is unfit for his duties or incapable of carrying them out efficiently, the officer concerned, may within 14 days of the date upon which he was informed of the finding appeal therefrom to the Commission by giving to the officer or allocated officer who held the inquiry a written notice of appeal wherein he shall set forth fully the grounds upon which the appeal is based.

(7) If the officer or allocated officer who held the inquiry has found that the officer concerned is unfit for his duties or incapable of carrying them out efficiently, he shall forward to the Commission the record of the proceedings at the inquiry and any documentary evidence admitted thereat, a written statement of his finding and his reasons therefor and any observations on the case which he may desire to make and if notice of appeal has been given in accordance with the provisions of subsection (6), he shall forward with the record the notice and grounds of appeal, and shall furnish the officer concerned with a copy of the reasons for his findings.

(8) If the officer concerned applies to the Commission for a copy of the record of the proceedings at the inquiry within seven days of the date upon which he received a copy of the reasons for the finding, the Commission shall furnish him with such copy.

(9) The officer concerned may within 14 days of the date upon which he received the copy of the record of the proceedings, or if he did not apply for a copy of the record, within 21 days of the date upon which he received the copy of the reasons for the finding, submit to the Commission written representations, in quadruplicate, in support of his appeal.

(10) The Commission shall forward to the head of department a copy of the record and documents referred to in subsection (7) and a copy of the representations referred to in subsection (9).

(11) The head of department may, within 14 days of the date upon which he received the copies referred to in subsection (10), submit to the Commission, in quadruplicate any representations which he desires to make in support of the finding against which the appeal is brought, and the Commission shall furnish the officer concerned with a copy of such representations.

(12) (a) Die betrokke beampte kan binne 14 dae na die datum waarop hy 'n afskrif van die vertoë in subartikel (11) bedoel, ontvang het, enige skriftelike repliek wat hy op sodanige vertoë wil lewer, in viervoud aan die Kommissie voorlê.

(b) Die Kommissie verstrek 'n afskrif van bedoelde repliek aan die departementshoof.

(c) Die departementshoof het nie die reg om verdere vertoë in antwoord op bedoelde repliek voor te lê nie, behalwe met verlof van die Kommissie.

(13) Na oorweging van bedoelde notule en dokumente kan die kommissie die appèl in sy geheel of gedeeltelik handhaaf en die bevinding tersyde stel of wysig of die appèl van die hand wys en die bevinding in sy geheel of gedeeltelik bekragtig, of kan die Kommissie, voordat hy tot 'n finale beslissing oor die appèl geraak, enige vraag in verband met die ondersoek na die beampte of toegewese beampte wat dit ingestel het, terugverwys, en hom gelas om verslag daaroor te doen of om 'n verdere ondersoek in te stel en tot 'n bevinding daaroor te geraak.

(14) As die Kommissie gelas dat 'n verdere ondersoek ingestel moet word, is die bepalings van subartikels (3) en (4) van toepassing.

(15) Wanneer die Kommissie tot 'n finale beslissing oor 'n appèl geraak het, deel hy daardie beslissing skriftelik aan die appellant en aan die Raadslid mee.

(16) As die beampte of toegewese beampte wat die ondersoek ingestel het, bevind het dat die beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie en die beampte nie teen die bevinding soos hierbo bepaal, geappelleer het nie of as hy aldus geappelleer het en sy appèl van die hand gewys is, stuur die Kommissie die notule en alle ander dokumente wat op die ondersoek betrekking het, aan die Raadslid en beveel hy aan—

(a) dat geen verdere stappe in die saak gedoen word nie;

(b) dat die betrokke beampte na 'n ander pos oorgeplaas of in diens gehou word bykomend tot die vaste diensstaat;

(c) dat sy salaris of graad of sy salaris sowel as sy graad verlaag word in die mate wat aanbeveel word; of

(d) dat hy uit die Regeringsdiens ontslaan word met ingang van 'n datum deur die Raadslid bepaal.

As die Kommissie 'n aanbeveling ingevolge paragraaf (b) doen, kan hy ook 'n aanbeveling ingevolge paragraaf (c) doen.

(17) Die Raadslid kan die gedraglyne volg wat die kommissie aanbeveel het of, behoudens die bepalings van artikel 7 (1), enige ander gedraglyne wat die Kommissie wettiglik ingevolge subartikel (16) kon aanbeveel het.

Onbekwame departementshoofde

17. (1) As daar na mening van die Raadslid redelike gronde bestaan om te vermoed dat 'n departementshoof wat 'n beampte is, ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, doen die Raadslid dienoreenkomstig verslag aan die Uitvoerende Raad en die Uitvoerende Raad kan 'n persoon of persone aanstel om ondersoek na die inhoud van daardie verslag in te stel.

(12) (a) The officer concerned may within 14 days of the date upon which he received a copy of the representations referred to in subsection (11), submit to the Commission, in quadruplicate, any reply in writing he may wish to make to such representations.

(b) The Commission shall furnish the head of department with a copy of such reply.

(c) The head of department shall have no right to submit further representations in answer to such reply, except by leave of the Commission.

(13) After consideration of the aforesaid record and documents, the Commission may allow the appeal wholly or in part and set aside or alter the finding, or dismiss the appeal and confirm the finding wholly or in part, or the Commission may, before arriving at a final decision on the appeal, remit any question in connection with the inquiry to the officer or allocated officer who held it and direct him to report thereon or to hold a further inquiry and arrive at a finding thereon.

(14) If the Commission directs the holding of a further inquiry, the provisions of subsections (3) and (4) shall apply.

(15) When the Commission has arrived at a final decision on an appeal, it shall convey that decision in writing to the appellant and to the Councillor.

(16) If the officer or allocated officer who held the inquiry has found that the officer is unfit for his duties or incapable of carrying them out efficiently and the officer has not appealed against the finding as hereinbefore provided, or if he has so appealed and his appeal has been dismissed, the Commission shall forward the record and all documents relating to the inquiry to the Councillor and recommend—

(a) that no further action be taken in the matter;

(b) that the officer concerned be transferred to another post or be employed additional to the fixed establishment;

(c) that his salary or grade or both his salary and grade be reduced to an extent recommended; or

(d) that he be discharged from the Public Service from a date to be specified by the Councillor.

If the Commission makes a recommendation in terms of paragraph (b), it may also make a recommendation in terms of paragraph (c).

(17) The Councillor may adopt the course recommended by the Commission or, subject to the provisions of section 7 (1) any other course which the Commission could lawfully have recommended under subsection (16).

Inefficient heads of departments

17. (1) If in the opinion of the Councillor there are reasonable grounds for believing that a head of department, who is an officer, is unfit for his duties or incapable of carrying them out efficiently the Councillor reports accordingly to the Executive Council and the Executive Council may appoint a person or persons to inquire into the subject matter of that report.

(2) Die bepalings van artikel 16 (2) tot en met (17) in *mutatis mutandis* van toepassing op 'n ondersoek ingevolge subartikel (1) van hierdie artikel en vir doeleindes van sodanige toepassing word die verwysing in artikel 16 (17) na 'n Raadslid uitgelê as 'n verwysing na die Uitvoerende Raad, word elke verwysing na 'n departementshoof uitgelê as 'n verwysing na die Raadslid en word elke verwysing na die beamppte of toegewese beamppte wat die ondersoek instel, uitgele as ook 'n verwysing na die persoon of persone wat ingevolge subartikel (1) van hierdie artikel aangestel is.

Umskrywing van wangedrag

18. 'n Beamppte is skuldig aan wangedrag en daar kan ooreenkomstig die bepalings van artikel 19 met hom gehandel word, as hy—

(a) 'n bepaling van hierdie Wet oortree of versuim om te voldoen aan 'n bepaling daarvan waaraan dit sy plig is om te voldoen;

(b) 'n daad wat nadelig vir die administrasie, dissipline of doeltreffendheid van 'n departement, kantoor of inrigting van die Regering is, doen, laat doen of toelaat of oogluikend toelaat dat dit gedoen word;

(c) 'n wettige bevel wat aan hom gegee is deur 'n persoon wat die bevoegdheid het om dit te gee, nie gehoorsaam nie, dit verontagsaam of opsetlik versuim om dit uit te voer, of deur woord of gedrag in subordinasie aan die dag lê;

(d) nalatig of traag is in die vervulling van sy pligte;

(e) sonder die toestemming van die Raadslid (verleen op aanbeveling van die Kommissie in die geval van 'n beamppte wat 'n voorgeskrewe pos op die vaste diensstaat beklee) enige private agentskap of private werk in enige aangeleentheid in verband met die verrigting van sy amptelike werksaamhede of die uitvoering van sy ampspligte onderneem;

(f) hom in die openbaar nadelig uitlaat oor die administrasie van enige departement;

(g) ongehoorsaamheid aan of verset teen enige wetsbepaling aanmoedig;

(h) probeer om uit politieke of buitebronne ingryping in verband met sy posisie en diensvoorwaardes in die Regeringsdiens te verkry: Met dien verstande dat niks in hierdie paragraaf vervat 'n beamppte verhinder om herstel van 'n grief deur bemiddeling van die Wetgewende Vergadering te probeer verkry nie;

(i) hom op 'n skandelijke, onbehoorlike of onbetamelike wyse gedra, of terwyl hy diens doen, hom selfs onbeleefd teenoor 'n persoon gedra;

(j) buitensporige gebruik maak van bedwelmende drank of gewoontevormende middels;

(k) te eniger tyd gedurende die diensure wat deur of bevragens 'n regulasie ten opsigte van sy werk voorgeskryf is—

(l) onder die invloed van bedwelmende drank is;

(m) 'n bloedalkoholinhoud, uitgedruk in gram per honderd milliliter bloed, van minstens 70 milligram (0,07 persent) het;

(n) insolvent word of akkoord met sy skuldeisers aangegaan of as 'n bevel tot siviele gyseling deur 'n regsagter teen hom gegee is, tensy daar bewys word dat by insolvensie of akkoord of die gee van 'n bevel tot siviele gyseling teen hom deur onvermydelike teenspoed veroorsaak is;

(2) The provisions of section 16 (2) to (17), inclusive shall *mutatis mutandis* apply to any inquiry under subsection (1) of this section, and for the purposes of such application the reference in section 16 (17) to a Councillor shall be construed as a reference to the Executive Council, every reference to a head of department shall be construed as a reference to the Councillor and every reference to the officer or allocated officer holding the inquiry shall be construed as including a reference to the person or persons appointed under subsection (1) of this section.

Definition of misconduct

18. Any officer shall be guilty of misconduct and may be dealt with in accordance with the provisions of section 19 if he—

(a) contravenes any provision of this Act or fails to comply with any provision thereof with which it is his duty to comply;

(b) does, or causes or permits to be done, or connives at any act which is prejudicial to the administration discipline or efficiency of any department, office or institution of the Government;

(c) disobeys, disregards, or makes wilful default in carrying out a lawful order given to him by a person having authority to give it, or by word or conduct displays insubordination;

(d) is negligent or indolent in the discharge of his duties;

(e) undertakes, without the permission of the Councillor (granted on the recommendation of the Commission in the case of an officer who holds a prescribed post on the fixed establishment), any private agency or private work in any matter connected with the performance of his official functions or the carrying out of his official duties;

(f) publicly adversely comments upon the administration of any department;

(g) encourages disobedience to or resistance against any law;

(h) attempts to secure intervention from political or outside sources in relation to his position and conditions of service in the Public Service: Provided that nothing in this paragraph contained shall preclude any officer from endeavouring to obtain redress of any grievance through the Legislative Assembly;

(i) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty is grossly discourteous to any person;

(j) uses intoxicating liquor or habit-forming drugs excessively;

(k) at any time during the hours of attendance prescribed by or under a regulation in respect of his employment—

(i) is under the influence of intoxicating liquor;

(ii) as a blood alcohol content, expressed in grams per 100 millilitres of blood of not less than 70 milligrams (0,07 per cent);

(l) becomes insolvent or compromises with his creditors or has a decree of civil imprisonment made against him by any court of law, unless it is shown that his insolvency or compromise or the making of a degree of civil imprisonment against him has been occasioned by unavoidable misfortune;

(m) in geldelike moeilikheid geraak, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg is van onversigtigheid of ander laakbare oorsaak nie en nie nadelig is vir die getroue uitvoering van sy pligte nie;

(n) sonder dat hy eers die toestemming van sy departementshoof verkry het, inligting wat hy ingewin of waaraan hy gekom het as gevolg van sy werk in die Regeringsdiens, openbaar maak anders as in die vervulling van sy ampspligte of sodanige inligting gebruik vir 'n ander doel as vir die vervulling van sy ampspligte, hetsy hy sodanige inligting openbaar maak of nie;

(o) sonder die toestemming van die Raadslid (verleen op aanbeveling van die Kommissie in die geval van 'n beampte wat 'n voorgeskrewe pos op die vaste diensstaat beklee) enige kommissie, geld of beloning, geldelik of anders (wat nie die emolumente is wat ten opsigte van sy pligte aan hom betaalbaar is nie) aanneem of dit eis ten opsigte van die uitvoering van sy pligte of die versuim om sy pligte uit te voer, of versuim om aan sy departementshoof of, as hy die departementshoof is, wat 'n beampte is, aan die Raadslid, die aanbod van sodanige kommissie, geld of beloning te rapporteer;

(p) hom eiendom van die Regering wederregtelik toeëien of onbehoorlike gebruik daarvan maak onder sodanige omstandighede dat sy daad nie 'n kriminele misdryf uitmaak nie;

(q) 'n kriminele misdryf begaan;

(r) sonder verlof of geldige rede van sy kantoor of diens wegbly; of

(s) met die oog op die verkryging van enige voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte, of met die oog op die veroorsaking van enige nadeel of skade aan die Regering of 'n departement of die Regeringsdiens of 'n lid van die Regeringsdiens, 'n vals of onjuiste verklaring doen wetende dat dit vals of onjuis is.

Procedure in gevalle van wangedrag

19. (1) Wanneer 'n beampte (uitgesonderd 'n departementshoof) van wangedrag beskuldig word, kan sy departementshoof of 'n beampte of toegewese beampte in daardie departement wat deur die departementshoof daartoe gemagtig is, behoudens die bepalings van subartikels (22) en (30) hom skriftelik onder sy handtekening van daardie wangedrag aankla.

(2) Die beampte of toegewese beampte wat die aanklag onderteken het, moet dit aan die aangeklaagde beampte laat beteken.

(3) Die aanklag moet 'n aansegging bevat of van 'n aansegging vergesel gaan, waarin die aangeklaagde beampte aangesê word om binne 'n redelike tydperk van minstens 14 werksdae wat in die aansegging vermeld word, aan 'n persoon wat ook daarin vermeld word, 'n skriftelike erkenning of ontkenning van die aanklag en, as hy dit verlang, 'n skriftelike verklaring van die wangedrag waarvan hy aangekla word te stuur, of by hom af te lewer.

(4) Die Raadslid of die departementshoof of, indien daartoe gemagtig deur die departementshoof, enige ander beampte of toegewese beampte in die departement, kan te eniger tyd voor of nadat daar met die beampte ooreenkomstig die bepalings van hierdie artikel gehandel is, die beampte in sy diens skors.

(m) becomes pecuniarily embarrassed, unless it is shown that his pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause and is not prejudicial to the faithful performance of his duties;

(n) without first having obtained the permission of his head of department discloses, otherwise than in the discharge of his official duties, information gained by or conveyed to him through his employment in the Public Service, or uses such information for any purpose other than for the discharge of his official duties, whether or not he discloses such information;

(o) without the permission of the Councillor (granted on the recommendation of the Commission in the case of an officer holding a prescribed post on the fixed establishment) accepts or demands in respect of the carrying out of or the failure to carry out his duties, any commission, fee, or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties), or fails to report to his head of department or if he is the head of a department who is an officer, to the Councillor, the offer of any such commission, fee, or reward;

(p) misappropriates or improperly uses any property of the Government under such circumstances that this act does not constitute a criminal offence;

(q) commits a criminal offence;

(r) absents himself from his office or duty without leave or valid cause; or

(s) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or to causing prejudice or injury to the Government or a department or the Public Service or a member of the Public Service, makes a false or incorrect statement knowing it to be false or incorrect.

Procedure in cases of misconduct

19. (1) When an officer (other than a head of department) is accused of misconduct, his head of department or any officer or allocated officer in that department who has been authorised thereto by the head of department may, subject to the provisions of subsections (22) and (30) charge him in writing under his hand with that misconduct.

(2) The officer or allocated officer who signed the charge shall cause it to be served upon the officer charged.

(3) The charge shall contain or shall be accompanied by a direction calling upon the officer charged to transmit or deliver, within a reasonable period specified in the direction, which shall not be less than 14 working days, to a person likewise specified, a written admission or denial of the charge and, if he so desires a written explanation of the misconduct with which he is charged.

(4) The Councillor or the head of department or, if authorised thereto by the head of department, any other officer or allocated officer in the department may at any time before or after the officer has been dealt with under this section suspend him from duty.

(4) 'n Beamppte wat ingevolge subartikel (4) in sy skorsing geskors is, is nie op enige emolumente vir die tydperk van sy skorsing geregtig nie. Met dien verstande dat die Raadslid na goeë dunnke kan gelas dat die geheel of 'n gedeelte van sy emolumente aan wanyige beamppte betaal word.

(6) As geen aanklag van wangedrag teen 'n beamppte wat in sy diens geskors is, ingebring word of hangende is nie, word hy toegelaat om weer diens te aanvaar en word sy volle emolumente vir die tydperk van sy skorsing aan hom betaal.

(7) Die Raadslid of die departementshoof of ander beamppte of toegewese beamppte wat die beamppte geskors het, kan die skorsing te eniger tyd intrek, maar ondanks die intrekking van die skorsing kan die verrigtings in verband met die aanklag van wangedrag voortgesit word.

(8) As die aangeklaagde beamppte die aanklag ontken, kan die Raadslid, indien daar in sy oordeel voldoende grond vir verdere stappe bestaan, 'n beamppte of toegewese beamppte aanstel om ondersoek na die aanklag in te stel.

(9) Die beamppte of toegewese beamppte wat die ondersoek moet instel, moet in oorleg met die beamppte of toegewese beamppte wat die aanklag onderteken het, die tyd en plek van die ondersoek vasstel, en die beamppte of toegewese beamppte wat die aanklag onderteken het, moet aan die aangeklaagde beamppte redelike skriftelike kennis gee van die tyd en plek aldus vasgestel.

(10) Die beamppte of toegewese beamppte wat die aanklag onderteken het, kan enige persoon magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter staving van die aanklag aan te voer en om enige persoon wat as getuie vir die verweer opgeroep is, te kruisvra.

(11) (a) By die ondersoek het die aangeklaagde beamppte die reg om teenwoordig te wees en om aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger om enige persoon wat ter staving van die aanklag opgeroep is, te kruisvra, om insae te hê in alle dokumente wat as getuienis voorgelê is, om self getuienis af te lê en ander persone as getuienis op te roep.

(b) Die beamppte of toegewese beamppte wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgeleë word.

(c) Die versuim van die aangeklaagde beamppte om persoonlik of deur 'n verteenwoordiger by die ondersoek teenwoordig te wees, maak die verrigtings nie ongeldig nie.

(12) Na afloop van die ondersoek moet die beamppte of toegewese beamppte wat dit instel—

(a) bevind of die aangeklaagde beamppte skuldig is of nie skuldig is nie aan die wangedrag waarvan hy aangekla is;

(b) die aangeklaagde beamppte van sy bevinding verwittig; en

(c) aan die Raadslid verslag doen oor die uitslag van die ondersoek.

(13) As die aangeklaagde beamppte ingevolge subartikel (4) in sy diens geskors is en die beamppte of toegewese beamppte wat die ondersoek instel, bevind dat hy nie skuldig is aan die wangedrag waarvan hy aangekla is nie, moet genoemde beamppte toegelaat word om dadolke weer diens in sy pos te aanvaar en moet aan hom sy volle emolumente vir die tydperk van sy skorsing betaal word.

(5) An officer who has been suspended from duty in terms of subsection (4) shall not be entitled to any emoluments for the period of his suspension: Provided that the Councillor may, at his discretion, order payment to such officer of the whole or portion of his emoluments.

(6) If no charge of misconduct is preferred or is pending against an officer who has been suspended from duty, he shall be allowed to resume duty and be paid his full emoluments for the period of his suspension.

(7) The Councillor or the head of department or other officer or allocated officer who suspended the officer may at any time cancel the suspension but, notwithstanding the cancellation of the suspension, the proceedings on the charge of misconduct may be continued.

(8) If the officer charged denies the charge, the Councillor may, if in his opinion there is sufficient cause for further proceedings, appoint an officer or allocated officer to inquire into the charge.

(9) The officer or allocated officer who is to hold the inquiry shall, in consultation with the officer or allocated officer who signed the charge, fix the time and place of the inquiry and the officer or allocated officer who signed the charge shall give the officer charged reasonable notice in writing of the time and place so fixed.

(10) The officer or allocated officer who signed the charge may authorise any person to attend the inquiry and to adduce evidence and arguments in support of the charge and to cross-examine any person called as a witness for the defence.

(11) (a) At the inquiry the officer charged shall have the right to be present and to be heard either personally or through a representative, to cross-examine any person called as a witness in support of the charge, to inspect any documents produced in evidence, to give evidence himself and call other persons as witnesses.

(b) The officer or allocated officer holding the inquiry shall keep a record of the proceedings at the inquiry and of all evidence given thereat.

(c) The failure of the officer charged to attend the inquiry, either personally or by a representative, shall not invalidate the proceedings.

(12) At the conclusion of the inquiry the officer or allocated officer holding it shall—

(a) find whether the officer charged is guilty or not guilty of the misconduct with which he has been charged;

(b) inform the officer charged of his finding; and

(c) report the result of the inquiry to the Councillor.

(13) If the officer charged is under suspension from duty under subsection (4) and the officer or allocated officer holding the inquiry finds that he is not guilty of the misconduct with which he has been charged, the said officer shall be allowed forthwith to resume duty in his post and be paid his full emoluments for the period of his suspension.

(14) As die beampte of toegewese beampte wat die ondersoek instel, die aangeklaagde beampte skuldig bevind aan die wangedrag waarvan hy aangekla is, is die bepaling van artikel 16 (6) *mutatis mutandis* van toepassing.

(15) As die beampte of toegewese beampte wat die ondersoek ingestel het, die aangeklaagde beampte skuldig bevind het aan die wangedrag waarvan hy aangekla is, moet hy die notule van die verrigtings by die ondersoek en enige dokumentêre getuienis wat aldaar toegelaat is, 'n uiteensetting van sy bevinding en sy redes daarvoor, en enige opmerkings oor die saak wat hy wens te maak, aan die Kommissie stuur. Met dien verstande dat as die beampte wat aan wangedrag skuldig bevind is 'n nie-voorgeskrewe pos beklee en nie ooreenkomstig die bepaling van artikel 16 (6), soos toegepas by subartikel (14) van hierdie artikel, kennis van appèl teen die bevinding gegee het nie, die beampte of toegewese beampte wat die ondersoek ingestel het, genoemde notule en ander dokumente nie aan die Kommissie nie, maar aan die hoof van die departement waarin die beampte wat aan wangedrag skuldig bevind is, in diens is, moet stuur.

(16) As die beampte wat aan wangedrag skuldig bevind is, kennis van appèl ooreenkomstig voormelde bepaling, soos aldus toegepas, gegee het, moet die beampte of toegewese beampte wat die ondersoek ingestel het, saam met die notule en ander dokumente genoem in subartikel (15), die appellant se kennisgewing en gronde van appèl aan die Kommissie stuur en 'n afskrif van die redes vir die bevinding waarteen die appèl aangeteken is, aan die applikant verstrek.

(17) As kennis van appèl ooreenkomstig voormelde bepaling, soos aldus toegepas, gegee is, is die bepaling van artikel 16 (8) tot en met (15) *mutatis mutandis* van toepassing.

(18) As die Kommissie die appèl van 'n appellant wat in sy diens geskors is, toestaan, moet die appellant dadelik toegelaat word om weer sy diens te aanvaar en moet sy volle emolumente vir die tydperk van sy skorsing aan hom betaal word.

(19) As die notule en dokumente genoem in subartikel (15) ingevolge daardie subartikel aan die hoof van die departement waarin die beampte wat aan wangedrag skuldig bevind is, in diens is, gestuur is, of as gemelde notule en dokumente ingevolge daardie subartikel aan die Kommissie gestuur is en geen appèl teen die bevinding aangeteken is nie, of as 'n appèl aldus aangeteken is en die Kommissie die appèl in sy geheel of gedeeltelik van die hand gewys het, kan bedoelde departementshoof of die Kommissie na gelang van die geval, by die Raadslid aanbeveel dat—

- (a) bedoelde beampte gewaarsku of berispe word;
- (b) 'n boete van hoogstens R400 hom opgelê word, en die boete kan verhaal word deur aftrekking van sy emolumente in die paaieimente wat deur die Raadslid vasgestel word;
- (c) hy na 'n ander pos oorgeplaas of bykomend by die vaste diensstaat in diens gehou word;
- (d) sy salaris of graad of sy salaris sowel as sy graad verlaag word in die mate wat aanbeveel word; of
- (e) hy ontslaan word of aangesê word om uit die Regeringsdiens te bedank met ingang van 'n datum wat deur die Raadslid bepaal word:

Met dien verstande dat—

- (i) behalwe waar 'n aanbeveling kragtens paragraaf (e) gedoen word, die Kommissie of departements-

(14) If the officer or allocated officer holding the inquiry finds the officer charged guilty of the misconduct with which he has been charged, the provisions of section 16 (6) shall *mutatis mutandis* apply.

(15) If the officer or allocated officer who held the inquiry has found the officer charged guilty of the misconduct with which he has been charged he shall forward to the Commission the record of the proceedings at the inquiry and any documentary evidence admitted thereat, a statement of his finding and his reasons therefor and any observations on the case which he may desire to make: Provided that if the officer found guilty of misconduct holds a non-prescribed post and he has not given notice of appeal in accordance with the provisions of section 16 (6), as applied by subsection (14) of this section, the officer or allocated officer who held the inquiry shall forward the said record and other documents not to the Commission but to the head of department in which the officer found guilty of misconduct is employed.

(16) If the officer found guilty of misconduct has given notice of appeal in accordance with the provisions aforesaid, as so applied, the officer or allocated officer who held the inquiry shall forward to the Commission, with the record and other documents referred to in subsection (15), the appellant's notice and grounds of appeal and shall furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.

(17) If notice of appeal has been given in accordance with the provisions aforesaid, as so applied, the provisions of section 16 (8) to (15), inclusive, shall *mutatis mutandis* apply.

(18) If the Commission allows the appeal of an appellant who was suspended from duty, he shall forthwith be allowed to resume his duties and be paid his full emoluments for the period of his suspension.

(19) If the record and documents referred to in subsection (15) have, in terms of that subsection been forwarded to the head of the department in which the officer found guilty of misconduct is employed or if the said record and documents have, in terms of that subsection been forwarded to the Commission and no appeal was noted against the finding, or if an appeal was so noted and the Commission has dismissed such appeal wholly or in part, the Commission or the head of the department, as the case may be, may recommend to the Councillor that—

- (a) the said officer be cautioned or reprimanded;
- (b) a fine not exceeding R400 be imposed upon him, which fine may be recovered by deduction from his emoluments in such instalments as may be determined by the Councillor;
- (c) he be transferred to some other post or be employed additional to the fixed establishment;
- (d) his salary or grade or both his salary and grade be reduced to an extent recommended; or
- (e) he be discharged or be called upon to resign from the Public Service as from a date to be specified by the Councillor:

Provided that—

- (i) except where a recommendation is made under paragraph (e), the Commission or the head of

hoof nie belet word om 'n aanbeveling kragtens meer as een van die voorgaande paragrawe te doen nie:

(ii) die Kommissie of die departementshoof die doen van 'n aanbeveling vir 'n tydperk van hoogstens 12 kalendermaande kan uitstel; en

(iii) as 'n beampte wat aangesê is om uit die Regeringsdiens te bedank, versuim om aldus te bedank, hy geag word daaruit ontslaan te gewees het met ingang van 'n datum wat deur die Raadslid bepaal word.

(20) Die Raadslid kan die gedraglyne volg wat die Kommissie of departementshoof aanbeveel of enige ander gedraglyne wat die Kommissie of departementshoof wettiglik ingevolge subartikel (19) kon aanbeveel het, maar altyd onderworpe aan die bepalings van artikel 7 (1) in die geval van 'n aanbeveling van die Kommissie.

(21) Die Kommissie of departementshoof, na gelang van die geval, stuur saam met sy aanbeveling ingevolge subartikel (19) die notule van die verrigtings by die ondersoek en alle dokumente in sy besit wat op die ondersoek of op die appèl betrekking het, aan die Raadslid.

(22) As die wangedrag neerkom op 'n misdryf waaraan die beampte deur 'n geregshof skuldig bevind is, is dit nie nodig om hom ingevolge subartikel (1) aan te kla nie, maar word dit afdoende geag dat hy skuldig is aan daardie wangedrag, tensy die skuldigbevinding deur 'n hoërhof tersyde gestel of hy ten volle begenadig is.

(23) Die vryspreking van 'n beampte deur 'n geregshof op 'n aanklag van 'n kriminele misdryf, belet nie dat stappe ingevolge hierdie Wet op 'n aanklag van wangedrag teen hom ingestel word nie, ondanks die feit dat die feite uiteengesit in die aanklag van wangedrag, as dit bewys sou word, die misdryf sou uitmaak wat uiteengesit is in die kriminele aanklag waarop hy vrygespreek is of 'n ander misdryf waaraan hy, by sy verhoor op genoemde kriminele aanklag, skuldig bevind kon word.

(24) As die beampte wat ingevolge hierdie artikel aangekla is, die aanklag erken, word hy geag skuldig te wees aan die wangedrag waarvan hy aangekla is.

(25) As die beampte in subartikel (22), (24) of (30) bedoel, 'n voorgeskrewe pos beklee stuur die departementshoof alle dokumente wat hy tot sy beskikking het en wat op die wangedrag betrekking het en enige opmerkings daaroor wat hy wens te maak aan die Kommissie en die Kommissie doen 'n aanbeveling ingevolge subartikel (19) by die Raadslid.

(26) As die beampte in subartikel (22), (24) of (30) bedoel, 'n nie-voorgeskrewe pos beklee, doen die departementshoof ingevolge subartikel (19) 'n aanbeveling by die Raadslid.

(27) Die bepalings van subartikel (20) is van toepassing ten opsigte van 'n aanbeveling ingevolge subartikel (25) of (26) asof die aanbeveling ingevolge subartikel (19) gedoen is.

(28) As daar met 'n beampte wat ingevolge subartikel (4) in sy diens geskors is, ooreenkomstig die bepalings van subartikel (19) (a), (b) of (d) of van die tweede voorbehoudsbepaling van daardie subartikel gehandel word, moet hy onverwyld toegelaat word om weer diens te aanvaar, en as daar met hom ooreenkomstig die bepalings van subartikel (19) (c) gehandel word, moet hy so gou doenlik toegelaat word om diens te aanvaar in die pos of pligte waarna hy

department shall not be precluded from making a recommendation under more than one of the aforesaid paragraphs:

(ii) the Commission or the head of department may postpone, for a period not exceeding 12 calendar months, the making of a recommendation; and

(iii) if an officer, who has been called upon to resign from the Public Service, fails so to resign, he shall be deemed to have been discharged therefrom as from a date to be specified by the Councillor.

(20) The Councillor may adopt the course recommended by the Commission or head of department or any other course which the Commission or head of department could lawfully have recommended under subsection (19) but subject always to the provisions of section 7 (1) in the case of a recommendation of the Commission.

(21) The Commission or head of department, as the case may be, shall forward to the Councillor with its recommendation, in terms of subsection (19), the record of the proceedings at the inquiry and all documents in its possession which relate to the inquiry or to the appeal.

(22) If the misconduct amounts to an offence of which the officer has been convicted by a court of law, it shall not be necessary to charge him under subsection (1) but he shall be deemed conclusively to be guilty of that misconduct unless the conviction has been set aside by a superior court or he has been granted a free pardon.

(23) The acquittal of an officer by a court of law upon a charge of a criminal offence shall not be a bar to proceedings against him under this Act on a charge of misconduct notwithstanding the fact that the facts set forth in the charge of misconduct would, if proved, constitute the offence set forth in the criminal charge on which he was acquitted or some other offence of which he might have been convicted at his trial on the said criminal charge.

(24) If the officer charged in terms of this section admits the charge, he shall be deemed to be guilty of the misconduct with which he has been charged.

(25) If the officer referred to in subsection (22), (24) or (30) holds a prescribed post the head of department shall forward to the Commission all documents available to him which relate to the misconduct and any observations thereon which he may desire to make, and the Commission shall make a recommendation to the Councillor in terms of subsection (19).

(26) If the officer referred to in subsection (22), (24) or (30) holds a non-prescribed post the head of department shall make a recommendation to the Councillor in terms of subsection (19).

(27) The provisions of subsection (20) shall apply in respect of a recommendation under subsection (25) or (26) as if the recommendation had been made under subsection (19).

(28) If an officer who has been suspended from duty in terms of subsection (4) is dealt with in accordance with the provisions of subsection (19) (a), (b) or (d) or of the second proviso to that subsection, he shall forthwith be allowed to resume duty and, if he is dealt with in accordance with the provisions of subsection (19) (c), he shall as soon as practicable be allowed to assume duty in the post or duties to which he is

oorgeplaas word, en in sodanige geval moet sy volle emolumente vir die tydperk van sy skorsing aan hom betaal word: Met dien verstande dat as sy graad ingevolge genoemde subartikel (19) (d) verlaag word, hy so gou doenlik toegelaat moet word om diens in 'n pos van die verlaagde graad te aanvaar, en moet aan hom vir die tydperk van sy skorsing die emolumente van daardie pos betaal word, maar as hoër emolumente as die emolumente van daardie pos aan hom gedurende die tydperk van sy skorsing ingevolge subartikel (5) betaal is, hy nie verplig is om die verskil terug te betaal nie.

(29) 'n Beampte wat ingevolge subartikel (4) in sy diens geskors is, of teen wie 'n aanklag ingevolge hierdie artikel ingebring is, en wat uit die Regeringsdiens bedank of ander werk aanvaar voordat sodanige aanklag finaal ooreenkomstig die bepalinge van hierdie artikel afgehandel is, word geag weens wangedrag ontslaan te gewees het met ingang van 'n datum wat deur die Raadslid bepaal word, tensy hy voor die ontvangs van sy kennisgewing van bedanking of die datum van sy aanvaarding van ander werk, in kennis gestel is dat geen aanklag teen hom ingebring sal word nie of dat die aanklag wat teen hom ingebring is, teruggetrek is.

(30) (a) 'n Hoof van 'n kantoor kan 'n beampte wat hy redelikerwys vermoed skuldig te wees aan wangedrag soos omskryf in artikel 18 (k) (i) of (ii), gelas om—

(i) in die voorgeskrewe apparaat uit te asem vir die tydperk wat hy mag bepaal;

(ii) hom aan ondersoek deur 'n distriksgeneesheer of ander mediese praktisyn te onderwerp, met inbegrip van enige bloedtoets wat sodanige distriksgeneesheer of ander mediese praktisyn nodig mag ag om die alkoholinhoud van die bloed van bedoelde beampte te bepaal; of

(iii) in die voorgeskrewe apparaat uit te asem en om hom aan die in subparagraaf (ii) bedoelde ondersoek te onderwerp.

(b) Indien—

(i) 'n beampte versuim of weier om in die voorgeskrewe apparaat uit te asem of hom aan 'n ondersoek te onderwerp nadat hy aldus kragtens paragraaf (a) gelas is; of

(ii) die voorgeskrewe apparaat wys dat die alkoholinhoud van die bloed van 'n beampte 'n perk oorskry wat, op aanbeveling van die Kommissie deur die Raadslid vir Owerheidsake en Finansies by kennisgewing in die *Staatskoerant* met betrekking tot daardie besondere fabriek van voorgeskrewe apparaat gespesifiseer is;

word bedoelde beampte onweerlegbaar geag skuldig te wees aan wangedrag soos in artikel 18 (k) (i) omskryf.

(31) (a) Die bepalinge van artikel 212 (4) van die Strafproseswet, 1977 (Wet 51 van 1977), is *mutatis mutandis* van toepassing met betrekking tot 'n ondersoek na 'n aanklag van wangedrag soos omskryf in artikel 18 (k) (i) of (ii).

(b) Waar daar by enige ondersoek na 'n aanklag van wangedrag soos omskryf in artikel 18 (k) (i) of (ii) getuie is aangevoer word van 'n ontleding van 'n monster van die bloed van enige persoon, word daar vermoed, totdat die teendeel bewys word, dat enige spuit wat gebruik is om sodanige monsters te neem en die houer waarin sodanige monster geplaas is vir versending na 'n ontleder vry van enige stof of kontaminasie was wat die uitslag van sodanige ontleding kon geaffekteer het.

transferred and, in any such case, he shall be paid his full emoluments for the period of his suspension: Provided that, if his grade is reduced in terms of the said subsection (19) (d), he shall as soon as practicable be allowed to assume duty in a post of the reduced grade and be paid, for the period of suspension, the emoluments of that post but, if emoluments in excess of the emoluments of that post were, subsection (5), he shall not be obliged to refund the excess.

(29) An officer who has been suspended from duty in terms of subsection (4) or against whom a charge has been preferred under this section and who resigns from the Public Service or assumes other employment before such charge has been dealt with to finality in accordance with the provisions of this section; shall be deemed to have been discharged on account of misconduct with effect from a date to be specified by the Councillor unless, prior to the receipt of his notification of resignation or the date of his assumption of other employment, he had been notified that no charge would be preferred against him or that the charge preferred against him had been withdrawn.

(30) (a) A head of office may require an officer whom he suspects on reasonable grounds to be guilty of misconduct as defined in section 18 (k) (i) or (ii)—

(i) to breathe into the prescribed apparatus for such period as he may direct;

(ii) to undergo examination by a district surgeon or other medical practitioner, including any blood test which such district surgeon or other medical practitioner may deem necessary in order to determine the alcohol content of the blood of such officer; or

(iii) to breathe into the prescribed apparatus and to undergo the examination referred to in subparagraph (ii).

