PROVINCE OF THE WESTERN CAPE

WESTERN CAPE ADDITIONAL ADJUSTMENTS APPROPRIATION BILL (2022/23 FINANCIAL YEAR)

(As introduced)

(Minister of Finance and Economic Opportunities)

[B 1—2023]

PROVINSIE WES-KAAP

WES-KAAPSE BYKOMENDE AANSUIWERINGS-BEGROTINGSWETSONTWERP (2022/23- FINANSIËLE JAAR)

(Soos ingedien)

(Minister van Finansies en Ekonomiese Geleenthede)

[W 1—2023]

IPHONDO LENTSHONA KOLONI

UMTHETHO OSAYILWAYO WOHLENGAHLENGISO OLONGEZELELWEYO LOLWABIWOMALI WENTSHONA KOLONI (UNYAKAMALI KA2022/23)

(Njengoko wazisiwe)

(nguMphathiswa wezeMali naMathuba ezoQoqosho)

[B 1—2023]

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BILL

To appropriate additional adjusted amounts of money from the Provincial Revenue Fund in terms of sections 25 and 31 of the Public Finance Management Act, 1999, and to provide for matters incidental thereto.

WHEREAS the National Treasury has allocated additional funds to the Province in respect of the Education Infrastructure Grant;

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

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;

AND WHEREAS the Western Cape Government acknowledges the widespread and severe detrimental impact of prolonged load-shedding on municipal services and the economy, and its responsibility in terms of section 154(1) of the Constitution of the Republic of South Africa, 1996, to support and strengthen the capacity of municipalities to perform their functions;

AND WHEREAS municipalities need assistance in the delivery of basic services such as water and wastewater services by means of an emergency response to prolonged load-shedding;

AND WHEREAS the Provincial Minister responsible for finance in the Province has authorised the use of funds from the Provincial Revenue Fund, in accordance with section 25(1) of the Public Finance Management Act, 1999, to defray expenditure of an exceptional nature that was not provided for and that could not, without serious prejudice to the public interest in the Province, be postponed to a future appropriation by the provincial legislature;

AND WHEREAS section 25(6) of the Public Finance Management Act, 1999, provides that expenditure incurred in terms of section 25(1) of that Act, must be included either in the next provincial adjustments budget for the financial year in which the expenditure was authorised, or in other appropriation legislation tabled in the provincial legislature within 120 days of the Provincial Minister responsible for finance in the Province authorising the expenditure, whichever is the sooner.

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, 2022 (Act 2 of 2022), has the meaning assigned to it in that Act.

Appropriation of adjusted amounts of money for requirements of Province

2. (1) Adjusted appropriations by the Provincial Parliament of money from the Provincial Revenue Fund for the requirements of the Province in the 2022/23 financial year, and money appropriated in terms of section 25 of the Public Finance Management Act, to votes and main divisions within votes, and for the specific listed purposes, are set out in the Schedule.

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

Short title

3. This Act is called the Western Cape Additional Adjustments Appropriation Act (2022/23 Financial Year), 2023.

SCHEDULE

(As a charge to the Provincial Revenue Fund)

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				
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
5	Education	115 462					115 462		
14	Local Government	88 815				88 815			
		204 277				**88 815**	**115 462**		

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				
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
5	**Education**	**115 462**					**115 462**		
	Aim: The mission of the Department is to ensure that every child has quality learning opportunities in a functional and enabling environment to acquire knowledge, competencies, skills and values to succeed in a changing world.								
	6 Infrastructure Development	115 462					115 462		
	To provide and maintain infrastructure facilities for schools and non-schools.								
	Of which								
	National conditional grant: Education Infrastructure Grant (EIG)								115 462
	Earmarked allocation: Infrastructure								(115 462)

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				
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
14	**Local Government**	**88 815**				**88 815**			
	Aim: *To monitor, coordinate and support municipalities to be effective in fulfilling their developmental mandate and facilitate service delivery and disaster resilience through engagement with government spheres and social partners.*								
	3 Development and Planning	88 815				88 815			
	To promote and facilitate effective disaster management practices, ensure well-maintained municipal infrastructure and promote integrated planning.								
	Of which								
	Transfers and subsidies								
	Provinces and municipalities: The purchase and installation of back-up energy supplies					88 815			

