UMTHETHO WAKWAZULU-NATALI WETHRASTI YOMNYANGO WEZASENDLUNKULU, KA-2007
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Uvunywe mhlaka 2007- 06- 04

UMTHETHO

Wokusungula ithrasti esemthethweni ezobhekela uMnyango WezaseNdlunkulu esifundazweni saKwaZulu-Natali; ukunquma ngezinjongo kanye nemisebenzi yeThrasti yoMnyango Wezasendlunkulu; ukunquma ngendlela iThrasti okumele iphathwe, ilawulwe, ibuye ihlinzekwe ngabasebenzi nezimali ngayo; **kanye nokuhlinzekela ezinye izindaba eziphathelene nalokho.**

MAKUMISWE UMTHETHO yiSishayamthetho sesiFundazwe saKwaZulu-Natali, kanje:

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ISAHLUKO 1

IZINCAZELO

Izincazelo
1. Kulo Mthetho, ngaphandle uma ingqikithi isho okunye –

“iBhodi” kusho iBhodi Labaphatheli kusho beThrasti yoMnyango wezaseNdlunkulu ebalulwe esigabeni 6(1);

“uMthethosisekelo” kusho uMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika;

“isiKhulu Esiphethe” kusho isikhulu esiphethe seThrasti esiqokwe ngaphansi kwesigaba 11(1);

“uMkhandlu Ophethe” kusho uMkhandlu Ophethe wesiFundazwe saKwaZulu-Natali;

“unyaka wezimali”kusho isikhathi esisukela mhla lu-1 kuMbasa kunoma yimuphi unyaka kuze kube umhla zingama-31 kuNdasa onyakeni olandelayo;

“iGazethi” kusho iGazethi yesiFundazwe saKwaZulu-Natali;

“**iNhloko Yomnyango”** kusho uMqondisi-Jikelele noma, lapho uNdunankulu enikezele ukuphathwa kwalo Mthetho elungwini loMkhandlu Ophethe, isikhulu esiphezulu somnyango kuhulumeni wesifundazwe saKwaZulu-Natali lelo lungu loMkhandlu Ophethe elibhekene nawo;

“iLungu loMkhandlu Ophethe elibhekene nezimali” kusho ilungu loMkhandlu Ophethe wesiFundazwe saKwaZulu-Natali elibhekene nezimali;

“iSilo” kusho iSilo Samabandla sesifundazwe saKwaZulu-Natali, okuba –

(a) ngumuntu osesikhundleni sobukhosi besizwe saMazulu, *iNgonyama noma iSilo*, ngosuku lokuqala kokusebenza kwalo Mthetho;
(b) iSilo Samabandla sesiFundazwe saKwaZulu-Natali njengoba kungabuye kuchazwe kuMthethosisekelo wesiFundazwe saKwazulu-Natali noma komunye umthetho wesifundazwe;

“uPhiko Lukazwelonke Lokugcinwa Kwezimali” kusho uPhiko Lukazwelonke Lokugcinwa Kwezimali olusungulwe yisigaba 5 soMthetho Wokuphathwa Kwezimali Zikahulumeni, 1999 (uMthetho No. 1 ka 1999);

“uNdunankulu” kusho uNdunankulu eMkhandlwini Ophethe wesiFundazwe saKwaZulu-Natali njengoba kuchazwe esigabeni 125 soMthethosisekelo;

“okunqunyiwe” kusho okunqunywe ngokwalo Mthetho futhi **ukunquma** kunencazelo efanayo;

“uHulumeni wesiFundazwe’ kusho uhulumeni wesifundazwe saKwazulu-Natali;

“iSishayamthetho sesiFundazwe”kushoiSishayamthetho sesiFundazwe saKwaZulu-Natali:

”imithethonqubo” kusho imithethonqubo eyenziwe ngokwesigaba 27;

“iLungu elinesibopho loMkhandlu Ophethe” kusho uNdunankulu wesiFundazwe saKwaZulu-Natali noma lelo lungu loMkhandlu Ophethe wesiFundazwe saKwaZulu-Natali, eliphathiswe nguNdunankulu amandla okulawula ukusebenza kwalo Mthetho;

“iNdlunkulu” kusho uMndeni weSilo, oyisakhiwo somdabu sobukhosi beSilo ngokuhambisana nomthetho wesintu namasiko;

“lo Mthetho” kufaka phakathi nemithethinqubo;

“iThrasti” kusho iThrasti Yomnyango Wezasendlunkulu esungulwe yisigaba 2(1);

“Umndeni weSilo” kusho oNdlunkulu beSilo nezihlobo zegazi seSilo njengoba zibaliwe ohlwini olubalulwe esigabeni 4.

