# PROVINCE OF KWAZULU-NATAL

\_

**APPROPRIATION BILL, 2011** 

(As introduced in the Provincial Legislature) (The English text is the official text of the Bill)

\_\_\_\_

\_\_\_\_

\_\_\_\_\_

(MEC FOR FINANCE)

### BILL

To provide for the appropriation of money from the Provincial Revenue Fund for the requirements of the Province in the 2011/12 financial year ending on 31 March 2012, and to provide for subordinate matters incidental thereto.

### PREAMBLE

**WHEREAS** section 226(2) of the Constitution of the Republic of South Africa, 1996 provides that money may be withdrawn from the Provincial Revenue Fund only in terms of an appropriation by a provincial Act;

**AND WHEREAS** section 26 of the Public Finance Management Act, 1999 (Act No. 1 of 1999, as amended), provides that the Provincial Legislature must appropriate money for each financial year for the requirements of the Province;

BE IT THEREFORE ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:—

#### Definitions

**1.** (1) In this Act, unless the context indicates otherwise —

"**conditional grants**" means conditional grant allocations to the Province from the national government's share of revenue raised nationally, which are provided for and whose purpose is specified in the annual Division of Revenue Act referred to in section 214(1)(c) of the Constitution of the Republic of South Africa, 1996;

"current payments" means any payment made by a department classified as or deemed to be a current payment in terms of the *Guidelines for Implementing the Economic Reporting Format* (September 2009), issued by the National Treasury under section 76 of the Public Finance Management Act. The above entails payments made by a provincial department in respect of the operational requirements of that department, and includes, among others, payments for the compensation of employees, goods and services, interest and rental of immovable property, but excludes transfers and subsidies, payments for capital assets, and financial transactions relating to assets and liabilities;

"payments for capital assets" means any payment made by a department classified as or deemed to be a payment for capital assets in terms of the *Guidelines for Implementing the Economic Reporting Format* (September 2009) and the *Asset Management Framework* (April 2004, Version 3.3), issued by the National Treasury under section 76 of the Public Finance Management Act. The above entails any payments made by a provincial department for assets that can be used continuously or repeatedly in production for more than one year, and from which future economic benefits or service potential is expected to flow directly to the provincial department making the payment;

"payments for financial assets" means any payment made by a department classified as or deemed to be a payment for financial assets in terms of the *Guidelines for Implementing the Economic Reporting Format* (September 2009), issued by the National Treasury under section 76 of the Public Finance Management Act. The above entails the provision for payments associated with certain purchases of financial assets in order to expense the transactions where the purpose of such a transaction is not market oriented;

"**Province**" means the Province of KwaZulu-Natal established in terms of section 103 of the Constitution of the Republic of South Africa, 1996;

"Provincial Legislature" means the legislature of the Province of KwaZulu-Natal;

"Public Finance Management Act" means the Public Finance Management Act, 1999 (Act No. 1 of 1999, as amended);

"transfers and subsidies" means any payment made by a department classified as or deemed to be a transfer or subsidy payment in terms of the *Guidelines for Implementing the Economic Reporting Format* (September 2009), issued by the National Treasury under section 76 of the Public Finance Management Act. The above entails any payments made by a provincial department to another organ of state or any other person in respect of which the provincial department does not receive anything of similar value directly in return;

"this Act" includes the Schedule.

(2) Any word or expression to which a meaning has been assigned in the Public Finance Management Act has the meaning assigned to in that Act.

#### Appropriation of money for the requirements of the Province

**2.** (1) Appropriations by the Provincial Legislature of money from the Provincial Revenue Fund for the requirements of the Province in the 2011/12 financial year, to votes and main divisions within a vote, and for the specific listed purposes, are set out in the Schedule.

(2) Spending of appropriations is subject to the provisions of this Act and the Public Finance Management Act.

(3) The spending of funds withdrawn from the Provincial Revenue Fund before this Act has been passed by the Provincial Legislature, as contemplated in section 29 of the Public Finance Management Act—

(a) must be done in accordance with the requirements of section 29(2) of the Public Finance Management Act;

(b) must be recorded and accounted for in accordance with the votes and main divisions within a vote set out in the Schedule.

