

FREE STATE PROVINCE

# PROVINCIAL GAZETTE

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# PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

*Published by Authority*

*Uitgee op Gesag*

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No. 64

BLOEMFONTEIN, 4 OCTOBER 1996

BLOEMFONTEIN, 4 OKTOBER 1996

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OFFICE OF THE PREMIER

No. 10

4 October 1996

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

No. 10 of 1996: Free State Centre for Citizenship Education and Conflict Resolution Act, 1996.

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KANTOOR VAN DIE PREMIER

No. 10

4 Oktober 1996

Hierby word bekend gemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby ter algemene inligting gepubliseer word:-

No. 10 van 1996: Wet op die Vrystaatse Sentrum vir Burgerskapopvoeding en Konflikbeslegting, 1996.

# ACT

**To make provision for the establishment of a Centre for Citizenship Education and Conflict Resolution; and to make provision for matters connected therewith.**

## PREAMBLE.

WHEREAS the adoption of the Constitution marked the beginning of a process to establish a culture of democracy and human rights in South Africa;

AND WHEREAS the Constitution strives to promote national unity, the well-being and peaceful co-existence of all South African citizens, irrespective of colour, race, gender, class or belief;

AND WHEREAS the Constitution recognises the necessity of the protection and promotion of the diversity of language, culture and religion;

AND WHEREAS the constitutional values and behavioural patterns necessary for political tolerance need to be actively promoted through education and training,

**B**E IT THEREFORE ENACTED by the Provincial Legislature of the Free State Province, as follows :-

*(English text signed by the Premier.)  
(Assented to 1 October 1996)*

## Definitions

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

"Board" means the Board established in terms of section 6(1);

"Centre" means the Centre for Citizenship Education and Conflict Resolution established in terms of section 2;

"chairperson" means the chairperson of the Board;

"Committee" means the Committee referred to in section 8(1);

"Constitution" means the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993);

"Director" means the person appointed as chief executive officer of the Centre in terms of section 14(1)(a);

"political office-bearer" means a person as defined in section 190A of the Constitution, including members of the Provincial Houses of Traditional Leaders, the Council of Traditional Leaders, the Volkstaat Council and any local government, and any office-bearer of a political party;

"Premier" means the Premier of the Province elected in terms of section 145 of the Constitution;

"Province" means the Free State Province;

"Provincial Legislature" means the legislature established in terms of section 125(1) of the Constitution for the Province.

### **Establishment of a Centre for Citizenship Education and Conflict Resolution**

2. A Centre is hereby established for the Province to be known as the Centre for Citizenship Education and Conflict Resolution which shall be a juristic person.

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#### **Seat of Centre**

3. (1) Bloemfontein shall be the seat of the Centre.

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(2) The Centre may establish such offices as may be necessary in order to enable it to exercise and perform the powers and functions conferred upon it or assigned to it by this Act or any other law.

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#### **Objects of Centre**

4. The objects of the Centre shall be -

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(a) to promote tolerance and respect for language, culture and religious diversity;

(b) to develop and provide education, training, information and advice with regard to democracy and human rights;

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(c) to pro-actively address issues of discrimination and minority protection;

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(d) to provide a conflict resolution and mediation service to deal with conflict arising from discrimination, minority protection and political transformation;

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(e) to contribute to the formation of policies and legislation which enhance a culture of democracy and human rights.

#### **Composition, powers and functions of Centre**

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5. The Centre shall consist of -

(a) a Unit for Citizenship Education which shall -

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(i) conduct research and develop training materials in respect of citizenship, human rights and language, culture and religious diversity;

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(ii) train personnel to promote citizenship and human rights in government departments, other institutions and organisations;

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(iii) contribute to the development of citizenship and human rights components in the curricula of formal and informal educational and vocational training programmes;