ISAHLUKO 2

ITHRASTI YOMNYANGO WEZASENDLUNKULU

Ukusungulwa kweThrasti Yomnyango WezaseNdlunkulu

2.(1) Ngalokhu kusungulwa isakhiwo esisemthethweni esizokwaziwa njengeThrasti Yomnyango WezaseNdlunkulu

(2) IThrasti iyisakhiwo sikahulumeni sesifundazwe esingaphansi koMthetho wokuPhathwa kweziMali zikaHulumeni, ka-1999 (uMthetho No.1 ka-1999).

(3) UMthetho wokuPhathwa kweMpahla yeThrasti, 1988 (uMthetho No. 57 ka-1988), awusebenzi kule Thrasti futhi lungu leBhodi labaphatheli elibalulwe esigabeni 6(1) liyakhululwa ekunikezeni noma yisiphi isibambiso

Izinjongo zeThrasti

3. IThrasti kumele, ngendlela ehambisana nezinhlinzeko zalo Mthetho -

(a) iphathwe ngendlela ezohlomulisa iSilo kanye neNdlunkulu, kubandakanya –
(i) izidingo zabo zenhlalakahle;
(ii)izidingo zemfundo;
(iii) izifiso zabo; kanye
(iv) nendlela abaphila ngayo,
okufanele isikhundla sabo; futhi
(b) iphathwe ngendlela yokuthi ihlinzekela ukugcinwa nokunakekelwa kwempahla yeThrasti.

Umndeni weSilo

4.(1) Ukwenzela izinhloso zesigaba 3, uMndeni weSilo ubandakanya oNdlunkulu beSilo kanye nezihlobo zegazi zeSilo njengoba zibalulwe ohlwini oluzoshicilelwa kwiGazethi ukuze kuphawulwe ngalo, yilungu elinesibopho loMkhandlu Ophethe ngemuva kokubonisana neSilo.

(2) ILungu elinesibopho loMkhandlu Ophethe, ngemuva kokubonisana neSilo nangokusebenzisa isaziso kwiGazethi, lingahoxisa, lifake noma lichibiyele uhlu olushicilelwe ngokuhambisana nesigatshana (1).

Izibopho, amandla kanye nemisebenzi yeThrasti

5. IThrasti –

(a) kumele yenze imisebenzi ibuye ifeze izibopho ezibekwe yilo Mthetho;
(b) ingasebenzisa noma imaphi amandla –

(i) anikezwe yinoma iyiphi inhlinzeko yalo Mthetho okanye yinoma imuphi omunye umthetho; noma
(ii) adluliselwe noma anikezwe iThrasti yiLungu elinesibopho loMkhandlu Ophethe.

(c) ekusebenziseni amandla ayo noma ekwenzeni izibopho nemisebenzi yayo ngokuhambisana nalo Mthetho, emiklameni ethile, ingaba nezivumelwano zokusebenzelana nabantu abanolwazi lwezobuchwepheshe noma olukhethekile kunoma yiluphi udaba oluqondene neThrasti futhi kumele inqume inkokhelo, kumbandakanya nokubuyiselwa kwemali yokuhamba, izindleko zokudla nokulala kanye nezinye izindleko zalabo bantu;
(d) ngokwejwayelekile ingenza konke okudingekile noma okufanele ukufeza izinjongo ezibalulwe esigabeni 3 kanye nokufeza izibopho nemisebenzi ebalulwe endimeni (a).

ISAHLUKO 3

IBHODI LABAPHATHELI BETHRASTI YOMNYANGO WEZASENDLUNKULU

Ukwakheka kweBhodi Labaphatheli, ukugcwaliswa kwezikhala kanye namaholo

6.(1)(a) IThrasti isebenza ngebhodi labaphatheli elinamalungu ayisikhombisa aqokwe yilungu elinesibopho loMkhandlu Ophethe ngemuva kokubonisana neSilo.
(b) Elilodwa kumalungu eBhodi kumele liqokwe njengosihlalo weBhodi yilungu elinesibopho loMkhandlu Ophethe.

(2) Okungenani amalungu amabili eBhodi kumele abe nolwazi noma isipiliyoni sokuphathwa kwezimali.

(3)(a) Umhlangano wokuqala weBhodi kumele ubanjwe ngesikhathi nasendaweni ezonqunywa ngusihlalo.
(b) Emhlanganweni amalungu kumele aqoke isekela likasihlalo ozoqokwa kuwona amalungu eBhodi.

(4) Noma yisiphi isikhundla kwiBhodi kumele sigcwaliswe ngendlela efanayo naleyo ilungu elishiyayo elaqokwa ngayo.

(5) Uma isikhundla sesekela likasihlalo weBhodi sivuleka, kumele kukhethwe isekela likasihlalo ngokuhambisana nesigatshana 3(b).

(6) Uma bobabili usihlalo kanye nesekela likasihlalo weBhodi bengekho noma bengakwazi ukwenza noma imuphi umsebenzi kasihlalo, ilungu elinesibopho loMkhandlu Ophethe lingaqoka noma iliphi ilungu ukuba libambe njengosihlalo kuleso sikhathi engekho ngaso noma engakwazi ukwenza imisebenzi yakhe.

