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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

NATIONAL TREASURY NASIONALE TESOURIE

No. 231

26 March 2010

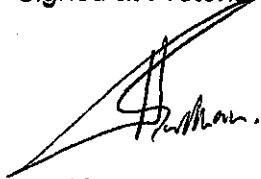
PUBLIC SERVICE ACT, 1994 (Proclamation No. 103 of 1994)

ADMINISTRATION AND OPERATIONS: GOVERNMENT PENSIONS ADMINISTRATION AGENCY (GPAA)

The Minister of Finance, acting in terms of section 7A(4) of the Public Service Act, 1994 (Proclamation No. 103 of 1994), read with Proclamation No. 10 of 26 March 2010, promulgated by the President of the Republic of South Africa, which established the Government Pensions Administration Agency ("the GPAA") as a government component, hereby determines in the attached Schedule the provisions of legislation which confer powers and impose duties on the head of the GPAA, as well as the provisions which apply to the reporting, administrative, organisational, oversight and other management objects, processes and procedures of the GPAA.

As is provided for in Proclamation No. 10 of 26 March 2010 promulgated by the President of the Republic of South Africa, the GPAA Administration is established as a government component with effect from 1 April 2010.

Signed at Pretoria on this 19th day of March 2010.



MINISTER OF FINANCE

SCHEDULE

Definitions

1. In this Schedule, unless the context otherwise indicates -

“Advisory Board” means the advisory board of the GPAA as contemplated in section 7A(4)(e) of the Public Service Act, which may be established and appointed in accordance with paragraph 9;

“Board of Trustees” means the Board of Trustees established by section 6 of the GEP Law;

“Cabinet” means the Cabinet contemplated in section 91 of the Constitution of the Republic of South Africa, 1996;

“CEO” means the Chief Executive Officer of the GPAA as contemplated in Column 2 of Part A of Schedule 3 to the Public Service Act, 1994 (Proclamation No. 103 of 1994);

“Deputy Minister” means the Deputy Minister of Finance;

“DG” means the Director-General: National Treasury;

“government component” means a government component as defined in section 1 of the Public Service Act;

“Fund” means the Government Employees Pension Fund referred to in section 2 of the GEP Law;

“GEP Law” means the Government Employees Pension Law, 1996, (Proclamation No. 21 of 1996);

“GPAA” means the administration established by Proclamation No. 10 of 26 March 2010 promulgated by the President of the Republic of South Africa and published in *Gazette* No. 33041 of 26 March 2010, and which is identified in Column 1 of Part A of Schedule 3 to the Public Service Act, as the Government Pensions Administration Agency;

“Minister” means the Minister of Finance;

“National Treasury” means the National Treasury established by section 5 of the PFMA;

“PFMA” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“**PO**” means the Principal Officer of the Fund appointed in terms of Rule 4.2.5 of the Rules of the Government Employees Pension Fund, which is Schedule 1 to the GEP Law;

“**public service**” means the public service contemplated in section 8 of the Public Service Act;

“**Public Service Act**” or “**PSA**” means the Public Service Act, 1994 (Proclamation 103 of 1994);

“**senior manager**” means a member of the senior management service in terms of the Public Service Regulations, 2001; and

“**working day**” means any day other than a Saturday or Sunday or public holiday provided for in terms of the Public Holidays Act, 1994 (Act No. 36 of 1994).

Purpose

2. The GPAA is established for purposes of the administration of the Government Employees Pension Fund (GEPF), the Associated Institutions Pension Fund (AIPF), the Temporary Employees Pension Fund (TEPF) and the civil and military pension funds, social benefits and post-retirement medical scheme arrangements specified in paragraph 8(2)(c)(i)-(v).

Functions and powers of GPAA and Relationship between Parties

3.(1) The GPAA provides pension administration services to the GEPF and to the National Treasury in respect of the Associated Institutions Pension Fund (AIPF), the Temporary Employees Pension Fund (TEPF) and the civil and military pension funds, social benefits and post-retirement medical scheme arrangements specified in paragraph 8(2)(c)(i)-(v).

(2) The pension administration services to be provided must be specified in service level agreements entered into between the GPAA and its principals, being the National Treasury and the Fund.

(3) The Board of Trustees, on behalf of the Fund, and the GPAA must enter into an administration agreement incorporating a service level agreement for the rendering of

services contemplated in subparagraph (2), which details the performance criteria, measures and service levels against which the Fund and the GPAA will comply.

(4) The relationship between the GPAA, the Fund, and the National Treasury shall be set out in a statement of co-operation between the parties.

(5) The GPAA must enter into memoranda of understanding or statements of engagement with employer departments that it engages with, in which, amongst other matters, the following aspects must be dealt with—

- (a) the nature of the relationship between the GPAA and the employer department;
- (b) the nature and timing of interactions between the GPAA and the employer department;
- (c) the maintenance of member data and records;
- (d) the collection of contributions;
- (e) the admission of members;
- (f) proactive interaction with beneficiaries;
- (g) the specification of appropriate technology and systems to be used; and
- (h) processes and procedures to be followed.

(6) In providing pension administration services to its clients, the GPAA—

- (a) may only do what it is authorised to by law, including the agreements that it enters into with its clients; and
- (b) is subject to all applicable legislative and other legal requirements, as well as the terms of the agreements that it enters into with its clients.

(7) The GPAA performs its functions subject to general guidance provided by the Minister.

(8) The functions and performance of the GPAA must be thoroughly reviewed within five years from the date of establishment of the GPAA, and at least once every five years thereafter, but reviews may be conducted more frequently, upon the request of the National Treasury, the GEPP, or the GPAA.

Appointment of CEO and staff of GPAA

4.(1) The CEO is appointed by the President, in accordance with the applicable requirements contained in the Public Service Act.

(2) The employees of the GPAA, other than the CEO, are appointed in terms of the Public Service Act.

Powers conferred and duties imposed on CEO

5.(1) The CEO is accountable for the financial and operational performance of the GPAA, in accordance with the prescripts of the PSA, the PFMA, and other applicable legislation.

(2) The CEO has the powers and authority equivalent to a head of department, as described in section 7(3)(a), (b), and (c) of the PSA, to manage the GPAA, with accountability to the Minister.

(3) In terms of section 7(3)(b) of the PSA, the CEO is responsible for the efficient management and administration of the GPAA, including the effective utilisation and training of staff, the maintenance of discipline, the promotion of sound labour relations and the proper use and care of State property.

(4) The CEO must comply with the requirements in the PFMA applicable to an accounting officer of an organisational component as contemplated in the PFMA.

