

IMITHETHO KAMASIPALA EQONDENE NEMITHETHO YENQUBO YOMKHANDLU, 2014



Yamukelwa uMkhandlu mhla ka:

Yashawa mhlaka:

IMITHETHO KAMASIPALA EQONDENE NEMITHETHO YENQUBO YOMKHANDLU, 2014

Ukuhlinzekela iMithetho Yenqubo elawula izinqubo nokwenziwa kwemihlangano yoMkhandlu kaMasipala kanye namakomidi awo; kanye nokuhlinzekela izindaba ezihambisana nalokho.

ISENDLALELO

NJENGOBA uMkhandlu kaMasipala kufanele uzame ngawo wonke amandla awo ukufeza izinhloso ezibekwe esigabeni 152 soMthethosisekelo okuwukuhlinzekela imiphakathi yendawo ngohulumeni wentando yabantu futhi okwaziyo ukuphendula ngokwenzayo; ukuqinisekisa ukuhlinzeka imiphakathi ngezidingo ngendlela enokugcineka; ukukhuthaza inhlalohle nentuthuko yomnotho; ukukhuthaza ukuphepha nendawo enempilo kanye nokukhuthaza ukubamba iqhaza kwemiphakathi ezindabeni zohulumeni basekhaya;

NANJENGOBA amaKhansela ekhethelwe ukumela imiphakathi eMkhandlwini kaMasipala ukuze aqinisekise ukuthi omasipala banezindlela zokusebenza ezihlelekile zokuphendula emiphakathini kanye nokuhlangabezana nezidingo zemiphakathi;

NANJENGOBA amaKhansela kufanele agcine izibopho zawo emiphakathini, eseke umasipala ekufezeni izinhloso zawo, athobele iNdlela Yokuziphatha kwamaKhansela, athobele iMithetho kaMasipala eqondene neMithetho Yenqubo kaMasipala futhi ngaso sonke isikhathi athobele imithetho yezwe;

NANJENGOBA kudingekile ukuba uMkhandlu kaMasipala ubeke iMithetho Yenqubo yokusebenza kwawo ngaphakathi kanye nokulawula ukuziphatha kwawo ekwenzeni imisebenzi nezinqubo zawo;

MANJE NGAKHO-KE uMkhandlu kaMasipala waseThekwini, uMasipala Omkhulu waseTheku Namaphethelo, osebenza ngokwesigaba 160(6) soMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, 1996 ngalokhu ushaya leMithetho kaMasipala elandelayo:

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ISAPHLUKO 1
UKUHUNYUSHWA

Izincazelo

1. Kule Mithetho kaMasipala, ngaphandle uma ingqikithi isho okwehlukile –

“**uMthetho**” kushiwo uMthetho weziNhlelo zoMasipala woHulumeni Basekhaya, 1998 (uMthetho No. 117 ka 1998);

“**uMthetho Wokutholakala koLwazi**” kushiwo uMthetho Wokutholakala koLwazi, 2000 (uMthetho No. 2 ka 2000);

“uSihlalo” kushiwo umuntu oqokwe ukuba abe ngusihlalo womhlangano weKomidi loMkhandlu;

“uSotswebhu Omkhulu” kushiwo iKhansela eliqokwe yinhlangano ebusayo elenza umsebenzi wokweseka uMkhandlu, ngokubambisana noSotswebhu, ukuze baqinisekise ukusebenza kahle kwemihlangano yoMkhandlu;

“iNdlela Yokuziphatha” kushiwo iNdlela Yokuziphatha kwamaKhansela ebekwe kuSheduli 1 woMthetho Wezinhlelo Zomasipala (uMthetho No. 32 ka 2000);

“iKomidi” kushiwo ikomidi loMkhandlu kaMasipala waseThekwini elimiswe ngokwe –

(a) zigaba 33, 79 noma 80 zoMthetho; noma

(b) ngokwanoma imuphi omunye umthetho;

“uMthethosisekela” kushiwo uMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996;

“imininingwane yokuxhumana” iyofaka ikheli lendawo, ikheli leposi, ikheli le e-mail, inombolo yeselula, inombolo yocingo kanye neyefeksi;

“uMkhandlu” noma **“uMkhandlu kaMasipala”** kushiwo uMkhandlu kaMasipala waseThekwini, uMkhandlu kaMasipala okukhulunywe ngawo esigabeni 157(1) soMthethosisekelo. Lapho kukhulunywa khona ngoMkhandlu lapha, kungasho futhi ikomidi loMkhandlu lapho kufanele kwehluke khona;

“iKhansela” noma **“iLungu”** kushiwo ilungu loMkhandlu kaMasipala;

“usuku” kushiwo noma iluphi usuku lweviki kodwa kungafaki uMgqibelo, iSonto noma iHolidi;

“iKomidi Lesigungu Esiphezulu (EXCO)” kushiwo iKomidi Lesigungu Esiphezulu loMkhandlu elakhiwe ngokwesigaba 43 soMthetho;

“iMeya” kushiwo umuntu okhethwe uMkhandlu kaMasipala ngokwesigaba 48 soMthetho;

“MFMA” kushiwo uMthetho woHulumeni baseKhaya Wezokuphathwa Kwezimali Zomasipala, 2003 (uMthetho No. 56 ka 2003);

“iMenenja yeDolobha” kushiwo umunti oqokwe ngokwesigaba 54A soMthetho weziNhlelo Zomasipala njengenhloko yezokuphatha eMkhandlwini kaMasipala;

“uMasipala” kushiwo uMasipala waseThekwini, umasipala osemkhakheni A njengoba kuchazwe esigabeni 155(1) soMthethosisekelo waseNingizimu Afrika wase usungulwa ngokweSaziso soMphakathi No. 343 sika 2000 (KwaZulu-Natali);

“isaziso sesiphakamiso” noma “isiphakamiso” kushiwo indlela amaKhansela angaletha ngayo izindaba okumele zingene ohlelweni lomhlangano woMkhandlu

“iHhovisi likaSomlomo” kushiwo iHhovisi lezokuphatha likaSomlomo futhi lingabala noma yimuphi umuntu odluliselwe amandla okwengamela nokuphatha eHhovisi likaSomlomo;

“umhlangano owejwayelekile” kushiwo umhlangano woMkhandlu noma wekomidi ohlelwe ngokwesigaba 29 soMthetho;

“Isiphakamiso ngokweNqubo” kushiwo udala oluvezwe yilungu ngokoMthetho weNqubo 20;

“ikhoramu” kushiwo iningi lamaKhansela (50% + 1);

“isincomo” kushiwo isincomo embikweni weKomidi Lesigungu Esiphezulu ngokweSigaba 44(4) soMthetho, esimayelana nesinqumo ngodaba leli komidi elingenawo amandla kulo;

“umbiko we EXCO” kushiwo umbiko we EXCO njengoba uchazwe eSigabeni 44 soMthetho odinga ukuba i- EXCO iwubike eMkhandlwini kaMasipala omayelana nezinqumo ezithathwe yileli komidi;

“uSomlomo” kushiwo uSihlalo woMkhandlu kaMasipala okhethwe ngokweSigaba 36 soMthetho;

“umhlangano oyisipesheli” kushiwo umhlangano ngale komhlangano owejwayelekile obizwe ngenhloso ethile, okuyothi okuzokwenzeka kuwo kubhalwe esazisweni esibiza lowo mhlango;

“uMthetho weziNhlelo zoMasipala” kushiwo uMthetho woHulumeni Basekhaya weziNhlelo Zomasipala, 2000 (uMthetho No. 32 ka 2000);

“umhlangano ophuthumayo” kushiwo umhlangano obizwe ngenhloso yokudingida udaba oluphuthumayo; futhi

“uSotswebhu” kushiwo ilungu loMkhandlu eliqokwe yinhlangao yezepolitiki ngayinye ukuba lenze imisebenzi ngokomthetho wenqubo 23.

Ukuhunyushwa kwalo Mthetho kaMasipala

2. (1) Uma kukhona ukushayisana phakathi kombhalo wesiNgisi walo Mthetho kaMasipala nombhalo ohunyushiwe, kuyosebenza owesiNgisi.

(2) Ukunquma kukaSomlomo noma kukaSihlalo maqondana nokuhunyushwa kwale Mithetho yeNqubo emhlanganweni woMkhandlu noma wekomidi kuyothathwa njengokungujuqu futhi okubophezela wonke umuntu.

(3) Noma ikuphi ukuhunyushwa kwale Mithetho yeNqubo kuyokwenziwa ngokuhlonipha uMthethosisekelo, nemithetho kazwe lonke, yesifundazwe kanye neminye kamasipala, imithetho kanye nobulungiswa bezwe.