(7) Asikho isikhala ehhovisi lesikhulu esiphethe noma ukushoda esibalweni samalungu eBhodi okuthikameza noma okukhubaza ubukhona beThrasti njengesikhungo okanye noma yimaphi amalungelo, izibopho noma amandla anikezelwe noma abekwe yilo Mthetho kwiThrasti noma kwiBhodi.

(8) Asikho isinqumo seBhodi esiyosebenza ngaphandle uma sithathwe emhlanganweni –

(a) obukade inekhoramu edingwa yisigaba 9(3); futhi
(b) obanjwe ngokuhambisana nezinye izinhlinzeko zesigaba 9.

(9)(a) Ilungu leBhodi lingakhokhelwa ezimalini zeThrasti lelo holo kanye nezibonelelo ezinganqunywa yilungu elinesibopho loMkhandlu Ophethe ngokubonisana neLungu loMkhandlu Ophethe elibhekene nezezimali.
(b) Ilungu leBhodi elithola iholo, iziboneleleo noma eminye imihlomulo ngesikhundla salo noma ngokuqashwa kwalo -

(i) kuhulumeni kazwelonke;
(ii) kuhulumeni wesifundazwe;
(iii) kumasipala; noma
(iv) enkampanini, emgwamandeni noma esikhungweni esilawulwa nguhulumeni kazwelonke noma wesifundazwe,

futhi eliqhubekayo nokuthola lelo holo, izibonelelo noma neminye imihlomulo libe lisasebenza njengelungu leBhodi, lingathola kuphela iholo kanye nezibonelelo ezibalulwe endimeni (a), ezingaba yingxenye ezobeka lelo lungu esimeni sezimali ebelingaba kuso ukuba belingekho kuleso sikhundla noma ukuba belingaqashwanga.

(10)(a) Ilungu elinesibopho kanye nelungu lekomidi eliphethe leBhodi, ngokuqondene nemisebenzi yalo njengelungu, lingathola ukubuyiselwa imali ezimalini zeThrasti ngezindleko elingene kuzo zokudla nokulala kanye nokuhamba ezibangelwe ukuhambela kwalo umhlangano weBhodi noma wekomidi eliphethe leBhodi.
(b) Ilungu loMkhandlu Ophethe elibhekene nezezimali kumele linqume izinqubo, okufaka phakathi nezindlela zokulawula, ukuphathwa, ukubhekwa kanye nokusetshenzwa kwezicelo zokukhokhelwa ngezindleko zokulala nokudla kanye nezokuhamba ezibalulwe ezindimeni (a).

Ukudalulwa kokuhlomula ngokwemali noma ngezinye izindlela kwamalungu eBhodi

7.(1) Ilungu leBhodi elibalulwe esigabeni 6(1) kumele –

(a) zingakapheli izinsuku ezingama-30 liqokiwe, lethule eLungwini loMkhandlu Ophethe isitatimende esibhaliwe esidalula konke ukuhlomula ngokwemali noma ngezinye izindlela; futhi

(b) kuleso sitatimende sokudalula esibalulwe endimeni (a) lidalule ukuhlomula ngokwemali nangezinye izindlela kwamalungu omndeni noma kwabantu elisebenzelana nabo okungenzeka ukuthi kushayisane nokuqokwa kwalo njengelungu leBhodi.

(2) Lapho khona ilungu leBhodi liba noguquko esimeni salo sezimali noma kwezinye izimo noma lithola ukuhlomula, lelo lungu kumele, zingakapheli izinsuku eziyi-10 kube khona lolo guquko, lethule isitatimende esibhaliwe esichaza ngalolo guquko kwezezimali noma kwezinye izindlela zokuhlomula elungwini elinesibopho loMkhandlu Ophethe.

(3) Lapho khona ilungu lomndeni noma umuntu osebenzelana nelungu leBhodi eba noguquko esimeni sakhe sezimali noma kunoma yiziphi ezinye izimo noma ethola ukuhlomula okungashayisana nokuqokwa njengelungu leBhodi, ilungu lebhodi kumele zingakapheli izinsuku eziyi-10 kusukela ngosuku kube khona uguquko, lethule isitatimende esibhaliwe salolo guquko lwezimali okanye lokuhlomula ngenye indlela elungwini elinesibopho loMkhandlu Ophethe.

(4) ILungu elinesibopho loMkhandlu Ophethe kumele ligcine irejista elinemininingwane yokuhlomula kwamalungu eBhodi edalulwe ngokuhambisana nalesi sigaba.

(5) Ilungu leBhodi elihluleka ukudalula njengoba kuhlongoziwe kulesi sigaba lenza icala

Isikhathi sokuqokwela esikhundleni kanye nemibandela enqinda ubulungu kumalungu eBhodi

8.(1) Ilungu leBhodi elibalulwe esigabeni 6(1) lihlala esikhundleni isikhathi esiyiminyaka emihlanu.

