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GENERAL NOTICE

NOTICE 141 OF 2010

EASTERN CAPE PROVINCIAL LEGISLATURE

PUBLICATION FOR COMMENTS: THE EASTERN CAPE POLITICAL PARTY
FUND BILL

The above mentioned Bill is hereby published for public comments.

Interested persons are invited to submit written comments on the Eastern Cape Political Party Fund Bill within 7 days of the publication hereof.

Submission or comments should be posted, faxed or emailed to the Chief Parliamentary Officer of the Eastern Cape Provincial Legislature at the address or numbers indicated below.

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EASTERN CAPE PROVINCIAL LEGISLATURE

**EASTERN CAPE POLITICAL PARTY
FUND BILL, 2010**

No , 2010

BILL

To provide funding for political parties participating in the Eastern Cape Provincial Legislature; to establish the Eastern Cape Political Party Fund; to provide for accountability regarding that Fund; to provide for regulation of disclosure by political parties; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the Constitution establishes the basic principle of multi-party democracy;

AND WHEREAS the Constitution promotes this principle in all spheres of government;

AND WHEREAS section 236 of the Constitution promotes this principle and, in particular, requires national legislation to provide for the funding of political parties participating in national and Provincial Legislatures on an equitable and proportional basis to enhance multi-party democracy;

AND WHEREAS national legislation has been enacted providing for funding of political parties participating in national and Provincial Legislatures and establishing a fund for the purpose of funding political parties that participate in national and Provincial Legislatures;

AND WHEREAS supplementary funding of political parties participating in the Eastern Cape Provincial Legislature on an equitable and proportional basis further enhances multi-party democracy;

AND WHEREAS the money so allocated is to be utilised by political parties for purposes arising from their functioning as political parties in a modern democracy;

BE IT ENACTED by the Provincial Legislature of the Eastern Cape as follows:—

Definitions

1. In this Act, except if not consistent with the context—

“**financial year**” means a period of twelve months from 1 April in every year to 31 March the following year, both days included;

“**Fund**” means the Eastern Cape Political Party Fund established by section 2(1);

“**prescribe**” means prescribed by regulation made under section 10; and

“**this Act**” includes the regulations made under section 10.

Establishment of Eastern Cape Political Party Fund

2. (1) The Fund is hereby established for the purpose of funding, as provided hereafter, political parties that participate in the Eastern Cape Provincial Legislature.
- (2) The Fund must be credited with—
- (a) money appropriated to the Fund by the Eastern Cape Provincial Legislature;
- (b) contributions and donations to the Fund originating from sources within or outside the Republic;
- (c) interest earned on money deposited in terms of section 3(1) and on money invested in terms of section 3(2); and
- (d) money recovered or accruing to the Fund from any other source.

Deposit and investment of money of Fund

3. (1) Except as provided in subsection (2), money standing to the credit of the Fund must be deposited in a separate bank account opened by the Secretary of the Eastern Cape Provincial Legislature with a bank registered in the Republic.
- (2) Money in the Fund that is not required immediately for making allocations to political parties in terms of section 5, may be invested with the Public Investment Commissioners contemplated in the Public Investment Commissioners Act, 1984 (Act No. 45 of 1984).

Management and control of Fund

4. (1) The Secretary of the Eastern Cape Provincial Legislature is responsible for the management and administration of the Fund and is the accounting officer and chief executive officer of the Fund.
- (2) For each financial year the Secretary of the Eastern Cape Provincial Legislature must keep records, in accordance with generally accepted accounting practice and procedures, of—
 - (a) money received by or accruing to the Fund;
 - (b) allocations and payments made there from;
 - (c) expenditure arising from the allocation of money from the Fund; and
 - (d) a record of the capital and liabilities of the Fund during that year.
- (3) The first financial year of the Fund must run from the day on which this Act comes into operation until 31 March first following, both days included.

Allocations from Fund

5. (1) Every political party is entitled to be allocated money from the Fund for a financial year that it participated in the Eastern Cape Provincial Legislature.
- (2) Subject to subsection (7), money allocated to a political party must be used for purposes compatible with its functioning as a political party in a modern democracy.
- (3) The functioning of a political party as contemplated in subsection (2) includes, but is not limited to—
 - (a) the development of the political will of people;
 - (b) bringing the influence of a political party to bear on the shaping of public opinion;
 - (c) inspiring and furthering political education;
 - (d) promoting active participation by individual citizens in political life;
 - (e) exercising an influence on political trends; and
 - (f) ensuring continuous, vital links between the people and organs of state and, in particular, between the people and the Eastern Cape Provincial Legislature.
- (4) Allocations from the Fund to political parties must be determined and made at the prescribed times or intervals, in the prescribed installments, and in the prescribed way.
- (5) The Secretary of the Eastern Cape Provincial Legislature must make allocations from the Fund to the political parties in accordance with a prescribed formula based—

- (a) in part, on the principle of proportionality, taking into account the relation that the number of such a party's representatives in the Eastern Cape Provincial Legislature bears to the number of representatives in the Eastern Cape Provincial Legislature and the percentage of votes obtained by parties in the last general election; and
 - (b) in part, on the principle of equity, taking into account, amongst others a fixed threshold for a minimum allocation to each of the political parties represented in the Eastern Cape Provincial Legislature, and a weighted scale of representation for an allocation to each of the political parties participating in the Eastern Cape Provincial Legislature.
- (6) The information and particulars necessary to apply the prescribed formula to a party must be ascertained from the relevant facts and circumstances as at the time when the allocation is to be made.
- (7) Money allocated to a political party from the Fund may not be used—
 - (a) for the purpose of directly or indirectly paying remuneration, fee, reward, prerequisite or other benefit to a person representing the party in the Eastern Cape Provincial Legislature or who holds office under the State;
 - (b) with a view to finance or contribute to a matter, cause, event or occasion, whether directly or indirectly, in contravention of the code of ethics binding on the members of the Eastern Cape Provincial Legislature, as the case may be;
 - (c) directly or indirectly for the purpose of establishing or financing a business or acquiring or maintaining a right or financial interest whatsoever in a business;
 - (d) to acquire a right or interest in immovable property, except where the right or interest in the immovable property is to be used by the political party solely for ordinary party-political purposes; or
 - (e) for any other purpose that is incompatible with the functioning of a political party in a modern democracy, as may be prescribed.
- (8)
 - (a) The allocation of money from the Fund to a political party must end when the party ceases to qualify in terms of subsection (1); and
 - (b) within 21 days after the date on which a political party ceases to qualify, it must repay the unspent balance of all money that had been allocated to it.

