

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE
GAUTENG***

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PREMIER'S NOTICES

No. 1, 2009

OFFICE OF THE PREMIER

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

No. 4 of 2008: Provincial Adjustment Appropriation Act, 2008

ACT

To appropriate adjusted amounts of money from the Provincial Revenue Fund for the requirements of the Province in respect of the financial year ending 31 March 2009; and to provide for subordinate matters incidental thereto.

PREAMBLE

WHEREAS section 226(2) of the Constitution provides that money may be withdrawn from the Provincial Revenue Fund only in terms of an appropriation by a provincial Act;

AND WHEREAS section 26 of the Public Finance Management Act, 1999 (Act 1 of 1999) provides that the Provincial Legislature must appropriate money for each financial year for the requirements of the Province;

BE IT ENACTED by the Provincial Legislature of Gauteng, as follows:—

Definitions

1. In this Act, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Public Finance Management Act has the meaning assigned to it in that Act and—

“Act” includes the Schedule;

“*current payments*” means any payments made by a provincial department in respect of the operational requirements of that department, and includes, amongst others, payments for the compensation of employees, goods and services, interest, rental of immovable property and financial transactions relating to assets and liabilities, but exclude transfers and subsidies, payments for capital assets and payments made under section 73 of the Public Finance Management Act;

“*transfers and subsidies*” means any payments made by a provincial department to another organ of state or any other person in respect of which the national department does not receive anything of similar value directly in return, and includes the payment of conditional grants;

“*payments for capital assets*” means any payments made by a provincial department –

(a) for assets that can be used continuously or repeatedly in production for more than one year, and from which future economic benefits or service potential is expected to flow directly to the provincial department making the payment; and

(b) that must be classified as or deemed to be payments for capital assets in accordance with the “*Reference Guide to the new Economic Forum*” (November 2003, Version 2) and the “*Asset Management Framework*” (April 2004, Version 3.3), issued by the National Treasury under section 76 of the Public Finance Management Act;

“*Public Finance Management Act*” means the Public Finance Management Act, 1999 (Act No. 1 of 1999); and

“conditional grants” means allocations to provinces, local government or municipalities from the national government's share of revenue raised nationally, provided for in section 214(1)(c) of the Constitution.

Appropriation of money for the requirements of the Province

2. (1) Adjusted appropriations by the Provincial Legislature of money from the Provincial Revenue Fund for the requirements of the Province in the 2008/09 financial year, to votes and main divisions within a vote, and for the specific listed purposes, is set out in the Schedule. 5

(2) The spending of appropriations contemplated in subsection (1) is subject to the Public Finance Management Act 10

Appropriation listed as specifically and exclusively

3. Despite the provisions of any law, appropriations to a vote or main divisions within a vote that are listed as specifically and exclusively appropriated in the schedule may only be utilised for the purpose indicated and may not be used for any other purpose, unless an Act of Legislature amends or changes the purpose for which it was allocated. 15

Short title

4. This Act is called the Provincial Adjustment Appropriation Act, 2008.

Act No. 4 of 2008

PROVINCIAL ADJUSTMENT APPROPRIATION ACT, 2008

SCHEDULE
(As a charge to the Provincial Revenue Fund)

