

CERTIFIED: 21 JULY 2020

Principal State Law Advisor

THE NORTH WEST PROVINCE

NORTH WEST

**ADJUSTMENT APPROPRIATION BILL,
2020**

(As introduced)

Member of Executive Council for Finance

CERTIFIED: 21 JULY 2020



Adv BW Tlhale
PRINCIPAL STATE LAW ADVISOR

(The English text is the official text of the Bill)

BILL

To effect adjustments to the appropriation of money from the Provincial Revenue Fund for the requirements of the Province in respect of the 2020/21 financial year; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 226(2) of the Constitution of the Republic of South Africa, 1996 provides that money be withdrawn from the Provincial Revenue Fund only in terms of an appropriation by a provincial Act.

WHEREAS the Appropriation Act of 2020, provides for the appropriation of money from the Provincial Revenue Fund to provide for the requirements of the Province in respect of the 2020/21 financial year.

AND WHEREAS section 31 of the Public Finance Management Act, 1999 (Act No.1 of 1999 as amended by Act 29 of 1999) provides for the tabling of the provincial adjustment budgets, with an appropriation Bill, to make adjustments to the appropriations in an Appropriation Act.

BE IT THEREFORE ENACTED by the North West Provincial Legislature as follows:-

Interpretation

1. In this Act, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Public Finance Management Act, 1999 has the meaning assigned to it in that Act.

Adjustments to appropriation of money for requirements of Province

2.(1) Adjustment to appropriations by the Provincial Legislature of money from the Provincial Revenue Fund for the requirements of the province in the 2020/21 financial year, to votes and main divisions within a vote, and for the specific listed purposes are set out in Schedule A.

(2) The spending of appropriations contemplated in subsection (1) is subject to the Public Finance Management Act, 1999.

Appropriation listed as specifically and exclusively

3. An appropriation to a vote or main division within a vote that is listed as specifically or exclusively appropriated in Schedule A to this Act may only be utilised for the purpose indicated unless the Provincial Legislature amends or changes the purpose for which it was allocated.

Conditional Expenditure

4.(1) The MEC for Finance may –

(a) impose conditions in respect of an appropriation in Schedule A to this Act, in order to promote and enforce transparency and effective management in respect of revenue, expenditure, assets and liabilities of departments and public entities in terms of section 18(1)(c) of the Public Finance Management Act, 1999; and

(b) stop any allocation in terms of such an appropriation until any condition imposed by the MEC for Finance is met.

(2) The stoppage of an allocation in terms of subsection (1)(b) must be included in the Provincial Treasury's next quarterly report to the Provincial Executive Council, the Portfolio Committee on Premier, Finance, Cooperative Governance, Human Settlement and Traditional Affairs and the National Treasury.

Utilisation of savings

5.(1) Despite section 43(4) of the Public Finance Management Act, 1999, and in order to expedite service delivery, the MEC for Finance may approve the utilization of a saving in an amount appropriated for –

- (a) transfer to another organ of state or to an organization or body outside of province, for the same purpose as that of the main division within the vote in which it was originally appropriated; and
- (b) payments for capital assets, in the same vote for other categories of expenditure, other than for the compensation of employees.

(2) The approval of the utilization of a saving in terms of subsection (1) must be reported in the Provincial Treasury's next quarterly report to the Provincial Executive Council, the Portfolio Committee on Premier, Finance, Cooperative Governance, Human Settlement and Traditional Affairs and to the National Treasury.

Earmarked Funds

6.(1) In line with Treasury Regulation 6.3.1(c) which stipulates that allocations earmarked by the relevant Treasury for a specific purpose may not be used for other purposes, except with its approval, a Department may not deviate from this Regulation, in relation to all earmarked funding.

(2) In ensuring the utilization of the earmarked funds contemplated in subsection (1), departments must provide the Provincial Treasury with monthly reports on implementation of programmes related to the utilization of such funds.

(3) Unspent earmarked allocations contemplated in subsection (1) must be surrendered to the Provincial Revenue Fund at the end of the financial year.

Allocation for and expenditure by departments whose allocations are included in same budget vote

7.(1) The votes listed in Column 1 of Schedule A to this Act, contain the allocation for departments listed in Column 2 of that Schedule.

