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[English text signed by the Premier]

THE KWAZULU-NATAL TOURISM AMENDMENT ACT, 2002

NO. 2 OF 2002

General Note:

[] Words in square brackets and bold indicate omissions from the existing enactment.

----- Words underlined with a solid line indicate insertions in existing enactment.

ACT

To amend the KwaZulu Natal Tourism Authority Act, 1996, so as to further define certain expressions; to further regulate the membership of the Authority; to further regulate the appointment of the Chief Executive Officer; to make textual amendments; to further regulate the termination of the membership of the Authority; to provide for the effect of the non disclosure of conflicting interests on matters which is the subject of deliberation by the Authority; to further regulate the submission of the annual report and the form it must take; to provide that the financial statement must comply with the Public Finance Management Act, 1999; to make provision for the establishment of a forum with municipalities; to provide for the establishment of co-operation agreements with other departments and public entities whose activities impact on the development, promotion and marketing of tourism within KwaZulu-Natal; to provide for the development of Provincial Tourism Action Plan; to further provide for the functions of the KwaZulu-Natal Tourism Authority; to provide for the formulation of Provincial and Municipal Tourism Policies; to further regulate the formulation of Regulations; to provide for the establishment of Provincial Tourism Committee; to provide for the composition of Provincial Tourism Committee; to provide for the objectives and responsibilities of Provincial Tourism Committee; to provide for the meetings of the

Provincial Tourism Committee; to provide for the functions of Municipal Tourism; to provide for the duties of Tourism Operators as well as other stakeholders; and to provide for incidental matters.

BE IT ENACTED by the Parliament of the Province of KwaZulu-Natal, as follows:-

Amendment of Section 1 of Act No. 11 of 1996

1. Section 1 of the KwaZulu Natal Tourism Authority Act, 1996 (hereinafter referred to as the Act), is hereby amended by:

(a) the substitution for the definition of 'Authority' of the following definition:

“‘Authority’ means the KwaZulu-Natal Tourism Authority established in section 2;”;

(b) the substitution for the definition of 'Cabinet' of the following definition

“‘Cabinet’ **[means the Executive Council of the Provincial Legislature of KwaZulu-Natal]** means the Executive Council of the KwaZulu-Natal Province contemplated in section 132 of the Constitution;”;

(c) the addition after the definition of 'Cabinet' of the following definition:

“‘Constitution’ means the Constitution of the Republic of South Africa Act, No. 108 of 1996;”;

(d) the substitution for the definition of 'Department' of the following definition:

“‘Department’ means **[that Department]** the Department of Economic Development and Tourism or any successor provincial department whose functions include that of the promotion, development, marketing and regulation of tourism in KwaZulu-Natal;”.

(e) the addition of the following definitions after definition of 'Department':

“district municipality’

means a municipality that shares municipal executive and legislative authority in an area that includes more than one local municipality, described in section 155(1) of the Constitution as a category C municipality, and which has been established through the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);”;

“domestic tourist’

means any person resident in the Republic of South Africa traveling to any place within the Republic other than to his or her usual environment;”;

“Gazette’

means the KwaZulu-Natal Provincial Government Gazette;”;

“foreign tourist’

means any visitor to the Republic of South Africa.”

(f) the substitution of the definition of 'KwaZulu-Natal' of the following definition:

“KwaZulu-Natal’

means the province of KwaZulu-Natal contemplated in Section 103(1)(d) of the Constitution [of the Republic of South Africa, 1996 (Act No. 108 of 1996)];”;

(g) the addition of the following definitions after the definition of 'KwaZulu-Natal':

“local municipality’

means a municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls, which is described in section 155(1) of the Constitution as a category B municipality

and which has been established through the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);”;

“metropolitan municipality’

means a municipality that has exclusive executive and legislative authority in its area, described in section 155(1) of the Constitution as a category A municipality and which has been established through the Local Government: Municipal Structures Act, 1998, (Act No. 117 of 1998);”.

(h) the addition of the following definitions after the definition of the “Minister of Finance”:

“municipality’

means a municipality referred to in section 155(6) of the Constitution;”;

“municipal tourism functions’

means those tourism functions contemplated in section 38 of this Act which are to be performed at municipal level;”;

“municipal tourism policies’

means the policies developed by municipalities in accordance with section 33;”;

(i) *the addition of the following definitions after the definition of “organised labour”:*

“organised local government’

means the KwaZulu-Natal Provincial organisation representing municipalities, recognised in terms of section 163 of the Constitution and section 2 of the Organised Local Government Act, 1997 (Act No. 52 of 1997);”;

- (j) the substitution for the definition of “Parliament” of the following definition:

“Parliament”

means the Legislature of the Province as contemplated in section 105 of the Constitution and having the legislative authority [of the KwaZulu-Natal Province], contemplated in section 104(1) of the Constitution;”;

- (k) by the addition of the following definitions after the definition of “prescribed”:

“Province”

means the KwaZulu-Natal Province contemplated in section 103(1)(d) of the Constitution;”;

“provincial tourism action plan”

means the plan developed by the KwaZulu-Natal Tourism Authority in accordance with section 27 ;”;

“Provincial Tourism Committee”

means the committee established in terms of section 34 to coordinate the formulation of provincial tourism policy with municipalities and to assist municipalities develop municipal tourism policies;”;

“provincial tourism functions”

means those tourism functions contemplated in section 30;”;

“provincial tourism policy”

means the policy developed by the Minister in accordance with this Act;”;

- (k) by the deletion of the definition of “Regional Council”;

- (l) by the addition of the following definitions after the definition of “Secretary”:

“this Act”

includes the regulations;”;

“tourism establishment”

means any establishment, including a facility or service, within the tourism industry in the Province;”;

“tourism industry’

means the industry within the Province which focuses on and aims to attract domestic or international tourists to the Province, and includes the provision of public and private services and facilities”.

“tourism operator’

means any natural or juristic person within the tourism industry in the Province;”;

“tourism stakeholders’

include tourism operators, tourism establishments and any other private or public sector person or institution with an interest in the tourism industry in the Province;”;

Amendment of section 2 of Act 11 of 1996

Section 2 of the principal Act is hereby amended by -

- (a) the substitution for subsection (1) of the following subsection:

“(1) There is hereby established the KwaZulu-Natal Tourism Authority which shall consist of not less than **[seventeen]** nine and not more than **[thirty]** fifteen members.”; and
- (b) by the addition of the following subsection after the existing subsection (2):

“(3) The objectives of the Authority are to work with the Minister, Provincial Tourism Committee, Department, municipalities and tourism stakeholders in the Province in order to implement and advance national and provincial tourism policies.”.

Amendment of section 3 of Act No. 11 of 1996

3. Section 3 of the principal Act is hereby amended by-

- (a) the substitution for the existing paragraph (b) with the following paragraph:

“(b) to be solely responsible for marketing and promoting the Province as a whole, to international and domestic tourism markets in competition and co-operation with other provinces in the Republic, and in co-operation with Municipalities.”;
- (b) the substitution of the existing paragraph (c) with the following paragraph:

“(c) within the framework of national and provincial tourism policies to co-ordinate with, advise and guide **[other bodies]** municipalities, tourism operators, tourism establishments, and organizations or institutions whose activities or aims **[could have an]** impact on and relate to the development, promotion, or marketing of tourism in KwaZulu-Natal;”;
- (c) the substitution of the existing paragraph (f) with the following paragraph:

“(f) to provide for **[its]** staff medical aid, retirement **[and]** or any other employment benefits the Authority deems necessary, whether by-;”;

- (d) the substitution of the existing subparagraphs (i) and (ii) of paragraph(f) with the following subparagraphs, respectively:
- “(i) establishing and operating schemes or funds to provide such **[medical or retirement]** employment benefits, as the case may be; or”; and
 - (ii) providing **[the]** facilities **[whereby]** for staff to have access to such schemes or funds; or;”;
- (e) the substitution for the words preceding paragraph (g)(i) with the following:
- (g) for the purposes of implementing provincial tourism policy, developing promoting and marketing tourism for KwaZulu-Natal -
- (f) the addition in paragraph (g) of the following subparagraph (dd):
- “(dd) to raise funds through donations and sponsorships.”
- (g) the substitution of the existing paragraph (g)(ii) with the following paragraph:
- “(ii) to enter into agreements and contracts with any institution, body, organisation, or person anywhere in South Africa;”
- (i) the addition in paragraph (g) of the following subparagraph:
- (j) the substitution of the existing subparagraph (g)(iii) with the following subparagraph:
- (iii) to enter into international agreements and contracts, with the approval of the Minister : Provided that the approval of the Minister may not be unreasonably withheld and must be given within a reasonable time.
- (i) by the addition in paragraph (g) of the following subparagraphs:
- (iv) to register, accredit, classify, grade and certify tourism operators and establishments in the Province;
 - (v) to implement levies and other charges on tourism operators and establishments in the Province, in accordance with regulations prescribed by the Minister and subject to:
 - (aa) the quantum in respect of levies and charges contemplated in this subsection being determined after consultation with the tourism industry;
 - (bb) the levies and other charges on tourism operators and establishments being utilised for the promotion of tourism in the Province; and
 - (cc) the income derived from the levies and other charges accruing to the

Department to be utilised for promoting tourism in the Province.

- (vi) to undertake research for the effective implementation and development of provincial tourism policy;
- (vii) to maintain a database of tourism operators and establishments within the Province;
- (viii) to formulate and implement processes to increase public access to information about provincial tourism operators, establishments and other tourism resources in the Province;”;

(l) the deletion of paragraph (h); and

(m) the deletion of paragraph (i).

(n) the addition of the following paragraphs:

- (h) to perform any other function or activity as prescribed or directed by the Minister in relation to the implementation, development, marketing and promotion of provincial tourism policy;
- (i) to undertake any other action necessary for or ancillary to the powers, duties and functions specified in this section;
- (j) to determine its own procedures including, but not limited to, procedures at meetings, administrative systems, codes of conduct for members and duties of members;
- (k) to develop the action plan described in section 27 relating to the development, promotion and marketing of tourism in the Province; and
- (l) to perform any other function assigned by this Act and regulations or policy directives issued in terms of this Act.

