



Commission for Gender Equality
A society free from gender oppression and inequality

COMMISSION ON GENDER EQUALITY COMMENTS ON THE
COMMISSION FOR GENDER EQUALITY AMENDMENT BILL NUMBER [B
36 – 2012] MADE TO THE PORTFOLIO COMMITTEE ON WOMEN
CHILDREN AND PEOPLE WITH DISABILITIES ON 28TH NOVEMBER 2012

1. INTRODUCTION

The Commission on Gender Equality Amendment Bill [B 36 – 2012] seeks to amend the Commission on Gender Equality Act 39 of 1996 (CGE Act) in order to align it with the Constitution of the Republic of South Africa Act 108 of 1996 as amended (Constitution). This is necessary because the CGE Act was promulgated under the Interim Constitution. Taking cognisance of the fact that the Interim Constitution has been repealed in 1996 this means that the CGE would be unconstitutional if it relies on non-existent legal instruments. Furthermore, in terms of the Presidential Proclamation 44 of 2009 the Commission for Gender Equality (CGE) has been assigned to the Department of Women, Children and People with Disabilities (DWCPD) for administrative purposes. This development has not been encapsulated into the existing CGE Act. Furthermore, the obsolete reference to the Exchequer Act 1975 requires deletion and in order to align the CGE Act with the Public Finance Management Act 1 of 1999. The aforementioned amendments are long outstanding and the amendments are therefore most welcome by the CGE. It must be borne in mind that the CGE Act was promulgated in the infancy of South Africa's democracy and the plethora of constitutional developments have not been assimilated into the CGE Act. These developments include the fact that the Senate has been renamed as the National Council of Provinces (NCOP) and the appearance of a Ministry which affirms women's empowerment. Therefore, in addition to constitutionalisation of the CGE Act there are numerous shortcomings which must be assimilated into the CGE Act so as to enable the CGE to remain functional, relevant and capable of exercising its powers effectively.

2. PREAMBLE

2.1 INSERTION AND DELETION OF SECTIONS RELATING TO THE
FINAL AND INTERIM CONSTITUTIONS

The Commission for Gender Equality supports the proposed amendments contained in the Clauses wherein the relevant sections of the Interim Constitution namely :

Sections 119 and 120 have been deleted

and

the appropriate sections of the Final Constitution namely

Sections 181, 187 , 193 and 194 have been inserted.



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2.2 PROPOSED ADDITIONS

The following additions to the preamble is proposed in order to align the CGE Act and attune it firmly to the Final Constitution.

AND WHEREAS past discriminatory policies and practices perpetuating gender stereotypes have bequeathed a legacy of gender related inequalities in South Africa;

AND WHEREAS Section 181(1) of the Constitution has created a range of independent institutions to develop and ensure stability of the democratic order inclusive of the promotion of gender equality by a Commission for Gender Equality;

AND WHEREAS the independence of the Commission for Gender Equality provided for in terms of Section 181(2) of the Constitution as required for the fulfilment of its constitutional mandate of promoting respect for gender equality and the protection, development and attainment of gender equality without fear, favour or prejudice.

3. CLAUSE 2 : PROPOSED AMENDMENTS TO SECTION 1

The following changes to the definitions are proposed :

- 3.1 "Act" means Commission for Gender Equality Act 39 of 1996.
- 3.2 "Chairperson" means a Commissioner appointed in terms of Section 3(9)
- 3.3 "Commission" means the Commission for Gender Equality established in terms of Sections 181 and 187 of the Constitution of the Republic of South Africa.
- 3.4 "Commissioners" means all persons appointed in terms of Section 3(2) of the Act.
- 3.5 "Complaint" means any allegation of unfair discrimination based on gender as contemplated in Section 9(3) of the Constitution.
- 3.6 "Gender" refers to a social construct based on role expectations of women and men which are culturally, socially and economically ascribed resulting in stereotypes and expectations that have a discriminatory affect on any person.
- 3.7 "Gender Equality" means where all natural persons must enjoy all rights and freedoms to the extent where they are able to enjoy equal achievement and opportunities regarding social, political, economic, cultural, civil and other rights and opportunities.