(2) Ilungu leBhodi liyakwazi ukuba libuye liqokwe futhi.

(3) Umuntu oseqokelwe ukuvala isikhala eBhodini uthathwa ngokuthi usesebenze isikhathi esigcwele seminyaka emihlanu iBhodi elakhelwe yona.

(4) Ilungu leBhodi kumele lishiye esikhundleni uma –

(a) ilungu elinesibopho loMkhandlu Ophethe, ngesincomo seBhodi, likumisa ukuqokwa kwalelo lungu ngezizathu ezinobulungiswa nezizwakalayo;
(b) ilungu lilahlwa yicala elifaka phakathi ukungethembeki;

(c) ilungu liphuthile emihlanganweni emibili noma ngaphezulu onyakeni wekhalenda owodwa ngaphandle kokuthola imvume kasihlalo; noma

(d) ilungu lesula ngemuva kokunikeza usihlalo isaziso esibhaliwe sezinsuku ezingama-30 ngaokwesula kwaso.

Imihlangano yeBhodi

9.(1) IBhodi kumele lihlangane okungenani kane ngonyaka ngezikhathi nasezindaweni ezinqunywa yilona.

(2) Usihlalo, noma uma engekho usihlalo, isekela likasihlalo –
(a) lingabiza umhlangano oyisipesheli weBhodi;
(b) kumele libize umhlangano oyisipesheli zingakapheli izinsuku eziyi-14 emva kokuthola isicelo esibhaliwe sasayinwa okungenani ngamalungu eBhodi amane sokuba kubizwe lowo mhlangano.

(3) Ikhoramu yomhlangano weBhodi yenziwa ngamalungu amane eBhodi.

(4) IBhodi linquma inqubo yemihlangano yalo.

(5) Isikhulu Esiphethe singawuhambela sibuye sibambe iqhaza, kodwa singavoti, emhlanganweni weBhodi.

(6) Isinqumo seBhodi kumele sithathwe yiningi lamalungu akhona emhlanganweni weBhodi futhi, uma kwenzeka amavoti elingana, umuntu ophethe umhlangano unevoti elingujuqu ngaphezu kwevoti lakhe elejwayelekile.

(7) Ilungu leBhodi kumele liziphathe ngendlela engachemile futhi lithembeke ngaphandle kokwesaba, ukwenzelela noma ukubandlulula futhi lithobele kuphela uMthethosisekelo kanye nayinoma imuphi umthetho osebenzayo.

(8) Uma ilungu leBhodi, ngokuqondene nanoma yiluphi udaba okumele lucutshungulwe yiBhodi, linokuthile okulivimbela ekutheni lisebenze ngobulungiswa, ngaphandle kokuchema kanye nangendlela efanele njengelungu leBhodi, lelo lungu alikwazi –
(a) ukuvota noma libambe iqhaza nganoma iyiphi indlela kulowo mhlangano weBhodi; noma
(b) libe khona ndaweni lapho lowo mhlangano ubanjelwe khona

Ikomidi eliphethe leBhodi

10. (1) Emhlanganweni walo wokuqala noma ngokushesha ngemuva kwawo, uma kunokwenza, iBhodi kumele lisungule ikomidi elizoba –

(a) nosihlalo kanye nesekela likasihlalo weBhodi; kanye

(b) namanye amalungu amabili eBhodi, aqokwe yiBhodi.

(2) Okungenani ilungu elilodwa lekomidi eliphethe kumele libe nolwazi noma isipiliyoni sokuphatha izimali.

(3) Usihlalo kanye nesekela likasihlalo weBhodi yibona ababuye babe ngusihlalo nesekela likasihlalo, ngokwahlukana**,** bekomidi eliphethe.

(4) Ikomidi eliphethe kumele lenze leyo misebenzi futhi lisebenzise lawo amandla eBhodi, angadluliselwa kulona yiBhodi ngokuhambisana nesigaba 28(2).

(5) Ikomidi eliphethe kumele lihlangane izikhathi ezihambisana nesidingo ukwenza imisebenzi yalo kanye nokusebenzisa amandla alo ngezikhathi nasezindaweni, futhi ngokuhambisana nenqubo enganqunywa yilona.

(6) Izinhlinzeko zesigaba 9(4) kuya ku-(8) ziyasebenza ngokuhambisana nezinguquko ezidingekile ngokuqondene nemihlangano yekomidi eliphethe.

ISAHLUKO 4

ISIKHULU ESIPHETHE KANYE NABANYE ABASEBENZI BETHRASTI YOMNYANGO WEZASENDLUNKULU

IsiKhulu Esiphethe seThrasti

11.(1) ILungu elinesibopho loMkhandlu Ophethe kumele, ngemuva kokubonisana neBhodi, liqoke umuntu ofanelekile noqeqesheke ngokufanelekile ukuba abe yisiKhulu Esiphethe seThrasti.

