

28.11.2012

PC WOMEN



**women, children &
people with disabilities**
Department:
Women, Children and People with Disabilities
REPUBLIC OF SOUTH AFRICA

**PRESENTATION ON THE COMMISSION FOR GENDER
EQUALITY AMENDMENT BILL**

28 NOVEMBER 2012

BACKGROUND

- The Commission for Gender Equality (CGE) is an independent body in terms of section 181(2) of the Constitution of the Republic of South Africa 1996
- The Commission on Gender Equality Act 39 of 1996 provides for the establishment, composition, powers and functions of the CGE in terms of the 1993 (Interim) Constitution

BACKGROUND

- The mandate of the CGE is to promote gender equality, and to advise and make recommendations to Parliament or any other legislature with regard to any laws or proposed legislation which affects gender equality and the status of women.
- The legal basis for the relationship between the CGE and the Department of Women, Children and People with Disabilities is in terms of the President's Proclamation No. 44 of June 2009 which was published in the Government Gazette 32367. This is an administrative relationship

AMENDMENT OF THE CGE ACT

- The Acting Speaker established the *Ad Hoc* Committee on the Commission for Gender Equality Forensic Investigation (the Committee) on 19 October 2010
- The Committee's mandate was to consider and report to the National Assembly on specific issues that were highlighted in reports of the Auditor-General and the Public Protector
- On 23 June 2011, the National Assembly adopted the Report of the *Ad Hoc* Committee on the Commission for Gender Equality Forensic Investigation

AMENDMENT OF THE CGE ACT

- The Committee *i.a.* recommends that the CGE Act be revised to bring it in line with the Constitution of the Republic of South Africa, 1996 and the Public Finance Management Act 1 of 1999
- In view of its administrative relationship with the CGE, the Department of Women, Children and People with Disabilities is responsible for the legislative processes to amend the legislation accordingly.

AMENDMENT OF THE CGE ACT

- The proposed amendments are of a purely technical nature and **not related** to the establishment, composition, powers and functions of the CGE
- **Firstly**, the proposed amendment of the CGE Act aims to align it with the wording of and reference to the Constitution of the Republic of South Africa, 1996 (update from the Interim Constitution of 1993)
- **Secondly**, the proposed amendment of the CGE Act substitutes the reference to the Exchequer Act 66 1975 of with a reference to the Public Finance Management Act 1 of 1999



AMENDMENT OF THE CGE ACT

PROVISIONS OF THE BILL

3.2.1 Ad Clause 1

- Clause 1 substitutes the Preamble of the Act to reflect the provisions of the Constitution.

3.2.2 Ad Clause 2

- Clause 2 amends section 1 of the Act in order to substitute, insert and amend a definition.

3.2.3 Ad Clause 3

- Clause 3 amends section 3 of the Act to align it with section 193(5) of the Constitution which provides for, amongst others, the appointment of Commissioners for the Commission for Gender Equality.



AMENDMENT OF THE CGE ACT

3.2.4 Ad Clause 4

- Clause 4 amends section 9 of the Act. The amendment to section 9 of the Act is required to align it with the PFMA.

3.2.5 Ad Clause 5

- Clause 5 amends section 11 of the Act by correcting a reference to section 119(3) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), to refer to section 187 of the Constitution.

3.2.6 Ad Clause 6

- Clause 6 amends section 19 of the Act to correct a reference to the short title of the Act.

3.2.7 Ad Clause 7

- Clause 7 caters for cross-references to the Act contained in other legislation by correcting references to the Act.

3.2.8 Ad Clause 8

- Clause 8 amends the long title of the Act to correct the name of the Commission for Gender Equality.



NOTE

- State Law Advisers certified the proposed text of the Bill
- Presented to and approved by Cabinet
- The Amendment Bill was submitted to Parliament for consideration through the Bill's Office, which was subsequently tabled in Parliament on 30th October 2012 (posted on the Parliament website)

