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PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat,
Kaapstad.

ISIBHENGEZO

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,
UMLA WULI-JIKELELE

iSakhiwo sePhondo,
Wale Street,
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The following Provincial Notices is published for for public comment: NB LANGEHOVEN, PROVINCIAL TREASURY, Provincial Building, 3rd Floor, 15 Wale Street, Cape Town. Tel: 021 483 3801. Fax: 021 483 5006.

PROVINCIAL NOTICE

P.N. 168/2012

22 June 2012

DRAFT CAPE TOWN INTERNATIONAL CONVENTION CENTRE COMPANY ACT AMENDMENT BILL, 2012

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

——— Words underlined with a solid line indicate insertions in existing enactments.

DRAFT BILL

To amend the Cape Town International Convention Centre Company Act, 2000, so as to amend and delete certain definitions, and insert new definitions; to amend the objects of the Cape Town International Convention Centre Company; to provide for the appointment of one or more provincial representatives from outside the employ of the provincial government to represent the Province on the Board of Conenco; to align the provisions relating to funding with the Public Finance Management Act, 1999; to provide for the Province to dispose of its interest in Conenco, if so desired; to amend the provisions relating to financial control and reporting; to amend the provisions relating to dividends so as to remove reference to the shareholders by name; to provide for the Minister to enter into agreements; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Province of the Western Cape as follows:-

Amendment of section 1 of Act 8 of 2000

1. Section 1 of the Cape Town International Convention Centre Company Act, 2000 (“the principal Act”), is amended in subsection (1) by –

(a) the substitution for the definition of “accounting officer” of the following definition:

“**accounting officer**’ means the Head of the [Department of Economic Affairs, Agriculture and Tourism] designated Department”;

(b) the deletion of the definition of “Act”;

(c) the substitution for the definition of “Convenco agreement” of the following definition:

“**Convenco agreement**’ means the agreement signed by the provincial government, the Cape Metropolitan Council, the City of Cape Town and Sunwest on 3 December 1999, and includes any amendment, variation or replacement thereof”;

(d) the insertion after the definition of “Convenco agreement” of the following definition:

“**designated Department**’ means the department within the provincial government designated by the provincial Cabinet”;

(e) the deletion of the definition of “Public Finance Management Act”;

(f) the insertion after the definition of “Province” of the following definition:

“**provincial Cabinet**’ means the provincial Cabinet of the Province”;

(g) the deletion of the definition of “responsible Department”;

(h) the substitution for the definition of “responsible Minister” of the following definition:

“**responsible Minister**’ means the member of the provincial Cabinet responsible for [economic affairs] the designated Department; [, and]”;

- (i) the substitution in the Afrikaans text for the definition of “Sentrum” of the following definition:

“**Sentrum**” die Kaapstadse Internasionale Konvensiesentrum wat op die Strandgebied in Kaapstad opgerig gaan word, soos voorsiening gemaak word in die Wes-Kaapse Raad op Dobbelary en Wedrenne se toekenning van ‘n bedryflisensie aan Sunwest[;], en”

- (j) the substitution for the definition of “shareholders agreement” of the following definition:

“**shareholders agreement**’ means the agreement signed on 8 June 1999 by the provincial government, the Cape Metropolitan Council and the City of Cape Town to provide for the establishment of Convenco, and includes [which may include] any amendment [or], variation or replacement thereof[.], and”; and

- (k) the insertion after the definition of “shareholders agreement” of the following definition:

“**this Act**’ means the Cape Town International Convention Centre Company Act.”

Amendment of section 3 of Act 8 of 2000

2. Section 3 of the principal Act is amended by –
- (a) the deletion in subsection (1) of the word “and” at the end of paragraph (f);
- (b) the substitution for paragraph (g) in subsection (1) of the following paragraph:
“(g) to generate income[.] and”;
- (c) the addition of the following paragraph to subsection (1):
“(h) as set out in Convenco’s memorandum of incorporation contemplated in section 15 of the Companies Act, 2008 (Act 71 of 2008).”; and
- (d) the deletion of subsection (3).

Amendment of section 4 of Act 8 of 2000

3. Section 4 of the principal Act is amended by the addition of the following subsections:

“(3) The provincial Cabinet may appoint one or more provincial representatives from outside the employ of the provincial government if he or she or they possess a skill or qualification, or have experience that, in the opinion of the provincial Cabinet, might be of benefit to Convenco.

(4) A provincial representative on the Board of Convenco may be paid such remuneration or allowances as may be determined by the provincial Minister of Finance.

(5) A provincial representative on the Board of Convenco, when acting in that capacity, may not –

(a) determine any matter in which he or she has a personal financial interest;

(b) determine any matter which may improperly benefit the financial position of another person, or

(c) use the position of provincial representative to gain an advantage for the provincial representative, or for any other person other than Convenco.

(6) A provincial representative on the Board of Convenco must exercise the powers and perform the functions of provincial representative –

(a) in good faith and for a proper purpose, and

(b) in the best interests of Convenco.”.

