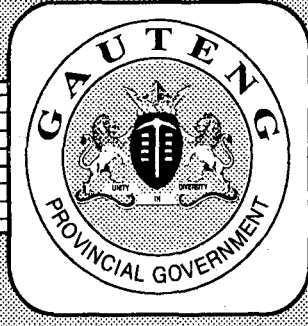


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**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

Selling price • Verkoopprys: **R2,50**  
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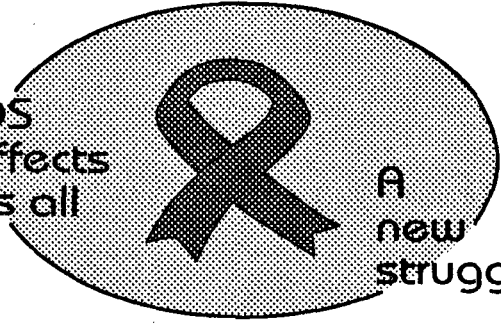
Vol. 9

PRETORIA, 26 MARCH  
MAART 2003

No. 102

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

Prevention is the cure

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH



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## GENERAL NOTICE

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NOTICE 897 OF 2003

### GAUTENG PROVINCIAL LEGISLATURE

#### PUBLICATION OF BLUE IQ INVESTMENT HOLDINGS BILL 2003

Notice is hereby given that the Member of Executive Council for Finance and Economic Affairs, Mr. Jabu Moleketi, intends to introduce the Blue IQ Investment Holdings Bill of 2003 in the Legislature as published in this Extraordinary Gazette.

Any person or organization wishing to comment on this proposed Legislation may lodge written comments on or before **16 April 2003** by posting, faxing or handing them in at the following address:

The Secretary to the Legislature  
Gauteng Provincial Legislature  
C/o Committee Co-ordinator (Mr. Tiragalo Mogale)  
Private Bag X52  
Johannesburg  
2000

Physical Address  
Gauteng Provincial Legislature  
Corner President and Loveday Street  
Johannesburg  
Tel No: (011) 498-5452  
Fax No: (011) 498-5719

## VERKLARENDE MEMORANDUM

### 1. REDES VIR DIE WETSONTWERP

#### 1.1 Doel van die Wetsontwerp

Die Wetsontwerp word ingedien om 'n regs persoon bekend as Blue IQ Holdings Limited in te stel; om die regs persoon se oogmerke te bepaal; om die wyse voor te skryf waarop hy bestuur en beheer moet word; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

#### 1.2 Agtergrond

Met die implementering van die Blue IQ-portefeulje van projekte is spesialedoelinstrumente geskep. Party van die spesialedoelinstrumente is private maatskappye met die Gauteng Provinsiale Regering (GPR) as medeaandeelhouer saam met ander implementeringsvennote. Dit is nodig om voorsiening te maak vir raamwerkwetgewing wat voorsiening maak vir aandeelhouding in die maatskappye deur die GPG.

Blue IQ is 'n multimiljardrandinisiatief van die GPR om te investeer in ekonomiese infrastruktuurontwikkeling in geïdentifiseerde megaprojekte in toerisme, knap bedrywe en hoëwaardetoevoegingsvervaardiging om 'n werklik knap provinsie te skep.

Dit is 'n dinamiese katalisator vir die befondsing en bevordering van strategiese investering in Gauteng. Blue IQ werk in vennootskap met die sakesektor, staatsdepartemente, parastatale liggame en ander organisasies om sy oogmerke te verwesenlik en elke projek te implementeer.

Blue IQ se mandaat is om wêreldklas infrastruktuur te ontwikkel wat vergelykende en mededingingsvoordele vir Gauteng se beleggers verskaf. Dit moet bemarkings- en beleggingstrategieë implementeer om plaaslike en buitelandse beleggers te lok vir geteikende sektore. Dit is resultaatgedrewe en fokus op versnelde lewering. Blue IQ se werkwyse is om openbaar-private vennootskappe (OPV's) te skep om die geselekteerde projekte te dryf. Gauteng het tot dusver meer as R3,5 miljard vir die MTBR-tydperk wat in Maart 2005 ten einde loop, opsy gesit vir investering in die instelling of opgradering van 'n verskeidenheid infrastruktuur wat nodig is om die 11 geïdentifiseerde projekte moontlik te maak. Saam met projekvennote word 'n gepaste institusionele model bepaal om die projek of aspekte van die projek te ontwikkel en te bedryf.

Elke projek, of aspekte daarvan, word dus gedryf deur 'n spesialedoelinstrument wat toegewy is aan die implementering daarvan.

Dit wissel van suiwer ooreenkomste vir implementering met metropolitaanse owerhede, handelsrekening wat onder die beskerming van susterdepartemente in Gauteng bedryf word en suiwer OPV-modelle tot private maatskappye waarin die GPR aandeel besit saam met ander implementeringsvennote.

Wanneer Gauteng aandeel in 'n maatskappy opneem, word daardie maatskappy geag 'n provinsiale openbare entiteit te wees soos omskryf in die Wet op Openbare Finansiële Bestuur (WOFB) en val dit binne die bestek van die WOFB. Dit beteken dat die provinsiale openbare entiteit moet voldoen aan al die beheerkwessies en -bepalings van die WOFB. Hierdie maatskappye moet ingesluit word in die bylaes van die WOFB waar openbare entiteite gelys word.

### **1.3 Bespreking**

Navorsing oor die skepping van openbare entiteite op nasionale vlak toon dat daar vir elke openbare entiteit wat geskep word, magtigende wetgewing moet wees. Elk van die groot parastatale liggame soos Eskom, Transnet, Telkom, ens. het sy eie magtigende wetgewing. Ander kleiner maatskappye wat geskep is, het oor die algemeen breë wetgewing wat die verantwoordelike Minister in staat stel om 'n maatskappy op te rig met die oog op sekere oogmerke.

Een van die opsies wat vir Gauteng beskikbaar is, is om magtigende wetgewing aan te neem vir elk van die maatskappye wat geskep word vir die implementering van projekte of aspekte van projekte. Dit word egter te lomp en sal 'n groot aantal stukke wetgewing vereis indien en wanneer die behoefte daaraan ontstaan.

Die voorgestelde opsie is om magtigende wetgewing aan te neem wat 'n beheermaatskappy skep wat dan oor die bevoegdheid beskik om aandeel in filiale of geassosieerde maatskappye op te neem ter bevordering van die implementering van projekte of aspekte van projekte.

Nadat die beheermaatskappy ingestel is, sal die maatskappy en sy filiale in Bylae 3 van die WOFB opgeneem word as provinsiale openbare entiteite.

## **2. IMPLIKASIES VAN DIE WETSONTWERP**

### **2.1 Organisasoriese en personeelimplikasies**

Die Uitvoeringsgesag en die Rekenpligtige Beamppte vir Finansies en Ekonomiese Sake sal ingevolge die WOFB rekenpligtig wees vir die openbare entiteit.

## **2.2 Omgewingsimplikasies**

Geen.

## **2.3 Finansiële implikasies**

Die regstreekse finansiële implikasie sal die betaling van die aandelekapitaal van R100 (een honderd rand) wees. Daarna sal die hou van aandele en die befondsing van verpligtinge van die filiale wat vir die Blue IQ-projekte geskep word, waarvoor die befondsing reeds bewillig is, deur die beheermaatskappy gekanaliseer word met geen bykomende verpligtinge nie.

## **3. VERDUIDELIKING VAN DIE WETSONTWERP KLOUSULE VIR KLOUSULE**

**Klausule 1:** Hierdie klausule verduidelik en omskryf die betekenis van sekere woorde soos dit in die betrokke verband gebruik word en soos dit in die Wetsontwerp vervat is.

**Klausule 2:** Hierdie klausule stel 'n regspersoon in wat Blue IQ Holdings Limited genoem word en verleen aan die LUR vir Finansies en Ekonomiese Sake (LUR) die bevoegdheid om alles te doen wat nodig is om die maatskappy in te lyf en te registreer. Die LUR kan die bevoegdheid om die dokumente vir registrasie te onderteken, deleger. Wysiging van die besigheid en oogmerke van die maatskappy kan slegs met die goedkeuring van die LUR geskied.

**Klausule 3:** Hierdie klausule omskryf die vernaamste oogmerke van die maatskappy, naamlik om geïdentifiseerde projekte te onderneem of daarin te investeer deur middel van wetlik erkende kommersiële ondernemings. (Kommersiële ondernemings word so omskryf dat dit maatskappye, beslote korporasies, openbaar-private vennootskappe, handelsrekenings, gesamentlike ondernemings, ooreenkomste, vennootskappe en soortgelyke sakeondernemings insluit.)

**Klausule 4:** Hierdie klausule omskryf die aandelekapitaal van die maatskappy. Die maatskappy se aandelekapitaal bestaan uit 100 (een honderd) aandele van R1,00 (een rand) elk.

**Klausule 5:** Hierdie klausule omskryf die aandeelhouding in die maatskappy. Die Provinsie sal die enigste aandeelhouer wees en sal deur die LUR verteenwoordig word.

**Klausule 6:** Hierdie klausule omskryf die maatskappy se aandeelhouding of belang in kommersiële ondernemings. Die LUR se goedkeuring moet verkry

word vir die verkryging, oordrag of verkoop van aandele in die kommersiële ondernemings.

**Klousule 7:** Hierdie klousule verduidelik die befondsing van die maatskappy. Dit behels fondse wat deur die Provinsiale Wetgewer aan hom bewillig word en ander opbrengste wat deur die kommersiële ondernemings gerealiseer word.

**Klousule 8:** Hierdie klousule verduidelik die bestuur van die maatskappy. 'n Direksie sal die maatskappy bestuur. Die LUR moet die Direksie, die voorsitter van die Direksie en die Hoof Uitvoerende Beampte aanstel.

**Klousule 9:** Hierdie klousule het betrekking op die Bylae, wat 'n lys bevat van die kommersiële ondernemings, hulle aard en die maatskappy se aandeelhouding of belang, uitgedruk as 'n persentasie. Dit maak ook voorsiening vir die jaarlikse publikasie deur die LUR van 'n bylae wat enige wysigings toon.

**Klousule 10:** Hierdie klousule omskryf die uitwerking van die instelling van die maatskappy. By inlywing word alle bates, regte, laste of verpligtinge wat voor die instelling van die maatskappy deur die GPR verkry of aangegaan is in verband met Blue IQ, geag deur die maatskappy verkry of aangegaan te wees.

**Klousule 11:** Hierdie klousule verleen aan die LUR die bevoegdheid om regulasies uit te vaardig oor aangeleenthede wat nodig of dienstig is vir die verwesenliking van die oogmerke van die Wet.