(b) If—

(i) any officer fails or refused to breathe into the prescribed apparatus or to undergo any examination when so required under paragraph (a); or

(ii) the prescribed apparatus records that the alcohol content of the blood of an officer exceeds a limit specified, on the recommendation of the Commission, by the Executive Councillor for Authority Affairs and Finance by notice in the *Government Gazette* in respect of that particular make of prescribed apparatus;

such officer shall be deemed conclusively to be guilty of misconduct as defined in section 18 (k) (i).

(31) (a) The provisions of section 212 (4) of the Criminal Procedure Act, 1977 (Act 51 of 1977), apply *mutatis mutandis* in relation to any inquiry into a charge of misconduct as defined in section 18 (k) (i) or (ii).

(b) Where in any inquiry into a charge of misconduct as defined in section 18 (k) (i) or (ii), evidence is rendered of the analysis of a specimen of the blood of any person it shall be presumed until the contrary is proved, that any syringe used for obtaining such specimen and the receptacle in which such specimen was placed for dispatch to an analyst, were free of any substance or contamination which could have affected the result of such analysis.

Wangedrag van departementshoofde

20. (1) Wanneer 'n departementshoof wat 'n beampte is, van wangedrag beskuldig word, kan die Raadslid die aangeleentheid aan die Uitvoerende Raad rapporteer wat die Raadslid kan gelas om hom van daardie wangedrag aan te kla, en as 'n ondersoek ingevolge artikel 19 (8), soos toegepas by subartikel (2) van hierdie artikel, nodig word kan die Uitvoerende Raad 'n persoon of persone aanstel om die ondersoek in te stel.

(2) Die bepalings van artikel 19 (2) tot en met (31) is *mutatis mutandis* van toepassing op verrigtings wat op 'n lasgewing ingevolge subartikel (1) van hierdie artikel volg, en vir doeleindes van sodanige toepassing word die verwysing in genoemde subartikels na die Raadslid uitgelê as 'n verwysing na die Uitvoerende Raad, word die verwysing in subartikel (25) na departementshoof uitgelê as 'n verwysing na die Raadslid en word elke verwysing in genoemde subartikels na die beampte of toegewese beampte wat die ondersoek instel, uitgelê as ook 'n verwysing na 'n persoon of persone wat ingevolge subartikel (1) van hierdie artikel aangestel is.

Wise waarop kennis of verklaring gegee of verstrekk of dokument beteken word

21. Waar daar by artikel 16, 17, 19 of 20 bepaal word—

(a) dat enige kennis, verklaring of ander dokument aan 'n persoon gegee of verstrekk of beteken moet word of dat enige aangeleentheid skriftelik aan 'n persoon meegedeel moet of kan word, kan die kennisgewing, verklaring, dokument of geskrif per pos in 'n geregistreerde brief aan hom gestuur word of aan hom afgelewer of by sy laaste bekende woonplek gelaat word; of

(b) dat 'n persoon van 'n beslissing of bevinding verwittig moet word, kan hy mondeling of per geskrif wat per pos in 'n geregistreerde brief aan hom gestuur word of aan hom afgelewer of by sy laaste bekende woonplek gelaat word, daarvan verwittig word.

HOOFSTUK 5 ALGEMEEN

Besoldiging van beamptes en werknemers

22. (1) Behoudens die bepalings van artikel 7, word aan beamptes en werknemers salarisse, lone en toelaes betaal ooreenkomstig die skale wat by hulle grade pos, soos deur die Kommissie ingevolge artikel 6 (2) (g) aanbeveel.

(2) Op aanbeveling van die Kommissie, maar behoudens die bepalings van artikel 7—

(a) kan aan beamptes of werknemers of aan klasse beamptes of werknemers by aanstelling, oorpasing of bevordering salarisse of lone teen hoër bedrae as die minimums van die toepaslike skale betaal word;

(b) kan aan beamptes of werknemers of aan klasse beamptes of werknemers spesiale vordering toegestaan word binne die skale wat op hulle van toepassing is; en

(c) kan aan 'n beampte of werknemer wat buitengewoon bekwaam is of wat spesiale kwalifikasies besit of wat verdienstelike diens gelewer het, en kan aan enige beampte of werknemer, as dit in die Regeeringsdiens se belang is, spesiale vordering toegestaan word binne die skaal wat op hom van toepassing is, of kan aan hom 'n salaris of loon ooreenkomstig 'n hoër skaal betaal of enige ander geskikte beloning toegeken word.

Misconduct of heads of departments

20. (1) When a head of department who is an officer is accused of misconduct, the Councillor may report the matter to the Executive Council who may instruct the Councillor to charge him with that misconduct, and if an inquiry becomes necessary under section 19 (8) as applied by subsection (2) of this section, the Executive Council may appoint a person or persons to hold the inquiry.

(2) The provisions of section 19 (2) to (31), inclusive shall *mutatis mutandis* apply to any proceedings following upon a direction under subsection (1) of this section, and for the purposes of such application the reference in the said subsections to the Councillor shall be construed as a reference to the Executive Council, the reference in subsection (25) to head of department shall be construed as a reference to the Councillor and every reference in the said subsections to the officer or allocated officer holding the inquiry shall be construed as including a reference to a person or persons appointed under subsection (1) of this section.

Manner in which notice or statement may be given or furnished or document served

21. Whenever by section 16, 17, 19 or 20 it is provided—

(a) that any notice, statement or other document is to be given or furnished to or served upon any person or that any matter is to be or may be conveyed to any person in writing the notice, statement, document or writing may be sent by post in a registered letter or be delivered to him or left at his last known place of residence; or

(b) that any person is to be informed of any decision or finding, he may be informed hereof orally or in writing sent by post in a registered letter or delivered to him or left at his last known place or residence.

CHAPTER 5 GENERAL

Remuneration of officers and employees

22. (1) Subject to the provisions of section 7 officers and employees shall be paid salaries, wages and allowances in accordance with the scales, appropriate to their grades, as recommended by the Commission in terms of section 6 (2) (g).

(2) On the recommendation of the Commission but subject to the provisions of section 7—

(a) officers or employees or classes of officers or employees may, on appointment, transfer or promotion be paid salaries or wages at higher rates than the minima of the appropriate scales;

(b) officers or employees or classes of officers or employees may be specially advanced within the scales applicable to them; and

(c) an officer or employee of exceptional ability or possessing special qualifications or who has rendered meritorious service may, and any officer or employee may, if it is in the interests of the Public Service, be specially advanced within the scale applicable to him or may be paid a salary or wage in accordance with a higher scale, or may be granted any other fitting reward.

(3) Behoudens die bepalinge van artikel 7, kan aan geen beamppte of werknemer ten opsigte van sy diens as sodanig enige besoldiging, toelae, honorarium, toekenning of bonus van watter aard ook al betaal word nie, behalwe die wat deur die Kommissie aanbeveel is.

Salaris van beamptes mag nie verlaag word nie behalwe soos spesiaal bepaal

23. 'n Beamppte se salaris of salarisskaal mag nie sonder sy eie toestemming verlaag word nie, behalwe in ooreenstemming met die bepalinge van Hoofstuk 4 of ingevolge 'n wet van die Wetgewende Vergadering.

Sessie van emolumente verbode

24. Geen beamppte of werknemer mag sonder die skriftelike goedkeuring van die rekenpligtige amptenaar die geheel of 'n gedeelte van enige salaris of toelae wat aan hom betaalbaar is, seeder nie.

Beamptes en werknemers moet al hulle tyd ter beskikking van die Regeringsdiens stel

25. (1) Tensy anders in sy diensvoorwaardes bepaal word—

(a) moet elke beamppte en werknemer al sy tyd ter beskikking van die Regering stel;

(b) mag geen beamppte of werknemer besoldigde werk buite sy werk in die Regeringsdiens sonder die toestemming van die Raadslid verrig of hom verbind om dit te verrig nie, en die toestemming word in die geval van 'n beamppte slegs op aanbeveling van die Kommissie verleen; en

(c) kan geen beamppte of werknemer regtens aanspraak maak op addisionele besoldiging vir die verrigting van enige amptelike plig of werk wat by deur 'n bevoegde owerheid aangesê is om te verrig nie.

(2) Die Raadslid of die hoof van 'n departement, tak, kantoor of inrigting is bevoeg om 'n beamppte of werknemer onder sy beheer aan te sê om tydelik ander pligte te verrig as die wat gewoonlik aan sodanige beamppte opgedra word of wat by die graad, benaming of indeling van sy pos pas.

(3) Enige besoldiging of toelae van watter aard ook al wat 'n beamppte of werknemer ontvang anders as ooreenkomstig die bepalinge van hierdie Wet of 'n aanbeveling wat deur die Kommissie kragtens enige ander wet gedoen is, moet deur sodanige beamppte of werknemer in die Inkomstefonds gestort word en as hy dit nie doen nie moet dit deur die Direkteur van Owerheidsake en Finansies deur middel van geregtelike stappe of op sodanige ander wyse as wat die Direkteur van Owerheidsake en Finansies goeddink op die beamppte of werknemer verhaal en in die Inkomstefonds gestort word.

(4) Alle gelde wat 'n beamppte of werknemer in sy amptelike hoedanigheid ontvang, moet in die Inkomstefonds gestort word, tensy die Kommissie aanbeveel het dat hy die geheel of 'n gedeelte van genoemde gelde as deel van sy besoldiging kan behou.

(5) Waar die dienste van 'n beamppte of werknemer weens sy vakkundige, tegniese of ander spesiale kwalifikasies tydelik ter beskikking van die Regering van die Republiek of van 'n inrigting of liggaam ingestel by of ingevolge 'n wet van die Wetgewende Vergadering of van die Republiek of 'n ander persoon of liggaam geplaas word moet enige salaris, toelae, geld, bonus of honorarium wat ten opsigte van sy dienste betaalbaar is, in die Inkomstefonds gestort word: Met dien verstande dat onder spesiale omstandighede die Kommissie kan aanbeveel dat 'n bedrag wat gelyk is aan genoemde salaris, toelae, geld, bonus of honorarium, of 'n gedeelte daarvan, aan die beamppte of werknemer betaal word.

(3) Subject to the provisions of section 7, no officer or employee shall in respect of his employment as such be paid any remuneration, allowance, honorarium, award or bonus of any kind whatsoever other than such as has been recommended by the Commission.

Salaries of officers not to be reduced except as specially provided

23. An officer's salary or salary scale shall not be reduced without his own consent except in accordance with the provisions of Chapter 4 or in terms of an act of the Legislative Assembly.

Session of emoluments prohibited

24. No officer or employee shall, without the written approval of the accounting officer, cede the whole or any part of any salary or allowance payable to him.

Whole time of officers to be at the disposal of the Public Service

25. (1) Unless it is otherwise provided in his conditions of service—

(a) every officer and employee shall place the whole of his time at the disposal of the Public Service;

(b) no officer or employee shall perform or engage himself to perform remunerative work outside his employment in the Public Service without the permission of the Councillor, which in the case of an officer shall be granted only on the recommendation of the Commission; and

(c) no officer or employee may claim as of right additional remuneration in respect of any official duty or work which he is required by competent authority to perform.

(2) It shall be competent for the Councillor or the head of a department, branch, office or institution to require any officer or employee under his control to perform duties other than those ordinarily assigned to such officer or appropriate to the grade, designation or classification of his post.

(3) Any remuneration or allowance whatsoever received by an officer or employee otherwise than in accordance with the provisions of this Act or a recommendation made by the Commission under any other law shall, be paid by such officer or employee into the Revenue Fund, and if he does not do so, shall be recovered from him by the Director of Authority Affairs and Finance by legal proceedings or in such other manner as the Director of Authority Affairs and Finance may think fit and be paid into the Revenue Fund.

(4) All fees received by an officer or employee in his official capacity shall be paid into the Revenue Fund unless the Commission has recommended that he may retain the whole or a portion of the said fees as part of his remuneration.

(5) Where on account of his professional, technical or other special qualifications the services of an officer or employee are placed temporarily at the disposal of the Government of the Republic or of an institution or body established by or under any law of the Legislative Assembly or of the Republic, or of any other person or body, any salary, allowance, fee, bonus or honorarium which may be payable in respect of his services shall be paid into the Revenue Fund: Provided that in special circumstances the Commission may recommend the payment to the officer or employee of an amount equal to the said salary, allowance, fee, bonus or honorarium or a portion thereof.

Regulasies

26. (1) Behoudens die bepalings van artikel 7 (2) van hierdie Wet, kan die Uitvoerende Raadslid vir Owerheidsake en Finansies, nadat die Kommissie 'n aanbeveling gedoen het, regulasies met betrekking tot enige een van die volgende aangeleenthede uitvaardig:

(a) Die bevordering, oorsplasing, dissipline, gedrag, bevoegdheide en plicte, diensure en afwesigheidsverlof van beamptes en werknemers en hulle ander diensvoorwaardes;

(b) die tarief van besoldiging vir uitsonderlike oortyd diens verrig deur beamptes en werknemers en van reiskoste en verblyf of ander toelaes wat aan beamptes en werknemers betaal moet word en die omstandighede waaronder sodanige betalings gedoen moet word;

(c) die omstandighede waaronder 'n geneeskundige ondersoek vereis word vir doeleindes van enige bepaling van hierdie Wet, en die vorm van geneeskundige verslae en sertifikate van ongesteldheid;

(d) die bepaalde klasse beamptes en werknemers van wie dit vereis kan word om sekuriteit te gee, en die bedrag en vorm daarvan;

(e) die prosedure wat gevolg moet word by die ondersoek van en optrede in verband met beweerde wan gedrag waaraan beamptes hulle skuldig maak;

(f) die erkenning van en bevoegdheide van personeelverenigings;

(g) alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word; en

(h) in die algemeen alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die doeleindes van hierdie Wet te bereik;

en sodanige regulasies kan 'n gesag of meer as een gesag voorskryf, asook die bevoegdheide van sodanige gesag om ten opsigte van enige beampte of werknemer of klas beamptes of werknemers van die bepalings daarvan af te wyk.

(2) Verskillende regulasies kan uitgevaardig word ten opsigte van beamptes wat voorgeskrywe of nie-voorgeskrywe poste op die vaste diensstaat beklee of om te pas by die verskillende vereistes van bepaalde departemente of takke van departemente, of van bepaalde klasse beamptes of werknemers, of van bepaalde soorte diens in die Regeringsdiens.

(3) Elke regulasie wat ingevolge hierdie Wet uitgevaardig word, moet in die *Staatskoerant* gepubliseer word en binne sewe dae nadat dit gepubliseer is, in die Wetgewende Vergadering ter tafel gelê word as die Wetgewende Vergadering dan sit, of as die Wetgewende Vergadering nie dan sit nie, binne sewe dae na die aanvang van sy cersvolgende sessie.

(4) Elke regulasie wat ingevolge hierdie Wet uitgevaardig word, is van krag en regsgeldig, tensy en totdat, gedurende die sessie waarin dit in die Wetgewende Vergadering ter tafel gelê is soos in subartikel (3) bepaal, die Wetgewende Vergadering die regulasie by besluit afgekeur het, en in die geval verval die regulasie met ingang van 'n datum wat in die besluit vermeld word, maar die verval van die regulasie raak nie die geldigheid van enigiets wat ingevolge die regulasie voor die datum van die besluit gedoen is nie, en niks wat in hierdie subartikel vervat is, raak die bevoegdheid van die Uitvoerende Raadslid vir Owerheidsake en Finansies om op aanbeveling van die Kommissie 'n nuwe regulasie aangaande die inhoud van daardie regulasie uit te vaardig nie.

Regulations

26. (1) Subject to the provisions of section 7 (2) of this Act, the Executive Councillor for Authority Affairs and Finance may, after the Commission has made a recommendation, make regulations with respect to any of the following matters:

(a) The promotion, transfer, discipline, conduct, powers and duties, hours of attendance and leave of absence of officers and employees and their other conditions of service;

(b) the rates of payment for exceptional overtime duty performed by officers and employees and of any travelling expenses and subsistence or other allowances to be paid to officers and employees and the circumstances under which such payment shall be made;

(c) the circumstances in which medical examination shall be required for the purposes of any provision of this Act and the form of medical reports and certificates of indisposition;

(d) the particular classes of officers and employees who may be required to give security, and the amount and form thereof;

(e) the procedure to be observed in inquiring into and dealing with alleged misconduct committed by officers;

(f) the recognition of and powers of staff associations;

(g) all matters which under this Act are required or permitted to be prescribed; and

(h) generally, all matters which he considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved;

and such regulations may prescribe an authority or more than one authority and the powers of any such authority to deviate, in respect of any officer or employee or class of officers or employees, from the provisions thereof.

(2) Different regulations may be made in respect of officers holding prescribed or non-prescribed posts on the fixed establishment, or to suit the varying requirements of particular departments or branches of departments, or of particular classes of officers or employees, or of particular kinds of employment in the Public Service.

(3) Every regulation made in terms of this Act shall be published in the *Government Gazette* and shall be laid upon the Table of the Legislative Assembly within seven days of such publication if the Legislative Assembly is then in session, or if the Legislative Assembly is then not in session, within seven days of the commencement of its next ensuing session.

(4) Every regulation made under this Act shall be of force and effect unless and until, during the session in which it has been laid upon the Table of the Legislative Assembly as provided by subsection (3), the Legislative Assembly has by resolution disapproved of the regulation, in which event the regulation shall lapse as from the date to be specified in the resolution, but the lapsing of the regulation shall not effect the validity of anything done under the regulation before the date of the resolution, and nothing contained in this subsection shall affect the power of the Executive Councillor for Authority Affairs and Finance to make, on the recommendation of the Commission a new regulation as to the subject matter of that regulation.

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DEPARTMENT OF CO-OPERATION AND DEVELOPMENT

No. 2481 9 November 1979

**ESTABLISHMENT OF TOWNSHIP COUNCILS.—
KANGWANE**

I, George de Villiers Morrison, Deputy Minister of Co-operation and Development, acting on behalf of the Minister of Co-operation and Development under and by virtue of the powers vested in him by regulation 1 (1) of Chapter 8 of the Regulations for the Administration and Control of Townships in Black Areas, published under Proclamation R. 293 of 1962, hereby establish township councils for the following townships, situate in KaNgwane, with effect from the first day of the month following the date of publication hereof:

- (1) Kabokweni.
- (2) KaNyamazane.
- (3) Matsulu.

G. DE V. MORRISON, Deputy Minister of Co-operation and Development. (File T8/6/12/7)

DEPARTEMENT VAN SAMEWERKING EN ONTWIKKELING

No. 2481 9 November 1979

INSTELLING VAN DORPSRADE.—KANGWANE

Ek, George de Villiers Morrison, Adjunk-minister van Samewerking en Ontwikkeling, handelende namens die Minister van Samewerking en Ontwikkeling kragtens die bevoegdheid hom verleen by regulasie 1 (1) van Hoofstuk 8 van die Regulasies vir die Administrasie en Bestuur van Dorpe in Swart Gebiede, afgevaardig by Proklamasie R. 293 van 1962, stel hierby dorpsrade in vir die volgende dorpe, geleë in KaNgwane, met ingang van die eerste dag van die maand wat volg op die datum van publikasie hiervan:

- (1) Kabokweni.
- (2) KaNyamazane.
- (3) Matsulu.

G. DE V. MORRISON, Adjunk-minister van Samewerking en Ontwikkeling. (Lêer T8/6/12/7)

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DEPARTMENT OF CO-OPERATION AND DEVELOPMENT

No. R. 1038 *GG 7024* 23 May 1980

KANGWANE PAYMENT AND PRIVILEGES OF MEMBERS OF THE LEGISLATIVE ASSEMBLY AMENDMENT ACT, 1980 (ACT 2 OF 1980)

It is hereby notified that the State President has approved of the following Act which was passed by the KaNgwane Legislative Assembly and which is hereby published for general information:

AREA OF THE KANGWANE LEGISLATIVE ASSEMBLY

ACT

Amendment of the KaNgwane Payment and Privileges of Members of the Legislative Assembly Act, 1978, in order to provide for increased salaries and allowances to members of the Executive Council and Legislative Assembly.

Be it enacted by the KaNgwane Legislative Assembly:

Amendment of section 2 of Act 2 of 1978 as amended by Act 2 of 1979

1. Section 2 of the KaNgwane Payment and Privileges of Members of the Legislative Assembly Act, 1978, is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

“(a) to the Chief Executive Councillor, a salary of R17 544 per annum”;

(b) by the substitution for paragraph (b) of the following paragraph:

“(b) to every Executive Councillor (other than the Chief Executive Councillor), a salary of R15 883 per annum”;

(c) by the substitution for paragraph (c) of the following paragraph:

“(c) to the Chairman of the Legislative Assembly, a salary of R5 472 per annum”;

(d) by the substitution for paragraph (d) of the following paragraph:

“(d) to the Deputy Chairman of the Legislative Assembly, a salary of R5 040 per annum”;

DEPARTEMENT VAN SAMEWERKING EN ONTWIKKELING

No. R. 1038 23 Mei 1980

KANGWANE-WYSIGINGSWET OP DIE BETALING EN VOORREGTE VAN LEDE VAN DIE WETGEWENDE VERGADERING, 1980 (WET 2 VAN 1980)

Hierby word bekendgemaak dat die Staatspresident sy goedkeuring geheg het aan die volgende Wet wat deur die KaNgwane- Wetgewende Vergadering aangeneem is en wat hierby vir algemene inligting gepubliseer word.

GEBIED VAN DIE KANGWANE- WETGEWENDE VERGADERING

WET

Wysiging van die KaNgwane-Wet op die Betaling en Voorregte van Lede van die Wetgewende Vergadering, 1978, ten einde voorsiening te maak vir verhoogde salarisse en toelae aan Lede van die Uitvoerende Raad en Wetgewende Vergadering.

Daar word deur die KaNgwane- Wetgewende Vergadering verorden:

Wysiging van artikel 2 van Wet 2 van 1978 deur Wet 2 van 1979

1. Artikel 2 van die KaNgwane-Wet op die Betaling en Voorregte van Lede van die Wetgewende Vergadering, 1978, word hierby gewysig—

(a) deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) aan die Hoof-Uitvoerenderaadslid, ’n salaris van R17 544 per jaar”;

(b) deur paragraaf (b) deur die volgende paragraaf te vervang:

“(b) aan elke Uitvoerenderaadslid (behalwe die Hoof-Uitvoerenderaadslid), ’n salaris van R15 883 per jaar”;

(c) deur paragraaf (c) deur die volgende paragraaf te vervang:

“(c) aan die Voorster van die Wetgewende Vergadering, ’n salaris van R5 472 per jaar”;

(d) deur paragraaf (d) deur die volgende paragraaf te vervang:

“(d) aan die Ondervoorsitter van die Wetgewende Vergadering, ’n salaris van R5 040 per jaar”;

them distances of up to 140 miles.

Measures were introduced to give greater security of tenure to urban Africans and ameliorate their situation. These measures included, in 1978, a 39-year

No. R. 73, 1980

AMENDMENT OF THE KANGWANE CONSTITUTION PROCLAMATION, 1977 (PROCLAMATION R. 214 OF 1977)

Under and by virtue of the powers vested in me by section 2 of the Black States Constitution Act, 1971 (Act 21 of 1971), I hereby amend the KaNgwane Constitution Proclamation, 1977 (Proclamation R. 214 of 1977), in accordance with the accompanying Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Fourteenth day of April, One thousand Nine hundred and Eighty.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

(R223/2/2).

SCHEDULE

Substitute the following subsections for subsections (1) and (2) of section 2:

"(1) The Legislative Assembly shall consist of 45 members as set out in subsection (2).

(2) (a) The 21 Chiefs representing the following Tribal Authorities:

(i) The Embhuleni-Swazi Tribal Authority, the establishment of which was made known by Government Notice 1410, dated 25 July 1975;

No. R. 73, 1980

WYSIGING VAN DIE KANGWANE GRONDWETPROKLAMASIE, 1977 (PROKLAMASIE R. 214 VAN 1977)

Kragtens die bevoegdheid my verleen by artikel 2 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), wysig ek hierby die KaNgwane Grondwetproklamasie, 1977 (Proklamasie R. 214 van 1977), ooreenkomstig die bygaande Bylae.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Veertiende dag van April Eenduisend Negehonderd-en-tagtig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

(R223/2/2)

BYLAE

Vervang subartikels (1) en (2) van artikel 2 deur die volgende subartikels:

"(1) Die Wetgewende Vergadering bestaan uit 45 lede soos uiteengesit in subartikel (2).

(2) (a) Die 21 Kapteins wat die volgende Stamowerhede verteenwoordig:

(i) Die Embhuleni-Swazi-stamowerheid, waarvan die instelling by Goewermentskennisgewing 1410 van 25 Julie 1975 bekendgemaak is;

GG 6954

119

C X().
C X().
C X().
C 9().

Barborton ⁸² may go ¹¹⁹ to the ^{5-TAA} 6/5/80 Swazis

C X().
C X().
C X().

Lowveld Bureau

C X().
C X().
C X().
C 9().
C X().

BARBERTON — Although officially opposed to incorporation in kaNgwane, Barborton could become part of the Swazi homeland.

C X().
C X().
C X().
C X().
C X().

The town clerk, Mr Lourens Kotze, has confirmed that he and four councillors visited Mafeking last month to examine the results of Mafeking's incorporation into Bophuthatswana.

Mr Kotze said their findings would be discussed by the Barborton town council and the MP, Mr Casper Uys, and the MPC, Mr Henk van Rooyen.

A change in attitude could follow general agreement that Barborton has a better future in kaNgwane.

The councillors discovered that Mafeking had "come to life" and was now "raring to go."

There had been an increase in sales of property and a tendency for people to settle rather than leave.

Mr Kotze added that a recommendation had been made to the Van Der Walt Commission but was unable to reveal what it was.

UCT

157 107 119 12 RDN 27/5/80

Regional, not ethnic units, says SADF

By PATRICK LAURENCE
and CHRIS MARAIS

THE four newly-formed black battalions were "regional units" and not ethnic units, a spokesman for the Defence Force said yesterday.

But he conceded that recruits in each unit were drawn predominantly from members of a single ethnic group because they were located in regions where that ethnic group was numerically dominant.

Thus 121 Battalion, with its headquarters at Jozini in Northern Natal, was predominantly Zulu because it operated in an area of Zulu ascendancy.

It has been referred to in the Press as the Zulu Battalion.

The three remaining new black battalions operated from bases situated in the areas where the Swazi, Shangaan and Venda were the dominant ethnic group. They therefore consisted largely of recruits from these ethnic groups.

But, the spokesman said, there was no policy of specifically restricting recruits to one ethnic group in any of these battalions.

A Xhosa or Basotho who happened to live in the recruiting area of, say, Battalion 121 and who wished to be trained as a soldier in Battalion 121 would be free to do so, he added.

The four new battalions have their training headquarters near South Africa's borders with Mozambique, Swaziland and Zimbabwe and to "black homelands" within South Africa situated near these borders.

In the statement announcing the existence of these new battalions, the Prime Minister and Minister of Defence, Mr P W Botha, spoke of the need of everyone living within South Africa's borders to contribute to defence of the

country.

In a speech in the Senate in March last year, the Deputy Minister of Defence and National, H J Coetsee, anticipated a rise of insurgent activities in rural areas.

"We shall find their depredations increasing in our border areas... Their aim is to influence people and to try to win their hearts, their minds and their consciences, whether by intimidation, whether by a display of force or by kidnappings..."

"We must therefore expect that this will spread in the rural areas. The black people of these regions will also become a target."

Mr Coetsee then referred to the "critical situation" of unoccupied farms and the exodus of whites from border rural areas.

He added: "The black people also have to look after themselves. They have to help us to spread a geographic presence and to maintain it. In this connection we are developing a concept of regional companies for black soldiers in the South African Defence Force. (They) also fulfil the role of a military presence, the showing of the flag, in a specific region."

The four new black battalions are all concentrated in the north-east corner of South Africa, although the north-west corner is also denuded of white farmers and exposed to infiltration by insurgents operating from Botswana.

The absence of black battalions in the north-western regions may be explained by the presence in that region of the South African-trained Bophutha-Tswana Defence Force, which has already assisted in the interception of insurgents.

It may, however, also mean that the Defence Force rates infiltration into the south-east as a greater long-term danger.

No. R. 1427

11 Julie 1980

KANGWANE- WETGEWENDE VERGADERING
WET 3 VAN 1980
(BEGROTINGSWET)

Dit het die Staatspresident behaag om kragtens die bevoegdheid hom verleen by artikel 3 (2) van die Grondwet van die Swart State, 1971 (Wet 21 van 1971), sy goedkeuring te heg aan onderstaande Wet:

WET

Tot aanwending van 'n som geld vir die dienste van die gebied van die KaNgwane- Wetgewende Vergadering vir die boekjaar wat op die 31ste dag van Maart 1981 eindig.

No. R. 1427

GG 7119

11 July 1980

KANGWANE LEGISLATIVE ASSEMBLY
ACT 3 OF 1980
(APPROPRIATION ACT)

119

The State President has been pleased, under and by virtue of the powers vested in him by section 3 (2) of the Black States Constitution Act, 1971 (Act 21 of 1971), to approve the following Act:

ACT

To apply a sum of money towards the services of the area of the KaNgwane Legislative Assembly for the financial year ending on the 31st day of March 1981.

KaNgwane groaning at the resettlement seams

(119) ~~29/7/80~~ ROM 29/7/80



their way to collect
afternoon

"AS far as we are concerned resettlement is a political bomb," the Chief Minister of the "Swazi homeland" of KaNgwane, Mr E J Mabuza, said with studied emphasis.

One of the smallest of the "black homelands", KaNgwane has absorbed 150 000 people from "black spots" and white-owned rural areas in the past few years, according to Mr Mabuza and his lieutenant, Mr David Lukhele.

"Some resettlement areas have no amenities whatsoever, no running water, no sewerage system, no schools and no clinics," added Mr Mabuza, a quietly-spoken man who measures his words carefully.

"Many people have no jobs. Some people have to drink dirty water. They think we are responsible. There is no message we can get across to them until their problems have been attended to."

Mr Mabuza listed some of the resettlement centres: Eerste-hoek, Dundonald, Fernie, Lochiel... all situated in the Eastern Transvaal, near the border with Swaziland.

Most of resettled or, to use a term preferred by some observers, *relocated* people have been moved in accordance with the grand design of consolidating mini-ethnic states on the periphery of white-controlled South Africa.

The creation of these ethnic states has been interpreted as part of a calculated policy of divide-and-rule.

But the policy is not only inductive to tribal rivalries between the different ethnic states but also to divisions between their political rulers and the "resettled" people.

Data published in semi-official Benso publications confirms both the extent of the relocation of people from white-designated areas to KaNgwane and the problems which it has posed for KaNgwane.

Benso's latest statistical sur-

Thousands of Swazis have been relocated from "black spots" and farms in white-designated South Africa to KaNgwane, the strategically situated Swazi "homeland" on the borders of Swaziland and Mozambique. Some "resettlement centres" lack basic amenities and the people blame the KaNgwane authorities rather than Pretoria. PATRICK LAURENCE reports.

vey points to an increase in KaNgwane's de facto Swazi population from 85 200 in 1970 to 171 700 in 1978, an increase of more than 200%.

It notes in its detailed study of KaNgwane that the "resettlement of Swazi in KaNgwane has started in earnest" and that the "two proclaimed towns of Ekuhondeni and Eerste-hoek could not nearly keep pace with resettlement."

The Rand Daily Mail visited Eerstehoek, better known to the Swazis as Nhlazatshe, after the interview with Mr Mabuza.

Mr Peter Nhlabathi, who represents Nhlazatshe in the KaNgwane Legislative Assembly, acted as guide.

In deference to Swazi tradition, however, the "Mail" first sought the permission of the local chief, Chief Johannes Dlamini, before going into Nhlazatshe.

Chief Dlamini, a former KaNgwane Chief Minister, lives on white-designated land just outside the boundary of KaNgwane.

He has refused to move, claiming that his house is situated on territory which belongs to the Swazi people by history and blood.

His kraal blends the old and the new, the traditional thatched House of Ancestors co-existing with his brick living house.

It is from here that he administers Nhlazatshe, more than 15km away.

Nhlazatshe is hidden away in the rolling hills between Bad-

plaas, a health resort in white-designated South Africa, and Mbabane, the capital of the Kingdom of Swaziland.

Suddenly it comes into focus, a concentration of self-built houses which centre on a small stream, the settlement's sole source of water.

A fence runs along the road. It is the boundary between South Africa and KaNgwane.

Mr Nhlabathi pointed to the fence: "Mr Van Dyk wants to move part of the settlement. He says its too close to the border. He says there must be a neutral zone of 500 metres."

He added: "We don't recognise the border. We don't want the people to move, not one of them."

Apart from the resettlement centre, there is nothing in sight except the bare rolling hills.

The idea of moving the people to satisfy some bureaucratic requirement recommends itself as an exercise in the absurd.

Mr J C van Dyk, a seconded white civil servant, is the Director of Community Affairs in KaNgwane. He was not available for comment yesterday.

According to Mr Nhlabathi, Nhlazatshe consists of three settlement zones, which were settled in chronological order. "Before settlement three started last October, there were 12 000 people," he said.

As the car bumped down the road to the stream below it passed a line of pick-wielding women, cloth scarves drawn across their mouths as though

they were Bedouin in the desert.

They were digging a canal for water. The plan was for it to be pumped up from the stream to the settlement three on the side of the hill.

The smell of dryness was in the air, but the scarves were worn to protect the women from the winter cold.

There is no sewerage system — only pit latrines, apparently dug by the people themselves.

The people come from various places, but mainly from Krömgrans, near Cullinan, and Doornkop, a "black spot" near Middelburg. Doornkop was excised amidst controversy and black resistance in 1974.

There is an element of irony in Doornkop being a place of origin.

One of the arguments used to justify the Doornkop removal was that the people did not have proper water and sewerage facilities and that it was a health hazard.

Unlike Doornkop, Nhlazatshe is not near a white town. But, another ironic fact, the nearest white town is Badplaas, whose mineral waters are reputed to have health-giving powers.

The car grinds up the hill on the far side of the stream.

People are crowding around a tap. Water has been pumped up from the stream and into a reservoir. It feeds five taps in the entire settlement, Mr Nhlabathi said.

The settlement has three primary schools, all built from a tribal levy imposed by Chief Dlamini. Three of the five taps have been placed in the schools.

As the car negotiates its way along bumpy side roads, people come out and stare. They seldom see whites who are not officials.

It is primarily a settlement of women and children. Most men are away, earning money to keep their families alive in these primeval hills where silence can be heard.

No. 1776

29 Augustus 1980

KANGWANE-WET OP ONTWIKKELINGS-
BELASTING, 1980 (WET 4 VAN 1980)

Hierby word bekendgemaak dat die Staatspresident sy goedkeuring geheg het aan die volgende Wet wat deur die KaNgwane- Wetgewende Vergadering aangenem is en wat hierby vir algemene inligting gepubliseer word:

GEBIED VAN DIE KANGWANE- WETGE-
WENDE VERGADERING

WET

Om 'n belasting op burgers van KaNgwane te hef en om die KaNgwane-wet op Ontwikkelingsbelasting, 1979 te herroep.

Daar word deur die KaNgwane- Wetgewende Vergadering verorden:

Woordomskrywing

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

“belasting” die KaNgwane Ontwikkelingsbelasting gehef by artikel 2;

“belastingjaar” 'n tydperk wat op die eerste dag van Januarie van 'n jaar begin en op die laaste dag van Desember van dieselfde jaar eindig;

“belastingpligtige” 'n manlike burger wat die ouderdom van 18 jaar bereik het;

“burger” 'n persoon wat ingevolge die bepalinge van die Wet op Burgerskap van Swart State, 1970 (Wet 26 van 1970) 'n burger van KaNgwane is;

“Direkteur” die Direkteur van Owerheidsake en Finansies;

“Inkomstefonds” die Inkomstefonds ingestel by artikel 6 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971);

“KaNgwane” die gebied waarvoor die KaNgwane- Wetgewende Vergadering ingestel is en soos van tyd tot tyd gewysig;

“magistraat”—

(a) ten opsigte van 'n distrik binne KaNgwane, 'n magistraat, addisionele magistraat en assistentmagistraat aangestel kragtens artikel 8 van die Wet op Landdroshowe, 1944 (Wet 32 van 1944);

No. 1776 GG 7199 29/8/80 29 August 1980
KANGWANE DEVELOPMENT TAX ACT, 1980
(ACT 4 OF 1980)

It is hereby notified that the State President has approved of the following Act which was passed by the KaNgwane Legislative Assembly and which is hereby published for general information:

AREA OF THE KANGWANE LEGISLATIVE
ASSEMBLY
ACT

To levy a tax on citizens of KaNgwane and to repeal the KaNgwane Development Tax Act, 1979.

