

FREE STATE PROVINCE

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PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

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OFFICE OF THE PREMIER _____	KANTOOR VAN DIE PREMIER _____
No. 2 31 March 2010	No. 2 31 Maart 2010
It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:-	Hierby word bekend gemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby ter algemene inligting gepubliseer word:-
No. 2 of 2010 : Phakisa Major Sport Events and Development Corporation Amendment Act, 2010	No. 2 van 2010 : Wysigingswet op die Phakisa Korporasie vir Groot Sportbyeenkomste en Sportontwikkeling, 2010

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 Phakisa Major Sport Events and Development Corporation Act, 1997, to make it subject to the provisions of the Public Finance Management Act, 1999; to amend the portfolio of the responsible Member; to include an appointment procedure for the board of directors; to extend the term of office of board members; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Free State Province as follows:-

(Afrikaans text assented to and signed by the Premier.)

5 **Amendment of section 1 of Act No. 4 of 1997**

1. Section 1 of the Phakisa Major Sport Events and Development Corporation Act, 1997 (Act No. 4 of 1997) (hereafter referred to as the “Act”) is amended by -

10 1.1 the insertion of the following definition after the definition of “Province”:

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

15 1.2 the substitution for the definition of “responsible Member” of the following definition:

20 “ ‘responsible Member’ means the Member of the Executive Council of the Province responsible for Sport, Arts and Culture [, Science and Technology].”.

Amendment of section 4 of Act No. 4 of 1997

25 2. Section 4 of the Act is amended by the substitution for the introductory sentence of the following sentence:

“4. The Corporation may, subject to this Act, [or] any law of the Province and the Public Finance Management Act -”.

30 **Amendment of section 5 of Act No. 4 of 1997 as amended by Act No. 2 of 2003**

3. Section 5 of the Act is amended by the substitution of subsection (2) of the following subsection:

35 “(2) The board of directors shall consist of not less than 6 and not more than 12 persons [appointed by the responsible Member with the approval of the Executive Council of the Province].”.

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vetdruk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
___ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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WET

Tot wysiging van die Wet op die Phakisa Korporasie vir Groot Sportbyeenkomste en Sportontwikkeling, 1997, om dit onderhewig te maak aan die bepalings van die Wet op Openbare Finansiële Bestuur, 1999; om die portefeulje van die verantwoordelike Lid te wysig; om 'n aanstellingsprosedure vir die direksie in te sluit; om die aanstellingstermyn van direkteure te verleng; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie Vrystaat soos volg:-

(Afrikaanse teks deur die Premier bekragtig en geteken.)

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Wysiging van artikel 1 van Wet No. 4 van 1997

1. Artikel 1 van die Wet op die Phakisa Korporasie vir Groot Sportbyeenkomste en Sportontwikkeling, 1997 (Wet No. 4 van 1997) (hierna verwys as die "Wet") word gewysig deur -

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1.1 die volgende definisie na die definisie van "verantwoordelike Lid" in te voeg:

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"**Wet op Finansiële Openbare Bestuur** die Wet op Finansiële Openbare Bestuur, 1999 (Wet No. 1 van 1999);"; en

1.2 die definisie van "verantwoordelike Lid" met die volgende definisie te vervang:

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"**verantwoordelike Lid** die Lid van die Uitvoerende Raad van die Provinsie verantwoordelik vir Sport, Kuns en Kultuur [, Wetenskap en Tegnologie.];".

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Wysiging van artikel 4 van Wet No. 4 van 1997

2. Artikel 4 van die Wet word gewysig deur die inleidende sin met die volgende sin te vervang:

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"4. Die Korporasie kan, behoudens hierdie Wet, [of] enige ander wet van die Provinsie en die Wet op Openbare Finansiële Bestuur -".

Wysiging van artikel 5 van Wet No. 4 van 1997 soos gewysig deur Wet No. 2 van 2003

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3. Artikel 5 van die Wet word gewysig deur subartikel (2) met die volgende subartikel te vervang:

"(2) Die direksie bestaan uit minstens 6 en hoogstens 12 persone [wat deur die verantwoordelike Lid met die goedkeuring van die Uitvoerende Raad van die Provinsie aangestel word].".

Insertion of section 5A in Act No. 4 of 1997

4. The following section is inserted after section 5 of the Act:

5 **“5A. Appointment procedure of board of directors of the Corporation**

- (1) The board of directors is, subject to subsection (2), appointed by the responsible Member in consultation with the Executive Council of the Province.
- 10 (2) Prior to appointment –
- (a) the responsible Member must invite nominations from the public in the *Provincial Gazette* and media for directors to be appointed on the board of directors;
- 15 (b) the responsible Member must submit the nominations to a committee of the Free State Provincial Legislature, constituted in terms of the Rules and Orders of the Free State Provincial Legislature;
- 20 (c) the committee envisaged in paragraph (b) must, within 30 days of receipt of the nominations, submit recommendations to the responsible Member regarding persons who could be appointed on the board of directors.”
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Amendment of section 6 of Act No. 4 of 1997

5. Section 6 of the Act is amended by -

- 30 (a) the substitution of subsection (1) for the following subsection:
- “(1) A director shall be appointed for a term not exceeding [18 months] 3 years, specified in the instrument of appointment, [but is eligible for reappointment, subject to section 7(1)] and such term may, on expiry, be extended for a maximum period of 2 years by the responsible Member, in consultation with the Executive Council.”;
- 35 and
- 40 (b) the insertion of subsection (3):
- “(3) A director is eligible for reappointment.”