#### Appropriation listed as "specifically and exclusively"

**3.** Despite the provisions of any law, appropriations to a vote or main division within a vote that is listed as "specifically and exclusively" in the Schedule may only be utilised for the purpose indicated and may not be used for any other purpose, unless an Act of the Provincial Legislature amends or changes the purpose for which it was allocated.

#### Authorisation of expenditure

**4.** (1) Despite any contrary provision contained in any other law, the MEC for Finance may approve, before an Adjustments Appropriation Bill is passed, expenditure which cannot reasonably be delayed without negatively affecting service delivery, provided that such expenditure qualifies for inclusion in an Adjustments Appropriation Bill in terms of section 31(2) of the Public Finance Management Act, and provided further that the expenditure—

(a) is unforeseeable and unavoidable, and delaying the disbursement of funds would negatively impact service delivery;

(b) was announced by the MEC for Finance during the tabling of the annual budget, and the disbursement of funds is required for the implementation of projects announced;

(c) was approved in the previous year's appropriation and is to be rolled over to the 2011/12 financial year to finalise expenditure which could not take place in the 2010/11 financial year as originally planned.

(2) Expenditure approved in terms of-

(a) subsection (1)(a) and (c) may not exceed the total amount set aside as a surplus for the financial year in the provincial annual budget;

- (b) subsection (1)(b) may not exceed the relevant amount announced by the MEC for Finance during the tabling of the annual budget.
- (3) Expenditure approved in terms of subsection (1)-
  - (a) is a direct charge against the Provincial Revenue Fund;
  - (b) may be made subject to conditions set by the MEC for Finance;
  - (d) must be appropriated in the Adjustments Appropriation Bill or other appropriation legislation for the 2011/12 financial year.

## Short title

5. This Act is called the KwaZulu-Natal Appropriation Act, 2011.

Vote	Description	,	Details of appropriated amounts				Amounts
		Total	Current Payments	Transfers and subsidies	Payments for capital assets	Payments for financial assets	specifically and exclusively appropriated
		R'000	R'000	R'000	R'000	R'000	R'000
1	Office of The Premier To support the Premier in carrying out his constitutional and statutory duties through professionally executing departmental mandates, co-ordinating and facilitating macro-provincial and other transversal issues and programmes, promoting co- operative and good governance, providing the highest quality of policy and legal analysis and advice, creating policy relating to regulations, information and legislation, and supporting the Executive branch in executing laws and policies.	471 105	415 193	44 616	11 296		70 394
	1 Administration To provide administrative support to the Premier, Executive Council and the Director- General in fulfilling their legislative and oversight function and in promoting corporate governance.	121 888	119 952	1 222	714		
	2 Institutional Development To improve service delivery through institutional capacity building and transformation management.	111 943	108 353	2 000	1 590		
	of which specific allocation is: Bursaries for disadvantaged students who have excelled in matric Policy on Incapacity Leave and III Health Retirement (PILIR)		5 000	2 000			2 000 5 000
	3 Policy and Governance To initiate the province-wide development and implementation of policies and strategies to achieve a co-ordinated approach towards sustainable provincial growth and development.	237 274	186 888	41 394	8 992		
	of which transfers to public entities are: KwaZulu-Natal Gambling Board Amafa aKwaZulu-Natali of which specific allocation is:			17 337 24 057			17 337 24 057
	Youth ambassadors		22 000				22 000
2	Provincial Legislature To create a legislative environment that is responsive to the needs of the people of	299 065	214 097	75 178	9 790		41 445
	KwaZulu-Natal, and to facilitate the general upliftment of the quality of life by monitoring the utilisation of all available resources in the province.  Administration	119 999	109 586	623	9 790		
	To conduct the overall management of the Provincial Legislature. of which specific allocation is: Implementation of Financial Management of the KZN Legislature Bill		6 470	2 000			8 470
	2 Parliamentary Services	56 770	56 770 2 676				2 676
	3 Facilities for Members and Political Parties     To render administrative support services to political office-bearers and other     Members of the Legislature with regard to facilities and benefits.     of which specific allocations are:	122 296	47 741	74 555			2010
	Political Parties' Fund Implementation of Financial Management of the KZN Legislature Bill		299	30 000			30 000 299
3	Agriculture, Environmental Affairs and Rural Development To provide quality agricultural, veterinary, environmental and conservation services to the people of KwaZulu-Natal, together with its partners and communities.	2 460 585	1 699 377	612 984	148 224		745 774
	1 Administration To support the line function components of the department in achieving their goals.	299 577	262 453		37 124		
	2 Agricultural Development Services	1 452 517	1 222 802	120 647	109 068		
	Land Care Programme Comprehensive Agricultural Support Programme Ilima/Letsema Projects of which transfer to provincial government business enterprise is:		9 244 82 126 60 000	75 400	7 165		9 244 164 691 60 000
	Mjindi Farming (Pty) Ltd 3 Environmental Management To ensure effective compliance and governance in respect of environmental management.	217 584	214 122	24 922 1 430	2 032		24 922
	4 Conservation To cater for transfer payments to various institutions in the province.	490 907		490 907			
	of which transfer to public entity is: Ezemvelo KZN Wildlife			486 917			486 917