Be it enacted by the KaNgwane Legislative Assembly:

Definitions

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

“citizen” means any person who is a citizen of KaNgwane in terms of the provisions of the Black States Citizenship Act, 1970 (Act 26 of 1970);

“Councillor” means the Executive Councillor responsible for the department of Authority Affairs and Finance;

“Director” means the Director of Authority Affairs and Finance;

“KaNgwane” means the area for which the KaNgwane Legislative Assembly has been established as amended from time to time;

“Magistrate” means—

(a) in respect of any district in KaNgwane, a magistrate, additional magistrate and assistant magistrate appointed in terms of section 8 of the Magistrates' Courts Act, 1944 (Act 32 of 1944);

(b) in respect of a district outside KaNgwane, a Commissioner, Additional Commissioner and Assistant Commissioner appointed in terms of section 2 (2) of the Black Administration Act, 1927 (Act 38 of 1927) and where there is no such Commissioner, the magistrate, additional magistrate, and assistant magistrate;

“receiver” means any magistrate and any person appointed under section 11 (1) (a) to collect tax;

DEPARTEMENT VAN SAMEWERKING EN
ONTWIKKELING

No. 1774

29 Augustus 1980

TWEEDE KANGWANE- WYSIGINGSWET OP
DIE BETALING EN VOORREGTE VAN LEDE
VAN DIE WETGEWENDE VERGADERING, 1980
(WET 7 VAN 1980)

Hierby word bekendgemaak dat die Staatspresident
sy goedkeuring gegee het aan die volgende Wet wat
deur die KaNgwane- Wetgewende Vergadering aange-
neem is en wat hierby vir algemene inligting gepu-
bliseer word:

GEBIED VAN DIE KANGWANE- WETGEWENDE
VERGADERING

WET

Tot wysiging van die KaNgwane-wet op die Betaling
en Voorregte van Lede van die Wetgewende Ver-
gadering, 1978, ten einde voorsiening te maak vir
verhoogde salarisse en toelae aan Lede van die Uit-
voerende Raad en Wetgewende Vergadering en aan-
geleenthede wat daarmee in verband staan

Daar word deur die KaNgwane- Wetgewende Ver-
gadering verorden:

Vervanging van artikel 1 van Wet 2 van 1978

1. Artikel 1 van die KaNgwane-wet op die Beta-
ling en Voorregte van Lede van die Wetgewende Ver-
gadering, 1978 (hieronder die Hoofwet genoem), word
hierby deur die volgende artikel vervang:

DEPARTMENT OF CO-OPERATION AND
DEVELOPMENT

66 799 29/8/80

119
29 August 1980

SECOND KANGWANE PAYMENT AND PRIVI-
LEGES OF MEMBERS OF THE LEGISLATIVE
ASSEMBLY AMENDMENT ACT, 1980 (ACT 7
OF 1980)

It is hereby notified that the State President has
approved of the following Act which was passed by
the KaNgwane Legislative Assembly and which is
hereby published for general information:

AREA OF THE KANGWANE LEGISLATIVE
ASSEMBLY

ACT

To amend the KaNgwane Payment and Privileges of
Members of the Legislative Assembly Act, 1978, in
order to provide for increased salaries and allowances
to members of the Executive Council and Legislative
Assembly and for matters incidental thereto.

Be it enacted by the KaNgwane Legislative Assem-
bly:

Substitution of section 1 of Act 2 of 1978

1. The following section is hereby substituted for
section 1 of the KaNgwane Payment and Privileges
of Members of the Legislative Assembly Act, 1978
(hereinafter referred to as the principal Act):

Manuel and

Swaziland - General

1981

Jan - May - JUNE - July -

Aug - SEPT - OCT - NOV - DEC

Leader's salvo in Swazi soldiers row

By PATRICK LAURENCE
Southern Africa Editor

THE Chief Minister of KaNgwane, Mr E J Mabuza, yesterday accused his former Minister of Internal Affairs, Mr David Lukhele, of "gross double standards" in their dispute over the South African-trained Swazi Battalion.

The quarrel, during which Mr Lukhele accused Mr Mabuza of reversing his original opposition to the battalion, culminated in Mr Lukhele's dismissal from the Cabinet, at a special session of the KaNgwane Legislative Assembly on Tuesday.

KaNgwane is the designated homeland of South African-born Swazis. The Swazi Battalion, also known as Battalion 111, is one of four ethnic battalions recruited and trained by the SA Defence Force to help defend the border.

In a statement to the Rand

Daily Mail, Mr Mabuza admitted visiting the Swazi Battalion at its Amsterdam headquarters in the Eastern Transvaal, but denied his visit signified approval of the battalion.

"I regard myself as the Chief Minister of all the Swazis in the Republic, including those whose views I do not share. I shall not, therefore, disown the young Swazi men in Battalion 111 just because I do not share their views."

Defining his government's policy as a non-violent search for liberation, Mr Mabuza recalled it had been approached by Defence Force officers about the recruitment of Swazi men to Battalion 111.

"We resolved that, while we would neither encourage young men to join the said battalion nor be involved in their recruitment, we would not stand in the way of those who wanted to

be recruited," he said.

While Mr Lukhele was still a member of the Cabinet, KaNgwane had asked for assistance from national servicemen under the Defence Force's civic action programme.

"These officers rendered invaluable service to the people of KaNgwane," Mr Mabuza said. Their assistance included supplying water during periods of drought, initiation and supervision of agricultural and engineering programmes and medical help, Mr Mabuza said.

"Surely, while we do not approve of warfare and bloodshed, we do welcome their humanitarian assistance to our people and shall welcome it whether it be from the Devil himself."

Mr Mabuza noted that in September 1978 Mr Lukhele accompanied the KaNgwane Cabinet to the Pretoria base of Northern Command, having

earlier visited the operational area on his own as a guest of the Defence Force.

"It is, therefore, a gross display of double standards (by Mr Lukhele) to try and discredit me because of my visit to the young Swazi men in Amsterdam."

"How does (he) reconcile his visit to the battalion of young white men in Pretoria and to the operational area in South West Africa with his abhorrence of the young Swazi men in Amsterdam?"

"Are white soldiers more respectable than Swazi soldiers?"

"My honorable colleague (was) a Swazi Cabinet Minister in a Swazi government in a Swazi homeland. What logic does he apply when he disowns a Swazi Battalion?"

Mr Lukhele has insisted he cannot agree to blacks serving on the border until they have the same status as whites.

No. R. 20, 1981

WYSIGING VAN DIE KANGWANE-GRONDWET-
PROKLAMASIE, 1977 (PROKLAMASIE R. 214
VAN 1977)

Kragtens die bevoegdheid my verleen by artikel 2 (3) van die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), wysig ek hierby die KaNgwane-grondwet-proklamasie, 1977 (Proklamasie R. 214 van 1977), deur die woord "vyf" waar dit in artikel 11 (1) voorkom deur die woord "ses" te vervang.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Negentiende dag van Januarie Eenduisend Negehonderd Een-en-tagtig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

No. R. 20, 1981

AMENDMENT OF THE KANGWANE CONSTITU-
TION PROCLAMATION, 1977 (PROCLAMATION
R. 214 OF 1977)

Under and by virtue of the powers vested in me by section 2 (3) of the National States Constitution Act, 1971 (Act 21 of 1971), I hereby amend the KaNgwane Constitution Proclamation, 1977 (Proclamation R. 214 of 1977), by the substitution for the word "five" where it appears in section 11 (1) of the word "six".

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Nineteenth day of January, One thousand Nine hundred and Eighty-one.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

6x 7382.

23/1/81.



Mr. Enos J. Mabuza

Lowveld leader's genteel stance

By Wilf Nussey
KWANYAMAZANE
— Spoken with the gentility of a diplomat, his words refresh the hopes of South African whites, dimmed by the sudden pace of political change and the huge loom of black power.

"The majority of black people are still prepared to negotiate," he says. "I think that as long as there are black leaders who are prepared to fight for peaceful change relentlessly among the black people, there is still hope for South Africa."

But in his next breath he brings the chill right back into the future:

on a similar basis to an American state — but which must remain part of South Africa.

"We want a negotiated political settlement in which all the people of South Africa can have a say," he says.

"It is an historical fact. We are South Africans too. Ethnicity is just an accident of history. I don't believe in the rigid application of ethnicity — the superficiality of that policy when it comes to whites, or its application to blacks."

He adds with irony: "I am much closer to the Zulus than the Afrikaners are to the Portuguese."

119
21/5/81

119
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"It all depends on the white leadership and how far they drive the black people into a corner. I do not discount moderate leaders from finding themselves with no other option but violence.

"The black people have been endowed with patience — the white people should not abuse that."

The speaker is Mr Enos J. Mabuza (52), impeccable in dark suit, unselfconsciously sitting on a borrowed typist's stool in a borrowed office, despite his status as Chief Councillor of the Swazi homeland of kaNgwane, here in the Lowveld.

As leader of the third smallest of South Africa's clutch of ethnic territories (it holds some 350,000 of the country's 750,000 Swazis), he is seldom in the limelight and still far from the public image of the Mangopes and Buthelezis and Phatuzis.

But that could change very soon. The report of the Van der Walt Commission on homeland consolidation is due to be out within the next two months, and Lowvelders of all political persuasions are confident that it will add chunks of white farmland to kaNgwane, and possibly a white town or two.

That is as far as Mr Mabuza is likely to go along with present Government policy.

He is dead set against full independence for kaNgwane and determined to keep his people firmly within the South African fold. In this, his policy runs virtually parallel to that of his close friend and ally, Chief Gatsha Buthelezi, whose Inkatha movement and Zulu nation are respectively the biggest political party and ethnic group in South Africa.

kaNgwane, he says, is not and never can be an independent, economically viable state. It is a region within which the Swazi people can administer themselves — roughly

The Swazis, says Mr Mabuza, envisage a unitary South Africa with one man, one vote, in which kaNgwane will be but one region.

"But we are prepared to negotiate. That is not the be all and end all. It is not a question of all or nothing."

The South African Black Alliance, of which kaNgwane is a member, is committed to negotiation as the best route to a South African solution, Mr Mabuza says, and is now waiting to see what the Prime Minister does, following his general election victory.

But there is little optimism among blacks. They have seen little come from Mr P. W. Botha's promise of reforms and Mr Mabuza doubts very much that Mr Botha would today get the tumultuous welcome he received when he visited kaNgwane in 1979.

What immediate steps could Mr Botha start upon to restore that optimism? Mr Mabuza answers:

- Dismantle all discriminatory laws.

- "We don't view the President's Council as the ideal situation, but the inclusion of black people in that body would augur well for the future. It could be a forum."

- That, in turn, would create better understanding and a better climate for negotiation, and the common acceptance of a common destiny in South Africa.

The endurance of present moderation among black leaders is not unlimited, he warns.

"Much will depend on how receptive and perceptive white leadership will be."

Whites should adjust their view. Many of the so-called black militants are regarded as moderates by blacks and young black people are being driven into the corner of conflict. "My own children cannot tolerate what I still tolerate."

21/5/81
119

Stop removals
Methodists plead

Religion Reporter

A district synod of the Methodist Church has expressed its "extreme dismay" at the forced removal of people into the kaNgwane area in the eastern Transvaal.

The annual synod of the South-Eastern Transvaal and Swaziland District of the church this week called on the Government to stop removals immediately.

KaNgwane is the area designated a homeland for South Africa's Swazi people in terms of Government policy.

Last October's cholera outbreak in kaNgwane

was reported to have occurred in squatter settlements which included people moved off white farms in the eastern Transvaal.

The synod said in a resolution that stable community and family life and a fair sharing of resources were essential to peace and stability.

After calling on the Government to halt removals, the synod resolved to ask the Methodist Church's annual national conference to give urgent priority to providing ministers and money for church work in kaNgwane and at Secunda.

"As well
These include
are holders of
Mexicans had
in California.
most agricultural
for harvest work

from Mexico.

Green carders

the U.S.; 631,000

laborers, mainly

not in the U.S.,

coming to the U.S.A.

They are continuing

the bracero system, although this was formally terminated at the end of 1964. The green carders are intent on making as much money as they can during the harvest, and are popular with employers as they are eminently not 'trouble-makers.' For the same reason their presence is resented by agricultural labor organizers, who see them as an obstacle to unions. Growers and contractors like migrant laborers because 'they come in, do the work, earn their money and go away--it's a beautiful system and everyone is happy.' Well, not quite everyone. As we shall see later, most growers intensely resent having to accept responsibility for services such as health, housing and education for laborers and their families.

"In 1974, 200,000 'wetbacks,' or illegal migrants from Mexico, were arrested in California, one quarter of the national total. Federal immigration officials estimate that there are two wetbacks at large for each one arrested. Others estimate the total of illegal aliens as high as 6.7 million (Los Angeles Times, 3 July 1975). From the growers' viewpoint, wetbacks form an admirable source of labor, as they are even more hardworking and more docile than the green carders. Several growers and contractors openly admitted that they turned a blind eye to wetbacks--as one said, defiantly, 'as long as a man gives me a social security number,

orienting

Barberton fears a homeland takeover

Star 30/6/87 (119)

• From Page 1

the incorporation. Last year its growth rate was about seven percent "and as long as we have five percent growth a year, we are happy."

Mayor Wally Erasmus says that although the kaNgwane homeland has considerable economic potential, the town's community is torn between going in and staying out, between the economic benefits and the political implications of black rule.

"Personally, if it goes black I'll stay and see what happens," he says.

"I think, though, that generally people are not in favour of incorporation: They don't know which way things would go. Businessmen would like it but most of the people, teachers and so on, would not."

Many people believe that because of its history — its tremendously colourful background of the gold rush — the Government dare not hand it over to a black homeland without risking the ire of voters all over South Africa.

But Mafeking was history, not nearly as rich but writ much larger thanks to Baden Powell, the Boers and The Siege, and its transfer to a black state caused no grief.

And, says Chief Minister Mabuza, Swazis are very much part of that history. "My father worked in the mines there and still works there. Being in kaNgwane would give an added dimension to Barberton's history."

History is one of the main assets of this lovely little town drowsing through the lowveld heat in the shade of its jacaranda and flame and giant wild fig trees, its gardens and streets resplendent with colourful flowers and shrubbery.

Bits of history appear all over and around Barberton, marking its spectacular boom between the discovery of gold in 1874 and the mass exodus of the gold-hungry in 1887, after the Witwatersrand treasure house was found.

Here and there pieces of old mining machinery. A small stone monument to mark the rich reef found by Graham Hoare Barner in June, 1884. Little scars on the flanks of the steep, bush-clad mountains, marking shafts and addits and prospectors' trenches. Local names reflecting the rowdy, boisterous melange of tough miners — Jam Tin Creek, Honeybird Creek, Revolver Creek, Eureka Siding.

And the few gold mines still going: the fabulously rich Sheba which in 1983 will have been operating non-stop for 100 years, Fairview, still producing about R2-million of gold a month, Consort, and Agnes. And now, with gold enjoying new favour internationally, there are also a few small-workers.

independent characters pottering about their claims, some full-time, some at weekends.

It has been the serving of these mines, mainly, which has kept Barberton going so long that it will celebrate its centenary as a town three years hence.

Now it also serves as a transport depot for the big Havelock asbestos mine just over the mountains in Swaziland, which send the stuff down by a 20 km cableway, and for the nearby African Chrysotile Asbestos. Then there is the local cotton ginner, one of South Africa's biggest, the big timber business from great plantations in the district, the black trade, the new tobacco industry begun by some former Rhodesians in the De Kaap Valley, and the small but promising tourist industry.

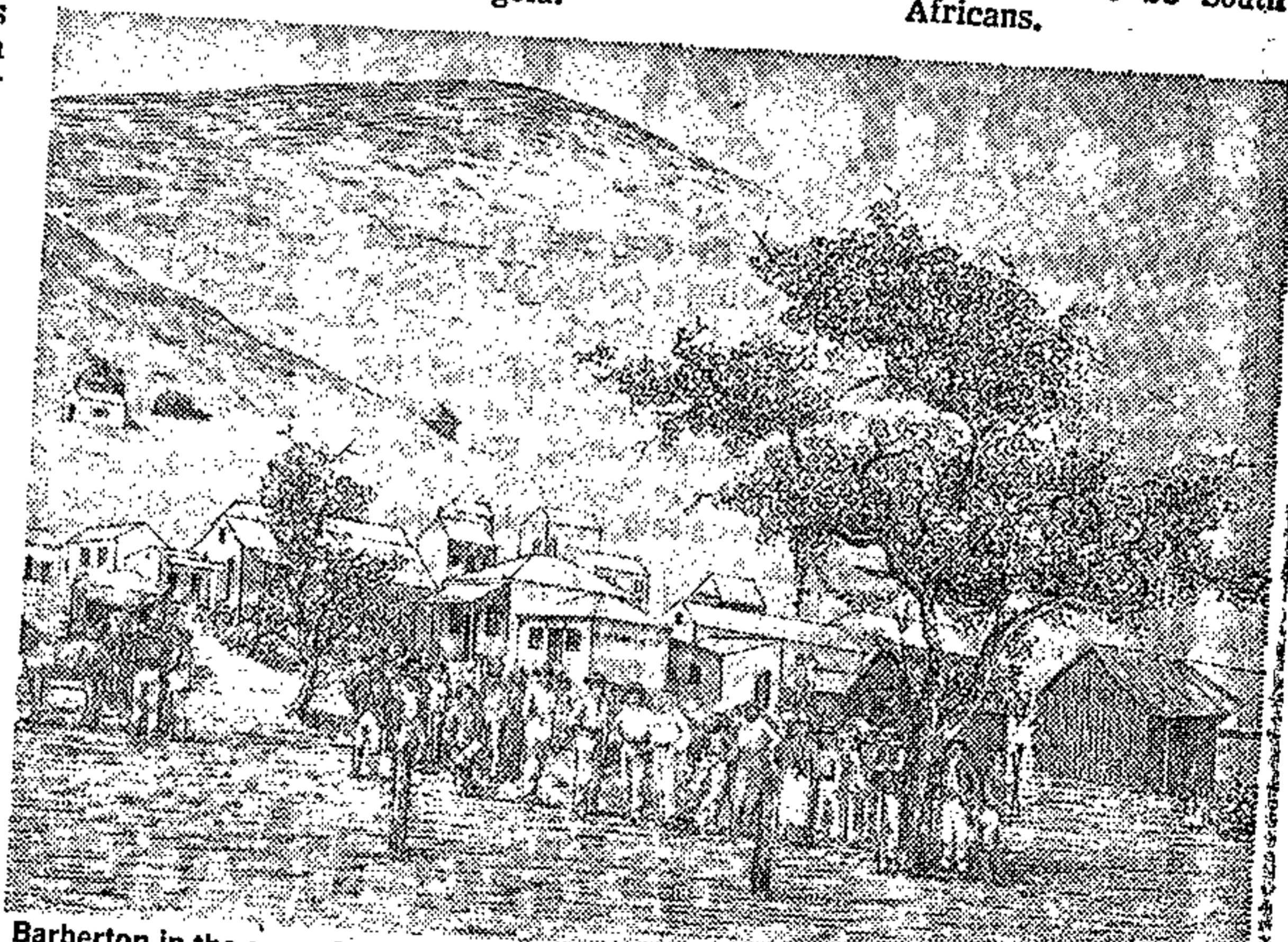
And, who knows, the boom might come back. The mountains are again full of prospectors and geologists, this time looking for all sorts of other minerals like asbestos and magnesite as well as gold.

"If the gold price goes up another 100 dollars or so, they'll flatten these mountains to get it," comments one geologist.

Barberton's handicap, says Mayor Erasmus, is that it is at the end of the line. This is as far as the railway goes. South lies the huge jumble of mountains and a tortuous, breathtaking road into Swaziland. This is why there is so little local industry — and, incidentally, so few children or young people: they go to school elsewhere and then go out to make their lives, for there is little scope here.

But boom or not, the town is still a prize. Its rateable value alone jumped from just over R6-million in 1969 to just under R21-million in 1979.

And the next few weeks could tell, perhaps who will get the prize: South Africa, or kaNgwane. Or maybe both because Chief Minister Mabuza is determined that kaNgwane homeland or not, the Swazis will first and foremost be South Africans.



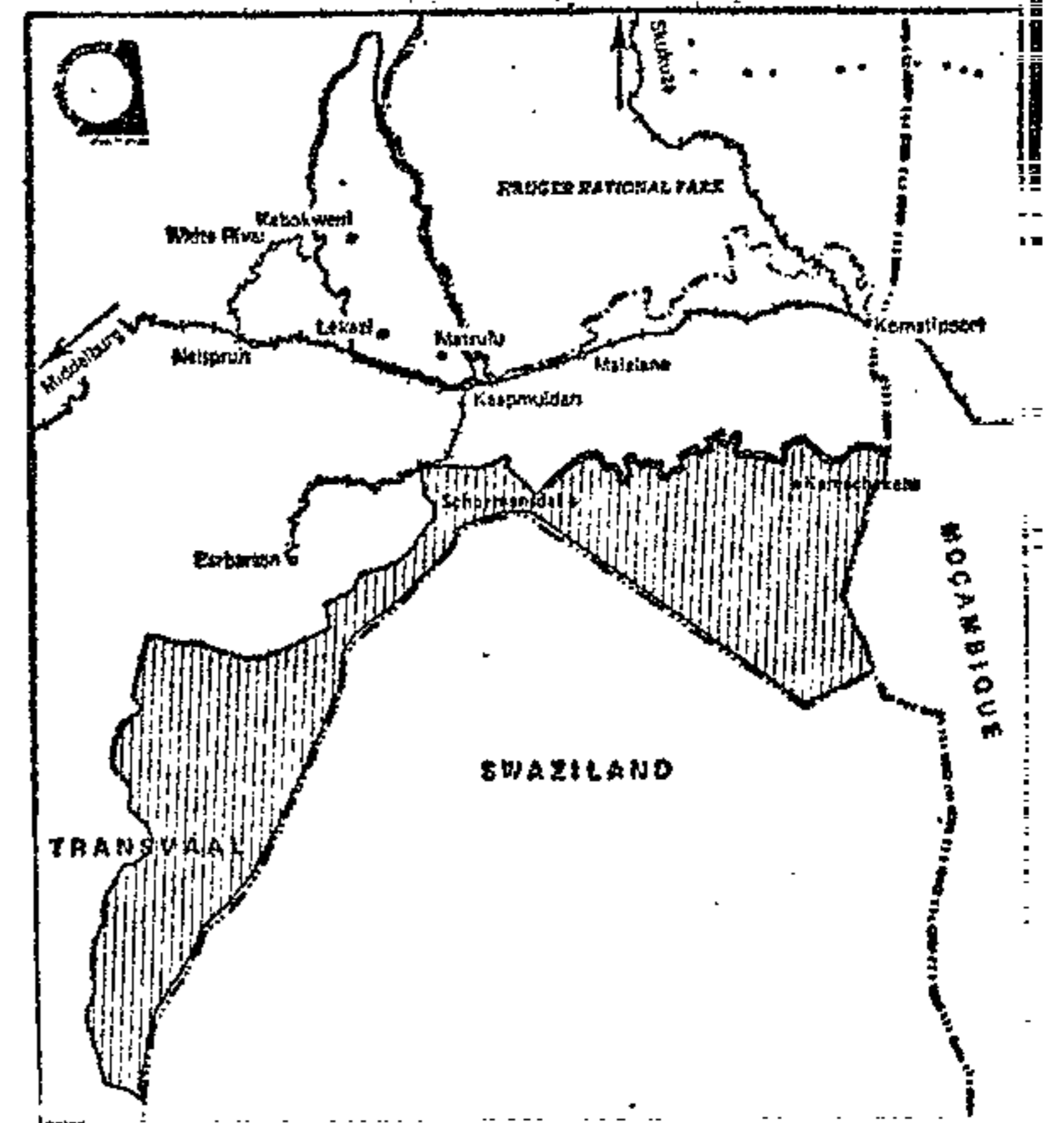
Barberton in the eyes of an artist of the 1880s, who noted with a cross the presence of the town's first woman.

119 30/6/81

2

Barberton next to go black?

Star 119 30/6/81



Map published by the Africa Institute showing the Swazi homeland of kaNgwane and consolidation proposals (striped area) south of Barberton.

By Wilf Nussey
Barberton — In this town of countless ghosts the biggest spectre is black. It looms over the community like the mountains they live under — casting a long shadow of insecurity.

Not since the fading of its great gold rush of a century ago has Barberton been so rudely awakened from its rural slumber.

The shocks are coming from Cape Town and Pretoria where officials are remodelling the face of South Africa to alter the future of millions.

They are the Van der Walt Commission — chaired by Mr Hennie van der Walt of the President's Council — charged with planning the consolidation of the black homelands. Their report is due out soon, possibly within the next six weeks, and its impact is expected to be powerful.

Already there have been two indicators of the kind of physical and emotional reactions consolidation can



The Barberton stock exchange in the 1880s.

bring. First there was Mafeking. In danger of having its commercial blood drained dry by the new capital of Mmabatho just across the border in Bophuthatswana, the people of Mafeking let themselves be incorporated into that

homeland and have their name Africanised to Mafikeng.

The result was good. Mafikeng has settled down as a prosperous and comfortable non-racial community and the feared "big black ogre" did not materialise.

Then there was King William's Town. It went exactly the other way. The anguished screech of its residents echoed around South Africa when the Government mooted giving it to Ciskei.

The Cabinet was obliged to decide

(conveniently on the eve of an election) that King William's Town would stay white and outside Ciskei.

Next is Barberton, and the fate of this beautiful and historic town nestling in the bowl of the De Kaap valley is the major topic in much of the Eastern Transvaal Lowveld.

Right next door is the Swazi homeland of kaNgwane, sprawled along the northern border of the independent state of Swaziland and without a capital of its own. Its legislature has to hold its sessions in a community hall in a separate chunk of the homeland north of Nelspruit.

Will Barberton be incorporated or not? Mr Enos J Mabuza, Chief Minister of kaNgwane and a man widely respected by all races, has no doubts that it should be.

"There are areas adjacent to kaNgwane which to any reasonable person should be logically inside," he says.

Because he put his case to the Van der Walt Commission he is reluctant to go into detail before its report is published. But,

he says, "hypothetically" if Barberton were included in kaNgwane, the town would get a strong shot of new commercial life and, in turn, would provide the homeland with the basic infrastructure for a seat of government.

Barberton's people, however, do not see things quite so clearly. Probably most of its 3 500 whites, according to several of their leading citizens, see incorporation as the gloomy spectre looming over them.

Few of the 9 000 blacks are residents, most belonging to the homeland, but it is a safe bet that virtually all except some Shangaans and other non-Swazis agree whole-heartedly with Chief Minister Mabuza.

The 600 or so coloured people and slightly fewer Asians are difficult to gauge. Clearly, they would like to move out of apartheid into a non-racial society and would enjoy the undoubted boom which would come. But some appear to be nervous of black rule.

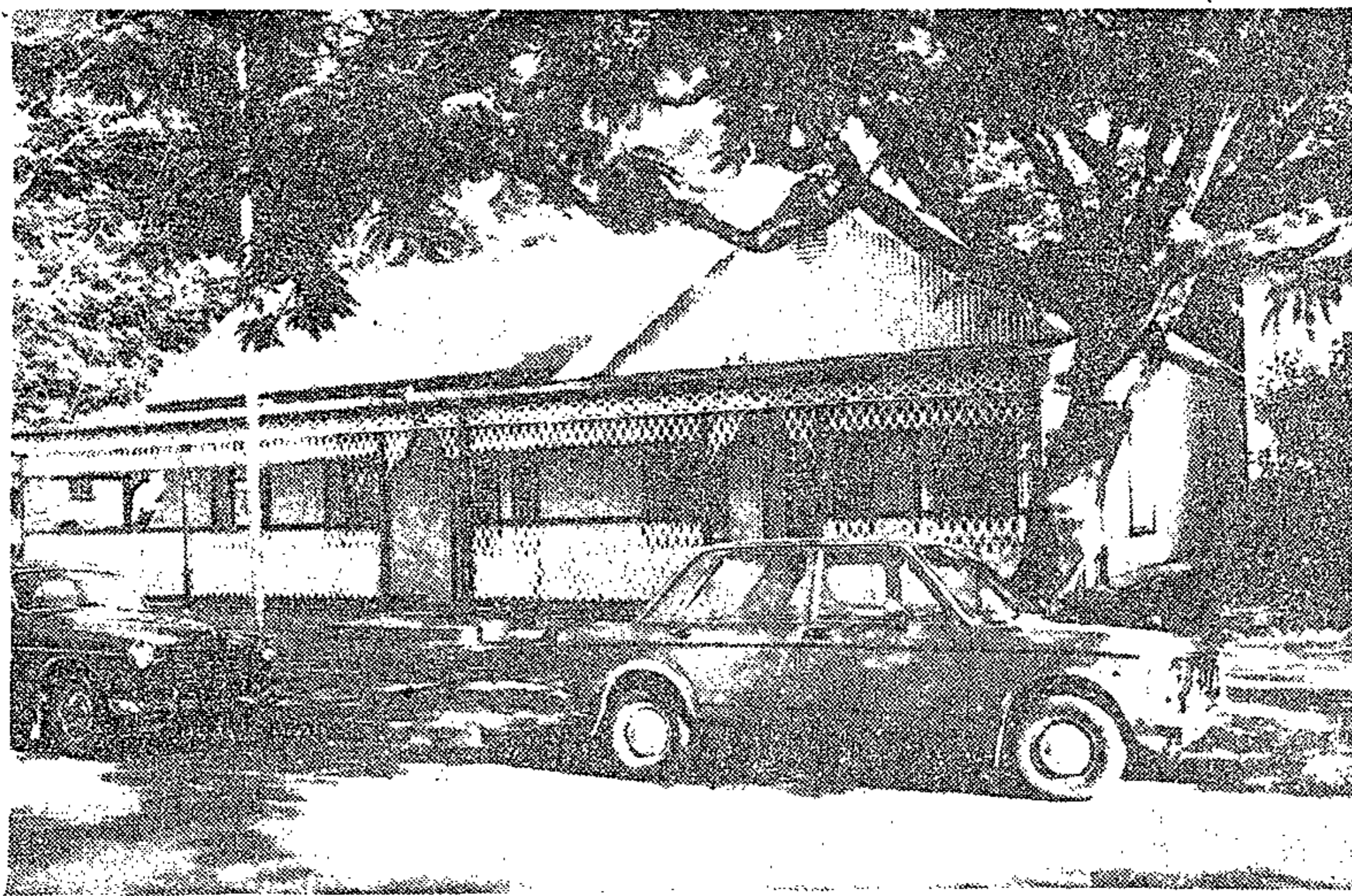
"If the Government decides on incorporation into kaNgwane the future would be very difficult to predict," says leading businessmen Mr Ahmed Arbee. "Barberton could continue to serve kaNgwane even as part of South Africa."

business is chiefly with kaNgwane.

Mr A B "Boet" Pohl, chairman of the town's management committee, believes Barberton will stay out of the homeland.

Incorporation would be good in the short term, he says, because of the money and development it would bring. But not in the long-term. Anyway, 99 percent of the rate-payers would vote against it.

Barberton did not need



Old Barberton restored, this wood and iron structure as the Globe Tavern

which he can use professionally. He will practise in co-operation with other colleagues, medical and non-medical. He will know how and when to intervene through treatment, prevention and education to promote the health of his patients and their families. He will recognise that he also has a professional responsibility to the community.

GENERAL NEWS

Swazi homeland to get its first hotel

8/20/81
119

Lowveld Bureau

KANYAMAZANE — KaNgwane, the Lowveld's Swazi homeland is to get its first hotel.

A luxury R3,1-million three-star hotel with recreation facilities is to be built about 2 km from Kanyamazane on the main Nelspruit road.

The hotel, which is expected to be ready by January 1983, will have 42 rooms.

It will also have conference facilities, a bridal suite and a VIP suite on the first floor.

The hotel will greatly alleviate the accommodation shortage for blacks visiting the Lowveld.

It is seen as the first step towards a tourist industry in KaNgwane.

disciplines of community medicine
line is concerned with the determina-
tion by epidemiological means.
line of which the essential unit
e consultation and its significance
nce, 1960. "The real work of a
..... it is not an affair
rating theatres, laboratories, or
their place in medicine, but they
f medical practice is the occasion
room or sick room, a person who
seeks the advice of a doctor whom
all else in the practice of

...ing our or the definition is the concept of patient care in
which is illustrated the attitudes of general practice. We speak of four
types of care which are related and interdependent - personal, continuing,
primary and holistic.

Personal care.

This implies the recognition of each patient as a unique individual with his own genetic inheritance, his own response to disease process and his own attitudes. "The mark of a general practitioner is his overriding interest in people. Hand in hand with this interest in people goes a unique attitude to their diseases. Whatever troubles the patient is important whether its origins be emotional or physical." (McWhinney)
It is important to the doctor because it is important to the patient, not because it is an interesting disease. Herein lies the difference between patient-oriented medicine and disease or doctor-oriented medicine.

Personal care also implies the concept of responsibility. There must be a doctor to guide the patient through the maze of modern medicine and to take the responsibility for his welfare. Divided responsibility threatens this fundamental role of the doctor. This can occur in a large hospital, in the health team approach or when the patient has direct access to the specialist and becomes his own referral agent. Responsibility also requires that the doctor should be available and accessible to his patient in illness and distress.

Under personal care one must also consider the important but misunderstood subject of the doctor-patient relationship. To the patient this often means the easy charm of the bedside manner. To our specialist and academic colleagues it is equated with kindness - a commendable quality in any doctor. However, the doctor-patient relationship refers to the honesty, concern, acceptance, empathy and equality which should exist in our relationship with our patients. This in turn leads to the rapport,

kaNgwane riches listed

Lowveld Bureau

KANYAMAZANE — Development of the mining industry in kaNgwane has a promising future but it will take time, money and patience, Dr A A von Maltitz, chairman of the Mining Corporation, said in Kanyamazane.

Dr von Maltitz was speaking at the Spotlight on kaNgwane Conference presented jointly by the National Development and Management Foundation of South Africa, kaNgwane Government, kaNgwane Economic Development Corporation and the Corporation for Economic Development.

Dr von Maltitz said that a wide variety of minerals are known to occur in 87 locations in kaNgwane. Gold, by far the most prolific, accounts for 53 occurrences.

Others include asbestos, ball clay, verdite, anthracite, barytes, tin, tungsten, copper, zinc and nickel.

not be hit by the section as it was then worded. The 1959 amendment were intended inter alia to bring such transactions within the net of the section and based on the decision in Smith's case (supra) the amendment has achieved this result.

Messina aims to export Kangwane anthracite

By JOHN MULCAHY

MESSINA (Transvaal) Development Company is hoping for an anthracite export allocation in the next phase of Richards Bay development.

A Messina spokesman said it was hoped that representations to the Minister of Mineral and Energy Affairs would be favourably considered "along with other producers independent of the Transvaal Coal Owners Association".

Messina has formed a subsidiary, N'Komati Anthracite (Pty), to exploit anthracite reserves in the homeland of

Kangwane. The Mining Corporation will have 40% of the company and Messina 60%.

The mine is expected to build up production to 500 000 tons of anthracite a year in the next three years, and it is hoped that most will be exported.

The cost of the project to production is estimated at R14-million, most of which will be funded by Messina.

Significantly better prices for anthracite are received on overseas markets, but the anthracite in the central Kangwane field is believed to be low in sulphur, and suitable for the South African market.

The Messina spokesman said it was too early to say what proportion of the anthracite would be exported, but the SA market was a useful backstop, and favourable to stockpiling the product.

Exports would also depend on handling efficiency at ports and availability of rolling stock.

Messina geologists would carry out further exploration, the spokesman said, and details on the methods of mining are expected to be released later in the year.

There will be little, if any, open-cast mining, and although the seam is underground, it is believed to be shallow.

Assurances have been given by the South African Government that a railway line will be built from the Kangwane area through Swaziland to Richards Bay, and there is the alternative of shipping the coal through Maputo.

In either case a permit is required from the Minister of Mineral and Energy Affairs, but shipping through Richards Bay will probably be cheaper, in spite of the greater distance, because of the high handling charges at the Mozambique port.

The benefit to Messina of the coal development will only be apparent in the years to come, but it does indicate the company's renewed commitment to mining.

Besides the coal venture Messina plans to revive the East Daggafontein gold mine, and has also bought a small diamond mine near Barkly West in the Cape.

The company will spend about R18-million on developing

the new mining interests in the next two to three years.

Still listed in the copper sector of the Johannesburg Stock Exchange, income from copper is expected to account for only 15% of Messina's earnings in the year to September. Last year, 84% of profits were derived from the motor division, Datsun.

The share has been tipped by London brokers James Capel because of its potential to benefit from a sharp upturn in the copper price, with earnings protected by diversification in the mean-time.

The old Messina copper mine is not a great contributor to profit, and last year profit was only R10 000. Most copper earnings are from the Zimbabwean holdings, Mangula and Lomagundi Smelting.

The results of the foreign subsidiaries are no longer consolidated, and the only income reflected in Messina's accounts from these sources is dividends.

Working costs in Zimbabwe have risen substantially over the past year, and it is doubtful whether Mangula can still be regarded as a low-cost copper producer.

In addition to continually rising working costs, the recent Budget measure in Zimbabwe on capital expenditure allowances is expected to affect all mining companies there adversely.

According to some industry sources the allowance of only 30% of capital expenditure for tax in a single year will render 90% of new investment in mining unprofitable.

Although there has been no additional official restriction on the distribution of profits outside Zimbabwe, there are fears that in practice foreign-controlled subsidiaries will experience difficulty in remitting dividends, which casts a serious shadow over Messina's potential copper earnings.

The Datsun franchise cannot be expected to maintain the same growth in the year to September 1982 as it will in the current year, but commercial vehicles are expected to take up some of the slack, and overall growth in Messina's earnings should continue at a fairly rapid pace.

Messina has been well bid on the JSE recently, but this is a reflection of industrial growth, and cannot be ascribed to copper considerations.

Capel's estimate is earnings of 159c a share in the second half of this year to make 300c for the year, and a final dividend of 57,5c a share to make 80c for the year.

At yesterday's 800c, Messina is on a prospective yield of 10%

SOUTHERN AFRICA FM 21/8/31

Back to Verwoerd?

Reports that SA may be considering a border deal with Swaziland offer a fascinating insight into possible government strategy in selling the "Constellation of States" idea. They also, as opposition foreign affairs spokesman Colin Eglin said this week, "raise a host of problems."

Professor John Barratt of the Institute of International Affairs points out that if true, the talks with Swaziland are "a very delicate matter." They are indeed, and the Department of Foreign Affairs, while admitting there have been talks, seems anything but pleased at premature publicity.

The FM's understanding is that the talks, including possible border adjustments, involved Foreign Minister Pik Botha and his Swazi counterpart, R V Dlamini. Basically, government is thought to be considering ceding the Ngomezulu area, which is now part of KwaZulu and which borders Mozambique and separates Swaziland from the sea. The area is divided between Swazi and Zulu adherents and

the proposal is likely to meet strong opposition from KwaZulu Chief Minister Gatsha Buthelezi's government. Buthelezi has strenuously deplored past suggestions that the area should be ceded to Swaziland.

