

NORTH WEST PROVINCIAL LEGISLATURE SERVICE ACT

No. 8 of 1997

To provide for the establishment of a Service of the North West Provincial Legislature, to establish the Management Board, Management Committee and Internal Supplies Committee, to provide for financial arrangements for the Legislature, and to provide for matters connected therewith.

(English text signed by the Premier on the 26/11/1997)

BE IT ENACTED by the North West Provincial Legislature as follows:

FORMAL PROVISIONS

Definitions

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

"Accounting Officer" means an accounting officer referred to in section 16 of the North West Provincial Exchequer, 1994 (Act No. 4 of 1994);

"Chairperson of Committees" means Chairperson of Committees elected in terms of Rule 21 of the Standing Rules of Procedure of the North West Provincial Legislature;

"Legislature" means the North West Provincial Legislature constituted in terms of section 105 of the Constitution of the Republic of South Africa Act, 1996

(Act No. 108 of 1993);

"Secretary" means Secretary to the North West Provincial Legislature appointed in terms of section 116 of the Constitution Act 108 of 1996, and "Deputy Secretary" shall have a corresponding meaning;

"Speaker" means Speaker of the North West Provincial Legislature elected in terms of section 111 of the Constitution of the Republic of South Africa, Act 108 of 1996, and "Deputy Speaker" shall have a

corresponding meaning.

"Staff Member" means any person appointed to the staff of the Legislature in terms of section 6 of this Act;

SERVICE OF THE LEGISLATURE

Establishment of the Service

2. There is hereby established a Service for the Legislature, whose principal duty shall be to provide the Legislature and its members with administrative services.

MANAGEMENT BOARD

Establishment of the Management Board

3 (1) There is hereby established the Management Board of the Service of the Legislature, which shall have the powers and functions assigned to it under this Act.

Constitution of the Board

4. (1) The Management Board shall consist of

- (a) the Speaker, who shall be the Chairperson of the Board;
- (b) Deputy Speaker, who shall act as the chairperson in the absence of the Speaker;
- (c) Chairperson of Committees;
- (d) The Secretary and the Deputy Secretary in the ex officio capacity;
- (e) not less than two and not more than four members of the Legislature

Meeting of the Board

5. (1) Meetings of the board shall be held at least once every two month.

(2) The Chairperson, and in his absence the acting Chairperson, shall determine the date and place of the meetings.

(3) Fifty percent plus one of the members of the Board shall constitute a quorum for the meetings of the Board.

(4) The person presiding at the meetings of the Board may regulate the proceedings and procedures thereof, having due regard to democratic principles.

Powers and functions of the Board

The Board shall :-

6. (1)(a) recommend nominations for the positions of the Secretary and the Deputy Secretary to the Speaker, for submission to the Legislature in session for appointment;

(b) regulate and approve the size and structure of the Service;

(c) approve the appointments, promotions, and dismissals of Staff Members;

(d) determine the terms and conditions of employment of staff of the Legislature.

(2) The Board may establish sub-committees consisting of either members of the Board or both non-members and members of the Board for the purposes and duration determined by the Board.

Accountability of the Board

7. (1) The Board shall be accountable to the Legislature.

(2) The Board shall submit a written report to the Legislature at least once every year.

INTERNAL SUPPLIES COMMITTEE

Establishment of the Internal Supplies Committee

8. (1) The Speaker shall have the power to:

(a) constitute an Internal Supplies Committee for the procurement of services and supplies for the Legislature;

(b) determine the size, structure and duration of the Internal Supplies Committee;

(c) determine the procedures to be followed by the Internal Supplies Committee in procuring the required services and supplies; and

(d) determine the terms, conditions and other specifications of the procurement contracts.

(2) Without restricting the generality of subsection (1) (c), the procedures for procuring services and supplies shall include:

(i) inviting tenders through newspapers and/or the government gazette; and

(ii) interviews with tenderers where necessary.

(3) The internal Supplies Committee shall be accountable to the Management Board.

MANAGEMENT OF THE SERVICE

Establishment of the Management Committee

9. (1) There is hereby established the Management Committee, consisting of the Secretary, the Deputy Secretary, and all Heads of Sections.

