

ZIMBABWE GENDER COMMISSION BILL, 2014.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a Gender Commission as provided for in section 245 of the Constitution of Zimbabwe which creates an independent institution called the Zimbabwe Gender Commission. It also seeks to fulfil international and regional instruments that Zimbabwe is a party to, namely the Universal Declaration of Human Rights, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the Beijing Declaration and platform for Action

It also seeks to provide for the hosting of a Gender Forum annually to create a platform where gender issues can be discussed.

The individual clauses of the Bill are explained below:

Clause 1

This clause sets out the short title of the Bill.

Clause 2

This Clause provides for certain definitions of terms used in the Bill. Of particular note is the definition of “systemic barrier prejudicial to women’s equality”, which is one of the functions of the Zimbabwe Gender Commission, to investigate and make recommendations on, with a view to eliminating or alleviating any such barrier.

Clause 3

This clause provides for the establishment and composition of the Zimbabwe Gender Commission.

Clauses 4, 5 and 6

These clauses provide for the functions and powers of the Zimbabwe Gender Commission, namely investigative functions, as well as the manner of conduct to be taken during the fulfilment of conducting its investigative functions.

Clause 7

This clause provides for the report to be made to the Minister at the conclusion of the investigative inquiry by the Commission, whereby it will incorporate its findings and recommendations.

Clause 8

This clause provides for the convening of the Gender Forum annually, to which civil society organisations and other interested persons will be invited to discuss topics of concern to women in accordance with an agenda set by the council in consultation with such organisations. The conclusion of the Forum will be embodied in written resolutions for presentation to the

Commission and Minister.

Clause 9

This clause provides for the conduct of the Forum as well as the appointment and proceedings of the meetings.

Clauses 10 and 11

These clauses provide for the appointment and functions of the Chief Executive Officer, as well as other staff of the Commission.

Clause 12

This clause provides for the annual report of the Zimbabwe Gender Commission.

Clause 13

This clause provides for the funds of the Zimbabwe Gender Commission

Clauses 14 and 15

These clauses provide for the accounts of the Zimbabwe Gender Commission, the appointment of an internal auditor as well as the audit of accounts.

Clauses 16 and 17

These clauses provide for the discretion the Minister has to give the Commission policy directions, as well as to make regulations in consultation with the Commission.

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SECOND SCHEDULE: Ancillary powers of Commission.

BILL

To provide for the establishment of the Zimbabwe Gender Commission to perform specified functions, including the investigation of and making of recommendations on the removal of barriers to the attainment of full gender equality; and to provide for matters connected with or incidental to the foregoing.

WHEREAS section 245 of the Constitution provides as follows:

“245 Establishment and composition of Zimbabwe Gender Commission

(1) There is a commission to be known as the Zimbabwe Gender Commission consisting of—

- (a) a chairperson appointed by the President after consultation with the Committee on Standing Rules and Orders; and*
- (b) eight other members, of whom—*
 - (i) seven are appointed by the President from a list of not fewer than twelve nominees submitted by the Committee on Standing Rules and Orders; and*
 - (ii) one is a nominee of the National Council of Chiefs, appointed by the President.*

(2) *Members of the Zimbabwe Gender Commission must be chosen for their integrity and their knowledge and understanding of gender issues in social, cultural, economic and political spheres, and the genders must be equally represented on the Commission.*

246 Functions of Zimbabwe Gender Commission

The Zimbabwe Gender Commission has the following functions—

- (a) to monitor issues concerning gender equality to ensure gender equality as provided in this Constitution;*
- (b) to investigate possible violations of rights relating to gender;*
- (c) to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;*
- (d) to conduct research into issues relating to gender and social justice, and to recommend changes to laws and practices which lead to discrimination based on gender;*
- (e) to advise public and private institutions on steps to be taken to ensure gender equality;*
- (f) to recommend affirmative action programmes to achieve gender equality;*
- (g) to recommend prosecution for criminal violations of rights relating to gender;*
- (h) to secure appropriate redress where rights relating to gender have been violated; and*
- (i) to do everything necessary to promote gender equality.*

247 Reports by Zimbabwe Gender Commission

In addition to the report it is required to submit in terms of section 323, the Zimbabwe Gender Commission may, through the appropriate Minister, submit reports to Parliament on particular matters relating to gender issues which, in the Commission's opinion, should be brought to the attention of Parliament.

