



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 676

5

October
Oktober

2021

No. 45267

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845



9 771682 584003

4 5 2 6 7



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Women, Youth and Persons with Disabilities, Department of / Vroue, Jeugdige en Persone met Gestremdhede, Departement van			
1001	Promotion of Access to Information Act, 2000: National Council on Gender Based Violence and Femicide Bill, 2021	45267	3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF WOMEN, YOUTH AND PERSONS WITH DISABILITIES

NO. 1001

5 October 2021

EXPLANATORY NOTE**NATIONAL COUNCIL ON GENDER BASED VIOLENCE AND FEMICIDE BILL, 2021**

The Minister of Women, Youth and Persons with Disabilities intends introducing the National Council on Gender Based Violence and Femicide Bill, 2021, to parliament in the current financial year. An explanatory summary of the Bill is hereby published in accordance with section 9 (e) of the Promotion of Access to Information Act, 2000.

The Bill seeks to establish a multi sectoral, independent and non – partisan advisory body, comprising of representatives from both the government and civil society organisations to ensure effective coordination and implementation of the National Strategic Plan on Gender – Based Violence and Femicide.

This envisaged structure will be called a National Council on Gender Based Violence and Femicide; and shall be accountable to a Board. Whereas, the National Council on Gender Based Violence and Femicide Secretariat unit led by the Chief Executive Officer will provide technical and administrative support to the Council.

Copies of the Bill can be obtained from Ms Nondumiso Ngqulunga, Director: Legal Services, Department of Women, Youth and Persons with Disabilities, No.36 Hamilton Street, Arcadia, Pretoria, Cell: 076 7929 142 or Nondumiso.Ngqulunga@women.gov.za

REPUBLIC OF SOUTH AFRICA

NATIONAL COUNCIL ON GENDER-BASED VIOLENCE AND FEMICIDE BILL

—————
(As introduced in the National Assembly (proposed section 75); prior notice of introduction and explanatory summary of Bill published in Government Gazette No. 45267 of 5 October 2021) (The English text is the official text of the Bill)
—————

(MINISTER OF WOMEN, YOUTH AND PERSONS WITH DISABILITIES)

[B —2021]

020521nb

BILL

To establish the National Council on Gender-Based Violence and Femicide; to provide for the objects and functions of the Council; to appoint the Board of the Council; to provide for the appointment of members of the Board; to provide for the term of office of members of the Board; to provide for the termination of membership of the Board; to provide for meetings of the Board; to provide for the establishment of committees of the Board; to provide for the appointment of an Executive Officer and the Secretariat of the Council; to provide for the establishment of norms and standards for the provincial and local working groups; to provide for the making of regulations; and to provide for matters connected therewith.

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

TABLE OF CONTENTS

1. Definitions
2. Purpose of Act
3. Establishment of National Council on Gender-Based Violence and Femicide
4. Objects of Council
5. Functions of Council
6. Board of Council
7. Disqualification from membership of Board
8. Declaration of financial or other interests of members
9. Term of office
10. Remuneration of members
11. Vacancies of Board
12. Removal from office
13. Meetings of Board
14. Committees of Board
15. Appointment of Executive Officer
16. Duties of Executive Officer
17. Secretariat of Council
18. Funds of Council
19. Financial management
20. Audit, annual and financial report
21. Use of name of Council
22. Provincial and local working groups
23. Delegations

24. Regulations
25. Short title and commencement

Definitions

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

“**Board**” means the Board of the Council appointed in terms of section 6;

“**Chairperson**” means the Chairperson of the Board, elected in terms of section 6(7);

“**civil society**” includes non-governmental organisations, labour, private sector and structures or institutions that represent the interests of citizens in the field of Gender-Based Violence and Femicide;

“**Committee**” means a Committee of the Board appointed in terms of section 14; “**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Council**” means the National Council on Gender-Based Violence and Femicide established by section 3;

