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Government Notice

Goewermentskennisgewing

The following Government Notice is published for general information.

A. J. KILIAN
Secretary of the National Assembly of South West Africa

Windhoek

No. AG. 37

23 March 1981

PROMULGATION OF ACT OF NATIONAL ASSEMBLY

The following Act, which has been adopted by the National Assembly of South West Africa and signed by the Administrator-General in terms of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979) is hereby published in terms of section 19 of that Proclamation:-

No. 5 of 1981 Exchequer and Audit Amendment Act, 1981

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

A. J. KILIAN
Sekretaris van die Nasionale Vergadering van Suidwes-Afrika

Windhoek

No. AG. 37

23 Maart 1981

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

Die volgende Wet, wat ingevolge die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), deur die Nasionale Vergadering van Suidwes-Afrika aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig in gevolge artikel 19 van daardie Proklamasie:-

No. 5 van 1981 Skatkis- en Ouditwysigingswet 1981

Act No. 5, 1981

**EXCHEQUER AND AUDIT AMENDMENT ACT,
1981***(English text signed by the Administrator-General on
17 March 1981)***ACT****To amend the Exchequer and Audit Act, 1975, in relation
to the appointment of an Auditor-General and incidental
matters.****BE IT ENACTED** by the National Assembly of South
West Africa, as follows:—Substitution of section 41
of Act 66 of 1975.**1. The following section is hereby substituted for section
41 of the Exchequer and Audit Act, 1975:**"Appointment
and conditions of
service of Audi-
tor-General.**41. (1) (a) The Administrator-General
shall appoint an Auditor-General.****(b) Whenever the office of Auditor-General
is vacant for any reason whatsoever, the
Administrator-General may appoint
any person to act as Auditor-General
during the Administrator-General's
pleasure.****(2) Subject to the provisions of subsections
(1)(b), (6), (7), (8), (9), (10) and (12) —****(a) an Auditor-General shall hold office for
a period of five years;****(b) any person whose period of office as
Auditor-General has expired shall be
eligible for reappointment.****(3) Subject to the provisions of subsection
(9) (b), an Auditor-General shall be —****(a) entitled to such remuneration as the Ad-
ministrator-General may from time to
time determine;****(b) entitled to such allowances, bonuses,
gratuities and other employment
benefits and subject to such condi-
tions of employment as the Ad-
ministrator-General may from time to
time determine, having regard to the
employment benefits and conditions of
employment of officers in the govern-
ment service:**

SKATKIS- EN OUDITWYSIGINGSWET, 1981

Wet No. 5, 1981

(Engelse teks deur die Administrateur-generaal onderteken op 17 Maart 1981)

WET

Tot wysiging van die Skatkis- en Ouditwet, 1975, met betrekking tot die aanstelling van 'n Ouditeur-generaal en verbandhoudende aangeleenthede.

DAAR WORD BEPAAL deur die Nasionale Vergadering van Suidwes-Afrika, soos volg:—

1. Artikel 41 van die Skatkis- en Ouditwet, 1975, word hierby deur die volgende artikel vervang:

Vervanging van artikel 41 van Wet 66 van 1975.

"Aanstelling en diensvoorwaardes van Ouditeur-generaal.

41. (1) (a) Die Administrateur-generaal moet 'n Ouditeur-generaal aanstel.
- (b) Wanneer die amp van Ouditeur-generaal om welke rede ook al vakant is, kan die Administrateur-generaal 'n persoon aanstel om as Ouditeur-generaal waar te neem solank dit die Administrateur-generaal behaag.
- (2) Behoudens die bepalings van subartikels (1) (b), (6), (7), (8), (9), (10) en (12) —
- (a) beklee 'n Ouditeur-generaal sy amp vir 'n tydperk van vyf jaar;
- (b) kan iemand wie se ampstermyn as Ouditeur-generaal verstryk het, weer aangestel word.
- (3) Behoudens die bepalings van subartikel (9) (b), is 'n Ouditeur-generaal —
- (a) geregtig op die besoldiging wat die Administrateur-generaal van tyd tot tyd bepaal;
- (b) geregtig op die toelaes, bonusse, gratifikasies en ander diensvoordele en onderworpe aan die diensvoorwaardes wat die Administrateur-generaal van tyd tot tyd met inagneming van die diensvoordele en diensvoorwaardes van beamptes in die regeringsdiens bepaal:

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1981

Provided that the remuneration or any benefit so determined in respect of an Auditor-General appointed under subsection (1) (b) may differ from the remuneration or such benefit so determined in respect of an Auditor-General appointed under subsection (1) (a).

