



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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INHOUD

IZIQULATHO

PROVINCIAL NOTICE

PROVINSIALE KENNISGEWING

ISIBHENGEZO SEPHONDO

The following draft Bill is hereby published for general information:

Die volgende Konsepwetsontwerp word hiermee vir algemene inligting gepubliseer:

Kupapashwa lo Mthetho uSayilwayo ngeenjongo zokuzisa ulwazi:

Draft Western Cape Membership of the Economic Development Partnership Bill, 2013

Konsepwetsontwerp op die Wes-Kaapse Lidmaatskap van die Ekonomiese Ontwikkelingsvennootskap, 2013

IsiQulunqo soMthetho oYilwayo wobuLungu kwiQoqo leNtsebenziswano kuPhuhliso loQoqo-sho weNtshona Koloni, 2013

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Any person or organisation wishing to comment on the draft Bill is requested to submit the comment in writing before or on 18 March 2013:

Enige persoon of organisasie wat kommentaar oor die genoemde Konsepwetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 18 Maart 2013:

Nabani na onomdla wokwenza iziphakamiso ngalo Mthetho uSayilwayo uyacelwa ukuba enze njalo ngokubhaliweyo ungadlulanga umhla we-18 Matshi 2013:

(a) by posting it to:
Mr Bongikhaya Dayimani
Department of Economic Development and Tourism
Directorate: Economic Planning
PO Box 979
Cape Town
8000

(a) deur dit te pos aan:
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Departement van Ekonomiese Ontwikkeling en Toerisme
Direktoraat: Ekonomiese Beplanning
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Mnu Bongikhaya Dayimani
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Directorate: Economic Planning
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(c) ngefeksi ku:
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Ifeksi: (021) 483-5122

Copies of the draft Bill are available on the following website:
<http://www.westerncape.gov.za>

Afskrifte van die Konsepwetsontwerp is beskikbaar op die volgende webtuiste:
<http://www.westerncape.gov.za>

Ikopi yalo Mthetho uSayilwayo iyafumaneka kule webhusayithi: <http://www.westerncape.gov.za>

For enquiries contact: Mr Bongikhaya Dayimani at tel. (021) 483-9248.

Vir navrae kontak: Mnr Bongikhaya Dayimani by tel. (021) 483-9248.

Ngemibuzo tsalela uMnu Bongikhaya Dayimani kule nombolo (021) 483-9248.

DRAFT BILL

To provide for the Provincial Government’s membership in the Western Cape Economic Development Partnership Non-Profit Company; to regulate financial contributions to the Company; and to provide for matters incidental thereto.

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

Definitions

1. In this Act, unless the context indicates otherwise—
 - “**accounting officer**” means the head of the provincial department responsible for economic development; 5
 - “**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act 1 of 1999);
 - “**Province**” means the Province of the Western Cape;
 - “**Provincial Government**” means the government of the Province; 10
 - “**responsible Minister**” means the member of the provincial Cabinet responsible for economic development; and
 - “**the Company**” means the Western Cape Economic Development Partnership Non-Profit Company (registration no. 2012/015958/08), a private company incorporated and registered in accordance with the company laws of the Republic of South Africa. 15

Authorisation of membership

2. The Provincial Government is authorised to become a member of the Company and is, subject to the provisions of this Act, capable of performing any act which a member of the Company may in law perform. 20

Objects of Company

3. (1) The objects of the Company include the promotion, facilitation, development and support of—
 - (a) economic and market intelligence;
 - (b) economic system performance and monitoring; and 25
 - (c) economic partnerships at different levels in the economic system.
 (2) The Provincial Government may be a member of the Company only in so far as the Company pursues the objects referred to in subsection (1).

Board of Company

4. The responsible Minister or a representative appointed by him or her must participate on behalf of the Provincial Government, as member of the Company, in the nomination of candidates for the election of the board of directors of the Company. 30

Funding and utilisation of funds

5. (1) In so far as the Company pursues the objects referred to in section 3(1), the Provincial Government may transfer financial contributions to the Company in accordance with the Public Finance Management Act, in terms of a transfer agreement as contemplated in section 38(1)(j) of that Act, and if the financial contributions are in accordance with appropriations authorised by— 5

- (a) an annual budget passed in terms of an appropriation Act; or
- (b) an adjusted budget passed in terms of an adjustments appropriation Act.

