NORTHERN CAPE PROVINCE

PROFENSI YA KAPA-BOKONE | NOORD-KAAP PROVINSIE

IPHONDO LOMNTLA KOLONI

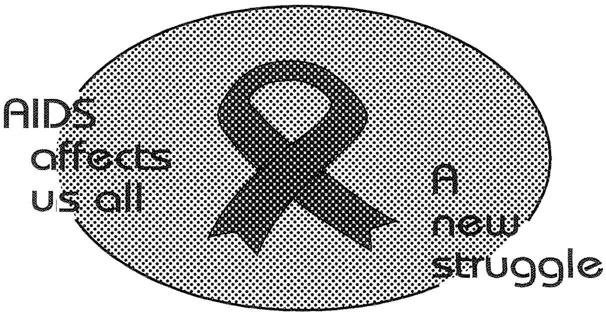
EXTRAORDINARY • BUITENGEWONE

Provincial Gazette | **iGazethi YePhondo**

Kasete ya Profensi | **Provinsiale Koerant**

Vol. 21 | **KIMBERLEY,** 15 APRIL 2014 | **No. 1798**

We all have the power to prevent AIDS



Prevention is the cure

AIDS

HELPLINE

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DEPARTMENT OF HEALTH

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CONTENTS • INHOUD

No.		*Page No.*	*Gazette No.*
	GENERAL NOTICES • ALGEMENE KENNISGEWINGS		
41	Northern Cape Heritage Resources Authority Act (9/2013): Invitation to interested parties to nominate persons to serve on the Board of the Authority	3	1798
41	Wet op die Noord-Kaapse Erfenishulpbronowerheid (9/2013): Uitnodiging aan belanghebbendes om persone te nomineer wat op die Raad van die Owerheid kan dien	4	1798
42	Northern Cape Heritage Resources Authority Act (9/2013): Remuneration of members of the Northern Cape Heritage Resources Authority Council	5	1798
42	Wet op die Noord-Kaapse Erfenishulpbronowerheid (9/2013): Vergoeding van lede van die Raad van die Noord-Kaapse Erfenishulpbronowerheid	6	1798
43	Northern Cape Arts and Culture Council Act (8/2014): Remuneration of members of the Northern Cape Arts and Culture Council	7	1798
43	Wet op die Noord-Kaapse Kunste en Kultuurraad (8/2013): Vergoeding van lede van die Noord-Kaapse Kunste en Kultuurraad	8	1798
44	Proposed Northern Cape Sport and Recreation Authority Bill, 2014: For public comment	34	1798
44	Voorgestelde Wetsontwerp op die Noord-Kaapse Sport en Ontspanningsowerheid, 2014: Vir openbare kommentaar	9	1798

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 41 OF 2014

NORTHERN CAPE PROVINCIAL GOVERNMENT
DEPARTMENT OF SPORT, ARTS AND CULTURE

Notice in terms of Section 6 (3) of the Northern Cape Heritage Resources Authority Act, 2013, (Act 9 of 2013): Invitation to interested parties to nominate persons to serve on the Board of the Authority

Interested parties are hereby invited to nominate suitable persons, falling within one or more of the categories of persons mentioned in section 8 (1) of the above Act and who are eligible to serve as members of the Board of the Authority in compliance with section 8 of the Act.
Witten nominations may be submitted to the Department of Sport, Arts and Culture and must be directed to:

Patrick Montwedi
Head: Office of the MEC
Brian Hermanus House
1 Albertyn Street
New Park
Private Bag X6091
Kimberley
8300

Tel: 053 8314152
Fax: 053 8331454
E-mail: pmontwedi@ncpg.gov.za,

no later than **9 May 2014**.

....
P J WILLIAMS, MPL
MEC: Sport, Arts and Culture

KENNISGEWING 41 VAN 2014

PROVINSIALE REGERING VAN DIE NOORD-KAAP
DEPARTMENT VAN SPORT, KUNS EN KULTUUR

Kennisgewing ingevolge artikel 6 (3) van die Wet op die Noord-Kaapse Erfenishulpbronowerheid, 2013 (Wet No 9 van 2013): Uitnodiging aan belanghebbendes om persone te nomineer wat op die Raad van die Owerheid kan dien

Belanghebbendes word hiermee uitgenooi om geskikte persone, wat binne een of meer van die kategorieë van persone genoem in artikel 8 (1) van bogenoemde Wet val en wat ter voldoening aan die bepalings van artikel 8 van die Wet geskik is om as lede van die Raad van die Owerheid te dien, te nomineer.

Skriftelike voorleggings kan gedoen word aan die Departement van Sport, Kuns en Kultuur en moet gerig word aan:

Patrick Montwedi
Hoof: Kantoor van die LUR
Brian Hermanus House
Albertynstraat 1
New Park
Privaatsak X 6091
KIMBERLEY
8300

Tel: 053 8314152
Faks: 053 8331454
E-pos: pmontwedi@ncpg.gov.za ,

nie later as **9 Mei 2014** nie.

....

P J WILLIAMS, LPW
LUR: Sport, Kuns en Kultuur

NOTICE 42 OF 2014

NORTHERN CAPE PROVINCIAL GOVERNMENT

DEPARTMENT OF SPORT, ARTS & CULTURE

NOTICE IN TERMS OF SECTION 11 (3) OF THE NORTHERN CAPE HERITAGE RESOURCES AUTHORITY ACT, 2013 (ACT NO 9 OF 2014): REMUNERATION OF MEMBERS OF THE NORTHERN CAPE HERITAGE RESOURCES AUTHORITY COUNCIL

In terms of the powers vested in me by section 11(3) of the above Act, I, Pauline Jeanette Williams, MEC for Sport, Arts & Culture hereby determine the remuneration payable to members of the Council from 1 April 2014 as follows:

Allowance per sitting day

Chairperson	R3 300.00
Deputy Chairperson	R2 600.00
Member	R2 000.00

Hourly allowance

An hourly allowance is payable for work done by a member as required by the Council, on a day other than a sitting day, to a maximum of 8 hours per day:

Chairperson	R410.00
Deputy Chairperson	R330.00
Member	R250.00

....
P J Williams, MPL
MEC: Sport, Arts & Culture

KENNISGEWING 42 VAN 2014

PROVINSIALE REGERING VAN DIE NOORD-KAAP

DEPARTEMENT VAN SPORT, KUNS EN KULTUUR

KENNISGEWING INGEVOLGE ARTIKEL 11(3) VAN DIE WET OP DIE NOORD-KAAPSE ERFENISHULPBRONOWERHEID, 2013 (WET NO 9 VAN 2013): VERGOEDING VAN LEDE VAN DIE RAAD VAN DIE NOORD-KAAPSE ERFENISHULPBRONOWERHEID

Kragtens die bevoegdheid my verleen by artikel 11(3) van bogenoemde Wet, bepaal ek, Pauline Jeanette Williams, LUR vir Sport, Kuns en Kultuur hierby die vergoeding betaalbaar aan lede van die Raad vanaf 1 April 2014 soos volg:

<u>Sittingstoelae per dag</u>

Voorsitter	R3 300.00
Ondervoorsitter	R2 600.00
Lid	R2 000.00

<u>Uurtoelae</u>

'n Uurtoelae is betaalbaar vir werk deur 'n lid gedoen op 'n dag wat nie 'n sittingsdag is nie, soos vereis deur die Raad, tot 'n maksimum van 8 ure per dag:

Voorsitter	R410.00
Ondervoorsitter	R330.00
Lid	R250.00

....

P J Williams LPW
LUR: Sport, Kuns & Kultuur

NOTICE 43 OF 2014

NORTHERN CAPE PROVINCIAL GOVERNMENT

DEPARTMENT OF SPORT, ARTS & CULTURE

NOTICE IN TERMS OF SECTION 10 (3) OF THE NORTHERN CAPE ARTS AND CULTURE COUNCIL ACT, 2013 (ACT NO 8 OF 2014): REMUNERATION OF MEMBERS OF THE NORTHERN CAPE ARTS AND CULTURE COUNCIL

In terms of the powers vested in me by section 10(3) of the above Act, I, Pauline Jeanette Williams, MEC for Sport, Arts & Culture hereby determine the remuneration payable to members of the Council from 1 April 2014 as follows:

<u>Allowance per sitting day</u>

Chairperson	R3 300.00
Deputy Chairperson	R2 600.00
Member	R2 000.00

<u>Hourly allowance</u>

An hourly allowance is payable for work done by a member as required by the Council, on a day other than a sitting day, to a maximum of 8 hours per day:

Chairperson	R410.00
Deputy Chairperson	R330.00
Member	R250.00

....
P J Williams, MPL
MEC: Sport, Arts & Culture

KENNISGEWING 43 VAN 2014

PROVINSIALE REGERING VAN DIE NOORD-KAAP

DEPARTEMENT VAN SPORT, KUNS EN KULTUUR

KENNISGEWING INGEVOLGE ARTIKEL 10(3) VAN DIE WET OP DIE NOORD-KAAPSE KUNSTE EN KULTUURRAAD, 2013 (WET NO 8 VAN 2013): VERGOEDING VAN LEDE VAN DIE NOORD-KAAPSE KUNSTE EN KULTUURAAD

Kragtens die bevoegdheid my verleen by artikel 10(3) van bogenoemde Wet, bepaal ek, Pauline Jeanette Williams, LUR vir Sport, Kuns en Kultuur hierby die vergoeding betaalbaar aan lede van die Raad vanaf 1 April 2014 soos volg:

Sittingstoelae per dag

Voorsitter	R3 300.00
Ondervoorsitter	R2 600.00
Lid	R2 000.00

Uurtoelae

'n Uurtoelae is betaalbaar vir werk deur 'n lid gedoen op 'n dag wat nie 'n sittingsdag is nie, soos vereis deur die Raad, tot 'n maksimum van 8 ure per dag:

Voorsitter	R410.00
Ondervoorsitter	R330.00
Lid	R250.00

....
P J Williams LPW
LUR: Sport, Kuns & Kultuur

KENNISGEWING 44 VAN 2014

Alg 44/2014

PROVINSIALE REGERING VAN DIE NOORD-KAAP
DEPARTEMENT VAN SPORT, KUNS EN KULTUUR
PUBLIKASIE VIR KOMMENTAAR,
VOORGESTELDE WETSONTWERP OP DIE NOORD-KAAPSE SPORT EN ONTSPANNINGSOWERHEID, 2014

Die bogenoemde Wetsontwerp word hierby vir openbare kommentaar gepubliseer. Skriftelike voorleggings kan gedoen word aan die Departement van Sport, Kuns en Kultuur en moet gerig word aan:

Patrick Montwedi
Hoof: Kantoor van die LUR
Brian Hermanus House
Albertynstraat 1
New Park
Privaatsak X 6091
KIMBERLEY
8300

Tel: 053 8314152
Faks: 053 8331454
E-pos: pmontwedi@ncpg.gov.za ,

nie later as **9 Mei 2014** nie.

Afskrifte van die konsepwetgewing kan van bogenoemde Kantoor verkry word.