(2) Departments listed in Column 2 of Schedule A to this Act, whose allocation are included in the same budget vote, must comply with the requirements of the Appropriation Act of 2020.

Regulations

8. The MEC for Finance may by notice in the Gazette, make regulations regarding any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.

Short title

9. This Act is called the North West Adjustment Appropriation Act, 2020, and comes into operation on the date of publication thereof by the MEC for Finance in the Government Gazette.

SCHEDULE A									
(AS A CHARGE TO PROVINCIAL REVENUE FUND)									
2020-21									
Column 1					Column 2				
Vote	Description R'000	Total	Current Payments				Transfers and Subsidies	Payments for Capital Assets	Amounts specifically and exclusively appropriated
			Compen-sation of employ-ees	Goods and services	Rent and Interest on Land	Payments for Financial Assets			
1	Office of Premier	(100 000)	(22 101)	(74 121)	-	-	-	(3 778)	-
To facilitate integrated governance, planning and accelerate service delivery that is people-centered for improved economic growth in North West.									
	1. Administration..... To provide efficient and effective administrative support ser-vices to the Office of the Premier	(21 329)	(6 207)	(14 700)	-	-	-	(422)	-
	2. Institutional Development..... To provide strategic leadership and support to all provincial Departments through co-ordination, monitoring, evaluation and intervention of the implementation of policy frameworks, strategies and programmes related to Human Resource Strategy and Planning, Employee Wellness and Relations, Provincial Legal Advisory Services, Government Information Technology Office Communication, Ikatisong School of Gov-ernance as well as Integrity Management.	(56 959)	(6 051)	(47 287)	-	-	(65)	(3 556)	-

	3. Policy and Governance.....	(21 712)	(9 843)	(12 134)	-	-	65	200	-
	<i>To provide integrated planning, performance monitoring, evaluation and intervention in the province across all three spheres of government and social partnerships.</i>								
2	Provincial Legislature	(45 000)	-	(5 400)	-	-	-	(39 600)	-
	<i>Building a united prosperous society in the NW Province in which government is based on the while of the people.</i>								
	1. Administration	(37500)	-	2 100	-	-	-	(39 600)	
	<i>To enable the Administration to render support services that will allow Members of the Provincial Legislature and employees to fulfil their constitutional obligations.</i>								
	2. Statutory Payment.....	-	-	-	-	-	-	-	
	<i>To provide for the payment of Members' Salaries in terms of the law dealing with the remuneration of public office bearers and further ensures that members are given necessary support that will allow them to effectively perform their constitutional mandate.</i>								
	3. Legislature operation.....	(7 500)		(7 500)	-	-	-	-	
	<i>To enhance strategic management support in relation to parliamentary services.</i>								

Vote	Description R'000	Total	Current Payments				Transfers and Subsidies	Payments for Capital Assets	Amounts specifically and exclusively appropriated
			Compen- sation of employees	Goods and services	Rent and Interest on Land	Payments for Financial Assets			
3	Health	1 285 493	525 161	489 821	9 516	-	-	260 995	193 640
	To render accessible, equitable and integrated quality health care services								
	1. Administration..... To provide strategic management and administrative support to all departmental programmes	53 188	-	18 988	4 200	-	-	30 000	-
	2. District Health Services..... To promote accelerate promotive, preventive, curative and rehabilitative health care services in an accessible, affordable, and integrated manner. Of which conditional grant: Comprehensive HIV/AIDS and TB grants Covid-19 Component	770 183	525 161	244 471	551	-	-	-	175 100
	3. Emergency Medical Services..... To establish and maintain a well-functioning emergency medi- cal services throughout the province.	175 100	22 400	152 700	-	-	-	-	175 100
	4. Provincial Hospital Services..... To provide Regional Hospital Care Services and Psychiatric to the people of the North West Province.	33 181	-	32 181	-	-	-	1 000	-
	5. Central Hospital Services..... To provide access to Tertiary Hospital care services for pa- tients in the North West Province, retention and training of health care professionals and research.	59 310	-	70	70	-	-	-	-
	6. Health Science and Training..... To support health care service delivery through the provision of education, training and development.	99 536	-	-	-	-	-	-	-
	7. Health Care Support Services..... To provide health care support services, namely Pharmaceuti- cals Services, Transport Management Services, Health Tech- nology Services, Information and Communication Technology as well as Rehabilitation Services to the department. Of which conditional grant: Provincial Disaster Relief grant	-	-	99 536	-	-	-	-	18 540
		18 540		18 540					18 540