(5) The CEO, as head of the GPAA, is responsible for ensuring that he or she and the GPAA comply with all applicable legislative and other legal requirements, including, but not limited to, the GEP Law, the PFMA, the PSA, the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000), the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000), the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), the National Archives and Record Service of South Africa Act, 1996 (Act No. 43 of 1996), and the State Information Technology Agency Act, 1998 (Act No. 88 of 1998).

Compliance

6.(1) The GPAA must comply with any applicable law, including common law, and in the event of a conflict between any law and the provisions of this Schedule, such law prevails.

(2) The GPAA must exercise its powers and render its services in accordance with appropriate ethical standards and the principles of good governance.

(3) The GPAA must render its services to the Fund, the Board of Trustees, and the National Treasury in a spirit of co-operation, in accordance with the administration agreements and service level agreements between the GPAA, the Fund, and the National Treasury, and must ensure effective, transparent, accountable and coherent governance of the pension funds currently administered by the Fund.

(4) No CEO or senior manager of the GPAA may, within two years after leaving the public service, directly or indirectly supply any goods or render any services to the GPAA, the Fund or the Board of Trustees, unless the Minister, prior to such goods being supplied or services being rendered, in writing, approves thereof.

(5) Subparagraph (4) applies, with the necessary changes, to any company or other entity which intends to or which sells goods or renders services to the GPAA -

- (a) in which the former employee of the GPAA holds an office, whether for remuneration or not;
- (b) to whom the former employee of the GPAA renders services, whether for remuneration or not;
- (c) by whom the former employee of the GPAA is employed, whether for remuneration or not; or
- (d) in which the former employee of the GPAA has any other direct or indirect material interest, of whatever nature.

(6) Any approval given by the Minister under subparagraph (4) must be recorded in the GPAA's annual report.

Financial Arrangements

7. (1) The operations of the GPAA shall be financed by fees recovered from the GEPF and National Treasury respectively that are structured to recover the costs of providing administration services to the GEPF and to the National Treasury in respect of the AIPF, the TEPF and the civil and military pension funds, social benefits and post-retirement medical scheme arrangements specified in paragraph 8(2)(c)(i)-(v).
- (2) The GPAA shall enter into service level agreements which are incorporated within the administration agreements with its principals specifying the terms of engagement, including the fees to be charged and financial arrangements pertaining to these administration services.
- (3) The GPAA must prepare strategic and operational plans and a three-year expenditure and revenue budget in line with requirements of the PFMA and the Budget Office of the National Treasury, which must be approved by the Minister before the commencement of the financial year.
- (4) The GPAA's budget and financial statements must separately indicate the projected expenditure and revenue associated with administration services to the GEPF, AIPF, TEPF and the civil and military pension funds, social benefits and post-retirement medical scheme arrangements specified in paragraph 8(2)(c)(i)-(v).
- (5) The GPAA may not budget for a deficit, and shall operate as a self-funding entity from fees for services rendered.
- (6) The Minister shall exercise executive authority over the consolidated budget of the GPAA.
- (7) The GPAA and the National Treasury shall enter into an administration agreement which will define the procedures, expectations, accounts and liabilities of the GPAA and the National Treasury.
- (8) The GPAA and the Fund shall enter into an administration agreement which will define the procedures, expectations, accounts and liabilities of the GPAA and the GEPF.
- (9) The financial management of the GPAA shall be governed by the PFMA and the Treasury Regulations.
- (10) The accounts of the GPAA must be audited by the Auditor-General, whose report must be included in the GPAA's Annual Report.

Reporting requirements of the CEO and responsibilities of the Fund

8.(1) The provisions of this paragraph do not in any way exempt the CEO from complying with any relevant provisions of the PFMA or any other law, in respect of reporting requirements.

(2) The CEO is accountable to-

- (a) the Minister, as the executive authority responsible for the GPAA, in respect of governance, operations, personnel and financial administration of the GPAA;
- (b) the Board of Trustees, in accordance with the terms of the GEP Law and the administration agreement and service level agreement between the GPAA and the Fund, in respect of the lawful, efficient and cost-effective administration of the Fund's business;
- (c) the DG, in accordance with the terms of the service level agreement between the GPAA and the National Treasury in respect of-
 - (i) AIPF administration, in terms of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963);
 - (ii) post-retirement medical subsidies, as provided for and regulated by PSCBC resolutions;
 - (iii) administration of military pensions in terms of the Military Pensions Act, 1976 (Act No. 84 of 1976);
 - (iv) administration of injury on duty payments in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993); and
 - (v) administration of special pensions in terms of the Special Pensions Act, 1996 (Act No. 69 of 1996).

(3) Subject to applicable laws on access to information and confidentiality, the CEO must forthwith, after receipt of a written request from the Minister or the Deputy Minister for information held by the GPAA, submit all requested and other information which may also be relevant to the Minister or the Deputy Minister, as the case may be.

(4) The CEO must submit to the Minister and the Board of Trustees-

- (a) on a quarterly basis, all relevant reports and performance information of the GPAA;
 - (b) annually, the GPAA's strategic plan and budget, annual report and annual financial statements;
 - (c) any information in respect of the GPAA that is reasonably requested in writing.
- (5) The CEO shall provide the PO with any information reasonably requested by the PO, and in particular, information relating to deliverables and outputs which shall be specified in the Service Level Agreement between the Fund and the GPAA, within fourteen (14) days, or such other period as may otherwise be agreed by the CEO and the PO.
- (6) If the PO invites the CEO to attend a meeting with the Fund or the Board of Trustees, the CEO must do so, unless he or she has other compelling prior commitments, in which case the CEO must inform the PO that he or she cannot attend, and who his or her representative at the meeting will be.
- (7) The provisions of this Notice do not in any way derogate from the equal status that the PO and the CEO enjoy as the head of the Fund and the head of a government component, respectively.

Financial reporting and arrangements

9. Subject to paragraph 10(d), all financial, policy and procedural arrangements for the GPAA must, from the date of establishment of the GPAA as a government component by the President of the Republic, comply with the requirements applicable to an organisational component as contemplated in the PFMA.

Interim arrangements between Fund and GPAA

10. The GPAA and the Fund must forthwith, after the GPAA's establishment, enter into an agreement in respect of the transfer of employees and operations, making provision for -

- (a) the transfer of employees from the Fund to the GPAA upon the establishment of the GPAA;
- (b) the transfer of assets from the Fund to the GPAA upon the establishment of the GPAA;
- (c) financial arrangements;
- (d) any other matter necessary for the effective and efficient functioning of the GPAA,

and the Fund and the GPAA must, at least annually during the duration of the agreement, review and adapt the agreement, to ensure the continuity of services during the interim period while the full separation of the operations of the GPAA and the Fund is completed.

