

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
FINANCIAL AND FISCAL  
COMMISSION AMENDMENT  
BILL**

[B 21-2003]

*(As agreed to by the Portfolio Committee on Finance  
(National Assembly))*

[B 21A-2003]

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**AMENDMENTS AGREED TO**  
**FINANCIAL AND FISCAL COMMISSION AMENDMENT BILL**  
**[B 21-2003]**

**CLAUSE 1**

1. On page 2, from line 7, to omit subsection (2A) and to substitute:

"(2A)(a) An organ of state in one sphere of government which seeks to assign any power or function to an organ of state in another sphere of government, in accordance with any law, must notify the Commission of the financial and fiscal implications of such assignment and request the recommendation or advice of the Commission regarding such assignment.

(b) The Commission must, not later than 90 days from the date of its receipt of the notification and request contemplated in paragraph (a) or such other period agreed with the relevant organ of state, make such recommendation or give such advice on the intended assignment as may be appropriate.

(c) An assignment contemplated in paragraph (a) has no legal force unless the organ of state making such assignment has given consideration to the Commission's recommendation or advice contemplated in paragraph (b) and has taken into account measures established in terms of national legislation to promote and enforce transparency and effective financial and fiscal management .

(d) The organ of state assigning any power or function to another organ of state must indicate to the Commission, the organ of state to which a power or function is being assigned, the National Treasury and any other functionary responsible for authorising such assignment, the extent to which it has considered the Commission's recommendation or advice.

(e) Despite paragraph (c), if the Commission does not make a recommendation or give advice within the period contemplated in paragraph (b), the relevant organ of state may, after consultation with the National Treasury, proceed to assign a power or function to another organ of state if such assignment takes into account the measures established in terms of national legislation referred to in paragraph (c).

(2B) An organ of state must notify the Commission or request the Commission to perform a function in the form prescribed by the Commission."; and

**CLAUSE 2**

1. On page 3, after line 23, to add:

(3) An appointment to any vacancy on the Commission must be made not later than 90 days from the date when such vacancy occurs.

## SCHEDULE

1. On page 5, in the column marked "**Extent of amendment**", to omit subsection (2) and to substitute:

(2)(a) If there is one vacancy, the executive committee of the national organisation must compile a list consisting of no more than four and no less than two nominees from the nominees contemplated in subsection (1).

(b) If there are two vacancies, the executive committee of the national organisation must compile a list consisting of no more than six and no less than four nominees from the nominees contemplated in subsection (1).