(4) The remuneration of an Auditor-General shall not be reduced during his period of office.

(5) An Auditor-General appointed under subsection 1 (a) shall not perform or engage himself to perform any remunerative work outside the duties of his office, without the permission of the Administrator-General.

(6) (a) The Administrator-General may suspend an Auditor-General from office on account of misconduct or inefficiency or if it will promote efficiency, and shall communicate the suspension and the reason therefor, by message to the National Assembly within fourteen days after the suspension, if the National Assembly is then assembled, or if the National Assembly is not then assembled, on the first day of its next ensuing assembly.

(b) If within twenty-one days from the date on which the aforesaid suspension and the reason therefor have been so communicated to the National Assembly the Administrator-General is presented with an address from the National Assembly praying for the removal of the Auditor-General from office on account of any reason referred to in paragraph (a), the Administrator-General may remove him from office with effect from the date of his suspension from office.

(c) If no such address is presented to the Administrator-General within the period referred to in paragraph (b), the Auditor-General shall be restored to office.

(7) (a) The Administrator-General may at the request of an Auditor-General terminate his service by reason of continued ill-health not occasioned by his own fault.

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Met dien verstande dat die besoldiging of die een of ander voordeel aldus bepaal ten opsigte van 'n Ouditeur-generaal kragtens subartikel (1) (b) aangestel, kan verskil van die besoldiging of bedoelde voordeel aldus bepaal ten opsigte van 'n Ouditeur-generaal kragtens subartikel (1) (a) aangestel.

(4) Die besoldiging van 'n Ouditeur-generaal word nie gedurende sy ampstermyn verminder nie.

(5) 'n Ouditeur-generaal kragtens subartikel (1) (a) aangestel, mag nie sonder die toestemming van die Administrateur-generaal besoldigde werk buite sy ampspligte verrig of hom verbind om dit te verrig nie.

(6) (a) Die Administrateur-generaal kan 'n Ouditeur-generaal weens wangedrag of onbekwaamheid of indien dit doeltreffendheid sal bevorder, in sy amp skors en moet die skorsing en die rede daarvoor per boodskap aan die Nasionale Vergadering meedeel binne veertien dae na die skorsing indien die Nasionale Vergadering dan byeen is, of indien die Nasionale Vergadering nie dan byeen is nie, op die eerste dag waarop hy weer byeenkom.

(b) Indien daar binne een-en-twintig dae van die datum waarop bedoelde skorsing en die rede daarvoor aldus aan die Nasionale Vergadering meegedeel is, 'n adres van die Nasionale Vergadering aan die Administrateur-generaal voorgelê word waarin versoek word dat die Ouditeur-generaal weens 'n in paragraaf (a) bedoelde rede van sy amp onthef word, kan die Administrateur-generaal hom van sy amp onthef met ingang van die datum waarop hy in sy amp geskors was.

(c) Indien geen sodanige adres binne die in paragraaf (b) bedoelde tydperk aan die Administrateur-generaal voorgelê word nie, moet die Ouditeur-generaal in sy amp herstel word.

(7) (a) Die Administrateur-generaal kan op versoek van 'n Ouditeur-generaal sy diens beëindig op grond van voortdurende swak gesondheid wat sonder sy toedoen ontstaan het.

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- (b) In the case of an Auditor-General having been an officer or employee in the government service on appointment, the termination of his service under paragraph (a) shall for the purposes of the laws relating to pensions, be deemed to be termination of his service as an officer or employee.
- (8) Subject to the provisions of subsections (9) and (10), an Auditor-General appointed under subsection 1 (a) shall vacate his office on attaining the age of sixty years: Provided that if he attains the said age after the first day of any month in the year, he shall be deemed to have attained that age on the first day of the next succeeding month.
- (9) The Administrator-General may, if he deems it to be desirable in the public interest —
- (a) determine that an Auditor-General may retain his office beyond the age of sixty years, for any period or periods expiring not later than the last day of the month in which he attains the age of sixty-seven years.
- (b) appoint any person over the age of sixty years as Auditor-General on such conditions as he may deem fit and for any period or periods expiring not later than the last day of the month in which he attains the age of sixty-seven years.
- (10) If an officer or employee in the government service is appointed as Auditor-General —
- (a) the period of his service as Auditor-General shall be reckoned as part of and continuous with his service as such an officer or employee for purposes of leave and pension and the laws relating to pensions for officers or employees in the government service shall, subject to anything to the contrary in this section contained, continue to apply *mutatis mutandis* to him or, after his death to his dependants, as if he had continued to be such an officer or employee;
- (b) he retains the right to vacate his office and to retire at or on attaining a specified age, as he would have had if he had continued to be such an officer or employee.