MEMORANDUM ON THE OBJECTS OF THE WESTERN CAPE ADDITIONAL ADJUSTMENTS APPROPRIATION BILL (2022/23 FINANCIAL YEAR)

1. BACKGROUND

1.1 National Treasury published Notice No. 3070 on 21 February 2023 that relates to the Education Infrastructure Grant. In compliance with section 18 of the Division of Revenue Act, 2022 (Act 5 of 2022), the national Department of Basic Education, following revised allocations, stopped the transfer of funds to certain provinces and in terms of section 19 of the Division of Revenue Act, 2022, reallocated an amount of R115,462 million to the Western Cape Province (the Province).

1.2 Furthermore, the load-shedding prevalent throughout the Province has had a widespread and severe detrimental impact on municipal services and the economy. Electricity disruptions are having a severe impact on the continuous treatment of water and wastewater services and in some cases the water supply has been disrupted completely and the water quality compromised. Failure to address this crisis could result in prolonged failures in water supply and sanitation in municipalities, which would likely result in a significant health crisis. All indications are that the high levels of load-shedding will continue for some time and will have a further negative impact on municipal service delivery.

1.3 The impact of the elevated and sustained load-shedding on water and waste-water services was not known when the 2022 main and adjustment budgets were finalised and have surpassed the ability of municipalities in the Province to mitigate effectively the widespread and severe detrimental impact of load-shedding without assistance from the Province.

1.4 Section 154(1) of the Constitution of the Republic of South Africa, 1996, obliges the Province to support and strengthen the capacity of municipalities to, among other things, perform their functions.

1.5 Given the urgency of the situation, the Provincial Minister responsible for finance in the Province has, in terms of section 25(1) of the Public Finance Management Act, 1999 (Act 1 of 1999), authorised that funds from the Provincial Unforeseen and Unavoidable Reserve Fund be made available to assist municipalities with the unforeseen and immediate impact of prolonged load-shedding on water and wastewater services.

2. CONTENTS OF THE BILL

2.1 **Clause 1:**

Clause 1 incorporates the definitions used in the Western Cape Appropriation Act, 2022 (Act 2 of 2022), into the Bill.

2.2 **Clause 2:**

Clause 2 provides that adjusted appropriations from the Provincial Revenue Fund attributable to votes and main divisions within votes for specific listed purposes are set out in the Schedule to the Bill. The spending of these appropriations is subject to the Public Finance Management Act, 1999.

2.3 **Clause 3:**

Clause 3 provides for the short title of the Bill.

3. CONSULTATION

Department of the Premier: Legal Services
Western Cape Education Department
Department of Local Government
Auditor-General
Provincial Parliament

4. FINANCIAL IMPLICATIONS

4.1 R115,462 million, an unspent portion of the Education Infrastructure Grant, was reallocated to the Western Cape Province following revised allocations by the national Department of Basic Education and will be made available to Vote 5: Education as listed in the Schedule to the Bill.

4.2 R88,815 million will be made available to Vote 14: Local Government as listed in the Schedule to the Bill from funding set aside in the 2022/23 financial year in the Provincial Unforeseen and Unavoidable Reserve Fund. Some of these funds will now be released to the vote for transfer to municipalities for the purchase and installation of back-up energy supplies (which may include generators, renewable power sources, batteries and all ancillary costs associated with the installation) to secure the delivery of water and wastewater services, and which funds were not previously provided for in the 2022/23 provincial budget and could not, without serious prejudice to the public interest in the Province, be postponed to a future appropriation by the Provincial Parliament.

5. LEGISLATIVE COMPETENCE

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

WETSONTWERP

Tot bewilliging van bykomende aangesuiwerde bedrae geld uit die Provinsiale Inkomstefonds ingevolge artikels 25 en 31 van die Wet op Openbare Finansiële Bestuur, 1999; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

AANGESIEN die Nasionale Tesourie bykomende fondse aan die Provinsie toegewys het ten opsigte van die Toekenning vir Onderwysinfrastruktuur;

EN AANGESIEN artikel 31 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 vir die Provinsie 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 vir die behoeftes van die Provinsie moet bewillig;

