

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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THE PRESIDENCY

No. 1015

5 December 2011

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

No. 18 of 2011: Military Veterans Act, 2011.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

(English text signed by the President)
(Assented to 2 December 2011)

ACT

To provide for principles recognised by the State as governing the affairs of military veterans and for policy objectives in this regard; the President to be Patron-in-Chief of all military veterans; benefits relating to military veterans; the establishment of the Advisory Council on Military Veterans and the Military Veterans Appeal Board; and certain functions of the Department of Military Veterans; and to provide for matters incidental thereto.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

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Definitions

1. In this Act, unless the context indicates otherwise—
- “**Advisory Council**” means the Advisory Council on Military Veterans established by section 9;
- “**Appeal Board**” means the Military Veterans Appeals Board established by section 19; 5
- “**association**” means the national military veterans’ association referred to in section (7);
- “**benefit**” means any benefit contemplated in section 5;
- “**Department**” means the department of state responsible for military veterans; 10
- “**dependant**”, in relation to a military veteran, means any person who is legally or factually dependent on that military veteran for support and maintenance;
- “**Director-General**” means the Director-General of the Department;
- “**military veteran**” means any South African citizen who—
- (a) rendered military service to any of the military organisations, statutory and non-statutory, which were involved on all sides of South Africa’s Liberation War from 1960 to 1994; 15
- (b) served in the Union Defence Force before 1961; or
- (c) became a member of the new South African National Defence Force after 1994, 20
- and has completed his or her military training and no longer performs military service, and has not been dishonourably discharged from that military organisation or force: Provided that this definition does not exclude any person referred to in paragraph (a), (b) or (c) who could not complete his or her military training due to an injury sustained during military training or a disease contracted or associated with military training; 25
- “**Minister**” means the Minister responsible for military veterans;
- “**prescribed**” means prescribed by regulation;
- “**this Act**” includes any regulations made under this Act.

Interpretation of Act 30

2. This Act must not be interpreted as entitling any person who is defined as a military veteran in this Act, or his or her dependants, to any benefit provided for in this Act or any other law merely on the grounds of such definition.

Fundamental principles recognised by State, and policy objectives

3. (1) For the purposes of this Act, the following fundamental principles are recognised by the State as governing affairs relating to military veterans: 35
- (a) Sacrifices made by military veterans in the service of or for their country or their role in the democratisation of South Africa are honoured;
- (b) compensation to which military veterans may be entitled for disablement constitutes reparation and is, despite any provision to the contrary contained in any law, not a welfare benefit; 40
- (c) in the event of a military veteran or category of military veterans being considered for possible non-contributory aid by the State, such military veteran or category of military veterans must be subjected to a means test to determine their eligibility; 45
- (d) special consideration must be given to benefit and relieve military veterans who suffer from physical or mental disability arising from military service rendered by them;

- (e) disparities, inequalities or unfair discrimination as regards the benefits of military veterans and their dependants must be identified and, where possible, remedied;
 - (f) all organs of state or governmental entities involved with military veterans' affairs must cooperate with the Department to ensure the achievement of the objects of this Act and, within their available resources, take reasonable legislative and other measures to achieve the progressive realisation thereof; and 5
 - (g) no organ of state is committed or obliged to provide state aid or any other assistance to any military veteran other than through the existing legislative and administrative channels. 10
- (2) Any policy regarding the affairs of military veterans must be aimed at—
- (a) recognising and honouring military veterans in life and remembering them in death for their sacrifices on behalf of the nation;
 - (b) ensuring a smooth and seamless transition for military veterans from active military service to civilian life; 15
 - (c) restoring the capability of military veterans with disabilities to the greatest extent possible;
 - (d) improving the quality of life of military veterans and of their dependants;
 - (e) providing a comprehensive delivery system of benefits and services for military veterans; 20
 - (f) ensuring that military veterans as a resource enhance the national work force and contribute to the prosperity and development of the country; and
 - (g) contributing toward reconciliation and nation building.