NOW, THEREFORE, be it enacted by the President and the Parliament of Zimbabwe as follows—

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Zimbabwe Gender Commission Act, 2014.

2 Interpretation

(1) In this Act—

“annual report” means the annual report of the Commission referred to in section 13(1)(a);

“Commission” means the Zimbabwe Gender Commission established by section 245 of the Constitution;

“Chief Executive Officer” means the Chief Executive Officer of the Commission appointed in terms of section 9;

“systemic barrier prejudicial to gender equality” has the meaning given to that phrase in subsection (2);

“Minister” means Minister of Women’s Affairs, Gender and Community Development or any other Minister to whom the President may, from time to time, assign the administration of this Act;

(2) In this Act, “systemic barrier prejudicial to gender equality” means any barrier, practice, custom, law or other impediment prejudicial to the achievement of gender equality, including equality of opportunities and outcomes, in the following spheres of activity or sectors of the society or economy—

- (a) accessing social services, including those relating to education, health and housing;
- (b) accessing resources, including land, capital and finance;
- (c) employment in and upward mobility within the public, private and parastatal sectors and civil society organisations, including the provision of conditions in the workplace conducive to the employment of both genders;
- (d) engagement in and upward mobility of members within the professions and occupations, including the provision of conditions conducive to the engagement of individuals in the professions and occupations;
- (e) accessing public office at the national and local level, whether elective or otherwise;
- (f) any other sphere or activity specified by the Commission in a notice referred to in section 6(2).

PART II

ZIMBABWE GENDER COMMISSION

3 Zimbabwe Gender Commission

(1) Subject to this Act, a member shall hold office for such period, being not more than five years, and subject to such other terms and conditions, as the Minister shall fix on his or her appointment and shall be eligible for reappointment for not more than one term.

(2) The President shall appoint—

- (a) one member a Chairperson from amongst the Commissioners of the Commission, after consultation with Committee on Standing Rules and Orders;
- (b) one member as Vice-Chairperson from amongst the Commissioners of the Commission and the Vice-Chairperson shall, save where the President otherwise directs, exercise the functions and powers and perform the duties of the Chairperson during any period that the Chairperson is unable to exercise his or her functions or the office of the chairperson is vacant:

Provided that the Vice-Chairperson shall be of a different gender from the Chairperson.

- (c) Seven members from a list of not fewer than twelve nominees submitted by the Committee on Standing Rules and Orders;
- (d) One member nominated from the National Council of Chiefs.

(3) The First Schedule applies to the qualifications of members of the Commission, their terms and conditions of office, vacation of office, suspension and dismissal, and the procedure to be followed by the Commission at its meetings.

4 Functions of Commission

(1) In addition to the provision of section 246 of the Constitution, the functions of the Commission shall be—

- (a) to convene and host the Gender Forum in accordance with Part IV; and
 - (b) to do any other thing that the Commission may be required or permitted to do by or under this Act or any other enactment.
- (2) The Second Schedule sets out the ancillary powers of the Commission.

PART III

INVESTIGATIVE FUNCTION OF ZIMBABWE GENDER COMMISSION

5 Investigative function of Commission

Before launching an investigation the Commission shall publish a notice in the *Gazette* and in any one or more national newspapers informing the public that, no earlier than fourteen days or later than thirty days after the publication of the notice in the *Gazette*, it intends to investigate any systemic barrier prejudicial to gender equality in a specific named sphere of activity or named sector of the society or economy.