-			Details of appropriated amounts				Amounts
/ote	Description	Total	Current Payments	Transfers and subsidies	Payments for capital assets	Payments for financial assets	specificall and exclusivel appropriate
4	Economic Development and Tourism	R'000 1 486 950	R'000 505 829	R'000 977 650	R'000 3 471	R'000	R'000 836 23
4	To formulate and implement strategies that create an environment conducive to	1 480 930	303 829	911 030	54/1		030 2.
	sustainable economic development in KwaZulu-Natal.						
	1 Administration	185 610	183 319		2 291		
	To provide for the overall management of the department, and to render a support service to other programmes in terms of transversal functions.						
	2 Integrated Economic Development Services	491 932	207 047	284 300	585		
	To provide strategic leadership, direction and co-ordination of economic						
	empowerment initiatives in the province.						
	of which transfer to provincial government business enterprise is: Ithala Dev Finance Corp (Ithala) - Growth Funds, SMME and Co-ops			284 300			284 3
	3 Trade and Sector Development	715 471	62 118	653 268	85		
	To stimulate economic growth through industry development, trade and investment						
	promotion.						
	of which specific allocations are: Dube TradePort			364 103			364 1
	Richards Bay IDZ			59 636			59 6
	Agri-business Development Agency (ADA)			20 000			20 0
	KwaZulu-Natal Sharks Board KwaZulu-Natal Tourism Authority			29 084 79 111			29 0 79 1
	4 Business Regulation and Governance	75 222	34 720	40 082	420		10
	To enable an equitable and socially responsible business environment.	10 111	01120	10 002	120		
	5 Economic Planning	18 715	18 625		90		
	To develop provincial economic policies and strategies to achieve and measure						
	sustainable economic development.						
;	Education	32 618 276	27 851 325	2 305 757	2 461 194		3 078
	To provide opportunities for all people in the province to have access to quality education, which will improve their position and contribute to the advancement of						
	democratic values in KwaZulu-Natal.						
	1 Administration	1 445 530	1 249 147	25 488	170 895		
	To provide for the Executing Authority and the overall management of the						
	department.						
	2 Public Ordinary School Education	27 735 065	24 714 691	1 502 997	1 517 377		
	To provide public ordinary education in the province. of which conditional grants are:						
	Educaton Infrastructure grant (previously IGP)				1 158 136		1 158
	National School Nutrition Programme		1 070 013		00 500		1 070 0
	Technical Secondary School Recapitalisation grant HIV and AIDS (Life Skills Education)		45 114		38 563		38 t 45 f
	Dinaledi Schools grant		12 320				12 3
	3 Independent School Subsidies	63 357		63 357			
	To support independent schools in accordance with the South African Schools Act.	4 000 050	479 540	400 705	420 408		
	4 Public Special School Education To provide compulsory public education in special schools in accordance with the	1 026 653	479 540	126 705	420 408		
	South African Schools Act and White Paper 6 on Inclusive Education.						
	5 Further Education and Training	760 823	220 798	540 025			
ſ	To provide Further Education and Training (FET) at public FET colleges in						
	accordance with the Further Education and Training Act. of which conditional grant is:						
	FET College Sector grant		214 768	540 025			754
	6 Adult Basic Education and Training	153 449	151 847	25	1 577		
	To afford adults the chance to improve their level of literacy and numeracy, in						
	accordance with the Adult Basic Education Act.						
	7 Early Childhood Development To provide Early Childhood Education (ECD) at the Grade R and earlier levels.	731 572	375 790	28 216	327 566		
	8 Auxiliary and Associated Services	701 827	659 512	18 944	23 371		
	To provide examination support services to learners in the relevant grades, and	101.021	000 012	10011	20 07 1		
6	ensure quality in the provision of education, through quality assurance.						
	Provincial Treasury	536 486	531 943	1 510	3 033		
	To ensure equitable resource allocations for the Province of KwaZulu-Natal, analyse and monitor government (provincial and local, including their public entities) revenue						
	and monitor government provincial and rocal, including their public entries/revenue and expenditure, and instil prudent financial management and good governance.						
	1 Administration	99 861	98 076	210	1 575		
	To render support services to the Minister and department.	70.000	74 000		404		
	2 Fiscal Resource Management To effectively manage and monitor the provincial and local government fiscal resources.	72 236	71 802		434		
	3 Financial Management	262 595	260 962	1 300	333		
	To ensure effective and efficient management of physical and financial assets for						
	provincial and local government.	00.070	00 570		604		
	4 Internal Audit To develop effective risk management strategies and governance, to build and	89 270	88 579		691		
	maintain successful client relationships, to develop knowledge by creating a learning						
	culture and to build foundations for excellence to support the KZN Provincial						
	Government in achieving its objectives. 5 Growth and Development	12 524	12 524				
	5 Growth and Development To cater for special projects as approved by the Provincial Executive Council.	12 524	12 524				

