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PROCLAMATION

by the

ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

(Approved by the State President on 18 July 1983)

No. AG. 14 1983

PROVISION FOR THE ESTABLISHMENT OF A STATE COUNCIL FOR SOUTH WEST AFRICA, AND FOR INCIDENTAL MATTERS

Under the powers vested in me by Proclamation 181 of 19 August 1977, I hereby make the laws set out in the Schedule.

W.A. VAN NIEKERK

Administrator-General Windhoek, 18 July 1983

SCHEDULE

Definitions

1. In this Proclamation, unless the context otherwise indicates -

- (i) "Chairman" and "Vice-Chairman" means the Chairman and Vice-Chairman of the Council appointed under section 5(1) or (4); (iv)
- (ii) "Council" means the State Council for South West Africa established by section 2; (iii)

PROKLAMASIE

van die

ADMINISTRATEUR-GENERAAL VIR DIE GEBIED SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 18 Julie 1983)

No. AG. 14 1983

VOORSIENING VIR DIE INSTELLING VAN 'N STAATSRAAD VIR SUIDWES-AFRIKA, EN VIR VERBANDHOUDENDE AANGELEENTHEDE

Kragtens die bevoegdheid my verleen by Proklamasie 181 van 19 Augustus 1977, maak ek hierby die wette in die Bylae vervat.

W.A. VAN NIEKERK

Administrateur-generaal Windhoek, 18 Julie 1983

BYLAE

Woordomsrywings

1. In hierdie Proklamasie, tensy uit die samehang anders blyk, beteken -

- (i) "lid" 'n kragtens artikel 6(1) of (4) benoemde lid van die Raad; (iii)
- (ii) "party" 'n party waarvan die naam ingevolge artikel 6(1) deur die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bekend gemaak is; (iv)

(iii) "member" means any member of the Council nominated under section 6(1) or (4); (i)

(iv) "party" means any party the name of which has, in terms of section 6(1), been made known by the Administrator-General by proclamation in the *Official Gazette*.
(ii)

Establishment and powers of Council

2. There is hereby established a State Council for South West Africa with power to make recommendations to the Administrator-General as to the manner in which the territory of South West Africa is to be administered by or on behalf of its inhabitants until the attainment of independence of the said territory.

Duration of Council

3. (1) Subject to the provisions of subsection (2), the Council shall continue for a period of six months from the date of commencement of this Proclamation.

(2) The Administrator-General may from time to time by proclamation in the *Official Gazette* extend the duration of the Council for periods not exceeding six months at a time.

(3) (a) After the Council has provisionally formulated its recommendations referred to in section 2 and submitted them to the Administrator-General, the Administrator-General shall cause a referendum to be held, in the manner which he determines by proclamation in the *Official Gazette*, of the inhabitants of the territory of South West Africa mentioned in the proclamation in relation to a matter or matters contained in those recommendations and mentioned in the proclamation.

(b) The results of the referendum shall be made available to the Council by the Administrator-General in the manner which he determines, and the Council shall take such results into account when finally submitting the recommendations referred to in section 2 to the Administrator-General.

(4) The Council shall dissolve as soon as the recommendations referred to in subsection (3)(b) have been submitted to the Administrator-General, whether its duration under subsection (1) or (2) has expired or not.

(iii) "Raad" die by artikel 2 ingestelde Staatsraad vir Suidwes-Afrika; (ii)

(iv) "Voorsitter" en "Ondervoorsitter" die kragtens artikel 5(1) of (4) aangestelde Voorsitter en Ondervoorsitter van die Raad. (i)

Instelling en bevoegdhede van Raad

2. Daar word hierby 'n Staatsraad vir Suidwes-Afrika ingestel met die bevoegdheid om aanbevelings aan die Administrateur-generaal te doen aangaande die wyse waarop die gebied Suidwes-Afrika deur of namens die inwoners daarvan tot onafhanklikwording van genoemde gebied geadministreer moet word.

Duur van Raad

3. (1) Behoudens die bepalinge van subartikel (2), bly die Raad in stand vir 'n tydperk van ses maande vanaf die datum van inwerkingtreding van hierdie Proklamasie.