**Klousule 12:** Hierdie klousule bevat die kort titel van die Wetsontwerp.

**[NOTE: In the definition of "Executive Council" the reference should actually be to section 132 instead of 125 of the Constitution – discussed with Mr Maharaj.]**

## WETSONTWERP

Om voorsiening te maak vir die oprigting van 'n beheermaatskappy bekend as Blue IQ Investment Holdings Limited om geïdentifiseerde projekte deur verskeie kommersiële ondernemings te bestuur; om die oogmerke daarvan te bepaal; om voorsiening te maak vir die hou van aandele in die Maatskappy; om voorsiening te maak vir die verkoop van aandele en belange in die kommersiële ondernemings; om voorsiening te maak vir die befondsing van die Maatskappy; om voorsiening te maak vir die bestuur van die Maatskappy; om voorsiening te maak vir die oordrag van bates, laste en verpligtinge na die Maatskappy; om voorsiening te maak vir die lysing van die kommersiële ondernemings; om voorsiening te maak vir regulasies; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

## WOORDOMSKRYWING

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken -

**"Direksie"** die Direksie soos in artikel 8 van hierdie Wet bedoel;

**"Gautengse Provinsiale Regering"** die regering van die Provinsie, en het "Provinsiale"n ooreenstemmende betekenis;

**"geïdentifiseerde projekte"** die volgende projekte wat deur die Gauteng Provinsiale Regering geïdentifiseer is: die Innovasiespil, Gauteng Motorbedryfinisiatief, Constitution Hill, Newtown-kultuurgebied, Gautreinsnelspoorverbinding, City Deep-vervoer- en Logistiekspil, Dinokeng, Wieg van die Mensdom-wêrelderfenisterrein, Wadeville-Alrode-nywerheidskorridor, Johannesburg Internasionale Lughawenywerheidsontwikkelingsone, Vernuwing van Kliptown, en ook die wysiging van die bestek van hierdie projekte en enige toekomstige projekte wat deur die LUR goedgekeur is;

**"Grondwet"** die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996);



**"hierdie Wet"** ook regulasies wat daarkragtens uitgevaardig is;

**"kommersiële ondernemings"** ook maatskappye, beslote korporasies, openbaar-private vennootskappe, handelsrekenings, gesamentlike ondernemings, ooreenkomste, vennootskappe en soortgelyke sakeondernemings;

**"LUR"** die Lid van die Uitvoerende Raad verantwoordelik vir Ekonomiese Sake in die Provinsie;

**"Maatskappy"** Blue IQ Investment Holdings Limited, soos in artikel 2 van hierdie Wet bedoel;

**"Maatskappywet"** die Maatskappywet, 1973 (Wet No. 61 van 1973);

**"Provinsie"** die Provinsie Gauteng soos in artikel 103 van die Grondwet bedoel, en het "Provinsiale"n ooreenstemmende betekenis;

**"Uitvoerende Raad"** die Uitvoerende Raad van die Provinsie soos ingevolge artikel 125 van die Grondwet saamgestel;

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

## **INSTELLING VAN BLUE IQ INVESTMENT HOLDINGS LIMITED**

2. (1) Hierby word 'n regs persoon ingestel wat as Blue IQ Investment Holdings Limited bekend staan.

(2) Die LUR is bevoeg om alles te doen wat nodig is om Blue IQ Investment Holdings Limited ingevolge die Maatskappywet te laat inlyf en registreer.

(3) Die LUR kan die bevoegdhede om die dokumente te onderteken wat vir die registrasie van die Maatskappy nodig is, skriftelik delegeer.

(4) Die Akte van Oprigting van die Maatskappy moet bepaal dat die Maatskappy nie bevoeg is om die besigheid en oogmerke van die Maatskappy sonder die goedkeuring van die LUR te verander nie.

## **OOGMERKE VAN DIE MAATSKAPPY**

3. (1) Die oogmerke van die Maatskappy is om –

- (a) geïdentifiseerde projekte te onderneem of daarin te investeer; en
- (b) groter privaatsektorinvestering moontlik te maak,

deur die benutting van wetlik erkende kommersiële ondernemings.

(2) Die Maatskappy kan van tyd tot tyd sy aandele of belang in die kommersiële ondernemings verkoop.

#### **AANDELEKAPITAAL**

4. Die aandeelkapitaal van die Maatskappy bestaan uit 100 (een honderd) aandele van R1,00 (een rand) elk.

#### **AANDEELHOUDING IN DIE MAATSKAPPY**

5. (1) Die Gauteng Provinsiale Regering is die enigste aandeelhouer in die Maatskappy.

(2) Die LUR oefen die bevoegdhede en pligte van die Gauteng Provinsiale Regering as aandeelhouer in die Maatskappy uit.

#### **AANDEELHOUDING / BELANG IN KOMMERSIËLE ONDERNEMINGS**

6. Indien die Maatskappy sy aandele of belang in die kommersiële ondernemings verkry, oordra, sedeer, verkoop of andersins daarvoor beskik, moet hy vooraf die goedkeuring van die LUR verkry, en dit moet geskied op sodanige bepalinge en voorwaardes as wat die LUR goedkeur.

#### **BEFONDSING**

7. (1) Die befondsing van die Maatskappy behels -
- (a) geld wat deur die Provinsiale Wetgewer aan hom bewillig word; en
  - (b) enige ander opbrengste wat deur die kommersiële ondernemings gerealiseer word.

#### **BESTUUR VAN DIE MAATSKAPPY**

8. (1) 'n Direksie bestuur die Maatskappy.

(2) Die LUR moet die Direksie aanstel, wat uit minstens 3 (drie) en hoogstens 8 (ag) lede bestaan.

(3) Die LUR moet die voorsitter van die Direksie en die Hoof Uitvoerende Beampte van die Maatskappy aanstel.

**LYS VAN KOMMERSIËLE ONDERNEMINGS**

9. (1) Die kommersiële ondernemings, die aard daarvan en die Maatskappy se aandeelhouing of belang, uitgedruk as 'n persentasie, daarin is soos uiteengesit in onderskeidelik kolomme 1, 2 en 3 van die Bylae.

(2) By afsluiting van verslagdoening ingevolge die Wet op Openbare Finansiële Bestuur moet die LUR by kennisgewing in die *Provinsiale Koerant* jaarliks 'n bylae publiseer waarin enige veranderings aan of byvoegings tot die kommersiële ondernemings, die aard daarvan en die Maatskappy se aandeelhouing of belang daarin weerspieël word.

**GEVOLGE VAN INSTELLING**

10. By inlywing van die Maatskappy word alle bates, regte, laste of verpligtinge wat voor die instelling van die Maatskappy deur die Gauteng Provinsiale Regering verkry of aangegaan is na aanleiding van die geïdentifiseerde projekte, geag die bates, regte, laste of verpligtinge te wees wat deur die Maatskappy verkry of aangegaan is.

**REGULASIES**

11. Die LUR kan regulasies uitvaardig rakende enige aangeleentheid wat die LUR nodig en dienstig ag ten einde die oogmerke van hierdie Wet te verwesenlik.

**KORT TITEL**

12. Hierdie Wet heet die Wet op Blue IQ Investment Holdings Limited.

**Bylae**

<b><u>KOLOM 1:</u></b> NAAM KOMMERSIËLE ONDERNEMING	<b>VAN</b>	<b><u>KOLOM 2:</u></b> AARD / TIPE	<b><u>KOLOM 3:</u></b> % AANDEELHOUDING / BELANG
Innovation Hub		Aandeelinvestering	50%

Management Company (Pty) Ltd		
Blue Catalyst (Pty) Ltd	Aandeelinvestering	100%
AIDC Development Company (Pty) Ltd	Aandeelinvestering	60%
Supplier Park Development Company (Pty) Ltd	Aandeelinvestering	100%
Greater Newtown Development Company (Pty) Ltd	Aandeelinvestering	77%
JIA Development Company (moet nog ingevolge die Maatskappywet geregistreer word)	Aandeelinvestering	Moet nog bepaal word
Metro Mall Pty Ltd	Aandeelinvestering	69.6%
Constitution Hill Development Company Pty Ltd	Aandeelinvestering	86.63%
Dinokeng	Handelsrekening by Departement van Landbou, Bewaring, Omgewing en Grondsake	
Wieg van die Mensdom	Handelsrekening by Departement van Landbou, Bewaring, Omgewing en Grondsake	
Kliptown	Projekbestuursooreenkoms met Johannesburg Ontwikkelingsagentskap	
Cleveland-padverbinding	Projekbestuursooreenkoms met Johannesburg Padagentskap	
IDZ-paaie	Projekbestuursooreenkoms	

	met GauTrans	
Nelson Mandela-brug en M2-afrig	Projekbestuursooreenkoms met Suid-Afrikaanse Nasionale Padagentskap Beperk	
Wadeville Alrode	Projekbestuursooreenkoms met Ekurhuleni-Munisipaliteit	

## **EXPLANATORY MEMORANDUM**

### **1. REASONS FOR THE BILL**

#### **1.1 Purpose of the Bill**

The Bill is being introduced to establish a juristic person known as Blue IQ Holdings Limited; to determine its objectives, to prescribe the manner in which it is to be managed and governed; and to provide for matters connected therewith.

#### **1.2 Background**

In implementing the Blue IQ portfolio of projects, special purpose vehicles have been created. Some of the special purpose vehicles are private companies with Gauteng Provincial Government ("GPG") as part shareholder with other implementing partners. It is necessary to provide for framework legislation that allows for the companies shareholding by GPG.

Blue IQ is a multi billion Rand initiative of GPG to invest in economic infrastructure development in identified mega projects in tourism, smart industries and high value added manufacturing to create a truly smart province.

It is a dynamic catalyst for funding and promoting strategic investment in Gauteng. Blue IQ works in partnership with business, government departments, parastatals and other organisations to achieve its objectives and implement each project.

Blue IQ's mandate is to develop world-class infrastructure that

provides comparative and competitive advantages for Gauteng's investors. It has to implement marketing and investment strategies to attract local and foreign investors for targeted sectors. It is result driven and focuses on fast tracked delivery. Blue IQ's modus operandi is to create public-private partnerships (PPPs) to drive the selected projects. Gauteng has thus far earmarked over R3,5 billion up to the MTEF period ending March 2005, to invest in the establishment of upgrading of varied infrastructure that is needed to make the 11 identified projects feasible. Together with project partners, an appropriate institutional model is determined to develop and operate the project or aspects of the project.

A special purpose vehicle dedicated to the implementation thus drives each project, or aspects thereof. These range from pure agreements for implementation with metropolitan governments; trading accounts operating under the auspices of sister Gauteng departments; pure PPP models and ultimately to private companies in which GPG has a shareholding together with other implementing partners.

When Gauteng takes shares in a company, that company is deemed a provincial public entity as defined by the Public Finance Management Act ("PFMA") and falls within the ambit of the PFMA. This means that the provincial public entity has to comply with all of the governance issues and stipulations of the PFMA. These companies have to be included in the schedules to the PFMA that lists public entities.

### **1.3 Discussion**

Research into the creation of public entities at a National level has shown that for each public entity created there has been enabling legislation. Each of the major parastatels such as Eskom, Transnet, Telkom etc. have their own enabling legislation. Other smaller companies that have been created generally have broad legislation that allows the responsible Minister to set up a company in pursuit of certain objectives.

The options available to Gauteng is to pass enabling legislation for each of the companies created for the implementation of projects or aspects of projects. However, this becomes too cumbersome and will require multiple pieces of legislation as and when the need arises.

The proposed option is to pass enabling legislation that creates a holding company that then has the power to take up shares in subsidiaries or associated companies to the furtherance of the implementation of projects or aspects of projects.

Once created, the holding company and its subsidiaries will then be listed under Schedule 3 of the PFMA as provincial public entities.



## **2. IMPLICATIONS OF THE BILL**

### **2.1 Organisational and personnel implications**

The Executive Authority and the Accounting Officer for Finance and Economic Affairs will have accountability, in terms of the PFMA, over the public entity created.

### **2.2 Environmental Implications**

None.