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- 3.8 "Gender Equity" means the just and fair distribution of benefits, rewards and opportunities between women, men, girls and boys.
- 3.9 "Gender discrimination" means any distinction, exclusion or restriction on the basis of gender which has an effect of impairing the recognition, enjoyment or exercise by any person of any right contemplated in the Bill of Rights.
- 3.10 "Investigation" means any investigation contemplated or undertaken into the policies and practices of any person, entity, organisation or organ of state relating to their conduct or state of affairs that may impact or have any effect on gender, in terms of Sections 11(1) (e) and 12 of the Act, in a manner deemed necessary by the Commission.
- 3.11 "Organ of State" means an organ of state contemplated in terms of Section 239 of the Constitution.
- 3.12 "PEPUDA" means The Promotion of Equality and Prevention of Unfair Discrimination Act Number 4 of 2000.
- 3.13 "Plenary" means all meetings of the Commission contemplated in terms of Section 5(4) which constitutes the decision making authority.
- 3.14 "PPR and R" means Policies, Principles, Rules and Regulations as promulgated by the Commission for Gender Equality.
- 3.15 "Premises" includes any land, any road, public or private space, building or structure, vehicle conveyance, ship, aircraft, vessel or container.
- 3.16 "Secretariat" means the Chief Executive Officer, Management and all Employees of the Commission appointed by of the Chief Executive Officer in terms of Section 7 of the Act.
- 3.17 "Sex" means the biological differences between males and females.
- 3.2 The proposed amendments (a) to (c) are supported to the extent that these proposals are necessary to align the Act to the Final Constitution.
4. PROPOSED AMENDEMENT TO SECTION 2 OF ACT 39 OF 1996

The Commission proposes an amendment to the principal Act by substitution of the following for Section 2(1)

Section 2(1) The seat of the Commission shall be at its Head Office or any other place which will be determined by the Commission.



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Rationale : Such a construction is necessary to ensure independence as well as to choose a principal place of business that is suitable to the Commission.

Section 2(2) to be retained in its current form.

5. CLAUSE 3 : AMENDMENTS TO SECTION 3 OF ACT 39 OF 1996

5.1 Clause 3 (a) The proposed number of Commissioners that must be appointed in terms of the amendment is not supported. Instead the CGE proposes that a total of ten (10) Commissioners inclusive of a Chairperson be appointed. In this regard , 7 Commissioners should be appointed as full-time Commissioners and 2 may be appointed as part-time Commissioners as well as a Chairperson for a minimum period of seven (7) years that must be renewable. (Note that we are saying renewable. This means that the term of office can be rolled over for another period of 7 years on expiry. Furthermore, the CGE proposes a reduced number of Commissioners in line with structured remuneration levels that prevails in other Commissions.)

5.2 Clause 3 (b) The proposed amendment herein is supported.

5.3 Clause 3 (c) The CGE supports the deletion of the proviso in subsection 2(c) as it is unconstitutional.

5.4 Clause 3 (d) The Commission does not support the deletion of Subsection 3 of the Act which provides for public participation in the appointment process of Commissioners.

5.5 Clause 3 (e) The Commission supports the proposed amendment herein

6. AMENDMENT TO SECTION 3 OF ACT 39 OF 1996

PROPOSED AMENDEMENT TO SECTION 3 OF THE CGE ACT

The Commission believes that this section allows for untenable appointments of Commissioners and must be amended to ensure smooth operations for the Commission. Accordingly, the Commission requests the following amendments to section 3 of the principal Act:

6.1 That subsection 3(4) (a) be replaced with the following :

The Commissioners must be appointed as full-time or part-time Commissioners for a fixed term of seven years by the President at the time of each appointment.



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6.2 That Section 3(4) (b) be substituted by the following

No more than 7 full-time and no-more than 2 part-time Commissioners and a Chairperson shall be appointed.

Rationale : 2 Furthermore, given the budgetary constraints of the CGE it is proposed that no more than 10 Commissioners in total be appointed inclusive of the Chairperson.

By the insertion of sub paragraphs (d) to provide as follows :

3(4) (d) the Minister of Finance must make funds available for all determinations that have been finalised by the Commission.

