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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 573. 7th April, 1971.

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It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 31 of 1971: National Welfare Amendment Act, 1971.

No. 13 van 1971: Wysigingswet op Nasionale Welsyn, 1971.

ACT

To apply the National Welfare Act, 1965, in the territory of South-West Africa, and for that purpose to amend the said Act; to repeal the Welfare Organisations Ordinance, 1965, of that territory; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 22nd March, 1971.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 1 of
Act 79 of 1965.

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

- (a) the insertion after the definition of "regulation" of the following new definition:
"‘Republic’ includes the territory;”;
- (b) the insertion after the definition of "social worker" of the following new definition:
"‘the territory’ means the territory of South-West Africa;”;
- (c) the substitution for all the words after paragraph (h) of the definition of "welfare organization" of the following words:
"but does not include any institution maintained and controlled by the State or a local authority or any hospital board or any trade union registered or deemed to be registered in accordance with the provisions of the Industrial Conciliation Act, 1956 (Act No. 28 of 1956), or the Wage and Industrial Conciliation Ordinance, 1952 (Ordinance No. 35 of 1952), of the territory, or any religious body in respect of activities confined to religious work.”.

Amendment of
section 16 of
Act 79 of 1965.

2. Section 16 of the principal Act is hereby amended by—

- (a) the substitution for subsection (1) of the following subsection:
“(1) No welfare organization shall, after the commencement of this Act—
(a) if its funds are derived wholly or partly from the State or from a local authority or from contributions collected from the public, continue to carry on its activities; or
(b) receive financial assistance from the State or from a local authority; or
(c) collect contributions from the public, unless such organization is registered or deemed to be registered under this Act in respect of the particular object or objects in furtherance of which it is being conducted and, in the case of the territory, such organization is in addition specially authorized, in

WET

Om die Nasionale Welsynswet, 1965, in die gebied Suidwes-Afrika toe te pas, en om vir dié doel bedoelde Wet te wysig; om die Ordonnansie op Welsynorganisasies, 1965, van dié gebied te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Maart 1971.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Nasionale Welsynswet, 1965 (hieronder die Hoofwet genoem), word hierby gewysig deur— Wysiging van artikel 1 van Wet 79 van 1965.
 - (a) na die omskrywing van „bydraer” die volgende nuwe omskrywing in te voeg:
„die gebied’ die gebied Suidwes-Afrika;”;
 - (b) na die omskrywing van „regulasie” die volgende nuwe omskrywing in te voeg:
„Republiek’ ook die gebied;” en
 - (c) al die woorde na paragraaf (h) van die omskrywing van „welsynsorganisasie” te vervang deur die volgende woorde:
„maar nie ook ’n inrigting wat deur die Staat of ’n plaaslike bestuur in stand gehou en beheer word nie en ook nie ’n hospitaalraad of ’n vakvereniging wat geregistreer is of geag word geregistreer te wees ooreenkomstig die bepalings van die Wet op Nywerheidsversoening, 1956 (Wet No. 28 van 1956), of die Ordonnansie op Lone en Nywerheidsversoening 1952 (Ordonnansie No. 35 van 1952) van die gebied, of ’n godsdienstiggaam ten opsigte van bedrywighede wat tot godsdienwerk beperk is nie.”.

2. Artikel 16 van die Hoofwet word hierby gewysig deur— Wysiging van artikel 16 van Wet 79 van 1965.
 - (a) subartikel (1) deur die volgende subartikel te vervang:
„(1) Geen welsynsorganisasie mag na die inwerking-treding van hierdie Wet—
 - (a) indien sy fondse geheel en al of ten dele verkry word van die Staat of van ’n plaaslike bestuur of uit bydraes van die publiek ingesamel, sy bedrywighede voortsit nie; of
 - (b) geldelike steun van die Staat of van ’n plaaslike bestuur ontvang nie; of
 - (c) bydraes van die publiek insamel nie, tensy daardie organisasie kragtens hierdie Wet geregistreer is of geag word geregistreer te wees ten opsigte van die bepaalde doelstelling of doelstellings ter bevordering waarvan hy funksioneer en, in die geval van die gebied, bedoelde organisasie daarbenewens ingevolge ’n aan hom kragtens artikel

