



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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OFFICE OF THE PREMIER
OF THE PROVINCE OF THE
WESTERN CAPE

P.N. 279/2013 28 August 2013

It is hereby notified that the Premier of the Province of the Western Cape has assented to the following Act, which is hereby published for general information:

No. 6 of 2013: Western Cape Investment and Trade Promotion Agency Amendment Act, 2013.

*As 'n nuusblad by die Poskantoor geregistreer
(Afskrifte is verkrygbaar by Kamer M21,
Provinsiale Wetgewer-gebou, Waalstraat 7,
Kaapstad 8001.)*

KANTOOR VAN DIE PREMIER
VAN DIE PROVINSIE
WES-KAAP

P.K. 279/2013 28 Augustus 2013

Hiermee word bekend gemaak dat die Premier van die Provinsie Wes-Kaap die onderstaande Wet, wat hiermee ter algemene inligting gepubliseer word, bekragtig het:

Nr. 6 van 2013: Wes-Kaapse Wysigingswetsontwerp op die Investerings- en Handelsbevoorredingsagentskap, 2013.

*Ibhaliswe ePosini njengePhephandaba
(Iikopi zifumaneka kwigumbi M21, kwiSakhiwo
seNdlu yoWiso Mthetho yePhondo, e 7 Wale Street,
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I-OFISI YENKULUMBUSO
YEPHONDO LENTSHONA
KOLONI

I.S. 279/2013 28 Agasti 2013

Kwenziwa isaziso apha sokuba iNkulumbuso yePalamente yePhondo leNtshona Koloni iwamkele ngokusemthethweni lo Mthetho ulandelayo opapashelwe ulwazi gabalala apha:

Nomb 6 ka 2013: uMthetho woLungiso weArhente yoPhakanyiso loTyalomali nezo Rhwebo weNtshona Koloni, 2013.

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.

(Afrikaans text signed by the Premier)
(Assented to 20 August 2013)

AMENDMENT ACT

To amend the Western Cape Investment and Trade Promotion Agency Act, 1996, so as to extend the objects, powers and functions of the Western Cape Investment and Trade Promotion Agency and the powers and duties of directors of the Board of the Agency (the Board) and the chief executive officer to include tourism promotion; to delete certain obsolete definitions and provisions relating to the members of the Agency; to make provision for the determination of a trading name for the Agency; to amend the constitution of the Board by removing representatives from members of the Agency and to make provision for representation from organised local government; to require knowledge of tourism, trade or investment promotion and experience therein of directors of the Board and the chief executive officer; to provide for the Minister to designate the chairperson and vice chairperson of the Board; to allow for a three year term of appointment of the directors of the Board; to amend the powers of the Board relating to the appointment of committees and to provide for the Board to appoint a chairperson for each committee; to amend the name of the Agency; to disestablish the Destination Marketing Organisation; to repeal the Western Cape Tourism Act, 2004; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

Substitution of preamble to Act 3 of 1996, as substituted by section 1 of Act 1 of 2005

1. The following preamble is substituted for the preamble of the Western Cape 5
 Investment and Trade Promotion Agency Act, 1996 (Act 3 of 1996), (the principal Act):
 “**WHEREAS** the government of the province of the Western Cape holds
 responsibility for the promotion of tourism, trade and investment in the province,
 and whereas it believes that the promotion of these objects is best achieved in
 partnership with the private sector and local government, and whereas government 10
 is desirous of establishing by provincial statute, a provincial public entity to
 promote environmentally sustainable and socially responsible **[investment in and]**
tourism, trade **[within]** and investment in the provincial economy, now there-
 fore[:]”.

Amendment of section 1 of Act 3 of 1996, as amended by section 2 of Act 1 of 2005

2. Section 1 of the principal Act is amended—

- (a) by the deletion of the definition of “locate”; and
- (b) by the deletion of the definition of “member”.

Amendment of section 2 of Act 3 of 1996, as amended by section 4 of Act 1 of 2005 5

3. Section 2 of the principal Act is amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The Agency shall be a juristic person with limited liability, capable of suing and being sued in its own name and of performing all such acts as are necessary for or incidental to the attainment of its objects and the exercise of its powers in terms of this Act and no [member or] director of the Agency shall be liable for any debts or losses of the Agency.”; and

(b) by the addition of the following subsection after subsection (3):

“(4) The Board may, after consultation with the Minister, determine a trading name for the Agency.” 15

Amendment of section 3 of Act 3 of 1996, as substituted by section 5 of Act 1 of 2005

4. Section 3 of the principal Act is amended—

(a) by the substitution for paragraph (d) of subsection (2) of the following paragraph: 20

“(d) **[subject to subsection (4), no more than]** two directors nominated by organised local government, one representing category B municipalities and one representing category C municipalities **[from amongst the members]**; and”;

(b) by the substitution in subsection (3) for the expression “Board of Directors” of the expression “Board of directors”; 25

(c) by the substitution for subsection (4) of the following subsection:

“(4)**[(a) Directors of the Board contemplated in subsection (2)(d), may only be appointed by the Minister after an internal election process conforming to such directions as may be issued by the Board from time to time, has been followed.**

(b)] The **[Directors]** directors of the Board **[referred to in paragraph (a)]** must, in addition to meeting the criteria contemplated by subsection (5), occupy a leadership position and have proven leadership abilities.”; 30

(d) by the substitution for paragraph (a) of subsection (5) of the following paragraph: 35

“(a) have knowledge of tourism, trade **[and]** or investment;”;

(e) by the substitution for paragraph (b) of subsection (5) of the following paragraph:

“(b) have experience in the promotion of tourism, trade **[and]** or investment;”; and 40

(f) by the addition of the following subsection after subsection (6):

“(7) The Minister, after consultation with the executive Mayor, must designate a chairperson and vice chairperson for the Board from amongst the directors of the Board for a period as determined by the Minister at the time of their designation.” 45

Amendment of section 3A of Act 3 of 1996, as inserted by section 6 of Act 1 of 2005

5. Section 3A of the principal Act is amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Directors of the Board contemplated in section 3(2)(a)**[(b) and (c)] to (d)** are appointed for a period determined at the time of their appointment, but not exceeding **[two] three** years.”; and

(b) by the deletion of subsection (2).

Amendment of section 4 of Act 3 of 1996, as substituted by section 7 of Act 1 of 2005

6. Section 4 of the principal Act is amended by the substitution for paragraph (a) of the following paragraph:

“(a) to promote **[investment in and]** tourism, trade **[within]** and investment in the Province; and”.