Rationale : The above amendments seek to ensure the following :

1. *Appropriate remuneration is paid to Staff*
2. *The untenable delays in approving increases / remuneration levels and amending conditions of service for Commissioners that sometimes extends for years are avoided.*
3. *The remuneration and conditions of Services of staff and Commissioners are set at levels which attract high calibre individuals.*
4. *These amendments also ensure that decent conditions of service and fair contractual terms are extended to Commissioners.*
5. *The extension of unilateral conditions of service inclusive of untenable remunerations levels for Commissioners will be avoided.*
6. *The remuneration levels of highly skilled staff required within the Secretariat can be determined by the Commission when necessary)*



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6.3 The Commission seeks an amendment to the CGE Act to provide as follows :

By the substitution of the following in subsection 3(6) :

The Commission may request the President to appoint a part-time Commissioner as a full-time Commissioner or a full time – Commissioner as a part – time where such vacancies exist and in circumstances where it is deemed necessary, and the President shall appoint such Commissioners as full – time or part-time Commissioner for the unexpired period of the Commissioner's term of office within thirty (30) days of such a request.

6.3.1 The Commission seeks an amendment to the principal Act in the following terms :

The substitution of the following for subsection 3(9) (a) :

A Chairperson of the Commission shall as often as it becomes necessary be appointed by the President and a Deputy Chairperson by members of the Commission with such additional remuneration and benefits that is deemed necessary and such appointment shall be tabled in Parliament within 30 (thirty) days of such appointment.

Rationale : This is necessary to make the appointment process of the Chairperson and DC uniform with the SAHRC. Also the Chairperson is not given additional remuneration or benefits for additional responsibilities which is the case with the SAHRC – Chair receives R 977K / DC 824K / C 773K). Furthermore, by being allowed to choose their Chairperson such a step enhances independence and accountability amongst Commissioner.

7. PROPOSED AMENDMENT TO SECTION 4 OF THE CGE ACT BY THE COMMISSION

7.1 The CGE proposes an amendment to the principal Act by the addition of a Section 4 (3) (c) and (d) to provide as follows :

(c) The Commission may request that an appointment be made in terms of Section 3(6) so as to enable a part-time Commissioner to fulfil the duties and functions of any full-time or another part-time Commissioner



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- 7.2 (d) The Commission may also request that a full-time - Commissioner be appointed as a part-time Commissioner where any vacancy[ies] and circumstances exist that deem this necessary. Any request for appointment in terms of this section may commence immediately after any Commissioner has submitted his or her resignation to Parliament or within 30 days of a request being made in terms of this section.

Rationale : Such a provision will allow the CGE to ensure that a part-time Commissioner is appointed as full time Commissioner and vice versa in the event that : (i) a full time commissioner resigns and (ii) also where another part-time Commissioner resigns. (iii) this provision will allow the Commission to ensure that appointments are made to allow for the responsibilities of Commissioners to continue by making a suitable appointment (iv) it will allow for swift action to be taken by allowing for immediate steps to be taken by the Commission itself.(iv) promotes independence of the CGE and a check and balance is provided by allowing the NA to be consulted.

8. PROPOSED AMENDMENT TO SECTION 5 OF THE CGE ACT BY THE COMMISSION

In order to fulfil the test for legality the following amendment is proposed to Subsection 5(3) of the CGE Act to read as follows :

- 8.1 The quorum for any meeting of the Commission shall be the majority of the total number of Commissioners appointed in terms of Section 3(1) and (2) or the full complement of Commissioners where vacancies exist and have not been filled alternatively the number of Commissioners available and agreed upon as constituting a quorum by the Committee.

Rationale : This is necessary where the full complement of commissioners are not available or have not been appointed and for decisions taken under such circumstances to be valid and binding.



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- 8.2 The amendment to the principal Act by the following addition to Section 5(6)

The Commission shall from time to time by notice in the Gazette make known the particulars of the procedures in terms of subsection 5 or any other procedure by promulgation of its Policies, Practices, Rules and Regulations. Hereinafter, referred to as CGE PPR and R.

Rationale : The PPR and R must also speak to the conduct of Commissioners, conditions where termination of office is deemed to have takes effect.

9. PROPOSED AMENDMENT TO SECTION 7 OF ACT 39 OF 1996 BY THE COMMISSION

The Commission proposes the following amendments to Section 7 the principal Act

- 9.1 By the insertion of a new section as follows :

7A Regulations must be enacted within three months of promulgation of this Act which sets out the differentiation, functions, powers roles and responsibilities between Secretariat and Commissioners that is necessary for effective and efficient fulfilment of the obligations of the Commission.

