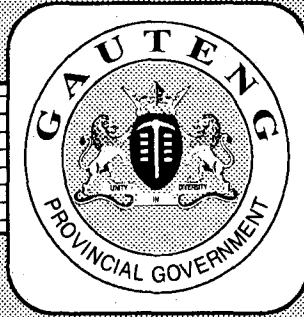


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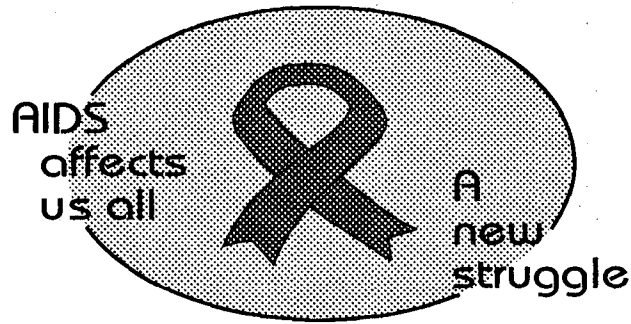
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GENERAL NOTICE

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GENERAL NOTICE

NOTICE 4217 OF 2001**GAUTENG PROVINCIAL LEGISLATURE****PUBLICATION OF THE PROVINCIAL TENDER BOARD
AMENDMENT BILL, 2001**

Notice is hereby given that the Member of the Executive Council for Finance and Economic Affairs (Mr P J Moleketi) has introduced the Provincial Tender Board Amendment Bill in the Legislature, as published in this Extraordinary Gazette.

The Bill has been introduced as an urgent measure in terms of the Standing Rules of the Legislature. Accordingly, any person or organisation wishing to comment on this proposed Legislation may make oral representations to the Portfolio Committee on Economic Affairs at its meeting scheduled for 10:00 on Tuesday, 17 July 2001 at the Legislature, Corner President and Loveday Str, Johannesburg,

or

by faxing their written comments before Tuesday 17 July 2001 for the attention of the Office of the Secretary, c/o Committee Co-ordinator (Mr I Masege) at (011) 498 5719.

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.

BILL

To amend the Provincial Tender Board Act, 1994 (Act No. 2 of 1994), to provide for the extension of the terms of office of members of the Board; and to provide for matters connected therewith.

BE IT ENACTED by the Gauteng Provincial Legislature as follows: -

Insertion of section 4A in Act No. 2 of 1994

1. The following section is inserted in the Provincial Tender Board Act, 1994 (hereinafter referred to as "the principal Act") after section 4:

"4A. Notwithstanding the provisions of section 4(7), the responsible Member may, when circumstances warrant an extension rather than a new appointment after a second consecutive term, extend the term of office of a member of the Board by notice in the Provincial Gazette: Provided that -

- (a) only one extension in relation to a particular member is allowed;*
- (b) no extension may exceed 18 (eighteen) months calculated from the end of the current term of the member in question; and*
- (c) no additional remuneration and allowances other than those to which a member appointed under subsection 4(4) is entitled, is payable"*

Short title and commencement

2. This Act is called the Provincial Tender Board Amendment Act, 2001, and takes effect on 30 April 2001.

EXPLANATORY MEMORANDUM

1. PURPOSE OF THE BILL

The purpose of the Bill is to amend the Provincial Tender Board Act, 1994 (Act No. 2 of 1994) to make provision for the extension of terms of office of members of the Board.

The Bill has to come into operation before the expiry of the current terms of members of the Board to enable the MEC to extend those terms, if required. Thus, the Bill is set to commence on 30 April 2001, being the date on which the terms of office of current members come to an end.

2. ENVIRONMENTAL IMPACT

None.

3. CLAUSE-BY-CLAUSE DESCRIPTION:

3.1 Clause 1:

This clause inserts a new section empowering the MEC to extend terms of office of Board members currently serving their second consecutive term.

3.2 Clause 2:

This clause contains the short title and date of commencement of the Bill.

