



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

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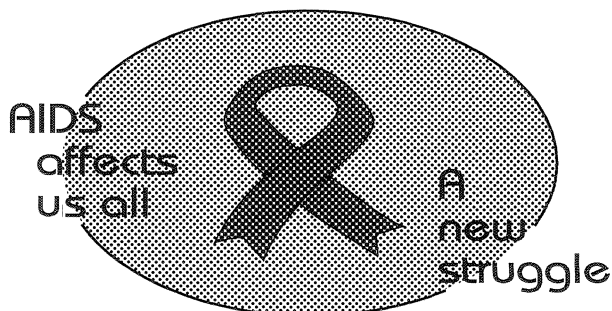
Vol. 8

PIETERMARITZBURG,

15 OCTOBER 2014
15 OKTOBER 2014
15 kuMFUMFU 2014

No. 1252

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DEPARTMENT OF HEALTH

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GENERAL NOTICE—ALGEMENE KENNISGEWING—IZAZISO SIKAWONKE-WONKE

No. 24**15 October 2014****KWAZULU-NATAL INTERNAL AUDIT ACT REPEAL BILL,
2014****Notice in terms of Rule 194 of the Standing Rules of the KwaZulu-Natal Legislature**

Notice is hereby given in terms of Rule 194 of the Standing Rules of the Provincial Legislature that the KwaZulu-Natal Internal Audit Act Repeal Bill, 2014 as set out hereunder, has been introduced into the aforesaid Legislature and will be considered by the Finance Portfolio Committee. The public and other interested groups are invited to submit representations on the said Bill, which representations must be addressed to:

Attention: Mrs S Engelbrecht
The Secretary
KwaZulu-Natal Legislature
Private Bag X 9112
PIETERMARITZBURG
3200

[Email:engelbrechts@kznleg.gov.za](mailto:engelbrechts@kznleg.gov.za)

so as to reach her not later than 15 days from the date of publication.

N NAIDOO
Secretary to the KwaZulu-Natal Legislature

KWAZULU-NATAL HERROEPINGSWETSONTWERP OP INTERNE OUDITWET, 2014

Kennisgewing ooreenkomstig Reël 194 van die Staande Reëls van die KwaZulu-Natal Wetgewer

Kennisgewing geskied hiermee ooreenkomstig Reël 194 van die Staande Reëls van die KwaZulu-Natal Wetgewer dat die KwaZulu-Natal Herroepingswet op die Interne Ouditwet, 2014 soos hieronder uiteengesit, by die voorgemelde Wetgewer ingedien is en deur die Portefeuljekomitee oor Finansies oorweeg sal word. Die publiek en ander belanghebbende groepe word uitgenooi om vertoë oor die vermelde wetsontwerp in te dien, welke vertoë gerig moet word aan:

Aandag: Mev. S Engelbrecht
Die Sekretaris
KwaZulu-Natal Legislature
Privaatsak X 9112
PIETERMARITZBURG
3200

E-pos: engelbrechts@kznleg.gov.za

Vertoë moet haar nie later as 15 dae vanaf die datum van hierdie publikasie bereik nie.

N NAIDOO
Sekretaris van die KwaZulu-Natal Wetgewer

No. 24

15 kuMfumfu 2014

**UMTHETHOSIVIVINYO WOKUCHITHA UMTHETHO
WOKUCWANINGWA KWAMABHUKU KWANGAPHAKATHI
WAKWAZULU-NATALI, 2014**

Isaziso ngokuhambisana noMthetho 194 weMithetho Emileyo yeSishayamthetho saKwaZulu-Natali

Ngalokhu kunikezwa isaziso ngokuhambisana noMthetho 194 weMithetho Emileyo yeSishayamthetho sesiFundazwe maqondana nokuthi Umthethosivivinyo wokuChitha uMthetho wokuCwaningwa kwamaBhuku kwangaPhakathi waKwaZulu-Natali, 2014, njengoba uchazwe ngezansi, sewethuliwe eSishayamthethweni esibalulwe ngenhla futhi uzocutshungulwa yiKomidi Lesishayamthetho Lezezimali. Umphakathi kanye nabanye abanentshisekelo bayamenywa ukuba balethe izethulo ezimayelana nalo Mthethosivivinyo, okumele ziqondiswe ku -:

Nkk. S Engelbrecht
UNobhala
ISishayamthetho saKwaZulu-Natali
Isikhwama Seposi X 9112
Pietermaritzburg
3200

Email: engelbrechts@kznleg.gov.za

ukuze zifinyelele kuye zingakapheli izinsuku eziyi-15 kusukela ngosuku okushicilelwe ngalo lesi saziso

N NAIDOO
UNobhala weSishayamthetho saKwaZulu-Natali

**KWAZULU-NATAL
INTERNAL AUDIT ACT REPEAL BILL, 2014**

BILL

To provide for the repeal of the KwaZulu-Natal Internal Audit Act, 2001; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal as follows:-

Repeal of laws

1. The laws mentioned in the Schedule are hereby repealed to the extent set out in the third column of the said Schedule.

Short title

2. This Act is called the KwaZulu-Natal Internal Audit Act Repeal Act, 2014.

SCHEDULE

Repeal of laws

(Section 1)

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Act No. 2 of 2001	KwaZulu-Natal Internal Audit Act, 2001	The whole
Act No. 5 of 2002	KwaZulu-Natal Internal Audit Amendment Act, 2002	The whole

MEMORANDUM ON THE OBJECTS OF THE KWAZULU-NATAL INTERNAL AUDIT ACT REPEAL BILL, 2014

1. BACKGROUND

The Bill has as its purpose the repeal of the KwaZulu-Natal Internal Audit Act, 2001 (Act No. 2 of 2001).

Questions as to the constitutionality of the KwaZulu-Natal Internal Audit Act, 2001, arose. Finance is not an area of concurrent national and provincial legislative competence. The Constitution, 1996, in section 216 thereof, provides that national legislation must prescribe measures to ensure both transparency and expenditure control in each sphere of government. The Public Finance Management Act, 1999 (Act No. 1 of 1999), provides a legislative mandate and framework for internal audit functions and provinces may only draft and adopt an audit charter.

The conclusion is, therefore, that the subject matter (internal audit) of the KwaZulu-Natal Internal Audit Act, 2001, is not within the legislative competence of the Province. The KwaZulu-Natal Internal Audit Act, 2001, is accordingly unconstitutional and must be repealed.

2. CLAUSE BY CLAUSE EXPLANATION

In summary, the Bill provides as follows –

Clause 1:

Clause 1, read with the Schedule, repeals the KwaZulu-Natal Internal Audit Act, 2001 (Act No. 2 of 2001), and the related KwaZulu-Natal Internal Audit Amendment Act, 2002 (Act No. 5 of 2002).

Clause 2:

Clause 2 contains the short title of the Act.

Schedule:

The Schedule is self-explanatory and (read with Clause 1) envisages the repeal of the whole of both the KwaZulu-Natal Internal Audit Act, 2001 (Act No. 2 of 2001), and the related KwaZulu-Natal Internal Audit Amendment Act, 2002 (Act No. 5 of 2002).

3. ORGANISATIONAL AND PERSONNEL IMPLICATIONS FOR PROVINCIAL GOVERNMENT

No undue organisational and personnel implications are foreseen.

4. FINANCIAL IMPLICATIONS FOR PROVINCIAL GOVERNMENT

No undue financial implications are foreseen.

5. DEPARTMENTS/ BODIES/ PERSONS CONSULTED

The Bill has been drafted in consultation with –

5.1 the Office of the Premier; and

5.2 the Provincial Treasury/ Provincial Department of Finance.

No. 25

15 kuMfumfu 2014

UMTHETHOSIVIVINYO
WOKUCHITHA UMTHETHO WOKUCWANINGWA KWAMABHUKU KWANGAPHAKATHI
WAKWAZULU-NATALI, 2014

UMTHETHOSIVIVINYO

Wokuhlinzekela ukuchithwa koMthetho wokuCwaningwa kwamaBhuku kwangaPhakathi waKwaZulu-Natali, 2001; nokuhlinzekela okunye okuphathelele nalokho.

