



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 707

Cape Town
Kaapstad

27 May 2024

No. 50712

THE PRESIDENCY

No. 4888 27 May 2024

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

Act No. 09 of 2024: National Council on Gender-Based Violence and Femicide Act, 2024

OFISI YA MOPOPRESIDENTE

No. 4888 27 May 2024

Go itsisiwe gore Mopopresidente o dumetse Molao o o latelang, o o phasaladiwang fano go itsisiwe botlhe:—

Act No. 09 ya 2024: Molao wa Khansele ya Bosetšhaba ya Tirisodikgoka e e Ikaegileng ka bong le Polao ya Basadi, 2024

ISSN 1682-5845



9 771682 584003



5 0712



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

(English text signed by the President)
(Assented to 24 May 2024)

ACT

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 the Chief Executive Officer and the Secretariat Unit 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.

PREAMBLE

RECOGNISING that South Africa continues to wrestle with the impact of decades of institutionalised racism, sexism, exclusion, structural violence and other factors that have continued to undermine human development and positive social cohesion;

RECOGNISING further that gender-based violence and femicide is a serious social evil and that victims of gender-based violence and femicide are among the most vulnerable members of society; that gender-based violence takes on many forms;

HAVING REGARD to the Constitution of the Republic of South Africa, 1996 and in particular, the right to equality and to freedom and security of the person; and the international commitments and obligations of the State towards ending gender-based violence and femicide;

CONVINCED THAT gender-based violence and femicide will be eliminated only when a multi-sectoral, co-ordinated government and whole of society approach is implemented in fighting the scourge; and

THEREFORE it is necessary to harness the roles, responsibilities, resources and commitments across government, labour, civil society, movements, youth structures, faith-based structures, traditional structures, the media, development agencies, the private sector, academic institutions and all other stakeholders,

BE IT THEREFORE 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

5

(English text signed by the President)
(Assented to 24 May 2024)

MOLAO

Go tlhoma Khansele ya Bosetšhaba ya Tirisodikgoka e e Ikaegileng ka bong le Polao ya Basadi; go laela mabapi le maitlhommo le ditiro tsa Khansele; go thapa Boto ya Khansele; go laela mabapi le go thapiwa ga ditokololo tsa Boto; go laela mabapi le paka ya tiro ya ditokololo tsa Boto; go laela mabapi le go khutliswa ga botokololo jwa Boto; go laela mabapi le dikopano tsa Boto; go laela mabapi le go tlhongwa ga dikomiti tsa Boto; go laela mabapi le go thapiwa ga Motlhankedikhuduthamagamogolo le Lekala la Bokwaledi la Khansele; go laela mabapi le go tlhongwa ga ditekanyetso le dipeelo tsa ditlhopha tse di dirang tsa diporofense le tsa selegae; go laela mabapi le go dirwa ga melawanataolo, le go laela mabapi le merero e e amanang le ona.

KETAPELE

KA GO LEMOGA gore Aforika Borwa e tswelela go samagana le ditlamorago tsa dingwagosome tsa tlhaolele, kgethololo ya bong, go se akarediwe, tirisodikgoka le mabaka a mangwe a a tswelelang go koafatsa tlhabololo ya botho le kitlanoloago e e siameng;

KA GO LEMOGA gape gore tirisodikgoka e e ikaegileng ka bong le polao ya basadi ke tlhobaboroko e e bosula mo loagong le gore batswasetlhabelo ba tirisodikgoka e e ikaegileng ka bong le polao ya basadi ke bangwe ba baagi ba ba sa sireletsegang segolo; gore tirisodikgoka e e ikaegileng ka bong e diragala ka mekgwa e le mentsi;

KA GO TSAYA TSIA Molaotheo wa Rephaboliki ya Aforika Borwa, 1996 e bile segolobogolo, tshwanelo ya tekatekano le ya kgololosego le tshireletsego ya motho; le ditlamego le dipateletsego tsa boditšhabatšhaba tsa Puso mo go fediseng tirisodikgoka e e ikaegileng ka bong le polao ya basadi;

KA NETEFATSO YA GORE tirisodikgoka e e ikaegileng ka bong le polao ya basadi e tla fediswa fela fa puso ya maphatamantsi, e e rulaganeng le ya tsela ya setšhaba ka gotlhe e tsenngwa mo tirisong mo go lwantsheng tlhobaboroko; e bile

KA MOO go tlhokega gore go laolwe matsapa, maikarabelo, ditlamego le maitlamo go ralala puso, badiri, baagi, mekgatlho, mekgatlho ya bašwa, mekgatlho ya bodumedi, bobegakgang, ditheo tsa tlhabololo, lephata la poraefete, ditheo tsa thuto le bannaleseabe ba bangwe botlhe,

DIRWA MOLAO JALO ke Palamente ya Rephaboliki ya Aforika Borwa, jaana:—

LENANE LA DITENG

1. Ditlhaloso
2. Maitlhommo a Molao
3. Go tlhongwa ga Khansele ya Bosetšhaba ya Tirisodikgoka e e Ikaegileng ka bong le Polao ya Basadi
4. Maikaelelo a Khansele
5. Ditiro tsa Khansele

6.	Board of Council	
7.	Disqualification from membership of Board	
8.	Declaration of financial or other interests of members	
9.	Term of office	
10.	Reimbursement of members	5
11.	Vacancies in Board	
12.	Removal from office	
13.	Meetings of Board	
14.	Committees of Board	
15.	Appointment of Chief Executive Officer	10
16.	Functions of Chief Executive Officer	
17.	Secretariat of Council	
18.	Funds of Council	
19.	Financial management	
20.	Audit, annual and financial report	15
21.	Use of name of Council	
22.	Provincial and local structures	
23.	Delegations	
24.	Regulations	
25.	Short title and commencement	20

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(6);
- “**Chief Executive Officer**” means the Chief Executive Officer appointed in terms of section 15; 25
- “**civil society**” includes non-governmental organisations, labour 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, established in terms of section 14; 30
- “**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;
- “**femicide**” means the killing of a female person or a person on the basis of gender identity as a female, whether committed by a person within a domestic relationship, interpersonal relationship or by any other person; 35
- “**gender-based violence**” means violence associated with gender, which includes physical, sexual, verbal, emotional, economic, domestic, educational or psychological abuse or threats of such acts of abuse in public or private life;
- “**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; 40
- “**member**” means a member of the Board appointed in terms of section 6;
- “**Minister**” means the Cabinet member responsible for women, youth and persons with disabilities; 45
- “**multi-sectoral**” means the collaboration between the relevant stakeholders to jointly prevent and respond to gender-based violence and femicide;
- “**national strategy on gender-based violence and femicide**” means relevant national policies and action plans developed and implemented by the Executive Authority to address issues relating to gender-based violence and femicide, and as far as it aligns with these national policies and action plans include the National Strategic Plan on Gender-Based Violence and Femicide developed in terms of Article 3 of the Presidential Summit Declaration against Gender-Based Violence and Femicide of 2018; 50
- “**Parliament**” means the National Assembly and the National Council of Provinces referred to in section 42(1) of the Constitution; 55
- “**prescribe**” means prescribe by regulation under this Act;

6.	Boto ya Khansele	
7.	Kiletso mo go nneng tokololo ya Boto	
8.	Tlhomamiso ya dikgatlhegelo tsa ditšhelete kgotsa tse dingwe tsa ditokololo	
9.	Paka ya tiro	
10.	Pusetsoyadi ya ditokololo	5
11.	Diphatlhatiro mo Botong	
12.	Tloso mo tirong	
13.	Dikopano tsa Boto	
14.	Dikomiti tsa Boto	
15.	Go thapiwa ga Motlhankedikhuduthamagamogolo	10
16.	Ditiro tsa Motlhankedikhuduthamagamogolo	
17.	Bokwaledi jwa Khansele	
18.	Matlotlo a Khansele	
19.	Taolo ya matlole	
20.	Pegelo ya boruni, ngwaga le matlole	15
21.	Tiriso ya leina la Khansele	
22.	Dithulaganyo tsa diporofense le tsa selegae	
23.	Ditholelo	
24.	Melawanataolo	
25.	Setlhogo se sekhutshwane le tshimololo	20

