

PROVINCE OF WESTERN CAPE

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**STANDING COMMITTEE  
AMENDMENTS TO WESTERN CAPE  
PARLIAMENTARY SERVICE AND  
FINANCE AND MANAGEMENT BILL  
[B9—2009]**

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*(As agreed to by the Rules Committee)*

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[B 9A—2009]

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PROVINSIE WES-KAAP

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**STAANDE KOMITEE-AMENDEMENTE  
OP WES-KAAPSE WETSONTWERP OP  
DIE PARLEMENTÊRE DIENS EN  
FINANSIËLE BESTUUR**

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*(Soos goedgekeur deur die Reëlskomitee)*

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[W 9A—2009]

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IPHONDO LENTSHONA KOLONI

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**IZILUNGISO ZEKOMITI ESISIGXINA  
KUMTHETHO OSAYILWAYO  
WENKONZO YEPALAMENTE  
NOLAWULO LWEZEMALI WENTSHONA  
KOLONI**

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*(Njengoko ilungisiwe yiKomiti yeMithetho) (USomlomo)*

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[B 9A—2009]

## DRAFT PROPOSED AMENDMENTS

### PARLIAMENTARY SERVICE AND FINANCE MANAGEMENT BILL

[B9—2009]

#### PREAMBLE

1. On page 2, in the third line of the Preamble, to omit “1998” and to substitute “1997”.

#### ARRANGEMENT OF SECTIONS

1. On page 3, in line 7, to omit “Treasury” and to substitute “Treasurer”.
2. On page 3, in line 8, to omit “Treasury” and to substitute “Treasurer”.
3. On page 3, in line 10, to omit “Requisitioning of funds” and to substitute “Opening of bank accounts”.
4. On page 3, in line 28, to omit “Treatment of unspent funds”.
5. On page 3, in line 34, to omit “Treasury” and to substitute “Financial”.

#### CLAUSE 1

1. On page 3, in line 48, after “23(1)” to insert “(d)(i)”.
2. On page 4, in line 36, after “the” to insert “Western Cape Provincial”.
3. On page 4, in line 38, to omit the definition of “Parliamentary Treasury” and to substitute the following definition:  
    **“Parliamentary Treasurer”** means the Parliamentary Treasurer referred to in section 15.
4. On page 4, in line 54, to omit “treasury”.
5. On page 4, in line 54, to omit “Treasury” and to substitute “Treasurer”.
6. On page 4, in line 63, to omit “, except in section 40,”.
7. On page 5, in line 2, at the end of paragraph (a), to insert “or”.
8. On page 5, in line 5, at the end of paragraph (b), to omit “or”.
9. On page 5, from line 6, to omit paragraph (c).

#### CLAUSE 2

Clause rejected

1. That the following be a new clause:

##### **Establishment of Parliamentary Service**

2. (1) There is hereby established a Parliamentary Service to be known as the Western Cape Provincial Parliamentary Service.

(2) The Parliamentary Service provides administrative and support services to the Members to enable them to perform their functions.

#### CLAUSE 4

1. On page 5, from line 25, to omit paragraphs (d) and (e) and to substitute:  
    (d) two Members of opposition parties appointed by resolution of the Provincial Parliament.
2. On page 5, in line 29, to omit subclause (3) and to substitute:  
    (3) If the Speaker is absent from a meeting of the Board, the members of the Board who are present elects one of their number to preside at that meeting.

**CLAUSE 5**

1. On page 5, from line 35, to omit subclause (1) and to substitute:
  - (1) The Board may determine its proceedings and performs its functions in the manner it considers appropriate, in accordance with good governance principles.
2. On page 5 after line 40, to insert the following subclauses:
  - (5) When there is an equality of votes, the Speaker or the other Member presiding at that meeting, as the case may be, must cast a deciding vote.
  - (6) The Secretary provides administrative support to the Board.

**CLAUSE 7**

1. On page 6, from line 7, to omit paragraph (b) and to substitute:
  - (b) on a fixed-term contract for a period expiring not later than the day before the first day of polling for the next Provincial Parliament.
2. On page 6, in line 10, to omit “a reasonable time” and to substitute “three months”.

**CLAUSE 8**

1. On page 6, after line 23, to insert the following subclause:
  - (2) When an election of the Provincial Parliament is to be held, the Governance Board must, before the first day of polling, designate an official to act as Secretary from that day until the next person appointed as Secretary assumes office.

**CLAUSE 9**

1. On page 6, in line 26, to omit “financial”.
2. On page 6, after line 27, to insert the following subclause:
  - (2) A member of the Governance Board may not be a member of the Committee.

**CLAUSE 10**

1. On page 6, in line 32, after “committee” to insert “except in the case of a shared committee referred to in subsection (2),”.
2. On page 6, in line 35, to omit “twice” and to substitute “four times”.

**CLAUSE 11**

Clause rejected

1. That the following be a new clause:

**Financial responsibilities of Governance Board**

**11.** The Governance Board must ensure that its functions as well as the functions of the Accounting Officer and other officials are performed within the limits of the approved budget and the respective main divisions.

**CLAUSE 12**

1. On page 7, from line 26, to omit subclause (6) and to substitute:
  - (6) An instruction referred to in subsection (5)—
    - (a) must be in writing;
    - (b) must specify the reasons for the instruction; and
    - (c) may not be given if the combined expenditure provided for in any such instructions exceed two percent of the total amount appropriated in terms of section 32(1) in the provincial annual budget for the current financial year.

2. On page 7, in line 29, after “Committee” to insert “for consideration”.
3. On page 7, in line 30, to omit “promptly”.
4. On page 7, in line 31, after Auditor-General to insert “within 14 days after receiving the instruction”.