Amendment of section 5 of Act 8 of 2000

4. Section 5 of the principal Act is amended by –
(a) by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:

“(a) as being part of [an] a provincial annual budget passed in terms of an appropriation [act] Act, or

(b) as being part of [an additional] a provincial adjustment budget passed in terms of an appropriation [act] Act.”; and

- (b) the addition of the following subsections:

“(3) The Province may only hold equity in Convenco in so far as Convenco performs the objects as set out in section 3(1).

(4) The Province may dispose of its equity holding in Convenco, as provided for in the shareholders agreement.”.

Substitution of section 6 of Act 8 of 2000

5. The following section is substituted for section 6 of the principal Act –

“Financial control and reporting

6. (1) For the purposes of this Act, the accounting officer is responsible for the financial management of any funds appropriated by the provincial government for the benefit of Convenco and must manage and account for all such funds in accordance with the Public Finance Management Act, 1999 (Act 1 of 1999).

(2) The accounting officer must comply with the applicable accounting provisions as provided for in the Public Finance Management Act, 1999, and must ensure that the annual report of Convenco is tabled in the Provincial Parliament of the Western Cape and submitted to the Auditor-General.”.

Substitution of section 7 of Act 8 of 2000

6. The following section is substituted for section 7 of the principal Act –

“Dividends

7. In the event of any dividends being declared to the shareholders, **[being the Cape Metropolitan Council, the City of Cape Town, the provincial government and Sunwest,]** such dividend accruing to the provincial government shall be deemed to be income and must be paid into the Provincial Revenue Fund.”.

Substitution of section 8 of Act 8 of 2000

7. The following section is substituted for section 8 of the principal Act –

“Agreements

8. The responsible Minister may conclude any agreement to give effect to the provisions of this Act.”.

Short title

8. This Act is called the Cape Town International Convention Centre Company Amendment Act, 2012.

MEMORANDUM ON THE OBJECTS OF THE DRAFT CAPE TOWN INTERNATIONAL CONVENTION CENTRE COMPANY ACT AMENDMENT BILL, 2012

1. OBJECTS OF THE DRAFT BILL

The Draft Cape Town International Convention Centre Company Act Amendment Bill (“the Draft Bill”) amends the Cape Town International Convention Centre Company Act, 2000 (Act 8 of 2000) (“the Act”). The objects of the Draft Bill are to amend the Act in response to the expansion of the Cape Town International Convention Centre (“the Centre”), to elaborate on the Province’s representation on the Board of the Cape Town International Convention Centre Company (“Convenco”), and to improve the technical correctness of the Act.

2. BACKGROUND

The Act was passed in 2000 and provided for the Province’s shareholding in Convenco, for the funding provided to Convenco by the Province, and for matters incidental thereto. In 2011 the Western Cape Government approved and supported the expansion of the Centre. This necessitates amending the Act so as to facilitate the expansion of the Centre. The representation of the Province on the Board of Convenco as well as the contribution of the Province to Convenco is also provided for in the Draft Bill. Furthermore, technical amendments are included to improve the Act.

3. CONTENTS OF THE DRAFT BILL

Clause 1

This clause provides for various insertions, deletions and amendments to the definition section of the Act so as to align the Act with the proposed amendments and to improve the technical correctness of the Act.

Clause 2

This clause amends the objects of Convenco so as to provide for the current and future business operations of Convenco by linking the objects to Convenco's memorandum of incorporation.

Clause 3

This clause provides for the appointment of one or more suitable persons from outside the employ of the provincial government as provincial representatives on the Board of Convenco, and for the remuneration of these persons.

Clause 4

This clause provides for:

- (a) the alignment of the Act with the Public Finance Management Act, 1999 (Act 1 of 1999); and
- (b) the Province to dispose of its equity holding in Convenco, if so desired.

Clause 5

This clause provides for the financial control and reporting provisions of the Act to be placed in one section.

Clause 6

This clause provides for the reference to the shareholders by name to be deleted from the Act.

Clause 7

This clause empowers the responsible Minister to conclude any agreement to give effect to the provisions of the Act.

Clause 8

This clause deals with the short title of the amendment Act.

4. CONSULTATION

In the compilation of this Draft Bill, the following role players were consulted:

- (a) Department of the Premier: Legal Services;
- (b) Department of Economic Development and Tourism;
- (c) Provincial Treasury;
- (d) Cape Town International Convention Centre (Proprietary) Limited; and
- (e) the City of Cape Town.

5. PERSONNEL IMPLICATIONS

None

6. FINANCIAL IMPLICATIONS

None

7. LEGISLATIVE COMPETENCE

The Provincial Minister responsible for finance, economic development and tourism in the Western Cape is satisfied that all the provisions in the Draft Bill fall within the Province's legislative competence.

Die volgende Provinsiale Kennisgewing word vir publieke kommentaar gepubliseer: NB LANGEHOVEN, PROVINSIALE TESOURIE, Provinsiale-gebou, 3de Vloer, Waalstraat 15, Kaapstad. Tel: 021 483 3801. Faks: 021 483 5006.