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Amendment of section 5 of Act 3 of 1996, as amended by section 8 of Act 1 of 2005

7. Section 5 of the principal Act is amended—

(a) by the substitution for paragraph (f) of the following paragraph:

“(f) to furnish tourism, trade and investment marketing assistance and expert and specialised advice, information and guidance to any business, company or association of persons who so request it from the Agency **[and/or]** or would assist the Agency in achieving its **[Objects]** objects;”;

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(b) by the substitution for paragraph (h) of the following paragraph:

“(h) to act as a tourism, trade and investment promotion agent on behalf of the Province, **any local authority or other tier of government or any other person or body who, in the opinion of the Board, is a stakeholder in the economy of]** and to facilitate co-ordinated destination marketing activities for the Western Cape;”;

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(c) by the substitution for paragraph (j) of the following paragraph:

“(j) to solicit and accept donations and to receive any monies offered or due to the Agency for the sole purpose of promoting tourism, trade and investment in the Western Cape;”;

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(d) by the substitution for paragraph (l) of the following paragraph:

“(l) to **[plan and]** develop, implement and promote a provincial tourism, trade and investment marketing strategy and implement any project [or enterprise] that [would enhance investment and trade] realises growth in the economy of the Western Cape;”;

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(e) by the substitution for paragraph (m) of the following paragraph:

“(m) to invest any funds or monies not immediately required for its affairs, **and]**”;

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(f) by the substitution of paragraph (n) of the following paragraph:

“(n) to exercise such other powers which, in the opinion of the Minister are necessary for the achievement of its objects and which the Minister, in consultation with the Board, may confer upon the Agency by notice in the *Provincial Gazette*.”;

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(g) by the addition of the following paragraphs after paragraph (n):

“(o) to promote the Province as a tourism destination;

(p) to promote leisure and business tourism and events; and

(q) to promote the alignment of provincial marketing activities in all tourism sectors in the Province in collaboration with private and public entities.”.

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Repeal of section 6 of Act 3 of 1996, as substituted by section 9 of Act 1 of 2005

8. Section 6 of the principal Act is repealed.

Amendment of section 7 of Act 3 of 1996, as substituted by section 10 of Act 1 of 2005

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9. Section 7 of the principal Act is amended—

(a) by the deletion of subsection (5);

(b) by the substitution for paragraph (a) of subsection (7) of the following paragraph:

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“(a) Ex-officio **[members]** directors of the Board appointed in terms of section **[3(5)(a)]** 3(2)(a), (b) and (e) have no voting rights, but have the right to enter into discussion of all the matters before the Board.”; and

(c) by the substitution for subsection (9) of the following subsection:

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- “(9) A decision taken by the Board at a time when there was a vacancy on the Board, when any person who was not entitled to sit as a **[member] director** of the Board sat as such a **[member] director**, is not invalid if—
- (a) the decision was taken by a majority of all the **[members] directors** of the Board; and
 - (b) the **[members] directors** comprising that majority were entitled to sit as **[members] directors**.”

Amendment of section 8 of Act 3 of 1996, as amended by section 11 of Act 1 of 2005

10. Section 8 of the principal Act is amended—

- (a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
 - “(a) The Board may establish committees comprising of members with the necessary expertise to assist the Board with the exercise of its powers, the performance of its functions and the carrying out of its duties.”;
- (b) by the deletion of paragraphs (a) and (b) of subsection (3);
- (c) by the substitution for paragraph (c) of subsection (3) of the following paragraph:
 - “(c) A committee contemplated in **[paragraph (a)(iii) or (iv)] subsection (2)(a)** must not consist of more than ten members, **[one of whom must be a director and the rest of the members as contemplated in section 6]** as determined by the Board.”; and
- (d) by the substitution for subsection (4) of the following subsection:
 - “(4) The Board must from the directors of the Board appoint a chairperson for each committee.”

Amendment of section 10 of Act 3 of 1996, as substituted by section 13 of Act 1 of 2005

11. Section 10 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

- “(1) The Board, in consultation with the Minister and the executive Mayor and after following a public advertising process, must appoint a fit and proper person with knowledge of and experience in **[investment and] tourism, trade or investment promotion** as the chief executive officer of the Board.”

Amendment of section 11 of Act 3 of 1996, as substituted by section 14 of Act 1 of 2005

12. Section 11 of the principal Act is amended by the substitution for paragraph (g) of the following paragraph:

- “(g) ensure that the Agency complies with and performs in terms of all contractual agreements and implements **[investment and] tourism, trade and investment marketing policies.**”

Amendment of section 12 of Act 3 of 1996, as substituted by section 15 of Act 1 of 2005

13. Section 12 of the principal Act is amended—

- (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
 - “(c) money donated to the Agency by any person or institution; and”; and
- (b) by the deletion of paragraph (d) of subsection (1).

Substitution of expression

14. The principal Act, except for section 20 thereof, is amended by the substitution for the expression “Western Cape Investment and Trade Promotion Agency”, wherever it occurs, of the expression “Western Cape Tourism, Trade and Investment Promotion Agency”.

Disestablishment of Destination Marketing Organisation

15. The Destination Marketing Organisation established by section 2(1) of the Western Cape Tourism Act, 2004 (Act 1 of 2004), is disestablished.

Repeal of Western Cape Tourism Act

16. The Western Cape Tourism Act, 2004, is repealed. 5

Transitional and savings provisions

17. (1) In this section—

“**accounting officer**” means the head of the provincial department responsible for economic development and tourism;

“**Destination Marketing Organisation**” means the Destination Marketing Organisation established by section 2(1) of the Western Cape Tourism Act, 2004, before its repeal by this Act;

“**effective date**” means 1 April 2012 being the date on which staff, assets and liabilities of the Destination Marketing Organisation were transferred to the Agency in terms of the agreement between the Agency and the Destination Marketing Organisation of 26 March 2012;

“**responsible Minister**” means the member of the provincial Cabinet responsible for economic development and tourism;

“**the Agency**” means the Western Cape Investment and Trade Promotion Agency established by section 2 of the Western Cape Investment and Trade Promotion Agency Act, 1996 (Act 3 of 1996), before the amendment of that Act by this Act, and which is listed as a provincial public entity in Schedule 3 to the Public Finance Management Act, 1999 (Act 1 of 1999). 20

(2) The Agency is the successor-in-law of the Destination Marketing Organisation.

(3) As from the effective date, the staff employed by the Destination Marketing Organisation upon the effective date, are transferred to the Agency in accordance with the Labour Relations Act, 1995 (Act 66 of 1995). 25

(4) With effect from the commencement of this Act—

(a) the assets, liabilities and records of the Destination Marketing Organisation held immediately before the commencement of this Act, are transferred to the Agency; and 30

(b) the term of appointment of members of the Board of the Destination Marketing Organisation which has not expired immediately before the commencement of this Act, ends.

(5) The Board of directors of the Agency is, in respect of the 2012/13, and if applicable 2013/14, financial years responsible for— 35

(a) the preparation and submission of financial statements and annual reports of the Destination Marketing Organisation; and

(b) the finalisation of all outstanding matters of the Destination Marketing Organisation, 40

in accordance with the Public Finance Management Act, 1999.

(6) The responsible Minister, or the accounting officer if so authorised by the responsible Minister, may issue directives to give effect to this section.

(7) The Agency continues in existence as a provincial public entity, but is to be known, after the commencement of this Act, as the Western Cape Tourism, Trade and Investment Promotion Agency. 45

(8) A reference in any law or document to the Western Cape Investment and Trade Promotion Agency must be construed as a reference to Western Cape Tourism, Trade and Investment Promotion Agency.