WETSONTWERP

Om voorsiening te maak vir die instelling van die Noord-Kaapse Sport- en Ontspanningsowerheid en vir die bestuur daarvan deur 'n raad; om sy doelstellings, werksaamhede en werking te bepaal, om sy personeel- en finansiële sake te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie Noord-Kaap soos volg:-

INDELING VAN ARTIKELS

Artikel

HOOFSTUK I
UITLEG

1. Woordomskrwying

HOOFSTUK II
DIE OWERHEID EN RAAD

2. Instelling van Owerheid
3. Doelstellings van die Owerheid
4. Bevoegdhede, werksaamhede en pligte van Owerheid
5. Instelling van Raad
6. Samestelling van Raad
7. Ampstermyn van Raadslede en vulling van vakatures
8. Geskiktheid om in die Raad te dien
9. Botsende belange
10. Verwydering uit die amp
11. Vergoeding van lede van Raad
12. Vergaderings van die Raad
13. Komitees van Raad

HOOFSTUK III
STREEKSFORUM

14. Streeks- sport en ontspanningsforum

HOOFSTUK IV
PERSONEELAANGELEENTHEDE

15. Personeel van die Owerheid en vergoeding
16. Hoof uitvoerende beampte
17. Verwydering van hoof uitvoerende beampte uit die amp
18. Indiensnemingskontrak en prestasie-ooreenkoms van hoof uitvoerende beampte

HOOFSTUK V
FINANSIES EN VERKRYGINGSADMINISTRASIE

19. Finansies
20. Rekenpligtigheid, oudits en verslae
21. Bewilliging van inkomste en eiendom
22. Verkrygingsadministrasie

HOOFSTUK VI
REGISTRASIE

23. Registrasie by die Owerheid van provinsiale sport- of ontspanningsliggame
24. Gevolge van versuim om by die Owerheid geregistreer te wees
25. Aansoek-, registrasie- en jaarlikse hernuwingsgeld
26. Opskorting en beëindiging van registrasie

HOOFSTUK VII
ALGEMENE BEPALINGS

27. Delegasie
28. Regulasies
29. Sport- en ontspanningsbeleid
30. Oorgangs- en vestigingsbepalings
31. Kort titel en inwerkingtreding

HOOFSTUK I
UITLEG

Woordsomskrywing

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

"**boekjaar**" die periode wat op die eerste dag van April in enige jaar begin tot op die een-en-dertigste dag van Maart in die daaropvolgende jaar, met inbegrip van albei dae;

"**beleid**" die Provinsiale Sport- en Ontspanningsbeleid deur die verantwoordelike Lid kragtens artikel 29 gemaak;

"**Departement**" die Provinsiale Departement verantwoordelik vir sport en ontspanning in die Provinsie;

"**Departementshoof**" die Hoof van die Departement verantwoordelik vir sport en ontspanning in die Provinsie;

"**distriksmunisipaliteit**" 'n distriksmunisipaliteit soos omskryf in die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

"**familielid**" iemand se –

(a) gade; of
(b) kind, ouer, broer of suster, hetsy van geboorte, huwelik of by aanneming;

"**forum**" die streeks- sport en ontspanningsforum by artikel 14(1) ingestel;

"**Grondwet**" die Grondwet van die Republiek van Suid-Afrika, 1996;

"**hierdie Wet**" ook enige regulasie ingevolge hierdie Wet gemaak;

"**hoof uitvoerende beampte**" die hoof uitvoerende beampte kragtens artikel 14(1) aangestel;

"**hoof van die provinsiale tesourie**" die hoof van die provinsiale tesourie in die Provinsie genoem in artikel 17(1)(a) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);

"**komitee**" 'n komitee van die Raad kragtens artikel 13 aangestel;

"**lid**" 'n lid van die Raad;

"**lid van 'n sport- of ontspanningsliggaam**" 'n sportpersoon wat 'n lid of geaffilieerde van so 'n liggaam is, hetsy direk of deur 'n instelling behoorlik geaffilieer by daardie liggaam;

"**Onderwyshoof**" die Hoof van die Departement verantwoordelik vir skoolonderwys in die Provinsie;

"**ontspanning**" 'n gelede proses van vrywillige deelname aan enige fisiese aktiwiteit wat tot die verbetering van die algemene gesondheid, welstand of bedrewenheid van die deelnemer kan bydra;

"**Owerheid**" die Noord-Kaapse Sport- en Ontspanningsowerheid in artikel 2 genoem;

"**politieke ampsbekleër**" –

(a) 'n lid van die Nasionale Vergadering of die Nasionale Raad van Provinsies of die Kabinet;
(b) 'n lid van 'n provinsiale wetgewer;
(c) 'n diplomatieke verteenwoordiger van die Republiek wat nie 'n lid van die staatsdiens is nie;
(d) 'n lid van 'n huis of raad van tradisionele leiers;
(e) 'n lid van 'n munisipale raad; of
(f) 'n nasionale of provinsiale ampsbekleër van enige politieke party;

"**Premier**" die Premier van die Provinsie in artikel 125 van die Grondwet genoem;

"**Provinsiale Inkomstefonds**" die Provinsiale Inkomstefonds in artikel 226 van die Grondwet genoem;

"***Provinsiale Koerant***" die *Provinsiale Koerant* van die Provinsie;

"**provinsiale sportinstelling**" die Noord-Kaapse Provinsiale Sportakademie of die Noord-Kaapse Sportraad, elk onder sy eie grondwet as 'n vrywillige vereniging ingestel om, respektiewelik, met sport- of ontspanningsaangeleenthede in die Provinsie te handel;

"**provinsiale sport- of ontspanningsliggaam**" 'n provinsiale federasie, agentskap, klub of liggaam, insluitend 'n trust, geregistreerde maatskappy of ander korporatiewe struktuur van so 'n provinsiale federasie, agentskap, klub of liggaam betrokke by die administrasie van sport en ontspanning op provinsiale vlak;

"**Provinsie**" die Provinsie Noord-Kaap in artikel 103(1)(g) van die Grondwet genoem, of enige gedeelte daarvan;

"**Raad**" die Raad van die Owerheid saamgestel ooreenkomstig artikel 6;

"**registreer**" registreer by die Owerheid kragtens artikel 23(1);

"**Republiek**" die Republiek van Suid-Afrika in artikel 1 van die Grondwet genoem;

"**sport**" enige aktiwiteit wat 'n beduidende graad van fisiese en geestelike betrokkenheid vereis en waarin die deelnemers in òf 'n gestruktureerde òf ongestruktureerde omgewing meeding met die doel om 'n wenner aan te wys, hoewel nie uitsluitlik nie, of suiwer vir ontspanning, liggaamlike gesondheid, emosionele groei of ontwikkeling;

"**sportfederasie**" 'n sportorganisasie kragtens sy grondwet belas en deur die nasionale federasie, waar daar een is, met die verantwoordelikheid om 'n spesifieke sportkode binne die Provinsie te beheer;

"**sportfokusskool**" 'n skool wat sport as 'n eksamenvak in sy leerplan insluit;

"**sportpersoon**" iemand wat aan sport deelneem of van plan is om aan sport deel te neem;

"**staatsorgaan**" 'n instelling in artikel 239 van die Grondwet beskryf;

"**streek**" die regsgebied van 'n distriksmunisipaliteit;

"**Uitvoerende Raad**" die Uitvoerende Raad van die Provinsie in artikel 132 van die Grondwet genoem;

"verantwoordelike Lid" die Lid van die Uitvoerende Raad verantwoordelik vir sport en ontspanning in die Provinsie;

"voorsitter" die voorsitter van die Raad kragtens artikel 6(6) aangestel; en

"voorskryf" by regulasie voorskryf.

HOOFSTUK II
DIE OWERHEID EN RAAD

Instelling van Owerheid

2. (1) Die Noord-Kaapse Sport- en Ontspanningsowerheid word hierby as 'n regspersoon ingestel.

(2) Die Owerheid moet op 'n manier gestruktureer wees wat dit in staat sal stel om in elk van die streke van die Provinsie te funksioneer.

Doelstellings van die Owerheid

3. Die doelstellings van die Owerheid is om sport- en ontspanningsaktiwiteite en fasiliteite in die Provinsie –

(a) te reguleer;
(b) te konsolideer;
(c) te bevorder;
(d) te ontwikkel;
(e) te finansier; en
(f) te koördineer.

Bevoegdhede, werksaamhede en pligte van Owerheid

4. (1) In noue samewerking met die Departement, en met behoorlike inagneming van die bereiking van geslagsgelykheid in sport en die behoeftes van gestremde sportpersone, oefen die Owerheid die bevoegdhede uit, verrig die werksaamhede en voer die pligte uit wat –

(a) in hierdie Wet of enige ander wet voorsien word;

(b) in die beleid deur die verantwoordelike Lid kragtens artikel 29 gemaak, voorsien word; en

(c) van tyd tot tyd skriftelik aan hom deur die verantwoordelike Lid opgedra word.

(2) Die Owerheid kan, in die Provinsie en behoudens nasionale wetgewing, –

(a) gemeenskapsport en amateursport bevorder deur –

(i) aanbieding, finansiering of fasilitering van gebeurtenisse wat massadeelname beoog en aanmoediging van gemeenskappe om aan sulke gebeurtenisse deel te neem;

(ii) sportklub en federasie ontwikkeling te steun en aan te moedig;

(iii) sport- en ontspanningsgeriewe te ontwikkel of met die bestuur daarvan behulpsaam te wees;

(b) elitesport en –ontspanning bevorder deur –

(i) onderneming, fasilitering of finansiering van atleetondersteuningsdienste;

(ii) voorsiening of finansiering van mediese hulp aan atlete;

(iii) onderneming van dwelm- en mediese toetse van atlete op 'n gereelde basis;

(iv) identifisering van talentvolle en hoë prestasie sportpersone op 'n vroeë stadium;

(c) in oorleg met die Onderwyshoof, of, waar 'n spesifieke skool betrokke is, die skoolhoof van die skool, behulpsaam wees met die ontwikkeling van skoolsport deur –

(i) aanbieding, finansiering en fasilitering van gebeurtenisse bedoel vir massadeelname deur leerders en aamoediging van leerders om daaraan deel te neem;

(ii) aanmoediging en finansiële hulp vir vorming en instandhouding van skoolsportligas;

(iii) aanmoediging en ontwikkeling van motoriese vaardighede tussen leerders;

(iv) sportfokusskole finansieël te ondersteun;

(v) aanmoediging en finansiële steun vir mededingende skoolsport;

(d) steun verleen –

(i) vir die uitwissing van hoofstroom geslagsgebaseerde diskriminasie en ongeskiktheid in sport;

(ii) aan enige spesiale sportgebeurtenis deur –

(aa) bystand met die fondsinsameling vir die gebeurtenis;

(bb) hulpverlening met die vind van borge vir die gebeurtenis;

(cc) bemarking en bystand met die kommunikasieplan vir die gebeurtenis;

(dd) fasilitering van gesonde verhoudings met belanghebbendes;

(e) betrokke raak by vermoë-ontwikkeling op die gebied van sport en ontspanning deur –

(i) opleiding en afrigting in enige sportvorm te gee;

(ii) fasilitering van geakkrediteerde afrigting deur die betrokke “SETA”;

(iii) voorsiening van ‘n regsraamwerk waarbinne sport- en ontspanningsgebeurtenisse kan plaasvind;

(iv) versterking van streeks- en plaaslike sportstrukture;

(f) die ontwikkeling van sport onderneem deur –

(i) talentidentifikasie;

(ii) organisering of aanbieding van opleidingskampe of afrigtingsklinieke;

(iii) die hou van toernees in die onderskeie streke;

(iv) die reël van uitruilprogramme vir sportpersone op institusionele, provinsiale, nasionale en internasionale vlak;

(g) provinsiale kleure vir alle sportkodes wat die Provinsie verteenwoordig vasstel.

Instelling van Raad

5. ‘n Raad vir die Owerheid word hierby ingestel –

(a) om die sake van die Owerheid te bestuur en te beheer;

(b) as rekenpligtige gesag vir die Owerheid soos bedoel in artikel 49(2)(a) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999); en

(c) om die bevoegdhede uit te oefen en die werksaamhede te verrig wat deur hierdie Wet of enige ander wet aan die Owerheid verleen of opgelê word.

Samestelling van die Raad

6. (1) Die Raad bestaan uit 8 lede wat, behoudens subartikel (4), deur die verantwoordelike Lid aangestel word.

(2) Elk van die 5 streke in die Provinsie word in die Raad verteenwoordig.