Advisory Board

11.(1) The Minister may, in terms of section 7A(4)(e) of the PSA, at any time appoint an Advisory Board for the GPAA, but nothing in this Schedule obliges the Minister to appoint an Advisory Board.

(2) The appointment of the Advisory Board, if one is established, shall be subject to and in accordance with the provisions of this Part.

(3) The function of the Advisory Board is to advise the Minister on pension administration matters generally, the performance, governance, and operations of the GPAA, and on any specific matter which the Minister may, from time to time, determine in writing, but the Advisory Board does not have any executive functions, duties or powers.

(4) The Minister may not appoint more than eight members to the Advisory Board, not including the CEO, who is an *ex officio* member of the Board.

- (5) The Minister must appoint the Board members based on the following principles:
- (a) appointments must be governed by the overriding principle of selection based on merit, determined by an assessment of -
 - (i) the object, functions and the operations of the GPAA;
 - (ii) the competencies collectively required by the Board, including the relevant skills, expertise and experience;

- (iii) the qualifications, skills, expertise and experience of each individual prospective candidate;
 - (b) after the appointment of the individual members, the Board must broadly reflect the demographics of the Republic.
- (6) The Minister must appoint -
 - (a) any Board member other than the CEO as Chairperson of the Advisory Board;
 - (b) any Board member other than the CEO as Chairperson of any subcommittee of the Advisory Board established by the Minister.
- (7) No person may be appointed to the Advisory Board -
 - (a) who is a member of Parliament, a member of a provincial legislature, a member of Cabinet or a Deputy Minister, a member of a house or council of traditional leaders, or a member of a municipal council;
 - (b) who is not a South African citizen or permanent resident;
 - (c) who or whose spouse, life partner, business partner or associate, holds an office in or is employed by or has any other interest whatsoever in a company or other entity which sells goods or renders services to the GPAA for its own functioning;
 - (d) who is disqualified to act as a director of a company incorporated in terms of the Companies Act, 1973 (Act No. 61 of 1973) or the Companies Act, 2008 (Act No. 71 of 2008); or
 - (e) who has been convicted, whether in the Republic or elsewhere, of an offence involving dishonesty or of any other offence for which such person has been sentenced to imprisonment without the option of a fine.
- (8) An Advisory Board member (other than the CEO, who is an *ex officio* Member) -
 - (a) serves as an Advisory Board member on the terms and conditions determined by the Minister after consultation with the Minister for the Public Service and Administration; and
 - (b) may resign by giving one month's written notice to the Minister.
- (9) The Advisory Board serves at the Minister's discretion, and the Minister may at any time -
 - (a) dissolve the Advisory Board, and, if the Minister so desires, appoint a new Board;

(b) terminate the Advisory Board membership of an individual Board member; but the Minister must, when so dissolving the Board or terminating the Board membership of an individual Board member, immediately provide any affected Board member with written reasons for the dissolution or termination, as the case may be.

(10) The Minister must, upon the establishment of the Advisory Board, for public information, and in any appropriate manner, publish the names of the Advisory Board members, together with any relevant information on the background of the Advisory Board members.

(11) Subject to applicable laws relating to access to information and confidentiality, the Advisory Board -

- (a) subject to subparagraphs (13) and (14), has the right to establish its own subcommittees;
- (b) has the right of immediate access to any information held by the GPAA, except information designated in writing by the Minister from time to time as not being included in this category;
- (c) has the right of immediate access to any information held by the National Treasury in relation to the GPAA, except information designated in writing by the Minister from time to time as not being included in this category;
- (d) has the right to receive copies of any document submitted by the CEO to the Minister, the DG or the PO in terms of this Notice, as the case may be, except documents designated in writing by the Minister from time to time as not being included in this category;
- (e) has the power to request any employee of the GPAA or the National Treasury to attend any meeting of the Advisory Board or any of its subcommittees, and to provide written or oral evidence at such a meeting, and unless the Minister in writing excuses such a person from attending that meeting, such an employee must attend the meeting and must provide written or oral evidence as requested by the Advisory Board.

(12) The Advisory Board may, at any time, with or without the agreement or support of the CEO, directly approach the Minister or the Deputy Minister, and submit any relevant report to either or both of those persons on any matter related to the Advisory Board's function.

(13) Subject to subparagraphs (14) and (15), the Minister may, at any time, direct the Advisory Board in writing to establish a particular subcommittee, but this does not prevent the Advisory Board from establishing its own subcommittees as provided for in item (a) of subparagraph (11).

(14) The Advisory Board must at all times have subcommittees to advise on audit and risk management issues in respect of the GPAA.

(15) Any committee or other body established or prescribed in respect of a government component by an Act of Parliament or in terms of subordinate legislation must be established and managed as prescribed, but -

- (a) such a committee or body does not constitute a subcommittee of the Advisory Board;
- (b) the Advisory Board has access to any document produced by or on behalf of such a committee or body, unless the Minister in writing directs otherwise.

(16) Subject to the provisions of this paragraph and any applicable law, the Advisory Board determines its own meeting rules, proceedings and procedures.

(17) The Advisory Board must meet no less frequently than four times a year.

(18) Without in any way derogating from the provisions of any applicable law, the Advisory Board must, in so far as may be practicable, adhere to any policy, code, protocol, guideline or similar document on governance or ethics in the public sector which is approved by Cabinet.

(19) The meetings, minutes and reports of the Advisory Board or any of its subcommittees are confidential, unless -

- (a) the Minister or the Chairperson of the Advisory Board in writing directs otherwise; or
- (b) no strategic interests of the GPAA, the National Treasury or the Fund are likely to be compromised in the event of its publication.

(20) The Advisory Board does not vote on matters before it, but must strive to render advice to the Minister or the CEO based on sufficient consensus. If an individual Advisory Board member, other than the CEO, strongly differs from what appears to be the Board's consensus, he or she may record his or her dissent and the reasons for such dissent, and such dissenting opinion must be included in any report on the relevant matter to the Minister, Deputy Minister or CEO, as the case may be.

(21) The GPAA shall provide a secretariat for the Advisory Board, and shall be responsible for providing the facilities and administrative, secretarial and logistical support reasonably required by the Advisory Board.

(22) The National Treasury is responsible and accountable for the Advisory Board's expenses.

(23) The CEO, in the absence of other members, does not constitute the Advisory Board.

(24) No remuneration is payable to an employee of an organ of state in respect of his or her membership of the Advisory Board, but the CEO may, for any purpose directly related to any Advisory Board activity, reimburse all Advisory Board members in respect of any reasonably incurred travel, parking, accommodation and subsistence costs.

