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PROVINCIAL NOTICE

Bill: Western Cape Law on the Powers and Privileges of the Provincial Legislature Amendment Bill, 1997

P.N. 136/1997

23 April 1997

The following Bill is hereby published for general information:—

Western Cape Law on the Powers and Privileges of the Provincial Legislature Amendment Bill, 1997

Any person or organisation wishing to comment on the said Bill is requested to lodge such comment in writing before or on 14 May 1997:

(a) by posting it to:

The Secretary
P.O. Box 648
Cape Town
8000

(b) by handing it in at:

Room 6-107
Provincial Building
Wale Street
Cape Town

P. Pretorius

Secretary: Provincial Legislature

As 'n Nuisblad by die Poskantoor Geregistreer

INHOUD

PROVINSIALE KENNISGEWING

Wetsontwerp: Wes-Kaapse Wysigingswet op die Wet op die Bevoegdhede en Voorregte van die Provinsiale Wetgewer, 1997

P.K. 136/1997

23 April 1997

Die volgende Wetsontwerp word hierby vir algemene inligting gepubliseer:—

Wes-Kaapse Wysigingswet op die Wet op die Bevoegdhede en Voorregte van die Provinsiale Wetgewer, 1997

Enige persoon of organisasie wat kommentaar oor die genoemde Wetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 14 Mei 1997:

(a) deur dit te pos aan:

Die Sekretaris
Posbus 648
Kaapstad
8000

(b) deur dit in te handig by:

Kamer 6-107
Provinsiale-gebou
Waalstraat
Kaapstad

P. Pretorius

Sekretaris: Provinsiale Wetgewer

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.

BILL

To amend the Western Cape Law on the Powers and Privileges of the Provincial Legislature, 1995, (Law 3 of 1995) so as to provide for the financial arrangements of the Provincial Legislature, and to make provision for the appointment of, and the fixing of the salaries, wages, allowances and other terms or conditions of service of a Secretary and such other officers as may be necessary for the discharge of the work of the Provincial Legislature, and to provide for matters incidental thereto.

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

Amendment of section 1 of Law 3 of 1995

1. Section 1 of the Western Cape Law on the Powers and Privileges of the Provincial Legislature, 1995 (Law 3 of 1995) (hereafter referred to as "the principal Law"), is hereby amended by the substitution for the definition of "officer" of the following definition: 5

" 'officer' means the Secretary, and any other person who may be appointed [to the staff of the Provincial Legislature] by the Speaker in terms of section 16B;".

Insertion of Chapter 3A in Law 3 of 1995 10

2. The principal Law is hereby amended by the insertion after Chapter 3 of the following Chapter:

"CHAPTER 3A**FINANCIAL ARRANGEMENTS AND STAFF** 15**Appropriation of moneys and control of expenditure**

16A (1) The control of the expenditure and the appropriation of moneys for the services of the Provincial Legislature shall be vested in the Speaker, and his or her authorization for such expenditure and appropriation of moneys, as well as receipts issued by the accounting officer referred to in 20

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WETSONTWERP

Om die Wes-Kaapse Wet op die Bevoegdhede en Voorregte van die Provinsiale Wetgewer, 1995 (Wet 3 van 1995) te wysig om voorsiening te maak vir die finansiële reëlins van die Provinsiale Wetgewer en om voorsiening te maak vir die aanstelling van, en die bepaling van die salarisse, lone, toelaes en ander bedinge of diensvoorwaardes van 'n Sekretaris en sodanige ander beampes wat nodig mag wees vir die uitvoering van die werk van die Provinsiale Wetgewer, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie Wes-Kaap, soos volg:

Wysiging van artikel 1 van Wet 3 van 1995

1. Artikel 1 van die Wes-Kaapse Wet op die Bevoegdhede en Voorregte van die Provinsiale Wetgewer, 1995 (Wet 3 van 1995) (hierna "die Hoofwet" genoem), word hiermee gewysig deur die omskrywing van "beampte" deur die volgende omskrywing te vervang:

"'beampte' die Sekretaris, en enigiemand anders wat [in die personeel van die Provinsiale Wetgewer] deur die Speaker ingevolge artikel 16B aangestel word;"

10 Invoeging van Hoofstuk 3A in Wet 3 van 1995

2. Die Hoofwet word hiermee gewysig deur die volgende Hoofstuk na Hoofstuk 3 in te voeg:

"HOOFSTUK 3A

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FINANSIËLE REËLINGS EN PERSONEEL**Bewilliging van geld en beheer van uitgawes**

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16A (1) Die beheer oor die uitgawes en die toewysing van geld vir die diens van die Provinsiale Wetgewer berus by die Speaker, en sy of haar magtiging vir sodanige uitgawes en toewysing van geld, asook kwitansies namens hom of haar deur die rekenpligtige beampte bedoel in subartikel

subsection (2) on his or her behalf, with reference to all matters affecting those services shall, notwithstanding anything to the contrary contained in any law but subject to the provisions of this section, be *prima facie* taken to be in all respects good, valid and effectual.

(2) Subject to the provisions of this Law, and unless otherwise directed by the Speaker, the Secretary shall be the accounting officer charged with the collection, receipt, custody and payment of moneys for the services of the Provincial Legislature, as well as the receipt, custody and control of property acquired for the administration of the Provincial Legislature, and the Secretary shall keep proper accounts of all moneys received and paid out by him or her and of all his or her financial transactions.

(3) The Secretary shall requisition the moneys voted for the services of the Provincial Legislature from the Provincial Treasury.

(4) The Secretary shall maintain at a bank registered as such under the Banks Act, 1990 (Act 94 of 1990), and approved by the Speaker, an account into which must be deposited all moneys received by him or her and from which all payments shall be made by him or her, and the Secretary may authorize an officer to sign the necessary cheques for the said payments.

(5) Notwithstanding anything to the contrary contained in any law, the Secretary may approve that a saving under a main division of the vote in an appropriation Law may be applied towards the defrayment of excess expenditure under another main division or of expenditure under a new main division of that vote; provided that amounts appearing in "Column 2" of a schedule to such an appropriation Law in respect of the said vote shall not be exceeded, and the savings thereon shall not be applied for a purpose other than that for which the money was granted as indicated in such schedule.

(6) At the end of each financial year the Secretary shall cause statements of account to be prepared showing in detail the moneys received by him or her, and the expenditure incurred by him or her during the financial year in question and these statements shall be submitted to the standing committee of the Provincial Legislature responsible for the internal arrangements of the Legislature.

(7) At the end of a financial year the Secretary shall surrender to the Provincial Treasury for redepositing in the Provincial Revenue Account, any unexpended balance of moneys received from the Treasury.

(8) The provisions of sections 7, 15, 20 and 21 of the Western Cape Exchequer Law, 1994 (Law 4 of 1994), shall *mutatis mutandis* apply in respect of the services, vote, accounts, moneys and property of the Provincial Legislature, and in such application—

- (a) any reference in sections 15, 20 and 21 to an accounting officer shall be deemed to be a reference to the Secretary;
- (b) any reference in section 20(1)(c) to the Provincial Treasury shall be deemed to be a reference to the Speaker;
- (c) any reference in section 21 to the responsible Member and the Provincial Treasury shall be deemed to be a reference to the standing committee referred to in subsection (6) and to the Speaker respectively; and
- (d) any reference in section 21 to a person who is or was in the employ of the Province, shall be deemed to be a reference to an officer who is or was in the employ of the Provincial Legislature.

