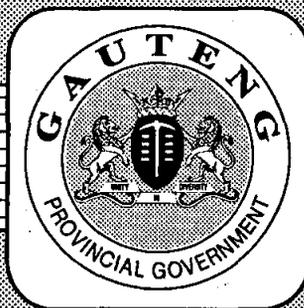


THE PROVINCE OF
GAUTENG



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No. 513

GENERAL NOTICE

NOTICE 1830 OF 1998

GAUTENG TRANSPORT FRAMEWORK BILL

The Gauteng Provincial Legislature proposes to introduce the abovementioned Bill in the Gauteng Legislature on or about 25 August 1998.

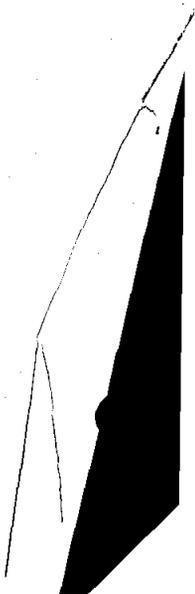
The purpose of the Bill is to provide a framework for the integrated planning and provision of the transport system in the Province; in the establishment of transport authorities and transport funds; the administration and utilisation of the province land transport fund; the preparation of integrated transport plans; and to provide for matters connected therewith.

Persons who wish to comment on the Bill may send their comments before 17 August 1998 to:

The Legislature Secretary
Gauteng Provincial Legislature
Private Bag X52
MARSHALLTOWN

2107

Copies of the Gauteng Provincial Gazette may be obtained from the Provincial Government, 5th Floor, 30 Simmonds Street, JOHANNESBURG.



GAUTENG TRANSPORT FRAMEWORK BILL

27/05/1998

BILL

To provide a framework for the integrated planning and provision of the transport system in the Province; the establishment of transport authorities and transport authority funds; the administration and utilisation of the province land transport fund; the preparation of integrated transport plans; and to provide for matters connected therewith.

Be it enacted by the Provincial Legislature of Gauteng, as follows:

Chapter 1

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1. **Definitions**

In this Act, unless the context indicates otherwise—

"Board" means the Gauteng Transport Permit Board responsible for issuing permits and permissions;

"concession" means an agreement to operate or construct, rehabilitate or maintain the assets of a public transport service on a rail line or network in terms of a public transport strategy of an integrated transport plan at an agreed price and service level;

"concessionary fares" means a fare determined by a transport authority for a special category of passenger for travel on public transport services specified in a public transport strategy of an integrated transport plan and provided in terms of a commercial service contract, a subsidised service contract or a concession;

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

"Department" means the department in the Gauteng Provincial Administration responsible for transport affairs;

"framework" means an outline or skeleton which provides the structure and form around which a plan or policy or strategy is constructed;

"Fund" means a national land transport fund established in terms of any national legislation;

"infrastructure" means the stock of fixed capital equipment and facilities in the transport system;

"integrated transport plan" means a plan produced by a transport authority for its transport area through a prescribed process and relating to the regulation, provision, use and management of transport infrastructure, operations and services by both operators of public transport and private travellers;

"land transport" means the movement of persons and goods on land by any means and the infrastructure facilitating such transport;

"MEC" means the Member of the Executive Council responsible for transport in the Province;

"Minister" means the Minister of Transport;

"motor vehicle" means a motor vehicle as defined in the Road Traffic Act, 1989 (Act No. 29 of 1989);

"local government" means any form of local government contemplated in Chapter 7 of the Constitution, the Local Government Transition Act, 1993 (Act No. 209 of 1993) and any other applicable law;

"metropolitan council" means a transitional metropolitan council as defined in Section 10B of the Local Government Transition Act, 1993 (Act No. 209 of 1993);

"National Qualifications Framework" (NQF) means the National Qualifications Framework defined in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);

"permission" means the authority to operate public transport by road issued by a provincial permissions board;

"permit" means a public road carrier permit issued in terms of the Road Transportation Act, 1977 (Act No. 74 of 1977) or similar legislation;

"prescribed" or "prescribed by regulation" means prescribed by the MEC by regulation in the Gazette;

"Province" means the province of Gauteng;

"provincial land transport fund" means any provincial land transport fund established in terms of national legislation;

"Gazette" means the Government Gazette and includes the Gauteng Provincial Gazette;

"provincial transport framework" means a provincial transport framework contemplated in section 19;

"provincial transport co-ordination plan" means a provincial transport co-ordination plan contemplated in section 20;

"public transport" means any service for the carriage of passengers by road or rail where the service is provided for a fare or other reward;

"services council" means a services council as described in section 10 of the Local Government Transition Act, 1993 (Act No. 209 of 1993);

"subsidised service contract" means an agreement to operate public transport services on a route or network in terms of a public transport strategy of an integrated transport plan under which the public transport operator is remunerated partly by passenger fares and partly from financial support in terms of a tendered contract;

"this Act" includes any regulations made thereunder;

"transport area" means an area identified by the MEC as a transport area and promulgated by the MEC in the Gazette in terms of section 6;

"transport authority" means an authority designated by a MEC as contemplated in section 7;

"transport authority fund" means a fund established for a transport authority as contemplated in section 15;

CHAPTER 2

POWERS AND DUTIES OF THE MEC

2. Powers of the MEC

The MEC may-

- (1) develop, and by notice in the Gazette, make known the provincial transport policy including *inter alia*—
 - (a) the Province's vision in relation to transport;
 - (b) objectives to be pursued to achieve the Province's vision; and
 - (c) statements on the course of action the Province will adopt to achieve its objectives.
- (2) establish communication and liaison structures and mechanisms to ensure a co-ordinated approach to the provision of transport infrastructure and services by all authorities, bodies and institutions concerned.
- (3) finance and undertake transport research and demonstration projects.
- (4) In order to achieve the objects of this Act, the MEC may, either alone or in collaboration with any transport authority or local government or any other person or institution, cause investigations to be carried out, institute any inquiry or cause any inquiry to be instituted or collect information.
- (5) investigate and take any action on matters which have or are likely to have an effect on the transport system in the Province, including but not limited to—
 - (a) the movement of persons and goods in that area;
 - (b) the existing and the planned transport infrastructure in that area;
 - (c) the sensitivity of the natural environment to transport development;
 - (d) integrated transport planning;
 - (e) economic and land use planning;
 - (f) the basis on which transport should be funded in the area.
- (6) after obtaining the consent of the MEC responsible for transport in the neighbouring province, investigate the transport characteristics of a neighbouring area which may have or be likely to have an effect on the Province's transport system.
- (7) after consultation with transport authorities and with the concurrence of the MEC responsible for finance, impose levies for transport demand management purposes.
- (8) collect, distribute and disseminate information in connection with related transport matters in the Province, including data required for the annual assessment of criteria to measure performance, reflecting the progress in implementing national and provincial policies.
- (9) refer proposals for education and training programmes to the Minister for alignment with the National Qualifications Framework.
- (10) publish information and promote specific aspects of transportation in the Province.
- (11) develop guidelines on public participation in the transport planning process.
- (12) enquire into any matter falling within the objects of this Act;
- (13) perform any other task which falls within the objects of this Act.

3. Duties of the MEC

The MEC must-

- (1) give effect to the approved provincial transport policies as amended from time to time.
- (2) where appropriate, promote the implementation of its policies within the spheres of other government bodies.
- (3) co-ordinate and monitor transport planning, the provision of transport infrastructure and the rendering of public transport services that affects the Province by all relevant authorities and institutions.

4. Delegation

The MEC may delegate or assign any power or duty conferred or imposed upon him or her to any transport authority or the Head of the Department, except the power to make regulations.

5. Transport regulations

(1) The MEC may

- (i) make regulations with respect to the matters contemplated in this Act including, but not limited to-
 - (a) the manner in which transport authorities may carry out their powers and duties;
 - (b) the form and manner in which integrated transport plans and annual reports by the transport authority are to be prepared;
 - (c) the implementation and monitoring of integrated transport plans;
 - (d) the collection of data and information regarding transport;
 - (e) the establishment and maintenance of an integrated information system;
 - (f) factors of provincial concern to be taken into consideration in the preparation of an integrated transport plan;
 - (g) the co-ordination of rail, bus and taxi transport planning and road and rail networks throughout the Province;
 - (h) the integration of public transport modes and services;
 - (i) providing for the collaboration between transport authorities or local government in producing integrated transport plans or undertaking joint projects, and the joint funding of these plans and projects;
 - (j) providing for the publication of integrated transport plans and public participation procedures to be undertaken in preparing, revising or updating these plans;
 - (k) the application of measures to prevent damage to roads from over-loaded vehicles;
 - (l) the regulation and control of public transport;
 - (m) road safety standards;
 - (n) the design, provision, maintenance and operation of transport infrastructure and the regulation of its use;
 - (o) the establishment of communication and liaison structures and mechanisms;
 - (p) the co-ordination of and collaboration between law enforcement agencies in the local and provincial spheres of government;
 - (q) levies as set out in section 17;
 - (r) the fees and travelling allowances, if any, to be charged or paid in respect of any act

- required or authorised to be done under this Act;
- (s) the oversight and management of public transport subsidies and other financial support systems for public transport;
 - (t) the integration of transport and land use including the development and promotion of particular transport corridors and nodes;
 - (ii) make different regulations for different transport areas or parts thereof in the Province.
 - (iii) make regulations pertaining to norms and standards for transport in the Province.
 - (iv) make regulations on provincial requirements regarding any other matter which in the opinion of the MEC is necessary or expedient for carrying out the provisions and objects of this Act.
- (2) Regulations made under this section may prescribe penalties not exceeding those specified under section 24 for a contravention thereof or a failure to comply therewith.

CHAPTER 3

TRANSPORT AREAS AND AUTHORITIES

6. Transport areas

- (1) The MEC, after consultation with local government, must sub-divide the Province into transport areas which shall be-
 - (a) a declared metropolitan or services council administrative area; or
 - (b) a combination of two or more metropolitan and/or services council administrative areas.
- (2) The transport areas so identified shall be promulgated in the Gazette.
- (3) The MEC, in consultation with the metropolitan or services council concerned, must take into account the transport-related provisions on the designation of metropolitan council areas as stipulated in section 10C of the Local Government Transition Act 1993 (No. 209 of 1993), when determining a combination of metropolitan and/or services council administrative areas to serve as a transport area.

7. Designation of transport authorities

- (1) The MEC may, in agreement with the local government concerned, by notice in the Gazette, designate the following as a transport authority for a transport area :
 - (a) a metropolitan or services council in that transport area; or
 - (b) a combination of metropolitan and/or services councils in that transport area; or
 - (c) a separate legal entity specifically established by the metropolitan/services council(s) concerned for the purpose of being a transport authority.
- (2) The MEC may make regulations concerning the structure and operations of the separate legal entity referred to in section 7(1)(c).
- (3) Where more than one metropolitan or services council have been designated as a transport authority for a specific transport area under subsection (1)(b), the metropolitan and/or services councils concerned must reach agreement as to how the powers and duties set out in sections 9 and 10 shall be jointly managed and undertaken, subject to regulations made by the MEC; failing such agreement the MEC may provide directives as to how the joint exercise of functions is to take place.
- (4) The fact that a metropolitan or services council or councils have not been designated as a transport authority under this section shall not exempt it from carrying out the transport functions assigned to it by the Constitution, the Local Government Transition Act, 1993 (Act No. 209 of 1993) and any other

applicable law and specifically the functions contemplated in section 10(1)(a), (b) and (c).

(5) If a transport authority is not established in terms of subsection (1) for a particular area, the Province may carry out the functions of a transport authority which are not being carried out in respect of the area.

8. Withdrawal or amendment of notices designating transport authorities

The MEC may withdraw or amend any notice designating a transport authority, after consultation with the transport authority and local government concerned and after giving the prescribed written notice.

9. Powers of transport authorities

(1) A transport authority may

- (a) negotiate fare structures, fare levels, and concessionary fares for special categories of public transport passengers and the periodic adjustment of fares with operators of subsidised services;
- (b) undertake travel demand management;
- (c) take measures to enhance public transport security;
- (d) prepare tender specifications and call for, evaluate and award tenders for contracted public transport services, provided that the award of tenders shall be subject to the appropriate tender procedures;
- (e) promote integrated ticketing systems and the control of revenue sharing amongst relevant operators;
- (f) designate a technical department from the relevant metropolitan or services council or from any other local government falling within the transport authority area, to perform the technical functions of the transport authority;
- (g) establish an independent entity as a transport executive to perform the technical functions of the transport authority.

(2) A transport authority may enter into an agreement with a local authority, person or institution, whether inside or outside its transport area, in terms of which-

- (a) the transport authority undertakes on behalf of that authority, person or institution to exercise a power or perform a duty which that authority, person or institution may exercise or is obliged to perform;
- (b) that authority, person or institution undertakes to exercise or perform on behalf of the transport authority any function or duty of a transport authority or part thereof under this Act;

(3) A transport authority may, with the consent of the MEC, delegate any power conferred on it by this Act to any member or officer of the authority, or of local government which forms part of the transport authority.

(4) A transport authority may investigate any matter falling within the scope of this Act in its transport area and in any area outside of its transport area, with the consent of the transport authority concerned.

(5) A transport authority may let to any person the unoccupied part of land or any building which it has acquired from its fund and shall pay the net proceeds thereof into its fund.

(6) Where public transport facilities are situated on private property, the transport authority may control the use of the facilities after consultation with the property owner.

(7) A transport authority may perform any act necessary to enable it to fulfil its functions in terms of this

Act, as well as any act incidental or ancillary to, or consequential upon, this act.

- (8) The MEC may intervene by taking any appropriate steps to ensure fulfilment of any function of a transport authority, including him or herself exercising or performing the function or causing it to be exercised or performed, and in that case any moneys payable from the national or provincial land transport funds to that transport authority may be utilised by the MEC for the purpose for which they were intended, and the MEC may recover from that authority any cost for which it may be liable.

10. Duties of transport authorities

- (1) Every transport authority must take responsibility for-
- (a) the development of local transport policies which are in line with the provincial transport policy;
 - (b) the preparation of integrated transport plans, dealing with all transport modes including transport strategies, and implementation, maintenance and operational programmes and budgets;
 - (c) the implementation of integrated transport plans;
 - (d) maintaining liaison with relevant authorities;
 - (e) the administration and management of the transport authority fund;
 - (f) making recommendations to the Board and/or the Department on routes, ranks, termini, permits, permissions, contracts and concessions in accordance with its integrated transport plan;
 - (g) the monitoring of public transport operations;
 - (h) the management of the transport system;
 - (i) the development, implementation and monitoring of a strategy directed at the impact of land transport on the environment;
 - (j) the regulation and management of movement of persons, goods and services;
 - (k) the co-ordination of regulation and collaboration between enforcement agencies in respect of traffic and transport matters;
 - (l) the application of traffic management techniques aimed at improved traffic movement;
 - (m) the development, maintenance and operation of a transport information system in collaboration with the MEC;
 - (n) the application of measures to prevent damage to roads from overloaded vehicles;
 - (o) the marketing, promotion and publicity associated with the provision of transport services;
 - (p) providing public transport information for existing and potential passengers;
 - (q) public consultation, participation or involvement through hearings, workshops and other media to ensure communication with communities and operators;
- (2) Every transport authority must prepare an annual report for the MEC as prescribed, who must table it in the Provincial Legislature.

11. Agreements with neighbouring provinces and authorities

Where cross provincial border traffic or development in a neighbouring province impacts on transport in Gauteng, the MEC may facilitate an agreement regarding the joint exercise of functions between Gauteng transport authorities and authorities in neighbouring provinces, after consultation with the MEC responsible for transport in the neighbouring province and affected transport authorities.

12. By-laws

- (1) A transport authority may, subject to section 12 (2), in accordance with any applicable approved integrated transport plan make by-laws to:
 - (a) regulate the size, class, mass or number of motor vehicles that may enter any specified portion of its transport area and determine the time or times when any class of vehicle may enter any portion;
 - (b) regulate or prohibit the entry of any class of motor vehicle in any portion during any specified period;
 - (c) prohibit the loading or off-loading of goods motor vehicles in any portion during any specified period or periods, and determine the time or times when loading or off-loading may take place;
 - (d) regulate or prohibit the provision of parking places for vehicles in any building or premises in any portion during any specified period;
 - (e) regulate the conduct of drivers of public transport vehicles;
 - (f) regulate the provision and use of public transport facilities;
 - (g) regulate any other matter to further the objects of this Act.
- (2) Where a transport authority has been designated in terms of section 7(1)(b) or (c), the transport authority may request the relevant municipalities to make the relevant by-laws.
- (3) By-laws made under this section may prescribe penalties not exceeding those specified under section 24 for the contravention thereof or a failure to comply.

CHAPTER 4

**ADMINISTRATION AND UTILISATION OF THE PROVINCIAL LAND
TRANSPORT FUND AND ESTABLISHMENT OF TRANSPORT FUNDS
FOR TRANSPORT AUTHORITIES**

13. Administration of provincial land transport fund

- (1) Any provincial land transport fund established by national legislation shall be administered by the MEC.
- (2) Cash balances in such a fund not required for immediate purposes shall be invested in the manner prescribed by regulation.
- (3) The MEC must keep proper accounts of all monies accruing to or paid out of such a fund, which must be audited by the Auditor-General.

14. Utilisation of provincial land transport fund

- (1) The MEC may expend the money in the provincial land transport fund for:
 - (a) appropriations to transport authorities as he or she considers necessary to further provincial transport goals and objectives and to supplement the transport funds of the authorities, and may allocate the money so appropriated to the authorities;
 - (b) payments in terms of interim, tendered or subsidised service contracts and concessions or any other subsidy agreement;
 - (c) assisting special categories of passengers to defray the cost of public transport;
 - (d) the payment of a contribution towards the costs of the provision and maintenance of transport

infrastructure;

- (e) defraying the costs of road safety programmes;
- (f) defraying the costs of the introduction of new technology or systems;
- (g) defraying the cost of demonstration or pilot projects;
- (h) defraying the cost of establishing and maintaining training and information centres;
- (i) defraying the cost of developing and maintaining data bases and information systems;
- (j) defraying the cost of transport-related projects, studies and research necessary for the Province to fulfill its functions;
- (k) defraying the costs of the administration of the provincial land transport fund;
- (l) any other purpose to achieve the objects of this Act.

(2) The MEC may make grants from the provincial land transport fund to any transport authority for it to carry out its powers and duties.

15. Establishment of transport funds for transport authorities

- (1) A transport fund must be established following authorisation by national legislation for each designated transport authority into which must be paid-
 - (a) monies appropriated by the MEC for these funds in terms of section 14;
 - (b) interest on invested cash balances belonging to the funds;
 - (c) any other monies received by the transport authority from supplementary national or provincial government transport grants in terms of or for the purposes of this Act;
 - (d) money appropriated by Parliament or the Provincial Legislature and allocated for subsidising public transport.
 - (e) fuel levies for transport allocated to local government in the transport area;
 - (f) all money received by transport authorities from levies under section 17;
 - (g) money granted by local government whose area of jurisdiction is part of the transport area in question;
 - (h) any other money accruing to the fund or received by the transport authority from any other source.
- (2) As part of the annual submission of its integrated transport plan or its update, the transport authority must include a budget for its fund for approval by the MEC. The transport authority may not make any payment from the fund, except in accordance with the approved budget or with the prior approval of the MEC.
- (3) The transport authority must administer its fund and must defray from it all expenditure incurred in connection with the exercise or performance of the powers or functions of the authority in terms of this Act or the regulations made thereunder.
- (4) A transport authority may invest monies in its fund not immediately required in the manner prescribed.
- (5) Transport authorities must keep proper accounts of all monies accruing to or paid out of their funds, and the accounts must be audited by the Auditor-General.

16. Utilisation of transport funds by transport authorities

- (1) A transport authority must, in terms of its approved budget, use the fund to-
 - (a) meet contractual obligations, defray the cost of preparing and implementing its integrated transport plan or carry out any other power or duty listed in sections 9 and 10;
 - (b) pay the costs of the administration of its fund.

- (2) A transport authority may, with the prior approval of the MEC, defray the cost of any other matter related to transport in its transport area from the fund.

17. Charges by transport authorities

- (1) A transport authority may from time to time, in accordance with its approved integrated transport plan, impose travel demand management charges which may differ within the transport area, on-
- specified classes of motor vehicles entering specified portions of its transport area at specified times;
 - land, buildings or other developments that generate traffic in the transport area, except in so far as they are used or intended for private dwelling purposes and;
 - the parking of motor vehicles in any buildings or on any land in specified portions of the transport area under its jurisdiction;
 - parking places for motor vehicles in the portions specified under (c);
 - places where goods are off-loaded from or loaded onto motor vehicles in the portions specified under (c);

18. Loans by transport authorities

A transport authority may take a loan to assist in the implementation of the approved integrated transport plan. A loan taken for this purpose must-

- have the prior approval of the MEC;
- be reflected in the budget.

CHAPTER 5

TRANSPORT PLANNING

19. Preparation of provincial transport framework

- The Department must, after consultation with the MEC responsible for development planning, prepare a provincial transport framework.
- The provincial transport framework shall guide transport authorities and must contain:
 - a long term vision of road and rail transport in the Province;
 - provincial transport policy;
 - a description of the approach to be followed in achieving the long term vision;
 - a description of the status quo of transport in the province in terms of key performance indicators;
 - a description of measures of how transport and land use are to be integrated;
 - any other related matters.

20. Preparation of a provincial transport co-ordination plan

- The Department must prepare a provincial transport co-ordination plan every five years and update the plan annually, in accordance with regulations.

- (2) The provincial transport co-ordination plan must take into account any existing integrated transport plans which have been prepared by transport authorities in the Province as well as planning by other relevant authorities.

21. Preparation of integrated transport plans

- (1) Each transport authority must prepare an integrated transport plan every five years and update the plan annually, in accordance with regulations.
- (2) An integrated transport plan shall consist of a long term and short term component which is consistent with the provincial transport framework and provincial transport co-ordination plan;
- (3) Each transport authority must submit annually an integrated transport plan or its update to the MEC for approval and the approval shall be published in the Gazette in accordance with regulations.
- (4) An integrated transport plan must address the transport needs of disabled people, the elderly, the frail and scholars.

22. Integrating transport and land use procedures

In undertaking transport planning procedures, transport authorities shall take into account general principles set out in the Gauteng development planning legislation. Transport authorities must specifically ensure the co-ordination between land development objectives and the integrated transport plan. In developing the integrated transport plan, consideration must be given to the likely effect of transport policy decisions on land use and development. Integrated transport plans must be consistent with all applicable short and long-term land use and development plans prepared by other agencies. There must also be consistency between the integrated transport plan and the transport development chapters of integrated development plans prepared in terms of section 10D(4)(b)(i) and (ii), item 3 of Schedule 2 and item 2 of Schedule 2A of the Local Government Transition Act, 1993 (Act No. 209 of 1993).

23. Information requirements and reporting systems

The Department in collaboration with local government must develop and maintain an integrated and uniform information reporting system to accumulate information relevant to the objects of this Act.

CHAPTER 6

GENERAL PROVISIONS

24. Penalties

Any person convicted of an offence under this Act shall be liable to a fine not exceeding R100 000 or to imprisonment for a period not exceeding two years or to both a fine and imprisonment.

25. State bound

Save as expressly or by implication provided by this Act, the provisions of this Act and the regulations, rules and requirements made thereunder shall bind the State.

