

Western Cape, South Africa

## Western Cape Membership of the Western Cape Economic Development Partnership Act

Act 12 of 2013

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## Western Cape South Africa

# Western Cape Membership of the Western Cape Economic Development Partnership Act Act 12 of 2013

Published in Western Cape Provincial Gazette 7212 on 13 December 2013

**Assented to on 10 December 2013**

**Commenced on 13 December 2013**

*[This is the version of this document from 13 December 2013  
and includes any amendments published up to 12 April 2024.]*

(Afrikaans text signed by the Premier)

**To provide for the membership of the Provincial Government of the Western Cape Economic Development Partnership NPC; to regulate the transfer of funds to the Western Cape Economic Development Partnership NPC; and to provide for matters incidental thereto.**

BE IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

### 1. Definitions

In this Act, unless the context indicates otherwise—

"**accounting officer**" means the head of the provincial department responsible for economic development;

"**Province**" means the Province of the Western Cape;

"**Provincial Government**" means the government of the Province;

"**Public Finance Management Act**" means the Public Finance Management Act, 1999 ([Act 1 of 1999](#));

"**responsible Minister**" means the member of the Provincial Cabinet responsible for economic development;

"**the Company**" means the Western Cape Economic Development Partnership NPC (registration no. 2012/015958/08), a non-profit company incorporated and registered in accordance with the company laws of the Republic of South Africa.

### 2. Authorisation for membership

The Provincial Government is authorised to become a member of the Company and is, subject to the provisions of this Act, capable of performing any act which a member of the Company may in law perform.

### 3. Objects of Company

(1) The objects of the Company include the facilitation and encouragement of the formation of effective partnerships pursuant to—

- (a) the development of economic and market intelligence;
- (b) the enhancement of economic system performance and monitoring; and
- (c) the implementation of economic vision, strategy and delivery.

- (2) The Provincial Government may be a member of the Company only in so far as the Company pursues the objects referred to in subsection (1).

#### **4. Board of Company**

If the Provincial Government becomes a member of the Company, the responsible Minister or a representative appointed by him or her must participate on behalf of the Provincial Government in its capacity as a member of the Company, in the nomination of candidates for appointment to the board of directors of the Company.

#### **5. Funding and utilisation of funds**

- (1) In so far as the Company pursues the objects referred to in [section 3\(1\)](#), the Provincial Government may transfer funds to the Company—
- (a) in accordance with the Public Finance Management Act;
  - (b) in terms of a written assurance or conditions and remedial measures contemplated in section 38(1)(j) of the Public Finance Management Act; and
  - (c) in accordance with appropriations authorised by—
    - (i) an annual budget passed in terms of an appropriation Act; or
    - (ii) an adjustments budget passed in terms of an adjustments appropriation Act.
- (2) A written assurance or conditions and remedial measures contemplated in subsection (1) must, in addition to the requirements of the Public Finance Management Act, provide for the following in relation to the expenditure of the funds:
- (a) accountability and transparency, including the disclosure of and access to records relating to expenditure of the funds;
  - (b) in the case of subsidies, bursaries or leadership-development programmes, set criteria for eligibility and transparency concerning recipients of those awards and the performance thereof;
  - (c) the declaration and avoidance of conflict of interest by staff members and the members of the board of directors of the Company; and
  - (d) a business plan that includes a budget and project plan for specific projects and deliverables.

#### **6. Financial control**

- (1) For the purposes of this Act, the accounting officer is responsible for the financial management of any funds appropriated and transferred by the Provincial Government to the Company and must manage and account for those funds in accordance with the Public Finance Management Act.
- (2) The accounting officer must maintain appropriate measures to ensure that funds transferred to the Company are applied for the intended purpose, which measures must include reporting procedures as contemplated in the Public Finance Management Act.

#### **7. Short title**

This Act is called the Western Cape Membership of the Western Cape Economic Development Partnership Act, 2013.