

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
NATIONAL DEVELOPMENT  
AGENCY BILL**

[B 91—98]

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*(As agreed to by the Portfolio Committee on Finance (National Assembly))*

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[B 91A—98]

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REPUBLIEK VAN SUID-AFRIKA

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**PORTEFEULJEKOMITEE-AMENDEMENTE  
OP  
WETSONTWERP OP  
DIE NASIONALE  
ONTWIKKELINGSAGENTSAP**

[W 91—98]

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*(Soos goedgekeur deur die Portefeuljekomitee oor Finansies (Nasionale Vergadering))*

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[W 91A—98]

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**AMENDMENTS AGREED TO**  


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**NATIONAL DEVELOPMENT AGENCY BILL**  
**[B 91—98]**

CLAUSE 1

1. On page 2, from line 23, to omit the definition of “civil society organisation” and to substitute:

**“civil society organisation”** means a trust, company or voluntary association established for a public purpose, but does not include an organ of state;

CLAUSE 3

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 2:

**Objects of NDA**

**3.** (1) The primary object of the NDA is to contribute towards the eradication of poverty and its causes by granting funds to civil society organisations for the purposes of—

- (a) carrying out projects or programmes aimed at meeting development needs of poor communities; and
- (b) strengthening the institutional capacity of other civil society organisations involved in direct service provision to poor communities.

(2) The secondary objects of the NDA are—

- (a) to promote—
  - (i) consultation, dialogue and sharing of development experience between civil society organisations and relevant organs of state; and
  - (ii) debate on development policy; and
- (b) to undertake research and publication aimed at providing the basis for development policy.

CLAUSE 4

1. On page 4, in lines 31 and 32, to omit paragraph (a) and to substitute:

- (a) grant money from its funds—
  - (i) in accordance with such criteria and procedures as the NDA determines; and
  - (ii) with due regard to the NDA’s primary object referred to in section 3(1),  
to any civil society organisation for any project or programme that organisation intends to undertake or is undertaking;

2. On page 4, in lines 33 and 34, to omit paragraph *(b)*.
3. On page 4, after line 39, to add:
  - (3) Any grant in terms of subsection (2)(a) to any civil society organisation may not be distributed to its members or office bearers except as reasonable compensation for services rendered.
  - (4) Any civil society organisation to which a grant is made in terms of subsection (2)(a) must submit to the NDA—
    - (a) audited financial statements regarding the use of that grant at the intervals and in the form prescribed by regulation in terms of section 13; and
    - (b) in respect of each financial year of the organisation, a comprehensive, narrative report containing—
      - (i) an analysis of every project or programme in respect of which that grant is made and a description of all other activities of the organisation; and
      - (ii) an audited financial report, not later than the date prescribed by regulation in terms of section 13.
  - (5) Any grant in terms of subsection (2)(a) must be sufficient to defray the expenses which the civil society organisation in question will have to incur in order to comply with subsection (4).

#### CLAUSE 5

1. On page 4, in lines 47 and 48, to omit paragraph *(b)* and to substitute:
  - (b) nine 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.
2. On page 4, after line 48, to insert:
  - (2) For the purpose of the appointment of the members of the Board referred to in subsection (1)(b), the Minister must through the media and by notice in the *Gazette* invite nominations of persons as candidates for such appointment.
  - (3) At least two members of the Board must have proven knowledge or experience of financial management.
  - (4) When the members of the Board are appointed, the need for the Board to reflect broadly the race, gender and geographic composition of the Republic must be considered.

#### CLAUSE 8

1. On page 8, after line 12, to insert:
  - (2) At least one member of the management committee must have proven knowledge or experience of financial management.

CLAUSE 9

1. On page 8, after line 33, to insert:

(4) The NDA must enter into a written performance contract, stipulating measurable objectives, with the chief executive officer relating to the performance of that officer's functions in terms of this Act.

(5) The NDA and the chief executive officer may in writing amend the performance contract from time to time.

CLAUSE 10

1. On page 10, from line 3, to omit subsection (3) and to substitute:

(3) The NDA must, in each financial year at such time as the Minister determines, submit to the Minister for approval—

- (a) a business plan for the NDA, containing measurable objectives and the other information contemplated in section 11(3)(b) and (c) and such further information as the Minister determines; and  
 (b) a statement of the NDA's estimated income and expenditure, in respect of the following three financial years or such longer or shorter period as the Minister determines.

CLAUSE 11

1. On page 10, from line 22, to omit subsection (3) and to substitute:

(3) The report must—

- (a) include a balance sheet and a statement of income and expenditure certified by the Auditor-General;  
 (b) state the extent to which the NDA has achieved or advanced its objects referred to in section 3 and the measurable objectives as set out in its business plan during the financial year concerned; and  
 (c) contain relevant performance information regarding the economic, efficient and effective application of resources and specifically a comparison between planned and actual performance indicators as set out in that business plan.

CLAUSE 12

1. On page 10, in line 33, after "Act" to insert:

, except the power to grant money as contemplated in section 4(2)(a)

CLAUSE 13

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 12:

**Regulations**

**13.** The Minister may, after consultation with the Board and by notice in the *Gazette*, make regulations which—

- (a) may or must be prescribed in terms of this Act;
- (b) are necessary for the effective administration of this Act.