Ditlhaloso

1. Mo Molaong ono, ntle le fa maitshetlego a kaya mokgwa osele—
- “**Boto**” e kaya Boto ya Khansele e e thapilweng go ya ka karolo 6;
- “**Modulasetulo**” o kaya Modulasetulo wa Boto, yo o tlhophilweng go ya ka karolo 6(6); 25
- “**Motlhankedikhuduthamagamogolo**” o kaya Motlhankedikhuduthamagamogolo yo o thapilweng go ya ka karolo 15;
- “**baagi**” ba akaretsa mekgatlho eo e seng ya puso, badiri le dithulaganyo kgotsa ditheo tse di emelang dikgatlhegelo tsa baagi mo mererong ya tirisodikgoka e e ikaegileng ka bong le polao ya basadi; 30
- “**komiti**” e kaya komiti ya Boto, e e tlhomilweng go ya ka karolo 14;
- “**Molaotheo**” o kaya Molaotheo wa Rephaboliki ya Aforika Borwa, 1996;
- “**Khansele**” e kaya Khansele ya Bosetšhaba ya Tirisodikgoka e e Ikaegileng ka bong le Polao ya Basadi, e e tlhomilweng ka karolo 3;
- “**polao ya basadi**” e kaya polao ya batho ba basadi kgotsa ya motho ka ntlha ya go itshupa bong jwa gagwe jaaka mosadi, e ka tswa e dirilwe ke motho wa mo lapeng, yo o mo kamanong ya lerato nae kgotsa ke motho mongwe le mongwe ofe; 35
- “**tirisodikgoka e e ikaegileng ka bong**” e kaya tirisodikgoka e e amanang le bong, tshotlako ya mo mmeleng, ya thobalano, ya puo, ya maikutlo, ya ditšhelete, ya mo lapeng, ya thuto kgotsa ya monagano kgotsa go tshosetsa ka ditiro tseo tsa tshotlakako mo botshelong jo bo mo pepeneng kgotsa jwa poraefete; 40
- “**gare ga maphata**” go akaretsa tiro e e rulagantsweng magareng ga mafapha kgotsa makala a a farologaneng a puso e e tlhokegang go samagana kgotsa go lwantsha tirisodikgoka e e ikaegileng ka bong le polao ya basadi;
- “**tokololo**” e kaya tokololo ya Boto e e thapilweng go ya ka karolo 6; 45
- “**Tona**” o kaya tokololo ya Kabinete e e rwalang maikarabelo mabapi le basadi, bašwa le batho ba ba tshelang ka bogole;
- “**maphatamantsi**” a kaya tirisanommo magareng ga bannaleseabe ba ba maleba go dirisana mmogo go thibela le go tsibogela tirisodikgoka e e ikaegileng ka bong le polao ya basadi; 50
- “**togamaano ya bosetšhaba e e ka ga tirisodikgoka e e ikaegileng ka bong le polao ya basadi**” e kaya dipholisi tsa boditšhaba tse di maleba le maano a tiro a a tlhamilweng le go tsenngwa mo tirisong ke Bothati jwa Khuduthamaga go samagana le merero e e amanang le tirisodikgoka e e ikaegileng ka bong le polao ya basadi, e bile mabapi le ka moo e itepanyang le dipholisi tseo tsa boditšhaba le maano a tiro e akaretsa Togamaano ya Bosetšhaba e e ka ga Tirisodikgoka e e ikaegileng ka bong le polao ya basadi e e tlhamilweng go ya ka Athikele 3 ya Tlhomamiso ya Kokoano ya Boporesidente kgatlanong le Tirisodikgoka e e ikaegileng ka bong le polao ya basadi ya 2018; 55
- “**Palamente**” e kaya Kokoano ya Bosetšhaba le Khansele ya Diporofense ya Bosetšhaba e e umakilweng mo karolong 42(1) ya Molaotheo; 60
- “**go laela**” go kaya go laela ka molawanataolo ka fa tlase ga Molao ono;

6

“**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“**relevant stakeholders**” include the private sector, all organs of state and civil society responsible for the implementation of the national strategy on gender-based violence and femicide;

“**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— 10
- (a) for the establishment of the Council as a statutory 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 co-ordinate a multi-sectoral and an inter-sectoral approach towards the implementation of the national strategy addressing gender-based violence and femicide at national, provincial and local level and at community and other forums; 15
 - (c) to give effect to Chapters 1 and 2 of the Constitution, which uphold 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; 20
 - (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 Chief Executive Officer and the Secretariat by the Board; and 25
 - (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) The National Council on Gender-Based Violence and Femicide is hereby established. 30

(2) The Council is a statutory body responsible for providing strategic leadership and co-ordination 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. 35

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

Objects of Council

4. The objects of the Council are to—
- (a) co-ordinate a structured multi-sectoral approach between relevant stakeholders for the prevention and elimination of, and response to, gender-based violence and femicide; 40
 - (b) set short term, medium term and long term priorities, aligned with the national strategy addressing gender-based violence and femicide; and
 - (c) facilitate the sharing of information and best practices on the prevention of, and response to, gender-based violence and femicide. 45

Functions of Council

5. (1) In order to achieve the purpose of this Act, the Council must—

7

“**Molao wa Taolo ya Matlole a Setšhaba**” o kaya *Public Finance Management Act*, 1999 (Molao 1 wa 1999);

“**bannaleseabe ba ba maleba**” ba akaretsa lephata la poraefete, ditheo tsotlhe tsa puso le baagi ba ba rwalang maikarabelo a go tsenya mo tirisong togamaano ya bosetšhaba e e ka ga tirisodikgoka e e ikaegileng ka bong le polao ya basadi; 5

“**Bokwaledi**” bo kaya Lekala la Bokwaledi la Khansele le le tlhomilweng go ya ka karolo 17; le

“**Molao ono**” o akaretsa le melawanataolo e e dirilweng ka fa tlase ga Molao ono.

Maitlhommo a Molao

2. Maitlhommo a Molao ke go tlamela letlhomiso la semolao— 10

- (a) mabapi le go tlhongwa ga Khansele jaaka setheo sa semolao, eo e dirang ka Boto ya yona e bile e rwaala maikarabelo a go tlamela boeteledipele jwa togamaano ka ga phediso ya tirisodikgoka e e ikaegileng ka bong le polao ya basadi mo Aforika Borwa;
- (b) go rulaganya mokgwa wa maphatamantsi le wa gare ga maphata wa go tsenya mo tirisong togamaano ya bosetšhaba e e samaganang le tirisodikgoka e e ikaegileng ka bong le polao ya basadi mo maemong a bosetšhaba, a diporofense le a selegae le mo baaging le mo diforamong tse dingwe; 15
- (c) go tsenya mo tirisong Dikgaolo 1 le 2 tsa Molaotheo, tse di tshegetsang seriti sa botho, tekatekano, botshelo, tshireletsego ya batho, kgololosego le ntshetsopele ya ditshwanelo tsa botho, le bosengmorafe le bothokakgethololo ya bong, jaaka dipopi tsa motheo tsa ona; 20
- (d) go gatelela boineelo jwa bosetšhaba jwa go aga setšhaba se se gololosegileng mo mefuteng yotlhe ya tirisodikgoka e e ikaegileng ka bong le polao ya basadi; 25
- (e) go laela mabapi le go thapiwa ga Motlhankedikhuduthamagamogolo le Bokwaledi ke Boto; le
- (f) go laela mabapi le ditsela tsa go nolofatsa kelotlhoko e e nonofileng ya tiragatso, tshakatsheko le kgato ya paakanyo mo thibelong ya, le ditsibogelo go, tirisodikgoka e e ikaegileng ka bong le polao ya basadi mo Aforika Borwa. 30

Go tlhongwa ga Khansele ya Bosetšhaba ya Tirisodikgoka e e Ikaegileng ka bong le Polao ya Basadi

3. (1) Khansele ya Bosetšhaba ya Tirisodikgoka e e Ikaegileng ka bong le Polao ya Basadi e a tlhongwa fano.

(2) Khansele ke setheo sa semolao se se rwalang maikarabelo a go tlamela boeteledipele jwa togamaano le thulaganyo mo thibelong le mo tsibogelong ya tirisodikgoka e e ikaegileng ka bong le polao ya basadi mo Aforika Borwa, go tsamaelana le maikaelelo a a umakilweng mo karolong 4. 35

(3) Khansele e dira ka Boto ya yona.

(4) Molao wa Taolo ya Matlole a Setšhaba o diriswa mo Khanseleng. 40

Maikaelelo a Khansele

4. Maikaelelo a Khansele ke go—

- (a) rulaganya tsela e e rulagantsweng ya maphatamantsi magareng ga bannaleseabe ba ba maleba mabapi le thibelo, phediso ya le tsibogelo go, tirisodikgoka e e ikaegileng ka bong le polao ya basadi; 45
- (b) tlhoma ditlapele tsa pakakhutshwane, pakagare le pakatelele, tse di lepantsweng le togamaano ya bosetšhaba go samagana le tirisodikgoka e e ikaegileng ka bong le polao ya basadi; le
- (c) nolofatsa go arogana tshedimose tso le mekgwa e e siameng ya go thibela le go tsibogela tirisodikgoka e e ikaegileng ka bong le polao ya basadi. 50

Ditiro tsa Khansele

5. (1) Gore go fitlhelwe maitlhommo a Molao ono, Khansele e tshwanetse go—

8

- (a) develop an action plan, not later than six months after its establishment, for the implementation of the national strategy addressing gender-based violence and femicide, which must—
- (i) be adequately costed and implemented effectively;
 - (ii) set indicators and timelines to be complied with by all relevant stakeholders; and
 - (iii) co-ordinate the monitoring and evaluation of the implementation of the national strategy addressing gender-based violence and femicide;
- (b) co-ordinate measures for education and training concerning the prevention and combating of gender-based violence and femicide;
- (c) ensure co-ordination between all structures established in terms of this Act in matters relating to the implementation of the national strategy addressing gender-based violence and femicide;
- (d) facilitate strategic partnerships between the Council and relevant stakeholders, as and when required;
- (e) in consultation with the Minister, facilitate the establishment of inter-sectoral and multi-sectoral structures to jointly prevent and respond to gender-based violence and femicide; and
- (f) co-ordinate the prioritisation of gender-based violence and femicide programmes at national, provincial and local level, and at community and other forums.
- (2) The Council must advise the Minister 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 report to the Minister at least four times a year on its activities, the performance of its functions and the achievement of its objectives, and the Minister must cause such report to be tabled in Parliament as required: Provided that the Council may at any time submit any other report if it is deemed necessary by Parliament.
- (4) The Council must review strategic and action plans as identified by the Minister every five years or as required after the date of commencement of this Act.

