

PROVINCE OF THE WESTERN CAPE

**WESTERN CAPE MEMBERSHIP OF THE
WESTERN CAPE ECONOMIC DEVELOP-
MENT PARTNERSHIP BILL**

(As introduced)

(MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM)

[B 8—2013]

PROVINSIE WES-KAAP

**WES-KAAPSE WETSONTWERP OP
LIDMAATSKAP VAN DIE WES-KAAPSE
EKONOMIESE ONTWIKKELINGS-
VENNOOTSKAP**

(Soos ingedien)

(MINISTER VAN FINANSIES, EKONOMIESE ONTWIKKELING EN TOERISME)

[W 8—2013]

IPHONDO LENTSHONA KOLONI

**UMTHETHO OSAYILWAYO
WENTSHONA KOLONI WOBULUNGU
KWIQOQO LENTSEBENZISWANO
KUPHULISO LOQOQOSHO
WENTSHONA KOLONI**

(Njengoko wazisiwe)

(uMPHATHISWA WEZEMALI, uPHUHLISO LOQOQOSHO noKHENKETHO)

[B 8—2013]

BILL

To provide for the membership of the Provincial Government of the Western Cape Economic Development Partnership NPC; to regulate the transfer of funds to the Western Cape Economic Development Partnership NPC; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Province 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
 - “**Province**” means the Province of the Western Cape;
 - “**Provincial Government**” means the government of the Province;
 - “**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act 1 of 1999); 10
 - “**responsible Minister**” means the member of the Provincial Cabinet responsible for economic development;
 - “**the Company**” means the Western Cape Economic Development Partnership NPC (registration no. 2012/015958/08), a non-profit company incorporated and registered in accordance with the company laws of the Republic of South Africa. 15

Authorisation for 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.

Objects of Company 20

3. (1) The objects of the Company include the facilitation and encouragement of the formation of effective partnerships pursuant to—
 - (a) the development of economic and market intelligence;
 - (b) the enhancement of economic system performance and monitoring; and
 - (c) the implementation of economic vision, strategy and delivery. 25
- (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. If the Provincial Government becomes a member of the Company, the responsible Minister or a representative appointed by him or her must participate on behalf of the Provincial Government in its capacity as a member of the Company, in the nomination of candidates for appointment to 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 funds to the Company—
- (a) in accordance with the Public Finance Management Act;
 - (b) in terms of a written assurance or conditions and remedial measures contemplated in section 38(1)(j) of the Public Finance Management Act; and
 - (c) in accordance with appropriations authorised by—
 - (i) an annual budget passed in terms of an appropriation Act; or
 - (ii) an adjustments budget passed in terms of an adjustments appropriation Act.
- (2) A written assurance or conditions and remedial measures 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 funds:
- (a) accountability and transparency, including the disclosure of and access to records relating to expenditure of the funds;
 - (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;
 - (c) the declaration and avoidance of conflict of interest by staff members and the members of the board of directors of the Company; and
 - (d) a business plan that includes a budget and project plan for specific projects and deliverables.

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.
- (2) The accounting officer must maintain appropriate measures to ensure that funds transferred 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

- 7.** This Act is called the Western Cape Membership of the Western Cape Economic Development Partnership Act, 2013.

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

1. BACKGROUND

The Western Cape Economic Development Partnership NCP (“the EDP”), a non-profit company, was established as a collaborative partnership in April 2012. 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.

As a non-profit company the EDP 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 objectives of the EDP include the facilitation and encouragement of the formation of effective partnerships pursuant to—

- (a) the development of economic and market intelligence;
- (b) the enhancement of economic system performance and monitoring; and
- (c) the implementation of economic vision, strategy and delivery.

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 Bill is to provide enabling legislation to regulate the relationship between the Western Cape Government and the EDP. The 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 Bill proposes conditions relating to the Western Cape Government’s membership of the EDP and funding of the EDP through transfer payments. The 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 on behalf of the Western Cape Government, as a member of the EDP, in the nomination of candidates for the appointment of the board of directors of the EDP.

Clause 5

This clause enables the Western Cape Government to transfer funds to the EDP in accordance with the Public Finance Management Act, 1999 (Act 1 of 1999), in the form of transfer payments authorised in terms of 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 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 for, 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 short title of the Bill.