“**Director-General**” means the Director-General in the Department of Women, Youth and Persons with Disabilities;

“**Executive Officer**” means the Executive Officer appointed in terms of section 15;

“**Femicide**” means the killing of a female person or perceived female person on the basis of gender identity, whether committed by a person within a domestic relationship, interpersonal relationship or by any other person, or whether perpetrated or tolerated by the State or its agents and private sources;

“**Gender-Based Violence**” means gender associated violence, which includes physical, sexual, verbal, emotional, economic, educational or psychological abuse or threats of such acts of abuse;

“Inter-Ministerial Committee” means the Inter-Ministerial Committee on Gender-Based Violence and Femicide, established by the Cabinet, which consists of the Minister and Cabinet members responsible for Police, Finance, Justice and Correctional Services, Social Development, and Public Service and Administration;

“inter-sectoral” includes co-ordinated action between ministries, departments or different levels of government that is necessary to address or combat Gender-Based Violence and Femicide;

“member” means member of the Board appointed in terms of section 6 **“Minister”** means the Cabinet member responsible for the administration of Women, Youth and Persons with Disabilities;

“multi-sectoral” refers to the collaboration between the relevant stakeholders to jointly prevent and respond to Gender-Based Violence and Femicide;

“National Strategic Plan” means the National Strategic Plan on Gender-Based Violence and Femicide developed by the Interim Steering Committee established in terms of Article 3 of the Presidential Summit Declaration against Gender-Based Violence and Femicide of 2018;

“Parliament” means the National Assembly and the National Council of Provinces referred to in section 42 of the Constitution;

“prescribe” means prescribe by regulation under this Act; **“Public Finance Management Act”** means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“relevant stakeholders” include all organs of state and civil society responsible for the implementation of the National Strategic Plan;

“Secretariat” means the Secretariat Unit of the Council established in terms of section 17; and

“**this Act**” includes the regulations made under this Act;

Purpose of Act

2. The purpose of this Act is to provide a legislative framework—
- (a) for the establishment of the Council as an independent advisory body, which acts through its Board and is responsible for providing strategic leadership on the elimination of Gender-Based Violence and Femicide in South Africa;
 - (b) to provide for a multi-sectoral and an inter-sectoral approach towards the implementation of the National Strategic Plan at national, provincial and local levels and at community and other forums;
 - (c) to give effect to Chapters 1 and 2 of the Constitution, which upholds human dignity, equality, life, security of persons, freedom and the advancement of human rights as well as non-racialism and non-sexism as its founding principles;
 - (d) to affirm a national commitment to building a society that is free from all forms of Gender-Based Violence and Femicide;
 - (e) to provide for the appointment of the Executive Officer and the Secretariat by the Board, to—
 - (i) drive the achievement of the purpose of this Act in alignment with the pillars of the National Strategic Plan; and
 - (ii) establish operational arrangements, including the setting up of multi-sectoral and inter-sectoral technical teams, as and when necessary; and

- (f) to provide for reporting mechanisms to facilitate the effective performance monitoring, evaluation and corrective action in the prevention of, and response to, Gender-Based Violence and Femicide in South Africa.

Establishment of National Council on Gender-Based Violence and Femicide

3. (1) There is hereby established a body to be known as the National Council on Gender-Based Violence and Femicide.

(2) The Council is an independent advisory body responsible for providing strategic leadership in the prevention of, and response to, Gender-Based Violence and Femicide in South Africa, in line with the objects contemplated in section 4.

(3) The Council acts through its Board.

(4) The Public Finance Management Act applies to the Council.

Objects of Council

4. The objects of the Council are to—

- (a) facilitate a co-ordinated multi-sectoral approach between the State and civil society for the prevention of, and response to, Gender-Based Violence and Femicide;
- (b) set short-term, medium term and long term priorities, aligned with the National Development Plan outcomes, Medium Term Strategic Framework and Medium Term Expenditure Framework priorities;

- (c) guide the development and implementation of a national policy framework on the prevention and combating of Gender-Based Violence and Femicide; and
- (d) ensure the establishment and maintenance of a platform for sharing of information and best practices on the prevention of, and response to, Gender-Based Violence and Femicide.