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- terms of the certificate of registration issued to it under section 19 (4), to collect contributions in the territory.”;
- (b) the insertion of the following subsection after subsection (2):

“(2A) Any organization which immediately prior to the commencement of the National Welfare Amendment Act, 1971, was registered as a welfare organization under the Welfare Organisations Ordinance, 1965 (Ordinance No. 33 of 1965), of the territory, shall be deemed to be a welfare organization registered under this Act, and no welfare organization which immediately prior to such commencement was not so registered or was not under section 7 or 8 of the said Ordinance authorized to collect contributions in the territory, shall collect contributions in the territory, unless it has been specially authorized under section 19 to collect contributions in the territory.”; and

- (c) the substitution for subsection (3) of the following subsection:

“(3) Any person who in any manner whatsoever takes part in the management or control of a welfare organization which contravenes or fails to comply with the provisions of subsection (1) or (2A) shall be guilty of an offence.”.

Insertion of section 18A in Act 79 of 1965.

3. The following section is hereby inserted in the principal Act after section 18:

“Authority to collect contributions in the territory in special circumstances.

18A. Notwithstanding anything to the contrary in this Act contained, a welfare organization which is registered or deemed to be registered under this Act and which is precluded by the provisions thereof from collecting contributions in the territory, may collect contributions in the territory during the period specified in a certificate issued to it by an officer referred to in section 18 after he has satisfied himself that such organization renders or will render a real service to the territory and its people.”.

Amendment of section 19 of Act 79 of 1965.

4. Section 19 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) The board shall not grant an application by a welfare organization to be registered in respect of an object mentioned in paragraph (e) of the definition of ‘welfare organization’ in section one, save with the consent of the law society of the province or the territory in which the organization operates or proposes to operate in furtherance of that object, and subject to such conditions (in addition to any conditions which the board is by paragraph (a) of subsection (4) empowered to impose) as such law society may determine.”.

Insertion of section 43A in Act 79 of 1965.

5. The following section is hereby inserted after section 43 of the principal Act:

“Application of Act in the territory. **43A.** This Act and any amendment thereof shall also apply in the territory, including the Eastern Caprivi Zipfel.”.

Repeal of Ordinance 33 of 1965 of the territory of South-West Africa.

6. (1) Subject to the provisions of subsections (2) and (3) the Welfare Organisations Ordinance, 1965 (Ordinance No. 33 of 1965) (in this section referred to as the Ordinance), of the territory of South-West Africa is hereby repealed.

(2) For the purposes of the application of section 15 of the principal Act in the territory of South-West Africa the names of the persons nominated pursuant to the last notice published under section 2 (2) (a) of the Ordinance shall be submitted to the Minister and shall be placed on the nomination list referred to in subsection (2) of the said section 15.

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- 19 (4) verleende registrasiesertifikaat uitdruklik gemagtig is om bydraes in die gebied in te samel.”;
- (b) die volgende subartikel na subartikel (2) in te voeg:
 „(2A) ’n Organisasie wat onmiddellik voor die inwerkingtreding van die Wysigingswet op Nasionale Welsyn, 1971, ingevolge die Ordonnansie op Welsynorganisasies, 1965 (Ordonnansie No. 33 van 1965), van die gebied as ’n welsynorganisasie geregistreer was, word geag ingevolge hierdie Wet as ’n welsynsorganisasie geregistreer te wees, en geen welsynsorganisasie wat onmiddellik voor bedoelde inwerkingtreding nie aldus geregistreer was nie of nie ingevolge artikel 7 of 8 van bedoelde Ordonnansie gemagtig was om bydraes in die gebied in te samel nie, mag bydraes in die gebied insamel nie tensy hy uitdruklik ingevolge artikel 19 gemagtig is om bydraes in die gebied in te samel.”; en
- (c) subartikel (3) deur die volgende subartikel te vervang:
 „(3) Iemand wat op watter wyse ook al deelneem aan die bestuur of beheer van ’n welsynsorganisasie wat die bepalings van subartikel (1) of (2A) oortree of versuim om daaraan te voldoen, is aan ’n misdryf skuldig.”.

