

NATIONAL ASSEMBLY

AMENDMENT

MOVED
BY

..... (Signature:))

On the

1. **In clause 2,**

Substitute for paragraph (c) the following paragraph:

“(c) by the insertion after the definition of “prescribe” of the following definition:

“public enterprise” means a State-owned enterprise or State-owned company or any other entity established under any law or in terms of any other instrument and the purpose of which is to advance any interest of the public.”

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2. **In clause 7,**

Substitute for clause 7 the following clause:

“Deletion of section 9 of Act No. 2 of 2006

7. The principal Act is amended by the deletion of section 9.”

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3. ~~After clause 9,~~

Insert the following clause:

“Amendment of section 15 of Act No. 2 of 2006

~~9A~~ Section 15 of the principal Act is amended—

(a) by the substitution, in subsection (1), for the words preceding paragraph (a) of the following words:

“(1) With effect from a date to be specified by the Prime Minister by notice in the *Gazette* whenever it is necessary to appoint members of the board of a State-owned enterprise, either upon a first constitution or a new term of the board, or for filling a vacancy, ~~[the head of the secretariat]~~ staff members designated by the Minister must, after consultation with the portfolio Minister, and with due regard to section 14(2), make a report to the Council containing-”; and

(b) by the substitution for subsection (4) of the following subsection:

“(4) When advising a portfolio Minister on potential candidates whom the Council considers most suited for appointment as members or alternate members of a board, the Council is not bound by the

recommendations of the [secretariat] designated
staff members referred to in subsection (1).”

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4. ~~After clause 11,~~

Insert the following clause:

“Amendment of section 37 of Act No. 2 of 2006

~~11A~~ Section 37 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may, in writing, direct designated staff members to prepare and submit to the ~~{Council}~~ Minister proposed plans for the restructuring of a State-owned enterprise provisionally identified under section 36(1).”

5. ~~After clause 11A,~~

Insert the following clause:

“Amendment of section 38 of Act No. 2 of 2006

11B Section 38 of the principal Act is amended by the substitution for the words preceding paragraph (a) of the following words:

“In formulating a proposed restructuring plan, the **[members of the secretariat]** designated staff members referred to in section 37(1) must-”