Functions of Council

5. (1) In order to achieve the purpose of this Act, the Council must—
- (a) develop an Action Plan for the implementation of the National Strategic Plan, not later than six months after its establishment, which must—
 - (i) be adequately costed and implemented within available resources;
 - (ii) set indicators to be complied with by all relevant stakeholders; and
 - (iii) monitor and evaluate the implementation of the National Strategic Plan by all relevant stakeholders on a regular basis;
 - (b) ensure that resources are equitably distributed for a comprehensive response to Gender-Based Violence and Femicide;
 - (c) ensure the development of programmes and measures for education and training concerning the prevention and combating of Gender-Based Violence and Femicide;
 - (d) encourage co-ordination between all structures established in terms of this Act in matters relating to implementation of the National Strategic Plan;
 - (e) facilitate strategic partnerships between the Council and relevant stakeholders as and when required;
 - (f) administer funds appropriated by an Act of Parliament;

- (g) source and administer funding from sources other than that appropriated by an Act of Parliament;
- (h) establish and manage a National Fund for Gender-Based Violence and Femicide, in the prescribed manner;
- (i) in consultation with the Minister, facilitate the establishment of the inter-sectoral and multi-sectoral structures to jointly prevent and respond to Gender-Based Violence and Femicide;
- (j) co-ordinate the monitoring of the implementation of the National Strategic Plan at national, provincial and local levels, and at community and other forums;
- (k) in consultation with the Minister, report on the progress of the implementation of the National Strategic Plan to the Inter-Ministerial Committee and all relevant stakeholders; and
- (l) support the Inter-Ministerial Committee on matters that relate to Gender-Based Violence and Femicide during Parliamentary oversight meetings on Gender-Based Violence and Femicide.

(2) The Council may advise the Minister, Inter-Ministerial Committee and other relevant stakeholders on—

- (a) any developments relating to the prevention of, and response to Gender-Based Violence and Femicide;
- (b) relevant international standards to be adhered to; and
- (c) any matter falling within the purpose of this Act.

(3) The Council must, in consultation with the Minister—

- (a) review the National Strategic Plan and its Action Plan within five years after the date of commencement and at least once every five years thereafter; and

- (b) amend the National Strategic Plan and its Action plan when required, in which case such amendments must be tabled before the Cabinet by the Minister.

Board of Council

6. (1) The Board consists of not more than 13 executive members comprising—

- (a) seven persons from civil society organisations;
- (b) one representative from each of the following organs of state:
- (i) the Department of Women, Youth and Persons with Disabilities;
 - (ii) the Department of Justice and Constitutional Development;
 - (iii) the Department of Social Development;
 - (iv) the Department of Health;
 - (v) the South African Police Service;
 - (vi) the Department of Co-operative Governance and Traditional Affairs; and
- (c) the Executive Officer, who is an *ex-officio* member of the Board without voting rights.

(2) Members of the Board must be appointed by the Minister, after consultation with the Cabinet members responsible for Police, Justice and Correctional Services, Social Development, Health, Co-operative Governance and Traditional Affairs, and the National Director of Public Prosecutions.

(3) The members referred to in subsection (1)(a) must be appointed in a manner ensuring—

- (a) participation by civil society in the nomination process as prescribed; and

(b) transparency and openness.

(4) Each member referred to in subsection (1)(b) must—

- (a) be nominated by the respective Cabinet members referred to in subsection (2);
and
- (b) hold a rank that is not lower than that of a Deputy Director-General.

(5) Members appointed or nominated in terms of this section must—

- (a) be fit and proper persons to hold office;
- (b) be persons with applicable knowledge and expertise with regard to matters that are related to the purpose of this Act; and
- (c) reflect the demographics and geographical spread of South Africa.

