

*THE PROVINCE OF
GAUTENG*

*DIE PROVINSIE
GAUTENG*

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

Vol. 15

PRETORIA, 9 FEBRUARY 2009
FEBRUARIE

No. 32

CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
PREMIER'S NOTICES			
1	Provincial Adjustment Appropriation Act (4/2008): For general information	3	32
2	Gautrain Management Agency Amendment Act (6/2008): For general information	10	32
3	Gauteng Scrutiny of Subordinate Legislation Act (5/2008): For general information	12	32

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WHEREAS section 226(2) of the Constitution provides that money may be withdrawn from the Provincial Revenue Fund only in terms of an appropriation by a provincial Act;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— 5

“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, 10 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 15 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 20 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 25 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 30

“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.

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		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	
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	Distinct 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	
		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	2,803,873	74,979	15,281	59,698	2,878,852
	Conditional Grant Integrated Housing & Human Settlement Development	2,514,000	74,698		74,698	2,588,698
4	Housing Asset Management	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	315,020
1	Administration	49,816	3,208	3,208	-500	53,024
2	Local Governance	127,123	-63	-63		127,060
3	Development and Planning..... Of which	42,953	87,430	17,430	70,000	130,383
	Conditional Grant Disaster and other emergencies		17,040	17,040		17,040
4	Traditional Institutional Management	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	7,699,441
1	Administration	294,026		-7,000	3,000	294,026
2	Public Works..... Transfers Municipalities	744,050	16,001	110,088	15,000	760,051
	Municipalities		13,000		13,000	13,000
3	Transport Infrastructure Of which	1,467,161	3,779	831,016	76,870	1,470,940
	Transfers Municipalities		5,000		5,000	5,000
	Departmental agencies and accounts	196,000	69,870		69,870	265,870
4	Public Transport	131,906	66,091	57,091	7,000	197,997
5	Extended Public Works Programme	209,434		-1,000		209,434
6	Gautrain Rapid Rail Link Of which	4,765,993	1,000		1,000	4,766,993
	Transfers Departmental Agencies and Accounts Gautrain Rapid Rail Link	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	364,458
1	Administration	51,255	455	1,035		51,710
2	Promotion of Safety	47,645		-3,922	147	47,645
3	Civilian Oversight	32,673	8,820	5,946	14	41,493
4	Traffic Management	210,891	12,719	5,035	707	223,610

PROVINCIAL ADJUSTMENT APPROPRIATION ACT, 2008

Act No. 4 of 2008

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	
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	16,200	-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. 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.

10

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

15

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.

20

25

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.

30

Publication of index of subordinate legislation

35

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*.

40

Short Title

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