### **2.3 Financial implications**

The direct financial implication will be the payment of the share capital of R100 (one hundred Rand). Thereafter the holding of shares and funding obligations of the subsidiaries created for the Blue IQ projects, the funding for which is already appropriated, will be channeled by the Holding company with no additional obligations.

## **3. CLAUSE-BY-CLAUSE EXPLANATION OF THE BILL**

**Clause 1:** This clause explains and defines the meaning of the choices of certain words as used in the relevant context and as contained in the Bill.

**Clause 2:** This clause establishes a juristic person called Blue IQ Holdings Limited and empowers the MEC for Finance and Economic Affairs ("MEC") to do all things necessary to incorporate and register the company. The MEC may delegate the power to sign the documents for registration. Alterations to business and objects of the company may only be allowed with the approval of the MEC.

**Clause 3:** This clause defines the main objects of the company to undertake or invest in identified projects through legally recognized

commercial enterprises. (Commercial enterprises is defined as including companies, close corporations, public private partnerships, trading accounts, joint ventures, agreements, partnerships and similar business undertakings.)

**Clause 4:** This clause defines the share capital of the company. Share capital of the company consists of 100 (one hundred) shares of **R1,00 (one Rand) each.**

**Clause 5:** This clause defines the shareholding in the company. The Province will be the only shareholder and will be represented by the MEC.

**Clause 6:** This clause defines the company's shareholding or interest in commercial enterprises. The approval of the MEC must be obtained for the acquisition, transfer or disposal of shares in the commercial enterprises.

**Clause 7:** This clause explains the funding of the company. It comprises of funds appropriated to it by the Provincial Legislature and other proceeds realized through the commercial enterprises.

**Clause 8:** This clause explains the management of the company. A Board of Directors will manage the company. The MEC must appoint the Board of Directors, the chairperson of the Board and the Chief Executive Officer.

**Clause 9:** This clause refers to the Schedule containing a list of the commercial enterprises, their nature and the company's shareholding or

interest expressed as a percentage. It also provides for the annual publication by the MEC of a schedule indicating any amendments.

**Clause 10:** This clause defines the effect of establishment of the company. Upon incorporation, all assets, rights, liabilities or obligations acquired or incurred by the GPG under Blue IQ prior to the establishment of the company are deemed to be acquired or incurred by the company.

**Clause 11:** This clause empowers the MEC to make regulations on matters that are necessary or expedient to achieve the objects of the Act..

**Clause 12:** This clause contains the short title of the Bill.

## MEMORANTAMO WA GO HLALOŠA

### 1. MABAKA A MOLAOKAKANYWA WO

#### 1.1 Morero wa Molaokakanywa

Molaokakanywa o noketšwe go hlaloša motho wa semolao wo a tsebjago ka la Blue I Q Holding Limited; go laetsa dinepo tša gona, go hlaloša mokgwa wo e swanetšwego go laolwa ka gona le go bušwa; le go fana ka ditaba tšeo di amanego le yona.

#### Boithekgo

Go tsenya tirišong ga diphotefolio tša diprotšeke, ditsela tše di kgethegilego tša maikemišetšo di hlamilwe. Tše dingwe tša ditsela tše di kgethegilego tša maikemišetšo ke dikhamphani tša poraefete le Mmušo wa Profense wa Gauteng (GPG) bjalo ka karolo ya moswara kabelo mo go tsenyeng tirišong le badirišani ba bangwe. Go bohlokwa go fana ka tlhako ya molao yeo GPG e dumelelago dikhamphani go swara dišere.

Blue IQ ke thomo ya dibilionebilione tša diranta ya GPG go beeletša mo go kgodišo ya kago ya ekonomi mo go hwetšeng diprotšeke tše dikgolokgolo mo boeting, diintasteri tše kaone le tšweletšo ye e okeditšwego ya maemo a godimo go hlama profense ya nnete ye kaone.

Ke motho wa mafolofolo yo a tlišago diphetogo mo go thušeng le go godišeng leano la dipeeletšo mo Gauteng. Blue I Q le badirišani ba kgwebo, dikgoro tša mmušo, dikhamphani tša poraefete le

mekgatlo ye mengwe go phethagatša dinepo tša gona le go tsenya tirišong protšeke ye nngwe le ye nngwe.

Taolelo ya Blue IQ ke go godiša kago ya maemo a godimo mo lefaseng yeo e tla fanago ka mehola ya papetšo le phadišano ya babeeletši ba Gauteng. E swanetše go tsenya tirišong maano a thekišo le dipeeletšo go goga babeeletši ba selegae le ba ka ntle mo dikarolong tše di rilego. E laolwa ke dipoelo gomme e tsepeletše mo go tšweletšeng ga ka pele. Mošomo wo o rilego wa Blue I Q ke go hlama tirišano magareng ga setšhaba le poraefete (PPPs) go sepetša diprotšeke tše di kgethilwego. Gauteng e šetše e beetše thoko go feta 3,5 bilione ya diranta (R3,5 billion) go fihla go nakong ya MTEF yeo e felago ka Matšhe 2005, go beeletša mo tlhomong ya go kaonafatša dikago tše di fapanego tše di nyakegago go dira diptrotšeke tše 11 tšeo di hweditšwego go tšwetšwapele. Gammogo le badirišani ba diprotšeke, mmotlolo wa maleba wa sehlongwa o ikemišeditše go godiša le go sepetša protšeke goba diponagalo tša protšeke.

Tsela ye e kgethegilego ya maikemišetšo yeo e ikgafetšego go tsenyo tirišong ka go sepetša protšeke ye nngwe le ye nngwe, goba diponagalo tša yona. Se sefapana go tšwa go dikwano thwii tša go tsenya tirišong le mebušo ya ditoropo (metropolitan); bašupaletlotlo ba kgwebo bao ba šomago ka katlego ka fase ga dikgoro tša go swana le tšona tša Gauteng; memmotlolo ya nnete ya PPP gomme mafelelong go dikhamphani tša poraefete tšeo GPG e nago le go swara dišere mmogo le tšona le badirišani ba bangwe ba go tsenya tirišong.

Ge Gauteng e tšea dišere mo khamphaning, khamphani yeo e tšeiwa bjalo ka sehlongwa sa setšhaba sa profense bjalo ka ge go hlalošitšwe mo go Molao wa Taolo ya Matlotlo a Setšhaba (PFMA) gomme se wela ka fase ga taolo ya PFMA. Se se ra gore sehlongwa se sa setšhaba sa profense se swanetše go kwana le ditaba ka moka le ditšhupo tša pušo tšeo di lego ka mo go PFMA. Dikhamphani tše di swanetše go akaretšwa dišedulu tša PFMA tšeo di ngwadišago dihlongwa tša setšhaba.

### **1.3 Tshekatsheko**

Nyakišišo ya go hlama dihlongwa tša setšhaba mo kgatong ya Setšhaba e laeditše gore sehlongwa sa setšhaba se sengwe le se sengwe se se hlamilwego go na le molao wa go kgontšha. Dikhamphani tše kgolo tša poraefete tša go swana le boEskom, Transnet, Telkom, bjj. di na le molao wa tšona wa go kgontšha. Dikhamphani tše nnyane tše dingwe tšeo di hlamilwego ka kakaretšo di na le molao wo o bulegilego wo o dumelelago Tona ye e nago le maikarabelo go hloma khamphani go kitimišitšwe dinepo tše di rilego.

Dikgetho tšeo di lego gona mo Gauteng ke go phasiša molao wa kgontšho wa khamphani ye nngwe le ye nngwe yeo e hlamilwego go tsenya tirišong diprotšeke goba diponagalo tša diprotšeke. Le ge go le bjalo, se se ba boima go se tšweletša gomme go tla nyakega diripana tše dintši tša molao bjalo ka le ge nyakego e tšwelela.

Tšhišinyo yeo ya kgetho ke go phasiša molao wa kgontšho woo o hlamilego dikhamphani tša go swara tšeo di nago le maatla a go tšea dišere mo dikhamphani tše nnyane le dikhamphani tšeo di tswalanego le tšona go tšwetšapele tsenyo tirišong ya diprotšeke goba diponagalo tša diprotšeke.

Ge di hlomilwe, khamphani ya go swara le dikhamphani tše nnyane tša yona di tla ngwadišwa ka fase ga šedulu 3 ya PFMA bjalo ka dihlongwa tša setšhaba tša profense.

## **2. DIKELETŠO TŠA MOLAOKAKANYWA**

### **2.1 Dikeletšo go tša mokgatlo le bašomi**

Maatla a Khuduthamaga le Mohlanka wa Tšhupaletlotlo wa Matlotlo le Ditaba tša Ekonomi ba tla ba le maikarabelo, go ya ka mabaka a PFMA, mo go laoleng ga sehlongwa sa setšhaba seo se hlamilwego.

### **2.2 Dikeletšo go tša tikologo**

Ga di ona.

### **2.3 Dikeletšo go tša matlotlo**

Keletšo ye e lego thwii ya tša matlotlo e tla ba go lefa šere ya khapitale ya R100 (diranta tše lekgolo). Ka morago ga moo go swarwa ga dišere le dilemo tša thušo ka ditšhelete ya dikhamphani tše nnyane tšeo di hlometšwego diprotšeke tša Blue I Q, go thuša ka ditšhelete goo go šetšego go lebantšwego, go tla išwa ke khamphani ya Holding go se na dilemo tše di okeditšwego tše dingwe.

### **3. TLHALOŠO KA TEMANA KA TEMANA YA MOLAOKAKANYWA**

**Temana ya 1:** Temana ye e hlaloša le go fa tlhalošo ya dikgetho tša mantšu a a rilego bjalo ka ge a šomišitšwe go ya ka diteng le ge bjalo a le ka gare ga Molaokakanywa.

**Temana ya 2:** Temana ye e hloma motho wa semolao yo a bitšwago Blue IQ Holding Limited gomme e fa MoMec wa tša Matlotlo le Ditaba tša Ekonomi maatla ("MoMec") go dira dilo ka moka tšeo di nyakegago go kopanya le go ngwadiša khamphani. MoMec a ka neela maatla a go saena ditokumente tša ngwadišo. Diphetošo go mošomo/kgwebo le maikemišetšo a khamphani a ka dumelelwa fela ka tumelelo ya MoMec.

**Temana ya 3:** Temana ye e hlaloša maikemišetšo a motheo a khamphani go tšea goba go beeletša mo diprotšekeng tšeo di hweditšwego ka mokgwa wa semolao wo o amogelwago ke dikgwebo tša papatšo. (Dikgwebo tša papatšo di hlalošwa bjalo ka dikhamphani tša kakaretšo, dikgwebo tša tirišano, dikgwebo tša tirišano ya setšhaba le ya poraefete, dikgwebo tša tšhupaletlotlo, dikgwebo tša go leka mmogo, dikwano, tirišano le le dikgwebo tše dingwe tša mohuta woo).

**Temana ya 4:** Temana ye e hlaloša khapitale ya dišere ya khamphani. Khapitale ya dišere ya khamphani e dirwa ke 100 (lekgolo le tee) la dišere tša **R1,00 (ranta e tee) ka e tee.**

**Temana ya 5:** Temana ye e hlaloša go swara dišere mo khamphaning. Profense e tla ba moswara-dišere e nnoši gomme e tla emelwa ke MoMEC.