Political parties to account for money allocated from Fund

6. (1) A political party to which money is allocated from the Fund must—
- (a) keep, with a bank registered in the Republic, a separate bank account into which the money must be deposited; and
 - (b) appoint an official of that political party as its accounting officer with regard to the money allocated to that party from the Fund.
- (2) The responsibility of the accounting officer is to account for the money allocated to that political party, and includes—
- (a) in addition to other duties imposed by this Act, the duty to ensure that the party complies with the requirements of this Act; and
 - (b) in particular, to ensure that allocated money is not paid out for a purpose not authorised by this Act.
- (3) The accounting officer must keep separate books and records of account, in the prescribed manner, in respect of money allocated from the Fund and all transactions involving such money.
- (4) Within two months after the end of a financial year the accounting officer must prepare a statement—
- (a) showing all amounts received by the political party from the Fund during that financial year and its useage of allocated money; and
 - (b) describing the purposes for which the various amounts have been used.
- (5) The books and records of account contemplated in subsection (3) and the statement contemplated in subsection (4) must be audited by a public accountant and auditor registered and practising as such in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991).
- (6) An auditor who performs an audit contemplated in subsection (5) must in the auditor's report express an opinion as to whether the allocated money was spent for purposes not authorised by this Act.
- (7) Within three months after the end of that financial year the accounting officer must submit the audited accounts, statements and report of the auditor to the Secretary of the Eastern Cape Provincial Legislature .
- (8) Despite subsection (4), the Auditor-General may at any time audit the books and records of account and financial statements relating to money allocated to a political party from the Fund.
- (9) (a) Subject to paragraph (b), the Secretary of the Eastern Cape Provincial Legislature—

- (i) must order that the allocation of money to a political party from the Fund be suspended if satisfied on reasonable grounds that the party failed to comply with a requirement of this Act; and
 - (ii) must terminate the suspension if satisfied, in the light of the party's subsequent conduct, that the suspension is no longer justified;
 - (b) the suspension of a political party's allocations may be ordered in terms of paragraph (a) only if the Secretary of the Eastern Cape Provincial Legislature—
 - (i) has by written notice informed the party of the proposed suspension and of the reasons therefore; and
 - (ii) has called on the party to furnish reasons, within the period specified in the notice why its allocations from the Fund should not be suspended.
- (b) the period referred to in paragraph (b) must not be shorter than 30 days as from the date of the notice.

Recovery of money irregularly spent by political parties

7. (1) Where money allocated to a political party in terms of section 5 have not been spent in accordance with a requirement of this Act, the accounting officer of that party contemplated in section 6(1)(b) is liable to repay to the Secretary of the Eastern Cape Provincial Legislature the money irregularly spent.
- (2) The chief executive officer of the Fund must recover the money irregularly spent and may do so by—
- (a) instituting a civil claim in respect of the amount irregularly spent against the accounting officer of the political party contemplated in section 6(1)(b); or
 - (b) setting off the amount irregularly spent against an allocation that may become payable to the political party.

Speaker to report to Eastern Cape Provincial Legislature on Fund

8. (1) As soon as possible after the end of each financial year, the Speaker must—
- (a) prepare a report regarding its management and administration of the Fund ,during that financial year; and
 - (b) prepare financial statements in relation to the Fund, showing-
 - (i) the amounts received by and accrued to the Fund during that financial year;

- (ii) the allocations made from the Fund to the respective political parties during that year;
 - (iii) the amounts spent during that financial year by each political party in connection with purposes classifiable under the generally descriptive categories as prescribed from time to time;
 - (iv) the balance of the Fund and amounts owing to or by the Fund as at the end of that year; and
 - (v) the Speaker must submit that report, those statements and the Speaker's books and records of account relating to the Fund to the Auditor-General for auditing.
- (2) Within 30 days after receipt of the Auditor-General's report, the Speaker must submit that report to Eastern Cape Provincial Legislature together with the audited financial statements of the Fund and the audited Speaker's report.

Unspent money at end of financial year

9. (1) Money not spent by a political party at the end of a financial year must be shown in the books and records of account of the party as a credit balance carried forward to the next financial year: Provided that—
- (a) the money that may be carried forward, may be limited to an amount representing a prescribed percentage of the allocations made for that financial year; and
 - (b) money carried forward to the next financial year may not be taken into account in determining an allocation to the party concerned during that financial year.
- (2) Money standing to the credit of the Fund at the end of a financial year must be carried forward to the next financial year as a credit balance.
- (3) If the Eastern Cape Provincial Legislature is dissolved in terms of the Constitution a political party that is represented in the Eastern Cape Provincial Legislature must close its books and records of account—
- (a) not later than 21 days before the date set for the election and within 14 days thereafter submit an audited statement in respect of those books and records of account to the Secretary of the Eastern Cape Provincial Legislature; and
 - (b) not later than the day immediately before the date set for the election such a political party must repay to the Secretary of the Eastern Cape Provincial Legislature the unspent balances as at the date when its books and records of account are closed as contemplated in paragraph (a).
- (4) If the Eastern Cape Provincial Legislature is dissolved in any other circumstances a political party represented in the Eastern Cape Provincial Legislature must close its books and records of account—

- (a) not later than 21 days before the date set for the election;
- (b) within 14 days thereafter submit an audited statement in respect of those books and records of account to the Secretary of the Eastern Cape Provincial Legislature;
- (c) the Secretary of the Eastern Cape Provincial Legislature must calculate the representation of a political party mentioned in subsection (4) as a percentage of the representation of that party in the Eastern Cape Provincial Legislature contemplated in subsection (3); and
- (d) not later than the day immediately before the date set for the election such a political party must repay to the Secretary of the Eastern Cape Provincial Legislature the unspent balance of the determined percentage as at the date when the books and records of account are closed as contemplated in paragraph (a).