26. Short title and commencement

- (1) This Act shall be called the Gauteng Transport Framework Act, 1998, and shall come into effect on a date determined by the Premier by proclamation in the Gazette.
- (2) Different parts or sections of this Act may be brought into effect on different dates, or in respect of different areas.

DRAFT GAUTENG TRANSPORT FRAMEWORK BILL

Memorandum in terms of Rule 137 of the Standing Rules of the Gauteng Provincial Legislature.

1. REASONS FOR THE BILL

The Gauteng Department of Transport and Public Works is developing a suite of legislation relating to transport matters. The main purpose of the Bill is to provide an overall framework for transport in the Province.

The National Land Transport Bill, which is expected to be passed during 1999, provides for both national and provincial matters, and the Bill will thus partially replace the provincial matters provided for in the National Bill.

Gauteng considered it important to ensure that particular matters were dealt with in a certain manner peculiar to this province, such as:

- a clarification of the list of powers and duties of the MEC;
- a different system of identifying transport areas and designating a metropolitan or a services council as a transport authority for that area;
- an emphasis on the co-ordination role of the provincial transport co-ordination plan;
- a different approach to the preparation and approval of integrated transport plans; and
- removal of unnecessary duplication in clauses as found in the National Land Transport Bill.

2. ENVIRONMENTAL IMPACT

The Bill specifies that transport authorities must take responsibility for the environmental impact of transport development as specified in clause 10(1)(i). Further, the requirements of environmental legislation will be adhered to by transport authorities.

3. FINANCIAL IMPLICATIONS OF THE BILL

The financial implications of the Bill will be provided for under the normal budget of the Gauteng Department of Transport and Public Works.

4. COMMENTS RECEIVED AND SOLICITED

Drafts of the Bill have been discussed at two workshops held with the Transportation Co-ordination Committee (TCC). The TCC comprised of representatives from the following bodies:

- The six metropolitan/services councils in the Province
- Department of Development Planning and Local Government
- Department of Education
- Department of Housing
- South African Rail Commuter Corporation
- Metrorail
- Department of Transport and Public Works (Gautrans)

Further, the issues involved have been considered in various fora including consultative conferences held in 1994 and 1995, full TCC meetings, and other in depth discussion meetings with individual metropolitan/services councils.

5. CLAUSE-BY-CLAUSE EXPLANATION

- c1: Certain words which have been used in this Bill are defined in this section.
- c2: This clause sets out the powers which the MEC responsible for transport may exercise in terms of this Bill.
- c3: The particular duties of the MEC have been set out in this clause. The duties have been kept to a minimum and rather the powers of the MEC under clause 2 have been made more extensive.
- c4: The MEC may delegate powers and duties in terms of this clause except the power to make regulations.
- c5: This clause covers the various categories of regulations which the MEC may make. The list includes regulations related to this Bill as well as other bills being drafted in the overall suite of transport legislation.
- c6: The MEC will sub-divide the Province into transport areas. The areas so identified will correlate to metropolitan or services councils boundaries. This process will be done in consultation with local government.
- c7: A transport authority will, in agreement with local government, be designated for each transport area. It may be either a metropolitan/services council or a combination of them or a separate legal entity established by a metropolitan/services council for the purpose of being a transport authority. If a transport authority is not established for an area then the Province may carry out the functions of a transport authority for that area.

- c8: The notice designating the transport authority may be withdrawn by the MEC after consultation with local government concerned.
- c9: The various powers of the transport authorities are set out in this clause. A transport authority may establish a separate transport executive to perform the technical functions of the authority or designate a technical department from the local government in the area to perform the technical functions.
- c10: The transport authority must take responsibility for a wide range of duties listed in this clause.
- c11: The MEC may facilitate agreements with neighbouring provinces when transport matters in other provinces affect Gauteng.
- c12: A transport authority may make by-laws relating to the regulation of vehicles entering an area, the regulation of parking, conduct of drivers of public transport vehicles, provision and use of public transport vehicles, etc.
- c13: The Provincial Land Transport Fund is established in terms of the National Land Transport Fund. This clause describes how the Fund must be administered.
- c14: This clause sets out the manner in which the Provincial Land Transport Fund must be used. It also makes grants to transport authorities from the Fund.
- c15: This clause establishes a transport fund for each transport authority. A transport authority must include the budget for the fund in its annual submission of its integrated transport plan.
- c16: Each transport authority fund may be used to implement its integrated transport plan, meet contractual obligations and pay the costs of administering the fund.
- c17: Transport authorities may impose traffic demand management charges in its transport area.
- c18: Transport authorities may take loans in terms of this section with the prior approval of the MEC.
- c19: This clause specifies that a provincial transport framework must be prepared by Gautrans and it outlines the content of the transport framework.
- c20: Gautrans must prepare a provincial transport co-ordination plan every five years and update it annually. The co-ordination plan must take into account existing integrated transport plans.
- c21: This clause specifies that integrated transport plans must be produced by transport authorities every five years and updated annually.
- c22: This clause sets out procedures concerning the integration of transport and land use planning.

- c23: Certain information requirements and reporting systems are outlined in this clause.
- c24: This clause provides for penalties.
- c25: This clause provides that the provisions of this Bill and its related regulations shall bind the State.
- c26: This clause deals with the short title and date of commencement.

KENNISGEWING 1830 VAN 1998**GAUTENGSE WETSONTWERP OP VERVOERRAAMWERK**

Die Gautengse Provinsiale Wetgewer is voornemens om bogenoemde Wetsontwerp op of teen Augustus 25 1998 in die Gautengse Wetgewer in te dien.

Die doel van die Wetsontwerp is om 'n raamwerk daar te stel vir die geïntegreerde beplanning en verskaffing van die vervoerstelsel in die Provinsie; die instelling van vervoerowerhede en vervoerfondse; die administrasie en aanwending van die provinsiale landvervoerfonds; die opstel van geïntegreerde vervoerplanne; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

Persone wat op die Wetsontwerp kommentaar wil lewer, kan hul kommentaar voor Augustus 17 stuur aan:

Die Sekretaris van die Wetgewer
Gautengse Provinsiale Wetgewer
Privaatsak X52
MARSHALLTOWN
2107

Afskrifte van die Gauteng Provinsiale Koerant kan verkry word van die Provinsiale Regering, 5de verdieping, Simmondsstraat 30, JOHANNESBURG.

PROVINCIAL
GAZETTE EXTRAORDINARY
24 JULY 1998

GAUTENGSE WETSONTWERP OP VERVOERRAAMWERK

27/05/1998

WETSONTWERP

Om 'n raamwerk daar te stel vir die geïntegreerde beplanning en verskaffing van die vervoerstelsel in die Provinsie; die instelling van vervoerowerhede en van fondse vir vervoerowerhede; die administrasie en aanwending van die provinsie se landvervoerfonds; die opstel van geïntegreerde vervoerplanne; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

Daar word soos volg bepaal deur die Provinsiale Wetgewer van Gauteng:

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1. Definisies

In hierdie Wet het die volgende terme die betekenis wat hieronder aan hulle toegeken word, tensy die konteks anders aandui—

"Departement" beteken die departement in die Gautengse Provinsiale Administrasie wat vir vervoersake verantwoordelik is;

"diensteraad" beteken 'n diensteraad soos omskryf in artikel 10 van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993);

"Fonds" beteken 'n nasionale landvervoerfonds wat ingevolge enige nasionale wetgewing gestig is;

"geïntegreerde vervoerplan" beteken 'n plan wat deur middel van 'n voorgeskrewe proses deur 'n vervoerowerheid opgestel is vir sy vervoergebied rakende die regulering, verskaffing, gebruik en bestuur van 'n vervoerinfrastruktuur, -bedrywighede en -dienste deur operateurs van openbare vervoer sowel as privaat reisigers;

"gesubsidieerde dienskontrak" beteken 'n ooreenkoms om openbare vervoerdienste op 'n roete of netwerk te bedryf ingevolge die openbare vervoerstrategie van 'n geïntegreerde vervoerplan waarvolgens die operateur van die openbare vervoer deels vergoed word uit passasierstariewe en deels uit finansiële ondersteuning kragtens 'n kontrak waarvoor getender is;

"Grondwet" beteken die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996);

"hierdie Wet" sluit die regulasies in wat ingevolge hiervan uitgevaardig is;

"infrastruktuur" beteken die voorraad vastekapitaal-toerusting en -fasiliteite in die vervoerstelsel;

"Koerant" beteken die Staatskoerant en sluit die Gautengse Provinsiale Koerant in;

"konsessie" beteken 'n ooreenkoms om die bates van 'n openbare vervoerdiens op 'n spoorlyn of netwerk te bedryf of te bou, te rehabiliteer of in stand te hou ingevolge die openbare vervoerstrategie van 'n geïntegreerde vervoerplan, teen 'n ooreengekome prys en op 'n ooreengekome diensvlak;

"konsessionêre tariewe" beteken 'n tarief wat deur 'n vervoerowerheid bepaal is vir 'n spesiale kategorie passasier vir reis op openbare vervoerdienste soos in die openbare vervoerstrategie van 'n geïntegreerde vervoerplan gespesifiseer word en ingevolge 'n handelsdienskontrak of 'n kontrak vir 'n gesubsidieerde diens of 'n konsessie verskaf word;

"landvervoer" beteken die verplasing van persone en goedere op land op enige wyse, en die infrastruktuur waardeur sodanige vervoer gefasiliteer word;

"LUR" beteken die Lid van die Uitvoerende Raad wat vir vervoer in die Provinsie verantwoordelik is;

"metropolitaanse raad" beteken 'n metropolitaanse oorgangsraad soos in artikel 10B van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993) omskryf word;

"Minister" beteken die Minister van Vervoer;

"motorvoertuig" beteken 'n motorvoertuig soos in die Padverkeerswet, 1989 (Wet No. 29 van 1989) omskryf word;

"Nasionale Kwalifikasieraamwerk" (NKR) beteken die Nasionale Kwalifikasieraamwerk wat in die Wet op Suid-Afrikaanse Kwalifikasie-owerheid, 1995 (Wet No. 58 van 1995) omskryf word;

"openbare vervoer" beteken enige diens vir die vervoer van passasiers per pad of spoor waar die diens verskaf word teen 'n tarief of ander beloning;

"permit" beteken 'n openbare padvervoerderpermit, uitgereik kragtens die Wet op Padvervoer, 1977 (Wet No. 74 van 1977) of soortgelyke wetgewing;

"plaaslike regering" beteken enige vorm van plaaslike regering wat in Hoofstuk 7 van die Grondwet, die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993) en enige ander toepaslike wet bedoel word;

"provinsiale landvervoerbonds" beteken enige provinsiale landvervoerbonds wat kragtens nasionale wetgewing gestig is;

"provinsiale vervoerkoördineringsplan" beteken 'n provinsiale vervoerkoördineringsplan soos in artikel 20 bedoel;

"provinsiale vervoerraamwerk" beteken 'n provinsiale vervoerraamwerk soos in artikel 19 bedoel;

"Provinsie" beteken die provinsie van Gauteng;

"Raad" beteken die Gautengse Vervoerpermitraad wat verantwoordelik is vir die uitreiking van permitte en vergunnings;

"raamwerk" beteken 'n omlýning of skema wat die struktuur en vorm verskaf waaromheen 'n plan of beleid of strategie ontwikkel word;

"vergunning" beteken die gesag om openbare vervoer per pad te bedryf, wat deur 'n provinsiale vergunningsraad toegestaan word;

"vervoergebied" beteken 'n gebied wat deur die LUR as 'n vervoergebied geïdentifiseer is en deur die LUR in die Koerant afgekondig is ingevolge artikel 6;

"vervoerowerheid" beteken 'n owerheid wat deur 'n LUR aangewys is soos in artikel 7 bedoel word;

"vervoerowerheidsfonds" beteken 'n fonds wat vir 'n vervoerowerheid gestig is soos in artikel 15 bedoel word;

"voorgeskryf" of "voorgeskryf by regulasie" beteken voorgeskryf deur die LUR by regulasie in die Koerant.

HOOFSTUK 2

BEVOEGDHEDE EN PLIGTE VAN DIE LUR

2. Bevoegdhede van die LUR

Die LUR mag—

(1) die provinsiale vervoerbeleid ontwikkel en deur middel van kennisgewing in die Koerant bekend maak, met inbegrip van onder meer—

(a) die Provinsie se visie ten opsigte van vervoer;

- (b) doelwitte wat nagestreef moet word om die Provinsie se visie te bereik; en
- (c) verkларings oor die handelswyse waarvolgens die Provinsie te werk sal gaan om sy doelwitte te bereik.
- (2) kommunikasie- en skakelstrukture en -meganismes daarstel om 'n gekoördineerde benadering tot die verskaffing van 'n vervoerinfrastruktuur en -dienste deur al die betrokke owerhede, liggame en instellings te verseker.
- (3) vervoernavorsings- en demonstrasieprojekte finansier en onderneem.
- (4) ten einde die doelwitte van hierdie Wet te bereik, óf alleen óf in samewerking met enige vervoerowerheid of plaaslike regering of enige ander persoon of instelling ondersoek laat doen, ondersoek instel of laat instel of inligting inwin.
- (5) ondersoek instel na en stappe doen in verband met sake wat 'n invloed op die vervoerstelsel in die Provinsie het of waarskynlik sal hê, met inbegrip van, maar nie beperk nie tot—
- (a) die beweging van persone en goedere in daardie gebied;
- (b) die bestaande en die beoogde vervoerinfrastruktuur in daardie gebied;
- (c) die sensitiwiteit van die natuurlike omgewing vir die ontwikkeling van vervoer;
- (d) geïntegreerde vervoerbeplanning;
- (e) ekonomiese en grondgebruikbeplanning;
- (f) die grondslag waarop vervoer in die gebied befonds moet word.
- (6) na verkryging van die toestemming van die LUR wat vir vervoer in die naburige provinsie verantwoordelik is, die vervoerkenmerke ondersoek van 'n naburige gebied wat 'n uitwerking op die Provinsie se vervoerstelsel kan hê of waarskynlik sal hê.
- (7) na oorleg met vervoerowerhede en in samewerking met die LUR vir finansies, heffings instel met die oog op vervoeraanvraagbestuur.
- (8) inligting oor verwante vervoeraangeleenthede in die Provinsie inwin, versprei en verbrei, met inbegrip van data wat nodig is vir die jaarlikse evaluering van kriteria om prestasie te meet, waarin vordering met die implementering van nasionale en provinsiale beleid weerspieël word.
- (9) voorstelle vir onderwys- en opleidingsprogramme na die Minister verwys vir aanpassing by die Nasionale Kwalifikasieraamwerk.
- (10) inligting publiseer en spesifieke aspekte van vervoer in die Provinsie bevorder.
- (11) riglyne ontwikkel vir openbare deelname aan die vervoerbeplanningsproses.
- (12) navraag doen oor enige aangeleentheid wat binne die doelstellings van hierdie Wet val.
- (13) enige ander taak verrig wat binne die doelstellings van hierdie Wet val.

3. Pligte van die LUR

Die LUR moet—

- (1) uitvoering gee aan die goedgekeurde provinsiale vervoerbeleid soos van tyd tot tyd gewysig.
- (2) waar toepaslik, die implementering van sy beleid binne die sferes van ander regeringsliggame bevorder.
- (3) 'n koördinerende en moniterende rol speel in alle tersaaklike owerhede en instellings se vervoerbepanning, verskaffing van 'n vervoerinfrastruktuur en lewering van openbare vervoerdienste wat die Provinsie raak.

4. Delegasie

Die LUR mag enige bevoegdheid of plig wat aan hom of haar verleen of hom of haar opgelê is, aan enige vervoerowerheid of die Hoof van die Departement deleger of oordra, behalwe die bevoegdheid om regulasies uit te vaardig.

5. Vervoerregulasies

(1) Die LUR mag—

- (i) regulasies uitvaardig ten opsigte van aangeleenthede wat in hierdie Wet bedoel word, met inbegrip van, maar nie beperk nie tot—
 - (a) die wyse waarop vervoerowerhede hul bevoegdhede mag uitoefen en hul pligte mag verrig;
 - (b) die vorm waarin en die wyse waarop geïntegreerde vervoerplanne en jaarverslae deur die vervoerowerheid opgestel moet word;
 - (c) die implementering en monitering van geïntegreerde vervoerplanne;
 - (d) die inwin van data en inligting oor vervoer;
 - (e) die daarstelling en instandhouding van 'n geïntegreerde inligtingstelsel;
 - (f) faktore van provinsiale belang wat in aanmerking geneem moet word by die opstel van 'n geïntegreerde vervoerplan;
 - (g) die koördinerende van spoor-, bus- en taxivervoerbeplanning en pad- en spoornetwerke regdeur die Provinsie;
 - (h) die integrering van openbare vervoerwyses en -dienste;
 - (i) voorsiening vir samewerking tussen vervoerowerhede of plaaslike regerings by die opstel van geïntegreerde vervoerplanne of die

- ondernem van gesamentlike projekte, en die gesamentlike befondsing van hierdie planne en projekte;
- (j) voorsiening vir die publikasie van geïntegreerde vervoerplanne en prosedures vir openbare deelname wat ondernem moet word by die opstel, hersiening of bywerking van hierdie planne;
 - (k) die toepassing van maatreëls om skade aan paaie deur oorlaaide voertuie te voorkom;
 - (l) die regulering en beheer van openbare vervoer;
 - (m) padveiligheidsstandaarde;
 - (n) die ontwerp, verskaffing, instandhouding en bedryf van 'n vervoerinfrastruktuur en die regulering van die gebruik daarvan;
 - (o) die daarstelling van kommunikasie- en skakelstrukture en -meganismes;
 - (p) die koördinerings- en samewerking tussen wetstoepassings-agentskappe in die plaaslike en provinsiale regeringsfere;
 - (q) heffings soos in artikel 17 uiteengesit;
 - (r) die bedrae en reistoelaes, indien enige, wat gehef of betaal moet word ten opsigte van enige optrede wat ingevolge hierdie Wet vereis of gemagtig word;
 - (s) die toesig oor en bestuur van subsidies vir openbare vervoer en ander finansiële ondersteuningstelsels vir openbare vervoer;
 - (t) die integrasie van vervoer en grondgebruik, met inbegrip van die ontwikkeling en bevordering van bepaalde vervoerkorridors en -nodusse.
- (ii) verskillende regulasies vir verskillende vervoergebiede of dele daarvan in die Provinsie uitvaardig.
 - (iii) regulasies uitvaardig met betrekking tot norme en standaarde vir vervoer in die Provinsie.
 - (iv) regulasies uitvaardig oor provinsiale vereistes ten opsigte van enige ander saak wat na die mening van die LUR nodig of raadsaam is om aan die bepalings en doelstellings van hierdie Wet uitvoering te gee.
- (2) Regulasies wat ingevolge hierdie artikel uitgevaardig word, kan strawwe voorskryf wat nie dié oorskryf wat gespesifiseer word in artikel 24 vir 'n oortreding daarvan of 'n versuim om daaraan te voldoen nie.

HOOFSTUK 3

VERVOERGEBIEDE EN -OWERHEDE

6. Vervoergebiede

- (1) Die LUR moet, na oorleg met die plaaslike regering, die Provinsie in vervoergebiede onderverdeel wat—
 - (a) 'n verklaarde administratiewe gebied van die metropolitaanse of diensteraad sal wees; of
 - (b) 'n kombinasie van twee of meer administratiewe gebiede van die metropolitaanse en/of diensteraad sal wees.
- (2) Die aldus geïdentifiseerde vervoergebiede moet in die Koerant afgekondig word.
- (3) Die LUR moet, in oorleg met die betrokke metropolitaanse of diensteraad, die vervoerverwante bepalings oor die aanwysing van gebiede van die metropolitaanse raad soos in artikel 10C van die Oorgangswet op Plaaslike Regering, 1993 (No. 209 van 1993) uiteengesit, in aanmerking neem wanneer bepaal word watter kombinasie van administratiewe gebiede van die metropolitaanse en/of diensteraad as vervoergebied moet dien.

7. Aanwysing van vervoerowerhede

- (1) Die LUR mag, in ooreenstemming met die betrokke plaaslike regering en deur kennisgewing in die Koerant, die volgende as vervoerowerheid vir 'n vervoergebied aanwys:
 - (a) 'n metropolitaanse of diensteraad in daardie vervoergebied; of
 - (b) 'n kombinasie van metropolitaanse en/of diensterade in daardie vervoergebied; of
 - (c) 'n aparte regspersoon wat spesifiek deur die betrokke metropolitaanse of diensteraad of -rade opgerig is met die doel om 'n vervoerowerheid te wees.
- (2) Die LUR mag regulasies uitvaardig ten opsigte van die struktuur en werksaamhede van die aparte regspersoon wat in artikel 7(1)(c) genoem word.
- (3) Waar meer as een metropolitaanse of diensteraad aangewys is as 'n vervoerowerheid vir 'n spesifieke vervoergebied ingevolge subartikel (1)(b), moet die betrokke metropolitaanse en/of diensterade ooreenkoms bereik oor hoe die bevoegdhe en pligte wat in artikels 9 en 10 uiteengesit word, gesamentlik bestuur en onderneem moet word, onderworpe aan regulasies wat deur die LUR uitgevaardig is; indien so 'n ooreenkoms nie bereik word nie, mag die LUR riglyne gee oor hoe die gesamentlike uitoefening van funksies gedoen moet word.
- (4) Die feit dat 'n metropolitaanse of diensteraad of -rade nie aangewys is as 'n vervoerowerheid ingevolge hierdie artikel nie, onthef sodanige raad of rade nie van die uitvoering van die vervoerfunksies wat aan hom of hulle toegeken is deur die Grondwet, die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van

1993) en enige ander toepaslike wet nie, en spesifiek nie van die funksies wat in artikel 10(1)(a), (b) en (c) bedoel word nie.

- (5) Indien 'n vervoerowerheid nie kragtens subartikel (1) vir 'n bepaalde gebied ingestel word nie, kan die Provinsie die funksies van 'n vervoerowerheid uitvoer wat nie ten opsigte van die gebied uitgevoer word nie.

8. Onttrekking of wysiging van kennisgewings waardeur vervoerowerhede aangewys word

Die LUR kan enige kennisgewing waardeur 'n vervoerowerheid aangewys word, onttrek of wysig na oorleg met die betrokke vervoerowerheid en plaaslike regering en nadat die voorgeskrewe skriftelike kennis gegee is.

9. Bevoegdhede van vervoerowerhede

- (1) 'n Vervoerowerheid mag—
- (a) oor tariefstrukture, tariefvlakke, kessonionêre tariewe vir spesiale kategorieë passasiers wat van openbare vervoer gebruik maak, en die periodieke aanpassing van tariewe onderhandel met die operateurs van gesubsidieerde dienste;
 - (b) vervoeraanvraagbestuur onderneem;
 - (c) maatreëls tref om veiligheid op openbare vervoer te verbeter;
 - (d) tenderspesifikasies voorberei en tenders vir gekontrakteerde openbare vervoerdienste aanvra, evalueer en toeken, met dien verstande dat die toekenning van tenders onderworpe is aan die toepaslike tenderprosedures;
 - (e) geïntegreerde kaartjie-uitreikstelsels en die beheer van inkomsteverdeling onder die betrokke operateurs aanmoedig;
 - (f) 'n tegniese departement aanwys uit die betrokke metropolitaanse of diensteraad of uit enige ander plaaslike regering wat binne die gebied van die vervoerowerheid val, om die tegniese funksies van die vervoerowerheid te verrig;
 - (g) 'n onafhanklike entiteit as 'n uitvoerende vervoerbestuur instel om die tegniese funksies van die vervoerowerheid te verrig.
- (2) 'n Vervoerowerheid mag 'n ooreenkoms aangaan met 'n plaaslike owerheid, persoon of instansie, hetsy binne of buite sy vervoergebied, ingevolge waarvan—
- (a) die vervoerowerheid onderneem om namens daardie owerheid, persoon of instansie 'n bevoegdheid uit te oefen of 'n plig te verrig wat daardie owerheid, persoon of instansie mag uitoefen of verplig is om te verrig;

(b) daardie owerheid, persoon of instansie onderneem om namens die vervoerowerheid enige funksie of plig van 'n vervoerowerheid of gedeelte daarvan ingevolge hierdie Wet uit te oefen of te verrig.