| Details of vote | | Total per Vote and Main Division | Details of adjusted appropriation | | | | Total per Vote and Adjusted Main Division |
|-----------------|--|--|-----------------------------------|---------------------|-----------|---------------------|---|
| No. | Title | | Adjusted Main Division | Current Payments | Transfers | Capital Payments | |
| | | R'000 | R'000 | R'000 | R'000 | R'000 | |
| 1 | Office of the Premier <i>Vision: To serve as a political nerve centre to ensure government excels in fulfilling its mandate</i> | 135,318 | 71,099 | 55,060 | 13,684 | 2,355 | 206,417 |
| | 1 Administration | 34,240 | 1,142 | 1,023 | 119 | | 35,382 |
| | 2 Institutional Development .. | 73,740 | -2,485 | -2,635 | | 150 | 71,255 |
| | 3 Policy and Governance | 27,338 | 72,442 | 56,672 | 13,565 | 2,205 | 99,780 |
| 2 | Gauteng Provincial Legislature <i>Vision: The Gauteng Legislative community (in observing our constitutional obligations, which include law making the exercise of oversight, ensuring co-operative governance and public participation) will (1) strive for and maintain a modern dynamic, competent, accessible transparent and accountable legislature in the 21st century, (2) foster ethical governance and public confidence in the legislature and (3) aim to attract and retain skilled & professional staff</i> | 200,525 | 34,948 | 2,648 | 20,000 | 12,300 | 235,473 |
| | 1 Legislature | 7,031 | | | | | 7,031 |
| | 2 Office of the Secretary | 9,642 | 2,648 | 2,648 | | | 12,290 |
| | 3 Corporate Governance | 110,449 | 32,000 | | 20,000 | 12,000 | 142,449 |
| | 4 Parliamentary Operations .. | 70,177 | | | | | 70,177 |
| | 5 Office of the CFO | 3,226 | 300 | | | 300 | 3,526 |
| 3 | Economic Development <i>Vision: To be a centre of development excellence contributing to a conducive environment for economic growth in Gauteng</i> | 698,922 | 214,245 | 57,765 | 156,480 | | 913,167 |
| | 1 Administration | 86,180 | 56,405 | 56,405 | | | 142,585 |
| | 2 Integrated Economic Development Services | 183,176 | 325 | 325 | | | 183,501 |
| | 3 Trade and Industry Development <i>Of which</i> Transfers | 365,591 | 156,513 | 33 | 156,480 | | 522,104 |
| | GEDA | 57,000 | 7,310 | | 7,310 | | 64,310 |
| | GTA | 44,500 | 7,315 | | 7,315 | | 51,815 |
| | GFC | 3,550 | 12,355 | | 12,355 | | 15,905 |
| | Cradle of Humankind and Dinokeng | 72,071 | -29,500 | | -29,500 | | 42,571 |
| | 4 Business Regulations and Governance | 49,455 | 847 | 847 | | | 50,302 |
| | 5 Economic Planning | 14,520 | 155 | 155 | | | 14,675 |