MAWUMISWE isiShayamthetho sesiFundazwe saKwaZulu-Natali kanje:-

Ukuchithwa kwemithetho

1. Imithetho ebalulwe oHlelweni ngalokhu iyachithwa ngendlela ebekwe ohlwini lwesithathu lwalolu Hlelo.

Isihloko esifingqiwe

2. Lo Mthetho ubizwa ngoMthetho wokuChitha uMthetho wokuCwaningwa kwamaBhuku kwangaPhakathi waKwaZulu-Natali, 2014.

UHLELO

Ukuchithwa kwemithetho

(Isigaba 1)

<i>Inombolo nonyaka womthetho</i>	<i>Isihloko</i>	<i>Okuchithwayo emthethweni</i>
UMthetho No. 2 ka 2001	UMthetho wokuCwaningwa kwamaBhuku kwangaPhakathi waKwaZulu-Natali, 2001	Wonke
UMthetho No. 5 ka 2002	UMthethosichibiyelo wokuCwaningwa kwamaBhuku kwangaPhakathi waKwaZulu-Natali, 2002	Wonke

IMEMORANDAMU NGEZINHLOSO ZOMTHETHOSIVIVINYO WOKUCHITHA UMTHETHO WOKUCWANINGWA KWAMABHUKU KWANGAPHAKATHI WAKWAZULU-NATALI, 2014

1. ISENDLALELO

UMthethosivivinyo uhlose ukuchitha uMthetho wokuCwaningwa kwamaBhuku kwangaPhakathi waKwaZulu-Natali, 2001 (uMthetho No. 2 ka 2001).

Kuqubuke imibuzo mayelana nokuhambisana koMthetho wokuCwaningwa kwamaBhuku kwangaPhakathi waKwaZulu-Natali, 2001, noMthethosisekelo. Imithetho yesifundazwe kanye nekazwelonke ayihambisani odabeni lwezezimali. UMthethosisekelo ka 1996, esigabeni 216 uhlinzeka ngokuthi umthetho kazwelonke kumele unqume izindlela zokuqinisekisa ukuthi kubekwe izinto obala futhi kulawulwe ukusetshenziswa kwezimali emazingeni ahlukene kahulumeni. UMthetho wokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho No. 1 ka 1999), uhlinzeka ijoka nohlaka olusemthethweni lwemisebenzi yokucwaningwa kwamabhuku kanti izifundazwe zingasebenzisa lolu hlaka futhi zibhale imithetho yazo ziyisusela kulolu hlaka lokucwaningwa kwamabhuku.

Ngakho-ke, kufinyelelwe ekutheni (mayelana nokucwaningwa kwamabhuku kwangaphakathi) isiFundazwe asinawo amandla okumisa uMthetho wokuCwaningwa kwamaBhuku kwangaPhakathi waKwaZulu-Natali, 2001. Ngakho-ke, uMthetho wokuCwaningwa kwamaBhuku kwangaPhakathi waKwaZulu-Natali, 2001, awuhambisani noMthethosisekelo futhi kumele uchithwe.

2. INCAZELO YESIGABA SOMTHETHO NGASINYE

Kafishane, uMthethosivivinyo uhlinzeka kanje –

Isigaba soMthetho 1:

Isigaba soMthetho 1, sifundwa noHlelo, sichitha uMthetho wokuCwaningwa kwamaBhuku kwangaPhakathi, 2001 (uMthetho No. 2 ka 2001), kanye noMthethosichibiyelo wokuCwaningwa kwamaBhuku kwangaPhakathi waKwaZulu-Natali, 2002 (uMthetho No. 5 ka 2002) ohambisana nawo.

Isigaba soMthetho 2:

Isigaba soMthetho 2 siqukethe isihloko esifingqiwe soMthetho.

Uhlelo:

UHlelo luzichaza lona ngokwalo (lufundwa nesigaba soMthetho 1) futhi luhlose ukuchitha wonke uMthetho wokuCwaningwa kwamaBhuku kwangaPhakathi, 2001 (uMthetho No. 2 ka 2001), noMthethosichibiyelo wokuCwaningwa kwamaBhuku kwangaPhakathi waKwaZulu-Natali, 2002 (uMthetho No. 5 ka 2002).

3. IZINGQINAMBA UMN YANGO NABASEBENZI BAHULUMENI WESIFUNDAZWE ABAZOBHEKANA NAZO

Akukho zingqinamba okulindeleke ukuthi umnyango nabasebenzi babhekane nazo.

4. IZIMALI EZIZODINGEKA KUHULUMENI WESIFUNDAZWE

Akukho zimali okulindeleke ukuthi zidingeke.