Responsibilities of and restrictions on Advisory Board members

12.(1) A member of the Advisory Board, including the CEO, who at any time during his or her term of office becomes disqualified to be an Advisory Board member on any one of the grounds contemplated in paragraph 11(7) -

- (a) must immediately, in writing, inform the Minister and the Chairperson of the Advisory Board of that disqualification, and the Minister must then forthwith remove that member from the Advisory Board; and
- (b) does not have a right to attend an Advisory Board meeting from the time he or she has so become disqualified until he or she is removed by the Minister.

(2) A member of the Advisory Board who in any way, directly or indirectly, acquires or intends to acquire an interest in a transaction or project of the GPAA, must immediately, in writing, disclose the nature of his or her interest or intention to the Chairperson, or if that member is the Chairperson, to the Minister, as well as to the Advisory Board at its next meeting.

(3) The disclosure to the Advisory Board contemplated in subparagraph (2) must be recorded in the minutes of the meeting.

(4) A member of the Advisory Board who has acquired or intends to acquire an interest contemplated in subparagraph (2) may not take part in any discussion or

deliberation of the Advisory Board relating to that transaction or project contemplated in subparagraph (2).

Reporting requirements in respect of Advisory Board

13.(1) If the Minister has, in writing, requested the Advisory Board's advice on a particular issue, the Advisory Board must, as soon as may be practicable, submit a report with its advice to the Minister.

(2) The Advisory Board must submit a report to the Minister on its advice or activities as often as the Advisory Board deems necessary, whether or not the Minister has specifically requested such advice.

(3) The Advisory Board must record any oral advice rendered to the CEO, in the relevant minutes of the Advisory Board's meeting.

(4) The Chairperson of the Advisory Board must forward the minutes of every Board meeting to the Minister, the Deputy Minister, and the DG within ten working days after those minutes have been approved by the Board.

STAATSDIENSWET, 1994

(Proklamasie No. 103 van 1994)

**ADMINISTRASIE EN WERKSAAMHEDE: AGENTSKAP VIR DIE ADMINISTRASIE
VAN STAATSPENSIOENE (AASP)**

Die Minister van Finansies, handelende ingevolge artikel 7A(4) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), saamgelees met Proklamasie No. 10 van 26 Maart 2010, afgekondig deur die President van die Republiek van Suid-Afrika, wat die Agentskap vir die Administrasie van Staatspensioene ("die AASP") as 'n regeringskomponent ingestel het, bepaal hierby in die aangehegte Bylae die bepalings van wetgewing wat bevoegdhede verleen en pligte oplê aan die hoof van die AASP, asook die bepalings wat van toepassing is op die verslagdoenings-, administratiewe, organisatoriese, toesighoudings- en ander bestuursdoelwitte, -prosesse en -prosedures van die AASP.

Soos bepaal word in Proklamasie No. 10 van 26 Maart 2010, afgekondig deur die President van die Republiek van Suid-Afrika, word die AASP-administrasie met ingang van 1 April 2010 as 'n regeringskomponent ingestel.

Geteken te Pretoria op hierdie 19 dag van Maart 2010.

**MINISTER VAN FINANSIES**

BYLAE**Woordomskrywing**

1. In hierdie Bylae, tensy uit die samehang anders blyk, beteken--

"AASP" die administrasie ingestel by Proklamasie No. 10 van 26 Maart 2010, afgekondig deur die President van die Republiek van Suid-Afrika en gepubliseer in *Staatskoerant* No. 33041 van 26 Maart 2010, en wat in Kolom 1 van Deel A van Bylae 3 by die Staatsdienswet, die Agentskap vir die Administrasie van Staatspensioene genoem word;

"Adjunkminister" die Adjunkminister van Finansies;

"Adviesraad" die adviesraad van die AASP soos beoog in artikel 7A(4)(e) van die Staatsdienswet, wat ooreenkomstig paragraaf 9 ingestel en aangestel kan word;

"DG" die Direkteur-generaal: Nasionale Tesourie;

"Fonds" die Regeringswerknemerspensioenfonds bedoel in artikel 2 van die GEP-wet;

"GEP-wet" die *Government Employees Pension Law, 1996* (Proklamasie No. 21 van 1996);

"HB" die Hoofbeampte van die Fonds aangestel ingevolge Reël 4.2.5 van die Reëls van die Regeringswerknemerspensioenfonds, wat Bylae 1 by die GEP-wet is;

"HUB" die Hoof- Uitvoerende Beampte van die AASP soos beoog in Kolom 2 van Deel A van Bylae 3 by die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994);

"Kabinet" die Kabinet beoog in artikel 91 van die Grondwet van die Republiek van Suid-Afrika, 1996;

"Minister" die Minister van Finansies;

"Nasionale Tesourie" die Nasionale Tesourie ingestel by artikel 5 van die WOFB;

"Raad van Trustees" die Raad van Trustees ingestel by artikel 6 van die GEP-wet;

"regeringskomponent" 'n regeringskomponent soos omskryf in artikel 1 van die Staatsdienswet;

"senior bestuurder" 'n lid van die senior bestuursdiens ingevolge die Staatsdiensregulasies, 2001;

"staatsdiens" die staatsdiens beoog in artikel 8 van die Staatsdienswet;

"Staatsdienswet" of **"SDW"** die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994);

“**werksdag**” enige dag behalwe 'n Saterdag of Sondag of openbare vakansiedag waarvoor ingevolge die Wet op Openbare Vakansiedae, 1994 (Wet No. 36 van 1994), voorsiening gemaak word; en

“**WOFB**” die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).

Doel

2. Die AASP word ingestel vir die doeleindes van die administrasie van die Regeringswerknemerspensioenfonds (RWPF), die Pensioenfonds vir Geassosieerde Inrigtings (PFGI), die Pensioenfonds vir Tydelike Werknemers (PFTW) en die siviele en militêre pensioenfondse, maatskaplike voordele en ná-uitdienstredingsreëlings met betrekking tot mediese hulpskemas in paragraaf 8(2)(c)(i)-(v) vermeld.

Wersaamhede en bevoegdhede van AASP en verhouding tussen partye

3.(1) Die AASP verskaf pensioenadministrasiedienste aan die RWPF en aan die Nasionale Tesourie ten opsigte van die Pensioenfonds vir Geassosieerde Inrigtings (PFGI), die Pensioenfonds vir Tydelike Werknemers (PFTW) en die siviele en militêre pensioenfondse, maatskaplike voordele en ná-uitdienstredingsreëlings met betrekking tot mediese hulpskemas in paragraaf 8(2)(c)(i)-(v) vermeld.

(2) Die pensioenadministrasiedienste wat verskaf moet word, moet vermeld word in diensvlakkooreenkomste wat tussen die AASP en die hoofde daarvan, naamlik die Nasionale Tesourie en die Fonds, aangegaan word.