Vote	Description R'000	Total	Current Payments				Transfers and Subsidies	Payments for Capital Assets	Amounts specifically and exclusively appropriated
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	8. Health Facilities and Maintenance.....	270 095	-	35 600	4 500	-	-	229 995	-
	To oversee the planning and construction of health facilities to contribute towards the provision of comprehensive quality health services; to facilitate the upgrade, rehabilitation, replacement and renovation of clinics, community health centres, district, regional, tertiary and specialised hospitals, as well as other health related facilities, and to provide technical support and monitor implementation of maintenance at health facilities.								

Vote	Description R'000	Total	Current Payments				Transfers and Subsidies	Payments for Capital Assets	Amounts specifically and exclusively appropriated
			Compen-sation of employees	Goods and services	Rent and Interest on Land	Payments for Financial Assets			
4	Arts, Culture, Sports and Recreation	(118 360)	(11 200)	(82 842)	-	-	(2 453)	(21 865)	(49 498)
	An empowered and unified people of the North West								
	1. Administration..... The provision of efficient and effective administrative support services to the department	9 990	5 000	4 990	-	-	-	-	-
	2. Cultural Affairs..... To develop and promote Arts, Culture, Language, Museum and Heritage Resource in the Province for the purpose of economic development, job creation and social cohesion.	(45 187)	(5 000)	(45 562)	-	-	375	5 000	-
	3. Library and archive services..... To render library and information services to the community of North West in partnership with local municipalities Of which conditional grant: Community Library Service Grant	(46 965)	(2 200)	(14 741)	-	-	(3 159)	(26 865)	(34 800)
	4. Sports and Recreation Provisioning of sustainable mass participation opportunities across the age spectrum, to promote physically active lifestyle whilst providing support to institution and infrastructure that increase participation and excellence in sports. Of which conditional grant: Mass participation	(36 198)	(9 000)	(27 529)	-	-	331	-	(34 800) (14 698)
		(14 698)							(14 698)

Vote	Description R'000	Total	Current Payments				Transfers and Subsidies	Payments for Capital Assets	Amounts specifically and exclusively appropriated
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5	Community Safety and Transport Management	(212 856)	(35 441)	(144 904)	–	–	(7 801)	(24 710)	–
	To promote community and road safety through community mobilisation, positively influencing road user behaviour through awareness and traffic law enforcement, oversight to the police and coordinate public transport services.								
	1. Administration..... To provide the overall management and administrative support , in order to ensure it delivers its mandate	(51 693)	(6 305)	(43 942)	–	–	(446)	(1000)	–
	2. Provincial Secretariat Police Services..... To exercise oversight function with regard to South African Police Services in the Province , coordinate crime prevention initiative and promote community Police Relations	(14 851)	(5 000)	(9 460)	–	–	(391)	–	–
	3. Transport Operation..... To plan and facilitate the provision of integrated transport services through coordination and co-operation with national authority Of which Conditional grant: Public Transport Operating Grant	(35 819)	(14 000)	(3 956)	–	–	(6 221)	(11 642)	–
	4. Transport Regulation..... To ensure a provision of a safe transport environment through regulation of public transport operations	(110 493)	(10 136)	(87 546)	–	–	(743)	(12 068)	–
6	Economic Development, Environment, Conservation and Tourism	(79 950)	(91)	17 150	–	–	(58 909)	(38 100)	–
	A growing economy wherein enterprises thrive.								
	1. Administration..... To provide political and administrative leadership to the Department in accordance with relevant legislations, regulations and policies and ensures appropriate support to all other programmes.	2 000	–	2 000	–	–	–	–	–