Regulations

10. The Speaker, acting on the recommendation of a committee of the Eastern Cape Provincial Legislature, may by notice in the *Provincial Gazette* make regulations consistent with this Act—

- (a) to prescribe the procedure according to which, manner in which, and intervals or installments at which payments from the Fund are to be determined and made;
- (b) to prescribe the formula on which allocations are to be calculated;
- (c) determine a purpose which in the application of section 5(1) is not compatible with the functioning of a political party in a modern democracy;
- (d) to prescribe the information and particulars that political parties must furnish to the Secretary of the Eastern Cape Provincial Legislature with a view to ensure proper and effective application and administration of and compliance with this Act; and
- (e) on any matter which may or must be prescribed in terms of this Act;

Short title and commencement

11. (1) This Act is called the Eastern Cape Political Party Fund Act, 2010, and comes into operation on a date fixed by the Premier by Proclamation in the *Provincial Gazette*.

(2) Different provisions of this Act may be brought into operation on different dates.

MEMORANDUM ON THE OBJECTS OF THE EASTERN CAPE POLITICAL PARTY FUND ACT BILL, 2010

1. INTRODUCTION

Section 236 of the Constitution requires national legislation to provide for the funding of political parties participating in national and provincial Legislatures on an equitable and proportional basis to enhance multi-party democracy.

It is however necessary to provide for supplementary funding of political parties participating in the Eastern Cape Provincial Legislature on an equitable and proportional basis in order to further enhance multi-party democracy.

The purpose of the Bill is therefore to provide a framework for the further funding of political parties. This will be done through the establishment of the Eastern Cape Political Party Fund into which money will be deposited and thereafter distributed to all political parties who are represented in the Legislature on an equitable basis.

2. OBJECTS OF THE BILL

Firstly, the Bill seeks to establish the Eastern Cape Political Party Fund and provide for the source of money to the Fund.

Secondly, the Bill seeks to provide for the management and control of the Fund.

Finally the Bill seeks to provide for the allocation of money from the Fund to various political parties represented in the Legislature and the accountability of the money thereto.

3. CONTENT OF THE BILL

1. Clause 1 sets out the definitions of terms used in the Bill.
2. Clause 2 provides for the establishment of the Eastern Cape Political Party Fund sets out the objects of the Bill.
3. Clause 3 provides that money due to the Fund must be deposited into a separate bank account opened by the Secretary to the Legislature.
4. Clause 4 provides that the Secretary to the Legislature is responsible for the management and administration of the Fund and is the accounting officer and the chief executive officer of the Fund.
5. Clause 5 provides that all political parties represented at the Legislature are entitled to be allocated money based on the purpose for which the money may be used is also provided for in this clause.

6. Clause 6 provides for the accounting of the Funds by the political party and including the submission of audit reports on money transferred to political parties to the Secretary to the Legislature.

7. Clause 7 provides for the recovery of the money from the political party if the money has been spent irregularly.

8. Clause 8 requires the Speaker of the Legislature to submit a report to the Legislature regarding the management and administration of the Fund at the end of each Financial year. The report of the Speaker must be accompanied by the Auditor-General report.

9. Clause 9 provides for the treatment of unspent funds at the end of the Financial year by the political party and provides that a prescribed percentage may be carried over to the next financial year.

10. Clause 10 provides that the Speaker may, acting on recommendations of the Committee of the Legislature, make regulations on various matters.

11. Clause 11 provides for the short title of the Bill and provides that it comes into operation on the date fixed by the Premier and that different dates may be fixed for different provisions.

4. SOCIAL AND ECONOMIC IMPACT OF THE BILL

The Bill does not have any social or economic impact as it seeks to regulate the internal affairs of the Legislature.

5. CONSULTATION

All political parties represented in the Legislature were consulted on the draft Bill.

6. FINANCIAL IMPLICATIONS FOR THE STATE

The implementation of the Bill will have financial implications relating to the money to be credited into the account of the Fund. However the Legislature will have to appropriate money to the Fund from the Provincial Revenue Fund.

7. PROCEDURE

The Legislature has the constitutional authority to pass this Bill.

**INDLU YOWISO-MTHETHO YEPHONDO
LEMPUMA-KOLONI**

**UMTHETHO OYILWAYO WENGXOWA-MALI
YAMAQELA EZOPOLITIKO
WEMPUMA-KOLONI, 2010**

NOMBOLO , 2010

UMTHETHO OYILWAYO

Wokubonelela ngengxowa yamaqela ezopolitiko amelweyo kwiNdlu yoWiso-mthetho yePhondo leMpuma-Koloni; wokumisela iNgxowa yamaQela ezoPolitiko yeMpuma-

Koloni; wokumisela uxanduva ngokuphathelele kule Ngxowa; wokumisela umgaqo wokuchaza elubala okungumdlala wamaqela ezopolitiko nokubonelela ngemiba enxulumene noko.

ISINGENISO

NJENGOKO umGaqa-siseko umisela umgaqo osisiseko wedemokhrasi yamaqela amaninzi;

NANJENGOKO umGaqa-siseko uphakamisa lo mGaqa kuwo onke amanqanaba karhulumente;

NANJENGOKO icandelo lama-236 lomGaqa-siseko liphakamisa lo mgaqa, kwaye ikakhulu, ufuna ukuba umthetho kazwelonke ubonelele ngokumiselwa kwengxowa-mali yamaqela ezopolitiko amelweyo ePalamente nakwiziNdlu zoWiso-mthetho ngokufanayo nangokuxhomekeke kubuninzi bamalungu ukomeleza idemokhrasi yamaqela amaninzi.