(2) A transfer agreement contemplated in subsection (1) must, in addition to the requirements of the Public Finance Management Act, provide for the following in relation to the expenditure of the financial contributions: 10

- (a) accountability and transparency, including the disclosure and access to records relating to expenditure of the financial contributions;
- (b) in the case of subsidies, bursaries or leadership development programmes, set criteria for eligibility and transparency concerning recipients of those awards and the performance thereof; 15
- (c) the declaration and avoidance of conflict of interest by staff members and the board of directors of the Company; and
- (d) a business plan that includes a budget and project plan for specific projects and deliverables. 20

Financial control

6. (1) For the purposes of this Act, the accounting officer is responsible for the financial management of any funds appropriated and transferred by the Provincial Government to the Company and must manage and account for those funds in accordance with the Public Finance Management Act. 25

(2) The accounting officer must maintain appropriate measures to ensure that transfer payments to the Company are applied for the intended purpose, which measures must include reporting procedures as contemplated in the Public Finance Management Act.

Short title and commencement

7. This Act is called the Western Cape Membership of the Economic Development Partnership Act, 2013, and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*. 30

MEMORANDUM ON THE OBJECTS OF THE DRAFT WESTERN CAPE MEMBERSHIP OF THE ECONOMIC DEVELOPMENT PARTNERSHIP BILL, 2013

1. BACKGROUND

The Western Cape Economic Development Partnership, (“the EDP”), a non-profit company, was established in April 2012 as a collaborative partnership. The EDP has inclusive and voluntary membership and is an independent, non-partisan organisation. It seeks to empower local and regional government, the private and non-profit sectors, and communities with the opportunity to work together to improve the local and regional (and hence, the national) economy. It focuses on enhancing competitiveness, increasing sustainable growth and ensuring that growth is inclusive.

The EDP is a private company and its operations and governance are regulated by company laws.

The object of the EDP is to build effective partnerships for inclusive growth at grassroots, local and regional level and with national government. The main objects of the EDP include the promotion, facilitation, development and support of—

- (a) economic and market intelligence;
- (b) economic system performance and monitoring;
- (c) economic partnerships at different levels in the economic system.

The Western Cape Government has in principle resolved to stabilise the provincial delivery mechanism for trade and investment promotion, tourism destination marketing and other functions in the Western Cape Investment and Trade Promotion Agency which will serve as the economic development delivery agent. The role of the EDP and its members in the regional economic development system is recognised. The importance of partnerships in respect of market and economic intelligence, trade and investment promotion and visitor destination marketing is also recognised. There is therefore a need for enabling legislation to formalise the Western Cape Government’s relationship with the EDP.

2. PURPOSE OF THE BILL

The purpose of the draft Bill is to provide for enabling legislation to regulate the relationship between the Western Cape Government and the EDP. The draft Bill provides that the Western Cape Government may become a member of the EDP and establishes a formal relationship (inclusive of providing for transfer payments) between the two parties. The draft Bill proposes conditions relating to the Western Cape Government’s membership of the EDP and funding of the EDP through transfer payments. The draft Bill does not regulate the governance and operations of the EDP as this is regulated by company laws.

3. CONTENTS OF THE BILL

Clause 1

This is the definition clause.

Clause 2

This clause authorises the Western Cape Government to become a member of the EDP.

Clause 3

This clause sets out the objects of the EDP and provides that the Western Cape Government may only be a member of the EDP in so far as the EDP performs its stated objectives.

Clause 4

This clause provides for the Provincial Minister responsible for economic development or his or her representative to participate in the nomination of candidates for the election of the board of directors of the EDP, on behalf of the Western Cape Government, as member of the EDP.

Clause 5

This clause allows for the transfer of financial contributions to the EDP in accordance with the Public Finance Management Act, 1999 (Act 1 of 1999) in terms of transfer payments authorised in appropriation legislation. Such transfer payments may only be made in so far as the EDP performs the objects set out in clause 3. This clause further provides for certain requirements for transfer agreements relating to accountability and transparency, business plans and the declaration and avoidance of a conflict of interest.