(3) Die verantwoordelike Lid moet, alvorens lede aangestel word, in minstens een koerant wat in die Provinsie in omloop is en die *Provinsiale Koerant* nominasies vir geskikte persone om as lede van die Raad te dien, aanvra.

(4) Raadslede moet besondere kundigheid, ondervinding en betrokkenheid hê by sport en ontspanning en moet algemeen verteenwoordigend van die geslags-, taal- en gemeenskapsamestelling van die Provinsie wees.

(5) Die Departementshoof of 'n beampte deur die Departementshoof aangewys om hom of haar te verteenwoordig, die Onderwyshoof of 'n beampte deur die Onderwyshoof aangewys om hom of haar te verteenwoordig en die hoof uitvoerende beampte kan teenwoordig wees en deelneem aan die besprekings by die vergaderings van die Raad, maar is nie lede van die Raad nie en kan nie by die vergaderings stem nie.

(6) Die verantwoordelike Lid stel 'n lid van die Raad as voorsitter en 'n ander lid as ondervoorsitter aan.

(7) Vóór aanstelling as lid van die Raad, lê die kandidaat 'n beëdigde verklaring aan die verantwoordelike Lid voor, waarin die kandidaat verklaar dat hy of sy–

(a) beskikbaar is vir die aanstelling; en

(b) nie kragtens hierdie Wet ongeskik is vir sodanige aanstelling nie.

(8) Die verantwoordelike Lid kan te eniger tyd daarop aandring dat bevredigende bewys aan hom of haar gelewer word van die volgehoue geskikteheid van enige lid of voornemende lid van die Raad, of om enige ondersoek of navrae in dié verband te onderneem of te laat onderneem.

Ampstermyn van lede van die Raad en aanvul van vakatures

7. (1) 'n Lid word vir 'n tydperk van 5 jaar aangestel.

(2) 'n Lid wie se ampstermyn verstryk het, kan weer aangestel word, maar mag nie meer as 2 ampstermyne uitdien nie.

(3) 'n Vakature in die Raad word aangevul op dieselfde manier as wat die lid wat die amp ontruim het veronderstel was om aangestel te gewees het, en die lid aldus aangestel, dien vir die onverstreke gedeelte van die tydperk waarvoor die lid wat die amp ontruim het, aangestel was.

Geskiktheid om in die Raad te dien

8. (1) Om geskik te wees om as lid van die Raad te dien en om in daardie amp voort te gaan, moet sò iemand –

(a) 'n natuurlike persoon wees;

(b) nie onderworpe wees aan 'n diskwalifisering in subartikel (2) uiteengesit nie;

(c) die beëdigde verklaring in artikel 6(7) genoem by die verantwoordelike Lid indien; en

(d) 'n burger van die Republiek wees en gewoonlik in die land woon.

(2) Niemand dien as lid van die Raad as hy of sy –

(a) 'n politieke ampsbekleër is nie;

(b) 'n ongerehabiliteerde insolvent is, of insolvent word en die insolvensie tot die sekwestrasie van sy of haar boedel lei nie;

(c) ooit op grond van wangedrag uit 'n vertrouensamp ontslaan is, of ontslaan word nie;

(d) aan 'n bevel van 'n hof met regsbevoegdheid wat hom of haar geestelik versteurd bevind het, onderworpe is nie;

(e) in die voorafgaande 10 jaar in die Republiek of elders aan diefstal, bedrog, vervalsing of uitgee van 'n vervalste stuk, meineed, 'n misdryf ingevolge die Wet op Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), 'n misdryf ingevolge Hoofstuk 2 of 3 van die Voorkoming van Georganiseerde Misdaadwet, 1998 (Wet No. 121 van 1998), 'n misdryf ingevolge die Finansiële Intelligensiesentrumwet, 2001 (Wet No. 38 van 2001) of 'n misdryf wat oneerlikheid behels, skuldig bevind is, of skuldig bevind word nie; of

(f) aan enige ander misdryf begaan ná die inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993) skuldig bevind is en tot gevangenisstraf sonder die keuse van 'n boete gevonnis is nie.

(3) Die bepalings van subartikels (1) and (2), gelees in samehang met die veranderings vereis deur die konteks, is op enige beampte in artikel 6(5) bedoel, van toepassing.

Botsende belange

9. (1) 'n Lid van die Raad –

(a) doen nie mee aan enige aktiwiteit wat die integriteit van die Raad kan ondermyn nie;

(b) woon nie die verrigtinge van 'n vergadering by, neem nie daaraan deel of oefen nie 'n invloed daarop uit nie as die betrokke lid ten opsigte van die aangeleentheid wat voor die Raad dien, 'n belang het wat hom of haar verhinder om die pligte van 'n lid van die Raad op 'n regverdige, onbevooroordeelde en behoorlike wyse na te kom;

(c) stem nie by enige vergadering van die Raad oor 'n aangeleentheid bedoel in paragraaf (b) nie;

(d) maak nie privaat gebruik van of trek nie voordeel uit enige vertroulike inligting verkry in die nakoming van sy of haar pligte as lid van die Raad nie; of

(e) maak nie enige inligting in pragraaf (d) genoem aan enige derde party bekend nie, tensy dit as deel van sy of haar amptelike werksaamhede as lid van die Raad vereis word.

(2) Indien dit te eniger tyd vir 'n lid van die Raad lyk of 'n aangeleentheid wat voor die Raad dien, betrekking het op 'n belang van die betrokke lid in subartikel (1)(b) genoem –

(a) onthul die lid die aard van daardie belang onmiddellik en volledig aan die vergadering; en

(b) onttrek die lid van die vergadering sodat die oorblywende lede die aangeleentheid kan bespreek en bepaal of die lid verbied behoort te word om aan enige verdere verrigtinge aangaande die aangeleentheid deel te neem.

Verwydering uit die amp

10. (1) Die verantwoordelike Lid kan, by skriftelike kennisgewing, 'n lid van die Raad uit die amp verwyder –

(a) op grond van wangedrag of onbekwaamheid;

(b) as die lid onderworpe raak aan 'n diskwalifisering in artikel 8(2) bedoel;

(c) indien die lid in een jaar meer as twee vergaderings van die Raad sonder geldige rede mis of, in die geval van afwesigheid om mediese redes, versuim om 'n geldige mediese sertifikaat te toon.

(2) 'n Besluit om 'n lid van die Raad op grond van wangedrag of onbekwaamheid uit die amp te verwyder, word gegrond op 'n bevinding te dien effekte deur 'n ondersoektribunaal wat deur die verantwoordelike Lid aangestel is.

(3) 'n Kennisgewing in subartikel (1) bedoel, gee die redes vir die verwydering uit die amp van die lid aan.

(4) Die verantwoordelike Lid kan te eniger tyd die Raad ontbind as hy of sy op redelike gronde oortuig is dat die Raad nie behoorlik funksioneer nie of dat dit in die belang van die gemeenskap of die publiek is om dit te ontbind.

(5) Indien die verantwoordelike Lid die Raad ontbind het soos in subartikel (4) beoog, moet hy of sy onverwyld 'n administrateur aanstel om die bevoegdhede uit te oefen, die werksaamhede te verrig en die pligte van die Raad uit te voer totdat 'n nuwe Raad kragtens artikel 6 aangestel is.

Vergoeding van lede van Raad

11. (1) 'n Lid van die Raad word sodanige redelike vergoeding en toelaes uit die fondse van die Raad betaal soos wat die verantwoordelike Lid, met die instemming van die hoof van die provinsiale tesourie, van tyd tot tyd mag bepaal.

(2) 'n Lid van die Raad wat voltyds in diens van 'n staatsorgaan is, ontvang nie kragtens subartikel (1) vergoeding nie.

(3) Vergoeding kragtens subartikel (1) bepaal, word deur die verantwoordelike Lid in die *Provinsiale Koerant* gepubliseer voordat dit in werking tree.

(4) Lede van die Raad is geregtig op vergoeding vir enige redelike reis- en verblyfuitgawes wat hulle aangaan in die verrigting van hul werksaamhede as lede van die Raad.

Vergaderings van die Raad

12. (1) Die voorsitter kan die datum, tyd en plek vir die eerste vergadering van die Raad bepaal en bepaal in oorleg met die Raad die datum, tyd en plek vir elke daaropvolgende vergadering.

(2) Die voorsitter bepaal in oorleg met die Raad prosedures vir vergaderings van die Raad, met behoorlike inagneming van die beginsels van openlikheid en deursigtigheid.

(3) 'n Meerderheid van die lede van die Raad bedoel in artikel 6(1) vorm 'n kworum vir 'n vergadering van die Raad.

(4) Die Raad moet probeer om sy besluite deur konsensus te neem.

(5) As die Raad nie konsensus kan bereik oor enige aangeleentheid wat voor hom dien nie, kan hy die saak deur 'n gewone meerderheidstem op 'n mosie beslis.

(6) In die geval van 'n staking van stemme rakende enige aangeleentheid waaroor gestem word, het die voorsitter 'n beslissende stem bykomend tot sy of haar gewone stem.

(7) Die Raad bepaal behoudens subartikels (4), (5) en (6) reëls vir sy eie verrigtinge.

(8) Die hoof uitvoerende beampte hou notule of laat notule van die vergaderings van die Raad hou.

(9) Notules van die verrigtinge van die vergaderings van die Raad word by die kantore van die Raad gehou en is toeganklik vir die publiek.

(10) Niemand wat toegang het tot inligting wat die Raad as vertroulik klassifiseer, mag die inligting sonder toestemming van die Raad openbaar maak nie.

(11) Indien 'n bepaalde persoon in staat is om die Raad by die oorweging van 'n bepaalde aangeleentheid behulpsaam te wees, kan die Raad die persoon vir die doel koöpteer.

(12) Sodanige gekoöpteerde persoon het nie die reg om by 'n vergadering van die Raad of 'n komitee van die Raad te stem nie.

(13) Die Raad vergader ten minste een keer elke 3 maande om onder andere die verslag in artikel 20(3) genoem, te oorweeg.

(14) Die verantwoordelike Lid kan 'n vergadering van die Raad belê as die Raad versuim om aan subartikel (13) te voldoen.

(15) Die voorsitter belê 'n buitengewone vergadering van die Raad as die verantwoordelike Lid, die meerderheid van lede van die Raad of die hoof uitvoerende beampte daarvoor vra.

(16) Wanneer 'n aangeleentheid wat voor die Raad moet dien uiteraard die onmiddellike en dringende aandag van die Raad verg en dit nie vir die Raad moontlik is om te vergader om daaraan aandag te gee nie, word alle dokumentasie met betrekking tot sodanige aangeleentheid sonder verwyl deur die hoof uitvoerende beampte aan alle lede vir oorweging beskikbaar gestel.

(17) Behoudens subartikel (18) is 'n aangeleentheid genoem in subartikel (16), waaroop skriftelik deur 'n gewone meerderheid van die Raadslede ooreengekom word, 'n besluit van die Raad.

(18) 'n Besluit in subartikel (17) bedoel, word deur die hoof uitvoerende beampte aan die Raad oorgedra by die Raad se volgende vergadering en aldus in die notules van daardie vergadering aangeteken.

Komitees van Raad

13. (1) Die Raad kan komitees instel, met die bevoegdheid om ander persone te koöpteer, om hom by te staan met die behoorlike en korrekte uitoefening en verrigting van sy bevoegdhede en werksaamhede kragtens hierdie Wet en kan ook enige komitee wat op hierdie wyse ingestel is, ontbind, uitbrei, vergroot of beperk.

(2) (a) 'n Komitee ingevolge subartikel (1) ingestel, bestaan uit minstens drie lede aangewys deur die Raad wat geskik en behoorlik gekwalifiseer of ervare is aangaande aangeleenthede wat op die werksaamhede van die betrokke komitee betrekking het.

(b) Die Raad benoem 'n raadslid wat op 'n komitee dien as die voorsitter van sodanige komitee.