(9) The juristic identity and the rights and obligations of the provincial public entity referred to in subsection (7) are not affected by its change of name. 50

(10) Despite sections 4, 5, 10, 11 and 15 of this Act, any person holding an office, immediately before the commencement of this Act, in terms of section 3, 7(5) or 10 of the principal Act, before its amendment by this Act, continues in office for the term of that person’s appointment and is regarded as duly appointed for the unexpired portion of his or her term of office. 55

Short title

18. This Act is called the Western Cape Investment and Trade Promotion Agency Amendment Act, 2013.

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

(Afrikaanse teks deur die Premier geteken)
(Bekragtig op 20 Augustus 2013)

WYSIGINGSWET

Tot wysiging van die Wet op die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap, 1996, ten einde die doelstellings, bevoegdhede en werksaamhede van die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap en die bevoegdhede en pligte van direkteure van die Raad van die Agentskap (die Raad) en die hoof uitvoerende beamppte uit te brei om toerismebevordering in te sluit; om sekere uitgediende woordomskrappings en bepalings rakende die lede van die Agentskap te skrap; om voorsiening te maak vir die bepaling van 'n handelsnaam vir die Agentskap; om die samestelling van die Raad te wysig deur verteenwoordigers van lede van die Agentskap te verwyder en deur voorsiening te maak vir verteenwoordiging van georganiseerde plaaslike regering; om toerisme-, handels- of investeringsbemarkingskennis en ondervinding daarin van direkteure van die Raad en die hoof uitvoerende beamppte te vereis; om te bepaal dat die Minister die voorsitter en die ondervoorsitter van die Raad aanwys; om voorsiening te maak vir 'n driejaartermyn van aanstelling van die direkteure van die Raad; om die bevoegdhede van die Raad rakende die aanstelling van komitees te wysig en om te bepaal dat die Raad 'n voorsitter vir elke komitee van die Raad moet aanstel; om die naam van die Agentskap te wysig; om die Bestemmingbemarkingsorganisasie af te skaf; om die Wes-Kaapse Wet op Toerisme, 2004, te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

Vervanging van aanhef tot Wet 3 van 1996, soos vervang by artikel 1 van Wet 1 van 2005

1. Die aanhef tot die Wet op die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap, 1996 (Wet 3 van 1996), (die Hoofwet), word deur die volgende aanhef vervang:

“[**Nademaal**] **NADEMAAL** die regering van die provinsie Wes-Kaap verantwoordelik is vir die bevordering van toerisme, handel en investering in die provinsie en nademaal die regering glo dat die bevordering van hierdie doelstellings ten beste bereik kan word in vennootskap met die privaat sektor en plaaslike regering, en nademaal die regering begerig is om by wyse van provinsiale wet 'n provinsiale openbare entiteit in te stel om omgewingsvolhoubare en maatskaplik verantwoordelike [**investering in en**] toerisme, handel [**binne**] en investering in die provinsiale ekonomie te bevorder, derhalwe[:];”.

Wysiging van artikel 1 van Wet 3 van 1996, soos gewysig by artikel 2 van Wet 1 van 2005

2. Artikel 1 van die Hoofwet word gewysig—
- (a) deur die omskrywing van “lid” te skrap; en
 - (b) deur die omskrywing van “vestig” te skrap. 5

Wysiging van artikel 2 van Wet 3 van 1996, soos gewysig by artikel 4 van Wet 1 van 2005

3. Artikel 2 van die Hoofwet word gewysig—
- (a) deur subartikel (2) deur die volgende subartikel te vervang:
 - “(2) Die Agentskap is ’n regs persoon, beklee met beperkte aanspreeklikheid, by magte om in eie naam te dagvaar en gedagvaar te word en om al daardie handelingte te verrig wat noodsaaklik is vir en verband hou met die verwesenliking van sy doelstellings en die uitoefening van sy bevoegdhede ingevolge hierdie Wet en geen [lid of] direkteur van die Agentskap is aanspreeklik vir enige skulde of verliese van die Agentskap nie.”; en 10
 - (b) deur die volgende subartikel na subartikel (3) in te voeg:
 - “(4) Die Raad kan, na oorleg met die Minister, ’n handelsnaam vir die Agentskap bepaal.” 15

Wysiging van artikel 3 van Wet 3 van 1996, soos vervang by artikel 5 van Wet 1 van 2005

4. Artikel 3 van die Hoofwet word gewysig—
- (a) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:
 - “(d) [**behoudens subartikel (4), hoogstens**] twee direkteure wat [**uit die geledere van die lede**] deur georganiseerde plaaslike regering benoem word, van wie een kategorie B-munisipaliteite en een kategorie C-munisipaliteite verteenwoordig; en”; 25
 - (b) deur in die Engelse teks die uitdrukking “Board of Directors” in subartikel (3) deur die uitdrukking “Board of directors” te vervang;
 - (c) deur subartikel (4) deur die volgende subartikel te vervang: 30
 - “(4)(a) **Direkteure van die Raad in subartikel (2)(d) beoog, mag slegs deur die Minister aangestel word nadat ’n interne verkiesingsproses gevolg is wat voldoen aan voorskrifte, van tyd tot tyd deur die Raad uitgereik.**
 - (b) Die direkteure van die Raad [**in paragraaf (a) bedoel,**] moet benewens voldoening aan die kriteria in subartikel (5) beoog, ’n leierskapposisie beklee en oor bewese leierskapvermoëns beskik.”;
 - (d) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:
 - “(a) oor kennis van toerisme, handel [en] of investering beskik;”;
 - (e) deur paragraaf (b) van subartikel (5) deur die volgende paragraaf te vervang: 40
 - “(b) oor ondervinding in die bevordering van toerisme, handel [en] of investering beskik;”; en
 - (f) deur die volgende subartikel na subartikel (6) by te voeg:
 - “(7) Die Minister, na oorleg met die uitvoerende Burgemeester, moet ’n voorsitter en ’n ondervoorsitter vir die Raad uit die geledere van die direkteure van die Raad aanwys vir ’n tydperk soos deur die Minister bepaal ten tyde van hulle aanwysing.” 45

Wysiging van artikel 3A van Wet 3 van 1996, soos ingevoeg by artikel 6 van Wet 1 van 2005

5. Artikel 3A van die Hoofwet word gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang: 50

- “(1) Direkteure van die Raad in artikel 3(2)(a)[, **(b) en (c)**] tot **(d)** beoog, word aangestel vir ’n tydperk wat ten tyde van hul aanstelling bepaal word, maar hoogstens [**twee**] drie jaar.”; en
(b) deur subartikel (2) te skrap.

Wysiging van artikel 4 van Wet 3 van 1996, soos vervang by artikel 7 van Wet 1 van 2005 5

6. Artikel 4 van die Hoofwet word gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

- “(a) om [**investering in en**] toerisme, handel [**binne**] en investering in die Provinsie te bevorder; en”.

