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Government Notice

Goewermentskennisgewing

The following Government Notice is published for general information.

N. J. DAVIN
*Secretary of the National Assembly
of South West Africa*

Windhoek

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

N. J. DAVIN
*Sekretaris van die Nasionale Vergadering
van Suidwes-Afrika*

Windhoek

No. AG. 95

4 October 1979

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. 12 of 1979

National Welfare Amendment Act,
1979

No. AG. 95

4 Oktober 1979

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 ingevolge artikel 19 van daardie Proklamasie:—

No. 12 van 1979

Wysigingswet op Nasionale Wel-
syn, 1979

Act No. 12, 1979

NATIONAL WELFARE AMENDMENT ACT, 1979

*(Afrikaans text signed by the Administrator-General on
24 September 1979)*

ACT

To amend the National Welfare Act, 1965, so as to establish a National Welfare Board of South West Africa; and to provide for the establishment of welfare committees, and for incidental matters.

BE IT ENACTED by the National Assembly of South West Africa, as follows:—

Amendment of section 1 of
Act 79 of 1965, as amended
by section 1 of Act 13
of 1971.

1. Section 1 of the National Welfare Act, 1965 (hereinafter referred to as the principal Act), is hereby amended —

- (a) by the substitution for the definition of “board” of the following definition:

“‘board’ means the National Welfare Board of South West Africa established by section 2;”;

- (b) by the substitution for the definition of “chief social welfare officer” of the following definition:

“‘chief social welfare officer’ means the officer in charge of the regional office of the Department of Social Welfare and Pensions in the territory, or any person acting in his stead;”;

- (c) by the substitution for the definition of “local authority” of the following definition:

“‘local authority’ means any council of a municipality or a village management board, or the Peri-Urban Development Board established by section 2 of the Peri-Urban Development Board Ordinance, 1970 (Ordinance 19 of 1970);”;

- (d) by the deletion of the definition of “Minister”;

- (e) by the deletion of the definition of “regional welfare board”;

- (f) by the insertion in the definition of “registrar” after the word “Board” of the words “of South West Africa”;

Act No. 12, 1979 NATIONAL WELFARE AMENDMENT ACT, 1979

- (g) by the insertion after the definition of "war fund" of the following definition:

"'welfare committee' means any welfare committee established under section 10;"; and

- (h) by the deletion in the definition of "welfare organization" of the words "Industrial Conciliation Act, 1956 (Act No. 28 of 1956), or the".

Substitution of section 2 of Act 79 of 1965.

2. The following section is hereby substituted for section 2 of the principal Act:

"Establishment of National Welfare Board of South West Africa.

2. (1) There is hereby established a board to be known as the National Welfare Board of South West Africa, which shall exercise such powers as may be conferred, and perform such functions as may be imposed, upon it by or under this Act.

(2) The board shall consist of the following members to be appointed by the Administrator-General, namely —

- (a) one member from every welfare committee;
- (b) one member who shall be a professional officer of the Department of Social Welfare and Pensions; and
- (c) five other members.

(3) One of the members of the board shall be designated by the Administrator-General as the chairman of the board and one of such members shall be elected as deputy chairman by the board."

Amendment of section 4 of Act 79 of 1965.

3. Section 4 of the principal Act is hereby amended —

- (a) by the substitution in paragraph (c) of subsection (1) for the words "regional welfare boards" of the words "welfare committees"; and
- (b) by the substitution for subsection (3) of the following subsection:

" (3) The board may in its discretion, and shall if the Administrator-General so directs, and on such conditions and subject to such limitations as it may deem fit, or as may, in the case of a delegation in pursuance of a direction by the Administrator-General, be determined by him, delegate any of its functions —

Act No. 12, 1979

NATIONAL WELFARE AMENDMENT ACT, 1979

- (a) to any welfare committee; and
- (b) in the case of functions relating to any matter in respect of which a commission has been established, to that commission,

and may at any time withdraw or amend any such delegation as it may deem fit: Provided that no delegation made on the direction of the Administrator-General shall be withdrawn or amended except with the approval of the Administrator-General.”.

Amendment of section 5 of Act 79 of 1965.

4. Section 5 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“ (2) Every report furnished to the Administrator-General under this section shall be laid upon the table in the National Assembly of South West Africa as soon as possible after receipt thereof.”.

Amendment of section 6 of Act 79 of 1965.

5. Section 6 of the principal Act is hereby amended by the insertion in subsection (1) after the word “Board” of the words “of South West Africa”.

Amendment of section 7 of Act 79 of 1965.

6. Section 7 of the principal Act is hereby amended —

- (a) by the substitution for subsection (1) of the following subsection:

“ (1) The Administrator-General shall appoint —

- (a) a welfare organizations commission; and
- (b) a social welfare commission,

and such other commissions as he may deem fit to perform the functions assigned to a commission under this Act.”;

- (b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“ (b) Of the ordinary members —

- (i) at least one shall be a member of the board;

- (ii) at least three shall be persons registered under section 33 of whom at least two shall be persons engaged in social work.”; and

Act No. 12, 1979

NATIONAL WELFARE AMENDMENT ACT, 1979

- (c) by the deletion in the proviso to subsection (5) of the words "or, in the case of the first such commission, is in the opinion of the Minister capable of being so registered".