4. FINANCIAL IMPLICATIONS

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

5. CONSULTATION

A draft Bill was published in the *Provincial Gazette* for public comment.

The following Departments were consulted:
Provincial Treasury
Department of the Premier

6. LEGISLATIVE COMPETENCE

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

WETSONTWERP

Om voorsiening te maak vir die lidmaatskap van die Provinsiale Regering van die “Western Cape Economic Development Partnership NPC”; om die oordrag van fondse na die “Western Cape Economic Development Partnership NPC” te reguleer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie 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 NPC”, (hierna die Wes-Kaapse Ekonomiese Ontwikkelingsvennootskap MSW) (registrasienuommer 2012/015958/08), ’n maatskappy sonder winsoogmerk geïnkorporeer en geregistreer ooreenkomstig die maatskappywette van die Republiek van Suid-Afrika; 5
 - “**Provinsiale Regering**” die regering van die Provinsie; 10
 - “**Provinsie**” die Provinsie Wes-Kaap;
 - “**rekenpligtige beampte**” die hoof van die provinsiale departement verantwoordelik vir ekonomiese ontwikkeling;
 - “**verantwoordelike Minister**” die lid van die Provinsiale Kabinet verantwoordelik vir ekonomiese ontwikkeling; 15
 - “**Wet op Openbare Finansiële Bestuur**” die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999).

Magtiging tot 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 kan verrig. 20

Oogmerke van Maatskappy

3. (1) Die oogmerke van die Maatskappy sluit in die fasilitering en bevordering van die sluiting van effektiewe vennootskappe in die nastrewing van—
 - (a) die ontwikkeling van ekonomiese en markintelligensie; 25
 - (b) die versterking van ekonomiese stelselprestasie en -monitering; en
 - (c) die implementering van ekonomiese visie, strategie en lewering.
- (2) Die Provinsiale Regering kan ’n lid van die Maatskappy wees slegs in soverre die Maatskappy die oogmerke in subartikel (1) bedoel, nastreef.

Direksie van Maatskappy 30

4. Indien die Provinsiale Regering ’n lid van die Maatskappy word, moet die verantwoordelike Minister of ’n verteenwoordiger deur hom of haar aangestel namens

die Provinsiale Regering in sy hoedanigheid as 'n lid van die Maatskappy, deelneem aan die benoeming van kandidate vir aanstelling tot 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 fondse aan die Maatskappy oordra— 5
- (a) ooreenkomstig die Wet op Openbare Finansiële Bestuur;
 - (b) ingevolge 'n skriftelike onderneming of voorwaardes en regstellende maatreëls beoog in artikel 38(1)(j) van die Wet op Openbare Finansiële Bestuur; en
 - (c) ooreenkomstig bewilligings wat gemagtig is deur— 10
 - (i) 'n jaarlikse begroting wat ingevolge 'n begrotingswet aangeneem is; of
 - (ii) 'n aansuiweringsbegroting wat ingevolge 'n aansuiweringsbegrotingswet aangeneem is.
- (2) 'n Skriftelike onderneming of voorwaardes en regstellende maatreëls beoog in subartikel (1) moet, benewens die vereistes van die Wet op Openbare Finansiële Bestuur, vir die volgende voorsiening maak met betrekking tot die besteding van die fondse: 15
- (a) verantwoordingspligtigheid en deursigtigheid, insluitende die openbaarmaking van en toegang tot rekords betreffende die besteding van die fondse;
 - (b) in die geval van subsidies, beurse of leierskapontwikkelingsprogramme, 20 gestelde kriteria vir verkiesbaarheid en deursigtigheid rakende ontvangers van daardie toekennings en die prestasie daarvan;
 - (c) die verklaring en vermyding van botsing van belange deur personeellede en die lede van die direksie van die Maatskappy; en
 - (d) 'n sakeplan wat 'n begroting en projekplan vir spesifieke projekte en 25 lewerbare items 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 ooreenkomstig die Wet op Openbare Finansiële Bestuur. 30
- (2) Die rekenpligtige beampte moet gepaste maatreëls handhaaf om te verseker dat fondse oorgedra aan die Maatskappy vir die beoogde doel aangewend word, welke maatreëls verslagdoeningsprosedures moet insluit soos in die Wet op Openbare Finansiële Bestuur beoog. 35