NANJENGOKO umthetho kazwelonke wawiswayo obonelela ngengxowa-mali yamaqela ezopolitiko amelweyo kwiPalamente nakwiziNdlu zoWiso-mthetho kwaye useka ingxowa-mali ngenjongo yokubonelela ngemali amaqela ezopolitiko amelwe ePalamente nakwiziNdlu zoWiso-mthetho;

NANJENGOKO ukuxhaswa ngemali okongezelelweyo kwamaqela ezopolitiko amelweyo kwiNdlu yoWiso-mthetho yePhondo leMpuma-Koloni ngokufanayo nangokusekelwe kumanani amalungu kuqinisa ngakumbi idemokhrasi yamaqela amaninzi;

NANJENGOKO imali eyabelwe oko iya kusetyenziswa ngamaqela ezopolitiko kwimiba ephathelele kwimisebenzi yawo njengamaqela ezopolitiko kwidemokhrasi entsha;

MAKUWISWE umthetho yiNdlu yoWiso-mthetho yePhondo leMpuma-Koloni ngolu hlobo:-

Iinkcazelo zamagama

1. Kulo mThetho, ngaphandle kokuba igama alihambelani nomxholo:

“**unyaka-mali**” kuthethwa ithuba eliphakathi komhla woku-1 kuTshaz’iimpuzi kuwo nawuphi na unyaka ukuya kutsho kowama-31 kweyoKwindla kunyaka olandelayo, kuquka le mihla yomibini;

“**ingxowa**” kuthethwa iNgxowa yeQela lezoPolitiko leMpuma-Koloni elimiselwe licandelo lesi-2(1);

“**misela**” kuthethwa okumiselwe ngokommiselo ophantsi kwecandelo le-10;

“**lo mThetho**” kuqukwa nemimiselo echazwe phantsi kwecandelo le-10.

Ukusekwa kweNgxowa yeQela lezoPolitiko leMpuma-Koloni

2. (1) Kusekwa iNgxowa ngenjongo yokuxhasa ngemali, njengoko ukhankanyiwe apha ngezantsi, amaqela ezopolitiko amelweyo kwiNdlu yoWiso-mthetho yePhondo leMpuma-Koloni.
- (2) INgxowa kufuneka kufakwe kuyo-
 - (a) imali eyabelwe yiNdlu yoWiso-mthetho yePhondo leMpuma-Koloni;
 - (b) iminikelo nezipho ezisuka kwimithombo engaphakathi nengaphandle kweRiphabhlikhi;
 - (c) inzala ezuzwe kwimali efakwe ngokwemiqathango yecandelo le-3(1) nakwimali etyalwe ngokwemiqathango yecandelo le-3(2) kunye;
 - (d) nemali ebuyisiweyo okanye eyandisa iNgxowa isuka kweminye imithombo.

Iidipozithi nokutyalwa kwemali yeNgxowa

3. (1) Ngaphandle kokuba kuchaziwe phantsi kwecandelwana le-(2), imali eselungelweni leNgxowa kufuneka ifakwe kwiakhawunti yebhanki eyahlukileyo evulwe nguNobhala weNdlu yoWiso-mthetho nevulwe kwibhanki ebhalisiweyo kwiRiphabhlikhi.
- (2) Imali eseNgxoweni engafunwa kwangoko ukuba kukhutshwe izabelo zamaqela ezopolitiko ngokwemiqathango yecandelo lesi-5, ingatyalwa kwi*Public Investment Commissioners* ecetywayo kwi*Public Investment Commissioners Act, 1984* (umThetho wama-45 we-1984).

Ukuphathwa nokulawulwa kweNngxowa

4. (1) UNobhala weNdlu yoWiso-mthetho yePhondo leMpuma-Koloni uya kuba noxanduva lokuphatha nokulawula iNngxowa kwaye uya kuba liGosa eliLawulayo abuye abe liGosa loLawulo eliyiNtloko leNngxowa.
- (2) kunyaka-mali ngamnye, uNobhala weNdlu yoWiso-mthetho yePhondo leMpuma-Koloni kufuneka agcine irekhodi, ngokuhambelana neemeko zolawulo neenkqubo eziqhelekileyo:-
- (a) yemali efunyenweyo okanye ekhulise iNngxowa;
- (b) yesabelo-mali neentlawulo ezikhutshwe engxoweni;
- (c) yenkcitho esisabelo-mali esithathwe eNngxoweni kunye
- (d) nerekhodi yemali eyinkunzi kunye nekufuneka kwenziwe ngemali yeNngxowa apha enyakeni.
- (3) Unyaka-mali wokuqala weNngxowa kufuneka uqale ngosuku lokusebenza kwalo mThetho uqhube kude kube ngumhla wama-31 kweyoKwindla kunyaka olandelayo, kuqukwa loo mihla yomibini.

Izabelo-mali ezikhutshwa eNngxoweni

5. (1) Iqela lezopolitiko ngalinye linelungelo lokufumana isabelo-mali kule Nngxowa ngonyaka-mali eliye lamelwa ngawo kwiNdlu yoWiso-mthetho yePhondo leMpuma-Koloni
- (2) Ngokuhambelana nemiqathango yecandelwana (7), imali eyabelwe iqela lezopolitiko kufuneka isetyenziselwe iinjongo ezihambelana nokusebenza kwalo njengeqela lezopolitiko kwidemokhrasi entsha.
- (3) ukusebenza kweqela lezopolitiko njengoko kucwangcisiwe phantsi kwecandelwana (2) kuquka, kodwa kungaphelelanga apho:
- (a) Uphuhliso lwengqondo yobupolitiki ebantwini;
- (b) Ukuhlwayela iimpembelelo zeqela lezopolitiko kwiingcinga zabantu jikelele;
- (c) Ukukhuthaza nokuqhubela phambili imfundo yezopolitiko;
- (d) Ukuphakamisa uthatho-nxaxheba ngumntu ngamnye kwinkalo yezopolitiko;
- (e) Ukuphembelela ikhondo lezopolitiko;
- (f) Nokuqinisekisa unxibelelwano olungatshitshiyo nolubalulekileyo phakathi kwabantu namacandelo karhulumente, naphakathi, ubukhulu

becala, kwabantu neNdlu yoWiso-mthetho yePhondo leMpuma-Koloni.

