

PROVINCE OF THE WESTERN CAPE

**WESTERN CAPE
ADDITIONAL ADJUSTMENT
APPROPRIATION BILL
(2021/22 FINANCIAL YEAR)**

(As introduced)

(MINISTER OF FINANCE AND ECONOMIC OPPORTUNITIES)

[B 1—2022]

PROVINSIE WES-KAAP

**WES-KAAPSE
BYKOMENDE AANSUIWERINGS-
BEGROTINGSWETSONTWERP
(2021/22- FINANSIËLE JAAR)**

(Soos ingedien)

(MINISTER VAN FINANSIES EN EKONOMIESE GELEENTHEDE)

[W 1—2022]

IPHONDO LENTSHONA KOLONI

**UMTHETHO OSAYILWAYO
WOHLENGAHLENGISO
OLWENGEZELELWEYO
LOLWABIWOMALI
WENTSHONA KOLONI
(UNYAKAMALI KA-2021/22)**

(Njengoko wazisiwe)

(NGUMPHATHISWA WEZEMALI NAMATHUBA EZOQOQOSHO)

[B 1—2022]

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BILL

To appropriate an additional adjusted amount of money from the Provincial Revenue Fund in terms of section 31(2)(a) of the Public Finance Management Act, 1999, in respect of funds that have become available for a requirement of the Province of the Western Cape in respect of the 2021/22 financial year; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the National Treasury has allocated additional funds to the Province in respect of the national conditional grant: Provincial Roads Maintenance;

AND WHEREAS section 31(2)(a) of the Public Finance Management Act, 1999 (Act 1 of 1999), provides that the Provincial Minister responsible for finance may table an adjustment budget in the Provincial Parliament in respect of funds that have become available;

AND WHEREAS section 26 of the Public Finance Management Act, 1999, provides that the Provincial Parliament must appropriate money for each financial year for the requirements of the Province,

BE IT THEREFORE ENACTED by the Provincial Parliament of the Western Cape, as follows:—

Interpretation

1. In this Act, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Western Cape Appropriation Act, 2021 (Act 5 of 2021), has the meaning assigned to it in that Act. 5

Appropriation of adjusted amount of money for requirement of Province

2. (1) An adjusted appropriation by the Provincial Parliament of money from the Provincial Revenue Fund in terms of section 31(2)(a) of the Public Finance Management Act, for a requirement of the Province in the 2021/22 financial year, to a vote and main division within that vote, and for the specific listed purpose, is set out in the Schedule. 10

(2) The spending of the appropriation contemplated in subsection (1) is subject to the Public Finance Management Act.

Amount listed as specifically and exclusively appropriated

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3. The amount listed in the Schedule as specifically and exclusively appropriated and that refers to a national conditional grant may be used only for the purpose stipulated in the Division of Revenue Act and in accordance with the framework published in terms of that Act.

Short title

4. This Act is called the Western Cape Additional Adjustment Appropriation Act (2021/22 Financial Year), 2022.

SCHEDULE
(As a charge to the Provincial Revenue Fund)

Vote	Description of vote and main division	Total	Current payment			Transfer and subsidy to	Payment for capital assets	Payment for financial assets	Amount specifically and exclusively appropriated
			Compensation of employees	Goods and services	Other				
10	Transport and Public Works	R'000 43 396	R'000	R'000	R'000	R'000	R'000 43 396	R'000	R'000 43 396
		43 396					43 396		43 396

Vote	Description of votes and main divisions	Totals	Current payments			Transfers and subsidies to	Payments for capital assets	Payments for financial assets	Amounts specifically and exclusively appropriated
			Compensation of employees	Goods and services	Other				
10	Transport and Public Works <i>Aim: To tirelessly pursue the delivery of infrastructure and services that are inclusive, safe and technologically relevant, seeking to heal, skill, integrate, connect, link and empower every citizen in the Western Cape, driven by passion, ethics and a steadfast commitment to the environment and our people as our cornerstone.</i>	R'000 43 396	R'000	R'000	R'000	R'000	R'000 43 396	R'000	R'000 43 396
	3 Transport Infrastructure <i>To deliver and maintain transport infrastructure that is sustainable, integrated and environmentally sensitive, that supports and facilitates social empowerment and economic growth and promotes accessibility and the safe, affordable movement of people, goods and services.</i> <i>Of which</i> <i>National conditional grant: Provincial Roads Maintenance</i>	43 396					43 396		43 396

**MEMORANDUM ON THE OBJECTS OF THE WESTERN CAPE
ADDITIONAL ADJUSTMENT APPROPRIATION BILL
(2021/22 FINANCIAL YEAR)**

1. BACKGROUND

The Bill provides for the appropriation of an additional adjusted amount of money in the 2021/22 financial year that has become available for a requirement of the Province of the Western Cape, Department of Transport and Public Works, in respect of the national conditional grant: Provincial Roads Maintenance.