(4) Ukuhumushwa nokuthatha isinqumo kukaSomlomo noma uSihlalo esebenzisa noma imiphi kule Mithetho yeNqubo kuyoqoshwa emaminithini omhlangano woMkhandlu noma ekomidi.

(5) IHhovisi likaSomlomo kufanele ligcine irejista yazo zonke izinqumo ezenziwe ngokwale Mithetho yeNqubo kanye nezeluleko zezomthetho.

Inhloso yoMthetho kaMasipala

3. (1) Inhloso yalo Mthetho kaMasipala ukubeka iMithetho yeNqubo okufanele ilandelwe uMkhandlu kaMasipala kanye namakomidi awo mayelana –

- (a) nezinhlelo zangaphakathi; kanye
- (b) nokusebenza nokuqhuba imihlangano,

ngokuhambisana nezihlinzeko zoMthethosisekelo, uMthetho kanye neminye imithetho esebenzayo.

Ukusebenza kwalo Mthetho kaMasipala

4. (1) Lo Mthetho kaMasipala usebenza kuyo yonke imihlangano yoMkhandlu kaMasipala kanye namakomidi awo futhi kufanele isetshenziswe –

- (a) amaKhansela;
- (b) abaholi bomdabu;
- (c) amalungu omphakathi;
- (d) abasebenzi bamasipala;
- (e) oNgqongqoshe baHulumeni;
- (f) amaLungu eKomidi Lesigungu Esiphezulu;
- (g) abasebenzi beminyango kahulumeni; kanye
- (h) nabamele izinhlaka zemiphakathi nezizimele,

abazokhuluma noma abethamele umhlangano woMkhandlu noma wekomidi.

(2) Ikomidi loMkhandlu libophezelwe yile Mithetho kaMasipala ngaphandle uma likhetha ukwenza iMithetho yeNqubo esebenza kulo lodwa.

(3) Ikomidi elikhetha ukwenza iMithetho yeNqubo esebenza kulo lodwa ngokwesigatshana

(2) kufanele –

- (a) liqinisekise ukuthi imithetho leyo ayiphikisani nale Mithetho kaMasipala; futhi
- (b) lithumele leyo mithetho ehlongozwayo kuSomlomo kanye noSotswebhu bezinhlangano ukuba bayibone bese benza izincomo eMkhandlwini.

(4) IMithetho yeNqubo ebhalwe ngokwesigatshana (2) kufanele ibe yingxenye yale Mithetho yeNqubo uma seyiphasiswe uMkhandlu.

IMIHLANGANO YOMKHANDLU

Imihlangano yoMkhandlu

5. (1) UMkhandlu kaMasipala kufanele ube nemihlangano engekho ngaphansi kweyi 11 ngonyaka.

(2) USomlomo kufanele anqume ukuthi uMkhandlu uhlangana kuphi, nini, kepha uma iningi lamaKhansela licela kuSomlomo ngokumbhalela phansi ukuba enze umhlangano ukuze kudingidwe noma iluphi udaba, uSomolo kufanele awubize lowo mhlangano oceliwe noma inini ngokuhambisana nesigaba 29(1) soMthetho.

(3) Imihlangano okukhulunywe ngayo esigatshaneni (1) kufanele kube imihlangano eyejwayelekile yokuqhuba umsebenzi kanti nohlelo losuku kufanele lubhalwe kumthetho 12.

(4) Kufanele kubizwe umhlangano woMkhandlu oyisipesheli ukuze kuphasiswe isabelomali sonyaka.

(5) USomlomo angabiza umhlangano ophuthumayo emva kokuxoxisana noMeya uma kukhona udaba oluphuthumayo oludinga isinqumo soMkhandlu ngaphambi kokuba kube nomhlangano owejwayelekile.

(6) USomlomo angabiza umhlangano oyisipesheli ukuze kuxoxwe nganoma iluphi udaba oluyisipesheli, noma uma kuzofika isivakashi esiqavile ukuzokhuluma noMkhandlu.

Isaziso somhlangano

6. (1) USomlomo kufanele abize umhlangano woMkhandlu kaMasipala ngokukhipha "Isaziso Somhlangano" esisayinwe nguye, esinosuku, indawo kanye nesikhathi somhlangano.

(2) Isaziso sesikhathi nendawo yayo yonke imihlangano ejwayelekile neyisipesheli kanye nokuthunyelwa kwanoma imiphi imibhalo esayinwe uSomlomo ngokwale Mithetho yeNqubo kufanele kuthunyelwe kuwo wonke amaKhansela –

- (a) ngokunika umuntu esandleni;
- (b) ngokushiya isaziso ekhelini lokuhlala elahlinzekwa yiKhansela kusasele okungenani amahora ayi 72 ngaphambi kokuqala kwalowo mhlangano;
- (c) ngokuthumela i- e-mail; noma
- (d) ngokuthumela umyalezo omfushane kwiselula (SMS).

(3) Isaziso somhlangano ophuthumayo kufanele sithunyelwe emaKhanseleni ngokwesigatshana (2) ngenhla, kusasele okungenani amahora ayi 12 ngaphambi kokuqala komhlangano.

(4) Ukungasitholi isaziso somhlangano woMkhandlu noma wekomidi kwanoma iliphi iKhansela angeke kuphazamise ukuba semthethweni kwalowo mhlango.

(5) IKhansela lingacela ukuba kwenziwe uphenyo maqondana nokungasitholi kwalo isaziso sokwethamela umhlangano okukhulunywe ngaso esigatshaneni (4).

(6) IKhansela kufanele lihambise imininingwane yokuxhumana nalo eHhovisi likaSomlomo—

(a) zingakapheli izisuku ezimbili likhethiwe; kanye

(b) nanoma kukhona noma iluphi ushintsho emininingwaneni yokuxhumana neKhansela.

(7) IMenenja yeDolobha kufanele yazise umphakathi, ngendlela enqunywe nguMkhandlu, ngesikhathi, usuku kanye nendawo yayo yonke—

(a) imihlangano yoMkhandlu eyejwayelekile; kanye

(b) nanoma yimuphi umhlangano woMkhandlu oyisipesheli noma ophuthumayo, ngaphandle uma isikhathi singakuvumeli lokhu ukuba kwenzeka.

Ukuvunyelwa komphakathi emihlanganweni

7. (1) Ngokwesigana 20 soMthetho weziNhlelo zoMasipala, imihlangano yoMkhandlu kanye naleyo yamakomidi awo ivulelekile emiphakathini, okufaka nabezindaba, kanti uMkhandlu noma lawo makomidi awuvumelekile ukuba uvimbele umphakathi, okufaka nabezindaba, ekwethameleni imihlangano ngaphandle uma—

(a) kunesizathu sokwenza njalo ngenxa yodaba oluxoxwayo kulowo mhlango; kanye

(b) noma uMthetho kaMasipala noma isinqumo soMkhandlu sibeka izimo ezithile lapho uMkhandlu noma amakomidi awo engaba nomhlangano esithe futhi ngokuhambisana nesigatshana (1)(a) esigunyzaa uMkhandlu noma lelo komidi ukuba libe nomhlangano esithe.

(2) UMkhandlu noma ikomidi loMkhandlu, nganoma isiphi isizathu, angeke uvimbele umphakathi ngesikhathi udingida, uvota noma uqaphela noma iluphi kulezi zindaba ezilandelayo—

(a) uMthetho kaMasipala ohlongozwayo obekwe ezithebeni zoMkhandlu;

(b) isabelomali esibekwe ezithebeni zoMkhandlu;

- (c) uhlelo lokamasipala lwentuthuko edidiyele noma ukuchitshiyelwa kwalolo hlelo okubekwe ezithebeni zoMkhandlu;
- (d) uhlelo lokamasipala oluhlongozwayo lokulawula ukusebenza kanye nokuchitshiyelwa kwalolo hlelo okubekwe ezithebeni zoMkhandlu;
- (e) isinqumo sokungena esivumelwaneni sokuletha izinsiza kubantu okukhulunywe ngaso esigabeni 76(b) soMthetho weziNhlelo Zomasipala;
- (f) ukuchithwa noma ukuthengwa kwempahla kamasipala; noma
- (g) iluphi olunye udaba olubalulwe umthetho.

Ukwethamela imihlangano kwamaKhansela

8. (1) Wonke amaKhansela kufanele ethamele imihlangano futhi afike ngesikhathi futhi ahlale uze uphele umhlangano ngamunye woMkhandlu noma wekomidi lawo ngaphandle uma-

- (a) linikezwe ilivu ngokwesigaba 9 salo mthetho;
- (b) udaba oluphambi koMkhandlu luthinta lelo Khansela noma elishade naye, elisebenzisana naye noma elibambisene naye ebhizinisini, futhi lelo Khansela kudingeka ukuba lihoxe ngokwesigaba 3(b) seNdlela Yokuziphatha, uSheduli 1 woMthetho weziNhlelo Zomasipala; noma
- (c) iKhansela lingekho futhi noSomlomo noma uSihlalo ekwazi lokho.