(9) The accounts of the Provincial Legislature shall, subject to the provisions of subsection (1), be investigated, examined and audited by the Auditor-General, and in the carrying out of such an audit the provisions of sections 3(1), (2)(a) and (b), (4)(a) and (b) and (5), 4(1), 5 and 8 of the Auditor-General Act, 1995 (Act 12 of 1995), shall *mutatis mutandis* apply, and in such application the references in section 4(1) to an accounting officer shall be deemed to be references to the Secretary and to officers in the employ of the Provincial Legislature, respectively.

(10) For the purposes of this section the expressions—

(2) uitgereik, ten aansien van alles wat daardie diens raak, word, ondanks andersluidende wetsbepalings maar behoudens die bepalinge van hierdie artikel, in alle opsigte as *prima facie* goed, geldig en bindend beskou.

(2) Behoudens die bepalinge van hierdie Wet, en tensy die Speaker anders gelas, is die Sekretaris die rekenpligtige beampte belas met die invordering, ontvangs, bewaring en uitbetaling van geld vir die diens van die Provinsiale Wetgewer, asook met die ontvangs, bewaring en beheer van goed wat vir die administrasie van die Provinsiale Wetgewer verkry is, en die Sekretaris moet behoorlik boekhou van al die geld wat deur hom of haar ontvang en uitbetaal is, en van al sy of haar finansiële transaksies.

(3) Die Sekretaris moet die geld wat vir die diens van die Provinsiale Wetgewer bewillig is deur middel van 'n rekwisisie van die Tesourie aanvra.

(4) Die Sekretaris hou by 'n bank wat as sodanig kragtens die Bankwet, 1990 (Wet 94 van 1990), geregistreer is, en wat deur die Speaker goedgekeur is, 'n rekening waarin alle gelde deur hom of haar ontvang, gestort moet word en waaruit alle betalings deur hom of haar gedoen moet word, en die Sekretaris kan 'n beampte magtig om die tjeks te teken wat vir bedoelde betalings nodig is.

(5) Ondanks andersluidende wetsbepalings, kan die Sekretaris goedkeur dat 'n besparing onder 'n hoofindeling van die begrotingspos in 'n Begrotingswet aangewend word ter bestryding van ooruigawes onder 'n ander hoofindeling, of van uitgawes onder 'n nuwe hoofindeling van daardie begrotingspos; met dien verstande dat bedrae wat in "Kolom 2" van 'n bylae by so 'n Begrotingswet ten opsigte van genoemde begrotingspos voorkom, nie oorskry mag word nie, en die besparings daarop nie aangewend mag word nie vir 'n ander doel as dié waarvoor die geld toegestaan is soos in sodanige bylae aangedui.

(6) Die Sekretaris moet aan die einde van elke boekjaar rekeningstate laat opstel wat met die gepaste besonderhede die geld deur hom of haar ontvang en die uitgawes deur hom of haar aangegaan gedurende die betrokke boekjaar, opgee en hierdie rekeningstate moet aan die staande komitee van die Provinsiale Wetgewer wat vir interne reëlings van die Wetgewer verantwoordelik is, voorgelê word.

(7) Enige onbestede saldo's aan die einde van 'n boekjaar van geld wat van die Tesourie ontvang is, moet deur die Sekretaris aan die Provinsiale Tesourie oorbetal word vir terugstorting in die Provinsiale Inkomste-rekening.

(8) Die bepalinge van artikels 7, 15, 20 en 21 van die Wes-Kaapse Skatkiswet, 1994 (Wet 4 van 1994) is *mutatis mutandis* van toepassing op die diens, begrotingspos, rekenings, geld en goed van die Provinsiale Wetgewer, en by sodanige toepassing word—

(a) 'n verwysing in artikels 15, 20 en 21 na 'n rekenpligtige beampte geag 'n verwysing na die Sekretaris te wees;

(b) 'n verwysing in artikel 20(1)(c) na die Provinsiale Tesourie geag 'n verwysing na die Speaker te wees;

(c) 'n verwysing in artikel 21 na die verantwoordelike Lid en die Provinsiale Tesourie geag 'n verwysing onderskeidelik na die staande komitee waarna in subartikel (6) verwys word en die Speaker te wees; en

(d) 'n verwysing in artikel 21 na iemand wat in diens van die Provinsie is of was, geag 'n verwysing na 'n beampte wat in diens van die Provinsiale Wetgewer is of was, te wees.