Vote	Description R'000	Total	Current Payments				Transfers and Subsidies	Payments for Capital Assets	Amounts specifically and exclusively appropriated
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	2. Integrated Economic Development Services <i>To advance economic growth create an enabling environment for the development and growth of sustainable SMMEs and Cooperatives to ensure contribution on economic growth, job creation and empowerment that prioritise historically disadvantaged groups and individuals in partnership with Stakeholders</i>	4 050	(91)	4 050	-	-	91	-	-
	3. Trade and Sector Development <i>To unlock and stimulate economic growth and job creation that is inclusive in the North West Province</i> <i>Of which Earmarked funds are:</i> <i>North West Development Corporation</i>	(57 000)	-	(20 000)	-	-	(37 000)	-	-
	4. Business Regulation and Governance <i>To create measures that are geared to promote and protect the rights and interests of consumers, effective and efficient regulation of liquor industry and to facilitate the creation of an equitable, socially responsible business environment that allows for predictability and an inclusive economy.</i>	(7 000)	-	1 100	-	-	(7 000)	(1 100)	-
	5. Economic Planning <i>To lead integrated provincial economic planning through evidence based research</i>	-	-	-	-	-	-	-	-
	6. Environmental Services <i>To contribute to a safe and healthy living environment, within regulatory framework for promoting sustainable use and the conservation of natural processes and biological diversity</i>	2 500	-	30 000	-	-	(7 500)	(20 000)	-
	7. Tourism <i>To support the tourism sector through promotion of transformation and sustainable tourism</i>	(24 500)	-	-	-	-	(7 500)	(17 000)	-

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7	Provincial Treasury	(95 512)	(51 946)	(43 636)	-	-	70	-	-
	<i>To provide leadership in management of public resources for efficient, effective and economic service delivery through co-ordinated support to Provincial Departments, Public Entities and Municipalities.</i>								
	1. Administration.....	(25 865)	(14 326)	(11 589)	-	-	50	-	-
	<i>To provide Human Resource support, Strategic management, Communication and Departmental financial Management services to the entire Department.</i>								
	2. Sustainable Resource Managment.....	(27 257)	(18 220)	(9 057)	-	-	20	-	-
	<i>To provide professional advice and support on provincial economic analysis, fiscal policy and the management of annual budget process, implementation of the provincial budgets as well as monitoring and control the North West provincial expenditures.</i>								
	3. Asset and Liabilities Management.....	(11 796)	(5 800)	(5 996)	-	-	-	-	-
	<i>To provide policy direction in the effective asset management in the Province; Implementation and monitoring of Supply Chain Management (SCM) in the Province; Implementation and management of the Electronic Tendering System (ETS) in the Province.</i>								
	4. Financial Governance.....	(30 594)	(13 600)	(16 994)	-	-	-	-	-
	<i>To facilitate the implementation of financial management in Provincial Departments and Public Entities to ensure improved audit outcomes and manage the transition from modified cash to GRAP accounting in line with PFMA</i>								
8	Education	(316 785)	(1 712)	292 115	-	-	(39 555)	(567 633)	(207 209)
	<i>We provide quality basic education for high learner achievement through educator excellence, as well as sport development, nation building and social cohesion.</i>								
	1. Administration.....	(17 411)	-	(14 811)	-	-	-	(2 600)	-
	<i>To provide overall management of the education system in accordance with National Education Policy Act, Public Finance Management Act and other relevant policies</i>								

Vote	Description R'000	Total	Current Payments				Transfers and Subsidies	Payments for Capital Assets	Amounts specifically and exclusively appropriated
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	2. Public Ordinary School Education.....	(51 208)	-	(40 638)	-	-	(4 555)	(6 015)	(5 892)
	<i>To provide public ordinary education from Grade 1-12 in accordance with the South African Schools Act and White paper 6 on inclusive education(E-learning is also included).</i>								
	<i>Of which conditional grant: Maths, Science and Technology Grant</i>	(5 892)							(5 892)
	3. Independent School Subsidies.....	-	-	-	-	-	-	-	-
	<i>To provide financial support to Independent Schools in accordance with the South African Schools Act</i>								
	4. Public Special School Education.....	(2 349)	(921)	(1 428)	-	-	-	-	-
	<i>To provide compulsory public education in special schools in accordance with South African Schools Act and White Paper 6 including E-learning and inclusive education</i>								
	5. Early Childhood Development.....	(37 100)	-	(2 100)	-	-	(35 000)	-	-
	<i>To provide Early Childhood Development at the Grader R and Pre Grade R in accordance with White Paper 5 including inclusive education.</i>								
	6. Infrastructure Development	(197 260)	(2 274)	364 032	-	-	-	(559 018)	(197 260)
	<i>To provide infrastructure for Schools and Non-Schools. Of which conditional grant: Education Infrastructure grant</i>								
	7. Examination and Education Related Services.....	(11 457)	1 483	(12 940)	-	-	-	(197 260)	(4 057)
	<i>To provide the education institutions as a whole with examination and education related services. Of which Earmarked funds are: HIV and AIDS(Life Skills Education)grant</i>	(4 057)							(4 057)