EN AANGESIEN die Wes-Kaapse Regering die wydverspreide en ernstige nadelige impak van langdurige beurtkrag op munisipale dienste en die ekonomie erken, en sy verantwoordelikheid ingevolge artikel 154(1) van die Grondwet van die Republiek van Suid-Afrika, 1996, om die kapasiteit van munisipaliteite te ondersteun en versterk om hul funksies te verrig;

EN AANGESIEN munisipaliteite hulp benodig met die lewering van basiese dienste soos water- en afvalwaterdienste deur middel van 'n noodreaksie op langdurige beurtkrag;

EN AANGESIEN die Provinsiale Minister verantwoordelik vir finansies in die Provinsie die gebruik van fondse uit die Provinsiale Inkomstefonds gemagtig het ingevolge artikel 25(1) van die Wet op Openbare Finansiële Bestuur, 1999, om uitgawes van 'n buitengewone aard te dek waarvoor daar huidig nie voorsiening gemaak is nie en wat nie, sonder ernstige benadeling van die openbare belang in die Provinsie, tot 'n toekomstige bewilliging deur die provinsiale wetgewer uitgestel kan word nie;

EN AANGESIEN artikel 25(6) van die Wet op Openbare Finansiële Bestuur, 1999, bepaal dat uitgawes aangegaan ingevolge artikel 25(1) van daardie Wet, ingesluit moet word óf by die volgende provinsiale aansuiweringsbegroting vir die finansiële jaar waarin die uitgawes gemagtig word, óf by ander bewilligingswetgewing wat in die provinsiale wetgewer ter tafel gelê moet word binne 120 dae vanaf die Provinsiale Minister verantwoordelik vir finansies in die Provinsie die uitgawe gemagtig het, wat ook al die gouste is.

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, 2022 (Wet 2 van 2022), die betekenis daaraan geheg in daardie Wet.

Bewilliging van aangesuiwerde bedrae geld vir behoeftes van Provinsie

2. (1) Aangesuiwerde bewilligings deur die Provinsiale Parlement van geld uit die Provinsiale Inkomstefonds vir die behoeftes van die Provinsie in die 2022/23- finansiële jaar, en geld toegewys ingevolge artikel 25 van die Wet op Openbare Finansiële Bestuur, vir begrotingsposte en hoofindelings binne begrotingsposte, en vir die spesifieke gelyste doeleindes, word in die Bylae uiteengesit.

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

Kort titel

3. Hierdie Wet heet die Wes-Kaapse Bykomende Aansuiweringsbegrotingswet (2022/23- Finansiële Jaar), 2023.

BYLAE
(As 'n las teen die Provinsiale Inkomstefonds)

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				
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
5	Onderwys	115 452					115 452		
14	Plaaslike Regering	88 815				88 815			
		204 267				**88 815**	**115 452**		

Begrotingspos	Beskrywing van begrotingspos en hoofindelings	Totale	Lopende betalings			Oordragte en subsidies aan	Betalings vir kapitaal-bates	Betalings vir finansiële bates	Bedrae spesifiek en uitsluitlik bewillig
			Vergoeding van werknemers	Goedere en dienste	Ander				
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
5	**Onderwys**	**115 462**					**115 462**		
	Doel: *Die missie van die Departement is om te verseker dat elke kind geleenthede van gehalte het in 'n funksionele en instaatstellende omgewing om kennis, bekwaamhede, vaardighede en waardes te verwerf om in 'n veranderende wêreld te slaag*								
	6 Infrastruktuurontwikkeling	115 462					115 462		
	Om infrastruktuurfasiliteite vir skole en nieskole te voorsien en onderhou.								
	Waarvan								
	Nasionale voorwaardelike toekenning: Toekenning vir Onderwysinfrastruktuur								115 462
	Geoormerkte toekenning: Infrastruktuur								(115 462)

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				
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
14	**Plaaslike Regering**	**88 815**				**88 815**			
	Doel: *Om munisipaliteite te moniteer, koördineer en ondersteun ten einde doeltreffend te wees in hul mandaat om te ontwikkel, en om dienslewering en buigbaarheid met die hantering van rampe te fasiliteer deur verbintenisse met regeringsfere en maatskaplike vennote.*								
	3 Ontwikkeling en Beplanning	88 815				88 815			
	Om effektiewe rampbestuurspraktyke te bevorder en te fasiliteer, toe te sien dat munisipale infrastruktuur goed in stand gehou word, en geïntegreerde beplanning te bevorder.								
	Waarvan								
	Oordragte en subsidies								
	Provinsies en munisipaliteite: Aankoop en installering van rugsteunenergievoorrade					88 815			