Kort titel

7. Hierdie Wet heet die Wes-Kaapse Wet op Lidmaatskap van die Wes-Kaapse Ekonomiese Ontwikkelingsvennootskap, 2013.

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

1. AGTERGROND

Die “Western Cape Economic Development Partnership NPC” (“die EOVS”), ’n maatskappy sonder winsoogmerk, is in April 2012 as ’n samewerkende vennootskap gestig. Die EOVS het inklusiewe en vrywillige lidmaatskap en is ’n onafhanklike, onpartydige organisasie. Dit streef daarna om die plaaslike en streeksregering, die privaat- en sonder-winsogmerk-sektore, en gemeenskappe te bemagtig met die geleentheid om saam te werk om die plaaslike en streeks- (en gevolglik die nasionale) ekonomie te verbeter. Dit is toegespits op die versterking van mededingendheid, die toename van volhoubare groei en om seker te maak dat groei inklusief is.

As ’n maatskappy sonder winsogmerk word die EOVS en sy bedrywighede en bestuur deur maatskappywette gereguleer.

Die oogmerk van die EOVS is om doeltreffende vennootskappe te smee vir inklusiewe groei op grondvlak en op plaaslike en streeksvlak en met die nasionale regering. Die hoofdoelstellings van die EOVS is onder meer om die sluiting van effektiewe vennootskappe te fasiliteer en te bevorder in die nastrewing van—

- (a) die ontwikkeling van ekonomiese en marktelligensie;
- (b) die versterking van ekonomiese stelselprestasie en -monitering; en
- (c) die implementering van ekonomiese visie, strategie en lewering.

Die Wes-Kaapse Regering het in beginsel besluit om die provinsiale lewering-meganisme vir handels- en beleggingsbevordering, toerisme-bestemmings-bemarking en ander funksies te stabiliseer in die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap, wat as die ekonomiese ontwikkelingslewering-agent sal dien. Die rol van die EOVS en sy lede in die streeks- ekonomiese ontwikkelingsstelsel word erken. Die belang van vennootskappe ten opsigte van ekonomiese en marktelligensie, handels- en beleggingsbevordering en besoekersbestemmingsbemarking word ook erken. Daar is dus ’n behoefte aan magtigende wetgewing om die Wes-Kaapse Regering se verhouding met die EOVS te formaliseer.

2. DOEL VAN DIE WETSONTWERP

Die doel van die Wetsontwerp is om magtigende wetgewing te verskaf om die verhouding tussen die Wes-Kaapse Regering en die EOVS te reguleer. Die Wetsontwerp bepaal dat die Wes-Kaapse Regering ’n lid van die EOVS mag word en dit vestig ’n formele verhouding (waarin voorsien word vir oordragbetalings) tussen die twee partye. Die Wetsontwerp stel voorwaardes met betrekking tot die Wes-Kaapse Regering se lidmaatskap van die EOVS en befondsing van die EOVS deur oordragbetalings. Die Wetsontwerp reguleer nie die bestuur en werking van die EOVS nie, aangesien dit deur maatskappywetgewing gereguleer word.

3. INHOUD VAN DIE WETSONTWERP

Klousule 1

Dit is die omskrywingsklousule.

Klousule 2

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

Klousule 3

Hierdie klousule sit die oogmerke van die EOV uiteen en bepaal dat die Wes-Kaapse Regering slegs 'n lid van die EOV kan wees in soverre die EOV aan sy gestelde oogmerke uitvoering gee.

Klousule 4

Hierdie klousule maak voorsiening vir die Provinsiale Minister verantwoordelik vir ekonomiese ontwikkeling of sy of haar verteenwoordiger om namens die Wes-Kaapse Regering deel te neem as 'n lid van die EOV aan die benoeming van kandidate vir die aanstelling van die direksie van die EOV.

Klousule 5

Hierdie klousule laat die oordrag van fondse na die EOV ooreenkomstig die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999) toe, in die vorm van oordragbetalings wat ingevolge begrotingswetgewing gemagtig is. Sodanige oordragbetalings kan slegs gemaak word in soverre die EOV aan die doelstellings in Klousule 3 uiteengesit, uitvoering gee. Hierdie klousule voorsien voorts vir sekere vereistes vir oordragooreenkomste, met betrekking tot verantwoordingspligtigheid en deursigtigheid, sakeplanne en die verklaring en vermyding van botsing van belange.