(2)(a) IsiKhulu Esiphethe siqokwa isikhathi esingeke sibe ngaphezu kweminyaka emihlanu

(b) IsiKhulu Esiphethe singaphinde siqokwe futhi.

(3)(a) Ukuqokwa kwesiKhulu Esiphethe kweyame ekufinyeleleni esivumelwaneni esibhaliwe sokusebenza phakathi kwalowo muntu kanye neBhodi.

(b) IBhodi kanye nesiKhulu Esiphethe bangasichibiyela isivumelwano sokusebenza, ngokubhala phansi futhi sebevumelene.

(4) ILungu elinesibopho loMkhandlu Ophethe, ngemuva kokubonisana neBhodi, lingakumisa ukuqashwa kwesiKhulu Esiphethe ngokuhambisana nomthetho wokuqasha kanye nowezabasebenzi.

(5) Isigaba 15 sisebenza esiKhulwini Esiphethe, ngaphandle kokuthi kumele sidalule ukuhlomula kwaso okanye noma ikuphi ukushayisana kwamaqhaza kwiBhodi.

Imisebenzi yesiKhulu Esiphethe

12.(1) Isikhulu Esiphethe siyisikhulu esiphezulu, esilawulayo nesinesibopho sokubika ngeThrasti futhi sinesibopho ngokuqondene –

(a) nokuphatha iThrasti, ngokuhambisana nomyalelo weBhodi;

(b) nokuhlanganiswa kohlelo lokusebenza kanye nolwezimali kanye nemibiko ngokuhambisana noMthetho Wokuphathwa Kwezimali Zikahulumeni**,** ka**-**1999 (uMthetho No. 1 ka-1999) ukuze luvunywe yiBhodi;

(c) nokuqokwa kwabasebenzi beThrasti njengoba kubalulwa esigabeni 13(1); kanye

(d) nesokulawula kanye nokugcina ukuziphatha okufanele kubasebenzi beThrasti.

(2) IsiKhulu Esiphethe sinesibopho sokubika kwiBhodi futhi kumele sibikele iBhodi ngokusebenza kweThrasti.

(3) Uma isiKhulu Esiphethe nganoma isiphi isizathu singakwazi ukwenza imisebenzi yaso, iBhodi kumele, ngokubhala phansi, liqoke omunye umuntu ozobamba njengesiKhulu Esiphethe kuze kube isiKhulu Esiphethe siyakwazi ukuqhubeka nemisebenzi yaso.

Abasebenzi beThrasti

13.(1) IsiKhulu Esiphethe kumele ngokuhambisana nesigatshana (2), siqashe abasebenzi beThrasti.

(2) IBhodi –

(a) kumele linqume ngenqubo yabasebenzi beThrasti; futhi

(b) kumele, ngokubonisana neLungu loMkhandlu Ophethe elibhekene nezimali linqume –

i. iholo kanye nezimo zokusebenza; kanye

ii. nemihlomulo yempesheni neyomhlalaphansi,

yesiKhulu Esiphethe kanye nabanye abasebenzi beThrasti.

(3) IBhodi kumele, ngemuva kokubonisana nesiKhulu Esiphethe**,** linqume ngomgomo wokuziphatha, ozosebenza kubo bonke abasebenzi beThrasti nozolandelwa lapho kuqondiswa izigwegwe, ukuqinisekisa –

(a) ukuhambisana nomthetho osebenzayo;

(b) ukusetshenziswa ngempumelelo, ngekhono nangokonga kwezimali zeThrasti kanye nezinsizasidingo;

(c) ukukhuthazwa kanye nokugcinwa kweqophelo eliphezulu lokuziphatha;
(d) ukugwema ukushayisana kwamaqhaza ngale kwalokho okubalulwe esigabeni 15;
(e) ukuvikelwa kolwazi oluyimfihlo olugcinwe yiThrasti ngale kwalolo olubalulwe esigabeni 22; kanye
(f) nomsebenzi onobungcweti**,** ukwethembeka, ukungachemi, ubulungiswa kanye nokulingana.

Ukusekhondwa noma ukudluliselwa **kwabasebenzi kwiThrasti**
14. IThrasti ingasebenzisa umuntu osekhondelwe kuyo noma odluliselwe kuyo evela emnyangweni kahulumeni ngokuhambisana nezinhlinzeko zoMthetho wabaSebenzi bakaHulumeni, ka-1994 (uMthetho No. 103 ka-1994).

Ukushayisana kwamaqhaza
15.(1) Umsebenzi weThrasti kumele uma eqokwa ethule kwiThrasti isitatimende esibhaliwe lapho lidalula khona noma linakho ukuhlomula ngqo ngokwemali noma ngenye indlela, -

(a) okungaholela ekushayisaneni kwamaqhaza ngokuqondene nemisebenzi yakhe njengomsebenzi weThrasti; noma
(b) okungalindeleka ukuthi kwenzele phansi iThrasti ekwenzeni imisebenzi yayo.