4. OTHER DEPARTMENTS AND BODIES CONSULTED

A legal opinion on the extension of terms of office was obtained from the State Law Advisers. They indicated what the possible available options are and evaluated each thereof. The desired route was thereafter chosen in consultation with the national department, the Tender Board, the MEC and the Executive.

5. FINANCIAL IMPLICATIONS

No substantial additional implications save those contained in the budget for this program.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

WETSONTWERP

Tot wysiging van die Wet op die Provinsiale Tenderraad, 1994 (Wet No. 2 van 1994), ten einde voorsiening te maak vir die verlenging van die ampstermyne van lede van die Raad; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Gauteng Provinsiale Wetgewer, soos volg: -

Invoeging van artikel 4A in Wet No. 2 van 1994

1. Die volgende artikel word na artikel 4 in die Wet op die Provinsiale Tenderraad, 1994 (hierna "die Hoofwet" genoem), ingevoeg:

"4A. Ondanks die bepalings van artikel 4(7) kan die verantwoordelike Lid, wanneer omstandighede 'n verlenging eerder as 'n nuwe aanstelling na 'n tweede opeenvolgende termyn regverdig, die ampstermyne van 'n lid van die raad verleng by kennisgewing in die Provinsiale Koerant: Met dien verstande dat -

- (a) net een verlenging met betrekking tot 'n bepaalde lid toegelaat word;
- (b) geen verlenging langer as 18 (agttien) maande mag wees nie, bereken van die einde van die lopende termyn van die betrokke lid; en
- (c) geen bykomende besoldiging en toelaes benewens dié waarop 'n lid wat kragtens artikel 4(4) aangestel is, geregtig is, betaalbaar is nie."

Kort titel en inwerkingtreding

2. Hierdie Wet heet die Wysigingswet op die Provinsiale Tenderraad, 2001, en tree op 30 April 2001 in werking.

VERKLARENDE MEMORANDUM

1. DOEL VAN DIE WETSONTWERP

Die doel van die Wetsontwerp is om die Wet op die Provinsiale Tenderraad, 1994 (Wet No. 2 van 1994), te wysig ten einde voorsiening te maak vir die verlenging van ampstermyne van lede van die Raad.

Die Wetsontwerp moet in werking tree voor die verstryking van die huidige termyne van lede van die Raad ten einde die LUR in staat te stel om daardie termyne te verleng, indien nodig. Gevolglik is die Wetsontwerp bedoel om op 30 April 2001 in werking te tree, wat die datum is waarop die ampstermyne van huidige lede ten einde loop.

2. OMGEWINGSIMPAK

Geen.

3. BESKRYWING KLOUSULE VIR KLOUSULE:

3.1 Klousule 1:

Hierdie klousule voeg 'n nuwe artikel in wat aan die LUR die bevoegdheid verleen om ampstermyne van lede van die Raad wat tans hulle tweede opeenvolgende termyn dien, te verleng.

3.2 Klousule 2:

Hierdie klousule bevat die kort titel en datum van inwerkingtreding van die Wetsontwerp.

4. ANDER DEPARTEMENTE EN LIGGAME GERAADPLEEG

'n Regsmening oor die verlenging van ampstermyne is van die Staatsregsadviseurs verkry. Hulle het aangedui wat die moontlike beskikbare opsies is en het elkeen daarvan geëvalueer. Die verlangde roete is daarna

gekies in oorleg met die nasionale departement, die Tenderraad, die LUR en die Uitvoerende Raad.

5. FINANSIËLE IMPLIKASIES

Geen wesentliche bykomende implikasies nie, behalwe dié wat in die begroting vir hierdie program opgeneem is.

AMANOTHI ACHAZAYO ENGAMELE:

[] Amagama acindezeliwe akubakaki abayizikwele akhombisa okuyekiwe kwimithetho ekhona.

_____ Amagama adwetshelwe ngomugqa omkhulu akhombisa okufakelwe kwimithetho ekhona.

UMTHETHOSIVIVINYWA

Ukuchibiyela umThetho weBhodi yamaThenda esiFundazwe, ka 1944, (umThetho onguNombolo 2 ka 1994), ukulungiselela ukwelulwa kwesikhathi sokuba sesikhundleni kumalungu eBhodi; nokulungiselela izinto ezixhumene nakho.