#### CLAUSE 13

1. On page 7, from line 33, to omit subclause (1) and to substitute:
  - (1) The Governance Board must—
    - (a) table in the Provincial Parliament the annual report, including the audited financial statements and audit report on those statements, within one month after the Accounting Officer received the audit report; and
    - (b) ensure that the financial statements are made accessible to the public.
  - (2) The Governance Board must table in the Provincial Parliament—
    - (a) the strategic plan approved by the Board in terms of section 30(1); and
    - (b) the performance plan approved by the Board in terms of section 30(2).

#### CLAUSE 14

1. On page 7, in line 47, after “Act” to insert “or the rules and orders contemplated in section 23(3)(h) of the Constitution of the Western Cape, 1997,”.
2. On page 8, in line 1, after “funds” to insert “which format must comply with the standards of generally recognised accounting practice”.
3. On page 8, from line 2, to omit “in the prescribed format”.
4. On page 8, in line 3, after “Officer” to insert “in a format complying with the standards of generally recognised accounting practice”.

#### CLAUSE 15

Clause rejected

1. That the following be a new clause:
  - 15.** There is hereby established a Parliamentary Treasurer, with the Speaker performing the functions of the Parliamentary Treasurer.

#### CLAUSE 16

1. On page 8, in line 20, to omit “**Treasury**” and to substitute “**Treasurer**”.
2. On page 8, in line 21, to omit “Treasury” and to substitute “Treasurer”.
3. On page 8, in line 31, to omit “treasury” and to substitute “financial”.
4. On page 8, in line 32, to omit “Treasury” and to substitute “Treasurer”.

#### CLAUSE 17

1. On page 8, in line 37, to omit “Treasury” and to substitute “Treasurer”.
2. On page 8, after line 42, to add the following subclause:
  - (3) The Parliamentary Treasurer must, after consultation with the Minister, determine a process for requisitioning appropriated funds that provides for sound cash-flow management.

#### CLAUSE 18

Clause rejected.

**NEW CLAUSE**

1. That the following be a new clause:

**Opening of bank accounts**

**18.** (1) The Accounting Officer, with the approval of the Governance Board, and in accordance with the policy referred to in section 17, must open and maintain a bank account in the name of the Provincial Parliament with an institution registered as a bank in terms of the Banks Act, 1990 (Act 94 of 1990).

(2) All money received by the Provincial Parliament must be paid into the bank account referred to in subsection (1).

**CLAUSE 19**

1. On page 9, from line 3, to omit “or the Parliamentary Service”.

**CLAUSE 23**

1. On page 10, in line 25, after “with” to insert “an accounting practice approved by the Governance Board and complying with the standards of”.

**CLAUSE 28**

1. On page 12, in line 16, to omit “30” and to substitute “27”.

**CLAUSE 30**

1. On page 12, from line 49, to omit “and present it to the Governance Board” and to substitute “in accordance with directives issued by the Governance Board and present it to the Board for approval”.
2. On page 12, from line 52, from line 49, to omit “and present it to the Governance Board” and to substitute “in accordance with directives issued by the Governance Board and present it to the Board for approval”.

**CLAUSE 31**

1. On page 13, in line 9, after “sources” to insert “including donor funding”.
2. On page 13, in line 12, to omit “to” and to substitute: “in a manner that is coordinated with the processes of”.

**CLAUSE 33**

Clause rejected

1. That the following be a new clause:

**Expenditure before annual budget is passed**

**32.** If the Provincial Parliament does not pass the provincial annual budget before the start of the financial year to which it relates, section 29 of the PFMA applies.

**CLAUSE 34**

1. On page 13, from line 47, to omit subclause (1).
2. On page 13, in line 55, after “Parliamentary” to omit “Treasury” and to substitute “Treasurer”.

**CLAUSE 35**

1. On page 14, after line 18, to insert the following subclause:
  - (3) The Governance Board must table all decisions for permission contemplated in subsection (2) in the Provincial Parliament for ratification.

2. On page 14, in line 20, to omit “eight percent” and to substitute “the percentage stipulated in section 43(2) of the PFMA”.

**CLAUSE 36**

Clause rejected

**CLAUSE 40**

1. On page 15, in line 36, to omit “**Treasury**” and to substitute “**Financial**”.
2. On page 15, in line 37, to omit “Treasury may” and to substitute “Treasurer must”.
3. On page 15, in line 39, to omit “or authorises”.
4. On page 16, from line 5, to omit paragraphs (o) and (p).
5. On page 16, after line 8, to insert the following subclause:
  - (2) The Parliamentary Treasurer may, after consultation with the Governance Board, make regulations regarding—
    - (a) any matter that may be prescribed in terms of this Act;
    - (b) the investigation of allegations of financial misconduct;
    - (c) the handling of donor funds and other funds received by the Provincial Parliament otherwise than through an appropriation in terms of section 31(1)(a); and
    - (d) any other matter concerning the financial management of the Provincial Parliament which is necessary for or may facilitate the administration and implementation of Chapter 3.
6. On page 16, in line 12, to omit “Treasury” and to substitute “Treasurer”.

**CLAUSE 41**

1. On page 16, from line 27, to omit subclause (2) and to substitute:
  - (2) The Board must within 14 days after issuing a directive in terms of subsection (1) submit a copy of the directive to the Committee.

**CLAUSE 44**

1. On page 16, in line 51, to omit “1998” and to substitute “1997”.

**SCHEDULE**

1. On page 17, in line 7, after “directives” to insert “referred to in section 40”.
2. On page 17, in line 17, after “powers” to insert “referred to in that section”.



