

***THE PROVINCE OF  
GAUTENG***

***DIE PROVINSIE  
GAUTENG***

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

**Vol. 14**

**PRETORIA, 18 SEPTEMBER 2008**

**No. 258**

---

---

**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
	<b>PREMIER'S NOTICE</b>		
4	Gauteng Transport Framework Revision Amendment Act (3/2008): For general information.....	3	258

---

---

---

## **PREMIER'S NOTICE**

---

**No. 4**

**18 September 2008**

It is hereby notified that the Premier has assented to the following Act that is hereby published for general information:

No. 3 of 2008      Gauteng Transport Framework Revision Amendment Act,  
2008

---

GAUTENG PROVINCIAL GOVERNMENT

**GAUTENG TRANSPORT  
FRAMEWORK REVISION  
AMENDMENT ACT, 2008**

---

**No 3, 2008**

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.

# ACT

To amend the Gauteng Transport Framework Revision Act, 2002 so as to provide for the establishment of the Gauteng Transport Management Authority; to provide for the insertion of new definitions, to repeal provisions relating to co-operative governance, general principles for transport planning and to provide for matters connected therewith.

**B**E IT ENACTED by the Gauteng Provincial Legislature as follows:—

**Amendment of Section 1 of Act No. 8 of 2002**

1. Section 1 of the Gauteng Transport Framework Revision Act No.8 of 2002 (hereinafter referred to as "the principal Act") is hereby amended— 5

(a) by the insertion after the definition of "Department" of the following definition:

"'financial year' means the period beginning on 01 April of a specific year and ending on 31 March of the following year, both days included;"

and

(b) by the insertion after the definition of "Framework" of the following definition: 10

"'GTMA' means the Gauteng Transport Management Authority as contemplated in section 7A;"

**Insertion of Chapter 3A and 3B in Act 8 of 2002** 15

2. The Principal Act is hereby amended by the insertion after Chapter 3 of the following chapters:

**"3A ESTABLISHMENT OF THE GAUTENG TRANSPORT MANAGEMENT AUTHORITY".**

**Establishment of the Gauteng Transport Management Authority** 20

7A (1) The GTMA is hereby established as a juristic person.  
(2) The GTMA must be listed as a public entity in Schedule 3 of the PFMA.

**Application of the Public Finance Management Act**

7B. (1) The GTMA is a provincial public entity as defined in section 1 of the PFMA and its regulations applicable to provincial public entities.

(2) For the purposes of the PFMA—

- (a) the Board of the GTMA is the accounting authority as contemplated in section 49(2)(a) of the PFMA; and the MEC is the executive authority as contemplated by section 53 of the PFMA.

**Objects of the GTMA**

7C. The objects of the GTMA are to—

- (1) improve the planning, co-ordination and facilitation of transport functions of the Province as may be delegated to it by the MEC from time to time; and
- (2) promote intergovernmental relations within the transport environment.

**Functions of the GTMA**

7D. (1) Without derogating from the generality thereof must—

- (a) In accordance with international best practice, determine the strategic transport policy and agenda for the Province along with the transport framework for investment across Gauteng;
- (b) Ensure there is linkage with other matters that have an impact on transport including land use management, environment population growth, economic development and infrastructure investment, with the aim of facilitating integration and efficient transport;
- (c) Set transport-related standards, performance criteria and related indicators to ensure intermodal integration and efficient management of transport investment, transport-related systems, intermodal infrastructure and public transport;
- (d) Facilitate the provision and source international, national, public and private financial mechanisms to enable integrated investment opportunities to be realized in transport infrastructure, intelligent transport systems and innovative practices through partnerships, funding agreements and other related financial mechanisms;
- (e) Determine similar projects and implementation opportunities for integrated, efficient and sustainable transport across Gauteng; and
- (f) Coordinate transport initiatives with the local authorities and other transport stakeholders, in accordance with intergovernmental parameters.

(2) In executing its functions the GTMA must work in close co-operation with the intergovernmental structures established by the Premier from time to time.