PROVINCIAL ADJUSTMENT APPROPRIATION ACT, 2008

Act No. 4 of 2008

| Details of vote | | Details of adjusted appropriation | | | | | Total per Vote and Adjusted Main Division |
|-----------------|---|-----------------------------------|------------------------|------------------|----------------|------------------|---|
| No. | Title | Total per Vote and Main Division | Adjusted Main Division | Current Payments | Transfers | Capital Payments | |
| | | R'000 | R'000 | R'000 | R'000 | R'000 | |
| 4 | Health | 13,889,251 | 1,019,076 | 890,126 | 819 | 128,131 | 14,908,327 |
| | <i>Vision: Health for a better life</i> | | | | | | |
| 1 | Administration | 529,200 | 39,744 | 39,744 | | | 568,944 |
| 2 | District Health Services | 3,667,278 | 232,146 | 228,446 | 1,200 | 2,500 | 3,899,424 |
| | <i>Of which:</i> | | | | | | |
| | Conditional Grant from National Comprehensive HIV and AIDS grant | 541,119 | 108,512 | 107,312 | 1,200 | | 649,631 |
| 3 | Emergency Medical Services | 581,000 | -50,010 | -39,691 | -10,319 | | 530,990 |
| | <i>Of which:</i> | | | | | | |
| | Transfers | | | | | | |
| | Municipalities | 268,285 | -10,319 | | -10,319 | | 257,966 |
| 4 | Provincial Hospital Services | 3,234,450 | 199,636 | 199,636 | | | 3,434,086 |
| 5 | Central Hospital Services | 3,769,300 | 441,325 | 441,325 | | | 4,210,625 |
| | <i>Of which:</i> | | | | | | |
| | Conditional Grant | | | | | | |
| | National Tertiary Services | 2,186,619 | 20,805 | 20,805 | | | 2,207,424 |
| 6 | Health Training and Sciences | 459,500 | 29,104 | 19,166 | 9,938 | | 488,604 |
| | <i>Of which:</i> | | | | | | |
| | Transfers | | | | | | |
| | Departmental Agencies and accounts | | 6,988 | | 6,988 | | 6,988 |
| 7 | Health Care Support Services | 122,401 | 1,500 | 1,500 | | | 123,901 |
| 8 | Health Facilities Management | 1,553,622 | 125,631 | | | 125,631 | 1,679,253 |
| 9 | Internal Charges | -27,500 | | | | | -27,500 |
| 5 | Education | 16,629,082 | 48,632 | 150,933 | -76,150 | -26,151 | 16,677,714 |
| | <i>Vision: A smart service delivery of quality public education which promotes a dynamic citizenship of socio-economic growth and development in Gauteng and South Africa</i> | | | | | | |
| 1 | Administration | 1,084,460 | -8,482 | -9,045 | | 563 | 1,075,978 |
| 2 | Public Ordinary School Education | 13,185,378 | 2,114 | 107,478 | -76,150 | -29,214 | 13,187,492 |
| | <i>Of which:</i> | | | | | | |
| | Transfers | | | | | | |
| | Non-Profit Institutions | 1,063,506 | -76,150 | | -76,150 | | 987,356 |
| | Conditional Grant | | | | | | |
| | National School Nutrition Programme | 172,111 | 28,810 | 28,810 | | | 200,921 |
| 3 | Independent School Education | 256,461 | | | | | 256,461 |
| 4 | Public Specialised Schools Education | 822,411 | | | | | 822,411 |
| 5 | Further Education and Training | 687,182 | | | | | 687,182 |
| 6 | Adult Basic Education and Training | 254,602 | | | | | 254,602 |
| 7 | Early Childhood Development | 214,571 | | | | | 214,571 |
| 8 | Auxiliary and Associated Services | 124,017 | 55,000 | 52,500 | | 2,500 | 179,017 |
| 6 | Social Development | 1,729,184 | 12,435 | 76,727 | -44,872 | -19,420 | 1,741,619 |
| | <i>Vision: A caring and integrated Social Development system that facilitates human development and improves the quality of life of people of Gauteng</i> | | | | | | |
| 1 | Administration | 375,286 | 54,698 | 69,763 | 4,355 | -19,420 | 429,984 |
| 2 | Social Welfare Services | 1,286,409 | -43,063 | 6,230 | -49,293 | | 1,243,346 |
| | <i>Of which:</i> | | | | | | |
| | Transfers | | | | | | |
| | Non-Profit Institutions | 833,136 | -51,938 | | -51,938 | | 781,198 |
| 3 | Development and Research | 67,489 | 800 | 734 | 66 | | 68,289 |