- (4) Izabelo-mali ezikhutshelwa amaqela ezopolitiko eNgxoweni kufuneka zenziwe ngamaxesha okanye ngamathuba amiselweyo, zisenziwa ngokweezixa ezimiselweyo nangendlela emiselweyo.
- (5) UNobhala weNdlu yoWiso-mthetho kufuneka akhuphe izabelo-mali eNgxoweni azinikezele kumaqela ezopolitiko ngokwemigaqo emiselweyo esekelwe:-
 - (a) inxalenye, kumgaqo wobungakanani, kuthathelwa ingqalelo inani lamalungu eqela lezopolitiko elimelweyo kwiNdlu yoWiso-mthetho yePhondo leMpuma-Koloni nenani elibalelwa ekhulwini leevoti ezifunyenwe ngamaqela kunyulo lokugqibela; kwakhona
 - (b) inxalenye, kumgaqo wokulingana, kuthathelwa ingqalelo, phakathi kwezinye izinto, umda osikiweyo womyinge omncinci wesabelo kwiqela lezopolitiko ngalinye elimelweyo kwiNdlu yoWiso-mthetho yePhondo leMpuma-Koloni, nakwisikali esilinganisiweyo sokumelwa ekubalelwa kuso isabelo-mali seqela lezopolitiko ngalinye elimelweyo kwiNdlu yoWiso-mthetho yePhondo leMpuma-Koloni.
- (6) Inkcazelo neenkukacha ezifunekayo ukuze kube nokulandelwa umgaqo omiselweyo kwiqela lezopolitiko kufuneka ziqinisekiswa kwiinyani neemeko ezichaphazelekayo ngexesha lokunikezelwa kwesabelo-mali.
- (7) Imali esisabelo seqela lezopolitiko nekhutshwe eNgxoweni, ayinakusetyenziselwa:-
 - (a) ukuhlawula, nangayiphi na indlela, imivuzo, imirhumo, ibhaso, okanye isibonelelo esithile somntu omelet iqela elo kwiNdlu yoWiso-mthetho yePhondo leMpuma-Koloni okanye umntu oseofisini phantsi korhulumente;
 - (b) ukuxhasa ngemali okanye ukwenza igalelo kumba, kwisizathu esithile, kwisiganeko okanye umbhiyozo, nangayiphi na indlela, ngokunxamnye nemigaqo yokuziphatha ebophelela amalungu eNdlu yoWiso-mthetho yePhondo leMpuma-Koloni, phantsi kwayo nayiphi na imeko;
 - (c) nangayiphi na indlela, injongo yokuseka okanye yokuxhasa ishishini okanye yokufumana okanye yokulondoloza ilungelo okanye umdla wezemali kwishishini;

- (d) ukufumana ilungelo okanye umdla kwipropati engashukumiyo, ngaphandle kwaxa ilungelo elo okanye umdla lowo kwipropati engashukumiyo uza kusetyenziswa liqela lezopolitiko kuphela ukufezekisa iinjongo eziqhelekileyo zeqela lezopolitiko; kwaye
 - (e) nayiphi na injongo engangqinelaniyo nokusebenza kweqela lezopolitiko kwidemokhrasi entsha, njengoko kunokumiselwa.
- (8) (a) Isabelo-mali seqela lezopolitiko esikhutshwa eNgxoweni kufunekasiphele lisakube iqela lezopolitiko elo lingasamelwanga kwiNdlu yoWiso-mthetho ngokwemiqathango yecandelwana (1) kwaye
- (b) iqela elingasamelwanga kwiNdlu yoWiso-mthetho kufuneka liyibuyise yonke imali engasetyenziswanga ebelabelwe yona zingaphelanga iintsuku ezingama-21 emva kokuphelelwa kwalo zizikhundla.

Amaqela ezopolitiko kufuneka abe noxanduva ngesabelo-mali sawo esikhutshwe eNgxoweni

6. (1) Iqela lezopolitiko elifumene isabelo-mali esiphuma eNgxoweni kufuneka:-
- (a) Ligcine iakhawunti yebhanki eyahlukileyo, kwibhanki ebhalisiweyo kwiRiphabhlikhi eliya kufaka kuyo isabelo-mali salo kwaye
 - (b) Kufuneka lityumbe igosa leqela elo njengegosa elilawulayo ngokubhekiselele kwimali esisabelo-mali selo qela esivela eNgxoweni.
- (2) Uxanduva lwegosa elilawulayo kukuthwala uxanduva ngemali esisabelo seqela lezopolitiko elo kwaye luquka:-
- (a) ngaphezu kweminye imisebenzi emiselwe ngulo mThetho, umsebenzi wokuqinisekisa ukuba iqela elo liyazithobela iimfuno zalo mThetho; kwaye
 - (b) ikakhulu, ukuqinisekisa ukuba imali esisabelo seqela ayihlawuleli imiba engagunyaziswanga ngulo mThetho.
- (3) Igosa elilawulayo kufuneka ligcine iincwadi neerekhodi ezahlukeneyo zeakhawunti, ngendlela emiselweyo ngokubhekiselele kwimali esisabelo esikhutshwe eNgxoweni nako konke okwenzekileyo okubandakanya loo mali.
- (4) Kwiinyanga ezimbini emva kokuphela konyaka-mali, igosa elilawulayo kufuneka liqulunqe ingxelo:-