Substitution of section 5 of Act 11 of 1996

4. Section 5 of the principal Act is hereby substituted with the following section:

“Appointment of Chief Executive Officer, Chairperson, deputy Chairperson and members of the Authority

5. **[The Minister shall from time to time appoint-**

- (a) **a person to be the chairperson of the Authority: provided that the person so appointed shall not be in the employ of the central or a provincial government;]**

- (1) (a) The Authority must on behalf of the Minister using a method which will in the Minister's opinion reach the greatest number of residents of KwaZulu-Natal, invite applications for the position of Chief Executive Officer.
- (b) The Minister and the Authority must short list and interview candidates for the position of Chief Executive Officer.
- (c) The Authority must, with the approval of the Minister, appoint the Chief Executive Officer who shall be an ex officio member of the Authority without voting powers.
- (d) The Chief Executive Officer must occupy the office for a period of five (5) years, or such lesser period as the Minister and the Authority may approve from the date of his appointment.

(2) The Minister must appoint :

- (a) a chairperson and a deputy chairperson of the Authority: Provided that these persons shall not be in the employ of or be publicly elected members of national, provincial or local government;
- (b) not less than **[sixteen]** nine persons as members of the Authority: Provided that when making **[such]** the appointments, the Minister must **[shall maintain the following balance of interests within the Authority-]** secure a balance of interests between persons representing the following categories:
- (i)**[(v)]** **[two persons representing urban**

and rural] organized local government **[bodies in KwaZulu-Natal]:** Provided that these persons may not be elected representatives of local government and provided further that urban and rural local government must be equitably represented;

(ii) [(vi) one person representing] the Department; and

(iii) organized constituencies within the tourism industry;

and persons with the following:

(iv) legal skills, experience and qualifications;

(v) financial skills, experience and qualifications;

(vi) tourism marketing experience and/or qualifications;

(vii) labour market experience and/or qualifications;

(viii) human resource or educational experience and/or qualifications;

(ix) community development skills and experience; and

(x) planning or development skills and experience.

[(i) four persons representing organized business;

(ii) two persons representing organized business;

(iii) four persons representing the interests of communities which are involved, directly or indirectly, in the hosting of tourism in KwaZulu-Natal;

- (iv) one person representing metropolitan local government in KwaZulu-Natal;
 - (vii) one person representing that body or those bodies responsible for the management of State-owned nature conservation areas;
 - (viii) one person representing that body or those bodies responsible for the preservation and management in KwaZulu-Natal of sites and artifacts of cultural and historical significance;
 - (ix) one person nominated by the portfolio committee;
 - (x) one person from each Regional Tourism Committee which is in existence and actively promoting tourism at the time that such appointment is made;]
- (c) such other persons as the Minister deems fit to appoint in order to redress imbalances or provide expertise to the Authority;

- (2) In appointing members to the Authority, the Minister must ensure that:
- (a) at least seventy percent of the members of the Authority are employed in or by the tourism industry; and
 - (b) the total number of members appointed to the Authority [shall] does not exceed fifteen at any time.

Amendment of Section 6 of Act No. 11 of 1996

60 Section 6 of the principal Act is hereby amended by-

- (a) The substitution for paragraph (c) of the following paragraph:

“(c) [since the date of which Act 200 of 1993 came into] anyone who, after section 106 (1) (e) of the Constitution took effect, is or has

been] convicted of an offence and sentenced to [a term of imprisonment greater than] more than 12 months' imprisonment without the option of a fine, either in the Republic, or outside the Republic if the conduct constituting the offence would have been an offence in the Republic, but no one may be regarded as having been sentenced until an appeal against the conviction or sentence has been determined, or until the time for an appeal has expired. A disqualification under this paragraph ends five years after the sentence has been completed. [: **Provided that -**

- (i) any conviction or sentence imposed by a court beyond the borders of the Republic of South Africa shall not be taken into account for the purposes of this paragraph unless such offence would have been an offence if committed within the Republic of South Africa at that time;**
- (ii) for the purposes of this paragraph, no person shall be deemed to have been convicted and sentenced until-**
 - (1) any appeal noted or lodged against such conviction or sentence has been heard and judgment given on such appeal; or**
 - (2) no appeal against such conviction or sentence was noted or lodged within the time permitted by law for such noting or lodgment.]”**

Amendment of section 7 of Act No. 11 of 1996

7. Section 7 of the principal Act is hereby substituted with the following section-

“ Appointments may be full-time or part time. - An appointment contemplated in section 5 may, at the discretion of the Minister, be made on a full-time or part time basis : Provided that :

- (a) where the chairperson or a member is appointed on a full-time basis, he or she shall not, without the prior written permission of the Minister, perform or engage**

himself or herself to perform any remunerative work outside the duties of his or her office.

- (b0 where the chairperson or a member is appointed on a part-time basis, he or she may perform or engage himself or herself to perform remunerative work outside the duties of his or her office provided that such work does not interfere with, derogate from or result in a conflict of interest with his or her duties as the chairperson or a member.”]

Status of members and recusal of members

- (a) All members of the Authority shall be non-executive members.

(b) The Chairperson and members of the Authority must disclose their interest in the Tourism Trade in Kwa-Zulu Natal and recuse themselves from matters where potential prejudice and/or conflict of interest is likely to arise.

Amendment of section 8 Act No. 11 of 1996

8. Section 8 of the principal Act is hereby substituted with the following section-

“(1) A **[person contemplated in section 5] member [shall be] is** appointed to the Authority for a period of three years or such lesser **period as the Minister may determine.**

(2) Different periods of office may be determined for different appointments.

(3) **[On the expiry of such term of office, the person shall be eligible for reappointment.]** A member may be eligible for reappointment upon the expiry of his or her term of office.”.

Amendment of section 9 of Act No.11 of 1996

9. Section 9 of the principal Act is hereby amended by-

- (1) the deletion of subsection (1), and the renumbering of the existing subsection (2) as subsection (1);
- (b) the renumbering of the existing subsection (3) as subsection (2) and the substitution for the renumbered subsection (2) of the following subsection:

“**[3](2) [In the event of] If-**

- (a) the offices of both chairperson and deputy chairperson **[being] are temporarily** vacant as a result of the delay in filling the vacancy, or
- (b) both the chairperson and deputy chairperson **[being] are** absent or incapacitated or refusing or failing to undertake **[the] their** duties **[of chairperson]**,

the members then present **[shall] must** appoint another **[of the]** members to act as chairperson during the period of **[such] the temporary** vacancy, absence, incapacity, refusal or failure.”.

Substitution of section 11 of Act No. 11 of 1996

6. Section 11 of the principal Act is hereby substituted with the following section:

“Appointments to be made after consultation with portfolio committee

- 7. Any appointment to the Authority, including the filling of vacancies, **[shall] must** be made by the Minister **[only]** after consultation with the portfolio committee.”

Substitution of section 12 of Act No. 11 of 1996

11. Section 12 of the principal Act is hereby substituted with the following section:

“Publication of appointments

- 12. **[When] Whenever** appointing the chairperson, deputy chairperson, or a member of the Authority, the Minister **[shall] must** cause a notice to be published in the **[Provincial] Gazette** as soon as is practical after **[such] the** appointment notifying the name of the appointee, the office held, the date of effect and period of **[such] appointment**.”.

Substitution of section 13 of Act No. 11 of 1996

12. Section 13 of the principal Act is hereby substituted with the following section:

“Resignation of appointments

- 13. A chairperson, deputy chairperson, or a member may at any time and upon giving not less than thirty days written notice to the Minister, resign his or her appointment **[as the chairperson or member or both]**.”.

Amendment of section 14 of Act No. 11 of 1996

13. Section 14 of the principal Act is hereby amended by-

- (a) The substitution for the words preceding paragraph (a) of the following paragraph:

“Notwithstanding the provisions of sections 6 and 13, the Minister may, **[after consultation with the portfolio committee prior to the date on which a chairperson or member’s period of office would otherwise] terminate, [withdraw such appointment] a member’s appointment to the Authority** on one or more of the following grounds:”;

(b) the substitution for paragraph (b) of the following paragraph:

“(b) conduct which, in the opinion of the Minister, brings or could bring the **[office of the chairperson or member of the]** activities of the Authority into disrepute;”;

(c) the substitution for paragraph (c) of the following paragraph:

“(c) failure, refusal or neglect to carry out the duties and functions of **[the chairperson or]** a member to the best of his or her ability; or;”;

(d) by the addition of the following paragraph:

“(d) failure to disclose actual or potential conflicts of interests as required in section 20.”

(e) by the addition of the following paragraph:

(e) The Minister, must upon termination of appointments as contemplated in this section, advise the Portfolio Committee of the termination;

Substitution of section 15 of Act No. 11 of 1996

14. Section 15 of the principal Act is hereby substituted with the following section:

“Temporary suspension of [chairperson or] member

15. The Minister may suspend a member of the Authority **[the chairperson, or a member from the execution of his or her duties]** whilst the Minister is investigating **[and considering]** allegations which, if **[proved]** found to be correct or substantially correct, could result in the member’s appointment being terminated in terms of section 14” .”

Substitution of section 16 of Act No. 11 of 1996

15. Section 16 of the principal Act is hereby substituted with the following section:

“Remuneration and conditions of appointment

16. The Minister **[shall]** must, in consultation with the Minister of Finance, from time to time determine the remuneration, if any, and conditions of appointment of **[chairpersons and]** members of the Authority.”

Amendment of section 20 of Act No. 11 of 1996

16. Section 20 of the principal Act is hereby amended by-

(a) the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of subsection (2), where, in relation to a matter being investigated, considered or voted upon by the Authority, a member has any interest which precludes or could preclude **[him or her]** that member from performing his or her functions **[as a member]** in a fair, unbiased and proper manner, he or she **[shall]** must not participate in **[such]** the investigation, consideration or vote and must **[shall absent]** recuse himself or herself from **[the room or other venue in which such]** the investigation, consideration or **[voting is taking place]** vote”; and

(b) the deletion of subsection 3.

Substitution of section 21 of Act No. 11 of 1996

17. Section 21 of the principal Act is hereby amended-

(a) by the substitution for section 21 with the following subsection:

“(1) The Authority **[shall] must**, not later than **[30 June] 31 July** of each year, submit a report to the Minister on the activities of the Authority for the twelve month period ending on the preceding **[31 December] 31 March**, which report **[shall] must** be tabled in **[the KwaZulu-Natal Provincial Legislature] *Parliament*** by the Minister not later than 31 August of each year.”.

(b) by the addition of the following subsection:

“(2) The annual report must:

(a) fairly present the state of affairs of the Authority, its business, its financial results, its performance against predetermined objectives and its financial position as at the end of the financial year concerned;

(b) include the report of auditors on those statements;

(c) include the Annual Financial Statement contemplated in section 24; and

(d) include such other information as the Minister may in writing require or prescribe .”.