Wysiging van artikel 5 van Wet 3 van 1996, soos gewysig by artikel 8 van Wet 1 van 2005

7. Artikel 5 van die Hoofwet word gewysig—

- (a) deur paragraaf (f) deur die volgende paragraaf te vervang:
“(f) om aan enige besigheid, maatskappy of vereniging van persone wat die Agentskap aldus daarom versoek [**en/of**] of die Agentskap sal help om sy doelstellings te bereik, toerisme-, handels- en investeringbemarkingsbystand en deskundige en gespesialiseerde raad, informasie en leiding te verleen en te verstrek;”;
- (b) deur paragraaf (h) deur die volgende paragraaf te vervang:
“(h) om op te tree as toerisme-, handels- en investeringbevorderings-agent namens die Provinsie[, **enige plaaslike bestuur of ander regeringsvlak of enige ander persoon of liggaam wat, na die mening van die Raad, ’n insethouer in die ekonomie van die Wes-Kaap is**] en om gekoördineerde bestemmingbemarkings-aktiwiteite vir die Wes-Kaap te fasiliteer;”;
- (c) deur paragraaf (j) deur die volgende paragraaf te vervang:
“(j) om skenkings te vra en te aanvaar en om enige gelde wat aan die Agentskap gebied of verskuldig is, te ontvang vir die uitsluitlike doel om toerisme, handel en investering in die Wes-Kaap te bevorder;”;
- (d) deur paragraaf (l) deur die volgende paragraaf te vervang:
“(l) om ’n provinsiale toerisme-, handels- en investeringbemarkingstrategie te ontwikkel, uit te voer en te bevorder en om enige projek [**of onderneming**] wat [**investering en handel**] groei in die ekonomie van die Wes-Kaap [**sal bevorder, te beplan en**] verwesenlik, uit te voer;”;
- (e) deur paragraaf (m) deur die volgende paragraaf te vervang:
“(m) om enige fondse of gelde wat nie dadelik benodig word vir sy sake nie te investeer [, **en**];”;
- (f) deur paragraaf (n) deur die volgende paragraaf te vervang:
“(n) om sodanige ander bevoegdhede uit te oefen, wat na die mening van die Minister, noodsaaklik is vir die bereiking van sy doelwitte en wat die Minister, in oorleg met die Raad, aan die Agentskap kan oplê by kennisgewing in die *Provinsiale Koerant*[.];”;
- (g) deur die volgende paragrawe na paragraaf (n) by te voeg:
“(o) om die Provinsie as ’n toerismebestemming te bevorder;
(p) om ontspannings- en saketoerisme en gebeurtenisse te bevorder; en
(q) om die koördinering van provinsiale bemarkingsaktiwiteite in alle toerisme-sektore in die Provinsie te bevorder in samewerking met privaat en openbare entiteite.”.

Herroeping van artikel 6 van Wet 3 van 1996, soos vervang by artikel 9 van Wet 1 van 2005

8. Artikel 6 van die Hoofwet word herroep.

Wysiging van artikel 7 van Wet 3 van 1996, soos vervang by artikel 10 van Wet 1 van 2005

9. Artikel 7 van die Hoofwet word gewysig—
- (a) deur subartikel (5) te skrap;
 - (b) deur paragraaf (a) van subartikel (7) deur die volgende paragraaf te vervang: 5
 “(a) [**Ex officio-lede**] Ex officio-direkteure van die Raad wat ingevolge artikel [**3(5)(a)**] 3(2)(a), (b) en (e) aangestel is, is nie stemgeregtig nie, maar is geregtig om deel te neem aan die bespreking van al die sake voor die Raad.”; en
 - (c) deur subartikel (9) deur die volgende subartikel te vervang: 10
 “(9) ’n Besluit wat deur die Raad geneem is op ’n tyd toe daar ’n vakature in die Raad was, toe enige persoon wat nie geregtig was om as [**lid**] direkteur van die Raad sitting te hê nie, as [**lid**] direkteur gesit het, is nie ongeldig nie indien—
 - (a) die besluit deur ’n meerderheid van al die [**lede**] direkteure van die Raad geneem is; en 15
 - (b) die [**lede**] direkteure wat daardie meerderheid uitgemaak het, geregtig was om as [**lede**] direkteure te sit.”.

Wysiging van artikel 8 van Wet 3 van 1996, soos gewysig by artikel 11 van Wet 1 van 2005 20

10. Artikel 8 van die Hoofwet word gewysig—
- (a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang: 25
 “(a) Die Raad kan komitees instel wat uit lede bestaan met die nodige kundigheid om die Raad te help met die uitoefening van sy bevoegdhede, die vervulling van sy funksies en die uitvoering van sy pligte.”;
 - (b) deur die skraping van paragrawe (a) en (b) van subartikel (3);
 - (c) deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang: 30
 “(c) ’n Komitee beoog in [**paragraaf (a)(iii) of (iv)**] subartikel (2)(a) moet nie uit meer as tien lede bestaan nie, [**van wie een ’n direkteur moet wees en die ander lede soos in artikel 6 beoog**] soos deur die Raad bepaal.”; en
 - (d) deur subartikel (4) deur die volgende subartikel te vervang: 35
 “(4) Die Raad moet uit die direkteure van die Raad ’n voorsitter vir elke komitee aanstel.”.

Wysiging van artikel 10 van Wet 3 van 1996, soos vervang by artikel 13 van Wet 1 van 2005

11. Artikel 10 van die Hoofwet word gewysig deur subartikel (1) met die volgende subartikel te vervang: 40
 “(1) Die Raad moet in oorleg met die Minister en die uitvoerende Burgemeester en nadat ’n openbare advertensieproses gevolg is, ’n geskikte en gepaste persoon met kennis van en ondervinding in [**investerings- en handelsbevordering**] toerisme, handels- of investeringsbevordering aanstel as die hoof uitvoerende beampte van die Raad.”.

Wysiging van Artikel 11 van Wet 3 van 1996, soos vervang by artikel 14 van Wet 1 van 2005 45

12. Artikel 11 van die Hoofwet word gewysig deur paragraaf (g) met die volgende paragraaf te vervang: 50
 “(g) toesien dat die Agentskap voldoen aan en presteer ingevolge alle kontraktuele ooreenkomste, en [**investerings- en handelsbemarkingsbeleide**] toerisme, handels- en investeringbemarkingsbeleide implementeer.”.

Wysiging van artikel 12 van Wet 3 van 1996, soos vervang by artikel 15 van Wet 1 van 2005

13. Artikel 12 van die Hoofwet word gewysig—

- (a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:
“(c) geld deur enige persoon of instelling aan die Agentskap geskenk;
en”; en
- (b) deur paragraaf (d) van subartikel (1) te skrap.