| No. | Details of vote Title | Total per Vote and Main Division | Details of adjusted appropriation | | | | Total per Vote and Adjusted Main Division |
|-----|---|--|-----------------------------------|---------------------|-----------|---------------------|---|
| | | | Adjusted Main Division | Current Payments | Transfers | Capital Payments | |
| | | R'000 | R'000 | R'000 | R'000 | R'000 | |
| 7 | Housing <i>Vision: To be a province where all households inhabit quality homes in vibrant and sustainable communities</i> | 3,101,521 | 85,768 | 26,070 | 59,698 | | 3,187,289 |
| 1 | Administration | 214,296 | 11,070 | 11,070 | | | 225,366 |
| 2 | Housing Needs, Research and Planning | 15,504 | | | | | 15,504 |
| 3 | Housing Development Implementation, Planning and Targets, Of which Conditional Grant Integrated Housing & Human Settlement Development | 2,803,873 | 74,979 | 15,281 | 59,698 | | 2,878,852 |
| 4 | Housing Asset Management | 2,514,000 | 74,698 | | 74,698 | | 2,588,698 |
| | | 67,848 | -281 | -281 | | | 67,567 |
| 8 | Local Government <i>Vision: To ensure that the Gauteng province comprises viable local government and sustainable communities</i> | 224,470 | 90,550 | 20,550 | 69,500 | 500 | 315,020 |
| 1 | Administration | 49,816 | 3,208 | 3,208 | -500 | 500 | 53,024 |
| 2 | Local Governance | 127,123 | -63 | -63 | | | 127,060 |
| 3 | Development and Planning..... Of which Conditional Grant Disaster and other emergencies | 42,953 | 87,430 | 17,430 | 70,000 | | 130,383 |
| 4 | Traditional Institutional Management | | 17,040 | 17,040 | | | 17,040 |
| | | 4,578 | -25 | -25 | | | 4,553 |
| 9 | Public Transport, Roads and Works <i>Vision: For socio-economic growth, development and an enhanced quality of life for all people in Gauteng</i> | 7,612,570 | 86,871 | 990,195 | 102,870 | -1,008,194 | 7,699,441 |
| 1 | Administration | 294,026 | | -7,000 | 3,000 | 4,000 | 294,026 |
| 2 | Public Works... Transfers Municipalities | 744,050 | 16,001 | 110,088 | 15,000 | -109,087 | 760,051 |
| 3 | Transport Infrastructure Of which Transfers Municipalities Departmental agencies and accounts | 1,467,161 | 13,000 | 831,016 | 13,000 | -904,107 | 1,470,940 |
| 4 | Public Transport | | 5,000 | | 5,000 | | 5,000 |
| 5 | Extended Public Works Programme | 196,000 | 69,870 | | 69,870 | | 265,870 |
| 6 | Public Transport | 131,906 | 66,091 | 57,091 | 7,000 | 2,000 | 197,997 |
| 7 | Extended Public Works Programme | 209,434 | | -1,000 | | 1,000 | 209,434 |
| 8 | Gautrain Rapid Rail Link Of which Transfers Departmental Agencies and Accounts Gautrain Rapid Rail Link | 4,765,993 | 1,000 | | 1,000 | | 4,766,993 |
| | | 1,500,000 | 1,000 | | 1,000 | | 1,501,000 |
| 10 | Community Safety <i>Vision: To ensure that Gauteng is a safe and secure province</i> | 342,464 | 21,994 | 8,094 | 868 | 13,032 | 364,458 |
| 1 | Administration | 51,255 | 455 | 1,035 | | -580 | 51,710 |
| 2 | Promotion of Safety | 47,645 | | -3,922 | 147 | 3,775 | 47,645 |
| 3 | Civilian Oversight | 32,673 | 8,820 | 5,946 | 14 | 2,860 | 41,493 |
| 4 | Traffic Management | 210,891 | 12,719 | 5,035 | 707 | 6,977 | 223,610 |