MEMORANDUM OOR DIE OOGMERKE VAN DIE WES-KAAPSE BYKOMENDE AANSUIWERINGSBEGROTINGSWETSONTWERP (2022/23- FINANSIËLE JAAR)

1. AGTERGROND

1.1 Nasionale Tesourie het Kennisgewing Nr. 3070 op 21 Februarie 2023 gepubliseer, wat met die Toekenning vir Onderwysinfrastruktuur verband hou. Ingevolge artikel 18 van die ‘‘Division of Revenue Act, 2022’’ (Wet 5 van 2022), het die nasionale Departement van Basiese Onderwys, nadat hersiene toekennings gedoen is, die oordrag van fondse na sekere provinsies gestaak en ingevolge artikel 19 van die ‘‘Division of Revenue Act, 2022’’, ’n bedrag van R115,462 miljoen aan die Wes-Kaap Provinsie (die Provinsie) hertoegewys.

1.2 Verder het die beurtkrag wat regdeur die Provinsie heers ’n wydverspreide en ernstige nadelige uitwerking op munisipale dienste en die ekonomie gehad. Elektrisiteitsonderbrekings het ’n ernstige impak op die voortdurende behandeling van water- en afvalwaterdienste gehad en in sommige gevalle is die watertoevoer heeltemal ontwrig en die watergehalte in gedrang gebring. Versuim om hierdie krisis die hoof te bied, kan tot langdurige mislukkings in watervoorsiening en sanitasie in munisipaliteite lei wat waarskynlik tot ’n beduidende gesondheidskrisis sal lei. Alle aanduidings is dat die hoë vlakke van beurtkrag vir ’n geruime tyd sal voortduur en ’n verdere negatiewe impak op munisipale dienslewering sal hê.

1.3 Die impak van die verhoogde en volgehoue beurtkrag op water- en afvalwaterdienste was nie bekend toe die hoof- en aansuiweringsbegrotings vir 2022 gefinaliseer is nie en oorskry munisipaliteite in die Provinsie se vermoë om doeltreffend sonder hulp van die Provinsie die wydverspreide en ernstige nadelige uitwerking van beurtkrag te verklein.

1.4 Artikel 154(1) van die Grondwet van die Republiek van Suid-Afrika, 1996, verplig die Provinsie om munisipaliteite se kapasiteit te ondersteun en te versterk om onder meer hul funksies te verrig.

1.5 Gegewe die dringendheid van die situasie het die Provinsiale Minister verantwoordelik vir finansies in die Provinsie ingevolge artikel 25(1) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999), gemagtig dat fondse uit die Provinsiale Onvoorsiene en Onvermydelike Reserwefonds beskikbaar gestel word om munisipaliteite met die onvoorsiene en onmiddellike impak van langdurige beurtkrag op water- en afvalwaterdienste by te staan.

2. INHOUD VAN DIE WETSONTWERP

2.1 **Klousule 1:**

Klousule 1 inkorporeer die woordomskrywings wat in die Wes-Kaapse Begrotingswet, 2022 (Wet 2 van 2022), gebruik word in die Wetsontwerp.

2.2 **Klousule 2:**

Klousule 2 bepaal dat aangesuiwerde bewilligings uit die Provinsiale Inkomstefonds toewysbaar aan begrotingsposte en hoofindelings binne begrotingsposte vir spesifiek gelyste doeleindes in die Bylae tot die Wetsontwerp uiteengesit word. Die besteding van hierdie bewilliging is aan die Wet op Openbare Finansiële Bestuur, 1999, onderhewig.

2.3 **Klousule 3:**

Klousule 3 maak voorsiening vir die kort titel van die Wetsontwerp.

