

REPUBLIC OF SOUTH AFRICA

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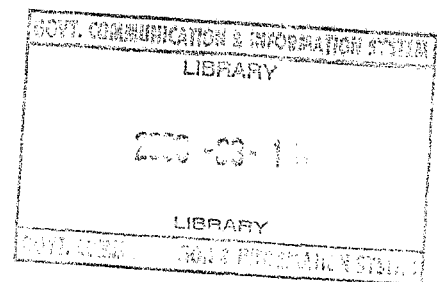
**SELECT COMMITTEE AMENDMENTS  
TO  
FINANCIAL AND FISCAL  
COMMISSION AMENDMENT  
BILL**

[B 21B—2003]

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*(As agreed to by the Select Committee on Finance (National Council of Provinces))*

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[B 21C—2003]

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## AMENDMENTS AGREED TO

### FINANCIAL AND FISCAL COMMISSION AMENDMENT BILL [B 21B—2003]

#### CLAUSE 1

1. On page 2, in line 6, to omit the second “subsection” and to substitute “subsections”.
2. On page 2, from line 7, to omit paragraph (a) and to substitute:
  - (a) An organ of state in one sphere of government which seeks to assign a power or function to an organ of state in another sphere of government in terms of a law must first, before assigning the power or function—
    - (i) notify the Commission of the fiscal and financial implications of such assignment on—
      - (aa) the future division of revenue raised nationally between the spheres of government as required by section 214 of the Constitution;
      - (bb) in the case of an assignment to a provincial or local organ of state, the fiscal power, fiscal capacity and efficiency of the relevant province or municipality; and
      - (cc) any transfer of employees, assets and liabilities, if any; and
    - (ii) request the recommendation or advice of the Commission regarding such assignment.
3. On page 2, in line 13, to omit “90” and to substitute “180”.
4. On page 2, in line 21, to omit all the words after “(b)” up to and including “management” in line 23.
5. On page 3, in line 6, to omit “established in terms of national legislation referred to in paragraph (c)” and to substitute “referred to in subsection (2A)(a)(i)”.
6. On page 3, after line 9, to insert:
  - (2C) If the Commission fails to comply with subsection (2A)(b), the Commission must submit written reasons for such failure to Parliament, and if appropriate, also to the relevant provincial legislature.
  - (2D) Before requesting the recommendation or advice of the Commission, the organ of state seeking to assign the power or function, must in the case—
    - (a) of a national organ of state, obtain the written approval of the National Treasury; or
    - (b) of a provincial organ of state, obtain the written approval of the provincial treasury.

#### CLAUSE 2

1. On page 3, in line 31, after “Minister” to insert:  
 ,within 14 days of receiving the Commission’s written notification of the vacancy,

## CLAUSE 3

1. On page 3, in line 51, to omit "5(b)" and to substitute "[5(b)] 5(1)(b)".
2. On page 3, in line 53, to omit "5(c)" and to substitute "[5(c)] 5(1)(c)".

## CLAUSE 4

1. On page 4, in line 5, to omit all the words after "statements" up to and including "practice" in line 6 and to substitute:

[in accordance with generally accepted accounting practice] as required by the Public Finance Management Act, 1999 ( Act No. 1 of 1999)

## CLAUSE 7

1. On page 4, in line 22, to omit "2" and to substitute "5".

## SCHEDULE

1. On page 5, in the third column, in subsection (1), to omit "each provincial organisation may nominate one person in writing" and to substitute:

the Minister, within 14 days of receiving the Commission's notification of the vacancy, must notify the national organisation to request each provincial organisation to nominate one person in writing within 45 days to the national organisation

2. On page 5, in the third column, in subsection (2)(a), to omit "and no less than two".
3. On page 5, in the third column, in subsection (2)(b), to omit "and no less than four".
4. On page 5, in the third column, in subsection (3), after "Finance" to insert:  
within 76 days after receiving notification from the Minister about the vacancy