(3) 'n Vervoerowerheid mag, met die instemming van die LUR, enige bevoegdheid wat by hierdie Wet aan hom toegeken is, delegeer aan enige lid of beampte van die owerheid of van die plaaslike regering wat 'n deel uitmaak van die vervoerowerheid.

(4) 'n Vervoerowerheid mag, met die instemming van die betrokke vervoerowerheid, enige aangeleentheid wat binne die bestek van hierdie Wet val, in sy vervoergebied en in enige gebied buite sy vervoergebied ondersoek.

(5) 'n Vervoerowerheid mag die onbewoonde deel van grond of enige gebou wat hy uit sy fonds verkry het, aan enige persoon verhuur en moet die netto opbrengs daarvan in sy fonds inbetaal.

(6) Waar die fasiliteite van openbare vervoer op privaat eiendom geleë is, mag die vervoerowerheid die gebruik van die fasiliteite beheer na oorleg met die grondeienaar.

(7) 'n Vervoerowerheid mag enige daad verrig wat nodig is om hom in staat te stel om sy funksies ingevolge hierdie Wet te verrig, sowel as enige wet gepaardgaande met of aanvullend by, of voortvloeiend uit, hierdie Wet.

(8) Die LUR mag ingryp deur toepaslike stappe te doen om uitvoering te verseker van 'n funksie van 'n vervoerowerheid, wat insluit dat hy of sy self die funksie uitoefen of verrig of toesien dat dit uitgeoefen of verrig word, en in hierdie geval mag gelde wat uit die nasionale of provinsiale grondvervoerfonds aan daardie vervoerowerheid betaalbaar is, deur die LUR aangewend word vir waarvoor hulle bestem was, en die LUR mag van daardie owerheid die koste verhaal waarvoor die owerheid aanspreeklik mag wees.

10. Pligte van vervoerowerhede

(1) Elke vervoerowerheid moet verantwoordelikheid aanvaar vir—

- (a) die ontwikkeling van plaaslike vervoerbeleide wat in ooreenstemming is met die provinsiale vervoerbeleid;
- (b) die voorbereiding van geïntegreerde vervoerplanne wat aandag gee aan alle vervoerwyses, met inbegrip van vervoerstrategieë en implementerings-, instandhoudings- en bedryfsprogramme en -begrotings;
- (c) die implementering van geïntegreerde vervoerplanne;
- (d) die behoud van skakeling met tersaaklike owerhede;
- (e) die administrasie en bestuur van die vervoerowerheidsfonds;

- (f) die maak van aanbevelings aan die Raad en/of die Departement oor roetes, staanplekke, terminusse, permitte, vergunnings, kontrakte en konsessies in ooreenstemming met sy geïntegreerde vervoerplan;
 - (g) die monitering van die bedryf van openbare vervoer;
 - (h) die bestuur van die vervoerstelsel;
 - (i) die ontwikkeling, implementering en monitering van 'n strategie wat gerig is op die impak van landvervoer op die omgewing;
 - (j) die regulering en bestuur van die beweging van persone, goedere en dienste;
 - (k) die koördinering van regulering en samewerking tussen toepassings-agentskappe ten opsigte van verkeers- en vervoeraangeleenthede;
 - (l) die toepassing van verkeersbestuurstechnieke wat gemik is op verbeterde verkeersvloei;
 - (m) die ontwikkeling, instandhouding en bedryf van 'n vervoerinligtingstelsel in samewerking met die LUR;
 - (n) die toepassing van maatreëls om skade aan paaie deur oortlaaide voertuie te voorkom;
 - (o) die bemaking, reklame en publisiteit wat met die verskaffing van vervoerdienste gepaard gaan;
 - (p) die verskaffing van inligting oor openbare vervoer aan bestaande en potensiële passasiers;
 - (q) openbare oorleg, deelname of betrokkenheid deur verhore, werkwinkels en ander media om kommunikasie met gemeenskappe en operateurs te verseker.
- (2) Elke vervoerowerheid moet 'n jaarverslag vir die LUR opstel soos voorgeskryf, wat dit in die Provinsiale Wetgewer ter tafel moet lê.

11. Ooreenkomste met naburige provinsies en owerhede

Waar verkeer oor provinsiale grense heen of ontwikkeling in 'n naburige provinsie vervoer in Gauteng beïnvloed, mag die LUR 'n ooreenkoms ten opsigte van die gesamentlike uitoefening van funksies tussen Gauteng se vervoerowerhede en owerhede in naburige provinsies fasiliteer na oorleg met die LUR wat verantwoordelik is vir vervoer in die naburige provinsie en vervoerowerhede wat geraak word.

12. Verordeninge

- (1) 'n Vervoerowerheid mag, onderworpe aan artikel 12(2), in ooreenstemming met enige toepaslike goedgekeurde geïntegreerde vervoerplan, verordeninge uitvaardig om—

- (a) die grootte, klas, massa of getal motorvoertuie te reguleer wat enige aangewese gedeelte van sy vervoergebied mag binnekom en om die tyd of tye te bepaal wanneer enige klas voertuig enige gedeelte van sy vervoergebied mag binnekom;
- (b) die toegang van enige klas motorvoertuig tot enige gedeelte van sy vervoergebied gedurende enige aangewese tydperk te reguleer of te verbied;
- (c) die op- of aflaai van goederemotorvoertuie in enige gedeelte van sy vervoergebied gedurende enige aangewese tydperk of tydperke te verbied, en om die tyd of tye te bepaal wanneer op- of aflaai mag plaasvind;
- (d) die verskaffing van parkeerplekke vir voertuie in enige gebou of op enige perseel in enige gedeelte van sy vervoergebied gedurende enige aangewese tydperk te reguleer of te verbied;
- (e) die gedrag van bestuurders van voertuie vir openbare vervoer te reguleer;
- (f) die verskaffing en gebruik van fasiliteite vir openbare vervoer te reguleer;
- (g) enige ander saak te reguleer om die doelstellings van hierdie Wet te bevorder.

(2) Waar 'n vervoerowerheid ingevolge artikel 7(1)(b) of (c) aangewys is, mag die vervoerowerheid die tersaaklike munisipaliteite versoek om die tersaaklike verordeninge uit te vaardig.

(3) Verordeninge wat kragtens hierdie artikel uitgevaardig word, mag vir die oortreding daarvan of vir versuim om daaraan te voldoen, strawwe voorskryf wat nie dié voorskryf wat in artikel 24 gespesifiseer word nie.

HOOFSTUK 4

ADMINISTRASIE EN AANWENDING VAN DIE PROVINSIALE LANDVERVOERFONDS

EN DIE STIGTING VAN VERVOERFONDSE

VIR VERVOEROWERHEDE

13. Administrasie van provinsiale landvervoerfonds

- (1) Enige provinsiale landvervoerfonds wat by nasionale wetgewing gestig is, moet deur die LUR geadministreer word.
- (2) Kontantbalanse in so 'n fonds wat nie vir onmiddellike doeleindes nodig is nie, moet belê word op die wyse wat by regulasie voorgeskryf word.

- (3) Die LUR moet behoorlike rekeninge byhou van alle gelde wat in so 'n fonds opgeloop het of uit so 'n fonds betaal is en dit moet deur die Ouditeur-Generaal geouditeer word.

14. **Aanwending van provinsiale landvervoerfonds**

- (1) Die LUR mag die geld in die provinsiale landvervoerfonds bestee vir—
- (a) bewilliging aan vervoerowerhede soos hy of sy nodig ag om die doelstellings en doelwitte van provinsiale vervoer te bevorder en om die vervoerfondse van die owerhede aan te vul, en mag die geld wat so bewillig is, aan die owerhede toewys;
 - (b) betalings ingevolge tussentydse kontrakte, kontrakte waarvoor getender is of gesubsidieerde dienskontrakte, en konsessies of enige ander subsidie-ooreenkoms;
 - (c) bystand aan spesiale kategorieë passasiers om die koste van openbare vervoer te dek;
 - (d) die betaling van 'n bydrae tot die koste van die verskaffing en instandhouding van 'n vervoerinfrastruktuur;
 - (e) dekking van die koste van padveiligheidsprogramme;
 - (f) dekking van die koste van die instel van nuwe tegnologie of stelsels;
 - (g) dekking van die koste van demonstrasie- of proefprojekte;
 - (h) dekking van die koste van die daarstelling en instandhouding van opleiding- en inligtingsentrums;
 - (i) dekking van die koste van die ontwikkeling en instandhouding van databasisse en inligtingstelsels;
 - (j) dekking van die koste van vervoerverwante projekte, studies en navorsing wat die Provinsie nodig het om sy funksies uit te voer;
 - (k) dekking van die koste van die administrasie van die provinsiale landvervoerfonds;
 - (l) enige ander doel om die doelstellings van hierdie Wet te bereik.
- (2) Die LUR mag uit die provinsiale landvervoerfonds skenkings doen aan enige vervoerowerheid om dié in staat te stel om sy bevoegdheid uit te oefen en pligte uit te voer.

15. **Daarstelling van vervoerfondse vir vervoerowerhede**

- (1) Na magtiging deur nasionale wetgewing moet 'n vervoerfonds vir elke aangewese vervoerowerheid gestig word waarin die volgende inbetaal moet word—

- (a) gelde wat ingevolge artikel 14 deur die LUR vir hierdie fondse bewillig word;
- (b) rente op geïnvesteerde kontantbalanse wat aan die fondse behoort;
- (c) enige ander gelde wat die vervoerowerheid ontvang uit aanvullende vervoertoekennings van die nasionale of provinsiale regering ingevolge of vir die doel van hierdie Wet;
- (d) geld wat deur die Parlement of die Provinsiale Wetgewer bewillig word en vir subsidiëring van openbare vervoer bestem is;
- (e) brandstofheffings vir vervoer wat vir plaaslike regering in die vervoergebied bestem is;
- (f) alle gelde wat die vervoerowerhede ontvang uit heffings ingevolge artikel 17;
- (g) geld wat toegeken word deur 'n plaaslike regering wie se jurisdiksiegebied deel vorm van die betrokke vervoergebied;
- (h) enige ander geld wat in die fonds opgeloop het of wat die vervoerowerheid van enige ander bron ontvang.

(2) Die vervoerowerheid moet, as deel van die jaarlikse voorlegging van sy geïntegreerde vervoerplan of die bywerking daarvan, 'n begroting vir sy fonds insluit vir goedkeuring deur die LUR. Die vervoerowerheid mag geen betaling uit die fonds doen nie, behalwe in ooreenstemming met die goedgekeurde begroting of met die vooraf goedkeuring van die LUR.

(3) Die vervoerowerheid moet sy fonds administreer en moet alle uitgawes daaruit dek wat aangegaan is in verband met die uitoefening van die bevoegdhede of uitvoering van die funksies van die owerheid ingevolge hierdie Wet of die regulasies wat ingevolge hiervan uitgevaardig is.

(4) 'n Vervoerowerheid mag gelde wat nie onmiddellik op die voorgeskrewe wyse nodig is nie, in sy fonds belê.

(5) Vervoerowerhede moet behoorlike rekeninge byhou van alle gelde wat in hul fondse oloop of daaruit betaal word, en die rekeninge moet deur die Ouditeur-Generaal geouditeer word.

16. Aanwending van vervoerfondse deur vervoerowerhede

(1) 'n Vervoerowerheid moet, ingevolge sy goedgekeurde begroting, die fonds gebruik om—

- (a) kontraktuele verpligtinge na te kom, die koste van die opstel en implementering van sy geïntegreerde vervoerplan te dek, of enige ander bevoegdhede uit te oefen of plig uit te voer soos gelys in artikels 9 en 10;
- (b) die administrasiekoste van sy fonds te betaal.

- (2) 'n Vervoerowerheid mag, met die vooraf goedkeuring van die LUR, die koste van enige ander aangeleentheid wat met vervoer in sy vervoergebied verband hou, uit die fonds dek.

17. Heffings deur vervoerowerhede

- (1) 'n Vervoerowerheid mag van tyd tot tyd, in ooreenstemming met sy goedgekeurde geïntegreerde vervoerplan, gelde vir vervoeraanvraagbestuur, wat binne die vervoergebied mag verskil, hef op—
- (a) gespesifiseerde klasse motorvoertuie wat aangewese gedeeltes van sy vervoergebied op aangewese tye binnekom;
 - (b) grond, geboue of ander ontwikkelings wat verkeer in die vervoergebied skep, behalwe insoverre hulle gebruik word of bestem is vir privaat bewoning;
 - (c) die parkering van motorvoertuie in geboue of op grond in aangewese gedeeltes van die vervoergebied onder sy jurisdiksie;
 - (d) parkeerplekke vir motorvoertuie in die gedeeltes wat in (c) gespesifiseer word;
 - (e) plekke waar goedere op- of afgelaai word van motorvoertuie in die gedeeltes gespesifiseer in (c).

18. Lenings deur vervoerowerhede

'n Vervoerowerheid mag 'n lening aangaan om hom te help met die implementering van die goedgekeurde geïntegreerde vervoerplan. 'n Lening wat vir hierdie doel aangegaan is, moet—

- (a) die vooraf goedkeuring van die LUR hê;
- (b) in die begroting weerspieël word.

HOOFSTUK 5

VERVOERBEPLANNING

19. Opstel van provinsiale vervoerraamwerk

- (1) Die Departement moet, na oorleg met die LUR wat vir ontwikkelingsbeplanning verantwoordelik is, 'n provinsiale vervoerraamwerk opstel.
- (2) Die provinsiale vervoerraamwerk moet aan vervoerowerhede leiding gee en moet die volgende bevat:

- (a) 'n langtermynvisie van pad- en spoorvervoer in die Provinsie;
- (b) die provinsiale vervoerbeleid;
- (c) 'n uiteensetting van die benadering wat gevolg moet word in die bereiking van die langtermynvisie;
- (d) 'n uiteensetting van die status quo van vervoer in die provinsie ten opsigte van sleutelprestasieaanwysers;
- (e) 'n uiteensetting van maatreëls oor hoe vervoer en grondgebruik geïntegreer moet word;
- (f) enige ander verwante aangeleentheid.

20. Opstel van 'n provinsiale vervoerkoördineringsplan

- (1) Die Departement moet elke vyf jaar 'n provinsiale vervoerkoördineringsplan opstel en die plan jaarliks bywerk, in ooreenstemming met regulasies.
- (2) Die provinsiale vervoerkoördineringsplan moet bestaande geïntegreerde vervoerplanne wat deur vervoerowerhede in die Provinsie opgestel is, sowel as beplanning deur ander tersaaklike owerhede in aanmerking neem.

21. Opstel van geïntegreerde vervoerplanne

- (1) Elke vervoerowerheid moet elke vyf jaar 'n geïntegreerde vervoerplan opstel en die plan jaarliks bywerk, in ooreenstemming met regulasies.
- (2) 'n Geïntegreerde vervoerplan moet uit 'n langtermyn- en 'n korttermynkomponent bestaan wat in ooreenstemming is met die provinsiale vervoerraamwerk en die provinsiale vervoerkoördineringsplan.
- (3) Elke vervoerowerheid moet jaarliks 'n geïntegreerde vervoerplan of die bywerking daarvan aan die LUR voorlê vir goedkeuring, en die goedkeuring moet in die Koerant gepubliseer word in ooreenstemming met regulasies.
- (4) 'n Geïntegreerde vervoerplan moet aandag skenk aan die vervoerbehoefte van liggaamlik gestremde persone, bejaardes, verswaktes en skoliere.

22. Geïntegreerde prosedures vir vervoer- en grondgebruik

By die opstel van vervoerbeplanningsprosedures moet die vervoerowerhede algemene beginsels wat in Gautengse wetgewing oor ontwikkelingsbeplanning uiteengesit word, in ag neem. Vervoerowerhede moet in die besonder koördinerende verseker tussen grondontwikkelingsdoelwitte en die geïntegreerde vervoerplan. By die ontwikkeling van die geïntegreerde vervoerplan moet oorweging geskenk word aan die moontlike uitwerking van

vervoerbeleidsbesluite oor grondgebruik en -ontwikkeling. Geïntegreerde vervoerplanne moet in ooreenstemming wees met alle toepaslike kort- en langtermynplanne vir grondgebruik en grondontwikkeling wat deur ander agentskappe opgestel is. Daar moet ook ooreenstemming wees tussen die geïntegreerde vervoerplan en die vervoerontwikkelingshoofstukke van geïntegreerde ontwikkelingsplanne wat ingevolge artikel 10D(4)(b)(i) en (ii), item 3 van Bylae 2 en item 2 van Bylae 2A van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993) opgestel is.

23. Inligtingsvereistes en verslaggewingstelsels

Die Departement moet, in samewerking met plaaslike regering, 'n geïntegreerde en eenvormige inligtingverslaggewingstelsel ontwikkel en in stand hou om inligting te versamel wat vir die doelstellings van hierdie Wet tersaaklik is.

HOOFSTUK 6

ALGEMENE VOORSKRIFTE

24. Strawwe

Enige persoon wat skuldig bevind word aan 'n oortreding ingevolge hierdie Wet, stel hom- of haarself bloot aan 'n boete van hoogstens R100 000 of aan gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of aan 'n boete sowel as gevangenisstraf.

25. Staat is gebind

Behoudens uitdruklike of geïmpliseerde bepalings van hierdie Wet, is die voorskrifte van hierdie Wet en van die regulasies, reëls en vereistes wat ingevolge hiervan uitgevaardig is, bindend vir die Staat.

26. Kort titel en inwerkingtreding

- (1) Hierdie Wet sal die Gautengse Wet op Vervoerraamwerk, 1998, genoem word, en sal in werking tree op 'n datum wat deur die Premier bepaal word deur afkondiging in die Koerant.
- (2) Verskillende gedeeltes of artikels van hierdie Wet kan op verskillende datums in werking tree, of ten opsigte van verskillende gebiede.

GAUTENGSE KONSEPWETSONTWERP OP VERVOERRAAMWERK

Memorandum ingevolge reël 137 van die Staande Reëls van die Gautengse Provinsiale Wetgewer.

1. REDES VIR DIE WETSONTWERP

Die Gautengse Departement van Vervoer en Openbare Werke ontwikkel tans 'n reeks wetgewing oor vervoersake. Die hoofdoel van die Wetsontwerp is om 'n algehele raamwerk vir vervoer in die Provinsie daar te stel.

Die Wetsontwerp op Nasionale Landvervoer, wat na verwagting gedurende 1999 aangeneem sal word, maak voorsiening vir nasionale sowel as provinsiale sake, en die Wetsontwerp sal die provinsiale sake waarvoor in die Nasionale Wetsontwerp voorsiening gemaak word, dus gedeeltelik vervang.

Dit was vir Gauteng belangrik om te verseker dat daar met bepaalde sake gehandel word op 'n wyse wat eie is aan die provinsie, soos:

- 'n verduideliking van die lys bevoegdhede en pligte van die LUR;
- 'n ander stelsel vir die identifisering van vervoergebiede en die aanwysing van 'n metropolitaanse of diensteraad as vervoerowerheid vir daardie gebied;
- klem op die koördineringsrol van die provinsiale vervoerkoördineringsplan;
- 'n ander benadering tot die opstel en goedkeuring van geïntegreerde vervoerplanne; en
- die verwydering van onnodige duplisering van klousules wat reeds in die Wetsontwerp op Nasionale Landvervoer voorkom.

2. OMGEWINGSIMPAK

Die Wetsontwerp bepaal dat vervoerowerhede verantwoordelikheid moet aanvaar vir die omgewingsimpak van vervoerontwikkeling, soos bepaal in klousule 10(1)(i). Verder moet vervoerowerhede die vereistes van wetgewing oor die omgewing nakom.

3. FINANSIËLE IMPLIKASIES VAN DIE WETSONTWERP

Die normale begroting van die Gautengse Departement van Vervoer en Openbare Werke sal voorsiening maak vir die finansiële implikasies van die Wetsontwerp.

4. KOMMENTAAR WAT AANGEVRA EN ONTVANG IS

Konsepte van die Wetsontwerp is bespreek by twee werkwinkels wat met die Vervoerkoördineringskomitee (VKK) gehou is. Die VKK is saamgestel uit verteenwoordigers van die volgende liggame:

- Die ses metropolitaanse/diensterade in die Provinsie
- Departement van Ontwikkelingsbeplanning en Plaaslike Regering
- Departement van Onderwys
- Departement van Behuising
- Suid-Afrikaanse Spoorpendelkorporasie
- Metrorail
- Departement van Vervoer en Openbare Werke (Gautrans)

Verder is die betrokke aangeleenthede in verskeie forums bespreek, waaronder beraadslagende konferensies wat in 1994 en 1995 gehou is, volle VKK-vergaderings, asook ander vergaderings met individuele metropolitaanse/diensterade waar indringende besprekings plaasgevind het.

5. KLOUSULE-VIR-KLOUSULE-VERDUIDELIKING

- k1: Sekere woorde wat in hierdie Wetsontwerp gebruik word, word in hierdie artikel omskryf.
- k2: Hierdie klousule gee 'n uiteensetting van die bevoegdhede wat die LUR wat vir vervoer verantwoordelik is, ingevolge hierdie Wetsontwerp mag uitoefen.
- k3: Die besondere pligte van die LUR word in hierdie klousule uiteengesit. Die LUR se pligte is tot die minimum beperk en sy bevoegdhede is eerder in klousule 2 uitgebrei.
- k4: Die LUR mag sy bevoegdhede en pligte ingevolge hierdie klousule delegeer, buiten die bevoegdheid om regulasies uit te vaardig.
- k5: Hierdie klousule handel oor die onderskeie kategorieë regulasies wat die LUR mag uitvaardig. Die lys sluit regulasies in wat betrekking het op hierdie Wetsontwerp en op ander wetsontwerpe wat tans opgestel word in die algehele reeks vervoerwetgewing.
- k6: Die LUR gaan die Provinsie onderverdeel in vervoergebiede. Die grense van die geïdentifiseerde gebiede sal korreleer met die grense van metropolitaanse of diensterade. Die proses sal plaasvind in oorleg met plaaslike regering.
- k7: Met die toestemming van plaaslike regering sal 'n vervoerowerheid vir elke vervoergebied aangewys word. Dit kan óf 'n metropolitaanse/diensteraad óf 'n kombinasie van die twee óf 'n aparte regpersoon wees wat deur 'n metropolitaanse/diensteraad ingestel is om 'n vervoerowerheid te wees. Indien 'n vervoerowerheid nie vir 'n gebied ingestel word nie, mag die Provinsie die funksies van 'n vervoerowerheid vir daardie gebied verrig.