Board of Council

6. (1) The Board must consist of not more than 15 members, comprising—
- (a) seven representatives from civil society and the private sector;
 - (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 Department of Co-operative Governance and Traditional Affairs;
 - (vi) the South African Police Service;
 - (vii) the Department of Basic Education; and
 - (viii) the National Prosecuting Authority; and
 - (c) the Chief Executive Officer, who is an *ex officio* member of the Board without voting rights.
- (2) Only members of the Board referred to in subsection (1)(a) must be appointed by the President, and must before appointment be subjected to a security screening as envisaged in section 2A of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994).
- (3) The President must, whenever it becomes necessary to appoint the members of the Board referred to in subsection (1)(a), make an appointment from a list of persons recommended by the National Assembly by way of resolution with a supporting vote of a majority of the members of the Assembly.

9

- (a) tlhama leano la tiro, mo dikgweding di le thataro morago ga go tlhonga ga yona, mabapi le go tsengwa mo tirisong ga togamaano ya bosetšhaba go samagana le tirisodikgoka e e ikaegileng ka bong le polao ya basadi, eo e tshwanetseng go—
- (i) bewa boleng ka nepagalo le go tsengwa mo tirisong ka nonofo; 5
- (ii) baya dibontshi le dinako tse di tshwanetseng go obamelwa ke bannaleseabe botlhe ba ba maleba; le
- (iii) rulaganya peoleitlho le tshkatsheko ya tsenyotirisong ya togamaano ya bosetšhaba go samagana le tirisodikgoka e e ikaegileng ka bong le polao ya basadi; 10
- (b) rulaganya mekgwa ya thuto le katiso e e mabapi le thibelo le twantsho ya tirisodikgoka e e ikaegileng ka bong le polao ya basadi;
- (c) netefatsa thulaganyo magareng ga ditheo tsotlhe tse di tlhomilweng go ya ka Molao ono mo mererong e e amanang le tsenyotirisong ya togamaano ya bosetšhaba go samagana le tirisodikgoka e e ikaegileng ka bong le polao ya basadi; 15
- (d) nolofatsa dimphato tsa togamaano magareng ga Khansele le bannaleseabe ba ba maleba, jaaka le fa go tlhokega;
- (e) ka therisano le Tona, nolofatsa go tlhonga ga ditheo tsa gare ga maphata le tsa maphatamantsi go dirisana mmogo go thibela le go tsibogela tirisodikgoka e e ikaegileng ka bong le polao ya basadi; le 20
- (f) rulaganya go bewa kwa pele ga mananeo a tirisodikgoka e e ikaegileng ka bong le polao ya basadi mo maemong a bosetšhaba, a diporofense le a selegae, le mo baaging le mo diforamong tse dingwe.
- (2) Khansele e tshwanetse go gakolola Tona ka ga— 25
- (a) ditiragalo dife tse di amanang le thibelo le tsibogelo ya tirisodikgoka e e ikaegileng ka bong le polao ya basadi;
- (b) ditekanyetso tse di maleba tsa boditšhabatšhaba tse di tshwanetseng go obamelwa; le
- (c) morero mongwe le mongwe o o welang ka fa tlase ga maitlhommo a Molao ono. 30
- (3) Khansele e tshwanetse go begela Tona bonnye makgetlo a le mane mo ngwageng ka ga ditiro tsa yona, tiragatso ya ditiro tsa yona le phitlhelelo ya maikaelelo a yona, e bile Tona o tshwanetse go dira gore pegelo eo e bewe fa pele ga Palamente jaaka go tlhokega: Fela Khansele eo e ka romela pegelo nngwe le nngwe efe nako le nngwe fa Palamente e bona go tlhokega. 35
- (4) Khansele e tshwanetse go sekaseka ditogamaano le ditiro jaaka Tona a tlhagisitse mo dingwageng dingwe le dingwe di le tlhano kgotsa jaaka go tlhokega morago ga letlha la tshimololo ya Molao ono.

Boto ya Khansele

6. (1) Boto e tshwanetse go nna le ditokololo di sa fete 15, tseo di tsenyeletsang— 40
- (a) baemedi ba le supa go tswa mo baaging le mo lephateng la poraefete;
- (b) moemedi a le esi go tswa mo nngwe le nngwe ya setheo sa puso se se latelang:
- (i) Lefapha la Basadi, Bašwa le Batho ba ba Tshelang ka Bogole;
- (ii) Lefapha la Bosiamisi le Tlhabololo ya Molaotheo; 45
- (iii) Lefapha la Tlhabolololoago;
- (iv) Lefapha la Boitekanelo;
- (v) Lefapha la Tirisano mmogo ya Puso le Merero ya Setso;
- (vi) Tirelo ya Sepodisi ya Aforika Borwa;
- (vii) Lefapha la Thuto ya Motheo; le
- (viii) Bothati jwa Bosekisi jwa Bosetšhaba; le 50
- (c) Motlhankedikhuduthamagamogolo, yo e leng tokololo ka kemo mo Botong ntle le tshwanelo ya go bouta.
- (2) Ke fela ditokololo tsa Boto tse di umakilweng mo karolotlaleletsong (1)(a) di tshwanetseng go thapiwa ke Moporesidente, e bile pele ba thapiwa ba tshwanetse go tlholwa mabapi le tshireletsego jaaka go bonetswe pele mo karolong 2A ya *National Strategic Intelligence Act, 1994* (Molao 39 wa 1994). 55
- (3) Moporesidente o tshwanetse, nako nngwe le nngwe fa go tlhokega gore go thapiwe ditokololo tsa Boto tse di umakilweng mo karolotlaleletsong (1)(a), go thapa go tswa mo lenaneng la batho ba ba atlanegisitsweng ke Kokoano Bosetšhaba ka tsela ya tshwetso e e tshageditsweng ke boutu ya bontsi jwa ditokololo tsa Kokoano. 60

10

- (4) Each member referred to in subsection (1)(b) must—
- (a) be nominated by the respective Cabinet members responsible for women, youth and persons with disabilities, justice and constitutional development, social development, health, co-operative governance and traditional affairs, police and basic education; and 5
 - (b) hold a rank that is not lower than that of Deputy Director-General.
- (5) Members appointed 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 10
 - (c) reflect the demographics and geographical spread of South Africa.
- (6)(a) The President must designate one of the members as Chairperson and another member as Deputy Chairperson.
- (b) The President must ensure that the positions of Chairperson and Deputy Chairperson are held alternately by a person contemplated in subsection (1)(a) and (b). 15
- (7) Whenever the Chairperson is for any reason unavailable, the Deputy Chairperson must perform the responsibilities and duties of Chairperson. Should both the Chairperson and Deputy Chairperson not be available to fulfil their responsibilities, the President may designate one of the members to temporarily act as a Chairperson or Deputy Chairperson for a period not exceeding six months. 20
- (8) 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. 25
- (9) The Minister may co-opt any person for a period not exceeding six months at the request of the Board, to assist the Board with regard to its functions in order to—
- (a) advise and provide the necessary expertise in their specific field; or
 - (b) represent a relevant stakeholder.
- (10) A person co-opted in terms of subsection (9) may take part in the proceedings of the Board or its committee but is not entitled to vote. 30

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 of— 35
 - (i) a gender-based violence and femicide-related offence; or
 - (ii) any other criminal offence and sentenced to a term of imprisonment without the option of a fine;
 - (b) is or becomes insolvent;
 - (c) is or has been declared by a competent court to be of unsound mind; 40
 - (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 any form of misconduct, including sexual harassment, corruption, theft or fraud; or 45
 - (g) 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 50