PROVINSIALE KENNISGEWING

P.K. 168/2012

22 Junie 2012

**KONSEPWETSONTWERP OP DIE KAAPSTADSE INTERNASIONALE
KONVENSIESENTRUM-MAATSKAPPY, 2012**

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hakkies dui skappings uit
bestaande verordenings aan.

——— Woorde met 'n volstreep daaronder dui invoegings in bestaande
verordenings aan.

KONSEPWETSONTWERP

Om die Wet op die Kaapstadse Internasionale Konvensiesentrum-Maatskappy, 2000, te wysig, om sodoende sekere woordomskrywings te wysig en te skrap, en nuwe woordomskrywings in te voeg; om die oogmerke van die Kaapstadse Internasionale Konvensiesentrum-Maatskappy te wysig; om voorsiening te maak vir die aanstelling van een of meer provinsiale verteenwoordigers van buite die diens van die provinsiale regering om die Provinsie in die Raad van Conenco te verteenwoordig; om die bepalings rakende befondsing met die Wet op Openbare Finansiële Bestuur, 1999, in ooreenstemming te bring; om voorsiening te maak vir die Provinsie om afstand te doen van sy belange in Conenco, indien wenslik; om die bepalings rakende finansiële beheer en verslagdoening te wysig; om die bepalings rakende dividende te wysig om verwysing na die aandeelhouers per naam te verwyder; om voorsiening te maak vir die Minister om sekere ooreenkomste aan te gaan; en om voorsiening te maak vir sake wat daarmee gepaard gaan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie Wes-Kaap soos volg:–

Wysiging van artikel 1 van Wet 8 van 2000

1. Artikel 1 van die Wet op die Kaapstadse Internasionale Konvensiesentrum-Maatskappy, 2000 (“die Hoofwet”), word gewysig deur in subartikel (1)–
 - (a) die omskrywing van “aandehouersooreenkoms” deur die volgende omskrywing te vervang:

“**aandehouersooreenkoms**’ die ooreenkoms onderteken op 8 Junie 1999 deur die provinsiale regering, die Kaapse Metropolitaanse Raad en die Stad Kaapstad om voorsiening te maak vir die totstandkoming van Convenco, **[wat]** met inbegrip van enige wysiging, **[of]** verandering of vervanging daarvan [mag insluit]”;
 - (b) die invoeging na die omskrywing van “aandehouersooreenkoms” van die volgende omskrywing:

“**aangewese Departement**’ die departement binne die provinsiale regering wat deur die provinsiale Kabinet aangewys is;”;
 - (c) die omskrywing van “Convenco-ooreenkoms” deur die volgende omskrywing te vervang:

“**Convenco-ooreenkoms**’ die ooreenkoms onderteken deur die provinsiale regering, die Kaapse Metropolitaanse Raad, die Stad Kaapstad en Sunwest op 3 Desember 1999, met inbegrip van enige wysiging, verandering of vervanging daarvan;”;
 - (d) die invoeging na die omskrywing van “Convenco-ooreenkoms” van die volgende omskrywing:

“**hierdie Wet**’ die Wet op die Kaapstadse Internasionale Konvensiesentrum-Maatskappy;”;
 - (e) die invoeging na die omskrywing van “hierdie Wet” van die volgende omskrywing:

“**provinsiale Kabinet**’ die provinsiale Kabinet van die Provinsie;”;

- (f) die omskrywing van “rekenpligtige beampte” deur die volgende omskrywing te vervang:
- “**rekenpligtige beampte**’ die Hoof van die [**Departement van Ekonomiese Sake, Landbou en Toerisme**] aangewese Departement”;
- (g) die omskrywing van “Sentrum” deur die volgende omskrywing te vervang:
- “**Sentrum**’ die Kaapstadse Internasionale Konvensiesentrum wat op die Strandgebied in Kaapstad opgerig gaan word, soos voorsiening gemaak word in die Wes-Kaapse Raad op Dobbelary en Wedrenne se toekenning van ‘n bedryflisensie aan Sunwest[;], en”
- (h) die skraping van die omskrywing van “verantwoordelike Departement”;
- (i) deur die omskrywing van “verantwoordelike Minister” deur die volgende omskrywing te vervang:
- “**verantwoordelike Minister**’ die lid van die provinsiale Kabinet wat vir [**ekonomiese sake**] die aangewese Departement verantwoordelik is.”;
- (j) die skraping van die omskrywing van “Wet”; en
- (k) die skraping van die omskrywing van “Wet op Openbare Finansiële Bestuur”.

Wysiging van artikel 3 van Wet 8 van 2000

2. Artikel 3 van die Hoofwet word gewysig deur –
- (a) in subartikel (1) die woord “en” aan die einde van paragraaf (f) te skrap;
- (b) paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:
- “(g) om inkomste te genereer[.] en”;
- (c) die volgende paragraaf by subartikel (1) te voeg:
- “(h) soos uiteengesit in Convenco se akte van oprigting beoog in artikel 15 van die Maatskappywet, 2008 (Wet 71 van 2008).”; en
- (d) die skraping van subartikel (3).