(3) 'n Gekoöpteerde lid van 'n komitee dien in 'n raadgewende hoedanigheid en kan nie by enige vergadering van sodanige komitee stem nie.

HOOFSTUK III
STREEKSFORUM

Streeks-sport en ontspanningsforum

14. (1) 'n Streeks- sport en ontspanningsforum word hierby ingestel om aanbevelings aan die Owerheid aangaande sport- of ontspanningsaangeleenthede op 'n streeks- en plaaslike vlak te doen.

(2) Die forum bestaan uit –

(a) die Departementshoof, wat die voorsitter van die forum is, of 'n beampte deur hom of haar aangewys;

(b) die hoof uitvoerende beampte;

(c) een persoon jaarliks deur elk van die sport- en ontspanningsverenigings in subartikel (3) bedoel aangewys.

(3) Om aan die aktiwiteite van die forum deel te neem, moet die streeksbestuurder van die Departement in elke streek –

(a) 'n streeks- sport en ontspanningsvereniging, bestaande uit alle geregistreerde sport- en ontspanningsliggame wat bereid is om aan die aktiwiteite van die forum deel te neem saamstel;

(b) gereelde vergaderings van die vereniging byeenroep en as voorsitter by daardie vergaderings optree;

(c) aan die hoof uitvoerende beampte 'n afskrif van die grondwet van die vereniging verskaf.

(4) Die forum vergader minstens een keer elke 3 maande, alternatiewelik in elke streek, om bespreking te voer en aanbevelings aan die Owerheid te maak aangaande sake rakende sport of ontspanning op 'n streeks- of plaaslike vlak.

(5) 'n Besluit van die forum word geneem slegs by wyse van konsensus op 'n vergadering waar minstens die meerderheid van die lede in subartikel (2) bedoel teenwoordig is.

(6) Alle aangeleenthede in verband met vergaderings en die werking van die forum word behartig deur die hoof uitvoerende beampte of 'n lid van die personeel van die Owerheid aangewys deur die hoof uitvoerende beampte en word deur die Owerheid gefinansier.

(7) Lede van die forum ontvang nie vergoeding nie, maar is geregtig op terugbetaling van redelike reis- en verblyfuitgawes deur hulle aangegaan vir bywoning van vergaderings van die forum.

(8) Aanbevelings van die forum word deur die hoof uitvoerende beampte op die agenda van die eersvolgende vergadering van die Raad geplaas vir oorweging, besluitneming en terugrapportering aan die forum.

HOOFSTUK IV
PERSONEELAANGELEENTHEDE

Personeel van die Owerheid en vergoeding

15. (1) Die Raad –

(a) stel, met die instemming van die verantwoordelike Lid, 'n paslik gekwalifiseerde en ervare persoon as hoof uitvoerende beampte aan, wat behoudens artikels 16, 17 en 18 –

(i) onderhewig aan die voorskrifte en beheer van die Raad vir alle finansiële en administratiewe verantwoordelikhede met betrekking tot die werksaamhede van die Raad verantwoordelik is; en

(ii) aan die Raad verantwoording doen;

(b) bepaal, met die instemming van die verantwoordelike Lid, 'n personeeldiensstaat vir die Owerheid; en

(c) kan enige ander personeel wat nodig mag wees om die Owerheid in staat te stel om sy werksaamhede te verrig, aanstel op die diensstaat in paragraaf (b) bedoel.

(2) Artikel 8(1) en (2) en artikel 9, gelees in samehang met die veranderings vereis deur die konteks, is van toepassing op die hoof uitvoerende beampte en elke personneellid wat kragtens hierdie Wet aangestel is.

(3) Die Raad kan, met die instemming van die verantwoordelike Lid en die hoof van die provinsiale tesourie, die vergoeding, toelaes, diensvoordele en ander bedinge en voorwaardes van aanstelling van 'n persoon kragtens subartikel (1) aangestel, bepaal.

(4) Die Raad kan sy bevoegdhede kragtens subartikel (1)(c) aan die hoof uitvoerende beampte delegeer.

(5) Die verantwoordelike Lid kan, na oorlegpleging met die Raad, ooreenkomstig artikel 15(3) van die Staatsdienswet, 1994, enige werknemer op die diensstaat van die Departement aan die Raad sekondeer.

(6) Iemand in diens van 'n provinsiale sportinstelling by die ontbinding daarvan ooreenkomstig artikel 30(1)(a) –

(a) bly aldus in diens;

(b) behou sy of haar emolumente en ander diensvoorwaardes; en

(c) word bykomend tot die diensstaat van die Owerheid kragtens subartikel (1)(b) bepaal, in diens gehou.

Hoof uitvoerende beampte

16. (1) Die hoof uitvoerende beampte, aangestel kragtens artikel 15(1), is iemand met gepaste kwalifikasies, kennis of ondervinding van die sake en werksaamhede van die Owerheid.

(2) Die hoof uitvoerende beampte moet deeglike kennis van die finansiële- en verkrygingsadministrasievoorskrifte wat op die Owerheid betrekking het, hê.

(3) By aanstelling van 'n hoof uitvoerende beampte vra die Raad by openbare uitnodiging aansoeke vir die betrokke betrekking.

(4) Die hoof uitvoerende beampte word aangestel vir die tydperk en op die bedinge en diensvoorwaardes wat die Raad, behoudens artikel 15(3), mag bepaal, maar –

(a) die hoof uitvoerende beampte word aangestel vir 'n tydperk van hoogstens 5 jaar;

(b) by verstryking van die dienstermyn van die hoof uitvoerende beampte, kan hy of sy slegs vir een verdere termyn van 5 jaar in aanmerking kom vir heraanstelling;

(c) die hoof uitvoerende beampte onderneem nie enige ander besoldigde werk sonder die voorafverkreë skriftelike toestemming van die Raad nie.

(5) Die hoof uitvoerende beampte kan met 3 maande skriftelike kennisgewing aan die Raad uit sy of haar amp bedank.

(6) Wanneer die amp van die hoof uitvoerende beampte vakant is of die hoof uitvoerende beampte afwesig of onbevoeg is of versuim of weier om op te tree, kan die bevoegdhede en werksaamhede van die hoof uitvoerende beampte uitgeoefen en verrig word deur enigiemand wat deur die verantwoordelike Lid as die waarnemende hoof uitvoerende beampte aangewys word, maar sodanige persoon tree nie vir langer as 'n totaal van 6 maande as waarnemende hoof uitvoerende beampte op nie.

(7) Terwyl iemand aangestel soos in subartikel (6) bedoel, sodanig waarneem, kan hy of sy die hoof uitvoerende beampte se bevoegdhede uitoefen en sy of haar werksaamhede verrig.

Verwydering van hoof uitvoerende beampte uit die amp

17. (1) Die Raad kan die hoof uitvoerende beampte uit die amp verwyder –

(a) op grond van sy of haar onbehoorlike optrede;

(b) vanweë ongeskiktheid vir die werksaamhede van sy of haar amp;

(c) op grond van 'n permanente ongesteldheid van gees of liggaam wat hom of haar onbekwaam maak om die werksaamhede van sy of haar amp te verrig of behoorlik te verrig;

(d) op grond daarvan dat hy of sy onderworpe geraak het aan 'n diskwalifisering in artikel 8(2) bedoel.

(2) Die Raad kan 'n verhoor of ondersoek onderneem om te bepaal of daar voldoende rede vir die afdanking van die hoof uitvoerende beampte soos bedoel in subartikel (1), bestaan.

(3) Wanneer 'n verhoor of ondersoek soos in subartikel (2) bedoel, onderneem word, kan die Raad met behoorlike inagneming van die bepalings van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), die hoof uitvoerende beampte uit sy of haar amp skors, hangende die bevinding van sodanige verhoor of ondersoek.

(4) Vir die doeleindes van subartikel (1)(a), geld nie-nakoming deur die hoof uitvoerende beampte van enige bepaling van hierdie Wet of die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), onder andere, as onbehoorlike optrede.

(5) Indien die verantwoordelike Lid van oordeel is dat een of meer van die gronde in subaritkel (1) genoem op die hoof uitvoerende beampte van toepassing is, kan hy of sy die Raad opdrag gee om ooreenkomstig subartikel (2) op te tree.

Indiensnemingskontrak en prestasie-ooreenkoms van hoof uitvoerende beampte

18. (1) Die aanstelling van die hoof uitvoerende beampte deur die Raad, soos bedoel in artikel 15(1), word van krag vanaf die datum waarop 'n skriftelike indiensnemingskontrak met die Raad aangegaan word, welke kontrak die duur van sy of haar ampstermyn as hoof uitvoerende beampte dek.

(2) Die indiensnemingskontrak in subartikel (1) bedoel, bevat minstens die hoof uitvoerende beampte se persoonlike besonderhede, ampstermyn, diensvoorwaardes, bevoegdhede, werksaamhede, verantwoordelikhede en pligte, asook sy of haar vergoeding, toelaes en voordele.

(3) Bykomend tot die indiensnemingskontrak soos in subartikel (1) bedoel, gaan die hoof uitvoerende beampte jaarliks vóór die aanvang van die betrokke boekjaar 'n prestasie-ooreenkoms met die Raad aan, welke prestasie-ooreenkoms se termyn met die boekjaar van die Raad saamval.

(4) Die prestasie-ooreenkoms in subartikel (3) bedoel, verwys minstens na die boekjaar waarop sodanige prestasie-ooreenkoms betrekking het, die doel van die hoof uitvoerende beampte se werk, die sleutelresultate-areas, finansiële en bestuurskriteria, prestasieriglyne en doelwitte van sodanige werk, asook die standaarde vir die beoordeling van die hoof uitvoerende beampte se prestasie op minstens 'n tweejaarlikse grondslag.

HOOFSTUK V
FINANSIES EN VERKRYGINGSADMINISTRASIE

Finansies

19. (1) Die Owerheid word gefinansier uit –

(a) geld deur die Provinsiale Wetgewer vir die Owerheid bewillig;

(b) enige geld aan die Owerheid betaalbaar kragtens hierdie Wet;

(c) inkomste wat die Owerheid kragtens subartikel (6) uit sy belegging en deponering van oortollige geld kry; en

(d) alle gelde wat wettig uit enige bron aan die Owerheid toeval.

(2) Die boekjaar van die Owerheid strek oor die tydperk van 1 April in enige jaar tot 31 Maart van die daaropvolgende jaar.

(3) Die voorskrifte in die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999) en die Tesourieregulasies vervat wat deur 'n provinsiale openbare instelling nagekom moet word, geld vir die Owerheid.

(4) Die Raad open en onderhou 'n rekening in die naam van die Owerheid by 'n geregistreerde bank in die Republiek en –

(a) deponeer al die geld wat die Owerheid ontvang in daardie rekening; en

(b) maak elke betaling namens die Owerheid uit daardie rekening.

(5) Enige onttrekking uit die rekening van die Owerheid word namens hom gemagtig deur twee persone wat deur die Raad vir die doel gemagtig is.

(6) Die Raad kan geld van die Owerheid wat nie onmiddellik vir gebeurlikhede of lopende uitgawes benodig word nie, belê of deponeer –

(a) in 'n dagrekening of korttermyn- vaste deposito by enige geregistreerde bank of finansiële instelling in die Republiek; of

(b) in 'n beleggingsrekening by die Korporasie vir Openbare Deposito's, ingestel kragtens artikel 2 van die Wet op die Korporasie vir Openbare Deposito's, 1984 (Wet No. 46 van 1984).

(7) 'n Saldo ten bate van die Owerheid aan die einde van 'n boekjaar van die Owerheid, uitgesonder geld wat die verantwoordelike Lid as noodsaaklik vir die redelike onmiddellike lopende uitgawes van die Owerheid goedkeur, word in die Provinsiale Inkomstefonds inbetaal.