- 9.2 By the following substitution for Section 7(1)(a)

The Commissioners shall at their first closed meeting or whenever it becomes necessary, appoint a suitably qualified and experienced person as Chief Executive Officer for the purpose of assisting the Commission for Gender Equality in the performance of its financial, administrative and secretariat functions as required in this Act and any other law.

Rationale : Previous provision limits the Commission in appointing the CEO in a manner that is unconstitutional. That is limits the appointment of CEO to only once and makes it virtually impossible for the Commission to appoint a candidate of its choice. If one reads the Act the Commission must consult with the PSC and Minister of Finance when appointing a CEO. Strictly speaking if this is not done then the appointment is unlawful also the PSC/Minister could veto certain proposals by the CGE.



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9.2 The Commission proposes the following amendments to the principal Act

By the following substitution for Section 7(1)(b)

The Chief Executive Officer must appoint such other professional and support staff as may be necessary to enable the Commission for Gender Equality to perform its functions. The Chief Executive Officer must consult with the Commissioners when making appointments at senior levels within Secretariat as regulated in the PPR and R.

Rationale : Superfluous conditions in the appointment process are removed

9.3 The Commission proposes the following amendments to the principal Act

By the following insertion to Section 7

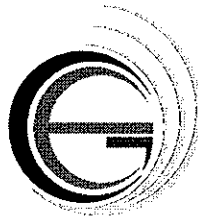
Section 7(1) (c) Any person appointed by the Commission for Gender Equality in terms of subsection (1) shall receive such remuneration, allowances and other employment benefits and shall be appointed on such terms, conditions and periods as the Commission may determine. In this regard the Commission must consider the competencies and experience of the candidate as well as requirements of the institution.

9.4 The Commission proposes the following amendments to the principal Act

By the following insertion to Section 7

Section 7(1)(d) The Minister of Finance must make funds available for the remuneration, benefits and allowances that are necessary for all appointments in terms of Section 7.

9.5 *Rationale : Please note that Parliament cannot disapprove of any determination made in terms of Section 7 as provided for in terms of Section 7 (3) (b) because such a provision is in conflict with Section 23 and Section 181(3), (4) and (5) of the Constitution. Furthermore, such a provision would generate litigation against the CGE as the application of this provision will definitely constitute an unfair labour practice) Please note that a legal provision cannot apply retrospectively. The provisions are therefore unconstitutional as a law cannot condone wrongdoing. Any person adversely affected by these provisions will raise a defence successful in terms of estoppel alternatively due to the fact that same are contra bonos mores. And the reliance theory where a contract was entered into and the CGE now has to resile because of Parliament's disapproval. This is a rather surprising provision which escaped the law advisors when the Act was drafted in 1996.*



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Accordingly, the Commission for Gender Equality proposes the Amendment of the CGE Act by deletion of Section 7 (3) (b) to align the Act to the Section 181 sub-sections (3) – (5) of the Constitution.

- 9.6 The Commission for Gender Equality proposes the amendment of The CGE Act 39 of 1996 by the deletion of the following subsections

Sub-section 7 (3) (b) and (c) in their entirety

Rationale : Parliament does not set the salaries of CGE staff therefore such provisions are unconstitutional.

- 9.7 The Commission proposes the amendment of the CGE Act 39 of 1996 by the substitution of subsection 7(4) as follows :

The Commission may in the performance of its functions be assisted by officers of the public service or the appointment of any person, professional or expert who will be able to assist the Commission in the fulfilment of its functions.

Rationale : The existing provision is superfluous

- 9.8 The Commission proposes the amendment of the CGE Act 39 of 1996 by the substitution for subsection 7(5) as follows :

The Commission may in the exercise of its powers or the performance of its functions by or under this Act, the Promotion of Equality and Prevention of Unfair Discrimination Act or any other law, for specific projects, enter into contracts for the services of persons having technical or specialised knowledge of any matter relating to the work of the Commission and must determine the remuneration, including reimbursement for travelling, subsistence and other expenses of such a person. The Commission may promulgate PPR and R in this regard.