Wysiging van artikel 4 van Wet 8 van 2000

3. Artikel 4 van die Hoofwet word gewysig deur die volgende subartikels by te voeg:
- “(3) Die provinsiale Kabinet kan een of meer provinsiale verteenwoordigers van buite die diens van die provinsiale regering aanstel indien hy of sy of hulle ‘n

vaardigheid of kwalifikasie besit, of ondervinding het, wat volgens die mening van die provinsiale Kabinet, tot voordeel van Convenco kan wees.

(4) 'n Provinsiale verteenwoordiger in die Raad van Convenco kan die vergoeding of toelaes betaal word soos bepaal deur die provinsiale Minister van Finansies.

(5) 'n Provinsiale verteenwoordiger in die Raad van Convenco, wanneer hy of sy in daardie hoedanigheid optree, mag nie –

(a) enige saak beslis waarin hy of sy 'n persoonlike finansiële belang het nie;

(b) enige saak beslis wat die finansiële posisie van 'n ander persoon onbehoorlik sou kon bevoordeel nie, of

(c) die posisie van provinsiale verteenwoordiger gebruik om 'n voordeel vir die provinsiale verteenwoordiger, of vir enige ander persoon behalwe Convenco, te verkry nie.

(6) 'n Provinsiale verteenwoordiger in die Raad van Convenco moet die bevoegdhede en funksies van provinsiale verteenwoordiger uitoefen en verrig –

(a) te goeder trou en vir 'n behoorlike doel, en

(b) in die belang van Convenco.”

Wysiging van artikel 5 van 8 van 2000

4. Artikel 5 van die Hoofwet word gewysig deur –

(a) paragrawe (a) en (b) van subartikel (1) deur die volgende paragrawe te vervang:

“(a) as deel van 'n provinsiale jaarlikse begroting wat ingevolge 'n begrotingswet goedgekeur is, of

(b) as deel van 'n provinsiale aanvullende begroting wat ingevolge 'n begrotingswet goedgekeur is.”; en

(b) die volgende subartikels by te voeg:

“(3) Die Provinsie mag aandele in Convenco besit slegs in soverre Convenco die oogmerke soos uiteengesit in artikel 3(1) navolg.

(4) Die Provinsie kan afstand doen van sy aandelebesit in Convenco, soos bepaal in die aandeelhouersooreenkoms.”

Vervanging van artikel 6 van Wet 8 van 2000

5. Artikel 6 van die Hoofwet word deur die volgende artikel vervang:

“Finansiële beheer en verslagdoening

6. (1) Vir die toepassing van hierdie Wet, is die rekenpligtige beampte verantwoordelik vir die finansiële bestuur van enige fondse wat deur die provinsiale regering tot voordeel van Conenco bewillig is en moet die rekenpligtige beampte al daardie fondse bestuur en daarvoor verantwoord ooreenkomstig die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999).

(2) Die rekenpligtige beampte moet aan die toepaslike rekenpligtige bepalings voldoen soos vervat in die Wet op Openbare Finansiële Bestuur, 1999, en moet verseker dat die jaarverslag van Conenco in die provinsiale Parlement ter tafel gelê word en aan die ouditeur-generaal voorgelê word.”.

Vervanging van artikel 7 van Wet 8 van 2000

6. Artikel 7 van die Hoofwet word deur die volgende artikel vervang:

“Dividende

7. Indien enige dividende aan die aandeelhouders verklaar word, **[te wete die Kaapse Metropolitaanse Raad, die Stad Kaapstad, die provinsiale regering en Sunwest, welke]** moet sodanige dividende wat die provinsiale regering toeval, **[sal]** geag word inkomste te wees en moet in die Provinsiale Inkomstefonds inbetaal word.”.

Vervanging van artikel 8 van Wet 8 van 2000

7. Artikel 8 van die Hoofwet word deur die volgende artikel vervang:

“Ooreenkomste

8. Die verantwoordelike Minister kan enige ooreenkoms aangaan om aan die bepalings van hierdie Wet uitvoering te gee.”.

Kort titel

9. Hierdie Wet heet die Wysigingswet op die Kaapstadse Internasionale Konvensiesentrum-Maatskappy, 2012.

MEMORANDUM OOR DIE OOGMERKE VAN DIE KONSEPWYSIGINGSWETSONTWERP OP DIE KAAPSTADSE INTERNASIONALE KONVENSIESENTRUM-MAATSKAPPY, 2012

1. OOGMERKE VAN DIE KONSEPWETSONTWERP

Die Konsepwysigingswetsontwerp op die Kaapstadse Internasionale Konvensiesentrum-Maatskappy (“die Konsepwetsontwerp”) wysig die Wet op die Kaapstadse Internasionale Konvensiesentrum-Maatskappy, 2000 (Wet 8 van 2000) (“die Wet”). Die oogmerke van die Konsepwetsontwerp is om die Wet te wysig na aanleiding van die uitbreiding van die Kaapstadse Internasionale Konvensiesentrum (“die Sentrum”), om die Provinsie se verteenwoordiging in die Raad van die Kaapstadse Internasionale Konvensiesentrum-Maatskappy (“Convenco”) uit te brei en om die tegniese korrektheid van die Wet te verbeter.

