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REPUBLIC OF SOUTH AFRICA

PORTFOLIO COMMITTEE AMENDMENTS TO

GOVERNMENT IMMOVABLE ASSET MANAGEMENT BILL

[B 1—2006]

(As agreed to by the Portfolio Committee on Public Works (National Assembly))

[B 1A—2006]

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AMENDMENTS AGREED TO

GOVERNMENT IMMOVABLE ASSET MANAGEMENT BILL
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CONTENTS

1. On page 2, in line 17, after the first "of" to insert "custodian and".

CLAUSE 1

1. On page 3, in line 3, to omit "or".

2. On page 3, in line 3, after "exchange" to insert "or transfer of custodianship between custodians in that sphere of government".

3. On page 3, in line 5, after "law" to insert "or transfer of custodianship between custodians in that sphere of government".

4. On page 3, after line 13, to insert:

   "custodianship" means the execution of functions contemplated in section 4(2);

   "disposal" means any disposal contemplated in the State Land Disposal Act, 1961 (Act No. 48 of 1961) or a provincial land administration law ;

5. On page 3, in line 14, after "asset" to insert "acquired or".

6. On page 3, in line 14, to omit "or leased".

7. On page 3, after line 28, to insert:

   "organ of state" means any department of state or administration contemplated in paragraph *(a)* of section 239 of the Constitution of the Republic of South Africa, of 1996, but excluding the department or administration in the local sphere of government;

8. On page 3, from line 37 to omit the definition of "strategic plan" and to substitute:

   "strategic plan" means the strategic plan of a custodian or user as prescribed in terms of the Public Service Act, 1994 (Proclamation R103 of 1994) and the PFMA;

9. On page 3, in line 41, to omit ", standard" and to substitute "or standard".

10. On page 3, from line 41, to omit "immovable asset management guideline or best practice".

11. On page 3, in line 45, after "uses" to insert "or intends to use".

12. On page 3, from line 45, to omit "to perform its functions" and to substitute "in support of its service delivery objectives".

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CLAUSE 2

1. On page 3, in line 51, to omit "in the national and provincial spheres of government, excluding public entities".

CLAUSE 4

1. On page 4, in line 33, after "acquire" to insert ", manage".

2. On page 4, after line 45, insert:

(5) *(a)* Notwithstanding section 19(1), the accounting officer of a user is the designated custodian in the case of a public private partnership relating to an immovable asset, from the date of signature of the public private partnership concession agreement and for the duration thereof.

(b) Upon termination or expiry of the term of the public private partnership concession agreement, the ownership or custodianship of that immovable asset is transferred or reverts to the custodian referred to in section 4(1).

CLAUSE 5

1. On page 5, in line 2, to omit "non-asset" and to substitute "non-immovable asset".

2. On page 5, from line 19, to omit "which apply to an immovable asset strategic plan, acquisition plan, operation and maintenance plan and disposal plan" and to substitute "of immovable asset management".

3. On page 5, after line 21, to insert the following subsection:

(3) When the Minister issues a notice referred to in subsection (2), the provisions of section 20(2), (3) and (4) apply with the necessary changes.

CLAUSE 6

1. On page 5, in line 32, to omit "or cause to be prepared".

CLAUSE 8

1. On page 5, in line 53, to omit "an immovable asset management plan" and to substitute "a strategic needs assessment".

2. On page 5, in line 55, to omit "a maintenance and management" and to substitute "an operations".

3. On page 5, in line 56, to omit "a disposal plan" and to substitute "an immovable asset surrender plan".

CLAUSE 9

Clause rejected.

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NEW CLAUSE

1. That the following be a new Clause:

Submission of immovable asset management plan

9. (1) The accounting officer of a custodian must, on a date determined by the relevant treasury, submit a copy of its custodian immovable assent management plan to that treasury.

(2) The accounting officer of a user must—

(a) on a date determined by the relevant treasury, submit its user immovable asset management plan as part of its strategic plan to that treasury; and

(b) on a date determined by the custodian, submit a copy of its user immovable asset management plan to the relevant custodian.

CLAUSE 12

1. On page 6, in line 28, after "plan" to insert "or where other factors necessitate such revision".

CLAUSE 13

1. On page 6, in line 29, after the first "of" to insert "custodian and".

2. On page 7, in line 6, to omit "exchange, donation," and to substitute "exchange or donation of that immovable asset or the".

3. On page 7, in line 7, to omit "or deconstruction of that immovable asset".

CLAUSE 14

1. On page 7, in line 9, after "custodian" to insert "in its capacity as a user".

2. On page 7, in line 15, to omit "Treasury" and to substitute "treasury".

3. On page 7, from line 15, to omit "as part of its corporate plan" and to substitute "in accordance with section 9".

4. On page 7, in line 20, to omit "A" and to substitute "The accounting officer of a".

CLAUSE 15

1. On page 7, in line 23, after "*Gazette*" to insert "in respect of certain immovable assets or categories of immovable assets".

CLAUSE 18

1. On page 7, in line 50, after "assign" to insert "any or all of".

2. On page 7, in line 51, after "responsibilities" to insert "as a custodian".

3. On page 7, in line 53, after "all" to insert "ensuing".

4. On page 8, in line 4, to omit "in the event of— ".

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5. On page 8, from line 5, to omit paragraphs *(a)* and *(b)*.

CLAUSE 19

1. On page 8, in line 10, after "may" to insert "in respect of assets that vest in the national government".

2. On page 8, in line 11, after "Administration" to insert ", and in consultation with the relevant organ of state,".

3. On page 8, in line 12, to omit "an" and to substitute "that".

4. On page 8, in line 17, after "determining" to insert ", amongst others".

5. On page 8, in line 18, to omit "minimum".

6. On page 8, after line 29, to insert:

(4) When the Minister issues a notice referred to in this section the provisions of section 20(2), (3) and (4) apply with the necessary changes.

CLAUSE 23

1. On page 9, in line 2, to omit "2006" and to substitute "2007".

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