(3) Die Raad van Trustees, namens die Fonds, en die AASP moet, vir die lewering van dienste beoog in subparagraaf (2), 'n administrasieooreenkoms aangaan waarin 'n diensvlakkooreenkoms opgeneem is wat die besonderhede uiteensit van die prestasiekriteria, -maatreëls en -diensvlakke waaraan die Fonds en die AASP sal voldoen.

(4) Die verhouding tussen die AASP, die Fonds en die Nasionale Tesourie moet in 'n verklaring van samewerking tussen die partye uiteengesit word.

(5) Die AASP moet memorandum van verstandhouding of verklarings van betrokkenheid aangaan met werkgewerdepartemente by wie hy betrokke is, waarin daar onder meer aan die volgende aspekte aandag gegee moet word:

- (a) Die aard van die verhouding tussen die AASP en die werkgewerdepartement;
 - (b) die aard van en tydsreëling met betrekking tot interaksie tussen die AASP en die werkgewerdepartement;
 - (c) die bywerking van lededata en -rekords;
 - (d) die invordering van bydraes;
 - (e) die toelating van lede;
 - (f) proaktiewe interaksie met begunstigdes;
 - (g) die spesifikasie van toepaslike tegnologie en stelsels wat gebruik moet word; en
 - (h) die prosesse en prosedures wat gevolg moet word.
- (6) In die lewering van pensioenadministrasiedienste aan sy lede—
- (a) mag die AASP slegs doen wat by wet, met inbegrip van die ooreenkomste deur hom aangegaan met sy kliënte, gemagtig word; en
 - (b) is die AASP onderworpe aan al die toepaslike wetgewings- en ander regsvereistes, asook die bepalinge van die ooreenkomste deur hom aangegaan met sy kliënte.
- (7) Die AASP verrig sy werksaamhede behoudens die algemene leiding deur die Minister verskaf.
- (8) Die werksaamhede en prestasie van die AASP moet binne vyf jaar ná die datum van die instelling van die AASP deeglik beoordeel word, en minstens een maal elke vyf jaar daarna, maar beoordelings kan meer dikwels uitgevoer word, op versoek van die Nasionale Tesourie, die RWPF of die AASP.

Aanstelling van HUB en personeel van AASP

- 4.(1) Die HUB word deur die President aangestel ooreenkomstig die toepaslike vereistes in die Staatsdienswet vervat.
- (2) Die werknemers van die AASP, behalwe die HUB, word ingevoelge die Staatsdienswet aangestel.

Bevoegdhede verleen en pligte opgelê aan HUB

5.(1) Die HUB is verantwoordingspligtig vir die finansiële en bedryfsprestasie van die AASP, ooreenkomstig die voorskrifte van die SDW, die WOFB, en ander toepaslike wetgewing.

(2) Die HUB het die bevoegdhede en gesag gelykstaande aan 'n departementshoof, soos omskryf in artikel 7(3)(a), (b) en (c) van die SDW, om die AASP te bestuur, en die HUB is verantwoordingspligtig teenoor die Minister.

(3) Ingevolge artikel 7(3)(b) van die SDW is die HUB verantwoordelik vir die doeltreffende bestuur en administrasie van die AASP, met inbegrip van die effektiewe aanwending en opleiding van personeel, die handhawing van dissipline, die bevordering van gesonde arbeidsverhoudinge en die behoorlike gebruik en versorging van staatseiendom.

(4) Die HUB moet voldoen aan die vereistes in die WOFB wat van toepassing is op 'n rekenpligtige beampte van 'n organisasiekomponent soos beoog in die WOFB.

(5) Die HUB is, as hoof van die AASP, daarvoor verantwoordelik om toe te sien dat hy of sy en die AASP aan al die toepaslike wetgewings- en ander regsverelstes voldoen, met inbegrip van, maar nie beperk nie tot, die GEP-wet, die WOFB, die SDW, die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000), die *Promotion of Administrative Justice Act*, 2000 (Wet No. 3 van 2000), die *Promotion of Equality and Prevention of Unfair Discrimination Act*, 2000 (Wet No. 4 van 2000), die *Preferential Procurement Policy Framework Act*, 2000 (Wet No. 5 van 2000), die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), die Wet op die Nasionale Argief en Rekordsdiens van Suid-Afrika, 1996 (Wet No. 43 van 1996), en die Wet op die Staatsinligtingstechnologie-agentskap, 1998 (Wet No. 88 van 1998).

Voldoening

6.(1) Die AASP moet voldoen aan enige toepaslike wet, met inbegrip van gemenerereg, en in die geval van 'n botsing tussen enige wet en die bepalings van hierdie Bylae, geniet sodanige wet voorrang.

- (2) Die AASP moet sy bevoeghede uitoefen en sy dienste lewer ooreenkomstig gepaste etiese standaarde en die beginsels van goeie bestuur en leiding.
- (3) Die AASP moet sy dienste lewer aan die Fonds, die Raad van Trustees, en die Nasionale Tesourie in 'n gees van samewerking ooreenkomstig die administrasieooreenkomste en diensvlak-ooreenkomste tussen die AASP, die Fonds en die Nasionale Tesourie, en moet effektiewe, deursigtige, verantwoordingspligtige en samehangende bestuur en leiding verseker van die pensioenfondse wat tans deur die Fonds geadministreer word.
- (4) Geen HUB of senior bestuurder van die AASP kan, binne twee jaar ná hy of sy die staatsdiens verlaat het, regstreeks of onregstreeks enige goedere of dienste aan die AASP, die Fonds of die Raad van Trustees verskaf of lewer nie, tensy die Minister, vóór sodanige goedere verskaf of dienste gelewer word, dit skriftelik goedkeur.
- (5) Subparagraaf (4) is met die nodige veranderinge van toepassing op enige maatskappy of ander entiteit wat voornemens is om goedere te verkoop of dienste te lewer, of wat die goedere verkoop of dienste lewer, aan die AASP—
- (a) waarin die voormalige werknemer van die AASP 'n amp beklee, hetsy vir vergoeding al dan nie;
 - (b) aan wie die voormalige werknemer van die AASP dienste lewer, hetsy vir vergoeding al dan nie;
 - (c) in wie se diens die voormalige werknemer van die AASP is, hetsy vir vergoeding al dan nie; of
 - (d) waarin die voormalige werknemer van die AASP enige ander regstreekse of onregstreekse wesenlike belang het, van welke aard ook al.
- (6) Enige goedkeuring deur die Minister verleen kragtens subparagraaf (4) moet in die AASP se jaarverslag opgeteken word.