3. OORLEGPLEGING

Departement van die Premier: Regsdienste
Wes-Kaapse Onderwysdepartement
Departement van Plaaslike Regering
Ouditeur-generaal
Provinsiale Parlement

4. FINANSIËLE IMPLIKASIES

4.1 R115,462 miljoen, 'n onbestede gedeelte van die Toekenning vir Onderwysinfrastruktuur, is ná hersiening van die toekennings deur die nasionale Departement van Basiese Onderwys aan die Wes-Kaap Provinsie hertoegewys en sal aan Begrotingspos 5: Onderwys beskikbaar gestel word soos in die Bylae tot die Wetsontwerp gelys.

4.2 R88,815 miljoen sal aan Begrotingspos 14: Plaaslike Regering beskikbaar gestel word soos gelys in die Bylae tot die Wetsontwerp uit befondsing wat in die 2022/23- finansiële jaar in die Provinsie se Onvoorsiene en Onvermydelike Reserwefonds opsy gesit is. 'n Gedeelte van hierdie fondse sal nou aan die begrotingspos toegeken word vir oordrag aan munisipaliteite vir die aankoop en installering van rugsteun-energietoevoer (wat kragopwekkers, hernubare kragbronne, batterye en alle bykomende koste verbonde aan die installasie mag insluit) om die lewering van water- en afvalwaterdienste te verseker, waarvoor sodanige fondse nie in die 2022/23- provinsiale begroting voorsiening gemaak is nie en wat nie, sonder ernstige benadeling van die openbare belang in die Provinsie, tot 'n toekomstige bewilliging deur die Provinsiale Parlement uitgestel kan word nie.

5. WETGEWENDE BEVOEGDHEID

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

UMTHETHO OSAYILWAYO

Kukwangezwa kwesixamali esongezelelweyo sohlengahlengiso esisuka kwiNgxowamali yeNgeniso yePhondo ngokwemigaqo yecandelo 25 no31 woMthetho woLawulo lweMali kaRhulumente, ka1999, kwakunye nokubonelela kwimiba enokuthi ivele kule meko.

NOXA nje uNondyebo weSizwe ukhuphe isabelomali esongezelelweyo kwiPhondo kwinkalo yeNkxasomali yeZiseko zoPhuhliso lwezeMfundo;

FUTHI KE NOXA icandelo 31 loMthetho woLawulo lweMali kaRhulumente, ka1999 (uMthetho 1 ka1999), lidiza ukuba uMphathiswa wePhondo ojongene nezemali angalwandlala uhlahlo ulwabiwomali lohlengahlengiso kwiPalamente yePhondo ngokumalunga neemali eziye zabe ziyavuleleka kwiPhondo;

FUTHI KE NOXA icandelo 26 loMthetho woLawulo lweMali kaRhulumente, ka1999, lisazisa iPalamente yePhondo ukuba kufuneka yabe imali kunyakamali ngamnye ngokwezidingo zePhondo;

FUTHI KE NOXA uRhulumente weNtshona Koloni elingqina ifuthe elinwenileyo neliyingozi kakhulu lonkinkishombane isithuba sexesha elide kwiinkonzo zoomasipala nakuqoqosho, futhi ke noxanduva lwakhe ngokwecandelo 154(1) loMgaqosiseko weRiphabliki yoMzantsi Afrika, ka1996, ngenjongo yokuxhasa nokomeleza amandla oomasipala ekwenzeni imisebenzi yabo;

FUTHI KE NOXA oomasipala beludinga uncedo ekuqhubeni nokunikezela ngeenkonzo ezisisiseko ezifana namanzi kunye namanzi amdaka ngokuthi basabele ngokungxamisekileyo kumba wonkinkishombane lwexesha elide;

FUTHI KE NOXA uMphathiswa wePhondo ojongene nezemali kwiPhondo ekugunyazisile ukusetyenziswa kwemali esuka kwiNgxowa mali yeNgeniso yePhondo, ngokukwemigaqo yecandelo 25(1) loMthetho woLawulo lweMali kaRhulumente, ka1999, yokwenziwa kwenkcitho engaqhelekanga nebingamiselwanga, ebingenakuthi, ngaphandle kokuchaphazela ngokudlel' indlala izidingo zoluntu lwePhondo, lurhoxiselwe ulwabiwomali lwexesha elizayo yindlu yowisomthetho yephondo;

