

APPENDIX 1:

<p style="text-align: center;">REGULATIONS ON THE TERMS AND CONDITIONS OF APPOINTMENT OF TECHNICAL COMMITTEE</p>

DEPARTMENT OF SOCIAL DEVELOPMENT

NONPROFIT ORGANISATIONS ACT NO 7 OF 1997 (AS AMENDED IN 2000) REGULATIONS

The Minister for Social Development has, under section 10 of the Nonprofit Organisations Act (Act No. 71 of 1997) made the regulations in this Schedule.

SCHEDULE

Definitions

1. In here, unless the context indicates otherwise –

“day” means a day calculated from midnight to midnight.

“Committee” means the Technical Committee established in terms of Section 10 of the Act.

“committee member” means a member of the Technical Committee established in terms of Section 10 of the Act.

“Department” means the Department of Social Development in the national sphere of government.

“Inter-Ministerial Committee” means Department of Social Development, Trade and Industry, Justice and Finance.

“Minister” means the Minister of Social Development in the national sphere of government.

Function and Responsibilities

2. In addition to any other function or responsibility conferred in terms of the Act, the main purpose of the Committee is to support the Inter-Ministerial Task Team in the investigation of the current fragmented regulatory framework on nonprofits with the ultimate aim of establishing a single legislation mechanism for regulating organisations.

(1) The Committee responsibilities are to –

- a) Assist with the Auditing of the regulatory framework and other relevant legislations that have a bearing on nonprofit organisations;

- b) Provide technical expertise on the refining of the regulatory framework on non-profits as to give expression to the demands and requirements of the sector;
 - c) Provide guidelines for state departments on how to determine and coordinate the implementation of policies and measures to promote, support and enhance the capacity of nonprofit organisations to perform their functions;
 - d) Provide guidance to the amendment process;
 - e) Facilitate the drafting of the suggested amendments on the affected legislations; and
 - f) Facilitate the consultation process with all the role players and stakeholders of the sector.
- (2) In the event where other areas of work of the committee require specific expertise's, it would be outsourced.
- a) The Department will procure the required services through the Preferential Procurement Policy Framework Act (Act 5 of 2000).
- (3) All committee members must perform their functions with due regard to—
- a) maintaining and raising the standard of integrity of the committee;
 - b) respecting the confidentiality of all parties;
 - c) generally accepted standards of professionalism; and
 - d) Uphold values and principles of participatory democracy.
- (4) The national department must provide the committee with the administrative and human resources reasonably required to enable them to adequately discharge their responsibilities.

Composition and Appointment of Committee Members

3. The Committee will consist of not less than nine (9) and more than eleven (11) members recommended by the Inter Ministerial Committee for appointment by the Minister.
- (1) In appointing members, the Minister must ensure that the Committee represents a broad cross-section of the population of South Africa and comprises of persons who reflect South Africa society with special attention to race, gender, disability and geographical spread.
 - (2) Members must be nominated by organisations or by the public.
 - (3) A person may be nominated if he or she-
 - a) has the necessary skills and expertise relevant to discharge the responsibilities as stated in 2 (1).
 - b) is a permanently resident in the Republic;

- c) has not been convicted of a criminal offence, whether in the Republic or elsewhere, and was sentenced to imprisonment without the option of a fine unless it has been established that such a person was granted amnesty in respect of an offence of which he or she was convicted and such an offence was political motivated; and
 - d) has not been disqualified under any law from practicing his or her profession.
- (4) The Minister must invite such nominations by notice in the Gazette and by publication in at least two national newspapers, and may invite nominations through any other media.

Vacancies and Removal of a Committee member

4. A vacancy will arise in the Committee if –
- (1) the Minister decides to remove a committee member from office on the grounds that the member –
 - a) has committed misconduct;
 - b) has brought the committee into disrepute;
 - c) is incapable or has not capably discharged his or her responsibilities;
 - d) is no longer able to discharge his or her responsibilities; or
 - e) has not been able or been available to discharge his or her responsibilities for a continuous period of three months;
 - f) has been absent from more than two consecutive ordinary meetings of the Committee without the permission of the Committee or without a written apology;
 - g) a committee member resigns; or
 - h) a committee member dies.
 - (2) A vacancy will be considered to have occurred –
 - a) upon the Minister making the decision to remove a member;
 - b) upon receipt of a written notice of resignation from the member; or
 - c) on date of the member's death.
 - (3) The Minister may appointment any other person s/he deems fit to fill-in a vacant position.

Remuneration, Travel and Accommodation and other associated expense

5. A Committee member, excluding a member who is in the employ of the State, must be paid allowances and disbursements as may be determined by the Minister with the concurrence of the Minister of Finance.

- (1) The travel and accommodation policy and tariffs of the National Department apply to committee members with the changes required by the context.
- (2) Entertainment and other associated expenses will be paid only –
 - a) in respect of expenses reasonably incurred; and
 - b) upon submitting to the National Department the relevant supporting vouchers.

Responsibility for Payment of Expenditure

6. All expenditure incurred in respect of the business of the Committee as set out in the Act and regulations must be met by the vote of the controlling department.
 - (2) Subject to the provisions of Treasury Instruction K3.13.1, the salary and personal allowances of any state official providing services to the Committee must be met from the vote of the Department/Provincial Administration in which he or she is normally employed.
 - (3) The controlling department must maintain separate subsidiary records of all expenditure on the committee so as to ensure that particulars thereof are readily available if required by the Parliament or the Auditor-General.

Short title

7. These regulations are called the Regulations on the Nonprofit Organisations Act No 7 of 1997 (as amended in 2000).