



- (ii) to ensure that the standard of governance within civil societies is maintain and improved;
- (c) liaising with other government department and interested parties; and
- (d) facilitating the development and implementation of multi-sectoral and multi-disciplinary programmes.

#### **Model documents and good code of practice**

- 4.** (1) The Directorate must –
- (a) prepare and issue a model documents including
    - (i) model constitution for civil society organisations, and
    - (ii) a model of the narrative report to be submitted by registered civil society organisations to the Directorate;
  - (b) prepare an issue codes of good practices for –
    - (i) civil society organisations, and
    - (ii) those persons, bodies and organisations making donations or grants to civil society organisations.
- (2) Any model documents or code of good practice or any amendment or substitution thereof must be –
- (a) made in accordance with the procedure provided in section 25 with the necessary charges; and
  - (b) publish in the Gazette.

#### **Reports of the Directorate**

- 5.** Within six months after the end of each financial year, the Minister must lay a report on the activities of the Directorate before the two Houses of the National Assembly.

#### **Designation of Directorate of Civil Society Organisation**

- 6.** The Minister must designate an employee of the Ministry with the rank of a Director as the Director of Civil Society Organisations to be in charge of the Directorate and to perform the other functions conferred on the director in terms of this Act.

#### **Panel of arbitrators and Arbitration Tribunal**

- 7.** (1) The Minister must appoint persons so as to maintain a panel of arbitrators consisting of at least seven persons.
- (2) (a) The Minister must designate one member of the panel or arbitrators to act as the chairperson.
- (b) If the chairperson is unable to act in this capacity or the post becomes vacant, the Minister may designate any other member of the panel to act as chairperson.
- (3) Whenever the Minister is required to nominate a person to the panel or arbitrators in terms of subsection (1), the Minister must –
- (a) publish in the Gazette any by any other widely circulated means of communication, a notice calling for nominees and stating the criteria for nominations;

- (b) consider all nominations submitted in response to the notice;
  - (c) compile a short-list of nominees and publish it for comment in the manner in accordance with paragraph (a); and
  - (d) consider any comments received in response to the publication of the short-list.
- (4) The terms and conditions of appointment of members of the panel of arbitrators must be prescribed by the Minister.
  - (5) For the purposes of this Act, an Arbitration Tribunal may be composed of not more than three members of the panel of arbitrators appointed by the chairperson.

### **Establishment of Advisory or Technical Committees**

- 8. (1) The Minister may appoint any advisory or technical committee in order to achieve the objects of this Act
- (2) When appointing an advisory or technical committee, the Minister must determine –
  - (a) the composition, functions, and working procedure of such committee;
  - (b) in consultation with the Minister of Finance, the terms, conditions, remuneration and allowances applicable to its members; and
  - (c) any other matter relating to such committee.

### **Benefits of registration**

- 9. The Minister may prescribe benefits or allowances applicable to registered civil society organisations, after consultation with the committees of the two Houses of the National Assembly responsible for social development and with the concurrence of every Minister whose department is affected by a particular benefit or allowance.

### **Requirements for Registration**

- 10. (1) Any civil society organisation that is not an organ of state may apply to the director for registration
- (2) Unless the laws in terms of which a civil society organisations is established or incorporated make provision for the matters in this subsection, the constitution of a civil society organisation that intends to register must –
  - (a) state the organisation's name;
  - (b) state the organisation's main and ancillary objectives;
  - (c) state the organisation's income and property are not distributable to its members or office-holders, except as reasonable compensation for services rendered;
  - (d) make provision for the organisation to be a body corporate and have an identity and existence distinct from its members or office-holders;

- (e) make provision for the organisation's continued existence notwithstanding changes in the composition of its membership or office-holders;
  - (f) ensure that the members or office-bearers have no rights in the property or other assets of the organisation solely by virtue of their being members or office-holders;
  - (g) specify the powers of the organisation;
  - (h) specify the organisational structures and mechanisms for its governance;
  - (i) set out rules for convening and conducting meetings, including quorums required for and the minutes to be kept of those meetings;
  - (j) determine the manner in which decisions are to be made;
  - (k) provide that the organisation's financial transactions must be conducted by means of banking account;
  - (l) determine a date for the end of the organisation's financial year;
  - (m) set out a procedure for changing the constitution;
  - (n) set out a procedure by which the organisation may be wound up or dissolved; and
  - (o) provide that, when the organisation is being wound up or dissolved, any asset remaining after all its liabilities have been met, must be transferred to another civil society organisation having similar objectives.
- (3) The constitution of a civil society organisation that intends to register, may make provision for matters relevant to conducting its affairs, including matters that –
- (a) specify qualifications for and admission to membership of the organisation;
  - (b) determine the circumstances in which a member will no longer be entitled to the benefits of membership;
  - (c) provide for termination of membership;
  - (d) provide for appeals against loss of the benefits of membership or against termination of membership and specify the procedure for those appeals and determine the body to which those appeals may be made;
  - (e) provide for membership fees and matters determining membership fees and other payments by members;
  - (f) provide that members or office-holders do not become liable for any of the obligations and liabilities of the organisation solely by virtue of their status as members or office-holders of the organisation;
  - (g) provide for the appointment of office-bearers and define their respective functions;
  - (h) set out a procedure for nominating, electing or appointing office-holders;
  - (i) determine the circumstances and manner in which office-holders may be removed from office and provide for appeals against such removal and specify procedures for

- those appeals and determine a body to which those appeals can be made;
- (j) provide that its office-holders are not personally liable for any loss suffered by any person as a result of an act or omission which occurs in good faith while the office-holder is performing functions for or on behalf of the organisation;
  - (k) provide for making investments;
  - (l) determine the purposes for which the funds of the organisation may be used; and
  - (m) provide for acquiring and controlling assets.