Substitution of section 22 of Act No. 11 of 1996

18. Section 22 of the principal Act is hereby amended by the deletion of section 22 and the substitution for section 22 of the following section:

“Administrative support to the Authority

“22. The Minister and Department may upon the request of the Authority provide professional, technical or administrative support to the Authority.”.

Amendment of section 23 of Act 11 of 1996

19. Section 23 of the principal Act is hereby amended by the substitution for paragraphs (a), (b) and (c) of the following paragraphs, respectively:

“(a) funds voted for that purpose by **[the Provincial Legislature] *Parliament***; or

- (b) funds raised by the Authority from sources other than funds controlled by **[the Provincial Legislature] Parliament; or**
- (c) any other source approved by the Minister in consultation with the Minister of Finance; or."

Amendment of section 24 of Act No. 11 of 1996

20. Section 24 of the principle Act is hereby amended by-

- (a) the substitution for subsection (1) of the following subsection:

"(1) The books of account and other financial records of the Authority **[shall] must** be audited annually, **[at the expense of the Authority]**, by the Auditor-General or by a firm of auditors approved of by the Auditor-General [Minister];";

- (b) the substitution for subsection (2) of the following subsection:

"(2) When submitting the annual report contemplated in section 21, the Authority **[shall] must** also submit **[an] the audited** Annual Financial Statement, **[duly audited as contemplated]** in subsection (1) for the relevant financial year. [covering the same period as is covered by that annual report]."; and

- (c) the addition of the following subsections:

(3) The financial year of the Authority commences on 1 April of a particular year and ends on 31 March of the next year.

(4) The annual financial statement must comply with any applicable national and provincial legislative requirements for financial reporting and accounting practices, including the Public Finance Management Act, 1999 (Act No. 29 of 1999).".

Insertion of section 25; 26; and 27, in Act No. 11 of 1996

21. Sections 25, 26 and 27 are hereby inserted in the principal Act:

“Relationship between Authority and Municipalities

25 (1) The Authority [shall] must establish a forum with municipalities in the Province to facilitate co-operation between the Authority and municipalities.

(2) The aim of the forum is to achieve the objectives of the Authority and to promote efficiency by eliminating duplication of tourism functions and activities in the Province.

- (3) The forum may establish sub-committees to deal with areas of joint implementation and the sub-committees must report to the Authority and the Provincial Tourism Committee established in section 34.
- (4) The forum must meet at least four times a year.

Relationship between Authority, governmental departments, public entities and Provincial Tourism Committee

- 26
- (1) The Authority may establish formal co-operation agreements with other departments and public entities whose activities impact on the development, promotion and marketing of tourism within KwaZulu-Natal.”.
 - (2) The Authority and the Provincial Tourism Committee must ensure that they co-operate with each other for the benefit of the promotion of tourism in KwaZulu-Natal.

Development of Provincial Tourism Action Plan

- 27
- (1) The Authority must develop an annual tourism promotion, marketing and development action plan for the Province after consultation with the Minister, Provincial Tourism Committee and other tourism stakeholders;
 - (2) The plan contemplated *in subsection* (1) must be tabled annually before Parliament at a period determined by the Minister.
 - (3) The action plan must be finalized at least two calendar weeks prior to the beginning of any new financial year;
 - (4) The action plan must provide clear indications of goals and objectives for the planning period, intended programmes and strategies and opportunities for and parameters of municipal and private sector participation.
 - (5) The action plan must include an outline of responsibilities, time frames, financial requirements, targets and monitoring mechanisms within the Province.”

Substitution of Chapter 2 of Act 10 of 1996

22. Chapter 2 of the principal Act is amended by the deletion of the existing Chapter 2 and the

substitution thereof of the following Chapter:

“CHAPTER 2

MINISTER OF ECONOMIC DEVELOPMENT AND TOURISM

Provincial Tourism Policy

28. (1) The Minister must develop provincial tourism policy after consultation with the Authority and the Provincial Tourism Committee and in accordance with provincial constitutional powers and within the framework of national tourism policy or legislation.
- (2) Members of the Executive Council of the Province, whose portfolios impact on provincial tourism policy, must for the purpose of ensuring the integration of provincial tourism policy and legislation, obtain the and consider the Minister’s comments in the development of their policies and legislation.

Provincial Tourism Policy Directives

29. (1) The Minister may, subject to subsection (2), by notice in the *Gazette* issue Ministerial policy directives to codify and implement provincial tourism policy.
- (2) Prior to publication of the notice referred to in subsection (1), the Minister must table the proposed directives with the Authority and with the Provincial Tourism Committee.
- (3) If the Authority or the Provincial Tourism Committee object to the policy directives, the Minister must respond to those objections in writing.

Functions of Provincial Tourism

30. The functions of the Provincial tourism must be specified in provincial tourism policy including but not limited to the following core areas-
- (a) international tourism marketing for the Province;
 - (b) national tourism marketing for the Province;
 - (c) planning, development and promotion of tourism products for the Province;
 - (d) implementation of national and provincial tourism policies;
 - (e) integrated marketing and development of the tourism industry in the

Province;

- (f) enhancing quality control in the provincial tourism industry by establishing and regulating norms and standards for tourism operators and tourism establishments, including but not limited to the registration, classification, accreditation, grading, licensing and levying of the provincial tourism industry; and
- (g) any other functions identified in national legislation or provincial policies.

Formulation of Provincial and Municipal Tourism Policies

- 31. The Provincial Tourism Committee established in terms of section 34 must, after consultation with the Authority, develop a municipal tourism policy for the Province.

Ministerial Regulatory Power

- 32. The Minister may, after consultation with the Portfolio Committee, and by notice in the Gazette make Regulations on matters relating to -
 - (a) invitation for nominations for appointments to the KwaZulu-Natal Tourism Authority;
 - (b) terms and conditions of appointment of members of the Authority;
 - (c) fees and allowances payable to the chairperson, deputy-chairperson and members of the Authority;
 - (d) terms and conditions of use of agents, contractors and consultants by the Authority;
 - (e) powers, duties and functions of public servants seconded to the Authority;
 - (f) the payment to the Authority of fees and charges arising directly or indirectly from any of the services provided by or recognitions granted by the Authority;
 - (g) processes and methods to evaluate the performance of the Authority;
 - (h) any matter necessary for or incidental to the powers, duties or functions of the Authority;
 - (i) schemes relating to registration, classification, accreditation, grading, licensing and levying of tourism operators, tourism establishments and other tourism stakeholders in the province, including sanctions for non-compliance;

- (j) identification of standards and quality control processes for tourism operators, tourism establishments and the general tourism industry in the Province;
- (k) after consultation with the Provincial Tourism Committee and the Authority, the establishment of metropolitan, local and district tourism structures to secure implementation of municipal tourism policy within the framework of national and provincial tourism policies and legislation;
- (l) after consultation with the Provincial Tourism Committee and the Authority, any municipal planning and reporting requirements to ensure that municipal tourism policies are developed and implemented within the framework of national and provincial tourism policies and legislation;
- (m) policy frameworks for the allocation and adjustment of municipal tourism functions between local and district municipalities;
- (n) co-operation agreements with other governmental departments or public entities;
- (o) measures to facilitate public access to information on provincial tourism policies, tourism operators and establishments and other tourism initiatives in the province;
- (p) any duty, function or process stipulated in national tourism legislation for implementation at provincial level;
- (q) meetings and manner of operation of the Provincial Tourism Committee established in section 34;
- (r) any other matter necessary for or ancillary to the development, integration and implementation of national and provincial tourism policies in the province or the objectives of this Act; and
- (s) any other matter which is necessary to implement the provisions of this Act”.

Insertion of Chapters 3 and 4 in Act No. 11 of 1996

23. The following Chapters are hereby inserted in the principal Act:

“CHAPTER 3 **MUNICIPALITIES**

Municipal Tourism Policies

33. Municipalities are responsible for developing and implementing municipal tourism policies in their jurisdictions within the framework of the Constitution, Municipal Structures Act, 1998, (Act no. 117 of 1998) and national and provincial tourism policies and legislation.

Establishment of Provincial Tourism Committee

34. The Minister may by notice in the Gazette establish, a Provincial Tourism Committee comprising municipal representatives of metropolitan, local and district municipalities in the province.

Composition of Provincial Tourism Committee

- 35 (1) The Provincial Tourism Committee comprises-
- (a) one elected public representative from each metropolitan and district municipality in the Province to be selected from the Economic Development and Planning Committee or equivalent municipal committee of councilors responsible for tourism within each metropolitan or district municipal area;
 - (b) municipal managers of each district and metropolitan municipality in the Province;
 - (c) Chief Executive Officer of the Authority;
 - (d) Chairperson or deputy-chairperson of the Authority; and
 - (e) the Head of the Department .
- (2) The Minister may after consultation with the Provincial Tourism Committee invite interested parties to attend the meeting of the Provincial Tourism Committee on an *ad hoc* basis.

Objectives and Responsibilities of Provincial Tourism Committee

36. The objectives and responsibilities of the Provincial Tourism Committee are to:
- (a) co-ordinate the formulation of provincial tourism policy with municipalities;
 - (b) assist municipalities to develop municipal tourism policies within the framework of national and provincial tourism policies and legislation;
 - (c) formulate methods and processes to evaluate the implementation of

- provincial tourism policy at municipal level; and
(d) any other function or activity assigned in this Act.

Meetings of Provincial Tourism Committee

37. The Minister must convene meetings of the Provincial Tourism Committee no less than four times a year.

Functions of Municipal Tourism

38. (1) A municipality within the Province is responsible for local tourism within its areas of jurisdiction.
- (2) Municipal tourism functions include, but are not limited to, the following core areas-
- (a) monitoring local tourism operators and establishments for compliance with provincial policies and legislation;
 - (b) promotion, marketing and development of local tourism within the metropolitan or district municipal area;
 - (c) alignment of local tourism marketing initiatives with provincial tourism marketing strategies;
 - (d) facilitation of the participation of local communities in the tourism industry;
 - (e) securing equitable distribution of local tourism resources within the area of the metropolitan, local or district municipality;
 - (f) adopting measures and programmes to transform the local tourism industry, including granting preferences to women and small, medium and micro-enterprises;
 - (g) implementing provincial tourism policy in conjunction with the Authority; and
 - (h) any other functions specified in national or provincial policies or legislation.
- (3) Municipalities within the Province must ensure that local tourism policies are developed and implemented within the frameworks of and consistent with national and provincial tourism policies and legislation.
- (4) Municipalities may not develop or implement local tourism policies in a manner that is prejudicial to the interests of another municipality in the Province or to the Province.