2. AGTERGROND

Die Wet is in 2000 aangeneem en het voorsiening gemaak vir die Provinsie se aandeelhouding in Convenco, vir die verskaffing van befondsing aan Convenco deur die Provinsie en vir aangeleenthede wat daarmee in verband staan. In 2011 het die Wes-Kaapse Regering die uitbreiding van die Sentrum goedgekeur en gesteun. Dit bring mee dat die Wet gewysig moet word om die uitbreiding van die Sentrum te fasiliteer. Die Konsepwetsontwerp maak ook voorsiening vir verteenwoordiging van die Provinsie in die Raad van Convenco asook vir die bydrae van die Provinsie aan Convenco. Voorts word tegniese wysigings aangebring om die Wet te verbeter.

3. INHOUD VAN DIE KONSEPWETSONTWERP

Klousule 1

Hierdie klousule maak voorsiening vir verskeie invoegings, skrappings en wysigings aan die artikel van die Wet wat die woordskrywings bevat ten einde die Wet met die voorgestelde wysigings in ooreenstemming te bring en om die tegniese korrektheid van die Wet te verbeter.

Klousule 2

Hierdie klousule wysig die oogmerke van Conenco ten einde voorsiening te maak vir die huidige en toekomstige sakebedrywighede van Conenco deur die oogmerke by Conenco se akte van oprigting te laat aansluit.

Klousule 3

Hierdie klousule maak voorsiening vir die aanstelling van een of meer geskikte persone van buite die diens van die provinsiale regering as provinsiale verteenwoordigers in die Raad van Conenco, en vir die besoldiging van hierdie persone.

Klousule 4

Hierdie klousule maak voorsiening vir:

- (a) die belyning van die Wet met die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999); en
- (b) die afstanddoening deur die Provinsie van sy aandeelhouerskap in Conenco, indien dit wenslik geag word.

Klousule 5

Hierdie klousule maak daarvoor voorsiening dat die bepalings oor finansiële beheer en verslagdoening van die Wet in een artikel geplaas word.

Klousule 6

Hierdie klousule bepaal dat die verwysing na die aandeelhouers by naam uit die Wet geskrap word.

Klousule 7

Hierdie klousule bemagtig die verantwoordelike Minister om enige ooreenkoms aan te gaan ten einde uitvoering te gee aan die bepalings van die Wet.

Klousule 8

Hierdie klousule handel oor die kort titel van die Wysigingswet.

4. OORLEGPLEGING

By die opstel van hierdie Konsepwetsontwerp is die volgende rolspelers geraadpleeg:

- (a) Departement van die Premier: Regsdienste;
- (b) Departement van Ekonomiese Ontwikkeling en Toerisme;
- (c) Provinsiale Tesourie;
- (d) die Kaapstadse Internasionale Konvensiesentrum-Maatskappy (Eiendoms) Beperk; en
- (e) die Stad Kaapstad.

5. PERSONNEELIMPLIKASIES

Geen

6. FINANSIËLE IMPLIKASIES

Geen

7. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister verantwoordelik vir finansies, ekonomiese ontwikkeling en toerisme in die Wes-Kaap is oortuig dat al die bepalings van die Konsepwetsontwerp binne die Provinsie se wetgewende bevoegdheid val.

Esi saziso sePhondo sipapashelwe ukunika uwonkewonke ithuba lokuhlomla: NB LANGEHOVEN, NONDYEBO WEPHONDO, iSakhiwo sePhondo, umGangatho we-3, 15 Wale Street, eKapa. iFoni: 021 483 3801. iFeksi: 021 483 5006.

ISAZISO SEPHONDO

P.N. 168/2012

22 Juni 2012

UQULUNQO LOMTHETHO OSAYILWAYO WEZIKO LEENKOMFA ZAMAZWE LASEKAPA OLUNGISIWEYO, 2012

INKCAZELO NGOKUPHANGALELEYO

- [] Amagama abhalwe ngqindilili kwizibiyeli ezimbhoxo abonisa okushiywayo kuxwebhu olumiyo
- Amagama akrwelelwe umgca odibeneyo abonisa okufakelweyo kuxwebhu olumiyo