(6) At the first meeting, after the constitution of the Board, the Minister must appoint one of the members as the Chairperson and another member as the Deputy Chairperson.

(7) The Board, in managing the execution of the functions of the Council, as contemplated in section 5, must—

- (a) monitor the implementation of the Action Plan of the Council; and
- (b) exercise general control over the Council's powers and the execution of the Council's functions.

Disqualification from membership of Board

7. A person is disqualified from being appointed to the Board or from remaining a member if such person—

- (a) has been convicted and sentenced for any Gender-Based Violence and Femicide related offence;

- (b) is or becomes an unrehabilitated insolvent;
- (c) is or has been declared by a competent court to be of unsound mind;
- (d) is directly or indirectly doing business with the Council and fails to declare the interest and the nature thereof in the manner required by this Act;
- (e) is a person under curatorship;
- (f) has, at any time, been removed from an office of trust on account of misconduct involving theft or fraud;
- (g) has been convicted of a criminal offence, except that the Minister may, upon receipt of an affidavit disclosing full details of an offence by a person nominated for appointment, condone a conviction provided that a disqualification in terms of this subsection ends five years after the sentence has been completed; or
- (h) fails to disclose an interest in accordance with section 8 or attended or participated in the proceedings of the Board while having an interest contemplated in section 8.

Declaration of financial or other interests of members

8. (1) A person who has been appointed or nominated as a member of the Board in terms of section 6 must, within 10 days after being appointed or nominated, submit a declaration, in writing, to the Minister of all the direct or indirect interests in a company, a non-governmental organisation or any other business interests.

(2) A member must, at the beginning of every financial year of the Council, submit a declaration, in writing, to the Minister, of the member's direct or

indirect interest in a company, a non-governmental organisation or any other business interest.

(3) Where a member acquires an interest in a company, a non-governmental organisation or any other business interest, at any time during the tenure as a member, the member must, within 10 days of the date of the acquisition of such an interest, submit a declaration, in writing, to the Minister of such an interest.

(4) Failure on the part of a member to disclose the interest as contemplated in subsections (2) and (3), constitutes a justifiable reason for the removal of such member in terms of section 12.

Term of office

9. (1) (a) Subject to sections 11 and 12, a member holds office for a period not exceeding five years, but is eligible for re-appointment for one consecutive term, not exceeding five years, only.

(b) a member holds office for a period not exceeding five years but is eligible for extension for a period, not exceeding six months, only.

(b) A member may resign from office by submitting at least one month's written notice to the Minister.

(2) Whenever the Chairperson is for any reason unavailable, the Deputy Chairperson must perform the responsibilities and duties of the Chairperson.

(3) The names of the members and the date of commencement of their term of office must be published by the Executive Officer in the *Gazette* not later than 30 days after appointment to the Board.

Remuneration of members

10. (1) A member of the Board or a member of any committee of the Board, may, from moneys appropriated by Parliament for that purpose, -

(a) in the case of members of the civil society, be paid such an allowance, and be reimbursed for such expenses incurred for services performed by such a member, as the Board may determine.

(b) in the case of government employees, be reimbursed for such expenses incurred for services performed by such a member, as the Board may determine.

(2) The Minister, with the concurrence of the Minister of Finance, must determine the applicable payment rates and criteria for the payment of the allowance and the reimbursement of expenses contemplated in subsection (1).

Vacancies in Board

11. (1) A vacancy in the Board occurs—

- (a) when a member's term of office expires;
 - (b) when a member is disqualified from being appointed to the Board or from remaining a member as set out in section 7;
 - (c) when a member dies;
 - (d) when a member's resignation, submitted in terms of section 9(1)(b) takes effect;
- or
- (e) when a member is removed from office in terms of section 12.

(2) If a vacancy occurs on the Board, such vacancy must be filled as soon as possible by the Minister who must comply with section 6.

(3) A member appointed or nominated to fill a vacancy holds office for the unexpired portion of the term of the member who he or she replaces.