(5) Municipalities must comply with planning and reporting requirements specified in national and provincial tourism legislation or policies.

CHAPTER 4

TOURISM OPERATORS, TOURISM ESTABLISHMENTS AND OTHER TOURISM STAKEHOLDERS

Duties of Tourism Operators, Establishments and Other Stakeholders

39. (1) Every public or private sector tourism operators, tourism establishments and any other stakeholder in the tourism industry in the Province must comply with-
- (a) national and provincial legislation and policies regulating conditions for and standards of their operations;
 - (b) provincial tourism policy; and
 - (c) provincial tourism policy directives issued by the Minister in terms of this Act, provided that such directives may not infringe on the rights of private sector tourism operators and establishments to engage in economic activity as envisaged in the Constitution.
- (2) Public or private sector tourism operators, tourism establishments and any other tourism stakeholder in the Province may not conduct its activities in a manner prejudicial to the tourism industry in the Province.”.

Short title and Commencement

23. (1) This Act is the KwaZulu-Natal Tourism Authority Amendment Act, 2002, and comes into operation on a date determined by the Minister in the *Gazette*.
- (2) The Minister may set different dates for the commencement of different sections of this Act.

[umbhalo wesiNgisi unyathelwe nguNdunankulu]

**UMTHETHO WAKWAZULU-NATALI WOKUCHIBIYELA UMTHETHO
WEZOKUVAKASHA, UMTHETHO NO.2 KA 2002**

QAPHELA

[] Amagama akubakaki abayizikwele kanye nabhalwe ngokugqamile
akhomba okweqiwe emthethweni okhona.

-----Amagama adwetshe ngomugqa ogqamile akhomba okufakiwe emthethweni
okhona.

UMTHETHO

Wokuchibiyela uMthetho woMaziphathe wokuVakasha waKwaZulu-Natali, 1996, ukuze uqhubeke uchaze amazwi athize; wokuqhubeka ulawule ubulungu boMaziphathe; wokuqhubeka ulawule ukuqokwa kwesiKhulu sokuPhatha esiPhezulu; wokwenza izichibiyelo zombhalo; wokuqhubeka ulawule ukuhoxiswa kobulungu bukaMaziphathe; wokuhlinzeka ngembangela yokungavezwa kokushayisana kwemibono ezindabeni eziyisihloko esidingidwa kuMaziphathe; wokuqhubeka ulawule ukwethulwa kombiko wonyaka kanye nomumo wawo; wokuhlinzeka ukuthi isitatimende sezimali siyohambisana noMthetho wokuPhathwa kweziMali zoMphakathi, 1999; wokuhlinzeka ukusungulwa kwezivumelwano zosebenziswano neminye iminyango kanye nezinye izinhla zomphakathi ezimisebenzi yazo ithinta intuthuko, ukugqugquzela kanye nokukhangisa ukuvakasha esiFundazweni; wokuhlizekela ukuthuthukiswa koMhlahlandlela wezokuVakasha wesiFundazwe, wokuhlinzeka imisebenzi yoMaziphathe wezokuVakasha yoMasipala kanye nesiFundazwe; wokuhlinzekela ukubunjwa kweMithethonqubo; wokuhlinzekela ukusungulwa kweKomidi lokuVakasha lesiFundazwe; wokuhlinzekela ukubumbeka kweKomidi lezokuVakasha lesiFundazwe; wokuhlinzekela imisebenzi yezokuVakasha kukaMasipala; wokuhlinzekela ukubumbeka kweKomidi lezokuVakasha lesiFundazwe; wokuhlinzeka ngezibopho zaBagqugquzeli bezokuVakasha kanye nabanye abayingxenyane, kanye nokuhlinzeka izinto eziqondene nalokho.

MAKUMISWE UMTHETHO yiPhalamende laKwaZulu-Natali njengokulandelayo:-

Ukuchitshiyelwe kwesiGaba 1 soMthetho 11 ka 1996

IsiGaba 1 soMthetho kaMaziphathe wezokuVakasha waKwaZulu-Natali, 1996 (lapha obizwa ngoMthetho), siyachitshiyelwa:

Ukumelwa kwencazelo kaMaziphathe@ yilencazelo elandelayo:

AUMaziphathe@

**kusho
uMaziphathe wezokuVakasha
waKwaZulu-Natali osungulwe
esiGabeni 2,@**

Ukumelwa kwencazelo ye@Khabhinethi@ yilencazelo elandelayo:

AIKhabhinethi@

**[sisho
isiGungu soMkhandlu oPhethe
wesiShayamthetho sesiFundazwe]
kusho uMkhandlu oPhethe
wesiFundazwe saKwaZulu-Natali
obalulwe esigabeni 132
soMthethosisekelo;@**

Ukwengeza emva kwencazelo ye@Khabhinethi@ incazelo elandelayo:

AUMthethosisekelo@

**kusho
uMthethosisekelo waseRiphabliki
yaseNingizimu Afrika uMthetho
No. 108 ka 1996,@**

Ukumelwa kwencazelo yo@Mnyango@ yilencazelo elandelayo:

AUMnyango@

**kusho
[lowoMnyango] uMnyango
wezokuThuthukiswa koMnotho
kanye nezokuVakasha noma
yimuphi oza emva koMnyango
wesiFundazwe omisebenzi yawo
umbandakanya ukukhangisa,
ukuthuthukisa, ukuthengisa kanye
nokuhlela ezokuvakasha kwaZulu-
Natali;@**

(3) Ukungeza izincazelo ezilandelayo emva kwencazelo yo@Mnyango@,

A>umasipala wesifunda=

**kusho umasipala
owabelana ukuphatha kanye
negunya lemithetho kuleyondawo
embandakanya umasipala
ongaphezulu koyedwa, echazwe
kuMthethosisekelo njengesigaba C**

sikamasipala futhi eyasungulwa ngoMthetho wesaKhiwo loHulumeni baseKhaya ka 1998 (uMthetho No. 117 ka 1998);@;

A>umvakashi wasekhaya=

kusho umuntu oyisakhamuzi saseRiphabliki yaseNingizimu Afrika ohambela noma iyiphi indawo eRiphabliki ngaphandle kwendawo ahlala

kuyo;@;

A>IGazethi=

iGazethi kaHulumeni wesiFundazwe saKwaZulu-Natali;@; kusho

A>umvakashi wangaphandle=

kusho noma yisiphi isivakashi esiza eRiphabliki yaseNingizimu Afrika

Ukumelwa kwencazelo yeKwaZulu-Natali@ yilencazelo elandelayo:
iKwaZulu-Natali

kusho isifundazwe saKwaZulu-Natali esibalulwe esiGabeni 103 (1)(d) soMthethosisekelo [waseRiphabliki yaseNingizimu Afrika, 1996 (uMthetho No. 108 ka 1996);@;

Ukwengeza izincazelo ezilandelayo encazelweni ye@KwaZulu-Natali@;

Aumasipala waseKhaya=

kusho umasipala owabelana ukuphatha kanye negunya lemithetho endaweni yawo nomasipala wesifunda waleyondawo ewela ngaphansi kwawo echazwe esigabeni 155(1) soMthethosisekelo njengesigaba B sikamasipala owasungulwa ngokoMthetho wezaKhiwo zoHulumeni Khaya, 1998 (uMthetho No. 117 ka 1998);";

"umasipala onamandla"

kusho umasipala onamandla akhethekile okuphatha kanye negunya lemithetho endaweni yakhe okuchazwe esigabeni 155(1) soMthethosisekelo njengesigaba A sikamasipala futhi owasungulwa ngokoMthetho wezakhiwo zoHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998);"

- (h) **Ukwengeza ezincazelweni ezilandelayo emva kwencazelo ka"Ngqongqoshe weziMali."**

"=umasipala=

kusho umasipala okukhulunye ngaye esigabeni 155(b) soMthethosisekelo;"

A>Imisebenzi yokuvakasha kamasipala=

kusho leyomisebenzi yokuvakasha ebalulwe esigabeni 38 saloMthetho okumele venziwe ezingeni likamasipala;@;

A>imigomo kamasipala yezokuvakasha=

kusho imigomo ethuthukiswe umasipala ngokuhambisana nesigaba 33;"

- (i) **ukwengeza izincazelo ezilandelayo emva kwencazelo "yabasebenzi abahlelekile"**

A>ohulumeni basekhaya abahlelekile=

kusho inhlangano yaKwaZulu-Natali emele omasipala, evemukelekile ngokwezimiso zesigaba 163 soMthethosisekelo kanye nesigaba 2 soMthetho woHulumeni baseKhaya abaHlelekile, 1997 (UMthetho No.52 ka1997),"

- (j) **Ukumelwa kwencazelo ye"Phalamende" yilencazelo elandelayo:**

"iPhalamende"

Kusho isiShayamthetho sesiFundazwe njengoba sibalulwe esigabeni 105

soMthethosisekelo esinamandla
okushaya umthetho[sesiFundazwe
saKwaZulu-Natali] abalulwe
esigabeni 104(1)
soMthethosisekelo;"

(k) ngokwengeza izincazelo ezilandelayo emva kwencazelo "yokunquma"
"isiFundazwe"

kusho
isiFundazwe saKwaZulu-Natali
esibalulwe esigabeni 103
soMthethosisekelo ".

"isu lezokuvakasha lesifundazwe"

Kusho isu elithuthukiswe
uMasiphathe wezokuVakasha
waKwaZulu-Natali
ngokuhambisana nesigaba 27"

"ikomidi lezokuvakasha lesiFundazwe"

Kusho ikomidi elisungulwe
ngokwezimiso zesigaba 34 ukuze
lihlanganise ukwakhiwa komgomo
wezokuvakasha kanye nomasipala
liphinde lisize omasipala
ekuthuthukiseni imigomo
vezokuvakasha".