Clause 6

This clause provides that the accounting officer of the Provincial Department responsible for economic development is responsible for the financial management of the funds appropriated and transferred to the EDP, in accordance with the Public Finance Management Act, 1999.

This clause also provides for the accounting officer of the Provincial Department responsible for economic development to maintain appropriate measures to ensure that transfer payments made to the EDP are applied for their intended purposes, which measures must include reporting procedures as contemplated by the Public Finance Management Act, 1999.

Clause 7

This clause contains the draft Bill's short title and provides for the proclamation of the date of its coming into operation.

4. FINANCIAL IMPLICATIONS

Appropriations of transfer payments to the EDP have been budgeted for in the current budget.

5. CONSULTATION

The following Departments were consulted:

Provincial Treasury

The Department of the Premier

The Bill will also be submitted to local government, provincial departments and relevant national departments for consultation.

6. LEGISLATIVE COMPETENCE

The Provincial Minister responsible economic development and finance is satisfied that all the provisions of the Bill fall within the legislative competence of the Province.

KONSEPWETSONTWERP

Om voorsiening te maak vir die Provinsiale Regering se lidmaatskap van die “Western Cape Economic Development Partnership”, Maatskappy Sonder Winsoogmerk; om finansiële bydraes tot die Maatskappy te reguleer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Woordomskrywing

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—
 - “**die Maatskappy**” die “Western Cape Economic Development Partnership”, 5
(hierna, die Wes-Kaapse Ekonomiese Ontwikkelingsvennootskap) Maatskappy
Sonder Winsoogmerk (registrasienuommer 2012/015958/08), ’n privaatmaatskappy
wat geïnkorporeer en geregistreer is ooreenkomstig die maatskappywette van die
Republiek van Suid-Afrika;
 - “**Provinsiale Regering**” die regering van die Provinsie; 10
 - “**Provinsie**” die Provinsie Wes-Kaap;
 - “**rekenpligtige beampte**” die hoof van die provinsiale departement verant-
woordelik vir ekonomiese ontwikkeling;
 - “**verantwoordelike Minister**” die lid van die provinsiale Kabinet verantwoorde-
lik vir ekonomiese ontwikkeling; en 15
 - “**Wet op Openbare Finansiële Bestuur**” die Wet op Openbare Finansiële
Bestuur, 1999 (Wet 1 van 1999). 30

Magtiging van lidmaatskap

2. Die Provinsiale Regering is gemagtig om ’n lid van die Maatskappy te word en is, behoudens die bepalings van hierdie Wet, in staat om enige handeling te verrig wat ’n lid van die Maatskappy regtens mag verrig. 20

Oogmerke van Maatskappy

3. (1) Die oogmerke van die Maatskappy sluit in die bevordering, fasilitering, ontwikkeling en ondersteuning van—
 - (a) ekonomiese en markintelligensie; 25
 - (b) ekonomiese stelselprestasie en -monitering; en
 - (c) ekonomiese vennootskappe op verskillende vlakke in die ekonomiese stelsel.
 (2) Die Provinsiale Regering mag ’n lid van die Maatskappy wees sleg in soverre die Maatskappy die oogmerke in subartikel (1) bedoel, nastreef.

Direksie van Maatskappy 30

4. Die verantwoordelike Minister of ’n verteenwoordiger deur hom of haar aangestel moet namens die Provinsiale Regering, as lid van die Maatskappy, deelneem aan die benoeming van kandidate vir die verkiesing van die direksie van die Maatskappy.

Befondsing en benutting van fondse

5. (1) In soverre die Maatskappy die oogmerke bedoel in artikel 3(1) nastreef, kan die Provinsiale Regering finansiële bydraes aan die Maatskappy oordra in ooreenstemming met die Wet op Openbare Finansiële Bestuur, ingevolge 'n oordragsooreenkoms soos beoog in artikel 38(1)(j) van daardie Wet, en indien die finansiële bydraes in ooreenstemming is met bewilligings wat gemagtig is deur—

- (a) 'n jaarlikse begroting wat ingevolge 'n begrotingswet aangeneem is; of
- (b) 'n aansuiweringsbegroting wat ingevolge 'n aansuiweringsbegrotingswet aangeneem is.