Amendment of section 7 of Act No. 4 of 1997

6. Section 7 of the Act is amended by the substitution for subsection (3) of the following subsection:

- 50 “(3) If a director ceases to hold office, the responsible Member must, subject to the provisions of section 5(2) and section 5A, appoint a person to fill the vacancy on the board.”

Invoeging van artikel 5A in Wet No. 4 van 1997

4. Die volgende artikel word hierby na artikel 5 van die Wet ingevoeg:

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“5A. Aanstellingsprosedure van direksie van die Korporasie

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(1) Die direksie word, onderhewig aan subartikel (2), aangestel deur die verantwoordelike Lid in oorleg met die Uitvoerende Raad van die Provinsie.

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(2) Voor aanstelling –

(a) moet die verantwoordelike Lid nominasies inwin in die Provinsiale Koerant en media vanaf die publiek vir die aanstelling van direkteure op die direksie;

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(b) moet die verantwoordelike Lid die nominasies voorlê aan ‘n komitee van die Vrystaatse Provinsiale Wetgewer saamgestel ingevolge die Reëls en Orders van die Vrystaatse Provinsiale Wetgewer;

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(c) moet die komitee beoog in paragraaf (b), binne 30 dae van ontvangs van die nominasies, voorstelle aan die verantwoordelike Lid voorlê rakende die persone wat aangestel kan word op die direksie.”

Wysiging van artikel 6 van Wet No. 4 van 1997

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5. Artikel 6 van die Wet word gewysig deur -

(a) subartikel (1) met die volgende subartikel te vervang:

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“(1) ‘n Direkteur word aangestel vir ‘n termyn van hoogstens [18 maande] 3 jaar, bepaal in die aanstellingsdokument, [maar kan, behoudens artikel 7(1), heraangestel word] en sodanige termyn kan by verstryking, verleng word vir ‘n maksimum tydperk van 2 jaar deur die verantwoordelike Lid, in oorleg met die Uitvoerende Raad.”; en

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(b) die invoeging van subartikel (3):

“(3) ‘n Direkteur kan heraangestel word.”

Wysiging van artikel 7 van Wet No. 4 van 1997

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6. Artikel 7 van die Wet word gewysig deur subartikel (3) met die volgende subartikel te vervang:

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“(3) Indien ‘n direkteur ophou om sy of haar amp te beklee, moet die verantwoordelike Lid, behoudens die bepalinge van artikel 5(2) en artikel 5A, iemand aanstel om die vakature in die direksie te vul.”

Amendment of section 13 of Act No. 4 of 1997

7. Section 13 of the Act is amended by –

5 7.1 the substitution of the heading of the following heading:

“**[Accountability, audit and annual report] Financial Management**”;

10 7.2 the substitution for subsection (1) of the following subsection:

“(1) [(a) **The board must present, for the approval of the responsible Member, a budget for each year;**

15 (b) **The proposed budget must be presented to the responsible Member on or before such date as may be determined by the responsible Member] The financial management of the Corporation is regulated by the Public Finance Management Act.”;**

20 7.3 the deletion of subsection (2);

7.4 the renumbering of subsection (3) and the substitution for subsection (3) of the following subsection:

25 “**[(3)] (2) The financial records [referred to in subsection (2)(b)] of the Corporation shall be audited annually by the Auditor General.**”;

30 7.5 the deletion of subsection (4); and

7.6 the deletion of subsection (5).

Short title

35 8. This Act is called the Phakisa Major Sport Events and Development Corporation Amendment Act, 2010.

Wysiging van artikel 13 van Wet No. 4 van 1997

7. Artikel 13 van die Wet word gewysig deur -

5 7.1 die opskrif met die volgende opskrif te vervang:

“[Aanspreeklikheid, oudit en jaarverslag] Finansiële Bestuur”;

10 7.2 subartikel (1) met die volgende subartikel te vervang:

“(1) [(a) Die direksie lê ‘n begroting vir elke jaar voor vir goedkeuring deur die verantwoordelike Lid;

15 (b) Die beoogde begroting word aan die verantwoordelike Lid voorgelê op of oor die datum wat die verantwoordelike Lid bepaal] Die finansiële bestuur van die Korporasie word gereguleer deur die Wet op Openbare Finansiële Bestuur.”;

20 7.3 subartikel (2) te skrap;

7.4 subartikel (3) te hernoem en subartikel (3) met die volgende subartikel te vervang:

25 “[~~(3)~~] (2) Die finansiële rekords [**bedoel in subartikel (2)(b)**] van die Korporasie word jaarliks deur die Ouditeur-generaal geoudit[~~et~~].”;

30 7.5 subartikel (4) te skrap; en

7.6 subartikel (5) te skrap.

Kort titel

35 8. Hierdie Wet heet die Wysigingswet op die Phakisa Korporasie vir Groot Sportbyeenkomste en Sportontwikkeling, 2010.