**Powers of the GTMA**

7E. Without derogating from its powers generally to perform acts, the GTMA may do all that is necessary or expedient to perform its functions including to—

- (1) purchase, hire or otherwise acquire and hold, sell exchange or let or otherwise deal with assets for purposes of this Act: Provided that assets may not be acquired or alienated without the approval of the MEC responsible for Treasury;
- (2) ensure that the GTMA is sufficiently insured against any risk, loss or damage connected with the exercise of its powers or performance of its functions or duties;
- (3) exercise any power or perform any other function conferred or imposed on it by or in terms of this Act or any other act; and
- (4) do anything else which is reasonable ancillary to any of its objects in terms of section 7C, its functions in terms of section 7D and its powers in terms of this section.

# Service Level Agreement

7F. (1) The MEC and GTMA must enter into a Service Level Agreement not later than 60 days after appointment of the Board of the GTMA, which must among other things, subject to this Act—

- (a) outline the parameters within which the GTMA operate in compliance with this Act and any other legislation; 5
- (b) describe the governance arrangements, accountability, communication and reporting responsibilities between the MEC and the GTMA;
- (c) align strategic objectives of the MEC and government with the objectives of the GTMA; 10
- (d) set performance indicators and management targets for the GTMA; and
- (e) deal with any other prescribed matter.

(2) The Service Level Agreement must be consistent with the PFMA and any applicable regulations and guidelines made under that Act. 15

(3) In the event that a Service Level Agreement cannot be concluded within the period specified in subsection (1), the MEC may issue a directive in terms of section 7G dealing with matters set out in subsection (1).

# Directives by the MEC

7G. (1) The MEC may issue a written directive to the GTMA if the MEC is of the view that such action is necessary to ensure that the GTMA performs its functions in accordance with the Act. 20

(2) Particulars of any directives given during a financial year must be included in the annual report of the GTMA.

# Appointment of the Board of the GTMA

7H. (1) The Board consists of—

- (a) The Chief Executive Officer by virtue of his or her office;
- (b) at least 7 (seven) members, appointed in terms of this section by the MEC. 25

(2) The MEC must appoint members by virtue of their knowledge of or experience in one or more of the following: 30

- (i) Rail management;
- (ii) Economic development;
- (iii) Transport engineering;
- (iv) Project management; 35
- (v) Freight management;
- (vi) Public transport; and
- (vii) Traffic Management

(3) The MEC must designate a member

- (a) as Chairperson; and 40
- (b) another member as Deputy Chairperson to act as chairperson of the Board of the GTMA when the Chairperson is unable to perform those duties, but the Chief Executive Officer may not be the Chairperson or Deputy Chairperson;
- (c) an official from the Department. 45

(4) Before appointing the members of the Board of the GTMA the MEC may invite, through the media and by notice in the Provincial Gazette nominations for the appointment.

# Disqualification for appointment or membership.

7I. (1) A person shall not be appointed as a member of the Board if that person— 50

- (a) is not a citizen of the Republic, and resident in the Province;
- (b) is a member of Parliament, a Provincial Legislature, a Municipal Council or House of Traditional leaders established under section 212(2) of the Constitution; 55
- (c) is an unrehabilitated insolvent;

- (d) has been declared by a court to be of unsound mind;
  - (e) has been convicted of an offence involving dishonesty;
  - (f) is a full time employee of the government, except for the person referred to in section 7H(3)(c);
  - (g) has been removed from an office of trust on account of misconduct; and
  - (h) has previously been removed from the Board of the GTMA for a breach of any provision of this Act.
- (2) A member must vacate office if that member becomes subject to a disqualification as contemplated in subsection (1).