UQULUNQO LOMTHETHO OSAYILWAYO

Ukwenza izilungiso kuMthetho weZiko leeNkomfa zaMazwe laseKapa, 2000, ukuze kulungiswe yaye kususwe iinkcazelo ezithile kufakwe ezintsha; ukulungisa iinjongo ze-Cape Town International Convention Centre Company; ukubonelela ngokuqeshwa kummeli okanye abameli abangaqeshwanga ngurhulumente wephondo ukuze bamele iPhondo kwiBhodi yeConvenco; ukulungelelanisa imiqathango emalunga nenkxaso-mali ukuze ihambelane nomthetho iPublic Finance Management Act, 1999; ukwenza izibonelelo eziza kubangela ukuba iPhondo likwazi ukungabi yinxalenye yeConvenco, xa lifuna ukuyeka; ukulungisa imiqathango emalunga nolawulo lwezimali nokunika ingxelo; ukulungisa imiqathango emalunga nezahlulo kwimali eyinzuzo ukuze kuyeke ukubizwa kwabanini-zabelo ngamagama abo; ukulungiselela ukuba uMphathiswa akwazi ukwenza izivumelwano; kunye nokulungiselela imicimbi ehambelana nale miba ikhankanyiweyo.

KUWISWA UMTHETHO yiPalamente yePhondo leNtshona Koloni ngolu hlobo lulandelayo:–

Ukulungiswa kweCandelo 1 loMthetho 8 ka-2000

1. ICandelo 1 loMthetho weNkampani yeZiko leeNkomfa zaMazwe, 2000 (“uMthetho oyintloko”), lenziwa izilungiso kwicandelwana (1) ngokuthi–
 - (a) endaweni yenkcazelo “yegosa eliphendulayo” kufakwe le nkcazelo ilandelayo:

“**igosa eliphendulayo**’ lithetha iNtloko [**yeSebe leMicimbi yoQoqosho, uLimo noKhenketho**] yeSebe ekubhekiswa kulo;”;
 - (b) ukususwa kwenkcazelo yo“Mthetho”;
 - (c) endaweni yenkcazelo “yesivumelwano seConvenco” kufakwa le nkcazelo ilandelayo:

“**iSivumelwano seConvenco** sithetha isivumelwano esatyikitywa ngurhulumente wephondo, iKhansile yeSithili seKapa, iSixeko seKapa neSunwest ngomhla we-3 Disemba 1999, yaye sibandakanya naziphi na izilungiso, utshintsho okanye ufakelo kuso;”;
 - (d) ukufakela emva kwenkcazelo “yesivumelwano seConvenco” le nkcazelo ilandelayo:

“**iSebe elityunjiweyo**’ libhekisa kwisebe elikurhulumente wephondo elityunjelwe umsebenzi othile yiKhabhinethi yePhondo;”;
 - (e) ukususwa kwenkcazelo “yoMthetho woLawulo lweMali kaRhulumente;”;
 - (f) ukufakela emva kwenkcazelo “yePhondo” le nkcazelo ilandelayo:

“**iKhabhinethi yephondo**’ ithetha kwiKhabhinethi yePhondo;”;
 - (g) ukususwa kwenkcazelo “yeSebe elinoxanduva”;
 - (h) endaweni yenkcazelo “yoMphathiswa onoxanduva” kufakwa le nkcazelo ilandelayo:

“**uMphathiswa owongameleyo**’ uthetha ilungu leKhabhinethi yephondo elinoxanduva [**Iwemicimbi yezoqoqosho**] kwiSebe elityunjelwe oko;[, kananjalo;”;

- (i) endaweni yenkcazelo “yesivumelwano sabanini-zabelo” kufakwa le nkcazelo ilandelayo:

“**isivumelwano sabanini-zabelo**’ sithetha isivumelwano esatyikitywa ngomhla we-8 Juni 1999 ngurhulumente wephondo, iKhansile yeSithili seKapa, neSixeko seKapa ngenjongo yokusekwa kweConvenco, yaye sibandakanya [esinokuthi sibandakanye] nasiphi na isilungiso **[okanye]**, utshintsho okanye ufakelo endaweni yenkcazelo yaso[.];kunye”; kwakunye

- (j) nofakelo emva kwenkcazelo “yesivumelwano sabanini-zabelo” le nkcazelo ilandelayo:

“**lo Mthetho**’ uthetha uMthetho weZiko leeNkomfa zaMazwe laseKapa.”

Ukulungiswa kweCandelo 3 loMthetho 8 ka-2000

2. Icandelo 3 loMthetho oyintloko liyalungiswa ngokuthi–
- (a) kususwe kwiCandelwana (1) igama elithi “kunye” elisekupheleni komhlathi (f);
- (b) kufakwe endaweni yomhlathi (g) kwiCandelwana (1) lo mhlathi ulandelayo:
“(g) ukungenisa imali[.] ; kunye”;
- (c) nokongeza lo mhlathi ulandelayo kwicandelwana (1):
“(h) njengoko kuchaziwe kwimemorandam yobandakanyo yeConvenco njengoko kucacisiwe kwiCandelo 15 lomthetho iCompanies Act, 2008 (Umthetho 71 ka-2008).”; kunye
- (d) nokususwa kweCandelwana (3).

