

## MATLOTLO A BOSETŠHABA

### DITLHABOLOLO TSE DI THADILWENG TSA MELAWANATAOLO GO YA KA MOLAO WA TAOLO YA LEPHATA LA DITŠHELETE, 2017

Ditlhabololo tse di thadilweng tsa Melawanataolo ya Lephata la Ditšhelete, tse di dirilweng go ya ka dikarolo 61(4), 288 le 304 tsa Molao wa Lephata la Ditšhelete, 2017 (Molao 9 wa 2017) (FSRA), e bile di ne di phasaladitswe mo Kitsisong ya Puso ya Nomoro R405 ya di 29 Mopitlwe 2018, di tlhagisitswe mo Šejuleng, e bile di phasaladitswe gore go dirwe ditshwaelo.

Ditlhabololo tse di thadilweng tsa Melawanataolo ya Lephata la Ditšhelete mo Šejuleng di tshithshinya gore go tlhabololwe molawana 4(1) wa Melawanataolo ya Lephata la Ditšhelete go atolosa dithulaganyetso tsa diphetogo mabapi le thuso ya ditšhelete ya Lekgotla la Ditirelo tsa Ditšhelete go fitlhela Molaotlhommo o o lebeleletsweng wa Makgethwana a Lephata la Ditšhelete o dirwa molao le go tsenngwa mo tirisong. Tlhabololo eno e a tlhokega gore go netefatswe gore Lekgotla le kgona go amogela thuso ya ditšhelete mo ngwageng o o tlang wa ditšhelete wa 2019/20.

Molawanataolo o mošwa wa 4A o a tshitsinngwa, go tlhalosa gore Bothati jwa Boitshwaro jwa Lephata la Ditšhelete e tla nna jona bolaodi jo bo rwalang maikarabelo mabapi le maitlhommo a *Public Finance Management Act*, 1999 (Molao 1 wa 1999) ("PFMA") a Kantoro ya Moatlhodi wa Matlole a Phenšene (go ya ka karolo 30T ya *Pension Funds Act*, 1956 (Molao 24 wa 1956)) le a Kantoro ya Ombud wa Batlamedi ba Ditirelo tsa Ditšhelete (go ya ka karolo 23 ya *Financial Advisory and Intermediary Services Act*, 2002 (Molao 37 wa 2002)), go fitlhela Molaotlhommo o o lebeleletsweng wa Makgethwana a Lephata la Ditšhelete o dirwa molao le go tsenngwa mo tirisong. Tlhabololo eno e e tshitsintsweng mo Melawaneng ya Lephata la Ditšhelete e tla netefatsa tiriso e e nepagetseng ya PFMA mo Kantorong ya Moatlhodi wa Matlole a Phenšene le mo kantorong ya Ombud wa Batlamedi ba Ditirelo tsa Ditšhelete ("ombuds wa semolao").

Molawana o mošwa wa 4B o a tshitsinngwa go kgontsha Khansele ya Dikema tsa Kalafi go busetsa ditshenyegelo tsa ditlhatlhobo tsa botlhokamedi tsa kwa tirong le dipatlisiso tsa dikema tsa kalafi go ya ka Kgaolo 9 ya FSRA. Bokgoni jwa Khansele ya Dikema tsa Kalafi jwa go busetsa ditshenyegelo tsa ditlhatlhobo tsa dikema tsa kalafi bo ne bo tlhagisitswe mo malobeng mo karolong 11 ya *Inspection of Financial Institutions Act*, 1998 (Molao 80 wa 1998), o o phimotsweng. Molawanataolo ono ke kgato ya nakwana go fitlhela Molao kgotsa *Medical Schemes Act*, 1998 (Molao 131 wa 1998) o tlhabololwa sentle.

Jaaka fa ditlhabololo tseno tsa Melawanataolo di tshwanetse go nna teng pele ga go ya bokhutlong ga ngwaga wa ditšhelete ka di 31 Mopitlwe 2019, go botlhokwa gore ditlhabololo tseno di diragatswe go ya ka kgato e e botlhokwa e e tlhagisitsweng mo karolong 288(7) le (8) ya FSRA. Fa kgato e e tlwaelegileng ya go dira melawanataolo go ya ka karolo 288(4) le (6) ya FSRA e ne e lateletswe, go ne go ka se kgonege gore ditlhabololo tseno di tsene mo tirisong ka di 31 Mopitlwe 2019. Thuso ya ditšhelete ya go dira ga Lekgotla le Khansele ya Dikema tsa Kalafi e ne e tlile go amega thata, e bile bokgoni jwa bona jwa go direla barekedi ba ditšhelete le barekedi ba dikema tsa kalafi bo ne bo tlile go amega thata. Go botlhokwa gape gore bolaodi jo bo rwalang maikarabelo jwa ombuds wa semolao bo tlhaloswe, go netefatsa gore go rwalwa maikarabelo a ditšhelete le ponalatshego mabapi le ngwaga wa ditšhelete wa 2019/20. Maitlhommo a ditlhabololo tseno a ne a ka se fitlhelwe, fa ditlhabololo tsa Melawanataolo di ne di sa dirwa ka bonako go ya ka karolo 288(7) le (8) ya FSRA.

