

REPUBLIC OF SOUTH AFRICA

FUND-RAISING AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 76); explanatory summary of Bill and prior notice
of its introduction published in Government Gazette No. 43801 of 13 October 2020)
(The English text is the official text of the Bill)*

(MINISTER OF SOCIAL DEVELOPMENT)

[B 29—2020]

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- (b) by the substitution for subsection (4) of the following subsection:
 “(4) At least half of the members of a board shall be persons who are not officers in the public service or the security services referred to in section 199(1) of the Constitution of the Republic of South Africa, 1996.”; and 5
- (c) by the substitution for subsection (11) of the following subsection:
 “(11) A member who is not an officer of the public service or the security services shall be paid such allowances from the Fund in question as the Minister may with the concurrence of the Minister of Finance determine.”. 10

Amendment of section 18 of Act 107 of 1978, as amended by section 4 of Act 41 of 1980, section 1 of Act 19 of 1981, section 2 of Act 82 of 1983, section 4 of Act 115 of 1991 and section 2 of Act 43 of 1994

3. Section 18 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (a) of the following paragraph: 15
 “(a) the board of the Disaster Relief and National Social Development Fund shall be, with due regard to the financial position of that Fund and the requirements of each case [,]—
 (i) to render to persons, organizations and bodies who or which suffer damage or loss caused by a disaster; and 20
 (ii) to identify social development activities or empowerment projects,
 and to provide, such assistance, in cash or otherwise, as the board may deem fair and reasonable;”;
- (b) by the substitution for paragraph (b) of the following paragraph: 25
 “(b) the board of the South African Defence Force Fund shall be, with due regard to the financial position of that Fund and the requirements of each case, to render such aid as the board may deem fair and reasonable to—
 (i) [members and] former members of the South African 30
 Defence Force and of auxiliary services established and designated in accordance with section 80(1) of the Defence Act, 1957 (Act No. 44 of 1957), and their dependants; and
 (ii) members and former members of the South African 35
 National Defence Force and auxiliary services established and designated under section 199 of the Constitution of the Republic of South Africa, 1996, and sections 11, 16, and 17 of the Defence Act, 2002 (Act No. 42 of 2002), and their dependants,
 who suffer financial hardship or financial distress arising, directly or 40
 indirectly, out of any service or duties contemplated in section 3(2) of the Defence Act, 1957, section 201(2) of the Constitution of the Republic of South Africa, 1996, and sections 18 and 19 of the Defence Act, 2002, performed by such members, and to provide facilities to or for such members and former members who perform 45
 or performed such service or duties;”;
- (c) by the deletion of paragraphs (c) to (e).

Amendment of section 20 of Act 107 of 1978

4. Section 20 of the principal is hereby amended by the addition of the following subsection: 50
 “(3) A board must ensure the disbursement of funds or provision of assistance is done in accordance with any written directions of the Minister and with due adherence to ethical principles.”.

Amendment of section 22 of Act 107 of 1978**5. Section 22 of the principal Act is hereby amended—**

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

“The Funds referred to in section 16, read with section 25A (2)(b), shall consist of—”; and

- (b) by the substitution for subsections (4) to (8) of the following subsections, respectively:

“(4) A board shall deposit all the moneys received by it in an account which it shall open with a banking institution registered in terms of the Banks Act, [1965 (Act No. 23 of 1965)] 1990 (Act No. 94 of 1990).

(5) A board shall from time to time invest with the **[Public Debt Commissioners] Public Investment Corporation Limited** established by section 2(1) of the Public Investment Corporation Act, 2004 (Act No. 23 of 2004), or in such other manner as the Minister may, with the concurrence of the Minister of Finance, determine, all moneys which are not required for immediate use or as a reasonable working balance.

(6) The financial year of a fund shall terminate on 31 March in each year or as prescribed by the Minister.

(7) Each Fund is, subject to the directions of the Minister, under the control of the Secretary, who—

- (a) is the accounting officer of the Fund; and
 (b) must keep full and proper records of the financial affairs of the Fund and must prepare financial statements for each financial year, in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(8) The records and financial statements contemplated in subsection (7) must be audited by the Auditor-General and must—

- (a) be included as part of the annual report and audited financial statements of the Department of Social Development or the Department of Defence and Military Veterans, as the case may be, referred to in section 40 of the Public Finance Management Act, 1999; and
 (b) be submitted to the relevant Minister to enable compliance with section 65 of the Public Finance Management Act, 1999.”.

Substitution of section 25 of Act 107 of 1978**6. The following section is hereby substituted for section 25 of the principal Act:****“Performance of administrative work of boards**

25. (1) The administrative work, including receipt and disbursement of money incidental to the performance of the functions or the exercise of the powers of a board or of any committee of the board, must—

- (a) in the case of the Disaster Relief and National Social Development Board, be performed by officers in the public service designated by the Secretary and who must be under his or her control;
 (b) in the case of the South African Defence Force Fund Board, be performed by members of the South African National Defence Force designated by the Secretary and who must be under his or her control.

(2) The disbursement of funds or provision of assistance as contemplated—

- (a) in section 18(a) must be carried out by the South African Social Security Agency established by section 2 of the South African Social Security Agency Act, 2004 (Act No. 9 of 2004);
 (b) in section 18(b) must be carried out by the Board referred to in that section.”.