Ukulungiswa kweCandelo 4 loMthetho 8 ka-2000

3. Icandelo 4 loMthetho oyintloko liyalungiswa ngokuthi kongezwe la macandelwana alandelayo:
“(3) Ikhabinethi yePhondo inokutyumba ummeli okanye abameli abangaqeshwanga ngurhulumente wephondo ukuba ngaba, ngokweKhabhinethi yephondo, banezakhono okanye izifundo okanye amava anokuba lulutho kwiConvenco.
- (4) Ilungu elimele iphondo kwiBhodi yeConvenco lingahlawulwa umvuzo okanye izibonelelo ezigqitywe nezibekwe nguMphathiswa weMali wephondo.

(5) Ilungu elimele iphondo kwiBhodi yeConvenco, xa lisebenza umsebenzi webhodi, alinako–

(a) ukuthatha isiggibo kumba wemali elichaphazelekayo kuwo;

(b) ukuthatha isiggibo kuwo nawuphi na umba onokwenzela omnye umntu inzuzo yemali ngendlela engafanelekanga; okanye

(c) ukusebenzisa isikhundla sobulungu bephondo ukufumana inzuzo yokuba lilungu elimele iphondo okanye lenzele omnye umntu inzuzo ngaphandle kweConvenco.

(6) Ilungu elimele iphondo kwiBhodi yeConvenco kufuneka lisebenzise amagunya yaye lenze imisebenzi yomntu omele iphondo–

(a) ngokunyaniseka yaye lenze imisebenzi ngokwenjongo ebekiweyo; yaye

(b) lisebenzele inzuzo yeConvenco.”.

Ukulungiswa kweCandelo 5 loMthetho 8 ka-2000

4. Icandelo 5 loMthetho oyintloko liyalungiswa ngokuthi–

(a) kufakwe endaweni yemihlathana(a)no-(b) iCandelwana (1) lale mihlathi ilandelayo:

“(a) njengenxenye yohlahlo-mali lonyaka lwephondo oluthe lwamkelwa ngokwemiqathango [yomthetho] yoMthetho wolwabiwo-mali ofanelekileyo, okanye

(b) njengenxenye yohlahlo-mali [olongezelelweyo] lwephondo oluthe lwamkelwa ngokwemiqathango [yomthetho] yoMthetho ofanelekileyo.; kunye

(b) nokongezwa kwala macandelwana alandelayo:

“(3) Iphondo linganesabelo senzuzo kwiConvenco xa iConvenco ikwazi ukuphumeza iinjongo ezichazwe kwiCandelo 3(1).

(4) Iphondo linganikezela ngezabelo zenzuzo kwiConvenco, lilandela imiqathango ekwisivumewanao sabanini-zabelo.”.

Ukufakela endaweni yeCandelo 6 loMthetho 8 ka-2000

5. Eli candelo lilandelayo lifakelwa endaweni yeCandelo 6 loMthetho oyintloko–

“Ulawulo lwemali nokunikwa kwengxelo

6. (1) Ngokwakulo Mthetho igosa eliphendulayo linoxanduva lolawulo lwazo naziphi na iimali ezithe zabelwa iConvenco ngurhulumente wephondo, kwaye

kufuneka lilawule zonke ezo mali, linike inkcazelo ngazo zonke ngokwemiqathango yoMthetho woLawulo lweMali kaRhulumente, 1999 (uMthetho 1 ka-1999).

(2) Igosa lobalo-mali kufuneka lithobeke yonke imiqathango yokubalwa kweemali njengoko kuchaziwe kuMthetho woLawulo lweMali kaRhulumente, 1999 yaye kufuneka liqinisekise ukuba ingxelo yonyaka yeConvenco iyandlalwa kwiPalamente yePhondo leNtshona Koloni ze ingeniswe nakuMphicothi-zincwadi Jikelele.”.

Ukufakela endaweni yeCandelo 7 loMthetho 8 ka-2000

6. Eli candelo lilandelayo lifakwa endaweni yeCandelo 7 loMthetho olungiswayo –

“Izahlulelo

7. Xa kuthe kwakho naziphi na izahlulelo ezithe zaziswa kubanini-zabelo, **[abangaba, iKhansile yeSithili seKapa, iSixeko seKapa, urhulumente wephondo neSunwest,]** ezo zahlulelo zilunge kurhulumente wephondo ziya kuthi zithathwe njengemali eyingenelo, kwaye ke kufuneka ziye kufakwa kwiNgxowa Mali yePhondo, iProvincial Revenue Fund.”.

