

REPUBLIC OF SOUTH AFRICA

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# NATIONAL DEVELOPMENT AGENCY AMENDMENT BILL

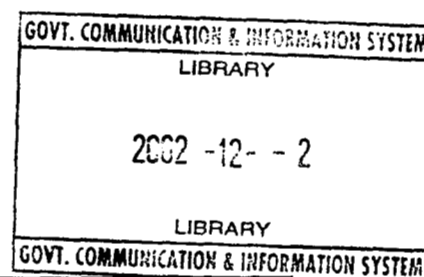
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*(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill  
published in Government Gazette No 23893 of 4 October 2002) (The English text is the  
official text of the Bill)*

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(MINISTER OF SOCIAL DEVELOPMENT)

[B 70—2002]



REPUBLIEK VAN SUID-AFRIKA

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# WYSIGINGSWETSONTWERP OP DIE NASIONALE ONTWIKKELINGSAGENTS-KAP

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*(Soos ingedien by die Nasionale Vergadering as 'n artikel 75-wetsontwerp; verduidelikende  
opsomming van Wetsontwerp in Staatskoerant No 23893 van 4 Oktober 2002 gepubliseer)  
(Die Afrikaanse teks is die amptelike vertaling van die Wetsontwerp)*

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(MINISTER VAN MAATSKAPLIKE ONTWIKKELING)

[W 70—2002]

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## GENERAL EXPLANATORY NOTE:

[                      ] Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

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# BILL

To amend the National Development Agency Act, 1998, so as to amend the definition of Minister; to reduce the number of members on the Board; to empower the Minister to appoint the chief executive officer; and to further regulate delegation; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

### Amendment of section 1 of Act 108 of 1998

1. Section 1 of the National Development Agency Act, 1998 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of “Minister” of the following definition: 5

“ ‘Minister’ means the Minister of [**Finance**] Social Development;”.

### Amendment of section 5 of Act 108 of 1998

2. Section 5 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection: 10

“(1) The NDA acts through a board consisting of—

(a) [**six**] five members to represent the Government appointed by the Minister [**of Finance**] after consultation with [**the Ministers of Education, Health, Housing, Public Works, Trade and Industry, Welfare and Population Development, and Water Affairs and Forestry and such other Ministers as the Minister of Finance considers necessary to consult**] Cabinet; and 15

(b) [**nine**] six members to represent civil society [**organisations**] appointed by the Minister after an open and transparent process of considering a short list of candidates presented to the Minister by a panel, comprising an equal number of representatives from State Departments and of experts in the development field, established by the Minister for that purpose.”; 20

(b) by the substitution for subsection (4) of the following subsection:

“(4) (a) In appointing members to the Board and in establishing the panel, the Minister must ensure that the Board and the panel represent a broad cross-section of the population of South Africa and comprise persons who reflect South African society with special attention to race, 25

gender, disability, geographical spread, organisations based in rural areas and faith-based organisations;

(b) The Minister must, by notice in the *Gazette* and, within 30 days after the appointment of the members of the Board, publish the names of such members and the date of commencement of their term of office.”; 5

(c) by the substitution in subsection (5) for paragraph (b) of the following paragraph:

“(b) At that meeting the **[members of the Board]** Minister must **[elect]** appoint—

(i) a chairperson from among the members referred to in subsection 10 (1)(b); and

(ii) a deputy chairperson from among the members referred to in subsection (1)(a) and (b).”; 10

(d) by the substitution for subsection (7) of the following subsection:

“(7) If the office of chairperson or deputy chairperson of the Board becomes vacant, a chairperson or deputy chairperson, as the case may be, must be **[elected]** appointed in accordance with subsection (5).”; and 15

(e) by the substitution for subsection (11) of the following subsection:

“(11) A member of the Board who is not in the full-time employment of the State is paid such remuneration and allowances as the Minister, in consultation with the Minister of Finance, determines.”. 20

#### **Amendment of section 7 of Act 108 of 1998**

3. Section 7 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The quorum for a meeting of the Board is at least **[eight]** six members of the Board.”. 25

#### **Amendment of section 9 of Act 108 of 1998**

4. Section 9 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The **[Board]** Minister must, on the recommendation of the Board, appoint a chief executive officer for the NDA, who is also the accounting officer of the NDA.”; 30

(b) by the substitution for subsection (6) of the following subsection:

“(6) The chief executive officer is appointed—

(a) for such period, but not exceeding five years, as the **[Board]** Minister determines; and 35

(b) subject to such conditions as the **[Board]** Minister, subject to subsection (8), determines.”;

(c) by the substitution for subsection (7) of the following subsection:

“(7) On such conditions as the Board, in consultation with the Director-General: Social Development and subject to subsection (8), determines, the chief executive officer may appoint such employees as are necessary to enable the NDA to perform its duties and exercise its powers.”; and 40

(d) by the substitution for subsection (8) of the following subsection: 45

“(8) The NDA must pay to its chief executive officer and employees out of its funds such remuneration, allowances, subsidies and other benefits as the Minister, in consultation with the Minister of Finance, determines.”.

#### **Amendment of section 10 of Act 108 of 1998**

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5. Section 10 of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection:

“(7) The NDA may establish such reserve funds, and deposit therein such amounts, as the Minister, in consultation with the Minister of Finance, approves.”.

#### **Amendment of section 12 of Act 108 of 1998**

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6. Section 12 of the principal Act is hereby amended—

- (a) by the substitution for the words preceding paragraph (a) of subsection (1) of the following words:

“(1) The Minister may delegate to the Director-General: **[Finance]**  
**Social Development**—”; and

- (b) by the substitution for subsection (2) of the following subsection: 5

“(2) The Board may delegate to the management committee referred to in section 8(1) or the chief executive officer any power or duty conferred or imposed on the Board by this Act[, **except the power to grant money as contemplated in section 4(2)(a)**].”.

#### Short title and commencement 10

7. This Act is called the National Development Agency Amendment Act, 2003, and comes into operation on a date to be fixed by the President by proclamation in the *Gazette*.