Pretoria is also said to be considering handing the KaNgwane homeland to Swaziland. The inhabitants are ethnically Swazi and probably not averse to such an idea.

In this context Eglin found it "significant" that the proposals surfaced only two weeks after the well-publicised announcement of a major anthracite find with export potential of 500 000 t year in KaNgwane. The find could make the area economically attractive to the Swazi government.

Verwoerd's legacy

Such a deal could have major attractions for Pretoria — attractions going back to Verwoerd who, as both Eglin and Barratt pointed out, had wanted to hand all the Shangaan areas to Mozambique, all the Swazi areas to Swaziland, all the Tswana areas to Botswana, and all the Sotho areas to Lesotho. At the time, he received a flat rejection all round.

If the deal went through Pretoria could expect to get a reduction in the number of black South Africans, a Swazi "buffer" between Mozambique and Natal, and a possible de facto adherence of Swaziland to the Constellation of States.

Eglin agreed that of all the neighbouring states Swaziland was probably the most susceptible to a deal, but felt it would have to be sweetened with economic advantages. The sweeteners could be offered through Constellation institutions — particularly the Regional Development Bank.

However, problems are legion. One is the reaction of KwaZulu which is bitterly opposed to handing part of its territory to Swaziland. It would presumably be compensated elsewhere, possibly even by gaining Richards Bay, but whether that would be sufficient to overcome objections is doubtful.

Inclusion favoured

KwaZulu government sources tell the FM that the majority of people living in the area wish to remain in the homeland. There are signs, however, that many SA Swazis favour inclusion in Swaziland. Indeed, Swazi chiefs in SA have for a long time retained friendly relations with the Swazi government.

Any deal along these lines could create enormous difficulties for Swaziland. The OAU, apart from its aversion to any deal with SA, is flatly opposed to alteration of "colonial" borders.

And a border adjustment deal with Swaziland could create problems in other areas. As a result of the reports, Lesotho

can be expected to press its claims to large areas of the Orange Free State, while Kaizer Matanzima will hardly lose the opportunity to again demand a greatly enlarged Transkei.

Hans 8
KaNgwane
503-7 24/9/81 (119)
336. Mr. P. A. MYBURGH asked the
Minister of Co-operation and Development:

- (1) How many citizens of kaNgwane are employed (a) within and (b) outside its borders;
- (2) what is the (a) gross domestic product and (b) *per capita* income of kaNgwane?

The MINISTER OF CO-OPERATION
AND DEVELOPMENT:

- (1) (a) 7 767.

509

THURSDAY, 24 9

(b) Migrant Workers: 35 000.
Commuters: 33 100.

(2) (a) Gross Domestic Product:
R13 871 000.
Gross National Product:
R58 395 000.

(b) Gross Domestic Income *per capita*: R95.
Gross National Income *per capita*: R377.

The above-mentioned figures have been
furnished by BENSO.

Hans 10 KaNgwane ~~333~~
6/10/81 Q C 640
425. Mr. A. SAVAGE asked the Minister
of Co-operation and Development:

What is the estimated number of unem-
ployed (a) male and (b) female KaNgwane
citizens between the ages of 16 and 60 (i)
within and (ii) outside the borders of this
national state?

**The MINISTER OF CO-OPERATION
AND DEVELOPMENT:**

The required information is not being
kept in the form of a special register. The
particulars in respect of workseekers with-
in KaNgwane have been supplied by the
KaNgwane Government and the figures
reflect the registered number of workseek-
ers.

Workseekers	Males	Females
Workseekers within KaNgwane	14 640	9 741
Workseekers outside KaNgwane	4 027	2 038

YHans 10 kaNgwane
9/10/86 SC 716-7 (179)
363. Mr. P. A. MYBURGH asked the
Minister of Co-operation and Development:

717

FRIDAY, 9 C

- (1) (a) How many persons were resettled in kaNgwane during each of the past five years and (b) from what places were they moved;
- (2) what was the total population of kaNgwane (a) in 1975, (b) in 1979 and (c) at the latest specified date for which figures are available;
- (3) (a) how many resettlement areas are there in kaNgwane and (b) how many persons are living in each such area;
- (4) how many persons remain to be moved to kaNgwane in terms of the Government's resettlement programme?

The MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (1) (a) Only the total figure is available, namely, 35 000 people. Particulars in respect of each respective year, are not readily available.
(b) From the Black spot Kromkrans and farms in the White area.
- (2)(a), (b) and (c) No official census figures are available in respect of Kangwane for the respective years as requested.
- (3)(a) and (b) There are townships in Kangwane where resettlement could take place on a limited scale. There are also compensatory land available for Black spots still to be removed. This land is still situated outside Kangwane and it will be included in the judicial area of Kangwane after the resettlement actions have been finalized.
- (4) The required information is not readily available and surveys to determine the exact number of people involved will only be conducted before the resettlement actions take place.

1
Hans IO
9/10/81
364. Mr. P. A. MYBURGH asked the
Minister of Co-operation and Development:

119

- (1) (a) How many houses were built in kaNgwane during each of the past five years by (i) his Department, (ii) the national state government and (iii) private builders and (b) what (i) school, (ii) clinic and (iii) shop facilities were provided during this period;
- (2) whether running water is being supplied to all the resettlement camps in kaNgwane; if not, why not;
- (3) how many (a) hospitals, (b) clinics, (c) doctors and (d) nurses are there in kaNgwane?

The MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (1) (a) (i) 1976— 92
1977—236
1978—955
1979—506
1980— 42
(ii) Nil.
(iii) The required particulars are not readily available.
- (b) (i) 11.
(ii) 1.
(iii) The required information is not readily available.
- (2) There are no resettlement camps in kaNgwane. All the townships are, however, provided with suitable water systems.
- (3) (a) 2.
(b) 1.
(c) 21.
(d) 379.

kaNgwane

365. Mr. P. A. MYBURGH asked the Minister of Co-operation and Development:

- (1) What is the present size, in hectares, of the kaNgwane national state;

- (2) (a) how many hectares of land were added to kaNgwane (i) from 1975 to 1979 and (ii) subsequent to 1979 and (b) what was the total cost;
- (3) whether it is the intention to add more land to this national state; if so; what is the projected cost of such future additions of land?

The MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (1) 372 000 hectares.
- (2) (a) (i) 111 000 hectares.
(ii) None.
(b) The required information is not readily available. No special record in the form of a register is kept in this connection and the required information cannot be ascertained without performing a considerable volume of work, which is deemed to be unjustified.
- (3) Due to the fact that the investigation of the Commission for Co-operation and Development in connection with the consolidation of kaNgwane has not yet been completed, it is not possible to furnish the required information.

DEPARTMENT OF PLURAL RELATIONS
AND DEVELOPMENT

No. R. 2283

17 November 1978

REDEFINITION OF KABOKWENI TOWNSHIP,
KANGWANE

I, Wilhelm Laubscher Vosloo, Deputy Minister of Plural Relations and Development, acting on behalf of the Minister of Plural Relations and Development under and by virtue of the powers vested in him by regulation 4 (1) (b) of Chapter 1 of the Regulations for the Administration and Control of Townships in Black Areas, published under Proclamation R. 293 of 1962, hereby redefine the Kabokweni Township by amending Government Notice 3098 of 1969 by the substitution for the Schedule thereto of the Schedule hereto.

W. L. VOSLOO, Deputy Minister of Plural Relations and Development.

(File T60/4/1779/1)

SCHEDULE

Unit 1 consisting of the following pieces of land situate in KaNgwane in the District of White River, indicated on the undermentioned diagrams and plans approved by the Secretary for Plural Relations and Development and filed in his office, copies of which are available at the office of the Township Superintendent:

- (1) A portion, in extent 198,299 9 hectares, indicated on Diagram BA 41/1968;
- (2) a portion, in extent 1,086 9 hectares, indicated on Diagram BA 74/1972;
- (3) a portion, in extent 3 999 square metres, indicated on Diagram BA 179/1976;
- (4) Site 1388, in extent 3 296 square metres, indicated on General Plan BA 103/1974;
- (5) Site 1389, in extent 5 343 square metres, indicated on General Plan BA 195/1975; and
- (6) a portion, in extent 1 824 square metres, indicated on Diagram BA 140/1976.

DEPARTEMENT VAN PLURALE BETREK-
KINGE EN ONTWIKKELING

No. R. 2283

17 November 1978

HEROMSKRYWING VAN DIE DORP
KABOKWENI, KANGWANE

Ek, Wilhelm Laubscher Vosloo, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling, handelende namens die Minister van Plurale Betrekkinge en Ontwikkeling kragtens die bevoegdheid hom verleen by regulasie 4 (1) (b) van Hoofstuk 1 van die Regulasies vir die Administrasie en Bestuur van Dorpe in Swart Gebiede, afgekondig by Proklamasie R. 293 van 1962, heromskryf hierby die dorp Kabokweni deur Goewermentskennisgewing 3098 van 1969 te wysig deur die Bylae daarvan deur die Bylae hiervan te vervang.

W. L. VOSLOO, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling.

(Lêer T60/4/1779/1)

BYLAE

Eenheid 1, bestaande uit dië volgende stukke grond, geleë in KaNgwane in die distrik Witrivier, soos aangedui op ondergenoemde kaarte en planne wat deur die Sekretaris van Plurale Betrekkinge en Ontwikkeling goedgekeur is en in sy kantoor bewaar word en waarvan afskrifte beskikbaar is in die kantoor van die Dorpsuperintendent:

- (1) 'n Gedeelte, groot 198,299 9 hektaar, aangedui op Kaart BA 41/1968;
- (2) 'n gedeelte, groot 1,086 9 hektaar, aangedui op Kaart BA 74/1972;
- (3) 'n gedeelte, groot 3 999 vierkante meter, aangedui op Kaart BA 179/1976;
- (4) Perseel 1388, groot 3 296 vierkante meter, aangedui op Algemene Plan BA 103/1974;
- (5) Perseel 1389, groot 5 343 vierkante meter, aangedui op Algemene Plan BA 195/1975; en
- (6) 'n gedeelte, groot 1 824 vierkante meter, aangedui op Kaart BA 140/1976.

Swazi unity plan: Govt attacked

RJM
17/12/81

(119)

By PATRICK LAURENCE

PRETORIA is pressing for the incorporation of the Swazi homeland of KaNgwane into Swaziland as a "subterfuge" to deprive South African-born Swazis of their SA citizenship, KaNgwane's Chief Minister, Mr Enos Mabuza, has told the Rand Daily Mail.

In a letter to the Mail, Mr Mabuza quotes correspondence between South Africa, KaNgwane and Swaziland — and summaries of South African Cabinet decisions — to substantiate his statement.

Mr Mabuza also refers to reports in the Mail on August 19 and 20, which disclosed that there had been "boundary adjustment" talks between South Africa and Swaziland as part of wider bargaining between the two states.

In his letter Mr Mabuza says South Africa's Minister of Co-operation and Development, Dr Piet Koornhof, had "repeatedly informed us that the South Afri-



MR ENOS MABUZA
subterfuge claims

can Government is not prepared to negotiate self-governing status with us and that priority must be given to the possible unification of KaNgwane and Swaziland".

He accused Pretoria of exploiting the reverence of SA-born Swazis for King Sobhuza of Swaziland to whip up pro-unification fervour and to obscure its "real intentions".

He said among some of Pretoria's "real" aims were to strip South Africa's 750 000 Swazis of SA citizenship and denying them access to South Africa's wealth and prosperity which they helped to achieve.

Mr Mabuza gave details of KaNgwane's futile attempts to negotiate "self-governing" status with Pretoria over the past eight months.

On June 12 Dr Koornhof gave the KaNgwane Executive Council a summary of the SA Cabinet's attitude on KaNgwane as decided by the Cabinet on June 4.

The summary said: "The RSA Government was positively disposed toward unification of KaNgwane and Swaziland... and (unification) had to be taken up by KaNgwane with the Kingdom of Swaziland".

On July 28 the Foreign Ministers of South Africa and Swaziland, Mr Pik Botha and Mr R V Dlamini, met in Cape Town for discussions on "boundary adjustments".

On November 10 Dr Koornhof referred to King Sobhuza's representations for boundary adjustments in a letter to the KaNgwane Executive Council.

"In making the representations His Majesty was guided by aspirations of Swazi unity and a pursuit of the interests and ideals of a unified Swazi people," Dr Koornhof said in his letter.

"The SA Government could not but respond positively to these objectives and a commitment has since developed to seek realistic resolution of the border issue...

"It is in this spirit Mr Chief Councillor that I urge you to view the SA Government's inability to accede to your request for self-government."

Dr Koornhof could not be contacted for comment yesterday.

**DEPARTMENT OF PLURAL RELATIONS AND
DEVELOPMENT**

No. R. 2409

24.8 December 1978

KANGWANE CITIZENSHIP REGULATIONS

The State President has been pleased, under and by virtue of the powers vested in him by section 11 (1) and (3) of the Black States Citizenship Act, 1970 (Act 26 of 1970), to make the regulations contained in the Annexure hereto, which shall be applicable in respect of citizens of the area for which the KaNgwane Legislative Assembly has been established.

**DEPARTEMENT VAN PLURALE BETREK-
KINGE EN ONTWIKKELING**

No. R. 2409

8 Desember 1978

KANGWANE-BURGERSKAPREGULASIES

Dit het die Staatspresident behaag om kragtens die bevoegdheid hom verleen by artikel 11 (1) en (3) van die Wet op Burgerskap van Swart State, 1970 (Wet 26 van 1970), die regulasies vervat in die Aansoek hier- van uit te vaardig, wat van toepassing is ten opsigte van burgers van die gebied waarvoor die KaNgwane- Wet- gewende Vergadering ingestel is.

SA plan to excise KaNgwane condemned

Cape Times
17/12/81
119

Own Correspondent

PRETORIA. — The South African Government wants the incorporation of the KaNgwane homeland into Swaziland as a "subterfuge" to deprive South Africa-born Swazi of their citizenship, KaNgwane's Chief Minister, Mr Enos Mabuza, said in a letter to this correspondent yesterday.

Enclosed with Mr Mabuza's letter was a recent address, in which he quoted correspondence between South Africa, KaNgwane and Swaziland — and summaries of South African cabinet decisions — to substantiate his statement.

Mr Mabuza also referred to newspaper reports published on August 19 and 20 disclosing that there had been "boundary adjustment" talks between South Africa and Swaziland as part of wider bargaining between the two countries.

Priority

In his letter Mr Mabuza said the Minister of Co-operation and Development, Dr Piet Koornhof, had "repeatedly informed us that the South African Government is not prepared to negotiate self-governing status with us and that priority must be given to the possible unification of KaNgwane and Swaziland".

He accused Pretoria of exploiting the reverence of SA-

born Swazi for King Sobhuza II of Swaziland to obscure its "real intentions".

He identified Pretoria's "real" aims as being:

- To strip South Africa's 750 000 Swazi subjects of South African citizenship;
- To deny them access to South Africa's wealth, which they helped achieve, and
- To reduce the total number of black South Africans.

Cabinet attitude

Mr Mabuza gave details of KaNgwane's futile attempts to negotiate "self-governing" status with Pretoria over the past eight months.

On June 12 Dr Koornhof gave the KaNgwane Executive Council a summary of his cabinet's attitude.

The summary said: "The RSA Government was positively disposed toward unification of KaNgwane and Swaziland ... and (unification) had to be taken up by KaNgwane with the Kingdom of Swaziland."

According to Mr Mabuza's version of the account given to KaNgwane by Dr Koornhof, before the South African cabinet meeting of June 4, the Prime Minister, Mr P W Botha, "received a letter from the Kingdom of Swaziland, objecting to, or expressing misgivings about, KaNgwane being granted self-governing status before the question of boundaries between SA and Swaziland had been settled".

On November 10 Dr Koornhof referred to King Sobhuza's representations for boundary adjustments in a letter to the KaNgwane Executive Council.

Swazi unity

"In making the representations His Majesty was guided by aspirations of Swazi unity and a pursuit of the interests and ideals of a unified Swazi people," Dr Koornhof said in his letter.

"The SA Government could not but respond positively to these objectives and a commitment has since developed to seek a realistic resolution of the border issue ...

"It is in this spirit Mr Chief Councillor that I urge you to view the SA Government's inability to accede to your request for self-government."

Dr Koornhof could not be contacted for comment yesterday.

It has been speculated that South Africa is using Swaziland's hopes for land gains as a lever to force its authorities into adopting a tougher attitude toward the African National Congress (ANC).

Future of 750 000 Swazis in balance

119
star 29/12/81

29/12/81

By Anthony Duigan

A question-mark hangs over the future of about 750 000 South African Swazis because of Government moves to incorporate the tiny KaNgwane homeland into Swaziland.

The KaNgwane Legislative Assembly has bitterly opposed the moves which will deprive the homeland and South African-born Swazis of sharing in the wealth and development of South Africa.

At a special meeting of the Legislative Assembly earlier this month it was decided unanimously to use every means possible to convince the South African Government to grant full self-governing status to KaNgwane.

PROSPERITY

"We have been asking for self-government for nine months but against its own policy of granting self-rule to ethnic groups, the South African Government has refused," said Mr Enos Mabuza, chief executive councillor of KaNgwane, in an interview.

"In spite of this, we

intend doing everything we can to bring about self-governing status.

"It is clear that the real intentions of Pretoria are to strip the Swazis of the Republic of their South African citizenship and deny them the right and access to the wealth and prosperity which they have helped to build in this country."

Earlier this year, the South African Government informed Swaziland that it was "positively disposed" towards the unification of KaNgwane and Swaziland.

FINALITY

Dr Koornhof, the Minister of Co-operation and Development, declined to comment on the possibility of KaNgwane being incorporated into Swaziland.

But the Deputy Minister of Development, Mr J J Wentzel, told the special session of the KaNgwane Assembly that finality concerning the possible incorporation of the homeland into Swaziland would be reached "in the not too distant future."

● See Page 15.

Self-rule: a maddening muddle

119 Star 29/12/81

The intrigue surrounding the future of the little Swazi homeland, home to about 220 000 South African-born Swazis, has largely been removed from the public spotlight.

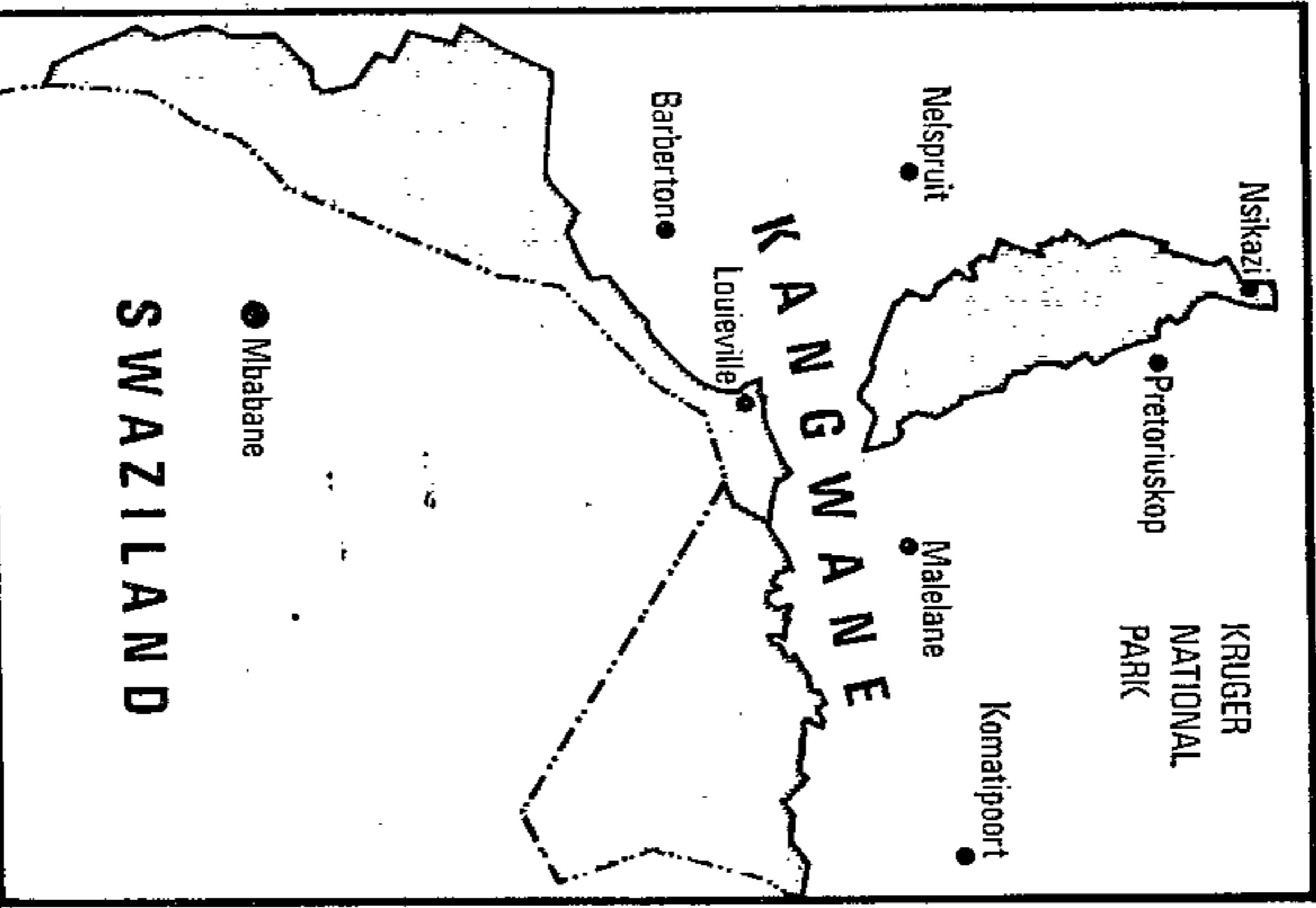
The territory — most of which swings in a narrow band around the borders of Swaziland, some lying to the north between the White River and the Kruger National Park boundary — is a development backwater with little to draw attention to it.

According to the Corporation for Economic Development, KANGWANE is still "a backward area" where the rate of economic development is slow and the economy largely a subsistence one.

In spite of this the territory has been groomed since 1959 for full homeland status and in 1977 it reached the first stage on the road to self-government.

This meant that the four regional authorities nominated members for the 36-man Legislative Assembly which was given certain administrative powers over education, welfare, agriculture and internal affairs.

KANGWANE, the Swazi homeland which has become the centre of controversy over attempts to cede it to Swaziland. Now the South African Black Alliance, a grouping of Swazi, Zulu, Indian and coloured politicians, has said it will take up KANGWANE's fight against incorporation into the Kingdom of Swaziland.



create new paths to wealth or the resources for development.

Nearly two years ago, at the beginning of 1980, the Executive Council of KANGWANE asked the South African Government to grant full self-rule status to the homeland.

This would have placed KANGWANE on the same footing as other non-independent homelands with a partly elected Legislative Assembly, more power over its internal affairs, a better chance of a bigger slice of South Africa's financial cake and Government-backed concessions to attract investors.

There was no reason to expect any hesitancy over this step from the South African Government. Other homelands were granted full self-rule without much ado.

But the KANGWANE representatives were advised against rushing into things, says Mr Enos Mabuza, the Chief Executive Councillor.

After heading this advice for fifteen months the homeland's government renewed its request in April 1981.

What followed dismayed and confused the people of KANGWANE, said Mr Mabuza.

"Disturbed reports" stated that the KANGWANE councillors had held discussions with the South African Government concerning the granting of "political independence" to KANGWANE.

Mr Mabuza immediately fired off a protest to the South African Government which underlined the opposition of the Swazi people to independence and the fact that this view had been clearly conveyed to Pretoria.

The Ministry of Co-operation and Development was asked to correct the reports. No correction was ever forthcoming, said Mr Mabuza.

Further efforts to get the Government to grant self-rule, not independence, to KANGWANE met with silence to the point where Mr Mabuza told Dr

Koornhof, the Minister of Co-operation and Development: "The silence of the central Government with regard to our request has done my colleagues and me a lot of harm. It has put our credibility and negotiating ability at stake. We are losing face among our people."

had decided to reply to a Swaziland protest about possible self-rule for KANGWANE by saying that the Government was positively disposed towards the unification of KANGWANE and Swaziland.

It was suggested that KANGWANE discuss its constitutional future with the

us and push us into Swaziland," said Mr Mabuza. Two months later a further meeting between KANGWANE and South Africa heightened tensions. The South African Government was not unsympathetic to the request for self-government but was "not in a position" to negotiate such "at this stage."

Dr Koornhof said, according to Mr Mabuza, "In late November Dr Koornhof wrote to Mr Mabuza and stated the South African Government's support for Swaziland's ideal of a unified Swazi people and, accordingly, its inability to accede to the request for self-government."

As a final effort to try and force the issue fully into the open the KANGWANE councillors called a special session of the Legislative Assembly on December 1 to consider South Africa's refusal to grant self-rule.

Little was achieved. South Africa stated its expectation that finally concerning the possible incorporation of KANGWANE into Swaziland, to bring the policy of separate development to its conclusion. "The majority of black

people in South Africa, including the Swazis, reject Britain's independence because it results in the forfeiture of their claims to a share in South Africa's political power and its wealth," Mr Mabuza told the special Legislative Assembly sitting.

"If the RSA Cabinet is sincere in telling us that preference should be given to possible unification with Swaziland then it must prove its sincerity by asking Azanaku and Qwa Qwa to amalgamate with Mozambique and Lesotho respectively."

"After all what is sauce for the goose ought to be sauce for the gander."

But in spite of the stand taken by Mr Mabuza and the KANGWANE Legislative Assembly on December 1, South Africa seems to have made its decision: there will be no self-governing territory of KANGWANE in the future, only a slightly enlarged Kingdom of Swaziland with an extra 750 000 citizens and a South Africa with 750 000 fewer black people to worry about.

Kingdom of Swaziland. Mr Mabuza and his councillors rejected this "offer" from South Africa and pressed yet again for a categorical answer to their request for self-governing status.

A summit in July between representatives of Swaziland, South Africa and KANGWANE produced little.

"But it was clear South Africa wanted to blindfold

Besides the credibility of Mr Mabuza and his Legislative Assembly, the futures of more than 500 000 Swazis living in "white" South Africa plus the 220 000 in KANGWANE itself were also at stake.

The homeland's constitutional future was a delicate and sensitive matter," Dr Koornhof told Mr Mabuza on June 12.

A week earlier the South African Cabinet

no other national state has ever had such a tough ride on the unpredictable horse of separate development — Enos J Mabuza, Chief Executive Councillor of KANGWANE. Tony Duigan reports.

Alliance

digs in

Over Swazi land issue

By PATRICK LAURENCE

LEADERS of the South African Black Alliance gave notice yesterday that it will spearhead resistance in 1982 against further attempts by Pretoria to facilitate incorporation of South Africa's Swazi "homeland" of KaNgwane into Swaziland.

Mr E J Mabuza, Chief Executive Councillor of KaNgwane and leader of one of the three parties in the Alliance, said yesterday: "We will raise the issue at the Black Alliance meeting in February. We see it as crucial not only to us but to the whole of South Africa."

In a separate interview, Chief Gatscha Buthelezi, Chief Minister of Kwazulu and chairman of the Alliance, made it clear that he would back Mr Mabuza fully at the February meeting.

The central committee of Chief Buthelezi's Inkatha movement — another party to the Alliance — has already expressed opposition to the incorporation of KaNgwane into Swaziland.

Mr Mabuza, a staunch opponent of incorporation, recently released detailed evidence of Pretoria's pro-incorporation stance, including summaries of South African Cabinet decisions on the issue released to the KaNgwane Executive Council by the Minister of Co-operation and Development, Dr Piet Koornhof.

He accused Pretoria of favouring incorporation as a "stratagem" for stripping 750 000 South African-born Swazis of their South African citizenship by making them citizens of Swaziland.

119

RDM
29/12/81

Regional

KaNgwane's requests for self-government — a form of regional autonomy which stops short of the loss of SA citizenship which accompanies independence — have been thwarted thus far because, in Dr Koornhof's words, "preference had to be given to the possible unification of KaNgwane with Swaziland".

In declaring South Africa's sympathy to requests from Swaziland's King Sobhuza II for "border adjustments", Dr Koornhof told the KaNgwane Council: "His Majesty was guided by aspirations of Swazi unity and the interests and ideals of a unified Swazi people."

Chief Buthelezi commented yesterday: "If Pretoria is so concerned about ethnic consolidation it should have given Bophuthatswana to Botswana, and the whole of the Free State to Lesotho and not allowed the Xhosa people to be divided between Transkei and Ciskei."

Last August Pretoria was reported to have been considering a "frontier adjustment" with Swaziland, which would have lopped off part of Kwazulu and given Swaziland access to the Indian Ocean.

The territory at issue has long been claimed by Swaziland. The loyalties of its people, the Ngoni, are divided, with some acknowledging the sovereignty of King Sobhuza and some giving their allegiance to Kwazulu.

Chief Buthelezi said yesterday he had since been assured by South Africa's Commissioner-General to Kwazulu that Kwazulu territory had not figured in last year's "border adjustment" talks between South Africa and Swaziland.

But, he added, he remained sceptical because Swaziland leaders — among them Swaziland's present Foreign Minister, Mr R V Dlamini — had once come to Kwazulu to present their case for the disputed land.

RDM 31/12/81 (119)

Former Swazi politico calls for 'reunification'

A FORMER member of the KaNgwane Executive Council spoke out strongly yesterday in favour of incorporation of KaNgwane into Swaziland, claiming that there was broad-based support among South African Swazis for unification between the two territories.

Labelling the proposed merger as the "reunification of Swaziland", Mr David Lukhehle, former Councillor of Community Affairs, said: "Reunification has been the desire of all Swazis for many years."

The fate of KaNgwane, the designated "homeland" of South Africa's 750 000 Swazis, is the subject of a dispute between Pretoria and the KaNgwane Executive Council.

Pretoria has made known its pro-unification stance through the Minister of Co-operation and Development, Dr Piet Koornhof, but its stand has evoked fierce resistance from Chief Minister E

By PATRICK LAURENCE

J Mabuza and his Executive Council — which has accused Pretoria of using unification as a "stragem" to strip SA-born Swazis of South African nationality.

In a statement to the Rand Daily Mail, Mr Lukhehle, de facto deputy leader in KaNgwane until he was dismissed from the Executive Council about a year ago, said:

● Many SA-based Swazi chiefs had made representations to Pretoria to allow them free access to Swaziland and to abolish

present requirements for special travel documents;

● Some Swazi chiefs resident in South Africa had tribesmen and kinsmen on both sides of the border;

● Most Swazi chiefs in South Africa had first to be formally appointed by King Sobhuza II of Swaziland before their tribes would recognise them.

Mr Lukhehle challenged reports that Mr Mabuza had received unanimous support for a motion calling for the granting of self-government to KaNgwane, a status which is likely to further establish KaNgwane's identity as a separate polity from Swaziland.

He alleged that the anti-unification majority in the KaNgwane Legislative Assembly were "non-Swazis", naming them as "Shangaans, Sothos and Pulanes". Mr Mabuza, he said, was opposed to unification because he feared he might not be able to secure a position in the Cabinet of a unified Swaziland.

"On several occasions Mr Mabuza and his Cabinet have had discussions with King Sobhuza on the question of border adjustments and self-rule," Mr Lukhehle said.

"It was not the Pretoria Government that initiated the discussions, but Mr Mabuza, who did not disclose that he had discussions with His Majesty, King Sobhuza, to the people of KaNgwane."

Mr Mabuza declined to comment in detail yesterday, except to recall that Mr Lukhehle had once been an arch-opponent of incorporation and to characterise him as a "frustrated man" who had abandoned his principles.

Homeland

Swaziland - General

1983

Jan - Feb - March - July -

Aug - Sept - Oct

LAND DEAL

FM

119 ~~312~~ ~~107~~

7/1/83

Now up to Rumpff

An indication of just how wedded Pretoria remains to the idea of ceding SA territory to Swaziland may be given by Internal Affairs Minister, F W de Klerk, when he opens a special session of the KaNgwane Legislative Assembly (KLA) in a fortnight's time.

Given the intense opposition engendered by the proposed land deal and the death of King Sobhuza, whose authority was expected to ease transfer, many suspect that the issue will be left languishing. This is despite Mbabane's visible moves to please SA by rounding up ANC-supporting refugees. In any event, a land transfer of whatever magnitude would now seem possible only through statutory fiat.

The KLA under chief minister Enos Mabuza resumed administrative control of the homeland a month ago after Pretoria had tried to abolish the assembly by proclamation — ostensibly with a view to transferring KaNgwane to Mbabane. This followed the out-of-court settlement between Mabuza and Co-operation and Development Minister, Piet Koornhof (*Current affairs*, December 3 1982). In what appeared to be a kind of defusing measure, it was decided that the KaNgwane issue should be considered by the Rumpff Commission of Inquiry into "conflicting claims" to Ingwavuma.

The Commission "expects" to commence hearings on the Kwazulu area — also apparently earmarked to cession to Swaziland — sometime in February, according to its secretary, Koot Myburgh. He tells the FM that "background information" on, for example, exact territorial bor-

~~3 2 1 1 8 2 0 4~~ (119)

Government sends jobless Mozambicans back

Recession hits 'illegals'

HUNDREDS OF WORK-SEEKING Mozambicans were being repatriated in large numbers to their country after entering South Africa illegally, senior KaNgwane officials disclosed this week.

And, according to the officials, South African-born blacks are also falling victim to the Government's crackdown on "illegals" along the SA-Mozambique border. Most are prosecuted and ferried in trucks to the former Portuguese territory, a country they have never seen or have no connections with.

This tough action by the Government should be seen against the background of deteriorating relations between the two countries. At

By LEN MASEKO

the core of the trouble is the Government's accusations that Mozambique was being used as a springboard by the African National Congress to launch attacks on South Africa.

Lawyers handling cases of Mozambican immigrants expressed concern at the number of people being repatriated to the country. An average of five Mo-

zambican "illegals" were sent away a week, they said.

Said one lawyer: "Most of the South African-born blacks sent to Mozambique find themselves stateless at the end. Mozambique authorities conduct their own investigations to check whether the people handed over to them are truly Mozambican. If no proof is found, the

persons involved are sent back to South Africa, immediately finding themselves stateless."

A KaNgwane garage owner recently found himself without six of his employees after police raided his business. The police, after interviewing the six employees, took them away and they have not been seen in the area since.

Police, in their search for "illegals", are said to interrogate suspects about their background. In some cases, police test their knowledge of Swazi — the language

generally spoken by locals. Mozambicans mainly speak Shangaan.

Pass offenders in KaNgwane also face the risk of being repatriated, according to sources

One senior KaNgwane official commented: "This tough action against pass offenders puts them in a difficult position. Many people along the border have never possessed passes in their lives. Most of these people are afraid to carry passes because; they believe, reference books bring a lot of problems."

Report: LEN MASEKO

Pics: ROBERT MAGWAZA

**KANGWANE
CELEBRATES**

**JOY AT VICTORY OVER
SA LAND DEAL PLAN**

**Loud
cries
of
'one
people,
one
nation'**



MR MABUZA: The land deal was a traumatic experience.

IT WAS "all's well that ends well" at the weekend when the KaNgwane population celebrated their homeland's reprieve from inclusion into Swaziland.

Dignitaries from all over the country were part of the 5 000 crowd that flocked to the local Kanyamazane Stadium in Nelspruit, to share their happiness over the victory against the controversial land deal.

Beasts were slaughtered and traditional dances marked the day-long celebrations. There was ululation from Swazi women when a

motorcade led by the KaNgwane chief executive councillor, Mr Enos Mabuza, entered the stadium.

The tension which prevailed in KaNgwane after the Government announced its plans to cede the homeland and Ingwavuma area to Swaziland is now a thing of the past, and this has been replaced by an atmosphere of relief, with the locals hoping that the South African Government has given up the plans completely.

Addressing the crowd, Mr Mabuza said: "It would be expected if

the majority of the black people of this country were atheists as a result of the inhuman suffering they have had to endure for generations in the land of their birth.

"But because our belief in God is central to our religious outlook as a people, we have managed to retain our dignity when degraded, and to stretch a hand of love and friendship to our fellow compatriots when told that we have to be deprived of the heritage of the land of our birth."

During the past 18 months, he added, the KaNgwane population of 160 600 had had a traumatic experience. He thanked local and international organisations which had joined the homeland in protest against the land deal.

A senior official of the South African Council of Churches, the Reverend Jimmy Paulos, said the present drought period was a sign that there was no justice in this country. "It is time to make ourselves humble before the eyes of God because he can withhold rain from bad and good people," he said.

At the end of the gathering guests were treated to a lavish luncheon. There were cries of "one people, one nation. Together we shall conquer" as the crowd danced around the stadium.

**5 000
flock
to
revel
in
their
land**



PENSIVE: A young member of the Inyandza movement, Zanele.



JOY: Members of the Inkatha movement singing and dancing around the stadium.



CHANTING: Members of KaNgwane's ruling party, Inyandza, carry the party's banner.



VICTORY: Inyandza members dance.



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Attorneys

LUNCHEON: Some of the people who attended the occasion were (from left), local attorneys Mr Phineas Mojapelo and Mr Matthews Phosa. In the middle is Mr Phosa's wife, Pinkie

KaNgwane rules again

By PATRICK LAURENCE
Political Editor

THE KaNgwane Legislative Assembly was formally reopened by the Minister of Internal Affairs, Mr F W de Klerk, yesterday.

The assembly was dissolved by decree last June by the Minister of Co-operation and Development, Dr Piet Koornhof.

Mr De Klerk referred to the period of direct rule of KaNgwane by Pretoria from June 8 to December 8 last year as an "exceptionally difficult time".

Dissolution of the Legislative Assembly and direct rule by a specially appointed Commissioner for Swazi Affairs was meant to serve as a prelude to the cession of KaNgwane to Swaziland.

Both moves were bitterly disputed by the Legislative Assembly.

The controversy was defused on November 25 when Dr Koornhof agreed to

withdraw the decree.

Both parties further agreed to refer Swaziland's claims to KaNgwane to the Rumpff Commission.

Ironically Mr De Klerk yesterday had to request the KaNgwane Legislative Assembly to retrospectively legalise the period of direct rule.