- (4) Tokololo nngwe le nngwe e e umakilweng mo karotlaleletsong (1)(b) e tshwanetse go—
- (a) tlhophiwa ke ditokololo tsa Kabinete tse di rwalang maikarabelo a basadi, bašwa le batho ba ba tshelang ka bogole, bosiamisi le tlhabololo ya molaotheo, tlhabolololoago, boitekanelo, tirisanommo go ya puso le merero ya setso, sepodisi le thuto ya motheo; le 5
- (b) nna mo maemong a a seng kwa tlase ga a Motlatsamokaedikakaretso.
- (5) Ditokololo tse di thapilweng go ya ka karolo eno di tshwanetse go—
- (a) nna batho ba ba siametseng le go nonofela go nna mo tirong; 10
- (b) nna batho ba ba nang le kitso e e diriswang le boitseanape mabapi le merero e e amanang le maitlhommo a Molao ono; le
- (c) bontsha dipalopalo tsa batho le kanamo ya naga ya Aforika Borwa.
- (6)(a) Moporesidente o tshwanetse go tlhoma a le mongwe wa ditokololo jaaka Modulasetulo le tokololo e nngwe jaaka Motlatsamodulasetulo. 15
- (b) Moporesidente o tshwanetse go netefatsa gore maemo a Modulasetulo le Motlatsamodulasetulo a refosanelwa ke motho yo o umakilweng mo karotlaleletsong (1)(a) le (b).
- (7) Fa Modulasetulo ka lebaka lefe a seyo, Motlatsamodulasetulo o tshwanetse go rwala maikarabelo le go dira ditiro tsa Modulasetulo. Fa ka bobedi Modulasetulo le Motlatsamodulasetuloba ba seyo go diragatsa maikarabelo a bona, Moporesidente o ka tlhoma a le mongwe wa ditokololo go tshwara nakwana jaaka Modulasetulo kgotsa Motlatsamodulasetulo sebaka sa paka e e sa feteng dikgwedi tse thataro. 20
- (8) Boto, mo go laoleng go dirwa ga ditiro tsa Khansele, jaaka go umakilwe mo karolong 5, e tshwanetse go—
- (a) ela tlhoko go tsengwa mo tirisong ga leano la tiro la Khansele; le 25
- (b) diragatsa taolo ka kakaretso mo dithateng tsa Khansele le go dirwa ga ditiro tsa Khansele.
- (9) Tona o ka laletsa motho ofe sebaka sa paka e e sa feteng dikgwedi tse thataro ka kopo ya Boto, go thusa Boto mabapi le ditiro tsa yona gore a—
- (a) gakolole le go neelana ka boitseanape jo bo tlhokegang mo bodiring jwa bona; kgotsa 30
- (b) emelele monnaleseabe yo o maleba.
- (10) Motho yo o laleditsweng go ya ka karotlaleletso (9) o ka tsaya karolo mo ditsamaisong tsa Boto kgotsa tsa Komiti ya yona fela ga a na tshwanelo ya go bouta.

Kiletso mo go nneng tokololo ya Boto 35

7. Motho yo o ileditsweng go thapiwa mo Botong kgotsa go sala go nna tokololo fa motho yoo—
- (a) a bonwe molato wa—
- (i) tlolomolao e e amanang le tirisodikgoka e e ikaegileng ka bong le polao ya basadi; kgotsa 40
- (ii) tlolomolao nngwe efe ya bosenyi le go atholelwa paka ya go golegwa ntle le kgetho ya tuediso;
- (b) a phuthame;
- (c) a kgotsa go tlhomamisitswe ke kgotlatshekelo e e nang le bokgoni gore ga a itekanela mo tlhaloganyong; 45
- (d) a dira ka tlhamalalo kgotsa e seng ka tlhamalalo kgwebo le Khansele le go retelelwa ke go senola kgatlhegelo le mofuta wa yona ka mokgwa o o tlhokwang ke Molao ono;
- (e) e le motho yo o ka fa tlase ga botlhokomedi;
- (f) a kile, ka nako efe, a tloswa mo tirong ya boikanyego ka ntlha ya mofuta ofe wa maitsholomabe, go akaretsa le kgokgontsho ka thobalano, bobodu, bogodu kgotsa tsietso; kgotsa 50
- (g) a reteletswe ke go senola kgatlhegelo go tsamaelana le karolo 8 kgotsa a tsetse kgotsa a tsere karolo mo ditsamaisong tsa Boto fa a ne a na le kgatlhegelo e e umakilweng mo karolong 8. 55

Tlhomamiso ya dikgatlhegelo tsa ditšhelete kgotsa tse dingwe tsa ditokololo

8. (1) Motho yo o thapilweng kgotsa yo o tlhophilweng jaaka tokololo ya Boto go ya ka karolo 6 o tshwanetse, mo matsatsing a le 10 morago ga go thapiwa kgotsa go

12

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, 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. 5

(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 ground for disqualification in terms of section 7 and a justifiable reason for the removal of such member in terms of section 12. 10

Term of office

9. (1)(a) Subject to sections 11 and 12, a member holds office for a period not exceeding three years, but is eligible for re-appointment for only one additional term, not exceeding three years, and is also eligible for an extension of office for a period not exceeding six months. 15

(b) A member contemplated in section 6(1)(a) may resign from office by submitting at least one month's written notice to the President.

(c) A member contemplated in section 6(1)(b) may resign from office by submitting at least one month's written notice to the relevant Cabinet member who must inform the Minister of the resignation. 20

(2) The names of the members and the date of commencement of their term of office must be published by the Minister in the *Gazette* not later than 30 days after appointment to the Board. 25

Reimbursement of members

10. (1) A member of the Board, a relevant stakeholder co-opted by the Minister or a member of any committee of the Board, may, from the funds of the Council for that purpose—

(a) in the case of members of the civil society and private sector, be paid a reimbursement and allowances, determined by the Minister in consultation with the Minister of Finance; and 30

(b) in the case of government employees, be paid any subsistence and other allowances in accordance with such member's conditions of service as the Public Service Regulations may determine. 35

(2) The Minister in consultation with the Minister of Finance must determine the applicable payment rates and criteria for the payment contemplated in subsection (1).

Vacancies in Board

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

(a) when a member's term of office expires; 40

(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) and (c) takes effect; or 45

(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 within six months as set out in section 6.

(3) A vacancy in the Council does not affect the validity of the proceedings or decisions of the Council. 50

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

13

tlhophiwa, go romelela Tona tlhomamiso, e e kwetsweng, ya dikgatlhegelo tsothle tsa ka tlhamalalo kgotsa e seng ka tlhamalalo mo setlamong, mo setheong se e seng sa puso kgotsa kgatlhegelo nngwe le nngwe efe mo kgwebong.

(2) Tokololo e tshwanetse, kwa tshimologong ya ngwaga nngwe le nngwe ya ditšhelete, go romelela Tona tlhomamiso, e e kwetsweng, ya kgatlhegelo ya ka tlhamalalo kgotsa e seng ka tlhamalalo mo setlamong, mo setheong se e seng sa puso kgotsa kgatlhegelo nngwe le nngwe efe mo kgwebong. 5

(3) Fa tokololo a nna le kgatlhegelo mo setlamong, mo setheong se e seng sa puso kgotsa kgatlhegelo nngwe le nngwe efe mo kgwebong, ka nako nngwe le nngwe fa a santse a le tokololo, tokololo e tshwanetse, mo matsatsing a le 10 a letlha la go nna le kgatlhegelo eo, go romelela Tona tlhomamiso, e e kwetsweng, ya kgatlhegelo eo. 10

(4) Go retelelwa ga tokololo go senola kgatlhegelo jaaka go umakilwe mo dikarotlaleletsong (2) le (3), go tsewa jaaka lebaka la kiletso go ya ka karolo 7 le lebaka le le utwalang la go tlosa tokololo eo go ya ka karolo 12.

Paka ya tiro

15

9. (1)(a) Go latela dikarolo 11 le 12, tokololo e nna mo tirong sebaka sa paka e e sa feteng dingwaga tse tharo, e bile o ka thapiwa gape sebaka sa paka e le esi fela, e e sa feteng dingwaga tse tharo, e bile tiro e ka atoloswa gape sebaka sa paka e e sa feteng dikgwedi tse thataro.

(b) Tokololo e e umakilweng mo karolong 6(1)(a) e ka rola tiro ka go romelela Mopresidente kitsiso e e kwetsweng ya bonnye kgwedi e le esi. 20

(c) Tokololo e e umakilweng mo karolong 6(1)(b) e ka rola tiro ka go romelela tokololo ya Kabinete e e maleba kitsiso e e kwetsweng ya bonnye kgwedi e le esi yo o tshwanetseng go itsise Tona ka ga tholotiro.

(2) Maina a ditokololo le letlha la tshimololo ya paka ya bona di tshwanetse go phasalatswa ke Tona mo Lokwalodikgannyeng la Puso mo matsatsing a le 30 morago ga go thapiwa mo Botong. 25

Pusetsomadi ya ditokololo

10. (1) Tokololo ya Boto, monnaleseabe yo o maleba yo o laleditsweng ke Tona kgotsa tokololo ya komiti efe ya Boto, o ka, go tswa mo matloleng a Khansele mabapi le maitlomo ao— 30

(a) mo lebakeng la ditokololo tsa baagi le lephata la poraefete, duelwa tlhapisadiatla le dituelotetla, tse di tlhomamisitsweng ke Tona ka therisano le Tona ya Matlotlo; le

(b) mo lebakeng la badiredipuso, duelwa tshiamelo efe le dituelotetla dingwe go tsamaelana le maemo a tiro a tokololo eo jaaka Melawanataolo ya Bodiredipuso e ka tlhomamisa. 35

(2) Tona ka therisano le Tona ya Matlotlo o tshwanetse go tlhomamisa dikelo tsa tuelo tse di maleba le ditsela tsa go duela tse di umakilweng mo karotlaleletsong (1).