- k8: Die LUR kan die kennisgewing waardeur die vervoerowerheid aangewys word, onttrek na oorleg met die betrokke plaaslike regering.
- k9: In hierdie klousule word die onderskeie bevoegdhede van die vervoerowerhede uiteengesit. 'n Vervoerowerheid kan 'n aparte uitvoerende vervoerbestuur instel om die tegniese funksies van die owerheid te verrig, of 'n tegniese departement van die plaaslike regering in die gebied aanwys om die tegniese funksies te verrig.
- k10: Die vervoerowerheid moet verantwoordelikheid aanvaar vir die reeks uiteenlopende pligte wat in hierdie klousule gelys word.
- k11: Wanneer vervoersake in ander provinsies Gauteng beïnvloed, mag die LUR ooreenkomste met naburige provinsies fasiliteer.
- k12: 'n Vervoerowerheid mag verordeninge uitvaardig wat betrekking het op die regulering van voertuie wat 'n gebied binnekom, die regulering van parkering, die gedrag van bestuurders van voertuie vir openbare vervoer, die verskaffing en gebruik van voertuie vir openbare vervoer, ens.
- k13: Die Provinsiale Landvervoerfonds word gestig ingevolge die Nasioanle Landvervoerfonds. Hierdie klousule dui aan hoe die Fonds geadministreer moet word.
- k14: Hierdie klousule gee 'n uiteensetting van die wyse waarop die Provinsiale Landvervoerfonds gebruik moet word. Uit hierdie Fonds word ook skenkings aan vervoerowerhede gedoen.
- k15: Hierdie klousule maak voorsiening vir die stigting van 'n vervoerfonds vir elke vervoerowerheid. 'n Vervoerowerheid moet sy begroting vir die fonds in die jaarlikse voorlegging van sy geïntegreerde vervoerplan insluit.
- k16: 'n Vervoerowerheid mag die fonds gebruik om sy geïntegreerde vervoerplan te implementeer, kontraktuele verpligtinge na te kom en die administrasiekoste van die fonds te betaal.
- k17: Vervoerowerhede mag heffings instel vir verkeersaanvraagbestuur in hul gebiede.
- k18: Ingevolge hierdie artikel mag vervoerowerhede, met die vooraf goedkeuring van die LUR, lenings aangaan.
- k19: Hierdie klousule bepaal dat 'n provinsiale vervoerraamwerk deur Gautrans opgestel moet word, en dit gee 'n uiteensetting van die inhoud van die vervoerraamwerk.
- k20: Gautrans moet elke vyf jaar 'n provinsiale vervoerkoördineringsplan opstel en dit jaarliks bywerk. Die koördineringsplan moet bestaande geïntegreerde vervoerplanne in ag neem.

- k21: Hierdie klousule bepaal dat geïntegreerde vervoerplanne elke vyf jaar deur vervoerowerhede opgestel en jaarliks bygewerk moet word.
- k22: Hierdie klousule gee 'n uiteensetting van prosedures met betrekking tot die integrasie van vervoer- en grondgebruikbeplanning.
- k23: Bepaalde inligtingsvereistes en verslaggewingstelsels word in hierdie klousule uiteengesit.
- k24: Hierdie klousule maak voorsiening vir strawwe.
- k25: Hierdie klousule bepaal dat die voorskrifte van hierdie Wetsontwerp en sy verwante regulasies bindend is vir die Staat.
- k26: Hierdie klousule handel oor die kort titel en die datum van inwerkingtreding.

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NOTICE 1830 OF 1998**MOLAOKAKANYWA WA TLHAKO YA DINAMELWA WA GAUTENG**

Tihakamolao ya Profense ya Gauteng e akanya go hlagisa molaokakanywa wo go bolelwago ka wona ka godimo ka gare ga Tihakamolao ya Gauteng ka la 25 August 1998.

Maikemisetsa a moalokakanywa ke go fana ka tlhako ya pekanyo ye e kopanego le go thusa ka mekgwa ya dinamelwa ka gare ga Profense; go hlongweng ga balaodi ba dinamelwa le dikhwama tsa dinamelwa; taolo le tshomiso ya sekhwama sa dinamelwa tsa naga sa Profense; tokišo ya mananeo a dinamelwa ao a kopanego; le go lebelela ditaba tseo di amanago le tseo.

Batho bao ba ratago go bolela ka ga molaokakanywa ba ka romela ditshwayotshwayo pele ga 17 August go:

Mongwaledi wa Tihakamolao
Tihakamolao ya Profense ya Gauteng
Private Bag X52
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Dikopi tsa Kuranta ya Mmušo tsa Profense ya Gauteng di ka hwetswa go tswa go Mmušo wa Profense, lebatō la bohlanō, 30 Simmonds Street, JOHANNESBURG.

8907 P.O. BOX 1000, 1000

WITJANSKAP VAN DIE NEDERLANDSE OORLOGS-EN WERKLOOSHEIDSDIENST

Die Nieu-Nederlands Oorlogs- en Werkloosheidsdiens (NNO) is 'n onafhanklike organisasie wat die belang van die Nederlandse oorlogsveterane en hulle families beskerm en bevorder. Die NNO bied ook hulp aan werkloosheidsdiensgenote.

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**MOLAOKAKANYWA
WA THLAKO YA DINAMELWA
WA GAUTENG**

MOLAOKAKANYWA

Go fa tlhako ya morero wo o kopanego le thušo ya mokgwa wa dinamelwa mo Profenseng; go hlongwa ga balaodi ba dinamelwa le ditšhelete tša taolo ya dinamelwa; taolo le tšhomiso ya tšhelete ya dinamelwa ya naga ya profense; tokiso ya dipeakanyo tša dinamelwa tseo di kapanego; le go fana ka dintlha tseo di amanago le tšona.

Di diritwa ke Tlhakamolao ya Profense ya Gauteng ka tsela ye e latelago:

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1. Ditlathollo

Mo molaong wo, ka ntle le gore temana ye e laetse ka mokgwa wo mongwe_

"Boto" e ra gore Boto ya Mangwalo a Ditumelelelo tsa Dinamelwa tsa Gauteng leo maikarabelo a lona e lego go ntsha mangwalo a ditumelano le tsona ditumelelo;

"Tumelano" e ra gore kwano ya go tšomisa goba go aga, go tsoxološa goba go boloka dithoto tsa ditirelo tsa dinamelwa tsa setšhaba godimo ga seporo goba ditsela tseo di hlakahlakanego mabapi le maano a dinamelwa tsa setšhaba a lenaneo la dinamelwa tseo di kopanego ka poreisi yeo go dumelelwanego ka yona le maemo a ditirelo;

"Ditumelano tsa ditefo" e ra gore tefo yeo e laeditšwego ke molaodi wa dinamelwa ya maemo a itšego a monamedi yo a tšomisago ditirelo tsa dinamelwa tsa setšhaba mo leanong la dinamelwa tsa setšhaba la lenaneo la dinamelwa tseo di kopanego le leo le filwego mabapi le kontraka ya ditirelo tsa kgwebo, kontraka ya ditirelo tseo di hwetšago thušo goba tumelelo.

"Molaotheo" o ra Molaotheo wa Repabliki ya Afrika Borwa, wa 1996 (Nomoro ya Molao wa 108 wa 1996);

"Kgoro" e ra kgoro yeo le lego ka gare ga Taolo ya Profense ya Gauteng yeo e lebeletšego ditaba tsa dinamelwa;

"Tlhako" e ra sethalo sa seswantšho seo se fago sebopego go ya ka moo lenaneo, pholisi goba maano a hlamilwego ka gona;

"Sekhwama" e ra sekhwama sa dinamelwa sa naga sa setšhaba seo se hlamilwego mabapi le tlhakamolao ye nngwe le ye nngwe ya setšhaba;

"Dikarolo tsa motheo" e ra gore dithoto ka moka tseo di ka se tuthišwego tsa lenaneo la dinamelwa;

"Lenaneo la dinamelwa leo le kopanego" e ra lenaneo leo le tšweleditšwego ke molaodi wa dinamelwa la tikologo yeo ka tshepetšo yeo e laeditšwego yeo e amanago le tshepedišo, thušo, tšhomiso le taolo ya dikarolo tsa motheo tsa dinamelwa, ditšhomiso le ditirelo ka bazomisi ba dinamelwa tsa setšhaba le bao ba tšomisago dinamelwa tsa bona ka thoko;

"Dinamelwa tša naga" e ra go rwalwa ga batho le dithoto mo nageng ka tsela ye nngwe le ye nngwe le sebopego seo se sepeditšago dinamelwa tšeo;

"Letona" (MEC) e ra Leloko la Lekgotla la Khuduthamaga leo le lebeletšego tša dinamelwa mo Profenseng;

"Tona" (Minister) e ra Tona ya tša Dinamelwa;

"Koloji yeo e sepeditšwago ke entšene e ra koloji yeo ka moo e hlalositšwego ka gare ga Molao wa Tsela wa 1989 (Molao wa nomoro ya 29 wa 1989);

"Mmušo wa selegae" o ra sebopego se sengwe le se sengwe sa mmušo wa selegae seo se akanywago Kgaolong ya botšupa ya Molaotheo, Molao wa Phetogo wa Mmušo wa Selegae wa 1993 (Molao wa nomoro ya 209 wa 1993) le molao wo mongwe le wo mongwe wo o tšomago;

"Lekgotla la motsemošate" e ra lekgotla la motsemošate la phetogo ka moo le hlalositšwego ka gona Karolong ya 10B ya Molao wa Phetogo wa Mmušo wa Selegae wa 1993 (Molao wa nomoro ya 203 wa 1993);

"Tihako ya Thuto ya Setšhaba" (NQF) e ra Tihako ya Thuto ya Setšhaba ka moo e hlalositšwego ka gona ka gare ga Molao wa Bolaodi bja Thuto bja Afrika Borwa wa 1995 (Molao wa nomoro ya 58 wa 1995);

"Tumelelo" e ra tumelelo ya go tšomiša dinamelwa tša setšhaba tseleng yeo e ntšhitšwego ke lekgotla la ditumelelo la profense;

"Setlankana sa tumelelo" e ra setlankana sa tumelelo ya tsela ya setšhaba seo se ntšhitšwego mabapi le Molao wa Tsela, wa 1977 (Molao wa nomoro ya 74 wa 1977) goba tihakamolao yeo e swanago le ona;

"Yeo e beilwego" goba "yeo e beilwego ka molawana" e ra gore yeo e beilwego ke Letona (MEC) ka molawana ka gare ga Kuranta ya Mmušo;

"Profense" e ra profense ya Gauteng;

"Sekhwama sa tša dinamelwa tša naga sa profense" e ra sekhwama seo se hlomilwego mabapi le tihakamolao ya setšhaba;

"Kuranta ya Mmušo" e ra Kuranta ya Mmušo ebile e akaretša gape le ya Profense ya Gauteng;

AMPHLEJI YA DINAMELWA Tša ALTAARI

"Tlhako ya tša dinamelwa ya profense" e ra tlhako yeo e akanywago karolong ya 19;

"Lenaneo la kopanyo ya dinamelwa tša profense" e ra lenaneo leo le akanywago karolong ya 20;

"Dinamelwa tša setšhaba" e ra tirelo ye nngwe le ye nngwe ya go rwala banamedi ka tsela ya setimela yeo go kwanwago ka tefo goba moputso wo mongwe;

"Lekgotla la ditirelo" e ra lekgotla la ditirelo ka moo le hlalositšwego ka gona karolong ya 10 ya Molao wa Phetogo wa Mmušo wa selegae wa 1993 (Molao wa 209 wa 1993);

"Kontraka ya tirelo yeo e thuswago" e ra kwano ya go tomisa ditirelo tša dinamelwa tša setšhaba tseleng mabapi le maano a dinamelwa tša setšhaba a lenaneo la dinamelwa tše di kopanego moo e lego gore mosepediši o lefa ka karolo ya go tšwa ditekong tša monamedi le thekgo ya tšhelete mabapi le kontraka yeo e tenterilwego;

"Molao wo" o akaretša melawana ye mengwe le ye mengwe yeo e dirilwego ka fase ga moo;

"Tikologo ya dinamelwa" e ra tikologo yeo e laeditšwego ke Letona (MEC) bjalo ka tikologo ya dinamelwa ya ba ya tsebitšwa ke yena ka gare ga Kuranta ya Mmušo mabapi le karolo ya 6;

"Taolo ya dinamelwa" e ra taolo yeo e tšupilwego ke Letona karolong ya 7;

"Sekhwama sa taolo ya dinamelwa" e ra sekhwama seo se hlomilwego mabapi le taolo ya dinamelwa go ya ka moo go tšupilwego karolong ya 15;

KGAOLO YA 2

MAATLA LE MEŠOMO YA LETONA

2. Maatla a Letona

Letona le ka-

- (1) **tswetsapele, le go tsebisa pholisi ya tša dinamelwa tša profense ka gare ga Kuranta ya Mmušo go akaretšwa gareng ga tše dingwe-**
 - (a) Pono ya Profense mabapi le dinamelwa;
 - (b) Maikemisetšo ao a tša tšalwago morago go phethegatša pono ya Profense;
 - (c) le dikanego tša ditiro tše Profense e tša di amogelago go phethagatša maikemisetšo.

- (2) hloma dibopego tša poledisano le mekgwa ya go kgonthištša tsela yeo e kopanego ya go fana ka motheo wa dinamelwa le ditirelo ke balaodi ka moka , mekgahlo le dihlongwa tše di amegago;
- (3) lefelela le go dira nyakitišo ka ga dinamelwa le diporotšeke tša tšhupetšo;
- (4) gore re kgone go phethagatša merero ya Molao wo, Letona le ka dira gore go be le dinyakitišo e ka ba ka ka boyena goba ka tšhomišanommogo le balaodi ba dinamelwa goba mmušo wa selegae, goba motho yo mongwe le yo mongwe goba sehlongwa, goba a ka hloma dinyakitišo goba a dira gore dinyakitišo di hlongwe goba a kgobokanya tsebo.
- (5) nyakitiša le go tšea sephetho ka ga ditaba tše di amago lenaneo la dinamelwa mo Profenseng, go akaretšwa eupša go sa lekanetšwe-
 - (a) go tlošwa ga batho le dithoto tikologong yeo;
 - (b) motheo wa dinamelwa woo e lego gona goba woo o rerilweng go ba gona tikologong yeo;
 - (c) maikutlo a tikologo ya tšhago go tswetsopele ya dinamelwa;
 - (d) peakanyo ya dinamelwa yeo e kopanego;
 - (e) ekonomi le peakanyo ya tšhomišo ya naga;
 - (f) maemo ao dinamelwa di swanetšego go lefša ka gona tikologong yeo.
- (6) ka morago ga go hwetša tumelelo ya Letona leo le nago le maikarabelo a tša dinamelwa profenseng ya boagišani, go nyakitišwe mekgwa ya dinamelwa tša tikologo yeo ya boagišani tše di ka bago le phapantšho mo lenaneong la dinamelwa la Profense.
- (7) ka morago ga therišano le balaodi ba tša dinamelwa le tumelalano ya Letona leo le nago le maikarabelo a tša ditšhelete, go lefišwe lekgetho mabakeng a taolo ya nyakego ya dinamelwa.

- (8) kgobokanya, phatlalatsa tsebiso mabapi le ditaba tsa dinamelwa mo Profenseng, go akaretswa le lenaneo leo le nyakegago la tekolo ya ngwaga ya mokgwa wa go lekanya tiro, yeo e bontshago tswetsopele ka go somisa dipholisi tsa profense le setshaba.
- (9) lebisa ditshinyo tsa mananeo a thuto le tlhahlo go tona gore di sepelelane le Tlhako ya Dithuto tsa Setshaba.
- (10) phatlalatsa tsebiso le tswetsopele ya dintlha tse itsego tsa dinamelwa mo Profenseng.
- (11) tswetsapele ditshupetso ka ga go tsea karolo ga setshaba mo tshepetzong ya peakanyo ya dinamelwa.
- (12) botlisa ka ga taba ye nngwe le ye nngwe yeo e welago ka gare ga dintlha tsa Molao wo;
- (13) phetha mošomo wo mongwe le wo mongwe wo o welago ka gare ga dintlha tsa Molao wo.

3. Mešomo ya Letona

Letona le swanetše go-

- (1) phethagatša dipholisi tša dinamelwa tša profense tšeo di dumeletšwego bjale ka ga di kaonafatšwa nako ye nngwe le ye nngwe.
- (2) Moo go swanelegago, a tšwetšepete le go phethagatša dipholisi ka gare ga tikologo ya mekgahlo ye mengwe ya mmušo.
- (3) kopanye le go lebeleditšisa peakanyo ya dinamelwa, thušo ka ga motheo wa dinamelwa le go fana ka ditirelo tša dinamelwa tšeo di amago Profense ka balaodi ba maleba le dikago.

4. Baromiwa

Letona le ka roma goba a fa molaodi wa dinamelwa goba Hlogo ya Kgoro maatla goba mošomo wo mongwe le wo mongwe wo a o filwego, kantie le maatla a go dira melawana.

5. Melawana ya dinamelwa

(1) Letona le ka-

- (i) dira melawana mabapi le ditaba tšeo di akantšwego ka gare ga Molao wo go akaretswa, eupša go sa lekanyetšwe-

- (a) mokgwa woo balaodi ba dinamelwa ba ka sepetšago mešomo le maatla a bona;

- (b) sebopego le mokgwa woo dipeakanyo tsa dinamelwa tseo di kopanego le dipego tsa ngwaga tsa balaodi ba dinamelwa di swanetsego go lokiswa ka gona;
- (c) phethagatso le tebeleditso ya mananeo a dinamelwa ao a kopanego;
- (d) kgobokanyo ya difiwa le tsebo mabapi le dinamelwa;
- (e) go hlongwa le tlhokomelo ya lenaneo la tsebito leo le kopanego;
- (f) dintlha tseo di amago profense di swanetse go hlokomeditswa ge go lokiswa lenaneo la dinamelwa leo le kopanego;
- (g) kopanyo ya peakanyo ya ditimela, dipese le dithekisi le tsela le tlhakatlhakano ya ditimela Profenseng ka bophara;
- (h) kopanyo ya mekgwa ya dinamelwa tsa sethaba le ditirelo;
- (i) tirisano magareng ga balaodi ba dinamelwa goba mmuso wa selegae go tswelwa dipeakanyo tsa dinamelwa tseo di kopanego go dira diporotseke mmogo; le go lefela mmogo dipeakanyo le diporotseke tse;
- (j) phatlalatso ya mananeo a dinamelwa ao a kopanego le ditshepediso tsa go tsea karolo ga sethaba tseo di swanetsego go dirwa ka go lokisa, go photolla le tlaleletso sefisa ya mananeo a;
- (k) go phethagatza mekgwa ya go thibela tshenyo ya ditsela go tswa dikoloing tseo di rwelego merwalo ye boima;
- (l) go sepetza ka molao le taolo ya dinamelwa tsa sethaba;
- (m) mekgwa ya polokego ya tsela;
- (n) go hlama, go thuta, go boloka le tshepediso ya motheo wa dinamelwa le taolo ya tshomiso ya yona;
- (o) go hlongwa ga poledisano le dibopego tseo tsa poledisano le mekgwa ya yona;
- (p) kopanyo le tirisano magareng ga barekiseti bao ba gatelelago molao ka gare ga mahlakore ka moka a profense le a selegae a mmuso;
- (q) makgetho ka moo a beilwego ka gona karolong ya 17
- (r) ditefo le meputso ya go tsea maeto ge e le gore di gona, di swanetse go lefta mabapi le molao wo o nyakegago goba wo dumeletswego ka fase ga Molao wo;
- (s) tlhokomologo le taolo ya dithuto tsa dinamelwa tsa sethaba le mekgwa ye mengwe ya thekgo ya ditthelete ya dinamelwa tsa sethaba;
- (t) kopanyo ya dinamelwa le tshomiso ya naga go akaretswa tswelotsepele ya ditsela tseo di phatago ka dinageng tse dingwe tsa dinamelwa;

- (ii) dira melawana ye e fapanego ya ditikologo tša dinamelwa tšeo di fapanego goba dikarolwana ka gare ga Profense.
 - (iii) dira melawana go ya ka mekgwa ya bophelo le maemo a dinamelwa ka gare ga Profense.
 - (iv) dira melawana go ya ka dinyakwa tša profense mabapi le taba ye nngwe le ye nngwe yeo go ya ka Letona e swanelegilego goba e ka thutago go tšweletša dithušo le maikemisetšo a Molao wo.
- (2) Melawana yeo e dirilwego ka fase ga karolo ye e ka bea dikotlo tšeo di sa fetego tšeo di laeditšwego ka fase ga karolo ya 24 ge go ka tshelwa molao goba go palelwa ke go dira ka tsela ye.

KGAOLO YA 3

DITIKOLOGO TŠA DINAMELWA LE BALAOADI

6. Ditikologo tša dinamelwa

- (1) Ka morago ga therišano le mmušo wa selegae Letona le swanette go arola Profense ka ditikologo tša dinamelwa tšeo di tla bago-
 - (a) toropokgolo yeo e begilwego goba tikologo ya taolo ya lekgotla la ditirelo; goba;
 - (b) kopanyo ya ditropokgolo tše pedi goba go feta goba ditikologo tša taolo ya lekgotla la ditirelo
- (2) Ditikologo tša dinamelwa tšeo di laeditšwego di tla tsebitwa ka gare ga Kuranta ya Mmušo.
- (3) Ka ditherišano tša Letona le toropokgolo goba lekgotla la ditirelo leo le amegago, Letona le swanette go hlokomedišiša dithušo tšeo di amanago le dinamelwa ka go kgetha ditikologo tša lekgotla la toropokgolo go ya ka moo le laeditšwego karolong ya 10C ya Molao wa Phetogo wa Mmušo wa Selegae wa 1993 (Nomoro ya 209 ya 1993), ge go hwetšwa kopano ya ditropokgolo goba ditikologo tša taolo ya lekgotla la ditirelo go xoma bjalo ka tikologo ya dinamelwa.

7. Go kgethwa ga balaodi ba dinamelwa

- (1) Letona, ka kwano le mmušo wa selegae wo o amegago, a ka kgetha ba ba latelago bjalo ka balaodi ba dinamelwa tikologong yeo gomme a ba a tsebiša ka gare ga Kuranta ya Mmušo:

- (a) toropokgolo goba lekgotla la ditirelo tikologong yeo ya dinamelwa; goba
 - (b) kopano ya toropokgolo le makgotla a ditirelo tikologong yeo ya dinamelwa; goba
 - (c) lekgotla le le ikemetsego la semolao leo le hlomilwego ke toropokgolo goba makgotla a ditirelo ao a amegago ka maikemisetso a go ba balaodi ba dinamelwa.
- (2) Letona le ka dira melawana mabapi le sebopego le ditshepediso tsa lekgotla leo le ikemetsego la ka thoko leo le begilwego karolong ya 7 (1) (c).
- (3) Moo e lego gore go kgethilwe toropokgolo goba lekgotla la ditirelo le tee goba go feta bjalo ka balaodi ba dinamelwa mo tikologong ye itsego ya dinamelwa ka fase ga karolwana ya (1)(b), toropokgolo goba lekgotla leo le amegago ba swanette go kwana gore na maatla le mešomo yeo go boletšwego ka yona dikarolong tsa 9 le 10 di tla tšewa le go laolwa mmogo, go gapeletšega go ya ka melawana yeo e dirilwego ke Letona, ge go ka se kgonagale go ra gore Letona le ka fa ditaelo tsa gore na tšhomišanommogo ye ya mešomo e ka dirwa bjang.
- (4) Taba ye ya gore toropokgolo le lekgotla la ditirelo goba makgotla ga se a ka a kgethwa go ba balaodi ba dinamelwa ka fase ga karolo ye, se ga se re gore se ka ba thibela go tšwetša pele mešomo yeo ba e filwego go ya Molaotheo, Molao wa Phetogo wa Mmušo wa Selegae (Molao wa nomoro ya 209 ya 1993) le molao wo mongwe le wo mongwe wo o šomago kudukudu mešomo yeo e akantšwego karolong ya 10(1)(a), (b) le (c).
- (5) Ge e le gore balaodi bja dinamelwa ga se bja hlongwa go ya ka karolwana ya (1) tikologong ye e itsego, Profense e ka tšwetša pele mešomo ya balaodi bjo yeo e sa kago ya dirwa tikologong yeo.