(9) Die rekenings van die Provinsiale Wetgewer word, behoudens die bepalinge van subartikel (1), deur die Ouditeur-generaal ondersoek, nagesien en geouditeer en by die uitvoering van so 'n audit is die bepalinge van artikels 3(1), (2)(a) en (b), 4(a) en (b) en (5), 4(1), 5 en 8 van die Wet op die Ouditeur-generaal, 1995 (Wet 12 van 1995), *mutatis mutandis* van toepassing, en by sodanige toepassing word die verwysings in artikel 4(1) na 'n rekenpligtige beampte geag verwysings te wees na die Sekretaris en na beamptes in diens van die Provinsiale Wetgewer, onderskeidelik.

(10) By die toepassing van hierdie artikel het die uitdrukkings—

- (a) "Auditor-General" in subsection (9);
 - (b) "Provincial Revenue Account" in subsection (7);
 - (c) "financial year" in subsections (6) and (7);
 - (d) "Provincial Treasury" in subsections (3) and (7), and
 - (e) "vote" and "appropriation Law" in subsection (5),
- shall bear the respective meanings assigned thereto in section 1(1) of the Western Cape Exchequer Law, 1994 (Law 4 of 1994).

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Appointment of staff and fixing of remuneration

16B (1) The Speaker shall appoint a Secretary and such other officers as may be necessary for the discharge of the work of the Provincial Legislature.

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(2) The salaries, wages or allowances and other terms or conditions of service of the Secretary and officers referred to in subsection (1) shall be fixed by the Speaker in concurrence with the Provincial Minister of Finance, provided that the salaries shall be fixed with due regard to salaries applicable to officers appointed in terms of the Public Service Act, 1994, and subject to moneys being voted for that purpose.

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(3) Persons appointed under this section shall be remunerated out of and as a charge on the Provincial Revenue Fund of the Province."

Short title

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3. This Act shall be called the Western Cape Law on the Powers and Privileges of the Provincial Legislature Amendment Act, 1997.

- (a) "Ouditeur-generaal" in subartikel (9);
(b) "Provinsiale Inkomsterekening" in subartikel (7);
(c) "boekjaar" in subartikels (6) en (7);
(d) "Provinsiale Tesourie" in subartikels (3) en (7); en
(e) "begrotingspos" en "begrotingswet" in subartikel (5),
die onderskeie betekenisse daaraan toegeskryf in artikel 1(1) van die
Wes-Kaapse Skatkiswet, 1994 (Wet 4 van 1994).

Aanstelling van personeel en bepaling van vergoeding

16B (1) Die Speaker stel 'n Sekretaris en sodanige ander beamptes aan
wat vir die uitvoering van die werk van die Provinsiale Wetgewer nodig
mag wees.

(2) Die salarisse, lone of toelaes en ander bedinge of diensvoorwaardes
van die Sekretaris en beamptes waarna in subartikel (1) verwys, word deur
die Speaker bepaal met die instemming van die Provinsiale Minister van
Finansies; met dien verstande dat salarisse bepaal word met behoorlike
inagneming van salarisse wat betrekking het op beamptes wat ingevolge
die Staatsdienswet, 1994, aangestel is, en behoudens die bewilliging van
geld vir dié doel.

(3) Persone kragtens hierdie artikel aangestel, word uit en as 'n las teen
die Provinsiale Inkomstefonds van die Provinsie besoldig.

Kort titel

3. Hierdie Wet heet die Wes-Kaapse Wysigingswet op die Wet op die Bevoegdhede
en Voorregte van die Provinsiale Wetgewer, 1997.

