
GAUTENG PROVINCIAL LEGISLATURE

**GAUTENG REGIONAL WELFARE
INSTITUTES ACT, 1998**

No 15, 1998

ACT

To provide for the establishment of Regional Welfare Institutes; to provide for the powers and duties of Regional Welfare Institutes, to facilitate the representation of civil society on Regional Welfare Institutes, and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of Gauteng, as follows:

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Definitions

1. In this Act unless the context otherwise indicates—

“**community based organisation**” means a community based organisation that operates a welfare programme;

“**Department**” means the department in the administration of the Province responsible for welfare and population development; 5

“**faith organisation**” means a church or other religious body that operates a welfare programme;

“**Head of Department**” means the most senior official in the Department;

“**MEC**” means the Member of the Executive Council responsible for welfare and population development in the Province; 10

“**non-governmental organisation**” means a voluntary association, body corporate, trust or organisation in civil society, that operates a welfare programme, and includes an advocacy group that may or may not operate a welfare programme;

“**prescribed**” means prescribed by regulation; 15

“**Province**” means the province of Gauteng;

“**PEC**” means the provincial executive committee established in terms of section 9;

“**region**” means an area demarcated in terms of section 4;

“**REC**” means the regional executive committee established in terms of section 8;

“**Regional Welfare Institute**” means an institute established in terms of section 5; 20 and

“**welfare programme**” means a programme that supplies welfare services authorised by the Department.

Application of Act

2. This Act applies throughout the Province. 25

Objects of Act

3. The objects of this Act are—

- (a) to provide structures that promote transformation in the governance of the welfare sector;
- (b) to promote equitable allocation of welfare resources amongst different regions of the Province; 30
- (c) to promote the participation of civil society in the governance of the welfare sector; and
- (d) to establish regional forums within which non-governmental organisations, faith organisations, local authorities and the Department can discuss matters of common concern. 35

Demarcation of regions

4. (1) The MEC by notice in the Provincial Gazette—

- (a) must—
 - (i) establish not more than six regions in the Province, each of which must consist of one or more magisterial districts; 40
 - (ii) determine the name of each region; and
- (b) may—
 - (i) change the size of any region; or
 - (ii) change the name by which it is known; or 45
 - (iii) abolish any region or incorporate any region with any other region.

- (2) The MEC must, when acting in terms of subsection (1), have regard to—
- (a) the demand for welfare services in a proposed region relative to its wealth;
 - (b) the welfare services being provided to a proposed region;
 - (c) the extent of delegated welfare functions being performed at the local level in a proposed region; and
 - (d) the number, size, experience, relative strength and expertise of existing non-governmental organisations in the proposed region.
- (3) The limits of a region established in terms of subsection (1), must, as far as possible, coincide with local government boundaries.

Establishment of Regional Welfare Institutes 10

5. The MEC must, by notice in the Provincial Gazette, establish a Regional Welfare Institute for each region.

Composition of Regional Welfare Institutes

6. (1) A Regional Welfare Institute must consist of—
- (a) one member selected by each non-governmental organisation operating in the region;
 - (b) one member selected by each faith organisation in the region;
 - (c) one member selected from amongst its elected or appointed officials by each local authority or metro-level governmental unit in the region;
 - (d) three members appointed by the MEC from among the chief executive officers of businesses with branches or head offices in the region;
 - (e) one member selected by each community based organisation carrying out a welfare programme in the region; and
 - (f) no more than three other persons with appropriate experience, skill or knowledge, appointed by the MEC.
- (2) The MEC must make regulations in respect of—
- (a) the manner of election or appointment, the qualifications for election, or appointment and the terms of office and the vacation of office of the members of Regional Welfare Institutes;
 - (b) the convening of, procedure and rules at, and quorum for meetings and the keeping of minutes of meetings of Regional Welfare Institutes;
 - (c) the dissolution and reconstitution of Regional Welfare Institutes; and
 - (d) the designation of persons employed by the Department to assist in the performance of the functions of Regional Welfare Institutes.

General functions of Regional Welfare Institutes 35

7. (1) A Regional Welfare Institute must advise the MEC on—
- (a) welfare policy for the region;
 - (b) delivery and co-ordination of welfare programmes in the region;
 - (c) equitable allocation of welfare resources in the region, having regard to historically disadvantaged persons or groups in the region;
 - (d) the allocation of welfare funding in the region;
 - (e) the allocation of funding to welfare programmes in the region; and
 - (f) any other relevant matter on which the MEC requires advice.
- (2) A Regional Welfare Institute must perform such other functions as may be prescribed.
- (3) A Regional Welfare Institute must submit such reports to the MEC as may be prescribed.