Vervanging van uitdrukking

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14. Die Hoofwet, buiten artikel 20 daarvan, word gewysig deur die uitdrukking “Wes-Kaapse Investerings- en Handelsbevorderingsagentskap” en “Wes-Kaapse Investerings- en Handelsbevorderingsagentskap” waar dit ook al voorkom, te vervang deur die uitdrukking “Wes-Kaapse Toerisme-, Handels- en Investeringsbevorderingsagentskap”.

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Afskaffing van Bestemmingbemarkingsorganisasie

15. Die Bestemmingbemarkingsorganisasie ingestel by artikel 2(1) van die Wes-Kaapse Wet op Toerisme, 2004 (Wet 1 van 2004), word afgeskaf.

Herroeping van Wes-Kaapse Wet op Toerisme

16. Die Wes-Kaapse Wet op Toerisme, 2004, word herroep.

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Oorgangs- en voorbehoudsbepalings

17. (1) In hierdie artikel beteken—

“**Bestemmingbemarkingsorganisasie**” die Bestemmingbemarkingsorganisasie ingestel by artikel 2(1) van die Wes-Kaapse Wet op Toerisme, 2004, voor die herroeping daarvan by hierdie Wet;

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“**die Agentskap**” die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap ingestel by artikel 2 van die Wet op die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap, 1996 (Wet 3 van 1996), voor die wysiging van daardie Wet by hierdie Wet, en wat in Bylae 3 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999), as ’n provinsiale openbare entiteit gelys is;

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“**effektiewe datum**” 1 April 2012, synde die datum waarop personeel, bates en laste van die Bestemmingbemarkingsorganisasie na die Agentskap oorgeplaas is ingevolge die ooreenkoms tussen die Agentskap en die Bestemmingbemarkingsorganisasie van 26 Maart 2012;

“**rekenpligtige beampte**” die hoof van die provinsiale departement verantwoordelik vir ekonomiese ontwikkeling en toerisme;

30

“**verantwoordelike Minister**” die lid van die provinsiale Kabinet verantwoordelik vir ekonomiese ontwikkeling en toerisme;

(2) Die Agentskap is die regsopvolger van die Bestemmingbemarkingsorganisasie.

(3) Met ingang van die effektiewe datum word die personeel wat op die effektiewe datum in diens van die Bestemmingbemarkingsorganisasie is, na die Agentskap oorgeplaas in ooreenstemming met die Wet op Arbeidsverhoudinge, 1995 (Wet 66 van 1995).

(4) Met ingang van die inwerkingtreding van hierdie Wet—

(a) word die bates, laste en rekords van die Bestemmingbemarkingsorganisasie wat onmiddellik voor die inwerkingtreding van hierdie Wet gehou is, na die Agentskap oorgedra; en

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(b) eindig die termyn van aanstelling van lede van die Raad van die Bestemmingbemarkingsorganisasie wat nie onmiddellik voor die inwerkingtreding van hierdie Wet verstryk het nie.

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(5) Die Raad van direkteure van die Agentskap is, ten opsigte van die 2012/2013, en indien van toepassing 2013/2014, finansiële jare verantwoordelik vir—

(a) die opstel en voorlegging van finansiële state en jaarverslae van die Bestemmingbemarkingsorganisasie; en

(b) die finalisering van alle uitstaande aangeleenthede van die Bestemmingbemarkingsorganisasie,

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in ooreenstemming met die Wet op Openbare Finansiële Bestuur, 1999.

(6) Die verantwoordelike Minister, of die rekenpligtige beampte indien daartoe gemagtig deur die verantwoordelike Minister, kan voorskrifte uitreik om aan hierdie artikel uitvoering te gee.

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(7) Die Agentskap gaan voort om as 'n provinsiale openbare entiteit te bestaan maar staan na die inwerkingtreding van hierdie Wet bekend as die Wes-Kaapse Toerisme-, Handels- en Investeringsbevorderingsagentskap.

(8) 'n Verwysing in enige wet of dokument na die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap of die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap word uitgelê as 'n verwysing na die Wes-Kaapse Toerisme-, Handels- en Investeringsbevorderingsagentskap. 5

(9) Die regsidentiteit en die regte en verpligtinge van die provinsiale openbare entiteit in subartikel (7) bedoel, word nie deur sy naamsverandering geraak nie.

(10) Ondanks artikels 4, 5, 10, 11 en 15 van hierdie Wet bly enige persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n amp beklee ingevolge artikel 3, 7(5) of 10 van die Hoofwet, voor wysiging by hierdie Wet, in die amp aan vir die termyn van daardie persoon se aanstelling en word sodanige persoon geag behoorlik aangestel te wees vir die onverstreke gedeelte van sy of haar ampstermyn. 10

Kort titel

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18. Hierdie Wet heet die Wes-Kaapse Wysigingswet op die Investerings- en Handelsbevorderingsagentskap, 2013.

INQAKWANA LOKUCACISA NGOKUBANZI:

[] Amagama abhalwe ngqindilili kwizibiyeli ezisisikwere abonisa loo magama ashayiweyo kwimithetho ekhoyo ngoku.

Amagama akwelwe ngaphantsi ngomgca ongqindilili abonisa oko kuye kwafakelwa kwimithetho ekhoyo ngoku.

(Uxwebhu lwesAfrikaans lutyikitywe yiNkulumbuso)
(Lwamkelwe ngowe 20 Agasti 2013)

UMTHETHO WOLUNGISO

Owenza izilungiso kuMthetho weNtshona Koloni weArhente yoKhuthazo loTyalo-mali noRhwebo, 1996; ngenjongo zokwandisa iinjongo, amagunya kunye nomsebenzi we-Arhente yeNtshona Koloni yoKhuthazo loTyalo-mali noRhwebo namagunya nemisebenzi yabalawuli beBhodi yeArhente (iBhodi) negosa lolawulo eliyintloko kuquka nokukhuthaza ezokhenketho, osusa iinkcazo-magama eziphelelwe lixesha kunye neemfuno ezingqamene namalungu eArhente; omisela igama lorhwebo lweArhente; owenza izilungiso kumgaqo-siseko weBhodi ngokususa abameli kumalungu eArhente novumela ukumelwa kwabantu abasuka kurhulumente wommandla; ofuna ulwazi kwimicimbi yezokhenketho, urhwebo, nokhuthazo lotyalo-mali kunye namava abalawuli beBhodi nawegosa elilawulayo eliyintloko; onikeza uMphathiswa igunya lokuba amisele usihlalo kunye nosekelasihlalo weBhodi; ovuma isithuba seminyaka emithathu sokonyulwa kwabalawuli beBhodi; owenza izilungiso kumagunya eBhodi okonyula iikomiti kunye nokuvumela iBhodi ukuba imisele usihlalo weKomiti nganye, owenza izilungiso kwigama leArhente, oyekisa uMbutho wokuMaketha iNdawo yokuFikela, olungiselela utshitshiso lweWestern Cape Tourism Act; 2004; nolungiselela neminye imiba enxulumene nale.