(8) Geen lening word aan 'n lid van die Raad, of 'n lid van die personeel van die Owerheid, of aan 'n familielid van sodanige lid van die Raad, of lid van die personeel van die Owerheid uit die fondse van die Owerheid of uit enige ander fondse wat deur die Owerheid geadministreer of in trust gehou word, gemaak nie.

Rekenpligtigheid, oudits en verslae

20. (1) Die Raad –

(a) gee rekenskap van staats- en ander geld wat ontvang is deur, of betaal is vir of namens die Owerheid; en

(b) hou die nodige boekhoukundige en verwante rekords by,

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

(2) Die rekords in subartikel 1(b) genoem, word deur die Ouditeur-Generaal ge-oudit.

(3) Die Owerheid doen deur die Departementshoof minstens kwartaalliks skriftelik aan die verantwoordelike Lid oor sy aktiwiteite verslag.

(4) Die Owerheid lê die verslag en state genoem in artikel 55(1) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), aan die verantwoordelike Lid voor op die wyse deur artikel 55(3) van daardie Wet vereis.

(5) Die verantwoordelike Lid lê die verslag en state genoem in subartikel (4) so gou as moontlik ná ontvangs daarvan in die Provinsiale Wetgewer ter tafel.

(6) Wat verslagdoening oor die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede gedurende die jaar betref, verwys die Owerheid in die verslag bedoel in subartikel (4) ook na –

(a) sy prestasies;

(b) sy mislukkings;

(c) die finansiële implikasies van alle sodanige prestasies en mislukkings;

(d) enige aanbevelings met betrekking tot sy doelstellings, vir oorweging.

(7) Die Raad stel ooreenkomstig Tesourieregulasie 27 'n ouditkomitee, wat uit ten minste drie persone bestaan, vir die Owerheid in.

(8) Binne 15 dae vóór die einde van elke kwartaal onderteken en dien die ouditkomitee 'n verslag by die Owerheid in wat hy opstel oor die Owerheid se werksaamhede, insluitende sy inkomste en uitgawe vir die voorafgaande kwartaal.

Toewysing van inkomste en eiendom

21. Die gelde wat die Provinsiale Wetgewer aan die Owerheid toewys, soos in artikel 18(1)(a) bedoel, word ooreenkomstig sodanige toewysing aangewend en alle ander inkomste, eiendom en winste van die Owerheid word uitsluitlik vir die verwesenliking van sy doelstellings en ooreenkomstig die bepalings van hierdie Wet aangewend.

Verkrygingsadministrasie

22. (1) By die verkrying van enige goed of diens, of die huur of verhuur van enigiets, of verlening van enige reg, of verkryging of verhandeling van enige bate vir of namens die Owerheid, soos bedoel in artikel 5, sorg die Raad dat sodanige verkryging geskied ooreenkomstig, en met behoorlike voldoening aan –

(a) die regulasies gemaak of instruksies uitgereik deur die Nasionale Tesourie ten opsigte van 'n geskikte verkryging- en voorsieningstelsel wat regverdig, billik, deursigtig, mededingend en lonend is, soos bedoel in artikel 76(4)(c) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);

(b) die instruksies uitgereik deur die Provinsiale Tesourie, soos bedoel in artikel 18(2)(a) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), ten opsigte van 'n geskikte verkryging- en voorsieningstelsel wat regverdig, billik, deursigtig, mededingend en lonend is;

(c) die gepaste verkryging- en voorsieningstelsel wat regverdig, billik, deursigtig, mededingend en lonend is, soos ingestel deur die Raad en soos bedoel in artikel 51(1)(a)(iii) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999) en Tesourieregulasie 16A; en

(d) die Wet op die Raamwerk vir 'n Voorkeurverkrygingsbeleid, 2000 (Wet No. 5 van 2000).

(2) Binne ses maande ná die inwerkingtreding van hierdie Wet keur die Raad in ooreenstemming met subartikel (1) 'n verkrygingstelsel goed, welke verkrygingstelsel aangewend moet word vir die verkryging van alle voorrade, goedere en dienste, asook vir die verhandeling van voorrade en goedere deur die Raad.

HOOFSTUK VI
REGISTRASIE

Registrasie by die Owerheid van provinsiale sport- of ontspanningsliggame

23. (1) Alle provinsiale sport- of ontspanningsliggame wat sportpersone binne die grense van die Provinsie verteenwoordig, moet by die Owerheid registreer.

(2) 'n Aansoek om registrasie by die Owerheid word op die voorgeskrewe vorm ingedien en gaan vergesel van –

(a) 'n volledige geskrewe motivering ter ondersteuning van die aansoek;

(b) 'n afskrif van sy grondwet of oprigtingsdokument;

(c) bewys van lidmaatskap van samestellende liggame of persone;

(d) 'n ondersteunende skrywe deur die Onderwyshoof, in geval van 'n sport- of ontspanningsliggaam wat skoolsport verteenwoordig; en

(e) bewys van betaling van die voorgeskrewe geld.

(3) Die Raad moet, binne 'n redelike tyd na ontvangs van aansoek in subartikel (2) genoem, die aansoek oorweeg en –

(a) die aansoek behoudens die voorwaardes wat die Raad mag bepaal, goedkeur; of

(b) die aansoek afwys.

(4) Die Raad moet, skriftelik, onverwyld die aansoeker van sy besluit verwittig en as die aansoek afgewys is, die redes vir sy besluit verstrek.

(5) ‘n Onsuksesvolle aansoeker kan alleenlik weer vir registrasie aansoek doen na verloop van 6 maande sedert kennisgewing dienooreenkomstig geskied het.

(6) Wanneer die Raad die aansoek oorweeg, kan die Raad bykomende inligting tot waarvoor reeds in subartikel (2) voorsiening gemaak is, aanvra.

Gevolge van versuim om by die Owerheid geregistreer te wees

24. (1) Die Departement of die Raad verleen nie finansiële of ander bystand aan –

(a) ‘n provinsiale sport- of ontspanningsliggaam wat nie kragtens artikel 23 by die Raad geregistreer is nie;

(b) ‘n sportpersoon wat –

(i) nie lid is van ‘n sport- of ontspanningsliggaam nie;

(ii) lid is van ‘n sport- of ontspanningsliggaam wat nie kragtens artikel 23 by die Owerheid geregistreer is nie.

(2) Geen sportpersoon mag die Provinsie in ‘n sportgebeurtenis verteenwoordig nie of die Provinsie se kleure in so ‘n gebeurtenis dra nie, tensy die sportpersoon ‘n lid is van ‘n sport- of ontspanningsliggaam wat kragtens artikel 23 by die Owerheid geregistreer is.

Aansoek-, registrasie- en jaarlikse hernuwingsgeld

25. (1) (a) ‘n Instelling wat kragtens artikel 23 vir registrasie aansoek doen, betaal by indiening van die aansoek die voorgeskrewe aansoekgeld aan die Owerheid.

(b) ‘n Suksesvolle aansoeker betaal, by ontvangs van die kennisgewing kragtens artikel 23(4) met daardie strekking, die voorgeskrewe registrasiegeld alvorens die registrasie van krag word en daarna jaarliks die voorgeskrewe hernuwingsgeld.

(c) Die Owerheid betaal, binne 48 uur na ontvangs van die gelde in paragrawe (a) en (b) bedoel, die gelde in die Provinsiale Inkomstefonds.

(d) Geen geld in hierdie artikel bedoel is terugbetaalbaar nie.

(2) Die jaarlikse hernuwingsgeld word op die laaste dag van Maart in elke opeenvolgende jaar verskuldig.

(3) Indien die jaarlikse hernuwingsgeld nie binne 90 dae vanaf die dag waarop dit ooreenkomstig subartikel (2) verskuldig geword het betaal word nie, verval die registrasie.

Opskorting en beëindiging van registrasie

26. (1) Indien 'n sport- of ontspanningsliggaam –

(a) 'n bepaling van hierdie Wet oortree of versuim om daaraan te voldoen;

(b) 'n bepaling van 'n beleid deur die verantwoordelike Lid kragtens artikel 29 gemaak oortree of versuim om daaraan te voldoen;

(c) die Provinsie, die Departement, die Owerheid of die sportkode wat hy verteenwoordig in diskrediet bring,

kan die Raad, by skriftelike kennisgewing –

(i) hangende 'n ondersoek, die lidmaatskap van die liggaam opskort;

(ii) na 'n ondersoek, die lidmaatskap van die liggaam beëindig.

(2) 'n Besluit deur die Raad om die lidmaatskap van 'n provinsiale sport- of ontspanningsliggaam op te skort, word met instemming van die verantwoordelike Lid geneem.

(3) 'n Besluit om die lidmaatskap van 'n sport- of ontspanningsliggaam kragtens subartikel (1) te beëindig, moet gegrond wees op 'n bevinding met daardie strekking deur 'n ondersoektribunaal deur die verantwoordelike Lid aangestel.

(4) 'n Kennisgewing om die lidmaatskap van 'n sport- of ontspanningsliggaam te beëindig moet die redes vir die beëindiging vermeld.

(5) Indien die lidmaatskap van 'n sport- of ontspanningsliggaam kragtens subartikel (1) opgeskort is, word die liggaam, gedurende die tydperk van opskorting vir doeleindes van artikel 24, geag nie by die Owerheid geregistreer te wees nie.

HOOFSTUK VII
ALGEMENE BEPALINGS

Delegasie

27. (1) Behoudens subartikels (2) en (3) kan die Raad skriftelik enige van die Owerheid se bevoegdhede, werksaamhede of pligte kragtens hierdie Wet aan die hoof uitvoerende beampte of 'n komitee van die Raad delegeer.

(2) Die hoof uitvoerende beampte kan met die skriftelike toestemming van die Raad enige bevoegdheid, werksaamheid of plig wat kragtens subartikel (1) aan hom of haar gedelegeer is, subdelegeer aan enige lid van die personeel van die Owerheid.

(3) 'n Delegasie of sub-delegasie, na gelang van die geval, kan onderskeidelik deur die Raad of deur die hoof uitvoerende beampte, met instemming van die Raad, teruggetrek word.

Regulasies

28. (1) Die verantwoordelike Lid kan, by kennisgewing in die *Provinsiale Koerant*, regulasies maak ten opsigte van –

(a) gelde betaalbaar aan die Owerheid of enige instelling deur die Owerheid bedryf; en

(b) enige ander aangeleentheid wat nodig of dienstig is ten einde die oogmerke van hierdie Wet te bereik.

(2) 'n Regulasie kragtens subartikel (1)(a) gemaak, word alleenlik gemaak met die instemming van die hoof van die provinsiale tesourie.

(3) Minstens 1 maand voor 'n regulasie ooreenkomstig hierdie artikel gemaak word, laat die verantwoordelike Lid die teks daarvan in die *Provinsiale Koerant* publiseer, tesame met 'n kennisgewing waarin sy of haar voorneme om daardie regulasie te maak verklaar word en belanghebbendes genooi word om kommentaar te lewer daarop of vertoë wat hulle sou wou rig daaromtrent aan die verantwoordelike Lid op of voor 'n datum in die kennisgewing vermeld te laat kry.

(4) Die bepalings van subartikel (3) geld nie ten opsigte van 'n wysiging aan 'n regulasie kragtens daardie subartikel gepubliseer nie.

Sport- en ontspanningsbeleid

29. (1) Die verantwoordelike Lid kan, na oorleg met die Raad, 'n sport- en ontspanningsbeleid vir die Provinsie aanvaar.