Diphatlhatiro mo Botong

40

11. (1) Phatlhatiro mo Botong e diragala—

(a) fa paka ya tiro ya tokololo e ya kwa bokhutlong;

(b) fa tokololo e ileditswe mo go thapiweng mo Botong kgotsa mo go saleng go nna tokololo jaaka go tlhagisitswe mo karolong 7;

(c) fa tokololo e tlhokofala; 45

(d) fa tholotiro ya tokololo, e e rometsweng go ya ka karolo 9(1)(b) le (c) e simolola; kgotsa

(e) fa tokololo e tloswa mo tirong go ya ka karolo 12.

(2) Fa phatlhatiro e nna teng mo Botong, phatlhatiro eo e tswanetse go tlatswa mo dikgweding tse thataro jaaka go tlhagisitswe mo karolong 6. 50

(3) Phatlhatiro mo Khanseleng ga e ame ka gope bonnete jwa ditsamaiso kgotsa ditshwetso tsa Khansele.

(4) Tokololo e e thapilweng kgotsa e e tlhophilweng go tlatsa phatlhatiro o nna mo tirong sebaka sa karolo e e setseng ya paka ya tokololo e tokololo eo e tsenang mo boemong jwa gagwe. 55

Removal from office

12. (1)(a) If the Minister is of the opinion that a member of the Board referred to in section 6(1)(a) should be removed on grounds set out in subsection (1)(b)(i) to (iv), the Minister may request the President and the National Assembly to act in accordance with subsection (1)(b). 5

(b) The President may, on the recommendation of the National Assembly, remove a member referred to in section 6(1)(a) from office—

- (i) on the ground of misconduct, incapacity or incompetence;
- (ii) for being absent from three consecutive meetings of the Board without permission of the Board; 10
- (iii) for engaging in any activity that is reasonably capable of undermining the purpose of this Act and the functions of the Council; or
- (iv) for failure on the part of a member to disclose any interests as contemplated in section 8.

(c) The President may, on the recommendation of the National Assembly, suspend a member listed in terms of section 6(1)(a) pending the outcome of subsection (1)(b). 15

(2)(a) If the Minister is of the opinion that a member of the Board referred to in section 6(1)(b) should be removed on grounds set out in subsection (2)(b)(i) to (iv), the Minister may request the President to act in accordance with subsection (2)(b).

(b) The President may, on the recommendation of the Minister remove a member referred to in section 6(1)(b) from office— 20

- (i) on the ground of misconduct, incapacity or incompetence;
- (ii) for being absent from three consecutive meetings of the Board without permission of the Board;
- (iii) for engaging in any activity that is reasonably capable of undermining the purpose of this Act and the functions of the Council; or 25
- (iv) for failure on the part of a member to disclose any interests as contemplated in section 8.

(c) The President may, on the recommendation of the Minister, suspend a member listed in terms of section 6(1)(b), pending the outcome of subsection (2)(b). 30

(3) Before submitting a subsection (1) or (2) request for removal of a member from the Board, 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. 35

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

(3) The Chief Executive Officer must, at any time, on request, in writing, by the Chairperson or 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. 40

(4)(a) The Chairperson presides at all meetings of the Board.

(b) Where the Chairperson is absent from a meeting of the Board, the Deputy Chairperson must preside at that meeting.

(c) In the event where 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. 45

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

(6) The decision of 50% plus one 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. 50

(7) The Board must determine the procedure for its meetings and ensure that the principles of transparency, openness, respect, integrity and participation are observed at such meetings. 55

Tloso mo tirong

12. (1)(a) Fa Tona a gopola gore tokololo ya Boto e e umakilweng mo karolong 6(1)(a) e tshwanetsego tloswa ka ntlha ya mabaka a a tlhagisitsweng mo karolotlaleletsong (1)(b)(i) go fitlha go (iv), Tona o ka kopa Moporesidente le Koano Bosetšhaba go dira go tsamaelana le karolotlaleletso (1)(b). 5

(b) Moporesidente o ka, ka katlanegiso ya Kokoano Bosetšhaba, tlosa tokololo e e umakilweng mo karolong 6(1)(a) mo tirong—

(i) ka ntlha ya maitsholomabe, go sa kgone go dira kgotsa botlhokabokgoni;

(ii) mabapi le go se tseenele dikopano tse tharo tse di latelanang tsa Boto ntle le tetla ya Boto; 10

(iii) mabapi le go tsaya karolo mo tirong e ka mabaka e nyatsang maitlhomho a Molao ono le ditiro tsa Khansele; kgotsa

(iv) mabapi le go retelelwa ga tokololo go senola dikgatlhegelo dife jaaka go umakilwe mo karolong 8.

(c) Moporesidente o ka, ka katlanegiso ya Kokoano Bosetšhaba, sekega tokololo e e umakilweng go ya ka karolo 6(1)(a) go sa letetswe ditlamorago tsa karolotlaleletso (1)(b). 15

(2)(a) Fa Tona a gopola gore tokololo ya Boto e e umakilweng mo karolong 6(1)(b) e tshwanetse go tloswa ka ntlha ya mabaka a a tlhagisitsweng mo karolotlaleletsong (2)(b)(i) go fitlha go (iv), Tona o ka kopa Moporesidente go dira go ya ka karolotlaleletso (2)(b). 20

(b) Moporesidente o ka, ka katlanegiso ya Tona, tlosa tokololo e e umakilweng mo karolong 6(1)(b) mo tirong—

(i) ka ntlha ya maitsholomabe, go sa kgone go dira kgotsa botlhokabokgoni;

(ii) mabapi le go se tseenele dikopano tse tharo tse di latelanang tsa Boto ntle le tetla ya Boto; 25

(iii) mabapi le go tsaya karolo mo tirong e ka mabaka e nyatsang maitlhomho a Molao ono le ditiro tsa Khansele; kgotsa

(iv) mabapi le go retelelwa ga tokololo go senola dikgatlhegelo dife jaaka go umakilwe mo karolong 8. 30

(c) Moporesidente o ka, ka katlanegiso ya Tona, sekega tokololo e e umakilweng go ya ka karolo 6(1)(b), go sa letetswe ditlamorago tsa karolotlaleletso (2)(b).

(3) Pele a romela kopo ya karolotlaleletso (1) kgotsa (2) mabapi le go tloswa ga tokololo mo Botong, Tona o tshwanetse go naya tokololo e e umakwang tšhono ya go reetswa. 35

Dikopano tsa Boto

13. (1) Kopano ya ntlha ya Boto e tshwanetse go tshwarwa ka letlha le ka nako le kwa lefelong le le tlhomamisitsweng ke Tona, mme morago ga moo letlha, nako le lefelo la dikopano tsotlhe tsa isago di tshwanetse go tlhomamiswa ke Modulasetulo.

(2) Boto e tshwanetse go kopana bonnye makgetlo a le mane mo ngwageng, jaaka Modulasetulo a ka tlhomamisa go ya ka karolotlaleletso (1). 40

(3) Motlhankedikhuduthamagamogolo o tshwanetse, mo nakong nngwe le nngwe, ka kopo e e kwetsweng, ya Modulasetulo kgotsa bontsi jwa ditokololo, bitsa kopano e e kgethegileng ya Boto, e e tla tshwarwang ka letlha le ka nako le kwa lefelong le le tla tlhomamiswang ke Modulasetulo. 45

(4)(a) Modulasetulo o okama dikopano tsotlhe tsa Boto.

(b) Fa Modulasetulo a sa tsenela kopano ya Boto, Motlatsamodulasetulo o tshwanetse go okama kopano eo.

(c) Fa ka bobedi Modulasetulo le Motlatsamodulasetulo ba sa tsenela kopano ya Boto, ditokololo tse di leng teng di tshwanetse go tlhopho tokololo e le esi go tswa mo bao ba leng teng go okama kopano eo. 50

(5) Khoramo kwa kopanong efe ya Boto ke halofo ya ditokololo tsa yona, le e le esi.

(6) Tshwetso ya 50% le a le mongwe wa ditokololo tse di tsenetseng kopano e tsewa jaaka tshwetso ya Boto, e bile mo lebakeng la fa diboutu di lekalekana mabapi le morero ofe, tokololo e e okameng kopano o ka dira boutu ya makgaolagang mo godimo ga boutu ya tlwaelo ya tokololo eo. 55

(7) Boto e tshwanetse go tlhomamisa tsamaiso mabapi le dikopano tsa yona le go netefatsa gore meono ya botlhokabofitlha, puo ka phuthologo, tlotlo, tshiamo le botsayakarolo e a obamelwa kwa dikopanong tseo.