6 Manner of conducting investigations

(1) Subject to subsection (6) (concerning non-disclosure of certain evidence) the Commission may in its discretion conduct an investigation in the form of a public or closed hearing, for which purpose the Commission shall have the following powers—

- (a) to issue summons to any person or the principal to attend before the Commission and to produce any document or record relevant to any investigation by the Commission; and
- (b) to put any questions to any person which the Commission considers will assist its investigation of the matter in question; and
- (c) to require any person questioned by it to answer such questions and to disclose any information within such person's knowledge which the Commission considers relevant to any investigation by it; and
- (d) to request the assistance of the police during an investigation.

(2) In conducting a hearing the Commission shall not be bound by the strict rules of evidence, and it may ascertain any relevant fact by any means which it thinks fit and which is not unfair or unjust to any party.

(3) The Commission shall afford any person who is alleged to be directly or indirectly responsible for perpetrating, implementing, perpetuating or permitting the continuance of any systemic barrier prejudicial to gender equality, fourteen working days from the date of notification from the Commission to respond to such allegation.

(4) Any person appearing before the Commission may be represented by a legal practitioner.

(5) Information obtained by the Commission or any member of its staff at a closed hearing shall not be disclosed to any person except—

- (a) without disclosing the identity of any person who gave the information in confidence, for the purposes of the investigation and for any report to be made thereon; or
- (b) for the purposes of any proceedings for perjury alleged to have been committed in the course of an investigation.

(6) The Minister may, at any stage during an investigation by the Commission, produce to the Commission a certificate in writing signed by him or her to the effect that the disclosure of any evidence or documentation or class of evidence or documentation specified in the certificate is, in his or her opinion, contrary to the public interest on the grounds that it may prejudice the defence, external relations, internal security or economic interests of the State, whereupon the Commission shall make arrangements for evidence relating to that matter to be heard *in camera* at a closed hearing and shall take such other action as may be necessary or expedient to prevent the disclosure of that matter.”.

(7) Where the Commission receives a notice under subsection (6), it may if it has already commenced an investigation as a public hearing—

- (a) convert the public hearing into a closed hearing; or
- (b) close its proceedings to the public for the purpose of taking the evidence and documentation in question.

(8) Any person who—

- (a) has been summoned by the Commission to give evidence or to produce any documentation, for the purposes of an investigation and who fails to attend or to remain in attendance until excused by the Commission from further attendance, or refuses without sufficient cause, the onus of proof whereof lies upon him or her, to be sworn as a witness or to answer fully and satisfactorily a question lawfully put to him or her, or to produce the evidence or documentation requested; or
- (b) gives false evidence to the Commission, knowing such evidence to be false or not knowing or believing it to be true;

shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(9) Any member of the Commission or member of staff of the Commission who without being authorised to do so by the Commission discloses any information referred to in subsection (5), or makes any use of such information for his or her benefit, shall be guilty of an offence and liable to a fine not exceeding level twelve or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(10) For the avoidance of doubt it is declared that the law relating to the competence or compellability of any person on the grounds of privilege to give evidence, answer any questions or produce any book or document before the Commission, shall apply.

7 Report and recommendations to Minister after investigation

If, after conducting an investigation, the Commission is of the opinion that the investigation has revealed any systemic barrier prejudicial to gender equality, it shall report in writing to the Minister —

- (a) the nature and extent of its investigation and its principal findings arising therefrom; and
- (b) the nature, extent and consequences of the barrier or barriers found by the Commission to be in existence; and
- (c) whether the barrier or barriers in question are specifically attributable to any identifiable practice, custom, law or other impediment prejudicial to the achievement of gender equality, or to the absence of any law or to any deficiency in the law; and
- (d) what legislative, administrative or other practical reforms, if any, should be taken to remove or alleviate the barrier or barriers in question; and
- (e) whether a class action under the Class Actions Act [*Chapter 8:17*] (No. 10 of 1999) or a prosecution for the breach of any law, or a reference or complaint to the Zimbabwe Human Rights Commission or other immediate legal action is appropriate; and
- (f) any other matter or consideration it deems fit to bring to the Minister's attention; and
- (g) a summary of all its recommendations to remove or alleviate the barrier or barriers in question.

PART IV

GENDER FORUM

8 Gender Forum

(1) The Commission shall annually, on a date and at a venue to be notified not less than three months beforehand in the *Gazette*, organise, convene and host a Gender Forum to discuss any issue or issues of concern.