Substitution of section 10 of Act 79 of 1965.

7. The following section is hereby substituted for section 10 of the principal Act:

"Establishment of welfare committees.

10. (1) The Administrator-General shall establish a welfare committee for every population group in the territory which in relation to welfare matters in his opinion is to be represented by any such committee to perform in relation to members of any such population group the functions assigned to a welfare committee in terms of this Act.

(2) A welfare committee shall consist of not more than seven members appointed by the Administrator-General.

(3) The chairman of a welfare committee shall be elected by that committee from among its members."

Amendment of section 12 of Act 79 of 1965.

8. Section 12 of the principal Act is hereby amended —

- (a) by the substitution for subsection (1) of the following subsection:

" (1) The functions of a welfare committee shall be, in relation to the population group for which it has been established —

- (a) to exercise the powers and perform the duties which may be delegated to it by the board or which are required to be exercised or performed under this Act;
- (b) to make recommendations to the board or a commission in regard to matters which the board or such commission may refer to it or in regard to which it may consider it necessary to make recommendations;
- (c) to advise the board or a commission in connection with —
 - (i) family life and welfare planning; and
 - (ii) all matters relating to social welfare;
- (d) to promote the planning and co-operation of social welfare services; and

Act No. 12, 1979 NATIONAL WELFARE AMENDMENT ACT, 1979

(e) to provide guidance and information to welfare organizations.”; and

(b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) A welfare committee may appoint an executive committee consisting of the chairman of the welfare committee concerned and two other members of such committee, and may in respect of each of such other members designate a member of such committee as an alternate member.”.

Amendment of section 13 of Act 79 of 1965, as amended by section 1 of Act 44 of 1976.

9. Section 13 of the principal Act is hereby amended by the deletion of subsection (1A).

Amendment of section 14 of Act 79 of 1965.

10. Section 14 of the principal Act is hereby amended —

(a) by the substitution in subsection (1) for the words “Minister in consultation with the Minister of Finance” of the word “Administrator-General”; and

(b) by the substitution in subsection (2) for the words “Minister in consultation with the Minister of Finance out of moneys appropriated by Parliament” of the words “Administrator-General out of moneys appropriated by law”.

Repeal of section 15 of Act 79 of 1965, as amended by section 2 of Act 44 of 1976.

11. Section 15 of the principal Act is hereby repealed.

Amendment of section 16 of Act 79 of 1965, as amended by section 2 of Act 13 of 1971.

12. Section 16 of the principal Act is hereby amended —

(a) by the deletion in subsection (1) of the words “in the case of the territory”; and

(b) by the deletion of subsection (2).

Amendment of section 18 of Act 79 of 1965.

13. Section 18 of the principal Act is hereby amended —

(a) by the substitution in subsection (1) for the words “regional welfare board concerned” of the word “board”;

(b) by the deletion in the said subsection (1) of the words “within the area for which such officer has been designated or any part thereof”;

Act No. 12, 1979

NATIONAL WELFARE AMENDMENT ACT, 1979

- (c) by the substitution in paragraph (a) of subsection (3) for the words "regional welfare board" of the word "board"; and
- (d) by the substitution for subsection (4) of the following subsection:

" (4) The officer referred to in subsection (1) shall without delay advise the board of the grant or withdrawal and, in the case of a withdrawal also of the reasons for such withdrawal, of any authority referred to in this section."

Amendment of section 19 of Act 79 of 1965, as amended by section 4 of Act 13 of 1971.

14. Section 19 of the principal Act is hereby amended —

- (a) by the substitution in paragraph (a) of subsection (1) for the words "regional welfare board for the area in which such organization carries on or proposes to carry on its activities" of the word "board";
- (b) by the substitution for paragraph (b) of the said subsection (1) of the following paragraph:

"(b) The board shall, after the requirements prescribed in subsection (2) have been complied with, cause any such application to be investigated by the chief social welfare officer."

- (c) by the deletion in paragraph (b) of subsection (2) of the words "or the regional welfare board concerned";
- (d) by the deletion in subsection (3) of the words "or the regional welfare board"; and
- (e) by the substitution in paragraph (a) of subsection (5) for the words "the law society of the province or the territory in which the organization operates or proposes to operate in furtherance of that object" of the words "The Law Society of South West Africa" and the words "such law society" of the words "the said Law Society".

Amendment of section 21 of Act 79 of 1965.

15. Section 21 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

" (1) The board may, after a report has been obtained from the chief social welfare officer and, in the case of a welfare organization referred to in paragraph (a) of subsection (5) of section 19, after consultation with The Law Society of South West Africa, cancel the registration certificate of a welfare organization —".

Act No. 12, 1979

NATIONAL WELFARE AMENDMENT ACT, 1979

Amendment of section 22
of Act 79 of 1965.