**Temana ya 6:** Temana ye e hlaloša go swarwa ga dišere mo khamphaning goba dipoelo mo dikgwebong tša papatšo. Tumelelo ya MoMEC e swanetšwe go hwetšwa go kgona go hwetša, go fetišetša goba go aba dišere mo go dikgwebo tša papatšo.

**Temana ya 7:** Temana ye e hlaloša thušo ya khamphani ka ditšhelete. E dirwa ke dithušo tša ditšhelete tšeo di beetšwego yona ke Lekgotlatheramelao la Profense le ditšhelete tše dingwe tšeo di hweditšwego go dikgwebo tša papatšo.

**Temana ya 8:** Temana ye e hlaloša taolo ya khamphani. Boto ya Balaodi e tla laola khamphani. MoMEC o tla kgetha Boto ya Balaodi, modulasetulo wa Boto le Mokhuduthamagapharephare (CEO).

**Temana ya 9:** Temana ye e bolela ka Šedulu yeo e nago le lenaneo la dikhamphani tša dikgwebo tša papatšo, mokgwa wa tšona le tshwaro ya dišere tša khamphani goba dipoelo di ngwadilwe ka diphesente. E fa gape dikgatišo tša ngwaga ka ngwaga ka MoMEC tša šedulu yeo e laetšago diphetošo.

**Temana ya 10:** Temana ye e hlaloša sephetho sa go hlongwa ga khamphani. Ka nako ya go kopanywa, dithoto ka moka, ditokelo, melato/dikoloto goba ditlamo tšeo di dikgobokeditšego goba tšeo di di dirilwego ke GPG ka fase ga Blue IQ pele go hlongwa khamphani di tla tšeiwa go ba di kgobokeditšwe goba di dirilwe ke khamphani.

**Temana ya 11:** Temana ye e fa MoMEC maatla a go dira melawana mo ditabeng tšeo di nyakegago goba go thuša go phethagatša maikemišetšo a Molao.

**Temana ya 12:** Temana ye e na le dithaetlele/dihlogo tše kopana tša Molaokakanywa.

## IMEMORANDAMU ECHAZAYO

### 1. IZIZATHU ZOMTHETHOSIVIVINYO

#### 1.1 Inhloso yoMthethosivivinyo

Umthethosivivinyo ungeniswa ukuze kusungulwe inkampani (umuntu ngokomthetho) eyaziwa ngokuthi yi- Blue IQ Holdings Limited; ukunquma izinjongo zayo, ukumisa indlela ezophathwa futhi yenganyelwe ngayo; nokuhlinzekela izindaba eziphathelene nalokho.

#### 1.2 Umsuka

Ekungeniseni amaphulojekthi ayinxanxathela angaphansi kwe-Blue IQ, kwakhiwe izizinda ezizobhekana nezidingo eziyisipesheli. Ezinye zezizinda ezizobhekana nezidingo eziyisipesheli yizinkampani ezizimemele lapho uHulumeni wesiFundazwe saseGauteng, ngamafuphi okuyi"GPG" ezoba yingxenye yababambiqhaza kanye nabanye ozakwabo ekuqhubeni umsebenzi. Kusemqoka ukuhlinzekela umthetho ovumela ukuthi i-GPG ikwazi ukuba ngumninimasheya.

I-Blue IQ yigalelo elizodla izigidigidi zamaRandi lapho kuzotshalwa ekuthuthukiseni ingqalasizinda yezomnotho kumaphulojekthi amakhulu akhethiwe kwezokuvakasha, izimboni ezinobuhlakani kanye nasekukhiqizeni okunenzuzo ephakeme ukuze kwakhiwe isifundazwe esihlakaniphe ngempela.

Iyinto ehlukile yokugqugquzela ukuxhaswa kanye nokuthengisa umqondo wokutshala izimali ozobhekela izikhathi eside esizayo

eGauteng. I-Blue IQ isebenza ngokubambisana nabamabhizinisi, iminyango kahulumeni, izinkampani ezingaphansi kukahulumeni kanye nezinye izinhlangotho ukuze kufezwe izinjongo zayo futhi kungeniswe iphulojekthi ngayinye

Umsebenzi we-Blue IQ wukwakha ingqalasizinda esezingeni lomhlaba ezohlinzeka abatshala izimali eGauteng ubuhle obuvelele futhi obuyinzuzo. Kumele ingenise amasu okuthengisa nawotshalomali ukuze kuhehwe abatshalizimali basekhaya nabakwamanye amazwe emikhakheni ekhethekile. Igxile ekuvezeni imiphumela futhi ibhekene ngqo nokwenza umsebenzi ngokushesha. Indlela yokusebenza kwi-Blue IQ wukwakha ukusebenzisana phakathi kwezinkampani zomphakathi nezizimele, phecelezi ama-PPPs ekuqhubeleni phambili amaphulojekthi akhethekile. Kuze kube manje sekubekwe imali engaphezu kwezigidigidi ezintathu nohhafu zamarandi (R3,5 billion) eGauteng esikhathini sochithomali lwesikhathi esiphakathi nendawo, phecelezi i-MTEF esiphela ngoMashi 2005, ukuze kutshalwe imali ekusunguleni ukwenziwa ngcono kwezingqalasizinda ezahlukene ezidingekayo ukuze amaphulojekthi ayi-11 asekhethiwe abe yimpumelelo. Kanti futhi nekusetshenziswa nabo kumaphulojekthi, kunqunywa imodeli eyisakhiwo esifanelekile ukuze kusungulwe futhi kuqhutshwe iphulojekthi noma izingxenye zephulojekthi.

Ithuluzi elakhelwe umsebenzi oyisipesheli elizobhekana ngqo nokwenza umsebenzi yilo -ke elizoqhuba iphulojekthi ngayinye noma izingxenye zayo. La mathuluzi asuka kwizivumelwano zokwenza umsebenzi ezenziwa nohulumeni bamadolobhakazi; ama-akhawunti okuhweba asebenza ngaphansi kwezimpiko

zeminye iminyango yaseGauteng; amamodeli ama-PPP angempela kuze kufike kwizinkampani ezizimele lapho uhulumeni waseGauteng, phecelezi i-GPG inamasheya khona kanye nabanye ebambisene nabo ekwenzeni umsebenzi.

Lapho iGauteng ithatha amasheya kwinkampani, leyo nkampani ithathwa njengenkampani yomphakathi yesifundazwe njengalokho kuchaza umthetho wokuPhathwa kweziMali zoMphakathi, phecelezi i-"PFMA" futhi ingena ngaphansi kwamandla e-PFMA. Lokhu kusho ukuthi inkampani yomphakathi yesifundazwe kumele ithobele zonke izindaba zokuphatha kanye nemibandela ye-PFMA. Lezi zinkampani kumele zifakwe kumasheduli e-PFMA lawo abalula izinkampani zomphakathi.

### **1.3 Ingxoxo**

Ucwaningo maqondana nokwakhiwa kwezinkampani zomphakathi ezingeni likaZwelonke lubonise ukuthi kube nomthetho owakhelwa ukusebenza kwenkampani ngayinye. Izinkampani ezingaphansi kukahulumeni ezifana no-Eskom, Transnet, Telkom njll. nazo zinemithetho eqondene nazo. Ezinye izinkampani ezincane ezakhiwe zivame ukuba nomthetho ozisingatha ngokubanzi ovumela ukuthi uNgqongqoshe ofanelekile asungule inkampani lapho efuna ukufeza izinjongo ezithize.

Ekungakhethwa kukona eGauteng ukuba kungeniswe umthetho ozovumela ukusebenza kwenkampani ngayinye kwezakhiwe

ukuze kungeniswe amaphulojekthi noma izingxenye zamaphulojekthi. Kodwa-ke, lokhu kusuke kube nzima futhi kuyodinga iziqeshana zemithetho njalo lapho kuba nesidingo.

Okuhlongozwayo wukuthi kungeniswe umthetho owakha inkampani yamasheya ezoba namandla okuthola amasheya kwizinkampani ezingena ngaphansi kwayo noma ezihambisana nayo ekutheni kuqhutshelwe phambili umsebenzi wamaphulojekthi noma izingxenye zawo.

Kuyothi lapho isiyakhiwe, inkampani yamasheya kanye nezinkampani ezingena ngaphansi kwayo kuyobalulwa kwiSheduli 3 ye-PFMA njengezinkampani zomphakathi zesifundazwe.

## **2. OKUSHIWO NGUMTHETHOSIVIVINYO**

### **2.1 Imithelela kwinkampani nakubasebenzi**

Isiphathimandla esiKhulu kanye noMbalizimali weziNdaba zeziMali nezoHwebo bayoba nomthwalo, ngokwe-PFMA, wokwengamela inkampani yomphakathi eyakhiwe.

### **2.2 Imithelela kwezemvelo**

Ayikho.

### **2.3 Imithelela kwezezimali**

Umthelela ngqo kwezezimali kuyoba ukukhokhwa kwemali yamasheya eyi-R100 (ikhulu lamaRandi). Emva kwalokho ukubanjwa kwamasheya kanye nezibopho zokuxhasa ngezimali izinkampani ezincane ezakhelwe amaphulojekthi eBlue IQ,

ukuxhasa ngezimali osekuvele kwabeliwe izimali, kuyoqondiswa yinkampani yamaSheya ngale kokwengezwa kwezibopho.

### **3. UKUCHAZWA KOMTHETHOSIVIVINYO ISIGABA NGESIGABA**

**Isigaba 1:** Lesi sigaba sibeka obala incazelo yamagama akhethiwe njengalokho esetshenziwe ngokwendikimba efanele futhi njengalokho kunjalo kuMthethosivivinyo.

**Isigaba 2:** Lesi sigaba sisungula inkampani eyaziwa ngokuthi yi-Blue IQ Holdings Limited futhi sinika iLungu loMkhandlu Omkhulu wezeziMali nezoMnotho, phecelezi u"MEC" amandla okwenza konke okudingekayo ekutheni kungeniswe bese kubhaliswa inkampani. U-MEC anganikezela oysisithunywa amandla okusayinda imibhalo yokubhalisa. Izinguquko kwibhizinisi nasezinjongweni zenkampani zingavunywa kuphela lapho kutholwe imvume ka-MEC.

**Isigaba 3:** Lesi sigaba sichaza izinjongo ezinkulu zenkampani eziwukuthabatha umsebenzi noma ukutshala imali kumaphulojekthi akhethiwe ngokusebenzisa imisebenzi yokuhweba eletha inzuzo eyamukelekile ngokomthetho. (Imisebenzi yokuhweba eletha inzuzo ichazwa ngokuthi ifaka izinkampani, ama-close corporations (ama-CC), ukusebenzisana kwezinkampani ezizimele nezomphakathi, ama-akhawunti okuhweba, izinkampani ezihlanganiselwe, izivumelwano, ukusebenzisana kanye neminye imisebenzi yebhizinisi efana nalena).

**Isigaba 4:** Lesi sigaba sichaza imali eqongelelwa ngamasheya enkampani. Imali eqongelelwa ngamasheya enkampani iqukethe amasheya ayi-100 (amasheya ayikhulu) abiza i-**R1,00 ngalinye**

**(ishumi losheleni ngalinye).**

**Isigaba 5:** Lesi sigaba sichaza ubunikazi bamasheya kwinkampani. Isifundazwe yisona sodwa esiyoba namasheya futhi sizomelwa ngu-MEC.