(2) The notice of intention to organise, convene and host the Forum shall include the following—

- (a) the proposed venue or venues and the proposed date or dates for the Forum; and
- (b) the proposed agenda for the forum, if any; and
- (c) an invitation to relevant stakeholder organisations and other persons interested in gender equality issues to submit—
 - (i) suggestions for topics to be included in the agenda for discussion at the Forum; and
 - (ii) lists of proposed participants at the Forum, specifying for each proposed participant what credentials he or she possesses that may be of benefit to the Forum's deliberations.

(3) Before publishing a notice in terms of subsection (1) the Commission shall constitute (whether on a permanent or *ad hoc* basis) a committee (“the Pre-Forum committee”) of the Commission with the following terms of reference—

- (a) to draw up a proposed agenda for the Forum; and
- (b) to advise the Commission on the financial, organisational and logistical requirements for convening and hosting the Forum; and
- (c) to solicit financial support or sponsorship from the State, the private and parastatal sectors and civil society organisations to enable the forum to be convened.

(4) Paragraph 8 of the First Schedule applies to the appointment and meetings of the Pre-Forum committee.

(5) Paragraph 9 of the First Schedule applies to the keeping of minutes by the Pre-Forum committee of its own proceedings.

(6) After publishing a notice in terms of subsection (1) the Pre-Forum committee shall—

- (a) draw up a proposed final agenda for the Forum; and
- (b) select from the lists referred to in subsection (2)(c)(ii) a proposed final list of participants at the Forum; and
- (c) transmit its proposals made under paragraphs (a) and (b) to the Commission, whose decision on these issues shall, subject to section 16, be final.

9 Conduct of Gender Forum

(1) For the purpose of conducting a Gender Forum the Commission shall constitute (whether on a permanent or *ad hoc* basis) a committee (“the Forum committee”) of the Commission with the following terms of reference—

- (a) to ensure the smooth and efficient conduct of the Forum; and
- (b) to keep minutes of or record the proceedings of the Forum, or to cause the proceedings of the Forum to be minuted or recorded.

(2) Paragraph 8 of the First Schedule applies to the appointment and meetings of the Forum committee.

(3) Paragraph 9 of the First Schedule applies to the keeping of minutes by the Forum committee of its own proceedings and of the proceedings of the Forum.

(4) The conclusions of every Gender Forum shall be embodied in written resolutions for presentation to the Commission and the Minister.

PART V

ADMINISTRATION OF ZIMBABWE GENDER COMMISSION

10 Appointment and functions of Chief Executive Officer of Zimbabwe Gender Commission

(1) Subject to this section, the Commission shall appoint, in consultation with the Minister, on such terms and conditions as the Commission may fix, a person to be the Chief Executive Officer of the Zimbabwe Gender Commission and, subject to any other law, may suspend or discharge such person.

Provided that the Minister, with the approval of the Public Service Commission, may assign persons employed in his or her Ministry to act as the Chief Executive Officer of the Commission.

(2) No person shall be appointed as Chief Executive Officer and no person shall be qualified to hold office as Chief Executive Officer if he or she is not a citizen of Zimbabwe or ordinarily resident in Zimbabwe.

(3) The appointment of the Chief Executive Officer shall terminate if he or she would be required in terms of paragraph 4 of the First Schedule to vacate his or her office had that paragraph applied to him or her:

Provided that his or her appointment shall not terminate on the ground that he or she has ceased to be a citizen of Zimbabwe or ordinarily resident in Zimbabwe, if the Minister has granted authority under subsection (2).

- (4) The Chief Executive Officer shall be, subject to the Commission's directions—
- (a) supervise and manage the Commission's staff, activities, funds and property;
 - (b) and perform such other functions on behalf of the Commission as the Commission may assign to him or her.
- (5) Any assignment of functions in terms of subsection (4)—
- (a) may be made generally or specially and subject to such conditions, restrictions, reservations and exceptions as the Commission may determine;
 - (b) may be revoked by the Commission at any time;
 - (c) shall not preclude the Commission itself from exercising the functions.