(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 writing, establish one or more committees, including—
- (a) the Executive Management Committee; 5
 - (b) the Human Resource and Reimbursement Committee; and
 - (c) the Audit and Risk 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,
- to assist in the performance of the Board's functions which may be delegated to the committee by the Board. 10
- (2) A committee established in terms of subsection (1)—
- (a) consists of the number of members of the Board or other persons as the Board considers necessary;
 - (b) must perform its duties and exercise its powers subject to this Act and such directives as may be issued by the Board; and 15
 - (c) must designate one of the members of a committee as chairperson and, if it considers it necessary to do so, may designate another member of a committee as deputy chairperson.
- (3) Subject to section 6, the Board may invite persons who are not members of the Board to serve on any of its committees— 20
- (a) for a specific purpose and for the period determined by the committee for the purposes of advising the Board; or
 - (b) may make recommendations to the committee in respect of a matter for which the committee has been established. 25
- (4) The Board may remove a member of a committee or dissolve or reconstitute a committee as it considers necessary.
- (5) Subject to the directions of the Board, a committee—
- (a) may exercise such powers as entrusted by the Board to it; and
 - (b) must perform such functions of the Board as the Board may delegate to it, 30
- and must follow such procedure during such exercising of powers and functions performance of functions as the Board may direct.
- (6) Upon completion of the functions delegated to it in terms of subsection (5), a committee must submit a written report thereon, including recommendations, if any, for consideration by the Board. 35
- (7) Any decision taken by a committee established under this section must be ratified by the Board.
- (8) 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 40

15. (1) The Board must appoint a Chief Executive Officer, who must—
- (a) have qualifications and experience relevant to the functions of the Council;
 - (b) be a fit and proper person to hold office; and
 - (c) have applicable knowledge and expertise with regard to matters that are related to the purpose of this Act. 45
- (2) The Chief Executive Officer is an employee of the Council and is accountable to the Board.
- (3) The Chief Executive Officer—
- (a) holds office for a period of five years and may be re-appointed for one additional term of office not exceeding five years; and 50
 - (b) is, notwithstanding serving on the Board as an *ex officio* member, entitled to remuneration, allowances and other service benefits as the Board may determine, in consultation with the Minister, the Minister of Finance and the Minister responsible for public service and administration.
- (4) The Chief Executive Officer must sign a contract of employment within 10 working days of appointment. 55
- (5) The Board must conclude a written performance agreement with the Chief Executive Officer—

(8) Boto e ka laola ditsamaiso kwa dikopanong jaaka fa e bona go le matshwanedi e bile e tshwanetse go netefatsa gore metsotso ya dikopano tsa yona e a tsholwa.

Dikomiti tsa Boto

14. (1) Boto e ka, ka go kwala, tlhoma komiti e le esi kgotsa go feta, go akaretsa— 5
- (a) Komititaolokhuduthamaga;
 - (b) Komiti ya Metswedithuso ya Setho le Pusetsoyadi; le
 - (c) Komiti ya Boruni le Dikotsi, go tsamaelana le dikaelo tsa Matlotlo a Setšhaba mabapi le go tlangwa ga Dikomiti tsa Boruni jaaka go laetswe mo karolong 77 ya Molao wa Taolo ya Matlole a Setšhaba,
- go thusa mo go diragatsweng ga ditiro tsa Boto tseo di ka rolelwang komiti ke Boto. 10
- (2) Komiti e e tlhomilweng go ya ka karolotlaleletso (1)—
- (a) e na le palo ya ditokololo tsa Boto kgotsa batho ba bangwe jaaka Boto e bona go tlhokega;
 - (b) e tshwanetse go dira ditiro tsa yona le go diragatsa dithata tsa yona go latela Molao ono le ditaelo tseo jaaka di ka rebolwa ke Boto; e bile 15
 - (c) e tshwanetse go tlhoma a le mongwe wa ditokololo tsa komiti jaaka Modulasetulo e bile, fa e akanya gore go a tlhokega go dira jalo, e ka tlhoma tokololo e nngwe ya komiti jaaka Motlatsamodulasetulo.
- (3) Go latela karolo 6, Boto e ka laetsa batho bao e seng ditokolo tsa Boto go dira mo go efe ya dikomiti tsa yona— 20
- (a) mabapi le maitlomo a a rileng le sebaka sa paka e e tlhomamisitsweng ke komiti mabapi le maitlomo a go gakolola Boto; kgotsa
 - (b) e ka atlanegisa kwa komiting mabapi le morero o komiti e o tlhametsweng.
- (4) Boto e ka tlosa tokololo ya komiti kgotsa ya phatlhalatsa kgotsa ya tlhama sešwa komiti jaaka fa e bona go tlhokega. 25
- (5) Go latela ditaelo tsa Boto, komiti—
- (a) e ka diragatsa dithata tseo jaaka e di roletswe ke Boto; e bile
 - (b) e tshwanetse go diragatsa ditiro tseo tsa Boto jaaka Boto e ka di e rolela, e bile e tshwanetse go latela tsamaiso eo fa go diragatswa dithata tseo le ditiro jaaka Boto e ka laela. 30
- (6) Fa e fetsa go dira ditiro tse e di roletsweng go ya ka karolotlaleletso (5), komiti e tshwanetse go romela pegelo e e kwetsweng, e e akaretsang dikatlanegiso, fa di le teng, gore e sekasekwe ke Boto.
- (7) Tshwetso efe e e tserweng ke komiti e e tlhomilweng ka fa tlase ga karolo eno e tshwanetse go rebolwa ke Boto. 35
- (8) Boto ga e a gololwa mo go rwaleng maikarabelo mabapi le go diragatswa ga dithata dife, kgotsa ditiro tse di roletsweng komiti efe go ya ka karolo eno.

Go thapiwa ga Motlhankedikhuduthamagamogolo

15. (1) Boto e tshwanetse go thapa Motlhankedikhuduthamagamogolo, yo o tshwanetseng— 40
- (a) go nna le borutegi le maitemogelo a a maleba mo ditirong tsa Khansele;
 - (b) go siamela le go itekanela go nna mo tirong; le
 - (c) go nna le kitso e e maleba le boitseanape mabapi le merero e e amanang le maitlomo a Molao ono.
- (2) Motlhankedikhuduthamagamogolo ke modiredi wa Khansele e bile o ikarabela 45 kwa Botong.
- (3) Motlhankedikhuduthamagamogolo—
- (a) o nna mo tirong sebaka sa paka ya dingwaga tse tlhano e bile o ka thapiwa gape sebaka sa paka e nngwe ya tiro e le esi e e sa feteng dingwaga tse tlhano; e bile 50
 - (b) o, go sa nyatswe go dira mo Botong jaaka tokololo ka kemo, tshwanetswe ke tuelo, dituelotella le melemo e mengwe ya ditirelo jaaka Boto e ka tlhomamisa, ka therisano le Tona ya Matlotlo le Tona e e rwalang maikarabelo a tirelopuso le tsamaiso.
- (4) Motlhankedikhuduthamagamogolo o tshwanetse go saena konteraka ya tiro mo matsatsing a le 10 a tiro ya go thapiwa. 55
- (5) Boto e tshwanetse go dira tumalano ya tiragatso e e kwetsweng le Motlhankedikhuduthamagamogolo—

18

- (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.
- (6) The performance agreement must include— 5
- (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 10
 - (c) the consequences of substandard performance.

Functions of Chief Executive Officer

16. The Chief Executive Officer must—
- (a) drive the achievement of the purpose of this Act in alignment with the national strategy to address gender-based violence and femicide; 15
 - (b) establish operational arrangements, including the establishment of multi-sectoral and inter-sectoral technical teams, as and when necessary;
 - (c) actively manage the affairs and operations of the Council;
 - (d) ensure that the Council performs its functions as contemplated in section 5;
 - (e) subject to the approval of the Board appoint such staff to assist the Council in the performance of its financial, administrative and clerical functions; 20
 - (f) ensure that the strategies of the Council are effectively implemented with timely reports towards meeting the strategic objectives;
 - (g) receive and manage resources consistent with the strategic objectives, and make timely adjustments in strategies when conditions and circumstances change; 25
 - (h) carry out a comprehensive budgeting process and monitor the Council's financial performance against the budget;
 - (i) submit annual reports, financial statements and the financial position of the Council to the Board; 30
 - (j) develop a budget in accordance with section 53 of the Public Finance Management Act;
 - (k) establish the financial management and internal control of the Council;
 - (l) ensure the organisation and management of, and administrative control over, all members of staff appointed in terms of section 16(e); 35
 - (m) attend to the maintenance of discipline in respect of the members of staff; and
 - (n) carry out the decisions of the Board and is for those purposes accountable to the Board and must provide reports to the Board as often as may be required by the Board.

Secretariat of Council 40

17. (1) Subject to subsection (4), the Board must establish the Secretariat 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. 45
- (3) The Secretariat, under the direction of the Chief Executive Officer—
- (a) is governed by the national strategy to address gender-based violence and femicide;
 - (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; 50
 - (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, the Minister of Finance and the Minister responsible for public service and administration, determine the conditions of employment and remuneration of the Secretariat. 55
- (5) The Labour Relations Act, 1995 (Act No. 66 of 1995), and the Public Service Act, 1999 (Act No. 103 of 1999), are applicable to the conditions of employment contemplated in subsection (4).