KUWISWA UMTHETHO ke yiPalamente yePhondo leNtshona Koloni ngolu hlobo lulandelayo:—

Ukufakelwa kwembulambethe kuMthetho 3 ka-1996, njengoko ufakelwe ngokweCandelo 1 loMthetho 1 ka-2005

1. Le mbulambethe ilandelayo ifakwe endaweni yembulambethe yoMthetho 5 weNtshona Koloni woKhuthazo loTyalo-mali noRhwebo, 1996 (uMthetho 3 ka-1996) 10 (uMthetho wanqangi):

“**NJENGOKO** urhulumente wephondo leNtshona Koloni enoxanduva lokukhuthaza urhwebo ukhenketho notyalo-mali kweli phondo, nanjengoko ekholelwa ukuba ukufezekiseka kwezi njongo kungenzeka ngocikizeko 10 ngokusebenzisana ngobuhlakani necandelo labucala nolawulo lweedolophu nezithili, nanjengoko urhulumente enqwenela ukuseka ngomthetho wephondo eli, isigqeba esizimeleyo esiliziko likarhulumente wephondo sokukhuthaza utyalo-mali norhwebo olunozinzo ngokwakokusingqongileyo nolunika inkxaso kwintlalo

yoluntu kukhenketho, urhwebo, [neli]notyalo-mali kuqoqosho lweli phondo, ngoko ke ngoku[:],”.

Ukwenziwa kwezilungiso kwicandelo 1 loMthetho 3 ka-1996, njengoko ulungisiwe kwicandelo 2 loMthetho 1 ka-2005

2. Icandelo 1 loMthetho wanqangi lenziwa izilungiso— 5
 (a) ngokuthi kususwe inkcazo-gama “lungu”, kananjalo—
 (b) nangokuthi kususwe inkcazo-gama “ndawo yokusebenzela”.

Ukwenziwa kwezilungiso kwicandelo 2 loMthetho 3 ka-1996, njengoko ufakelwe kwicandelo 4 loMthetho 1 ka-2005

3. Icandelo 2 loMthetho wanqangi lenziwa izilungiso— 10
 (a) ngokuthi endaweni yecandelwana (2) kufakwe eli candelwana lilandelayo:
 “(2) Le Arhente iza kuba sisigqeba esinokubambisa nesinokubanjiswa nesikwaziyo ukwenza yonke loo misebenzi iyimfuneko okanye iphathelele ekufezekisweni kweenjongo zaso nasekusetyenzisweni kwamagunya aso ngokwakulo Mthetho, kwaye akukho [lungu okanye] mlawuli wesi sigqeba uya kuthi athwale naliphi na ityala okanye naziphi na iilahleko zaso, kunye
 (b) nangokuthi kongezwe eli candelwana lilandelayo emva kwecandelwana (3):
 “(4) IBhodi ingakwazi, emva kokudibana noMphathiswa, ukumisela igama loshishino lweArhente.” 20

Ukwenziwa kwezilungiso kwicandelo 3 loMthetho 3 ka-1996, njengoko ufakelwe kwicandelo 5 loMthetho 1 ka-2005

4. Icandelo 3 loMthetho wanqangi lenziwa izilungiso—
 (a) ngokuthi kufakelwe endaweni yomhlathi (d) wecandelwana (2) lo mhlathi ulandelayo: 25
 (d) [kuthathelwe icandelwana (4) ingqalelo, abalawuli abangadlulanga] kwababini abanyulwe ngurhulumente wommandla olungisiweyo, omnye uza kumela uluhlu B loomasipala ukuze omnye amele uluhlu C loomasipala [kula malungu]; kunye
 (b) nokuthi kufakelwe endaweni yeli binzana kwicandelwana (3) “iBhodi yaBalawuli” eli ibinzana “iBhodi yabalawuli”;
 (c) ngokuthi kufakelwe endaweni yecandelwana (4) eli candelwana lilandelayo: 35
 “(4)(a) Aba Balawuli beBhodi bakhankanywe kwicandelwana (2)(d), banokuthi banyulwe nguMphathiswa kuphela emva kokuba kuye kwalandelwa inkqubo yonyulo yangaphakathi ngokwezo zikhokelo zinokumana zikhutshwa yiBhodi.
 (b) Aba [Balawuli] [bakhankanywe kumhlathi (a)] kufuneka ukuba, phezu kokuba bethe bayifezekisa le miqathango ikhankanywe kwicandelwana (5), babe ngabantu abakwizihlalo zobunkokeli nabanezakhono zobunkokeli ezivunyiweyo.”;
 (d) ngokufakela endaweni yomhlathi (a) wecandelwana (5) umhlathi
 (a) weli candelwana lilandelayo:
 (e) makabe nolwazi ngokhenketho urhwebo [kunye] okanye notyalo-mali;
 (b) ngokufakela endaweni yomhlathi (b) wecandelwana (5) lo mhlathi ulandelayo (b) abe namava kukhuthazo ngokhenketho, urhwebo 45
 [kunye] okanye notyalo-mali; kananjalo
 (f) ngokuthi kufakelwe eli candelwana lilandelayo emva kwecandelwana (6):
 “(7) UMphathiswa, emva kokuba edibene noSodolophu olawulayo, makakhethe usihlalo nosekela-sihlalo weBhodi kubalawuli beBhodi abakhoyo njengoko kumiselwe nguMphathiswa ngexesha lokukhethwa kwabo.” 50

Ukwenziwa kwezilungiso kwicandelo 3A loMthetho 3 ka-1996, njengoko ufakiwe licandelo 6 loMthetho 1 ka-2005

5. Icandelo 3A loMthetho wanqangi lilungisiwe—
 (a) ngokuthi kufakelwe endaweni yecandelwana (1) eli candelwana lilandelayo: 55

- “(1) Aba Balawuli beBhodi bakhankanywe kwicandelo 3(2)(a) **[,(b)kanye no(c)]** ukuya ku-(d), banyulelwa eso sithuba sithe sabekwa ngexesha lokunyulwa kwabo, kodwa ke singasayi kudlula kwiminyaka **[emibini]** emithathu.”; kananjalo
(b) ngokuthi kususwe icandelwana (2). 5

Ukwenziwa kwezilungiso kwicandelo 4 loMthetho 3 ka-1996, njengoko ufakelwe kwicandelo 7 loMthetho 1 ka-2005

6. Icandelo 4 loMthetho wanqangi lenziwa izilungiso ngokuthi kufakelwe endaweni yomhlathi (a) lo mhlathi ulandelayo:
“(a) ukukhuthaza **[utyalo-mali kanye no] ukhenketho**, urhwebo **[phakathi]** 10
kananjalo notyalo-mali kwiPhondo eli; kananjalo”.

