

VOLKSTAAT COUNCIL
SUBMISSION TO THEME COMMITTEE 3
AUTONOMOUS AREAS

(Hierdie dokument is ook in Afrikaans beskikbaar)

Reference is here made to the submission of the Volkstaat Council on the nature of the federated provincial system and in particular to par B 5 dealing with the proposals with regard to autonomous areas. The proposals below serve as a further elaboration of the concept of autonomous areas.

1. The following areas are demarcated as autonomous units:
 - 1.1 A Bushveld area.
 - 1.2 A Drakensberg North area.
 - 1.3 A Drakensberg South area.
 - 1.4 A Southern Free State area.
 - 1.5 A South East Cape area.

2.
 - (1) Legislative powers in respect of autonomous units vest in a "Heemraad" comprising 20 persons elected for a period of five years by the citizens of the autonomous unit who are entitled to vote.
 - (2) Executive powers in respect of those matters over which the Heemraad enjoys legislative power, vest in a Presidium of five members elected by majority vote of the Heemraad from within its own ranks
 - (3) From the five members of the Presidium, the Heemraad elects a chairman, termed the Primarius, who acts as the chief executive officer of the unit.
 - (4) The Presidium acts as the executive organ of the Heemraad for as long as it enjoys the confidence of the Heemraad.
 - (5) A new Presidium is constituted should the existing Presidium cease to enjoy the confidence of the Heemraad.
 - (6) The Primarius convenes the Heemraad as often as may be necessary but at least once every year and determines the sittings, adjournments and agenda of the Heemraad.

- (7) The premier or chief executive officer of the constituent state is responsible for the dissolution of the Heemraad and shall call an election every five years to constitute a new Heemraad.
3.
 - (1) A Heemraad exercises its legislative powers by means of resolutions which are embodied in edicts.
 - (2) Such edicts acquire legislative force once they have been signed by the Primarius and by the premier of the constituent State concerned
 - (3) An edict is valid only in so far as it does not conflict with the National Constitution and the constitution of the constituent state concerned.
 - (4) The Heemraad may issue edicts dealing with the following matters:
 - (a) Agriculture and fisheries;
 - (b) Language and culture;
 - (c) Education;
 - (d) Health services including hospitals and clinics;
 - (e) Housing;
 - (f) Public transport;
 - (g) Regional planning and development;
 - (h) Roads;
 - (i) Social services including the care of the aged and of children;
 - (j) Regional industries and local trade matters;
 - (k) Radio and television for such units.
 - (5) In the event of irreconcilable conflict with the legislation of superior legislative bodies, edicts will enjoy precedence within the above limited power sphere and territorial limits.
 - (6) A Heemraad of an autonomous area and the legislature of a constituent state have the power to expand the territory of the autonomous area by means of agreement which has been accepted as law by both legislative bodies.
4.
 - (1) The premier or chief executive officer of the constituent state must sign a duly adopted edict save where he is of the opinion that the edict conflicts with the National Constitution or the constitution of the constituent state concerned.
 - (2) Where the edict is not signed in terms of par 4(1) above, the premier of the constituent state shall refer it to the Constitutional Court for determination of its validity,
 - (3) An edict adjudged valid by the Constitutional Court, shall be deemed to have been signed by the premier concerned.

5. (1) An autonomous unit may levy taxes on its inhabitants to meet expenses in respect of its legislative and executive powers.
- (2) A constituent state and the national government respectively provides by means of agreements with the autonomous unit, the percentage of tax relief which the inhabitants of the autonomous unit shall receive in respect of their tax obligations towards the constituent state or national government.
- (3) Tax relief in terms of par (ii) above is calculated in terms of a formula based on the saving which the autonomous unit generates for the constituent state or national government respectively, through the autonomous unit itself managing matters which would otherwise have fallen to be financed by the constituent state or the national government.
- (4) The Fiscal Commission may make recommendations to the parties concerned on how the formula in par (iii) above, should be applied.