(2) 'n Oordragsooreenkoms in subartikel (1) beoog, moet, benewens die vereistes van die Wet op Openbare Finansiële Bestuur, vir die volgende voorsiening maak met betrekking tot die besteding van die finansiële bydraes:

- (a) aanspreeklikheid en deursigtigheid, insluitende die openbaarmaking van en toegang tot rekords betreffende die besteding van die finansiële bydraes;
- (b) in die geval van subsidies, beurse of leierskapontwikkelingsprogramme, gestelde kriteria vir kwalifisering en deursigtigheid rakende ontvangers van daardie toekennings en die prestasie daarvan;
- (c) die verklaring en vermyding van botsing van belange deur personeellede en die direksie van die Maatskappy; en
- (d) 'n sakeplan wat 'n begroting en projekplan vir spesifieke projekte en lewerings insluit.

Finansiële beheer

6. (1) Vir doeleindes van hierdie Wet is die rekenpligtige beampte verantwoordelik vir die finansiële bestuur van enige fondse wat bewillig en oorgedra word deur die Provinsiale Regering aan die Maatskappy en moet hy of sy daardie fondse bestuur en rekenskap daarvan gee in ooreenstemming met die Wet op Openbare Finansiële Bestuur.

(2) Die rekenpligtige beampte moet gepaste maatreëls handhaaf om te verseker dat oordragbetalings aan die Maatskappy vir die beoogde doel aangewend word, welke maatreëls verslagdoeningsprosedures moet insluit soos in die Wet op Openbare Finansiële Bestuur beoog.

Kort titel en inwerkingtreding

7. Hierdie Wet heet die Wet op die Wes-Kaapse Lidmaatskap van die Ekonomiese Ontwikkelingsvennootskap, 2013, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

MEMORANDUM OOR DIE OOGMERKE VAN DIE KONSEPWETSONTWERP OP DIE WES-KAAPSE LIDMAATSKAP VAN DIE EKONOMIESE ONTWIKKELINGSVENNOOTSAP, 2013

1. AGTERGROND

Die Wes-Kaapse Ekonomiese Ontwikkelingsvennootskap, (“die EOVS”), ’n nie-winsgewende maatskappy, is in April 2012 as ’n samewerkende vennootskap gestig. Die EOVS het inklusiewe en vrywillige lidmaatskap en is ’n onafhanklike, nie-partydige organisasie. Dit streef daarna om plaaslike en streeksregering, die privaat- en nie-wins-sektore en gemeenskappe te voorsien van die geleentheid om saam te werk om die plaaslike en streekse ekonomie (en gevolglik, die nasionale ekonomie) te verbeter. Dit fokus op die verbetering van mededingendheid, die toename van volhoubare groei en om seker te maak dat groei inklusief is.

Die EOVS is ’n privaatmaatskappy en sy bedrywighede en bestuur word deur maatskappywette geregleer.

Die doelwit van die EOVS is om doeltreffende vennootskappe te vestig vir inklusiewe groei op grondvlak, plaaslike en streeksvlakke en met die nasionale regering. Die hoofdoelwitte van die EOVS sluit in die bevordering, fasilitering, ontwikkeling en ondersteuning van—

- (a) ekonomiese en markintelligensie;
- (b) ekonomiese stelselprestasie en -monitering;
- (c) ekonomiese vennootskappe op verskillende vlakke in die ekonomiese stelsel.

Die Wes-Kaapse regering het in beginsel besluit om die provinsiale dienslewingsmeganisme vir handels- en beleggingsbevordering, toerisme-bestemmingsbemarking en ander funksies te stabiliseer in die Wes-Kaapse Beleggings- en Handelsbevorderingsagentskap, wat as die ekonomiese ontwikkelingsagent sal dien. Die rol van die EOVS en sy lede in die streekse ekonomiese ontwikkelingsstelsel word erken. Die belang van vennootskappe met betrekking tot mark- en ekonomiese intelligensie, handels- en beleggingsbevordering en besoekersbestemmingsbemarking word ook erken. Daar is dus ’n behoefte vir bemagtende wetgewing om die Wes-Kaapse Regering se verhouding met die EOVS te formaliseer.