**Isigaba 6:** Lesi sigaba sichaza amasheya enkampani noma ukuba nentshisekelo emisebenzini yohwebo eletha inzuzo. Kumele kutholwe imvume ka-MEC ukuze kutholwe, kudluliswe noma kuthengiswe ngamasheya kwimisebenzi yezohwebo eletha inzuzo.

**Isigaba 7:** Lesi sigaba sichaza ngokuxhaswa kwenkampani. Iqukethe izimali ezabelwe yiShayamthetho sesiFundazwe kanye nezinye izinzuzo ezitholakele ngenxa yamisebenzi yokuhweba eletha inzuzo.

**Isigaba 8:** Lesi sigaba sichaza ngokuphathwa kwenkampani. Ibhodi labaQondisi yilona elizophatha inkampani. U-MEC kumele aqoke iBhodi labaQondisi, uMphathisihlalo weBhodi kanye noMphathi Omkhulu.

**Isigaba 9:** Lesi sigaba sibhekisa kwiSheduli ephethe uhlu lwemisebenzi yezohwebo eletha inzuzo, uhlobo lwayo kanye namasheya abanjwe yinkampani noma ukuba nentshisekelo kubekwe ngokwamaphesenti. Sibuye futhi sihlinzekele ukuthi njalo ngonyaka u-MEC ashicilele isheduli ezoveza noma yiluphi uhlobo lwezichibiyelo engabe zikhona.

**Isigaba 10:** Lesi sigaba sichaza umthelela wokusungulwa kwenkampani. Emva kokusungulwa, yonke impahla, amalungelo, izikweletu kanye nezibopho ezitholwe noma ezenziwe yi-GPG

ngaphansi kuka-Blue IQ ngaphambi kokusungulwa kwenkampani zithathwa njengalezo ezitholwe noma ezenziwe yinkampani.

**Isigaba 11:** Lesi sigaba sinika u-MEC amandla okwenza imithethonqubo yezindaba ezidingekayo noma ezifanelekile ukuze kufezwe izinhloso zoMthetho.

**Isigaba 12:** Lesi sigaba siqukethwe isihloko soMthethosivivinyo esifushane.



**[NOTE: In the definition of "Executive Council" the reference should actually be to section 132 instead of 125 of the Constitution – discussed with Mr Maharaj.]**

## WETSONTWERP

Om voorsiening te maak vir die oprigting van 'n beheermaatskappy bekend as Blue IQ Investment Holdings Limited om geïdentifiseerde projekte deur verskeie kommersiële ondernemings te bestuur; om die oogmerke daarvan te bepaal; om voorsiening te maak vir die hou van aandele in die Maatskappy; om voorsiening te maak vir die verkoop van aandele en belange in die kommersiële ondernemings; om voorsiening te maak vir die befondsing van die Maatskappy; om voorsiening te maak vir die bestuur van die Maatskappy; om voorsiening te maak vir die oordrag van bates, laste en verpligtinge na die Maatskappy; om voorsiening te maak vir die lysting van die kommersiële ondernemings; om voorsiening te maak vir regulasies; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

## WOORDOMSKRYWING

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken -

**"Direksie"** die Direksie soos in artikel 8 van hierdie Wet bedoel;

**"Gautengse Provinsiale Regering"** die regering van die Provinsie, en het "Provinsiale" 'n ooreenstemmende betekenis;

**"geïdentifiseerde projekte"** die volgende projekte wat deur die Gauteng Provinsiale Regering geïdentifiseer is: die Innovasiespil, Gauteng Motorbedryfinisiatief, Constitution Hill, Newtown-kultuurgebied, Gautreinsnelspoorverbinding, City Deep-vervoer- en Logistiekspil, Dinokeng, Wieg van die Mensdom-wêrelderfenisterrein, Wadeville-Alrode-nywerheidskorridor, Johannesburg Internasionale Lughawenywerheidsontwikkelingsone, Vernuwung van Kliptown, en ook die wysiging van die bestek van hierdie projekte en enige toekomstige projekte wat deur die LUR goedgekeur is;

**"Grondwet"** die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996);

**"hierdie Wet"** ook regulasies wat daarkragtens uitgevaardig is;

**"kommersiële ondernemings"** ook maatskappye, beslote korporasies, openbaar-private vennootskappe, handelsrekenings, gesamentlike ondernemings, ooreenkomste, vennootskappe en soortgelyke sakeondernemings;

**"LUR"** die Lid van die Uitvoerende Raad verantwoordelik vir Ekonomiese Sake in die Provinsie;

**"Maatskappy"** Blue IQ Investment Holdings Limited, soos in artikel 2 van hierdie Wet bedoel;

**"Maatskappywet"** die Maatskappywet, 1973 (Wet No. 61 van 1973);

**"Provinsie"** die Provinsie Gauteng soos in artikel 103 van die Grondwet bedoel, en het "Provinsiale"n ooreenstemmende betekenis;

**"Uitvoerende Raad"** die Uitvoerende Raad van die Provinsie soos ingevolge artikel 125 van die Grondwet saamgestel;

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

## **INSTELLING VAN BLUE IQ INVESTMENT HOLDINGS LIMITED**

2. (1) Hierby word 'n regspersoon ingestel wat as Blue IQ Investment Holdings Limited bekend staan.

(2) Die LUR is bevoeg om alles te doen wat nodig is om Blue IQ Investment Holdings Limited ingevolge die Maatskappywet te laat inlyf en registreer.

(3) Die LUR kan die bevoegdhede om die dokumente te onderteken wat vir die registrasie van die Maatskappy nodig is, skriftelik delegeer.

(4) Die Akte van Oprigting van die Maatskappy moet bepaal dat die Maatskappy nie bevoeg is om die besigheid en oogmerke van die Maatskappy sonder die goedkeuring van die LUR te verander nie.

## **OOGMERKE VAN DIE MAATSKAPPY**

3. (1) Die oogmerke van die Maatskappy is om –

- (a) geïdentifiseerde projekte te onderneem of daarin te investeer; en
- (b) groter privaatsektorinvestering moontlik te maak,

deur die benutting van wetlik erkende kommersiële ondernemings.

(2) Die Maatskappy kan van tyd tot tyd sy aandele of belang in die kommersiële ondernemings verkoop.

#### **AANDELEKAPITAAL**

4. Die aandeelkapitaal van die Maatskappy bestaan uit 100 (een hondêrd) aandele van R1,00 (een rand) elk.

#### **AANDEELHOUDING IN DIE MAATSKAPPY**

5. (1) Die Gauteng Provinsiale Regering is die enigste aandeelhouer in die Maatskappy.

(2) Die LUR oefen die bevoegdhede en pligte van die Gauteng Provinsiale Regering as aandeelhouer in die Maatskappy uit.

#### **AANDEELHOUDING / BELANG IN KOMMERSIËLE ONDERNEMINGS**

6. Indien die Maatskappy sy aandele of belang in die kommersiële ondernemings verkry, oordra, sedeer, verkoop of andersins daarvoor beskik, moet hy vooraf die goedkeuring van die LUR verkry, en dit moet geskied op sodanige bepalinge en voorwaardes as wat die LUR goedkeur.

#### **BEFONDSING**

7. (1) Die befondsing van die Maatskappy behels -
- (a) geld wat deur die Provinsiale Wetgewer aan hom bewillig word; en
  - (b) enige ander opbrengste wat deur die kommersiële ondernemings gerealiseer word.

#### **BESTUUR VAN DIE MAATSKAPPY**

8. (1) 'n Direksie bestuur die Maatskappy.

(2) Die LUR moet die Direksie aanstel, wat uit minstens 3 (drie) en hoogstens 8 (ag) lede bestaan.

(3) Die LUR moet die voorsitter van die Direksie en die Hoof Uitvoerende Beampte van die Maatskappy aanstel.

### LYS VAN KOMMERSIËLE ONDERNEMINGS

9. (1) Die kommersiële ondernemings, die aard daarvan en die Maatskappy se aandeelhouing of belang, uitgedruk as 'n persentasie, daarin is soos uiteengesit in onderskeidelik kolomme 1, 2 en 3 van die Bylae.

(2) By afsluiting van verslagdoening ingevolge die Wet op Openbare Finansiële Bestuur moet die LUR by kennisgewing in die *Provinsiale Koerant* jaarliks 'n bylae publiseer waarin enige veranderings aan of byvoegings tot die kommersiële ondernemings, die aard daarvan en die Maatskappy se aandeelhouing of belang daarin weerspieël word.

### GEVOLGE VAN INSTELLING

10. By inlywing van die Maatskappy word alle bates, regte, laste of verpligtinge wat voor die instelling van die Maatskappy deur die Gauteng Provinsiale Regering verkry of aangegaan is na aanleiding van die geïdentifiseerde projekte, geag die bates, regte, laste of verpligtinge te wees wat deur die Maatskappy verkry of aangegaan is.

### REGULASIES

11. Die LUR kan regulasies uitvaardig rakende enige aangeleentheid wat die LUR nodig en dienstig ag ten einde die oogmerke van hierdie Wet te verwesenlik.

### KORT TITEL

12. Hierdie Wet heet die Wet op Blue IQ Investment Holdings Limited.

### Bylae

<u>KOLOM 1:</u> NAAM VAN KOMMERSIËLE ONDERNEMING	<u>KOLOM 2:</u> AARD / TIPE	<u>KOLOM 3:</u> % AANDEELHOUDING / BELANG
Innovation Hub	Aandeelinvestering	50%

Management Company (Pty) Ltd		
Blue Catalyst (Pty) Ltd	Aandeelinvestering	100%
AIDC Development Company (Pty) Ltd	Aandeelinvestering	60%
Supplier Park Development Company (Pty) Ltd	Aandeelinvestering	100%
Greater Newtown Development Company (Pty) Ltd	Aandeelinvestering	77%
JIA Development Company (moet nog ingevolge die Maatskappywet geregistreer word)	Aandeelinvestering	Moet nog bepaal word
Metro Mall Pty Ltd	Aandeelinvestering	69.6%
Constitution Hill Development Company Pty Ltd	Aandeelinvestering	86.63%
Dinokeng	Handelsrekening by Departement van Landbou, Bewaring, Omgewing en Grondsake	
Wieg van die Mensdom	Handelsrekening by Departement van Landbou, Bewaring, Omgewing en Grondsake	
Kliptown	Projekbestuursooreenkoms met Johannesburg Ontwikkelingsagentskap	
Cleveland-padverbinding	Projekbestuursooreenkoms met Johannesburg Padagentskap	
IDZ-paaie	Projekbestuursooreenkoms	

	met GauTrans	
Nelson Mandela-brug en M2-afrig	Projekbestuursooreenkoms met Suid-Afrikaanse Nasionale Padagentskap Beperk	
Wadeville Alrode	Projekbestuursooreenkoms met Ekurhuleni- Munisipaliteit	

## BILL

To provide for the establishment of a holding company known as Blue IQ Investment Holdings Limited to manage identified projects through various commercial enterprises; to determine its objectives; to provide for the holding of shares in the Company; to provide for the disposal of shares and interest in the commercial enterprises; to provide for funding of the Company; to provide for the management of the Company; to provide for the transfer of assets, liabilities and obligations to the Company; to provide for listing of the commercial enterprises; to provide for regulations; and to provide for matters connected therewith.