Ditshwaelo tse di kwetsweng tsa ditlhabololo tse di thadilweng tsa Melawanataolo ya Lephata la Ditšhelete di tshwanetse go romelwa go [commentdraftlegislation@treasury.gov.za](mailto:commentdraftlegislation@treasury.gov.za) ka nako ya tiro ka di 27 Mopitlwe 2019. Dipotso tsothle tse di mabapi le tlhaloso di ka romelwa ka imeile go Jeannine Bednar-Giyose mo: [Jeannine.Bednar-Giyose@treasury.gov.za](mailto:Jeannine.Bednar-Giyose@treasury.gov.za).

## ŠEJULE

### NTLHATLHALOSO YA KAKARETSO:

- [        ]        Mafoko a a kwetsweng ka bontsho jo bo gateletsweng mo masakaneng a sekwere a bontsha tseo di tlogetsweng go tswa mo Melawanataolong e e leng teng.
- \_\_\_\_\_        Mafoko a a thaletsweng ka mothalo o o kopaneng a bontsha tseo di tsentsweng mo Melawanataolong e e leng teng.
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### Tlhaloso

1. Mo Šejuleng eno, “Melawanataolo” e kaya Melawanataolo ya Lephata la Ditšhelete e e dirilweng go ya ka dikarolo 61(4), 288 le 304 tsa Molao wa Taolo ya Lephata la Ditšhelete, 2017 (Molao 9 wa 2017) (FSRA), o o phasaladitsweng mo Kitsisong ya Puso ya Nomoro R405 ya di 29 Mopitlwe 2018.

### Tlhabololo ya molawanataolo 4

2. Molawanataolo 4 wa Melawanataolo o tlhabololwa ka go emisetswa ga molawanataolotlaleletso (1) ka molawanataolotlaleletso o o latelang:

“(1) Go tloga ka letlha le Kgaolo 15 ya Molao e tsenang mo tirisong ka lona go fitlha ka **[di 31 Mopitlwe 2019]** tshimololo ya molao o o maatlafatsang tuediso ya makgethwana jaaka go tlhalositswe mo karolong 237(1)(b) ya Molao, Boto ya Ditirelo tsa Ditšhelete kgotsa Bothati jwa Boitshwaro jwa Lephata la Ditšhelete, go ya ka moo go leng ka teng, bo tshwanetse go tlamela ka tshegetso ya ditšhelete, bokwaledi, tsamaiso le tshegetso e nngwe go Lekgotla, e bile Boto kgotsa Bothati bo tshwanetse go dira ditumalano le Banka ya Resefe, Bothati jwa Tlhokomelo le Senthara ya Botlhodi jwa Ditšhelete go arogana ditshenyegelo.”.

### Go tsennngwa ga melawanataolo 4A le 4B

3. Melawanataolo e e latelang e tsennngwa morago ga molawanataolo 4:

#### **“Bolaodi jo bo rwalang maikarabelo mabapi le ombuds wa semolao**

**4A.** Mokhomišenara ke, mabapi le maitlhommo a *Public Finance Management Act*, molaodi yo o rwalang maikarabelo wa—

(a) Kantoro ya Moatlhodi wa Matlole a Phenšene e e kailweng mo karolong 30T(1) ya *Pension Funds Act, 1956* (Molao 24 wa 1956); le

(b) Kantoro ya Ombud wa Batlamedi ba Ditirelo tsa Ditšhelete e e kailweng mo karolong 23(1) ya *Financial Advisory and Intermediary Services Act, 2002* (Molao 37 wa 2002).

### **Pusetso ya ditshenyegelo ka Khansele ya Dikema tsa Kalafi**

**4B.** Fa Khansele ya Dikema tsa Kalafi e diragatsa dithata go ya ka Kgaolo 9 ya Molao jaaka go tlhalositswe mo karolong 129(2) ya Molao, Mokwadisi wa Dikema tsa Kalafi o ka busetsa ditshenyegelo tse di amangwang le tiragatso ya dithata tseo go tswa mo-

- (a) sekemeng sa kalafi seo e leng sona ntlha e dithata di diragatswang mabapi le yona, fa Mokwadisi a swetsa jalo, morago ga go sekaseka ditlamorago tsa tiragatso ya dithata; kgotsa
- (b) mothong mongwe le mongwe, fa go bonagala, morago ga go sekaseka ditlamorago tsa tiragatso ya dithata, gore motho o ne a na le kitso fa a ne a tsaya karolo mo go diragatsweng ga merero ya sekema sa kalafi ka mokgwa o o nnileng le ditlamorago tse di sa siamang, botlhokakobamelo kgotsa tlolomolao.”.

### **Tsenyotirisong**

**4.** Dithabololo tseno tsa Melawanataolo di tla tsena mo tirisong ka letlha la phasalatso le le mo Lokwalodikgannyeng la Puso.