2. DOEL VAN DIE WETSONTWERP

Die doel van die Konsepwetsontwerp is om bemagtigende wetgewing te voorsien om die verhouding tussen die Wes-Kaapse Regering en die EOVS te reguleer. Die Konsepwetsontwerp bepaal dat die Wes-Kaapse Regering ’n lid van die EOVS mag word en dit vestig ’n formele verhouding (waarin voorsien word vir oordragsbetalings) tussen die twee partye. Die Konsepwetsontwerp stel voorwaardes met betrekking tot die Wes-Kaapse Regering se lidmaatskap van die EOVS en befondsing van die EOVS deur oordragsbetalings. Die Konsepwetsontwerp reguleer nie die bestuur en bedryf van die EOVS nie, want dit word deur maatskappywetgewing geregleer.

3. INHOUD VAN DIE WETSONTWERP

Klousule 1

Dit is die definisieklousule.

Klousule 2

Hierdie klousule bemagtig die Wes-Kaapse Regering om ’n lid van die EOVS te word.

Klousule 3

Hierdie klousule beskryf die doelwitte van die EOV en bepaal dat die Wes-Kaapse Regering slegs 'n lid van die EOV mag wees in soverre die EOV sy gestelde doelstellings uitvoer.

Klousule 4

Hierdie klousule voorsien vir die Provinsiale Minister, verantwoordelik vir ekonomiese ontwikkeling, of sy of haar verteenwoordiger, om namens die Wes-Kaapse Regering, as 'n lid van die EOV, aan die benoeming van kandidate vir die verkiesing van die raad van direkteure van die EOV deel te neem.

Klousule 5

Hierdie klousule laat die oordrag van finansiële bydraes tot die EOV toe in ooreenstemming met die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999) ingevolge oordragsbetalings wat in begrotingswetgewing gemagtig is. Sodanige oordragsbetalings mag slegs gemaak word in soverre die EOV die doelstellings in Klousule 3 verstrek, nakom. Hierdie klousule voorsien verder vir sekere vereistes vir oordragsooreenkomste, met betrekking tot toerekeningsvatbaarheid, deursigtigheid, sakeplanne en die verklaring van belange en vermyding van 'n belangekonflik.

Klousule 6

Hierdie klousule bepaal dat die rekeningpligtige beampte van die Provinsiale Departement verantwoordelik vir ekonomiese ontwikkeling verantwoordelik is vir die finansiële bestuur van die fondse wat bewillig is en na die EOV oorgedra is, in ooreenstemming met die Wet op Openbare Finansiële Bestuur, 1999.

Hierdie klousule maak ook voorsiening vir die rekeningpligtige beampte van die Provinsiale Departement verantwoordelik vir ekonomiese ontwikkeling om toepaslike maatreëls in stand te hou om te verseker dat oordragsbetalings wat aan die EOV gemaak word, vir hul toegewese doel aangewend word. Hierdie maatreëls moet verslaggewingsprosedures insluit, soos voorsien deur die Wet op Openbare Finansiële Bestuur, 1999.

Klousule 7

Hierdie klousule omvat die Konsepwetsontwerp se kort titel en voorsien vir die proklamasie van die inwerkingtreddingsdatum.

4. FINANSIËLE IMPLIKASIES

In die huidige begroting is voorsiening gemaak vir bewilliging van oordragsbetalings na die EOV.

5. RAADPLEGING

Die volgende Departemente is geraadpleeg:

Provinsiale Tesourie

Die Departement van die Premier

Die Wetsontwerp sal ook aan plaaslike regering, provinsiale departemente en toepaslike nasionale departemente vir raadpleging voorgelê word.

6. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister verantwoordelik vir ekonomiese ontwikkeling en finansies is van mening dat alle bepalings van die Wetsontwerp onder die wetgewende bevoegdheid van die Provinsie ressorteer.

ISIQULUNQO SOMTHETHO OYILWAYO

Obonelela ngobulungu kuRhulumente wePhondo kwiNkampani eNgenzi-ngeniso yeQoqo leNtsebenziswano kuPhuhliso loQoqosho yeNtshona Koloni, olawula inkxaso ngezimali eziya kwiNkampani, nolungiselela neminye imiba enxulumene nale.