(2) Uma noma yiliphi ilungu leThrasti lihlomula njengoba kuchazwe esigatshaneni (1), kumele ngokushesha likudalule lokho ngokubhalela iThrasti.

(3) Umsebenzi weThrasti angeke akwazi ukuba khona noma abambe iqhaza ezingxoxweni noma ekuthathweni kwesinqumo nganoma yiluphi udaba olungaphambi kweBhodi lelo lungu elinentshisekelo kulo njengoba kubalulwe esigatshaneni (1).

(4) Umsebenzi weThrasti akakwazi ukusebenzisa isikhundla sakhe noma amalungelo akhe noma ulwazi oluyimfihlo aluthole njengomsebenzi weThrasti, alusebenzisele ukuzihlomulela yena noma ukuhlomulisa omunye umuntu ngokungafanele.

(5) Umsebenzi weThrasti ohlulekayo ukuhambisana nezigatshana (1) , (2), (3) noma (4) –

(a) uthathwa ngokuthi wephule umgomo wokuziphatha obalulwe esigabeni 13(3); futhi
(b) angathathelwa izinyathelo zokuqondiswa izigwegwe ezibalulwe kulowo mgomo, emthethweni wokuqashwa nowabasebenzi, kanye noMthetho Wokuphathwa Kwezimali Zikahulumeni, ka-1999 (uMthetho No. 1 ka-1999).

(6) IThrasti kumele igcine irejista yokuhlomula kwabasebenzi okudalulwe ngokuhambisana nesigatshana (1) futhi kumele ihlolwe minyaka yonke.

(7) Lesi sigaba sisebenza, ngokuhambisana nezinguquko ezidingekayo, kumuntu osekhondelwe noma odluliselwe kwiThrasti ngokuhambisana nesigaba 14.

ISAHLUKO 5

UKUHLINZEKWA NGEZIMALI KANYE NOKUPHATHWA KWETHRASTI YEZANDLUNKULU

Izimali zeThrasti

16.(1) Izimali zeThrasti zibandakanya –

(a) imali eyabiwe yiSishayamthetho sesiFundazwe;

(b) iminikelo etholwe yiThrasti ngokusemthethweni kunoma yimuphi umthombo.

(c) Inzalo otshalwenimali lweThrasti; kanye

(d) nemali engenile etholwe ngokusemthethweni kunoma yimuphi umthombo.

(2) IThrasti kumele isebenzise izimali zayo –

(a) ukukhokhela amaholo, izibonelelo kanye nezindleko zokudla nokulala kanye nokuhamba –

(i) zamalungu eBhodi;

(ii) zesiKhulu Esiphethe; kanye

(iii) nabasebenzi,

beThrasti; kanye

(b) nokukhokhela izindleko ngokuqondene –

(i) nokusebenza kwansuku zonke kanye nokuphathwa kweThrasti; kanye

(ii) nokwenziwa kwemisebenzi yeThrasti kanye nokusetshenziswa kwamandla ayo ngokuhambisana nalo Mthetho.

(2) IsiKhulu Esiphethe kumele, ngokuvumelana neBhodi –

(a) sivule i-akhawunti egameni leThrasti nesikhungo esiyibhange ngokuhambisana noMthetho Wamabhange, ka- 1990 (uMthetho No. 94 ka-1990); futhi

(b) afake kuyona izimali ezitholwe ngokuhambisana nesigatshana (1).

Ukuphathwa kwezimali

17.(1) IsiKhulu Esiphethe kumele siqinisekise ukugcinwa kwamabhuku aphelele nafanele e-akhawunti kanye nawo wonke amarekhodi aqondene nayo.

(2) IsiKhulu Esiphethe kumele siqinisekise ukuthi isabelozimali sonyaka seThrasti, izinhlelo zokusebenza, imibiko yonyaka kanye nezitatimende zonyaka ezicwaningiwe kuyalungiswa futhi kuyethulwa ngokuhambisana noMthetho Wokuphathwa Kwezimali Zikahulumeni, ka-1999 (uMthetho No. 1 ka-1999).

(3) IsiKhulu Esiphethe kumele, zingakapheli izinyanga ezintathu ngaphambi kokuphela konyaka wezimali ngamunye sethulelele iBhodi ukuze lizoluphasisa –

(a) uhlelo lokusebenza lweThrasti, oluqukethe izinjongo ezizobonakala kanye nolwazi olubalulwe esigabeni 18(3)(b) no (c); kanye

(b) nesitatimende sesilinganiso semali engahle ingene nezosebenza yeThrasti, ngokuqondene neminyaka emithathu ezolandela yezimali.

(c) Kunoma imuphi unyaka, isiKhulu Esiphethe singethula kwiBhodi izitatimende ezilungisiwe kabusha noma ezengezayo zezilinganiso zemali engahle ingene kanye nezosebenza yeThrasti kulowo nyaka wezimali.