19

- (a) mo nakong e e utlwagalang morago ga go thapiwa ga Motlhankedikhuduthamagamogolo; le
- (b) morago ga moo ngwaga le ngwaga, mo kgwedding e le esi ya tshimologo ya ngwaga nnwe le nngwe ya ditšhelete.
- (6) Tumalano ya tiragatso e tshwanetse go akaretsa— 5
- (a) maikaelelo a tiragatso a a lekanyetswang le ditotwa tse di tshwanetseng go fitlhelwa, e bile e tshwanetse go laela mabapi le dipeelo tsa nako tseo ka tsona maikaelelo ao a ditiragatso le ditotwa di tshwanetseng go fitlhelwa;
- (b) dipeelo le ditsamaiso tsa go lekanyetsa tiragatso le dipaka tsa tekanyetso; le
- (c) ditlamorago tsa tiragatso e e bokoa. 10

Ditiro tsa Motlhankedikhuduthamagamogolo

16. Motlhankedikhuduthamagamogolo o tshwanetse go—
- (a) tsamaisa phitlhelelo ya maitlhommo a Molao ono ka tepatepanyo le leano la bosetšhaba go samagana le tirisodikgoka e e ikaegileng ka bong le polao ya basadi; 15
- (b) tlhoma dithulaganyo tsa tiro, go akaretsa le go tlhongwa ga ditlhopho tsa setegeniki tsa maphatamantsi le gareng ga maphata, jaaka fa go tlhokega;
- (c) laola ka matlhagatlhaga merero le ditiro tsa Khansele;
- (d) netefatsa gore Khansele e dira ditiro tsa yona jaaka go umakilwe mo karolong 5; 20
- (e) go latela thebolo ya Boto ya go thapa badiri bao go thusa Khansele mo tiragatsong ya ditiro tsa yona tsa matlotlo, tsamaiso le botlelereke;
- (f) netefatsa gore maano a Khansele a tsenngwa mo tirisong ka nonofo le dipegelo ka nako go fitlhelwa maikaelelo a togamaano;
- (g) amogela le go laola ditlamelo ka go tsamaelana le maikaelelo a togamaano, le go dira diphetolo ka nako mo maanong fa mabaka le maemo di fetoga; 25
- (h) diragatsa kgato ya tekanyetsokabo e e akaretsang le go baya tiragatso ya matlole ya Khansele le tlhomo kgatlhanong le tekanyetsokabo;
- (i) romelela Boto dipegelo tsa ngwaga, dikanego tsa matlotlo le maemo a ditšhelete a Khansele; 30
- (j) dira tekanyetsokabo go tsamaelana le karolo 53 ya Molao wa Taolo ya Matlole a Setšhaba;
- (k) tlhoma taolo ya matlotlo le taolo ya ka fa gare ya Khansele;
- (l) netefatsa thulaganyo le taolo ya, le taolo ya tsamaiso ya badiri botlhe ba ba thapilweng go ya ka karolo 16(e); 35
- (m) nna le seabe mo tshegetsong ya kgalemo mabapi le badiri; le
- (n) diragatsa ditshwetso tsa Boto e bile o, mabapi le maitlhommo ao, ikarabela kwa Botong e bile o tshwanetse go naya Boto dipegelo nako le nako jaaka go ka tlhokwa ke Boto.

Bokwaledi jwa Khansele 40

17. (1) Go latela karolotlaleletso (4), Boto e tshwanetse go tlhoma Bokwaledi jwa Khansele.

- (2) Motlhankedikhuduthamagamogolo—
- (a) ke Tlhogo ya Bokwaledi; e bile
- (b) o tshwanetse, ka therisano le Boto, go thapa le go okamela Bokwaledi. 45
- (3) Bokwaledi, ka fa tlase ga kaelo ya Motlhankedikhuduthamagamogolo—
- (a) bo laolwa ke togamaano ya bosetšhaba go samagana le tirisodikgoka e e ikaegileng ka bong le polao ya basadi;
- (b) bo agilwe ka batho ba ba siametseng le go nonofela bao ba nang le kitso le maitemogelo a a maleba, jaaka go tlhokega go thusa Boto mo go diragatseng dithata tsa yona le mo go direng ditiro tsa yona; 50
- (c) bo rwala maikarabelo a tiro ya letsatsi le letsatsi ya Khansele; e bile
- (d) bo tlamela Boto ka tshegetso ya setegeniki le ya tsamaiso.

(4) Boto e tshwanetse, ka therisano le Tona, Tona ya Matlotlo le Tona e e rwalang maikarabelo a tirelopuso le tsamaiso, go tlhomamisa maemo a tiro le tuelo ya Bokwaledi. 55

(5) *Labour Relations Act*, 1995 (Molao 66 wa 1995), le *Public Service Act*, 1999 (Molao 103 wa 1999), di diriswa mo maemong a tiro a a umakilweng mo karolotlaleletsong (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; 5
 - (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 10 and the National Treasury approves such use.
- (3) Subject to the Public Finance Management Act, the Board—
- (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 15 regulations; and
 - (b) may cause the necessary accounting and other related records to be kept, which records must be audited in terms of section 4(3) of the Public Audit Act, 2004 (Act No. 25 of 2004). 20
- (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 25 expenses of the members, the Chief 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, which conditions must not be contrary to purpose of the Act.
- (6) The Chief Executive Officer must, in compliance with the Public Finance 30 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 35

- 19.** (1) The Chief Executive Officer must—
- (a) maintain 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, annual reports and audited financial statements are prepared and submitted in accordance with the Public Finance 40 Management Act.
- (2) In a financial year, the Chief Executive Officer must 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 must not enter into any financial commitment beyond— 45
- (a) its approved budget;
 - (b) the prescribed transaction limits, without reporting to the Minister; and
 - (c) its accumulated reserves.
- (4) The Chief Executive Officer may, in accordance with the Public Finance Management Act and with the approval of the Board, invest any unexpended portion of 50 its funds with the Corporation for Public Deposits, established in terms of section 2 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 accounts and financial statements of the Council must be audited in terms 55 of section 4(3) of the Public Audit Act, 2004 (Act No. 25 of 2004).
- (2) The Board must—

Matlotlo a Khansele

18. (1) Matlotlo a Khansele a bopilwe ka—
- (a) madi a a lekanyeditsweng ke Palamente mabapi le maitlhomano;
 - (b) dikatso kgotsa diketleetsotse di amogetsweng go tswa mo motsweding ofe;
 - (c) matlole a terasete a a neetsweng Khansele; 5
 - (d) morokotso o o bonweng go tswa mo dipeeleetsong; le
 - (e) madi a a amogetsweng go tswa mo motsweding ofe.
- (2) Madi a a lekanyeditsweng ke Palamente mabapi le maitlhomano—
- (a) a na le matlotlo a a beilweng mo boutung e e maleba; e bile
 - (b) a ka se dirisetswe maitlhomano mangwe ape, ntle le fa go rerisanwe le Boto e 10
bile Matlotlo a Setšhaba a rebotse tiriso eo.
- (3) Go latela Molao wa Taolo ya Matlole a Setšhaba, Boto—
- (a) e rwala maikarabelo a go ikarabela mabapi le madi a a amogetsweng kgotsa a a duetsweng mabapi le tsamaiso le tiro ya Khansele le mabapi le dikatso, diketleetsotse dimpho go tsamaelana le melawanataolo ya Matlotlo a 15
Setšhaba; e bile
 - (b) e ka dira gore maikarabelo a a tlhokegang le direktoto tse dingwe tse di maleba di tsholwe, direktoto tseo di tshwanetseng go sekwasekwa ke boruni go ya ka karolo 4(3) ya *Public Audit Act*, 2004 (Molao 25 wa 2004). 20
- (4) Boto e tshwanetse go dirisa matlole— 20
- (a) go duela ditshenyegelo mabapi le—
 - (i) tiro le tsamaiso ya letsatsi ka letsatsi ya Khansele; le
 - (ii) tiragatso ya ditiro le maikarabelo a Khansele le tiragatso ya dithata tsa yona go ya ka Molao ono; le
 - (b) tuelo ya mogolo, dituelotetla le ditshiamelo le ditshenyegelo tsa mosepele tsa ditokololo, Motlhankedikhuduthamagamogolo le Bokwaledi. 25
- (5) Dikatso dife kgotsa diketleetsotse di umakilweng mo karolotlaleletsong (1)(b) di tshwanetse go diriswa go tsamaelana le dipeelo, fa di le teng, tse di pateletswang ke moabi kgotsa moetleetsi yo o amegang, dipeelo tseo di sa tshwanelang go nna kgatlanong le maitlhomano a Molao. 30
- (6) Motlhankedikhuduthamagamogolo o tshwanetse, ka kobamelo ya Molao wa Taolo ya Matlole a Setšhaba le ka therisano le Boto—
- (a) go bula akhaonto mo leineng la Khansele kwa setheong se se kwadisitsweng jaaka banka go ya ka *Banks Act*, 1990 (Molao 94 wa 1990); le
 - (b) go tsenya madi otlhe a a amogetsweng mo go yona go ya ka karolo eno. 35