Klousule 6

Hierdie klousule bepaal dat die rekenpligtige beampte van die provinsiale departement verantwoordelik vir ekonomiese ontwikkeling verantwoordelik is vir die finansiële bestuur van die fondse wat bewillig word vir, en oorgedra word na, die EOV ooreenkomstig die Wet op Openbare Finansiële Bestuur, 1999.

Hierdie klousule bepaal ook dat die rekenpligtige beampte van die provinsiale departement verantwoordelik vir ekonomiese ontwikkeling toepaslike maatreëls moet handhaaf, ten einde toe te sien dat oordragbetalings wat aan die EOV gemaak word, vir hul beoogde doel aangewend word. Hierdie maatreëls moet verslagdoeningsprosedures insluit, soos beoog by die Wet op Openbare Finansiële Bestuur, 1999.

Klousule 7

Hierdie klousule bevat die Wetsontwerp se kort titel.

4. FINANSIËLE IMPLIKASIES

Daar is in die lopende begroting begroot vir bewilligings van oordragbetalings aan die EOV.

5. RAADPLEGING

'n Konsepwetsontwerp is in die *Provinsiale Koerant* gepubliseer vir kommentaar deur die publiek.

Die volgende Departemente is geraadpleeg:
Provinsiale Tesourie
Departement van die Premier

6. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister verantwoordelik vir ekonomiese ontwikkeling en finansies is tevrede dat al die bepalinge van die Wetsontwerp binne die wetgewende bevoegdheid van die Provinsie val.

UMTHETHO OSAYILWAYO

Obonelela ngobulungu kuRhulumente wePhondo kwiNkampani eNgenzi-ngeniso (NPC) yeQoqo leNtsebenziswano kuPhuhliso loQoqosho yeNtshona Koloni, olawula ukudluliselwa kwemali kwiNkampani eNgenzi-ngeniso (NPC) yeQoqo leNtsebenziswano kuPhuhliso loQoqosho yeNtshona Koloni, 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;
 - “**iNkampani**” ithetha iNkampani eNgenzi-ngeniso(NPC) yeQoqo leNtsebenziswano kuPhuhliso loQoqosho yeNtshona Koloni (inomb. yobhaliso 2012/015958/08), inkampani 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) uphuhliso lwentlakanipho kwezoqoqosho nakwezorhwebo;
 - (b) ukwandiswa kokusebenza kwenkqubo yoqoqosho nokubeka iliso; kunye
 - (c) nokusebenza kombono wezoqoqosho, isicwangciso-qhinga nokuhanjiswa kweenkonzo.
- (2) URhulumente wePhondo angaba lilungu leNkampani kuphela ngeli xesha iNkampani isebenza ngokwenjongo eziveziweyo kwicandelwana (1).

IBhodi yeNkampani

4. Ukuba uRhulumente wePhondo uba lilungu leNkampani, 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 ilandela injongo zayo njengoko zixeliwe kwicandelo 3(1), uRhulumente wePhondo angazikhuphelela iimali kwiNkampani—
 - (a) ngokwemiqathango yoMthetho iPublic Finance Management Act,
 - (b) ngokwesiqinisekiso esibhaliweyo okanye iimeko kunye nemigaqo elandelwayo ekhankanyiweyo kwicandelo 38(1)(j) loMthetho iPublic Finance Management Act, kananjalo
 - (c) nangokohlahlo-mali ngemvume—

- (i) yoqingqo-mali lonyaka olupasiswe ngokwemiqathango yoMthetho wohlahlo-mali; okanye
 - (ii) uqingqo-mali olulungisiweyo olupasiswe ngokwemiqathango yoMthetho wohlahlo-mali olulungisiweyo.
- (2) Isiqinisekiso esibhaliweyo okanye iimeko kunye nemigaqo elandelwayo ekhankanywe kwicandelo (1) kufuneka, ukongeza kokufunwayo kuMthetho iPublic Finance Management Act, sinike oku kulandelayo ngokunxulumene nenkcitho-mali: 5
- (a) uniko-ngxelo kunye nokwenza izinto ngokungafihlisiyo, kuquka ukubhengeza nokufikelela kumaxwebhu enkukacha anxulumene nenkcitho-mali; 10
 - (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 ungquzulwano zimvo zabasebenzi nabalawuli bebhodi kwiNkampani, kunye 15
 - (d) nesicwangciso sokusebenza esiquka uqingqo-mali kunye nocwangciso lweprojekthi olwenzelwe iprojekthi 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. 20
- (2) Igosa elinika inkcazo kufuneka ligcine amanyathelo afanelekileyo ukuqinisekisa ukuba iimali ezikhutshelwa kwiNkampani zenza umsebenzi ezijoliselwe wona, amanyathelo lawo mawaquke iinkqubo zengxelo njengoko zikhankanywe kuMthetho iPublic Finance Management Act. 25