Removal from office

12. (1) The Minister may remove a member from office for—

- (a) failing to perform their functions in terms of this Act;
- (b) permanent incapacity;
- (c) being absent from three consecutive meetings of the Board without good cause shown;
- (d) engaging in any activity that is reasonably capable of undermining the purpose of this Act and the functions of the Council; or
- (e) failure on the part of a member to disclose any interests as contemplated in section 8.

(2) Before removing a member from the Board in terms of subsection (1), the Minister must afford the member in question an opportunity to be heard.

Meetings of Board

13. (1) The first meeting of the Board must be held on a date and at a time and a place determined by the Minister, whereafter the date, time and place of all future meetings must be determined by the Chairperson.

(2) The Board must meet at least four times a year, as determined by the Chairperson in terms of subsection (1).

(3) The Executive Officer must, at any time, on request in writing by—
(a) the Chairperson; or
(b) the majority of the members,
convene a special meeting of the Board, to be held on a date and at a time and a place as the Chairperson may determine.

(4) (a) The Chairperson presides at all meetings of the Board.
(b) If the Chairperson is absent from a meeting of the Board, the Deputy Chairperson must preside at that meeting.

(c) If both the Chairperson and Deputy Chairperson are absent from a meeting of the Board, the members present must elect one member from amongst those present, to preside at that meeting.

(5) The quorum at any meeting of the Board is half of its members, plus one.

(6) The decision of 60% of the members present at a meeting constitutes a decision of the Board, and in the event of an equality of votes concerning any matter, the member presiding at the meeting has a casting vote in addition to such member's deliberative vote.

(7) The Board must determine the procedure for its meetings and ensure that the principles of transparency, openness and participation are observed at such meetings.

(8) The Board may regulate the proceedings at meetings as it considers fit and must cause minutes to be kept of its proceedings.

Committees of Board

14. (1) The Board may, in consultation with the Minister and in writing, establish one or more committees, including—

- (a) the Executive Management Committee;
- (b) the Credit Risk Committee;
- (c) the Human Resource and Remuneration Committee;
- (d) the Audit Committee, in accordance with National Treasury guidelines regarding the formation of Audit Committees as provided for in section 77 of the Public Finance Management Act; and
- (e) the Development Committee,

to assist in the performance of the Board's functions.

(2) The Board—

- (a) must determine the composition, rules and procedures of committees established in terms of this section;
- (b) must determine the powers or functions of a committee established in terms of this section;
- (c) must designate one of the members of a committee as chairperson and, if it considers it necessary, may designate another member of a committee as deputy chairperson; and
- (d) may, at any time, remove a member of a committee or dissolve a committee.

(3) The Board may invite persons who are not members of the Board

to serve on any of its committees, but such persons may not be appointed as chairpersons of such committees.

(4) The Board may dissolve or reconstitute a committee as is necessary.

(5) Any decision taken by a committee established under this section must be ratified by the Board.

(6) The Board is not absolved from responsibility for the performance of any powers, functions or duties entrusted to any committee in terms of this section.

Appointment of Chief Executive Officer

15. (1) The Board must appoint a Chief Executive Officer who must –

- (a) be suitably qualified;
- (b) be fit and proper persons to hold office;
- (c) be person with applicable knowledge and expertise with regard to matters that are related to the purpose of this Act.

(2) The Chief Executive Officer is an employee of the Council and is accountable to the Board.

(3) The Chief Executive Officer—

- (b) holds office for a period of five years and may be re-appointed for one additional term of office not exceeding five years; and
- (c) receives remuneration, allowances and other service benefits as the Board may determine in accordance with section 17(4).

(4) The Board must conclude a written performance agreement with the Chief Executive Officer—

- (a) within a reasonable time after the appointment of the Chief Executive Officer; and
- (b) thereafter, annually within one month of the commencement of each financial year.