Ukwenziwa kwezilungiso kwicandelo 5 loMthetho 3 ka-1996, njengoko ulungisiwe kwicandelo 8 loMthetho 1 ka-2005

7. Icandelo 5 loMthetho wanqangi lenziwa izilungiso—
- (a) ngokuthi kufakelwe endaweni yomhlathi (f) lo mhlathi ulandelayo: 15
“(f) lokunika naliphi na ishishini, inkampani okanye imbumba yabantu uncedo lokubhengeza ukhenketho, urhwebo notyalo-mali neengcebiso zobungcali, iinkcukacha nezikhokelo, ethe yayicela njalo iArhentele **[kananjalo/okanye]** okanye nenokuthi iyincedise iArhente le ekufezekiseni **[iinjongo]** iinjongo zayo;”;
- (b) ngokuthi kufakelwe endaweni yomhlathi (h) lo mhlathi ulandelayo: 20
“(h) lokusebenza njengearhente yokhuthazo lokhenketho, urhwebo notyalo-mali egameni lePhondo eli, **[elakhe nawuphi na umasipala okanye naliphi na inqanaba loburhulumente okanye nawuphi na umntu okanye umbutho othathwa yiBhodi njengomnye kumaqela achaphazelekayo kuqoqosho]** nokuququzelelela imisebenzi ecwangcisiweyo yoshishino oluya kwindawo ngeendawo lweNtshona Koloni;”;
- (c) ngokuthi kufakelwe endaweni yomhlathi (j) lo mhlathi ulandelayo: 30
“(j) lokufuna nokwamkela amalizo okanye nelokuthatha naziphi na iimali ezinikwayo okanye efanele kuzifumana ngeenjongo zokukhuthaza ukhenketho, urhwebo notyalo-mali eNtshona Koloni;”;
- (d) ngokuthi kufakelwe endaweni yomhlathi (l) lo mhlathi ulandelayo: 35
“(l) ukuphuhlisa, ukuqulunqa nokukhuthaza ukhenketho, urhwebo notyalo-mali lwephondo kanye [nokucwangcisa kananjalo] nokuqulunqa nayiphi na iprowujekthi **[okanye urhwebo]** oluya kuthi **[luphucule utyalo-mali norhwebo]** luthathele ingqalelo uqoqosho lweNtshona Koloni;”;
- (e) ngokufakela endaweni yomhlathi (m) lo mhlathi ulandelayo: 40
“(m) lokufaka kutyalo-mali naziphi na iimali ekungangxamelekanga ukusetyenziswa kwazo kwimicimbi yayo **[,kanye]**;”;
- (f) ngokufaka endaweni yomhlathi (n) lo mhlathi ulandelayo: 45
“(n) nelokusebenzisa nawaphi na amanye amagunya anokuthi abe yimfuneko ekufezekisweni kweenjongo zayo, ngokokubona koMphathiswa nalapho uMphathiswa, ngothethwano neBhodi, anokuthi anikwe iArhente ngesaziso esikhutshwe *kwiGazethi yePhondo* [.]”; ngokunjalo
- (g) ngokuthi kongezwe le mhlathi ilandelayo emva komhlathi (n): 50
“(o) ukukhuthaza iPhondo ngenjendawo yokhenketho;
(p) ukukhuthaza iiholide nokhenketho loshishino nemisebenzi, kananjalo
(q) ukukhuthaza ulungelelwano lwemisebenzi yoshishino yephondo kumacandelo onke okhenketho kwiPhondo lisebenzisana namashishini karhulumente nawabucala.”. 55

Ukutshitshiswa kwecandelo 6 loMthetho 3 ka-1996, njengoko lifakwe kwicandelo 9 loMthetho 1 ka-2005

8. Icandelo 6 loMthetho wanqangi liyatshitshiswa.

Ukwenziwa kwezilungiso kwicandelo 7 loMthetho 3 ka-1996, njengoko lifakwe kwicandelo 10 loMthetho 1 ka-2005

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9. Icandelo 7 loMthetho wanqangi lenziwa izilungiso—

(a) ngokuthi kususwe icandelwana(5);

(b) ngokuthi kufakelwe endaweni yomhlathi (a) wecandelwana (7) lomhlathi ulandelayo:

“(a) [**Amalungu**] abalawuli beBhodi abangene ngokwezikhundla zabo ngokwemiqathango yecandelo [**3(5)(a)**] 3(2)(a), (b) no-(e) 40 akanamalungelo okuvota, kodwa ke analo ilungelo lokungena ezingxoxweni zayo yonke imiba ephambi kweBhodi.”; kanaanjalo

(c) ngokuthi kufakelwe endaweni yecandelwana (9) eli candelwana lilandelayo:

“(9) Isigqibo esithe sathathwa yiBhodi ngexesha ebekukho isikhewu kumalungu ayo, xa bekukho nawuphi na umntu owayengafanelanga kuhlala njengo [**elungu**] mlawuli leBhodi owathi wahlala njengo [**elungu**] mlawuli, asisisigqibo singekho mthethweni ukuba—

(a) isigqibo eso sathathwa sisininzi sabo bonke [**amalungu**] abalawuli beBhodi; kwaye

(b) babe abo [**malungu**] balawuli bebeseso sininzi ingabalawuli ababenelungelo lokuhlala njenga [**amalungu**] balawuli.”.

Ukwenziwa kwezilungiso kwicandelo 8 loMthetho 3 ka-1996, njengoko ulungisiwe kwicandelo 11 loMthetho 1 ka-2005

10. Icandelo 8 loMthetho wanqangi lenziwa izilungiso—

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(a) ngokuthi kufakwe endaweni yomhlathi (a) yecandelwana (2) lo mhlathi ulandelayo:

“(a) IBhodi isenokuthi iseke iikomiti esiquka amalungu anezakhono ezifanelekileyo ukuncedisa iBhodi ekusebenziseni kwayo amagunya ayo, nasekwenzeni kwayo imisebenzi yayo.

(b) ngokususa imihlathi (a) no (b) wecandelwana (3);

(c) ngokuthi kufakwe endaweni yomhlathi (c) kwicandelo (3) lo mhlathi ulandelayo:

“(c) Le komiti ikhankanywe [**kumhlathi (a)(iii) okanye (iv)**] kwicandelwana (2)(a) kufuneka ingabi namalungu adlulileyo kumalungu alishumi, [nekufuneka elinye lawo libe ngumlawuli, aze onke amanye ibe ngala akhankanywe kwicandelo 6] njengoko kumiselwe yiBhodi.”; kanaanjalo

(d) ngokuthi kufakwe endaweni yecandelwana (4) eli candelwana lilandelayo:

“(4) IBhodi mayonyule usihlalo wekomiti nganye kubalawuli bebhodi.”.

Ukwenziwa kwezilungiso kwicandelo 10 loMthetho 3 ka-1996, njengoko ufakwe kwicandelo 13 loMthetho 1 ka-2005

11. Icandelo 10 loMthetho wanqangi lenziwa izilungiso ngokuthi kufakwe endaweni yecandelo (1) eli candelwa lilandelayo:

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“(1) IBhodi, ngothethwano noMphathiswa noSodolophu olawulayo nasemva kokuba kuye kwaqhutywa iphulo lobhengezo, kufuneka inyule umntu ofanelekileyo onolwazi namava ngokhuthazo [**lotyalo-mali kunye**] lokhenketho urhwebo notyalo-mali njengegosa elilawulayo eliyintloko leBhodi”.