Finansiële reëlings

7. (1) Die werksaamhede van die AASP word gefinansier deur gelde verhaal van onderskeidelik die RWPF en Nasionale Tesourie wat gestruktureer is om die koste te verhaal van die lewering van administrasiedienste aan die RWPF en aan die Nasionale Tesourie ten opsigte van die PFGI, die PFTW en die siviele en militêre pensioenfondse, maatskaplike voordele en ná-uitdienstredingsreëlings met betrekking tot mediese hulpskemas in paragraaf 8(2)(c)(i)-(v) vermeld.

(2) Die AASP moet diensvlak-ooreenkomste, wat binne die administrasie-ooreenkomste opgeneem is, met sy hoofde aangaan waarin die voorwaardes van betrokkenheid, met inbegrip van die gelde wat gevra gaan word en die finansiële reëlings met betrekking tot dié administrasiedienste, vermeld word.

(3) Die AASP moet strategiese en bedryfsplanne opstel asook 'n driejaar-uitgawe-en-inkomste-begroting in ooreenstemming met die vereistes van die WOFB en die Begrotingsafdeling van die Nasionale Tesourie, wat vóór die aanvang van die boekjaar deur die Minister goedgekeur moet word.

(4) Die AASP se begroting en finansiële state moet die geprojekteerde uitgawes en inkomste wat gepaard gaan met administrasiedienste aan die RWPF, PFGI en PFTW, en die siviele en militêre pensioenfondse, maatskaplike voordele en ná-uitdienstredingsreëlings met betrekking tot mediese hulpskemas in paragraaf 8(2)(c)(i)-(v) vermeld, afsonderlik aandui.

(5) Die AASP mag nie vir 'n tekort begroot nie, en word as 'n selfgefinansierde entiteit bedryf uit die gelde ontvang vir dienste wat gelewer word.

(6) Die Minister oefen uitvoerende gesag uit oor die gekonsolideerde begroting van die AASP.

(7) Die AASP en die Nasionale Tesourie moet 'n administrasie-ooreenkoms aangaan wat die prosedures, verwagtinge, rekeninge en laste van die AASP en die Nasionale Tesourie omskryf.

(8) Die AASP en die Fonds moet 'n administrasie-ooreenkoms aangaan wat die prosedures, verwagtinge, rekeninge en laste van die AASP en die RWPF omskryf.

(9) Die finansiële bestuur van die AASP word beheers deur die WOFB en die Tesourieregulasies.

(10) Die rekeninge van die AASP moet deur die Ouditeur-generaal geouditeer word, en die verslag van die Ouditeur-generaal moet in die AASP se jaarverslag ingesluit word.

Verslagdoeningsvereistes van die HUB en verantwoordelikhede van die Fonds

8.(1) Die bepalings van hierdie paragraaf onthef nie die HUB enigsins daarvan om te voldoen aan enige tersaaklike bepalings van die WOFB of enige ander wet ten opsigte van verslagdoeningsvereistes nie.

(2) Die HUB is aanspreeklik teenoor-

- (a) die Minister, as die uitvoerende gesag verantwoordelik vir die AASP, ten opsigte van bestuur en leiding, werksaamhede, personeel en finansiële administrasie van die GPAA;
 - (b) die Raad van Trusteas, ooreenkomstig die bepalings van die GEP-wet en die administrasieooreenkoms en diensvlak-ooreenkoms tussen die AASP en die Fonds, ten opsigte van die wettige, doeltreffende en koste-effektiewe administrasie van die Fonds se sake;
 - (c) die DG, ooreenkomstig die bepalings van die diensvlak-ooreenkoms tussen die AASP en die Nasionale Tesourie ten opsigte van—
 - (i) PFGI-administrasie, ingevolge die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963);
 - (ii) mediese subsidies met betrekking tot die tydperk ná uitdienststreding, waarvoor voorsiening gemaak word in en wat gereël word deur besluite van die Koördinerende Bedingingsraad vir die Staatsdiens (PSCBC-besluite);
 - (iii) die administrasie van militêre pensioene ingevolge die Wet op Militêre Pensioene, 1976 (Wet No. 84 van 1976);
 - (iv) die administrasie van betalings vir beserings aan diens ingevolge die Wet op die Vergoeding vir Beroepsbeserings en -siektes, 1993 (Wet No. 130 van 1993); en
 - (v) die administrasie van spesiale pensioene ingevolge die Wet op Spesiale Pensioene, 1996 (Wet No. 69 van 1996).
- (3) Behoudens toepaslike wette oor toegang tot inligting en vertroulikheid moet die HUB, ná ontvangs van 'n skriftelike versoek van die Minister of die Adjunkminister vir inligting gehou deur die AASP, onverwyld al die inligting voorlê wat versoek is, asook enige ander inligting wat ook tersaaklik kan wees vir die Minister of die Adjunkminister, na gelang van die geval.
- (4) Die HUB moet—
- (a) op 'n kwartaallikse grondslag, al die tersaaklike verslae en prestasie-inligting van die AASP;
 - (b) jaarliks die AASP se strategiese plan en begroting, jaarverslag en finansiële jaarstate; en
 - (c) enige inligting ten opsigte van die AASP wat redelikerwys skriftelik aangevra word,

aan die Minister en die Raad van Trustees voorlê.

(5) Die HUB moet die HB, binne veertien (14) dae, of die ander tydperk waarop anders deur die HUB en die HB ooreengekom word, voorsien van enige inligting wat redelikerwys deur die HB versoek word en, in die besonder, inligting wat verband hou met lewerbare aspekte en uitsette, wat in die diensvlakooreenkoms tussen die Fonds en die AASP vermeld moet word.

(6) Indien die HB die HUB uitnooi om 'n vergadering met die Fonds of die Raad van Trustees by te woon, moet die HUB dit doen, tensy hy of sy ander dringende afsprake het wat reeds vooraf gemaak is, in welke geval die HUB die HB moet inlig dat hy of sy nie die vergadering kan bywoon nie, en moet aandui wie hom of haar by die vergadering sal verteenwoordig.

(7) Die bepalings van hierdie Kennisgewing doen geensins afbreuk aan die gelyke status wat die HB en die HUB as onderskeidelik die hoof van die Fonds en die hoof van 'n regeringskomponent geniet nie.

Finansiële verslagdoening en reëlings

9. Behoudens paragraaf 10(d) moet alle finansiële, beleids- en prosedurereëlings vir die AASP vanaf die datum van die instelling van die AASP as 'n regeringskomponent deur die President van die Republiek, voldoen aan die vereistes wat op 'n organisasiekomponent soos beoog in die WOFB van toepassing is.