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(b) In die geval van 'n Ouditeur-generaal wat by aanstelling 'n beampte of werknemer in die regeringsdiens was, word die beëindiging van sy diens kragtens paragraaf (a), by die toepassing van die wetsbepalings op pensioene, geag beëindiging van sy diens as beampte of werknemer te wees.

(8) Behoudens die bepalinge van subartikels (9) en (10), moet 'n Ouditeur-generaal kragtens subartikel 1 (a) aangestel, sy amp ontruim wanneer hy die ouderdom van sestig jaar bereik: Met dien verstande dat indien hy bedoelde ouderdom ná die eerste dag van 'n maand van die jaar bereik, hy geag word bedoelde ouderdom op die eerste dag van die eersvolgende maand te bereik het.

(9) Die Administrateur-generaal kan, indien hy dit in die openbare belang wenslik ag —

(a) bepaal dat 'n Ouditeur-generaal ná bereiking van die ouderdom van sestig jaar, in sy amp mag aanbly vir 'n tydperk of tydperke wat verstryk nie later nie as die laaste dag van die maand waarin hy die ouderdom van sewe-en-sestig jaar bereik;

(b) 'n persoon bó die ouderdom van sestig jaar as Ouditeur-generaal aanstel op die voorwaardes wat hy goed dink en vir 'n tydperk of tydperke wat verstryk nie later nie as die laaste dag van die maand waarin hy die ouderdom van sewe-en-sestig jaar bereik.

(10) Indien 'n beampte of werknemer in die regeringsdiens as Ouditeur-generaal aangestel word —

(a) word die tydperk van sy diens as Ouditeur-generaal gereken as deel van en aaneenlopend met sy diens as so 'n beampte of werknemer vir doeleindes van verlof en pensioen, en bly die wetsbepaling op pensioene vir beamptes of werknemers in die regeringsdiens, behoudens andersluidende bepalinge van hierdie artikel, *mutatis mutandis* van toepassing op hom of, ná sy dood, sy afhanklikes, asof hy so 'n beampte of werknemer gebly het;

(b) behou hy die reg om op of by bereiking van 'n bepaalde ouderdom sy amp te ontruim en af te tree, wat hy sou gehad het indien hy so 'n beampte of werknemer gebly het.

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(11) An Auditor-General appointed under subsection (1) (a), who —

- (a) immediately before his appointment was an officer or employee in the government service;
- (b) at the date on which he, for whatever reason, vacates his office as Auditor-General is not reappointed to the government service or transferred to a post constituting part of or additional to the fixed establishment of any department; and
- (c) has not at that date attained the age at which he, as an officer or employee in the government service, would have had the right to retire if he had continued to be such an officer or employee,

shall have the right to retire on that date, or may be required by the Administrator-General then to retire, and if he so retires or is required to retire, he shall, for the purposes of the laws relating to pensions, be deemed to have retired from service on account of the termination of his service as a result of the reorganisation of the government service.

(12) An Auditor-General who seeks election as a member of any legislative body shall vacate his office.”

Short title and commencement.

2. This Act shall be called the Exchequer and Audit Amendment Act, 1981, and shall come into operation on 1 April 1981.

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(11) 'n Ouditeur-generaal kragtens sub-artikel (1) (a) aangestel, wat —

- (a) onmiddellik voor sy aanstelling 'n be-ampte of werknemer in die regeringsdiens was;
- (b) op die datum waarop hy sy amp as Ouditeur-generaal om welke rede ook al ontruim, nie weer in die regeringsdiens aangestel of na 'n pos wat deel van die vaste diensstaat van 'n departement uitmaak of addisioneel daartoe is, oorgeplaas word nie; en
- (c) op daardie datum nog nie die ouderdom bereik het nie waarop hy as be-ampte of werknemer in die regeringsdiens die reg sou gehad het om af te tree as hy so 'n be-ampte of werknemer gebly het,

het die reg om op daardie datum af te tree, of kan deur die Administrateur-generaal aangesê word om dan af te tree, en as hy aldus aftree of aangesê word om af te tree, word hy by die toepassing van die wetsbepalings op pensioene geag uit diens te getree het vanweë sy diensbeëindiging as gevolg van die reorganisasie van die regeringsdiens.

(12) 'n Ouditeur-generaal wat hom as lid van 'n wetgewende liggaam verkiesbaar stel, ontruim sy amp.”

2. Hierdie Wet heet die Skatkis- en Ouditwysigingswet, 1981, en tree op 1 April 1981 in werking.

Kort titel en inwerking-treding.