#### Term of office and termination of membership of the Board

- 7J. (1) A member—
- (a) may hold office for a period of 3 (three) years;
  - (b) serves on the terms and conditions determined by the MEC and specified in the letter of appointment of the member; and
  - (c) may resign by giving three months notice to the MEC or such notice as is stipulated in the letter of appointment.
- (2) If a member's appointment is terminated or a member resigns, the MEC may appoint a person to fill the vacancy for the unexpired portion of the period for which the member was appointed or for such period as the MEC may determine subject to the provisions of subsection (3).
- (3) Subject to section 7I, any person whose term of office as member has expired is eligible for re-appointment provided that such member may not serve for more than two terms.
- (4) The MEC, acting in consultation with the MEC for Provincial Treasury, must determine the remuneration and allowances of members.
- (5) The Chief Executive Officer and any member in the service of the State may not receive additional remuneration or allowances for serving on the Board of the GTMA, but may be re-imbursed for expenses incurred in performance of their functions in terms of this Act.
- (6) The MEC may terminate the appointment of a member—
- (a) for misconduct, incapacity or incompetence;
  - (b) if the member fails to attend three consecutive meetings of the Board of the GTMA without a valid explanation; or
  - (c) on good cause shown.
- (7) If the performance of the Board of the GTMA has been unsatisfactory or ineffective, the MEC may, after giving an opportunity to be heard, dissolve the Board of the GTMA.

#### Responsibilities of the Board

- 7K. (1) The Board of the GTMA must—
- (a) ensure that the responsibilities of the GTMA are performed and that the objects of the GTMA are achieved;
  - (b) exercise the fiduciary duties and responsibilities of an accounting authority in accordance with the PFMA in respect of the GTMA; and
  - (c) function in a transparent and open manner.
- (2) The Board of the GTMA may do all that is necessary or expedient to carry out its responsibilities including—
- (a) instituting, conducting and defending civil proceedings in any matters relating to its functions;
  - (b) performing legal acts, including acts in association with any other person or organ of state; and
  - (c) approve the entering into contracts relating to financial support with financial institutions or any other institutions with objectives similar to those of the GTMA.



# Advisors to the Board

71. (1) The Board of the GTMA is supported by the following three advisors nominated by their respective organizations and appointed by the MEC—

- (a) one official of the Department;
- (b) one official of the Provincial Treasury;
- (c) one official of the Department of Transport in the national sphere of government;

(2) The functions of the advisors are to advise the Board with reference to the interests, views and policies of their respective organization.

(3) The advisors—

- (a) are not Board members and are not entitled to vote at Board meetings;
- (b) are entitled to attend and speak at Board meetings;
- (c) may be appointed by the Board of the GTMA to serve on its committees.

# Meetings of the GTMA

7M. (1) The Board of the GTMA must hold meetings at least four times a year.

(2) The Chairperson—

- (a) may convene a special meeting of the Board; and
- (b) must convene a special meeting within 14 days of receiving a written request to do so, signed by at least two thirds of the members of the Board.

(3) The request referred to in subsection (2)(b) must clearly state the reason for the request and only those matters may be discussed at the special meeting.

(4) The MEC may request a meeting with the Board of the GTMA at any time should the need arise.

(5) If the Chairperson and the deputy-chairperson are not present, the members present must appoint another member to preside at meetings.

(6) At a meeting a majority of the members of the Board present constitute a quorum.

(7) A decision of the simple majority of members present at any quorate meeting constitutes a decision of the Board of the GTMA and in the event of equality of votes, the Chairperson has a casting vote in addition to a deliberative vote.

(8) A decision taken by a simple majority of members present at a quorate meeting, or an act performed in terms of such a decision, is not invalid merely by reason of—

- (a) any irregularity in the appointment of a member;
- (b) a vacancy in the Board of the GTMA;
- (c) the fact that any person not entitled to be a member participated at a meeting at the time the decision was taken; or
- (d) the fact that a member participated in the meeting in breach of the section.

# Conduct and resolutions without meeting

7N. (1) The Board of the GTMA may determine rules of procedure for conducting its Business at meetings.

(2) Minutes of proceedings of every meeting of the Board of the GTMA must be—

- (a) recorded and kept in a manner that cannot be altered and tampered with; and
- (b) submitted to the next meeting of the Board of the GTMA for consideration and, if adopted, must be signed by the chairperson.

(3) The Board of the GTMA may—

- (a) permit members to participate in a particular meeting by telephone, closed-circuit television, and a member who participates in this manner is regarded as being present at the meeting; and

(b) invite a person to attend a meeting for the purpose of advising or informing the Board on any matter.