(d) IThrasti ayikwazi ukuzibophezela ekukhokheleni noma isiphi isikweletu esizokwenza ukube yeqe esabelwenizimali sayo esivunyiwe kanye nasezimalini ezigciniwe.

(e) IsiKhulu Esiphethe –

a. ngemvume yeBhodi, singatshala noma iyiphi ingxenye yezimali zalo ezingasetshenziswanga esiKhungweni Sokubeka Izimali Zomphakathi okanye kunoma isiphi isikhungo esifakwe ohlwini uPhiko Lukazwelonke Lokugcinwa Kwezimali sangena oHlwini A1 njengesikhungo sezimali; noma

b. ngemvume yeBhodi, sisebenzise leyo ngxenye nganoma iyiphi enye indlela.

(f) IsiKhulu Esiphethe, ngokuvunyelwa yiBhodi, singasungula isikhwama sokubeka izimali bese sifaka kuso lezo zimali eziyovunywa yiBhodi.

Umbiko wokucwaningwa kwamabhuku nowonyaka

18.(1) Umcwaningi-mabhuku-Jikelele kumele acwaninge izitatimende zezimali zeThrasti.

(2)(a) IBhodi kumele lethule umbiko ngokusebenza kweThrasti onyakeni

wezimali kwiSishayamthetho zingakapheli izinyanga ezinhlanu emva kokuphela kwalowo nyaka wezimali.
(b) Zingakapheli izinyanga ezinhlanu ngemuva kokuba umbiko wethuliwe, kumele ithimba, elizoba nosihlalo weBhodi kanye nokungenani amalungu amanye amabili eBhodi, lichazele ikomidi leSishayamthetho ngombiko wonyaka.

(3) Umbiko kumele -

(a) ufake isitatimende semali esele kanye nesemali engenile nesebenzile esiqinisekiswe nguMcwaningi-mabhuku-Jikelele;

(b) sichaze izinga iThrasti ephumelele ngalo ukufeza izinjongo ezibalulwe esigabeni 3 kanye nezinjongo ezibonakalayo njengoba zichazwe ohlelweni lwayo lokusebenza njengoba kubalulwe esigabeni 17(3)(a) ngalowo nyaka wezimali okukhulunywa ngawo; futhi

(c) uqukathe ulwazi olufanele lokusebenza olumayelana nokusetshenziswa ngendlela eyongayo, enekhono nempumelelo kwezinsizasidingo futhi kuqhathaniswe ikakhulukazi izinkomba zokusebenza ezazihleliwe nezafezwa njengoba zichazwe ohlelweni lokusebenza.

Impahla engasuseki

19. IThrasti, ngokuhambisana nenqubomgomo kanye nenqubo enqunywe yiBhodi futhi ngemvume yeBhodi, lingathenga, ligcine noma lidayise impahla engasuseki.

Ukumangalelwa kweThrasti

20.(1) Noma yisiphi isimangalo esibhekiswe kwiThrasti kumele senziwe ngokuhambisana noMthetho Wokufakwa Kwezimangalo Ezibhekiswe Ezinhlakeni Zikahulumeni, ka-2002 (uMthetho No. 40 ka-2002).

(2) IThrasti, ukwenzela izinhloso zesigatshana (1), ithathwa njengohlaka lukahulumeni njengoba kuchazwe endimeni (c) yencazelo esigabeni 1 salowo Mthetho.

Umkhawulo wesibopho sokukhokha

21. IBhodi noma ilungu leBhodi, noma umsebenzi weThrasti abasoze baba nesibopho sokukhokha nganoma yini abayenze bengahlose bubi besebenzisa amandla noma benza umsebenzi wabo ngokuhambisana nalo Mthetho.

ISAHLUKO 6

IZINHLINZEKO EZIJWAYELEKILE

Ukuvikeleka kolwazi oluyimfihlo olugcinwe yiThrasti

22.(1) Kuye ngokuhambisana noMthethosisekelo, uMthetho Wokukhuthaza Ukufinyelela Olwazini, ka-2000 (uMthetho No. 2 ka-2000), akekho umuntu ongadalula noma iluphi ulwazi ngokuqondene nanoma imuphi umyalelo womthetho, ngaphandle uma –

(a) eyalelwa ukuba enze njalo yinkantolo yomthetho;

(b) okanye ngaphandle uma lowo muntu onikeze lowo myalelo ekuvumela ngokuba abhale phansi ukuba udalulwe.

(2) Akekho umuntu ongadalula noma iluphi ulwazi olugcinwe kwirejista ebalulwe esigabeni 15(6) ngaphandle uma lokho kudalula –

(a) kuhambisana nanoma yimuphi umthetho ophoqa noma ogunyaza lokho kudalula;

(b) kudingekile ukuze izosebenza ngendlela efanele iThrasti; noma

(c) kwenzelwa izinhloso zokuqapha, ukuhlola, ukuphenya noma ukubuka noma yikuphi ukusebenza okuqondene neThrasti, okanye nanoma imuphi umsebenzi weThrasti.