FUTHI KE NOXA icandelo 25(6) loMthetho woLawulo lweMali kaRhulumente, ka1999, lidiza ukuba inkcitho eyenziwe ngokwemigaqo yecandelo 25(1) lalo Mthetho, kufuneka ibandakanywe kuhlahlo lolwabiwomali olulandelayo lohlengahlengiso lonyakamali apho inkcitho leyo yayigunyazisiwe, okanye komnye umthetho wolwabiwomali olwathiwa thaca kwindlu yowiso mthetho yephondo kwiintsuku ezili120 emva kokuba uMphathiswa wePhondo ojongene nezemali kwiPhondo wathi wagunyazisa inkcitho leyo, nokuba yeyiphi eqale yafika.

NGOKO KE UYAMISELWA yiPalamente yePhondo leNtshona Koloni, ngokolu hlobo lulandelayo:—

Utoliko

1. Apha kulo Mthetho, ngaphandle kokuba imeko ibonisa meko yimbi, naliphi na ilizwi okanye ingcaciso enika intsingiselo ngoMthetho woLwabiwomali weNtshona Koloni, ka2022, (uMthetho 2 ka2022), inentsingiselo emiselwe kula Mthetho.

Ulwabiwo lwesixamali esihlengahlengisiweyo kusenzelwa izidingo zePhondo

2. (1) Uhlengahlengiso loLwabiwomali olwenziwa yiPalamente yePhondo ngemali esuka kwiNgxowamali yeNgeniso yePhondo ngokwemigaqo yecandelo 25 loMthetho woLawulo lweMali kaRhulumente, kusenzelwa izidingo zePhondo kunyakamali ka2022/23, kwivoti nakolona lwahlulohlulo kwivoti nganye kwanangeenjongo ezithile ezidwelisiweyo, ludweliswe kwiShedyuli.

(2) Inkcitho yesabelo esimiselwe kwicandelwana (1) ingumba ophantsi kwemigaqo yoMthetho woLawulo lweMali kaRhulumente.

Isihloko esifutshane

3. Lo Mthetho ubizwa ngokuba nguMthetho woHlengahlengiso owoNgezelelweyo woLwabiwomali weNtshona Koloni (kuNyakamali ka2022/23), ka2023.

ISHEDYULI

(Njengesicelo sentlawulo kwiNgxowamali yePhondo)

Ivoti	Inkcazelo Ivoti namacandelo aphambili	Zizonke	Iintlawulo ezisetyenzisiweyo zangoku			Utshintshelo lwenkxaso-mali oluya ku	Iintlawulo ze-Asethi eziyiNkunzi	Intlawulo kwiiAsethi eziyiMali	Iimali ezibekelwe ngokukodwa imibandela ethile kuphela
			Imbuyekezo yabaqeshwa	Iimpahla neenkonzo	Ezinye				
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
5	EzeMfundo	115 452					115 452		
14	ISebe loRhulumente woMmandla	88 815				88 815			
		204 267				**88 815**	**115 452**		

Ivoti	Inkcazelo Ivoti namacandelo ephambili	Zizonke	Iintlawulo ezisetyenzisiweyo zangoku			Utshintshelo lwenkxaso-mali oluya ku	Iintlawulo ze-Asethi eziyiNkunzi	Intlawulo kwiiAsethi eziyiMali	Iimali ezibekelwe ngokukodwa imibandela ethile kuphela
			Imbuyekezo yabaqeshwa	Iimpahla neenkonzo	Ezinye				
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
5	**EzeMfundo**	**115 462**					**115 462**		
	Injongo: *Injongo yeSebe kukuqinisekisa ukuba wonke umntwana unamathuba okufunda afanelekileyo kwindawo esebenza kwaye wenza ukuba ulwazi, ubuchule, izakhono kunye neenqobo zokuziphatha ziphumelele kwihlabathi eliguqukayo*								
	6 Uphuculo lweziseko zoPhuhliso	115 462					115 462		
	Ukubonelela nolondolozo lweefasilithi zeziseko zophuhliso zezikolo namaziko angezozikolo.								
	Apho								
	I-Education Infrastructure Grant (EIG)								115 462
	Iimali ezabelwe iinjongo ezithile: Izakhiwo								(115 462)