(4) The Board of the GTMA may adopt a resolution without a meeting if at least a majority of the members indicate their support for the resolution in accordance with a procedure previously established by the Board of the GTMA.

(5) A resolution in terms of subsection (4)—

(a) has the same status as if it was adopted at a meeting; and must be regarded as having been adopted on a day determined in accordance with the procedure contemplated in subsection (4).

#### Committees of the Board

7C. (1) The Board—

(a) may establish committees to assist it in discharging its functions;

(b) must establish an audit committee and such other committees as required by the PFMA and other applicable legislation.

(2) A committee may be established as a permanent committee or an *ad hoc* committee.

(3) A committee must—

(a) consist of at least one member and such other persons, as the Board of the GTMA may appoint;

(b) must be chaired by a member appointed by the Board of the GTMA, who may not be the Chief Executive Officer.

(4) Committees will not have executive powers unless—

(a) the Board of the GTMA delegates any of its powers to the committee; or

(b) the PFMA requires that the committee exercise such powers.

(5) The Board of the GTMA must determine for each committee—

(a) its functions and duties;

(b) the procedures for its meetings;

(c) the frequency of meetings, provided that standing committees must meet at least twice in each calendar year.

(6) Committee members who are not Board members may be remunerated on the basis determined by the MEC in consultation with the MEC for Provincial Treasury.

#### Creation of Portfolios

7P. (1) The Board of the GTMA may after approval of the MEC, establish or disestablish organizational portfolios for different functional areas of the GTMA. However as soon as it is practical after the commencement of this Act, the following portfolios must at least be established:

(a) Integrated Transport Systems Portfolio;

(b) Rail Management Portfolio;

(c) Provincial Roads Portfolio;

(d) Freight Management Portfolio;

(e) Public Transport Management Portfolio;

(f) Special Projects Portfolio.

(2) The functional operations of each Portfolio must be overseen by a member of the Board of the GTMA referred to in section 7H(1)(b) in accordance with the performance agreements concluded.

(3) The functioning and such additional members of the Portfolios shall be as prescribed.

#### Board Charter

7Q. (1) The Board of the GTMA must, not later than 60 days after its appointment, formulate a Charter for the Board of the GTMA which must at least, subject to this Act—

(a) outline the roles and responsibilities of the Board of the GTMA, its committees and individual members;

- (b) outline the purpose and vision of the Board of the GTMA in terms of the Act;
  - (c) confirm the Board of the GTMA's responsibility to—
    - (i) adopt the strategic objectives and plans as defined in the Service Level Agreement;
    - (ii) monitor operational performance and management;
    - (iii) develop policy on risk management and internal controls; and
    - (iv) determine responsibility for marketing and communications strategies;
  - (d) contain a code of conduct for Board of the GTMA and staff members;
  - (e) identify functions intended to be delegated to management under section 7R, and
  - (f) provide a framework for appointing senior staff for the GTMA.
  - (g) deal with any other matter that may be prescribed.
- (2) The Charter must be submitted to the MEC before it is finalized in order to allow the MEC to comment on its contents.
- (3) The Board of the GTMA must summarize the Charter in the annual report and review it at least every three years.

#### Delegations of the Board's responsibilities

- 7R. (1) The Board of the GTMA may, subject to the provisions of this section, delegate its responsibilities, functions or duties to any member or any committee of the Board or the Chief Executive Officer, except the power to appoint committees or committee members under section 7O.
- (2) A delegation under subsection (1) must be in writing and—
- (a) may be subject to any conditions or restrictions determined by the Board of the GTMA;
  - (b) does not prevent the exercise of that responsibility by the Board of the GTMA, and
  - (c) may be withdrawn or amended by the Board of the GTMA.
- (3) Anything done in the exercise or performance of a responsibility, function or duty delegated by the Board of the GTMA, is deemed to have been done by the Board of the GTMA.