8. Kgotlomorago goba kaonafatšo ya ditsebito tša go kgetha balaodi ba dinamelwa

Letona le ka ikogela morago goba la kaonafatša tsebito ye nngwe le ye nngwe ya go kgetha balaodi ba dinamelwa, ka morago ga ditherizano le balaodi ba dinamelwa goba mmušo wa selegae wo o amegago le ka morago ga go fa tsebito yeo e laeditšwego yeo e ngwadilwego.

9. Maatla a balaodi ba dinamelwa

(1) Molaodi wa dinamelwa a ka-

- (a) rerizana ka dipopego tša ditefo tša dinamelwa, maemo a ditefo le ditefo tša kgaugelo tša magoro a itsego a banamedi ba dinamelwa tša setšhaba le dinako tša phetolo ya ditefo le basepedisi ba ditirelo tšeo di hwetšago thuto;
- (b) ikemisetša taolo ya nyakego ya go sepela;

- (c) tšea magato a go oketša tšhireletšo ya dinamelwa tša setšhaba;
- (d) lokiša melaetša ya ditentere le pitšo ya go lekola le go aba ditentere go ditirelo tša dinamelwa tša setšhaba tša dikontraka, ga e le gore go abja ga ditentere go tla sepeditwa go ya ka ditshepeditšo tša maswanedi tša ditentere;
- (e) tšwetša pele mekgwa ye e tswalanego ya go bea diporeisi le taolo ya ditseno tše di abjwago magareng ga basepeditši ba maleba;
- (f) kgetha kgoro ya seteginiki go tšwa toropongkgolo goba lekgotla la ditirelo la maleba goba go tšwa mmutong wo mongwe wa selegae wo o welago ka fase ga tikologo yeo ya balaodi ba dinamelwa, go phethagatša mešomo ya seteginiki ya bolaodi bja dinamelwa;
- (g) hloma mokgahlo wo o ikemetšego bjalo ka khuduthamaga ya dinamelwa go phethagatša mešomo ya seteginiki ya bolaodi bja dinamelwa.
- (2) Molaodi wa dinamelwa a ka dira kwano le molaodi wa selegae, motho goba kago, ka ntle goba ka gare ga tikologo ya dinamelwa mabapi le gore-
- (a) molaodi wa dinamelwa o ikemisetša, sebakeng sa molaodi woo, motho goba kago go diriša maatla go phethagatša mošomo woo molaodi wo, motho goba kago a ka o dirago goba a gapeletšega go o phethagatša.
- (b) molaodi woo, motho goba kago o ikemisetša go diriša maatla go toma mošomo wo mongwe le wo mongwe sebakeng sa molaodi wa dinamelwa le ga e le karolwana, ka fase ga Molao wo.
- (3) Molaodi wa dinamelwa a ka fa molaodi goba leloko goba mmuto wa selegae wo o lego karolo ya bolaodi bja dinamelwa maatla go ya ka Molao wo, ka tumelelo ya Letona.
- (4) Molaodi wa dinamelwa a ka nyakitšiša taba ye nngwe le ye nngwe yeo e welago ka gare ga Molao wo ka gare ga tikologo ya yona ya dinamelwa le tikologong ye nngwe le ye nngwe yeo e lego ka ntle, ka tumelelo ya molaodi yo a amegago.
- (5) Molaodi wa dinamelwa a ka hirizetša motho yo mongwe le yo mongwe karolo ya naga yeo e sa dulego motho yeo e hweditšwego go tšwa sekhwameng sa yona, le gona e tla lefela seo e se hweditšego ka gare ga sekhwama seo.
- (6) Moo e lego gore dikgonagatši tšeo tša dinamelwa tša setšhaba di beilwe lefelong la mothomongwe, molaodi wa dinamelwa o tla laola tšhomišo ya dikgonagatši tšeo ka morago ga go boleditšana le mongdithoto.
- (7) Molaodi a ka phethagatša molao wo mongwe le wo mongwe woo o swanetšego go mo kgontšha gore a phethagatše mešomo mabapi le Molao wo gammogo le molao wo o ka bago gona, wo o lego ka fase goba wo o latelago.
- (8) Letona le ka tsena ka gare ka go tšea magato ao a swanetšego go kgonthišiša phethagatšo ya mošomo wo mongwe le wo mongwe wa molaodi wa dinamelwa, go akaretšwa le yena gore a ka phethagatša mošomo goba a ka dira gore o phethagatšwe, ka baka leo ditšhelete tšeo di leftago go tšwa sekhwameng sa

dinamelwa tša profense le tša setšhaba go ya molaoding woo di ka tšomiswa ke Letona go ya ka maikemisetšo a tšona, le gona Letona le ka hwetša ditshenyegelo tša dikoloto go tšwa go molaodi woo.

10. Mešomo ya balaodi ba dinamelwa

(1) Molaodi wo mongwe le wo mongwe wa dinamelwa o tla tšea maikarabelo a:

- (a) tšwetšopele ya dipholisi tša dinamelwa tša selegae tšeo di sepelelanago le polisi ya dinamelwa ya profense;
- (b) tokišo ya mananeo a dinamelwa ao a kopanego, ao a tšomago le mekgwa ka moka ya dinamelwa go akaretšwa maano a dinamelwa, phethagatšo poloko le mananeo a tšhomišo le ditekanetšo;
- (c) phethagatšo ya mananeo a dinamelwa ao a kopanego;
- (d) boloka poledišano goba tšhomišanommogo le balaodi ba maleba;
- (e) tšhokomelo le taolo ya sekhwama sa balaodi bja dinamelwa;
- (f) dira ditumišo go Boto goba Kgoro mabapi le ditsela, boemadithekisi, boemadipese, mangwalo a ditumelelo, ditumelelo, dikontraka le dikgaolelo go ya ka lenaneo la dinamelwa leo le kopanego;
- (g) tebelelo ya ditshepedišo tša dinamelwa tša setšhaba;
- (h) taolo ya lenaneo la dinamelwa;
- (i) tšwetšopele, phethagatšo le tebeledišo ya maano ao a lebitšwego go thulano ya dinamelwa tša naga mo tikologong;
- (j) tšhepedišo le taolo ya mesepelo ya batho, dipahlo le ditirelo;
- (k) kopanyo ya tšhepedišo le tšhomišano magareng ga barekšetši ba tšaleletšo mabapi le ditaba tša therafiki le tša dinamelwa;
- (l) tšišo ya botsebi bja taolo ya therafiki bjo maikemisetšo a bjona e lego tšhepetšo ya therafiki yeo e kaonafaditšwego;
- (m) tšwetšopele, poloko le tšhepedišo ya mokgwa wa tsebo ya dinamelwa ka tšišanommogo le Letona;
- (n) tšišo ya magato a go thibela tšhenyo ya ditsela go tšwa dikoloing tšeo di rwelego merwalo ye boima;
- (o) go rekšša, tšwetšopele le phatlalatšo yeo e amanago le go fana ka ditirelo tša dinamelwa;
- (p) go fa banamedi bao ba ka bago gona le bao ba lego gona tšebišo ka ga dinamelwa tša setšhaba;
- (q) go rerišana le setšhaba, go tšea karolo dikopanong, le diphatlalatsong tše dingwe tša ditaba go kgonthiša poledišano le ditšhaba le basepediši;

- (2) Molaodi wo mongwe le wo mongwe wa dinamelwa o swanetše go lokišetša Letona pego ya ngwaga go ya ka moo e beilwego ka gona, yeo a swanetšego go e bega Tihakamolaong ya Profense.

11. Ditumelelano le diprofense tša boagixani le balaodi

Moo e lego gore go na le therafiki ya mollwane wa profense yeo e tshelago goba tšweletsopele profenseng ya boagixani yeo e thulanago le dinamelwa ka Gauteng, Letona le ka dira gore go be le tumelelano mabapi le tšhomišanommogo ya mešomo magareng ga balaodi ba dinamelwa ba Gauteng le balaodi ba diprofense tša boagixani, ka morago ga therišano le Letona le balaodi ba profense ya boagixani bao ba amegago.

12. Melawana

(1) Molaodi wa dinamelwa a ka dira melawana ka fase ga mabaka a karolo 12 (2) mabapi le leano la dinamelwa leo le kopanego ebile le dumetšwego go-

(a) laola bogolo, legoro, boima goba palo ya dikoloi tšeo di ka tsenago karolong ye itšego ya tikologo ya yona ya dinamelwa le go laetša nako goba dinako tšeo dikoloi tše itšego di kago tsena karolong efe goba efe;

(b) laola le go thibela go tsena ga legoro lefe goba lefe la koloi karolong efe goba efe ka nako ye itšego;

(c) go thibela go laiša goba go fološa dithoto dikoloing karolong goba nako efe goba efe le go laetša dinako tšeo go swanetšego go laišwa goba go fološwa dithoto tšeo;

(d) laola le go thibela go fana ka mafelo ao dikoloi di ka phakago gona moagong goba karolong efe goba efe nakong ye itšego;

(e) laola maitshwaro a baotledi ba dikoloi tša setšhaba;

(f) laola tšhomišo ya dikgonagatsi tša dinamelwa tša setšhaba;

(g) laola taba efe goba efe yeo e tšwetsago pele maikemisetšo a Molao wo.

- (2) Moo e lego gore molaodi wa dinamelwa o kgethilwe mabapi le karolo ya 7(1)(b) goba (c), molaodi yoo a ka kgopela bomasepala ba maleba go dira melawana ye e swanetšego;

- (3) Melawana yeo e lego ka fase ga karolo ye e ka laetša dikotlo tšeo di sa fetego tšeo di laeditšwego ka fase ga karolo ya 24 ge e sa obamelwe.

KGAOLO ya 4

TAOLO LE TŠHOMIŠO YA SEKHWAMA SA DINAMELWA TŠA PROFENSE LE GO HLONGWA GA SEKHWAMA SA DINAMELWA SA BALAODI BA DINAMELWA

13. Taolo ya sekhwama sa dinamelwa tša naga ya profense

- (1) Sekhwama sefe goba sefe sa dinamelwa tša naga sa profense seo se hlomilwego ke tlhakamolao ya setšhaba se tša laolwa ke Letona.
- (2) Ditšhelete tšeo di tšalago tšeo di sa tomiswego ka pejana di tša bolokwa ka mokgwa woo o laeditšwego molaong.
- (3) Letona le swanetše go swara di-akhaonto tša ditšhelete ka moka tšeo di okeditšwego goba di tšwelego, tšeo morago di tlogo lebeleditšwa ke Mohlakisi-Kakaretšo.

14. Tšhomišo ya sekhwama sa dinamelwa tša naga sa profense

- (1) Letona le ka ntšha tšhelete sekhwameng sa dinamelwa tša naga sa profense bakeng sa-
 - (a) ditšhelete tšeo di beetšwego ka thoko go balaodi bjale ka ge a bona go swanelwa gore go tšwetšwe pele maikemisetšo le diphihlelelo tša dinamelwa tša profense le go oketša dikhwama tša dinamelwa tša balaodi, le go ka aba tšhelete go ya ka moo e beetšwego balaodi;
 - (b) ditefo mabapi le dikontraka tša ditirelo tša dithuto goba ditentere tša nakwana le dikgaogelo goba tumelelo ya thuto ye nngwe le ye nngwe.
 - (c) go thutša magoro a itšego a banamedi go lefa ditefo tša dinamelwa;
 - (d) tefo mabapi le tšhwaro ya motheo wa dinamelwa;
 - (e) lefa ditefo tša mananeo a polokego ya tsela;
 - (f) go lefa ditefo tša go tšenywa ga mekgwa ya thekenolotši ye meswa;
 - (g) go lefa ditefo tša pontšho goba diprotšeke tša maiteko;
 - (h) go lefa ditefo tša go hloma le go hlokomela thutantšho le mafelo a ditsebiso;
 - (i) go lefa ditefo tša go tšwetšapele le go boloka mananeo le mekgwa ya ditsebiso;
 - (j) go lefa ditefo tša diprotšeke tšeo di amanago le dinamelwa, dithuto le dinyakizito tšeo di nyakegago tša Profense go phethagatša metomo ya yona;
 - (k) go lefa ditefo tša taolo ya sekhwama sa dinamelwa tša naga ya profense;

- (l) maikemisetso afe goba afe go phethagatša diphizegelo tša Molao wo;
- (2) Letona le ka dira dithušo go tšwa sekhwameng sa dinamelwa tša naga sa profense go molaodi ofe goba ofe gore a kgone go tšweletša mešomo ya gagwe.

15. Go hlongwa ga sekhwama sa dinamelwa bakeng sa balaodi ba dinamelwa

- (1) Go swanetše go hlongwa sekhwama sa dinamelwa seo se latelwago ke tumelelo ka tlhakamolao ya setšhaba bakeng sa molaodi yo mongwe le yo mongwe yo a kgethilwego moo go swanetšego go lefa-
- (a) ditšhelete tšeo di beetswego ka thoko ke Letona tša sekhwama se mabapi le karolo ya 14;
- (b) tswalo ya ditšhelete tšeo di bolokilwego tšeo e lego tša sekhwama;
- (c) ditšhelete dife goba dife tšeo di amogetšwego ke molaodi go tšwa dikoketšong tša setšhaba goba dithušo tša dinamelwa tša profense tša mmušo mabapi le maikemisetšo a Molao wo;
- (d) tšhelete yeo e beilwego ke Palamente goba Tlhakamolao ya Profense yeo e abetšwego go thuša dinamelwa tša setšhaba;
- (e) ditšhelete tša makhura tša dinamelwa tšeo di abetšwego mmušo wa selegae tikologong yeo ya dinamelwa;
- (f) ditšhelete ka moka tšeo di amogetšwego ke balaodi ba dinamelwa go tšwa makgethong ka fase ga karolo ya 17;
- (g) tšhelete yeo e ntšhitšwego ke mmušo wa selegae woo tikologo yeo e welago ka fase ga yona e lego karolo ya tikologo ya dinamelwa yeo go bolelwago ka yona;
- (h) tšhelete efe goba efe yeo e oketšago sekhwama goba e amogetšwe ke molaodi wa dinamelwa go tšwa mothopong ofe goba ofe.
- (2) Bjalo ka karolo ya ngwaga ya go tlišwa ga lenaneo la dinamelwa leo le kopanego goba go le kaonafatša, molaodi o swanetše go tliša gape le tekanyetšo ya sekhwama go Letona gore e dumelelwe. Molaodi a ka se kgone go lefa se sengwe ka tšhelete ya sekhwama, kante le gore e sepelelane le tekanyetšo yeo e dumeletšwego goba tumelelo yeo e dirilwego pele ya Letona.
- (3) Molaodi wa dinamelwa o swanetše go laola sekhwama sa gagwe a be a lefele ditshenyegelo ka moka tšeo di dirilwego mabapi le go phethagatša maatla ao a nago le wona goba mešomo ya balaodi go ya ka Molao wo goba melawana yeo e dirilwego ka fase ga ona
- (4) Molaodi a ka boloka ditšhelete tšeo di sa nyakegego ka pejana ka gare ga sekhwama go ya ka mokgwa wo o laeditšwego.

- (5) Balaodi ba dinamelwa ba swanette go swara di-akhaonto tša ditthelete tšeo di okeditšwego goba tšeo di lefilego melato go tšwa sekhwameng, le gona di-akhaonto di swanette go lebeleditšiswa ke Mohlakisi-Kakaretšo.

16. Tšhomiso ya dikhwama tša dinamelwa ke balaodi ba dinamelwa

- (1) Molaodi o swanette go tšomisa sekhwama, mabapi le tekanyetšo yeo e dumeletšwego go-
- (a) fihlelela boitlamo bja kontraka, a lefe ditefo tša tokiso le phethagatšo ya lenaneo la dinamelwa leo le kopanego goba a tšwetše pele maatla goba mešomo ya gagwe yeo e laeditšwego dikarolong tša 9 le 10;
- (b) lefe ditefo tša taolo ya sekhwama sa gagwe.
- (2) Molaodi a ka lefa tefo efe goba efe yeo e amanago le ditaba tša dinamelwa tikologong ya gagwe ya dinamelwa go tšwa sekhwameng ka tumelelo pele ya Letona.

17. Ditefiso tša balaodi ba dinamelwa

- (1) Nako le nako molaodi a ka lefisa ditefiso tša taolo ya maeto go ya ka lenaneo la dinamelwa leo le dumeletšwego, tšeo di fapanego ka gare ga tikologo ya dinamelwa go-
- (a) dikoloi tša magoro a itšego tšeo di tšenago dikarolong tše dingwe ka dinako tše itšego;
- (b) naga, meago goba dikgoditšo tše dingwe tšeo di dirago gore go be le therafiki tikologong yeo, kantle le ge di tšomitšwa goba di diretšwe mabaka a go dula a ka thoko le;
- (c) go phaka ga dikoloi meagong efe goba efe goba karolong efe goba efe ya naga ya tikologo ya dinamelwa yeo e lego ka fase ga yona;
- (d) mafelo a go phaka a dikoloi dikarolong tšeo di hlalositšwego ka fase ga (c);
- (e) mafelong ao merwalo e fološwago goba e laišwago dikoloing mo dikarolong tšeo di hlalositšwego ka fase ga (c);

18. Dikadimo ka balaodi ba dinamelwa

Molaodi wa dinamelwa a ka dira kadimo go thutša go phethagatša lenaneo la dinamelwa leo le kopanego ebile le dumeletšwego. Kadimo yeo e tšeešwego mabaka a e swanette go-

- (a) ba e dumeletšwe ke Letona pele;
- (b) bonagaditšwe ka gare ga tekanyetšo.

KGAOLO YA 5**PEAKANYO YA DINAMELWA****19. Tokiso ya tihako ya dinamelwa ya profense**

- (1) Lefapha le swanetše go lokisa tihako ya dinamelwa ya profense ka morago ga go reršana le Letona leo le lebeletšego peakanyo ya tšwetšopele.
- (2) Tihako ya dinamelwa ya profense e tla hlahla balaodi le gona e swanetše go ba le:
 - (a) pono ya nako ye telele ka ga dinamelwa tša tseleng le tša ditimela ka gare ga Profense;
 - (b) polisi ya dinamelwa ya Profense;
 - (c) tlhathollo ya mokgwa wo o swanetšego go latelwa go phethagatša pono ya nako ye telele;
 - (d) tlhathollo ya maemo a bjale a dinamelwa ka gare ga Profense mabapi le ditaetšo tša go lekanya phethagatšo ya mošomo
 - (e) tlhathollo ya magato a gore na dinamelwa le tšhornišo ya naga di ka kopanywa bjang;
 - (f) ditaba dife goba dife tšeo di amanago le se.

20. Tokiso ya lenaneo la kopanyo ya dinamelwa la profense

- (1) Lefapha le swanetše go lokisa lenaneo la kopanyo ya dinamelwa la profense mengwaga ye mengwe le ye mengwe ye mehlano le go le kaonafatša ka ngwaga, go ya ka melawana.
- (2) Lenaneo la kopanyo ya dinamelwa la profense le swanetše go hiokomedišiša mananeo ao a lego gona a dinamelwa ao a kopanego ao a lokisitšwego ke balaodi ba dinamelwa ka gare ga profense gammogo le peakanyo yeo e dirilwego ke balaodi ba maleba.

21. Tokiso ya mananeo a dinamelwa ao a kopanego

- (1) Molaodi yo mongwe le yo mongwe o swanetše go lokisa lenaneo la dinamelwa leo le kopanego ka morago ga mengwaga ye mengwe le ye mengwe ye mehlano le go le kaonafatša gape ka ngwaga, go ya ka melawana.
- (2) Lenaneo leo le kopanego le tla ba le setho sa nako ye telele le ye kopana seo se sepelelanago le tihako ya dinamelwa ya profense le lenaneo la kopanyo ya dinamelwa la profense;

- (3) Molaodi yo mongwe le yo mongwe o swanetše go tliša lenaneo la dinamelwa leo le kopanego goba kaonafatšo ya lona go Letona ka ngwaga gore le dumelelwe le gona tumelelo ye e tla gatiswa ka gare ga Kuranta ya Mmušo go ya ka melawana.
- (4) Lenaneo la dinamelwa leo le kopanego le swanetše go hlokomela dinyakwa tša batho bao ba golofetšego, batho ba bagolo, bao ba e lego dikoka le bana ba sekolo.

22. Go kopanya dinamelwa le ditshepetšo tša tšhomiso ya naga

Ge re tšea maikarabelo a ditshepetšo tša peakanyo ya dinamelwa, balaodi ba dinamelwa ba tla hlokomeditšiša melao ya kakaretšo yeo e beakantšwego ka gare ga tlhakamolao ya peakanyo ya tšwetšopele ya Gauteng. Balaodi ba swanetše go kgonthišiša kopanyo magareng ga diphitšegelo tša tšwetšopele ya naga le lenaneo la dinamelwa leo le kopanego. Ge go tšwetšwa pele lenaneo le, tlhokomeditšišo e swanetše go fiwa sephetho sa dikakanyo tša pholisi ya dinamelwa ka ga tšhomiso ya naga le tšwetšopele. Mananeo a a dinamelwa a swanetše go ba ao a kwanago le tšhomiso ya naga ya nako ye kopana le ye telele le mananeo a tšwetšopele ao a lokisitšwego ke barekisetši ba bangwe. Go swanetše go ba le kwano gape magareng ga lenaneo la dinamelwa leo le kopanego le dikgaolo tša tšwetšopele ya dinamelwa tša mananeo a tšwetšopele ao a kopanego ao a lokisitšwego go ya ka karolo ya 10D(4)(b)(i) le (ii), ntlha ya 3 tšetšulu ya 2 le ntlha ya 2 ya tšetšulu ya 2A ya Molao wa Phetogo ya Mmušo wa Selegae wa 1993 (Moalo wa nomoro ya 209 wa 1993).

23. Ditlhokagalo tša tsebiso le mekgwa ya go bega

Kgoro ka tirišano le mmušo wa selegae di swanetše go tšwetšapele le go boloka mekgwa wo o kopanego wa go bega ditsebiso tše di swanago go kgobokantšha ditsebiso tša maleba le diphitšegelo tša Molao wo.

KGAOLO YA 6

MABAKA KA KAKARETŠO

24. Dikotlo

Motho ofe goba ofe yo a latofatswago ka molato wo o lego ka fase ga molao wo o tla lebana le tefišo yeo e sa fetego R100 000 goba go dula ka kgolegong nako yeo e sa fetego mengwaga ye mebedi goba tefišo le go golegwa ka bobedi bja tšona.

25. Boitlamo bja Mmuo

Ka ntle le gore go boletwe ka tsela ye nngwe mabapi le molao wo, mabaka, melawana le dinyakwa ka moka tseo di lego ka fase ga Molao wo di tla tlama Mmuo.