Ukufakela endaweni yeCandelo 8 loMthetho 8 ka-2000

7. Eli candelo lilandelayo lifakwa endaweni yeCandelo 8 loMthetho oyintloko–

“Izivumelwano

8. UMphathiswa onoxanduva lesebe angenza nasiphi na isivumelwano ukuze aphumeze izibonelelo nemiqathango yalo Mthetho.”.

Isihlokwana esifutshane nomhla wokuqalisa

8. Lo Mthetho ubizwa ngokuba nguMthetho weZiko leeNkomfa Zamazwe laseKapa oLungisiweyo, 2012.

IMEMORANDAM YEENJONGO ZOMTHETHO OSAYILWAYO OWENZA IZILUNGISO KUMTHETHO WENKAMPANI YEZIKO LEENKOMFA ZAMAZWE LASEKAPA, 2012

1. IINJONGO ZOMTHETHO OSAYILWAYO OQULUNQWAYO

UMthetho oSayilwayo owenza izilungiso kuMthetho weNkampani yeZiko leeNkomfa zaMazwe laseKapa (“uMthetho oSayilwayo oQulunqwayo”) wenza izilungiso kuMthetho weNkampani yeZiko leeNkomfa zaMazwe laseKapa, 2000 (UMthetho 8 ka-2000) (“UMthetho”). Iinjongo zalo Mthetho uSayilwayo oqulunqwayo kukulungisa uMthetho okhoyo nanjengokuba kuza kwandiswa iziko leeNkomfa zaMazwe laseKapa (“i-CTICC”), kwanokucacisa malunga nomelo lwePhondo kwiBhodi yeConvenco, kunye nokuphucula ukubhalwa ngendlela eyiyo kwalo Mthetho.

2. IMVELAPHI

UMthetho waphunyezwa ngo-2000 yaye wawuchaza malunga nezabelo zePhondo kwiNkampani yeZiko leeNkomfa zaMazwe laseKapa (“Convenco”), uchaza nangenkxaso-mali ebonelelwe ngayo iConvenco liPhondo kwakunye nemicimbi ehambelana nale miba. Ngo-2011 uRhulumente weNtshona Koloni wamkela waze waxhasa ukwandiswa kweCTICC. Oku kunyanzelisa ukuba kwenziwe izilungiso kulo Mthetho ukuze kubonelelwe ngokwandiswa kweCTICC. Umelo lwePhondo kwiBhodi yeConvenco kunye negalelo okanye inkxaso yePhondo kwiConvenco ibonelelwe kuMthetho oSayilwayo. Ngaphezu koko, kukho izilungiso zemiba ethile ephucula ubuqu boMthetho.

3. IZIQULATHO ZOMTHETHO OSAYILWAYO OQULUNQWAYO

Isolotya 1

Eli solotya libonelela ngezinto ezifakelweyo, ezisusiweyo nezilungisiweyo kwela candelo leenkcazelo-magama phaya kuMthetho ukuze zihambelane noMthetho kunye nezilungiso eziphakanyisiweyo kunye nokuphucula ukubhalwa ngendlela eyiyo kwalo Mthetho.

Isoloty 2

Eli soloty lilungisa iinjongo zeConvenco ukuze zilungiselele ushishino lwangoku nolwexesha elizayo lweConvenco ngokuthi zidibanise iinjongo zememorandam yohlunganiso yeConvenco.

Isoloty 3

Eli soloty libonelela ngokuqeshwa komntu okanye abantu abafanelekileyo abangaqeshwanga ngurhulumente wephondo ukuze bamele iPhondo kwiBhodi yeConvenco kunye nokuhlalulwa kwaba bantu.

Isoloty 4

Eli soloty libonelela:

- (a) ngokulungelelanisa imiqathango emalunga nenkxaso-mali ukuze ihambelane nomthetho iPublic Finance Management Act, 1999 (UMthetho 1 ka-1999); kunye
- (b) nokuba iPhondo likwazi ukungabi yinxalenye yeConvenco, xa lifuna ukuyeka.

Isoloty 5

Eli soloty libonelela ngolawulo lwezimali kunye nendlela yokunika ingxelo ngokoMthetho lo ukuze yonke loo miba ibe kwicandelo elinye.

Isoloty 6

Eli soloty lijonga umba wokubhekisa okanye ukubiza abanini-zabelo ngamagama ukuze elo soloty lisuswe kuMthetho.

Isoloty 7

Eli soloty lixhobisa uMphathiswa ojongene nemiba yeziko eli ukuba akwazi ukwenza izivumelwano ezinefuthe kwizibonelelo zalo Mthetho.

Isolotya 8

Eli solotya lijongana nesihloko esifutshane soMthetho weZilungiso.

4. UTHETHWANO

Xa bekuqulunqwa lo Mthetho usaYilwayo, kuye kwathethwana naba bathathi-nxaxheba balandelayo:

- (a) ISebe leNkulumbuso: liNkonzo zoMthetho;
- (b) ISebe loPhuhliso loQoqoqsho noKhenketho;
- (c) ISebe likaNondyebo wePhondo;
- (d) INkampani yeZiko leeNkomfa zaMazwe laseKapa (Proprietary) Limited; kunye
- (e) NeSixeko seKapa.

5. IFUTHE KUBASEBENZI

Alikho

6. IFUTHE KWEZEZIMALI

Alikho

7. UTHOTYELO LWEMITHETHO

UMphathiswa wePhondo ojongene nezimali kunye nophuhliso loqoqosho kunye nokhenketho eNtshona Koloni wanelisekile ukuba zonke izibonelelo zoMthetho oSayilwayo oQulunqwayo zilandela imiqathango yemithetho yephondo.