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|---|---|----|
| (iv)  | provide information and an advice and referral service in respect of human rights and accompanying responsibilities;                                    |    |
| (b)   | a Unit for Conflict Resolution and Mediation which shall -  | 5  |
| (i)   | develop and offer training courses in conflict prevention, dispute resolution and mediation;  |    |
| (ii)  | establish a toll-free telephone line for the benefit of the public in order that the services of the Centre can be utilised;                            | 10 |
| (iii)   | evaluate and handle problems and complaints;  | 15 |
| (iv)  | provide a conflict resolution and mediation service to resolve disputes;  |    |
| (c)   | a Unit for Equal Rights and Minority Protection which shall -   | 20 |
| (i)   | monitor legislation and government policies;  |    |
| (ii)  | make recommendations and give advice to all relevant organs of the provincial government;   | 25 |
| (iii)   | conduct research and develop information programmes to foster public understanding of diversity, equal rights and minority protection.                  | 30 |
| <b>Board of Centre</b>                                    |   | 35 |
| 6.  | (1) A Board is hereby established to oversee the functions of the Centre.   |    |
|   | (2) The Board shall determine the policy within which the functions of the Centre are performed.  | 40 |
|   | (3) The Board shall consist of 7 members, who shall be appointed by the Premier subject to the provisions of section 8.                                 | 45 |
|   | (4) The Director shall <i>ex officio</i> be a member of the Board, but he or she shall not have voting rights at Board meetings.                        |    |
|   | (5) The names of the persons appointed as members of the Board shall be made known by notice in the <i>Provincial Gazette</i> .                         | 50 |
|   | (6) At its first meeting the Board shall elect one of its members as chairperson and another member as deputy chairperson of the Board.                 | 55 |
|   | (7) If the chairperson is absent or for any reason unable to act as chairperson, the deputy chairperson shall perform the functions of the chairperson. | 60 |
| <b>Eligibility to be appointed as member of the Board</b> |   |    |
| 7.  | A person shall not be appointed or remain a member of the Board -   |    |
| (a)   | unless he or she -  |    |

|  |  |    |
|--|--|----|
| (i)  | is a natural person;   |    |
| (ii)   | is ordinarily resident in the Province; and  |    |
| (iii)  | is in the opinion of the Committee a fit and proper person on account of his or her expertise, experience, independence and integrity;   | 5  |
| (b)  | if he or she -   | 10 |
| (i)  | is a political office-bearer;  |    |
| (ii)   | is an unrehabilitated insolvent;   | 15 |
| (iii)  | has at any time been removed from an office of trust on account of misconduct; or  |    |
| (iv)   | has at any time been convicted, whether in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Corruption Act, 1992 (Act No 94 of 1992), or any offence involving dishonesty.   | 20 |
|  |  | 25 |
| <b>Procedure for appointment of Board</b>      |  |    |
| 8.   | (1) A Committee of the Provincial Legislature, consisting of 1 member each of every political party represented in the Provincial Legislature, shall, subject to section 7 and subsection (2), nominate the members of the Board, which members shall be appointed by the Premier. | 30 |
|  | (2) The Board shall be so constituted that it is broadly representative of all population groups resident in the Province.   | 35 |
| <b>Tenure of office and vacation of office</b> |  |    |
| 9.   | (1) A member of the Board shall, subject to subsection (2), hold office for a period of 5 years and shall be eligible for reappointment at the termination of his or her term of office.   | 40 |
|  | (2) The Premier may, after consultation with the Committee and after he or she has afforded a member of the Board the opportunity to state his or her case, at any time terminate the term of office of such member -  | 45 |
|  | (a) if he or she is disqualified to remain a member of the Board in terms of section 7;  | 50 |
|  | (b) if he or she has been absent from more than 2 consecutive meetings of the Board without leave of the chairperson;  | 55 |
|  | (c) if he or she has made himself or herself guilty of misconduct; or  | 60 |
|  | (d) if he or she is incompetent or unable to perform his or her functions in terms of this Act.  |    |
| (3)  | A vacancy in the Board shall occur -   | 65 |
|  | (a) when a member's term of office expires;  |    |
|  | (b) when a member dies;  |    |

- (c) when a member resigns; or
- (d) when a member's term of office is terminated in terms of subsection (2). 5
- (4) (a) A vacancy in the Board shall, subject to section 7 and 8, be filled by the Premier as soon as practicable.
- (b) Any vacancy so filled shall be for the unexpired period of the term of office in respect of which the vacancy occurred. 10

### Meetings of Board

- 10. (1) The first meeting of the Board shall be held on such a date and at such a time and place as the Committee may determine, and all meetings thereafter shall be held on such dates and at such times and places as the chairperson may determine in consultation with the Board : Provided that the Board shall hold at least 4 meetings per year. 15 20
- (2) The chairperson of the Board may at any time, and shall on the written request of at least 3 members of the Board, convene a special meeting of the Board to be held at the date, time and place determined by him or her. 25
- (3) The procedure at a meeting of the Board shall be determined by the chairperson in consultation with the Board. 30
- (4) The quorum for a meeting of the Board shall be the majority of the members of the Board.
- (5) The Board shall endeavour to reach its decisions on the basis of consensus : 35  
 Provided that if consensus on any matter cannot be achieved, a decision of the majority of the members present at a meeting of the Board, shall constitute a decision of the Board, and in the event of an equality of votes on any matter, the chairperson shall have a casting vote in addition to his or her deliberative vote. 40

### Powers and functions of Board

- 11. (1) In addition to any other powers or functions assigned or entrusted to it by this Act or any other law, the Board may - 45
  - (a) liaise with any foreign or international body with objects similar to that of the Centre; 50
  - (b) consult with any person, organisation or institution on any matter;
  - (c) conclude an agreement with any competent person, organisation or institution to exercise or perform on behalf of the Centre any power or function of the Centre; and 55
  - (d) exercise or perform such other powers or functions, 60

if the Board deems it necessary in order to achieve the objects of the Centre.