- 9.9 The Commission proposes the amendment of the CGE Act 39 of 1996 as follows

By an insertion of a Sub section 7(6) to provide as follows :

The Chief Executive Officer is the accounting officer of the Commission and Head of the Secretariat and as such has authority to perform all powers and functions required by this Act and any other law inclusive of the management of all employees of the Commission appointed in terms of Section 7 of this Act and may delegate any power or function as required to any member of the Secretariat.



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10. PROPOSED AMENDMENT TO SECTION 8 OF THE COMMISSION FOR GENDER EQUALITY ACT 39 OF 1996 BY THE CGE

The Commission proposes the amendment of the principal Act as follows :

By the revision to Section 8(1) to provide as follows :

The remuneration, allowances and other terms and conditions of the office and service benefits of full-time and part-time Commissioners shall be determined by the Commission in consultation with **[President] Parliament**.

By the revision of Section 8(3) to provide as follows :

A part-time Commissioner may for any period during which that Commissioner with the approval of the Commission perform additional duties and functions be paid such additional remuneration by the Commission that has been determined in terms of Section 3(4).

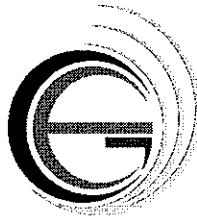
11. CLAUSE 4 : AMENDMENT TO SECTION 9 OF ACT 39 OF 1996

The Commission proposes an amendment to Section 9 of the principal Act as follows :

11.1 by the deletion of the following words in Section 9(1)

Expenditure incidental to the performance of the functions of the Commission in terms of this Act or any other law shall be defrayed from money appropriated for such purpose by Parliament] **in the same manner, with the necessary changes, and subject to the same laws, as in the case of the expenditure of a department of the National Government]**

Rationale budget for ISDs to be appropriated directly by Parliament as proposed in Asmal Report.



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11.2 by the substitution of the following words in paragraph (a) in subsection 9(2)

- i. shall be the only person responsible for the management of, the exercise of administrative control over and the delegation of responsibilities in respect of staff appointed in terms of Section 7 (1) (b) and be accountable to the Commissioners herein.

11.3 the Commission supports the proposed amendment to Section 9(2) (b) in its current form.

12. PROPOSED AMENDMENT TO SECTION 10 OF ACT 39 OF 1996 BY THE COMMISSION

The Commission proposes an amendment to Section 10 of the CGE Act by the following :

12.1 The insertion of the following in Section 10 (1) (a)

The Commission referred to in section 181(1) (d) of the Constitution is an independent juristic person, must be impartial and able to exercise its powers and perform its functions without fear, favour or prejudice.

12.2 The substitution of the following for Section 10 (2)

The Commission shall exercise its powers and perform its functions independently without any interference from any person, entity or organ of state. Any interference with the exercise of the powers and functions of the Commission and its staff is a contravention of this Act.

12.3 The substitution of the following for Section 10(3)

All persons, entities and organs of state must afford the Commission such assistance, cooperation and support as may be required for :

- (a) the protection of its independence and dignity,
- (b) the effective exercise of its powers and performance of its functions,

12.4 The addition of a subsection 10 (6) that provides as follows

The Commission must promulgate the necessary Policies, Practices, Rules and Regulations that are required to give effect to this section in ensuring that its independence, effectiveness and dignity are respected and protected.



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13. CLAUSE 5 : AMENDMENT OF SECTION 11 OF ACT 39 OF 1996

13.1 The Commission supports the proposed amendment to 11 (1) of the principal Act in its current form.

13.2 The Commission also seeks to amend the principal Act by amending Section 11 (1) as follows :

13.2.1 The substitution for Section 11(1) (a) by the following :

The Commission

- (a) shall research, monitor and evaluate policies and practices of
 - (i) Organs of state at any level,
 - (ii) Statutory bodies and functionaries,
 - (iii) Public bodies and authorities,
 - (iv) Constitutional Institutions and State Owned Enterprises
 - (v) Private businesses, enterprises, organisations and any other institution or person within the Republic of South Africa.

In order to promote gender equality and address gender disparities arising from any socio-economic, political, civil and patriarchal circumstances and to make recommendations to Parliament and non – compliant entity that the Commission deems necessary.

13.2.2 The substitution for Section 11(1) (b) by the following :

- (b) shall develop, conduct or manage
 - (i) information programmes, and
 - (ii) education as well as awareness programmes

to foster public understanding on matters pertaining to the promotion of gender equality and the role and activities of the Commission.