26. Hlogo ye kopana le letsatsi la go thoma

- (1) Molao wo o tla bitwa Molao wa Tlhako ya Dinamelwa wa Gauteng wa 1998, le gona o tla thoma go tona ka letsatsi leo le beilwego ke Tonakgolo (Primia) ka tsebiso ka gare ga Kuranta ya Mmuo
- (2) Dikarolo goba dikarolwana tsa Molao wo di ka thoma ka matsatsi ao a fapanego, goba go ya ka ditikologo tseo di fapanego.

SESWANTŠHO SA MOLAOKAKANYWA WA TLHAKO YA DINAMELWA WA GAUTENG

Memorantamo mabapi le Molao wa 137 wa Molao ye e ikemetsego ya Tlhakamolao ya Profense ya Gauteng.

1. MABAKA A MOLAOKAKANYWA

Kgoro ya Gauteng la Dinamelwa le Mešomo ya Setšhaba le tšwetša pele tlhakamolao yeo e amanago le ditaba tša dinamelwa. Maikemisetšomagolo a Molaokakanywa ke go fana ka tlhako ka kakaretšo ya dinamelwa ka gare ga Profense.

Molaokakanywa wa Dinamelwa tša naga wa Setšhaba wo go lebeletšwego gore o tla fetišwa ngwageng wa 1999, o thuša bobeding ditaba tša profense le tša bosetšhaba, le gona ka thoko ye nngwe o tla bewa sebakeng sa ditaba tša profense tšeo di filwego ka gare ga Molaokakanywa wa Setšhaba.

Gauteng e bone go le bohlokwa go kgonthišiša gore ditaba tše dingwe di be di dirwa ka tsela ye nngwe ye e makatšago profenseng ye , bjalo ka:

- tlhathollo ya lenaneo la maatia le mešomo ya Letona;
- mokgwa wo o fapanego wa go laetša ditikologo tša dinamelwa le go kgetha toropokgolo goba lekgotla la ditirelo bjalo ka molaodi wa dinamelwa wa tikologo yeo.
- tlišo mo mošomong wa go kopanya lenaneo la kopano ya dinamelwa la profense
- tsela ye e fapanego ya tokišo le go dumelelwa ga mananeo a dinamelwa ao a kopanego; le
- go tlošwa ga dipušeletšo tšeo di sa nyakegego tša melawana ka gare ga Molaokakanywa wa Dinamelwa tša Naga wa Setšhaba.

2. THULANO YA TIKOLOGO

Molaokakanywa o laetša gore balaodi ba dinamelwa ba swanetše go tšea maikarabelo a thulano ya tikologo ya tšwetšopele ya dinamelwa go ya ka moo e laeditšwego ka gona molawaneng wa 10(1)(I). Go feta moo, dinyakwa tša tlhakamolao ya tikologo di tla obamelwa ke balaodi ba dinamelwa.

3. DIKELETŠO TŠA DITŠHELETE TŠA MOLAOKAKANYWA

Dikeletšo tša ditšhelete tša molaokakanywa di tla laetšwa ka fase ga tekanyetšo yeo e tlwaelegilego ya kgoro ya Gauteng ya Dinamelwa le Metomo ya setšhaba.

4. DITSHWAYOTSHWAYO TŠEO DI AMOGETŠWEGO E BILE DI KGOPETŠWEGO

Diswantšho tša Molaokakanywa di ahlaahlilwe dikopanong tše pedi tšeo di bego di swerwe le Komiti ya Kopanyo ya Dinamelwa (TCC). Komiti ye e be e na le baemedi go tšwa mekgahlong ye e latelago:

- Ditoropokgolo/makgotla a ditirelo a tšhelelago ka gare ga Profense
- Lefapha la Peakanyo ya Tšwetšopele le Mmušo wa Selegae
- Lefapha la tša Thuto
- Lefapha la tša Dintlo
- Tshwarano ya Banamedi ba Ditimela ba Afrika-Borwa
- Metrorail
- Lefapha la Dinamelwa le Metomo ya Setšhaba (Gautrans)

Go feta moo ditaba tšeo di lego gona di hlokomeditšwe dikopanong tše di fapanego go akaretšwa le dikonferense tša ditherišano tšeo di swerwego ka 1994 le 1995, dikopanong tša TCC tše di tletšego le dikopano tše dingwe tše di tseneletšego tša ditoropokgolo/makgotla a ditirelo.

5. TLHALOŠO YA MOLAWANA -KA-MOLAWANA

Mol-1: Mantšu a mangwe ao a somisitšwego ka gare ga Molaokakanywa wo a hlathollotšwe karolong ye.

Mol-2: Molawana wo o hlaloša maatla ao Letona leo le lebeletšego tša dinamelwa a ka a somitšago mabapi le Molaokakanywa wo.

Mol-3: Mešomo ye mengwe ya Letona e hlalotšwe ka gare ga molawana wo. Mešomo ye e lekanetše gomme ke fela maatla a Letona ka fase ga molawana wa 2 ao a okeditšwego.

Mol-4: Letona le ka neela maatla le mešomo mabapi le molawana wo ka ntle le maatla a go dira melao.

- Mol-5: Molawana wo o akaretša magoro ao a fapanego a melawana yeo Letona le ka e dirago. Lenaneo le akaretša melawana yeo e amanago le Molaokakanywa gape le melaokakanywa yeo e thadilwego sehlopheng sa tlhakamolao ya dinamelwa.
- Mol-6: Letona le tla arola Profense ka ditikologo tša dinamelwa. Ditikologo tše di laeditšwego di tla sepelelana le mellwane ya ditoropokgolo goba makgotla a ditirelo. Tshepetšo ye e tla dirwa ka therišano le Mmušo wa selegae.
- Mol-7: Go tla kgethwa molaodi wa dinamelwa tikologong ye nngwe le nngwe ya dinamelwa ka tumelano le mmušo wa selegae. E ka ba toropokgolo/lekgotla la ditirelo goba tšona di kopantšwe goba kago ye nngwe ya ka thoko ya semolao yeo e hlomilwego ke toropokgolo/lekgotla la ditirelo ka maikemisetšo a go ba molaodi wa dinamelwa. Ge go se gwa hlongwa bolaodi bja dinamelwa tikologong, Profense ke yona e tla phethago metomo ya bolaodi bja dinamelwa tikologong yeo.
- Mol-8: Letona le ka gogela morago tsebitšo ya go kgetha molaodi wa dinamelwa ka therišano le mmušo wa selegae wo o amegago.
- Mol-9: Maatla ao a fapanego a balaodi ba dinamelwa a hlalošitšwe ka gare ga molao wo. Molaodi wa dinamelwa a ka hloma khuduthamaga ya dinamelwa ya ka thoko go phethagatša metomo ya setegeniki ya molaodi goba a kgetha kgoro ya setegeniki go tšwa mmušong wa selegae wa tikologo yeo go dira metomo yeo ya setegeniki.
- Mol-10: Molaodi wa dinamelwa o swanetše go tšea maikarabelo a metomo ye mentši yeo e ngwadilwego ka gare ga molawana wo.
- Mol-11: Letona le ka sepetša ditumelano le diprofense tša boagišani ge ditaba tša dinamelwa diprofenseng tše dingwe di ama Gauteng.
- Mol-12: Molaodi wa dinamelwa a ka dira melawana yeo e lego maleba le taolo ya dikoloi tše di tšenago tikologong, taolo ya go phaka, maitshwaro a baotledi ba dikoloi tša dinamelwa tša setšhaba, thušo le tšhomišo ya dikoloi tše.
- Mol-13: Sekhwama sa Dinamelwa tša Naga sa Profense se hlomilwe mabapi le Sekhwama sa Dinamelwa tša Setšhaba. Molawana wo o hlaloša ka moo Sekhwama se se swanetšego go laolwa ka gona.
- Mol-14: Molawana wo o hlaolosa ka mokgwa wo Sekhwama sa Dinamelwa tša Naga sa Profense se swanetšego go tšomišwa ka gona. O fa gape balaodi ba dinamelwa dithušo go tšwa sekhwameng

- mol-15:** Molawana wo o hloma sekhwama sa dinamelwa go molaodi wo mongwe le wo mongwe wa dinamelwa. Molaodi wa dinamelwa o swanetše go akaretša tekanyetšo ya sekhwama se pegong ya gagwe ya ngwaga ya lenaneo la dinamelwa leo le kopanego.
- Mol-16:** Sekhwama se sengwe le se sengwe sa molaodi wa dinamelwa se ka tšomišetšwa go phethagatša lenaneo la dinamelwa le le kopanego, go fihlelela maitlamo a dikontraka le go lefa melato ya go laola sekhwama.
- Mol-17:** Balaodi ba dinamelwa ba ka lefisa ditefiso tša taolo ya therafiki tikologong ya bona ya dinamelwa.
- mol-18:** Balaodi ba dinamelwa ba ka tšea dikadimo mabapi le karolo ye ka tumelelo pele ya Letona.
- Mol-19:** Molawana wo o laetša gore tlhako ya dinamelwa ya profense e swanetše e lokizwa ke Gautrans le gona o akaretša dikagare tša tlhako ya dinamelwa.
- mol-20:** Gautrans e swanetše go lokisa lenaneo la kopanyo ya dinamelwa mengwageng ye mengwe le ye mengwe ye mehlano le go e kaonafatša ka ngwaga. Lenaneo la kopanyo le swanetše go hlokomeditšwa mananeo a dinamelwa ao a kopanego ao a lego gona.
- mol-21:** Molawana wo o hlaloša gore mananeo a dinamelwa a swanetše a tšweletšwe ke balaodi ba dinamelwa mengwageng ye mengwe le ye mengwe ye mehlano le gore a kaonafatšwe ka ngwaga.
- Mol-22:** Molawana wo o hlaloša ditshepeditšo mabapi go kopanya dinamelwa le peakanyo ya tšhomiso ya naga.
- Mol-23:** Dinyakwa tše dingwe tša ditsebiso le mekgwa ya go bega di hlalošitšwe ka gare ga molawana wo.
- Mol-24:** Molawana wo o hlaloša dikotlo.
- Mol-25:** Molawana wo o hlaloša gore mabaka ka moka a Molaokakanywa wo le melawana yeo e e amago di tla tlama Mmušo.
- Mol-26:** Molawana wo o bolela ka ga hlago ye kopana le letšatši la go thoma.

Die... (faint text)

NOTICE 1830 OF 1998**UMTHETHOSIVIVINYO WOHLAKA LWEZOKUTHUTHA EGAUTENG**

Isishayamthetho sesiFundazwe saseGauteng sihlangoza ukungenisa uMthethosivivinyo obalulwe ngenhla kwisiShayamthetho saseGauteng mhla zi 25 August 1998.

Inhloso yoMthethosivivinyo ukuhlinzeka uhlaka lokuhlela nokuhlinzeka ngokuhlangene uhlelo lwezokuthutha esiFundazweni; ekusunguleni iziphathimandla zezokuthutha nezikhwama zezokuthutha; ukuphatha nokusebenzisa isikhwama sesifundazwe sezithuthi zasezweni; ukulungisa izinhlelo zezokuthutha ezihlangene; kanye nokuhlinzekela izindaba ezihlangene nalokho.

Abantu abafisa ukubeka imibono ngoMthethosivivinyo bangathumela imibono yabo ungakashayi umhla 17 August 1998 ku:

Unobhala wesiShayamthetho
Isishayamthetho sesiFundazwe saseGauteng
Private Bag X52
MARSHALLTOWN
2107

Amakhophi eGazethi yesiFundazwe saseGauteng ayatholakala kuHulumeni wesiFundazwe, esiTezi sesiHlanu, kwanombolo 30 Simmonds Street, EGOLI.

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**UMTHETHOSIVIVINYO WOHLAKA
LWEZOKUTHUTHA EGAUTENG**

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UMTHETHOSIVIVINYO

Ukuhlinzeka uhlaka lokuhlela okuhlangene kanye nokuhlinzeka uhlelo lwezokuthutha esiFundazweni; ukusungulwa kweziphathimandla zezokuthutha kanye nezikhwama ezizophatha ezokuthutha; ukuphathwa nokusetshenziswa kwesikhwama sesifundazwe sezithuthi zasezweni; ukulungiswa kwezinhlelo zezokuthutha ezihlangene; kanye nokuhlinzekela izindaba ezihambisana nalokho.

Makumiswe umthetho yisiShayamthetho sesiFundazwe saseGauteng kanje:

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1. Izincazelo

8 Kulo Mthetho, ngaphandle uma ingqikithi ikhomba okunye -

78 "iBhodi" kusho iBhodi leziMvume zokuThutha eGauteng elinomsebenzi
92 wokukhipha amaphemithi kanye nezimvume;

88 "ukwehlisa imali" kusho isivumelwano sokusebenza noma ukwakha,
98 ukulungisa noma ukugcina impahla yensiza yokuthutha umphakathi
002 kujantshi noma kwinxanxathela yolayini bezitimela kuye ngesu lokuthutha
008 umphakathi elisohlelweni lwezokuthutha ngentengo nasezingeni
101 ekuvunyelwene ngako;

108 "izimali zokugibela ezehlisiwe" kusho imali yokugibela enqunywe
121 yisiphathimandla sezokuthutha sibhekele iqembu elithize labagibeli
abahamba ngezithuthi zomphakathi ezibalulwe ngqo kwisu lokuthutha
umphakathi elisohlelweni lwezokuthutha oluhlangene futhi zihlinzekwe
ngokwenkontileka yokuthengisa, inkontileka exhasiwe noma
ngokwehliswa kwemali;

"uMthethosisekelo" kusho uMthethosisekelo weRiphabhliki yaseNingizimu
Afrika, 1996 (uMthetho No. 108 ka 1996);

uMnyango" kusho umnyango ekuPhatheni kwesiFundazwe saseGauteng
obhekele izindaba zokuthutha;

"uhlaka" kusho isakhiwo noma uphahla olunikeza isakhiwo kanye nesimo
ekwakhiwa ngaso uhlelo, umgomo noma isu;

"isikhwama" kusho isikhwama sikazwelonke sezithuthi zasezweni
esisungulwe ngokwanoma yimuphi umthetho;

"izingqalasizinda" kusho isitoko sezinto zokusebenza ezikhona kanye nokunye okuwusizo ohlelweni lwezokuthutha;

"uhlelo lokuthutha oluhlangene" kusho uhlelo olukhishwe yisiphathimandla sezokuthutha silukhiphela indawo yaso ngomgudu omisiwe nangokuhambisana nemithethonqubo, maqondana nokuhlinzekwa, ukusetshenziswa kanye nokuphathwa kwezingqalasizinda zezokuthutha, imisebenzi kanye nezinsiza zabaqhuba umsebenzi wokuthutha umphakathi nabasebenzisa ezokuthutha zomphakathi;

"izithuthi zasezweni" kusho ukuthuthwa kwabantu nezimpahla ezweni nganoma yini kanye nezingqalasizinda esisiza ukuthutha okunjalo;

"u-MEC" kusho iLungu loMkhandlu Omkhulu elibhekene nezokuthutha esiFundazweni;

"uNgqongqoshe: kusho uNgqongqoshe wezokuThutha;

"imoto" kusho imoto njengalokho ichaziwe kuMthetho weziNto eziHamba eMgaqweni (Road Traffic Act, No. 29 of 1989);

"uhulumeni wendawo" kusho noma yiluphi uhlobo lukahulumeni wendawo olubalulwe kwisigaba 7 soMthethosisekelo, uMthetho woGuquko loHulumeni beNdawo (Local Government Transition Act, No. 209 of 1993);

"umkhandlu wedolobhakazi" kusho umkhandlu woguquko wedolobhakazi njengalokho kuchaziwe kwisigaba 10B soMthetho woGuquko loHulumeni beNdawo (Local Government Transition Act, No. 209 of 1993) kanye nanoma yimuphi omunye umthetho ohambisana nawo;

“uHlaka lobuNgcweti lukaZwelonke” (iNQF) kusho uHlaka lobuNgcweti lukaZwelonke oluchazwe kuMthetho oPhethe ubuNgcweti eNingizimu Afrika (South African Qualifications Authority Act, No. 58 of 1995);

“imvume” kusho amandla okuqhuba izithuthi zomphakathi emigaqweni aphuma kwibhodi lezimvume lesifundazwe;

“iphemithi” kusho iphemithi yokuthwala usebenzisa imigwaqo yomphakathi ngokoMthetho wokuThutha usebenzisa imiGwaqo (Road Transportation Act, No. 74 of 1977) noma umthetho ofana nawo;

“okumisiwe” noma “okumiswe yimithethonqubo” kusho okumiswe nguMEC ngomthethonqubo kwiGazethi;

“isiFundazwe” kusho isifundazwe saseGauteng;

“isikhwama sesifundazwe sezithuthi zasezweni” kusho noma yisiphi isikhwama sesifundazwe sezithuthi zasezweni esisungulwe ngokomthetho kazwelonke;

“iGazethi” kusho iGazethi kaHulumeni kanti kuxuba neGazethi yesiFundazwe saseGauteng;

“uhlaka lwezokuthutha esifundazweni” kusho uhlaka lwezokuthutha esifundazweni olubalulwa esigabeni 19;

“uhlelo lokulunganisa ezokuthutha esifundazweni” kusho uhlelo lokulunganisa ezokuthutha esifundazweni olubalulwa esigabeni 20;

“izithuthi zomphakathi” kusho noma iyiphi insiza yokuthutha abagibeli kusetshenziswa imigwaqo noma ojantshi lapho insiza ikhokhelwa noma kutholwa omunye umhlomulo;

“umkhandlu wezinsiza” kusho umkhandlu wezinsiza njengalokho uchaziwe esigabeni 10 soMthetho woGuquko loHulumeni beNdawo (Local Government Transition Act, No 209 of 1993);

“inkontileka yezinsiza exhasiwe” kusho isivumelwano sokuqhuba izinsiza zokuthutha umphakathi emzileni noma kwinxanxathela yemizila ngokwesu lezokuthutha umphakathi elingaphansi kohlelo lwezokuthutha oluhlangene lowo oqhuba insiza yokuthutha umphakathi eholo ngaphansi kwalo, ingxenye eyithola kwimali ekhokhwa ngabagibeli enye ingxenye eyithola emalini engumxhaso kwinkontileka ekhishwe ngethenda;

“lo Mthetho” kuxuba noma yimiphi imithethonqubo eyenziwe ngaphansi kwawo;

“indawo yokuthutha” kusho indawo ekhonjwe ngu-MEC njengendawo yokuthutha lokho kube kwakhishwa ngu-MEC kwiGazethi ngokwesigaba 6;

“isiphathimandla sezokuthutha” kusho isiphathimandla esikhethwe ngu-MEC njengalokho kubalulwa kwisigaba 7; bese kuthi

“isikhwama sesiphathimandla sezokuthutha” kusho isikhwama esisungulelwe isiphathimandla sezokuthutha njengalokho kubalulwa kwisigaba 15.

ISIGABA 2**AMANDLA NEMISEBENZI KA-MEC****2. Amandla ka-MEC****U-MEC -**

- (1) angabumba, bese kuthi ngesaziso kwi *Gazethi*, azise ngomgomo wezokuthutha esifundazweni oxuba kanye nezinye izinto -
 - (a) iphupho lesiFundazwe maqondana nezokuthutha;
 - (b) izimpokophelo ekumele zilandelwe ukuze kufezekiswe iphupho lesiFundazwe; kanye
 - (c) nezitatimende ngezinyathelo ezizothathwa yisiFundazwe ukuze sifeze izimpokophelo zaso.
- (2) angasungula izakhiwo zokuxhumana nokusebenzisana kanye nezindlela zokuqinisekisa ukuthi ukuhlinzekwa kwezingqalasizinda zezokuthutha kanye nezinsiza zakhona yibona bonke omaziphathe, imigwamanda kanye nezinhlango ezithintekayo kulunganisiwe.
- (3) anganikeza izimali futhi enze ucwaningo ngezokuthutha kanye namaphrojekti emibukiso.
- (4) ukuze afeze izinhloso zalo Mthetho, u-MEC eyedwa noma ngokuhlanganyela nesinye isiphathimandla sezokuthutha noma uhulumeni wendawo noma yimuphi omunye umuntu noma inhlango, angenza ukuthi kube nophenyo, angamisa uphenyo noma abonelele ukuthi luyamiswa noma aqoqe imininingwane.
- (5) angaphenya bese ethatha izinyathelo ngezindaba ezithinta noma ezinokuthinta uhlelo lwezokuthutha esiFundazweni, kuxuba kodwa kungagcini -
 - (a) ekuthuthweni kwabantu nezimpahla kuleyo ndawo;
 - (b) kwizingqalasizinda ezikhona nezihlelwayo kuleyo ndawo;

- (c) ekuthikamezekeni kwemvelo ngenxa yokuthuthukiswa kwezokuthutha;
 - (d) ekuhleleni ezokuthutha okuhlangene;
 - (e) ekuhleleni ezomnotho nokusetshenziswa komhlaba;
 - (f) kwisisekelo ekumele kuxhaswe ezokuthutha phezu kwaso.
- (6) emva kokuthola imvume ka-MEC obhekene nezokuthutha kwisifundazwe esingumakhelwane, angaphenya izici kwezokuthutha endaweni engumakhelwane okungenzeka ukuthi zithinta noma ezingathinta uhlelo lwezokuthutha lwesiFundazwe.
- (7) emva kokubonisana neziphathimandla zezokuthutha nangokuvuma kuka-MEC obhekele ezezimali, angabeka amalevi ukuze kuphathwe kahle izimfuno zezokuthutha.
- (8) angaqoqa, aphake noma ahluze imininingwane eqondene nezindaba ezihambelana nezokuthutha esiFundazweni, kuxuba nemininingwane yalapho kuhlolwa khona inqubo yokukala insebenzo ngonyaka, eveza inqubekelaphambili ekuqalisweni kwemigomo kuzwelonke nasezifundazweni.
- (9) angadlulisela iziphakamiso ngezinhlelo zokufundisa nokuqeqesha kuNgqongqoshe ukuze zihambisane noHlaka lobuNgcweti lukaZwelonke (NQF).
- (10) angakhipha ulwazi futhi agququzele amaphuzu athile ezokuthutha esiFundazweni.
- (11) angakha imiyalomgomo ngokumbandakanywa komphakathi emgudwini wokuhlela ezokuthutha.
- (12) angabuza nganoma yiluphi udaba olungena ngaphansi kwezinhloso zalo Mthetho.
- (13) angenza noma yimuphi umsebenzi ongena ngaphansi kwezinhloso zalo Mthetho.

3. Imisebenzi ka-MEC

U-MEC kumele -

- (1) agcine imigomo yezokuthutha esiFundazweni njangalokho ichtshiyelwa izikhathi ngezikhathi.
- (2) lapho kufanele khona, agqugquzele ukuqaliswa kwemigomo yakhe kweminye imigwamanda kahulumeni.
- (3) alunganise futhi aqaphe ukuhlelwa kwezokuthutha, ukuhlinzekwa kwezingqalasizinda zezokuthutha kanye nokunikezwa kwezinsiza zokuthutha umphakathi ezithinta isiFundazwe sonkana, yiziphathimandla nezihlangano ezifanele.

4. Ukuthumela

U-MEC angathumela noma anikeze noma yimaphi amandla noma umsebenzi awunikiwe noma awethwesiwe kunoma yisiphi isiphathimandla sezokuthutha noma uMnyango, ngaphandle kwamandla okwenza imithethonqubo.