Tussentydse reëlings tussen Fonds en AASP

10. Die AASP en die Fonds moet onverwyld, ná die AASP se instelling, 'n ooreenkoms aangaan ten opsigte van die oordrag van werknemers en werksaamhede, waarin voorsiening gemaak word vir—

- (a) die oordrag van werknemers van die Fonds aan die AASP by die instelling van die AASP;
- (b) die oordrag van bates van die Fonds aan die AASP by die instelling van die AASP;
- (c) finansiële reëlings;
- (d) enige ander aangeleentheid wat nodig is vir die effektiewe en doeltreffende funksionering van die AASP,

en die Fonds en die AASP moet, minstens een maal per jaar tydens die duur van die ooreenkoms, die ooreenkoms hersien en aanpas, om die voortgesette lewering van dienste te verseker in die tussentydse tydperk terwyl die volledige skeding van die werksaamhede van die AASP en die Fonds voltooi word.

Adviesraad

11.(1) Die Minister kan, ingevolge artikel 7A(4)(e) van die SDW, te eniger tyd 'n Adviesraad vir die AASP aanstel, maar geen bepaling van hierdie Bylae verplig die Minister om 'n Adviesraad aan te stel nie.

(2) Die aanstelling van die Adviesraad, indien 'n Adviesraad aangestel word, is onderworpe aan, en moet gedoen word in ooreenstemming met, die bepalings van hierdie Deel.

(3) Die Adviesraad se funksie is om die Minister te adviseer oor administrasieaangeleenthede in die algemeen, oor die prestasie, bestuur en leiding en werksaamhede van die AASP, en oor enige spesifieke aangeleentheid wat die Minister van tyd tot tyd op skrif bepaal, maar die Adviesraad het nie enige uitvoerende werksaamhede, pligte of bevoegdhede nie.

(4) Die Minister mag nie meer as ag lede in die Adviesraad aanstel nie, die HUB, wat 'n *ex officio*-lid van die Raad is, uitgesluit.

(5) Die Minister moet die Raadslede aanstel op grond van die volgende beginsels:

(a) aanstellings moet beheers word deur die oorkoepelende beginsel van keuring op grond van verdienste, bepaal deur 'n beoordeling van—

(i) die oogmerk, funksies en werksaamhede van die AASP;

(ii) al die bevoegheids- en bedrewenheidsaspekte wat kollektief deur die Raad vereis word, met inbegrip van die tersaaklike vaardighede, kundigheid en ondervinding;

(iii) die kwalifikasies, vaardighede, kundigheid en ondervinding van elke individuele voornemende kandidaat;

(b) ná die aanstelling van die individuele lede moet die Raad in die breë die demografie van die Republiek weerspieël.

(6) Die Minister moet—

(a) enige Raadslid behalwe die HUB as Voorsitter van die Adviesraad aanstel;

- (b) enige Raadslid behalwe die HUB aanstel as Voorsitter van enige subkomitee van die Adviesraad wat deur die Minister ingestel is.
- (7) Niemand mag in die Adviesraad aangestel word—
- (a) wat 'n lid van die Parlement, 'n lid van 'n provinsiale wetgewer, 'n lid van die Kabinet of 'n Adjunkminister, 'n lid van 'n huis of raad van tradisionele leiers, of 'n lid van 'n munisipale raad is nie;
- (b) wat nie 'n Suid-Afrikaanse burger of permanente inwoner is nie;
- (c) wat 'n pos beklee in, of wat in diens is van, of wat 'n belang van watter aard ook al het in, 'n maatskappy of ander entiteit wat goedere verkoop of dienste lewer aan die AASP vir sy eie funksionering, of wie se gade, lewensmaat of sakevennoot of -geassosieerde sodanige pos beklee, in sodanige diens is of sodanige belang het nie;
- (d) wat onbevoeg is om op te tree as 'n direkteur van 'n maatskappy wat ingelyf is ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973) of die Maatskappywet, 2008 (Wet No. 71 van 2008), nie; of
- (e) wat, hetsy in die Republiek of elders, skuldig bevind is aan 'n misdryf waarby oneerlikheid betrokke is of enige ander misdryf waarvoor sodanige persoon tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is.
- (8) 'n Lid van die Adviesraad (behalwe die HUB, wat 'n *ex officio*-lid is)—
- (a) dien as 'n lid van die Adviesraad op die bepalings en voorwaardes deur die Minister bepaal ná oorleg met die Minister vir die Staatsdiens en Administrasie; en
- (b) kan bedank deur een maand se skriftelike kennis aan die Minister te gee.
- (9) Die Adviesraad dien na die Minister se goeddunke, en die Minister kan te eniger tyd—
- (a) die Adviesraad ontbind, en, indien die Minister dit verlang, 'n nuwe Raad aanstel;
- (b) die lidmaatskap van 'n individuele Raadslid in die Adviesraad beëindig;
- maar die Minister moet, wanneer die Raad aldus ontbind word of die lidmaatskap in die Raad van 'n individuele Raadslid aldus beëindig word, onmiddellik skriftelike redes vir die ontbinding of beëindiging, na gelang van die geval, verstrek aan enige Raadslid wat geraak word.

(10) Die Minister moet, wanneer die Adviesraad ingestel word, vir openbare kennisname en op enige gepaste wyse, die name van die lede van die Adviesraad, tesame met enige tersaaklike inligting oor die agtergrond van die lede van die Adviesraad, publiseer.

(11) Die Adviesraad het, behoudens toepaslike wette wat met toegang tot inligting en vertroulikheid verband hou—

- (a) die reg, behoudens subparagrafe (13) en (14), om sy eie subkomitees in te stel;
- (b) die reg van onmiddellike toegang tot enige inligting deur die AASP gehou, behalwe inligting wat van tyd tot tyd spesifiek skriftelik deur die Minister vermeld word as nie by dié kategorie ingesluit te wees nie;
- (c) die reg van onmiddellike toegang tot enige inligting deur die Nasionale Tesourie gehou met betrekking tot die AASP, behalwe inligting wat van tyd tot tyd spesifiek skriftelik deur die Minister vermeld word as nie by dié kategorie ingesluit te wees nie;
- (d) die reg om afskrifte van enige dokument te ontvang wat ingevolge hierdie Kennisgewing deur die HUB voorgelê word aan die Minister, die DG of die HB, na gelang van die geval, behalwe dokumente wat van tyd tot tyd spesifiek skriftelik deur die Minister vermeld word as nie by dié kategorie ingesluit te wees nie;
- (e) die bevoegdheid om enige werknemer van die AASP of die Nasionale Tesourie te versoek om enige vergadering van die Adviesraad of enige van sy subkomitees by te woon, en om by so 'n vergadering skriftelike of mondelinge getuienis te lewer, en tensy die Minister so 'n persoon skriftelik verskoon van die bywoning van daardie vergadering, moet so 'n werknemer die vergadering bywoon en skriftelike of mondelinge getuienis lewer soos deur die Adviesraad versoek.