11 Other staff of Commission

The Commission shall, in consultation with the Minister and the Minister responsible for finance, appoint such other staff as may be convenient or necessary for the proper exercise of its functions and, subject to any other law, may suspend or discharge such persons.

12 Reports of Commission

(1) The Commission shall as soon as possible and in any case not later than sixty days after the end of its financial year submit to the Minister, in such forms as the Minister may determine, an annual report on the activities of the Commission.

- (2) The annual report submitted in terms of subsection (1) shall include a copy of—
- (a) a balance sheet;
 - (b) the income and expenditure account;
 - (c) the annual report of the auditors appointed in terms of section 11;
- (3) The annual report submitted in terms of subsection (1) shall be laid before the House of Assembly by the Minister on one of the ten days on which the House of Assembly sits next after the Minister has received the report.
- (4) The Commission shall submit to the Minister together with the annual report submitted in terms of subsection (1) a statement of capital expenditure reported upon the auditors—
- (a) showing the general heads of such expenditure as compared with the figures provided therefore in the capital budget or supplementary capital budget approved for that financial year; and
 - (b) explaining any difference between such figures.
- (5) A copy of any report made to the Institute by the auditors to the Minister at the time the auditors make the report.
- (6) The Commission in regard to its operations, undertakings and property—
- (a) shall submit to the Minister such other reports as the Minister may require; and
 - (b) may submit to the Minister such other reports as the Board may deem advisable;
- (7) The Commission shall give to the Minister all such information relating to the undertakings of the Council as the Minister may at any time require.

PART VI

FINANCIAL PROVISIONS

13 Funds of Commission

- (1) The funds of the Commission shall consist of—
- (a) such moneys as may be payable to the Commission from moneys appropriated for that purpose by Act of Parliament; and
 - (b) registration fees, if any, charged to participants for attendance at a Gender Forum; and
 - (c) any funds donated to the commission for the purposes of carrying out its functions
- (2) The Commission shall apply its funds to the fulfilment of its functions.
- (3) Moneys not immediately required by the Commission may be invested in such a manner as the Commission, with the approval of the Minister and the Minister responsible for finance, considers appropriate.

14 Accounts of Commission and appointment of internal auditor

(1) The Commission shall ensure that proper accounts and other records relating to such accounts are kept in respect of all the Commission's activities, funds and property, including such particular accounts and records as the Minister may direct.

(2) As soon as possible after the end of each financial year, the Commission shall prepare and submit to the Minister a statement of accounts in respect of that financial year or in respect of such other period as the Minister may direct.

(3) Section 80 of the Public Finance Management Act [*Chapter 22:19*] shall apply, with such changes as may be necessary, to the appointment of an internal auditor to the Commission in all respects as if the Commission were a Ministry or a department of a Ministry.

15 Audit of Accounts

(1) The accounts of the Commission shall be audited by the Comptroller and Auditor-General, who for that purpose shall have the functions conferred on him or her by sections 7 and 8 of the Audit Office Act [*Chapter 22:18*].

(2) Any person under the authority or supervision of the Commission who refuses to provide the Comptroller and Auditor-General with an explanation or information required by him or her for the purposes of an audit or knowingly provides the Comptroller and Auditor-General with a false explanation or information, or an explanation or information that the person has no grounds for believing to be true, shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(3) Notwithstanding anything contained in subsection (1), the Comptroller and Auditor-General may appoint a suitably qualified person to audit the accounts of the Commission and if he or she does so—

- (a) subsections (1) and (2) shall apply in respect of the person so appointed as if he or she were the Comptroller and Auditor-General; and
- (b) any expenses incurred by the person so appointed in carrying out his or her audit shall be met from the funds of the Commission.

PART VII

MISCELLANEOUS PROVISIONS

16 Minister may give Commission directions in national interest

(1) The Minister may give to the Commission such policy directions in writing relating to the exercise by it of its functions as may appear to the Minister to be requisite in the national interest.