"imisebenzi yezokuvakasha yesifundazwe"

kusho imisebenzi
yezokuvakasha ebalulwe
esibageni 30,"

"umgomo wezokuvakasha wesifundazwe" kusho umgomo othuthukiswe

nguNggongqoshe
ngokuhambisana naloMthetho,"

(k) ngokukhipha incazelo "uMkhandlu wesiFunda"

(l) ngokwengeza izincazelo ezilandelayo emva kwencazelo "kaNobhala"

"=loMthetho=
imithethonqubo"

Umbandakanya

"ukusungulwa kwezokuvakasha"

kusho noma yikuphi
ukusungula kumbandakanya
insizakusebenza noma umsebenzi
ngaphakathi kwemboni
yezokuvakasha esiFundazweni"

"=imboni yezokuvakasha=

kusho imboni

"umgquguzeli wezokuvakasha"

"=ababambiqhaza kwezokuvakasha"

engaphakathi kwesiFundazwe
egxile futhi ehlose ukuheha
abavakashi basekhaya kanye
nabomhlaba esiFundazweni futhi
imbandakanya imisebenzi
yomphakathi kanye nezimele;"
kusho noma ngubani
ongumuntu emehlweni omthetho
ngaphakathi kwemboni
vezokuvakasha esiFundazweni;"
Kumbandakanya abagquguzelo
bezokuvakasha, izikhungo
zokuvakasha kanye
nanoma yisiphi isikhungo
esizimele noma umuntu noma
isakhiwo esinothando
lwezokuvakasha esiFundazweni,"

Ukuchitshiyelwa kwesigaba 2 somthetho 11 ka 1996

2. Isigaba 2 soMthetho omkhulu lapha siyachitshiyelwa ngoku -

(a) melwa kwesigatshana (1) yisigatshana esilandelayo:

A(1) Lapha kusungulwa uMaziphathe wezokuVakasha waKwaZulu-Natali oyobunjwa ngamalungu angengaphansi kwayisishiyagalolunye futhi angabi ngaphezu kwayishumi nanhlanu" kanye

(b) nokwengeza esigatsheneni esilandelayo emva kwesigatshana esikhona(2):

"(3) Izinhloso zikaMaziphathe ukusebenza noNgqongqoshe, iKomidi lezokuVakasha lesiFundazwe, uMnyango, umasipala kanye nababambe iqhaza kwezokuvakasha esiFundazweni ukuze kwethulwe kuphinde kuthuthukiswe imigomo kazwelonke neyesifundazwe kwezokuvakasha".

UkuChitshiyelwa kwesigaba 3 soMthetho No. 11 ka 1996

3 Isigaba 3 soMthetho omkhulu lapha siyachitshiyelwa ngoku-(a) melwa kwendima

(b) ekhona yilendima elandelayo:

"(b) ukuba nomthwalo wokukhanyisa nokudavisa isiFundazwe sonkana ezimakethe zomhlaba kanye nezasekhaya ngokuncintisana kanye nokubambisana nezinye izifundazwe eRiphabliki kanye nokubambisana noMasipala."

(b) Ukumelwa kwendima (c) ekhona yilendima elandelayo:

- (c) Ngaphakathi kohlaka lwemigomo kazwelonke neyesifundazwe yezokuvakasha, luhlanganise, lweluleke lubuye lunike uhlo omasipala, abagqoguzeli bezokuvakasha, izikhungo zokuvakasha kanye nezinhlangano noma izakhiwo ezimisebenzi yazo noma izinhloso kuthinta kuphinde kuhlobane nentuthuko, ukukhangisa, noma ukudayisa ezokuvakasha KwaZulu-Natali."
- (c) Ukumelwa kwendima (f) ekhona yilendima elandelayo:
 "(f) Ukuhlinzeka ukwelashwa kwabasebenzi, umhlalaphansi noma yiziphi ezinye izinzuzo zokuqashwa uMaziphathe angazibona zidingekile,"
- (d) Ukumelwa kwezindinyana (i) no(ii) ezikhona zendima (f) ngalezindinyana ezilandelayo. ngokulandelana:
- (i) ukusungulwa kanye nokwakha izinhlelo noma izimali zokuhlinzekela izinzuzo zokuqashwa; kanye
- (ii) nokuhlinzekela ukwenza lula ukuba abasebenzi bafinyelele kulezinhlelo noma izimali; noma
- (e) Ukumelwa kwamagama asekuqaleni kwendima (g) (i) ngalandelayo:
- (g) ngezinhloso zokwethulwa umgomo wezokuvakasha esifundazweni, ukuthuthukisa, ukukhangisa kanye nokudayisa ezokuvakasha KwaZulu-Natali-
- (f) Ukwengeza endimeni (g) indinyana (dd) elandelayo:
"(dd) ukuqoqa izimali ngeminikelo kanye nokuxhaswa"
- (g) Ukumelwa kwendima (g)(ii) yilendima elandelayo:
"(ii) Ukungena ezivumelwaneni kanye nezinkontileka nanoma visiphi isikhungo, isakhiwo, inhlangano, noma umuntu noma kuphi eNingizimu Afrika".
- (i) Ukwengeza endimeni (g) indinyana elandelayo:
- (j) Ukumelwa kwendinyana(g)(iii) ekhona yilendima elandelayo:
(iii) Ukungena ezivumelwaneni zomhlaba kanye nezinkontileka ngemvume kaNgqongqoshe: Kuhlinzekelwe ukuthi imvume kaNgqongqoshe ngeke vagodlwa ngokungenamqondo futhi kumele inikezwe esikhathini esibhekile.
- (i) ngokwengeza endimeni (g) izindinyana ezilandelayo:
- (iv) ukubhalisa, ukufakazela, ukuhlela, izinga kanye nokufakazela abagqoguzeli bezokuvakasha kanye nezikhungo esiFundazweni;
- (v) Ukwethula izintela kanye nezinye izimali kubagqoguzeli bezokuvakasha kanye nezikhungo esiFundazweni, ngokuhambisana nemithethonqubo enqunywe nguNgqongqoshe futhi vancika:
(aa) kubungako bezintela kanye nezimali ezibalulwe kulesigatshana

- (bb)** ezinqunywa emva kokuthintana nemboni vezokuvakasha; izintela kanye nezinye izimali kubagqugquzeli bezokuvakasha kanve nezikhungo ezisetshenziselwa ukukhangisa ezokuvakasha esiFundazweni; kanve
- (cc)** nemali engenile etholakale ezinteleni nezinye izimali ezingene eMnyangweni zisetshenziselwe ukukhangisa ezokuvakasha esiFundazweni.
- (vi)** ukwenza ucwaningo lokwethulwa nokuthuthukiswa komgomo ngokuyikho oqondene nezokuvakasha esifundazweni;
- (vii)** ukugcina isizinda solwazi lwabagqugquzeli bezokuvakasha kanve nasezikhungweni ngaphakathi kwesiFundazwe;
- (viii)** ukwakha nokwethula uhlelo lokwenyuswa kokufinyelela komphakathi olwazini ngabagqugquzeli bezokuvakasha

esifundazweni, izikhungo kanve neminye imithombo vezokuvakasha esiFundazweni".

- (l)** ukushiywa kwendima (h) kanve
- (m)** nokushiywa kwendima (i)
- (n)** ukwengezwa kwezindima ezilandelayo:
 - (h)** ukwenza noma yimuphi umsebenzi njengoba unqunywe nguNggongqoshe maqondana nokwethula, ukuthuthukisa, ukudavisa kanve nokukhangisa ngomgomo wezokuvakasha wesifundazwe;
 - (i)** ukuthatha noma visiphi isinyathelo esidingekile noma esilekelela amandla, izibopho nemisebenzi echazwe kulesigaba;
 - (j)** ukunquma izinqubo zawo, kumbandakanya ngokungenamkhawulo izinqubo zasemihlanganweni, izindlela zokuphatha, imiqulu yokuziphatha kwamalungu kanve nezibopho zamalungu;
 - (k)** ukuthuthukisa isu lokusebenza elichazwe esigabeni 27 eliqondene nentuthuko, ukukhangisa, kanve nokudavisa ezokavasha esiFundazweni; kanve
 - (l)** nokwenza noma yimuphi omunye umsebenzi ojutshwa yiloMthetho kanve nemithethonqubo noma izilawulo zemigomo ezikhishwe ngokwezimiso zaloMthetho.

Ukumelwa kwesigaba 5 soMthetho 11 ka 1996

4. Isigaba 5 soMthetho omkhulu lapha simelwa isigaba esilandelayo:
Ukuqokwa kwesiPhathimandla esiPhethe, usiHlalo, Iphini likasiHlalo kanve namalungu kaMaziphathe

- (1)** **(a)** Umaziphathe kumele egameni likaNggongqoshe usebenzise indlela ngokombono kaNggongqoshe ezofinyelela kubantu abaningi abayizakhamuzi zaKwaZulu-Natali, umeme

ukufakwa kwezicelo zesikhundla sesiPhathimandla esiPhethe.

(b) UNgqongqoshe kanye noMaziphathe kumele bahlunge futhi bavivinye ngemibuzo labo abafake izicelo zesikhundla sesiPhathimandla esiPhethe.

(c) UMaziphathe ngemvume kaNgqongqoshe kumele uqoke isiPhathimandla esiPhethe esiyoba ilungu ngokwesikhundla salo kuMaziphathe ezingenawo amandla okuvota.

(d) IsiPhathimandla esiPhethe kumele sisebenze iminyaka emihlanu (5), noma isikhathi esingaphansi kuye ngokwavunywa uNgqongqoshe kanye noMaziphathe ngesikhathi sokuqashwa.

(2) UNgqongqoshe kumele aqoke:

(a) usihlalo kanye nephini likasihlalo kaMaziphathe: Kuhlinzekelwe ukuthi lababantu abaqashiwe nguhulumeni noma amalungu akhethwe kuzwelonke, isifundazwe noma kuhulumeni wasekhaya;

(b) abantu abangengaphansi [ishumi nesithupha] kwabayishiyagalolunye njengamalungu kaMaziphathe: Kuhlinzekelwe ukuthi uma kunzima [lokho] kuqoka, uNgqongqoshe kumele [abhekele izidingo zabantu abamele izinhlangothi ezilandelayo-]

(i) Kuhlinzekelwe ukuthi lababantu kabakhethiwe njengabantu abamele abantu kuhulumeni wasekhaya futhi kuhlinzekelwe ukuthi uhulumeni wasedolobheni nowasemakhanya bamelwe ngokulingana;

(ii) UMnyango; kanye

(iii) nezigceme ezihlelekile embonini vezokuvakasha, iyoba nabantu abanokulandelayo:

(iv) amakhono ezomthetho, ulwazi kanye nemfundo;

(v) amakhono ezimali, ulwazi kanye nemfundo

(vi) ulwazi lokudavisa ezokuvakasha kanye noma imfundo;

(vii) ulwazi lwezabasebenzi kanye noma imfundo

(viii) ulwazi lokusebenza nabantu noma ulwazi kwezemfundo;

(ix) amakhono entuthuko yomphakathi nolwazi; kanye

(x) nokuhlela noma amakhono entuthuko nolwazi.