#### Board member's conflicts of interest

- 7S. (1) A member—
- (a) must make a full disclosure to the Board of the GTMA of any conflict of interest including any potential conflict;
  - (b) may not vote, attend or participate in any proceedings in relation to any matter before the Board of the GTMA in respect of which that member has a conflict of interest; and
  - (c) must comply with any decision as to whether such member is entitled to participate in any particular proceedings of the Board of the GTMA.
- (2) For the purposes of this section, a member has a conflict of interest if—
- (a) the member, or a family member, partner or business associate, of the member has a financial or other interest in a business that is involved with the GTMA; or
  - (b) the member has any other interest that may preclude, or may reasonably be perceived as precluding, the member from performing the functions of a member of the Board of the GTMA in a fair, unbiased and proper manner.
- (3) Any disclosure in terms of subsection 1(a) and any decision of the Board of the GTMA in terms of subsection 1(c) must be recorded in the minutes of the Board of the GTMA.

#### The Chief Executive Officer

- 7T. (1) The MEC must, after consultation with the Board of the GTMA appoint a Chief Executive Officer.

(2) The Chief Executive Officer must be—	
(a) a fit and proper person who possesses knowledge, qualifications and experience not limited to but including one or more of the areas referred to in section 7H(2)(i-vii)	
(b) citizen of the Republic and resident in the Province.	5
(3) The Chief Executive Officer holds office—	
(a) for a period not exceeding 5 years, and is eligible for reappointment; and	
(b) on such terms and conditions as the MEC, after consulting the Board of the GTMA, may determine.	10
(4) The Chief Executive Officer may not engage in any paid employment outside the functions of the office without prior approval of the Board of the GTMA.	
(5) The Chief Executive Officer may resign by notice in writing to the Board of the GTMA as prescribed in the contract of employment.	15
(6) On ceasing to hold office for any reason, the Chief Executive Officer ceases to be a member of the Board of the GTMA or any other body on which he or she represented the GTMA.	
(7) The Board of the GTMA and the Chief Executive Officer must conclude a written contract of employment.	20
(8) The Board of the GTMA and the Chief Executive Officer must conclude a performance agreement that is in line with the Service Level Agreement referred to in section 7F—	
(a) within a reasonable time after the appointment of the Chief Executive Officer; and	25
(b) thereafter, annually within one month of the commencement of each financial year.	
(9) The performance agreement must include—	
(a) measurable performance objectives and targets that must be met, and the time frames within which those performance objectives and targets must be met;	30
(b) standards and procedures for evaluating performance and intervals for evaluation; and	
(c) the consequences of substandard performance.	
<b>Disqualification from holding office of Chief Executive Officer and termination of office</b>	35
7I. (1) No person may be appointed as Chief Executive Officer if that person is disqualified from being a member in terms of section 7I(1).	
(2) The Chief Executive Officer must vacate office if he or she becomes disqualified in terms of section 7I(1).	40
(3) The MEC, after giving the Chief Executive Officer an opportunity to be heard and after consulting the Board of the GTMA, may terminate the appointment of the Chief Executive Officer if, reasonable grounds exist to do so.	
<b>Responsibilities of the Chief Executive Officer</b>	45
7V. (1) The Chief Executive Officer is—	
(a) an employee of the GTMA;	
(b) responsible for running the GTMA on a day to day basis; and	
(c) accountable to the Board of the GTMA.	
(2) The Chief Executive Officer may do all that is necessary or expedient to carry out his or her responsibilities in terms of this Act, including but not limited to—	50
(a) entering into contracts and	
(b) holding consultative meetings with stakeholders, beneficiaries and provincial representatives to discuss the activities and performance of the GTMA at least once a year.	55

**Delegation by Chief Executive Officer**

7W. (1) The Chief Executive Officer may delegate any responsibility or the performance of any duty conferred or imposed upon the Chief Executive Officer by this Act or delegated to the Chief Executive Officer by the Board of the GTMA to—

- (a) any other person with appropriate knowledge and experience who is under the control of the Chief Executive Officer; or
  - (b) any other person, after consultation with the Board of the GTMA.
- (2) A delegation under subsection (1) must be in writing and—
- (a) may be subject to any conditions or restrictions determined by the Chief Executive Officer;
  - (b) does not prevent the exercise of that responsibility by the Chief Executive Officer; and
  - (c) may be withdrawn or amended by the Chief Executive Officer.

