

GAUTENG PROVINCIAL LEGISLATURE

**BLUE IQ INVESTMENT HOLDINGS
LIMITED BILL, 2003**

(As introduced)

BY

(MEMBER OF THE EXECUTIVE COUNCIL FOR FINANCE AND ECONOMIC AFFAIRS)

[G003—2003]

BILL

To provide for the establishment of a holding company known as Blue IQ Investment Holdings Limited to manage identified projects through various commercial enterprises; to determine its objectives; to provide for the holding of shares in the Company; to provide for the disposal of shares and interest in the commercial enterprises; to provide for funding of the Company; to provide for the management of the Company; to provide for the transfer of assets, liabilities and obligations to the Company; to provide for listing of the commercial enterprises; to provide for regulations; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of Gauteng as follows:—

Definitions

1. In this Act, unless the context otherwise indicates:

“**Board of Directors**” means the Board of Directors as contemplated in Section 8 of this Act; 5

“**commercial enterprises**” include companies, close corporations, public private partnerships, trading accounts; joint ventures; agreements, partnerships and similar business undertakings;

“**Companies Act**” means the Companies Act, 1973 (Act No. 61 of 1973);

“**Company**” means Blue IQ Investment Holdings Limited as contemplated in Section 2 of this Act; 10

“**Constitution**” means the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996);

“**Executive Council**” means the Executive Council of the Province as constituted in terms of Section 125 of the Constitution; 15

“**Gauteng Provincial Government**” means the government of the Province and Provincial has a corresponding meaning;

“**identified projects**” means the following projects identified by the Gauteng Provincial Government — the Innovation Hub, Gauteng Automotive Cluster, Constitution Hill, Newtown Cultural Precinct; Gautrain Rapid Rail Link, City Deep Transport 20 and Logistics Hub, Dinokeng, Cradle of Humankind World Heritage Site; Wadeville-Alrode Industrial Corridor, Johannesburg International Airport Industrial Development Zone; Renewal of Kliptown, and includes amendment of the scope of these projects and any future projects that are approved by the MEC;

“**MEC**” means the Member of Executive Council responsible for Economic Affairs 25 in the Province;

“**Province**” means the Gauteng Province as contemplated in Section 103 of the Constitution and “**Provincial**” has a corresponding meaning;

“Public Finance Management Act” means the Public Finance Management Act, 1999 (Act No. 1 of 1999); and

“This Act” includes regulations made thereunder.

Establishment of Blue IQ Investment Holdings Limited

2. (1) There is established a juristic person to be called Blue IQ Investment Holdings Limited. 5

(2) The MEC is empowered to do all things necessary to have Blue IQ Investment Holdings Limited incorporated and registered in terms of the Companies Act.

(3) The MEC may delegate in writing the powers to sign the documents that are required for the registration of the Company. 10

(4) The Memorandum of Association of the Company must provide that the Company will not have the power to alter the business and objects of the Company without the approval of the MEC.

Objects of the Company

3. (1) The objects of the Company are to— 15
 (a) undertake or invest in Identified projects; and
 (b) enable increased private sector investment,
 through the utilization of legally recognized commercial enterprises.

(2) The Company may from time to time dispose of its shares or interest in the commercial enterprises. 20

Share Capital

4. Share capital of the Company shall consist of 100 (one hundred) shares of R1,00 (one rand) each.

Shareholding in the Company

5. (1) The Gauteng Provincial Government is the only Shareholder of the Company. 25
 (2) The MEC exercises the powers and duties of the Gauteng Provincial Government as Shareholder of the Company.

Shareholding/Interest in Commercial Enterprises

6. If the Company acquires, transfers, cedes, sells or otherwise disposes of its shares or interest in the commercial enterprises, then it must obtain prior approval of the MEC 30 and on such terms and conditions as the MEC approves.

Funding

7. (1) The funding of the Company comprises of— 35
 (a) money appropriated to it by the Provincial Legislature; and
 (b) any other proceeds realized through the commercial enterprises.

Management of the Company

8. (1) A Board of Directors manages the Company.
 (2) The MEC must appoint the Board of Directors consisting of a minimum of 3 (three) and maximum of 8 (eight) members.
 (3) The MEC must appoint the Chairperson of the Board and the Chief Executive 40 Officer of the Company.

List of Commercial Enterprises

9. (1) The commercial enterprises, nature thereof and the Company’s shareholding or interest expressed as a percentage therein are as contained in columns 1, 2 and 3 of the Schedule respectively. 45

(2) Upon conclusion of reporting in terms of the Public Finance Management Act, the MEC must by notice in the *Provincial Gazette* publish a schedule annually in which any changes or additions to the commercial enterprises, the nature thereof and the Company's shareholding or interest therein are reflected.

Effect of Establishment

5

10. Upon incorporation of the Company, all assets, rights, liabilities or obligations acquired or incurred by the Gauteng Provincial Government in pursuance of the identified projects before the establishment of the Company are deemed to be the assets, rights, liabilities or obligations acquired or incurred by the Company.

Regulations

10

11. The MEC may make regulations concerning any matter that the MEC deems necessary and expedient in order to achieve the objects of this Act.

Short Title

12. This Act is called the Blue IQ Investment Holdings Limited Act.

Schedule

COLUMN 1: NAME OF COMMERCIAL ENTERPRISE	COLUMN 2: NATURE/TYPE	COLUMN 3: % OF SHARE-HOLDING/INTEREST
Innovation Hub management Company (Pty) Ltd	Equity investment	50%
Blue catalyst (Pty) Ltd	Equity investment	100%
AIDC Development Company (Pty) Ltd	Equity Investment	60%
Supplier Park Development Company (Pty) Ltd	Equity investment	100%
Greater Newtown Development Company (Pty) Ltd	Equity investment	77%
JIA Development Company (to be registered in terms of the Companies Act)	Equity investment	To be determined
Metro Mall Pty Ltd	Equity investment	69.6%
Constitution Hill Development Company Pty Ltd	Equity Investment	86.63%
Dinokeng	Trading account with Department of Agriculture, Conservation, Environment & Land Affairs	
Cradle of Humankind	Trading account with Department of Agriculture, Conservation, Environment & Land Affairs	
Kliptown	Project Management Agreement with Johannesburg Development Agency	
Cleveland Road Link	Project Management Agreement with Johannesburg Roads Agency	
IDZ roads	Project Management Agreement with GauTrans	
Nelson Mandela bridge and M2 off ramp	Project Management Agreement with South African National Roads Agency Limited	
Wadeville Alrode	Project Management Agreement with Ekurhuleni Municipality	