	(Schedu		[	Amounts			
Vote	Description	Total	Current Payments		Payments for capital assets	Payments for financial assets	specifically and exclusively appropriated
-	1166	R'000	R'000	R'000	R'000	R'000	R'000
7	Health To develop a sustainable, co-ordinated, integrated and comprehensive health system at all levels of care, based on the primary health care approach through the District Health System.	24 484 855	21 844 207	522 821	2 117 827		4 498 622
	1 Administration	344 171	336 961	2 510	4 700		
	District Health Services     To render Primary Health Care services and District Hospital services.     of which conditional grants are:         Health Professionals Training and Development	11 739 824	11 213 448 8 195	334 819	191 557		8 195
	Forensic Pathology Services Comprehensive HIV and AIDS EPWP Grant for the Social Sector		133 229 1 878 912 25 775	12 10 515	192		133 433 1 889 427 25 775
	3 Emergency Medical Services	926 747	809 271	1 100	116 376		
	4 Provincial Hospital Services	6 366 182	6 195 587	83 885	86 710		
	Health Professionals Training and Development 5 Central Hospital Services To provide tertiary health services and to create a platform for the training of health workers.	2 473 982	211 724 2 193 724	3 645	276 613		211 724
	of which conditional grants are: Health Professionals Training and Development National Tertiary Services		24 698 1 103 647		5 300 98 184		29 998 1 201 831
	6 Health Sciences and Training To render training and development opportunities for actual and potential employees of the department.	933 442	844 376	82 891	6 175		
	7 Health Care Support Services To manage the supply of pharmaceuticals and medical sundries to hospitals, community health centres, clinics and local authorities.	13 971		13 971			
	8 Health Facilities Management	1 686 536	250 840		1 435 696		
	of which conditional grants are: Hospital Revitalisation Forensic Pathology Services Health Infrastructure grant (previously IGP)		39 657		571 994 28 117 358 471		611 651 28 117 358 471
8	Human Settlements To create an enabling environment for the development of sustainable human settlements in partnership with stakeholders to improve the quality of life for all in	3 053 315	467 785	2 547 788	28 439	9 303	2 769 871
	Selection in paralelising with stakeholders to improve the quality of the for an in KwaZulu-Natal. 1 Administration To identify and eliminate bottle-necks, as well as continuously improve the flow of	124 632	111 634	500	3 195	9 303	
	financial, administrative and management information. 2 Housing Needs, Research and Planning	28 368	22 573	4 505	1 290		
	To research and quantify the housing backlog in the province, research and identify the appropriate technology in the housing delivery process and ensure that all stakeholders are involved in the continuous appraisal of housing delivery systems and the improvement thereof.						
	3 Housing Development To promote effective and efficient housing delivery. of which conditional grant is:	2 569 166	210 622	2 334 833	23 711		
	Human Settlements Development Grant 4 Housing Asset Management, Property Management To manage ex-Natal Provincial Administration and Own Affairs stock. of which conditional grant is:	331 149	153 925 122 956	2 334 723 207 950	23 324 243		2 511 972
	Human Settlements Development Grant		50 299	207 600			257 899
9	Community Safety and Liaison To be the lead agency in driving the integration of community safety initiatives, towards a crime free KwaZulu-Natal.	150 139	148 779		1 360		
	<ol> <li>Administration</li></ol>	41 080	40 245		835		
	2 Civilian Oversight	20 276	20 176		100		
	3 Crime Prevention and Community Police Relations To facilitate the co-ordination of social crime prevention initiatives and to establish good relations with communities.	88 783	88 358		425		