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13.2.3 The substitution for Section 11(1) (c) by the following :

- (c) shall evaluate
- (i) any Act of Parliament, a provincial ordinance or local government by-law, proposed legislation inclusive of any regulation.
 - (ii) any system of personal law and family law or custom,
 - (iii) any system of indigenous law, customs or practices,
 - (iv) any other law or policy,

that is in force at the commencement of this Act or any law proposed by Parliament or any other legislature after the commencement of this Act, affecting or likely to affect the prospect in attaining gender equality and to make recommendations to Parliament or any such other legislature in order to address any gender inequality.

13.2.4 The substitution for Section 11(1) (d) by the following :

- (d) may recommend and advise Parliament or any other legislature on the adoption of new legislation which would purport to promote gender equality [the status of women] in general.

13.2.5 The substitution for Section 11(1) (e) by the following :

- (e) shall investigate any gender related issues on its own accord or on receipt of a complaint and shall endeavour to
- (i) resolve any dispute and inform parties involved on the adjudication or decisions taken.
 - (ii) rectify any Act or omission by way of mediation, conciliation, negotiation or litigation as provided for in PEPUDA or where necessary at any stage refer any matter to

...
13.2.6 The substitution for Section 11(1) (g) by the following :

- (g) shall liaise and interact with any organisation which actively promotes gender equality which may include other sectors of civil society to further the object of the Commission which includes holding public hearings on issues of gender related issues and to inform Parliament accordingly.



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13.2.7 The substitution for Section 11(1) (h) by the following :

- (h) shall monitor the compliance with international conventions, international covenants, international charters, regional instruments acceded to or ratified by the Republic, relating to the object of the Commission, and shall also monitor the implementation of national legislation which promotes gender equality.

13.2.8 The insertion of Section 11(1) (l)

- (l) shall lobby on gender equality in any manner deemed necessary by the Commission.

13.2.9 The insertion of Section 11 (1) (m)

- (m) shall litigate on matters relating to gender equality in any competent court or tribunal in South Africa

13.2.10 The insertion of Section 11(1) (n),(o) and (p)

- (n) shall conduct public hearings in the furtherance of its investigation in any matter or complaint at any stage that the Commission considers necessary.
- (o) where any person, entity, organ of state or party that is requested to provide information or attend a hearing or both during any public hearing or investigation and if such a person, entity or organ of state fails to provide such information or attend a hearing or both as required without good cause then any such non-compliance would be an offence.
- (p) Where any person, entity, organ of state or party fails to fulfil any agreement or undertaking during a public hearing the Commission may instead of any criminal sanction request compensation for necessary expenses from the defaulting party.

14. PROPOSED AMENDMENT TO SECTION 12 OF ACT 39 OF 1996 BY THE COMMISSION

14.1 The Commission seeks to amend the principal Act by the insertion of Section 12 A as follows :



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- 12 A (1) The Commission by virtue of its independence and due regard to the nature of the matter as well as its mandate may undertake an investigation that it considers necessary.
- (2) An investigation contemplated in this section includes but is not limited to any public hearing, special information gathering exercise, an inspection of policies and practices contained in any document or artefact and an in loco inspection of any institution, club, business premise, farm, harbour, public or private space or premise, correctional centre, hospital, school, local authority, legislature, police station, holding cell, university, hostel and any detention centre or site that is necessary.
- (3) The Commission has a discretion to determine its own procedure in any case requiring an investigation provided that such investigation will be conducted with due regard to decency and order including the rights of any party affected by such an investigation.
- (4) No person, employee or Commissioner acting in terms of this section may be denied cooperation or assistance in the course of his or duty and any interference or attempt at obstructing a lawful duty being exercised in terms of this section is a contravention of this Act.

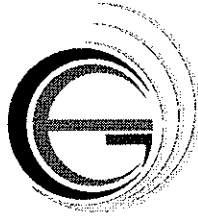
The Commission must promulgate Policies, Practices, Rules and Regulations which give effect to these provisions.