### **Application for Registration**

- 11.** (1) A civil society organisation may apply for registration by submitting to the director –
- (a) the prescribed form, properly completed;
  - (b) two copies of its constitution; and
  - (c) such other information as may be required by the director so as to assist the director to determine whether or not the civil society organisation meets the requirements for registration.
- (2) Within two months after receiving an application which complies fully with subsection (1) the director –
- (a) must consider the application and any further information provided by the applicant; and
  - (b) if satisfied that the applicant complies with the requirements for registration, must register the applicant by entering the applicant's name in the register.
- (3) If, after considering an application, the director is not satisfied that the application complies with the requirements for registration, the director must send the applicant a written notice, giving reasons for the decision and informing the applicant that it has one month from the date of the notice to comply with those requirements.
- (4) The period within which compliance must be effected may be extended by the director on good cause shown by the applicant.
- (5) If an applicant who has received a notice in terms of subsection (3) complies with the requirements for registration timeously, the director must register the applicant by entering the applicant's name in the register.
- (6) If an applicant who has received a notice in terms of subsection (3) has not complied timeously with the requirements set out in that notice, the director must –
- (a) refuse to register the applicant; and
  - (b) notify the applicant in writing of the refusal and the reasons for it.

### **Appeals against refusal to register**

- 12.** (1) Within one month after receipt of a notice of a decision of the director not to register a civil society organisation, the organisation may appeal against the decision by submitting to the Directorate for consideration by an Arbitration Tribunal –
- (a) the application to register;
  - (b) the notice sent to the applicant by the director in terms of section 13 (3);
  - (c) details of the organisation’s response to the director’s notice; and
  - (d) the director’s notice and reasons for the decision which is the subject of the appeal.
- (2) Within three months after receipt of the relevant items, the Arbitration Tribunal must consider the appeal in the prescribed manner, including providing the appellant and the Directorate with the opportunity to make oral representations, and send a written notice of its decision to the appellant and to the director, stating the reasons for the decision.
- (3) If the Arbitration Tribunal upholds an appeal, the director must register the organisation by entering its name in the register.

**Certificate of Registration**

- 13.** (1) Upon registering any applicant, the director must –
- (a) issue a certificate of registration in the applicant’s name on the prescribed form which must include a registration number;
  - (b) send the certificate and a certified copy of the registered constitution to the applicant; and
  - (c) advise the applicant of the date on which its name was entered in the register.
- (2) A civil society organisation that has been registered remains registered until –
- (a) its registration is cancelled in terms of this Act;
  - (b) the organisation is voluntarily deregistered; or
  - (c) the organisation is wound up or dissolved.

**Effect of registration**

- 14.** (1) The certificate of registration of a civil society organisations, or a duly certified copy of the certificate, is sufficient proof that the organisation –
- (a) has met all the requirements for registration;
  - (b) has been registered in terms of this Act; and
  - (c) is a body corporate
- (2) For the purpose of this Act, service of any document directed to a registered civil society organisation at the physical address most recently provided to the director must be regarded as service of that document on that organisation.
- (3) A registered civil society organisation must reflect its registered status and registration number on all of its documents.

### **Accounting records and reports**

15. (1) Every registered civil society organisation must, to the standards of generally accepted accounting practice –
- (a) keep accounting records of its income, expenditure, assets and liabilities; and
  - (b) within six months after the end of its financial year, draw up financial statements, which must include at least –
    - (i) a statement of income and expenditure for that financial year; and
    - (ii) a balance sheet showing its assets, liabilities and financial position as at the end of that financial year.
- (2) Within two months after drawing up its financial statements, every registered civil society organisation must arrange for a written report to be compiled by an accounting officer and submitted to the organisation stating whether or not –
- (a) the financial statements of the organisation are consistent with its accounting records;
  - (b) the accounting policies of the organisation are appropriate and have been appropriately applied in the preparation of the financial statements; and
  - (c) the organisation has complied with the provisions of this Act and of its constitution which relate to financial matters.
- (3) Every registered civil society organisation must preserve each of its books of account, supporting vouchers, records of subscriptions or levies paid by its members, income and expenditure statements, balance sheets and accounting officer's reports, in an original or reproduced form, for the prescribed period.

### **Duty to provide reports and information**

16. (1) –

### **Changing constitution or name of registered civil society organisation**

17. (1) –

### **Non-compliance with constitution and obligations by registered civil society organisation**

18. (1) –

### **Cancellation of registration**

19. (1) –

### **Appeals against cancellation of registration**

20. (1) –

### **Voluntary deregistration and winding up or dissolution**

21. (1) –

**Register of civil society organisations**

22. (1) –

**Access by public to documents submitted to director**

23. (1) –

**Regulations**

24. (1) –

**Conditions, restrictions or prohibitions in regulations**

25. (1) –

**Procedure for making regulations**

26. (1) –

**Offences**

27. (1) –

**Penalties**

28. (1) –

**Delegation of functions**

29. (1) –

**Interpretation**

30. (1) –