**Chief Executive Officer's disclosure of interest and conflict of interests**

7X. (1) The Chief Executive Officer must disclose to the Board of the GTMA any direct or indirect interest, including a potential interest, which he or she or an immediate family member, business partner, associate or previous employer has in any business that may benefit from the GTMA.

(2) The Chief Executive Officer must refer to the Board of the GTMA any matter in respect of which the Chief Executive Officer is required to make a decision or take action and where a conflict of interest or potential conflict of interest as contemplated in subsection (1) exists.

(3) The Board of the GTMA must determine the appropriate decision or action in respect of any matter referred to it in terms of subsection (2), and must inform the Chief Executive Officer of its determination in writing.

(4) The Chief Executive Officer must comply with the determination of the Board, contemplated in subsection (3).

(5) A failure by the Chief Executive Officer to disclose any interest contemplated in subsection (1) or any contravention of subsection (2) or (4), constitutes a sufficient reason to terminate the Chief Executive Officer's employment in terms of section 7S.

**Appointment of personnel**

7Y. (1) The Chief Executive Officer with the concurrence of the Board of the GTMA—

- (a) may appoint employees with appropriate expertise to assist the GTMA in carrying out its functions and
- (b) arrange with the national and provincial government or any other body to be seconded to the GTMA; or
- (c) employees of the GTMA to be seconded to national or provincial government

(2) Persons seconded to the GTMA perform their duties subject to the control and direction of the Chief Executive Officer.

(3) The Board of the GTMA in consultation with the MEC, must determine the remuneration, allowances, benefits, and other terms and conditions of appointment of members of staff.

(4) The GTMA may contract for the services of persons, other than employees, to perform any specific act or function.

**3B ASSETS AND FINANCES OF THE GTMA**

**Assets of the GTMA**

7aa. (1) The GTMA is funded primarily by money appropriated from the Provincial Revenue Fund.

(2) For this purpose, the MEC for Provincial Treasury may, out of money appropriated by the Provincial Legislature for the purpose, grant money to

the GTMA on terms and conditions which that MEC may determine in writing.

(3) The assets of the GTMA include—

- (a) assets transferred to it by or under this Act;
- (b) money appropriated by the national Parliament or the Provincial Legislature for the purpose of funding the GTMA;
- (c) amounts payable to it under any law or instrument there-under;
- (d) reserves resulting from the operations of the GTMA;
- (e) assets acquired by it in the course of its operations; and
- (f) money received by grant or donation from local and foreign aid agencies; and
- (h) money from any source approved by the MEC.

#### Transfer of provincial assets and liabilities to GTMA

7bb. (1) Subject to the PFMA, the MEC may transfer assets of the Province to the GTMA to enable it to fulfill its functions.

(2) Where immediately before a transfer under subsection (1)—

- (a) the Province had a right arising from a debt, liability or obligation of another person in favor of the Province in respect of the asset transferred; or
- (b) the Province had a debt, liability or obligation of the Province existed in respect of an asset so transferred in respect of the GTMA—
  - (i) the right, debt, liability or obligation is transferred from the Province to the GTMA on the date of such transfer, if the MEC stipulates in writing that it is to be so transferred.

(3) Where immovable property or a real right therein owned by the Province is transferred to the GTMA, the MEC must describe the property by notice in the *Provincial Gazette*, which will be transferred to the GTMA on the date specified in the notice, which may not be earlier than the date of publication of the notice.

#### Bank account

7cc. The GTMA must open and maintain one or more accounts with a bank registered

in terms of the Banks Act, 1990 (Act 94 of 1990), in which must be deposited all money received by the GTMA and from which payments for the GTMA or on its behalf must be made.

#### Strategic plan

7dd. (1) Each year the GTMA must prepare and submit to the MEC a strategic plan for its administration covering the following financial year and the two financial years thereafter, or any other period prescribed under the PFMA.