(5) The performance agreement must include—

- (a) measurable performance objectives and targets that must be met, and must provide for the time-frames within which those performance objectives and targets must be met;
- (b) standards and procedures for evaluating performance and intervals for evaluation; and
- (c) the consequences of substandard performance.

(6) (a) The Chief Executive Officer must sign a contract of employment within ten working days of appointment;

- (b) The employment contract of the Chief Executive Officer must incorporate, in an appropriate form, sections 56 and 57 of the Public Finance Management Act.

Functions of Chief Executive Officer

16. The Chief Executive Officer must—

- (a) actively management of the business affairs of the Council;
- (b) ensure that the Council performs its functions as contemplated in section 5;
- (c) supervise and provide direction to all members of staff;
- (d) ensure that the strategies of the Council are effectively implemented with timely progress towards meeting the strategic objectives;
- (e) obtain and allocate resources consistent with the strategic objectives and

making timely adjustments in strategies when market conditions and demand a change;

- (f) carry out a comprehensive budgeting process and monitor the Council's financial performance against the budget;
- (g) submitting annual reports, financial statements and the financial position of the Council to the Board; and
- (h) developing an annual strategic plan and budget in accordance with the Public Finance Management Act.

Secretariat of Council

17. (1) Subject to subsection (4), the Board must establish the Secretariat Unit of the Council.

(2) The Chief Executive Officer—

- (a) is the Head of the Secretariat; and
- (b) must, in consultation with the Board, appoint and supervise the Secretariat.

(3) The Secretariat, under the direction of the Chief Executive Officer—

- (a) is appointed in accordance with the pillars of the National Strategic Plan;
- (b) consists of fit and proper persons who possess applicable knowledge and experience, as may be necessary to assist the Board in the exercise of its powers and the performance of its functions;
- (c) is responsible for the day to day operation of the Council; and
- (d) provides technical and administrative support to the Board.

(4) The Board must, in consultation with the Minister and the Minister responsible for Public Service and Administration, determine the conditions of employment and remuneration of the Secretariat.

(5) The Labour Relations Act, 1995 (Act No. 66 of 1995), relating to collective bargaining is applicable when the terms and conditions of employment are determined as provided for in subsection (4).

Funds of Council

18. (1) The funds of the Council consist of—

- (a) monies appropriated by Parliament for this purpose;
- (b) donations or contributions received from any source;
- (c) trust funds vested in the Council;
- (d) interest derived from investments; and
- (e) money received from any other source.

(2) Monies appropriated by Parliament for this purpose—

- (a) constitute earmarked funds on the applicable vote; and
- (b) may not be used for any other purpose, unless the Board has been consulted and the National Treasury approves such use.

(3) Subject to the Public Finance Management Act, the Director-General—

- (a) is charged with the responsibility of accounting for monies received or paid out for or on account of the administration and functioning of the Council and for donations, contributions or gifts in accordance with National Treasury regulations; and

(b) must cause the necessary accounting and other related records to be kept, which records must be audited by the Auditor-General.

(4) The Board must utilise the funds—

(a) to cover costs in connection with—

- (i) the day to day operation and administration of the Council; and
- (ii) the performance of the duties and functions of the Council and the exercise of its powers in terms of this Act; and

(b) for the payment of remuneration, allowances and subsistence and travelling expenses of the members, the Executive Officer and the Secretariat.

(5) Any donations or contributions contemplated in subsection (1)(b) must be utilised in accordance with the conditions, if any, imposed by the donor or contributor concerned.

(6) The Council may only lend or borrow moneys in accordance with the Public Finance Management Act with the prior approval of the Minister in concurrence with the Minister of Finance.

(7) The Chief Executive Officer must, in compliance with the Public Finance Management Act and in consultation with the Board—

- (a) open an account in the name of the Council with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990); and
- (b) deposit therein all money received in terms of this section.