2. CONTENTS OF BILL

2.1 **Clause 1** incorporates the definitions used in the Western Cape Appropriation Act, 2021 (Act 5 of 2021), into the Bill.

2.2 **Clause 2** provides that an adjusted appropriation by the Provincial Revenue Fund attributable to a vote and main division within that vote for a specific listed purpose is set out in the Schedule to the Bill. The spending of this appropriation is subject to the Public Finance Management Act, 1999 (Act 1 of 1999).

2.3 **Clause 3** provides that the amount listed in the Schedule to the Bill as specifically and exclusively appropriated and that refers to a national conditional grant may be used only for the purpose stipulated in the Division of Revenue Act, 2021 (Act 9 of 2021), and in accordance with the framework published in terms of that Act.

2.4 **Clause 4** provides for the short title.

3. CONSULTATION

The following role players were consulted:

- (a) Department of the Premier: Branch: Legal Services
- (b) Provincial Treasury
- (c) Department of Transport and Public Works.

4. FINANCIAL IMPLICATIONS

R43,396 million will be made available to the vote listed in the Schedule to the Bill from funds that have become available for a requirement of the Province in respect of the 2021/22 financial year.

5. LEGISLATIVE COMPETENCE

The Provincial Minister responsible for finance is satisfied that the provisions of the Bill fall within the legislative competence of the Province.

WETSONTWERP

Tot bewilliging van 'n bykomende aangesuiwerde bedrag geld uit die Provinsiale Inkomstefonds ingevolge artikel 31(2)(a) van die Wet op Openbare Finansiële Bestuur, 1999, ten opsigte van fondse wat beskikbaar geword het vir 'n behoefte van die Provinsie Wes-Kaap ten opsigte van die 2021/22- finansiële jaar; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

AANHEF

AANGESIEN die Nasionale Tesourie bykomende fondse ten opsigte van die nasionale voorwaardelike toekenning: Provinsiale Instandhouding van Paaie aan die Provinsie toegewys het;

EN AANGESIEN artikel 31(2)(a) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999), bepaal dat die Provinsiale Minister verantwoordelik vir finansies 'n aansuiweringsbegroting in die Provinsiale Parlement ter tafel kan lê ten opsigte van fondse wat beskikbaar geword het;

EN AANGESIEN artikel 26 van die Wet op Openbare Finansiële Bestuur, 1999, bepaal dat die Provinsiale Parlement vir elke finansiële jaar geld moet bewillig vir die behoeftes van die Provinsie,

WORD DAAR DERHALWE BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

Uitleg

1. In hierdie Wet, tensy dit uit die samehang anders blyk, het enige woord of uitdrukking waaraan 'n betekenis geheg is in die Wes-Kaapse Begrotingswet, 2021 (Wet 5 van 2021), die betekenis daaraan geheg in daardie Wet. 5

Bewilliging van aangesuiwerde bedrag geld vir behoefte van Provinsie

2. (1) 'n Aangesuiwerde bewilliging deur die Provinsiale Parlement van geld uit die Provinsiale Inkomstefonds ingevolge artikel 31(2)(a) van die Wet op Openbare Finansiële Bestuur, vir 'n behoefte van die Provinsie in die 2021/22- finansiële jaar, vir 'n begrotingspos en hoofindeling binne daardie begrotingspos, en vir die spesifieke doeleinde gelys, word in die Bylae uiteengesit. 10

(2) Die besteding van die bewilliging beoog in subartikel (1) is onderhewig aan die Wet op Openbare Finansiële Bestuur.

Bedrag gelys as spesifiek en uitsluitlik bewillig

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3. Die bedrag in die Bylae gelys as spesifiek en uitsluitlik bewillig en wat verwys na 'n nasionale voorwaardelike toekenning, mag slegs vir die doel bepaal in die Division of Revenue Act en ooreenkomstig die raamwerk gepubliseer ingevolge daardie Wet gebruik word.