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

### DEFINITIONS

1. In this Act, unless the context otherwise indicates:

**"Board of Directors"** means the Board of Directors as contemplated in Section 8 of this Act;

**"commercial enterprises"** include companies, close corporations, public private partnerships, trading accounts; joint ventures; agreements, partnerships and similar business undertakings;

**"Companies Act"** means the Companies Act, 1973 (Act No.61 of 1973);

**"Company"** means Blue IQ Investment Holdings Limited as contemplated in Section 2 of this Act;

**"Constitution"** means the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996);

**"Executive Council"** means the Executive Council of the Province as constituted in terms of Section 125 of the Constitution;

**"Gauteng Provincial Government"** means the government of the Province and Provincial has a corresponding meaning;

**"identified projects"** means the following projects identified by the Gauteng Provincial Government – the Innovation Hub, Gauteng Automotive Cluster, Constitution Hill, Newtown Cultural Precinct; Gautrain Rapid Rail Link, City Deep Transport and Logistics Hub, Dinokeng, Cradle of Humankind World Heritage Site; Wadeville-Alrode Industrial Corridor, Johannesburg International Airport Industrial Development Zone; Renewal of Kliptown, and includes amendment of the scope of these projects and any future projects that are approved by the MEC;

**"MEC"** means the Member of Executive Council responsible for Economic Affairs in the Province;

**"Province"** means the Gauteng Province as contemplated in Section 103 of the Constitution and **"Provincial"** has a corresponding meaning;

**"Public Finance Management Act"** means the Public Finance Management Act, 1999 (Act No.1 of 1999); and

**"This Act"** includes regulations made thereunder.

#### **ESTABLISHMENT OF BLUE IQ INVESTMENT HOLDINGS LIMITED**

2. (1) There is established a juristic person to be called Blue IQ Investment Holdings Limited.

(2) The MEC is empowered to do all things necessary to have Blue IQ Investment Holdings Limited incorporated and registered in terms of the Companies Act.

(3) The MEC may delegate in writing the powers to sign the documents that are required for the registration of the Company.



(4) The Memorandum of Association of the Company must provide that the Company will not have the power to alter the business and objects of the Company without the approval of the MEC.

### **OBJECTS OF THE COMPANY**

3. (1) The objects of the Company are to—
- (a) undertake or invest in Identified projects; and
  - (b) enable increased private sector investment,

through the utilization of legally recognized commercial enterprises.

(2) The Company may from time to time dispose of its shares or interest in the commercial enterprises.

### **SHARE CAPITAL**

4. Share capital of the Company shall consist of 100 (one hundred) shares of R1,00 (one rand) each.

### **SHAREHOLDING IN THE COMPANY**

5. (1) The Gauteng Provincial Government is the only Shareholder of the Company.

(2) The MEC exercises the powers and duties of the Gauteng Provincial Government as Shareholder of the Company.

### **SHAREHOLDING / INTEREST IN COMMERCIAL ENTERPRISES**

6. If the Company acquires, transfers, cedes, sells or otherwise disposes of its shares or interest in the commercial enterprises, then it must obtain prior approval of the MEC and on such terms and conditions as the MEC approves.

### **FUNDING**

7. (1) The funding of the Company comprises of—
- (a) money appropriated to it by the Provincial Legislature; and
  - (b) any other proceeds realized through the commercial enterprises.

**MANAGEMENT OF THE COMPANY**

8. (1) A Board of Directors manages the Company.
- (2) The MEC must appoint the Board of Directors consisting of a minimum of 3 (three) and maximum of 8 (eight) members.
- (3) The MEC must appoint the Chairperson of the Board and the Chief Executive Officer of the Company.

**LIST OF COMMERCIAL ENTERPRISES**

9. (1) The commercial enterprises, nature thereof and the Company's shareholding or interest expressed as a percentage therein are as contained in columns 1, 2 and 3 of the Schedule respectively.
- (2) Upon conclusion of reporting in terms of the Public Finance Management Act, the MEC must by notice in the *Provincial Gazette* publish a schedule annually in which any changes or additions to the commercial enterprises, the nature thereof and the Company's shareholding or interest therein are reflected.

**EFFECT OF ESTABLISHMENT**

10. Upon incorporation of the Company, all assets, rights, liabilities or obligations acquired or incurred by the Gauteng Provincial Government in pursuance of the identified projects before the establishment of the Company are deemed to be the assets, rights, liabilities or obligations acquired or incurred by the Company.

**REGULATIONS**

11. The MEC may make regulations concerning any matter that the MEC deems necessary and expedient in order to achieve the objects of this Act.

**SHORT TITLE**

12. This Act is called the Blue IQ Investment Holdings Limited Act.

**Schedule**

<b><u>COLUMN 1:</u></b> <b>NAME OF COMMERCIAL ENTERPRISE</b>	<b><u>COLUMN 2:</u></b> <b>NATURE / TYPE</b>	<b><u>COLUMN 3:</u></b> <b>% OF SHAREHOLDING / INTEREST</b>
Innovation Hub management Company (Pty) Ltd	Equity investment	50%
Blue catalyst (Pty) Ltd	Equity investment	100%
AIDC Development Company (Pty) Ltd	Equity Investment	60%
Supplier Park Development Company (Pty) Ltd	Equity investment	100%
Greater Newtown Development Company (Pty) Ltd	Equity investment	77%
JIA Development Company (to be registered in terms of the Companies Act)	Equity investment	To be determined
Metro Mall Pty Ltd	Equity investment	69.6%
Constitution Hill Development Company Pty Ltd	Equity Investment	86.63%
Dinokeng	Trading account with Department of Agriculture, Conservation, Environment & Land affairs	
Cradle of Humankind	Trading account with Department of Agriculture, Conservation, Environment & Land affairs	
Kliptown	Project Management	

	Agreement with Johannesburg Development Agency	
Cleveland Road Link	Project Management Agreement with Johannesburg Roads Agency	
IDZ roads	Project Management Agreement with GauTrans	
Nelson Mandela bridge and M2 off ramp	Project Management Agreement with South African National Roads Agency Limited	
Wadeville Alrode	Project Management Agreement with Ekurhuleni Municipality	

## MOLAOKAKANYWA

Go fa tlhomo ya khamphani ya go swara yeo e bitšwago ka la Blue IQ Investment Holdings Limited go laola diprošeke tšeo di hweditšwego ka dikgwebo tše di fapanego tša go bapatša; go tliša maikemišetšo a tšona; go fa tshwaro ya dišere mo Khamphaning; go fa kabo ya dišere le dipoelo mo dikgwebong tša go bapatša; go fa thušo ka ditšhelete ya Khamphani; go fa taolo ya Khamphani; go fa phetišetšo ya dithoto, melato/dikoloto le ditlemo go Khamphani; go fa ngwadišo ya dikgwebo tša go bapatša; go fa melawana; le go fa ditaba tšeo di amanago le seo.

E BEIWA MOLAO ke Lekgotlatheramelao la Profense ya Gauteng ka mokgwa wo:

### DITLHALOŠO

1. Mo Molaong wo, ka ntle le ge diteng di laetša ka mokgwa wo mongwe:

"Boto ya Balaodi" e hlaloša Boto ya Balaodi bjalo ka ge e akanywa mo go Karolo 8 ya Molao wo;

"dikgwebo tša papatšo" di akaretša dikhamphani; dikgwebo tša tirišanommogo; dikgwebo tša tirišano ya setšhaba le ya poraefete, dikgwebo tša tšhupaletlotlo, dikgwebo tša go leka mmogo, dikwano, ditirišano le dikgwebo tše dingwe tša mohuta woo;

"Molao wa Khamphani" e hlaloša gore Molao wa Khamphani, wa 1973 (Molao wa 61 wa 1973);

"Khamphani" e hlaloša gore Blue IQ Investment Holdings Limited bjalo ka ge e akanywa mo go Karolo 2 ya Molao;

"Molaotheo" o hlaloša gore Molao wa Molaotheo wa Repabliki ya Afrika Borwa, wa 1996 (Molao wa 108 wa 1996);

**“Khansese ya Khuduthamaga”** e hlaloša gore Khansese ya Khuduthamaga ya Profense bjalo ka ge e bopilwe go ya ka mabaka a Karolo 125 a Molaotheo.

**“Mmušo wa Profense ya Gauteng ”** o hlaloša gore mmušo wa Profense le Profense e na le tihalošo ye e sepelelanago;

**“diprotšeke tšeo di kgethilwego”** di hlaloša gore diprotšeke tšeo di kgethilwego ke Mmušo wa Profense ya Gauteng – the Innovation Hub, Gauteng Automotive Cluster, Constitution Hill, Newtown Cultural Precinct; Gautrain Rapid Rail Link, City Deep Transport and Logistics Hub, Dinokeng, Cradle of Humankind World Heritage Site; Wadeville-Alrode Industrial Corridor, Johannesburg International Airport Industrial Development Zone; Mpshafatšo ya Kliptown, le go akaretša diphešo tša morero wa diprotšeke tše le diprotšeke dife goba dife tša ka moso tšeo di dumeletšwego ke MoMEC;

**“MoMEC”** e hlaloša gore Leloko la Lekgotlakhuduthamaga yo maikarabelo a gagwe e lego Ditaba tša Ekonomi mo Profenseng;

**“Profense”** e hlaloša gore Profense ya Gauteng bjalo ka ge e bopilwe go ya ka mabaka a Karolo 103 ya Molaotheo le **“Profense”** e na le tihalošo ye e sepelelanago;

**“Molao wa Taolo ya Matlotlo a Setšhaba”** e hlaloša Molao wa Taolo ya Matlotlo a Setšhaba wa 1999 (Molao wa1 wa 1999); le

**“Molao wo”** o akaretša melawana yeo e dirilwego ka fase ga ona.

#### **TLHOMO YA BLUE IQ INVESTMENT HOLDINGS LIMITED**

2. (1) Go na le motho yo a hlomilwego wa semolao wo a tlo go bitšwago Blue IQ Investment Holdings Limited.

- (2) MoMEC o na le maatla a go dira dilo ka moka tseo di nyakegago gore Blue IQ Investment Holdings Limited a kopanywe le go ngwadišwa go ya ka mabaka a Molao wa Dikhamphani.
- (3) (3) MoMEC a ka fa maatla a tumelelo ka go ngwala a go saena ditokumente tseo di nyakegago go ngwadišwa ga Khamphani.
- (4) Memorantamo wa Kopano wa Khamphani o swanetše go fa gore Khamphani e se ke ya ba le maatla a go fetola kgwebo le maikemišetšo a Khamphani ka ntle le tumelelo ya MoMEC.

### **MAIKEMIŠETŠO A KHAMPHANI**

3. (1) Maikemišetšo a Khamphani ke go—
- (a) Go tšea goba go beeletša diprotšeke tšeo di kgethilwego; le
- (b) go kgontšha go oketša dipeeletšo tša makala a poraefete,
- ka go šomiša dikgwebo tša papatšo tseo di lemogwago semolao.
- (2) Khamphani e tla re nako le nako ya fela e aba dišere tša yona goba dipoelo mo go dikgwebo tša papatšo.

### **KHAPITALE YA ŠERE**

4. Khapitale ya dišere tša Khamphani di tla dirwa ka 100 (lekgolo le tee) la dišere tša R1,00 (ranta e tee) ka e tee.

### **GO SWARA DIŠERE KA MO KHAMPHANING**

5. (1) Mmušo wa Profense ya Gauteng ke wona o nnoši moswaradišere tša Khamphani.
- (2) MoMEC o diriša maatla le ditshwanelo tša Mmušo wa Profense ya Gauteng bjalo ka moswaradišere a nnoši mo Khamphaning.