Financial management

19. (1) The Chief Executive Officer must—

- (a) cause full and proper books of account and all the necessary records in relation thereto to be kept; and
- (b) ensure that the Council's annual budgets, corporate plans, annual reports and audited financial statements are prepared and submitted in accordance with the Public Finance Management Act.

(2) In a financial year, the Executive Officer may submit to the Board for approval adjusted or supplementary statements of the estimated income and expenditure of the Council for that financial year.

(3) The Board may not enter into any financial commitment beyond—

- (a) its approved budget;
- (b) the prescribed transaction limits, without reporting to the Minister; and
- (c) its accumulated reserves.

(4) The Executive Officer may, in accordance with the Public Finance Management Act and with the approval of the Board, invest any unexpended portion of its funds with the Corporation for Public Deposits, established in terms of section 3 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), or another institution approved by the National Treasury.

Audit, annual and financial report

20. (1) The Auditor-General must audit the accounts and balance sheet of the Council.

(2) The Board must—

- (a) at any stage furnish such information to the Minister which the Minister may require in connection with the activities and financial position of the Council; and
- (b) not later than 30 June of every year, submit to the Minister an annual report and such other particulars as the Minister may require.

(3) The report contemplated in subsection (2)(b) must—

- (a) include a balance sheet and a statement of income and expenditure certified by the Auditor-General;
- (b) state the extent to which the Council has achieved or advanced its objects referred to in section 4 and the measurable objectives during the financial year concerned; and
- (c) contain relevant performance information regarding the economic, efficient and effective application of resources and specifically a comparison between planned and actual performance indicators as set out in the corporate plan of the Council.

(4) The Board may, through the Minister, make recommendations to the President regarding legislative and other interventions which have a bearing on the prevention and combating of Gender-Based Violence and Femicide.

(5) The Minister must table the report contemplated in subsection (3) in Parliament within 30 days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not in ordinary session, within 30 days after commencement of the next ordinary session.

Use of name of Council

21. (1) No person may, without the prior written authorisation of the Council, represent or make use of the name, acronym, logos, designs or material used or owned by the Council.

(2) No person may falsely claim to be acting on behalf of the Council.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding three years or to both a fine and such imprisonment.

Provincial and local working groups

22. The Minister must, after consultation with the relevant organs of state in the provincial and local spheres of government, prescribe norms and standards for co-ordination of the Provincial and Local Gender-Based Violence and Femicide Working Groups consistent with this Act, the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005) and any other applicable legislation.

Delegations

23. (1) The Minister may delegate to the Board—

(a) any power conferred on the Minister by this Act, except the power to make regulations referred to in section 24; or

(b) any duty imposed on the Minister by this Act, except any duty regarding the appointment and removal from office of the members of the Board contemplated in sections 6 and 12.

(2) The Board may, by special resolution, delegate to the Executive Officer any power or duty conferred or imposed on the Board by this Act.

(3) The Chief Executive Officer may delegate to a member of staff any power or duty conferred or imposed on the Chief Executive Officer by this Act.

(4) Any power or duty delegated in terms of subsection (1), (2) or (3) must be exercised or performed subject to such conditions as the person or body that made the delegation considers necessary.

(5) A delegation referred to in subsection (1), (2) or (3);

- (a) must be in writing;
- (b) does not prohibit the person or body that made the delegation from exercising that power or performing that duty; and
- (c) may be withdrawn or amended, in writing, by that person or body.

Regulations

24. The Minister may, after receipt of recommendations of the Council, make regulations relating to –

- (a) the establishment and the management of the National Fund for Gender-Based Violence and Femicide;
- (b) participation by civil society in the nomination process of the Board members;
- (c) transaction limits contemplated in section 19(3)(b);
- (d) norms and standards for co-ordination of the Provincial and Local Gender-Based Violence and Femicide Working Groups; and

- (e) any matter necessary or expedient to prescribe for the proper implementation and administration of this Act.

Short title and commencement

25. This Act is called the National Council on Gender-Based Violence and Femicide Act, 2021, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065