- (a) ebonisa yonke imali efunyenweyo liqela lezopolitiko eNgxoweni kuloo nyaka-mali nendlela esetyenziswe ngayo;
- (b) nechaza iinjongo ezisetyenziselwe zona izixa-mali zesabelo.
- (5) Iincwadi neerekhodi zeakhawunti ekhankanywe kwicandelwana (3) kunye nengxelo ekhankanywe kwicandelwana (4) kufuneka ziphicothwe ngumbali-mali nomphicothi obhalisiweyo nosebenza njengomphicothi ngokwemiqathango yomThetho wabaBali-mali bakaRhulumente nabaPhicothi, 1991 (umThetho wama-80 we-1991).
- (6) UMphicothi-ncwadi owenza uphicotho-ncwadi olukhankanywe kwicandelwana (5) kufuneka, kwingxelo yomphicothi-ncwadi, anike uluvo lwakhe ngokuba ingaba ikho kusini na imali esisabelo eyachithelwa iinjongo ezingagunyaziswanga phantsi kwalo mThetho.
- (7) Ingaphelanga iminyaka emithathu emva kokuphela kwaloo nyaka-mali, igosa elilawulayo kufuneka linikezele ngeekhawunti, ngeengxelo-mali nangeengxelo zomphicothi-ncwadi eziphicothiweyo kuNobhala weNdlu yoWiso-mthetho.
- (8) Nangani kukhankanyiwe kwicandelwana (4), uMphicothi-ncwadi angathi nangaliphi na ixesha, aphicothe iincwadi neerekhodi zeakhawunti kunye neengxelo-mali eziphathelele kwimali eyabelwe iqela lezopolitiko eNgxoweni.
- (9) (a) Ngokomhlathi (b), uNobhala weNdlu yoWiso-mthetho yePhondo leMpuma-Koloni:-
- (i) Kufuneka akhuphe umyalelo othi imali esisabelo seqela lezopolitiko ephuma eNgxoweni mayirhoxiswe xa anelisekile, ngezizathu ezivakalayo okokuba iqela lezopolitiko lisilele ukuthobela iimfuno zalo mThetho;
- (ii) Kufuneka aphelise urhoxiso xa anelisekile, ngokwendlela yokuziphatha kweqela emva koko, okokuba urhoxiso alusafanelekanga;
- (b) Ukurhoxiswa kwesabelo seqela lezopolitiko kunokuyalelwa ngokwemiqathango yomhlathi (a) kuphela xa uNobhala weNdlu yoWiso-mthetho yePhondo leMpuma-Koloni –
- (i) Ethe ngesaziso esibhaliweyo, wazisa iqela lezopolitiko ngokurhoxiswa okucetywayo nangezizathu zoko; naxa athe

(ii) Wamema iqela lezopolitiko ukuba libonakalise izizathu, lingaphelanga ithuba elichaziweyo kwisaziso, ezinokubangela ukuba isabelo salo eNgxoweni singarhoxiswa.

(c) Ithuba ekubhekiselelwe kulo kumhlathi (b) akufuneki libe lifutshane kuneentsuku ezingama-30 ukususela kumhla wesaziso.

Ukubuyiswa kwemali echithwe ngendlela engafanelekanga ngamaqela ezopolitiko

7. (1) Xa imali esisabelo seqela lezopolitiko ngokwemiqathango yecandelo lesi-5 ithe ayasetyenziswa ngokwemiqathango yalo mThetho, igosa elilawulayo lelo qela elikhankanywe kwicandelo lesi-6(1)(b), liya kuba noxanduva lokuyibuyisela kuNobhala weNdlu yoWisomthetho yePhondo leMpuma-Koloni imali esetyenziswe ngendlela engafanelekanga.
- (2) Igosa elilawulayo eliyintloko leNgxowa kufuneka liqinisekise ukuba iyabuyiswa imali echithwe ngendlela engafanelekanga, kwaye linokwenza njalo-
 - (a) ngokufaka ibango eliphathelele nesixa-mali esisetyenziswe ngendlela engafanelekanga, elifaka kwigosa elilawulayo leqela lezopolitiko elikhankanywe kwicandelo lesi-6(1)(b); okanye
 - (b) ngokutsala isixa semali echithwe ngokungafanelekanga kwisabelo esiza kuhlawulwa kwiqela lezopolitiko elo.

USomlomo kufuneka anike ingxelo ngeNgxowa kwiNdlu yoWisomthetho

8. (1) Kwakamsinyane emva kokuphela konyaka-mali ngamnye, uSomlomo kufuneka –
 - (a) Aqulunge ingxelo ephathelele ekuphathweni nasekulawulweni kweNgxowa ngethuba laloo nyaka-mali; kwakhona
 - (b) Aqulunge ingxelo-mali ngokubhekiselele kwiNgxowa, ebonisa –
 - (i) isixa-mali esifunyenweyo nesandileyo kwiNgxowa ngethuba laloo nyaka-mali;
 - (ii) izabelo-mali eziphume eNgxoweni nezabelwe amaqela ezopolitiko kuloo nyaka-mali;

- (iii) izixha-mali ezichithiweyo ngaloo nyaka-mali liqela lezopolitiko ngalinye ngokweenjongo ezinokwahluleka phantsi kwezintlu ezichaziweyo, njengoko kumiselwe amathuba ngamathuba;
 - (iv) imali ekhoyo eNgxoweni kunye nemali ekufuneka ihlawulwe kwiNgxowa okanye ekufuneka ihlawulwe yiNgxowa ukphela kwaloo nyaka-mali; kwaye
 - (v) uSomlomo kufuneka ayinikezele loo ngxelo, ezo ngxelo-mali kunye neencwadi neerekhodi zeakhawunti eziphathelele kwiNgxowa kuMphicothi-ncwadi ukuba aziphicothe.
- (2) Zingaphelanga iintsuku ezingama-30 emva kokufunyanwa kwengxelo yoMphicothi-ncwadi, uSomlomo kufuneka ayithi thaca loo ngxelo kwiNdlu yoWiso-mthetho yePhondo leMpuma-Koloni ndawonye neengxelo zemali yeNgxowa kunye nengxelo ephicothiweyo kaSomlomo.