He asked the assembly to adopt the Appropriation Bill and the KaNgwane Validation and Special Withdrawals Bill "to validate for the period 18 June 1982 to 8 December 1982" the exercise by Pretoria's officials of rights and powers in KaNgwane and the withdrawal of money from the KaNgwane Revenue Fund.

The Chief Executive Councillor of KaNgwane, Mr Enos Mabuza, was generally conciliatory in his reply.

But, he added, it would be a "serious omission" if he did not ask Mr De Klerk to convey to his colleagues in the Cabinet the feeling of the people of Ka-

Ngwane that they were regarded by Pretoria as an "unwanted step-child".

He was not referring directly to last year's proposed move to cede KaNgwane to Swaziland, but to the fate of a proposed national development plan which had been sent to the Department of Co-operation and Development for approval and completion.

He alleged that the urban representative of another territory had been given a "posh residence", whereas none of KaNgwane's representatives had been given "even a hovel in which to live and carry out their duties".

Since the shelving of plans to cede KaNgwane to Swaziland, 10 members of the Legislative Assembly were reported to have resigned in protest and to have accused Mr Mabuza of rejecting the Swazi language and culture.

On this issue, too, Mr Mabuza adopted a conciliatory tone, emphasising that eight and not 10 members had resigned.

ulation

Rumpff Mercury hopes 2/2/83 Swazis will co-operate

Mercury Reporter

OFFICIAL inquiries into the Ingwavuma controversy could begin only once the Swaziland Government had made submissions regarding its claim to the territory, the Rumpff Commission chairman, Mr Frans Rumpff, said yesterday.

He announced that 'two experts' of the Africa Institute were compiling a historical outline of the region as a first step in the investigation.

This memorandum was expected to be completed within two weeks and would at once be forwarded to the Swaziland Government to give it the chance to reply.

Common ground

The memorandum, with Swaziland's reply, would be put to the South African Government, the KwaZulu Government and the Natal Provincial Administration for comment — and these submissions, too, would be sent to the Swaziland Government 'for another chance to reply'.

Only then — 'once we have established common ground' — could the first meeting of the commission take place, Mr Rumpff said.

And only then could the commission consider such matters as which witnesses to call, and where and how often to meet.

'We need and hope for Swaziland's co-operation in this matter. It is in that country's own interests to co-operate.'

(2) whether any of these court cases were settled out of court; if so, what are the particulars of each settlement?

†The MINISTER OF CO-OPERATION AND DEVELOPMENT (Reply laid upon the Table with leave of House):

(1) (a) Three court cases: One in connection with the validity of Proclamation R.108/1982 which deals with the disestablishment of the KaNgwane Legislative Assembly.

One in connection with the validity of Proclamation R.109/1982 which deals with the excision from KwaZulu of the Black areas in the District of Ingwavuma and the amendment of the composition of the Legislative Assembly.

One in connection with the validity of Proclamation R.121/1982 which repeals Proclamation R.109/1982 which has the same purpose in view as Proclamation R.109/1982.

(b) (i) In the case which deals with the validity of Proclamation R.108/1982 the Government of KaNgwane and Mr. E. J. Mabusa were the litigants. In the two other court cases the Government of KwaZulu and Mr. M. E. Ngubane were the litigants.

(ii) The case in connection with Proclamation R.108/1982 has been settled on the basis that the applicants withdraw their application and that the Respondents pay the cost of suit.

The case in connection with Proclamation R.109/1982 has, after Proclamation R.121/1982 had been declared invalid by the Court of Appeal, been settled on the basis that Proclamation R.109/1982 be declared invalid and that the

Respondents pay the cost of suit.

The case in connection with Proclamation R.121/1982 has been decided in favour of the Applicants with costs. Appeal was lodged against the decision but the Appellate Division turned down the appeal with costs.

(c) The final calculation of costs has not yet been received from the respective State Attorneys.

(2) Yes. Particulars have already been submitted under (b)(ii). Full particulars of the court cases are obtainable from the court records which are public documents.

X(119) Hansard X
 KaNgwane/Ingwavuma: court cases
 J. Col. 9-10 2/2/83
 10. Dr. F. HARTZENBERG asked the Minister of Co-operation and Development:†

(1) (a) In how many court cases in connection with the proposed incorporation of KaNgwane and the Ingwavuma area into Swaziland and related matters was the State involved in 1982, (b)(i) who was the litigant in and (ii) what was the outcome of each of the court cases and (c) what is the total amount payable by the State in respect of these court cases;

Mabuza power

119
Sowetan
9/2/83

KaNgwane leader wants detention

KaNgwane executive councillor Enos Mabuza wants Pretoria to grant him detention powers, but is being opposed by the Swazi homelands chiefs, according to reports.

The split in the tiny homeland bordering Swaziland is the latest in a series of clashes between those traditionally-minded chiefs who support the proposed incorporation of KaNgwane in Swaziland and Mr Mabuza who is fighting the move.

The Times of Swaziland says Mr Mabuza tabled a motion asking for detention powers in the KaNgwane Legislative Council last week.



MR ENOS MABUZA: Chief Minister of KaNgwane.

He reportedly also wants to be allowed to set up a KaNgwane police force.

The homelands' Council of Chiefs met

last weekend and reportedly denounced the proposal as a step towards self-government in KaNgwane "and the birth of another banana republic in the midst of South Africa."

The chiefs apparently resolved to petition Pretoria that Mr Mabuza's policies run against the aspirations of the majority of KaNgwane people. They claim Mr Mabuza is discouraging the teaching of Siswati (the Swazi language) in favour of Sotho and Shangaan.

NEXT Saturday the Prime Minister is going to Piet Retief to be made an honorary citizen.

He should make a short detour to Driefontein to see a living example of the free enterprise he enthuses about.

Johannes Vilakazi, for example, is a coal merchant in Soweto. But he also owns a freehold plot and a tractor in Driefontein and farms there.

People in the village say that, when the rains are good, they produce enough to feed themselves and leave a surplus for sale to the local market.

They grow maize, sugar beans, potatoes and pumpkin. They rear cattle, goats and fowls. Some of the 300-odd standowners ride around on horses.

So much for the myth that blacks make useless farmers.

Driefontein is one of three farms in the Wakkerstroom district bought in 1912 for the Native Farmers' Association of Africa Limited by a Johannesburg attorney, Pik Seme, for subdivision into plots for African buyers. Seme is, of course, better known as one of the founders of the ANC.

SEVERAL economic historians, among them Ralph Horwitz, have noted that blacks were actively buying white-owned land in the Transvaal around the turn of the century.

Horwitz argues that they had keener insight into the market than whites and were profitably selling produce.

Successful peasants were loth to leave their land, so there was an acute shortage of black labour in commerce, mining and industry after the Anglo-Boer War.

The Native Affairs Commission of 1903-05 was greatly alarmed by these black land purchases.

Not long afterwards, the Natives Land Act of 1913 — against which the ANC's newspaper, edited by Seme, lobbied hard — took the fateful step of prohibiting further land transactions between blacks and whites.

Driefontein, which Seme had already bought from Willem Gouws of the Daggakraal district for £3 a morgen, escaped the ban.

Transfer, bit by bit, to the African buyers continued until 1952. Many present standowners practise share-cropping with tenants.

Driefontein has solid and well-kept houses, wells and boreholes, a handful of small shops, schools, and churches ... some of which double as



OLD AND OBSTINATE ... but what of their future in a foreign land?



DOOMED DRIEFONTEIN ...

119 10/2/83

A dorp under sei

By **JOHN KANE-BERMAN**

classrooms. To some 5 000 South Africans it is home ... and they are very proud of it.

They have heard about cholera elsewhere in South Africa, but there is none where they are.

Indeed, says Victor Mqele, who was born there: "The health here is beautiful. We have not got a clinic, but there are no diseases like elsewhere in Africa."

Except that Driefontein is under sentence of death.

Towards the end of last year numbers suddenly appeared on gravestones in the cemetery, evidently preparatory to their removal.

This so outraged the villagers that the numbers were erased two days after they complained to Pretoria.

Nevertheless, the whole community is to be split up and shifted, Zulus to Babanango, adjoining KwaZulu, and Swazis to the Lochiel area in the Carolina district near

Kangwane.

For Driefontein is what the official social engineers call a "black spot" on the face of "white" South Africa. It must therefore be obliterated to further territorial apartheid.

Unless they can stop the removal, its people will join about half a million Africans already swept off "black spots" into the "homelands".

AND they, in turn, represent only about 25% of the Africans uprooted or displaced from the "white" areas ... some of them into dumping grounds, including parts of Kangwane, where the absence of water supplies and sewerage has led to outbreaks of cholera, to say nothing of malnutrition.

Driefontein is fighting removal.

Says Mr Mqele, who is now too old and blind to plough: "If the Government says I must move, they can just

shoot me and let me die here. I do not even want to go and see that (other) place. Who will build me a house there?"

The Department of Co-operation and Development has promised that three days' rations will be supplied during the move and that "tents or prefabricated houses" will also be provided temporarily.

But a statement — headed "Voice of the Driefontein People" — says: "Here we have widows, old men and women, who have spent all their lives raising their families, educating them, building (their) houses, looking after them, while they still had the strength and the vigour to do so.

"What can they do now? ... the old, the weak, the infirm and the crippled. Must they just curl up and die? How can they live in tents for six months and then build again? Without money and without the vigour of youth, which they no longer have, how can they start all over again?"

Two years ago the Driefontein Community Board was spearheading resistance. But

it detected signs of "weakness" among its constituents, notably tenants who had nothing to lose.

The board was also worried that "the security is infiltrating the community", while its chairman, Stephen Msibi, was allegedly being "watched very carefully by the Big Eye".

MR Msibi, nevertheless, wrote to the Minister of Co-operation and Development, Dr Piet Koornhof, to remind him that he was understood to have once said the Government would not force anyone to be resettled.

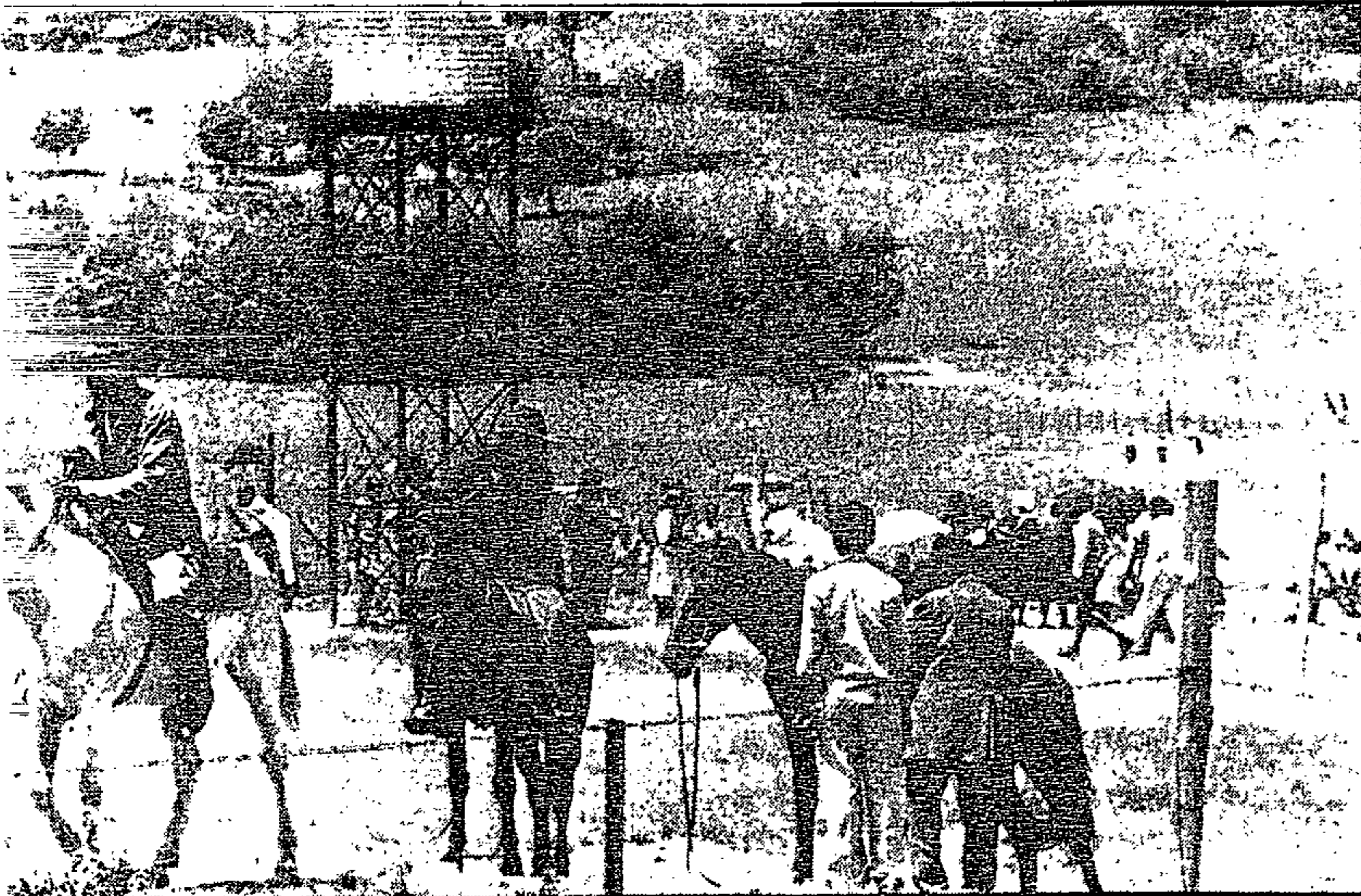
Back came a reply from the Deputy Minister of Development and Land Affairs, Greyling Wentzel, that it was sometimes necessary for people to move from "black spots" for their own good and that a dam of "national importance" would inundate some of their properties.

Although the Government respected Driefontein's feelings, Mr Wentzel said, everyone had to make sacrifices for peace and prosperity and

examination book(s) are used.

examination.

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University



... a happy rural farming community where "the health is beautiful".

119 ROOM 10/2/83

ntence of death

the removal would go ahead. According to the Department of Water Affairs, the 460 000 000 cubic metre Heyshope Dam (about 2.5 times the capacity of the Hartbeespoort Dam) being built in the district will start storing water in 1984.

But it is some distance from Driefontein, and it is not clear how much farmland it will actually flood. In any event, Mr Msibi's board suspected that the dam was "a changing technique of forcing people out" in view of their resistance.

Whether because of "changing techniques" or other factors, Mr Msibi last year changed his mind. Most of the Driefontein people agreed to the removals, he said, and more than 100 standowners had signed an affidavit to this effect before the Wakkerstroom magistrate. Subsequently, however, Mr Msibi said the affidavit had been signed out of fear.

Mr Msibi has now been deposed ... at least as far as dealing with the removal issue goes. In November last

year, Saul Mkhize, who owns four plots in Driefontein, presented Geoff Budlender, of the Legal Resources Centre in Johannesburg, with a statement signed by 307 people who said they were plotowners.

They declared that they did not consent to the removal and withdrew any statements some of them had made in the affidavits before the magistrate, who now gave permission for a meeting on December 26 to elect representatives to negotiate with Dr Koornhof's department.

At this meeting, which he said was attended by 3 000 people, Mr Mkhize was chosen as chairman of a new board, which was instructed to prevent the removal. But the magistrate wrote back to Mr Budlender saying that his clients' new board was not recognised.

Dr Koornhof had earlier written to Mr Mkhize telling him bluntly: "The position regarding the future of Driefontein 388 IT is as follows: (a) The dam in the Assegaa Riv-

er will, on completion, flood some of the Driefontein properties; and (b) it is a decision of Parliament that the people of Driefontein must be settled elsewhere. Therefore only the terms under which the move will take place are negotiable."

If the Driefontein people fear removal will destroy their livelihoods, white employers in the district — who transport people from Driefontein every day to sawmills and other factories — fear they may find themselves short of labour.

A neighbouring farmer who employs 25 people from Driefontein full-time, and gives jobs to 100 youngsters during school holidays, said he did not want the community to be moved.

Kangwane, one of the "homelands" into which Dr Koornhof's department plans to incorporate the Driefontein people, is "backward" even in comparison with other "homelands", according to Benso, the Government agency monitoring economic trends in these areas.

No more than 16% of its residents are economically active (compared with 44% of blacks in the "white" areas). Its physical infrastructure is "very limited", says Benso.

INDEED, outbreaks of cholera in some of its densely-populated dumping grounds in 1980 showed that it could not cope with the never-ending influx of people displaced from the "white" areas.

Partly because they are a particular target of the Government's mass removal schemes, Kangwane — like other "homelands" — has a relatively high proportion of old people, whose need for pensions and social services is an abnormally large burden on official revenues (which, in the 1981/82 financial year, amounted to R36 746 000).

Sweeping black people out of "white" into "homeland" areas enables Pretoria to divest itself of responsibility for them, which is one of the least publicised but most insidious forms of apartheid.

Asks Mr Mkhize: "Is the

Kangwane Government going to look after us, ensure our pension and provident funds and, most of all, take care of our welfare? Schools, roads, water, sewage, hospitals ... will all these be there when and if we have to move? This is a big responsibility they take on. Are they prepared for these costs? I think not."

Oscar Dhlomo, Minister of Education and Culture in KwaZulu — where the other part of the Driefontein community is destined for ultimate consignment — has noted that the tin huts and tents provided temporarily by Pretoria in resettlement areas offer little protection against winter, so that young children and old people often die of respiratory infections

AND most of the resettled people — who previously were able to get casual jobs, had land available to grow maize or owned livestock — were forced to get rid of their animals when they were resettled and were given no land to farm.

"Thus," says Dr Dhlomo, "they have no alternative but to join the ranks of the unemployed awaiting recruitment as migrant labourers."

Apparently, neither the KwaZulu nor the Kangwane authorities have any say as to whether the Driefontein people should be dumped on their doorstep.

A spokesman for Dr Koornhof's department told me that the removal would take place on to land controlled by the South African Development Trust in Pretoria. Only after the removal was complete, he said, would this land be consolidated into the two "homelands".

The trick appears to be to give the "homelands" the additional land they want, but only after having packed it with people Pretoria does not want.

Of course, if the Driefontein people are unable to prevent their removal — and if the plans to hand Kangwane over to Swaziland are not finally blocked — the people of Driefontein consigned to Kangwane would have been swept not only out of the "white" area but also into a foreign country.

When he became a trap of the Bantu Administration empire built by people like Dr Verwoerd and Mr M C Botha, Dr Koornhof declared that his philosophy would be one of "live and let live".

Obviously, he did not have Driefontein in mind at the time.



13/2/83

Casino rights: Van der Walt is facing the Opposition's ire

All answer
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119
By IOR WILKINS: Political Correspondent *S. Times*

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A COMPREHENSIVE report probing the granting of multi-million rand casino rights in the black national states is expected to be before the Cabinet on Tuesday and could spell trouble for the Deputy Minister of Development and Land Affairs, Mr Hennie van der Walt.

The Opposition has already tabled questions about the report and, if speculation that Mr van der Walt has been heavily criticised is correct, calls for his resignation are likely to follow.

The investigation into the granting of casino rights followed revelations in the Sunday Times that Mr van der Walt, who was then chairman of the Commission for Co-operation and Development, had attended a meeting between members of the KaNgwane Legislative Assembly and two white entrepreneurs who were seeking casino rights in the homeland.

Mr van der Walt initially denied the allegations, but later confirmed he had attended such a meeting, but not on the date originally reported.

In the event, KaNgwane turned down the application for casino rights.

In the uproar over the allegations, the Minister of Co-operation and Development, Dr Piet Koornhof, appointed two retired senior civil servants to conduct an inquiry into the granting of casino rights in all the national states.

The inquiry was under the chairmanship of Mr W A Schickerling, the former Auditor General, and Mr H A Prinsloo, former Secretary of Indian Affairs.

Mr Schickerling has confirmed to the Sunday Times that he flew to Cape Town to hand the report to Dr Koornhof, but has declined to discuss its contents.

Dr Koornhof this week said he had "no comment" about the report.

So did Mr van der Walt who said: "I have said all I want to say to the commission."

Informed speculation says, however, that Dr Koornhof is exonerated of any irregular-

Deputy Minister denies talks about casino

A Sunday Times headline on September 19 last year

ity, while Mr van der Walt is less fortunate.

He is said to come under heavy fire for his role in the KaNgwane meeting.

Mr Ray Swart, the Progressive Federal Party MP for Berea who has monitored the casino affair, has placed a question on the order paper for this week asking Dr Koornhof whether Mr Schickerling's report will be made public, and whether the Minister will make a statement on the matter.

If Mr van der Walt's role is found to have been irregular, he may get off with a rap on the knuckles, but political sources were speculating that if the matter is more serious than that, he could be a victim of the extensive rationalisation that is earmarked for the Department of Co-operation and Development.

The rationalisation programme, which is expected to begin during this session of Parliament, is likely to see the department reduce in size and function as some of its tasks are rerouted to other departments.

EVERY CANDIDATE MUST enter in column (1) the number of each question answered (in the order in which it has been answered); leave columns (2) and (3) blank.

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No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed. Candidates are not to communicate with other candidates or with any person except the invigilator. No part of an answer book is to be torn out. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

THURSDAY, 17 FEBRUARY 1983

†Indicates translated version.

For written reply:

Hansard
Q. 61. 172 - 173

(17) KaNgwane: amount spent on salaries/administration 17/2/83

11. Dr. F. HARTZENBERG asked the Minister of Co-operation and Development:†

- (1) What amounts were paid in salaries to the (a) Commissioner-General, (b)



173

THURSDAY, 17 I

(i) Chief Minister and (ii) members of the Executive, (c) members of the Legislature and (d) officials employed by KaNgwane, from the date of the termination of the authority of the Government of KaNgwane up to the date of the restoration of such authority;

- (2) what amount was spent during the abovementioned period in respect of the administration of this national state?

HOUSE INVESTIGATES

119 FM 18/2/85

The proposal that the involvement of Deputy Minister of Co-operation and Land Affairs Hennie van der Walt in casino negotiations in KaNgwane be investigated by a Parliamentary select committee went through without debate.

This seems a little strange. Van der Walt's role has already formed part of the investigation carried out by two retired senior civil servants who have reported to Minister of Co-operation and Development Piet Koornhof. One would have expected the opposition parties to query the need for a further investigation — at least until they were informed what the departmental inquiry had unearthed.

Instead there will be further delay while the select committee deliberates. Of course the facts should come out eventually — and the report of the original investigation will probably form part of the evidence before the select committee.

Only a cynic would suggest that the decision to appoint the select committee could have anything to do with anticipated by-elections — and the possibility of homeland casino negotiations becoming election propaganda fodder.

KaNgwane angered by S A Govt action

19 Mercury Reporter 2/1/87

THE KaNgwane Executive Council has expressed its dissatisfaction that two of their nominees for appointment to the Rumpff Commission which will investigate the KaNgwane-Swaziland land issue have been rejected by the South African Government.

In a statement released yesterday, the Chief Executive Councillor, Mr Enos J Mabuza, said the Executive Council recorded their dissatisfaction that the two nominees, former Senator G F Botha and Prof John Dugard, were rejected.

'Mr Botha, the former Commissioner-General of KaNgwane has considerable knowledge of the issues involved and Prof Dugard is an internationally respected constitutional lawyer,' the statement said.

'While not intending to undermine our confidence in the three commissioners whom we have nominated to the Rumpff Commission, I must on behalf of my Government express certain reservations regarding the composition of the commission,' Mr Mabuza said.

The South African Government appointed the chairman and three standing members and we had no power whatsoever to veto their appointment.

'We were consulted only on, and satisfied with the nomination by the South African Government of their two nominees from the Transvaal,' Mr Mabuza said.

'Given these limitations on the constitution of the commission, we seriously considered withdrawing from it altogether and not participating in the nomination of KaNgwane's potential commissioners.

'We, however, weighed this consideration against the disadvantages we would face if we had no representation on the commission at all and decided that our people's interests would be better served if certain of the commissioners were our nominees,' Mr Mabuza said.

'We, however, record our dissatisfaction at the fact that two of our nominees were respectively rejected by the South African Government and accordingly have not been appointed as commissioners,' he said.

Land issue could bring down the Swazi Govt

E. Post

3/83

119

By RICHARD WILLIAMS in Mbabane

THE map of Africa could be changed as a result of the dismissal of Swazi Prime Minister, Prince Mabandla Dlamini, an appointee and nephew of the late King Sobhuza, and his replacement by a more traditionalist prince.

King Sobhuza, who for over 60 years dominated the politics of this small country wedged between South Africa and Marxist Mozambique, died last August and his senior widow, the Ndlovukazi — the Great She-elephant — now rules in his place.

The late King maintained a skilful balancing act throughout his reign between traditionalists and modernisers in Africa's last semi-feudal monarchy.

But since his death, political observers here say there has been persistent squabbling between Chief Mabandla's supporters and the Ligoqo, a strongly traditional inner circle of royal elders and tribal chiefs.

What part the Queen — a reclusive figure who is rarely seen in public — played in Prince Mabandla's dismissal is unknown. But diplomatic sources point to his replacement as proof that the conservative faction is now firmly in control of the Ligoqo.

The South African Minister of Foreign Affairs, Mr Pik Botha, confirmed this week that the dismissed Prime Minister had arrived unexpectedly with his fam-

ily in South Africa. Mr Botha said he had told the Swazi Government of Prince Mabandla's arrival.

Prince Bhekimpi Dlamini, the new Prime Minister, is known chiefly as a staunch supporter of the monarchy, which has an almost mystical aura to the rural peasants who make up more than 70% of Swaziland's 500 000 population.

He is also a strong advocate of regaining lands that once formed part of the traditional realm of the Swazi monarchs but were lost to South Africa at the end of the last century.

The Republic attempted last year to hand over two areas adjoining Swaziland that King Sobhuza had laid claim to for many decades.

The two areas are Kangwane, a crescent-shaped sliver of land on Swaziland's western border which is the homeland for the Republic's 750 000 blacks of Swazi origin, and Ingwavuma, a coastal region near the Mozambique border.

But a public outcry by the Zulu people, who occupy Ingwavuma, leaders of the white opposition and court action by the tribal homeland leaders involved, have temporarily stopped the transfer of land while a Government commission investigates the issue.

Prince Mabandla was known to be an opponent of the land deal, which would more than double the size of the kingdom and its pop-

ulation while bringing few tangible benefits.

Kangwane is underdeveloped and overpopulated. Despite its beautiful and rugged mountain scenery, most people manage only to eke a living from the overgrazed infertile soil, in contrast to Swaziland, whose annual per capita income of R593 is one of the highest in black Africa.

It seems Pretoria will not rush to re-enter negotiations with Swaziland until the Government commission charged with investigating the issue has made its final report.

Sources say that most of the inhabitants of the disputed territories oppose the deal, which would strip them of their South African citizenship and work opportunities in the Republic, while Swaziland's mainly agricultural economy could offer them few opportunities for employment.

The recovery of Ingwavuma and Kangwane was one of King Sobhuza's greatest ambitions and in a society where the monarch's word is still regarded as law, the Ligoqo and Government appear dedicated to fulfilling his wishes.

However, the incorporation of a hostile population, bitterly opposed to the deal and no longer sympathetic to the traditional Swazi way of life, would present one of Africa's few surviving monarchies with problems which could bring about its downfall.

reaction

SA vetoes Kangwane nominees

Cape Times 31/3/83 (119)

Own Correspondent
JOHANNESBURG. — The Government has vetoed the nomination by Kangwane of Professor John Dugard and Senator George Botha to serve on the Rumpff Commission.

The Rumpff Commission was originally appointed to investigate the dispute between Swaziland and Kwazulu over ownership of Ingwavuma, but later its terms of reference were extended to include the conflict over possession of Kangwane between Swaziland and South African-born blacks living in Kangwane.

Invitation

In accordance with an agreement reached between Pretoria and Kangwane in November last year, Kangwane was invited to appoint three representatives to the Rumpff Commission.

In a statement yesterday, Mr Enos Mabuza, the Chief Executive Councilor of Kangwane, said that Kangwane had nominated Professor Dugard, director of the Centre for Applied Legal Studies, and Senator Botha, immediate past Commissioner-General to Kangwane.

"We record our dissatisfaction that two of our nominees were rejected by the South African Government," he said.

Kangwane had considered withdrawing from the Rumpff Commission altogether, but decided that the interests of its

people would be better served if they appointed alternative nominees.

Mr Mabuza did not say who had been nominated to replace Professor Dugard and Senator Botha, but it is understood that an educationalist and a lawyer have been nominated.

The statement on the agreement reached between Pretoria and Kangwane did not specifically reserve veto powers for South Africa over Kangwane's nominees. South Africa appointed three nominees which, as Mr Mabuza noted yesterday, were accepted by Kangwane.

'Nationality'

Legal observers noted yesterday that the Rumpff Commission was concerned with questions of international law, including "the demarcation of boundaries and the deprivation of nationality on grounds of race", and that Professor Dugard, who is a doctor of law of Cambridge and expert in international law, was eminently qualified in that area.

Professor Dugard said yesterday: "In my view I am qualified ... and could have made a useful contribution."

"I can only assume Pretoria wishes to exclude international lawyers, not associated with the government, from the commission and that this is the reason for vetoing my nomination."

Application made against

Kangwane

1997 *Star* 2/7/93
Pretoria Correspondent

An urgent application to declare the third session of the Kangwane Legislative Assembly null and void was brought in the Pretoria Supreme Court yesterday.

The applicant was the chairman of the Mawati Regional Authority, Chief Johannes Mokolish Dlamini.

The respondents include the South African Government and Mr Enos Mabuza, the Chief Executive Councillor of Kangwane.

The application was postponed indefinitely by agreement so that papers could be served on the 41 respondents.

KaNgwane chiefs go to SA Supreme Court

(119)

16/7/83

RCM

MBABANE. — KaNgwane chiefs in favour of a border "adjustment" with Swaziland have submitted urgent applications to the South African Supreme Court to have the recently-elected KaNgwane Legislative Assembly declared null and void.

KaNgwane pro-unification leader Mr David Lukhele said in Mbabane yesterday that the KaNgwane Legislative Assembly's chief councillor, Mr Enos Mabuza, had created a political scandal in attempting to restrict membership of the new Legislative Assembly to his supporters only.

Mr Lukhele said 12 KaNgwane pro-unification chiefs who resigned from the previous Legislative Assembly — which expired on June 1 — had done so because they strongly disagreed with Mr Mabuza's policies.

Despite their resignations, Mr Lukhele said, they remained ex-officio members because of their status as chiefs, and were therefore eligible for nomination as members in the new Assembly.

However, Mr Lukhele claimed that Mr Mabuza had deliberately instructed magistrates in KaNgwane not to notify those who were known to be opposed to his views. These included the pro-unification chiefs in KaNgwane.

gistrates in KaNgwane not to notify those who were known to be opposed to his views. These included the pro-unification chiefs in KaNgwane.

"In view of Mr Mabuza's illegal and unconstitutional behaviour in denying people their legal rights, the Legislative Assembly which is now in office is unconstitutional and should be declared null and void," Mr Lukhele said.

He questioned how Mr Mabuza could "aspire to become a leader when he is unprepared to accommodate anyone opposed to his own views." — Sapa.

017 2014 23/7/83

KaNgwane claim challenged

By HARRY MASHABELA

A MAN who seeks to incorporate KaNgwane into Swaziland was yesterday challenged to name 12 chiefs, who, he says, have appealed to the Supreme Court to have the homeland's legislative assembly declared null and void.

He is Mr David Lukhele, whose claims, Mr Isaac Masilela, KaNgwane executive councillor for community affairs, said were untrue. Mr

Masilela said that only one chief, Chief J M Dlamini, was contesting the actions of the newly-elected assembly.

Mr Masilela said it was also not true to say, as Mr Lukhele has claimed, that Mr Enos Mabuza, KaNgwane's chief councillor, had instructed local magistrates not to notify people, including chiefs, known to be opposed to his views, about assembly meetings.

"To our knowledge, and

this can be supported by all tribal authorities of KaNgwane, all chiefs were invited to the legislative assembly. However, Mr Lukhele apparently told Chief Dlamini that proceedings would not go on without him and that he should stay away," Mr Masilela said.

"And Chief Dlamini stayed away but proceedings went on and now that he realises the blunders of Mr Lukhele.

KaNgwane controversy

MR PIK Botha, Minister of Foreign Affairs, despite a number of denials, has been blamed in evidence before a select committee of Parliament as being the main instigator of the controversial plans to hand KaNgwane and Ingwavuma to Swaziland.

And in the evidence Deputy Minister of Development Mr Hennie van der Walt, claimed that a decision was made by the Government a year before the plans to cede the land were made public in June 1982.

The evidence is contained in the report of the select committee appointed to investigate al-

legations that Mr Van der Walt was involved in irregular granting of concessions in the homelands.

And it was as a direct result of the controversial attempt by the Government to hand the land to Swaziland that brought the allegations against Mr Van der Walt to light.

The evidence contradicts claim made, when the controversy broke in June last year, by the Prime Minister, Mr P W Botha and Dr Koornhof that no final decision had been made.

During the period the Department of Foreign Affairs also issued

statements denying claims that the issue was being negotiated with Swaziland.

Dr Koornhof said publicly when he first informed the KwaZulu Cabinet he was only laying on the table "plans for discussion".

But Mr Van der Walt told the Committee that Dr Koornhof had told him in November 1981 "that the Government had already decided on June 8, 1981."

Mr Van der Walt, however, continued to investigate the consolidation of KaNgwane without knowing of the decision for five months.

Mr Van der Walt also

expressed confusion about what had happened.

"Sometimes I do not really understand how these things work — this rationalisation — because at that stage the Minister concerned who talked to KaNgwane was Mr Pik Botha and not our minister, Dr

Koornhof.

"I do not know whether Dr Koornhof also had talks with KaNgwane on the whole question of amalgamation, but most of the time Mr Pik Botha was the man who handled the thing." — Own Correspondent.

pared to refer aspects of this report to the Advocate-General?

The MINISTER: Mr. Speaker, each and every aspect of the report will be dealt with, and if at any stage it should be deemed advisable to refer any aspect to the Advocate-General, that will be done.

Committee of Inquiry into the Possible Involvement of Persons in the Obtaining of Concessions in KwaNdebele and KaNgwane

*39. Mr. R. A. F. SWART asked the Minister of Co-operation and Development:

- (1) Whether the former secretary of the Commission for Co-operation and Development is in the employ of his Department at present; if so, what position does he hold;
- (2) whether, in consequence of the findings of the Committee of Inquiry into the Possible Involvement of Persons in the Obtaining of Concessions in KwaNdebele and kaNgwane, an investigation has been or is to be held into the activities of this person while he was the secretary of the said Commission; if not, why not;
- (3) whether he will make a statement on the matter?

The MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (1) Yes. Control Administrative Officer.
- (2) No. The former Secretary of the Commission was not involved in the matters investigated by the Committee.
- (3) No.

NOTE: From the contents of the question it would appear that the information wanted is in respect of another official who is at present still in the employ of the Department of Co-operation and Development and holds the post of Deputy Director: Agriculture. In respect of this official an investigation had been under-

X Report of the Committee of Inquiry into the Possible Involvement of Persons in the Obtaining of Concessions in KwaNdebele and KaNgwane ^{17/8/83}
 *38. Mr. R. A. F. SWART asked the Minister of Co-operation and Development:

- (1) Whether the Report of the Committee of Inquiry into the Possible Involvement of Persons in the Obtaining of Concessions in KwaNdebele and KaNgwane is to be made public; if not, why not;
- (2) whether any steps will be taken in regard to matters reported on by this committee; if not, why not; if so, what steps?

†The MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (1) No. The Report is a Departmental Report and in view of the fact that the Department made full disclosure thereof to the Select Committee of Parliament and the Select Committee did not recommend it's disclosure to the public it is not considered necessary to make it public.
- (2) Yes. Steps have been taken. Mr. Van Wyk was transferred from the staff of the Commission for Co-operation and Development to the Directorate Agriculture of the Department on 31 January 1983 and the Department launched an investigation during April 1983. If necessary disciplinary steps will be taken against Mr. Van Wyk in terms of the provisions of the Public Service Act, 1957 (Act 54/1957).

Mr. R. A. F. SWART: Mr. Speaker, arising out of the hon. the Minister's reply, could he indicate whether he would be pre-

X taken and the matter is still under consideration. Depending on the outcome suitable steps will be taken. X

1977, and thereafter in terms of section 1 of the intimidation Act, 1982.

- (ii) Allegations of intimidation.
- (iii) All of them on 18 July 1983.

(iv) Mosime and Hlopholosa in the Moroka police cells, Naidoo in the Kliptown police cells and Monama and Hlahla in the Orlando police cells.

- (2) No, they were released on 20 July 1983, pending the decision of the Senior State Prosecutor.

Handwritten: Howard Q. 61, 1871
*21. Mr. P. G. SOAL asked the Minister of Co-operation and Development:

- (1) Whether he has received any applications from the Mamelodi Community Council in connection with the extension of the boundaries of Mamelodi Townships; if so, (a) when and (b) what was the purport of these applications;

(2) whether he has reached a decision on the applications; if not, (a) why not and (b) when is it anticipated that he will reach a decision; if so, what is the nature of the decision;

- (3) whether he has informed the Mamelodi Community Council of his decision; if not, why not; if so, when?

THE MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (1) Yes, the Department of Co-operation and Development has received such an application and is in the process of submitting it with comments and recommendations for my decision.
- (2) and (3) Fall away.

Wentworth Place of Safety

*22. Mr. S. S. VANDER MERWE asked the Minister of Internal Affairs:

Whether, with reference to his reply to Question No. 19 on 8 June 1983, the departmental inquiry into the fire at the Wentworth Place of Safety has been completed; if not, when is it anticipated that it will be completed; if so, what were the findings?

THE MINISTER OF INTERNAL AFFAIRS:

The departmental enquiry can only be completed after the inquest into the death of the two boys, which is still in progress, has been finalised and the statements made at the inquest, as well as the outcome of the inquest, become available.