Regional Executive Committees

8. (1) A Regional Welfare Institute must, from amongst its members, elect a Regional Executive Committee, consisting of not less than 10 and not more than 25 members.
- (2) The members of a Regional Welfare Institute must ensure that its REC is broadly representative of—
- (a) social groups in the region; and
 - (b) the membership of the Regional Welfare Institute.

- (3) The MEC must make regulations in respect of REC's regarding—
- (a) the manner of election or appointment, the terms of office and the vacation of office by members of a REC, and the filling of incidental vacancies;
 - (b) the convening of, procedure and rules at, and quorum for meetings and the keeping of minutes of meetings; and
 - (c) any other matter necessary or expedient for the effective functioning of a REC.

Provincial Executive Committee

- 9.** (1) The MEC must establish, by notice in the Provincial Gazette, a Provincial Executive Committee consisting of—
- (a) at least one representative from each REC in the Province;
 - (b) one person representing all welfare professional associations in the Province;
 - (c) one representative from organised labour;
 - (d) one representative from organised business; and
 - (e) no more than three other persons with appropriate experience, skill or knowledge, appointed by the MEC.
- (2) The MEC, must make regulations in respect of the PEC, regarding—
- (a) the manner of election, or appointment, the terms of office, and the vacation of office by members of the PEC, and the filling of incidental vacancies;
 - (b) the convening of, procedure and rules at, and quorum for meetings and the keeping of minutes of meetings;
 - (c) the dissolution and reconstitution of the PEC; and
 - (d) any other matter necessary or expedient for the effective functioning of the PEC.

General functions of Provincial Executive Committee

- 10.** (1) The PEC must advise the MEC on—
- (a) operational uniformity of welfare programmes between regions;
 - (b) matters related to the functions and operations of Regional Welfare Institutes; and
 - (c) any other relevant matter on which the MEC requires advice.
- (2) The PEC must perform such other functions as may be prescribed.

Recommendations of Regional Executive Committees and Provincial Executive Committee

- 11.** If the MEC decides not to accept the advice or recommendations of a REC or the PEC, the MEC must provide the REC or the PEC, as the case may be, with written reasons for his or her decision.

Allowance of members

- 12.** The MEC must pay the members of a Regional Welfare Institute, a REC and the PEC such allowances as the MEC, with the concurrence of the member of the Executive Council responsible for finance may determine.

Finance

- 13.** (1) The MEC must, with the concurrence of the member of the Executive Council responsible for finance, provide sufficient funds for the effective functioning of Regional Welfare Institutes, REC's and the PEC.
- (2) Regional Welfare Institutes, REC's and the PEC must maintain such accounting procedures and financial controls as may be prescribed.

Regulations

- 14.** (1) The MEC may make regulations, not inconsistent with this Act, as to—
- (a) the designation of suitably qualified persons to assist in the performance of the functions of Regional Welfare Institutes, REC's or the PEC;

- (b) any other matter necessary or expedient for the effective functioning of Regional Welfare Institutes, REC's or the PEC;
- (c) any matter which in terms of this Act is required or permitted to be prescribed by regulation; and
- (d) any matter he or she deems necessary or expedient in order to promote the objects of this Act. 5

(2) Different regulations may be made under subsection (1) in respect of different regions, if there is a reasonable basis for differentiation.

Delegation of powers and assignment of duties

15. (1) The MEC may delegate to the Head of Department or any officer of his or her department, any power, function or duty conferred or imposed upon him or her by this Act except the powers referred to in section 14. 10

(2) The Head of Department may delegate to any other officer of his or her department any power, function or duty conferred or imposed upon him or her by this Act or delegated to him or her in terms of subsection (1). 15

(3) The MEC or Head of Department, as the case may be, may—

- (a) impose any reasonable conditions on a delegation contemplated in this section; and
- (b) impose different conditions in respect of a different delegations.

(4) Any delegation of a power, function or duty under this section— 20

- (a) must be done in writing;
- (b) does not prevent the MEC or Head of Department, as the case may be, from exercising that power or performing that function or duty himself or herself; and
- (c) may at any time be withdrawn in writing by the person who granted it. 25

Short title and commencement

16. This Act is called Gauteng Regional Welfare Institutes Act, 1998 and must come into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.