	(Schedu	,	1	Amounts			
Vote	Description	Total	Current Payments	Transfers and subsidies		Payments for financial assets	specifically and exclusively appropriated
40	The Devel Heurebeld	R'000 55 028	R'000 19 023	R'000 22 088	R'000 10 150	R'000	R'000
10	The Royal Household To create a sustainable, conducive environment for the Zulu Monarch in which to lead, develop and protect the Zulu Nation.	55 028	19 023	22 088	10 150	3 767	8 000
	1 Support Services - His Majesty, the King To provide administrative and auxiliary services to His Majesty the King and the Royal Family. It also houses transfers to the Royal Trust.	39 489	12 542	22 000	1 180	3 767	
	2 Royal Household Planning and Development	11 931	2 888	73	8 970		
	Renovations, refurbishment of the Royal residences 3 His Majesty, the King's Farms	3 608	3 593	15	8 000		8 000
	Ensure commercial viability and customary relevance in terms of the farms being able to contribute to poverty alleviation and other responsibilities of His Majesty, the King in his role as guardian and protector of the vulnerable.						
11	Co-operative Governance and Traditional Affairs	1 138 289	1 102 238	18 566	17 485		
	To promote people-centred sustainable co-operative governance, which focuses on effective service delivery responsive to the needs of the communities. 1 Administration	179 999	174 674	945	4 380		
	To provide corporate and financial supporting services to the department, as well as the Office of the MEC. 2 Local Governance	262 099	260 925		1 174		
	To implement an institutional, administrative and financial municipal framework, and to provide a municipal infrastructure framework. 3 Development and Planning	327 046	321 050	5 511	485		
	To promote informed integrated planning and development in the province.	160 214	150 098	300	9 816		
	4 Traditional Institutional Management To support and enhance the capacity of traditional councils.		150 098	300	9010		
	5 Urban and Rural Development	158 568	145 894	11 810	864		
	6 Systems and Institutional Development	50 363	49 597		766		
12	Transport	6 573 729	3 737 210	782 132	2 054 387		2 139 957
	To provide the public with a road transportation system that is safe, integrated, regulated, affordable and accessible. 1 Administration	249 070	236 664	7 251	5 155		
	To provide the department with strategic planning, financial management and corporate support services, in order to ensure that it delivers on its mandate in an integrated, efficient, effective and sustainable manner.	243 070	230 004	7201	5 155		
	2 Transport Infrastructure	4 746 431	2 718 478	1 358	2 026 595		
	of which conditional grants are: Provincial Roads Maintenance grant (previously IGP) EPWP Incentive grant		114 836		1 236 648		1 236 648 114 836
	3 Transport Operations To plan, regulate and facilitate the provision of integrated land transport services through co-ordination and co-operation with national planning authorities, non- governmental organisations (NGOs) and the private sector to enhance the mobility of all communities, especially those without or with limited access, and to implement road safety education and awareness programmes.	878 888	105 139	773 473	276		
	of which conditional grant is: Public Transport Operations Grant			773 473			773 473
	4 Transport Regulation To ensure the provision of a safe road environment through the regulation of traffic on public infrastructure, law enforcement and the registration and licensing of vehicles and drivers.	619 209	597 183	50	21 976		
	5 Community Based Programme To direct and manage the implementation of programmes and strategies that lead to the development and empowerment of communities. of which conditional grant is:	80 131	79 746		385		
	EPWP Incentive grant		15 000				15 000