Patron-in-Chief

4. The President as Commander-in-Chief of the South African National Defence Force is the Patron-in-Chief of all military veterans. 25

Benefits relating to military veterans

5. (1) The benefits relating to a military veteran are the following:
- (a) Compensation to military veterans who sustained disabling injuries or severe psychological and neuro-psychiatric trauma or who suffer from a terminal disease resulting from their participation in military activities; 30
 - (b) dedicated counselling and treatment to military veterans who suffer from serious mental illness, post-traumatic stress disorder or related conditions;
 - (c) honouring and memorialising fallen military veterans;
 - (d) education, training and skills development; 35
 - (e) facilitation of employment placement;
 - (f) facilitation of or advice on business opportunities;
 - (g) subsidisation or provisioning of public transport;
 - (h) pension;
 - (i) access to health care; 40
 - (j) housing; and
 - (k) burial support.
- (2) Subsection (1)(b), (d) and (h) also applies to a dependant of a military veteran.
- (3) (a) The Minister has the responsibility, subject to available resources and any regulation that may be prescribed in this regard, to ensure that benefits are paid or provided to military veterans, either through the Department or through other organs of state. 45
- (b) (i) All organs of state that are responsible for the payment or provisioning of benefits to military veterans are obliged to cooperate with the Minister and the Department in respect of the payment or provisioning of those benefits. 50

(ii) The Director-General may, from funds appropriated by Parliament for the purpose, transfer funds to organs of state or other institutions that pay or provide benefits to military veterans.

Certain powers and duties of Department

6. Without derogating from its general powers and duties as a national department of state, the Department— 5

- (a) must provide the required administrative services and infrastructure to the Advisory Council and the Appeal Board and may provide such services and infrastructure to the association; 10
- (b) must collect and keep data and information regarding state-controlled and privately administered schemes or programmes dealing with any aspect of the affairs of military veterans; 10
- (c) must collect data and information regarding all existing benefits of military veterans and their dependants, and establish a data base on military veterans and military veterans' affairs, which must be updated regularly; 15
- (d) must include, in the data base contemplated in paragraph (g), information collected and compiled as provided for in that paragraph, and data regarding persons qualifying as military veterans or dependants; 15
- (e) must submit programmes which seek to promote the affairs of military veterans to the Minister— 20
 - (i) for submission to Cabinet Committees for their approval; or
 - (ii) for his or her approval,
- and must publish all approved programmes in the *Gazette* for public notification, whereupon such programmes become binding on all persons and bodies to which they refer and must be implemented according to their terms; 25
- (f) may negotiate with departments of state, provincial executive authorities and non-governmental organisations to act as agents for the Department to carry out duties regarding military veterans; 25
- (g) may, through the Director-General, enter into a memorandum of understanding or conclude a service level agreement with any organ of state which is concerned with military veterans' affairs or which administers any law relating to benefits of a military veteran in order to achieve the objects of this Act; and 30
- (h) may exercise any power and perform any duty that may be prescribed. 30

National military veterans' association 35

7. (1) (a) The Director-General must as soon as possible after the commencement of this Act establish a body which is to be an association representing military veterans' organisations nationally.

(b) The Minister must publish the date of establishment by notice in the *Gazette*.

(2) The Director-General must in conjunction with military veterans' organisations create mechanisms to ensure that the association serves as an umbrella structure representing military veterans' organisations. 40

(3) The mechanisms contemplated in subsection (2) must at least result in the association—

- (a) representing military veterans' organisations in a fair manner; 45
- (b) conducting its business in a fair, transparent and accountable manner;
- (c) holding free, fair and regular elections; and
- (d) at least once a year reporting to the Minister on its activities.

(4) (a) A military veterans' organisation is not obliged to join the association.

(b) A military veterans' organisation contemplated in paragraph (a) may engage the Minister or other persons or structures established or referred to in this Act, provided 50