(2) Die beleid in subartikel (1) bedoel, mag nie strydig met hierdie Wet of enige ander wet wees nie en bind die Owerheid, 'n provinsiale sport- of ontspanningsliggaam of 'n sportpersoon, en handel ook met –

(a) die bepaling van prioriteite vir sport- en ontspanningsontwikkeling in die Provinsie;

(b) maatreëls om transformasie in sport binne die Provinsie te verwesenlik;

(c) voorwaardes rakende die oordrag van fondse aan die Owerheid of enige ander instelling of entiteit;

(d) maatreëls om geslagsgelykheid in sport te bereik en om te voorsien in die buitengewone behoeftes van gestremde sportpersone in die Provinsie;

(e) 'n gedragskode vir sportpersone en lede van spanne wat die Provinsie verteenwoordig; en

(f) enige ander aangeleentheid wat verband hou met sport of ontspanning in die Provinsie.

(3) 'n Beleid in subartikel (1) bedoel of 'n wysiging daaraan, word eers van krag na publikasie daarvan in die *Provinsiale Koerant*.

Oorgangs- en vestigingsbepalings

30. (1) Vanaf die datum waarop hierdie Wet in werking tree, behoudens die voorafverkreë goedkeuring van die beheerliggaam van 'n provinsiale sportinstelling, –

(a) ontbind die instelling;

(b) word die personeel, bates, verpligtinge en rekords van die instelling aan die Owerheid oorgedra en word die Owerheid die opvolger in regte van die instelling.

(2) Die verantwoordelike Lid stel 'n administrateur aan om die Raad se bevoegdhede uit te oefen, sy werksaamhede te verrig en sy pligte uit te voer, totdat die eerste Raad kragtens artikel 6 aangestel is.

Kort titel en inwerkingtreding

31. Hierdie Wet heet die Wet op die Noord-Kaapse Sport- en Ontspanningsowerheid, 2014, en tree in werking op 'n datum deur die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

GENERAL NOTICE 44

NORTHERN CAPE PROVINCIAL GOVERNMENT
DEPARTMENT OF SPORT, ARTS AND CULTURE
PUBLICATION FOR PUBLIC COMMENT,
PROPOSED NORTHERN CAPE SPORT AND RECREATION AUTHORITY BILL, 2014

The above Bill is hereby published for public comment. Written representations may be made to the Department of Sport, Arts and Culture and must be directed to:

Patrick Montwedi
Head: Office of the MEC
Brian Hermanus House
1 Albertyn Street
New Park
Private Bag X6091
Kimberley
8300

Tel: 053 8314152
Fax: 053 8331454
E-mail: pmontwedi@ncpg.gov.za,

no later than **9 May 2014**.

Copies of the draft legislation may be obtained from the above Office.

BILL

To provide for the institution of the Northern Cape Sport and Recreation Authority and for the governance thereof by a board; to determine its objects, functions and operation; to regulate its staff and financial matters; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Northern Cape Province as follows:-

ARRANGEMENT OF SECTIONS

Section

CHAPTER I
INTERPRETATION

1. Definitions

CHAPTER II
THE AUTHORITY AND BOARD

2. Institution of Authority
3. Objects of the Authority
4. Powers, functions and duties of the Authority
5. Establishment of Board
6. Composition of the Board
7. Term of office of members of the Board and filling of vacancies
8. Eligibility to serve on the Board
9. Conflicting interests
10. Removal from office
11. Remuneration of members of Board
12. Meetings of the Board
13. Committees of Board

CHAPTER III
REGIONAL FORUM

14. Regional sport and recreation forum

CHAPTER IV
STAFF MATTERS

15. Staff of Authority and remuneration
16. Chief executive officer
17. Removal of chief executive officer from office
18. Employment contract and performance agreement of chief executive officer

CHAPTER V
FINANCE AND PROCUREMENT

19. Finances
20. Accountability, audits and reports
21. Appropriation of income and property
22. Procurement

CHAPTER VI
REGISTRATION

23. Registration with the Authority of provincial sport or recreation bodies
24. Consequences of not being registered with the Authority
25. Application, registration and annual renewal fees
26. Suspension and termination of registration

CHAPTER VII
GENERAL PROVISIONS

27. Delegation
28. Regulations
29. Sport and Recreation policy
30. Transitional and founding arrangements
31. Short title and commencement

CHAPTER I
INTERPRETATION

Definitions

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

"**Authority**" means the Northern Cape Sport and Recreation Authority referred to in section 2;

"**Board**" means the Board of the Authority constituted in accordance with section 6;

"**chairperson**" means the chairperson of the Board appointed in terms of section 6(6);

"**chief executive officer**" means the chief executive officer appointed in terms of section 14(1);

"**committee**" means a committee of the Board appointed in terms of section 13;

"**Constitution**" means the Constitution of the Republic of South Africa, 1996;

"**Department**" means the Provincial Department responsible for sport and recreation in the Province;

"**district municipality**" means a district municipality as defined in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**Executive Council**" means the Executive Council of the Province as referred to in section 132 of the Constitution;

"**family member**" means a person's –

(a) spouse; or
(b) child, parent, brother or sister, whether such a relationship results from birth, marriage or adoption;

"**financial year**" means the period commencing on the first day of April in any year to the thirty-first day of March in the ensuing year, both days inclusive;

"**forum**" means the regional sport and recreation forum established by section 14(1);

"**Head of Department**" means the Head of the Department responsible for sport and recreation in the Province;

"**Head of Education**" means the Head of the Department responsible for school education in the Province;

"**head of the provincial treasury**" means the head of the provincial treasury in the Province referred to in section 17(1)(a) of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

"**member**" means a member of the Board;

"**member of a provincial sport or recreation body**" means any sport person being a member or affiliate of such body, either directly or through an institution duly affiliated to that body;

"**organ of state**" has the meaning set out in section 239 of the Constitution;

"**policy**" means the Provincial Sport and Recreation policy made by the responsible Member in terms of section 29;

"**political office-bearer**" means –

(a) a member of the National Assembly or the National Council of Provinces or the Cabinet;
(b) a member of a provincial legislature;
(c) a diplomatic representative of the Republic who is not a member of the public service;
(d) a member of a house or council of traditional leaders;

(e) a member of a municipal council; or
(f) a national or provincial office-bearer of any political party;

"**Premier**" means the Premier of the Province referred to in section 125 of the Constitution;

"**prescribe**" means prescribe by regulation;

"**Province**" means the Northern Cape Province referred to in section 103(1)(g) of the Constitution, or any region thereof;

"***Provincial Gazette***" means the *Provincial Gazette* of the Province;

"**Provincial Revenue Fund**" means the Provincial Revenue Fund referred to in section 226 of the Constitution;

"**provincial sport institution**" means the Northern Cape Provincial Academy of Sport or the Northern Cape Sport Council, each established as a voluntary association under its own constitution, respectively to deal with matters related to sport or recreation in the Province;

"**provincial sport or recreation body**" means any provincial federation, agency, club or body, including a trust, registered company or other corporate structure of such a provincial federation, agency, club or body involved in the administration of sport and recreation at provincial level;

"**recreation**" means a guided process of voluntary participation in any physical activity, which may contribute to the improvement of the general health, well-being or skill of the participant;

"**region**" means the area of jurisdiction of a district municipality;

"**registered**" means registered with the Authority in terms of section 23(1);

"**Republic**" means the Republic of South Africa referred to in section 1 of the Constitution;

"**responsible Member**" means the Member of the Executive Council responsible for sport and recreation in the Province;

"**sport**" means any activity which requires a significant level of physical and mental involvement and in which participants engage in either a structured or unstructured environment, for the purpose of declaring a winner, though not solely so, or purely for relaxation, personal satisfaction, physical health, emotional growth or development;

"**sport federation**" means a sport organisation charged in terms of its constitution and by the national federation where such exists, with the responsibility of governing of a specific code of sport within the Province;

"**sport focus school**" means a school that includes sport as an examination subject in its curriculum;

"**sport person**" means any person taking part or intending to take part in sport; and

"**this Act**" includes any regulation made under this Act.

CHAPTER II
THE AUTHORITY AND BOARD

Institution of Authority

2. (1) The Northern Cape Sport and Recreation Authority is hereby instituted as a juristic person.

(2) The Authority must be structured in a manner that will enable it to perform its functions in each of the regions of the Province.

Objects of the Authority

3. The objects of the Authority are to –

(a) regulate;
(b) consolidate;
(c) promote;
(d) develop;
(e) finance; and
(f) co-ordinate,

sport and recreation activities and facilities in the Province.

Powers, functions and duties of Authority

4. (1) The Authority must, in close co-operation with the Department and with due regard to the achievement of gender equality in sport and the needs of disabled sport persons, exercise the powers, perform the functions and carry out the duties –

(a) provided for in this Act or any other law;

(b) provided for in the policy made by the responsible Member in terms of section 29; and

(c) from time to time assigned to it in writing by the responsible Member.

(2) The Authority may, in the Province and subject to any national legislation –

(a) promote community sport and amateur sport by –

(i) staging, financing or facilitating events intended for mass participation and encouraging communities to participate in such events;

(ii) assisting and encouraging sport club and federation development;

(iii) undertaking or assisting in the management of sport and recreation facilities;

(b) promote elite sport and recreation by –

(i) undertaking, facilitating or financing athlete support services;

(ii) providing or financing medical support to athletes;

(iii) undertaking doping and medical testing of athletes on a regular basis;

(iv) identifying talented and high performance sport persons at an early stage;

(c) in consultation with the Head of Education, or, where a specific school is concerned, the principal of that school assist with the development of school sport by –

(i) staging, financing or facilitating events intended for mass participation by learners and encouraging learners to participate in such events;

(ii) encouraging and financially supporting the formation and maintenance of school sport leagues;

(iii) encouraging the development of motor-skills amongst learners;

(iv) financially supporting sport focus schools;

(v) encouraging and financially supporting competitive school sport;

(d) provide support –

(i) for the eradication of mainstream gender based discrimination and disability in sport;

(ii) for any special sporting event by –

(aa) assisting with fundraising for the event;

(bb) helping find sponsorships for the event;

(cc) marketing and assisting with a communication plan for the event;

(dd) facilitating sound stakeholder relationships;

(e) engage in capacity building in the field of sport and recreation by –

(i) providing training and coaching in any form of sport;

(ii) the facilitation of accredited training through the relevant SETA;

(iii) providing a legal framework through which sporting and recreational events may take place;

(iv) strengthening regional and local sport structures;

(f) undertake the development of sport by –

(i) talent identification;

(ii) organizing or hosting training camps or coaching clinics;

(iii) holding road shows in the various regions; and

(iv) arranging exchange programmes for sport persons on institutional, provincial, national and international level;

(g) determine provincial colours for all sport codes representing the Province.

Establishment of Board

5. A Board for the Authority is hereby established –

(a) to manage and control the affairs of the Authority;

(b) to be the accounting authority for the Authority as contemplated in section 49(2)(a) of the Public Finance Management Act, 1999 (Act No. 1 of 1999); and

(c) to exercise the powers and perform the functions conferred or imposed upon the Authority by this Act or any other law.

Composition of the Board

6. (1) The Board consists of 8 members to be appointed by the responsible Member, subject to subsection (4).

(2) Every one of the 5 regions in the Province must be represented in the Board.

(3) The responsible Member must, before appointing members, request nominations to be made for suitable persons to serve as members of the Board in at least one newspaper circulating in the Province and in the *Provincial Gazette*.

(4) Members of the Board must have special competence, experience or interest in the field of sport and recreation and must be broadly representative of the gender, language and community composition of the Province.

(5) The Head of Department or an official designated by the Head of Department to represent him or her, the Head of Education or an official designated by the Head of Education to represent him or her and the chief executive officer are entitled to be present and take part in the discussions at meetings of the Board, but are not members of the Board and may not vote at such meetings.

(6) The responsible Member must appoint a chairperson and deputy chairperson from amongst the members of the Board.

(7) Before being appointed a member of the Board, the candidate must submit to the responsible Member an affidavit in which such candidate declares that he or she –

(a) is eligible for such appointment; and

(b) is not disqualified in terms of this Act from such appointment.