Taolo ya matlole

19. (1) Motlhankedikhuduthamagamogolo o tshwanetse go—
- (a) tshola ka botlalo le ka nepagalo dibuka mabapi le go rwala maikarabelo le direktoto tsotlhe tse di tlhokegang mabapi le go tsholwa ga tsona; le
 - (b) netefatsa gore ditekanyetsokabo tsa ngwaga, dipegelo tsa ngwaga le dikanego tse di runtsweng tsa Khansele di baakantswe le go romelwa go tsamaelana le Molao wa Taolo ya matlole a Setšhaba. 40
- (2) Mo ngwageng wa ditšhelete, Motlhankedikhuduthamagamogolo o tshwanetse go romelela Boto, mabapi le thebolo, dikanego tse di baakantsweng kgotsa tsa tlaleletso tsa lotseno le ditshenyegelo tse di fopholetswang tsa Khansele tsa ngwaga oo wa ditšhelete. 45
- (3) Boto ga e a tshwanela go dira boitlamo bope jwa ditšhelete go feta—
- (a) tekanyetsokabo ya yona e e rebotsweng;
 - (b) ditekanyetso tse di laetsweng tsa tumalano, ntle le go begela Tona; le
 - (c) dirasefe tse di kgobokantsweng tsa yona.
- (4) Motlhankedikhuduthamagamogolo o ka, go tsamaelana le Molao wa Taolo ya Matlole a Setšhaba le ka thebolo ya Boto, beeletsa karolo efe e e neng e sa solofelwa ya matlole a yona le Koporasi ya Ditipositi tsa Setšhaba, e e tlhomilweng go ya ka karolo 2 ya *Corporation for Public Deposits Act*, 1984 (Molao 46 wa 1984), kgotsa le setheo sengwe se se rebotsweng ke Matlotlo a Setšhaba. 50

Pegelo ya boruni, ngwaga le matlole

55

20. (1) Dikanego tsa diakhaonto le matlole tsa Khansele di tshwanetse go bewa ka fa tlase ga boruni go ya ka karolo 4(3) ya *Public Audit Act*, 2004 (Molao 25 wa 2004).
- (2) Boto e tshwanetse—

22

- (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 31 August of every year, submit to the Minister an audited annual report and such other particulars as the Minister may require. 5
- (3) The report contemplated in subsection (2)(b) must—
- (a) include audited accounts and financial statements certified by Auditors;
- (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 10
- (c) contain relevant performance information regarding the economic, efficient and effective application of resources and specifically a comparison between planned and actual performance indicators.
- (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. 15
- (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. 20

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. 25
- (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 structures

22. The Minister must, after consultation with the Board, Premiers and Mayors, 30 prescribe norms and standards for co-ordination and accountability of the provincial and local gender-based violence and femicide structures consistent with this Act, the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), and the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005).

Delegations 35

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 40 contemplated in sections 6 and 12.
- (2) The Board may, by special resolution, delegate any power or duty entrusted or delegated to the Board by this Act to—
- (a) an employee of the Council;
- (b) a board member; or 45
- (c) a committee of the Board.
- (3) The Board may, by special resolution, delegate to the Chief Executive Officer any power or duty conferred or imposed on the Board by this Act.
- (4) 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. 50
- (5) 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.
- (6) A delegation referred to in subsection (1), (2) or (3)—
- (a) must be in writing; 55

23

- (a) nako nngwe le nngwe go tlamela tshedimisetso e Tona o ka e lopang mabapi le ditiro le kemo ya matlole ya Khansele; le
- (b) pele ga di 31 Phatwe tsa ngwaga nngwe le nngwe, go romelela Tona pegelo e e runtsweng ya ngwaga le dintlha tse dingwe tseo Tona o ka di lopang. 5
- (3) Pegelo e e umakilweng mo karotlaleletsong (2)(b) e tshwanetse go—
- (a) akaretsa diakhaonto tse di runtsweng le dikanego tsa matlole tse di kanetsweng ke Baruni;
- (b) tthagisa bogolo jo Khansele e fitlheletseng kgotsa e gatetseng pele ka jona mabapi le maikaelelo a yona a a umakilweng mo karolong 4 le maikaelelo a a kgonang go lekangwa mo ngwageng o o amegang; le 10
- (c) nna le tshedimisetso e e maleba ya tiragatso mabapi le tiriso e e somarelang e e nonofileng e bile e na le bokgoni ya ditlamelo le ka tsepamo papiso magareng ga dibontshi tse di rulaganyeditsweng le tiragatso ya boammaaruri.
- (4) Boto e ka, ka Tona, atlenegisa go Moporesidente mabapi le melao le ditsereganyo tse dingwe tse di amang thibelo le twantsho ya tirisodikgoka e e ikaegileng ka bong le polao ya basadi. 15
- (5) Tona o tshwanetse go tthagisa pegelo e e umakilweng mo karotlaleletsong (3) kwa Palamenteng mo matsatsing a le 30 morago ga go e amogela fa Palamente e le mo kokoanong ya yona ya tlwaelo kgotsa, fa Palamente e se mo kokoanong ya tlwaelo, mo matsatsing a le 30 morago ga tshimololo e e latelang ya kokoano ya tlwaelo. 20

Tiriso ya leina la Khansele

21. (1) Ga go motho yo o ka, ntle le thebolo ya pele e e kwetsweng ya Khansele, emelang kgotsa yo o ka dirisang leina, akeronimi, dilloko, meakanyetso kgotsa dilo tse di diriswang kgotsa tse e leng tsa Khansele.
- (2) Ga go motho yo o tshwanetseng yo o ka buang maaka gore o dira mo boemong jwa Khansele. 25
- (3) Motho yo o sa obameleng karotlaleletso (1) kgotsa (2) o bonwa molato wa tlolomolao e bile o rwala maikarabelosemolao fa a athlotswe a tuediso kgotsa go golegwa sebaka sa paka e e sa feteng dingwaga tse tharo kgotsa ka bobedi tuediso le go golegwa goo. 30

Dithulaganyo tsa diporofense le tsa selegae

22. Tona o tshwanetse, morago ga therisano le Boto, Baporemia le Boratoropo, go laela ditekanyetso le dipeelo mabapi le thulaganyo go rwala maikarabelo ga mekgathlo ya diporofense le ya selegae ya tirisodikgoka e e ikaegileng ka bong le polao ya basadi go tsamaelana le Molao ono, *Promotion of Administrative Justice Act*, 2000 (Molao 3 wa 2000), le *Intergovernmental Relations Framework Act*, 2005 (Molao 13 wa 2005). 35

Ditholelo

23. (1) Tona o ka rolela Boto—
- (a) thata efe e e neilweng Tona ke Molao ono, ntle le thata ya go dira melawanataolo e e umakilweng mo karolong 24; kgotsa 40
- (b) tiro efe e e pateletswang Tona ke Molao ono, ntle le tiro efe e e mabapi le go thapiwa le go tloswa mo tironng ga ditokololo tsa Boto tse di umakilweng mo dikarolong 6 le 12.
- (2) Boto e ka, ka tshwetso e e kgethegileng, rolela thata kgotsa tiro efe e e neetsweng kgotsa e e roletsweng Boto ke Molao ono— 45
- (a) go modiri wa Khansele;
- (b) go tokololo ya Boto; kgotsa
- (c) go komiti ya Boto.
- (3) Boto e ka, ka tshwetso e e kgethegileng, rolela Motlhankedikhuduthamagamogolo thata kgotsa tiro efe e e roletsweng kgotsa e e pateleditsweng Boto ka Molao ono. 50
- (4) Motlhankedikhuduthamagamogolo o ka rolela modiri thata kgotsa tiro efe e e neilweng kgotsa e e roletsweng Motlhankedikhuduthamagamogolo ka Molao ono.
- (5) Thata kgotsa tiro efe e e roletsweng go ya ka karotlaleletso (1), (2) kgotsa (3) e tshwanetse go dirwa kgotsa go diragatswa go ya ka dipeelo tse di tsewang di thokega ke motho kgotsa setheo se se dirileng tholelo. 55
- (6) Tholelo e e umakilweng mo karotlaleletsong (1), (2) kgotsa (3)—
- (a) e tshwanetse go kwalwa;

24

- (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 5 regulations relating to—

- (a) transaction limits contemplated in section 19(3)(b);
- (b) norms and standards for co-ordination of the provincial and local gender-based violence and femicide structures; and
- (c) any matter which it is necessary or expedient to prescribe for the proper 10 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, 2024, and comes into operation on a date determined by the President by proclamation in the *Gazette*. 15

25

- (b) ga e kganele motho kgotsa setheo se se dirileng tholelo go diragatsa thata eo kgotsa go dira tiro eo; e bile
- (c) e ka gogelwa morago kgotsa ya tlabololwa, ka go kwala, ke motho yoo kgotsa setheo seo.

Melawanataolo

5

24. Tona o ka, morago ga kamogelo ya dikatlanegiso tsa Khansele, dira melawanataolo e e amanang le—

- (a) ditekanyetso tsa tumalano tse di umakilweng mo karolong 19(3)(b);
- (b) ditekanyetso le dipeelo mabapi le thulaganyo ya mekgatho ya diporofense le ya selegae ya tirisodikgoka e e ikaegileng ka bong le polao ya basadi; le 10
- (c) morero ofe o o tlhokegang kgotsa o o potlakileng go laela mabapi le tsenyotirisong le tsamaiso e e tlhomameng ya Molao ono.

Setlhogo se sekhutshwane le tshimololo

25. Molao ono o bidiwa Molao wa Khansele ya Bosetšhaba ya Tirisodikgoka e e Ikaegileng ka bong le Polao ya Basadi, 2024, e bile o tsena mo tirisong ka letlha le le 15 tlhomamisitsweng ke Moporesidente ka kgoeletso mo Lokwalodikannyeng la Puso.

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