(2) Wonke amaKhansela ethamele umhlangano woMkhandlu noma wekomidi kufanele asayine amagama awo kwirejista ebekelwe lokho eHhovisi likaSomlomo noma kwirejista kaSihlalo.

(3) IKhansela eliselivini kepha libe lingasayidingi leyo livu lingayethamela imihlangano ngesinsuku eyayinikwe ngazo iluvu ngokwesigaba 9 bese lisayina irejista yokuthi lalikhona.

Ilivu

9. (1) Uma iKhansela—

- (a) lingakwazi ukwethamela umhlangano okhishelwe isaziso;
- (b) lingakwazi ukuhlala emhlanganweni uze uphele; noma
- (c) lizofika emva kwesikhathi sokuqala komhlangano,

iKhansela kufanele, ngokukhulu ukushesha okungenzeka ngaphambi kokuqala kwalowo mhlangano, lithumele kuSomlomo isicelo selivu esibhalwe phansi libeke nezizathu zokungabikho kulowo mhlangano noma engxenyeni yawo.

(2) Ilivu angeke igunyazwe ngendlela ezophazamisa ikhoramu yomhlangano.

(3) Ngale kokulandela isigatshana (1) no (2) ngenhla, isicelo selivu yokungabi bikho emhlanganweni siyothathwa njengesivunyiwe uma uMkhandlu ujube lelo Khansela ukuba liyomela uMkhandlu kwenye indawo.

(4) UMkhandlu noma ikomidi, ngaphansi kwesigatshana (1) no (2) ngenhla, ungagunyaza ilivu ekhanseleni ngalezi zizathu ezilandelayo, ezingafaka ukuthi—

- (a) iKhansela liyagula;
- (b) umsebenzi osemqoka, ukulungisa izinto eziqondene nalo iKhansela;
- (c) isaziso somhlangano oyisipesheli noma ophuthumayo sidilivwe esikhathini esingaphansi kwaleso esigagulwe kule Mithetho kaMasipala, ngaphandle uma ukungafiki ngesikhathi kwaso lesa saziso kudalwe ukwehluleka kweKhansela ukwazisa iHhovisi likaSomlomo ngemininingwane yokuxhumana nalo yakamuva;
- (d) kunezimo ezingaphezu kwamandla eKhansela ezidale ukuba lingakwazi ukwethamela lowo mhlango; noma
- (e) kunanoma isiphi isimo esivimbela iKhansela ngokomthetho ukuba lethamele umhlangano.

(5) USomlomo kufanele agcine amarekhodi azo zonke izigameko lapho amaKhansela kutholakale khona ukuthi abengekho emhlanganweni ngaphandle kwelivu noma kwesizathu esizwakalayo.

(6) USomlomo kumele azise iSotswebhu okhona uma kukhona iKhansela eliphuthile ngaphandle kokubika noma ngaphandle kwesizathu esizwakalayo emhlanganweni.

(7) Uma iKhansela seliphuthe ngaphandle kwelivu noma ngaphandle kwezizathu izikhathi ezintathu noma ngaphezulu, uSomlomo kufanele athumele umbiko eMkhandlwini bese enza izincomo zokuthi lolo daba aludluliselwe eKomidini Lokuziphatha kwamaKhansela i-Ethics Committee.

Ikhoram

10. (1) Ikhoram yomhlangano woMkhandlu noma wekomidi yakhiwa yiningi lamalungu alowo mhlango.

(2) Kumele kube khona iningi lamalungu oMkhandlu ngaphambi kokuba kuvotelwe noma iluphi udaba.

(3) Uma ingahlangani ikhoramu emva kokuphela kwemizuzu engu 15 kudlule isikhathi sokuqala komhlangano, uSomlomo noma uSihlalo kufanele engeze isikhathi sokulinda ngeminye imizuzu engekho ngaphezu kwengu 15 ngaphambi kokuba kuqale umhlangano, emva kwalokho, uSomlomo usenganquma ukuba awukhansela lowo mhlango.

(4) Kunoma imuphi umhlangano woMkhandlu, uma uSomlomo noma uSihlalo aziswa ukuthi isibalo samaKhansela akhona kulowo mhlango kasanele ukuhlanganisa ikhoramu, uSomlomo noma uSihlalo kufanele ayalele ukuba kushawe insimbi isikhathi esingeqile emizuzwini emibili, uma futhi ingahlangani ikhoramu, uSomlomo noma uSihlalo kufanele awuguqise lowo mhlango.

(5) Uma umhlangano uguqa ngenxa yokungahlangani kwekhoramu, umhlangano kufanele uphinde ubizwe ezinsukwini eziwu 7 ukuze kuqhubeke lowo mhlango owaguqa.

Imihlangano yamakomidi ahlange

11.(1) Ikomidi loMkhandlu lingahlangana ngokuhlanganyela –

- (a) nelinye ikomidi loMkhandlu;
- (b) nekomidi lesiShayamthetho;
- (c) nekomidi lePhalamende;
- (d) nohlaka lombuso; noma
- (e) nabantu bangaphandle,

ukuze kudingidwe izindaba ezilithintayo.

(2) USihlalo womhlangano wamakomidi ahlange kumele akhethwe ngevoti leningi lamalungu akhona emhlanganweni.

(3) Amaminithi omhlangano wamakomidi ahlange kumele –

- (a) ahlanganiswe futhi athunyelelwe bonke abahambe umhlangano; futhi
- (b) ethulwe kanye nombiko emhlanganweni olandelayo woMkhandlu nekomidi elithintekayo.

ISAPHEKULO 3

UHLELO NOKUCUTSHUNGULWA KWEZINDABA

Uhlelo lomhlangano

12.(1) Yonke imihlangano kufanele iphathwe ngokulandela nangokulandelana kwezindaba ezisohlelweni lomhlangano olungaphambi koMkhandlu, futhi kuzodingidwa kuphela izindaba ezisohlelweni lomhlangano, ngokulandela isigatshana (2).

(2) USomlomo angakushintsha ukulandelana kwezindaba ezisohlelweni lomhlangano emva kokucubungula izizathu zalokho.

(3) USomlomo, ngaphansi kwesigaba 7 —

(a) uma ebona kufanelekile ukuba kwenziwe njalo; futhi

(b) emva kokucubungula izizathu zalokho,

angayalela ukuba noma iluphi udaba luxoxwe esithe.

(4) Udaba oluxoxwa esithe emhlanganweni woMkhandlu akuvumelekile ukuba ludalulwe kwabanye abantu ngokuhambisana nesigaba 10 seNdlela Yokuziphatha.

(5) Uma kunodaba okunqunywe ukuba ludingidwe mhlanganweni oyinguyazana, isizathu saleso sinqumo kumele siqoshwe kwi-rejista yezinqumo kanjalo nezimvo zezomthetho egcinwe ehhovisi likaSomlomo.

Uhlelo lomhlangano owejwayelekile

13.(1) Uhlelo lwezindaba zanoma imuphi umhlangano owejwayelekile obizwe ngokwesigatshana 5 kufanele lume kanje:

(a) isaziso esibiza umhlangano;

(b) ukuvula;

(c) iculo lesizwe;

(d) ithuba lokuthandaza/dlinza;

(e) izimemezelo ezisemthethweni;

(f) umbiko kaSomlomo;

(g) izicelo zelivu yokungabibikho;

(h) ukuqinisekwa kwamaminithi;

(i) imibuzo okwafakwa izaziso zayo;

(j) imibiko, engafaka:

(i) Imibiko ye EXCO;

(ii) Imibiko ye MPAC; kanye

(iii) Nemibiko ye Ethics Committee;

(k) Izaziso zeziphakamiso;

(l) Umbiko weMeya ngokwe MFMA;

- (m) Umbiko weMenenja yeDolobha ngokwe MFMA;
- (n) Umbiko ngezinqumo zamakomidi;
- (o) Izindaba okufanele zazeke; kanye
- (p) nokuvala.

Imibiko

14.(1) Yonke imibiko ye EXCO eya eMkhandlwini kufanele ibe njengoba kubekwe esibageni (4) soMthetho, odinga ukuba iKomidi Lesigungu Esiphezulu libikele uMkhandlu ngazo zonke izinqumo ezithathwe yileli komidi.

- (2) Imibiko okukhulunywe ngayo esigatshaneni (1) kufanele yehlukaniswe izingxenye ezimbili –
- (a) ingxenye yokuqala kufanele ibe nezindaba i- EXCO engenawo amandla phezu kwazo; kanti
 - (b) ingxenye yesibili yona kufanele ibe nezindaba i- EXCO enamandla phezu kwazo futhi ezilethwe eMkhandlwini ukwazisa amalungu nje.