PROVINCIAL ADJUSTMENT APPROPRIATION ACT, 2008

Act No. 4 of 2008

| No. | Details of vote | Total per Vote and Main Division | Details of adjusted appropriation | | | | Total per Vote and Adjusted Main Division |
|--------------|--|----------------------------------|-----------------------------------|------------------|-----------|------------------|---|
| | | | Adjusted Main Division | Current Payments | Transfers | Capital Payments | |
| | | R'000 | R'000 | R'000 | R'000 | R'000 | |
| 11 | Agriculture, Conservation and Environment <i>Vision: To be leaders in natural resource management</i> | 353,811 | 21,092 | 6,780 | 8,051 | 6,261 | 374,903 |
| 1 | Administration | 111,995 | 6 928 | 4 021 | | 2 907 | 118,923 |
| 2 | Agriculture <i>Of which</i> Transfers | 146,077 | 10 723 | 2 672 | 8 051 | | 156,800 |
| | Municipalities | 2 134 | 450 | | 450 | | 1 684 |
| | Public corporations & private enterprises | 2 900 | 355 | | 355 | | 3 255 |
| | Departmental agencies and accounts | | 6 078 | | 6 078 | | 6 078 |
| | Universities and Technikon | | 2 068 | | 2 068 | | 2 068 |
| | Conditional Grant | | 5 000 | 5 000 | | | 5 000 |
| | Disaster Management Grant | | 3 599 | 3 599 | | | 28 928 |
| | Comprehensive Agricultural Support Programme | 25 329 | | | | | |
| 3 | Conservation | 43,160 | 5 501 | 2 147 | | 3 354 | 48,661 |
| 4 | Environment | 52,579 | -2,060 | -2,060 | | | 50,519 |
| 12 | Sports, Arts, Culture and Recreation <i>Vision: A vibrant home of champions where sport, arts, culture and recreation promote nation building, economic growth and create sustainable livelihoods through ensuring skilled, active and healthy communities</i> | 415,395 | -23,918 | -28,232 | -738 | 5,052 | 391,477 |
| 1 | Administration | 105,757 | -35,883 | -33 738 | | -2 145 | 69,874 |
| 2 | Cultural Affairs <i>Of which</i> Transfers | 41,920 | -716 | -6,109 | 2 033 | 3 360 | 41,204 |
| | Municipalities | 3 300 | -3 300 | | 3 300 | | 0 |
| | Non-Profit Institutions | 7 190 | 5,324 | | 5 324 | | 12 514 |
| 3 | Library and Information Services <i>Of which</i> Transfers | 48,590 | 162 | 1 622 | -1 500 | 40 | 48,752 |
| | Municipalities | 37 861 | -1 500 | | -1 500 | | 36,361 |
| 4 | Sport and Recreation <i>Of which</i> Transfers | 219,128 | 12 519 | 9 993 | -1 271 | 3 797 | 231,647 |
| | Municipalities | 5 550 | -1 350 | | -1 350 | | 4 200 |
| | Universities and Technikon | | 1 000 | | 1 000 | | 1 000 |
| | Non-profit institutions | 18 200 | -1 365 | | -1 365 | | 16 835 |
| | Households | | 444 | | 444 | | 444 |
| 13 | Gauteng Shared Services Centre <i>Vision: To be a provider of World-class support services in the public sector</i> | 1,153,628 | 93,269 | 24,377 | | 68,892 | 1,246,897 |
| 1 | Gauteng Audit Services | 66,702 | -1,000 | -1 690 | | 690 | 65,702 |
| 2 | Human Resources Services | 81,354 | 3 074 | 2 837 | | 237 | 84,428 |
| 3 | Procurement Services | 80,981 | -4 064 | -3,934 | | 130 | 76,917 |
| 4 | Financial Services | 64,820 | 707 | 707 | | | 65,527 |
| 5 | Technological Support Services | 640,539 | 5,538 | 15 443 | | -9 905 | 646,077 |
| 6 | Corporate Services | 219,232 | 89,014 | 11 015 | | 78 000 | 308,246 |
| 14 | Gauteng Treasury <i>Vision: Gauteng Provincial Treasury aspires to be pioneers in financial management and fiscal discipline within the public sector in South Africa</i> | 185,549 | 5,480 | 2,694 | 1,551 | 1,235 | 191,029 |
| 1 | Administration | 32,308 | 9,152 | 7 917 | | 1 235 | 41,460 |
| 2 | Sustainable Resource Management <i>Of which</i> Transfers | 102,760 | 7 408 | 5,857 | 1 551 | | 110,168 |
| | Departmental agencies and accounts | 60 000 | | | | | 60,000 |
| 3 | Financial Management Reforms | 31,473 | -31 473 | -31 473 | | | |
| 4 | Financial Governance | 19,008 | 20,393 | 20 393 | | | 39,401 |
| TOTAL | | 46,671,690 | 1,781,541 | 2,283,788 | 311,761 | -814,007 | 48,453,231 |

No. 2, 2009**OFFICE OF THE PREMIER**

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

**No. 6 of 2008: GAUTRAIN MANAGEMENT AGENCY
 AMENDMENT ACT, 2008**

Words underlined with a solid line indicate insertions in existing enactments.