(c) abantu abanjalo ngokubona kukaNgqongqoshe bangaqokwa ukulungisa ukungalingani noma ukuhlinzeka uMaziphathe ngamakhono;

2. Ekuqokweni kwamalungu kaMaziphathe, uNgqongqoshe kumele aqinisekise

ukuthi:

- (a) okungenani amaphesenti angamashumi ayisikhombisa wamalungu kaMaziphathe aqashiwe embonini vezokuvakasha; kanye
- (b) nenani lamalungu aqokwe uMaziphathe aweqi eshumini nanhlanu nganoma visiphi isikhathi.

UkuChitshiyelwa kwesiGaba 6 soMthetho 11 ka 1996

6. IsiGaba 6 soMthetho omkhulu lapha siyachitshiyelwa ngoku -

- (a) melwa kwendima (c) yilendima elandelayo:
 - "(c) noma ngubani okuyothi emva kokusebenza kwesigaba 106(1) (e) soMthethosisekelo alahlwe ngecala agwetshwe izinyanga ezingaphezulu kwezinyi 12 ukudonsa ejele ngaphandle kwethuba lokukhokha inhlawulo, kungaba seRiphabliki, noma ngaphandle kwaseRiphabliki uma ukwenza kwakhe kube vicala kanti naseRiphabliki bekuzoba vicala, kepha akekho umuntu ongathathwa ngokuthi ugwetshiwe kube sekunqunyiwe ngokwedlulisa kwakhe icala alahlwe ngalo, noma sekunqunyiwe ngesigwebo, noma sekuphele isikhathi sokwedlulisa icala.

Ukuyekiswa ngaphansi kwalendima kuphela emva kweminyaka emihlanu siqediwe isigwebo.

Ukuchitshiyelwa kwesigaba 7 soMthetho 11 ka 1996

7. IsiGaba 7 soMthetho omkhulu lapha simelwa isigaba esilandelayo isikhundla samalungu nokuzihoxisa kwamalungu

- (a) Onke amalungu kaMaziphathe angeke abe amalungu aphele.
- (b) UsiHlalo kanye namalungu kaMaziphathe kumele aveze iqhaza lawo kwezokuVakasha KwaZulu-Natali bese ezihoxisa ezindabeni ezingase zibe nenkinga kanye/noma okungahle kube nokushayisana kwezifiso.

UkuChitshiyelwa kwesigaba 8 soMthetho 11 ka 1996

8. IsiGaba 8 soMthetho omkhulu lapha simelwa isigaba esilandelayo -

- "(1) Ilungu liqokelwa kuMaziphathe isikhathi esiyiminyaka emithathu noma ngaphansi kuye ngokunquma kukaNgqongqoshe.
- (2) Izikhathi ezahlukene zokusebenza zinganqunyelwa ukuqokwa okwahlukene.
- (3) Ilungu lingafanelwa ukuphinda liqokwe ekupheleni kwesikhathi salo sokusebenza."

UkuChitshiyelwa kwesigaba 9 soMthetho 11 ka 1996

9. IsiGaba 9 soMthetho omkhulu lapha siyachitshiyelwa ngoku-

- (1) shiya isigatshana (1), kanye nokunombolwa kabusha kwesigatshana (2) esikhona njengesigatshana (1);
- (b) nombolo kabusha isigatshana (3) esikhona njengesigatshana (2) kanye nokumela isigatshana (2) esinombolwe kabusha ngesigatshana esilandelayo:
- (2) Uma-
 - (a) amahhovisi abo bobabili usihlalo kanye nephini likasihlalo engenamuntu okwesikhashana ngenxa yokubambezeleka ekugcwaliseni isikhala, noma
 - (b) bobabili usihlalo nephini likasihlalo bengekho, noma bengenamandla noma benqaba noma behluleka ukwenza imisebenzi yabo, amalungu akhona kumele aqoke elinye ilungu elizobamba njengosihlalo ngalesosikhathi sokungabibikho okwesikhashana, ungabinamandla, ukwenqaba noma ukwehluleka."

Ukumelwa kwesigaba 11 soMthetho No. 11 ka 1996

10. Isigaba 11 soMthetho omkhulu lapha simelwa yisigaba esilandelayo:
 "Ukuqokwa kuyokwenziwa emva kokuthintana nekomidi lomnyango 11. Noma yikuphi ukuqokelwa kuMaziphathe, kumbandakanya ukugcwaliswa kwezikhala
 [kumele] kwenziwe nguNqongqoshe emva kokuthintana nekomidi lomnyango."

Ukumelwa kwesigaba 12 soMthetho No.11 ka 1996

11. Isigaba 12 soMthetho omkhulu lapha simelwa isigaba esilandelayo:
 "Ukushichicelwa kokuqokwa
 12. Noma nini [uma] kuqokwa usihlalo, iphini likasihlalo, noma ilungu likaMaziphathe, uNgqongqoshe [kumele] enze ukuba kushicelelwe ngokushesha kwiGazethi, kwaziswa ngegama loqokiwe, isikhundla asiphethe, usuku lokuqala ukusiphatha kanye nesikhathi sokuqokwa."

Ukumelwa kwesigaba 13 soMthetho No.11 ka 1996

12. IsiGaba 13 soMthetho omkhulu lapha simelwa isigaba esilandelayo:

"Ukuyeka ekuqokweni

13. UsiHlalo, iphini likasihlalo, noma ilungu kungathi noma ngasiphi isikhathi ngokunikeza uNgqongqoshe isaziso sezinsuku ezingaphansi kwezingamashumi amathathu, ayeke ukuqokwa kwakhe."

UkuChitshiyelwa kwesigaba 14 soMthetho No. 11 ka 1996

- 13 IsiGaba 14 soMthetho omkhulu lapha siyachitshiyelwa ngoku -
- (a) mela amagama alandela indima (a) ngendima elandelayo:
"Kunganakwa izihlinzeko zezigaba 6 no 13, uNgqongqoshe anganqamula ukuqokwa kwelungu kuMaziphathe ngesinye noma ngaphezulu kwezizathu ezilandelayo."
 - (b) ukumelwa kwendima (b) yindima elandelayo:
"(b) Ukuziphatha ngokubona kukaNgqongqoshe okufaka noma okungahle kufake imisebenzi kaMaziphathe ehlazweni."
 - (c) ukumelwa kwendima (c) yilendima elandelayo:
"(c) ukwehluleka, ukwenqaba noma ubudedengu belungu ekwenzeni imisebenzi ngokusemandleni alo; noma, kanye"
 - (d) nokwengeza lendima elandelayo:
"(d) ukwehluleka ukuveza ukushayisana kwezifiso njengoba kudingakala esigabeni 20."
 - (e) ngokwengeza lendima elandelayo:
"(e) uNgqongqoshe kuyothi ekunqamuleni kokuqokwa njengoba kubalulwe kulesigaba, azise iKomidi loMnyango ngalokho kunqamula;

Ukumelwa kwesigaba 15 soMthetho No. 11 ka 1996

- 14 IsiGaba 15 soMthetho omkhulu lapha simelwa isigaba esilandelayo:
- "Ukumiswa kwelungu okwesikhashana
15. Ungqongqoshe angalimisa ilungu likaMaziphathe ngesikhathi uNgqongqoshe esaphenya ngezinsolo okungathi uma zitholakala ukuthi ziyiqiniso noma eziliqiniso, okungadala ukuba kunqanyulwe ukuqokwa kwelungu ngokwezimiso zesigaba 14."

Ukumelwa kwesigaba 16 soMthetho No.11 ka 1996

- 15 IsiGaba 16 soMthetho omkhulu lapha simelwa indima elandelayo:
- "Inkokhelo kanye nemibandela yokuqokwa 16 Ungqongqoshe kumele, ngokuthintana noNgqongqoshe weziMali njalonzalo banqume inkokhelo, uma ikhona, kanye nemibandela yokuqokwa kwamalungu kaMaziphathe."

UkuChitshiyelwa kwesigaba 20 soMthetho No. 11 ka1996

16 IsiGaba 20 soMthetho omkhulu lapha siyachitshiyelwa ngoku-

(a) melwa kwesigatshana (1) yilesigatshana esilandelayo:

"(1) Kwencike ezihlinzekweni zesigatshana (2) lapho khona kuphenywa udaba, lucutshungulwa noma luvotelwa uMaziphathe, ilungu libe linesifiso elikhingakhinyabeza lelolungu ekwenzeni umsebenzi walo ngobuqotho, ngokungachemi nangendlela ephusile, akumele libambe iqhaza ophenyweni, ekucubunguleni noma ekuvoteni futhi kumele lizihoxise ophenyweni, ekucubunguleni noma ekuvoteni". kanye

(b) nokushiya isigatshana 3.

Ukumelwa kwesigaba 21 soMthetho No.11 ka 1996

17 IsiGaba 21 soMthetho omkhulu lapha siyachitshiyelwa -

(a) ngokumelwa kwesigatshana 21 isigatshana esilandelayo:

"(1) Umaziphathe kumele kuthi ungakedluli umhlaka 31 Julayi wonyaka ngamunye wethule umbiko kuNgqongqoshe ngemisebenzi kaMaziphathe wesikhathi sezinyanga eziyishumi nambili ophela ngaphambi komhlaka 31 Mashi, lowombiko okumele wethulwe ePhalamende nguNgqongqoshe engakadluli umhlaka 31 Agasti wonyaka ngamunye."

(b) ngokwengeza lesigatshana esilandelayo:

"(2) Umbiko wonyaka kumele:

- (a) ucacise kahle isimo sezinto kuMaziphathe, umsebenzi wakhe, imiphumela vezimali, ukusebenza kwakhe ngokwezonzhloso ozibekele zona kanye nesimo sezimali sonyaka wezimali ophelayo:
- (b) umbandakanye umbiko wabacwaningi mabhuku kulezotatimende:
- (c) umbandakayeisiTatimende seziMali soNyaka esibalulwe esigabeni 24: futhi
- (d) ufake olunye ulwazi uNgqongqoshe angaludinga noma anqume ngakubhala

Ukumelwa kwesigaba 22 soMthetho No. 11 ka 1996

18 IsiGaba 22 soMthetho omkhulu lapha siyachitshiyelwa ngokukhishwa kwesigaba 2nye nokumelwa kwesigaba 22 yilesigaba esilandelayo:

"Ukweseka ezokuphatha kuMaziphathe"

"22 Ungqongqoshe kanye noMnyango kungathi ngokucelwa uMaziphathe bahlinzeke ngokweseka ngobungoti, ngobuchwepheshe noma ezokuphatha

kuMaziphathe."