(2) The Secretary shall be the Chairperson of the Management Committee.

(3) In the absence of the Secretary, the Deputy Secretary shall act as the Chairperson of the Management Committee.

(4) The Management Committee shall execute all day to day managerial duties and functions of the Service.

FINANCIAL ARRANGEMENTS

Insertion of section 15A in Act 4 of 1994

10 The following section is hereby inserted after section 15 of the North West Exchequer Act 4 of 1994.

Financial arrangements in respect of the Legislature

(1) The control of the expenditure and the appropriation of moneys for the services of the Legislature shall be vested in the Speaker, and his authorization for such expenditure and appropriation of moneys, as well as receipts issued by the accounting officer referred to in subsection (2) on his behalf, with reference to all matters affecting those services shall, notwithstanding anything to the contrary contained in any law but subject to the provisions of this section, be taken to be in all respects good, valid and effectual.

(2) The Secretary shall, subject to the Provisions of this Act, keep proper account of all receipts and payments effected, and property acquired for the Legislature.

(3) The Secretary shall requisition the moneys required for the services of the Legislature from the Provincial Treasury.

(4) The Secretary shall maintain a deposit-taking institution registered as such under the Deposit-taking Institutions Act, 1990 (Act No. 94 of 1990), and approved by the Speaker an account into which shall be deposited all moneys received by him and from which all payments shall be made by him, and the Secretary may authorize a person or persons in the employ of the Legislature to sign the necessary cheques for the said payments.

(5) Notwithstanding anything to the contrary contained in any law, the Speaker

may approve that a saving under a main division of the vote Legislature, in an appropriation division, or of expenditure under a new main division of that vote: Provided that amounts appearing in "Column 2" of a schedule to such an

appropriation Act in respect of the said vote shall not be exceeded and the savings thereon shall not be applied for a purpose other than that for which the money was granted as indicated in such a schedule.

(6) At the end of each financial year, the Secretary shall cause statements of account to be prepared showing in detail the moneys received by him, and the expenditure incurred by him during the financial year in question.

(7) At the end of a financial year the Secretary shall surrender to the Treasury for redepositing in the Exchequer Account, any unexpended balance of moneys received from the Treasury.

(8) The provisions of sections 4,5,7, 15, 28 and 29 of Act No. 4 of 1994, and no other provisions of that Act, shall mutatis mutandis apply in respect of the services, vote, accounts, moneys and property of the Legislature and in such application:

(a) any reference in sections 15, 28 and 29 to an Accounting Officer shall be deemed to be a reference to the Secretary; and

(b) any reference in sections 5(3) (a) and 28 (1) (c) to the Treasury shall be deemed to be a reference to the Speaker.

(9) The accounts of the Legislature shall, subject to the provisions of subsection (1), be investigated, examined and audited by the Auditor-General in terms of the Auditor-General Act 12 of 1995, and in such application any reference to accounting officer shall be deemed to be reference to the Secretary

(10) For the purposes of this section the expressions:

(a) (i) "Auditor-General" in subsection (9);

(ii) "Treasury" in subsections (3) and (7); and

(iii) "vote" and "appropriation Act" in subsection (5), shall bear the respective meanings as assigned thereto in section 1 (1) of the North West Provincial Exchequer Act 4 of 1994

(b) "Exchequer Account" in subsection (7), shall bear the respective meaning assigned thereto in section (3) of the North West Provincial Exchequer Act 4 of 1994

GENERAL PROVISIONS

Transitional provision

11. Anything done for and on behalf of the Legislature, and any person or persons appointed to the staff of the Legislature before the commencement of this Act, shall be deemed to have been done or appointed in terms of the provisions of this Act.

Short title and commencement

12. (1) This Act shall be called the North West Provincial Legislature Service Act, 1997, and shall come into operation on the date determined by the Speaker, by notice in the Provincial Gazette.

(2) Different dates may be fixed in respect of different provisions of this Act.

SCHEDULE

LAWS REPEALED

NUMBER AND YEAR	TITLE	EXTENT OF REPEAL
3 of 1995	Determination of remuneration and other conditions of service of staff of the Provincial Legislature	The whole Act