Wentworth Place of Safety

*23. Mr. S. S. VANDER MERWE asked the Minister of Law and Order:

Whether the South African Police have concluded their investigation into the circumstances surrounding the fire at the Wentworth Place of Safety in May 1983, as referred to in the reply given by the Minister of Internal Affairs to Question No. 19 on 8 June 1983; if not, why not; if so, what were the findings?

THE MINISTER OF LAW AND ORDER:

Yes. An inquest is being held and it is expected that the finding of the presiding officer will be known by 9 September 1983.

Port Elizabeth: shooting incident

*24. Mr. D. J. N. MALCOMESS asked the Minister of Law and Order:

- (1) Whether, with reference to his reply to Question No. 17 on 8 June 1983, the investigation into the shooting incident in the central area of Port Elizabeth has been completed; if not, when is it anticipated that it will be completed; if so, what were the findings;
- (2) whether any action is to be taken as a

result; if not, why not; if so, what action?

THE MINISTER OF LAW AND ORDER:

- (1) No. The results of certain ballistic tests are still being awaited, on receipt of which the docket will be referred to the senior State Prosecutor.

- (2) Whether or not action is to be taken, will depend on the prosecutor's decision.

Handwritten: Howard Q. 61, 1873
*25. Dr. A. L. BORRAINE asked the Minister of Co-operation and Development:

- (1) Whether, with reference to his reply to Question No. 19 on 4 May 1983

the commission of inquiry into Ingwavuma under the chairmanship of Mr. Justice F. L. H. Rumpff has completed its preparatory documentation; if not, when is it anticipated that it will be completed; if so,

- (2) whether the commission has met; if not, why not; if so, (a) on how many occasions and (b) on what dates;

- (3) when is it anticipated that the commission will complete its investigations?

THE MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (1) No. It is unfortunately not possible to indicate when the preparatory documentation will be completed.

- (2) (a) and (b) No. Although the Commission could as yet not start with its formal meetings due to the fact that the parties concerned have not yet submitted their claims and comments, a considerable volume of work had already been done. The first meeting of the Commission is now scheduled to take place on 8 September 1983.

- (3) It is impossible to give any indication at this stage when the Commission will complete its investigations. The Commission is desirous to complete its findings in the shortest possible time, but the very nature of the task of the Commission and the delay experienced in the submission of formal memoranda as requested by the Commission, may result a further delay.

Dr. A. L. BORRAINE: Mr. Speaker, arising out of the hon. the Minister's reply and bearing in mind that the commission was appointed, I think, in December last year, may I ask the hon. the Minister whether he is not of the opinion that the commission seems to be dragging its feet especially when one bears in mind that this is a very sensitive and serious matter?

The MINISTER: Mr. Speaker, I can absolutely assure the House that I brought myself in the knowledge and I am satisfied that the commission is doing its very utmost to deal with its very difficult and complicated task within the shortest possible time. I clarified the reply which I have given with Mr. Justice Rumpff and I can say with absolute certainty that the commission is very desirous to complete its task within the shortest possible time. It is also our desire that it be completed within the shortest possible time.

THE MINISTER OF JUSTICE: Mr. Speaker, on a point of order: Is it permissible for the hon. member for Greytown to refer to the chairman of the commission—he is a former Chief Justice of South Africa—as "Speedy" Rumpff?

Mr. SPEAKER: Did the hon. member for Greytown say that?

Mr. P. C. CRONJÉ: Yes, Sir.

Mr. SPEAKER: I do not consider it a very good choice of words. It contains a poor reflection.

*26. Dr. M. S. BARNARD asked the Minister of Law and Order:

710 (107) 119 Mercury
**Swaziland to return
memos on land deal**

African Affairs 20/8/83
Correspondent

THE Swaziland Government intends to return memoranda drawn up for the Rumpff Commission of Inquiry into the Ingwavuma land controversy by the end of the month.

This was confirmed yesterday by a spokesman for the Swaziland Department of Foreign Affairs.

The Minister of Co-Operation and Development, Dr Piet Koornhof, told Parliament this week that the first sitting of the Rumpff Commission had been set for September 8.

The Progressive Federal Party MP for Pine-lands, Dr Alex Boraine, was of the view that the commission was 'dragging its feet' on the issue.

The chairman of the commission, Mr Justice Rumpff, told the Mercury in April that all the historical evidence unearthed by experts of the Historical Law Society and the Africa Institute had been sent to the Swaziland Government for its comments.

Four commissioners each have been appointed to represent the South African and KwaZulu Governments.

The Government nominees are: Prof P Nieuwenhuizen, Dr Andre Scholtz, Prof Hendrik Thom and Prof Nic Wiehahn.

The KwaZulu members are: Mr Hyacinth Bhengu, Dr Anson Lloyd, Dr C L S Nyembezi and Mr Donald Sinclair.

CASINO STRUGGLE FELLS MP

21/8/83

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A POWER struggle between top government officials over homeland casino rights ended suddenly this week with the resignation of a deputy Minister — just 24 hours after Southern Sun captured the rival casino interests of Holiday Inns.

Behind these two events lies a shadowy story of political intrigue, of concession-hunting, and of secret government inquiries into the handling of homeland financial interests.

The struggle pitted Deputy Minister of Co-operation and Development Mr Hennie van der Walt's powerful land consolidation commission — the agency that fixes homeland borders — against other officials of Dr Piet Koornhof's department.

By Martin Welz

The bitterness behind the scenes was revealed when Mr van der Walt told a parliamentary select committee: "I will go as far as saying that the department hates the commission."

At the heart of the row was a concession granted to Holiday Inns to build a casino in kwaNdebele, almost on the outskirts of Pretoria, where it might pose a mortal threat to Sun City.

Mr van der Walt told the Sunday Express as long ago as last year that there was a "much bigger story" at stake in casino negotiations.

He refused to elaborate, except to say that it involved politicians taking sides in the contest between Southern Sun and Holiday Inns and that he believed powerful interests were out to

wreck his career.

Concern about the clash seems to have reverberated through the government.

The Prime Minister, Mr P W Botha, this week confirmed that the National Intelligence Service had obtained information about the granting of casino concessions in the course of "gathering security intelligence on the political terrain".

The NIS report and other matter given to the select committee have been suppressed.

Mr van der Walt, his career in ruins, dropped out of sight this weekend after the announcement of his resignation on the grounds of ill health, but there were indications that the clash in government was continuing.

Mr Dawie de Villiers, Minister of Industries, Commerce and Tourism, has ordered an inquiry into the fact that Safmarine, which is partly government-owned, ended up with almost 19% of the shares of Newco, Mr Kerzner's casino controlling company.

Dr de Villiers said yesterday he was "definitely not happy" with Safmarine's stake in the gambling business.

"I have urgently asked for further details of the transaction and will give it my immediate attention," he said.

● Full report — Page 6

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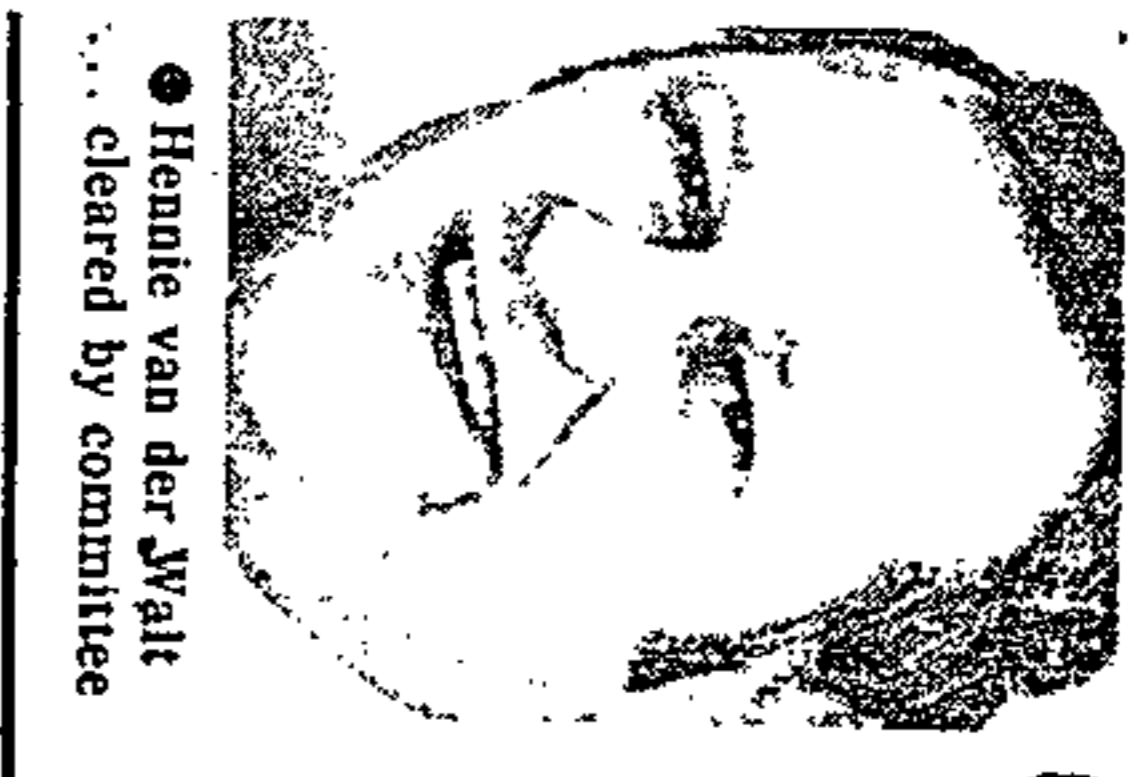
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● Sol Kerzner
Leads revealed intrigue

THE BATTLE FOR CASINO RIGHTS

How the hotel giants struggled for power



● Henrie van der Walt
... cleared by committee

THE resignation this week of Mr Henrie van der Walt, Deputy Minister of Co-operation and Development, followed hard on the heels of a select committee report spelling out his role in the shadowy battle over casino rights in the homelands.

The battle culminated this week in the merger of Holiday Inns and Southern Sun casino interests in Mr Sol Kerzner's Newco, and the Prime Minister's announcement that Mr van der Walt had resigned his post because of ill health.

Earlier this week Mr van der Walt was cleared by a select committee of any improper conduct concerning casino negotiations in the homelands.

The select committee investigated Mr van der Walt's alleged involvement in the kaNgwane and kwaNdebele casino concession negotiations, but the government has ordered that a great deal of the evidence and a mystery letter remain secret.

The dispute centred on the concession obtained in 1980 by Holiday Inns to build a casino almost on the outskirts of Pretoria as soon as kwaNdebele became independent.

The prospect of a casino so close to main popula-

tion centres was seen as a mortal threat to Sun City. Political factors played a vital role in the battle, as much depended on kwaNdebele's independence date and the location of its boundaries.

As chairman of the land consolidation commission Mr van der Walt was closely involved in both issues.

There were hints at the time of conflict between his commission and Dr Koorhof's department on whether the kwaNdebele government could validly grant a casino concession to Holiday Inns while the homeland was still not independent.

Evidence to the select committee has confirmed that conflict, although many details remain secret. A controversial letter by the commission to Holiday Inns at the time was referred to briefly in evidence to the select committee, but it cannot be published.

In his evidence to the select committee earlier this year, Mr van der Walt said a departmental report on the kwaNdebele concessions was not shown to him. Nor was he told that the department was very concerned about people going around the homelands

BY MARTIN WEIZ, Political Correspondent

seeking concessions.

"Until today, neither the Minister nor the Director General have discussed the report on my involvement in kaNgwane with me," he said. If it was such a terrible thing, why did they not immediately rap me over the knuckles?"

Mr W S Coetzer, Holiday Inns's casino director at the time, confirmed in his evidence that when he obtained the kwaNdebele concession, he immediately asked to be introduced to the "people who count".

They were Mr van der Walt, chairman, and Mr Sif van Wyk, member of the commission and its only full-time professional employee.

He flew with Mr van Wyk in a helicopter to view possible casino sites and got to know him "quite well". He had identified a place on the Elands River near Cullinan and had said to Mr van Wyk and Mr van der Walt that "it would be very nice" if it could be included in kwaNdebele, Mr Coetzer said.

He then said that Southern Sun, which he described as "our opposition company, well known to friends in high places", were also "sniffing around there".

"I wanted to keep close and hear what our opposition were doing. Mr van der Walt indicated to us very often that the opposition companies were certainly there trying to grab what we thought we had a right to," Mr Coetzer said.

In August, 1981, Pretoria concession hunters with links to Holiday Inns and Mr van Wyk told members of the kaNgwane government that Southern Sun and Holiday Inns would merge their casino interests to form a casino monopoly in Southern Africa.

This was recalled by Mr Peter Bowen, a senior official from the Department of Co-operation and Development, when he gave evidence to the parliamentary select committee on April 28 this year.

In evidence it was said that Mr van Wyk had also become closely associated with Holiday Inns' casino director, Mr W S Coetzer.

Mr van Wyk's role in homeland casino negotiations has since been the subject of a major secret departmental enquiry. He is now deputy director of agriculture in the Department of Co-operation and Development.

Dr Koorhof told Parliament this week he had still to decide what action he would take on Mr van Wyk.

Bottle-toting cowboys go 'bounty' hunting

TWO Pretoria businessmen who hoped to obtain casino and other concessions worth millions of rands in kaNgwane first aroused the suspicions of a senior government official when they arrived in the homeland wearing cowboy hats and consumed two bottles of cream-coloured liqueur in the course of a bus tour of development sites.

This emerged in evidence before the parliamentary select committee appointed earlier this year to investigate the involvement of the Deputy Minister of

there were many reasons to be suspicious of the businessmen who — apparently with the support of Mr van der Walt — sought casino and other concessions from the kaNgwane government in 1981.

Mr Bowen was seconded to the kaNgwane government at the time. He took minutes at two meetings at which the concession hunters attempted to persuade kaNgwane executive councillors to grant them a casino concession in the homeland.

Kemp and De Beer.

Kemp and de Beer had earlier been associated with casino concessions granted in kwaNdebele.

"Their behaviour was quite out of the ordinary — not what one would expect from people interested in development in a national state."

Mr Bowen said his suspicions increased when at their first meeting with kaNgwane councillors, the two men spoke loosely of amounts such as R50-million and R100-million for development pro-

he had been warned to be wary of concession hunters by a senior official from his head office in Pretoria.

He was therefore particularly surprised when Mr van der Walt and a senior official of the land consolidation commission, Mr Sif van Wyk, arrived with the concession hunters and — as it appeared to him — proceeded to promote the granting of such concessions, contrary to government policy.

Mr Van Wyk had accompanied the concession hunters to two such meetings.

should be here involved in this type of meeting?"

He had no information, however, to indicate that Mr van der Walt had an improper motive for trying to promote the concessions.

After the meetings, Mr Bowen said, he sent copies of the minutes to the department in Pretoria, together with a letter in which he asked for confirmation of the department's attitude.

"I know they received them, because at a later meeting with the department's

... deals revealed intrigue

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Henrie van der Walt
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tion centres was seen as a mortal threat to Sun City. Political factors played a vital role in the battle, as much depended on kwaNdebele's independence date and the location of its boundaries.

As chairman of the land consolidation commission Mr van der Walt was closely involved in both issues. There were hints at the time of conflict between his commission and Dr Koorhof's department on whether the kwaNdebele government could validly grant a casino concession to Holiday Inns while the homeland was still not independent.

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BY MARTIN WELZ, Political Correspondent

Bottle-toting cowboys go 'bounty' hunting

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This emerged in evidence before the parliamentary select committee appointed earlier this year to investigate the involvement of the Deputy Minister of Co-operation and Development, Mr Henrie van der Walt, in the alleged granting of concessions in kwaNdebele and kaNgwane.

Mr Peter Bowen, a senior official in the Department of Co-operation and Development, told the select committee

there were many reasons to be suspicious of the businessmen who — apparently with the support of Mr van der Walt — sought casino and other concessions from the kaNgwane government in 1981.

Mr Bowen was seconded to the kaNgwane government at the time. He took minutes at two meetings at which the concession hunters attempted to persuade kaNgwane executive councillors to grant them a casino concession in the homeland.

Mr Bowen said he had been suspicious of the whole enterprise from the start when Mr C P Bosch and Mr A J Van Colfer, builders from Pretoria, arrived for a two day conference on development in the homeland wearing cowboy hats and tags on their lapels announcing that they represented a Pretoria firm of attorneys.

Kemp and De Beer.

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"Their behaviour was quite out of the ordinary — not what one would expect from people interested in development in a national state."

Mr Bowen said his suspicions increased when at their first meeting with kaNgwane councillors, the two men spoke loosely of amounts such as R50-million and R100-million for development projects without being willing to commit themselves to anything specific.

Finally Mr Bowen's suspicions were roused by the type of concessions they were after, which besides casinos included dog racing, horseracing, airlines, and commercial radio and television stations. Mr Bowen said that at about that time

seeking concessions.

"Until today, neither the Minister nor the Director General have discussed the report on my involvement in kaNgwane with me," he said. If it was such a terrible thing, why did they not immediately rap me over the knuckles?"

Mr W S Coetzer, Holiday Inns's casino director at the time, confirmed in his evidence that when he obtained the kwaNdebele concession, he immediately asked to be introduced to the "people who count". They were Mr van der Walt, chairman, and Mr Sif van Wyk, member of the commission and its only full-time professional employee.

He flew with Mr van Wyk in a helicopter to view possible casino sites and got to know him "quite well". He had identified a place on the Elands River near Cullinan and had said to Mr van Wyk and Mr van der Walt that "it would be very nice" if it could be included in kwaNdebele, Mr Coetzer said.

He then said that Southern Sun, which he described as "our opposition company, well known to friends in high places", were also "sniffing around there".

he had been warned to be wary of concession hunters by a senior official from his head office in Pretoria.

He was therefore particularly surprised when Mr van der Walt and a senior official of the land consolidation commission, Mr Sif van Wyk, arrived with the concession hunters and — as it appeared to him — proceeded to promote the granting of such concessions, contrary to government policy.

Mr Van Wyk had accompanied the concession hunters to two such meetings. At one meeting Mr van der Walt had given the impression of being extremely nervous.

"He was perspiring freely and not speaking fluently," Mr Bowen said. The thought had occurred to him: "Have these people got something over him that he

"I wanted to keep close and hear what our opposition were doing. Mr van der Walt indicated to us very often that the opposition companies were certainly there trying to grab what we thought we had a right to," Mr Coetzer said.

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Mr van Wyk's role in homeland casino negotiations has since been the subject of a major secret departmental enquiry. He is now deputy director of agriculture in the Department of Co-operation and Development.

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After the meetings, Mr Bowen said, he sent copies of the minutes to the department in Pretoria, together with a letter in which he asked for confirmation of the department's attitude.

"I know they received them, because at a later meeting with the department's chief director of development, Mr Gregory, I mentioned, tongue in cheek, that I had not received a reply yet. Mr Gregory replied that I was not likely to get one either," Mr Bowen said.

Mr Bowen said he discovered that an investigation had already been launched.

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Days go 'bounty' hunting

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Mr Bowen said he discovered that an investigation had already been launched.

The director general of Co-operation and Develop- ment had taken a copy of the minutes to Cape Town and after the second meeting Mr Bowen was visited by a member of the National In- telligence Service.

In his evidence to the se- lect committee Mr van der Walt said he was asked to attend a meeting in Louie- ville by Mr Van Wyk, a sen- ior member of his staff. The reason for the meeting, he was told, was that business- men attending a kaNgwane promotion, 'Spotlight on ka- Ngwane', had been told by kaNgwane councillors that South Africa was dragging its feet on consolidating and fixing the homeland's bound- aries.

Mr van der Walt con- firmed that he had been called by one of the business- men, Mr Bosch, who had wished to confirm a date for the meeting. He had agreed to it, but at no stage had he known that concessions were to be discussed until the morning shortly before the meeting.

When the subject of con- cessions arose, Mr van der Walt said, his attitude had been that the kaNgwane councillors should consider the matter, not reject it out of hand. Casinos had brought benefits for their homelands. They should not be "shy" to approach the South African government if they wished to grant such concessions.

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REPRODUCED FROM THE ORIGINAL SOURCE

... ..

Recession holding up Kangwane coal mines

By BRENDAN RYAN
Mining Editor

THE RECESSION in the world coal markets is delaying development of two coal mines in Kangwane, according to the annual report of the Mining Corporation.

The Corporation plays the role of a government "mining house" with the aim of finding and developing mineral deposits in the National States.

Once it has located economically exploitable orebodies, the Mining Corporation aims at developing them through joint ventures with private sector mining companies.

The two coal mines are on the northern and central sectors of the anthracite field in the Nkomazi area of Kangwane.

The field has total estimated reserves of about 300-million tons of anthracitic coal.

One coal mine is to be developed by Messina, while the other is to be developed by a joint venture involving two South African construction companies and Metellgesellschaft.

Mining Corporation chairman Dr A H Taute says in his annual review there was a substantial drop in exploration expenditure by private sector mining companies in the National States during the year to end-March.

The Corporation has been in existence for 14 years but yesterday's annual report will probably be its last. It is to be absorbed into the Southern Africa Development Bank.

The Development Bank,

which is to start operations this month, was formed in 1981 to be a major part of Government decentralisation strategy for the growth of economically underdeveloped areas.

Mining Corporation staff will be placed, where possible, in the Development Bank or else transferred to other government departments.

Apart from the Kangwane coal deposits, other major orebodies which could be developed, depending on market demand, are a 65-million ton anthracitic coal find in KwaZulu and a 35-million ton platinum-bearing ore body in Lebowa.

This is the Maandaagshoek find, which the Mining Corporation has formed a joint venture with JCI's Rusten-

burg Platinum (Rusplat) to develop.

Rusplat has been sinking exploratory incline shafts since the beginning of 1983 to determine the economic viability of the project.

"The investigation is expected to be completed within three to four years, after which a final decision will be taken on whether to proceed with exploitation," Dr Taute commented.

Other mineral finds are a 260-million ton vanadium/iron ore deposit in Lebowa, a 32-million ton nickel/copper/platinum ore body also in Lebowa, 95-million tons of blend coal in Venda, 108 000 tons of magnesite ore in Gazankulu, and 1 300 000 tons of uranium bearing ore in Qwa-Qwa.

Summons for 'illegal' boss of KaNgwane

9/10/88

City Press

By **ZB MOLEFE**

119

THE bitter battle for power in KaNgwane will move into high gear this week when Chief Minister Enos Mabuza will be served with a summons by several Chiefs declaring his Legislative Assembly illegal.

A spokesman for the Chiefs told City Press that Mr Mabuza's Assembly had no authority over the homeland because its five-year term of office had expired last Friday.

Mr Mabuza is already involved in another court battle with four chiefs who were ditched by him, allegedly because they were in favour of incorporation into Swaziland. The battle commences in court in 10 days time.

Mr David Lukhele, former KaNgwane Minister of Community Affairs told City Press that the chiefs wanted the Department of Co-Operation and Development to run the homeland until the legal wrangle is sorted out.

Homeland

Swaziland - General

1984

March - May - June - July

Aug

F L H Rumpff met since its appointment and (b) when is its next meeting due to be held;

- (2) whether any new members have been appointed to the commission; if so, (a) why and (b)(i) who are they and (ii) what are their qualifications in each case;

- (3) whether the public or any interested parties have been invited to give evidence before the Commission; if not, why not; if so, when;

- (4) whether the invitation to give evidence was publicized; if so, in what manner?

†THE MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (1) (a) Once.

(b) A date has not been fixed. The Commission is awaiting representations from the main parties and cannot proceed with its duties until the said representations are received.

The Commission in respect of KaNgwane will meet again on 20 March 1984 in order to hear evidence.

- (2) Yes.

(a) Vacancies arose due to the resignation of Dr C L S Nyembezi and the death of Dr H B Thom.

(b) (i) The Reverend A H Zulu and Professor J J van Tonger.

(ii) *The Reverend Zulu:*

A Teacher's Qualification from St Chad's Training College.
BA (with distinction in

Social Anthropology)—
University of Fort Hare.
Licentiate in Theology—
St Peter's Theological College, Johannesburg.
Honorary Doctorate in Social Service—University of Natal.
Honorary Doctorate in Divinity—Rhodes University.

Professor Van Tonder:

BA (Political Science, English and History)—
BA Honours (Political Science)—
MA (Political Science)—
DPhil (Political Science)—
All from the University of Potchefstroom.
Prof Van Tonder also completed post-Doctorate studies at the University of Michigan.

- (3) The public and other interested parties have not been invited to give evidence, the reason for this being that the representations of the main parties are still outstanding.

- (4) No. The main parties were requested by the Commission, by letter dated 8 May 1983, to submit claims and relevant comments.

Howard Q.61.647
Commission of Inquiry into Ingwavuma
16/3/84

*8. Mr R A F SWART asked the Minister of Co-operation and Development:

- (1) (a) How many times has the Commission of Inquiry into Ingwavuma under the chairmanship of Mr Justice



kaNgwane: SA ¹¹⁹ urged to explain

Pretoria Correspondent ^{20/3/84}

The South African Government must give reasons why kaNgwane cannot be granted self-governing status, Mr Justice F L H Rumpff has said.

The Rumpff Commission met in Pretoria today to hear evidence for the first time since it was appointed 15 months ago. It was established after an outcry over attempts by the Government to cede kaNgwane to Swaziland.

The commission will try to determine "the free will of the people of kaNgwane" on the issue, Mr Justice Rumpff said today.

The territory's past requests for self-governing status were stalled because Swaziland claimed to have ancestral rights to the territory.

In a memorandum to the commission, the kaNgwane Legislative Assembly says there is "widespread and angry" opposition to incorporation.

The Government has rejected calls for a referendum to gauge opinion, saying the kaNgwane people are vulnerable to intimidation.

The former Commissioner-General of kaNgwane, Mr George Botha, told the commission today that the issue was a sensitive one and political meetings in kaNgwane in the past had had to be broken up by police "to avoid bloodshed".

He said that during his term of office he had received reports of intimidation by Swaziland agents.

Mr Justice Rumpff said he believed self-government for kaNgwane would "allow the dust to settle" and pave the way for a settlement.

Murder of wife's ex-husband alleged

A man was shot and killed in his car after he had assaulted his former wife during an argument, it was alleged in the Rand Supreme Court yesterday.

Mr Neville Roy Hyde (40), address given as Randhard, Alberton, pleaded not guilty before Mr Justice L L Esselen to a charge of murdering Mr Christiaan Mauritz van den Heever on October 28 last year.

Mrs A M van den Heever has since married Mr Hyde.

According to the indictment Mr van den Heever divorced his wife on June 14 1982. At the time of the incident she lived with Mr Hyde.

On October 28 Mrs van den Heever was assaulted by her former husband during an argument outside Mr Hyde's house. Mr Hyde intervened and Mr van den Heever went and sat in his car, the indictment alleges.

Mr Hyde went into the house, fetched his revolver and allegedly fired two shots at Mr van den Heever, who died in hospital of a bullet wound in the brain.

The hearing continues today.

Matie 'parliament' votes to support PW

STELLENBOSCH — The student parliament (studenteparlement) of the University of Stellenbosch last night accepted a motion giving its unqualified support to the Prime Minister, Mr P W Botha, as the new chancellor of the university.

In the same motion, the student parliament expressed its appreciation to Miss Corinne Oosthuizen, editor of Die Matie, for her "responsible and restrained" conduct during the investigation at the weekend.

Miss Oosthuizen was temporarily suspended from her position after a leading article appeared in the latest issue of the student newspaper deploring the fact that the new chancellor was a political figure.

After the investigation, Miss Oost-

huizen was reinstated as editor on Sunday night by the Rector and Vice-Chancellor of the University, Professor Mike de Vries.

The student parliament, in the same motion, instructed the SRC to publish the reasons for its statement at the weekend in the next issue of Die Matie.

The student parliament also recommended that emphasis should be placed on the extension of the existing good relations between Die Matie and the SRC.

In a further motion, Mr Botha was congratulated on his appointment as chancellor and also on the Nkomati Accord.

The motion supported the Prime Minister's actions as promoting good neighbourliness. — Sapa.

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Mabuza: give kaNgwane the choice

By Sue Leeman,
Pretoria Bureau

119
Sue
2/13/84

The South African Government was honour-bound by its own laws to grant kaNgwane self-governing status — and therefore greater autonomy to settle the controversy over incorporation of the territory into Swaziland, kaNgwane's Chief Executive Officer, Mr Enos Mabuza, said today.

Mr Mabuza told the Rumpff commission of inquiry in Pretoria today that outsiders did not have the right to decide "that the destiny of kaNgwane lies in incorporation into Swaziland, a country with which kaNgwane has only cultural ties".

In 1982, the South African Government dissolved the kaNgwane Legislative Assembly as a prelude to ceding the territory to Swaziland, a move which sparked an international outcry and led to the appointment of the Rumpff Commission.

The commission is meeting for the first time in the 15 months of its existence to "ascertain the free will of kaNgwane".

kaNgwane is the official homeland of South Africa's 850 000-strong Swazi population.

Mr Mabuza told the commission he believed that kaNgwane citizens felt they would be further impoverished by incorporation into Swaziland.

However, he said, a properly organised referendum could provide a reliable gauge of opinion.

He conceded that the South African Government's fears that voters could be intimidated were not without grounds. He alleged that in the past chiefs in the territory had been abducted by representatives of the Swazi Government and taken into Swaziland at night "for meetings with the king".

Mr Mabuza added that he could not guarantee that his followers would avoid using coercive tactics, but said he had impressed on them the need to respect other people's views.

Mr Mabuza said support for the anti-incorporation lobby had grown considerably in the last two years.

More than 80 percent of members of the Legislative Assembly, if asked to vote now, would opt for self-government.

kaNgwane: plea made for self-rule

By Sue Leeman,
Pretoria Bureau

A strong plea for self-government for kaNgwane was delivered during a hearing yesterday of the Rumpff Commission by the homeland's chief executive official, Mr Enos Mabuza.

Mr Mabuza told the commission a self-governing authority elected by the citizens of kaNgwane would be best able to represent the views of the ordinary man in the controversy over possible incorporation of the territory into Swaziland.

The Rumpff Commission is currently hearing evidence to help it determine "the free will of the people of kaNgwane" on the matter.

Chaired by Mr Justice F L H Rumpff, the commission was established at the end of 1982 after an outcry over the South African Government's attempts to cede Dangwane — official homeland of South Africa's 850 000 Swazis — to Swaziland.

Mr Mabuza told the

commission he believed kaNgwane citizens to be overwhelmingly against incorporation.

He said 80 percent of members of the kaNgwane Legislative Assembly, if canvassed now, would opt for self-government.

The South African Government was honour-bound, in terms of its own laws, to grant self-governing status to the territory but the South African authorities had so far given no firm answers to repeated requests by the legislative assembly for self-government.

Mr Mabuza said he did not deny there was support for incorporation among the people of kaNgwane.

He was emphatic that a referendum could succeed, despite the possibility of voters being intimidated.

He accused the Government of Swaziland of using coercion tactics on the citizens of kaNgwane.

Proceeding.

Double challenge for Govt on kaNgwane

119c Star 23/3/84

By Sue Leeman,
Pretoria Bureau

The Rumpff Commission's first public hearing ended in Pretoria yesterday with the issuing of a double-edged challenge to the South African Government by commission chairman Mr Justice F L H Rumpff.

He repeated an earlier call on the Government to show why kaNgwane could not be given self-governing status as a prelude to the concluding of a tri-partite agreement between kaNgwane, South Africa and Swaziland on the issue of incorporating the homeland into Swaziland.

Alternatively, he said, the South African Government should inform

the 850 000 citizens of kaNgwane of all the implications of incorporation.

"It is only that these people should know what they are in for before they decide about incorporation. They must be told how it would affect them personally."

Mr Justice Rumpff said information should be set out "in black and white" in a pamphlet printed both in Swazi and English and distributed to all those who would be affected by a border adjustment.

Commission member Professor Lawrence Baxter asked counsel for the South African Government to provide evidence that the majority of people in kaNgwane

were in favour of incorporation.

The commission will meet again when Mr J M C Smit, appearing for the South African Government, has compiled responses to these questions.

The commission was established late in 1982 after a dispute over the South African Government's attempts to cede kaNgwane to Swaziland.

This week it heard lengthy evidence on the possibility of holding a referendum to gauge opinion on the incorporation issue.

It also heard testimony that intimidation was common practice in the region and could affect the accuracy of any referendum result.

SOS over SA's suspected deal with Swaziland

ULUNDI — International assistance is being sought because of a belief that the South African Government might already have concluded an agreement with Swaziland over the transfer of kaNgwane and Ingwavuma.

SAWRIFKIND

Commenting in the kwaZulu Legislative Assembly last night on reports that Mr Enos Mabuza, kaNgwane's Chief Executive Councillor, recently went to Europe to see the International Commission of Jurists in Geneva, Chief Gatsha Buthelezi said he had also discussed the matter on his recent visit to Britain.

I conveyed to Sir Malcolm Rifkind, British Secretary for the State and Foreign Office, that when

Prime Minister Mr P W Botha is received, they should raise the issue of handing over nearly a million Zulu and kaNgwane residents to Swaziland."

Chief Buthelezi said that the Assembly should not be surprised if an agreement had already been made on Ingwavuma.

"It would be naive to think, with the recent high-powered Swazi delegation to Cape Town, that these issues were not discussed."

He pointed to the recent violent clashes with the African National Congress in Swaziland and said that this had to be seen in the context of the secretly concluded treaty.

'SA MAY HAVE ALREADY GIVEN AWAY KANGWANE'

119

3/6/84 City Press

THE SOUTH African Government may have already concluded an agreement with Swaziland to give it Ingwavuma and KaNgwane.

It was this fear, said KaNgwane Chief Minister Enos Mabuza, which sent him dashing to Europe earlier this month to consult the International Commission of Jurists in Geneva and a British millionaire with mining interests in KaNgwane.

On his return Mr Mabuza attacked Swaziland

in the KaNgwane Legislative Assembly and accused it of collaborating with South Africa "to balkanize the Republic".

And KwaZulu Chief Minister Gatsha Buthelezi told the KwaZulu Legislative Assembly this week that he shared Mr Mabuza's suspicions.

He said he had taken the opportunity during

CP Correspondent

his own recent visit to Britain to raise the land transfer issue with Foreign and Commonwealth Office secretary Malcolm Rifkind.

He said he had also asked some local embassies to ensure that the issue is raised when Prime Minister P W Botha is in Europe.

Chief Buthelezi said it would not be surprising if an agreement had already been concluded because of the following factors:

● A new bill drafted by Co-operation and Development Minister Piet Koornhof, which would block any future court action on the "border readjustment issue.

● It would be naive to think the land transfer had not been discussed at the recent meeting in Cape Town between a high-powered Swaziland delegation and the SA Government.

● The secret pact between Swaziland and South Africa was only revealed after the Nkomati Accord.

Chief Buthelezi said this was the context in which the violent clashes

between Swaziland forces and African National Congress guerillas should be seen.

"The actions of the Swaziland Government against the ANC have produced consternation in the black community," Chief Buthelezi said.

He criticised Swaziland's use of arms to "flush out" the ANC and the fact that "some ANC members were handed over to the South African Police by Swaziland police."

Chief Buthelezi warned Mr Botha that he should not "test our patience beyond endurance".

Govt does not want Kangwane feelings known

119
E-Post 9/6/84

Weekend Post
Correspondent

PRETORIA — The Government does not want to establish the feelings of the local people on the possible incorporation of the Kangwane area in the Eastern Transvaal into Swaziland.

This is evident from the release yesterday of a confidential letter written to members of the Rumpff Commission of Inquiry into Ingwavuma — the Kwazulu area — which the Government tried to cede to Swaziland, only to have its efforts thwarted by court actions. The commission was later extended to probe the Kangwane area as well.

Publication of the letter has also led to speculation that the commission is likely to be dissolved and that the Government will renew its bid to transfer the areas to Swaziland.

In its statement yesterday, the Rumpff Commission said that because a member of the commission had disclosed the contents of a confidential letter to the Chief Minister of Kwazulu, Chief Gatsha Buthelezi, the chairman, Mr Justice F L H Rumpff, had decided to make it public.

The letter, dated May 18, was written by Mr G J C

Myburgh, secretary of the commission.

It said that the chairman has asked him to inform the members that he did not intend to call a further meeting of the commission in the near future.

Members would have noticed, the letter said, that as far as Kangwane was concerned, the South African Government was not keen to have ascertained the free will of the people concerned.

The reason for this was that in its opinion, there would be intimidation or interference. The same situation might arise regarding the inhabitants of Ingwavuma, the letter said.

Recently there had been talks between representatives of the South African and Swaziland governments.

The chairman was inclined to expect some important statement from the South African Government regarding its attitude on the Ingwavuma and Kangwane commissions.

If this did not happen, the chairman would try to have the commissions complete their tasks without further delay, irrespective of the delaying tactics of some of the parties concerned, the

letter concluded.

In 1982 Kwazulu successfully blocked plans for the transfer of Ingwavuma when its application contesting a proclamation exercising it from Kwazulu was upheld by the Appeal Court.

The Rumpff Commission was appointed late that year after the Appeal Court decision. It was asked to investigate and make recommendations on the dispute.

In Parliament this week, the Opposition said that a clause in the Laws on Co-operation and Development Amendment Bill was a direct result of the Ingwavuma debacle.

The clause would give the Government power to retrospectively regularise any irregular proclamation that had been issued in terms of the National States Constitution Act.

Mr Ray Swart, The Opposition's chief spokesman on Co-operation and Development, said the clause was "a vague and cynical provision to cover the Government in the event of it having issued proclamations without due compliance with the law".

● The people who would rather die than move —
Page 13.

Border plans: Buthelezi ire

Own Correspondent

JOHANNESBURG. — The South African Government is drafting legislation to hand over the border territories of Ingwavuma and Kanguwane to Swaziland and to "place its action beyond the jurisdiction of the courts". Chief Gatsha Buthelezi of Kwazulu has told the governments of Britain, West Germany and Italy.

Chief Buthelezi's statement was contained in a memorandum sent to London, Bonn, and Rome in time for the visit of the Prime Minister, Mr P W Botha, but embargoed for publication until yesterday.