Ukuchitshiyelwa kwesigaba 23 soMthetho No. 11 ka 1996

- 19 IsiGaba 23 soMthetho omkhulu lapha siyachitshiyelwa ngokumelwa kwezindima (a),(b) no(c) yilezindima ezilandelayo. ngokulandelana:
- "(a) izimali ezivotelwe leyonhloso yiPhalamende; noma
 - (b) izimali eziqoqwe umaziphathe kweminye imithombo ngaphandle kwezimali ezilawulwa yiPhalamende; noma
 - (c) yimuphi omunye umthombo ovunywe nguNgqongqoshe ngokuthintana noNgqongqoshe weziMali;

Ukuchitshiyelwa kwesigaba 24 soMthetho No. 11 ka 1996

- 20 IsiGaba 24 soMthetho omkhulu lapha siyachitshiyelwa ngoku (a) melwa kwesigatshana (1) yisigatshana esilandelayo:
- "(1) amabhuku e-akhawunti kanye nokunye kwezimali kukaMaziphathe kumele kucwaningwe minyaka yonke nguMncwaningi-Mabhuku Jikelele noma ifemu yabacwaningi-mabhuku evunywe nguMncwaningi-Mabhuku Jikelele."
- (b) ukumelwa kwesigatshana (2) yisigatshana esilandelayo:
- "(2) Uma kwethulwa umbiko wonyaka obalulwe esigabeni 21, uMaziphathe kumele naye ethule isiTatimende soNyaka weziMali esicutshunguliwe njengoba kubalulwe esigatshanyaneni (1) salowonyaka wezimali oqondene." kanye
- (c) nokwengeza izigatshana ezilandelayo:
- (3) Unyaka wezimali kaMaziphathe uqala mhlaka 1 Epreli kulowonyaka oqondene uphele mhlaka 31 Mashi wonyaka olandelayo.
- (4) Isitatimende sonyaka wezimali kumele sihambisane nezidingo zomthetho kazwelonke kanye nowesifundazwe ukuze kubikwe ngezimali kanye nokuziphendulela kumbandakanya uMthetho wokuPhathwa kweziMali zoMphakathi, 1999 (UMthetho No.29 ka 1999)."

Ukufakwa kwesigaba 25; 26; no.27; eMthethweni No. 11 ka 1996

- 21 IziGaba 25, 26 no 27 lapha zifakwa eMthethweni omkhulu:
"Ubudlelwano phakathi kukaMaziphathe noMasipala

- 25 (1) UMaziphathe kumele asungule inkundla nomasipala esiFundazweni

- ukwenza lula ukubambisana phakathi kukaMaziphathe nomasipala.
- (2) Inhloso yenkundla ukufeza izinhloso zikaMaziphathe kanye nokuthuthukisa ukusebenza ngokuyikho ngokususa ukuphindana kwemisebenzi yezokuvakasha esiFundazweni.
- (3) Inkundla ingasungula amakomidi amancane azobhekana nezindawo zokwethula ngokuhlanganyela futhi amakomidi amancane kumele abike kuMaziphathe kanye naseKomidini lokuVakasha lesiFundazwe elisungulwe esigabeni 34.
- (4) Inkundla kumele okungenani ihlangane kane ngonyaka.

Ubudlelwano phakathi kukaMaziphathe, iminyango kaHulumeni, izinto zomphakathi kanye neKomidi lokuVakasha lesiFundazwe

- 26 (1) UMaziphathe angasungula izivumelwano ezijwavelekile zokubambisana neminye iminyango kanye nezinto zomphakathi ezimisebenzi yazo ithinta intuthuko, ukukhangisa kanye nokudavisa ezokuvakasha ngaphakathi KwaZulu-Natali."
- (2) UMaziphathe kanye neKomidi lokuVakasha laKwaZulu-Natali kumele baqinisekise ukuthi bayabambisana ukuze kuzuze ukukhangisa ezokuvakasha KwaZulu-Natali.

Ukuthuthukiswa kwesu lezokuVakasha esiFundazweni

- 27 (1) UMaziphathe kumele athuthukise ukukhangisa ezokuvakasha ngonyaka, ukudavisa kanye nokuthuthukisa isu lesiFundazwe emva kokuthintana noNgqongqoshe, ikomidi lokuVakasha lesiFundazwe kanye nabanye ababambe iqhaza kwezokuvakasha;
- (2) Isu elibalulwe esigatshanyaneni (1) kumele lethulwe minyaka yonke ePhalamende ngesikhathi esinqunywe ngoNgqongqoshe.
- (3) Isu lokusebenza kumele liphothulwe emasontweni amabili ngaphambi kokuqala kwanoma yimuphi unyaka omusha wezimali;
- (4) Isu lokusebenza kumele lihlinzekele ngezinkomba ezicacile zezinhloso kanye nezinjongo zesikhathi sokuhlela, izinhlelo ezihlosiwe kanye namaqhinga namathuba nezidingo zikamasipala zokubamba iqhaza kwabazimele.
- (5) Isu lokusebenza kumele licacise ngemithwalo, izikhathi, izidingo zezimali, elizibekele khona kanye nezindlela zokuqapha ngaphakathi esiFundazweni."

Ukumelwa kwesaHluko 2 soMthetho 10 ka 1996

- 22 Isahluko 2 soMthetho omkhulu siyachitshiyelwa ngokushiya isaHluko 2 esikhona kanye nokumelwa kwaso yiseHluko esilandelayo:

ISAHLUKO 2

UNGGONGQOSHE WESOKUTHUTHUKISWA KOMNOTHO NEZOKUVAKASHA

UMGOMO WEZOKUVAKASHA WESIFUNDAZWE

- 28
- (1) Ungqongqoshe kumele athuthukise umgomo wesokuvakasha emva kokuthintana noMaziphathe kanye neKomidi lezokuVakasha lesiFundazwe ngokuhambisana namandla omthethosisekelo wesifundazwe ngaphakathi kohlaka lomthetho wezokuvakasha lukazwelonke.
 - (2) Amalungu oMkhandlu oPhethe esiFundazweni eminyango yawo ithinta umgomo wezokuvakasha esifundazweni, kumele kuthi ngenhloso yokuqinisekisa ukuhlanganisa umgomo nomthetho wezokuvakasha wesifundazwe, athole futhi acubungule ukuphawula kukaNggongqoshe ekuthuthukiseni imigomo kanye nomthetho wawo.

IziQondiso zoMgomo wezokuVakasha esiFundazweni

- 29
- (1) Ungqongqoshe kungathi ngokwesigatshana (2) ngesaziso kuGazethi akhiphe iziqondiso zomgomo kaNggongqoshe olungisa futhi wethule umgomo wokuvakasha wesifundazwe.
 - (2) Ngaphambi kokushicilelwa kwesaziso okukhulunywe ngaso kusigatshana (1), uNggongqoshe kumele ethule iziphakamiso zeziqondiso kuMaziphathe kanye nasekomidini lezokuVakasha lesiFundazwe.
 - (3) Uma uMaziphathe noma iKomidi lezokuVakasha lesiFundazwe lizichitha iziqondiso zomgomo, Ungqongqoshe kumele aphenandle kulokho kuchitha ngokubhala.

IMisebenzi yezokuVakasha esiFundazweni

- 30
- Imisebenzi yezokuvakasha esiFundazweni kumele ichazwe kumgomo wezokuvakasha kumbandakanya ngokungenamkhawulo izindawo ezilandelayo ezibalulekile
- (a) ukudayisela isiFundazwe ngezokuvakasha emhlabeni;
 - (b) ukudayisela isiFundazwe ngezokuvakasha kuzwelonke;
 - (c) ukuhlela, intuthuko kanye nokukhangisela isiFundazwe imikhiqizo yezokuvakasha;
 - (d) ukwethulwa kwemigomo yezokuvakasha kazwelonke neyesifundazwe;
 - (e) ukudayisa okuhlanganyele kanye nokuthuthukiswa kwemboni yezokuvakasha esiFundazweni;
 - (f) ukuqinisa ukuphathwa kwezinga embonini yezokuvakasha esifundazweni ngokusungula izindlela kanye namazinga kubagqogquzeli bezokuvakasha

kanye nezikhungo zokuvakasha, kumbandakanya ukubhaliswa, ukuhlelwa, ukwemukelwa, ukukleliswa, ilayisense kanye nokuthelisa imboni vezokuvakasha esifundazweni; kanye.

- (g) nanoma yimiphi eminve imisebenzi ekhonjwe emthethweni kazwelonke noma emigomweni yesifundazwe.

Ukwakhiwa kwemigomo yezokuvakasha yesiFundazwe kanye nekaMasipala.

- 31 Ikomidi lezokuVakasha lesiFundazwe elisungulwe ngokwezimiso zesigaba 34 kumele kuthi emva wokuthintana noMaziphathe, lithuthukise umgomo wezokuvakasha kamasipala wesiFundazwe.