Imali engasetyenziswanga ekupheleni konyaka-mali

9. (1) Imali engasetyenziswanga liqela lezopolitiko ekupheleni konyaka-mali kufuneka iboniswe ezincwadini nakwiirekhodi zeakhawunti yeqela njengemali eyintsalela neya kuweliselwa kunyaka-mali olandelayo; kodwa oko kuxhomekeke ekubeni-
- (a) imali enokuweliselwa kunyaka-mali olandelayo, ingaqingqwa ibe yimali engumyinge othile wepesenti emiselweyo yesabelo saloo nyaka-mali; kwaye
 - (b) imali eweliselwe kunyaka-mali olandelayo ayiyi kuthathelwa ngqalelo xa kuqingqwa isabelo seqela elichaphazelekayo kuloo nyaka-mali.
- (2) Imali eyintsalela yeNgxowa ekupheleni konyaka-mali mayiweliselwe kunyaka-mali olandelayo njengemali eyintsalela
- (3) Xa iNdlu yoWiso-mthetho yePhondo leMpuma-Koloni ithe yapheliswa ngokomGaqo-siseko, iqela lezopolitiko elimelweyo kwiNdlu yoWiso-mthetho kufuneka lizivale iincwadi neerekhodi zalo zeakhawunti –
- (a) zingaphelanga iintsuku ezingama-21 phambi komhla obekelwe unyulo kwakhona, zingaphelanga iintsuku ezili-14 emva koko linikezele ngengxelo-mali ephicothiweyo yezo ncwadi nezo rekhodi zeakhawunti kuNobhala weNdlu yoWiso-mthetho yePhondo leMpuma-Koloni kwaye

- (b) lungaphelanga usuku olwandulela umhla obekelwe unyulo, elo qela lezopolitiko kufuneka lihlawule kuNobhala weNdlu yoWiso-mthetho yePhondo leMpuma-Koloni imali eyintsalela engasetyenziswanga ukususela kumhla wokuvalwa kweencwadi neerekhodi zeakhawunti njengoko kuchaziwe kumhlathi (a).
- (4) Ukuba iNdlu yoWiso-mthetho yePhondo leMpuma-Koloni iyapheliswa ngezizathu ezizezinye, iqela lezopolitiko elimelweyo kwiNdlu yoWiso-mthetho yePhondo leMpuma-Koloni kufuneka livale iincwadi neerekhodi zeakhawunti-
- (a) zingaphelanga iintsuku ezingama-21 phambi komhla obekelwe unyulo;
- (b) zingaphelanga iintsuku ezili-14 emva koko linikezele ngengxelo-mali ephicothiweyo yezo ncwadi nezo rekhodi zeakhawunti kuNobhala weNdlu yoWiso-mthetho yePhondo leMpuma-Koloni;
- (c) uNobhala weNdlu yoWiso-mthetho yePhondo leMpuma-Koloni kufuneka abale inani lamalungu eqela lezopolitiko elikhankanyiweyo kwicandelwana (4) njengepesenti yenani lamalungu elo qela kwiNdlu yoWiso-mthetho yePhondo leMpuma-Koloni elikhankanywe kwicandelwana (3) kwaye
- (d) lungaphelanga usuku olwandulela umhla obekelwe unyulo, elo qela lezopolitiko kufuneka lihlawule kuNobhala weNdlu yoWiso-mthetho yePhondo leMpuma-Koloni imali eyintsalela engasetyenziswanga ukususela kumhla wokuvalwa kweencwadi neerekhodi zeakhawunti njengoko kuchaziwe kumhlathi (a).

Imimiselo

10. USomlomo, elandela iziphakamiso zekomiti yeNdlu yoWiso-mthetho yePhondo leMpuma-Koloni, angenza, ngesaziso kwisi*Hlokomiso sePhondo*, imimiselo ehambelana nalo mThetho –

- (a) ukumisela imigaqo eya kulandelwa namathuba ekuya kuhlawulwa ngawo okanye izixa eziya kuhlawulwa kwiNgxowa eziya kuthi ziqinisekise zize zihlawulwe ngayo;
- (b) ukumisela indlela ekuya kubalwa ngayo izabelo;
- (c) ukuqinisekisa injongo engahambelaniyo nokusebenza kweqela lezopolitiko kwidemokhrasi entsha xa kuthelekiswa nemiqathango yecandelo lesi-5(1)

(d) ukumisela inkcazelo neenkukacha ekufuneka amaqela ezopolitiko azichaze kuNobhala weNdlu yoWiso-mthetho yePhondo leMpuma-Koloni ngenjongo yokuqinisekisa ukusetyenziswa, ukulawulwa nokuthotyelwa ngokufanelekileyo nangokusulungekileyo kwalo mThetho

(e) nangawuphi na umba onokumiselwa ngokwemiqathango yalo mThetho.

Isihloko esifutshane nokuqalisa kwalo mThetho

11. (1) Lo mThetho ubizwa ngokuba ngumThetho weNgxowa-mali yamaqela ezoPolitiko weMpuma-Koloni, 2010, kwaye uya kuqala ukusebenza ngomhla oya kuthi ubhengezwe yiNkulumbuso ngesiBhengezo kwisiHlokomiso sePhondo.
- (2) Amacandelo ahlukeneyo alo mThetho asenokuqalisa ukusebenza ngemihla eyahlukeneyo.