16. Section 22 of the principal Act is hereby amended —

(a) by the substitution in paragraph (a) of subsection (2) for the words “regional welfare board for the area in which the welfare organization is conducted” of the word “board”;

(b) by the substitution for paragraph (b) of the said subsection (2) of the following paragraph:

“(b) The board shall, after the requirements specified in subsection (3) have been complied with, cause the application to be investigated by the chief social welfare officer.”; and

(c) by the deletion in paragraph (b) of subsection (3) of the words “or the regional welfare board concerned”.

Amendment of section 25
of Act 79 of 1965.

17. Section 25 of the principal Act is hereby amended —

(a) by the substitution in paragraph (a) of subsection (1) for the words “the law society concerned” of the words “The Law Society of South West Africa”; and

(b) by the substitution in subsection (6) for the words “Minister in consultation with the Minister of Finance” of the word “Administrator-General”.

Amendment of section 26
of Act 79 of 1965.

18. Section 26 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) The reports and returns referred to in paragraph (a) shall be furnished to the board and the board shall deal therewith in such manner as may be prescribed.”.

Amendment of section 30
of Act 79 of 1965, as
amended by section 20 of
Act 102 of 1967.

19. Section 30 of the principal Act is hereby amended by the substitution in subsection (1) for the words “regional welfare board for the area in which any welfare organization carries on its activities” of the word “board”.

Amendment of section 32
of Act 79 of 1965.

20. Section 32 of the principal Act is hereby amended by the deletion of the words “after consultation with the regional welfare board for the area in which the organization carried on its activities”.

Amendment of section 39
of Act 79 of 1965.

21. Section 39 of the principal Act is hereby amended by the substitution for the words “Minister may, in consultation with the Minister of Finance, out of moneys appropriated by Parliament” of the words “Administrator-General may out of moneys appropriated by law”.

Act No. 12, 1979

NATIONAL WELFARE AMENDMENT ACT, 1979

Amendment of section 40
of Act 79 of 1965.

22. Section 40 of the principal Act is hereby amended —

- (a) by the deletion of paragraph (c) of subsection (1); and
- (b) by the substitution in subsection (4) for the words “Minister in consultation with the Minister of Finance” of the word “Administrator-General”.

Amendment of section 42
of Act 79 of 1965.

23. Section 42 of the principal Act is hereby amended—

- (a) by the substitution in paragraph (h) of subsection (1) for the words “regional welfare boards”, wherever they occur, of the words “welfare committees”; and
- (b) by the deletion of subsection (4).

Amendment of section
43A of Act 79 of 1965, as
inserted by section 5 of Act
13 of 1971.

24. Section 43A of the principal Act is hereby amended by the deletion of the word “also”.

Substitution of certain
words in Act 79 of 1965
and the regulations made
thereunder.

25. The principal Act and the regulations made thereunder is hereby amended —

- (a) by the substitution for the word “Minister”, wherever it occurs, of the word “Administrator-General”;
- (b) by the substitution for the words “regional welfare board”, wherever they occur, of the words “welfare committees”; and
- (c) by the substitution for the word “*Gazette*”, wherever it occurs, except in section 44, of the words “*Official Gazette*”.

Substitution of long title of
Act 79 of 1965.

26. The following long title is hereby substituted for the long title of the principal Act:

“ To establish a National Welfare Board of South West Africa; and to provide for the establishment of certain commissions and welfare committees and to define their functions, and to provide for the registration and control of certain welfare organizations and of social workers, for the control of the collection of contributions towards the funds of such organizations and of certain institutions and of the collection of funds in certain circumstances otherwise than by registered welfare organizations for particular purposes, and for incidental matters.”.

Act No. 12, 1979 NATIONAL WELFARE AMENDMENT ACT, 1979

Savings.

27. (1) Subject to the provisions of subsection (2), anything done before the coming into operation of this Act under a provision of the principal Act, shall, except in so far as it is obviously inappropriate, be deemed to have been done under that provision as amended by any provision of this Act.

(2) Every person who immediately before the coming into operation of this Act was registered as a social worker and who is resident in the territory of South West Africa at such coming into operation, shall be deemed to have been registered as a social worker in terms of the principal Act as amended by any provision of this Act.

(3) Notwithstanding the provisions of section 2 of the principal Act as amended by this Act and until such time as the National Welfare Board of South West Africa is constituted in terms of that section, the said Board shall consist of the persons who were members immediately before the coming into operation of this Act of the regional welfare board which was established for the territory of South West Africa in terms of section 10 of the principal Act.

(4) The person who immediately before the coming into operation of this Act was the chairman of the regional welfare board referred to in subsection (3), shall, subject to the provisions of that subsection and subsection (4), be deemed to have been designated as chairman of the National Welfare Board of South West Africa under section 2(3) of the principal Act.

(5) If any person referred to in subsection (3) vacates his office as member of the National Welfare Board of South West Africa as constituted in terms of that subsection, before the said Board is constituted in terms of section 2 of the principal Act, the said Board, as constituted in terms of that subsection, shall consist of the remaining persons so referred to.

Short title and commencement.

28. This Act shall be called the National Welfare Amendment Act, 1979, and shall be deemed to have come into operation on 1 September 1979.