(3) Noma ngubani owaphula isigatshana (1) noma (2) unecala.

Ukuhlakazwa kweThrasti

23. IThrasti ingahlakazwa kuphela ngokuhambisana noMthetho ophasiswe yiSishayamthetho sesiFundazwe.

Ukusetshenziswa kwegama leThrasti

24.(1) Akekho umuntu, okungathi ngaphandle kokugunyazwa yiThrasti ngokubhala phansi, amele noma asebenzise noma ngandlelani igama, isifinyezo segama, iziqubulo, imifanekiso noma okunye okusetshenziswa noma okungokweThrasti.

(2) Akekho umuntu ongazishaya samuntu omele iThrasti.

(3) Noma ngubani owaphula izigatshana (1) noma (2) unecala.

Amacala ajwayelekile

25.(1) Ilungu leBhodi, umsebenzi, umeluleki, umuntu osebenzela okanye noma imuphi omunye oqashwe noma omele iBhodi unecala uma emukela ngqo noma ngendlela eseceleni imali noma umhlomulo ongagunyaziwe kunoma ngubani ngokuqodene nanoma yini eyenziwe noma enikezwe yiThrasti.

(2) Noma ngubani unecala uma, ngokuqondene nanoma yini eyenziwa noma enikezwa yiThrasti egwazisa noma ezama ukugwazisa, noma efaka esenzweni senkohlakalo okanye ezama ukufaka esenzweni senkohlakalo, noma yimuphi umsebenzi, umuntu osebenzela okanye noma omunye umuntu oqashwe yiThrasti noma omele iThrasti.

(3) Noma ngubani ozishaya samuntu ogunyazwe ukuqoqa izimali, iminikelo egameni noma ngomyalelo weThrasti unecala.

Izijeziso

26. Noma ngubani olahlwe yicala -

(a) ngokuhambisana nesigaba 25(1) noma (2), angahlawuliswa noma agqunywe ejele isikhathi esingeke seqe kuleso esinqunywe ngumthetho kazwelonke oqondene nenkohlakalo; noma

(b) ngokuhambisana nesigaba 7(5) noma isigaba 25(3) angahlawuliswa noma agqunywe ejele isingathi esingevile eminyakeni emihlanu.

Imithethonqubo

27. ILungu elinesibopho loMkhandlu Ophethe, ngokubonisana neBhodi nangokusebenzisa isazizo kwiGazethi, lingenza imithethonqubo emayelana -

(a) nanoma yiluphi udaba olungahle noma okumele lunqunywe ngokuhambisana nalo Mthetho;

(b) nanoma yiluphi udaba lokuphatha noma lwenqubo oludingekile ukufeza izinhlinzeko zalo Mthetho.

Ukudluliselwa kwamandla

28.(1) Ilungu elinesibopho loMkhandlu Ophethe lingadlulisela eNhlokweni Yomnyango -

(a) noma yimaphi amandla anikezwe ilungu elinesibopho loMkhandlu Ophethe yilo Mthetho, ngaphandle kwamandla okwenza imithethonqubo abalulwe esigabeni 27; noma

(b) noma isibopho esibekwe elungwini elinesibopho loMkhandlu Ophethe yilo Mthetho, ngaphandle kwesibopho esiqondene nokuqokwa yekiswa esikhundleni kwamalungu eBhodi abalulwe ezigabeni 6(1)(b) no 8(4)(a).

(2) IBhodi lingadlulisela esiKhulwini Esiphethe noma imaphi amandla noma isibopho esinikezwe noma esibekwe kwiBhodi yilo Mthetho.

(3) IsiKhulu Esiphethe singadlulisela kunoma yimuphi umsebenzi weThrasti noma imaphi amandla noma isibopho esinikezwe noma esibekwe esiKhulwini Esiphethe yilo Mthetho, ngaphandle kwesibopho okungesesikhulu esinesibopho sokubika ngeThrasti.

(4) Noma imaphi amandla noma isibopho esidluliswe ngokuhambisana nesigatshana (1), (2) noma (3) kumele asetshenziswe ngokulandela imibandela engabukwa idingekile yilowo muntu noma yilowo mgwamanda owenze leso sedluliselo.

(5) Noma yikuphi ukwedluliselwa okubalulwe esigatshaneni (1), (2) noma (3) –

(a) kumele kubhalwe phansi;

(b) akuvimbeli umuntu noma umgwamanda owenze lokho kudluliselwa ukuba uwasebenzise lawo mandla noma wenze lowo msebenzi; futhi

(c) kungahoxiswa noma kuchitshiyelwe ngokubhala phansi noma ngasiphi isikhathi yilowo muntu noma yilowo mgwamanda.

ISAHLUKO 7

ISIHLOKO ESIFINGQIWE

Isihloko esifingqiwe

29. Lo Mthetho ubizwa ngoMthetho waKwaZulu-Natali weThrasti yoMnyango wezaseNdlunkulu**,** ka**-**2007.