Kort titel

4. Hierdie Wet heet die Wes-Kaapse Bykomende Aansuiweringsbegrotingswet (2021/22- Finansiële Jaar), 2022.

BYLAE

(As 'n las teen die Provinsiale Inkomstefonds)

Begrotingspos	Beskrywing van begrotingspos en hoofindeling	Totaal	Lopende betaling			Oordrag en subsidie aan	Betaling vir kapitaalbates	Betaling vir finansiële bates	Bedrag spesifiek en uitsluitlik bewillig
			Vergoeding van werknemers	Goedere en dienste	Ander				
10	Vervoer en Openbare Werke	R'000 43 396	R'000	R'000	R'000	R'000	R'000 43 396	R'000	R'000 43 396
		43 396					43 396		43 396

Begrotingspos	Beskrywing van begrotingspos en hoofindelings	Totale	Lopende betalings			Oordragte en subsidies aan	Betalings vir kapitaalbates	Betalings vir finansiële bates	Bedrae spesifiek en uitsluitlik bewillig
			Vergoeding van werknemers	Goedere en dienste	Ander				
10	Vervoer en Openbare Werke <i>Doel: Om onvermoeid die lewering van infrastruktuur en dienste na te streef wat omvattend, veilig en tegnologies relevant is, daarna streef om elke burger in die Wes-Kaap te genees, bekwaam te maak, te integreer, te verbind en te bemagtig, gedryf deur passie, etiek en 'n standvastige verbintenis tot die omgewing en ons mense as ons hoeksteen.</i>	R'000 43 396	R'000	R'000	R'000	R'000	R'000 43 396	R'000	R'000 43 396
	3 Vervoerinfrastruktuur <i>Om vervoerinfrastruktuur te lewer en in stand te hou wat volhoubaar, geïntegreerd en omgewings sensitief is, wat maatskaplike bemagtiging en ekonomiese groei ondersteun en fasiliteer, toeganklikheid bevorder en die veilige, bekostigbare vervoer van mense, goedere en dienste moontlik maak.</i> <i>Waarvan</i> <i>Nasionale voorwaardelike toekenning:</i> <i>Provinsiale Instandhouding van Paaie</i>	43 396					43 396		43 396

**MEMORANDUM OOR DIE OOGMERKE VAN DIE WES-KAAPSE
BYKOMENDE AANSUIWERINGSBEGROTINGSWETSONTWERP
(2021/22- FINANSIËLE JAAR)**

1. AGTERGROND

Die Wetsontwerp maak voorsiening vir die bewilliging van 'n bykomende aangesuiwerde bedrag geld in die 2021/22- finansiële jaar wat beskikbaar geword het vir 'n behoefte van die Provinsie Wes-Kaap, Departement van Vervoer en Openbare Werke, ten opsigte van die nasionale voorwaardelike toekenning: Provinsiale Instandhouding van Paaie.

2. INHOUD VAN WETSONTWERP

2.1 **Klousule 1** inkorporeer in die Wetsontwerp die woordskrywings wat in die Wes-Kaapse Begrotingswet, 2021 (Wet 5 van 2021), gebruik word.

2.2 **Klousule 2** bepaal dat 'n aangesuiwerde bewilliging deur die Provinsiale Inkomstefonds toewysbaar aan 'n begrotingspos en hoofindeling binne daardie begrotingspos vir 'n spesifiek gemelde doeleinde in die Bylae by die Wetsontwerp uiteengesit word. Die besteding van hierdie bewilliging is onderhewig aan die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999).

2.3 **Klousule 3** bepaal dat die bedrag wat in die Bylae by die Wetsontwerp gemeld word as spesifiek en uitsluitlik bewillig en wat na 'n nasionale voorwaardelike toekenning verwys, gebruik kan word slegs vir die doeleinde bepaal in die "Division of Revenue Act, 2021" (Wet 9 van 2021), en ooreenkomstig die raamwerk wat ingevolge daardie Wet gepubliseer is.

2.4 **Klousule 4** maak voorsiening vir die kort titel.

3. OORLEGPLEGING

Die volgende rolspelers is geraadpleeg:

- (a) Departement van die Premier: Tak: Regsdienste
- (b) Provinsiale Tesourie
- (c) Departement van Vervoer en Openbare Werke.

4. FINANSIËLE IMPLIKASIES

R43,396 miljoen sal vir die begrotingspos uiteengesit in die Bylae by die Wetsontwerp beskikbaar gestel word uit fondse wat beskikbaar geword het vir 'n behoefte van die Provinsie ten opsigte van die 2021/22- finansiële jaar.

5. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister verantwoordelik vir finansies is tevrede dat die bepalings van die Wetsontwerp binne die wetgewende bevoegdheid van die Provinsie ressorteer.