Chief Buthelezi spearheaded resistance in 1982 to Mr Botha's plans to transfer Ingwavuma, which is part of Kwazulu, to Swaziland.

He temporarily blocked the proposed transfer when the Appeal Court upheld Kwazulu's contention that a proclamation excising Ingwavuma from Kwazulu was invalid. Excision of Ingwavuma was the first step to ceding it to Swaziland.

But if a law, instead of a proclamation, is passed providing for the excision and transfer of Ingwavuma to Swaziland, there can no appeal against it to the courts — because Parliament is supreme in terms of South African law.

"The Ingwavuma-Kanguwane issue is still on the South African Government's agenda," Chief Buthelezi told the three Western governments. "Western heads of state should know that the government of South Africa has in the past limited the jurisdiction of the courts in order to pursue party political goals.

"Mr P W Botha should be taxed on whether or not he and the National Party again intend to manipulate the courts to suit apartheid ideology."

Chief Buthelezi warned in his memorandum that South Africa's internal policies would "necessarily lead to disaster" and were therefore of concern to the West.

Focusing on exclusion of blacks from the new tricameral parliament, he said: "The new constitution is based on repugnant racism and gives whites a constitutionally-entrenched right to rule over blacks in perpetuity."

ARGUS 19/6/84 (107) 372 119

New plan likely for Ingwavuma

Political Staff

THE wrangle over Government attempts to cede Kangwane and Ingwavuma to Swaziland may be discussed at today's Cabinet meeting, with the choice of angering either Swaziland or Kwazulu.

After weeks of refusing to comment the Government has finally announced that it is to scrap the Rumpff commission of inquiry, appointed to resolve the issue.

By referring it to the commission under former Chief Justice Rumpff the Government had hoped to get an objective solution to a problem that had sent emotions soaring in Natal and Kwazulu.

COMPROMISE

The Government is obviously still searching for a compromise, but there was no clear indication today of what the final decision would be.

Swaziland believes the decision to scrap the commission is an indication that the deal will not go ahead, while Chief Gatsha Buthelezi, Chief Minister of Kwazulu, was despondent about the future.

The Government decision was announced yesterday to Chief Buthelezi and Chief Enos Mabuza, the Chief Minister of Kangwane, by Dr Piet Koornhof, Minister of Co-operation and Development.

Chief Buthelezi said in a statement issued after the meeting: "I am fearful for the future."

He accused the Government of dealing behind the back of the electorate and the people of South Africa.

"I have a foreboding that the South African Government still intends to hand over Kangwane and Ingwavuma to Swaziland as a pay-off to Swaziland for having entered into the pact with South Africa in secret."

Mr Ray Swart, the PFP's spokesman on black affairs, demanded immediate clarification from the Government.

Dr Koornhof was not available for comment, while the Prime Minister's office referred inquiries to Dr Koornhof's department.

"DANGEROUS"

"There is a highly dangerous situation being created by this mysterious Government secrecy on the issue," said Mr Swart.

Mr Swart could not understand why the two chief ministers should be told that the commission was to be scrapped without being given any indication of future Government plans.

The confusion over what was happening started three weeks ago when Mr Justice Rumpff indicated in a letter to his fellow-com-

missioners that all was not well in the commission and the Government was blocking moves he wanted to make.

Chief Buthelezi revealed the contents of the confidential letter in the Kwazulu Legislative Assembly, claiming it was an indication the commission was to be disbanded.

Judge Rumpff, however, denied this.

"NOT THE TIME"

The issue was taken up in Parliament by the PFP during the second reading of the Bill amending the laws on co-operation and development.

But Mr George Morrison, Deputy-Minister of Co-operation, refused to respond, saying it was not the time or place to do so.

On top of this the Government has repeatedly avoided stating whether the issue was discussed with Swaziland at the time of last month's visit to Cape Town by Swazi Prime Minister Prince Bhekimpfi.

Attempts since last week to clarify the situation with Dr Koornhof, who was acting-Prime Minister for part of the time, and with the Prime Minister's department, have met with either no response, a bland "no comment," or referral to another ministry.

Buthelezi warns of SA-Swazi land deal

CALC Tink 19/6/84

119

By CHRIS FREIMOND
Political Correspondent

THE government's plans to hand over Ingwavuma and Kangwane to Swaziland appeared to be going ahead last night after two homeland leaders had been informed officially that the Rumpff Commission had been disbanded.

In a statement in Cape Town, the Kwazulu leader, Chief Gatsha Buthelezi, said the Minister of Co-operation and Development, Dr Piet Koornhof, had summoned him to a meeting in Cape Town to inform him of the move.

The Chief Minister of Kangwane, Mr Enos Mabuza, also met Dr Koornhof in Cape Town yesterday.

Mr Mabuza said last night that he had undertaken not to comment on the talks until after a final decision on the matter at a cabinet meeting in Cape Town today.

Dr Koornhof said last night that a statement would be issued in due course.

The chairman of the

Rumpff Commission, Mr Justice F L H Rumpff, is on holiday and could not be contacted.

The Progressive Federal Party's chief spokesman on Co-operation and Development, Mr Ray Swart, last night demanded an immediate statement from Dr Koornhof to clarify the position.

Although it seemed that Dr Koornhof did not inform Chief Buthelezi or Mr Mabuza of the government's intentions, fears were immediately expressed that the land deal was on the cards.

In his statement, Chief Buthelezi said: "I have a foreboding fear that the South African Government still intends to hand over Kangwane

and Ingwavuma to Swaziland as a pay-off to Swaziland for having entered into a pact with South Africa in secret.

"I fear that the South African Government will continue to bludgeon black South Africa into submission."

Chief Buthelezi said he feared for the future of South Africa under the National Party.

He said the government "wheels and deals" behind the backs of the electorate and the whole of South Africa and he feared that the price the government was prepared to pay for Swaziland's membership of a South African confederation of states was the cession of Kangwane and Ingwavuma.

The government's initial attempt in 1982 to excise Ingwavuma from Kwazulu by proclamation as a first step to handing it to Swaziland was thwarted by a court ruling that the action was *ultra vires*. Among other reasons advanced for the judgment was that there had not been the prior consultation with the Kwazulu Government required by law.

The Rumpff Commission was appointed late in 1982 to investigate the Ingwavuma issue. It was later asked to investigate the Kangwane question as well.

Letter

Earlier this month Mr Justice Rumpff released a letter he had written to members of the commission informing them that he did not intend calling another meeting of the commission in the near future.

He said he was inclined to expect some important statement from the government in regard to its attitude to the commission.

In a parliamentary debate last week, the Deputy Minister of Co-operation, Dr George Morrison, declined to answer opposition demands that the government clarify matters relating to the future of Ingwavuma and Kangwane.

- 'Tribal' quarrel four years old, page 6
- Buthelezi: Situation shows stand is correct, page 6
- See leading article, page 10

1719

WEDNESDAY, 20 JUNE 1984

1720

ed to, (b) who is responsible for the removals, (c) how many persons are involved and (d) when are they due to be moved?

†The DEPUTY MINISTER OF CO-OPERATION:

Yes.

(a) Peddie.

(b) The Department of Co-operation and Development of the Republic of South Africa.

(c) 600 families.

(d) As soon as arrangements between Ciskei and South Africa have been concluded.

Stockenström

*24. Mr E K MOORCROFT asked the Minister of Internal Affairs:

(1) Whether, with reference to his reply to Question No 1 on 13 June 1984, a certain member of his Department, whose name has been furnished to the Minister's Department for the purpose of his reply, was approached on 8 December 1983 by a Mr D F N Bailey in response to the Minister's offer to meet a delegation of the Coloured community of Stockenström; if so,

(2) whether this person informed Mr Bailey that the Minister would only be available after a certain date in January 1984; if so, what date was mentioned;

(3) whether this person as asked by Mr Bailey to arrange a meeting after this date;

(4) whether he will make a statement on the matter?

The MINISTER OF INTERNAL AFFAIRS:

(1) Yes.

(2) Yes, but no specific date was mentioned.

(3) and (4) Yes. I think it is appropriate that I should advise the hon member of the background to the discussion between Mr Bailey and the official concerned as reported to me. As I mentioned in my reply to Question No 1 on 13 June 1984 I wrote to all the parties who had made representations on behalf of the Stockenström community and suggested that they liaise among themselves in order to form a delegation to meet me. Mr Bailey is one of the parties to whom I wrote. After receiving my letter Mr Bailey phoned the official concerned and indicated that he foresaw some difficulty in getting the parties together and suggested that I meet a delegation comprising only himself and members of the community. Mr Bailey was advised that all efforts should be made to get the various parties together, but should that prove to be impossible, he should repeat his request for a meeting with the Minister in writing and setting out his problems. Up to date Mr Bailey has not reacted to this suggestion, although I am informed that he will be writing to me within the not distant future.

Handwritten: *Handwritten*
 119
 KaNgwane/Ingwavuma
 20/6/84
 1720
 25. Mr R A F SWART asked the Minister of Co-operation and Development:

(1) Whether his department has received any representations from any member of or on behalf of the Rumpff Commission regarding the (a) future of KaNgwane and Ingwavuma and (b) operation of the said Commission; if so, what was the (i) nature of the representations and (ii) response thereto;

(2) whether he will make a statement on the matter?

1721

WEDNESDAY, 20 JUNE 1984

1722

†The MINISTER OF CO-OPERATION AND DEVELOPMENT:

(1) (a) and (b) No—my Department did not receive representations.

(2) A statement was issued yesterday. The statement reads as follows:

The South African Government has been informed by the Chairman of the KaNgwane Commission and the Ingwavuma Commission that it would not be possible to determine the freely expressed will of the inhabitants of the areas concerned under the present circumstances without the probability of intimidation of some sort or another having a decisive influence on the result.

Following consultations with all the interested parties, including the Government of the Kingdom of Swaziland, the South African Government has concluded that the leaders of Swaziland, KwaZulu and KaNgwane should deliberate amongst themselves. The present position is of such a nature that the question can unfortunately not be replied to at present. A statement will, however, be issued in due course.

The South African Government would be willing to consider sympathetically proposals made jointly and unanimously.

Consequently it has been decided with the concurrence of the Chairman to dissolve the two Commissions.

Mr R A F SWART: Mr Speaker, arising out of the hon the Minister's reply, can he tell us how he reconciles the first paragraph of the statement which he has just read, in which he alleges that the Chairman of the commission had pointed out that the free will of the people could not be tested for fear of intimidation, with the letter which the Chairman of the Commission wrote to members of the Commission saying that the Government was concerned that because of intimidation the free will of the people could not be tested?

†The MINISTER: Mr Speaker, the reply,

as I furnished it to the hon member, is, according to all the facts at my disposal, absolutely correct. The Chairman of the Commission told us that it was not possible for the Commission to comply with the terms of reference and to determine the free will of the people without there being intimidation. Therefore I do not see any *contradictio in terminis* whatsoever in the reply.

Mr R A F SWART: Mr Speaker, further arising out of the hon the Minister's reply, does the Government's attitude on this mean that it has finally, after two years, thrown in the towel on the whole Ingwavuma and KaNgwane débâcle?

†The MINISTER: Mr Speaker, I want to refer the hon member to my statement. I find it a great pity that the hon member now makes such a statement while in the statement which we made with great care yesterday, he will not find anything whatsoever of the nature which he now wants to accuse us of.

Ingwavuma/KaNgwane

*26. Mr R A F SWART asked the Minister of Co-operation and Development:

(a) What total amount had been spent in respect of Commissions of Inquiry into Ingwavuma and KaNgwane since their inception up to the latest specified date for which figures are available and (b) on what specified items had this money been spent?

The MINISTER OF CO-OPERATION AND DEVELOPMENT:

Ingwavuma

(a) R4 497,50 as at 18 18 June 1984,

(b) (i) R260,00 Travelling expenses.

(ii) R4 237,50 Research.

KaNgwane

(a) R9 411,12 as at 18 June 1984.

(b) (i) R3 887,50 Research.

(ii) R1 531,93 Subsistence.

- (iii) R1 190,10 Travelling expenses.
- (iv) R540,00 Session costs.
- (v) R30,00 Witness Fees.
- (vi) R2 231,59 Recording.

Mr R A F SWART: Mr Speaker, arising out of the hon the Minister's reply, can he tell us, in the light of what has since transpired, whether he considers this money well spent?

The MINISTER: Mr Speaker, I can testify without any hesitation that the amount of money spent by the Commission was very low and I want to thank the Chairman for that. I genuinely believe that if ever money was well spent, this money was.

Delville Wood Memorial

*27. Mr G B D McINTOSH asked the Minister of Community Development:

- (a) What is the (i) name and (ii) nationality of the architect who designed the new Delville Wood Memorial, (b) what was the nature of the brief given to the architect concerning this memorial and (c) who was responsible for (i) giving the brief and (ii) approving the architect's final designs?

THE MINISTER OF COMMUNITY DEVELOPMENT:

- (a) and (b) The design concept was undertaken departmentally and William Hallerow and Partners of London were appointed on the recommendation of the Commonwealth War Graves Commission to finalize the design and to administer the building contract.

- (c) (i) and (ii) The Department of Community Development.

For the information of hon members I wish to point out that historical objects will be displayed in the museum. An Art Committee was also appointed to give ad-

vice to the Department in respect of the creation of bronze panels depicting important wars and battles in which South Africans played a major role. These panels will be fixed to certain walls of the museum. This addition was made on recommendation of the consultant architects. The relevant artists and the panels that they will create are the following:

- (1) Mr Mike Edwards: The Campaigns in Africa during the First World War.
- (2) Mr Danie de Jager: The battle of Delville Wood.
- (3) Mr Joe Roos: The First World War in other areas.
- (4) Mr Timie Pritchardt: The Second World War and thereafter.

Mr G B D McINTOSH: Mr Speaker, arising out of the reply given by the hon the Minister, can he tell us whether consideration was given to having a competition for a design for so important and significant a monument?

The MINISTER: Mr Speaker, this matter was discussed by our Department and other departments, for instance the Department of Foreign Affairs, with knowledgeable people over a wide spectrum before the Government decided about the particular motif for the museum—not the memorial—which we are erecting there.

Mr G B D McINTOSH: Mr Speaker, further arising out of the hon the Minister's reply, can he tell us whether the brief to the departmental architect includes a request to place a pair of Cape Dutch gables and a Capability Brown gazebo on the roof of this pentagonal building?

The MINISTER: Mr Speaker, I do not know everything that was specified in the brief. However, I do not think the hon member should attach so much value to letters that are written to him by people who are not properly informed about the matter. He should rather come to the Department, where he will be fully informed about this matter.

Telephone directories

*28. Mr A B WIDMAN asked the Minister of Posts and Telecommunications:

With reference to his reply to Question No 2 on 6 June 1984, how many copies of the telephone directories removed from the store in Stirling Street, Cape Town, were distributed to subscribers?

THE MINISTER OF POSTS AND TELECOMMUNICATIONS:

A total of 51 426 directories were despatched to various post offices and other points for distribution to subscribers during the periods in question. Information on the exact number of copies actually distributed is not readily available.

Mr A B WIDMAN: Mr Speaker, arising out of the reply of the hon the Minister, in view of the fact that the removal of those directories for distribution, as stated in reply to questions on 6 June 1984, was to make space for the 1984-85 edition, can he tell us when the 1984-5 edition of the Cape Peninsula directory will be available?

The MINISTER: Mr Speaker, the hon member has shown a very great interest in telephone directories over the past two weeks. I think he should therefore give me the opportunity to investigate the matter more closely. Therefore he should rather place the question on the Question Paper.

Mr A B WIDMAN: Mr Speaker, further arising out of the reply given by the hon the Minister, may I refer him to the answer which he has given to Question 978 and in which he told the House that in the four years preceding 1982-83 he has printed 7 535 574 telephone directories in excess of his requirements? That is an average of 1 800 000 directories per year. Can the hon the Minister tell us what steps he intends taking to reduce this excess and weight?

The MINISTER: Mr Speaker, I stand by my previous reply. Apparently the hon member has been interested in telephone directories for a considerable time. I do not want to give him a wrong reply. We shall

give him a full reply if he place his question on the Question Paper.

Business interrupted in accordance with Standing Order No 42.

Howard R. Co. 1726
20/6/84
 *29. Mr P H P GASTROW asked the Minister of Law and Order:

Whether any persons were detained in terms of section 29 of the Internal Security Act, No 74 of 1982, on or about 2 June 1984; if so, (a) what are the names of the persons detained, (b) where (i) were they detained initially and (ii) are they being detained at present and (c) why were they detained in each case?

THE MINISTER OF LAW AND ORDER:

Yes. (a), (b) and (c) Except to confirm that a number of persons has been detained, I am not prepared to disclose any further particulars at this stage.

Petrol: lead content

*30. Mr R R HULLEY asked the Minister of Mineral and Energy Affairs:

- (1) Whether any steps have been taken to reduce the lead content of petrol for sale in the Republic; if not, why not; if so, what is the reduction effected in the case of (a) 93 and (b) 98 octane petrol;
- (2) whether he will make a statement on the matter?

THE MINISTER OF MINERAL AND ENERGY AFFAIRS:

- (1) No, the lead content in petrol has not yet been reduced.

- (2) The reduction of lead levels has complicated technical problems which necessitate further research in conjunction with all involved parties such as the petroleum and motor industry.

Govt backs down on land deal

Cape Times
20/6/84

119

Political Staff

THERE will be no unilateral incorporation of Ingwavuma and Kangwane into Swaziland by the South African Government.

This was announced yesterday by the Minister of Co-operation and Development, Dr Piet Koornhof.

The announcement, however, has met with guarded reaction by the Chief Executive Councillor of Kangwane, Mr Enos Mabuza, who said the minister's statement did not "remove the air of uncertainty remaining amongst the people who are directly affected by this South African-Swaziland land deal".

Dr Koornhof said that after consultation with all interested parties,

including Swaziland, the government had concluded that the leaders of Swaziland, Kwazulu and Kangwane "should deliberate amongst themselves".

Any proposals "made jointly and unanimously" would be considered "sympathetically" by the South African Government, he added.

The minister's statement comes in the wake of fears expressed by the Chief Minister of Kwazulu, Chief Gatsha Buthelezi, and Mr Mabuza that the government was planning to go ahead with handing

over the controversial territories to Swaziland.

Dr Koornhof said the government had been informed by the chairman of the Commission of Inquiry into the advisability of incorporating the areas into Swaziland, Mr Justice Rumpff, that the commission's task had become impossible.

This, he said, was because it was not possible to determine "the freely-expressed will" of the inhabitants of the areas under present circumstances "without the probability of intimidation of some sort or another having a decisive influence on the result".

As a result, he added, it had been decided, with the concurrence of the chairman, to dissolve the commission.

In his statement, Mr Mabuza said the crux of the South African decision was that it deferred but did not resolve "the vexed and volatile issue of the proposed cession of Kangwane and Ingwavuma into Swaziland".

Reservations

Welcoming the assurance that other means of solving the problem would now be sought, Mr Mabuza said this would not remove the air of uncertainty.

He said the Kangwane Government would make its "serious reservations on this decision" known to the South African Government at a later stage.

In the meantime, he appealed to the government not only to disband the Rumpff Commission but to also

THE Government's decision to drop its controversial plans to incorporate Ingwavuma into Swaziland has opened the way for a new round of resettlements. Statements by Cabinet Ministers yesterday showed the Government had decided to back off its intentions to force the cession of Kangwane and Ingwavuma to Swaziland.

However, the possibility still exists that Kangwane and Swaziland could come to an agreement with the encouragement of South Africa.

In the meantime the Government has agreed to grant Kangwane second-phase independence, sought two years ago by Chief Minister Enos Mabusu.

Not disclosing

The on-off Ingwavuma deal with Swaziland has been the Government's excuse for the past two years for not disclosing final consolidation plans for Kwazulu.

These plans will inevitably demand resettlement. The surplus peoples project estimated the number at 622 000 in terms of the 1974 proposals.

These proposals reduced Kwazulu from 48 parts to 10.

In Parliament last week Government speakers made it clear that resettlements would go ahead, although no numbers were specified.

The Government backdown on the Swazi land deal is seen as a major victory for Chief Minister of Kwazulu, Chief Gatsha Buthelezi, who fought it through the courts and from public platforms.

He united black and white opposition in Natal, finally forcing the Government to appoint a commission to scrap it and back down.

The Minister of Co-operation and Development, Dr Piet Koornhof, said yesterday that following "consultations" with all interested parties, including Swaziland, the South African Government had concluded that the leaders of Swaziland, Kwazulu and Kangwane should "deliberate amongst themselves".

Political Staff

Resettlements — but possible

NATIONAL/INTERNATIONAL

PK645 20/6/84

119

Mabuza (119) denies being in favour ^{Star} of land deal ^{22/6/84}

By Clyde Johnson,
Lowveld Bureau

A rumour that the chief executive councillor of kaNgwane, Mr Enos Mabuza, has always supported incorporation into Swaziland but has refused to confirm it publicly has been described as "absolutely not true".

During an interview at kaNgwane's government offices at Louieville yesterday, Mr Mabuza, obviously taken aback, said: "I do not know who the person or persons are — perhaps it could be a stone thrown in the bush — but whatever, I want to emphasise that there is no truth in it."

Mr Mabuza recalled having seen a pamphlet in 1982, distributed by the Department of Foreign Affairs, declaring his support for kaNgwane's incorporation into Swaziland.

It was, he said, distributed after the kaNgwane Legislative Assembly had been dissolved.

"Had I been pro-incorporation, surely that would have been the right time to press for it rather than have to go through the agony and humiliation I was subjected to?"

Mr Mabuza said it had been a long, drawn-out battle which, much to his relief, was over.

CULTURAL TIES

"I say relieved because the South African Government has undertaken not to force the people of kaNgwane and Ingwavuma into incorporation against their will.

"What concerns me, however, is that they have not definitely said the deal is off.

"It is now up to us, the people affected, to prepare for the funeral service and bury the matter once and for all," he said.

Mr Mabuza pointed out that he was in favour of good relations with Swaziland.

"We respect them, we have the same cultural ties — they are in fact our blood brothers — but we cannot allow them to turn our cultural relationship into a political or constitutional matter."

"Reliable sources in Swaziland" stated that Mr Mabuza said he had been informed that a large section of the population was opposed to incorporation.

It is a treasonable act to speak against the land deal in Swaziland and names therefore cannot be mentioned.

However, educated people in the middle class, economists, university lecturers and students agree that incorporation cannot work for two reasons:

● Swaziland cannot afford to absorb one million additional people and support them economically.

● The introduction of one million foreigners will create political turmoil overnight.

UPLIFTMENT

Should the Rumpff Commission have gone ahead, Mr Mabuza said, there were several points kaNgwane would have been able to prove.

But with the land deal now off, the region could look forward to a bright and prosperous future.

Among the plans envisaged were "the general upliftment of the Swazi people, intensive investment canvassing to create jobs and maximum exploitation of kaNgwane's agricultural potential".

Mr Mabuza stressed that in no way was he interested in independence for kaNgwane.

"This is not our priority. Even if it were, it would be madness to opt for independence deep in the bushes or on the mountaintops.

"What we would like to strive for, through peaceful means, is a say in the decision-making process of South Africa — and to have unhindered access to the economy of the country which we have helped to build," he said.

Mr Mabuza said there was no possibility that kaNgwane would contact Swaziland for talks on the proposed incorporation.

Way open for new ⁽¹¹⁹⁾ round of ^{slow} relocation

20/6/84
Political Staff.

CAPE TOWN — The Government's decision to drop its controversial plans to incorporate Ingwavuma into Swaziland has opened the way for a new round of resettlements.

Statements by Cabinet Ministers yesterday showed the Government had decided to back off its intentions to force the cession of kaNgwane and Ingwavuma to Swaziland.

The possibility still exists that kaNgwane and Swaziland could come to an agreement with the active encouragement of South Africa.

The Government has agreed to grant kaNgwane second phase independence, sought two years ago by Chief Minister Enos Mabuza.

DEMAND

The on-off Ingwavuma deal with Swaziland has been the Government's excuse for the past two years for not disclosing final consolidation plans for kwaZulu.

These plans will inevitably demand resettlement.

In Parliament last week Government speakers made it clear that resettlements would go ahead although no numbers were specified.

The Government back-down on the Swazi land deal is seen as a major victory for the Chief Minister of kwaZulu, Chief Gatsha Buthelezi, who fought it through the courts and from public platforms.

● See Page 6,
World section.

1851

FRIDAY, 29 JUNE 1984

1852

- (4) Funds were invested in the Bank concerned by Development Boards.
- (5) Yes. The African Bank, Limited.
- (6) Yes. Ongoing negotiations are being conducted between the Development Boards and the Black local authorities. The total amount is not known yet and is at this stage not readily ascertainable.

Newton Park: voters' roll

*13. Mr D J N MALCOMMESS asked the Minister of Internal Affairs:

- (1) Whether the name of a certain person, whose name has been furnished to the Minister's Department for the purpose of his reply, has been removed from the voters' roll for the Newton Park constituency; if so, (a) by whom, (b) on whose instructions, (c) why and (d) what is the name of this person;
- (2) whether this person has been registered in another constituency; if so, (a) in which constituency and (b) why;
- (3) whether any steps have been taken to rectify the matter; if not, why not; if so, (a) what steps and (b) with what results?

†The MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING (for the Minister of Internal Affairs):

- (1), (2) and (3) Yes, the name of the person furnished has been removed from the voters' roll for the Newton Park Constituency and reregistered in the Humansdorp Constituency as a result of a clerical error. The matter has been rectified and a written explanation will be furnished to the hon member.

1853

FRIDAY, 29 JUNE 1984

1854

12 months for which figures are available; if so, (a) how many were charged or admitted guilt and (b) what total amount was collected in fines from these employers;

- (2) whether any employers were arrested or warned of arrest during this period; if so, why in each case?

†The DEPUTY MINISTER OF CO-OPERATION:

- (1) Yes. The particulars are given in respect of the year 1983.
 - (a) 1 146
 - (b) R178 258
- (2) No.

Durban: certain persons arrested

*16. Mr R A F SWART asked the Minister of Law and Order:

- (1) Whether any persons were arrested in the Centenary Road/Warwick Avenue area of Durban on or about 23 June 1984; if so, (a) why and (b) at what time were they arrested;
- (2) whether they were released on payment of bail; if so, at what time; if not, (a) why not and (b) at what time (i) was bail arranged and (ii) were they released?

The MINISTER OF LAW AND ORDER:

- (1) Yes. On one occasion on 22 June and on two occasions on 23 June 1984.

(a) For sticking posters to public property without permission.

(b) At 22h45 on the corner of Gray and Beatrice Streets

23 June 1984 (First occasion)

(a) For attending an unlawful gathering and the illegal distribution of pamphlets.

(b) At 09h30 in Beatrice Street.

23 June 1984 (Second occasion)

(a) For attending an unlawful gathering and the illegal distribution of pamphlets.

(b) At 09h30 in Warwick Avenue.

- (2) Yes. The last of those arrested on 22 June were released at 01h30 on 23 June 1984, while the last of those arrested on 23 June were released at 19h30 the same day.

*17. Mr C W EGLIN asked the Minister of Foreign Affairs:

- (1) Whether the South African Government has informed the Swaziland Government of its recent decision in regard to the Rumpff Commission of Inquiry into Ingwavuma and KaNgwane; if not, why not; if so, (a) when, (b) in what manner and (c) what was the response of the Swaziland Government;
- (2) whether his department has received any representations from the Swaziland Government concerning the Rumpff Commission; is so (a) when and (b) what was the nature of the representations;

(3) whether the South African Government is to hold talks with the Swaziland Government on the KaNgwane/Ingwavuma issue; if not, why not; if so, when;

(4) whether he has taken or intends to take any steps to initiate direct talks between Swaziland, KaNgwane and

Howland
Blacks (Urban Areas) Consolidation Act
Q. Col. 1852
29/6/84

*14. Mr R M BURROWS asked the Minister of Co-operation and Development:

- (1) Whether any persons in the Western Cape were charged in terms of section 10(4) of the Blacks (Urban Areas) Consolidation Act, No 25 of 1945, in the latest specified period of 12 months for which figures are available; if so, (a) what total number of persons was charged and convicted and (b) what was the age of the youngest person in respect of whom steps were taken in terms of the provisions of this section;
- (2) whether any persons were deported to (a) Transkei and (b) Ciskei for contravening the provisions of this section of the Act during the above period?

The DEPUTY MINISTER OF CO-OPERATION:

- (1) Yes. The particulars given are in respect of the year 1983.
 - (a) Charged 10 805
Convicted 9 558
 - (b) 16 years.
- (2) (a) No.
(b) No.

Blacks (Urban Areas) Consolidation Act

*15. Mr R M BURROWS asked the Minister of Co-operation and Development:

- (1) Whether any employers in the area falling under the Western Cape Development Board were charged in terms of the provisions of section 10bis(1) of the Blacks (Urban Areas) Consolidation Act, No 25 of 1945, during the latest specified period of

kwaZulu; if not, why not; if so (a) what steps and (b) when are these talks to take place;

(5) whether he will make a statement on the matter?

†THE MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Foreign Affairs):

(1) (a) and (b) Yes, during recent discussions.

(c) They have taken note thereof and indicated that they wished to discuss the matter further.

(2) No, not regarding the dissolution of the Rumpf Commission.

(a) and (b) fall away.

(3) The matter was briefly discussed yesterday, 28 June 1984, by myself and the Swaziland Government and further discussions are contemplated.

(4) (a) and (b) The authorities concerned will in due course be informally approached regarding their views on practical methods for joint consultation.

(5) No, not at the present time.

Deville Wood: commemorative museum

*18. Mr B R BAMFORD asked the Minister of Community Development:

With reference to his reply to Question No 17 on 22 June 1984, (a)(i) which organizations were consulted prior to the plans for the commemorative museum at Deville Wood being drawn up and (ii) when did these consultations take place, (b) which ex-servicemen's organizations did these organizations represent and (c)(i) by whom was each such ex-servicemen's organizations represented and (ii) when did

these consultations take place in each case?

THE MINISTER OF COMMUNITY DEVELOPMENT:

The negotiations were conducted by the Department of Foreign Affairs and I suggest that the hon member put the question to the hon Minister of that Department.

Questions standing over from Wednesday, 27 June 1984.

*2. Mr M A TARR—Community Development—Withdrawn.

Constitutional dispensation: cost implications

*27. Mr H H SCHWARZ asked the Minister of Finance:

(1) Whether his Department has made any investigations in regard to the cost implications of the new constitutional dispensation; if not, why not; if so,

(2) what is the total estimated cost in respect of the additional buildings to be erected;

(3) what is the total estimated cost in respect of the (a) division of Departments of State in order to give effect to the separation between general and own affairs and (b) creation of additional departments in respect of matters relating to own affairs;

(4) what is the total estimated cost in respect of the additional expenditure to be incurred in respect of (a) the State President, (b) the Cabinet and (c) the Ministers' Councils?

†THE MINISTER OF FINANCE:

(1) The cost which can be estimated fairly accurately at this stage, is the additional cost of the enlarged Parlia-

ment which amounts to approximately R6 million for this financial year. As far as 1984/85 is concerned, the changes only consist of a rearrangement of existing services. Any additional expenditure will therefore be limited mainly to the cost of the adjustment of the administration of services and more specifically the transfer of personnel and the rationalization of office accommodation. The unspent portion of existing appropriations in respect of matters which are transferred to the Houses as own affairs will from the same date, be credited for those services.

Any limited supplementation, if necessary and unavoidable, must be regarded as part of the normal Additional Appropriation at the end of this fiscal year.

Concerning future cost implications, the exact amounts which will be made available for own affairs annually, will be determined in terms of the normal process of priority determination and negotiation.

(2) The total cost in respect of additional buildings cannot be estimated at this stage. The actual requirements and

(a), (b) and (c)

- Rail rebate
- Employment incentive (% of total wage bill for 7 years)
- Rental and interest subsidy (for 10 years)
- Housing subsidy (% of interest rate)
- Price preference on tenders
- Training grant
- Relocation allowance
- Electricity subsidy

(i) and (ii)	(iv)
60%	40%
80% with a maximum of R100 per worker per month	70% with a maximum of R70 per worker per month
60%	45%
60%	30%
5%	4%
Yes	Yes
Yes	Yes
Yes	No

the estimated cost involved can only be determined after final decisions on the new organizational structures have been taken.

(3) and (4) The recommendations of the Commission for Administrative restructuring and the implementation thereof are now under consideration. The total cost involved can therefore only be determined after final decisions regarding the aforementioned recommendations have been taken.

For written reply: H. H. Schwarz and G. C. 1, 1858 29/6/84
972. Mr P R C ROGERS asked the Minister of Industries, Commerce and Tourism:

What (a) concessions, (b) subsidies and (c) other financial assistance measures are available to entrepreneurs wishing to establish industries in (i) Berlin, (ii) King William's Town, (iii) Komga and (iv) Stutterheim?

THE MINISTER OF INDUSTRIES, COMMERCE AND TOURISM:



119
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29/6/84

Pik tells Swazis of land deal 'conflict'

The Star's Foreign
News Service

MBABANE — South African Foreign Minister Mr Pik Botha has warned Swaziland that it is "heading for conflict" if it refuses to consult kwaZulu over the kaNgwane-Ingwavuma land issues.

He was speaking at a Press conference.

Mr Botha's hectic day-long talks with the kingdom's rulers came as Swaziland faced claims that some top officials have defrauded the Southern African Customs Union.

Mr Botha confirmed that this had been the main topic of meetings with Queen Regent Ntombi, the Supreme Council and Ministers.

The Swazi Government had given its reasons for sacking his friend and Swazi counterpart, Mr R V Dlamini, and Finance Minister Dr Sihayi Nuxumalo.

The Swazi Government had "expressed its misgivings" about Pretoria's decision to shelve the land issue until all parties, including kwaZulu, agree on it.

Mr Botha denied that South Africa was trying to force Swaziland to talk to kwaZulu despite its known opposition to the homelands policy.

'The commissions should be dissolved in the interests of peace in Southern Africa'

The chairman of the Rumpff Commissions investigating the proposed incorporation of kaNgwane and Ingwavuma into Swaziland, Mr Justice F Rumpff, suggested to the South African Government that the commissions be dissolved in the "interests of peace" in Southern Africa.

Mr Justice Rumpff has suggested that no useful purpose would be served if the commissions were allowed to continue their work, which might take years to complete — "knowing full well that there might be interference and intimidation."

Judge Rumpff revealed his action in a letter sent yesterday to the other members of the commissions.

In the letter, Judge Rumpff said that, in the interests of the other members of the commissions, whom he had not, and could not, consult about the issue, he had decided that the letter should not be regarded as confidential and should be made public.

The chairman said he had made the suggestions in his personal capacity, without the knowledge of the other members of the commissions "at a time when I had been approached by the Government of South Africa."

"The Government thereupon indicated to me that it would consider what it would do," he added.

Judge Rumpff wrote that, while waiting for further statements from the South African Government on Ingwavuma and kaNgwane affairs, the Government had approached him and explained "certain problems which it had and which I could not solve".

He, in turn, had explained at evidence before the kaNgwane Commission had shown

Rumpff explains call to end probe into Swazi incorporations

that the population of kaNgwane was more than 800 000 while that of Swaziland was only about 560 000.

Moreover, evidence had shown that the overwhelming majority of the inhabitants of kaNgwane were opposed to incorporation in Swaziland, he stated.

"In regard to the Ingwavuma area I stated that, in my opinion, if the commission were to proceed further there might be intimidation."

Sketching the events that led to the dissolution of the commissions, the letter stated that it had been concluded that the South African Government would not agree to incorporation of the two areas in Swaziland if there were intimidation from any quarter. It said that, when the kaNg-

wane Commission heard evidence, the South African Government had submitted evidence to show that there "had been and would be intimidation in kaNgwane."

"The South African Government had, as a result, deliberately put itself into the position that it would not agree to incorporation," the letter asserted.

It went on to say that there was also prima facie evidence that any inquiry into the will of the people of Ingwavuma would be accompanied by intimidation and that the Department of Foreign Affairs had "been keen to complete the so-called 'border adjustments' in the lifetime of the late King Sobhuza of Swaziland, knowing the probability of intimidation".

Skew

119

6/7/84

Referring to the threat of intimidation in Ingwavuma, the letter mentioned a newspaper report in which the Chief Minister of kwazulu, Chief Gatscha Buthelezi, was quoted as saying: "The Swazi people should not be fooled into believing that they could conquer the Zulus just because they had a small defence force."

In a reference to court decisions on the land deal, the report quoted Chief Buthelezi as issuing the following warning: "We have not yet won the war. We have just won two battles in a long drawn-out war. But even that will not be the end of the story. It will be only the beginning of another phase of the black struggle for liberation."

