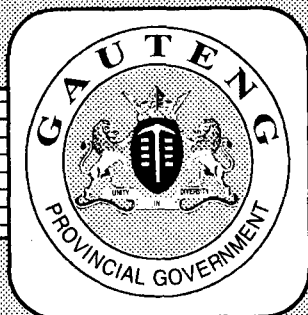


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**THE PROVINCE OF
GAUTENG**



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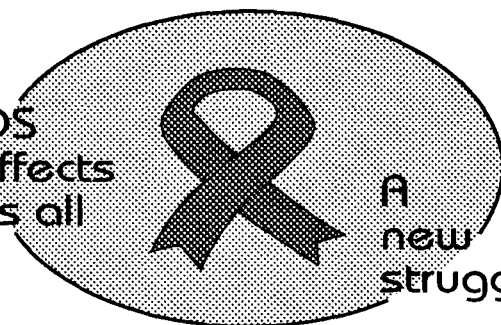
Vol. 8

PRETORIA, 8 APRIL 2002

No. 90

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

AIDS

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CONTENTS

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
PREMIER'S NOTICES		
6 Gauteng Tender Board Repeal Act (2/2002): For general information	3	90
7 Privileges and Immunities of Councillors Act (1/2002): For general information	4	90

PREMIER'S NOTICES

OFFICE OF THE PREMIER

No. 6

8 April 2002

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

No. 2 of 2002: Gauteng Tender Board Repeal Act, 2002

ACT

To repeal the Provincial Tender Board Act, 1994; to give effect to new procurement reform initiatives underway; and to provide for transitional provisions

(English text signed by the Premier)

(Assented to on 28 March 2002)

BE IT ENACTED by the Gauteng Provincial Legislature, as follows:—

Repeal of legislation

1. The Provincial Tender Board Act, 1994 (Act No. 2 of 1994), is hereby repealed.

Transitional provision

2. (1) The Executive Council must appoint a Provincial procurement body responsible for the adjudication and awarding of term contracts and special projects initiated prior to 31 March 2002 and not adjudicated and/or awarded by the Provincial Tender Board by 1 April 2002.

(2) For the purpose contemplated in subsection (1) the Executive Council may establish one or more Provincial procurement bodies.

Short title and commencement

3. This Act is called the Gauteng Tender Board Repeal Act, 2002, and shall be regarded to have taken effect on 1 April 2002.

OFFICE OF THE PREMIER

No. 7

8 April 2002

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

No. 1 of 2002: Privileges and Immunities of Councillors Act, 2002

ACT

To give effect to the provisions of section 28 of the Local Government: Municipal Structures Act, 1998; to define the privileges and immunities of councillors; and to provide for matters incidental thereto

(English text signed by the Premier)
(Assented to on 28 March 2002)

BE IT ENACTED by the Gauteng Provincial Legislature as follows:—

Definitions

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

“committee” means any committee of a council including a mayoral committee;

“council” means the municipal council of a municipality established by the MEC responsible for Local Government matters in terms of section 12 (1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and duly elected in terms of the Local Government: Municipal Electoral Act 2000 (Act No. 27 of 2000);

“councillor” means a member of a council;

“rules and orders” means the rules and orders of a council as envisaged in section 160 (6) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).

Privileges and immunities of councillors

2. (1) A councillor has freedom of speech in any meeting of a council and in its committees, subject to the relevant rules and orders of the council.

(2) A councillor does not incur any civil or criminal liability including arrest, imprisonment or damages for—

(a) anything he or she has said in, produced before or submitted to the council or any of its committees;

- (b) anything revealed as a result of anything that he or she has said in, produced before or submitted to the council or any of its committees; or
- (c) any lawful act done under the authority or by order of the council or any of its committees.

(3) Notwithstanding the provisions of subsections (1) and (2), a councillor is not protected against any legal proceedings instituted against him or her for any act that is unlawful.

(4) A councillor is exonerated from liability if he or she has requested that his or her vote be registered against any resolution or decision of a council or any committee of which he or she is a member on a matter that does not fall within the statutory competence of a council or committee or that a resolution or decision is contrary to any law, regulation or the rules and orders of a council.

(5) Subject to the provisions of any national law, no person shall arrest a councillor or serve any legal or court document upon him or her, while the council or any committee of which he or she is a member, is in sitting.

(6) Any person who contravenes a provision of subsection (5) shall be guilty of an offence and on conviction be liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(7) A councillor is not obliged to divulge or disclose any information which is privileged or confidential in terms of item 10 of Schedule 1 to the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

Short title

3. This Act is called the Privileges and Immunities of Councillors Act, 2002.