(2) The Commission shall, with all due expedition, comply with any direction given to it in terms of subsection (1).

(3) Where the Commission has been given a direction in terms of subsection (1), it shall ensure that the direction and any views it has expressed thereon are set out in its annual report.

17 Regulations

(1) The Minister after consultation with the Commission may make regulations providing for all matters which by this Act are required or permitted to be prescribed or which, in his or her opinion, are necessary or convenient to be provided for in order to carry out or give effect to this Act.

(2) Regulations may provide for the terms and conditions of service of the Chief Executive Officer and the Commission's staff;

(3) Regulations may provide for offences and penalties which may be imposed for contraventions of the regulations, which penalties shall not exceed a fine of level six or imprisonment for a period not exceeding one year or both.

FIRST SCHEDULE (Section 3(3))
PROVISIONS APPLICABLE TO COMMISSION

Paragraph

1. Interpretation in First Schedule.
2. Disqualification for appointment as member.
3. Expiry of membership and re-appointment of members.
4. Vacation of office by appointed members of Commission.
5. Dismissal of office by members of the Commission.
6. Filling of vacancies of Commission.
7. Meetings and procedure of Commission.
8. Committees of Commission.
9. Minutes of proceedings of Commission and committees.
10. Validity of decisions and acts of Commission and committees.

Interpretation in First Schedule

1. In this Schedule—

“member”—

- (a) means a member of the Commission;
- (a) in relation to a statutory body, includes a person who is appointed to a Commission or other authority which is a statutory body or which is responsible for the administration of the affairs of a statutory body;

“statutory body” means—

- (a) any Commission established by the Constitution;
- (b) any body corporate established directly by or under any Act of Parliament for special purposes specified in that Act.

Disqualification for appointment as member

2.(1) Subject to this Act, a person shall not be qualified for appointment as a member if—

- (a) he or she not is a citizen of Zimbabwe or ordinarily resident in Zimbabwe; or
- (b) he or she has, in terms of a law in force in any country—
 - (i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or
 - (ii) made an assignment or composition with his or her creditors which has not been rescinded or set aside;

or

- (c) within the period of five years immediately preceding his or her proposed appointment, he or she has been sentenced in any country by a competent court to a term of imprisonment imposed without the option of a fine, whether or not any portion thereof has been suspended, and has not received a free pardon; or
- (d) he or she is a member of Parliament.

(2) A person shall not be qualified for appointment as a member, nor shall he or she hold office as a member, if he or she is a member of two or more other statutory bodies.

Expiry of membership and re-appointment of members

3.(1) On the expiry of the period for which a member has been appointed, he or she shall continue to hold office until he or she has been re-appointed or his or her successor has been appointed:

Provided that a member shall not continue to hold office in terms of this subsection for more than six months.

- (2) A person who ceases to be a member shall be eligible for re-appointment.

Vacation of office by members

4.(1) An member shall vacate his or her office and his or her office shall become vacant—

- (a) one month after the date he or she gives notice in writing to the Minister of his or her intention to resign his office or after the expiry of such other period of notice as he or she and the Minister may agree; or
- (b) on the date he or she begins to serve a sentence of imprisonment, whether or not any portion has been suspended, imposed without the option of a fine—
 - (i) in Zimbabwe, in respect of an offence; or
 - (ii) outside Zimbabwe, in respect of conduct which, if committed in Zimbabwe, would have constituted an offence;

or

- (c) if he or she becomes disqualified in terms of paragraph 2 to hold office as a member.

(2) The Minister may require an appointed member of the Commission to vacate his or her office if the member—

- (a) has been guilty of conduct which renders him or her unsuitable to continue to hold office as a member; or
- (b) has failed to comply with any condition of his or her office fixed in terms of section 5(3); or
- (c) is mentally or physically incapable of efficiently performing his or her duties as a member.

(3) The Minister, on the recommendation of the Commission, may require a member to vacate his or her office if the Minister is satisfied that the member has been absent without the consent of the chairperson from three consecutive meetings of the Commission, of which he or

she has been given due notice in terms of paragraph 7, and that there was no just cause for the member's absence.