(3) Zonke izindaba ezitholakala engxenyeni yokuqala yombiko we EXCO ziyoba nezincomo ezingavunywa noma zichithwe nguMkhandlu.

(4) Izindaba ezitholakala engxenyeni yesibili yombiko zona azizelanga ukuzoxoxwa, kepha zilethwelwe ukwazisa amaKhansela nje kuphela.

(5) USomlomo uyovumela inkulumbo-mpikiswano ngombiko okukhulunywe ngawo ngaphansi kwesigatshana 2(a) ngokuhambasana nomthetho 23 no 24.

(6) UMkhandlu, uma uthole isicelo esibhalwe phansi okungenani sekota eyodwa yesibalo samaKhansela, ungabuyekeza noma isiphi isinqumo esisembikweni othunyelwe ngokwesigatshana 2(b) bese mhlambe uvume, wehluke noma usichithe isinqumo kanye nanoma imaphi amalungelo abetholakale kunoma imuphi umuntu njengoba kubekiwe esigabeni 59(3) soMthetho weziNhlelo Zomasipala.

Ukuphathwa kwemihlangano

15. (1) USomlomo, njengoSihlalo wemihlangano yoMkhandlu kufanele—

- (a) aphaathe imihlangano yoMkhandlu;
- (b) aqinisekise ukuthi uMkhandlu uyahlangana njengoba kubekiwe ngokomthetho 5;
- (c) ugcina kunokuthula emhlanganweni;

- (d) aqinisekise ukuthotshelwa kweNdlela Yokuziphatha emhlanganweni woMkhandlu kanye neyamakomidi;
- (e) aqinisekise ukuthi imihlangano yoMkhandlu iphathwe ngokwale Mithetho kaMasipala kanye nangokwanoma imiphi eminye imithetho esebenzayo;
- (f) aqinisekise ukuthi amaKhansela aziphatha ngendlela enokuthula nenesizotha futhi athobela izinqumo zikaSomlomo;
- (g) aqinisekise ukuthi amalungu omphakathi athamele umhlangano woMkhandlu aziphatha ngendlela enokuthula futhi athobela zonke izinqumo zikaSomlomo;
- (h) aqinisekise ukuthi noma imuphi umuntu owehluleka ukuthobela noma isiphi isinqumo uyalelwa ukuba aphume emhlanganweni;
- (i) aqinisekise ukuthi uSotshwebhu Omkhulu kanye noSotshwebhu bagcina amalungu abo eziphetha kahle ngesikhathi semihlangano yoMkhandlu;
- (j) ucubungula wonke amaphuzu okuqondisa bese ethatha izinqumo ngawo; futhi
- (k) uziphatha ngendlela engachemile kuzo zonke izinhlangano kanye namalungu azo.

(2) Uma uSomlomo noma uSihlalo engekho emhlanganweni noma engatholakali ukuba enze imisebenzi yesikhundla sakhe noma kunesikhala esivulekile, uMkhandlu noma ikomidi kufanele ukhethe elinye iKhansela ukuba libambe njengo Somlomo noma uSihlalao.

(3) Umhlangano woMkhandlu noma wekomidi loMkhandlu angeke uqale noma uqhubeke ngaphandle uma uSomlomo noma uSihlalo ephethe lowo mhlango.

(4) Uma uSomomolo engekho emhlanganweni, iMenenja yeDolobha kufanele iphathe uhlelo lokuqoka uSomlomo wesikhashana.

ISAPHLUKO 4

UKUZIPHATHA KWAMAKHANSELA

Ukuziphatha kwamaKhansela emihlanganweni

16.(1) Ngesikhathi somhlangano woMkhandlu noma wekomidi, amaKhansela nabasebenzi kufanele—

- (a) baziphathe ngendlela ecokeme nenenhlonipho njengoba kufanelekile emhlanganweni;
- (b) ngaso sonke isikhathi bathobele imigomo nemithetho etholakala eNdloleni Yokuphatha kanye nakule Mithetho kaMasipala;
- (c) ngaso sonke isikhathi bathobele iMithetho kaMasipala kanye nemithetho yezwe;
- (d) bangasebenzisi ulimi olungafanelekile nolucasulayo;
- (e) bangawasebenzisi amaselula ngesikhathi semihlangano; noma

(f) baphathe izibhamu kanye nanoma isiphi isikhali esiwubungozi emihlanganweni yoMkhandlu noma yamakomidi awo.

(2) Njalo uma uSomlomo noma uSihlalo esukuma ngesikhathi senkulumo mpikiswano, noma iliphi iKhansela esikhulumayo ngaleso sikhathi kufanele lithule bese uSomlomo noma uSihlalo alalelwe ngaphandle kokuphazanyiswa.

(3) Ngesikhathi senkulumo mpikiswano iKhansela alivumelekile ukuba likhulume nomunye umuntu kakhulu kuze kuphazamiseke ukuqhubeka komhlangano.

(4) Ngale kukaSomlomo noma uSihlalo, iKhansela angeke likwazi ukuphazamisa elinye iKhansela lisakhuluma, ngaphandle uma linephuzu lokuqondisa noma lokuchazelwa.

(5) IKhansela angeke lisebenzise ulimi olungavumelekile ngesikhathi somhlangano.

(6) USomlomo noma uSihlalo, emva kokuqwashisa iKhansela ngokukhuluma izindaba ezingekho ohlelweni noma ngokuphindaphinda kaningi into eyodwa, kufanele acele lelo Khansela ukuba liziphathe ngendlela, noma uma liqhubeka nokukhuluma, ayivale leyo nkulumo, bese elihlalisa phansi.

(7) Uma uSomlomo noma uSihlalo ebona ukuthi lelo Khansela—

(a) liphula ngamabomu izihlinzeko zale Mithetho kaMasipala;

(b) lidelela noma lishaya indiva amandla kaSomlomo noma uSihlalo;

(c) liphikisana nesinqumo sikaSomlomo ngePhuzu Lokuqondisa;

(d) lenqaba ukuhoxisa noma imaphi amazwi alo uma licelwa ukuba lenze njalo nguSomlomo noma uSihlalo;

(e) liziphatha ngendlela engavumelekile,

kufanele aphoqe lelo Khansela ukuba liphume kulowo mhlango osaqhubeka noma acele ukuba likhishwe kulowo mhlango.

(8) Noma yimuphi umuntu owethamele noma imuphi umhlangano woMkhandlu kufanele agqoke ngendlela eyamukelekile negcina isithunzi soMkhandlu. Indlela yokugqoka yamaKhansela kufanele kube ngeyokuya emhlanganweni noma imvunulo yesintu.

(9) USomlomo noma uSihlalo angacela noma ayalele ukuba kukhishwe noma imuphi umuntu –

(a) owenqaba ukuthobela umyalelo olula noqondile awunikwa uSomlomo noma uSihlalo; noma

(b) ngamabomu ovimbela ukuba kuthotshelwe ukwenziwa kwanoma imuphi umyalelo kaSomlomo noma uSihlalo.

(10) Uma kwenzeka kuba khona ukuphazamiseka okukhulu emhlanganweni, uSomlomo noma uSihlalo —

(a) angawuguqisa umhlangano; noma

(b) amise ukuqhubeka komhlangano okwesikhashana.

(11) Uma umhlangano uguqisiwe, bonke abantu abethamele lowo mhlangano kufanele basukume bame ezindaweni zabo kuze kuphuma uSomlomo emhlanganweni.

(12) Amalungelo amaKhansela afaka—

(a) ilungelo lokukhuluma ngokukhululeka emihlanganweni yoMkhandlu noma ayamakomidi; kanye

(b) nanoma imaphi amanye amalungelo awanikwe ngokoMthethosisekelo.

(13) AmaKhansela angeke abekwe cala, aboshe noma abhekane namademeshe—

(a) nganoma yini ayisho, ayiveze noma ayithumele eMkhandlwini noma kunoma iliphi ikomidi lawo; noma

(b) nganoma yini evele ngenxa yanoma yini evezwe ngaphambi koMkhandlu noma ekomidini lawo.

(14) Ukusebenzisa ilungelo lokukhuluma ngokukhululeka kuvikelekile, kepha lelo lungelo kufanele lisetshenziswe ngokweMithetho yeNqubo.

Ukudalula ukuthinteka

17. (1) IKhansela elifisa ukudalula ukuthi kunodaba olusezithebeni zoMkhandlu noma zekomidi loMkhandlu oluthinta ngqo noma ngandlela thile lelo khansela ngqo, uwakwalo, uphathina walo noma ababambisene naye ebhizinisini kufanele lenze njalo njengokuyalela kweNdlela Yokuziphatha futhi lokho likwenze uma nje luqeda ukubizwa lolo daba noma iSaziso Sesiphakamiso esimthintayo.