2. This Act is called the Gautrain Management Agency Amendment Act, 2008.

No. 3, 2009

OFFICE OF THE PREMIER

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

**No. 5 of 2008: Gauteng Scrutiny of Subordinate
Legislation Act, 2008**

ACT

To provide for the scrutiny of subordinate legislation by the Gauteng Provincial Legislature; to provide for the publication and tabling of provincial subordinate legislation and the consequences of non-compliance; to provide for the establishment of a Legislature Committee responsible for scrutiny; to provide for disallowance of provincial subordinate legislation; to provide for publication of an index of subordinate legislation; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the Constitution sec 140(3) provides that instruments of subordinate legislation in the Province be accessible to members of the public:

AND WHEREAS the Constitution sec 140(4) invites the Gauteng Provincial Legislature to enact legislation regarding the tabling and approval of subordinate legislation in the Legislature:

AND DESIRING to give effect to the right to just administrative action and to the constitutional principle of legality and rationality:

AND AFFIRMING the framework of Executive Accountability in the Gauteng Province and the place of legislative oversight within that framework:

AND CONSOLIDATING the mechanisms and rules for the scrutiny of subordinate legislation:

AND RECOGNIZING the need to continue to develop the capacity in the Province to make responsive subordinate legislation

BE IT ENACTED by the Provincial Legislature of the Gauteng Province, as follows:—

Definitions

1. In this Act, except if not consistent with the context—
 - “legislation” means— 5
 - (a) a legislative enactment including this Act; or
 - (b) a provision of such a legislative enactment, whether enacted before or after the commencement of this Act;
 - “Legislature” means the Gauteng Provincial Legislature;
 - “provincial legislation” means a provincial Act, and includes— 10
 - (a) legislation which was in force when the Constitution took effect and which is administered by the Gauteng Provincial Government; and
 - (b) subordinate legislation promulgated after the commencement of this Act by a Member of the Executive Council in terms of a legislative power conferred by— 15
 - (i) a Gauteng Provincial Act;

- (ii) legislation referred to in paragraph (a); or
- (iii) national legislation;

“subordinate legislation” means a regulation promulgated by a Member of the Executive Council after commencement of this Act in terms of a legislative power conferred on it by national or provincial legislation;

5

Publication and tabling of subordinate legislation as precondition for its enforcement

2. (1) All subordinate legislation must be published in the Provincial Gazette.
- (2) Within 14 days after its publication in accordance with subsection (1), the responsible Member of the Executive Council must table the subordinate legislation in the Legislature.
- (3) No subordinate legislation takes effect unless subsections (1) and (2) have been complied with.

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Legislature to establish a committee for scrutiny of Subordinate Legislation

3. The Legislature must establish a Standing Committee in order to scrutinize the granting of a power to make subordinate legislation and to scrutinize subordinate legislation tabled in accordance with section 2

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Scrutiny of subordinate legislation

4. (1) The committee established in accordance with section 3 must scrutinize tabled subordinate legislation to determine whether it:
 - (a) is constitutional and, among other things, does not interfere with the jurisdiction of the courts or infringe rights or the rule of law;
 - (b) is authorized by the Act under which it was made; and
 - (c) does not constitute an unfair use of the power under which it was made.
- (2) Where the committee determines that subordinate legislation fails to comply with one or more of the standards of subsection (1), it must report such failing subordinate legislation to the Legislature.

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Disallowance of subordinate legislation

5. (1) The Legislature may disallow any of the provisions of subordinate legislation reported in terms of section 4.
- (2) The Legislature may permit or allow time for the responsible Member of the Executive Council to remedy the defect in subordinate legislation.
- (3) Subject to subsection (2), subordinate legislation disallowed by the Legislature is invalid from the date of disallowance.

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Publication of index of subordinate legislation

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6. (1) The Office of the Premier must compile and maintain an up-to-date and accessible index, with a precise description of the contents of subordinate legislation proclamations and notices, published in the *Provincial Gazette*.
- (2) The index must be made available regularly by electronic means and published at least annually in the *Provincial Gazette*.

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Short Title

7. This Act is called the Gauteng Scrutiny of Subordinate Legislation Act, 2008.