IMEMORANDAM OMTHETHO OYILWAYO WENGXOWA-MALI YAMAQELA EZOPOLITIKO WEMPUMA-KOLONI, 2010

1. INTSHAYELELO

ICandelo lama-236 lomGaqo-siseko livumela umthetho wesizwe ukuba ubonelele ngenkxaso-mali yamaqela ezopolitiko amelweyo kwipalamente nakwizindlu zowiso-mthetho eya kuthi yenziwe ngokufanelekileyo nangokwenani lamalungu ngenjongo yokuhlumisa idemokhrasi yamaqela amaninzi.

Kufanelekile ke ngoko ukuba kubonelelwe ngengxowa-mali amaqela ezopolitiko amelweyo kwiNdlu yoWiso-mthetho yePhondo leMpuma-Koloni ngokufanelekileyo nangokwenani lamalungu ngenjongo yokuhlumisa idemokhrasi yamaqela amaninzi.

Injongo yalo mThetho uYilwayo, ngoko ke, kukubonelela ngesikhokelo sengxowa-mali yamaqela ezopolitiko. Oku kuya kwenzeka ngokumiselwa kweNgxowa yamaQela ezoPolitiko eMpuma-Koloni apho kuya kufakwa khona imali ize emva koko yabelwe ngokufanelekileyo onke amaqela ezopolitiko amelweyo kwiNdlu yoWiso-mthetho.

2. INJONGO YOMTHETHO OYILWAYO

Okokuqala, umThetho oYilwayo yindlela yokuseka iNgxowa yamaQela ezoPolitiko yeMpuma-Koloni kwaye ukwabonelela ngomthombo wemali eya kufakwa kwiNgxowa leyo.

Okwesibini, umThetho oYilwayo ubonelela ngendlela yokuphathwa nokulawulwa kweNgxowa.

Okokugqibela, umThetho oYilwayo ubonelela ngokwabiwa kwemali eseNgxoweni isabelwa amaqela ezopolitiko awahlukeneyo namelweyo kwiNdlu yoWiso-mthetho kwanangoxanduva lwezabelo zemali leyo.

3. OKUQULATHWE NGUMTHETHO OYILWAYO

1. Icandelo 1 licacisa iinkcazelo zamagama asetyenzisiweyo kumThetho oYilwayo.
2. Icandelo 2 licacisa ngokusekwa kweNgxowa-mali yamaQela ezoPolitiko yeMpuma-Koloni kwaye likwanika neenjongo zomThetho oYilwayo.
3. Icandelo 3 licacisa ngokufakwa kwemali yeNgxowa kwiakhawunti yebhanki eyahlukileyo neya kuvulwa nguNobhala weNdlu yoWiso-mthetho.

4. Icandelo 4 licacisa ukuba uNobhala weNdlu yoWiso-mthetho unoxanduva lokuphathwa nokulawulwa kweNgxowa kwaye ukwaligosa elilawulayo kwanegosa elilawulayo eliyintloko leNgxowa.
5. Icandelo 5 licacisa ukuba onke amaqela ezopolitiko amelweyo kwiNdlu yoWiso-mthetho anelungelo lokufumana isabelo-mali kwaye likwacacisa nenjongo enokusetyenziselwa yona imali esisabelo seqela lezopolitiko.
6. Icandelo 6 licacisa ngoxanduva lokusetyenziswa kwezabelo-mali ngamaqela ezopolitiko kwanokunikezelwa kweengxelo zophicotho-ncwadi zemali enikezelwe kumaqela ezopolitiko, zinikezelwa kuNobhala weNdlu yoWiso-mthetho.
7. Icandelo 7 licacisa ngokubuyiswa kwemali ngamaqela ezopolitiko xa imali ithe yasetyenziswa ngendlela engafanelekanga.
8. Icandelo 8 liyalela uSomlomo weNdlu yoWiso-mthetho ukuba anikezele ngengxelo kwiNdlu yoWiso-mthetho ngokuphathelele ekuphathweni nasekulawulweni kweNgxowa ekupheleni konyaka-mali ngamnye. Ingxelo kaSomlomo kufuneka ikhatshwe yingxelo yoMphicothi-ncwadi.
9. Icandelo 9 licacisa ngemali engachithwanga ngamaqela ezopolitiko ekupheleni konyaka-mali kwaye likwacacisa nokuba umyinge omiselweyo wepesenti usenokuweliselwa kunyaka-mali olandelayo.
10. Icandelo 10 licacisa ukuba uSomlomo, ngokucetyiswa yikomiti yeNdlu yoWiso-mthetho, angaqulunqa imimiselo ngemiba eyahlukeneyo.
11. Icandelo 11 linika isihloko esifutshane somThetho oYilwayo kwaye likwacacisa nokuba umThetho uya kusebenza ngomhla oya kuthi umiselwe yiNkulumbuso nokuba kusenokumiselwa imihla eyahlukeneyo yamacandelo ahlukeneyo.

4. IGALELO LOMTHETHO OYILWAYO KWIMIBA YEZENTLALO NEYEZOQOQOSHO

UmThetho oYilwayo awuyi kuba nagalelo kwimiba yezentlalo nakweyezoqoqosho njengoko ingumthetho olawula imiba yangaphakathi yeNdlu yoWiso-mthetho.

5. UTHETHATHETHWANO

Onke amaqela ezopolitiko eNdlu yoWiso-mthetho kubonisenwe nawo ngalo mThetho uYilwayo.

6. IGALELO LOMTHETHO KWIMIBA YEZEMALI ELIZWENI

Ukufezekiswa komThetho oYilwayo kuya kuba nengalelo onalo kwezemali ngokuphathelele kwimali eya kufakwa kwiakhawunti yeNgxowa. Kodwa ke iNdlu yoWiso-mthetho kufuneka inike isabelo-mali seNgxowa isithatha kwiNgxowa yeNgeniso yePhondo.

7. INKQUBO

INdlu yoWiso-mthetho inegunya ngokomgaqo-siseko lokupasisa lo mThetho uYilwayo.
