
PROVINCE OF THE WESTERN CAPE

**WESTERN CAPE MEMBERSHIP
OF THE WESTERN CAPE
ECONOMIC DEVELOPMENT
PARTNERSHIP ACT, 2013**

PROVINSIE WES-KAAP

**WES-KAAPSE WET OP
LIDMAATSKAP VAN DIE
WES-KAAPSE EKONOMIESE
ONTWIKKELINGS-
VENNOOTSKAP, 2013**

IPHONDO LENTSHONA KOLONI

**UMTHETHO WENTSHONA
KOLONI WOBULUNGU
KWIQOQO
LENTSEBENZISWANO
KUPHUHLISO LOQOQOSHO
WENTSHONA KOLONI, 2013**

No 12, 2013

ACT

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.

WET

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.

UMTHETHO

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. 5

Ukubonelela nokusetyenziswa kwemali

5. (1) Ngeli xesha iNkampani ilandela iinjongo 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 10
 - (c) nangokohlahlo-mali ngemvume—
 - (i) yoqingqo-mali lonyaka olupasiswe ngokwemiqathango yoMthetho wohlahlo-mali; okanye 15
 - (ii) uqingqo-mali olulungisiweyo olupasiswe ngokwemiqathango yoMthetho wohlahlo-mali olulungisiweyo.
- (2) Isiqinisekiso esibhaliweyo okanye iimeko kunye nemigaqo elandelwayo ekhankanye kwicandelo (1) kufuneka, ukongeza kokufunwayo kuMthetho iPublic Finance Management Act, sinike oku kulandelayo ngokunxulumene nenkcitho-mali: 20
- (a) uniko-ngxelo kunye nokwenza izinto ngokungafihlisiyo, kuquka ukubhengeza nokufikelela kumaxwebhu enkukacha anxulumene nenkcitho-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; 25
 - (c) ukuqinisekisa nokuphepha ungquzulwano zimvo zabasebenzi nabalawuli bebhodi kwiNkampani, kunye
 - (d) nesicwangciso sokusebenza esiquka uqingqo-mali kunye nocwangciso lweprojekthi olwenzelwe iiprojekthi ezithile nokunikezwa kweenkonzo. 30

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. 35
- (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.

Isihlokwana esifutshane

7. Lo Mthetho ubizwa ngokuba nguMthetho weNtshona Koloni wobuLungu kwiQoqo leNtsebenziswano kuPhuhliso loQoqosho weNtshona Koloni, 2013. 40