Suspension of members

5. The Minister may suspend from office a member against whom criminal proceedings are instituted for an offence involving dishonesty and, whilst that member is so suspended, he or she shall not carry out any duties or be entitled to any remuneration or allowances as a member.

Filling of vacancies on Commission

6. On the death of, or the vacation of office by, a member his or her office shall be filled within three months.

Meetings and procedure of Commission

7.(1) The Commission shall hold its first meeting on a date and place fixed by the Minister, and thereafter shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and procedure as it thinks fit:

Provided that the Commission shall meet at least once every three months.

(2) Written notice of an ordinary meeting convened in terms of the proviso to subparagraph (1) shall be sent to each member not later than seven working days before the meeting, together with an agenda for the meeting.

(3) The chairperson—

(a) may convene a special meeting of the Commission at any time; and

(b) shall convene a special meeting of the Commission on the written request of the Minister or not fewer than two members, which meeting shall be convened for a date not sooner than seven days and not later than thirty days after the chairperson's receipt of the request.

(4) Written notice of a special meeting convened in terms of subparagraph (3) shall be sent to each member not later than forty-eight hours before the meeting and shall specify the business for which the meeting has been convened.

(5) No business shall be discussed at a special meeting convened in terms of subparagraph (3) other than—

(a) such business as may be determined by the chairperson, where he or she convened the meeting in terms of paragraph 3(a); or

(b) the business specified in the request for the meeting, where the chairperson convened the meeting in terms of paragraph 3(b).

(5) The chairperson or, in his or her absence, the vice-chairperson shall preside at all meetings of the Commission:

Provided that, if the chairperson and vice-chairperson are both absent from any meeting of the Commission, the members present may elect one of their number to preside at that meeting as chairperson.

(6) A majority of members shall form a quorum at any meeting of the Commission.

(7) All acts, matters or things, authorised or required to be done by the Commission may be decided by a majority vote at any meeting of the Commission at which a quorum is present.

Provided that in the event of an equality of votes the chairperson or person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

(8) With the Commission's approval, the chairperson of the Commission may invite any person to attend a meeting of the Commission or a committee, where the chairperson considers that the person has special knowledge or experience in any matter to be considered by the Commission or the committee, as the case may be, at that meeting.

(9) A person invited to attend a meeting of the Commission or of a committee in terms of subparagraph (8) may take part in the proceedings of the Commission or the committee as if he or she were a member thereof, but he or she shall not have a vote on any question before the Commission or committee, as the case may be.

(10) Any proposal circulated among all members and agreed to in writing by a majority of them shall have the same effect as a resolution passed at a duly constituted meeting of the members and shall be incorporated into the minutes of the next succeeding meeting of the Commission:

Provided that if a member requires that such a proposal be placed before a meeting of the Commission, this subparagraph shall not apply to the proposal.

Committees of Commission

8(1) For the better exercise of its functions the Commission may establish one or more committees in which the Commission may vest its functions as it considers appropriate:

Provided that the vesting of any function in a committee shall not divest the Commission of that function, and the Commission may amend or rescind any decision of the committee in the exercise of that function.

(2) On the establishment of a committee in terms of subsection (1), the Commission—

- (a) shall appoint at least one member of the Commission as a member of the committee, and that member or one of those members, as the case may be, shall be chairperson of the committee; and
- (b) may appoint as members of the committee persons who are not members of the Commission and may fix terms and conditions of their appointment.

(3) Meetings of a committee may be convened at any time and at any place by the chairperson of the Commission.

(4) If the chairperson of a committee is absent from any meeting of the committee, the members present may elect one of their number to preside at that meeting as chairperson.

(5) A majority of members of a committee shall form a quorum at any meeting of a committee.

(6) Anything authorised or required to be done by a committee may be decided by a majority vote at a meeting of the committee at which a quorum is present.

(7) At all meetings of a committee each member present shall have one vote on each question before the committee:

Provided that in the event of an equality of votes the chairperson or person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

(8) Subject to this paragraph, the procedure to be followed at any meeting of a committee shall be as fixed by the Commission.