5. Imithethonqubo yezithuthi

(1) U-MEC -

- (i) angenza imithethonqubo maqondana nezindaba ezibalulwa kulo Mthetho kuxuba kodwa kungapheleli -
 - (a) endleleni iziphathimandla zezokuthutha ekumele ziphathe ngayo amandla nemisebenzi yazo;
 - (b) esimweni kanye nasendleleni izinhlelo zezokuthutha ezihlangene kanye nemibiko yonyaka eyenziwa yiziphathimandla zezokuthutha ekumele ilungiswe ngayo;

- (c) ekuqaliseni nasekuqapheni izinhlelo zezokuthutha ezihlangene;
- (d) ekuqoqweni kwemininingwane nolwazi oluphathelele nezokuthutha;
- (e) ekusunguleni nasekugcineni uhlelo lolwazi oluhlangene lusesimweni esihle;
- (f) ezintweni ezithinta isifundazwe ekumele zicatshangelwe lapho sekwakhiwa uhlelo lwezokuthutha oluhlangene;
- (g) ekulunganisweni kokuhlelwa kwezithuthi zikajantshi, amabhasi namatekisi kanye nenxanxathela yolayini bezitimela kusona sonke isiFundazwe;
- (h) ekuhlanganisweni kwezindlela nezinsiza zezokuthutha;
- (i) ekuhlinzekeleni ukuhlangana kweziphathimandla zezokuthutha noma ohulumeni bendawo ekwakheni izinhlelo zezokuthutha ezihlangene noma ekuqaleni amaphrojekti ahlanganyelwe, kanye nokuxhaswa kwalezi zinhlelo namaphrojekti ngokuhlanganyela;
- (j) ekuhlinzekeleni ukukhishwa kwezinhlelo zezokuthutha ezihlangene kanye nezingubo zokumbandakanya umphakathi ekumele kwenziwe lapho kulungiswa, kubukezwa noma kwenziwa lezi zinhlelo zintsha;
- (k) ekusetshenzisweni kwezinto zokuvikela ukulimazeka kwemigwaqo ngenxa yezimoto ezithwele ngokweqile;
- (l) ekuqhubeni ngomthetho izithuthi zomphakathi nasekuziphatheni;
- (m) emazingeni okuphepha emigaqweni;

- (n) esimweni, ekuhlinzekeni, ekuzigcineni zisesimweni esihle nasekusebenziseni izingqalasizinda zezokuthutha kanye nokuqhuba ngomthetho ukusetshenziswa kwazo;
- (o) ekusunguleni izakhiwo nezindlela zokuxhumana;
- (p) ekulunganiseni nasekuhlanganiseni abaqapha ukugcinwa komthetho ezigungwini zendawo nezesifundazwe kuhulumeni;
- (q) kumalevi njengalokho kubekiwe kwisigaba 17;
- (r) kwizinkokhelo nasezimalini ezimiselwe ukuhamba, uma kukhona, ekumele zifunwe noma zikhokhwe maqondana nanoma yisiphi isenzo esidingeka noma esivunyelwe ukwenziwa ngaphansi kwalo Mthetho;
- (s) ekwengameleni nasekuphatheni imixhaso kwezokuthutha umphakathi nezinye izinhlelo zokwelekelela kwezokuthutha umphakathi ngasezimalini;
- (t) ekuhlanganiseni izithuthi nokusetshenziswa komhlaba kuxuba nokuthuthukiswa nokugqugquzelwa kwemizila namalungu emizila yokuthutha athile;
- (ii) angenza imithethonqubo eyehlukene eyenzela izindawo zokuthutha ezahlukene noma izingxenye zalezo zindawo eziFundazweni.
- (iii) angenza imithethonqubo ephathelene nemikhuba kanye namazinga kwezokuthutha esiFundazweni.
- (iv) angenza imithethonqubo ngezidingo zesifundazwe maqondana nanoma yiluphi olunye udaba ngokubona kwakhe u-MEC oludingekayo noma olufanele ekufezeni imibandela nezinhloso zalo Mthetho.

- (2) Imithethonqubo eyenziwe ngaphansi kwalesi sigaba ingamisa izinhlawulo ezingevile kulezo ezibekiwe ngaphansi kwesigaba 24 uma kweqiwe umthetho othize noma kube nokwehluleka ekuwuthobeleni.

ISIGABA 3

IZINDAWO ZOKUTHUTHA KANYE NEZIPHATHIMANDLA

6. Izindawo zokuthutha

- (1) U-MEC, emva kokubonisana nohulumeni wendawo, kumele ahlukalise isiFundazwe sibe izindawo zokuthutha eziyoba -
- (a) indawo ekunqunywe ukuthi iphethwe wumkhandlu wedolobhakazi noma wezinsiza; noma
 - (b) izindawo eziphethwe imikhandlu yamadolobhakazi kanye/noma yezinsiza emibili noma ngaphezulu.
- (2) Izindawo zokuthutha eziqogwe kanjalo ziyokhishwa ngesimemezelo kwiGazethi.
- (3) U-MEC, ngokubonisana nomkhandlu wedolobhakazi noma wezinsiza othintekayo, kumele acabangele imibandela ephathelene nezokuthutha lapho esekhetha izindawo zomkhandlu wedolobhakazi njengalokho kubekiwe kwisigaba 10C soMthetho woGuquko loHulumeni baseKhaya (Local Government Transition Act, No. 209 of 1993), lapho esenquma izindawo eziphethwe ngokuhlanganyela wumkhandlu wedolobhakazi kanye/noma wezinsiza ukuze zisebenze njengezindawo zokuthutha.

7. Ukukhethwa kweziphathimandla zezokuthutha

- (1) U-MEC, esevumelane nohulumeni wendawo othintekayo, ngokukhipha isaziso kwi*Gazethi*, angakhetha abalandelayo njengesiphathimandla sezokuthutha esizophatha indawo yokuthutha:
 - (a) umkhandlu wedolobhakazi noma wezinsiza kuleyo ndawo yokuthutha; noma
 - (b) ingxube yemikhandlu yamadolobhakazi kanye/noma yezinsiza kuleyo ndawo yokuthutha; noma
 - (c) inhlango yezomthetho ezimele esungulelwe ngqo ukuthi ibe yisiphathimandla sezokuthutha ngumkhandlu noma yimikhandlu yamadolobhakazi/yezinsiza ethintekayo.
- (2) U-MEC angenza imithethonqubo ephathelene nesakhiwo kanye nokusebenza kwenhlango yezomthetho ezimele ebalulwa kwisigaba 7(1)(c).
- (3) Lapho kukhethwe imikhandlu yamadolobhakazi noma yezinsiza engaphezu kowodwa njengesiphathimandla sezokuthutha esizophatha indawo yokuthutha ethize ngaphansi kwesigatshana (1)(b), imikhandlu yamadolobhakazi noma yezinsiza ethintekayo kumele ivumelane ngokuthi amandla nemisebenzi ebekwe kwizigaba 9 no 10 kuyophathwa futhi kwenziwe kanjani ngokuhlanganyela, kuncike kwimithethonqubo eyenziwe ngu-MEC; kuthi uma kungabi nakuvumelana u-MEC angahlinzeka imiyalelo engabeka ukuthi imisebenzi ehlanganyelwe iyokwenziwa kanjani.
- (4) Ukuthi umkhandlu noma imikhandlu yamadolobhakazi noma yezinsiza ayikhethwanga njengesiphathimandla sezokuthutha ngaphansi kwalesi sigaba ngeke kuyixolele ekutheni yenze imisebenzi yezokuthutha eyiyethweswe nguMthethosisekelo, uMthetho woGuquko loHulumeni beNdawo (Local Government

Transition Act, No. 209 of 1993) kanye nanoma yimuphi umthetho ofanele kube ikakhulu yimisebenzi ebekwe kwizigaba 10(1)(a), (b) no (c).

- (5) Uma isiphathimandla sezokuthutha esizophatha indawo ethize singasunguliwe ngokwesigatshana (1), isiFundazwe singayenza imisebenzi yesiphathimandla sezokuthutha engenziwa kuleyo ndawo.

8. Ukuhoxiswa nokuchitshiyelwa kwezaziso ezikhetha iziphathimandla zezokuthutha

U-MEC angahoxisa noma achibiyele noma yisiphi isaziso esikhetha isiphathimandla sezokuthutha, emva kokubonisana nesiphathimandla sezokuthutha esithintekayo kanye nohulumeni wendawo othintekayo nasemva kokunikezela inothisi elotshiwe emisiwe.

9. Amandla eziphathimandla zezokuthutha

- (1) Isiphathimandla sezokuthutha -
 - (a) singaxoxisana nabaqhuba izinsiza ezixhasiwe ngezakhiwo zemali yokugibela, amazinga emali yokugibela, kanye nezimali zokugibela ezehlisiwe zabagibeli bezithuthi zomphakathi abayisipesheli kanye nokushintshwa kwemali yokugibela ngezikhathi ezithize;
 - (b) singaphatha uhlelo lokubhekela izimfuno zokuhamba;
 - (c) singathatha izinyathelo zokwenza ngcono ukuphepha kwezithuthi zomphakathi;
 - (d) singalungisa izincasiselo zamathenda bese sibiza, sihlola futhi sinikeze amathenda ezinsiza zezithuthi zomphakathi

- eziyinkontileka, kube sekutheni ukunikezwa kwamathenda kuyoncika kwizinqubo zamathenda ezifanelekile;
- (e) singagqugquzela izinhlelo zamathikithi okugibela ezihlangene kanye nokuphathwa kwezimali ezingenayo ezitholwa abaqhubi bezinsiza abathintekayo;
 - (f) singakhetha umnyango wochwepheshe kumkhandlu wedolobhakazi noma wezinsiza ofanele noma yimuphi omunye uhulumeni wendawo ongaphakathi kwendawo yokuthutha, ukuthi wenze imisebenzi yobuchwepheshe yesiphathimandla sezokuthutha;
 - (g) singasungula inhlango ezimele njengomphathi omkhulu wezokuthutha ozokwenza imisebenzi yobuchwepheshe yesiphathimandla sezokuthutha.
- (2) Isiphathimandla sezokuthutha singangena esivumelwaneni nomaziphathe wendawo, nomuntu noma nenhlango, noma ngabe ingaphakathi noma ingaphandle kwendawo yokuthutha, lapho -
- (a) isiphathimandla sezokuthutha sithembisa ngokumela lowo maziphathe, umuntu noma inhlango ukusebenzisa amandla noma ukwenza umsebenzi ongenziwa noma okumele wenziwe yilowo maziphathe, umuntu noma inhlango;
 - (b) lowo maziphathe, umuntu noma inhlango ithembisa ukusebenzisa noma yimaphi amandla noma ukwenza noma yimuphi umsebenzi noma ingxenye yalokho obekumele kwenziwe yisiphathimandla sezokuthutha ngaphansi kwalo Mthetho;
- (3) Isiphathimandla sezokuthutha, ngemvume ka-MEC, singadlulisela noma yimaphi amandla esiwanikezwe yilo Mthetho kunoma yiliphi

ilungu noma umsebenzi kamaziphathe, noma kahulumeni wendawo oyingxenye yesiphathimandla sezokuthutha.

- (4) Isiphathimandla sezokuthutha singaphenya noma yiluphi udaba olungena ngaphansi kobubanzi balo Mthetho endaweni yokuthutha yaso nakunoma iyiphi enye indawo engaphandle kwendawo yokuthutha yaso, ngemvume yesiphathimandla sezokuthutha esithintekayo.
- (5) Isiphathimandla sezokuthutha singaqashisela noma yimuphi umuntu ingxenye yomhlaba engenalutho noma ibhilidi esilithole ngesikhwama saso kanti siyokhokha imali eyinzuzo ngalokho esikhwameni saso.
- (6) Lapho izinto zokusebenzisa izithuthi zomphakathi zisendaweni yomuntu, isiphathimandla sezokuthutha singengamela ukusetshenziswa kwalezo zinto emva kokubonisana nomnikazi wendawo.
- (7) Isiphathimandla sezokuthutha singenza noma yini ekudingeka siyenze ukuze sifeze imisebenzi yaso ngokwalo Mthetho, kanye nanoma yimuphi omunye umthetho ohambisana noma osizana, noma olandela lo Mthetho.
- (8) U-MEC angalamula ngokuthi athathe noma yisiphi isinyathelo esifanele ukuze aqinisekise ukufezeka kwanoma yimuphi umsebenzi wesiphathimandla sezokuthutha, kuxuba nokuthi yena qobo aqhube noma enze umsebenzi noma abonelele ukuthi uyaqhutshwa noma uyenziwa, bese kuthi kuleso simo noma yiziphi izimali ekumele zikhokhwe yizikhwama zezithuthi zasezweni esifundazweni nakuzwelonke kuleso siphathimandla sezokuthutha zingasetshenziswa ngu-MEC ekwenzeni lokho ezazihloselwe ukukwenza, kanti u-MEC angafuna noma yiziphi izindleko kuleso siphathimandla okungabe kumele sizikhokhe.

10. Imisebenzi yeziphathimandla zezokuthutha

- (1) Zonke iziphathimandla zezokuthutha kumele zithathe umthwalo -
- (a) wokuthuthukisa imigomo yezithuthi zendawo ehambisana nomgomo wezithuthi sezifundazwe;
 - (b) wokulungiselela izinhlelo zezokuthutha ezihlangene, kubhekwe zonke izinhlobo zezithuthi kuxuba amasu okuthutha, kanye nokuqala ukusebenzisa, izinhlelo zokusebenza nokugcina izinto zisesimweni esihle kanye namabhajethi;
 - (c) wokuqala ukusebenzisa izinhlelo zezokuthutha ezihlangene;
 - (d) wokugcina kunokuxhumana neziphathimandla ezifanele;
 - (e) wokwengamela nokuphatha isikhwama esibhekele zezokuthutha;
 - (f) wokwenza izincomo kwiBhodi kanye/noma kuMnyango ngezindlela, amarenke, izitobhi, amaphemithi, izimvume, izinkontileka kanye nokwehliswa kwezimali zokugibela kuhambisane nohlelo lwazo lwezokuthutha oluhlangene;
 - (g) wokuqapha ukusebenza kwezithuthi zomphakathi;
 - (h) wokuphatha uhlelo lwezokuthutha;
 - (i) wokuthuthukisa, wokuqala ukusebenzisa kanye nokuqapha isu eliqondiswe ekubhekeni ukuthinteka kwemvelo ngenxa yezithuthi zasezweni;
 - (j) wokuhambisa ngomthetho nokuphatha ukuthuthwa kwabantu, kwezimpahla kanye nezinsiza;
 - (k) wokulunganisa ukuqondisa nokusebenzisana phakathi kwezigungu eziqapha ukuthotshelwa komthetho ezindabeni zezinto ezihamba emgaqweni nezokuthutha;

- (l) wokusetshenziswa kwamasu okuphatha izinto ezihamba emgaqweni ekuhloswe ukuthi zenze ngcono ukunyakaza kwezinto ezihamba emgaqweni;
 - (m) wokuthuthukisa, ukusebenzisa nokugcina izinhlelo zolwazi ngezokuthutha zisesimweni esihle ngokuhlanganyela no-MEC;
 - (n) wokubeka izinyathelo zokuvimbela ukulimazeka kwemigwaqo ngenxa yezimoto ezithwala ngokweqile;
 - (o) wokuthengisa, ukugqugquzela nokwazisa umphakathi ngokuphathelene nokuhlinzekwa kwezinsiza zokuthutha;
 - (p) wokuhlinzeka abagibeli abakhona nabangase babe ngabagibeli ngolwazi maqondana nezithuthi zomphakathi;
 - (q) wokubonisana nomphakathi, ukuwumbandakanya noma ukuwufaka odabeni ngemihlangano yohlolovo, neyokufundisa nezinye izindlela zokuxhumana ngamaphepha nemisakazo ukuze kuqinisekise ukuthi kuyaxoxiswa nemiphakathi nabaqhubi bezithuthi;
- (2) Zonke iziphathimandla zezokuthutha kumele zilungiselele u-MEC umbiko wonyaka njengalokho kumisiwe, yena uyobe esewubeka phambi kwesiShayamthetho sesiFundazwe.

11. **Ukuvumelana nezifundazwe neziphathimandla ekwakhelwene nazo**

Lapho izithuthi eziqamula imingcele yezifundazwe noma intuthuko esifundazweni esingumakhelwane ithinta ezokuthutha eGauteng, u-MEC angenza isivumelwano maqondana nokwenza imisebenzi ngokuhlanganyela phakathi kweziphathimandla zezokuthutha eGauteng kanye neziphathimandla ezifundazwe ezingomakhelwane, emva kokubonisana no-MEC obhekele ezokuthutha esifundazweni esingumakhelwane kanye neziphathimandla zezokuthutha ezithintekayo.

12. Imithethodolobha

- (1) Isiphathimandla sezokuthutha, ngokwencika kwisigaba 12(2), ngokuhambisana nanoma yiluphi uhlelo lwezokuthutha oluhlangene oseluvunyiwe, singenza imithethodolobha -
- (a) yokuhambisa ngomthetho ubukhulu, uhlobo, isisindo kanye nenani lezimoto ezingangena engxenyeni ethize yendawo yaso yokuthutha bese inquma isikhathi noma izikhathi lapho noma yiluphi uhlobo lwemoto lungangena kunoma iyiphi ingxenye;
 - (b) yokuhambisa ngomthetho noma yokwenqabela ukungena kwanoma yiluphi uhlobo lwemoto kunoma iyiphi ingxenye nganoma yisiphi isikhathi esibaluliwe;
 - (c) yokwenqabela ukulayisha nokuthululwa kwezimoto ezithwala izimpahla kunoma iyiphi ingxenye nganoma yisiphi isikhathi/izikhathi ezibaluliwe, bese inquma isikhathi noma izikhathi lapho kungalayishwa noma kuthululwe ngazo;
 - (d) yokuhambisa ngomthetho noma yokwenqabela ukuhlinzekwa kwezindawo zokupaka izimoto kunoma yiluphi ibhilidi noma izakhiwo kunoma iyiphi ingxenye nganoma yisiphi isikhathi esibaluliwe;
 - (e) yokuhambisa ngomthetho ukuziphatha kwabashayeli bezimoto eziyizithuthi zomphakathi;
 - (f) yokuhambisa ngomthetho ukuhlinzekwa nokusetshenziswa kwempahla yezokuthutha umphakathi;
 - (g) yokuhambisa ngomthetho noma yiluphi olunye udaba ukuze kufezwe izinhloso zalo Mthetho.

- (2) Lapho isiphathimandla sezokuthutha sikhethwe ngokwesigaba 7(1)(b) noma (c), isiphathimandla sezokuthutha singacela omasipala abafanele ukuba benze imithethodolobha efanele;
- (3) Imithethodolobha eyenziwe ngaphansi kwalesi sigaba ingamisa izinhlawulo ezingevile kulezo ezibalulwe ngaphansi kwesigaba 24 ngokwephula noma ukwehluleka ukuthobela lokho okushiwo.

ISIGABA 4

UKUPHATHWA NOKUSETSHENZISWA KWESIKHWAMA SESIFUNDAZWE SEZITHUTHI ZASEZWE NI KANYE NOKUSUNGULELA IZIPHATHIMANDLA ZEZOKUTHUTHA IZIKHWAMA ZEZOKUTHUTHA

13. Ukuphathwa kwesikhwama sesifundazwe sezithuthi zasezweni

- (1) Noma yisiphi isikhwama sesifundazwe sezithuthi zasezweni esisungulwe ngumthetho kazwelonke siyophathwa ngu-MEC.
- (2) Izinsalela eziyimali esikhwameni esinjalo ezingadingeki masinyane ziyotshalwa ngendlela emiswe yimithethonqubo.
- (3) U-MEC kumele agcine amarekhodi aqondile azo zonke izimali eziqongelelekayo noma ezifakwa esikhwameni esinjalo, wona ayobe esecutshungulwa nguMcebunguli-Mabhuku Jilekelele.

14. Ukusetshenziswa kwesikhwama sesifundazwe sezithuthi zasezweni

- (1) U-MEC angayikhipha imali esesikhwameni sesifundazwe sezithuthi zasezweni ukuze -
 - (a) abele iziphathimandla zezokuthutha njengalokho yena ebona kudingekile ekutheni kuqhutshwe izinhloso nezimpokophelo zesifundazwe kwezokuthutha kanye

nokunezezela kwizikhwama zezokuthutha zeziphathimandla zezokuthutha, futhi anganikezela izimali ezabiwe kanjalo kwiziphathimandla;

- (b) kukhokhwe ngokwezinkontileka zezinsiza zesikhashana, ezikhishelwe amathenda noma ezixhasiwe nokwehliswa kwezimali nanoma yisiphi esinye isivumelwano somxhaso;
 - (c) kusizwe abagibeli abasezingeni eliyisipesheli ekutheni kukhokhelwe izindleko zezithuthi zomphakathi;
 - (d) kukhokhwe amanani angena ezindlekweni zokuhlinzeka nokugcina izingqalasizinda zezokuthutha zisesimweni esihle;
 - (e) kukhokhelwe izindleko zezinhlelo zokuphepha emgaqweni;
 - (f) kukhokhelwe izindleko zokungenisa itheknoloji noma izinhlelo ezintsha;
 - (g) kukhokhelwe izindleko zemibukiso noma amaphrojekti okulinga;
 - (h) kukhokhelwe izindleko zokusungula nokugcina izikhungo zokuqeqesha nezolwazi zisesimweni esihle;
 - (i) kukhokhelwe izindleko zokuthuthukisa nokugcina imininingwane kanye nezinhlelo zolwazi kusesimweni esihle;
 - (j) kukhokhelwe izindleko zamaphrojekti aphilene nezokuthutha, izifundo nocwaningo okudingekile ekutheni isiFundazwe sifeze imisebenzi yaso;
 - (k) kukhokhelwe izindleko zokuphatha isikhwama sesifundazwe sezithuthi zasezweni;
 - (l) kubhekwe noma yini enye ekuze kufezwe izinhloso zalo Mthetho.
- (2) U-MEC anganikezela noma yisiphi isiphathimandla sezokuthutha izimali zokusiza azikhiphe esikhwameni sesifundazwe sezithuthi

zasezweni ukuze sisebenzise amandla aso futhi siqhube imisebenzi yaso.

15. Ukusungulela iziphathimandla zezokuthutha izikhwama zezokuthutha

- (1) Isikhwama sezokuthutha sesiphathimandla sezokuthutha esikhethiwe ngasinye kumele sisungulwe kulandela ukuvunyelwa ngumthetho kazwelonke bese kufakwa kuleso sikhwama -
- (a) izimali ezabiwe ngu-MEC ezabela lezi zikhwama ngokwesigaba 14;
 - (b) inzalo kwizinsalela eziyimali ezitshaliwe kungezezikhwama;
 - (c) noma yiziphi ezinye izimali ezitholwe yisiphathimandla sezokuthutha kwizimali zokusiza kwezokuthutha zivela kuhulumeni kazwelonke noma wesifundazwe ngokuhambisana noma ukuze kufezeke lo Mthetho;
 - (d) imali eyabiwe yiPhalamende noma isiShayamthetho sesiFundazwe yabe isibekelwa ukuxhasa izithuthi zomphakathi;
 - (e) amalevi avela emafutheni nophethilomu ngezithuthi ezinikwe uhulumeni wendawo endaweni yokuthutha;
 - (f) yonke imali etholwa yiziphathimandla zezokuthutha kumalevi ngaphansi kwesigaba 17;
 - (g) imali yokusiza enikezelwe nguhulumeni wendawo, indawo engaphansi kwamandla akhe eyingxenywe yendawo yokuthutha ekukhulunywa ngayo;
 - (h) noma iyiphi enye imali eqongelelekayo esikhwameni noma etholwe yisiphathimandla sezokuthutha kunoma yimuphi umthombo.
- (2) Njengengxenywe yokuhambisa uhlelo lwaso lwezokuthutha oluhlangene lonyaka noma uhlelo olubukezwe kabusha,

isiphathimandla sezokuthutha kumele sifake nebhajethi yesikhwama saso ukuze ivunywe ngu-MEC. Isiphathimandla sezokuthutha akumele sikhokhe noma yini ngemali evela esikhwameni, ngaphandle uma kuhambisana nebhajethi evunyiwe noma kutholakale imvume ka-MEC ngaphambi kokwenza lokho.