(8) The responsible Member is at any time entitled to call for proof to his or her satisfaction of the continued eligibility of any member or prospective member of the Board, or to undertake or cause to be undertaken any investigation or enquiry in that regard.

Term of office of members of the Board and filling of vacancies

7. (1) A member may be appointed for a period of 5 years.

(4) A member whose term of office has expired is eligible for reappointment, but may not serve more than 2 terms of office.

(3) Any vacancy on the Board may be filled by appointment in the manner in which the member who vacates the office was required to be appointed, and any member so appointed holds office for the unexpired portion of the period for which the member who vacated the office was appointed.

Eligibility to serve on the Board

8. (1) To be eligible to serve as a member of the Board, and to continue to hold that office, a person must –

(a) be a fit and proper person;

(b) not be subject to any disqualification set out in subsection (2);

(c) have submitted to the responsible Member the affidavit referred to in section 6(7); and

(d) be a citizen of the Republic and ordinarily residing in the country.

(2) A person may not be a member of the Board if that person -

(f) is a political office-bearer;

(g) is an unrehabilitated insolvent, or becomes insolvent and the insolvency results in the sequestration of his or her estate;

(c) was once, or is removed from an office of trust on account of misconduct;

(d) is subject to an order of a competent court holding that person to be mentally deranged;

(e) within the previous ten years has been, or is, convicted in the Republic or elsewhere of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), an offence under Chapter 2 or 3 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), an offence under the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001) or an offence involving dishonesty; or

(f) has been convicted of any other offence committed after the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), took effect, and sentenced to imprisonment without the option of a fine.

(3) The provisions of subsections (1) and (2), read with the changes required by the context, apply to any official referred to in section 6(5).

Conflicting interests

9. (1) A member of the Board must not –

(a) engage in any activity that may undermine the integrity of the Authority;

(b) attend, participate in or influence the proceedings during a meeting of the Board if, in relation to the matter before the Board, that member has an interest that precludes the member from performing the duties of a member of the Board in a fair, unbiased and proper manner;

(c) vote at any meeting of the Board in connection with a matter contemplated in paragraph (b);

(d) make private use of, or profit from, any confidential information obtained as a result of performing duties as a member of the Board; or

(e) divulge any information referred to in paragraph (d) to any third party, except as required as part of that person's official functions as a member of the Board.

(2) If, at any time, it appears to a member of the Board that a matter before the Board concerns an interest of that member referred to in subsection (1)(b), the member must -

(c) immediately and fully disclose the nature of that interest to the meeting; and

(d) withdraw from the meeting to allow the remaining members to discuss the matter and determine whether the member should be prohibited from participating in any further proceedings concerning that matter.

Removal from office

10. (1) The responsible Member may, by written notice, remove any member of the Board from office –

(c) on the grounds of misconduct or incompetence;

(d) if the member becomes subject to a disqualification contemplated in section 8(2);

(e) if the member is absent for more than two meetings of the Board in one year without sound reason, or, in the case of absence due to medical reasons, without presenting a valid medical certificate.

(2) A decision to remove a member of the Board on the grounds of misconduct or incompetence must be based on a finding to that effect by an investigating tribunal appointed by the responsible Member.

(3) A notice contemplated in subsection (1) must state the reasons for removal of the member.

(4) The responsible Member may at any time disband the Board if he or she is, on reasonable grounds, convinced that the Board is not functioning properly or that it will be in the community's or public interest to do so.

(5) If the responsible Member has disbanded the Board as contemplated in subsection (4), he or she must forthwith appoint an administrator to exercise the powers, perform the functions and carry out the duties of the Board until a new Board is appointed in terms of section 6.

Remuneration of members of Board

11. (1) A member of the Board must be paid such reasonable remuneration and allowances out of the funds of the Board as the responsible Member, with the concurrence of the head of the provincial treasury, may from time to time determine.

(2) A member of the Board, who is in the full-time employ of any organ of state, may not receive remuneration in terms of subsection (1).

(3) Remuneration determined in terms of subsection (1) must be published in the *Provincial Gazette* by the responsible Member before it becomes effective.

(4) Members of the Board are entitled to be reimbursed for any travelling and subsistence expenses reasonably incurred by them for the performance of their functions as members of the Board.

Meetings of the Board

12. (1) The chairperson determines the date, time and place for the first meeting of the Board, and the chairperson, in consultation with the Board, determines the date, time and place for each subsequent meeting.

(2) The chairperson, in consultation with the Board, may determine procedures at meetings of the Board, after due consideration of the principles of openness and transparency.

(3) A majority of the members of the Board contemplated in section 6(1) is a quorum for a meeting of the Board.

(4) The Board must attempt to reach its decision by consensus.

(5) If the Board is unable to reach a consensual decision in any matter before it, the Board may resolve the matter by a simple majority vote on a motion.

(6) In the event of an equality of votes regarding any matter put to the vote, the chairperson has a casting vote in addition to his or her deliberative vote.

(7) Subject to subsections (4), (5) and (6), the Board may establish rules for its own proceedings.

(8) The chief executive officer must take minutes or cause minutes to be taken at meetings of the Board.

(9) Minutes of the proceedings of meetings of the Board must be retained at the offices of the Authority and must be open to the public for inspection.

(10) No person who has access to any information classified by the Board as confidential, may, without permission of the Board, divulge such information.

(11) If a particular person is able to assist the Board in the consideration of a particular matter, the Board may co-opt that person for that purpose.

(12) A person so co-opted is not entitled to vote at any meeting of the Board or a committee of the Board.

(13) The Board must meet at least once every 3 months to, amongst other things, consider the report referred to in section 20(3).

(14) The responsible Member may call a meeting of the Board if the Board fails to comply with subsection (13).

(15) The chairperson must call an extraordinary meeting of the Board, if so requested by the responsible Member, the majority of members of the Board or the chief executive officer.

(16) Whenever any matter to be dealt with by the Board is of such a nature that it requires the immediate and urgent attention of the Board and it is not possible for the Board to meet in order to attend to the matter, all relevant documentation pertaining to such matter must forthwith be made available to each member by the chief executive officer for consideration.

(17) A matter referred to in subsection (16) and agreed upon in writing by a simple majority of the Board members will, subject to subsection (18), be a resolution of the Board.

(18) A resolution contemplated in subsection (17), must be reported to the Board by the chief executive officer at its next ensuing meeting and must be so recorded in the minutes of that meeting.

Committees of Board

13. (1) The Board may establish committees, with the power to co-opt other persons, for the purpose of assisting it with the due and proper exercise and performance of any of its powers and functions in terms of this Act, and may likewise dissolve, extend, enlarge or limit any committee so established.

(2) (a) A committee established under subsection (1), consists of no fewer than three members designated by the Board being suitable and appropriately qualified or experienced regarding matters relating to the functions of the committee in question.

(b) The Board must designate a Board member serving on a committee as the chairperson of such committee.

(3) A co-opted member of a committee serves in an advisory capacity, and may not vote at any meeting of such committee.

CHAPTER III
REGIONAL FORUM

Regional sport and recreation forum

14. (1) A regional sport and recreation forum is hereby established to make recommendations to the Authority regarding matters pertaining to sport or recreation matters at a regional or local level.

(2) The forum consists of –

(a) the Head of Department or an official nominated by him or her, who is the chairperson of the forum;

(b) the chief executive officer;

(c) one person annually nominated by each of the regional sport and recreation associations contemplated in subsection (3).

(3) To participate in the activities of the forum, the regional manager of the Department in each region must –

(a) establish a regional sport and recreation association consisting of all registered sport or recreation bodies within the region willing to participate in the activities of the forum;

(b) call regular meetings of the association and act as chairperson at those meetings;

(c) provide the chief executive officer with a copy of the constitution of the association.

(4) The forum must meet at least once every 3 months, alternatively in each region, to deliberate on and make recommendations to the Authority regarding matters pertaining to sport or recreation at a regional or local level.

(5) A decision of the forum is taken only by way of consensus at a meeting of the forum where at least a majority of the members contemplated in subsection (2) are present.

(6) All matters relating to meetings and the functioning of the forum must be attended to by the chief executive officer or a member of the staff of the Authority designated by the chief executive officer and must be financed by the Authority.

(7) Members of the forum do not receive any remuneration, but are entitled to be reimbursed for travelling and subsistence expenses reasonably incurred by them for the attendance of meetings of the forum.

(8) Recommendations of the forum must be put onto the agenda of the next ensuing meeting of the Board by the chief executive officer for consideration, decision and report back to the forum.

CHAPTER IV
STAFF MATTERS

Staff of Authority and remuneration

15. (1) The Board –

(a) must, subject to sections 16, 17 and 18 and with the concurrence of the responsible Member, appoint a suitably qualified and experienced person as chief executive officer, who –

(i) subject to the direction and control of the Board, is responsible for all financial and administrative responsibilities pertaining to the functions of the Authority; and

(ii) is accountable to the Board;

(b) must, with the concurrence of the responsible Member, determine a staff establishment for the Authority; and

(c) may, on the establishment contemplated in paragraph (b), appoint any other staff as may be necessary to enable the Authority to perform its functions.

(2) Section 8(1) and (2) and section 9, read with the changes required by the context, apply to the chief executive officer and each staff member to be appointed in terms of this Act.

(3) The Board may, with the concurrence of the responsible Member and the head of the provincial treasury, determine the remuneration, allowances, employment benefits and other terms and conditions of appointment of a person appointed in terms of subsection (1).

(4) The Board may delegate its powers in terms of subsection (1)(c) to the chief executive officer.

(5) The responsible Member may, after consultation with the Board, second any official on the establishment of the Department to the Authority in accordance with section 15(3) of the Public Service Act, 1994.

(6) On dissolution of a provincial sport institution in accordance with section 30(1)(a), a person in the employ of the institution –

(a) remains so employed;

(b) retains his or her emoluments and other conditions of service; and

(c) is employed additional to the staff establishment of the Authority determined in terms of subsection (1)(b).

Chief executive officer

16. (1) The chief executive officer, appointed in terms of section 15(1), must be a person who has appropriate qualifications, knowledge or experience regarding the business and operations of the Authority.

(2) The chief executive officer must have thorough knowledge of the financial and provisioning administration prescripts incumbent on the Authority.

(3) The Board must, when appointing a chief executive officer, through public invitation, request applications for that position.

(4) The chief executive officer is appointed for such period and on such terms and conditions of service as the Board may, subject to section 15(3), determine, but -

(e) the chief executive officer may not be so appointed for a period exceeding 5 years;

(f) upon the expiration of the term of office of the chief executive officer, he or she is eligible for reappointment for one further term of 5 years only;

(g) the chief executive officer may not undertake any other remunerative work, without the prior written consent of the Board.

(5) The chief executive officer may, on 3 months' written notice tendered to the Board, resign from his or her office.

(6) Whenever the office of chief executive officer is vacant or the chief executive officer is absent or incapacitated or refuses or fails to act, the powers and functions of the chief executive officer may be exercised and performed by any person designated as the acting chief executive officer by the responsible Member, but such person may not be the acting chief executive officer for a period exceeding 6 months in total.

(7) While a person appointed as contemplated in subsection (6) so acts, he or she may exercise the powers and perform the functions of the chief executive officer.

Removal of chief executive officer from office

17. (1) The Board may remove the chief executive officer from office –

(a) on account of his or her improper conduct;

(b) for unfitness for the functions of his or her office;

(c) on the ground of a permanent infirmity of mind or body which renders him or her incapable of discharging the functions of his or her office or discharging them properly;

(d) on the ground that he or she is or has become subject to a disqualification envisaged in section 8(2).

(2) The Board may, in order to determine whether there exists sufficient cause for the removal of the chief executive officer from office as contemplated in subsection (1), initiate an inquiry or investigation for that purpose.