(2) Die Administrateur-generaal kan die duur van die Raad van tyd tot tyd by proklamasie in die *Offisiële Koerant* verleng vir tydperke van hoogstens ses maande op 'n keer.

(3) (a) Nadat die Raad voorlopig sy aanbevelings bedoel in artikel 2 geformuleer en aan die Administrateur-generaal voorgelê het, laat die Administrateur-generaal op die wyse wat hy by proklamasie in die *Offisiële Koerant* bepaal 'n referendum hou van die inwoners van die gebied Suidwes-Afrika in die proklamasie vermeld met betrekking tot 'n aangeleentheid of aangeleenthede in daardie aanbevelings vervat en in die proklamasie vermeld.

(b) Die referendumuitslae word deur die Administrateur-generaal op die wyse wat hy bepaal aan die Raad beskikbaar gestel en die Raad neem sodanige uitslae in aanmerking wanneer hy finaal die aanbevelings bedoel in artikel 2 aan die Administrateur-generaal voorlê.

(4) Die Raad ontbind sodra die aanbevelings bedoel in subartikel (3)(b) aan die Administrateur-generaal voorgelê is, of sy duur kragtens subartikel (1) of (2) ten einde gekom het, al dan nie.

Constitution of Council

4. The Council shall consist of a Chairman, a Vice-Chairman and the number of members which the Administrator-General shall determine.

Chairman and Vice-Chairman of the Council

5. (1) The Administrator-General shall, subject to the provisions of subsection (2), appoint two persons as Chairman and Vice-Chairman of the Council, respectively.

(2) The Chairman and Vice-Chairman shall be impartial persons.

(3) The Chairman or, in his absence, the Vice-Chairman shall preside at any sitting of the Council and regulate the conduct of the business and proceedings of the Council, but shall have no vote.

(4) Whenever the office of Chairman or Vice-Chairman of the Council becomes vacant for any reason, the Administrator-General shall, subject to the provisions of subsection (2), appoint any other person as Chairman or Vice-Chairman of the Council, as the case may be.

(5) Whenever the Chairman is absent or unable to perform his functions, the Vice-Chairman shall act as Chairman for the duration of such absence or incapacity and the Vice-Chairman may, when so acting, exercise or perform any power or function of the Chairman.

(6) The Chairman and Vice-Chairman shall receive such remuneration and allowances as the Administrator-General may from time to time determine.

Members of the Council

6. (1) The Administrator-General shall, in due course, by proclamation in the *Official Gazette*, make known the names of the participating parties and the names of the members nominated by such parties.

(2) No person shall be qualified to be nominated as a member by any party unless he is a member of such party.

(3) A member shall vacate his office -

(a) if it is proved to the satisfaction of the Administrator-General that he has resigned as a member of the party that nominated him;

Samestelling van Raad

4. Die Raad bestaan uit 'n Voorsitter, 'n Ondervoorsitter en die aantal lede wat die Administrateur-generaal bepaal.

Voorsitter en Ondervoorsitter van die Raad

5. (1) Die Administrateur-generaal stel, behoudens die bepalings van subartikel (2), twee persone aan as, onderskeidelik, Voorsitter en Ondervoorsitter van die Raad.

(2) Die Voorsitter en Ondervoorsitter moet onpartydige persone wees.

(3) Die Voorsitter of, in sy afwesigheid, die Ondervoorsitter sit voor op 'n sitting van die Raad en behartig die reëling van die werksaamhede en verrigtinge van die Raad, maar het geen stemreg nie.

(4) Wanneer die amp van Voorsitter of Ondervoorsitter van die Raad om enige rede vakant word, stel die Administrateur-generaal, behoudens die bepalings van subartikel (2), 'n ander persoon aan as Voorsitter of Ondervoorsitter van die Raad, na gelang van die geval.

(5) Wanneer die Voorsitter afwesig is of nie in staat is om sy werksaamhede te verrig, neem die Ondervoorsitter as Voorsitter waar vir die duur van bedoelde afwesigheid of onbekwaamheid en die Ondervoorsitter kan, wanneer hy aldus waarneem, enige bevoegdheid of werksaamheid van die Voorsitter uitoefen of verrig.