Kuwiswa uMthetho ke yiPalamente yePhondo leNtshona Koloni ngolu hlobo lulandelayo:—

Inkcazo-magama

1. Kulo Mthetho, ngaphandle kwalapho iimeko elisetyenziswe kuyo igama ilinika enye intsingiselo—
 - “**igosa elinika inkcazo**” lithetha intloko yesebe kwiphondo eyongamele ukhuthazo lokhenketho, urhwebo noshishino;
 - “**iPublic Finance Management Act**” ithetha uMthetho iPublic Finance Management Act, 1999 (UMthetho 1 ka -1999);
 - “**iPhondo**” lithetha iPhondo leNtshona Koloni;
 - “**uRhulumente wePhondo**” uthetha urhulumente wePhondo;
 - “**uMphathiswa owongameleyo**” uthetha ilungu leKhabhinethi yephondo elongamele ukhuthazo lokhenketho, urhwebo noshishino; kwaye
 - “**iNkampani**” ithetha iNkampani eNgenzi-ngeniso yeQoqo leNtsebenziswano kuPhuhliso loQoqosho yeNtshona Koloni (inomb. yobhaliso 2012/015958/08), inkampani yabucala engenzi ngeniso ehlanganisene nebhaliswe ngokwemiqathango yomthetho wenkampani kwiRiphabhliki yoMzantsi Afrika.

Ukugunyaziswa kobulungu

2. URhulumente wePhondo unikwe igunya lokuba lilungu lale Nkampani kwaye, ngokwemiqathango yalo Mthetho, unakho ukwenza nasiphi na isenzo esinokwenziwa lilungu leNkampani ngokusemthethweni.

Iinjongo zeNkampani

3. (1) Iinjongo zeNkampani ziquka ukukhuthaza, ukuququzelelela, ukuphuhlisa, nokuxhasa oku—
 - (a) intlakanipho kwezoqoqosho nezorhwebo;
 - (b) ukusebenza kwenkqubo yoqoqosho nokubeka iliso; kunye
 - (c) nentsebenziswano kwezoqoqosho kumanqanaba ahlukeneyo enkqubo yoqoqosho.
- (2) URhulumente wePhondo angaba lilungu leNkampani kuphela ngeli xesha iNkampani isebenza ngokwenjongo eziveziweyo kwicandelwana (1).

IBhodi yeNkampani

4. UMphathiswa owongameleyo okanye ummeli okhethwe nguye kufuneka athathe inxaxheba egameni loRhulumente wePhondo, njengelungu leNkampani, ekonyulweni kwabagqatswa kulonyulo lwabalawuli bebhodi yeNkampani.

Ukubonelela nokusetyenziswa kwemali

5. (1) Ngeli xesha iNkampani isenza iinjongo zayo njengoko zixeliwe kwicandelo 3(1), uRhulumente wePhondo angazikhuphelela iinkxaso ngezimali kwiNkampani ngokwemiqathango yoMthetho iPublic Finance Management Act, ngokwesivumelwano sokhuphelo njengoko sikhankanyiwe kwicandelo 38(1)(j) loMthetho, kananjalo nokuba iinkxaso ngezimali zihambelana nohlahlo-mali ngemvume—
- (a) yoqingqo-mali lonyaka olupasiswe ngokwemiqathango yoMthetho wohlahlo-mali; okanye
 - (b) uqingqo-mali olulungisiweyo olupasiswe ngokwemiqathango yoMthetho wohlahlo-mali olulungisiweyo.
- (2) Isivumelwano sokhuphelo esikhankanyiwe kwicandelo (1) kufuneka, ukongeza kokufunwayo kuMthetho iPublic Finance Management Act, sinike oku kulandelayo ngokunxulumene nenkcitho yenkxaso-mali:
- (a) uniko-ngxelo kunye nokwenza izinto ngokungafihlisiyo, kuquka ukubhengeza nokufikelela kumaxwebhu enkukacha anxulumene nenkcitho yenkxaso-mali;
 - (b) ukuba kukho inkxaso, imali enikelwe imfundo okanye iinkqubo zophuhliso lobunkokheli, misela imiqathango efanelekileyo nengafihlisiyo malunga nabo bantu bazakufumana ezo zibonelelo nendlela ezisebenza ngayo;
 - (c) ukuqinisekisa nokuphepha unqzulwano zimvo zabasebenzi nabalawuli bebhodi kwiNkampani, kunye
 - (d) nesciwangciso sokusebenza esiquka uqingqo-mali kunye nocwangciso lweprojekthi olwenzelwe iiprojekthi ezithile nokunikezwa kweenkonzo.