(2) IKhansela kumele lizihoxise lona odabeni oludingidwayo lapho lona njengeKhansela, uwakwalo, uphathina noma elibambisene naye ebhizinisini ethinteka ngqo noma ngandlela thile noma ehlo mola ebhizinisini elizimele okumele ukuthi lelo Khansela lihoxe kulolo daba njengokulandisa kohlamvu 3(b) leNqubo yokuziPhatha.

ISAPHLUKO 5
UKULAWULWA KWENKULUMO-MPIKISWANO

Isaziso seziphakamiso ezejwayelekile

18.(1) IKhansela ngeke likwazi ukwethula udaba eMkhandlwini ngaphandle kokukhipha isaziso sesishakamiso.

(2) Noma isiphi isaziso sesishakamiso kumele —

- (a) sibhalwe phansi;
- (b) sikhulume ngodaba olulodwa kuphela;
- (c) sisayinwe yiKhansela elisikhiphayo; futhi
- (d) sisayinwe yiKhansela elisisekelayo.

(3) ISaziso sesiphakamiso kumele sethulwe kuSomlomo oyokube —

- (a) esesifaka encwadini ebekelwe lokho; futhi
- (b) aqinisekise ukuthi leyo ncwadi ivulelekile ukuba ihlolwe yinoma iliphi iKhansela.

(4) ISaziso sesiphakamiso angeke sifakwe ohlelweni lomhlangano ngaphandle uma sitholakale kusasele okungenani izinsuku eziyi-10 kufike umhlangano.

(5) IHhovisi likaSomlomo kumele liphendule ngencwadi ukuthi lisitholile iSaziso sesiphakamiso uma iKhansela elilethe iSaziso sesiphakamiso licela kanjalo.

(6) Zonke izaziso zesiphakamiso kumele zikhulume ngezokuphatha kumasipala noma zikhulume ngezindaba ezingaphansi kolawulo loMkhandlu kaMasipala.

(7) Uma selithole isaziso sesiphakamiso, iHhovisi likaSomlomo kumele libhale phansi usuku, inombolo bese lifaka izaziso ohlelweni lomhlangano ngokulandelana ngendlela ezifike ngayo: Kuncike ekutheni isaziso esichibiyela isiphakamiso kumele sifakwe ohlelweni ngokushesha ngemuva kwaleso siphakamiso esisichibiyelayo.

(8) Isaziso sesiphakamiso siyobe singaphelele uma singasho ukuthi lolo daba kufanele lubuyiselwe emuva ekomidini elifanele loMkhandlu ukuze liphenywe noma lisicubungule bese libikela uMkhandlu uphelele.

(9) IKhansela alivumelekile ukufaka isaziso sesiphakamiso esingaphezu kwesisodwa ohlelweni lomhlangano, ngaphandle uma kuyisaziso sesiphakamiso esahlehliswa.

(10) IKhansela alivumelekile ukufaka izaziso zesiphakamiso ezingaphezu kweziyi-6 ngonyaka.

(11) Uma isaziso sesiphakamiso esifakwe ohlelweni lomhlangano sibizwa kepha singabekwa ezithebeni zoMkhandlu yiKhansela elisibhalile, noma elinye iKhansela eligunyazwe ngencwadi yiKhansela elisibhalile, lesa Saziso sesiphakamiso siyokhishwa.

(12) USomlomo kumele athole ukuthi ingabe isaziso sesiphakamiso siyaphikiswa yini. Isaziso sesiphakamiso esingaphikiswanga kumele siphasiswe ngaphandle kwenkulumo-mpikiswano. Uma kwenzeka isaziso sesiphakamiso siphikiswa, uSomlomo kumele acele lowo obhale isaziso sesiphakamiso ukuba akhulume kuqala.

(13) Uma isaziso sesiphakamiso sichithiwe, lolo daba akumele luphinde liphakanyiswe, okungaba ngesinye isaziso sesiphakamiso noma ngombuzo, kuze kuphele okungenani izinyanga ezintathu kusukela osukwini esachithwa ngalo.

(14) Zonke izaziso zesiphakamiso kumele zithunyelwe ngencwadi eneminingwane esemthethweni yalelo Khansela- iletterhead.

(15) IHhovisi likaSomlomo kumele liqophe futhi ligcine irejista yezaziso zesiphakamiso ezitholakele.

Isaziso sesiphakamiso esinqatshelwe

19.(1) USomlomo akumele avumelene isaziso sesiphakamiso —

- (a) esingaholela ekutheni kudingidwe udaba oseluvele ludingidiwe ohlelweni;
- (b) kudingidwe udaba olungaphathelene nokuphathwa kukamasipala;
- (c) esinamagama evile ku-150 noma esiqukethe izimvo amaphuzu angenasidingo, angamanga, agxekayo, angakhi futhi angafanele;
- (d) esikhuluma ngodaba uMkhandlu ongenawo amandla okukhuluma ngalo;
- (e) esikhuluma ngodaba okusalindelwe isinqumo senkantolo noma somgwamanda wezomthetho;
- (f) esingasekwanga muntu;
- (g) uma siphasisiwe, esizoshayisana nalo Mthetho kaMasipala kanye nanoma imuphi omunye umthetho noma esingeke senzeke;
- (h) esikhuluma ngodaba olusaphenywa ngokusemthethweni futhi uma ukukhuluma ngalolo daba kungabeka engcupheni uphenyo;
- (i) esikhuluma ngodaba oluvele lusezithebeni zekomidi elithile; noma

(j) esingazange siphakanyiswe ngokuhambisana nale mithetho.

IziPhakamiso ezingokwenqubo

20.(1) Uma sekwenziwe isiphakamiso noma isincomo futhi kusenenkulumo-mpikiswano eqhubekayo mayelana nalokho, akukho siphakamiso esiyokwemukelwa ngaleso sikhathi ngaphandle kwesiphakamiso sokuthi –

- (a) inkulumo-mpikiswano ithi ukuguqa;
- (b) uMkhandlu udlulele odabeni olulandelayo;
- (c) udaba lubuyiselwe emuva;
- (d) kuchitshiyelwe isiphakamiso esedlule; noma
- (e) udaba oludingidwayo luvotelwe.

(2) Zonke iziphakamiso ezingokwenqubo kumele zeseke kuqala ngaphambi kokuba lezo ziphakamiso zidingidwe.

(3) Noma isiphi isiphakamiso esingokwenqubo singahoxiswa osiphakamisile ngemvume yoMkhandlu, ngaphandle kokuthi kube nenkulumo-mpikiswano.

(4) Uma kuba nesiphakamiso sokuba kuchitshiyelwe isiphakamiso, isichibiyelo kumele –

- (a) sihambisane nesiphakamiso sokuqala;
- (b) sibhalwe phansi;
- (c) sisayinwe osiphakamisayo; futhi
- (d) sihanjiswe kuSomlomo ukuze asifunde emhlanganweni.

(5) Isichibiyelo okukhulunywe ngaso kwisigatshana somthetho (4) angeke sishintshe lokho okushiwo yisiphakamiso sokuqala.

(6) IKhansela angeke lifake isichibiyelo esingaphezu kwesisodwa kunoma isiphi isiphakamiso sokuqala.

(7) Uma isichibiyelo sesiphakamiso sokuqala sesethuliwe futhi sathola ukwesekwa, angeke kusaba khona esinye isichibiyelo esiyokwethulwa kuze kuqedwe ngesichibiyelo sokuqala. Uma sekuqediwe ngaleso sikhathi, isiphakamiso esichitshiyelwe siyoba yisona siphakamiso kanti kuyobe sekungaphakanyiswa ezinye izichibiyelo mayelana naso.

(8) Uma isiphakamiso sokuqala siphathelene noMthetho kaMasipala, noma isiphi isiphakamiso sokuchibiyela kumele sibuyiselwe emuva ekomidini eliphathelene nalokho.

(9) Noma isiphi isiphakamiso esizothinta ukwenyuswa kwezimali ezisetshenziswayo noma ukunciphisa amaholo oMkhandlu kumele sibuyiselwe emuva ekomidini eliphathelene nalokho liyosicubungula.

(10) Isiphakamiso esingokwenqubo esithi udaba alubuyiselwe emuva, kumele sisho ikomidi okumele kubuyiselwe kulona udaba kanjalo nephuzu noma amaphuzu okudingeka kuwona iseluleko noma izeluleko zekomidi. Uma siphumelela isiphakamiso ngokwalo mthetho, kumele ime inkulumo-mpikiswano mayelana nodaba futhi uMkhandlu kumele udlulele ephuzwini elilandelayo ohlelweni.