Isihlokwana esifutshane

- 7.** Lo Mthetho ubizwa ngokuba nguMthetho weNtshona Koloni wobuLungu kwiQoqo leNtsebenziswano kuPhuhliso loQoqosho weNtshona Koloni, 2013.

**I-MEMORANDAM YEENJONGO ZOMTHETHO OYILWAYO
WOBULUNGU WEQOQO LENTSEBENZISWANO KUPHULISO
LOQOQOSHO ENTSHONA KOLONI, 2013**

1. IMBULAMBETHE

Inkampani engenzi-ngeniso, iQoqo leNtsebenziswano kuPhuhliso loQoqosho eNtshona Koloni (Western Cape Economic Development Partnership), NCP (“i-EDP”), yasekwa njengenxalenye yeqoqo lentsebenziswano ngoEpreli 2012. 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 ikwaqinisekisa ukuba nokukhula okubandakanya wonke umntu.

Njengenkampani engenzi-ngeniso i-EDP nokusebenza 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 nokukhuthaza ukwakha ubudlelwane obububo obungqinelana—

- (a) nokuphuhlisa intlakani kwezoqoqosho nezorhwebo;
- (b) ukwandiswa kokusebenza kwenkqubo yezoqoqosho nokubeka iliso; kunye
- (c) nokusebenza kombono wezoqoqosho, isicwangciso-qhinga nokuhanjiswa kweenkonzo.

URhulumente weNtshona Koloni uthathe isigqibo sokuzinzisa indlela yephondo yokunikezela ngeenkonzo 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 omilisela obu budlelwane phakathi kukaRhulumente weNtshona Koloni ne-DP.

2. INJONGO YOMTHETHO OYILWAYO

Injongo yalo Mthetho uYilwayo kukulungiselela ukuba ubudlelwane phakathi kukaRhulumente weNtshona Koloni ne-EDP buqhubeke. Lo Mthetho uYilwayo ubonelela ngokuba uRhulumente weNtshona Koloni ube lilungu le-EDP kwanjalo useka ubudlelwane nayo (kuquka nokuhlulwa 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.

Igatya 3

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

Igatya 4

Eli gatya libonelela ngendlela uMphathiswa wePhondo ojongene nophuhliso lwezoqoqosho okanye ummeli wakhe aya kuthatha inxaxheba ngayo egameni loRhulumente weNtshona Koloni, njengelungu leEDP, ekutyumbeni amalungu aza konyula ibhodi yabalawuli be-EDP.

Igatya 5

Eli gatya livumela uRhulumente weNtshona Koloni ukuba afake inkxasomali 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 kwigatya lesi-3. Eli gatya longeza libonelele ngeemfuno ezithile zezivumelwano zokufakwa kwemali eziphathelele ekunikeni ingxelo nasekusebenzeni yonke into iselubala, ngokwesicwangciso sokusebenza nasekwaziseni nasekuphepheni ukungquzulana kwemidla.

Igatya 6

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

Igatya 7

Eli gatya liquka isihloko esifutshane soMthetho oYilwayo.

4. IMIPHUMELA NGOKWEZEMALI

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

5. UTHETHATHETHWANO

Isiqulunqo soMthetho oYilwayo sipapashwe *kwiGazethi yePhondo* ukuze sifumane uluvo loluntu.

Kuthethiwe nala maSebe alandelayo:
UNondyebo wePhondo
ISebe leNkulumbuso

6. AMAGUNYA OMTHEHO

UMphathiswa wePhondo ojongene nophuhliso lwezoqoqosho nezemali uyaneliseka kukuba zonke izibonelelo zalo Mthetho uqulunqwayo ziphantsi kwamagunya omtretha wePhondo.