- (3) Isiphathimandla sezokuthutha kumele siphathe isikhwama saso futhi kumele sikhokhe ngaso zonke izimali ezichithwe maqondana nokusetshenziswa kwamandla aso noma ukwenziwa kwemisebenzi yaso ngokwalo Mthetho noma ngokwemithethonqubo eyenziwe ngaphansi kwalo Mthetho.
- (4) Isiphathimandla sezokuthutha singatshala izimali ezisesikhwameni saso ezingadingeki masinyane ngendlela emisiwe.
- (5) Iziphathimandla zezokuthutha kumele zibe nama-akhawunti aphilile azo zonke izimali eziqongeleleka noma ezingena ezikhwameni zazo, kanti lawo ma-akhawunti kumele acutshungulwe nguMcebunguli-Mabhuku Jikelele.

16. Ukusetshenziswa kwezikhwama zezokuthutha yiziphathimandla zezokuthutha

- (1) Isiphathimandla sezokuthutha, ngokwebhajethi yaso evunyiwe, kumele sisebenzise isikhwama -
 - (a) ekugcineni izibopho zaso ngokwenkontileka, ekukhokheleni izindleko zokulungisa nokuqala ukusebenzisa uhlelo lwaso lwezokuthutha oluhlangene noma ekusebenziseni amandla noma ekwenzeni noma yimuphi umsebenzi obalwe kwizigaba 9 no 10;
 - (b) ekukhokheni izindleko zokuphatha isikhwama saso.
- (2) Isiphathimandla sezokuthutha, ngemvume ka-MEC etholwe phambilini, singakhokhela izindleko zanoma yiluphi olunye udaba

oluphathelene nezokuthutha endaweni yaso yokuthutha ngemali evela esikhwameni.

17. Izimali ezibizwa yiziphathimandla zezokuthutha

- (1) Isiphathimandla sezokuthutha kungathi izikhathi ngezikhathi, ngokuhambisana nohlelo lwaso lwezokuthutha oluhlangene, sibeke izimali zokuphatha izimfuno zokuhamba ezingahluka ngaphakathi kwendawo yokuthutha, -
- (a) kwizinhlobo ezibaluliwe zezimoto ezingena ezingxenyeni ezibaluliwe endaweni yaso yokuthutha ngezikhathi ezibaluliwe;
 - (b) emhlabeni, kumabhilidi noma enye intuthuko eletha izimoto nabantu abahamba emigaqweni endaweni yokuthutha, ngaphandle uma kusetshenziselwa noma kuhloselwe izidingo zemizi yabantu;
 - (c) ngokupaka izimoto kunoma yimaphi amabhilidi noma kunoma yimuphi umhlaba ezingxenyeni ezibaluliwe ezisendaweni yokuthutha engaphansi kwamandla aso;
 - (d) ezindaweni zokupaka izimoto ezingxenyeni ezibalulwa ngaphansi kuka (c);
 - (e) ezindaweni lapho izimpahla zithululwa khona noma zilayishwa khona ezimotweni ezingxenyeni ezibalulwa ngaphansi kuka (c).

18. Izimali ezibolekwa yiziphathimandla zezokuthutha

Isiphathimandla sezokuthutha singathatha imali ebolekisayo ukuze isize ekuqaliseni ukusebenzisa uhlelo lwezokuthutha oluhlangene oseluvunyiwe. Imali ebolekisayo ethathelwe lesi sidingo kumele -

- (a) kube ivunywe ngu-MEC phambilini;
- (b) ivervele kwibhajethi.

ISAPHELA 5

UKUHLAHLA EZOKUTHUTHA

19. Ukulungiswa kohlaka lwezokuthutha esifundazweni

(1) Umnyango kumele, emva kokubonisana no-MEC obhekele ukukhululekwa kwentuthuko, ulungise uhloko lwezokuthutha esifundazweni.

(2) Uhloko lwezokuthutha esifundazweni luyohola iziphathimandla ezokuthutha kanti kumele luqukathe -

- (a) iphupho lesikhathi eside esizayo ngezithuthi zasemigaqweni nezakujantshi esifundazweni;
- (b) umgomo wezokuthutha esifundazweni;
- (c) incazelo ngendlela ekumele ilandelwe ekufezeni iphupho lesikhathi eside esizayo;
- (d) incazelo yesimo esikhona kwezokuthutha esifundazweni maqondana nezinkomba zensebenzo ezibalulekile;
- (e) incazelo yezinyathelo zokuthi izithuthi nokusetshenziswa komhlaba kungahlanganiswa kanjani;
- (f) noma yiziphi ezinye izindaba ezihambisana nalokhu.

20. Ukulungiswa kohlelo lokulunganisa ezokuthutha esifundazweni

(1) Umnyango kumele ulungise uhlelo lokulunganisa ezokuthutha esifundazweni njalo eminyakeni emihlanu bese belubukeza kabusha uhlelo njalo ngonyaka, kuhambisane nemithethonqubo.

- (2) Uhlelo lokulunganisa ezokuthutha esifundazweni kumele lucabangele noma yiziphi izinhlelo zezokuthutha ezihlangene ezivele zikhona ezilungiswe yiziphathimandla zezokuthutha esiFundazweni kanye nokuhlela okwenziwe ngezinye iziphathimandla ezifanele.

21. Ukulungiswa kwezinhlelo zezokuthutha ezihlangene

- (1) Isiphathimandla sezokuthutha ngasinye kumele silungise uhlelo lwezokuthutha oluhlangene njalo eminyakeni emihlanu bese silubukeza kabusha uhlelo njalo ngonyaka, kuhambisane nemithethonqubo.
- (2) Uhlelo lwezokuthutha oluhlangene luyokukatha ingxenye ebhekele isikhathi esifushane nesikhathi eside esizayo okuhambisanayo nohlaka lwezokuthutha esifundazweni kanye nohlelo lokulunganisa ezokuthutha esifundazweni.
- (3) Isiphathimandla sezokuthutha ngasinye kumele sithumele njalo ngonyaka uhlelo lwezokuthutha oluhlangene noma oselubukezwe kabusha ku-MEC ukuze akuvume kanti ukuvunywa kwalo kuyokhishwa kwiGazethi ngokuhambisana nemithethonqubo.
- (4) Uhlelo lwezokuthutha oluhlangene kumele lubhekele izidingo zokuthutha abantu abakhubazekile, asebekhulile, ababuthakathaka kanye nezingane zesikole.

22. Ukuhlanganisa izinqubo zezokuthutha nezokusetshenziwa komhlaba

Ekwenzeni izinqubo zokuhlelela ezokuthutha, iziphathimandla zezokuthutha ziyocabangela izimiso ezijwayelekile ezimiswe emthethweni wokuhlelela intuthuko eGauteng. Iziphathimandla zezokuthutha kumele

ziqinisekise ukuxhumana phakathi kwezimpokophelo zokuthuthukisa umhlaba kanye nohlelo lwezokuthutha oluhlangene. Ekwakheni uhlelo lwezokuthutha oluhlangene, kumele kucatshangelwe umphumela ongenziwa izinqumo zomgomo wezokuthutha ekusetshenzisweni komhlaba nakwintuthuko. Izinhlelo zezokuthutha ezihlangene kumele zihambisane nazo zonke izinhlelo zokusetshenziswa komhlaba nokuwuthuthukisa ezenzelwe isikhathi esifushane neside esizayo ngeminye imigwamanda. Kumele kube nokuhambisana futhi phakathi kwehlehlo lwezokuthutha oluhlangene nezahluko zokuthuthukisa izithuthi zezinhlelo zentuthuko ehlangene ezilungiswe ngokwesigaba 10D(4)(b)(i) kanye no (ii), udaba 3 kwiSheduli 2 kanye nodaba 2 kwiSheduli 2A kuMthetho woGuquko loHulumeni beNdawo (Local Government Transition Act, No. 209 of 1993).

23. Izidingo zolwazi kanye nezinhlelo zokubika

Umnyango ngokuhlanganyela nohulumeni wendawo kumele benze futhi bagcine esimweni esihle uhlelo oluhlangene nolufanayo lokuletha ulwazi ukuze kugokelelwe ulwazi oluhambisana nezinhloso zalo Mthetho.

ISIGABA 6

IMIBANDELA EJWAYELEKILE

24. Izinhlawulo

Noma yimuphi umuntu olahlwe yicala ngaphansi kwalo Mthetho uyoba nesibopho senhlawulo engevile kwizi R100 000 noma ukuboshwa isikhathi esingevile eminyakeni emibili noma kokubili inhlawulo nokuboshwa.

25. Ukubophezeleka kukahulumeni

Ngaphandle uma kuhlinzekelwe ngokukhanyayo noma kushiwo ngandlela thize kulo Mthetho, imibandela yalo Mthetho kanye nemithethonqubo, imitheshwana kanye nemiyalo eyenziwe ngaphansi kwalokho kuyombophezela uHulumeni.

26. Isihloko esifushane nokuqala ukusebenza

- (1) Lo Mthetho uyobizwa ngokuthi uMthetho woHlaka lwezokuThutha eGauteng, 1998, kanti uyoqala ukusebenza ngosuku liles oluyonqunywa nguNdunankulu ngesimemezelo kwiGazethi.
- (2) Izingxenye nezigaba ezahlukene zalo Mthetho zingaqaliswa ukusebenza ngezinsuku ezahlukene, noma maqondana nezindawo ezahlukene.

UMTHETHOSIVIVINYO WOHLAKA LWEZOKUTHUTHA EGAUTENG

Imemorandamu ngokoMtheshwana 137 wemiTheshwana Emileyo yesiShayamthetho sesiFundazwe saseGauteng.

1. IZIZATHU ZOMTHETHOSIVIVINYO

Umnyango wezokuThutha nemiSebenzi yoMphakathi waseGauteng wakha iqembu lemithetho ephathelene nezokuthutha. Inhloso enkulu yoMthethosivivinyo ukuhlinzeka uhlaka oluzokwengamela ezokuthutha esiFundazweni.

Umthethosivivinyo kaZwelonke weziThuthi zaseZweni, ekulindeleke ukuthi uphasiswe ngo 1999, uhlinzekela izindaba zikazwelonke nezezifundazwe, kanti uMthethosivivinyo uyobe usungena esikhundleni sezindaba zesifundazwe ezihlinzekelwe kuMthethosivivinyo kaZwelonke.

IGauteng yakubona kubalulekile ukuqinisekisa ukuthi izindaba ezithize kubhekwane nazo ngendlela ehlukile efanele lesi sifundazwe, njengalokhu:

- incasiselo ngohlu olubeka amandla nemisebenzi ka-MEC;
- uhlelo olwahlukile lokuveza izindawo zokuthutha kanye nokukhetha umkhandlu wedolobhakazi noma wezinsiza njengesiphathimandla sezokuthutha kuleyo ndawo;
- ukugcizelela iqhaza lokulunganisa ohlelweni lokulunganisa ezokuthutha esifundazweni;

- indlela eyahlukile ekulungisweni nasekuvunyweni kwezinhlelo zezokuthutha ezihlangene; kanye
- nokususwa kokuziphindaphinda kwezindima okungadingekile njengalezo ezitholakala kuMthethosivivinyo kaZwelonke weziThuthi zaseZweni.

2. UKUTHINTEKA KWEMVELO

Umtshethosivivinyo uyakucacisa ukuthi iziphathimandla zezokuthutha kumele zisithathe isibopho sokuthinteka kwemvelo ngenxa yentuthuko kwezokuthutha njengalokho kubaluliwe kwindima 10(1)(i). Ngaphezu kwalokho, izidingo zomthetho wemvelo ziyothotshelwa yiziphathimandla zezokuthutha.

3. IMIPHUMELA YOMTHETHOSIVIVINYO EZIMALINI

Imiphumela yoMthethosivivinyo ezimalini iyohlinzekelwa ngaphansi kwebhajethi ejwayelekile yoMnyango wezokuThutha nemiSebenzi yoMphakathi waseGauteng.

4. IMIBONO ETHOLAKELE NECELIWE

Izinhlaka zoMthethosisekelo kuxoxiswane ngazo kuma-workshop amabili ayebanjwe neKomidi lokuLunganisa ezokuThutha (TCC). I-TCC iqukethe abamele imigwamanda elandelayo:

- imikhandlu yamadolobhakazi/yezinsiza eyisithupha yesiFundazwe
- uMnyango wokuHlelela iNtuthuko noHulumeni beNdawo
- uMnyango wezeMfundo

- uMnyango wezeziNdlu
- uKopeletsheni wokuHamba kuJantshi eNingizimu Afrika
- abakwaMetrorail
- uMnyango wezokuThutha nemiSebenzi yoMphakathi (Gautrans)

Ngaphezu kwalokhu, izindaba ezithintekayo zicutshunguliwe kwizidlangala eziningi kuxuba izingqungquthela zokubonisana ezabanjwa ngo 1994 nango 1995, imihlangano yeTLC egcwele, kanye neminye imihlangano lapho kwaxoxiswana kabanzi nemikhandlu yamadolobhakazi/yezinsiza ngayodwana.

5. IZINCAZELO ZENDIMA NGENDIMA

- c1: Amagama athize asetshenzisiwe kulo Mthethosivivinyo achazwa kule ndima.
- c2: Le ndima ibeka amandla angasetshenziswa ngu-MEC obhekele ezokuthutha ngokwalo Mthethosivivinyo.
- c3: Imisebenzi ngqo ka-MEC ibekwe obala kule ndima. Imisebenzi igcinwe imbalwa kwase kuthi amandla ka MEC andiswa kakhulu ngaphansi kwendima 2.
- c4: U-MEC angadlulisela amandla noma athumele imisebenzi ngokwale ndima ngaphandle kwamandla okwenza imithethonqubo.
- c5: Le ndima isonga izinhlobo eziningi zemithethonqubo engenziwa ngu-MEC. Uhlu luxuba imithethonqubo ephathelene nalo Mthethosivivinyo kanye neminye imithethosivivinyo esalotshwa eqenjini lonke lemithetho yezokuthutha.

- c6: U-MEC uyokwahlukanisa isiFundazwe sibe yizindawo zokuthutha. Izindawo ezibalulwe kanjalo ziyohambisana nemingcele yemikhandlu yamadolobhakazi noma yezinsiza. Lo mgudu uyokwenziwa ngokubonisana nohulumeni wendawo.
- c7: Kuyokhethwa isiphathimandla sezokuthutha sendawo yokuthutha ngayinye, ngokuvumelana nohulumeni wendawo. Kungaba umkhandlu wedolobhakazi/wezinsiza noma kuxutshwe kokubili noma kube inhlangothini esemthethweni ezimele esungulwe ngumkhandlu wedolobhakazi/wezinsiza ukuze ibe isiphathimandla sezokuthutha. Uma isiphathimandla sezokuthutha singasunguliwe endaweni isiFundazwe singawenza umsebenzi wesiphathimandla sezokuthutha kuleyo ndawo.
- c8: Isaziso esikhetha isiphathimandla sezokuthutha singahoxiswa ngu-MEC emva kokubonisana nohulumeni wendawo othintekayo.
- c9: Amandla ehlukahlukene eziphathimandla zezokuthutha abekiwe kule ndima. Isiphathimandla sezokuthutha singasungula umphathi wezokuthutha oseceleni ozokwenza umsebenzi wobuchwepheshe wesiphathimandla noma sikhethe umnyango wochwepheshe kuhulumeni wendawo kuleyo ndawo ukuze wenze imisebenzi yobuchwepheshe.
- c10: Isiphathimandla sezokuthutha kumele sithathe isibopho semisebenzi ebanzi ebalwe kule ndima.
- c11: U-MEC angenza izivumelwano nezifundazwe ezingomakhelwane uma izindaba zokuthutha kwezinye izifundazwe zithinta iGauteng.
- c12: Isiphathimandla sezokuthutha singenza imithethodolobha ephathelene nokuhambisa ngomthetho izimoto ezingena endaweni, ukuhambisa ngomthetho ukupaka, ukuziphatha kwabashayeli bezimoto ezithutha

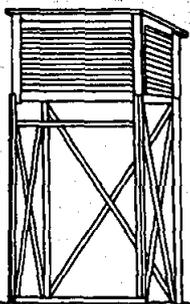
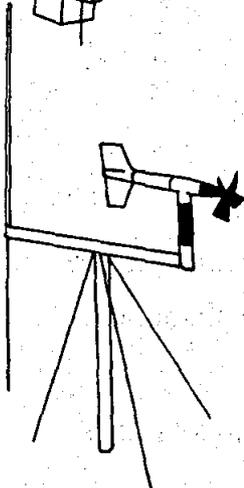
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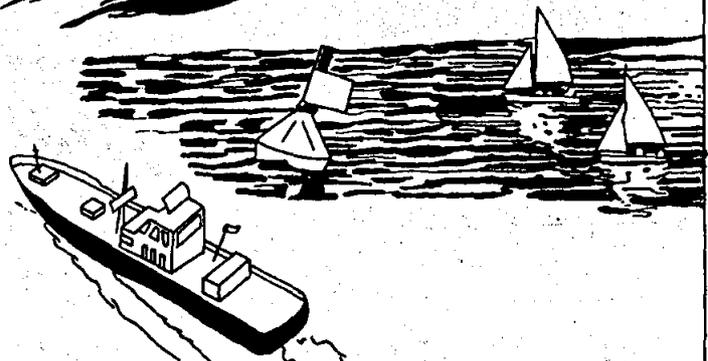
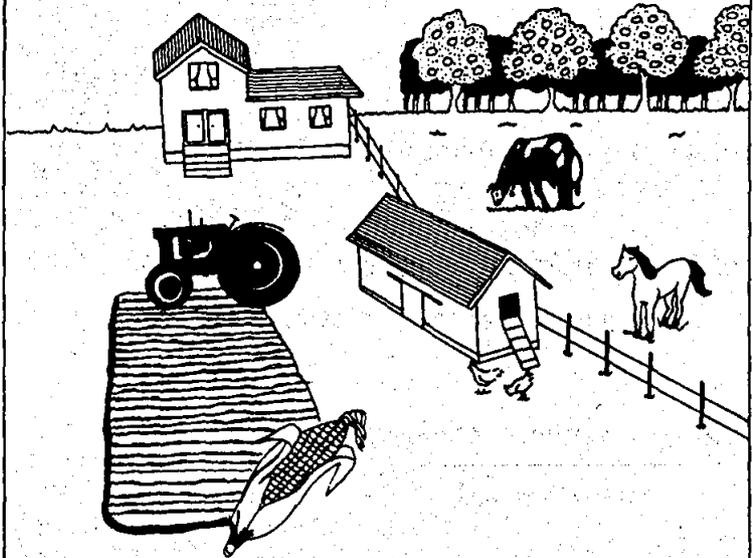
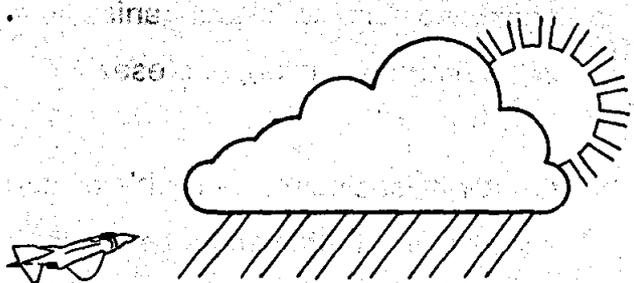
- c13: IsiKhwama sesiFundazwe seziThuthi zaseZweni sisungulwa ngokwesikhwama sikaZwelonke seziThuthi zaseZweni. Le ndima ichaza ukuthi kumele siphathwe kanjani isiKhwama.
- c14: Le ndima ibeka indlela ekumele isiKhwama sesiFundazwe seziThuthi zaseZweni sisetshenziswe ngayo. Ibuye ibeke nezimali zokusiza iziphathimandla zezokuthutha ngemali ephuma esiKhwameni.
- c15: Le ndima isungula isikhwama sezokuthutha sesiphathimandla sezokuthutha ngasinye. Isiphathimandla sezokuthutha kumele sifake ibhajethi yesikhwama lapho sesihambisa umbiko waso wonyaka wohlelo lwezokuthutha oluhlangene.
- c16: Isikhwama sesiphathimandla sezokuthutha ngasinye singasetshenziswa ekuqaleni ukusebenzisa uhlelo lwezokuthutha oluhlangene, ukugcina izibopho zenkontileka nokukhokha izindleko zokuphatha isikhwama.
- c17: Iziphathimandla zezokuthutha zingabiza izimali zokuphatha izimfuno zezinto ezihamba emgaqweni endaweni yazo yokuthutha.
- c18: Iziphathimandla zezokuthutha zingathatha izimali ezibolekisiyo ngokwalesi sigaba ngemvume etholakale ngaphambi kokwenza lokho ku-MEC.
- c19: Le ndima icacisa ukuthi uhlaka lwezokuthutha esifundazweni kumele lulungiswe yiGautrans futhi ibeka ngokusobala ingqikithi yohlaka lwezokuthutha.

- c20: IGautrans kumele ilungise uhlelo lokulunganisa ezokuthutha esifundazweni njalo eminyakeni emihlanu bese ilubukeza kabusha njalo ngonyaka. Uhlelo lokulunganisa kumele lucabangele izinhlelo zezokuthutha ezihlangene esezivele zikhona.
- c21: Le ndima icacisa ukuthi izinhlelo zezokuthutha ezihlangene kumele zenziwe yiziphathimandla zezokuthutha njalo eminyakeni emihlanu bese zibukezwa kabusha njalo ngonyaka.
- c22: Le ndima ibeka izinqubo eziphathelene nokuhlanganisa ukuhlelela ezokuthutha nokusetshenziswa komhlaba.
- c23: Izidingo zolwazi ezithize kanye nezinhlelo zokubika zibekwa ngokusobala kule ndima.
- c24: Le ndima ihlinzekela izinhlawulo.
- c25: Le ndima ihlinzeka ukuthi imibandela yalo Mthethosivivinyo kanye nemithethonqubo ehambisana nawo iyombophezela uHulumeni.
- c26: Le ndima ibhekene nesihloko esifushane kanye nosuku lokuqala ukusebenza.

SA WEATHER BUREAU SA WEERBURO

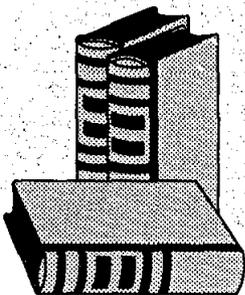
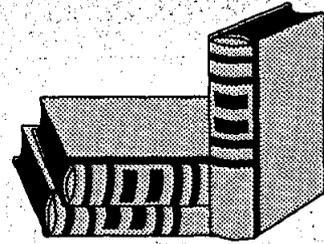


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