(11) Angeke kuphakanyiswe isiphakamiso sokuba kuguqe umhlangano woMkhandlu ngesikhathi kusekhona udaba olusadingidwa olusohlelweni, kodwa singaphakanyiswa kuphela ngokushesha ngemuva kokuba sekuphunywe nesisombululo mayelana nalolo daba, futhi kungakangenwa odabeni olulandelayo olusohlelweni.

(12) Isiphakamiso sokuthi kumiswe inkulumo-mpikiswano esihambisana nezizathu zaleso sicelo noma sokufaka umbuzo noma sokuthi uMkhandlu udlulele odabeni olulandelayo kumele siphakanyiswe uma sekuphothulwe inkulumo.

(13) Esinye isiphakamiso esifuze lezi ezisesigatshaneni somthetho (11) noma (12) angeke siphakanyiswe singakapheli isigamu sehora kuphakanyiswe esinye isiphakamiso esifanayo.

(14) IKhansela angeke liphakamise noma leseke isiphakamiso esingaphezu kwesisodwa zokuthi kuguqe umhlangano woMkhandlu.

(15) Uma kuphakanyiswe isiphakamiso sokuthi kuguqe umhlangano woMkhandlu, uSomlomo kumele acele ukuba kuqedwe ngezindaba ezingeke ziphikiswe ngaphambi kokuba kuguqe umhlangano.

Ukuhoxiswa kweSaziso sesiphakamiso

21.(1) Isiphakamiso singahoxiswa noma sichitshiyelwe yilowo osiphakamisile ngemvume yoMkhandlu okumele ikhishwe ngaphandle kokuthi kube nenkulumo-mpikiswano.

(2) IKhansela angeke likhulume ngesiphakamiso ngemuva kokuba sekugunyazwe ukuhoxiswa kwaleso siphakamiso.

Isaziso sesiphakamiso esiphuthumayo

22.(1) IKhansela lingafaka isicelo mayelana nesimo esiphuthumayo kuncike ekutheni —

- (a) uSomlomo unikezwe isaziso sesiphakamiso kusasele okungenani amahora angu-24 kufike umhlangano; futhi
- (b) kufakwe izizathu zalokho kuphuthuma kwaleso saziso sesiphakamiso.

(2) USomlomo, ngemuva kokubonisana noSotswebhu, kumele athathe isinqumo mayelana nokuthi isiphakamiso siyethulwa yini phambi koMkhandlu. Isinqumo sikaSomlomo siyoba ngujuqu.

(3) Ngale kokulandela izinhlinzeko zesigatshana somthetho (1), iKhansela lingacela uSomlomo ukuba afake isiphakamiso esiphuthumayo esithinta umphakathi ohlelweni okungenani kusasele ihora ngaphambi kokuqala komhlangano woMkhandlu.

(4) USomlomo kumele athathe isinqumo esingujuqu mayelana nokwethulwa eMkhandlwini kwesiphakamiso esiphuthumayo okukhulunywe ngaso kwisigatshana somthetho (3) ngemuva kokucubungula isiphakamiso. Isinqumo sikaSomlomo siyoba ngujuqu.

Ukwabiwa kwesikhathi senkulumo-mpikiswano

23.(1) Zonke izinhlangano ezimelelekile eMkhandlwini zinelungelo lokukhuluma odabeni ngalinye olusohlelweni lomhlangano ngenxa yokumeleleka kwawo eMkhandlwini.

(2) USomlomo angavumela inhlangano yezepolitiki ukuba iphe enye inhlangano yezepolitiki isikhathi ebeyabelwe sona sokukhuluma kunoma yiluphi udaba, kuncike ekutheni lezo zinhlelo zenziwa noSomlomo ngaphambi kokuqala komhlangano woMkhandlu.

(3) USotswebhu Omkhulu, ngemuva kokubonisana noSotswebhu bazinye izinhlangano eMkhandlwini futhi kusasele okungenani amahora angu 24 kuqale umhlangano, kumele ahlinzekele uSomlomo noSotswebhu bezinhlangano ngohlu olukhombisa –

- (a) izihloko ohlelweni lwalowo mhlangano ezizoba nenkulumo-mpikiswano;
- (b) isikhathi okulindeleke ukuthi sabelwe inkulumo-mpikiswano esihlokweni ngasinye; kanye
- (c) nesikhathi senkulumo-mpikiswano esabelwe inhlangano yezepolitiki ngayinye.

(4) Zonke izinhlangano kumele zinikezwe okungenani umzuzu owodwa wokukhuluma ephuzwini ngalinye elinenkulumo-mpikiswano. Kungaphinde kwengezwe isikhathi sokukhuluma

kwezinhlangano ezimelelekile eMkhandlwini ngoSostwebhu ngokuhambisana nesibalo sezihlalo ezinazo.

(5) Inhlangano ngayinye kumele ihlole uhlu olungokwesigatshana somthetho (3) futhi inikeze uSomlomo kusasele okungenani amahora angu-12 uhlu lwamalungu ayo azokhuluma odabeni kanjalo nesikhathi esabelwe ilungu ngalinye, kuncike ekutheni isikhathi sesisonke sawo wonke amalungu enhlangano, aseqi isikhathi esabelwe leyo nhlangano ngokwesigatshana somthetho 3(c) ngenhla.

(6) USomlomo anganciphisa noma elule isikhathi esabelwe inkulumo-mpikiswano odabeni ngalunye olusohlelweni lomhlangano uma ethola uhlu okukhulunywa ngalo kwisigatshana somthetho (5).

(7) USomlomo kumele –

- (i) aqinisekise noma elule isikhathi esabelwe izinhlangano ngendlela engenzeleli kuzona zonke izinhlangano;
- (ii) azame ngayo yonke indlela ukwazisa izinhlangano mayelana nalokho kwelulwa kwesikhathi kusenesikhathi; futhi
- (iii) eluleke izinhlangano mayelana nokwelulwa noma nokuncishiswa kwesikhathi esabiwe.

(8) Isinqumo esithathwe ngokwesigatshana somthetho (6) no (7) kumele sidluliselwe koSostwebhu abafanele kusenesikhathi ngaphambi kokuqala komhlangano woMkhandlu.

(9) Uma sekwethulwe umbiko etafuleni, uSomlomo kumele abheke amaKhansela afuna ukukhuluma mayelana nalolo daba olusezithebeni.

(10) Uma kuba nesicelo nangokubona kwakhe, uSomlomo angavumela ukuba kwengezwe imizuzu emihlanu yokuphendula kulowo owenza isiphakamiso noma umbiko wekomidi. Leso sicelo kumele sidluliselwe kuSomlomo uma sekuqala inkulumo-mpikiswano mayelana naleso sihloko.

(11) USomlomo, uma esebenzisa amandla akhe ngokwale mithetho, angeke enzelele noma iyiphi inhlangano mayelana nesikhathi esabelwe izinhlangano.

Imithetho eyengamele inkulumo-mpikiswano

24.(1) Kunoma iyiphi inkulumo-mpikiswano, uSomlomo kumele abize iKhansela ukuba likhulume ngokuhambisana nohlu okukhulunye ngalo emthethweni 23(3).

(2) IKhansela lingakhuluma kuphela uma liyalelwe uSomlomo.

(3) Uma sekwethulwe umbiko, iKhansela kumele liveze ukuthi lifuna ukukhuluma ngokuphakamisa isandla bese lilindela umyalelo kaSomlomo.

(4) IKhansela elikhulumayo kumele liqinisekise ukuthi likhuluma ngalolo daba oludingidwayo.

(5) Noma nini uma uSomlomo esukuma ngesikhathi kunenkulumo-mpikiswano, noma iliphi iKhansela elikhulumayo ngaleso sikhathi, nabo bonke abantu abakhona emhlanganweni woMkhandlu kumele bathule ukuze uSomlomo ezozwakala ngaphandle kokuphazanyiswa.

(6) Owenze isiphakamiso angaphendula kwezinye izinkulumo ezedlule ngokuhambisana nomthetho 23(10), kodwa angeke afake udaba olusha kwinkulumo-mpikiswano.

IPhuzu lokuQondisa nelokuchazelwa

25.(1) IKhansela, noma ngabe selike lakhuluma odabeni oludingidwayo noma liyaqala, lingaphakamisa —

- (a) iPhuzu lokuQondisa, okuhloswe ngalo ukukhuza ukuphambuka kwesikhulumi kule mithetho noma kweminye imithetho; noma
- (b) iphuzu lokuchazelwa, ngenhloso yokuchaza izingxenye ezithile zenkulumo yalelo Khansela yaphambilini okungenzeka ukuthi azizwakalanga kahle.

(2) Uma kuphakanyiswa iPhuzu lokuQondisa, iKhansela eliqondiswayo kumele lithule du, futhi uma uSomlomo eselizwile iPhuzu lokuQondisa kumuntu oliphakamisayo, uSomlomo kumele athathe isinqumo.