(2) The strategic plan must comply with any requirements prescribed under the PFMA and must include—

- (a) the objectives and outcomes of the GTMA in terms of this Act and the Service Level Agreement; and
- (b) the policies, strategies and measures that will be used to achieve the objectives and desired outcomes of the GTMA;
- (c) targets, performance measures and indicators for monitoring and evaluating the GTMA's performance in delivering the desired outcomes and objectives;
- (d) a financial plan that describes the financial objectives and targets of the GTMA;
- (e) the overall financial strategies for the GTMA and a forecast of its revenue and expenditure, including capital expenditure;
- (f) financial performance indicators and a financial monitoring, evaluation and audit strategy;
- (g) a risk management plan and a fraud prevention plan;
- (h) strategies for socio-economic development and BBBEE;



(i) human resources plan; and

(3) Unless otherwise agreed with the MEC, the strategic plan must be submitted to the MEC not later than 6 months before the start of each financial year.

(4) The Board of the GTMA must consider any comments or proposals suggestions made by the MEC, and must implement any changes or additions requested by the MEC.

(5) Despite subsection (3), the strategic plan for the GTMA's first financial year must be submitted to the MEC not later than 60 days after the date, as determined by the MEC, on which the GTMA becomes operative.

#### Budget

7ee. (1) The GTMA must comply with the PFMA and the Treasury Regulations promulgated in terms of that Act as regards its budget.

(2) In addition, the budget must distinguish between the funds required for GTMA operation and funds required for the GTMA and ensure that funds will be used for their intended purpose.

#### Monthly and quarterly reports

7ff. (1) The GTMA must comply with the PFMA and the Treasury Regulations promulgated in terms of that Act as regards monthly and other reporting requirements.

(2) In addition, the GTMA must prepare a quarterly report not later than 30 days after the end of each quarter—

(a) detailing the GTMA's actual revenue and expenditure for that quarter;

(b) including a projection of expected revenue and expenditure for the remainder of the financial year;

(c) including a reconciliation of actual revenue and expenditure with the projected finances of the GTMA from the previous report;

(d) if applicable, explaining in detail any variances and the measures taken to ensure that expenditure remains within budget; and

(e) other relevant matters, including a report on the performance of the GTMA.

(3) The Board of the GTMA must submit the quarterly report to the MEC not later than 30 days after the end of the quarter in question.

#### Annual report

7gg. (1) For each financial year, the GTMA must prepare an annual report that—

(a) articulates the vision and objectives of the GTMA;

(b) reports on the business of the GTMA for that year and its performance

(c) contains a summary report of the financial activities of the GTMA, audited financial statements, the external auditor's report and a report of the audit committee detailing internal controls and evaluating the financial statements;

(d) describes the structure and nature of the Board of the GTMA, with details of Board members and meetings of the Board and committees;

(e) includes an evaluation of the Board of the GTMA;

(f) describes key achievements in the harmonization and integration of public Transport; and

(g) indicates the manner, and extent to which any other aspect of the strategic plan has been implemented.

(3) Within five months of the end of the financial year, the GTMA must submit the annual report, as approved by the Board of the GTMA, to the MEC and the MEC must cause the annual report to be tabled in the Provincial Legislature.

No. 3, 2008

GAUTENG TRANSPORT FRAMEWORK REVISION AMENDMENT ACT, 2008

**Accounting**

7hh. (1) The GTMA must keep such accounting and related records according to Generally Recognized Accounting Practice and in the format prescribed in terms of the PFMA.

(2) Such books and records must state the funds required for GTMA operation. 5

(3) The accounting and related records of the GTMA must be audited annually by the Auditor-General, and financial statements must be submitted to the Provincial Treasury and Auditor-General within five months of the financial year end. 10

(4) The Provincial Treasury may direct that the audited financial statements of the GTMA must be incorporated in the financial statements of the Department.

**Auditing**

7ii. The Audit Committee contemplated in section 77 of the PFMA must implement financial and risk management systems and internal control. 15

**Repeal of Chapter 11 of Act 8 of 2002**

3. Chapter 11 of the Principal Act is hereby repealed.

**Short title and Commencement**

4. This Act is called the Gauteng Transport Framework Revision Amendment Act, 2008 and comes into operation on a date determined by the Premier by proclamation in the Provincial Gazette. 20