Amandla kaNgqongqoshe okushaya umthetho

- 32 Ungqongqoshe kungathi emva kokuthintana neKomidi loMnyango, futhi nangesaziso kuGazethi enze iMithetho ezindabeni eziqondene-
- (a) nesimemo sokukhethwa ukuqokelwa kuMaziphathe wezokuVakasha KwaZulu-Natali;
 - (b) nezikhathi kanye nemibandela yokuqokelwa kwamalungu kaMaziphathe;
 - (c) nezimali kanye nezinkokhelo ezimile ezikhokhelwa usihlalo, iphini likasihlalo kanye namalungu kaMaziphathe;
 - (d) nezikhathi kanye nemibandela yokusetshenziswa kwabaxhumaninisi, izinkontileka kanye nochwepheshe nguMaziphathe;
 - (e) namandla, imisebenzi kanye nezibopho zabasebenzi bakahulumeni abadluliselwe kuMaziphathe;
 - (f) nokukhokhelwa kukaMaziphathe izimali kanye nokuhlomula okuqondile noma okungaqondile okuqhamuka kunoma yimiphi imisebenzi ehlinzekwe noma vagunyazwa uMaziphathe;
 - (g) nezinhlalo kanye nezindlela zokukala ukusebenza kukaMaziphathe;
 - (h) nanoma yiluphi udaba oludingekile noma oluqondene namandla, imisebenzi noma izibopho zikaMaziphathe
 - (i) nezinhlalo eziqondene nokubhalisa ukuhlelwa ukwemukelwa, ukukleliswa kwabagquguzeli bezokuvakasha, izikhungo zokuvakasha kanye nababambe iqhaza kwezokuvakasha esifundazweni, kumbandakanya unswinyo lokungahloniphi;
 - (j) nokubona amazinga kanye nokuphathwa kweqophelo kubagquguzeli bezokuvakasha, izikhungo zokuvakasha kanye nasembonini vezokuvakasha esiFundazweni;
 - (k) emva kokuthintana neKomidi lezokuVakasha lesiFundazwe noMaziphathe, isikhungo sikamasipala onamandla amakhulu, izakhiwo zasekhaya nezesifunda zokuvakasha ukuze kutholakale ukwethulwa komgomo kamasipala wezokuvakasha ngaphakathi kohlaka lwemigomo kazwelonke neysifundazwe yezokuvakasha kanye nokushaywa komthetho;
 - (l) emva kokuthintana neKomidi lezokuVakasha lesiFundazwe noMaziphathe, noma yimiphi umasipala ohlela aphinde abike ngezidingo zokuqinisekisa

- ukuthi imigomo kamasipala vezokuvakasha iyathuthukiswa iphinde yethulwe ngaphakathi kohlaka lwemigomo yokuvakasha kuzwelonke nasesifundazweni kanye nomthetho;
- (m) nezinhlaka zomgomo ekunikezweni kanye nasekulungisweni kwemisebenzi vezokuvakasha phakathi komasipala basekhaya nabesifunda;
- (n) nezivumelwano zokubambisana neminye iminyango kahulumeni noma impahla yomphakathi;
- (o) nezinyathelo zokwenza lula ukuba umphakathi ufinyelele olwazini lwemigomo vezokuvakasha esifundazweni, abagqunguzeli bezokuvakasha nezikhungo kanye nezinye izinhlelo zokuvakasha esifundazweni;
- (p) nanoma yimuphi umsebenzi, isibopho noma uhelo olusemthethweni wezokuvakasha kuzwelonke ukuba lwethulwe ezingeni lesifundazwe;
- (q) nemihlangano kanye nendlela yokusebenza kweKomidi lezokuNakasha lesiFundazwe elisungulwe esigabeni 34;
- (r) nanoma viluphi olunye udaba oludingekile noma olwelekelela intuthuko, ukuhlanganisa kanye nokwethula imigomo kazwelonke nevesifundazwe vezokuvakasha esifundazweni noma izinhloso saloMthetho; kanye.
- (s) nanoma viluphi olunye udaba oludingekile ekwathulweni kwezinhlinzeko zaloMthetho."

Ukufakwa kwezaHluko 3 no 4 eMthethweni No. 11 ka 1996

23 IZAHLUKO EZILANDELAYO LAPHA ZIFAKWA EMTHETHWENI OMKHULU:

ISAHLUKO 3

OMASIPALA

Imigomo vezokuVakasha kaMasipala

- 33 oMasipala banomthwalo wokuthuthukisa kanye nokwethula imigomo vezokuvakasha ezindaweni abaziphethe ngaphakathi kohlaka loMthethosisekelo, uMthetho wezaKhiwo zoMasipala, 1998 (Umthetho no 117 ka 1998) kanye nemigomo kazwelonke nevesifundazwe vezokuvakasha nomthetho.

Ukusungulwa kweKomidi lezokuVakasha lesiFundazwe

- 34 UNggongqoshe kungathi ngesaziso kuGazethi asungule iKomidi lezokuVakasha lesiFundazwe elibunjwe abamele umasipala onamandla amakhulu, omasipala basekhaya kanye nabesifunda esifundazweni.

Ukubunjwa kweKomidi lezokuVakasha lesiFundazwe

- 35
- (1) **Ikomidi lezokuVakasha lesiFundazwe libunjwe -**
 - (a) **Oyedwa omele umphakathi ovela kumasipala onamandla amakhulu ngamunye kanye nomasipala wesifunda esiFundazweni oyokhethwa eqhamuka eKomidi lezokuThuthukiswa koMnotho kanye nokuHlela noma ekomidi elifana nelikamasipala lamakhansela eliqondene nezokuvakasha ngaphakathi kukamasipala onamandla amakhulu ngamunye noma indawo kamasipala wesifunda;**
 - (b) **izimenenja zomasipala besifunda ngasinye kanye nomasipala onamandla amakhulu esiFundazweni.**
 - (c) **isiPhathimandla esikhulu esiPhethe uMaziphathe**
 - (d) **usiHlalo noma iphini likasihlalo kaMasiphathe; kanye**
 - (e) **neNhloko voMnyango.**
 - (2) **UNggongqoshe kungathi emva kokuthintana neKomidi lezokuVakasha lesiFundazwe ameme izinhlangothi ezinothando ukuba zihambele umhlangano weKomidi lezokuVakasha lesiFundazwe elincane.**

Zinhloso kanye neMithwalo yeKomidi lezokuVakasha lesiFundazwe

36 **Zinhloso kanye nemithwalo yeKomidi lezokuVakasha lesiFundazwe:**

- (a) **ukuhlanganisa ukwakhiwa komgomo wezokuvakasha wesifundazwe nomasipala;**
- (b) **ukwelekelela omasipala ukuthuthukisa imigomo vezokuvakasha ngaphakathi kohlaka lemigomo yokuvakasha kazwelonke neyesifundazwe nomthetho;**
- (c) **Ukwakha izindlela kanye nezinhlelo zokubhekela ukwethulwa komgomo wezokuvakasha wesifundazwe ezingeni likamasipala; kanye**
- (d) **nanoma yimuphi omunye umsebenzi noma isibopho esikuloMthetho.**

Imihlangano yeKomidi lezokuVakasha lesiFundazwe

37 **Ungqongqoshe kumele abize imihlangano yeKomidi lezokuVakasha lesiFundazwe izikhathi ezingekho ngaphansi kwezine ngonyaka.**

Imisebenzi vezokuVakasha kaMasipala:

- 38
- (1) **Umasipala ngaphakathi kwesiFundazwe unomthwalo wezokuvakasha zasekhaya zendawo ayiphethe.**
 - (2) **Imisebenzi vezokuvakasha kaMasipala imbandakanya ngokungenamkhawulo izindawo ezilandelayo -**
 - (a) **ukuqapha abagquguzeli bezokuvakasha zasekhaya kanye**

- (b) nezikhungo ukuba zihambisane nemigomo yesifundazwe nomthetho; ukukhangisa, ukudavisa ukuthuthukisa kwezokuvakasha zasekhaya kumasipala onamandla amakhulu noma indawo kamasipala wesifunda;
 - (c) ukuqondisa ukudavisa ezokuvakasha zasekhaya ngamasu okudavisa ukuvakasha esifundazweni;
 - (d) ukwenza lula ukubamba iqhaza kwemiphakathi yendawo embonini yezokuvakasha;
 - (e) ukutholakala kokusatshalaliswa kwemithombo endaweni kamasipala onamandla amakhulu, omasipala basekhaya nabesifunda;
 - (f) ukwamukela izindlela nezinhlelo zokuguqula imboni yasekhaya yezokuvakasha, kumbandakanya ukubhekela abesifazane nosomabhizinisi abancane, abaphakathi nendawo kanye nabakhulu;
 - (g) ukwethula umgomo wezokuvakasha wesifundazwe ngokubambisana noMaziphathe; kanye
 - (h) nanoma yimiphi eminye imisebenzi ebalulwe kwimigomo kazwelonke noma yesifundazwe noma emthethweni.
- (3) OMasipala besiFundazwe kumele baqinisekise ukuthi imigomo yezokuvakasha zasekhaya iyathuthukiswa futhi ivethulwa ngaphakathi kwezinhlelo futhi iyahambisana nemigomo yokuvakasha kazwelonke neyesifundazwe kanye nomthetho.
- (4) OMasipala ngeke bathuthukisa noma bethule imigomo yezokuvakasha ngendlela ekhinyabeza izifiso zomunye umasipala esiFundazweni noma isiFundazwe.
- (5) OMasipala kumele bahambisane nezidingo zokuhlela nokubika ezibekwe kwimigomo noma emthethweni wezokuvakasha kazwelonke neyesifundazwe.

IS AHLUKO 4

ABAGQUGUZELI BEZOKUVAKASHA, IZIKHUNGO ZOKUVAKASHA KANYE NABANYE ABABAMBE IQHAZA KWEZOKUVAKASHA

Imisebenzi yabaGquguzeli bezokuVakasha, izikhungo kanye nabanye ababambe iqhaza

- 39
- (1) Wonke umgquguzeli wezokuvakasha womphakathi noma ozimele, izikhungo zokuvakasha kanye nanoma yimuphi omunye obambe iqhaza embonini yezokuvakasha esiFundazweni kumele ahambisane-
- (a) nomthetho kazwelonke nowesifundazwe kanye nemigomo ebusa imibandela namaqophelo okusebenza kwabo;
 - (b) umgomo wezokuvakasha wesifundazwe; kanye
 - (c) iziqondiso zokuvakasha zesifundazwe ezikhishwe nguNgqongqoshe ngokwezimiso zaloMthetho, kuhliinzelwe ukuthi leziqondiso azixambukeli emalungeleni abagquguzeli bezokuvakasha abazimele kanye nezikhungo ukuze bagxile kwezomnotho njengoba

kucatshangwa uMthethosisekelo.

- (2) **Abagqunguzeli bezokuvakasha bomphakathi noma abazimele, izikhungo zokuvakasha kanye nanoma yimuphi omunye obambe iqhaza kwezokuvakasha esiFundazweni angeke enza imisebenzi yakhe ngendlela ekhinyabeza imboni yezokuvakasha esiFundazweni."**

Isihloko esifinqiwe kanye nokuQalisa

- 23 (1) **LoMthetho uMthethosichibivelo kaMaziphathe wezokuVakasha kwaZulu-Natali, 2002 futhi uyoqala ukusebenza ngosuku oluyonqunywa nguNggongqoshe kuGazethi.**
- (2) **UNggongqoshe angabeka izinsuku ezahlukene zokuqala kwezigaba ezahlukene zaloMthetho.**