(3) Isinqumo sikaSomlomo mayelana nokuzwakala kwePhuzu lokuQondisa noma lokuchazelwa siyoba ngujuqu futhi angeke sidingidwe.

Izinqumo nokuvota

26.(1) Kumele kuhlangele iningi lamalungu oMkhandlu ukuze kukwazi ukuthi kuvotwe.

(2) Lezi zihloko ezilandelayo yizona okumele kunqunywe ngazo ngezinqumo ezithathwe ngevoti leningi lamaKhansela, kanti zibandakanya –

- (a) ukuphasiswa kweMithetho kaMasipala;
- (b) ukugunyazwa kwezabelomali;
- (c) ukunqunywa kwamarates nezinye izintela, izimali ezikhokhwayo nemisebenzi;
- (d) ukubolekwa kwezimali;
- (e) ukuchithwa kwezinqumo zoMkhandlu; kanye
- (f) nanoma iluphi udaba olunqunywe umthetho.

(3) Yonke eminye imibuzo eyethulwa eMkhandlwini kumele inqunywe ngesinqumo esithathwe ngevoti leningi lamaKhansela akhona emhlanganweni woMkhandlu.

(4) Zonke izincomo zekomidi nanoma isiphi isiphakamiso esifanele noma isichibiyelo esiphakanyiswe futhi sathola ukwesekwa kumele sethulwe emhlanganweni uSomlomo okumele anxuse amaKhansela ukuba avote ngokuthi “ayavuma” noma “yebo” nalawo aphikayo ngokuthi “cha”.

(5) Isincomo esingaphikiswa Khansela elikhona emhlanganweni kumele samukelwe.

(6) Isincomo okukhona iKhansela elisiphikisayo ngo “cha” kumele uSomlomo asifake evotini.

(7) Ukuvota ngokwesigatshana somthetho (6) kumele kwenziwe ngokuphakanyiswa kwezandla, ngaphandle uma umthetho usho okunye.

(8) IKhansela angeke livotele udaba oluthile ebelikade lingekho ngesikhathi lolo daba lwethulwa emhlanganweni.

(9) Ngesikhathi kuvotwa, iKhansela alivunyelwe ukuphuma noma ukungena lapho kuhlange khona umhlangano.

(10) IKhansela lingenqaba ukuvota kodwa lingawushiya umhlangano.

(11) Amavoti kumele abalwe bese uSomlomo ethula imiphumela.

(12) Kumele kuqoshwe kumaminithi isibalo samaKhansela avotile, hhayi amagama awo.

(13) Noma iliphi iKhansela lingacela ukuthi ukuvuma kwalo, ukungavoti kwalo noma ukuphikisa kwalo kuqoshwe kumaminithi alowo mhlangano.

(14) Uma kunoma iluphi udaba kuba nokulingana kwamavoti, iKhansela eliphethe umhlangano kumele lifake ivoti elingujuqu ngaphezu kwevoti lalo njengeKhansela elejwayelekile.

Imibuzo ngokusebenza kukaMasipala

27.(1) Noma iliphi iKhansela lingethula ezithebeni umbuzo mayelana nanoma iluphi udaba oluthinta ukusebenza noma ukwenziwa kwemisebenzi kamasipala nokusetshenziswa kwamandla akhe, ukuze kutholakale izizathu, izincazelo noma ulwazi. Lolo daba akumele lephule isigaba 11(a) seNdlela yokuziPhatha evezwe kwisigatshana somthetho (2) ngezansi.

(2) Ngokwesigaba 11 seNdlela yokuziPhatha, iKhansela angeke, ngaphandle uma kusho umthetho –

- (a) ligxambukele ekuphathweni nasekulawulweni kwanoma imuphi umnyango woMkhandlu kaMasipala ngaphandle uma lijutshwe uMkhandlu;
- (b) likhiphe noma lizame ukukhipha umyalelo kunoma imuphi umsebenzi woMkhandlu ngaphandle uma ligunyaziwe ukwenzenjalo;
- (c) liphazamise noma lizame ukuphazamisa ukufezekiswa kwanoma isiphi isinqumo soMkhandlu noma sekomidi yisisebenzi soMkhandlu; noma
- (d) ligqugquzele noma libe yingxenye yesenzo esingabangela noma esingaba nomphumela wokuphatha budlabha eMkhandlwini.

(3) Umbuzo ngenhloso yokuthola ulwazi, kubandakanya ulwazi olungatholakala ngokoMthetho wokuTholakala koLwazi nanoma imuphi omunye umthetho, kumele ubhekiswe eHhovisi leMenenja yeDolobha.

(4) IKhansela kumele liqinisekise ukuthi imibuzo ethunyelwe ngokwalo mthetho ithunyelwa eHhovisi likaSomlomo noma likaSihlalo kusasele okungenani izinsuku eziyi-10 kuhlale umhlangano olandelayo.

(5) USomlomo noma uSihlalo kumele aqinisekise ukuthi imibuzo iyafakwa ohlelweni lomhlangano olandelayo woMkhandlu noma wekomidi.

(6) USomlomo kumele ngemuva kokubonisana noSotswebhu, anqume ukuthi umbuzo ngamunye uzokwabelwa isikhathi esingakanani emhlanganweni ngamunye.

(7) IKhansela livumeleke ukuthumela umbuzo owodwa kuphela kunoma imuphi umhlangano.

(8) Uma kuthunyelwa imibuzo ngokwalo mthetho eMkhandlwini, uSomlomo kumele adlulisele ikhophi yombuzo ngamunye kuSihlalo wekomidi elithintekayo nakwiMenenja yeDolobha okumele iqinisekise ukuthi ibuya nezimpendulo emhlanganweni olandelayo woMkhandlu.

(9) Uma kuthunyelwa imibuzo ekomidini ngokwalo mthetho, uSihlalo kumele ahambise ikhophi yombuzo ngamunye kuleyo Nhloko yoMnyango neSekela leMenenja yeDolobha elithintekayo, okumele baqinisekise ukuthi babuya nezimpendulo emhlanganweni olandelayo wekomidi. Impendulo kumele ilethwe iSekela leMenenja yeDolobha, iNhloko yoMnyango noma isikhulu esiqokiwe.

(10) Uma imibuzo ethunyelwe ngokwesigatshana zomthetho (1) no (3) ingaphendulwanga emhlanganweni olandelayo, amaminithi kumele abhalwe le mibuzo nokuthi zazingekho izimpendulo.

(11) IKhansela, ngemuva kokuba imibuzo yalo isiphendulilwe, elibona ukuthi izimpendulo azicacile, kumele licele ukucaciselwa mayelana nalokho ngemvume kaSomlomo noma kaSihlalo.

(12) Uma uSomlomo evuma ukuthi kucaciswe ngalezo zimpendulo, uSihlalo walelo komidi elithintekayo kanye nanoma iliphi ilungu lekomidi kumele liphendule ngaleyo mibuzo kulowo mhlango noma emhlanganweni ojwayelekile olandelayo.

(13) Uma uSihlalo emhlanganweni wekomidi evumelana nokuthi kucaciswe ngombuzo, iNhloko yoMnyango othintekayo noma isikhulu esiqokiwe kumele siphendule kuleyo mibuzo emhlanganweni noma emhlanganweni ojwayelekile olandelayo.

(14) USomlomo kumele awuchithe umbuzo uma ebona ukuthi lowo mbuzo uphuma eceleni, awubekiwe ngendlela, uyabhibhidla noma awulethwanga ngokuhambisana nezinhlinzeko zale mithetho.

(15) IKhansela elethule umbuzo ngokwezigatshana zomthetho (1) no (3) elingazange lizithole izimpendulo kwiMenenja yedolobha ezinsukwini eziyi-14 kumele lowo mbuzo liwethule eMkhandlwini.

(16) IKhansela lingayibuza imibuzo egameni leKhansela elingekho, kuncike ekutheni iKhansela elingekho likhiphe imvume yokuba kwenziwe njalo ngencwadi.

(17) Imibuzo okungazange kufinyelelwe kuyo ngesikhathi esinqunyiwe kumele ithathwe njengemibuzo esalinde izimpendulo.

(18) Umbuzo angeke ube ngumbuzo osalinde impendulo isikhathi esingaphezu kwesisodwa.

(19) IKhansela angeke lilethe imibuzo efanayo noma iziphakamiso mayelana nanoma imuphi umbuzo ocutshunguliwe uMkhandlu noma ikomidi ezinyangeni ezintathu ezedlule.

(20) Yonke imibuzo kumele ithunyelwe ngencwadi eneminingwane esemthethweni yeKhansela - iletterhead.