15. PROPOSED AMENDMENT TO SECTION 14 OF THE CGE ACT 39 OF 1996 BY THE COMMISSION

- 15.1 The Commission proposes the amendment of the CGE Act 39 of 1996 by the insertion of a subs-section 14 (4) as follows :

No employee, staff or Commissioner will be held liable for any damage, cost or expense in his or her personal capacity whilst acting within the course and scope of his or her official duties. In all such circumstances the State Liability Act will be applicable.

16. PROPOSED AMENDMENT TO SECTION 15 OF THE CGE ACT 39 OF 1996 BY THE COMMISSION



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The Commission proposes an amendment to Section 15 (1), (2) and (3) as follows :

16.1 The insertion as follows to Section 15(1)

The Commission may subject to the provisions of subsection (3), in the manner it deems necessary, make known to any person, institution in the public and private sector, civil society and any social institution any finding, view or recommendation in respect of any matter investigated by it and recommend redress interventions or strategies.

16.2 The substitution to Section 15(2) as follows

The Commission shall report to **[the President]** Parliament at least once every year on its activities...

16.3 The insertion as follows to Section 15(3)

The findings and outcome in any adjudication of an investigation by the Commission shall when the Commission deems fit be made available to the complainant and any person affected, implicated or who has an interest.

17. PROPOSED AMENDMENT TO SECTION 16 OF THE CGE ACT 39 OF 1996 BY THE COMMISSION

The Commission proposes an amendment to the principal Act by the following insertions :

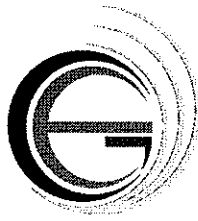
The Commission may at any time, approach the President or Parliament with regard to any matter relating to the exercise of its powers and the performance of its functions and require that an intervention, remedial action or step to be taken in the circumstances.

18. PROPOSED AMENDMENT TO SECTION 17 OF THE CGE ACT 39 OF 1996 BY THE COMMISSION

The Commission proposes an amendment to the principal Act by the following insertions :

Insertion to Section 17(1)

The Commission is a juristic person.



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19. CLAUSES 6-9

The Commission supports the proposed amendments herein.

20. PROPOSED AMENDMENTS TO SECTION 18 OF THE CGE ACT 39 OF 1996.

By the following insertion to section 18

Section 18 A. In the event of being convicted for any contravention of Section 11(2), (p) or 12 A (4) a competent Court may impose a fine or a term of imprisonment not exceeding twelve months as well as compensation in favour of the Commission and an order of compliance.

Formally approved by the Commission on 26th November 2012



women, children &
people with disabilities

Department:
Women, Children and People with Disabilities
REPUBLIC OF SOUTH AFRICA

Hon Ms. Lulu Xingwana,
Minister for Women, Children and People with Disabilities

Cordially invites you

***The Closing Ceremony of the 16 Days of Activism Campaign of No Violence
against Women and Children, to be presided by
The Deputy President of The Republic of South Africa, Mr Kgalema Motlanthe***

And coincided with

The Launch of the National Council against Gender-Based Violence

Date : 10 December 2012
Time : 09:30 for 10:00
Venue : Phokeng, Olympia Stadium, Rustenburg

"From Peace in the Home to Peace in the World"

Please RSVP by 05 December 2012 using the attached Form
to one of the following contacts:

1. Ms Lwazikazi Dimbaza on Lwazikazi@dwcpd.gov.za Tel: 012 359 0180
2. Ms Nolwandle Moloi on Nolwandle@dwcpd.gov.za, Tel: 012 359 0088
3. Ms Siphokazi Baninzi on Siphokazi@dwcpd.gov.za Tel: 012 359 0217
4. Ms Nthabiseng Shitlango on NthabisengS@dwcpd.gov.za Tel: 012 359 0021

For any enquiries, please contact Ms Nchedi Maphokga-Moripe on 082 494 3303 or Ms Tshego Magooa on 082 499 5826



women, children &
people with disabilities

Department:
Women, Children and People with Disabilities
REPUBLIC OF SOUTH AFRICA

Please tick the appropriate column below

Will attend	
Will NOT attend	

Name and Surname	
Organization/Department	
Any disability needs? Please specify	
Any dietary requirements? Please specify	
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Fax:	
Cell:	
E-mail:	

NB: Department for Women, Children and People with Disabilities will NOT cover the cost of attending this event.

NB: Kindly bring your invitation for accreditation and access