Ivoti	Inkcazelo Ivoti namacandelo ephambili	Zizonke	Iintlawulo ezisetyenzisiweyo zangoku			Utshintshelo lwenkxaso-mali oluya ku	Iintlawulo ze-Asethi eziyiNkunzi	Intlawulo kwiiAsethi eziyiMali	Iimali ezibekelwe ngokukodwa imibandela ethile kuphela
			Imbuyekezo yabaqeshwa	Iimpahla neenkonzo	Ezinye				
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
14	**ISebe loRhulumente woMmandla**	**88 815**				**88 815**			
	Injongo: *Ukubeka esweni, ukuhlanganisa nokuxhasa ooMasipal ukuze babenefuthe ekuphumezeni umyalelo wesebe, nokuncedisa kunikezelo lweenkonzo kunye neentlekele ezinkulu ngokuncedisana namanqanaba karhulumente kunye namahlakani oluntu.*								
	3 Uphuhliso nocwangciso	88 815				88 815			
	Ukubonelela nokuququzelela ukwenza ulawulo lwentlekele olusebenzayo; ukuqinisekisa iinkonzo ezisisiseko zikamasipala zigcinwa zisemgangathweni kwanokukhuthaza ucwangciso olumanyanisiweyo.								
	Apho								
	Udluliselo nenkxaso								
	OoMasipala naMaphondo								
	ukuthengwa kunye nokufakelwa kwezinto ezixhasayo zamandla					88 815			

IMEMORANDAM ENGEZINTO EZICHAPHAZELA UMTHETHO OSAYILWAYO NOSISONGEZELELO KWEZOLWABIWO LWEMALI KWINTSHONA KOLONI (KUNYAKAMALI KA2022/23)

1. IMVELAPHI

1.1 ISebe leMali leSizwe lipapashe iSaziso esinguNombolo 3070 ngomhla wama21 kweyoMdumba ka2023, esichaphazela iNkxasomali yeZiseko zoPhuhliso lwezeMfundo. Ngokuthotyelwa kwecandelo 18 leDivision of Revene Act, 2022, (uMthetho 5 ka2022), iSebe likaZwelonke leMfundo esiSiseko, kulandela izabelo ezihlengahlengisiweyo, likumisile ukwenziwa kweentlawulo kumaphondo athile ngokwemigaqo yecandelo 19 leDivision of Revene Act, 2022, lisidlulisile isixamali esiliR115,462 lezigidi lasisa kwiPhondo leNtshona Koloni (iPhondo).

1.2 Ngapha koko, unkinkishombane esele luxhaphakile kwiPhondo ngokubanzi sele lube nefuthe elimandla nelibi kwiinkonzo zoomasipala kwanakuqoqosho. Ukuphazamiseka kombane kunefuthe elibi ekuqhubeni neenkonzo zokucocwa kwamanzi kunye namanzi amdaka yaye kwezinye iimeko ukunikezelwa kwamanzi kuthe kwaphazamiseka ngokugqibeleleyo ze nezinga lamanzi laphantsi. Ukusilela ekusombululeni le ntlekele kungakhokelela ekusileleni okunaba ixesha elide kwinkalo yokuhanjiswa kwamanzi kwanakwezogutyulo koomasipala, nto leyo ingakhokelela kwintlekele yempilo emandla. Zonke izalathisi zisikhokelela ekubeni kuseza kuqhuba namazinga aphezulu onkinkishombane isithuba sexesha elide yaye oko kuya kongeza kwifuthe elibi elisele likho kwinkqubo yokuhanjiswa kweenkonzo ngoomasipala.

1.3 Ifuthe lonkinkishombane olwenyusiweyo nolwexesha elide kwiinkonzo zamanzi nezamanzi amdaka lalingekaziwa xa kwakuqosheliswa isabelomali esingundoqo kunye nesabelomali sohlengahlengiso sika2022 yaye lidlulile ke kwisakhono soomasipala beli Phondo sokuqikelela ngendlela eyiyo ngaphandle kokudinga uncedo lwePhondo.

1.4 ICandelo 154(1) loMgaqosiseko weRiphabliki yoMzantsi Afrika, ka1996, linyanzelisa iPhondo ukuba linike inkxaso ze lomeleze isakhono soomasipala ukuze, phakathi kwezinye izinto, bakwazi ukwenza imisebenzi yabo.