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9	Cooperative Governance and Traditional Affairs	(100 000)	(22 652)	(16 313)	-	-	(47 832)	(13 203)	-
	Capable, ethical and developmental Local Government and Institutional Traditional Leadership								
	1. Administration.....	(25 587)	(10 213)	(15 374)	-	-	-	-	-
	To provide corporate support to the entire Department as well as strategic administration and political direction through the offices of the Head of Department and the Executive Authority, respectively.								
	2. Local Governance.....	5 000	(739)	5 739	-	-	-	-	-
	To promote and facilitate viable and sustainable local governance.								
	3. Development and Planning.....	(54 515)	(4 200)	(315)	-	-	(50 000)	-	-
	To guide inter-spherical planning for development and access to basic services. Improved systems and structures for disaster risk management across the province with the view of ensuring safe and disaster resilient communities. To reduce levels of unemployment through Community Work Programme and enhance local economic development across the province.								
	4. Traditional Affairs.....	(24 898)	(7 500)	(6 363)	-	-	2 168	(13 203)	-
	To provide strategic support to the institutions of Traditional Leadership.								
11	Public Works and Roads	(423 283)	-	(263 810)	-	-	(21 723)	(137 750)	(160 415)
	Delivery and maintenance of quality infrastructure for sustainable growth and development.								
	1. Administration.....	(21 200)	-	(20 200)	-	-	-	(1 000)	-
	To provide political leadership and management support within the Department and to account for the management of the public funds. It also provides for human resource management and integrated planning support services.								

Vote	Description R'000	Total	Current Payments				Transfers and Subsidies	Payments for Capital Assets	Amounts specifically and exclusively appropriated
			Compen- sation of employees	Goods and services	Rent and Interest on Land	Payments for Financial Assets			
	2. Public Works Infrastructure.....	(104 968)	-	(37 995)	-	-	(21 723)	(45 250)	-
	<i>To provide provincial government building infrastructure that is accessible, integrated and environmentally sensitive.</i>								
	3. Transport Infrastructure.....	(271 915)	-	(180 415)	-	-		(91 500)	(160 415)
	<i>To promote accessibility, safe and affordable movement of people, goods and services through the delivery and maintenance of transport infrastructure that is sustainable, integrated and environmentally sensitive and which supports and facilitates social empowerment and economic growth.</i>								
	<i>Of which conditional grant:</i>	-	-		-	-	-		-
	<i>Provincial Roads Maintenance Grants</i>	(160 415)							(160 415)
	4. Community Based Programme.....	(25 200)	-	(25 200)	-	-	-	-	-
	<i>To direct and manage the manage the implementation of EPWP programmes and strategies that lead to the development and empowerment of communities and contracts.</i>								
12	Social Development	(58 507)	(305)	(38 994)	-	-	(8 507)	(10 701)	-
	<i>To create a caring and self-reliant society by building conscious and capable citizens through the provision of integrated social development services.</i>								
	1. Administration.....	(11 806)	4 650	(16 056)	-	-	-	(400)	-
	<i>To transform our society by building conscious and capable citizens through the provision of integrated social development services.</i>								
	2. Social Welfare Services.....	(25 048)	3 803	(19 145)	-	-	(712)	(8 994)	-
	<i>To provide integrated developmental social welfare services to the poor and vulnerable in partnership with stakeholders and civil society organisations.</i>								
	3. Children and Families.....	5 276	(3 568)	11 718	-	-	(2 168)	(706)	-
	<i>To provide comprehensive social welfare services to vulnerable groups through social protection, social investment and social cohesion programmes in partnership with stakeholders.</i>								