UMTHETHO OSAYILWAYO

Ulwabiwo lwezixamali ezongeziweyo ezihlengahlengisiweyo eziphuma kwiNgxowamali yeNgeniso yePhondo, ngokwecandelo 31(2)(a) lomthetho i*Public Finance Management Act, 1999*, ngokunxulumene nenkxasomali ethe yakho kusenzelwa iimfuno zePhondo leNtshona Koloni ngokumalunga nonyakamali ka-2021/22; kunye nokulungiselela ingxaki ezinxulumene noko.

IMBULAMBETHE

KANANJALO uNondyebo kaZwelonke wenze ulwabiwo lwesixamali esongezelelweyo oluya kumaPhondo ngokuhambelana nolwabiwomali olunemiqathango luka-zwelonke: Uncedo mali lokulungiswa kweendlela kwiPhondo;

KANANJALO icandelo 31(2)(a) lomthetho i*Public Finance Management Act, 1999* (uMthetho 1 ka-1999), uchaza ukuba uMphathiswa wePhondo onoxanduva lwezimali angalwandlala uhlahlo lwabiwomali oluhlengahlengisiweyo kwiPalamente yePhondo ukunika utshintsho lwezixamali kwiivoti ngokuhambelana nesixamali esikhoyo;

KANANJALO icandelo 26 lomthetho i*Public Finance Management Act, 1999*, wazisa iPalamente yePhondo ukuba yenze ulwabiwomali kunyakamali ngamnye ngokwemfuno zePhondo,

NGOKO KE MAWENZIWE USEBENZE yiPalamente yePhondo leNtshona Koloni, ngolu hlobo lulandelayo:—

Utoliko

1. Kulo Mthetho, ngaphandle kokuba imeko ibonisa nto yimbi, naliphi na igama okanye ingcaciso enika intsingiselo kuMthetho woLwabiwomali weNtshona Koloni, ka-2021 (uMthetho 5 ka-2021), linentsingiselo emiselweyo kulo Mthetho. 5

Ulwabiwo lwesixa semali kulungiselelwa iimfuno zePhondo

2. (1) UHlengahlengiso loLwabiwomali lusenziwa yiPalamente yePhondo ngemali esuka kwiNgxowamali yeNgeniso yePhondo ngokwecandelo 31(2)(a) loMthetho woLawulo lweMali kaRhulumente ngeemfuno zePhondo kunyakamali ka-2021/22, kwivoti nakolona lwahlulo kwivoti nganye nokulungiselela iinjongo ezithile ezidwelisiweyo, zibonakaliswe ngokuphandle kwiShedyuli. 10

(2) Inkcitho kulwabiwomali echazwe kwicandelwana (1) ixhomekeke kuMthetho woLawulo lweMali kaRhulumente.

Izixamali ezikuluhlu ezibekelwe ulwabiwomali ngokungqalileyo nangokukodwa 15

3. Isixamali esichazwe kwiShedyuli njengesibekelwe bucala isesenjongo ekhethekileyo sichaza ukuba ulwabiwo lwesibonelelo esinemiqathango kuZwelonke singano-kuthi sisetyenziselwe injongo ethile kuphela echaziweyo kuMthetho woLwahlulo lweNgeniso yaye ngokubhekiselele kwisiseko esiqinisekiswa ngokwalo Mthetho.

Isihloko esifutshane

4. Lo Mthetho ubizwa ngokuba nguMthetho woHlengahlengiso olweNgezelelweyo loLwabiwomali weNtshona Koloni (uNyakamali ka-2021/22), 2022.

ISHEDYULI
(Njengesicelo sentlawulo kwiNgxowamali yePhondo)

Ivoti	Inkcazo yevoti kunye nengundoqo ephambili	Iyonke	Intlawulo yangoku			Ukudluliselwa kunye nenkxaso eya	Intlawulo kwii-asethi eziziyiNkunzi	Intlawulo kwii-asethi eziziyiMali	Imali ebekelwe bucala ngokukodwa
			Imbuyekezo yabasebenzi	Iimpahla kunye neeNkonzo	Enye				
10	EzoThutho neMisebenzi yoLuntu	R'000 43 396	R'000	R'000	R'000	R'000	R'000 43 396	R'000	R'000 43 396
		43 396					43 396		43 396