### **GO SWARA DIŠERE / DIPOELO MO DIKGWEBONG TŠA PAPTŠO**

6. Ge Khamphani e reka, fetišetša, gafela, rekiša goba go aba dišere tša yona ka mkgwa wo mongwe goba dipoelo tša yona mo go dikgwebo tša go bapatša, gona e

swanetše go hwetša tumelelo pele go MoMEC le go ya ka mabaka le dikwano tšeo MoMEC a tla di dumelelago.

#### THUŠO KA DITŠHELETE

7. (1) Thušo ka ditšhelete go Khamphani e bopilwe ka mokgwa wo—
- (a) tšhelete yeo e beetšwego yona ke Lekgotlatheramelao la Profense; le
  - (b) Le ditšweletša tše dingwe tšeo di hweditšwego go tšwa go dikgwebo tša go bapatša.

#### TAOLO YA KHAMPHANI

8. (1) Boto ya Balaodi e laola Khamphani.
- (2) MoMEC o swanetše go kgetha Boto ya Balaodi yeo e hlamilwego ka maloko a bonnyane bja 3 (tharo) gomme bogolo ya ba 8 (seswai).
- (3) MoMEC o swanetše go kgetha Modulasetulo wa Boto le Mokhuduthamagapharephare (CEO) wa Khamphani.

#### LENANEO LA DIKGWEBO TŠA PAPTŠO

9. (1) Dikgwebo tša go bapatša, mokgwa wa tšona le go swara dišere goba dipelo tša Khamphani di laetšwa ka phesente tšeo bjalo ka ge di laeditšwe mo dikholomong tša 1, 2 le 3 tša Šedulu.
- (2) Mo phethong ya pego go ya ka mabaka a Molao wa Taolo ya Matlotlo a Setšhaba, MoMEC o swanetše go fa tsebišo mo go *Gazette ya Profense* ka go e gatiša ka go šedulu ngwaga ka ngwaga moo diphetogo goba ditlaleletšo go dikgwebo tša go bapatša, mokgwa wa tšona le go swara dišere goba dipelo tša Khamphani di tla laetšwago gona.

#### SEPHETHO SA TLHOMO

10. Ka morago ga go kopanya Khamphani, dithoto ka moka, ditokelo, melato/dikoloto goba ditlemo tšeo di kgobokeditšwego goba di dirilwego ke Mmušo wa Profense ya Gauteng mo go tšwetšopeleng ga diprotšeke tšeo di kgethilwego pele tlhomo ya



Khamphani, di tšeiwa bjalo ka dithoto, ditokelo, melato/dikoloto goba ditlemo tšeo di kgobokeditšwego goba di dirilwego ke Khamphani.

#### **MELAWANA**

11. MoMEC a ka dira melawana yeo e amago ditaba tše dingwe le tše dingwe tšeo MoMEC a bonago di nyakega le go thuša gore a tle a phethe maikemišetšo a Molao wo.

#### **THAETLELE YE KOPANA**

12. Molao wo o bitšwa Blue IQ Investment Holdings Limited Act.

## Šedula

<b><u>KHOLOMO 1:</u></b> <b>LEINA LA KGWEBO YA GO BAPATŠA</b>	<b><u>KHOLOMO 2:</u></b> <b>TLHAGO / MOHUTA</b>	<b><u>KHOLOMO 3:</u></b> <b>% YA DISWARO TŠA DIŠERE / DIPOELO</b>
Innovation Hub management Company (Pty) Ltd	Dipeeletšo tša toka	50%
Blue catalyst (Pty) Ltd	Dipeeletšo tša toka	100%
AIDC Development Company (Pty) Ltd	Dipeeletšo tša toka	60%
Supplier Park Development Company (Pty) Ltd	Dipeeletšo tša toka	100%
Greater Newtown Development Company (Pty) Ltd	Dipeeletšo tša toka	77%
JIA Development Company (to be registered in terms of the Companies Act)	Dipeeletšo tša toka	Di tla laetšwa
Metro Mall Pty Ltd	Dipeeletšo tša toka	69.6%
Constitution Hill Development Company Pty Ltd	Dipeeletšo tša toka	86.63%
Dinokeng	Akhaonto ya kgwebišano le Kgoro ya tša Temo, Paballo, Tikologo le Ditaba tša Dinaga	
Cradle of Humankind	Akhaonto ya kgwebišano le Kgoro ya tša Temo, Paballo, Tikologo le Ditaba tša Dinaga	
Kliptown	Kwano ya Taolo ya	

	Protšeke le Boagente bja Tšwetšopele bja Johannesburg	
Cleveland Road Link	Kwano ya Taolo ya Protšeke le Boagente bja Ditsela tša Johannesburg	
IDZ roads	Kwano ya Taolo ya Protšeke le GauTrans	
Nelson Mandela bridge and M2 off ramp	Kwano ya Taolo ya Protšeke le Boagente bja Tekantšho ya Ditsela tša Setšhaba tša Afrika Borwa	
Wadeville Alrode	Kwano ya Taolo ya Protšeke le Mmasepala wa Ekurhuleni	

## UMTHETHOSIVIVINYO

Ukuhlinzekela ukusungulwa kwenkampani ephethe eyaziwa ngokuthi i-Blue IQ Investment Holdings Limited ezophatha amaphulojekthi akhethiwe ngokusebenzisa imisebenzi yokuhweba eletha inzuzo eyehlukahlukene; ukunquma izinjongo zayo; ukuhlinzekela ukuba namasheya kwinkampani; ukuhlinzekela ukuthengiswa kwamasheya nezintshisekelo emisebenzini yezokuhweba; ukuhlinzekela ukuxhaswa kweNkampani ngezimali; ukuhlinzekela ukuphathwa kweNkampani; ukuhlinzekela ukudluliselwa kwempahla, izikweletu kanye nezibopho kwiNkampani; ukuhlinzekela ukubalulwa ohlwini kwemisebenzi yezohwebo; ukuhlinzekela imithethonqubo; kanye nokuhlinzekela izindaba eziphathelene nalokho.

**MAKWENZIWE UMTHETHO** yisiShayamthetho sesiFundazwe saseGauteng njengalokho kulandela lapha:

### IZINCAZELO

1. Kulo Mthetho, ngaphandle uma indikimba ikhomba okunye:

“iBhodi labaQondisi” kusho iBhodi labaQondisi njengalokho kushiwo kwisiGaba 8 soMthetho;

“imisebenzi yezohwebo eletha inzuzo” kuxuba izinkampani, ama-close corporations, ukusebenzisana phakathi kwezinkampani zomphakathi nezizimele; ama-akhawunti okuhweba; ukubambisana; izivumelwano kanye neminye imisebenzi yebhizinisi efanayo;

“uMthetho weziNkampani” kusho uMthetho weziNkampani, ka 1973 (uMthetho No. 61 ka 1973);

“iNkampani” kusho i-Blue IQ Investment Holdings Limited njengalokho kushiwo kwisiGaba 2 salo Mthetho;

**“uMthethosisekelo”** kusho uMthethosisekelo weRiphabhliki yaseNingizimu Afrika, ka 1996 (uMthetho No. 108 ka 1996);

**“uMkhandlu Omkhulu”** kusho uMkhandlu Omkhulu wesiFundazwe njengalokho ubunjiwe ngokwesiGaba 125 soMthethosisekelo;

**“uHulumeni wesiFundazwe saseGauteng”** kusho uhulumeni wesiFundazwe kanti igama elithi okwesiFundazwe nalo linencazelo efanayo;

**“amaphulojekthi akhethiwe”** kusho amaphulojekthi alandelayo akhethwa nguHulumeni wesiFundazwe saseGauteng - i-Innovation Hub, i-Gauteng Automotive Cluster, i-Constitution Hill, i-Newtown Cultural Precinct; i-Gautrain Rapid Rail Link, i-City Deep Transport kanye ne-Logistics Hub, i-Dinokeng, i-Cradle of Humankind World Heritage Site; i-Wadeville-Alrode Industrial Corridor, i-Johannesburg International Airport Industrial Development Zone; ukuVuselelwa kweKliptown, futhi kuxuba nokuchitshiyelwa kobubanzi bala maphulojekthi kanye nanoma imaphi amanye amaphulojekthi angase avunye ngu-MEC esikhathini esizayo;

**“u-MEC”** kusho iLungu loMkhandlu Omkhulu elibhekene neziNdaba zoHwebo esiFundazweni;

**“isiFundazwe”** kusho isiFundazwe saseGauteng njengalokho kubekwe kwisiGaba 103 soMthethosisekelo kanti **“okwesiFundazwe”** nakho kunencazelo efanayo;

**“uMthetho wokuPhathwa kweziMali zoMphakathi”** kusho uMthetho wokuPhathwa kweziMali zoMphakathi, ka 1999 (uMthetho No.1 ka 1999); bese kuthi

**“Lo Mthetho”** kuxube nemithethonqubo eyenziwe ngaphansi kwawo.

**UKUSUNGULWA KWE-BLUE IQ INVESTMENT HOLDINGS LIMITED**

2. (1) Kusungulwa inkampani ezobizwa ngokuthi yi-Blue IQ Investment Holdings Limited.

(2) U-MEC unamandla okwenza konke okudingekayo ukuze i-Blue IQ Investment Holdings Limited yenziwe inkampani bese ibhaliswa ngokoMthetho weziNkampani.

(3) U-MEC kungathi ngokubhala phansi anikezele komunye amandla okusayinda imibhalo edingekayo ukuze kubhaliswe iNkampani.

(4) Imemorandamu yokuHlanganiswa kweNkampani kumele ihlinzekele ukuthi iNkampani ngeke ibe namandla okuguqula ibhizinisi kanye nezinjongo zeNkampani ngaphandle kwemvume ka-MEC.

**IZINJONGO ZENKAMPANI**

3. (1) Izinjongo zeNkampani yilezi—

(a) ukusebenza noma ukutshala izimali kumaphulojekthi akhethiwe; kanye

(b) nokwandisa ukutshala izimali komkhakha wabazimele

ngokusebenzisa imisebenzi yezohwebo eletha inzuzo esemthethweni.

(1) Inkampani kungathi ngezikhathi ezithize ithengise ngamasheya noma izintshisekelo kwimisebenzi yezohwebo eletha inzuzo.

**IMALI YAMASHEYA**

4. Imali yamasheya eNkampani kuyoba amasheya ayi-100 (ikhulu) eyi-R1,00 (ishumi losheleni) ngalinye.

**UBUNIKAZI BAMASHEYA KWINKAMPANI**

5. (1) Uhulumeni wesifundazwe saseGauteng nguyena yedwa uMnimasheya kwiNkampani.

(2) U-MEC usebenzisa amandla nemisebenzi kaHulumeni wesifundazwe saseGauteng njengoMnimasheya kwiNkampani.

**UKUBA NAMASHEYA /INTSHISEKELO KWIMISEBENZI YEZOHWEDO ELETHA INZUZO**

6. Uma iNkampani ithola, yedlulisa, isisa, ithengisa noma ichitha ngenye indlela amasheya noma intshisekelo yayo kwimisebenzi yezohwebo eletha inzuzo, kuyodingeka ukuthi ithole imvume ka-MEC ngaphambi kokwenza lokho futhi kube ngaphansi kwezimo nemibandela eyovunywa ngu-MEC.