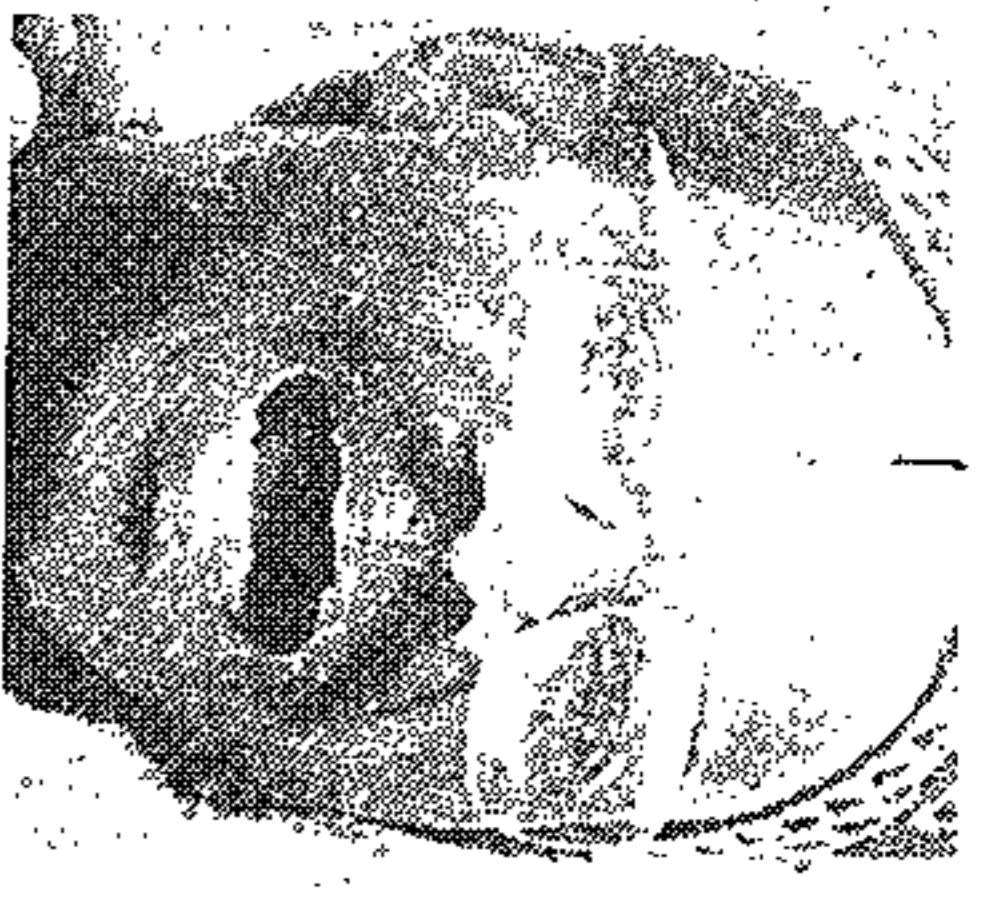
The report containing the kwazulu Chief Minister's re-

marks formed part of a record of a court case brought against the South African Government by Kangwane and its Chief Councillor, Mr Enos John Mabuza, in an effort to stop the incorporation.

The record was handed to the Rumpff Commission by the South African Government.

Mr Justice Rumpff mentioned at the start of the letter that, after evidence had been heard by the kaNgwane Commission, nothing was heard from South Africa in regard to a suggestion that the Swazi and South African Governments enter into a conditional agreement "the terms of which were to be made public to the inhabitants of kaNgwane."

"Nor had the South African Government indicated at any time what its views were about



Chief Gatscha Buthelezi ... "we have not yet won the war".

Agreement

But, as far as kaNgwane was concerned, the South African Government had stated that it would agree to the incorporation on condition that agreement was reached with the Swaziland Government on the following issues:

- That the process take place with the free will of the Swazi people in the affected areas without interference and intimidation from any quarter.
- That bilateral agreements between South Africa and Swaziland be concluded "in respect of those matters which would require regulation subsequent to border adjustments".

Sapa.

1980: 13,8%
1981: 15,2%
1982: 14,7%
1983: 12,3%

(b) January: 10,3%
February: 10,0%
March: 10,2%
April: 11,0%
May: 11,0%
June: figures are still being processed.

Consumer price index

1150. Mr J J B VAN ZYL asked the Minister of Constitutional Development and Planning:†

At what rate did the service components of the consumer price index increase in each of the latest three years for which figures are available?

1981: 13,5%
1982: 17,9%
1983: 16,2%

THE MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING:

THURSDAY, 12 JULY 1984

†Indicates translated version.

For written reply: *Howland* *O.C. 1. 2031*
Housing *12/7/84*
724. Mr T ARONSON asked the Minister of Co-operation and Development:

(1) Whether any plans have been submitted to his Department by Mr Louis Rive for the (a) upgrading of existing infrastructural services and (b) extension of infrastructural services with a view to the provision of housing; if so, in respect of which area or areas;

(2) whether these plans have been approved for implementation; if so, when is it anticipated that they will be implemented;

(3) whether he will make a statement on the matter?

THE MINISTER OF CO-OPERATION AND DEVELOPMENT:

(1) (a) and (b) Yes, in respect of the urban Black residential areas in the Port Elizabeth-Uitenhage metropolitan area including Motherwell.

(2) Only some of the plans have been approved for implementation.

(3) No.

The following contracts have been entered into and are in the process of being carried out:

(a) Two contracts in respect of the installation of services in the new extension to Kwanobuhle;

(b) six contracts for the upgrading of services in Kwazakhele;

(c) three contracts for the installation of new services in Motherwell;

(d) one contract for a main sewer for Kwadwesi.

In regard to financing the Department of Finance is at present giving consideration to project financing proposals by various financial bodies, with varying foreign participation. As soon as the consideration and negotiation processes are completed a statement about the successful tender and terms will be made.

The Port Elizabeth-Uitenhage project will after escalation over the construction period of five to six years amount to more than R200 million for infrastructure.

A sum of R20 million as bridging finance has been allocated to the East Cape Development Board in respect of

projects at present in the process of being carried out.

784. Mr F J LE ROUX asked the Minister of Co-operation and Development:†

Whether, with reference to his reply to Question No 10 on 2 February 1983, the final cost calculations in respect of the court cases in connection with the proposed incorporation of KaNgwana and the Ingwavuma area into Swaziland and related matters have been received from the various State Attorneys; if not, (a) why not and (b) when are they expected to be ready; if so, what amounts are payable by the State in respect of each such court case?

THE MINISTER OF CO-OPERATION AND DEVELOPMENT:

Yes.

In respect of the Ingwavuma cases:

Paid by the State R166 519,15
Paid by the kwazulu Government R 81 804,27

In respect of the KaNgwana case:

Paid by the State R58 467,56
Paid by the KaNgwana Government R25 549,57

819. Mr R A F SWART asked the Minister of Co-operation and Development:

(1) What was the ratio of persons to land area in KwaNdebele at the end of each of the latest specified five years for which figures are available;

(2) how many persons were moved to kwaNdebele from (a) each (i) national state and (ii) independent Black state, (b) Black spots, (c) urban areas and (d) White farms in each year from 1975 to the latest specified year for which figures are available?

THE MINISTER OF CO-OPERATION AND DEVELOPMENT:

(1) 1980—1,5 persons per hectare
1981—1,9 persons per hectare
1982—2,1 persons per hectare
1983—2,4 persons per hectare
1984—2,9 persons per hectare

If the addition of the 183 000 hectares of land approved by Parliament in 1983 be taken into account, the ratio will be 0,87 persons per hectare.

(2) None. The Department of Co-operation and Development did not move any Ndebele into KwaNdebele. They moved of their own accord from wherever they lived to settle there.

921. Mr R A F SWART asked the Minister of Co-operation and Development:

What was the total amount invested in each national state by (a) its development corporation, (b) South African companies and (c) foreign companies in each of the latest specified five years for which figures are available?

(a) Kwazulu
1979— R27 954 000
1980— R44 408 000
1981— R66 401 000
1982— R91 206 000
1983— R107 126 000

Owagwa
1980— R2 380 802
1981— R4 156 351
1982— R8 560 609
1983— R10 197 229
1984— R33 542 696

Lebowa
1980— R6 123 000
1981— R6 530 000
1982— R8 875 000
1983— R10 015 000
1984— R10 845 000

OF HOW UNEMPLOYMENT BROKE UP A FAMILY

One day we gave back our two oster children

True story. The Children's Act prevents us from identifying
photographing — the people involved. But this pathetic tale of
family tells of the shattering effects of the current depression

Report by LESLEY LAMBERT

pangs — came a job

told he would begin
supervisor for a local
company on August 1.

came too late.
the children back. It
a year for us to pull
experience and now that
through the trauma of
hate to collect them
we were still battling to
of them. Also there's a
else will adopt
said.

Fischer and two of
to fly back to their
land, if Mr Fischer did
have been temporarily
his week the family will
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the sale of the few pos-
left — on deposits for
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dilemma is a grim sign
an ordinary, once-
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when the swimming pool company in
which Mr Fischer was a partner was
dissolved when the co-partners left the
country.

The family's savings ran out two
months ago and since then they gave
been eking out a hand-to-mouth exist-
ence on the few rands Mr Fischer
brought in daily as a taxi-driver.

He was still paying off the R200 de-
posit for the taxi he drove. The com-
pany he worked for demanded 50% of
his daily takings and he had to pay his
own petrol costs.

Ferrying

Often, after ferrying people around
the city or waiting day and night for
them to call, Mr Fischer would bring
home as little as R2 or R3 to feed his
family.

"There have been times when Carl
and I have gone hungry to feed the five
children bread and soup," said Mrs Fi-
scher.

Other times they have argued about
whether to buy coal or food with the R2

Mr Fischer brought home, or walked
8km to the nearest store to buy the
day's meagre supplies because they
could not afford the petrol to drive
there.

"So often I wonder if the children are
still hungry — they'd never say so.

"But it hurts so much when I can't
give them the things they need and
would like," she said.

Growing hunger pangs and separa-
tion threats were heavy burdens.

"It probably sounds unreal. This sort
of thing just does not happen to ordi-
nary middle class people especially
when they appear to be living comfort-
ably in a rented house on the northern
outskirts of Johannesburg," said Mrs
Fischer.

"The thought of going back overseas
appalled me. But as difficult as the
choice was we knew we could not sur-
vive very much longer without a regu-
lar income.

"We were destitute," she said.

"The worst part of it all has been the
uncertainty. Getting rid of material
possessions hardly meant a thing com-
pared to the threat of splitting the

family to survive."

The Fischers have compared Brit-
ain's cost of living with South Africa's
— and found it to be a lot lower.

"Basic foodstuffs were basically
cheaper because there was no general
sales tax on them or on necessary
household equipment. We compared
tinned foods and found them to be up to
15% cheaper. Meat and fruit were also
cheaper to an extent," said Mr Fischer.

"Also, the majority of British people
pay about 25% of their salaries for
accommodation whereas here the
average seems to be closer to about
50%."

The Fischer family sold up and emi-
grated from England eight years ago.
They rented a house in Kempton Park
and began settling down to a comfort-
able lifestyle.

Mr Fischer had a good job as man-
ager of a swimming pool company and
life seemed too good to be true until a
more lucrative job offer came up.

"I took the job as a sub-contractor
and co-director for another pool com-
pany and from that day our luck began
to wane.

"First, I injured myself very serious-
ly by falling off a service ladder and
was out of work for months.

Repair work

"As a sub-contractor I had to buy my
work trucks from the company and pay
my own staff. The first truck was writ-
ten off by a driver and the next two
needed repair work which added up to
thousands.

"These and other problems were
costing me more than I was earning,"
he said.

Finally, the company was dissolved
and Mr Fischer's two co-directors left
the country leaving him responsible for
the repayment of R9 000 worth of pet-
rol and company goods which had been
bought on credit.

"Now I've got a job we can start
sorting our lives out again. But I'll tell
you this much — I'm a changed man
since the experience. I can sympathise
now with criminals who steal to feed
their loved ones. And if I ever save as
much as R10 000 — the first thing I'll
invest it in will be food," said Mr Fi-
scher.

Seligson mystery

ty and transfer charges.
Mr Shane studied the file
once it had been fetched
from Mr Seligson's office. It
appeared to be intact and
showed the amount of money
paid.

But when Mr Shane tele-
phoned the Pretoria corre-
spondent of Seligson, Pol-
lack and Company he was
told the transfer had been
refused.

Mr Shane said he had tried
to contact Mr Seligson to ask
him where the money was,
but was told on July 12 by Mr

Leonard Cowan — who had
been in partnership with Mr
Seligson — that he had left
South Africa the previous
night.

"In the circumstances I
fear for the safety of the
trust funds as no reasonable
explanation has been given
to me by any of the relevant
parties for their absence,"
said Mr Shane.

● Mr Ronald Katzenellenbo-
gen, who is acting for Mr
Seligson, said his client was
in London and was expected
in South Africa on Thursday.

And what do you do?

LONDON — It was a splen-
did riposte to the Queen by
Keith Robertson, the Scot-
tish rugby centre.

At a garden party at
Holyrood House in Edin-
burgh recently, the Queen in-
quired of Robertson, 29:
"And what do you do?"

The fiery Scotsman re-
plied: "I am one of Mrs
Thatcher's 3.5-million unem-
ployed."

The Queen expressed suit-
able sorrow and sped off as
if to another Royal appoint-
ment.

Swazi guard fined for insulting regent

MBABANE — A man who
called Swaziland's Queen
Regent Ntombi "a dog" was
fined R60 (or six months) by
a Swazi traditional court at
Lobamba this week.

A motel security guard,
Vincent Vusi Khanyile,
pleaded not guilty to contra-
vening the King's Order
when he appeared before the
Lobamba court president,
Prince Magomba.

The court was told that on
June 3 the guard and a cus-
tomer at the Happy Valley

Motel had an argument.

In evidence, Constable Pat
Matsebula said he told them
to stop.

"I told him that as a police
officer, I was working for the
state and all that I do, I do
for the state and the head of
the state," Const Matsebula
said.

He said Khanyile had re-
plied: "Your Queen Regent
Ntombi is not a Queen Re-
gent, but a dog. So you can't
tell me that you are working
for a dog." — Sapa.

THE MONEY SQUEEZE: A GRIM STORY OF HOW UNEMPLOYMENT BROKE UP A FAMILY

A HEARTBROKEN middle-class couple this week returned their two foster children to an institution because they could no longer afford to feed them.

Five months of unemployment had left Mr Carl Fischer, a qualified builder and TV electrician, and his wife and five children on the brink of starvation.

They had no choice but to give up the two little boys, aged two and four, whom they had rescued from abusive parents a year ago and come to love as their own.

Mrs Anne Fischer said: "How do you explain to two such young children who have been battered by their parents and rejected twice before, that they can no longer stay in the home they've come to love and trust."

Fischer is not the family's real name. Their children could not face the indignity of their circumstances being known at their schools and the Children's Act forbids identification of the foster children.

But their story has been checked in meticulous detail by the Sunday Express, and it is a true account of the devastating effect of the economic slump on one family.

The day we gave back our two foster children

This is a true story. The Children's Act prevents us from identifying — or photographing — the people involved. But this pathetic tale one family tells of the shattering effects of the current depression

Report by LESLEY

Favourite

Late on Wednesday night, Mrs Fischer packed two little bags at her home in Honeydew. She left out only the children's favourite toys to comfort them at the moment of parting.

First came the agony of the formal separation in the Roodepoort magistrates' court. The magistrate studied social workers' reports and ruled that the children could be returned to the institution.

Mrs Fischer, white and strained, said: "The children clung to us anxiously in court on Thursday morning. I think the older one, who understood a little of what was happening, thought they would be separated from us in the courtroom."

"When we left he was overjoyed, obviously thinking we were on our way back home. It almost broke my heart. He realised he had been wrong when we reached the children's home in Boksburg."

The next day — after five months of futile job applications, dwindling sav-

ings and hunger pangs — came a job offer.

Mr Fischer was told he would begin working as a supervisor for a local manufacturing company on August 1. But the offer came too late.

"We can't get the children back. It will take at least a year for us to pull through this experience and now that they've been through the trauma of separation I would hate to collect them and then find we were still battling to take proper care of them. Also there's a chance that someone else will adopt them," Mr Fischer said.

Plans for Mrs Fischer and two of their own children to fly back to their family in England, if Mr Fischer did not get a job, have been temporarily shelved. And this week the family will move into cheaper accommodation.

They had planned to use their last rands — from the sale of the few possessions they had left — on deposits for the three air tickets.

The Fischers' dilemma is a grim sign of the times when an ordinary, once-secure family finds itself falling apart.

The first blow came in February

when the swimming pool company in which Mr Fischer was a partner was dissolved when the co-partners left the country.

The family's savings ran out two months ago and since then they gave been eking out a hand-to-mouth existence on the few rands Mr Fischer brought in daily as a taxi-driver.

He was still paying off the R200 deposit for the taxi he drove. The company he worked for demanded 50% of his daily takings and he had to pay his own petrol costs.

Ferrying

Often, after ferrying people around the city or waiting day and night for them to call, Mr Fischer would bring home as little as R2 or R3 to feed his family.

"There have been times when Carl and I have gone hungry to feed the five children bread and soup," said Mrs Fischer.

Other times they have argued about whether to buy coal or food with the R2

Mr Fischer brought in 8km to the nearest day's meagre supplies could not afford the there.

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"The thought of going appalled me. But as choice was we knew — give very much longer lar income.

"We were destitute,"

"The worst part of it uncertainty. Getting ri possessions hardly mean pared to the threat

New creditor in Seligson mystery

A FOURTH creditor has emerged in the mystery of high-living Johannesburg attorney Mr Leon Seligson, who left South Africa ahead of an urgent application to have his estate sequestrated last week.

On Thursday Playtime Promotions (Pty) applied a second time for the sequestration of Mr Seligson's estate after it was learnt that the attorney and his wife had signed divorce proceedings in which he waived all rights to his property.

The hearing was postponed until Tuesday. Johannesburg attorney Mr Paul Shane submitted a

By DAVE BEATTIE

supporting affidavit. He said R38 120 paid into the trust account of Seligson, Pollack and Company could not be traced.

In the affidavit before the Rand Supreme Court he said he had been asked on July 9 by his client, Crestrand (Pty), to arrange the transfer of a real estate property.

Mr Seligson had initially been asked to handle the transfer but because of the long delay, Mr Shane had been asked to take it over.

The R38 120 had been for part payment of the proper-

ty and transfer charges.

Mr Shane studied the file once it had been fetched from Mr Seligson's office. It appeared to be intact and showed the amount of money paid.

But when Mr Shane telephoned the Pretoria correspondent of Seligson, Pollack and Company he was told the transfer had been refused.

Mr Shane said he had tried to contact Mr Seligson to ask him where the money was, but was told on July 12 by Mr

Leonard Cowan — who had been in partnership with Mr Seligson — that he had left South Africa the previous night.

"In the circumstances I fear for the safety of the trust funds as no reasonable explanation has been given to me by any of the relevant parties for their absence," said Mr Shane.

Mr Ronald Katzenellenbogen, who is acting for Mr Seligson, said his client was in London and was expected in South Africa on Thursday.

And what do you do?

LONDON — It was a splendid riposte to the Queen by Keith Robertson, the Scottish rugby centre.

At a garden party at Holyrood House in Edinburgh recently, the Queen inquired of Robertson, 29: "And what do you do?"

The fiery Scotsman replied: "I am one of Mrs Thatcher's 3.5-million unemployed."

The Queen expressed suitable sorrow and sped off as if to another Royal appointment.

Court told of plan

SPECIAL! \$331.98 New! This come

It's the great KaNgwane 119



The man who now earns R2 800 a month — Enos Mabuza.

Transkei President Kaiser Matanzima — with a basic salary of R75 000 a year made himself the highest-paid politician in South Africa two years ago.

The new pension scheme means MPs will get full pensions after they have served in the assembly for eight years.

Observers point out that the SA Government is hardly likely to introduce this pension scheme for MPs if it really believes KaNgwane and Swaziland will be merged in the near future.

pay-off

KANGWANE Legislative Assembly members have joined the scored of other well-fed, well-paid homeland MPs, thanks to a hefty pay increase and generous pension scheme just introduced by its parent, the SA Government.

The increases and pension scheme, published in a recent Government Gazette, could indicate that the SA Government has finally accepted that the 800 000 Swazi-speaking South Africans in the homeland are not going to go to Swaziland after all.

Chief executive councillor Enos Mabuza, will in future be paid R31 416 a year, as well as a non-taxable allowance of R2 664 a year — giving him an income of R2 800 a month.

Cabinet members will in future be paid R29 544 a year, as well as their non-taxable allowance of R2 016 a year — giving them R2 600 a month.

Ordinary KaNgwane MPs will get R6 732 a year, or R561 a month basic. The MPs will also get a sessional allowance of R20 a day when the assembly is sitting.

These salaries, allowances and pensions hardly put KaNgwane into the big league of homeland salaries, however.



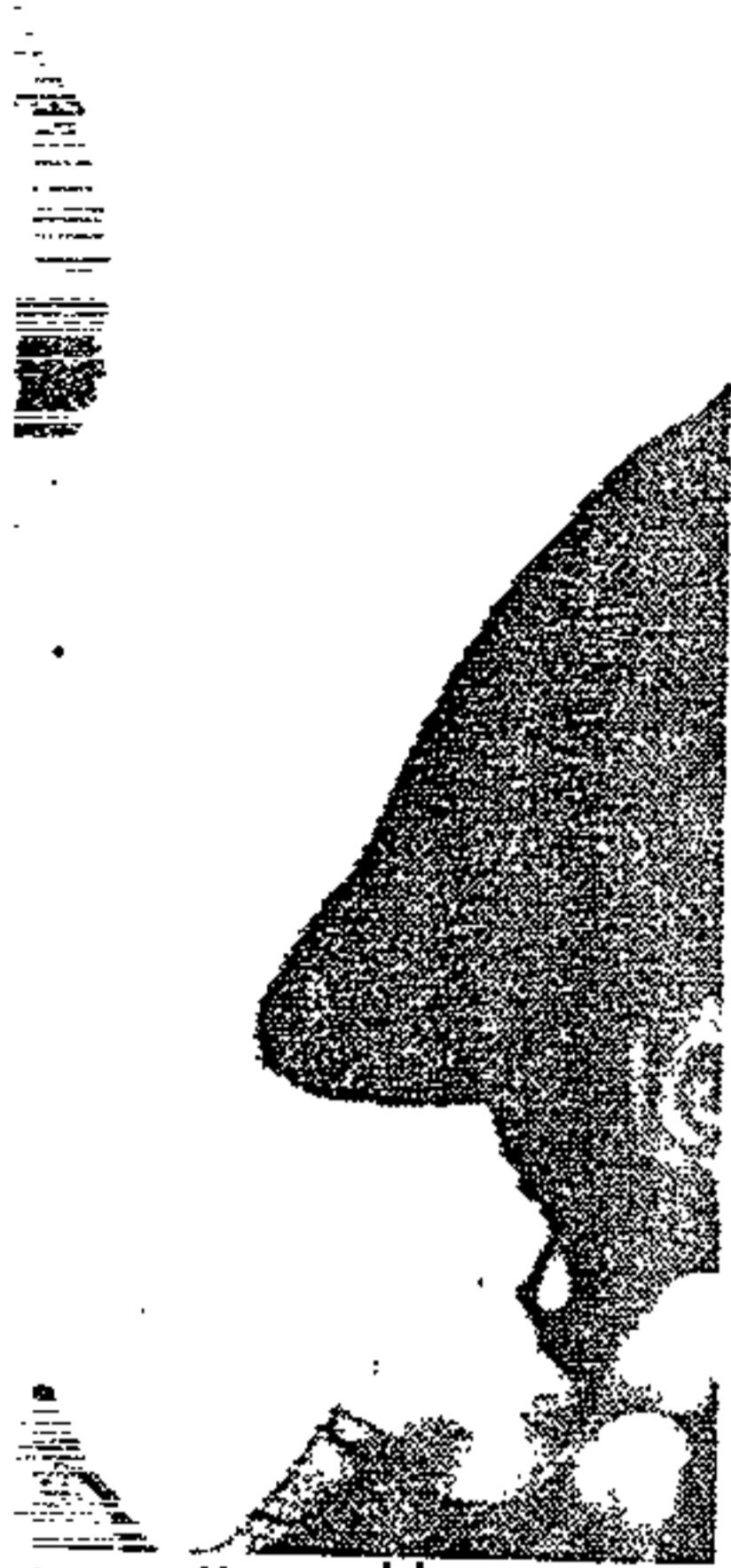
Patrick Mphephu



... and Kaiser Matanzima: Super-earners.

(119)

aces uphill struggle economic problems



a squatter problem.

ed to hold a referendum to st whether the people of aNgwane or Ingwavuma wanted to be part of Swaziland. Mr Mabuza gave notice of intention to go to the Supreme Court to have the proclamation declared invalid.

Later kaNgwane and the Government reached an out-of-court settlement whereby the kaNgwane Legislative Assembly was returned its powers — shortly after the Ingwavuma issue was blocked by the Supreme Court.

The Rumpff Commission of Enquiry was appointed to investigate the incorporation issue.

It was disbanded last month, in the interests of peace", after hearing that the popula-

tion of kaNgwane exceeded that of Swaziland and its inhabitants strongly opposed being ruled by Swaziland.

Mr Justice F Rumpff, the commission head, suggested that no useful purpose could be served if the commission was allowed to continue its work — "which might take years to complete — knowing full well there might be interference and intimidation".

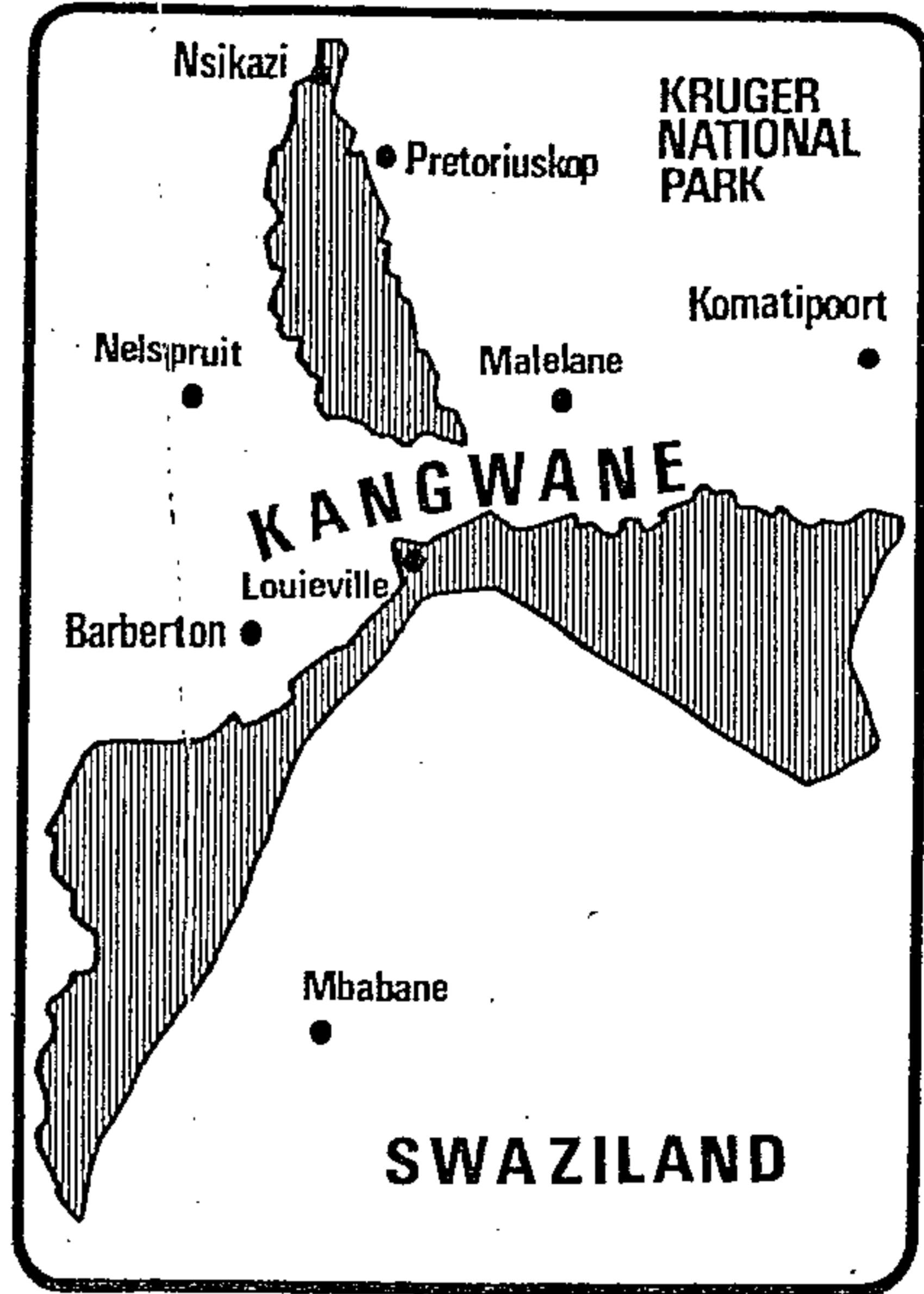
The commission heard that the development of the area had been "retarded" by the controversy over whether it should remain part of South Africa or ceded to Swaziland.

The commission, on deciding to end the investigation, told the South African Government that it should either give reasons why kaNgwane should not be given self-governing status, or inform the people of all the implications of incorporation.

Now, after years of Pretoria's indecision, drought, unemployment and displacement of people, Mr Mabuza is preparing for the battle to put the homeland on the economic map.

Businessmen and industrialists have been reluctant to commit themselves to a homeland that could have been given away. Several who had stakes there threatened to pull out if the land deal went ahead, and some did so in anticipation of the deal.

Mr Mabuza said that "it is inevitable that serious starvation and malnutrition will soon become a way of life in most of



our rural communities" in the face of rising unemployment and the devastating drought.

Situated on the doorstep of the thriving Lowveld farming area, kaNgwane aims to become an integral part of the Eastern Transvaal economy.

At present kaNgwane is unable to support its population, says Mr Mabuza. Exporting labour is the homeland's chief source of income.

Mr Mabuza said 100 000 to

150 000 people had been resettled in the poor south-west section of kaNgwane from South Africa's "white spots" and farms.

"Jobs, hospitals, schools and water have not been provided, and there is a squatter problem — a legacy we have inherited from South Africa."

The homeland has several mineral deposits, including gold (there are six defunct gold mines), asbestos, anthracite, tin, copper and zinc.

omissions as Mugabe picks Politburo

By Brendan Seery,
The Star Bureau

to jails, at his apartment drop in position. He will still hold a position on the expanded member central committee of the party, and said he was definitely bitter.

He said there was still work for him to do and would be assigned to one of the five standing committees which will be appointed to oversee

missed in 1981 after his involvement in the killing of a white farmer.

Mr Tekere, while he congratulated others after the names were made known, appeared none too happy.

Also denied a position, but staying in the committee was Mr Kumbirai Kangai, whose name as former Labour and Social Services Minister was linked to a massive fraud in the drought relief

But, while some political egos undoubtedly took a pounding, the positions of many were strengthened. Controversial radical Dr Herbert Ushewokunze took the number five job of Secretary for the Commissariat and Culture.

Information Minister Dr Nathan Shumuyarira, who was not a member of the previous central committee, got the position of Secre-

Quiet-spoken and unobtrusive Mr Maurice Nyagumbo, who once worked as a writer in SA and was deported for political activities, confirmed his strong position by getting the number three job of Secretary for Administration.

Army chief General Rex Nkhongo and the future head of the air force, Air Vice-Marshal Josiah Tungamirai also found places.

ing was the set of resolutions which, if implemented, will transform Zimbabwe into a one-party state.

But the prospect of a one-party state does not loom large on the immediate horizon despite all the hot recent rhetoric.

A resolution passed by the congress recognised that a one-party system would be brought about only "in time and in accordance with the

kaNgwane faces uphill to beat its economic pi

By Andrew Beattie

After fighting for years to achieve self-governing status the Swazi homeland of kaNgwane now faces an uphill struggle to beat serious economic problems aggravated by the South African Government's delaying tactics.

The sword of uncertainty which has hung over the homeland's head for years has taken its toll.

Chief Minister Mr Enos Mabuza is still waiting for confirmation of the date on which the homeland will become truly self-governing. He has said repeatedly that he will never accept "independence".

The saga involving kaNgwane made headlines when the South African Government announced plans to cede the homeland and parts of kwaZulu to Swaziland.

It has long been an aim of separate development theorists to bring about some sort of union between the Swazi homeland and Swaziland.

As the grand scheme of a "constellation of states" gained currency, amalgamation of the homeland was seen as a way of luring Swaziland into the constellation.

But Mr Mabuza and his kaNgwane Legislative Assembly steadfastly opposed incorporation.

In 1981 the Minister of Foreign Affairs, Mr Pik Botha, dismissed as "laughable" claims that the South African Government planned to "trade off" kaNgwane to Swaziland in return for the kingdom's partici-



Mr Mabuza . . . there is a squatter problem.

pation in a constellation.

In the same year the Swaziland Government formally made a claim to the homeland, and as anger mounted it became apparent that most Swazis in kaNgwane were opposed to incorporation.

In 1982 Dr Piet Koornhof, the Minister of Co-operation and Development, told an infuriated kwaZulu Legislative Assembly that the Government planned to cede parts of kwaZulu and kaNgwane to Swaziland.

The kaNgwane Legislative Assembly was quickly dissolved in terms of a Government Gazette proclamation, and the Government announced that it was not pre-

pared to hold a referendum to test whether the people of kaNgwane or Ingwavuma wanted to be part of Swaziland.

Mr Mabuza gave notice of intention to go to the Supreme Court to have the proclamation declared invalid.

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Now, after years of Pretoria's indecision, drought, unemployment and displacement of people, Mr Mabuza is preparing for the battle to put the homeland on the economic map.

Businessmen and industrialists have been reluctant to commit themselves to a homeland that could have been given away. Several who had stakes there threatened to pull out if the land deal went ahead, and some did so in anticipation of the deal.

Mr Mabuza said that "it is inevitable that serious starvation and malnutrition will soon become a way of life in most of

US gold medal haul breaks Russian record

LOS ANGELES — In 1980, the Soviet Union set a Summer Olympics record by winning 80 gold medals. But the United States, West Germany and Japan headed a long list of boycotting nations. Yesterday the United States broke that record with 83 as the Games 1984 ended. But the Soviet Union, East Germany and Cuba headed a group of 16 boycotting nations.

Surprise omissions as Muga

HARARE — There was one surprise omission from Mr Robert Mugabe's powerful Politburo which will lead Zimbabwe to a socialist state based on Marxist-Leninism.

Dr Eddison Zvobgo, the party's former acting secretary for information and its highly articulate banner-waver at the Lancaster House talks, was left out of the 14-member Politburo

By Brendan Seery, The Star Bureau

desian jails, at his apparent drop in position.

But he will still hold a position on the expanded 90-member central committee of the party, and he said he was definitely not bitter.

He said there was still work for him to do and he could be assigned to one of the five standing

missed in 1981 after his involvement in the killing of a white farmer.

Mr Tekere, while he congratulated others after the names were made known, appeared none too happy.

Also denied a position, but staying in the committee was Mr Kumbirai Kangai, whose name as former Labour and Social Services Minister was linked to a

But, while ical egos took a positions of strengthened versial radi bert Ushew the number Secretary missariat

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kaNgwane stays in (119) South Africa — chief

16/8/84 Lowveld Bureau S faw

KANYAMAZANE — kaNgwane would continue to negotiate with the Government to ensure its future in South Africa, the Chief Executive Councillor, Mr Enos Mabuza said here.

Mr Mabuza said on the possible cession to Swaziland: "As long as my colleagues and I are at the helm of the kaNgwane government" they would not contemplate "our future in a foreign country."

Mr Mabuza said every effort must now be directed to the improvement of the quality of life in kaNgwane.

Referring to the implementation of the new constitutional dispensation, Mr Mabuza said all those who intended voting in the "phony elections" would be doing so for their own sectional interests.

'Honour pass' law resistance'

119
C. Press



KANGWANE Chief Minister **Enos Mabuza** this week called for an annual day of commemoration to remind South Africans of the resistance to pass laws in the Eastern Transvaal during 1957.

Addressing a prayer meeting at Kanyamane township's Ngwane Hall, Mr Mabuza said:

By ZB MOLEFE

"The events of that fateful and tragic day must be documented for future generations.

"Like Sharpeville, it should be commemorated annually so that our children know that blood was shed and people were locked behind bars before they could be made to submit to the pass laws."

He was addressing the meeting in the wake of the Rumpf Commission — which has been disbanded after looking into the incorporation of his homeland

and KwaZulu's Ingwavuma into Swaziland — and bitterness at the Indian and coloured elections for the three-chamber parliament.

Mr Mabuza recalled the resistance to the pass laws when reference books were first introduced in the Eastern Transvaal.

"There was unified resistance to what the Nelspruit community perceived as a symbol of oppression.

"The South African Police invaded the Nelspruit old location and crushed the people's resistance."

Mr Mabuza reminded the meeting that it was early in 1982, when he spoke in the same hall, "that the South African Government wanted to cede us — lock, stock and barrel — into Swaziland."

"As your leaders, we informed you that we were opposed to the whole land deal because it was clearly designed to strip us of our rights as South Africans by granting indirect independence to KaNgwane through our incorporation into Swaziland," he said.

Since then, he said, KaNgwane has been faced with formidable opposition from the Government and its propaganda machinery because of its stand against incorporation in Swaziland.

Referring to Swaziland's efforts to have his homeland ceded to the kingdom, Mr Mabuza said: "It must be clear that we have nothing to negotiate about with the leadership of that country."

Swazi chiefs wish to secede from kaNgwane

119 A dissident group of Swazi chiefs has made a plea to be allowed to secede from kaNgwane.

The chiefs claim that the homeland Government is dominated by Shangaans and that the granting of self-governing status will confirm Shangaan power.

The outgoing Minister of Co-operation and Development, Dr Piet Koornhof, will formally confer self-government on

By Jo-Anne Colling *3/12* kaNgwane today.

The group also sees Pretoria's abandonment of plans to hand kaNgwane to Swaziland and the granting of self-government to the homeland Government as contrary to the interests of Swazis in South Africa.

The 10 chiefs, comprising the Swazi Council of Chiefs of South Africa, have told the

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South African Prime Minister, MR P W Botha, that, if the South African Government has abandoned the Swazi border adjustment, they wish to secede from kaNgwane and come directly under the jurisdiction of the Department of Co-operation and Development. The council is headed by Chief Johannes Mkolishi Dlamini of Embhuleni.

"Why is the South African Government forcing Swazis to

be ruled by Shangaans?" the chiefs ask.

They maintain that Chief Minister Mr Enos Mabuza is avoiding the appointment of Swazi chiefs "who appear to be supporting the border adjustments".

They argue that the right to appoint and dismiss chiefs should never have been delegated to the Chief Minister and should have remained the function of the South African State President "who is above politics".

The council of chiefs supports strict ethnic separation and describes kaNgwane as the biggest "conglomeration" of groups.

"All this is the present Government's policy — why is it not implemented fully when it comes to the Swazis?"

Mr Mabuza has indicated that he will not seek to restrict residence in kaNgwane to any particular ethnic groups.

He plans to grant all people born there automatic citizenship and to consider sympathetically applications from displaced people.