(6) Die Voorsitter en Ondervoorsitter ontvang die vergoeding en toelaes wat die Administrateur-generaal van tyd tot tyd bepaal.

Lede van die Raad

6. (1) Die Administrateur-generaal maak ter geleger tyd by proklamasie in die *Offisiële Koerant* die name van die deelnemende partye en die name van die lede wat deur sodanige partye benoem is, bekend.

(2) Niemand is bevoeg om deur 'n party as lid benoem te word as hy nie lid van daardie party is nie.

(3) 'n Lid ontruim sy amp -

(a) indien daar tot bevrediging van die Administrateur-generaal bewys word dat hy bedank het as lid van die party wat hom benoem het;

- (b) if it is proved to the satisfaction of the Administrator-General that, on account of serious illness, he is not capable of performing his duties as a member any longer;
- (c) if he resigns as member by writing under his hand addressed to the Administrator-General and the Administrator-General accepts his resignation;
- (d) if he is convicted of an offence for which he is sentenced to imprisonment without the option of a fine for a period of not less than twelve months, unless he receives a grant of amnesty or a free pardon.

(4) Whenever any member vacates his office, the party that nominated that member, shall, subject to the provisions of subsection (2), nominate any other person as member.

(5) A member shall receive such remuneration and allowances as the Administrator-General may from time to time determine.

Proceedings of the Council

7. (1) The Council may, subject to the provisions of this Proclamation, make rules and orders with respect to the order and conduct of its business and proceedings.

(2) The Council may establish committees to perform such functions as the Council may determine.

(3) (a) Subject to any rules and orders made under subsection (1), there shall be freedom of speech in the Council and in any committee of the Council.

(b) No member shall be liable to any legal proceedings by reason of his speech or vote in the Council or any committee of the Council.

(4) A decision of two-thirds of the members of the Council or of a greater number of such members shall be a decision of the Council.

(5) (a) The voting in the Council shall be by ballot.

(b) Ballot papers shall be marked secretly.

Short title

8. This Proclamation shall be called the State Council for South West Africa Proclamation, 1983.

(b) indien daar tot bevrediging van die Administrateur-generaal bewys word dat hy weens ernstige siekte nie langer in staat is om sy pligte as lid te vervul nie;

(c) indien hy deur 'n bedankingsbrief, deur hom onderteken en aan die Administrateur-generaal gerig, as lid bedank en die Administrateur-generaal sy bedanking aanvaar;

(d) indien hy skuldig bevind word aan 'n misdryf waarvoor hy gevonnissen word tot gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van minstens twaalf maande, tensy amnestie of algemene grasiaan hom toegestaan word.

(4) Wanneer 'n lid sy amp ontruim, benoem die party wat daardie lid benoem het, behoudens die bepalings van subartikel (2), 'n ander persoon as lid.

(5) 'n Lid ontvang die vergoeding en toelaes wat die Administrateur-generaal van tyd tot tyd bepaal.

Verrigtinge van die Raad

7. (1) Die Raad kan, behoudens die bepalings van hierdie Proklamasie, reëls en orders in verband met die orde en reëling van sy werksaamhede en verrigtinge aanneem.

(2) Die Raad kan komitees instel om dié werksaamhede te verrig wat die Raad bepaal.

(3) (a) Behoudens enige reëls en orders kragtens subartikel (1) aangeneem, is daar vryheid van spraak in die Raad en in enige komitee van die Raad.

(b) Geen lid staan bloot aan 'n regsgeeding weens sy uitlatings of stem in die Raad of enige komitee van die Raad nie.

(4) 'n Besluit van twee-derdes van die lede van die Raad of van 'n groter aantal sodanige lede is 'n besluit van die Raad.

(5) (a) Stemme in die Raad word by stembrief uitgebring.

(b) Stembriewe word in die geheim gemerk.

Kort titel

8. Hierdie Proklamasie heet die Proklamasie op die Staatsraad vir Suidwes-Afrika, 1983.