MAKUMISWE yisiShayamthetho saseGauteng ngokulandelayo:-

Ukufakelela kwisigaba 4A kumThetho onguNombolo 2 ka 1994

1. Le sigaba esilandelayo sifakelwe kumThetho weBhodi yamaThenda esiFundazwe, ka 1994 (emveni kwalokhu uzobizwa "ngomThetho omkhulu") emveni kwesigaba 4:

"4A. Nakuba kunemithetho yesigaba 4(7), ilungu eliqondene lingakwazi, uma isimo sikuvumela ukwelulwa kwesikhathi kunokuthi kube nokuqoka kabusha emveni kwezikhawu ezimbili zilandelana, ukwelula isikhathi sokuba sesikhundleni kwiBhodi ngesaziso kwiPhephandaba lesiFundazwe: Inqobo uma -

- (a) kuvunyelwa ukwelula okuyisikhawu esisodwa kwilungu lelo;*
- (b) isikhathi singelulwe sibe ngaphezulu kwezinyanga eziyi-18 (ishumi nesishiyagalombili) kubalwa kusukela ekupheleni kwesikhathi selungu okukhulunywa ngalo; futhi*
- (c) ilungu alinakukhokhelwa ezinye izimali ngaphandle kwalezo ilungu eliqashwe ngokwesigatshana 4(4) livele lifaneleke ukuzikhokhelwa"*

Isihloko kafushane nokuqala ukusebenza

2. Lo mThetho ubizwa ngomThetho oyisiChibiyelo seBhodi yamaThenda esiFundazwe, ka 2001, uqala ukusebenza mhla zinga-30 ku-Epreli 2001.

IMEMORANDAMU ECHAZAYO

1. INHLOSO YOMTHETHOSIVIVINYWA

Inhloso yomThethosivivinywa ukuchibiyela umThetho weBhodi yamaThenda esiFundazwe, ka 1994 (umThetho onguNombolo 2 ka 1994) ukulungiselela ukwelulwa kwesikhathi sokuba sesikhundleni kumalungu eBhodi.

UmThethosivivinywa kumele uqale ukusebenza singakapheli isikhathi samalungu eBhodi ukuze uNgqongqoshe (MEC) akwazi ukuselula lesi sikhathi, uma kunesidingo. Ngakho-ke, umThethosivivinywa ubekelwe ukuthi uqale ukusebenza mhla zingama-30 ku Epreli 2001, okuwusuku lokugcina lokuthi amalungu asesikhundleni njengamanje ayeke ukuba amalungu.

2. UMPHUMELA KWISIMO

Awukho

3. INCAZELO YENDIMA NENDIMA:

3.1 Indima 1:

Le ndima ifaka isigaba esisha esinikeza u-MEC amandla okwelula isikhathi sokuba sesikhundleni kumalungu asebe sesikhundleni okwesibili izikhawu zilandelana.

3.2 Indima 2:

Le ndima iqukethe isihloko sibekwe kafushane nosuku lokuqala ukusebenza komThethosivivinywa

4. EMINYE IMINYANGO NEMIGWAMANDA OKUBONISWANE NAYO

Umbono ngokomthetho watholakala kubeluleki boMbuso kwezomThetho. Babeka ukuthi yiziphi izinto ezingenziwa futhi bazihlola zonkana. Umgudu okuyiwona uthandeka wabe sewukhethwa ngokubonisana nomnyango kazwelonke, iBhodi yamaThenda, uNgqongqoshe kanye nomKhandlu Ophethe.

5. UMPHUMELA NGOKWEZEMALI

Akukho mphumela omkhulu owengezekile ngaphandle kwaleyo equkethwe ulwabiwomali lwalo luhlelo.

LENGWALWANA LA TLHALOŠO KA KAKARETŠO

[] mantšu a a gatišitšwego ka bokoto ka mašakaneng a sekwere a laetša ditlogelo ditaelong tše di lego gona.