ISAHLUKO 6

IZINHLINZEKO EZIYINGXUBEVANGE

Ukudluliselwa kwamandla ngesikhathi sekhefu nangesikhathi sezimo eziphuthumayo

28.(1) Uma kwenzeka kuba nesimo esiphuthumayo esivelayo —

- (a) ngesikhathi uMkhandlu usekhefina futhi kungeke kwenzekwe noma kungelula ukuthi kutholakale isinqumo sekomidi elifanele noma soMkhandlu, lolo daba, ngesincomo seSekela leMenenja yeDolobha elithintekayo, lunganqunywa uSihlalo weKomidi lolo daba olungena ngaphansi kwemisebenzi yakhe;
- (b) ngesikhathi uMkhandlu usekhefina, lolo daba lunganqunywa iMenenja yeDolobha, ngemuva kokubonisana neMeya; noma
- (c) ngesikhathi esiphakathi kosuku lokwethulwa kwemiphumela yokhetho nokubekwa koMkhandlu omusha, lolo daba lunganqunywa iMenenja yeDolobha.

(2) Amandla anikezwa uSihlalo kanye neMenenja yeDolobha ngokwesigatshana somthetho (1) angabandakanya amandla okusebenzisa izimali: Kuncike ekutheni iPhini leMenenja yeDolobha eHhovisi loMgcinimafa noma oqokwe yilona ehovisi lomgcinimafa uqinisekisa ngencwadi ukuthi ukusetshenziswa kwezimali kuhlinzekelwe kwisabelomali salowo nyaka. Uma izilinganiso zonyaka wezimali zingakanqunywa uMkhandlu, kumele kuqinisekise ukuthi ukuhlinzekelwa kokusetshenziswa kwezimali kungenile ezilinganisweni noma kuzongena ezilinganisweni zalowo nyaka wezimali.

(3) Ngale kokulandela izinhlinzeko zesigatshana somthetho (1) no (2) akukho zimali eziyosetshenziswa ezimalini zoMkhandlu, ngaphandle uma kugunyaze iMeya ngokwesikhundla sayo njengoSihlalo weKomidi eliPhezulu.

(4) Zonke izindaba ezinqunywa ngokwalo mthetho kumele zibikwe emhlanganweni olandelayo wekomidi elithintekayo ukuze ziqinisekise.

Amarekhodi

29.(1) IMenenja yeDolobha kumele iqinisekise ukuthi —

- (a) amaminithi emihlangano yoMkhandlu namakomidi awo ayaqoshwa; futhi
- (b) lawo marekhodi ayagcinwa okungenani iminyaka engu-5.

(2) Amaminithi oMkhandlu kumele, ngemuva kokuba esehlolwe uSomlomo, agaywe futhi anikezwe amaKhansela.

(3) Uma sekunikezwe wonke amaKhansela ikhophi yamaminithi ngendlela ehlinzekelwe emthethweni 6(2), amaminithi kumele athathwe njengafundiwe ngenhloso yokuthi abe eseyoqinisekiswa emhlanganweni olandelayo woMkhandlu.

(4) Angeke kwenziwe ziphakamiso nankulumo-mpikiswano ngamaminithi, ngaphandle uma kuyisiphakamiso noma inkulumo-mpikiswano okuhloswe ngayo ukulungisa ukubhalwa kwamaminithi.

(5) IMenenja yeDolobha kumele iqinisekise ukuthi amagama amaKhansela —

- (a) ethamele umhlangano;
- (b) aphuthile emhlanganweni; kanye
- (c) nalawo anikezwe ilivu kunoma imuphi umhlangano,

ayaqoshwa kumaminithi.

(6) IMenenja yeDolobha kumele iqinisekise ukuthi amaminithi akhombisa amagama amaKhansela acele ukuphikisana, ukugodla ivoti kanye naweseke udaba oluvotelwayo ngesikhathi kuvotwa aqoshiwe kumaminithi.

(7) IMenenja yeDolobha kumele igcine wonke amarekhodi namanye amaphepha oMkhandlu futhi akufanele isuse noma ivumele ukuba kususwe amarekhodi ngaphandle kwemvume kaSomlomo.

(8) Iziqophamazwi zayo yonke imihlangano yoMkhandlu kumele zigciwe okungenani isikhathi esithile kuze kube amaminithi ayemukelwa ngokusemthethweni.

Ukutholakala kolwazi

30. (1) IMenenja yeDolobha, uma kucela –

- (a) noma iliphi iphephandaba elibhaliswe ngokusemthethweni; noma
- (b) umuntu noma uhlaka olunentshisekelo,

ingakhipha amakhophi aqinisekisiwe amaminithi oMkhandlu, uhlelo olusemthethweni kanye namaminithi aqinisekisiwe awo wonke amakomidi kuncike ezinhlinzekweni zoMthetho wokuTholakala koLwazi.

(2) Kuncike kwisigatshana somthetho (1) , akekho umuntu —

- (a) ongathola;
- (b) ongavunyelwa ukucaphuna;
- (c) ongalalula;
- (d) ongashicilela; noma
- (e) enze amakhophi,

amaminithi oMkhandlu nekomidi noma uhlelo lomhlangano olusemthethweni olungadalulelwe umphakathi ngokomthetho 7.

(3) Noma iliphi iKhansela elishicilela noma elidalula noma elenza ukuthi kushicilelwe noma kudalulwe noma iliphi irekhodi loMkhandlu noma lomhlangano wekomidi ekubeni lowo mhlangano bewungavulelekile emphakathini ngokomthetho 7, liyothweswa icala lokuziphatha budlabha futhi liyobhekana nokuqondiswa izigwegwe nguMkhandlu ngokomyalelo kaSomlomo.

(4) IKhansela lingaya noma lingaxhumana neNhloko yoMnyango noma nesikhulu esiqokiwe ukuze lithole lolo lwazi eliludingayo ukuze lenze imisebenzi yalo okungulwazi okumele –

- (a) kube ngoluthinta udaba olusohlelweni loMkhandlu noma lekomidi loMkhandlu oluthinta imisebenzi kamasipala;
- (b) kube ngoluthinta imisebenzi yekomidi noma olungokwanoma imuphi umthetho; noma
- (c) kube eliludingayo ukuze lenze imisebenzi yalo ngokwesivumelwano soMkhandlu noma sekomidi loMkhandlu noma ngokwanoma imuphi umthetho.

(5) IKhansela angeke likwazi ukuya noma ukuxhumana neNhloko yoMnyango noma nesikhulu esiqokiwe ngenhloso yokuthola ulwazi –

- (a) oluphathelele nesimo lapho iKhansela noma uwakwalo, noma uphathina noma elibambisene naye ebhizinisini ethinteka ngqo noma ngandlela thile noma ehlomla ngokwebhizinisi elizimele okungashayisana nezinhlinzeko zoMgomo wokuziPhatha;

- (b) oluzodinga ukuthi iNhloko yoMnyango noma isikhulu esiqokiwe sephule umthetho;
- (c) ukudalulwa kwalo okuzophazamisa noma okungase kuphazamise ilungelo ngaphansi kwanoma imuphi umthetho eligunyaza uMasipala ukuba ungadaluli ulwazi alutholile; noma
- (d) uma ngokubona kweNhloko yoMnyango noma kwesikhulu esiqokiwe ulwazi oludingekayo –
 - (i) luyimfihlo, ngaphandle uma ukudalulwa kwalolo lwazi kugunyazwe yikomidi elifanele okumele ngaphambi kokuthi lifinyelele kuleso sinqumo, linikeze iKhansela elifuna lolo lwazi ithuba lokuchaza kabanzi; noma
 - (ii) lungolohlobo oluzodinga ukuthi kwenziwe uphenyo olunzulu ngabasebenzi, ngaphandle uma ikomidi ligunyaze ukuba kwenziwe lolo phenyo futhi kukhishwe lolo lwazi.

(6) INhloko yoMnyango kumele ihlanganise uhlu lwabasebenzi iKhansela elingaya kubona noma elingaxhumana nabo uma lifuna ukuthola ulwazi ngokwezigatshana zomthetho (4) no (5).

Umbiko ngokwenziwa kwezinqumo zoMkhandlu

31.(1) IMenenja yeDolobha kumele ekupheleni kwezinyanga eziyisithupha zokuqala kuqale ukusebenza uMkhandlu, nangemuva kwesikhathi esiyizinyanga eziyisithupha njalo ngemuva kwalokho, ithumele eMkhandlwini umbiko mayelana nokuqaliswa kwesinqumo ngasinye soMkhandlu.

Isihloko esifingqiwe nokuqala kokusebenza komthetho

32. Lo Mthetho kaMasipala ubizwa ngoMthetho kaMasipala Oqondene neMithetho yeNqubo kaMasipala weTheku, 2014 kanti uyoqala ukusebenza ngosuku oyoshicilelwa ngalo kwiGazethi yesiFundazwe.