(2) All provincial organs must give such assistance to the Board as may reasonably be required for the effective exercise of its powers and the performance of its functions.

### **Committees of Board**

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12. (1) The Board may from time to time appoint one or more committees to exercise and perform the powers and functions delegated to it by the Board.

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(2) A committee shall consist of such members of the Board as the Board may designate.

(3) The Board shall designate the chairperson of a committee.

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(4) (a) A committee shall exercise its powers and perform its functions subject to the provisions of this Act and such directives of the Board as are not in conflict with such provisions.

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(b) Any decision taken in the course of the exercise or performance of a power or function so delegated, shall be referred by the committee to the Board for a decision.

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### **Compensation and allowances of members of Board and committees**

13. (1) There may be paid out of the funds of the Centre to a member of the Board or a committee thereof, the following amounts :

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(a) an allowance; and

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(b) such compensation in order to cover the member's reasonable subsistence and travelling expenses when attending a meeting of the Board or a committee thereof, as the case may be.

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(2) The allowance referred to in subsection (1)(a) shall be determined by the Premier in consultation with the Committee, and may differ according to the different offices held by the members or the different functions performed by them.

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### **Staff of Board and remuneration**

14. (1) The powers and functions of the Centre shall, subject to directions and control of the Board, be exercised and performed by -

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(a) a suitably qualified and experienced person as chief executive officer appointed by the Board, who shall in respect of the exercise and performance of his or her powers and functions be accountable to the Board;

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(b) such staff, appointed by the Board, as may be necessary to exercise and perform the powers and functions of the Centre.

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(2) The persons appointed by the Board in terms of subsection (1), shall receive such remuneration, allowances and other employment benefits and shall be appointed on such other terms and conditions and for such periods, as the Board may determine.

(3) Subject to the directions and control of the Board -

- (a) the Director shall be responsible to exercise and perform the powers and functions of the Centre in order to achieve the objects of the Centre;
- (b) the Director shall exercise control and supervision over the other personnel of the Centre; 5
- (c) the Director shall implement all decisions of the Board. 10

#### Delegations

15. (1) The Board may, subject to such conditions as it may determine, delegate any power or function conferred upon it by or under this Act, to the Director and it may authorize the Director to delegate that power or function to any of the other personnel of the Centre. 15
- (2) The Director may, subject to such conditions as he or she may determine, delegate any power or function conferred upon him or her by or under this Act, to any of the other personnel of the Centre. 20
- (3) A delegation under subsection (1) or (2) shall not prevent the Board or Director, as the case may be, from exercising or performing such power or function. 25

#### Funds of Centre

16. (1) The funds of the Centre shall consist of - 30
- (a) money appropriated by the Flemish Government;
  - (b) money appropriated by the Provincial Legislature; and 35
  - (c) other money accruing to the Centre from any source.
- (2) The Director shall open an account in the name of the Centre at a bank, registered in terms of the Banks Act, 1990 (Act No 94 of 1990), into which all funds referred to in subsection (1), shall be deposited. 40
- (3) There shall be paid out of the funds of the Centre such amounts as are necessary to defray the costs associated with the running of the Centre, including the amounts referred to in section 13 and 14(2). 45
- (4) The Director shall in each financial year, at a time determined by the Board, submit to the Board for approval a statement of the estimated income and expenditure of the Centre for the following financial year. 50
- (5) The Director may in any financial year submit supplementary statements of the estimated expenditure of the Centre for that financial year to the Board for its approval. 55

#### Accountability, audit and annual report

17. (1) The Director shall be the accounting officer of the Centre and as such - 60
- (a) be charged with the responsibility of accounting for State and any other money received or paid out for or on account of the Centre; and



(b) cause the necessary accounting and other related records to be kept.

(2) The records referred to in subsection (1)(b) shall be audited annually by the Auditor-General.

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(3) The financial year of the Centre shall end on 31 March in each year.

(4) The Board shall within 3 months after the end of the financial year submit a report on its activities and the functions of the Centre to the Premier, and the Premier shall cause such report to be tabled in the Provincial Legislature within 30 days after receipt thereof : Provided that if the Premier fails to table the report within the said period, it shall be deemed that the report has in fact been tabled.

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**Short title**

18. This Act shall be called the Free State Centre for Citizenship Education and Conflict Resolution Act, 1996.

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