3. Die volgende artikel word hierby in die Hoofwet na artikel 18 ingevoeg: Invoeging van artikel 18A in Wet 79 van 1965.

„Magtiging om bydraes in die gebied in spesiale omstandighede in te samel. 18A. Ondanks andersluidende bepalings in hierdie Wet kan ’n welsynsorganisasie wat kragtens hierdie Wet geregistreer is of geag word geregistreer te wees en wat deur die bepalings daarvan belet word om bydraes in die gebied in te samel, bydraes in die gebied insamel gedurende die tydperk in ’n sertifikaat vermeld wat aan hom uitgereik is deur ’n in artikel 18 bedoelde beampte nadat hy daarvan oortuig is dat bedoelde organisasie ’n daadwerklike diens aan die gebied en sy inwoners lewer of sal lewer.”.

4. Artikel 19 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang: Wysiging van artikel 19 van Wet 79 van 1965.

„(a) Die raad staan nie ’n aansoek deur ’n welsynsorganisasie om geregistreer te word ten opsigte van ’n doelstelling in paragraaf (e) van die omskrywing van ’welsynsorganisasie’ in artikel een vermeld, toe nie, behalwe met toestemming van die prokureursorde vir die provinsie of die gebied waarin die organisasie funksioneer of voornemens is om te funksioneer ter verwesenliking van daardie doelstelling, en onderworpe aan die voorwaardes (benewens enige voorwaardes tot die oplegging waarvan die raad deur paragraaf (a) van subartikel (4) gemagtig word) wat dié prokureursorde bepaal.”.

5. Die volgende artikel word hierby in die Hoofwet na artikel 43 ingevoeg: Invoeging van artikel 43A in Wet 79 van 1965.

„Toepassing van Wet in die gebied. 43A. Hierdie Wet en ’n wysiging daarvan is ook in die gebied, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.”.

6. (1) Die Ordonnansie op Welsynorganisasies 1965 (Ordonnansie No. 33 van 1965), (in hierdie artikel die Ordonnansie genoem), van die gebied Suidwes-Afrika word, behoudens die bepalings van subartikels (2) en (3), hierby herroep. Herroeping van Ordonnansie 33 van 1965 van die gebied Suidwes-Afrika.

(2) By die toepassing van artikel 15 van die Hoofwet in die gebied Suidwes-Afrika, word die name van die persone genomineer ingevolge die jongste kennisgewing gepubliseer kragtens artikel 2 (2) (a) van die Ordonnansie, aan die Minister voorgelê en op die nominasielys bedoel in subartikel (2) van genoemde artikel 15 geplaas.

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(3) Any notice, certificate, authority, consent, letter of delegation, evidence of authority, order or appointment issued, prepared, published, granted or made, and any other action taken under a provision of the Ordinance, shall be deemed to have been issued, prepared, published, granted, made or taken under the corresponding provision of the principal Act.

Short title and commencement.

7. This Act shall be called the National Welfare Amendment Act, 1971, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

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(3) 'n Kennisgewing, sertifikaat, magtiging, toestemming, volmag, magtigingsbewys, beveldskrif of aanstelling uitgereik, opgestel, gepubliseer, verleen of gemaak en enige ander stappe gedoen kragtens 'n bepaling van die Ordonnansie, word geag kragtens die ooreenstemmende bepaling van die Hoofwet uitgereik, opgestel, gepubliseer, verleen, gemaak of gedoen te wees.

7. Hierdie Wet heet die Wysigingswet op Nasionale Welsyn, Kort titel en 1971, en tree in werking op 'n datum wat die Staatspresident by inwerkingtreding. proklamasie in die *Staatskoerant* bepaal.