(12) Die Adviesraad kan, te eniger tyd, met of sonder die instemming of ondersteuning van die HUB, die Minister of die Adjunkminister regstreeks nader, en enige tersaaklike verslag aan enigeen of albei van daardie persone voorlê oor enige aangeleentheid wat met die werksaamheid van die Adviesraad verband hou.

(13) Behoudens subparagrafe (14) en (15) kan die Minister, te eniger tyd, die Adviesraad skriftelik gelas om 'n bepaalde subkomitee in te stel, maar dit weerhou nie

die Adviesraad daarvan om sy eie subkomitees in te stel soos in item (a) van subparagraaf (11) bepaal nie.

(14) Die Adviesraad moet te alle tye subkomitees hê om advies te gee oor aangeleenthede rakende oudit en riskobestuur ten opsigte van die AASP.

(15) Enige komitee of ander liggaam wat ten opsigte van 'n regeringskomponent by 'n Parlements wet of ingevolge ondergeskikte wetgewing ingestel of voorgeskryf word, moet soos voorgeskryf ingestel en bestuur word, maar—

(a) so 'n komitee of liggaam maak nie 'n subkomitee van die Adviesraad uit nie;

(b) die Adviesraad het toegang tot enige dokument deur of namens so 'n komitee of liggaam voortgebring, tensy die Minister skriftelik anders gelas.

(16) Behoudens die bepalings van hierdie paragraaf en enige toepaslike wet bepaal die Adviesraad sy eie reëls, verrigtings en prosedures ten opsigte van sy vergaderings.

(17) Die Adviesraad moet minstens vier maal per jaar vergader.

(18) Sonder om enigsins afbreuk te doen aan die bepalings van enige toepaslike wet, moet die Adviesraad, in dié mate waarin dit uitvoerbaar is, hou by enige beleid, kode, protokol, riglyn of soortgelyke dokument oor staatsbestuur of etiek in die staatsdiens wat deur die Kabinet goedgekeur is.

(19) Die vergaderings, notules en verslae van die Adviesraad of enige van sy subkomitees is vertroulik tensy—

(a) die Minister of die Voorsitter van die Adviesraad skriftelik anders gelas; of

(b) daar geen waarskynlikheid bestaan dat die strategiese belange van die AASP, die Nasionale Tesourie of die Fonds in gevaar gestel sal word indien dit gepubliseer word nie.

(20) Die Adviesraad stem nie oor sake wat voor hom dien nie, maar moet daarna streef om advies aan die Minister of die HUB te verskaf wat op voldoende konsensus gebaseer is. Indien 'n individuele lid van die Adviesraad, behalwe die HUB, sterk verskil met dit wat die Raad se konsensus blyk te wees, kan sy of haar teenkanting en die redes vir sodanige teenkanting deur hom of haar aangeteken word, en dié afwykende mening moet in enige verslag oor die betrokke saak aan die Minister, Adjunkminister of HUB, na gelang van die geval, ingesluit word.

(21) Die AASP moet 'n sekretariaat vir die Adviesraad verskaf, en is verantwoordelik vir die verskaffing van die fasiliteite en administratiewe, sekretariële en logistieke ondersteuning wat die Adviesraad redelikerwys nodig het.

(22) Die Nasionale Tesourie is verantwoordelik en verantwoordingspligtig vir die Adviesraad se uitgawes.

(23) Die HUB maak nie, in die afwesigheid van ander lede, die Adviesraad uit nie.

(24) Geen vergoeding is aan 'n werknemer van 'n staatsorgaan betaalbaar ten opsigte van sy of haar lidmaatskap van die Adviesraad nie, maar die HUB kan, vir enige doel wat regstreeks met 'n bedrywigheid van die Adviesraad verband hou, al die lede van die Adviesraad vergoed ten opsigte van enige koste wat met reis, parkering, akkommodasie en verblyf verband hou en wat redelikerwys aangegaan is.

Verantwoordelikhede van en beperkings op Adviesraadslede

12.(1) 'n Lid van die Adviesraad, met inbegrip van die HUB, wat te eniger tyd gedurende sy of haar ampstermyn op grond van enige van die gronde beoog in paragraaf 11(7) onbevoeg raak om 'n lid van die Adviesraad te wees—

- (a) moet die Minister en die Voorsitter van die Adviesraad onmiddellik skriftelik in kennis stel van daardie onbevoegdheid en die Minister moet daardie lid dan onverwyld uit die Adviesraad verwyder; en
- (b) het nie die reg om 'n vergadering van die Adviesraad by te woon vandat hy of sy aldus onbevoeg word totdat hy of sy deur die Minister verwyder word nie.

(2) 'n Lid van die Adviesraad wat op enige wyse, regstreeks of onregstreeks, 'n belang verkry, of voornemens is om 'n belang te verkry, in 'n transaksie of projek van die AASP, moet onmiddellik die aard van sy of haar belang of voorneme skriftelik aan die Voorsitter bekend maak, of indien daardie lid die Voorsitter is, moet hy of sy dit onmiddellik bekend maak aan die Minister, asook aan die Adviesraad by sy volgende vergadering.

(3) Die bekendmaking aan die Adviesraad beoog in subparagraaf (2) moet opgeteken word in die notule van die vergadering.

(4) 'n Lid van die Adviesraad wat 'n belang beoog in subparagraaf (2) verkry of voornemens is om dit te verkry, mag nie deelneem aan enige bespreking of beraadslaging van die Adviesraad wat verband hou met daardie transaksie of projek beoog in subparagraaf (2) nie.

Verslagdoeningsvereistes ten opsigte van Adviesraad

13.(1) Indien die Minister die Adviesraad se advies oor 'n bepaalde aangeleentheid skriftelik versoek het, moet die Adviesraad so gou doenlik 'n verslag met sy advies aan die Minister voorlê.

(2) Die Adviesraad moet, so dikwels as wat die Adviesraad dit nodig ag, 'n verslag oor sy advies of aktiwiteite aan die Minister voorlê, ongeag of die Minister sodanige advies spesifiek versoek het al dan nie.

(3) Die Adviesraad moet enige mondelinge advies wat aan die HUB gegee word in die betrokke notule van die Adviesraad se vergadering opneem.

(4) Die Voorsitter van die Adviesraad moet die notule van elke Raadsvergadering aan die Minister, die Adjunkminister, en die DG deurstuur binne tien werksdae ná daardie notule deur die Raad goedgekeur is.

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