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Vote	Description R'000	Total	Current Payments				Transfers and Subsidies	Payments for Capital Assets	Amounts specifically and exclusively appropriated
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	4. Veterinary Services..... <i>To provide veterinary services to clients in order to ensure healthy animals, safe animal products and welfare of people of South Africa..</i> 5. Research and Technology Development Services..... <i>To render experts and needs based research, development and technology transfer services impacting on development objectives.</i> 6. Agricultural Economics Services..... <i>To provide timely and relevant agricultural economic services to the sector to support of sustainable agricultural and agri-business development to increase economic growth.</i> 7. Structured Agricultural Education and Training... <i>To facilitate and provide structured agricultural education and training strategy to all participants in the agricultural sector in order to establish a knowledgeable, prosperous and competitive sector.</i> 8. Rural Development Coordination..... <i>To coordinate the development programmes by stakeholders in rural areas.</i>	(6 600) (4 711) (3 209) (3 200) (5 800)	- - (2 209) - (2 000)	(6 600) (3 150) (1 000) (3 200) (3 800)	- - - - -	- - - - -	- - - - -	- (1 561) - - -	- - - - -
14	Human Settlements	(243 071)	(39 636)	(10 364)	-	-	(193 071)	-	(193 071)
	<i>A community in an integrated and sustainable human settlement.</i>								
	1. Administration..... <i>To provide corporate support to the entire department as well as strategic administrative and political direction through the offices of the Head of the Department and Executive Authority respectively.</i> 2. Housing Needs, Planning and Research..... <i>To research, develop policies and plans that responds to various housing programmes.</i>	- (14 214)	- (10 500)	- (3 714)	- -	- -	- -	- -	- -

Vote	Description R'000	Total	Current Payments					Transfers and Subsidies	Payments for Capital Assets	Amounts specifically and exclusively appropriated
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	3. Housing Development.....	(228 857)	(29 136)	(6 650)	-	-	(193 071)	-		(193 071)
	<i>To provide integrated and sustainable Human Settlements through accelerating housing opportunities and ensure security of tenure. Of which conditional grant:</i> <i>Human Settlements Development grant</i> <i>Title Deeds Restoration Grant</i>	(158 311) (34 760)								(158 311) (34 760)

PROVINCIAL SUMMARY OF ADJUSTMENTS OF ESTIMATES OF PAYMENTS										
2020-21										
Vote	Description R'000	Total	Current Payments					Transfers and Subsidies	Payments for Capital Assets	Amounts specifically and exclusively appropriated
			Compen- sation of employ- ees	Goods and services	Rent and Interest on Land	Payments for Financial Assets				
1	Office of Premier	(100 000)	(22 101)	(74 121)	-	-	-	-	(3 778)	-
2	Provincial Legislature	(45 000)	-	(5 400)	-	-	-	-	(39 600)	-
3	Health	1 285 493	525 161	489 821	9 516	-	-	-	260 995	193 640
4	Arts, Culture, Sports and Recreation	(118 360)	(11 200)	(82 842)	-	-	(2 453)	(21 865)	(21 865)	(49 498)
5	Community Safety and Transport Management	(212 856)	(35 441)	(144 904)	-	-	(7 801)	(24 710)	(24 710)	-
6	Economic Development, Environment, Conservation and Tourism	(79 950)	(91)	17 150	-	-	(58 909)	(38 100)	(38 100)	-
7	Provincial Treasury	(95 512)	(51 946)	(43 636)	-	-	70	-	-	-
8	Education	(316 785)	(1 712)	292 115	-	-	(39 555)	(567 633)	(567 633)	(207 209)
9	Cooperative Governance and Traditional Affairs	(100 000)	(22 652)	(16 313)	-	-	(47 832)	(13 203)	(13 203)	-
11	Public Works and Roads	(423 283)	-	(263 810)	-	-	(21 723)	(137 750)	(137 750)	(160 415)
12	Social Development	(58 507)	(305)	(38 994)	-	-	(8 507)	(10 701)	(10 701)	-
13	Agriculture and Rural Development	(110 830)	(17 719)	(90 050)	-	-	-	(3 061)	(3 061)	(42 830)
14	Human Settlements	(243 071)	(39 636)	(10 364)	-	-	(193 071)	-	-	(193 071)
Total		(618 661)	322 358	28 652	9 516	-	(379 781)	(599 406)		(459 383)

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