Ivoti	Inkcazo yevoti kunye nengundoqo ephambili	Iyonke	Intlawulo yangoku			Ukudluliselwa kunye nenkxaso eya	Intlawulo kwii-asethi eziyiNkunzi	Intlawulo kwii-asethi eziyiMali	Imali ebekelwe bucala ngokukodwa
			Imbuyekezo yabasebenzi	Iimpahla kunye neeNkonzo	Enye				
10	<p>UThutho neMisebenzi yoLuntu</p> <p>Injongo: <i>Ukusukela ngokungapheliyo unikezelo lweziseko ezingundoqo kunye neenkonzo ezibandakanyayo, ezikhuselekileyo nezifanelekileyo ngokwetheknoloji, ezifuna ukunyanga, isakhono, hlanganisa, uqhagamshelane, unxibelelanisa kwaye uxhobise wonke ummi weNtshona Koloni, eqhutywa luthando, inqobo ezisesikweni nokuzinikela okungagungqiyo kokusingqongileyo nakubantu bethu njengexhadi lethu.</i></p> <p>3 Iziseko zophuhliso zoThutho</p> <p><i>Ukunikezela nokugcina iziseko zezothutho ezizinzileyo, ezihlanganisiweyo nezinovakalelo lokusingqongileyo, ezixhasa kwaye ziququzelele ukuxhutyiswa koluntu kunye nokukhula koqoqosho nokukhuthaza ukufikeleleka kunye nokuhamba okukhuselekileyo, okufikelekayo kwabantu, iimpahla kunye neenkonzo.</i></p> <p>Ngokuba <i>Uncedisomali olunemiqathango lukaZwelonke: ULondolozo lweNdlala zePhondo</i></p>	R'000 43 396	R'000	R'000	R'000	R'000	R'000 43 396	R'000	R'000 43 396
		43 396					43 396		43 396

**IMEMORANDAM ENGEENJONGO ZOMTHETHO OSAYILWAYO
WOHLENGAHLENGISO OLWENGEZELELWEYO
LOLWABIWOMALI WENTSHONA KOLONI
(UNYAKAMALI KA-2021/22)**

1. INTSUKAPHI

Lo Mthetho usayilwayo unika ulwabiwomali lwesixamali esihlengahlengisiweyo esisisongezelelo kunyakamali ka-2021/22 esiye sakho ukulungiselela iimfuno zePhondo leNtshona Koloni, iSebe lezoThutho neMisebenzi yoLuntu, ngokuhambelana nezibonelelo ezinemiqathango kazwelonke: INkxasomali yokulungiswa kweeNdlela kwiPhondo.

2. IZIQULATHO ZALO MTHETHO OSAYILWAYO

- 2.1 **Igaty 1** lihlanganisa iinkcazelo ezisetyenzisiweyo kuMthetho woLwabiwomali weNtshona Koloni, ka-2021 (uMthetho 5 ka-2021), kuMthetho oSayilwayo.
- 2.2 **Igaty 2** libonelela ngokuba ulungelelwaniso oluhlengahlengisiweyo yiNgxowamali yeNgeniso yePhondo oluya kuvotwa kwaye icandelo eliphambili kuloo voti ngokwenjongo ethile edwelisiweyo limiselwe kwiShedyuli yoMthetho oSayilwayo. Inkcitho yolu lwabiwo ixhomekeke kumthetho i*Public Finance Management Act, 1999* (uMthetho 1 ka-1999).
- 2.3 **Igaty 3** libonelela ngokuba isixamali esidweliswe kwiShedyuli yoMthetho oSayilwayo njengoko sabelwe ngokukodwa nangokukhethekileyo kwaye esibhekiselele kwisibonelelo esinemiqathango kazwelonke, singasetyenziselwa kuphela injongo ecaciswe kumthetho i*Division of Revenue Act, 2021* (uMthetho 9 ka-2021), kwaye ngokuhambelana nesakhelo esipapashwe ngokwalo Mthetho.
- 2.4 **Igaty 4** linika isihloko esifutshane.

3. UKUCEBISANA

- Kucetyiswene naba bathathinxaxheba balandelayo:
- (a) ISebe leNkulumbuso: ISetyana: IiNkonzo zezoMthetho
- (b) UNondyebo wePhondo
- (c) ISebe lezoThutho neMisebenzi yoLuntu.

4. UCHAPHAZELEKO KWEZEMALI

I-R43,396 yezigidi iza kwenziwa ifumaneke kwivoti edweliswe kwiShedyuli yoMthetho oSayilwayo kwiimali esele zikho ngokwemfuno yePhondo malunga nonyakamali ka-2021/22.

5. ISAKHONO SOWISO MTHETHO

UMphathiswa wePhondo onoxanduva lwezemali wanelisekile ukuba imimiselo yoMthetho oSayilwayo iphantsi kolawulo lwePhondo.