Ulawulo lwezimali

6. (1) Ngokwenjongo zalo Mthetho, igosa elinika inkcazo linoxanduva kulawulo-mali lwayo nayiphi na imali eyabiweyo nekhutshiweyo nguRhulumente wePhondo ukuxhasa iNkampani kwaye kufanele lilawule lenze neengxelo zezo mali ngokwemiqathango yoMthetho iPublic Finance Management Act.
- (2) Igosa elinika inkcazo kufuneka ligcine amanyathelo afanelekileyo ukuqinisekisa ukuba iintlawulo ezikhutshelwa kwiNkampani zenza umsebenzi ezijoliselwe wona, amanyathelo lawo mawaquke iinkqubo zengxelo njengoko zikhankanyiwe kuMthetho iPublic Finance Management Act.

Isihlokwana esifutshane nokuqalisa

7. Lo Mthetho ubizwa ngokuba nguMthetho wobuLungu kwiQoqo leNtsebeziswano kuPhuhliso loQoqosho weNtshona Koloni, 2013, kwaye uzakuqalisa ukusebenza ngomhla omiselwe yiNkulumbuso ngokuthi ubhengezwe kwiGazethi yePhondo.

**I-MEMORANDAM YEENJONGO ZOMTHETHO OYILWAYO
WOBULUNGU WEQOQO LENTSEBENZISWANO KUPHULISO
LOQOQOSHO ENTSHONA KOLONI, 2012**

1. IMBULAMBETHE

Inkampani engenzi-ngeniso, iQoqo leNtsebenziswano kuPhuhliso loQoqosho eNtshona Koloni (Western Cape Economic Development Partnership,) (“the EDP”), yasekwa ngoEpreli 2012 njengenxalenye yeqoqo lentsebenziswano. I-EDP inamalungu aquka wonke umntu nangena ngokuzithandela kwaye ngumbutho ozimeleyo, ongengothobasikutyeye. Injongo yawo kukuxhobisa urhulumente wekhaya nowengingqi, amashishini abucala nalawo angenzi-ngeniso, noluntu ngamathuba okusebenza kunye ukuphucula uqoqosho lwezasekhaya nolwengingqi (de kuye kolukazwelonke). Ijolisa ekuxhaseni ukhuphiswano, ukunyusa ukukhula okungatshintshiyo nokukhula okubandakanya bonke.

I-EDP yinkampani yabucala ekusebenza kwayo nolawulo lwayo lukhokelwa yimithetho yeenkampani.

Injongo ye-EDP kukwakha ubudlelwane obububo bokusebenza nikunye kwinqanaba elisezantsi, kwelasekhaya nakwingingqi nakwelikarhulumente kazwelonke. Iinjongo eziphambili ze-EDP ziquka ukuxhasa, ukukhuthaza, nokuphuhlisa—

- (a) intlakanipho kwezoqoqosho nezorhwebo;
- (b) ukusebenza kwenkqubo kwenkqubo yezoqoqosho nokubeka iliso;
- (c) intsebenziswano kwezoqoqosho kumanqanaba ahlukeneyo kwinkqubo yezoqoqosho.

URhulumente weNtshona Koloni uthathe isigqibo sokuzinzisa indlela yephondo yokunikezela ngeenkondo zokukhuthaza urhwebo notyalo-mali, ukwazisa ngezokhenketho neminye imisebenzi kwiArhente yokuKhuthaza uRhwebo noTyalomali eNtshona Koloni eza kuba yiarhente yonikezelo ngenkonzo zophuhliso loqoqosho. Inxaxheba ye-EDP neyamalungu ayo kwinkqubo yophuhliso lwezoqoqosho kwingingqi ithathelwa ingqalelo. Ukubaluleka kokusebenzisana kwezokuthengisa nezoqoqosho, ukukhuthaza urhwebo notyalomali nokwazisa ngezokhenketho nako kuthathelwa ingqalelo. Ngako oko kukho imfuneko yokuba kube kho umthetho omilisele obu budlelwane phakathi kukaRhulumente weNtshona Koloni ne-EDP.