**UKUXHASWA**

7. (1) Ukuxhaswa kweNkampani kufake—
- (a) imali eyabelwe yona yisiShayamthetho sesiFundazwe; kanye
  - (b) nanoma yiziphi ezinye izimali ezitholakale ngemisebenzi yezohwebo eletha inzuzo.

**UKUPHATHWA KWENKAMPANI**

8. (1) Ibhodi labaQondisi yilo eliphethe iNkampani.
- (2) U-MEC kumele aqoke iBhodi labaQondisi elizoba namalungu angekho ngaphansi kwama-3 (amathathu) futhi angevi kwayisi-8 (ayisishiyagalombili).
- (3) U-MEC kumele aqoke uMphathisihlalo weBhodi kanye noMphathi Omkhulu weNkampani.

**UHLU LWEMISEBENZI YEZOHWEDO ELETHA INZUZO**

9. (1) Imisebenzi yezohwebo eletha inzuzo, isimo noma uhlobo lwayo kanye nokuba namasheya noma intshisekelo kweNkampani kubekwe ngamaphesenti kulokho kunjengalokho kubekiwe kwizinhla 1, 2 no 3 kwiSheduli ngokulandelana.
- (2) Lapho sekuqediwe ukubika ngokuhambisana noMthetho wokuPhathwa kweziMali zoMphakathi, u-MEC kumele afake isaziso *kwiGazethi yesiFundazwe* ashicilele isheduli njalo ngonyaka lapho noma yiziphi izinguquko noma izongezo kwimisebenzi yezohwebo eletha inzuzo, uhlobo lwazo kanye nokuba namasheya noma izintshisekelo kweNkampani kuyoqukathwa khona.

**UMTHELELA WOKUSUNGULWA**

10. Kuyothi ngokusungulwa kweNkampani, yonke impahla, amalungelo, izikweletu noma izibopho ezatholwa noma ezenziwa nguHulumeni wesiFundazwe saseGauteng ekusebenzeni kumaphulojekthi akhethiwe ngaphambi kokusungulwa kweNkampani kuthathwe ngokuthi kuyimpahla, amalungelo, izikweletu noma izibopho ezitholwe noma ezenziwe yiNkampani.

**IMITHETHONQUBO**

11. U-MEC angenza imithethonqubo eqondene nanoma yiluphi udaba u-MEC angalubona lubalulekile futhi lufanelekile ukuze kufezwe izinjongo zalo Mthetho.

**ISIHLOKO ESIFISHANE**

12. Lo Mthetho ubizwa ngokuthi uMthetho we-Blue IQ Investment Holdings Limited.



**Isheduli**

<b>UHLA 1: IGAMA LOMSEBENZI WOHWEBO OLETHA INZUZO</b>	<b>UHLA 2: ISIMO / UHLOBO</b>	<b>UHLA 3: % LAMASHEYA / LENTSHISEKELO</b>
I-Innovation Hub management Company (Pty) Ltd	Utshalomali oluhambisana nokuthola amasheya	50%
I-Blue catalyst (Pty) Ltd	Utshalomali oluhambisana nokuthola amasheya	100%
I-AIDC Development Company (Pty) Ltd	Utshalomali oluhambisana nokuthola amasheya	60%
I-Supplier Park Development Company (Pty) Ltd	Utshalomali oluhambisana nokuthola amasheya	100%
I-Greater Newtown Development Company (Pty) Ltd	Utshalomali oluhambisana nokuthola amasheya	77%
I-JIA Development Company (ezobhaliswa ngokoMthetho weziNkampani)	Utshalomali oluhambisana nokuthola amasheya	Lisazonqunywa
I-Metro Mall Pty Ltd	Utshalomali oluhambisana nokuthola amasheya	69.6%
I-Constitution Hill Development Company Pty Ltd	Utshalomali oluhambisana nokuthola amasheya	86.63%

I-Dinokeng	I-Akhawunti yokuhwebelana noMnyango wezoLimo, ukOnga, iMvelo noMhlaba	
I-Cradle of Humankind	I-Akhawunti yokuhwebelana noMnyango wezoLimo, ukOnga, iMvelo noMhlaba	
I-Kliptown	Isivumelwano ne- Johannesburg Development Agency sokuPhatha iPhulojekthi	
Umgwaqo oXhuma i- Cleveland	Isivumelwano ne- Johannesburg Development Agency sokuPhatha iPhulojekthi	
Imigwaqo ye-IDZ	Isivumelwano ne- GauTrans sokuPhatha iPhulojekthi	
Ibhuloho i-Nelson Mandela kanye nomgwaqo ophumela ku- M2	Isivumelwano ne-South African National Roads Agency Limited sokuphatha iphulojekthi	
I-Wadeville Alrode	Isivumelwano noMasipala wasekuRhuleni sokuphatha iphulojekthi	

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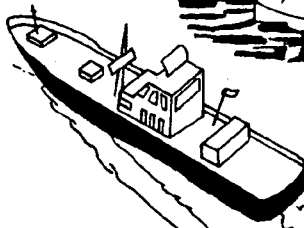
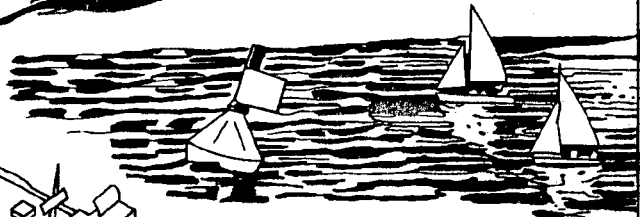
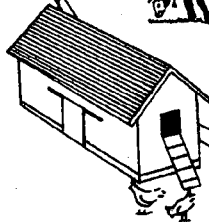
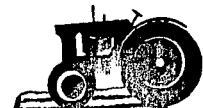
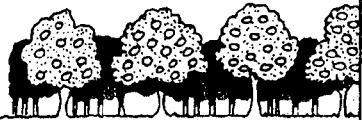
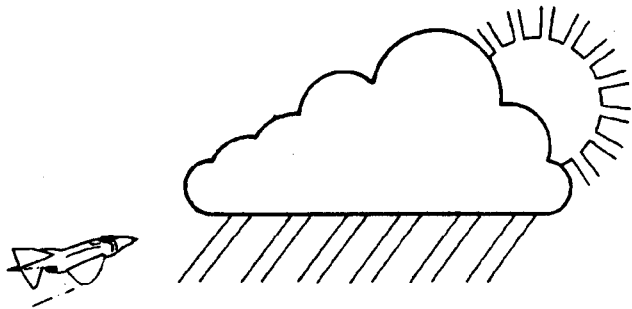
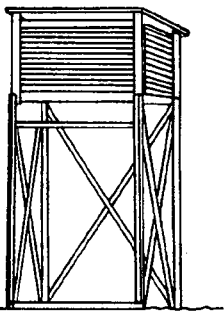
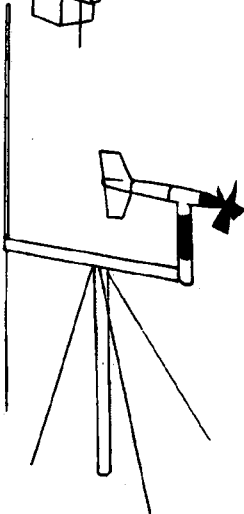
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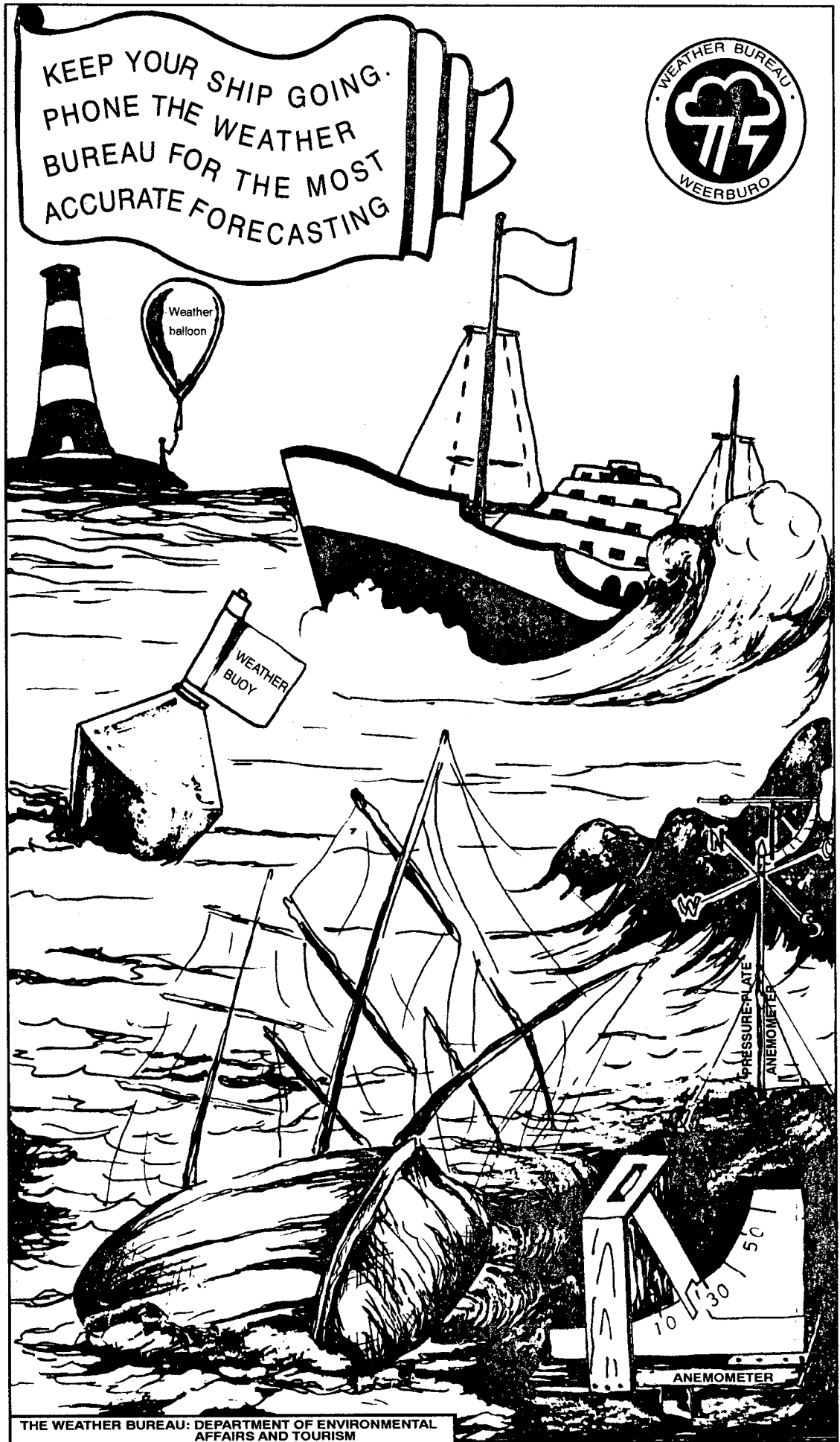
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# IMPORTANT NOTICE

The  
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**NEW PARTICULARS ARE AS FOLLOWS:**

**Physical address:**

Government Printing Works  
 149 Bosman Street  
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Private Bag X85  
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**HENNIE MALAN**

Director: Financial Management  
 Office of the Premier (Gauteng)