Ukwenziwa kwezilungiso kwicandelo 11 loMthetho 3 ka-1996, njengoko ufakwe kwicandelo 14 loMthetho 1 ka-2005

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12. Icandelo 11 loMthetho wanqangi lenziwa izilungiso ngokuthi kufakwe endaweni yomhlathi (g) lo mhlathi ulandelayo:

“(g) liqinisekise ukuba iArhente le iyazilandela ekusebenzeni kwayo zonke izivumelwano zeekhontrakthi nokuba iyayisebenzisa imigaqo-nkqubo [yotyalo-mali kunye] yokhenketho, urhwebo, kunye notyalo-mali norhwebo.”

Ukwenziwa kwezilungiso kwicandelo 12 loMthetho 3 ka-1996, njengoko kufakwe kwicandelo 15 loMthetho 1 ka-2005 5

13. Icandelo 12 loMthetho wanqangi lenziwa izilungiso—

(a) ngokuthi kufakelwe endaweni yomhlathi (c) wecandelo (1) lo mhlathi ulandelayo

“(c) imali enikwe iArhente le njengelizo nguye nawuphi na umntu okanye lilo naliphi na iziko; kunye; kananjalo

(b) kususwe umhlathi (d) wecandelwana (1).

Ukufakelwa endaweni yebinzana

14. UMthetho wanqangi, ngaphandle kwecandelo 20, wenziwe izilungiso ngokuthi kufakelwe endaweni yebinzana i“Arhente yoTyalo-mali noRhwebo”, naphi na apho livela khona, eli binzana i“Arhente yoKhuthazo lokhenketho, uTyalo-mali noRhwebo”. 15

Ukutshitshiswa koMbutho wokuMaketha iNdawo yokuFikela

15. UMbutho wokuMaketha iNdawo yokuFikela osekwe phantsi kwecandelo 2(1) lweWestern Cape Tourism Act, 2004 (uMthetho 1 ka2004, uyatshitshiswa.

Ukurhoxiswa koMthetho iWestern Cape Tourism Act 20

16. UMthetho iWestern Cape Tourism Act, 2004, uyarhoxiswa.

Amanyathelo exeshana nalawo aza kugcinwa

17. (1) Kweli candelo—

“igosa elinika inkcazo” lithetha intloko yesebe kwiphondo eyongamele uphuhliso loqoqosho nokhenketho; 25

“UMbutho wokuMaketha iNdawo yokuFikela” lithetha iqumrhu UMbutho wokuMaketha iNdawo yokuFikela eyamiselwa ngokwecandelo 2(1) loMthetho iWestern Cape Tourism Act, 2004, phambi kokuba litshitshiswe ngulo Mthetho;

“umhla ofanelekileyo” lithetha umhla woku-1 Epreli 2012 ongumhla wokukhutshelwa kwabasebenzi kunye neempahla zoMbutho wokuMaketha iNdawo yokuFikela zisiya kwiArhente ngokwemiqathango yesivumelwano phakathi kweArhente noMbutho wokuMaketha iNdawo yokuFikela sangomhla wama-26 Matshi 2012;

“UMphathiswa owongameleyo” lithetha ilungu leKhabhinethi yePhondo elongamele uphuhliso loqoqosho nokhenketho; 35

“iArhente” lithetha iArhente yeNtshona Koloni yoKhuliso loTyalo-mali noRhwebo esekwe ngokwemiqathango yecandelo 2 loMthetho iArhente yeNtshona Koloni yoKhuliso loTyalo-malinoRhwebo, ka-1996 (uMthetho 3 ka-1996) njengoko ulungisiwe kulo Mthetho.

(2) Le Arhente ingene ngokusemthethweni endaweni yoMbutho wokuMaketha indawo yokuFikela. 40

(3) Ukusuka ngomhla wokusebenza kwayo, abo basebenzi bebeqeshwe nguMbutho wokuMaketha iNdawo yokuFikela ngalo mhla, bakhutshelwa kwiArhente ngesivumelwano soMthetho weMicimbi yezaBasebenzi, ka-1995 (uMthetho 66 ka-1995). 45

(4) Xa uqalisa ukusebenza lo Mthetho—

(a) ii-asethi, amatyala, namarekhodi oMbutho wokuMaketha iNdawo yokuFikela ebebenazophambi kokuqala kwalo Mthetho, zikhutshelwa kwiArhente, kwaye

(b) ixesha elingekapheli lamalungu akhethiweyo eBhodi yoMbutho wokuMaketha iNdawo yokuFikela liyaphela, phambi kokuqalisa kwalo. 50

(5) IBhodi yabalawuli beArhente, kunyaka-mali ka-2012/13, no-2013/14 ukuba kufanelekile inoxanduva—

- (a) okucwangcisa nokufaka ingxelo-mali ngengxelo yonyaka yoMbutho wokuMaketha iNdawo yokuFikela,; kunye
- (b) nokugqityezelwa kwayo yonke imiba ebishiyekile yoMbutho wokuMaketha iNdawo yokuFikela ngokwemiqathango yoMthetho iPublic Finance Management Act,1999 (uMthetho 1 ka-1999). 5
- (6) UMphathiswa owongameleyo okanye igosa elinika inkcazo, ukuba linikiwe igunya nguMphathiswa owongameleyo, banganika umkhombandlela ekusebenzeni kweli candelo.
- (7) iqhubeka isebenza njengeziko likarhulumente elizimeleyo, kodwa iza kwaziwa emva kokuqala ukusebenza kwalo Mthetho njengokuba yiArhente yeNtshona Koloni yoKhuthazo loKhenketho, uTyalo- mali noRhwebo. 10
- (8) Umba ekubhekiswe kuwo, kuwo nawuphi na umthetho okanye uxwebhu omalunga neArhente yeNtshona Koloni yoKhuthazo loTyalo-mali noRhwebo mawufundwe njengomba obhekisa kwiArhente yeNtshona Koloni yoKhuthazo loKhenketho, uTyalomali noRhwebo. 15
- (9) Isigqeba somthetho, amalungelo noxanduva lweli ziko likarhulumente elizimeleyo lephondo njengoko kubhekiselelwe kwicandelwana (7) azichatshazelwa lutshintsho lwegama.
- (10) Ngaphandle kwamacandelo 4, 5, 10, 11 no-15 alo Mthetho, naye nawuphi na umntu onesikhundla, ngokwecandelo 3, 7(5) loMthetho wanqangi, phambi kokwenziwa kwezilungiso kulo Mthetho, uyaqhubeka kwisikhundla sakhe kangangexesha ebemiselwe lona kwaye uthathwa njengonyulwe ngokufanelekileyo, ngeli thuba lingekaphelelwa ixesha labo kwezo zikhundla. 20

Isihlokwana esifutshane

- 18.** Lo Mthetho uya kubizwa ngokuba nguMthetho weArhente yoPhakanyiso loTyalo-mali ezRhwebo weNtshona Koloni, ka-2013. 25