2. INJONGO YOMTHETHO OYILWAYO

Injongo yesiqulunqo salo Mthetho uYilwayo kukulungiselela ukuba ubudlelwane phakathi kukaRhulumente weNtshona Koloni ne-EDP buqhubeke. Lo Mthetho uYilwayo ubonelela ngokuba uRhulumente weNtshona Koloni ube lilungu le-EDP kananjalo useka ubudlelwane nayo (kuquka nokuhlululwa kwemali) phakathi kwala maqela mabini. Lo Mthetho uYilwayo unezindululo zemiqathango ephathelele kubulungu bukaRhulumente weNtshona Koloni kwi-EDP nokubonelelwa kwayo ngemali ngokufakwa kwemali kwingxowa yayo. Lo Mthetho uYilwayo awuyilawuli i-EDP njengoko ulawulo lulolwemithetho yeenkampani.

3. IZIQULATHO ZOMTHETHO OYILWAYO

Igatya 1

Apha kucaciswa umthetho.

Igatya 2

Eli igatya ligunyazisa uRhulumente weNtshona Koloni ukuba abe lilungu le-EDP.

Igaty 3

Eli gaty 3 lichaza iinjongo ze-EDP kananjalo lichaze ukuba uRhulumente weNtshona Koloni angalilungu le-EDP kuphela ngeli lixa i-EDP isenza iinjongo zayo ezichaziweyo.

Igaty 4

Eli gaty 4 libonelela ngendlela uMphathiswa wePhondo ojongene nophuhliso lwezoqoqosho okanye ummeli wakhe aya kuthatha inxaxheba ekutyumbeni amalungu aza konyula ibhodi yabalawuli be-EDP egameni likaRhulumente wePhondo njengelungu le-EDP.

Igaty 5

Eli gaty 5 livumela ukufakwa kwenkxasomali kwi-EDP ngokoMthetho iPublic Finance Management Act, 1999 (UMthetho 1 ka-1999) ngokwesigunyaziso somthetho wokufakwa kweemali. Ezo mali zinokufakwa kuphela xa i-EDP isenza umsebenzi ngokweenjongo ezibekwe kwigaty 3. Eli gaty 5 longeza libonelele ngeemfuno ezithile zezivumelwano zokufakwa kwemali eziphathelele ekunikeni ingxelo nasekusebenzeni yonke into iselubala, ngokwesicwangciso sokusebenza nasekwaziseni nasekuphepheni ukungqzulana kwemidla.

Igaty 6

Eli gaty 6 libonelela ngokuba igosa elinika ingxelo leSebe lePhondo elijongene nophuhliso lwezoqoqosho linoxanduva lokulawula izimali ezifakwe kwingxowa ye-EDP lizilawule ngokoMthetho iPublic Finance Management Act, 1999.

Eli gaty 6 libonelela ngokuba igosa elinika ingxelo leSebe lePhondo elijongene nophuhliso lwezoqoqosho maliqinisekise ukuba imigaqo efanelekileyo iyalandelwa ukuqinisekisa ukuba imali efakwe kwi-EDP isetyenziselwa iinjongo zayo, loomigaqo iquka indlela yokunika ingxelo njengoko imiselwe kuMthetho i-Public Finance Management Act, 1999.

Igaty 7

Eli gaty 7 liquka isihloko esifutshane soMthetho oYilwayo osaqulunqwayo kwaye lixela nopapasho lomhla wokusebenza kwawo.

4. IMIPHUMELA NGOKWEZEMALI

Izimali ezingene kwi-EDP sele zifakiwe kuqingqo-mali lwalo nyaka.

5. UTHETHATHETHWANO

Kuthethiwe nala maSebe alandelayo:

UNondyebo wePhondo

ISebe leNkulumbuso

Lo Mthetho uqulunqwayo uza kungeniswa kurhulumente wommandla, kumasebe karhulumente wephondo nakumasebe kazwelonke achaphazelekayo kufunwe izimvo.

6. AMAGUNYA OMTHEHO

UMphathiswa wePhondo ojongene nophuhliso lwezoqoqosho nezemali uyaneliseka kukuba zonke izibonelelo zalo Mthetho uqulunqwayo zikumhlaba wePhondo.