	(Schedu	ıle)		Amounts			
	Description	Total		specifically			
Vote			Current Payments	Transfers and subsidies	Payments for capital assets	Payments for financial assets	and exclusively appropriated
13	Social Development To promote developmental social welfare services and community development to people of KZN in partnership with stakeholders.	R'000 1 952 956	R'000 1 071 938	R'000 713 972	R'000 167 046	R'000	R'000 53 207
	1 Administration	350 468	323 991	3 846	22 631		
	2 Social Welfare Services	1 439 055	668 862	685 473 4 494	84 720		4 494
	of which specific allocation is:						10 710
	Existing infrastructure assets and maintenance 3 Development and Research To provide development and research services which will in turn provide sustainable development programmes which will enable the poorest of the poor to attain a level	163 433	34 099 79 085	24 653	14 614 59 695		48 713
14	of self-reliance. Public Works	1 220 407	590 565	525 559	104 283		565 699
	To lead in infrastructure development and property management in KwaZulu-Natal.						
	1 Administration	238 527	207 773	2 430	28 324		
	2 Real Estate To provide and facilitate the provision of accommodation and management services to clients, achieve optimal utilisation of state fixed assets, improve integrated service delivery, policy development and monitoring and evaluation, as well as leasing of buildings and land evaluations. of which conditional grant is:	609 895	87 828	521 731	336		
	Devolution of Property Rate Funds Grant to Provinces of which specific allocations are:		4 531	514 054			518 585
	Government Immovable Asset Management Act (GIAMA) Fixed Asset Register		44 795 2 287		32		44 795 2 319
	3 Provision of Buildings, Structures and Equipment. To provide for the erection and/or acquisition of buildings, structures and engineering works and the maintenance of buildings to client specifications.	371 985	294 964	1 398	75 623		
15	Arts and Culture	364 856	230 591	86 655	47 610		85 061
	To create an environment conducive to the delivery of effective, efficient and sustainable services in arts, culture and tourism fields and provide world-class library and archival services for the people of KwaZulu-Natal.						
	<ol> <li>Administration</li></ol>	79 606	78 454	835	317		
	2 Cultural Affairs To provide for projects and interventions in the arts, culture and language services and to provide an environment conducive to the celebration, nourishment and growth of these sectors.	117 869	66 220	37 969	13 680		
	of which transfer to public entity is: The Playhouse Company of which specific allocation is:			6 401			6 401
	Provincialisation of museums 3 Library and Archive Services	167 381	85 917	20 082 47 851	33 613		20 082
	To provide library and information services, as well as archive services. of which conditional grant is: Community Library Services Grant of which specific allocation is:		8 333	18 458	18 610		45 401
	Provincialisation of libraries			13 177			13 177
16	Sport and Recreation To maximise opportunities through the promotion, development and transformation of sport and recreation programmes to create cohesive and sustianable communities and enhance the quality of life of the citizens of KwaZulu-Natal.	358 333	307 720	25 437	25 176		87 594
	1 Administration	78 057	74 411	67	3 579		
	2 Sport and Recreation To promote, develop, administer and fund sport in the Province of KwaZulu-Natal.	280 276	233 309	25 370	21 597		
Total	of which conditional grant is: Mass Sport and Recreation Participation Programme	77 224 374	87 594 60 737 820	9 262 713	7 210 771	13 070	87 594 <b>14 980 797</b>