1.5 Xa kuqwalaselwa ukungxamiseka kwale meko uMphathiswa wePhondo ojongene nezemali kwiPhondo uthe, ngokwemigaqo yecandelo 25(1) loMthetho woLawulo lweMali kaRhulumente, ka1999 (uMthetho 1 ka1999), wagunyazisa ukuba imali esuka kwiNgxowamali yePhondo yoKongela ebezingaCingelekanga nezingaThintelekiyo, ikhutshelwe ukuncedisa oomasipala ngefuthe ebelingacingelekanga nelibe sisiquphe lonkinkishombane oluthabathe ixesha elide kwiinkonzo zamanzi nezamanzi amdaka.

2. IZIQULATHO ZALO MTHETHO USAYILWAYO

2.1 **ISolotya 1:**

ISolotya 1 liquka iingcaciso ezisetyenziswe kuMthetho ojongene neZabelo kwiNtshona Koloni, ka2022 (uMthetho 2 ka2022), kulo Mthetho usaYilwayo.

2.2 **ISolotya 2:**

ISolotya 2 limisela ukuba isabelo esihlengahlengisiweyo esisuka kwiNgxowamali yeNgeniso yePhondo esisusela kwiivoti kwanakwizabelo ezingundoqo ezisusela kwiivoti ezenzelwe iinjongo ezithile ezidwelisiweyo zidizwe kwiShedyuli yalo Mthetho usaYilwayo. Inkcitho yezi zabelo iphantsi kolawulo loMthetho woLawulo lweMali kaRhulumente, ka1999.

2.3 **ISolotya 3:**

ISolotya 3 limisela isihloko esifutshane salo Mthetho usaYilwayo.

3. NGEZIMVO

kwiSebe leNkulumbuso: kwiCandelo leeNkonzo zoMthetho
kwiSebe leMfundo leNtshona Koloni
kwiSebe looRhulumente bamaKhaya
kuMphicothizincwadi oyiNtloko
kwiNdlu yoWisoMthetho yePhondo

4. KWEZICPHAZELA IMALI

4.1 IR115,462 lezigidi, ingxenye engasetyenziswanga yeNkxasomali yeziSeko zoPhuhliso lwezeMfundo, lathi ladluliselwa kwiSebe leMfundo leNtshona Koloni kulandela uhlengahlengiso lwezabelo liSebe likazwelonke leMfundo esiSiseko yaye iya kukhutshelwa iVoti 5: ezeMfundo njengoko zidwelisiwe kwiShedyuli yalo Mthetho usaYilwayo.

4.2 AmaR88,815 ezigidi aya kuthi akhutshelwe iVoti 14: ezooRhulumente bamaKhaya njengoko edwelisiwe kwiShedyuli yalo Mthetho usaYilwayo esusela kwimali ebekelwe bucala ibekelwa unyakamali ka2022/23 kwiNgxowamali yePhondo yoKongela ebezingaCingelekanga nezingenakuThinteleka. Enye yale mali iya kuthi ke ngoku ikhululelwe kule voti ngenjongo yokuyidlulisela koomasipala ukuze kuthengwe ze kufakelwe izixhobo zokungenelela kumba wamandla ombane (ezingaquka iijenereyitha, izisekelo zamandla ombane avuselelekayo, iibhetri kunye nazo zonke ezinye iindleko zenkxaso ezichaphazela ukufakelwa) ngenjongo yokukhusela inkqubo yokunikezelwa kweenkonzo zamanzi namanzi amdaka ndawonye nezo mali bezingakhange zibekelwe bucala kunyakamali ka2022/23 kwisabelomali sephondo nebesingakho ukuthi, ngaphandle kokuchaphazela kakubi izidingo zoluntu lwePhondo, zinqunyanyiselwe isabelo esilandelayo seNdlu yoWisomthetho yePhondo.

5. IGUNYA LOKWENZA NGOKOMTHETHO

UMPhathiswa wePhondo ojongene nezemali kweli Phondo ukholisekile ukuba imimisleo yalo Mthetho usayilwayo isawela ngaphakathi kwimida yezigunyaziso zeli Phondo.

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