_____ mantšu a a thaletšwego ka mothalo wa go se kgaotšwe a laetša ditsentšhwa ditaelong tše di lego gona.

MOLAOKAKANYWA

Go fetoša Molao wa Boto ya Dithendara wa Profense, 1994 (Molao 2 wa 1994), go beakanyetša katološo ya dipakatiro tša maloko a Boto; le go beakanyetša ditaba tše di amanago le wona.

O TLA DIRWA MOLAO KE THERAMELAO YA PROFENSE YA GAUTENG BJALO:

Tsentšho ya karolo 4A Molaong 2 wa 1994

1. Karolo ye e latelago e tsentšhwa Molaong wa Boto ya Dithendara wa Profense, 1994 (morago ga mo o tla bitšwa "Molaomogolo") ka morago ga karolo 4:

"4A. Ntle le thibelo ya dipeakanyetšo tša karolo 4(7), leloko le le rwelego maikarabelo le ka, ge mabaka a laela katološo go ena le peo ye mpsha morago ga pakatiro ya bobedi ka tatelano, katološa pakatiro ya leloko la Boto ka tsebišo ka Gazetteng ya Profense; ge e le gore:

- (a) go dumelelwa katološo e tee fela mabapi le leloko le itšego;
- (b) ga go na katološo ye e ka fetago dikgwedi tše 18 (lesomeseswai) ge go balwa go tloga mafelelong a pakatiro ye ga bjale e swerwego ke leloko leo;
- (c) ga go lefelwe koketšo ya moputso le ya putseletšo ka ntle le tšeo di lebanego leloko le le beilwego go ya ka karolwana ya 4(4)"

Leina le lekopana le mathomo

2. Molao wo o bitšwa Molao wa Phetošo wa Boto ya Dithendara wa Profense, 2001, gomme o tla thoma go šoma ka 30 Aprele 2001.

MEMORANTAMO WA TLHALOŠO

1. MAIKEMIŠETŠO A MOLAOKAKANYWA WO

Maikemišetšo a molaokakanywa wo ke go fetiša Molao wa Boto ya Dithendara wa Profense, 1994 (Molao 2 wa 1994) go beakanyetša katološo ya pakatiro ya maloko a Boto.

Molaokakanywa wo o swanetše go thoma go šoma pele pakatiro ya maloko a bjale e fela gore MEC a kgone go katološa dipakatiro tšeo, ge go nyakega. Ka fao, Molaokakanywa wo o beetšwe go thoma go šoma ka 30 Aprele 2001, e lego letšatši leo pakatiro ya maloko a bjale e felago ka lona.

2. KHUETŠO YA TIKOLOGO

Ga e gona.

3. TLHALOŠO LEFOKWANA KA LEFOKWANA

3.1 Lefokwana 1:

Lefokwana le le tsentšha karolo ye mpsha go fa MEC maatla a go katološa dipakatiro tša moloko a Boto ao ga bjale a šomago pakatirong ya bobedi ka tatelano.

3.2 Lefokwana 2:

Lefokwana le le na le leina le lekopana le mathomo a Molaokakanywa wo.

4. DIKGORO LE MAKGOTLA A MANGWE A GO RERIŠANWEGO NAWO

Kgopolo ya semolao ka ga katološo ya dipakatiro e hweditšwe go Baeletši ba Molao ba Mmušo (State Law Advisers). Ba laeditše gore ke dikgonagalo dife tše di ka bago gona gomme ba lekanyetša ye nngwe le ye nngwe ya tšona. Morago go kgethilwe tsela ye e kgahlišago ka therišano le kgoro ya setšhaba, Boto ya Dithendara, MEC le Khuduthamaga.

5. DIKAMANO TŠA DITŠHELETE

Ga go na dikamano tše dingwe gape tša ditšhelete ntle le tšeo di lego ditekanyetšong tša lenaneo le.

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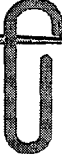
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