Minutes of proceedings of Commission and committees

9(1) The Commission shall cause minutes of all proceedings of and decisions taken at every meeting of the Commission and of every committee to be entered in books kept for the purpose.

(2) Any minutes referred to in subparagraph (1) which purport to be signed by the person presiding at the meeting to which the minutes relate or by the person presiding at the next following meeting of the Commission or the committee concerned, as the case may be, shall be accepted for all purposes as *prima facie* evidence of the proceedings and decisions taken at the meeting concerned.

(3) The Commission and any committee of the Commission shall cause copies of all minutes that have been signed as provided in subparagraph (2) to be sent to the Minister for his or her information.

Validity of decisions and acts of Commission and committees

10. No decision or act of the Commission or a committee or act that is authorised by the Commission or a committee shall be invalid solely because there was a vacancy in the membership of the Commission or the committee or because a disqualified person purported to act as a member of the Commission or the committee, as the case may be, at the time the decision was taken or the act was done or authorized.

SECOND SCHEDULE (*Section 4(2)*)

ANCILLARY POWERS OF COMMISSION

1. To acquire premises necessary or convenient for the exercise of its functions and for that purpose to buy, take on lease or in exchange, hire or otherwise acquire immovable property and any interest therein and any rights concessions, grants, powers and privileges in respect thereof.
2. To buy, take in exchange, hire or otherwise acquire movable property necessary or convenient for the exercise of its functions.
3. To maintain, alter or improve property acquired by it.
4. To mortgage any assets, or part of any assets and, with the approval of the Minister, to sell, exchange, lease, dispose of turn to account or otherwise deal with any assets or part of any assets which are not required for the exercise of its functions for such consideration as it may determine.
5. To open bank accounts in the name of the Commission and to draw, make, accept, endorse, discount, execute and issue for the purposes of its functions promissory notes, bills of exchange, securities and other negotiable or transferable instruments.
6. To insure against losses, damages, risks and liabilities which it may incur.
7. With the approval of Minister, to establish and administer such funds and reserves not specifically provided for in this Act as the Commission considers appropriate or necessary for the proper exercise of its functions.
8. To pay such remuneration and allowances and grant such leave of absence and to make such gifts, bonuses and the like to staff of the Commission as it considers fit.
9. To provide pecuniary benefits for staff of the Commission on their retirement, resignation, discharge or other termination of service or in the event of their sickness or injury and for their dependants, and for that purpose to effect policies of insurance, provident funds or make such other provision as may be necessary to secure for its staff and their dependants any or all of the pecuniary benefits to which the provisions of this paragraph relate.
10. To purchase, take on lease or in exchange or otherwise acquire land for residential purposes or dwellings-houses for use or occupation by staff of the Commission.
11. To construct dwellings, outbuildings or improvements for use or occupation by members of the Commission.
12. To provide or guarantee loans made to members of the Commission for the purchase of dwelling-houses or land for residential purposes, the construction of dwelling-houses and

- the improvement of dwelling houses or land which are the property of its members, subject to any conditions that may be imposed by the Commission from time to time.
13. To provide security in respect of loans by the deposit of securities, in which the Commission may invest such money as it may consider necessary for the purpose.
 14. Subject to any conditions that may be imposed by the Commission from time to time, to provide loans to any members of the Commission —
 - (a) for the purpose of purchasing vehicles or other equipment to be used by the members in carrying out their duties; or
 - (b) not exceeding six months' salary or wages payable to the members concerned, for any purpose on such security as the Commission thinks adequate.
 15. To do anything for the purpose of improving the skill, knowledge or usefulness of members of the Commission, and in that connection to provide or assist other persons in providing facilities for training, education and research, including the awarding of scholarships for such training.
 16. To engage in any activity, either alone or in conjunction with civil society organizations and other organizations or international agencies, to promote better understanding of gender issues.
 17. To do anything which by this Act or any other enactment is required or permitted to be done by the Commission.
 18. Generally to do all such things that are conducive to the performance of the functions of the Commission in terms of this Act or any other enactment.