5. IMINYANGO/ IMIGWAMANDA/ ABANTU OKUBONISWANE NABO

UMthethosivivinyo ubhalwe ngokubonisana –

5.1 neHhovisi likaNdunankulu; kanye

5.2 neHhovisi loMgcinimafa/noMnyango wezeziMali wesiFundazwe.

No. 25

15 Oktober 2014

KWAZULU-NATAL
HERROEPINGSWETSONTWERP OP INTERNE OUDITWET, 2014

WETSONTWERP

Om voorsiening te maak vir die herroeping van die KwaZulu-Natal Interne Ouditwet, 2001; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD VERORDEN deur die Provinsiale Wetgewer van die Provinsie van KwaZulu-Natal soos volg:-

Herroeping van wette

1. Die wette vermeld in die Bylae word hiermee herroep tot die omvang uiteengesit in die derde kolom van die vermelde Bylae.

Kort titel

2. Hierdie Wet word die KwaZulu-Natal Herroepingswet op die Interne Ouditwet, 2014 genoem.

BYLAE
Herroeping van wette
(Artikel 1)

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Wet No. 2 van 2001	KwaZulu-Natal Interne Ouditwet, 2001	Die geheel
Wet No. 5 van 2002	KwaZulu-Natal Interne Ouditwysigingswet, 2002	Die geheel

**MEMORANDUM OOR DIE OOGMERKE VAN DIE
KWAZULU-NATAL HERROEPINGSWETSONTWERP OP DIE INTERNE OUDITWET,
2014**

1. AGTERGROND

Die Wetsontwerp het die herroeping van die KwaZulu-Natal Interne Ouditwet, 2001 (Wet No. 2 van 2001), ten doel.

Vrae rondom die grondwetlikheid van die KwaZulu-Natal Interne Ouditwet, 2001, het ontstaan. Finansies is nie 'n gebied van samevallende nasionale en provinsiale wetgewende bevoegdheid nie. Die Grondwet, 1996, in artikel 216 daarvan, maak voorsiening daarvoor dat nasionale wetgewing maatreëls moet voorskryf ten einde deursigtigheid, asook beheer oor besteding in elke regeringsfeer, te verseker. Die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), verskaf 'n wetgewende mandaat en raamwerk vir interne ouditfunksies en provinsies mag 'n oudithandves slegs opstel en aanneem.

Die gevolgtrekking is aldus dat die onderwerp (interne oudit) van die KwaZulu-Natal Interne Ouditwet, 2001, nie binne die wetgewende bevoegdheid van die Provinsie val nie. Die KwaZulu-Natal Interne Ouditwet, 2001, is dienooreenkomstig ongrondwetlik en moet herroep word.

2. KLOUSULE VIR KLOUSULE VERDUIDELIKING

Ter opsomming voorsien die Wetsontwerp soos volg –

Klausule 1:

Klausule 1, gelees met die Bylae, herroep die KwaZulu-Natal Interne Ouditwet, 2001 (Wet No. 2 van 2001), en die verwante KwaZulu-Natal Interne Ouditwysigingswet, 2002 (Wet No. 5 van 2002).

Klausule 2:

Klausule 2 bevat die kort titel van die Wet.

Bylae:

Die Bylae is selfverduidelikend en (gelees met Klousule 1) beoog die herroeping van die geheel van beide die KwaZulu-Natal Interne Ouditwet, 2001 (Wet No. 2 van 2001), en die verwante KwaZulu-Natal Interne Ouditwysigingswet, 2002 (Wet No. 5 van 2002).

3. ORGANISATORIESE EN PERSONEELIMPLIKASIES VIR PROVINSIALE REGERING

Geen onredelike organisatoriese en personeelimplikasies word voorsien nie.

4. FINANSIËLE IMPLIKASIES VIR PROVINSIALE REGERING

Geen onredelike finansiële implikasies word voorsien nie.

5. DEPARTEMENTE/ LIGGAME/ PERSONE GERAADPLEEG

Die Wetsontwerp is opgestel in oorlegpleging met –

5.1 die Kantoor van die Premier; en

5.2 die Provinsiale

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

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The new numbers are as follows:

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 - Maps : 012 748 6061/6065 BookShop@gpw.gov.za
 - Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
 - Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.