(3) Whenever any inquiry or investigation, initiated as contemplated in subsection (2), is being undertaken, the Board may and with due regard to the provisions of the Labour Relations Act, 1995 (Act No. 66 of 1995), suspend the chief executive officer from his or her office pending the outcome of such an inquiry or investigation.

(4) For the purposes of subsection (1)(a), non-compliance by the chief executive officer with any provision of this Act or the Public Finance Management Act, 1999 (Act No. 1 of 1999), amongst other things, constitutes improper conduct.

(5) If the responsible Member is of the opinion that one or more of the grounds referred to in subsection (1) is applicable to the chief executive officer, he or she may direct the Board to act in accordance with subsection (2).

Employment contract and performance agreement of chief executive officer

18. (1) The appointment of the chief executive officer by the Board as contemplated in section 15(1) becomes effective from the date of the entering into a written employment contract with the Authority, which employment contract must be for the duration of his or her term of office as chief executive officer.

(2) The employment contract contemplated in subsection (1) must, as a minimum, contain the chief executive officer's personal particulars, term of office, conditions of service, powers, functions, responsibilities, duties as well as his or her remuneration, allowances and benefits.

(3) In addition to the employment contract as contemplated in subsection (1), the chief executive officer must annually, prior to the commencement of the financial year concerned, conclude a performance agreement with the Board which performance agreement's term of operation must coincide with the financial year of the Board.

(4) The performance agreement contemplated in subsection (3) must, as a minimum, contain a reference to the financial year to which such performance agreement pertains, the purpose of the chief executive officer's job, the key result areas, financial and management criteria, performance guidelines and targets of such job, as well as the standards for measuring the performance of the chief executive officer, by the Board, on at least a bi-annual basis.

CHAPTER V
FINANCE AND PROCUREMENT

Finances

19. (1) The Authority is financed from –

(b) money appropriated by the Provincial Legislature for the Authority;

(b) any money payable to the Authority in terms of this Act;

(c) income derived by the Authority from its investment and deposit of surplus money in terms of subsection (6); and

(d) all other monies legally accruing to the Authority from any source.

(2) The financial year of the Authority is the period from 1 April in any year to 31 March of the following year.

(3) The prescripts incumbent on a provincial public entity, contained in the Public Finance Management Act, 1999 (Act No. 1 of 1999), and the Treasury Regulations apply to the Authority.

(4) The Board must open and maintain an account in the name of the Authority with a registered bank in the Republic and –

(b) any money received by the Authority must be deposited into that account; and

(b) every payment on behalf of the Authority must be made from that account.

(5) Withdrawals from the account of the Authority must be authorized on its behalf by two persons designated for that purpose by resolution of the Board.

(6) The Board may invest or deposit money of the Authority that is not immediately required for contingencies or to meet current expenditures –

(a) on a call account or short-term fixed deposit with any registered bank or financial institution in the Republic; or

(b) in an investment account with the Corporation for Public Deposits established in terms of section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984).

(7) Any money standing to the credit of the Authority at the end of any financial year of the Authority, excluding such money as has been approved by the responsible Member, being necessary for the reasonable immediate running expenses of the Authority, must be paid into the Provincial Revenue Fund.

(8) No loan may be made out of the funds of the Authority, or from any other funds administered or held in trust by the Authority, to a member of the Board, or a member of the staff of the Authority, or to a family member of such member of the Board or member of the staff of the Authority.

Accountability, audits and reports

20. (1) The Board must –

(a) account for state and other money received by, or paid for, or on account of the Authority; and

(b) cause the necessary accounting and related records to be kept,

in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(2) The records referred to in subsection (1)(b) must be audited by the Auditor General.

(3) The Authority must, through the Head of Department, report at least quarterly in writing to the responsible Member on its activities.

(4) The Authority must submit the report and statements referred to in section 55(1) of the Public Finance Management Act, 1999 (Act No. 1 of 1999), to the responsible Member in the way required by section 55(3) of that Act.

(5) The responsible Member must, as soon as practicable after receiving the report and statements referred to in subsection (4), table it in the Provincial Legislature.

(6) The Authority must, in the report contemplated in subsection (4), as far as the exercise and performance of its powers and functions during the year being reported on, are concerned, also include reference to -

(a) its achievements;

(b) its failures;

(c) the financial implications of all such achievements and failures;

(d) any recommendations pertaining to its objects, for consideration.

(7) The Board must establish an audit committee for the Authority consisting of at least three persons in accordance with Treasury Regulation 27.

(8) The audit committee must prepare, sign and submit to the Authority, within 15 days of the end of each quarter, a report in respect of the operations, including the income and expenditure of the Authority in respect of the preceding quarter.

Appropriation of income and property

21. The moneys appropriated by the Provincial Legislature to the Authority as contemplated in section 18(1)(a), must be utilized in accordance with such appropriation and all other income, property and profits of the Authority must be utilized exclusively for the achievement of its objects and in accordance with the provisions of this Act.

Procurement

22. (1) When procuring any supply or service, or hiring or letting anything or acquiring or granting any right or acquiring or disposing of any asset for or on behalf of the Authority, the Board must ensure that such procurement is effected in accordance with, and duly complies with –

(a) the regulations made or instructions issued by the National Treasury in respect of an appropriate procurement and provisioning system which is fair, equitable, transparent, competitive and cost-effective as contemplated in section 76(4)(c) of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(b) the instructions issued by the Provincial Treasury as contemplated in section 18(2)(a) of the Public Finance Management Act, 1999 (Act No. 1 of 1999), in respect of an appropriate procurement and provisioning system which is fair, equitable, transparent, competitive and cost-effective;

(c) the appropriate procurement and provisioning system which is fair, equitable, transparent, competitive and cost-effective as established by the Board, as contemplated in section 51(1)(a)(iii) of the Public Finance Management Act, 1999 (Act No. 1 of 1999) and Treasury Regulation 16A; and

(d) the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

(2) The Board must adopt, within six months after the coming into operation of this Act, a procurement system consistent with subsection (1), which procurement system must be utilized for the procurement of all supplies, goods and services, as well as the disposal of supplies and goods by the Board.

CHAPTER VI
REGISTRATION

Registration with the Authority of provincial sport or recreation bodies

23. (1) All provincial sport or recreation bodies representing sport persons within the boundaries of the Province, must register with the Authority.

(2) An application for registration with the Authority must be lodged on the prescribed form, accompanied by–

(a) a detailed written motivation in support of the application;

(b) a copy of its constitution or other founding document;

(c) proof of membership of constituent bodies or persons;

(d) a letter of support by the Head of Education, in the event of a sport or recreation body representing school sport; and

(e) proof of payment of the prescribed fee.

(3) The Board must, within a reasonable time after receipt of the application referred to in subsection (2), consider the application and –

(a) approve the application subject to such conditions as the Board may determine; or

(b) reject the application.

(4) The Board must, in writing, forthwith notify the applicant of its decision and if the application was rejected, provide the reasons for its decision.

(5) An unsuccessful applicant may reapply for registration only after a period of 6 months has lapsed since being notified accordingly.

(6) When considering an application, the Board may request additional information to that already provided for in subsection (2).

Consequences of not being registered with the Authority

24. (1) The Department or the Authority may not provide financial or other assistance to –

(a) a provincial sport or recreation body not registered with the Authority in terms of section 23;

(b) a sport person who is –

(i) not a member of a provincial sport or recreation body; or

(ii) a member of a provincial sport or recreation body not registered with the Authority in terms of section 23.

(2) No sport person may represent the Province in any sport event or wear the Province's colours in such event, unless that sport person is a member of a provincial sport or recreation body registered with the Authority in terms of section 23.

Application, registration and annual renewal fee

25. (1) (a) An institution applying for registration in terms of section 23 must pay to the Authority the prescribed application fee upon submission of the application.

(b) A successful applicant must, upon receipt of the notification to that effect in terms of section 23(4), pay to the Authority the prescribed registration fee before the registration becomes effective and thereafter annually pay the prescribed renewal fee.

(c) The Authority must, within 48 hours after receipt of the fees contemplated in paragraphs (a) and (b), pay the fees into the Provincial Revenue Fund.

(d) No fee contemplated by this section is refundable.

(2) The annual renewal fee becomes due on the last day of March in each consecutive year.

(3) If the annual renewal fee is not paid within 90 days from the date on which it became due in accordance with subsection (2), the registration lapses.

Suspension and termination of registration

26. (1) Should any provincial sport or recreation body –

(a) contravene or fail to comply with a provision of this Act;

(b) contravene or fail to comply with a provision of the policy made by the responsible Member in terms of section 29; or

(c) bring the Province, the Department, the Authority or the sport code it represents into disrepute,

the Board may, by written notice –

(i) pending an investigation, suspend the membership of the body;

(ii) after an investigation, terminate the membership of the body.

(2) A decision by the Board to suspend the membership of a provincial sport or recreation body must be taken with the concurrence of the responsible Member.

(3) A decision to terminate the membership of a provincial sport or recreation body in terms of subsection (1) must be based on a finding to that effect by an investigating tribunal appointed by the responsible Member.

(4) A notice to terminate the membership of a sport or recreation body must state the reasons for the termination.

(5) If the membership of a sport or recreation body is suspended in terms of subsection (1), the body is, during the period of the suspension, for purposes of section 24 deemed not to be registered with the Authority.

CHAPTER VII
GENERAL PROVISIONS

Delegation

27. (1) The Board may, subject to subsections (2) and (3), in writing, delegate any of the Authority's powers, functions or duties in terms of this Act, to the chief executive officer or a committee of the Board.

(2) The chief executive officer may, with the written permission of the Board, sub-delegate any power, function or duty delegated to him or her in terms of subsection (1), to any member of the staff of the Authority.

(3) A delegation or sub-delegation, as the case may be, may be withdrawn by the Board or the chief executive officer with the concurrence of the Board, respectively.

Regulations

28. (1) The responsible Member may, by notice in the *Provincial Gazette*, make regulations regarding –

(a) fees to be paid to the Authority or any institution administered by the Authority; and

(b) any other matter that may be necessary or expedient in order to achieve the objects of this Act.

(2) Any regulation made in terms of subsection (1)(a), may only be made with the concurrence of the head of the provincial treasury.

(3) No less than 1 month before any regulation is made under this section, the responsible Member must cause the text thereof to be published in the *Provincial Gazette* together with a notice declaring his or her intention to make that regulation and inviting interested persons to furnish any comments thereon or any representation which they may wish to make in regard thereto, to the responsible Member on or before a date mentioned in the notice.

(4) The provisions of subsection (3) do not apply to an amendment made to any regulation published in terms of that subsection.

Sport and recreation policy

29. (1) The responsible Member may, after consultation with the Board, adopt a sport and recreation policy for the Province.

(2) The policy contemplated in subsection (1), may not be in conflict with this Act or any other law, and is binding on the Authority, any provincial sport or recreation body or any sport person, and may include –

(a) the determination of priorities for sport and recreation development in the Province;

(b) measures to achieve transformation in sport in the Province;

(c) conditions pertaining to the transfer of funds to the Authority or any other institution or entity;

(d) measures to achieve gender equality in sport and to provide for the special needs of disabled sport persons in the Province;

(e) a code of conduct for sport persons and members of teams representing the Province; and

(f) any other matter related to sport or recreation in the Province.

(3) A policy contemplated in subsection (1) or any amendment thereto, only becomes binding after publication thereof in the *Provincial Gazette*.

Transitional and founding arrangements

30. (1) With effect from the date on which this Act comes into operation, subject to the approval of the governing body of a provincial sport institution first being obtained –

(a) the institution is dissolved;

(b) the staff, assets, liabilities and records of the institution are transferred to the Authority and the Authority becomes the successor-in-law of the institution.

(2) The responsible Member must appoint an administrator to exercise the powers, perform the functions and carry out the duties of the Board, until the first Board is appointed in terms of section 6.

Short title and commencement

31. This Act is called the Northern Cape Sport and Recreation Authority Act, 2014, and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

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